CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-NINTH CONGRESS, SECOND SESSION.

VOLUME XVIII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1887.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

VOLUME XVIII, PART II.

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clined to submit to cross-examination, and without the consideration of which it will hardly be contended by anybody that a case is made against the right of the contestee to his seat.

Mr. ADAMS, of New York. Is there any claim here that Mr. Page was elected?

Mr. ROWELL. No, sir. He made the claim, but the committee absolutely ignore that portion of his claim, and the purpose here is to declare the seat vacant. Further than that under the permission to introduce testimony in rebuttal, in utter disregard of all rules of law or ignorance of them, the same utter disregard which characterized the proceedings of this contestant from the time he commenced writing his notice of contest down through the taking of testimony and until the final argument and during the final argument before the committee—in disregard of the rights conferred upon him by the resolution of the House and in disregard of the best settled rules of evidence known to the law books, the contestant proceeded again to take testimony in chief after the opportunity to meet such testimony had passed away under the resolution of the House, and that testimony so taken in chief is presented by the majority of the committee to this House, and you are asked to follow their judgment based on testimony not cross-examined, where the witnesses refused to submit to cross-examination and testimony taken in chief at the time when rebuttal testimony was only permissible. I am talking from the record.

I am telling the facts ascertainable by every gentleman in this Hall, and I state these facts because I want to call the attention of this House to this proposition first. When determining whether a person is entitled to a seat here, although we under the Constitution have the power to disregard every rule of law, every right pertaining to honest and fair dealing—although we have the power to do it, yet as men and Representatives we have not the right to do so; and it is our duty to apply the well-known rules of law recognized in the courts to this case in our consideration of it.

Therefore, while I admit you have the absolute power, I ask gentlemen, as Representatives engaged in a solemn duty, to refuse to consider any *ex parte* testimony presented here not cross-examined, where there was no opportunity to cross-examine it, and to refuse to consider any testimony which was properly testimony in chief which was illegally and unlawfully brought into this record as testimony in rebuttal. And why do I ask it? Because from time immemorial the the courts sitting among English-speaking people have been ascertaining what sort of rules are necessary in regard to the admission of testimony designed to prove or intended to prove any fact, and they have made for us a body of rules.

And in that body of law, as the resultant of the best wisdom of all the courts, we have well-defined principles which tell us that certain kinds of testimony is competent and admissible to prove a fact, and that certain other kinds of testimony is neither competent nor admissible to even tend to prove any fact, and therefore ought not to be considered in connection with the fact by any judicial tribunal. One of those rules is that whoever takes the affirmative of an issue must introduce all the testimony that bears upon his side of the issue before the other side is called on to answer, that he may not divide his testimony, introducing a part and refusing to introduce a part, and that the only variation of this rule is a variation allowed in the discretion of the court when the parties and witnesses and all who are to be affected are present and subject to its control, so that no injustice may be done. I shall therefore, in my argument, utterly and absolutely disregard any testimony which was properly testimony-in-chief sought to be introduced in rebuttal under the resolution of this body.

Mr. ADAMS, of New York. Let me ask you a question right there. What purpose did Page have in contesting this seat if he had no hope of getting it for himself?

Mr. ROWELL. He did have hope. He argued very elaborately before the committee that he was entitled to the seat. I suppose his hope was based upon the idea that political necessity required a decision in his favor, and that, as his political friends were in the majority in this House, they would, in obedience to that political necessity, assign the seat to him.

Mr. BUTTERWORTH. That they would hold another election in the House.

Mr. ROWELL. Yes; hold another election here; but inasmuch as the majority of the committee have ignored his claim and have lawfully and properly rejected his theory that an election held in accordance with law is an election which should be overthrown, I shall not stop to comment upon that further than to say that he claimed that all the ballots cast for Mr. Pirce should be thrown out because he [Page] didn't like the laws, and had often tried to get them repealed.

Another thing in the testimony that I shall refuse to consider is this: Where a witness was called in the original *ex parte* testimony and was afterward subpœnaed by the contestee to come and submit to cross-examination and refused to submit himself to such cross-examination, I shall treat that testimony as not involved in this case in any shape or form, because it can not lawfully be considered, and in doing so I shall remember, as I can not fail to remember, the eloquent tribute of the chairman of the Committee on Elections in a former case to the right of cross-examination, and his eloquent argument illustrating how dangerous it is to consider at all *ex parte* testimony.

Mr. PETERS. Did these witnesses voluntarily refuse to testify?

Mr. ROWELL. They voluntarily refused, and one of them voluntarily tried to get other witnesses to refrain from appearing in the case when summoned in rebuttal. Now, Mr. Chairman, I know how difficult it is to get attention in this House, and I know that there are dozens of members—a good many dozens of them just now—considering this important question by engaging themselves with their correspondence—gentlemen who are sitting here at their desks occupied with matters which necessarily involve their attention and draw it away from this case; and I know also, that in a little while those same gentlemen, under their solemn oaths, will vote ay or no upon this case without knowing anything about it.

Mr. BUTTERWORTH. You say that one of the witnesses refused to be cross-examined. Was the testimony which that witness had given of a character damaging to the contestee if it was true?

Mr. ROWELL. Yes, sir; it was, and of a very damaging character to the witness also.

Mr. BUTTERWORTH. It was a case, then, in which cross-examination was peculiarly desirable?

Mr. ROWELL. Yes. I was just coming to that branch of the question. Because every criminative witness in this case is self-stultified; because nearly every criminative witness in this case who permitted himself to be cross-examined was obliged to admit that he was guilty of willful perjury; because every criminative witness in this case acknowledges himself to be a cheat and a purchasable man—for all these reasons it becomes more important that we apply the well known rules of evidence to the consideration of this case.

I challenge contradiction of the statement I now make, that every witness produced who gave testimony going to affect the right of the sitting member to his seat—every such witness by his testimony, whether he was cross-examined or not—confessed himself to be not such a man as you would rely upon to prove any fact. I charge again that wherever any witness ventured into deep water and dared to mention any name in connection with his testimony, that witness was overwhelmingly contradicted; and the only escape of any one of this class of witnesses so self-stultified from contradiction was an escape in the well-known refuge, "I do not know who the party was."

Now, they start out in this case with the township in which the contestee lives, and they bring three witnesses, named respectively Powers, Wood, and Lawton, who undertake to prove that there was some corruption about those polls. This was early in the taking of the testimony for the contestant; and caution had not become quite so largely developed as it was afterward in that examination. Hence, those three witnesses who testified to a neat little conspiracy that they had gotten up were careless enough to mention quite a large number of respectable names, and every name that they were careless enough to mention is in the record here, and its owner is a witness to contradict *in toto* the testimony of those three witnesses. And we did not stop there; we impeached those three witnesses until, if they had been capable of it, they would have hidden their faces in shame.

So that the majority of the committee have ignored the whole question of that township of Johnston on that kind of testimony and have left it out of their report. The majority of the committee—and now I come down to an investigation of the facts—say in their report that the grand canvassing board of the State of Rhode Island made a mistake in the figures. On this point my friend from Georgia, the chairman of the committee, has certainly not exercised the care with which he usually investigates matters of this kind; and because he has not in this case exercised his usual care I call upon this House to investigate a little for themselves. He tells you that the grand canvassing board of the State of Rhode Island, the grand committee of the General Assembly of that State, made a mistake in footing up the figures, and got the opposition vote too small by 9, whereas the gentleman's supposed discovery grew out of the fact that the printer in Washington who printed one portion of the testimony had changed a cipher for a nine; and a single turning over a leaf in the printed testimony or a reference to the original testimony on file would have illustrated that misprint.

Mr. TURNER. Let me ask the gentleman whether he can verify his statement?

Mr. ROWELL. I can verify the statement by a certificate under the grand seal of the State of Rhode Island.

Mr. TURNER. Where did you get it?

Mr. ROWELL. I have it here, and if you will——

Mr. TURNER. Where did you get it?

Mr. ROWELL (handing a paper to Mr. TURNER). Here it is.

Mr. TURNER. Where did you get it?

Mr. ROWELL. I never had it in my possession until a little while ago, but if you will turn to the evidence——

Mr. PAYNE. On page 79.

Mr. ROWELL. If you will turn to page 79 you will find in the detailed report the same thing precisely.

Mr. LONG. That question ought to be settled now.

Mr. ROWELL. I refer to the detailed report of the township of Hopkinton.

Mr. TURNER. The gentleman has not answered my inquiry, where he got this paper.

Mr. ROWELL. That paper was handed to me by Mr. Pirce.

Mr. TURNER. Then it is a private paper; it has not yet gone into the record.

Mr. ROWELL. The paper is here officially authenticated.

Mr. SPOONER. It is attested by the State seal and by the signature of the secretary of state.

Mr. TURNER. Allow me to save the gentleman from Illinois [Mr. ROWELL] a little trouble. The gentleman is now on his honor as a member of the House.

Mr. ROWELL. Yes, sir.

Mr. TURNER. If he says that this abstract of the evidence is true, then I am willing to assume that the majority of Mr. Pirce over all his competitors is as thus shown, 16, and to make the argument on that basis; but at the same time I assure the gentleman that in doing so I rely on his statement as to the correctness of this information.

Mr. ROWELL. I assure the gentleman that I have not examined the original, but I have examined the printed evidence here.

Mr. TURNER. The paper which the gentleman now exhibits to me shows the correction which he has just insisted upon. If the gentleman gives his word that this is correct, I will stand upon the correctness of his word, and we will assume there is as shown in this way a majority for Mr. Pirce of 16 over all his competitors.

Mr. SPOONER. If the gentleman will accept my statement, I will say that this paper is signed by the secretary of state of Rhode Island, whose signature I well know, and the seal of the State is affixed.

Mr. TURNER. The statement of the gentleman from Illinois [Mr. ROWELL] is sufficient; I know he would not attempt anything wrong. (To Mr. ROWELL.) Go on with your argument; we will assume that the majority is 16.

Then that question is ended, and he was elected by 16. Inasmuch as that question is out of the case, and it becomes a question whether 16 is to be deducted from the sitting member so as to unseat him, we will go ahead and discuss that question.

Nearly all the testimony in this case, Mr. Speaker, is addressed to the town of Warwick. Nearly every witness whose testimony is quoted in the majority report refers to the town of Warwick.

There is some testimony taken in rebuttal, but really testimony in chief with reference to the town of Foster. One witness, by the name of Marble, voting at the town of Foster, testifies that he received $3 for his vote. That testimony was taken in chief, but outside of that the testimony to bribery was confined to the town of Warwick. They are nine in number, and only nine outside of your so-called rebuttal that testified to the purchase of votes. Nine different witnesses came upon the witness-stand when the testimony was taken *ex parte*, and testified, one for $2 and the balance for $3, that they voted for the contestee in consideration of $3 paid to them for that vote.

Now let us have it fairly understood, nine witnesses at the town of Warwick testified to that state of facts. The first of these witnesses when cross-examined testified, as did three others. He said a man handed him a ticket—a yellow Pirce ticket—and said "Vote that, and I will see you later." [Laughter.] Three of them used that exact language, and one added to the words "I will see you later," the words "down at Atwood's barn."

That was all there was of the testimony as to whether they had been corrupted and whether money had been agreed to be paid to them before they cast their votes. Put it legally, and if we have regard for the law, they say from the surroundings and from certain appearances they understood they would get pay. A good lawyer like my friend, the chairman of this committee, calls that testimony. He would not so call it anywhere except in a contested election, I think.

The first of these witnesses who testified said not only that he sold his vote for $3, thereby being self-stultified, but he swore that he had always been a Democrat. On cross-examination he swore he did not sell his vote for $3; that there was not any understanding he was to get money; that the money he did get was to pay him for his time in going to the polls and losing his pay by putting another man in his place. He further testified he had not always been a Democrat; that for the last five preceding years he had voted the Republican ticket, and that in ten years he had not voted the Democratic ticket but once or twice, or at most four times. He swore he had always been a Democrat under the direction of the agent of contestant, who was sent for him to come and testify, as he acknowledged on cross-examination.

Now, I ask gentlemen, standing as judges and ceasing to be partisans, if upon the bench or in the jury box, a witness should come before you and testify upon examination-in-chief to one material fact, and on cross-examination he should testify to the opposite, acknowledging when he testified before he knew it was true, and testified under the direction of the party calling him as a witness——

Mr. PERKINS. That he knew it was false!

Mr. ROWELL. Yes; that he knew it was false, would you believe that witness?

Now, Mr. Speaker, it may be said the balance of this class of witnesses corroborated this falsifier. Ay, but the rule of corroboration is not that half-a-dozen liars can corroborate another liar, but that testimony impeached can only be corroborated by unimpeached testimony.

The next witness called was one William Bates; but before going to that, let me say——

Mr. BURROWS. You say three witnesses testified the Pirce vote was handed to them, and it was said, "We will see you later, down at the barn." Now, is there any evidence in the case they were seen later, and paid money for their votes?

Mr. ROWELL. Those three witnesses, as they say, were seen later and paid for their votes.

Mr. BURROWS. Which of them, and by whom? Is the evidence clear the vote was bought, and if so, by whom?

Mr. ROWELL. No; they refused to state. This witness I have just spoken of was an old resident of the town, and he said he did not know who it was.

Whether they were paid at all depends upon their uncorroborated testimony, impeached by self-contradiction or by refusal to submit to cross-examination. In either case it is unworthy to be considered as evidence.

The next witness was one William Bates, who was examined on this question of bribery. He testifies as follows:

> This person, whom I have mentioned, came to me and asked me if I had voted. I told him I had not. He gave me a yellow Pirce ticket, and said, "You vote that and I will see you later." I voted that ticket. I then came out, and as I was getting into my team he handed me $3.

That witness refused to turn up for cross-examination at all. He declared that he did not know who had paid him. I rule his testimony out because he declined to appear for cross-examination and declined to allow a test to be made of his truthfulness.

The next witness was Frank D. Morse. In the course of his testimony, after stating that he was paid $3 for his vote, he goes on to say:

> He handed me a Pirce ticket and said, "I will see you later down at Atwood's Hotel."

That witness also refused to appear for cross-examination. That witness declared he did not know who paid him.

The next witness was Cyrus W. Eddy. He says he voted as he pleased; that there was no interference before he voted, and that he did not vote for money. He claims to have received $3, and "that he always took it to be granted that they paid money to the working classes." He had lived in Warwick for thirteen years, and yet he did not know the man who paid him. On cross-examination he says he was not paid to vote for Mr. Pirce, but that the money was paid for his lost time in going 5 miles to the voting place and losing a day.

Another witness was one F. W. Carpenter. He swears on his examination-in-chief that he received $3 for voting for Pirce, and that he had always been a Democrat. He answered on cross-examination, and in that answered that for the last two or three years he had voted with the Collingwood party, which was the Republican party of Warwick, and had not during that time voted with the Democrats. He said also that he received this money for the loss of time, and not to induce him to vote for any body.

There are, Mr. Speaker, nine of these witnesses. Four of them turned up on cross-examination and five did not appear. Now, then, two of the witnesses—and that is the meat and gist of this case—two of the witnesses swear on the original examination that there were one hundred or more at that place who were paid.

They did not turn up on cross-examination; but after the cross-examination had ceased and they had refused to answer the subpœna, the contestant having control of them put them again on the stand as witnesses, and it turned out that they were testifying not from knowledge, but from hearsay in regard to anybody else than themselves, and this hearsay is the sole evidence in the record about anybody but the witnesses themselves being bribed. Another witness, of this same town of Warwick, who was not confessing to his self-stultification, who did not sell out his vote, and who was one of the Page managers, undertook to testify about the corruption at Warwick, and ventured upon mentioning the names of those connected with the purchasing of votes.

The moment he mentioned the names of the persons whom he claimed did the purchasing, reputable names, three persons, the ones he named, appeared upon the witness stand, and declared that they neither used money themselves nor knew of its being used at the Warwick polls, and were there working in the interest of contestee, the sitting member in the case. So that under the rule, which is common in this case, that wherever a witness ventures to open the door to test his truthfulness, that moment his testimony was open to question by credible testimony; this witness was thoroughly contradicted, and there is no variableness from beginning to end in the record.

These two witnesses who testified originally that one hundred were bought, declared they knew who paid them, but refused to answer who paid them; and I call again upon the lawyers of this House to say, when a witness does not answer a material question, whether they will consider his testimony at all in the case. But admitting, if you please, the nine witnesses at Warwick and one at Foster, it makes but ten, and if you rule all out it leaves Pirce then with a majority over

all of 6 and 1,751 over the highest candidate voted for at the election—the contestant in this case.

I have occupied more time, Mr. Speaker, than I had intended and yet have not discussed a great many important questions that ought to be discussed as bearing upon this case.

Mr. ADAMS, of New York. Before the gentleman sits down I would like to ask him a question. What is your opinion of a case where money is paid for a vote for a candidate without his knowledge or consent—money paid in support of his case of which he knows nothing?

Mr. ROWELL. If money is paid for a vote that vote should be counted out.

Mr. LONG. Let me ask the gentleman a question. Do I understand you to say the evidence shows that only ten of these men received pay for their votes?

Mr. ROWELL. Only ten.

Mr. LONG. Then if the charge of bribery is established at all it is established only as to ten votes. Is that clear in the evidence?

Mr. ROWELL. That is clear, with the exception of the two witnesses who first said that there were one hundred who were paid for their votes, but gave no names, and whose evidence was hearsay.

Mr. LONG. And in regard to that they were evidently guessing?

Mr. ROWELL. Yes, sir.

Mr. TURNER. I hope the gentleman from Massachusetts will not assume by our silence that we assent to that statement.

Mr. ADAMS, of New York. Let me ask the gentleman from Illinois, do you hold that if I am innocent, as a candidate running for office, of the knowledge of the use of money, and an enemy pays for a vote for me which may decide the election, that that fact would destroy my right to the seat if elected?

Mr. ROWELL. I hold that a purchased vote—I do not care whether there is knowledge or not of it on the part of a candidate—if a man is purchased and votes against his political convictions, that vote should be thrown out.

Mr. ADAMS, of New York. I do not say whether he voted against his political convictions.

Mr. ROWELL. If it turned out on evidence that an enemy of yours went and gave to one of your friends money to vote for you, designing to throw out that vote, that would be a fraud on you. That is another question.

Mr. ADAMS, of New York. Is not the vote tainted in the one case as well as in the other?

Mr. ROWELL. That introduces another question into consideration—the question of fraud.

Mr. LONG. The gentleman from Illinois says every vote purchased in the interest of a candidate should be thrown out.

Mr. ROWELL. Certainly.

Mr. LONG. And a vote purchased against his interest should not be.

Mr. ROWELL. How much time have I occupied?

The SPEAKER *pro tempore* (Mr. EDEN). The gentleman has eleven minutes of his time remaining.

Mr. ROWELL. I reserve the balance of my time.

Mr. ADAMS, of New York. The majority of the committee claimed, I understand, that the sitting member was only elected by 3 majority?

Mr. ROWELL. That was subsequently rectified, there having been a misprint of a 9 for a 0.

Mr. ADAMS, of New York. And the majority now concede that he was elected by 16?

Mr. ROWELL. Certainly.

Mr. BOYLE. The gentleman from Illinois [Mr. ROWELL], in presenting this case on the part of the contestee, has discussed many matters which, in the opinion of the majority of the committee, are not material. This contest was set on foot by the contestant in the belief that he was not only entitled to oust the sitting member, but to have himself declared elected. After an investigation, which I know to have been thorough, and which I believe to be entirely fair, the committee came to a different conclusion as to the contestant's right to the seat; and while a majority of the committee have found that the sitting member was not elected, they have also found that the contestant is not entitled to the seat. In other words, the majority of the committee has reported that there was no election in the second district of Rhode Island in 1884, and that the seat should be declared vacant.

Much has been said respecting the manner of taking this testimony. I submit, sir, to the House that the committee has gone no further than the facts of the case and the justice of the case not only warranted, but absolutely required. I will refer to this matter briefly, although it does not touch the merits of the controversy. The notice of contest was given in due time; but in consequence of some arrangement between the contestant and the contestee, or their counsel, the testimony was not taken within the period required by the act of Congress. What that arrangement was I do not undertake to say, because the parties to it do not agree.

The contestant and his counsel maintain under oath that the time within which the testimony was to be taken under this agreement was not limited; they claim that owing to the fact that counsel were engaged in court, and as it was not known when they could look after the contest, it was agreed that the testimony should be taken at a time to suit all parties, and that in effect the requirements of the statute in this respect were waived. In this they were supported by another witness. The contestee and his counsel, while denying that such was the arrangement, admit that an agreement of some kind was made relating to the time for taking the testimony.

It was an oral agreement, and there was a misunderstanding between the parties as to what it was, but not as to the fact of an agreement having been made.

After learning that there was a misunderstanding as to the agreement, the contestant proceeded to take his testimony. The proper notice was given to the contestee, but he refused to appear himself or by counsel. But some gentleman, a lawyer, who finally appeared as the counsel for the contestee, was on hand at every hearing, without, however, interfering in the taking of testimony, except upon one occasion.

Mr. SPOONER. He appeared, as he said, as a voter in that district, and in his own behalf.

Mr. ELY. And he did not afterward appear for the contestee.

Mr. BOYLE. I think he did.

Mr. SPOONER. No, sir. You are mixing two men up.

Mr. BOYLE. It is immaterial whether he afterward appeared as counsel for Mr. Pirce. This gentleman was present at every hearing; and on one occasion intervened on behalf of the contestee by objecting to certain testimony.

Mr. SPOONER. That is a mistake.

Mr. BOYLE. It is certainly not a mistake.

Mr. SPOONER. I should like to have the gentleman refer to that part of the record which shows any such thing.

Mr. BOYLE. I will not take the time to refer to it now. I state on my recollection that this gentleman who stated that he appeared on behalf of himself and other voters did on one occasion intervene to object to testimony. That the gentleman will find by referring to the testimony; and I do not propose to occupy my time further in discussing this matter. I simply allude to it. But even if I am wrong—and I am sure I am not—it does not affect the merits of this case.

The testimony was taken on the part of the contestant, and was presented to the committee. The contestee had the opportunity to be present. The committee found on an examination of it, such a state of facts connected with this election as in our judgment required a full investigation. We did not proceed upon the testimony before us, but we reported to the House a resolution, and the House adopted it, giving to the contestee a limited period, thirty days, I think, within which to recall the contestant's witnesses for cross-examination, and within which to take his own testimony; and giving to the contestant ten days in which to take rebutting testimony. This was all the time it was practicable to give at the time the resolution was adopted. This order went out, and the contestee called his witnesses, and recalled the witnesses who had been examined for the contestant. I believe it is alleged some of them did not appear; but he spent a number of days, probably his full time, in taking his own testimony and in cross-examining the witnesses who had been examined on behalf of the contestant.

That testimony was presented to the committee, and was considered fully; so that the fact that the contestee had failed to take part in the original examination was wholly immaterial, as he had opportunity to fully cross-examine the witnesses afterward.

Mr. SPOONER. But a number of them did not appear.

Mr. BOYLE. I have no doubt that they could have been had by the use of the ordinary process. There was abundance of time to have them appear, as they lived in the neighborhood.

Mr. SPOONER. The attempt was made, but the magistrates decided that they had no authority to compel the attendance of those witnesses.

Mr. BOYLE. There is no doubt that if the contestee had been desirous to have them appear he could have done so.

Mr. PIRCE. How?

Mr. BOYLE. I believe the contestee himself offered to bring them upon certain reasonable conditions.

Mr. ELY. But had the magistrates power to bring them?

Mr. BOYLE. I will not take time to consider that question. But the gentleman will not claim that the appearance of these witnesses could not have been compelled. It could have been done quickly and without difficulty. Indeed, some of those whose absence is complained of were afterward brought upon the stand by the contestee, and there was abundant opportunity to cross-examine them had it been desired to do so.

So, Mr. Speaker, as to this alleged irregularity in taking the testimony, I maintain that the committee was justified in reporting the resolution, and the House was justified in passing the resolution, to extend the time for the taking of testimony, because of the dispute between the parties and the counsel as to what the original agreement between them was.

The contestant claimed that the election should be declared in his

favor because of the intimidation alleged to have been practiced by the manufacturers and employers of Rhode Island toward their employés. There is some evidence to support that allegation.

Mr. PIRCE. Not a bit.

Mr. BOYLE. It appears that the precincts attacked are places in which large factories exist, where quarries are worked, and other branches of industry are carried on, and it appears that many of the employers and their agents and clerks were present at the election and remained all day. There is some evidence that "influence" at least was exercised by employers on their employés, with the view of inducing them to vote the Republican ticket. A particular arrangement of the polling-room was made, so that the voter had to run a gauntlet of Republican politicians; and the ballot-box was placed above the level of the voter's head, so that his ticket, as large as my hand, could be seen all over the room.

The tickets used on that occasion were produced before the committee, and I have them here. It seems that under the law of Rhode Island there is no requirement as to the shape, color, or size of the ticket; but it is provided that the voter may inclose his ticket in an envelope, that those envelopes shall be supplied by the State officers, and shall be uniform in appearance, &c.

At the election in 1884 there were two tickets, one for President and the ticket for Congress. The Presidential tickets of both parties were on white paper. The Democratic ticket for Congress was also on white paper, but the Republican ticket was of this color [holding up a straw-colored piece of paper], which I have no doubt not only every gentleman upon this floor but also every person in the gallery can distinguish from a ticket on white paper.

Now, it is true that the voter might, if he had so desired, have placed this ticket in an envelope, but it was contended by the contestant before the committee that to have done that would have been equivalent to an admission on the part of the voter that he was not voting for the sitting member—that it would have been the concealment of a fact which the employer required the employé should not conceal, because he said to the employé, "If you are voting for Pirce vote an open ticket, so that it can be seen that you are doing so."

Mr. PIRCE. There is no such evidence at all.

Mr. BOYLE. This ticket, I say, was used upon that occasion, and it appears from the evidence that that is a common practice in Rhode Island in that district at Congressional elections. I have one of the tickets used in the first Congressional district at another election [exhibiting it].

Mr. SPOONER. Yes; that is printed on blue-tinted paper. That is the color of the ticket on which I was elected.

Mr. MILLIKEN. Will the gentleman from Pennsylvania permit a question?

Mr. BOYLE. Yes, sir.

Mr. MILLIKEN. Was there any evidence before the committee that the employers instructed their employés in the manner you have stated, namely, that they must vote for Pirce, and must vote the yellow ticket openly, in order to bring the proof home to the employers that they did vote for Mr. Pirce?

Mr. BOYLE. No, sir.

Mr. MILLIKEN. That is to be inferred from your remark.

Mr. BOYLE. No, sir. If you had paid attention you would have heard me say that it was contended by the contestant and by those who represented him that that was the effect of putting the ticket in an envelope; and it so appears very clearly. There is no doubt about it.

Mr. PAYNE. What does the gentleman mean by stating that it appears very clearly? Does he mean from the evidence?

Mr. BOYLE. I think it appears very clearly from conceded facts.

Mr. PAYNE. What facts?

Mr. BOYLE. From the use of this peculiar ticket.

Mr. PAYNE. Is there any evidence of it except the use of the ticket?

Mr. BOYLE. I have stated at least once that there is not. I state the conceded facts; and I say that from those facts it appears that the manner in which the voter voted would be apparent from his use or non-use of the envelope.

Mr. ADAMS, of New York. Was not the white ticket just as distinguishable as the other?

Mr. BOYLE. If the tickets of both parties had been white it would have been hard to distinguish them.

Mr. ADAMS, of New York. Of course; and if they had both been yellow it would also have been hard to distinguish them.

Mr. BOYLE. But one ticket being white and the other yellow, there was no trouble in distinguishing them.

Mr. MILLIKEN. Were not the printers of the white ticket just as much to blame for making this distinction of color as those who used tickets of the other color?

Mr. BOYLE. Inasmuch as the yellow ticket was ordered by the Republican State committee of Rhode Island, the printers did not have anything to do with determining the color. They printed what they were ordered to print.

Mr. MILLIKEN. Was not the white ticket ordered by the State committee of the other party?

Mr. BOYLE. Possibly. It came out, however, in the testimony that this was the practice—to print tickets for the Republican candidates for Congress in Rhode Island on colored paper; and it came out also that the color was changed at every election. Why was this done? Why print this ticket on paper differing in color from other tickets? And why change the color of the ticket at every election? The evident purpose was to enable bystanders to see how the voter voted, and the design in changing the color each year was to prevent the opposing candidate from having similar tickets printed. Here is a Pirce ticket used at another election [holding one up], and it will be observed that there is a difference of color.

Mr. WILSON. Does the gentleman say that many of the employers were at the polls during the whole day?

Mr. BOYLE. Yes, sir.

Mr. WILSON. Did they give any reason for being present?

Mr. BOYLE. I know of none.

Mr. MILLIKEN. Had they not the same right to go to the polls and vote as their employés?

Mr. BOYLE. Undoubtedly.

Mr. ELY. But did not thirty or forty witnesses testify that the statement in regard to the presence of employers at the poles was untrue?

Mr. BOYLE. I know that a number of witnesses swore that they took no part in the election. I do not remember that the presence of employers, agents, &c., at the polls during the day was denied.

Mr. ELY. And of those witnesses many were Democrats?

Mr. BOYLE. Very likely. But I do not think any Democrats were there to coerce voters. I take it there were other manufacturers and employers in Rhode Island besides those to whom this testimony referred.

Mr. ELY. But those witnesses testified generally to what occurred at the election, did they not?

Mr. BOYLE. It is not denied that there were a number of manufacturers, and manufacturers' agents and clerks present at that election all day.

Mr. PERKINS. Have you ever seen an election at which the people did not attend and participate?

Mr. BOYLE. I must confess I have not. I am afraid I shall not get to the real issues of this case if I am detained so long at the threshold.

Mr. BRECKINRIDGE, of Kentucky. If the gentleman will consent, I would like to ask one question. As I understand the matter was so arranged in this case that if an employer wanted to know how his employé voted he could know.

Mr. BOYLE. Why, that appears from the testimony of almost every witness, and from the facts which are not denied.

Mr. PIRCE. Could not the voter inclose his ticket in an envelope if he wished to?

Mr. BOYLE. He could; but his employer would have known that he did so.

A MEMBER. And that would have been regarded as a suspicious circumstance?

Mr. BOYLE. Very. It would have been confession under the circumstances.

But, Mr. Speaker, as the committee did not report in favor of the view of the contestant, it is not very material to discuss the grounds on which he based his claim. The committee did not throw out the vote cast for Mr. Pirce because ballots were printed on colored paper or because there was intimidation. They find against him for other reasons.

Mr. Speaker, in Rhode Island the right of suffrage is very much restricted. The number of voters is small in proportion to the population. This is due to the fact that under the laws of that State naturalized citizens are not allowed to vote unless they are the owners of real estate of a certain value. This restriction is placed upon no other class. As there is a large foreign population in Rhode Island the result is a great disparity between voters and population. Now, sir, as the right of suffrage is thus limited—as so many American citizens are thus disfranchised—I maintain that the few who are by law entitled to vote ought to be allowed to do so without being compelled to use a ticket of any particular color and without being interfered with in any way.

Mr. BAKER. Let me ask the gentleman from Pennsylvania a question.

Mr. BOYLE. Certainly.

Mr. BAKER. Does it appear how many votes were placed in envelopes?

Mr. BOYLE. Very few. I do not remember how many there were.

Mr. BAKER. Which side; Democratic or Republican?

Mr. BOYLE. I do not remember any evidence on that subject.

Mr. MILLIKEN. Is there any evidence from the voters themselves that they had been intimidated or bulldozed?

Mr. BOYLE. Not any. There was evidence that one man going to the polls was halted and called back by his employer, and that he had some conversation with him and departed without voting. But, Mr. Speaker, I can not allow interruptions to take up my whole time.

The committee has decided there was no election, and based their

finding on the fact that the evidence shows that enough votes were corrupted, enough were paid money directly for their votes, to more than destroy the apparent majority of the sitting member.

It seems that under the law of Rhode Island the successful candidate must have a majority of the whole vote, and it is claimed that the contestee had 16 over the combined vote of those who opposed him. The chairman of the committee, depending on the evidence before us, thought there was a mistake in the certificate, and that the majority was only 3 instead of 16. Whether this be so or not is immaterial, because the evidence is sufficient to dispose of the 16 as well as the 3.

There is evidence, by voters themselves, as is admitted by the gentlemen who have argued this case, that ten witnesses came forward and swore they received money for their votes. Afterward they qualified this statement, and said they received money for the time spent in going to the election. Well, it is a nice distinction, but not a substantial one. I call attention to the fact that the evidence shows it to be the common tactics of Republican candidates in Rhode Island to pay a class of voters for their votes, under pretense of paying them for going to the election. One witness swore that he had been a Democrat, but as the Republicans paid men for their time in going to the election and the Democrats did not he long ago joined the Republican party, and had since been paid. And it appears, and will not be denied, that it is the common practice in certain precincts in Rhode Island to so pay voters under pretense of paying them for their time.

It is admitted that ten men were so paid, but I say the direct evidence is that a larger number are shown to have been paid. Men who had been Democrats were paid, and some Republicans were paid. They voted the Pirce ticket that was handed them, and were paid their money. They swore to it. Three dollars was the ruling rate.

Mr. BURROWS. How many?

Mr. BOYLE. I have not counted, but there were more than sixteen. I think the evidence shows there were two or three hundred paid. But I am speaking of those who admitted they received money.

Mr. ADAMS, of New York. Read them.

Mr. BOYLE. I will read them. Here is Charles Gardner; he got $2 only. He was not up to the prevailing price.

Mr. ADAMS, of New York. Who paid him?

Mr. BOYLE. It does not appear who paid in any instance, further than that the payments were made by persons working for Pirce. Some say they went to Atwood's Hotel and were paid, but do not say who paid them. In some cases the parties paying were unknown, and in others the parties receiving the money refused to give the name. But I will read further the names of those who received money. Amos J. Wells received $5; Albert A. Johnson got $3; William Bates, $3; Frank D. Morse got $3; Cyrus W. Eddy, $3; John G. Marble received only $1. He said he was promised more. Fayette W. Carpenter. $3; William Wilcox, $3.

I will take occasion here to read what Wilcox swore. He said: "I do not wish to give the name of the person who gave me the money at present. It was paid in the Atwood Hotel. There were probably a hundred men waiting for their money. It was paid in greenbacks."

Wilcox understood that he was to receive some money soon after the polls were opened, probably within twenty minutes, and then goes on to say that there were from one hundred to one hundred and twenty-five men who received money.

Jesse Jinks received $3; John F. Loche said that he received money.

Mr. PIRCE. No, sir; not a dollar.

Mr. BOYLE. Well, I am reading from the testimony.

Mr. ROWELL. Loche did not testify to getting any money. He is the fellow who testified and mentioned the names of others who were paid money for voting.

Mr. BOYLE. I think that is correct.

Mr. ELY. But you said that you would give us the names of sixteen who said they received money.

Mr. BOYLE. I have not stated that I would give the names of sixteen who said they had got the money, but that I would show by the proof that more than sixteen were paid.

Mr. SPOONER. You said you would name them.

Mr. BOYLE. Well, I am naming them.

Mr. PAYNE. You have not named more than eight.

Mr. BOYLE. I have named more than eight, and I am not through yet. Here is a man named Padien.

Mr. PIRCE. Did he get money?

Mr. BOYLE. No, it was Powers; I had the wrong name before me. He got $2. He is the man who claimed that Major Pirce paid him.

Mr. SPOONER. Should not the gertleman in fairness say that the majority of the committee have thrown out all claim that Powers received any money?

Mr. BOYLE. I am not conscious of any such action on the part of the committee.

Mr. SPOONER. I understand the report indicates as much on the part of the chairman of the committee in his opening remarks.

Mr. BOYLE. I know of no such action on the part of the committee. I am giving only the evidence as to the payment of money to these parties.

Mr. SPOONER. You know that this man was impeached?

Mr. BOYLE. Yes, I know that; a number of them were impeached, but they were also sustained.

Mr. PIRCE. No, not one was sustained.

Mr. BOYLE. That is a question. Evidence was given to sustain them.

Mr. ELY. Whose evidence was given to sustain Powers?

Mr. BOYLE. I do not remember; but one thing is certain, there was evidence to sustain his character. But two or three witnesses saw Powers go to the outside of the house and come back again with money.

Mr. ROWELL. Each of them was thoroughly impeached.

Mr. BOYLE. Oh, yes, pretty much everybody who gave testimony against the sitting member was sought to be impeached, but in the judgment of the committee the effort was not successful.

Mr. ELY. Let me ask the gentleman if there was one single witness who testified that he saw this man go to Mr. Pirce, meet him, and come back with the money? If there is such testimony I ask him to read it.

Mr. BOYLE. I have not the testimony at hand, but my recollection is that there were at least two witnesses who testified in that way.

Mr. ROWELL. No, sir; that is a mistake.

Mr. BOYLE. I believe that one gentleman testified that he sent Powers to Pirce, and sent him back the second time, and watched him go, and that he returned with the money, and Powers swore Pirce gave it to him.

But, again, here is Michael F. Barry. He testified that he saw Pirce pay Powers. He also swore that he saw Frank Duffy, Charles H. Gardner, Albert A. Cole, John T. Nichols, and Thomas Eagan, all Democrats, go to the polls with Beane, a worker for Pirce, vote, and that they were then paid.

Mr. ROWELL. This man Barry swears he did not.

Mr. BOYLE. I think not. I read the evidence of Elijah F. Locke respecting the vote of Charles Gardner. It will be found on page 82 of the new testimony, as follows:

> Ans. As I arrived at the town-house the runners were on as usual at previous town meetings; I see them leading in men; with paper and pencil taking down their names as they voted—that is, I supposed it was their names; I couldn't see them. About 2 o'clock in the afternoon Charles Gardner come to me while standing near the stove in the other room, and asked me to get him a Page ticket. I done so. At the time one of those runners, so called, stepped up and said to Charles H. Gardner: "We are paying two dollars to vote this ticket, and if you will vote this ticket you will be all right." Mr. Gardner says to me, "What would you do?" He says, "I have been out of work, am poor, and need the money." I says to Mr. Gardner, "Do as you are a mind to; I will give no advice." Mr. Gardner went and voted the ticket. That was all I see at that time till along in the afternoon, toward night. Along at about the time the polls closed, either just before or just after, I couldn't say, Mr. Gardner showed me a two-dollar bill, which he said he took for his vote.

Mr. PIRCE. Have you read his evidence? If so, I am satisfied you would not comment even on his testimony—a man who had been lying in jail.

Mr. BOYLE. I think the gentleman is hardly warranted in making that statement in this connection.

Mr. PIRCE. It is a fact.

Mr. ELY. And based on the record.

Mr. BOYLE. It neither elects you nor defeats your election. I think it would be better not to comment on a witness in that way.

Mr. ELY. It is a material part of the record in this case.

Mr. BOYLE. I do not remember it; but it is not becoming to assail a witness here by stating facts, which facts, whether true or not, are not essential in the case.

Here is again the evidence of Edward Sweeney, who says he got $5 from Martin Evans. He had been a Democrat, but had turned over and was working for Pirce, and was buying Democratic votes for him. William Dougherty got $4 for his own vote and $1 for working to bring in another man. Bernard Allen and Harley Howard were each offered $3 to vote for Pirce. Benjamin Pirce, a near relative of the sitting member, paid James E. Cahoon $5 for his vote. Henry W. Hall was offered $5 by Beane, a Pirce worker, and James E. Bushe was offered money by one Dougherty, a Pirce witness, for his vote.

But, Mr. Speaker, that is not the most important part of the testimony in this case. It is proved that quite a large number of men who had been Democrats in the town called Warwick voted for Major Pirce. It is proved that the friends of Major Pirce were active at the polls in Warwick during the entire day. It is proved by a number of these witnesses that they were paid money—directly proved by some of them; while it is proved by others that everything around the polls and at the election indicated that money was being paid generally.

It is proved that this money was paid at a place called Atwood's Hotel, in that town. When this class of voters voted their names were put down on a list, and they were told to appear at Atwood's Hotel. They did appear there in the evening, and stood outside, between the barn and the house, and their names were called one by one, and as their names were called they went into the barn. This was proved by several witnesses. I do not say there is any direct evidence that money was paid in the barn. I do not recall the testimony of any witness to that effect. But these same men who were Democrats, who had voted for Pirce, congregated at this place, and the list was called off in the evening between 4 and 5 o'clock, and these men went into the barn.

Mr. ROWELL. Are there more than three of those men who swore they were Democrats?

Mr. BOYLE. There were one hundred or one hundred and twenty-five of those men who were not sworn at all. They were Democrats, as I understand from the evidence, but they were seen to vote with the Republican workers, and reported at Atwood's Hotel in the evening, and were called into the barn for some purpose. It was stated by some of the witnesses—I do not know with what degree of knowledge, but they stated it as if they knew it—that these men were paid money in the barn.

In support of this let me read a part of the testimony of Oliver J. Chappelle, a Republican, who voted for PIRCE. (New testimony, page 74:)

A. I saw no money paid, nor saw no money offered. The only thing that I saw was a crowd of men congregated in the alley south of my shop, and I saw them pass in and out of the barn as they were called. That's the only thing that I saw.
Q. Who called them?
A. That I can't say, as I don't know.
Q. How, then, do you know that they were called at all?
A. I could hear the man call and see them go in.
Q. Were these men so-called voters in Apponaug?
A. I don't know.
Q. Will you name any of those who were so called, if you knew any of them?
A. I do not remember the names that I heard called.

The SPEAKER *pro tempore* [Mr. EDEN]. The gentleman from Pennsylvania [Mr. BOYLE] has occupied half an hour.

Mr. TURNER. I ask that the gentleman be allowed to proceed for five minutes more.

Mr. BOYLE. So it appears from this testimony of Republicans, as well as of Democrats, that this crowd of men appeared at Atwood's Hotel that evening, and were called into the barn, and it appears from the testimony of several of other witnesses that money was paid at Atwood's Hotel. That that was the paying place.

Now, I submit we have shown direct payment to more than enough, as proved by the parties themselves and by those who saw money paid, to destroy the 16 majority which is claimed for Major Pirce. But in addition to that we have this other testimony, which to me is of the most satisfactory character, when you take into account all the circumstances and facts, that they were Democrats, that they voted for Pirce, that their names were put on the list, that they reported at Atwood's Hotel in the evening, that their names were called, that they went in, and that they came out one by one, and that it was generally understood they were there to be paid, it seems to me a good case has been made out. That seems to me to be satisfactory proof in support of the general testimony that money was paid at the barn that evening.

Mr. LONG. Are the names of those parties given?

Mr. BOYLE. They are not.

Mr. LONG. Ought there not to be a specification of names?

Mr. BOYLE. I think not. I think it might be competent to prove a man was paid, even if you did not know who he was; and if you saw a crowd of one hundred and twenty-five gathered in a certain place under the circumstances I have named it might be difficult to give the names of any of them and impossible to name all.

Mr. LONG. I think if that charge be true, there ought to be a specification of names. If no names are mentioned, does that fact not show that the charge is mere hearsay?

Mr. BOYLE. No, sir; the men say they saw it. Mr. Chappelle, who has a shop close by the barn, stood there and heard the names called and saw the men go in. He said he would not say the money was paid; he was not in the barn. Their names were called, they went in, and it is proved by some of the witnesses that some of the men said they were paid.

Mr. LONG. That is mere hearsay.

Mr. BOYLE. Yes.

Mr. GALLINGER. How does the vote of that precinct compare with former votes relatively as between Democrats and Republicans?

Mr. BOYLE. I do not know. That would not be material evidence in this case for this reason, that a large part of the Republican party in Mr. Pirce's district was opposed to him. It is a strong Republican district, and his nomination was unsatisfactory to the party in the district, and he encountered much opposition.

Mr. ROWELL. Is it not true that at this precinct Mr. Pirce ran ahead of his ticket?

Mr. BOYLE. Probably it is.

Mr. ROWELL. Is it not true the manufacturers of that district came and testified they did not favor Mr. Pirce's election?

Mr. BOYLE. A good many of the manufacturers did not favor Mr. Pirce. I have said that there was a large part of the Republican party that did not favor him, and, therefore, if he had not had this Democratic contingent, secured in some way, he would probably have been beaten in the election.

Now, Mr. Speaker, the committee founds its report upon the fact which I have last attempted to present to the House, namely, that the vote in that district was corrupted to a sufficient extent to overcome Pirce's apparent majority, and to vitiate the election; that more than sixteen men, and, as we think, several hundred, were induced to vote for Mr. Pirce by a money consideration. If these are the facts, and I believe they are, Mr. Pirce was not elected; and the least the committee could do was to so declare.

Mr. HOPKINS. Mr. Speaker, the importance of the question now before the House for consideration can not be over-estimated, and before noticing the arguments adduced by the gentleman from Pennsylvania [Mr. BOYLE] in support of the majority report of the Committee on Elections, I will call the attention of the House to some of the facts in the case which are undisputed. It is admitted by all, that, in the Congressional district in question, there were 15,476 votes cast, of which number Mr. Pirce, the sitting member, received 7,746, and that Mr. Page, the contestant, received 5,995 votes, which was 1,751 less than the number received by contestee. It is also admitted that, under the laws of the State of Rhode Island, the contestee must secure his election by a majority of all the votes cast at the Congressional election. Besides the contestee, there was a temperance candidate, who received at that election something more than 1,500 votes; and, in addition, there were a number of scattering votes cast.

It is admitted, however, that Mr. Pirce received 16 votes more than the combined votes of all the other candidates. Mr. Page has made his contest upon two charges: first, intimidation; and, second, bribery. The intimidation was alleged upon the ground which has been stated by the gentleman from Pennsylvania [Mr. BOYLE], namely, that Mr. Pirce or his supporters used a tinted or straw-colored ticket.

So far as this House is concerned I maintain that that question is *res adjudicata*. Contestee has admitted from the first the use of these colored tickets. He has not only admitted the use of these colored tickets, but has defended his right to use them and their legality under the laws of Rhode Island. At the time that the majority of the Committee on Elections reported to this House, during the last session, their resolution holding jurisdiction of this case and recommending that time be given contestee to cross-examine the witnesses whose depositions had been taken in this cause, *ex parte*, by contestant this fact of the use of colored tickets was as well known to the committee and members of this House as it is now; and if the members of the committee had believed there was any force in the proposition which is now made by the gentleman from Pennsylvania [Mr. BOYLE] that the use of these colored tickets served to intimidate voters they would at that time have recommended that the House throw out the seven thousand and odd votes cast for Mr. Pirce, and to have then and there ended this contest.

The fact that, instead of insisting that the use of this colored ticket was sufficient to invalidate the vote for Pirce, they permitted this contest to go on is enough to estop them now from raising that question, and so far as I am concerned I shall occupy no further time in discussing that branch of the case.

It is admitted, that, under the constitution of the State of Rhode Island, the ticket is not required to be of any particular color, size, or form, but the option is left with the voter to vote the open ticket or to put it in an envelope, seal it, and then deposit it in the ballot-box. The point further raised by the distinguished gentleman from Pennsylvania [Mr. BOYLE], that men who employed large numbers of operatives were around the polls to see that their men voted as they desired, is, it seems to me, without force. Men have a right to use honorable argument to influence voters at election.

A man of standing and character in the community will be sure to have influence, and if that influence is used fairly no man has a right to complain. I assert what will not be denied, that in no instance does the evidence show that any of these operatives were influenced by intimidation, or by coercion upon the part of an employer to vote against their political preferences or convictions. The only evidence that even looks that way is the testimony of a man by the name of Garland, who had a number of men in his employ upon the highway; yet that man, who appears a swift witness in the interest of the contestant, states distinctly that the only influence he used was to request the men under him to vote a certain way. He denies that he used money; he denies that he used any other influence than the influence of requesting these men to vote.

Now, I maintain that if that is the kind of influence he used, it is not such influence as would justify the House in throwing out any of the votes cast in any of these precincts. But even that evidence, we claim upon the part of the minority of the committee, is not of a character that should be considered by the House. When this case was before the House during the first session of this Congress, thirty days were given the contestee to cross-examine these witnesses upon whose evidence contestant predicated his claim, and ten days additional time was allowed for the contestant to put in his rebutting evidence. Instead of following the order of the House and taking the ten days that were allowed to rebut the testimony taken by Mr. Pirce, the contestant occupied that time in introducing original evidence upon new questions that were not presented in the first instance.

The testimony of this man Garland, who had charge of the men on the highways, is of this character, and if the House will enforce the well-known rules of law that pertain to matters of this kind the evidence of that man will be entirely excluded. Take that evidence out of the case, and there is nothing left on the question of intimidation. But there is a further point that I desire to call attention to, one which it seems to me completely rebuts the idea that any of the voters in this

Congressional district were intimidated or compelled to vote against their political convictions.

It appears from the proofs in the case that in the State of Rhode Island they vote for the Presidential electors upon one ticket and for member of Congress upon another. There is no claim that any undue influence was used in regard to the Presidential ticket. There is no claim that there was anything but a fair, free, and open ballot to every voter in that district, so far as the Presidential question was concerned. Now, when this notice of contest was served by Mr. Page upon the contestee, he selected six different voting precincts where he claimed that intimidation had taken place; namely, the townships of Johnston, South Kingston, Westerly, Scituate, Pawtucket, Foster, Warwick, and Burrillville. In these townships Mr. Pirce's vote was less, in almost every instance, than the vote cast for the Republican Presidential ticket. Take the township of Johnston. Mr. Blaine received in that township, according to the tabulated statement of the vote I now have before me, 486 votes; while Mr. Pirce, the Republican candidate for Congress, received only 450. Now if there were 486 Republican voters in that township, and Mr. Pirce received only 450 Republican votes, it does not look as though many Democrats who were employed in these mills and factories located in that township were coerced into voting for him. In South Kingston Mr. Blaine received 476 votes, Mr. Pirce 467; in Westerly, Mr. Blaine 569, Mr. Pirce 569; in Scituate, Mr. Blaine 328, Mr. Pirce 259; in Pawtucket, Mr. Blaine 1,589, Mr. Pirce 1,302; in Foster, Mr. Blaine 178, Mr. Pirce 161; in Warwick, Mr. Blaine 884, and Mr. Pirce 434; in Burrillville, Mr. Blaine 355, Mr. Pirce 342.

By this tabulated statement of the vote of these towns, it appears that Mr. Pirce ran behind his ticket 867 votes. What kind of intimidation is that which causes the person in whose favor it is exercised to lose 867 votes? In these same towns Mr. Page ran 31 votes ahead of Mr. Cleveland. Where, then, is the intimidation? There is no claim here that any intimidation was used to procure votes for the Republican Presidential ticket as against the Cleveland ticket. I repeat, and I desire to enforce the matter upon the attention of the members of this House, that this contestant who claims that voters were intimidated from voting for him, ran 31 votes ahead of the Cleveland Presidential ticket.

But the most of the intimidation that is claimed to have been used is charged to have occurred in the township of Warwick. In that township, as I have shown, Mr. Pirce ran 446 votes behind the Republican Presidential ticket; and to show that there is no force whatever in this charge of intimidation, I call attention to the fact that in this township President Cleveland received only 494 votes, while Mr. Page received 510. In the township of Burrillville, where it is claimed there was some intimidation, the evidence which was produced before the committee shows that if intimidation was used, it was in favor of the contestant.

There is another question to which I desire to call the attention of members of the House. If intimidation was used here, and if men were kept from voting in accordance with their political convictions, why has not the majority of the Committee on Elections shown to the House by their report the number of voters that were intimidated? In all this vast array of votes, why have not the committee produced some witness to say he voted against his political convictions because of a fear of offending the person in whose employ he was? Not a voter of this kind has been produced; but, on the contrary, the contestee in this case, during the time limited under the rules of the House, produced witness after witness to show that in none of those voting precincts was any intimidation whatever used, and that the men went to the ballot-boxes and deposited their votes in accordance with their political convictions and personal preferences.

Now, as to bribery, which has already been referred to by my colleague on the committee, I desire still further to call attention to the character of the evidence on that subject. I think the majority of the Election Committee agree that so far as Mr. Pirce is personally concerned his course has been honorable. There is no evidence, as I understand it, in which the majority of the committee place any credence which impugns the character or the conduct of contestee. The bribery, if there was any in this case, came from third parties entirely disconnected from the sitting member. Now, what is the character of that evidence? It is limited, as has been already stated, to ten persons whose testimony was taken. What is the character of their evidence? The first witness, whose evidence is incorporated in the report of the majority of the Committee on Elections, swears that he received two or three dollars for his vote. This is the testimony of a man who had lived in the voting precinct for a number of years, yet he claims he does not know from whom it was he received the money; he can not tell anything about it. Just so with each of these witnesses.

They are evidently ignorant men and unreliable witnesses. They are made to say in their *ex parte* depositions, presented on behalf of contestant, that they received money for voting for Mr. Pirce. There is a similarity in their language on the question of the receipt of money which is a little remarkable if we assume that the language was taken down as expressed by them severally. But it is explained by one of these witnesses in his cross-examination where he says in substance that he made certain statements in his previous examination under the direction of a man in the interest of contestant. The members of the House will bear in mind the fact that all of these witnesses who swear to the fact of receiving money for voting for contestee gave their evidence of such alleged bribery, not in the presence of contestee and his attorney, but purely *ex parte*. They did not understand the nature or character of their evidence, or, if they did, they are so utterly unreliable, as shown from their cross-examinations taken several months after their examination-in-chief under the order of this House, that no man's rights should be imperiled by their evidence. With the exception of two witnesses, namely, Wilcox and Jenks, they state in their cross-examinations that they received no money whatever for voting for Mr. Pirce, but that the two or three dollars received by them each was for payment for lost time.

For example, this question was asked Cyrus W. Eddy, one of these alleged bribed witnesses:

Q. Do you know of any person who voted at that election for Mr. Pirce contrary to his political convictions because of the use of money?
A. No, sir.

Question by counsel for contestant:

Do you now wish to be understood as swearing that the $3 you say you received on election day was paid you for your time as indicated by your answer to cross-question two?
A. Yes, sir.

Another alleged bribed witness, by the name of Johnson, testifies in substance the same as Eddy. And another, by the name of Carpenter, said:

I received $3 for coming down to town-meeting, as they called it. I have always been in the habit of being paid for coming down to town-meeting. I have always had to get some one to take my place when I came down.

And in answer to questions propounded by counsel for contestant the following appears in the evidence of this man Carpenter:

Q. If you had voted for Mr. Page at that election instead of for Mr. Pirce, would you have expected any money for voting or going to town-meeting, as you call it?
A. Yes, sir; I suppose they would have paid me for coming down.
Q. When you use the term "they," whom do you mean? Give the name.
A. Mr. Page, Democratic party.

These men are, some fishermen, others sailors, and some, I was about to remark, stevedores. At any rate, they are not men who seem to appreciate the honor of American citizenship. There was no bargain and sale with any of them, as I understand their testimony, that they should vote for Mr. Pirce. Just after they had exercised their right of elective franchise and their personal preferences, they insisted that they should be paid for their time, or lost day, as is shown by the testimony of Carpenter, to which I have just called the attention of the House. They did not vote differently from their political convictions and personal preferences.

Now, without stopping to argue the *morale* of these voters, I maintain that Mr. Pirce should not lose his right to a seat in this House on such evidence. In every instance but one these men affirm that they do not know the person who paid them or who furnished the money. I claim that it was the duty of contestant, that if he relied upon these witnesses, or any one of them, to establish his charge of bribery, that he should have followed up the charge of the use of money to some tangible person. How could contestee dispute such evidence? No man is named (with the one exception which I will refer to later on) as the briber. All Mr. Pirce could do was what he in fact did do, and that was to take the witness stand in his own behalf and show that he neither personally nor by an agent used any money to secure voters for himself at the election. Now, I have just stated that there was one exception as to these bribe-taking witnesses. That was a man by the name of Locke. He claimed that he received $3 for his vote and named the person from whom he received the money, and also named three other men whom he claimed were using money to secure votes for Mr. Pirce. This man Locke was squarely and fully contradicted by these four men whom he named and was placed in such a light by their testimony as to show him to be not only an unreliable witness, but a consummate scoundrel.

This was the only man who swore to having received money, who put himself in a position where his truthfulness could be tested, and he was impeached by the testimony of a class of witnesses whose frankness, candor, and intelligence commend them to the favorable consideration of the members of this House. But if these alleged purchased votes should be thrown out Mr. Pirce would still have a majority of all the votes cast at the election. It is true that Wilcox and Jinks tried to testify that a hundred or more men formed in line down at Atwood's barn and were paid for their votes. There are two objections to the testimony of these men. They refused, as the record shows, to respond to subpœnas of contestee and submit themselves to a cross-examination. That is enough, if the House is inclined to enforce the law to exclude their testimony from consideration. If they were honest witnesses they would not refuse to have their credibility tested by a cross-examination of the testimony they gave on behalf of contestant.

All lawyers know that the right of cross-examination is the safeguard of litigants' rights. It is regarded so sacred that the courts have uniformly held that a witness who refuses either on his own volition or under the direction of the party on whose behalf he testifies to submit to a cross-examination, shall have his testimony-in-chief excluded from any consideration. Again their evidence comes in such

"questionable shape" that any man should hesitate to place any reliance upon their statements. They "think" and they "suppose" is about all there is to their evidence. If what they suppose were true a wealth of evidence could have been produced by contestant to substantiate it. The fact that contestant has left so important a matter to be established by such shadowy and unsatisfactory suppositions is evidence to my mind that there is no truth in his charge whatever. These so-called bribed witnesses are a "beggarly lot" at best—fit followers and associates of Sir John Falstaff.

I see the time allotted to me in the consideration of this case, by the House, has expired. If I believed that there was any truth in the charge of contestant of intimidation and bribery in this case I should vote to unseat the sitting member. But a careful examination of the evidence satisfies me that there is no truth in these charges and that this contest, so far as Mr. Page, the contestant, is concerned, is frivolous. Over 7,000 voters in this Congressional district in Rhode Island have expressed a preference for Mr. Pirce to represent them in this Congress. They constitute a majority of the voters at the election in question. We have no right to disregard their choice or to disfranchise them by depriving Mr. Pirce of his seat on the floor of this House, and I appeal to the members upon the other side of this House to lay aside party prejudice and sustain Mr. Pirce in his right to his seat by voting for the substitute resolution offered by the Republican members of the Election Committee.

Mr. PETTIBONE. Mr. Speaker, this case from the beginning seems to have embraced within itself a comedy of errors. In the first place we have seen that the party making the contest did not summon a witness until after the lapse of the ninety days within which he could take his testimony under the law of the land, which expressly declares that the testimony shall be taken within ninety days from the filing of the contestee's answer to the notice of contest.

Upon that subject one word and that will settle it. Mr. Page swears there was an arrangement made by which the taking of testimony should not be confined to the ninety days only which the law allows. The attorney for Mr. Pirce, under oath, states as follows:

I was fully aware of the limitation of time upon each party.

He knew as a lawyer that the testimony must be taken within ninety days. He knew Mr. Page was a lawyer. What did he do? He said, "I agreed, if it should happen during the taking of the testimony an engagement of either one of us in court should interfere with the day fixed for taking testimony in said contest, we would mutually accommodate each other." Then he swears "we never had but one conversation and that was the whole of it."

Now, sir, think of two lawyers, knowing the law was imperative that they must take the testimony in ninety days, of one going to the other in this way! Under those circumstances is it a likely story? Is it likely one said to the other "I agree, if we have engagements in court, we will fix on other days without regard to the ninety days?"

Is it likely he said that, when he knew at the same time they must take this testimony in ninety days? So they stand, the two stories face to face, both of the witnesses lawyers, neither impeached unless he impeaches the other, and I put it to the lawyers of this House that this man Page did not expect to figure up his election to Congress.

What next did the contestant do? We find Mr. Page, within that ninety days, running for the position of state senator in Rhode Island. He was elected to that position and took his seat. Then, when the session was over, and when he returned again to private life, he served notice to take testimony, after the ninety days had run out, on his notice of contest.

Will any gentleman deny this proposition?

Now, Mr. Pirce, knowing he could not be summoned under those circumstances, knowing that if this man was a member of the Legislature of Rhode Island he could not hold a seat upon this floor, he disregarded, as he had a right to do, this summons or notice to take testimony.

Then, the testimony having been taken—mere *ex parte* affidavits, I insist, as I did in committee—we should, if the majority of the committee insisted this case should be looked into, send a commission down to Rhode Island to take this testimony and bring the witnesses and parties face to face. But instead of that, Mr. Pirce was simply given the privilege to go to Rhode Island and cross-examine, as he did, such of contestant's witnesses as he could find.

Now, upon this subject of intimidation, before I proceed further, allow me to say that the majority of the committee in their report pushed that matter out from under the discussion. What do they say? The majority of the committee say in their report: "While it was likely that voters under the domination of Republican employers were deterred from voting for Mr. Page, there was no evidence before the committee defining the measure of this influence or estimating its effect." And so, sir, if there was no evidence, but mere suspicion, I take it we can dismiss that matter from this discussion.

Then what next do we have? The next point in this comedy of errors is this: A manifest error in printing, changing 9 into a cipher, deprived Mr. Pirce of his majority of 16. The majority of the committee say instead of 16 he only had a majority of 3 on the face of the return. But there was evidence before the committee which would have shown that mistake in the printing. What is it? The certificate is as follows:

I, Joshua A. Addeman, secretary of the State aforesaid, hereby certify.

And then it goes on to give the table upon which the majority in their report rely. What further does he say? "I certify." What? This is a true copy of so much of the tabulated statement of votes cast as relates to the second Congressional district of Rhode Island. He certifies it is a copy of the tabulated statement of the votes cast for Representative in the Forty-ninth Congress.

When we come to that tabulated statement, which is presented to us here in the testimony taken by Mr. Page, we find the figures are 70 instead of 79 for this town of Hopkinton. And this shows that Pirce's true majority was 16, as the grand committee in the tabulated statement declared and as is now admitted. And since the majority report shows the charge of intimidation is absurd, then the case is narrowed down to votes that can be thrown out by means of proof showing they had been bribed. If more than 16 votes can be shown to have been bribed votes, Mr. Pirce can rightfully be unseated; otherwise he can not be.

And that leads me to the next consideration. The majority of the committee have presented in their reports the names of ten persons, Charles C. Gardner, Alfred Johnson, Cyrus W. Eddy, Fayette W. Carpenter, William Wilcox, Jesse Jinks, William Bates, James E. Cahoone, John Garland, and H. S. Curtiss.

Their testimony is set out *in hæc verba*. But admit that all these were bribed—yet there are only ten. And six more will be required; and the names of those six are not forthcoming.

Let us examine some of these and see what they have to say and the character of their testimony. I take up the case first of this man Johnson. Johnson in his first examination, when he swears to that statement, which was really an *ex parte* affidavit, made this statement:

I voted for Mr. Pirce. I myself received $3 for voting for him; but I do not know the name of the person who paid me the money. I know him simply by sight. He said he belonged to the Republican party and was working in the interest of Mr. Pirce.

At another point in his testimony he says that this person, not named, at Atwood's Hotel gave him $3 for voting for Mr. Pirce. This same man, although he had lived for years and years in that town, was not able to tell who it was who gave it to him. Then this question was asked him:

To what political party do you belong?

He responds:

To the Democratic party.

Now, on cross-examination this same witness—and it shows what the result would have been if Mr. Pirce had had the privilege of going with a committee of this House to examine these men for the purpose of letting the light into the testimony which they had given theretofore on that cross-examination—says, in response to this question:

What did you say about this question of bribery in your testimony in July, 1885?

Ans. I said that I did not understand that I got the $3 for voting for Mr. Pirce, but for going down there.

Now we find that this man swears himself down. But let us go another step forward. The question is asked him if at any time within the last five years he ever voted the Democratic ticket in that town, and he answers:

I think not.

The intention was to make it appear that he had always been a Democrat, had not voted any other than the Democratic ticket within the last five years, but he was told when he went on the stand by some one to make that *ex parte* affidavit, that he must understand then that he had always been a Democrat, and when questioned he was to swear that he had been. But a little further the question is asked him:

What is the man's name that said this to you?

He answered:

James Brown.

Now another step. He was asked this question:

And you have voted for William A. Pirce, Republican candidate for Congress at that election, and only received that money for going to the election?

Ans. Yes, sir.

This man is one of a number who swore that if not a single one had been paid, they would have voted as they did. This is the man who was told that he must say that he had been always a Democrat, and yet it turned out that he had not voted that ticket in five years.

But now, Mr. Speaker, when we come to this man's testimony taken finally, we find the names of the persons who were really at Atwood's Hotel to have been William C. Jenkins, William Kinnecome, and Thomas Aldrich, men who are not impeached. These men came upon the stand and positively swore that they did not use any persuasion on that day, and did not pay any one to vote for anybody.

The SPEAKER *pro tempore* (Mr. EDEN in the chair). The time of the gentleman from Tennessee has expired.

Mr. PETTIBONE. I should like to have had an opportunity of going a little further into this testimony.

Mr. HOPKINS. I yield twenty minutes to the gentleman from Massachusetts [Mr. ELY].

Mr. ELY. Mr. Speaker, I presume it would be no secret for me to say that I, more than any other member of the Committee on Elections, am responsible for the fact that a majority report adverse to the sitting member in this case has come into this House. I desire, therefore, in the few moments given to me to state the reason why in the first place I conceded that this case deserved a further consideration, and, secondly, why it is that I am now heartily, sincerely, honestly, and conscientiously with the minority of the committee.

I believe, without a shadow of doubt, that Mr. Pirce ought to retain the seat which he has occupied during the greater part of this Congress with credit to himself. The *ex parte* evidence which was originally filed in this case, and to which reference has been so often made, brought to the attention of the Committee on Elections these facts—it did not prove them, it was largely hearsay, it was *ex parte* at the best. It was extorted from witnesses by direct questions which would disgrace any lawyer in the land.

But it did bring to the attention of the committee these allegations, that in ten individual cases men had been paid for voting at the election at which Mr. Pirce was elected a member of Congress. That, by hearsay testimony, from one hundred to one hundred and twenty-five men were marched into line at a barn and received money; that the sitting member paid a voter some time after he voted $2; that a manufacturer in one of these towns employing a large number of men stood behind the moderator at the town meeting and carefully watched and scrutinized the votes that every one of his men cast. These allegations, it is true, came to the Committee on Elections in *ex parte* affidavits. But, although not established by legal evidence, they charged, under the sanction of an oath, bribery and intimidation. No election procured by either can ever receive my countenance or support. Both are despicable. I know not which is the most so.

Accordingly, Mr. Speaker, I favored a measure by which these charges might be thoroughly investigated within the provisions of law. That measure was, after a fair debate, overruled by the House. With that decision I have no fault to find, and I submit with cheerfulness to the wisdom of the House. But the effect which I anticipated from that action of the House has transpired, and it is, I believe, because the majority report at that time was received and accepted, and the minority report rejected, that there is any doubt whatsoever concerning this case at the present time.

We begged for forty days for Mr. Pirce to take his testimony and only thirty were granted. With diligence and with activity he availed himself of the time that was given him and occupied it all to the very last day. What did he do? And I beg the attention of the House to these facts, because they bear very materially upon the question which you are to decide. He did what you or any member of this House would have done. He first took in hand this testimony in his own town and against him personally, in which he was charged with bribery; and I shall show you, if I have the time, that he refuted it and proved the witness to be one of the worst perjurers that ever walked the face of God's earth by an amount of testimony that was perfectly overwhelming. He then began to go around the district as rapidly as he could, and every witness that Mr. Page had produced, and on whose testimony he rested his case, fell before him, as the liar always must fall before the honest man when his testimony is scrutinized and exposed to the light of day.

Now, why was it that he did not refute the rest? Why was there one of these perjured witnesses that has not been proved to be perjured? It was simply and solely, I believe—I speak of material witnesses now, and not of the few in this record who testified to nothing except the color of these ballots and their opinion of its influence on the voters—it was simply and solely, I believe, because Mr. Pirce had not time within the order of the House to produce and examine the requisite witnesses.

This is an important consideration, and can not be lost sight of by any man who would decide this case impartially.

This result I clearly foresaw, and called to the attention of the House when the resolution authorizing Mr. Pirce to take testimony was before the House on the 4th of May last. In some remarks I then had the honor to make I said—

Mr. Speaker, I desire to call the attention of the House to the resolution offered by the majority of the committee. The objections to it are patent and grave. I claim that it is utterly unfair and unjust toward Mr. Pirce, the sitting member, and, in my judgment, it will, if adopted, defeat the ends of justice.

First, as to time. Under the law on the statute-book, a law which we have sanctioned this year by the adoption of an amendment to it, a law which has been on the statute-book for many years and is known to all the people of the land, a law which is just and reasonable and which provides an orderly method of conducting these contests, the contestee cross-examines the contestant's witnesses in contestant's forty days and then has forty days for taking his own testimony The resolution requires him to resubpœna and cross-examine contestant's witnesses and take any testimony he may desire in thirty days from the passage of the resolution. Suppose the resolution passes to-day, certainly Mr. Pirce acting with great diligence could not be expected to return to Rhode Island, secure a proper officer to take testimony, procure a subpœna and have it served on one of the witnesses before day after to-morrow. The witness must be served with the subpœna five days before the day on which his attendance is required Thus at the earliest seven days of the thirty are exhausted before a word of cross-examination can be taken. And this leaves no margin for any of the inevitable accidents and delays necessarily incident to legal proceedings. Of the twenty-three days remaining three at least are Sundays. He then has twenty days to cross-examine how many witnesses? Forty-six. And in the same time also to examine in chief his own witnesses and submit them to the cross-examination of Mr. Page.

Now, Mr. Speaker, I believe that the members on the other side of this House desire to deal justly with Mr. Pirce. You hold it practically in your hands to do with him as you will, but I believe you desire all the more on that account to be just to him. I desire to inquire if there is a lawyer in this House who says that this is a reasonable time for this great work. Now, what is the action of our friends of the majority of the committee when they come to deal with the contestant? I maintain and ask you, with all the emphasis of which I am capable, to aid me in maintaining that in this contest the contestant and contestee shall be placed on a par, although the one is in the minority and in your hands to do with as you like, while the other is in the majority. I ask, what is your action when you come to deal with the contestant? Do you restrict him at all? Oh, no. He is given the full statute time of ten days within which to put in his rebuttal. It is not fair, is it?

The sequel proves the correctness of the position I then took. A great wrong was done to Mr. Pirce. Unintentionally, I am sure, but nevertheless a great wrong. I then said that the resolution then pending would, if adopted, defeat the ends of justice. And now it is written on every page of this record in characters so plain that he who runs may read. It has defeated the ends of justice.

Again, the conduct of this case by the contestant must not be lost sight of by him who candidly desires to find the truth. Since the answer of the contestee was filed, every provision of law has been trampled down by Mr. Page. No one has escaped. Every statute of the United States has been set at naught by him. In the taking of his testimony he ignored all rules of evidence, rules so well established that every intelligent citizen is familiar with them, whether he be a lawyer or not. Indeed, the majority of the Committee on Elections admit it in their report. It is, indeed, true, as they say, "the illegal testimony is easily detected." They might with equal truth have added that it covers most of the testimony relied on by Mr. Page.

Mr. Speaker, it is not too much to say that the manner in which Mr. Page or his lawyer asked questions, and the form of his questions (all done in the absence of Mr. Pirce), led the witnesses to give wrong answers and frequently false answers. Let me give a single illustration—one of many that I might cite. Mr. Page attempts to prove intimidation in the town of Westerly, by showing, by oral testimony, the contents of a circular signed by the Rhode Island Granite Works and the Smith Granite Works and by somebody passed around to the employés of those corporations. He does not prove that; he can not produce one of the circulars. But he asked Mr. John J. Carney, one of his witnesses, this question: "Do you recollect whether these circulars contained language conveying the idea to the voters that it would be to the interest of the voter to vote in accordance with the request contained in the circular?" Mr. Carney answers, "Yes, sir; I believe it did." Mr. Thomas W. Legar, a leading man and prominent Democrat who has twice been the Democratic candidate for governor of Rhode Island, a witness called by Mr. Page, evidently referring to the same circular, says: "I saw a hand-bill which they said was circulated about the quarries, asking the voters to vote against the Democratic candidate for Congress, as it was for their (the owners') interest for them so to vote." Thus Mr. Carney was made, unintentionally, as I hope, by Mr. Page's leading question to give a false answer.

But, Mr. Speaker, these objections to the credibility of Mr. Page's witnesses, weighty as they are, are insignificant when compared with the serious and wicked proceeding to which it now becomes my duty to invite the attention of the House. In one instance, at least, one of Mr. Page's witnesses, a witness on whom the majority of the Committee on Elections rely, was instructed what he must swear to in order to make a case for Mr. Page, and he does swear to it; months afterward, though, he admits that it was false, and says, "I did, for a guy; I was led into it in the first place to swear to it." Who led the witness into telling a lie under oath? It was the man who came after him to give his testimony for Mr. Page. Now, I think comment is unnecessary, but I will say that when such corrupt practices as this are detected, and when the witnesses on whom the contestant relies to prove his case are men confessedly of corrupt character, I can not believe any one of them.

It is not safe, it is not reasonable, to place any reliance on their testimony. Let me make this point as clear as I can. It is both admitted and proved that the witnesses who testify to bribery are shamelessly corrupt and worthless. It is also clear that they are in intimate league, both offensive and defensive, with Mr. Page. He conjures with them at his own sweet will and pleasure. They come at his call. They remain away at his pleasure. They answer to suit his questions. They refuse to answer when the answer will injure his case or when the answer will disclose the means of refuting their testimony. At least one of them is instructed what he must testify in order to maintain Page's case; and he does swear to it, although it is false. All these witnesses were subject to the same influences. There is every reason to believe that they yielded to it.

Now, it is to be observed that it is the evidence given by such witnesses that is cited in the report of the majority of the Committee on Elections. All other testimony is rejected. Why was this done? I decline to answer this question; but I assert that it makes that report unreliable. All the evidence in a cause must be considered in order to find the truth. All the evidence must be weighed together.

As a fair statement of the whole case I will annex to my remarks the report submitted by the minority of the Committee on Elections. But I desire to call the attention of the House to the whole testimony in detail and from the record to determine the worth of each witness separately.

The charges, Mr. Speaker, are bribery and intimidation. I will begin with bribery, and in reviewing the testimony I will take first this John H. Powers, who says that Mr. Pirce paid him $2. He says he went to him three times. He told him he had already voted for him. The first time Mr. Pirce refused to give him any money. He went again. Mr. Pirce again refused. He went a third time and followed him out of doors, and after all that solicitation he said that Mr. Pirce gave him $2. Was that bribery? No, sir; but for the purposes of this argument admit that it was; we will not quibble about terms. If money was paid before or after voting or for the vote or for lost time, I will consent to the most unfavorable construction that can be put upon it.

But who was this John H. Powers? In the first place his testimony is contradicted by Martin Padien, a loom operator, not a manufacturer, but a laboring man; by Martin Winsor, a Democrat, but a Pirce man, a man who had been elected a member of the General Assembly of Rhode Island on the Democratic ticket; had also been an assessor of taxes, been appointed justice of the peace, and elected surveyor of highways, and to many other offices; all by Democratic votes, and he comes here and denies emphatically what this man Powers says.

Now, what is the character of this man Powers, as testified to by everybody in his neighborhood, men of the highest repute and of all occupations? It is declared that his character for truth is bad—some of them say the worst. That is the testimony of the following witnesses, all of them having known him for a series of years: By William A. Phillips, trial justice of the town; by Charles E. Lincoln, journalist, correspondent of the Providence Journal and Boston Herald; by William A. Carroll, Frank W. Moseley, and James Moan, policemen; by James Crowley, lamp-lighter; by Alfred Lake, who keeps a grocery store in the village; also by Thomas Owens, who keeps a grocery store; by Harlan A. Page, a real-estate broker and uncle of the contestant, and John Meadowcraft, foreman of the Providence Steam Engine Company.

Then, take another, Herbert B. Wood, who is another of Page's witnesses, and who is contradicted by Joseph H. Davis, by Walter S. Brownell, by Martin Padien, by William H. Arnold, by George F. A. Beane, by Frederick J. Walsh, and by William A. Pirce, the sitting member.

There are seven witnesses who contradict this man, and if they are to be believed then he has perjured himself.

Take Benjamin F. Evans, another one of these witnesses, who has been convicted of crime in the State of Rhode Island, and, as I understand from the conversation this morning, is now in jail either awaiting or serving out his sentence. He is contradicted by Frederick J. Walsh, Martin Winsor, and many other witnesses. Everything he swears to is contradicted by several witnesses, and his reputation for truth is declared to be bad by eight witnesses, reputable men, who have known him for years.

Michael F. Barry, to whom my friend from Pennsylvania alluded, is contradicted by four witnesses, and his reputation for truth and veracity is sworn to be bad—by how many witnesses do you think? By sixteen witnesses. Amos J. Wells is contradicted by three witnesses, William H. Taylor, Benjamin H. Pirce, and James M. Wright.

John F. Locke is contradicted by three witnesses on every point, and would have been contradicted by another only that the witness was sick. His reputation was not assailed by Mr. Pirce; but Mr. Page, in his rebuttal, seeing the necessity of bolstering up this readily-perceived and easily-detected liar, called witnesses to sustain his character, and every one of them admitted that it was questionable. One swore that it was bad, and not one of them was willing to come up to the mark and say that it was good.

Now, I ask gentlemen what we are to think of a case where there is such an array of witnesses whose reputation for truth is bad and who are contradicted upon every material point.

As to those witnessss who say they received money, their testimony has been discussed a good deal already, and my time is too limited to permit me to go over it in detail; but it is a fact that every one of them except one, or possibly two, declines to tell who gave him the money. They stab Mr. Pirce in the back and in the dark, and he is perfectly helpless to protect himself against them. In every instance where a party does give the name of the person who he says was paying out money, the person so accused was called, and every one swore that he never paid any money or saw any paid.

These witnesses were corrupt enough, if they are to be believed, to receive a bribe for their votes and shameless enough to confess it. They were, beyond doubt, under the control of the contestant and his friends. One of them was proved to be so far under this control as to give false testimony at the dictation of the man who summoned him to testify. Four of them refused to appear for cross-examination. Others refused to answer proper and reasonable questions on cross-examination. Another forgot his story between his direct and cross-examination. It ought to have been furnished to him in writing in the first instance. It is important also to remember, and, therefore, I repeat, that in every instance where the testimony of the contestant's witnesses made it possible it is contradicted and denied by Pirce's witness, and usually by more than one witness.

Now, who and what are Pirce's witnesses? They are honest, reputable men. Mr. Page does not deny or attempt to deny it. They testify fairly, intelligently. Their testimony bears the impress of truth. Some of them are Democrats and some Republicans.

Such, Mr. Speaker, is the testimony concerning bribery. I have striven to state it plainly and fairly. I challenge contradiction of the statement that I have made.

Mr. Speaker, I will now pass to the consideration of the charge of intimidation.

It was claimed by Mr. Page before the Committee on Elections that, the Republican ticket for Congressman being printed on a tinted paper, a shade off from white, and the other tickets used at the election being printed on white paper, all the votes cast for Mr. Pirce should be rejected as illegal, and that Mr. Page, although he was in an actual minority of 3,486 votes, should be declared elected by a majority of 4,260 votes. When I listened to the statement of this proposition and the elaborate argument of Mr. Page in support of it I thought that Shakespeare must have had a photograph of Mr. Page before him when he wrote:

> What a piece of work is man! How noble in reason! how infinite in faculties! in form and moving, how express and admirable! in action, how like an angel! in apprehension, how like a god!

To the ordinary mind this proposition would seem to be too absurd to deserve a moment's consideration. But it appears to have given my Democratic friends on the committee an infinite deal of trouble. They could not quite see their way clear to report that Page, who received 5,995 out of a poll of 15,476 votes, was elected. But they wrestled with this magnificent proposition for many months, even as Jacob wrestled with the angel, and at length it gave them its blessing. True enough, it was what may be called in the language of the majority report a "not improbable" blessing, but in the deplorable condition of the contestant's case anything was comforting. When there is no evidence to support a case, the "not improbable" is the last resort of the ingenious lawyer. Soberly, however, the majority of the committee admit that these tinted ballots are no violation of the law and that no decision of this case can be predicated on their use. The only wonder is that the majority of the committee found so much difficulty in reaching this conclusion. As a matter of fact, tinted ballots have been used for a long series of years in both the Rhode Island Congressional districts, and in this election the Republican committee only followed a well-established custom. Such tinted ballots were used to distinguish the representative from the electoral tickets and to avoid confusion, the voters in Rhode Island voting on separate ballots for Congressmen and for Presidential electors.

Having said thus much about the tinted tickets, Mr. Speaker, I will briefly discuss each case where anybody is claimed by the contestant to have been intimidated. First, it is claimed that one George Smith did not vote for Mr. Page because his employer, one William H. Poole, told him not to vote that ticket. This is testifiedc to by Byron W. Wells, Raymond A. Rathbun, and George N. Colville, jr. It is denied by George Smith and William H. Poole. All these witnesses stand equally well. Smith was still, when the testimony was taken, in the employ of Poole. I do not find that the contestant's witnesses were summoned for cross-examination. If the case turned on the failure of Smith to cast his vote, I should be of the opinion that it ought to be decided against Mr. Pirce. It is true that what occurred, as testified by contestant's witnesses, would not seem to be intimidation as intimidation is defined in the decisions of contested-election cases.

It is, indeed, only what one man might naturally say to another. Nevertheless, if these witnesses are to be believed, it had the effect of preventing the man's casting his vote as he intended to do. The employer should be extremely careful not to interfere with his employés at the polls, even in the slightest degree, and I am happy to know that in the section of the country where I reside, and I believe through the North, such is the case. No matter how poor or how dependent a man may be, he ought to be allowed to cast his vote without the slightest influence or interference from any person on whom he depends for his wages. On his continued employment depends the comfort, it may be, of a wife and children, and thoughts of them might change his vote at the nod of his employer, when he would act independently were he alone concerned. Entertaining these views, my judgment in a case of alleged intimidation would be governed by the effect of what the employer said rather than by any nicely drawn distinction of what is and what is not intimidation.

The next specific charge of intimidation is founded on the circulars in the town of Westerly, of which I have already spoken. These were simply hand-bills circulated before election day, asking the voters not to vote for the Democratic candidate for Congress, because it was for the interest of the owners of the granite works. I am sure that no member of this House would claim for a moment that this was intimidation. In Burrelle, Lawrence Pendergast and Edward V. Granger testify to specific acts of intimidation. Among other things Pendergast testifies that one Addison Sayles, a prominent manufacturer,

mounted the platform directly behind the moderator, in order to obtain a position where he could distinctly see every ballot that was cast. Granger testifies that a strict count of the ballots, as they were deposited in the ballot-box, were kept by a prominent Republican, who was stationed on the platform with the moderator and town clerk.

The testimony of these witneses is contradicted and absolutely refuted by Oliver A. Inman, the moderator of the town meeting, A. L. Sayles, James O. Inman, and George F. Whitford.

Addison Sayles was not on the platform at all on election day.

No Republican kept a count of the ballots, but a prominent Democrat, John Q. Darling, was on the platform and kept a tally of the Democrats and Republicans as they voted. And I will say it was a perfectly proper thing to do, and Mr. Darling acted with entire fairness, and gave information to Republicans and Democrats alike as they inquired.

I am surprised to observe that the majority of the committee cite the testimony of John Garland, of Pawtucket, in their report. It is beyond all possible question incompetent, and ought to be stricken from the record. It is the last act of the many acts of injustice and wrong which Mr. Pirce has suffered in the contest. It was taken in rebuttal, but is in no sense rebuttal testimony. It was taken near the close of the rebutting testimony. Mr. Pirce had no opportunity to reply to it. Under the order of the House his time was exhausted. These facts are sufficient to show that Garland's testimony should not be considered.

In addition to the testimony to which I have called attention refuting every act of alleged intimidation, Mr. Pirce called forty-five witnesses, belonging to both political parties, Democrats and Republicans alike, men of high standing in their towns, all of whom swear that there was no intimidation. The testimony of these witnesses covered every town where any intimidation was claimed. Five of them testified as to Warwick, three as to Coventry, seven as to Lincoln, four as to Scituate, four as to Foster, four as to Pawtucket, four as to Burrillville, eleven as to Johnson, and three as to Westerly.

Mr. Speaker, I desire to repeat here and emphasize my statement, that while Mr. Page's material witnesses are proved to be men of corrupt habits and of bad reputation for truth in nearly every instance, Mr. Pirce's witnesses are men of good character and good repute. The record shows it. It has not and will not be disputed. And I desire also to emphasize the importance of this fact in the decision of this case.

Mr. Speaker, I have made this plain statement of the evidence because the question before us is a judicial one, and should be decided on the evidence presented and the rules of law applicable to the case.

If I be asked how could the majority of the Committee on Elections, if I have fairly stated the evidence, find that Mr. Pirce was not elected a member of the House, I reply that I do not know. I question no man's motives; I deny no man's judgment. I have a high respect for and appreciation of the honor and love of justice of the gentlemen of the committee who differ from me in this case. I can not, however, fail to remember with regret the shamefully partisan appeals that were made to the Democratic members of our committee by Mr. Page and his counsel. In my brief experience these appeals were as unprecedented as they were unbecoming. Mr. Page related, soberly and mournfully, almost tearfully, the story of the hardships and sufferings and trials of patience of the Democratic party of Rhode Island under the long continuance in power of the Republicans in that State, especially in the matter of the representation in Congress. He said he saw little reason to hope that any Rhode Island Democrat would occupy a seat in this House in the near future unless the committee would kindly report that he was elected.

But it at length became evident that Mr. Page had failed to comprehend the far-reaching consequences of the report which he sought with so much diligence. That was reserved for the learned counsel who made the closing argument in his behalf. That argument was ingenious and able, and, had it not been so foreign to the issue before the committee, would have been worthy of serious consideration. It dealt little with the charges of bribery and intimidation. Indeed it seemed to me to be largely in harmony with my views of those charges and of the character and weight of the contestant's evidence adduced in support of them. It was mainly devoted to a consideration of the effect which a decision in favor of Mr. Page would have in a certain contingency on the Presidential election of 1888.

The learned counsel claimed that the relative strength of the Democratic and Republican parties in this House in the Fiftieth Congress was such that in case no Presidential candidate received a majority of the votes of the electors appointed, Rhode Island, if her two Congressmen were Republicans, would control the choice of President in the House of Representatives; and he further claimed that a decision of the committee in favor of Mr. Page would do much to secure the choice of a Democrat in the Fiftieth Congress at the election yet to be held in the second district of Rhode Island, and thus neutralize the vote of that State in the House of Representatives. I have not verified the gentleman's facts. If they are true, they might properly be addressed to the voters of the second Rhode Island district, but certainly can have no weight in the decision of this contest. We are not here and now electing Presidents or Representatives, but determining whom the people elected in the district in controversy.

And now, Mr. Speaker, a few words in conclusion and I have done. If the resolution reported by a majority of the committee is adopted what will be its effect? Mr. Pirce, who has represented the second Rhode Island district during nearly the entire term of this Congress with credit and honor, who is respected, and deservedly respected, by his associates on this floor, will be deprived of his seat and the district be unrepresented probably during the remainder of the session. It will wound the sensibilities of a worthy man. Will that be all? If it be, it is of little moment. But it will be something more. It will add another to the long list of partisan contested-election decisions; and of all such decisions it will be the most pernicious in its influence on future cases of any that I now recollect. It will be a precedent for overriding every provision of the election laws, for trampling down every rule of evidence, for justifying every irregularity of proceeding, however gross or however flagrant. It will be cited by every wrong-doer, and grevious must be his wrong-doing if he does not find authority for it in this case.

'Twill be recorded for a precedent,
And many an error, by the same example,
Will rush into the state.

But I trust that this resolution will not be adopted, but that the resolution of the minority of the committee will be substituted for it. Then will our action this day be a warning to all parties in future cases that the laws of the land must be obeyed; that the well-recognized rules of evidence must be observed; that a stable and impartial course of procedure in contested elections must be maintained; and that he who would have the confidence of this House must deserve it.

Appended is the minority report.

Mr. ROWELL, from the Committee on Elections, submitted the following as the views of the minority:

The minority of the Committee on Elections not being able to agree with the report of the committee, submit the following as their views in the above case:

At the election held in the second Congressional district of Rhode Island, November 4, 1884, according to the canvass of the vote by the General Assembly, the total number of electors voting was 15,476, of which number William A. Pirce received 7,746, Charles H. Page, 5,995; and all others, including scattering, 1,735, Pirce receiving 1,751 over contestant and 16 majority of all votes polled.

This result was obtained after assigning to Page 15 votes cast for him as Presidential elector and counting as scattering all votes where no one was voted for for Representative to Congress, and 3 votes cast for Slocum for Presidential elector.

By a misprint in one part of the printed evidence Page is credited with 79 instead of 70 votes in the town of Hopkinton, which, without noting the misprint, would make it appear that Page had not been credited with as many votes as he received. By examining the returns as shown in the evidence the misprint is shown and the footings are correct.

February 5, 1885, contestant served notice of contest, which was duly answered by contestee.

Contestant bases his contest either upon a misconception of the law of Rhode Island, or upon a belief, which unfortunately prevails to a very wide extent, that a partisan majority only needs a plausible excuse to seat one of its friends.

He charges that all the ballots cast for Mr. Pirce were illegal because the tickets were not of plain white paper, without any distinguishing marks, and that therefore they are not to be counted either for Mr. Pirce or as having been cast at all; that they are to be considered as if never in the ballot-box, and this in the absence of any law of the State requiring any particular description of paper, or forbidding distinguishing marks.

Inasmuch as the committee have, without dissent, agreed that this claim is without foundation in law, we shall not further refer to it in this place.

The material allegations in the notice of contest were to the effect that contestee's majority was obtained by intimidation and bribery.

For a proper consideration of these charges, and the evidence relied upon to sustain them, it is necessary to state something of the history of the contest as it appears in the record.

After notice of contest and answer contestant allowed the time for taking testimony, as provided by statute, to expire without any movement to take testimony.

In the mean time he became a candidate for and was elected a member of the General Assembly of Rhode Island, and entered upon the duties of that office, a position which he could not lawfully hold in that State if he was at the same time a member of Congress. He thus abandoned the contest and ceased to be in a position to proceed in the case as a claimant for the seat of contestee.

Nevertheless, on the 12th day of June, 1885, after the time for taking testimony had expired, he served notice on contestee that on the 25th day of June he would commence taking the depositions of eight hundred and thirty-seven named witnesses, he alleging and contestee denying a verbal agreement to waive time in the taking of such depositions.

Contestee relying, as he had a right, and was bound to do, upon the statute governing the taking of such testimony, and the precedents established by the House in like cases, declined to have anything to do with the taking of depositions. Considering the nature of the testimony to be taken and the character of many of the witnesses to be examined, contestant pursued the course, whether designedly or not, best calculated to get what he wanted, without the serious damage which might occur from cross-examination. Contestant, however, proceeded to take the depositions of 45 out of the 837 witnesses named, and the same depositions were brought before the committee as the evidence upon which we were to decide the case and make recommendation to the House.

It is hardly necessary to say that these so-called depositions were no more than *ex parte* affidavits, and could not therefore be considered as legal evidence in the case without disregarding and ignoring well-established and undisputed rules of evidence.

They were not taken in the presence of contestee or any one acting for him, or with the expectation of cross-examination, or by virtue of any law authorizing them to be taken; and inasmuch as they were not taken in pursuance of any law authorizing them, or in a case then legally pending, it may well be doubted whether a charge of perjury could be maintained against any one of the witnesses willfully testifying falsely.

Instead of considering these *ex parte* affidavits as in the nature of information which might justify the House in entering upon an investigation, and requiring the evidence to be taken *de novo*, so that it might be entitled to the credit due

to evidence lawfully taken, the House, upon the recommendation of the majority of the Elections Committee, simply authorize contestee to cross-examine the witnesses whose *ex parte* depositions were on file, and to take testimony in his own behalf, giving him thirty days in which to do so, and to contestant ten days in which to offer testimony in rebuttal.

When it is known that a large part of the so-called testimony was in the nature of hearsay, or opinions in cases where opinions are not allowable as evidence, and that the method of examining the witnesses, the way of putting questions so as to shape the answer, would not be tolerated in a court of justice, the necessity of applying strict rules in considering the evidence is made apparent.

Under permission of the House, given as above recited, contestee proceeded to cross-examine such of contestant's witnesses as answered to his subpœna and to examine witnesses in his own behalf.

Several of contestant's witnesses did not appear for cross-examination at all, although duly subpœnaed, and it is upon the testimony of some of these that the decision of the case is made to turn by the majority of the committee.

After contestee had occupied the full time allowed by the House—the resolution having passed May 4, and contestee closing his evidence June 3—contestant proceeded to take testimony, so-called, in rebuttal; but, instead of confining himself to the permission given, he proceeded to offer testimony in chief, cumulative testimony, and the like, all of which, though illegally taken and not entitled to consideration by the House, is brought into service by the majority as a basis for their recommendation, and to which we protest as violative of law, of the rights of contestee, and of the constituency which he represents, and as establishing new and dangerous precedents in contested-election cases. And, as a further reason for this protest, we call attention to the fact that on nearly every issue made there is a sharp conflict in the evidence, and to the further fact that the witnesses upon which the majority of the committee rely are self-stultified and some of them thoroughly impeached.

Under the laws of Rhode Island a majority, instead of plurality, is necessary to an election on first trial, and therefore, if under the evidence the House determines that sixteen votes cast for contestee were so cast illegally, then it is our duty to declare that there was no election, and the resolution offered by the majority of the committee ought to be passed; but if any less number than sixteen should be deducted, the resolution ought not to pass, as far as it affects contestee, and Mr. Pirce should be permitted to retain his seat.

Under any possible view of the testimony, if the laws in force in nearly all the States were applicable, he would be entitled to retain the seat which he now holds.

We now propose to examine some of the testimony, it being that relied upon to unseat contestee.

Nearly all of it applies to the election at the town of Warwick.

Alfred A. Johnson, the first of the bribery witnesses, says, in his original examination, according to the printed evidence (p. 26):

"I myself got $3 for voting for William A. Pirce, but I don't know the name of the person who paid me the money. He handed me a ticket, which was yellow in color, a Pirce ticket, and said: 'Vote that, and I will see you later.' I voted it, and after the polls were closed I saw him in the street, and he took me down to Atwood's hotel and gave me $3. He gave me those $3 for voting for Mr. Pirce."

He also testified that he belonged to the Democratic party, and had lived ten years in Warwick.

On cross-examination (page 6, Pirce's testimony) he says:

"I don't consider that I received the money for voting for Mr. Pirce."

He also testified that in his previous testimony he had said that he didn't understand that he got the money for voting for Mr. Pirce, but for coming down. He also testified that he would have voted for Mr. Pirce if he had got no money; that he had not voted the Democratic ticket for five years; that in ten years he had voted the Democratic ticket once or twice, perhaps four times, and that he had testified that he was a Democrat under instructions of the man who went after him as a witness. We submit that a witness who on his examination in chief swears to one thing and on cross-examination to the opposite, and who acknowledges that he knowingly swore falsely to a material fact, under instructions given by the agent of Mr. Page, is not a reliable witness by which to prove any fact, and that his testimony illustrates the great danger of giving any force to *ex parte* testimony in a case like this.

William Bates, the next Warwick bribery witness (p. 27), testifies that he was paid $3 to induce him to vote for William A. Pirce. He did not know the person who paid him. He was thirty-seven years old, and had always lived in Warwick. Did not know who the Democratic candidate for Congress was, and does not say to what political party he belonged or how he would have voted if no money had been paid. He said:

"This person whom I have mentioned came to me and asked me if I had voted. I told him I had not. He gave me a yellow Pirce ticket and said: 'You vote that and I will see you later.' I voted that ticket. I then came out, and, as I was getting into my team, he handed me $3."

This witness was subpœnaed for cross-examination, but failed to answer, and therefore his testimony ought not to be considered. Even in his *ex parte* statements, following so near the language of the former witness, "yellow Pirce ticket" and "I will see you later," he does not pretend that he was promised money before he voted, and he discloses that he did not expect to receive money; for, having voted, he started for his team to go home.

The minority of the committee entirely disregard this testimony as not being properly in the case.

Frank D. Morse is the next Warwick witness who parades his own infamy in the interest of Mr. Page and purity of elections. He says (page 28):

"I do know that money was paid to me for voting for Mr. Pirce. I don't know the person's name who paid me. I was paid $3 for my vote. He handed me a Pirce ticket and said, 'I will see you later, down at Atwood's Hotel.'"

He had lived in Warwick since 1877; did not know who the Democratic candidate for Congress was; don't say what political party he belonged to, nor does he claim that any money was promised him before voting or to induce him to vote contrary to his political affiliations—we hesitate to say convictions.

He also refused to respond to subpœna for cross-examination.

We disregard his testimony, as not being properly evidence in the case, for the same reason as in the case of the previous witness.

Cyrus W. Eddy testifies (p. 29) as the next Warwick witness.

He says that he voted as he pleased; that there was no interference before he voted, and that he did not cast his vote for money.

He claims to have received $3, and that he always took it to be granted that they paid money to the working classes.

He lived in Warwick thirteen years; did not know the man who paid him.

He swears that he did not understand when he voted for Pirce that he would receive money for so voting which he would not receive if he voted for Mr. Page.

On cross-examination he says he was not paid to vote for Mr. Pirce. Don't know anybody who was induced to vote for money; that the money paid was for his lost time in coming 5 miles to the voting place and losing his day. Taking his testimony as truth, and the vote should not be thrown out.

Fayette W. Carpenter testifies (page 31) that he had lived in Warwick eight years; that he received $3 for voting for Mr. Pirce; that he had always voted the Democratic ticket, and would have voted that ticket at this election if money had not been used. All this when no one was present to cross-examine.

When called by contestee for cross-examination (pp. 5 and 6) he says that for the last two or three years he had voted with the Collingwood party, otherwise the Republican party, of the town of Warwick. He denies that he sold his vote, and swears that he was paid for his lost time, as he always had to get some one to take his place when he came down, and that he would have expected payment for his lost time if he had voted for Mr. Page.

The testimony of this witness again illustrates the unreliability of testimony taken without opportunity to cross-examine. It also proves, if the testimony of such a witness can prove anything, that his vote was not influenced by money, and that he simply voted, as had been his custom, the Republican ticket. In considering it at all we are called upon to believe a self-confessed perjurer.

William Wilcox (p. 37), a Warwick fisherman, states that after he voted he received $3 for voting the Pirce ticket. That at the time he voted he did not expect to receive any money for voting the Pirce ticket which he would not have received had he voted the Page ticket. He declines to tell who paid him, but says there were probably a hundred voters waiting for money.

He declines to appear for cross-examination upon the subpœna of Mr. Pirce; but after contestee had closed his evidence and the time for taking testimony on his behalf had expired, contestant put him again upon the witness stand.

To the question whether Kennecomb paid any money, he declined to answer; declines to give the name of the man who paid him. He also declines to say that he knows of any other persons who received any money, but says there were a hundred or more waiting round, and that he supposed they were waiting for money.

The refusal of this witness to appear for cross-examination, and so prevent an examination into his credibility as a witness; his refusal to give the name of the person who paid him, as he alleged, and so furnish an opportunity for contradiction; his refusal to say whether or not the man was Kinnecomb, after Kinnecomb had testified that he used no money, should in law rule out his whole testimony, and even if it is to be considered at all, it goes no further than that after he had voted he received money which had not been promised him and which was not an inducement which made him vote for Pirce. He was presumably a Republican, and would have voted for Mr. Pirce in any event, unless the claim of contestant, that all the purchasable votes in that district were Democrats, is to be conceded.

The next Warwick witness is another fisherman, named Jesse Jinks. He testified (p. 37) on original examination that he was paid $3, but does not say whether it was paid as an inducement to vote for Mr. Pirce or in consideration of his having so voted after the vote was cast. He says that he was a Democrat, and also says a hundred people were paid the same as he was.

He refused to appear for cross-examination and so prevented contestee from examining into his credibility as a witness.

He was called by contestant, in rebuttal, at which time he again declined to disclose the name of the person who paid him; expressly refused to say that Kennecomb was the man; could not give the names of any of the hundred who received money, and so again shut himself out from a test of his truthfulness; and, finally, declines to testify any further than that he himself received the money. These facts, in law, exclude this testimony from consideration, for testimony so taken is not considered as furnishing any evidence of the facts sought to be established by it.

John F. Lock, the last of the Warwick bribery witnesses, testifies (p. 38):

"Samuel Jencks was paying $3 apiece to voters for voting the Pirce ticket; William Kennecomb was also paying $3 for the same purpose; Thomas Aldrich was paying $3 for the purpose; Henry Northup was paying $3 for the same purpose."

This witness also declines to respond to subpœna for cross-examination, and for that reason his testimony should not be considered. His reason for such refusal may be readily found in the testimony of Jencks, Kennecomb, and Aldrich.

Of the nine Warwick bribery witnesses he alone ventures to name the bribers, he himself not being one of the bribed, and that venture shows him to be less discreet than the others. It also shows him to be equally untruthful.

It furnishes opportunity to show by unimpeached testimony how little reliance should be based upon any of the Warwick evidence, so called.

Thomas Aldrich (p. 9), Samuel C. Jencks (10), and William Kennecomb (10), each directly and emphatically contradict Lock, deny that they used money at the election, or that they had any knowledge that money was so used. Sickness alone prevented Northop from adding his testimony.

This effectively disposes of Lock (he had already discredited himself by refusing to be cross-examined), and, if more were needed, disposes also of the other Warwick bribery witness.

An attempt was made to sustain Lock by showing that his reputation for truth was good, but the attempt was very lame. John E. Sherman (page 84 of rebuttal) testifies that he heard various persons express opinions against his reputation for truth, showing that this chief witness for contestant had so conducted himself as to set people to talking about his unreliability as a witness.

An attempt to impeach Kennecomb was hastily abandoned when the first witness called for that purpose spoke in his praise.

Taking these Warwick witnesses at their own estimate of themselves, and who can say, as against unimpeached witnesses who do not sell their own votes or buy others, even if their testimony, so called, can be considered at all by the House, that he believes, by a preponderance of the evidence, that any money was used to bribe voters at the Warwick polls?

We can not believe that a seat in this House is held by such a slender tenure; that testimony of this character can destroy the right of Mr. Pirce to retain it.

Even allowing that each of these eight witnesses were bribed, it leaves contestee's majority at eight over all.

The only other voter who claims to have been bribed is the witness Mardle, who voted at Foster.

The attempt to show intimidation at Johnson, the home of contestee, and other polls, is so signally overthrown, and the charges so effectually disproved, that we shall make no comment upon the evidence in regard to it at this time.

The claim that a voter returned and voted for Congressman after he had voted for Presidential electors is thoroughly refuted, and the circumstances explained by the moderator and clerk.

The claim that George Smith was intimidated, and so prevented from voting by his employer, is contradicted by Smith himself.

The attempt to show that one Davis was bribed by the promise of half a barrel of flour, by hearsay testimony, was a signal failure and thoroughly disproved.

The claim that a number of voters at Pawtucket were intimidated by their employer, the overseer of highways, amounts only to a complaint that the voters allowed themselves to be influenced by the wishes of the overseer, expressed only by a simple request that the men should vote as he did.

This claim would overthrow, if allowed, all labor to secure votes for one party or another.

If one may not ask a voter to vote his ticket, he may not make a political speech, publish a political newspaper, or dare to express an opinion in the presence of voters.

We do not comment upon the so-called rebuttal testimony which sought to open anew the bribery issue at the Foster polls, and which went to the extent of showing attempts to bribe, which failed—testimony given after the opportunity to call the parties accused of having attempted the bribery had passed—because if there is any one question settled in the law of evidence it is that the party having the affirmative of an issue must put in all his affirmative testimony, direct and cumulative, before calling upon the opposing party to answer. And we know of no honest reason why a different rule should apply in this case.

We are not without record evidence to sustain the views we here take of the

bribery evidence, record evidence which is absolute verity, and not dependent upon the truthfulness of witnesses, and that evidence is to be found in the election returns. It will be noticed that the charged attempt at bribery and intimidation was in the interest of Mr. Pirce, and not in the interest of the Republican Presidential ticket. It was a claimed attempt to bribe Democrats to vote for Mr. Pirce while they at the same time voted the Democratic Presidential ticket, and yet in the towns where bribery is charged Pirce ran behind and Page ahead of his ticket. In this very town of Warwick Mr. Pirce ran over 400 behind his ticket, the Prohibition candidate getting most of the vote, while Page runs 16 ahead of his ticket.

In the town of Foster Pirce runs 17 behind and Page 4 ahead of his ticket, and in Burrillville Mr. Pirce runs 13 behind and Mr. Page 11 ahead.

These facts tend to show that if undue influence was used it was not on the side here charged with it.

In conclusion, admitting as we do that there is some evidence proper to be considered in the case tending to show the alleged use of money at the election held in the second Rhode Island Congressional district, yet taking it for all it is worth as evidence, considered with the evidence in disproof, and throw out every vote that can by any fair testimony be said to have been improperly influenced, and there is still a clear majority left for the sitting member for that district.

We therefore can not concur in the report of the majority, and offer the following as a substitute for the second clause of the resolution offered by the committee:

"*Resolved*, That William A. Pirce was elected a Representative to Congress for the second Congressional district of Rhode Island at the election held November 4, 1884, and is entitled to retain his seat."

J. H. ROWELL.
SERENO E. PAYNE.
A. J. HOPKINS.
FREDERICK D. ELY.
A. H. PETTIBONE.
GEO. W. E. DORSEY.

Mr. ROWELL. The residue of the time of my colleague [Mr. HOPKINS] and myself is yielded to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, what a supreme farce! We have an election law, a law regulating the proceedings in contested-election cases. The chairman of the Committee on Elections, after many years of service and experience on that committee, himself introduced, during the present Congress, a bill to enlarge the scope of that statute. That bill, having passed the House, has been returned from the Senate with amendments; and this morning, at an earlier stage of our proceedings, the Speaker appointed a committee of conference to further perfect that bill.

At the same time, members of the House sitting as judges and jurors are called upon to pass on a case in which every requirement of the law in regard to contested elections has been disregarded and violated by the House. Upon a question involving the right to a seat you are asked to rest your votes on evidence taken, so far as concerns every word of it bearing materially upon the case, in direct violation of the law upon your statute-book. What is the use of the law, what is the use of perfecting it, if still, by reason of party exigency or on some other ground, the letter and the spirit of the law are to be disregarded?

In this case, after the expiration of the statutory time, and when the contestant had seemingly abandoned his contest, he is permitted to go on and take *ex parte* affidavits and depositions and to come into the House and ask for a contest upon them; and then the House, disregarding rules of law as ancient as the English language, receives these same depositions, refusing the contestee the privilege of confronting the witnesses—witnesses who make the charge of bribery, personal bribery, against himself. He is simply given the poor privilege of thirty days within which to go out and rake up the byways and hedges of his district, ay, to go into the fishing-smacks upon his coast and find these witnesses, who, from the evidence, appear to be the very dregs and scum of the district, to bring them before a magistrate (without power to compel them to come) for the purpose of cross-examination. And when he is unable to find or produce some of the witnesses, our friends on the other side do not seem to be very anxious to strike these *ex parte* depositions from the evidence, but still insist, founding their case upon such evidence, that the sitting member shall be driven from this House.

Still, Mr. Speaker, taking the case upon evidence brought here in this manner, I confidently maintain this House should vote that the contestee retain his seat. Remember, gentleman, that only four out of the three hundred and twenty-five members of this House come from States where it is required that the successful candidate for Congress shall have a majority of all the votes cast. Mr. Pirce comes here with 1,700 plurality over the contestant, Mr. Page, but with 16 majority over all other candidates who were in the field.

"Over all other candidates in the field," did I say? Yes; and over all the tickets that were cast with the heading "for Congress" on them, and the name of the candidate a blank—a majority of 16 over all these. In view of those facts the evidence should be carefully weighed, and unless the proof is clear and incontrovertible this House ought not to disfranchise the second district of Rhode Island.

Now, I know there are many men in this House who are disposed to follow the judgment of the distinguished chairman of this committee without examining into the facts and the law for themselves. I myself respect his judgment. I myself think that sometimes he is a safe man to follow. But no man, when by the Constitution he is elevated to the dignified position of judge of the election or qualifications of a Representative of a State, should commit his conscience to the keeping of any other man, no matter how eminent. And the danger of doing so is illustrated in this very case; for it appears that after carefully drawing up this report, after carefully reviewing the evidence, the chairman of the committee came into the House with a report alleging that Mr. Pirce had but 3 majority over all competitors, when, from the evidence in the case, and from the admission to-day of the chairman of the committee himself, it appears that Mr. Pirce had a majority of 16 over all opposing candidates; and this fact is now undisputed. Think of that as you shall listen to the eloquent chairman of the committee, and examine his statements to see whether he is not honestly mistaken as to some of his facts; and in such a case as this, where a Representative is required to have a majority of all the votes, do not vote to disfranchise that district and turn that man out of his seat unless the allegation of bribery and intimidation is supported by incontestable evidence, evidence which establishes the charge beyond reasonable doubt.

What is the evidence of intimidation? The only allegation of intimidation which is contained in the notice of contest is that the Republicans used a different colored ticket, and that this was a menace to the voter. Not that any employer asked his employés improperly to vote the Republican ticket; not that there was any intimidation by any person in Rhode Island, but that the colored ticket was the intimidation. Members of the House have seen these tickets. There is a straw-colored ticket [exhibiting ticket] which is said to have frightened so many voters, or is supposed to have frightened so many, for no man swears that a single timid voter in Rhode Island was frightened by it. There is the straw-colored ticket. Here is the Democratic ticket. Why did they put the American eagle at the head of each Democratic ticket.

Mr. BOYLE. Because it is a Democratic bird.

Mr. PAYNE. Can it be possible that our Democratic friends wanted their tickets to stand out distinguished from the others, so that all persons could see which ticket their men voted? Can it be possible that the Democrats in Rhode Island were guilty of "intimidation?" What is the use of the eagle? The use of the straw-colored ticket is plainly shown by the evidence in this case; and it is this:

Under the Rhode Island election laws there is but one ballot-box, and it is a large one, so large that standing on a table it stood up nearly 6 feet high. In one of the balloting places it was the complaint they had to reach over that ballot-box to get their votes in.

Another law requires the electoral ticket and Congressional ticket shall go into one box. The law is directory that the voters shall deposit the ballot in the box. The law also says the inspector of election shall examine the ballot sufficiently to see that two of a kind do not get into the box; or, in other words, that no voter shall be permitted to vote twice for member of Congress, waiving his right to vote the electoral ticket.

Now tell me, with that provision of law, how any inspector performing his duty could examine those two tickets sufficiently to see one was Congressional and one the electoral ticket without knowing that the man voted the Democratic ticket, both the electoral and the Congressional ticket?

Will my friend claim there is any intimidation on the part of the Democrats about this? Why, they have "wiped" it out of their report, because if they had gone to that extent they would have reversed the will of the people in the second Congressional district, and returned to the seat Mr. Page as well as turn Mr. Pirce out.

Another provision of the law right there: The Secretary of State is required to furnish at each polling place a sufficient quantity of envelopes, uniform in size and color, in which the voter may place his two tickets, seal his envelope, and vote as secretly as any man can anywhere in this broad land.

And there is no complaint that envelopes were not furnished. The evidence is many voters used them and that there was no complaint. There is no evidence but that every voter could have used them and voted a secret ballot if he so desired.

What other evidence of intimidation is there? After the House had granted twenty days to Mr. Pirce to cross-examine witnesses and call his own, then it gave ten days to Mr. Page in rebuttal. On those ten days, and I think the last, he called some overseer of highways who said he was a Republican in 1884 and voted the Republican ticket. He said he had from thirty to fifty men under him, that some were Democrats, he thinks the majority of them were. He asked them to vote the Republican ticket, and he thinks the most of them did. This is put into the majority report as evidence of intimidation.

I heard some gentlemen ask in horror, "Why were these manufacturers at the polls?" Has it come to this, that a man who employs men has not the right to ask his employés to vote with him—that a father has not the right to ask his son to vote with him? Is that intimidation? Will that affect a seat in Congress? Well, when that time comes the electoral system will indeed prove a farce.

This overseer asked them to vote the Republican ticket, and he thinks they did. Then he goes on to say he discharged some men. He denies it was for that cause. He says he was himself discharged since 1884, and became a Democrat. That is about the measure of that man.

I tried to get my friend from Pennsylvania [Mr. BOYLE] to name the sixteen men whom he said were guilty of taking bribes. If that were

true it would turn the result of the election; but it is not true. There were not sixteen men—there were but twelve that he could name; and of the voters who spoke of bribery one does not admit he was bribed.

Mr. BOYLE rose.

Mr. PAYNE. I can not yield at this time. Out of these twelve men who spoke directly about bribery, John H. Powers came in with the statement that he had received $2 from the sitting member, Major Pirce.

I understood the gentleman to say also that some witness swore he saw the money paid. There is no such evidence. There is a witness who swears that he put up a job on Mr. Pirce and got this man Powers to go and get the money; that Powers went out of the building and returned with a two-dollar bill, which he said he got from Major Pirce; but that evidence is so completely wiped out by contradictory testimony, by the evidence of witnesses, including Major Pirce, who denies that he paid Powers any money, and by a cloud of witnesses called into the case, all of which show that the man's character is such that he is not to be believed anywhere, as well as the man who seeks to sustain him by saying that he had gone out and returned with the two-dollar bill. So completely is the evidence wiped out that the chairman of the committee did not see fit to give it a place in his report.

There are some other witnesses of the eleven left who speak of bribery in connection with this election, and then say that they were paid money to vote, but afterward, that they were not paid for voting. Their testimony is so contradictory as not to be worthy of credence.

One swears that when he went on the stand some man suggested that he must swear he was a Democrat, and he did so; and afterward, when he was called by Mr. Pirce, he said he was not a Democrat, but a Republican.

He testified that he swore in his former evidence that he was a Democrat, as he says, for a "guy." From this evidence the House is asked to send Mr. Pirce home again, to declare the seat vacant here, and leave that district of the State of Rhode Island unrepresented during the remainder of this Congress. But, Mr. Speaker, how about the one hundred or one hundred and twenty-five voters in Warwick who are said to have been paid?

Let me turn to the evidence in regard to them. Only two witnesses speak of it, if I have read the evidence correctly, and I think I have examined it carefully; that is to say, William Wilcox and Jesse Jinks.

Mr. ROWELL. And they are the only two.

Mr. PAYNE. They are the only two I can find. If any other gentleman can find others he has been more successful than myself.

Wilcox testifies on page 37 of this testimony as follows:

8 Q. State how and by whom the money was paid to you. Give the particulars.

A. I don't wish to give the name of the gentleman who paid me the money at present. It was paid in Atwood's Hotel, in Warwick, Kent County, Rhode Island; there were probably a hundred voters there waiting for money. This gentleman whom I have spoken of, and whose name I do not wish to give, paid the money in greenbacks right out of his own pocket.

9. Q. Do you know if there were any voters paid at Atwood's Hotel who had voted for Mr. Page?

A. No, sir; there was no money paid there for Mr. Page; I do not know a man who got a dollar there for voting for Mr. Page.

10. Q. In whose interest and for whose election as Representative was the person who paid the money as you have stated working?

A. In the interest of Mr. Pirce; John H. Collingwood was the managing man for Mr. Pirce at that election in Warwick.

11. Q. How came you to go down to Atwood's Hotel and join the crowd of voters, as you have stated?

A. I was called there to get my pay for voting.

12. Q. When did you first understand that you would receive some money if you voted the Pirce ticket?

A. Soon after the polls were open—probably twenty minutes.

13. Q. From your knowledge and observation, about how many voters were paid for voting for William A. Pirce at that election in the town of Warwick?

A. In our district, which is the first voting district in the town of Warwick, there were probably from a hundred to a hundred and twenty-five.

Mr. Pirce tried to get him for cross-examination. He had not given the name of the man who gave the money; but not only that, not only did he not give the name, but he failed to give the name of one single person of the one hundred or one hundred and twenty-five that he said were probably paid in the same way. What chance, then, was there to contradict a witness like this; what chance to meet such evidence as that? It was taken *ex parte* without the presence of Major Pirce, and the witness refused to come up for cross-examination. But he was under the control of Mr. Page in this case, and on page 75 of the new evidence this man was called again, and I wish I had time to read his testimony in full. He says:

I saw a number, perhaps a hundred or a hundred and twenty-five in all, then waiting in and about Atwood's Hotel for their $3, I supposed.

Here he is not so definite; he "supposed" they were waiting.

They talked to me, some of them did, in regard to their pay for voting.

That is his evidence, and you are asked to say a hundred men were paid for voting on such evidence as that. Why if such testimony were before a jury what weight would it have? If such a statement were true you would not have to go to any distance to get substantial men to verify it. It would be easy to get fifty men to swear to it. You could get the testimony of reputable, indignant citizens to say that a hundred men were bought up like chattels on election day at Warwick, instead of having to get such testimony as this on which to base the allegation. He does not undertake to name the man who paid the money, or any of the hundred who he "supposed" were waiting for it.

Well, there is another witness, Jesse Jinks, and he also testified on *ex parte* examination; and I repeat that if it were true that a hundred men had been bribed to vote in an election like that, it would not have been necessary to go out and get men off the fishing smacks to testify in support of such an allegation. What does Jesse Jinks say, the companion of William Wilcox? He says, in answer to a question on direct examination:

Q. How much did you receive, and where, when, and from whom? State the particulars.

A. I got $3; I received it at the office in the barn of Atwood's Hotel that night after the polls closed. I am unwilling to state the name of the person who paid it.

How happens it that these men are unwilling or unable to state who paid the money? Why do they not state who paid them? Who instructed them to say it? He goes on to say:

A number of voters went up there with me. All these voters that went with me voted for Pirce. I probably saw a hundred people paid the same amount that I got. This person I have spoken of had a list of our names, called them off, and we answered them, and as we went up he paid us the money out of his pocket.

And then he refused to come for cross-examination. He is brought in on the rebuttal by the contestant in this case; he is asked to repeat the evidence he gave a few months before, and all the evidence he could repeat was that he himself had sold his vote for $3. He had forgotten the story about the one hundred or one hundred and twenty-five persons. Notwithstanding that, the question was asked him:

What did you testify to? "Oh, I can not tell unless you ask me the question; unless you suggest it to me I can not tell."

He had forgotten this part of the story.

[Here the hammer fell.]

Mr. TURNER. How much time remains to this side?

The SPEAKER *pro tempore*. One hour and twenty-five minutes.

Mr. TURNER. I now ask the gentleman from Rhode Island [Mr. Pirce], the sitting member, whether he desires to be heard in this case.

Mr. PIRCE. I would like to have fifteen or twenty minutes.

Mr. TURNER. I yield the gentleman that time out of the hour and twenty-five minutes.

Mr. PIRCE. Mr. Speaker, I thank the gentleman, the chairman of the committee, for the courtesy he has extended in yielding me time. I do not propose to enter into any general debate, as the minority members of the committee have submitted very effectually almost all of the facts which have been educed by the evidence. But being the contestee, and having lived in Rhode Island all my life, and having had a good deal to do with the politics of the State, I feel it my duty to vindicate the people of the second district of Rhode Island who elected me, by showing that the statements of those who oppose my election are not correct. I would not be true to the fame and good name of the freemen of Rhode Island if I did not repel as untrue and unproved the charge that the honest voters of the second district had been guilty of bribery and intimidation as charged by the dominant party of the committee.

As long as I have been connected with the politics of Rhode Island and as familiar as I am with the leading men of both sides this is the first time I ever had friend or foe in politics complaining of any wrong or unfair dealing on my part. The witnesses in this case on the other side in behalf of the contestant are men generally speaking, I am sorry to say, that would not stand the test of inspection for one moment. And I will say that the leaders of the Democratic party in Rhode Island are ashamed of this contest and ashamed of the contestant for pursuing it. For they are a gallant set of men as a rule, and when they get beaten they do not travel the State and country over, squealing it was done this way or that way or the other way; but they accept the results, pick their flints, and are ready to try again at the next opportunity.

Some of these witnesses are an abhorrence to the community. Gentlemen on the other side know it; it is in the evidence. And I was embarrassed this morning when the gentleman from Pennsylvania [Mr. BOYLE], who is instinctively fair and honest, attempted to warp the testimony as he did; but I attribute it to an error or misunderstanding, rather than to an intention to do anything wrong in this matter. I am sure he never saw the evidence, or he, as an honest man, could never have made such statements.

Now as to Evans. The testimony in the case shows he had been convicted as a libeler, that he went to jail as a libeler, that he was a common nuisance in that community. And so it is along the whole line. I have not time to submit here, although I have my pocket full of them, certificates as to the jail-birds that are in this contest on behalf of the contestant. They are in duress and jail for all kinds of offenses. It is shown by a court certificate that one of these men has been convicted of the crime of cheating the babies, of selling adulterated milk; another of wife-beating; and still another swears he was in jail and all that for five months for keeping a nuisance, and others for drunkenness and all that class of offenses. As the gentlemen of the committee know well, I was anxious to have this House take this investigation in charge and send a commission to inquire into this case to Rhode Island, where they

could have an opportunity of seeing the parties and looking at the witnesses who would grace any rogues' gallery in this country to a greater extent than any I know to exist.

Why, sir, if I could not conduct a political canvass fairly and squarely with all my experience I would retire from it, and I would retire from this seat voluntarily if I believed a single friend of mine had used anything but the best possible legal means to influence a vote in my favor. I was not, during the whole canvass, in the town of Warwick, nor since, except to take testimony. This is the town which has been so much spoken of by gentlemen on the other side, and I mean to say all the witnesses in the case that swear at all in respect to receiving money for anything, for votes, or hiring carriages to take voters to the polls, or for paying for their time while they were away from their work, only amount to twelve votes—all of them, of every kind, name, and nature. I challenge contradiction by the gentleman who is to follow me, when I assert that only twelve are connected in any way with money. And I state that not one of those witnesses, as you will see, alleges he was bribed or that his vote was influenced by money, with the exception of one single person, and his testimony is of so ghastly a character that no man could take any stock in it. He swears that he was a Republican, had always voted the Republican ticket, but being very poor he would have voted for Page on that occasion if he had not received $2.

Now you gentlemen coming from all parts of the country can judge the value of that kind of testimony, and if you can afford on such testimony to declare vacant a seat in this House which the General Assembly has declared I have obtained by 16 majority, if you think you can, you will and can do so of course. I say one thing more. If there is any member of this House who will get up here and say that he never has expended one cent of money in his district for legitimate purposes I would like to have that man rise. For in Rhode Island if a man would decline to contribute a dollar for legitimate purposes in politics I do not know of any party, Democratic or Republican, that would desire to put such a man in nomination, or have any respect for him.

Why, sir, our whole expenses in the Presidential election in 1884, every dollar that passed through the hands of the committee for all the purposes of the election, buying and distributing documents, purchasing flags, the general election expenses was less than $4,000 for the whole State of Rhode Island.

Now, as to this charge of intimidation, I am assuming that some of the members of this House outside of the Committee on Elections have looked at the evidence in this case; but I confess it is a violent presumption, and I assert that they can not find any evidence which shows that a single person was intimidated in the State of Rhode Island. They did make out to declare, or to swear, that one man was intimidated; and that very individual himself was put on the stand, and he testified positively that he was not intimidated, and that he did not allow anybody to intimidate him.

As to the manufacturers, I produced them from every village where it was said that there had been intimidation, members of both parties, Democrats and Republicans, the first men in the State of Rhode Island, and they declared, every one of them without exception, that there was no intimidation. The idea that you can get voters by intimidation in Rhode Island is too preposterous for a Northern man to talk about! If you are going to obtain votes you must do it by persuasion and argument rather than by threats. The contrary has never been known to exist, and it is impossible to produce a single witness who will swear to any such thing if he swears to the truth. If this intimidation has existed in the mills or factories, as gentlemen allege, why do they not produce the employés and let them show that the employers did this, that, and the other thing as charged? You know, Mr. Speaker, because it has been spoken of here to-day, that our State stands alone with a single exception in this respect: that we are compelled by statute provision to elect our candidates by a majority of all the votes cast. You know also that I received 1,751 votes more than were cast for Mr. Page, the contestant. Gentlemen all know, too, that at that time the prohibition question was disturbing parties a good deal, and that in that election the prohibition candidate received 1,500 votes, a larger number than such a candidate ever received before.

Then there were four other distinct candidates who received votes, and in addition there were 32 scattering votes; yet I received 16 votes more than all the candidates and all the scattering votes, and no figures can be produced on the other side to show that that majority can be reduced to a minority. That is impossible, unless you take all the hearsays that are running rampant all over the country. The idea of a man getting up and swearing that he thinks there were 100 or 125 votes improperly obtained! It is like the boy in the old story, who told his mother that he had seen a thousand crows, and when he was pressed, brought the number down to a hundred, and then came down to fifty, and finally wound up by saying that he certainly had seen something as black as a crow! Gentlemen have heard the testimony read in detail, and they have heard the declarations of these men who allege bribery, that they did not know who purchased their votes; that they did not know the names of the persons, or that they would not repeat the names. The lawyers on this side of the House who have argued the case with so much ability, have clearly shown the danger and the injustice of regarding testimony of that kind.

Now, as I have said, I wish to have gentlemen on the other side show by any evidence in this case that any voter has been intimidated. We could not gather anything of that kind from the testimony they produced because it showed nothing of the kind. I do not care how much they say they were intimidated by the color of the ballot. The strength of that statement is brushed away when it is admitted here that the State of Rhode Island furnishes envelopes of a uniform size and color which any voter can use to inclose his ballot. That fact being admitted, it makes no difference whether the ticket itself is red, white, or blue. Our State is more liberal in that respect than any other State in the Union; it furnishes these envelopes, and the voter can take any ticket he pleases and put it in the envelope.

Mr. WADSWORTH. Those envelopes are required to be furnished by law?

Mr. PIRCE. Yes, sir, the State is obliged to furnish them, and they are furnished, any voter who desires them, and he can conceal his vote in that way by using the regular envelope. So far as the ticket itself is concerned we are not bound by law to use any particular size or color of ticket; we can use any that we see fit to use. There is not a man who swears that he was influenced by the color of the ticket; and if any man did swear to that his testimony would amount to nothing, because the State provides a way by which he could have avoided showing his ticket. But suppose a man wanted to vote on that yellow ticket, and wished to deceive his own side, could he not take the ticket, erase the contestee's name, and write in the name of the contestant? But the idea is perfectly ridiculous that there was any intimidation in this case. The other branch of the case has been fairly, clearly, and ably put before the House by the gentlemen who have already spoken; so that every member can see what there is in this charge of bribery.

I do not know anything about bribery. I am not going into the details of these charges. I am obliged to the gentleman who has yielded his time to me, but I am not going to discuss this point further, because it has been gone over and over again and again. When you see a committee evenly divided upon a question of this kind it is a pretty good indication of the character of the case. This committee stood upon this vote 6 to 6; but the chairman, of course—I might say necessarily—turned it in favor of his side of the House. [Laughter.]

When the Hurd case was before this House last summer the gentleman [Mr. TURNER] argued with great ability that the parties had a right to hire men to distribute tickets and do things of that kind; that that sort of work was proper and legitimate. Yet, in this case, all these matters are raked up about these men distributing tickets. Evidence is taken at the expense of the Government to show that there were ticket peddlers on my side. But the very witness who made oath to this acknowledged that he was distributing tickets on his side, was furnishing carriages to bring men in, and doing everything of that sort. But he seemed to assume it was a great sin on the part of the Republicans to do that which was a virtue when done on behalf of the Democratic party.

Smith is the only man named as having been intimidated. Being the only man named, he was consequently the only one whom we could reach. When put upon the stand he swore that he was not intimidated; that no man had intimidated him. I could have gone much further in contradiction of that charge; and after that pretended rebutting testimony came I might have put in testimony which was at my command and which would have wiped out that charge completely. But my lawyer advised me that I should not encroach upon the time specified in the resolution which ordered me home to take testimony. Consequently I had to let that matter go. But there was not perhaps in Rhode Island a man who did not see that the charge was completely exploded after the cross-examination of those witnesses. It was no rebuttal at all. It was simply the production of witnesses who repeated what they had already said, and of others who made allegations of the same kind, and their statements are taken in the report as evidence.

The SPEAKER *pro tempore*. The time of the gentleman from Rhode Island has expired.

[Mr. TURNER. Mr. Speaker, on account of the condition of my voice, I shall have to rely somewhat on the patience and forbearance of the House to-day. This circumstance may greatly abbreviate my remarks.

The gentleman who first spoke on the other side in this case inveighed, with somewhat of vehemence in his manner, against the ignorance of members of the House as to the character of the issues involved here. I may be allowed to say most respectfully that I think the argument of the gentleman, as well as the arguments of his associates, were based on that assumption. They evidently took it for granted that members of this House had not studied this case.

The case, sir, is one which sweeps a very small circle. It is a case within the easy grasp of the busiest member. It involves issues on questions of fact which concern most intimately the character of the American people. Its brevity, therefore, and the momentous impor-

tance of the issues involved, ought to have invited gentlemen to a careful scrutiny of the case. It is to me, sir, a revelation. But before I proceed to the discussion of the serious questions presented, I beg leave to dispose of some technical objections which have been urged against the report of the committee.

There is an intimation that unfairness has been practiced. I deny it. I say the facts in this case to which the gentleman from Illinois [Mr. ROWELL] alluded in his opening remarks will show a case of unprecedented magnanimity on the part of the Democratic members of the Committee on Elections. Gentlemen say that we are trying this case upon *ex parte* testimony. Is that a fair statement of this question? Gentlemen know it is not. There was an agreement as to the time of taking testimony between the parties to this contest about the construction of which it is true there was a difference of opinion.

On the one hand it was claimed that it was not intended to extend the time within which testimony should be taken. On the other hand, by a fair inference, the contestant claimed that the effect of the agreement was to waive the requirement as to time and allow the testimony to be taken at the convenience of the parties. The time limited by the statute expired, and the contestant proceeded to take his testimony, first giving notice to the sitting member. The gravest issues were raised.

The sitting member was on notice that an agreement had been made on which this contestant relied. He was on notice of the time and place at which these grave charges against him were to be investigated. Instead of going there and meeting, at the very threshhold and at every stage, this charge of infamy against him whenever and wherever it presented itself, he simply said: "The time has expired; I will have nothing to do with the proceeding." The contestant went on, nevertheless, and took his testimony. The depositions were returned under the act of Congress and were printed for the use of the committee in the usual way and under our rules of practice. When the contention came up before the Committee on Elections, Mr. Pirce's counsel set up this technical objection to the testimony and undertook to have it stricken from the record.

Now, Mr. Speaker, I have approached in this discussion a point in the history of the case which is familiar to every member on this floor, and to go over it again would be thrashing old straw. But the Committee on Elections, instead of following the precedents set by the Republican Committees on Elections, and trying the case on testimony taken under these circumstances, came to the House of Representatives with a resolution proposing to give the sitting member the opportunity to resummon and cross-examine the witnesses of the contestant and see them face to face. And we had then the remarkable spectacle of every Democrat on this floor extending to a gentleman on that side this extraordinary privilege, while every Republican member voted against it. It was a rare incident in the trial of election cases, and I wish to pay to my political associates on this floor the tribute due to their generosity.

Gentlemen may ask whether there are precedents allowing the use of testimony taken after the statutory period had expired? One of them is found in a report signed by the gentleman from Tennessee [Mr. PETTIBONE], who has to-day denounced the testimony of the contestant as *ex parte*.

I refer to a case which came from the State of Florida, from a district adjoining my own, in which was returned as elected my esteemed and honorable friend, General Finley. In that case Mr. Bisbee, the contestant, had gone on contrary to the statue and taken testimony in the time allowed by the statute to the sitting member.

I have the case here before me. The report of the majority of the committee in that case states, although that testimony was taken beyond the contestant's forty days and within the forty days allotted to the sitting member, they would receive it, because, forsooth, they said there was a case, which they quoted and approved, to the effect that General Findlay could have gone on and taken his testimony beyond the limit fixed by the statute. And in the course of the opinion they italicised this single statement, which was signed by the distinguished gentleman from Tennessee [Mr. PETTIBONE] himself, "that no statute can bind the Committee on Elections or the House of Representatives;" and on that principle, and on that precedent, and on that testimony, taken without any opportunity offered to General Findlay by a resolution offered of the House, they excluded him from a seat on this floor, although in my opinion he was as much entitled to it as I was to my own.

Now, we are told further that some of contestant's witnesses refused to appear when they were subpœnaed by Mr. Pirce, that he might cross-examine them. If gentlemen had been fair they would have stated that the witnesses whose names were given, and against whom this complaint has been made, appeared, but refused to be cross examined, because the sitting member refused to pay their expenses. They said if the gentlemen that summoned them would not pay their expenses, as they were entitled to have them paid, they would not give their testimony.

Mr. ROWELL. Does the gentleman refer to the statement of one lawyer to another as testimony?

Mr. TURNER. That statement is in the record, and was not contradicted by the lawyer on the other side.

Mr. ROWELL. Is it a part of the business of a lawyer to contradict the statement of the opposite lawyer, or else it will be taken as evidence?

Mr. TURNER. When lawyers are engaged in the progress of a case, and a statement of counsel is made to go down as part of the record, it is the business of the other side to contradict it if it is not true.

Mr. RANNEY. Did the lawyer swear to it?

Mr. TURNER. The gentleman from Massachusetts has grown old in the trial of causes in court, and has been my colleague in the Committee on Elections, with whom I have engaged on many a hard-fought field, but I have never known a lawyer of his eminence to intimate that counsel should swear to their statements made in the conduct of a cause. [Laughter.]

Mr. RANNEY. Pardon me.

Mr. TURNER. The gentleman asks me whether the lawyer was sworn? I say lawyers engaged in the active conduct of a case have the right to rely, one on the other, without being sworn.

Mr. RANNEY. Will the gentleman say, in taking testimony before a Massachusetts court, every remark of a lawyer written down is to be contradicted by the other lawyer or it will stand in the colloquy?

Mr. TURNER. The gentleman sees at a glance that his intimation is unjust and irrelevant to this case. I do not believe the gentleman understands the issue I am now discussing, and I say it in deference to the gentleman's well known ability.

It is due also to the majority of this committee to say that some of the witnesses who did not appear for cross-examination because they were refused their expenses, were produced again by the contestant as his own witnesses in the limited time given to him, thus affording the opportunity of cross-examinatien. Let all this charge of unfairness go; it amounts to nothing.

I have said already, Mr. Speaker, this case was full of interest. It comes from a State which was one of the last to give in her adhesion to the Federal Union. It was one of the very first States of the Union in which rebellion raised its head. [Laughter.] Traditions linger there about one Governor Dorr. The history of that rebellion is fully given in 7 Howard, in the case of Luther and Borden, with which gentlemen are familiar.

Mr. SPOONER. I thought the Pennsylvania rebellion was first.

Mr. TURNER. Yes, sir; there was a little rebellion there on account of whisky, I believe. [Laughter.] But there was a regular rebellion in Rhode Island against the charter government, as I understand it, and I believe, I will say in justice to the gentlemen who now represent that State on this floor, that they sent the governor to the penitentiary for life.

I refer to that, Mr. Speaker, not as a matter of reproach to gentlemen representing Rhode Island on this floor, but for the purpose of showing that there was in Rhode Island friction, discontent, mutiny, against the system of restrictions which in that State trammeled the right of suffrage.

I have heard it said that a gentleman who at one time was a distinguished Representative of that State, or some other, on this floor, and who had served most conspicuously in the last war, was, on account of having sold his real estate, thereafter deprived of the right to vote in Rhode Island.

Now, sir, whether that was a mistake or not, it is entirely possible for it to have happened. There are property qualifications in Rhode Island against which I do not inveigh, against which I make no complaint, but I refer to them as showing the reason for the discontent which now and then crops out of these rebellious plantations.

I intend to base the resolution proposed by the Committee on Elections upon bribery at Warwick and "bulldozing" (that is the word) at Pawtucket. Gentlemen have said here that all of the votes which we have shown should be excluded here from the sitting member's case are 10 or 12. I propose to show that there were 100 at least, and hence it makes very little difference for the purpose of my argument whether the apparent majority on the face of the returns of Mr. Pirce over Page was 3 or 16.

I will remark in passing that the calculation by which I reached the conclusion that the true majority was probably 3 instead of 16, was the result of a careful investigation on my part of the original documents, but gentlemen on the other side have satisfied me that the fairest way in which to argue the case under all the circumstances is to assume that the declaration of what is called the grand committee in Rhode Island was correct, and that over all opponents and scattering votes he had 16 majority.

I remember that on a certain other occasion, when I had the honor of submitting to this House a report from the Committee on Elections on a celebrated case, I was criticised by gentlemen on the other side because I assumed to give the conclusions of the committee rather than the facts on which the conclusions rested. In the report in this case I preferred not to express our views or conclusions on the testimony (as the minority of the committee have attempted to do), but to set out the testimony *in hæc verba* so that every member of the House could draw his

own conclusions. And now I am criticised because I did not synopsize the evidence.

What does this testimony show? Many witnesses swore that they were paid from two to three dollars each for voting for the sitting member, and some of them testified that they formed with others a procession of a hundred or a hundred and twenty-five and marched up to Atwood's Hotel, or barn, in a certain alley in the town of Warwick. Each of them states that he received two or three dollars, but most of them add that they can not give the names of those who paid the money.

In the study of this case, Mr. Speaker, it must be borne in mind that by the law of Rhode Island, which I commend, the crime of bribery is confined entirely to the man who does the bribing, while the man who receives the bribe has no penalty put upon him.

There is a philosophical reason for this state of the law which will occur to every lawyer.

Hence I have the indorsement of the Rhode Island system, which disfranchises the briber and puts no penalty whatever upon the men bribed. This consideration, Mr. Speaker, fully explains the state of the record here. The man who is bribed you could not punish, while the man who furnished the "boodle" was liable to indictment, and, on conviction, to be disfranchised forever.

Knowing this thing, considering the shrewdness that characterizes party management at this day, it was plain at a glance that it was necessary to so conduct this shameless system of bribery as to prevent detection by excluding every known man. It was probably managed through this man at one stage and that man at another, and the man who paid the cash might have been an utter stranger.

The report of the minority of the committee cites a case where a man said that he had received $3—that he had received that money not for his vote but for his time in going down to the polls. And the minority of the Committee on Elections follow that statement with the further remarks that if it were true, that vote should not be deducted from the sitting member.

Mr. Speaker, there has been bribery in all other countries and in all other ages of the world—bribery in every century of the world's history. And bribery, God knows, is bad enough; but when bribery can find apologists on this floor in the ranks of a great party, I say it is time for the country to pause and reflect. [Applause on the Democratic side.]

Mr. ROWELL. Will the gentleman permit me a question?

Mr. TURNER. I will.

Mr. ROWELL. Suppose a voter of your political party is in Washington, would it be bribery to pay his expenses home in order that he might vote?

Mr. TURNER. If a member of my party comes to me and claims pay from me because he loses time in voting for me, I would say at once it was a piece of corruption he proposed to me and for which I would spurn him.

Mr. ROWELL. That does not answer my question.

Mr. TURNER. I know it has not been uncommon for committees to provide facilities for voters to come to the polls. However questionable it may be, that is a practice which has obtained both in England and in this country. But I defy the gentleman who has interrupted me, or all of his associates on that side, to find a case where the conduct of a man who receives pay for the time he loses in going to the polls has ever before been justified as a legal performance.

Why, sir, it is against the highest public policy. The privilege of citizenship, the right to bear the name of an American, the privilege of enjoying our institutions and the participation in the noblest liberty that the world has ever witnessed ought to be inducement enough for any man to vote as he pleases. But when in addition to these inducements he has to receive money for the time he loses in the exercise of his franchise as a freeman from the party in whose interest he votes, call it by whatever name you please, I denounce it as bribery and corruption which no party can afford to justify. [Applause on the Democratic side.]

It would be just as honorable for a citizen of New England to ask compensation for the time he devotes to the celebration of the Fourth of July in full view of Bunker Hill monument! [Laughter.]

Mr. GALLINGER. Did not a much larger portion of the people of New England vote than of Georgia at the last election, according to the returns?

Mr. TURNER. What was the gentleman's question?

Mr GALLINGER. Did not a much larger proportion of voters go to the polls in New England than in Georgia, according to the last election returns?

Mr. TURNER. The gentleman who has interrupted me knows that his interjection here has no relevancy at all to this issue.

Mr. GALLINGER. I think it has.

Mr. BOUTELLE. Is it not as relevant as the gentleman's own remark about New England?

Mr. TURNER. If the gentleman from Maine will let me answer one gentleman at a time, I will endeavor to show my friend from New Hampshire [Mr. GALLINGER] that his interruption has no sort of relevancy to this case. I can not speak for my colleagues from the State of Georgia, but I can speak for myself——

Mr. ELY. Will the gentleman allow me to interrupt him for a moment?

Mr. TURNER. If my friend from Massachusetts [Mr. ELY] will permit me to answer one New England gentleman at a time, I shall be obliged to him. [Laughter.] In the district which I have the honor to represent (and of which I shall be proud forever) there are two parties, Democrats and Republicans, but I want to tell the gentleman that the Democrats in that district are in the majority, as has been demonstrated in half-a-dozen contests.

I want to tell the gentleman further, what perhaps he is not aware of, that before the last Congressional election in my State a revolution had taken place here at Washington, and, instead of there being a President in the White House who would reward candidates of the gentleman's party for their devotion, there was no longer any reward for those who might fight the battles of the Republican party.

The result is, Mr. Speaker, that there are no longer any leaders of that party in my State. It should also be stated that the Republican party of Georgia, consisting chiefly of colored men, have, since Mr. Cleveland's election, ceased to fear Democratic supremacy. I beg to add that a very reputable Northern gentleman, I believe a New England man, and a distinguished Republican in my district, did me the honor to assure me that his party would not resist my election. [Laughter and cheers on the Democratic side.]

Mr. Speaker, in that district, as no doubt was the case in all the other districts of Georgia, the vote was a mere dress parade of the Democratic party, in which those who voted came out merely to show their respect for their candidates.

Mr. GALLINGER. Will the gentleman permit me?

Mr. TURNER. What more can I say to the gentleman from New Hampshire?

Mr. GALLINGER. Will you permit me a word?

Mr. TURNER. The gentleman impeached my constituents——

Mr. GALLINGER. As you did mine.

Mr. TURNER. I did not.

Mr. GALLINGER. You certainly did.

Mr. TURNER. I alluded only to facts which appear of record in this case, and I defy any gentleman to contradict me.

Mr. GALLINGER. The gentleman alluded to New England, and the record in this case does not bear him out.

Mr. TURNER. Ah; does the gentleman identify himself with his colleague from New England, the sitting member in this case, and justify bribery in the payment of voters for the time which they lose in the performance of their duties as citizens?

Mr. GALLINGER. I represent a New England district which cast nearly as many votes as were cast altogether in Georgia, and yet you impeach my district——

Mr. TURNER. I decline to be interrupted further. In the gentleman's district, as well as in that from which this contest comes, there is never any lack of candidates. Parties never fail there to struggle for power.

Offices in that part of the country never go in that way, but whenever an opportunity for a contest is afforded in which honorable gentlemen can aspire to promotion there are sure to be at least two candidates in the field, if not three or four, and the result is that the canvass brings out every voter, and the vote represents war between all the factions; but where that state of things does not exist, does the gentleman expect every man to turn out to vote?

Mr. GALLINGER. No; and neither do I expect the men who do vote to be accused of being bribed.

Mr. ELY. Will the gentleman allow me——

Mr. TURNER. And the gentleman from Massachusetts [Mr. ELY], knowing how my time has been occupied, and also how the time of the gentleman from Pennsylvania [Mr. BOYLE] was consumed by interruptions, proposes now to follow in the wake of his New England colleague, and propound to me another catechism. [Laughter.] I beg the gentleman to spare me. I have the highest respect for New England; I love her traditions; I believe that this country is immensely indebted to that section; I believe that her town government is the best in this Union; I believe that her commonwealths are as well governed as those of any other section of the country; but I want it distinctly understood that all the virtue, and all the grace, and all the purity of elections does not reside within the limits of those New England States.

Mr. BOUTELLE. I ask the gentleman from Georgia——

Mr. TURNER. I ask the gentleman from Maine to excuse me.

The SPEAKER *pro tempore*. The gentleman from Georgia declines to be interrupted.

Mr. BOUTELLE. I "excuse" the gentleman, if he is very anxious to escape from a question. Still, I should like to ask——

Mr. TURNER. I can not refuse the gentleman from Maine when he puts me on my courage.

Mr. BOUTELLE. I thought you would not.

Mr. TURNER. What will you have?

Mr. BOUTELLE. I simply wanted to ask you whether, as a matter of fairness, in view of your arraignment of New England here in regard to the suffrage, you are not willing to have the statement made, or to make it yourself——

Mr. TURNER. Now, my friend must not make a speech.

Mr. BOUTELLE. Let me finish the question.

Mr. TURNER. This only shows, Mr. Speaker, that New England always stands together in a controversy of this sort. [Laughter.]

Mr. BOUTELLE. I simply ask the gentleman as a matter of fairness——

Mr. TURNER. Let the gentleman ask his question, and not make a speech.

Mr. BOUTELLE. I want to know whether the gentleman is not willing to state here, when he is arraigning New England in reference to the manner in which Congressmen are elected, that while in the New England States it takes on an average more than 29,000 votes to send a Congressman here (though in Rhode Island, which is an exception, with her peculiar qualifications for suffrage, the average is brought down to 16,000), yet in the State of Georgia the average is 12,000, or 25 per cent. less than even the average of Rhode Island.

Mr. TURNER. I can answer the gentleman as I have already done, that a Congressional election in New England is always disputed, while in the section from which I come there is very often no dispute at all.

Mr. BOUTELLE. I understood the gentleman to say a few minutes ago that there were two parties in the State of Georgia.

Mr. TURNER. I have so stated, and I repeat it.

Mr. BOUTELLE. Why did they not appear in your district?

Mr. TURNER. Because my opponents knew that they could not beat me.

Mr. BOUTELLE. Ah!

Mr. TURNER. Have I answered the gentleman?

Mr. BOUTELLE. The Democrats in my district are quite as sure that they can not beat me, yet they come to the polls.

Mr. TURNER. I wish to say that if there is a Democrat in that gentleman's district who will not get up in the morning before day and pay his own expenses for the privilege of voting against the gentleman, I denounce him as a political outcast. [Laughter and applause on the Democratic side.]

Mr. BOUTELLE. The trouble is that in the gentleman's district the Republican vote is not cast, morning, noon, or night.

Mr. TURNER. We have in this testimony the evidence of witnesses who swore to being bribed, and gentlemen upon the other side turn upon us and say that these witnesses are not to be believed because they confessed their own infamy.

It has always been permitted, sir, that persons who have participated in a crime should be allowed to go on the stand and testify, in order that the penalties of the law might be visited upon the other parties to the transaction.

It has always been the law, and no fair-minded man on the other side of the hall will deny that is the case. Allow me to state that the crime of bribery is one to which there are two parties, the briber and the man bribed, and it is usually conducted in secret. When a man comes to pay money or take money as a bribe he does not call the best men around to bear testimony to the fact. But it is a secret crime, hidden away from the gaze of men, and unless one of the parties to the crime be allowed to prove its character, it amounts to this, that bribery shall go unwhipped and unpunished.

I decline, so far as I am concerned, to extend the measure of immunity to criminals in New England any more than to criminals anywhere else in the country.

The gentleman from Illinois [Mr. ROWELL] who wrote this report of the minority, and who has presented the case of the minority with such force and ability, said when a man declines to tell all he knew, he was a corrupt witness and not to be believed. And the principle *falsus in uno, falsus in omnibus* is also invoked. I deny that principle covers this case. The best authorities on evidence lay down the rule that when a man makes a confession the tribunal trying him may believe a part and reject a part if it please. And that is this case. We have a right to believe a man who makes a confession, although a part of his confession may be false, and although he may be guilty of suppression.

Now, sir, at Warwick a hundred or a hundred and twenty-five men stood in a line, man behind man, going up to the same hole in the wall at which those who received the bribe were paid. I say it is but a fair inference that those who stood with them in this procession went there on the same business.

If a Republican in New England is to be believed, the first witness called in rebuttal by the contestant states that while he did not know what was going on, he saw the procession, and he heard the names called out, man by man. Therefore, as a witness from the camp of the Republican party, he corroborated at least a material part of the statement made by these corrupt witnesses.

I now pass to the subject of bull-dozing. I think, sir, I have shown that at least one hundred men were bribed at Warwick. I propose to show that from thirty to fifty were intimidated in the town of Pawtucket. On this branch of the case I rely on the testimony of a man by the name of Garland. But it is said his testimony is not competent, because he was not a witness in rebuttal. The gentleman who made this charge if he had been familiar with the record of the case would have known a part of the evidence was addressed to the denial of the very transaction to which this testimony of Garland related. And of course when his conduct was the matter in issue, put in issue by the very first testimony adduced by the contestant, denied by numbers of witnesses of the sitting member, will any lawyer say the testimony of the man himself whose conduct was under investigation was not in rebuttal?

It is too ridiculous, Mr. Speaker, to require further comment. This man was in the public service of Rhode Island. He was the foreman of highways in the town of Pawtucket, and employed for service on the public roads thirty to fifty men, and he said the most of them were Democrats. He said they all voted for Mr. Pirce, and if they had been uninfluenced would have voted for the contestant and the Democratic ticket.

He himself, this man Garland, voted for Pirce and the Republican ticket, and, therefore, I think he ought to be regarded as an unimpeachable witness. He stated that the employment of these men depended on their having voted the Republican ticket. He stated further that Goodwin, chairman of the Republican town committee in Pawtucket, employed him, Garland, to work for his party on the day of the election; that Goodwin had given him credit at a bar-room in that city at which he could take his men to be treated, and adds further that every man in his service had the impression that his employment depended on the way he voted. What do you think of a state of politics which will prostitute the public service to the debauching of voters, the bread and meat of whose families depended on their subservience? I say, can gentlemen from any part of New England afford to justify intimidation of this character?

Mr. GALLINGER. It does not exist.

Mr. MILLIKEN. Let me ask the gentleman why make New England responsible for Rhode Island any more than he should make the entire Southern States responsible for some outrage in a parish in Louisiana?

Mr. TURNER. I am glad the gentleman from Maine gives me his support.

Mr. MILLIKEN. Whether Rhode Island be right or wrong, I do not see why any responsibility should rest upon New England for that.

I beg to enter a disclaimer against applying to New England anything that may be done in Rhode Island, whether it be right or wrong.

Mr. LONG. Let me ask the gentleman a question.

Mr. TURNER. I do not mean to be provoked into an arraignment of all New England in the discussion of this question. It is not necessary.

Mr. LONG. Did I not understand correctly from the report of the majority of the committee that they withdrew their charge of intimidation and relied exclusively upon bribery? Is not that the statement of the report?

Mr. TURNER. No, sir; the gentleman has been misled either by the gentlemen of his own party who have undertaken to discuss this question, or has misconceived the report.

Mr. LONG. I have read the report with care, and that is my understanding of it.

Mr. TURNER. The gentleman is entirely mistaken. There is no part of this case based upon the question of color of the tickets; but the question as to whether men in Rhode Island were intimidated from voting forms a very large part of the case; and if the gentleman has examined my report he will find it stated in the testimony cited by the committee.

Mr. LONG. Will the gentleman allow me to read a sentence from the report?

Mr. TURNER. The gentleman does not certainly deny the accuracy of my statement?

Mr. LONG. I am only asking the gentleman's attention to the language of his own report.

Mr. TURNER. I will not permit the gentleman to fritter away the small remnant of my time in disputing a fact as to which I now make a positive statement, and which is borne out by the report which the gentleman holds in his hand.

Mr. LONG. I ask the gentleman to permit me to read one sentence.

Mr. TURNER. Will the gentleman not permit me to proceed after making the statement I have made?

Mr. LONG. I only ask an explanation as to this point; and I read from the report:

> While it is likely that voters under the domination of Republican employers were deterred from voting for Mr. Page, there was no evidence before the committee defining the measure of this influence or estimating its effect.

Mr. TURNER. Now, the gentleman has taken a little extract from the report, which shows how he is willing to vote upon a garbled statement in the report.

Mr. LONG. I do not see how that can be when I have quoted the language of the report.

Mr. TURNER. The gentleman knows, if he examines it, and the gentleman from Michigan knows, if he examines it, that that relates to

the intimidation which was sought to be exerted by the use of colored tickets; but the intimidation which was practiced at Pawtucket by a public officer of the State of Rhode Island is insisted on.

Mr. CRAIN. With the permission of the gentleman from Georgia I desire to ask a question for information.

Mr. TURNER. I have but a few moments.

Mr. CRAIN. Is it not true that the laws of Rhode Island provide that a foreign-born citizen can not vote within the limits of that State unless he owns a certain amount of property, and that a native-born citizen can vote without respect to the property qualification?

Mr. MILLIKEN. That has nothing to do with this case.

Mr. TURNER. I agree with my friend from Maine that that inquiry has nothing to do with this case. I have no desire to traduce New England or her institutions. The question of her suffrage, though restricted to such an extent that 15,000 votes only can be polled there in a Congressional election that was disputed by three parties when there were 35,000 voters in another district, belongs entirely to the State of Rhode Island, and I do not arraign her. Let her determine her own system for herself.

Mr. ELY. Will the gentleman allow me to ask him a question?

Mr. TURNER. I beg my friend from Massachusetts to pardon me. He must see the impropriety of my giving away my time entirely to his side.

Mr. ELY. My question is directly in point.

Mr. TURNER. The side of the gentleman from Massachusetts has already had nearly twice as much time as has been occupied on this side. I appeal to his sense of fairness that he should spare me further interruption.

Going over this whole field, passing this question from the one side to the other, and in the spirit of the greatest kindness to all sections of this Union, I want to say it is time, high time, there should be an lustration of American politics. They sometimes say that at the other end of the Capitol millionaires are seated by methods which are denounced as corrupt. I hope the time will never come when that end of the Capitol will be able upon sworn testimony to arraign this end of it and say that any party could be found which would stand up here and undertake to vindicate and to retain a purchased seat bought by the paltry pittance of two or three dollars a head. [Applause.]

The SPEAKER *pro tempore* (Mr. EDEN). The time of the gentleman from Georgia has expired.

Mr. TURNER. I ask the privilege of supplementing my remarks with a few statements which shall not be in violation of the privilege if extended to me. My time has been so occupied by interruptions that I hope this privilege will not be denied me.

The SPEAKER *pro tempore*. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD.

Mr. ROWELL. I ask that the same privilege be extended to other gentlemen with the understanding that it shall not be held to cover anything of a personal nature.

Mr. GALLINGER. I ask for myself the same permission to extend my remaarks.

Mr. TURNER. Then I withdraw the request.

Mr. DAVIS. We might perhaps refer to elections in South Carolina.

Mr. TURNER. As it seems I have unintentionally put New England on her mettle, I see the propriety of allowing a reply. I have no objection, therefore, to the gentleman from New Hampshire [Mr. GALLINGER] obtaining the privilege he asks.

The SPEAKER *pro tempore*. Is there objection to the request that gentlemen have leave to extend their remarks on the pending question?

There was no objection.

Mr. TURNER. I now ask for the previous question.

The previous question was ordered.

Mr. ROWELL. The vote, I presume, is first on the motion to substitute the minority resolution.

Mr. HOPKINS. Upon that motion I call for the yeas and nays.

The SPEAKER. The question is on agreeing to the substitute; and on that question the gentleman from Illinois [Mr. HOPKINS] asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will cause the substitute resolution to be read.

The Clerk read as follows:

Resolved, That Mr. PIRCE was elected a Representative to Congress for the Second Congressional District of Rhode Island at the election on November 4, 1884, and is entitled to retain his seat.

The SPEAKER. The question is on agreeing to the substitute.

CONFERENCE COMMITTEE APPOINTED.

The SPEAKER announced as the managers on the part of the House of the conference with the Senate on the disagreeing votes of the two Houses on the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, Mr. COLLINS, Mr. ROGERS, and Mr. RANNEY.

RHODE ISLAND CONTESTED ELECTION.

The question was taken; and there were—yeas 108, nays 130, not voting 80; as follows:

YEAS—108.

Adams, G. E.	Everhart,	Libbey,	Rice,
Allen, C. H.	Farquhar,	Lindsley,	Rockwell,
Anderson, J. A.	Fleeger,	Little,	Romeis,
Baker,	Fuller,	Long,	Rowell,
Bayne,	Funston,	Louttit,	Ryan,
Bingham,	Gallinger,	Lyman,	Sawyer,
Bound,	Gilfillan,	Markham,	Scranton,
Boutelle,	Grout,	McComas,	Sessions,
Brady,	Guenther,	McKenna,	Spooner,
Brown, C. E.	Hayden,	McKinley,	Steele,
Brown, W. W.	Haynes,	Millard,	Stephenson,
Buchanan,	Henderson, D. B.	Milliken,	Stone, E. F.
Buck,	Henderson, T. J.	Moffatt,	Strait,
Bunnell,	Hepburn,	Morrow,	Swinburne,
Burrows,	Hermann,	Nelson,	Taylor, I. H.
Butterworth,	Hiestand,	O'Donnell,	Thomas, J. R.
Campbell, J. M.	Hires,	O'Hara,	Thomas, O. B.
Cannon,	Hitt,	Osborne,	Thompson,
Conger,	Holmes,	Owen,	Van Schaick,
Cooper,	Hopkins,	Parker,	Wade,
Cutcheon,	Jackson,	Payne,	Wadsworth,
Davis,	James,	Perkins,	Wait,
Dingley,	Johnson, F. A.	Peters,	Warner, William
Dorsey,	Johnston, J. T.	Pettibone,	Weber,
Dunham,	Ketcham,	Phelps,	West,
Ely,	La Follette,	Plumb,	White, Milo
Evans,	Lehlbach,	Reed,	Woodburn.

NAYS—130.

Adams, J. J.	Dibble,	Jones, J. T.	Singleton,
Allen, J. M.	Dougherty,	King,	Skinner,
Bacon,	Dunn,	Kleiner,	Snyder,
Barbour,	Eden,	Landes,	Sowden,
Barksdale,	Ellsberry,	Lanham,	Springer,
Barnes,	Ermentrout,	Lawler,	Stewart, Charles
Belmont,	Findlay,	Le Fevre,	Stone, W. J., Ky.
Blanchard,	Fisher,	Lore,	Stone, W. J., Mo.
Bliss,	Foran,	Lovering,	Storm,
Blount,	Ford,	Lowry,	Swope,
Boyle,	Frederick,	Martin,	Tarsney,
Bragg,	Gay,	Maybury,	Taulbee,
Breckinridge, C. R.	Geddes,	McAdoo,	Taylor, J. M.
Breckinridge, WCP	Gibson, C. H.	McCreary,	Tillman,
Burnes,	Glass,	McRae,	Townshend,
Cabell,	Green,	Merriman,	Trigg,
Caldwell,	Hall,	Miller,	Tucker,
Campbell, J. E.	Halsell,	Morrison,	Turner,
Carleton,	Hammond,	Neal,	Van Eaton,
Catchings,	Harris,	Neece,	Viele,
Clements,	Hatch,	Norwood,	Ward, J. H.
Cobb,	Heard,	O'Ferrall,	Warner, A. J.
Collins,	Hemphill,	Outhwaite,	Weaver, J. B.
Comstock,	Henderson, J. S.	Peel,	Wellborn,
Cowles,	Henley,	Perry,	Wilkins,
Cox, W. R.	Herbert,	Randall,	Willis,
Crain,	Hill,	Richardson,	Wilson,
Crisp,	Holman,	Riggs,	Winans,
Curtin,	Howard,	Sadler,	Wise,
Dargan,	Hudd,	Sayers,	Wolford,
Davidson, A. C.	Hutton,	Seney,	Worthington.
Davidson, R. H. M.	Johnston, T. D.	Seymour,	
Dawson,	Jones, J. H.	Shaw,	

NOT VOTING—80.

Aiken,	Daniel,	Matson,	Rogers,
Anderson, C. M.	Davenport,	McMillin,	Rusk,
Atkinson,	Dockery,	Mills,	Scott,
Ballentine,	Eldredge,	Mitchell,	Smalls,
Barry,	Felton,	Morgan,	Spriggs,
Bennett,	Forney,	Morrill,	Stahlnecker,
Bland,	Gibson, Eustace	Muller,	Stewart, J. W.
Browne, T. M.	Glover,	Murphy,	St. Martin,
Brumm,	Goff,	Negley,	Struble,
Burleigh,	Grosvenor,	Oates,	Symes,
Bynum,	Hale,	O'Neill, Charles	Taylor, E. B.
Campbell, Felix	Hanback,	O'Neill, J. J.	Taylor, Zach.
Campbell, T. J.	Harmer,	Payson,	Throckmorton,
Candler,	Hiscock,	Pidcock,	Wakefield,
Caswell,	Houk,	Pindar,	Wallace,
Clardy,	Irion,	Pirce,	Ward, T. B.
Compton,	Kelley,	Ranney,	Weaver, A. J.
Cox, S. S.	Laffoon,	Reagan,	Wheeler,
Croxton,	Laird,	Reese,	White, A. C.
Culberson,	Mahoney,	Robertson,	Whiting.

So the substitute was not agreed to.

Mr. HAMMOND. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. SPOONER. I object.

The following-named members were announced as paired until further notice:

Mr. PINDAR with Mr. DAVENPORT.

Mr. CANDLER with Mr. WEAVER, of Nebraska.

Mr. CLARDY with Mr. BROWNE, of Indiana.

Mr. FORNEY with Mr. GROSVENOR.

Mr. BLAND with Mr. GOFF.

Mr. GIBSON, of West Virginia, with Mr. STEWART, of Vermont.

Mr. MORGAN with Mr. ZACH. TAYLOR.

Mr. THROCKMORTON with Mr. ATKINSON.

Mr. REAGAN with Mr. HISCOCK.

Mr. COX, of New York, with Mr. BURLEIGH.

Mr. SPRIGGS with Mr. HOUK.

Mr. MITCHELL with Mr. WHITING.

The following-named members were announced as paired for this day:

Mr. BALLENTINE with Mr. BRUMM.
Mr. BENNETT with Mr. FELTON.
Mr. WARD, of Indiana, with Mr. HANBACK.
Mr. LAFFOON with Mr. HARMER.
Mr. ROBERTSON with Mr. NEGLEY.
Mr. FELIX CAMPBELL with Mr. WAKEFIELD.
Mr. BARRY with Mr. STRUBLE.
Mr. MATSON with Mr. LAIRD.
Mr. O'NEILL, of Missouri, with Mr. SYMES.
Mr. REESE with Mr. SMALLS.
Mr. DOCKERY with Mr. MORRILL.
Mr. DANIEL with Mr. O'NEILL, of Pennsylvania.
Mr. ELDREDGE with Mr. WHITE, of Pennsylvania.
Mr. CULBERSON with Mr. E. B. TAYLOR.
Mr. OATES with Mr. KELLEY.
Mr. ROGERS with Mr. CASWELL.
Mr. MILLS with Mr. PAYSON.
Mr. STAHLNECKER with Mr. WAIT.

Mr. McRAE. Mr. Speaker, I wish to announce that my colleague, Mr. ROGERS, is absent on account of sickness.

Mr. McMILLIN. Mr. Speaker, I was absent from the hall on business. Had I been present when my name was called I would have voted no.

The result of the vote was then announced as above recorded.

The question was taken upon agreeing to the resolution reported by the majority of the committee, and the Speaker declared that the ayes seemed to have it.

Mr. SPOONER. I call for a division.

The House divided; and there were—ayes 103, noes 13.

Mr. SPOONER. No quorum.

The SPEAKER. The point of "no quorum" being made, the Chair will appoint the gentleman from Rhode Island [Mr. SPOONER] and the gentleman from Georgia [Mr. TURNER] to act as tellers.

Mr. TURNER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 33, not voting 155; as follows:

YEAS—130.

Adams, J. J.	Dougherty,	King,	Skinner,
Allen, J. M.	Dunn,	Kleiner,	Snyder,
Bacon,	Eden,	Landes,	Sowden,
Barbour,	Ellsberry,	Lanham,	Springer,
Barksdale,	Ermentrout,	Lawler,	Stewart, Charles
Barnes,	Findlay,	Le Fevre,	Stone, W. J., Ky.
Belmont,	Fisher,	Lore,	Stone, W. J., Mo.
Blanchard,	Foran,	Lowry,	Storm,
Bliss,	Ford,	Martin,	Swope,
Blount,	Frederick,	Maybury,	Tarsney,
Boyle,	Geddes,	McAdoo,	Taulbee,
Bragg,	Gibson, C. H.	McCreary,	Taylor, J. M.
Breckinridge, C. R.	Glass,	McMillin,	Tillman,
Breckinridge, WCP	Glover,	McRae,	Townshend,
Burnes,	Green,	Merriman,	Trigg,
Cabell,	Hall,	Miller,	Tucker,
Caldwell,	Halsell,	Morrison,	Turner,
Carleton,	Hammond,	Neal,	Van Eaton,
Catchings,	Harris,	Neece,	Viele,
Clements,	Hatch,	Norwood,	Ward, J. H.
Cobb,	Heard,	O'Ferrall,	Warner, A. J.
Collins,	Hemphill,	Outhwaite,	Weaver, J. B.
Comstock,	Henderson, J. S.	Peel,	Wellborn,
Cowles,	Henley,	Perry,	Wheeler,
Cox, W. R.	Herbert,	Randall,	Wilkins,
Crain,	Hill,	Richardson,	Willis,
Crisp,	Holman,	Riggs,	Wilson,
Curtin,	Howard,	Sadler,	Winans,
Dargan,	Hudd,	Sayers,	Wise,
Davidson, A. C.	Hutton,	Seney,	Wolford,
Davidson, R. H. M.	Johnston, T. D.	Seymour,	Worthington.
Dawson,	Jones, J. H.	Shaw,	
Dibble,	Jones, J. T.	Singleton,	

NAYS—33.

Bingham,	Farquhar,	Millard,	Scranton,
Brown, W. W.	Fuller,	Milliken,	Steele,
Bunnell,	Funston,	O'Donnell,	Stone, E. F.
Burrows,	Hayden,	Osborne,	Thomas, J. R.
Butterworth,	Henderson, D. B.	Payne,	Thomas, O. B.
Campbell, J. M.	Hermann,	Pettibone,	West.
Cutcheon,	Hopkins,	Reed,	
Ely,	La Follette,	Rowell,	
Everhart,	Long,	Ryan,	

NOT VOTING—155.

Adams, G. E.	Browne, T. M.	Conger,	Fleeger,
Aiken,	Brown, C. E.	Cooper,	Forney,
Allen, C. H.	Brumm,	Cox, S. S.	Gallinger,
Anderson, C. M.	Buchanan,	Croxton,	Gay,
Anderson, J. A.	Buck,	Culberson,	Gibson, Eustace
Atkinson,	Burleigh,	Daniel,	Gilfillan,
Baker,	Bynum,	Davenport,	Goff,
Ballentine,	Campbell, Felix	Davis,	Grosvenor,
Barry,	Campbell, J. E.	Dingley,	Grout,
Bayne,	Campbell, T. J.	Dockery,	Guenther,
Bennett,	Candler,	Dorsey,	Hale,
Bland,	Cannon,	Dunham,	Hanback,
Bound,	Caswell,	Eldredge,	Harmer,
Boutelle,	Clardy,	Evans,	Haynes,
Brady,	Compton,	Felton,	Henderson, T. J.
Hepburn,	Markham,	Phelps,	Strait,
Hiestand,	Matson,	Pidcock,	Struble,
Hires,	McComas,	Pindar,	Swinburne,
Hiscock,	McKenna,	Pirce,	Symes,
Hitt,	McKinley,	Plumb,	Taylor, E. B.
Holmes,	Mills,	Ranney,	Taylor, I. H.
Houk,	Mitchell,	Reagan,	Taylor, Zach.
Irion,	Moffatt,	Reese,	Thompson,
Jackson,	Morgan,	Rice,	Throckmorton,
James,	Morrill,	Robertson,	Van Schaick,
Johnson, F. A.	Morrow,	Rockwell,	Wade,
Johnston, J. T.	Muller,	Rogers,	Wadsworth,
Kelley,	Murphy,	Romeis,	Wait,
Ketcham,	Negley,	Rusk,	Wakefield,
Laffoon,	Nelson,	Sawyer,	Wallace,
Laird,	Oates,	Scott,	Ward, T. B.
Lehlbach,	O'Hara,	Sessions,	Warner, William
Libbey,	O'Neill, Charles	Smalls,	Weaver, A. J.
Lindsley,	O'Neill, J. J.	Spooner,	Weber,
Little,	Owen,	Spriggs,	White, A. C.
Louttit,	Parker,	Stahlnecker,	White, Milo
Lovering,	Payson,	Stephenson,	Whiting,
Lyman,	Perkins,	Stewart, J. W.	Woodburn.
Mahoney,	Peters,	St. Martin,	

So the resolution was adopted.

The following additional pair was announced:

Mr. DUNN with Mr. WADSWORTH, for the remainder of the day.

The SPEAKER. On this question the yeas are 130, the nays 34. The yeas have it.

Mr. SPOONER. Is there a quorum voting?

Several MEMBERS. Oh, yes.

Mr. HISCOCK. Mr. Speaker, is there more than a quorum?

The SPEAKER. One hundred and sixty-four members have voted. One hundred and sixty-three constitute a quorum, being a majority of all the members chosen to the present House.

Mr. HISCOCK. I desire to know how many more than a quorum there are, because, as I am paired, I have only voted to make a quorum.

The SPEAKER. One hundred and sixty-four have voted; one hundred and sixty-three constitute a quorum. There would be a quorum without the gentleman's vote.

Mr. HISCOCK. I withdraw my vote.

The SPEAKER. On this question the yeas are 130, nays 33. The resolution is adopted.

Mr. TURNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The question being taken, there were—ayes 103, noes 19.

Mr. SPOONER. No quorum.

Mr. TURNER. I withdraw the motion.

Several MEMBERS. Too late!

Mr. TURNER. Mr. Speaker, have I a right to withdraw the motion?

The SPEAKER. There has been no decision upon it; and the rules provide that a motion may be withdrawn at any time before a decision or amendment.

Mr. TURNER. I withdraw the motion.

Mr. SPOONER. I object.

The SPEAKER. The Chair thinks the gentleman has a right, under the rules, to withdraw it.

Mr. SPOONER. I renew the motion to reconsider.

The SPEAKER. The gentleman can not do that, because he did not vote with the majority.

Mr. SPOONER. I did not vote at all.

Mr. TURNER. I move that the House adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 54) to provide for the allotment of lands in severalty to Indians upon the various reservations, and to extend the operation of the laws over the Indian Territory, &c.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced agreement to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes.

It further announced agreement to the amendments of the House of Representatives to the bill (S. 2301) granting a pension to Lucy E. Anderson.

It further announced the agreement to the amendment of the House to the bill (S. 2098) for the relief of Rosella E. Hibbert.

It further announced the passage of a bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading, and other vessels in certain cases, and for other purposes; in which concurrence was requested.

LEAVE OF ABSENCE.

Mr. DUNN, by unanimous consent, obtained leave of absence indefinitely on account of sickness.

The motion of Mr. TURNER was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Benjamin Powell, and of Josiah Walker, of Alcorn County, Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. A. ANDERSON: Concurrent resolution of the Legislature of Kansas, relating to public lands—to the Committee on Public Lands.

Resolution of the Kansas State Board of Agriculture, in favor of experiment-station bill—to the Committee on Agriculture.

Also, resolution of the Kansas State Board of Agriculture, in favor of the pleuro-pneumonia bill—to the same committee.

By Mr. BARKSDALE: Petition of J. B. Harris, of Madison County, Mississippi, for reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. BINGHAM: Petition of William M. Wilson and Mishler Herb Bitters Company, for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. BRADY: Petition of John C. Burrow, of Prince George County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CABELL: Petition of citizens of Martinsville, Henry County, Virginia, praying for the abolition of the tax upon tobacco—to the Committee on Ways and Means.

By Mr. J. M. CAMPBELL: Petition of William Swift, of Altoona, Pa., asking that his name may be placed upon the pension-roll—to the Committee on Invalid Pensions.

By Mr. CURTIN: Petition of Mrs. Valina Case for a pension—to the same committee.

By Mr. ERMENTROUT: Memorial of Samuel Rhoads, an old soldier, asking for an increase of pension along with Generals Logan and Blair—to the Committee on Pensions.

By Mr. GILFILLAN: Petition of the Consolidated Cattle-Growers' Association, for the passage of the Miller bill—to the Committee on Agriculture.

Also, petition of the Independent Order of Good Templars of Minnesota, in favor of Senate bill 1579—to the Committee on the District of Columbia.

By Mr. GROUT: Memorial of the National Legislative Committee of Knights of Labor, for the passage of House bill 7217—to the Committee on Territories.

By Mr. GUENTHER: Petition of citizens of Princeton, Wis., praying that Gabriel W. Wick, United States lock-tender, be reimbursed for loss sustained by the burning of the White River lock-house—to the Committee on Claims.

By Mr. F. A. JOHNSON: Petition of H. W. Stilson and 18 others, citizens of Clinton County, New York, for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. JOSEPH: Petition of the New Mexico Bar Association requesting the immediate passage of some bill providing for the speedy adjustment of land titles in New Mexico—to the Committee on the Judiciary.

By Mr. KELLEY: Petition of McKinley & Harbison, drug manufacturers of Philadelphia, Pa., praying for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. LA FOLLETTE: Petition of A. C. Gowen and 35 others, citizens of Chippewa County, Wisconsin, praying for the speedy passage of the agricultural experimental-station bill—to the Committee on Agriculture.

By Mr. LANHAM: Concurrent resolution of the Legislature of Texas relating to the right of way through the Indian Territory for the Chicago, Rock Island and Pacific Railway Company—to the Committee on Indian Affairs.

By Mr. LAWLER: Joint resolution of the General Assembly of Kansas in favor of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. McCOMAS: Petition of T. W. Stonestreet, of Maryland, for payment of his war claim—to the Committee on War Claims.

By Mr. MORRILL: Petition of the Grand Army of the Republic Post at Wathena, and at Whiting, Kans., asking for the passage of the Edmunds-Tucker Mormon bill—to the Committee on the Judiciary.

Also, concurrent resolutions of the Legislature of Kansas, relating to the jurisdiction of United States courts—to the same committee.

By Mr. O'FERRALL: Petition of William C. Harrison, of Rockingham County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PARKER: Petition of C. R. Glass Post, No. 409, Grand Army of the Republic; and of Ransom Post, No. 354, Grand Army of the Republic, for the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. PERKINS: Resolutions of the Kansas State Board of Agriculture, asking for the passage of the Miller pleuro-pneumonia bill and for the experimental station bill—to the Committee on Agriculture.

Also, resolution of Burden Post, No. 172, Erie Post, No. 311, and Thayer Post, No. 329, Grand Army of the Republic, of Kansas, for the passage of the Edmunds-Tucker bill for the suppression of polygamy in Utah—to the Committee on the Judiciary.

By Mr. PLUMB: Memorial of the Legislature of Illinois, asking for the passage of the pending Senate bill for the suppression of contagious diseases among cattle—to the Committee on Agriculture.

By Mr. RANDALL: Petition of 35 citizens of Philadelphia, Pa., asking for repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. RYAN: House concurrent resolution of the Kansas Legislature, for amendment of United States statutes—to the Committee on the Judiciary.

Also, resolutions of the Kansas State Board of Agriculture, in favor of the experiment-station bill, and of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. W. J. STONE, of Kentucky: Letter of Charles S. Bradley, for relief—to the Committee on Invalid Pensions.

By Mr. SYMES: Petition of citizens of Greeley and Evans, Colorado, for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. THOMAS: Joint resolution of the Legislature of Illinois, urging the passage of the Miller bill for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. WADSWORTH: Petition of W. W. Perry, praying that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WARD: Joint resolution of the General Assembly of Illinois, in favor of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. WHITING: Petition of 55 citizens of Easthampton, Mass., praying for the repeal of internal taxes—to the Committee on Ways and Means.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. COMSTOCK: Of 354 citizens of the fifth district of Michigan.

By Mr. EDEN: Of 139 citizens of Dixon and Shobonier, Ill.

By Mr. FORAN: Of 69 citizens, and of 320 citizens of the twenty-first district of Ohio.

By Mr. SKINNER: Of 94 citizens of Belvidere, N. C.

SENATE.

WEDNESDAY, *January* 26, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of GEORGE GRAY, chosen by the Legislature of Delaware a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be placed on file.

He also presented the credentials of FRANCIS MARION COCKRELL, chosen by the Legislature of Missouri a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be placed on file.

Mr. HOAR presented the credentials of HENRY L. DAWES, chosen by the Legislature of Massachusetts a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be placed on file.

PAYMENT OF SENATORS' SALARIES.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Senate; which was read and ordered to lie on the table, and be printed:

OFFICE OF SECRETARY OF THE SENATE,
Washington, January 25, 1887.

SIR: In response to the resolution of the Senate, directing the Secretary to report to the Senate "from what time, according to custom and precedent, the salary of Senators is reckoned and paid," I have the honor to report that, so far as I have any knowledge or information, the "time" is the beginning of the official term of the Senator. Under the act of March 29, 1867, payments were made from the 4th of March, after the Senator had taken and subscribed the required oath.

This law was subsequently modified by the act of March 3, 1883, so as to authorize payment to those whose term of office begins on the 4th of March, and whose credentials have been presented to the Senate, but who have had no opportunity to be qualified.

In cases of vacancy, by death or otherwise, the act of July 12, 1862, provides that the successor shall be paid from the time the compensation of his predecessor ceased.

I have the honor to be, very respectfully, your obedient servant,

ANSON G. McCOOK,
Secretary.

Hon. JOHN SHERMAN,
President of the Senate.

DISTRICT LIQUOR LICENSES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a letter from the commissioners of the District of Columbia, submitting, in reply to resolutions of January 14 and 17 of this year, a statement in regard to the sale of liquor in the District of Columbia and the issuing of licenses therefor. Such a letter usually would be read, but this is quite a lengthy paper.

Mr. MORGAN. I move that it be printed, and referred to the Committee on the District of Columbia.

The motion was agreed to.

CONTESTED ELECTIONS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6637) relating to contested elections, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. HOAR, it was

Resolved, That the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferrees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HOAR, Mr. FRYE, and Mr. PUGH managers of the conference on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. DOLPH presented a petition of wholesale and retail druggists of Portland, Oreg., praying for a reduction of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. DOLPH. I also present petitions of citizens of Washington Territory, praying that an act entitled "An act to prevent unlawful occupancy of the public lands" be so amended that the school lands of Washington Territory be exempt from the operations of that act. The petitions are signed by a large number of citizens of Washington Territory.

I reported a bill on Monday last in relation to the school lands, which I think will probably remove the grievance complained of, but as the petitions are not directed to that bill, I move that they be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. TELLER. I present a petition of certain inhabitants of Greeley and Evans, in the State of Colorado, praying for the reduction of the internal-revenue taxes, especially the taxes upon spirits and tobacco. I do not think this petition expresses the general opinion of the people of the State of Colorado, certainly not my own. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. PALMER presented a memorial of Emmett Hagadorn and 20 citizens of Fife Lake, Mich.; a memorial of N. H. Beebe and 10 other citizens of Big Rapids, Mich.; a memorial of George Collin & Co. and 13 other citizens of Greenville, Mich.; a memorial of George Hart and 13 citizens of Bay City, Mich.; a memorial of F. G. Russell and 14 other citizens of Baldwin, Mich.; and a memorial of G. H. Long and 11 other citizens of Lilley, Mich., favoring the repeal of special taxes, and remonstrating against the "obnoxious, prohibitory, and monopolistic features" of the oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

Mr. PLUMB presented a petition of Earlton Post, No. 206, Department of Kansas, Grand Army of the Republic, and a petition of Dover Post, No. 262, Grand Army of the Republic, Dover, Kans., praying for the passage of what is known as the Edmunds-Tucker bill on the subject of polygamy; which were ordered to lie on the table.

He also presented a petition of the Kansas State Board of Agriculture, praying for the passage of what is known as the Miller bill for the suppression of pleuro-pneumonia; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Kansas State Board of Agriculture, praying for the passage of the agricultural experiment-station bill; which was ordered to lie on the table.

Mr. PLUMB. I present a petition of ex-Union soldiers of Gardner City, Kans, praying for the passage of a bill to make up the difference between the $13 per month in currency paid to soldiers during the rebellion and the coin value of the currency at that time. I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. PLATT presented the memorial of Hon. Henry G. Hubbard and 74 other citizens of Middletown, Conn., remonstrating against the removal of the custom-house from Middletown to Hartford; which was referred to the Committee on Commerce.

Mr. CHACE presented the petition of Augustine Jones and other citizens of Providence, R. I., praying for the passage of a bill providing for the establishment of a permanent high court of arbitration; which was referred to the Committee on Foreign Relations.

Mr. CHENEY presented resolutions adopted by the New Hampshire Medical Association, urging the enactment of laws to prevent the immigration and exportation to United States ports of the so-called "defective classes" of foreign countries; which were referred to the Committee on Education and Labor.

Mr. WHITTHORNE presented the petition of Demoville & Co., and other druggists of Nashville, Tenn., praying for the repeal of the internal-revenue laws; which was referred to the Committee on Finance.

Mr. MITCHELL, of Oregon. I present the petition and other papers relating to the application of James T. Hood, of Oregon, for a pension, and I desire to say a word in relation to the case:

From numerous letters and petitions I have received in reference to this matter, I am satisfied that it is a very meritorious as well as a very sad case. This person served during the war, was incarcerated in several prisons of the South, and while there contracted catarrh in the head, which has resulted in almost total blindness. I ask the attention of the chairman of the Committee on Pensions to this petition. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations to report back an amendment to the sundry civil appropriation bill, providing an appropriation for the purpose of establishing the boundary line between the United States and Mexico.

This amendment has been heretofore reported by the committee but seems not to have received attention. I now ask that it be sent immediately to the Committee on Appropriations, who I understand are about ready to report the sundry civil bill. The amendment has already been printed, and therefore it is not necessary to have it printed again. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. CHACE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2999) to incorporate the American Trust Company of the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 346) to amend an act entitled "An act to incorporate the National Safe-Deposit Company of Washington, in the District of Columbia," approved January 22, 1867, reported it with amendments, and submitted a report thereon.

Mr. MILLER, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and to create an executive department to be known as the department of agriculture and labor, reported it with amendments.

Mr. SEWELL, from the Committee on the Library, to whom was referred the bill (S. 3182) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va., reported it without amendment.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10104) granting a pension to Caroline L. Shedd;

A bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher;

A bill (H. R. 10103) granting a pension to Minerva Abbey;

A bill (H. R. 7732) for the relief of Franz Rossrucker; and

A bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry.

Mr. GRAY, from the Committee on Claims, to whom was referred the bill (S. 1915) for the relief of Mrs. Clara Morris, submitted an adverse report thereon, and moved the referenee of the bill, with the accompanying papers, to the Committee on Pensions; which motion was agreed to.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2919) to incorporate the Georgetown and Tennallytown Cable Railway Company of the District of Columbia, reported it with amendments.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 3135) granting a pension to Catherine E. Babcock, reported it without amendment, and submitted a report thereon.

Mr. JONES, of Arkansas. I am directed by the Committee on Indian Affairs, to whom was referred the bill (S. 2778) to authorize the Billings, Clark's Fork and Cooke City Railroad Company to construct and operate a railway through the Crow Indian reservation, and for other purposes, to report it with an amendment in the nature of a substitute, and I ask unanimous consent that it may be passed now.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent to proceed to the consideration of the bill now. Is there objection?

Mr. HARRIS. I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. EUSTIS. I am instructed by the Committee on Epidemic Diseases to report favorably the bill (S. 3157) to authorize the removal of the quarantine station from Ship Island, Mississippi, and I ask unanimous consent to have the bill considered at this time.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks

unanimous consent to proceed to the consideration of the bill now. Is there objection?

Mr. HARRIS. I desire to say that I think we ought to go to the Calendar under Rule VIII, and in order that we may have an opportunity to do so I shall object to every request of this character during the morning hour.

The PRESIDENT *pro tempore*. Objection being made, the bill goes to the Calendar.

WILLIAM WEBSTER.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations to report back favorably two resolutions in response to the petition of William Webster, a citizen of the United States, in respect of certain claims that he has against the British Government for indemnity in consequence of the loss of lands which he owned in New Zealand at the time the British Government acquired possession of that country. I ask that the report be printed, and in connection with it, but separately, the resolutions which I send to the desk.

The PRESIDENT *pro tempore*. The Senator from Alabama, from the Committee on Foreign Relations, reports two resolutions, which will be read.

The Chief Clerk read the resolutions, as follows:

Resolved by the Senate, That after due examination of the matters presented in the petition of William Webster, and the evidence brought to their attention in support of his claim for indemnity from the British Government for lands in New Zealand, purchased by him in good faith from native chiefs, and duly conveyed to him before the Government of Great Britain acquired the sovereignty over that country by a treaty made with said chiefs, the Senate of the United States consider that said claim for indemnity is founded in justice and deserves the cognizance and support of the Government of the United States; and that said claim, as a claim for money indemnity, was not presented by the United States to Great Britain prior to September, 1858.

Resolved, That the President is requested to take such measures as, in his opinion, may be proper to secure to William Webster a just settlement and final adjustment of his claim against Great Britain, growing out of the loss of the lands and other property in New Zealand of which he has been deprived by the act or consent of the British Government, and to which he had acquired a title under purchases and deeds of conveyance from the native chiefs prior to February 6, 1840, and prior to any right of Great Britain to said islands.

Mr. MORGAN. I am desired by the Senator from Vermont [Mr. EDMUNDS], a member of the committee, to state that he dissents from the report. I will also state that it is the opinion of all the other members of the committee that that report ought to be adopted.

The PRESIDENT *pro tempore*. The resolutions will be printed, and the report will be printed separately, as the Chair understands the Senator to ask.

Mr. MORGAN. Yes, sir; printed separately.

The PRESIDENT *pro tempore*. That order will be made. The resolutions will be placed on the Calendar.

BILLS INTRODUCED.

Mr. MANDERSON (by request) introduced a bill (S. 3219) to increase the pension of Mrs. Harriet Clifford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 3220) granting a pension to Hannah R. Langdon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 3221) for the relief of Edward Rice; which was read twice by its title, and referred to the Committee on Finance.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3222) to reimburse settlers and purchasers in even-numbered sections of public lands within the limits of Congressional grants in cases of forfeiture of odd-numbered sections; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORGAN introduced a bill (S. 3223) for the relief of Mary Jane Thompson, executrix of Jeter L. Thompson, deceased; which was read twice by its title.

Mr. MORGAN. I put my request in this form because this bill was once before the Committee on Claims of the Senate and was reported adversely. But I am satisfied on an inspection of the papers that that report was founded upon an error of fact as to the identity of the man, who was alleged to have been disloyal, but who was a different person from the one in behalf of whose estate this claim is filed. I move that the bill be referred to the Committee on Claims.

The motion was agreed to.

Mr. MORGAN. I ask leave to send to the committee the accompanying papers, which establish this claim.

The PRESIDENT *pro tempore*. The papers will be referred with the bill to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of Edward Rice be withdrawn from the files of the Senate and referred to the Committee on Finance.

AMENDMENT OF THE RULES.

Mr. HOAR. I desire to offer, for reference to the Committee on Rules, an amendment to the rules; which I should like to have read.

The Chief Clerk read as follows:

Amend Rule VII by inserting at the beginning thereof as follows:

"It shall be the duty of the President of the Senate to take the chair every day promptly at the hour to which the Senate has adjourned. As soon as a quorum shall appear prayer shall be offered by the Chaplain, and the Journal shall then be read.

Mr. HOAR. Mr. President, I move the reference of this proposed amendment to the Committee on Rules, and I desire to say that the object of the change is to secure the presence of a quorum of the Senate before prayer is offered by the Chaplain. If the Senate propose to continue the expression of reverence to the Creator of the universe and of public dependence upon that Power for guidance and support, it seems to me it should be done decently and with decorum, and that the spectacle of divine service in this Chamber when perhaps only one, two, or three members of the body are in their seats ought not longer to be continued.

The PRESIDENT *pro tempore*. The proposed amendment will be referred to the Committee on Rules.

REPORT ON THE CONGO COUNTRY.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the Secretary of the Navy is directed to send to the Senate a copy of the report of Lieutenant Taunt of his explorations in the Congo country of Africa.

Mr. MORGAN. I ask the Senate to consider the resolution at this time. The report has been written up and prepared in the Navy Department, and has been waiting there for some time. I think that a similar resolution was heretofore passed by the Senate, but it has been somehow overlooked. I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HARRIS. Let it be printed and come up to-morrow morning.

The PRESIDENT *pro tempore*. The resolution goes over under objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COLLINS, Mr. ROGERS, and Mr. RANNEY managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 2301) granting a pension to Lucy E. Anderson; and

A bill (S. 2098) for the relief of Rosella E. Hibbert.

ALLEGED OUTRAGES IN TEXAS.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions"——

Mr. INGALLS. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Kansas rise to a resolution?

Mr. INGALLS. I rose to move that the Senate proceed to the consideration of a resolution previously submitted, Order of Business 1902, being a resolution to discharge the Committee on Pensions from the further consideration of the bill (S. 35) to remove the limitation in the payment of arrears of pension.

The PRESIDENT *pro tempore*. The Chair is of the opinion that under the rule the resolution which comes over under objection from yesterday must be placed before the Senate, and it is his duty now to present it. What disposition does the Senator from Massachusetts [Mr. HOAR] desire to have made of the resolution submitted by him yesterday, which comes over under objection?

Mr. HOAR. I desire to have it adopted at this time.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, reported yesterday by Mr. HOAR from the Committee on Privileges and Elections, as follows:

Whereas Stephen A. Hackworth, a native citizen of the United States and of the State of Texas; James L. Moore, a native of Alabama and now for twenty years a citizen of Texas; and Carl Schutze, a native of Germany, for thirty years a resident of the United States, and now a naturalized citizen thereof, have presented their petition to the Senate, wherein they allege that they have been driven from their homes in Washington County, Texas, and compelled to abandon their property at a great sacrifice, and that armed and lawless bands of ruffians have taken possession of and destroyed the ballot-boxes in said county at a late election therein for county officers and members of Congress, and have murdered three citizens of said county, and overthrown republican government therein, and committed other outrages and crimes, all of which have been done in order that the majority of the voters therein may be deprived of their lawful

and constitutional rights of suffrage, and that the minority may unlawfully usurp and exercise control in said county, and that the constituted authorities of said county and State refuse all remedy for said outrages and crimes;

Be it resolved, That the Committee on Privileges and Elections be, and is hereby, instructed to inquire into all the circumstances of, and connection with, the said alleged events, and that it report as soon as may be; and that said committee have power to send for persons and papers, to employ a stenographer, and to act by any subcommittee, and that any such subcommittee shall for the purposes of such investigation be a committee of the Senate to all intents and purposes.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. COKE. Mr. President——

Mr. HAWLEY. Will the Senator from Texas permit me to suggest a verbal amendment before he proceeds?

Mr. COKE. Yes, sir.

Mr. HAWLEY. I call the attention of the Senator from Massachusetts to an expression about eight lines from the beginning of the preamble, which is this:

have taken possession of and destroyed the ballot-boxes in said county.

That might be subject to the inference that they were all destroyed. It should read "certain ballot-boxes." They are specified in the petition.

Mr. HOAR. I have no objection to that modification.

Mr. HAWLEY. I suggest the insertion of the word "certain." The ballot-boxes destroyed are specified in the petition.

Mr. HOAR. And strike out the word "the" before "ballot-boxes."

The PRESIDENT *pro tempore*. The resolution will be modified accordingly.

Mr. COKE. Mr. President, I am not averse, nor are the people of Texas, to an investigation of any charge that may properly be made against the State involved, in a subject over which Congress has jurisdiction; but I desire to protest against this investigation upon a charge preferred as this has been, and over subjects not within the jurisdiction of Congress.

The State of Texas has the autonomy of a State. It has a constitution, and laws, and government, in full force and operation. It can redress all grievances, personal or otherwise, occurring within its borders. The subject is one peculiarly within the jurisdiction of the State, and this resolution of investigation is an intermeddling with something belonging solely to the State and outside of the jurisdiction of this Government.

The memorial, it will be seen, was draughted evidently by a lawyer, and aims to present the subject in a way to confer jurisdiction upon the Congress of the United States; but when sifted down to the real charges made they are personal grievances of the memorialists. They are infractions of the laws of the State of Texas to which the guilty persons, if they be guilty, are responsible.

I deny the jurisdiction of Congress to investigate a matter thus solely within the jurisdiction of the State of Texas.

What will be done? How will the grievances of these men be remedied? They say they have been compelled to leave their homes. They say they had to sacrifice their property. They say they have been trespassed upon. Every act of which they complain is a breach of the laws of the State of Texas. The parties who have trespassed upon them are amenable to those laws. There is no Federal jurisdiction over these parties for such trespasses, and why have an investigation?

This charge is preferred upon the *ex parte* statement of one single individual, Stephen A. Hackworth. The memorial is signed by three, Stephen A. Hackworth, James L. Moore, and Carl Schutze. I find this note at the foot of the memorial:

By the written authority and request of Messrs. James L. Moore and Carl Schutze, I have signed their names to the above and foregoing petition, this the 6th day of January, 1887.

S. A. HACKWORTH.

So the whole depends upon the single statement of Mr. Hackworth. One single individual makes this charge. It has not been made under oath. The meanest felon in the United States before he can be arraigned is entitled to an investigation by a grand jury selected by a court, and here we have a State arraigned before the Senate and the country on the charge of one man, made *ex parte*, not under oath.

The facts which lead to this memorial and to the statements in the memorial are few and brief. On election day in November last a young man by the name of Bolton, who lives in Brenham, Washington County, Texas, went out to one of the county precincts in order to bring in the election returns. He was standing at the place of election, at the polls, and while there, without notice, without warning, without explanation, with no word of altercation or quarrel, was shot and killed by a negro and some confederates.

Mr. HOAR. Has the Senator any information as to how the person who was shot was dressed?

Mr. COKE. I have not, but the statements that I make will be substantiated.

Mr. HOAR. The statement which is made is that he was seizing the ballot-boxes, was dressed in a slouch hat coming down over his eyes, with a long coat extending from his chin down to his feet, and a white cloth tied over his face, disguising him so that it was utterly impossible that his nearest friends should know him; and he remained in that dress four hours.

Mr. COKE. He was shot in the daytime, in the presence of a large number of witnesses, when he was doing nothing in the world but waiting to get the result of the election to take back to Brenham. His father was a candidate for county commissioner, and this young man went out to get the result of the election to take back to Brenham, and while there, without any provocation, without any altercation, without any explanation, without any quarrel, he was set upon and murdered by these negroes.

Three of the negroes were arrested, taken to Brenham, and placed in jail. A mob gathered, got into the jail, took the three negroes out, and hung them. That was the commencement of this controversy. Such a mob as will get together in any State of the Union under such provocation got together and hung these men.

The three memorialists, Hackworth, Moore, and Schutze, were very active politicians; had been very active in the election. They had worked the deluded and ignorant negroes up to a condition of frenzy, and prepared them for just such deeds as the murder of young Bolton. When these negroes were hung, without being threatened, without being denied the protection of the laws, I do not know whether their lives were in danger or not, they supposed they were, and left the county.

I telegraphed yesterday for some information to Hon. D. C. Giddings, who resides in Brenham, who is well known in this and the other House, having been a Representative for many years in the other House of Congress, and received an answer, which I send to the desk, and ask that it be read.

The Chief Clerk read as follows:

BRENHAM, TEX., *January* 26, 1887.

Senator RICHARD COKE, *Washington, D. C.*:

Stephen A. Hackworth, James L. Moore, and Carl Schutze are of the worst type of scalawags. They have been the main instruments of stirring up strife between the races and are charged with instigating the murder of Bolton on election day. They were not driven from home, nor were their lives threatened, nor were they denied the protection of the law. So far as I know or believe their own guilty consciences caused them to leave the country to its great good. Send you by mail authoritative refutation of charges made in their memorial. Affidavits by the thousand can be furnished as to their want of character and general worthlessness.

D. C. GIDDINGS.

Mr. COKE. Now, Mr. President, that is the statement of a gentleman who is a Democrat of course, but than whom there is no better man in that or any other State. There are gentlemen on this floor who have served in the other House with him; there are many Senators who know him, and they know he would state nothing but the truth; and that is his statement as to this memorial and the allegations in it.

In the election which occurred on the 6th day of November, Washington County being a Republican county, there was a colored man elected to the Legislature. It is a large and populous county; it is a wealthy county. There is a large majority of Republicans in the county; they have control of the county offices and have given majorities heretofore always for the Republican ticket; yet here are three men who claim that they have been compelled to leave that county because they are Republicans. Can that be the reason, sir? Must there not be some other reason? Can a large majority of Republicans be supposed to permit men to be driven out of the county for the simple reason that they are Republicans? The statement bears its own refutation on its face.

In that county the officers, who have always been Republicans, have been of such character that the county has been well nigh bankrupted. Twice within the last few years have county treasurers defaulted for large amounts of money in their possession, and, although the county is Republican, the people came to the conclusion that they must have honest county government, and for their county officers they put up a ticket known as the people's ticket. These men, Hackworth, Moore, and Schutze, Republican bosses, men who had led and deluded the negroes, seeing that the scepter was about to depart from them, used all their power to inflame and delude the negroes; and one of the results of their efforts was the killing of young Bolton in cold blood. They knew these facts to be true; they imagined that their lives were in danger, and they fled the county.

Their consciences made cowards of them. That they were compelled to leave because they were Republicans is refuted by a fact of their own statement that a large majority of their fellow-citizens of Washington County are also Republicans.

We are willing that Washington County, or any other county in Texas, shall be investigated upon a fair presentment of adequate cause, but do object to being arraigned upon the charge of a single individual who has had to leave his county and State and home because there is not public sentiment to maintain him there.

I submit, Mr. President, that the Senate should not adopt this resolution, because to adopt it and allow the good name of one of the States of this Union to be aspersed upon no testimony at all is an injustice that should not be tolerated in the Senate of the United States.

Mr. HOAR. Mr. President, this memorial is presented by persons who apparently have as high a title to respect as any citizens of the United States. One of them has been the district attorney, a State officer, in the State of Texas, an office employing and requiring a high standard of character and legal capacity. Another has been a county judge, a native Texan. The district attorney is a German, and the ed-

itor of a Republican newspaper. Another, Mr. Hackworth, has been county judge, as I say, a native Texan, son of one of Houston's soldiers in the war for the independence of that State. The third is a native of the State of Alabama. All three are men of property, who say that they were earning their living in peaceful, lawful, and honorable ways, and that they have been driven out from their homes on American soil. They were residents of that county. Nobody doubts that. They are refugees and exiles. Nobody doubts or questions that.

Among the facts that they allege is the fact that three colored men, election officers in that county, were taken from the jail and hung by a mob without trial when an application for *habeas corpus* was depending on the ground that they were imprisoned without right or without lawful charge; and the Senator from Texas admits that so far as the hanging of these men without right was concerned, his information is that it was necessary to do that because a colored man shot down the son of one of the candidates at the polls, who was peaceably and quietly awaiting the result of the election.

Now, Mr. President, without undertaking to pass upon the truth of the information which my honorable friend from Texas has received, anybody who knows human nature or the history of this country will, I think, agree that that is as improbable a story as could have been suggested. In the first place, the colored people in Texas and elsewhere know too well what happens if they, or any of them, make an attack on a white man. It would be very unlikely that, without provocation or insult or any explanation, one of them would shoot down a quiet, peaceable, and unoffending white Democrat who was standing by the polls. Those things do not happen often in the experience of mankind. In the next place, these men say that this peaceable, quiet bystander who was shot, was disguised as a kuklux; was disguised so that his most intimate friend could not have known him or detected him on sight. He had a slouch-hat down over his eyes, a long, loose coat, extending from his chin to his heels, and his whole face except the eyes covered by a white cloth. The Senator from Texas does not deny that. I do not suppose he is instructed about it.

Mr. COKE. The Senator will allow me to interrupt him. I do deny that, and say that there is not one single word of truth in it.

Mr. HOAR. On what authority does the Senator deny it? He was not present.

Mr. COKE. I deny it on the authority of gentlemen who were in Washington County, and who have talked with me, and upon the authority of the newspaper statements of the occurrence at the time.

Mr. HOAR. The communications that have been read do not deny it at any rate, and the Senator did not deny it in his original speech.

It is said that the man lay so clothed four hours. But suppose the Senator does deny it, here are these conflicting assertions, and it would seem that the side of the question which is most confident of its own integrity and correctness would be the one that would desire an investigation, and not the other. It would seem if the persons who are the informants of my honorable friend were quite confident that they were right, that they would be the persons most eager to have the matter investigated and the truth settled, and this charge, which we all hope will prove to be untrue, rejected.

Now these men, the Senator says, have not sworn to their petition. Letters were sent to the chairman of the committee by each of these two other petitioners, stating their desire that Mr. Hackworth should sign their names, and stating that they hoped a delay which would require the sending of the original petition to them and returning it would not take place. They were eager and anxious for the investigation. I have the letters here before me now.

The Senator says that the statement is not under oath. The Constitution of the United States, which secures to every citizen the right of petition, does not require that petitions from citizens of the United States should be under oath, and it is not the fashion or habit or precedent of the Senate to require it.

Mr. President, I do not want to go into this question in advance of the testimony. I do not think the Senate should take the rôle of Rhadamanthus either in dealing with these petitioners or with these parties accused, first to adjudge and afterwards to hear, *judicatque damnatque*. I think the process of hearing testimony should precede the adjudication and condemnation.

But the Senator says that this is a matter which wholly belongs to the State. These petitioners allege that these transactions took place at a national election, and that there is no republican government at this moment in that county.

The Senator says that they fled from their own fears. The petitioners say that they were conducted by a large number of white Democrats to the cars and to the border of the county, threatened with murder, threatened to share the fate of the three men who had been hung if they returned, and that as one of them left the county there was a stone thrown after him as the cars departed that bore him away, and a pistol shot also.

I do not wish to excite the Senate or the country, or to get excited myself over this matter, especially before the evidence is heard. It seems to me that if the information of my honorable friend from Texas shall turn out to be correct, every member of the Senate will be delighted and gratified at the result; but certainly it is a matter which it behooves the Senate of the United States to look into.

Yesterday some Senators spoke of war in regard to a foreign power whose worst outrage was seizing fishing vessels without any indignity or affront to the individuals they contained, and prohibiting them in one case to buy rations, so that the crew went with short rations for three days. Is the right of an American citizen any the less sacred in the eye of an American Congress when he happens to be on American soil? Is the right of an adopted German citizen thirty years resident here, the editor of a Republican paper, whose columns can be produced and will show whether he is or not, as the Senator from Texas conceives, a stirrer-up or inciter——

Mr. COKE. I will state——

Mr. HOAR. Wait a moment—a stirrer-up or inciter of one race against another. Is the right of that man any the less sacred than that of a Massachusetts fisherman?

Mr. COKE. I will state for the Senator's information that two-thirds of the white people living in Washington County are Germans.

Mr. HOAR. So I understand.

Mr. COKE. And this is the only one who has found it necessary to run away from it.

Mr. HOAR. And that is the complaint, that while a majority of the white citizens of that county are Republicans, a majority of the property owners are Republicans, these men who are the leaders of the Republicans are compelled by Democratic mobs to leave the county. That county does not happen to be situated on an island in the sea by itself. It is situated in the midst of the Democratic State of Texas with its seventy-five or one hundred thousand majority. The State troops of Texas are at the command of the dominant party there. That is the allegation which these men make. Whether true or not true I do not now undertake to say. It is for that reason they desire the authority of the Senate of the United States to ascertain the facts.

Mr. SAULSBURY. Mr. President, I stated yesterday, when this report was made from a committee of which I am a member, that it was made without my approval and against my protest.

I desire now to state that, in my opinion, the petition on which the resolution is based contains on its face evidence of the falsity of the allegations made by the petitioner. I shall not enter into any general discussion of the merits of the case, but I desire to say that hearing the allegation and charge preferred by one individual whose character has been assailed by a Senator who has spoken, who has come to the city and been in conference with counsel and the members of the Committee on Privileges and Elections, after he has stated his case as strongly as he can, he has overstated it, and shown that the very statements which he has made are false.

What is the charge? He charges that in one of the most populous counties of Texas, not upon the frontier of Texas, but in the central part of the State, where law and order reign as they do everywhere else where there are vast congregations of people in our country, there is such a state of terrorism, such a state of outrage, that he has been, because he is a Republican—for that is his statement—innocent of everything else except that he is a Republican, driven from his home and been compelled to seek refuge under the protection of the power of this Capitol.

Now, I state that if the Senator from Massachusetts should come here himself with a declaration of that kind, that the people of Massachusetts would not let him reside in the city in which he resides, simply because he was a Republican, I would not believe his statement; neither will I believe the statement of the man whose memorial he presents.

When this matter came up in the Committee on Privileges and Elections, having had connection with that committee for more than twelve years, and often seen the attempts to use it for political purposes, I protested against the entertainment of the petition and against the resolution. I protest against it in the name of that committee with which I have had the honor to be connected for more than twelve years, that it should be made the dumping ground for the complaints of every scalawag that chooses to come up here and present an indictment against his neighbors. I protest against it because it is derogatory to that committee. I say deliberately, in the face and in the presence of the members of that committee, that the entertainment of such allegations is derogatory to the committee which is one of the oldest committees of this body. It should not be made the vehicle for the dissemination of slander and of lies, too often against the people of the States of this Union. I protest against the entertainment of this resolution because it is derogatory to the character of this high body that, upon the mere allegations of a scalawag who, upon the testimony of Mr. Giddings, is one of the worst men in the State of Texas, this honorable body should be degraded by entertaining his petition and instructing a committee of this body, on his petition, in the face of the telegram of Mr. Giddings, and in the face of the assertions of the Senator from Texas, to investigate his charges. I hope the unanimous voice of the Senate will set their seal of reprobation upon any such attempt at making the Committee on Privileges and Elections, or the Senate of the United States itself, a party to the dissemination of such slanders and outrageous charges upon the people of Texas.

Mr. EDMUNDS. Mr. President, suppose that this investigation were to take place, and suppose it should turn out to be true, as it will if the investigation does take place turn out either to be true or untrue—

suppose it should turn out to be true that the charges made are sustained, what then would be the opinion of the Senator from Delaware as to the propriety of such an investigation upon high public grounds, assuming that we have the constitutional authority to make it?

The honorable Senator, I think, referred to political considerations or some phrase of that kind. What are they? Would it be a very good thing politically for the Republican majority of the Senate to take up a false petition, the petition of a "scalawag," as the polite phrase is, addressed to the Senate of the United States, and proceed to an investigation which turned out to show that the man was a fugitive from true justice, a vagabond and an outcast on the face of the earth, guilty of crimes which compelled him to flee from a county where law and order and Republicanism did prevail? Would that be hopeful for the Republicans of the Senate or of the country?

I should rather think not. It would show that the Republicans of the Senate had had too great a respect for the right of petition and inquiry, and had been led into an unnecessary investigation on the idea that there might possibly be something in these complaints of this acknowledged citizen.

Suppose, on the other hand, it should turn out that what these gentlemen say is true—I will call them gentlemen as distinguished from scalawags, for every citizen is presumptively a gentleman until he is proved to be something else—suppose it should turn out that what these gentlemen say is true in substance, and we find a solid Democratic body of Senators saying, "No, we will not investigate it because on a telegram or information we have received we do not believe there is anything in it." That might have a political effect. It might tend to show that the Democratic party is true to the instincts of its organization and its practices, and that it does not believe in a government of the people and by the people and in the equal administration and protection of the laws, unless that is to be attained through a government of white men of particular political opinions.

So, then, the reference of the Senator from Delaware to political considerations may have some weight. But, let us leave that. The question is whether we shall consider this respectful petition which states with substantial detail what these petitioners describe as, and what if truly described are, enormous outrages against the rights of American citizens as such, their rights to have political opinions and to express them, and to get all the votes they honestly can for a member of Congress of either side, their being assaulted, pursued, and their being unable to obtain from the State authorities there, as they say, any redress or equal protection of the laws, and having been, therefore, driven away, escorted, for the safety of their lives, by respectable white Democrats to the train to get them away from the more numerous part of the Democratic party which is differently constituted.

Mr. President, is there any doubt as to the constitutional authority and the duty of the Senate in such a case? The Constitution reposes in Congress the protection of Congressional elections. The Constitution says, since the fourteenth amendment to that Constitution, that every citizen of the United States shall in every State be entitled to the equal protection of the law. That is, that he shall have redress in the courts of that State, as they may be constituted, and shall have fair play, and shall not be mobbed or driven to run away, so that he can not appeal to the courts. Is it not, therefore, a constitutional inquiry to know whether any citizen of Vermont or of Texas has been in either State denied the equal protection of the laws? If it is not, then the fourteenth amendment was passed in vain, no matter how clear its language is; and I am afraid in some States and places in this country it has been passed in vain.

Then, Mr. President, it is perfectly clear, I submit, that it is within the constitutional authority of this body to make investigations into how citizens have been treated in respect to Congressional elections; it is within the constitutional authority of this body to make investigations as to how citizens have been treated in respect to equal protection under the laws of any State, where they say they have been denied. Any one who denies either of these propositions is, whether he means it or not, an opponent of the Constitution of the United States.

The simple question then is whether we will refuse to inquire because the opponents of these petitioners say they can not prove their petition. That would be a curious way of administering justice, and that is all I wish to say about it. I can only repeat that I am astonished that this resolution should not have passed by a unanimous vote of the Senate.

Mr. EUSTIS. Mr. President, I am a member of the Committee on Privileges and Elections, and I will vote against the adoption of this resolution. I take it that when we enter into an investigation it must be to lay a basis for legislation. We have nothing whatever to do with the condition of any community in any State, whether the community hangs people or whether the community expels people from its midst or harasses and oppresses people. I do not see that the Congress of the United States has anything whatever to do with reference to those offenses admitting them to exist. But if we desire to legislate upon a given subject, then, in order to render that legislation such as it ought to be, we may inquire into those conditions and circumstances which should become the basis of our proposed legislation. I do not understand the object of this inquiry to be to pass any law in reference to these occurrences. If that is not the object, what can be the object? The only other object can be to make political capital, to wave the bloody shirt, and it seems to me that this is a little in advance of the usual season, the Presidential election, to indulge in any such performance.

I represent a State where there have been a great many investigations. I remember the celebrated investigation in the case of Eliza Pinkston, where was charged a much more horrible crime than is described in this memorial. I remember how the Senate of the United States undertook that investigation, and how an attempt was successfully made to deceive the American people. What was the consequence? It resulted finally in a universal condemnation of any such proceeding or practice by the Senate.

As the Senator from Texas has well stated, the courts of Texas are in session. They have officers, they have grand juries, they have all the machinery which is necessary to arrest, try, and punish all persons who violate the law of the State of Texas. We have on the statute-books of the United States all the laws that are necessary to protect any voter at a Congressional election. The laws of the United States bristle with penalties. They are severe laws. They refer to every detail of conduct in any way possibly connected with any Federal election. And I say that it would tax the ingenuity of a Senator or a lawyer to make one single addition to that volume of legislation by which any new offense could be denounced or any stronger penalties could be inflicted. You need no more information than you have in reference to possible outrages at elections in the South. You have the history of every incident that has occurred and a great deal that has never occurred; and upon that, whatever the truth or whatever the falsehood that has been gathered, has been predicated the Federal legislation with reference to national elections in the Southern States. And, therefore, I consider this simply a proposition to make political capital and nothing else. It can have no other possible effect except to represent to the Northern people that Republicans are being driven from Southern communities simply because they are Republicans.

The Senator from Texas has denied that such is the fact with reference to that particular community, as I would deny if the charge were made against any community in the State of Louisiana that that is the motive or the object for any personal injury that may be inflicted upon individuals. That is not the cause of these disturbances, and you have no more right to charge these disturbances and outrages, so called, to political motives than we have to charge to such motives what occurs almost every day in every State of the North, as appears by the press, where all sorts of outrages continually occur. People are taken out of jail in Western States and Northern States and hung; people are banished from communities; lynch law exists as much at the North as it does at the South; and yet we of the South never pretend for a moment to attribute those violations of law and those outrages to political causes, and when the accusation is made against us we indignantly repel it because it is unfounded and it is untrue, and I do not, as a Senator, propose to spend the money of the people of the United States for an investigation that will turn out to be utterly unprofitable so far as any legislation is concerned and is simply to make political capital for the Republican party.

Mr. HAWLEY. Mr. President, I do not regard this as a question that we are at liberty to consider or set aside as we choose. I think the consideration of this petition is a duty. The Constitution of the United States in language familiar to everybody says:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It does not require that this petition shall be supported by the evidence necessary to induce a presentment by a grand jury. Nothing is said in Constitution or statute, and nothing is found in usage, to prescribe any such necessary accompaniment of a petition. It is possible the petitioners may be illiterate, ignorant of law, unable to present their case as it ought to be presented; so much the more reason why the sovereign Government of the nation is bound to consider it.

But gentlemen deny that Congress has any jurisdiction. This is an old question after all. Section 4 of the first article of the Constitution says:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

I shall agree probably with any of the gentlemen in the general definition of the relations between the State and the Federal Government; I shall acknowledge that murder might be a daily practice in any county of Connecticut or of the State of Texas, and the Federal Government be without remedy, for there is no Federal law that covers any State of the Union in such matters except in so much of that State as may be included within grants to the Federal Government for dock-yards, forts, &c. Everybody knows that. Everybody knows that it might so happen that, for example, in the great State of New York there might be one hundred men in arms on each side contesting for the governorship and the control of the State, and the Federal Government would be

obliged to stand by idle for months, if you choose for years, theoretically obliged, and unless these contending parties should in some way trench upon the laws of the United States concerning the postal or customs service or the conduct of the judicial duties of its officers—in the absence of any such trespass on Federal rights the United States would be bound to stand by idle, unless the governor or Legislature of the State in the circumstances provided by the Constitution should make protest and call upon the Federal Government for its assistance.

I acknowledge and take pride in that division of power between the Federal and State Governments which leaves in general the protection of the personal rights of the people to the local authorities. It is best there; and we hear enough now-a-days of tendencies to trespass upon what I consider not alone the rights but the duties of the States. But in this case and cases like it the power is not only unquestioned but the duty is irresistible. The Federal Government has the right to prescribe entirely the manner of choosing Senators of the United States, excepting only that it may not change the place selected by the State; and under that we have a law familiar to every body in the Senate by which the Federal Government prescribes the day upon which the Legislature of a sovereign State shall vote, the manner in which it shall vote on the first day in each House; the manner of its assembling in joint convention upon the second day; the duty, choice failing on that day, of continuing the ballot from day to day. It prescribesas much in detail—more in detail than any State law preceding ever did prescribe the details—of electing a United States Senator. There is similar power over the choosing of Representatives in the other House of Congress.

I affirm that it is not to be denied that in case any State should fail to open the polls for the choice of Representatives in Congress, or should so conduct them as to practically deny the rights of the people, it would be the right and, under proper circumstances, the duty of the Federal Government to provide for polling places in every Congressional district in a State, to provide for the receivers and the counters of votes, to provide for the returns of the election direct to the Federal Government. Restricted as are the powers of the Federal Government in many respects, in whatever pertains to the maintenance of the existence of that Government, in whatever pertains to the rightful share of the citizen in that Government, the power is complete, undivided, and unshadowed even. The relation is direct between the citizen and the National Government, if the Government chooses to make it so.

Mr. BUTLER. May I ask the Senator a question there?

Mr. HAWLEY. Yes, sir.

Mr. BUTLER. I have not read the petition carefully. Will the Senator inform me whether there is any allegation in this petition or complaint, or whatever you may choose to call it, that there has been any infringement of rights in an election of a United States Senator? Does it not refer entirely to an election for the lower House of Congress?

Mr. HAWLEY. It refers to an election for the lower House of Congress. There were two candidates for Congress voted for at that election, and at three of the polling-places the boxes were destroyed.

Mr. BUTLER. Then I submit to the Senator from Connecticut that according to his own statement, the House of Representatives has absolute jurisdiction over the subject.

Mr. HAWLEY. I was about to say that if the Republican defeated at that election shall contest the seat in the House of Representatives, that will present a question belonging to the House; but the question whether by the general consent and practical co-operation of a whole community the national rights of a citizen have been entirely denied and nullified is a question we have the right to consider and that we must consider when a citizen of the United States comes under the Constitution to present his grievances to this body.

I dislike these discussions as much as anybody, and I am as much of a States-rights man within proper limits, I think, as any man on the other side of the House; but I have no doubt of my power here as a legislator for the National Government.

I do not go into the details of the petition. One of the arguments, if it may be so called, on the other side is to defame the character of the petitioners. The case may be considered to be substantially admitted by the gentlemen on the other side who say that these men had to leave their county because there is not public sentiment enough to maintain them there. That is precisely the allegation of the petition.

One Senator says that the motives are solely political. In one sense it may be so, for these three gentlemen are active and leading Republicans.

One Senator says we have no right to charge this conduct on the part of Democratic citizens of Washington County, Texas, to political motives; but the petition says these men are Republicans, and that they were driven out of the county because they were Republicans. The Senator from Texas himself says they are leading Republicans; nor does he allege against them any crime whatever. He speaks of them with characteristic contempt as "scalawags." That name, I think, has become historical Everybody knows what it means. It does not imply that the gentleman to whom that term may be directed is not a citizen of the highest personal character in the State. It does not imply that he may not have been even a gallant confederate soldier, as two of these petitioners were. One of them is the son of a veteran of the Texan war of independence, born and residing in Texas all his life, and a confederate soldier. There is no shadow resting upon his life, no charge of crime or dishonor; nothing to derogate from his character as a citizen; but he is spoken of with scorn and contempt here as "a scalawag." That term has gone into history, and has a meaning clearly known to the people of the United States. It means only that a man of the South as distinguished from a man of the North is a resolute Republican in his own locality. It is intended to convey, no matter how much of reproach and ignominy, but that is the simple fact.

Now, sir, these men tell you in a petition which they will swear to, which they will bring the witnesses to prove, that on the night of the election, while the votes were being counted in a certain precinct, a number of men appeared in the well-known kuklux disguise in that room, that pistols were drawn, that undoubtedly the intention was to do what they had done in other places, destroy the ballot-boxes and reduce the Republican majority in that county, that one negro against the advice of all the white Republicans—that will be proved, too, for the negroes were told, "keep your guns and pistols away; don't have any fighting about this matter; if there is any, let it be done by white men; you keep still, because they will simply massacre you"—but one colored man raised a shotgun and shot one of the men in disguise. That he was the son of a candidate was not known to the man who shot him. He was in that disguise and lay hours in that disguise. That issue is joined, and if the petitioners do not prove it you may reproach them.

But why should the Senator from Louisiana declare that this petition is false, or the Senator from Delaware declare that the petition is false? Why should either heap reproaches on these men? They come here clear; *prima facie* they are respectable citizens of the United States petitioning for a redress of grievances under the law. I affirm that they are such, and that the evidence will show it; that they are residents—two of them natives of Texas, and have always been there; two of them confederate soldiers, and without any stain whatever on their character; respectable in church, respectable in society, officeholders year after year by the confidence of their fellow-citizens.

The case is absolutely without a flaw. I considered personally every detail of it. I did not seek any connection with the matter. This wandering, banished citizen of Texas came to my room to tell me his case. He said he came to find General LOGAN, and General LOGAN was sick. I heard his story. What could I do? Was it for me to say, "I can not attend to this—I am busy," or to shove it over on to some other Senator, to pass it along? That is not my habit. It came to me under the Constitution and the laws as a Senator of the United States, and I advised him as to the manner of preparing his petition, advised him to be careful about his evidence and his statements, questioned him again and again, made him write to Texas for confirmation about one thing and another, and then when he had prepared a respectful petition for a redress of grievance I presented it, and I am here to defend the right to present it and to assert the duty of the Senate to hear it respectfully, and I am here also to assert my belief in the general truth of the statements these men have made. They state a grievance within the reach of the Congress of the United States—a grievance lawfully and honorably presented.

Mr. EVARTS. Mr. President, I had no knowledge of any of the circumstances or of the existence of any foundation for the complaint that forms the subject of the petition and of the action of the Committee on Privileges and Elections, until the matter was opened in that body. What had already taken place on that subject was the presentation of the petition by these citizens of Texas and of the United States making a case of grievance, of oppression, and of denial and suppression of the right of suffrage at a Congressional election. Of the completeness and gravity of the subject complained of, and of the definiteness and accuracy of the details which supported the imputation, no one on reading this petition can doubt. When presented here there was no hesitation on the part of the Senate in receiving it as one suitable for entertainment here—respectful, grave, and important. Then it was referred to this committee having charge of such considerations, and that committee has reported these resolutions after an examination and discussion of this petition.

What now is the Senate asked to do? It is asked to take order for an examination into this very matter as it has occurred in the State of Texas. What is the objection to that? It can not be made an objection that the subject-matter is not within the jurisdiction of the United States legislation. It is quite true that as separated from legislation now in existence and legislation that may be contemplated in guarding and preserving the integrity of the suffrage at Federal elections, this subject is within that purview.

It may be said that this is a matter which has been bandied about, if you please, for many years under the imputation of false accusations on the one side and of unredressed grievances on the other. When now there is an opportunity, which, looking at it from one side and the other of this Chamber, might be rightly treated in the same spirit and in the same purpose, are we to be turned off from the grave and responsible duty brought to our attention by treating it in

advance as a matter of political agitation and of political contumely and reproach?

For myself, it seems to me that there could be no circumstance in time or fact that would give a better opportunity to realize to the people of this country whether these grievances were real, or whether they were false and political for breeding ill-blood between the sections of the country. This occurred in the open daylight. This occurred during a period of several days, down to the final expulsion of these men. It was in a populous and, let us suppose, a prosperous region in Texas. Can it be true that such things are to be done in that population, and no voice either of justice or of public opinion or of intervention by the authorities of the law raised to touch or care for such an occurrence? If so, it rises from the condition of a private grievance to a wide and important public mischief regarding the suffrage and regarding the freedom of the suffrage.

If, on the other hand, this is but the aggravation of politics, if it is the timidity of timorous men, if there be no array of the public and the community against these men, but whatever there has been of severity or of injury has been of private malice, then it is of great importance to this country, it is of great importance to the State of Texas, it is of great importance to the Southern people, that now, when there is in their hands an opportunity to prove, under the authority of the Senate of the United States, that these are wavings of the bloody shirt and meant to affect elections, I can not conceive that the Senator from Louisiana could find a better time than now to have this investigation. He spoke of it as unusual to be thus far in advance of the election. Why, Mr. President, in that regard it is wisely and happily timed, and also in the fact that it immediately follows after an election, a prompt complaint, a prompt inquiry, a well-drawn indictment in all its details, a subject for investigation, so that now we have before us not only the question of these outrages, which may have occurred, or their refutation if they have not occurred, but an opportunity to inspect, in the presence of the people of the United States, this larger, and graver, and more serious problem of whether there is an array in communities that makes it impossible that freedom in the suffrage should be enjoyed.

I do not believe, Mr. President, that there is any community in the Northern country, I hope there is not but an exceptional case in the Southern country, where the operation of the personal right of suffrage is an indifferent subject to the people of the United States, when its operation is not only affected by temporary and casual irritation and excitement, but there is an absolute and complete array, however circumscribed, of an opinion and a purpose that the suffrage shall not be free. If in the city of New York, or in the city of Chicago, or in any of the smaller cities of the North it should be claimed here, upon an exhibition of facts like those now detailed, that there had been a denial of the right of suffrage and that the community had been indifferent, and the authorities of justice had not put its powers in operation, and it should be shown that thus in a single case an opportunity was given of throwing the whole weight and power of the Government of the United States, I do not believe that, in respect to Federal elections, such suppression of rights would be allowed to go without inquiry. If by any combination—casual if you please, temporary it is to be hoped—of organized opinion and action such a suppression prevails in any case, it deserves the attention of Congress.

Mr. President, the Senator from Louisiana has said that he repels these imputations. Would it not be better instead of repelling these imputations that these imputations should be proved to be false? Certainly there is no disposition in this Chamber, there is no disposition in the interest of politics, that I know of, that there should be a false and spurious agitation on any of these subjects. But when there does come to us an opportunity to ascertain the facts, in the interest of peace, in the interest of good feeling, in the interest of the suppression of false accusations and large and extravagant imputations upon neighborhoods and upon communities, why should we not seize this opportunity and by a general vote on both sides of this Senate show that, with the Senator from Texas, who repels and repudiates the basis and substance of these imputations, an opportunity will be afforded to disprove them? Let us not present the opportunity through the Senate to inflame public opinion by refused opportunities of investigation. If the allegations made should be discountenanced by the actual examination, that would prove that what is here alleged is a false and injurious imputation.

Now, I have not formed the least opinion. I am as free to accept the result of examination that should favor the views presented by the Senator from Texas as that which should be presented by these humble petitioners. I have only spoken thus far in the committee, and speak thus far here, to say that there is now presented to the Senate an opportunity, as I hope by common acceptance, to investigate a matter that by law and the Constitution is within our rightful inspection, and that under the circumstances presented to us, freed entirely from political agitation impending, to ascertain whether there be or be not foundation for such imputations.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. I desire to offer an amendment to the resolution, after the word "be," in the fourth line of the first resolution.

The object of the amendment is to require that this investigation shall be in the county of Washington, in the State of Texas. That is the point where it is alleged these wrongs occurred, and that is the point where the committee should go to make the inquiry.

I was a member of the committee to investigate affairs in Copiah County, in the State of Mississippi, and the committee took up their residence in the Saint Charles Hotel, in the city of New Orleans, 140 miles from Copiah County, away from the scene where the wrongs were alleged to have occurred; and I suppose that unless the Senate instruct the committee to go to Washington County, Texas, to make this investigation there the people of Washington County will be investigated away from themselves and outside of the State. I want the committee, therefore, to have the examination, if this resolution should pass, in the county where the troubles are said to have occurred.

Mr. HOAR. I hope that amendment will be rejected. The committee should have the discretion left with them to decide where they shall conduct the investigation.

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware will be read.

The CHIEF CLERK. In line 4, after the word "be," it is proposed to insert—

And that such investigation shall be made in Washington County, Texas, where the alleged wrongs are said to have occurred.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. Before the Senator from Florida proceeds, the Chair is in doubt—not having been present yesterday at 2 o'clock—whether the agricultural experiment-station bill is the unfinished business. The Chair believes that the motion which was adopted displaces that bill as the unfinished business, and gives several other bills a priority to it, but such evidently was not the understanding of the Senate at the time. The Chair wishes to be instructed as to his duty.

Mr. HOAR. I hope we shall proceed with the pending resolution. We can take up the unfinished business afterwards.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed with the consideration of the resolution which has been under discussion until it be disposed of.

Mr. GEORGE. Would that displace the unfinished business?

The PRESIDENT *pro tempore*. The question will then come up as to what is the unfinished business.

Mr. HOAR. The Senate will undoubtedly agree that it shall not displace the pending order. They can take up the pending order again.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to continue.

Mr. HAWLEY. I should like to say a word, lest there be any question on this point. I had the honor to be in the chair at the time the unfinished business was reached at 2 o'clock yesterday afternoon, and the experiment-station bill was laid aside. I think I am correct in saying that the understanding of the Senate was that it should be the unfinished business for to-day. The Senator from Mississippi especially said, "I will not make any contest against this constitutional amendment if it can be agreed that it shall not permanently displace the experiment-station bill," and nobody objected.

Mr. GEORGE. I hope that we shall proceed with the unfinished business. It has been laid over now for about four weeks, and I think we can dispose of it to-day if we get it up. I hope the Senate will not take any action which will prevent the disposal of that bill to-day.

Mr. HARRIS. I, of course, have no objection to that bill being taken up and becoming the unfinished business, but upon yesterday at 2 o'clock when the unfinished business was laid before the Senate the Senator from New Hampshire proposed to move that it be informally laid aside in order that he might ask the Senate to consider the woman suffrage resolution. I raised the question of order that such a motion was not in order, that we must first in some way dispose of the unfinished business. The Senator from New Hampshire then moved to postpone the consideration of the unfinished business until to-morrow. By a majority of the Senate it was so postponed.

Mr. MORGAN. Until 2 o'clock to-day.

Mr. HARRIS. It was after 2 o'clock when it was disposed of, and it was postponed until to-day at 2 o'clock. That motion was sustained by a majority of the Senate. Then a majority of the Senate voted to proceed to consider the resolution of the Senator from New Hampshire. That is the exact state of the transaction.

The PRESIDENT *pro tempore*. The Chair is of opinion that the motion to postpone made by the Senator from New Hampshire [Mr. BLAIR] would displace the bill; but it was evidently the unanimous consent, or rather the understanding of the Senate, that the agricultural bill should be taken up to-day. The question now is on the motion of the Senator from Massachusetts [Mr. HOAR] that the Senate continue the consideration of the resolution.

Mr. HARRIS. Unanimous consent was asked to informally lay aside the unfinished business so that it might hold its place. I objected, and therefore no such agreement was made; hence the Senator from New

Hampshire had to resort to the motion to postpone in order to get his joint resolution before the Senate.

Mr. EDMUNDS. The motion of the Senator from Massachusetts is certainly in order.

Mr. BLAIR. It was the distinct understanding yesterday that the unfinished business as a matter parliamentarily considered was simply postponed until to-day at 2 o'clock, but not displaced. It may have been an error, but it was the universal understanding, I think, that it comes up at 2 o'clock to-day as unfinished business as though no action had been taken.

Mr. VEST. I ask consent now to move to take up the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

The PRESIDENT *pro tempore*. No such motion can be entertained now.

Mr. HOAR. I think we can finish this resolution in a few minutes.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to continue the consideration of the pending resolution.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON] on all political questions, and I therefore announce my pair with him on this question. If he were present, I should vote "nay" and I suppose he would vote "yea."

Mr. DAWES (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY], now absent. If he were here I should vote "yea."

Mr. JONES, of Arkansas (when his name was called.) I am paired with the Senator from Indiana [Mr. HARRISON], otherwise I should vote "nay."

Mr. BECK (when the name of Mr. VOORHEES was called.) The Senator from Indiana [Mr. VOORHEES] is paired with his colleague, [Mr. HARRISON], having transferred the pair of the Senator from Arkansas [Mr. JONES] to the Senator from Indiana [Mr. VOORHEES], who would vote "nay" if here.

The roll-call was concluded.

Mr. PLATT. When my name was called I supposed I was paired with the Senator from North Carolina [Mr. VANCE], but as he has since voted, I vote "yea."

Mr. MITCHELL, of Oregon. I am paired with the Senator from Nevada [Mr. FAIR]. If he were here I should vote "yea;" he would vote "nay."

Mr. MILLER (after having voted in the affirmative). I have had a standing pair with the Senator from West Virginia [Mr. KENNA]. I saw him in the Chamber to-day and therefore supposed that he would be here to vote on this and all other questions; but as he is not here he undoubtedly expects me to maintain the pair. I therefore announce the pair with the Senator from West Virginia and withdraw my vote.

The result was announced—yeas 33, nays 26; as follows:

YEAS—33.

Allison,	Evarts,	Mahone,	Sewell,
Blair,	Farwell,	Manderson,	Sherman,
Bowen,	Frye,	Mitchell of Pa.	Spooner,
Chace,	Hale,	Morrill,	Teller,
Cheney,	Hawley,	Palmer,	Williams,
Conger,	Hoar,	Platt,	Wilson of Iowa.
Cullom,	Ingalls,	Pugh,	
Dolph,	Jones of Nevada,	Sabin,	
Edmunds,	McMillan,	Sawyer,	

NAYS—26.

Beck,	Colquitt,	Harris,	Vance,
Berry,	Eustis,	Jones of Arkansas,	Vest,
Blackburn,	George,	McPherson,	Walthall,
Brown,	Gibson,	Morgan,	Whitthorne,
Call,	Gorman,	Payne,	Wilson of Md.
Cockrell,	Gray,	Ransom,	
Coke,	Hampton,	Saulsbury,	

ABSENT—17.

Aldrich,	Fair,	Miller,	Van Wyck,
Butler,	Harrison,	Mitchell of Oregon,	Voorhees.
Camden,	Jones of Florida,	Plumb,	
Cameron,	Kenna,	Riddleberger,	
Dawes,	Maxey,	Stanford,	

So the motion was agreed to; and the Senate resumed the consideration of the resolution reported yesterday by Mr. HOAR, from the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. SAULSBURY].

Mr. SAULSBURY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I will announce for the last time my pair with the Senator from Pennsylvania [Mr. CAMERON.] If he were present, I should vote "yea" and he would vote "nay" on this question.

Mr. MITCHELL, of Oregon (when his name was called). I am paired with the Senator from Nevada [Mr. FAIR]. If he were here I should vote "nay" and he would vote "yea."

The roll-call having been concluded, the result was announced—yeas 28, nays 32; as follows:

YEAS—28.

Beck,	Colquitt,	Harris,	Ransom,
Berry,	Eustis,	Jones of Arkansas,	Saulsbury,
Blackburn,	George,	Kenna,	Vance,
Brown,	Gibson,	McPherson,	Vest,
Call,	Gorman,	Morgan,	Walthall,
Cockrell,	Gray,	Payne,	Whitthorne,
Coke,	Hampton,	Pugh,	Wilson of Md.

NAYS—32.

Allison,	Evarts,	McMillan,	Sabin,
Blair,	Farwell,	Mahone,	Sawyer,
Bowen,	Frye,	Manderson,	Sewell,
Chace,	Hale,	Miller,	Sherman,
Cheney,	Hawley,	Mitchell of Pa.	Spooner,
Conger,	Hoar,	Morrill,	Teller,
Cullom,	Ingalls,	Palmer,	Williams,
Edmunds,	Jones of Nevada,	Platt,	Wilson of Iowa.

ABSENT—16.

Aldrich,	Dawes,	Jones of Florida,	Riddleberger,
Butler,	Dolph,	Maxey,	Stanford,
Camden,	Fair,	Mitchell of Oreg.	Van Wyck,
Cameron,	Harrison,	Plumb,	Voorhees.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the resolution, on which the yeas and nays have been ordered.

Mr. CALL. Mr. President, I do not propose to make any speech on the pending resolution, but I wish to say that there is an objection to it which does not concern the subject-matter to which it relates, and that is the distrust of the people of the country which the resolution asserts. It is an attack upon the great organic principle of this Government that the safety and security of human life and property safely rests in the public opinion of the communities where the people live and where the property is situated. It is a declaration that the Senate of the United States, separated widely from the sympathies of the people, undertakes to declare that the people of the different States and communities can not be trusted with their own protection, but seventy-six men here can exercise power over them in their local affairs. It is an attack upon the very life of our Government and our institutions, and is a declaration in favor of monarchy and aristocratic forms of power, and the tendency of much of our legislation and all such resolutions is in this direction.

Suppose it is true that the whole people of Washington County, in Texas, are a set of ruthless violators of the law, unrestrained by principle or by religion, as the resolution asserts. Suppose you go beyond that, and assert that the people of the State of Texas are utterly depraved and can not be trusted with the protection of life and property in their midst, what do you then say but that the people are unworthy of trust and confidence, and that the people of a particular locality alone can be trusted with the functions which the Constitution has declared shall be reposed in them everywhere? What do you say but that great communities of people of States are incapable of self-government, and must be governed by centralized power, even in respect to the protection of life and property? What do we say but that the government under the Constitution and the Union must be subverted by the Senate and a new government made?

That is the objection to all of this character of legislation. While it is within the competency of the Senate to inquire as to anything, and it has power to do it whether it concerns the country or not, this is a declaration that we distrust the people, and declare that they can not be trusted with the protection of life and property, and the discharge of the duties which are imposed upon them under our form of government. I shall vote against it for this reason: I think our present form of government under our Constitution and laws is better than that which the resolution proposes.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the resolution.

The Secretary proceeded to call the roll.

Mr. MITCHELL, of Oregon (when his name was called). On this question I am paired with the Senator from Nevada [Mr. FAIR]. If he were here I should vote "yea," and he would vote "nay."

Mr. BECK (when Mr. VOORHEES'S name was called). I desire to announce that upon this question the Senator from Indiana [Mr. VOORHEES] is paired with his colleague [Mr. HARRISON]. If the Senator from Indiana [Mr. VOORHEES] were present he would vote "nay."

The roll-call was concluded.

Mr. CULLOM. I desire to announce that the Senator from Indiana [Mr. HARRISON], as has been stated by the Senator from Kentucky [Mr. BECK], is paired with his colleague [Mr. VOORHEES]. If the Senator from Indiana [Mr. HARRISON] were present he would vote "yea."

Mr. ALLISON. I have a general pair with the Senator from Missouri [Mr. COCKRELL]. He has not voted, and therefore I refrain from voting. If he were present I should vote for the resolution.

The result was announced—yeas 31, nays 26; as follows:

YEAS—31.

Aldrich,	Evarts,	McMillan,	Sawyer,
Blair,	Farwell,	Mahone,	Sewell,
Bowen,	Frye,	Manderson,	Sherman,
Chase,	Hale,	Miller,	Spooner,
Cheney,	Hawley,	Mitchell of Pa.,	Telier,
Conger,	Hoar,	Morrill,	Williams,
Cullom,	Ingalls,	Platt,	Wilson of Iowa.
Edmunds,	Jones of Nevada,	Sabin,	

NAYS—26.

Beck,	Eustis,	Jones of Arkansas,	Saulsbury,
Berry,	George,	Kenna,	Vance,
Blackburn,	Gibson,	McPherson,	Vest,
Brown,	Gorman,	Morgan,	Walthall,
Call,	Gray,	Payne,	Whitthorne.
Coke,	Hampton,	Pugh,	
Colquitt,	Harris,	Ransom,	

ABSENT—19.

Allison,	Dawes,	Maxey,	Stanford,
Butler,	Dolph,	Mitchell of Oreg.,	Van Wyck,
Camden,	Fair,	Palmer,	Voorhees,
Cameron,	Harrison,	Plumb,	Wilson of Md.
Cockrell,	Jones of Florida,	Riddleberger,	

So the resolution was agreed to.

ORDER OF BUSINESS.

Mr. GEORGE. I move to take up the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Mississippi.

Mr. VEST. I move, as an amendment to that motion, to take up Senate bill 2288, which is a special order.

The PRESIDENT *pro tempore*. The Chair is bound to hold that the amendment is not in order. The rule provides that a motion to take up a particular bill can not be amended by a motion to take up another bill.

Mr. VEST. Is it in order to move to postpone the agricultural bill?

The PRESIDENT *pro tempore*. Such a motion would not be in order until after it is taken up.

Mr. VEST. I shall make a motion, if it is taken up, to lay it aside.

Mr. BECK. I desire to make a parliamentary inquiry. I ask whether Senate bill 2578 is not the next regular special order?

The PRESIDENT *pro tempore*. By strict parliamentary rule the bill in charge of the Senator from Mississippi [Mr. GEORGE] has lost its priority, and the bill referred to by the Senator from Kentucky [Mr. BECK], which is called the railroads attorneys' bill, is the first special order. But the motion of the Senator from Mississippi to proceed to the consideration of the agricultural bill is in order.

Mr. BECK. Then Senate bill 2578 is the first regular special order after the agricultural bill is disposed of?

The PRESIDENT *pro tempore*. It is.

Mr. HARRIS. Without a motion to take up the agricultural bill, I suppose the bill referred to by the Senator from Kentucky would be the special order for to-day, would it not?

The PRESIDENT *pro tempore*. It stands at the head of the special orders, and would come up next after the agricultural bill, if the latter bill be now taken up. The question is upon agreeing to the motion of the Senator from Mississippi to proceed to the consideration of the agricultural bill.

The motion was agreed to.

Mr. VEST. There were three special orders, and we disposed of one of them yesterday. Now there are two. I have no objection to taking up the special orders as they come. The bill to which I refer has been on the Calendar over seven months.

Mr. CULLOM. To what bill does the Senator refer?

Mr. VEST. I refer to the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes. Unless that bill is taken up and disposed of at the present session it is the end of the whole project; no work can be done during the coming summer.

Mr. GEORGE. I think we can get through with the agricultural bill in an hour or two.

Mr. VEST. I shall not make a motion to postpone it. I want to have the bills taken up as they are named in the list of special orders.

AGRICULTURAL EXPERIMENT-STATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, the pending question being on the amendment proposed by Mr. PLUMB, in section 4, line 4, after the word "agriculture," to strike out all down to and including the word "based," in line 7, as follows:

To determine annually a standard of the ingredients of commercial fertilizers, upon which the analysis of such fertilizers, as far as made by said stations, shall be based.

Mr. MORGAN. Mr. President, when this bill was last before the Senate I was addressing the Senate on what I supposed to be a motion to strike out the fourth section. At all events, the objections to the bill that I was arguing at the time went to the fourth section.

My objection to the bill is really this, that it does not place within the power of the States any control over this subject. The bill merely contains a declaration that money is appropriated to the States—$15,000 to each State—for the purpose of maintaining these agricultural experimental farms, and then, as I observed when I had the floor on this bill before, the bill proceeds immediately after making that declaration, which can scarcely be called an appropriation, to require that this money shall be put into the hands of such agent or officer as the boards of trustees may appoint for the purpose of receiving the money. It then requires in its next provision that the board of trustees or other governing body of the college at which such station is located shall file an agreement as to the method of disbursing this fund; that they will maintain a farm of 25 acres in connection with the college, and that they will in other respects execute the provisions of the law in good faith. Then follows a provision, which I will read:

And shall also have executed and filed with said Secretary—

That is, the Secretary of the Treasury—

their bond in the penal sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State, conditioned on the faithful expenditure of and accounting for all moneys so received.

I object that while this is a formal declaration of an appropriation to the States for the purpose of maintaining these experimental farms, it is really no appropriation at all. The very first step you take after making the appropriation is to require that the payment of the money shall be made into the hands of a person selected, not by the State, but selected by the board of trustees, and from that time forward all accountability is to the Government of the United States, and that accountability is secured by a bond which is made payable to the United States on the approval of the Secretary of the Treasury.

I think that the friends of this bill ought to place the control of these agricultural colleges and experimental stations entirely in the hands of the States. That is the effect of the act creating the colleges. The Congress of the United States did not provide the manner in which boards of trustees or other agents of the colleges should be elected, but the scrip arising from the public lands, or the scrip that was issued as an incumbrance or lien upon public lands, was all placed in the hands of the States to be by them employed under certain conditions and regulations in the establishment and conduct of these colleges.

I wish to call the attention of the Senate to the laws of Alabama enacted to carry into effect the agricultural college laws of the United States. In the last constitution of that State, which was adopted in 1875, in section 9, of article 13, it is declared:

The State University and the Agricultural and Mechanical College shall each be under the management and control of a board of trustees. The board for the university shall consist of two members from the Congressional district in which the university is located, and one from each of the other Congressional districts in the State. The board for the Agricultural and Mechanical College shall consist of two members from the Congressional district in which the college is located, and one from each of the other Congressional districts in the State. Said trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for a term of six years, and until their successors shall be appointed and qualified. After the first appointment each board shall be divided into three classes, as nearly equal as may be. The seats of the first class shall be vacated at the expiration of two years, and those of the second class in four years, and those of the third class at the end of six years from the date of appointment, so that one-third may be chosen biennally. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. The governor shall be *ex officio* president, and the superintendent of education *ex officio* a member of each of said board of trustees.

We find there that in the constitution of the State, predicated upon these acts of Congress, we have incorporated these agricultural colleges as a part of the State government, and have imposed such obligations upon the Legislature in respect of them that we are compelled to pursue this precise course in the administration, and the Legislature of that State can not give to one of these boards of trustees any compensation for their services beyond the actual expenses incurred in the performance of their official duties.

Mr. GEORGE. I will state to the Senator from Alabama that the committee have agreed to strike out the provision in the bill requiring a bond.

Mr. MORGAN. Then I have not any more remarks to make about that subject. But I think the committee ought now to proceed further than to give the legislative control of these agricultural establishments into the hands of the States, and not reserve the direction of these colleges in the hands of the Department of Agriculture or wherever else you propose to put it.

By the laws of Alabama the board of directors have the election of a president and a competent and sufficient corps of instructors, &c., who shall constitute the faculty of the college, and each one of the faculty shall receive such salary as may be fixed by the board. Then connected with that is a military department. The law provides that there shall be established by the board a military department of the college, and the board of directors shall elect a commandant and such other officers as may be necessary for the department. The law further pro-

vides that the president of the college shall make a report to the General Assembly at the commencement of each session of the amount of funds received under this chapter, the expenditure of the same, and the general operations and condition of the college.

Now, this $15,000 the president of the board would be required to account for to the State Legislature annually, and yet he is required by the bill to account for it to the Secretary of the Treasury of the United States. The effect of the bill, if these provisions are kept in, is that the Government of the United States require the accounts to be rendered annually, and that duty is devolved upon officers of the State, appointed under the constitution of the State, than whom there can be no others provided by law in Alabama, and they are also to be officers of the Government of the United States, accountable to that Government for the administration of this fund.

There is no necessity at all, it seems to me, for getting the bill into such a condition. Let the control of the fund be in the hands of one government or the other, and if we must have officers of the United States Government to administer this fund, so far as Alabama is concerned, do not put that duty upon those officers who are mentioned in the constitution of the State as being the officers of the agricultural college in that State.

That difficulty can be very easily remedied if the committee see proper to do it. At the proper time, after other amendments are disposed of, I shall move an amendment which I think will have the effect of correcting the bill in the event that the committee themselves do not come forward with some proposition of that character.

There is one other matter. I notice that in the sixth section it is made the duty of the boards of trustees of these colleges to keep up and maintain a farm of 25 acres in connection with each college. Precisely what that means I do not know. Does it mean a farm upon lands adjacent to and connected in that way with the college, or a farm which may be under the control of the board in some other part of the State? I do not understand it.

I wish now to inform the committee and the Senate how that provision would operate in Alabama. Our State has contributed money for the purpose of establishing an agricultural experimental station. We made various efforts to establish a farm of that kind in connection with the college at Auburn, but Auburn happens to be in a healthy, piney-woods region of country, and the place was selected on that account. The land there is very sandy, and very poor, whereas the great body of agricultural land in Alabama that is of any great value for agricultural purposes is found in the limestone formations of the valley of the Tennessee River and the shell-lime formations, as they are called, of the black belt in Central and Southern Alabama, that belt corresponding in its geological structure, I believe, with the southern part of Illinois and Indiana, the true black-belt prairie.

It is perfectly obvious, and we have proved it by experience in Alabama, that experiments of an agricultural nature made upon these sand lands are of no value when you come to apply them to the prairie lands and to the red lands, and yet very much the larger and most productive portion of the lands in Alabama fit for agriculture are either red lime lands or else they are black prairie lands.

So, if the meaning of the sixth section is that the farm shall be in actual juxtaposition to or with the college, it will be very unfortunate in our State. After we had established an agricultural experimental station out in the prairies in Alabama, and had resorted to all the modern methods of ditching and tiling for drainage, &c., we found that the people were getting information of a valuable character in regard to the fertilization of those lands and the best manner of treating them, and our experimental station has done very well.

I should be very glad indeed, if this bill is to be passed, that there should be a provision in it that the States also might contribute to the extent that they saw proper funds for the assistance of these stations. In Alabama, for instance, I should like to have two stations, one in the poorer region of the State, where the agricultural power of the land might be properly developed, and it might be ascertained what were the best classes of fertilizers for that sort of land, and the other where we now have our experimental station, in the black belt, so that we could get two or even three sections of the State informed through these experimental stations of the best methods of agriculture.

Mr. GEORGE. Will the Senator from Alabama allow me to make an explanation which I think will assist him in the matter?

Mr. MORGAN. Certainly.

Mr. GEORGE. The object of having the experimental farm connected with the college is that the fund contributed may be under the control of the agricultural professors, who are supposed to be able to give it intelligent supervision.

There is another object. It is of very great importance, in my opinion, that, as was intended, the labor on the experimental farms shall be done by the students at the colleges, and that the money shall be expended in part in aiding the pupils attending the college who do the work on the farms. I happen to be a trustee of the agricultural college in the State of Mississippi, now in very successful operation, and our experience is that a great many young men go to that college who do not possess the means to pay their board and sustain themselves during the time of their attendance, and who are materially aided by the disbursements made out of the college fund for labor done by them on the college farm. I myself regard this provision requiring the farm to be in connection with the college as very important in that view also.

Mr. MORGAN. It would be important in that view, for I was at a loss to know how the committee expected to have these farms worked, whether by hired labor or by the compulsory labor of the students, and I am gratified to find that the committee are of the opinion that the students can furnish the labor necessary by hiring them and paying them proper compensation to work the farms.

It will be observed that the development of agriculture through experiment, through practical experience at the farm in Auburn, Ala., would be of very little advantage and perhaps of no advantage at all, as I have stated, to the people who occupy the red lands of the Tennessee Valley and the lands of the black belt, the cretaceous belt, in Alabama.

So it would be almost impracticable in that State to do any service at all if you based your experimental farm upon the labor to be obtained from the students in the college. The country around the college is not fitted to it, is not suited to it. We tried it and failed at it. We could not do any good with it, and had to transfer it, as I remarked, into the black lands, a distance probably nearly 100 miles away from Auburn, where our college is located, before we could accomplish anything. I mention these difficulties in order to show the committee that the bill in that particular needs amendment.

If you will give this money to the State of Alabama and allow that State to use it in the establishment of experimental farms you will find a very much better result than Congress can prescribe in any general act of legislation. Of course we have got to make all of our legislation here uniform; it must apply alike to all parts of the country; and when we come to make a practical application of this measure we shall find that we are unable to do justice to and to promote the real purposes of the act we are now endeavoring to pass.

Mr. GEORGE. Will the Senator allow me to explain one point there?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. MORGAN. Certainly.

Mr. GEORGE. I take it that the Senator's criticisms upon the bill, from the temper in which they are made, are intended to point out real objections to it, and to have the bill amended so that it may be in the best form possible for the good of the country.

Mr. MORGAN. Unquestionably.

Mr. GEORGE. The answer to one of the Senator's objections, I think he will find in this, that $15,000 is not a sum large enough to be divided between two separate agricultural stations; that when the labor is paid for, when the experiments of the character designed are paid for, and when the other things, for instance the publication of results, bulletins, &c., are paid for, the whole sum will be consumed.

I wish to suggest to the Senator from Alabama that if he will read section 2 he will discover that the real objects of the experimental stations can be accomplished without reference to the character of the soil. If, however, as the Senator suggested in a former part of his remarks, it be preferred in his State that the State should aid in establishing two agricultural colleges, one in the sandy district, and one in the lime district, that purpose could be met by the State maintaining one, and another being maintained under this bill. Nearly everything required by section 2 to be done can be well done without reference really to the character of the soil.

Mr. MORGAN. I have noticed the difficulties which are presented in the suggestions of the Senator from Mississippi, and it is one of the defects of this bill, that there is not money enough in it. There ought to be more than $15,000 given to each State. Some of the States have two agricultural colleges. It would be a very poor show, I think, to divide $15,000 between two colleges in any State.

Mr. GEORGE. The bill provides that in that case the Legislature of the State may assign all of the appropriation to one of the colleges.

Mr. MORGAN. I should prefer, where a State has two colleges, that each of the colleges should receive $15,000, because it is just as essential to have each college at work at this matter as it is to have one of them, where the State is large enough and has population enough to have established two colleges.

I wish to call attention to the remark of the Senator from Mississippi that the objects which are mentioned in the second section are of such a character as that they may be entirely developed and well prosecuted in any part of the State of Alabama, for instance. It is known in the Southern States, it is known everywhere, I suppose, that that part of the country in which I happen to reside is one of the finest in the world for the production of peaches, apples, and pears. Where you get a soil that is suited to the trees in some portions of the State of Alabama, fruits of this character are produced in great abundance and in splendid varieties, the finest in quality of fruits; but in the black belt, that immense sweep of shell land, it is impossible to get a peach tree, an apple tree, or a pear tree to live more than four or five years. The consequence is that that part of the State is abandoned, so far as fruit culture is concerned, except for small fruit and very few of the varieties. If this experimental farm is to be worth anything at all, it ought, I think, to develop some means by which the portions of

the State adapted to fruit culture should become an orchard country; but you may make your experiments at Auburn, in the sand lands, for a hundred years, and you will prove nothing at all in respect of the best methods of growing fruit trees and preserving them in the black lands.

I do not know anything through which we could really do more of advantage to the country from the revelations of these experiments than in the direction I have just been stating; but there are other matters of equally great value in which the difference between the soils of the State in which I live is so marked that certain plants and certain vegetables will not grow in portions of the State that grow in other portions. The very best natural fertilizer that I know of in my State, and I think all farmers there concede it, next to cotton-seed, is what we call the cornfield pea, or the black-eyed pea. That grows abundantly in all parts of the State and it is used as a fertilizing crop, turned under like clover very often. After the peas are ripened in the pod, and when the vine is green, large ploughs turn the whole crop under and produce a very fine and durable effect in fertilizing, because the vine is said to contain more saltpeter than almost any other that can be named that grows in the Southern States. The farmers in the cretaceous belt do not grow the black-eyed pea at all, for the reason that in consequence of some peculiarity of the soil it will kill all the stock that eats it. They have to abandon the cultivation of it. It is grown almost exclusively in the sand lands and upon the red-clay lands. I should think that this experimental farm might solve that difficulty, and if it was conducted in the black lands would certainly have a better opportunity through experiment of curing this trouble than any other means. There are a number of forage plants that do very finely in one section of the State of Alabama, but will not grow apparently, or with very ill success, in other parts of the State, with the same climate, the same amount of rainfall, the same conditions in every respect, except a difference in soil.

Mr. GEORGE. Does not the Senator see that if his objections are valid against the passage of this bill, they would be valid against any bill which did not provide money enough to have an agricultural experimental station in every portion of the State which had a distinct variety of soil and a different soil from the other portions?

Mr. MORGAN. Perhaps it may turn out that way, and that in the course of time we shall have these experimental stations in every part of the State that has any great quantity of distinct soil from the rest of the State; but what I insist upon is that the committee ought to raise the amount they name in the bill; that there ought to be $30,000 named in the bill instead of $15,000, and that a State ought to have the right to establish two or more agricultural experimental farms.

Mr. GEORGE. Will the Senator allow me to answer that point, because I think he wants to get at what is right?

Mr. MORGAN. Yes.

Mr. GEORGE. I have no objection to $30,000 or $40,000 being donated to agricultural experimental stations in each State, but the committee doubt whether a larger sum than $15,000 would meet the sanction of Congress. If I may be allowed, without violating the rules of the Senate, I will state that is the sum agreed upon by the committee of the House of Representatives at the last session as well as the committee of the Senate.

Mr. MORGAN. If the country feels any interest in these agricultural stations or farms it will justify us in voting all the money that is necessary to carry them on, for they are either worth nothing or they are worth a very large amount of money to the country.

Mr. GEORGE. As it is an experiment whether these stations are to be worth anything or not, would it not be better, I submit to the Senator from Alabama, to commence with a smaller sum, and if it shall be found out by actual experience that these stations are very valuable and that the sum appropriated is too small, it can be raised from time to time, as the necessities of the case may demand.

Mr. MORGAN. We had better start with one farm in each State, equipped with $30,000, than to start with one farm in each State that has two colleges, equipped with only $15,000, the State having population enough to justify two colleges.

We have plenty of means in a fund which I hope the Senator from Mississippi will consent may be resorted to for the purpose of raising this money, and that is the fund arising from the sales of public lands. During the past fiscal year we received in cash from these sales $7,412,767.31. This bill calls, I think, for $540,000.

Mr. GEORGE. Including the Territories, probably $600,000.

Mr. MORGAN. Say $600,000.

Mr. GEORGE. That is approximately correct.

Mr. MORGAN. We can take the cash sales for the last year and give $600,000 of that money and yet have nearly $7,000,000 in the Treasury of the United States derived from the sale of public lands. If there is any purpose to which the proceeds of the sales of the public lands could be properly applied for the benefit of the States, it is agriculture, agricultural experiment, agricultural development, the benefit of agriculture.

Take the lands that we dispose of to those who have no homes now and who are buying them at public sales and otherwise, and let the proceeds go as far as may be necessary to the establishment of these agricultural experiments. Here is money enough, at the rate the Senator from Mississippi states that the bill calls for, to sustain all of these colleges that we appropriate for here for ten or twelve years. There is no danger of the failure of the fund. The public lands are becoming more and more valuable every day, and those lands which are open to sale, as they are in the State of Alabama, are being now resorted to rapidly by people who are buying them. So there is no danger of the failure of the fund.

I claim that this bill ought to rest upon that fund, and that while we are trying to make something of these agricultural experimental stations we ought to make all we can of them, and equip them with a sufficient amount of money to insure their success so far as appropriations go, and place the whole subject in the hands of the States.

The money arising from the proceeds of the sales of public lands, it can not be too often repeated, is a trust fund in the hands of Congress, made so by the terms of the deeds of cession themselves, for the benefit of the States, as well those States that had no public domain outside of their own borders, as those States that had very vast areas which they transferred to the Government of the United States by deed. The trust inheres in the land, and however much we may have neglected it or abused it, the trust still remains, and it is just as incumbent upon Congress this day to apply the proceeds of the sales of the public lands to the benefit of the States, they not being needed for any other public purpose, as it would be incumbent upon a guardian to pay out for the clothing and education of a child in his custody, the child not being sick but well, and therefore not needing any doctors' bills to be paid or personal expenses of that kind that had prior demand or lien upon the funds in his hands.

I grant you, when on the sale of public land the money goes into the Treasury, that for the purposes of war, or the payment of war debts, or for any other great national purpose of protection which the Government gives to the farmers and persons interested in public lands, we have a perfect right to resort to this fund for all purposes of that kind; but when we get into the condition that we are now in, when we have a full and overflowing Treasury and no need of this income of $7,000,000 a year for the payment of our national debts, not having any debts within reach that we can pay with the money, then let us allow the real and the express purposes of the trust to fasten upon the money in the Treasury of the United States, and let it be expended for the benefit of the States who reserved that right and use in it. I have no objection to that. I would devote every dollar of this money, as it comes into the Treasury of the United States, in aid of the school fund of any State, because in doing so I should find that I was merely executing a trust to my own State, imposed upon me at the time it came into the Union, and a trust reposed not actually in the Government of the United States, but in the Congress of the United States; for that is the language of the deeds of cession.

This question has been so clearly settled in various decisions of the Supreme Court in cases which arose in Alabama that my attention was very closely drawn to it for years and years past, before I came to the Senate, and I never could lose sight of the fact that the Government of the United States was, after all, holding the whole public domain in Alabama in trust for the benefit of that State and the other States of the American Union. That is the nature of the trust; and whenever we have our coasts clear and no necessity for the money to be applied to some great overpowering national necessity in which the whole country is equally interested; whenever we get into that happy condition that we are now in, when we do not know what to do with money we are getting annually, let us take that fund and apply it to the use of the States. It ought to be done. The fund is very much larger in the aggregate than I have stated it, but a good deal of it comes from fees and from lands that have reverted, &c., and I thought I would merely give the cash proceeds annually.

Mr. INGALLS. Is not that diminished by the payment of registers' and receivers' fees and other office expenses?

Mr. MORGAN. No; it goes into the Treasury. This is the amount that goes into the Treasury.

Mr. INGALLS. As I understand, the total given is the gross proceeds of sale, which I understand is diminished by the payment of registers' and receivers' fees and other office expenses.

Mr. MORGAN. That may be or may not be, but I do not think it is the case. I have not looked to see whether this fund was diminished in the way mentioned by the Senator from Kansas, but the cash sales, as I have stated, amounted last year to $7,412,767.31.

Mr. INGALLS. That must be the gross receipts.

Mr. MORGAN. No; these are the cash receipts, and they are divided as follows:

Cash sales	$5,757,891 06
Homestead fees and commissions	986,873 62
Timber-culture fees and commissions	484,766 00
Military bounty-land-warrant locations	843 00
Fees on scrip locations	11 00
Pre-emption and other filings	148,375 25
Fees for reducing testimony to writing	435 78
Fees on donation claims	55 00
Fees on State selections	4,616 12
Fees on railroad selections	28,895 48
Fees on wagon-road selections	5 00
Total receipts from public lands	7,412,767 31

Then comes the fund to which I have no doubt the Senator refers as being reduced by the fees of the offices:

Receipts from disposal of Indian lands	$1,607,729 63
Fees for transcript of record furnished by General Land Office	10,587 40

Making a total of $9,031,084.34 received in money through the General Land Office of the United States in connection with the disposal of the public lands.

I found no necessity for being very accurate about this statement, or for being prepared to answer particularly the question of the Senator from Kansas, because I merely wanted to show that the fund is vastly greater than any necessity that we are under now for applying it under this particular bill. There is plenty of money for that purpose; and I am perfectly willing to devote the money now in the Treasury of the United States, by this act of appropriation, so that these experimental farms may have a standing fund out of which they shall be paid this money for the next ten or twelve years to come, without resort to further legislation for the purpose. I am perfectly willing to do it, for I think it is a just thing to do. I hope that we shall be able to arrive at some agreement about the bill so that we can all sustain it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. TELLER. Let the pending amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 4, line 4, after the word "agriculture" it is proposed to strike out all down to and including the word "based" in line 7, as follows:

To determine annually a standard of valuation of the ingredients of commercial fertilizers, upon which the analysis of such fertilizers, as far as made by said stations, shall be based.

Mr. GEORGE. I desire to say that that amendment was offered by the Senator from Kansas [Mr. PLUMB], a member of the Committee on Agriculture and Forestry, and that it is in accordance with the wishes of the committee.

The amendment was agreed to.

Mr. DAWES. I gave notice a day or two since, when this matter was under consideration, that I should offer an amendment to be added to the last clause in the bill.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. DAWES] proposes an amendment which will be stated.

The SECRETARY. Add at the end of section 9 the following additional proviso:

And provided further, That in States having colleges entitled under this section to the benefits of this act, and having also agricultural experiment-stations established by law separate from said colleges, such States shall be authorized to apply such benefits to the experiment-stations so established by such States.

Mr. DAWES. I do not know that the end of section 9 is the proper place to insert the amendment.

Mr. GEORGE. That is as good a place as any.

Mr. DAWES. There is no objection, I think, to the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. DAWES].

The amendment was agreed to.

Mr. INGALLS. The adoption by the Senate of the amendment in section 4, striking out from line 4 to line 7, renders that portion of the section after the word "act," in line 11, down to and including the word "fertilizers," in line 15, superfluous. I move that those lines be stricken out.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. In section 4, line 11, after the word "act," it is proposed to strike out the following words:

But nothing herein contained shall be construed to authorize said Commissioner to control or direct the work or management of any such station except as to the standard of valuation of commercial fertilizers.

The amendment was agreed to.

Mr. RANSOM. I beg leave to offer an amendment. In the first section of the bill, in line 9, after the word "colleges," I move to insert the words:

Or agricultural departments of colleges.

The amendment was agreed to.

Mr. CALL. In section 1, line 8, I move to strike out the words "in connection with," and to insert the words "under the direction of," so as to read:

There shall be established, under the direction of the college or colleges, or agricultural departments of colleges, in each State or Territory.

This amendment has the approval of the Senator in charge of the bill.

The amendment was agreed to.

Mr. VEST. Mr. President, it is not my purpose to discuss the general features of this bill. I gave my reasons the other day why I could not vote for it, and I must confess that I have had very considerable misgiving as to the propriety of my course in the matter, not so far as my opinion is concerned as to the constitutionality of the bill or the general spirit which pervades its provisions, but as to the effect of it upon the agricultural interests of the country.

I do not pretend to be at all oblivious to the fact that agriculture is the most important industry in the United States, nor to the additional fact that my State is one of the largest agricultural States in the Union. I thought it very singular that with the agricultural interests in Missouri I have heard so little in favor of the passage of the bill. I know that there have been a few gentlemen at the Capitol here from other States urging very strenuously its passage, and I know that some officials of the Government have been very solicitous for it, but as to any general uprising such as we have heard of upon this floor in which the agricultural interest demanded the passage of this bill, I do not know of it.

In order to establish these agricultural colleges we gave a large amount of public land to each of the States. That I hold we had a perfect right to do. We are now asked to give $15,000 to each of these colleges out of the tax money in the Treasury, and that I say we have no right to do.

But waiving that question, let us see what has been the result of this liberality on the part of the General Government, and how far this generosity has been appreciated by its recipients in their respective States; in other words, whether the farmers of the United States have sent their sons to be educated in these colleges in the art of agriculture.

I addressed a note the other day to the Commissioner of Education upon this interesting subject, and I have a most remarkable reply, which I commend to the gentlemen who are urging the passage of this bill. We are told now that agriculture lies bleeding unless these appropriations are made and these experimental stations added to the colleges, and that all the young men of the country are rushing to learn agriculture. The Commissioner informs me that Alabama, for the year 1885–'86, had, according to the official report, 145 students in her agricultural college. By the same report she had 19 studying agriculture. Arkansas had for 1884–'85 83 in her agricultural college, and none studying agriculture.

Mr. GEORGE. It was not an agricultural college, then.

Mr. VEST. It was an agricultural college.

Mr. GEORGE. It was misnamed.

Mr. VEST. We shall see whether it was misnamed or not. I have a letter here from the Commissioner of Education, in which he says:

In accordance with your request, I have the honor to inclose a table showing the number of students attending the land-grant schools of the United States, and the number of students taking courses of agriculture, as far as I am able to report the same from the records of this office.

N. H. R. DAWSON, *Commissioner.*

The heading of this report from the Commissioner of Education is: "Number of collegiate and agricultural students in the 'colleges of agriculture and the mechanic arts' of the States specified below."

I repeat, that of 145 students in the college of Alabama there were but 19 studying agriculture; in Arkansas, out of 83, none.

Mr. GEORGE. That would be a violation of the provisions of the act.

Mr. VEST. In California, out of 243 students, five were studying agriculture; in Colorado, out of 69, seven; in Connecticut, out of 256, none; in Delaware, out of 58, twenty-eight; in Georgia, out of 386, fifty-three; in Illinois, out of 332, twenty-five; in Indiana, out of 146, fifteen; in Iowa, out of 252, none; in Kansas, out of 428, four hundred and twenty-eight. It seems that all the students are studying agriculture there. In Kentucky, out of 216, none; in Louisiana, out of 200, none; in Maine, out of 92, none; in Maryland, out of 43, none; in Massachusetts, out of 99, ninety-nine. The desire for agriculture seems to be sporadic and local. In some of the States all are studying it, and in other States none of them study it. In Michigan, out of 295, two hundred and fifty-five; in Minnesota, which is a great agricultural State, out of 293, one—a monumental example of agricultural indifference. In Mississippi, out of 291, one hundred and forty-one.

Mr. GEORGE. If the rest of the Senator's statistics are just as correct as those for Mississippi they are all wrong, because I know the fact to be that every attendant at the agricultural college of Mississippi is required to study agriculture. It is nothing else but an agricultural college.

Mr. FRYE. The statistics are equally wrong as to the State of Maine. It is there purely an agricultural college, and every one of the students studies agriculture.

Mr. VEST. Well, these are official records.

Mr. GEORGE. They are all wrong, then; that is all.

Mr. VEST. There is something wrong in the Department, then. In Missouri, out of 423 students, three hundred and seventy-two study agriculture; in Nebraska, out of 101, one hundred and one; in Nevada, no report; in New Hampshire, out of 50, none; in New Jersey, no report; in New York, out of 563, eleven; in North Carolina, out of 229, twenty; in Ohio, out of 323, eighteen; in Oregon, no recent information; in Pennsylvania, out of 69, forty-nine; in Rhode Island, out of 239, studies not specified; in South Carolina, out of 594, one hundred and ten; in Tennessee, out of 184, seventy-four; in Texas, out of 142, forty-six; in Vermont, out of 163, nineteen; in Virginia, at Blacksburg, 132, studies not specified; in Virginia, at Hampton, 341 students, and ninety

studying agriculture; in West Virginia, out of 107, twenty-seven; in Wisconsin, out of 116, nine; making, in the aggregate, out of 7,803 students in the colleges, 2,022 in the whole Union studying agriculture.

Mr. BLAIR. I should like to ask the Senator from Missouri what the document is from which he is reading, and whence he obtained it. I was not present when he began to read from it.

Mr. VEST. I addressed a note to the Commissioner of Education to know how many students in these land-grant colleges were studying agriculture, in order to find out what had been the result of the beneficence of the Government.

Mr. BLAIR. I observed that the report for New Hampshire gave the number of students, and said that none of them were studying agriculture, as I understood the report.

Mr. VEST. I beg pardon of the Senator. In 1885–'86 the report shows that there were fifty students, "studies not specified."

Mr. BLAIR. "Studies not specified!" There is an experimental farm there, and they study agriculture if they study anything. They have actual practical work, and they have a separate agricultural organization.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. VEST. Certainly.

Mr. HOAR. I understand the Senator from Missouri to read some statistics showing that a certain number of students in these agricultural colleges study agriculture, and a certain number do not. Is it not true that the grant was divided between agricultural colleges and colleges where a technical education in mechanics is pursued without reference to agriculture?

Mr. VEST. I am not able to give any information on the subject except what comes from the Commissioner of Education. He says that this is the "number of collegiate and agricultural students in the colleges of agriculture and the mechanic arts, of the States specified below," and gives in each State the whole number of students, and then he gives the number out of that whole number who are studying agriculture.

Mr. HOAR. There must be something wrong about that report, for this reason: In Massachusetts, unless I greatly err, and if I do my colleague will correct me, the land grant of 1862 was divided between two institutions, the agricultural college at Amherst and the school of technology at Boston. The school of technology in Boston is an institution not principally for education in agriculture, but in the mechanic arts, chemistry, engineering, architecture, and other branches of applied science of various kinds. It can not be true that all the students in those two aided institutions are correctly reported as studying agriculture. Probably the report as it relates to Massachusetts is confined to the agricultural college alone. But in other States there are colleges which combine those two things, and in those States the students who are not expecting to be farmers, although in the same institution, of course do not study agriculture.

Mr. VEST. This report shows that the land-grant college in the State of Massachusetts has ninety-nine students, all of them studying agriculture.

Mr. HOAR. I was reading within a few hours the report of the Boston School of Technology and, unless I err very much, there were four hundred and sixty-three students in that one alone. That is one of the aided institutions. So there is some mistake about the Senator's statistics.

Mr. VEST. Not "the Senator's statistics."

Mr. HOAR. The statistics he read.

Mr. VEST. The statistics come from the Commissioner of Education. I am not responsible for them.

Mr. BERRY. I wish to say that there are two or three hundred students, not less than two hundred, in the college in Arkansas, and have been for several years past. They have a farm connected with the college. I am not very familiar with the workings of it, but the students have been occupied there.

Mr. VEST. I know nothing personally in regard to the matter. I know no other way to obtain this sort of imformation except from the Commissioner of Education, and this is his report. Whether it be true or false is between that Commissioner and the people whom it affects. If this statement be correct, it is a lamentable showing in regard to the interest of the people of the United States in the subject of agricultural education.

Mr. INGALLS. Will the Senator permit me a moment?

Mr. VEST. Certainly.

Mr. INGALLS. As a contribution to the debate, for the purpose of showing the objects for which this appropriation was made, it may be well to refer to section 4 of the original act, and ascertain what the intention of Congress was. It seems by that section that each State which might take and claim the benefit of the act was to support and maintain—now I quote the language—

> At least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

So that it would be a wrong deduction to suppose that the intention of Congress was originally to make this appropriation exclusively for the purpose of what might be called agricultural instruction; and the statistics that the Senator has quoted are, therefore, misleading in that they are to be applied to a definition of this statute which does not exist.

Mr. VEST. The grant of land that was made by the original act was unquestionably for colleges to teach agriculture and the mechanic arts. I never said, and never pretended to say, that these colleges were established exclusively for agriculture, but I say now that every student who goes there can study agriculture if he pleases; and, unless these statistics are grossly wrong and misleading, they show the most lamentable indifference on the part of these people as to agriculture. That is all I presented them for.

Mr. TELLER. I noticed in the statement submitted by the Senator from Missouri [Mr. VEST] that Colorado is put down as having sixty-nine students for the years 1885 and 1886, in the agricultural college, seven of whom are studying agriculture. I find a note appended here: "All students pursue some agricultural branches apparently." I know of my own knowledge that that is purely an agricultural school with an experimental farm, and that all of the students who attend that institution are taught something in agriculture. I think perhaps the explanation would be that there are seven students there who are not interested in literary pursuits and who study nothing but agriculture. The State, long before it had a dollar of the fund spoken of, established this agricultural college for experimental purposes, and for the purposes for which it has been established it has been eminently successful.

Mr. MCMILLAN. Mr. President, in the State which I have the honor in part to represent here, under this grant of lands our Legislature organized a college in connection with our State University. The State University was organized under a grant of lands made to the Territory of Minnesota, and it embraced several departments, several colleges, one of which is an agricultural college. We have an experimental farm, which is of great value, with very fine buildings upon it, with very able professors, and all the departments of the college are in admirable condition and effective operation. This experimental farm is situated between the two cities of Saint Paul and Minneapolis, and affords a very fine opportunity indeed for students in agriculture. The agricultural college is a college in the university of our State.

Mr. MORRILL. Mr. President, after the reading of the section in the original charter of these institutions by the Senator from Kansas it is perhaps needless to say that these colleges were not established or endowed for the sole purpose of teaching agriculture. Their object was to give an opportunity for those engaged in industrial pursuits to obtain some knowledge of the practical sciences related to agriculture and the mechanic arts, such as they could not then obtain at most of our institutions called classical colleges, where the languages, Greek and Latin, French and German, absorbed perhaps two-thirds of all the time of the students while in college. It is true that the smaller States having so small an endowment were compelled in some instances to unite the fund with other existing colleges; but in these there have been established professors of analytical chemistry, of geology, of mining, and theoretical instruction is given as far as possible in the mechanic arts, drawing, architecture, and they have made themselves useful in all parts of the country, and especially useful in agriculture, by the increased attention of farmers in general to the leading principle of profit to be derived from the different kinds of manure. These have all been tested and the results given as to the quality and as to the commercial cost of the various fertilizers that are sold in our country.

The Senator from Missouri should have remembered that in his own State there are two branches of these institutions, one where agricultural pursuits are taught and one where mechanic arts are taught. Of course in the mechanical institution there is nothing specially taught about agriculture.

But, Mr. President, it never was intended to force the boys of farmers going into these institutions so to study that they should all come out farmers. It was merely intended to give them an opportunity to do so, and to do so with advantage if they saw fit. Besides that, all the students that enter these colleges acquire more or less of the instruction that is now given to the farmers. They have certainly proved themselves remarkably useful, as was well shown by an examination made by the House of Representatives and a report made there some years ago by a committee, the chairman of which was Professor Monroe, of Ohio. He gave an account of each institution throughout the country, and that report was, almost without exception, favorable to every institution that had been so established.

So I do not think that we are erring in giving these institutions a little more help. I know that more than half of them absolutely need this help in order to go on with the work that is proposed, and no one will question but that the work proposed in these agricultural experiment-stations is useful, because farmers of twenty-one years of age up to fifty and sixty come there to seek instruction.

Mr. SPOONER. I offer an amendment to be inserted at the end of

that which was inserted on the motion of the Senator from Massachusetts [Mr. DAWES], at the end of section 9:

And provided further, That, in case any State shall have established under the provisions of said act of July 2 aforesaid, an agricultural department or experimental station in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established, or shall hereafter establish, a separate agricultural college or school which shall have connected therewith an experimental farm or station, the Legislature of such State may apply in whole or in part the appropriation by this act made to such separate agricultural college or school; and no Legislature shall by contract, express or implied, disable itself from so doing.

Mr. MORRILL. I should rather hope that all these agricultural stations would be connected with the colleges. It would be a very easy matter for a State to change if it has made an establishment elsewhere. It seems to me there would be more symmetry about the bill, that the stations would then do better service, and as the regulations in relation to these colleges are entirely under the control of the different States, I should hope that we should make this bill symmetrical and leave it so that all these stations would be more or less connected with the agricultural colleges, where they have a staff ready to do the work, and where they have a laboratory. It seems to me it would be far better to leave it so that the States, if they chose, can supplement the work by transferring, if they have any appropriations annually made for other places, to these colleges.

Mr. FRYE. Mr. President, the State of Maine is reported here as having no students studying agriculture at its agricultural establishment, the State agricultural college. It is very well attended, and all the students in it study agriculture or the mechanic arts. Every year since it was established the State has made an appropriation to assist this college. The very fact that it was a State agricultural college has induced many young men to enter into higher studies who otherwise would never have had the advantage of them. I think these colleges have done as much good in that direction as any other in the inducement to young men, sons of farmers, to enter these colleges, and thus get a much better education than they otherwise would.

Mr. BUTLER. I trust that the amendment offered by the Senator from Wisconsin [Mr. SPOONER] will be adopted. In my State the proceeds of the land scrip under the act of 1862 were appropriated to what might be termed classical institutions. One is the State University, and the other the Claflin University, composed entirely of colored people. There is a very strong feeling growing up in the State that it would be much better, more advantageous, more profitable to the farmer to have a separate agricultural college, such as they have in Mississippi, and I believe in Michigan, where they have been especially successful. And I should like very much, indeed, that it be left to the discretion of the Legislatures of the States whether this fund shall be given to the colleges established under the act of 1862 or to separate institutions, as I understand this amendment provides. I hope, therefore, that the amendment will prevail.

In my State, at the last session of the Legislature, an appropriation was made to establish two experimental stations, one in the upper and the other in the lower part of the State. I am in hopes that out of that movement will grow a separate agricultural college. My own opinion is that there is an inconsistency in a classical college with agricultural features attached to it. Boys who enter a classical college generally do not desire to go on the farm and work and study practical agriculture and the mechanic arts. On the other hand, there are a great number of young men who would like to have the opportunity of going to an agricultural college and there studying agriculture and the mechanic arts practically. In the State of Mississippi I believe the agricultural college has done a vast amount of good in that direction, and my friend from Alabama tells me the same is true as to his State. I am informed that the same is true of Michigan. With these exceptions I believe these institutions have not heretofore been very successful. The feeling is prevailing in my State—how far it may go I can not say—that the two ought to be separated. This would give the Legislatures of the States the privilege of doing so if in their judgment it should be deemed best.

I hope, therefore, the amendment will prevail. I would like to have the amendment read again.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. At the end of the bill add:

And provided further, That in case any State shall have established under the provisions of said act of July 2 aforesaid an agricultural department or experimental station in connection with any university, college, or institution not distinctively an agricultural college or school, and such State shall have established or shall hereafter establish a separate agricultural college or school, which shall have connected therewith an experimental farm or station, the Legislature of such State may apply in whole or in part the appropriation by this act made to such separate agricultural college or school; and no Legislature shall, by contract, express or implied, disable itself from so doing.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin.

Mr. CALL. I wish to say before this amendment is voted upon, in relation to the statement made by the Senator from Missouri [Mr. VEST] as to the use of this appropriation and the one heretofore made, that in the State of Florida the agricultural scrip under the farm act has been used to establish an agricultural and industrial college which has a very fair proportion of the young men of the State engaged in studying these pursuits, and is meeting with very distinguished success.

I think myself that it would be advisable that this bill should be so framed that it would be within the discretion of the Legislature of the State to have the agricultural college either at the station or have the experimental station at the place where the college is already located, or elsewhere. For instance, in the State of Florida, covering a large area of 700 or 800 miles in extent, having a very temperate climate, running far towards the tropics, it may be very advisable to locate an experimental farm in the southern portion of the State, or it might be perhaps located elsewhere, not within the semi-tropical regions, and for that reason I think the discretion might very wisely be allowed the Legislature of the State as to where the experimental farm should be located under this proposed act. It may be that where it is now located would be more convenient to the general uses of agricultural and horticultural industry, and it might be better somewhere else. That should be left to the Legislature.

Mr. MORRILL. This matter, perhaps, is not of very great consequence, but I do regard it as rather important that the agricultural colleges which already have farms should also have the chance to have these experimental stations placed with them; and, besides that, the separation is to fritter away a large amount of this appropriation in obtaining laboratories, in putting up buildings, &c., where they would not be required if we allowed the money to go to the colleges themselves. I therefore hope that the amendment will not be adopted.

Mr. SPOONER. Mr. President, in administering this grant of 1862, the Legislature of Wisconsin provided for the establishment of an agricultural department or college in connection with the State university, and the legislation was of such a nature in connection with the purchase of an experimental farm by the county in which the university is situated, as to constitute probably a contract on the part of the State to permanently apply the proceeds of that fund to that institution. I think I state what is simply the fact when I say that the agricultural department connected with the State university has not been considered by the farmers of the State to be a success; not from any want of fidelity on the part of the State in the expenditure of the money, nor from any want of good management upon the part of the university regents, because the corps of instructors has been in every way admirable, and so I may say of the line of study; but for the reason suggested by the Senator from South Carolina [Mr. BUTLER] that it is almost impossible to secure the attendance of any large number of students devoting their time and labor to the study of agriculture in connection with a classical institution with three, four, or five hundred young men who are devoting their time and labor to the scientific or classical departments covering several years.

I do not wish, by this amendment, to do anything more than to leave the application of this fund open to change, by prohibiting any State from disabling itself hereafter from making such disposition of the money appropriated by this act as shall then seem wise. The farmers of Wisconsin may become extremely anxious that there should be a separate agricultural college or school, and I desire that the law shall be left in such form as that the Legislature, if such shall be the public sentiment at any time, may apply this fund, in whole or in part, in that way.

I want to say a word further. My information as to the desire of the farmers of the Northwest for the passage of this bill is not such as that suggested by the Senator from Missouri as to the farmers of his State. The farmers of Wisconsin take a very great interest in it. I have presented to the Senate resolutions of the State grange of that State and of the Wisconsin Horticultural Society praying for its passage. I have received a great many letters from some of the most intelligent farmers in the State asking me to promote, as far as I might be able to do so, this legislation.

The experimental farm, which has been established under what is called the "Morrill" act, has been of incalculable value to the farmers of the State, and the experiments there made have been exceedingly important and valuable to the people, who have been kept advised of them by frequent bulletins. There can be no wiser expenditure of public money than in promoting agricultural education and improved methods in every department of agriculture.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin [Mr. SPOONER].

The amendment was agreed to.

Mr. INGALLS. Can the Senator from Mississippi inform me how section 6 now stands; whether any amendment has been made except in the date in line 11, in the draught as it came from the committee? If not, I think it should be amended.

Mr. GEORGE. In section 6, line 11, "July" was stricken out and "October" inserted, and "1885" was stricken out and "1887" inserted.

Mr. INGALLS. Then, as I understand the Senator, the section remains in its original state as to the method that is to be followed in paying this money over to the State and the liability of the trustees or regents in connection with the disbursement thereof.

Mr. GEORGE. I think a motion was made to strike out all after the word "college," in line 19, down to the word "received," in line 23.

Mr. INGALLS. It is obvious that the section in its present condition should not receive the approval of the Senate, for it provides that this money shall be paid over "on the 1st day of January, April, July, and October in each year"—that is, in quarterly payments—"to the treasurer or other officer duly appointed by the aforesaid boards of trustees to receive the same," and then it imposes a condition upon the board of trustees, or regents, or governing body, that they shall file a stipulation with the Secretary of the Treasury that the money shall be devoted to the objects for which it is appropriated; and, further, that they shall give a bond—that is to say, the board of trustees, or regents, or the governing body—shall execute a bond for the faithful disbursement of the money, when, as a matter of fact, the money does not go into their hands at all.

Mr. GEORGE. That was the amendment of the colleague of the Senator [Mr. PLUMB].

Mr. INGALLS. The money being paid to the treasurer, if there is any bond to be executed the treasurer ought to execute it. The trustees ought not to be required to file any stipulations as to the method of the disbursement of this money, because the treasurer is required under the State laws to give a bond for the faithful disbursement of all funds belonging to the institution, in accordance with the original trust.

Mr. MORRILL. You do not want any bond at all.

Mr. INGALLS. There ought not to be any bond required at all; but if there is to be a bond it should be executed by the treasurer who receives the money. I will therefore move, in order to reach the sense of the Senate on this proposition, to strike out of section 6, after the words "eighteen hundred and eighty-seven," as it now stands in line 11, all down to and including the word "college" in line 19, and then to strike out the word "and" and insert "who" in line 19; then to strike out the words "also have," and for "executed" insert "execute," and "file" for "filed." I also move to strike out the first word "said," in line 20, and insert the word "the," and after "Secretary" insert "of the Interior," and strike out the word "their" following "Secretary" and insert "a;" so that the clause will read:

To be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the aforesaid boards of trustees to receive the same, the first payment to be made on the 1st day of October, 1887, who shall execute and file with the Secretary of the Interior a bond in the penal sum of $15,000, &c.

That strikes out the entire provision imposing this requirement of a stipulation from the trustees as to the disbursement of the money, and also the requirement that they shall execute a bond, when as a matter of fact they do not receive the money at all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. GEORGE. I have no objection to it.

The amendment was agreed to.

Mr. MORRILL. I now move to strike out all after the word "seven," in line 11 of that section, down to and including the word "received," in line 23. I do not think it is at all necessary that this bond should be given. The gentlemen who are engaged in this work are intrusted by their several States with a much larger fund, and they are among the most respectable gentlemen in every State. I move, therefore, to strike out all, from line 11, after "1887" down to and including the word "received," in line 23 of section 6.

Mr. CULLOM. Does that leave the bill in such shape as that the money will go into the hands of the treasurer, and not into the hands of the boards generally?

Mr. MORRILL. Yes, sir; into the hands of the treasurer.

Mr. CULLOM. It ought to be so.

The PRESIDING OFFICER. The amendment of the Senator from Vermont [Mr. MORRILL] will be stated.

The CHIEF CLERK. In section 6, line 11, after the date 1887, it is proposed to strike out the following words:

Who shall execute and file a bond, in the penal sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State, conditioned on the faithful expenditure of and accounting for all moneys so received.

Mr. HAWLEY. I do not understand that that was stated correctly. I believe the Senator from Vermont moved to strike out——

Mr. MORRILL. I moved to strike out all after the words "1887" in line 11 down to and including the word "received" in line 23.

The PRESIDING OFFICER. On the motion of the Senator from Kansas [Mr. INGALLS] the other lines have already been stricken out and the Chair is informed by the Secretary that the Senator's object is accomplished by the amendment as reported.

Mr. MORRILL. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. MORRILL].

The amendment was agreed to.

Mr. MORGAN. I should like to know how the bill stands now.

Mr. HAWLEY. I wish to invite the attention of the Senator from Mississippi, and other Senators also, to the very first line of the bill. Several changes have been made here, notably one relieving the Commissioner of Agriculture from the duty of prescribing standards, &c., so that it is hardly worth while to leave the words "the Department of Agriculture" in the third line of the bill. The bill ought to read:

That in order to aid in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, &c.

It is not to enable the Department of Agriculture to aid all these various colleges in the various States. I move to strike out the words "the Department of Agriculture," in the third line of the first section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

Mr. BUTLER. In line 5 of section 6 I move to strike out the word "fifteen," before "thousand," and insert "thirty;" so as to read:

That, for the purpose of paying the salaries and wages of the director and other employés of said stations, and the necessary expenses of conducting investigations and experiments, and printing and distributing the results as hereinbefore prescribed, the sum of $30,000 per annum is hereby appropriated to each State.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. GEORGE. I should like to insert $30,000 there, but I am afraid that would operate very largely to defeat the purpose of the bill. If it be found that this sum is insufficient it can be raised. I hope, therefore, the amendment will not be adopted.

The amendment was rejected.

Mr. CULLOM. I have not risen to move an amendment, but only to say that there have been so many amendments made that it would be very important that the bill should be read as amended before we vote on it finally.

While I am up I desire to say that the State of Illinois has a very excellent college of the kind that we are legislating about, having some four hundred students or more now in it, and, so far as my knowledge has gone, it has adhered very closely to the spirit of the law under which it was organized. The State of Illinois has appropriated large sums of money for buildings and apparatus, and it is thoroughly equipped for the education of its students according to the law of Congress, as well as the law of the State of Illinois. I am very glad that this addition is to be made.

Mr. GEORGE. Have you not also a mechanical college?

Mr. CULLOM. Certainly we have agricultural and mechanical departments in connection with it, and they have been doing very excellent work. I hope the bill will pass finally, but I think it would be well to read it before we pass it to see just what we have got in it.

Mr. SEWELL. I desire to say in relation to this bill that the State of New Jersey has for years had an agricultural college which has received a yearly appropriation from the State, and that it is doing an exceedingly good work for our community.

The land of New Jersey is of that character that requires high fertilization. There is more money expended for fertilizers in New Jersey per acre than in almost any other State of the Union. This college has established an experiment-station in our State for the purpose of the chemical analysis of fertilizers, which has been of great benefit to our farmers. Fertilizers that were practically of no value have been driven from the market by the officers appointed to conduct the experiment-station. It does not suffer from the lack of appropriations, but it seems to be extremely appropriate that the National Government should assist in the work, and for my part I am heartily in favor of the bill.

Mr. INGALLS. Mr. President, in section 5, after the word "that," in line 1, I move to strike out the words "in order to make the results of the work of said stations immediately useful." That is a declaratory statement that is unnecessary and has no place in a statute.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

Mr. INGALLS. And it leaves the disposition of the information by the publication of bulletins exactly the same as it is now. It only strikes out the declaration of purpose.

Mr. MORRILL. May I ask the Senator from Kansas what the word "they" refers to that is left?

Mr. INGALLS. That is stated in the preceding section.

Mr. MORRILL. I think it had better be repeated, whether you mean the governor or the several stations.

Mr. INGALLS. If the Senator will look at the bottom of page 3, line 15, he will find:

It shall be the duty of each of said stations, annually, on or before the first day of February, to make to the governor of the State in which it is located a full and detailed report of its operations.

Then it goes on to say "they shall publish." That means the several stations by their appropriate officers.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. INGALLS. I see in section 3 that these stations are to be "under the direction and control of the trustees or other governing body of such colleges, who shall have power to appoint a director and such assistants as may in each case be necessary."

It seems to me that the object and purpose of this appropriation would be practically destroyed if we provide that instead of expending this money under the direction of those who are already on the ground employed in the same transaction, there shall be a separate board of directors and assistants appointed to be paid out of this $15,000 per annum. There is a limitation on page 5 at the close of section 6 upon the amount that is to be expended in the direction of enlargement and repair of building or buildings, obviously for the purpose of retaining as large a proportion as possible of this amount for the actual object of conducting these experiments. There is undoubtedly at all of these colleges a force that is employed in the different States for the purpose of conducting the operations in these institutions, and I am at a loss to see why in making this appropriation for the purpose of aiding these institutions we should provide for a director and a separate corps of assistants to disburse this money and carry on these operations. There is no limitation whatever of their power. They can spend the whole of it in salaries if they choose.

Mr. GEORGE. I think the Senator is right. I think it ought to be under the direction of the colleges.

Mr. INGALLS. Ought they to have the power to spend the entire amount in salaries if they see fit?

Mr. GEORGE. No; I think the Senator's suggestion is right.

Mr. INGALLS. They have that power under the language of the bill. There is no limitation at all. They can only spend one-fifth part, that is $3,000, in the erection, enlargement, or repair of building or buildings, but if they are so disposed they can expend the entire remainder, the $12,000, in salaries.

Mr. GEORGE. I move to strike out in section 3 all after the word "colleges" in line 3.

Mr. HAWLEY. Why leave that in, because these colleges are already under the direction of trustees and directors provided for by the States? What is the use of saying to a State institution that it has our gracious permission to appoint trustees and professors?

Mr. INGALLS. Section 3 ought to be stricken from the bill. It is entirely superfluous.

Mr. HAWLEY. Let all of it be stricken out.

Mr. INGALLS. The bill provides, in section 6, for the appropriation of this money and its payment to the officer of the institution, to be expended in accordance with the provisions of the original act. I move to strike out section 3.

The PRESIDING OFFICER. The Senator from Kansas moves to strike out section 3. The question is on that amendment.

The amendment was agreed to.

Mr. HAWLEY. I move now to insert a new section:

SEC. —. That the grants of money authorized by this act are made subject to the legislative assent of the several States and Territories for the purposes of said grant.

The bill only provides for a payment directly to a treasurer of a local institution, a State institution, and says nothing about the Legislature or the State itself; does not require them to say, "We accept;" gets no indorsement whatever from the State. This amendment is modeled upon a similar provision in the original Morrill act.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. Insert as a new section:

SEC. —. That the grants of money authorized by this act are made subject to the legislative assent of the several States and Territories for the purposes of said grant.

Mr. BUTLER. There is no objection to that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

Mr. HAWLEY. Now, if there be no further amendment proposed to perfect the text of the original bill, I have an amendment pending as a substitute, which I wish to call attention to.

Mr. MORGAN. I will say to the Senator that the Senator from Texas, who is out of the Chamber for the moment, has an amendment.

Mr. INGALLS. Some amendment should be made to the text, as, for example, in lines 9 and 10 of section 2, to strike out "within the isothermal limits represented by the climate of the several stations and their vicinity." The object is, as declared, to ascertain "the capacity of new plants or trees for acclimation." I therefore move to strike out the language in lines 9 and 10 down to and including the word "vicinity."

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 2, after the word "acclimation," at the end of line 8, it is proposed to strike out:

Within the isothermal limits represented by the climate of the several stations and their vicinity.

Mr. INGALLS. The object being to ascertain "the capacity of new plants or trees for acclimation."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. INGALLS. Now, I call the attention of the Senator from Mississippi to the first section of this bill, where there is a declaration of the purpose of Congress in enacting the measure, which is said to be "in order to aid the Department of Agriculture in acquiring and diffusing among the people of the United States useful and practical information," &c.

Mr. MORRILL. Those words were stricken out.

Mr. INGALLS. Very well.

Mr. COKE. I offer the following amendment, to come in in line 6, section 6: After the word "State" to insert:

And to each Territory entitled under the provisions of section 9 of this act, out of any money in the Treasury proceeding from the sales of public lands.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In section 6, line 6, after the word "State," it is proposed to insert:

And to each Territory entitled under the provisions of section 9 of this act, out of any money in the Treasury proceeding from the sales of public lands.

So as to read:

The sum of $15,000 per annum is hereby appropriated to each State and to each Territory entitled under the provisions of section 9 of this act, out of any money in the Treasury proceeding from the sales of public lands.

Mr. COKE. Mr President, I should like to vote for this bill, but I am one of those who believe that education in the States is a subject alone within the jurisdiction of the States, and that it is outside the jurisdiction of Congress, and that Congress has no constitutional power to levy taxes upon the people and collect money to be applied to a subject outside of and beyond its jurisdiction as the subject of education in the States is. I therefore, if the bill remains in this shape, can not vote for it.

I have offered this amendment providing that the appropriation be made out of the proceeds of the sales of public lands. The public lands are by express grant of the Constitution within the absolute control of Congress. Congress has plenary power of disposition over the public lands, and consequently over the proceeds of the sales of the public lands. Congress has given away the public lands to the people for homesteads; it has given away the public lands to soldiers and sailors as bounty; it has given public lands to railroad corporations and various other enterprises, and among others has endowed the agricultural colleges with public lands. This amendment is in line with the original endowment of these colleges by Congress.

Congress having jurisdiction over the public lands and over their proceeds of sales can appropriate them for the purpose to which my amendment devotes them.

If this amendment is adopted the constitutional objection which exists in the minds of a number of Senators to this bill will cease to exist, because the appropriation will be made out of a fund that is absolutely under the control of Congress. I hope it will be adopted as there are a number of us who would like to vote for the bill, and can not vote for it in its present shape.

I have here the latest reports as to the proceeds of the sales of public lands referred to by the Senator from Alabama. The cash receipts for the last fiscal year were $5,575,891. The total receipts from public lands with fees, &c., and exclusive of Indian lands were $7,412,757.31. The appropriation under this bill will amount to between six and seven hundred thousand dollars per annum. The fund which my amendment devotes to this purpose is ample and abundant, and must continue so for an indefinite time. I hope the amendment will be adopted.

Mr. MORRILL. While I do not think the amendment necessary, I do believe it will make the bill stronger, and there is no doubt but there will be ample funds from the source designated. I hope, therefore, the amendment will be adopted.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas [Mr. COKE].

The amendment was agreed to.

Mr. HAWLEY. If there be no further amendment to offer to the text of the bill, I earnestly call the attention of the Senate to a proposed substitute, not because I drew it, for I really only copied the work of the illustrious Senator from Vermont [Mr. MORRILL] in 1862, taking his ably-drawn and perfectly constitutional and unobjectionable and sensible and business-like bill. I have merely made this a sort of codicil, a protocol to that bill, giving the States with established colleges a further sum of money, to be devoted to certain specific uses.

The act of 1862 is well known here and I need not undertake to read it at length, but the substitute I offer, credited in the print to Mr. HOAR, begins by saying:

That the sum of $15,000 per annum be, and the same is hereby, appropriated * * *

SEC. 2. That said sum shall be inviolably appropriated, by each State and Territory which may accept and claim the benefit of this act—

Giving it to the States directly—

to the establishment and maintenance, in connection with the colleges established," &c.

Giving the State a right, where two such colleges may have been established, to divide it between such colleges unless they choose otherwise, and adopting, if you please, the other corrections made by the Senator from Wisconsin and the Senator from Massachusetts, to have the varying arrangements made by the different States.

Then section 3 of my amendment adopts the language, I think, pre-

cisely of one of the sections of the pending measure, prescribing the work of the experiment-stations. Then section 4 goes on to say:

That the grants of moneys herein authorized are made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States and Territories shall be signified by legislative acts:

First. It shall be the duty of the chief officer of each station to publish at least once every three months, in cheap and popular form, a bulletin or report of progress, which shall be sent to the Department of Agriculture and to each other experiment-station established under this act, and furnished at cost, singly or by the year to subscribers.

Second. A full report of the operations of each station, including a statement of receipts and expenditures for the fiscal year ending June 30, shall be made annually and sent to each other station, and to the Secretary of the Treasury and the Commissioner of Agriculture of the United States.

In the third clause there is given a right to reserve a small proportion, not exceeding one-fifth, of the sum received for the erection, enlargement, or repair of buildings, saying that no State or Territory shall be entitled to the benefits of this act until it accepts it within two years. You can make that time four years if you choose. Then, adopting another section of the pending bill, I provide:

Fifth. Whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a part of the preceding annual appropriation remains unexpended by such station, such sum shall be deducted from the next succeeding annual appropriation to such station.

That short bill does the whole work and is modeled upon the original law establishing these colleges. It defines the work to be done sufficiently, and gives the money to the States to be accepted by the States for that purpose just as it did originally, and does not attempt to bond State officers or to come in under a legislature and deal with its creatures or anything of that sort. The simple, clear substitute for the bill that I submit does the whole work.

In order that this proposed substitute into which might be incorporated some of the minor amendments that have been made may be considered, and that we may know what the original bill is—it has been hammered almost to death—I ask that the question go over until 2 o'clock to-morrow, and that in the mean time the bill be printed with its amendments.

Mr. HOAR. I should like to ask unanimous consent, and I think it will be convenient to the Senate, that if this amendment be adopted it shall be treated as open to amendment in detail afterward.

Mr. HAWLEY. I think it would be, being adopted in Committee of the Whole, when we come into the Senate.

Mr. EDMUNDS. It would on coming into the Senate.

Mr. HOAR. But it would be more convenient to do the whole thing in committee.

Mr. HAWLEY. I see no objection to that.

Mr. PLUMB. I ask the Senator from Connecticut may we not simplify his amendment still more? As his object is to get this money for the States, why not say simply that so much money shall be given to the States to do as they please for the benefit of agriculture?

Mr. HAWLEY. I prefer to specify.

Mr. PLUMB. Why not go further, if we are to appropriate public money to the States, and go back to the act of 1834 and give the surplus around to the various members of the Union, and thereby dispose of all questions as to the disposition of the public moneys.

Mr. HAWLEY. That is very good, in the Senator's best vein; but if he will look to section 3 he will see that the devotion of this money is very carefully designed and outlined, and that the best guaranty we know how to get is taken for the use of it, and that is the guaranty of a sovereign State.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent of the Senate that this bill be printed as amended.

Mr. EDMUNDS. And showing the amendments.

The PRESIDING OFFICER. And that its further consideration be postponed until 2 o'clock to-morrow.

Mr. EDMUNDS. But the bill is to be printed showing the amendments as made, as different from the original bill.

The PRESIDING OFFICER. Such was the statement of the Chair, that the bill be printed as amended, of course showing the amendments.

Mr. EDMUNDS. And that it be the unfinished business at 2 o'clock to-morrow.

The PRESIDING OFFICER. And that it be postponed until and be the unfinished business at 2 o'clock to-morrow. Is there objection?

Mr. BERRY. I should like to ask what effect that will have on the next special order?

The PRESIDING OFFICER. This bill will be the unfinished business at 2 o'clock to-morrow, and when disposed of the first special order will be the regular order unless the Senate should order otherwise. Is there objection? The Chair hears none, and the order to print is made.

HIATT & CO.

Mr. PLATT. I ask unanimous consent of the Senate at this time to move the reference of a message of the President of the United States which was laid upon the table at my request. It is a message transmitting a communication from the Secretary of the Interior, with a draught of a bill for the relief of Hiatt & Co. I move its reference to the Committee on Indian Affairs.

The PRESIDING OFFICER. It will be so referred if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3129) for the relief of Frank J. Burrows; and

A bill (H. R. 6764) to provide for holding terms of the United States circuit courts at Vicksburg, Miss.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PETITIONS AND MEMORIALS.

Mr. RANSOM. I present a memorial and resolutions of the General Assembly of the Territory of New Mexico asking immediate legislation upon measures necessary for the proper settlement of Mexican and Spanish land grants in New Mexico and the adjoining Territories. I have been requested by Hon. Mr. JOSEPH, the Delegate from New Mexico, to present this memorial to the Senate. I move that it be laid on the table, as the bill to which it refers is on the Calendar.

The motion was agreed to.

Mr. CONGER presented a resolution of the Legislature of Michigan urging the passage of the Miller bill for the suppression of pleuropneumonia; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. HAWLEY submitted the following report:

The Committee on Military Affairs, to whom was referred the bill (S. 1024) to enable the Secretary of War to pay Rane C Hutchison for services rendered and expenses incurred in the military services of the United States, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The report was ordered to be filed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO A BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

BILLS INTRODUCED.

Mr. CONGER (by request) introduced a bill (S. 3224) repealing the charters of the Washington and Georgetown and the Metropolitan Railroad Companies in the District of Columbia, and providing that franchises for the routes operated by said roads shall be offered for public competition, and prohibiting the future granting of like franchises for the District of Columbia, except after advertisement for public competition; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MCMILLAN (by request) introduced a bill (S. 3225) to authorize the Stillwater and Cooke City Railway Company to construct and operate a line of railway through the Crow Indian Reserve, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

JOHN R. HARRINGTON.

Mr. EVARTS. I ask consent of the Senate to have the bill (H. R. 4594) for the relief of John R. Harrington, Calendar No. 1987, which was reported on the 20th instant by the Committee on Patents adversely, recommitted to that committee.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection——

Mr. COCKRELL. I should like to know what the bill is.

The CHIEF CLERK. A bill (H. R. 4594) for the relief of John R. Harrington.

Mr. COCKRELL. That is an extension of a patent-right.

Mr. EVARTS. I only ask that it be recommitted.

Mr. COCKRELL. I have read the report made in that case, and I can see no earthly reason why it should be recommitted. It seems to have received full and fair consideration of the committee. I presume that the parties interested are like all other applicants, exceedingly persistent and determined to try and force the passage of the bill through the Senate.

Mr. BECK. I call for the regular order.

ORDER OF BUSINESS.

Mr. CALL. I move to proceed to the consideration of the resolution relating to the forfeiture of public lands.

Mr. BECK. I understand the next special order is the bill (S. 2578) in regard to railroad attorneys.

The PRESIDING OFFICER. The next special order will be reported; but the Senator from Florida has interposed a motion to proceed to the consideration of a joint resolution, which the Secretary will report.

Mr. CALL. If it is proposed to go on with other business I will not interpose any motion.

The PRESIDING OFFICER. The Senator from Florida withdraws his motion, and the Chair lays before the Senate the next special order, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. BERRY. I desire to make a few remarks on the bill before the Senate, and simply want to take the floor upon it.

Mr. EDMUNDS. I shall concede that to my friend.

The PRESIDING OFFICER. The Senator from Vermont withdraws the motion.

Mr. EDMUNDS. In order that my friend from Arkansas may take the floor on the subject he wishes to speak on——

Mr. BERRY. Mr. President——

Mr. EDMUNDS. Now, I move that the Senate proceed to the consideration of executive business.

Mr. BERRY. I have the floor on the railroad attorneys bill.

The PRESIDING OFFICER. Yes, sir. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seven minutes spent in executive session the doors were reopened.

DESIGNATION OF REJECTED NOMINEES.

Mr. HOAR submitted the following resolution; which was ordered to be printed:

Resolved, That after the Senate has refused its advice and consent to the appointment of any person to an office, it is contrary to the spirit and intent of the Constitution to designate the same person to perform the duties of the same office immediately thereafter.

PUBLIC BUILDING AT CHATTANOOGA, TENNESSEE.

On motion of Mr. HARRIS, it was

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn., approved February 25, 1885.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 27, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 26th day of January, 1887.

SECRETARY OF LEGATION.

Thomas B. Connery, of New York, to be secretary of the legation of the United States to Mexico, *vice* Joseph L. Morgan, resigned.

UNITED STATES CONSUL.

William Reed Lewis, of Pennsylvania, to be consul of the United States at Tangier, *vice* Felix A. Mathews, recalled.

POSTMASTERS.

John E. Banta, to be postmaster at Muncie, Delaware County, Indiana, *vice* Robert I. Patterson, whose commission expires February 7, 1887.

Aaron F. Vedder, to be postmaster at White Hall, Greene County, Illinois, *vice* Benjamin B. Hamilton, resigned, to take effect February 1, 1887.

For promotion in the Army.

POST CHAPLAINS.

Rev. William F. Hubbard, of New York, January 21, 1887, *vice* Brady, deceased.

Rev. Henry Swift, of Dakota, January 21, 1887, *vice* Crocker, retired from active service.

WITHDRAWAL.

The nomination which was delivered to the Senate on the 6th instant, of Robert E. Culbreth, of California, to be consul of the United States at Apia, is withdrawn.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 26, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MEXICAN PENSION BILL.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, submitting an estimate from the Secretary of the Interior of an appropriation to meet expenditures under the Mexican pension bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING FOR COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the chief-justice of the Court of Claims in relation to a deficiency appropriation for that court for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PRIVATE LAND CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico upon the private land claim known as Encinas tract, José Luis Valdez, claimant, No. 55; which was referred to the Committee on Private Claims, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a supplementary report of the surveyor-general of New Mexico upon the private land claim known as the Petaca grant, No. 105; which was referred to the Committee on Private Land Claims, and ordered to be printed.

CLAIM OF ANN MOREAU.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact by that court in the case of Ann Moreau *vs.* the United States; which was referred to the Committee on War Claims, and ordered to be printed.

PROTECTION OF AMERICAN FISHING VESSELS, ETC.

The SPEAKER also laid before the House the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vesssels, American fishermen, American trading and other vessels in certain cases, and for other purposes; which was read a first and second time, and referred to the Committee on Foreign Affairs.

Mr. BELMONT. I move that this bill be referred to the Committee on Foreign Affairs with leave to report at any time.

The SPEAKER. The bill will be referred to the Committee on Foreign Affairs. The gentleman from New York asks unanimous consent that the committee have leave to report at any time. Is there objection?

There being no objection, leave was granted.

Mr. DINGLEY. As this bill passed the Senate with amendments, and not as originally printed, I ask that it be now printed by the House as passed by the Senate.

The SPEAKER. If there be no objection, that order will be made.

There was no objection; and it was ordered accordingly.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 2301) granting a pension to Lucy E. Anderson; and

A bill (S. 2098) for the relief of Rosella E. Hibbert.

COMMITTEE CHANGES.

The SPEAKER announced the appointment of Mr. HARRIS as a member of the Committee on Agriculture in place of Mr. AIKEN; and of Mr. HOPKINS on the same committee in place of Mr. PRICE, deceased.

ARMY APPROPRIATION BILL.

Mr. BRAGG. Mr. Speaker, I submit a privileged report on the Army appropriation bill.

The SPEAKER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 19, 20, 22, 23, 24, 25, 26, 29, and 31, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Insert before the words proposed to be inserted by said amendment the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Insert before the word proposed to be inserted by said amendment the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,661,918.69;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,600;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out from said amendment the word "ordnance" where it first occurs, and strike out the sum named in the last line of the amended paragraph and insert in lieu thereof "$80,000;" and the Senate agree to the same.

EDWARD S. BRAGG,
EGBERT L. VIELE,
GEO. W. STEELE,
Managers on the part of the House.

W. B. ALLISON,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

Mr. BRAGG, on the part of the House conferrees, upon the bill (H. R. 10242) making appropriation for the support of the Army, with the Senate amendments thereto, submits the following report explanatory of the report of the joint conferrees submitted for adoption by the House:

Amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20, 22, 25, 29, and 30: Are mere changes in matters of form, and do not change the bill in any substantive sense.

Amendment numbered 16: Reduces the sums appropriated for paymasters' messengers and traveling expenses of paymasters' clerks from $88,800 to $83,800.

Amendments numbered 17 and 18: Allowing a clerk to the general retired and additional pay to the superintendent of military prison are disagreed to. The former because the provision is not germane to this bill, but should be placed on the legislative bill; the latter because it was not thought proper to increase pay for a duty which properly devolved upon the office held and exercised by the officer as a quartermaster in the regular Army.

Amendment numbered 21: Merely conforms the total to the amount previously appropriated after the reduction made by amendment numbered 16.

Amendment numbered 23: Strike out the words "and at," which takes away commutation of rations to troops while in encampment engaged in target practice.

Amendment numbered 24: Increases the limit which may be paid civilian employés in the Subsistence Department from $105,000 to $110,000.

Amendment numbered 26: Strikes out the provisions of the House bill which related to the use of the funds in the Quartermaster's Department to be expended on transportation.

This amendment was concurred in by the committee for one reason only, namely, that the power to prevent deficiencies was vested in the Secretary of War by proper orders through the Lieutenant-General and officers commanding division departments, posts, and detachments, and a belief that he would exercise such power, his attention being by this action specifically called to the subject.

Amendment numbered 27: Reduces the appropriation for construction of quarters for hospital stewards from $12,500 to $9,600.

Amendment numbered 28: Reduces the apropriation for "ordnance service" from $90,000 to $80,000.

Amendment numbered 31: Increases the appropriation for manufacture of arms at the national armory from $300,000 to $400,000.

The total increase of the bill, as the effects of the amendments, is $81,900.

Mr. BRAGG. I desire, Mr. Speaker, to make one statement to the House in connection with this report, because I do not think the Military Committee ought to permit an assertion which is published in the RECORD of this morning to go unchallenged. It was said that the effect of the proviso attached to the bill by this House, directing the manner in which funds appropriated to the Quartermaster's Department should be disbursed, was in fact a proviso placing the Army under the command of the Quartermaster-General. On behalf of the committee whom I represent I can not permit that statement to go unchallenged. It was a proviso carefully drawn to protect funds that are appropriated by Congress, to be disbursed by the Quartermaster-General, from the foray to be made upon them by every officer in command in the United States Army.

The Military Committee of the House appreciated, as does almost every one who has any communication with the Army, that there are certain officers who executed high commands during the late war who feel exceedingly restive when they feel the weight of civil orders brought to bear upon them directing the mode of expending public funds. The committee thought that a time of peace was the time to teach the officers of the Army that the power that grants the money to them is the power that shall direct the way and method in which it shall be disbursed; and for that reason we provided, in the report made to the House in the bill from the Military Committee, that the money appropriated to the Quartermaster-General's Department should be disbursed by the Quartermaster-General under the direction of the Secretary of War. Furthermore, that whenever a commander of a division, or a department, or of a post, had an emergency arise which required an immediate expenditure of money in his judgment, before that expenditure could be made he should be required to make his order for the expenditure in writing, and to state what the emergency was.

That, we thought, was necessary for the purpose of preventing the continual return from certain departments of the Government, year after year of deficiencies without any responsible head to whom they can be charged. You call upon the Quartermaster-General to account for a deficiency in transportation, for instance: "Why, Mr. Quartermaster-General, do you permit these deficiencies to be made?" He replies: "Sir, they were made without my knowledge. This money was expended and the contracts entered into elsewhere; and the first information coming to me on the subject is when the bill is presented to be paid." It was, therefore, to correct that evil that the House committee made a proviso and attached it to the bill covering the point, and, as we say in our report, we only receded from the proviso upon a consciousness of the fact that the power does now exist in the Secretary of War to prevent it, and we receded in order to avail ourselves of this opportunity of saying to the Secretary of War that when deficiencies came in from the departments under his administration, that he, and not a bureau officer, is responsible for them, and the officers under his command who create the deficiency are responsible to him for them. If, then, he discharges his duty as the credit of his administration requires—and I have no doubt whatever that he will do so—a general order will be issued by him to department commanders directing that no such expenditure shall hereafter be made.

I move the adoption of the report, upon which I ask the previous question.

Mr. HOLMAN. Let me ask the gentleman from Wisconsin a question: What is the total amount of the increase?

Mr. BRAGG. Eighty-one thousand nine hundred dollars.

Mr. HOLMAN. And the item of $100,000 for arms has been yielded by the House?

Mr. BRAGG. Yes, sir.

Mr. HOLMAN. Making the whole sum for this purpose $400,000?

Mr. BRAGG. Yes, sir.

The conference report was adopted.

Mr. BRAGG moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERMS OF UNITED STATES COURTS, VICKSBURG, MISS.

Mr. CATCHINGS. I move by unanimous consent to take from the House Calendar the bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss., and I desire to say I have several amendments to offer which will make the bill agreeable to all the representatives of Mississippi.

The bill was read, as follows:

Be it enacted, &c., That the counties of Tunica, Coahoma, Bolivar, Washington, Sun Flower, Sharkey, Issaquena, and Warren shall constitute a part of the northern judicial district of Mississippi, and shall be known as the western division of said district; and courts for the transaction of business pertaining to the persons and property in said western division shall be held at the city of Vicksburg on the first Mondays of January and July in each year, and shall be held for four weeks, or so long as business may require.

SEC. 2. That the said court to be held at Vicksburg as provided in section 1 of this act shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the courts in said district now held at Oxford and Aberdeen, respectively; and for the purpose of exercising the jurisdiction herein conferred the said western division shall be a separate judicial district; and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said division; and all laws touching the removal of causes from State courts to United States courts shall apply to said court hereby established.

SEC. 3. That it shall be the duty of the clerks of the courts now held at Oxford and Jackson, on demand of either party to any suit now pending in either of said courts, and properly belonging to the court at Vicksburg, to make out and certify a copy of the record and proceedings in such suit, and to transmit the same to the clerk of said court at Vicksburg, who shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fees for such transcript shall be paid by the party applying for the same.

SEC. 4. That the marshal and clerk of said northern district of Mississippi shall appoint deputies, who shall reside at Vicksburg and act as marshal and clerk of said court.

SEC. 5. That the United States shall not be at any expense in providing for a building or room for the holding of the terms of said court.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. CATCHINGS's amendments were read, as follows:

Amend the first section by striking out the words "Tunica," "Coahoma," "Bolivar," and "Sunflower," and by striking out the word "northern," in the fifth line, and by inserting before the word "courts," in the sixth line, the words "circuit and district."

Amend section 2 by inserting "courts" in place of "court," in first line, and by inserting before the word "courts," in line 5, the words "circuit and district," and by striking out the words "at Oxford and Aberdeen," respectively, and inserting "at Jackson;" also amend section 2 by adding thereto the following words: "but all crimes and offenses heretofore committed within said southern district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed."

Amend section 3 by striking out the words "Oxford and Jackson," in the second line, and inserting "Jackson."

Amend section 4 by striking out the word "northern," in line 1, and inserting "southern."

There was no objection, and the amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. CATCHINGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCook, its Secretary, announced the passage of bills of the following titles, without amendment:

A bill (H. R. 191) providing for the erection of a public building at Los Angeles, Cal.;

A bill (H. R. 9371) for the completion of a public building at Santa Fé, N. Mex.;

A bill (H. R. 9644) for the erection of a public building at Jefferson, Tex.; and

A bill (H. R. 10051) for the erection of a public building at Charleston, S. C.

It further announced the passage of bills of the following titles, with amendments; in which concurrence was requested:

A bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property; and

A bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885.

It further announced the passage of bills and a joint resolution of the following titles; in which concurrence of the House was requested:

A bill (S. 1920) to increase the appropriation for the erection of a public building at Minneapolis, Minn.;

A bill (S. 1974) providing for the erection of a public building at the city of Hastings, Nebr., and for other purposes;

A bill (S. 2303) for the erection of a public building at Chester, Pa.;

A bill (S. 3001) for the erection of a public building at Milwaukee, Wis.;

A bill (S. 3055) for the extension and repair of a public building at Newark, N. J.;

A bill (S. 3121) for the erection of a public building at Hanover, N. H.;

A bill (S. 1322) to provide for the erection of a public building at the city of Morgan City (port of Brashear), State of Louisiana; and

A joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.

FRANK J. BURROWS.

Mr. BROWN, of Pennsylvania. I ask, by unanimous consent, that the Private Calendar be discharged from the further consideration of the bill (H. R. 3129) for the relief of Frank J. Burrows.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized and directed to cause the account of Frank J. Burrows, postmaster at the city of Williamsport, State of Pennsylvania, to be credited with the sum of $3,500, on account of the loss of that amount in postage-stamps by the robbery of said post-office on the 2d day of August, A. D. 1884, it appearing that said loss was without fault or negligence on the part of said postmaster.

Mr. SPRINGER. I ask for the reading of the report.

The report (by Mr. FLEEGER) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 3129) for the relief of Frank J. Burrows, having had the same under consideration, respectfully report:

That Frank J. Burrows was postmaster at the city of Williamsport P. O., Pa., from 1882, to ——; that on the 30th day of August, 1884, the said post-office was robbed of 50,000 1-cent postage-stamps, and 150,000 2-cent stamps, aggregating in value $3,500, and also of $522 in money.

The said robbery was committed about a quarter to twelve o'clock (noon), when the postmaster, clerks, carriers, and employés of the post-office were at dinner, with the exception of the assistant postmaster, the mailing clerk, and the delivery and stamp clerk. The mailing clerk was busy at his desk. The delivery and stamp clerk was at the general delivery window, and the assistant postmaster, Mr. Shay, was occupied in the money-order office in the rear part of the office. The stamps and money stolen were in an iron safe belonging to the Department, and furnished for that purpose by the Department. The stamps were in the original packages in which they had been sent to the post-office.

While so engaged as aforesaid a boy came in and told the assistant postmaster that a gentleman in a buggy in front of the door wished to speak to him. Mr. Shay, the assistant postmaster, at once left his work and went to the door. The man in the buggy said he was sorry to have brought him out, but he was lame and could not get out of the buggy. He then said that he wanted to ask him how he would have to proceed to get seeds from the Department, &c. Mr. Shay replied that he was not able to give him the information, but supposed he could get them through the member of Congress from his district. Mr. Shay then returned to his office, not having been gone, as he thinks, more than three or four minutes. That afternoon it was discovered that the stamps mentioned had been taken from the safe and packages similar in size and appearance substituted for them; also that the money mentioned had been stolen. It is supposed that while the man in the buggy engaged the assistant postmaster in conversation, a confederate, or confederates, entered by a side door from the alley or through a window and committed the robbery. Diligent effort was made by the postmaster and the inspectors and officials of the Post-Office Department to discover and apprehend the thieves, but without success.

A. G. Sharp, chief inspector, Post-Office Department, in a letter to Hon. William T. Price, dated January 13, 1885, in answer to one for information as to the robbery, says:

"A thorough examination was made by an inspector to ascertain if there was any evidence of collusion between the thieves and the employés of the Williamsport office, or any of them, but none could be found. * * * A rigid and searching investigation was made of the accounts of the office, and everything was found to be in good shape, except the losses before stated. The assistant postmaster has the absolute confidence of the postmaster, and, in fact, the confidence of every one with whom he has come in business contact."

J. M. Speese, the inspector of the Post-Office Department who investigated the said robbery within a few days after the same was committed, states in a letter written by him to a member of this committee:

"This robbery was planned by ingenious and bold thieves from New York, and due vigilance could not have prevented its execution."

He also states—

"I have always found the Williamsport post-office intelligently and carefully managed, and the interests of the Department and the public carefully conducted."

From all the evidence your committee conclude that no blame can attach to said postmaster for said loss, and believing that he should have credit on his account with the Government for said loss as provided in the bill, recommend that the bill do pass.

There was no objection, and the Private Calendar was discharged from the further consideration of the bill, and it was taken up, ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWN, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. LANHAM. I ask by unanimous consent——

Mr. WILLIS. I demand the regular order of business.

UNLAWFUL INCLOSURES OF PUBLIC LANDS.

Mr. PAYSON, from the Committee on the Public Lands, reported back the following resolution, with the recommendation that it be adopted:

Whereas Congress, by the act approved February 25, 1885 (23 Stats. at Large, page 321), prohibited any and all inclosures of public lands, except held under claim of title made in good faith, and the Secretary of the Interior shows in his last annual report to the President, dated November 1, 1886, that notwithstanding the provisions of said act the practice of unlawfully inclosing large areas of the public lands still continues, and the Secretary, in said report, suggests that "it is to some extent a matter of doubt whether the prohibitory provision of the law covers these cases, though I am of opinion that it does; and should there be any doubt in the mind of Congress upon the point, additional legislation will be needed:"

Resolved, That the Secretary of the Interior be required to procure the opinion of the Attorney-General for the use of this House whether, to reach the cases cited by the Secretary of the Interior, especially as to lands in the granted limits of railroad land grants, any further legislation is needed.

The resolution was adopted.

Mr. PAYSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT ON INTERSTATE COMMERCE.

Mr. BARKSDALE. I am instructed by the Committee on Printing to report back, with a favorable recommendation, the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That there be printed for the use of the House 15,000 copies of the corrected report of the committee of conference on the bill (S. 1532) to regulate commerce, together with the detailed statement of the House conferrees on the said bill.

The report of the committee was read, as follows:

The estimated cost of printing the same is $131.70. The Public Printer estimates the cost of the amount of printing previously estimated upon, ordered by Congress within the present fiscal year, at $134,364.12. The committee recommend the adoption of the resolution.

Mr. SPRINGER. I desire to know whether the resolution provides for the printing of the detailed statement of the House conferrees.

Mr. BARKSDALE. It does.

Mr. SPRINGER. Why print that now? It was simply for the information of the House to enable it to comprehend what changes were made. It seems to me all we require to have printed now is the bill itself. I suggest that part of the resolution be omitted as the necessity for it has entirely passed.

Mr. BARKSDALE. The cost of the printing is very small indeed, as will be seen by the report, and the statement of the conferrees is very much desired by many members. I do not think the gentleman from Illinois should urge an objection to that.

Mr. SPRINGER. It was very desirable pending the consideration of the matter before the House, but now, as it has been determined and the will of the House has been declared, I see no necessity for it.

Mr. FARQUHAR. It is the whole statement of the merits of the changes made in the bill.

The resolution was adopted.

REPORT OF VISITORS TO MILITARY ACADEMY.

Mr. BARKSDALE. I am also instructed by the Committee on Printing to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That 5,000 extra copies of the annual report of the Board of Visitors to the United States Military Academy for the year 1886 be printed for the use of Members of the House of Representatives, in accordance with the recommendation of the Committee on Military Affairs, herewith presented.

The report was read, as follows:

The estimated cost of printing and covering 5,000 extra copies of said report is $152.20. The approximate cost of the amount of printing previously estimated upon ordered by Congress within the present fiscal year is $133,902.33.

The resolution was adopted.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. CRISP). The regular order is the call of standing and select committees for reports.

ANDREW J. EDGERLY.

Mr. BRAGG, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 10353) for the relief of Andrew J. Edgerly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

Mr. BRAGG, from the Committee on Military Affairs, reported back bills of the following titles, and they were referred to the Committee on War Claims:

The bill (H. R. 7419) for the relief of George M. Little; and

The bill (H. R. 9023) for the relief of Francisco V. De Coster.

WILLIAM C. SPENCER.

Mr. WHEELER, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. 9905) for the relief of William C. Spencer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. WHEELER, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. 10804) to effect a re-arrangement of grades of offices in the Adjutant-General's Department of the Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with an adverse recommendation the petition of Schuyler Hamilton; which was laid upon the table, and the accompanying report ordered to be printed.

PUBLIC BUILDINGS AT HARRISONBURG, VA.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 2058) to complete the public building at Harrisonburg, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT OWENSBOROUGH, KY.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, also reported back, with a favorable recommendation the bill (S. 1536) for the purchase of suitable ground in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ELIZABETH SAILER.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 5963) for the relief of Elizabeth Sailer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

MRS. ANNA ETHERIDGE HOOKS.

Mr. WINANS, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks; which was referred to the committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA B. KERR.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 9898) for the relief of Anna B. Kerr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ACCOUNTS WITH RAILWAY COMPANIES.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 511) to provide for the settlement of accounts with certain railway companies; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HYLAND C. KIRK AND OTHERS.

Mr. HOWARD, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 2560) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOWARD. I ask that the Committee of the Whole be discharged from the further consideration of the House bill (H. R. 7649) having the same title, and that the same be laid upon the table.

There was no objection, and it was so ordered.

JAMES H. GILBERT.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 10073) for the relief of James H. Gilbert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARREARS OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back with an amendment the bill (H. R. 9469) relating to arrears of taxes in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SALES FOR OVERDUE TAXES IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported back with a favorable recommendation the bill (H. R. 9064) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

COAST AND GEODETIC SURVEY.

Mr. BARKSDALE, from the Committee on Printing, reported back with a favorable recommendation the concurrent resolution providing for the printing of 5,000 additional copies of the report of the Superintendent of the United States Coast and Geodetic Survey, &c.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JULIA A. SLUDER.

Mr. SHAW, from the Committee on Claims, reported back with an amendment the bill (H. R. 10178) for the relief of Mrs. Julia A. Sluder, executrix of E. Sluder, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPRESENTATIVES OF HENRY H. SIBLEY.

Mr. TRIGG, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 909) for the relief of the legal personal representatives of Henry H. Sibley, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. BUCHANAN, by unanimous consent, obtained leave to have the views of the minority printed with the report.

LAND CLAIMS IN ARKANSAS, FLORIDA, LOUISIANA, ETC.

The SPEAKER *pro tempore*. The hour for the consideration of bills under the rule begins at nine minutes to 1 o'clock. The call rests with the Committee on Private Land Claims. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 7214) to authorize the examination, approval, and patenting of certain unconfirmed private land claims in the States of Arkansas, Florida, Louisiana, and Missouri, and in the States of Alabama and Mississippi south of the thirty-first degree of north latitude.

The SPEAKER *pro tempore*. This bill was under consideration on Monday last, and, by order of the House, was printed in the RECORD.

Mr. SPRINGER. Has the bill been considered in Committee of the Whole?

The SPEAKER *pro tempore*. The bill is on the House Calendar.

Mr. SPRINGER. Is it not subject to be considered in Committee of the Whole House on the state of the Union?

The SPEAKER *pro tempore*. The present occupant of the chair is informed that when the bill was last up the Speaker held that it was properly in the House.

Mr. SPRINGER. It occurred to me that this bill provided for disposing of public lands; and, if so, it should have its first consideration in Committee of the Whole House on the state of the Union. I was not aware that the Speaker had given an opinion on that point.

Mr. SADLER. Mr. Speaker, it appears that in section 12 of this bill there are two provisos. The last was intended by the committee to be a substitute for the first, and I therefore offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by striking out all beginning with the word "provided," in line 14 of section 12, down to the word "provided," in line 42 of the same section.

Mr. SPRINGER. Has the bill been read, Mr. Speaker?

The SPEAKER. The bill was partly read, and by unanimous consent of the House it was printed in the RECORD. Does the gentleman from Illinois [Mr. SPRINGER] desire to have it read?

Mr. SPRINGER. I desire to have it read before it is acted upon, but if any gentleman desires to discuss it now, I do not object to that.

The SPEAKER. The gentleman has a right to have it read whenever he desires. In the mean time, the gentleman from Alabama [Mr. SADLER] may proceed.

Mr. SADLER. Mr. Speaker, I will ask the gentleman from Illinois to state how much time he wants for the discussion of this bill.

The SPEAKER. The gentleman from Illinois does not ask for time; he asks whether the bill has been read or not.

Mr. SPRINGER. I think, Mr. Speaker, that the gentleman from Alabama will do well to proceed to explain the provisions of this bill before we are asked to vote upon it.

Mr. SADLER. Mr. Speaker, this bill refers to certain land claims originating under cessions from France under treaty with the United States in 1803. Since that date several acts of Congress looking to the adjustment ot these claims have been passed. The first was passed in the year 1805; after that, in 1807, another was passed, and several acts having the same object in view, the adjustment of these claims, have been passed since that date, the last, I believe, in 1860. Some of those acts provided for the adjustment of these claims by the appointment of a board of commissioners for that purpose; some referred them to the registers and receivers of the land offices; some to the Commissioner of the General Land Office, for approval. The act of 1860, however, referred the settlement of these claims to the United States district court. Notwithstanding these opportunities afforded by Congress to claimants in the various States and parts of States mentioned in the bill, there are yet in those States a large number of persons who have failed to avail themselves of these provisions; and there are still outstanding unsettled claims in all the States designated.

This bill, Mr. Speaker, does not ask for a dollar from the Government under any circumstances. It is simply a bill to quiet title, a bill necessary as well to the Government as to the citizens for whose benefit it is more particularly proposed. It is a measure of relief by the Government to citizens of these States who hold these lands and have held them by inheritance for more than three-quarters of a century.

The Government of the United States has never attempted to interfere with these claimants or the lands upon which they are located. It was provided in the acts of cession that the owners or occupants of the lands should be protected in their settlements; therefore, the Government of the United States could not, with propriety, as it never has done, interfere with these persons. But under the new order of things which occurs in what some term "the new South" these lands are now upon the market. Persons from other sections of the country go there and wish to purchase them. The occupants of the land have rested secure as they supposed in their possession, believing that sufficient. But when the terms of sale are agreed upon and the would-be purchaser demands title from the occupant, he has none to show, and therefore can not transfer his property.

Mr. HENDERSON, of Iowa. Where are these lands chiefly situated?

Mr. SADLER. Most of them which have not been confirmed are, I presume, in the State of Louisiana. Many of them have been confirmed heretofore under various acts of Congress.

Mr. BLANCHARD. I wish to ask whether this is a unanimous report from the Committee on Private Land Claims.

Mr. SADLER. It is a unanimous report.

Mr. BLANCHARD. And these are lands to which the Government now asserts no title.

Mr. SADLER. None whatever; and it has never done so.

Mr. HENDERSON, of Iowa. How much land is embraced in this bill?

Mr. SADLER. It is impossible to tell. It applies to all the lands which need a confirmatory act of this kind. The bill provides that the claimants shall file their petitions with the register or receiver of the land offices in the several districts in which the lands are located, or, if there are no registers or receivers in the district, then with the Commissioner of the General Land Office; and in each case the final approval of the Secretary of the Interior is required.

Mr. HENDERSON, of Iowa. Is the passage of the bill recommended by the Interior Department?

Mr. SADLER. It appears, I think, that substantially this bill was draughted by the Secretary of the Interior. I have been so informed.

Mr. WEAVER, of Iowa. Not the present Secretary of the Interior.

Mr. SADLER. No, sir.

Mr. WEAVER, of Iowa. I understand that this bill has never been submitted to him or to the present Commissioner of the Land Office.

Mr. SADLER. I now yield ten minutes to the gentleman from Kentucky [Mr. HALSELL].

Mr. NELSON. Mr. Speaker, has anybody been recognized in opposition to this bill?

The SPEAKER. The gentleman from Alabama [Mr. SADLER] called up the bill, and being entitled to an hour has yielded ten minutes of his time to the gentleman from Kentucky.

Mr. SADLER. I will yield ten minutes to the gentleman from Minnesota [Mr. NELSON] if he wishes to speak.

Mr. NELSON. This is an important bill, and I ask time in my own right to oppose the bill.

The SPEAKER. The Chair will state that there is only one hour for the consideration of this bill this morning, and if its consideration be not completed at the end of the hour, the bill will take its place with the unfinished business of the House. The gentleman from Alabama having called up the bill on behalf of the committee, has the floor for one hour, and can occupy the entire time if he desires to do so.

Mr. HENDERSON, of Iowa. Will there not be another hour on the next call?

The SPEAKER. There will not be, because this is the second hour of the committee. The bill comes over by reason of the fact that it was unfinished at the termination of the last consideration hour.

Mr. NELSON. Mr. Speaker, under these circumstances I will avail myself of the courtesy of the gentleman from Alabama [Mr. SADLER], and briefly state my objections to the bill.

This is a bill which on its face purports to give authority to a great number of private claimants to go before the register and receiver of the local land offices in the several States interested to prefer their claims by petition and have them passed upon and allowed. And where there is no register or receiver the cases are to be acted on in the first instance by the Commissioner of the General Land Office. Where a case is acted on by a register and receiver they are to report the matter to the Commissioner of the General Land Office, whose decision is to be in a certain measure final, though he reports to the Secretary of the Interior. Claimants who are disappointed in the decision of the register and receiver at the local land office, or in the decision of the Commissioner, may appeal; but there is no corresponding right of appeal secured to the Government if the decision should be deemed adverse to its interests.

The object of this bill is to allow a number of private claimants to have their claims passed upon in this way by a sort of *ex parte* tribunal—first by the register and receiver of the local land office, and next by the Commissioner of the General Land Office. No provision is made for protecting the rights of the United States Government by the appearance of counsel in its behalf. Private land claims of this character ought to be preferred in some of the Federal courts where the rights of the United States would be protected by the local district attorneys. No provision of that kind is made in this case.

In addition to that, Mr. Speaker, whenever these claims are allowed as proposed in this bill there is to be, if they can not be satisfied locally, I mean if the local lands can not satisfy them, there is a species of land-scrip to be issued which is assignable and can be used to locate lands all over the Union. This is contained in section 11, and is a similar provision to that contained in the bill that passed the other day on the report of this committee, but which was eliminated by amendment of the gentleman from Indiana.

In my opinion, Mr. Speaker, without going into detail, I think this is a most dangerous bill. If these private land claimants have any claims as to land grants against the Government those claims ought to be passed upon and adjudicated in the Federal courts, and the United States ought to be protected by counsel appearing in those courts. I would, therefore, if I am entitled to make any motion, Mr. Speaker, move that this bill be recommitted to the Committee on the Public Lands with instructions to so amend the bill.

Mr. SADLER. I only yielded to the gentleman for debate, and not for amendment.

The SPEAKER. Does the gentleman yield for amendment?

Mr. SADLER. I do not.

Mr. SPRINGER. I hope the gentleman will yield to me.

Mr. SADLER. For how long?

Mr. SPRINGER. For ten minutes.

Mr. SADLER. I have already yielded for ten minutes to the gentleman from Kentucky [Mr. HALSELL].

Mr. SPRINGER. Very well, then; I will wait until after the gentleman from Kentucky has completed his remarks.

Mr. HALSELL. Mr. Speaker, the legislation proposed in the pending bill is in many respects really the re-enactment of several acts of Congress passed heretofore in reference to private land claims in the States mentioned in the bill. The last one of these acts expired by limitation in 1875.

As was stated by the gentleman from Alabama [Mr. SADLER], these private land claims had their origin in the governments of France, Spain, and Great Britain long before any of these lands were embraced in the States in which they are located. These private land claims arose before the sovereignty over these lands was ceded to the United States. Under the treaties by which those lands were ceded to the Government of the United States, it was specially provided that all persons having *bona fide* claims to such lands were to be protected in their rights. In order to carry out the obligations of those treaties various acts, as I have already stated, were passed by Congress, and efforts were made to close up the whole matter.

It is suggested by the gentleman from Minnesota [Mr. NELSON] that this is merely an *ex parte* proceeding; that these parties have the right in the presentation of their claims to be represented by counsel, while there is no provision for representation by counsel upon the part of the United States. The bill provides at the same time that the register and receiver, or the Commissioner of the General Land Office, as the case may be, shall have the right, and it is their duty likewise, when witnesses are presented by attorneys, to cross-examine them in reference to the merits of the case.

So that, Mr. Speaker, it seems to me there is nothing at all in the gentleman's objection, and that the Government of the United States can be protected by its officials as provided in the bill.

Mr. HENDERSON, of Iowa. What was the practice of determining these private land claims under the acts which you say expired in 1875?

Mr. HALSELL. There was an act passed in 1860 for the settlement of private land claims, and there were other acts before that time and since. The last one of these acts which was in existence expired in 1875. Some of them contained substantially the same provisions as in the present bill for the settlement of these claims.

One of the provisions of the bill is that these claimants shall present their cases within three years after the passage of the act, and must prosecute them within five years. The bill further provides this shall be a final settlement of all these claims, and that if persons who hold such claims refuse or fail to present them within three years or to prosecute them within five years those cases shall be barred.

Mr. HENDERSON, of Iowa. I understood from some gentlemen that some of these claimants have been in possession three-quarters of a century. The gentleman stated a number of acts were heretofore passed providing for the hearing and determining of these claims. Now, if these parties did not present their claims to have them determined and we are to have this act passed, when is there to be an end of this matter?

Mr. HALSELL. We propose that this shall be the end of it. Thinking these private land cases have had sufficient opportunity, this bill, it is intended, shall provide final settlement, so that cases not presented within three years shall be barred.

Mr. PERKINS. If, as I understand, there was no limitation in the previous acts, why could not these parties perfect their titles without the passage of this?

Mr. HALSELL. That right expired by limitation.

Mr. PERKINS. I understood that there was no limitation.

Mr. HALSELL. The law itself expired by limitation. There was no limitation as to the time of filing the claims, but the law under which they could be filed expired by limitation. That provision of law, as I have said, was renewed from time to time to enable these parties to present their claims with their evidence of title, and the last extension of it expired by limitation in 1875; so that without a provision of this character these parties are barred by that limitation from presenting their claims to perfect their titles. This bill, I repeat, is substantially the same bill that was heretofore passed extending the provisions of the original act for filing these claims from time to time.

Mr. HENDERSON, of Iowa. Let me ask the gentleman one more question.

Mr. HALSELL. Well, my time is very limited.

Mr. HENDERSON, of Iowa. Let me ask, have the various Presidents or the heads of the Interior Department from time to time brought the matter to the attention of Congress?

Mr. HALSELL. Yes, sir; the Secretary of the Interior has.

Mr. HOLMAN. And the Commissioner of the General Land Office?

Mr. HALSELL. The Secretary of the Interior recommends something of this sort.

Mr. HOLMAN. There is a question in reference to this bill that I would like to ask for information.

By the terms of section 6 a person having occupied these lands for a period of thirty years uninterruptedly, or who held them from a person who had occupied them for that period, would be entitled to the benefits of this act.

Mr. HALSELL. Yes, sir.

Mr. HOLMAN. Now, by the last clause of section 11 it is provided that the benefits of this bill shall apply only to those lands proved to be held in actual possession and occupancy as provided in section 6 of the act, that is to say, an actual uninterrupted possession. By the first clause of the eleventh section it is provided as follows:

SEC. 11. That if any of the land embraced within the limits of a private claim finally approved under this act shall have been disposed of by the United States in such manner that it can not be patented to the claimant, the Commissioner of the General Land Office shall issue, in legal subdivisions as near as practical, certificates of location to the claimant for a quantity of land equal to the land so disposed of, in the manner provided by act of Congress approved January 28, 1879.

Now, how does it happen that where there has been an uninterrupted possession of the land, under the claim of title, the Government could have disposed of the land in such manner as to entitle a party claiming to obtain a location elsewhere upon the public lands under a patent to be issued by the Government. Is not that a very objectionable feature of the bill?

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. HALSELL. I am very sorry that my time was all taken up before I had succeeded in explaining the bill.

Mr. SADLER. I yield now five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I desire the attention of the House for a few moments in regard to some of the provisions of this bill. It provides for settling certain private land grants derived from foreign governments by a reference of the claims to the registers or receivers of the land office in the locality in which they are situated. The proceeding under the bill is wholly *ex parte* and the bill authorizes the register or receiver of the land office in the State where these grants may be found to hear and determine the questions of fact which may be brought by a claimant, to subpœna witnesses, and to take their testimony. If the decision of such register or receiver of the land office is adverse to the claimant, he may file with the Secretary of the Interior an appeal and the decision of the Secretary of the Interior of such appeal is final as to the claimant's right.

Section 6 provides that where the claimant can not prove his title by a continuous chain from the foreign government down to him, all that is required on his part is to prove actual possession and occupancy of the lands for thirty years; and in that event he may have a patent issued to him for the lands whether they are traceable to the foreign government or not.

Section 11 provides that if the person has a claim, and there is no land upon which he can obtain a patent, or the land which was granted to him has been disposed of by the Government to somebody else, that he may have a "float" or warrant given to him by which he can locate anywhere upon the public lands within the limits of the United States.

Mr. PERKINS. What do you think of that section?

Mr. SPRINGER. I think it ought not to be adopted. There can be no more dangerous provision by law giving authority to the Secretary of the Interior than that which would authorize, upon an *ex parte* examination of this kind, the issuance of a float or a patent which would authorize its holder to locate the warrant anywhere on the public domain.

Now, Mr. Speaker, section 6 provides that where the party can not prove the title from the foreign government down to him he only needs to prove that he has been in continuous possession for thirty years, upon which proof he shall be entitled to this privilege. Section 11 provides that if the lands which he claims and to which he has proven a title by this *ex parte* proceeding before the register or receiver have been sold by the United States to some other person, then the patent shall be issued to him to be located on any part of the public lands.

Mr. WEAVER, of Iowa. Will you allow me to call attention to section 12?

Mr. SPRINGER. In a moment.

It seems to me the powers conferred by the bill upon the registers and receivers of the land office are so broad and important that they should not be conferred in any case except upon a court of justice with the right of appeal to both parties to the Supreme Court of the United States. To confer upon a register or receiver of the land office this extraordinary judicial power it seems to me is without precedent in this country. These claims of title are questions that a court alone should decide. They are subject to too many contingencies to be intrusted into the hands of a register or receiver, and frequently are founded on fraud or have no foundation whatever in fact.

Mr. ELY. Is it not a fact that the decision of the receivers in such cases would have no effect unless approved by the Commissioner of the General Land Office?

Mr. SPRINGER. That is true, but the whole proceeding before the receiver, on which the Commissioner of the Land Office would act, is *ex parte*.

[Here the hammer fell.]

Mr. SADLER. I yield five minutes to the gentleman from Iowa [Mr. HALL].

Mr. HALL. This bill applies by its express terms only to lands to which the Government itself makes no claim. It applies to lands which are held by individuals under supposed grants or cessions from the foreign governments who at one time had the right to cede them to their inhabitants, and which were claimed by these individuals at the time the domain was acquired by the United States; and which class of titles were expressly recognized by the treaties under which that public domain was acquired.

Since then these claimants have continued to occupy and reside upon these lands, transmitting them by conveyance, by will, and by inheritance, as if they owned them, under that imperfect character of title which they obtained from governments having different land systems from that of the United States. These various claimants have been applying to Congress for confirmation of their rights under the treaties until, in 1860, the Congress of the United States, with a view of freeing itself from the vast number of applications of this kind, passed a statute conferring upon the registers and receivers of the United States authority to investigate and decide and transmit their decisions to the Interior Department, whose confirmation was to be certified to Congress, and Congress then could act advisedly. That enactment contained a limitation of, I think, ten years at least. Within that time a great many of these claimants filed their records in the office of the Secretary, but could obtain no relief owing to the fact that Congress could not act.

In 1867 that statute was extended for a period of three years. In 1872 it was again extended, and it has expired now by reason of its own provisions, leaving in the office of the Interior Department a vast number of these claims with their records, which were pending at the time the law ceased to be operative, and which claims could not be adjudicated, not by reason of omissions or fault of the claimants, but because they could not be reached and acted upon in the time limited by law.

In addition to this class of people there were many ignorant people who, as it is said, did not know the law and who have not filed their claims and who are year after year petitioning Congress for the assistance and aid this bill seeks to give. This bill is but a renewal of that old legislation and an attempt to relieve Congress of these private land claims and place them in the hands of the Department with authority to give the confirmation they should receive.

As has been explained by the gentleman from Kentucky [Mr. HALSELL], these claimants own their lands and have as valid a right and title to them as any one has to any land under more modern methods of transfer. But the original inception of title which passes from the Government to the individual is wanting. Therefore, when they attempt to make sales or effect loans on their property or protect themselves against invasion their title is imperfect, owing to this defect. They have as absolute a right to this aid from Congress as any right can be—as absolute a right to a remedy in this respect.

This bill provides that the register and receiver shall be authorized by a proper proceeding, in which the Government may appear if it sees proper, to investigate, and report to the Commissioner of the General Land Office. If the two officers are unable to agree they certify the case, and it all goes to the Commissioner of the General Land Office.

[Here the hammer fell.]

Mr. SADLER. I yield two minutes more to the gentleman from Iowa [Mr. HALL].

Mr. HALL. While it has been said that the Government itself has no right of appeal from the Commissioner of the General Land Office to the Secretary of the Interior in case the decision is favorable to the claimant, I suggest that the Commissioner of the General Land Office is an officer so high in that Department that his decision can be safely left where he puts it without further delay adverse to and hindering the rights of these claimants. That was the view of the committee.

As regards the eleventh section, it provides that in case any of the land the right to which has been recognized under these proceedings by the Government has been disposed of by the Government itself in such way as that it can not patent it, then a certificate of indemnity shall be issued to the claimant. I call the attention of the gentlemen who criticise this section to the fact that it applies by its own terms expressly only to cases where the claimant has been in actual adverse notorious public possession of the land for the last thirty years. That is expressly provided for in that section.

Mr. HOLMAN. Why retain the eleventh section?

Mr. SPRINGER. I desire to ask the gentleman a question.

Mr. BRAGG. Does the bill make any provision to guard against elastic surveys?

Mr. HALL. There are none. The bill only applies to cases where the claimant proves that he has been in actual possession of the land.

Mr. SPRINGER. I desire to call the attention of the gentleman to the fact that the sixth section only applies to those who can not prove their title from the foreign government.

The SPEAKER *pro tempore*. The time of the gentleman from Iowa [Mr. HALL] has expired.

Mr. SADLER. I yield two minutes to the gentleman from Tennessee [Mr. PETTIBONE].

Mr. PETTIBONE. I have only two minutes, and I ask the attention of the House for that time. This is a bill to quiet titles to land. It may not be an ideally perfect bill, but it covers simply the old Louisiana purchase, and it provides where parties owning the lands where they trace their title either to Spain or France shall have their title perfected; or, in case they can not do that, when they have been in actual possession adversely for thirty years, cultivating, owning, possessing, and improving their lands, they shall have the presumption of law that they own those lands, and their titles shall be perfected. Believing that to be right, I favor the bill. That is all there is in it.

[Here the hammer fell.]

Mr. SPRINGER. A good deal more than that.

Mr. SADLER. Now, Mr. Speaker, I move the previous question upon the amendment and upon ordering the bill to be engrossed and read a third time.

Mr. HOLMAN. I hope the gentleman will give an opportunity for the amendment of the eleventh section.

Mr. SPRINGER. I move to recommit this bill to the Committee on Public Lands.

The SPEAKER. That motion can not be entertained when the demand for the previous question is pending.

The question was taken upon ordering the previous question on the amendments, and upon ordering the bill to be engrossed and read a third time; and there were—ayes 50, noes 73.

Mr. SADLER. I demand tellers.

Tellers were refused.

Mr. SADLER. No quorum, Mr. Speaker.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Alabama [Mr. SADLER] and the gentleman from Illinois [Mr. SPRINGER].

The House again divided; and the tellers reported—ayes 30, noes 19.

Mr. SADLER. I will withdraw the point of no quorum and the demand for the previous question, and accept the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. PAYSON. Mr. Speaker, is not this matter open to debate if the demand for the previous question is withdrawn?

The SPEAKER. It is.

Mr. PAYSON. Then if no other gentleman desires recognition, I would like to be recognized.

Mr. SADLER. I have not yielded the floor, Mr. Speaker.

The SPEAKER. The gentleman necessarily yielded the floor when he demanded the previous question.

Mr. SADLER. I withdrew that demand in order to permit the gentleman from Indiana [Mr. HOLMAN] to offer an amendment.

Mr. HOLMAN. I send up the amendment, Mr. Speaker, and ask that it be read.

Mr. PAYSON. Mr. Speaker, what is the parliamentary condition of the bill now?

The SPEAKER. The gentleman from Alabama [Mr. SADLER] demanded the previous question; no quorum voted; thereupon tellers were appointed, and during the count by tellers the gentleman from Alabama withdrew his demand for the previous question.

Mr. PAYSON. Was not that tantamount to yielding the floor?

The SPEAKER. The Chair thinks so, and thinks that the gentleman from Illinois [Mr. PAYSON] will be entitled to the floor when the amendment of the gentleman from Indiana [Mr. HOLMAN] has been read.

The amendment offered by Mr. HOLMAN was read, as follows:

Add to the 11th section:

Provided, That such certificates of location shall be located in the State within the limits of which the original grant was situated, and not elsewhere: *Provided, however*, That the provisions of this act shall not apply to any land claim which shall exceed 160 acres in extent.

Mr. SADLER, Mr. PAYSON, and Mr. BLOUNT addressed the Chair.

Mr. SADLER. I yielded the floor, Mr. Speaker, simply for the gentleman from Indiana [Mr. HOLMAN] to offer his amendment.

The SPEAKER. The gentleman demanded the previous question, which is always construed as yielding the floor. Afterward the gentleman withdrew the demand. Does he insist now that he withdrew the demand with the view of resuming the floor to address the House?

Mr. SADLER. Yes, sir.

Mr. PAYSON. I insist, Mr. Speaker, that that can not be done. The gentleman can not blow hot and cold at the same time. Having demanded the previous question and been beaten, he can not then resume the floor.

The SPEAKER. Does the gentleman desire to renew the demand for the previous question?

Mr. SADLER. I do upon that amendment.

Mr. PAYSON. I understand the gentleman to say that he desires to demand the previous question upon this amendment.

The SPEAKER. The gentleman's statement now is that he withdrew the demand for the previous question only for the purpose of allowing the gentleman from Indiana [Mr. HOLMAN] to propose his amendment, intending to renew it as soon as the amendment had been offered.

Mr. SPRINGER. That is the case, Mr. Speaker, to my knowledge.

The SPEAKER. Upon that statement the gentleman is entitled to the floor to renew his demand for the previous question.

Mr. SADLER. I do renew it.

Mr. PAYSON. Let us vote it down again.

The question was taken upon ordering the previous question upon the amendment, and upon ordering the bill to be engrossed and read a third time; and the Speaker declared that the noes seemed to have it.

Mr. SADLER called for a division.

The House again divided; and there were—ayes 36, noes 55.

Mr. WEAVER, of Iowa. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Iowa [Mr. WEAVER] and the gentleman from Illinois [Mr. PAYSON] to act as tellers.

The House divided; and the tellers reported—ayes 33, noes 35.

Several MEMBERS. No quorum.

The SPEAKER. The hour for the consideration of bills called up by committees has expired.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BACON, for ten days, on account of important business.

To Mr. GREEN, for one week, on account of important business.

To Mr. LINDSLEY, for eight days, on account of important business.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union to consider the river and harbor bill.

Mr. HATCH. Pending that motion, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the special order, the pleuro-pneumonia bill.

The SPEAKER. The question is first on the motion made by the gentleman from Missouri [Mr. HATCH].

The question being taken, there were—ayes 73, noes 78.

Mr. ANDERSON, of Kansas. No quorum.

Mr. HATCH. I hope the gentleman will not press the demand for tellers. I have on several occasions asked the House to take up the pleuro-pneumonia bill on account of its great importance. But I do not wish to have time consumed by dilatory motions in trying to get the right of way, because consumption of time in that manner simply delays us that much longer. I reiterate what I have heretofore stated, that I am anxious to reach the consideration of this bill as soon as possible and to get it out of the way of the river and harbor bill; but I do not desire to have the time of the House taken up either by demands for tellers or by calls for yeas and nays.

Mr. ANDERSON, of Kansas. The gentleman from Missouri who has charge of the pleuro-pneumonia bill may consider this point as made by me simply for dilatory purposes, but he is entirely mistaken. I believe this bill to be of far greater importance than the river and harbor bill. If gentlemen do not want to waste time, let them take up this bill.

The SPEAKER. Does the gentleman from Kansas insist upon the point that no quorum has voted?

Mr. ANDERSON, of Kansas. I do.

Tellers were ordered; and Mr. ANDERSON, of Kansas, and Mr. WILLIS were appointed.

The House proceeded to divide; but before the final report of the tellers,

Mr. HEPBURN said: Mr. Speaker, I call for the yeas and nays.

The question being taken, the yeas and nays were ordered; there being—ayes 24, noes 93; more than one-fifth voting in the affirmative.

Mr. HATCH. Did the Chair announce the result of the vote by tellers?

The SPEAKER. The Chair had not announced the result, but the count, so far as it had proceeded, was 63 ayes and 96 noes.

Mr. HATCH. I withdraw my motion.

The SPEAKER. The House has ordered the yeas and nays upon it.

Mr. HEPBURN. I desire to renew the motion.

The SPEAKER. The gentleman from Missouri can not withdraw his motion except by unanimous consent.

Several MEMBERS objected.

The SPEAKER. The Clerk will call the roll.

The Clerk called the name of Mr. ADAMS, of Illinois.

Mr. HATCH. I ask unanimous consent to withdraw my motion. I hope gentlemen will not use my motion to take up time when the House, on a vote by tellers, has shown itself so largely against the motion.

Mr. ANDERSON, of Kansas. The House may change its mind. I object.

Mr. HEPBURN. I have no desire to take up time unnecessarily; but I believe on this vote we shall have enough to take up the gentleman's bill.

Mr. HATCH. The gentleman will find out after a while that he can not take up a bill of which I have control in this House without the consent of the committee I have the honor to represent. I hope no friend of our bill will vote with the gentleman.

Mr. HAMMOND. I rise to a parliamentary question: Is it not in order to reconsider the vote by which the yeas and nays were ordered?

The SPEAKER. That motion is in order, but it has not been made.

Mr. HAMMOND. I make that motion.

Mr. STEELE. I make the point of order that the process of calling the roll had begun, and nothing else is in order.

The SPEAKER. The Chair had stated the question, but he believes the call of the roll had not commenced.

Mr. STEELE. The name of the gentleman from Illinois [Mr. ADAMS] was called.

The SPEAKER. The Chair is advised by the Clerk that the name of one gentleman was called, but there was no response. The Chair thinks the motion to reconsider is in order.

Mr. HEPBURN. I raise the point of order that the motion was not made in time; the roll-calll had begun.

The SPEAKER. But the vote had not actually commenced. One name had been called, but no response had been given.

Mr. ADAMS, of Illinois. I refrained from answering.

The SPEAKER. The gentleman did not respond, so that no vote was actually taken.

Mr. PERKINS. I desire to inquire how the gentleman who makes this motion to reconsider voted on the original question?

The SPEAKER. There was no vote by yeas and nays; and in such a case every gentleman is regarded as voting on the majority side, there being no record of the vote.

The question being taken on the motion of Mr. HAMMOND, there were—ayes 89, noes 18.

The SPEAKER. The ayes have it; and the vote ordering the yeas and nays is reconsidered.

Mr. HEPBURN. I make the point that after the yeas and nays have been ordered by a sufficient number, it is not competent for the House by a majority vote to reconsider that action.

The SPEAKER. According to the rulings heretofore made a majority can adopt a motion to reconsider in this case; but the question at once recurs on ordering the yeas and nays, when one-fifth can again order them; and no further motion to reconsider can be made. The question will be taken again on ordering the yeas and nays.

The question being taken, there were—ayes 17, noes 125.

So (less than one-fifth voting in the affirmative) the yeas and nays were not ordered.

The SPEAKER. The yeas and nays having been refused, the motion of the gentleman from Missouri [Mr. HATCH] is rejected.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes; when the Speaker signed the same.

ENTRY OF DISTILLED SPIRITS.

Mr. BRECKINRIDGE, of Kentucky, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That it shall be in order on Tuesday, February 1, 1887, immediately after the expiration of the hour for the call of committees for the consideration of bills, to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering a bill (H. R. 7140) entitled an act to amend the laws relating to the entry of distilled spirits in distilleries and special bonded warehouses, and the withdrawal of the same therefrom, and for the payment of the tax thereon; and if said motion shall be agreed to, it shall be in order on each morning thereafter at the expiration of said hour to make the said motion until the consideration of the said bill is completed; but if on said February 1 said motion is not agreed to, it shall be in order on Tuesday, February 8, immediately after the expiration of the hour for the call of committees for the consideration of bills to make said motion, and if this said motion is agreed to it shall be in order each day thereafter, after said hour, to make said motion until the consideration of said bill is completed.

RIVER AND HARBOR BILL.

The question then recurred on Mr. WILLIS's motion that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the river and harbor bill.

Mr. HEPBURN demanded a division.

The House divided; and there were—ayes 117, noes 9.

Mr. HEPBURN. No quorum has voted.

The SPEAKER appointed as tellers Mr. HEPBURN and Mr. WILLIS.

The House again divided; and the tellers reported—ayes 146, noes 19.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The Clerk will report the pending amendment.

The Clerk read as follows:

In line 6 strike out "Secretary of War" and insert "President."

The CHAIRMAN. When the committee arose it was voting on that amendment, but no quorum appeared. If there be no objection the vote will be taken again. [After a pause.] The noes seem to have it.

Mr. LA FOLLETTE. I demand a division.

The committee divided; and there were—ayes 11, noes 93.

Mr. LA FOLLETTE. If the amendment is to be rejected, it must be rejected by a quorum.

The CHAIRMAN appointed as tellers Mr. LA FOLLETTE and Mr. WILLIS.

The committee again divided; and the tellers reported—ayes 5, noes 165.

So the amendment was disagreed to.

Mr. NELSON. I move to strike out all after the enacting clause, and in lieu thereof to insert the following:

The Clerk read as follows:

That the sum of $7,500,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which may be expended by a board of engineers, consisting of the Chief of Engineers and the four engineers now senior in service, either for the repair, preservation, construction, or completion of such public improvements of river and harbors as shall in their judgment afford practical and important facilities for the transportation by water of interstate commerce.

Mr. NELSON. I offer this amendment, Mr. Chairman, for this reason: It appears now, after a struggle of nearly two days or more on this river and harbor bill, that there is a determined effort to defeat the passage of any bill.

While I do not feel that this is the most appropriate way of expending the public money, while I feel it would be more in consonance with Republican principles and in accordance with our practice in making appropriations of the public money that the several items should be specifically designated, yet I prefer to take an appropriation in gross in this form rather than we should not have any appropriation at all for

the coming fiscal year. There are many important river and harbor works all over the country which need taking care of, which need development—a great many rivers and harbors which need improvement in that way to increase the means we have of checking and restraining the rapacity of the railway system. And, sir, there are a great many who have the idea—and I do not mean any one in this Chamber—that some men outside who are opposing the river and harbor improvements from time to time do it in the interest of great railroad corporations. But, sir, however that may be, while it may be there are some items which ought not to be in the bill, which relate to some rivers and harbors upon which public money ought not to be expended, yet we must admit that great good is accomplished for the country by these improvements.

Take my own district in Minnesota, take my own city of Duluth, and you know, Mr. Chairman, that in this Chamber but a few years ago that city of Duluth was made the butt for the wit and fancy and for the eloquence of a most distinguished member from Kentucky, Hon. J. Proctor Knott. Yet, strange as it may seem, the day is not distant, but in the near future, when we will see fulfilled all the predictions of that gentleman in his most exuberant imagination. That city of Duluth increases with such rapidity that it promises soon to rival the greatest inland city of the continent, and at present has grown so great that it demands additional facilities for transportation in the way of river and harbor improvements.

And, strange as it may appear, what seemed to be the amplest and most bountiful harbor facilities a year ago, this year are found wholly insufficient; and what now seems sufficient for the next year I have no doubt will be utterly inadequate for the year to come.

I am unwilling, Mr. Chairman, to take up the time of the House further in discussing this amendment, but ask leave to append to my remarks a letter containing a few statistics in reference to the trade and commerce of Duluth.

There was no objection.

The statistics are as follows:

CHAMBER OF COMMERCE, DULUTH, MINN., *January* 3, 1887.

SIR: Referring to your esteemed favor of December 18, I would most respectfully submit the following statistics showing the business of Duluth during the year, 1886, as a basis for our claim for a large appropriation for the improvement of our harbor.

The common council have settled the matter of changing the dock-line, and the ordinance as passed has been forwarded to the Secretary of War.

I inclose you herewith a sketch showing the new dock-line.

The receipts and shipments of wheat during 1886 compared with 1885:

	Bushels.
Receipts, 1885	14,686,307
Receipts, 1886	21,236,572
Increase over 1885	6,550,265
Shipments, 1885	14,048,897
Shipments, 1886	17,983,192
Increase over 1885	3,934,295

Receipts of coal by water:	Tons.
Year 1885	595,000
Year 1886	732,000
Increase over 1885	137,000

Total arrivals and clearances of vessels at Duluth, season of 1885, 1,083, representing tonnage 1,372,238 tons; season of 1886, 2,179, representing tonnage 1,694,783 tons.

Elevator capacity of Duluth:	Bushels.
1885	6,000,000
1886	10,750,000
In sight, 1887	20,000,000

Shipments of flour:	Barrels.
1885	1,076,044
1886	1,500,000

One hundred and twenty thousand tons of steel rails received at Duluth during the season of 1886.

The increased tonnage of vessels now building, amounting to 55,000 tons, is almost entirely for Lake Superior trade, and are of the largest class, averaging over 2,000 tons each, which will very largely increase our coal and heavy freight receipts for 1887.

Hoping these figures will help you in procuring a large appropriation for us, and with the compliments of the season,

I am yours, truly,

EDGAR R. MILLS, *Secretary.*

Hon. KNUTE NELSON, M. C., *Washington D. C.*

Mr. WILLIS. Mr. Chairman, unless some one wishes to oppose this amendment, I desire to say, recognizing the condition we are in, the pressure of business and the necessity of consuming the balance of the time of this short session on important appropriation bills, that so far as I am concerned I shall vote for the amendment of the gentleman from Minnesota, and hope all the friends of the river and harbor bill will vote for it also.

Mr. ADAMS, of Illinois. Will the gentleman object to raising the amount to $10,000,000?

Mr. REED. What is the proposition?

Mr. ADAMS, of Illinois. We would all vote for it just the same if the sum was increased and this amendment adopted.

Mr. REED. I hope the House of Representatives of the United States does not propose to abdicate its legislative functions.

Mr. WILLIS. Only temporarily.

Mr. REED. That would be a most elegant thing to do.

Mr. WILLIS. It is only a temporary abdication. It will resume its functions at the proper time.

Mr. ANDERSON, of Kansas. The idea is that it will go over to the Senate, be amended there, and come back.

Mr. WILLIS. That is exactly what I expect.

Mr. STRUBLE. I think that would be a very bad precedent.

Mr. REED. An exceedingly bad thing for the House of Representatives to do.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Minnesota.

Mr. ADAMS, of Illinois. I desire to offer another amendment.

The CHAIRMAN. The gentleman will send it up.

Mr. ADAMS, of Illinois. I move to increase the amount covered by the bill from seven and one-half millions to ten millions of dollars.

Mr. BROWN, of Pennsylvania. That will give it a new opportunity to get through.

Mr. ADAMS, of Illinois. In response to the statement which was made a moment since, I wish to say that this is not an abdication of the functions of the House. When we take up the post-office appropriation bill, for instance, and appropriate the sum total carried by the bill for the various branches of this branch of the public service, we make an appropriation in that bill in the aggregate for the pay of the postal clerks; but we do not say in this House how much shall go to Chicago, how much to Saint Louis, and how much to some other city.

We appropriate a gross sum for the pay of postal clerks, and the Postmaster-General at the beginning of the year distributes it throughout the different portions of the United States according to their requirements. It is just as legitimate a proposition to put this sum in the hands of a body like that suggested as to provide, as we do provide, for the pay of postal clerks or for any other purposes covered by that bill; and moreover every one admits that there is this distinction between this appropriation bill and the other, that the other is generally assented to, inside and outside of Congress, as a proper bill for Congress to pass, while this has always been objected to regularly as an improper bill.

The gentleman from Kentucky says this is only a "temporary device." Whatever his motive may be I know not, but I am not only willing to vote for that amendment of the gentleman from Minnesota but for the additional amendment I have offered increasing the amount to $10,000,000 as a permanent change in the manner of making appropriations for this purpose.

Mr. HEPBURN. Mr. Chairman, I hope before a vote is taken on this question the House will understand thoroughly its bearing and what it means.

The gentleman, I undertake to say, not in good faith or the best of faith offers this amendment.

Mr. NELSON. The gentleman has no reason to impute anything of the kind to me.

Mr. HEPBURN. I do not mean to do so offensively. [Laughter.] It is a sort of trick, a species of legerdemain to get this bill through the House and over to that body, where it is expected its form will be changed.

Mr. NELSON. I never yet, I want to say, have resorted to the practice of filibustering indulged in by the gentleman from Iowa to defeat it.

Mr. HEPBURN. Well, I have.

Mr. NELSON. And it does not lie in the gentleman's mouth to accuse me of trickery in offering this amendment.

Mr. HEPBURN. This is a proposition, the object of which is to get this bill out of the House and out of its present difficulties.

Mr. NELSON. Did you not vote for just such a proposition a moment ago yourself; and now you are filibustering against this?

Mr. HEPBURN. I will say to the gentleman again, that so far as the rules of the House permit me to go to stop the passage of all measures I believe to be intrinsically and absolutely wrong, I will go, and will try on all occasions and by all the means in my power to check this method of legislation—to pass propositions of this kind in bulk, no one of which is calculated to be received by the members of this House if standing alone. In my humble judgment, I repeat, this is a parliamentary trick and nothing more. It is a confession that this bill in its present form can not pass the House.

The gentlemen desire to get it through. They propose now to pass it in bulk, stopping all criticism and all votes upon the different measures, and send it to the Senate in that form, where they think it will be re-formed, and re-formed into its old shape, and brought back as a single amendment, as was done during the last session, leaving to the House, as the only question, whether or not we will concur, and that will be a finality.

Now, Mr. Chairman, I hope that will not be done. I hope that the opponents of this bill will have an opportunity to consider it in all its

parts if they desire, and that there will be an abundance of time for the members of this House to know just what is in it.

Mr. GROSVENOR rose.

Mr. NELSON. I ask the gentleman from Ohio [Mr. GROSVENOR] to let me have an opportunity to reply.

Mr. GROSVENOR. I yield to the gentleman.

Mr. NELSON. I am somewhat surprised at the gentleman from Iowa [Mr. HEPBURN] making such charges as he has made on this floor. He charges this is a trick—and why? Because it attempts to make an appropriation by Congress, and to expend it under the direction of a body of five engineers. If that is a trick, the great triumvirate, the gentleman from Iowa [Mr. HEPBURN], the gentleman from Kansas [Mr. ANDERSON], and the gentleman from Wisconsin [Mr. LA FOLLETTE], have been for the last two days that this bill has been up resorting to about just such trickery. [Applause.]

They have proposed to put this in the hands either of the Secretary of War or of the President, both members of a political party, and to give them the absolute power over the expenditure, while I propose by this amendment not to put it in the hands of any Democratic officials, not in the hands of men who are voted in and out at elections, but to put it in the hands of public officials, engineers, who are in office under all administrations, and are supposed to be as honest and as competent and as well qualified as the gentleman from Iowa himself. If there is any trick in this business, the gentleman from Iowa has himself set the example; and more, he has attempted to carry out his trick by what I have not resorted to—filibustering. [Applause.]

Mr. GROSVENOR. If the opponents of this bill had seen fit to ciriticise in this House and before the country the separate items of the bill, and then submit to the judgment of this House upon their criticisms, this resort would not have been warranted. But they have not seen fit to do that. They have seen fit to come here in the latter days of January, with but thirty-one or thirty-two more legislative days of the life of this Congress, with all the important measures that are pending here, in which the people of this country are vitally interested—the question of these great agricultural bills, the questions involved in the general appropriation bills, the questions involved in the pension legislation that is proposed here—and they say that in the first instance they will, by every parliamentary resort, obstruct the progress of this bill at every step of the way, and thereby, by that sort of proceeding, by indirection, obstruct each individual item of the legislation which is pending here and now. They refuse to be governed by the majority. They refuse here to permit less than a quorum in the affirmative to settle any question upon the floor of this House.

And now the gentleman from Iowa says that for the friends of this bill to attempt to beat that sort of a move on their part by some other proceeding is a parliamentary trick. There is not an item in this bill, Mr. Chairman, that I am not ready to stand here and now to defend and to submit to the majority vote of a quorum of this House. But I am not willing to see this session of Congress destroyed. I am not willing to see these great public measures frustrated by the parliamentary proceeding which it is apparent has been agreed upon, and notice of which was served upon us several days ago.

Mr. STEELE. If the gentleman from Ohio is so anxious about the passage of the agricultural bill, why did he not vote for it a short time ago, after calling it up?

Mr. GROSVENOR. I was not here to vote upon that.

I am in favor of this proposition; I am not opposed to it. On general principles I should be very glad if such a system could prevail, and I said so a year ago to the gentleman from Wisconsin [Mr. LA FOLLETTE]. I said then that the substance of this amendment then proposed should prevail. I thought it was a wise and judicious one if the people of this country could be taught that a system of administration of that sort could be fairly and justly carried out. I am willing to appropriate this sum of seven and a half millions in gross, and if the Senate concur with us I am willing to try that experiment in the administration of this fund. And if the Senate sees fit to re-form this bill back to its present condition, they can get no better criterion for their judgment than the bill which the committee has reported.

Mr. HEPBURN. I do not wonder at the heat of the gentlemen and at the somewhat harsh expressions they indulge in. There is an appropriation in this bill for the Muskingum Canal scheme. There is an appropriation in this bill for providing surplus water in time of drought for the grain mills in Minneapolis. The gentlemen ought to grow warm possibly in the defense of their pet schemes. But I want to remind them that I have set, so far as I am concerned, no example for this legislation. I have sought by amendments to have a responsible person expend the money carried by this bill, in the direction and for the uses that were named in the bill. There was no proposition made by myself or supported by myself looking to any amendment to any section or paragraph of the bill save that one that was under consideration.

The gentlemen propose a substitute. They propose to wipe out all that has been done by the committee; and by the scope of this amendment they propose that there shall not only be a responsible head for the expenditure of this money, but this commission of engineers shall have power to designate where as well as how the appropriation shall be expended.

They remand the question of determining where the great needs for improvement are to this commission. They wipe out all the suggestions that there may be in the bill. I do not know, sir, but what that would be wise, for the committee, some of them, in looking after their own little schemes have not been able to see some of the great improvements. We have secured the Muskingum Canal at the behest of the gentleman from Ohio [Mr. GROSVENOR], and in his anxiety to secure that he has lost sight of that other great canal which is demanded by millions of people, the Hennepin Canal.

Mr. GROSVENOR. On every occasion I have voted for the Hennepin Canal.

Mr. HEPBURN. I remember very distinctly that the gentleman has never been so anxious to secure a place for the Hennepin Canal in the river and harbor bill, where it would have a certain status, as he has been anxious and able to secure his little Muskingum with all its objectionable features.

Mr. GROSVENOR. Did not the gentleman himself oppose the Hennepin Canal every time he had the chance?

Mr. HEPBURN. No, sir; never in my life.

Mr. GROSVENOR. Did you not oppose the river and harbor bill?

Mr. HEPBURN. Never, when it was in it.

Mr. GROSVENOR. It was in the bill last——

Mr. HEPBURN. Never when it was in the bill, except when it was in it as a mockery.

Mr. GROSVENOR. Your whole record is against the Hennepin Canal.

Mr. HEPBURN. That is not true.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. ADAMS].

Mr. ANDERSON, of Kansas. I move to strike out the last word.

The CHAIRMAN. That is not in order, as there are two amendments pending.

Mr. HEPBURN. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. This is a substitute for the bill, and I submit that it is not in order until all the paragraphs have been considered.

Mr. WILLIS. That point of order is too late.

The CHAIRMAN. The Chair is of opinion that the point of order would have been good if taken in time; but debate on the amendment has gone on for nearly half an hour, and the point is made too late.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON, of Kansas. I desire to know what amendments are pending.

The CHAIRMAN. There is an amendment offered by the gentleman from Minnesota [Mr. NELSON], to strike out all after the first section of the bill, and insert "seven and a half millions." To that the gentleman from Illinois [Mr. ADAMS] offered an amendment proposing to strike out "seven and a half millions," and insert "ten millions;" and the question is on the latter amendment, on which debate is exhausted.

Mr. ANDERSON, of Kansas. I desire to ask another question: After the vote is taken on the amendment of the gentleman from Illinois [Mr. ADAMS], then debate will be in order, will it not?

The CHAIRMAN. Yes; debate will be in order and amendments will be in order.

Mr. ANDERSON, of Kansas. At that time I would like to move an amendment.

The question was then taken on the amendment of Mr. ADAMS, and it was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Minnesota [Mr. NELSON].

Mr. ANDERSON, of Kansas. I move to strike out the last word. Mr. Chairman, in the respect that the pending amendment proposes a responsible body, capable of investigating the lines of commerce, and capable of forming an opinion as to the relative importance of the improvement of the various streams and harbors of the country, I, for one, sustain it. In that respect I believe it to be far better than the method which is now pursued by the River and Harbor Committee in framing the bill which is regularly presented to the House, and if gentlemen on this side in good faith (as of course I shall assume them to be) desire and agree that hereafter appropriations shall be made upon the recommendation of this proposed board of engineers, and that the expenditure shall be made under the supervision of that board, I believe such course would be a very great advance upon the plan we have for years been pursuing.

But suppose this amendment is adopted and takes the place of the whole bill, and suppose that when the bill reaches the Senate an amendment like the river and harbor bill of the committee is adopted in the place of this provision for the board of engineers, so that the bill comes back to us as a conference report substantially as it has come from the

committee, with some slight amendments by the Senate, then I rather fancy that some of the statements which have been made as to the parliamentary effect of the amendment would be found true. For myself, I prefer almost anything to this indiscriminate hodge-podge way of dealing with this question—not simply by this committee (for I have no reflection whatever to cast upon its members), but by every River and Harbor Committee during the eight years that I have been in Congress. Anything that is systematic is better than this.

And now I wish to say a word upon another point. Where a bill carrying seven and a half millions of dollars is presented as late in the session as this bill has been presented, I hold that the gentlemen who have failed to bring it forward sooner, namely, the committee of which the gentleman from Ohio [Mr. GROSVENOR] is a member, must bear all the responsibility for the delay; and, furthermore, I claim the right, where a bill carrying seven and a half million dollars is to be voted upon, to demand that gentlemen favoring it shall not only furnish a majority, but also furnish a quorum to pass every item of it. That is my right, and I shall insist upon that right just whenever it may happen to suit my desire.

Mr. LA FOLLETTE. I do not propose, Mr. Chairman, to sit quietly under the criticisms of the gentleman from Minnesota [Mr. NELSON] or the gentleman from Ohio [Mr. GROSVENOR], made because I choose to exercise a right belonging to every member on this floor, and differ from them.

With his usual illogical reasoning and bad form of statement, the gentleman from Ohio [Mr. GROSVENOR] chooses to arraign myself and others who oppose this bill because we have not earlier made known our opposition to it on this floor. We certainly could not oppose it before it was brought in here by the committee with whom it has originated; and we have early—I speak for myself alone—I have from the first exercised my right of opposition to it since it has been placed upon the Calendar and brought before the House.

With reference to the remarks of the gentleman from Minnesota [Mr. NELSON], I have this to say: When I oppose, under the rules, a bill which I believe to be constructed upon a bad plan, and according to a vicious system, no man has the right to stand on this floor and accuse me of a trick or trickery. My opposition has been open; my reasons for it have been stated on this floor; there has been no concealment. I believe those reasons to be sufficient; they are sufficient for me.

This bill contains forty or more items for works which the engineers state should be promptly completed, yet, under the system which requires donations to the districts of gentlemen on this floor in order to put through your bill, there are in this entire number of forty or more only five for the completion of which appropriations are made by the bill.

This bill contains items for works which the reports of the Board of Engineers say are in no sense of national importance, but are purely of local interest and significance; and in one instance they state that the improvement should be made by the people of the county in which it is located. There has been in preceding bills—I have not examined critically to see whether it is in this bill—an appropriation for a stream with reference to which the engineers were compelled to say that no boat had ever been seen on it, although one had been confidently expected a season or two before. There is in this bill an appropriation for a stream 60 feet wide and a foot and a half deep; yet, as to the great harbor of Boston, the engineers say that if the same system is to be pursued which has been heretofore pursued with reference to appropriations, the waste of money in the next five years will exceed $32,000.

Mr. GALLINGER. Do you mean $32,000?

Mr. LA FOLLETTE. I mean $32,000, and that with reference to an improvement at a single point in that harbor. If time permitted I could go on and enumerate similar cases which should appeal to the conscience, the good sense, the business judgment of gentlemen on this floor.

I wish to add that I am not opposed to river and harbor bills when properly constructed. Multiply your appropriations by 2, 3, or 4, strike out the donations to districts where the improvements are not of national significance, and no man will more cheerfully support your bill than myself. I come from a State which is almost surrounded by water, having the great lakes upon one side and the sweeping, navigable Mississippi upon the other. Fifty miles of my own district lie upon the Mississippi River. But, sir, you can not stop my mouth or my opposition by putting into this bill or any other constructed upon a like plan an appropriation for my district.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. HAMMOND. Mr. Chairman, I move to amend the amendment by striking out the last two words. I live 1,100 feet above the sea and in a district that has in it no water, not even a "branch," to be benefited by this bill. I have no sort of personal interest in this bill. I may not care, in the main, whether it passes or not. But we have other business here to transact, and we ought to do that business. I do not enter into this quarrel as to who is guilty of a "trick;" I do not think anybody is "tricked." The half-dozen gentlemen who have given public notice that on every paragraph of this bill they intend to resort to dilatory motions are not guilty of any "trick." Every one understands what they mean. Nor when a gentleman proposes a substitute for the whole bill, is he guilty of a "trick." We are presumed to know just what the effect of that proposition is; and if the effect be to pass a bad bill without reading it, the burden lies upon the shoulders of the half-dozen gentlemen who have announced that no other business shall be done, nor this bill passed, until they have spoken themselves hoarse on every line in it.

This is all I desire to say. On whichever side I may vote in regard to this bill, I say, let us go on with business.

Mr. GROSVENOR. Mr. Chairman, I was not aware that in the few remarks which I submitted I had used any language which imputed a parliamentary "trick" to anybody; and, but for the clear and lucid statement of the gentleman from Wisconsin [Mr. LA FOLLETTE], delivered with that unerring logic born of his clear-cut mental organization and stated in that pleasant manner so conspicuous in all his discussions, I should never have thought that I used such language.

But, as he is an authority and understands every question he discusses, it must be I am mistaken. I rose to defend my friend from Minnesota here and those who believe with him from the charge made as I understood it in my innocence and ignorance and illogical condition and bad form. [Laughter.] I am not acting, as the gentleman from Wisconsin [Mr. LA FOLLETTE] understands it, in good form. He is in good form, elegant form, grand and magnificent form. He criticizes my form. I did not understand I was going to have a competitive examination in the House as to my form of speech. [Laughter.] I was trying to get out a compliment to the gentleman from Wisconsin. I knew he was not opposing this bill. [Laughter.] I supposed he would certainly support the amendment because it was the same proposition in substance he made two years ago, and made it with that same good form, that graceful form, that elegant form, that eloquent form with which he made his speech to-day. [Laughter.] I thought I was on his side, and I greatly regret I am not. That, Mr. Speaker, is all. [Laughter and cries of "Vote!"]

The CHAIRMAN. Has the formal amendment been withdrawn?

Mr. BAYNE. I desire to be heard.

The CHAIRMAN. The Chair has recognized the gentleman from Minnesota [Mr. GILFILLAN].

Mr. GILFILLAN. Mr. Chairman, I rise to repel an attack inadvertently made on my district a few moments ago, and impliedly on the Representative of that district, by the honorable gentleman from Iowa. He charges, perhaps inadvertently and unintentionally, the bill contains a petty scheme for serving some private interest, to wit, certain mills at Minneapolis, in my district. I do not suppose the gentleman intended to make any wrongful impression on this House as to the contents or character of this bill, but I wish to say here that the Representative of that district has not been before the Committee on Rivers and Harbors. He has not asked anything to be inserted in this bill, and if there is anything in it which contains anything of the nature of a petty scheme, or any other scheme for serving any private interest at Minneapolis, or any other interest except as it is involved in the general interest of the country, I am unaware of any such provision.

I say, sir, there is no such proposition in the bill, and that to say any such provision has been interpolated or smuggled into this bill is as unworthy as it is uncalled for.

Mr. BAYNE. I move to strike out of the proposition the words "Chief of Engineers" and insert "Secretary of War."

Mr. NELSON. I make the point of order that proposition has already been voted on and rejected. So that if it were to be admitted it would be identical with what has been voted on and rejected.

Mr. BAYNE. The proposition I make has not been voted on as a distinct amendment. The proposition voted on not only embraced the Secretary of War but the Secretary of the Treasury. This makes a modification so as to substitute the Secretary of War.

Mr. NELSON. There was a proposition for this gross amount to be distributed under the Secretary of War. If that is correct, then this amendment is out of order.

The CHAIRMAN. The amendment is in order.

Mr. BAYNE. Mr. Chairman, I trust the gentleman from Minnesota [Mr. NELSON] and the friends of this amendment will accept the amendment to the amendment which I have suggested. That amendment should be made if this proposition is to go through. I hope it will be accepted, because the history of commissions in this country is not a savory one. I am opposed to this method of expending public money, believing the proper way to make expenditure is to appropriate a particular sum to each particular purpose.

It is assumed by those who criticise this bill that the money is expended without any direction. There is not a dollar reported in the bill but is to be expended under the direction of the Secretary of War. The Secretary of War is responsible for the mode of expenditure of each one of these appropriations. The Secretary of War has seen fit to withhold appropriation after appropriation. The appropriations made by the bill last year and by the preceding bill have been with-

held by the Secretary of War because he believed the amount inadequate, or because of some changed conditions of things, or because the amount to be expended would be a mere waste of the public money.

To assume that the money provided for here in this bill is not subject to the direction and supervision of the Secretary of War, is to misstate its meaning and import altogether; and when gentlemen proceed on that argument they fail to understand the meaning of the bill.

Now, sir, I am opposed to placing this vast sum of money in the hands of the Secretary of War or any other one man. I do not believe that any man in this country should have the control of that money to expend at his option.

Mr. NELSON. Will the gentleman allow me to interrupt him?

Mr. BAYNE. Not at present.

Mr. NELSON. Perhaps I can relieve the gentleman if he will allow me a moment.

Mr. BAYNE. I repeat I am opposed to placing the amount in the hands of any one man to expend.

Mr. WILLIS. I think if the gentleman will yield, that the gentleman from Minnesota is willing to accept the amendment.

Mr. NELSON. After consultation with friends on both sides of the Chamber, I wish to say that I will accept the amendment of the gentleman from Pennsylvania, and I do that for the sake of cutting off debate and coming to a conclusion at once on this subject.

Mr. BAYNE. Very well. I wish to add a word further.

I repeat, I am opposed to placing this vast amount of money in the discretion of any officer of this Government. You will look in vain over all the appropriations made by Congress to find any such power vested in any other officer of the Government.

Mr. NELSON. I accepted the amendment for the purpose of stopping debate.

Mr. BAYNE. My friend from Illinois [Mr. ADAMS] calls attention to the appropriation made for the service of the Post-Office Department for payment of clerks in the railway mail service. That is true, but the wages or salary paid each route and postal agent is fixed by law, and the postal agent has the right to demand the last farthing of that amount, and the Government officers have not the right to pay him a cent more. It is a specific direction as to how the money shall be expended. Yet for myself, rather than have a river and harbor bill defeated, I, though opposed to this, and hoping better things may come before it goes through, will vote for it with this amendment, for I must regard, in view of the fact that so many are in favor of the bill and so few opposed to it, the opposition is simply a factious opposition.

[Here the hammer fell.]

Mr. NELSON. As I did not succeed in stopping the debate, I therefore withdraw my acceptance of the amendment.

Mr. CUTCHEON. Mr. Chairman, I have no desire to prolong unnecessarily this debate. I desire to witness the passage of this bill. It seems to me that we have now arrived at a point where the issue is changed, and the question is not whether we will have this particular bill, with these particular provisions, but the question now is, shall we have any river and harbor bill at all? The question presented to us is whether or not this is desirable legislation, all things considered, and whether in this form we shall make provision for the improvement of the rivers and harbors of this country.

Mr. Chairman, I do not stand here to allege, or to intimate, that any gentleman on this floor in his opposition to this bill acts in the interest of any railroad corporations or any other form of monopoly; but I do say that if I stood here as the champion and advocate of railroads and monopolies I would destroy this river and harbor bill if I could by preventing its enactment into law. I do not believe that it would be within the power of human possibility so effectually to favor the railroads and railroad monopolies as by preventing the passage of a river and harbor bill year after year. You may pass all of the interstate-commerce bills you please, but no interstate-commerce bill will be so effectually a barrier between the people of this country and the railroad monopolies as a proper and adequate provision for the improvement of our water-ways.

There are two classes of opponents to this bill. The first are opposed to it because it makes provision for small streams, and the other class are opposed to it because it makes provision for large streams.

My friend from Wisconsin [Mr. LA FOLLETTE] is opposed to it because it provides for the "nameless streams," as he says, that have no national significance; and then my friend from Iowa [Mr. HEPBURN] is dead against it because it provides for the improvement of the great Mississippi River and its tributaries, which, he says, it is impossible permanently and adequately to improve. But in years past we have improved them, and because of these improvements to-day the great tide of commerce of this country has been changed, and the great new Northwest, that region to the west of Lake Superior—Minnesota, Dakota, Montana, Iowa, and Wyoming—are pouring the volume of their wealth down through the great water channels of the the Northwest, through the chain of lakes, and through the Sault Sainte Marie Canal, to the amount of 3,500,000 tons a year.

This is increasing so rapidly that at the present rate of increase, before it is possible to create new locks there, the present capacity of the canal will be insufficient for the volume of commerce which will seek passage; and this question of the enlargement of that canal is becoming one of vast and urgent importance, because it is only a question as between that canal and the railroads as to a means of shipment of the vast commerce of the Northwest to the seaboard. In this bill is a provision for the enlargement of that canal. Defeat that, and you cast a vote in the interest of the railroads that extend from the State of my friend from Iowa [Mr. HEPBURN] to the seaboard, and compel the farmers of the Northwest to seek outlets at great loss on their products by railroad transportation rather than by allowing them to be shipped upon the open water-ways which nature has provided, and in comparison with which even the Mississippi River itself is but a rivulet.

I hope no gentleman, therefore, will take an attitude here that will prevent the passage, in some form or other, of the bill now before the committee.

Mr. HEPBURN. I move to strike out the last word.

The CHAIRMAN. That is not in order until the amendment to the amendment is acted on. The question is on the amendment of the gentleman from Pennsylvania [Mr. BAYNE] to the amendment of the gentleman from Minnesota [Mr. NELSON].

The amendment to the amendment was not agreed to.

Mr. HEPBURN. I move to strike out the last word. I am very grateful to the gentleman from Michigan [Mr. CUTCHEON] for his solicitude in my behalf. The gentleman knows that I have at all times in my action here avoided, as far as possible, doing or saying anything that would allow any man to classify me as in opposition to the real river and harbor improvements of this country. Nor have I ever done anything, as the gentleman well knows, that would place me in any sense in the position of a railroad monopolist or a monopolist of any other kind. And I am glad that he, in his solicitude, is anxious to warn me of the rock that seems to be now right in front of me, intimating to me that if I do not—that is the logic of his suggestion—follow his view with regard to this matter I am in imminent danger of being classified with those obnoxious persons. I am thankful to the gentleman.

Mr. CUTCHEON. Will the gentleman allow me to interrupt him?

Mr. HEPBURN. My time is very limited.

Mr. CUTCHEON. I wish just to say that the gentleman from Iowa has given us notice three several times that he will oppose the passage of this bill——

Mr. HEPBURN. Of this bill.

Mr. CUTCHEON. By every parliamentary means on every section. He knows that means the defeat of this bill in every possible form.

Mr. HEPBURN. I think it is better to defeat this bill, there being a predominance of bad in it, than to secure the good things in it at such an expensive rate. I am not going to fall into the difficulty or to run against the rock that the gentleman in his friendly feeling for me seems to be fearful of. I will say to the gentleman that I am ready at any time to support any measure that has in it the improvement of the great water ways and the improvement of the harbors of this country that enter into the commerce of the whole country. In that I will go as far as he or any one else. But I am unwilling that gentlemen should lug in the little pet schemes they have and saddle them on the great improvements of the country.

The gentleman from Michigan seems to intimate a reason why I am opposed to the bill. Would it be courtesy to intimate why there might be a reason for the gentleman's urgent advocacy of it. There are sixteen—ten of them being absolutely insignificant—harbors in the State of the gentleman that are amply provided for in this bill. Michigan is not known for its great rivers that enter into the interstate commerce of this country. And yet there are provisions for the improvement of seven of those rivers. Twenty-three slices of the pork that are in this barrel go to the peninsular State of Michigan.

Mr. TARSNEY. And her commerce warrants it.

Mr. HEPBURN. That is a matter of opinion. I am entirely willing that Michigan should have all the commerce that is possible. I would rejoice just as much as the gentleman from Michigan [Mr. TARSNEY] in every evidence of the prosperity of that State. But I do not want, under the pretense of improving the navigation of your waters and of advancing the interests of national commerce, to appropriate hundreds of thousands of dollars to be expended on purely local works for the individual benefit of even such a distinguished gentleman as my friend [bowing to Mr. TARSNEY], in whose prosperity I shall always rejoice.

Mr. TARSNEY. Twenty-five per cent. more commerce passes through the Sault Sainte Marie Canal than through the great Suez Canal annually.

Mr. HEPBURN. I want to improve that work, but I do not want to improve the other twenty-two under the pretense of improving that one.

Mr. Chairman, those persons who have seen fit to oppose the passage of this bill are as ready, I want again to say, as the gentleman from Michigan is to engage in all legitimate river and harbor improvements. But we do assume the right of determining for ourselves what are legitimate, and we do resent a little the supercilious manner in which certain gen-

tlemen seem disposed to enforce all of their little schemes upon us and to compel us against our own volition to accept their view of what is important.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas, rose.

Mr. WILLIS. Can we not agree that debate on this amendment shall be closed in five minutes?

Mr. ANDERSON, of Kansas. I have the floor. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman from Kansas has been recognized.

Mr. ANDERSON, of Kansas. I simply rise to say a word in regard to one suggestion which has been made as to the motive of those opposing this bill. It has been said that they are influenced by railways. [Laughter.] It has been suggested that gentlemen who oppose this bill really do so for the benefit of railways, whether they do so intentionally or not. Now I have never seen any member of the railway lobby about this House advocate opposition to a river and harbor bill. I think instances can be adduced where very large appropriations in previous bills have been made for the express purpose of furnishing terminal facilities for railroad companies.

Mr. FELTON. Where are they?

Mr. ANDERSON, of Kansas. I did not catch the gentleman's remark.

I will state furthermore that in the last river and harbor bill appropriations were used for the express purpose of riprapping the abutments of railroad bridges. And for one, giving to all gentlemen the most magnanimous right to entertain whatever opinion they may as to the motives of the opponents of this bill, I shall say for myself that the reason why I oppose it is just because it does not provide for those improvements of the great water ways which would advance such navigation as would furnish competition with railways. The committee has not included in the bill before us the Hennepin Canal; that would be of great effect upon the transportation question. It has not included the New York and Erie Canal; that would be of still greater effect.

Mr. T. J. CAMPBELL. Newtown Creek.

Mr. ANDERSON, of Kansas. It has not looked to the deepening of the channels of those streams over which to-day the great volume of your commerce goes so much as it has to the improvement of little streams, which, in some instances, are used merely for logging purposes.

Mr. GALLINGER. Or for swimming.

Mr. ANDERSON, of Kansas. Swimming! There is not water enough in some of them to enable a tadpole to swim. [Laughter.]

Now, Mr. Chairman, if there were proposed in this bill a plan looking to the development of the rivers that are really useful for commercial purposes, I would heartily advocate it, but I do not propose to be drawn into a great many of the appropriations that are in this bill—not by a long shot. [Laughter.]

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. I withdraw the formal amendment.

The CHAIRMAN. The *pro forma* amendment is withdrawn, and the question is on the amendment offered by the gentleman from Minnesota [Mr. NELSON].

Mr. HEPBURN. Mr. Chairman, I raise the point of order that a vote cannot be taken upon that amendment, it being in the nature of a substitute, until every part of the bill has been considered; and I call attention to Rule XIX.

Mr. WILLIS. That point has been already passed upon.

Mr. HEPBURN. The point has not been made before.

Mr. WILLIS. Then it comes too late.

Mr. HEPBURN. I desire to be heard upon the point of order, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. HEPBURN. I ask that Rule XIX be read.

The rule was read, as follows:

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

Mr. HEPBURN. It will be remembered, Mr. Chairman, that the point of order was raised against the reception of this substitute, and the Chair held that the point came too late, and the member making that point yielded, of course, to the decision of the Chair. The point I now make is, that no vote can be taken upon this amendment, which is in the nature of a substitute, until every part of the bill for which it is a substitute has been considered. I want to call attention further to the fact that this must be a substitute, because the gentleman's motion includes the striking out of all after the enacting clause, and the insertion in lieu thereof of the matter that has been read. That makes it a substitute for the whole bill.

Mr. NELSON. Mr. Chairman, The point of order is not well taken, for this reason: The Chair has already decided, on a previous point of order, that the amendment was properly pending, and that the point that it was not properly before the House was made too late. Now if the amendment is properly pending for debate or for any purpose, then it is pending to be voted upon. It is not pending for any half-way purpose. The gentleman cannot make a distinction of that kind, and have the amendment pending to a certain extent, merely for debate, but not pending when we come to vote upon it. The amendment is either wholly out of order *ab initio*, or it is in order to be voted upon.

Mr. HEPBURN. It seems to me, Mr. Chairman, that there is a distinction there which the gentleman does not consider. The Chair simply ruled, as I understood, that the objection which was made to this amendment came too late to prevent its discussion. The committee having discussed the proposition, and having reached the point where a vote is to be taken, I now, at the first moment after that stage is reached, raise this point. There has been no time before when I could have raised it. I could have raised a point of order earlier so as to prevent the occupation of the time of the House in the discussion of this proposition; but I could not earlier have raised the point I now raise upon postponing the vote on this substitute until the balance of the bill is matured.

The CHAIRMAN. The Chair is of opinion that in the state in which the Chair finds the question it is in order to take the vote upon the amendment offered by the gentleman from Minnesota [Mr. NELSON].

The gentleman from Minnesota was permitted to offer his amendment without objection or interposition of point of order. It has been discussed at length, and an amendment has been offered to it which has not only been discussed but been voted upon by the committee; and the proposition of the gentleman from Minnesota has, for an hour or more, been considered in the absence of any proposition to further amend, perfect, or even consider the original text of the bill. During all that time no further amendment to the text of the bill has been proposed; nor is any offered now. There is no other amendment pending than that of the gentleman from Minnesota [Mr. NELSON], and none other being offered, the Chair thinks it is in order to vote upon it.

Mr. HEPBURN. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. An appeal being taken, the question is: Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and there were—ayes 118, noes 46.

So the decision of the Chair was sustained.

The question was taken on the amendment offered by Mr. NELSON; and there were—ayes 125, noes 21.

Mr. HEPBURN. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Minnesota [Mr. NELSON].

The committee again divided; and the tellers reported—ayes 140, noes 27.

Mr. HEPBURN. I call for the yeas and nays.

The CHAIRMAN. The yeas and nays can not be taken in Committee of the Whole.

So the substitute of Mr. NELSON was adopted.

Mr. WILLIS. I now move that the committee rise and report the bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had directed him to report the same back with an amendment in the form of a substitute.

Mr. WILLIS. I move the previous question.

The SPEAKER. The gentleman from Kentucky moves the previous question upon agreeing to the amendment and ordering the bill to be engrossed and read a third time.

Mr. HEPBURN. I wish to make a point of order.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I desire to say that the provisions of the bill making separate and distinct appropriations have not been considered in the Committee of the Whole, and no vote has been taken upon any provision appropriating a specific sum of money. Before the Committee of the Whole had proceeded beyond the consideration of the eighth line, before any subsequent paragraph had been read, this amendment was offered, and against objection a vote upon it was forced prior to the taking of any vote upon any one of the subsequent provisions of the bill. I make the point of order that the vote can not be taken upon the adoption of this substitute until the provisions of the bill have been separately read and considered in the Committee of the Whole.

The SPEAKER. Of course the House now has nothing before it, and the Chair has nothing before him except the report of the Committee of the Whole House on the state of the Union. The facts stated by the gentleman from Iowa [Mr. HEPBURN], if they be facts, might constitute a good reason for the recommitment of the bill by the House to the Committee of the Whole. But the Chair must deal with the report as presented. The bill is out of the Committee of the Whole and in the House, by the action of the committee, which the Chair can not revise or overrule in any manner. The point of order is not sustained.

The question is on ordering the previous question upon the amendment, and upon ordering the bill to be engrossed and read a third time.

Mr. HEPBURN. On that I call for the yeas and nays.

The yeas and nays were ordered, there being ayes 35, noes 100—more than one-fifth voting in the affirmative.

The question was taken; and it was decided in the affirmative—yeas 166, nays 64, not voting 87; as follows:

YEAS—166.

Adams, G. E.	Felton,	Lovering,	Snyder,
Adams, J. J.	Findlay,	Markham,	Spooner,
Anderson, C. M.	Fisher,	Martin,	Springer,
Baker,	Fleeger,	Maybury,	Stephenson,
Barksdale,	Foran,	McCreary,	Stewart, Charles
Barnes,	Ford,	McMillin,	Stone, E. F.
Bayne,	Forney,	McRae,	Stone, W. J., Ky.
Belmont,	Funston,	Miller,	Symes,
Bingham,	Gay,	Milliken,	Tarsney,
Blanchard,	Geddes,	Mills,	Taulbee,
Blount,	Gibson, C. H.	Moffatt,	Taylor, E. B.
Brady,	Gilfillan,	Morrison,	Taylor, J. M.
Breckinridge, C. R.	Glass,	Morrow,	Taylor, Zach.
Brown, C. E.	Glover,	Murphy,	Thomas, J. R.
Buck,	Grosvenor,	Neal,	Thompson,
Burrows,	Grout,	Neece,	Tillman,
Butterworth,	Guenther,	Negley,	Townshend,
Bynum,	Hall,	Nelson,	Trigg,
Cabell,	Halsell,	Norwood,	Tucker,
Caldwell,	Hammond,	Oates,	Turner,
Campbell, T. J.	Harris,	O'Donnell,	Van Eaton,
Carleton,	Hemphill,	O'Ferrall,	Van Schaick,
Catchings,	Henley,	O'Hara,	Viele,
Clements,	Herbert,	Outhwaite,	Wait,
Comstock,	Hermann,	Owen,	Wakefield,
Crain,	Howard,	Parker,	Wallace,
Crisp,	Hudd,	Payne,	Ward, J. H.
Culberson,	Hutton,	Peel,	Warner, A. J.
Cutcheon,	Irion,	Perry,	Warner, William
Daniel,	Jackson,	Richardson,	Weber,
Dargan,	Jones, J. H.	Riggs,	Wellborn,
Davidson, A. C.	Jones, J. T.	Romeis,	Wheeler,
Davidson, R. H. M.	King,	Rowell,	White, A. C.
Davis,	Laffoon,	Rusk,	Wilkins,
Dawson,	Landes,	Sadler,	Willis,
Dibble,	Lanham,	Sayers,	Wilson,
Dockery,	Lawler,	Scott,	Wise,
Dougherty,	Libbey,	Seney,	Wolford,
Dunham,	Little,	Sessions,	Woodburn,
Eldredge,	Long,	Seymour,	Worthington.
Ely,	Lore,	Shaw,	
Farquhar,	Loutitt,	Singleton,	

NAYS—64.

Allen, C. H.	Eden,	Johnston, T. D.	Randall,
Allen, J. M.	Evans,	La Follette,	Reed,
Anderson, J. A.	Everhart,	Lehlbach,	Rice,
Bliss,	Frederick,	Lowry,	Robertson,
Bound,	Fuller,	McAdoo,	Ryan,
Brown, W. W.	Gallinger,	McComas,	Scranton,
Bunnell,	Hayden,	Merriman,	Skinner,
Burnes,	Haynes,	Millard,	Sowden,
Campbell, J. M.	Henderson, D. B.	Morrill,	Steele,
Cannon,	Hiestand,	Muller,	Storm,
Caswell,	Hitt,	Osborne,	Struble,
Conger,	Holman,	Perkins,	Swope,
Cooper,	Holmes,	Peters,	Thomas, O. B.
Cowles,	Hopkins,	Pettibone,	Wade,
Cox, W. R.	James,	Phelps,	Wadsworth,
Dorsey,	Johnston, J. T.	Plumb,	West.

NOT VOTING—87.

Aiken,	Compton,	Hiscock,	Reagan,
Atkinson,	Cox, S. S.	Houk,	Reese,
Bacon,	Croxton,	Johnson, F. A.	Rockwell,
Ballentine,	Curtin,	Kelley,	Rogers,
Barbour,	Davenport,	Ketcham,	Sawyer,
Barry,	Dingley,	Kleiner,	Smalls,
Bennett,	Dunn,	Laird,	Spriggs,
Bland,	Ellsberry,	Le Fevre,	Stahlnecker,
Boutelle,	Ermentrout,	Lindsley,	Stewart, J. W.
Boyle,	Gibson, Eustace	Lyman,	St. Martin
Bragg,	Goff,	Mahoney,	Stone, W. J., Mo.
Breckinridge, WCP	Green,	Matson,	Strait,
Browne, T. M.	Hale,	McKenna,	Swinburne,
Brumm,	Hanback,	McKinley,	Taylor, I. H.
Buchanan,	Harmer,	Mitchell,	Throckmorton,
Burleigh,	Hatch,	Morgan,	Ward, T. B.
Campbell, Felix	Heard,	O'Neill, Charles	Weaver, A. J.
Campbell, J. E.	Henderson, J. S.	O'Neill, J. J.	Weaver, J. B.
Candler,	Henderson, T. J.	Payson,	White, Milo
Clardy,	Hepburn,	Pidcock,	Whiting,
Cobb,	Hill,	Pindar,	Winans.
Collins,	Hires,	Ranney,	

So the previous question was ordered.

The following-named members were announced as paired until further notice:

Mr. BACON with Mr. LINDSLEY.

Mr. GREEN with Mr. SWINBURNE.

Mr. PINDAR with Mr. DAVENPORT.

Mr. CANDLER with Mr. WEAVER, of Nebraska.

Mr. CLARDY with Mr. BROWNE, of Indiana.

Mr. BLAND with Mr. GOFF.

Mr. GIBSON, of West Virginia, with Mr. STEWART, of Vermont.

Mr. MORGAN with Mr. ZACH. TAYLOR.

Mr. THROCKMORTON with Mr. ATKINSON.

Mr. REAGAN with Mr. HISCOCK.

Mr. COX, of New York, with Mr. BURLEIGH.

Mr. SPRIGGS with Mr. HOUK.

Mr. MITCHELL with Mr. WHITING.

Mr. BOYLE with Mr. CURTIN, on this bill.

The following-named members were announced as paired for the remainder of the day:

Mr. DUNN with Mr. O'NEILL, of Pennsylvania.

Mr. HEARD with Mr. KELLEY.

Mr. BARRY with Mr. HENDERSON, of Illinois.

Mr. BALLENTINE with Mr. JOHNSON, of New York.

Mr. LE FEVRE with Mr. HARMER.

Mr. O'NEILL, of Missouri, with Mr. LAIRD.

Mr. ROBERTSON with Mr. HANBACK.

Mr. ERMENTROUT with Mr. ROCKWELL.

Mr. STAHLNECKER with Mr. DUNHAM.

Mr. STONE, of Missouri, with Mr. KETCHAM.

Mr. RANDALL. My understanding was that I was paired on this bill with my colleague from Pennsylvania [Mr. O'NEILL], and I think I communicated that fact to the chairman of the Committee on Rivers and Harbors. I find, however, that my colleague is announced as paired with the gentleman from Arkansas [Mr. DUNN]. Now, I omitted to vote on this roll-call under the information and belief I have stated, and I am corroborated by the officer who is accustomed to take charge of the pairs for members.

The SPEAKER. Where a gentleman states that he has withheld his vote because he believed he was paired it has always been the practice of the House to permit him to vote. The Clerk will call the name of the gentleman from Pennsylvania.

Mr. RANDALL voted in the negative.

Mr. DUNHAM. Mr. Speaker, I was present during the roll-call and desire to vote. I have heard my name read from the desk among the pairs, but no one was authorized to make a pair for me. I wish to vote in the affirmative.

The SPEAKER. The gentleman's vote will be so recorded.

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 6637) relating to contested elections, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HOAR, Mr. FRYE, and Mr. PUGH.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. DINGLEY. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. It is as to the parliamentary situation of this bill. If the House shall refuse to agree to the substitute amendment would the vote then come up under the operation of the previous question on passing the bill for which the substitute was made, or would the bill have to go back to the Committee of the Whole to be considered?

The SPEAKER. If the House refuse to agree to the substitute the next question is on ordering the bill to be engrossed and read a third time; that is to say, on the bill referred to the Committee of the Whole House on the state of the Union, without regard to any amendments which may have been agreed to.

Mr. BURROWS. But suppose the bill has never been considered in Committee of the Whole?

The SPEAKER. That is a question for the House. The committee has reported it back to the House. The committee has no power over it.

The Chair will further state, in response to the gentleman from Maine, that the bill will not go back to the committee unless the House refers it to the committee. Under the rules and practice of the House, when the Committee of the Whole House on the state of the Union strikes out the enacting clause of a bill, the effect of which is to destroy the bill, and the House refuses to concur in that action, the committee resumes its session. But where the committee strikes out all after the enacting clause it is but an amendment. Then a vote to non-concur in the amendment of the committee in the nature of a substitute would at once bring the House to vote on the bill.

Mr. DINGLEY. As it was when it went to the Committee of the Whole House on the state of the Union?

The SPEAKER. The presumption is it has been read and perfected.

Mr. HEPBURN. A very great presumption.

Mr. GROSVENOR. Would it not then require a motion to send it back to the Committee of the Whole?

The SPEAKER. It would.

Mr. GROSVENOR. I understand gentlemen to say under the point of order the bill has not been considered in Committee of the Whole. Would the Speaker hold that point of order to be well taken?

The SPEAKER. That is a question for the House.

Mr. GROSVENOR. It would be a question for the House to determine.

Mr. LONG. But a motion to recommit is in order.

The SPEAKER. It is, if made at the proper time; that is, after

the previous question has been exhausted on the third reading and engrossment of the bill and the previous question has been demanded on its passage.

Mr. WILLIS. I ask for information, as there was some confusion, whether, if the substitute is voted down, the bill reported from the Committee on Rivers and Harbors is not before the House?

The SPEAKER. The Chair has so stated.

Mr. REED. Then by judicious ruling on the bill by the chairman of the Committee of the Whole, the duty of the committee to consider the bill can be evaded.

The SPEAKER. The committee has reported the bill. [Laughter.] The question recurs on the amendment of the committee in the nature of a substitute.

Mr. STEELE. If gentlemen proposing this amendment vote against it, would they not be guilty of sharp practice?

The SPEAKER. The question is not a parliamentary one.

Mr. CUTCHEON. If this substitute is voted down, and the bill comes before the House, would it be subject to amendment?

The SPEAKER. It would if the previous question should not be ordered; but if the previous question is ordered it would cut off amendment.

The House divided; and there were—ayes 44, noes 100.

Mr. ANDERSON, of Kansas. No quorum has voted.

The SPEAKER appointed as tellers Mr. ANDERSON, of Kansas, and Mr. WILLIS.

Mr. STEELE. I demand the yeas and nays in order to put gentlemen on record.

The question was taken; and it was decided in the negative—yeas 46, nays 176, not voting 95; as follows:

YEAS—46.

Adams, G. E.	Cannon,	Hiestand,	Nelson,
Allen, C. H.	Cowles,	Johnston, T. D.	O'Hara,
Allen, J. M.	Cox, W. R.	La Follette,	Perkins,
Anderson, J. A.	Dunham,	Lehlbach,	Phelps,
Baker,	Eden,	Little,	Rice,
Bliss,	Eldredge,	Long,	Scott,
Bound,	Evans,	Louttit,	Scranton,
Brown, W. W.	Funston,	McKenna,	Thomas, O. B.
Brumm,	Grout,	McKinley,	Wait,
Buck,	Guenther,	Millard,	Warner, A. J.
Butterworth,	Hayden,	Moffatt,	
Bynum,	Haynes,	Muller,	

NAYS—176.

Adams, J. J.	Everhart,	Martin,	Sowden,
Anderson, C. M.	Farquhar,	Maybury,	Spooner,
Barksdale,	Felton,	McAdoo,	Springer,
Barnes,	Fisher,	McComas,	Stephenson,
Bayne,	Fleeger,	McCreary,	Stewart, Charles
Belmont,	Foran,	McMillin,	Stone, E. F.
Bingham,	Forney,	McRae,	Stone, W. J., Ky.
Blanchard,	Gallinger,	Merriman,	Stone, W. J., Mo.
Blount,	Gay,	Miller,	Storm,
Boutelle,	Geddes,	Mills,	Strait,
Brady,	Gibson, C. H.	Morrison,	Struble,
Bragg,	Glass,	Morrow,	Swope,
Breckinridge, C. R.	Glover,	Murphy,	Tarsney,
Breckinridge, WCP	Grosvenor,	Neal,	Taulbee,
Brown, C. E.	Hall,	Neece,	Taylor, J. M.
Bunnell,	Hammond,	Norwood,	Taylor, Zach.
Burnes,	Harris,	Oates,	Thomas, J. R.
Cabell,	Hemphill,	O'Donnell,	Thompson,
Caldwell,	Henley,	O'Ferrall,	Tillman,
Campbell, J. M.	Herbert,	Osborne,	Townshend,
Carleton,	Hermann,	Outhwaite,	Trigg,
Caswell,	Hill,	Owen,	Tucker,
Catchings,	Hitt,	Parker,	Turner,
Clements,	Holman,	Payne,	Van Eaton,
Cobb,	Holmes,	Peel,	Van Schaick,
Comstock,	Hopkins,	Perry,	Viele,
Conger,	Howard,	Peters,	Wade,
Cooper,	Hudd,	Pettibone,	Wadsworth,
Crain,	Hutton,	Plumb,	Wakefield,
Crisp,	Irion,	Randall,	Ward, J. H.
Culberson,	Jackson,	Reed,	Warner, William
Cutcheon,	Johnston, J. T.	Richardson,	Weaver, J. B.
Daniel,	Jones, J. H.	Riggs,	Weber,
Dargan,	Jones, J. T.	Romeis,	Wellborn,
Davidson, A. C.	Ketcham,	Ryan,	West,
Davidson, R. H. M.	King,	Sadler,	Wheeler,
Davis,	Laffoon,	Sawyer,	White, Milo
Dawson,	Landes,	Sayers,	Wilkins,
Dibble,	Lanham,	Seney,	Willis,
Dingley,	Lawler,	Seymour,	Wilson,
Dockery,	Le Fevre,	Shaw,	Winans,
Dougherty,	Lore,	Singleton,	Wise,
Ely,	Lovering,	Skinner,	Wolford,
Ermentrout,	Lowry,	Snyder,	Worthington.

NOT VOTING—95.

Aiken,	Campbell, J. E.	Ford,	Henderson, J. S.
Atkinson,	Campbell, T. J.	Frederick,	Henderson, T. J.
Bacon,	Candler,	Fuller,	Hepburn,
Ballentine,	Clardy,	Gibson, Eustace	Hires,
Barbour,	Collins,	Gilfillan,	Hiscock,
Barry,	Compton,	Goff,	Houk,
Bennett,	Cox, S. S.	Green,	James,
Bland,	Croxton,	Hale,	Johnson, F. A.
Boyle,	Curtin,	Halsell,	Kelley,
Browne, T. M.	Davenport,	Hanback,	Kleiner,
Buchanan,	Dorsey,	Harmer,	Laird,
Burleigh,	Dunn,	Hatch,	Libbey,
Burrows,	Ellsberry,	Heard,	Lindsley,
Campbell, Felix	Findlay,	Henderson, D. B.	Lyman,
Mahoney,	Payson,	Rusk,	Taylor, E. B.
Markham,	Pidcock,	Sessions,	Taylor, I. H.
Matson,	Pindar,	Smalls,	Throckmorton,
Milliken,	Ranney,	Spriggs,	Wallace,
Mitchell,	Reagan,	Stahlnecker,	Ward, T. B.
Morgan,	Reese,	Steele,	Weaver, A. J.
Morrill,	Robertson,	Stewart, J. W.	White, A. C.
Negley,	Rockwell,	St. Martin,	Whiting,
O'Neill, Charles	Rogers,	Swinburne,	Woodburn.
O'Neill, J. J.	Rowell,	Symes,	

So the amendment was not agreed to.

On motion of Mr. LONG, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. PIDCOCK with Mr. LIBBEY, for the rest of this day.

Mr. MCRAE. My colleagues, Mr. ROGERS and Mr DUNN, are absent on account of sickness.

The result of the vote was then announced, as above recorded.

The question recurred on ordering the bill to be engrossed and read a third time.

Mr. RYAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 88, not voting 86; as follows:

YEAS—143.

Anderson, C. M.	Ely,	Lawler,	Seymour,
Baker,	Farquhar,	Lore,	Shaw,
Barksdale,	Felton,	Louttit,	Singleton,
Barnes,	Fisher,	Markham,	Skinner,
Bayne,	Fleeger,	Martin,	Snyder,
Belmont,	Foran,	Maybury,	Stephenson,
Blanchard,	Forney,	McCreary,	Stewart, Charles
Blount,	Funston,	McKenna,	Stone, E. F.
Brady,	Gay,	McMillin,	Stone, W. J., Ky.
Breckinridge, C. R.	Geddes,	McRae,	Tarsney,
Breckinridge, WCP.	Gibson, C. H.	Miller,	Taulbee,
Brown, C. E.	Gilfillan,	Mills,	Taylor, J. M.
Buck,	Glass,	Moffatt,	Taylor, Zach.
Burrows,	Glover,	Morrison,	Thomas, J. R.
Butterworth,	Grosvenor,	Morrow,	Thompson,
Cabell,	Guenther,	Murphy,	Tillman,
Caldwell,	Hall,	Neal,	Townshend,
Carleton,	Halsell,	Neece,	Trigg,
Catchings,	Hammond,	Negley,	Tucker,
Clements,	Harris,	Nelson,	Turner,
Cobb,	Hemphill,	Norwood,	Van Eaton,
Comstock,	Henley,	Oates,	Van Schaick,
Cox, W. R.	Herbert,	O'Donnell,	Wait,
Crain,	Hermann,	O'Ferrall,	Wakefield,
Crisp,	Hill,	O'Hara,	Ward, J. H.
Culberson,	Howard,	Owen,	Warner, William
Cutcheon,	Hudd,	Payne,	Weber,
Daniel,	Irion,	Peel,	Wellborn,
Dargan,	Jackson,	Perry,	Wheeler,
Davidson, A. C.	Jones, J. H.	Pettibone,	Willis,
Davidson, R. H. M.	Jones, J. T.	Riggs,	Wilson,
Davis,	King,	Romeis,	Winans,
Dawson,	Kleiner,	Sadler,	Wise,
Dibble,	Laffoon,	Sawyer,	Wolford,
Dougherty,	Landes,	Sayers,	Worthington.
Dunham,	Lanham,	Seney,	

NAYS—88.

Adams, J. J.	Eden,	La Follette,	Reed,
Allen, C. H.	Eldredge,	Libbey,	Rice,
Allen, J. M.	Bragg,	Little,	Richardson,
Anderson, J. A.	Brown, W. W.	Long,	Rowell,
Bingham,	Brumm,	Lowry,	Ryan,
Bliss,	Bunnell,	Lyman,	Scranton,
Bound,	Bynum,	McAdoo,	Sowden,
Boutelle,	Campbell, J. M.	McComas,	Spooner,
Evans,	Campbell, T. J.	McKinley,	Springer,
Everhart,	Cannon,	Merriman,	Steele,
Ford,	Haynes,	Milliken,	Stone, W. J., Mo.
Frederick,	Henderson, D. B.	Morrill,	Storm,
Fuller,	Hepburn,	Muller,	Strait,
Gallinger,	Hiestand,	Osborne,	Struble,
Grout,	Hires,	Outhwaite,	Swope,
Hayden,	Hitt,	Parker,	Thomas, O. B.
Caswell,	Holman,	Perkins,	Wade,
Conger,	Holmes,	Peters,	Wadsworth,
Cooper,	Hopkins,	Phelps,	Warner, A. J.
Cowles,	James,	Plumb,	Weaver, J. B.
Dingley,	Johnston, J. T.	Randall,	White, Milo
Dorsey,	Johnston, T. D.	Ranney,	Wilkins.

NOT VOTING—86.

Adams, G. E.	Curtin,	Ketcham,	Scott,
Aiken,	Davenport,	Laird,	Sessions,
Atkinson,	Dockery,	Le Fevre,	Smalls,
Bacon,	Dunn,	Lehlbach,	Spriggs,
Ballentine,	Ellsberry,	Lindsley,	Stahlnecker,
Barbour,	Ermentrout,	Lovering,	Stewart, J. W.
Barry,	Findlay,	Mahoney,	St. Martin,
Bennett,	Gibson, Eustace	Matson,	Swinburne,
Bland,	Goff,	Millard,	Symes,
Boyle,	Green,	Mitchell,	Taylor, E. B.
Browne, T. M.	Hale,	Morgan,	Taylor, I. H.
Buchanan,	Hanback,	O'Neill, Charles	Throckmorton,
Burleigh,	Harmer,	O'Neill, J. J.	Viele,
Burnes,	Hatch,	Payson,	Wallace,
Campbell, Felix	Heard,	Pidcock,	Ward, T. B.
Campbell, J. E.	Henderson, J. S.	Pindar,	Weaver, A. J.
Candler,	Henderson, T. J.	Reagan,	West,
Clardy,	Hiscock,	Reese,	White, A. C.
Collins,	Houk,	Robertson,	Whiting,
Compton,	Hutton,	Rockwell,	Woodburn.
Cox, S. S.	Johnson, F. A.	Rogers,	
Croxton,	Kelley,	Rusk,	

So the bill was ordered to be engrossed and read the third time.

Mr. ERMENTROUT. I ask leave to withdraw my vote on this and the preceding call to-day, as I find I am paired.

On motion of Mr. CABELL, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. CROXTON with Mr. MILLARD, for the rest of this day.

The result of the vote was then announced, as above recorded.

Mr. WILLIS. Mr. Speaker, I demand the previous question upon the passage of the bill.

Mr. HEPBURN. This bill I believe has not been read the third time?

The SPEAKER. It has not. It has just been ordered to be read the third time.

Mr. HEPBURN. I ask for the reading of the engrossed copy.

The SPEAKER. The gentleman has the right, before the vote is taken upon the passage of the bill, to have it read.

Mr. HEPBURN. As I understand, we have simply ordered it to be engrossed. Now I desire to have that engrossed copy read. We could not have had it earlier.

The SPEAKER. The Chair sustains the gentleman. The gentleman has the right to have the engrossed copy of the bill read before the question is taken on its passage. Pending the demand for the previous question, or even after the previous question is ordered, the gentleman has the right to demand the reading of the engrossed bill before the vote is taken.

The previous question was ordered.

Mr. HEPBURN. I now demand the reading of the engrossed bill.

The SPEAKER. The Chair is advised that the bill has not yet been engrossed.

Mr. WILLIS. I wish to make a parliamentary inquiry. If the House adjourns now does this come up as the first business in the morning?

The SPEAKER. It is the unfinished business, the previous question having been ordered upon it, and will be first in order after reading the Journal.

Mr. WILLIS. In view of the lateness of the hour, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. BARBOUR: Petition of H. H. Scott, of Culpepper County, Virginia, praying that the war claim of Lucy Hudson, deceased, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BRADY: Petition of ship-owners, masters of vessels, merchants, and others, of Norfolk, Portsmouth, Richmond, and Elizabeth City County, Virginia, protesting against the passage of the bill relating to pilotage—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, appeal of Saint Ann's Infant Asylum, for an increase of appropriation—to the Committee on the District of Columbia.

By Mr. BRAGG: Petition for the relief of Frank A. Benton—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Remonstrance of wholesale druggists of Memphis, Tenn., against any repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. BURLEIGH: Resolutions of Henry Ensign Post, No. 568, Grand Army of the Republic, of Cropseyville, N. Y., requesting the passage of the so-called Edmunds-Tucker Mormon bill—to the Committee on the Judiciary.

By Mr. CURTIN (by request): A bill directing the Secretary of the Navy to appoint naval apprentices to positions of warrant officers—to the Committee on Naval Affairs.

By Mr. ELDREDGE: Petition of A. Van Dort and others, opposing large pensions to the widows of generals and others—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of William Mann, for the passage of the James bill (H. R. 1625)—to the Committee on Commerce.

By Mr. FLEEGER: Petition of citizens of Butler County, Pennsylvania, for the passage of an act granting pensions to widows of all deceased soldiers of the late war who had been pensioners of the United States—to the Committee on Invalid Pensions.

By Mr. GREEN: Papers relating to the claim of Mrs. M. A. Foy, of Pender County, and of Joseph Wilson, of Sampson County, North Carolina—to the Committee on War Claims.

By Mr. C. H. GIBSON: Petition of John T. Palmatry, of Hillsboro', Caroline County, Maryland, for reference of claim to the Court of Claims—to the same committee.

By Mr. GROUT: Resolutions of the National Grange of the Patrons of Husbandry, in favor of the experiment-station bill—to the Committee on Agriculture.

By Mr. HARMER: Petition of citizens of Germantown, Philadelphia, Pa., in favor of reduction of internal taxes—to the Committee on Ways and Means.

By Mr. HERMANN: Petition from wholesale and retail druggists of Portland, Oreg., for repeal of tax on distilled spirits—to the same committee.

By Mr. LYMAN: Petition of F. C. Johnson and others, for the passage of House bill 9733—to the same committee.

By Mr. MILLIKEN: Petition for a pension for Elizabeth C. Grindle—to the Committee on Invalid Pensions.

By Mr. PERKINS: House concurrent resolution No. 10 of the Legislature of Kansas, asking for legislation changing the present law providing for the sale of real estate upon judgments of Federal courts so that it shall be advertised and sold in the county where situated—to the Committee on the Judiciary.

By Mr. RIGGS: Petition of the Consolidated Cattle-Growers' Association, in favor of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

Also, resolutions of the General Assembly of Illinois, in favor of the Miller pleuro-pneumonia bill—to the same committee.

Also, petition of the Cider Vinegar Association in favor of House bill 9733—to the Committee on Ways and Means.

Also, letter of George L. Burruss and W. B. Robinson, of Carrollton, Ill., in favor of the Carey pleuro-pneumonia bill—to the Committee on Agriculture.

Also, letter of J. R. Douglas, of Batchtown, Calhoun County, Illinois, in favor of House bill 9733—to the Committee on Ways and Means.

By Mr. SHAW: Petition of Samuel Hall, for relief from the charge of desertion—to the Committee on Military Affairs.

By Mr. WHEELER: Papers relating to the claim of Cain Leach, and of John S. Watkins, of Lauderdale County, Alabama—to the Committee on War Claims.

By Mr. WOODBURN: Petition for an increase of salary of watchmen employed in the State, War, and Navy Departments of the United States—to the Committee on Appropriations.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education.

By Mr. CASWELL: Petition of Brook Sheard and 26 others, citizens of Wisconsin, praying for the passage of the educational bill.

By Mr. ELY: Of 296 citizens of Hyde Park and Weymouth, Mass.

By Mr. ERMENTROUT: Memorial of Mrs. C. W. Bickley and of Mrs. Josephine Zell, for the passage of the Blair bill.

By Mr. HISCOCK: Of 27 citizens and of 479 citizens of the twenty-fifth district of New York.

By Mr. JACKSON: Of 576 citizens of the twenty-fourth district of Pennsylvania.

By Mr. LOVERING: Of Rev. S. J. Cary and 122 others, citizens of Lynn and Winthrop, Mass.

By Mr. OSBORNE: Of 743 citizens of Pennsylvania.

By Mr. OUTHWAITE: Of 82 citizens of Groveport and Holland, Ohio.

By Mr. PETTIBONE: Petition of D. B. Hays and others, citizens of Jockey, Tenn., asking for the passage of the Blair bill.

By Mr. SWINBURNE: Of 286 citizens of Albany, N. Y.

By Mr. TOOLE: Of 61 citizens of White Sulphur Springs, Montana.

SENATE.

THURSDAY, *January* 27, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EULOGIES ON THE LATE SENATOR LOGAN.

Mr. CULLOM. Mr. President, after consultation with my colleague [Mr. FARWELL] it has been determined that I shall announce to the Senate that on Wednesday, the 9th of February next, I shall offer proper resolutions and ask the Senate to take appropriate action upon them with reference to the life and services of my late colleague, Senator LOGAN, deceased.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting an estimate of appropriation of $5,000 for the purchase of land near Fort Meade, Dakota Territory; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of January 13, 1887, a report of the First Comptroller in regard to money paid to officers in the United States in the prosecution of causes in State courts; which, on motion of Mr. VEST, was, with the accompanying papers, ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the act of July 22, 1854, reports of Surveyors-General Pullen and Julian on the private land claim known as the Cañada de Santa Clara, No. 138, New Mexico; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 3129) for the relief of Frank J. Burrows was read twice by its title.

Mr. MITCHELL, of Pennsylvania. As that bill relates to the claim of a postmaster, I move its reference to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

The bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss., was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Chamber of Commerce of Grand Forks, Dak., praying for the speedy ratification of the treaty of the United States Indian Commission with the Red Lake Indians of Minnesota; which was referred to the Committee on Indian Affairs.

Mr. MITCHELL, of Pennsylvania, presented the petition of Joseph D. Potts, James M. Swank, and other business men of Philadelphia, Pa., and the petition of the workingmen of the Leggitt Spring and Axle Company, of Pittsburgh, Pa., praying for a repeal of internal-revenue taxes; which were referred to the Committee on Finance.

Mr. MITCHELL, of Pennsylvania. I also present a memorial of O. H. Allerton, jr., and 84 citizens of East Liberty, Pa., representing that the heavy wholesale and retail dealers' taxes in the act known as the oleomargarine law have fostered a monopoly in behalf of the large manufacturers and crushed out the small ones. They therefore ask for a reduction of these special taxes and a repeal of the monopolistic features of the act. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. FARWELL presented resolutions adopted by the Illinois house of representatives favoring the passage of a bill which has for its object the care and maintenance of the honorably discharged soldiers whose names are now borne upon the pension-rolls; which were referred to the Committee on Pensions.

He also presented a petition of the National Wholesale Druggists' Association and petitions of citizens of Chicago and Bloomington, in the State of Illinois, praying for the repeal of the internal-revenue taxes; which were referred to the Committee on Finance.

He also presented the petition of George A. Hoyt, president of the Pennsylvania Coal Company; Swift's Chicago Fresh Beef Company, located on the Harlem River; George S. Coe, president of the American Exchange Bank, and 350 other prominent citizens of New York city, praying for such legislation as will authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York; which was referred to the Committee on Commerce.

He also presented resolutions adopted by citizens of Maroa, Ill., indorsing the interstate-commerce bill and urging Congress to enact such laws as will place the Government in control of cattle suffering from pleuro-pneumonia, also favoring the payment of losses to owners of cattle destroyed under such laws by the Government; which were ordered to lie on the table.

He also presented resolutions adopted by the Thirty-fifth General Assembly of Illinois, and resolutions adopted by the Consolidated Cattle-Growers' Association of the United States, favoring the speedy enactment of a bill now pending before Congress for the suppression of exotic contagious diseases among cattle; which were referred to the Committee on Agriculture and Forestry.

Mr. EVARTS presented a petition of citizens of Saranac, N. Y., praying for the repeal of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. WILSON, of Iowa. Several weeks ago I presented to the Senate the memorial of J. Goldsborough Bruff, of the District of Columbia, relative to a national coat of arms, and on the subject of heraldry, which was referred to the Committee on the Library. Several interesting papers relating to the subject of the memorial were also referred at that time to the committee. He has since placed in my hands some additional papers concerning the subject of that memorial, which I ask may be received and referred to the Committee on the Library.

The PRESIDENT *pro tempore*. That order will be made.

Mr. WILLIAMS presented a memorial of the Chamber of Commerce of San Diego, Cal., remonstrating against the abolition of the port of entry and customs district of San Diego; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of California, favoring the restoration of ex-Governor George Stoneman to the retired-list of the Army of the United States with the rank of colonel; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented a resolution adopted by the Trade and Labor Assembly of Chicago, Ill., remonstrating against the passage of the bill ceding Dearborn Park, in the city of Chicago, jointly to the Chicago Public Library, the Veteran Soldiers' Organizations, and the Academy of Design; which was referred to the Committee on Military Affairs.

Mr. CULLOM. I present a memorial of C. P. Moulton and 30 other citizens of Sangamon County, Illinois, setting forth that $100 only is required for a wholesale whisky dealer and $480 for a wholesale oleomargarine dealer, and asking for an equalization of those taxes. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. MANDERSON. I present a petition signed by George Scherrer and 68 other citizens of Lincoln, Nebr., declaring that the special taxes on oleomargarine are exorbitant and that the large manufacturers who advance these license fees confine the trade in their own hands, thus creating a monopoly, and they therefore pray for the repeal of the special taxes of the oleomargarine law. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SAULSBURY. I present the petition of J. S. Burchenal and a large number of other citizens of Delaware, praying for an appropriation for the improvement of the navigation of Saint Jones or Dover River, in Kent County, Delaware. I also present a similar petition from George P. Fisher and a large number of other citizens of Delaware, praying for the same appropriation. I move the reference of the petitions to the Committee on Commerce.

The motion was agreed to.

Mr. VEST presented the petition of L. C. Doggett and 125 citizens of Saint Louis, Mo., in respect of the special taxes on oleomargarine and other objects of internal-revenue taxation, and praying that the special taxes on oleomargarine may be reduced; which was referred to the Committee on Finance.

Mr. INGALLS presented the petition of W. J. Felch and 16 other citizens of Fargo, Dak., praying for certain modifications of the law regulating the sale and manufacture of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. DAWES. I present the petition of Samuel B. Symonds and 52 citizens of Beverly, Mass., setting forth that a retail dealer in malt liquors is only required to pay $20 per year as special tax, while a retail dealer in oleomargarine is compelled to pay $48 per year, and praying for an equalization of such special taxes. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 3054) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrew, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5775) for the relief of James M. McKamey, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, of Iowa. I am directed by the Committee on Post-Offices and Post-Roads to report favorably, with an amendment in the nature of a substitute, the bill (S. 337) to provide for the establishment of a postal-telegraphic system. I will state that the substitute reported consists of the first eleven sections of the bill reported favorably by the Committee on Post-Offices and Post-Roads during the Forty-eighth Congress.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORGAN. I am directed by the Committee on Indian Affairs to report back the bill (S. 1107) for the relief of J. G. Fell, Edward Hoopes, and George Burnham, with a substitute therefor in the shape of a new bill. I am also directed by the committee to make some explanation of the reasons for the reporting of the bill in the form which the committee have agreed upon.

The bill (S. 3226) to determine the liability of the United States under the law for damages to the property of citizens of the United States sustained in the depredations of Indians was read twice by its title.

Mr. MORGAN. The claims for Indian depredations, now ascertained by the Department of the Interior to be valid so far as the claims are concerned and so far as the amount and character of the injuries for which indemnity is asked are concerned, amount now to about $13,000,000. These claims are coming in after the reports which have been made by the Government agents individually, each claim addressing itself to Congress for its allowance.

The general principles upon which these claims proceed are that the Government of the United States has assumed a sort of guardianship over the Indians, accompanied with the duty of keeping them in their reservations, and preventing them from depredating upon the property of citizens; that they are quasi-prisoners of war, many of the tribes at least, and that the depredations committed by them are in

that sense committed by the United States, and, therefore, they have a right of action or a right of claim against the Government of the United States.

It will be impossible to consider this question in respect of all the different petitions so as to dispose of it at the convenience of Congress within a number of years to come, and the committee have concluded that it was their duty to take this case, which is for the relief of J. G. Fell, Edward Hoopes, and George Burnham, and refer it to the Court of Claims, with an instruction to that court that it shall decide upon the question of the legal liability of the United States for these Indian depredations, and that their decision, of course, shall not go beyond that, but the question of the amount of the claim, and its validity as a *bona fide* claim, and the question of appropriating money for the payment of the claim is reserved expressly in the bill which we now report to the Senate

The Court of Claims, to whom this particular claim is referred, is required to pass upon the general subject of the liability of the United States, with the right of appeal either on the part of the United States or the claimant from the judgment of that court to the Supreme Court of the United States; and both the Court of Claims and the Supreme Court of the United States are required to advance the cause on the docket so that it may be speedily heard, or at least as speedily heard as is consistent with the other public duties of those courts.

In the event that the Court of Claims shall decide that in this case the Government of the United States has a legal responsibility, then the court makes a certificate of a proper allowance for attorneys' fees, to be paid by the Government of the United States; and money is appropriated by this bill to pay that certificate upon its presentation in proper form to the Treasury Department.

The object of the committee is to have presented in some legal form and by a competent tribunal, by the Supreme Court of the United States, the great leading question in these cases, whether there is a responsibility upon the United States, and what are the limits of the responsibility and the conditions upon which it arises.

Hence the committee have instructed me to make this oral statement in regard to the bill and call the attention of the Senate to it, as it is a matter of very great public interest; and in order to prevent these claims from being delayed unnecessarily and indefinitely, the Senate will be asked to proceed at some very early day to consider this very important matter.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar; and the bill for which it is a substitute will be postponed indefinitely, if there be no objection.

COLUMBIA RIVER SALMON FISHING.

Mr. DOLPH. By direction of the Committee on Commerce, I report a resolution introduced by my colleague [Mr. MITCHELL, of Oregon] on the 9th of December last, directing the Secretary of War to inquire what obstruction fish-traps and other methods of fishing on the Columbia River work to navigation. I ask for the immediate consideration of the resolution. It is a mere resolution of inquiry.

The resolution was considered by unanimous consent, and agreed to; as follows:

Whereas it is alleged by persons interested in the commerce of the Columbia River that sundry persons engaged in the business of salmon catching on that river have erected certain structures known as salmon traps and salmon wheels, and that sundry other persons engaged in such salmon fisheries on said river have from time to time during the season placed salmon gill-nets of large dimensions in the waters of said river at various points and places; and

Whereas it is alleged that said wheels, traps, and gill-nets are obstructions to the commerce of said river and seriously interfere with the navigation thereof: Therefore,

Resolved, That the Secretary of War be, and he is hereby, directed through the proper Engineer Bureau of his Department to investigate the subject of the salmon fisheries on the Columbia River in the State of Oregon and Washington Territory, the manner in which carried on, whether by gill-nets, traps, or wheels, in what manner the same are placed or used in reference to the navigable waters of said river, and to report to the Senate at the earliest practicable convenience whether such traps, wheels, or nets, or any of them, and which class, in any manner and in what respect and to what extent interferes with or obstructs the navigation of said river and its commerce.

ADDITIONAL CLERK TO COMMITTEE ON COMMERCE.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Minnesota [Mr. MCMILLAN], on the 24th instant, to report it favorably without amendment; and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to; as follows:

Resolved, That there be an additional clerk for the Committee on Commerce for the remainder of the session, at a salary of $8 per day; and that the Secretary of the Senate be, and he is hereby, authorized and directed to pay the said salary out of the appropriation for miscellaneous items of the contingent fund of the Senate.

ORDER OF BUSINESS.

Mr. MITCHELL, of Pennsylvania. If there be no further formal morning business, I desire at this time to ask the Senate to proceed to the consideration of the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

Mr. CULLOM. There are some other formal matters to be brought in during the morning hour.

Mr. MITCHELL, of Pennsylvania. If the Senator will allow me, I desire to complete my statement, so that Senators may understand it. This bill passed the House of Representatives on the 17th instant, a week ago last Monday, by over a two-thirds majority. I am under the necessity of leaving the city for a few days this afternoon. There is a great deal of anxiety in regard to the measure, and I should be very glad if the Senate would take up the bill and dispose of it to-day. I have no purpose to interfere with the formal morning business.

Mr. SAWYER. It will not take five minutes to dispose of the bill, I think.

Mr. CULLOM. I am for the bill, and I shall waive any rights I have as to morning business if it can be taken up and disposed of now.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to proceed to the consideration of the bill indicated by him. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole, and will be read at length.

Mr. MANDERSON. I should like to introduce two resolutions for reference.

The PRESIDENT *pro tempore*. The bill being before the Senate, the Chair, by unanimous consent, will receive morning business.

Mr. HOAR. I should like to inquire what is the condition of the business of the Senate at this moment?

The PRESIDENT *pro tempore*. The order is "reports from standing and select committees." Pending that call, the Senator from Pennsylvania asks the unanimous consent of the Senate to proceed to the consideration of the bill reported by the Committee on Pensions.

Mr. HOAR. I desire to ask the reference of a resolution introduced by me yesterday to the Committee on Privileges and Elections. I do not want to have that displaced.

The PRESIDENT *pro tempore*. It will not be displaced; it will be presented in its regular order. The bill called up by the Senator from Pennsylvania will be read.

The Secretary proceeded to read the bill.

Mr. BECK. The bill is being read for information, subject to objection after the bill is read, is it not?

The PRESIDENT *pro tempore*. The Chair submitted the question and called for objection, and heard none. The bill is now before the Senate.

Mr. BECK. I thought the bill was to be read, and then objections to be asked for. There were all sorts of confusion around me, and I could not hear. I do not want to have other business displaced by a great bill like that.

The PRESIDENT *pro tempore*. If there is any doubt about the Senator's having had an opportunity to object, the Chair will consider the motion to take up the bill as open to objection.

Mr. COCKRELL. Let the reading be finished.

Mr. HARRIS. What is the necessity to finish the reading of the bill if objection is made to its consideration?

The PRESIDENT *pro tempore*. The reading of the bill will be continued.

The Secretary resumed the reading of the bill.

Mr. HARRIS. I suppose there will be no objection to the whole of the bill appearing in the RECORD, but I shall, as I have done several mornings heretofore, object to it or any other bill being taken up out of its order during the morning hour; and we may just as well save the time which may be consumed in reading it.

The PRESIDENT *pro tempore*. As Senators have stated that they did not hear the call for objections, the Chair is of opinion that it is proper to object now, and the bill will go over.

Mr. INGALLS. No; I understand that the Senator from Pennsylvania proposes to move its consideration.

The PRESIDENT *pro tempore*. The Senate did proceed to the consideration of the bill, but the Senator from Pennsylvania can not make the motion now during the morning business except by unanimous consent, under the rule of the Senate.

Mr. MITCHELL, of Pennsylvania. I asked unanimous consent to proceed to the consideration of the bill, and I understood there was no objection to it. Certainly I shall not insist on the consideration or the further reading of the bill at this time, but when the proper order of proceeding is reached I give notice that my purpose is to make a motion to proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. There are but a few lines of the bill yet remaining to be read.

Mr. HARRIS. I do not object to the reading being concluded.

Mr. CULLOM. Let the bill be read through and we shall have the reading done with when we get at it again.

The Secretary resumed the reading of the bill.

Mr. INGALLS. Let the bill be printed in the RECORD without reading.

Mr. HARRIS. I suggested that the rest of it be printed in the RECORD as part of it had been read.

The PRESIDENT *pro tempore*. The bill will be restored to its place on the Calendar, subject to a motion to proceed to its consideration.

BILLS INTRODUCED.

Mr. VANCE introduced a bill (S. 3227) to amend section 621 of the Revised Statutes of the United States, which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. INGALLS introduced a bill (S. 3228) to amend section No. 3232 of the Revised Statutes, which was read twice by its title, and referred to the Committee on Finance.

ORDER OF BUSINESS.

Mr. MITCHELL, of Pennsylvania. I understand that the order of resolutions is now reached, and I ask the Chair whether it would be in order to move to proceed to the consideration of the pension bill.

Mr. CULLOM. We are not yet through with the morning business. I have a resolution that I should like to offer.

The PRESIDENT *pro tempore*. Concurrent or other resolutions are now in order.

MILITARY CLAIMS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War report to the Senate at as early a day as practicable the number of claims filed in War Department, under the act approved June 3, 1884, entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," stating the number filed in the years 1884, 1885, and 1886, separately; and also the number of such claims acted upon during each of said years, and the date of filing the last claims acted upon, and whether such claims have been acted upon in the order in which they were presented, and what length of time will be required to enable the Department to adjust and dispose of all such claims now filed.

FRACTIONAL SILVER COIN.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas since March 31, 1885, the Secretary of the Treasury in all his monthly statements of the public debt has treated the fractional silver coin in the Treasury as no portion of the cash balance available: Therefore,

Be it resolved, That the Finance Committee of the Senate is hereby authorized and directed to examine into this subject and report whether in their opinion additional legislation is required to make the fractional silver coin now held in the Treasury a part of the available cash balance; and also whether it will or not be judicious to provide for having said fractional silver coin recoined into standard silver dollars; and that said committee be required to report by bill or otherwise.

MILITARY ACADEMY REPORT.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 2,500 additional copies of the annual report of Board of Visitors to the United States Military Academy for the year 1886 be printed; 2,000 for the use of the Senate, and 500 for the use of the Senate members of that board.

INTERSTATE-COMMERCE REPORT.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 10,000 copies of the corrected report of the committee of conference on the bill (S. 1532) to regulate commerce, with the detailed statement of the conferrees on said bill.

DESIGNATION OF REJECTED NOMINEES.

Mr. BECK. If there are no——

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Massachusetts [Mr. HOAR], which comes over on objection.

The resolution was read, as follows:

Resolved, That after the Senate has refused its advice and consent to the appointment of any person to an office, it is contrary to the spirit and intent of the Constitution to designate the same person to perform the duties of the same office immediately thereafter.

Mr. HOAR. I move that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

REPORT ON THE CONGO COUNTRY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate another resolution coming over under objection.

The resolution submitted yesterday by Mr. MORGAN was read, and agreed to, as follows:

Resolved, That the Secretary of the Navy is directed to send to the Senate a copy of the report of Lieutenant Taunt of his explorations in the Congo country of Africa.

WILLIAM WEBSTER.

The PRESIDENT *pro tempore*. The Chair lays before the Senate two resolutions, reported from the Committee on Foreign Relations by the Senator from Alabama [Mr. MORGAN], which come over from yesterday under objection.

The resolutions were read, as follows:

Resolved by the Senate, That after due examination of the matters presented in the petition of William Webster, and the evidence brought to their attention in support of his claim for indemnity from the British Government for lands in New Zealand, purchased by him in good faith from native chiefs, and duly conveyed to him before the Government of Great Britain acquired the sovereignty over that country by a treaty made with said chiefs, the Senate of the United States consider that said claim for indemnity is founded in justice and deserves the cognizance and support of the Government of the United States; and that said claim, as a claim for money indemnity, was not presented by the United States to Great Britain prior to September, 1858.

Resolved, That the President is requested to take such measures as, in his opinion, may be proper to secure to William Webster a just settlement and final adjustment of his claim against Great Britain growing out of the loss of the lands and other property in New Zealand of which he has been deprived by the act or consent of the British Government, and to which he had acquired a title under purchases and deeds of conveyance from the native chiefs prior to February 6, 1840, and prior to any right of Great Britain to said islands.

Mr. MORGAN. I am entirely ready to proceed with the resolutions, but the report of the Committee on Foreign Relations has only found its way to the desks of Senators this morning, and the Senator from Vermont [Mr. EDMUNDS] indicated some opposition to the resolutions. If they can be passed over without losing their place I should be glad to have them do so.

The PRESIDENT *pro tempore*. The resolutions will naturally go to the Calendar if no action is taken upon them this morning.

Mr. COCKRELL. Ought they not to go to the committee before they are considered by the Senate?

Mr. MORGAN. This is the report of the committee after very elaborate consideration, and the printed report will be found on the Senator's desk.

The PRESIDENT *pro tempore*. The resolutions will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate, in compliance with its request, the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 8923) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880;

A bill (H. R. 191) providing for the erection of a public building at Los Angeles, Cal.;

A bill (H. R. 9371) for the completion of a public building at Santa Fé, N. Mex.;

A bill (H. R. 9644) for the erection of a public building at Jefferson, Tex.; and

A bill (H. R. 10051) for the erection of a public building at Charleston, S. C.

ORDER OF BUSINESS.

Mr. BECK. If there is no further morning business, I move that the Senate proceed to the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States. This is the bill that was taken up yesterday afternoon.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asked unanimous consent a few moments ago to proceed to the consideration of the bill which was read. Does the Senator object to that?

Mr. BECK. I do object to that, and make this motion.

The PRESIDENT *pro tempore*. The Senator has that right. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to.

Mr. MITCHELL, of Pennsylvania. I move to postpone the pending bill for the present, for the purpose of making a motion to proceed to the consideration of the pension bill to which I call attention.

Mr. FRYE. I wish the Senator from Pennsylvania would postpone the pension bill until to-morrow morning, and have it printed so that we can act upon it after examination.

Mr. MITCHELL, of Pennsylvania. The bill passed the House of Representatives, and is printed.

Mr. FRYE. Has the Senate Pension Committee reported it without amendment?

Mr. MITCHELL, of Pennsylvania. The Senate committee has reported it without amendment.

Mr. HOAR. I rise to a question of order. I desire to make a point of order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a question of order, which he will state.

Mr. HOAR. To postpone a bill "for the present" is not one of the motions which is enumerated in the rule. The Senator from Pennsylvania should fix to-morrow or some other specific day.

The PRESIDENT *pro tempore*. The point of order is well taken. The motion to postpone for the present submitted by the Senator from Pennsylvania is not in order in that form.

Mr. MITCHELL, of Pennsylvania. Then I move that the consideration of the bill now before the Senate be postponed until 2 o'clock to-morrow; and I will state that my purpose in making the motion is to ask the Senate to proceed to the consideration of the pension bill to which I have already called attention.

Mr. BECK. I hope that will not be done. The railroad attorneys bill is a special order. It was once passed by the Senate, then recon-

sidered, then reported, and delayed day after day. It has been taken up twice at the present session, and is now taken up again; and I hope the Senate will dispose of it. The pension bill has plenty of time between now and the 4th of March, and it was just reported in the last day or two. There is no reason why the Senator from Pennsylvania should press that bill this morning.

Mr. BERRY. Mr. President——

Mr. BECK. The Senator from Arkansas [Mr. BERRY] has the floor on the railroad attorneys bill.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BERRY. Yesterday evening, the President *pro tempore* not occupying the chair at the time, this bill was before the Senate and I was entitled to the floor and yielded the floor to the Senator from Vermont [Mr. EDMUNDS] to make a motion to go into executive session. Am I not entitled to the floor now, when the bill again comes before the Senate?

The PRESIDENT *pro tempore*. The Senator from Arkansas is entitled to the floor whenever the Senate proceeds to the consideration of the bill, but a motion is now made to postpone the consideration of the bill, with a view to take up another bill.

Mr. BERRY. Did not the motion of the Senator from Kentucky bring the bill before the Senate?

The PRESIDENT *pro tempore*. Undoubtedly; but after it is taken up the Senate may take up another bill, and as a motion is pending to proceed to the consideration of another bill, debate is not in order at this time.

Mr. BERRY. I submit that if I was entitled to the floor on the railroad attorneys bill, I can not be taken from the floor by a motion to take up another bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas was clearly entitled to the floor, but he did not claim it at the time, and the Senator from Pennsylvania rose and made a motion to postpone.

Mr. BERRY. I did not get an opportunity to claim the floor.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the pending bill be postponed until to-morrow at 2 o'clock and remain as a special order, with a view to move that the Senate proceed to the consideration of the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

Mr. BECK. Is not the first question on the motion to postpone?

The PRESIDENT *pro tempore*. It is.

Mr. BECK. I hope that will not be done. The pension bill can be passed at any time between now and the 4th of March. The railroad attorneys bill has been up time and again, and there is no reason for shoving it off.

Mr. INGALLS. I suggest to the Senator from Pennsylvania to ask unanimous consent for the consideration of the pension bill to-morrow after the conclusion of the formal morning business.

Mr. ALLISON. That will do. That is right.

Mr. BECK. I should have no objection to that if I knew that the railroad attorneys' bill would be concluded to-day. If the railroad attorneys bill is not completed to-day I shall feel it my duty to call it up to morrow. The pension bill has been reported only one day, and we ought to have a right to examine it.

Mr. MITCHELL, of Pennsylvania. As the Senator from Kentucky, without regard to the rule which, as the Chair stated, does not permit remarks to be made at this time on the subject, was allowed to say something, perhaps it may be proper that I should state for the information of the Senate that the pension bill covers precisely the same questions in relation to pensions that are covered by a bill which was passed by the Senate last May but does not go nearly so far; and also the same points which were covered by a bill passed by the Senate during the Forty-eighth Congress on the same subject, but it does not go nearly so far as that bill.

The bill to which I have drawn attention and which I desire the Senate to take up and consider at this time was passed by the House of Representatives a week ago last Monday by more than two-thirds of the members of that body present and voting upon it. It is a very simple measure. It was reported by the Committee on Pensions of the Senate without amendment. There is a good deal of anxiety about it in the country. The committee of the Grand Army of the Republic upon the subject of pensions appeared before the Committee on Pensions of the Senate and urged that the Senate accept this bill although it is not entirely satisfactory to them, nor is it satisfactory to the Senate committee. I have repeatedly during the last week asked the Senate to take it up and consider it, but constantly something has prevented its consideration. The bill about which the Senator from Kentucky appears so very anxious is now made to combat this proposition. I think that the Senator's bill can afford to wait better than the pension bill. I believe that the sentiment of the country demands action more positively upon the question of pensions than it does upon the subject which is covered by the bill to which the Senator from Kentucky draws attention.

I trust that the Senate will proceed now to the consideration of the pension bill. I may perhaps be permitted to say that it will not be convenient for me to be here to-morrow; that I have remained in the city a week in the hope that this measure might be disposed of; and that I desire to go away.

Mr. HOAR. I ask leave to make a statement to the Senate.

I believe I have in charge the attorneys' bill, having reported it as amended from the Committee on the Judiciary. I propose to bring it up and to have a vote on it, and discussion on it, and to address the Senate on it myself. The Senator from Kentucky need not be in the least alarmed on the subject.

Mr. BECK. I have seen no symptom of any effort being made to call it up in that quarter.

Mr. HOAR. It is not my habit to exhibit any symptoms to the Senator from Kentucky. He is not the physician I call in for that purpose.

Mr. BECK. Not on this bill.

Mr. HOAR. The Senator from New York [Mr. EVARTS] proposes to address the Senate at length on that subject. He is, as I understand, to make an address in Baltimore this evening, and it will be more agreeable to him to address the Senate to-morrow in regard to that bill. I understand he will be ready to proceed with his remarks then.

The Senator from Pennsylvania [Mr. MITCHELL] is unable to be here to-morrow and desires very much to go on with the pension bill to-day. Under these circumstances, so far as my consent can have any effect on it, I desire to consent that the attorneys bill may proceed to-morrow and the pension bill come up to-day.

Mr. EVARTS. Mr. President——

The PRESIDENT *pro tempore*. The Chair allows debate to proceed without objection.

Mr. EVARTS. I rise as I have been referred to, merely to say what I have already said to my friend from Kentucky. I have been ready to take part in this debate, but as I said to him last week if it should run until this very day I should be awkwardly situated. I hoped it would have been reached yesterday or the day before, and I might have been free from any entanglement; but the engagement which has been referred to is one that was made nearly a month ago.

I will only say that I should prefer to be able to be present at the whole debate and then to take part in it, though I hope not at any great length in my own estimate of the subject; but I feel bound to leave the Senate Chamber as early as 3 o'clock to-day, and if there may be an understanding that would be agreeable to the Senator from Kentucky that the bill should stand for to-morrow at this hour with its right, it would be considerably more convenient to me. I do not feel any disposition, nor am I at all at liberty to stand in the way of a prompt disposal of the bill.

Mr. BECK. Now, Mr. President, only one word. Inasmuch as the Senator from Pennsylvania seems to make a contrast between the importance of certain measures, I will say that I do not know that I have any objection to his bill, but his bill was only reported on the 19th of this month, about a week ago. No notice has been given until this moment that he intended to call it up to-day, and no one had a copy of the bill. The Senator from Maine referred to that. The intimation that a great number of persons desire to have this done is no reason why it should displace other business that has the legitimate right of way over it.

I am willing to vote for all fair pension bills, but I do not think it is quite fair for gentlemen, because they uphold bills which they think popular, to press every other measure out of the way without giving full opportunity to have the measures they present considered and heard.

The bill that the Senator says I am so anxious to get up I have shown no great anxiety to press unduly. It was made a special order in the early part of December. It was postponed then for the convenience of the Senator from New York and other gentlemen, and it lost its place by other special orders. The day before yesterday I had it called up, intending to give the Senator from New York an opportunity to speak upon it, and yesterday I had it called up again for that very purpose. He knew I would call it up to-day. I think now, if we get it up for consideration and he wants to go away at 3 o'clock, the Senator from Arkansas will give way so that the Senator from New York may speak and be back in the morning.

The Senator from Massachusetts wants the honor of claiming that this is his measure. All I ask him to do is to have it considered and not let it lose its place, as I have felt it would have done time and again if I had not held it to the place to which it is entitled.

Now, if an arrangement can be made whereby it shall be the special order to the exclusion of everything else at 2 o'clock to-morrow, or whenever the agricultural experiment-station bill is disposed of, I am content. I do not want to disturb the pending bill or interfere with the convenience of the Senator from New York, or of any other Senator. I simply want to have this matter disposed of by the Senate as they think proper.

Mr. EVARTS. I should hope that might be done. The Senator from Kentucky knows very well that there is every disposition so far as I am concerned to have the bill disposed of.

Mr. BECK. And we have tried, both of us, to get it up.

Mr. EVARTS. We both tried to get it up.

Mr. BECK. And I thought you would have time to-day.

The PRESIDENT *pro tempore*. The bill to which the Senator from

Kentucky refers is now at the head of the Special Orders, and naturally will be announced at 2 o'clock, and would be to-day but for the unfinished business—the bill in charge of the Senator from Mississippi [Mr. GEORGE].

Mr. BECK. Then I will agree that to-morrow at 2 o'clock, even if something else intervenes after this bill passes, in the absence of the Senator from New York, if the agricultural experiment-station bill is finished to-day—I will not attempt to call up the railroad attorney bill until to-morrow at 2 o'clock, when the Senator from New York will be here.

Mr. HOAR. I am perfectly willing, if the Senator from Kentucky would prefer, to do better than that—to call it up at the close of the morning business to-morrow.

Mr. BECK. The Senator from New York will be satisfied to have it called at 2 o'clock, as that will give him full time.

Mr. EVARTS. I shall be at your service to-morrow morning at 12.

Mr. BECK. I think 2 o'clock would be better.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that the bill now pending, and referred to by him, shall be placed as the unfinished business for 2 o'clock to-morrow. The Chair hears no objection.

Mr. MITCHELL, of Pennsylvania. With the understanding that the pension bill shall be taken up and considered at this time.

The PRESIDENT *pro tempore*. The motion of the Senator from Pennsylvania is still pending. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

Mr. CALL. I ask to be heard before consent is given as to the disposition of to-morrow. I ask unanimous consent to say a word.

I do not wish to interpose any objection to any measure that is desired to be brought up, but I desire to have an understanding myself that upon the conclusion of the agricultural experiment bill, if it should be concluded to-day, the resolution which I have been urging before the Senate may be the special order of the Senate. I will not interpose any objection provided I can have a hearing; but I do not like to have three or four days occupied with other business. I am prepared to have the resolution considered now.

The PRESIDENT *pro tempore*. What does the Senator from Florida propose?

Mr. CALL. I desire to have the resolution with which I am intrusted made the special order immediately after the conclusion of the agricultural bill.

Mr. VEST. I object.

The PRESIDENT *pro tempore*. Objection being made the proposition can not be received, as it requires unanimous consent.

Mr. VEST. I do not want the Senator from Florida to suppose that I am objecting to his particular resolution; but the bill of the Senator from Kentucky [Mr. BECK] is a special order, and the next special order is a bill in which I am concerned, and the understanding was that we should go on and finish the agricultural experiment bill, and then take up the special orders regularly. We know that the sundry civil appropriation bill is coming to-morrow. The bill relative to the Nicaragua canal has been here for eight months. The sundry civil bill comes to-morrow and takes the right of way, and that is the end of everything else for this session.

The PRESIDENT *pro tempore*. The reading of the bill moved by the Senator from Pennsylvania will be continued.

The Secretary resumed and concluded the reading of the bill.

Mr. BERRY. I wish to make a parliamentary inquiry in regard to the bill that has been postponed until 2 o'clock to-morrow, the railroad attorneys bill. I was entitled to the floor when that bill came before the Senate this morning, but the Chair recognized the Senator from Pennsylvania [Mr. MITCHELL]. I wish to know what my rights are by reason of that recognition?

The PRESIDENT *pro tempore*. The Senator from Arkansas is clearly entitled to the floor whenever the consideration of that bill is resumed, unless he himself yields.

Mr. BERRY. I did not expect to yield this morning, but the Chair recognized another Senator.

The PRESIDENT *pro tempore*. As the Senator from Arkansas did not rise, and the Senator from Pennsylvania rose, the Chair was bound to recognize the Senator from Pennsylvania.

The bill called up on motion of the Senator from Pennsylvania is before the Senate.

PENSIONS OF DISABLED SOLDIERS AND DEPENDENT PARENTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

The bill is in the following words:

Be it enacted, &c., That in considering the pension claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support: *Provided*, That no pension allowed under this act shall commence prior to its passage, and in case of applications hereafter made under this act the pension shall commence from the date of the filing of the application in the Pension Office.

SEC. 2. That all persons who served three months or more in the military or naval service of the United States in any war in which the United States has been engaged, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance of this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for such total inability to procure their subsistence by daily labor, $12 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such forms as he may prescribe, receive the benefits of this act; but nothing herein contained shall be so construed as to allow more than one pension at the same time to the same person, or pension to commence prior to the passage of this act: *And provided further*, That rank in the service shall not be considered in applications filed thereunder.

SEC. 3. That no agent, attorney, or other person instrumental in the presentation and prosecution of a claim under this act shall demand or receive for his services or instrumentality in presenting and prosecuting such claim a greater sum than $5, payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, except in cases heretofore prosecuted before the Pension Office, when, in the discretion of the Commissioner of Pensions, a fee of $10 may be allowed in like manner to the agent or attorney of record in the case at the date of the passage of this act; and any agent, attorney, or other person instrumental in the prosecution of a claim under this act who shall demand or receive a sum greater than that herein provided for, for his service in the prosecution of the claim, shall be subject to the same penalties as prescribed in section 4 of the act of July 4, 1884, entitled "An act making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes."

SEC. 4. That section 4716 of the Revised Statutes is hereby modified so that the same shall not apply to this act: *Provided*, That this act shall not apply to those persons under political disabilities. And no person shall be pensioned under this act for any disability incurred while engaged in the military service against the United States.

Mr. MITCHELL, of Pennsylvania. I do not intend to detain the Senate by any discussion of this bill. I suppose when Senators look at it they will all understand it without any such discussion.

As I stated before, it covers the same questions upon which the Senate has, during the last two years, twice taken action; but the bill which comes to us now from the House of Representatives does not, as I also stated before, go nearly so far upon the one subject of pensioning disabled Union soldiers as do both of the bills formerly passed by the Senate. Therefore, I may state, I think, as the sense at least of this side of the Senate, that the bill now coming to us from the House is not satisfactory to us, but we are satisfied that it will do a great deal of good, and we are willing to accept what we can get at this time.

The bill simply proposes, in the first place, to change the rule of evidence in relation to the proof of dependence of parents. The existing law requires that that proof shall relate to the time of the death of the soldier. This bill proposes to change that rule so that if any parent be now dependent, first the mother and then the father shall be entitled to a pension on account of the death of a son in the service. That is all the first section does.

The next section, which is the most important, relates to soldiers not only in the late war, but soldiers in all of the wars in which the Republic has been engaged.

Mr. FRYE. May I be allowed to ask a question?

Mr. MITCHELL, of Pennsylvania. Certainly.

Mr. FRYE. I understood the Senator from Pennsylvania to say that practically this includes a portion of the bill which we sent over to the other House twice, only it does not cover as much ground. I ask the Senator if the Senate ever sent over a proposition to the other House to pension all the soldiers of all the wars that this country has been engaged in from the beginning up to the present time, as this bill provides for.

Mr. MITCHELL, of Pennsylvania. In reply to the Senator from Maine I will state that neither of the bills to which I referred did so. They related only to the soldiers who were engaged in the late war against the Southern rebellion.

Mr. FRYE. Then I will ask the Senator whether or not this does not pension all the soldiers engaged in the Seminole and Mexican wars and other wars, entirely regardless of their having subsequently gone into rebellion against the Government?

Mr. MITCHELL, of Pennsylvania. Yes, Mr. President, it does that unless the disability under which they labor was incurred in the service of the rebellion, fighting against the Government. The Senator will see, if he refers to the last section, that that question is met by a proviso.

It is true that this bill contains a partial repeal in effect of section 4716, which the Senate understand prevents the payment of pensions to those who were engaged in the rebellion on the part of the Confederate States.

Mr. FRYE. So that this bill practically changes that whole policy which we have kept on the statute-books so long.

Mr. MITCHELL, of Pennsylvania. This bill does to that extent

allow a pension to a soldier who was engaged in the Mexican war, or in any of the Indian wars, if now totally disabled, or, in my judgment, if disabled to any considerable degree, without regard to his having been in the rebel army; but it does not propose to pension him for any disability which was incurred in the rebel service. The bill assumes that he must have incurred his disability fighting for the Government—at least, not in fighting against it.

Mr. FRYE. Now, just one word more. Does not the Senator see that that opens the door to a very serious difficulty and trouble in this: If a man who served in the rebel army is to-day disabled by rheumatism, or by any chronic disease, is there not an utter impossibility of determining whether or not that was incurred while serving in the rebel army?

Mr. MITCHELL, of Pennsylvania. Yes; undoubtedly there will be difficulty in administering the law in those cases. I confess that in my own mind, as an original question, I would not be inclined to go so far on that subject as this bill does; but since the passage of the Mexican pension bill it appears to me that we ought to be willing to accept those who fought in the old wars and who may have been engaged in the rebellion, and place them on the pension-roll if they can satisfy the Government that they now labor under any disability which was not incurred by reason of that service. The burden of proof will be on them if the issue is made against them, and the Government will take care that it is. We agreed to this principle by the passage of the Mexican pension bill.

I desire to say a word as to the construction that is to be applied to this act. It was held when this bill was up in another place that the second section would only cover cases of total inability to perform manual labor. To my mind that ought not to be the construction of this bill, if it become a law, and I come to that conclusion from its letter and the analogies of the practice under the old pension law. The old total disability rate was $8 in all cases not involving a question of rank. By the practice of the Pension Office that total disability was divided into different degrees; in some cases one-fourth, in others one-half, three-fourths, &c., and that without any express provision of law. Then subsequently an act was passed raising the rate which might be divisible to $18 per month; so that there is a well-settled practice of the Government in that respect, and it appears to me that this bill ought to be construed to cover the case of any Union soldier, or any other soldier included within its provisions, who is now disabled to any considerable extent. Any disability which disables a person from gaining a livelihood by manual labor, I think, is provided for by that section.

A desire to call attention to the provisions of the bill which the Senate passed last May, but not desiring to detain the Senate for the purpose, I will ask that the bill, as it was passed by the Senate, may be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). It will be so printed, if there be no objection.

The bill passed by the Senate is as follows:

A bill for the relief of soldiers of the late war, honorably discharged after three months' service, who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein.

Be it enacted, &c., That every person specified in the several classes enumerated in section 4693 of the Revised Statutes of the United States, and the amendments thereto, who served in the military or naval service, as mentioned in said section, for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or shall become disabled from any cause not the result of his own fault, and shall also be dependent upon his own exertions for support, or upon the contributions of others not legally bound thereto, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability and dependence at a rate proportionate to the degree of such disability; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24 per month, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws, and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election: *Provided further*, That no pension paid under any law hereafter shall be rated at less than $4 per month.

SEC. 2. That in considering the claims of dependent parents, the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws, as modified by this section, shall receive in lieu thereof $12 a month from and after the approval of this act.

SEC. 3. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be conclusive evidence of soundness at the time of his enlistment, except in case of fraud.

SEC. 4. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

Mr. MITCHELL, of Pennsylvania. It appears by that bill that soldiers who were engaged in the late war on the part of the Union for three months or more and who were disabled and are dependent on their labor for support would be entitled to a pension not exceeding $24, according to the degree of disability, to be ascertained by proper examination through the Pension Office. The total rate in that bill was fixed at $24. In this bill the extreme rate is fixed at $12, and is or is not divisible according to the construction that shall be placed upon it.

Mr. CULLOM. May I ask the chairman of the Committee on Pensions a question?

Mr. MITCHELL, of Pennsylvania. I have no objection.

Mr. CULLOM. I desire to know whether under the bill now under consideration if a soldier is pensioned and placed on the pension-roll at all he must be paid $12 a month; in other words, whether that is the lowest pension under this bill as well as the highest?

Mr. MITCHELL, of Pennsylvania. I have already stated that in the view which I take of this subject I believe that the rate of $12 is fixed by this bill as the total rate, and that it is divisible according to the degree of disability; but the bill which was passed by the Senate is subject to no question of construction of that kind. It is clear and express. It fixes the rate of $24, and makes it divisible according to the degree of disability from which the soldier might suffer.

The provision in relation to dependent parents is substantially the same as that in the bill passed by the Senate, and that is a very wholesome provision.

I may be allowed to say, perhaps, as a matter of interest to the Senate, that if this bill becomes a law it will, as I think, at least in respect to that section of it, relieve Congress from a great many private pension bills. We are constantly called upon now to relieve poor old parents, especially mothers who are now dependent but who are unable to show that they were dependent at the time of the death of the soldier.

I ought to state that the Secretary of the Interior recommended that Congress should grant relief to that extent to cover these cases of dependent parents, and I might say also in the same connection that the President in his late message drew attention to the other subject covered by this bill, relating to disabled and indigent soldiers; and I think the bill may be said to agree with the suggestion which the President makes on that subject.

Mr. MITCHELL, of Oregon. I should like to ask the Chairman of the Committee on Pensions whether he understands that the words "in any war," in the second section of this act, include Indian wars?

Mr. MITCHELL, of Pennsylvania. I do so understand, and I think that was the construction placed upon it in the House of Representatives. I can myself perceive no reason why it ought not to be so applied and construed except that which the Senator from Maine has drawn attention to. This matter received considerable attention in the House of Representatives, and I take it that the expression of that body on the subject, passing the bill as they did under a suspension of the rules by over two-thirds majority, ought to be persuasive here.

Mr. MITCHELL, of Oregon. If it be in order, to remove all doubt upon this subject, I shall move to insert after the word "war," in line 3 of section 2, the words "including any Indian war."

The PRESIDING OFFICER. The amendment is in order. The bill is open to admendment. No amendment being proposed by the Committee on Pensions, the amendment of the Senator from Oregon is in order if he desires to present it at this time.

Mr. MITCHELL, of Oregon. I should like very much to have the bill relieved of any doubt.

Mr. SEWELL. While a member of the Committee on Pensions I was not present at this meeting when this bill was under consideration. It is, as the chairman of the committee says, a modification of at least two bills that have passed this body, and a reduction of the amount proposed to be paid per month to the pensioners under those bills from $24 to $12. At the same time it proposes to change what has been hitherto closely guarded, and what has been the policy of the Government for years, so that soldiers of the Seminole war, the Mexican war, and other wars who subsequently served in the confederate army may, under this bill, obtain a pension. I am opposed to that part of the bill. I am opposed to opening the door so that any man who served in the confederate army shall ever receive a pension from the United States Government. It is hardly necessary to give the reasons, and I do not propose to do any more than to make the simple statement. I differ with the committee in this policy, and had I been present at the meeting at which the bill was under consideration I should have objected very strongly to its being reported in its present condition.

I offer as an amendment to the bill, to strike out the fourth section, and insert in lieu of it:

That nothing contained in this act shall be construed as repealing or modifying section 4716 of the Revised Statutes.

The PRESIDING OFFICER. The amendment offered by the Senator from New Jersey will be read by the Secretary.

The CHIEF CLERK. It is proposed to strike out section 4 of the bill, as follows:

SEC. 4. That section 4716 of the Revised Statutes is hereby modified so that the same shall not apply to this act: *Provided*, That this act shall not apply to those persons under political disabilities. And no person shall be pensioned under this act for any disability incurred while engaged in the military service against the United States,

And in lieu thereof, to insert:

That nothing contained in this act shall be construed as repealing or modifying section 4716 of the Revised Statutes.

The PRESIDING OFFICER. The question is on this amendment.

Mr. BLAIR. I think there is a misapprehension in the minds of Senators in regard to the effect of this bill so far as opening the way to pensions to those who may have served in the rebel army is concerned. It will be observed, in the first place, that whoever is to receive a pension under it must have served in the Mexican war, or an Indian war, or in some war on the side of the Government. Those who have served in the Mexican war have already been provided with pensions without reference to their service in the rebel army. The bill which we have passed gives a service pension and has gone to the House, and it is my impression that in that bill the principle which is here spoken of has been, if you may choose to so express it, given away; but at all events this bill will reach only a very small number of soldiers who served in the rebel army, and they must be totally disabled; and they must not have contracted their disability in the rebel army. It either must have been contracted from some cause outside their military service against the Government, or actually contracted by virtue of their military service in behalf of the Government. The soldiers of the Mexican war are, I think, all provided for already where the disability itself was not received in actual service in the rebel army. It can not extend in any event to any but those who are totally disabled, and that number must be very few.

Those who are absolutely totally disabled, as the House of Representatives certainly have construed this bill in passing it, must be but a very small number of those who served in the Mexican war. As construed there, the bill applies to but a very small proportion of the soldiers of the country who are in actual need, no matter whether their disability or incapacity to labor was contracted in one war or in another, or in time of peace, as the case may be. It is not likely to reach far enough in the direction suggested by the Senator from Maine to do any substantial harm; and it seems to me that it will be no stretch of the magnanimity of the Government to let the provisions of this bill, which only apply to total disability as I understand, reach as far as they may.

Mr. FRYE. I desire to ask the Senator from New Hampshire where he gets his idea that it is total disability.

Mr. BLAIR. The terms of the bill itself say so. The phrase which gives a pension says there shall be paid "for such total inability * * * $12 per month." There is nothing in the bill itself about a grading of the $12 according to the disability as it may actually exist.

Mr. FRYE. I do not find that in the bill.

Mr. BLAIR. If it can be construed the other way, I shall be glad of it.

Mr. FRYE. I find it now "total inability to procure their subsistence." Would partial disability, which prevents a man from working all the time, be a total inability to obtain his subsistence by labor?

Mr. BLAIR. Whether it be mental or physical labor.

Mr. FRYE. I hope the Senator from New Hampshire is right, because I am going to vote for the bill, and if he is right so much the better; but the bill is not worth much, if anything, anyway.

Mr. BLAIR. I do not suppose it was meant to be worth much, if anything, anyway.

Mr. MITCHELL, of Pennsylvania. I want to say one word in reply to the suggestion made by the Senator from New Jersey [Mr. SEWELL]. As I stated before, if this were an original question, perhaps I might express myself differently upon it; but I take it that at this time in our history we must regard it as settled, especially on the part of the present Congress. The Mexican pension bill, so called, provides substantially the same thing that this bill proposes relating to those who are disabled now. So I think it is too late for us to raise that objection here, and I trust that the amendment proposed by the Senator from New Jersey will not be agreed to. I hope that there will be no amendment made to this bill, but that it will be accepted for what it is. It is better to take a part of a loaf than get nothing.

Mr. SEWELL. I wish to ask the Senator from Pennsylvania a question. I ask him to state if the Senate in passing the pension bills which have been referred to ever agreed to pension any one who had served in the rebel army?

Mr. MITCHELL, of Pennsylvania. I understand it in that way.

Mr. SEWELL. I should like to know the fact.

Mr. MITCHELL, of Pennsylvania. That is the provision of the bill passed by the Senate in May last, and that bill will pension a great many soldiers of the Mexican war who reside now in the Southern States and who took part in the rebellion; but in that bill, as in this, there was a provision that if they incurred the disability under which they labor in service against the Government, they should not be pensioned. So we stand precisely consistent to-day on this bill with our action formerly.

Mr. SEWELL. Does that bill practically repeal in so many words, as section 4 of this bill does, section 4716 of the Revised Statutes?

Mr. MITCHELL, of Pennsylvania. That bill, I remember, does, in almost the same words, repeal that section. There is another provision in that bill that no person laboring under political disabilities shall be entitled to a pension, and the same provision is here. We all understand what that means.

Mr. WILSON, of Iowa. The Senator from Pennsylvania in respect of one class of pensions provided for in the Mexican pension bill is undoubtedly correct, inasmuch as that bill provides a pension for all persons within its terms who served during the Mexican war who have become or may become sixty-two years of age. Therefore, it established the limit of age as a disability, and if the physical disability under which the pensioner may be laboring was in fact contracted in the rebel army, still being sixty-two years of age he will be entitled to a pension. But with reference to the other class provided for in that bill it is expressly declared that they shall not receive a pension for any disability contracted in the rebel army or in military service against the authority of the United States.

Mr. MITCHELL, of Pennsylvania. That is my recollection of that bill.

Mr. SEWELL. I object to this bill that it repeals entirely that provision which we have guarded so closely for years, and absolutely allows pensions to be granted to men who served in the confederate service who had previously served in any of our Indian wars or in the Mexican war. If the Senate desire to vote for a bill of that kind, they must do it with their eyes open, but up to this time I had no idea that there was even an approach to an evasion or overthrow of that section. There was last year quite a contest over a provision to repeal the law which prohibits confederate soldiers from having positions in the Army to-day, and that is the law of the land at the present time, and it seems to me if a confederate soldier can not serve the national flag under present circumstances he should not be rewarded by a pension for disability that may have occurred in a war against his own Government.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. DAWES. Mr. President, a year ago, when a general pension bill, as it might be called, was before the Senate, I consulted with the Committee on Pensions about so changing the phraseology of that bill as to bring without doubt within its provisions a class of cases which is very small in number but very meritorious, that of those persons whose disability arises from an exsection of the bone of the arm or leg. In most of those cases nature has supplied the bone, but there are a few, where the exsection commenced with the joint either of the arm or the leg, that nature has never been able to do anything towards supplying the defect, and the limb is absolutely useless; in some respects it is an incumbrance. The committee were of opinion that the phraseology of their then pension bill would cover these cases, and at their suggestion, and having confidence in their judgment, I omitted to offer an amendment to meet the point. I understand that since the passage of that bill it has been before the Department, and the Department has ruled, as I feared it would, that these cases are not covered by the phraseology of the existing law. There are less than one hundred of them, all told. They are where the exsection begins at the joint and nature has never supplied a joint or supplied the space of the bone between the joint and where it was taken out. I desire to offer an amendment which will meet that case. These suffering soldiers have a useless limb, and I think from what I have heard from them and from others that in a majority of cases it is much worse than if the limb had been taken off. For the purpose of covering their case, I offer an amendment which I send to the desk, to come in at the end of the second section.

The PRESIDING OFFICER. The Chair will receive it, but an amendment is already pending to strike out the fourth section and insert new matter. The present question is on the amendment of the Senator from New Jersey [Mr. SEWELL]. When that is disposed of the Senator from Massachusetts will be recognized.

Mr. TELLER. I should like to inquire of the Committee on Pensions, or some member of it, whether the bill that passed for the pensioning of the Mexican war soldiers did not contain this clause:

That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

I understand, as that bill became a law, that is a portion of the bill. If that is so, it is quite immaterial what we say about that matter in this bill, because by a measure which has already become a law, as I understand, we have provided for the repeal of that section practically.

Mr. WILSON, of Iowa. It is a limited repeal only so far as it relates to the pensioners under that particular act.

Mr. TELLER. I understand it is so limited; but if we take the rest of them who are under sixty-two years—for that is all it applies to, and the great majority of them have already passed that age—why should we simply repeal or modify this section in the one case and not in the other? It seems to me that, having entered upon the system of letting down the rule that was provided for in this case, we might as well let it go to the full extent. Therefore, if I am correctly informed as to

this—and I find from the RECORD that that bill so passed the House—I shall vote against the amendment of the Senator from New Jersey.

Mr. PLATT. I should like to have the Senate understand just exactly what has already been done in reference to the repeal of this section 4716 by the passage of what is known as the Mexican pension bill. The Mexican pension bill provided in substance that all persons who served in the war with Mexico for sixty days should be entitled to a pension, with certain provisions attached. One proviso was this:

Provided, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in aiding or abetting the late rebellion against the authority of the United States.

And then a subsequent section of the act provided—

That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

The effect of that law is this: If a person served in the Mexican war and afterward entered the confederate service and became disabled in that service, he does not get any pension under this act which we have passed, but if he was in the confederate service and has since that time become sixty-two years of age or become so disabled as that his disability would constitute a cause for pension recognized by the Pension Office under present laws, then he does get a pension. That I understand to be the effect of the Mexican pension bill. It only excludes from the operations of the act such persons as claim on account of service in the Mexican war who were disabled in the confederate service.

Mr. SHERMAN. Mr. President, I have been in hope that some bill, broad and general and comprehensive in its character, which would include all the legislation that is necessary to perfect our general pension laws, would be presented to us.

The objection I have to this bill is that it does not include all the legislation of a general character which, in my judgment, ought to be passed at the present Congress. Perhaps it is all that the two Houses of Congress can agree upon, and therefore it may be best to vote for the bill as it stands; but there are several propositions which have been made in the Senate which, I think, would meet the hearty concurrence of this body, with scarcely any division, making special provisions in regard to particular cases of disability, and among others some provision to allow arrears of pension to persons who have lost an arm or a leg or who have become blind or otherwise disabled. For such cases suitable provision has not been fully made. Bills are now pending before the Committee on Pensions which would provide for them properly. I introduced a bill the other day which I thought was just and right, and would receive the vote of every generous-minded man. It proposed to extend the present rate of pension for the loss of an arm or a leg back to the date of disability in order to cover to some extent the sufferings and disabilities that such Union soldiers have endured. There is no reason why the same principle should not be applied to those who have become blind or deaf or who have suffered disability equivalent to the loss of a leg or an arm. There is no provision of that kind in this bill.

Then there is another demand that, sooner or later, must be acted upon by the Senate. That is, to what extent arrearages should be granted for claims that have been filed since the 1st of July, 1880.

When the Mexican pension bill was before the Senate two years ago an amendment was adopted to grant to Union soldiers a pension after they had arrived at the age of sixty-two years. An amendment was offered by the Senator from Kansas [Mr. INGALLS] proposing to repeal the restriction limiting arrearages of pensions to applications made prior to July 1, 1880, and allowing all persons to claim pensions from the date of disability, without respect to the time of filing of their applications. I believed at that time that this was not a wise provision. I voted against it, I spoke against it, and no doubt contributed, to some extent, at least by my vote, to prevent that amendment being ingrafted upon the Mexican pension bill. It did not have any effect, because the bill itself failed on account of other differences between the two Houses. But I became thoroughly satisfied afterwards, in conversation with many good soldiers in the Union Army, and especially with those who had had the benefit of arrears of pension, who had filed applications in time to avail themselves of that privilege—I became thoroughly satisfied that the restriction as it stood was an unjust one and excluded some of the most worthy and deserving cases from the relief granted under the pension laws.

As I am never ashamed to change my opinion, and to express that change at any time when I find I am wrong, as we are all fallible, when I was called to an account by my constituents, not in an offensive but a friendly way, I did examine the arguments for and against repealing that restriction. I became satisfied that an arbitrary limitation by date for the filing of an application for pension was an unjust restriction, and that the same relief and rule ought to be applied to all pensioners, whether they were eager and prompt to demand their pensions or whether they put off their application in the hope that they would not have to appeal to the bounty of the Government. I became satisfied that in that vote I was wrong, and before my constituents two years ago I said so. I will ask the Secretary to read a marked passage of a speech I made in the canvass in Ohio upon arrears of pension.

The Secretary read as follows:

No duty now rests upon the Government of the United States more important than the general application and execution of our pension laws for the benefit of the Union soldiers, their widows and orphans. In this connection I wish to say that, while the Mexican pension bill was pending in the last Congress I opposed the amendment offered to have pensions commence from the date of disability, but preferred instead the general disability amendment allowing pensions to all disabled soldiers who have arrived at a certain age, without regard to the cause of disability. I am now prepared to, and will when the subject is again presented, vote to place all pensioners upon the same footing as those who received pensions under the law as it stood prior to July 1, 1880. As a rule I do not believe in giving pensions prior to the date of application, but this general rule was departed from by the act of January 25, 1879. The general sentiment of the surviving soldiers of the war is that no discrimination shall be made in applications filed after July 1, 1880, but that all pensions shall commence from the disability, and, as such is the clearly declared wish of the late Republican convention, I will cheerfully conform to it, and hereafter vote to allow all pensions growing out of the civil war to commence from the date of disability.

Mr. SHERMAN. And now, sir, I am willing and anxious to carry out that pledge. I have been waiting for an opportunity to remove the limitation upon arrears of pensions and to apply the same rule to all applications, whether filed before or after July 1, 1880.

By the legislation of the present Congress we have passed the Mexican pension bill. That bill has become a law, and it gives to everybody who served for sixty days in the Mexican war a pension of $8 a month, whether disabled or not. That is in harmony with the provisions made for the Revolutionary soldiers and the soldiers of the war of 1812. That is agreed upon. I do not see, therefore, why it is that provision is made in this bill for the Mexican war soldiers, because the bill that has become a law gives to every one of them, whether disabled or not, a pension of $8 a month.

Mr. GEORGE. Will the Senator allow me to correct him about the Mexican pension bill? The soldiers must have arrived at sixty-two years of age before they are entitled to a pension under that bill.

Mr. PLATT. If the Senator from Ohio will allow me I think I can state what the Mexican pension bill does provide for, and the Senator will then see the reason for putting Mexican soldiers into this bill.

The Mexican pension bill, as passed by the House, does not, I think, include all persons who served in the Mexican war for sixty days. If it appears that their disability was incurred in the confederate service they are excluded from that. But if they are sixty-two years of age, and did not serve in the confederate service, or if they are in such a state of dependence as is recognized as cause for a pension in the Pension Office, and did not incur their disability in the service of the confederate government, then they are pensioned. The Mexican pension bill, however, does not pension in its terms those who served in the confederate army and obtained their disability there.

Mr. TELLER. They may have served in that army.

Mr. PLATT. Exactly; they may have served in the army, but if they served and obtained the disability there for which they claim the pension, then the Mexican pension bill does not give them a pension. The object of this, as I understand it, is to include all persons who served in the Mexican war, whether they were in the confederate service or not, and whether they got their disability in the confederate service or not.

Mr. SHERMAN. I think the Senator from Connecticut has made a mistake—which he very rarely does—but I will state that when the limitation of sixty-two years was applied to the Mexican soldiers it meant all; because practically forty years ago——

Mr. GEORGE. Nearly all.

Mr. SHERMAN. Pretty much all that survived would have reached that age. So I assume that it is what is called a general pension bill, a service pension without respect to age and the limitation of sixty-two years.

Mr. PLATT. Will the Senator allow me to read the proviso in the Mexican pension bill?

Provided, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

Mr. SHERMAN. I will correct the misapprehension into which the Senator has fallen. This bill is in effect precisely like the Mexican pension bill, though not in words. The same provision just read in regard to the confederate soldier who served in the Mexican war is in this bill.

The words are:

And no person shall be pensioned under this act for any disability incurred while engaged in military service against the United States.

Mr. PLATT. I was mistaken as to the effect of this bill. I have only had this morning to look at it.

Mr. SHERMAN. So far as the two bills are concerned the Mexican bill already places on the pension list, assuming that it will be signed by the President, all who served in the Mexican war except a few who may not yet have arrived at the age of sixty-two years.

Mr. INGALLS. Does the Senator think this bill will give them cumulative pensions?

Mr. SHERMAN. No, sir.

Mr. INGALLS. So that they would not be entitled to anything under this bill?

Mr. SHERMAN. I think they would if they were totally disabled.

Mr. INGALLS. That was the point to which I directed my inquiry, whether under this bill, the Mexican pension bill having provided for a service pension, those who were within the definition of service would not have a cumulative or additional pension?

Mr. SHERMAN. No; it is provided by the bill itself that only one pension can be drawn. The effect of this bill is to give pensions to Mexican war soldiers who are utterly unable to take care of themselves, unable to earn a livelihood, who are totally disabled, or, to use the language of the law, who are suffering under such mental or physical disability as incapacitates them for the performance of labor to such a degree as to render them unable to earn a support. In all such cases as those this bill would come in and give the Mexican war soldier a pension of $12 a month instead of $8. I presume that is the only difference.

Mr. BLAIR. That is the only difference.

Mr. SHERMAN. So far as the persons who have served in the confederate army are concerned, the Mexican pension law does not exclude them from drawing a pension because they served in the confederate service unless their disability was created by their service in the rebel service. That would be a thing almost impossible to prove. This does the same thing, so that in that respect the two bills are alike. As we have already passed the Mexican pension bill and have now passed these general service pension laws, why is it not better in the Senate to add to the present bill a reasonable provision in regard to the limitation imposed by the act of 1879? Why not attach to this bill—there is no danger of this bill being lost by a conference—such reasonable provision as the Senate may think right and proper to give arrears of pension in cases of disability that were applied for after 1880?

I found that I myself and nearly every Senator here fell under a great misapprehension in regard to the effect of such a provision. An examination of the subject led me to change my opinion in conformity with the general opinion of Union soldiers, many of whom had drawn their arrears. They did not like to see a different rule applied to their fellow-soldiers who had put off for a long time the application for a pension. It is certain that if the application was not made until after the 1st of July, 1880, it could not have been that the disability was for the loss of an arm or a leg, or for any palpable wound, or the loss of sight or hearing. Such application would be for an inchoate injury that a soldier might receive in war, but which did not develop into a disability for many years. Many such cases I have myself known, where it was difficult to trace the disability to the war, and yet where the proof is cogent and conclusive that the disability had existed to a greater or a less extent from the date of the war. Many clear cases of permanent disability, and death, have resulted from exposure, internal injury, rheumatism, and other injuries clearly traceable to the war.

Why should a man be refused these arrears merely because he put off appealing to the bounty and generosity of the Government year after year in the hope that he might recover and not be compelled to appeal to it at all? The probability is that in such cases he would get but very little in the way of arrearages. In nine cases out of ten he would not be able to prove actual disability for many years, and therefore would not be entitled to arrearages. The disability would not be developed perhaps until after 1880 when he made the application. I doubt very much whether under the operation of the provision proposed by the Senator from Kansas the amount of our pension-list will be largely increased. But if cases have occurred they are entitled to relief as well as those promptly presented. I believe that, if that provision is added to this bill and assented to by the other House, we shall then have all the general laws on the subject of pensions that the public sentiment demands or that Congress will probably listen to, except for those exceptionally severe cases mentioned awhile ago of loss of limb or equal disability, when Congress may provide a larger or more liberal relief by special acts.

I shall therefore vote against the amendment of the Senator from New Jersey, because the provision to which he objects has already passed; it is in the pension laws now; it is in the Mexican pension bill, and the same limitation and restraint upon such pensions is in this bill. I shall vote for this bill, but I shall vote, if the Senator from Kansas sees proper to offer it, for an amendment that will remove the restriction in regard to arrears of pension for disability, and then I think we shall have at least shown our willingness to do justice and right to the soldiers of the Union Army as well as to the soldiers of the Mexican war.

Mr. PLATT. I do not know whether this debate is to continue after 2 o'clock. If it is, I should like to point out to the Senate the difference between the bill which the Senate passed for the relief of Union soldiers and the bill which has come to us from the House of Representatives.

I do not like this bill as it has come from the House of Representatives. I do not like it because it is, in my mind, an entirely inadequate and illogical measure for the relief of needy and destitute soldiers. I shall probably vote for it, because I will take anything in that line which comes to the Senate having received the favorable action of the House; but I want to comment on the difference between the bill which the Senate sent to the House and the bill which the House has actually passed.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be reported.

The SECRETARY. The bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. MITCHELL, of Pennsylvania. I ask unanimous consent to lay aside the unfinished business for the present informally until this bill is disposed of.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the pension bill. The Chair hears no objection.

Mr. PLATT. On the 19th of last May the Senate passed a bill "for the relief of soldiers of the late war honorably discharged after three months' service who are disabled and dependent upon their own labor for support, and of dependent parents of soldiers who died in the service or from disabilities contracted therein." That bill referred exclusively to soldiers on the Union side in the late rebellion. It was passed, I think I may say, by the Senate in a belief that it was not seemly or proper to pass a Mexican pension bill and not extend to the soldiers of the Union in the war of the rebellion such relief as their circumstances made it proper and desirable that they should receive.

By the provisions of that bill any soldier of the Union who is disabled now from any cause, whether it originated in his army service or not, from any cause not connected with his own vicious habits, should be entitled to a pension at the rate of $24 per month for total incapacity to perform manual labor. The rate of $24 was made to take the place of $30, to which he is now by law entitled under such circumstances, if he can trace his disability to his army service and prove that it originated there.

That rate of $24 per month was made divisible, so that for less than total inability to perform manual labor, if disabled within the terms of the bill, he should receive a less pension, but in no case to be less than $4 per month.

The object of that bill was to relieve the soldier applicant for a pension from what is now almost an impossibility to perform, namely: proving that his disease was contracted in the army; that his broken-down condition of health to-day, twenty-two years after the war, resulted from his army service. In most cases it is true that the soldier applying for a pension—disabled, weak, worn, and broken—finds in his army service the seeds of the disease which has resulted in his present condition. It is equally true that it is almost impossible for the soldier to prove such to be the fact. The bill which was passed by the Senate relieved him of that necessity, and provided that all that it would be necessary for him to do would be to establish that to-day he is disabled; that to-day he is in such a condition that he ought to receive the bounty of his Government; or, if the matter of pensions is a contract, the Government should keep its contract, and that was right.

That would reach a large class of soldiers in this country who deserve the recognition of the Government, who deserve pensions, and it would grade the pension which should be given them by the Government according to their disability. If they were totally disabled in the sense of being totally incapacitated for the performance of manual labor, they would, under the Senate bill, get $24, and for a less disability a less pension, down to the sum of $4, which would be the least that they would receive.

Mr. CULLOM. I agree with the Senator's remarks in reference to the Senate bill, and as I had something special to do with that myself, I desire to know whether the Senator construes the second section of this bill into a privilege by the Commissioner into a privilege to grade pensions at all.

Mr. PLATT. Let me come to that in order; I will not overlook that. I was trying to state to the Senate what the Senate has done and how the House has treated the Senate bill, and what it has done. I want understood the difference between the Senate and the House of Representatives in this matter. I pass over the provision in the case of dependent relatives, confining my remarks simply to those provisions that relate to the pensioning of the disabled soldiers of to-day.

The bill of which I have spoken was passed, as I said, on the 19th of May last. It went to the House. The House Committee on Pensions after a while reported an amendment, but in that amendment they did not go so far as to depart from the Senate idea of making the bill apply exclusively to soldiers on the Union side in the war of the rebellion alone. That amendment, however, reduced the sum to $12 per month, and had in it the same provisions which are now to be found in the bill which has passed the House as to the amount at which the pension should be graded. But for some reason, I know not what, the Senate bill has not been acted upon. It lies there in the House to-day with

the amendment of the Committee on Pensions of the House reported. Instead of acting upon that bill we receive now from the House of Representatives an independent bill, introduced, I do not know when, in the House, but passed on the 17th day of January instant.

This bill departs entirely from the theory of the Senate bill in two particulars; one, in that it embraces within its provisions soldiers of all wars, including the Black Hawk, Seminole, and other Indian wars, also such soldiers of the Mexican war as it may reach and relieve in a different way from what they are reached or relieved by the Mexican pension bill; the other, in that it cuts down the pension which the Senate proposed to give of $24 to the man utterly incapacitated from manual labor, to $12, why I do not know. It leaves out entirely the clause of the Senate bill, that the pension so granted shall be divisible and graded according to the disability of the soldier; and I reply to the question of the Senator from Illinois that I do not believe that under it the Commissioner can, if he be disposed to do it, so construe this law as to grade that pension.

Mr. CULLOM. Neither do I.

Mr. PLATT. So that I believe that the House sends to us just this and nothing more, that the soldier, now disabled, who can not trace his disability to his army service, or if he traces it there can not prove to the satisfaction of the Pension Office that it originated there, may, upon proof of total inability to do anything, get the paltry sum of $12 per month, and that nobody else is to be relieved at all by this bill.

I think when the Senate has sent a bill to the House which did provide for a grading of the total sum allowed for pension, and the House sends back to us a bill upon the same subject from which that idea is carefully eliminated, there can be but one construction placed upon it, and I do not believe that any lawyer in the Senate or in the Pension Office will claim that there is any grading of pensions under this act, even of this small sum of $12 for total inability. But I want to go a little further.

Mr. MITCHELL, of Pennsylvania. Will the Senator explain how then under the existing pension laws the total rate of $8 is divisible?

Mr. PLATT. I could go into that, but the explanation of what is known as a total disability pension in the Pension Office would take considerable time. The language used there has a technical significance and application, and I do not think the fact that the eight-dollar pension is graded in the Pension Office applies to this. I want to call the attention of the Senate to the terms of this bill, and see how carefully—if I may be permitted to use the language, and I think I may here—how carefully the House of Representatives has contrived not to do anything for the relief of the soldier in this bill of any consequence. Section 2 at first speaks of the soldier applicants being disabled from the performance of labor in such a degree as to render them unable to earn a support. If that were all the language there were in the bill, it might possibly be held that the House intended at least to leave it open to have this pension graded. That language of itself might possibly form the foundation for an argument that the House really did intend to leave this pension open to being graded according to the degree of disability which the soldier should be under. But when they come to fixing the sum they use another phrase, that the soldier shall be entitled to receive for "such total inability to procure his subsistence by daily labor" $12 per month; not "disability" but "total inability." I apprehend that no soldier will be able at the Pension Office under this law, if it is correctly and properly administered and construed, to receive a dollar until he has proved that he is totally unable to earn a subsistence by daily labor, not that he is partially unable, but totally unable.

Mr. BLAIR. Will the Senator allow me to make a suggestion to him?

Mr. PLATT. Certainly.

Mr. BLAIR. Let me remind the Senator of what I know he is himself aware of. The words "total disability" are technical words, which have been in the pension law from time immemorial, and have come to have a technical construction at the Pension Office. It is not a total incapacity to labor or a total incapacity to move, or a total physical inability to do anything; but a total disability, such as entitles a soldier under the general law to his $8 per month, has been measured by the practice and custom of the office for a great many years as a disability, which is equivalent to a stiff elbow, anchylosis of the elbow-joint, so that whatever soldier is disabled to that extent, in the opinion of the examining medical officer, is entitled to a pension for total disability. It is, of course, quite plain that if these words were not technical words, and were not limited by some such construction, scarcely any soldier would be entitled to his $8 per month under the general law. If a total disability means the same as a total inability to labor or to do anything to get a living, then hardly any of the soldiers would get their $8 a month.

So the House of Representatives, knowing that technical construction and definite meaning of the words "total disability," when they came to fix the rating and give the pension under this act, exclude those words carefully and adopt another phrase which never has been construed and which must be considered in accordance with the ordinary rules. Total inability to labor is said to be where a person can not move to the extent of doing physical work; and that person, and that person alone, in the view and the declarations of the friends of this bill, is the only one who can take pension under it. They state that it only reaches those who are in the poor-houses or who may be carried to the poor-houses on application. It is simply designed to empty the alms-houses. It is a good bill to that extent, and it does not purpose to reach anybody else.

Mr. PLATT. The Senator from New Hampshire has said, and said better than I could, perhaps, what I was going to utter. The words "total disability" have been construed in the Pension Office as allowing the grading of a pension, though I think the grading is in that case allowed by provision of the statute. If that phrase had been inserted in this bill, I agree that there would have been a grading of the pension provided for in it; but when they are excluded, when these apt words and the words that would naturally be used in a pension bill are industriously excluded by the House of Representatives, I think it is quite fair to conclude, and beyond discussion almost, that there is to be no grading of this $12 pension under the bill, and that language has been used here with the purpose of preventing any grading of this $12 pension.

As I said, I am going to vote for this bill. I am going to take the least driblet of relief which is filtered across from the other end of the Capitol to this end for the needy and disabled Union soldier of the war of the rebellion; but I wanted to state why I did not like the bill and why I should much prefer to go further in the direction of relief.

Mr. TELLER. Mr. President, if I believed the bill was capable of the construction that the Senator from Connecticut [Mr. PLATT] thinks it is, I certainly should not vote for it. I should not vote for it because it would be an imposition upon the soldiers of the country to profess to give them some relief when, in fact, we give them none at all, or practically none at all. I myself do not believe, however, that a fair construction of this bill will support the Senator from Connecticut in his view. I do not understand the bill, I am free to say; and I do not understand why the House of Representatives should, *ex industria*, have left out words which have become so well settled and determined in the pension practice as the term "total disability." As stated by the Senator from New Hampshire and the Senator from Connecticut, "total disability" does not mean in the Pension Office that the soldier is incapable of any manual labor. It means a degree of disability that is either established by a provision of the statute direct or established by the practice in the office. A total disability entitles the soldier to the highest pension; and by the very first section in the chapter on pensions in the Revised Statutes a less disability than total entitles him to a proportionate sum corresponding to the disability.

Mr. PLATT. That is in reference to the $8 pension.

Mr. TELLER. Yes, sir; I call attention to section 4692 of the Revised Statutes:

SEC. 4692. Every person specified in the several classes enumerated in the following section, who has been, since the fourth day of March, 1861, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided, and continue during the existence of the disability.

Mr. PLATT. Then, will the Senator allow me to suggest here that the grading of the total disability pensions of $8 comes in pursuance of specific enactment to that effect, and not by reason of any construction of the statute in the Pension Office.

Mr. TELLER. I fully agree with the Senator from Connecticut that the soldier will either get $12 under this bill or nothing. There will be no grading. I admit that there is no grading; but I do not believe that will be applied by a fair construction to the soldier who is incapable of any manual labor and to him alone. I understand it will be applied, if it is fairly interpreted, to any soldier who has what, under the general law, would be a total disability, for I find in section 2, lines 6, 7, and 8, words which I will read. I will read that part of the section which includes these lines to show the connection:

That all persons who served three months or more in the military or naval service of the United States in any war in which the United States has been engaged, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support * * *

The words "in such a degree" must certainly mean something; and so I take it that this bill, if fairly construed, is a bill to render to every soldier who is totally disabled, who has a total disability under the law—for that is what it will amount to—a $12 pension.

Mr. PLATT. Now will it trouble the Senator to allow me to ask a question?

Mr. TELLER. Not a bit.

Mr. PLATT. Then the effect of it is, if it be so construed, that the soldier who cannot trace his disability to his Army service will get $12 a month for total disability, and the soldier who can trace his disability to his Army service will get $8.

Mr. TELLER. That is exactly where the logic of this bill brings it, and that is exactly where I was coming.

I am willing to vote for the bill because I am ready myself to increase the pension of every soldier in the United States who has a total disability to $12 a month, and if I was not I would not vote for the bill, for it is putting, in my judgment, the soldier who can not trace his disability on a plane a little higher than the other. In other words, where he gets $8 a month the soldier under this will get $12. I do not know but that the soldier who can prove his disability as the result of his service may possibly take advantage of this bill. It is certainly evident that the bill has been crudely drawn and illy considered.

The provision in the nineteenth line of section 2 would probably allow the soldier to elect; but I do not believe it will ever be possible for the Pension Office to divide this pension into eight and four dollars for half inability. It must be either twelve dollars or not anything at all in my judgment.

If I thought that it would be confined as suggested by the Senator from Connecticut to people who are totally disabled from manual labor, unable to do anything, then I would not vote for the bill, not because that class of soldiers should not be taken care of, but because there is a very limited number of that class of soldiers, and that is not what the public sentiment has demanded. The public sentiment of this country demands that a soldier who has served his country well—and I do not care whether he served it in the Mexican war or Indian war or in the last war—shall not be an object of charity. The people of the United States with one sentiment on that subject believe that the presence of a soldier in a pauper home save and except the homes established especially for that class of men, is a disgrace to the American people.

I do not care myself even if the man who fought for his flag in the Mexican war may have forgotten his allegiance to that flag; I am prepared myself to forget his misconduct, and when he is in distress, rather than to see him in a pauper's home, I would repeal that section which has heretofore prevented him from receiving a pension. I believe that when we can sit in this body with men who led great armies, and who conducted the civil administration of that great rebellion, and when every place of public profit and honor is open to them, it is too late to say that the man who had bravely followed his flag in the Mexican war and who followed these gentlemen in the late rebellion shall, because of his later conduct, be precluded from having the bounty that the Government proposes to give to the soldier who served in the Mexican or any other war.

Therefore, as I said in the beginning, independent of the suggestion that we had already by the Mexican pension act provided that every man who served in that war who is sixty-two years of age should receive a pension, irrespective of what had been his conduct during the late rebellion, I am quite willing to be oblivious to the fact that the needy and dependent soldier has ever at any time forgot his allegiance to his flag if he is in distress; and that is the class of soldiers that this bill professes at least to serve.

Mr. PLATT. Mr. President, I venture to disagree with the Senator from Colorado in his construction of this bill with some timidity, for I know that as Secretary of the Interior he has had the whole pension matter before him over and over again for construction and administration. But I still must think that when the words "total disability" have been carefully excluded, and other words, "total inability to procure their subsistence by daily labor," have been as carefully inserted, they will not be construed as meaning the same thing. I am certain—if I may be permitted to say it—that this bill, coming from the place where it originated, has not come to us with any such understanding of the people who meet and discuss public affairs in that place.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Jersey [Mr. SEWELL] to strike out section 4 and insert other language.

Mr. VAN WYCK. Mr. President, I fail to see in this bill that there is any apology needed for its provisions or that there is just cause for criticism upon its terms. It is plain upon its face. The proposition in this bill is not a new feature, because on the 19th day of May last, when the Senator from Connecticut says a bill was passed by the Senate, the effort was then made in this body to incorporate the very provision which forms the House bill. I remember that I desired then, by an amendment which I offered, to have a uniform rate of pension for all these cases, but the Senate, in its judgment, after discussion and voting, thought differently.

Arguing this very proposition which is now in this bill, I took occasion, on that same 19th day of May, to state:

> We start with the theory of benefiting those who actually need it on account of their necessity, because they are unable to procure their daily bread by daily labor. Any disability less than that should not place a person on the pension-roll. Any disability greater than that, because it could be no greater, should entitle him to no greater pension. It must be incapacity, no matter what the cause, to procure his daily bread by his daily labor; and when you find a case of that kind it is total incapacity. Anything less than that, in my judgment, should never be placed on the pension-roll.
>
> That is the point from which we start on this matter. The main question is, shall it be a uniform pension? So I always supposed; I supposed every service pension should be a uniform pension. I supposed it was to be $10. If the disability is not entitled to that, it is entitled to nothing. No matter whether it proceeds from prostration, or asthma, or consumption, or whether it be both legs off or both arms off, it is incapacity to work. Hence it was that in this class of pensions I suggested that the rate of disability should be to incapacitate for obtaining a livelihood by labor, and by that was meant a complete livelihood. If a man was able to go around and do chores for a few days in the week he was incapacitated to earn his complete livelihood, and therefore was completely incapacitated. I thought that proposition would extend the bounty of this bill to a class of men that the people of the nation were desiring should be benefited, and would reach the greater number of cases. Therefore it was that I desired first to settle the class of cases and then the amount of pension to be allowed; and I thought I had made myself clear on that matter.

That was the proposition enunciated here by myself on the same 19th day of May to which the Senator has alluded. The Senate, in its judgment, thought differently. The House placed this bill upon precisely that basis, and therefore I more readily accede to the House bill, because it is placed upon the basis which I suppose is just in this matter.

An allusion to the Mexican pension law has been made, and the statement has been made——

Mr. BLAIR. Will the Senator before he proceeds further allow me to ask him a question, so that I may be sure whether I understand exactly what he means?

By the proposition he submitted to the Senate at the time of the debate last spring, $12 was fixed as the only pension that was to be paid, to be a uniform pension. I do not quite understand whether he would give that where there was any incapacity of the soldier to earn a living by his daily labor, or whether he would only give it where that incapacity is total. Would he reach only the very few who cannot labor at all, or did he desire to reach all who were disabled to any degree from earning their living by their daily labor?

Mr. VAN WYCK. Just as I read from my remarks of May 19, 1886, that if a person was unable to earn a complete livelihood it was total disability; it was complete no matter whether, as I said, it was from asthma or from consumption, or one leg off or both legs off. No matter whether he could earn a little day by day or one or two days in a week, if he was disabled, no matter what the cause, from obtaining a complete livelihood, then it was total inability.

Mr. BLAIR. Then it would be a total inability?

Mr. VAN WYCK. Then it would be total inability; no other construction can be put upon it.

Mr. BLAIR. Then the Senator's idea is that wherever there is a partial inability to earn a livelihood, this $12 a month pension would apply under the terms of the bill. Suppose, for instance—to be sure that I understand the Senator, and he desires to be understood—a man is able to earn $1 a week toward his livelihood, would the Senator then give him the pension of $12 a month?

Mr. VAN WYCK. Certainly.

Mr. BLAIR. Suppose he may earn $2 a week, would he give him the $12 a month still?

Mr. VAN WYCK. Yes, sir; I would.

Mr. BLAIR. Suppose that it costs $7 a week to maintain him, to give him a livelihood, and he can earn $6 a week, would the Senator then give him a pension of $12 a month?

Mr. VAN WYCK. That probably is coming a little close.

Mr. BLAIR. But this is a mathematical process; I wish to know whether the Senator adheres to his own proposition?

Mr. VAN WYCK. I will explain that.

Mr. BLAIR. The Senator says if the man can earn $1 a week, he would give him a pension of $12; if he can earn $2 a week he would give him $12 and no more. Now, if he can earn $6 a week, and $7 a week are necessary to maintain him, would he still give him the pension of $12 a month?

Mr. VAN WYCK. If a man can earn $6 a week, and it requires $7 to support him, the chances are that he has sufficient ability to earn the $7.

Mr. BLAIR. The Senator is changing the terms of the supposition and not answering the question.

Mr. VAN WYCK. If the Senator is through with his question, I will answer him. I thought the matter was plain; I tried to make it so then, and I will try now. If the man is so disabled as not to be able to earn his livelihood, without any mathematical comparison, which everybody would know would be in aid of the Pension Office, if he were practically disabled from earning a complete livelihood, then he is under the terms of this bill entitled to $12 a month.

I think the idea of arguing here or seeking to establish with proof afterwards that a man is sufficiently able to earn $6 a week when it costs him $7 to maintain himself is idle, because if his physical ability is sufficient to earn $6 he can earn the seven. If a man is broken down by disease, has consumption, or if a leg is off and he may hobble around and do a few chores and get a few dollars here and there, it is not to be charged against his incapacity, because his incapacity is complete to do what? To earn a complete livelihood. The soldier who can not earn by daily labor a complete livelihood is included under the terms of the bill and is placed on the pension-roll at $12 a month.

Mr. PLATT. Will the Senator allow me to ask him a question?

Mr. VAN WYCK. Certainly.

Mr. PLATT. We have by present law two rates of pensions. One is $30, where the soldier is totally incapacitated from obtaining a livelihood. Then we have an $8 pension for what is called total disability. Now, which of those two disabilities does the Senator think this bill relates to or to mean?

Mr. VAN WYCK. It relates to total disability, of course, as far as it is in connection with the proposition which the Senator makes. Have I answered the Senator's question?

Mr. PLATT. Certainly.

Mr. VAN WYCK. This pension is not graduated upon injury in the service, where the sufferer has a claim given by law in proportion to the amount of injury and damage which he has sustained, as in the case of one leg off or two legs off, one arm off or two arms off. The present law makes the distinction because it seeks to reimburse the man for the injury sustained in the service, but this pension is on an entirely different basis. We propose to pension him not because he has suffered this injury. We propose it as charity, not as a matter of right as under the other pension legislation. Therefore, when we bestow it as charity we must bestow it to those who are dependent. The man who has suffered injury in the service may have an arm or a leg off, and he may be a millionaire but he is still entitled to a pension, because it is his right; but this pension is graduated as a matter of charity, first upon the ground of dependence and then upon the ground of disability.

That is the distinction between the two classes of pensions which our friends for some reason are unwilling to acknowledge and recognize. We propose to pension those who are disabled, no matter what is the cause of the disability, if they are dependent. That is in no other pension legislation.

Now, as to the Mexican pension bill, that gives $8 per month to every soldier of the Mexican war, no matter whether he is dependent or was disabled in that war. The Mexican pension bill, which has passed both Houses, gives a pension, no matter whether the man be a millionaire or dependent upon others for support. I am right in that, am I not? I ask the Senator from New Hampshire. The Mexican pension bill, which has been passed by both Houses, gives a pension to every man alike, whether he be rich or poor?

Mr. BLAIR. Yes; if sixty-two years old, and if he has not incurred his disability in the rebel service.

Mr. VAN WYCK. This includes the Mexican pension legislation, and it requires him first to be disabled. That is not in your Mexican pension bill. It requires him to be dependent, and that is not in your Mexican pension bill. So I do not see the point that this is another Mexican pension bill, when that is entirely different and provides for other and different classes of pensions.

Mr. BLAIR. The Senator is evidently getting up a controversy with imaginary beings. Nobody has made claim to such constructions or propositions, as he is evidently shooting in this direction.

Mr. VAN WYCK. Some gentlemen who have been criticising this bill have very much to say about the Mexican pension bill.

Mr. BLAIR. An objection was made to this bill that it opens the way to soldiers receiving a pension under its terms who had been in the rebel service, and who had also been in the service of the nation in former years; but the Mexican pension bill applies in that respect only to those who, although they had been in the rebel service, had not contracted their disability or any disability in that service. It was objected to this bill that it gave a pension to those who might have been in the rebel service provided they had not been injured in that service. To that objection the reply was made by myself that in the Mexican pension bill we had already adopted that principle. It did not seem to me that it was any great extension of national magnanimity to do so, and I approve of it. I approve of the Mexican pension bill; I approve of this relaxation of our former rule. I think we ought to have done it, and as it is now the law, it is no objection to this bill to say, when it provides the same thing, that it is a new principle, for it is an old principle already adopted.

Mr. VAN WYCK. Then this bill is no more objectionable than the Mexican pension bill?

Mr. BLAIR. This bill is all right as far as it goes. The principle adopted in this bill is the one for which I have been contending for at least three Congresses, in this Chamber, that where there is inability to earn a livelihood there should be assistance to the extent of the necessity. That is the principle the Senate has acted upon for at least two Congresses, and it is one for which I made strong battle against both sides of the Chamber three Congresses ago, as those will know who remember anything about it. It has come to be adopted as a principle by both Houses of Congress, and by the Senate two Congresses ago. In the Forty-eighth and Forty-ninth Congresses the Senate sanctioned the principle to the extent of giving aid wherever there was necessity, and according to the degree of the necessity, the rate of pension extending to $24 per month where there was total inability on the part of the soldier to maintain himself.

We sent that bill to the other House. It covers the whole ground, so far as this class of pensioners or necessitous persons is concerned, at all events. The House returns that with this provision, which cuts down its application to some ten or fifteen thousand men in the country. We have got to take this because it is all we can get. If we send this bill back amended we shall get no legislation at all. The committee therefore report the bill back unamended, thus shorn of its real scope, narrowed down to this comparatively small number of those who are already in the poor-houses or who upon application could get there as being utterly unable to work, and who are without means of sustenance. This bill, I say, we report back thus shorn of its real scope and ask for its adoption by the Senate, without amendment, in order that we can get something as an indorsement of the principle which in future Congresses will come to be extended to all classes to whom it should be extended.

Mr. VAN WYCK. Right here I desire to protest against the illiberal construction placed upon the language of this bill by the Senator from New Hampshire.

Mr. BLAIR. I will say to the Senator from Nebraska that if it can receive a more liberal construction, all the better. If it covers the whole ground I shall thank God, for it will avoid the necessity of further legislation. I state what I think the bill means. If it means more I shall be all the better satisfied. I want what we can get.

Mr. VAN WYCK. I desire to protest, because the Senator cautions us in advance and gives excuse for the pension department to place such a construction upon the phraseology of the law. I want them to understand that it was accepted by the Senate in its broader and more generous aspect. Therefore, it was that I desired to make these few remarks. I know the nature of the pension department to curb and curtail and deny the privileges of a generous law to those who need it most, and I am anxious that it shall go forth from this body in advance that we sanction a liberal construction, and that we do not sanction an illiberal construction which will take away its benefits from the great body of persons seeking aid under its provisions.

I know the struggle we had to raise the pension from one dollar to twenty-four, and with the utmost effort we succeeded in putting the minimum at four dollars in the Senate bill, so that it reached from four dollars to twenty-four. But in addition to that, the other House have presented a far better bill than that adopted by the Senate. They have presented a bill which will be far more reaching in its application; a bill which will not allow any Department to higgle over the fractions of a dollar which are to be given to a soldier who is unable to earn his daily bread by daily labor. There is no trouble about this matter. In the first place, the bill says:

Which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support.

What language could better convey the idea than that? How could you make it any better or stronger, or more calculated to reach those whom this law in its beneficence seeks to reach?

To render them unable to earn a support.

There is an end to the long discussion on that subject when a soldier is in that attitude, as thousands of them are. My friend knows that, according to the best statements, probably thirty thousand to-day are spending the remnant of their years in alms-houses or poor-houses throughout this great and glorious Republic, while you stand here higgling as to whether you had better allow them to be provided for. There are thousands of others who are grinding organs on the street corners of the great and wealthy cities of this grand and powerful Republic. We ought to remove the shame and disgrace and outrage on those provided for by this bill who are subject to all these calamities, which spring, first, from their service, and their disability afterwards, and which their dependence and poverty impose upon them.

The language which follows is plain:

And who are dependent upon their daily labor for support—

It is true it is mentioned afterwards, to which exception is taken—

shall, upon making due proof of the fact according to such rules and regulations—

What "fact?" The fact which has just been stated—

upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance to this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for such total inability—

Not for "total disability," as the Senator from Connecticut would argue. "Total disability" has received its construction and interpretation and adjudication in the Pension Department already. No; that is not it. Not for total disability as has been graduated and weighed and measured and determined, but "for such total inability"—that which precedes, which has been characterized and mentioned as plainly as human language can mention it. That is the kind and character of the disability—

for such total inability to procure their subsistence by daily labor, $12 per month.

Probably this Congress has passed no bill that will make so many hearts glad and so many homes happy as this little bill. I thank the House of Representatives that they have been able to send us such a bill, and that they, among all their disagreements, could finally agree upon one which I believe is far better than the bill the Senate passed. They have sent it here to meet our approbation, and I prefer to return thanks to them instead of indulging in censure and criticism. You take the thirty thousand out of the poor-house; you take the thousands of others grinding out music on street corners, and I tell my friend from New Hampshire we shall take tens of thousands of others who can not possibly get their claims adjudged at the Pension Office because of their inability to comply with the strict rule which that department thinks the law requires.

I trust that this bill will pass just as it came from the other House, with no amendment, because the least amendment would impair its passage there. There are men in the other House to-day, if I may be allowed to say it, who are hoping that the Senate will put on some amendment to give them an excuse, if not a justification, to seek the defeat of this bill. I appeal to every Senator upon this side of the Chamber, I appeal to every man who desires to promote the benefit of the soldier who cannot earn his daily bread by his daily labor, running up to thousands and tens of thousands, that we shall not, at least, do injustice to ourselves by placing the least obstruction, the least straw, in the way of the accomplishment of an object so great.

The Senator from Ohio [Mr. SHERMAN] thinks we ought to do more. Certainly, but do not let us prevent doing this because we desire to do more. Other bills have been introduced. No pension bill was ever passed that met the whole list of pensions from beginning to end. Hence it is but a small argument against a bill with so much of beneficence and mercy as this has in it, to say that there are so many things that ought to be placed in this pension bill. That will not answer those thirty thousand soldiers lying in our poor-houses and alms-houses to-day; it will not answer the thousands of others who are struggling at the Pension Department to secure recognition of their claims. This we can do, pure and simple, and then we can attend to the other measures, as they come in their course.

Therefore, I have a right to appeal to our brethren on this side of the Chamber, who, I know, desire to carry out the doctrine of pensions and their application to their fullest extent, that they will not seek by word or action to put anything in the way of the passage of this bill as it came from the other House, so that we may be sure of its passage, and there will be no excuse given there to delay or frustrate what we desire to accomplish.

Mr. MITCHELL, of Oregon. I am very anxious to avoid any of the difficulties in the way of this bill suggested by the Senator from Nebraska. At the same time, I am very anxious to understand from the members of the Committee on Pensions one point in the bill. I understand that the Senator from Nebraska is a member of that committee, and I ask him what construction he places on the words in the third line of the second section, "in any war." That is to say, do those words include wars in which the United States has been engaged with Indian tribes?

Mr. VAN WYCK. I presume those words mean just what they say, "any war in which the United States has been engaged;" and I presume that one soldier is as much entitled to the recognition of this bounty as another, no matter where the flag was in danger, when the soldier fought in its defense.

Mr. MITCHELL, of Oregon. The Senator understands, then, that the proper construction of the bill is that it includes persons who fought in Indian wars.

Mr. VAN WYCK. Certainly.

Mr. MITCHELL, of Oregon. That is what I wanted to know.

Mr. SEWELL. I have become thoroughly satisfied, since the commencement of the discussion of this bill, that any amendment which might be adopted would endanger its final passage and endanger its becoming a law at this Congress. There is very much good in it, and while there may be more than one point that I should object to, I do not wish to risk the loss of the bill itself. I therefore withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey is withdrawn.

Mr. DAWES. I offer the amendment of which I gave notice.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be read.

The CHIEF CLERK. At the end of section 2 it is proposed to add the following additional proviso:

And provided further, That any person suffering under the disability caused by an exsection of any portion of the bone of the arm from the joint at the shoulder, or the leg from the joint at the hip, shall be entitled to the same pension as he would be entitled to for the loss of the entire arm or leg.

Mr. TELLER. I am not disposed to vote for the amendment, for the simple reason that I am under the impression that the amendment would jeopardize the passage of the bill. I had intended to move several slight amendments, so as to make the bill more certain and specific, and, if possible, to prevent its misconstruction when it comes to be construed; but after hearing the statement of members of the committee that at this late hour of the session, so near the close of the Congress, with the great rush of business before the other House, it might not be taken up there if amended here, I shall withhold any amendment. For the reason that I withhold my amendments I must vote against the amendment of the Senator from Massachusetts; not that I am opposed to the amendment, for I think it ought to have gone in the bill originally or in some other bill, but I believe, with the Senator from Nebraska, that a little thing is better than nothing. Believing, as I do, that this bill can be and will be so construed in the Pension Department as to relieve a great number of worthy and deserving cases, I propose to vote for the bill without amendment, exactly as it is, and secure its passage in that form if I can.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. DAWES].

Mr. SEWELL. I beg leave to call the attention of the Senate to an act passed last year, reported from the Committee on Pensions. I will read it:

An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service.

Be it enacted, &c., That from and after the passage of this act all persons on the pension-rolls, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension of $30 a month; that all persons now on the pension-rolls, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow, or a leg at or above the knee, or been totally disabled in the same, shall receive a pension of $36 per month; and that all persons now on the pension-rolls, and all persons hereafter granted a pension who in like manner shall have lost either an arm at the shoulder-joint or a leg at the hip-joint, or so near the joint as to prevent the use of an artificial limb, shall receive a pension at the rate of $45 per month: *Provided*, That nothing contained in this act shall be construed to repeal section 4699 of the Revised Statutes of the United States, or to change the rate of $18 per month therein mentioned to be proportionately divided for any degree of disability established for which section 4695 makes no provision.

Approved, August 4, 1886.

I will say to the Senator from Massachusetts that the exsection of the arm is a total disability of the arm, and must be covered by this language.

Mr. TELLER. I understood the Senator from Massachusetts to say that the Pension Office held differently.

Mr. MITCHELL, of Pennsylvania. I trust the Senator from Massachusetts will not insist upon having this amendment inserted in the bill, for the reason which has been repeatedly stated here. The case which is presented by the Senator from Massachusetts raises the question of equivalent disability. I think his statement is correct, that the Commissioner of Pensions has ruled that the act of last year does not cover such disabilities. I appreciate the hardship which arises in many cases. My own judgment is that the law ought to have been made to cover such disabilities, but it does not. I think the construction of it is proper. It is a separate question. There are a number of bills pending before the Committee on Pensions which cover that subject. I can not say that the committee will act on the subject, but I will say to the Senator from Massachusetts that I shall endeavor to get the committee to consider the question and report a bill which will cover the case to which he has called attention.

Mr. DAWES. I have not heard all the debate; I have not been able to hear it all. The last thing I desire to do is to imperil the passage of this bill, and I did not offer the amendment with any such idea as that. I am not one of those who are disposed to put my own opinion against that of my peers on this floor. I can not myself see any occasion for the idea that the amendment would jeopardize the bill, but I shall certainly yield to the opinion of those who are more conversant with the chances of getting such a bill through the other branch. The House I have no doubt would pass upon any proper amendment.

I believed last year that the phraseology of the act read by the Senator from New Jersey [Mr. SEWELL] covered the cases which I have laid before the Senate, and I think now that the Pension Office is mistaken. I thought, however, that the matter ought to be made certain, and I think so still; but yielding to the judgment of the chairman of the committee and others, although I have not had the pleasure of hearing the reasons for believing that a fair amendment to a pension bill could possibly encounter obstacles in the people's branch of the National Legislature, still as I may have misjudged the conduct of another branch of Congress than this, I reluctantly yield and withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill was reported to the Senate without amendment.

Mr. BLAIR. I am very glad that the Senators who have propositions of so great merit, which have so long been under discussion before the country and which have received its approval so generally, are willing for the sake of the safety of this measure to forego what otherwise it would be, I think, their duty to do, to press those amendments to this bill. But it was the unanimous conclusion of the committee that to amend this bill would be to endanger its passage. While it does not reach all the classes who deserve recognition by further and favorable legislation, nevertheless it indorses certain principles which in the end must result in carrying substantial relief to nearly all who are now suffering by reason of their having been engaged in our military service.

There is one class of the most meritorious of all these claimants in behalf of whom I desired very much to offer an amendment. The Senator from Kansas [Mr. INGALLS] has long represented those who should have their arrears provided for by additional legislation. It has been suggested by the Senator from Ohio that that be moved as an amendment here. It has not been done, and I rejoice that it has not been done, although there are no more just claims whatever possible or conceivable against the Government than those which arise under the proposed arrears act.

Another class that we have long been endeavoring to provide for are the widows of soldiers who are now dependent and without assistance, providing for their own families themselves or perhaps passed beyond the period to provide for their families. It is quite a large class. Before the passage of the bill which has been referred to, which was unnoticed by the House of Representatives, I moved an amendment pro-

viding for such widows, but finding that it was likely to endanger the passage of the bill in the other House I withheld the amendment at that time. Having been written to by a great many to press that amendment to this bill, I desire to say that I withhold it on this occasion for the same reason. I shall read the proposed amendment, which has been in former bills before, and take this method of informing the numerous claimants of the reason why on this occasion they have not been heard. The proposed section provides:

That the widow of any person who served in the military or naval service and was honorably discharged therefrom, as mentioned in the first section, who shall not have remarried, and who shall be dependent upon her own manual labor or the contributions of others not legally bound thereto for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authorities, be placed upon the list of pensioners of the United States at the rate of $12 a month, during the continuance of such widowhood and dependence.

There is much more pension legislation that I doubt not will receive the sanction of Congress hereafter It will have to be dispensed with for the present, but the country ought not to settle down in the conviction that the passage of this bill is the end of it. The end of it will not come until justice has come.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HOAR subsequently said: I move to reconsider the vote by which the pension bill was lately passed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to reconsider the vote by which the pension bill was passed.

The motion will be entered.

Mr. HOAR. I move that the House of Representatives be requested to return the pension bill, as I understand it has gone there.

The motion was agreed to.

PUBLIC BUILDING AT CHATTANOOGA, TENN.

The PRESIDING OFFICER (Mr. MANDERSON in the chair) laid before the Senate the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, returned from the House of Representatives in compliance with a request of the Senate.

Mr. HARRIS. I asked the Senate to request the House to return that bill because I desired to move that the Senate insist upon its amendment and ask for a conference with the House of Representatives upon the disagreeing votes of the two Houses.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate insist upon its amendment to this bill and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferrees on the part of the Senate, and Mr. MAHONE, Mr. MORRILL, and Mr. HARRIS were appointed.

FISHING RIGHTS OF THE UNITED STATES.

Mr. EDMUNDS. I ask unanimous consent to submit to the Senate a letter from the Secretary of State addressed to me as a member of the Committee on Foreign Relations, and sending a revised list of all the seizures and warnings-off, &c., of American vessels in the British Dominions. When the committee reported we had the most perfect list that we could obtain; but in order to get the latest report from the State Department I was authorized to address a letter to the Secretary of State to obtain the latest and revised list of these seizures, &c., which I have just now received. I ask unanimous consent to present this letter of the Secretary with the accompanying list, and move that it be printed and bound in connection with the report of the Committee on Foreign Relations under the proper date so as to show that this is the latest list.

The PRESIDING OFFICER. Unless there be objection the document will be received, and ordered printed, as stated by the Senator from Vermont. The Chair hears no objection; it is so ordered.

Mr. FRYE. Will the present Presiding Officer of the Senate, as chairman of the Committee on Printing, to which committee was referred the resolution providing for the printing of 6,000 copies of the report of the Committee on Foreign Relations touching the fisheries and the testimony, please remember the order just given, that this list shall not only be printed and referred to the Committee on Foreign Relations, but also that it shall be printed together with the report.

The PRESIDING OFFICER. The occupant of the chair will see to that. It will be bound with that document.

THE MACKEREL FISHERY.

Mr. PALMER. I ask unanimous consent to make a motion at this time to the following effect, that House bill 5538 be made the special order after the three bills which are now special orders shall have been disposed of.

The PRESIDING OFFICER. Will the Senator from Michigan fix a definite time, that being required under the rule?

Mr. FRYE. Put it Monday.

Mr. PALMER. I will put it Monday, then.

The PRESIDING OFFICER. At what hour?

Mr. PALMER. At 2 o'clock.

Mr. SEWELL. What is that bill?

Mr. PALMER. The bill relating to the importing and landing of mackerel caught during the spawning season. I think the bill will not lead to much discussion; but it is essential, if it is going to be acted upon, that it should be acted upon soon, to protect the interests of fishermen on our Northwestern coast. It passed the House last session. Action here has been delayed from the fact that I was unavoidably absent the first part of the session, and afterward those who wished to be heard upon it have been absent up to the present time. I intended to get it in in the morning hour, but I see that in the closing days of the session that is going to be a very difficult thing to accomplish. So I ask that the bill be made a special order for Monday next.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent of the Senate that the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season be made a special order for Monday next at 2 o'clock. Is there objection? The Chair hears none. It is so ordered.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred an amendment intended to be proposed by Mr. WILLIAMS to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. MORGAN, from the Committee on Indian Affairs, submitted a report to accompany the bill (S. 3226) to determine the liability of the United States under the law for damages to the property of citizens of the United States sustained in the depredations of Indians, reported from that committee this morning.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, have directed me to report it back with sundry amendments, and also to accompany it with a report which I desire to have printed. I give notice now that on Monday or Tuesday next, as may suit the convenience of the Senate best, I will call this bill up for consideration.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; in which it requested the concurrence of the Senate.

BILLS INTRODUCED.

Mr. HARRIS. I introduce a bill at this time that I want to have printed so that it may get before the committee in the morning.

The bill (S. 3229) for the relief of Robert W. Waters was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BUTLER introduced a bill (S. 3230) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 3231) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CALL introduced a bill (S. 3232) to change the limit of appropriation for the public buildings at Key West, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3233) to change the limit of appropriation for the public building at Jacksonville, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AGRICULTURAL EXPERIMENT-STATIONS.

The PRESIDING OFFICER. The Chair lays——

Mr. TELLER. I ask the consent of the Senate that the unfinished business may be laid aside informally while I call up a bill that will only take a moment.

The PRESIDING OFFICER. It is the duty of the Chair to lay the unfinished business before the Senate, and he will then recognize the Senator from Colorado.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. TELLER. I ask unanimous consent that the Senate now proceed to the consideration of the bill (S. 2877) to promote the efficiency of the General Land Office.

Mr. HOAR. Let it be read for information.

Mr. TELLER. It will occasion no debate, I think.

The PRESIDING OFFICER. The bill will be read for information, if there be no objection.

The bill was read.

The PRESIDING OFFICER. Is there objection to the present consideration of this bill?

Mr. INGALLS. What becomes, meanwhile, of the agricultural experiment-station bill?

Mr. TELLER. I ask that it be laid aside informally.

The PRESIDING OFFICER. It is asked that the unfinished business be temporarily laid aside.

Mr. INGALLS. I think we had better dispose of one thing at a time, and I therefore will take the liberty of objecting to unanimous consent being given, in order that we may proceed to a termination of the agricultural experiment-station bill.

The PRESIDING OFFICER. Objection being made, the pending business will be proceeded with. The Chair understands that the question is upon the adoption of the substitute proposed by the Senator from Connecticut [Mr. HAWLEY], upon which question the Chair understands that the Senator from Alabama [Mr. MORGAN] has the floor.

Mr. PLATT. May I inquire whether that substitute was printed? There was an order made for printing it.

The PRESIDING OFFICER. It has been printed and laid on the desks of Senators.

Mr. PLATT. I have failed to observe it.

Mr. MORGAN. I had not offered my amendment. I intended to offer it.

The PRESIDING OFFICER. The Chair was informed that the Senator from Alabama had the floor upon the pending question.

Mr. MORGAN. I had, some days ago. I do not take the floor.

The PRESIDING OFFICER. The question, then, is upon the adoption of the substitute offered by the Senator from Connecticut.

Mr. GEORGE. I ask consent to make one or two verbal amendments in the body of the bill in order to perfect the text.

The PRESIDING OFFICER Is there objection to the consideration of the amendments?

Mr. GEORGE. I offer these amendments in order to correct the phraseology of the bill.

The PRESIDING OFFICER The Senator will suggest them.

Mr. GEORGE. In section 5, line 2, I move that the word "they" be stricken out and the words "said stations" inserted in its stead; so as to read:

That said stations shall publish at least once in every three months bulletins, &c.

The amendment was agreed to.

Mr. GEORGE. In section 6, line 13, I move to strike out the word "aforesaid" before "boards," and to insert after the word "trustees" the words "of said colleges;" so as to read:

To be paid in equal quarterly payments, on the first day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the boards of trustees of said colleges.

The PRESIDING OFFICER. The amendment will be agreed to if there be no objection.

Mr. INGALLS. That provision ought to be further amended so as to cover the technical point which would arise in colleges where there is no board of trustees. The government of the State agricultural college may be vested in what is called a board of regents. Therefore there should be some general term employed that would cover both trustees and regents.

Mr. GEORGE. Would "managers" do?

Mr. INGALLS. Say "the government of said colleges."

Mr. GEORGE. Very well.

The PRESIDING OFFICER. Does the Senator from Mississippi adopt the suggestion of the Senator from Kansas?

Mr. GEORGE. Yes, sir. Strike out the words "boards of trustees" and insert "government;" so as to read:

Or other officer duly appointed by the government of said college to receive the same.

The amendment was agreed to.

Mr. GEORGE. Two amendments were yesterday added to section 9 by way of a proviso. They are improper as provisos; they are independent provisions. I ask that all from line 7, section 9, be made an entire and independent section, and that the words "*And provided further*" be stricken out and the words "Section 10" inserted. That amendment is necessary in order to make the bill read properly.

The amendment was agreed to.

Mr. GEORGE. In the same section, in lines 12 and 13, the words "*Provided further*, That" ought to be stricken out. I move that they be stricken out.

The amendment was agreed to.

Mr. DAWES. I should like to hear that amendment stated.

Mr. GEORGE. It simply puts the amendment of the Senator from Massachusetts [Mr. DAWES] and the one offered by the Senator from Wisconsin [Mr. SPOONER] into independent sections.

Mr. PLATT. Will the Senator from Mississippi yield to me for a moment, that I may call attention to an amendment which has already been made?

Mr. GEORGE. I shall be through with these verbal changes in a minute. I ask consent also to add a proviso to section 10, now section 11. The section reads as it now stands:

That the grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories to the purposes of said grants.

I wish to add the following proviso:

Provided, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of its Legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

The object of the proviso is simply to provide that in those States where the Legislature shall not meet for one or two years there shall be no lapse in the appropriation if the governor of the State will consent to accept it.

The amendment was agreed to.

Mr. GEORGE. The Senator from Vermont [Mr. MORRILL], who I see is not in his seat, suggested this morning an amendment which I think is proper. All of section 9 down to and including the word "fifty," in line 7, was inserted at the last session on the motion of the Senator from Indiana [Mr. HARRISON]. When that language was inserted at the end of the bill there was no provision in the body of the bill in favor of the Territories. Since that time the words "and Territories" have been added in the body of the bill, which renders the insertion made on the motion of the Senator from Indiana unnecessary. At the suggestion of the Senator from Vermont [Mr. MORRILL], I ask leave to move to strike out all of section 9 from the beginning down to the word "fifty," in line 7.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The Chief Clerk read as follows:

That the provisions and benefits of this act shall apply to the agricultural colleges which have been or may hereafter be established in any of the Territories of the United States under the laws thereof: *Provided*, That the average attendance of pupils upon the instruction of such college for the year preceding its application for the benefits of this act shall not have been less than fifty.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The words "*And provided further*," in line 7 of section 9, should be stricken out.

Mr. GEORGE. Those words have been already stricken out. That will require a renumbering of the sections.

Mr. MCMILLAN. Was the amendment which constitutes section 9 of the reprint adopted yesterday?

The PRESIDENT *pro tempore*. Section 9 was adopted.

Mr. GEORGE. The whole bill as reprinted was agreed to yesterday.

Mr. INGALLS. There should be another amendment in section 5. The words "in order to make the results of the work of said stations immediately useful" having been stricken out, the amended section reads:

SEC. 5. That said stations shall publish at least once in every three months bulletins or reports of progress, one copy of which shall be sent to each newspaper in the States or Territories, &c.

The words are very indefinite. It should be changed so as to read that "bulletins or reports of progress" shall be published at said stations at least once in every three months.

Mr. GEORGE. That amendment will be agreeable.

Mr. INGALLS. I move to strike out the words:

said stations shall publish at least once in every three months—

and insert after the word "progress," in line 3—

shall be published at said stations at least once in every three months—

so as to read:

That bulletins or reports of progress shall be published at said stations at least once in every three months, one copy of which shall be sent to each newspaper, &c.

The amendment was agreed to.

Mr. VEST. I do not rise to antagonize or criticise the bill since the amendments have been put on it; and especially since the amendment proposed by the Senator from Texas [Mr. COKE] yesterday, adopting the sixth section, I can very heartily support the measure. But yesterday I read some statistics from the Commissioner of Education which gave rise to considerable debate. I have received this morning a letter from the Commissioner, which he desires to have read in the Senate. I ask the Secretary to read it.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, D. C., January 27, 1887.

DEAR SIR: I have read in the CONGRESSIONAL RECORD of this morning the debate on Senate bill 372, to establish agricultural experiment-stations, and regret that my letter of transmittal was not more explicit with regard to the design and scope of the table sent you.

Some Senators appear to misunderstand the purport of the statistical table. The title of the table sent you should be as follows: Number of students and number of agricultural students, so far as known, who attend agricultural schools endowed under the provisions of the act of Congress of July 2, 1862, and acts supplementary thereto.

If the statements made in the table are wrong it is not the fault of this office, but the fault of the catalogues and other publications of the schools concerned, because the table was compiled entirely therefrom, and I had no other means for ascertaining the facts.

The table sent you was a copy of a table made for a gentleman in another State. It does not include all land-grant colleges, because some States have two schools endowed by the grant, of which only one is agricultural. For example, the Massachusetts Institute of Technology and the Missouri School of Mines are not included in said table, because they are not schools of agriculture, and do not admit students of that subject.

The friends of agriculture have attempted in some States to restrict the course of instruction given "to such branches of learning as are related to agriculture and the mechanic arts," but have been prevented by that provision of section 4 of the original act above mentioned, which requires that these students shall be taught "without excluding other scientific and classical studies, and including military tactics." I speak more particularly of the effort that has been made in Alabama.

In Mississippi the act establishing the Mississippi Agricultural and Mechanical College, approved February 28, 1878, provides for the "establishment and maintenance of a first-class institution at which the youth of the State may acquire a common-school education and a scientific and practical knowledge of agriculture, horticulture, and the mechanic arts, and also the proper care and growth of stock, without, however, excluding other scientific and classical studies, and including military tactics."

The funds available not being sufficient to cover all of these subjects, the trustees have preferred to begin by considering the interests of the State, which are mainly agricultural, and have opened the college to students who desire to study agriculture and allied branches, but they also admit a large number of students into the preparatory department of this school, where doubtless they are acquiring a common-school education, as contemplated in the act. Provision for instruction in the mechanic arts will doubtless be made hereafter, when the resources of the college are increased by the State.

Very respectfully,

N. H. R. DAWSON, *Commissioner.*

Hon. GEORGE G. VEST,
United States Senate, Washington, D. C.

Mr. HOAR. The Senator from Missouri made this statement yesterday:

I addressed a note to the Commissioner of Education to know how many students in these land-grant colleges were studying agriculture, in order to find out what had been the result of the beneficence of the Government.

The letter of the Commissioner of Education, which is given a little above that point in the Senator's remarks, is as follows:

In accordance with your request, I have the honor to inclose a table showing the number of students attending the land-grant schools of the United States, and the number of students taking courses of agriculture, as far as I am able to report the same from the records of this office.

N. H. R. DAWSON, *Commissioner.*

The Commissioner of Education states that he did not include the Boston School of Technology, which has several hundred students, because it was not an agricultural college; but it was a land-grant school, in the precise phrase of the Senator and in the precise phrase of the Commissioner's letter read yesterday. Therefore it gave rise to the notion that the land grant to Massachusetts aided in the education of only ninety-odd pupils. I think the error was the error of the Commissioner, and not the error of the Senators who objected to the statement.

Mr. INGALLS. I call the attention of the Senator from Mississippi to the provision of section 6 which reads:

That for the purpose of paying the salaries and wages of the director and other employés of said stations, and the necessary expenses of conducting investigations, &c.

In many of the colleges to which this appropriation would go my impression is that it would not be necessary to appoint a director and other assistants and employés. In case, however, it were necessary, their payment would be included in the words "the necessary expenses." In order to preclude the idea that there must be a director and other employés necessarily employed, I suggest to the Senator from Mississippi to leave out the words "the salaries and wages of the director and other employés of said stations, and," so as to make the appropriation for the purpose of paying the necessary expenses.

Mr. GEORGE. I have no objection to that amendment.

Mr. INGALLS. I move then, in section 6, line 1, to strike out the words:

The salaries and wages of the director and other employés of said stations, and—

so as to read:

That for the purpose of paying the necessary expenses of conducting investigations, &c.

The amendment was agreed to.

Mr. INGALLS. In line 12 of section 6 an amendment was made to include the trustees as well as regents. Will the Chief Clerk read the amendment that was inserted in that line?

The Chief Clerk read as follows:

To be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the government of said colleges to receive the same.

Mr. INGALLS. It should read "the governing boards of said colleges."

The PRESIDENT *pro tempore.* That amendment will be made if there be no objection.

Mr. MORGAN. I move to add as a new section, to come in at the end of the bill, what I send to the desk.

The PRESIDENT *pro tempore.* The amendment proposed by the Senator from Alabama will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. That all seeds, plants, shrubs, roots, and other agricultural or horticultural productions that are hereafter purchased by the United States for distribution among the people shall be equitably apportioned by the Department of Agriculture among the several States and Territories and the District of Columbia; and in those States in which agricultural and mechanical colleges exist or shall be established, the president of such college shall receive from the Department of Agriculture such seeds, plants, shrubs, roots, and other agricultural productions as shall be apportioned to such State, Territory, or District, and shall distribute the same among the people of such States, Territories, or District, respectively, who are engaged in agriculture; and for this purpose the several presidents of such colleges shall have the franking privilege to the same extent as members of Congress now have in like cases, and shall distribute any such seeds, plants, shrubs, roots, or other productions as shall be furnished to the States or Territories under his frank free of postage.

Mr. HALE. I do not understand from the reading of this amendment how far it would go in the direction of regulating and controlling the distribution of seeds and plants, and the other things that have heretofore been distributed through the Department of Agriculture. I should be glad if the Senator from Alabama who has offered the amendment would explain to the Senate what his object is in his amendment. How far does he expect it to go?

Mr. MORGAN. In those States and Territories where there are or may hereafter be agricultural colleges, as they come in, the seeds would be apportioned equitably among the different States and Territories according, of course, to population (I suppose that is the basis of the present distribution), and the seeds would be sent to the presidents of the different agricultural colleges, who would have the franking privilege in the same manner that it is now enjoyed by members of both Houses, and they would distribute the seeds within their respective States and Territories to people engaged in agriculture or horticulture, or like pursuits—not to merchants, and bankers, and lawyers, and doctors, and persons of that kind, but to persons who are engaged in some agricultural business.

My object, so far as I am personally concerned, is to get rid of a very great draught upon my time in being compelled to distribute garden seeds, flower seeds, roots, and shrubs to my constituents throughout the State of Alabama. I think the presidents of the agricultural colleges would know those sections of the States and those classes of people in the States who would be most likely to make a provident and proper use of this advantage that the Government of the United States votes to the people, and they would be much better prepared to do it, from their knowledge of the people and their situation, than members of Congress would be.

Mr. HALE. That was precisely the point I had in my mind, whether the Senator proposes to take away from Senators and Representatives in Congress the distribution of the seeds and plants that is now carried on through them, so as to relieve the members of the two Houses of that duty.

Mr. MORGAN. I have the most kindly relations to the Senate of the United States. Indeed I may say that my relations towards the great body of gentlemen who assemble here are even affectionate, and I regret very much indeed to trespass upon any of their privileges in respect of patronage. I hate to cut them down in their opportunities to address themselves to their constituents in the eloquent way that we do in sending out tomato seed, corn, beans, cabbage, and onion seed, and the like of that. I dislike very much to enter upon such a challenge of the ancient privileges of this body, but still I shall do it.

I confess that I am prompted to do it a good deal by personal convenience, but more so by the duty that I owe to the country, I think, at least to my own State, to occupy the time I may have here at my disposal in their service in much more important matters than in the distribution of garden seeds. I have always thought that the Congress of the United States had burdened itself with a very unnecessary trouble and labor in the distribution of seeds and plants and such things, and had assumed to itself a duty which could be very much better discharged by other persons.

We have of course under the law in making appropriations for the purchase of seeds always a reserve left in the hands of the Department of Agriculture upon which we can draw whenever our constituents who are not otherwise supplied may make application to us for these things.

I think that the distribution is generally pretty equitably made, but members of Congress know very little about the right place to put these things in. I had a conversation with a very distinguished——

Mr. HALE. If the Senator will allow me a moment. I was only seeking to get at the purpose of the amendment, which I did not clearly understand.

Mr. MORGAN. I know.

Mr. HALE. I did not mean to say that I am opposed to it. I only want to suggest whether it might not be well, as this is to be left, under the amendment, to the States and to these institutions, that the distribution of the report of the Department of Agriculture should also go in the same direction.

Mr. MORGAN. That matter was not up. Perhaps we might enlarge the provisions to that extent, which would be a very suitable thing to do, I have no doubt, and let the department of agriculture in each State (for that is what the college is, or is getting to be, at least), distribute the reports; but I did not think about going into that; I wanted to get to this particular subject.

I was about to say that I had a conversation recently with a distinguished member of the other House, who lives in a very large city,

and who is a member of the House Committee on Appropriations. I ventured to ask him what he did with his garden seeds. Well, he said, he had some country friends whom he knew to whom he distributed some of them, as many as he could well get away with, but that he sent some of them around to his city friends, and he was very much amused and astonished recently, after he had distributed some packages of seed to one of his neighbors who was engaged in the seed business, when he brought a package back to him and told him that that same package had been bought from him, a dealer in seeds, by the Government of the United States. That only illustrates the imperfectness, I think, of the distribution, so far as it has any tendency to the encouragement of agriculture.

When I was a boy my mother used to employ me about the house in gathering up in the fall of the year the garden seeds. It was a favorite business with the matrons of the land at that time in the fall season of the year to look after the garden seeds, and have them well collected and selected and preserved during the winter season, so that the next year they would have a stock of seed to go upon, and improved seed. That fashion, I think, has entirely gone out of date. I think there are very few persons in the country who depend upon anything else but the General Government and the seed stores for the supply of garden seeds. I should like to see very much a different sort of agriculture encouraged in the land.

Let me say to Senators who perhaps have been astonished sometimes at the increase in the growth and the value of the staple of the cotton crop in the last ten or fifteen years, that that has resulted perhaps as largely from the fact that the planters have been engaged in the selection and improvement of cotton seed as from any other fact. Our planters have been diligent about this matter. I have seen a quart of cotton seed sold for as high as $10 on account of the improved quality of the selection. It is a great industry, and it pays a man to select his cotton seed so as to get better blood, or better breeds of cotton seed, as they are called, than the old green seed which we used to employ in our planting. The cotton seed of the South has been improved as much as the blood-horses of Kentucky, and it has been done by private enterprise stimulated by a desire for profit, for gain in that important crop.

I believe that if we would make our distributions of seeds by way of assisting those men who are engaged in agriculture and horticulture, this donation from Congress, which has heretofore been regarded with a good deal of ridicule, would turn out to be something valuable to the country; but I despair of its being done through the agency of members of Congress. Therefore I thought I would prefer to offer this amendment to the bill.

Mr. PLUMB. I wish to suggest to the Senator from Alabama that the proper place for this provision, if it is to be enacted at all, is, I think, in the agricultural appropriation bill. Each year in the appropriations for the purchase of seeds directions are given for their distribution. That bill, I understand, has been prepared in the usual way and reported by the Committee on Agriculture in the other House to the House. It will undoubtedly pass that body in the usual shape and come before the Senate in the ordinary condition. The question can be met there, and I suggest to the Senator that that is the place to meet it, and not to embarrass this bill by endeavoring to put upon it this amendment which would have to be repeated in the agricultural appropriation bill in order to effect the object.

Mr. MORGAN. I had not the least idea of trying to embarrass this bill. I think the amendment would make the bill more popular, and I of course understand that this would be new legislation and that the rules of both Houses forbid the Committee on Appropriations to consider matters of that kind in connection with appropriation bills. So I think it will be the usual and old plan of having these seeds distributed through members of Congress as long as we fail to take some step in the proper direction to refer this subject to the place where it belongs, the agricultural agencies connected with the Government of the United States in the States respectively.

If I believed it would go on the agricultural appropriation bill I should be entirely willing to accept the suggestion, but it looks as if it were forcing the other House or this House rather too much to put a legislative amendment of this kind upon the agricultural appropriation bill, and they might resent it and reject it on account of its interference with the rule of the House or of the Senate. I think it had better go on this bill.

Mr. MORRILL. I hope this amendment will not be put upon the pending bill. It would, undoubtedly, incumber it so that its passage would be likely to be resisted by the other House.

The question suggested by the Senator from Alabama is an important one, and if the amendment should be defeated here, as I hope it will be, I suggest to the Senator from Alabama that he refer the subject to the Committee on Agriculture and Forestry. It ought to be considered in its broadest sense, and perhaps action which would be satisfactory to the Senator may be reached in that way; but I do not think it ought to be ingrafted upon this bill. It is entirely irrelevant, and I hope it will not be done.

Mr. PLUMB. I did not design to be understood as saying that I objected to the incorporation of the amendment on this bill for the reason that I thought it would defeat the bill. I did not have any such idea. I only thought that the agricultural appropriation bill was the proper place to put it, in case the Senate should desire to adopt some such provision. The appropriation bill carries a certain amount of money for the purchase of seeds, and in connection with that is a direction as to how they shall be distributed—a very usual thing in appropriation bills.

It would be entirely proper, in accordance with the rules, as I think, of both Houses of Congress, for the Senator from Alabama to move as an amendment, when that bill comes before the Senate, that the money to be appropriated for the purchase of seeds shall be expended in a certain way; that is to say, that the seeds shall be distributed through these experiment-stations, or otherwise.

It was not because I felt that the proposition would embarrass this bill, but simply that we might have some bout at it in a place where the decision of the Senate would be in its nature final, that I made the suggestion.

Mr. MORGAN. I have no desire, I repeat, to embarrass this bill, but I am a little surprised at finding an opinion expressed here, especially by the experienced Senator from Vermont [Mr. MORRILL], that such an amendment would embarrass the bill. I thought it would add strength to it, and that every member of Congress would at once see the propriety of this sort of legislation.

I will ask the Chair whether it would be in order, under the rules of the Senate, for me to move upon an appropriation bill the amendment that I have now offered?

The PRESIDENT *pro tempore*. The Chair does not like to decide such a question until it arises.

Mr. MORGAN. It would, at least, be a very doubtful question?

The PRESIDENT *pro tempore*. The Chair would have doubt about it, unless it was brought within the terms of the rule on that subject.

Mr. MORGAN. I am entirely willing to withraw the amendment from the Senate at the present moment and refer it to the Committee on Agriculture and Forestry, and let that committee make a report upon it which would make it in order. I am willing to test the committee on that question, so as to see whether they favor this proposition or not; and as the Senator from Vermont, who has been the initiator and the builder up of this important system, conceives that it would be perhaps an embarrassment to the bill, although it is intended to still further assist that system of education, I shall withdraw the amendment, and ask that it be referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. That reference will be made if there be no objection. If there be no further amendment made as in Committee of the Whole the bill will be reported to the Senate.

Mr. HAWLEY. I move now as a substitute for the bill the amendment which I laid before the Senate some time ago, which has been reprinted with the rest, and varies somewhat perhaps from the copies Senators may have.

The PRESIDENT *pro tempore*. The Senator from Connecticut submits an amendment in the nature of a substitute, which will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the sum of $15,000 per annum be, and the same is hereby, appropriated, to be specially provided for by Congress in the appropriations from year to year, to each State and Territory, for the purposes and under the conditions hereinafter described, to be paid quarterly as so appropriated, beginning with the first of ——.

SEC. 2. That said sum shall be inviolably applied, by each State and Territory which may accept and claim the benefit of this act, to the establishment and maintenance, in connection with the colleges established, or that may hereafter be established, in accordance with the provisions of the act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," or any of the supplements of said act, a department to be known as an agricultural experiment-station: *Provided*, That in any State or Territory in which two such colleges may have been or may be so established the appropriation made by this act shall be equally divided between such colleges unless the legislature of such State or Territory shall otherwise direct.

SEC. 3. That it shall be the object and duty of said experiment-stations to conduct original researches or verify experiments relating to the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States.

SEC. 4. That the grants of moneys herein authorized are made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States and Territories shall be signified by legislative acts:

First. It shall be the duty of the chief officer of each station to publish at least once every three months, in cheap and popular form, a bulletin or report of progress, which shall be sent to the Department of Agriculture and to each other experiment station established under this act, and furnished at cost, singly or by the year, to subscribers. Said bulletins and reports shall be transmitted through the mails as third-class matter.

Second. A full report of the operations of each station, including a statement of receipts and expenditures for the fiscal year ending June 30, shall be made

annually and sent to each other station, and to the Secretary of the Treasury and the Commissioner of Agriculture of the United States.

Third. Out of the first annual appropriation under this act a sum not exceeding one-fifth of the sum received for each station may be expended in the erection, enlargement, or repair of a building or buildings necessary for the work of such station, and thereafter a sum not exceeding 5 per centum of such appropriation may be so expended.

Fourth. No State or Territory shall be entitled to the benefits of this act unless it shall express its acceptance thereof by its Legislature within two years after the date of the approval of the act by the President.

Fifth. Whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a part of the preceding annual appropriation remains unexpended by such station, such sum shall be deducted from the next succeeding annual appropriation to such station.

Mr. HAWLEY. I should like to make an amendment or two in the proposed substitute. In the first place, in section 4, line 12, the word "third" should be "second;" so as to read:

Said bulletins and reports shall be transmitted through the mails as second-class matter.

The PRESIDENT *pro tempore*. That correction will be made.

Mr. HAWLEY. I move to fill the blank in the eighth line of section 1 with "October, 1887," the period at which the appropriation shall begin, if given. In the draught which I had sent to the desk were these words in the fourth and fifth lines in the first section regarding the appropriation:

To be specially provided for in the appropriations from year to year.

I did assent to the suggestion of a distinguished Senator that that clause should be put in, but I wish to recall my consent and ask that those words shall be stricken out.

The PRESIDENT *pro tempore*. The Senator can modify his own amendment. The amendment will be so modified.

Mr. HAWLEY. In line 4 of section 1, beginning with the word "specially," strike out down to the word "year" in the fifth line, in the following words:

To be specially provided for by Congress in the appropriations from year to year.

So as to read:

That the sum of $15,000 per annum be, and the same is hereby, appropriated to each State and Territory, for the purposes and under the conditions hereinafter described, to be paid quarterly as so appropriated, beginning with the 1st of October, 1887.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. HAWLEY. In order to meet the objections of certain Senators, and because I do not know that any one will object to it, I move to insert, after the word "Territory," in section 1, line 6, the words:

Out of any money in the Treasury proceeding from the sales of public lands.

That has been adopted in the original bill already. I ask that those words be inserted.

The PRESIDENT *pro tempore*. The Senator from Connecticut has a right to modify his amendment. The words will be inserted.

Mr. HAWLEY. In section 2, line 4, after the word "colleges," I will insert the words "or agricultural departments of colleges," because there are some States where it is a technical question as to whether a college has been established as a distinct agricultural department.

Mr. MORGAN. What words does the Senator insert?

Mr. HAWLEY. The words "or agricultural departments of colleges." For example, in North Carolina the agricultural college is really a branch of the State university.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. HAWLEY. Also, in section 4, line 17, after the word "to," where it first occurs, in the distribution of the annual statement of receipts and expenditures, I wish to insert the words:

To the governor and the board of agriculture of the State in which such station is situated.

I will furnish the Secretary with the words.

I would also add to my amendment sections 9, 10, and 11 as they have been added to the existing bill.

The Chair says I may correct the amendment without the trouble of a vote. I modify my amendment to that effect.

As the amendment stands now it is not mine, but rather a simple application of the original act presented by the Senator from Vermont [Mr. MORRILL] in 1862, and bearing his name.

Mr. HOAR. Before the Senator proceeds with his general remarks I wish to ask him a question in regard to one of his amendments. The question will show, I am afraid, my own want of knowledge of what I ought to know. What is the advantage of limiting this payment to the money in the Treasury proceeding from the sales of the public lands?

Mr. HAWLEY. I will answer the question.

Mr. HOAR. Allow me just to make my statement plain. On the 30th day of June does not all the money received from the sales of public lands go into the Treasury? If you do not make the payment until the 1st of July the money arising from this source will have been covered into the Treasury.

Mr. HAWLEY. Take the payment for the first quarter in 1887.

Mr. HOAR. In January, April, July, and October in each year the quarterly payments are to be made from the money in the Treasury from the sales of public lands. It may have been covered into the Treasury the day before the quarterly payment is to be made.

Mr. HAWLEY. This says "out of money in the Treasury."

Mr. HOAR. Then why not provide that the payment shall be made out of any money in the Treasury?

Mr. HAWLEY. The Senator has asked the question twice. I will now answer it once. The point is not mine, nor is it one upon which I am specially scrupulous, but the Senator is aware that there are many persons who hold the view that moneys raised by ordinary taxation ought not to be applied to various purposes. Will the Senator please give his attention while I am answering his question? I am waiting for the Senator to listen to my answer to the question that he kindly asked me.

There are many Senators who hold the view that money raised by the ordinary forms of taxation ought not to be applied rightly to appropriations of this description, but they are perfectly willing to vote for bills that shall take money for this purpose out of the proceeds of the sales of public lands, holding that that is in some way different from any other money in the Treasury, as it may be said to be in trust for the general welfare of the States of the Union. Now I conceive that it makes no possible difference to any of us who do not hold that view; but there are some Senators here who will vote for this bill with that provision in it who will not without it. It is their constitutional view.

Mr. DOLPH. Will the Senator allow me to make a suggestion?

Mr. HAWLEY. Yes, sir.

Mr. DOLPH. A bill has passed both branches of Congress and is now in committee of conference with, I think, a fair prospect of some agreement being reached upon it, which repeals the pre-emption law and provides that no further lands shall be offered at private entry. That will cut off virtually these proceeds, virtually make it so that we shall receive no money from the sales of public lands into the Treasury; that is, they will be given away to homestead settlers. I think if this amendment should be adopted as it is now offered, with this provision in it, that within a very few years, as soon as the pre-emption entries which have now been instituted have been perfected and the money paid into the Treasury, there will not be funds enough to supply the money for this appropriation.

Mr. HAWLEY. Upon that point I would ask the attention of the Senator from Texas [Mr. COKE], the Senator from Alabama [Mr. MORGAN], and the Senator from Missouri [Mr. VEST], who are three of the Senators who desire to take this view of the bill, who prefer to have this amendment incorporated. The Senator from Oregon [Mr. DOLPH] informs us that if certain legislation now pending shall be adopted there will be no longer any account known as "the proceeds of sales of public lands," because the lands are to be distributed under the homestead law only, and whatever comes out of them will go into the general fund of the Treasury. If that be so, I submit whether it would be worth while to put in this amendment, which I did in order to meet every objection to the bill.

Mr. DOLPH. I would qualify my general statement by excepting mineral lands and other lands which are sold only for cash.

Mr. MORGAN. What bill does the Senator from Oregon refer to?

Mr. DOLPH. The bill to repeal the pre-emption and timber-culture acts and modify the homestead law so as to require in all five year's residence, and not permit the commutation of a homestead entry or any purchase of public agricultural land under pre-emption.

Mr. MORGAN. That has not passed either House, as I understand.

Mr. DOLPH. Of course for a few years the payments upon pre-emption claims which have already been instituted would keep up a certain fund derived from the sale of agricultural lands, but as soon as all the claims which have been instituted are disposed of there will be no longer any revenue except from mineral lands, coal lands, and possibly timber lands, if the act of 1878 should remain in force. I do not think they would prove a sufficient fund to meet the annual appropriation made in this bill.

Mr. MORGAN. What are they?

Mr. DOLPH. Of course I am not prepared to say how much revenue would be derived from the sale of coal lands and timber lands. The expenses of administering the law would first have to come out of the fund, but the state of legislation is as follows: The Senate amended the House bill, substituting a bill of its own. That went to a conference committee at the last session. They disagreed. The conference committee reported that they were unable to agree, and a new conference was appointed. They had a meeting yesterday, and, as I say, there is some prospect of an agreement, so that the bill will become a law.

Mr. MORGAN. I have stated that I was not fully informed of the state of legislation on this question, because I was not aware at the time that the bill referred to had been passed by either House. Of course I am unadvised as to what the operations of the bill will be, but that there is enough land money in the Treasury of the United States this year to carry on these establishments for the next eight years, on the basis of this bill, I have no doubt.

Mr. MORRILL. I desire to say that I have no doubt that there will

be enough money from the land proceeds for many years to come to pay the small sums embraced in this bill.

Mr. MORGAN. I have no doubt of it. I am willing to try it at all events.

Mr. PLUMB. I think the Senator from Oregon overlooks the sales for cash of what is known as offered land, in addition to the mineral lands and the excess of receipts for the sale of homestead lands over and above the expenses of such sale. That, however, is not an argument to my mind in favor of such a provision as has been already inserted in the bill and as the Senator from Connecticut proposes to insert as a part of his amendment. The vice of it is that it, the expenditure, will be set down as costing nothing, because it comes from a special fund not created by taxation, and the additional vice of it will be that there will be constant tinkering with the public lands question upon other basis than the one heretofore and now considered as fundamental—that the lands shall be dedicated inviolably to the uses of settlement, wholly without relation to the question of profit to be derived to the Government therefrom.

I have protested myself on all occasions, as I do now protest, against the question of the disposal of the public domain being linked with any other condition whatever, except the one which has become, as I said, fundamental, that the lands shall only go to those who are desirous of settling upon and making homes upon them, without reference to the money return to be derived to the Government. It would therefore improve the amendment of the Senator from Connecticut if he would leave out that provision in regard to the proceeds of the sales of public lands being applied to the purpose of the maintenance of the agricultural stations to be created.

Mr. HAWLEY. Will the Senator allow me to go on?

Mr. PLUMB. Certainly.

Mr. HAWLEY. This discussion arose incidentally before I had stated my case in support of my amendment. I have put this clause in because it was adopted by the Senate once, but it can easily be stricken out if such be the will of the Senate. I hope the Senator will allow me to state my case in favor of my amendment, and then I will yield the floor to him to discuss the general question.

I have incorporated in this amendment every specification of a purpose to which this money is to be devoted. I have incorporated in addition to the conditions which the State shall accept, certain other conditions which are collected from the bill, classified in section 4. The whole work is to be done under my substitute or under the bill. I have added to the substitute which I propose the ninth, tenth, and eleventh sections, which have been adopted by the Senate, going to adapt the appropriation to the varying local necessities.

Mr. DAWES. Will the Senator state to us how his bill now differs from the original bill as amended?

Mr. HAWLEY. I was doing it as fast as I possibly could. I was saying that every purpose to which this money is to be devoted is contained in my amendment; and every condition which is necessary, in my judgment, for a State to accept or to be imposed upon the colleges is also contained in it.

The difference, then, between the two is that I avoid entirely what I may be pardoned for considering the rather awkward attempt of the original bill to go directly from the National Government, and the National Treasury to create a branch of a corporation that exists under the State law. The agricultural colleges are corporations created by State law. If you wish to add, as the friends of the bill do, to the powers, duties, and usefulness of those corporations, do with the money just as you did with the original grant, give it to the State with conditions, with a specification of the uses, and with the condition that the money is to accepted formally by legislative act of the State, which devotes it to that purpose precisely as the original moneys were devoted to the formation of the agricultural colleges. Then there will be formed a branch of each agricultural college, to be known as the experimental station, by the same authority which created the original corporation. The whole business will be symmetrical.

Now, we propose to come in and say that there shall be something more in the charter of those colleges; there shall be a creation by us of a branch of the college, and instead of giving to a State to be disbursed by its own officers, already created and already under its own bonds, a certain sum of money, we will, without communicating with Legislature or governor, go directly to the treasurer of a local and State corporation and pay some money to him.

It seems to me that the logical and direct and easy plan, which would have saved a great deal of this discussion, would have been to do as we did with the original moneys, give them to the States upon specified conditions, requiring the State to accept by legislative act and so devote the money. It makes the bill much more simple, conforms it precisely to the original Morrill grant, and contains as I have it now, I think, every provision that is necessary in the original bill. I am not sure—I shall have to ask—whether the provision requiring the purchase of 25 acres is still in the bill.

Mr. MORRILL. It is.

Mr. HAWLEY. It still remains in the bill. Then I have omitted that, and I should wish to change that, because I would say "not less than 5 acres." I do not wish to compel these stations to buy 25 acres. That, however, is a minor matter.

There is one more good thing in the bill that I have not taken in. It can be easily taken in, however, by inserting half-a-dozen lines providing that, in order to secure as much as possible the uniformity of work, the Commissioner of Agriculture shall make suggestions and submit forms.

I have nothing further to say at present.

Mr. PLUMB. The bill in its present shape is not what I think it ought to be, but I still think it is better than the amendment of the Senator from Connecticut. I am not willing myself at this present moment to simply give money out of the Treasury of the United States, whether it be derived from the proceeds of the sales of public lands or otherwise, to the agricultural colleges of the several States, practically without limit as to the expenditure. While it is true the amendment says they shall expend the money in a certain way, we reserve no control over it, and in addition the amendment of the Senator from Connecticut proposes a permanent annual appropriation, so that there will be no opportunity of supervising the action of the States or of preventing their receiving this money unless Congress shall affirmatively so declare hereafter by statute.

Mr. HAWLEY. The original bill does exactly the same.

Mr. PLUMB. That is very true, but we have in that the supervision, measurably at least, of the Commissioner of Agriculture.

If we enter upon this experiment in the manner provided by the amendment of the Senator from Connecticut, in my judgment we shall presently be confronted with this condition of things: Some of the States will come here and say, "You have not given us money enough to carry on these experiments as we think they ought to be carried on," and there will be a combination to increase the appropriation from the standpoint of the desires and views of States irrespective of the question from a national standpoint.

I have been consenting to this bill and have been desirous of its passage because I wanted to give additional resources to the agricultural colleges, but under the substantial direction as to expenditure of the Department of Agriculture located at the national capital, and one of the great Departments of the National Government, whereby there may be unified and brought together under an intelligent and business supervision and direction all the operations that are to be carried on out of the funds which we shall appropriate. If we are to give this money to the States practically without condition it is a totally different thing to my mind, and I should not be willing to commit myself to it.

I did not oppose the Blair educational bill because I believed it to be unconstitutional, but because I believed it to be unwise. I believed it to be against the interests of true education; believed it to be practically destructive of the system of education in the several States. In other words, I believed it to be a provision against education, and not in favor of education. The amendment of the Senator from Connecticut is in the same direction. It gives the money to the colleges without reserving any right of control over its expenditure on the part of the General Government. It would constitute an inducement to combination on the part of the colleges to increase the appropriation from time to time, on the ground that from the local standpoint the existing appropriation was insufficient, while under the language and theory of the original bill the question would be, and continue to be, one to be settled from the national standpoint, as it should be. If the State of Massachusetts or the State of Kansas is not able to carry on such experiments as the legislatures and people of those States think ought to be carried on for the purpose of enlarging the scope of these agricultural colleges from the local standpoint, let them come here and say so; but they do not say so, and they will not.

The only justification, therefore, for the proposed expenditure is that from the national standpoint something more is required.

The House of Representatives has recently passed by a large majority, as it had done on a previous occasion, a bill to give to the Department of Agriculture the dignity, power, and responsibility of the other great Departments of this Government, to practically require the President to take the head of that Department into his councils as he takes into his councils the Secretary of State, the Secretary of the Treasury, the Attorney-General, and so on. That bill has been with some amendments reported favorably from the Committee on Agriculture of this body and is now on our Calendar. I have faith to believe that it will be passed before we adjourn and become a law, as I believe it ought to be. I believe that we shall have under that a Department, to some extent commensurate with the great interest of agriculture, which it will be its duty to represent and promote, as I believe it can do, sensibly and materially.

I believe that it would be desirable to have as one of the agencies of that great department, representing seven-twelfths of the people of the United States who are engaged in tilling the soil and whose occupation is of such vital consequence to the country, some method for the purpose of bringing together in the best possible shape the results of the labors of educated, intelligent men in all the fields that have relation direct or remote to this great industry, in order that on that knowledge thus acquired there may be built a better and a stronger superstructure than

now exists. And I have desired, as far as I was concerned, that this bill might be passed substantially as it came from the committee, because I believe it would put in the hands of the Secretary of Agriculture a power which he could wield in connection and co-operation with these agencies of the States heretofore endowed by the General Government, the agricultural colleges, to great advantage in the promotion of this important interest.

I do not think the amendments made to the bill have helped to carry out that idea or have added to its value, but, as I said before, I believe it is still better than is the amendment of the Senator from Connecticut.

Mr. HAWLEY. Mr. President, I respectfully venture to say that the Senator from Kansas is laboring under certain misapprehensions. He speaks of a measurable control on the part of the Commissioner of Agriculture. It is not in the bill at all. There is not a particle of control on his part over these State institutions. The only provision on that point in the bill, that to which I suppose the Senator refers, one that I say I have omitted, but will insert, is that which makes it the duty of the Commissioner of Agriculture—section 4 of the reprinted bill—"to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance," &c.

It is a mere co-operation, which is perfectly proper; entirely wise. I am glad it is there. I will put it in the proper place after section 3 of my substitute. But there is no control on the part of the Department of Agriculture in the bill, and I think the States would be very uneasy if they found themselves liable to be controlled by successive Commissioners of Agriculture in their operations in institutions, which are, many of them, already established by the expenditure of large sums of money. I know they would feel so in my State.

The Senator says we are granting money without power to control it. I do not hold it to be so at all. This is not a perpetual grant, that we are under obligation to forever pay, to renew from year to year. As the committee bill stands and as my substitute stands, it is what is called a permanent appropriation. I withdrew my assent to the proposition to make it an annual appropriation, because I thought I foresaw that the States would dread to undertake the putting up of new buildings, the expenditure of considerable sums of money with a view to this grant, if they could not be assurred of its continuance after one year. So it stands in the form of a permanent appropriation, but it can easily be withdrawn. It is not given to any State unless it has gone to a very considerable expense in preparing to receive and use it. It is not presented to the State as the original grant of land was. That was given to the States which, in some cases, never went through the form, I believe, of laying a corner-stone of an agricultural college, but expended the proceeds of the lands in some way. They were wasted and disappeared either through carelessness or the supposed exigencies or civil war. In this case this money is given from year to year only where States are prepared to receive it, and only where they have schools existing; and, moreover, it may be withdrawn any year, may be stopped any year from any one State or from the whole.

Mr. EDMUNDS. Is there any express clause, either in the bill or in the proposed substitute, which says in terms that Congress may terminate this appropriation, either the whole of it or any part of it it thinks fit, in its discretion?

Mr. HAWLEY. There is not, in either the bill or the substitute, but it may very easily be placed there.

Mr. EDMUNDS. I think it ought to be, if we are not to have the control all the time of the money, as I rather think we should.

Mr. MORRILL. The original bill provided for an annual appropriation.

Mr. HAWLEY. What is called a permanent appropriation.

Mr. MORRILL. No, an appropriation made annually.

Mr. HAWLEY. The bill now does not read so—so much per annum.

Mr. EDMUNDS. I think that the States might be misled by the phraseology of what we call "a permanent indefinite appropriation" that requires no annual action of Congress into the supposition that this was to be a perpetual contribution, and that they might be led (without being advised that we could take it back, as in point of law we probably could any time) into expenditures and experiments that they otherwise would not undertake. Therefore, it seems to me that this bill ought to provide—which I prefer—that the control of this expenditure should be under some governmental authority, or else, if it does not do that, that it should state to these States, every one of them, in express terms that whenever Congress chooses to stop it as to any one or all of them, it may do so without any complaint being made.

Mr. HAWLEY. If the Senator will give me the words I will accept that suggestion so far as my amendment goes.

I ask to amend my proposition by inserting after section 3 of my amendment these words from the original bill:

That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act.

This to be section 4 of my amendment and the subsequent sections to be changed accordingly in the numbering. With that provision in I think all the original bill is substantially embodied in mine.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY] in the nature of a substitute.

Mr. GEORGE. I desire to call attention to the question now before the Senate. I have no pride of authorship in this bill, because I am not the author of it. It was originally framed by Mr. Cullen, of Illinois. It was then adopted and recommended to Congress by a convention held in this city of the presidents of the various agricultural colleges of the Union. It was then referred to the Committee on Agriculture of this body. We gave it such attention and consideration as we were able to give it. Since it was reported to this body we have spent two or three days in perfecting the measure, and I believe on all hands it is conceded, even by the Senator from Connecticut, to be now a very proper measure, because in his substitute he has incorporated, I believe, all the essential parts of the original bill. So then we have this rather extraordinary, I think, and unusual parliamentary spectacle, that, in order to accomplish one single purpose, which could be accomplished in one line or two of amendment, we have a long bill perfected by the Senate, attempted to be amended by a substitute in all respects substantially similar to the bill which has been perfected by the Senate with the one single exception to which I will call attention.

The bill as recommended by the various parties to whom I have alluded, and as recommended by the Committee on Agriculture, leaves these agricultural stations nominally national stations; that is, they are made national agencies for the performance of national work, the theory of the whole bill being a mere extension of the agricultural colleges which have prevailed for several years, and as a branch of the Agricultural Department, an appropriation is made in pursuance of that idea. The proposition of the Senator from Connecticut is to dispense with these national agencies, to make this simply and purely a grant to the States upon condition. The proposition of the committee and of the various bodies to which I have alluded was to leave it a national institution; that is, as the national money was appropriated out of the national Treasury to perform this service to the people of the United States it should be performed under the slight control and management provided for in the bill of the Agricultural Department. I see the Senator from Connecticut has just incorporated that in his substitute.

Mr. HAWLEY. Will the Senator permit me to observe that there is no shadow of control in that?

Mr. GEORGE. I understand.

Mr. HAWLEY. It only allows communications by letter.

Mr. GEORGE. I have alluded to certain indorsements of the principle of the bill made by very influential bodies. I have some more that I want to bring before the Senate. The bill is indorsed by the congress of farmers recently held in this city. The bill is also indorsed by the farmers of Massachusetts in some resolutions which I will now read to the Senate.

Whereas there is a bill now pending in Congress called the "Hatch bill," which provides for the establishing of experiment-stations in connection with all agricultural colleges, now or to be established, by land grants from the United States; and

Whereas all experiment-stations that are now in operation by State legislation have proved of great value to the agricultural interest of such States as have made appropriations for their maintenance: Therefore,

Resolved, That we, farmers of Massachusetts here assembled, approve the passage of said "Hatch bill," provided that it be so amended as to invest the board of control or trustees of experiment-stations, provided for by State legislation, with the appropriations made by Congress.

That has been done.

Also, by providing that 15 per cent. of the appropriations made by the Congress of the United States for the support of such experiment-stations shall be expended, if needed, in conducting such experiments as the United States Commissioner of Agriculture may direct—

That has not been done—

and by striking out so much of section 4 of said bill as relates to fixing a uniform valuation of ingredients of commercial fertilizers for all parts of the country as being impracticable.

That has been done.

And that we recommend that the sixth section be amended so as to allow 15 per cent. instead of 5 per cent. of the annual appropriation to be expended, if needed, in enlarging or improving the building or apparatus of the station.

That has not been done either in the bill or in the substitute offered by the Senator from Connecticut.

I have others here which I will not detain the Senate to read. I only want the Senate to understand that the congress of farmers of the United States indorse the features of the bill as it now stands, that the presidents of the agricultural colleges of the Union indorse it, that the farmers of Massachusetts indorse it, that the farmers of Mississippi indorse it in their State Grange, and also another very respectable farming association in that State.

So, after all, we are brought to this, whether for the declaration of the mere nominal control of these stations by the Federal Government we are to change the bill by substituting another bill for it, which is exactly like it, except what can be corrected in about three lines. I hope therefore that the amendment proposed by the Senator from Connecticut will not be adopted.

Mr. EDMUNDS. In order to guard against any misapprehension, and to do what I believe everybody will agree to, I move to amend the bill for which the substitute is proposed, and if the substitute be adopted, then to amend the bill as thus amended by adding as a last section:

Nothing in this act shall be held or construed as binding the United States to continue any payments from the Treasury to any or all the States or institutions mentioned in this act. But Congress may at any time amend, suspend, or repeal any or all the provisions of this act.

Mr. GEORGE. I see no objection to that amendment, as I think that is the legal effect of the bill now.

Mr. EDMUNDS. I think it is myself, but it will point out clearly to all the States, where there might be a doubt or an implication, morally or otherwise, that we do not commit ourselves to going on with this everlastingly if it turns out to be a failure.

Mr. INGALLS. Under the terms of this bill would not this be an annual definite appropriation?

Mr. EDMUNDS. A permanent, indefinite appropriation.

Mr. INGALLS. It requires no act of Congress to provide the money?

Mr. EDMUNDS. No.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. I offer it as an amendment to perfect the text of the original bill, and then if the substitute be adopted it can be added to that.

The PRESIDENT *pro tempore*. The Chair so understands. The amendment will be read.

The Chief Clerk read the amendment proposed by Mr. EDMUNDS.

The amendment was agreed to.

Mr. PLUMB. I move to amend, on page 5 of the original bill, by inserting, after the word "State," in line 6, section 6, these words:

To be especially provided for by Congress in the appropriations from year to year.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas [Mr. PLUMB] will be read.

The CHIEF CLERK. In line 6, section 6, after the word "State," it is proposed to insert:

To be especially provided for by Congress in the appropriations from year to year.

So as to read:

SEC. 6. That for the purpose of paying the necessary expenses of conducting investigations and experiments and printing and distributing the results as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State, to be especially provided for by Congress in the appropriations from year to year.

Mr. PLUMB. I offer that because it has been part of the policy of Congress, in recent years, to cut off as many as possible of the permanent annual appropriations, to leave every subject of expenditure to be put under the scrutiny of Congress from year to year, taking into account the condition of the public Treasury, taking into account the results to be derived, taking into account all the questions that ought to inhere in the appropriation of public money. No danger can result in any way. If this should be a wise use of the public money Congress will be quick to perceive it, and just as quick to appropriate the money each year; but it will make the recipients of the grant, I think, a little more anxious to keep in the line of the statute and to exhibit and to make profert of the result of the expenditure which has been committed to them.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY] as a substitute for the bill. [Putting the question.] The "noes" appear to have it.

Mr. HAWLEY. I should like to see whether some of those gentlemen who encouraged me still think as they did during the debate. I call for a division.

The ayes, on the call for a division, were 7, less than a majority of a quorum; and no further count being demanded, the amendment was rejected.

Mr. SAULSBURY. I desire to say that if I believed the expenditure of this money would advance the agricultural interests I should be glad to vote for the bill. I should be glad to even increase the appropriations that are made if thereby we could promote the interests of the agriculturists of the country, but I have no idea that the appropriation of this $750,000 will be of any practical benefit to the agriculturists of the country. The bill proposes to establish experiment-stations at the agricultural colleges to collect information on certain subjects now accessible at the Agricultural Department, and it will amount to very little practically to the farmers of the country.

I am not aware that I have ever known a single farmer made out of the boys educated in these colleges. I am sure that the most of them would learn more on the farms of their fathers as practical agriculturists than they ever will learn in the colleges. So far as my observation has extended the appropriation that was made of agricultural scrip money has done no good, nor do I believe that this appropriation will do a particle of good to the agricultural interests of the country.

I do not oppose the bill by my vote, because there seems to be a general concurrence of opinion that it should pass, and if there is a possibility of any advantage arising to the agricultural interests by this bill I am perfectly willing that they shall have it. In my opinion agriculture is the most important industry in the country. It is upon that not only that our material interests depend, but upon the agriculture of the country depends to a very large extent the maintenance of our republican institutions. It is in the rural sections of the country that liberty has her most permanent abode.

I do not antagonize by my vote the passage of the bill, but, at the same time, I can not let it pass without saying here and now that in my judgment this appropriation of money will do no good to the agricultural interest.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title, and referred to the Committee on Commerce.

WASTE OF WATER.

Mr. COCKRELL. I offer a resolution calling for information.

The Chief Clerk read the resolution, as follows:

Resolved, That the commissioners of the District of Columbia report to the Senate at the earliest practicable time the principal sources of waste of the water supply in this city, and what measures, if any, have been taken to stop or lessen such waste, and the result of their action, and whether there is a 48-inch main now in the ground intended hereafter to connect the new reservoir with Capitol Hill, now lying idle and unconnected with the city system, and whether if such main were connected with the distribution system it would give freer circulation and an ampler supply of water to smaller mains now failing to furnish a sufficient supply in many residences in the northwestern part of the city; and if so, why such connection has not been made and what steps are necessary to be taken to secure such connection.

Mr. EDMUNDS. I suggest to my friend—it is a mere accidental clerical omission—to insert that they "be, and they are hereby, directed" to report.

Mr. INGALLS. Let that resolution lie on the table until to-morrow under the rule.

The PRESIDENT *pro tempore*. The resolution goes over under objection.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 28, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 27, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate requested the return of the bill (H. R. 7218) for the erection of a public building at Chattanooga, Tenn.

EXPENDITURES FOR 1884.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a detailed statement of expenditures of the United States for the fiscal year ending June 30, 1884; which was referred to the Committee on Appropriations, and ordered to be printed.

BUREAU OF ENGRAVING AND PRINTING.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a plat and recommending the acquisition of an additional lot for the use of the Bureau of Engraving and Printing; which was referred to the Committee on Public Buildings and Grounds.

MONONGAHELA NAVIGATION COMPANY.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting a report of the commercial value and importance of the work of the Monongahela Navigation Company; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

GREEN AND BARREN RIVER NAVIGATION COMPANY.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting a report upon the commercial value and importance of the work of the Green and Barren River Navigation Company; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PRIVATE LAND CLAIM, NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting reports of the surveyor-general of New Mexico and his predecessor, upon the private land claim "Cañada de Santa Clara," 138; which was referred to the Committee on Private Land Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills and a joint resolution of the following titles; which were read twice, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 1920) to increase the appropriation for the erection of a public building at Minneapolis, Minn.;

A bill (S. 1974) providing for the erection of a public building at the city of Hastings, Nebr., and for other purposes;

A bill (S. 2303) for the erection of a public building at Chester, Pa.;

A bill (S. 3001) for the erection of a public building at Milwaukee, Wis.;

A bill (S. 3055) for the extension and repair of a public building at Newark, N. J.;

A bill (S. 3121) for the erection of a public building at Hanover, N. H.;

A bill (S. 1322) to provide for the erection of a public building at the city of Morgan City (port of Brashear), State of Louisiana; and

A joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.

PROPERTY AT ABINGDON, VA.

The SPEAKER also laid before the House the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property, with amendments by the Senate.

Mr. WILKINS. I ask unanimous consent that the House non-concur in the Senate amendments and request a conference.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will appoint the managers of the conference on the part of the House during the day.

RETURN OF BILL TO THE SENATE.

The SPEAKER also laid before the House the bill H. R. 7218, with amendments by the Senate, and directed the reading of a message requesting the return of the bill, as follows:

IN THE SENATE OF THE UNITED STATES, *January* 26, 1887.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 7218) to amed an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885.

The SPEAKER. If there be no objection the Chair will direct the Clerk to return the bill to the Senate.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. COMPTON, on account of sickness in his family.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 191) providing for the erection of a public building at Los Angeles, Cal.;

A bill (H. R. 8923) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880;

A bill (H. R. 9371) for the completion of a public building at Santa Fé, N. Mex.;

A bill (H. R. 9644) for the erection of a public building at Jefferson, Tex.; and

A bill (H. R. 10051) for the erection of a public building at Charleston, S. C.

DIGEST OF DIPLOMATIC RULINGS, ETC.

Mr. KELLEY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Be it resolved, &c., That there be printed the usual number of copies of "A Digest of the Diplomatic Rulings of the United States prior to the organization of the Federal Government," to be edited by Francis Wharton; and also the usual number of copies of "A Digest of the Decisions of International Commissions in which the United States was a Party," to be edited by John B. Moore; and that there be printed of each of said digests, in addition to the said usual number of copies, 1,000 copies for the use of the Department of State, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives; said digests to be supplementary to the Digest of International Law, edited by Francis Wharton, and printed under the resolution of Congress approved July 28, 1886; and for the editing of the digests to be printed under this resolution there shall be paid, upon the approval of the same by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives, the sum of $2,500 per volume, said sum being the price paid per volume for the editing of the Digest of International Law, printed under the joint resolution which was approved July 28, 1886.

ORDER OF BUSINESS.

Mr. KETCHAM. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 1533) to open and set aside an order of the Court of Claims canceling a portion of a judgment against the United States, remitted, through mistake as to the facts in regard to the same, by claimant to the United States, and to refer the matter to the Court of Claims for such further action as said court shall find to be just and equitable, and that the same be considered at this time.

The bill was read.

Mr. BRAGG. A bill like that requires to be carefully considered. I object.

Mr. SCRANTON. I call for the regular order.

RIVER AND HARBOR BILL.

The SPEAKER. The regular order is the question on the passage of the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which comes over from the adjournment yesterday with the previous question ordered on its passage. The gentleman from Iowa [Mr. HEPBURN] demanded the reading of the engrossed bill. The Clerk will read the bill.

The Clerk commenced to read the engrossed bill.

Mr. HEPBURN. I withdraw the demand for the reading of the engrossed bill.

The SPEAKER. The question is, shall the bill pass?

Mr. HEPBURN. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 95, not voting 68; as follows:

YEAS—154.

Baker,	Findlay,	Lore,	Shaw,
Barbour,	Fisher,	Lovering,	Singleton,
Barksdale,	Fleeger,	Markham,	Skinner,
Barnes,	Foran,	Martin,	Snyder,
Bayne,	Forney,	Maybury,	Stephenson,
Belmont,	Funston,	McCreary,	Stewart, Charles
Blanchard,	Gay,	McKenna,	Stone, E. F.
Brady,	Geddes,	McMillin,	Stone, W. J., Ky.
Breckinridge, C. R.	Gibson, C. H.	McRae,	Tarsney,
Breckinridge, WCP	Gilfillan,	Miller,	Taulbee,
Brown, C. E.	Glass,	Mills,	Taylor, E. B.
Buck,	Grosvenor,	Moffatt,	Taylor, J. M.
Burrows,	Guenther,	Morrison,	Taylor, Zach.
Butterworth,	Hall,	Morrow,	Thomas, J. R.
Cabell,	Halsell,	Murphy,	Thompson,
Caldwell,	Hammond,	Neal,	Tillman,
Campbell, J. E.	Hanback,	Neece,	Townshend,
Carleton,	Harris,	Negley,	Trigg,
Catchings,	Hatch,	Nelson,	Tucker,
Clardy,	Hemphill,	Norwood,	Turner,
Clements,	Henley,	Oates,	Van Eaton,
Comstock,	Herbert,	O'Donnell,	Wait,
Crain,	Hermann,	O'Ferrall,	Wakefield,
Crisp,	Howard,	O'Hara,	Wallace,
Culberson,	Hudd,	O'Neill, Charles	Ward, J. H.
Cutcheon,	Irion,	O'Neill, J. J.	Warner, William
Daniel,	Jackson,	Owen,	Weber,
Dargan,	Johnson, F. A.	Payne,	Wellborn,
Davidson, A. C.	Jones, J. H.	Peel,	White, A. C.
Davidson, R. H. M.	Jones, J. T.	Perry,	Wilkins,
Davis,	Kelley,	Pettibone,	Willis,
Dawson,	Ketcham,	Riggs,	Wilson,
Dibble,	King,	Romeis,	Winans,
Dougherty,	Kleiner,	Rusk,	Wise,
Dunham,	Laffoon,	Sadler,	Wolford,
Eldredge,	Landes,	Sayers,	Woodburn,
Ely,	Lanham,	Scott,	Worthington.
Farquhar,	Lawler,	Seney,	
Felton,	Libbey,	Sessions,	

NAYS—95.

Adams, J. J.	Cox, W. R.	Holmes,	Randall,
Allen, C. H.	Dingley,	James,	Ranney,
Allen, J. M.	Dorsey,	Johnston, J. T.	Reed,
Anderson, C. M.	Eden,	Johnston, T. D.	Rice,
Anderson, J. A.	Ermentrout,	Lehlbach,	Richardson,
Bingham,	Evans,	Little,	Robertson,
Bliss,	Everhart,	Long,	Rowell,
Bound,	Ford,	Lowry,	Ryan,
Boutelle,	Frederick,	Lyman,	Scranton,
Boyle,	Fuller,	Matson,	Sowden,
Bragg,	Gallinger,	McAdoo,	Spooner,
Brown, W. W.	Grout,	McComas,	Springer,
Brumm,	Hale,	McKinley,	Steele,
Buchanan,	Harmer,	Merriman,	Stone, W. J., Mo.
Bunnell,	Hayden,	Millard,	Storm,
Burnes,	Haynes,	Morrill,	Strait,
Bynum,	Heard,	Muller,	Struble,
Campbell, J. M.	Henderson, D. B.	Osborne,	Swope,
Campbell, T. J.	Henderson, J. S.	Parker,	Taylor, I. H.
Cannon,	Hepburn,	Payson,	Thomas, O. B.
Caswell,	Hiestand,	Perkins,	Wadsworth,
Cobb,	Hires,	Peters,	Weaver, J. B.
Conger,	Hitt,	Phelps,	White, Milo.
Cowles,	Holman,	Plumb,	

NOT VOTING—68.

Adams, G. E.	Bennett,	Candler,	Curtin,
Aiken,	Bland,	Collins,	Davenport,
Atkinson,	Blount,	Compton,	Dockery,
Bacon,	Browne, T. M.	Cooper,	Dunn,
Ballentine,	Burleigh,	Cox, S. S.	Ellsberry,
Barry,	Campbell, Felix	Croxton,	Gibson, Eustace

Glover,	Le Fevre,	Reese,	Symes,
Goff,	Lindsley,	Rockwell,	Throckmorton,
Green,	Louttit,	Rogers,	Van Schaick,
Henderson, T. J.	Mahoney,	Sawyer,	Viele,
Hill,	Milliken,	Seymour,	Wade,
Hiscock,	Mitchell,	Smalls,	Ward, T. B.
Hopkins,	Morgan,	Spriggs,	Warner, A. J.
Houk,	Outhwaite,	Stahlnecker,	Weaver, A. J.
Hutton,	Pidcock,	Stewart, J. W.	West,
La Follette,	Pindar,	St. Martin,	Wheeler,
Laird,	Reagan,	Swinburne,	Whiting.

So the bill was passed.

On motion of Mr. WILLIS, the reading of the names of members voting was dispensed with.

Mr. WILLIS. I move to reconsider the vote by which the bill was passed.

The SPEAKER. The result has not been announced yet.

The following-named members were announced as paired until further notice:

Mr. DOCKERY with Mr. WADE.

Mr. BENNETT with Mr. BROWNE, of Indiana.

Mr. GIBSON, of West Virginia, with Mr. STEWART, of Vermont.

Mr. BLAND with Mr. GOFF.

Mr. CANDLER with Mr. WEAVER, of Nebraska.

Mr. PINDAR with Mr. DAVENPORT.

Mr. GREEN with Mr. SWINBURNE.

Mr. BACON with Mr. LINDSLEY.

Mr. COX, of New York, with Mr. BURLEIGH.

Mr. REAGAN with Mr. HISCOCK.

Mr. THROCKMORTON with Mr. ATKINSON.

Mr. MORGAN with Mr. ZACH. TAYLOR.

Mr. MITCHELL with Mr. WHITING.

Mr. SPRIGGS with Mr. HOUCK.

The following-named members were announced as paired for this day:

Mr. STAHLNECKER with Mr. HENDERSON, of Illinois.

Mr. DUNN with Mr. JOHNSON, of New York.

The following-named members were announced as paired on this vote:

Mr. ELLSBERRY with Mr. HOPKINS.

Mr. COMPTON with Mr. ROCKWELL.

Mr. BALLENTINE and Mr. WEST were announced as paired until Saturday next.

Mr. COBB. I wish to announce that the gentleman from Missouri [Mr. HUTTON] is detained from the House by sickness.

The result of the vote was then announced, as above recorded.

Mr. WILLIS. I demand the previous question on the adoption of the title of the bill.

The previous question was ordered.

The SPEAKER. If there be no objection, the title will stand as reported.

There was no objection, and it was so ordered.

Mr. WILLIS moved to reconsider the vote by which the title was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. VAN SCHAICK. Mr. Speaker, I was unavoidably absent this morning when the vote was taken on the river and harbor bill. Had I been present, I would have voted "aye."

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports. The call rests with the Committee on the Judiciary.

WILLIAM C. WHITTLE.

Mr. TUCKER, from the Committee on the Judiciary, reported a bill (H. R. 10913) to remove the disabilities of William C. Whittle, of Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS IN SOUTH CAROLINA.

Mr. CULBERSON, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. 10201) to regulate the terms of the circuit and district courts of the United States for the district of South Carolina; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported back adversely sundry petitions regarding the location of certain United States courts in Texas; which were laid on the table, and the accompanying report ordered to be printed.

CAUSES REMOVED FROM STATE TO UNITED STATES COURTS.

Mr. SENEY, from the Committee on the Judiciary, reported back favorably a bill (H. R. 8661) to regulate the practice in causes removed from State courts to the circuit court of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. BRAGG, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 10560) to provide for the employment of additional clerical forces by the Secretary of the Treasury and the Secretary of War to be used in adjusting the accounts in the Treasury Department of those funds which under the law belong to the Soldiers' Home, and for other purposes; and the same was referred to the Committee on Appropriations.

INSPECTION OF MEATS FOR EXPORTATION, ETC.

Mr. DUNHAM, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (S. 1644) providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and, with the accompanying reports, ordered to be printed:

A bill (H. R. 790) granting a pension to Austin B. Lynch; and

A bill (H. R. 8753) granting a pension to Malachi Knisell.

ALICE KELLEY.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 2382) granting a pension to Alice Kelley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying, report ordered to be printed.

JOHN GODSON.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (H. R. 6828) granting a pension to John Godson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS LANGWELL.

Mr. STRUBLE, from the Committee on Pensions, also reported back favorably the bill (H. R. 8370) granting a pension to Thomas Langwell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. STRUBLE, from the Committee on Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 280) granting a pension to Joseph Davis;

A bill (H. R. 1386) granting a pension to Thomas N. Loyd;

A bill (H. R. 750) granting a pension to Josiah Moosa; and

A bill (H. R. 7484) for the relief of Algernon M. Cook.

PENSIONS.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back favorably the bill (H. R. 9354) to restore pensions in certain cases; which was referred to the Committee of the Whole House on the state of the Union, and the accompaning report ordered to be printed.

J. A. WILSON.

Mr. NEAL, from the Committee on Claims, reported back with amendment the bill (H. R. 6596) for the relief of J. A. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALEXANDER H. ADAMS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 10751) for the relief of the sureties on the official bond of Alexander H. Adams, late pension agent at Lexington, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ESTATE OF W. W. WEEDON.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back favorably the bill (H. R. 7044) for the relief of the administrator and sureties of W. W. Weedon, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HIRAM BERDAN.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with amendment the bill (S. 2619) authorizing the settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-arms Manufacturing Company; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 10757) to provide for an additional term of the circuit court of the supreme court of the District of

Columbia, and for the appointment of one additional associate justice thereof; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ELEVATORS IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

WASHINGTON SAFE DEPOSIT COMPANY.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported back with amendment the bill (H. R. 9073) enlarging the powers of the Washington Safe Deposit Company, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SECTION 51, REVISED STATUTES.

Mr. HAMMOND, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 10046) to amend and alter section 51 of the Revised Statutes of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. HAMMOND, from the Committee on the Judiciary, also reported back adversely the joint resolution (H. Res. 239) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the people of the States.

Mr. MILLS. Let that go on the Calendar.

Mr. WEAVER, of Iowa. Mr. Speaker, I desire that this resolution be not laid on the table, but go on the Calendar.

The SPEAKER. It will be referred to the House Calendar, and the accompanying report ordered to be printed.

ACCOUNTS OF MARSHALS, ETC.

Mr. OATES, from the Committee on the Judiciary, reported back favorably the bill (H. R. 10076) to amend section 856 of the Revised Statutes of the United States in reference to the payment of accounts of marshals and other officers; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees for reports being concluded, the hour for the consideration of bills called up by committees begins at 1 o'clock and 7 minutes. The call rests with the Committee on Claims.

FLORIDA INDIAN WAR CLAIM.

Mr. DOUGHERTY. I rise for the purpose of calling up for consideration a bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

The SPEAKER. That bill is in the Committee of the Whole House on the state of the Union, and has been partially considered heretofore, upon which occasion the gentleman from Florida [Mr. DOUGHERTY] occupied twenty-seven minutes of his hour, and amendments were agreed to, or at least offered.

Mr. DOUGHERTY. Amendments were adopted by the committee. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

The SPEAKER. The Chair will submit the question to the House.

Mr. DOUGHERTY. Mr. Speaker, before that question is taken, I wish to move that all general debate be limited to five minutes.

Mr. HOLMAN. General debate?

The SPEAKER. That is the motion—that all general debate be limited to five minutes.

Mr. HOLMAN. Upon such a bill as this that means the whole debate unless the bill is being considered by paragraph.

The SPEAKER. It was under discussion during the last session of Congress.

Mr. HOLMAN. I suggest, then, that general debate be limited to fifteen minutes.

The SPEAKER. The bill is being considered under the five-minute rule, and certain amendments were agreed to. General debate had been closed, and the committee was proceeding to consider it by sections.

Mr. DOUGHERTY. I withdraw the motion to close debate, and ask that the question be taken on the motion, that the House resolve itself into the Committee of the Whole.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union (Mr. HAMMOND in the chair).

Mr. DOUGHERTY. Mr. *Chairman, this* bill is the outcome of a joint resolution which passed both Houses, I believe, in the Forty-seventh Congress. The report of the Committee on Claims is based on a statement of facts which do not change, as they are facts of official record. And that report of the committee, so based upon these facts of official record, is a unanimous report.

Now, what are those facts? In the statement of the case I will make them as short as possible. After the outbreak of hostilities in the State of Florida, which resulted in the massacre of the then principal garrison in the southeastern portion of the State, the President called upon the governor of Florida to furnish troops to keep the Indians in check until a number of United States troops could be carried there.

The governor of the State of Florida, acting on the request of the President of the United States, conveyed to him through the Secretary of War, called out those troops. They served until such time as in the judgment of the commanding officer, who belonged to the United States Army, their services were no longer required, and they were discharged after the attention of the executive department of the Government had been called to the fact that no provision had been made for their payment. The governor of Florida was informed that an enrolling officer would be sent there to enroll these troops as United States troops in order that they might be paid as other United States troops were paid. That officer could not get to that State of Florida at that time as a gentleman can from the city of Washington to any portion of that State at the present time. The United States officer in command of those troops, not having been informed of the order to enroll them as United States troops, discharged them before the enrolling officer reached the State of Florida. Then the question came up how should these troops, having been discharged from the service of the United States, in no sense in the service of the United States, but acting under the command of United States officers, called out at the request of the President conveyed to the governor of the State of Florida through the Secretary of War, how were they to be paid? The governor called the Legislature of the State of Florida into extraordinary session, and authorized the issue of 7 per cent. bonds to pay these troops. They owed these troops $97,000 for their services and for subsistence bills which had accrued. Two hundred and twenty-four thousand dollars of bonds were hypothecated with the banks of South Carolina and Georgia, and $132,000 were deposited with the Indian trust fund in Washington city, in the Treasury of the United States; and there those bonds remain to-day, the Government of the United States never having paid one dollar of this money which has been paid out by the State of Florida under the orders, it may be said, if such term could be used, by the highest authority in this country.

The State of Florida, as I have before said, is not asking for any gratuity at the hands of this Government. All she asks is that the Government shall deal with her as it has, by virtue of the possession of this money and having received its benefits, forced her to ask to be dealt with.

Mr. STEELE. Let me ask the gentleman upon what ground has the United States refused to pay this claim up to this time?

Mr. DOUGHERTY. On the ground that they claim the State of Florida owed $132,000 of these very bonds which are now upon deposit as security, to which I have referred.

Mr. ADAMS, of New York. Are these defaulted bonds of your State?

Mr. DOUGHERTY. No, sir; we have never defaulted upon any of our bonds.

Mr. PERKINS. Has the State paid the interest on these bonds?

Mr. DOUGHERTY. Yes, sir; and moneys that should have come to the State under the indemnity for swamp and overflowed lands and for school purposes, instead of being paid to the State, have been held in the Treasury to pay the interest on these bonds.

Mr. ADAMS, of New York. Will the gentleman allow me to interrupt him for a moment?

Mr. DOUGHERTY. Yes, sir.

Mr. ADAMS, of New York. In a letter addressed to the Secretary of the Interior, Mr. Lamar, and published in the Commercial Advertiser of New York some two weeks ago, I find the following:

> It appears from the official records that the Treasury of the United States holds, as custodian for the above beneficiaries (alluding to the Indian tribes), about $1,710,000 of bonds issued by the States of Arkansas, Florida, Louisiana, North Carolina, South Carolina, Tennessee, and Virginia. Either the principal or interest, or both, of these obligations are now in default and have been in that condition for many years past.

I would like to know whether or not the gentleman denies that his State has defaulted upon its portion of these bonds.

Mr. DOUGHERTY. That refers to the $132,000 we have there in the Treasury.

Mr. ADAMS, of New York. Yes, and upon which the interest has not been paid by the State. I intend to introduce a joint resolution directing the Attorney-General to bring suits on behalf of the United States to collect the bonds alluded to in this letter.

Mr. DAVIDSON, of Florida. The State has paid the interest.

Mr. DOUGHERTY. The interest has been paid, and the State asks now that the Government pay her the $224,000 they admit they owe, in order to enable her to make payment of these bonds.

Mr. LONG. Are you willing to deduct the amount due to the Government?

Mr. DOUGHERTY. Yes, sir; the bill so provides.

Mr. WARNER, of Missouri. This deducts the amount due to the United States.

Mr. DOUGHERTY. Yes, sir.

The CHAIRMAN. The question is on agreeing to the amendment of the committee to section——

Mr. HOLMAN. I hope that amendment will be read.

The Clerk read the committee amendment.

Mr. HOLMAN. Mr. Chairman, there are two or three matters in connection with this bill to which I wish to call the attention of the House for a few moments. This bill proposes first to direct the Secretary of the Treasury to settle and adjust the claim of the State of Florida, as reported to Congress by the Secretary of War on March 22, 1882, and to pay to said State such sum of money as he may find to be due the State of Florida by said report, and also "any other sum that may be found due to said State on any other account," &c. That presents the two items to be considered.

In 1881 a joint resolution was passed by Congress directing the Secretary of War to investigate this claim. The Secretary of War on the 22d day of May, 1882, made the following report:

I have the honor to transmit herewith a report prepared in this Department, in accordance with the provisions of a joint resolution approved March 3, 1881, (21st Statutes, 520), for the investigation of the claim of the State of Florida against the United States for the suppression of Indian hostilities between the years 1855 and 1860. A duplicate of this report has this day been transmitted to the President *pro tempore* of the Senate.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The paper to which he there refers as having been transmitted to Congress is a report to him by the Judge-Advocate of the United States Army, Thomas F. Barr, setting forth in detail the various items constituting this claim, and makes the aggregate sum $224,648.09.

Mr. DOUGHERTY. Showing that amount to be due the State.

Mr. HOLMAN. In that report he uses the following language:

The amounts to be reported to Congress in the view taken by me of the provisions of the joint resolution of March 3, 1881, are as follows:

Abstract A	$154,623 66
Abstract B	7,890 92
Abstract C	34,669 74
Abstract D	17,247 39
Abstract E	98 59
Abstract F	395 16
Abstract G	187 90
Abstract H	9,015 81
Abstract I	10 10
Abstract K	501 32
Account of J. M. Cooper	7 50
Total	$224,648 09

an amount less by $54,985.58 than that of the claim as submitted by the State; $11,316.91 of this is for payment of troops for service in 1849, and $6,270.37 for the payment of two companies in cases where both muster and pay rolls are missing and referred to specifically in this report in consideration of Abstract A. The reasons for the failure to include the remainder have been hereinbefore set forth.

Very respectfully, your obedient servant,

THOMAS F. BARR,
Judge-Advocate, United States Army.

The SECRETARY OF WAR.

Now that is the basis of this claim so far as it is reported to Congress. But my friend will see—a fact I have mentioned, although I had not noticed it till this morning—that it goes further:

And also any further sums that may be found to be due the said State on any other account.

This bill directs the Secretary of the Treasury to make this settlement. It was the Secretary of War that was called on by the joint resolution mentioned to make the report. Now the Secretary of the Treasury is directed to predicate this settlement upon the report made by the Secretary of War, and also go beyond that and adjust any further accounts due the State of Florida by the United States.

Mr. DOUGHERTY. That is the object of the bill, to bring about the final settlement between the Government of the United States and the State of Florida.

[Here the hammer fell.]

Mr. STEELE was recognized and yielded his time to Mr. HOLMAN.

Mr. HOLMAN. There is one other matter to which I wish to advert, having called attention to the data now before the House being the report of the Secretary of War. Gentlemen will see that it is a misfortune the Secretary of War did not fully perform the duty which seems to have been devolved upon him. He simply submits to Congress the report of the Judge-Advocate as to the amount of the claim without any expression of opinion. He submits that report without any explanation or any opinion on his own part.

Mr. DOUGHERTY. Does he not admit that the Government owes the State $224,000?

Mr. HOLMAN. The Secretary of War states what I have read. He, of course, submits to the two Houses of Congress the report made to him, and raises no question in regard to it. He expresses no affirmation of the facts set forth.

Mr. DAVIDSON, of Florida. Does it not appear from that report that the General Government does owe the State of Florida at least $224,648.09 for expenses incurred in the suppression of Indian hostilities between the 1st day of December, 1855, and the 1st day of January, 1860?

Mr. BRADY. The Secretary of War makes the Judge-Advocate's report his report.

Mr. HOLMAN. I am simply calling attention to the facts, as my friend must see, that Thomas F. Barr, the Judge-Advocate of the Army, makes this report as the amount of the claim, and he makes the sum of the aggregate of the claim, the amount to be reported to Congress, $224,648.09. The Secretary of War expresses no opinion.

Then there is one other point.

It is stated in the preamble to this bill that the State of Florida had become indebted to the United States by the Government holding a certain portion of its bonds, I suppose for the benefit of some Indian tribe.

Mr. DAVIDSON, of Florida. Let me correct the gentleman from Indiana again. These bonds were for the purpose of suppressing Indian hostilities, for raising money to carry on this war, and the State deposited its bonds in the United States Treasury.

Mr. HOLMAN. Were not the bonds held for some one Indian tribe?

Mr. DAVIDSON, of Florida. No, sir.

Mr. HOLMAN. These were the bonds of the State of Florida——

Mr. DAVIDSON, of Florida. On which money was raised to suppress the Indian hostilities.

Mr. HOLMAN. The United States advanced money to Florida on its bonds to the amount of $130,000?

Mr. DAVIDSON, of Florida. Yes, sir.

Mr. HOLMAN. And they represent the very money advanced to the State for the purpose of suppressing these hostilities?

Mr. DAVIDSON, of Florida. That is what the report states.

Mr. HOLMAN. And it is proposed on the whole indebtedness that may be found due of the United States to the State of Florida the same rate of interest, 7 per cent., should be paid? Is that correct?

Mr. DOUGHERTY. Yes, sir.

Mr. HOLMAN. Now, if that is correct the question is whether if it is proper that on the amount found due the State of Florida beyond the amount of those bonds this rate of interest, 7 per cent., should be allowed. Is it according to the practice of the Government to allow interest on claims at 7 per cent., or at any other per cent.? As to the interest paid to the United States by Florida on the bonds, of course if the United States was indebted to Florida to the amount of the bonds or a greater amount the United States to the amount of the interest on the bonds should pay the same interest.

Mr. DOUGHERTY. That would make no difference. The gentleman from Indiana starts out with the proposition that this House should not pay this money because the Secretary of War does not recommend it.

Mr. HOLMAN. Will my friend allow me? He states it too strongly. I say it is subject for regret that the Secretary of War did not recommend the specific sum that ought to be paid.

Mr. DOUGHERTY. If the Secretary of War had made such a recommendation he would have gone outside the resolution by which he was called upon to act. In support of that statement I will read the resolution:

That the Secretary of War be, and is hereby, authorized to investigate, ascertain, and report to Congress as soon as practicable the amount of the claims of the State of Florida for expenditures made in suppressing Indian hostilities in that State between the 1st day of December, 1855, and the 1st day of January, 1860.

He was not required to make any recommendation. He was only required by that resolution to do just the identical thing he did do, to ascertain the amount of money that was the subject of controversy between the State of Florida and the Government of the United States, and report that to Congress.

Representing here the interests of the people of the State of Florida, I do not propose that the time which the rules of the House allow for the discussion of this bill shall be frittered away. Take the remarks of the gentleman from Indiana, those remarks which stopped the passage of this bill at the last session of Congress, and apply them to the facts of this case, and they are just as pertinent as the composition of a school-boy to the discussion of a constitutional or legal question. I move that the committee rise and report the bill to the House.

Mr. HOLMAN. The gentleman from Florida can not take me off the floor by that motion. My friend does not even put the case as strongly as his case ought to be put. I think the report might be construed as indicating the amount due, but the Secretary of War was only called on to "investigate, ascertain, and report to Congress" "the amount of the claim of the State of Florida."

Mr. DOUGHERTY. There has been a report.

Mr. HOLMAN. But my friend places stress upon the fact that the Secretary of War is called upon to report the amount of the claims.

Mr. DOUGHERTY. That is what he has done.

Mr. HOLMAN. I am putting a better construction upon that language for the gentleman's case than he puts upon it himself. Taking the language literally, it means simply that the Secretary is to report the amount of the claim of the State of Florida. Now, I am assuming——

Mr. DOUGHERTY. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DOUGHERTY. The gentleman from Indiana has consumed his

time; I had the floor, and I made a motion that the committee rise and report the bill to the House.

The CHAIRMAN. That motion was not in order, because there are amendments pending.

Mr. HOLMAN. The gentleman misapprehends me. I see he thinks that I wish to consume the time that could be readily done. I do not wish to do anything of the kind; I simply want to have this matter distinctly understood by the House. I see that the chairman of the Committee on Claims, from which this report comes, is not in his seat——

Mr. DOUGHERTY. I made the report.

Mr. HOLMAN. But the chairman of the committee is not in his seat; and if such a large sum of money is to be appropriated I wish that the facts shall be distinctly understood.

Mr. DAVIDSON, of Florida. Will the gentleman from Indiana permit me a question?

Mr. HOLMAN. Yes, sir.

Mr. DAVIDSON, of Florida. Has the gentleman from Indiana read this report of the Secretary of War?

Mr. DOUGHERTY. No; he has not.

Mr. HOLMAN. I have it before me, and have read it. The gentleman [Mr. DOUGHERTY] has got to treat me a little more courteously, or there may be some delay in this matter.

Mr. DOUGHERTY. I disclaim all intention to treat the gentleman with discourtesy. I have the highest respect for him.

Mr. HOLMAN. Oh, certainly—pending this bill. [Laughter.] Now, Mr. Chairman, if a further amendment is in order, I shall move to strike out certain words.

The CHAIRMAN. The question is on the amendment to the second section.

The amendment was agreed to.

Mr. DOUGHERTY. What is the amendment proposed by the gentleman from Indiana [Mr. HOLMAN]?

Mr. HOLMAN. I move to strike out these words:

And also any further sum that may be found to be due said State on any other account.

I think Congress ought to determine the sum to be paid.

Mr. DOUGHERTY. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOUGHERTY. Was the vote last taken upon the committee's amendment?

The CHAIRMAN. The Chair understood the first amendment pending to be one offered by the committee.

Mr. DOUGHERTY. That is correct. There were two amendments. Now I ask for a vote upon the second. I will state that these amendments are merely verbal.

The CHAIRMAN. The Chair misstated the amendment last voted upon in stating that it was to the second section. The first of the pending amendments is to the first section. The Clerk will report the amendment.

The Clerk read as follows:

Insert in lines 18 and 19 the words "upon said claim or claims."

Mr. HOLMAN. I wish to offer an amendment to that so as to make it read—

Upon said claim or claims to the extent of said bonds.

The CHAIRMAN. The rule requires that amendments shall be in writing, and shall be sent to the Clerk's desk.

Mr. DOUGHERTY. Then the gentleman from Indiana [Mr. HOLMAN] means that they shall only pay us $132,000?

Mr. HOLMAN. Yes, as to the interest at 7 per cent., that it shall only be equal to the interest the State has paid.

Mr. REED. I think we ought to get a percentage away from the State of Florida in some way, if we can. It seems a shame to let a bill be paid simply because it is due. [Laughter.]

Mr. HOLMAN. Mr. Chairman, my amendment applies to the interest on the money. I am willing that the interest on any sum due to Florida shall be at the rate of 7 per cent. up to the amount of the interest paid by the State at 7 per cent. on bonds, because the State of Florida, I suppose, paid that interest, and at that rate, but I am not willing the Government shall pay interest upon the balance at 7 per cent. I do not think that, according to our practice, interest ought to be allowed. It is not allowed to private parties and ought not to be allowed to States if not to private parties, but up to the amount of the interest on the bonds the United States should pay the same rate the State of Florida has paid.

The CHAIRMAN. The Clerk will report the first amendment to the first section.

The Clerk read as follows:

Strike out, in section 1, lines 9, 10, and 11, the words "and also any further sums that may be found to be due the said State on any other account."

Mr. DOUGHERTY. Mr. Chairman, I hope that amendment will not prevail.

Mr. DAVIDSON, of Florida. I would like to explain what accounts the report alludes to when it says that the General Government is indebted to the State of Florida on other accounts besides the Indian accounts. By an act of Congress passed March 3, 1845, entitled "An act supplementary to the act for the admission of Florida and Iowa into the Union, and for other purposes," provision was made that 5 per cent. of the cash proceeds of the public lands sold in the State of Florida should be paid to that State. On that account the Government now owes the State, as will appear from the records here in Washington, more than $40,000.

Mr. HOLMAN. But the general law provides for the settlement of all that.

Mr. DAVIDSON, of Florida. No, sir.

Mr. PLUMB. I would like to ask the gentleman from Florida one question: whether any part of the money proposed to be paid under this bill is for the expenses of the Seminole war?

Mr. DOUGHERTY. All of it.

Mr. DAVIDSON, of Florida. Well, it is not for the expenses of the Seminole war proper—the war of 1836–'40–'42—but it is to pay the expenses of suppressing Indian hostilities; and the Indians engaged in those hostilities were the Seminoles, which is what my colleague [Mr. DOUGHERTY] means to say.

Mr. PLUMB. I refer to that Seminole war in which the troops of the United States were sent down into Florida for the purpose of recapturing and bringing back fugitive slaves. Is this that war?

Mr. DOUGHERTY. Oh, no.

Mr. DAVIDSON, of Florida. Nothing of that kind.

Mr. STORM. There never was such a war. [Laughter.]

Mr. DAVIDSON, of Florida. I do not remember any such war.

The question being taken on the amendment of Mr. HOLMAN, it was not agreed to; there being—ayes 36, noes 92.

The question then recurred on the following amendment of Mr. HOLMAN; which was read:

At the end of section 1 insert the words "to the extent of said bonds."

Mr. HOLMAN. The effect of this amendment is that this remuneration to the State for interest shall only be made to the extent to which the State may have paid interest on these bonds.

Mr. DOUGHERTY. "May have paid!" It has been and is paying it. I hope the amendment will not prevail.

Mr. BUCHANAN. The gentleman from Indiana will allow me to suggest that his amendment does not mean what he means it to mean. The amendment provides that interest shall be allowed "to the extent of said bonds;" that is, to the extent of the whole principal of the bonds, which is what the gentleman does not mean.

Mr. HOLMAN. No; it is not intended to convey, and does not convey, that meaning. It means to the extent that interest may have been paid on those bonds. But if the gentleman wishes it clearer it can be made to read "to the extent of the interest paid on said bonds."

The question being taken on agreeing to the amendment as modified, there were—ayes 34, noes 78.

Mr. STEELE. No quorum.

Tellers were ordered; and Mr. STEELE and Mr. DOUGHERTY were appointed.

The committee again divided; and the tellers reported—ayes 11, noes 101.

Mr. STEELE. I see there is a quorum present, though not voting. I will not compel the House to wait for the vote of a quorum.

The CHAIRMAN. On this question the ayes are 11, the noes 101. The amendment is rejected.

The Clerk will now read an amendment reported by the Committee on Claims.

The Clerk read as follows:

In line 8 of section 2 strike out the words "and to pay such sums so ascertained due the said State," and insert "and shall adjust and settle the claim of the State therefor, and shall pay such sum as may be ascertained to be due the State thereon."

Mr. DOUGHERTY. This is an amendment reported by the committee.

The amendment was agreed to.

The CHAIRMAN. All the amendments have now been acted on.

Mr. DOUGHERTY. I move that the committee rise and report the bill back to the House as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes, had directed him to report the same back with sundry amendments.

The SPEAKER. The question is, first, on agreeing to the amendments reported from the Committee of the Whole House on the state of the Union. Is a separate vote demanded on any amendment?

Mr. DOUGHERTY. I ask that the amendments may be voted on as a whole.

The SPEAKER. If no separate vote be demanded, the question will be put on agreeing to the amendments in gross.

The amendments were agreed to.

Mr. PERKINS. The gentleman from Indiana [Mr. HOLMAN] of-

fered in Committee of the Whole an amendment which was voted down. I think the gentleman from Florida would now permit that amendment to be again offered; and with that amendment, I believe there will be no objection to the bill.

Mr. DOUGHERTY. I demand the previous question upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The question being taken on ordering the bill to be engrossed and read a third time, there were—ayes 91, noes 30.

Mr. PERKINS and Mr. BRUMM. No quorum.

Tellers were ordered; and Mr. PERKINS and Mr. DOUGHERTY were appointed.

The House proceeded to divide. Before the count was concluded—

Mr. DOUGHERTY said: Mr. Speaker, it is suggested to me by several gentlemen that the bill at one point is somewhat indefinite in its phraseology; and if it be in order, I am willing to accept an amendment offered, I believe, by the gentleman from Indiana. The amendment, as I understand, was to strike out——

Mr. PERKINS. What we desire is to strike out the words "and also any further sums that may be found to be due the said State on any other account." If these words be stricken from the bill, I think there will be no objection to its passage.

Mr. HOLMAN. I would suggest that the other amendment restricting the interest to be paid is still more important and ought to be adopted.

Mr. DAVIDSON, of Florida. I desire to suggest to the gentleman from Indiana that the State has been obliged to pay interest, not only upon the amount of the bonds, but upon the balance of the debt over and above the bonds.

Mr. PERKINS. If I am permitted to offer the amendments I have suggested I will withdraw my demand for a quorum.

Mr. DOUGHERTY. I ask by unanimous consent that the amendment striking out those words be agreed to.

There was no objection, and it was ordered accordingly.

Mr. PERKINS. I now withdraw my demand for a quorum.

The bill was ordered to be engrossed and read a third time, and, being engrossed, it was accordingly read the third time, and passed.

Mr. DOUGHERTY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

ADVANCES TO THE UNITED STATES.

The SPEAKER. The Committee on Claims is still under call.

Mr. TRIGG. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of taking up and considering a bill (H. R. 2498) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCCREARY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill (H. R. 2498) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury be authorized and instructed to examine the accounts between the United States and the States of New York, Pennsylvania, Delaware, Virginia, and South Carolina, and between the United States and the city of Baltimore, growing out of moneys expended by such States and by the city of Baltimore for military purposes in the war of 1812 with Great Britain, and apply in each examination, computation of interest, and settlement the provisions and principles of the twelfth section of the act of March 3, 1857, entitled "An act making appropriations for certain civil expenses of the Government for the year ending June 30, 1858," and that there be paid to such States and to the city of Baltimore any sums that shall so be found to be due them at the time of payment, out of any money in the Treasury not otherwise appropriated: *Provided*, That the Secretary of the Treasury be, and is hereby, required in such settlements to observe the act entitled "An act prescribing the duty of the Secretary of the Treasury in certain cases therein named," approved March 25, 1870, and make the deductions as therein required.

The Clerk read the amendment of the committee, as follows:

Insert after the end of the bill:

"Also making a deduction as of the 8th day of July, 1870, of the amount of principal and interest due at that date upon any bonds of the said States, matured or unmatured, held by the United States, surrendering said bonds so far as as they are included in said settlement: *And provided also*, That the balance remaining due of the direct tax apportioned to the State of Virginia by the direct tax act of August 5, 1861, be held and treated as a proper set-off against the claims of the State of Virginia in the adjustment herein required, unless Congress shall otherwise provide by general law, releasing all claims for said direct tax or refunding all payments of such tax heretofore paid."

Mr. TRIGG. Mr. Chairman, I only desire to state that this bill has been unanimously reported by the Committee on Claims. There has been no division in committee on it, as it simply provides for settlement at the Treasury of balances of money advanced by these States to the Government. It provides for all proper offsets. I do not think it necessary to make any statement to the House about it unless some gentleman wishes to ask a question. I move the House agree to the amendment of the committee.

Mr. BRAGG. I desire to move that the Committee of the Whole on the state of the Union report the bill back with the recommendation it be referred to the Committee on War Claims. I refer the Chairman to Rule XI, which provides that claims arising out of any war in which the United States has been engaged shall be referred to the Committee on War Claims.

These claims seem to have been referred to the Committee on Claims instead of to the Committee on War Claims, which is the proper committee to have considered them.

Mr. TRIGG. I will state for the information of the gentleman from Wisconsin that this is in no sense a war claim. It was referred to the Committee on Claims, and if it had been a war claim in any sense it would not have been considered by that committee. It is for money advanced by certain States and the city of Baltimore to the Government.

Mr. BRAGG. In the war of 1812.

Mr. TRIGG. In the war of 1812 and 1814, and the House has acted upon the matter by reference of the bill to the Committee on Claims.

Mr. BRAGG. It seems to me under the rules of the House it properly belongs to another committee.

The CHAIRMAN. The gentleman from Wisconsin moves to recommit the bill to the Committee on War Claims.

Mr. TUCKER. I think the gentleman from Wisconsin intends to move that the committee rise and report the bill to the House with the recommendation that it be referred to the Committee on War Claims.

Mr. BRAGG. That is my motion.

The committee divided; and there were—ayes 15, noes 92.

So the motion was disagreed to.

The question recurred on the amendment of the committee; which was agreed to.

Mr. TRIGG. I move that the bill be reported to the House with the recommendation it do pass as amended.

Mr. HOLMAN. I hope some amendment will be made as to the amount involved—as to what amount will be due to these States if this should become a law; and, further, I should like to know whether the claims of all these States were not adjusted some years ago?

Mr. TUCKER. Mr. Chairman, substantially this same bill was reported by the Judiciary Committee of the House at the last Congress. Now, as to how much is due these States it is impossible to say; but, so far as Virginia is concerned, the whole question turns right here:

The Government borrowed of these different States and the city of Baltimore, during the war of 1812, large sums of money to conduct the war. When it paid certain amounts upon the debt from time to time, upon the books of the Government of the United States the amounts so paid were credited upon the principal of the debt, and not upon the accrued interest.

[Here the hammer fell.]

The CHAIRMAN. The hour for the consideration of bills has expired.

The Committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 2498) had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HEARD. I call up the special order fixed for to-day.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Missouri.

The Clerk read as follows:

A bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

Mr. BELMONT. Mr. Speaker, I desire to raise the question of consideration for the purpose of moving that the House go into Committee of the Whole to take up and consider the diplomatic and consular appropriation bill.

The SPEAKER. The gentleman from New York raises the question of consideration.

Mr. HEARD. Mr. Speaker——

The SPEAKER. The question is not debatable except by unanimous consent.

Mr. HEARD. I only desire to say that on the second Monday of this month the House, by an almost unanimous vote, fixed this day for the consideration of the bill I have called up, and I hope it will not be taken up by any other business, especially by an appropriation bill upon which there is no danger of an adjournment without consideration.

Mr. BELMONT. I would like to state that for some time past the diplomatic and consular bill has been ready for consideration and it is later than usual for such a bill to be brought before the House. It seems to me that this is not a special order fixed for to-day, but the order simply provided that there should be a postponement of the consideration of the bill the gentleman desires to bring up. Not being a special order, and regarding it as important that the appropriation bill

should be taken up and sent to the Senate without delay, I therefore raise the question of consideration.

Mr. BLOUNT. Mr. Speaker, I hope I may be permitted to say a word, possibly in the way of debate on the motion. While it is true the House did fix a day, and this day, for the consideration of the cable bill, it did so knowing that if appropriation bills came up the question of consideration could be raised.

Mr. HEARD. There is no doubt of it.

Mr. BLOUNT. And it seems to me that with three appropriation bills pressing, and the District of Columbia having a day in each month fixed for the consideration of its bills, it would not be a wise thing for the House to do to set aside the consideration of an appropriation bill to take up and consider the bill referred to by the gentleman from Missouri, which can be taken up on any District day that the committee chooses.

Mr. BURROWS. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. Is this a continuing order?

The SPEAKER. The Chair will state that this bill was under consideration in Committee of the Whole House on the second Monday of the present month, the 10th of January, and was reported from the Committee to the House with the recommendation that its further consideration be postponed until to-day. It is not a continuing order.

But the Chair will state in further response to the gentleman from Michigan that it is always in the power of the Committee on the District of Columbia to call up, on the day assigned to it under the rules of the House, any measure of which it has charge.

Mr. BURROWS. Therefore if this bill is dispossessed to-day, by taking up the appropriation bill, it will lose its place?

The SPEAKER. It will stand with the other business of the Committee on the District of Columbia to be called up on its day.

Mr. BURROWS. It is a little remarkable, it seems to me, that the appropriation bills should be found pressing to-day when they have been reported for a long time and have been resting quietly on the Calendar.

Mr. BLOUNT. It is not any more remarkable than that there should be so much urgency in taking up this bill and considering it to-day when the Committee on the District of Columbia have it in their power to call it up at any time when they have the floor.

The SPEAKER. The question is, Will the House proceed to consider the bill the title of which has just been read?

The question was taken; and on a division there were—ayes 109, noes 54.

Mr. BLOUNT and Mr. BELMONT demanded the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

Mr. BLOUNT. There appears to be some misunderstanding as to the title of the bill which the gentleman from New York wishes to reach.

The SPEAKER. The Chair will state that the gentleman from Missouri calls up the bill known as the traction railway bill, and against it the gentleman from New York raises the question of consideration. The question is, will the House proceed to consider that bill.

Mr. BELMONT. Mr. Speaker, I think it would be proper to state the title of the bill which I shall call up if this motion is not adopted. [Cries of "Regular order!"]

The SPEAKER. The title of the bill has been stated.

Mr. McCREARY. I wish to make a parliamentary inquiry.

Mr. DUNHAM and others demanded the regular order.

The SPEAKER. The regular order has been demanded, and the Clerk will proceed with the roll-call.

The question was taken; and there were—yeas 160, nays 74, not voting 83; as follows:

YEAS—160.

Adams, G. E.	Culberson,	Harmer,	Lowry,
Allen, C. H.	Curtin,	Hatch,	Lyman,
Baker,	Dargan,	Hayden,	Markham,
Barksdale,	Davidson, A. C.	Haynes,	Martin,
Bayne,	Dorsey,	Heard,	Matson,
Bingham,	Dunham,	Hemphill,	Maybury,
Blanchard,	Ely,	Henderson, D. B.	McComas,
Bliss,	Evans,	Henley,	McKenna,
Bound,	Everhart,	Hermann,	McMillin,
Boutelle,	Farquhar,	Hiestand,	Moffatt,
Brady,	Felton,	Hill,	Morrill,
Bragg,	Findlay,	Hires,	Morrow,
Breckinridge, C. R.	Fleeger,	Holmes,	Murphy,
Brown, C. E.	Foran,	Hudd,	Negley,
Brown, W. W.	Forney,	Irion,	Nelson,
Brumm,	Frederick,	James,	Oates,
Buchanan,	Fuller,	Johnson, F. A.	O'Donnell,
Buck,	Funston,	Johnston, J. T.	O'Hara,
Bunnell,	Gallinger,	Jones, J. T.	O'Neill, Charles
Burrows,	Gay,	Kelley,	O'Neill, J. J.
Campbell, J. M.	Gibson, C. H.	Ketcham,	Osborne,
Campbell, J. E.	Gilfillan,	King,	Owen,
Campbell, T. J.	Grosvenor,	Kleiner,	Parker,
Cannon,	Grout,	La Follette,	Payne,
Carleton,	Guenther,	Landes,	Peel,
Caswell,	Hale,	Lawler,	Perkins,
Clardy,	Hall,	Libbey,	Perry,
Conger,	Halsell,	Long,	Peters,
Cooper,	Hanback,	Lore,	Pettibone,
Reed,	Skinner,	Symes,	Wade,
Robertson,	Snyder,	Tarsney,	Wadsworth,
Rockwell,	Spooner,	Taylor, E. B.	Wakefield,
Romeis,	Springer,	Taylor, I. H.	Ward, J. H.
Rowell,	Steele,	Thomas, J. R.	Ward, T. B.
Ryan,	Stephenson,	Thomas, O. B.	Warner, William
Sadler,	Stone, W. J., Ky.	Townshend,	Weaver, J. B.
Sawyer,	Strait,	Trigg,	Weber,
Scranton,	Struble,	Van Eaton,	White, A. C.
Sessions,	Swinburne,	Van Schaick,	Wilkins,
Seymour,	Swope,	Viele,	Winans.

NAYS—74.

Anderson, C. M.	Daniel,	Johnston, T. D.	Sayers,
Anderson, J. A.	Davidson, R. H. M.	Jones, J. H.	Scott,
Barbour,	Davis,	Lanham,	Seney,
Barnes,	Dawson,	McAdoo,	Shaw,
Belmont,	Dingley,	McCreary,	Sowden,
Blount,	Dougherty,	McRae,	Stewart, Charles
Breckinridge, W. C. P.	Eden,	Miller,	Storm,
Burnes,	Ellsberry,	Mills,	Taylor, J. M.
Bynum,	Ermentrout,	Morrison,	Tillman,
Cabell,	Geddes,	Muller,	Turner,
Caldwell,	Glass,	Neal,	Wait,
Catchings,	Hammond,	Norwood,	Wallace,
Clements,	Harris,	O'Ferrall,	Wellborn,
Cobb,	Henderson, J. S.	Phelps,	Willis,
Comstock,	Herbert,	Plumb,	Wilson,
Cowles,	Hitt,	Randall,	Wise,
Cox, W. R.	Holman,	Rice,	Worthington.
Crain,	Hopkins,	Richardson,	
Crisp,	Howard,	Riggs,	

NOT VOTING—83.

Adams, J. J.	Dibble,	Little,	Smalls,
Aiken,	Dockery,	Louttit,	Spriggs,
Allen, J. M.	Dunn,	Lovering,	Stahlnecker,
Atkinson,	Eldridge,	Mahoney,	Stewart, J. W.
Bacon,	Fisher,	McKinley,	St. Martin,
Ballentine,	Ford,	Merriman,	Stone, E. F.
Barry,	Gibson, Eustace	Millard,	Stone, W. J., Mo.
Bennett,	Glover,	Milliken,	Taulbee,
Bland,	Goff,	Mitchell,	Taylor, Zach.
Boyle,	Green,	Morgan,	Thompson,
Browne, T. M.	Henderson, T. J.	Neece,	Throckmorton,
Burleigh,	Hepburn,	Outhwaite,	Tucker,
Butterworth,	Hiscock,	Payson,	Warner, A. J.
Campbell, Felix	Houk,	Pidcock,	Weaver, A. J.
Candler,	Hutton,	Pindar,	West,
Collins,	Jackson,	Ranney,	Wheeler,
Compton,	Laffoon,	Reagan,	White, Milo
Cox, S. S.	Laird,	Reese,	Whiting,
Croxton,	Le Fevre,	Rogers,	Wolford,
Cutcheon,	Lehlback,	Rusk,	Woodburn.
Davenport,	Lindsley,	Singleton,	

So the House agreed to consider the bill.

Mr. LORE. I ask unanimous consent to dispense with the reading of the names.

Objection was made.

The following additional pair was announced:

Mr. LITTLE with Mr. STONE, of Missouri, on this bill.

The result of the vote was then announced, as above stated.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KELLEY, for two days, on account of important business.

To Mr. GLOVER, for this day, on account of sickness.

WASHINGTON CABLE RAILWAY OF THE DISTRICT OF COLUMBIA.

The House proceeded to consider the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

Mr. HEARD. I desire, if in order, to offer a substitute for the bill, and when the substitute shall have been read, if it be permitted to be read, I shall then desire to explain the differences from the original draught proposed to be made by the substitute. I move to strike out all after the enacting clause in the bill and insert as a substitute therefor what I send to the desk.

The Clerk read the proposed substitute, as follows:

SUBSTITUTE FOR H. R. 8976.

A bill to incorporate the Washington Cable Railway Company of the District of Columbia.

Be it enacted, &c., That William M. Galt, Albert W. Fletcher, Charles Payson, Lawrence Gardner, James E. Fitch, William Dickson, Charles J. Bell, William W. Dudley, A. T. Britton, O. G. Staples, E. K. Johnson, and B. H. Warner, all of Washington, D. C.; William Hanway, of Maryland; John R. Read, of Philadelphia; William Gladding, Charles E. Henry, and George M. Roads, of Pennsylvania; and John W. Hall, of Baltimore; and their associates, successors, and assigns be, and they are hereby, created a body corporate under the name of the Washington Cable Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with the necessary switches, turnouts, and other mechanical devices, *and sewer connections* necessary to operate the same by cable *or electric* power, in the District of Columbia, through and along the following avenues and streets, with the privilege of entering the Capitol grounds under such restrictions as the Architect of the Capitol *and the engineer commissioner of the District* may prescribe: *Commencing at the corner of Georgia avenue and Eleventh street southeast; thence along Eleventh street to M street; thence along M street to Tenth street; thence along Tenth street to Georgia avenue; thence along Georgia avenue to Eleventh street, with single track; thence north along Eleventh street to B street; thence west along B street to North Capitol street; thence along North Capitol street to C street; thence along C street to First street northwest; thence from First street along Indiana avenue to D street; thence west along D street to Fourteenth street northwest; thence north on Fourteenth street to New York avenue; thence along New York avenue to Fifteenth street and Pennsylvania avenue; thence west on Pennsylvania avenue to Seventeenth street; thence south on Seventeenth street to G street; thence west on G street to Twenty-fourth street, double track; thence north on Twenty-fourth street to K street; thence west on K street to Twenty-sixth*

street; also west on G street from Twenty-fourth to Twenty-sixth streets, and north on Twenty-sixth street to K street, single tracks; west on K street from Twenty-sixth street across Rock Creek on K street bridge, and along Water street to Thirtieth street, double tracks; thence north on Thirtieth street to Stoddard street; thence west on Stoddard street to High street; thence north on High street to T street; thence west on T street to Thirty-fifth street; thence south on Thirty-fifth street to N street; thence east on N street to Thirty-first street; thence south on Thirty-first street to Water street, and east on Water street to Thirtieth-street, single tracks; with privilege of extending with double track along the prolongation of T street, West Washington, called The New Cut Road to Drovers' Rest; also, with privilege of extending a double-track line from Eleventh street southeast, along Pennsylvania avenue to the Eastern Branch, and across the same to the District line. Also, commencing at P and Water streets southwest, along Water to Twelfth street; along Twelfth to B street northwest, with double tracks. Also along Twelfth from B street northwest to Boundary, thence along Boundary to Thirteenth street, thence along Thirteenth to B street northwest, thence along B to Twelfth street, with single track; with privilege of extending with double track along Thirteenth street beyond Boundary to Whitney avenue, and *thence to* Soldiers' Home. Also, commencing at Twelfth and B street northwest, along B to Sixth street, *along Sixth to Louisiana avenue northwest, with double track, also along Sixth to S northwest, along S to Eighteenth street, along Eighteenth to T street, along T to Sixth street and Boundary, along Sixth street to S street; also, along Boundary to Fifth street northwest, along Fifth to Louisiana avenue, and along Louisiana avenue to Sixth street, with single track, making all proper connections so as to make said lines continuous; provided that when said lines coincide with the duly authorized lines of any other duly incorporated street railway of the District of Columbia, said Washington Cable Railway shall lay separate and independent tracks in the original construction of the said lines whenever in the judgment of the engineer commissioner of the District it shall be deemed by him possible and practicable so to do.* Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street railway company in the District of Columbia, either or both companies may use the same tracks, *when on account of the width of the streets, or for other sufficient reason, it shall be deemed by the engineer commissioner of the District to be necessary*, and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies fail to agree upon equitable terms, either of said companies may apply, by petition, to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable power, or such other motive power as it shall use to propel its own cars with on the routes prescribed in this act, and may repair and construct such portions of its road as may be upon the line or route or routes of any other road thus used; and in case of any disagreement regarding such construction or repairs with any company whose line is thus used, such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate of fare not exceeding 5 cents for each passenger for each continuous ride between all points of its main and branch lines, *but may sell tickets in packages of six each for 25 cents per package, and Congress may at any time change and regulate the rate of fare to be charged.* Said road shall be deemed real estate and its *franchise and* property be liable to taxation, as other real estate and personal property in the District of Columbia, and its property and franchise shall be liable to sale for non-payment of the same. Said railway shall be constructed of good materials and in a substantial manner, with the rails of the most approved patterns, laid upon an even surface with the pavement of the street, imbedded in concrete, with the gauge to correspond with that of other city railroads, all to be approved by the engineer commissioner of the District. The tracks of said railway, the space between the tracks, and 2 feet beyond the outer rails thereof, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good order, at its own expense, and subject to the approval of the engineer commissioner aforesaid. It shall be lawful for said corporation, its successors or assigns, to operate its said road by cable *or electric* power, and to make all needful and convenient trenches and excavations *and sewer connections* in any of said streets or places where said corporation may have the right to construct and operate its road, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid. It shall also be lawful for said corporation, its successors or assigns, to erect and maintain at such convenient and suitable points along its lines as may seem most desirable to the board of directors of said corporation, and subject to the approval of the engineer commisioner of the District, an engine-house or houses, boiler-house, and all other buildings necessary for the successful operation of a cable-motor railroad. The rate of speed on said road shall not exceed nine miles an hour, under a penalty of $50 *for each offense*, recoverable by the commissioners of the District by suit in any court of competent jurisdiction; and the main line of said road shall be completed within *two* and its branches within *three* years from the passage of this act. *And in case the incorporators as named in this bill, or their assigns, associates, and successors shall, at the expiration of two years from the passage of this act, have failed or neglected to have completed said main line, then the President of the United States may name eighteen other citizens of the United States, who shall, as to the uncompleted portions of said lines, be entitled to complete the said road under the said restrictions as are provided in the bill, to the exclusion of the said incorporators named in this section. The main line being that portion of said lines lying between Georgetown or West Washington and the Navy Yard, at corner of Eleventh and M streets southeast, and running in the general direction of east and west.*

SEC. 2. The capital stock of said company shall *not exceed* $3,000,000 *and be not less than* $2,000,000, in shares of $50 each; said company shall require the subscribers to the capital stock to pay in cash, to the treasurer appointed by the corporators, the amounts severally subscribed by them, as follows, namely: *Ten per cent. at the time of subscribing and 5 per cent. each thirty days thereafter, until 50 per cent. thereof shall have been paid; the balance of such subscription to be paid at such times and such amounts as the board of directors may require*, and no subscription shall be deemed valid unless the 10 per centum thereof shall be paid at the time of subscribing, as hereinbefore provided. And if any stockholder shall refuse or neglect to pay any instalment as aforesaid, or as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said instalment (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due), under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said body may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require: *Provided, That no cars shall be run without a conductor for the collection of fares.* The said company shall buy, lease, or construct passenger-rooms, ticket offices, workshops, depots, lands, and buildings as they deem necessary, at such points along its line as may be approved by the engineer commissioner of the District, and as the business of the railway and the convenience of the public may require. And the said corporation shall have the right to issue bonds, secured by mortgage of its franchise and property, real and personal; and the said bonds to be issued shall not exceed $40,000 for each mile of construction of single track. Within thirty days after the passage of this act, the corporators named in the first section, their associates, successors or assigns, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder shall cause books of subscription to the capital stock of said company to be opened, and kept open, in some convenient and accessible place in the District of Columbia, from 9 o'clock in the forenoon till 5 o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for); and said corporators shall give public notice, by advertisement in the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed, to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the 10 per cent. at the time of subscribing, except lawful money or certified checks from any established *national* banking-house. And when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, their associates, successors or assigns, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for five days in two public newspapers published in the city of Washington, and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year, and till others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the board, who shall be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, who shall give a bond, with surety, to said company, in such sum as the said directors may require for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise, of any director, the vacancy occasioned thereby shall be filled by the remaining directors. The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper, touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders. Said company shall have at all times the free and uninterrupted use of the roadway; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than $25 nor more than $100 to said company, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. No person shall be prohibited the right to travel on the cars of said road, or ejected therefrom by the company's employés, for any other cause than that of being drunk, disorderly, unclean, or contagiously diseased, for the use of obscene or profane language, or refusing to pay the legal fare, or to comply with the lawful regulations of the company. The said Washington Cable Railway Company of the District of Columbia shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction. The principal offices of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

SEC. 4. This act may at any time be altered, amended, or repealed by the Congress of the United States.

Mr. McCREARY. I desire to offer an amendment.

The SPEAKER. To what does the gentleman propose the amendment—to the original bill or to the substitute?

Mr. McCREARY. To the substitute.

The Clerk read the proposed amendment, as follows:

After the word "act" in section 1, line 125, insert:

And if work is not commenced and prosecuted in good faith on the main line in six months after the passage of this act, then the privileges and powers granted herein to said corporation shall be void.

Mr. HEARD. I claim the floor.

The SPEAKER. The gentleman from Missouri [Mr. HEARD] is entitled to the floor. But the gentleman did not rise after the reading of the substitute, and the gentleman from Kentucky has offered his amendment.

Mr. HEARD. The gentleman from Texas [Mr. SAYERS] has an amendment which he wishes to offer as well as the gentleman from Kentucky. I promise those gentlemen that before calling the previous question I shall yield to them that they may offer their amendments. I will try to yield to the gentlemen within the hour.

Mr. HOPKINS. I desire to ask the Chair a question. Does not the substitute cover provisions which were not considered in Committee of the Whole? And if so, is the consideration of the substitute now in order in the House?

The SPEAKER. The committee after partially considering the bill reported it back to the House with the recommendation that its further consideration be postponed until to-day, and that report was agreed to. The bill, therefore, has come up for consideration under that order of the House.

Mr. NELSON. I ask consent of the gentleman from Missouri to offer two amendments.

Mr. HEARD. Not now.

The SPEAKER. The gentleman from Missouri has the floor and declines to yield.

Mr. JOHNSTON, of North Carolina. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSTON, of North Carolina. I understand that the last time this bill was under consideration it was being considered in Committee of the Whole House by sections. The gentleman from Missouri has now offered a substitute containing several sections. I wish to know whether that substitute should not be considered in Committee of the Whole?

The SPEAKER. When the bill was last under consideration it was in Committee of the Whole House, and was being considered, as the Chair recollects, by sections. But the Committee of the Whole reported it back to the House with the recommendation that the further consideration of the bill be postponed till to-day. That was agreed to, and the bill is now in the House and is not being considered as in Committee of the Whole; but it is being considered in the House, and debate may be closed and amendments prevented by ordering the previous question at any time. It will not be considered by sections except by consent.

Mr. HOLMAN. I ask unanimous consent that amendments may be submitted and that all may be considered pending.

Mr. ROWELL. I object. I understand only one amendment can be submitted to the substitute, and that has been offered.

Mr. HEARD. Let me make this statement for the benefit of the gentleman from Indiana, who is no doubt a much older and better parliamentarian than I am, and of other members here. The substitute is now before the House for consideration, and if it prove acceptable they will, when an opportunity is offered, as I shall try to give an opportunity before I leave the floor, vote approvingly for the substitute. If, however, the House should decline to accept the substitute, that would open the bill to amendment. I hope the friends of the bill and those who desire legislation in this direction during this session will determine to take the substitute as presented.

Mr. NELSON. May I ask the gentleman a question?

Mr. HEARD. Yes, sir.

Mr. NELSON. Will you not allow any amendments to the substitute?

Mr. FARQUHAR. Only one amendment to the substitute is in order.

Mr. NELSON. I deny that. One amendment can be offered to one part of the substitute and another to another. I am friendly to this bill, but if you do not propose to let us amend it we will have to oppose the whole measure.

Mr. HEARD. With the indulgence of the House I shall be glad to ask attention to the changes proposed by the substitute offered to-day from the original draught, which was being acted upon or considered when this bill was last before this body for consideration. I have no hesitation in saying, Mr. Speaker, that the substitute as presented to-day embodies amendments which were suggested by those who were opposed to the bill in its then form, but who were friendly to the bill if it should be amended. I think those gentlemen will agree with me that it is now, in many respects, a better bill than the House was then considering.

I ask permission to call attention to some of the changes which were then regarded as vital, and which the friends of the bill now propose. In the first place, in the original draught of the bill permission was not asked for the company to make the necessary sewer connection in making their excavation. Gentlemen will observe in the substitute, printed in italics, other changes made. The changes from the original draught are shown by the italics in the printed substitute.

The *second* amendment proposes to put in after the word "cable" the words "or electric," so that in case electricity becomes at any time hereafter the favorite motor for the purpose of propelling street cars it may be availed of by this company. I will state for the information of the House that this permission is asked also by every company which has an application now pending before Congress for leave to cable its road.

The third alteration is this: In the original draught permission was asked to enter the Capitol Grounds on the north side, for the convenience of members of Congress and of the public, under such restrictions as should be prescribed by the Architect of the Capitol. That is changed so as to make the entry subject also to the control of the engineer commissioner of the District.

I come now to the proposed changes in the route, in regard to which I will speak briefly. Since this bill was first before the House for consideration the officers of some of the horse railroad companies, who then held that this system was impracticable, have changed their minds and are now before the House asking permission to cable their roads, and in that connection they insist that the former provision in the bill authorizing this cable road to use portions of their tracks jointly with them would interfere with their rights in case they should ultimately determine to change to cable roads. While we are not prepared to concede that, yet, with the view of saving all their rights and if possible avoiding opposition from them, the friends of this bill now propose to keep clear of their tracks altogether, and instead of seeking to use two miles of the track of these existing railroads (as some enemies of this bill claim), it is not now proposed to take a single foot of existing track, and the changes in the route are made principally to avoid the necessity of using any track in common with existing roads.

The maps presented here to-day show the outlines of the route as proposed in the substitute now offered for consideration, and the committee—I should not say the committee, because the bill not being before the committee but before the House it was not competent for the committee to prepare the substitute—but the friends of the bill, both in the committee and outside of it, bring the measure before the House in this form, and, by condensation, by improvement, and by meeting the more important objections heretofore made to the bill in its original form, they hope they have presented a measure which will be acceptable to the good sense and the judgment of this body, and in such shape as will guarantee action to-day.

I pass now from the matter of route to call attention to an amendment in line 59 of the first section, which reads as follows:

Provided, That when said lines coincide with the duly authorized lines of any other duly incorporated street railway of the District of Columbia said Washington Cable Railway shall lay separate and independent tracks in the original construction of the said lines whenever in the judgment of the engineer commissioner of the District it shall be deemed by him possible and practicable so to do.

The next amendment to which I call attention is in line 90, and relates to the fare which the company may charge. It will be remembered—I desire to be perfectly candid with the House upon this point—it will be remembered that when this bill was before the House for consideration an amendment was proposed by the gentleman from New York, Mr. PARKER, fixing the rate of fare at 4 cents. That is not incorporated in the substitute, but there is a provision that the fare shall not exceed 5 cents, and the substitute also provides in express terms, in that immediate connection, that Congress shall have the right to regulate and reduce the fare at its option.

The language of the provision is, "and Congress may at any time change and regulate the rate of fare to be charged."

Mr. MILLS. Why not regulate it now?

Mr. HEARD. We do propose to regulate this in common with the fare of all the other railroads whenever the time comes to do that, but it was not believed that this House desired to make this company do superior work for an inferior price. Therefore we did not undertake directly to regulate the fare, but we inserted this provision, which puts it in the power of Congress at any time to regulate or reduce the fare whenever, in its judgment, that should be done. It was not supposed by anybody that there was any desire on the part of Congress to discriminate against this company or in favor of other railroad companies in this District. I again ask attention to the express language, which will be found in line 90, "and Congress may at any time change and regulate the rate of fare to be charged."

Mr. MILLS. But in fact Congress never does reduce the rate in such cases.

Mr. HEARD. Well, we did not believe that Congress desired to discriminate against this particular company by requiring it to do better work than the other roads for a less rate of fare, but we inserted this provision, so that whenever Congress sees fit to regulate or reduce the fares charged upon the other roads, it can include this one also, or can deal with this separately if it so desires.

Mr. BURROWS. Then it is provided that six tickets shall be sold for a quarter.

Mr. HEARD. That is provided for.

Mr. CRISP. The gentleman from Missouri will allow me to ask what is the object of putting in this language: "But may sell tickets in packages of six each for 25 cents per package."

Mr. HEARD. I will say to the gentleman from Georgia [Mr. CRISP] with all candor that I regard the language he has just read as surplusage, for the reason that the company might sell tickets at that rate if they wanted to without any language of this kind.

Mr. CRISP. I supposed so.

Mr. HEARD. I do not intend to take the position that the language the gentleman has just read imposes any obligation upon the company; so far as that is concerned it might as well be stricken out. But the whole matter as to the regulation and reduction of fares is left in the hands of Congress.

A MEMBER. The word "may" should read "shall."

Mr. HEARD. I presume the word should be "shall."

Mr. CRISP. Will the gentleman object to inserting the word "shall" instead of "may?"

Mr. HEARD. I will not object at the proper time to an amendment of that kind. It can be made, I apprehend, by unanimous consent.

Mr. MILLIKEN. Why not ask unanimous consent now?

Mr. HEARD. At the proper time I will yield to have the amendment made by unanimous consent.

Mr. ROWELL. I suggest that it be done right now.

Mr. HEARD. I have no objection to that. I will ask unanimous consent that the amendment just suggested be made.

The SPEAKER. The gentleman has a right to modify his substitute in any way he sees proper before the House acts on it.

Mr. HEARD. Then, Mr. Speaker, in order to satisfy the wish of a number of gentlemen, which appears to me a just one, I will modify my substitute by striking out the word "may" and inserting "shall."

Mr. CRISP. It will require a little more than that.

Mr. BUTTERWORTH. The word "but" preceding "may," in line 90, should be changed to "and."

Mr. HEARD. I will proceed with my remarks, with the permission of the House, and I pledge the gentleman from Georgia that before moving the previous question I will see that the proper amendment to the effect he has indicated is made.

Mr. CRISP. It will require something more than the change of the word "may."

Mr. HEARD. Very well; I will take the judgment of the gentleman from Georgia on that point.

Mr. CRISP. We do not wish to convey the idea that they must charge that much, but that they shall not charge more.

Mr. HEARD. I will consult the gentleman from Georgia on that point.

Now, Mr. Speaker, in line 26 of the second section, it is provided——

Mr. BAYNE. Before the gentleman leaves the first section, I would like to interrupt him to inquire whether he will not modify that section by inserting after the word "aforesaid," in line 113, the words, "and such sewer connections shall have such traps or other devices as may be required by the engineer commissioner."

Mr. HEARD. I hope the gentleman will not insist on that, for the reason that the entire construction of this road is to be subject to the direction and control of the engineer commissioner of the District, who, we have the right to assume, will see that all these things are done in the best possible way.

Mr. BAYNE. I would like to have pointed out to me the provision of the substitute which gives the engineer commissioner that supervisory control.

Mr. HEARD. Well, I hope the gentleman will not consume my time further just now.

Mr. BAYNE. I find nothing of that sort in the proposition.

Mr. LONG. I think it is there.

Mr. HEARD. I desire to get through with my statement, and then, so far as time permits, I will yield in a fair way to other gentlemen.

Mr. Speaker, I will call attention now to a matter which was regarded of much importance by some members on this floor when this bill was first considered. It was then insisted that at least 50 per cent. of the capital stock of this company should be paid in within a reasonable time from the beginning of operations under the charter. This substitute provides in lines 6, 7, and 8, of section 2, that 10 per cent. of the capital stock shall be paid in "at the time of subscribing, and 5 per cent. each thirty days thereafter until 50 per cent. thereof shall have been paid." I desire to say that the most valuable property in this city to-day, the Georgetown and Washington Railroad—which, I may say by way of parenthesis, is the most potent factor in opposition to this cable enterprise, and naturally so, perhaps—that company, which has been in existence fifteen or sixteen years has, up to this date, as I am informed, paid in but 30 per cent. of its capital stock. This substitute proposes that this new company shall pay in within four months from its organization as large a proportion of its capital stock as this old company, the best property in the city, has paid in during the course of fifteen years, and that in eight months—perhaps before one car has moved upon its tracks—50 per cent. of the capital stock shall be paid in. I hope this will meet the views of those members who have insisted upon security in this direction.

Another important amendment was suggested by the gentleman from Illinois [Mr. PAYSON] when the bill was being considered before, to the effect that the franchise as well as the other property of the company should be made subject to taxation, which gentlemen will find is provided for in this substitute.

Mr. PAYSON. Page 4, line 93.

Mr. HEARD. Yes, sir; page 4, line 93:

> Said road shall be deemed real estate and its franchise and property be liable to taxation, as other real estate and personal property in the District of Columbia, and its property and franchise shall be liable to sale for non-payment of the same.

Mr. BARBOUR. Why should this be fixed as real estate? Usually it is the other way.

Mr. HEARD. What difference does it make?

Mr. BARBOUR. Why should this differ from the general rule? These people do not own the land traveled over by this company.

Mr. HEARD. But they own their plant.

Mr. BARBOUR. But why should it be treated as real estate when it is not real estate?

Mr. HEARD. That makes no difference.

Mr. BARBOUR. But it is a matter of difference against the public. I have yet to learn it has anywhere been considered as real estate. The usual course is the other way, and I see no reason why it should be changed.

Mr. HEARD. What portion have I consumed of my hour?

The SPEAKER. Twenty minutes.

Mr. SOWDEN. Will the gentleman permit me to ask him a question?

Mr. HEARD With pleasure.

Mr. SOWDEN. My question is this: Why is the capital stock of this company fixed at $3,000,000, or not less than $2,000,000. Is it contended that anything like this sum will be required for the construction of this road; or is it fixed at $3,000,000 merely for speculative purposes?

Mr. HEARD. It is estimated that some amount between those two sums will be required for the completion of this road.

Mr. SWOPE. Will the gentleman yield to me for a question?

Mr. HEARD. I will yield with pleasure to my friend from Pennsylvania [Mr. SWOPE].

Mr. SWOPE. I observe that the bill provides that 50 per cent. of the subscription shall be paid; the remaining 50 per cent. is left at the option of the directors, apparently. Does not this allow the directorship to dispense with payment of the remaining 50 per cent. of the subscription if they see fit?

Mr. HEARD. I will say, in response to the courteous question of the gentleman from Pennsylvania [Mr. SWOPE] this much: He calls attention to the fact that this substitute provides—

> That the subscribers to stock in this company shall pay 10 per cent. at the time of subscribing and 5 per cent. each thirty days thereafter, until 50 per cent. thereof shall have been paid.

I will say it is the usual rule prevailing not only here but in every State of the Union. It is the rule which prevails in the State of West Virginia as will be seen by reference to the statutes of that State, although when stated in this debate it was contradicted by a member from West Virginia. It is usual to require a subscription of 10 per cent. should be paid, and that no subscription shall be valid without it. There is not to-day a single railway incorporated here which requires the payment of more than 10 per cent. The variance in this substitute is in the direction of greater security to people.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced disagreement to the amendments to the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, and requested a conference on the disagreeing votes of the two Houses; and had appointed as managers on its part Mr. MAHONE, Mr. MORRILL, and Mr. HARRIS.

CABLE RAILROAD.

Mr. HEARD. The gentleman from Indiana [Mr. COBB] desires to ask me a question, and I will yield to him for that purpose.

Mr. COBB. The question I was about to propound to the gentleman from Wisconsin is this: He stated there was not a railroad corporation in this District where the law required subscribers to pay more than 10 per cent.

Mr. HEARD. That is my information.

Mr. COBB. Does not the gentleman from Missouri regard that as bad legislation? And does he not think the rule—if it be a rule—ought to be changed?

Mr. HEARD. I will say to the gentleman from Indiana it is the same rule which prevails, as I am advised, in his own State, and not only in his own State, but in almost every other State in the Union.

Mr. COBB. That may be true; but I ask the gentleman from Missouri whether it is not a bad rule, and whether it ought not to be changed.

Mr. HEARD. I ask the gentleman in all fairness if it is bad legislation whether it is only vicious as applied to this bill, and whether the provision he suggests should not be included in the general incorporation act of this District, so as to apply it to all alike.

Mr. HOPKINS. On page 5, line 125, it is provided:

> And in case the incorporators as named in this bill, or their assigns, associates, and successors shall, at the expiration of two years from the passage of this act, have failed or neglected to have completed such main line, then the President of the United States may name eighteen other citizens of the United States, who shall, as to the uncompleted portions of said lines, be entitled to complete the said road under the said restrictions as are provided in the bill, to the exclusion of the said incorporators named in this section.

Now suppose that the present incorporators, with their capital stock fixed at $3,000,000, instead of building the 32 miles of road provided in the bill find it convenient or profitable to build only 10 miles with their capital of $3,000,000; what penalty is there for not building the other 22 miles?

Mr. HEARD. I remit the gentleman to the text of the bill, which provides clearly and absolutely in its last section that it is in the power of Congress to modify, amend, or repeal; and I would say further that unless the company herein authorized proposes to act in utmost good faith towards the public they would not invest a dollar in this enterprise, because they know they are in the grip of Congress, and at the very first manifestation of disregard for their charter obligations then it is within the power of Congress to take their charter from them entirely. Hence, the acceptance of the charter is of itself an evidence of their good faith, and I do not see it possible that there could be any greater evidence of the intention to proceed in good faith on the part of

the promoters of this enterprise than by the fact that they are willing to invest their money in building this road notwithstanding the fact that this last section of the bill places them completely in the power of Congress.

Mr. HOPKINS. Let me ask the gentleman this question: Is not this last clause of the bill substantially embodied in each and every one of the present street railway charters?

Mr. HEARD. I do not know. I am informed that some contain it and some do not.

Mr. BROWN, of Pennsylvania. Not in that language.

Mr. SCOTT. I would like to ask the gentleman from Missouri a question.

Mr. HEARD. I will yield for that purpose.

Mr. SCOTT. Beginning with line 65 of the bill, I find the following language:

Whenever the foregoing route or routes may coincide with the duly authorized route or routes of any other duly incorporated street railway company in the District of Columbia, either or both companies may use the same tracks when, on account of the width of the streets, or for other sufficient reason, it shall be deemed by the Engineer Commissioner of the District to be necessary.

Now, allow me one moment.

Mr. HEARD. Well, please be brief, as my time is quite limited.

Mr. SCOTT. I want to ask this question: Here is a vested right in these present street railways. This bill proposes to open up the entire line of a road or roads already incorporated to a new corporation to come in and perchance destroy the entire traffic of the line where these men have now gone and invested money, depending on the good faith of Congress under their charter to protect them in their rights.

Mr. MILLIKEN. Not unless the old line assents to it.

Mr. HEARD. The gentleman from Pennsylvania misapprehends the case. Let me call attention to this fact, that in the construction of the existing roads they have had those rights, and necessarily so, in their charters that where there is a coincidence of tracks, if the companies do not agree as to the damages that the old company suffers by the use of its tracks in this manner, then the supreme court of the District may settle the difference between them; and in this bill it is with the court to fix the damages. That, as the gentleman will see, is expressly provided in the bill. ["Cries of "Vote!" "Vote!"]

Mr. McADOO. I would like to ask the gentleman a question.

Mr. HEARD. I can not yield further time. Mr. Speaker, I would like to know what time I have occupied?

The SPEAKER. The gentleman has occupied twenty-six minutes.

Mr. HEARD. I now desire to yield to the gentleman from Texas [Mr. SAYERS], who has an amendment to offer; and not being advised as to the point of order of the gentleman from Illinois [Mr. ROWELL] with reference to the number of amendments that may be offered, I will simply yield to the gentleman for the purpose of having his amendment read. I yield to him three minutes for that purpose, in which he may offer his amendment to have it read.

The SPEAKER. The Chair will state the parliamentary situation. The House is now considering the substitute, and under the rules of the House an amendment may be pending to the substitute, and an amendment to that amendment; but two separate, independent amendments can not be pending upon the substitute at the same time. If the gentleman from Texas desires to move an amendment to the amendment of the gentleman from Kentucky, it is in order; otherwise it could not be considered except by unanimous consent.

Mr. PAYSON. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. At any stage of the consideration of this bill will it be read by sections for amendment?

The SPEAKER. It will not. This bill is not being considered in Committee of the Whole, but in the House.

Mr. PAYSON. Then, before the gentleman from Missouri yields to the gentleman from Texas, I ask him to yield to me for an amendment I have suggested to him, and which I now desire to offer.

Mr. HEARD. I yield for that purpose.

Mr. PAYSON. Then I offer this amendment to section 1 of the bill:

Nor shall the corporators herein named, or the corporation hereby created, sell or assign any of the rights hereby conferred until after the whole road hereby authorized shall have been constructed as herein provided.

Mr. HEARD. I desire to ask unanimous consent that that may be incorporated in the bill.

The SPEAKER. The gentleman has the right to modify his substitute in such manner as he chooses.

Mr. HEARD. I shall not object to the incorporation of that amendment.

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Illinois [Mr. PAYSON].

The amendment was again read.

The SPEAKER. The Chair understands the gentleman from Missouri [Mr. HEARD] to say that he modifies his substitute by accepting this amendment.

Mr. HEARD. I do. The gentleman from Kentucky [Mr. McCREARY] wishes to offer an amendment, which I also desire to accept as a modification of the substitute.

Mr. LONG. Let it be sent up and read at the Clerk's desk.

Mr. McCREARY. The Clerk will please read the amendment offered by me.

The Clerk read as follows:

After the word "act" in section 1, line 125, insert:
"And if any work is not commenced and prosecuted in good faith on the main line in six months after the passage of this act, then the privileges and powers granted herein to said corporation shall be void."

Mr. McCREARY. I understand the gentleman from Missouri accepts that amendment.

The SPEAKER. The gentleman has so stated.

Mr. CRAIN. I believe I have a right to offer an amendment to the substitute.

Mr. HEARD. Not in my time. The gentleman from Texas [Mr. SAYERS] has an amendment he wants to have read for information. I yield to him for that purpose.

Mr. SAYERS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAYERS. Is the substitute open to amendment?

The SPEAKER. It is whenever the gentleman secures the floor for that purpose. There is one amendment pending unless the one offered just now by the gentleman from Kentucky [Mr. McCREARY] and accepted by the gentleman from Missouri [Mr. HEARD] is the same as the gentleman from Kentucky offered some time ago.

Mr. McCREARY. It is the same.

The SPEAKER. Then there is no amendment now pending. When the gentleman from Texas [Mr. SAYERS] gets the floor for that purpose he can offer an amendment.

Mr. HEARD. I yield to have the amendment of the gentleman from Texas [Mr. SAYERS] read.

The SPEAKER. Does the gentleman yield to have the amendment offered or to have it read for information?

Mr. HEARD. I yield to have it read for information.

The Clerk read the proposed amendment, as follows:

Add as an additional section the following:
"SEC. 5. Each stockholder in the said company shall be individually liable for all the debts and liabilities of said company to an amount equal to the par value of the stock held by such stockholder."

Mr. HEARD. I take it every stockholder is liable now to the full amount of his stock subscribed; and that is the basis of limitation fixed in all corporations, so far as I know, except where you incorporate the double-liability clause. That I am opposed to. I hope the gentleman from Texas will be content to impose the ordinary limitation of liability on stockholders.

Mr. SAYERS. Will you not allow the amendment to go before the House.?

Mr. WARNER, of Missouri. Will the gentleman from Missouri yield to me to have an amendment read?

Mr. HEARD. I desire now to yield a sufficient time to the gentleman from Georgia [Mr. CRISP] to have his amendment read. It is the one I agreed to accept.

Mr. CRISP. I send the amendment to the desk.

The Clerk read as follows:

On page 4, line 90, strike out the word "may" and insert the word "shall," and in the same line, after the word "for," insert "not exceeding;" so that it shall read:
But shall sell tickets in packages of six each for not exceeding 25 cents per package.

Mr. HEARD. I accept that as a modification of the substitute.

Mr. COBB. I will state to the gentleman from Missouri that I have two amendments which I desire to offer.

Mr. HEARD. I claim the floor. I have agreed to yield to the gentleman from Virginia [Mr. BARBOUR] ten minutes, which I now do for the purpose of debate, reserving the right to resume the floor.

Mr. COBB. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. COBB. It is whether the gentleman from Missouri can yield to another gentleman without losing his right to the floor.

The SPEAKER. The universal practice is when a gentleman obtains the floor he has it for one hour, and he can occupy his time himself or yield it to others.

Mr. BARBOUR. I desire to know whether the opponents of this bill have not the right to be heard?

Mr. HEARD. How much time have I left?

The SPEAKER. Twenty-five minutes.

Mr. HEARD. I yield to the gentleman from Virginia [Mr. BARBOUR] ten minutes.

Mr. BARBOUR. The point of the inquiry I have just submitted is to ascertain whether the opponents of this measure have any right as to time without obtaining it by the leave of the gentleman from Missouri, who has occupied so much time? I am opposed to the substitute upon its merits, and I desire to discuss it from that standpoint.

The SPEAKER. The opponents of the bill have precisely the same rights in regard to this as in regard to every other bill. When any gentleman gets the floor in his own right he is entitled to discuss the bill. And the gentleman from Missouri is now occupying the floor for the hour to which he is entitled under the rules.

Mr. BARBOUR. Has he the right to assign time to the other side?

The SPEAKER. The gentleman has the right to use the time himself or to yield it to others.

Mr. BARBOUR. Can I occupy more time than that conceded by the gentleman?

The SPEAKER. Not now.

Mr. BARBOUR. I accept the concession of time, not on his side of the question, however.

The SPEAKER. The gentleman from Virginia will proceed.

Mr. BARBOUR. Mr. Speaker, I do not desire to occupy very much of the time of this House. My purpose in rising is to place myself right upon the merits of this bill. It has so happened that as chairman of the District Committee I did not favor the passage of the bill, and I do not wish the occasion to pass and the record to be made up without entering my protest against the adoption of this extraordinary measure. I was disposed at first to favor this scheme as something new. I thought it was something that might expedite the transportation of people from one part of the city to another. But upon looking on the measure with all the lights that I have been able to gather from some observation abroad in the cities of Europe where this question of transportation is an important one, I have come to the conclusion that nothing can be gained by the adoption of this measure so far as expedition of transportation is concerned, and that immense harm may result. In the more crowded cities of Paris and London there is no such mode of transportation provided. The people go along there over their streets in the ordinary omnibus or in cheap vehicles propelled by horses. The only case where there can be competition with horse lines anywhere is where rapid transit is required.

Wherever that is necessary those older civilizations have adopted underground railroads or elevated railroads. The idea of chartering a company to run cars slap-dash over your streets at the rate of 9 or 10 miles an hour strikes me as fraught with very great danger. The steam railroads that come into Washington are not allowed to exceed a speed of 6 miles an hour, but here comes this cable line with its cars propelled by machinery, so that they are not under the control of the conductor, but subject to the remote hand of the concealed machinist a mile or two in the rear, asking to be allowed to run at a much higher rate of speed. The trouble with this plan is that the rate of speed can not be controlled. The system interferes not only with the use of the streets by the people, but also with the passage of other vehicles along them. Confessedly the pace of these cable cars can not be regulated with any certainty, nor can they be stopped with certainty except at certain points; and in the mean time, if anything comes in their way, of course trouble and danger must arise. Mr. Speaker, if this plan is adopted now when your city is in its comparative infancy, I venture to say that when it builds up into a great metropolis, the Capital city of two hundred millions of people, which will happen in a comparatively short time, according to the statists, serious embarrassment will result from the existence of this plan of transit. I understand that in the city of Chicago, where this plan is in use, there is more loss of life and injury to property from these cable cars than from any other source, and if the plan be adopted here I have no doubt that in the near future there will be more old and infirm people run over and killed or injured in life or limb in this city than ever before.

Mr. MILLIKEN. Will the gentleman permit me to ask him a question?

Mr. BARBOUR. Yes, sir.

Mr. MILLIKEN. Is it not a fact that the friends of the present railroad companies in this city opposed this bill at the first session of this Congress on the grounds which the gentleman from Virginia [Mr. BARBOUR] is stating here to-day, and that now those same companies are petitioning Congress for leave to make their roads cable roads, upon the ground that they can not by the use of horses do such service as the public demands?

Mr. BROWN, of Pennsylvania. Mr. Speaker, I should like to know whether the gentleman from Virginia [Mr. BARBOUR] thinks that these cars will run too fast or too slow. It is impossible for us over here to hear a word that he says.

Mr. BARBOUR. I am sorry, Mr. Speaker, that I can not make myself heard over the way. In reply to the gentleman who has propounded the inquiry about horse railroads, I wish to say that I know nothing of their purposes or their wishes. If I had my way, looking to the embellishment and the beauty of this city, the capital of the country, I would remove those railways from your avenues; I would not permit them to remain there to mar the beauty of this great city.

Mr. MILLIKEN. Does not my friend know that the beauty of the streets is very much more marred by horse railroads than by cable roads?

Mr. BARBOUR. I do not know. I think the cable-cars would scare everybody's horses.

Mr. MILLIKEN. They do not in San Francisco or in Chicago, where the system is working very successfully.

Mr. STEELE. We do not want them to take away the old hill horses. We want those retained. [Laughter.]

Mr. BARBOUR. Now, Mr. Speaker, I understand that the principal objection to the existing system of transit is the want of rapidity, but my point is that you can not run your cable-cars with safety at any higher rate of speed than the horse-cars are run now. The horse-railroads, whatever may be the objection to them, are here; even if they are an evil they are now in existence; but this other is not, and I am not in favor of increasing such evils upon our streets and avenues.

Mr. DUNHAM. The experience of Chicago is contrary to the gentleman's idea of it. He has been misinformed.

The SPEAKER. The time of the gentleman from Virginia [Mr. BARBOUR] has expired.

Mr. HEARD. I yield the gentleman what additional time he requires.

Mr. BARBOUR. In short, Mr. Speaker, my objections to this proposed road are that it will not accomplish rapid transit, and that it is far more likely to produce damage to life, limb, and property than the existing system, by which the cars are more under control. I am not talking here in the interest of any corporation. My great object is to preserve the streets of this city, the capital of the country, intact. This is not a great business place where it would be important for people to be hurried from the wharves or the railroad depots to their offices or their hotels. It is supposed to be a city of residences and governmental offices, a city where people of leisure come from different parts of the country to pass their time, and I do not think there is any real necessity for subjecting the city to the evils which will then most inevitably result from the adoption of this proposed system.

We ought to feel an obligation as representatives of the people to preserve this city for future generations. We ought to take care that fifty years hence there shall not be experienced in this city the evils we are now in danger of introducing by legislation of this character. It will be impossible to move these cars upon your streets without injury to great interests which it is our duty to guard.

I think the whole measure is wrong. A great corporation with $3,000,000 of capital stock and $2,000,000 of bonds is a very formidable power to be created here. And the haste with which this measure has been introduced and pressed seems to me to present a stronger reason for entering my protest against its passage and making the opposition I have made.

Mr. HEARD. I yield three minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I have the greatest regard for the gentleman from Virginia [Mr. BARBOUR], who has just addressed the House; and on all questions relating to the District of Columbia it has been my custom to follow as nearly as possible his suggestions. I have therefore listened with attention to what he had to say in opposition to this bill; and I am very glad to find that he bases his opposition solely on the ground that the cable system is not a safe one, and therefore ought not to be put in operation as against the present system of transportation through this city by means of horses. The gentleman has cited the example of London and Paris; he has referred us to the great cities of Europe where they have no such means of communication as we have in this country. Mr. Speaker, the time has passed for us to look to Europe for examples in matters of this kind. The people of the United States in this age are not looking to London and Paris for instruction as to the best means of city transit. They are looking to Chicago, San Francisco, Kansas City, Philadelphia, New York, Saint Louis, and other great cities of this continent where this system has been adopted and has proved a grand success.

The gentleman says that the adoption of this mode of transit will endanger life. We might bring the same argument against every steam railroad on the continent. I concede that the locomotive speeding over the country at the rate of 40 miles an hour is more dangerous to human life than the ox-cart going at the rate of 3 miles an hour; but that is not a sufficient argument in favor of doing away with the railroad and going back to the ox-wagon.

We are advancing in this country. We are now setting examples to the cities of Europe; and I wish to see the city of Washington, of all cities on this continent, adopt a system of transit which will be worthy of the capital of the greatest nation in the world. [Applause.]

Mr. HEARD. I now call for the previous question on the substitute, and on ordering the bill to be engrossed and read a third time.

Mr. BAYNE rose.

Mr. HEARD. I agreed that the gentleman from Pennsylvania [Mr. BAYNE] might have an amendment read; and I yield to him.

The SPEAKER. For how long a time?

Mr. HEARD. For one minute, and then I will resume the floor.

Mr. SOWDEN. I hope the gentleman will yield to me a similar privilege.

The SPEAKER. Does the gentleman from Missouri yield to allow the amendment of the gentleman from Pennsylvania [Mr. BAYNE] to be offered or merely read?

Mr. HEARD. Let it be read for information. I think, however, I shall accept it as a modification of my substitute.

The Clerk read as follows:

In line 113 of section 1, after the word "aforesaid," insert "and such sewer connections shall have such traps or other devices as may be required by the engineer commissioner."

Mr. HEARD. I accept that as a modification of my substitute.

Several members rose.

Mr. HEARD. Now, Mr. Speaker, I hope my friends will not consider me discourteous, but I feel impelled by a sense of duty to ask for the previous question.

Many MEMBERS. That is right.

Mr. HEARD. I do not want to hazard the passage of the bill. [Cries of "Vote!" "Vote!"]

The SPEAKER. The gentleman from Missouri demands the previous question upon the proposed substitute and upon ordering the bill to be engrossed and read a third time.

Mr. COBB. I move that the House adjourn. If the gentleman is not willing to allow amendments to be offered, I trust we shall adjourn.

The question being taken on the motion of Mr. COBB, there were—ayes 36, noes 108.

Mr. SOWDEN. I call for tellers.

Mr. HOLMAN. There is no quorum.

The SPEAKER. A quorum is not required upon a motion to adjourn. The gentleman from Pennsylvania [Mr. SOWDEN] calls for tellers.

Tellers were not ordered, only 29 voting in favor thereof.

Mr. RICHARDSON. I call for a count of the other side on ordering tellers.

The SPEAKER. There is no "other side" on that question. The rules require a specific number to order tellers—one-fifth of a quorum. Tellers are refused.

Mr. SOWDEN. I call for the yeas and nays.

The yeas and nays were not ordered, there being ayes 29, noes 124—less than one-fifth voting in the affirmative. [Cries of "Regular order!"]

The SPEAKER. Tellers are refused, the yeas and nays are refused; and the motion to adjourn is not agreed to.

Mr. RICHARDSON. I now move that the House take a recess until 5 o'clock this afternoon.

The question being taken, there were—ayes 18, noes 128.

Mr. SOWDEN and Mr. RICHARDSON. No quorum.

Tellers were ordered; and Mr. RICHARDSON and Mr. HEARD were appointed.

The House again divided; and the tellers reported—ay 1, nocs 163.

So the House refused to take a recess.

Mr. SPRINGER. I call for the regular order.

Mr. COBB. I move the House do now adjourn.

The House divided, and there were—ayes 24, noes 93.

Mr. COBB demanded tellers.

Tellers were not ordered, 18 only voting in favor thereof.

So the House refused to adjourn.

Mr. SOWDEN. I move the House take a recess until 6 o'clock.

The House divided; and there were—ayes 16, noes 115.

Mr. SOWDEN. No quorum has voted.

The SPEAKER appointed as tellers Mr. SPRINGER and Mr. COBB.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of a bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

CABLE RAILROAD.

The pending question was on taking a recess until 6 o'clock p. m., and the tellers reported—ayes 21, noes 162.

So the motion was disagreed to.

Mr. MCADOO. I move the House do now adjourn.

The House divided; and there were—ayes 27, noes 81.

Mr. EDEN demanded the yeas and nays.

The House divided; and there were—ayes 23.

The SPEAKER. More than one-fifth of the vote last taken.

Mr. MCCREARY. Count the other side.

The other side was counted; and there were 131 in the negative.

The SPEAKER. Not one-fifth.

Mr. MCADOO. I demand tellers on the yeas and nays.

Tellers were refused.

So the yeas and nays were not ordered.

Mr. SPRINGER. I move the House take a recess until to-morrow at 11 o'clock. [Cries of "Say 10 o'clock."] No; eleven will be the best time; and on that motion I demand the previous question.

Mr. EDEN. I ask for a division.

The House divided; and there were—ayes 119, noes 2.

Mr. EDEN. No quorum has voted.

Mr. SPRINGER. I will withdraw the demand for the previous question if we can have the yeas and nays on the motion to take a recess.

Mr. HAMMOND. I rise for the purpose of making a parliamentary inquiry. If we take a recess until to-morrow, and the House shall refuse to adjourn to-mosrow at 12 o'clock, would we not in that case lose to-morrow, and would not the next day be this?

The SPEAKER. This legislative day continues until the House adjourns. Does the gentleman withdraw his demand for the previous question?

Mr. SPRINGER. I do; but I insist upon my motion for a recess until 11 o'clock to-morrow, and on that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 161, nays 44, not voting 112; as follows:

YEAS—161.

Adams, G. E.	Dougherty,	Kleiner,	Scranton,
Allen, C. H.	Dunham,	La Follette,	Seney,
Allen, J. M.	Eldredge,	Landes,	Sessions,
Anderson, J. A.	Ellsberry,	Lawler,	Seymour,
Baker,	Ely,	Long,	Singleton,
Bayne,	Evans,	Louttit,	Skinner,
Bingham,	Everhart,	Lowry,	Spooner,
Bliss,	Farquhar,	Lyman,	Springer,
Bound,	Felton,	Martin,	Steele,
Boutelle,	Fisher,	Maybury,	Stephenson,
Boyle,	Fleeger,	McAdoo,	Stone, E. F.
Brady,	Foran,	McCreary,	Storm,
Bragg,	Forney,	McKenna,	Strait,
Breckinridge, C. R.	Frederick,	Merriman,	Struble,
Brown, C. E.	Fuller,	Milliken,	Swope,
Brown, W. W.	Funston,	Mills,	Tarsney,
Brumm,	Gallinger,	Moffatt,	Taulbee,
Buck,	Gilfillan,	Morrill,	Taylor, I. H.
Bunnell,	Glass,	Morrow,	Taylor, Zach.
Burrows,	Hale,	Murphy,	Thomas, J. R.
Butterworth,	Halsell,	Negley,	Thomas, O. B.
Bynum,	Harmer,	O'Donnell,	Thompson,
Caldwell,	Hatch,	O'Hara,	Tillman,
Campbell, J. M.	Hayden,	O'Neill, Charles	Townshend,
Campbell, J. E.	Haynes,	O'Neill, J. J.	Turner,
Campbell, T. J.	Heard,	Osborne,	Van Eaton,
Cannon,	Hemphill,	Owen,	Viele,
Carleton,	Hepburn,	Parker,	Wade,
Caswell,	Herbert,	Payne,	Wadsworth,
Clardy,	Hermann,	Payson,	Ward, J. H.
Conger,	Hiestand,	Peel,	Ward, T. B.
Cooper,	Hill,	Perkins,	Warner, William
Curtin,	Hires,	Perry,	Weaver, J. B.
Dargan,	Hitt,	Peters,	Wilkins,
Davidson, A. C.	Holmes,	Pettibone,	Willis,
Davis,	Irion,	Plumb,	Wilson,
Dawson,	James,	Ranney,	Winans,
Dibble,	Johnson, F. A.	Romeis,	Wise.
Dingley,	Johnston, J. T.	Rowell,	
Dockery,	Jones, J. T.	Ryan,	
Dorsey,	King,	Sawyer,	

NAYS—44.

Blanchard,	Hammond,	McMillin,	Shaw,
Buchanan,	Harris,	McRae,	Snyder,
Cabell,	Henderson, J. S.	Miller,	Sowden,
Catchings,	Holman,	Neal,	Stewart, Charles
Cox, W. R.	Johnston, T. D.	O'Ferrall,	Swinburne,
Crain,	Jones, J. H.	Phelps,	Taylor, J. M.
Culberson,	Lanham,	Randall,	Weber,
Cutcheon,	Lehlbach,	Reed,	Wellborn,
Eden,	Lore,	Richardson,	Wheeler,
Ermentrout,	McComas,	Riggs,	Wolford,
Ford,	McKinley,	Sayers,	Worthington.

NOT VOTING—112.

Adams, J. J.	Croxton,	Kelley,	Rockwell,
Aiken,	Daniel,	Ketcham,	Rogers,
Anderson, C. M.	Davenport,	Laffoon,	Rusk,
Atkinson,	Davidson, R. H. M.	Laird,	Sadler,
Bacon,	Dunn,	Le Fevre,	Scott,
Ballentine,	Findlay,	Libbey,	Smalls,
Barbour,	Gay,	Lindsley,	Spriggs,
Barksdale,	Geddes,	Little,	Stahlnecker,
Barnes,	Gibson, C. H.	Lovering,	Stewart, J. W.
Barry,	Gibson, Eustace	Mahoney,	St. Martin,
Belmont,	Glover,	Markham,	Stone, W. J., Ky.
Bennett,	Goff,	Matson,	Stone, W. J., Mo.
Bland,	Green,	Millard,	Symes,
Blount,	Grosvenor,	Mitchell,	Taylor, E. B.
Breckinridge, WCP	Grout,	Morgan	Throckmorton,
Browne, T. M.	Guenther,	Morrison,	Trigg,
Burleigh,	Hall,	Muller,	Tucker,
Burnes,	Hanback,	Neece,	Van Schaick,
Campbell, Felix	Henderson, D. B.	Nelson,	Wait,
Candler,	Henderson, T. J.	Norwood,	Wakefield,
Clements,	Henley,	Oates,	Wallace,
Cobb,	Hiscock,	Outhwaite,	Warner, A. J.
Collins,	Hopkins,	Pidcock,	Weaver, A. J.
Compton,	Houk,	Pindar,	West,
Comstock,	Howard,	Reagan,	White, A. C.
Cowles,	Hudd,	Reese,	White, Milo
Cox, S. S.	Hutton,	Rice,	Whiting,
Crisp,	Jackson,	Robertson,	Woodburn.

So the motion was agreed to.

By unanimous consent the reading of the names was dispensed with.

The following pairs were announced:

Mr. ROBERTSON with Mr. MILLARD, for this day.

Mr. DANIEL with Mr. GIBSON, of Maryland, on this bill.

Mr. COWLES with Mr. WAIT.

Mr. RUSK with Mr. SYMES.

Mr. COMPTON with Mr. ROCKWELL.

Mr. DAVIDSON, of Florida, with Mr. VAN SCHAICK.

Mr. LOWRY with Mr. LINDSLEY.

Mr. NEECE with Mr. KELLEY.

GOVERNMENT PROPERTY, ABINGDON, VA.

The SPEAKER. Before announcing the result of the vote the Chair desires to appoint as managers upon the part of the House at the conference to be held on the disagreeing votes of the two Houses on the

bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property Mr. SNYDER, Mr. WILKINS, and Mr. BROWN, of Pennsylvania.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted for one day to Mr. BENNETT.

The result of the vote was then announced as above recorded, and accordingly (at 4 o'clock and 55 minutes p. m.) the House took a recess until 11 o'clock a. m. to-morrow.

AFTER RECESS.

The recess having expired, the House reassembled at 11 a. m. (Friday, January 28, 1887).

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to correct an erroneous reference of a bill. House bill 10815 was referred to the Committee on Foreign Affairs; it should have been referred to the Committee on the Judiciary, and if there be no objection the change will be made.

There was no objection.

WASHINGTON CABLE RAILWAY.

The SPEAKER. The question is upon the amendment, and upon ordering the bill to be engrossed and read a third time.

Mr. HEARD. Mr. Speaker, after having examined the amendments which different members proposed yesterday to offer to the pending bill, it is my desire to accept several of them, which I believe will go toward perfecting the bill, and with that end in view, and with that understanding, I ask permission to withdraw the demand for the previous question, with the privilege of renewing the same after the amendments shall have been offered, and I will ask that they be considered as pending.

Those amendments which the friends of the measure are willing to accept I will offer in the name of the members who propose them, and state that I accept them and ask that they be incorporated into the substitute. The other amendments, which we do not feel that we can accept, I am willing to have offered and read, and if gentlemen will consent (as I believe they will from expressions which have been made) to a vote upon each amendment, without resorting to the yeas and nays or tellers, we are perfectly content to yield far enough to have an expression of the House upon each and every one of those amendments.

Mr. ZACH. TAYLOR. Will the gentlemen please explain the nature of the amendments.

Mr. HEARD. I will let them all be read. Now, Mr. Speaker, if there be no objection to the course I have proposed, I will ask unanimous consent that it be pursued.

The SPEAKER. The gentleman from Missouri [Mr. HEARD] proposes to withdraw the demand for the previous question, upon the condition that certain amendments which he proposes to send up shall be incorporated into the substitute, and that certain other amendments which gentlemen upon the floor desire to offer shall be offered and voted upon without a call of the yeas and nays or a count by tellers, and with the additional understanding that there shall be no further obstruction offered to a vote upon the bill. Is that agreed to?

Mr. RICHARDSON. Is it intended to pass the bill without a yea-and-nay vote?

Mr. HEARD. No.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HEARD]?

Mr. SOWDEN. I object, Mr. Speaker, on this ground: If a yea-and-nay vote be necessary in order to ascertain the true sense of the House upon any proposition, why should we not have it? My objection has reference to that point, and is not made with any view to filibustering.

Mr. HEARD. Mr. Speaker, I have made my proposition in perfect good faith. The amendment which the gentleman from Pennsylvania [Mr. SOWDEN] desires to offer is one that the friends of the bill are willing to have incorporated in it, and I hope that he will not be the person to interfere with the programme I have proposed, which will give to the public the benefit of the improvements which these acceptable amendments will make in the bill, and at the same time give the House an opportunity of voting upon the others.

Mr. SOWDEN. I withdraw my objection, Mr. Speaker, as the gentleman says he will accept my amendment.

The SPEAKER. Is there further objection to the request of the gentleman from Missouri [Mr. HEARD]?

There was no objection, and it was so ordered.

Mr. HEARD. I now send up an amendment offered by the gentleman from Pennsylvania [Mr. SOWDEN], which the friends of the bill accept.

The Clerk read as follows:

Amend the substitute by adding the following as an additional section:

"SEC. 5. Each stockholder in the said company shall be individually liable for all the debts and liabilities of said company to an amount equal to the par value of the stock held by such stockholder until the stock held by him is fully paid up."

Mr. HEARD. I accept that amendment, and desire to incorporate it into the body of the substitute. I now send up an amendment offered by the gentleman from California [Mr. FELTON].

The Clerk read as follows:

Insert after the word "Columbia," on page 9, line 18, the following:

"*Provided*, That said board of directors shall not have the power to sell or lease the said road, or any part thereof, or to purchase or lease any other railroad, or any part thereof, without first obtaining the written consent of two-thirds of said stockholders."

Mr. HEARD. I hold that, under the law, the directors would have no right to do that anyhow; but I am willing to accept the amendment and to have it incorporated in the substitute.

I desire now to send up the amendment offered by the gentleman from Tennessee [Mr. RICHARDSON].

The Clerk read as follows:

Add to section 2 the following:

"*Resolved*, That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence or which may be hereafter chartered, and any such consolidation shall by itself operate as a forfeiture of all chartered rights and privileges granted to said company."

Mr. HEARD. That I accept. I will state that was adopted by the Committee of the Whole in our previous discussion and was unintentionally omitted from the body of the substitute as drawn. I now incorporate it in the substitute.

I next send up the amendment offered by the gentleman from Texas [Mr. CRAIN].

The Clerk read as follows:

In section 2, line 26, after the word "require," insert as follows:

"And shall not take on any of its cars more passengers than can be accommodated with seats, and shall cause its cars to be heated during the winter season."

Mr. HEARD. I accept that amendment and incorporate it in the substitute.

I now send up an amendment offered by the gentleman from Indiana [Mr. HOLMAN], to which I have taken the liberty of adding some words which I think not only he but the whole House will approve.

The Clerk read as follows:

Add as section 6 the following:

"The president and secretary of said company shall report to Congress at the commencement of each session the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures of the company, and such reports shall be verified by the affidavits of said officers."

Mr. HEARD. I accept that as a part of the substitute. I will state that the words which I have added, in addition to a report of the names of the stockholders and the amount of stock held by them, require the president and secretary also to certify the expenditures and receipts of the company. This will guide Congress in the matter of reducing the rate of fare when the state of receipts and expenditures will justify it.

I desire now to send up the amendments offered by the gentleman from Indiana [Mr. COBB] and ask to have them read. I am not willing to accept them, but I am willing that the gentleman should have the benefit of a fair expression of the sense of the House.

The SPEAKER. The Clerk will report the first of the amendments now sent up.

The Clerk read as follows:

Strike out all after "personal" in line 34, section 2, to and including the word "track," in line 36, and insert the following:

"But it shall not be lawful to issue any of such bonds until the entire capital stock has been paid to said company in actual money, and until the entire amount so paid shall have been actually expended in the construction and equipment of said road. The company shall report to the commissioners of the District of Columbia the amount that has been paid in on account of capital stock, and the amount expended on account of construction and equipment; and, if the commissioners shall be satisfied that the amount of the capital stock has not been sufficient to properly construct and equip said road, then, and not otherwise, it shall be lawful for said company to issue said bonds, but not for a greater amount than shall be necessary to complete said construction and equipment."

Mr. HEARD. As I have said, the friends of the bill are not willing to accept this amendment. There is another offered by the same gentleman, which I desire to have read and voted on. Shall both amendments be now read, or will the vote be taken on each as it is offered?

The SPEAKER. Just as the gentleman chooses. Only one can be pending at a time.

Mr. HEARD. Very well; let the amendment which has been read be voted on now.

The question being taken on the amendment, it was not agreed to.

The SPEAKER. The Clerk will report the next amendment offered by the gentleman from Indiana [Mr. COBB].

The Clerk read as follows:

Amend by adding after the word "charged," in line 92 of section 1, the following:

"And said company shall report to the commissioners of the District of Columbia annually the entire receipts and expenditures of said company for the preceding fiscal year, and shall pay into the Treasury of the United States for the use of the District of Columbia 10 per cent. of the gross earnings of said company."

Mr. HEARD. I will state the first part of that amendment is provided for in the amendment offered by the gentleman from Indiana [Mr. HOLMAN]. The other part of it was rejected by the committee and also by a vote of the House in Committee of the Whole.

Mr. COBB. The gentleman from Missouri is mistaken in that proposition. The amendment he refers to was not such as the one which is presented this morning. That required 25 per cent., as I remember it, and this requires 10 per cent. to be paid into the Treasury.

Mr. HEARD. I submit to the correction. I ask for a vote on the amendment.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. COBB. I call for a division.

The House divided; and there were—ayes 24, noes 53.

So the amendment was not agreed to.

Mr. HEARD. I dow desire to send up an amendment offered by the gentleman from New Jersey [Mr. MCADOO], which the friends of the bill cannot accept.

The Clerk read as follows:

Amend section 1 by striking out all of lines 2, 3, 4, 5, 6, 7, 8, after the word "assembled," in line 2, and all of line 9, after preceding the word "and," and insert in lieu thereof these words: "The commissioners of the District of Columbia shall advertise in at least five daily newspapers, two at least in said District, for thirty days for bids for the right and franchise to assume the name of the corporation herein named, and to acquire the rights, privileges, and franchises herein set forth, and the persons who shall make the highest bid and pay at least 50 per cent. cash on said bid before beginning work on said road, and the balance when said road is completed, are such persons."

Mr. MCADOO. I call for a division.

The House divided; and there were—ayes 19, noes 54.

So the amendment was not agreed to.

Mr. HEARD. There was another amendment proposed by the gentleman from New Jersey [Mr. MCADOO], which I ask to have read.

The amendment was read, as follows:

The question being taken on the amendment, the Speaker stated that the "noes" seemed to have it.

Amend line 19, section 1, after the word "prescribe," by adding the following: "All moneys received from the sale of said franchise shall be paid into the United States Treasury to the credit of said District: *Provided*, That the sale of said franchise shall not affect the right of Congress to alter, repeal, or amend this act."

Mr. HEARD. That belongs with the other amendment just voted upon.

The SPEAKER. Does the gentleman from New Jersey desire a separate vote upon it?

Mr. MCADOO. No, sir.

The amendment was rejected.

Mr. HEARD. I desire now, Mr. Speaker, to submit a second amendment proposed by the gentleman from Indiana [Mr. HOLMAN], which the friends of the bill can not accept.

The amendment was read, as follows:

Insert the following:
"And in addition to said tax the said company shall, on the 1st day of January, 1888, and on the 1st day of January annually thereafter, pay into the Treasury of the United States for the use of the District of Columbia, a sum equal to 5 per cent. of the gross earnings of said company during the preceding year, the payment of which shall be enforced in the manner as above provided for in the collection of the tax aforesaid."

The SPEAKER. Will the gentleman from Missouri [Mr. HEARD] indicate where this amendment comes in?

Mr. HEARD. It comes in in connection with the provision relating to the taxation of the road.

The amendment was rejected—ayes 20, noes 52.

Mr. HEARD. I now send up an amendment proposed by the gentleman from Maryland [Mr. MCCOMAS].

The amendment was read, as follows:

Insert after "charged," in line 92, section 1, the following:
"*Provided*, That from and after the 1st day of January, A. D. 1889, said company shall receive a rate of fare not exceeding 3 cents for each passenger for each continuous ride between all points of its main and branch lines."

The amendment was rejected—ayes 32, noes 55.

Mr. HEARD. I submit now, Mr. Speaker, an amendment proposed by the gentleman from Ohio [Mr. ANDERSON].

The amendment was read, as follows:

Amend by inserting after the word "each," in line 3, section 2, the following: "But such company is not authorized by this act to issue bonds and stock the aggregate of which shall exceed the actual cost of construction and equipment of said road by more than 20 per cent."

The amendment was rejected—ayes 46, noes 48.

Mr. HEARD. Now, Mr. Speaker, I send up an amendment proposed by the gentleman from Ohio [Mr. SENEY].

The amendment was read, as follows:

Strike out the sentence beginning on line 87 and ending on line 92, and in lieu insert the following:
"Said company shall receive 2 cents and no more for one continuous ride between all points of its main and branch lines."

The amendment was rejected—ayes 10, noes 58.

Mr. HEARD. The gentleman from North Carolina [Mr. JOHNSTON] desires to offer an amendment, which I ask to have read.

The amendment was read, as follows:

After the word "track," in line 36 of section 2, insert:
"*Provided*, That no bonds as herein provided for shall be issued until the full amount of each share of the said capital stock of $2,000,000 shall be paid in and faithfully applied to the proper construction and equipment of the said railways."

Mr. ROWELL. I make the point of order on that amendment that it has already been voted down.

The SPEAKER. These amendments are being offered under an agreement made this morning.

The amendment was rejected—yeas 21, noes 46.

Mr. MILLS. Is it in order now, Mr. Speaker, to move to substitute 3 instead of 5 cents as the rate of fare to be charged?

Mr. HEARD. That has been voted down. Mr. Speaker, the gentleman from North Carolina [Mr. JOHNSTON] desires to offer another amendment which the friends of the bill can not accept.

The amendment was read, as follows:

Add, after the words "the same," in line 96 of section 1, the words:
"*Provided*, That the value of said road for the purposes of taxation shall not be assessed at less than $30,000 per mile of single track."

The amendment was rejected—ayes 10, noes 48.

Mr. HEARD. The gentleman from Maryland [Mr. SHAW] desires to propose an amendment which the friends of the bill decline to accept.

The amendment was read, as follows:

Amend section 2 by inserting after the word "track," in line 36, the following:
"*Provided*, That no bonds shall be issued as aforesaid until the whole amount of the capital stock herein provided for shall have been paid in current funds into the hands of the treasurer of said company, and three-fourths of such amount be expended in the construction and equipment of said railway."

The amendment was agreed to—ayes 55, noes 49.

Mr. HEARD. I desire to offer the following amendment for the gentleman from Missouri [Mr. WARNER], and which the friends of the bill accept and make a part of the substitute.

The Clerk read as follows:

Add the following as section 7:
"That said company shall keep watchmen at such street crossings in the city of Washington as the commissioners of the District of Columbia shall deem necessary for the public safety."

The amendment was agreed to.

Mr. HEARD. I desire to offer this amendment for the gentleman from South Carolina [Mr. HEMPHILL], which the friends of the bill also agree to accept as a part of the substitute.

The Clerk read as follows:

In line 44, section 2, strike out the word "two" and insert the word "ten."

Mr. HEARD. This keeps the stock books open for ten days instead of two days, as the bill provided originally.

The amendment was agreed to.

Mr. HEARD. I now offer for the gentleman from Missouri [Mr. WARNER] the following amendment for a vote of the House, the friends of the bill not desiring to accept it.

The Clerk read as follows:

After the word "Columbia," in line 94, section 1, insert the following:
"And in addition thereto shall pay into the Treasury of the United States 10 per cent. of the net earnings of said road remaining after the reasonable and necessary expenses of operating and maintaining said road, and 5 per cent. upon the actual cost of constructing said road shall have been taken from its gross earnings."

The question was taken; and on a division there were—ayes 24, noes 69.

So the amendment was rejected.

Mr. HEARD. For the gentleman from Pennsylvania [Mr. BROWN] I offer the amendment which I now send to the desk in order that a vote of the House may be taken upon it.

Mr. MCADOO. I wish to ask the gentleman from Missouri a question. I understood that in offering these amendments we might go so far as to have a vote by tellers on them.

Mr. HEARD. It was agreed this morning upon the floor that the vote on these questions would be decided by a division.

The Clerk read the amendment of Mr. BROWN, of Pennsylvania, as follows:

Strike out section 4 and insert the following:
"That this act may at any time be altered, amended, or the plan of said road may be changed from a surface to an elevated or underground road, or the power and plan of applying the same may be changed at any time and in any manner so as to conform the same to any invention or improvement that may by the Congress be deemed more to the public advantage than that provided in this act."

The question was taken; and on a division there were—ayes 11, noes 60.

So the amendment was rejected.

Mr. HEARD. I have also this amendment to offer for the gentleman from Tennessee [Mr. RICHARDSON], which the friends of the bill do not desire to accept. It is substantially covered by the amendment of the gentleman from Texas [Mr. CRAIN], which was accepted by the friends of the bill.

Mr. RICHARDSON. I insist that it is not the same.

The SPEAKER. Discussion is not in order.

Mr. RICHARDSON. The gentleman has discussed the amendment.

Mr. HEARD. I do not propose to discuss it.

Mr. RICHARDSON. The gentleman says it is substantially the same amendment; I say it is not.

The Clerk read as follows:

That said company shall divide or separate the seats in the cars by a rail or partition so as to designate a seat for each passenger, and when all the seats in the car are taken and occupied by passengers the car shall not be stopped to receive any other passenger; and any passenger not provided with a seat shall not be required to pay fare.

The question was taken; and on a division there were—ayes 49, noes 77.

So the amendment was rejected.

Mr. HEARD. I desire now to offer, on behalf of the gentleman from Wisconsin [Mr. LA FOLLETTE], an amendment in regard to the sale of tickets, providing that eight instead of six shall be sold for 25 cents. The committee do not feet inclined to accept the amendment.

The Clerk read as follows:

Amend by striking out, in line 90, the word "six" and inserting "eight."

The amendment was not agreed to, there being ayes 22, noes 54.

Mr. HEARD. The gentleman from Ohio [Mr. ANDERSON] asks me to submit the amendment which I send to the desk, which he states I agreed yesterday evening should be offered. I decline to accept it, but submit it for a vote by the House.

The Clerk read as follows:

Add at the end of the second section:

"The iron used in the construction of said road shall be of American manufacture."

[Applause and laughter.]

The amendment was agreed to. [Applause.]

Mr. SPRINGER. Now, Mr. Speaker, I think it is time we should have the previous question. These gentlemen who oppose the bill have gotten into it all their good propositions.

Mr. HEARD. I now renew the call for the previous question upon agreeing to the substitute, and on ordering the bill to be engrossed and read a third time.

The previous question was ordered.

Mr. MCADOO. I rise to a parliamentary inquiry. Is it now in order to move to recommit the bill?

The SPEAKER. Not at this stage. The previous question has just been ordered on agreeing to the amendment and ordering the bill to be engrossed and read a third time.

Mr. MCADOO. After the third reading of the bill will the motion I have indicated be in order?

The SPEAKER. The rules provide that when the question is on the passage of the bill the motion to recommit is in order.

The question being taken, the substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HEARD. I move the previous question on the passage of the bill.

Mr. MCADOO. I now move to recommit the bill to the Committee on the District of Columbia with instructions to report it back forthwith with the amendment offered by me and voted on.

A MEMBER. What was that amendment?

Mr. MCADOO. I ask to have it read.

Mr. SPRINGER. I make the point of order that the provision directing the committee to report forthwith is not in order.

The SPEAKER. The gentleman from Illinois makes a point of order against so much of the motion as requires the committee to report forthwith, which involves a change of the rules or practice of the House.

Mr. MCADOO. I will modify my motion so as to provide that the committee report at any time.

Mr. SPRINGER. That is liable to the same objection.

The SPEAKER. The gentleman from Illinois makes the same point against the modification. A committee which has not, under the rules, power to report at any time, can not be authorized to do so except by a suspension of the rules, or by unanimous consent.

Mr. MCADOO. Then I withdraw that portion of my motion.

Mr. SPRINGER. I make the point of order that the agreement made this morning——

Mr. HEARD. By unanimous consent.

Mr. SPRINGER. By unanimous consent, was to the effect that these amendments should be voted on as they have been, and that then no further opposition should be made to the passage of the bill.

The SPEAKER. The agreement was that no further "obstruction" be offered. The Chair supposed that provision was intended to exclude what are known as dilatory proceedings. But this is a legitimate parliamentary motion. The gentleman moves to recommit the bill.

Mr. HEMPHILL. Can we have the instructions read?

The SPEAKER. The Chair understood the gentleman to withdraw the instructions, and to move simply that the bill be recommitted to the Committee on the District of Columbia.

Mr. MCADOO. I beg pardon; I think the Chair did not understand me. My motion is to recommit the bill with instructions that the committee report it back with the amendment offered by me this morning.

The SPEAKER. That amendment has been voted on by the House and rejected. The Chair thinks it is no more in order to move to recommit the bill with instructions to report it back with that amendment, than it would be to offer the same amendment again in the House.

Mr. HEMPHILL. I move to recommit, with instructions to incorporate in the bill the amendment which I send to the desk.

The SPEAKER. The gentleman from New Jersey has a motion to recommit pending.

Mr. MCADOO. I withdraw my motion for the purpose of allowing the gentleman from South Carolina [Mr. HEMPHILL] to submit his.

Mr. SPRINGER. All these are amendments which, according to the understanding, should have been brought in as such at a previous stage of the bill.

The SPEAKER. The Clerk will report the amendment which the gentleman from South Carolina [Mr. HEMPHILL] proposes the Committee on the District of Columbia shall be instructed to incorporate in the bill.

The Clerk read as follows:

SEC. 8. That before the rights and privileges herein specified shall vest in the corporators named, the commissioners of the District of Columbia shall advertise in three daily papers of the city of Washington for the period of thirty days the said franchises, rights, and privileges for sale to the highest bidder or bidders, and the said franchises, rights, and privileges shall be sold and transferred to the highest bidder or bidders, who shall enter into a bond of $100,000 to construct said road in compliance with the provisions of this charter. The amount bid by the person or persons to whom said franchises, rights, and privileges are transferred, shall be turned over to the Treasurer of the United States to be expended as is the money raised by taxation in the District.

In case no bids be made for the privileges herein ordered to be offered for sale, then the rights, franchises, and privileges shall invest in the persons herein named as corporators and their associates who may subscribe to the capital stock of said company.

Mr. HEARD. I make the point of order that this amendment has been already voted upon and rejected.

Mr. MCADOO. It is not the same amendment. This is to recommit.

Mr. HEARD. It is substantially the same, and has been already rejected.

The SPEAKER. When?

Mr. HEARD. This morning.

The SPEAKER. The Chair thinks that it is essentially different, and overrules the point of order.

Mr. MILLS. On that I ask the yeas and nays.

Mr. SPRINGER. It was understood that there was to be no demand for the yeas and nays upon amendments; but that there might be on a motion to recommit. The substance of this is simply an amendment to the bill.

The SPEAKER. The Chair overrules the point of order.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 130, not voting 93; as follows:

YEAS—94.

Adams, J. J.	Foran,	Lore,	Riggs,
Allen, J. M.	Fuller,	Lovering,	Robertson,
Anderson, J. A.	Gay,	Martin,	Sayers,
Baker,	Geddes,	Matson,	Seney,
Barbour,	Glass,	McAdoo,	Shaw,
Barnes,	Grosvenor,	McComas,	Skinner,
Blount,	Guenther,	McCreary,	Snyder,
Breckinridge, C. R.	Halsell,	McKinley,	Sowden,
Cabell,	Hammond,	McMillin,	Swinburne,
Catchings,	Harris,	McRae,	Taylor, I. H.
Clardy,	Hatch,	Miller,	Taylor, J. M.
Cobb,	Hemphill,	Mills,	Tillman,
Cowles,	Henderson, J. S.	Moffatt,	Trigg,
Cox, W. R.	Herbert,	Morgan,	Tucker,
Crain,	Holman,	Morrison,	Turner,
Crisp,	Hopkins,	Muller,	Ward, T. B.
Croxton,	Irion,	Neal,	Warner, William
Culberson,	Johnston, T. D.	Norwood,	Weber,
Davidson, R. H. M.	Jones, J. H.	O'Ferrall,	Wellborn,
Dawson,	La Follette,	Payson,	Wilson,
Eden,	Landes,	Perry,	Wise,
Eldredge,	Lanham,	Phelps,	Worthington.
Ermentrout,	Lehlbach,	Randall,	
Everhart,	Long,	Richardson,	

NAYS—130.

Adams, G. E.	Findlay,	Louttit,	Scott,
Allen, C. H.	Fleeger,	Lowry,	Scranton,
Atkinson,	Ford,	Lyman,	Sessions,
Barksdale,	Forney,	Maybury,	Spooner,
Bayne,	Frederick,	McKenna,	Springer,
Bound,	Funston,	Merriman,	Steele,
Boyle,	Gallinger,	Millard,	Stephenson,
Brady,	Gilfillan,	Milliken,	Stone, W. J., Ky.
Bragg,	Grout,	Mitchell,	Storm,
Brown, C. E.	Hale,	Morrill,	Strait,
Brown, W. W.	Hall,	Morrow,	Swope,
Bunnell,	Harmer,	Murphy,	Symes,
Burrows,	Hayden,	Neece,	Tarsney,
Butterworth,	Haynes,	Negley,	Taulbee,
Bynum,	Heard,	Nelson,	Taylor, E. B.
Campbell, J. M.	Henderson, D. B.	Oates,	Taylor, Zach.
Campbell, T. J.	Henderson, T. J.	O'Donnell,	Thomas, O. B.
Carleton,	Henley,	O'Hara,	Van Eaton,
Caswell,	Hermann,	O'Neill, Charles	Van Schaick,
Clements,	Hiestand,	Osborne,	Viele,
Conger,	Hires,	Owen,	Wadsworth,
Cooper,	Hitt,	Parker,	Wait,
Curtin,	Holmes,	Payne,	Wakefield,
Dargan,	Howard,	Peel,	Ward, J. H.
Davidson, A. C.	Hudd,	Perkins,	Weaver, J. B.
Davis,	James,	Peters,	White, A. C.
Dingley,	Johnson, F. A.	Plumb,	White, Milo
Dorsey,	Johnston, J. T.	Ranney,	Wilkins,
Dunham,	Jones, J. T.	Romeis,	Winans,
Ely,	King,	Rowell,	Wolford,
Evans,	Kleiner,	Ryan,	Woodburn.
Farquhar,	Lawler,	Sadler,	
Felton,	Le Fevre,	Sawyer,	

NOT VOTING—93.

Aiken,	Collins,	Jackson,	Smalls,
Anderson, C. M.	Compton,	Kelley,	Spriggs,
Bacon,	Comstock,	Ketcham,	Stahlnecker,
Ballentine,	Cox, S. S.	Laffoon,	Stewart, Charles
Barry,	Cutcheon,	Laird,	Stewart, J. W.
Belmont,	Daniel,	Libbey,	St. Martin,
Bennett,	Davenport,	Lindsley,	Stone, E. F.
Bingham,	Dibble,	Little,	Stone, W. J., Mo.
Blanchard,	Dockery,	Mahoney,	Struble,
Bland,	Dougherty,	Markham,	Thomas, J. R.
Bliss,	Dunn,	O'Neill, J. J.	Thompson,
Boutelle,	Ellsberry,	Outhwaite,	Throckmorton,
Breckinridge, WCP	Fisher,	Pettibone,	Townshend,
Browne, T. M.	Gibson, C. H.	Pidcock,	Wade,
Brumm,	Gibson, Eustace	Pindar,	Wallace,
Buchanan,	Glover,	Reagan,	Warner, A. J.
Buck,	Goff,	Reed,	Weaver, A. J.
Burleigh,	Green,	Reese,	West,
Burnes,	Hanback,	Rice,	Wheeler,
Caldwell,	Hepburn,	Rockwell,	Whiting,
Campbell, Felix	Hill,	Rogers,	Willis.
Campbell, J. E.	Hiscock,	Rusk,	
Candler,	Houk,	Seymour,	
Cannon,	Hutton,	Singleton,	

So the motion was not agreed to.

Mr. JAMES. I ask unanimous consent to dispense with the reading of the names.

Mr. MCADOO. I object.

The Clerk recapitulated the names of those voting.

The following additional pairs were announced:

Mr. HILL with Mr. ANDERSON, of Ohio, on this bill.

Mr. STAHLNECKER with Mr. REED, on this vote.

Mr. STONE, of Missouri, with Mr. LITTLE, on the pending bill.

Mr. COMPTON with Mr. ROCKWELL, on this vote.

Mr. BELMONT with Mr. BRUMM, for this day

Mr. LAFFOON with Mr. KELLEY.

Mr. HUTTON with Mr. BINGHAM, on this vote.

Mr. GLOVER with Mr. WHITING.

Mr. COMSTOCK with Mr. STRUBLE.

Mr. DUNN with Mr. THOMPSON.

Mr. TOWNSHEND with Mr. CANNON, on this vote.

Mr. COBB. The gentleman from Missouri [Mr. HUTTON] is absent from the House on account of sickness.

Mr. MCRAE. My colleague [Mr. ROGERS] is absent on account of sickness.

The result of the vote was then announced as above recorded.

Mr. BAYNE. I ask consent to submit some remarks upon this bill.

There was no objection.

Mr. HEARD. I now demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. SOWDEN and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 72, not voting 79; as follows:

YEAS—166.

Adams, G. E.	Everhart,	Lowry,	Sawyer,
Allen, C. H.	Farquhar,	Lyman,	Scott,
Allen, J. M.	Felton,	Markham,	Scranton,
Anderson, J. A.	Findlay,	Martin,	Sessions,
Atkinson,	Fleeger,	Matson,	Spooner,
Baker,	Foran,	Maybury,	Springer,
Barksdale,	Ford,	McCreary,	Stahlnecker,
Bayne,	Forney,	McKenna,	Steele,
Bingham,	Funston,	Merriman,	Stephenson,
Bound,	Gallinger,	Millard,	Stone, E. F.
Boutelle,	Gay,	Milliken,	Stone, W. J., Ky.
Boyle,	Gibson, C. H.	Mitchell,	Storm,
Bragg,	Gilfillan,	Moffatt,	Strait,
Brown, C. E.	Glass,	Morgan,	Swope,
Brown, W. W.	Grout,	Morrill,	Symes,
Buchanan,	Guenther,	Morrow,	Tarsney,
Buck,	Hale,	Muller,	Taulbee,
Bunnell,	Hall,	Murphy,	Taylor, E. B.
Burrows,	Harmer,	Neece,	Taylor, I. H.
Butterworth,	Hayden,	Negley,	Thomas, J. R.
Bynum,	Haynes,	Nelson,	Thomas, O. B.
Campbell, J. M.	Heard,	Norwood,	Tillman,
Campbell, T. J.	Henderson, D. B.	Oates,	Townshend,
Cannon,	Henley,	O'Donnell,	Van Eaton,
Carleton,	Hepburn,	O'Hara,	Van Schaick,
Caswell,	Herbert,	O'Neill, Charles	Viele,
Clardy,	Hermann,	O'Neill, J. J.	Wadsworth,
Cooper,	Hiestand,	Osborne,	Wait,
Crain,	Hires,	Owen,	Wakefield,
Croxton,	Hitt,	Parker,	Wallace,
Curtin,	Holmes,	Payne,	Ward, J. H.
Cutcheon,	Hudd,	Peel,	Ward, T. B.
Dargan,	James,	Perkins,	Weaver, J. B.
Davidson, A. C.	Johnson, F. A.	Perry,	White, A. C.
Davidson, R. H. M.	Johnston, J. T.	Peters,	White, Milo
Davis,	Jones, J. T.	Pettibone,	Wilson,
Dibble,	King,	Plumb,	Winans,
Dingley,	Kleiner,	Robertson,	Wise,
Dorsey,	Lawler,	Romeis,	Wolford,
Dunham,	Le Fevre,	Rowell,	Woodburn.
Ely,	Long,	Ryan,	
Evans,	Louttit,	Sadler,	

NAYS—72.

Adams, J. J.	Barnes,	Cabell,	Cobb,
Anderson, C. M.	Blount,	Caldwell,	Cox, W. R.
Bacon,	Breckinridge, C. R.	Catchings,	Crisp,
Barbour,	Burnes,	Clements,	Culberson,
Daniel,	Henderson, T. J.	McComas,	Seney,
Dawson,	Holman,	McMillin,	Shaw,
Eden,	Hopkins,	McRae,	Skinner,
Eldredge,	Howard,	Miller,	Sowden,
Ermentrout,	Irion,	Mills,	Taylor, J. M.
Frederick,	Jackson,	Morrison,	Trigg,
Fuller,	Johnston, T. D.	Neal,	Tucker,
Geddes,	Jones, J. H.	O'Ferrall,	Turner,
Halsell,	La Follette,	Payson,	Warner, William
Hammond,	Landes,	Phelps,	Weber,
Harris,	Lanham,	Randall,	Wellborn,
Hatch,	Lehlbach,	Richardson,	Wheeler,
Hemphill,	Lore,	Riggs,	Wilkins,
Henderson, J. S.	McAdoo,	Sayers,	Worthington.

NOT VOTING—79.

Aiken,	Cowles,	Laffoon,	Singleton,
Ballentine,	Cox, S. S.	Laird,	Smalls,
Barry,	Davenport,	Libbey,	Snyder,
Belmont,	Dockery,	Lindsley,	Spriggs,
Bennett,	Dougherty,	Little,	Stewart, Charles
Blanchard,	Dunn,	Lovering,	Stewart, J. W.
Bland,	Ellsberry,	Mahoney,	St. Martin,
Bliss,	Fisher,	McKinley,	Stone, W. J., Mo.
Brady,	Gibson, Eustace	Outhwaite,	Struble,
Breckinridge, WCP	Glover,	Pidcock,	Swinburne,
Browne, T. M.	Goff,	Pindar,	Taylor, Zach.
Brumm,	Green,	Ranney,	Thompson,
Burleigh,	Grosvenor,	Reagan,	Throckmorton,
Campbell, Felix	Hanback,	Reed,	Wade,
Campbell, J. E.	Hill,	Reese,	Warner, A. J.
Candler,	Hiscock,	Rice,	Weaver, A. J.
Collins,	Houk,	Rockwell,	West,
Compton,	Hutton,	Rogers,	Whiting,
Comstock,	Kelley,	Rusk,	Willis.
Conger,	Ketcham,	Seymour,	

So the bill was passed.

During the roll-call, on motion of Mr. LORE, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. DOCKERY with Mr. WADE; if Mr. DOCKERY were present, he would vote "no" on the pending bill.

Mr. FELIX CAMPBELL with Mr. REED.

Mr. HILL with Mr. LIBBEY, for the rest of this day.

The vote was then announced as above recorded.

Mr. HEARD moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes; when the Speaker signed the same.

INDIAN TRUST BONDS.

Mr. ADAMS, of New York, by unanimous consent, introduced a joint resolution (H. Res. 247) directing the Attorney-General to take all proper and legal proceedings to collect the principal and interest on certain bonds of the States of Arkansas, Florida, Virginia, Tennessee, Louisiana, North Carolina, and South Carolina, now held by the United States as trustee for certain Indian tribes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. LAFFOON, by unanimous consent, was granted leave of absence indefinitely, on account of sickness in his family.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, requested the return of a bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

It further announced the passage of a bill of the following title, in which concurrence was requested:

A bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

RETURN OF A BILL.

The SPEAKER laid before the House the following request of the Senate:

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 27, 1887.

Ordered, The Secretary be directed to request the House of Representatives to return to the Senate a bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent on their own labor for support.

The SPEAKER. If there be no objection, the request of the Senate will be granted, and the Clerk will be directed to return the bill to the Senate.

ARMS AND EQUIPMENTS FOR THE MILITIA.

Mr. FORNEY. I rise to submit a privileged report.

The Clerk read as follows:

The committtee of conference on the disagreeing votes of the two Houses to the bill (S. 222) to amend section 1661 of the Revised Statutes making an annual

appropriation to provide arms and equipments for the militia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, as follows:

Insert "four" instead of "six" in the first line of first section, so as to read "$400,000"—and agree to the same.

WM. McADOO,
A. J. HOPKINS,
Managers on the part of the House.
W. J. SEWELL,
F. M. COCKRELL,
JOSEPH R. HAWLEY,
Managers on the part of the Senate.

Mr. HEPBURN. What is the effect of the adoption of the report?

The SPEAKER. It is to fix the amount in the bill at $400,000.

Mr. FORNEY. I demand the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. FORNEY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT OF DELIVERY AT LEWES, DEL.

Mr. LORE. I call up for consideration at this time a motion to reconsider the vote by which was passed the bill (S. 2256) to create a port of delivery at Lewes, Del., on the 23d day of December last. This bill was passed by the House, but a motion to reconsider was made by the gentleman from Pennsylvania [Mr. RANDALL], and has been pending ever since. In order to remove the objection heretofore interposed against this bill I now move to strike out the words "enter and;" so the bill will then read:

That Lewes, in the State of Delaware, shall be, and is hereby, constituted a port of delivery within the collection district of Delaware; and the deputy collector of customs stationed there shall have power to clear all vessels, whether foreign or domestic, coming to that port.

The motion to reconsider was agreed to.

Mr. LORE'S amendment was then agreed to; and the bill as amended was ordered to a third reading; and it was accordingly rea t the third time and passed.

Mr. LORE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PLEURO-PNEUMONIA.

Mr. HATCH. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7208) to amend an act entitled "An act for the establishment of a Bureau of Animal Industry, and for other purposes," approved May 29, 1884; and pending that motion I move that all general debate be limited to two hours.

Mr. McMILLIN demanded a division.

The House divided; and there were—ayes 102, noes 12.

So the motion was agreed to.

The question recurred on the motion to go into the Committee of the Whole on the state of the Union; and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of further considering the bill (H. R. 7208) to amend an act entitled "An act for the establishment of a Bureau of Animal Industry, and for other purposes," approved May 29, 1884. By order of the House general debate is limited to two hours.

Mr. HATCH. I yield twenty-five minutes to the gentleman from Kansas [Mr. FUNSTON].

Mr. FUNSTON. Mr. Chairman, I do not feel like letting this bill go to a vote without saying a word in its favor. While it may not be perfect in everyrespect, it certainly is the result of much thought and deep interest in a matter which so vitally concerns the material prosperity of our land, and which affects not only the owners of live stock but a much larger class who consume the meat and dairy products of this country. It is not legislation in favor of any special class of persons, but it is legislation in which every man, woman, and child are interested, and none more than the poor man who does not own a hoof in all the broad land.

It is a question of food for the millions. Shall it continue to be within the reach of all, the poor as well as the rich, or shall we permit a disease most fatal in its character, and which has for centuries baffled the efforts of the most skillful veterinary surgeons, to plant itself firmly in our land, destroying our magnificent herds of cattle, breaking up the animal industry of the farm, and in consequence of which advancing the prices of the products of the herd and the dairy beyond the reach of those who can not indulge in luxuries.

It is a mere business question which presents itself. Shall we meet it in a business-like manner, or shall we dally with it until it has spread beyond our reach or where it will require millions of money to eradicate it, whereas to-day it requires but thousands? The gentleman from Mississippi [Mr. MORGAN], my colleague on the committee, objects to the bill because the amount, $250,000, is insufficient, in his judgment, to carry out its purposes. My only answer to him is: then let us increase it sufficiently at least to destroy all affected animals, which would materially check the spread of the contagion, if not eradicate it altogether; at least it would hold it in check until the meeting of another Congress, when further legislation can be had under additional light on the subject. What we want now is thorough organization, with power from the Government to do something. As matters have been, the Government agents have been in many cases refused access to the infected herds, and are told that "whatever is done must be under the laws of the State, and as the State has no law on the subject, nothing can be done."

But my colleague on the committee [Mr. MORGAN], in his able remarks shown in the RECORD of the 12th instant, seems to be dissatisfied about the power which he believes is conferred upon the Commissioner of Agriculture in enabling him to place a State in quarantine in case the State fails to co-operate with the plans of the Department for the extirpation of the disease, and he calls it placing the power of this great Government behind him to enable him to trample upon the sovereign power of the State; while the facts are, the bill places the Commissioner behind the Government, and upon his recommendation "the President shall be authorized to declare in quarantine the said State or Territory," which keeps it entirely out of the hands of the commismisioner, except as to recommendation, and leaves it altogether discretionary with the President. And, at the worst, there is nothing arbitrary nor anything that savors of trampling upon the sovereign power of the State.

It is in fact but the exercise of a power conferred by the Constitution upon Congress to regulate commerce between the States, and in this case to prevent the exit from the State of animals having infectious or contagious diseases which may cost the Government millions to extirpate. And then, as a matter between right and wrong, is it not right? The State that will stubbornly resist the terms which the Government offers in this bill and will persist in poisoning the stock of other States by sending abroad their diseased animals ought to be forced into respecting the rights of others by such means as may be practical and lawful.

Now, my esteemed friend and colleague on the committee, in the speech referred to, criticised the provision of the bill which declares that in no case shall compensation be allowed for any animal slaughtered under the provisions of this act that may have contracted or have been exposed to such disease in a foreign country.

He says, "you prohibit payment for that animal, and it cannot be destroyed except by consent of the owner." In this the gentleman certainly is mistaken.

Mr. MORGAN. I said "except by consent of the owner."

Mr. FUNSTON. I know that; but if Congress has the power, which no one disputes, to declare that three-fourths of the value when sound is just compensation, it has the power also to declare that no compensation shall be allowed for diseased animals when brought into this country. But, in any event, that objection can not be a serious one, as that clause can be very easily amended by making it applicable only to those brought in after the approval of this act.

Now, my colleague on the committee from New York, Dr. SWINBURNE, made an elaborate and able minority report, and submitted with his speech in the RECORD of the 12th instant, in which report he severely criticised the chief of the Bureau of Animal Industry, and I think unjustly, for after a careful examination of his annual report for 1885 I pronounce it, in my humble opinion, most complete and able in all respects, showing an amount of hard labor and diligent research seldom equaled by the head of any bureau.

My colleague on the committee, in his report, charges the head of the bureau with incompetency, and cries aloud for more light on the subject of pleuro-pneumonia, and in his speech in the RECORD of the 12th instant he says: "To-day the committee have no information whatever upon the subject." Had he turned to the bureau report he would have found all the information that any one could desire. He would have found over a hundred cases of pleuro-pneumonia reported right here in the District of Columbia, with the names of the owners, their localities, and even the names of the streets and numbers of the residences of the owners in this city. He there would have found a full and detailed account of pleuro-pneumonia in many of the States (Maryland, Delaware, Pennsylvania, Ohio, Illinois, Kentucky, Tennessee, Missouri, and New Jersey), and an account of about three hundred cases in his own State of New York, giving names of owners and their post-office addresses and counties, and the streets and residences in cities. Also he would have found reports of inspection by veterinary surgeons in high standing from all parts of the country, many of which are most complete and interestimg, and confirming the existence of pleuro-pneumonia in an alarming degree.

Our eminent friend, however, who so worthily wears laurels won in the field of science, seems to be so wedded to science that of the great number of cattle actually infected with an incurable and most dangerously contagious diseases he would not slaughter one, except a few for scientific purposes. Scattered as they may be, over every State of the

Union, he would put a guard over each herd or single animal that may be infected and keep him there until the herd or single animal has recovered or died, compelling the owner of the infected stock to bear the expense. If all this were even practical it certainly would be a devotion to science which is truly heroic.

I imagine now I see one of the Government agents, which he provides for at a per diem of $5 to $10, in the second section of his substitute, standing over a $15 sick cow, day in and day out for thirty, forty, or sixty days, and then compelling the owner of the cow to pay the expense of such a performance. Mr. Chairman, I hardly think I need follow this part of the subject further. What we need in this matter is a good supply of common sense and practical knowledge. Science has long ago spent its force on pleuro-pneumonia without the least perceptible benefit. The only thing left for us to do now is to eradicate it in the quickest way possible, which is by the death of the animal infected. The three-fourths compensation at their sound value may seem to be too much when considered strictly in the light of obligation, but when we reflect that many infected animals have recovered; also that a less compensation than three-fourths would be an inducement to the owner to conceal the existence of the disease in his herd, it is thought to be wise to do that which would most likely revert to the public good, which is to pay a sufficient amount to secure its exposure by the owners of the infected animals.

In this we have the example of European governments that have struggled with the disease for many years. France allows one-half value before the disease, if they are found to be affected, and three-fourths if only contaminated. England one-half of value before disease. Germany three-fourths. Austria the mean value of the animal before the disease. Belgium the same. Holland one-half value for those diseased and full value for those suspected; and Sweden two-thirds of value before the disease. Now, I desire right here to read an extract from Fleming's Manual of Veterinary Sanitary Science and Police, found on page 153, Report of Animal Industry for 1885.

Dr. Fleming is president of the Royal College of Veterinary Surgeons and principal veterinary surgeon of the English army. This extract sets forth most clearly the justice and wisdom of the compensation plan.

The Clerk read as follows:

Compensation is the counterpoise of compulsory slaughter. Occision is, as we have just seen, the most certain and prompt means of extinguishing a contagious disease, and generally the most economical. But unless compensation is given to the owners it is a hardship and an injustice to resort to this measure, and leads to every kind of deception and evasion. Indeed, it can not be otherwise. A contagious disease invades the stable or cow shed of a poor man; if its existence becomes known, the animals therein, which may constitute his entire fortune, will be slaughtered to prevent the extension of the malady, and he will be ruined. As a matter of self-preservation, therefore, for himself and family, he conceals the outbreak, to the imminent danger of his neighbor's animals, and perhaps to those of a whole county; and dreading loss from his stock dying of the disease, he clandestinely disposes of it as best he may, sending the sick or contaminated beasts to market, whence they may introduce the contagion hundreds of miles away. In acting thus he can not be greatly blamed. The compulsory slaughter of the whole of a farmer's stock in some districts would be utter ruin to him, and he is certainly excusable in endeavoring to avert such a catastrophe, especially if the disease has just manifested itself. If he can not quietly dispose of the animals in the market or elsewhere, even at a sacrifice, he has every reason to believe that they will not all die if left to nature; and whatever number may remain will keep him from beggary. He will not so much consider his neighbor's loss from the spread of the contagion as his own under such circumstances; for there are but few men who would destroy their own fortune to preserve that belonging to others.

Mr. FUNSTON. Nothing can more clearly set forth the motives for the compensation system than the article just read; and I may add that the reasons given for concealing the presence of pleuro-pneumonia in England doubtless would apply to-day to a thousand cases in this country. Individuals conceal it for the reasons just given, cities having large interests in slaughter-houses and the cattle trade conceal it for fear of a loss to their business.

Mr. Chairman, it is the duty of the Government to set trusty and competent men at work to hunt it out and destroy it wherever it may be found. If for no other purpose than to suppress the diseased products of the dairy and the slaughter-houses, the ends would justify the means.

The interest at stake is too great to permit dallying with this matter. It would be trifling with the wealth and prosperity of the country. Already the existence of pleuro-pneumonia has caused us the loss of millions of dollars by shutting us out of foreign markets. England has, in consequence of it, forced us to slaughter our fat cattle in their ports of entry immediately upon landing, thus giving no opportunity to recover from the bruises and shrinkage of a sea-voyage, and also forcing us into market wherever we may land and for whatever we can get at the time. The trade with England in stock or store cattle for the purpose of fattening, which was fast becoming one of the most profitable exports of this country has been destroyed, and millions of dollars annually flowing into this country through that channel has been turned in other directions.

Our exports of cattle have dropped from $17,000,000 in 1884 to $10,000,000 in 1886, and during the same period our exports of fresh beef have dropped from $11,000,000 to $9,000,000, and cheese from $11,000,000 to $7,000,000, and butter from $3,000,000 to $2,000,000, making a falling off in the two years mentioned of $14,000,000; and yet we hesitate about giving $250,000 to change that condition of things, to say nothing of the preservation of the cattle interests of this country, valued at over $1,200,000,000.

Mr. Chairman, we can hardly form an adequate idea by the expression of figures of the magnitude of the interest which we are endeavoring to protect. To enable us to form even an approximate idea we are forced to resort to something as an illustration, which is more easily grasped by the mind than mere figures. On page 173 of the Report of Animal Industry for 1885, I find an illustration from the pen of the Commissioner of Agriculture, Mr. Colman, which gives some idea of this great interest. He gives the number of cattle in the United States at 45,000,000, and of which he says:

If a solid column should be formed twelve animals deep, one end resting at New York city, its center encircling Sacramento and its other arm reaching back to Boston, such a column would contain about the number which now forms the basis of the capital stock, so to speak, of the cattle industry of the United States.

Mr. Chairman, shutting this great interest out of foreign markets is not the only disadvantage to which we are subjected by reason of the presence of pleuro-pneumonia. The trade between the States also is becoming confused by the multiplicity of quarantine laws, each one differing from the others and in each case forming an obstruction to free commerce between the States. There are doubtless States needlessly quarantined against others, but that will continue to be the case until the General Government takes the matter in hand and establishes a uniform system and gives assurance that an impartial and thorough examination will be made in all directions, and every case of dangerously infectious or communicable disease brought to light and destroyed.

Until this shall have been done trade in fine stock will remain as it is to-day, almost paralyzed, and nothing will be moved except fat cattle to market, which will also be in a great measure discontinued should the disease of pleuro-pneumonia become general. A few figures may serve to give an approximate idea of the immense trade which is constantly going on between the States and show the importance of maintaining this great medium through which the money of our country is kept in circulation. I take the following statement from the report of the Bureau of Animal Industry for 1885:

The cattle trade at the principal markets of the United States for the year 1883 is shown by the following table: Kansas City received 460,780; Saint Louis, 405,000; Chicago, 1,878,944; Cincinnati, 218,425; Buffalo, 603,755; New York, 872,472; Philadelphia, 237,050; Baltimore, 94,394; making a total of 4,769,865 received by the principal markets of the United States in one year.

When we contemplate the fact that almost the whole of this properly falls under the head of interstate-commerce and that it is liable to be destroyed at any time by the spread of that insidious and fatal disease, pleuro-pneumonia, we must be convinced that it is the duty of Congress to immediately adopt such means as may effectually eradicate it.

Mr. Chairman, it is hardly necessary to dwell on the importance of maintaining and protecting all of the great industries of this country; suffice to say the man of the West sees in the mechanical industries of the East wealth to all the nation. He sees in them work and good wages for millions of willing hands. He sees in them year by year the cheapening of the products of the loom, the machinery for the farm, and he sees, too, in them a ready market for a large percentage of all his productions. So the man of the East sees in the thriving industries of the West wealth to all the nation. He sees in them cheap food, he sees in them eager purchasers for his mechanical productions, and thus a market unsurpassed by any other in all the world. So the North and South see in each other common business interests in which the prosperity of one is the prosperity of the other. Let us be wise, then, and promote and protect the special interests of each and thereby add to the wealth of all. [Applause.]

Mr. HATCH. I yield fifteen minutes to the gentleman from Iowa [Mr. CONGER].

Mr. CONGER. Mr. Chairman, I have not heretofore occupied much time of the House with speech-making, and if apology is necessary for trespassing upon your patience at this time it must be found in the importance of this measure to the whole country, and especially to the constituency which I represent and for whom I speak.

I came to the opening of this Congress with a firm conviction that there was no question upon which considerate and prompt legislation was more urgently demanded than that of the suppression and extermination of pleuro-pneumonia. Hence I early introduced the bill (H. R. 3350) for which the one under consideration is a very excellent substitute.

I shall not discuss the constitutional question raised. I apprehend that the very able and thorough presentation of the constitutionality of such a measure by its friends, both in the Forty-eighth Congress and in this present House, has been sufficient to satisfy the mind of every individual except those distinguished statesmen who have become so accustomed to cry "unconstitutional" for lack of other argument that now, unwittingly, they summon this ghost on all occasions, and the present discussion is no exception.

Congress, then, having the constitutional power, what is the demand for its exercise? A great plague is threatening one of the most important industries of our country; threatening it as the approach of cholera, small-pox, or yellow fever threatens human life. And we

should summon all the resources of the Government to suppress it, and to defend our people and their property from this, as promptly and efficiently as we would from the human plague. This may not only affect the health and lives of our citizens by infecting our great food supplies of beef, butter, cheese, and milk, but may also destroy the vast amount of value represented by the various cattle industries of this country.

As to the contagiousness of this dreadful malady there is no longer room for doubt, and the rapidity and certainty with which it spreads is unquestioned.

The following extract from the regulations of the English privy council, which is the knowledge gained from their sad experience, shows the extreme subtleness of the contagion.

All articles which have been in contact with a diseased animal, or any of its discharges, are capable of carrying the infection for an indefinite time, and must be looked upon as being actually infectious to other healthy animals. A single straw may carry the infection to a herd, and thence throughout a county. Such are racks of wood or iron, cribs or mangers of wood, iron, or stone, articles used for fastening animals, leather collars and straps, ropes and chains, the stalls or sheds in which animals have been standing, paths or roads upon which diseased animals have walked or been carried, fields and pastures upon which they have been grazing, the clothes, and particularly shoes and boots, and iron-pointed sticks of drivers; even the clothing of persons visiting infected places, and in fact all persons, animals, places, buildings, and movable things which have been in contact with matter proceeding from diseased animals or with such diseased cattle themselves.

It does not run its course and disappear in a short time, but when once its fangs are planted they can only be torn out with the life of the victim.

When once it is grounded in a community, it is there to stay indefinitely. France has been fighting it for nearly a century with immense expenditures, and is not rid of it yet.

Belgium and Holland have been struggling to eradicate it for sixty years or more, but with indifferent success. Great Britain and Ireland with a twenty years' unceasing war, and the expenditure of millions of money, have not entirely destroyed it. Prussia and Austria have been lavish with their expenditures, industrious and persistent in their efforts to destroy it, yet still it is decimating their herds. Russia, South Africa, and Australia have been for years and are to-day still struggling with it. Billions have been expended in fighting the dreaded contagion in the old world, and the destruction of wealth thereby is absolutely incalculable.

It is fast getting a foot-hold in this country, and unless the most heroic treatment is at once resorted to we may reasonably expect the sad experience of other countries to be repeated here.

From the first appearance of pleuro-pneumonia in Europe in 1690, when it was introduced from Eastern Russia, down through its introduction into England in 1840, and finally into the United States in 1843 by the importation of a single cow from Holland, the experience has been practically the same—terrible losses, enormous expenditures, and crippled trade.

From 1711 to 1714, 1,500,000 cattle died in Western and Central Europe, and from 1745 to 1748, 3,000,000 died; in Austria, in 1862, 152,000, and in Great Britain, in 1865 and 1886, over 400,000—3,000 being buried in one week; and in Edinburgh four-fifths of all the cows either died of the disease or were killed because infected with it.

In 1879 a fearful panic in the cattle trade of this country seemed to be imminent. It was started by the report that a steamship had arrived at Liverpool with a cargo of cattle from the West afflicted with pleuro-pneumonia, and we have not entirely recovered from it yet.

The loss that would be inevitable from a general spread of this disease over our country is absolutely incalculable. We have now forty-five million cattle valued at nearly $1,300,000,000.

The loss would be not only by death, but to this we must add, as Dr. Law says:

All the expense of deteriorated health in the survivors, of produce lost, of loss of progeny, of loss of fodder no longer safe to feed to cattle, of diminished harvests for lack of cultivation and manure, of quarantine, and separate attendants whenever new stock is brought on a farm, of cleansing and disinfection of sheds and buildings, &c., which become absolutely essential under the circumstances.

If once spread over this country the loss entailed, directly and indirectly, would be more than double our national debt.

J. H. Anderson, American consul at Hamburg, twenty years ago sent us these warning words:

The havoc and ruin caused by this awful disease in England ought to make us all very careful. Our custom-houses should refuse to allow any cattle, dead or alive, or any hides, tallow, or bones of cattle to pass. The commission appointed by England to investigate the disease has reported that it is believed to be incurable, and the only thing to be done is to stop its further spread. All transactions in cattle must cease. A perfect despotism should be exercised, in my opinion, along our seaboard and borders by the custom-house authorities, to prevent the introduction of this malignant distemper.

The great good nature and buoyant hopefulness of the American people make them slow to act in this important matter and seemingly asleep to the impending danger, but let them suffer as the English have suffered, and are suffering, and they will regret that delay which has amounted almost to recklessness. We have had very little experience in diseases to which live-stock is liable, and we will only know what it is to suffer in that way, and sacrifice, when the plague now in England shall have entered and ravaged our land from end to end, making rich farmers poor in a single season, and the rest of us turn away with a shudder even from the flesh of the beautiful blooded animals that roam the blue-grass regions of Ohio and Kentucky.

Gentleman, let us learn something from the tardy, hesitating course of our English cousins. It was not until the disease had spread over a great tract of their territory, had killed off half their herds and was slaughtering their cattle in great droves, that the sluggish minds of common Englishmen were aroused and awoke to the threatened extermination of their herds. But the plague still continued its ravages; the government and the people became alarmed, and a law was passed which, by its strict provisions and its enormous appropriations, succeeded in checking its destructive raid, and finally in controling and practically destroying it; but not until millions of property were sacrificed and millions of revenue expended.

In no country in the world are there such facilities for the rapid spread of such a disease as in ours. Our neighborhoods are now co-existent with our States. Our States are so profusely bound with iron bands of interstate railroads that the whole country is practically one vast vicinage.

So rapid has been the march of improvement and so unprecedented our development, that time and distance have both been practically eliminated from the equation of our traffic.

Our people are a thrifty, trading, prosperous, progressive people. The plebeian herds of the West must be infused with the royal strains of blood from the East, and so daily, hourly, some train is hurrying toward the setting sun, with Durham, Hereford, Holstein, Angus, or Jersey, selected with care and great expense from localities which even now may be infected with this dire plague, possibly marking its whole line of march with the deadly poison, and transplanting pleuro-pneumonia into those great masses of splendid, living, moving, growing wealth, the cattle of our Western grazing fields, or dropping fire-brands in Ohio, Illinois, Kentucky, Iowa, Kansas, and Nebraska, from which a blaze may be kindled that would lick up with its devouring flames more value than would a Chicago fire in all the great cities of our Union.

It has been very clearly shown by the history of this disease, and experiments therewith in Europe, the details of which I need not repeat, that the only practical method of treatment is destruction; and that is only possible before a general diffusion throughout our herds.

If we stop and reflect upon the magnitude of the danger threatening us, no member of this House who has the general welfare of the Government at heart, can justify himself for not voting for this measure as the only possible way of warding it off.

Quarantine regulations cannot be established by States at State lines without very seriously affecting general trade and disastrously interfering with commerce between the States, because the great bulk of our business, especially the trade in live-stock, is interstate, and must be treated nationally. There is but one policy left us; and, in my judgment, it is the best, namely: kill every afflicted animal, exterminate the plague from our land, and then enact such rigid quarantine that it will make its entry again impossible.

Inoculation has been tried and tried again, both in Europe and in this country, but not with satisfactory result, and the best authorities now everywhere agree that destruction is the best known remedy.

But this remedy is not practicable, unless provision be made by the Government for payment for all animals so destroyed. Men are very much alike everywhere, and the average cattle-owner is not going to kill his own cattle, nor sit idly by and see them die; but will as surely try to sell them, if disease is expected, as will the average merchant, manufacturer, and trader make effort to sell his wares regardless of condition or value.

Then the danger of spreading the contagion is imminent, and nothing but the strong arm of the National Government can suppress the dreadful scourge or insure the country's future freedom therefrom.

The Government should pay the whole cost, for the results to be attained will not accrue to the benefit of the few, but to the many; not only to the beef producers, but also the beef eaters—and in that category we recognize every man, woman, and child in this broad land.

The expense will be a considerable amount. But the industry to be protected is of such vast proportions as to fully justify the expenditure.

As I said before, we have in this country forty-five million cattle. Some conception of this vast number may be had when we understand that if loaded in the usual freight cars, with accompanying engines and way cars, it would make a train that would encircle the entire globe, and then be obliged to have double track for half the distance across this continent; or, if placed in column of ten abreast, they would make a solid phalanx that would reach from San Francisco to New York and from there to New Orleans.

Giving a faint idea of our commerce in cattle, six millions are marketed yearly.

The number received at the Union Stock Yards of Chicago alone during the past year was 1,905,518—over one hundred thousand car-loads, valued at $100,000,000, and during the last twenty years 20,446,161 head, at a valuation considerably in excess of $1,000,000,000.

I give these figures from the Chicago trade, because that is our greatest cattle market; ay, the greatest in the whole world, and consequently the source of greatest danger from this plague.

I base my advocacy of this measure upon its general and vital importance to our whole country. But I might be pardoned for my

enthusiastic support because of the enormous interests in my own State that are to be protected by it.

The State which I have the honor to, in part, represent upon this floor stands second only to great, broad-plained Texas in the total number of cattle it contains. I say in number, for in aggregate value of cattle Iowa stands first among all the sisterhood of States, having, by the census of 1885, 3,103,273 head, with an actual cash value of $90,000,000.

No pleuro-pneumonia has yet entered our State.

Every day we are sending great broad-backed, thick-ribbed, superbly fattened bullocks to the Eastern shambles, and furnishing the beef-eater of both continents with as pure, sweet, healthy, marbled meat as the world can furnish. We desire to keep it so, and will gladly pay our share of the expense proposed in this bill to save our herds from disease and to preserve for you, gentlemen, and for the world, a continued supply of choice healthy beef. But my plea is not for Iowa alone, but for every State and for every owner of cattle, as well for the widow with her single cow as for the owner of thousands.

We are continually importing cattle from Europe and shipping from our own Eastern States in order to improve our stock.

The introduction of one affected animal would endanger and possibly infect our whole number. We, as a State, are powerless to prevent it. A half a score of great trunk lines of interstate railway traverse our State. A single case of pleuro-pneumonia carried over one of these lines, as interstate commerce, might plant the contagion in a dozen of our counties, and sow the seeds for the destruction of this chiefest of the great industries in Iowa, and wipe out as with the fury of a cyclone a hundred millions of accumulated wealth.

The same calamity, in kind if not in degree, might happen to any State. The National Government alone can prevent it, and Congress will neglect that high and sacred constitutional duty, to provide for the common defense and promote the general welfare of the United States, if it does not at once adopt vigorous measures to stamp out this plague from our soil and to absolutely prevent its further introduction from foreign lands. It is a matter of the very highest moment to our whole people, not only beef and butter producers, but milk-drinkers and beef-eaters, and the only criticism of the measure that I make is that the provisions of this bill are not sufficient for the work to be done, nor the appropriation commensurate with the expenditures that should be made and the importance of the result to be attained. I shall, therefore, Mr. Speaker, at the proper time propose an amendment increasing the amount to $500,000.

In 1884, at the very time when the Forty-eighth Congress was discussing this same question, and gentlemen opposed the creation of the bureau of animal industry and the proposed measures for suppressing this disease, claiming that it was then confined to only a small portion of our territory, to States that could and would control and extinguish it; that it had not and would not cross the Alleghany Mountains; yet at that very moment it had crossed the mountain range and was spreading itself with wondrous rapidity in Ohio, Illinois, Missouri, and Kentucky, has cost those States millions of dollars in the last two years, and has terribly demoralized, not only the cattle trade, but the whole cattle interests of those States.

It was only by the skill, energy, courage, promptness, and untiring devotion of this bureau of animal industry that the whole great West escaped, almost miraculously, from being overrun and devastated by the dreadful scourge; and we can not be more certain now than in 1884 that pleuro-pneumonia is not at this moment planting its deadly fangs into the very heart of the great Western herds from which the beef, milk, butter, and cheese supply must be drawn that nourishes and supports our vast population. The recent alarming outbreak at Chicago is but a repetition of that of 1884, only with greater fury and more disastrous results, and is of itself sufficient justification for the passage of this measure. The splendid service of this bureau and the very gratifying results therefrom are unanswerable arguments in favor of its continuance and considerable enlargement. Dr. Salmon, its very efficient chief, and to whom its success is so largely due, says in his annual report—and he arrives at this conclusion not only from actual experiments in this country, but from a very careful, intelligent, and thorough study of the history of the disease in all other countries—

> The only practical way to exterminate pleuro-pneumonia is to slaughter at once all herds infected with a disease that remains in a herd months and even years. No system of quarantine can he made satisfactory; the number of herds under supervision would go on increasing, and we should soon reach a period, as they did in Holland, when quarantine would cease to be a practical measure and when the disease would continue as before.

This is unquestionably proven by the experience with the disease in Holland.

In the districts where every affected animal was slaughtered the disease was extirpated, but in every district where other measures, such as quarantine and inoculation, were relied upon, the efforts were fruitless; and this has been the experience of all other countries where it has prevailed.

We have started out in the right direction; have adopted the only wise policy. Let us follow it with wise legislation and generous appropriations, and innumerable national benefits will result.

Mr. Chairman, we can not estimate too highly the importance of this measure; none more important has had or can have the consideration of this Congress. It is of the highest moment to the cattle raisers of this country that there be a sufficient circulating medium for the necessary transactions of trade, and that it be safe, reliable, and permanent. It is of the utmost importance that there be such governmental supervision of corporations, such judicious control of interstate commerce, that the whole value of our products shall not be absorbed in freight charges.

It is of primary interest to the consumers that the price of their food supply shall not be inordinately increased by unjust transportation charges, and it is wise and prudent that prompt and effective legislation should be had in that direction; but it is of supreme concern to the farmer and beef grower that they shall first have the cattle to sell; and of equal importance to the beef eaters that they shall find in their markets meats free from the poison and infection of disease.

This assurance can be given to neither, except by some legislation in the direction sought by this bill. What boots it to the cattle-grower how much silver there is in circulation, whether it is coined free or otherwise, if his herds have been destroyed by disease? What concern has he in freight rates, in "long hauls," in "short hauls," or in "pools," if he has no cattle to transport?

We are essentially an agricultural people—cattle-growers and grain-producers—and we must necessarily remain so. Twenty-nine millions of our population are engaged in agricultural pursuits, and nature has so fashioned and endowed this continent that it will be profitable for them to so continue.

But the time is rapidly approaching when, instead of being a grain-growing people, we will be a cattle-growing nation. Instead of exporting cereals we must export stock. Breadstuffs must give place to meats. Countries less favored by Providence than ours must furnish the former and we will furnish the latter.

Australia, whose exportation of wheat to Europe has increased from 9,517,217 bushels in 1881, to 18,419,561 bushels in 1884, and India, with an increase of exportation from 4,109,495 bushels in 1880, to 39,202,636 bushels in 1884, are increasing in their cereal productions so rapidly that, with their cheap labor—only 8 cents per day—and growing transportation facilities, they are bound to drive us out of European grain markets, and, except for our wise and judicious protective tariff, would be knocking at our very door with their vast stores.

But neither their soil, climate, nor intelligence will permit them to compete with us in our cattle-growing and beef-producing industries.

Our farmers in the West are fast learning that corn-fields and beef-pastures are vastly more profitable than grain-fields. They have learned that grain-growing kills the soil and exhausts the wealth of the farm, while cattle-growing brings back its life and enhances its value.

This industry is the only salvation for the worn-out farms of Virginia, the very life of which has been sacrificed on the altar of grain and tobacco. So, all over the South, cattle, sheep, and hogs must take the place of cotton, tobacco, and hemp, if prosperity is to crown the efforts of our agriculturists. Here now is one question in which there is no politics. Upon this measure no party lines can be drawn. The old East and the new West, the old North and "the new South," can all join hands, and by a common effort subserve the common good.

Gentlemen, we can all afford to vote the expenditure of a few hundred thousand dollars, yes, of millions, if necessary, to exterminate this dread contagion that is now threatening the great herds of the West, and the extermination of which disease will make it possible for the citizens of the East and South to rehabilitate their worn-out farms with an industry more pleasant and profitable than any in which they have ever engaged.

Another important reason why this plague should be obliterated from its present location is the fact that our great free grazing plains of the far West have already reached their limit of profitable occupation, and the grasses which once furnished fat sustenance for the roaming herds of buffalo, and later for the immense domestic droves that have taken their places, are fast disappearing before the ruthless tread of civilization, and our 45,000,000 cattle must cease to increase, in fact must grow gradually less, unless many of the cereal farms of the Western and Middle States and many of the tobacco and cotton plantations of the South are turned into corn-fields and clover and blue-grass pastures, and cultivators and cattle take the place of the reaper and the thresher, the gin and the press.

We are in less danger of world competition with our cattle-growing and cattle products than with any other of our valued industries.

The United States, by reason of its latitude, its climate, its water, and its soil, is the very paradise of the cattle-grower, the producer, and the manufacturer of dairy products.

There is to-day but one drawback to our entry into the first markets of Europe, and that is the embargo of suspected pleuro-pneumonia.

We grow the best beef in the world, and all Europe knows it. Once let them understand that pleuro-pneumonia is eradicated from our herds, and we will find an open sesame into markets that will at once add from ten to fifteen dollars per head to our exported cattle, and increase the demand to such an extent as will swell the volume of trade very

largely in our favor and add tens of millions to the profits of the cattle growers of this country, the widow with her single cow coming in for her share as well as the man with thousands for his.

It is estimated that by reason of the presence of pleuro-pneumonia in the United States the restrictions placed upon our export trade in cattle and cattle products, and the consequent falling off in volume and depreciation in price, results in an actual loss to our people of at least $8,000,000 per annum.

Our average annual exports of cattle and cattle products for the last three years was $45,894,820.

This immense trade will be rapidly and materially reduced, and probably destroyed altogether, if pleuro-pneumonia should become generally distributed throughout our land, or it can be immeasurably increased if the restriction can be removed; and it can be done if we can satisfy the foreign markets that we have stamped out the contagion from our herds, and hence destroyed all danger of introducing afresh the fearful disease which so long and so terribly scourged their lands.

Mr. Chairman, the 29,000,000 of agriculturists in the United States demand this legislation at our hands; the 31,000,000 consumers of their products demand it; the trade, the commerce, the progress, the future of our whole country demand it, and the bill ought to pass.

In my opinion, Mr. Chairman, the Congress of the United States, composed, as it is, almost wholly of professional and business men, has all too long neglected the farmers and their interests. Scattered, as they are, without organization, and without the opportunity of concurrent action, they have silently and patiently toiled on and on, while the organized manufacturers and associated capital have been incessant in their demands for legislation, and have consequently been heard.

But the time has come when we must recognize that the American farm is the basic rock in our structure, and that upon the shoulders of the farmer primarily rests our success or failure as a great commercial nation. Make their calling sure, and success to the other great industries and pursuits is assured.

Stamp out pleuro-pneumonia, and we help them and save our interstate-commerce from the hopeless paralysis which would inevitably result from a general spread of this contagion.

Mr. HATCH. I reserve the remainder of my time till the hour assigned to the other side expires.

Mr. SWINBURNE. The other day when the House adjourned I was entitled to ten minutes.

The CHAIRMAN. The gentleman is now recognized for ten minutes.

Mr. MCMILLIN. I yield the gentleman from New York [Mr. SWINBURNE] five minutes in addition.

Mr. SWINBURNE. In the investigation of this question of disease among cattle I have no personal object to attain further than to do my duty honestly. My profession as a physician is one that demands honesty and sacrifices to protect the health of the people. I believe in my position as a member of this House my duties in this respect are greater than were I quietly following my profession at home. I have no personal fight with the Department of Agriculture, the Commissioner, or any of his subordinates. But I am free to say that when this House or the country is being imposed upon by ignorant men and deceit attempted to be practiced there is no policy or favor that will force me to silence.

That deceit has been practiced by the Bureau of Animal Industry is evident from the report of the chairman of the Committee on Agriculture. I would be the last man in the House to charge that gentleman with being a party to any dishonest scheme to rob the Treasury; but I cannot conceive why he exhibited so much feeling on the floor of this House, or why he has pursued the arbitrary course he has in the committee when any attempt was made to discuss the matter. When the bill now under discussion was first reported by the chairman he made the statement that 60,000 head of cattle had been exposed to the disease. This statement is denied by the Commissioner of Agriculture, and hence there can be no other conclusion than that the head of the Bureau of Animal Industry imposed on the chairman of the Committee on Agriculture, which forces me to the conclusion that there is either a dishonest scheme somewhere or that the head of the Bureau realizes his own ignorance, and failing to find anything of the nature of the disease would have the world believe it incurable.

To find the nature of this disease and how to prevent its recurrence can not well be estimated in dollars, as it involves not only a great commercial interest, but affects the health of the people vastly greater than can be imagined. I believe in the liberal expenditure of money by the Government where the people are benefited; but I am opposed to the expenditure of one dollar where no benefit is to be derived but where it might result, as I believe would be the case if this bill should become law, in injury. This House has a right to demand of all the Departments any knowledge necessary to correct legislation. To obtain light on this subject, I present to the Committee on Agriculture a resolution asking specific information of the Department of Agriculture. The committee indorsed this resolution and we now, after months have elapsed, have a reply. What is that reply? By reading the resolution and the answer you will readily perceive that it is not responsive, but evasive and unreliable, and, I am compelled to add, in some parts untruthful.

The Commissioner starts out by telling us that the statement that sixty thousand cattle have been exposed to pleuro-pneumonia is not correct and hence requires a different reply from what was intended. If the statement was not correct then his subordinate at the head of the Bureau of Animal Industry is guilty of a grave offense in furnishing to the chairman of the committee falsehoods, not facts. The reply is an insult, because it admits that the Commissioner knew what information the committee wanted but refuses to furnish it.

The reply to the resolution is an attempt to cover up the ignorance of a department over which an educated and scientific man should preside; a man who would be practical and attempt to discover the causes producing this disease, for it is a well settled scientific fact that the organism of both man and beast are so perfectly constructed that where disease is found it comes only from some violation of the laws of a wise Creator.

When the Commissioner in his endeavor to assist his would-be head national butcher in his ignorance, to cover up his failures by butchering the supposed infected and exposed cattle, attempts to prove quarantining a failure by citing the cholera in the city of New York in 1865 and 1866, he is guilty of misrepresentation, as not a case of cholera, according to the report of the Commissioner, was ever traced as coming from quarantine to the city of New York at that time. He forgot, or perhaps was ignorant of the fact, that a large number of vessels with passengers from infected ports upon which there were no signs of sickness of any kind passed up the harbor of New York, no clothing being examined unless sickness was found among the passengers. He may not have known that at that time cholera was being carried into Halifax, Nova Scotia, and other ports of the Provinces, as well as the United States, and that passengers were constantly arriving in New York from these places without passing quarantine. But, perhaps, were he in authority at the time he would have, on general principles, slaughtered all the passengers arriving because they had been on shipboard or came from countries where cholera was supposed to exist.

Mr. FUNSTON. I desire to ask the gentleman from New York a question. Is it not a fact that while you are having your quarantine at New York city cholera spread all over that city?

Mr. SWINBURNE. We had some cholera there.

Mr. FUNSTON. Did it not get away from you entirely, and did not thousands of people die from that disease notwithstanding your quarantine?

Mr. SWINBURNE. I do not know that to be a fact. But I know the board of health reported that not a single case in New York could be traced to quarantine.

In this reply not one word of light is thrown on what became of the four hundred and fifty-five herds reported exposed, or what finally became of the Cynthiana, Ky., or Callaway, Mo., herds.

With his letter are two reports of herds in Maryland and New Jersey. Now, as I understand it, a herd would be a number of cattle together, but the Department of Agriculture finds most of its herds to consist of one animal. We are told how many were slaughtered, but further than this no knowledge.

It will be observed that in all the cases reported the infected animals were found in close and filthy stables and in crowded places, fed on swill and mash, and in no instance where the animals were kept in clean and healthy places. For three hundred years this disease has existed, and we are now as ignorant of its nature and cause as at any time in the past.

We admit there is a contagious disease, but do not know why it is termed pleuro-pneumonia. Why should it not be called typhus? We know that there is a concentration of poisons in close and illy-ventilated places, such as in the holds of vessels, in cattle-yards, sheds, and stables, which causes disease, and is liable to infect all, whether human beings or cattle, while in the open air or in well-ventilated places disease seldom or never breaks out.

The medical world has learned the cause and nature of typhus and typhoid fevers, and that nearly all who are attacked recover when brought into contact with fresh air, while those who are kept in a foul atmosphere seldom recover. This principle will hold equally good in the treatment of animals.

In the last printed report it is stated that in Illinois, "in consequence of the quite general enlightenment of farmers and others, deaths from Texas fever have been comparatively few in this State during recent years." Had the principle of butchering been followed out the farmers and others would not have been enlightened. And I may add that the State of New York, which now refuses to adopt the method of the Department, expended thousands of dollars to assist in securing this enlightenment.

It is scientific enlightening we want in the matter of this disease. Without this the slaughtering process may go on, the disease continue to break out, and no benefit will be achieved. To get this knowledge there is but one method, that of quarantining and scientific investigation, and if the Agricultural Department can not be so constituted as to accomplish this, then it is the duty of the Government to devise

some other method to obtain some knowledge of pleuro-pneumonia. I hold that there never has been an intelligent quarantining and treatment of cattle said to have been affected with this disease in Europe or in this country. At least, I have never read or heard of any such.

There are only two methods of treating disease in men or animals; one is founded on the application of practical and scientific principles to assist nature; the other is the result of ignorance, and to my mind this wholesale slaughter for the cure of disease in cattle is on a par with the traditional surgery which holds that the only way to care for a wounded or fractured limb is to cut it off. The one, the true principle is to save and preserve, while the other is to destroy.

I do not agree with the gentleman from Missouri [Mr. HATCH] that "the danger in dollars and cents to the tax-payers of the United States when the first gun fired at Fort Sumter ushered in the rebellion was not greater than the danger to be apprehended from this recent outbreak of pleuro-pneumonia among the cattle of the Northwest," because I believe Congress will refuse to sanction the schemes of the Agricultural Department or establish a barbarous practice simply that a few cattle dealers and speculators may become rich. I am free to admit that the men who inaugurated the movement which opened the war acted on honest convictions, but am forced to believe that the men who claim to be the most interested in this matter are anxious to establish a perpetual system of uncivilized destruction at the expense of the Government.

I believe a proper system of quarantining is the only means by which we can arrive at satisfactory conclusions and offer no inducements for the practice of frauds. The Department says it knows nothing definite about this disease, pleuro-pneumonia; that its incipiency is to the Department a mystery, and that it does not know when the disease becomes contagious or when it ceases. Killing will not supply that knowledge.

The gentleman from Missouri [Mr. HATCH] says he is not a medical man. I am well aware of that fact. If he were, he would know that the only way to learn the nature of a contagious or other disease is by a careful watching of it in all its stages. It was only by this method and by strict quarantining that we are now in the possession of the nature and progress of cholera, yellow fever, small-pox, and the other diseases in the human family, and having secured this knowledge we are able to meet these diseases and suppress them. Through quarantining we obtained our knowledge of the Texas fever among cattle, and can do the same with this disease.

The cattle interest of this nation, involving millions of dollars, is too important to trifle with, and for the reasons I have given I am opposed to this bill and offered as a substitute the bill 8843, the passage of which, I believe, will be in the interest of the stock-raisers, the Government, the people, and science.

The language of the bill now before the House, introduced by the gentleman from Missouri [Mr. HATCH], and the report submitted by him have, in my opinion, done more to jeopardize the cattle industry abroad, if any injury has been done, than all other causes combined; and now by the statement of the Commissioner of Agriculture we are informed that the report of Mr. HATCH, submitted a year ago, is not true, and that the statement that there were sixty thousand head of cattle exposed to pleuro-pneumonia is misleading. The chairman claims to have made that statement on the strength of an unofficial report from the head of the Bureau of Animal Industry.

There is, then, a serious question as to which of these three, the chairman of the Committee on Agriculture, the Commissioner of Agriculture, or the head of the Bureau of Animal Industry is reliable on this subject. On the strength of that report to Congress the statement went abroad that the nation was rotten with cattle disease. These contradictory statements must involve some one in criminal misrepresentation or be attributed to absolute ignorance.

In the printed report for 1884, sent out to the world last year, a large portion of the book was taken up with a report of a herd said to have pleuro-pneumonia at Cynthiana, Ky., which was afterwards, on a certificate of health, permitted to leave the State, taken to Texas, and disposed of. What became of the herd the Department has no knowledge.

The reported diseases in New York and vicinity, and in Brooklyn, I was informed by letter from the health department of these cities did not exist. Is it any wonder, then, that some States refuse to co-operate with a Department run by ignorance or deceit?

The recent reported outbreak of disease among the cattle at Chicago goes to prove that the passage of this bill will offer inducements to keep up a continual excitement over diseases in cattle. The Department wants power to extirpate this disease by slaughter. Did it prove by its action at Chicago its ability to manage this outbreak? When the disease was first known to exist in Chicago were any methods adopted by the Agricultural Department to suppress it? We heard of none until a large number of cattle were reported sick. If the conclusions of the Department are correct that germs of the disease can be distributed long before it is discovered in the animal, why is it that the Department are unable to trace its being carried from Chicago to other places?

A controversy between the Commissioner of Agriculture and the authorities of the State of Illinois with reference to the reported disease among cattle in Chicago recently but confirms my views that the Department of Agriculture should not be invested with the power it asks in dealing with diseases among cattle. The live-stock commissioners of the State of Illinois assert that as far as they know the Department of Agriculture has never discovered a case of pleuro-pneumonia in that or any other State. That the existence of the disease in the cattle-sheds of Chicago should have been unknown at the Department of Agriculture until late last year argues a want of vigilance which can only be attributed to incompetency, particularly as it is asserted it has existed there in a mild form for three or four years.

The commissioners of Illinois hold that under their system of quarantine they were entirely able to prevent the spread of the disease. They claim that upon examination and test but a limited number were actually diseased while thousands had been exposed. They hold that had the plan of the Department of Agriculture been followed out it would have been discovered that probably out of three thousand head of cattle slaughtered, at a liability of from $125,000 to $150,000, not to exceed 5 per cent. would have been found on *post mortem* examination to have been diseased.

The Illinois commissioners claim that they have done more for the suppression of the disease in ninety days than the Department of Agriculture has accomplished in two years and a half, and I believe they state a fact. They desired to allay the fear that was being aroused and were anxious at their own risk and expense to inaugurate the proper sanitary and disinfecting remedies in their sheds. But the Department of Agriculture, having ignorantly asserted that the only remedy was wholesale slaughter, refused to either try the simple remedies or countenance the Illinois commission in so doing.

That the live-stock commissioners of Illinois are pursuing the proper course in this matter is clearly evident, and it is to be hoped that the General Government will not by the passage of this bill interfere to the injury of the great cattle industry.

I am persuaded that the gentlemen who are now engaged in the investigation of diseases in cattle in the interest of the stockmen of Chicago, if permitted and properly assisted to pursue their investigations, will learn more definitely the nature of the disease, and how to meet and suppress it. Already we have some very important discoveries as the result of their observation.

It is rarely that any number of scientific men suddenly agree on a conclusion where the subject they are investigating is wrapped in mystery. This is particularly the case among the medical fraternity.

Mr. FUNSTON. I desire to ask the gentleman from New York a question right here. Has not every veterinary surgeon who has reported to the Government reported this disease to be pleuro-pneumonia? Do not all agree as to this?

Mr. SWINBURNE. I do not know that to be the fact. They have confessed themselves that it is not.

Mr. FUNSTON. Do they not say it is contagious?

Mr. SWINBURNE. If it be pleuro-pneumonia it is not contagious.

Mr. FUNSTON. Do not they say it is pleuro-pneumonia?

Mr. SWINBURNE. I cannot say.

Mr. FUNSTON. Have you not read this in the report? Do they not say it is pleuro-pneumonia?

Mr. SWINBURNE. If they do, I think they lie.

Mr. FUNSTON. Suppose they say it is you who are mistaken.

Mr. SWINBURNE. Yet there was in Chicago a remarkable instance of nearly twenty so-called scientific men—veterinary surgeons—hastily arriving at a mutual agreement on this disease of pleuro-pneumonia in cattle. The head of the Bureau of Animal Industry, Dr. Salmon, announced a conclusion at which he had arrived, and forthwith all the veterinaries agreed with him. A gentleman of the medical profession residing in Chicago, who had given the subject much study, being present, was asked his opinion. He replied that he thought the gentlemen a "little too unanimous," and desired to know upon what facts they sustained the theory advanced; that, for himself, no diagnosis, *post-mortem*, or examination had enabled him to reach such a conclusion. None of the veterinaries were able to establish the conclusions reached.

By the report of the State board of health of Maine, a State in which I am free to say there are some of the most thorough scientific men in the medical profession to be found in the nation, we learn that that board does not agree with the conclusions of the Department of Agriculture. It is held by the health department of Maine that at one time perhaps not more than 5 per cent. of the cattle exposed to the disease contracted it; that in well-marked cases of the disease the symptoms are similar to those produced by the ordinary non-contagious, acute inflammations of the lungs and pleura, and that the disease may be confounded with tuberculosis, with the lung-worm disease, or with the acute non-contagious lung inflammations. The health officers of Maine further hold that the poison is supposed to not be diffusible through the air to any great distance, so there is no danger of the spread of the disease to other herds except by the movements of the cattle.

While there are no positive conclusions among those who have investigated this disease either in the Eastern, Northern, Middle, or Western States, the opinions of the board of health in Maine are in accord with all others "that the disease does not affect any large proportion of the cattle exposed, and that quarantining will prevent the spread." The

only positive decision is that reached by the department of animal industry, that the disease can only be extirpated by wholesale slaughter.

The health authorities in Maine hold, as do others, that there are many points of resemblance between tuberculosis and pleuro-pneumonia, and that the symptoms are common to both. In Maine it is held that the milk from cows with this disease should never be used as human food, and that even though it is not proved that the eating of meat of cattle in the earliest stages of the disease may give rise to the disease, there is a chance to doubt its wholesomeness and fitness as human food.

I hold to the opinion that it is the duty of Congress to act honestly toward the people and the owners of stock in this matter and refuse to pass a bill which will prevent the further investigation of this disease and secure that knowledge which will enable every stock-raiser to detect it on its outbreak and know what remedies to apply.

It may not be that the bill which I desire to offer as a substitute may effect the desired end, but I am satisfied that the bill now before Congress will not give the relief sought in the interests of the people.

Mr. McMILLIN. I yield ten minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. One of the old lawgivers has said he who wields the power of a state has long arms. This is a long-armed bill; it reaches into every State and Territory and to every farm and stock-yard in the United States. Nor have I known since I have been in this House a bill which so utterly ignores all constitutional limitations on the powers of the General Government and so ruthlessly tramples down State lines and overrides local authorities as does this bill. That there is any authority under our Constitution to go into the States, enter upon farms and go into stock-yards and seize upon cattle and slaughter them under any pretense or for any purpose, would not have been claimed or thought of twenty years ago.

I say this bill utterly ignores all constitutional limitations on the powers of the General Government, obliterates State lines, and treats State authority as though it had no existence except at the will of Congress. Suppose a State should refuse its assent to this measure, or should resist its execution—and I do not know but it would have the right to resist such legislation as this, it is so manifestly outside of the powers delegated in the Constitution.

Mr. BRECKINRIDGE, of Arkansas. That is nullification, my friend.

Mr. WARNER, of Ohio. Not until the Supreme Court decides it to be constitutional, which I do not believe it ever will.

Mr. SPRINGER. Before resisting it it would be better to wait until the Supreme Court decides the other way.

Mr. WARNER, of Ohio. The Constitution is law, the supreme law of the land. To be sure, who resists a law assumes a grave responsibility, but if the law is unconstitutional it is no law, and he is justified in the end. We have just as much right to enter a State and undertake to prescribe what shall be the medical practice and how contagious diseases among our people shall be treated—in short, subject the people themselves to the control of an officer here in Washington. Arm a fool with power, it has been said, and you will get pay for your folly. This bill is a repetition of the fable of the frogs. They asked Jove for a king and got a stork. Do the farmers of this country suppose that by creating an office here in Washington and putting somebody in it and endowing him with the power given in this bill, that he will be able from this seat of Government to manage their stock better than they can do it themselves? That is the theory on which this bill is founded. It assumes that somebody put in an office here, given power and supplied with money, clerks, fine furniture, &c., can manage the cattle of the country, and control diseases among them, better than the people can themselves.

There is no question as to the power of Congress to regulate the movement of cattle from State to State as a part of commerce among the States. But that is the exercise of a very different power from that proposed in this bill, which sends the agents of this Government into the States and supplants the local authorities and takes supreme control of matters which I believe the people can much better, and certainly much more economically, manage themselves. I do not believe in the theory on which this bill is constructed. It is founded upon the motion that some man here in Washington, armed with power and supplied with money, can attend to local affairs better than the people can themselves; doctor their cattle better and take care of them better. But the dear people will pay for it all the same, and pay dearly, too. It is the same theory as that of the educational bill; create an office here in Washington, appoint an officer, give him power and money, and he will manage the education of our children better than we can do it ourselves. I would rather have one dollar collected from the people it is assumed and expended where it is collected, either for educational purposes or for treating or eradicating this disease among cattle, than five dollars collected from the people, brought to Washington, and passed through the hands of all these officers, subjected to all the charges it would be subjected to before it reaches its ultimate destination. It is but a small remainder that ever reaches the real object of taxation. Government at arm's length is always costly.

And, Mr. Chairman, the principal reason why our Government is becoming so costly is that we are constantly extending its powers. Government wherever located must be carried on by men. Government officers, although located at Washington, are but men after all, and they know no more after they get here and become seated in office than they did before. Yet the framers of this bill seem to think that all that is necessary to destroy pleuro-pneumonia is to put the matter into the hands of somebody in Washington and give him, first, all the power he wants, and, next, all the money he wants. This, I say, is the way governments are made costly. The end of it is the overthrow of self-government. Self-government presumes that the people can manage their own affairs best, and certainly most economically. This bill goes on the theory that somebody else, operating from a central office at Washington, can do things for them better than they can themselves. In every view of the case, therefore, the constitutional view, or the view of economy, the best way to accomplish the end desired, in my judgment, is not by a bill of this kind.

Mr. STEELE. Will the gentleman permit a question?

Mr. WARNER, of Ohio. Yes.

Mr. STEELE. In case a poor man's herd gets infected and has to be destroyed, who does the gentleman think should reimburse him, or does he think he ought to be reimbursed at all?

Mr. WARNER, of Ohio. I would leave that question entirely to the people of the States, who, I think, can manage the whole business much better than it can be done by some fool located here in Washington, for the idea seems to prevail that the fellow who is to work these wonders must be located in Washington.

Mr. STEELE. I agree with the gentleman entirely; but we are going to have a change of administration soon and put a fellow there that is not a fool [Laughter.]

Mr. WARNER, of Ohio. I would leave this whole matter to the people of the States who are interested and who know quite as well what to do and can manage quite as well for themselves as any body in an office here in Washington can manage for them, I care not who he is. These, briefly, are my reasons for opposing this bill. It is said that the farmers are demanding it. I doubt that very much. Agitators who want office try to make farmers believe that more legislation is what they want and that the cure-all for cattle diseases is more law and more offices. These agitators may get resolutions passed at farmers' meetings and get up long petitions; but that the intelligent farmers of this country are asking the General Government to step in and displace their local governments and take upon itself work of this kind I do not believe. They will see some day if they get this bill who has to pay the cost. There will be plenty of pleuro-pneumonia in the country after this bill passes, if it ever passes, as I hope it will not.

Mr. EDEN. I would like to ask the gentleman if he has been able to discover from this bill how many officers may be employed by this commission?

Mr. WARNER, of Ohio. There is no limit, and no limit to the cost to be incurred. How many officers will be required or appointed under this bill nobody can tell. How many men may be required to execute the provisions of the bill no one can tell. I feel quite safe in assuming, however, that the cost of dealing with this disease will be ten times as great as it would be to leave it to the people of the States, except where it comes within the constitutional provision for the regulation of commerce among the States, or when cattle are transferred from one State to another.

Mr. McADOO. Is not this an attack on the whole Federal system?

Mr. WARNER, of Ohio. Certainly; it is the overthrow of the Federal system. It is the annihilations of State-rights and local government, and I repeat what I said before that there has never been a bill brought into the House which trampled so ruthlessly upon constitutional limitations of Federal power and the rights of the States and the people as does this bill. The safety of our Federal system lies in the fact that it localizes Government, leaving to the States and the people what concerns them alone. But this bill overrides all local authorities and centralizes all power in an office in Washington. I do not believe our system can long stand unbroken with power centralized in this way.

Mr. FUNSTON. Does not the bill propose to do all this under the laws of the respective States?

Mr. WARNER, of Ohio. Oh, under the laws of the respective States! How can it do that? What business has this Government to go into a State and undertake to execute the laws of the State? Let the States execute their own laws.

Mr. CUTCHEON. Will the gentleman permit a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. CUTCHEON. Under our exising railroad system where the commerce passes constantly from State to State without reference to State lines, how is it possible for the States to regulate this matter?

Mr. WARNER, of Ohio. The States are not competent to regulate commerce among the States, but a thing that is so completely within the States as cattle-growing, a State is entirely adequate to manage, and, in my judgment, it should be left there. The consequences resulting from pleuro-pneumonia are not half so serious as may result from the spread of small-pox or other contagious diseases among persons; yet the General Government does not undertake to control that. Again, if you mean to enter this work at all why not extend the provisions of the bill to the hog cholera? Yes, and chicken gapes? [Laughter.]

If we do anything of this kind, let us go the whole length and take in all diseases of man and beast?

Mr. JOHNSTON, of North Carolina. Go "the whole hog." [Laughter.]

Mr. WARNER, of Ohio. Exactly. Let everything be controlled from an office in Washington.

Mr. MCMILLIN. Mr. Speaker, if we may judge of the future by the past we can have little hope that any resistance to this measure will be successful in defeating it.

Three years ago the gentleman from Missouri [Mr. HATCH] was here holding up to this House and the country the doleful picture of what would be the consequences if pleuro-pneumonia were not immediately extirpated in the United States. He was then granted a bill with the machinery and the money he demanded; and to-day he comes back here more clamorous, more rampant than ever, asking more power, more money, in order to stamp out this disease; and still he is not able to show that his gloomy predictions have in the least come to pass.

Now, what is this bill? I do not propose to offer simply a factious opposition to it. It is a bill which I think can not commend itself to a people who are dispassionate in the consideration of their rights. In the law which was passed before we find this clause in section 3:

Or where such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture.

That clause is left out in this bill; and why? For the purpose of giving the Commissioner of Agriculture authority to go into a State that does not seek his interference and lay his hands upon the property of the people and his power upon their rights. This bill directly repeals that part of the former law, and a new section is inserted leaving that out and that only.

Now, I want to call the attention of gentlemen to one fact. We have been struggling here for years in the hope that we might get paid off a sufficient portion of the public debt and burdens of the United States to enable the Government to rely for its revenues upon import duties and ultimately to come back to the point where the hand of Federal power would not be so persistently felt upon the heavily burdened shoulders of the people. But the gentleman in charge of this bill on a preceding day of this Congress came here asking us to increase the power of the Agricultural Department and send its emissaries into the dairies of the country. That was done. Now, it is proposed to place in the hands of the Commissioner of Agriculture this authority, which is to continue when the deputy marshals shall have been dispensed with, when we shall have done away with that species of Federal power—it is proposed to sent the agent of the Agricultural Department into the premises of the farmers of the country to search where he is not wanted, and where I predict in some cases he will not be needed.

There is no observance whatever of constitutional rights or constitutional limitations in this bill from one end of it to the other. Let me read one section of the Constitution. I know it is regarded as not very reputable in this day to clamor in favor of constitutional government; but what does the fourth Article of the Constitution provide?

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Now, what does this bill provide in section 8?

Any officer appointed under this act, or the act to which this is amendatory, may enter in the daytime, for the purposes of examination and inspection under the provisions hereof, any building, inclosure, or place where animals are kept by the owner, consignee, or custodian thereof; and any person refusing permission to an officer of the Department of Agriculture appointed as aforesaid to make necessary examination of animals supposed to be diseased, or attempting to prevent such officer from entering upon premises where such disease is supposed to exist, shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than one hundred days, or by both fine and imprisonment, at the discretion of the court; and any person who shall knowingly conceal the existence of such disease or diseases on his premises, and who shall fail to report their presence to the proper authorities, shall, upon conviction, be deemed guilty of a misdemeanor, punishable by the same penalties as are provided for resisting the officers of the Department of Agriculture before mentioned.

Mr. HATCH. Will the gentleman allow me to ask him a question?

Mr. MCMILLIN. I will, sir.

Mr. HATCH. Does the gentleman contend that the provision in this bill which allows an officer of the bureau of animal industry to simply enter the premises or the barns where cattle are kept, is in conflict with Article IV, which he has just read from the amendments of the Constitution?

Mr. MCMILLIN. I have read the article, and if it is not plain enough for the gentleman to understand it, no explanation on earth could reach him. It certainly is in conflict with it. The constitutional provision is broad enough to cover all of the citizen's premises and keep out every interloper.

Mr. SPRINGER. My friend will observe that this section applies only to the District of Columbia, where Congress has exclusive jurisdiction.

Mr. HATCH. No; it is general.

Mr. MCMILLIN. The gentleman from Missouri himself states it is general. It shows it on its face.

Mr. HATCH. There is no question about it.

Mr. MCMILLIN. And I undertake to say there is not in the world a mind discriminating enough to point out why that section is not in violation of the clause of the Constitution I have read. Where in that clause is authority given to enter your barn and not your house? Is any distinction drawn? Does any man suppose there is a distinction?

Mr. HATCH. Will the gentleman allow me another question?

Mr. MCMILLIN. With pleasure.

Mr. HATCH. Does not the gentleman know that the exact language embodied in that section of this bill is now a statute of the United States, and has been so for nearly twenty-five years?

Mr. MCMILLIN. It is nowhere provided you can without the making of the proper affidavit, without the proper proceeding, according to the provisions of the Constitution, after probable cause is shown, enter upon the property of a citizen of a State without his permission.

Mr. HATCH. It is so provided in the internal-revenue law, and that has been the law for twenty-five years.

Mr. MCMILLIN. The only way is by affidavit showing proper cause as provided under the Constitution of the United States. The revenue laws are not analogous, because the tax-collector is armed with authority which has the force and effect of an execution. But I assert that in no instance not involving revenue can a decision of the Supreme Court be found sanctioning entrance by force on premises, except in pursuance of the provisions of Article IV of the Constitution.

Mr. SPRINGER. Allow me to ask the gentleman from Tennessee whether, under the Constitution of the United States, it is not permissible to enter ships entering our ports for the purpose of investigating whether or not cholora or other contagious infectious disease exist?

Mr. MCMILLIN. But the gentleman from Illinois fails to draw the distinction between that point where the Congress of the United States has exclusive jurisdiction and where it has no jurisdiction, unless such as the State gives it.

Mr. MCADOO. That power to which the gentleman refers is the naval police power.

Mr. SPRINGER. Into every vessel coming to the United States we have the right, without affidavit, to send our quarantine officers for the purpose of inspection to learn whether or not they bring cholera or other contagious or infectious diseases into the United States.

Mr. MCMILLIN. During the reign of George III, more than a hundred years ago, the principles embodied in the fourth Article of the Constitution were recognized even in England as common-law principles; principles which the Crown would not dare to invade. When our fathers who framed the Constitution of the United States came to deliberate upon our organic law, they wisely thought that every barrier should be raised againstthe encroachments of governmental power upon the rights of the people.

With the eye of prophecy they foresaw that the time would come when these great principles would be assailed and these glorious heritages would be destroyed. They therefore incorporated the article which I have read, and, as they thought, put it forever beyond the power of the Government to invade the home of the citizen except in accordance with the provisions of the fourth Article, which requires that "no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

Mr. Chairman, I behold with sadness the little reverence that is paid in modern legislation to the Constitution which we have sworn to support. It is certainly the dearest heritage of the American citizen, and it ought to be the last sacrifice that he is willing to make. If the ordinary statutes are broken, there is hope that they can ultimately be enforced. If lawlessness becomes common, there is a possibility that you may restore quiet and that prosperity may again reign; but once you break down the Constitution and destroy the reverence of the people for it you can have no enforcement of the laws that are made under it, and the people will cease to have that reverence for their institutions which is essential for their perpetuation.

Mr. Chairman, I do not propose to amplify the point I have already made, or to take up my time further by showing that the power does not exist in the Government of the United States which this bill provides shall be exercised.

Mr. Chairman, does this bill provide for showing "probable cause" for entering before you enter? Does it provide affidavits shall be made, that fortification standing in front of a citizen which has to be met before you can enter his premises? Does the bill require that the place to be searched shall be described? Not at all. But these deputies of the Commissioner of Agriculture, these agents of the Agricultural Department, above all law, above the Constitution, if they desire to do so, in violation of all rights of citizens, in every homestead in the State, are permitted to range at will, and, as I have already stated, without any constitutional authority in the world. All they have to show is that they come from the Commissioner of Agriculture, and that they are armed with that Department's autocratic proclamation of war of extermination against his stock; and then if you resist them

you are dragged to the Federal court, and may be fined $500 and imprisoned one hundreds days.

Sir, I would not give this authority in violation of the Constitution to any man or junta of men that ever walked the broad earth. I yield up my right to be free from search and to have my property free from unlawful seizure without a protest! I surrender that dearest of all the articles of our glorious Constitution, which secures to me personal liberty, without a murmur! No, sir, never! If nothing will do you but more offices in Washington, more power in the Federal Government, more criminal cases in Federal courts, and more American citizens in your jails, I hope you will at least have the decency to require that oath shall be made and "probable cause" shown before my premises are searched and sacked. And, sir, if the day has come, which John Randolph predicted would come, when it is considered a disgrace for a man to proclaim himself for the Constitution, it is a dark, dark day for the American people.

I felt, Mr. Chairman, I would not be doing my duty if I did not call attention to this plain infraction of the constitutional rights of citizens.

Now, what more do we find? I admit the right of the Congress of the United States to regulate commerce among the States; but I wish to call attention to that part of the bill which results in the inspection of cattle affected with this disease in the States. A proviso has been added to this bill not contained in the original law. It is as follows:

That whenever a State or Territory, in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory.

Shall declare in quarantine any State or Territory! But, sir, it does not stop there; look at the next clause:

Or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or District.

What authority has the President of the United States to go into the State of Michigan and select a certain locality in that State, or into Virginia, or into Georgia, or into Maryland, and say that the cattle in that part of Maryland, or Georgia, or Virginia shall not be carried to any other part of the same State? It does not exist. There is no such authority granted under the Constitution. If the citizen keeps his cattle within the State, is not moving them, or seeking to move them, I know of no clause of the Constitution which authorizes the President to go, in violation of the wishes of the State and citizens, and throw a quarantine around the farm or county, and cut it off from the balance of the State. How would you enforce the quarantine? With troops? With deputy marshals?

Mr. BURROWS. Suppose the carrying of them into other States would spread disease which would sweep off the entire stock of the country.

Mr. McMILLIN. The gentleman misapprehends my point. My argument is directed against that provision of the bill which authorizes the President of the United States to quarantine a particular section or district of a State against the balance of the State.

Mr. BURROWS. But suppose if he did not do that——

Mr. McMILLIN. He does not have the power to do it.

Mr. BURROWS. But suppose that were not done and the cattle of that infected district were carried throughout the country.

Mr. McMILLIN. Under the Constitution of the United States the President has no authority to go into a State except under the right which I concede to prohibit the transportation of diseased cattle to other States. The power does not exist under the Constitution for any other purposes, where the State objects, and it is in my judgment an officious intermeddling with the rights of the States as guaranteed by the Constitution.

Mr. BURROWS. Will the gentleman yield to me for a question?

Mr. McMILLIN. With pleasure.

Mr. BURROWS. But suppose this cattle disease infected a State, and that disease was carried in the atmosphere, and there was no effort made to destroy it or to destroy the herd in which it existed, so that unless it was destroyed the disease would spread over the whole United States, do you hold that the Congress of the United States has no power to stay the progress of that disease?

Mr. McMILLIN. The power of the Government of the United States is in reference to the regulation of the commerce between the States, and it can only interfere where the transportation of cattle from one State to another becomes inter-commerce. Until it does become interstate commerce the Government can not interfere. The Government can not take hold of it except under that clause of the Constitution which authorizes Congress to regulate commerce between the States.

Mr. BURROWS. Do you hold if an infected herd lying across a State line, and which if permitted to exist, the disease would be carried to an adjacent State, the Government of the United States has no power to arrest it?

Mr. McMILLIN. I hold that the Government of the United States has no power to enter for any purpose except as provided for under that clause of the Constitution; that is, for the regulation of commerce among the States. If the owner of cattle of a State is not seeking to remove those cattle there is no power conferred upon the Government of the United States to meddle without called on by the State, and it must keep its hands off, as the State alone has the power to deal with the matter.

There is another provision of the bill to which I wish to call the attention of the House, and that is its fiscal provision, that which provides the mode and manner of paying for the cattle which may be destroyed under the terms of the act. Now, in his fervor and zeal a few days ago when discussing this question my distinguished friend from Missouri [Mr. HATCH] said that the infected cattle were "worse than worthless," and I use his exact phraseology. And yet, Mr. Chairman, under the terms of this bill he proposes to pay three-fourths of the actual value of these cattle, and not the value as assessed according to what they are worth after infection, but three-fourths of their value as sound cattle.

Mr. FUNSTON. That is for the purpose of getting them exposed, to have the disease brought to light.

Mr. McMILLIN. To have them exposed! Well, you will have more "exposed" cattle than you dream of. You may have every old measly hog, every weak-lunged cow in the whole country marched up to the Government slaughter-pen to get a good price for them.

Mr. FUNSTON. Well, we will have better judges of the matter than that.

Mr. McMILLIN. But your judge has no discretion. He must pay three-fourths of the value, according to the terms of the law, of the cow before it became infected with the disease. He does not pay three-fourths of the value of the diseased cow, but of a sound cow when diseased. Now in your fervent zeal to reach out your hand to another class of power you propose to do injustice to the tax-payers of the country, and make them pay for that which you thus declare is worthless.

Mr. FUNSTON. What would be your remedy?

Mr. McMILLIN. My remedy would be, where you have got the authority to destroy, where that authority exists at all, to go, and if decided that the disease exists, destroy the cattle, and if worthless, pay nothing. If your cow doctors make a mistake and kill a sound cow, pay its full value.

Mr. HAMMOND. Will the gentleman from Tennessee permit me to correct what I think was an inadvertance in his statement or misstatement of the law a moment since?

Mr. McMILLIN. I yield to my friend from Georgia with pleasure.

Mr. HAMMOND. If I understood the gentleman distinctly he mentioned the fact that this bill would cover sick hogs. As I understand it, although that great industry is perhaps much larger than the beef industry, it is not covered by the bill.

Mr. HATCH. Let me say to the gentleman that all contagious diseases of animals are included in the original act creating the Bureau of Animal Industry. This bill now under consideration is an amendment to that act for the purpose of stamping out this disease.

Mr. McMILLIN. This is only an amendment to the act. That power is conveyed by the original bill, and you have every class of disease coming within the cognizance of the Department of Agriculture, but this is the only one in regard to which such extraordinary legislation is attempted.

Mr. HATCH. There is no provision in the original act, or in this act, to pay for the condemnation and destruction of any other animal than cattle affected with pleuro-pneumonia.

Mr. STEELE. You have abandoned the hog altogether.

Mr. HAMMOND. Then the hog cholera might come in and sweep off all the hogs of the United States, and no provision made for the destruction of infected droves.

Mr. McMILLIN. And thus you see one of the biggest industries of the country is beneath the notice of this Agricultural Department.

Mr. HAMMOND. That is the point I wanted to draw out; the point I wished to make.

Mr. McMILLIN. The trouble is, and I thank my friend from Georgia for his interruption, which has brought out this point, that as a Congress we are powerless to do what the people themselves will do, and infinitely better. The great trouble is that when we come here with our commissions in our pocket and get our mileage of from one hundred to three thousand dollars and are sworn in and look up at these coats of arms over our heads, their grandeur and glory lead us utterly to forget that there is a power still behind us much greater than any Congress that ever assembled, the power of the people themselves, who will take care of themselves if you will take your rapacious hands out of their pockets and your heavy arm from off their shoulders.

Mr. WARNER, of Ohio. That is just it.

Mr. McMILLIN. May I ask what time I have remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. McMILLIN. In as much as I have promised to yield five minutes of my time to the gentleman from New Jersey, I will desist and yield him the time.

Mr. McADOO. Mr. Chairman, it seems to me to be almost incredible that at a time when all the world is struggling for home rule, that

right here in the very house of its friends that great principle should be stricken down. This bill is a direct attack upon the whole Federal system. There has existed from the foundation of this Government to the present day a class of utilitarians who have been attacking the Constitution because it interfered with carrying out their selfish projects. Gentlemen upon both sides of this House say, shall we allow these valuable herds to die when we have it in our power to prevent it; and one gentleman—the gentleman from Michigan—suggests that in cases of cholera vast numbers of people will perish unless we bring to bear the powers of the Federal Government to prevent the spread of such a disease. As a fact these arguments are not tenable. Mr. Chairman, the Federal system has some disadvantages as an offset to its unassailable benefits. It is an old adage that "every rose has its thorn." You can get some passing bribes, I admit, for abandoning home rule.

If present and passing benefit is an argument in behalf of bills here to violate the Constitution it will be violated every day. I am sorry to say, but I believe the fact can be verified, that petitions could be obtained and presented here from various boards of trade in these United States asking uniform laws with relation to debts and upsetting all State enactments. We have already petitions here for uniform laws in regard to divorces; and we have petitions for uniform laws in regard to other subjects, and for Federal interference in matters that belong peculiarly to the States. If then, you are going to consult all these selfish interests, and break down the barriers of the Constitution at their demand, you can succeed through Congress in centralizing this Government beyond recognition from its framers. Centralized government means empire, the destruction of liberty, and caste and class against equality and justice. Our farmers, mechanics, and laborers should be the first to protest against these invasions of Federal power, now being perpetrated in their name, as they will be the first to feel their baneful effect when centralization has become an established fact. The salvation of a few decrepit cows and consumptive hogs will little compensate for the destruction of the Republic.

I would rather for my part see all of these alleged-to-be-infected herds perish than that this cardinal principle of local self-government should be stabbed here by the passage of this bill. In saying this, I am admitting, for the sake of argument, that this law would save them. This is denied by the ablest scientists, who say it is practically valueless and that pleuro-pneumonia can not be stamped out in this way; and many go so far as to deny that the disease is even contagious. We do not want bureaucratic government. We are not legislating to create offices, but to protect freemen in their rights.

The eloquent and able gentleman from Missouri [Mr. HATCH] visited my State the other night, and delivered a lecture on agriculture, and was received as he should be, with great enthusiasm; and I have no doubt many of our people agree with him in his advocacy of this and kindred measures. But his friends there have not studied the other side of the question—the question of principle. It is not a question of utility, it is not a question of conserving personal interests, it is not a question of business or trade; it is a question of the highest politics. Shall we, in answer to the demands of selfish business interests, violate the Constitution of the United States by placing in the hands of the Federal Government rights within the States which are not given to them by that instrument?

Shall we adopt unconstitutional means to achieve an otherwise alleged laudable end? Shall we overreach ourselves and apply Federal remedies to local diseases? Can any good come from doing evil and violating cardinal constitutional reservations of power inherent in the States? I believe nothing but evil can come from these measures.

This bill provides—for what? That the President of the United States shall usurp the place of the governor of the State within the State; that he, from his place here in Washington, shall quarantine a portion of the territory of a State, becoming superior within the State to the State government itself; and that the minions of the Federal Government shall have the right by this bill in the communities policed and kept by the States to go into the private premises of the citizen, inspect his cattle, and take his property at a compensation fixed by this bill.

Mr. Chairman, this and other bills of this kind are working an injury to popular government and to the Federal system. You are educating the people insidiously by these measures to look not to their State governments, not to their local and municipal governments, but you are teaching the people of this country to look for remedies for all existing evils to the Government at Washington. Under this system of bribes to quiet the conscience of the people—under the practical illustrations of these bills passed by large majorities, we find vast bodies of our citizens in various parts of the United States inundating this Federal assembly with petitions, asking for remedies of grievances which are local and State, and which the local authorities and the State alone have the power to remedy and deal with.

I therefore, Mr. Chairman, even if I knew that many of the people of my State were asking for the passage of this and similar bills, protest, on behalf of State rights legitimate under the Constitution, and of local self-government and home rule, against the Federal Government undertaking to remedy evils over which the Constitution has given it no jurisdiction.

[Here the hammer fell.]

Mr. HATCH. I yield ten minutes to the gentleman from Wyoming [Mr. CAREY].

Mr. CAREY. To my mind the subject of contagious pleuro-pneumonia or lung disease is a most important question to this country to-day. The great cattle interest is in imminent danger from this disease. The States where this disease exists are not responsible for its existence, as the disease in every instance has been imported from foreign countries. It is a question that I believe the Federal Government can deal with, and I believe that it is utterly impossible for the States and Territories to successfully deal with it.

This disease, as I have said, is an exotic. It has been brought from abroad; and not in one instance has it broken out in this country where those skilled in making investigations have not been able to trace it from cattle imported into the country. In 1884 a car-load of thorough-bred bulls was sent West from the city of Baltimore. We trace a portion of this car-load to Troy, Ohio, and there the disease breaks out. We trace an animal from this car-load to ——, and there the disease breaks out. We trace a portion of these cattle to Virginia, in the State of Illinois, and the disease breaks out in that place. It is traced to Springfield, and finally to a little town near Chicago. It is traced to the State of Missouri, and also to the State of Kentucky. From this one car-load of infected cattle shipped from the city of Baltimore all this occurred within a very few months.

I now ask the members of this House how it is possible for these several States to deal with this disease when the commerce of this country is shipping these diseased cattle from one State to the other, and they are liable to affect the cattle in every State in the American Union?

How much did the introduction of this disease into the State of Kentucky cost that State? Ex-Senator Williams says not less than $20,000,000 by the depreciation in the value of the thorough-bred cattle of that State. It has been estimated that the importation of this disease into the State of Missouri cost that State alone in the depreciation in the value of her cattle not less than $10,000,000. If the States where their cattle are cared for in pastures or in farm-yards can not deal with this disease, I ask you how in the Western States, where the cattle range in common in vast herds, where it would be impossible to quarantine the cattle, how it is to be dealt with there when it has spread out over that country? I ask you how you are to deal with the disease when it breaks out in the State of Texas or elsewhere—the same as it has in Australia and New Zealand? It will spread till it destroys millions and millions of dollars in the value of cattle every year.

This bill which has been reported by the chairman of the Committee on Agriculture is not in fact an amendment of existing law. It is to give greater power, to give more money, to enable the Commissioner of Agriculture to successfully cope with the disease.

While I believe that even more stringent measures should be adopted than this bill, I believe great good can be accomplished under it; and at this late day of the session it is the duty of every member of the House who takes any interest in this matter to vote for the bill and see that it is promptly passed with such amendments as may be deemed desirable.

There are some peculiarities about this diseaae. As I have stated, it is an exotic disease. It causes a portion of the lung of the animal to decay. In some instances the decayed part may become encysted and the lung may heal; but scientific men have told us that even after this has taken place, the power to contaminate other cattle still remains for at least fifteen months; so that there is really no safety in quarantined cattle. The only way to-day to eradicate this disease is to destroy, not only the affected animals, but every animal that is exposed to the disease. Can this Government afford to do that? I believe the cattle of this country are worth at least $1,500,000,000.

We know that cattle and the products of cattle stand fourth in the list of articles that we export from this country, cotton standing first, wheat and its products second, the hog and its products third, neat cattle and their products fourth. The exportation of cattle from this country amounts to not less than $58,000,000 each year. How has the exportation of cattle from this country been affected by this disease? We find that, owing to the existence of pleuro-pneumonia in the vicinity of the Atlantic and in the eastern border of this country, an order was made by the privy council of Great Britain that all cattle landing on those shores from this country should be slaughtered within twenty-four hours after landing. What was the result of this order? It immediately reduced the exports of live cattle to Great Britain to the amount of two or three million dollars each year. This is a question of export, a question of interstate commerce; and if Congress has the right to regulate any question I believe it has a right to regulate this.

Now, does the disease exist? It is true the learned gentleman from New York [Mr. SWINBURNE] expresses great doubt about its existence in this country. It is said that doctors always disagree; but we have a remarkable case presented, so far as the city of Chicago is concerned. Dr. Murray, who is recognized as the most experienced veterinarian in the State of Michigan, has pronounced the disease pleuro-pneumonia, or contagious lung plague. Dr. Gadsden, of Philadelphia, who has had large experience in England, as well as this country, has pronounced this disease contagious pleuro-pneumonia, or lung plague. Dr. Caldwell, the State veterinarian of Illinois, has also pronounced it contagious

pleuro-pneumonia, or lung plague. Dr. Hopkins, who went through the entire siege in the State of New York as one of the board to eradicate the disease in that State, has made a critical examination and has pronounced it contagious pleuro-pneumonia.

I could go on and cite a long list of veterinarians who have made a critical examination of this disease in the city of Chicago since its outbreak there; and not one of them has yet cast any doubt upon the question of the existence of this disease there. Dr. SWINBURNE says that he has not seen the disease in the city of Chicago. He told me that he passed through that city without taking time to make an examination. I say that when $1,500,000,000 of property is in danger in this country, we should not, by reason of a mere doubt, withhold the legislation which appears to be necessary.

Mr. MILLARD. Can the gentleman state accurately or approximately the number of cattle that have died from pleuro-pneumonia, or are alleged to have died from it within the last year?

Mr. CAREY. I can only answer that question in one way. We know that the people of Chicago are so much interested in this matter that, though for two years the men who own the distilleries in that city kept the existence of the disease a secret——

[Here the hammer fell.]

Mr. HATCH. I yield the gentleman two minutes more to answer the question which has been put to him.

Mr. CAREY. The distilleries in the city of Chicago, since the existence of this disease was known, have submitted to the killing of 2,200 head of cattle without any law whatever to pay them for the cattle thus slaughtered, they thinking perhaps that, if Congress did not, the State of Illinois would pay them for these animals.

Mr. MORGAN. Were not those animals which were seized and showed no signs of the disease sold afterward?

Mr. CAREY. As to those that showed no signs of the disease, their meat was sold I understand.

Mr. MORGAN. How many showed signs of the disease?

Mr. MILLARD. Were not the 2,200 animals referred to, animals which had been exposed rather than animals actually suffering with the disease?

Mr. HATCH. Several hundred of them were diseased

Mr. CAREY. As I understand, several hundred of them were diseased.

But now, to bring the matter closely home to gentlemen here, I will say that if any of you had gone to the Agricultural Department a few days ago you would have seen there a diseased lung brought here from the city of Baltimore, where the Government during the past year has slaughtered 300 head of animals. You would have seen a lung diseased with pleuro-pneumonia and weighing 50 pounds, though in a healthy condition it would not have weighed over six or seven pounds. If gentlemen will go to the Agricultural Department from time to time, if they will take the testimony of the most skillful experts of this country, they will find that this disease does exist to-day beyond a doubt.

Now, I think it is very poor policy for men to stand up here and assert that this disease does not exist, when there is not a prominent veterinarian or a prominent scientific man in the country to-day who has examined the disease as it exists in Chicago and Baltimore who does not admit that it is the lung-plague or contagious pleuro-pneumonia. I think but few men comprehend——

[Here the hammer fell.]

Mr. CAREY, by unanimous consent, obtained leave to extend his remarks in the RECORD.

Mr. HATCH. I now yield eight minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER withholds his remarks for revision. [See Appendix.]

Mr. HATCH. I ask for the reading of the bill by sections for amendment.

The Clerk read as follows:

Be it enacted, &c., That to better promote the exportation of live-stock from the United States, and to increase, protect, and facilitate the commerce in cattle among the several States, the act establishing a Bureau of Animal Industry, approved May 29, 1884, be, and the same is hereby, amended as follows:

Repeal section 1, and insert in lieu thereof the following:

"That the Commissioner of Agriculture shall organize in his department a Bureau of Animal Industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose. The salary of the chief of said bureau shall be $3,000 per annum; and the Commissioner shall appoint a clerk for said bureau, with a salary of $1,500 per annum."

Mr. HATCH. I move, in line 24, after the word "thousand," to insert "five hundred;" so it will read, "the salary of the chief of said bureau shall be $3,500 per annum."

Mr. HOLMAN. That will be above the usual rate of pay for such position, and I hope my friend will not insist upon his amendment. It is above the rate of salaries allowed in the Departments.

Mr. HATCH. I will state for the information of the gentleman and the House that the best talent in this direction should be employed, and that a salary of $3,000 is less than is now paid to veterinary surgeons elsewhere in the United States engaged in the same character of service.

Mr. MCMILLIN. Who occupies the present position?

Mr. HATCH. Dr. Salmon.

Mr. MCMILLIN. Is he not efficient?

Mr. HATCH. He is in my judgment both able and efficient.

Mr. MCMILLIN. Does he decline to work longer for three thousand?

Mr. HATCH. I do not know that issue has been made with him, but the friends of the measure who wish to see it carried out in the interest of the country and especially of the cattle industry, all agree, so far as I have conferred with them, that the salary should be increased from $3,000 to $3,500 a year. And whether the present incumbent of this position remains or it is necessary to supply his place with another, it is believed the Commissioner of Agriculture should have the right to offer such salary as such a gentleman can obtain elsewhere in the United States for like services. I can not name another. Dr. Laws, of New York, would not come here for such salary. He receives at present larger salary at Carroll University. There is no more efficient man than the present incumbent of this position, and it is only right and proper his salary as chief of this bureau should be fixed at $3,500 a year.

Mr. EDEN. I wish to ask the gentleman from Missouri about what number of persons will be employed under this clause of the bill?

Mr. HATCH. I will answer candidly and frankly the change made in this section as now reported over the present law is to strike out the restriction to the employment of twenty persons at any one time. There is no limit in this section to the number of men except the discretion of the Commissioner. It is provided whenever this disease may break out the Commissioner of Agriculture is authorized to employ a force sufficient for its extirpation. He therefore has the right to employ as many men as he pleases.

Mr. EDEN. The object of my inquiry was not to limit the number especially, but it seems to me that in giving this general authority to the Commissioner of Agriculture to employ just as many men as he chooses there ought to be an estimate, at least, on which the House might form some judgment as to the propriety of such a measure.

Mr. HATCH. I will state to the gentleman that it is utterly impossible to form an estimate of what sort of a force will be needed. It must be left entirely to the discretion and executive ability and integrity of the officer himself. You can not undertake to fix any limit to it, because you do not know what the emergency may be. He may need one hundred men a month or a week, or he may need five hundred men; no man can tell.

Mr. EDEN. Does the gentleman think that a thousand would be a sufficient number under this clause of the bill?

Mr. HATCH. I would not undertake to limit it to a thousand or any other number. We have placed it within the discretion and executive power of the officer whom the President of the United States shall appoint to that position to execute the law.

Mr. CUTCHEON. No, sir. The Commissioner may employ either professional or non-professional men, and pay such wages as he finds necessary.

Mr. EDEN. It seems to me extraordinary that we should clothe the Commissioner of Agriculture with power to employ just as many men as he pleases; and I suppose he fixes the compensation, for the bill does not. There ought to be some limit; while you might make the number large and liberal and fix the compensation to meet the emergency the bill provides for, yet there should be some limit placed to it.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri.

The committee divided; and there were—ayes 52, noes 51.

Mr. HOLMAN, Mr. BLANCHARD, and others. No quorum.

Mr. HATCH. The gentleman from Indiana will waste more time for the purpose of saving $500 than would pay the salary of this officer four times over.

Mr. MCMILLIN. I make the point of order that the debate is not in order.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BLANCHARD and Mr. HATCH were appointed tellers.

The committee again divided; and the tellers reported—ayes 100, noes 63.

So the amendment was adopted.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendment, in which concurrence was requested, the bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford.

Also, that the Senate insisted upon its amendments to the bill (H. 2539) authorizing the Secretary of the Treasury to sell certain property at Abingdon, Va., and agreed to the conference asked by the House on said bill, and had appointed Mr. MAHONE, Mr. SPOONER, and Mr. CAMDEN managers on the part of the Senate at said conference.

Also, that the Senate had passed a bill (S. 729) for the relief of

Rear-Admiral Carter, in which the concurrence of the House of Representatives was requested.

PLEURO-PNEUMONIA BILL.

The Committee of the Whole resumed its session.

Mr. CUTCHEON. Mr. Chairman, I offer this amendment, to come in after the word "purposes," in the twenty-third line:

The Clerk read as follows:

But the total expense of such force shall not exceed $50,000 in any one year.

Mr. CUTCHEON. Mr. Chairman, the bill as it now stands places no limitation upon either the number or the compensation of the forces which may be employed by the Commissioner of Agriculture under the terms of this bill. He is made the sole judge both of the adequacy of the number and the measure of their compensation. I think that some limitation ought to be placed either upon the number or the gross expense. For instance, if the Commissioner should think it necessary to employ one thousand men and pay them a compensation of $1,000 each, he could thus create a debt against the United States of $1,000,000. I think the gentleman in charge of the bill will not object to placing some limitation upon the expenditures. I am willing to leave in the hands of the Commissioner the power to fix the number to be employed in some exigency, but I would like to have a limitation placed in the bill in some such shape as will prevent the creation of an unlimited debt upon the United States Treasury, for if pleuro-pneumonia should break out in a State he may think it necessary to employ a much larger number of agents than the occasion requires; and I do not see how, under this bill, in which we do not undertake to fix the compensation, such a state of affairs could be prevented unless we limit the amount which he may expend in any one year.

I will not take further time of the House in discussing the matter, but I think it ought to be adopted.

Mr. HATCH. Mr. Chairman, I can only repeat my former statement that the committee in framing this bill believed it necessary to place this extraordinary power in the hands of the Commissioner, because in no other way can a proper execution of the law be had. It is utterly impossible that the Commissioner could create any debt against the United States. He can only expend such money as this Congress shall from time to time appropriate for this purpose; and while we are undertaking to place a limitation upon the force, either in number or amount, we are simply hampering the execution of the law. I know it is an extraordinary power. I have stated it frankly to the House. But this is a great emergency which demands it.

Mr. CUTCHEON. If the gentleman from Missouri has finished what he wishes to say, I will add this: I maintain that this bill does put it in the power of the Commissioner of Agriculture to create a debt to any amount against the Government of the United States. It says in express terms:

The Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose.

There is full and plenary authority given to the Commissioner to employ a force whose limitation is only in his discretion and whose compensation he alone can fix.

Mr. HATCH. Does the gentleman from Michigan not know that there is a law which prohibits any Department from expending any sum in excess of appropriations or involving the Government in any contract for the future payment of money in excess of such appropriations?

Mr. CUTCHEON. But when the United States Congress by express words of legislation authorizes him to employ this force can he not summon a *posse comitatus* and claim the payment of the debt?

Mr. HATCH. He can only expend such money as is appropriated in the bill.

Mr. CUTCHEON. This is not a limitation on the appropriation, but it is a plenary authority that is given to the Commissioner of Agriculture.

Mr. McMILLIN. I agree with the gentleman from Michigan [Mr. CUTCHEON] that there should be some limitation contained in this bill. There is no limitation as to the number of people to be employed under it or as to the length of time they shall be employed. There is no limitation as to the salaries that shall be paid them, and there is not even a requirement so far as I now remember that the Commissioner of Agriculture shall report the names of the men he employs.

Mr. HATCH. Let me state to the gentleman from Tennessee that the law of which this is amendatory provides that the Commissioner shall report at every term of Congress the name of every single employé, how long employed, what he has paid him, and how he has expended every dollar of the appropriation.

Mr. McMILLIN. That, Mr. Chairman, had escaped me, as it is nearly three years since that law passed. It had escaped me that there was even that limitation. But still that does not correct the evil. There is still here unlimited power to employ men and put them in the field and give them authority to go everywhere and search everywhere, whether they are sought by the State authorities or not.

I think the gentleman from Michigan is right. I would not give that authority to any man in the United States. In every other Department we put some limitation upon our appropriations.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. McMILLIN. Yes, sir.

Mr. HENDERSON, of Iowa. How can we in framing this bill anticipate the kind of help that the Commissioner may need? He may need experts; he may need herdsmen, or farm hands. It is impossible to anticipate precisely what kind of force he will employ.

Mr. McMILLIN. I believe the gentleman from Iowa is exactly correct, and one object of my discussing this question was to show that neither Congress itself nor the Commissioner of Agriculture nor any other man or body on earth knows what is needed. We go here in the dark.

Mr. HENDERSON, of Iowa. The Commissioner can tell when the exigency arises.

Mr. McMILLIN. And here stands the gentleman from Missouri [Mr. HATCH] who for three long years has proclaimed the exigency is now on us.

Mr. HENDERSON, of Iowa. The gentleman does not quite understand me. I mean when a condition arises where the Commissioner must employ this help he can tell what he needs. But you cannot frame a bill to tell how many men he shall employ, or what kind of men, experts, slaughterers, or mere herdsmen, are needed.

Mr. McMILLIN. He is authorized to employ this force to obtain information; and he knows what information he wants to get.

Mr. BAYNE. Will the gentleman from Tennessee permit me to ask him a question?

Mr. McMILLIN. Yes, sir.

Mr. BAYNE. I understand that this disease is a year and a half in process of incubation.

Mr. McMILLIN. I will state to the gentleman right there, the doctors disagree as to that, and the maxim in that case is that the patient is in danger.

[Here the hammer fell.]

Mr. PETERS rose.

Mr. HATCH. Will the gentleman from Kansas [Mr. PETERS] yield to me to read the last section of the act?

Mr. PETERS. I yield to the gentleman for that purpose.

Mr. HATCH. Section 11 of the present law is as follows:

That the Commissioner of Agriculture shall report annually to Congress at the commencement of each session a list of the names of all persons employed, an itemized statement of all expenditures under this act, and full particulars of the means adopted and carried into effect for the suppression of contagious, infectious, or communicable diseases among domestic animals.

Mr. WARNER, of Ohio. Can he create a debt under that?

Mr. HATCH. No, sir; not a dollar.

Mr. PETERS. I think it is entirely unnecessary to apprehend any danger from the power that is given here to the Commissioner of Agriculture, for this reason: The bill provides:

The Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose.

Every member of this House knows the moment the Commissioner of Agriculture employs more than a sufficient force under that provision a resolution of investigation would be introduced in this House by the party that was in the minority, and that official would be investigated, and would be shown up if he had done anything wrong. It is all idle to talk of any head of a bureau under the vigilance of the political minority abusing a discretion that may be placed in his power.

Mr. CUTCHEON. Will the gentleman allow me a question?

Mr. PETERS. Yes, sir.

Mr. CUTCHEON. Why do you not give the Secretary of War plenary power to enlist as many soldiers as he thinks necessary to protect the frontier?

Mr. PETERS. That is another question. He can use of the Army as many as he pleases.

Mr. CUTCHEON. But you limit him to twenty-five thousand.

Mr. PETERS. Because the Army is limited to twenty-five thousand, and because there is no parallel between the Army and a force of this kind. But, aside from this, the objection is made that this bill gives an extraordinary power and interferes with the rights of the States. I want to call attention to the fact, as set forth in the bill, that it provides that the governors of the States, or the proper authorities in the several States, must consent to and acquiesce in the supervision that is proposed to be exercised, so that you can not force anything upon a State under the provisions of this bill. If the State authorities do not acquiesce, and the Commissioner of Agriculture ascertains that there is pleuro-pneumonia in the State, and that fact is certified to the President, then the President may declare that State in quarantine; but all these powers are hedged around by such safeguards as will never be overridden.

I send to the Clerk's desk to be read a concurrent resolution adopted by the Legislature of my State, which I have just received.

[Here the hammer fell.]

Mr. CRISP was recognized.

Mr. PETERS. I should like to have a little more time, Mr. Chairman, so as to have that resolution read.

Mr. CRISP. If I can be recognized next, I have no objection to yielding to the gentleman.

The CHAIRMAN. The Chair cannot undertake to enter into any agreement of that sort.

Mr. CRISP. I yield to the gentleman.

The resolution was read, as follows:

[Senate concurrent resolution.]

Be it resolved by the senate of the State of Kansas, the house of representatives concurring therein, That our Senators in Congress be instructed and our Representatives requested to use all proper means to procure the passage of House bill 10359, being an act "to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes." And that a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress by the secretary of state.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office, and that the same was adopted by the senate on the 19th day of January, A. D. 1887, and concurred in by the house January 21, 1887.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 25th day of January, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. CRISP. Mr. Chairman, in the utmost good faith, I want to call the attention of the friends of the bill to the provisions of this section. This amendment looks solely to the matter of obtaining information. There is nothing in it that is directed to the execution of the law, or that would require the employment of herders or butchers; it simply looks to the gathering of information. Now the proposition is to grant to the Commissioner of Agriculture—a gentleman for whom we all have great respect, I admit—power to employ any number of people he pleases to perform this duty. The gentleman from Missouri [Mr. HATCH] says it is well known that it is not in the power of any officer of the Government to create a debt. I suggest to my friend that the passage of this bill will be a repeal, *pro tanto*, of that law, because here you expressly say to this officer that he may employ as many persons as he pleases, and if you have not appropriated a sufficient amount of money to pay those whom he employs, then, in my judgment—I say it modestly—any such person would have a right to go to the Court of Claims and obtain a judgment for his compensation.

Mr. HATCH. If the gentleman will yield to me for a moment, I wish to say that I have no doubt in the world about the correctness of my own position in this matter; but in order to meet the suggestions of the gentleman from Georgia [Mr. CRISP] and the gentleman from Michigan [Mr. CUTCHEON], I am willing to add these words: "Within the provisions of the appropriation made under this law." That will prevent him from going outside the appropriation.

Mr. CRISP. The point is this: Here is an extraordinary delegation of power to an officer of the Government to employ as many persons as he pleases, at any compensation that he pleases, for what? Not to execute the provisions of the law, but to collect information.

Under this law the Commissioner of Agriculture might employ a person in every county in every State in the United States to keep the Department informed as to the condition of the cattle there, and the money that is to be expended for this purpose is to be used only to obtain such information. Now I submit that it is a very extraordinary thing if we are going to lodge in the head of a bureau the power to create a debt without any limitation except his own judgment and discretion.

That is something we have never done before. On the contrary, we have a law on the statute-book expressly providing that no head of a Department, no member of the Cabinet, if you please, not even the President himself, shall incur any debt for which the Government shall be liable; yet it is now proposed in this case to repeal that law as to the Commissioner of Agriculture, and allow him to appoint, if he pleases, a person in every county in every State, and to determine the compensation of such persons. As suggested by the gentleman from Michigan [Mr. CUTCHEON], it may involve a million dollars, and I submit that the amount which you have here appropriated is no limitation upon the authority given to the Commissioner under this law to make appointments and fix salaries.

Mr. PETERS. Can we repeal a general law by implication?

Mr. CRISP. It is not a general repeal; but here is a law which says that this particular officer of the Government may employ whom he pleases, and may fix the compensation of the persons he employs. The general law says that no officer of the Government may do that, but this law, passed subsequent to the general law, provides that this particular officer may do it in this case; and if it is legal for him to employ such persons and to fix their compensation, then I submit to the conscience of the committee that it is only just and honest and right that the Government should pay the persons whom he employs.

Mr. HEMPHILL. I move to amend by inserting——

The CHAIRMAN. There are two amendments pending—one offered by the gentleman from Michigan [Mr. CUTCHEON], and the other by the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. I withdraw my *pro forma* amendment.

Mr. HEMPHILL. I move to amend by inserting after the word "purpose," in line 23, the words "within the limits of the appropriation that may be made for this purpose."

Mr. HAMMOND. "That may be made."

Mr. HEMPHILL. Yes, that is right—within the limits of appropriations which may be made from time to time—made by this bill, or hereafter to be made.

Mr. WARNER, of Ohio. That leaves the provision still objectionable, because the Commissioner of Agriculture will still have power to fix the salaries—a power which we do not permit to be exercised in other cases.

Mr. SPRINGER. It seems to me the amendment as suggested will remove all the objections that gentlemen have made.

Mr. HATCH. I accept, so far as I have power to do so, the amendment offered by the gentleman from South Carolina [Mr. HEMPHILL].

The CHAIRMAN. Does the gentleman from South Carolina offer his amendment in addition to, or as a substitute for, the amendment of the gentleman from Michigan [Mr. CUTCHEON]?

Mr. HEMPHILL. I would like to hear that amendment read.

The Clerk read as follows:

After the word "purpose," in line 23, insert "but the total expense of such force shall not exceed $50,000 in any one year."

Mr. HEMPHILL. I offer my amendment as a substitute for that just read. I move to insert after the word "purpose" the words "within the limits of the appropriation made by Congress."

Mr. McMILLIN. I suggest to the gentleman from South Carolina whether that would not authorize the Commissioner of Agriculture to expend for this purpose up to the limit of the appropriation contained in this bill.

Mr. CUTCHEON. Yes, the entire amount.

Mr. McMILLIN. And then there is the other provision authorizing him to expend the amount appropriated for a different purpose. So that he could make contracts to the extent of what this bill carries, $250,000; and then, in addition, there is the appropriation of $250,000 for the extirpation of disease; so that instead of this being a bill appropriating a quarter of a million dollars, it would appropriate half a million dollars.

Mr. SPRINGER. Oh, the gentleman multiplies too often.

Mr. McMILLIN. My mathematics are more accurate than those of the gentleman.

Mr. SPRINGER. The gentleman mistakes the bill entirely. The intention is that the Commissioner shall expend the amount appropriated for the purposes indicated in the bill; nothing more.

Mr. CUTCHEON. There is nothing appropriated by the bill for this specific purpose.

Mr. McMILLIN. As the gentleman from Illinois seems to think his arithmetic better than mine, I want to know how much, under this amendment, would be appropriated for this specific purpose. Will the gentleman kindly answer me?

Mr. SPRINGER. The amount appropriated in the bill for this purpose.

Mr. McMILLIN. How much?

Mr. SPRINGER. Read the bill, and you will see.

Mr. McMILLIN. The gentleman has certainly gone wrong in his arithmetic.

Mr. BUCHANAN. Mr. Chairman, I have but a word to say, and I promise the committee that what I have to say will have no reference whatever to the merits of the pending amendment. [Laughter.]

It was stated during the general debate on this subject that the passage of this bill was not asked for by the agricultural interests of the country. I desire to say that, so far as concerns the State of New Jersey, which I have the honor to represent in part on this floor, that statement lacks all the elements of accuracy. One county within my district stands third in the United States in the amount and value of her dairy products. Herds are kept there, not for speculative purposes, but for practical use. I have had the honor of presenting the petition of the board of agriculture of that county, asking for the passage of this bill. Not only that; I have the honor of bringing to the attention of this House the petition of our State board of agriculture, asking that this measure may be enacted. Further than that, I have myself conversed with many of our most intelligent agriculturists, and I find them united in sentiment for the passage of some stringent provision by which our cattle may be protected from further contagion and disease.

I promised that what I had to say would have no reference to the pending amendment. I think I have kept my promise.

Mr. CUTCHEON. Mr. Chairman, I desire to oppose the substitute offered for my amendment, and will state the ground of my opposition. While the amount appropriated in the bill is $250,000 in one gross sum, the substitute, unless modified, will allow the Commissioner of Agriculture to set apart for the one purpose of gaining information under the first section the entire amount appropriated by the bill. I submit that it is wise to limit the amount which shall be used under that particular section and for that particular purpose. If $50,000, the amount named in my amendment, be not sufficient, then make it $75,000 or $100,000; but let us have some limitation upon the amount which the Commissioner may expend. Under this extraordinary provision he is authorized to employ such force as he may deem necessary; and there should be some limitation, either as to the number or compensation of the employés or as to the aggregate amount to be expended. There should be some restriction either in detail or in gross.

I think $50,000 is a reasonable sum to be fixed; and therefore I have named it in my amendment.

Mr. BUTTERWORTH. Would that come out of the gross sum appropriated in the bill?

Mr. CUTCHEON. I suppose so. This is a limitation of the amount which may be used under that particular provision.

Mr. ANDERSON, of Kansas. Mr. Chairman, the committee have carefully considered this subject before presenting this bill, and must undoubtedly have taken into account the objection which would be made to this particular provision. They stated very frankly to the House that it was giving a very extraordinary power to the Commissioner of Agriculture. The committee, of course, trusted to the good sense, as I trust to the good sense, and as the House must trust to the good sense, of the Commissioner of Agriculture in the discharge of this important duty.

It is well, sir, to bear in mind, while you are giving this extraordinary power, without placing any limitation upon it, like that which the gentleman from Michigan and others would like to have imposed, that the force or the disease with which we are compelled to deal is itself unlimited. If pleuro-pneumonia should break out, and it should be confined to a certain district, the Commissioner would then need but few men. But, suppose after breaking out, it should rapidly extend and spread beyond that district where it began, the Commissioner of Agriculture would then need more money and more men to prevent its further spread. If we appropriate $250,000 the Commissioner of Agriculture will only use the amount of money and employ the number of men which may be necessary.

Here we stand, Mr. Chairman, attempting to control a disease which threatens the extinction of the entire stock interest of the country, and by placing a limitation upon the Commissioner as to the amount of money he shall expend or the number of persons he shall employ, we may prevent the Commissioner from striking at the proper time an effective blow and thereby saving millions of dollars invested in this stock industry throughout the country. It is not presumed that the Commissioner will expend the whole $250,000 unless he shall find it necessary. It is only provided that he may expend it if he needs it.

Mr. BUTTERWORTH. My friend from Kansas forgets that the States are expected to co-operate with the General Government in the steps which may be taken for the extirpation of this cattle disease. In view of that fact, therefore, I think it is unnecessary to give this unlimited power to the Commissioner of Agriculture.

Mr. ANDERSON, of Kansas. Mr. Chairman, that is no reason why we should give the Commissioner of Agriculture less power and smaller appropriation. You can not say what States will pay out money in co-operation with the United States in the extirpation of this disease. They may do nothing. If that should happen to be the case the Commissioner of Agriculture should be left, by our action, to make such use of this fund as would enable him to take effective steps for the extirpation of this disease.

Mr. BUTTERWORTH. If the people of any State should be interested in having this work accomplished does my honorable friend imagine that State would not take the proper measures to co-operate with and aid the General Government in securing the extirpation of this cattle disease?

Mr. ANDERSON, of Kansas. Oh! it is easy to see there may be a particular feeling in a State, owing to State rights or some other general theory, that would prevent that State from taking action. A State can not be compelled to take action, and I can not for my life see why there should be objection to this present bill as recommended by the committee. I shall favor the amendment of the gentleman from South Carolina.

Mr. BUTTERWORTH. Let me call attention to the fact when the country was threatened with cholera and small-pox, to such an extent as to threaten to extirpate the human family along the border, we even in that case limited the amount to be appropriated and placed it at the disposal of public officers. In that instance the amount was much lower.

Mr. ANDERSON, of Kansas. How much?

Mr. BUTTERWORTH. About $100,000.

Mr. ANDERSON, of Kansas. I have the floor, I believe.

Mr. BUTTERWORTH. I know it.

Mr. ANDERSON, of Kansas. That probably was when there was no serious danger, and is no precedent in this case. Here stands a disease threatening one of the largest industries of the country. There is a pressing necessity for the extirpation of that disease.

[Here the hammer fell.]

Mr. HATCH. I wish to say to the House and to the friends of this bill particularly, that this is one of the most important amendments submitted by the committee, and if it be not accepted in the terms reported it is not necessary to consume any further time of the House in undertaking to legislate on this subject. It is the pivotal point in the whole bill, to give the Committee of Agriculture unlimited power with a force sufficient to suppress this disease wherever it may break out. The bill may as well be defeated as to adopt the amendment of the gentleman from Michigan. The amendment of the gentleman from South Carolina covers the whole point, and ought to be accepted by the friends of the bill. I yield the remaining portion of my time to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. The difference between the amendment I have offered and that of the gentleman from Michigan is this: This is an act which proposes to establish this bureau with this additional authority. If you fix the limit at $50,000, no matter how greatly the disease may grow you can not make an additional appropriation without changing the organic act. Whereas under the amendment I have suggested any appropriation made for this purpose hereafte rcan be properly applied, and with the provision I have inserted, that in no case can a debt be run up against the United States, I think the proposition is a perfectly safe one.

I ask that the amendment be again reported.

The Clerk read as follows:

After the word "purpose" insert "within the limits of the appropriation made by Congress: *Provided*, That no debt against the Government shall be created under the provisions of this bill."

Mr. RYAN. Mr. Chairman, I want to say that it strikes me the amendment of the gentleman from South Carolina is subject to the objection which has been urged against it, and which is that there still remains the power in the Department to contract an indebtedness for this specific purpose up to the aggregate amount of the appropriation. In my opinion it would be better to provide that there should be no indebtedness contracted under the provisions of this bill, in excess of the amount appropriated, and then leave the discretion with the Department to employ as many men as it may see fit to carry out the purposes of the law.

Mr. WARNER, of Ohio. And pay whatever he chooses to pay them?

Mr. HEMPHILL. The very purpose of my amendment is to provide that no debt shall be created.

Mr. RYAN. If I understand your amendment, it is that no debt shall be contracted against the Government for the employment of this specific force.

Mr. HEMPHILL. No; it provides that no debt shall be contracted under the provisions of this bill.

Mr. RYAN. Very well; that being so, I have no objection to the amendment.

Mr. BUTTERWORTH. Mr. Chairman, as I understand the amendment, it authorizes the Commissioner of Agriculture to expend every dollar appropriated by this bill in the employment of such persons as he may select to search out pleuro-pneumonia.

Mr. RYAN. Then he would not have a dollar left for anything else.

Mr. BUTTERWORTH. That is it exactly; and so far as his disposition to slaughter diseased cattle in different localities is concerned, no matter how great it might be, he would have no money to pay for them, and hence he could not execute the law.

I object to that for two reasons: First, it goes on the assumption that the States themselves will take no interest in ferreting out or hunting up the disease and taking steps to suppress it; that they will not aid the commissioner in ascertaining whether in fact the disease exists within their borders at all; and, second, because of the fact that they will not do this, then the whole duty devolves upon the General Government. If I understand the object of the law, it is to provide that the General Government shall assume general direction and control in this matter, and take such steps as may be necessary to suppress the disease; and this amount, that is the amount carried in the bill, is appropriated to employ not only a suitable force for purposes of investigation, but, beyond that, to pay for such cattle as may be slaughtered in the public interest; that is, with direct reference to the suppression of this disease.

I submit, then, that you should limit the amount that the commissioner may appropriate for the employment of agents, and the rest of the appropriation can then be devoted to the payment for cattle which have been destroyed.

Mr. HEMPHILL. If the Commissioner of Agriculture has no more sense than to use all the money in the employment of agents to hunt up pleuro-pneumonia, and leave nothing to pay for cattle destroyed, then there is no use in Congress making such an appropriation at all.

Mr. BUTTERWORTH. That same argument might be advanced against every appropriation we make. We limit the number of men a Department may employ, and limit their compensation, without any reference to the adequacy of their sense to exercise wise discretion in carrying out the law.

Mr. CUTCHEON. We ought to have sense enough not to put it in the power of anybody to expend the entire appropriation for one object in the bill, leaving the rest to go unprovided for.

Mr. BRAGG. Will the gentleman from Ohio permit me to ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. BRAGG. Is it supposed that pleuro-pneumonia is a curable disease?

Mr. BUTTERWORTH. Well, I do not know whether it is or not; but I understand that in order to cure pleuro-pneumonia, or suppress it, the cattle that are affected have to be destroyed from the hoofs to the horns—absolutely wiped out.

Mr. BRAGG. If it be a disease of that kind, which absolutely de-

stroys the cattle, why make any provision for paying for them at all? If the cattle are worthless, suffering from an incurable disease which must ultimately destroy them, why should the Government pay for them?

Mr. BUTTERWORTH. That question does not properly apply to this point; but I will say to the gentleman that while I am not in favor of making compensation for the destruction of such cattle as this bill does, or making the United States a live-stock insurance concern to the extent here proposed, to a certain extent I am in favor of compensation.

Mr. SPRINGER. But the gentleman from New York proposes to cure the disease by quarantine and inoculation in the tail of the animal.

The amendment of the gentleman from South Carolina will bring this provision within the statutes which prevents the incurrence of debt beyond the amount appropriated by the law, and ought to be satisfactory to all the friends of the bill.

Mr. BUTTERWORTH. But does not my friend think there ought to be a limit fixed?

Mr. SPRINGER. It is limited to the amount of the appropriation.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. HEMPHILL] to the amendment of the gentleman from Michigan [Mr. CUTCHEON]. The Clerk will again report it.

Mr. HEMPHILL'S proposed substitute was read.

Mr. CANNON rose.

Mr. HATCH. I hope the gentleman will not interrupt the vote. This has been under discussion for an hour.

Mr. CANNON. I want to know what I am voting on. I want to know whether I am voting the whole of this quarter of a million of dollars to a lot of veterinary surgeons, or people who suppose they are such, or whether I am voting money to pay for these cattle.

Mr. HATCH. I will say to the gentleman from Illinois there is no purpose in the bill to expend the money simply for salaries.

Mr. CUTCHEON. I ask for the reporting of my original amendments, for which that of the gentleman from South Carolina is a substitute.

Mr. HATCH. I object. The committee was dividing on the substitute of the gentleman from South Carolina.

The question being taken, there were—ayes 73, noes 42.

So (further count not being called for) the substitute was agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Michigan as amended by the substitute of the gentleman from South Carolina.

Mr. HATCH. I did not understand that the proposition of the gentleman from South Carolina was offered as an amendment to that of the gentleman from Michigan, but that it was offered as a substitute for it.

The CHAIRMAN. That is the same thing.

Mr. HATCH. Will the Chair please again state the question?

The CHAIRMAN. The gentleman from Michigan offered an amendment. A substitute for that amendment was offered by the gentleman from South Carolina, and has been agreed to, and now the question recurs on the amendment as amended.

Mr. HATCH. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HATCH. If the vote now is "aye," does that adopt the amendment of the gentleman from Michigan?

The CHAIRMAN. Not at all. It adopts the substitute of the gentleman from South Carolina.

The amendment as amended was agreed to.

Mr. SWINBURNE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the amendment just adopted insert the following:

"Which shall include three experts of scientific attainments and of not less than six years' actual experience in sanitary and pathological work, and especially in the investigation of contagious diseases; and to aid these experts in their investigations all necessary assistance shall be extended by the Commissioner of Agriculture."

Mr. SWINBURNE. I offer this amendment in view of the fact that this bill may pass. If it does pass it contemplates the killing of the stock as it did last year. Last year the Committee on Agriculture, through its chairman, reported that there were 60,000 head of cattle exposed to this disease, and that 1,700 were then sick. They recommended the killing of the whole of them. They were not killed. And now, when we ask for information from the Department where these cattle are, we are told they never so reported.

I offer this amendment for another reason. The commission report that they do not know when these cattle are sick, when the disease becomes contagious, when it ceases to be contagious; and yet our Department makes provision for a quarantine from Europe of only six weeks, and these same cattle are allowed to come here and poison all the others, as in the case referred to by the gentleman from Wyoming [Mr. CAREY], that of the bulls shipped from Baltimore which contaminated the cattle wherever they went.

Now, when we do not know when this disease commences, what safety have these people in letting those cattle be sick? At Chicago they killed between two and three thousand, although only very few of those cattle presented any evidence of disease. So far as we can find out from the agricultural reports there were but three herds of cattle that were sick. One of these was a herd of cattle at Cynthiana, Ky. The chief of the Department went down to look at the cattle and he would not say whether the disease existed there or not. We have now lost sight of them. In the recent report of the Agricultural Committee they say these cattle did have pleuro-pneumonia. The truth is, they do not know anything about pleuro-pneumonia, any of them, and that is why I ask for this commission. Let us have one solid doctor from Boston, another, say, from Philadelphia, and another from the South.

In Europe this disease has been running for more than a hundred years, and yet we know nothing positive about it. They have been practicing inoculation, but when they inoculate they do not know where to stop. So it is with killing. Cattle are killed and the premises are left dirty; left in such condition that other cattle are exposed; and if they become sick still others are exposed. The only way to stop the disease is to put every herd of cattle so called into quarantine so soon as they are inspected, and in this bill I would have the word "suspected" as well as "infected," because nobody knows when they are infected; and not knowing that, there is not safety in killing so many. If the recommendation of our committee last year had been carried out this Government would have been indebted $3,000,000; this sum of $250,000 would have been a mere bagatelle.

There is to-day a bill pending in the Senate, and my constituents have written me to vote for it. That is their judgment. I wrote them I would not do so. It is not a proper bill as it stands to-day. Neither is this. But if we can modify it and bring the rights of the people to obtain in it I shall be satisfied with the bill.

Mr. GALLINGER. If this bill is to become a law, I trust the amendment of the gentleman from New York [Mr. SWINBURNE] will be adopted. It strikes me that the legislation now proposed is of very doubtful expediency. If gentlemen will turn to their dictionaries and look at the meaning of the word pleuro-pneumonia they will find that it signifies an inflamed condition of the pleura and of the lungs. Every medical man in this House has treated many cases of pleuro-pneumonia in the human family, and no medical man has ever yet dared to say upon his professional honor and reputation that in the human family it is a contagious disease.

I stand here, sir, to say that we have no proof whatever that the so-called pleuro-pneumonia in the cattle of this country is a contagious disease, and if this House is to legislate upon the subject at all, let us go upon the broad ground that it is safer to employ scientific experts to determine what the disease is before we proceed to lavishly spend the people's money in experiments to extirpate it. We have had an able speech from the gentleman from Iowa [Mr. CONGER] upon this bill. Now if I should ask that gentleman how many cases of pleuro-pneumonia exist at this time in the great State of Iowa, he would answer me that there is not a case of which he has knowledge.

Mr. CONGER. We do not want any, either.

Mr. GALLINGER. Again, we have had an eloquent speech from the gentleman from Kansas [Mr. ANDERSON], but I should like to have that gentleman tell us how many cases of pleuro-pneumonia exist in that State to-day.

Mr. ANDERSON, of Kansas. I do not know whether any exist or not; but if this be a contagious disease, then most emphatically we jeopardize the whole cattle interest of the country by neglecting it.

Mr. GALLINGER. Yes, if it be a contagious disease, but we have no proof that it is. Again, there is Texas, which has been pointed to as the great cattle State of the Union, yet not a single Representative from Texas will stand up here and tell this House that there is a case of pleuro-pneumonia, contagious or otherwise, in that State to-day.

Mr. WARNER, of Ohio. What are we fighting then? Where is it?

Mr. GALLINGER. Go to the great overcrowded stock-yards in the large cities and you will find a disease called pleuro-pneumonia; go to the sinks of iniquity in the large cities where vice and filth prevail, and you will find small-pox and scarlet fever and diphtheria among the people who are crowded there. Those are filth diseases, produced by filth, as scientific men assert, and have always asserted, and if you trace this disease of so-called pleuro-pneumonia in the cattle of this country you will find that it exists where sanitation has been neglected, and where the laws of life and health have been set at defiance, and very likely it found its origin either in the cruel conditions under which the cattle were transported, neglect of proper care after they were brought to their destination, or the direct result of climatic changes. Now, if we are going to spend $200,000, or $100,000, or $50,000, or $25,000 for this purpose, let us spend it to determine, first, whether the disease exists; and if it exists, what its exact nature is, and whether or not it is contagious. My opinion is that we had better spend $20,000 for a commission of scientific men, and give them authority to go out and ascertain whether the disease is pleuro-pneumonia, and if it is pleuro-pneumonia, whether it is contagious, and let them report to Congress.

Then we shall have a basis upon which we can enact legislation that will really be for the benefit of the people who are interested in the

cattle industry of the country instead of being stampeded by the fears of communities where the disease confessedly does not exist at all. To-day the question is undecided whether diphtheria is a contagious disease. Scientific men differ on that question. Of course, gentlemen who have never looked into the matter believe the disease is contagious; but I assert that that is an open question to-day among scientific men. I say again, then, Mr. Chairman, if we are to spend money for this purpose, let us spend it in a sensible way; let us spend it by putting it into the hands of intelligent, educated, trained experts, who will go out into the communities where the disease is alleged to exist and ascertain whether these reports are based on fact or not, and let them recommend what in their opinion is the best method to stamp out the disease if it is found to be a reality. [Applause.]

Mr. HATCH. I rise to oppose the amendment of the gentleman from New York [Mr. SWINBURNE]. I will not undertake to answer the position assumed by the gentleman from New Hampshire [Mr. GALLINGER]. If that gentleman is not satisfied by the proof that has been produced before the House and the country that pleuro-pneumonia in cattle is a contagious disease, it would be utterly impossible to convince him if I were to talk to him from now until the end of the year. If the gentleman has read the reports which have accompanied these bills in this House for the last eight years, and is still unsatisfied that such a disease as pleuro-pneumonia exists in this country and that it is contagious, all the argument in the world, coming from any source, whether experts or non-experts, would not convince him. The existence of this disease is no longer a question for discussion. It is a fact. The stock men of the country know it; and every reading man in the country knows it.

Now, to undertake to prescribe the qualifications of any portion of this force is simply to defeat the purposes of this bill. The Commissioner has all the power that these provisions prescribing qualifications confer upon him. He is expected to employ the very best experts in this country that he can get. But, so far as my knowledge goes, if you adopt the amendment of the gentleman from New York [Mr. SWINBURNE] it will be a dead letter on the statute-book; for it is drawn with the idea that there is but a single man in this country who will "fill the bill," and that is Dr. SWINBURNE, of New York. [Laughter.] He is the only gentleman within my knowledge who possesses all the qualifications stated in that amendment.

Mr. HENDERSON, of Iowa. Does not the Swinburne amendment conform nearly to the provisions of what is known as the Miller bill?

Mr. HATCH. It does not.

Mr. HENDERSON, of Iowa. If not, will the gentleman point out the difference between the Miller bill and the bill now before the committee?

Mr. HATCH. I can not do so in five minutes. Besides, I am not discussing the Miller bill. That bill is not before the House.

Mr. HENDERSON, of Iowa. To enable the gentleman to make the explanation I will yield him any time I may have. The reason I ask the question is this: The people of my district have petitioned here in favor of the Miller bill——

Mr. HATCH. If the gentleman wants to support that bill, then when the proper time comes all he has to do is to support it. The Miller bill is not under discussion. It is the bill of the Committee on Agriculture that is now being considered, and the pending question is on an amendment submitted to the first section. No bill known as the Miller bill is before the House or on the Calendar. It was introduced and sent to the Committee on Agriculture, where, by a vote of 6 to 1, it was laid on the table.

Mr. HENDERSON, of Iowa. The Miller bill?

Mr. HATCH. The Miller bill; and there it lies. I will say that so far as the provisions of that bill are concerned they go so far beyond the provisions of this that if gentlemen on this floor will not accept the bill now before the House it is absolutely useless to talk about any further legislation on this subject; and if the friends of such legislation are not willing to stand together now upon this bill as reported the sooner we bring this matter to a test vote and decide it the better for the country and for the interests of legislation.

Mr. MCCOMAS. Mr. Chairman, as the question has been raised whether this disease is contagious or not, let me give an instance which may throw some light upon the statements made on this subject. Yesterday, in behalf of a constituent, I applied to the Department of Agriculture to investigate the very recent appearance of pleuro-pneumonia in Western Maryland, and on this very day an inspector has gone to the heights near Weverton, in Washington County, immediately above Harper's Ferry, because, for the first time, a herd of cattle there has been found to be infected with what is called pleuro-pneumonia or lung plague. Now, that is not a place where this disease could be expected to originate.

The country there is distant from stock-yards, is open and mountainous, washed by rivers and fanned by mountain breezes. The steep hillside has the best surface drainage. If this disease be not contagious, its appearance there is certainly significant when we consider that through that region pass the great Baltimore and Ohio Railroad and its feeders, carrying cattle from the places where this lung plague, or pleuro-pneumonia—I care not for the name—exists, to the main points in the West, in Chicago, where it recently has appeared. And there, to-day, on those heights, where there are no pestiferous sinks, no filth for the breeding of disease, where the free mountain air is constantly exerting its purifying influence, appears this disease. It is suggestive, too, of the need of national aid that this spot is in sight of three States, my own and the two Virginias.

Mr. Chairman, although not skilled to detect cattle diseases, I have the right, coming from a State where this question has been studied and where the sufferings from this lung plague have been experienced, to say something in behalf of this bill, and in behalf of the amendment of the gentleman from New York, Dr. SWINBURNE, which very much improves it.

In the State of Maryland there was held, only a few days ago, a very intelligent and representative farmers' convention. There has been a very important work done in combating this disease, and our farmers strongly favored more stringent legislation by Congress on this subject. There has been there a more extended experience with this disease and with the law on the subject than, perhaps, anywhere else; for, beyond the people of any other State, the people of Maryland have co-operated with the Department in trying to extirpate the disease. In August last this disease was found in Howard County. The herd was slaughtered—paid for partly by the State of Maryland and partly by the General Government—and nobody has heard of the disease in that county since. It has been found in Baltimore city, in the adjoining county of Baltimore, as well as in Prince George's County, and in the county of Carroll.

Under the law which we are now trying to improve there have been slaughtered there four hundred and seventy-nine animals at an average cost of $20.10 apiece. About one-third of these have been paid for by the authorities of my State under our State law, and the rest by the Government. At a total cost of $9,650, those cattle have been destroyed, and, so far as possible, the disease. There were five hundred and fifty-six stables investigated, all suspected of having this lung plague. They contained fifty-one hundred and seven cattle; and these stables were exclusive of the stockyards designed for cattle in the course of transit in the trade. Seven hundred and seventeen cattle were found infected with this lung plague. The same characteristics were found in all these cattle. The cattle were found along the line of travel, near the stockyards. When a herd had been killed in one isolated county, the disease after a lapse of eight months, had not reappeared. But to-day, 50 miles from this city, and from that county, away up in the mountains, it is breaking out afresh. The report of Mr. T. A. Seth, a prominent citizen and a high authority upon the history of this plague in Maryland, impresses me as it did the convention.

It seems to me, Mr. Chairman, that some weight is due to these illustrations of the operations of the law in our State.

It has been said by my eloquent friend near me that this Government must not be a stock insurance company. I agree with that declaration; yet, this very report by Mr. Seth made last week in Baltimore shows that the great hinderance to the enforcement of the law is that men who have diseased cattle conceal the fact, because it destroys the market value of the animals; and the cattle are sold to unscrupulous butchers, that their meat may go into the markets of the country to be sold at the market prices, just as we now know it has been offered in the market of this city. If the disease extends, as it has extended in Chicago and the West, if it gains headway in Maryland, as it is claimed to have done out in Chicago——

[Here the hammer fell.]

Mr. ANDERSON, of Kansas, obtained the floor, and yielded his time to Mr. MCCOMAS.

Mr. MCCOMAS. I wish to say but one word more. I thank the gentleman from Kansas for his courtesy.

Mr. BUTTERWORTH. Before the gentleman resumes will he allow me an inquiry? I oppose the rate proposed in this bill. Now will my friend, who is for the bill, indicate whether he opposes an amendment which simply proposes that men familiar with the duties they will be called upon to perform shall be employed?

Mr. MCCOMAS. If the gentleman had heard the remarks I have already made he would have heard me say that I am in favor of this bill and in favor of the amendment of Dr. SWINBURNE, which proposes to secure experts skilled in the pathology of these diseases. I think the very first money expended ought to go for the purpose indicated; and yet I believe that there ought not to be a limit too strictly put. The whole argument on this floor in opposition to this expenditure is based upon the false assumption that we already know what the disease is, where it is, and where it is liable to break out. But those are the very things to be ascertained, the things which as yet "no fellow has found out." Now we need not limit the amount beyond the restriction already put in the bill, but with this amendment we can direct the expenditure for the inquiry into the prevalence, the causes, and the extirpation of this plague.

It seems to me this important matter should be followed up vigorously by more stringent national legislation or abandoned. It can be, so far as my State is concerned. The information I receive is that the earnest farmers of Maryland, who so largely contribute to the formation of public sentiment, want the effort to be made; and I come from a State

where many are very much concerned about State rights, but they will not stop to talk about State rights when the main question is the extirpation of this most dangerous cattle disease.

Mr. BUTTERWORTH. Why does the gentleman claim the number of persons the Commissioner should employ should be unlimited? Now, to determine the character of this disease does not require ten thousand men should be employed to examine ten thousand cases. Where the symptoms are the same it is easy to determine the existence of the disease, and twenty-five men would be able to determine the matter just as easily as twenty-five hundred.

Mr. McCOMAS. Nobody knows better than the gentleman from Ohio that that is not a question, but an argument. [Laughter.]

Mr. BUTTERWOTH. Very well, then, let me see you tackle it. [Renewed laughter.]

Mr. McCOMAS. Then, in conclusion, let me say that this objection is based upon assumed knowledge and assumes the point in controversy. If we had just ten thousand cases all at one time in one place twenty-five men would be ample. Who knows we may not have thirty thousand cases at different times in a thousand different places, thus requiring a sudden increase of men in many States. Let us then take these experts; let us take other men, and let us trust this man whom we lately voted to elevate to a Cabinet position, and let us honestly try to stamp out this disease. Let us appropriate all the money necessary to stamp it out. Unless it is stamped out we shall imperil not only untold wealth in the cattle industry, not only the health, but the cheap meat of the laboring man of this country, and this is the only country in the world where there is cheap meat for the laboring man. [Applause.]

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. I did not expect to say anything on this bill, as I hoped to derive from the chairman of the Committee on Agriculture some information I wanted. My people have petitioned me in favor of the Miller bill. It is usual for members to get information from the committee that reports the bill, but since the chairman of the Committee on Agriculture, for some reason I am not able to understand, has risen above the usual rule of giving information to his colleagues on this floor, even when in sympathy with him in legislation, I venture a few remarks on such information as I have without the aid of the chairman of the Committee on Agriculture. [Laughter.]

I am opposed, Mr. Chairman, to the substitute offered by the gentleman from New York [Mr. SWINBURNE]. And why? The Commissioner of Agriculture, when he comes to employ the necessary force to execute this law, will not employ boot-blacks, he will not employ ministers, he will not employ members of Congress, except, perhaps, my friend from New Hampshire [Mr. GALLINGER] or my friend from New York [Mr. SWINBURNE].

Mr. GALLINGER. He will employ horse doctors.

Mr. HENDERSON, of Iowa. Yes, he might and may do so with wisdom. It is presumed in the exercise of the discretion given to him he will employ just as good men as my respected friend from New Hampshire or my learned friend from New York. They must be competent experts; just as good as you may put into these positions. Why create so many different departments and commissions? We have an organization now, a Department of Agriculture, for that purpose. Let us put the power in the hands of that Department.

Now, Mr. Chairman, from what information I have been able to gather, no thanks to the chairman of the Committee on Agriculture, I am in favor of what is known as the Miller bill, which provides for a commission. My people seem to favor that measure, although it appropriates $1,000,000 instead of $250,000. We have the support of the Committee on Agriculture, which I am thankful for, to back up the present bill, and we have been informed we can not get the Miller bill through. Then, as compromise must obtain more or less in the legislative bodies, I shall stand by the committee for the present bill, and I trust the friends of this measure will not be stampeded.

My friend from New Hampshire [Mr. GALLINGER], who sits before me, and whose clean-cut method of thought always captivates me, has stated this is a mooted question.

Then, Mr. Chairman, if it is a mooted question when it is admitted such a dangerous peril exists as the spread of this contagious cattle disease, why should we wait until this disease has spread all over the country among the great herds of the East and the West? Let us give this petty sum of $250,000 to be expended by those whom we have elevated to the dignity of an Executive Department. Let us clothe the Commissioner with the power to use experts for the purpose of collecting information and furnishing it to the next Congress.

[Here the hammer fell.]

Mr. HATCH. I regret exceedingly, Mr. Chairman, that my friend from Iowa, who has just occupied the floor, misunderstood my answer to his inquiry. I was discussing an amendment under the five-minute rule, and had but a single moment, and hence stated to my friend that I had not the time to explain the difference between these two bills. I supposed the gentleman had read the two bills himself, and also that he had heard my remarks in presenting the bill to the House, in which I took care to explain the difference between them. But if my friend is not satisfied with that explanation, if he will meet me this afternoon after we get through with this bill I will give him as much time as he wants, and will take great pleasure in supplying him with all the information I have upon this subject, for I take great delight in imparting such information as I have, and especially to my friend from Iowa, who always receives it so kindly.

Mr. HENDERSON, of Iowa. The answers I received from the gentleman to-day have been so unfruitful of information that I beg leave most respectfully to decline the invitation, and will endeavor to jog along in my own way with such little knowledge as I have gained from the discussions that have taken place on this floor. [Laughter.]

Mr. HATCH. I think my friend from Iowa makes there the most serious mistake of his life, for he needs information more now than ever before in his life. [Laughter.]

Mr. GALLINGER. Mr. Chairman, I desire to add but a few words to what I said a few moments ago. I have no disposition to prolong this controversy, neither do I wish any gentleman on this floor to assume or undertake to say that if this bill can not be properly amended I will vote against it, for no man has authority to make that statement here or elsewhere.

So far as the personal suggestions of my friend from Iowa are concerned, they have no weight at all with me.

Mr. HENDERSON, of Iowa. My personal allusions were entirely complimentary.

Mr. GALLINGER. And I can only quote for the gentleman's benefit those well known lines—

And you, O Polonius! you vex me but slightly.

[Laughter.]

This is a question, however, of very serious moment to the people of this country. It is one that we have a right to consider, and consider fairly and squarely upon its merits; and if the gentleman from Iowa wishes to stand here and assert that it is not wisdom to put in it a provision that the men called upon to investigate this scourge, if scourge it be, shall be men capable of making a scientific investigation into the character of the disease we are undertaking to combat, then I can only say I fail to agree with his views.

I hold in my hand an article which I assume to be true, which states that very recently an effort was made to establish a quarantine in Pennsylvania against cattle coming from the Chicago yards, as a cow had died of so-called contagious pleuro-pneumonia at the stock-yard gates, and the officers of the United States Agricultural Department had so reported. And yet it appears that the secretary of the Board of Agriculture of the State of Pennsylvania caused an investigation to be instituted, and has produced here indisputable evidence to the mind of any man who can understand testimony that the cow died of a puerperal disease and not from pleuro-pneumonia at all. [Laughter and applause.]

I say that in my judgment—notwithstanding I may vote for this bill, because I think it important that some legislation should be adopted on this subject—in my judgment, if you pass the bill as it is here reported you will find every sick cow on the prairies of the West will eventually be slaughtered because of alleged pleuro-pneumonia, and the Government of the United States will have to foot the bill. Why, it is a matter of fact within the knowledge of the medical profession that every sick dog in the country has hydrophobia; and yet hydrophobia is a disease almost unknown to science in this or any other land. But notwithstanding that fact every dog which is found sick on your streets is shot down because he is pronounced to be suffering from rabies. And so every cow sick with puerperal disease, or any other disease, or which has come in contact with another animal sick of some disease—for filth germs affect other animals as well as the human species—will be slaughtered under the provisions of this bill, and the Government of the United States will have to pay the expense.

I say furthermore, Mr. Chairman, that if we are to pay for sick cows, for God's sake do not compel us to pay three-fourths of their worth while they are well. [Laughter.] If they are sick let us have some scientific body say what their worth may be when they are slaughtered, not when they are in health. If the bill is passed let us also eliminate the provision concerning the herd books altogether, so that you will not have to pay, simply because they are so entered, fancy prices, or prices they may be regarded as worth when they are well, when they are worth nothing at all if sick.

I have no disposition, I repeat, Mr. Chairman, to delay the consideration of the bill; but if we are wise men we will adopt the amendment proposed by the distinguished gentleman from New York, and we will thus say to the Agricultural Department, if this matter is to be investigated, it shall be investigated intelligently, and if pleuro-pneumonia exists in this country let it be determined by experts whether it is contagious or not.

Mr. HENDERSON, of Iowa. Does my friend assume that the Department will make the investigation unintelligently?

Mr. GALLINGER. It might.

Mr. HENDERSON, of Iowa. So might the commission.

Mr. GALLINGER. Not likely, if they are appointed as contemplated by the amendment.

Mr. SPRINGER. The gentleman from New York [Mr. SWINBURNE] by his amendment proposes the appointment of a commission and insists

that this commission shall be under the control of those who are physicians. [Cries of "Vote!" "Vote!"] If gentlemen will pardon me I will detain them only a moment. The gentleman from New Hampshire [Mr. GALLINGER] will pardon me if I suggest the Commissioner of Agriculture will employ under this bill such agencies as will enable him to reach a just conclusion. [Cries of "Vote!" "Vote!"] I am ready to vote, then, if gentlemen want to vote.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. SWINBURNE].

The question being taken, there were—ayes 114, noes 25.

So (further count not being called for) the amendment was adopted.

Mr. HATCH. I give notice that I will ask for a vote in the House on this amendment.

Mr. O'HARA. I offer an amendment, to come in at the end of the amendment offered by the gentleman from New York.

The Clerk read as follows:

And the said experts shall examine and report upon the disease affecting the hogs of the country, known as hog cholera, and also what means are necessary to extirpate this disease.

Mr. HATCH. I make the point of order; but if the gentleman from North Carolina desires to speak I reserve the point of order. It is that the provision of his amendment is already embodied in the law—in the act of which this is amendatory.

Mr. MILLS. That is a matter of debate then.

Mr. O'HARA. I admit it is already in the law, but it is known to the chairman of the Committee on Agriculture that the Department of Agriculture has abandoned, for any practical purpose, the investigation of hog cholera.

Mr. HATCH. On the contrary, they are pursuing it now with more energy than at any other time since the law was passed.

Mr. O'HARA. Admitting that to be true, the amendment will have the effect of instructing them to have this board appointed by the amendment just adopted to act with more diligence. This question of hog cholera is a question of very great importance to the people of the South, especially in my section of the country. I suppose I can also say it is a question of very grave importance to the entire people of this country. I hope the amendment will be adopted.

Mr. EDEN. Why not provide to pay for the hogs?

Mr. O'HARA. We do not propose to pay for the hogs as it is proposed to pay for the cattle.

The question being taken on Mr. O'HARA'S amendment, there were—ayes 109, noes 40.

So (further count not being called for) the amendment was adopted.

Mr. HATCH. I move that the committee do now rise.

The motion was agreed to—ayes 93, noes 18.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union having had under consideration the bill H. R. 7208, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HATCH. I move that when the House adjourns it adjourn to meet on Saturday next.

Mr. CUTCHEON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. Under the standing order of the House, on Friday, at 5 o'clock, the House takes a recess until half past 7 for the transaction of pension business. I ask whether or not that order takes effect to-day?

The SPEAKER. The Chair is inclined to think that the order to which the gentleman from Michigan refers means the legislative day of Friday; and it would be necessary to have another order for the consideration of that class of business.

Mr. CUTCHEON. I ask unanimous consent that that order may be considered as applying to this evening.

The SPEAKER. The Chair will submit that request after the question is taken on the motion of the gentleman from Missouri [Mr. HATCH].

Mr. MILLS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLS. Does not the adjournment to-day of itself carry the House over to meet at 12 o'clock on Saturday?

The SPEAKER. The Chair supposes that would be the effect; but the gentleman from Missouri desires by his motion to keep the Journal correct, as the House has been prosecuting business to-day in the legislative day of Thursday.

The motion of Mr. HATCH was agreed to.

Mr. CUTCHEON. I now ask unanimous consent that the order by which the House at 5 o'clock on Friday takes a recess till half past 7 for the consideration of pension business be considered in force with reference to this day.

Mr. WALLACE. I object.

Mr. ANDERSON, of Kansas. I move that the House take a recess until half past 7 o'clock.

Mr. SPRINGER. The only business in order to be the consideration of private pension bills.

The SPEAKER. That can not be made a part of the motion. In the absence of any order on the subject the House, if it takes a recess, would be in session for all business.

Mr. HATCH. I move that the House do now adjourn.

The SPEAKER. The gentleman from Kansas moves that a recess be taken until half past 7——

Mr. TOWNSHEND. And that the business be the consideration of private pension bills.

The SPEAKER. As the Chair has just stated, that can not be included in the motion for a recess. Pending that the gentleman from Missouri moves that the House do now adjourn. Does the gentleman from Missouri insist on his motion?

Mr. HATCH. I do.

The question being taken on the motion to adjourn; there were—ayes 71, noes 69.

So the motion was agreed to; and accordingly (at 4 o'clock and 52 minutes p. m. Friday, January 28) the House adjourned till Saturday at 12 o'clock m.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of workingmen at the Liggett Spring and Axle Company of Pittsburgh, Pa., for the repeal of internal taxes—to the Committee on Ways and Means.

Also, petition of W. D. Wood & Co., limited, and 250 citizens of Pittsburgh and McKeesport, Pa., for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. BOUTELLE: Memorial of the Maine State Grange, Patrons of Husbandry, in favor of the experiment-station bill—to the Committee on Agriculture.

By Mr. BRAGG: Petition of Margaret O'Connor, for restoration of pension as widow of a soldier in the Mexican war—to the Committee on Pensions.

By Mr. T. M. BROWNE: Petition and papers of William Innis, late of Company D, Sixty-eighth Indiana Volunteers, asking for a pension—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Petition of Elwood Arnold Post, No. 87, Grand Army of the Republic, of New Jersey, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. BUNNELL: Affidavits of Julia Powell, J. V. Geiger, and A. D. Coolbaugh, to accompany House bill 10593, for the relief of the heirs of Percival Powell, deceased—to the Committee on Claims.

By Mr. BURLEIGH: Resolution of the Silas Tappen Post, No. 511, Grand Army of the Republic, of Berlin, N. Y., requesting the passage of the so-called Edmunds-Tucker bill relative to the abolition of the Mormon Church—to the same committee.

By Mr. BYNUM: Petition of citizens of Shelby County, Indiana, for the passage of the Miller bill for the extinction of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. J. M. CAMPBELL: Petition of workmen of Johnstown, Pa., asking for repeal of internal-revenue tax upon tobacco; also to provide for the abolition of the internal-revenue system at an early day—to the Committee on Ways and Means.

By Mr. COOPER: Petition of citizens of Richmond, Ohio, for the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. CUTCHEON: Memorial of the Women's Christian Temperance Union of Michigan, asking for a constitutional amendment extending the elective franchise to women—to the Committee on the Judiciary.

By Mr. ELDREDGE: Petition of Hosea B. Young and others, ex-soldiers, against large pensions to public officers and generals' wives—to the Committee on Invalid Pensions.

By Mr. FORD: Petition of citizens of Warsaw, Ind., favoring the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Kosciusko County, Indiana, in favor of the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. FULLER: Petition of 10 citizens of Cresco, Iowa, praying for the passage of Senate bill 1636—to the same committee.

By Mr. FUNSTON: Petition of Washington Post, No. 12, Grand Army of the Republic, of Lawrence, Kans., for the passage of the Edmunds-Tucker Mormon bill—to the Committee on the Judiciary.

By Mr. GALLINGER: Memorial of the Dartmouth College Association at Washington, D. C., praying for an appropriation for a public building in the town of Hanover, N. H.—to the Committee on Public Buildings and Grounds.

By Mr. GAY: Petition of the Louisiana State Ministerial Association of Colored Ministers, for the passage of the Blair bill—to the Committee on Agriculture.

Also, memorial of steamboatmen of New Orleans, advocating the removal of obstructions affecting navigation of Red River, Atchafalaya River, and Bayou Teche, Louisiana—to the Committee on Rivers and Harbors.

By Mr. GUENTHER: Petition of the George D. Eggleston Post, Grand Army of the Republic, of Appleton, Wis., relative to the suppression of polygamy—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition of citizens of Independence, Iowa, asking for the passage of the Miller bill—to the same committee.

By Mr. HENLEY: Petition of the Chamber of Commerce of Eureka, Cal., for continuing the custom-house and collection districts as at present established—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of fishermen on Columbia River, in Oregon, asking for a commission to investigate fishing methods, especially that by gill-nets—to the Committee on Commerce.

By Mr. F. A. JOHNSON: Resolutions of W. D. Brennan Post, No. 284, of Randall Post, No. 460, of George B. Chavette Post, No. 558, and of John S. Stone Post, No. 352, Grand Army of the Republic of New York State, in regard to the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, petition of J. H. Signor and 28 others, citizens of Saranac, Clinton County, New York, for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. T. D. JOHNSTON: Petition of E. D. White and others, citizens of Highland, N. C., favoring the bill (S. 1636) to reduce postage on seeds, plants, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of R. D. Lathrop Post, No. 138, of Hudson, N. Y., Thomas Bervidge commander, and Anson W. Parmton adjutant, for the passage of the Edmunds-Tucker bill against the Mormon Church—to the Committee on the Judiciary.

By Mr. KLEINER: Petition of Henry Detray and others, citizens of Evansville, Ind., in favor of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. LE FEVRE: Petition of F. A. Draper and others, citizens of West Liberty, Ohio, for the passage of the bill (S. 1636) relative to postage on seeds, plants, &c.—to the same committee.

By Mr. LEHLBACH: Petition of engineers and firemen employed in the State, War, and Navy building, asking for increase of pay—to the Committee on Appropriations.

By Mr. MORRILL: Concurrent resolutions of the Legislature of Kansas, asking for the passage of the bill to extirpate contagious pleuropneumonia—to the Committee on Agriculture.

By Mr. MORRISON: Petition of citizens of Upper Alton, Ill., to reduce postage on seeds, roots, and plants—to the Committee on the Post-Office and Post-Roads.

By Mr. MORROW: Resolutions of the Chamber of Commerce of San Francisco, Cal., against the provisions of a commercial treaty with the kingdom of Spain providing for a reduction of the duty on raisins—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., in favor of an appropriation of $10,000 for the maintenance of branch hydrographic offices for the year ending June 30, 1888—to the Committee on Appropriations.

By Mr. NEAL: Petition of James W. Raulston, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers in the case of James W. Raulston—to the same committee.

By Mr. PEEL: Petition of Sylvester Taylor, of Searcy County, Arkansas, asking pay for property taken from him by the United States Army in the late war—to the Committee on War Claims.

By Mr. PERKINS: Senate concurrent resolution of the Legislature of Kansas, asking for the passage of the bill (H. R. 10359) providing for the extirpation of contagious diseases among cattle—to the Committee on Agriculture.

By Mr. RANDALL: Petition of retired enlisted men of the Army, against amending the act of February 14, 1885—to the Committee on Military Affairs.

By Mr. RANNEY: Petition of Joseph Richardson, for arrears of pension—to the Committee on Invalid Pensions.

Mr. RICHARDSON: Papers in the case of Jennie Richardson, for relief—to the Committee on War Claims.

By Mr. RIGGS: Letter of Wm. H. Barney, of Barry, Pike County, Illinois, in favor of House bill 9733—to the Committee on Ways and Means.

Also, resolution of the Trade and Labor Assembly of Chicago, against Senate bill 925—to the Committee on Public Buildings and Grounds.

By Mr. ROMEIS: Petition of Le Roy W. Brown and other citizens of Clyde, Ohio, asking a reduction of postage on seeds and plants—to the Committee on the Post-Office and Post-Roads.

By Mr. ROWELL: Petition of druggists of Bloomington, Ill., for the repeal of internal taxes—to the Committee on Ways and Means.

Also, petition of the executive committee of the Grand Lodge of Good Templars of Illinois, for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to vote on the question of license—to the Committee on the District of Columbia.

By Mr. SCRANTON: Petition for repeal of internal taxes, from 145 leading citizens of Scranton, Pa.—to the same committee.

By Mr. SHAW: Petition of Lewis K. Herbst, of Havre de Grace, Md., for compensation for damages sustained by the occupation of his property by United States troops—to the Committee on War Claims.

By Mr. SNYDER: Petition of Susan F. Johnson, of Kanawha County; of Matthew Arbuckle, of Greenbrier County; and of William H. Hill, administrator of John Hill, of Fayette County, West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SPOONER: Petition of Isaac B. Richmond, of Little Compton, R. I., and 163 others, citizens of Rhode Island, for a breakwater at Fishing-place Cove, near Leaconnet Point, R. I.—to the Committee on Rivers and Harbors.

By Mr. SPOONER: Petition of Charles Fletcher and 32 others, citizens of Providence, R. I., for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. STEELE: Petition of John Powers and 180 enlisted men, asking that the act of February 25, 1885, be amended to read twenty-five instead of thirty years—to the Committee on Military Affairs.

By Mr. WARD: Resolutions of the trade and labor assembly of Chicago, Ill., opposing Senate bill 925—to the Committee on the Public Lands.

By Mr. WILKINS: Petition of J. B. Van Lehn and 25 others, citizens, for the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON: Papers in the war claim of estate of William McSherry, deceased, of West Virginia—to the Committee on War Claims.

Also, petition of Samuel Hedrick, of Laban B. Conrad, and of William E. Hedrick, of Pendleton County; of John S. Chenowith and of John B. Morrison, of Randolph County; of John H. Shewbridge, administrator of Samuel Dobbins, of Jefferson County; of Benjamin Grayson, of Mineral County; and of Hannah Bosworth, of Beverly, W. Va., for reference of their claims to the Court of Claims—to the same committee.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. COOPER: Of 148 citizens of Milford Center, Mass.

By Mr. DINGLEY: Of 162 citizens of the second district of Maine.

By Mr. ERMENTROUT: Memorial of Olive Pond Amies, county superintendent of legislative work for the Women's Christian Temperance Union, in favor of the Blair educational bill.

By Mr. GEDDES: Of Theodore J. Keep and 192 others, citizens of Oberlin, Ohio.

By Mr. GROUT: Of 279 citizens of the second district of Vermont.

By Mr. HAYNES: Of 193 citizens of Nashua, N. H.

By Mr. HIRES: Of 157 citizens of Port Elizabeth and Cramer Hill, N. J.

By Mr. LEHLBACH: Of 235 citizens of Newark, N. J.

By Mr. LOUTTIT: Of the Presbyterian and Methodist churches of Ione, Cal.

By Mr. MORRILL: Of 213 citizens of Sabetha and Muscotah, Kans.

By Mr. O'DONNELL: Of 229 citizens of the third district of Michigan.

By Mr. PERKINS: Of J. C. Carr and 114 others, citizens of Cherokee and Parsons, Kans.

By Mr. RANNEY: Of the mayor and other citizens of Boston, Mass.

By Mr. ROWELL: Of 214 citizens of Lincoln, and of 186 citizens of McLean County, Illinois.

By Mr. CHARLES STEWART: Petition of sundry citizens of Grimes County, Texas, asking for the passage of the Blair educational bill.

By Mr. MILO WHITE: Of 268 citizens of Spring Valley, Grand Meadows, and Concord, Minn.

By Mr. WHITING: Of 171 citizens of Hatfield, South Hadley, and Holyoke, Mass.

SENATE.

FRIDAY, *January* 28, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. CAMERON presented the credentials of MATTHEW STANLEY QUAY, chosen by the Legislature of Pennsylvania a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be placed on file.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS. I present the petition of Messrs. Wells, Richardson & Company and sundry other business men, largely engaged in manufactures, commerce, &c., in the State of Vermont, praying for a repeal or reduction of internal-revenue taxes.

Many petitions of this kind have been presented; and in presenting this petition and moving its reference to the Committee on Finance, I wish to urge upon that committee, so far as I may, respectfully, what I think is the importance of this subject, to reduce, if we cannot alto-

gether repeal, this remnant of the "unpleasantness" that existed between the different parts of the country twenty-five years ago.

I should be glad to see the country restored to its business conditions in respect to the Government that it was in before the war of the rebellion came on, and that the resources of the Government should be obtained entirely from duties on importations and the little incidental matters about lands, &c., and not by keeping up an army of internal tax-gatherers, and inspectors, and all that sort of thing. I hope the Committee on Finance will take the matter into serious consideration.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Finance.

Mr. FRYE presented resolutions adopted at a meeting of the A. A. Dwinal Post, No. 3, Grand Army of the Republic, of Mechanic Falls, Me., warmly indorsing the bill known as the Edmunds-Tucker bill, touching Mormonism; which were ordered to lie on the table.

Mr. FRYE. I present the petition of John D. Best and 52 citizens of Portland, Me., setting forth that $12 only are required as the special tax for a wholesale dealer in tobacco, while $480 are charged to a wholesale dealer in oleomargarine, and praying for an equalization of those taxes. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM presented a petition of Singer & Wheeler and 17 other firms, merchants and manufacturers, of the city of Peoria, Ill., praying for the repeal of the internal-revenue tax laws; which was referred to the Committee on Finance.

Mr. CULLOM. I present the petition of H. S. Stewart and 34 other citizens of Geneva, Ill., respectfully representing that they are consumers of oleomargarine in their own homes, and stating that the license tax on oleomargarine is from five to fifty times higher than the license tax on whisky, beer, and tobacco, and praying for a reduction of the same. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CAMERON presented petitions of citizens of Philadelphia, Johnstown, Scranton, and Bristol, in the State of Pennsylvania, praying for a reduction of the internal-revenue taxes; which were referred to the Committee on Finance.

Mr. CAMERON. I also present a memorial of East Lynn Grange, Patrons of Husbandry, of Pennsylvania, remonstrating against any amendment of the oleomargarine law, and praying for the passage of the interstate-commerce bill. Inasmuch as the interstate-commerce bill has passed both Houses, I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SABIN presented a petition of the Grand Lodge of the Independent Order of Good Templars, State of Minnesota, on behalf of a membership of 4,000, praying for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in the District; which was referred to the Committee on the District of Columbia.

Mr. PAYNE presented the petition of A. L. Bailey and 21 other citizens of Cincinnati, Ohio, setting forth the inequalities and injustice of the special taxes on oleomargarine in comparison with other articles of internal-revenue taxation, and praying for a reduction of such taxes; which was referred to the Committee on Finance.

Mr. CALL. I present resolutions in the nature of a memorial of the town council and city government of the city of Tampa, Fla. The resolutions state that—

> Our intercourse with Havana, on the Island of Cuba, has become frequent, and considerable emigration from that island is coming to our shores to find employment in the cigar factories established here, all of which is highly desirable as being of mutual benefit to our community and the Cubans.

The town council of the city of Tampa also states that:

> In view of this continuous and frequent intercourse with Havana, a place where yellow fever prevails every summer, we deem it of the highest importance that a national quarantine station and hospital be established on one of the islands near Key West, Fla., and that such station and hospital shall be under the direction and control of the Supervising Surgeon-General of the Marine-Hospital Service under authority of the national-quarantine act of April 29, 1878; and that our members in Congress from the State of Florida are respectfully requested and urged to use their influence in passing such measures during the present session of Congress as may be requisite to enable the Supervising Surgeon-General of the Marine-Hospital Service to establish such quarantine station and hospital as early as practicable to meet the exigencies of the coming summer.

I move that the resolutions be referred to the Committee on Epidemic Diseases.

The motion was agreed to.

Mr. INGALLS presented resolutions adopted by the State Board of Agriculture of Kansas, in favor of the enactment of the agricultural experiment-station bill; which were ordered to lie on the table.

He also presented resolutions adopted by the Kansas State Board of Agriculture, in relation to the cattle interest; which were ordered to lie on the table.

Mr. MORGAN presented a joint resolution of the Legislature of Alabama, favoring legislation in behalf of a world's exposition by the colored people; which was referred to the Committee on Foreign Relations.

Mr. EVARTS. I present the petition of Jacob Hilgman and 57 citizens of New York city, and the petition of Dr. W. H. Reynolds and 20 citizens of Reynoldsville, N. Y., respectfully representing that they are consumers of oleomargarine in their own homes, and stating that the license tax on oleomargarine is from five to fifty times higher than the license tax on whisky, beer, and tobacco, and praying for a reduction of the same. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PALMER presented the petition of David W. Davis, of Detroit, Mich., praying for an extension of the patent for an improvement in a freezing box or pan for fish; which was referred to the Committee on Patents.

He also presented the petition of Hammond Standish & Co. and 157 other citizens of Detroit, Mich.; the petition of Anthony Lubke and 25 other citizens of Copper Falls Mine, Mich.; and the petition of Edward B. Noble and 20 other citizens of Elk Rapids, Mich., representing that they are consumers of oleomargarine in their own homes, that the license tax on that article is from five to fifty times higher than the license tax on whisky, beer, and tobacco, and praying for a reduction of such tax; which were referred to the Committee on Agriculture and Forestry.

Mr. PLATT presented a memorial of citizens of the collection district of Middletown, Conn., remonstrating against the removal of the custom-house in that district from Middletown to Hartford; which was referred to the Committee on Commerce.

Mr. PLUMB presented a resolution adopted by the senate of the State of Kansas, favoring the passage of the bill (H. R. 10359) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live stock, and for other purposes; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR. I present the petition of William B. Clark and 52 citizens of Worcester, Mass., praying for the reduction of the special taxes on oleomargarine, and that the same may be equalized so that wholesale dealers in oleomargarine shall not pay $480 per year while wholesale tobacco dealers pay only $2.40 a year. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

THE TOBACCO TAX.

Mr. MAHONE. I present the proceedings of the Tobacco Association of Lynchburg, Va., urging the abolition of the tax on tobacco.

I also present a similar petition of manufacturers of tobacco at Richmond; a like petition of the Tobacco Board of Trade of Farmville, Va. I also present a similar petition of the South Boston (Virginia) Tobacco Board of Trade, and also the proceedings of the Tobacco Association of the city of Petersburg, Va.

In moving the reference of these petitions to the Committee on Finance, I wish to call the attention of that committee and of the Senate briefly to the subject to which they relate.

Mr. President, on the 14th day of December, 1885, I introduced here two bills relating to the laws affecting the manufacture of tobacco—one, (S. 476,) repealing section 3151 of the Revised Statutes, which subjected tobacco manufactured for export to the perfunctory performance of inspection and the burden of a fee that, till lately, was collected at the rate of ten (10) cents per package.

This fee, which did not in fact nor constructively either go into or come out of the Treasury, composed the salary of the inspector. It was the mere perquisite of an unsalaried office. It in no manner touched the subject of revenue, and yet this bill was reported to the Senate adversely and so stands upon the Calendar now, and was so reported, as I am advised, because it was held to be a revenue measure.

The other of these two bills, (S. 477,) provided for a drawback of duties paid upon all imported ingredients used in the manufacture of tobacco exported. This bill was likewise so reported to the Senate and for the same reason. Meanwhile, a bill covering the same object as that described in Senate bill 476 came to the Senate from the House of Representatives, and it is now a law.

Likewise a bill (H. R. 2522) of similar import as that of Senate bill 477 passed the House, and is yet with the Finance Committee of this body.

On the third day of August, 1886, I introduced and the Senate referred to the Finance Committee an amendment to House bill 8738, which that committee held and still holds under consideration, repealing the internal-revenue laws so far as they apply to tobacco.

It is conceded, Mr. President, that to the House of Representatives belongs the constitutional right of originating revenue measures—all bills touching the sources of taxation—imposing, increasing, diminishing, or repealing income derived from any form of taxation.

House bill 2522, to which I have referred, sent here for the action of the Senate and remaining with the Finance Committee of this body, is by fair, legitimate interpretation a revenue measure, and must be so regarded by the Finance Committee of the Senate, under its own ruling—by its own deliberate judgment in respect to Senate bills 476 and 477.

If to abolish an office which neither put in nor took out of the public Treasury a dollar, can be considered as a revenue measure, and the Finance Committee of the Senate report adversely upon a bill to refund duties paid upon imported materials used in manufactures for export, because of the conceded prerogative of the House of Representatives to originate revenue measures, House bill 2522, it must be admitted, is a measure, open here in this body to such amendment as a majority of the Senate by virtue of its constitutional authority shall see fit to impose.

It is, therefore, Mr. President, I hold that the Senate is in possession of a desired opportunity to deal directly and practically with a subject which concerns the pretended if not manifest solicitude of all parties—certainly the great body of the people.

We have here, Mr. President, an opportunity to reduce taxes and to arrest the unnecesary accumulations of the money of the people in the national Treasury. It is admitted—by the end of the current year, when there will be no longer any portion of the public debt redeemable for some years to follow—there comes an annual surplus in the Treasury—more money than is needed for the expenses of the Government—of ninety millions.

Whatever the arithmetical process by which that statement of the administration is disputed, distinguished leaders of opposing political parties and the President of the United States are all agreed that the income of the Government is in excess of current expenses, supplemented, if you please, by any expenditure for betterments, which may be in the reason of any possible legislation, whether for coast defenses, Navy, or other objects.

The people in every State of the Union, and everywhere in all of the States, are educated to this belief and are inspired with the anxious hope that practical effect will be given, and by this sitting of the National Legislature, to such judgment, by an outright reduction of taxes. They expect, and they have a right to expect, that such action will be taken as will preclude the withdrawal from circulation and the congregation of so large an excess of the needed currency of the country in the vaults of the national Treasury. They sorely need, and are weary of the promise of, a reduction of burdens long and patiently endured.

They will not be content with any play of political parties for future stakes of power, when the needs of the Government no longer require the imposition of taxes which may be safely removed.

They will hold to account, and justly, any inaction which shall leave to proceed that retirement to the vaults of the Treasury and idleness such accumulating sums of the money of the country, and bring on the disastrous consequences to every industrial interest, directly or indirectly, which that policy must superinduce.

A policy which can not fail to paralyze industrial development, narrow the employments of labor, and harden the times for the masses of the people.

No attempt by inaction or failure on this question to meet the popular expectation as the means of compelling an abandonment of the successful policy of a tariff for the protection of American products, whether of the field, forest, the mine, the forge, or the factory, and promote the welfare of the laboring classes of our own country, will, permit me to suggest, be approved.

Our tax-payers have borne with irritating impatience the imposition and burden of internal taxes. The occasion comes by a hurtful accumulation in the Treasury, when they may be removed and some measure of relief extended.

The Constitutional inhibition which has forbidden legislative action on the part of the Senate is no longer in the way.

Hence, Mr. President, with no thought or lack of the highest and most profound consideration for the Finance Committee of this body, or for any member of it, I venture upon these remarks more in the way of a reminder than for the purpose of compelling the action of that committee upon the subject.

All of us, Mr. President, well know that no system of taxation is more distasteful, more irritating and uneven in its application than that of an excise tax—and the field of agriculture should be the last resort—however wisely discriminating may be the objects chosen for its application.

What industry, Mr. President, and that an agricultural product, more or less common to the fields of every State in the Union, is so severely embarrassed, incumbered, and harassed as is the growth of and the trade in tobacco?

Under our internal-revenue laws the grower of tobacco is forbidden to barter, or to market, or to manufacture his own crop, and so environed by pains, penalties, and taxes is the distillation of the fruit of the citizen of scanty resources, whose only means of providing clothing and table groceries for his family may depend upon such conversion of fruit otherwise valueless and unmarketable.

The time, Mr. President, has gone by when the pretext to any acceptability may be used for imposing proscriptive laws and burdens upon tobacco as a luxury. "Bread or tobacco," said the philosopher Locke, "may be neglected, but reason at first recommends their trial, and custom makes them pleasant." It has long since ceased to be the nature-imposed narcotic of any race of people. In one form and another its use among men is too nigh universal at home and elsewhere for either of such classifications.

Taking the average population of the United States, for ten years preceding 1881, at forty-five (45) millions, the annual average consumption here and for that period is estimated at five (5) pounds per capita, while the average for the whole world is stated at seventy (70) ounces, equal to an aggregate consumption of more than two and three-quarter billion (2,750,000,000) tons.

Neither coffee nor tea is classed among the staples of life, and is no more essential to the comfort of man than tobacco. Upon these stimulants the consumer no longer pays any tax, and yet the consumption of coffee in the United States, per capita, is not double that of tobacco, and of tea only one-fifth.

If tobacco is an enemy to the human family, obnoxious to "the general welfare," why not otherwise, as the Constitution may be turned, hinder yet more severely, its cultivation here, and its importation into the country.

If a luxury, why so embargo its production and the trade it creates as to place its use beyond the reach and enjoyment of the masses? If neither, and its cultivation and value are of respectable concern to the fields of industry, the commerce and wealth of the country, why not liberate the plant and the product, and allow them to proceed with their increasing contribution to wealth and employments?

Mr. President, tobacco enters too largely into our agricultural and manufacturing interests, and furnishes too many of our people employment and the means of sustenance; it gives activity to too much capital, and composes too large a share of the commerce, wealth, and exports of the nation, relatively small as these may be, to be classified as a narcotic or a luxury, or to be treated as an alien interest.

We must not forget, Mr. President, that its cultivation in 1885 occupied an acreage of seven hundred and sixty-two thousand two hundred and fifty (762,250) acres of American soil, yielding a crop of five hundred and sixty-two million seven hundred and thirty-six thousand (562,736,000) pounds, which added forty-three million two hundred and sixty-five thousand five hundred and ninety-eight dollars ($43,265,598) to our wealth, and gave employment to over two hundred thousand (200,000) of our population—equal to about three and one-third (3⅓) per cent. of the persons over ten (10) years of age employed in agriculture.

Until the year 1840 Virginia, where the formal cultivation of the plant in our colonial year of 1607 was introduced, led in this agricultural product, furnishing from her own fields fully one-third of the national crop. Since then her eldest and esteemed daughter, Kentucky, has held that distinction, and yet one hundred and forty thousand (140,000) acres of Virginia's cultivated lands are now devoted to the growth of tobacco, and of the two hundred and fifty-five thousand (255,000) of her population above the age of ten (10) years engaged in agriculture, forty-seven thousand (47,000), or about eighteen (18) per cent., are employed in that agricultural pursuit.

In measuring the interests which are concerned in the growth and manufacture of tobacco and the commerce it generates, we must remember there were in the year 1880 five hundred and eight thousand (508,000) taxed dealers engaged in the trade, and in the manufacture of chewing tobacco, snuff, cigars, cigarettes, and in stemming seven thousand six hundred and seventy-four (7,674) establishments, where the capital invested was thirty-nine million nine hundred and ninety-five thousand two hundred and ninety-two dollars ($39,995,292), and eighty-seven thousand five hundred and eighty-seven (87,587) persons found desirable employment, and for wages twenty-five million fifty-four thousand four hundred and fifty-seven dollars ($25,054,457) were paid; where the value of materials converted into other forms of commerce was sixty-five million three hundred and eighty-four thousand four hundred and seven dollars ($65,384,407), and the value of the product was one hundred and eighteen million eight hundred and seventy thousand one hundred and sixty-six dollars ($118,870,166).

The manufacture of tobacco, as did its culture, had its crude beginning in Virginia as early as the year 1732.

It has now become an important industry to at least twenty of the States, and its culture is common to all.

Virginia losing the lead in the field, occupies it in the line of the manufactured product. She manufactures the equivalent in quality of five-eighths (⅝) of her own crop, going to Kentucky, Ohio, and North Carolina for a part of the forty-eight million five hundred thousand (48,500,000) pounds her factories consume. Her proportion of the capital invested in the manufacture of tobacco is nine and one-half (9½) per cent. of all. Her share of the employment given to labor on this account is sixteen and one-half (16½) per cent., and her proportion of wages paid is thirty (30); and her measure of our exportations of manufactured tobacco is full eighty-five (85) per cent. of that furnished by all the States.

The plant is the staple of a large section of that State, the dependence of a conspicuous portion of her population in field and factory. Its growth and manufacture enter largely into the trade, commerce, and wealth of the Commonwealth.

As a factor in our export trade, tobacco bears no insignificant part. In the twenty-three years last gone by it has brought into the country

six hundred and forty-three million dollars ($643,000,000) of foreign gold, and to-day represents full seventy (70) per cent. of the merchandise balance to our credit on account of that trade.

It brings into the country now thirty and a half millions gold—equal to the amount derived from our exportation of corn and sixty (60) per cent. of that derived from our exportation of wheat—and thirty-three (33) per cent. of the value of our exportation of wheat and flour.

Once set at liberty and relieved of the espionage and the restraining laws and burdens which hinder and repress development, as I trust it may now be the judgment of the Senate it shall be, and placed upon an even footing with other agricultural products, this important industry, Mr. President, will take new life and go on widening the avenues of employment for labor, and add fresh fields to the cultivated acreage of the nation. It will go on to multiply our manufacturing interests and to increase its contributions to the wealth of the country.

Surely, Mr. President, tobacco and fruit distillations have contributed their full share of the tribute to the exigency on account of which they have now for twenty-three (23) years been held under duress and burden.

In that period tobacco has contributed directly to the National Treasury seven hundred and seventeen millions eight hundred and seventy-three thousand three hundred and forty-three dollars and eight cents ($717,873,343.08), and of this imposing sum Virginia paid ninety millions seven hundred and six thousand one hundred and seventy-seven dollars and thirty-nine cents ($90,706,177.39), equal for the twenty-three (23) years of the imposed burden to an annual contribution on her part, and from this single industry, of four millions three hundred and seventy-eight thousand nine hundred and sixty-four dollars ($4,378,964) or the equivalent of one dollar and twenty-five cents ($1.25) on the one hundred dollars ($100) assessed value of the real and personal property of her people.

In the same period fruit distillations contributed twenty-one millions thirty-seven thousand five hundred and eighty-four dollars and eighty-seven cents ($21,037,584.87), of which Virginia's share was two million two hundred and twenty thousand five hundred and thirty-six dollars and eighty-one cents ($2,220,536.81), or an average of ninety-six thousand five hundred and forty-four dollars ($96,544) per annum, equal to twenty-eight (28) cents on the one hundred dollars ($100) of the assessed value of the real and personal property of the Commonwealth.

Mr. President, there is no longer any occasion for continuing the burden and bondage under which these two agricultural products have been sorely oppressed.

The revenue derived from these sources of an exigency tax is not needed either to pay debts, provide for the common defense, or for the general welfare. The income of the Government from other sources is yet sufficient, and in excess by many millions of any probable demand for these three several purposes for which Congress is empowered to levy taxes.

It appears an arbitrary exercise of the constitutional power, as certain it is repugnant to the spirit which governed the formation of the Constitution, to impose an excise tax as a mere means of revenue when no exigency exists, when it is estimated by the administrative head of the Government that we are to have at the end of the current fiscal year a surplus over and above all demands full ninety millions of dollars ($90,000,000), not counting thirty-two millions ($32,000,000) of fractional silver.

Mr. President, it is agreed in all quarters and by both political parties that this excess of revenue ought to be arrested; and to what subject can you apply the remedy more fittingly with equal justice and with the hope of larger public approbation and better results than to the important agricultural product of tobacco?

If it has manfully borne burdens and will bear them longer, if you please, why continue them when the Government is not needing the tribute exacted of this industry and so largely drawn from the great body of the people—that class of consumers least able to bear the tax you impose on an article they will and must have—if, as a luxury, it may be said it is a nature-imposed necessity with them for all that?

If it is the consumer who pays the tax entire, the greater is the reason, in this case, for its removal. It is relief which will be more directly and sensibly felt by the working classes of the country than any other which may be conferred by recourse to the tax list. It will enter the home of the workingman everywhere in our own country, and leave a saving on every five (5) pounds of tobacco consumed sufficient to purchase eight (8) pounds of sugar, or three (3) pounds of coffee, or one (1) pound of tea, or fifteen (15) pounds of flour, or five (5) pounds of bacon, or eight (8) yards of calico, or six (6) yards of shirting, or two (2) yards of flannel.

Mr. President, let us remove this odious and onerous tax of an American product, and remind the American citizen that he may once more use this product of his own country upon the same even terms on which we offer it by exportation to the citizens of other countries. Let us unfetter a potential factor of American industry, of commerce, and of wealth, and rid the beneficent policy of protection, which has contributed so immensely to the growth, power, and wealth of the nation, of the singular contradiction which the tax and the proscriptive laws in respect to this American industry present.

Let us now and here, so far as the action of the Senate may effect such result, emancipate this American industry and save to the national Treasury and the people the five million dollars' ($5,000,000) expense for collecting a revenue no longer needed to pay debts, or for the common defense, or for the general welfare of the nation.

If we assume that the consumer pays the tax, let us not forget that by it his capacity to buy is lessened, and the incentive to increased and increasing production is diminished. Let us remember that each and every successive step taken in the direction of a reduction of the tax has added to the acreage of cultivation, increased the product, and multiplied factories, dealers, and employments.

Let us complete the emancipation of this industry, and, as the amendment to House bill now in possession of the Finance Committee of the Senate since the 18th of June, 1886, proposes, unburden our export of manufactured tobacco, and thus stimulate the expansion of that trade by remitting the duties paid on imported ingredients actually employed in the manufacture thereof.

There is here, in this proposition, no new principle. It is merely the adaptation of existing laws—liberalized, if you please—as will be seen by reference to sections 3022 and 3026, Revised Statutes, which respectively allow drawbacks on imported salt used in the curing of fish, and on saltpeter used in the manufacture of gunpowder; and further, as will appear by reference to section 3019 and section 3433, Revised Statutes, the latter as amended by section 14 of the act of the 28th of May, 1880. (Supplement, Revised Statutes.)

Under these last-named sections foreign and domestic distilled spirits in bond may be withdrawn without the payment of duty or tax, and after being manufactured into various preparations, these preparations or products are exported without the payment of tax or duty, and the result has been to increase the export of such manufactures.

Let us put this article of American industry and export, whether produced by manufacturers wholly or partly engaged in the manufacture of tobacco for export, upon even terms with those of other home products manufactured for export, and thus conform our treatment of it to established policy, and remove a burden by the indirect tax so levied on export, estimated at 3 per cent. on the value of the article which has largely transferred our export trade in manufactured tobacco beyond the borders of our country, notably to Canada and Australia.

We are advised, Mr. President, by the Internal-Revenue Bureau of the Treasury Department, that there can be no difficulty in ascertaining the quantity of dutiable goods so consumed, and it is seen that the cost of keeping the necessary accounts to this end amounts to a mere bagatelle, the paltry sum of one-tenth of 1 per cent., which if not in full, is largely covered by the non-collectible claims—below $10.

But why should the owner of such goods be charged for any such clerical work when we have a customs service, the cost of which is paid out of the common treasury of the nation?

It is a trifling affair; too small for a government of such proportions as ours.

In all of such imported ingredients so consumed it is estimated there are of licorice one million (1,000,000) pounds; of sugar, nine hundred thousand eight hundred (900,800) pounds; and of all other ingredients, assimilated, a half million (500,000) pounds, while in the manufacture of tobacco consumed in the United States there are used fourteen and a half millions (14,500,000) pounds licorice, one million three hundred thousand (1,300,000) pounds sugar, and of other ingredients, assimilated, six millions eight hundred thousand (6,800,000) pounds, leaving, as will be observed, yet such an immense demand for these ingredients as forbids hurtful encroachment upon the market for the home product of such ingredients by remission of duty upon the relatively small quantities consumed in the manufacture of tobacco exported.

Let us, Mr. President, now that we may without apprehension of any possible shortage in the income of the Government to meet its every necessary and contingent liability and cover every imaginary demand which either exigency or progress is likely to impose, repeal all laws and parts of laws in any manner restricting the grower of tobacco in the disposition of his crop, and in any form imposing a burden by tax, license, or otherwise, upon the dealer in the same, the peddler, and manufacturer thereof, and by this means enlarge the field of productions, extend the avenues of employment, and level down the barriers which now confine its manufacture and commerce, and without measure of capital, allow all who will to engage in either.

Mr. President, if I express the hope, as earnestly I do, that the honorable Finance Committee of this body will quicken its consideration of this matter, and return at the earliest day to the Senate, House bill 2522 so amended as to reduce taxes in the respect I have spoken and otherwise, and further, as that committee may advise, I feel that I but voice the impatient sentiment of the people.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CHENEY, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4308) to regulate steam-engineering

in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2287) for securing statistics of the extent and value of the vessel fisheries of the United States, reported it without amendment.

Mr. PUGH, from the Committee on Education and Labor, to whom was referred the bill (S. 3000) fixing the salaries of the Commissioner of Education and the Commissioner of Labor at $5,000 each per annum, reported it without amendment.

Mr. CALL, from the Committee on Education and Labor, to whom was referred the bill (S. 2051) to incorporate the National Academy of Dental Science, reported it without amendment.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes, reported it without amendment.

Mr. CHACE, from the Committee on the District of Columbia, to whom was referred the bill (S. 62) enlarging the powers of the Washington Safe-Deposit Company, and for other purposes, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 495) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. INGALLS. I report from the Committee on the District of Columbia an amendment to the bill (S. 2819) relating to the manufacture and sale of gas in the city of Washington, in the District of Columbia, and amendatory of an act entitled "An act regulating gas-works," approved June 23, 1874. I ask that the amendment may be placed with the bill on the Calendar. I should like to have the Calendar printed to-morrow so as to show that the amendment has been reported by the committee.

The PRESIDENT *pro tempore*. The amendment will be printed and noted to accompany the bill on the Calendar.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a communication from the commissioners of the District of Columbia in reference to the extension of certain streets, and to recommend that the communication with the accompanying map be printed. I ask that it may be so ordered. There was no resolution on the subject referred to the committee.

The PRESIDENT *pro tempore*. If there be no objection, the order to print will be made.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the memorial of the committee representing the medical profession of the United States, praying for an appropriation to aid in defraying the expenses of the international congress to be held in Washington, D. C., in 1887, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations; which was agreed to.

ALLEGED OUTRAGES IN TEXAS.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution submitted by the Senator from Massachusetts [Mr. HOAR] on the 24th instant, regarding the investigation of alleged outrages in Washington County, Texas, to report a substitute therefor.

The substitute was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the Committee on Privileges and Elections, or the chairman of a subcommittee thereof, the necessary expenses of said committee or subcommittee, in inquiring into the circumstances attending certain alleged unlawful occurrences in Washington County, Texas, the investigation of which was ordered by resolution of the Senate January 25, 1887. (Miscellaneous Document No. 36, Forty-ninth Congress, second session.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SNYDER, Mr. WILKINS, and Mr. BROWN of Pennsylvania managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes; in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes; and it was thereupon signed by the President *pro tempore*.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3234) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitble building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. EVARTS introduced a bill (S. 3235) to increase the pension of George H. Laurence; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3236) for the relief of Charles W. Denton, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3237) for the relief of M. S. Hellman, of Canyon City, Oreg.; which was read twice by its title, and referred to the Committee on Claims.

Mr. EDMUNDS introduced a bill (S. 3238) to establish a hospital and reformatory for inebriates in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. HOAR. I ask the leave of the Senate that the Committee on Privileges and Elections may sit during the sessions of the Senate during the remainder of the present Congress.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the leave of the Senate that the Committee on Privileges and Elections may sit during the sessions of the Senate. If there be no objection leave will be granted. The Chair hears no objection.

CHANGE OF REFERENCE.

Mr. TELLER. On the 17th of January I presented the petition of Wollf & Brown, praying payment for horses pressed into the service of the United States by Col. Thomas Moonlight in 1865 at Denver, Colo., which was referred to the Committee on Military Affairs. On examination I find it should have been referred to the Committee on Claims. I ask that an order may be made changing the reference as I have suggested.

The PRESIDENT *pro tempore*. If there be no objection the suggested change of reference will be made.

AMENDMENTS TO BILLS.

Mr. BUTLER submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL, of Oregon, it was

Ordered, That the petition and papers in the case of Charles W. Denton, of Oregon, be taken from the files and referred to the Committee on Claims.

Ordered, That the petition and papers in the case of M. G. Hellman be taken from the files and referred to the Committee on Claims.

REJECTION OF PENSION CLAIMS.

Mr. PLUMB submitted the following resolution; which was read:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether there is any rule of his Department applied in the Pension Bureau or any rule of said bureau existing and applied with his knowledge or consent whereby any applicant for pension is denied a hearing in said bureau concerning his claim by reason of said applicant having petitioned Congress for relief.

Mr. PLUMB. The occasion for the resolution is found in a letter, which I send to the desk and ask to have read.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 24, 1887.

SIR: In response to the request of Hon. P. B. PLUMB, relative to your claim for pension, No. 260105, as late of Company D, Fifth Pennsylvania Reserves, you are informed that it was rejected January 29, 1879, on the ground that the alleged affection of eyes was incurred by lifting heavy timbers in the year 1857, as shown by the certificate of disability upon which you were discharged. Furthermore your appeal to the Congress of the United States for aid forfeited your right as a claimant before this office, which therefore declines further consideration of the claim.

Very respectfully,

JOHN C. BLACK, *Commissioner*.

DAVID C. CANFIELD, *Fort Scott, Kans.*

Mr. PLUMB. Mr. President, the applicant for pension named in the letter, Mr. Canfield, had his application rejected as stated therein, and on the 9th day of January, 1884, I presented a bill in the usual form to the Senate granting him a pension. That bill was subsequently, on the 24th day of March, 1884, reported adversely from the Committee on Pensions of the Senate by Mr. Slater, then a Senator from the State of Oregon.

Thereupon this applicant for a pension proceeded to strengthen his case in the Pension Office by new testimony, hoping to bring himself thereby within the somewhat technical requirements of that bureau and secure a reversal of the former unfavorable decision.

The result is recorded in the letter which I have had read, in which this ex-Union soldier is advised that inasmuch as he has had the temerity to appeal to Congress, in fact to present a petition to Congress in accordance with the Constitution, one of the creatures of our legislation, one of the offices established by law passed in accordance with that Constitution, has decided that he can not be heard.

Mr. ALLISON and Mr. INGALLS. "Forfeited."

Mr. PLUMB. Yes, "forfeited." He is advised that he has thereby forfeited his right to be heard in the Pension Office.

I am anxious to know what explanation can be offered for a decision of that kind. I should like to know whether there is any connection between this decision of the Pension Office and the somewhat virulent vetoes of special bills for the pensioning of soldiers who, having failed to secure the requisite proof to satisfy the Pension Office, had appealed to Congress, of which we had a surfeit at the last session; to know if it is not only the rule of the Pension Office to thus treat and to thus characterize the soldiers of the Republic, who are entitled to gratitude at least if they are not entitled to financial relief, but if this is to be a part of the general policy which characterizes this administration in the consideration of their claims. Until that explanation is made I shall not detain the Senate further.

Mr. SAULSBURY. Mr. President, I have no objection to the inquiry indicated in the resolution of the Senator from Kansas; but I do think in presenting a resolution calling for information it is certainly out of place, before the reply is given which the Senator seeks, for him to take the floor and denounce not only the action of the Pension Commissioner with regard to this particular affair but to denounce the President of the United States as having made a manifestation of virulence toward the pensioners of the country. The charge is not sustained, I say in presence of the Senator from Kansas. Every veto of a pension bill sent here has shown the reasons of the President, and there has been nothing virulent or at enmity with the soldiers of the country manifested by the President in these cases.

I am not the special defender of this administration; it does not do what I should like to have it do in a great many instances, but I believe that such treatment of the executive department of this Government is uncalled for.

Mr. PLUMB. I should like to ask the Senator from Delaware before he sits down whether he thinks that letter is the sort of reply which should have been made.

Mr. HARRIS. Mr. President, is this debate in order?

The PRESIDENT *pro tempore*. The Chair——

Mr. SAULSBURY. I was not objecting to the inquiry so as to let the Commissioner answer for himself, but, in advance of his answer, not only to attack the Commissioner, but to attack the President of the United States in the presentation of a resolution of inquiry, in my opinion is not the thing to do.

Mr. PLUMB. Mr. President——

Mr. HARRIS. Has the resolution been just introduced?

The PRESIDENT *pro tempore*. The Chair will state that the Senator from Tennessee raises the question of order. The Chair is bound to say that the resolution is not in order unless by unanimous consent. Is there objection to the present consideration of the resolution?

Mr. HARRIS. Let it be printed and go over until to-morrow.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

WASTE OF WATER.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions," the Chair lays before the Senate a resolution submitted yesterday by the Senator from Missouri [Mr. COCKRELL], which comes over under objection.

The resolution was read, and agreed to, as follows:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate at the earliest practicable time the principal sources of waste of the water supply in this city, and what measures, if any, have been taken to stop or lessen such waste, and the result of their action, and whether there is a 48-inch main now in the ground intended hereafter to connect the new reservoir with Capitol Hill, now lying idle and unconnected with the city system, and whether if such main were connected with the distribution system it would give freer circulation and an ampler supply of water to smaller mains now failing to furnish a sufficient supply in many residences in the northwestern part of the city, and if so, why such connection has not been made, and what steps are necessary to be taken to secure such connection.

PENSIONS OF DISABLED SOLDIERS AND DEPENDENT PARENTS.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Massachusetts [Mr. HOAR] to a message from the House of Representatives, which he lays before the Senate. The communication from the House of Representatives will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 28, 1887.

Ordered, That the Clerk be directed to return to the Senate, in compliance with its request, the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

The PRESIDENT *pro tempore*. What does the Senator from Massachusetts desire to have done with the bill?

Mr. HOAR. I had proposed to withdraw the motion to reconsider and to make a statement in the Senate which I think should go out with the passage of the bill; but I have been requested by a member of the Senate to withhold that statement for the time being. I suppose the bill stands now on the motion to reconsider.

The PRESIDENT *pro tempore*. The bill will be retained.

Mr. HOAR. The motion to reconsider was entered in time, on the same day the bill was passed. The Chair will let it lie, and I will call it up at some very early time convenient to the Senate.

The PRESIDENT *pro tempore*. That course will be taken.

Mr. BLAIR. Does the Senator from Massachusetts propose to call up his motion to reconsider at a subsequent time? I did not quite understand him.

Mr. HOAR. I had expected to make a statement about the bill and to withdraw the motion to reconsider. I said that I should call up the matter at a very early time at the convenience of the Senate. I have been requested to delay it.

Mr. BLAIR. The Senator will notify me when he does so?

Mr. HOAR. I have been requested by a member of the Senate to delay calling it up for the time being.

Mr. PLATT. The Senator from Massachusetts delayed calling up the bill and withdrawing his motion to reconsider at my request. I only desire this much delay: As I understand the bill, it pensions a class of soldiers whom Congress has never pensioned before; that is, the survivors of the Black Hawk, the Seminole, and various other Indian wars. I do not think it was understood. I do not object to it; but I should like to refer to some estimates which have been made by the Commissioner of Pensions in former times to see how much money it is going to take, and compare it with the probably small amount which it will take to pay the Union soldiers of the late war under the bill. I shall do that very soon.

HOUSE BILL REFERRED.

The bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Claims.

Mr. COCKRELL. My impression is that the bill ought to go to the Committee on Military Affairs.

Mr. HARRIS. My impression is that it ought to go to the Committee on Claims.

Mr. COCKRELL. The Committee on Military Affairs heretofore has had jurisdiction of that particular case. It has been referred to that committee, and it has made one or two reports upon it, and I believe that one bill which was reported by the Military Committee was passed by the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Missouri move that the bill be referred to the Committee on Military Affairs?

Mr. COCKRELL. I do not care to what committee it goes; I am only stating the fact that that committee heretofore has considered the case, and I think reported once upon it. Whether the bill was passed or not I do not know.

The PRESIDENT *pro tempore*. It is now referred to the Committee on Claims as it stands.

Mr. CALL. I do not know what to say as to which committee it should be referred.

Mr. HARRIS. It is already referred to the Committee on Claims.

Mr. CALL. I have no choice in the matter of reference, but I should be very glad to see the bill put on its passage as it came from the House if there is no objection to it.

PUBLIC BUILDING AT ABINGDON, VA.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building for more suitable property, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

The PRESIDENT *pro tempore*. If there be no objection the Chair will understand that the Senate insists upon its amendments and agrees to the conference asked for by the House of Representatives.

Mr. MAHONE, Mr. SPOONER, and Mr. CAMDEN were appointed as the conferees on the part of the Senate.

REAR-ADMIRAL CARTER.

The PRESIDENT *pro tempore*. The Calendar under the eighth rule is now in order. The first case will be stated.

The bill (S. 729) for the relief of Real-Admiral Carter was announced as first in order, and its consideration was resumed by the Senate as in Committee of the Whole.

Mr. COCKRELL. Is there any report in that case?

The PRESIDENT *pro tempore*. The report has been read heretofore, but if the Senator demands the reading it will be read again.

Mr. COCKRELL. If it is not long let it be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report submitted by Mr. BLACKBURN from the Committee on Naval Affairs December 15, 1886, which has been heretofore published in the RECORD.

Mr. COCKRELL. I have before me a letter from the Secretary of the Navy which I ask to have read, and also a list of rear-admirals on the retired-list of the Navy, promoted to that grade on said list from the grade of commodore, retired.

The PRESIDENT *pro tempore*. The letter and accompanying paper will be read.

The Chief Clerk read as follows:

NAVY DEPARTMENT, *Washington, December 22, 1886.*

SIR: Agreeably to your telegraphic request of yesterday's date, I have the honor to send you herewith a list of the rear-admirals on the retired-list of the Navy, promoted to that grade from the grade of commodore, retired, showing their present rate of pay and the rate of pay at the date of their retirement.

Very respectfully, your obedient servant,

W. C. WHITNEY,
Secretary of the Navy.

Hon. GEORGE F. EDMUNDS, *United States Senate.*

List of rear-admirals on the retired-list of the Navy, promoted to that grade on said list from the grade of commodore, retired.

Name.	Rank when retired.	Present rank.	Pay when retired.	Present pay.
T. O. Selfridge*...	Commodore.....	Rear-admiral....	$1,800	$4,500
T. P. Greene†.....	.....do.....	..... do.....	2,500	3,750
R. N. Stembel‡....	.....do.....	.....do.....	2,500	4,500
S. P. Carter§.....	..... do.....	.....do.....	3,750	3,750

*Paid when retired under section 20, act of July 16, 1862 (12 Stat., 587), under joint resolution of July 1, 1870 (16 Stat., 384); promoted to rear-admiral with pay of that grade; present pay 75 per cent., under section 1588 Revised Statutes.

†Paid at date of retirement 50 per cent. of the highest pay of his grade, under section 5, act of July 15, 1870 (16 Stat., 333); promoted to rear admiral under section 1460 Revised Statutes; present pay 75 per cent. of the sea-pay of the grade in which retired, section 1588 Revised Statutes.

‡Paid at date of retirement 50 per cent. of the highest pay of his grade, under section 5, act of July 15, 1870 (16 Stat., 333); promoted to grade of rear-admiral under act approved July 25, 1866; present pay 75 per cent. of the pay of the grade of rear-admiral, under act approved March 2, 1883.

§Paid at date of retirement, and at present, 75 per cent. of the sea-pay of his grade, under section 1588 Revised Statutes; promoted to rear-admiral under section 1460 Revised Statutes.

Mr. COCKRELL. I desire simply to call the attention of the Senate to the effect of these special acts. Here is one where the increase is from $1,800 to $4,500; another from $2,500 to $3,750, and another from $2,500 to $4,500. To the last one, Carter, it seems that there is no increase of pay.

I do not think that such legislation is just or proper or fair to other officers on the list, and I desire these papers spread before the Senate as the reason why I am opposed to the passage of the bill.

Mr. WHITTHORNE. I am somewhat of a warm nature, and I am perfectly familiar with what I regard the merits of this application and why it should receive special favor at the hands of Congress.

Rear-Admiral Carter in 1861 was a lieutenant in the United States Navy. Senators will remember that the officers of the Navy under legislation taking place since that time, and since the close of the war, are entitled to this advantage, that those who had distinguished themselves by heroic conduct and meritorious services were, by a resolution of Congress in 1866, authorized to be promoted or advanced, under which a great number of officers of the Navy were advanced. Again, under an act of Congress, officers of the Army and Navy who have received a vote of thanks on the part of Congress, were entitled and are entitled, under the law, to be continued in years, as I remember the number, ten years, before being retired.

Under this last-mentioned act, supposing Lieutenant Carter had had the opportunities in the Navy that other officers had he might have had, and doubtless would have had, the same benefit and an advantage that other officers of the Navy had. I say "would have had." Mr. President, you well remember that the State of Tennessee was the theater of war; you well remember that a great many political considerations entered early in the history of that war into the management of affairs in Tennessee. The President of the United States, knowing that Lieutenant Carter, of the Navy, was connected with a large and influential family in that State, that his name was a household word, that he was related by blood to those who held prominent positions in the State, for political considerations, early in the war assigned Lieutenant Carter to the Army, in the office of brigadier-general; he was afterward promoted to be major-general. He was sent to East Tennessee, taken away from the theater where the same services performed would have won the vote of Congress or won promotion for heroic conduct. There, in obedience to the demands of his Government, governed by high motives, to a theater to which he was unused, where he was required to perform actions to which he was not educated, that gentleman goes. He performs these services, is taken away from the theater where his fellows and associates did win honor and did win promotion. Now, within a few months, by reason of his age, when he might have been promoted but for that age to the position of rear-admiral, the ax comes down upon the question of age, and he is cut off by reason of the fact that he had performed important political and military duties at the instance of his Government.

I submit to you, sir, it is a hardship upon him. I submit to you that he is, for these special considerations, entitled to the favor of Congress. It is upon these grounds, and these grounds alone, that his friends and himself present this application, and I trust it will receive the favor of the Senate.

Mr. BLACKBURN. Mr. President, by direction of the Committee on Naval Affairs I reported this bill favorably to the Senate, and I desire in a very few words to state to the Senate the reasons which induced the committee to make that favorable report.

At the beginning of the war this rear-admiral was a lieutenant in the Navy. He asked no transfer of service. Without request from him the War Department or the President detached him from his naval assignment, and ordered him for a double purpose to the State of Tennessee, of which he was a native. One, as has been stated by the Senator from Tennessee, was to get the advantage of his influence politically in that State at that period of time. He was ordered there to discharge military duties. He raised a brigade of troops for the Union Army. Such was the character of his military service that he was promoted, until he reached the grade and rank of a major-general of volunteers, which he held at the close of the war.

Having been assigned and sent to this service without his own request, at the close of the war, when he was ordered back to his place in the Navy, he went there, of course, shorn of every advantage and stripped of every chance for promotion or advancement that continuous service in the Navy during the war would have given him. He took his place back at the foot, which he was forced to do by reason of this unasked-for assignment to military duty. After he went on and reached the grade of commodore in the Navy he was put upon the retired-list, Congress recognizing—for I can discover no other explanation of the act that Congress passed—recognizing the fact that, without intention, injustice had been done this officer, promoted him to the rank of rear-admiral; but he was then upon the retired-list.

Now, I have a letter from the Secretary of the Navy under date of the 12th of this month in answer to my inquiry as to how many cases the roster of the Navy shows like this one of Admiral Carter. He says:

NAVY DEPARTMENT, *Washington, January 12, 1887.*

SIR: In reply to your letter, I have the honor to inform you that Rear-Admirals T. P. Greene and S. P. Carter were promoted while commodores on the retired-list to the grade of rear-admirals on that list, and receive only the pay of commodore on the retired-list.

I am sir, very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. J. C. S. BLACKBURN,
Naval Committee, United States Senate, Washington, D.C.

It seems that there are but two officers upon the naval roster of this country, this being one of the two, in whose behalf such a claim can be presented. I do not know whether it will impress the Senate——

Mr. COCKRELL. Let me ask the Senator a question. Is it not the rule of the Navy Department to promote on the retired-list just the same as if officers were on the active-list, but not to accompany the promotion with pay?

Mr. BLACKBURN. I will answer the Senator from Missouri, and say that according to this official letter of the Secretary of the Navy of the 12th of this month it seems that there are but two men holding this grade that have been promoted without increase of pay. Upon the contrary, I go further in answer to the Senator with some more information that I have here. I think that Rear-Admiral Selfridge was retired in 1866 on $1,800 a year and that he now receives $4,500.

Mr. COCKRELL. By special act.

Mr. BLACKBURN. Yes, sir. I think that Rear-Admiral Greene, who was retired in 1874 on $2,500, now gets $3,750.

Mr. COCKRELL. That was by special act.

Mr. BLACKBURN. Remember that this is a special act.

Mr. COCKRELL. I understand that.

Mr. BLACKBURN. And I am submitting reasons for it. I think that Rear-Admiral Stembel was retired in 1876 on $2,500 and now draws $4,500, and Commodore Carter, who was retired in 1881 on $3,750, promoted in 1882 to rear-admiral, now draws $3,750, precisely where he started.

The PRESIDENT *pro tempore*. The Chair must advise the Senator from Kentucky that his five minutes have expired. The Chair will not enforce the rule if no objection be made to the Senator's proceeding.

Mr. BLACKBURN. I will not ask to go further except simply to say that in consideration of the distinguished services this officer has rendered in both the naval and military branches of the service of the country, the Committee on Naval Affairs thought the report should be made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THEOPHILUS FISK MILLS.

The bill (S. 2023) providing for the payment of $2,500 to Theophilus Fisk Mills for executing a model and design for an equestrian statue of the late General John A. Rawlins was announced as next in order.

Mr. COCKRELL. I do not see any of the members of the committee in charge of this bill. The Senator from Indiana [Mr. VOORHEES], called home by his family misfortune, asked that that bill should be laid

over, and I suggest that it be laid over without prejudice, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. That course will be pursued, no objection being made.

FERRY AT FORT BUFORD.

The bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory, was announced as next in order.

The PRESIDENT *pro tempore*. This bill was passed and a motion to reconsider entered. The question is on that motion. The Senator from Kansas [Mr. PLUMB] entered the motion to reconsider the vote on the passage of the bill.

Mr. MCMILLAN. I think the motion had better be denied. It is a House bill that came here and was approved by the War Department.

Mr. PLUMB. The information I had at the time was that this power was not necessary to be exercised at all, and I think on the whole that was the view of the committee, and perhaps that would be the finding of the committee. Besides it would transgress private rights already acquired.

Mr. MCMILLAN. I think this bill has the approbation of the military authorities at the post there and has been recommended by them.

Mr. PLUMB. It is entirely unusual to grant privileges of that kind by special act. The Secretary of War now has authority to name such persons as he sees fit to carry on sutler's business. This really sets up a privilege there in the name of this one person, which must necessarily become a monopoly, and which can not be for the public good.

Mr. MCMILLAN. I think just the opposite is the effect, that this is intended to prevent a monopoly and in favor of the interests of the Government. Let the House report be read.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider. There has been no report made on that motion. The question is on the motion to reconsider.

The motion was not agreed to.

MAJ. E. A. HANCOCK.

The next bill on the Calendar was the bill (S. 1822) for the relief of Maj. E. A. Hancock, which was reported by its title.

The PRESIDENT *pro tempore*. This bill being adversely reported will be passed over.

Mr. COCKRELL. Let it go to the other Calendar; I object to it.

The PRESIDENT *pro tempore*. The bill will be transferred to the Calendar under Rule IX.

YELLOWSTONE NATIONAL PARK.

The next business on the Calendar was the bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Mr. PLUMB. Is that bill subject to objection?

The PRESIDENT *pro tempore*. It is subject to objection under the eighth rule.

Mr. PLUMB. I object.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. VEST. It is in order, I believe, to move the consideration notwithstanding the objection?

The PRESIDENT *pro tempore*. That motion is in order.

Mr. VEST. I make that motion. The Committee on Territories reported the bill, and it ought to be considered, either beaten or passed.

Mr. PLUMB. I have no doubt it is an important bill, and for that very reason I think when the Senate is so thin as it is now it should put it over.

Mr. VEST. If the bill is postponed at this stage of the session, the appropriation bills coming in, there is no chance for it. The whole effect of the defeat of this bill is to leave the Yellowstone Park without any law governing it. Any crime can be committed there with impunity, and that is a condition of things that ought not to be tolerated for an instant on any foot of American soil.

Mr. PLUMB. The bill provides for a great staff of employés, and has provisions for the punishment of criminals, &c., of a character that I think ought to be subject to very decided scrutiny before the bill passes.

Mr. VEST. It has been subjected to the scrutiny of a committee and reported here; and if the Senator's opinions in regard to it prevails he can amend it in the Senate; but the bill ought to be acted on. Congress ought not to adjourn leaving that reservation in the condition it is now.

The PRESIDENT *pro tempore*. The question under the rule is not debatable. The question is on the motion to proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILSON, of Iowa. I should be glad if some member of the committee reporting this bill would state if any changes are made in the present boundaries of the park by the terms of the bill. I am not familiar with the provisions of section 2474 of the Revised Statutes determining the present boundaries, and I therefore should like to know what change, if any, is made by this bill in the boundaries there fixed.

Mr. MANDERSON. In the first place, I might say, in answer to the request of the Senator from Iowa, that because of the fact that, when the original act was passed defining the boundaries, this country was not well known; the boundary lines were exceedingly indefinite. After exploration, it was found that it was a matter of necessity that those boundary lines should be well defined. That, however, has not been attended to until by the terms of this bill.

The boundary line of the park is extended by this change made by the first section of the bill some 30 miles to the eastward and about 20 miles to the southward of the present boundaries of the park, throwing out of the park a small strip upon the north that is now in Montana Territory, a strip about a mile and a half to two miles wide. It brings the north line to the Wyoming line so that the present boundaries of the park would be within the Territory of Wyoming and extended, as I suggest, to the east and the south.

This change is made by the Committee on Territories in this bill by reason of the recommendations of the Interior Department. The officers of that Department who are familiar with this park and its necessities know that it is absolutely necessary for the purpose of protecting the forests in the vicinity of the park and in the park itself that there should be an extension of the boundaries. No part of the country that is taken in by this extension is available for agricultural purposes, as I understand, and there are no apprehensions on that score.

Mr. RIDDLEBERGER. I would ask the Senator from Nebraska whether this does not change the rule of the right of trial by jury.

Mr. MANDERSON. I do not think it does interfere with it. It gives for certain offenses jurisdiction to the judicial officer who is resident in the park, but it does not prevent any one from a jury trial.

Mr. RIDDLEBERGER. I should like to have it distinctly understood that it does not, because, if we have any foundation at all for our Government, it is the right of trial by jury.

Mr. MANDERSON. There is certainly nothing in this bill that tends to repeal or annul the provision in the Constitution of the United States and the constitutions of all the States referred to by the Senator from Virginia.

Mr. WILSON, of Iowa. I desire to ask in reference to the change of the northern boundary of the park whether it in any manner involves any questions that have been connected with the projected building of railways in that direction.

Mr. MANDERSON. Not at all; it carefully excludes all the mineral sections known as the Clark's Fork mines from the park still, as did the old bill.

Mr. WILSON, of Iowa. Then it excludes from the park portions of the territory now embraced within it over which one or more of these railroad lines would pass if constructed?

Mr. MANDERSON. No; the projected railroad, known as the Cinnabar and Clark's Fork Railroad, proposes to run through this park to a point about 12 miles south of its northern boundary. This proposed change simply cuts off from the northern part of the park a strip about a mile and a half or two miles in width.

Mr. WILSON, of Iowa. And does not involve the question arising upon the proposed construction of railroads?

Mr. MANDERSON. Not at all. It has no bearing on that subject.

Mr. PLUMB. I have not been able to get a copy of the bill yet, but I understand it was introduced by the Senator from Missouri [Mr. VEST]. I should like to know what is the difference between Senate bill 101 as I discover it, reported from the committee on this subject, and this Senate bill 2436.

Mr. MANDERSON. The difference is not very material. It is rather in changing the language, the words, than in a change of idea in the frame of the bill.

The bill as originally presented to the Committee on Territories came from the Senator from Missouri [Mr. VEST], and we had the benefit, although he was not a member of the committee, of his experience in reference to the legislation for this park. These changes, as I say, are not very material. I have the bill as originally introduced and can point out the difference.

Mr. PLUMB. I should like to make a suggestion to the Senators who are moving this bill. I am not certain now that I have got the bill. I have just got Senate bill 2436.

Mr. MANDERSON. Senate bill 2436 is the bill before us.

Mr. PLUMB. Was it reported without amendment?

Mr. MANDERSON. It was reported from the committee as a new bill.

Mr. VEST. Senate bill 101 was the original bill.

Mr. MANDERSON. This bill was reported by the committee in lieu of the bill presented by the Senator from Missouri [Mr. VEST.]

Mr. PLUMB. This bill makes a very considerable addition to the present law. It goes very elaborately into a class of questions which are not now settled; that is to say, it creates a very great number of questions not now settled by the law.

Section 2475 of the Revised Statutes embraces what the Congress that established this reservation thought was necessary. This provision was

passed on the 1st day of March, 1872, and this park has been able to get along from that time down to the present without any very great trouble, though I am not aware that there has been any great public purpose served by the establishment of the park or that there is likely to be. But that section 2475 contains a very simple provision and one which has been effective up to the present date for doing whatever is necessary to be done for the protection of the park and the objects therein.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the railroad attorneys bill, so-called.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 26th instant, approved and signed the following acts:

An act (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885;

An act (S. 634) relating to sales for taxes in the District of Columbia;

An act (S. 766) for the relief of Francis Denmead;

An act (S. 1213) to regulate insurance in the District of Columbia;

An act (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District;

An act (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes;

An act (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation;

An act (S. 228) for the erection of a public building at Camden, N. J.;

An act (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia;

An act (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872;

An act (S. 2791) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.;

An act (S. 2848) for the relief of Benjamin P. Loyall, of the State of Virginia; and

An act (S. 2721) to remove the political disabilities of John K. Mitchell.

The message also announced that the President had, on the 27th instant, approved and signed the following acts:

An act (S. 1614) granting a pension to Sarah C. Wright;

An act (S. 1844) granting a pension to Orrin P. Cooley;

An act (S. 1997) granting a pension to Mrs. Abbie B. Heath;

An act (S. 2029) granting an increase of pension to Elvira Bliss Sheldon;

An act (S. 2037) for the relief of Mary Anna Egan;

An act (S. 2132) granting a pension to Fridoline Glastetter;

An act (S. 2144) granting an increase of pension to Grace F. Edes;

An act (S. 2321) granting an increase of pension to Clara B. Davidson;

An act (S. 2330) for the relief of Anthon Eitapence;

An act (S. 2334) granting a pension to Isaac Ransom;

An act (S. 2587) granting a pension to Elizabeth Ward;

An act (S. 1201) granting a pension to Louise Ambrecht;

An act (S. 1207) granting a pension to Caroline Sees; and

An act (S. 1481) granting an increase of pension to Col. Charles E. Capehart.

RAILROAD ATTORNEYS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

The PRESIDENT *pro tempore*. On this bill the Senator from Arkansas [Mr. BERRY] is entitled to the floor.

Mr. BERRY. Mr. President, the original bill relating to the subject-matter now under consideration, introduced by the Senator from Kentucky during the last session of Congress, is as follows:

Be it enacted, &c., That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

This bill, Mr. President, at that time appeared to the majority of the Senate to be so eminently proper and so clearly right that, contrary to the usual practice, the Senate refused to refer it to a committee, and, upon a yea-and-nay vote, passed the bill, 37 Senators voting for it and 11 against it. Subsequently, upon motion of the Senator from Connecticut [Mr. HAWLEY], this action of the Senate was reconsidered, and the bill was referred to the Committee on the Judiciary. A majority of that committee reported a substitute for the bill. I think, however, that it is hardly necessary to discuss the merits of the substitute. I think it is admitted that the members of the committee reporting the substitute think that it ought not to pass; that they prefer it to the original bill if either passes, but are opposed to both. The real question at issue, as I understand it, is as to the propriety of passing the original bill.

The objections urged against this bill by those who have opposed it are that it prescribes qualifications and imposes restrictions upon members of Congress not authorized by the Constitution; that it is an infringement upon the rights—an unauthorized restriction upon the privileges of the lawyers in this and the other House of Congress, and that to a certain extent it casts a stigma upon an honorable profession.

Without entering upon a discussion as to the constitutionality of the proposed law, I will say that it seems somewhat strange that the question should be raised now for the first time. There is a law upon the statute-book prohibiting members of Congress from practicing in the Court of Claims, and I never heard any one doubt its constitutionality or question its policy.

There is another law which prohibits any member of Congress from practicing before any of the Departments, and so far as I know no one has sought to repeal that law or evade its provisions. If members of Congress can be prohibited from practicing before the Court of Claims and before the Departments, why shall they not be prohibited from appearing as attorneys for railroads holding grants of land from the Government and railroads that have received pecuniary aid from the Government—railroads that are largely interested in legislation that is now pending in one or both Houses of Congress?

Can it be truthfully said that a member of Congress who is employed and paid by these railroad companies, who occupies to them the intimate relation that exists between client and attorney, who constantly receives from the officers of the company the most confidential communications, one whose interest is identified with that of the company—can it be said of such a member that he is entirely free from all bias and prejudice, is wholly impartial, and can judge as fairly as to the rights of the Government and the railroad company as one who does not sustain this relation? We will take for instance the Union Pacific, which has a bill pending here to postpone for a long term of years the payment of its indebtedness to the Government of the United States. Would a Senator or member who is employed by that company, with their money in his pocket, be in a condition to judge fairly and honestly as to the merits of that bill?

Or suppose some member of Congress is the attorney for the Northern Pacific Railroad Company and that he should be called upon and it would become his duty under his retainer to contest the rights of settlers claiming lands under the homestead or pre-emption laws and basing their claims upon the theory that the railroad company forfeited all right by not complying with the terms of the grant, and after a trial and such a contest in the courts will such attorney be a competent and impartial judge to sit as a member of Congress and pass upon the question whether or not Congress has the right and the power to forfeit all lands not earned within the time specified in the grant?

No man can serve two masters. No man can, while acting as the attorney of a railroad company, be an impartial judge between that company and the Government.

Mr. President, all experience teaches us that when one man is employed as an attorney for another he, to a large extent, makes the cause of his client his own; all of his energies are exerted on his behalf; all of his thoughts are directed towards establishing the justice and equity of his claim; and, in a large majority of cases, he comes honestly to the conclusion that his client is right, that his cause is just, and not unfrequently he is fully persuaded that the client on the other side is a great scoundrel, and his lawyer not altogether free from suspicion. It is utterly impossible that one occupying that relation can be an impartial judge, and no State in this Union will allow a judge to preside upon the trial of a cause where he has been employed as counsel.

But, Mr. President, suppose this is not true. If it could be truly said that members of Congress are so far superior to the rest of mankind that they can take ten or twenty thousand a year from the Union Pacific or the Northern Pacific Railroad Company and not be influenced by it, that they can go into the courts of the country and argue one day as to the rights, and powers, and privileges of these roads, and the next day as a member of Congress fairly and honestly judge between these roads and the Government upon a question involving perhaps the same identical point argued in the court; if it be true that they can do all this, unfortunately the people of the country will not believe it to be true; and it seems to me that if members of Congress hope to wield any influence for good, they must not only be pure, but must be believed by the people to be pure and free from any suspicion of being influenced by improper motives.

And will any Senator who opposes this bill assert that an argument made by a member of Congress in favor of the bill extending the time for the payment of the indebtedness of the Union Pacific Railroad Company or against the bill forfeiting lands granted to the Northern Pacific Company will carry with it the same weight and will be as convincing

to the minds of the people as it would otherwise be, when it is known that the member making such argument is the paid attorney of such railroad corporation?

Why, Mr. President, ninety-nine men in every one hundred will cast aside such an argument, however cogent or convincing, as utterly worthless for the reason that such member was paid by the company to so think and had not brought to its determination a mind unbiased, untrammeled, and free from prejudice.

It is no answer to this to say that if the argument be sound it is immaterial what the people may say or may think. The very existence of the Congress of the United States rests and depends upon the trust and confidence of the American people; and whenever that confidence is withdrawn, whenever they come to believe, justly or unjustly, that they can no longer trust in the honor and integrity of the members of Congress, then the power for good of the American Congress will be gone, and gone forever.

Already, Mr. President, there is a restless dissatisfaction, a vague fear in the minds of many that members of Congress are not actuated by the same high motives and lofty purposes which influenced them in the past. I hope and believe that there is no cause for such fear, but any act which gives color to such a charge or increases such a suspicion will, as I believe, work serious and lasting injury to the country. I fear that the defeat of this bill will diminish that confidence so necessary to good government, and will greatly lessen the respect and regard that the people entertain for the Senate of the United States.

This bill, Mr. President, and one far more sweeping in its provisions, can be defended upon another ground, and that is, that where a member of Congress accepts a seat in either House, knowing at the time the amount of the salary, there is an implied contract upon his part that he will devote all of his time and all of his energies to the public service, and that he has no right to abandon his place here to appear before the courts for the purpose of increasing his income. He is employed to attend to public and not private business. He is employed by the year, receiving an annual salary, and how can he say while Congress is in session that his services are not needed here? How can he determine in advance that he can be absent for a week or a day, attending to lawsuits for his clients, and that the public interests will not suffer by reason of his absence. It is his duty and part of his contract to be here and not before the courts.

It has been charged in the public press that important legislation has been postponed from day to day and sometimes defeated because members of one or the other House wished to participate in the discussion, but were absent in attendance upon the courts. Whether this be true or not I do not know, but the defeat of this bill will give color to the charge and cause thousands to believe it to be true. Let us suppose that the President of the United States should abandon his duties and engage in the practice of the law (and I will vote for an amendment to include all civil officers); suppose the heads of Departments, chiefs of divisions, the revenue collectors and the postmasters of the country should conclude that their salaries were not sufficient for their first-class abilities, and engage generally in the practice of the law for land-grant railroads and others, would this Chamber not be flooded with bills to prevent such practice, with resolutions of inquiry, and the other House flooded with resolutions of impeachment? And are not members of Congress equally with them in the employ of the Government, and have we any right to claim for ourselves privileges and immunities that we would not accord to the executive and judicial officers?

But it is said that the passage of this law or the enforcement of such a rule would lose to the country the best talent in Congress; that the ablest men in the Senate and House can not afford to serve the country for $5,000 a year. Even if this is true, and I do not believe it to be true, it could only be used as an argument for an increase of salary, and not as a valid argument in favor of allowing members of Congress to become the paid attorneys of corporations which have large interests constantly pending before Congress for adjudication and settlement.

I do not know that a single member of either House is attorney for the land-grant railroads. If they are not, no injury can result to them from the passage of this bill; if they are, then I believe that the honor and good name of the Senate will be best preserved and the interests of the country will be best promoted by the passage of a law that will hereafter make such employment absolutely impossible.

Mr. TELLER. Mr. President, on a former occasion I expressed my opinion on this bill. The Senator from Arkansas [Mr. BERRY] has alluded to the fact that this bill was passed through this body by a vote of 37 to 11. The bill was introduced by the Senator from Kentucky [Mr. BECK], and, without the ordinary and usual procedure, without going to a committee, was presented to the Senate for its action immediately. I came myself into the Senate Chamber as the vote was being taken. I knew comparatively nothing of the bill save and except that it was an unusual proceeding, an almost unheard-of proceeding in this body, that a bill of any importance affecting the public interests should pass without the examination of a committee. It was enough for me to know that it had not proceeded in that way, and I voted against it. After a careful examination of the bill on the motion to reconsider I voted to reconsider. I am prepared now to record my vote against the bill, and I am prepared to record my vote against the bill notwithstanding the newspaper clamor, notwithstanding the effort which has been made to attract attention to the fact that this body is a body of lawyers, and notwithstanding the charge which has been made that they were devoting the time which they should devote to the public service in the practice of law for the class of corporations aimed at or referred to in the bill introduced by the Senator from Kentucky.

I stated on that occasion that, without reference to any statute, believing as I did that the public confidence in this body and in public men would be largely promoted by the members of this and the other body abstaining from employment of that character, I had myself studiously abstained from it, and should continue so to do. It could not have been aimed at me nor any of my practice; that is certain.

Mr. President, I am a lawyer, as are a great number of the members of this body. The practice of law is my profession. It is the only business to which I have been educated. It is the only business at which I can get a living. It is an honorable profession. It is one the members of which are supposed to be men of character, of virtue, and of integrity. It is supposed that as a class they have ideas of propriety quite equal to those of any other class of men in this country.

I do not subscribe to the doctrine enunciated a moment ago by the Senator from Arkanas, that when a man is elected to the Senate of the United States he agrees to devote his whole time to the Senate of the United States. He agrees to devote just so much time to the public duties which he has assumed as shall be necessary to honestly and properly discharge those duties, and no more. In the long interval that passes between the 4th day of March at the expiration of a Congress and the succeeding day in December when it reassembles he has an unquestioned right to devote himself to his private and personal affairs; and it is no more improper for an attorney to devote himself to that service out of which he gets his living than it is for the man who plants, or who farms, or who conducts a mercantile establishment, or a banker's or a broker's establishment to conduct his business.

It is not the theory of this Government that the men who sit in this Chamber are to be divorced from all business; it is not the theory of this Government that the men who sit in the other House are to be divorced from all private interests. They are to participate in the general business of the country, and thus become acquainted with the interests and the wants of the people, and thus acquire a knowledge of the interests that come before this and the other body for their action.

I do not believe that any member of this body ought, at any time, to be concerned in any litigation that is hostile to the interests of the Government of the United States. I find upon the statutes a law of that character already. I think any man who is fit to sit in this body would be restrained by his own instincts of propriety and decency in that respect. I do not believe such a law was ever necessary to restrain the members of this body from taking cases against the Government of the United States. If there have been exceptions; if there have been men who, coming into this body and the other, have been so insensible to their high duty, they have never fallen within my observation.

I know that there has been of late an effort made in this country to deride and to decry this body. I know that quacks in politics and men who have not been able to acquire the opportunity of sitting in this body have filled the public press with their attacks upon what they call the House of Lords. I realize the fact that this body, not representing public sentiment directly, not immediately representing the great mass of the people, but representing the States, has ceased to be a popular body in the estimation of the people of the United States. I understand that there is abroad in this country now a determined effort, a very determined effort, to break down this body, to destroy its usefulness, and thus compel eventually the abolition of the Senate of the United States.

Mr. President, it can not be done while Delaware and Rhode Island, small States as they are in the Union, shall insist upon the right given them when the Constitution was adopted. Nobody believes who has studied the history of these States and of others that the time ever will come, unless there is a revolution and an absolute destruction of the Constitution, when the Senate of the United States will be abandoned. It, then, is the interest of every man in it and every man out of it to maintain for it the high character that it has maintained in the legislation of this country for nearly a hundred years.

I do not myself believe that bills of this kind coming into the Senate with a Senatorial declaration that it is necessary by law to keep men from doing that which the instincts of honesty and the instincts of gentlemen will prompt them to avoid, I do not believe such attacks upon the Senate redound to its credit or strengthen it with the people. I believe they impair the usefulness of this body and derogate from its high position which, as I said a moment ago, it had maintained for nearly a hundred years, and which I think it will be able to maintain in spite of all these attacks for many years to come.

Mr. President, as a student of government I have come long since to believe that no better system could have been devised by men than the system of government devised by our ancestors. I have come to believe that the American Senate is indispensable to the maintenance of the integrity of the nation and the safety of the people. I believe it will stand as it has stood heretofore as a conservative element in the

body-politic ready to see that the great States do not trespass upon the little States, and that public clamor does not override justice and fair dealing, and I believe it to be the duty of every man in the United States to refrain from casting imputations upon this body save and except as the body merits and deserves such imputations. Therefore I would be the last man almost who would stand up and father or support a bill of this kind, and say that it was necessary to keep Senators from doing what they should not do, by the passage of such a bill.

I do not say that a Senator can not step into the arena of the courts, that he can not become the advocate of one of these railroad companies, without doing violence to his duty as a Senator. I have not asserted that. I only assert that he himself ought, if he is fit to stand in his place, to be left to his discretion and to his judgment to say when such employment on his part will interfere with the duties which he paramountly owes to the people of the United States by virtue of his election to this body. I do not suppose that the members of this body need legislation to prevent them from doing a great many things which the public would disapprove if they should do. I believe that the people of the State that I in part represent when they sent me here sent me with a belief that upon all great public questions I would exercise my judgment; that in all my relations to the public service I would govern myself according to the strictest equity and justice—that kind of equity and justice which would result from a proper moral consideration of the affairs with which I am intrusted.

This bill goes beyond what it should do, even if it was necessary to legislate in this behalf. I can see why the public might say that they prefer, as I said before, that their public servants should not be the employés of a great railroad corporation that was coming here asking legislation; and because of that, and not because I doubted at any time my ability to receive their money and render them the service that a lawyer should, and then do the people justice in this body, or anywhere else—not because of that, but because I desired to maintain public confidence in behalf of this body and every member thereof, and for that reason, and that alone, I have declined employments of this character. But this bill says that any railroad company that may have received a charter, any railroad company that may have its authority to exist from Congress, shall not be allowed to employ me or any other member of this body to do its legal business.

In the State which I in part represent there is a railroad company, organized by an act of Congress before we became a State, that has hundreds of miles of railroad running all through the State. Never have they come here with a question, nor will they ever. It is a local road in the State of Colorado. For it I have never done a dollar's worth of business in my life; neither do I expect to; but is there any reason why I should be prohibited by law from taking a retainer from that company to conduct a prosecution if some man had derailed one of its trains? Is there any reason why I should not take a retainer from it in any ordinary business that a railroad company submits to a lawyer? Yet, by this bill I should be guilty of a violation of a statute and subject to the pains and penalties of imprisonment if I should take such a retainer.

The Judiciary Committee have even gone beyond the original bill in that particular; and they have declared that neither for nor against a railroad company can a Senator be employed as an attorney. I call attention to the words of the original bill. In lines 5, 6, and 7 I find:

> For services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States.

If a man happens to be the agent of one of these corporations, though he may have business entirely disconnected from the corporation or its interest, yet by this bill we are prohibited from taking retainers from such a man. I find that the Committee on the Judiciary, who reported this bill, provide further in their amendment, maintaining in it this odious and objectionable feature of the original bill:

> Or from or against any bank or corporation, or other officer or agent thereof, which obtained its charter or any pecuniary aid from the United States; or from or against any corporation or company, its officer or agent, engaged in the business of interstate commerce by land or water, or in the business of any interstate transportation, or in the transportation of United States mails; or from or against any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied; or from or against any manufacturer of any article on which an excise tax is now levied, or shall at any time hereafter be levied, by any act of Congress.

This bill in its general terms as amended by the committee would practically preclude any lawyer from practicing in any class of cases that would give him any considerable remuneration for his labor.

I am opposed both to the bill itself and to the amendment of the committee. I believe the amendment of the committee is not quite as good as the original bill, and if I had to make my choice between the two I think I should make it in favor of the original bill.

Mr. President, if it is the purpose of this Senate to say that any person elected to the Senate who is a lawyer shall cease to practice his profession, if it is to put a badge of disgrace upon that profession, or if it is to keep men honest who come into this body by keeping them away from temptation—in either case I am against it.

The honorable Senator from Arkansas said a few moments since that it was alleged that the salary of Senators and Representatives was not sufficient, although he thought it was.

Mr. BERRY. The Senator will excuse me. I did not hear his last remark.

Mr. TELLER. I understood the Senator to say that it was alleged as an excuse why Senators should seek other employment and do other business than what they are required to do here, that the salary was too small, and I understood the Senator from Arkansas to say that he thought it sufficient.

Mr. BERRY. I do think it is sufficient.

Mr. TELLER. That is a question of opinion. I do not undertake to rate any other man's services nor to speak on this occasion of my own. I know that if some of the Senators sitting in this body were compelled to refrain from any kind of business by which they can add to their income, and to depend entirely upon the salary paid them as Senators, they would be compelled to leave the public service.

There is a complaint among the people to-day that we are filling this body with millionaires, that we are filling it with men of large means, who are elected to this body because of their possession of great amounts of money. If it is once understood that he who comes into this body must rely solely and entirely upon the salary of $5,000 paid by the Government of the United States, there will be many a man who would be useful at least in this body who will be compelled by prudential reasons to abstain from receiving so high an honor at the hands of the people of his State.

I know Senators in this body, whatever may be the reputation of the body for wealth, who would be obliged to surrender their positions if compelled to live entirely upon the salary. I do not say that a man may not live in comfort upon $5,000 a year; I do not say that it is necessary for a Senator to maintain a great establishment; but there are many men in the country who have other things to do than to support their families. There are men who come to this body who before they come here pledged themselves to pay perhaps their just debts, who are honest enough to desire to do it, and who can not do it out of the salary which is allowed them as Senators of the United States.

I do not suppose the time has been reached when the people of the United States are willing to say that their public servants shall do nothing but attend to the public interest. They never have required it. The ablest men who have sat in this body have been known to be practitioners before the courts of the land. A Webster, a Clay, a Calhoun, and all that class of men, without condemnation appeared in all the courts of the land. The people, instead of deprecating it, were proud of the fact that their great representatives could go into the courts of the land, could see that the statutes were enforced, could assist in determining questions of right between private litigants; and it is only recently that it has been a badge of dishonor for a man to appear in a court in defense of the rights of private parties who might be litigants therein.

I know that public clamor will be heard against every man who votes against this bill. I am of the impression that public clamor has its effect in this body as it does everywhere else. I do not profess myself to be above public opinion. I believe no man ever lived who is more anxious for the approbation of the public than myself; but while I remain a member of this body I shall be governed by my own judgment upon questions of this character, independent of the criticisms of the people, or any considerable number of them, on my conduct. I shall endeavor to discharge the duty that I owe to the public in an honest and straightforward manner, but I shall not be deterred from doing it by hope of applause if I should vote one way or by fear of condemnation if I should vote the other.

Believing that this is a pernicious bill, believing that its passage can not add to the credit of this body, but that it will stand in some measure as an indictment and condemnation of it, I shall decline to vote for the bill.

Mr. WILSON, of Maryland. Mr. President, in view of the feeling which the discussion of this measure seems to have aroused on the part of some of the most experienced and honored members of this body, the question involved has assumed a character of so much delicacy that I desire to give utterance to the few remarks I shall make in guarded and measured terms. Above all things, upon the very threshold, I repudiate any desire or intention to reflect upon the character of any Senator, or to detract from the honor or standing of the great legal profession to which so many of us belong. The question before us, which seems to the people at least an important one, should be discussed upon the high plane of principle alone, to the utter exclusion of all personalities, expressed or implied, and with sole reference to the public welfare.

The primary question involved in the bill is this: Has Congress the power to pass laws regulating the conduct of its members in matters relating to or calculated to affect the discharge of their legislative duties, whereby offenses are created, penalties are imposed, and jurisdiction over such offenses is vested in courts of law? And if Congress has such power, the next and only other question is, to what extent is it right and expedient that it should be exercised?

Mr. President, it is certainly no undue reflection upon any man or class of men to suggest, what your statute-law fully takes for granted, that a member of Congress may be guilty of a heinous offense, such as

the taking of a bribe, for which expulsion would be no sufficient punishment, whether we consider the gravity of the offense or look to the suppression of the crime. Inasmuch as the Federal courts have no common-law jurisdiction over crimes, an act of Congress was necessary and was long ago passed to make such an act by a member of Congress a crime punishable by a United States court. Congress evidently thought that such a crime and its punishment were distinct things from the disgraceful conduct involved in the reception of a bribe and a consequent expulsion from a seat in either House. They saw that the perpetrator of the offense might be indicted and punished by law, whilst for very many imaginable political reasons a two-thirds majority could not be obtained for his expulsion; or he might be expelled from his seat, whilst for want of legally sufficient evidence the talons of the law might fail to seize upon him.

The fact that the same act may be punishable in the two forums in different modes, in neither the one case nor the other, as they understood the matter, involves the establishment of any other qualifications for membership in either House of Congress than those prescribed in the Constitution. Nor can the possession of these qualifications, in the very nature of things, cover over a member with a constitutional panoply which renders him proof against all punishment by law for an act to which Federal legislation affixes a penalty, as being everywhere and among all civilized nations a gross crime. To contend for any such proposition is not only to run counter to what has been thus far in our history the universal sentiment of the legal profession and the long-continued practice of the Government, but also to invest a member of Congress with constitutional immunities not only far beyond those expressed in the Constitution, but extremely dangerous in their extent and in their tendencies.

There is no attempt, sir, in the Constitution to enumerate the cases in which Congress has the power to create offenses and to impose penalties. It would have been utterly impracticable to attempt to frame any such catalogue. Wherever the Government has property, rights, or interests to be protected, there, by a natural and irresistible implication, it possesses the power to pass all penal laws "necessary and proper" to protect such property, rights, and interests from invasion. Whenever the Government has duties and responsibilities resting upon it, which duties and responsibilities are necessarily committed to its agents for their due performance, there the Government has the right to guard and enforce the performance of such duties by its agents with such penalties as to Congress may seem adequate to the end in view.

It would be an invitation to a general system of robbery, peculation, fraud, and inefficiency, if Congress had not the power to impose penalties upon its agents and fiduciaries commensurate with its powers and duties, and necessary to insure the right performance of the varied functions of government. And it would indeed be a strange anomaly if the legislative power could embrace all other repositories of the functions of government within its range of criminal legislation, but should be nerveless to take any step to repress grave offenses among its own constituent members—if it were armed with full energy to keep pure every streamlet of governmental agency, but were powerless to pass any act to protect from pollution the great fountain of political life right here in its own bodies. Nothing can be found in the language of the Constitution to warrant so remarkable an assumption, and certainly there is nothing in the nature or reason of things to justify it.

It is true, sir, it is made the duty of each House to guard over the conduct of its members and to repress all dishonorable acts inconsistent with its dignity and purity. To this end the power of expulsion is given. But this power is rather intended to protect the purity and dignity of the expelling body than to punish the person expelled. Manifestly it may often prove an inadequate punishment both in degree and in kind. Congress, then, having the duty resting upon it to guard the purity of legislation by and through a vigilant oversight over the purity of its component members, must have the power, and the duty is laid upon it, at least to pass such laws as it deems adequate to punish all acts connected with or bearing upon the discharge of legislative duty which the moral sense of mankind teaches to be wrong in themselves.

No one, Mr. President, will be likely to dispute this proposition, especially as illustrated by the crime of receiving a bribe by a member of Congress. But if Congress can, in any case, invest the courts with criminal jurisdiction over members of Congress for acts done in or connected with the discharge of their legislative duties, and courts can try and punish them for such acts, then the whole principle is conceded, and the only question then remaining for us to determine is, how far it may be expedient to carry this criminal legislation by Congress in the effort to secure freedom from corruption.

The senior Senator from Kentucky has quoted from our Revised Statutes many cases in which Congress has exercised the further power to prohibit members of Congress, under severe penalties, from performing acts which may not be wrong in themselves, but which Congress has deemed of dangerous tendency, because their performance would be necessarily attended with powerful motives to forget the higher duties and responsibilities of the legislator, and to sink them in the lower and selfish interests of the attorney and claim-hunter. For more than one-third of a century such legislation has been accumulating upon our statute-book with general approval in and out of Congress. The principle of such legislation is sound in its philosophy. If the Government has the power through its courts to punish the crime of corruption in a legislator, after it is committed (as no one will deny), it would seem a reasonable and necessary corollary that it has the power to guard itself and its members from being surrounded by circumstances and conditions powerfully impelling towards such offenses. That is just what the bill introduced by the Senator from Kentucky is intended to accomplish, and nothing more.

Mr. President, it seems to me that never before was there a complication of circumstances in this or any other land more imperatively calling for just such legislation. Questions of the most vital concernment to the people and to their Treasury are constantly arising between the United States and some of the most powerful corporations which the world ever saw, and which are day by day increasing in power and in the spirit of aggression, corporations so gigantic and overshadowing that, if not promptly curbed, they may soon be, if not now, called *imperium in imperio*. Momentous questions, involving the forfeiture back to the people of unearned grants of many millions of acres of land, and the claim of the Government for most valuable services which these corporations, by the terms of their charters, undertook to render to the Government, and also the settlement of immense sums of money claimed to be due from them to our Treasury, are either of chronic standing or perpetually arising.

These great questions are to be voted upon by Senators and Representatives, and to be decided by their votes. Who can deny that it is not only seemly and proper but imperatively demanded by common justice, fairness, and decency that each member of Congress, in voting to decide these mighty questions, should be free from all bias, all prejudice, all prepossession, all self-interest? Everybody knows—it is a matter of every-day observation—that a lawyer with a client's retainer in his pocket and probably with a still larger fee in expectancy, and with his busy brain ever at work to make out his client's case a good one (a mental process which is apt to be stronger in proportion to the size of the fee), is rarely in a proper frame of mind to do equal and exact justice to the other side. Gentlemen may refine as they will, and wax eloquent over the dignity of the legal profession, and denounce the attempt to invade the rights of the citizen to pursue his calling free from governmental control; but the people have deep and abiding convictions that no member of Congress has any right to place himself in any such indelicate or compromising position.

Now, Mr. President, I do not pretend to intimate that any member of this body sustains the relation of an attorney to a land-grant railroad. But either it is true or it is untrue that any such accusation, if any such has been made, has a foundation in fact. If it be true, then I do not hesitate to say that the moral sense of the people declares such an attitude of a Senator to be utterly inconsistent with the transcendent obligations to the people which as Senator he has assumed. When he comes here to deal with the imperial interests of a great people he must, if need be, forget that he is a lawyer. What is the business of a lawyer, and what are lawyers' fees, in comparison with the mighty interests of sixty millions of people?

A lawyer's obligation to a client can be escaped by returning his fee and retiring from a case. A Senator's sworn obligations to the people can never be shaken off so long as he sits in this body; and he has no right, as the people view it, to allow any other interests, in comparison with those of their Government, for a moment to have a feather's weight with him. And what is more—inasmuch as public opinion is an uncrowned queen in our land—if public opinion declares that the position of attorney for a land-grant railroad detracts from his usefulness and standing as a Senator, and surrounds him with an atmosphere of suspicion and distrust, he owes it to himself, to the country, and to an enlightened public sentiment, to discard any such complication, and to stand forth before the world unfettered by any other bonds than those which bind him to look to the interests of the Government and of the people.

On the other hand, sir, if there be no attorney for a land-grant railroad in Congress, then is it an auspicious time to crystallize the general sentiment and moral sense of the people upon this subject in the shape of a statute like the bill proposed and so ably urged by the Senator from Kentucky. Such a law will be a perpetual warning to members of Congress of the light in which the people view the assumption by them of duties which are inconsistent with the free and unbiased discharge of their obligations as Senators and Representatives. It will teach them that the people expect them not only to be pure but free from the very suspicion of corruption. And right here I must confess I do not see any occasion for the exhibition of an indignant sense of wounded pride on the part of any member of either House with reference to the proposed legislation. Human laws are not enacted on the theory of immaculate perfection in any set of men, be they high or low.

The Constitution even contemplates that the highest may fall, and has organized a court of impeachment which can strip the ermine from the shoulders of your Chief-Justice or drive a President from the White House. There is no reason, either in the principles of human nature or in the light of our own or of any other people's experience, why we should assume (much less grow indignant at the contrary supposition)

that members of Congress, even if they be lawyers, like the rest of mankind, may not be successfully assailed by temptation. It is extremely right and judicious, then, to provide all reasonable safeguards against the possible lapse of legislators from the path of duty. To do this does not involve a charge against any man in either House of Congress. It is only an assertion of a truth, which no one will deny, that to err is human and that human nature requires all the props attainable to keep it from falling.

But, sir, it is contended that we have no right to pass any such law, because its effect would be to add to the constitutional qualifications required for a man to become a member of the House to which he may belong. In addition to what I have already said on this point I will add that I fail to see how a law imposing a penalty upon a constitutionally-qualified sitting member for doing an act which is a crime in itself by the consensus of civilized men, or which is generally considered to be directly against public decency or policy, can possibly be construed into an assertion of a qualification to become a member. No man ever yet conceived that the expulsion of a member from either House for any act of turpitude or of indecency could involve in any possible way the establishment of such a qualification. Still less can we say that the creation of an offense by statute and the affixing of a penalty to it, to be inflicted by a court after a fair trial, can be tortured into a prescription of a qualification for membership. In the latter case neither the constitution of the offense nor the infliction of the penalty in itself involves the loss of a seat in Congress. It remains, as in every other case, for the members of the House to which the offender belongs, by a two-thirds vote, to determine whether he has forfeited his seat by his deliberate breach of a law enacted to guard the purity of the body of which he is a member. It is only necessary to say further in reference to this objection that it utterly fails to recognize the distinction that the grounds upon which one may claim and hold a right are often entirely distinct from those which may work its forfeiture.

It has been further strenuously argued that Congress has no power to pass this bill, because it would be an assertion of a power to regulate the right of an attorney of a State court to practice law in such court—the power to impose such restrictions upon a practitioner in a United States court being conceded, so far as this particular view is concerned. Some supporters of the general scope and purpose of this bill, as it originally stood, recognize this distinction, and would limit the bill to lawyers practicing in Federal courts. With all deference to the views of these eminent lawyers, I have no difficulty in going to the full extent of the legislation originally proposed by the Senator from Kentucky. I hold that we are not claiming the power to regulate or control State laws on this subject. We are simply regulating the conduct of members of Congress, in reference to the discharge of their duties as such. When a man comes here, if he be a lawyer, in everything relating to or bearing upon the discharge of his duty on this floor his character as a lawyer is, or should be, merged in his character as a Senator. His duties to the public are or should be paramount to any duties owed to a citizen or to a corporation.

If any interests antagonistic to those of the people and of their government are so mighty and so aggressive as to make it unbecoming or impolitic for any representative of a State or of the people to allow himself to be retained by such interests, and so compromising as to surround such representative so employed with general suspicion and distrust, and so seductive and warping as to dangerously appeal to the self-interest of the representative to neglect his duties to the Government and to the people, then in the name of public decency and of the highest public policy, and in pursuance of its duty to keep its members free, not only from corruption, but from corrupting influences and surroundings, Congress should forbid its members to become so retained as counsel, not because we have a right to regulate the practice of law in State courts, but because we have a perfect right to control and regulate the conduct of our members in all matters gravely affecting the exercise of their legislative functions, and tending to bring them and the Houses of Congress into disrepute.

And right here, sir, appears to rest the full and complete answer to the amendment proposed by the Judiciary Committee, which seeks to discredit the bill before us by professing to carry it out to its logical consequences. Because it might be childish to attempt to prevent a member of Congress from allowing himself to be retained by a man or a corporation with some much less important interest opposed to the Government, it is highly illogical to argue that no case can arise in which interests can be so powerful, so aggressive, and so seductive as not only to render it unseemly and impolitic, but actually dangerous to legislative rectitude, to allow members of Congress to be retained as attorneys in their behalf. The science of government is not only the science of the attainable, but also of the expedient. Legislation in one class of the cases supposed may well be highly expedient and necessary, while in the other its utter needlessness would only render it ridiculous. Of the one class is the wholesome legislation proposed by the Senator from Kentucky in this bill as it originally stood; of the other, with all due respect to the committee, is their amendment.

Mr. President, we often hear it said, in answer to the proposition involved in this bill, that it is only pandering to a vitiated sentiment in the public mind, which is ever seeking to throw discredit on members of Congress, and to hold them up to public execration as unworthy of confidence or respect. It may be, sir, and doubtless is often the case, that thoughtless witlings do groundlessly seek to throw ridicule and contempt upon public men, and to make the world believe that public honor and private virtue are almost unknown in Washington. It may be and doubtless is also the case that members of Congress, with rare exceptions, are honorable and high-minded men, who would disdain to be swayed in their votes by corrupt considerations. But when, as in the case before us, there is a manifest incompatibility between the employment denounced by this bill, and the discharge of the highest and most important public trusts, and when the public mind is so deeply imbued with the conviction that such employment reasonably and naturally generates suspicion and distrust of the legislator, and inevitably throws temptation across his path, it does seem to be a source of profound regret that lawyers in Congress should rush forward to reject a measure which their first impulse told them was just and right.

Surely, these great corporations can find multitudes of able counsel to prosecute their claims against the Government without seeking to impress into their service members of Congress, who were sent here, above all things, to protect the rights of the people, and whose employment by such corporations will be surely suspected to have been often sought simply because they do sustain that very relation to the States or to the people. If, then, members of Congress do not desire such employment, and do not intend to accept it, and if the moral sense of the people demands that they should not do so, and if to accept it would tend to bring Congress into disrepute, why not pass the law as originally proposed, satisfy the public demand, and dispel any cloud of suspicion which a contrary course will be sure to gather around us?

Where any great and vital principle, either of conduct or of policy, is involved, a member of Congress should not, I admit, ever yield to an unreasoning public clamor. But in a matter involving a principle of conduct, to say the least, so doubtful in its propriety, and so marked by public reprobation that scarcely any Senator will rise in his seat and own, and, in fact, I believe nearly every one who has spoken upon this bill has made haste to deny that he is a retained counsel of any land-grant railroad, it seems to be a highly unwise policy for Congress to turn heedless ears to the general expressions of public sentiment which demands that legislators here shall be free from the bias of counsel retained by such corporations, and which will surely visit with its indignant condemnation any member of Congress who, being so bound up with adverse and powerful interests, undertakes to sit in judgment upon the weightiest rights of the people.

Still further, Mr. President, I can see little force in the objection we sometimes hear, that it is invidious to select the legal profession as the subject of this restrictive legislation. That profession, we must remember, is the only one whose members hold themselves out to the world as prepared to undertake the business of clients for pecuniary considerations, and who bind themselves by oaths to faithfully prosecute such business when intrusted to them. Let us recall another fact developed by this discussion, that, out of seventy-six members of this body, sixty-five are lawyers. If the outcome of this debate should be an approval of the position that it is becoming and proper for a Senator who is a lawyer to become a retained counsel for a land-grant railroad, each one of these sixty-five lawyers will be at liberty, with the expressed approval of the Senate, to accept a retainer by these railroads.

Thus, 85 per cent. of the Senate's members might, with the Senate's approval, be subject to whatever bias such retainer might generate when here called upon to decide questions of the highest importance (though in precisely opposite directions) both to their clients and to the people. And each one of them, after such questions are here legislatively decided, might be called upon to appear before the courts and to attack or defend the legislation which as Senator (and with such a prospect before him) he had aided in enacting. No other class of men who can be called upon to sit here could ever be placed in such a delicate or compromising position. And candor compels me to say that no other class of our citizens can ever so nearly approach to a governing class as the legal profession, and from an alliance of no other in Congress with these mighty and warring corporations could spring so much of danger to the interests of the people.

I shall, therefore, vote against the committee's amendment, and, if opportunity offers, for the original bill—not at all because I know or hear of any immediate exigency in any personal aspect for such action, but because, in view of the struggles now existing or impending between the people and these great corporations, I believe the signs of the times are portentous of danger in this direction. And I shall cast my vote, too, not only with a view to what I believe to be the best interests of the people, but also with a special regard to what I believe will in the long run be most conducive to the honor and fair fame of the noblest secular profession to which an American citizen can devote the best energies of his head and heart.

FISHING RIGHTS OF THE UNITED STATES.

Mr. CALL obtained the floor.

Mr. FRYE. Will the Senater yield to me just one second?

Mr. CALL. Certainly.

Mr. FRYE. I only want to give a little bit of information which is important just at this moment, and which will be of interest to the Senate:

EASTPORT, ME., *January* 28.

The winter school of herring has struck in on the American shore, and about twenty-five English boats and vessels are fishing on this shore. Meanwhile the cruiser Middleton (an English cruiser) is patroling between here and Saint Andrews, ready to seize any American fisherman that may venture over the dead line.

That is all.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 222) to amend section 1661 of the Revised Statutes making an annual appropriation to provide arms and equipments for the militia.

The message also announced that the House of Representatives had passed the bill (S. 2256) to create a port of delivery at Lewes, Del., with an amendment; in which it requested the concurrence of the Senate.

RAILROAD ATTORNEYS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. CALL. Mr. President, I wish to make a few remarks in reply to what has been said by the Senator from Arkansas [Mr. BERRY] and the Senator from Maryland [Mr. WILSON] in advocacy of the bill.

They have treated this question as if there was an issue here as to the propriety of a Senator or a Member of Congress being retained by a corporation that has interests of legislation before this body, and they have denounced that conduct as improper and as dangerous to the legislation of the country.

That is not the question presented by this bill. The question presented by this bill is whether the Senate can be trusted to preserve the purity of character of its members. The bill affirms that it can not. It asks another instrumentality to be used. The bill declares that the Senate of the United States, selected by States, and the people of States, can not be trusted to preserve the purity of character of its members in respect to the great public interests of legislation that come here. That is the issue presented by this bill.

Let us suppose that to be true, as the arguments of Senators here assume it to be true, what becomes of this Government? Where is it, if it be true that its greatest instrumentality, the States and the people of the States, can not be trusted to send here men who will see, by the power conferred upon them in the Constitution, that no person is allowed to participate in legislation corruptly or under circumstances that may lead to corruption?

What does the bill propose and what do these Senators propose as a substitute for what this the wisest Government created in all the ages has provided for the purity of those who represent the people? What is the substitute? The substitute is a single man, the creature of executive power, in the interests of executive power, and twelve chance individuals selected as a jury. They are to be trusted, says the bill, and say the Senator from Arkansas and the Senator from Maryland, in place of seventy-six men selected by the people of the States, to whom shall be confided the character of the members of the two Houses and the great subjects of legislation which are sent here by the Constitution and the people who sent us here.

What an argument, what a proposition, and what a government that would be! A judge, the creature of executive power, and twelve chance jurors, such as we find hanging around our courts, are to be trusted with the safety of the sixty-six millions or perhaps the two hundred million people who are to compose this country! What a reflection upon our Constitution and our form of Government is this proposition so boldly urged here, for it can not be denied that it is an assertion that the instrumentality to preserve the purity of character, the disinterestedness of the men who legislate here, shall not be the character and virtue of the men who constitute these two legislative bodies, but shall be a judge in the District of Columbia and twelve jurors assembled here.

Let us look a little further, Mr. President. I venture to say, and I wish to put it upon record, that this Government seems to be upon the eve of changing its character. It seems as if the people were no longer to have power in this Government. Various social and personal and political influences are coming into play which seem to threaten to impair the influence and control of the people; but of all of them none is more destructive and subversive of the power of the people than the bill here proposed.

Let us see if that is not a plain proposition. Do not let us talk about the impropriety of Senators and Members of Congress engaging in legislation and practicing in the Court of Claims or elsewhere. This is a government of States and a national government resting upon them. The States send their Senators and their Members of Congress here into the District of Columbia. To obstruct, interfere with, or in any way prevent the representation of the people in either body by any extraneous power or influence may be destructive of the Government. In order that the attendance of the Members and Senators here may be certain, the Constitution prohibits them from arrest except for "treason, felony, and breach of the peace in their attendance here, and going to or returning from the Congress. They come here into the District of Columbia. The bill proposes to say to every judge, "You shall have supervision over the conduct in the two Houses of the Senators and Members of the House of Representatives; you may, if you choose, upon the affidavit of any individual that they are the attorneys of some corporation, arrest them in the performance of their legislative functions; you may select the jury who is to try them; you are the judge; their whole personal security shall be intrusted to you." You may arrest them for an act which is not "treason, felony, or breach of the peace," but which concerns only the propriety of their conduct as legislators; whatever may be felony, treason, or breach of the peace, it is quite certain that in the intendment of the Constitution practicing law by a Senator or Member of Congress is not and can not be either of these crimes.

Let us suppose that the imperial power of corporations shall increase, or that from other causes in the future there shall vest in the Executive of the United States, in the hands of some ambitious man, an overwhelming power, and that a judge may be found willing to sell himself and prostitute his office to serve them—and there are to-day more judges than there are Senators and members of Congress who are the attorneys of railroad corporations, who have sacrificed every interest of the people for them; you propose to say to one of this class of men, "You are incorruptible; you, the agent and attorney of this corporation, the obsequious follower of executive power; you, hoping for promotion from the executive branch of the Government, shall have power over these representatives of States; you may disfranchise a State; you may paralyze the Congress; there is no danger in intrusting these great powers to you over Senators and members of Congress. For you the provision of the Constitution that members of Congress shall be privileged from arrest in their attendance upon and *in going to and returning from* Congress except for treason, felony, or breach of the peace, shall be of no force or effect. The practice of law before your court by a Senator or member of Congress in a case where a land-grant railroad company is a party is such a danger to the country that the Constitution must be subverted to punish it."

The Senate and the House of Representatives are so much corrupted that although they have ample power to prevent it they will not use it, and they must be subjected to the power of your immaculate purity.

Mr. President, what answer to that proposition is it for the Senator from Maryland to say that jurisdiction attaches criminally to members of Congress for penal offenses? Unquestionably, but by what laws does it attach? In the States they are citizens of the States. For criminal conduct they are amenable to the jurisdiction of their own States for the offenses there committed. When you come here in the District of Columbia for acts of crime, for acts of murder, for homicide, for violence, for robbery, for felonies as known to the old law whether State or Federal laws, the word signifies certain acts, of which practicing law in land-grant railroad cases is not one, they are properly amenable. But who ever heard before that the men upon the performance of whose duties the whole life of the Republic is dependent shall be while in the performance of these duties within the power of another department of the Government as to their personal security for acts which are not felonies nor treason nor breaches of the peace, but which are made by the act of the Legislature, and which are not in themselves crimes?

The vice of this legislation is this, that it concerns the performance of our official duties here, that it enables a court to disfranchise a State and paralyze its vote in this Chamber; that it removes a Senator from the security of a trial in his own State, under the jurisdiction of the laws of his State, and subjects him to arrest and trial in a forum here in the District of Columbia while in attendance on Congress for the manner in which he shall perform his public duties as a Senator or Member of Congress.

I should like these gentlemen to answer that proposition and to say how it is that a Senator coming here as the representative of a State with this body, having full power to require that he shall not be in any wise connected with anything improper, with anything that will affect the character of the legislation of this body, protected by the Government from arrest except for felony, treason, or breach of the peace—how it is wise or proper that, denying the right, the policy of leaving this body to purge itself of its improper members, we shall create a forum outside, and make the performance of its duty, the manner of its performance, which is entirely within the power of this body to correct and control, a crime to be punished outside of the body, and punished in such a manner as to deprive a State of its representation in this body or in the House of Representatives?

Mr. GEORGE. I desire to make one observation in reply to the last remark of the Senator from Florida about trying Senators outside of the State which they represent as being subject to criminal jurisdiction in the District of Columbia. Under the bill a Senator would be tried and punished just like any other citizen of the United States in the dis-

trict in which he violated the law or committed the crime. If he violates it in the State in which he lives, he will be triable there; if he violates it here, he will be triable here.

Mr. CALL. All I have to say in answer is that it is a drag-net, and that makes it that much worse. A Senator could be dragged anywhere upon a false charge, upon suborned testimony, upon hired witnesses, before a corrupt judge, anywhere and everywhere in the United States. It is bad enough when here in the District of Columbia, where it is supposed the most of his time would be spent, that if such an act occurred it would be tried here, but according to the Senator from Mississippi, a charge may be made anywhere in the United States, and you may by enough charges take every Senator outside of the Senate and paralyze its operations.

With an executive seeking to do it, with a powerful corporation seeking to do it, or a combination of them, it is possible that you might find judges enough to take all the Senators upon false charges, or enough of either House of Congress to paralyze the action of either body and to change its legislative and executive course. That is a possibility which this unnecessary legislation opens up, because if you say that this body is so corrupt that it will not pass a resolution purging itself of any member who will be guilty of improper practices, no matter what this body may think to be improper, they may extend it as far as they please—unless you say that this body, these seventy-six Senators from the people of all the States are so corrupt that they can not be trusted, unless you say that the Government is a failure and the people can not be trusted to select men who when they come here will purge themselves, having power to do it, beyond the possibilty of corrupt influences, then your legislation is unnecessary and you open to us the possibility that it may be used in the interests of great concentrated power to destroy the power of the people. This is the argument and these the facts which the advocates of this bill must answer and disprove, and not content themselves with proving certain acts to be improper and hurtful to the public interest.

Mr. GEORGE. I desire to make another observation in reply to my friend from Florida. He complains, in the last remarks he made to the Senate, that the bill subjects Senators to combinations of these powerful corporations, who will use their immense power for the purpose of persecuting them and trumping up false charges against them, and all that sort of thing.

Mr. CALL. Who may do it?

Mr. GEORGE. I do not think that the corporations will use their power for the purpose of inflicting wrong upon those who receive fees from them. They are not apt to abuse their power in that way.

I wish to make another observation, Mr. President, and I shall then sit down. The great burden of the Senator's argument is that there are corrupt judges of the Federal courts; that there are improper jurors summoned before and organized in the Federal courts; and that this bill subjects Senators and Representatives in Congress to be tried before those judges and jurors. I do not know whether there are any corrupt judges of United States courts or not; but if there be, they have jurisdiction over the people of the United States; they try citizens for their estates and they try them for their lives and for their liberties; and if we allow, under our Constitution and laws, those judges, corrupt though they may be, as the Senator suggests, to try the honest average common citizen of this country in all which pertains to his property, to his life and his liberty, I do not see what great crime is committed if the Senators in this body and the Representatives in the other House, who are but the mere servants of these people, should be tried in the same tribunals before which the people are tried.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. GEORGE. I yield.

Mr. RIDDLEBERGER. I desire to ask what right of trial by jury you have anywhere except in your State.

Mr. GEORGE. Is that the question?

Mr. RIDDLEBERGER. Yes, sir; if you can give me an answer to that question I will be obliged.

Mr. GEORGE. I will. So far as the Federal courts are concerned we have a constitutional guarantee that in all common-law trials where the amount involved is over $20 there shall be a trial by jury. We have another provision in the Constitution of the United States that all crimes shall be triable by a jury after indictment by a grand jury.

Mr. CALL. My friend from Mississippi, like all the advocates of this bill, even with his very distinguished ability will never meet the argument that is made but he will meet some other argument that is in some way, directly or remotely, related to it. I did not say that the judges of the United States courts or the judges of the District of Columbia or anywhere else were more corrupt in one place than another, or that they are corrupt. I said there are more judges who are subject to those influences which would make legislation improper or the discharge of their judicial duty improper than there are Senators or Representatives. But his proposition is that because the people of the United States are subject in their lives and property to be tried by those juries, therefore we ought to be, as we are, for crime committed, for we all stand in the same position in that respect, and nobody has suggested the contrary. We are all amenable for felonies, but the proposition he makes is that because that is so a new crime shall be created.

Mr. RIDDLEBERGER. May I ask the Senator from Florida a question? Do you say you are amenable for a felony to any other law than that which prevails in the State?

Mr. CALL. I am not discussing that proposition now. I am discussing another proposition.

Mr. RIDDLEBERGER. I ask the Senator from Florida whether he means to argue—and there comes in the whole point in this case——

Mr. CALL. I will give way to my friend from Virginia very soon. I am discussing another proposition now.

The PRESIDING OFFICER. The Chair understands that the Senator from Florida declines to yield to the Senator from Virginia.

Mr. CALL. I am willing to yield, but I shall be through in a moment.

Mr. RIDDLEBERGER. The Senator declines to yield to a question as to what he calls States' rights, and yet he stands up for States' rights.

Mr. CALL. I have no doubt I agree with my friend; but I am now discussing the proposition of my friend from Mississippi. His proposition, that because we are all of the people and nothing but the people, subject to trial before the courts of the United States for crimes committed according to the limitations of the Constitution in the district where they are committed, therefore a new crime relating to our duties here, which we are competent and better competent to punish than anybody else, shall be made and committed to them, is not an answer to the argument. It has nothing to do with it.

The fault in the argument is that the crime, in respect to the manner in which we discharge our duties, made so by statute, is a violation of that public policy in our own organic law which exempts a member of Congress from criminal prosecution for any other than actual felonies, not concerning that which the Constitution has provided a remedy for, namely, the performance of our duties here, our conduct in this body in respect to legislation committed to us.

In the first place, the argument is faulty in that it loses sight of the fact that no law should be made when there is no necessity for it; that is, when there is an adequate remedy to punish it elsewhere, when there is a better forum created for the purpose, and a constitutional forum. The objection to this proposed legislation is that we are competent to purge this body of every improper influence, and that it is confided to us to do it, and in respect to that no law should place the power outside. If it be expedient to punish a man beyond expulsion from this body, then that ought to be done somewhere else than in the District of Columbia; it ought to be done somewhere else than by giving power unnecessarily to convict a member for that which he does here in the course of the performance of his duties. That, I take it, is the argument which the Senator will not be able to answer.

Mr. GEORGE. Mr. President, the Senator claims that under the Constitution this body is competent to expel for improper conduct. That may be true; but that is only part of the question in this bill. The question is this: Whether we may not declare by law that to be improper which before has not been considered improper, and when we so declare, then it comes under the general principles of jurisprudence, under the general principles of the Constitution, and although it may be a new offense, it comes exactly within the rules which govern old offenses.

The Senator seems to be horrified at the idea that we were going to make a new offense, subjecting the members of this body to a new crime not before existing. That is exactly what we do with reference to the people of the United States everywhere at every session of Congress. We make new offenses, we denounce new penalties, we provide for new punishments at every session of Congress for acts which were before innocent in themselves, or, at least, not against the law.

At last the great trouble with my friend from Florida—for he repeated it again in the very last sentence when he was up last time—is that he seems to claim that we are depriving Senators of the natural and rightful jurisdiction of the courts in the States in which they live, and subjecting them to a jurisdiction in the District of Columbia. The answer to that is found in the Constitution of the United States, and must have been very well known to my friend if he had taken the trouble to have read it and to have remembered it. We can not confer, if we tried to confer, upon any court sitting in the District of Columbia jurisdiction over a crime committed outside of it. The venue of all crimes, the jurisdiction of courts over them, is fixed unalterably by the Constitution of the United States, so that if a Senator commits a crime within the District of Columbia he must be tried there, because nowhere else in this broad land is there any jurisdiction to try him; and if he commits a crime in the State in which he lives, he must be tried there for the same reason; and if he commits it in any other State he must be tried there for the same reason. That is the full answer to all the objections urged by the Senator from Florida.

Mr. CALL. The Senator from Mississippi says that I was making an objection to this bill that it creates a new offense. I might have used that language perhaps, but I think in the course of my remarks it was shown that there was some thought in what I said, and not a

mere idle use of language. It would be a great folly to aver as against any law creating a crime for the first time that it was new. I do not do it. New laws, new offenses, must be developed in the course of things. It would be equal folly in me to have said by this act it was sought to create a jurisdiction outside the Constitution of the United States, and transfer the power to indict and punish for this offense to some locality denied by the Constitution.

What I meant to say was, that in the ordinary course of things, in the great majority of cases according to natural probabilities, a Senator or a member of Congress would be, within his own State, subject to the jurisdiction of its laws, and coming here in the performance of his official duty he would naturally and probably be here at the time when the offense would be committed, and the inquiry, the charge would be made here in the District of Columbia. Of course the locality for the trial of the offense would have to be where the proof showed the offense to be committed, and this would be the place where it would, in the majority of cases, be committed.

But we are talking of a policy which will subject a man to false charges; we are talking about a law which is open to the objection that possibilities may come in which power will use this machinery to destroy the independence of the legislative body, which is the great sovereign protector of the people of this country. We are speaking of a law which even if by possibility it may be used to destroy the independence of the legislature, is for that reason objectionable. We are speaking of a law which is shown to be unnecessary as respects the exercise of powers of legislation in a manner which may have these hurtful effects; unnecessary because of the acts sought to be punished and prevented. A full and complete remedy is already provided, one which is not open to these objections.

The argument is that the independence, the integrity, the freedom from arrest of the members of this great legislative body is absolutely essential to the life of this people's Government, and that when you unnecessarily create offenses, not whether they are new or whether they are old, but when you unnecessarily create them and give jurisdiction to inquire as to the manner in which legislative duties are performed here to an extraneous power, corrupt or incorrupt, you impair the independence of this body, you render possible that great centralization of power. It does not matter what, I do not say what the corporations will do or what the Executive will do, but I do say that in a Government of sixty millions of people, with its vast revenues, with the immense temptations to the abuse of power, to put the independence of this legislative body unnecessarily in the charge of the Executive or judge, is a fatal blow at the security of the people of the country and at its Constitution.

This bill authorizing every justice of the peace in the District of Columbia, every judge, bad or good, corrupt or incorrupt, to inquire whether the Senator from Mississippi is or has been the attorney of a railroad corporation and to threaten him with imprisonment upon such testimony as bad motives may bring out for that purpose, and to select twelve men, good or bad, to try him, is as a public policy utterly violative of the Constitution of the United States and the great policy contained in the organic law of security, except for felony, treason, or breaches of the peace, from arrest.

Mr. BECK. Allow me to ask the Senator a question: Suppose a member of either House of Congress were to take a fee for practicing in the Court of Claims, what would happen?

Mr. CALL. I will tell you what happens. If it were I, the Legislature of the State of Florida would pass laws by which I could be prosecuted before this body and deprived of my office; and the question whether I should thereafter be punished by imprisonment in the penitentiary is nothing considered in contrast with the security of the people of Florida and their representatives here.

Mr. BECK. I am asking what would happen under existing law.

Mr. CALL. I will answer that the same objection can be made to that existing law as is made to this.

Mr. BECK. Exactly.

Mr. CALL. It was improvident and unwise legislation. It was as subversive of the Government as this. It was the commencement of a system which is to destroy the independence of this legislative body and its members, and it was an assertion, and a false assertion, that the judge and the justice were more honest than the seventy-six men selected by the people of thirty-eight great States. It was a slander upon the Constitution and the American people.

Mr. BECK. Then I understand the Senator to assert that when a member of either House of Congress takes a bribe from a railroad corporation or anybody else for his vote, it is a slander on the people of Florida or the people of any other State that he should be tried and convicted for it.

Mr. CALL. No; I have not said that. The Senator from Florida says the assertion that the House of Representatives or the Senate of the United States would not purge itself of that man immediately was a slander, and I say that all that concerns legislation is that the bad man shall be gotten out of place. We are dealing with legislators and legislation, and not with men as citizens.

Mr. BECK. Now allow me a single word.

Mr. CALL. Certainly.

Mr. BECK. As early as December 14, 1853, when the law was passed prohibiting members of Congress from acting as attorneys in the Court of Claims, Mr. Stephens, of Georgia, in the course of his remarks——

Mr. RIDDLEBERGER. Eighteen hundred and fifty-three, was that?

The PRESIDING OFFICER. There can but one Senator address the Chair at a time.

Mr. RIDDLEBERGER. I ask pardon of the gentleman for interrupting, but the Government had existed sixty years before that act was passed.

The PRESIDING OFFICER. The business of the Senate will proceed more regularly if, when a Senator desires to ask a question, he will wait until he finds whether the Senator who has the floor gives way, and then rise to his feet.

Mr. RIDDLEBERGER. But that was before I was born, seventeen years before, and I have a right to ask whether it was seventeen years before I was born.

Mr. BECK. Eighteen hundred and fifty-three was the date, and if it was seventeen years before the Senator was born he is not eligible to-day under the Constitution to a seat in this body. [Laughter.]

Mr. RIDDLEBERGER. I was born after the Senator from Kentucky came into the Senate Chamber.

The PRESIDING OFFICER. The Senator from Virginia will suspend his remarks until the Senator from Kentucky concludes or gives way to him.

Mr. BECK. I do not desire to enter into any wrangle about this. In 1853, on December 14, Mr. Stephens, of Georgia, in arguing the question of whether members of Congress should be prohibited from practicing law before the Court of Claims, presented this case:

Now, Mr. Speaker, these facts are, that Mr. Corwin, while he was a Senator of the United States, was employed as an attorney before the board of commissioners—

That was the practice then—

to adjudicate claims against Mexico in behalf of Gardiver, a claimant, and that he also took an interest by assignment in his claim. These facts are admitted.

And then he went on to argue that a law ought to be passed prohibiting that and other things, and Congress saw fit to pass that law.

Mr. CALL. I ask why could not each House have by its rules provided that no member of its body should practice law, either with or without compensation, before any Department or tribunal considering matters affecting the United States?

Mr. BECK. We have passed a law prohibiting it because the Galphin claim, the Gardiner claim, and others had got through, in order to remove a scandal that necessarily attached to men occupying inconsistent positions, representing the United States and representing a corporation or claimant dealing with the United States. All I sought in the bill I presented was to prevent men who were the representatives of the States and the people from being at the same time the attorneys of the corporations with whom we had important business relations.

Mr. CALL. I agree entirely with the Senator from Kentucky, but I may ask him to look at the constitutional power here to make rules prohibiting members doing that. Would not that be as effective as a law? Why transfer the power which is given us to prevent Mr. Corwin or anybody else practicing before a court against the United States, to an extraneous tribunal outside? Why create an unnecessary jurisdiction to do that which the law has already, and as I think for the wisest reasons of public policy which inhere in the very existence of this Republic, confided to each of the two Houses? We are not here to punish men outside in the performance of their duty. We are here to consider in this bill what instrumentalities will preserve the purity and disinterestedness of legislation in these two bodies. The Constitution says, by your own power, in yourselves, as the highest of all the sources of power in the country, except the people—by that power you shall keep your legislature pure in each House, neither House having control over the other, to the end that we may be perfectly independent.

Now, as respects the purity of legislation with that power here, why go outside to another power that does not come from the people and which is extraneous to the representation of the States here, and give it jurisdiction to deprive the States in this body of their representatives?

Mr. BECK. Now, if the Senator will allow me one word more, the right to expel a member of either House is not interfered with and no extraneous power is called into exercise by the bill I propose. The courts of the United States, forming one of the three co-ordinate branches of the Government, are simply required to try each individual offender whether he is a member of the House, a member of the Senate, a layman, or anything else, if he violates his known duty as prescribed by the body of which he is a member.

Mr. CALL. As interpreted by the judge.

Mr. BECK As interpreted by the judge, of course, because he is appointed for the purpose of interpreting the laws.

Mr. CALL. Now I will ask the Senator from Kentucky a question. I will ask him how far the judiciary is a co-ordinate tribunal when it has the power in respect to the powers of legislation here to arrest and take from the performance of their duties all the members of Congress upon a false charge?

Mr. BECK. I will answer that question by saying that we are all liable to false charges. Men may be charged with being guilty of murder, arson, rape, or any other offense known to the calendar. There is no way of avoiding false accusations; but that the courts of the country must finally determine the guilt or innocence of any man who is charged with any crime I hope no man will dispute. These matters have to be determined, when they come up, on their merits.

I hope the Senator will not contend that because a man is a member of the House of Representatives or a member of the Senate he has a right to take a bribe and put money in his pocket for his vote, that he has a right to burn the house of his fellow-citizen, or commit any of the offenses which have been prohibited, without being subject to the punishment that every other citizen is liable to.

Mr. CALL. The Senator from Kentucky will readily find himself answered in respect to the Government, whose powers our Constitution has disposed of and separated, making all the departments strictly co-ordinate. You can not have a co-ordinate government if you give one department power over the others.

Mr. GEORGE. The Senate and House of Representatives have the power to impeach the judges.

Mr. CALL. That is because, as I said, they are co-ordinate simply to this extent, that the legislative power of the people is in the legislature, in the two Houses of Congress, who are paramount to a certain extent over the executive and the judicial departments. But you propose to destroy that co-ordination, and to subject this sovereign power of the people to a power which has been subordinated, subjected in these respects to us.

That is just where I complain of your bill, that the people are here, and if this body has any right or any power it is as the representatives of the people, and you are subordinating it to the possible creatures of corporation or executive power not amenable to the people, and doing it in the interest of purifying legislators, the servants of the people, in their highest form of power.

Mr. BECK. Now, if the Senator will allow me one word more I shall be done.

The Constitution of the United States provides that no man shall be a Senator unless he is thirty years of age, nine years a citizen of the United States, and an inhabitant of the State from which he is chosen. That is the only limitation on the right of selection. Beyond that he is responsible and ought to be responsible to the law for every offense that he as an individual man may commit. If he is guilty of murder, guilty of arson, guilty of any offense known to the law that other men are punished for, he ought to be punished like other men; and if we make it an offense that he shall be the attorney for great railroad companies to whom we have given land grants or subsidies in the form of money, while he is sitting here as a representative of the people, and he persists in occupying both relations—if we make a law to punish him if he does that, he ought to be no more exempt from that law than he ought to be exempt from the law against murder, robbery, arson, or any other criminal offense.

Mr. CALL. Mr. President, the Senator from Kentucky does not state the bill. That is not it. Nobody claims that he shall be exempt from prosecution and trial for any offense. The Senator's bill does not deal with citizens; the Senator's bill deals with Senators and Members of the House in the discharge of their Senatorial duties here. It is a bill to purify legislation in this and the other House respecting Senators and declaring an offense to be committed by Senators and by Congressmen in the discharge of their Senatorial and public duties. To be either a Senator or Member of Congress is the necessary ingredient of the offense.

If you want to punish a citizen for taking a bribe, everybody is amenable to that. If you want to punish a citizen for murder, every Senator here is amenable to it. He is a citizen, he is a resident, he is subject to the jurisdiction of your laws. But that is not what you are doing here. What you are doing is to give to a judge, a subordinate power to these servants of the people in some respects, power to control the sovereign people in their legislation here, and you prescribe that their servants, sent here by virtue of being their servants, shall be punished for an offense which otherwise is not an offense and for which, if an offense, you have a perfect remedy in yourselves.

Mr. BECK. Now, Mr. President, one word more. How can a private citizen, not intrusted with public authority, take a bribe for performing a public duty when he has no public function? The Senator says he will not punish Senators, because of the public duty they perform, for taking fees on both sides—a salary from the people and a fee from the railroad corporation when a railroad case is up. Why is not one as bad as the other?

Mr. CALL. I will tell you why. It is because the taking of the bribe is in the performance of an official duty.

Mr. BECK. And is by a Senator or Representative in Congress and not by a private citizen.

Mr. CALL. If you undertake to say that a member of Congress shall not be a lawyer——

Mr. BECK. Oh, no.

Mr. CALL. I suppose you do not want to say that; but if you did want to say that and have a law punishing that——

Mr. BECK. The Judiciary Committee proposes to say that; I do not.

Mr. CALL. Then the inquiry arises at once, what is the object of that law? What is the offense that a member of Congress shall be restrained by the judgment of an extraneous power as to what he shall do, and what shall be the judgment of the judiciary as to whether he should be punished or not? It has no force if it does not relate to purifying this body.

But, Mr. President, I go further. What is the Constitution of the United States? Let us see; and let us see how utterly this bill is a violation of it. The Constitution of the United States prescribes certain enumerated grants of power. It prescribes them by enumeration—tells what they are. It leaves other matters to the domain of State legislation, under the supposition that the member of Congress will be subject to the jurisdiction of his State, and that while here he will be subject to the jurisdiction of the body to which he belongs. It leaves without any declaration of crime or offense his conduct in respect of his public duty in these bodies. Nowhere will you find one word or line in the letter of the Constitution indicating two authorities or a power conferred upon the Federal Government to punish as a crime the conduct of men in the performance of their legislative duties here; but you find the exclusion of it. You can draw it from the general declaration as to the acts which Congress has power to make a crime.

But I again call the Senator's attention to the proposition that those who oppose this bill are willing to vote the most stringent rule this body can provide to prohibit any man here from having any interest in or connection whatever with, the prosecution of any cause anywhere, in any court or any tribunal, against the United States; but it is as to the instrumentality which this bill provides, which is a declaration that this body can not be trusted to preserve the purity of its own members, that I especially object.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida [Mr. CALL] to strike out a portion of the amendment reported by the Committee on the Judiciary.

Mr. EVARTS. Let the amendment to the amendment be reported.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. In the proposed amendment of the Committee on the Judiciary, in line 11, after the word "Congress," it is proposed to strike out all down to and including the words "act of Congress," at the end of line 27 of section 1, and also section 2, as follows:

Or from or against any bank or corporation, or other officer or agent thereof, which obtained its charter or any pecuniary aid from the United States; or from or against any corporation or company, its officer or agent, engaged in the business of interstate commerce by land or water, or in the business of any interstate transportation, or in the transportation of United States mails; or from or against any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country, any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied; or from or against any manufacturer of any article on which an excise-tax is now levied, or shall at any time hereafter be levied by any act of Congress.

SEC. 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

Mr. MORGAN. Mr. President, the gentleman who prepared this bill is an experienced legislator and an able lawyer, and he knew precisely what he was putting into his bill, and what would meet the case of public necessity that I suppose rested in his mind to justify a resort to criminal law to correct some abuses or evils. I say the necessity that rested in the mind of the Senator, for I must say that after having been ten years in this body I have never suspected any member of the Senate of having been corruptly or improperly engaged in casting his vote for the United States or against the United States in any matter whatever.

No bill of particulars, no specification of the facts which show a public necessity for the public criminal law we are asked to enact here, has been stated; and I think it is due to the Senate of the United State before it shall act upon a matter of this kind, of this grave importance, that somebody should arise on the floor of the Senate and specify that at least some Senator had been guilty of some conduct of a character that was not reached by law in the present state of the law, which required that our criminal laws should be amended by the introduction of this statute into them for its punishment. But nothing of that kind seems to have occurred; at all events it has not been named.

If it could be shown here that some Senator had cast a corrupt vote for a land-grant railroad corporation there would be no difficulty in the exercise of the conceded constitutional right of the Senate to expel him from this body, for that right is expressly found in the Constitution, two-thirds of the Senate concurring therein. If there was anything more than an outside suspicion to agitate the mind of this body to make an inquiry and an enactment of this kind based upon that inquiry it ought to be stated, so that the Senate would have a chance to expurgate itself by the ordinary methods known to parliamentary bodies, by the method secured in the Constitution of the United States, and not by going outside of this body and asking a court of justice in the District of Columbia, or wherever it may be, to impose penalties upon that Senator, penalties which may be exactly contrary to his duties in this body.

The learned Senator who prepared this bill went further, and he de-

clared that the act which is denounced in this proposed statute is a misdemeanor, not a felony. If he had declared that it was a felony, he could not have made anybody believe that it was a felony at common law, for it has been conceded on all hands that the offense is entirely new, and if we should attach to it a punishment by imprisonment in the penitentiary it would not make it a felony within the meaning of the Constitution of the United States.

I will suppose a case, if this law is passed, for the purpose of testing its practical value. Some Senator before leaving home accepts a fee and goes before a court in some matter or other in which a land-grant railroad is concerned. He leaves his home unindicted by any law of Alabama. He comes here. If the Federal court in Alabama should see proper to formulate an indictment against him through the agency of a grand jury or on information, as the case may be, it could not send here and arrest him while Congress was in session and take him home for trial, for the Constitution expressly says that the members of the two Houses shall be exempt from arrest except for breaches of the peace and felonies—that means felonies known at common law—while they are traveling to or attending upon Congress, or returning home, after they have been here in the discharge of this public duty.

Now, suppose the offense is committed in the Supreme Court of the United States and you desire to get hold of this Senator who has gone into that body and filed a brief or made an argument in a land-grant railroad case—it does not make any difference what kind of a case it is—how are you going to make your statute work? Here he is in this body or in the other House exempt from arrest except for a breach of the peace or a felony, and this act calls it a misdemeanor. I am surprised that when the Senator from Kentucky felt that he was wrestling with this giant outrage against decency and law and order in this country, it never occurred to him to write down this grave offense as of a higher grade than misdemeanor. It looks as if this bill had been gotten up in a hurry. It looks more as if it were born of heat and indignation, or perhaps the pressure of public clamor, than the deliberate act of a great lawyer to prescribe against these men in these two Houses an offense and call it a misdemeanor, when the Senator from Kentucky, who knows the Constitution so well, perfectly understood that no man could ever be arrested in the District of Columbia while he was here attending as a Senator or member of the House and put upon his trial.

Mr. BECK. Now, will the Senator from Alabama point out anything in the bill that I presented which indicates that it authorizes arrests in the District of Columbia that were not authorized before?

Mr. MORGAN. Then, if it does not authorize arrest here, where will it authorize arrest?

Mr. BECK. The Senator has argued for fifteen minutes that it was going outside of the constitutional limitation to authorize arrests not previously authorized.

Mr. MORGAN. Not by any means. I am arguing that the Senator from Kentucky brought in a bill here that can not be executed if put in the form of a law, and therefore I argue that the Senator's bill is a response to mere clamor, and not the result of the deliberation of his own cool, quiet, and able mind.

He calls the act denounced a misdemeanor; and yet, if any lawyer of this body should go into the Supreme Court of the United States and argue a cause there in favor of a land-grant railroad company, that lawyer could not be arrested during all the time he spent in Washington city, or while he was coming here, or going away from the city. It is a mere tub to the whale. It is something that can not be carried into practice, after you have put it on the statute-book.

Mr. CALL. Will the Senator allow me to remind him that he could not be arrested at home?

Mr. MORGAN. Of course he could not. I was coming to that branch of the subject. The offense having been committed in the District of Columbia, you can not arrest him at home, unless you get up some treaty of extradition between the Government of the United States and the government of Alabama, it may be.

So, then, this bill, over which so much hue and cry has been made, is a bill that comes to point-no-point. It is a bill evidently intended to gratify the public clamor; not to reform the criminal laws of the United States. I do not want to legislate in that way. If there is any occasion here for calling Senators and Representatives to account in the courts of this country, let us have a bill that will do it; not one that pretends to do it, and has no possible chance of operating to do it.

Mr. BECK. Will the Senator allow me to ask what he thinks of the bill so carefully prepared as a substitute by the distinguished Committee on the Judiciary? Does he think they have improved the original bill by their deliberations?

Mr. MORGAN. I am not on the Judiciary Committee, and therefore not responsible for a word of the committee's amendment. I can see that the Judiciary Committee, following the same vein of power, has fallen into the same mistake and reached the same impotent result as the Senator from Kentucky has reached in his bill, if he reaches any at all. I am arguing against the original bill, and not upon the amendment. I want to make an analysis of this bill as expressed by a great lawyer and brought here, and see what it means; what public evil it is going to correct. I will call attention to the language of it a little more:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States.

A man who is the officer or agent of a land-grant railroad company under this bill could not employ the Senator from Kentucky to defend him for his life. If he was an agent of the company, a ticket agent or what not, he could not employ the Senator from Kentucky to assist him in putting a mortgage on his property or to try title to any species of personal property at all. If the man is tainted with being an agent or officer of or in any way connected with a land-grant railroad company he is so far under the ban of the law as it is proposed to enact it that he is not entitled to the services of a lawyer in any case of that kind where the lawyer happens to be a member of the Senate or House of Representatives. I will read it again:

For services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States.

I have read severe bills in my life, but I have never read one before that had the reach which this thing has or is intended to have. Before I came to the Senate I was employed by a land-grant railroad company. That railroad company had been obstructed just at the edge of a bridge by the putting of steel bars across the track where a bridge was at a span higher than this Capitol. Upon that railroad train was the very dearest friend I had in the world who was not related to me. He was an ex-judge of the supreme court of my State and had been formerly my partner. He with other men and women and children, in consequence of this obstruction, were thrown into that gulf and destroyed. That railroad company tendered compensation to all the sufferers who would receive it, and then did me the honor to employ me to prosecute the miscreants who had inflicted this evil upon this land-grant railroad company and my friend and former partner. I took the employment and succeeded after a very hard struggle, covering six months of time, in getting the evidence together and having those miscreants tried and convicted and carried into the penitentiary of the State for very long terms, some for life.

There was a case that would be covered by this bill. If it had occurred since I have been a Senator of the United States, the Senator from Kentucky would have forbidden me to go into that cause and prosecute those criminals, because the road that I was working for was a land-grant railroad. I can conceive of hardly anything more cruel than a law of that kind, and I am very glad to believe that the Congress of the United States has no power to impose any such restrictions upon me because I am a Senator of the United States.

Suppose I had made that engagement, and it was pending to-day with that railroad company, and those men were still untried, what would be the effect of this act upon my contract? To destroy it, of course, for this bill makes no exception in favor of existing employments; and it makes no difference what may be the motive of the lawyer, the Senator, or the member of the House who takes a fee, however charitable and good it may be, or however it may address itself to the desire of every man to preserve peace and order and law in the land—if I had that contract to-day to try that cause with that railroad company, and you pass this bill, and I should leave the Senate Chamber and go to try it, I would do it at the risk of incurring this enormous penalty, not exceeding $5,000 fine and imprisonment not more than one year, in the discretion of the court.

Mr. EDMUNDS. It would not be a very large risk in a constitutional point of view.

Mr. MORGAN. Not much, and I am very glad to know that it is not a risk at all in a constitutional point of view, for although this law addresses itself to the cutting up of contracts of that sort, it fails no more in affecting the validity of a contract such as I have mentioned than it fails in other particulars to destroy the rights of men who have the honor of practicing at the bar of this country.

I value my honors as a Senator of the United States, but I do not put them above the honors that I have enjoyed at the hands of the courts of this country from its highest Supreme Court down to its lowest. Neither do I put them above the honor of association with that splendid body of men, the lawyers of this land, who have controlled its destiny in respect of the preservation of human liberty from the time this Government was ordained and for many and many ages before in the history of the Anglo-Saxon race.

What honors a man wins at the bar in controversy with his brethren of the bar are not conferred upon him by the favoritism of his friends. He wins every inch that he gains of reputation at the bar, under the criticism of a great body of lawyers and judges, with the world looking in upon his conduct, and his talents, and his learning, and his abilities, and well may he prize as the chief crown-jewel of the noblest life that can be led the approbation of the country which places him in a distinguished and honored position in the grand profession of the law. I have no taunts and jeers to fling at that body of men, for I would know that should I do such a thing the sentiment of the present age, and all ages to come, as well as those which have pre-

ceded us, would fall back upon me and crush me with the disgrace I sought to inflict upon the cloth.

No, sir, I am not ashamed to be a lawyer. I am proud of my position as a lawyer; and if I have a reasonably good reputation among that distinguished and glorious band of men, I have nothing to which I can point in life that I esteem to be so creditable to myself. If in my conduct I pass muster with the bar of the United States as a man of worth and a gentleman, I need not fear the criticisms that may come from the mob or from any interested source whatever; I am safe, panoplied in their good opinion, against the touch of any malicious hand or tongue in this world.

The Senator from Arkansas [Mr. BERRY] evidently forgot the glory which belonged to his State when Garland made his way into the capital city of the United States, disbarred of his privileges as an attorney. He came the pioneer of the old liberty which had been covered up in the *débris* of the great conflict of the civil war, and addressed himself before the bar of the Supreme Court, and asked the question whether or not the laws that disbarred him were constitutional. The Supreme Court took that important question, which was really the very first dawn of light upon the South after the war was over; they considered it; they weighed it; and they put words of gold into their opinion in respect of what belongs to a lawyer who has been admitted to a bar, not by an act of a legislature or a Congress, but by the judgment of a court. The man who holds a license to practice law in the Supreme Court of the United States, or any other court, by the judgment of that court holds a right of property of which nobody can deprive him except the court itself. No other co-ordinate tribunal of equal jurisdiction perhaps could do it. If any tribunal could do it outside of the one that granted the license, it would be such a one; but no legislature can repeal a lawyer's license to practice law, no legislature can disbar him; Congress can not do it; no legislative power, and no executive power can do it.

To prove that I am correct about this, I will read you the foundation of Garland's right to practice law to show you that it did not rest upon the consent of Congress or anybody else except the Supreme Court of the United States. The opinion in this case was delivered by Mr. Justice Field:

> The profession of an attorney and counselor is not like an office created by an act of Congress, which depends for its continuance, its powers, and its emoluments upon the will of its creator, and the possession of which may be burdened with any conditions not prohibited by the Constitution. Attorneys and counselors are not officers of the United States; they are not elected or appointed in the manner prescribed by the Constitution for the election and appointment of such officers. They are officers of the court admitted as such by its order, upon evidence of their possessing sufficient legal learning and fair private character. It has been the general practice of this country to obtain this evidence by an examination of the parties. In this court the fact of the admission of such officers in the highest court of the States to which they respectively belong, for three years preceding their application, is regarded as sufficient evidence of the possession of the requisite legal learning, and the statement of counsel moving their admission sufficient evidence that their private and professional character is fair.
>
> The order of admission is the judgment of the court that the parties possess the requisite qualifications as attorneys and counselors, and are entitled to appear as such and conduct causes therein. From its entry the parties become officers of the court, and are responsible to it for professional misconduct. They hold their office during good behavior, and can only be deprived of it for misconduct ascertained and declared by the judgment of the court after opportunity to be heard has been afforded. Their admission or their exclusion is not the exercise of a mere ministerial power. It is the exercise of judicial power, and has been so held in numerous cases. It was so held by the court of appeals of New York in the matter of the application of Cooper for admission. "Attorneys and counselors," said the court, "are not only officers of the court, but officers whose duties relate almost exclusively to proceedings of a judicial nature. And hence their appointment may, with propriety, be intrusted to the courts, and the latter in performing this duty may very justly be considered as engaged in the exercise of their appropriate judicial functions."

And so the court goes on to argue the case still further.

Mr. BECK. What has that to do with this bill?

Mr. MORGAN. The Senator from Kentucky asks what that has got to do with it. I will answer the Senator, for it will give a more conspicuous point perhaps to the remarks I was about to make.

When the Senator from Kentucky received his license to practice in the Supreme Court of the United States he received a right equivalent to a right of property. The Senator never owned a tract of land in the blue-grass region of Kentucky, or a splended blood horse in which his heart may have been fully wrapped up, he never had any possession anywhere, even his beautiful possessions in the west of Washington, for which we sometimes vote taxes and the like—the Senator never had a possession in his life which was more sedately fixed and further beyond the reach of legislative enactment than his right to practice law in the Supreme Court of the United States, and his responsibility to that tribunal and only to that tribunal fixed by the law.

Mr. BECK. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. MORGAN. Yes, sir.

Mr. BECK. I did ask what has that to do with it, and I did it for this reason: While my right to practice law is absolute and I have a right to take a fee from any client who thinks that I can present his case well, if I accept the position of a judge to decide a case between my client and some other contesting party and retain a fee from my original client, payable provided the case is won while I am acting as a judge, the law says I shall not be both judge and lawyer. I do not see that such a law is inconsistent with my right to practice law.

Mr. MORGAN. The fault in the Senator's argument is, that when he accepts the position of judge he gives up his position as a lawyer entirely.

Mr. BECK. So I do as a Senator.

Mr. MORGAN. Not by any means.

Mr. BECK. If this proposed law passes I do as to the cases which it covers.

Mr. MORGAN. Not by any means. Your proposed law is to operate upon you and me the moment it passes. If it did not what would be the use of passing it? Are we passing laws here for the purpose of keeping the Government of the United States from under the control of corrupt men hereafter to be elected? No, sir; if this measure means anything at all, it means that the men here now are corrupt and can not be trusted.

Hence it is that you put no word in your law to say that it shall have future application. You make it apply to me and to yourself and to every lawyer in this body from the present moment. Though I might have a case pending in court, and engagements of a most important character there in connection with land-grant railroads as clients, as pure as any act that ever characterized the conduct of a human being in the world, you cut that in two. If you do not cut it in two what does your proposed law mean? It can not possibly be contemplated that the generations of men hereafter to come in the United States intend to send a set of boodlers and swindlers into this body, but you mean to say they are here now and they must be denounced by the laws of the land, or else you do not mean anything.

I could go into the Supreme Court of the United States with my brief, if you please (I do not have any of them; I have not got them; I am very sorry I have not; I would be very much better off if I had them), and I could conduct myself just as decently and as honestly with a land-grant railroad company as my client as I could in the Senate of the United States. If I intended to do wrong your law on the statute-book could not keep me, or any other man who had half sense, from doing wrong, for after you put your law on the statute-book you have nothing to do but to step outside and make your contract and agreement a little dark and a little secret to cover it up; that is all. A man who will do a mean thing on the floor of the Senate of the United States will do it in the Supreme Court or anywhere else. He is a corrupt man and not to be trusted, and you can not put him in harness enough by the criminal laws of this country to make an honest or a decent man out of him. When you are manufacturing harness for the purpose of keeping a corrupt man in the right track in the Senate of the United States you are throwing away your work. Turn your man out, or let the people turn him out; purify your body in that way; but never take it for granted, if you find a thief or member offending in this body that you can make thongs enough and harness enough to hold him; he will beat you at it. When he finds he has a law in his way he will turn around and make a little secret contract and get out of your reach; that is all.

The reformers are doing a tremendous work in this country now, a wonderful work; they are at work everywhere, and I am glad that some persons who think reformation is needed have at last commenced upon themselves, for I have always understood that the reformer who begins his work upon himself is most apt to have a good job of it when he gets through with his reformation.

I do not feel the need of it myself. I do not know who does, or whether anybody does; but instead of feeling that I ought to be reformed by this act of Congress, I feel a little resentful and indignant that anybody should suppose that it was necessary. I can not help it. I am just like all the rest of the gentlemen of the bar in this body.

The other day this body by a tremendous majority passed a bill in which it was said that these railroad companies, which are made the butt of this proposed act, were to be controlled, that you were putting a hook in the nose of behemoth and going to lead that marine animal, or beast, or whatever it is, around through the waves at your will and pleasure. I noticed then that there was a vote of 43 to 15. I think the railroads of this country were probably as much interested in the defeat of that bill as they have ever been interested in the defeat of any bill that came into this body; and I am afraid that the people themselves were as much or perhaps more interested in it than they have been interested in any bill that has been here for a long time. Forty-three votes were cast for it, and 15 against it. Out of the 43 votes cast for that bill 35 were the votes of lawyers. Out of the 15 votes cast against the bill only six were cast by lawyers. The rest were the votes of laymen, gentlemen engaged in manufactures, commerce, &c.

I plead that in answer to this bill, for I consider that this bill is an attack upon the reputation of this body. It originated here. It must have had some motive. It is connected with land-grant railroads, and no other kinds of railroads, and the connection of course, in the public mind, will be natural and necessary that the framers and promoters of this bill had found some scandalous evil in this body which it was necessary to correct by the enactment of a vigorous penal statute.

In the face of that vote let me appeal to the people of this country, to their generous honesty and magnanimity, and ask them the question, "Do you believe that the thirty-five lawyers who voted for that bill are men who can be corrupted by railroads, or do you believe that the six lawyers who voted against the bill are men who can be corrupted by railroads and have been corrupted by railroads? Is that your judgment?"

I shall not promote by anything I have to do or say, nor by my indifference nor my inattention to what is going on in this body, any unjust accusation against members of the bar who have been honored with seats in this great body. The people of the United States, if it were left to them to pass through this body and purge it, would not take the lawyers out of it. They put them here.

So far as I am concerned, sir, I have been a railroad lawyer for the most part of my professional life, and yet I have been twice sent to this august body. I can say what perhaps very few gentlemen can say: I never even mentioned to a member of the Legislature the fact that I was a candidate for the Senate on either occasion; not that I did not have conversations with them about it when they came to see me, but I can state in my place in the Senate, being a railroad lawyer, that I never spoke to a member of either house of the General Assembly of Alabama, on either occasion about my election, nor did I ask anybody else to do it. So the people of the State who sent me here understood whether I had made a sufficient character at the bar and among my fellow-citizens to be intrusted in this body with legislative power, notwithstanding it had been my fortune in the course of my practice to have had some important engagements for land-grant railroads. I dare say many Senators here have had much the same experience.

Until it was suggested by this bill I believe nobody in the United States had made an accusation against any gentleman in this body that because he had fees and retainers as a land-grant railroad lawyer, therefore he was not only not fit to be in the Senate of the United States, but if he persisted on carrying out his contracts and doing what his engagements required him to do as a lawyer, he ought to be fined and put in jail, snatched out of this body and beyond its power, carried to the dungeons of the country and there immured for the crime of having done that which the Supreme Court of the United States would never question him about.

Suppose after you have passed this measure I should take my brief into the Supreme Court of the United States for a land-grant railway and say to the court, "Before I proceed to argue this cause it is my duty to state to this court that my employment brings me with a client here that is a land-grant railway company, and the controversy between that railway company and the other party is with the United States Government. I controvert the constitutionality of a law by which the grant has been taken away from it and I am here to prosecute my case. In view of this statute, in view of the judgment of the court admitting me to practice at this bar, in view of what I have said about the character of the question in issue, as I am here to attack the validity of an act of Congress upon constitutional grounds by which this land-grant was broken down, I ask this honorable court before I proceed, am I in my line of duty or not? This act has been declared unlawful by the Congress of the United States and made penal and punishable. Am I in my duty or not?" They would say to me, "Sir, you are an American citizen; you are one of the counselors of this court, admitted to its bar by its judgment. That judgment has not been reversed; it stands as the guarantee of your right here to appear and to prosecute this plea. Do your duty to your client as a lawyer ought, and as lawyers often have to do, take the risk of your position. Proceed, sir; you are not out of order."

There is not a court in the United States that would disbar such a man or prevent him from appearing for a land-grant railroad case, even though the controversy were directly with the United States. When he could come and show that he had the judgment of that court of his right to appear, the court would never question him about the character of the case which he was proceeding in. It could not do it; for in the case of a thief, of a criminal of the deepest dye possible, even the anarchists now under condemnation of death in Chicago, against whom there is not merely a public impression of inexpressible guilt but a sentence of conviction and condemnation of the same, would a court, looking into that record when it was presented, ask the attorney who had the manhood and the intrepidity to stand there in defense of his client, "Do you dare to appear here in defense of a set of men who are under condemnation of the law, who have committed these great outrages against the people of Chicago?" No, sir; no judge who ever sat on the bench would put such a question. He would say, "Mr. Attorney, proceed to state to the court the grounds why you think a reversal of this cause ought to take place; why these parties are not guilty upon the evidence."

So it would be after you pass your law. No court would prevent you from standing up in that court and proceeding with your plea against the United States in favor of a land-grant railroad, because they would be obliged to say, "You have the right as a counselor of this court to argue this cause, and we can not see that we have a right to discriminate in respect of the class of causes in which you shall appear." That is precisely this act. Pass it and you do not control the court; you affect nobody. Pass it in the language in which it was brought in by the Senator from Kentucky and you can not even make an arrest under it.

Mr. PLATT. I desire to submit at this time a proposed amendment to the bill and ask that it may be printed.

SEVERAL SENATORS. Let it be read.

The PRESIDING OFFICER. The proposed amendment will be read, if there be no objection.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any member of either House of Congress to accept employment as an attorney-at-law, or receive compensation for services rendered in opposition to the interests of the United States in any suit, action, or other matter in the result of which the United States is directly or indirectly interested, or in respect to which any question is pending before Congress, or in respect to which such member has reasonable cause to believe legislation by Congress may be asked.

SEC. 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by a fine not exceeding $500, or by both, in the discretion of the court.

Mr. HOAR. Before having the question put upon the substitute reported from the committee, I desire to move an amendment to the text of the bill. I move to amend by striking out after the word "kind," in the fifth line, and by inserting the words beginning with the words "in opposition" in the printed matter which I send to the desk.

The PRESIDING OFFICER. The proposed amendment will be stated.

The CHIEF CLERK. In line 5 of the original bill, after the word "kind," strike out all down to and including the word "court," in line 11, in the following words:

From any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisonment not more than one year, in the discretion of the court.

And insert in lieu thereof:

In opposition to the United States, in any case to which the United States may be a party, or in which its interests may be concerned, or from any railroad company which obtained its charter, or any grant of lands, or pecuniary aid from the United States, if such members shall have reasonable cause to believe that measures specially affecting the interests of such railroad are pending before Congress, or are about to be so pending during his term of office. Any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by a fine not exceeding $500, or by both, in the discretion of the court.

Mr. HOAR. Mr. President, I voted against this bill as it was originally proposed to the Senate, and I wish to state, in two or three minutes only, my reasons.

My relation to this subject is as absolutely impersonal as it can possibly be to any question which can come before the Senate. There are no land-grant railroads in Massachusetts, or in any of the States which border upon Massachusetts. It never has been, and it never will be likely to be my fortune to be employed or applied to for employment by that class of clients. I live in a city where there are five or six railroads converging, and it has of course happened to me occasionally to be employed by one or the other of those roads in times past, as it has a good deal more frequently to be employed against them.

The principle which lies at the bottom of this legislation is a question which affects the legislative policy not only in the National Legislature but in all the States. We do not make our legislators or members of Congress of monks. The theory of our Government, as of the English Government, from which we take most of our institutions, is that that is the best legislative body which contains the representatives of all the great interests of the country; that men are fitter to legislate who have by personal experience and the *course of their lives* that intimate knowledge which comes only from close interest of the things in which the people of the country or of the States they represent are interested. And it is especially the policy of this country, as of all free countries, to employ largely and chiefly in the framing of laws men whose life has been devoted to the study and to the administration of law.

As has been said so eloquently by the Senator from Alabama [Mr. MORGAN], the liberties of the Anglo-Saxon race in this country and in England have been won and vindicated and maintained through law, and through the instrumentality of men who are trained to administer law in the courts. Of about forty signers of the Declaration of Independence in this country over thirty were lawyers; of about the same number of men who framed the Constitution of the United States thirty-three, I think, had been practicing lawyers in their several States; and the great names, at the mention of which the heart of the American people is stirred, would nearly all disappear from our historical roll if the names of the great lawyers of the country were stricken from it.

I suppose also it is true that no reasonable man expects that men who come to this body or to the State legislative bodies will at once and forever abandon all the lucrative occupations and employments of life. The salary which we receive is not graduated by any such principle. It may be that a decent and moderate and frugal living can be had upon the salary which we provide for ourselves, and which the people of the country leave to us to fix for ourselves. But that is not all that we

have a right to expect. Men expect to be able to leave something to their children; to make a provision for their old age. It is not to be demanded of a man who accepts the place of Senator or Representative that he shall condemn his wife and children to step down from the condition in life to which they have been accustomed. We have a right to do our share in the charities of the community to which we belong; and we are expected, more than any other class of men, as the experience of every one here shows, to contribute our full share. We have a right, and are expected to take a lead, not merely by labor and by influence, but by contributions, in building up those thousand institutions of education, of charity, of ornament to the public which are built up by governments in other lands, but which it is the pride and glory of the American people are due to private charity and contribution and effort here. Twelve years ago the statistics of the Commissioner of Education showed that for educational purposes alone in this country there had been, I think, more than $11,000,000 contributed in a single year by private contribution. Is the member of Congress to condemn himself never to take a part or do a share in the things which all other good citizens so delight to do for the benefit of their generation and their race?

Mr. President, if that be true, you can not look in any single direction of employment or occupation from which the State or national legislator ought not to be excluded if the principle and the policy of this bill is to prevail. In my Commonwealth there are $290,000,000, according to the statistics published a week or two ago, owned in the savings-banks. The question of the taxation of those banks is an important one always, and their administration and their management. Is it to be prohibited to a member of the Massachusetts Legislature or to a member of Congress, which has had to deal with the same subject within recent years, to be counsel for a savings-bank? Here is the whole national-banking system coming constantly before this body; there is the question of the taxation of the banks. Does the Senator from Kentucky propose to exclude every member of Congress from the opportunity to give advice as counsel to a national banking corporation in his State? Here are the great manufacturing interests. Must every manufacturer in the United States lay down his occupation so long as he remains in Congress, from the fear that he will be charged with bias when he comes to perform the duty of dealing with the tariff or the tax on the manufacture of tobacco? Here is the commerce of the country. Are men engaged in the commerce of the country to be excluded also from legislation?

Mr. BECK. Does the Senator understand that I propose that?

Mr. HOAR. I say that the policy, the principle, the ground on which this bill proceeds, involves by its effect logically that result. That is my argument.

Mr. BECK. Now, to carry that into practical effect would result from the wisdom of the Judiciary Committee, to which I object.

Mr. HOAR. The Senator was not listening to what I said or he would not have made the interruption. Senators who did me the honor to listen understood the proposition.

What I say is this: That unless our National Legislature is to be made up of monks, or men condemned to withdraw themselves from all the occupations and employments of life, it is impossible that the principle on which this bill rests can be carried into practice. It applies equally to the same lines in the States; it applies equally to men engaged in manufactures; it applies equally to men engaged in commerce; it applies equally to the national bankers of the country. Whenever one of those vast interests comes before us for regulation, or for legislation, the man who has been engaged as counsel for any of the persons connected with any of these institutions, and the man whose own business is connected with any of those interests of manufacture or commerce has the same bias and a still larger bias than that which rests upon the mind of a counsel who happens to be employed for a particular class of railroads.

Why, Mr. President, one thing infinitely stronger in principle than that of this bill is the regulation of real estate in the District of Columbia. Here is this little ten-mile square District in which Congress, by the voluntary act of our legislature, relieves the holders of real estate altogether from one-half their tax. We lay out the roads; we pave the streets; we bring in the water; we regulate the gas, and the sewers, and the sidewalks on which these values depend. If any one thing ought, on the principle of this bill, to be punished, and to condemn a man to be sent to the State prison, it would be the holding of real estate within the limits of the District of Columbia; but nobody has ever yet thought of prohibiting that to the members of the Senate or the House of Representatives.

Mr. President, the one thing that we can do is exactly what my amendment proposes; and that is, where there is a personal interest distinct from that of the general public, to prohibit by the general parliamentary rule the Senator so interested from voting on the particular question; and where there is an interest so constant, so weighty, like that of being at the time the employed counsel of a particular client, to exclude his dealing with a question in which that client is concerned, and to leave the rest to the sense of propriety of the individual Senator and his regard for public opinion. There is not a suggestion that any member of either House of Congress at this moment anywhere is likely to undertake, ever has undertaken, ever will undertake an obligation which will be in violation of his duty or will put him under a condition of bias in regard to his legislative duty.

This bill is aimed wholly at a non-existent state of things, a state of things not existing and not likely to exist, and I object to it. I think it is an affront to the Senate of the United States and to the House of Representatives of the United States to pass a law which implies that there is a public evil of this kind which, if it exists, dishonors the individual Senator and dishonors the body to which that Senator belongs.

The Senator from Kentucky quoted the other day certain legislation on our statute-book prohibiting the bribery of voters and the other offenses which are the great temptation of legislation and political life. Unquestionably those legislative provisions are entirely proper, but what would be thought of it if some Senator should get up here and introduce a bill setting forth that if any Senator of the United States should pick the pocket of another Senator he should be sent to the penitentiary? The answer would be that you leave those things to the regulation of the general law of the land, and that the picking out, the singling out for infamous punishment members of the highest legislative body in the world is of itself an affront. Supposing such legislation to be necessary is an affront not only to that body but to the people who elect them and the nation whom they represent.

Mr. President, I am willing to go as far as to provide, with a moderate penalty, that when a land-grant railroad has legislation before this body the Senator who passes on that legislation shall not at that time hold to that particular road the relation of counsel and client. I think that is entirely unnecessary; I think that may be left with absolute safety to the sense of propriety of the members of this body, and to public opinion, and to the expulsive power of the Senate; but the question has been mooted, and as there has got abroad in consequence of what has been said here a feeling that there may be some such instances as that, I am perfectly willing to join with the Senator from Connecticut in passing an amendment like his or one like that I have myself proposed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia, in which it requested the concurrence of the Senate.

BENJAMIN OBEKIAH—VETO MESSAGE.

Mr. BUTLER. Mr. President——

The PRESIDING OFFICER. The Chair will lay before the Senate some executive messages, if the Senator from South Carolina will yield.

Mr. BUTLER. Certainly.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read:

EXECUTIVE MANSION, *January* 27, 1887.

To the Senate:

I hereby return without approval Senate bill No. 2173, entitled "An act granting a pension to Benjamin Obekiah."

This bill directs that the beneficiary named therein be placed upon the pension-roll subject to the provisions and limitations of the pension laws.

In July, 1886, the person named in this bill was placed upon the pension-roll at a rate determined upon by the Pension Bureau pursuant to the provisions and limitations of the pension laws; and it is entirely certain that the special act now presented to me would give the claimant no new rights or additional benefits.

GROVER CLEVELAND.

The PRESIDENT *pro tempore*. If there be no objection, the message will be printed and referred to the Committee on Pensions.

H. K. BELDING—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

EXECUTIVE MANSION, *January* 27, 1887.

To the Senate:

I herewith return without approval Senate bill No. 127, entitled "An act for the relief of H. K. Belding."

This bill directs the sum of $1,566 to be paid to the said H. K. Belding "for carrying the mails of the United States between the years 1858 and 1862."

In April, 1858, a contract was awarded to the said Belding for carrying the mails from Brownsville, Minn., to Carimona, in the same State, a distance of 63 miles, and return three times a week, for the sum of $1,800 per annum, said service to begin on the 1st day of July, 1858, and to terminate on the 30th day of June, 1862. This contract contained a provision that the Post-Office Department might discontinue the service in whole or in part, allowing to the contractor one month's extra pay therefor.

On May 9, 1859, in consequence of a failure on the part of the Congress to make the necessary appropriation, a general reduction of mail service was ordered and the service under the contract with the claimant was reduced to two trips per week from May 10, 1859, instead of three as stipulated in the contract, and a deduction of one-third of the annual sum to be paid by the contract was made for such reduced service, and thereupon one month's extra pay was allowed and paid the contractor on account of said reduction.

It is conceded that payment was made in full according to the terms of the contract up to the 10th day of May, 1859, but it is claimed that notwithstanding the reduction of the service to two trips per week and the receipt by the contractor of one month's extra pay by reason thereof, he continued to perform the full service of three trips per week from the 10th day of May, 1859, to the 30th day of September, 1860, being seventeen months. Of the sum directed to be paid to him in the bill under consideration $850 is allowed him on account of this service, he having been paid for the period stated at the rate of $1,200 per annum. The contractor claims that this full service was performed after the re-

duction by the Post-Office Department because he had received an intimation from the Postmaster-General that if the full service was continued after such reduction there was no doubt that the Congress would at its next session make provision for the payment of the sum deducted.

Of course no legal claim in favor of the contractor can be predicated upon the facts which he alleges; and if he did continue full service under the circumstances stated, it must be conceded that his conduct was hardly in accordance with the rules which regulate transactions of this kind.

But a thorough search of the correspondence and records in the Post-Office Department fails to disclose any letter, document, or record giving the least support to the allegation that any such intimation or assurance as is claimed was given; nor is there the least evidence in the Department that the full service was actually performed. There is, however, on the files of the Department a letter from the claimant, dated August 25, 1860, containing the following statement: "When I received official information of the curtailing service, the reasons why, I wrote to the Department that I would, if allowed, continue service three times a week, and take certificates if I could be allowed to connect with La Crosse at pro rata rates. That letter was never answered, and I continued service three times a week till 3d of September following, then run twice a week."

Thus it appears that this contractor who in August, 1860, claimed that he continued full service upon the invitation of his own unanswered letter for less than four months, insists, twenty-seven years after the date of the alleged service, that he performed such service for seventeen months and up to October, 1860. Not only has he himself in this manner almost conclusively shown that the claim now made and allowed is exorbitant, but the evidence gives rise to a strong presumption that it is entirely fictitious.

The remainder of the amount allowed to the claimant in this bill is based upon an alleged performance by the contractor of the same mail service which has been referred to, from October 1, 1860, to February 14, 1861, a period of four months and fourteen days. Prior to October 1, 1860, the claimant's contract was annulled, and a new or more extended route established entirely covering that upon which he had carried the mails. Thereupon a month's extra pay was allowed to him, and new contractors undertook the service, and were paid therefor by the Government for the period covered by the claimant's alleged service. From the 14th day of February, 1861, Mr. Belding's contract with the Government was reinstated, but if he performed the service alleged during the period of four months and fourteen days immediately prior to that date it is quite clear that he did so under an arrangement with the new contractors and not under circumstances creating any legal or equitable claim against the Government.

GROVER CLEVELAND.

BILL INTRODUCED.

Mr. BUTLER. Now, Mr. President——

Mr. BLAIR. I wish to make a motion in regard to the veto message on the pension bill.

The PRESIDENT *pro tempore*. It was ordered to be printed and referred to the Committee on Pensions.

Mr. BLAIR. I wish to say with reference to it that the ground of that veto message——

Mr. BUTLER. I ask what right the Senator from New Hampshire has to take me off the floor without permission? If he asked my permission very likely he would get it.

Mr. BLAIR. I do not understand the position of the Senator from South Carolina.

Mr. BUTLER. I object to the Senator's proceeding.

Mr. BLAIR. I inquire the ground of objection, and ask for order so that I can hear.

Mr. BUTLER. On the ground that I had the floor and the Senator from New Hampshire interposed without asking permission to proceed.

The PRESIDENT *pro tempore*. The Senator from South Carolina was recognized.

Mr. BLAIR. I did not understand any such statement by the Chair. I do not wish to trespass on any of the rights of the gentleman from South Carolina.

Mr. BUTLER. I ask permission at this time to introduce a bill with a view of having it referred.

The PRESIDENT *pro tempore*. Pending that question the Senator from New Hampshire——

Mr. BLAIR. I desire to make a statement with reference to the veto message, which I move to have referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. That order has already been made.

Mr. BLAIR. I did not understand it so. I rose to make the motion, but nobody did make the motion that I am aware of.

The PRESIDENT *pro tempore*. The Chair, as is customary, when the message was read, said, "If there be no objection the message will be printed and referred to the Committee on Pensions." The order has been made. The Senator from South Carolina asks unanimous consent to do what?

Mr. BUTLER. To introduce a bill.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. BUTLER introduced a bill (S. 3239) for the relief of the heirs of Thomas Black; which was read twice by its title, and referred to the Committee on Claims.

BENJAMIN OBEKIAH—VETO MESSAGE.

Mr. BLAIR. I move to reconsider the vote by which the veto message in the Obekiah case was referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. That is in order.

Mr. BLAIR. And on that motion I desire to be heard.

It will be observed that the ground of the veto of this pension bill is that some time in the month of July last, the bill being pending in Congress, the Pension Office allowed the claim, and that consequently as the claim has been allowed by the Pension Office there is no occasion for the passage of this bill, which very recently has been passed and has reached the Executive. This is the ground upon which several special acts that have been passed by Congress have been vetoed. I desire to say that these cases thus allowed by the Pension Office are cases which once have been disallowed by the Pension Office, and which having been disallowed by the Pension Office the claimant was obliged to come to Congress for relief. Whereupon the committees of Congress called upon the Pension Office for the papers and for the ground of the rejection; and it has been found that the attention of the Pension Office thus being called to the cases—which in many instances have been most grossly and absurdly rejected upon the evidence in the possession of the Pension Office—their attention having been called to these cases, and to the fact that the legislative power was overhauling their past work, have proceeded to allow the claims after bills have been pending in the two Houses. And then, after action by the two Houses or by one of the Houses, the bills being pending, the Pension Office having corrected its work and allowed these claims, has failed to give notice of its subsequent action.

The action of Congress in the first place being made necessary by the misconduct of the office, or of those who have dealt with the evidence on file there, the office confessing its error by reviewing and allowing the claim which had already been rejected, is then lacking in the ordinary courtesy of giving official information to Congress of the allowance of the claim. Thus these bills proceed to the Executive, who in several instances has veteod the bills, alleging the subsequent allowance by the Pension Office, and somewhat glorying in the fact that a large amount of money is saved by the action of the Pension Office and the Executive Department, and these claimants get that which they would fail to receive should the special acts become laws.

I call attention to this because it is a common practice, and I desire in this public way to call the attention of the Pension Office, of the Commissioner of Pensions particularly, to the propriety of his giving information to Congress of his own action in allowing these claims when his attention has been called to them by the endeavor to obtain special legislation, in order that it may not proceed to the extent of making it necessary for the Executive to veto these bills to the extent that he does. If we received notice of the allowance of these claims immediately after their allowance of course these bills would be dropped from the Calendar.

I now withdraw my motion to reconsider.

Mr. COCKRELL. Before that motion is withdrawn I wish to ask one question of the Senator.

Mr. HOAR. I have been claiming the floor for some time.

Mr. COCKRELL. Well; go on.

PENSIONS OF DISABLED SOLDIERS AND DEPENDENT PARENTS.

Mr. HOAR. Last night I entered a motion to reconsider the vote by which the Senate passed the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

The reason for entering that motion was this: That pension bill contains a clause providing a pension to the dependent parent of a deceased soldier provided such parent receives no contribution for his or her support from persons other than those bound by law to contribute thereto. In the New England States every lineal descendant and every lineal ancestor being of sufficient ability is bound to contribute to the support of the descendant or the parent or other ancestor—not necessarily bound to provide for the entire support, but bound to contribute according to his or her ability.

Mr. EDMUNDS. To the extent of his or her capacity.

Mr. HOAR. To the extent of his or her capacity by legal process in the courts. In many of the States in the West and South there is no such law. The result is that the dependent Massachusetts mother or father who was formerly dependent on a deceased soldier to whose support a son who may be poor and illiterate contributes $10 a year, or $5, can not get a pension, while the mother of a millionaire in Iowa——

Mr. ALLISON. We do not have any millionaires in Iowa.

Mr. HOAR. May receive a pension although that son is furnishing an abundant and ample support and is able to do it. It is a great injustice therefore to those States, and I had proposed to move to amend the bill in that respect; but after consulting with my colleague and some other Senators it has been thought best at this late period of the session not to imperil the passage of this bill, which was passed by almost a unanimous vote through the Senate, by sending it back to the House amended. I desire, however, to have it appear that the representatives of the community that is interested did not overlook their interests in this respect. I therefore will withdraw the motion and look to some subsequent legislation to remedy this evil.

The PRESIDENT *pro tempore*. The motion to reconsider is withdrawn.

Mr. HARRIS. Does not the withdrawal require unanimous consent?

Mr. ALLISON. Mr. President, I move that the Senate adjourn.

Mr. COCKRELL. I wish to ask the Senator from New Hampshire a question about the veto.

Mr. ALLISON. I will yield to a single question for a single minute.

Mr. COCKRELL. I will not take advantage of anything like that. I will reply in the morning.

Mr. ALLISON. Then I move an adjournment.

Mr. COCKRELL. If we are to have a slur cast on the President and the administration——

The PRESIDENT *pro tempore*. The Chair asks the Senator from Iowa to yield a moment, till he lays before the Senate——

Mr. COCKRELL. If the motion to adjourn is pending, let it be put.

Mr. EDMUNDS. The Chair can lay that House bill before the Senate to-morrow.

The PRESIDENT *pro tempore*. One veto message of the President has not been disposed of; it will lie on the table. The Senator from Iowa [Mr. ALLISON] moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 29, at 12 o'clock m.

SENATE.

SATURDAY, *January* 29, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. PLATT presented the credentials of JOSEPH R. HAWLEY, chosen by the Legislature of Connecticut a Senator from that State for the term beginning March 4, 1887; which were read, and ordered to be placed on file.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State, transmitting a letter from the Secretary of the Navy relative to the acceptance by Capt. Edward P. Lull, United States Navy, of a diploma presented to him by the President of the State of Panama; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 21, 1887, a report of the Commissioner of the General Land Office as to the withdrawal from settlement of certain public lands in Oregon and attaching them to the Warm Springs Indian reservation; which, on motion of Mr. MITCHELL, of Oregon, was, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia, received yesterday from the House of Representatives, was read twice by its title, and referred to the Committee on the District of Columbia.

PORT OF DELIVERY AT LEWES, DEL.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2256) to create a port of delivery at Lewes, Del., which was, in line 4, before the word "clear," to strike out the words "enter and;" so as to make the bill read:

Be it enacted, &c., That Lewes, in the State of Delaware, shall be, and is hereby, constituted a port of delivery within the collection district of Delaware; and the deputy collector of customs stationed there shall have power to clear all vessels, whether foreign or domestic, coming to that port.

Mr. GRAY. I move that the Senate disagree to the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. GORMAN, Mr. MCMILLAN, and Mr. GRAY were appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the National Board of Trade in favor of a world's exposition in 1892 in honor of the four hundredth anniversary of the discovery of America; which were referred to the Select Committee on the Centennial of the Constitution and the Discovery of America, and ordered to be printed.

He also presented a petition of citizens of Huron, Ohio, praying for the passage of the bill conferring upon the people of the District of Columbia the right to vote on the question as to whether liquor shall be manufactured and sold in the District; which was referred to the Committee on the District of Columbia.

He also presented the petition of William McDaniel, late a private in Company F, Fifth Regiment United States Colored Troops, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. FARWELL presented the petition of George H. Blair and 20 citizens of Alsey, Ill.; the petition of Jasper Johnson and 17 citizens of Greenfield, Ill.; the petition of L. F. Houck and 7 citizens of Harristown, Ill.; the petition of Joseph Rea and 10 citizens of Carrollton, Ill.; and the petition of W. S. Wilkerson and 8 citizens of Medora, Ill., praying for the reduction of the special taxes on oleomargarine, and asking that the same may be equalized so that the wholesale dealers shall not pay $480 a year while wholesale tobacco dealers pay only $12 a year; which were referred to the Committee on Agriculture and Forestry.

Mr. WILLIAMS. I present the petition of Mansfield Post, No. 75, Grand Army of the Republic, Red Bluff, Cal., praying for the passage of the so-called Edmunds-Tucker bill on the subject of polygamy. As the bill is in conference, I move that the petition lie on the table.

The motion was agreed to.

Mr. PALMER presented the petition of Ralph Fluent and 54 other citizens of Cadillac, Mich., praying for a reduction of the special taxes and for the repeal of "the monopolistic and prohibitory features" of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. SABIN. I present a joint resolution of the Legislature of Minnesota, relating to the improvement of water-ways, &c., in which they ask that Congress, at the present session, shall make liberal allowances for the work on the upper reaches of the Mississippi, the reservoir system, the Minnesota River, the Red River of the North, the Saint Croix and Chippewa Rivers, the harbors of Lake Superior, the Sault Sainte Marie Canal, Hay Lake Channel, and Saint Clair Flats, together with such other works as shall tend to open up our water routes to and from the markets of the world. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES presented the petition of the J. C. Ayer Company, of Lowell, Mass., praying for the reduction and repeal, if possible, of all internal-revenue taxes; which was referred to the Committee on Finance.

Mr. PAYNE presented the petition of Rev. Walter Ross and 34 other citizens of Bolivar, Ohio; the petition of J. E. Hopkins and 28 other citizens of Cincinnati, Ohio; and the petition of C. B. Ramser and 19 other citizens of Youngstown, Ohio, praying for a reduction of the special taxes on oleomargarine, and that the same may be equalized so that wholesale dealers in oleomargarine shall not pay $480 a year while wholesale tobacco dealers pay only $12 a year; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Rev. R. S. Ball and 24 other citizens of Huron, Ohio, praying for the passage of the bill introduced by Senator COLQUITT providing for local option in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CALL. I present a petition, with accompanying papers, from citizens of Key West and the Key West Board of Trade, praying for an additional appropriation for the construction of a public building provided for by act of Congress at that place.

The petition states, and has data showing the fact, that there was collected in 1886 $613,609.75 of customs dues, having increased from 1883 to 1886 nearly three times in amount. It also states that there is a large amount of public business done there in the admiralty courts and a large amount of shipping congregated there, having business at the custom-house, it being a place of stoppage for vessels navigating the Gulf of Mexico. It states that the present appropriation by reason of these facts, and for other reasons is entirely inadequate for the construction of a building suitable for the public business at that place.

I move the reference of the petition, with the accompanying documents, to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. BLAIR presented a petition of presidents of banks, land companies, real-estate agents, capitalists, merchants, and business firms of Birmingham, Ala., praying that an appropriation be made in aid of the Colored People's Exposition, to be held at Birmingham, Ala., in 1887; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. WHITTHORNE, from the Committee on Claims, to whom was referred the bill (H. R. 8597) for the relief of Henry Neal, reported it without amendment, and submitted a report thereon.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 3084) for the protection of the morals of minors in the District of Columbia, reported it with amendments.

BILLS INTRODUCED.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3240) making an appropriation for the establishment of a life-saving station and providing for a life-saving crew at Yaquina Bay, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BOWEN introduced a bill (S. 3241) granting to the Denver and Rio Grande Railway Company the right of way through the United States military reservation at Fort Crawford, in the Uncompahgre val-

ley, in the State of Colorado; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 3242) to increase the pension of Daniel Fike; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CONGER submitted an amendment intended to be proposed by him to the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and to create an executive department to be known as the department of agriculture and labor; which was ordered to be printed, and lie on the table.

Mr. BOWEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, it was

Ordered, That Franklin Jordan have leave to withdraw his papers from the files of the Senate, subject to the rules.

On motion of Mr. HOAR, it was

Ordered, That the petition of Henry J. White, with the accompanying papers, be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

NAVY REGISTER FOR 1887.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 additional copies of the Navy Register for 1887 be printed for the use of the Senate.

ARMY REGISTER FOR 1887.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 additional copies of the Army Register for 1887 be printed for the use of the Senate.

CONSIDERATION OF HOUSE BILLS.

Mr. HARRIS. I offer a resolution and ask that it be printed and lie on the table, and I shall ask the Senate to consider it on Monday morning.

The resolution was read, as follows:

Resolved, That at the conclusion of the morning business for each day the Senate proceed to the consideration of House bills and joint resolutions favorably reported on the Calendar, and continue such consideration until 2 o'clock, under the provisions of Rule VIII, until the Calendar of such bills and resolutions has been completed.

The PRESIDENT *pro tempore*. The resolution will be printed and lie on the table.

REJECTION OF PENSION CLAIMS.

Mr. CALL. If it be in order now, I move that the Senate proceed to the consideration of the resolution which I have discussed before the Senate on several different occasions, relating to a Florida land grant.

The PRESIDENT *pro tempore*. Before that motion is put the Chair is required by the rules to lay before the Senate a resolution which comes over under objection. The resolution submitted yesterday by the Senator from Kansas [Mr. PLUMB] will be reported.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether there is any rule of his Department applied in the Pension Bureau or any rule of said bureau existing and applied with his knowledge or consent whereby any applicant for pension is denied a hearing in said bureau concerning his claim by reason of said applicant having petitioned Congress for relief.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HARRIS. I hope the Senator from Florida will not interpose his motion until 2 o'clock, and let us proceed with the Calendar.

Mr. CALL. I have no objection if it can be agreed to take up my resolution at that time.

The PRESIDENT *pro tempore*. The resolution now before the Senate is the one offered by the Senator from Kansas [Mr. PLUMB] yesterday.

Mr. HARRIS. I was addressing myself to the motion of the Senator from Florida.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution submitted by the Senator from Kansas.

Mr. COCKRELL. I wish to suggest an amendment to the resolution. I should like the information to be a little more specific. The resolution reads:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether there is any rule of his Department applied in the Pension Bureau, or any rule of said bureau existing and applied with his knowledge or consent, whereby any applicant for pension is denied a hearing in said bureau concerning his claim by reason of said applicant having petitioned Congress for relief,

I move to amend the resolution by adding to it:

And if there be no such rule, then to inform the Senate who wrote the letter of January 24, 1887, touching the pension claim of David C. Canfield, and when such employé was appointed to a position in the Pension Office.

Mr. MCMILLAN. May I inquire if that letter is not signed by the Commissioner of Pensions?

Mr. COCKRELL. Yes, sir; it is signed by the Commissioner of Pensions.

Mr. MCMILLAN. Is there any doubt about his signature?

Mr. COCKRELL. None in the world, sir.

Mr. MCMILLAN. The Senator from Kansas [Mr. PLUMB] is not in his seat, and I do not know why——

Mr. COCKRELL. But I would presume that the distinguished Senator from Minnesota knew enough about the business in the Pension Office to know that the Commissioner of Pensions does not write or personally read one out of a hundred of the letters which are sent out from that office; that they are prepared by subordinates in the office and go through the division, and when they have thus passed they are signed as a matter of course by the Commissioner.

Mr. MCMILLAN. My attention was called to the subject of these communications from the Bureau of Pensions by some remarks made in the Senate the other day by the Senator from New Hampshire [Mr. BLAIR]. I thought from the tenor of those remarks that this letter was just in the same line, and I could see no reason why we might not presume that the letter was written by the Commissioner, or that he knew its contents at the time he signed it, as I suppose he did.

Mr. INGALLS. May I ask a question, having been out of the Chamber for a moment? Is this the resolution offered by my colleague yesterday?

Mr. COCKRELL. It is.

Mr. INGALLS. My colleague is unavoidably absent this morning, and requested me yesterday if this resolution came up in his absence to ask that it might go over until his return on Monday; and as an amendment is to be proposed, I ask that that course may be taken.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will go over without losing its right to be laid before the Senate on Monday.

Mr. BLAIR. Upon this point I will say to the Senator from Missouri, and suggest to the colleague of the Senator from Kansas, who is absent, that the resolution does not cover the real point at which the Senator from Kansas is aiming.

There is no regulation in the Pension Office which prevents the consideration of an application for a pension there by reason of the applicant having petitioned Congress for a hearing; but when a special act granting relief has been allowed, I understand by a new ruling, by new action instituted during the present Administration, the fact that a special act has been passed, taking effect from its passage, cuts off the applicant from any prosecution for his arrears under the application pending in the Pension Office. Hitherto it had always been the custom where a special act was passed giving relief from the date of its passage to still permit the prosecution of the original claim in the Pension Office, and if the proof was supplied them the claim for arrears as covered by the original application in the office was allowed. The real grievance is the introduction of this new rule, which works injustice in a great many cases.

Mr. TELLER. I think the Senator from New Hampshire has not looked into this resolution. This resolution is directed at a different thing from what the Senator is speaking of. The question is, is there a rule in the Department which will prohibit the Department from taking up and examining a case where the applicant has petitioned Congress; and nothing more.

Mr. BLAIR. I stated that——

Mr. TELLER. I should like to say, if the Senator will wait, that there is no such rule that I know of in the Department. There was none when I was engaged in that Department.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor.

Mr. BLAIR. I was suggesting that there was no such rule and no such practice when the Senator had charge of the Department; but the case is this——

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor.

Mr. TELLER. I ask the Senator to wait until I get through. The Senator says there is no such practice, when a letter was read here yesterday, signed by the Commissioner, saying that because the party had petitioned Congress to have a special act passed he had forfeited his right to be heard in the office. The resolution is directed to that inquiry, to determine whether that is the result of some order in the office or some misadventure in the office.

Mr. BLAIR. I do not believe there is any such rule in the office as that.

The PRESIDENT *pro tempore*. The resolution is laid upon the table for the present.

BENJAMIN OBEKIAH—VETO MESSAGE.

Mr. COCKRELL. I desire to enter a motion to reconsider the vote by which the President's message vetoing the bill (S. 2173) granting a pension to Benjamin Obekiah was referred to the Committee on Pensions. I wish to have the motion entered that action may be had upon it hereafter.

The PRESIDENT *pro tempore*. The Senator from Missouri enters a motion to reconsider the vote referred to, which he has a right to do under the rule.

ORDER OF BUSINESS.

Mr. CALL. I now move to proceed to the consideration of the resolution instructing the Attorney-General to bring suit for an injunction against the Florida Railway and Navigation Company.

The PRESIDENT *pro tempore*. The morning business having closed, the Calendar is pending under the eighth rule, and the Senator from Florida moves——

Mr. VEST. What has become of the bill that was pending yesterday at the close of the morning hour?

The PRESIDENT *pro tempore*. The Chair is of the opinion that that is the first case on the Calendar to be called. Pending that question, the Senator from Florida makes a motion to proceed to the consideration of a resolution heretofore submitted by him.

Mr. HARRIS. I understood the Senator from Florida to say that if he could have an understanding that his resolution would be considered after 2 o'clock he would not insist upon his motion now. I should be very glad if the Senate would consent to consider the Senator's resolution after 2 o'clock, so that we may proceed with the Calendar until that time.

Mr. BERRY. In the absence of the Senator from Kentucky [Mr. BECK] I shall have to object to any arrangement which would displace the railroad attorneys bill.

The PRESIDENT *pro tempore*. Does the Senator from Florida withdraw his motion?

Mr. CALL. I do not, unless I can have such an understanding. I only desire to say that this is a resolution of great importance——

Mr. MANDERSON. It is utterly impossible to hear the Senator on this side of the Chamber. I desire to know with what bill he proposes to antagonize the bill that was under consideration during the morning hour yesterday.

The PRESIDENT *pro tempore*. The Senate will please come to order.

Mr. CALL. I am asking for the consideration of the resolution which I have discussed before the Senate, instructing the Attorney-General to bring suit to prevent the sale of the lands contained in the Florida Railroad land grant of 1856, pending the consideration of a forfeiture bill in Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion submitted by the Senator from Florida.

Mr. TELLER. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. TELLER. I wish to inquire whether the Senator from Florida simply wants to continue his remarks or whether he expects a vote on the resolution.

Mr. CALL. I should like to have a vote upon it.

Mr. TELLER. I understand that the Senator from Alabama [Mr. MORGAN], who is not in the Chamber at this time, desires to make some remarks on the resolution.

Mr. VEST. The Senator from Alabama [Mr. MORGAN] is part of the way through his speech. He was taken off the floor on this very resolution, and he claims the floor when the resolution comes up for the purpose of continuing the debate. That is the state of the case.

Mr. TELLER. Certainly. I understood that he was ready to go on, and it would not be fair to take up the resolution in his absence.

Mr. CALL. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn, and the first bill on the Calendar under the eighth rule is before the Senate for consideration.

YELLOWSTONE NATIONAL PARK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

The PRESIDENT *pro tempore*. If no amendment be proposed, the bill will be reported to the Senate.

Mr. BUTLER. Let it be read.

The PRESIDENT *pro tempore*. The bill was read in full yesterday.

Mr. INGALLS. Are we now on the Calendar of General Orders?

The PRESIDENT *pro tempore*. This bill was taken up by a vote of the Senate, having been reached on the Calendar under the eighth rule. It was taken up by a vote of the Senate after objection, and has been read at length.

Mr. INGALLS. I thought it fell at 2 o'clock yesterday.

The PRESIDENT *pro tempore*. Still, it retained its place on the Calendar.

Mr. INGALLS. Certainly; but the fact of its having been taken up yesterday did not make it the unfinished business this morning.

The PRESIDENT *pro tempore*. Not at all, except that it is first on the Calendar. If no amendment be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading.

Mr. VAN WYCK. Mr. President, I did not understand from the consideration of the bill yesterday, for it was considered but a little while, to what extent this realignment affects the surface or the territory of the park—whether it increases or diminishes it. Do I understand that it diminishes or increases the quantity of land within the park?

Mr. MANDERSON. As was explained quite fully yesterday, I will say, in answer to my colleague's question, that the bill does extend the limits of the park about 30 miles to the eastward and about 20 miles to the southward, on the recommendations made by the Interior Department.

Mr. VAN WYCK. In the northern section does it increase or diminish it?

Mr. MANDERSON. It diminishes it in the northern section.

Mr. VAN WYCK. It increases it on two sides and diminishes it on the north?

Mr. MANDERSON. Yes; it diminishes it to a small extent on the north.

Mr. VAN WYCK. There was, perhaps, so much noise in the Chamber yesterday that I could not understand the reason or necessity for this diminution of territory upon the north. Why diminish it on the north? I do not understand the reason given.

Mr. MANDERSON. I shall be much pleased to explain my own view of the matter to the Senator, if he desires it.

Mr. VAN WYCK. But I thought there was some reason given for diminishing it. What was it?

Mr. MANDERSON. There is abundant reason, which can be readily suggested if desired.

Mr. VAN WYCK. I should like to know why the boundaries of the park have been interfered with. That I can not understand. We have been admonished time and again in this Chamber that there is something sacred, as there may be, about this park, either to enter it or to go out from it. If that be the case, and it was so important that it should not be invaded or attacked anywhere, I do not know why the proposition is now made to realign the park and make it larger on two sides and diminish it upon another. I do not understand what is the necessity for it. I might understand why it should be increased on the east and the south, as has been stated, but why the line should be withdrawn on the north I can not understand. I know there has been an effort made to obtain privileges for a railroad to enter the park. Is the line withdrawn on the north so as to give room there that the railroad may enter and not be compelled to come within the lines of the territory of the park? Has the Senator from Missouri a map?

Mr. VEST. Yes, sir; here is the map. [Exhibiting.]

Mr. VAN WYCK. Where is it on the map? [Examining.]

Mr. VEST. It is about 2 miles.

Mr. VAN WYCK. It is about 2 miles. There has been very much discussion on the subject of the Yellowstone Park; there has been very much legislation about it, and very much proposed legislation. When we supposed the legislation was complete, when there was a law to protect the territory, to protect the animals, and to protect the scenery placed under the control of the Secretary of the Interior, to protect the leasing of certain portions for hotel accommodations, and the attention of the nation time after time directed to it and legislation of Congress time after time, and when application was made, however justly I know not, I do not pretend to say, that railroads should enter there, we have been told that the park was so sacred that it must not be invaded or interfered with in any particular.

Now we have a revising of the line, and there must be some purpose and object in it. It was large before. Now it has been extended 30 miles, I understand, on one side and 20 miles upon another. If the park required additional size, why is it that the line has been drawn down 2 miles on the north? Why 2 miles? Why is it drawn down at all is the question that I certainly should like to understand. If the park was perfect before in all its proportions, perfect in size, with all the natural scenery that should be preserved, with territory for animals to roam in, why is it necessary upon two sides to enlarge it and upon another side to diminish its area?

I should like to know whether the purpose of this measure is that 2 miles are taken off from the north, and the park is to be diminished that much in territory in order that the proposed railroad which Congress thought ought not to enter the park may come in? If that be so, it certainly is as dangerous to the park to have it there without as within the limits of the park. If the railroad is calculated to burn the grasses, to burn the forest, and the whistle of its engine to scare off the wild animals from the territory, it is just as susceptible of that criticism whether these 2 miles are run down out of the park in order

to enable the railroad to enter the territory. If 30 miles there are necessary upon the east and 20 miles more upon the south, why is it necessary to withdraw from the north 2 miles?

As I said before, an explanation may have been made but I did not so understand it, and I should like to know before voting on this proposition whether it is really to give this railroad what it could not get before, an entrance substantially into the park?

Mr. MANDERSON. I feel like responding to the very proper inquiry of my colleague in reference to this matter, although my response would be largely a repetition of what was suggested by me yesterday on the subject.

The Yellowstone Park was laid out by virtue of the act of March 1, 1872, and if my colleague will refer to sections 2474 and 2475 of the Revised Statutes he will see that when the act was passed there was a very indefinite description of the boundaries of the park—one so indefinite that it would be extremely difficult to decide in the event of a crime or misdemeanor committed whether it was within or outside the limits of the park. I will read the description which we seek to remedy. The statute says:

SEC. 2474. The tract of land in the Territories of Montana and Wyoming, lying near the headwaters of the Yellowstone River, and described as follows, to wit, commencing at the junction of Gardiner's River with the Yellowstone River, and running east to the meridian passing 10 miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing 10 miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing 15 miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning.

That was the description, and because of its reference to the east and southern points of the Yellowstone Lake and the western point of Madison Lake, it described a movable boundary; one that might vary with the receding or the increase of the waters of those lakes, and it was, therefore, clearly objectionable. It was the best description perhaps that could then have been given, because of the fact that the boundary line of the Territories of Idaho, Wyoming, and Montana had not at that time been surveyed by the officers of the Government of the United States. Therefore it was that this indefinite description, being the best that could then be given, was supplied in the law. It was believed at the time that all of the park was contained within the limits of Wyoming, but it was not so.

This proposition to change and more clearly define the boundaries of the park is no new thing. The effort has been made for many Congresses, and I think in every one of the numerous bills relating to the park presented by the Senator from Missouri [Mr. VEST] this change of boundary, or one very similar, has been suggested.

The change has been considered advisable by the Interior Department, and I believe it to be very desirable that whatever is reserved from the public domain for the purposes of this park shall be within only one of the Territories of the United States. Under this indefinite description it was found that a small strip of land, about one and a half miles in width, was in the Territory of Montana, and a small strip of land, about half a mile in width, was between the eastern boundary line of the Territory of Idaho and the western boundary of the park; and my colleague, having a map before him, can readily see that here was this large body of land constituting the park with this small strip of half a mile between its western boundary and the boundary line between Wyoming and Idaho, and a piece of land, perhaps 20 miles in length by one and a half in width, in Montana. Therefore there came about a constant conflict of jurisdiction, and both Montana and Wyoming Territories have been seeking to extend their criminal laws and the jurisdiction of their courts over this park.

It certainly seemed well, by reason of this jurisdictional difficulty, that if it was possible to confine this excluded territory, this reserved portion of the public domain, within the limit of one Territory, it was desirable to do so.

I might further say that this strip of one and a half miles contains nothing of interest to the sight-seer or the tourist. There are none of the great natural curiosities of the park in this strip, and its cutting off has nothing whatever to do with railroad legislation, as suggested by my colleague, which railroad legislation I have heartily opposed. I do not see how it affects railroad construction in the least degree. The park is extended to the south and east because there is a body of land there which is the natural resort of the game, which is greatly increasing, if we are to believe the reports of the superintendent of the park and of the cavalry captain who has had the park in charge during the last year.

During the late fall and winter seasons of each year the game leaves the higher elevations, the broad plateaus 7,000 or 8,000 feet above the sea level, goes to this lower territory to the east and south, and there enters into the valleys and cañons of that wild region. This matter is very fully as well as succinctly explained in a letter I have in my hand, written by Mr. Arnold Hague, of the Geological Survey, a gentleman who has more detailed information with reference to this park and of the means proper for its preservation than any other man. He suggests that which, it seems to me, every settler upon the Missouri River will be interested in, that it is absolutely necessary, to protect those who live upon the banks of these great rivers of the West, that this park with its many square miles of forest should be retained; that if the sides of the mountains and the high plains shall be denuded of forest trees the result will be occasional floods by reason of the rapid melting of the snows that will work great destruction to the inhabitants along the Missouri River. I will read his letter, as it gives more particularly the reasons for the extension and the change in the boundary line of the park:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., February 4, 1886.

YELLOWSTONE NATIONAL PARK SURVEY.

SIR: A bill for the protection and better regulation of the Yellowstone National Park has recently been introduced by Senator VEST into the United States Senate. Knowing your keen appreciation of the value of the park, I desire to call your attention to one or two points which seem to be of the utmost consequence in carrying out the purposes for which the park was originally set apart and has since been maintained.

In order to accomplish these purposes the most essential features in the new bill are those which relate to the enlargement of the park and the sharper definition of its boundaries. In the original bill creating the park the boundaries are loosely stated. A better acquaintance with the country enables us to say more intelligently where the boundaries should be drawn, while experience shows that to avoid encroachments on the reservations they should be more sharply defined by law and the lines accurately run.

In this respect the present bill meets all the requirements of the park. For the purposes for which the park was set aside the present area is far too small.

In my opinion the object of first importance in maintaining the Yellowstone Park is the preservation of the forests. The question of timber preservation is one which is gradually attracting more and more attention in all the more settled parts of the country. The necessity for some proper restrictions rigidly enforced is now very generally admitted. In the far West, where such immense tracts of country are treeless areas, it is all the more necessary that some carefully-considered restrictions should be placed upon the indiscriminate cutting of timber from the public domain. It seems equally necessary that certain areas favorably situated for the growth of trees should be set aside forever as forest reservations. In the settled parts of the country, owing to the many conflicting interests, proper protection by legislation is a matter of great difficulty. It is sufficient to call your attention to the long struggle going on in New York State in the attempt to preserve by legislative enactment the forests of the Adirondacks. That there should be some additional restrictions in the cutting of timber has been very generally admitted, but to control the matter with due regard to the rights of all is by no means easy to accomplish. Commissioners appointed by the State of New York to investigate the present condition of these forests and the needs of the country urgently recommend immediate action placing the timber region under State control in order to maintain an equable supply of water for the Hudson River.

To-day no such difficulties exist against forever setting apart the country in the immediate vicinity of the park, while the reasons for so doing are manifest to all who have given the subject any attention.

The Yellowstone National Park is most admirably adapted for a forest reservation. It is a broad, undulating plateau, varying in altitude from 7,000 to 8,000 feet above sea-level; surrounded on nearly all sides by mountains rising from 2,000 to 4,000 feet above the general level of the country. Across this plateau the continental watershed runs with a very winding course from the southeast to the northwest. Two great rivers, the Yellowstone and the Snake, which ultimately drain into the Missouri and Columbia, have their sources here on the plateau; the former in Yellowstone Lake, and the latter in Shoshone Lake. Yellowstone Lake covers nearly 125 miles of surface, while Shoshone, with very irregular outlines, measures more than 6 miles in length.

Hundreds of smaller lakes lie scattered over the plateau and mountains, and innumerable springs feed these lakes and rivers. Over three thousand thermal springs are known within the park. No region in the Rocky Mountains is better favored in its supply of water, the rain and snow fall being unsurpassed in any area of equal extent. Nearly all precipitation between the middle of September and the first of May falls in the form of snow, which lies upon the ground well into the summer. This broad, elevated mountain mass is so situated as to gather the storms which center in the northern Rocky Mountains, and the topographical structure of the region enables it to retain the waters. For the storing up of this water and regulating its flow the forests are of immense value. It is unnecessary here to enter at length into a discussion of the influence of the forests upon the supply of water. In a few words, this great body of snow is largely protected from the direct rays of the sun and sheltered from the dry winds blowing from the westward. In consequence the snow melts gradually and the water percolates through the soil and vegetation, slowly finding its way to the springs and large reservoirs.

Remove the forests the snows would rapidly disappear. Damaging freshets would carry off the water in the early spring, leaving the country arid and parched. Dry westerly winds would take up the snow, precipitating the moisture farther to the eastward over country already supplied. Without the trees the soil would soon be washed away, leaving the country unfit for vegetation. The report of the recent forestry commission for the State of New York says "that the summer flow of the Adirondack rivers has decreased within the memory of men now living from 30 to 50 per cent. Many of the small streams, which a quarter of a century ago were abundantly supplied with water during the entire summer, are now usually dry during many months." In my opinion, owing to the extreme dryness of the atmosphere, the disafforesting of the country around the sources of the Missouri and Columbia would cause, relatively, a far greater diminution *in the flow of water than observed near* the sources of the Hudson.

Every precaution, then, should be taken to preserve the natural reservoirs of these great rivers sending their waters to the Atlantic and Pacific. If, in the future, the lower Yellowstone Valley is ever settled with any considerable population they will require all the water stored up in this favored region. It is not only necessary, then, that the forests within the limits of the park should be preserved, but that the area of the park should be enlarged so as to include the immediate country along the sources of all streams draining into Yellowstone Lake, the east fork of the Yellowstone River, and the headwaters of the numerous southern branches of Clark Fork and the Stinking Water.

The country to the eastward of the present boundary of the park, which, by the bill now before Congress, it is intended to add to the reservation, is one of the most Alpine and rugged regions of the West. It consists mainly of a single mountain range with peaks rising from 11,000 to 12,000 feet above sea-level. It is one of the principal ranges of the Rocky Mountain system. Snow lies on the higher summits all the year. It is a country of great natural beauty, but useless for agricultural purposes. Although the eastern foot-hills were among the frequented resorts of the earliest trappers and fur-hunters, the mountains, owing to their inaccessible nature, remain to-day one of the least visited regions of the Northwest. So far as known the mountains carry no minerals of economic importance, and, judging from the volcanic character of the country, the indications are against any discovery of valuable ore-bodies. These mountains are useless for settlement, and should be withdrawn from the public lands.

On the other hand, the slopes are densely covered with timber and forest vegetation on the west side, and large volumes of water pour into the Upper Yellowstone through Soda Butte, Cache, Calfee, and Miller Creeks and the East Fork. On the east side, Crandall, Sunlight, and Dead Indian Creeks contribute to Clark's Fork, while the Stinking Water drains a large area of country for the Big Horn, the water ultimately reaching the Lower Yellowstone River. Encroachments upon these forests will soon be made if not immediately protected by Congressional legislation.

According to the report of the special agent of the last census upon the forests of the country nearly 60,000,000 railway ties are annually consumed by the old and new lines of railway. In the far West they are usually dependent upon young trees, from ten to twelve inches in diameter. It is estimated that each tree furnishes, on an average, only two ties. In Montana and Wyoming the demand for railway ties is largely supplied by the tamarack or black pine (*Pinus Murrayana*), the variety most abundant in the country immediately adjoining the Yellowstone Park. In a year of active railway building in the West the destruction of vigorous young trees must be counted by millions. By the same authority it is estimated that the injury to woodlands destroyed by fire during the census year in Montana amounted to $1,128,000 and in Wyoming to $3,255,000. In this wholesale destruction it is not easy to calculate the permanent injury to the country.

Another source of injury to the forest near mining centers of the West is the enormous consumption of charcoal in smelting furnaces. A country devastated by the charcoal burner is a dreary waste. The number of large smelting furnaces, however, are so scattered over the country that permanent injury, except in a few cases, may not be considered as serious. Cooke City, a small, undeveloped mining camp just outside the northeast corner of the park, is already supplied with a furnace. If the place should ever develop into a prosperous mining district, the demand for charcoal may become an important industry. The need of forest conservation is so urgent in the region of the Yellowstone Park that every precaution should be taken at once to restrict the cutting of timber within the area proposed to be added to the park. As there are large tracts of timber to the north and east of Cooke City, this could be done without the slightest detriment to mining developments.

Another important object to be gained by the enlargement of the Yellowstone Park is the preservation of wild game. Any one familiar with the disappearance of the game of the Rocky Mountains during the last twenty years must be fully impressed with the necessity of rigidly enforcing the game laws in the park if we wish to preserve, in a state of nature, those animals which are rapidly becoming extinct.

What we want is not an artificial zoological garden, but a natural zoological reservation sufficiently large to allow all wild animals to run free without molestation. For this purpose the present area is too small. The country around the Hot Springs, the geyser basins, and the plateau between the geyser basins and the Yellowstone Lake affords insufficient grazing ground for any large number of game. This country never was an attractive haunt for game. On the other hand, such grand mountains as Mount Sheridan and Mount Washburne, rising out of the plateau, and the high country surrounding the park afford one of the finest game regions of the West. The Absaraka or Shoshone range, just to the east of the present park boundary, is a favorite resort for deer, elk, bear, and mountain sheep. The latter are rarely seen on the park plateau, but are abundant on the high peaks and crags to the eastward. A great deal of shooting has been done here within the last two or three years. Its protection is certainly very desirable.

The country immediately to the south of the present southern boundary abounds in sheep and elk. It seems to be a favorite breeding ground for elk. This past season a thousand or fifteen hundred cows and young elk were feeding there throughout the summer. Buffalo are rapidly disappearing from the northwest country. All trustworthy accounts agree that there still remain only a few small struggling herds. There are at present, and have been for several years, two or three herds of buffalo, of not more than sixty each, roaming in the park. They are probably remnants of much larger herds, driven from the plains and valleys below, seeking protection in less frequented resorts. They frequently cross the border, traveling short distances for grazing purposes, always returning to the park for protection. To protect them the country where they roam should be included within the park area. A few small bands of moose, although rarely seen, inhabit the marshes on the headwaters of Fall River, in the southwest corner of the park. They can easily be protected if the park is extended southward to the forty-fourth parallel of latitude, as contemplated by the new bill. By rigidly enforcing the game laws the park will, in a few years, become so densely stocked that the surplus, seeking new haunts, will run outside the limits for its own protection. In this way ample sport will be afforded the hunter shooting under Territorial game laws.

One of the objects in creating the Yellowstone Park is stated in the original law in these words, "dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people." To accomplish these purposes in their fullest extent it is necessary that the park should be enlarged to include the high mountain country to the east and south. The present park area, while including some very grand scenery, and containing all the phenomenal objects of interest to be found in this region, lacks that alpine character which is so desirable in a mountain country visited by tourists and lovers of nature seeking rest and recreation.

For these reasons it seems to me important that the bill now before the Senate, amending the original act setting apart the National Park, should receive the favorable action of Congress at an early date.

Very respectfully, your obedient servant,

ARNOLD HAGUE.

Hon. CHARLES F. MANDERSON, *United States Senate.*

I will state to my colleague that this change of boundary is one that not only meets with the approval of the Committee on Territories, but it is urged by strong indorsing letters by the Interior Department. It was urged by the Senator from Colorado [Mr. TELLER], formerly Secretary of the Interior, when he was at the head of that great Department, and I hope this very valuable section will be retained.

Mr. VAN WYCK. I understand my colleague to say that the Committee on Territories approve of this.

Mr. MANDERSON. Of this extension of the Yellowstone Park.

Mr. VAN WYCK. I should like to ask the Senator from South Carolina [Mr. BUTLER], a member of the Committee on Territories, a question. My colleague has stated that the Committee on Territories approve this addition to the park.

Mr. BUTLER. Mr. President——

Mr. MANDERSON. If I may be allowed, with the permission of the Senator from South Carolina, to repeat my statement in my own way rather than as stated by my colleague, I will say that my statement was that all the Committee on Territories approved the extension of the area of the park as recommended by the Interior Department.

Mr. BUTLER. I was really not aware that this bill had been reported to the Senate. My last information in relation to it was a discussion which took place in the committee in regard to the power proposed to be conferred upon the commissioner provided for in this bill, and I made some objection to a certain provision in the bill as it then stood. I remember my friend from Mississippi, who was a member of the committee at that time, made some objection to the powers conferred on this commissioner; and the understanding was that the Senator from Nebraska was to perfect the measure. I have not seen it since in the committee, that I remember. It may have been reported in my absence.

I can not give my assent to this bill in its present form. I do not know that I care so particularly about changing the limits of the park, but powers are conferred on the commissioner created by the bill which I think he ought not to have. The second section provides—

That the said park shall hereafter be under the sole and exclusive jurisdiction of the United States, and that all of the laws applicable to places under the sole and exclusive jurisdiction of the United States, except so far as modified by this act, shall be in full force and effect in said park. That nothing in this act shall be construed to forbid the service of any civil or criminal process of any court having jurisdiction in the county or district in which said park is hereby located, or may hereafter be located, in the said Territory of Wyoming. If any offense shall be committed in said Yellowstone Park, which offense is not prohibited or the punishment thereof is not specially provided for by any law of the United States, or by any regulation of the Secretary of the Interior as provided by this act, the offender shall be liable to and receive the same punishment as the laws of the Territory of Wyoming in force at the time of the commission of the offense may provide for a like offense in the said Territory.

Let us see what powers the Secretary of the Interior has under this bill. Section 4 provides—

That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds found in the park, to prevent their capture or destruction. He shall cause all persons trespassing upon the park to be removed therefrom, and shall take all measures which he may think necessary to carry out the purposes of this act; and the Secretary of War is hereby directed to make such detail of troops as the Secretary of the Interior, with the approval of the President, may require for the purpose of preventing trespassers or intruders from entering the park with the object of destroying the animals and birds therein, or for other illegal purposes, and for removing such persons from the park.

In section 5 there is this provision among others which I think very objectionable:

Any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined for each offense not less than twenty nor more than one hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment.

That is one of the penalties inflicted upon a person who, in the language of this act, willfully violates the provisions of the law. It goes on to provide further:

Possession within the said park of the dead bodies, or any part thereof, of any wild animal or bird shall be *prima facie* evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage, express, or railroad company, receiving for transportation any of the said animals, birds, or fish, knowing, or having reasonable cause to believe, that such animals, birds, or fish were killed or captured in violation of this act, shall be deemed guilty of a misdemeanor, and shall forfeit and pay for every such offense the sum of $250, to be recovered by a proceeding in the nature of an information before any Territorial or United States district court within whose jurisdiction such offense was committed, &c.

Section 7 provides:

That the President shall appoint, by and with the advice and consent of the Senate, a commissioner, learned in the law, who shall reside in said park, and who shall have jurisdiction to hear and act upon all complaints made of any and all violations of the law or of the rules and regulations made by the Secretary of the Interior for the government of the park and the protection of the game and objects of interest therein. He shall have the power, upon sworn information, to issue process, in the name of the United States, for the arrest of any person charged with the commission of any misdemeanor within the park, and to summarily try the person so charged, and, if found guilty, to fix the punishment as in the next section provided.

This commissioner will have the power under this act to arrest you, Mr. President, or arrest any Senator on this floor, and to summarily try the party arrested without the intervention of a jury, but upon his own motion, and to fine in a sum not more than $100, and to imprison not more than three months.

Mr. MANDERSON. I should like to ask the Senator a question.

Mr. BUTLER. Very well.

Mr. MANDERSON. Does he not know of other magistrates who have that power?

Mr. BUTLER. I can not say that I do.

Mr. MANDERSON. Is not the Senator aware that in the District of Columbia a police judge has exactly the power to arrest on view or upon information, to try summarily and without the intervention of a jury those who are guilty of violations of the law of the District?

Mr. BUTLER. That may be so, and I believe it is, but the party so tried has a right to appeal to the circuit court of the District of Columbia, and so I believe in all other instances. Here the judgment of this commissioner trying the party without the intervention of a jury is absolutely final without the right of appeal; and that, in my judgment, is in the very teeth of that provision of the Constitution which guarantees to every citizen the right of trial by jury.

Mr. VEST. The constitutional provision, it has been decided over and over again, does not apply to such a case as this.

Mr. BUTLER. Here is the provision of the Constitution:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation.

My friend from Alabama [Mr. MORGAN] suggests that that applies to informations as well as indictments.

Mr. VEST. I beg the Senator from Alabama's pardon; but the question has been adjudicated. Here is the provision of the Constitution that settles this question, found in section 2 of Article III:

The trial of all crimes, except in cases of impeachment, shall be by jury.

Every lawyer knows the distinction between crimes and misdemeanors. In the Revised Statutes, section 4558, in regard to seamen, authorizes a justice of the peace to arrest a seaman and try him summarily and put him in jail for six months without any jury intervening, without any right of appeal.

Mr. BUTLER. Mr. President, there is another provision of this bill that I should like the Senator from Missouri or the Senator from Nebraska to explain, and it is this:

SEC. 8. That all costs and expenses arising in cases under this act and properly chargeable to the United States shall be certified by the commissioner to the Department of Justice, and, if approved by the proper officers of that Department, shall be paid by the marshal of the United States for the Territory of Wyoming, as other such costs in the United States courts.

I desire to call the attention of the Senate, and of the Senator from Missouri and the Senator from Nebraska, to this provision of the bill, to see if they can find any parallel for it:

The violation of any regulation made and published by the Secretary of the Interior in regard to the control and management of the park, and the protection of the animals, birds, fish, and property therein, is hereby declared to be a misdemeanor, and the party convicted shall be punished for each offense by a fine of not more than $100, and be committed until such fine is paid, or by imprisonment for not more than three months, or by both such fine and imprisonment.

Now, sir, recurring to the provision of the bill which places this park under the jurisdiction of the Territory of Wyoming, we see this provision:

If any offense shall be committed in said Yellowstone Park, which offense is not prohibited or the punishment thereof is not specially provided for by any law of the United States, or by any regulation of the Secretary of the Interior as provided by this act—

Which I have just read in section 8—then he shall be liable to a fine of $100 and imprisonment for three months, or both fine and imprisonment, in the discretion of the tribunal. In other words, the Secretary of the Interior is empowered by this act to declare pains and penalties, and he is to determine what shall be law and what shall not be law in the Yellowstone Park; and this bill declares any violation of whatever the Secretary of the Interior may determine shall be a misdemeanor, and punishable as I have indicated.

Now, sir, if there is any good reason, if there is any exigency why these extraordinary powers should be conferred upon a commissioner of the Yellowstone Park different from all other parks of the United States, where the jurisdiction of the United States Government is unquestioned, I should like to have it explained.

Mr. GEORGE. Will the Senator from South Carolina allow me to read a part of the Constitution of the United States pertinent to that point?

Mr. BUTLER. Yes.

Mr. GEORGE. Article I, section 1, of the Constitution reads as follows:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The making of a law or rule fixing a penalty for the commission of any crime is a legislative power.

Mr. BUTLER. Which this act undertakes to delegate to the Secretary of the Interior; and that we have no right to do, I submit.

In addition to the objections which I have pointed out, and which I might enlarge upon, the passage of this bill will entail an expense on this Government which, I undertake to say, none of its advocates have ever estimated. I shall be very much instructed, and very much obliged to the Senator from Nebraska, if he will inform me what additional cost the passage of this bill will entail upon the Government of the United States.

Mr. MANDERSON. I will answer the inquiry of the Senator from South Carolina, but first I desire to address myself to his criticism of that section of this bill which provides that the Commissioner, learned in the law, who is to act as a magistrate or judge, has the right to summarily try misdemeanors, violations of law under the grade of crimes, or violations of the rules and regulations made by the Interior Department. I submit that this provision is no infraction of the constitutional right guaranteed to every citizen of a trial by jury for a criminal offense, and, as was suggested by the Senator from Missouri, the courts of this country have repeatedly, in hundreds of instances, decided that there can be a trial of a misdemeanor by a jury of less than twelve men, which certainly is the jury contemplated by the Constitution of the United States, or without the intervention of a jury at all; and the courts have defined, so that it seems now quite clear, however it may have been in the early jurisprudence of the country, what is a crime or felony and what is a misdemeanor. A crime of felony means that which is punishable by imprisonment in the penitentiary according to many decisions; and by the decisions of other courts a crime is an offense that is punishable under the laws by something in the nature of infamous punishment, as the deprivation of citizenship or of the right to vote.

Mr. BUTLER. Would the Senator from Nebraska hold that it would be incompetent for a judge to sentence a party convicted of a misdemeanor to a penitentiary?

Mr. MANDERSON. It certainly would be incompetent to sentence an accused person, found guilty of an offense, to the penitentiary if that was not the punishment inflicted upon the commission of the offense by law. What I suggest to the Senator is that the penalty fixes the nature of the offense as to whether it is a crime or a misdemeanor. If it is punishable simply by fine or by imprisonment in the common jail, it is, under the authorities, a misdemeanor. If it is an offense so grave that the legislative body has said it shall be punished by imprisonment in the penitentiary, by deprivation of citizenship, a punishment that is infamous in its character, then it is a crime or felony. The distinction is clear and now well understood by the courts.

I have sent to the Library and obtained somewhat hurriedly a few references to the authorities on this question, which may be considered, I think, as fully settled. I read from Proffatt on Trial by Jury:

Not all crimes which were felonies at common law must be tried by a jury. Petit larceny was a felony at common law, yet it has been punished in England and here without a jury trial in a summary manner by a magistrate. (Proffatt, section 96; 2 Cowen, 815; 5 Wendell, 250.)

This law certainly goes no further than these cases, and I read the conclusion of an eminent legal writer treating of the subject of trials by jury. He cites the two well-known New York authorities in support of that proposition. I read further:

Not all misdemeanors require a jury trial.—Ib., § 97.
But in 20 Barbour it was held that a jury trial can be demanded in any case where an indictment may be presented.—2 Parker's Crim. Rep. 322.
"It is competent for a legislature to prescribe what shall be the mode of trial for a misdemeanor created by statute which was not indictable at common law, and for which no infamous punishment is provided. But the limit must be carefully observed."—Proffatt, § 97.

Further, he says:

Our constitutions, giving the right to trial by jury, expressly or impliedly refer to this antecedent practice; it is necessary to consider what that was in order to ascertain what grade or class of offenses was so punished.—Ib., id.
For an offense rendering a person liable to "infamous punishment," he is entitled to a jury. Then the question arises, What is "infamous?" Generally it is such as will entail, as a punitive consequence after sentence the forfeiture of certain political rights, such as the right to vote.
Not all crimes which were felonies at common law must be tried by a jury.

And he cites the case of petit larceny, which was a crime at common law, but is not so now by reason of the substitution in many States of the milder punishment by statute; and says "the crime of petit larceny does not require a jury, but may be punished by a magistrate."

I am no stickler for any provision of this bill. I think it is perfectly legitimate, within the limits of a strict construction of the Constitution for the Congress of the United States and good legislation to prescribe, as this bill prescribes, that these misdemeanors may be summarily punished by a magistrate, learned in the law, appointed by the President of the United States, and confirmed by the Senate. But if it is considered desirable that there should be an appeal from his decision to the district court, which by the second section of this act is charged with the jurisdiction of crimes or felonies committed in this park, I certainly shall not object to it; and that amendment could very readily be made to this bill. I would not prefer it surely, but I would not object to it.

Mr. ALLISON. May I ask the Senator a question? If I understand the second section, it really extends the laws of the District of Columbia over this park. Is there not likely to be some conflict between the laws of the Territory of Wyoming and the laws of the District of Columbia?

Mr. MANDERSON. I do not understand that it extends the laws of the District of Columbia over the park.

Mr. ALLISON. I made my inquiry more to know whether that is true or not.

Mr. MANDERSON. This is what I understand it to mean and what the language imports, that it extends such laws upon the statute-book of the United States as pertain to reserved public lands over the park, and that where there is not legislation in the general statutes with reference to crime, for instance petit larceny, or assault and battery, in those cases where our statutes are silent, the criminal laws of the Territory of Wyoming shall apply.

Mr. ALLISON. What does this phrase mean:

And that all of the laws applicable to places under the sole and exclusive jurisdiction of the United States, except so far as modified by this act, shall be in full force and effect in said park.

Mr. MANDERSON. I understand that language does not apply the laws of the District of Columbia. All laws pertaining to the District of Columbia are by express terms applied to it. The laws that I have referred to are those which extend over reservations of the United States.

Mr. ALLISON. I think the Senator should change the phraseology;

otherwise it seems to me clear that the laws of the District of Columbia would apply to this park.

Mr. MANDERSON. I do not think that is so, any more than that the laws of the District of Columbia would apply to any of the Territories of the United States, or its reservations. I do not think the bill is indefinite or uncertain in that regard.

But, Mr. President, another objection made by the Senator from South Carolina to this bill is that it provides that for infractions of any of the rules and regulations prescribed by the Secretary of the Interior there shall be punishment by fine or by imprisonment.

Mr. BUTLER. Just on that point I should be very glad if the Senator from Nebraska would inform the Senate whether in his professional or legislative experience he has ever known that the violation of a rule or regulation of an executive officer has been made a misdemeanor. In other words, has he ever known anything made a misdemeanor which was not the violation of a statute?

Mr. MANDERSON. I think that is so in the internal-revenue laws and the rules and regulations prescribed by the Commissioner of Internal Revenue as to the conduct of breweries and distilleries. I think violations of those rules and regulations are declared to be misdemeanors under the law.

But I submit to the Senator from South Carolina that a provision unquestionably far more severe and objectionable is found in the original park act, passed in 1872. By the terms of that act it was provided that any visitor to the park who should violate any of the rules and regulations prescribed by the Secretary of the Interior for the park, might be summarily ejected from the park. That language meant all that it imports. He might be invited or ordered by the superintendent or one of the police officers of the park to leave, having violated one of the rules and regulations prescribed for the park by the Secretary; and if he refused to do it, I submit that he could be ejected from that park with violence, and if it was necessary to maim, cripple, or kill him to produce that result, it could be done. So in the interest of those who are to visit this park, and of those who violate the rules and regulations of the Interior Department, it seems to me that this is the milder and less objectionable legislation, and is a decided improvement in permitting a person to be taken before a magistrate and have an investigation before him as to whether there has been a violation of the rules and regulations applicable to the park; and I submit that there might be very much less punishment in the latter case than if he was to be thus summarily and violently ejected under the requirements of the act of 1872.

But it is suggested that this is objectionable because it entails considerable expense for the maintenance of the park. The increased expenditure over that which has been required for the government of the park prior to the last year since 1872 is for a small increase of the number of police officers and an increase of the salary of the commissioner who is to act as a magistrate. I have not figured it up, but it is by no means a large sum, and I really think the passing of this bill would not require beyond five to ten thousand dollars more per annum than has been required to be expended under the old manner of controlling the park.

Mr. BUTLER. The Senator from Nebraska has overlooked a provision in section 10, which provides for the appointment of a superintendent of the park, with a salary of $2,500, and fifteen park police, with a salary, I believe, of $900 each. It also provides, in section 9:

That the Secretary of the Interior shall cause to be erected in the park a suitable building to be used as a jail, and also an office for the use of the commissioner, the cost of such buildings not to exceed $5,000.

This section 11 provides:

That the Secretary of War shall detail an officer from the Corps of Engineers, whose duty it shall be to survey and lay out suitable roads in said park and select the proper location for bridges therein, &c.

That would entail quite an additional expense.

Mr. MANDERSON. Over what we have expended heretofore? I think not.

Mr. VEST. May I say a word?

Mr. MANDERSON. Certainly.

Mr. VEST. An amendment which I had the honor to submit to the sundry civil bill increases the appropriation made for the Yellowstone National Park as it was made by the House of Representatives in the bill now pending before the Senate, reported yesterday, from $20,000 to $40,000, so that the whole amount of the increase under this amendment, which I made up on an estimate, the very lowest that could be made by consultation with the Secretary of the Interior, was $20,000.

Now, I hold in my hand the report of the military officer who was made the acting superintendent of the park by the amendment to the sundry civil bill passed against my opposition and the Senate's opposition at the last session of Congress, and here is his estimate. Captain Harris says under the present management $200,000 will be required. We have now a company of cavalry located in the park, stationed at different points in it. Instead of fifteen assistant superintendents and one superintendent there is a company of cavalry with its officers in different parts of the park, and doing no earthly good in regard to its preservation.

Mr. BUTLER. But this bill provides also for the sending of soldiers to the park upon a requisition by the Secretary of the Interior on the Secretary of War.

Mr. VEST. That has been in the law since 1872; it was in the original act. Whenever marauders upon the park defy the whole power of the superintendent and his assistants, and difficulties occur there, as they have time and again, then the Secretary of the Interior, who has charge exclusively of the park under the original act, can make a requisition on the Secretary of War for troops. That has always been the law in regard to it.

Mr. BUTLER. But that, I say, might be an additional expense. Then I would call the attention of the Senator from Nebraska to section 8, which provides:

SEC. 8. That all costs and expenses arising in cases under this act and properly chargeable to the United States shall be certified by the commissioner to the Department of Justice, and, if approved by the proper officers of that Department, shall be paid by the marshal of the United States for the Territory of Wyoming, as other such costs in the United States courts.

I should like to inquire if any estimate or calculation has been made by which we can arrive at what the probable costs in those cases will be.

Mr. MANDERSON. I have said to the Senator from South Carolina that I do not believe the running expenses of this park will be increased more than somewhere between five and ten thousand dollars per annum by the passage of this bill over what the expenses of the park have been each year since the year 1872.

The changes are these: We still maintain a superintendent at the park. We increase his salary $500 per annum. We increase the number of police from ten at $900 to fifteen at $900 each. We provide for a commissioner, who shall act as magistrate, with a salary of $2,000 a year. That is all the increase there is in force. The expenditure for a suitable building, to be used as a jail and an office for the use of this magistrate or commissioner, at an expense of not to exceed $5,000, is not an annual incident of expenditure, but when once spent it will be all, perhaps, that will be required so long as the park shall be maintained; and I suggest to the Senator from South Carolina that if we could get at the actual cost of maintaining during the last year the company of cavalry ordered there by the Secretary of War, at the request of the Secretary of the Interior, we should find, probably, computing the cost of maintaining these troops, the cost of their transportation, the cost of the erection of barracks for their protection, that the Yellowstone Park had cost far more during the present fiscal year than any year since it has been maintained as a reservation.

Now, as to what will be the costs or the expenses incident to trials that shall arise in cases under this act I do not see how it is possible for any one to make an estimate. I have no idea that it will be a very large sum. The number of those who depredate is not very great. Most of the violations or offenses will be of a minor character.

But this is the present difficulty: Here is a part of the public domain of this country in which a man to-day may commit any misdemeanor, or any crime even to the extent of murder, and there is not the power in any court in this country to punish him. He can not be arrested and placed on trial; there is no court before which he can be taken. I suggest to the Senator from South Carolina that in the presence of the fact that from six to ten thousand people every year go to visit this wonderful place—the most wonderful in the world—it is right that they should have protection, and that there should be that character of protection which comes from the speedy punishment of offenses committed. While I do not believe the cost would be much, yet however great it might be, I would be in favor of the Congress of the United States affording that protection to life and property, and not higgling over the few dollars it might cost.

Mr. BUTLER. If the Senator will pardon me for interrupting him just there, let me say that if he brought forward a measure which would establish a full-fledged government in the Yellowstone Park, protecting the rights of all the citizens, or inhabitants, or residents, or whatever you choose to call them within that park, properly guarded and protected, I do not know that I should object to it. What I do object to is that extraordinary powers, certainly unknown in our institutions, should be conferred upon any official in a part of the national territory which appears to be nondescript, as it is not a military reservation, or a Territorial government, or a State, but a parcel of land in those mountains which seems to have no very well defined position. I confess that I am not able to arrive at that point where I am willing to confer these powers on this commissioner and on this superintendent and on the Secretary of the Interior unless it becomes absolutely necessary. I do not believe it is necessary, and I now make this prediction: that in less than five years' time we shall be called upon to appropriate not less than $250,000 for the preservation of this national park, and perhaps a half million.

Mr. MANDERSON. Even if it should be so, I would consider it money exceedingly well expended. Not that this park shall be maintained as a pleasure ground——

Mr. BUTLER. That is a very expensive luxury.

Mr. MANDERSON. I say it is not for that purpose, but it is for the greater and broader purpose of the preservation of these great forests, the existence of which is an absolute necessity to the communities that

live along the borders of the great rivers—the Yellowstone, the Missouri, and the Mississippi—that rise in the mountains of this reservation. I place it upon that ground. I might be willing to place it on the mere fact that this is the wonder-land of the world; that within its limits are those great geysers, those deep cañons, those lofty mountains that combine to make it the grandest picture that nature affords on the face of the earth. If the Senator from South Carolina would visit the Yellowstone Park and see them, I think he would come back here a convert to this bill and to the expenditure of even a greater amount of money than he predicts will be necessary to preserve it.

Mr. BUTLER. I have been informed up to this time that the object of these police regulations and of the occupation of the park has been to preserve the great game.

Mr. MANDERSON. That is part of it.

Mr. BUTLER. I am not aware of the fact that the mere presence of a commissioner, a superintendent, and fifteen park police is going to help these enormous cañons and high mountains remaining where they are, and I do not suppose that their being withdrawn from that park would cause these great curiosities to disappear, so that tourists coming from all parts of the world might not see them just as well without the presence of these officers as with it.

I must say that I have not much faith in the preservation of the game. If we would build an insurmountable wall around the Yellowstone Park perhaps we might manage to corral this game within the limits of the park. But I understand that the classes of game that frequent the park are migratory, and when once they cross the designated line I do not know that there is anything that would prevent my friend, the Senator from Vermont [Mr. EDMUNDS], going and taking a shot at one of them. Therefore I doubt very much if any legislation will enable the Government of the United States to preserve the game. So far as the natural curiosities are concerned, the geysers and mountains and cañons and rivers and glens, they have been there I will not undertake to say how long, and I suppose will remain there till the end of time; and we are expending a vast amount of money, it strikes me, simply to preserve the right of people to go there under certain restrictions.

Mr. EDMUNDS. The Senator from South Carolina will allow me——

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. MANDERSON] has the floor.

Mr. MANDERSON. I yield to the Senator from Vermont.

Mr. EDMUNDS. I simply wish to say to my honorable and distinguished friend from South Carolina, who alludes to game, as he alludes to me very properly as being about the only wild man left in the Senate, that it is a curious fact in natural history which is known everywhere that they have an instinct for finding an asylum where they are not to be harassed that is as strong, whether you call it instinct or intelligence or intellect, as that of human beings. You may take a square in this town or a garden where the birds are never allowed to be disturbed, and you will find a large number of birds there to-day carrying on the operations which their nature teaches them how to do. The same is true in respect to the great game in the Rocky Mountains. Wherever you can have a territory as large as this Yellowstone Park territory is that is safe against the hunting and pursuing and harrying of these creatures, there they will be, and they will be scarce everywhere else where there is free shooting.

Mr. BUTLER. But, while that may be true, the Senator will certainly not deny the fact that, within certain limits, with the full operation of that law, all the animals can not concentrate in this asylum.

Mr. EDMUNDS. I do not expect them all to concentrate there.

Mr. BUTLER. The result would be their own extermination.

Mr. EDMUNDS. But I expect that enough of them in that large and wild region where I have been, as I presume my friend has——

Mr. BUTLER. I have not.

Mr. EDMUNDS. I wish he had been there, for then he would feel differently about this business. It is large enough, and has ample scope and verge enough to make an asylum for an indefinite number of years to come for this large game, which would otherwise be entirely extirpated. That is not a matter of profit; I admit the United States is not going to get anything into the Treasury out of it; but in respect to preserving some of those things that belong to the well-ordered consideration of mankind, relics of the past and so on, it is a good thing.

Now when you come to the other part of it in respect of protecting the woods, protecting the geysers, and the most wonderful formations that the water brings up, cooling and running down over the hill sides—formations, if the Senator had only been there he would know from his own personal observation and experience that unless conserved and controlled and watched just as this Capitol has to be watched, made of hard marble, against knocking out chips here and corners there, and so on, the whole beauty that nature builds up there would be entirely destroyed, because it is not adamant that comes out of the water and settles itself with these wonderful colors and wonderful forms. It is something fragile. And the same with the woods, unless you keep disreputable people—I mean vicious people, careless people—from building camp fires in dry times and then starting a fire that destroys all these woods, all of which are of the coniferous kind, and having pitch, &c., in them burn rapidly and are easily destroyed, you will only have a desolate waste there of bare ground, and when you have got that desolate waste of bare ground you will have neither forest nor grass nor anything other than an immeasurable torrent of mud, &c., that the rains and the snows and the thaws bring down into the rivers to go down into the lower regions to vex everybody there.

Therefore it is that it has seemed to me that the efforts of the gentlemen in charge of measures of this kind to conserve and protect that park, as well as the other great headwaters of these great continental streams, in regions where there is no need that farmers or anybody should go—there is room enough for them, but it is not suitable for farming—and keep them as nature has preserved them, to have the waters retained by the forests and going off slowly, and to leave the wonderful beauties of nature as they are, and take care of them, is a good expenditure of the public money.

Mr. MANDERSON. I do not know but that the suggestions of the Senator from South Carolina have been very properly and fully answered by the Senator from Vermont; but I desire to call his attention, as he is desirous of enlightenment on this subject, to the report lately made, printed but two or three days ago, by Captain Harris, of the First Cavalry, United States Army, who has been in charge of the park for the last year. As to whether the geysers can be destroyed by the vandalism of tourists, I commend my friend from South Carolina to this extract:

It may be said without exaggeration that not one of the notable geyser formations in the park has escaped mutilation or defacement in some form. Those that have been most fortunate are covered with lead-pencil inscriptions recording the names of those shallow-minded visitors to whom such a distinction is a pleasure. A lead-pencil mark seems to be a very harmless defacement, but names bearing date of 1880 are still discoverable through the thin deposit of silica, and if this marking should go on unchecked, in a very few years these once beautiful formations will have become unsightly and unattractive objects. At the Upper Geyser Basin names with date of June, 1886, have been chiseled in the solid geyserite so deep that, in the slow process of nature, many years must elapse before this mutilation will be obliterated. Not content with the defacement of the formations, efforts are constantly being made to destroy the geysers themselves by throwing into them sticks, logs of wood, and all sorts of obstructions. The eruptive force of several of the geysers has been totally destroyed by vandalism of this character. The footsteps of the throngs of visitors are wearing away the delicate and lace-like tracery of the silicious deposits, and in a few years the formations surrounding the geysers will present the appearance of the worn pavements of a city street. The willful defacement of these beautiful objects can only be prevented by watchful supervision, supported by the rigid enforcement of lawful penalties. A certain amount of wear and deterioration, incident to the multitude of visitors, is probably unavoidable.

It seems to me this very fully answers the suggestion, the guess rather, of the Senator from South Carolina. We have here an intelligent officer of the Army familiar with the facts who says to us that this vandalism is proceeding to the destruction of these great curiosities that attract the intelligent men of the world. I was greatly astonished when there two years ago to see the number of foreigners, intelligent Englishmen, Germans, and Frenchmen who visit the Yellowstone Park, and who having seen the rest of the world, give it the palm as being the greatest collection of wonders that there is anywhere in the world within the same extent of territory.

Mr. VAN WYCK. Mr. President, the letter which my colleague read from Mr. Hague, of the Yellowstone Park survey, seems to give his reasons fully why this park should be increased, but none why it should be diminished, in its area. That was one point to which I called the attention of my colleague, and which does not seem to have been satisfactorily answered.

Mr. MANDERSON. I ask my colleague whether he did not hear me explain why?

Mr. VAN WYCK. I did hear, but the statement made was *not* satisfactory to me.

Mr. MANDERSON. It may not have been satisfactory, but I attempted to answer the inquiry. I feared that my colleague did not hear me on account of being at the time engaged in something else.

Mr. VAN WYCK. In the letter on this matter Mr. Hague says:

For the purposes for which the park was set aside the present area is far too small.

And then he mentions the reasons why this park should be increased as a home for the animals roaming there and as a protection to the timber. That is the argument. Now, it seems that while this park has been increased on the south and the east by this bill, it has been diminished on the north; and that point, even with the explanation of my colleague, I do not fully understand.

Mr. INGALLS. What is the enlarged area in square miles?

Mr. VAN WYCK. I ask my colleague to give an answer. What is the area in square miles, the Senator from Kansas asks?

Mr. MANDERSON. It extends east a distance of about 70 miles in width, and south a distance of about 20 miles in width.

Mr. INGALLS. What would be the area in square miles with the enlarged boundaries?

Mr. MANDERSON. I can not give the present area in square miles. It would be about 70 by 50, I think.

Mr. GEORGE. What is the area? I did not hear the Senator.

Mr. MANDERSON. With this addition it would be, I think, about 70 miles by 50.

Mr. VAN WYCK. Now, Mr. President, the Senator says that he deemed it advisable that this park should all be within the limits of one Territory. Certainly there can be no force in that proposition, for all

these Territories are under the control of the Congress of the United States, and under the control of its laws passed by Congress, and it is competent for Congress to put that part of this park within the Territory of Montana under the control of the Territory of Idaho, or of Wyoming, where most of the territory of the park is located.

Mr. INGALLS. I understood that the scheme and design of this bill were to withdraw the park practically from Territorial control and make a separate government for it. That being the case, the idea that it is necessary to make its limits coextensive or commensurate with the boundaries of any existing Territory necessarily must be fallacious.

Mr. VAN WYCK. That is as I stated. That was the point I desired to make when I said that the position of my colleague was not satisfactory on that subject, because the reason given in substance, as explained by the Senator from Kansas, did not exist, and there was no obstacle or barrier in the way of the Government having full control of this country, whether it lies partly in one or partly in another of the Territories of the United States.

Mr. INGALLS. It can be withdrawn from both.

Mr. VAN WYCK. Yes; just as completely as if it were a military reservation, and I take it for granted there can be no reason such as that stated by my colleague, because the control of the United States is absolute, is complete, and by this bill with its extraordinary powers it is having absolute control as against any of the Territories, which are only dependencies of the United States. So there must be some other reason outside of the knowledge of this committee.

Therefore it was that I remembered the contest which has been here year after year to introduce a railroad into the Yellowstone Park. I remembered that it had been antagonized year after year, and it has been stated that all the railroad company asked was a short distance of this park upon the north; and, remarkable as it may appear, this reservation is not circumscribed except upon the north, where it has been claimed that a railroad ought to enter, against the wishes of Congress and in derogation of the rights and privileges supposed to be given to this park.

Mr. MANDERSON. Does not my colleague know, as a matter of fact, that as one of the Committee on Territories it became my duty to make a minority report protesting against the building of the proposed railroad? Does he not also know the fact that this projected road proposed to enter the park for a distance of about 12 miles from its northern limits?

Mr. VAN WYCK. I know the fact stated by my colleage, but I am fearing that even so vigilant a committee as this have been overreached by the designs of this railroad company, unwittingly, of course, and I desire to guard them as well as the Senate of the United States against this covert attack on the part of this railroad company. That is what I desire.

Evidently there was a reason for changing the northern line for some purpose. The lines of these Territories remain as now, and certainly there was some reason, at the inception, when the lines of this park were first established, why it should have been run north of the south line of Montana. It was deemed advisable that that strip, whether it is a mile and a half or three miles, lying in Montana, should belong to the Yellowstone Park. It has been sacred from that time until now. It was not placed there inadvertently. There was an object. It was believed that it required that much of Montana Territory to make this park perfect and complete, and now there should be some other reason for curtailing the northern boundary when this letter says the area is by far too small. There should be some other reason for diminishing it on the north than the fact that the park lies partly in one and partly in another of the Territories of the United States.

The PRESIDENT *pro tempore*. The Senator from Nebraska will pause. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business of yesterday, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States. The pending question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to perfect the bill.

Mr. VEST. I move to lay that bill aside temporarily, to finish the consideration of the park bill.

Mr. BECK. I object to any postponement of the bill. I suppose the motion has to be put to a vote.

The PRESIDENT *pro tempore*. The motion to lay aside informally can only be adopted by unanimous consent.

Mr. VEST. Then I move to postpone the unfinished business until Monday.

The PRESIDENT *pro tempore*. The question is on that motion.

Mr. BECK. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. EDMUNDS], who is not in his seat, but understanding from his remarks a while ago that he is in favor of the park bill, I vote "yea."

The roll-call was concluded.

Mr. HARRIS. I understood the yea-and-nay vote called was on the passage of the Yellowstone Park bill. I withdraw my vote and announce my pair with the Senator from Vermont [Mr. EDMUNDS].

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] is generally paired with the Senator from Rhode Island [Mr. CHACE]. If my colleague were here he would vote "nay."

Mr. FAIR. I am paired.

Mr. COKE. I announce that my colleague [Mr. MAXEY] is paired with the Senator from Massachusetts [Mr. DAWES].

The result was announced—yeas 24, nays 20; as follows:

YEAS—24.

Bowen,	Cullom,	Jones of Nevada,	Pugh,
Brown,	Farwell,	McMillan,	Ransom,
Call,	Frye,	Manderson,	Sabin,
Cameron,	Gorman,	Mitchell of Oreg.,	Sawyer,
Cockrell,	Gray,	Palmer,	Teller,
Conger,	Hampton,	Platt,	Vest.

NAYS—20.

Allison,	Coke,	Morgan,	Van Wyck,
Beck,	Dolph,	Morrill,	Walthall,
Berry,	George,	Saulsbury,	Whitthorne,
Blair,	Hawley,	Sherman,	Wilson of Iowa,
Butler,	Ingalls,	Spooner,	Wilson of Md.

ABSENT—32.

Aldrich,	Eustis,	Jones of Arkansas,	Payne,
Blackburn,	Evarts,	Jones of Florida,	Plumb,
Camden,	Fair,	Kenna,	Riddleberger,
Chace,	Gibson,	McPherson,	Sewell,
Cheney,	Hale,	Mahone,	Stanford,
Colquitt,	Harris,	Maxey,	Vance,
Dawes,	Harrison,	Miller,	Voorhees,
Edmunds,	Hoar,	Mitchell of Pa.,	Williams.

So the motion to postpone was agreed to.

The PRESIDENT *pro tempore*. The question now is on the motion to proceed to the consideration of the Yellowstone Park bill.

Mr. BECK. I call for the yeas and nays on that. I desire to ask a question. I understand the Senate by the vote just taken has displaced the railroad attorneys bill altogether, and that it now stands at the foot of the special orders instead of holding its place at the head. Am I correct in that?

The PRESIDENT *pro tempore*. The Chair is of the opinion that that is the effect of the vote. It places the bill on the Calendar subject to motion, like any other bill.

Mr. BECK. I now desire to give notice that on Monday and every other day until a fair vote is had I shall, whenever I can get the floor, make a motion to take it up. The Senate have seen fit to displace it and put it at the bottom of the Calendar, and now it shall be voted on.

Mr. ALLISON. I hope the Senator from Kentucky will allow appropriation bills to intervene, as they are ready. On Monday I shall ask the Senate to proceed with the sundry civil appropriation bill.

Mr. BECK. I have no doubt that this bill will be antagonized in every form and from every quarter. I shall move every day to take it up.

Mr. ALLISON. Do I understand the Senator from Kentucky to assume that because I suggest an appropriation bill, of which I gave notice several days ago, I mean to antagonize his bill?

Mr. BECK. I understand the Senator from Iowa agreed to see me through in regard to my bill.

Mr. ALLISON. I do not like to be quite committed to the extent the Senator from Kentucky supposes.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST] moves that the Senate proceed to the consideration of the Yellowstone Park bill.

Mr. BECK. I desire the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS] generally. If he were present, I should vote "nay," and I suppose he would vote "yea."

The roll-call was concluded.

Mr. BERRY. My colleague [Mr. JONES, of Arkansas] informs me that he is paired with the Senator from Rhode Island [Mr. CHACE]. My colleague, if present, would vote "nay."

Mr. CHACE. I was not aware that I was paired; but if that is the case I transfer my pair to the Senator from Pennsylvania [Mr. MITCHELL], and I vote "yea."

Mr. HOAR. I am paired with the Senator from Arkansas [Mr. JONES], as I was also on the previous vote postponing the attorneys bill until Monday. If I had been present and voted I should have voted "nay" on that test question to postpone.

The result was announced—yeas 35, nays 17; as follows:

YEAS—35.

Aldrich,	Cullom,	Hawley,	Sabin,
Allison,	Eustis,	Ingalls,	Sherman,
Bowen,	Evarts,	Jones of Nevada,	Spooner,
Brown,	Farwell,	Manderson,	Stanford,
Call,	Frye,	Morrill,	Teller,
Cameron,	Gorman,	Palmer,	Vance,
Chace,	Gray,	Platt,	Vest,
Cockrell,	Hale,	Pugh,	Williams.
Conger,	Hampton,	Ransom,	

NAYS—17.

Beck,	Coke,	Morgan,	Wilson of Iowa,
Berry,	Dolph,	Saulsbury,	Wilson of Md.
Blackburn,	George,	Van Wyck,	
Blair,	McMillan,	Walthall,	
Butler,	Mitchell of Oreg.,	Whitthorne,	

ABSENT—24.

Camden,	Gibson,	Kenna,	Payne,
Cheney,	Harris,	McPherson,	Plumb,
Colquitt,	Harrison,	Mahone,	Riddleberger,
Dawes,	Hoar,	Maxey,	Sawyer,
Edmunds,	Jones of Arkansas,	Miller,	Sewell,
Fair,	Jones of Florida,	Mitchell of Pa.,	Voorhees.

So the motion was agreed to; and the Senate resumed the consideration of the bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Mr. VAN WYCK. Mr. President, I had stated all I desired on the question of the invasion of this territory by the withdrawal of the northern line of this park to the south, but I desire now to make a suggestion as to another branch of this case. I desire that Congress shall not repeat the injustice it did to some of its citizens in the establishment of the park in California when they were ruthlessly legislated out of their rights. I refer to the Yosemite Park. Therefore it is in case there should be any settlers now in the country proposed to be absorbed by this bill as a part of the Yellowstone Park, I desire that their rights shall be fully respected, and hence I propose this amendment:

Provided, That any settlers on the territory newly added to said park by this bill shall be entitled to all the rights and privileges now given by any of the present laws of the United States and Territories.

Mr. MANDERSON. That amendment meets with my hearty approval. There are no settlers in fact upon the territory proposed to be added, but in the event that there should be any I am heartily in accord with the proposed amendment; but I should like my colleague to fix a time, say the 1st of January of this year—January, 1887—because pending the bill in the two Houses parties not proper settlers might come in.

Mr. VAN WYCK. I will accept the suggestion, and say so on the passage of this bill.

Mr. MANDERSON. The trouble is, then, that pending the bill in the two Houses parties might enter.

Mr. VAN WYCK. Yes; but if an honest settler roaming through that country and looking for a home honestly settles, why should he not be protected? The date of the passage of the bill would be the proper time.

Mr. MANDERSON. Very well.

The PRESIDING OFFICER (Mr. HARRIS in the chair). At what point in the bill does the Senator propose that his amendment shall be inserted?

Mr. VAN WYCK. As a new section, instead of a proviso.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska [Mr. VAN WYCK] will be read.

The Secretary read as follows:

SEC. 12. That any settler on the territory newly added to said park by this bill shall be entitled to all the rights and privileges now given by any of the present laws of the United States and Territories.

The amendment was agreed to.

Mr. VAN WYCK. I desire to call the attention of my colleague to another matter in this bill, which possibly was an oversight on the part of the committee. The purpose is that the timber shall be protected——

Mr. MANDERSON. Before my colleague passes to that point, I suggest to him that by the amendment as just passed by the Senate there is no limit of time, even the date of the passage of the act. I understood that to be his suggestion. So I ask unanimous consent to insert into the amendment already adopted, after the word "till," the words "who shall have settled upon the public domain before the passage of this act."

The PRESIDING OFFICER. The amendment just adopted will be so modified, if there be no objection. The Chair hears no objection, and it is so ordered.

Mr. VAN WYCK. Now, I desire to call the attention of my colleague to the words contained on page 10, section 10:

And provided also, That no growing timber in said park shall be cut—

That, of course, is plain, no timber shall be cut—

either for building purposes or for firewood, nor shall hay be cut, except by the permission, in writing, of the superintendent of said park, specifying the place at which said timber or hay may be cut, and the quantity thereof.

I propose to strike out the words "said timber" there, because it is the purpose of the bill that no timber shall be cut.

Mr. MANDERSON. It may be——

Mr. VAN WYCK. I think the word "timber" has been introduced without judgment in the last clause.

Mr. MANDERSON. Perhaps so.

Mr. PLATT. The Senator does not want to prevent the cutting of timber for firewood, does he?

Mr. VAN WYCK. Yes, sir. You specially provide—

No growing timber in said park shall be cut, either for building purposes or for firewood, nor shall hay be cut, except by the permission, in writing, of the superintendent of said park, specifying the place at which said timber or hay may be cut.

It means that hay may be cut by permission.

Mr. PLATT. Is it not the meaning that timber may be cut for firewood, and also hay?

Mr. TELLER. It seems to me that if we are to build a jail there and erect some other buildings for the use of the Government, the Government ought to be allowed to cut timber for that purpose at least. It will be practically impossible to carry timber in there. It could only be done at very great expense. Not much of a jail can be built for $5,000, as it is provided it shall be in section 9, if the timber is to be transported from abroad into the park. I think it should be limited.

Mr. DAWES. There is fallen timber enough in the park to last fifty years.

Mr. TELLER. The Government does not want to build a jail out of fallen timber.

Mr. DAWES. They can not get any better timber by cutting it down. The timber that falls there is by acres. There is a clean sweep of all the timber there is lying there, and it has lain there without decay for years. There is no more occasion to cut timber there than there is to carry coals to Newcastle.

Mr. TELLER. If the friends of this bill are satisfied to confine the timber to be used to dead timber, I have no objection; but it seems to me that would be a mistake.

Mr. MANDERSON. The timber referred to can hardly be called dead timber. There is hardly any timber in the park that comes under that designation. It is timber that because of fires has been so burned and scorched upon the outside that it is likely to be destroyed, and yet is available for building purposes; and many of the houses, I think all of the houses erected in the park for hotel purposes, are built of that sort of timber. So it is not necessary, I take it, to cut any of the growing timber in the park. I think the verbal suggestion made by my colleague a proper one.

Mr. VEST. I do not understand that amendment at all. The bill reads, as amended by the committee:

And provided also, That no growing timber in said park shall be cut—

That is very plain—

either for building purposes or for firewood, nor shall hay be cut, except by the permission, in writing, of the superintendent of said park, specifying the place at which said timber or hay may be cut, and the quantity thereof.

The meaning of the committee unquestionably was that no person for any purpose should cut any growing timber or any hay there without the express permission of the superintendent. There are hundreds of acres of fallen timber there, because when one of these forest fires starts it is almost irrepressible, and it destroys for miles and miles. This provision ought not to be amended or stricken out. It is one of the most important in the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska [Mr. VAN WYCK] will be stated.

The SECRETARY. In section 10, line 24, after the word "which," strike out the words "said timber or;" so as to read:

Specifying the place at which hay may be cut, and the quantity thereof.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. BUTLER. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MCMILLAN. Mr. President, I desire to say, without entering into a discussion of the merits of this bill, that I can not vote for it. This reservation embraces certain natural curiosities and points of interest which will be visited from time to time by citizens of our own country from every State in the Union and every part of the continent. Strangers from other countries will visit this park. Under the regulations already established power enough is vested in the Secretary of the Interior to protect the reservation so far as the public interests are concerned.

The bill imposes restrictions and limitations and prescribes restraints and commits authority to individuals in provisions which I do not believe to be wholesome. I therefore shall vote against the bill.

Mr. GEORGE. I presume, Mr. President, this bill will be passed, as upon a test vote it had a majority. I do not propose to discuss it at any length, but merely to record my dissent and opposition to the bill.

I am opposed to setting aside 3,500 square miles of the public domain, almost twice the size of the State of Delaware, nearly as large as the State of Connecticut, about three times as large as the State of Rhode Island, as expressed in the bill—I read from it now—to be "dedicated and set apart as a park or pleasure ground for the benefit and enjoyment of the people of the United States."

I do not think, in fact I know, that ninety-nine one-hundredths of the people of the United States, I may say nine hundred and ninety-nine one-thousandths of the people of the United States, will never have the privilege, or rather the power, to enjoy this pleasure ground. It will cost more money to reach it and to enjoy the sights which are to be seen there than nine hundred and ninety-nine men in one thou-

sand of our people will ever be able to have to spend in that way. I am opposed, therefore, to the end which the bill seeks to attain.

I am equally opposed to the means by which this end is sought to be attained. I believe that it is in violation of the plain provisions of our Constitution in one or two particulars. In the first place, the dangerous power is conferred upon the Secretary of the Interior to enact criminal laws for the infraction of which citizens of the United States are liable to be proceeded against criminally, fined, and imprisoned. I believe that all the legislative power which the United States possesses is vested in Congress. I do not believe that it is in the power of Congress to abdicate the performance of duties arising under that investiture of power and confer it upon an executive officer. If we had the power, I think it would be very unwise to exercise it. I am unwilling that any one single man in this country shall possess the royal prerogative of making laws for the infraction of which fine and imprisonment are imposed.

There is another objection, I think, to this bill upon constitutional grounds, the one urged by the Senator from South Carolina [Mr. BUTLER]. The bill declares that certain acts done in violation of the provisions of this measure shall be a misdemeanor. It has been stated here that misdemeanors are not crimes. The very first thing that the student learns in reading criminal law is that crimes are divided into felonies and misdemeanors. Felonies, under the old common-law definition, were such offenses as were punishable with death and the forfeiture of the goods of the party. Misdemeanors were all other crimes, all other violations of law for which a penal sanction was provided in the statute. At common law the very high crime of perjury was but a misdemeanor. Under the present legislation of the States of this Union and of Great Britain nine-tenths of the criminal offenses are those which are merely misdemeanors.

So the clause of the Constitution read by my friend from South Carolina, which guarantees to every party who is a defendant in a criminal prosecution the right of trial by jury, in my opinion, is violated by the provisions of this bill. There are many provisions in State laws allowing summary convictions without a jury, but which are held to be constitutional upon the ground suggested by the Senator from South Carolina, that although the party was subject in the first instance to a summary trial without a jury, yet he was entitled, if he saw fit to exercise that right, to an appeal to a court in which he was to be tried by a jury.

Mr. MANDERSON. I should like to interrupt the Senator from Mississippi long enough to call his attention to a bill which received his hearty support and his vote at this session of Congress. I submit to him that if the provision that permits the Secretary of the Interior to make rules and regulations which shall have the force of law, violations of which shall be punished, is an infraction of the constitutional provision he refers to, then certainly a provision in the interstate-commerce bill, that received his vote, is a similar infraction, for it provides that the commission appointed by the act may from time to time make general rules exempting "such designated common carrier" in special cases from the operation of the act; and when such exceptions shall have been made and published, they shall, until changed by the commission or by law, have like force and effect as though the same had been specified in the section. Then comes the penal part of the section, that any common carrier who shall violate the provisions of that section of the act which includes the rules shall be liable to the person or persons against whom such excessive charge was made for all damages occasioned by such violation.

It seems to me that if this case is an abrogation of the right of legislation that I admit is in the Congress of the United States, the other was equally a violation of that right.

Mr. GEORGE. If the Senator was right in supposing that the provision in the interstate-commerce bill was like the provision in this bill he would only convict me of an inconsistency, and not disprove the force of the argument which I am making. But the provisions are dissimilar. In this case there is an express provision declaring—and I call the attention of the Senate to that—the violation of a rule laid down by the Secretary of the Interior to be a misdemeanor, which is a crime, declaring that violation to be a misdemeanor and punishable by fine and imprisonment. In the interstate-commerce bill, while rules and regulations are authorized to be made by the commission, there is not a single provision which declares the violation of any of those rules to be a misdemeanor and punishable.

The Senate will observe that when the Senator from Nebraska undertook to convict me of an inconsistency in that behalf he had to rely upon the inference which he drew from words substantially such as these: "any violations of the provisions of this act;" and in order to make that fit the case he had to assert that "any violations of the provisions of this act" meant not only a violation of the provisions of the statute but also a violation of the rules and regulations which were to be framed by the commission. So I stand without the conviction of inconsistency, which would amount to nothing if it existed. The interstate-commerce bill is no precedent for this bill.

I did not intend to say so much, but since the Senator from Nebraska challenges me by interruption I shall read and comment a little upon that, I admit, somewhat antiquated instrument; but it possesses some interest, at least to the archæologist if it does not to the legislator, the Constitution of the United States:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.

Is this a criminal prosecution? There are but two kinds of prosecutions which can occur in a court of justice; one is criminal and the other civil. A civil suit is an action brought by one citizen against another for the redress of a private wrong; and that is all there is in it. A criminal prosecution is a prosecution instituted on behalf and in the name of a State or government for the violation of a law imposed by that State.

I said when I first got up that the Senator was mistaken in supposing that misdemeanors were not crimes. Every prosecution for a misdemeanor is criminal prosecution, and the redress had is, as in all criminal cases, the punishment of the offender. The essential test between a criminal prosecution and a civil prosecution is that in the one the end of the suit is to get redress, to get damages, to get compensation for the wrong which the defendant, a private person, has done to the plaintiff, and when you get to the measure of that wrong you have got all you can get. In a criminal prosecution the object is not to get redress; the fine or other penalty is not inflicted with a view of compensating anybody; it is inflicted as a penalty to punish the party for doing the act. For instance, if under this bill a man shall in this park shoot a bird worth 5 cents or 10 cents he is to be fined $100 and imprisoned for three months. That shows the essential difference between the two. One is punitive; one is intended to punish what has been done, not gauged by the amount of damage done, but for the purpose of deterring others from acting in the same way.

So, if we are to read the Constitution of the United States in the plain language in which it is written, if we are to understand the English common-law and the American common law as everybody understands it, and interpret this bill as including crimes, among which is perjury, including among crimes the class of misdemeanors, and as this declares that all infractions of this act are misdemeanors, I think I have made it out beyond controversy that that provision of the bill is in violation of constitutional rights.

Mr. VEST. Mr. President, I am very anxious to secure a vote one way or the other on the bill. Therefore I shall not detain the Senate at any length. The Senator from Mississippi [Mr. GEORGE] is opposed to the bill in any shape, as he very frankly states.

Mr. GEORGE. That is true; in any shape.

Mr. VEST. He is opposed to this park being retained there as a park in any form whatever.

Mr. GEORGE. Except for the preservation of natural curiosities.

Mr. VEST. If we are to take the unanimous opinion of all disinterested persons who have visited the park, and of the captain of cavalry sent there to take the place of the superintendent, we must believe that without some form of government as provided in this bill those curiosities can not be preserved at all. Captain Harris states in his report, which I have before me, that persons are going there now and mutilating the cones around the geysers, which are really beautiful and artistic works of nature, for the purpose of carrying off specimens to the different portions of the Union.

More than ten thousand persons visited the park during the last summer, and unless there is some surveillance over the movements of tourists all the objects of beauty in the park will inevitably be mutilated and destroyed. It is a singular fact, known to every one who has been in the Yellowstone Park, that by writing in a pencil mark, as Captain Harris says in his report, the name of any person, in an incredible space of time, as the silica is transparent which you can see is formed above it, in a day or two or a week afterwards the visitor comes back, and by cutting or chipping out that block he carries home a perpetuation of his own name for his family, done by nature itself. With the thirst for immortality and publicity on the part of the American people at large, we can very well see how it is manifestly impossible to prevent them from carrying away, if within their power, these rare and wonderful specimens, perpetuating, as I have said, their own autographs.

But the principal objection of the Senator from Mississippi is the constitutional one. I say that the law-writers and the courts as to State constitutions having identically the provision of the Constitution of the United States, using the terms "crimes" and "criminal proceedings," construe that provision not to apply to misdemeanors. In the last work upon the right of trial by jury, Proffatt on Trial by Jury, the author says:

> It is evident that a jury trial can not be demanded in every case where a person is punished for a criminal offense. Such was not the practice at any time at the common law and before the adoption of our Constitution.
>
> For an offense rendering a person liable to "infamous punishment" he is entitled to a jury. Then the question arises, what is "infamous?" Generally, it is such as will entail, as a primitive consequence after sentence, the forfeiture of certain political rights, such as the right to vote.
>
> Not all crimes—

He says—

> which were felonies at common law must be tried by a jury. Petit larceny

was a felony at common law, yet it has been punished in England and here without a jury trial in a summary manner by a magistrate.

Mr. MANDERSON. And he cites two New York authorities in favor of that proposition.

Mr. VEST. Yes; a number of them. But the Senator from Mississippi says that this is a delegation of the legislative power by Congress to a commissioner. Under the internal-revenue law such power is delegated to a commissioner. I read a section of the statutes in which the power is given to a magistrate to have a seaman seized and punished in a summary manner.

Mr. GEORGE. For what?

Mr. VEST. For refusing to go on board his ship.

Mr. GEORGE. That was to carry out his contract.

Mr. VEST. I suppose it was in violation of his contract; it is a penalty, it is punitory. They have had the right to inflict a punishment upon him of six months' imprisonment in jail. That has been a clause of the Revised Statutes for fifteen years; yes, for twenty-five years.

Mr. BUTLER. May I ask the Senator from Missouri a question?

Mr. VEST. Certainly.

Mr. BUTLER. I ask him, if, in his experience as a lawyer, he has ever known an instance in any State in this Union where trial by jury has been denied unless the party tried in that way has had the right of appeal?

Mr. VEST. I undertake to say that there are not half a dozen States in this Union where a police judge does not inflict this punishment without a jury, and I challenge any contradiction of that statement.

Mr. MORGAN. Not without the right of appeal.

Mr. HOAR. Not without the right of appeal.

Mr. VEST. In New Yory city prisoners are taken before a police judge and punished by imprisonment in the jail for months, and even for a year at a time, without a trial by a jury.

Mr. BUTLER. Would not one of those prisoners be entitled to the right of appeal? That is the point.

Mr. VEST. What has that, logically, to do with trial by jury?

Mr. BUTLER. It has this to do with it: You not only deny the party accused in the Yellowstone Park trial by jury but you deny the right of appeal. I submit it has a great deal to do with the question; it is the very gist of it.

Mr. VEST. I can not see how, logically, the right of appeal to a superior court has anything in the world to do with trial by jury.

Mr. MANDERSON. If the Senator from Missouri will permit me, I will call his attention to the provisions of the statute pertaining to the police court of the District of Columbia. This is the provision as to jurisdiction:

The police court shall have original and exclusive jurisdiction of all offenses against the United States committed in the District not deemed capital or otherwise infamous crimes; that is to say, of all simple assaults and batteries, and all other misdemeanors not punishable by imprisonment in the penitentiary; and of all offenses against the laws and ordinances of the District in force therein.

Then the law goes on to provide in section 1064 of the Revised Statutes for the District of Columbia:

Prosecutions in the police court shall be by information under oath, without indictment by grand jury or trial by petit jury.

It seems to me, if the Senator from Mississippi is correct, that is plainly an unconstitutional provision as he construes the Constitution.

Mr. GEORGE. Will the Senator from Missouri allow me to call his attention to a high authority?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. VEST. Yes, sir.

Mr. GEORGE. In opposition to the statement made by the Senator from South Carolina, the Senator from Missouri has just said that the appeal has nothing to do with it. I read from Bishop on Criminal Procedure, section 893, as follows:

This constitutional right—

Referring to trial by jury—

must necessarily, in some degree, be under legislative regulation and control, though the substance of it can not be impaired. Thus: Providing preliminary steps to a jury trial is not unconstitutional; as, if a statute directs a trial without jury, then permits to convicted defendants an unobstructed appeal to a court proceeding *de novo* by jury, it does not violate the Constitution by erecting this vestibule to pass through to the jury beyond. If, on the other hand, one does not choose to appeal, or to prosecute his appeal, after it is taken, he waives his right to a jury trial.

So the statement of the Senator from South Carolina is vindicated by the highest authority known in this country on criminal law.

Mr. VEST. Then the position of the Senator is that you can not appeal except to a court where you can have a jury?

Mr. GEORGE. Of course.

Mr. VEST. There are courts, and plenty of them, to which there are appeals taken where there is no jury trial. In the city of New York a police judge inflicts the punishment, and if he inflicts a fine below a certain amount there is no appellate jurisdiction.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. VEST. Certainly.

Mr. GEORGE. I wish to call the Senator's attention to a very important fact to which his attention has not been called, I presume. There is a difference between the language of the constitutions of the several States under which these decisions are made and the language of the Constitution of the United States. In most of the States the language is, "The right of trial by jury shall remain inviolate;" and the courts have held that the word "remain" refers to an antecedent and existing state of facts or law; or, in other words, that in determining the right of trial by jury under provisions of that sort they refer to England; and if it can be shown that in England the party was not entitled to the right of trial by jury, then as the word "remain" is used, guaranteeing simply the existence of a state of law which was already in existence, it did not apply. But the language which I read from the Constitution of the United States is very different from that.

Mr. VEST. I thought that the law had been read here from this elementary work sufficiently to show that this authority covers the very point now made by the Senator from Mississippi:

In the constitutions of other States there are no express provisions for the trial in criminal cases beyond the general provisions securing the trial forever inviolate, which, of course, gives it in all civil and criminal cases.

* * * * * * *

It is evident that a jury trial can not be demanded in every case where a person is punished for a criminal offense.

Nothing can be more distinct than that. The author proceeds:

It would be manifestly impracticable. There must be some speedy, summary way to deal with a large class of minor offenses.

Not long ago Chief-Justice Waite addressed a letter to Mr. W. A. Phillips, an attorney in this city, who has taken great interest in the Yellowstone Park, in which he expresses his opinion in regard to the identical bill now before the Senate. Chief-Justice Waite has been to that park and is familiar with it.

Mr. GEORGE. Whose opinion are you reading?

Mr. VEST. That of Chief-Justice Waite, of the Supreme Court of the United States. He says:

I have read the Yellowstone Park bill, and it seems to me to meet the requirements of the case. To accomplish what is needed there must be a government, and I do not see how any less than is provided for can be made sufficient. If it is worth while to have the park, it is worth while to see that it is preserved for the purposes for which it was intended. It should either be abolished altogether and be permitted to go into the hands of private owners for the purpose of extortion, or else it should be kept as a national institution and cared for as such.

This opinion does not come from Chief-Justice Waite upon the bench.

Mr. HOAR. I should like to ask the Senator from Missouri what is the objection of the committee to providing that where the sentence is to an imprisonment there may be an appeal to the district court of the adjacent Territory?

Mr. VEST. I was about to say, in the very next sentence, that so far as an appeal was concerned, I had not the slightest objection to it. But the point of this whole discussion has been the jury trial, and that is equivalent to saying that there shall be no punishment there at all, because it is impossible to get a jury in that park. Nobody is permitted there except tourists and officers of the Government.

Mr. HOAR. The Senator will pardon me for suggesting that if the bill provided that when the sentence of the inferior magistrate was imprisonment there might be, at the discretion of the defendant, an appeal to the district court, that would answer the argument which has been made against the bill, because there they would have a jury trial.

Mr. VEST. I understand not. I understand we commenced the discussion with trial by jury, and now have got on to the appeal. I have no objection to anybody taking an appeal to the district court of Wyoming. If any gentleman opposed to the bill will offer such an amendment, so far as I am individually concerned I shall not oppose it.

Mr. GEORGE. I suppose the object of the Senator from Massachusetts in providing for an appeal is that there may be a jury trial in the court to which the appeal is taken.

Mr. VEST. I understood that the point made against the bill is that it does not provide for a trial by jury as to every misdemeanor in the park, and that is equivalent to having no jurisdiction to try any case summarily; it is equivalent to saying that nobody shall be punished for any misdemeanor in that park at all.

Mr. GEORGE. We agree that in the preliminary trial if an appeal be allowed to a court, the case to be tried *de novo* there with a jury, jury trial will be secured if there is no onerous or burdensome condition imposed upon the appeal.

Mr. VEST. Speaking for myself, I have not the slightest objection, and never have had, against any provision in the bill that would give the right of appeal on conviction for a misdemeanor; but what I do oppose is the contention that there must be a jury in every trial for a misdemeanor in the park, because in the very nature of things that does away with punishment altogether.

Under the act of 1872 the Secretary of the Interior was authorized to make such rules and regulations as he thought proper, but under that act if a man went in there with an axe and commenced knocking to pieces the cones around Old Faithful or the Queen geyser, all you could do with him was to take him and his axe and put him outside the park, and as soon as he was released he just took another cañon and came in and resumed his operations. That will not do.

As Chief-Justice Waite says, if you propose to have the park at all,

you must have a government for it. You must either repeal the act of 1872 and all amendatory acts and throw this whole magnificent reservation, magnificent in the view of natural curiosities and the wonders of nature, back into the public lands, and let the first man who can grab Old Faithful take it for a laundry, and bring in a few Chinamen and commence washing out dirty clothes. It does wash all sorts of cotton in the most effectual manner, but it has a democratic disregard for linen; it tears it to pieces.

Mr. MANDERSON. There is a simple proposition I wish to suggest to the Senator from Missouri. I do not think he has any particular pride in this bill. He desires that which shall be most efficient for the government of the park.

Mr. VEST. That is all.

Mr. MANDERSON. To meet these views I suggest that an amendment be made by adding, in section 7, line 13, after the word "provided," this provision:

Provided, That whereas part of the sentence there shall be punishment by imprisonment, an appeal shall be allowed to the district court having jurisdiction under the second section of this act.

Mr. VEST. I have no objection in the world to that.

Mr. MANDERSON. That, it seems to me, will reach the objections which have been made.

The PRESIDING OFFICER. The bill having been ordered to a third reading and read the third time, before it can be amended the Senate will have to reconsider the vote by which it was ordered to a third reading.

Mr. MANDERSON. I think it can be done by unanimous consent. I do not think there will be any objection to the amendment I propose.

The PRESIDING OFFICER. Is there objection to inserting the amendment read by the Senator from Nebraska?

Mr. HOAR. If the Senator will allow me, one I have just written is exactly like his, but I think contains a little more. I propose to insert, after the word "imprisonment," in the thirteenth line of section 5, the words:

Provided, That where the sentence is to imprisonment, the defendant may, if he see fit, appeal therefrom to the district court of Wyoming on recognizing with sufficient sureties to the satisfaction of said commissioner to prosecute said appeal.

Mr. MANDERSON. That is better. I withdraw my proposed amendment.

The PRESIDING OFFICER. Is there objection to inserting the amendment proposed by the Senator from Massachusetts in the bill as indicated? The Chair hears none, and it is inserted.

Mr. GEORGE. I should like to hear that part of [the bill read as amended, so that we can understand it.

Mr. VEST. Let the section be read as amended.

The PRESIDING OFFICER. The section as amended will be read.

The Chief Clerk read as follows:

SEC. 5. That all hunting or the killing, wounding, or capturing, at any time, of any wild animal or bird, except dangerous animals when it is necessary to prevent them from destroying human life or inflicting an injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line. Any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined for each offense not less than $20 nor more than $100, or by imprisonment for not more than three months, or by both such fine and imprisonment: *Provided*, That where the sentence is to imprisonment the defendant may, if he see fit, appeal therefrom to the district court of Wyoming on recognizing, with sufficient sureties, to the satisfaction of said commissioners to prosecute said appeal.

Mr. VEST. Mr. President, I am as anxious as anybody to come to a vote, but some things have been said about this park that I do not choose to allow to go into the RECORD without contradiction. I have not the slightest interest in the world in the park, except as a Senator here and as a citizen of the United States. I have visited it, and I have taken great interest in it, simply because it is the most wonderful region upon this continent.

It has been said here by the Senator from Mississippi [Mr. GEORGE] that he was opposed to taking this enormous amount of the public domain out of the public territory. It must be understood that this enormous extent of country, nearly 3,400 square miles, under the provisions of this bill, is utterly useless except for the purposes of a park. I have traveled, not through the entire extent upon the east, but upon the south I have, and upon the south it is a volcanic country, covered everywhere with lava deposits. There are no minerals there, no agricultural resources, no grazing lands. It is simply fit for the purposes of a park and nothing else. Upon the eastern side is the habitat of the large game in the summer months, when they go even above the timber line to escape the flies. But in the winter time comes the great destruction of game, when the snows fall to the extent of 6 or 8 feet, and the skin-hunters and pot-hunters put on their snow-shoes and go in and find the elk and deer parked in the cañons unable to escape, and then they shoot them down at their own pleasure. In one instance of which I happen to know, a man found a band of elk in this condition and with a revolver and knife killed forty-six before he left them. He cached the meat; he put it in under the snow in a cache, and it was there found by one of the assistant superintendents, and all that they could do with the man was to take him outside of the park and turn him loose.

To-day there is no jurisdiction there to punish murder or robbery or any sort of felony. There have been a dozen murders committed in the park, and the criminals have gone unwhipped of justice and unpunished; for the simple reason that there was no power which could punish them. The Territory of Wyoming has claimed jurisdiction there, but in my judgment as a lawyer, without the shadow of a pretense to any such authority. As Chief-Justice Waite says, if we propose to keep the park let us put some law over it. If we propose to destroy it, to allow it to become a portion of the public lands, let us do that by a direct vote. All that is asked here now is simply to give it such government as will prevent crime and protect property, and that is the whole of this bill.

Mr. CALL. Mr. President, I do not propose to detain the Senate upon this bill. I only wish to say that I am heartily in favor of the general object of the bill. I think that we might very well reserve not only 3,400 square miles, but twice that number for the pleasure and the amusement of the American people now and in future generations. I look forward to the day when cheap transportation and wiser economies than now prevail will enable the great majority of the American people to visit this great natural curiosity, and I take pleasure in doing anything in my power to advance that object and preserve this park for their amusement and pleasure. It is a marvelous natural phenomenon and is doubtless intended by a kind Providence for the observation and the delight of mankind. Its animal life is equally wonderful and curious. We shall be false to our duty and the great trust reposed in us to use the public powers intrusted to us not only for the benefit of the present but also of future generations by preserving both for their delight and their study.

But it seems to me that the provisions in this bill which have been criticised are justly subject to condemnation. I know that the Constitution has been refined away until there is no intelligible rational interpretation to be put upon it if we follow the decisions of the courts. The Constitution says in very plain terms that the trial of all crimes shall be by jury. It is quite manifest that all punitive offenses are crimes. The reasoning which has been submitted here of courts deciding that an offense which was punishable, which confined a person and deprived him of property, was not a crime, has no force, and there is no reason in it. There can be no such distinction. Crime consists in the wrong and in the punishment, but when we go further and see how it is that the person who is to be tried for a crime shall be arrested and held for it, we find that—

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia.

But he may be arrested for anything that is not an infamous crime and held to answer. The crime must be tried and punished by a jury. The person may be arrested and held to answer.

I do not see why the authority of a magistrate in this park, and the authority of a judicial officer with power to punish, with power to hold answerable to the jurisdiction of the district court, and with special authority, might not have been inserted in the bill. I think that the liberty of the citizen should be guarded everywhere. The jurisdiction of the courts should be extended over this park, and there should be a committing magistrate there, and bail in a large amount should be required; and if necessary there should be an immediate trial and the person transported to such place as is convenient within the district for his trial.

I think the interstate-commerce bill is quite as much subject to this criticism as this bill. No legislative power can be delegated, no judicial power can be conferred on any person who is not a judicial person in the sense of the Constitution; and no judicial power can be exercised except subject to the guarantees of personal right contained in the Constitution. But why talk about the Constitution? It is a forgotten instrument. The Constitution and the law is the varying opinion of men clothed with judicial power. Whether capable of reasoning or not, whether ignorant or not, whether honest or not, their opinions and their actions are the constitution and the law under our present system and our present habits of thought. I only wished to present these thoughts as the impressions which occur to me. The interests of the public peace, the interests of the preservation of this park, might all be preserved by a provision of the character I have mentioned. I think it is a subterfuge to say that a man may be punished for a crime without a jury, and give him an appeal to some other court. What becomes of the Constitution, that he shall not be "deprived of his liberty without due process of law," and of the fact that due process of law is that process issued subject to the provisions of the organic law?

I shall vote for the bill, and should like to vote for it with such an amendment in it; but this is one of the refinements which take away the right of the citizen and authorize his punishment by tribunals which have no power, and ought not to have any power to deprive him of his life, his liberty, or his property. Still I shall vote for it, notwithstanding these objections, inasmuch as if courts do their duty they will protect the citizen against any abuse of power under it.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. MCMILLAN. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been already ordered on the passage of the bill.

The Secretary called the roll.

Mr. EDMUNDS. Before the vote is announced, and contrary to all rule, I wish to ask unanimous consent that in section 10, in line 16, the phraseology may be changed so as to describe technically and properly the persons who are to exercise the power of arrest. It now reads:

And shall for that purpose have all the powers and duties conferred by law upon the marshals and deputy marshals of the district courts of the United States.

Technically, there is not any such office, and, therefore, I ask unanimous consent to make it read:

Upon the marshals and deputy marshals of the United States of the judicial districts of the United States.

Mr. VEST. Let those words be inserted by unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the unanimous consent of the Senate, pending the call of the roll, to submit the amendment which he has indicated to the bill now under consideration. Is there objection? The Chair hears none, and the amendment is made.

Mr. CONGER. My colleague [Mr. PALMER] was temporarily called away from the Chamber. If my colleague were present he would vote "yea."

The result was announced—yeas 49, nays 8; as follows:

YEAS—49.

Aldrich,	Dolph,	Jones of Arkansas,	Sawyer,
Allison,	Edmunds,	Jones of Nevada,	Sherman,
Beck,	Eustis,	Kenna,	Spooner,
Blackburn,	Evarts,	Mahone,	Stanford,
Blair,	Fair,	Manderson,	Teller,
Bowen,	Farwell,	Miller,	Vance,
Brown,	Frye,	Mitchell of Oregon,	Vest,
Call,	Gorman,	Morrill,	Walthall,
Cameron,	Gray,	Payne,	Williams,
Chace,	Hampton,	Platt,	Wilson of Iowa.
Cockrell,	Harris,	Pugh,	
Conger,	Hawley,	Ransom,	
Cullom,	Hoar,	Sabin,	

NAYS—8.

Berry,	Coke,	McMillan,	Whitthorne,
Butler,	George,	Morgan,	Wilson of Md.

ABSENT—19.

Camden,	Hale,	Maxey,	Saulsbury,
Cheney,	Harrison,	Mitchell of Pa.,	Sewell,
Colquitt,	Ingalls,	Palmer,	Van Wyck,
Dawes,	Jones of Florida,	Plumb,	Voorhees.
Gibson,	McPherson,	Riddleberger,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SNYDER, Mr. JOHNSTON, of North Carolina, and Mr. BROWN, of Pennsylvania, managers on the part of the House.

The message further announced that the House had passed a bill (H. R. 10203) to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor; in which it requested the concurrence of the Senate.

INDEBTEDNESS OF PACIFIC RAILROADS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next special order the title of which will be stated.

The CHIEF CLERK. A bill (S. 1200) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

Mr. TELLER. I ask the unanimous consent of the Senate to call up a bill that is general in its character.

Mr. BECK. I object to any consent.

Mr. TELLER. I do not believe it will create any discussion.

Mr. BECK. I object.

The PRESIDENT *pro tempore*. The Senator from Kentucky objects.

Mr. BECK. I do not know what it is, but I object.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves an executive session.

Mr. BECK. I call for the yeas and nays on that motion.

Mr. CULLOM. I suppose the Senator from Kentucky desires to get his bill before the Senate.

Mr. BECK. I desire that it be not displaced.

Mr. CULLOM. I think the Senator has a right to that.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania withdraw his motion?

Mr. CULLOM. I think the Senator from Kentucky ought to be allowed to get his bill before the Senate, at any rate, before we adjourn.

Mr. BECK. All I ask is that it may be taken up and left as the unfinished business, and then anything else may come up.

Mr. CAMERON. I shall not object to that if the Senator will consent to my motion immediately after that.

Mr. BECK. I desire to call up Senate bill 2578, so that it may be the unfinished business for Monday.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania withdraw his motion?

Mr. CAMERON. Temporarily.

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BECK] moves that the Senate proceed to the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States. The effect of this bill will be to postpone the special order. The question is on the motion of the Senator from Kentucky.

Mr. HOAR. May I ask the Chair to repeat his statement about the special order?

The PRESIDENT *pro tempore*. The special order being now before the Senate, if a new proposition be taken up it will displace the special order.

Mr. HOAR. What special order?

The PRESIDENT *pro tempore*. Senate bill 1200.

Mr. HOAR. Displaces it of its right as a special order?

The PRESIDENT *pro tempore*. No; but displaces it for the moment.

Mr. HOAR. Let the Senator from Kentucky withdraw his motion for a moment, and I will then let this special order be postponed one week. That will take it out of the way. I do not wish his bill to displace the special order.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky withdraw his motion for the time being?

Mr. BECK. If my bill does not lose its place.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the special order now before the Senate be postponed for one week.

Mr. HOAR. I will say until Monday, February 7, retaining its right as a special order.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 10203) to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas and making an appropriation therefor, was *read twice by its title*, and referred to the Committee on Agriculture and Forestry.

RAILROAD ATTORNEYS.

Mr. BECK. Now I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate now proceed to the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

The motion was agreed to.

Mr. ALLISON. Now I ask the Senator from Kentucky to yield to me that I may ask the Senate to pass a little bill.

Mr. EDMUNDS. No. I hope the Senator from Kentucky will stick to this bill and have it settled one way or the other.

Mr. BECK. I want to give a chance to the Senator from New York [Mr. EVARTS] and other gentlemen to speak on Monday at 2 o'clock. The bill will be subject, of course, to appropriation bills.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] asks unanimous consent, pending the railroad attorneys bill, to proceed to the consideration of a bill.

Mr. ALLISON. It will take but a moment. It is Order of Business 1701, being the bill (H. R. 5877) for the relief of William H. Morhiser.

Mr. HARRIS. The unfinished business being informally laid aside.

Mr. EDMUNDS. I object to anything but the regular business.

Mr. CAMERON. I renew my motion for an executive session.

Mr. CALL. I ask the Senator from Pennsylvania to withdraw his motion while I ask unanimous consent to allow the Senate resolution,

which I have discussed on several occasions before the Senate, to be the special order after the bill of the Senator from Kentucky.

Mr. MORGAN. If that resolution were referred now to the Committee on Public Lands, it might be reported back on Monday.

The PRESIDENT *pro tempore*. The Senator from Alabama objects to the proposition of the Senator from Florida.

Mr. CALL. I ask the Senator from Pennsylvania to allow me to make that motion?

Mr. CAMERON. But the Senator from Alabama objects, as I understand.

Mr. CALL. I ask that the resolution be taken up.

Mr. CAMERON. I think I had better insist on my motion. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until Monday, January 31, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 29th day of January, 1887.

UNITED STATES CONSUL.

Edward W. Mealey, of Hagerstown, Md., to be consul of the United States at Munich, to fill a vacancy.

POSTMASTERS.

Gilbert B. Foster, to be postmaster at National Stock-Yards, Saint Clair County, Illinois, in the place of Samuel Bucknell, whose commission expires February 5, 1887.

John H. Havighorst, sr., to be postmaster at Havana, Mason County, Illinois, in the place of Oliver C. Easton, whose commission expires February 15, 1887.

Emily T. Helm, to be postmaster at Elizabethtown, Hardin County, Kentucky, in the place of herself, whose commission expires March 1, 1887.

Frederick E. Towle, to be postmaster at Arlington, Middlesex County, Massachusetts, in the place of Frederick E. Towle, whose commission expired January 2, 1887.

George H. Morgan, to be postmaster at Newton, Middlesex County, Massachusetts, in the place of John G. Latta, whose commission expires February 5, 1887.

George L. Rice, to be postmaster at North Adams, Berkshire County, Massachusetts, in the place of John B. Tyler, whose commission expires February 5, 1887.

Charles H. Reynolds, to be postmaster at Swanton, Franklin County, Vermont, in the place of Jason P. Jewett, whose commission expires February 5, 1887.

The following messages were received from the President of the United States?

I nominated George G. Rodman to the Senate on the 15th December, 1886, to be postmaster at Washington, Washington County, Iowa, *vice* William B. Bell, suspended.

On the 16th January, 1887, the term of office for which said William B. Bell was originally appointed expired.

And I renew the nomination of George G. Rodman, heretofore communicated to the Senate, to be postmaster at Washington, Washington County, Iowa, *vice* said William B. Bell, whose term of office has expired as aforesaid.

GROVER CLEVELAND.

I nominated Richard Burke to the Senate on December 15, 1886, to be postmaster at What Cheer, Keokuk County, Iowa, *vice* Byron S. Brainard, suspended.

On January 16, 1887, the term of office for which said Byron S. Brainard was originally appointed expired.

And I renew the nomination of Richard Burke, heretofore communicated to the Senate, to be postmaster at What Cheer, Keokuk County, Iowa, *vice* said Byron S. Brainard, whose term has expired as aforesaid.

GROVER CLEVELAND.

I nominated John S. Preston to the Senate December 15, 1886, to be postmaster at Shelbina, Shelby County, Missouri, *vice* John S. Chandler, suspended.

On December 20, 1886, the term of office for which said John S. Chandler was originally appointed expired.

And I renew the nomination of John S. Preston, heretofore communicated to the Senate, to be postmaster at Shelbina, Shelby County, Missouri, *vice* the said John S. Chandler, whose term of office has so expired as aforesaid.

GROVER CLEVELAND.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 29, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Thursday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, returned to the House the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

CAPT. EDWARD P. LULL.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a letter from the Secretary of the Navy, and recommending that permission be granted by Congress to Capt. Edward P. Lull, United States Navy, to accept a diploma tendered him by the President of the State of Panama; which was referred to the Committee on Naval Affairs.

PAY OF CUSTODIANS AND JANITORS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending an appropriation from the unexpended balance for the year 1886 to meet the deficiency in the appropriation for pay of assistant custodians and janitors of certain public buildings for the fiscal year 1885; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-STATION KEEPERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board, recommending appropriations for the erection of structures for the comfort of light-house keepers at certain light-houses; which was referred to the Committee on Appropriations, and ordered to be printed.

SEA-OTTER HUNTING GROUNDS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a deficiency estimate of an appropriation for the protection of the sea-otter hunting grounds and the seal fisheries, and for enforcing laws in Alaska; which was referred to the Committee on Appropriations, and ordered to be printed.

FEES IN FOX AND WISCONSIN RIVER CASES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an account of the clerk of the circuit court of Columbia County, Wisconsin, for fees in the Wisconsin River damage cases; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMERCE, SAINT MARY'S FALLS.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting a report upon the commerce passing through the Saint Mary's Falls Canal during the year 1886; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

RECORDS AND FILES OF UNITED STATES COURTS.

The SPEAKER also laid before the House a letter from the Attorney-General, recommending that an appropriation be made for arranging and filing the records and files of United States courts; which was referred to the Committee on Appropriations, and ordered to be printed.

ACCOUNTS OF WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER also laid before the House a report of the receipts and disbursements of the Washington and Georgetown Railroad Company for the year ending December 31, 1886; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC BUILDING, CHATTANOOGA, TENN.

The SPEAKER also laid before the House the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn., approved February 25, 1885;" upon which a conference was requested by the Senate.

Mr. DIBBLE. Mr. Speaker, I ask unanimous consent that the House non-concur in the Senate amendment, and agree to the committee of conference asked for.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will appoint the managers of the conference on the part of the House during the day.

AGRICULTURAL EXPERIMENT STATIONS.

The SPEAKER also laid before the House an act (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1863, and of the acts supplementary thereto; which was referred to the Committee on Agriculture.

REAR-ADMIRAL CARTER.

The SPEAKER also laid before the House the act (S. 729) for the relief of Rear-Admiral Carter; which was referred to the Committee on Naval Affairs.

FERRY ACROSS MISSOURI RIVER.

The SPEAKER. The Chair calls attention to the fact that the bill (H. R. 1280) to authorize Frank W. Hunt to erect a maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dak., has been returned from the Senate with a verbal amendment to the title, inserting the word "and" in place of "a." If there be no objection, that amendment will be concurred in.

Mr. STRAIT. I hope that will be done.

There being no objection, the amendment of the Senate was concurred in.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. BENNETT, for one day, on account of sickness.
To Mr. DINGLEY, for to-day, on account of sickness.
To Mr. OUTHWAITE, for two days, on account of sickness.

LEAVE TO PRINT.

Mr. WILLIS. At the request of a number of gentlemen, I ask unanimous consent that any member be permitted to print remarks in the RECORD on the river and harbor bill.

There being no objection, leave was granted.

MRS. LOU GOBRIGHT M'FALLS.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that the bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls be taken from the table with the accompanying report, and recommitted to the Committee of the Whole House. If there be no objection, that order will be made. The Chair hears none; and it is ordered accordingly.

DISTRIBUTION OF SEED IN TEXAS.

Mr. LANHAM. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill which I send to the desk, and that it be now considered.

The Clerk read the title of the bill, as follows:

A bill (H. R. 10203) to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor.

Mr. LANHAM. Mr. Speaker, this bill was read on a previous day, and perhaps there is no necessity for reading it again. I ask unanimous consent to dispense with the reading.

The SPEAKER. The gentleman from Texas states that the bill has been heretofore read. Does any gentleman demand the reading of the bill again?

Mr. WILSON. I wish to ask the gentleman from Texas whether the Legislature of his State is not now in session.

Mr. LANHAM. That is true.

Mr. WILSON. What is the necessity for Federal appropriation?

Mr. LANHAM. I will state that heretofore, in two instances, appropriations of this sort have been made by Congress. In 1875, when Kansas had suffered from ravages of grasshoppers, an appropriation of $30,000 was made. In 1882, when there had been an overflow of the Mississippi and its tributaries, Congress made an appropriation of $20,000. The object of the present bill is simply to enable the Commissioner of Agriculture to make a special distribution of seed in a large section of country which has suffered from an unprecedented drought, and is in keeping with the precedents thus established.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The amendment reported by the Committee on Agriculture, to strike out "50" and insert "10," so as to make the appropriation $10,000, was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. COWLES. I demand the yeas and nays on the passage of the bill.

The yeas and nays were not ordered, only 13 voting in favor thereof.

The bill was passed.

Mr. LANHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT DENVER, COLO.

Mr. SYMES. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo., and that the bill be now considered.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COWLES and Mr. BYNUM called for the regular order.

BUSINESS OF THE COMMITTEE ON FOREIGN AFFAIRS.

Mr. MORRISON, from the Committee on Rules, to which was referred a resolution relative to the consideration of business reported from the Committee on Foreign Affairs, reported as a substitute for that resolution the following:

Resolved, That the order made by the House on the 19th day of April, 1886, setting apart a day for the consideration of bills reported from the Committee on Foreign Affairs be, and the same is hereby, rescinded; and that Thursday, February 3, 1887, after the hour for the consideration of bills, is hereby set apart for the consideration of such measures as may be presented by the said Committee on Foreign Affairs; no other business to be transacted on said day until the consideration of measures so presented is completed.

Mr. WARNER, of Ohio. Is that a continuing order?

The SPEAKER. The resolution proposes to vacate an order heretofore made, and to substitute another day for the one previously fixed.

The substitute was agreed to, and the resolution as amended adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. MORRISON, from the Committee on Rules, also reported the following resolution, with a recommendation that it be adopted:

Resolved, That on Tuesday, February 1, 1887, the House will take a recess at 5 o'clock p. m. until half past 7 p. m., and that the evening session shall be devoted exclusively to the consideration of such measures as may be presented by the Committee on Military Affairs.

The resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT CHATTANOOGA.

The SPEAKER announced as managers on the part of the House at a conference to be held on the disagreeing votes of the two Houses on the bill (H. R. 7218) for the erection of a public building at Chattanooga, Tenn., Mr. SNYDER, Mr. JOHNSTON, of North Carolina, and Mr. BROWN, of Pennsylvania.

OATH OF OFFICE OF HON. D. WYATT AIKEN.

Mr. HAMMOND. Mr. Speaker, I present at this time a privileged report from the Committee on the Judiciary. I am instructed by the committee to report back the resolution which I send to the desk, with amendments recommended by the committee.

The SPEAKER. The Clerk will report the original resolution.

The Clerk read as follows:

Whereas D. WYATT AIKEN, a Representative for the State of South Carolina, from the third district thereof, has been unable from sickness to appear in person to be sworn as a member of the House, but has sworn to and subscribed the oath of office before an officer authorized by law to administer oaths, and the said oath of office has been presented in his behalf to the House: Therefore,

Resolved, That the said oath be accepted and received by the House as the oath of office of the said D. WYATT AIKEN as a member of this House.

Mr. HAMMOND. Unless some gentleman desires the reading of the report, I am not inclined to occupy the time of the House in regard to this matter.

The committee recommend that the preamble of the resolution be amended, and I ask the Clerk to read the amendments suggested by the committee, which appear in the concluding sentences of the report.

The Clerk read as follows:

We recommend that the preamble of the resolution be amended by adding after the words "has been," in the second line, the words "and in all probability will remain until the end of this Congress." And also by adding before the word "therefore," at the end of the preamble, the words "and there being no contest or question as to his election."

Mr. HAMMOND. With those amendments we recommend that the resolution do pass.

Mr. BAYNE. Mr. Speaker——

Mr. HAMMOND. If the gentleman from Pennsylvania desires to be heard in opposition, I will yield to him such time as he may wish.

Mr. BAYNE. I only wish to occupy four or five minutes.

Mr. HAMMOND. I yield to the gentleman five minutes.

Mr. BAYNE. I do not desire, Mr. Speaker, to antagonize the resolution exactly, and yet I think it is one that should not pass the House. I have always regarded the gentleman from South Carolina as a most faithful Representative of his constituency, and the misfortune which has befallen him by reason of this long-continued sickness, rendering it impossible for him to come here, is a reason why I am very loath to oppose in any way the adoption of this resolution. It is a matter over which he had, of course, no control; and I regret, therefore, that my sense of duty compels me to interpose my objection to this resolution.

I think that, owing to the peculiar circumstances attending this case, it should not perhaps be opposed so seriously or vigorously as would be appropriate on many other occasions; and yet the principle involved is identical. I think it an exceedingly dangerous precedent to set that a member of the Senate or a member of the House of Representatives may be sworn as a member of either body when not present as required by section 30 of the Revised Statutes. It is a precedent which would manifestly be susceptible of great abuse. Occasions may arise in the history of this Government when such a precedent would be abused.

I do not see, Mr. Speaker, that this resolution is necessary to enable the payment of the compensation of the member, because I believe the Committee on the Judiciary could have reported a resolution authorizing the Representative from South Carolina to be paid in full his compensation; and I do not see that the passage of this resolution requiring him to be sworn was necessary at all as a means of enabling him to receive his pay, mileage, and whatever may be due to him as a member of the House of Representatives.

Mr. HOPKINS. May I ask the gentleman a question?

Mr. BAYNE. Yes, sir.

Mr. HOPKINS. Has not the Representative in question been drawing his pay regularly, the same as any other member of the House?

Mr. BAYNE. I know nothing of that personally, but presume of course that he has. I assume, however, that the object of this resolution was more to ratify and sanction the act of the disbursing officers of the Government in paying him—because he was not entitled to pay, as I understand it, until he had subscribed to the oath fixed by law—than for any other purpose. But the Committee on the Judiciary, I repeat, could have reported such a resolution authorizing his pay, and at the same time have kept the House free from establishing such a precedent.

I make this statement, Mr. Speaker, for the purpose of presenting a protest against the acceptance of this oath as one equivalent to that administered on the floor of the House to the members-elect when they appear in person to be sworn, so that it may appear on the RECORD that this motion did not go unchallenged in the House of Representatives.

Mr. EZRA B. TAYLOR. Mr. Speaker——

Mr. HAMMOND. If the gentleman from Ohio desires time, I will yield the floor to him.

Mr. EZRA B. TAYLOR. I only rose to ask that the report be read.

Mr. HAMMOND. I have no objection to that.

The report (by Mr. HAMMOND) was read, as follows:

The proposed resolution is in the following words:

"Whereas D. WYATT AIKEN, Representative for the State of South Carolina from the Third district thereof, has been unable from sickness to appear in person to be sworn as a member of this House, but has sworn to and subscribed the oath of office before an officer authorized by law to administer oaths, and the said oath of office has been presented in his behalf to the House: Therefore,

"*Resolved*, That the said oath may be accepted and received by the House as the oath of office of the said D. WYATT AIKEN as a member of this House."

The reasons given for it are that Mr. AIKEN was duly elected and returned as a member of this House from said district in South Carolina, but by reason of severe illness has been unable to appear and take the oath of office, and must remain so unable at his home, 600 miles away, during the remainder of this Congress.

The oath presented with the above resolution is the legal oath of office, duly taken and subscribed before a judicial officer of South Carolina, authorized to administer oaths, and whose judicial character is certified over the seal of that State.

The Constitution of the United States in Article VI, paragraph 3, requires that—

"The Senators and Representatives" [and all officers, State and Federal] "shall be bound by oath or affirmation to support this Constitution."

Under that requirement the Representatives in the First Congress took said oath, pursuant to a resolution of the House, administered by the chancellor of New York. (See House Journal, First Congress.)

Afterwards that Congress passed the act of 1st June, 1789, containing what is found in sections 28, 29, and 30 of the Revised Statutes, namely:

"The oath of office shall be administered by the President of the Senate to each Senator who shall hereafter be elected previous to his taking his seat. When a President of the Senate has not taken the oath of office, it shall be administered to him by any member of the Senate.

"SEC. 30. At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any member of the House of Representatives to the Speaker and by the Speaker to all the Members and Delegates present, and to the Clerk previous to entering on any other business; and to the Members and Delegates who afterwards appear, previous to their taking their seats."

Two questions arise under that statute:

First, whether any officer but the Speaker can administer that oath; and second, whether it can be administered until the member is "present" or "appears" in the House or elsewhere than in the House. In England the oaths of office were administered by the clerk to the speaker first, and then to the members. (May's Par. Pr., 193, 194-201.) The "outdoor" oaths, now abolished, were taken and subscribed before the clerk in the lobby, before the members could go within the House. The oaths had to be repeated after the Speaker was elected and approved by the Crown, and this was "required by statute to be taken while a full House of Commons is there duly sitting with their Speaker in his chair." (*Ib.*, 194.) As we derived our laws from England it is well to observe how our statute differed from theirs.

The Constitution, Article I, section 2, paragraph 5, declared: "The House of Representatives shall choose their Speaker and other officers." Their choice was absolute. Here the chief executive did not name a commission or other officer to admit and swear them. Our statute of 1789 empowered the Speaker to administer the oath, and made it his duty to do so, to all Representatives "present" at the organization, or who should afterwards "appear." Those words do not necessarily mean that no one else shall or may administer the oath of office. The Revised Statutes, in more than twenty sections, authorize certain officers to administer oaths. In a very few instances there seems to be an intention to exclude others not so authorized. Thus section 2617 allows the collector of customs to be sworn by any authorized officer, and adds that all other persons appointed under "this title" shall be sworn before the collector. This apposition may require such a construction as to these last. But more in point is the act of 1868, in Revised Statutes, section 1921. It says:

"The secretary of New Mexico Territory, upon the convening of the Legislature thereof, shall administer the oath of office to the members elect of the two houses and the officers thereof when chosen; and no other person shall be competent to administer such oath save in the absence of the secretary; in which case any one member of either house may administer the oath to the presiding officer elect and he shall administer the same to the members and other officers."

We find no other instance in this regard in our statutes of declaring incompetent all others than those specifically so authorized. Being upon the very subject of administering the oath of office to legislators the use of the excluding words seems a legislative construction that without them others would not be excluded.

A construction which would require that none but the Speaker can swear in a member might prove seriously inconvenient in case of his absence. It is a rule of the House only which authorizes him to temporarily appoint one to the chair. Such a construction would give the Speaker the dangerous power to refuse to administer the oath and thereby exclude members from the House. No such construction should be allowed.

It may be proper to call attention to an English case. Before 1853 the House of Commons could not sit at all in the absence of the Speaker. They passed a standing order that in his absence the chairman of the ways and means committee "perform the duties and exercise the authority of Speaker in relation to all proceedings of this House, as deputy speaker," &c. (May's Par. Pro., 239.) The Speaker was so absent from June 4 to June 11, 1855, and during his absence two members were sworn in with such deputy speaker in the chair. When the Speaker returned, he suggested whether any doubts as to the validity of the oaths (because not taken while the Speaker was in the chair) should not be removed. Whereupon it was deemed advisable to pass an act to declare these proceedings to be valid, &c. (*Ib.*, 229, 230, 231, 203.) An act for that purpose was passed and approved 14th of August, 1855. It does not appear, in Hansard's Debates, to have called forth any observations.

This seems to have been done out of abundant caution. Caution was needed; for by statute any one then taking his seat and voting in the House of Commons without having duly taken the oath of office subjected himself to severe pains and penalties. So sitting and voting he could be fined £500, "and his seat is also vacated in the same manner as if he were dead." (May's Par. Pr., 199.) Even without that, one might well have feared that so positive a statute could be repealed only by a statute and that such standing order did not authorize the deputy speaker to swear in a member. But as our statute is not exclusive, as was England's, this case is no obstacle to passing such resolution. And it is well to observe that in England Parliament is hedged about everywhere by statutes, but not so here. Our proceedings and almost everything pertaining to our business rest on the constitutional declaration that "ea h House may determine the rules of its proceedings."

Next, must the oath be administered only in the House with the Speaker in the chair? The failure so to enact, in the light of the English statute, signifies that we did not wish to be so hampered. No words fix the place of swearing in Senators in the act of June 1, 1789, above quoted. The sections 28, 29, and 30 are all parts of that act. The reasons applicable to one House applied also to the other. Therefore the words "present" and "appear" in section 30 do not seem to fix any place as the only place for this work. Every citizen is bound by law to support the Constitution. The purpose, and sole purpose, was to add the solemn obligation of religious pledge where one became an officer. That was equally binding, without regard to the person before whom or the place where it was taken.

When William Rufus King was elected Vice-President in 1855, and was detained at Havana, a special act was passed to allow him to take the oath of office there. In that case a statute was necessary to authorize the officer abroad to administer that oath. It is a precedent for swearing in a member away from his House, but further has no weight. It does not appear what course would have been adopted had he been confined at home in this country. We have found no other precedent on the subject.

It does not require the oath to make one a Representative; that is determined by his election for the term. It is the election which disqualified him for holding certain offices under Article I, section 6, paragraph 2 of the Constitution. The President alone is required to take the oath of office "before he enter on the execution of his office." (Article II, section 1, paragraph 7.) Representatives perform the all-important duty of electing their Speaker before they are sworn. Indeed, neither the Constitution nor the statute of 1789 fixes any time for their taking the oath of office.

In England, while a member-elect of the House of Commons must be sworn in before he can "sit within the bar" or vote, that is only because of the statute before stated. He has all other privileges of a member. Thus, in 1715, the house resolved "that Sir Jos. Jekyl was capable of being chosen of a committee of secrecy, though he had not been sworn at the clerk's table." Acting on that precedent in 1858, Baron Rothschild was put on a committee as to the oaths bill, and afterwards as one of the managers of the conference, though for eleven years he had refused to take the oath because it required him to affirm "upon the faith of a Christian." (May's Par. Pro., 200.)

Mr. AIKEN has been appointed on the Committee on Agriculture and on that on Education in this House. This House has granted him leave of absence indefinitely because of his illness; he has his quota of documents, &c., and franks the same through the mails as a member of Congress. None would contend that he can practice in the Court of Claims, accept fees to procure offices, or be interested in Government contracts simply because he has not taken the oath of office. Yet sections 1055, 1780, and 3739, Revised Statutes, forbid those things being done by members of Congress only, and thus prohibit him, and he may not have a right to his salary because section 38, Revised Statutes, makes it payable "after he has taken and subscribed the required oath." We never "subscribe" the oath.

No provision has been made by statute for administering this oath of office by any but the Speaker, nor elsewhere than in the House. As to absent members it is *casus omissus*. Does it require a statute to make such provision? We think not. Our statute (section 47, Revised Statutes) requires the salaries and accounts of members to be certified by the Speaker. He must approve the employment of our reporters. (*Ib.*, section 54.) Yet those things may be done by a "deputy speaker," named by him with the approval of the House. That deputy speaker swears in members also, not by statute, but only by our rule, which authorizes him to "perform the duties of the Chair."

The Constitution declares that when sitting to try impeachments Senators "shall be under oath or affirmation." No statute has prescribed the form and mode of taking that oath. In all impeachment trials the Senate has for itself determined those things. It may be well to call attention to an act of 18th April, 1876 (Suppl. Rev. Stats., 204). It simply authorized the presiding officer of the Senate for the time being, the Secretary and chief clerk thereof, to administer the oaths therein mentioned, and was doubtless passed expressly to allow the presiding officer to administer the oath on impeachment trials, but that it was not thought necessary except to empower those officers to administer the oath. Mr. EDMUNDS, who reported that bill at a later day, said on the 5th April, 1876, there was a "question about his authority" to administer the oath, because said act of 1st June, 1789, above quoted, did not cover the case of impeachments (15 Globe, 2212). And immediately, on that day, the Senate passed a resolution that they be sworn by the Chief-Justice of the United States to try Belknap.

Such statutes, authorizing certain officers to administer oaths in certain cases, are convenient and proper; but such statutes decrease not the constitutional powers of either House. The question of how the oath of office in each House shall be taken is so near akin to the "elections, returns, and qualifications of its own members," and so like one of the "rules of its own proceedings," which constitutionally belong to "each House" to "judge" and "determine" for itself, that we think no statute is necessary for that purpose.

We put these reasons fully because of the importance of the matter. We believe this House can, and under the circumstances should, accept the oath of office sent here by Mr. AIKEN.

We recommend that the preamble of the resolution be amended by adding after the words "has been," in the second line, the words "and in all probability will remain until the end of this Congress," so that his permanent disability may appear as the reason for this action; and also by adding before "therefore," at the end of the preamble, the words "and there being no contest or question as to his election."

And we recommend that when so amended the resolution do pass.

Mr. BAYNE. Will the gentleman from Georgia permit me to have a substitute, which I ask leave to offer, read for information?

Mr. HAMMOND. I shall not permit any substitute to be offered if I can help it. I intend to ask for the previous question.

Mr. BAYNE. Can I have it reported at this time for information?

Mr. HAMMOND. Certainly.

The Clerk read the proposed substitute, as follows:

Resolved, That the said D. WYATT AIKEN shall be entitled to the salary, mileage, commutation, and stationery of a member of the House of Representatives of the Forty-ninth Congress, as if he had appeared and the oath of office had been duly administered to him as required by section 30 of the Revised Statutes.

Mr. HAMMOND. I would object to that resolution if it were an independent matter at any time. In the first place, we can not take money out of the Treasury by resolution. In the second place I would not vote to give Mr. AIKEN mileage when he has never been here to earn any mileage. In the third place, he has drawn his salary up to date. And the only person interested in the law as to the salary is the official who has paid it.

The Committee on the Judiciary very carefully looked into this matter. I devoted as much as eight or ten days of diligent study to it. There was no dissent in that committee of which I am aware, except that the gentleman from North Carolina [Mr. BENNETT] reserved the right to make a minority report. He is detained from the House to-day, but sent me word to go on with this resolution.

It will be observed the resolution simply accepts an oath made elsewhere than here. It is perfectly plain from a reading of the statute that the right to swear in a member is not exclusively in the Speaker. He is simply authorized to do it, as the Speaker of the House, in the presence of the House when a man appears. This House might now authorize somebody else to do it by resolution even in the presence of the Speaker, as we believe. Certainly that statute does not cover the case.

The very fact that an English statute existed at the time that we passed this one, which declared that a member should not be sworn in except in full house in the presence of the speaker, and we declined to put those words in our act, is an argument very conclusive that we declined because we did not intend to have that law in force here. I do not think that there need be any further argument about the matter. We put all the argument we had in this report.

Mr. BUCHANAN. I wish to ask the gentleman from Georgia a question for information. The noise and confusion on the floor during the reading of the report were so great that I was only able to catch a few lines of it. I wish to ask whether the Committee on the Judiciary discovered any precedent directly in line.

Mr. HAMMOND. The Committee on the Judiciary did not. The nearest thing that we discovered was that William Rufus King, when elected Vice-President, was sick in Havana, and could not come here. Congress passed a statute, without discussion either in the Senate or the House, to empower the consul at Havana to swear him. There was no question about his being sworn away from the Senate. But there being no American officer authorized to administer the oath, by unanimous consent in the House and in the Senate a statute was passed to empower a consul to administer that oath.

Mr. CUTCHEON. Will the gentleman from Georgia permit me a question?

Mr. HAMMOND. Certainly.

Mr. CUTCHEON. What purpose is expected to be accomplished by this resolution, beyond giving Mr. AIKEN his salary and emoluments?

Mr. HAMMOND. Mr. AIKEN has obtained his salary. So far as there is a legal purpose in the resolution, it is to protect the officer who has paid it to him. But beyond that we simply desire to do what Mr. AIKEN has a right to ask us to do, to accept his oath of office. Otherwise he is not a member of this House in the full sense of being a member.

Mr. CUTCHEON. Would not a resolution of indemnity answer the purpose?

Mr. HAMMOND. I do not know how the House by a resolution could indemnify any officer for paying out money contrary to a statute. I demand the previous question on the passage of the resolution and amendments.

The previous question was ordered.

Mr. HAMMOND. I presume the first question is on the amendments.

The SPEAKER. The amendments have been agreed to.

Mr. BAYNE. I move that the resolution be recommitted to the Committee on the Judiciary, with instructions to report back, in the form of a bill or joint resolution, the provision contained in the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the said D. WYATT AIKEN shall be entitled to the salary of a member of the House of Representatives of the Forty-ninth Congress as if he had appeared, and the oath of office had been duly administered to him, as required by section 30 of the Revised Statutes.

The SPEAKER. The question is on the motion to recommit the resolution with the instructions as read.

The question being taken,

The SPEAKER stated that the "noes" seemed to have it.

Mr. BAYNE. I call for a division.

The House divided; and there were—ayes 33, noes 84.

So (further count not being called for) the motion to recommit with instructions was not agreed to.

The resolution reported by the Committee on the Judiciary as amended was agreed to.

Mr. HAMMOND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER TO PRINT.

The SPEAKER. If there be no objection, the Chair will order the bill (S. 372) to establish agricultural experiment-stations in connection with colleges established in the several States under the provisions of an act approved July 2, 1862, and of an act supplemental thereto, to be printed. There is no print of the bill as it passed the Senate.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

Mr. HOLMAN, by unanimous consent, obtained leave of absence for this day on account of sickness.

ORDER OF BUSINESS.

Mr. BLOUNT. I move to dispense with the morning hour for the call of committees.

Mr. TAULBEE. I ask the gentleman to modify his motion so as to allow gentlemen who have reports to make to-day to send them up informally.

Mr. BLOUNT. I will agree to that. I ask unanimous consent, then, that gentlemen having reports to make be allowed to do so.

Mr. BURROWS. Mr. Speaker, is it not a shorter process to call the committees?

The SPEAKER. The request is that gentlemen be permitted to file their reports, and the call of committees be dispensed with.

There was no objection, and it was ordered accordingly.

Under this order the following reports were filed:

SOLDIERS' HOME AT FORT RIPLEY MILITARY RESERVATION.

On motion of Mr. BRAGG, the Committee on Military Affairs was discharged from the further consideration of a bill (H. R. 10801) ceding to the State of Minnesota the Fort Ripley Military Reservation, for the purpose of erecting and maintaining a soldiers' home thereon, and the same was referred to the Committee on the Public Lands.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. CRISP, from the Committee on Commerce, reported back favorably a bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER IN STATES OF IOWA AND ILLINOIS.

Mr. CRISP, from the Committee on Commerce, also reported back with amendments the bill (H. R. 10412) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS EAST RIVER, NEW YORK.

Mr. CRISP, from the Committee on Commerce, also reported back the bill (H. R. 10044) authorizing the construction of a bridge across the East River between the city of New York and Long Island; which was laid on the table.

Mr. CRISP, from the Committee on Commerce, also reported, as a substitute for H. R. 10044, a bill (H. R. 10914) authorizing the construction of a bridge across the East River between the city of New York and Long Island; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER NEAR YANKTON, DAK.

Mr. BYNUM, from the Committee on Commerce, reported with amendment a bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River at a point to be selected within 5 miles of the city of Yankton, Dak.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER AT PIERRE, DAK.

Mr. BYNUM, from the Committee on Commerce, also reported back favorably with amendment a bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. BYNUM, from the Committee on Commerce, also reported back with amendment a bill (H. R. 10664) authorizing the construction of a bridge across the Red River of the North; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GENERAL SPEED S. FRY.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. 6732) for the relief of General Speed S. Fry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INTERCHANGE OF JURIES.

Mr. OATES, from the Committee on the Judiciary, reported back favorably the bill (S. 12) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JOHN P. HAGEMAN.

Mr. HITT, from the Committee on Foreign Affairs, reported back the bill (H. R. 10545) for the relief of John P. Hageman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT BINGHAMTON, N. Y.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT JACKSON, MICH.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 1227) to provide for the construction of a public building at Jackson, in the State of Michigan; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ALLEGED VIOLATIONS OF RULE XXXIV.

Mr. RICHARDSON, as a matter of privilege, presented a report of the Select Committee on Admissions to the Floor in relation to alleged violations of Rule XXXIV; which, with the accompanying testimony, was referred to the Committee on Rules, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TUCKER. I ask unanimous consent to introduce a bill for reference.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded, and the gentleman's State will be called on Monday morning.

Mr. BLOUNT. I move that the House resolve itself into Committee of the Whole on the state of the Union—— [A pause.]

Mr. STEELE. Mr. Speaker, I desire to call up the special order, House bill 7634——

Mr. BLOUNT. Mr. Speaker——

The SPEAKER. The Chair understood the gentleman from Georgia to abandon his motion.

Mr. BLOUNT. I had not done so, but I was interrupted by several gentlemen around me who were making suggestions as to what I should do. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The SPEAKER. That motion has precedence over the motion of the gentleman from Indiana [Mr. STEELE], and the question must be first taken on the motion of the gentleman from Georgia [Mr. BLOUNT].

Mr. HATCH. I hope the gentleman from Georgia [Mr. BLOUNT] will not make that motion at this time. I understood him to agree not to make it until we got through with the pleuro-pneumonia bill, but I may have misunderstood him.

Mr. BLOUNT. I prefer to let the House determine whether it will take up the appropriation bills or the bill which the gentleman from Missouri indicates.

Mr. HATCH. But I can not make a motion antagonizing the motion of the gentleman from Georgia until the close of the second hour.

Mr. MCMILLIN. I hope the gentleman from Georgia [Mr. BLOUNT] will insist upon his motion. We are already unusually late with the appropriations of the session, and it is absolutely necessary that we take action upon them if an extra session is to be avoided.

Mr. STEELE. I suppose the House knows that war has been declared, and it is very necessary to increase the efficiency of the Army. [Laughter.] The bill I desire to call up is for that purpose.

Mr. HATCH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH. The special order reads:

That Thursday, the 13th day of May, 1886, after the second call of committees, be set apart for the consideration of such business as may be presented by the Committee on Agriculture; this order not to interfere with general appropriation or revenue bills, and whether so interfered with on that day or not, shall be a continuing order until the bills presented by said committee shall be disposed of.

I desire to ask whether the construction placed by the Speaker upon this order is that the words "not to interfere with general appropriation bills" applied only to the 13th day of May, or that they have a continuous application?

The SPEAKER. The Chair thinks the latter part of the order just read continues the entire order.

Mr. HATCH. The gentleman from Georgia [Mr. BLOUNT] will see the attitude in which this places me; he will see that I can not in good faith interfere with his motion or raise the question of consideration at this time and keep faith with the House.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] moves that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills. If that motion is rejected the hour for the consideration of bills will be in order.

The question was taken on the motion of Mr. BLOUNT, and it was agreed to—ayes 98, noes 46.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of general appropriation bills. The Clerk will report the title of the first bill in order.

The Clerk read as follows:

A bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BLOUNT. I ask that this bill be passed over for the present.

The CHAIRMAN. If there be no objection the bill will be passed over.

Mr. DUNHAM. I object.

The CHAIRMAN. Objection being made to passing over this bill, the Committee of the Whole, in accordance with the rule, will rise and report the objection to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole on the state of the Union, having under consideration general appropriation bills, and having reached House bill 10396, objection was made to the proposition that the bill be passed over, and pursuant to the rule, the committee rose and now reported the objection to the House.

Mr. MCCREARY. The chairman of the Committee on Foreign Affairs [Mr. BELMONT] is absent at this time, and I think the diplomatic and consular appropriation bill had better be passed over for the present. I understand that it will not lose its place, but will come up after the Post-Office appropriation bill is disposed of.

The SPEAKER. The question is not debatable.

The question being taken on the motion that the Committee of the Whole be directed to pass over House bill 10396, it was agreed to.

The House again resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The Clerk will read the title of the next general appropriation bill in order.

The Clerk read as follows:

A bill (H. R. 10793) making appropriations for the services of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. BLOUNT. I ask unanimous consent to dispense with the first reading of this bill.

There being no objection, it was ordered accordingly.

Mr. BLOUNT. Mr. Chairman, the change of the rules of the House narrowing the limits of legislation on general appropriation bills has left to the committee very little to do beyond a consideration of the wants of the service under existing laws. That is our situation to-day with respect to this bill. It embraces no legislation of any consequence upon which it will be necessary to take up the time of the House. It may be stated in general that the appropriations asked in this bill for the fiscal year 1888 are about equal to and in many instances less than the amounts appropriated for the current fiscal year. So close have the estimates of the Department approached its actual needs for the coming fiscal year that the Committee on the Post-Office and Post-Roads, taking up item after item, have come to the conclusion that no more has been asked for by the Department than the needs of the service absolutely require. Hence we have reported the amounts suggested in the estimates and in addition a sum made necessary by the act extending the free-delivery system to cities where the population is 10,000 or where the gross postal receipts reach the sum of $10,000.

In these estimates there are two or three propositions to which I deem it proper to call the attention of the Committee of the Whole. For the present fiscal year there was provided at the last session of Congress $200,000 "for mail depredations and post-office inspectors, and fees to United States marshals, attorneys, and the necessary incidental expenses connected therewith." The Postmaster-General has asked for an extraordinary increase in this item; that is to say, he has asked an appropriation of $300,000, an increase of one-third upon the usual expenditure for this service. Of course there must have been some unusual reason for this request, especially when we consider the exceedingly close estimates for all other items in the bill. It is proper, therefore, that I should in a brief way state the reasons which induced the request of the Department for this additional $100,000 and

the reasons which actuated the committee in assenting to this recommendation.

It will be remembered by many gentlemen that prior to June 17, 1878, postmasters of the fourth class were compensated by allowances on the quantity of stamps sold. The result of that system is well known to the country. Stamps were hawked about in various places at rates below those fixed by the Government. Enormous frauds grew up; so that on the 17th day of June, 1878, a statute was passed changing the basis of compensation from the quantity of stamps sold to the number of stamps canceled. The very next year there appeared, by reason of this statute, a saving of $800,000. Yet frauds have been continuously practiced upon the Government under the present system. An inspection by the present Postmaster-General has disclosed to an alarming extent the evils now existing in this regard. With the small inspection force at his command the Postmaster-General has been able, from April 1, 1885, to December 29, 1886, to recover, in two hundred and thirty-seven cases, the sum of $102,255.81.

The recoveries from February 11, 1879, to January 30, 1885, in thirty-seven cases, were $19,380.45. It was naturally suggested to the Postmaster-General that with a larger force there might be a much greater recovery to the Government. In order to disclose the existing evils it is well, perhaps, I should give from a letter of the Postmaster-General a few illustrations of the frauds which have been practiced by fourth-class postmasters. In Exhibit A, attached to this report, case No. 1 discloses that at a small post-office in the State of Maryland the postmaster reported as the amount of stamps canceled by himself for the first quarter of 1884, $261.47; for the second quarter, $289.59; for the third quarter, $298.35; for the fourth quarter, $240.27; and for the first quarter of 1885, $297.35. An inspector was directed to investigate the affairs in that office. Upon investigation it was estimated that the legitimate cancellations for all these several quarters reached only the sum of $12.

For instance, for the first quarter of 1884, reported canceled by the postmaster in his returns, $261.47; estimated legitimate cancellations, $12.

Again, in the case of Utah upon the adjustment of the accounts of the postmaster on the estimated legitimate business of the office, it appears that he received for compensation from February 5, 1879, to December 31, 1885, $3,691.30, or $2,341.30 in excess of what he was lawfully entitled to.

In case No. 4, in the State of Minnesota, the compensation of the postmaster from July 1, 1878, to March 31, 1886, amounted to $2,715.72, while, reducing it to $25 per quarter, the sum to be refunded to the Government is $1,940.72.

I will call attention next to a case in my own State. It is case No. 8. The quarterly accounts from the newly-appointed postmaster at A———, Ga., being so much less than those of his predecessor in office that an inspector was directed to examine into the cause of decrease. The inspector informs the Department that the late postmaster resided in the city near A———, Ga., and in making up his reports of cancellation at his residence in the city he added to the amount of cancellations reported by his assistant all letters, postal cards, circulars, &c., mailed by himself at the L——— office (a Presidential office), in the railway post-office or elsewhere, and counted the same as if actually mailed at and canceled at the office where he was postmaster.

The inspector also states that the present postal business represents the probable amount done by the former postmaster, and that the accounts be adjusted on that basis. The late postmaster was arrested and held for trial. Upon adjustment of his compensation from July 1, 1878, to September 14, 1885, the sum of $1,510.50 was found to have been allowed the postmaster more than he was entitled to receive. This amount the postmaster has refunded to the Government.

Mr. Chairman, I might go on with case after case, and they disclose this state of things: That the Government in the compensation of these officers depends primarily on their own sworn returns, and human nature is such that, by reason of perjury, the Government is defrauded of hundreds of thousands of dollars.

In this connection I beg leave to say that, by reason of the unusual inspection of postmasters which have already taken place during the last fiscal year, there was not an increase of 1 per cent. in their compensation; and under the estimate for the year 1888 the calculation is there will not be an increase of more than 1 per cent.

It is not at all improbable if this item is allowed, and all fourth-class offices of the country understand the Postmaster-General has a force constantly to visit their offices, constantly to examine their business, there will be such a reform as perhaps will decrease the item of compensation of postmasters; and, so believing, the committee have unanimously recommended this increased allowance.

The next item to which I will call attention——

Mr. McRAE. If the gentleman will allow me, I would like to ask him to explain to the House how it can be possible for the Government to be defrauded upon the old plan, that is, in paying for stamps sold?

Mr. BLOUNT. Under the old system of compensation of certain percentage upon stamps sold stamps were sold all over the country, and offices which did not pay $250 a year you will find rose up to $3,000 a year, based upon the sales of stamps.

Mr. McRAE. These stamps were accounted for by the postmasters who sold them, were they not?

Mr. BLOUNT. Of course they were; and the postmaster was entitled to the first $200 of stamps sold. He was entitled to a percentage on all he sold.

Mr. McRAE. It seems to me it would be easier to detect fraud under the old than under the present system.

Mr. BLOUNT. We are not in the dark on the questions suggested by my friend. The Department is full of experience in reference to all of them. Frauds have been much greater under the system of allowances on stamps sold than stamps canceled.

I will call the attention of the committee to the following item in reference to inland transportation on railroad routes. After stating the sum allowed, this provision is appended:

> Of which sum not exceeding $20,000 may be employed to pay the freight on transportation of postal cards, stamped envelopes, and stamped paper from the manufactories to post-offices and depots of distribution.

It is now carried on postal cars at a great cost to the Government, and it is said with great inconvenience to the postal clerks who have to handle these enormous packages, sometimes resulting in disturbing the distribution of the mails. By allowing the payment of this sum and paying for the transportation of these packages as freight there is in the outset a saving of $55,000 and the relief of the Post-Office Department from the inconvenience to which I have referred, relieving the mails of the delays in the distribution. It will take $95,000 for two additional postal cars which will be needed to transport this matter unless this is done.

This matter is so patent that I do not think there is any occasion to make a further addition to the statement I have already made upon the subject.

I will reserve now what I have to say for the five-minutes' debate, when I will call attention to certain paragraphs of the bill as we proceed. Before taking my seat, however, I would like to ascertain, if possible, whether there is any disposition to prolong the general debate, and, if so, what length of time gentlemen would wish.

Mr. PETERS. I will state to the chairman of the committee that I should be glad myself to occupy fifteen or twenty minutes; possibly I shall not consume all of that time.

Mr. BLOUNT. I ask unanimous consent that all general debate be closed in one hour.

Mr. PETERS. I do not know, of course, whether anybody else wants to be heard.

The CHAIRMAN. If there be no objection the general debate on this bill will be closed in one hour.

There was no objection, and it was so ordered.

Mr. PETERS. Mr. Chairman, my only object in taking the floor is to call attention to one or two features of the bill, not with the object of opposing the passage of the bill, or even for the purpose of offering any amendments to it, but simply to direct attention to the present condition of the postal laws with regard to certain offices throughout the country. The bill presented here by the committee is, in my opinion, a very fair one, and I think under all the circumstances quite a liberal bill. The appropriations asked for by the Post-Office Department have in the main been conceded as necessary, and the amounts recommended placed in the bill.

I regret very much that certain legislation in relation to third and fourth class post-offices has not been enacted by this House, so that provision for the money necessary might have been placed in the bill at this time. But the committee has not as yet been able to act upon a bill for the relief of these classes of officials, and hence whatever amendments might be suggested or requisite to the amounts allowed in the bill would be subject to the point of order, and perhaps ruled out if the point of order should be made.

I think there is no class of officials under the Post-Office Department who are so inadequately compensated as the third-class postmasters. The third-class postmasters are those in charge of offices where the gross receipts are $1,900, and not exceeding $8,000, and their salaries are regulated by the gross receipts. These third-class postmasters are allowed this salary based on the receipts, but are required to provide their own rooms in which to carry on the business of the Government, and are also required to provide post-office facilities, fuel, light, and any clerk-hire that may be necessary for the carrying on of the business of the office itself, unless it be a certain allowance for clerk-hire in offices where there are star routes, in which cases a small allowance is made by the Department for clerk-hire for the distribution of the mails under the star-route system.

It therefore frequently happens that a third-class postmaster having a salary of a thousand, fourteen hundred, fifteen hundred, or nineteen hundred dollars a year, is required, in order to render efficient service to the immediate locality in which the post-office is situated, as well as to the Government, to pay out a large proportion of his salary by way of clerk-hire, rent, and for lights and fuel. It should be borne in mind in this connection that there is not a third-class post-office in the United States that does not furnish to the Government a revenue from its receipts greater than the expenses incurred in conducting the office. In other words, there is not a third-class post-office in the United States

but what the Government derives a net revenue from the business of the office; and therefore there is no great need for saying that it is unjust, that it is not right, to increase the compensation at those offices.

I do not remember the exact figures, but I think the net revenue from third-class offices in the United States amounts to the sum of between one and two millions of dollars annually.

But aside from this, as I have contended heretofore, there is no reason why a third-class postmaster should not be allowed his rent, his light, and fuel the same as a second and first class postmaster, provided it can be paid out of the revenues of the office. If it became necessary to draw upon the Treasury of the Government for the purpose of meeting the expenditures of such offices, then the objection might reasonably be urged that the Government could not afford to do this; but certainly where the revenues of the office itself are in excess of the expenditures it is nothing more than just and right that rent, fuel, and light, as well as the necessary clerk-hire, should be allowed to the third-class postmasters.

I had intended, Mr. Chairman, to press this matter vigorously before the Committee of the Whole when this bill was under consideration; but I am glad to state that a bill has been prepared, covering not only this question but also the question of fourth-class offices, which is now pending before the Committee on the Post-Office and Post-Roads, and I think a day will be secured for the consideration of that bill. If it is considered and passed then a large amount of the complaints made by the people, and by third and fourth class postmasters themselves, will be done away with, because the bill that the committee now have under consideration meets the objection to which I have called attention. For this reason, therefore, I did not deem it important or necessary at this time to detain the Committee of the Whole in discussing at length the points I have briefly suggested.

I desire, however, before taking my seat to call the attention of the members on this floor (and large numbers have probably received letters from third and fourth class postmasters on the same subject) to the fact that this bill will be presented to their consideration, provided a day can be secured by the committee for that purpose; and when so presented I hope every man who feels an interest in the third and fourth class offices will take it upon himself to urge prompt action in reference to it.

Mr. OATES. Will the gentleman permit me to inquire if it is not the fourth-class postmasters whose offices are money-order offices from whom complaints of the meagerness of the salary comes as a well-founded complaint? It is that class, the fourth-class, which are money-order offices, is it not?

Mr. PETERS. A large portion of the complaint comes from that class of offices. But there is still another class of fourth-class postmasters who have a just right to complain, namely, the postmaster at the small country office at the farm-house, where the post-office is located for the convenience of the neighborhood, and where the inconvenience of the post-office to the family as well as to the person is very great; and yet there is not sufficient compensation allowed your fourth-class postmaster in such a case to even pay him for keeping the room clean in which he has his office.

Mr. OATES. I sympathize with the statement the gentleman from Kansas has made, and put the question merely to call distinct attention to it. Is there not this difference as to these small offices that a small office on a daily line is a great deal more trouble to the postmaster than one where the mail only comes once, twice, or thrice a week?

Mr. PETERS. Yes, sir.

Mr. OATES. And there ought to be a difference in compensation?

Mr. PETERS. Yes, sir.

Mr. WEAVER, of Iowa. And does the gentleman not think where the office pays its way that is all the Government ought to ask?

Mr. PETERS. I have taken that position all the while.

Mr. WEAVER, of Iowa. Otherwise it amounts to a tax on that office for the benefit of some other office.

Mr. PETERS. Certainly. The Government can not complain or the people can not complain if a third-class office pays its way. No one has a right to complain of an expenditure which will render to a community efficient service and to the third-class postmaster adequate compensation, provided the Government is not called upon to pay any portion of that compensation.

I might add, in relation to these money-order offices, what is probably pretty well known, that the Government only establishes money-order offices once a year, namely, on the 1st of July. There has not been, under the present law, proper compensation to postmasters for the money-order business in a large number of offices. But that difficulty is also to be remedied by the bill to which I have called attention, and which I hope will be brought up for consideration.

I might state, Mr. Chairman, by way of information, that on July 1, 1886, there were 1,769 third-class post-offices. The largest number of these was in the State of New York, namely, 163; the next largest number was in Illinois—145; the next in Pennsylvania—120; the next in Iowa—101; the next largest number was in Ohio—95; the next in Massachusetts—92; and the next in Kansas—83.

I simply call attention to these leading features so that it may be impressed upon the minds of members of the House that there is a very large class of these officers who have been rendering efficient service without an adequate compensation, and they have the right to demand of the Congress of the United States such compensation as will pay them reasonably for the services they render.

If any other gentleman of this side desires to speak any further in the general debate I yield to him, as I have said all I desire to say in relation to the matter.

I reserve, however, the balance of my time.

THE EDUCATION BILL.

Mr. JONES, of Texas. Mr. Chairman, the Blair educational bill proposes to distribute among the States, the Territories, and District of Columbia, according to the illiteracy of their inhabitants, $79,000,000 within eight years under the conditions defined in the bill. This, in my opinion, is the most important measure brought before this Congress, and one that deserves most careful and deliberate investigation. The first question to be determined is, whether Congress has the power, under the Constitution, to pass this bill? It can not be questioned that if the Federal Government have power to provide, by an appropriation of money from the Federal Treasury, for the education of the illiterates in the States, it has also, and it becomes its duty, to follow up the money and see that it is properly and legitimately used.

From the power to appropriate springs, necessarily, the power to direct how the appropriation shall be expended, and in this bill both the power to appropriate money and direct how it shall be used by the States is asserted. If the General Government have the power to provide for the education of the people of the States and education promotes the general welfare of the United States, then it becomes the duty of Congress to levy and collect taxes for educational purposes in the States, and adopt a system of enforced education, if necessary, as well as to pay the debts and provide for the common defense.

But the inquiry arises, has the Federal Government such power? I think not. The taxing power of the Federal Government is limited to the purposes of paying the debts and providing for the common defense, for the promotion of the general welfare of the United States. But it can not be exercised for the collection and distribution of money among the States for local benefits, nor for the general welfare, for that implies the power to compel the States to accept the trust and execute it under laws enacted by the taxing power. The general welfare-clause in the eighth section of the first article of the Constitution is not a substantive general power, but is a limitation on the grant of power to raise money by taxes, duties, imposts, and excises to pay debts and provide for the common defense.

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

It therefore follows that the powers that the States may constitutionally exercise the Federal Government can not constitutionally exercise. It can not be said, with any legal propriety, that the States did not reserve to themselves the great mass of the business of government. The care and regulation of the social relations, the mental and moral culture of their inhabitants, the development of every local interest within their borders, the preservation of order and peace among their people, the right and duty to provide for the weak and unfortunate members of society are powers and duties thus reserved to the States. The Constitution does not expressly or by implication prohibit the States from exercising the fullest control over these matters. Nor are any of these powers or duties, by express or implied grant in the Constitution, transferred from the States to the General Government. No one of the enumerated powers in the Constitution touches the subject under discussion or has any relation to it.

The powers granted to the United States and the powers prohibited to the States were such as were necessary for the preservation of the harmony and friendly relations that should subsist between the States and for the protection of their common interests against a foreign enemy or insurrection at home. Mr. Madison, in the Federalist, said:

> The powers delegated by the proposed Constitution are few and defined. Those which are to remain in the State governments are numerous and indefinite. Its (the General Government's) jurisdiction extends to certain enumerated objects only and leaves to the several States a residuary and inviolable sovereignty over all other objects.

The States conferred no power in the Constitution on the General Government over local subjects. They did not intend that there should be a doubt about the powers conferred, but they "defined" the powers they intended to grant to the General Government. It is a violation of the rights of the States and a usurpation of power for Congress to legislate on local subjects. If the States were all consenting and asking for the passage of this bill, in the absence of constitutional power in Congress to make the appropriation, our votes should be "no." We should remember that this is a Government of law and that "consent can not give jurisdiction." It will produce friction and disturb the harmony of our dual system and weaken it.

President Jackson said:

> That our true strength and wisdom are not promoted by invasions of the rights and powers of the several States; but, on the contrary, that they consist not in binding the States more closely to the center but in leaving each more unobstructed in its proper orbit.

In the case of the United States *vs.* Cruikshanks (92 U. S. R., page 550) the court say:

"The people of the United States, resident within a State, are subject to two governments—one State, the other national. But there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes.

The same power can not exist in both the General Government and the States at the same time. Will it be contended by the friends of the bill that the General Government, the mere creature of the States, acting under limited powers, at least without any express power in the Constitution, can distribute to the States, money raised by taxation to educate the people of the States, and thereby entirely reverse the relations that the States bear to the Union without injury to our system of government? It is a new and dangerous experiment.

It is contended that the general-welfare clause in the eighth section of the first article of the Constitution was inserted to authorize the Federal Government to provide for emergencies and purposes not enumerated in the Constitution, but which might arise in the future development of the country. This construction makes the will of the law-making power supreme, and totally destroys the autonomy of the States, and breaks down the barriers that have been hitherto relied on and deemed sufficient to protect the States in the exercise of the sovereignty they reserved to themselves. But it is now a grave question, What powers, if any, did the States reserve to themselves?

The bill prescribes what the States shall do to entitle them to a share of the bounty to be conferred. If the States make no appropriation or provision for public free schools they will get no money. It proposes that the General Government will help the States if they adopt a policy dictated by it. This bill puts the Federal Government in the attitude of a capricious ruler having authority over the States, his dependents, in which he has no confidence. It says to the States: If you do not comply with all the conditions I impose, I will withhold the appropriation from you and you can remain steeped in illiteracy, however dangerous that condition, although the general welfare of the United States be violated or endangered.

This bill authorizes and empowers the Secretary of the Interior to arraign and try a sovereign State for misapplying the money assigned to it. After unnecessarily and illegally taking more money from the people of the States than it should have done, it says: I will restore it, not to be used as you may choose, but as I will prescribe, and if you violate the conditions upon which I give it I will arraign and try you, and if I find you guilty I will withhold from you the residue of the appropriation. This is adding insult to injury.

If this bill should become a law, in view of the efforts that have been made to get rid of the surplus in the Treasury, and thereby conceal from the oppressed tax-payers of the Government that the burdens they have been carrying were really unnecessary for the legitimate purposes of Government economically administered, I fear that it will prove to be the extension of a policy of reckless and unwise expenditures of money that will in time destroy the symmetry and harmony of our dual system, obliterate State lines, ignore the functions of the State governments, and eventuate in centralism.

The advocates of this bill assert that the millions of dollars to be paid out to the States and Territories are intended to aid them in supporting the common schools that exist or that may be established, because the poverty of the people will not allow them to organize and sufficiently provide for the needs of education. But it is not proposed to relieve these same poor people from the heavy taxes they pay which have contributed to their poverty. It is not even proposed to distribute money that the United States do not need to pay their debts with, for which it was collected.

But the proposition is to collect more money from the people already so impoverished that they can not provide for the educational wants of their children, and then withhold it from them unless they tax themselves still further to raise an additional amount of money equal to the share that each State will be entitled to under the provisions of this bill. Are the people capable of self-government? Is it a fact that the poor people are really benefited pecuniarily by taxation? Are not the fathers and mothers of the children of this country as capable of providing for their educational wants as we are? They furnish the money. They elect us. They pay our salaries. We do not furnish the money. We extort it from them and then propose to give it back after deducting the expense of collection, on conditions that involve a surrender of every pretense that each man is a sovereign and capable of providing for himself and the wants of his children.

The bill is unconstitutional. It is un-American. It is inconsistent with, and is even at war with, the spirit and genius of our institutions. It assumes that local self-government is a failure. It exalts the creature, the Federal agency, above the creator, the States, and declares that the taxing power of the United States is limited only by the will of Congress. It can in no proper sense be called a benefaction. It is an oppression, and will be a hinderance to the educational interests that individuals, communities, and States are laboring to develop and permanently establish.

How can a Democrat vote for this bill and claim to be a strict constructionist of the Federal Constitution? How can a revenue reformer consistently vote for this bill, that diverts $79,000,000 from channels of legitimate expenditure to a new enterprise of at least doubtful constitutionality, and thereby create a necessity to continue the present ruinous system of taxation? How can the anti-national-bank advocate vote for so large an appropriation of money for local school purposes in the States when it is so much needed to pay the interest-bearing bonded debt of the United States that is now due, when he remembers that the payment of the bonds of the Government destroys the national banking system of the Government, a consummation infinitely desirable?

We (I mean Democrats) declare that Federal taxation should be for the public purposes of the Government exclusively, and not to exceed in amount the demands of the Government economically administered. Is the distribution of money among the States for educational purposes, under the provisions of this bill, for national or public purposes or for State or local purposes? Is there any power in Congress to divert from a public to a private use money acquired by taxation for any of the purposes enumerated in the Constitution? Has Congress the power under the Constitution to levy a tax except for Federal purposes? If so, is there any limit to its power to tax?

The Federal Government has no power except that which has been given it by the States by express grants in the Constitution. What powers, if any, did the States or people reserve to themselves when they created the General Government? Did the States, after enumerating the specific powers granted to the United States Government in the Constitution, and after declaring how and for what purposes the grants of power might be exercised by it, and after declaring in the tenth amendment to the Constitution "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people," mean that the General Government should have, under the "general-welfare" clause in the eighth section of the first article of the Constitution, additional powers to legislate for local interests whenever the States from any cause should fail to do so, the promotion of which might in the judgment of Congress mediately or immediately promote the general welfare of the country? We should hesitate long before we adopt so broad a construction of the Constitution.

But if the authority could be found in the Constitution to provide for the education of the people, as contemplated in this bill, would it be wise to do so in the present condition of the country? Why, if it be the fact, is illiteracy increasing? Did it increase before the late civil war? Where illiteracy abounds now it must continue till the negroes that were emancipated from slavery and their immediate descendants die, and until the oppressions and heavy burdens that are upon all the people from taxation are taken off and economy takes the place of wasteful extravagance in the administration of the Government. We have a legitimate use for all the money in the Treasury. Pay the debts we owe and stop the millions of dollars in interest these debts are bearing annually. Reduce taxes on the necessaries of life and make the luxuries bear the burden of taxation for the legitimate needs of the Government economically administered and leave the surplus millions with the people. Then hope and thrift will again inspire and comfort the poor and illiterate. Then they will have the means to provide for all their wants, whether mental, moral, or physical.

The danger to the stability of our Government does not arise from illiteracy, but from unwise and unjust revenue laws. Our fathers of revolutionary memory were not remarkable for their learning. They loved personal and local liberty, and hated unjust, oppressive revenue laws. They threw off the yoke of the oppressor. They were poor and generally illiterate. They were self-reliant, and grew in wealth and learning and in the arts and sciences under just and equal laws that commanded their observance and devotion. All of their grand achievements were the result of efforts unaided by contributions from the Government. Their growth, though rapid, was natural, the result of individual effort.

Illiteracy (except that which exists among the emancipated negroes and their immediate descendants) has resulted mainly from the heavy foreign pauper population that has immigrated into our country since the late war, and the poverty of the masses caused by the late war; and their poverty is aggravated, and will be continually aggravated, with all attendant woes and ills, until the taxes are reduced and class legislation is abandoned, and until just and constitutional laws are enacted and the Government is administered in the interest of all the people, and not in the interest of the favored few.

Unfetter the manhood of Americans and give them equal opportunities in the battle of life. Protect them in their lives, liberty, and pursuit of happiness, and they will, as their fathers did, demonstrate in their devotion to constitutional liberty, in their prosperity, and in their intellectual, moral, and social elevation, the Jeffersonian doctrine that the people are capable of self-government. Further protection or assistance is not needed, nor is it wise. The protection given to the capital invested in favored industries in our once happy country has cursed our land, impoverished millions of the people, and increased illiteracy.

Apply the millions of dollars proposed to be expended under this bill to the States that are too poor to educate their illiterates, and teach

the people to look from themselves for the means to educate their children to the United States Government, and then withhold assistance, if it be possible, and the educational interests in the States will as certainly decline as the profits of protected industries will decline when they are deprived of protection. This result will be inevitable: "That government is best that governs least."

Let us return to the old constitutional methods that were observed in the earlier and happier years of the Republic, and perpetuate our dual system of government, and this can only be done by respecting the division of powers made between the States and their agent, the Federal Government, by our fathers in the Constitution of the United States. And if we are faithful to the old time-honored doctrine of "strict construction," our Government will be, what it was intended to be, a perpetual inheritance and blessing to the descendants of its authors. [Applause.]

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. If no other gentleman desires the floor in general debate, I ask that the bill be read by paragraphs for amendment under the five-minute rule.

The CHAIRMAN. In the absence of objection the Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk read the following paragraph:

Necessary and special facilities on trunk lines, $295,987.53.

Mr. WALLACE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the paragraph just read the following:

"*Provided*, That all sums expended for special facilities shall be expended within the discretion of the Postmaster-General, so as to confer the greatest benefit upon the business and postal interests, and when two or more trunk-lines are in operation having the same general direction and terminal points such facilities shall be extended to the lowest bidder after advertisement."

Mr. WALLACE. It might not appear at first blush that a proviso of that sort was necessary in a paragraph like this. But in the distribution of that money the Postmaster-General has found himself bound by such remarks and statements in debate here as indicated the carriage of the mail over certain lines and trunk roads; and it is with a desire to entirely unhamper him in the distribution of this appropriation that I have offered this amendment; so that in his discretion he can distribute this money for the specific purpose for which it is appropriated in such way as he may think for the general public good and public benefit.

Mr. WARNER, of Ohio. Let the amendment be again read.

The amendment was again read.

Mr. BLOUNT. The sum for special facilities contained in this bill appears on the estimate of the Department. While general in its terms it is quite well known that it relates mainly to what is known as the fast-mail line on the Atlantic coast looking to a rapid connection with Havana. On page 84 of the report of the Postmaster-General is to be found the expenditure on account of this fund during the past fiscal year. Most of it, as I have said, relates to the Atlantic coast line. A small portion of the appropriation is used for the line from New York to Springfield, an another portion on the New York Central and Hudson River Railroad to Buffalo. The balance of it is used on what is known as the fast-mail line on the Atlantic coast, or rather the fast Cuban line.

The committee are well aware that the law provides, for carrying the mails, a compensation by weight, with the addition of an allowance for postal cars. It is not the policy of the Government to allow any special facility fund, because such a fund is well calculated to be abused. It has ranged from $45,000 in 1878, when it began, to $99,000 in 1879, $92,000 in 1880, $267,000 in 1881, $374,000 in 1882, $185,000 in 1883, $184,000 in 1884, $249,000 in 1885, $251,000 in 1886, and $291,000 in 1887. From which the House will see that the per cent. of money allowed in the discretion of the Postmaster-General for compensation of railroads for carrying the mails is exceedingly small. There has been great reluctance to make any allowance at all.

This appropriation for the coast line has been voted for years by the two Houses with a distinct understanding as to where it was to be used—so distinct that while, under the general law, the Postmaster-General had the right to exercise his discretion, he felt that such discretion was denied him in regard to this by the estimates, and by the understanding of the two Houses when the appropriation was passed. At this time, by virtue of this appropriation facilitating railroads, and by virtue of the general statute authorizing the Postmaster-General to make contracts out of the steamboat fund where the foreign office is within 200 miles of our coast, the Postmaster-General has made a contract for a tri-weekly mail from Tampa, Fla., to Cuba.

By virtue of that contract the contractor was induced to construct and has constructed (perhaps it is not quite completed) a vessel to ply between those points. That contract is absolutely useless unless this special facility fund is to be continued. Now, as to the advantages of it. Our immense trade with Cuba is well known; but, in the absence of this fund, under the mode of transporting the mails which has prevailed heretofore, a merchant in New Orleans desiring to communicate with Havana had to send his mail to New York and by sea to Cuba; and the same was true of the mail from all other parts of the country, it had to start at New York. Under the present system, instead of the mail from Arkansas or from Minnesota, or that section of the country, coming to New York, it goes southeast to the coast and is transmitted promptly. In this way celerity and certainty are secured by the use of this fund. Congress, having by repeated allowances of this fund recognized the necessity of it, I trust there will be no insertion here of language which will indicate to the Postmaster-General the abandonment of that service.

[Here the hammer fell.]

Mr. LONG. It also leads, I suppose, to the building of this vessel which the gentleman has mentioned?

Mr. BLOUNT. Yes, sir.

Mr. LONG. Do you not think it would be well to extend the principle?

Mr. WALLACE. Mr. Chairman, in offering this amendment I had no desire or expectation that it would change the ultimate intention of this appropriation. I understand that a large proportion of this fund is intended for facilitating the Cuban mail, and my object in offering this amendment is to leave it to the discretion of the Postmaster-General as to what route he shall select for carrying the mail to Tampa.

The present route is by the Atlantic Coast Line through a comparatively sparsely-settled country; whereas the same money could be appropriated to carrying the mails over trunk lines where the advantages of the service along the route would be enormously increased. For example, suppose this mail were carried over the Richmond and Danville road, there would be a saving of twenty-four hours in the distribution of the mail to Mobile, to New Orleans, and to the whole State of Texas, and at the same time all the present advantages in connection with the mail service to Cuba would be secured. In offering the amendment I simply desire to leave it to the Postmaster-General to select such route as he deems best for the public. I have no desire to interfere in any way with the transportation of the Cuban mail, but I do desire to get for the country intervening between Washington and Tampa as large a share of the benefits of the fast-mail service as I can.

As I have already said, this mail is carried now over a road, on one side of which there is nothing but water, and on the other a fairly-settled country, whereas on both sides of the line I have suggested there is a well-settled country with many towns rapidly increasing in population and importance. As I have understood from the Postmaster-General himself, he feels that the debate which has heretofore taken place on this appropriation has rather dictated to him the necessity of sending the mail by this particular line. I do not desire to have it taken from that line unless, in the opinion of the Postmaster-General, it can be carried to greater advantage over some other line at the same cost.

Certainly this House does not desire to tie down appropriations to any particular lines of railroad or to require that the mails shall be carried through any particular portion of country, provided the sections interested can be benefited by transportation over some other part of the great railroad arteries of the nation.

In the amendment which I have proposed there can certainly be nothing objectionable. No argument can be raised against its fairness. It leaves to the chief officer of the Post-Office Department the option to select at his discretion what may be considered the best route for the Government and the people. This amendment will not interfere with the facilities for the delivery of mail to Cuba. It extends the distribution of the mails into Georgia, Alabama, Louisiana, and Texas without interfering in any way with the accommodation of the people of South Carolina, North Carolina, and Florida, whose mails are at present facilitated by the appropriation of this money. The only object I have in view in this amendment is that the Postmaster-General may have this discretion, that he may be allowed some freedom in the exercise of this authority in the distribution of this large amount of money.

Mr. BLOUNT. Mr. Chairman, up to a few months ago the Richmond and Danville road took the northern mail from this place. The mail facilities in that direction were satisfactory, so far as I am informed, to the sections of country interested. But the schedules were changed by the railroad authorities, making a break at the city of Washington, doubtless for the purpose of creating confusion and extorting from Congress an appropriation of $125,000 for facilitating mail transportation to New Orleans.

Therein lies the danger of this "special-facilities" fund. We are liable in this way to combinations of railroad companies all over this country, resulting in great embarrassment in the distribution of the mails, because under present legislation the administration is powerless to control the wantonness of the railroad companies in matters of this kind. I trust, sir, that as only a few days since the two Houses of Congress saw fit to adopt a measure of protection for the people in the matter of general transportation, the time will come when we shall silence such clamors as this by legislative provisions compelling railroad companies to do justice in the distribution of mails which tend to facilitate business along their own roads and out of which they receive profit. This I believe to be the key to the situation. If Congress shall fail to agree to any proposition compensating the line referred to, I believe it will not be sixty days after the adjournment of Congress before this difficulty will have been solved.

My friend from Louisiana [Mr. WALLACE] says that over the line referred to we shall have, under his amendment, a distribution of the

Cuban mail as satisfactory as we are having under present arrangements. I submit to this Committee of the Whole whether it is not wiser to take the opinion of the Post-Office Department, which has seen fit to recommend this particular line than to adopt another provision which can only lead to the annoyance of the Department by creating controversy as to which is the proper line.

Mr. WALLACE. Can the gentleman tell me how the amendment will interfere in any manner with the discretion of the Postmaster-General in the selection of a line?

Mr. BLOUNT. I have not said that it did so; but the two Houses of Congress on these estimates have from year to year voted this appropriation with the understanding that it was to be used along the coast line, used for the purpose of transporting the mails to Cuba, used in connection with the enormous trade which we have with that country. I do not wish to see introduced into this bill a provision which, though seeming in terms to be harmless, may be calculated possibly to thwart the purposes of the Department. For this reason I hope the amendment will not be agreed to.

Mr. WALLACE. Will the gentleman tell us in what way the purposes of the Postmaster-General will be thwarted by this amendment?

[Here the hammer fell.]

Mr. BLOUNT. I will take pleasure in doing so when I have an opportunity.

Mr. McCOMAS. Mr. Chairman, this amendment is objectionable, and very objectionable. It illustrates how a gentleman intending to do one thing which he may understand may interrupt the transaction of business which he does not properly apprehend. The amendment, as read, and as its purpose is avowed by the gentleman from Louisiana, seeks to change a small section of this general route of "fast-mail facilities." This system extends over fourteen different railways, and embraces in extent 1,400 miles. The gentleman may or may not be right (I do not know whether he is or not) about the little segment of the half circle extending southward in the manner he has indicated; but in the great system which from New York northward and westward expedites the transcontinental mail, and from New York southward, southeastward, and southwestward expedites the other great mails of the country, the gentleman selects one small gap and proposes to apply to it the star-route method. What does his proposition require? According to his amendment the only thing requisite is that there shall be two trunk lines connecting the same terminal points. That might do for a star route; but the proposition ignores the whole purpose of the provision for special mail facilities. Why, sir, perhaps the gentleman is aware, and perhaps he is not, that under this system, which has grown up in past years, the Postmaster-General has power to fix the schedule, to say when a train shall start, to fix the speed of that train, to require the making of certain connections. He may make general changes in the entire control of the train as a mail train. If this amendment should prevail the Postmaster-General would be to that extent deprived of the power to hasten these mails by special facilities, and would be required simply to give the transportation to the company making the lowest bid, although that road might not make the necessary connections, although it might not run on proper time, although it might not subserve the purpose of expediting the great mass of the fast mails. If between two terminal points there should be two railroads, the lowest bidder must do the work, although thereby there might be six or twelve hours' delay in the fast-mail schedule.

That is the trouble. The present system has grown up during the past ten years. It embraces, as I have said, a service of 1,400 miles over all these railroads. If gentlemen want to make a change let them go to the Postmaster-General, and if they can show that, as between two existing lines, "one should be taken and the other left," he will have power to adopt their suggestion. But it is vicious legislation to undertake in this way, without experience or knowledge, to disturb the whole system by a general amendment so badly worded, and calculated to affect so injuriously the existing arrangements.

[Here the hammer fell.]

Mr. DOUGHERTY. Mr. Chairman, I apprehend every gentleman on this floor knows the object of Congress in making these appropriations, and will do justice to the Post-Office Department in believing its object is to have the mails of the United States, as well as foreign mails, carried to and fro between the points of destination as quickly as possible.

No matter what may be the object of the gentleman from Louisiana [Mr. WALLACE], it is utterly impossible for him to get a mail from the city of New York to the city of Havana, by the way of New Orleans, within twelve hours as quickly as the mail now goes over the present route It is a great many miles farther, as there is no direct communication.

Mr. WALLACE. I did not say by way of New Orleans. I acknowledge the mail should go by way of Tampa.

Mr. DOUGHERTY. What is the object of the gentleman from Louisiana?

Mr. WALLACE. I have stated it already and do not wish to take up the gentleman's time repeating it.

Mr. DOUGHERTY. I will yield to the gentleman to state it.

Mr. WALLACE. The object I have in offering this amendment is to have the $223,000 of money which is now appropriated to facilitate a fast mail service to Havana spent in such a way that the mails will arrive at Tampa on time and with all the facilities for the Havana mail service, while at the same time extending such facilities to the balance of the country for that appropriation of money as will be tenfold what they are to-day going by coast line, on one side being the broad ocean and on the other a sparsely settled country.

Mr. DOUGHERTY. Why, then, does the gentleman not attempt to make an increased appropriation in this bill?

I do not intend to take up the time of the House by any further discussion of the question. So far as the mail upon which the people of my country are dependent are concerned, it is run by a schedule as nearly perfect as time and space will permit. I hope the gentleman's amendment will not prevail.

Mr. WALLACE. I may say, Mr. Chairman, that the main feature of the amendment which I have offered seems to be ignored; that is, that the entire power and discretion in the distribution of this service and the expenditure of the money for this facility, that the whole discretion rests with the Postmaster-General. That amendment does not dictate how he shall spend the money, but simply gives him authority to disburse it as he may think best with the view of securing additional mail facilities. If in his judgment it is possible to secure mail service with the city of Havana in the expenditure of this $223,000 by another line of railway which will give the same time to Havana, and at the same time give fast mail service to the States of Alabama, Louisiana, and Texas with very large increase of service, why surely there can be no objection to the head of the Department doing so. It is left entirely within his discretion. He can select whatever railroad he chooses.

It seems to me to be extraordinary legislation to confine it to one little railroad, one special line, when we have so many competing lines which can offer better facilities. If they can not offer better facilities it is within the discretion of the Postmaster-General to continue the service over the present line of road. If there is no necessity for making a change the present service will not be interfered with; but if a better service can be offered, and the money here appropriated can be so used as to accommodate thirty or forty thousand more people, wealthier communities, larger business interests, and with an empire at one end like Texas, I do not see where the opposition comes from unless it be in behalf of this little line of railroad.

[Here the hammer fell.]

Mr. BURROWS. I desire to ask the chairman of the Committee on the Post-Office and Post-Roads how much there is paid for carrying the mail from Tampa to Havana?

Mr. BLOUNT. It is paid out of the steamboat funds, some $30,000.

Mr. BURROWS. Is it not $29,000?

Mr. BLOUNT. About.

Mr. BURROWS. How far is it?

Mr. BLOUNT. What distance?

Mr. BURROWS. Yes.

Mr. BLOUNT. I do not remember the exact distance.

Mr. BLANCHARD. The gentleman from Florida can tell.

Mr. BURROWS. Is not that foreign-mail service?

Mr. BLOUNT. It is impossible to hear what is going on, there is so much confusion on the floor.

The CHAIRMAN. The gentleman will proceed.

Mr. BLOUNT. I am told by the gentleman from Florida that the distance is 240 miles from Tampa to Havana.

Mr. BURROWS. For which $29,000 is paid. Is not that foreign; and I should like to ask the gentleman upon what principle it is paid?

Mr. BLOUNT. The gentleman will remember when I call his attion to it that there is a general provision of law to the effect that when a foreign port is within 200 miles of our coast, that in such case the Postmaster-General may make contracts for the carriage of that mail under the law relating to contracts for steamboat service, and in that way this was done.

Mr. BURROWS. Then the shorter the distance the greater the pay.

Mr. BLOUNT. That may be the gentleman's argument based upon the facts; but I do not want to enter into a discussion of the reason for that provision of law with him now. I think the present Postmaster-General has demonstrated to the people of this country his capability, and that he has administered the postal affairs of the country with a degree of credit that may be envied by any one.

Mr. BURROWS. Nobody raises that question.

Mr. BLOUNT. I know; but I understood the gentleman to say that the shorter the distance the greater the pay, and the inference naturally was that there was some mismanagement on the part of the Post-Office Department, if not something worse.

Mr. BURROWS. I was only referring to this policy. Here is a service of only 200 miles, for which we pay $29,000, while for another service of 5,000 miles distance we pay less than $1,000. I was wondering upon what principle the pay was regulated.

Mr. BLOUNT. I will say to my friend from Michigan that that provision of law was passed during the last administration. Upon what principle it rests I am not able to state to him, but it is on the statute-books, and I am not responsible for it. It was a law of Congress, and in obedience to that law we have prepared this appropriation bill.

Mr. DUNHAM. I ask that the amendment be again reported.

The CHAIRMAN. Without objection the amendment will be again read.

Mr. McCOMAS. I object.

Mr. DUNHAM. Then I take the floor to discuss the amendment, and will occupy the time by having the amendment again read from the desk.

Mr. McCOMAS. I withdraw the objection.

The Clerk read as follows:

Insert after the word "cents," in line 57:

"*Provided*, That all sums expended for special facilities shall be expended within the discretion of the Postmaster-General so as to confer the greatest benefit upon the business and postal interests; and when two or more trunk lines are in operation, having the same general direction and terminal points, such facilities shall be extended to the lowest bidder after advertisement."

The question was taken on the amendment of Mr. WALLACE.

The committee divided; and there were—ayes 13, noes 90.

So the amendment was rejected.

The Clerk read as follows:

Office of the Superintendent of Foreign Mails:
For transportation of foreign mails, $450,000.
For balance due foreign countries, $75,000.

Mr. BURROWS. Under the head of "Transportation of foreign mails" an appropriation of $450,000 is made. I think that is an increase over last year's appropriation of $75,000. What is the reason for the increase?

Mr. BLOUNT. It grows in part out of the matter of compensation paid for the transportation of the foreign closed mails. Heretofore, notwithstanding the law authorized it, there has never been any compensation to vessels for carrying the foreign closed mails at all. During the current fiscal year the steamboat lines carrying the mails, say from New York to Panama, claimed to be entitled to compensation for the service. The Department undertook to examine into the question and found the law perfectly clear and that they were entitled to it. They were astounded that it was never allowed before, but were convinced that it was allowable under the terms of the law. Therefore there will be a deficiency this year of $25,000 from that source, accounting for twenty-five of the seventy-five thousand, and there is an increase in this bill of that amount where provision is made for this sum.

The residue of the seventy-five thousand grows out of an increase of the mail matter itself based on calculation; I mean calculation in part, because the gentleman from Michigan well knows that the percentage which is established in calculating the increase is adduced from considerations based upon averages taken from year to year, and there have been taken 6½ per cent. on the expenditures of 1886, to be added to the expenditures for 1887, and 6½ per cent. added to that for the coming year, in which way this amount has been reached.

There is a reduction, the gentleman will observe, in the matter of balances due to foreign countries to the extent of $25,000, the Postmaster-General disagreeing with the estimate of the Superintendent of Foreign Mails in that regard, based upon an examination of the reports of the Auditor for several years.

Mr. BURROWS. Can the chairman of the committee state—I have not the figures now in mind—how much of this sum of $450,000 is paid to foreign vessels for carrying the mails.

Mr. BLOUNT. The gentleman will find it embodied in the report. I have not undertaken to carry the figures in mind, as it did not illustrate the debate; but in the report of the Superintendent of Foreign Mails it is itemized, and the name of every vessel paid under it has been given.

Mr. BURROWS. I did not know but that the gentleman had the exact figures at hand. It is somewhere over $300,000, is it not—$320,000 that went to foreign ships?

Mr. BLOUNT. I think it is.

Mr. DOCKERY. And for the reason that there were no American vessels to carry the mails.

The Clerk resumed and concluded the reading of the bill.

Mr. BLOUNT. I move that the committee now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McMILLIN reported that the Committee of the Whole on the state of the Union having had under consideration the Post-Office appropriation bill, had directed him to report the same to the House with the recommendation that it do pass.

Mr. BLOUNT. I ask the previous question on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BLOUNT. I ask the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

ORDER OF BUSINESS.

Mr. CLEMENTS. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. WILSON. I ask unanimous consent that that bill be laid over for the present.

Mr. RANDALL. The object being to take up the District appropriation bill.

The CHAIRMAN. Is there objection to passing over for the present the bill the title of which has been read?

There was no objection.

DISTRICT APPROPRIATION BILL.

The Clerk read the title of the next general appropriation bill on the Calendar, as follows:

A bill (H. R. 10802) making appropriations to provide for the expenses for the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

Mr. WILSON. Mr. Chairman, I do not propose to consume the time of the committee with any special statement explanatory of the provisions of this bill, but I shall endeavor to answer frankly and fully any questions that may be asked by any member of the committee pending the consideration of the bill.

Mr. WARNER, of Ohio. I hope the gentleman will explain at the outset what increase there is in the bill, if any, over last year, and what for?

Mr. WILSON. In reply to the question which has been asked me by my friend from Ohio, I will state that the increase in this bill over the bill for the present year is, in the aggregate, $100,000. As the gentleman from Ohio is aware, one-half of this sum will be paid out of the general Treasury, and the other half will be paid from the proceeds of local taxes in the District of Columbia.

In the report of the committee which accompanies the bill will be found an accurate statement of the increase and decrease in the appropriations for the several departments of the District government in the bill now reported as compared with the bill for the current year.

The increase in the item of improvements and repairs to the streets and highways of the District, and the repairs, construction, and maintenance of bridges over the bill for the current year is between $58,000 and $59,000. The chief increase in the bill, however, I will state is an increase of $63,670 for the public schools of the District. That represents an increased appropriation for the maintenance of the public schools according to the average annual growth of the District, also an increased appropriation for the building of new school-houses in the District of Columbia.

Mr. WARNER, of Ohio. Does the bill increase any salaries anywhere?

Mr. WILSON. There are no salaries increased in the bill at any point; but I believe in one or two cases the pay of laborers, where it was not supposed to be enough, has been slightly increased.

I yield now to the gentleman from Virginia [Mr. O'FERRALL]. How much time does the gentleman want?

Mr. O'FERRALL. Forty minutes.

Mr. WILSON. I yield forty minutes to the gentleman from Virginia.

EDUCATION BILL.

Mr. O'FERRALL. Mr. Chairman, I shall avail myself of the rules of this House to present my views upon a bill not now before the committee, but which I sincerely hope will receive consideration before this session shall close.

The bill to which I refer is the bill "to aid in the establishment and temporary support of common schools," and which passed the Senate during the first session of this Congress, and is now sleeping in the Committee on Education of this House.

I believe the only safeguard of our rights and liberties is in a strict adherence to the Constitution. I believe that just as soon as we depart from the plain, written compact under which this union of States was formed we endanger the perpetuity of our institutions, now the admira-

tion and wonder of the world. I am in every sense of the term a strict constructionist.

But, sir, I shall give this bill my earnest support as it came to us from the Senate, without any compunctions of my constitutional conscience.

Much has been said from time to time by the opponents of the bill calculated to create wrong impressions as to its scope, design, and effects. Its provisions have been held up by some as a curse in disguise, and not a blessing, and numerous calamities have been predicted to follow in the wake of its passage.

WHAT IS THE BILL?

Now, sir, what are the provisions of the bill? Permit me to state them in plain and simple language. It proposes to appropriate from the Treasury of the United States for a period of eight years the following sums:

First year, $7,000,000; second year, $10,000,000; third year, $15,000,000; fourth year, $13,000,000; fifth year, $11,000,000; sixth year, $9,000,000; seventh year, $7,000,000; and eighth year, $5,000,000, making in the aggregate $77,000,000 in aid of the establishment and temporary support of common schools in the States and Territories and District of Columbia, and to distribute the same year by year in the proportion that the number of persons of each State and Territory and District of Columbia who, being of the age of ten years and over, can not write may bear to the whole number of such persons in the United States, providing, however, that no more shall be paid to any one of them than she appropriates from her own revenues for common-school purposes. It provides that the money shall be expended to secure the benefits of common-school education to all children of school age, without distinction on account of race or color, but that separate schools for white and colored shall not be considered as a distinction. It provides that no State shall become a beneficiary under it until her Legislature, by bill or otherwise, accepts the provisions of the act. These are the main and important features of the bill in my opinion.

IS THE BILL CONSTITUTIONAL?

I have said in effect that I believe the bill to be constitutional, and I shall endeavor now to give the reasons for the faith that is in me.

The Constitution was intended by its immortal framers as an instrument carrying with it an inherent power to meet every demand that the mutations of time might bring for the peace, welfare, and prosperity of the land over which its benign blessings might extend. It was designed to be broad enough to preserve this Government and protect it against every danger, seen or unseen, immediate or remote, direct or contingent.

It was designed to be strong enough to guard this Government against all evils that might then or in the future tend to destroy or weaken its framework or mar the beauty of its perfect symmetry.

Then, if such were the designs of our fathers, my faith in their almost inspired wisdom leads me to the irresistible conclusion that somewhere within the wide and comprehensive scope of the Constitution authority can be found to stamp out an evil which, like a miserable cancer, is eating at the very vitals of the body-politic and poisoning every blood channel.

Consulting the census statistics of 1880, we find in a population at that time of 50,155,783 that there were 6,239,958 persons of the age of ten years and over who could not write; we find that in a total vote of 9,210,970 that year there were 1,872,017 illiterate voters, assuming that all the illiterate male adults voted. Of course all of them did not vote, but the percentage of those not voting was small.

Mr. MCMILLIN. Is it not a fact that a large proportion of those who were emancipated by the war and who are above the school age can never be reached by any education bill you may pass here or elsewhere?

Mr. O'FERRALL. If the gentleman will only have patience he will find I will refer to all those questions before I take my seat, if sufficient time is allowed me.

Mr. MCMILLIN. I know that to be the fact.

Mr. O'FERRALL. Now, Mr. Chairman, when we come to reflect that this is a representative Government, and that it is directed into the channels of weal or woe by the hands that hold the ballot, that they can preserve or destroy it, that they can carry it forward until it reaches the sublimest pinnacle of national power or they can carry it down, down until it sinks beneath the waters of abject degradation—are not these statistical facts alarming in the extreme, and do they not admonish us of threatening dangers and arouse our most latent energies in behalf of our land and country?

We have to-day a grand heritage. Well, indeed, can we say, "The lines have fallen unto us in pleasant places; yea, we have a goodly heritage." Our nation's flag now floats over a people settled from ocean to ocean. The hum of our industries is heard from the Atlantic to the Pacific, and from the Saint Lawrence to the Rio Grande. Within our borders science has unfolded her spacious volumes in which are written the secret laws of nature. Inventions and discoveries crowd upon each other and fill every space. Our country stands forth in its physical beauty, material greatness, military renown, and statesmanship the superior of any land upon which the sun shines in its meridian brightness.

All this has been the result of the strength of our institutions and of the theory of our federative system. It will not do, however, to assume that because we have attained to so high an eminence and accomplished so much there is no danger lurking in our system. It will not do to argue that because we have passed safely so many rounds in the ladder all above us are safe and sound.

It is our duty to look forward and ever be watchful lest some danger may suddenly appear and find us unable to avert it. It is our duty to test the strength of every round before planting our feet firmly upon it.

This is true statesmanship. Vigilance and watchfulness constitute our only safety, and no free people can be too vigilant and watchful.

No nation ever stood still, and our feet must go forward or slip backward. It should be, as it is, the high aim and purpose of every American patriot to lead his country on to higher national renown and dizzier summits of national glory. But, sir, to do this the hand that directs and controls the march must be guided by a mind-power of intelligence and virtue. That hand, as I have said, is the all-sovereign hand of the people, directing and controlling our destinies, and with its index-finger pointing forward and backward through the medium of the ballot-box. Intelligence at the ballot-box and virtue resulting from enlightenment is the cause I stand here to plead.

Education of the people, high and low, rich and poor, white and colored, as the only assurance we have that our Republic will stand the test of time, and not relapse into degradation and ruin like so many of which it is in its organism much of a prototype, is what I here now, surrounded on all sides by emblems of our national power and greatness, stand to advocate in my weakness. Sir, the views just advanced are not new. The ideas I have just expressed sprung not from my brain, but from the brain of men whose fame is coextensive with the domain of civilization, and is written upon the tablets of history with its pen of steel.

Washington, in his farewell address, declares that "in proportion as the structure of a government gives force to public opinion, it is essential public opinion should be enlightened."

Jefferson, in a letter written in 1816, says:

If a nation expects to be ignorant and free in a state of civilization it expects what never will be. The functionaries of every government have propensities to command at will the liberty and property of their constituents. There is no safeguard for them without information. Where the press is free and every man able to read all is safe.

Madison, in a letter written in 1826, says:

A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

In another letter he says:

The best service that can be rendered to a country, next to that of giving it liberty, is in diffusing the mental improvement essential to the preservation and enjoyment of the blessing.

Monroe, in his inaugural address, in 1817, after speaking of the dangers of ignorance, said:

Let us by all wise and constitutional measures promote intelligence among the people as the best means of preserving our liberties.

I do not quote these writings and expressions with a view of giving information to this House, but I quote them as warnings coming with sage-like force and with the solemnity of messages from the tombs of men who in life devoted all their splendid energies in working out a system of government which would stand the test of time and in growing older grow stronger. I quote them, too, in the pardonable pride of a son of the State that gave birth to these master-builders in the construction of this grand governmental edifice and whose venerated ashes are inurned within her borders and sacred keeping.

I quote them, too, to show that these illustrious men, never dreaming of the mighty events that transpired fifty years and more thereafter, which increased with the dash of the pen illiteracy at our ballot-box and in our citizenship to an extent unequaled in history, sounded a warning in most impressive terms against ignorance in the body-politic.

Not only have these immortal sages thus spoken and written, but also others distinguished in governmental science and historical learning have spoken.

Burke insisted that—

Education is the chief defense of a nation.

Horace Mann said:

Education is our only political safety; outside of this ark all is deluge.

Macaulay uses this language:

The education of the common people is a most effectual means of securing our persons and our property.

Kossuth considered that—

On instruction and education the future security and direction of the destiny of every nation chiefly and fundamentally rest.

Edward Everett declared that—

Education is a better safeguard of liberty than a standing army. If we retrench the wages of the school-master, we must raise those of the recruiting sergeant.

And thus I might continue to quote like expressions from others no less distinguished, but I shall assume as a maxim that the intelligence of a people is a national blessing and the ignorance of a people is a

national calamity; that the one is a safeguard of republican institutions, the other an ever-threatening danger.

Is there authority in the Constitution to relieve us of a national calamity, an ever-abiding menace to our institutions? Is there authority to shed the halo of a national blessing over our land?

This brings me to the consideration of one particular clause in our Constitution, for it is under this clause I claim authority for the passage of this important measure. It is known as the "general-welfare" clause:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

"Congress shall have power to provide for the general welfare of the United States."

I plant my feet upon that provision.

I care not whether the general welfare of the United States consists in stamping out human plagues and diseases like small-pox or yellow fever, or guarding against their inroads; meeting the calls of cold and hunger, coming up from a people upon whom the hand of God has been suddenly and heavily laid like those in the Mississippi Valley, when the flood-gates of heaven were recently opened upon them; arresting a cattle distemper which threatens to spread over the country; relieving the general business interest of the country of the oppression of railroad kings; acquiring territory to extend our domain and give greater scope to the enterprise of our people, or in enlightening a class of citizens too poor to acquire sufficient knowledge to enjoy the blessing of liberty, and who, as time rolls on, in their ignorance will be fit only for the stratagem of designing demagogues and thereby threaten the peace, prosperity, and happiness of this land, whose independence was secured through travail and blood. Yes for any and all of these purposes I find in this clause sufficient authority for me to give them my support, and in doing so thank God for such a provision.

Of course I know that the opponents of this bill deny that this clause is authority for this measure, but I will make a wager that the very gentlemen who have so suddenly been seized with constitutional cramps, voted for one or more bills in the nature of the measures I have just described.

But, sir, a simple denial is not argument.

Let them define the limits of this provision; let them tell as to what it applies or how far it reaches; what it includes and what it excludes.

This clause was inserted for a purpose, and that purpose was far-reaching; it did not get there by accident, nor was it mere surplusage.

After prescribing specific powers, the powers to lay and collect taxes, to pay the debts and provide for the common defense, the framers added, and "general welfare of the United States." They then proceeded further to confer the power to borrow money on the credit of the United States; to regulate commerce with foreign nations and among the States, and with the Indian tribes; to establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcy; to coin money, &c.; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post-offices and post-roads; to promote science; to define and punish piracies and felonies committed on the high seas, &c.; to declare war, grant letters of marque and reprisal, &c.; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia; to provide for organizing armies and disciplining the militia, &c.; to exercise exclusive jurisdiction over such district as might become the seat of the Government of the United States, &c., and to make all laws necessary and proper for carrying into execution the powers just enumerated and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer therof.

The framers endeavored to provide in specific terms the powers of Congress over all questions which history and experience had taught them would necessarily arise in the organism of this Government and its administration. But these wise men were building a structure for generations unborn, and, as they hoped, for ages to come. They could provide specifically for what history and experience taught them was absolutely and plainly essential, but they knew not, nor could they conceive, what was beyond the reach of their view far down the vista of the future. The light they had was like the stern-light of a ship at sea; it illumined the track behind them, but penetrated not the darkness before them. With that acumen, yea, wisdom that seems to have been more than human, and marked their actions in all that pertained to the great structure they had in hand, and impressed with the idea that however well they might provide for its welfare and guard it against dangers and evils apparent at its building period, they could not foretell what might be lurking along down the future, and they inserted the general-welfare clause, and committed to Congress the power to provide for the general welfare. In my opinion, sir, that instrument, great and wise as it is in every line, and I revere it next to the writings of inspiration, would be imperfect indeed for this age and this people if it were not for this provision. The future to it has brought dangers and evils that were not and could not have been anticipated.

This land of the fathers has been bathed in the commingled blood of its sons, and while more than twenty years have come and gone since the last roll-call and last conflict, and all are again united under a common flag, and now sit together under their father's roof, in their father's house; though these once divided sons have clasped hands and buckled hearts and are stepping together to the music of our reunited Union in the march of progress, one resulting evil of that unfortunate period still exists.

That strife liberated with the quickness of the magician's wand from years of servitude a race of people numbering among us over six millions; it invested them with the rights and imposed upon them the duties of citizenship; it left them among those with whom they had been reared and whose substance had been expended in this lamentable internecine struggle, rendering them too poor to give to the young of this race the instruction necessary to enable them fully to enjoy their rights, comprehend their duties, or appreciate their responsibilities.

This I say was more than twenty years ago, and yet during all this time this Government has looked with careless eye upon these "wards of the nation," and never extended the helping hand to raise them up in the scale of humanity; it has allowed them to plod their way with only such aid as a weak and prostrate people could give them; it has suffered the children of this race to follow along in the same path of ignorance trodden by the parents; it has never sought in any substantial manner to improve them as citizens or enlighten them as voters. Millions upon millions have been expended in the acquirement of territory, the erection of public buildings, and in making a display of national greatness, and in every other conceivable way since emancipation, but not one dollar has been devoted to the discharge of the national obligation to these people.

I say national obligation, for in making them citizens and imposing duties on them this Government incurred an obligation to invest them with the power of discharging these duties, not after the fashion of a horse in a tread-mill or as dumb cattle, but as beings of intelligence.

Mr. BUCHANAN. Will the gentleman from Virginia permit me to interrupt him for a moment?

Mr. O'FERRALL. Yes, sir.

Mr. BUCHANAN. I do not suppose the gentleman means to be understood as charging that any portion of the North desires the South should alone do this work.

Mr. O'FERRALL. Which work?

Mr. BUCHANAN. The education of the colored people. I thought that the gentleman's words might imply that, but I was confident he did not mean to assert it.

Mr. O'FERRALL. No, Mr. Chairman. But as the matter stands now the South is bearing the burden of the education of the colored people.

Mr. BUCHANAN. I understand that. But does not the cry for this bill come largely from the northern portion of this country, the father of it being the Senator from a Northern State, New Hampshire? Is it not a fact that the prevention hitherto of the consideration of this bill in the House has been by the efforts of the gentlemen not from the Northern States?

Mr. O'FERRALL. I can not agree with my friend in regard to the assertion that the consideration of this bill has been objected to only by gentlemen on this side of the House. I think in the last Congress, when opportunities presented themselves for the consideration of the measure, objection came not only from gentlemen on the Democratic side but from gentlemen on the Republican side.

Mr. BUCHANAN. I speak of the present Congress.

Mr. O'FERRALL. There has been no opportunity as yet, so far as I know, in this Congress to get a consideration of this bill. I hope, however, before the session shall close there will be a consideration of it.

Mr. BUCHANAN. And you will then find us on your side.

Mr. O'FERRALL. I am glad to hear that.

Mr. Chairman, every year Congress appropriates money to instruct and educate the Indian. Why? With the view of elevating him and making a better man out of him. I have heard much on this floor as to the hope indulged that the system inaugurated would lead to good results, and that our Indian educational policy would ultimately prove a success. But instead of looking to the wilds of the far West, where the foot of civilization has scarcely more than made its impress, I have but to look from the window of my own home in the heart of civilization, enlightenment, and Christianity, I have but to stand here in my place in these Halls, to see implied faith broken, implied obligations disregarded, and implied promises violated in the case of a class that fill our avenues and even gather about our door-sills.

Sir, it is no answer to the position I take to say, as I have heard it said, that these people were held in slavery for generations by the South, and that the South derived the profits of their labor, and should now bear the burden of their education. Slavery represented capital, but unprofitable capital. If the institution of slavery was wrong, which I shall not discuss, it was a national and not a sectional wrong. The Southern States were no more responsible for it than the Northern States. But suppose the South was not only responsible for slavery but for the war; emancipation came through the General Government,

and the Government by emancipation incurred an original obligation to these people.

I simply repeat an historical fact when I say that the Southern States did not participate in any wise in the abolition of slavery. They ratified an accomplished fact when they ratified the fourteenth and fifteenth amendments to the Constitution. But while the hand of the Southern people did not give emancipation, I speak their sentiments when I declare that they would not return the colored man to slavery if they could, and that they have an earnest desire to see him happy and prosperous in his freedom.

Emancipation was the act of the Government, and it thereby incurred an obligation which, as a great and just Government, it must discharge, and in discharging it promote the general welfare. But while I insist the Government should perform this implied obligation to the colored race, I insist more strenuously it should perform its obligation to itself.

I insist it is under an obligation to itself to guard itself against the great evil of illiteracy, and to stamp it out as far as possible in the rising generation, both white and colored, and that nothing will excuse it unless it be found that the Constitution will not warrant it. I ask again, then, is the bill constitutional?

If education affords, as Burke says, "our chief defense," as Mann says, "our only political safety," as Macaulay declares, "our most effectual means of securing our persons and property," as Kossuth considered, "the future security and direction of the destiny of every nation," and as Everett insisted, "our safeguard, better than a standing army," need I ask, will education inure to the general welfare of this nation? An affirmative answer irresistibly forces itself upon every man.

Alexander Hamilton, in the early days of the Republic, said:

> It is, therefore, of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper; and there seems to be no room for a doubt that whatever concerns the general interest of learning, of agriculture, of manufactures, and of commerce is within the sphere of the national councils as far as regards appropriations of money.

So much, then, upon the question of general welfare.

Now, let us go a step farther. Some gentlemen contend that it infringes upon the rights of the States. I defy any gentleman to refer to any provision of the bill which can be even tortured into an infringement upon any right reserved to the States.

The States are not interfered with in their right of self-government, in managing their local affairs, in levying as little or as much as they deem proper for educational purposes, or instructing their children as in their judgment may seem best. No books are prescribed, no system or course of study laid down, nor even a suggestion made as to the mode or manner of conducting the schools. All that is required in order to avail herself of the benefits of the bill is that the State shall have a free common-school system. She can receive no more from the national Treasury than she appropriates from her own revenues; but the amount received, whatever it may be, she will use with the same freedom that she uses the funds raised by her own system of taxation for school purposes. In a word, the national fund will be simply and purely supplemental to the State fund.

Now, sir, under this plain and correct statement of the provisions of the bill, pray tell me what State right will be infringed, what right will be lost to the States, what right will be acquired by the National Government should this bill become a law? Why, sir, so absolutely free of infringement is this bill that it leaves each State to determine for itself whether she will receive the money. It, in fact, recognizes the supremacy of the States over their schools, for no State is in any manner required to receive a single dollar of the fund. She can decline in terms or by mere inaction refuse to receive it. Mr. Madison, in his discussion of the Constitution, said:

> The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the States.

Does this bill interfere with any of these reserved powers? Not one, directly or indirectly, remotely or contingently. I am now done with the constitutional question, and will consider other objections which have been presented.

WILL IT LEAD TO NATIONAL CONTROL OF THE SCHOOLS?

I have heard it urged that this bill is only the fore-runner of a national system of education, and that in time the Federal Government will assume control of the schools in the States.

Sir, while vigilance is well, and I would earnestly urge it, as I have urged it in all our affairs, we should take care also not to be timid, nor suspect some unseen danger in every bush. Constant forebodings of evil may prevent a people from taking advantage of opportunities for profit and gain, or of securing blessings which may lie at their doors.

I take this bill as I find it. I pass my judgment upon it as upon any other matter of legislation.

Why should any one conclude from the introduction of this bill that there is a preconcerted scheme to secure Federal control of the schools in the States, any more than that the passage of the cattle-disease bill in the last session was intended as a step in the direction of securing Federal control of all the cattle in the various States, or that the interstate-commerce bill was designed to bring about a system of Federal railways, or the establishment of the National Board of Health was a scheme to give the Federal Government hygienic supervision over all the States? Is there more reason for one conclusion than the other? I think not.

During the Forty-first Congress a bill was introduced to establish a national system of education. It was, however, defeated, as it ought to have been, for it was without even the color of authority. It would have been an usurpation of power, the destruction of local self-government, and centralization in its most dangerous form. It was intended to supersede all State systems of education, place the schools under Federal control, and educate the children according to the peculiar ideas, political or religious, or both, of the commissioner of education, an officer to be created by the bill.

Wise heads and patriotic hearts in that Congress secured its defeat. It had really few advocates. If this bill were similar in any respect to that; if it encroached in any manner upon the autonomy of the States; if it sought in anywise to put the plastic mind of the youth of this land in the Federal mold, no matter what party might be in power; if it proposed to inaugurate a system by which the children of a State were to be taught any particular rules of etchics or morals, or trained in any special line of thought; if it directly or indirectly, remotely or contingently, suggested even an interference with the sole, exclusive, and absolute jurisdiction of each State over its own schools, my voice should be raised in opposition to it, and my tongue should rest paralyzed in my mouth before it should give an affirmative response upon the roll-call of my name on its passage. But, sir, it is as free of any such objections as the most careful language can make it.

WILL IT PLACE THE STATES IN THE POSITION OF MENDICANTS?

I have read in some journals, and I have heard it stated by opponents of this measure, that the passage of this bill would place the States in the position of mendicants, beggars.

Sir, I stand here on behalf of Virginia, along with my colleagues, to plead at the bar of this House for aid in the great cause of education; but I spurn the charge that Virginia appears as a beggar. She comes rather like a queen, though not in royal robes, to raise her voice in these legislative halls of the nation in behalf of her children who are suffering with the blindness of illiteracy, and thereby threatening not only her weal, but the weal of the nation, and she asks that the obligation of educating them may be shared by the nation, who will at least be an equal beneficiary in the results. Whatever may affect the body-politic of Virginia will affect the body-politic of the nation, for they are indivisible, and one is a part of the whole.

Mendicant! No. Virginia never has been a beggar. She may have appeared in tattered garments, bedraggled in the mire, in rags in her recent years, but her step was as proud and her head was as erect as when her voice was the most potent in the councils of the land and throughout the borders of the land. In her prosperity she gave freely of her patrimony, and with a lavish hand showered her blessings into the lap of the nation. She contributed of her substance for the common defense, and permitted mighty States to be carved out of her side; and now, when she comes knocking at the door and seeking not alms, but simply asking that the nation will unite with her in enlightening her children, in whom the nation has a common interest, she is met with the rebuff from some, "Depart, ye mendicant, ye beggar!" I hurl back, in her name, the insult, and stamp under my feet the charge or insinuation.

NO TAXATION NECESSARY—MONEY NOW IN THE TREASURY.

Again, it is urged that Congress has no power to tax the people for the benefit of the States, and that this being a tax for their benefit Congress cannot impose it.

If education is for the general welfare Congress has the same power to tax for educational purposes as for the many other purposes for which for the general welfare it has assumed the power to tax. But, sir, the imposition of no tax is necessary; the money is now in the vaults of the Treasury, in amount, perhaps fivefold the amount, which will be appropriated during the period for which this bill will be enacted.

Whose money is it? It is the people's money; it belongs to them today, and ought to be in their pockets. If the people ask that their money shall be returned to them in educational blessings for their children, who has the right to object?

Will the Government collect from them hundreds of millions of dollars more than necessary to pay the expenses and meet the demands of Government, and when they ask that a portion, at least, shall be returned to them for the purposes of education, only tighten its grip upon the purse-strings or strengthen the bolts upon its vaults?

Sir, this is no demand for taxation; it is simply an appeal in behalf of as noble a purpose as could inspire a people, for a restoration of money unjustly collected, yes, extorted from them, and now hoarded up in the Treasury. But, sir, suppose the Treasury were empty instead of plethoric. I insist the taxing power for the purposes of this bill could be directly exercised.

I desire now, Mr. Chairman, to present in as forcible a manner as my

ability will admit another phase of the important question involved in this bill.

INEQUALITY OF BURDEN IMPOSED BY THE ACT OF EMANCIPATION.

Discarding for the present the idea I have heretofore advanced, that the National Government is under an implied obligation to the colored race to educate its young, let us look at the subject in another light and from another standpoint.

At the threshold of the remarks I am about to submit, I desire to express my exceeding gratification at the spirit which has generally pervaded discussions on this floor during the four sessions I have had the honor of sitting here. Northern men and Southern men with rare exceptions have met each other in debate without an exhibition of the partisan spirit and sectional bias which at one time characterized the proceedings of this body.

Times have changed, and augur well for the peace and harmony, prosperity, and growth of our priceless heritage. Greater intercourse and intermingling, increased community of interests and comparison of opinions, have opened up the well-springs of the heart and directed them into the natural channels of fraternal feeling and brotherly love. We stand more closely allied than ever as one people, not only in name but in fact, not only in mind but in soul.

A new era has dawned; a brighter day has thrown wide open its gates. The season of crimination and recrimination has passed with patriots, I trust never to return; the spirit of that broad catholicism that teaches to forgive and forget, to anoint wounds with the oil of love, and to tread tenderly upon the graves of those who fell in defense of what each had been taught was right, is abroad in our land, shedding the warmth of its influence from center to circumference, and tending to melt any remaining iceberg in every heart.

Questions which may peculiarly affect any particular section of this Union can now be discussed here freely, frankly, and kindly, on their merits.

The most powerful agency in working this pleasant, happy, and fortunate change has been the soldier element of both sides. They had felt each other's steel and heard each other's shouts of victory, and knew they were foemen worthy of each other. When the confederate surrendered his sword or stacked his musket he did so without shame, for he had done his best, and when the Federal received it he received it in the pride of his courage, that had wrested it from such a foeman. True soldiers are always magnanimous and never cruel. A brave man never kicks, but always raises up a fallen enemy.

When the funeral knell of the Confederacy was sounded, filling the souls of the South with anguish, bowing the heads of her aged men in despair, striking down the energies of her young sons, and dropping her daughters to their knees in prayer for her deliverance from the throes of defeat, her soldiers, with heads erect and conscious pride in their valor, looked with the eyes of confidence to the soldiers of the North, knowing full well that men who had shown such valor on the field would not mar their glory by oppressing a brave, but conquered, an heroic, but subjugated, people. Their confidence was, indeed, well founded, and, weighing every word I utter, I say if the South has reason to complain of any treatment she has received since Appomattox, her complaint does not lie at the door of the Federal soldiers.

The wheel of time has placed many years between us and Appomatox, but during all these years, more and more with each year, the soldiers of the two sections have been cultivating fraternal feelings and healing the wounds and obliterating as far as possible the scars inflicted by one upon the other. They have enjoyed each other's hospitality; they have met together where their bayonets bristled and crossed, their swords flashed and slashed, their muskets rattled and their cannons roared, and under their pitched tents and around their camp-fires have fought their battles o'er, smoked the pipe of peace, drank to the memory of the brave fellows who fell wearing both the blue and the gray, and in their hearts repeated the lines of the poet:

> The grass grows green on the graves where they lay,
> The flowers bloom alike o'er the blue and the gray,
> And tears of loved ones are mingling with dew,
> While with it God blesses the gray and the blue—

and unitedly consecrated themselves to this union of States, and, like Hannibal at the altar of his gods, sworn eternal allegiance to their country: eternal hatred of its foes.

Then when their tents have been struck and their camp-fires put out they have returned to their homes better men and truer patriots by reason of the contact and intermingling, and each has devoted himself to the cultivation of fraternal feelings, and thus, as wave upon wave, their influence has spread over the whole land. It is felt in the family circle and social circle, in business relations, and in the State and national councils. It is felt here in these Halls. As one who wore the gray for four years, and with no tinge of shame now upon my cheek, I thank God I have lived to see wounds healed, scars effaced, waste places restored, and, better than all, malice plucked out and souls swelling with fraternal feeling.

Returning now, Mr. Chairman, to the thread of my remarks, I indulge the flattering hope that I will strike that high sense of right and justice, equity and fair dealing, which has been kindled in each section toward the other, and that the heavy burden now resting upon the people of eleven States, the result of that war, will be raised from their shoulders and distributed among all the States.

That burden, I need not repeat, is the great burden of illiteracy.

Let us look at plain and unvarnished facts. In 1880, according to the census reports, within the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia there were 3,918,967 illiterates, white and colored, of the age of ten years and over. They were distributed among these States, as follows:

States.	White.	Colored.	Total.
Alabama	111,767	321,680	433,447
Arkansas	98,542	103,473	202,015
Florida	19,763	60,420	80,183
Georgia	128,934	391,482	520,416
Louisiana	58,951	259,429	318,380
Mississippi	53,448	319,753	373,201
North Carolina	192,032	271,943	463,975
South Carolina	59,777	310,071	369,848
Tennessee	216,227	194,495	410,722
Texas	123,912	192,520	316,432
Virginia	114,692	315,660	430,352
Total	1,178,043	2,740,926	3,918,967

Of this number it will be observed 2,740,926 were colored.

In the other twenty-seven States and all the Territories and District of Columbia there were 2,520,989 illiterates, white and colored, of the age of ten years and over.

They were distributed as follows:

States.	White.	Colored.	Total.
California	26,090	27,340	53,430
Colorado	9,906	568	10,474
Connecticut	26,763	1,661	28,434
Delaware	8,346	11,068	19,414
Illinois	132,426	12,971	135,407
Indiana	100,398	10,363	110,761
Iowa	44,337	2,272	46,609
Kansas	24,888	14,588	39,476
Kentucky	214,497	133,895	348,392
Maine	21,758	412	22,170
Maryland	44,316	90,172	134,488
Massachusetts	90,658	2,322	92,980
Michigan	58,932	4,791	63,723
Minnesota	33,506	1,040	33,546
Missouri	152,510	56,244	208,754
Nebraska	10,926	602	11,528
Nevada	1,915	2,154	4,060
New Hampshire	14,208	94	14,302
New Jersey	44,049	9,200	53,249
New York	208,175	11,425	219,600
Ohio	115,491	16,356	131,847
Oregon	4,343	3,080	7,423
Pennsylvania	209,981	18,083	228,014
Rhode Island	23,544	1,249	24,793
Vermont	15,681	156	15,837
West Virginia	75,237	10,139	85,376
Wisconsin	54,233	1,325	55,558
Arizona	4,824	1,018	5,842
Dakota	4,157	664	4,821
Idaho	784	994	1,778
Montana	631	1,076	1,707
New Mexico	49,597	7,559	57,156
Utah	8,137	689	8,826
Washington	1,429	2,460	3,889
Wyoming	374	182	556
District of Columbia	3,988	21,790	25,778
Total	1,841,037	679,952	2,520,989

Of this number only 679,952 were colored, and to this fact I call especial attention.

The population of the first-named eleven States was 12,990,146; of this number there were 7,622,852 whites. The population of the other twenty-seven States and the Territories and the District of Columbia was 37,165,637; of this number there were 35,780,118 whites.

So 7,622,852 white people in the first named eleven States have cast upon them 2,740,926 colored illiterates, while 35,780,118 white people in the other States and the Territories and the District of Columbia have only 679,952 colored illiterates.

Of course all of these illiterates are not of school age; many of them have passed it, and the bill can do them no good; but these figures are given to present the relative number of illiterates and thereby show the relative number of children of school age among them.

In other words, a little less than one-sixth of the white people of the country have the education of about nine-elevenths of the colored illiterates thrown upon them, while the residue of the white people, a little more than five-sixths, have only about two-elevenths. Is this just?

But let us not stop here; let us go further.

The assessed wealth in realty of the first named eleven States was $1,870,736,584; the assessed wealth in realty of the other States and

the Territories and the District of Columbia was $15,032,019,308. So one-eighth of the assessed value in realty of the country is required to provide for the education of nine-elevenths of the colored illiteracy, while seven-eighths escape with two-elevenths.

Is this equitable?

In the first named eleven States there were 1,741,524 white male adults; in the other States and the Territories and the District of Columbia there were 9,601,481. So that in the one there were eight colored illiterates to every five white male adults; in the other, one colored illiterate to every sixteen white male adults, and the relative proportion, I assume, is kept up in those of school age.

Does not this strike every reasonable mind as a crying inequality?

It seems to me with this array of statistical facts I can not appeal in vain to the sense of right and justice, equity, and fair-dealing of this House. "Do unto others as you would have others do unto you" is one of the precepts of that religion under whose teachings we profess as a people to square our actions. As the burden rests now it is most grievous. Remember I beg, that this burden resulted from a struggle which did not originate with the men who participated in it, for the seed were sown long before most of the participants were born. This conflict was the result of education—education in different schools, taught by different teachers. The boy of the South followed the teachings of his father, the boy of the North as naturally absorbed the doctrines of his father, and each carried them into practice in manhood. It was a contest for principle, not for conquest or plunder, glory or renown. The South failed, and the arbitrament of the sword settled for all time the principle out of which the conflict sprung. The South is as truly loyal this day, as true to the flag this hour, as the North.

Southern men sit in this House and vote day after day and session after session for the relief of those who suffered in person or property on the Union side in that war of principle; they vote for appropriations to erect monuments to the memory of the dead Union heroes of that struggle; they vote money to build and support soldiers' homes and to pension the brave survivors who were maimed or crippled or broken in health in the line of duty, and the widows and children of those who fell with their uniforms on, or whose soldier spirits have taken their flight to meet a soldier's God since the Angel of Peace spread its white wings over us.

When Southern Representatives thus vote they vote money raised by their people as well as the people of the States wherein the bones of the Federal dead repose. They have in their midst soldiers' widows and orphans, too, and they see around them on every hand the wooden leg and armless sleeve, the sunken cheek and emaciated form of the confederate veteran, too, with no strong governmental arm to support them, no open governmental hand to comfort them.

Now, these Representatives of the South come appealing simply that an appropriation, inconsiderable indeed, when we compare it with the ability of this Government, may be made to lighten the burden on the shoulders of their States, and aid them in educating their children so they may become better citizens as they grow up, possess greater capacity for good and less inclination to evil, increase the enjoyment of their rights, and more fully comprehend their duties.

I here submit a statement of the amount each State will receive in the eight years under the provisions of this bill:

Alabama	$5,370,848 45
Arkansas	2,503,170 97
Florida	993,548 79
Georgia	6,448,482 66
Louisiana	3,945,051 48
Mississippi	4,624,339 33
North Carolina	5,749,121 37
South Carolina	4,582,792 26
Tennessee	5,089,262 62
Texas	3,920,913 78
Virginia	5,332,498 25
	48,560,029 96

WHAT VIRGINIA HAS DONE FOR EDUCATION AND WHAT SHE HAS PAID INTO THE UNITED STATES TREASURY.

Standing here now and speaking particularly for Virginia as one of her Representatives on this floor, I declare that to-day her people, without regard to race or color, send up as with one voice their petitions for the speedy passage of this bill.

Party lines are obliterated and partisan feeling buried when Virginians come to consider the blessings it will bring and the fruits it will bear throughout the borders of their State. Virginia points with satisfaction to what she has done for the education of her children; she refers to the flattering report of the Commissioner of Education upon the efficiency of her system; she reverts to the fact that though in 1870 her waste places and charred ruins still filled every landscape and the grass had not returned to her fields trodden and beaten out by the hoof of war; that though gloom hung over her homes like a pall and desolation was seen around every homestead and poverty at every hearthstone; that though her people were involved in private debt and loaded down by State debt, she determined even amid all these surroundings to do her duty to her children as far as in her power, and she inaugurated a system of free common schools for the education of all without distinction on account of race or color, and this, too, five years before required to do so under the provisions of her "reconstructed" constitution.

In 1880 her school fund amounted to $1,335,984 and each year since it has been as much. Other Southern States have done perhaps as well, some of them it may be better. I have seen it stated, and I think correctly, that the Southern States pay annually for school purposes $13,000,000, $5,000,000 of which is expended in the education of colored children. So the Southern States in seeking this aid come exhibiting a record of earnestness and zeal in their efforts to do their whole duty. But, with all they have been able to do, they have not met the demands of education.

I may be pardoned if I refer to the fact that Virginia has been no dependent province nor unproductive territory so far as paying revenue into the national Treasury is concerned. She has had her tobacco fields and her distilleries, and though she has felt keenly the injustice and iniquity of the internal-revenue system, being trained in the school of forbearance, she has borne the wrongs and suffered the oppression resulting from it, and has met every demand, only entering her protest against the system.

According to a statement I have from an authentic source, from 1865 to 1886 inclusive, she paid over $9.000,000 on distilled spirits and about $90,000,000 on tobacco, making in the aggregate about $100,000,000, or about $5,000,000 annually.

Should this aid be given her she will only have returned to her something over $5,000,000 in all the years it will continue on the sum the Government has drawn each year from her for the last twenty years.

I have now nearly concluded my remarks.

My only apology for consuming so much time in the dying hours of this Congress is the deep interest the people of my State feel in this matter and my belief in its almost God-given justice.

There is not in my opinion any measure pending now or that has been before Congress during my service so far-reaching in its importance, fraught with so much good, ladened with such blessings and promising such results as this bill. There is nothing that so appeals to the humanity and heart of this nation or to the manhood and sense of right of its people.

Let it not be said that this Government will unlock its vaults to arrest a cattle disease, but not to stamp out the plague of illiteracy in her body-politic.

Let it not be said that this Government regards the health of the bodies of her dumb cattle with more consideration than the health of the minds of her children.

Let it not be said that this Government looks with less concern upon her citizens possessed of priceless souls, than upon her chattels, whose value is weighed in the scales of money.

Hand it not down in history that this Congress, representing the advanced enlightenment of the nineteenth century, now near its close, and a land unlimited in resources, turns a deaf ear to the appeals of the rising generation to throw the light of education into the darkened recesses of their minds.

Hand it not down in history that eleven States representing a little less than one-sixth of the white population, one-eighth of the assessed value in realty, and one-seventh of the white male adults of this Union shall struggle on as they have been doing for years under the weight of about nine-elevenths of the illiterates of that class who w ere made citizens by the powerful hand of the Government.

Let not these things be said; let not these things be recorded; but rather let it be said and recorded that this Government is parental in the consideration of her children, and her people, and in the discharge of her duties.

In thus acting she will not depart from the lighted way of the Constitution; she will not violate State rights nor run upon the shoals of consolidation and centralization. Many of her ablest constitutional lawyers in both political parties and in both branches of Congress, men whose opinions flash like coruscations in the clouds, have so advised her.

Less than two years ago a monument was completed and dedicated in this capital city to the memory of him who was the father of his country, and whose name is resounded by the deep peal of human voices like the heavings of the great ocean.

He liberated his country from the thraldom of tyranny, and declared that for his people enlightenment is essential.

How appropriate, then, it will be to follow up the erection of this marble pile with the passage of this measure and the erection in the hearts of the people to whom Washington gave liberty of a monument of gratitude, which will last even when that marble pillar shall have crumbled to the earth!

I make one last appeal for the instruction of the children of this land, for the education of the poor and the enlightenment of the ignorant; and I indulge the hope that this House, following the example of the Senate, will send a thrill of joy and gladness not only into the cottage of the humble and the cabin of the poor but into every house wherein a human heart beats in the great cause of education.

I return my thanks to the gentleman from West Virginia [Mr. WILSON] for his kindness in yielding so much of his time to me. [Applause.]

Mr. WILSON. Now, Mr. Chairman, I yield two minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Chairman, inasmuch as I submitted the minority report by means of which this bill is upon the Calendar, I feel that I ought to say something about it; but I will not occupy the time of the Committee of the Whole if I can have permission to print some remarks upon the bill in the RECORD.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate disagreed to the amendments of the House to a bill (S. 2256) to create a port of delivery at Lewes, Del., asked for a conference upon the disagreeing votes of the two Houses, and had appointed Mr. GORMAN, Mr. MCMILLAN, and Mr. GRAY as the conferees on the part of the Senate.

DISTRICT APPROPRIATION BILL.

Mr. WILSON. Now, Mr. Chairman, I ask that the Clerk proceed with the reading of the bill by paragraphs under the rule.

The Clerk, reading the bill by paragraphs, read as follows:

For improvement of streets and avenues named in the schedule of work on city streets and avenues proposed for the fiscal year 1888, contained in House Executive Document No. 18, Forty-ninth Congress, second session, as follows: In Georgetown, $40,000; in the northwest section, substituting New Jersey avenue, from M street to the Boundary, for New Hampshire avenue from Q street to Sixteenth street, $115,000; in the southwest section, $40,000; in the southeast section, $55,000; in the northeast section, $40,000; and for filling streets below grade, at not exceeding 10 cents per cubic yard, $10,000; in all, $300,000.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word. I make that motion for the purpose of asking the chairman of the committee having charge of this bill, whether in this, or in any other paragraph in the bill, authority is given for the extension of Massachusetts avenue?

Mr. WILSON. No authority exists in this bill, Mr. Chairman, for any expenditure for the extension of Massachusetts avenue.

Mr. BUCHANAN. I withdraw the *pro forma* amendment.

Mr. HENDERSON, of Iowa. Mr. Chairman, it is due to the commissioners to say also that they have not asked for any expenditure for that purpose.

Mr. STEELE. I would like to know, Mr. Chairman, whether it is in order to move to strike out the enacting clause and insert an appropriation of $248,201.60 to be expended under the direction of the commissioners of the District of Columbia, as was done in the river and harbor bill the other day? [Laughter.]

The CHAIRMAN. That is not in order until the bill has been read through by paragraphs.

Mr. STEELE. That bill had not been read through.

The Clerk read as follows:

For current work on county roads and suburban streets, including any road that may be opened by reason of the building of a bridge over the Eastern Branch at the termination of Pennsylvania avenue, $40,000.

Mr. MCCOMAS. Mr. Chairman, I move to amend by inserting after the word "dollars," in line 189, the following:

Provided, That the Tennallytown, Seventh street, and Bladensburg road be first completed up to the limits of the District of Columbia, out of this sum.

I offer this amendment because it expresses in terms what I understand to be the purpose of the appropriation, and simply makes it so explicit that it can not be misunderstood. I am confident that that is the object of the item in the bill, and I think this proviso will be acceptable to my colleague in charge of the bill.

Mr. WILSON. I am not authorized, Mr. Chairman, to accept the amendment of the gentleman from Maryland. I will say to him, however, that both in last year's bill and in this, the appropriation has been increased for the very purpose indicated in his amendment.

The amendment was agreed to.

The Clerk read as follows:

For harbor and river front: For the improvement and protection of the harbor and river front, the enforcement of laws and regulations, construction and maintenance of wharves and buildings, $10,000: *Provided*, That the amounts collected for leases and wharf charges shall be paid to the collector, for payment into the Treasury to the credit of the United States and the District of Columbia in equal parts.

Mr. COMPTON. Mr. Chairman, I move to amend that paragraph by inserting, after line 224, the following:

And provided further, That the additional sum of $10,000 be, and the same is hereby, appropriated to be disbursed by the Commissioners of the District for the purpose of keeping the Potomac River open when blockaded by ice.

Mr. WILSON. Mr. Chairman, I must raise the point of order upon that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILSON. My point is that there is no law authorizing any such expenditure. I will also say to the gentleman from Maryland that there is in this bill an emergency fund which can be used in case of flood or other disaster.

Mr. COMPTON. Will the gentleman indicate how that fund can be used for such purpose?

Mr. WILSON. If the gentleman will turn to line 550 of the bill, page 23, he will find a provision for an emergency fund, "to be expended in case of emergency, such as riot, pestilence, calamity by flood or fire."

The CHAIRMAN. The Chair will take the uncontradicted assertion of the gentleman from West Virginia that there is no law authorizing this expenditure, and will sustain the point of order.

The Clerk read as follows:

For teachers: For teachers, not to exceed six hundred and fifty-four in number, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed $670, $438,270: *Provided*, That not exceeding $1,500 shall be paid to a director of music.

Mr. LONG. I raise a question of order on the last clause of the paragraph just read—

Provided, That not exceeding $1,500 shall be paid to a director of music.

The salary paid to this officer under the present schedule is, I understand, $2,000. If this proviso should become law it will practically fix the salary for the coming fiscal year at not exceeding $1,500. This is a change of law, because, under the present law, the salary paid is $2,000.

Mr. WILSON. I believe it is true that the present incumbent of the office of director of music receives a salary of $2,000. But the office is not one established by law; and there is no law which fixes the salary to be paid to him.

Mr. LONG. But, under the present law, the commissioners have the right to employ a director of music, and to pay him, as they now do, $2,000. If this proviso becomes law they will not have power to pay him more than $1,500. Hence this is a change of law, because it deprives the commissioners of a power they now possess under the law.

Mr. WILSON. This is merely a restriction upon the appropriation. There is now no law bearing upon the subject at all, as I understand. This restricts the discretion of the commissioners, and limits the amount which can be paid for this purpose.

Mr. LONG. Certainly. It not only limits the appropriation, but, as the gentleman states, restricts the discretion of the commissioners. It provides that they shall not have the power they now have to pay this officer $2,000. Therefore it is a change of existing law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. O'HARA. I move to amend by inserting after the word "dollars," in line 256, this proviso:

Provided, That no discrimination shall be made in salary between male or female teachers holding the same grade of certificate and performing similar duties.

Mr. WILSON. I make a point of order against this amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For buildings for schools: For building an addition to the Columbia road school, $3,000; for building an addition to the Hamilton road school, $3,000; for building an eight-room school building on the lot adjoining the Wallach school building, $25,600; for building an eight-room school building on the lot adjoining the Sumner school building, $28,400; for building an eight-room school building in school division No. 4, $25,000; and the commissioners are authorized to sell any lot now owned by the District in said division and to apply the proceeds of such sale to the purchase of a more eligible building lot, if in their judgment expedient; and for such purpose the additional sum of $3,000, or so much thereof as may be necessary, is also appropriated; in all, $88,000: *Provided*, That the plans and specifications for each of said buildings, and for all other buildings provided for in this act, shall be prepared by the inspector of buildings of the District of Columbia, and shall be approved by the architect of the Capitol and the commissioners of the District, and said buildings shall be constructed by the commissioners in conformity therewith.

Mr. WILSON. I desire on behalf of the committee to move a verbal amendment.

The Clerk read as follows:

After the word "building," where it occurs in lines 293, 295, 296, 298, and 301, insert "and furnishing."

The amendment was agreed to.

Mr. WILSON. I move to amend by inserting after the word "sell," in line 303, the words "and convey."

The amendment was agreed to.

The Clerk read as follows:

FOR THE FIRE DEPARTMENT.

For one chief engineer, $1,800; one fire-marshal, $1,000; one clerk, $900; two foremen, acting as assistant engineers, at $1,200 each; seven foremen, at $1,000 each; seven engineers, at $1,000 each; seven firemen, at $840 each; two tillermen, at $840 each; nine hostlers, at $840 each; sixty privates, at $780 each; three watchmen, at $600 each; one veterinary surgeon for all departments of the District government, $400; repairs to engine-houses, $2,000; repairs to apparatus and new appliances, $3,000; purchase of hose, $2,000; for fuel, $2,000; purchase of horses, $2,000; forage, $5,000; contingent expenses, including office-rent, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, $7,500; in all, $108,920.

Mr. WILSON. I move to amend by striking out, after the words "sixty privates," in line 367, the words "at $780 dollars each," and inserting "at $800 each." This is the amount now paid; it was not the intention of the committee to make any change in this respect.

The amendment was agreed to.

The Clerk read as follows, under the head "For Reform School:"

For construction of greenhouses, with necessary heating apparatus complete, $4,500; for construction of one workshop building, with necessary heating apparatus complete, $4,700; for grading, draining, and permanently improving the school grounds, $500; in all, $9,700.

Mr. STEELE. I move to amend by striking out, in lines 503 and 504, the appropriation for the construction of greenhouses. I would be in

favor of turning over the Botanical Gardens, superintendent and all, to this Reform School. It is "a thing of beauty."

Several MEMBERS. And "a joy forever."

Mr. STEELE. But at the same time I would like to dispense with it. [Laughter.]

Mr. WILSON. I make a point of order upon the amendment.

Mr. HENDERSON, of Iowa. The point of order is good. Read on.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and concluded the reading of the bill.

Mr. WILSON. I move that the committee rise, and report the bill as amended to the House.

Mr. HATCH. I hope the gentleman will not insist on that motion, but will simply move that this bill be laid aside to be reported to the House. Let us then take up the agricultural appropriation bill. It will not take fifteen minutes to read it and dispose of it. It contains no new legislation, and makes no increase of salaries. There is nothing in it that any gentleman will object to.

Mr. WILSON. After this bill is passed by the House the gentleman can move to go into Committee of the Whole for the consideration of his bill.

Mr. HATCH. To report this bill now, and then go back into committee, would be simply a consumption of time for no good purpose. We ought to take up the agricultural appropriation bill now, so that it may be promptly in the hands of the Senate.

Mr. WILSON. I ask for a vote on my motion.

The motion of Mr. WILSON was agreed to; there being—ayes 45, noes 31.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, had directed him to report the same back with amendments.

Mr. WILSON. I move the previous question on agreeing to the amendments and ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. If a separate vote is not demanded on any amendment the question will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. WILSON. I call the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. WILSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the House do now adjourn.

Mr. NORWOOD. I ask, by unanimous consent, to report from the Committee on Naval Affairs a joint resolution in these words:

That the Secretary of the Navy is hereby authorized to readvertise for bids for the construction of cruiser No. 1, known as the Newark, and to contract for the construction of the same for any sum which, together with the cost of equipment, not including the armament, shall not exceed $1,300,000.

Mr. RANDALL. Let it be printed in the RECORD, so we may see it.

The SPEAKER. The Chair hears no objection, and the resolution is ordered to be printed in the RECORD.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 1286) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of taking up and considering the agricultural appropriation bill.

ADJOURNMENT.

The House divided on the motion to adjourn; and there were—ayes 60, noes 52.

Mr. HATCH demanded tellers.

Tellers were ordered; and Mr. HATCH and Mr. MCMILLIN were appointed.

Mr. HATCH. It will not take up fifteen minutes.

The tellers reported—ayes 50, noes 45.

So the motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Petition of Joe Hooker Post, No. 32, of Atlantic City, N. J., favoring the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. BURLEIGH: Resolution of Charles E. Mills Post, No. 491, Grand Army of the Republic, of Fort Edward, N. Y., requesting the passage of the so-called Edmunds-Tucker bill, relative to the abolition of the Mormon Church—to the Committee on the Judiciary.

By Mr. COMPTON: Petition of Perry Rennoe, administrator of R. A. Rennoe; and of Thomas Skinner, of Doncaster; and of T. B. Burgess, administrator of F. B. F. Burgess, of Riverside, Md., for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. CUTCHEON: Joint resolution of the Legislature of Michigan, relative to the acquisition of canal connecting Keweenaw Bay and Lake Superior—to the Committee on Railways and Canals.

By Mr. R. H. M. DAVIDSON: Petition of the Board of Trade of Tampa, Fla.; and of the Chamber of Commerce of Atlanta, Ga., for an appropriation for the improvement of the harbor of Tampa, Fla.—to the Committee on Rivers and Harbors.

By Mr. DORSEY: Resolution of the State Medical Society of Nebraska, in reference to appropriation for a medical congress—to the Committee on Appropriations.

By Mr. GALLINGER: Petition of Rev. S. C. Bartlett, president of Dartmouth College, and others, citizens of Hanover, N. H., praying for an appropriation for a public building in that town—to the Committee on Public Buildings and Grounds.

By Mr. GILFILLAN: Petition of the Society of Friends of Minneapolis, Minn., for legislation to promote peace—to the Committee on Foreign Relations.

By Mr. GROUT: Petition of George H. Lewis and 49 others, citizens of Huntington, Vt., asking for repeal of limitation of arrears of pensions—to the Committee on Invalid Pensions.

By Mr. HATCH: Resolution of the New Jersey State Board of Agriculture in favor of the experiment-station bill—to the Committee on Agriculture.

By Mr. HITT: Petition of F. C. Johnson and others, citizens of Kishwaukee, Ill., in favor of the bill (H. R. 9733) to regulate the manufacture of cider from grain—to the Committee on Ways and Means.

Also, memorial and resolutions of the trade assembly of Chicago, Ill., against Senate bill 925, ceding Dearborn Park to Chicago Public Library—to the Committee on Public Buildings and Grounds.

Also, petition of J. M. Wise and 6 others, of Freeport, Ill., for the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. HOWARD: Petition of cattle-raisers of Clark County, Indiana, asking for the passage of the Miller bill—to the same committee.

By Mr. IRION: Papers in the claim of Samuel N. White, of West Feliciana Parish, Louisiana—to the Committee on War Claims.

By Mr. MCCOMAS: Petition of Christian M. Reedy, George W. Reedy, Thomas J. Reedy, executors of John J. Reedy, deceased, for payment of claims—to the same committee.

By Mr. MCKINLEY: Petition of citizens of Columbiana and Stark Counties, Ohio, requesting the passage of the bill (S. 1636) to reduce the postage on seeds, scions, plants, &c—to the Committee on the Post-Office and Post-Roads.

By Mr. MCRAE: Resolutions of the County Agricultural Wheel of Little River County, Arkansas—to the Committee on Agriculture.

By Mr. MILLARD: Resolution of Walter Dwight Post, No. 230; of W. A. Miles Post, No. 442; and of Alfred A. Morse Post, No. 268, Grand Army of the Republic, of New York, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. NEGLEY: Two petitions of citizens of Pittsburgh, Pa., to reduce internal taxes—to the Committee on Ways and Means.

By Mr. NELSON: Resolution of the Minnesota Legislature, urging liberal appropriations for the improvement of certain Northwestern rivers, lakes, and canals—to the Committee on Rivers and Harbors.

By Mr. O'FERRALL: Petition of S. M. Hammen & Co. and others, citizens of Rockingham County, Virginia, for the passage of the local-option bill for the District of Columbia—to the Committee on the District of Columbia.

By Mr. O'DONNELL: Resolutions of the Legislature of Michigan, in favor of the United States acquiring title to and ownership of ship-canals connecting the waters of Keweenaw Bay with the waters of Lake Superior, for a harbor of refuge, and making same free for navigation and commerce—to the Committee on Railways and Canals.

By Mr. PARKER: Petition of Sanford Post, No. 473, of Nicholville; of F. F. Wead Post, No. 363, of Brushton; of W. A. Rice Post, No. 169, of Hermon; and of Marsh Post, No. 214, Grand Army of the Republic, of Potsdam, N. Y., in favor of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

Also, petition of F. F. Wead Post, No. 363, Grand Army of the Republic, of Brushton, for the granting of pensions as advised by the national committee, Grand Army of the Republic—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of D. W. Shannon and others, of Girard, Kans., asking for the passage of the bill (S. 1636) to reduce the postage on seeds, scions, plants, &c.—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of E. M. Stanton Post, No. 23, Grand Army of the Republic, of Howard, Kans., asking for the passage of the Edmunds-Tucker bill for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. PETERS: Resolutions of the Board of Trade of Caldwell, Kans., favoring the passage of the Oklahoma bill—to the Committee on the Territories.

Also, petition of J. N. Salmon and 6 others, citizens of Stafford County, and of John Tillman and 7 others, citizens of Sedgwick County, Kansas, favoring the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. SPRINGER: Petition of citizens of Pleasant Plains, Ill., in favor of Senate bill 1636—to the same committee.

Also, petition of Herman Weitekamp and others, of Morrisonville; of A. C. Vandewater & Son, of Pana, Ill., and of J. B. Spaulding & Sons, of Springfield, Ill., for relief—to the Committee on Ways and Means.

By Mr. STRAIT: Memorial of the Legislature of Minnesota, for the improvement of certain rivers and canals—to the Committee on Rivers and Harbors.

Also, petition of Noyes Brothers & Cutten, of Saint Paul, Minn., for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. STORM: Memorial of the Free Trade Club, New York, in favor of tariff reform—to the same committee.

By Mr. THOMPSON: Petition of James Bostick, for a pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Ohio, for the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIS: Petition of the Leaf-Tobacco Trade of Louisville, Ky., against the passage of section 4 of the interstate-commerce bill—to the Committee on Commerce.

By Mr. WISE: Petition of P. Doran, asking an appropriation to pay him one month's pay under joint resolution offered March 3, 1879—to the Committee on Claims.

Also, papers in the claim of Alfred R. Buffin, of Henrico County, Virginia—to the Committee on War Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CUTCHEON: Of the Women's Christian Temperance Union of Michigan, praying for the passage of the Blair educational bill.

By Mr. DOUGHERTY: Of 346 citizens of Saint Augustine, Fla.

By Mr. ELDREDGE: Of officers of the Women's Christian Temperance Union of Michigan, asking for the passage of the Blair educational bill.

By Mr. GALLINGER: Of Edwin Vaughan and 270 others, citizens of New Hampshire.

By Mr. LA FOLLETTE: Of the Presbyterian and Methodist churches of Oregon, Wis.

By Mr. O'DONNELL: Of officers of the Women's Christian Temperance Union of Michigan, asking for the passage of the Blair educational bill.

By Mr. PHELPS: Of 135 citizens of Hackensack and Passaic, N. J.

SENATE.

MONDAY, *January* 31, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

THE JOURNAL.

The Journal of the proceedings of Saturday last was read.

Mr. HOAR. I rise to a matter relating to the Journal. The motion in regard to the Pacific railroad funding bill was that it be postponed until next week, Monday, February 7, with the same rights that it already had. I see the clerks have journalized it as a new special order, which would give it a right later than the other special orders which have been made in the mean time, although it was an earlier order. I ask that the Journal be corrected in that respect.

The PRESIDENT *pro tempore*. The Chair understands the order the same as the Senator from Massachusetts does, and the clerks understand that that is the effect of the present entry. However——

Mr. HOAR. I understand that where there are several special orders they come up in their right, in the order of the date at which they were made special orders under the rule. This bill is the earliest special order on the Calendar, and if it is journalized as a new special order made on Saturday for the first time it will stand later than the others.

The PRESIDENT *pro tempore*. Does the Senator desire to have it stand at the head of the special orders, or the second, on the Calendar?

Mr. HOAR. With its present rights.

The PRESIDENT *pro tempore*. That order will be observed.

Mr. HOAR. I do not suppose the bill will then be taken up, but I do not want it to lose any rights if it should be deemed advisable to take it up.

The PRESIDENT *pro tempore*. It will be so entered. The Journal will stand approved, if there be no objection.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department as to an additional appropriation for a pile foundation for the custom-house building at Key West, Fla.; and also as to an appropriation of $250,000 for the construction of an additional story on the custom-house building at New York city; which, with the accompaning papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, submitting a statement as to the census of the State of Florida, taken by the State authorities under the act of Congress approved March 3, 1879, making an appropriation for taking the tenth and subsequent censuses of the United States; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Skillen Post, No. 47, Grand Army of the Republic, Rome, N. Y., praying for the passage of the anti-Mormon bill; which was ordered to lie on the table.

He also presented the petition of Electa W. Jacobs, of Mount Airy, Ohio, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MCMILLAN presented a joint memorial of the Legislature of Minnesota; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

A joint memorial to Congress relating to the improvement of water-ways, &c.

To the Congress of the United States in Senate and House assembled.

The Legislature of Minnesota, in senate and house assembled, sends greeting as follows:

Whereas the State of Minnesota, located in the heart of the continent, remote from the seaboard, and its million and a quarter of people largely dependent on the production of wheat, which must find a market in distant States or foreign countries, over long railway routes or unimproved water-ways, and meet competition in the markets of the world from the products of the cheap labor systems of other countries, especially from India and Russia; and

Whereas the expenses of transporting our product under the present system of railway transportation, or the imperfect water-ways are such as to render production unprofitable as well as expensive to the consumers, and at the same time affording undue advantages to our competitors in other countries; and

Whereas we firmly believe that the natural water-ways which extend from our State to the markets of the world by the lake routes to the East and the Mississippi River to the South, when properly improved, the cost of transportation would be so greatly reduced as to enable this people to command a reasonable recompense for their labors; and

Whereas the meager appropriations heretofore made by Congress for the improvement of our rivers and harbors, as well as the canals which connect us with the markets, have resulted in the constant decrease in the expenses of transportation, until the bulk of all our products now find their way to market by water, at less rates than would be possible to expect on railways without water competition; and

Whereas we further believe that by more liberal allowances to enable the engineers of the United States Army to carry out their well-devised plans for the improvement of these several water routes, as contained in their several reports, will still further reduce the cost of transporting all that we send out or bring in: Therefore,

Be it resolved, That, in the name of the people of Minnesota, we do most earnestly memorialize and petition the Congress of the United States to make such liberal appropriations for the carrying of these much-needed works and enable the engineers to complete them within the shortest possible time, and thus afford to this people minimum rates of transportation; that our Senators be instructed, and our representatives be requested, to use all possible effort to secure at the present session liberal allowances for the work on the upper reaches of the Mississippi, the reservoir system, the Minnesota River, the Red River of the North, the Saint Croix and Chippewa Rivers, the harbors of Lake Superior, the Sault Staine Marie Canal, Hay Lake channel, Saint Clair flats, together with such other works as shall tend to open up our water routes to and from the markets of the world; that a copy of this memorial be forwarded to each of our Senators and members of Congress.

WILLIAM R. MERRIAM,
Speaker of the house of representatives.
A. E. RICE,
President of the senate.

Approved January 22, A. D. 1887.

STATE OF MINNESOTA, *Department of state:*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 26th day of January, A. D. 1887.

[SEAL.]

H. MATTSON,
Secretary of state.

Mr. CONGER presented a concurrent resolution of the Legislature of Michigan, favoring the purchase by the Government of the ship-canal across Keweenaw Point, Lake Superior, known as the Portage Lake Canal, creating a harbor of refuge, &c.; which was referred to the Committee on Commerce.

He also presented a petition of leading officials and citizens of Hancock, Mich., praying for the reduction of the special taxes on oleomargarine, and that the same be equalized so that wholesale dealers in oleomargarine shall not pay $480 per year while wholesale tobacco dealers pay only $12 a year; which was referred to the Committee on Agriculture and Forestry.

Mr. CONGER. I present two petitions of citizens of Detroit, Mich., praying for the passage of laws to punish crimes against women and

girls, and raising the age of consent. I move that the petitions be referred to the Committee on the Judiciary, as they relate to the subject generally, and are not particularly in reference to the District of Columbia.

The motion was agreed to.

Mr. HOAR. I present a joint resolution of the Massachusetts Legislature concerning the unjust treatment of American citizens in Canadian waters.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts desire to have the memorial read?

Mr. HOAR. I suppose it should be read, according to the custom of the Senate.

The memorial was read, and referred to the Committee on Foreign Relations, as follows:

COMMONWEALTH OF MASSACHUSETTS, 1887.

Resolutions concerning the unjust treatment of American seamen in Canadian waters.

Whereas American fishermen in Canadian waters have been, and are, subjected to unjust and in some instances inhuman treatment, at the hands of the officials of the Dominion Government, by which the comity of nations has been denied to vessels bearing the American flag;

Whereas the Dominion Government has recently enacted non-intercourse and hostile legislation; has interpreted existing treaties to deny to our fishermen the right to purchase supplies in Canadian ports, and other hostile acts unbecoming a friendly nation;

Whereas the just rights of our fishermen is a question of great and special moment to the people of Massachusetts;

Resolved, That if the Canadian Government shall continue to refuse redress, the Legislature of Massachusetts, now in session, favor the retaliatory legislation proposed in Congress by the Government of the United States, to the extent, if need be, of denying to the Canadian vessels in American ports the right to purchase supplies; and the further exclusion of all Canadian products by land or sea from being imported into the United States, until such offensive legislation and interpretation of existing treaties and violation of national comity shall have been withdrawn and discontinued.

Resolved, That a copy of this preamble and resolutions, if adopted, be forwarded to our Senators and Representatives in Congress.

SENATE, *January* 25, 1887.

Adopted. Sent down for concurrence.

E. HERBERT CLAPP, *Clerk*.

HOUSE OF REPRESENTATIVES, *January* 27, 1887.

Adopted in concurrence.

EDWARD A. McLAUGHLIN, *Clerk*.

A true copy.

Attest:

E. HERBERT CLAPP,
Clerk of the senate.

Mr. HOAR presented resolutions adopted by the city council of Boston, Mass., remonstrating against the proposed reorganization of the Boston navy-yard; which were referred to the Committee on Naval Affairs.

Mr. CAMERON presented resolutions adopted by the Reading (Pa.) Board of Trade; which were referred to the Select Committee on Ordnance and War Ships, and ordered to be printed in the RECORD, as follows:

ROOMS OF THE BOARD OF TRADE,
Reading, Pa., January 29, 1887.

DEAR SIR: In accordance with the resolutions given below, your attention is respectfully asked to the following extract from the minutes of the annual meeting of the Board of Trade of Reading, Pa., held January 27, 1887:

The following preamble and resolutions were offered by Mr. Heller, and after remarks thereon by Messrs. Heller, Lance, Wanner and others, were passed unanimously:

Whereas it is highly necessary that our seacoasts and harbors be placed in a condition to successfully resist foreign invasion, and that our ships and forts be armed with guns capable of answering and silencing those of foreign nations; and

Whereas we are convinced that the Wiard guns manufactured in this city, and that the improvements in projectiles and the plan of converting the old guns now owned by the Government into modern guns of great power, invented by Norman Wiard, would, if adopted, furnish the country with ordnance equal to any in the world at an almost nominal cost; and

Whereas the Haskell multicharge cannon, manufactured at the Scott foundry, has been shown by repeated experiments to be both in principle and practice a most important discovery in the art of gunnery; and

Whereas we are informed that the Government has been prevented from making use of these inventions through the illegal action of the Bureau of Ordnance: Therefore,

Be it resolved, That we urge upon Congress to speedily pass such laws as shall enable the manufacturers of these guns to have a fair official test of their merits, so that if they are equal in performance to what is claimed for them they can at once be adopted and our seacoasts be adequately armed.

Resolved, That an investigation of the methods of the Bureau of Ordnance be at once begun, to the end that the parties who, through jealousy of civilian inventors, or from whatever motive, have been guilty of disobedience of the laws and of thwarting the will of Congress, may be removed and the bureau reorganized, so that it shall perform its duties impartially and with an eye single to the good of the country.

Resolved, That these resolutions be printed and a copy thereof mailed to the Secretary of War, the Secretary of the Navy, and to each member of the United States Senate and House of Representatives.

ISAAC McHOSE, *President*.

E. F. KEEVER, *Secretary*.

Mr. CAMERON presented a petition of Rosengarten & Sons and other citizens of Philadelphia, Pa., a petition of druggists of York, Pa., and a petition of W. D. Wood and 194 other citizens of Pittsburgh and McKeesport, Pa., praying for a reduction of the internal-revenue taxes; which were referred to the Committee on Finance.

Mr. PALMER presented a petition of officers of the Women's Christian Temperance Union of Michigan, praying that the Constitution be so amended as to extend the right of suffrage to women; which was ordered to lie on the table.

Mr. WHITTHORNE presented the petition of W. G. Andrews, J. P. Street, and 42 other citizens of Tennessee, praying for the establishment of an armory at Columbia, Tenn; which was referred to Committee on Coast Defenses.

Mr. BERRY presented joint resolutions adopted by the General Assembly of Arkansas; which were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

OFFICE OF SECRETARY OF STATE, LITTLE ROCK, ARK.

I, E. B. Moore, secretary of state of Arkansas, do hereby certify that the annexed pages contain a true, complete, and full copy of House concurrent resolution No. 3, as appears by comparing the same with the original roll of said concurrent resolution now on file in this office.

In testimony whereof I have hereunto set my hand and affixed my official seal, at Little Rock, this 25th day of January, A. D. 1887.

[SEAL.] E. B. MOORE, *Secretary of State.*

[House concurrent, No. 3.]

Resolved by the General Assembly of the State of Arkansas, That we renew the request made by joint memorial by the General Assembly in 1885 to our members in Congress of the United States, namely, that they use every honorable influence to have the $67,000,000 of cotton tax, collected from the several cotton States, refunded to the States from which it was collected according to the number of bales of cotton produced in each State in the year the tax was collected.

Approved January 20, 1887.

Mr. BERRY presented a concurrent resolution of the General Assembly of Arkansas, instructing their Senators and requesting members to support the bill providing for the establishment of agricultural experimental-stations; which was ordered to lie on the table.

Mr. GRAY presented a petition of the Historical Society of Delaware, praying for the publication of historical material connected with the colonies before the formation of the United States Government; which was referred to the Committee on the Library.

Mr. EVARTS. I present a petition of the Association of the Bar of the City of New York, praying for the increase of the salaries of the judges of the United States courts in the second circuit, which I ask may be referred to the Committee on the Judiciary; and as it presents the view of a large body of lawyers, nearly a thousand in number, and is drawn by a committee of distinguished lawyers, I ask that it may be printed in the RECORD.

The petition was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned respectfully represent to your honorable body that on the 18th day of January, 1887, pursuant to a special call, a numerously-attended meeting of the Association of the Bar of the City of New York was held for the purpose of taking into consideration the inadequacy of salaries paid to the judges of the Federal courts in the State of New York, at which meeting the annexed resolutions were passed, and in accordance therewith the undersigned were appointed a committee to present the same to Congress.

And your memorialists further respectfully represent that there are special and cogent grounds for an increase of the compensation paid to the judges of the courts of the United States in the State of New York. These grounds are three in number:

First. The vastly greater amount of labor and service which is required of them.

Second. The greatly increased expense of living in the State, particularly in the city of New York and its vicinity, in which much of their time *is necessarily* passed.

Third. The scale of professional compensation in that State and city.

Under the first of these heads it is scarcely necessary to suggest that the city of New York is not only the financial center of the country, but also the principal center of foreign and domestic commerce. The great railway companies and other corporate bodies of the nation have their main or branch offices there. The great bulk of the financial transactions of the whole country is there carried on. The maritime commerce of the nation with all other parts of the world finds its center there, and it is the great port of entry for foreign ships. Its own enormous population is constantly swelled by large numbers of people from other States of the Union, and from foreign countries, drawn thither by the necessities of business, and who spend much of their time there.

These circumstances necessarily give rise to a great number and variety of Federal questions, and also furnish the grounds, conveniences, and facilities for invoking the Federal jurisdiction to a far greater extent than in other States of the Union. It has been recently estimated—and your memorialists have no reason to doubt the moderation of the estimate—that over 40 per centum of the entire litigation in the Federal courts of original jurisdiction in the whole Union is brought before the courts of the United States in the city of New York and its vicinity.

Under the second of the above heads, your memorialists believe that the fact of the increased cost of living in the city of New York *is known to all, but* perhaps all are not aware of the magnitude of the excess. An ordinary dwelling-house, suitable for a family of moderate habits and tastes, commands an average rental of at least $2,000 per annum, while the more desirable abodes, such as are occupied by lawyers of distinction in their profession, can not be obtained for sums less than $1,000 per annum.

These great rental values of necessity occasion corresponding additions to the cost of almost all other articles of necessary consumption in a family.

These facts are true, with some slight qualifications, of the cities and suburbs surrounding New York, and diffuse their influence throughout the whole State.

In the third place, partly in consequence of the circumstances already alluded to, the scale of professional compensation is much higher in the city of New York than it is in other parts of the Union, especially in the more remote and rural districts. The professional incomes of lawyers, who possess the abilities and learning which fit them to discharge the duties of a Federal judge in that State, range from $10,000 to $40,000, and even above that amount per annum. And yet it is believed that it is not easier with such incomes to gain a competency than it is with much smaller ones in other parts of the country.

It should be remembered that all the judges of the United States district courts within the State are almost constantly engaged in the discharge of their judicial duties in the city of New York, and this force is from necessity, from time to time, recruited by calling in the aid of the district judges of Vermont and Connecticut. No question can be made concerning the importance of these judicial labors,

and of the learning, ability, and incessant toil required of the judges, nor that a suitable compensation should be paid to those who are called upon to discharge such important functions. But there can be no doubt that the salaries at present paid are totally inadequate for the decent support of a reputable lawyer, and the insufficiency is disparaging to the dignity, and, consequently, to the usefulness of the Federal tribunals. Nor does it furnish, as it should, any sufficient guaranty for the filling of these important stations, with the requisite learning, integrity, and ability.

Your memorialists call attention to the fact that it was but a few years since that a most competent and highly esteemed judge of a district court in this State was obliged to resign his office in consequence of the insufficiency of his salary, and it was principally in consequence of a happy accident that a competent successor was found able and willing to accept the office.

Your memorialists think it entirely reasonable to say that when occasion arises for filling a vacancy in any of the offices alluded to, the salary should be such that numbers of competent lawyers should be found who would feel that they could accept such offices without making an absolute sacrifice of the prospect of obtaining a reward for their services adequate to a comfortable maintenance.

As it is, upon the occasion of any vacancy, the Government is limited in its selection of a competent successor to those whose pecuniary condition renders the amount of salary a matter of comparative indifference, and the honorable ambition of those to whom judicial station is attractive, and who are best fitted to discharge its duties, is discouraged and repelled.

Your memorialists are not in favor of any scale of compensation which would render these offices objects of desire and competition on account of the salary alone, but they believe that they should be fixed at such sums as will make it easily possible to secure the learning, abilities, and character which are the necessary qualifications for such responsible and important places.

Under the present scale of compensation, the district judges receive salaries of but $4,000, which is less than the salary paid to the district judge of California, who receives $5,000, and less than many salaries paid in the city of New York to clerks, book-keepers, cashiers, and salesmen in large mercantile and financial houses. The salary of the circuit judge is but $6,000, out of which he is compelled to pay all his traveling and other expenses in going from place to place in the three States of his circuit. So that it may be said that his net income is less than that of the district judges, inasmuch as the latter, who reside out of New York city, receive a per diem allowance for expenses, and in one case extra compensation for services. The salaries are very much inferior to those paid to the judges of the courts of the State. The judges of the State supreme court in the city of New York receive $17,500 per annum. The judges of the superior court of the city, and of the court of common pleas of the county of New York each receive $15,000 per annum; the surrogate of the county of New York receives $12,000 per annum; police magistrates of the city receive $8,000, and judges of the district courts (exercising a civil jurisdiction corresponding to that of justices of the peace) receive $6,000 per annum.

The comparatively large salaries thus allowed to judges of the supreme and superior courts and the court of common pleas are indeed made up in part by sums paid by the city of New York in addition to the salaries allowed by the law of the State, but the State pays to the chief judge of its court of appeals a salary and allowance for expenses amounting to $9,500 and to the associate judges $9,000, and to those of the supreme court outside of the city of New York salaries and allowances amounting to $7,500.

Your memorialists think it would be entirely within the limits of moderation to pay to the circuit judge a salary equal to that allowed by the general law of the State to the chief judge of the highest court of record, and to the district judges salaries equal to those allowed by the same general law to judges of the supreme court, and they respectfully pray that your honorable bodies may take appropriate action in the premises.

Dated New York, January 28, 1887.

E. ELLERY ANDERSON,
JAMES C. CARTER,
CHARLES C. BEAMAN,
C. A. SEWARD,
C. A. HAND,
WHEELER H. PECKHAM,
EDWARD K. JONES,
Committee.

At a special meeting of the Association of the Bar of the City of New York, held at No. 7 West Twenty-ninth street, January 13, 1887, Mr. Ellery E. Anderson presented the following resolutions:

Resolved by the Association of the Bar of the City of New York, That in the opinion of this association the salaries now paid to the Federal judges within this State are entirely inadequate and bear no relation to the character and importance of the services rendered by them.

Resolved, That the salaries paid to the judges of the courts of the United States within the State of New York are not only out of proportion to the salaries paid to the judges of the superior courts of record of the State for services of the same character and importance, but are insufficient to meet the cost of living and the suitable maintenance of their families; and that the disparity between the salaries paid to the judges of the State courts and those paid to the judges of the Federal courts tends to impair the dignity, independence, and usefulness of the latter, and makes it difficult to obtain men possessing the qualifications required for the discharge of the duties of these high offices.

Resolved, That the greatly increased volume of business performed by the judges of the Federal courts within this State, as well as the responsibility forced upon them by the magnitude and complexity of the questions constantly brought before them for adjudication, demand that a reasonable discrimination in their favor should be made by Congress with respect to any legislation that may be proposed and adopted for the suitable and adequate compensation of Federal judges.

Resolved, That it is the sense of this association that the judge of the circuit court of the United States for the second circuit should be provided with and receive a salary of at least $9,000 per annum, with an additional allowance for traveling and other expenses of at least $2,000 per annum, and that the judge of the district court of the United States for the southern district of New York should be provided with and receive a salary of at least $7,000 per annum, and that the judges of the district courts of the United States for the northern and eastern districts of New York should each be provided with and receive salaries of at least $6,000 per annum.

Resolved, That a committee of five members of this association be appointed by the president, with power to fill vacancies, and, in their discretion, to add to their number not to exceed seven in all, to present these resolutions to Congress and to advocate before that body and the proper committees thereof the correction of the evils herein referred to, and to promote the reform hereby sought.

Which were unanimously adopted.

Extract from the minutes.

Attest:
[SEAL.]

S. B. BROWNELL,
Recording Secretary.

Mr. EVARTS. I shall also introduce a bill to accompany the petition to the Committee on the Judiciary, when that order of business is reached.

Mr. BLAIR presented a petition of the Pennsylvania Woman Suffrage Association, praying for the passage of legislation submitting to the States an amendment of the Constitution of the United States giving the right of suffrage to women; which was ordered to lie on the table.

Mr. WILSON, of Iowa. I present a petition of the Yearly Meeting of the Religious Society of Friends, of Iowa, consisting of over 10,000 members, residing and having churches in the States of Iowa, Nebraska, Wisconsin, Minnesota, Texas, and California, and the Territories of Washington and Dakota, praying for the establishment of a permanent high court of arbitration in which the civilized world may be represented, and to which may be referred those disputes which have usually led to war. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. VANCE presented a petition of citizens of Leaksville, Rockingham County, North Carolina, praying for the repeal of the internal-revenue laws; which was referred to the Committee on Finance.

Mr. CALL. I present resolutions of the Board of Trade of Jacksonville, Fla., reciting that the Jacksonville Board of Trade has learned with much regret of the diminished appropriations for the improvement of the Saint John's Bar, as reported by the River and Harbor Committee of the House; that the expediency and economy of appropriations sufficient to continue this work without cessation until completed has been fully demonstrated in the progress of the improvement; and that the Chief Engineer has officially stated that at least four times the amount reported by the House committee could be advantageously expended on this work during the next twelve months. The petitioners therefore pray that an adequate appropriation may be made for the improvement of Saint John's Bar. I move the reference of the resolutions to the Committee on Commerce.

The motion was agreed to.

Mr. GORMAN presented petitions of citizens of Baltimore and Vansville district, in the State of Maryland, praying for the repeal of sundry internal-revenue taxes; which were referred to the Committee on Finance.

Mr. FRYE. I present the petition of Luther Maddock and 25 other fishermen of Boothbay, Me., praying that the mackerel close time shall not take effect until next season. As the bill has been reported, I move that the petition be ordered to lie on the table.

The motion was agreed to.

Mr. CULLOM presented the petition of Lyman Guinnip, late colonel Seventy-ninth Illinois Infantry Volunteers, praying for correction of his military record; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Smithfield, Ill., praying that a pension be granted to Amos Baccus; which was referred to the Committee on Pensions.

He also presented a resolution adopted by the Illinois State Grange, in favor of the establishment of a Department of Agriculture with its chief a Cabinet officer; which was ordered to lie on the table.

He also presented a resolution adopted by the Illinois State Grange, in favor of granting to women the right of suffrage; which was ordered to lie on the table.

He also presented a resolution of the Illinois State Grange, in favor of the people electing United States Senators; which was referred to the Committee on Privileges and Elections.

He also presented a resolution adopted by the Illinois State Grange, urging the passage of the agricultural experiment-station bill; which was ordered to lie on the table.

He also presented a resolution adopted by the Illinois State Grange, remonstrating against proposed changes in the oleomargarine act; which was referred to the Committee on Agriculture and Forestry.

Mr. MAHONE presented the petition of Richardetta Mason Ruggles, devisee of Georgeanna Seymour Hooe, deceased, praying for the passage of an act referring her war claims to the United States Court of Claims; which was referred to the Committee on Claims.

Mr. INGALLS presented concurrent resolutions of the Legislature of Kansas; which were referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution.

Be it resolved by the senate of the State of Kansas (the house of representatives concurring therein), That our Senators in Congress be instructed and our Representatives requested to use all proper means to procure the passage of House bill No. 10359, being an act "to extirpate contagious pleuro-pneumonia, foot and mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes;" and that a copy of these resolutions be forwarded to each of our Senators and Representatives in Congress by the secretary of state.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office, and that the same was adopted by the senate on the 19th day of January, A. D. 1887, and concurred in by the house January 21, 1887.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 25th day of January, A. D. 1887.

[SEAL.]

E. B. ALLEN, *Secretary of state.*

Mr. MILLER presented the petition of Peter A. Porter Post, Grand Army of the Republic, Wilson, N. Y., and the petition of Melyar Post, Grand Army of the Republic, of Mexico, N. Y., praying for the passage of the anti-Mormon bill; which were ordered to lie on the table.

Mr. STANFORD presented petitions of the Chamber of Commerce of Eureka, Cal., the Chamber of Commerce, San Francisco, and the Board of Trade of San Francisco, Cal., and a petition of citizens of Eureka, Cal., praying that an appropriation be made for the improvement of Humboldt Bay; which were referred to the Committee on Commerce.

Mr. HARRIS. I present a joint resolution of the General Assembly of the State of Tennessee, requesting the Senators and Representatives from that State to favor such measure as will promote the world's fair of the colored people, to be held in September next, in Birmingham, Ala. Being a joint resolution of the General Assembly, I ask that it be printed in the RECORD, and that it be referred to the Committee on Foreign Relations.

The memorial was ordered to be printed in the RECORD, as follows:

[House joint resolution No. 33.]

Whereas there will be a "world's exposition" held by the colored people of the United States at Birmingham, Ala., commencing September 22, 1887, and continuing four months, for the purpose of illustrating the progress of the colored race by a display of works of art, live-stock, field products, machinery, manufactories, and all other articles raised, fabricated, produced, or owned by colored people especially throughout the United States of America, and inclusive of the colored race in all parts of the world; and

Whereas this exposition would advance the interest of the race in many respects, and would also redound to the interest of the whole country: Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That we commend the project to the favorable consideration of the public as one fraught with great interest to the colored race and the country at large.

Be it further resolved, That we request our Senators and Representatives in Congress to consider favorably any measure which may come before that body looking to the advancement of the exposition, by appropriation or otherwise.

Be it further resolved, That the secretary of state be directed to forward a copy of these resolutions to our members in Congress.

Adopted January 12, 1887.

W. L. CLAPP,
Speaker of the house of representatives.
Y. W. EWING,
Speaker of the senate.

Approved January 21, 1884.

ROBT. L. TAYLOR,
Governor.

I, John Allison, secretary of state of the State of Tennessee, do certify that the foregoing is a copy of house joint resolution No. 33, the original of which is now on file at my office.

In testimony whereof I have hereunto subscribed my official signature, and, by order of the governor, affixed the great seal of the State of Tennessee, at the department in the city of Nashville, this 29th day of January, A. D. 1887.

[SEAL.] JOHN ALLISON,
Secretary of state.

The PRESIDENT *pro tempore*. The memorial should be referred to the Committee on Appropriations, the Chair thinks.

Mr. HARRIS. I am not aware that there is a bill pending on the subject.

Mr. DAWES. The matter has been before the Committee on Appropriations.

The PRESIDENT *pro tempore*. So the Chair understood.

Mr. HARRIS. Then I ask that the joint resolution be sent to the Committee on Appropriations.

Mr. ALLISON. Before that is done, I desire to say that a similar resolution of the Legislature of Alabama was referred to the Committee on Appropriations inadvertently, and was reported back and referred to the Committee on Foreign Relations. The memorials relate to a world's exposition, and I think this one should take the same direction.

Mr. HARRIS. Of course, if the Committee on Appropriations has reported the former resolution back and asked its reference to the Committee on Foreign Relations, this resolution should go to that committee.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 10091) for the construction of a stable for the use of horses and wagons for the use of the offices of the House of Representatives, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 3234) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3130) for the erection of a public building in Paterson, N. J., reported it without amendment.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico, reported it without amendment.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 3165) authorizing the construction of a bridge across the Red River of the North, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2930) authorizing the construction of a bridge across the Red River of the North, reported it with amendments.

Mr. MCMILLAN. I intended to ask the Senate to consider those bills immediately, but as the Senate is pressed with business this morning, I shall request the Senate at an early day to take them up.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 2983) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the County of Grand Isle, in the State of Vermont, reported it with amendment.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as public reservation No. 3, in the city of Washington, D. C., reported it without amendment.

Mr. HOAR, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. FRYE. I am instructed by the Committee on Foreign Relations to report on the memorial of a committee representing the medical profession of the United States, in relation to an international congress to be holden in Washington in December, 1887, an amendment to be offered to the sundry civil appropriation bill favorably, and to move its reference to the Committee on Appropriations.

The motion was agreed to.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. 2592) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 9116) to provide for holding terms of the United States courts at Texarkana, Ark., and for other purposes. reported it with an amendment, and submitted a report thereon.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred the joint resolution (S. R. 88) authorizing the printing of 2,500 copies of the report of the health officer of the District of Columbia, to report it favorably without amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Public Printer to print 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the health officer of the District.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORIDA PUBLIC LANDS.

Mr. MORGAN. I am directed by the Committee on Public Lands to report back adversely the Senate resolution submitted by the Senator from Florida [Mr. CALL], December 21, 1885, for a special committee of five Senators to be appointed to visit Florida and investigate the alleged unlawful appropriation of public lands in that State derived from the swamp-land grants, or from other grants to Florida, to the detriment of actual settlers or homesteaders.

The PRESIDENT *pro tempore*. The resolution reported adversely by the Senator from Alabama will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That a special committee of five Senators be, and are hereby, appointed, who shall be, and are hereby, charged with an investigation of all alleged unlawful, unauthorized, or fraudulent appropriations of the public lands of the United States, in the State of Florida, to the detriment of actual settlers, or homesteaders, or purchasers for cash, or of the United States, under the several acts of Congress making grants of the public domain to the State of Florida, and otherwise. And that the Commissioner of Public Lands furnish said committee with a competent clerk from the office of Public Lands. And that they have authority to send for persons and papers, and to employ a stenographer. And that said committee report to the Senate the evidence taken by them, and their recommendations on the subject.

The PRESIDENT *pro tempore*, This resolution, with the adverse report, will be placed on the Calendar.

Mr. CALL. I rose to ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar with the adverse report.

FISHERIES REPORT.

Mr. MANDERSON. I am instructed by the Committee on Printing

to report back a concurrent resolution submitted by the Senator from Maine [Mr. FRYE] on the 21st instant, providing for the printing of 6,000 additional copies of the report of the Committee on Foreign Relations on fisheries, with a recommendation that it be adopted with an amendment. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the two Houses of Congress 6,000 additional copies of the report of the Senate Committee on Foreign Relations touching our fisheries, numbered 1683; one-third thereof for the use of the Senate and two-thirds for the use of the House.

The amendment reported by the Committee on Printing was to add to the resolution:

And that there be added at the end of said report No. 1683, Senate Executive Document No. 55, and that said document be bound in paper covers.

The amendment was agreed to.

The resolution as amended was concurred in.

INTERSTATE-COMMERCE BILL.

Mr. MANDERSON. I report back from the Committee on Printing a Senate reolution to print 10,000 additional copies of the report of the committee of conference on the interstate-commerce bill with an amendment recommending that there be printed for the use of the Senate 10,000 copies of the bill as it finally passed Congress. I may say that the copies of the bill are entirely exhausted; that there is a very great demand for them; and that the cost is but trifling. I ask for the present consideration of the resolution.

The Senate proceeded to consider the resolution; which was read, as follows:

Resolved, That there be printed for the use of the Senate 10,000 copies of the corrected report of the committee of conference on the bill (S. 1532) to regulate commerce, with the detailed statement of the conferees on said bill.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on Printing will be stated.

The SECRETARY. Strike out all after "the," in the third line of the resolution, and insert "interstate-commerce bill (S. 1532) as the same finally passed Congress."

The amendment was agreed to.

The resolution as amended was agreed to.

BATTLE SWORD OF CAPT. S. C. REID.

Mr. EVARTS. I move that the President's message, transmitting a communication from Mr. Samuel C. Reid, who offers to the United States the battle sword of his father, Capt. Samuel Chester Reid, who commanded the United States private-armed brig General Armstrong, at the battle of Fayal, in September, 1814, now lying on the table, be referred to the Committee on the Library.

The motion was agreed to.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 3243) to remove the charge of desertion from the military record of Andrew J. Gardner; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3244) granting a pension to Hiram Bateman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 3245) to regulate salaries and expenses of the judges of the circuit and district courts of the United States within the State of New York; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MAHONE introduced a bill (S. 3246) making an appropriation for the improvement of the naval hospital park at Portsmouth, Va.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BECK introduced a bill (S. 3247) to amend the laws relating to national banking associations; which was read twice by its title, and referred to the Committee on Finance.

Mr. HAWLEY introduced a bill (S. 3248) granting a pension to Ann Verneuil; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3249) granting a pension to Emma L. Chase; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3250) to provide for the examination and possible purchase of certain manuscripts, comprising a revision and consolidation of the laws relating to municipal affairs in the District of Columbia, and also of certain manuscripts comprising a revision and consolidation of the criminal laws of said District; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 3251) directing the commissioners of the District of Columbia to establish streets and avenues in the county of Washington, D. C., and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. PUGH submitted amendments intended to be proposed by him to the river and harbor bill; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

APACHE PRISONERS IN FLORIDA.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate a copy of any and all contracts made for educating the children of the Apaches now confined at Fort Marion, Saint Augustine, Fla., and to communicate what proposals or offers of gratuitous aid in educating said children have been made to the Department or any official having said Indians in charge, and all correspondence in the Department touching the same. Also the number of Apaches confined at Fort Marion and the dimensions of the building or buildings in which they are held in custody.

VIRGINIUS INDEMNITY FUND.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State is directed to furnish to the Senate a statement of the names of the claimants whose claims have been allowed under an agreement with the Government of Spain relating to their indemnity out of the money known as the "Virginius" fund, with the amount allowed and the amount paid to each claimant; and that he also state what amount of interest on said fund has accumulated during the time it was in the custody of the Department of State, and in what way and from what sources such interest has been received; and the amount of such increment that is now held in said Department, and for whose account, or benefit, the same is held.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888; and

A bill (H. R. 10802) making appropriations to provide for the expenses for the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dakota Territory; and

A bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

ORDER OF BUSINESS.

Mr. CALL. If the order of resolutions is through, I desire to call up the resolution which I have discussed before the Senate, relating to Florida land grants.

The PRESIDENT *pro tempore*. The order of "concurrent or other resolutions" is still pending. The Senator from Virginia [Mr. MAHONE] rises to a resolution. The Chair will recognize the Senator from Florida as soon as the call for "concurrent or other resolutions" is concluded.

Mr. HARRIS. I desire to call the attention of the Chair to the resolution introduced by myself on Saturday, which lies on the table, and comes up this morning in due course of business. That resolution I desire to have considered.

CAMPBELL'S IMPROVED LEDGER.

Mr. MAHONE presented the following resolution, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate be, and he is hereby, authorized to purchase, for use in the Senate folding-room, Campbell's Copyright Improved Method and Distributing Ledger at a price fixed by said committee, the amount thus fixed to be paid out of the miscellaneous items of the contingent fund.

GOLD PAYMENTS.

Mr. VAN WYCK submitted the following resolution, which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether any national banks are loaning money upon securities, or discounting bills or notes which require payment in gold coin only.

FLORIDA LAND FORFEITURE.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions," the Senator from Florida [Mr. CALL] moves that the Senate proceed to the consideration of the resolution instructing the Attorney-General to bring suit for an injunction against the Florida Railway and Navigation Company.

The motion was agreed to; and the Senate resumed the consideration of the following resolution, submitted by Mr. CALL, January 21, 1887:

Resolved, That the Attorney-General of the United States be instructed to bring suit, through the district attorneys of the United States, for an injunction against the Florida Navigation and Railway Corporation and the Pensacola and Atlantic Railroad Company, or their agents, attempting to sell, or selling, or advertising

for sale, the lands of the United States embraced in the grant made to the State of Florida under the act entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," approved May 17, 1856, while bills for the forfeiture of the same shall be pending before Congress, which have been or shall be recommended by the committees of either House of Congress to be forfeited.

The PRESIDENT *pro tempore*. On this resolution the Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. Mr. President, the persistence with which the Senator from Florida presses this resolution is something that embarrasses me. The resolution is predicated upon a statement that the Pensacola and Atlantic Railroad Company, or their successors, are proceeding to sell lands granted to them by the Government of the United States, and I think the Senator from Florida said that the lands have been advertised for sale. This morning the Committee on Public Lands had a meeting, and the receiver appointed by the circuit court of the United States in Florida appeared before that committee and stated that no lands were advertised to be sold, that the receiver was not intending to sell any lands, had no such idea or expectation, and that the first information he had on the subject of the sale of the lands mentioned by the Senator from Florida was his speech in the Senate.

I can not see why it is claimed that the Senate shall grant to any person special authority to proceed in the name of the United States to obtain an injunction against the sale of land that has not been advertised, that is not intended to be made, and of which the receiver of the road knows nothing. It ought to be remembered that this railroad is in the hands of a receiver appointed by the United States circuit court, and various orders and decrees have been made under which receiver's certificates have issued upon the faith of this property to the amount, I believe, of about $600,000, and are in the hands of persons, of course, who claim that the certificates are a lien upon the property. If the statement made by the receiver who appeared before the committee is true, that there is no such proceeding in Florida, I do not see why the Senator from Florida desires to press the resolution.

I do not care about going into the merits of this case, or rather the question whether this railroad company has received a grant of land from the United States Government through the action of the State of Florida, and my reluctance about it is simply because I do not want to take the time of the Senate. A letter written by Secretary Teller and another one written by Secretary Schurz, but more particularly the one written by Secretary Teller in affirmance of Mr. Schurz's decision before that time made, which is found in Executive Document No. 91, printed by the order of Congress, contain a clear and complete and perfect statement of the manner in which this land was derived from the Government of the United States through the statutes of Florida, leaving, in the opinion, I think, of most men who have ever read it, no doubt at all of the fact that these lands have gone from the Government of the United States into the possession of the railroad company under the grant. I do not care, I say, to enter upon the discussion of that question, because it will occupy more of the time of the Senate than ought to be consumed with it, but I wish to call the attention of the Senate now to the resolution.

The resolution started as a joint resolution to forfeit a land grant, and in the second resolve it took the ground that, pending any action by Congress on this subject, in the case of a favorable report upon any bill by either House for the forfeiture of this land grant, the Attorney-General of the United States should file a bill for an injunction to prevent a sale of any of the lands. The Senator from Florida modified the joint resolution in two particulars. First, he struck out the joint resolution and made it simply a Senate resolution. It is not even a concurrent resolution as it stands now before the Senate, but a mere Senate resolution; and of course, in that attitude it would amount to no more that a mere expression of opinion, or a mere request by this body to the Attorney-General of the United States to file a bill in equity to enjoin the sale of lands.

The resolution is predicated upon the fact mentioned in it that a bill shall be pending in either House, reported favorably by a committee of either House, recommending the forfeiture of this land grant. Now, let us see what would be the scope and operation of the resolution if we were to adopt it. I mentioned the fact that it was a mere request of the Senate, as the resolution now stands, that the Attorney-General shall file a bill. It is true it is in the form of an instruction.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. MORGAN. Yes, sir.

Mr. CALL. I will state that I changed the joint resolution at the suggestion of a member of the Committee on Public Lands that the whole committee would allow it to pass without objection in that shape, except the Senator from Alabama, and that I will amend the resolution and make it a joint resolution, so that it shall be an instruction to the Attorney-General, and thus remove that objection.

Mr. MORGAN. We have a joint resolution, then, which of course amounts to a law; and that joint resolution is that a bill shall be filed in the event that a committee of either House has reported favorably upon a bill to forfeit the land grant and that that bill is pending upon such a report. When this Congress adjourns on the third day of March what becomes of all the bills that are pending before it? Of course they are nothing more than mere history.

Mr. CALL. Will the Senator allow me to interrupt him again?

Mr. MORGAN. Yes, sir.

Mr. CALL. At the suggestion of a very distinguished member of the Judiciary Committee, the Senator from Vermont [Mr. EDMUNDS], I propose to amend the resolution and make it imperative upon the Attorney-General to bring suit to ascertain and obtain a final decision as to a compliance with the requirements of this act by any of the railroad claimants.

Mr. MORGAN. Should the Senate of the United States pass a bill of that kind without a reference of this question to the Committee on Public Lands?

Mr. CALL. I will state, if the Senator will allow me to interrupt him, that the Committee on Public Lands has had this question under consideration in all its details for a year, and that the resolution is substantially the bill reported to the Senate by the Senator from Alabama two years ago.

Mr. MORGAN. I have reported no bill in reference to any Florida land grant to this body.

Mr. CALL. It was in reference to all land grants.

Mr. MORGAN. No, I have not reported any bill of that kind either. The only bill that I have reported on such a subject is one to give the judicial authorities of this country jurisdiction in the case of a forfeiture that has been declared.

Mr. President, look at the condition of this resolution. It started as a joint resolution to forfeit the land grant and to have an injunction. It then, under the Senator's own amendment, dwindled down to a resolution of the Senate upon the second proposition in the joint resolution, merely to instruct the Attorney-General of the United States to present a bill and file it for an injunction. The Senator now proposes to restore it to a joint resolution, and not only so, but to restore it to the original proposition which was contained in his resolution, as I understand it, to forfeit the land grant, not this one land grant only, but all the land grants made to the State of Florida in 1856. That was the original resolution. I think the Senator from Florida ought to take some ground about this matter and stand to it.

My motion to refer the subject to the Committee on Public Lands becomes more and more obviously correct every time that the Senator from Florida has an opportunity to meet an argument that is made against his proposition by suggesting that he can make an amendment. We do not know yet and the Senate has not before it now the proposition in print that the Senator from Florida last stated.

Mr. ALLISON. Then, Mr. President, will not the Senator from Alabama yield to me that I may ask the Senate to take up the sundry civil bill?

Mr. MORGAN. I will do so if the Senator from Florida does not object to it. I do not want to disappoint him in any particular.

Mr. ALLISON. I ask the Senator from Florida to agree that I may call up now the sundry civil appropriation bill.

Mr. CALL. If I can obtain unanimous consent that this resolution shall come up for consideration at any designated time, say on the conclusion of this appropriation bill, I shall give way for the appropriation bill, but I will state to the Senator from Iowa, if the Senator from Alabama will allow me, that this resolution is one of very great importance to the people of Florida. Of the 33,000,000 acres of arable land estimated in that State, over 23,000,000 are claimed under different grants to the State for the benefit of corporations; so that practically the entire area of the State is held now at prices regulated by private interest and at prices greater than the Government prices. Whatever land there is in the State, therefore, that really belongs to the United States ought to be declared open to entry and settlement, and this grant covers the largest portion of the remaining public land in the State suitable for settlement.

Mr. ALLISON. Is it not true that most of these lands were granted to the Legislature of the State of Florida?

Mr. MORGAN. All of them.

Mr. CALL. Certainly they were under the swamp and overflowed and the internal-improvement land-grant acts, which I will not here discuss. There is no reflection upon the State of Florida in this matter. This is simply a question which I make here, and in which I prove that the State of Florida has never granted this land to this railroad company. I am prepared to prove that by the journals and the acts of the Legislature of the State of Florida, the proclamations of its governor, and the acquiescence of this company for twenty years. I challenge denial and proof of any of those public records——

Mr. MORGAN. Now, I accept the challenge, and I will prove that the State of Florida has granted this land.

Mr. CALL. I assert the contrary.

Mr. MORGAN. I want that matter to go before the committee.

Mr. CALL. Allow me to interrupt you.

Mr. MORGAN. Not just at this moment. The Committee on Public Lands this morning had a hearing of the receiver appointed by the circuit court in Florida, who is now in possession of that railroad, with all its belongings, and of other persons interested in that railroad land grant. The Senate had heard the Senator from Florida. He had put in all his evidence, every bit. These gentlemen this morning produced the most satisfactory evidence that the State of Florida had actually

consented to this grant, and in a way that was irrevocable, that it could not revoke, and that this consent stands there to-day as the sanction of the grant.

Mr. Schurz, Mr. Teller, and Mr. Lamar, when they were successively Secretaries of the Interior, have gone over the field, absolutely, with the greatest possible care, and have affirmed that the action of the State of Florida was final in respect to this grant, and transferred the grant into the hands of this railroad company.

Then the grant has gone into the hands of a receiver of a United States court—all the property of the railroad company—and that court has proceeded to administer it, has issued $600,000 or thereabouts of certificates on the faith and credit of this property, held by persons who are controverting with the Senator from Florida his position; and after hearing these parties this morning the Committee on Public Lands directed a special select committee to take the matter in hand and examine it through and through, and report on next Monday to that committee. It is a work of great labor, it is true, but some persons will have to investigate it, and this committee are instructed now to do this very thing that the Senator from Florida wants the Senate to do upon his last amendment to his resolution which restores it to a joint resolution to forfeit the land grant, he himself having withdrawn that resolution in the course of this debate and substituted a mere Senate resolution asking the Attorney-General to file a bill of injunction. Now, how are we to get along with this matter?

Mr. CALL. Will the Senator from Alabama allow me?

Mr. MORGAN. I am willing to indulge the Senator from Florida as much as possible, but I can not consent that either the Committee on Public Lands or the Senate shall stultify itself by passing upon a question of this kind, where there is a positive issue joined on the fact between the Senator from Florida and myself. I think at least the Senate ought to be willing to have this subject investigated. Here is Executive Document 91 that contains the whole history of the transaction. There can not be any doubt about it, I think.

Mr. CALL. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Yes; I yield.

Mr. CALL. Mr. President, I wish to say, that it may go in the RECORD, that I deny specifically every statement made by the Senator from Alabama.

Mr. MORGAN. I did not yield to the Senator for the purpose of indulging in a criticism upon the veracity of the Senator from Alabama or the verity of his statement.

Mr. CALL. I do not impeach the veracity of the Senator from Alabama.

Mr. MORGAN. What I have stated is in the RECORD published by Congress, and more than that, it is in the acts of the Legislature of Florida, which I have at my desk.

Mr. CALL. I undertake to say, without in any degree assailing the veracity of the Senator from Alabama and making no impeachment of it at all, that there is nothing of that kind in that record. Secretary Lamar has never passed upon this case in regard to the propositions and facts I have stated. Secretary Teller has never decided upon the authority granted by the State of Florida. Secretary Schurz has never passed upon it; and the acts of the Legislature of Florida, the message of the governor of Florida, the opinion of the attorney-general of Florida, all deny in positive terms in 1858, nearly two years after it was possible for this company ever to have acquired any rights in this grant, specifically that they were entitled to any of the benefits of that grant under the internal improvement act, as to the part of the line between Waldo and Tampa, and granted it to another company; and I aver that for twenty years there was an acquiescence in that legislative action. All this I have proven, and I will again prove it so clearly that even the Senator from Alabama will have absolutely nothing to stand on in his very confident and erroneous statements.

Now, Mr. President, I have to say this: I have sought earnestly to obtain from the Committee on Public Lands a favorable report on the forfeiture of this grant and an opportunity for the Senate to vote upon the question whether the people of Florida and citizens of the United States emigrating there were to be protected in their rights to enter upon the public lands, and yet——

Mr. MORGAN. Mr. President——

Mr. CALL. The Senator will allow me to conclude. I thought this was a case so clear that it might at least be referred to judicial investigation, and that there would not be a dissenting voice to allowing the people to be heard, with the Government litigating and protecting them in their rights.

Mr. MORGAN. Now I desire to speak about the action of this committee, which, of course, seems to have some impeachment of it by the Senator——

Mr. CALL. I do not seek to impeach the committee.

Mr. MORGAN. The Senator ought not to say what he does unless he seeks to impeach some person, because what he has said does impeach them.

Mr. CALL. I said that I have sought to obtain——

Mr. MORGAN. The bill of which I have spoken has been before the Committee on Public Lands for quite a while. It has been in the hands of a subcommittee, the distinguished Senator from Mississippi [Mr. WALTHALL], who has frequently brought it to the attention of that committee, and who has all the time abstained from making a report upon the bill exactly in line with the criticisms made upon the bill itself by Commissioner Sparks of the Land Office, because he did not want to stop the Senator from Florida in his effort to forfeit these lands.

The Senator from Florida stated on the floor of the Senate, the other day, in reply to an assertion made by myself, that he did not know of the point he presents in his resolution until within the last twenty days, or about that time.

Mr. CALL. I beg the Senator's pardon.

Mr. MORGAN. The RECORD shows what the Senator stated, that he did not know it; he might have had some idea about it, but he did not have any distinct idea of the facts upon which this question rested, unless it was within a very brief period of time, and so he did not bring it to the attention of the committee before.

Mr. CALL. Will the Senator allow me?

Mr. MORGAN. No; I want to get through with the statement of the conduct of the Senator from Florida toward this committee.

Two years ago, or thereabouts, the Senator from Kansas [Mr. PLUMB], the chairman of the committee—and I desire his attention to my remark—introduced into this body a bill to forfeit the railroad land grants in Florida. I am not certain but that he referred that bill to me as one of a subcommittee. At all events I had some direct connection with it. The Senator from Kansas informed me that the Senator from Florida went to him and complained that he should have brought this subject to the attention of the Senate and be pressing a bill to forfeit all land grants in Florida, when he himself had not asked him to do it; and thereupon the Senator from Kansas abstained from pressing it. Now, here is this land grant upon which the Senator from Florida has made more speeches than upon any other question before the Senate, so far as I know——

Mr. CALL. Allow me to interrupt you——

Mr. MORGAN. And the Senator from Florida, in reply to the suggestion that I made a few days ago, I distinctly understood him to say, had not known of this new condition of affairs embodied in his resolution until within a very brief period of time past.

Now, is this committee delinquent about this thing? The committee have done all that they could in the world to bring forward his demands upon that committee, and now he suggests that for a year or two he has been endeavoring to get some action on the part of that committee on this question. That is my reply to his suggestion.

Mr. CALL. Now, will the Senator from Alabama allow me to interrupt him?

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. No; I will not. The Senator from Florida can proceed with his argument when I conclude.

Mr. WALTHALL. Will the Senator allow me to ask a question?

Mr. MORGAN. Yes, sir.

Mr. WALTHALL. I understand that the Senator in his remarks has made some reference to the Senator from Mississippi. Was he referring to myself or to my colleague?

Mr. MORGAN. I was referring to the Senator who is now on the floor. I said that this matter, according to my recollection, had been referred to the Senator from Mississippi as a subcommittee and that he had given as much attention to it as he found the subject required, and I gave it as my impression, not as coming from the Senator, that the answer given by Commissioner Sparks upon this bill when it was referred to him was considered to be a full answer to the bill until it was materially modified or amended, and that the committee had not pressed the subject because they felt that if their decision was required it would necessarily be adverse to the bill.

Mr. WALTHALL. The statement made by the Senator from Alabama is substantially accurate. As the matter has been mentioned it is perhaps proper that I should state what occurred between the Senator from Florida and myself in reference to this bill, as it accounts for the delay in the action of the committee.

The Senator from Florida several times approached me after he learned I had charge of the bill as a subcommittee, and asked me for a report. I stated that the committee had considered the bill and had not passed upon it, but that a majority of the committee would never consent to report favorably any such bill as this, and that if he desired a report to be promptly made, an adverse report would have to be made, and I indicated to him that his preference with reference to that matter would be consulted. He indicated to me, if I understood him aright, that he preferred the matter to stand as against an adverse report. That is the reason the adverse report has not been made.

Mr. MORGAN. Now, Mr. President, we have the attitude of it. I do not see that the Senator from Florida has any right to make points on this committee under these circumstances; but the Senator from Florida, finding that the committee intended to make an adverse report on his bill, brings in a joint resolution to accomplish the same object,

stating to the Senate that the committee were putting off all the time their report when they were ready to make it, and could sustain it by competent authority.

Now, therefore, I feel as a member of the committee no particular duty devolving on me about it; but when the Senate of the United States is asked to take this case out of the hands of a committee under these circumstances it seems to me to be very extraordinary, and whatever may be the feeling the Senator has in regard to the forfeiture of these land grants in Florida it is only right to the Senate that the subject should undergo, as it has undergone and is undergoing, a most scrutinizing investigation, for it must be remembered that there are a large number of people who are concerned in this matter to the extent of thousands and hundreds of thousands of dollars whose interests are quite as important as those of any of the persons who have written letters to the Senator from Florida to impress upon the Senator the idea that great wrong is about to be done them.

And then when this receiver comes before us and assures us that he is not making any sale of the land, and not intending to make a sale of the land, not desiring to do it, and that the first information he had on the subject of a sale being about to take place was the speech of the Senator from Florida, I think it is time that this Committee on Public Lands, which I think is a tolerably faithful one, should be permitted to exercise its functions and its powers in conformity to the rules of the Senate.

Having said this much, I shall wait until this matter has been further discussed; but I will state again before I take my seat that the evidence of record taken from the legislative history of Florida, and from facts proven by affidavits to the satisfaction of the Secretary of the Interior, has proved conclusively that this railroad company has been engaged in the building of the road and is entitled to the land grant, subject, of course, to forfeiture if there is any ground of forfeiture, and that the road is now being built by a circuit court of the United States through the operation of the agency of this receiver, and is within about 10 miles of completion; I believe it is about 10 miles.

Mr. ALLISON. Mr. President——

Mr. CALL. I ask the Senator from Iowa, as this is a personal matter, to allow me to say a few words.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The Senator from Florida.

Mr. CALL. The Senator from Alabama commenced his speech by saying that this receiver stated that there had been no sales of these lands, and the first intimation of the fact he had was from my speech. Why, here is the record of the United States circuit court with a report there affirming that they had sold 140,000 acres of this land in the very institution of these proceedings. I read a letter from T. E. Tucker, purporting to be a land commissioner of this railroad company, which was ordered by the Senate to be put in the RECORD, dated Jacksonville, Fla., January 4, 1887, addressed to William Sultenfuss, in which he says:

> We are ready to convey title to the land whenever it may suit your convenience to purchase.

What do you think of that? Is that the first time you ever heard of it in the committee? And this Mr. Sultenfuss is charged $75 an acre for his land. He is a citizen of Florida, an emigrant from a Northern State, I believe, of whom is demanded $75 an acre for his land by the agent of this railroad company. And yet they have never heard of any sales, and the Senator from Alabama says have no intention of making any.

There are, perhaps, a thousand persons whose letters and petitions have been referred to the Committee on Public Lands.

Mr. MORGAN. Thousands! Well, I have not seen one.

Mr. CALL. I make no imputation upon that committee. I did ask them to withhold that bill, and I asked it of the Senator from Alabama; and I would to-day oppose such a bill. Two years ago the committee proposed to report at the heel of the session a bill which in fact confirmed the title, not forfeited it, to this company, which never had, not even a pretense of, authority from the State. Why, Mr. President, I have the acts of the Legislature of the State here, and I have the message of the governor of 1858 and the opinion of the attorney-general expressly declaring that the Florida Railroad Company had no right, title, or interest to any part of the grant from Waldo to Tampa, and there has been twenty years' acquiescence in that legislative declaration of the law of the State of Florida. Who ever heard, before the Senator from Alabama, any reasonable person assert that after twenty years' acquiescence in an act of sovereign legislation without any location of the road under the authority of the State for the benefits of this grant, parties could come in and claim the benefit of a grant from the United States after twenty years' acquiescence in this act of sovereign legislative power, in express terms denying it to them? Who ever heard before any respectable tribunal any one contend that a written statement by a corporation that they accepted the benefits of a certain act of a Legislature could disprove the official decision of the governor of a State, that they had not accepted it as a valid, lawful acceptance; and the action of the Legislature granting the right to another company, no action having been taken for twenty years before any court to annul and invalidate it.

The bill they brought in was cunningly, I will not say intended—I believe the committee were honest about it, I believe they thought that a grant properly made should not be forfeited beyond the point of what they called completion, but this bill would have authorized every acre of land of that grant to be confirmed to people who never had a grant from the State of Florida. I do not in any wise reflect on the committee. I differ broadly with them. My sympathies and my opinions of right in these railroad land grants are, and have always been, with the people, with the settlers, the men who cultivate the soil, and not with the rich corporations. The committee and I do not agree on this matter, but I do not in any wise reflect on them or their sincerity of conviction and purpose.

Now, Mr. President, I do not understand why the Senator from Alabama should be so zealous in opposition to the people in this matter. This resolution asks for a judicial inquiry. This resolution asks that the question may go into the courts to ascertain whether or not there has ever been any grant from the State to this railroad company. I think that this matter ought to be heard and considered by the Senate carefully. I, of course, shall have to give way to the Senator from Iowa, who presses an appropriation bill, but I say it is the duty of the Senate to hear and examine these matters. I aver that the statement made by the Senator from Alabama is absolutely an error in all its parts, and there is not a shadow of pretense of a right in this railroad company, and that this Executive Document No. 91 does not show a single word of inquiry into the fact whether the State had ever made a grant or not. It asserts in one part of it that under the twenty-first section of the internal-improvement act, they have the right. Under the twenty-first section of the internal-improvement act the governor and the Legislature, upon the opinion of the attorney-general, declared that they had no right, title, or interest, and the Florida Railroad Company submitted for twenty years to this decision.

Mr. ALLISON. Now I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to.

Mr. CALL. I desire to change the form of the resolution and make it a joint resolution, and I ask that it may be received at this time.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. CALL introduced a joint resolution (S. R. 99) in relation to the land grant, approved May 17, 1856, granting lands to the State of Florida for railroad purposes; which was read twice by its title, and referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendment to the bill (S. 2256) to create a port of delivery at Lewes, Del., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. O'FERRALL, Mr. CRISP, and Mr. O'NEILL, of Pennsylvania, managers at the conference on the part of the House.

EULOGIES ON THE LATE SENATOR PIKE.

Mr. BLAIR. I ask the attention of the Senate. I desire to give notice that on Wednesday, the 16th day of February, I will introduce and ask the Senate to proceed to the consideration of resolutions paying fitting tribute to the life, character, and public services of Hon. AUSTIN F. PIKE, late a member of this body from the State of New Hampshire.

HOUSE BILLS REFERRED.

The following House bills were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888; and

A bill (H. R. 10802) making appropriations to provide for the expenses for the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 29th instant approved and signed the following acts:

An act (S. 165) for the relief of William H. Gray, of Kentucky;

An act (S. 230) for the erection of a public building at Worcester, Mass.;

An act (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot;

An act (S. 391) for the relief of A. A. Thomas;

An act (S. 1386) for the completion of a public building at Fort Scott, Kans.;

An act (S. 1654) granting a pension to Joseph Mayo; and

An act (S. 2459) granting a pension to Eliza Wilkins.

The message also announced that the President had this day approved and signed the following acts:

An act (S. 2730) granting an increase of pension to Elizabeth S. de Krafft;

An act (S. 1642) granting a pension to William F. Harmon;

An act (S. 2388) granting a pension to Alonzo Raymond;
An act (S. 2420) granting a pension to Sidney Denton;
An act (S. 2478) granting a pension to John Wines; and
An act (S. 2699) granting a pension to Sarah E. Norton.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill be dispensed with, and that as the reading progresses the amendments may be acted on, considering first the amendments reported by the Committee on Appropriations.

The PRESIDENT *pro tempore*. If there be no objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was in the appropriations for "public buildings," after line 8, to insert:

For court-house at Aberdeen, Miss.; for heating apparatus complete, $5,000.

The amendment was agreed to.

The next amendment was, after line 10, to insert:

For post-office and court-house at Augusta, Me.: For heating apparatus complete, $8,560.

The amendment was agreed to.

The next amendment was, after line 16, to insert:

For custom-house at Charleston, S. C.: For taking down stone and brick work on east and west porticoes, restoring broken balustrade and other broken stone work, and rebuilding the same, including the replacing of slating, $11,500; for other exterior repairs, $500; in all, $12,000.

The amendment was agreed to.

The next amendment, was after line 22, to insert:

For custom-house and post-office at Chicago, Ill.: For furnishing and putting in place iron tie-rods to strengthen the building, $35,000; for balance for repairing stone work, $35,000; for ventilation of building, $9,000; and for necessary painting to interior of building, $5,000; in all, $84,000.

The amendment was agreed to.

The next amendment was, after line 29, to insert:

For court-house and post-office at Clarksburg, W. Va.: For heating apparatus complete, $5,940.

The amendment was agreed to.

The next amendment was, after line 32, to insert:

For court-house and post-office at Columbus, Ohio: For heating apparatus complete, $14,000.

The amendment was agreed to.

The next amendment was, in line 37, after the word "complete," to strike out "fifteen thousand" and insert "twenty-one thousand two hundred and thirty-six;" so as to make the clause read:

For court-house and post-office at Concord, N. H.: For approaches and heating apparatus complete, $21,236.

The amendment was agreed to.

The next amendment was, after line 37, to insert:

For post-office and court-house at Council Bluffs, Iowa: For heating apparatus complete, $11,000.

The amendment was agreed to.

The next amendment was, in line 41, after the word "complete," to strike out "ten thousand" and insert "thirteen thousand and thirty-two;" so as to make the clause read:

For court-house and post-office at Dallas, Tex.: For approaches and heating apparatus complete, $13,032.

The amendment was agreed to.

The next amendment was to strike out the clause from line 43 to line 45, inclusive, as follows:

For court-house and post-office at Danville, Va.: For completion of building, fixtures, inclosure, and approaches, $2,000.

The amendment was agreed to.

The next amendment was, in line 47, after the word "for," to strike out "continuation" and insert "completion;" in line 48, after the word "limit" to insert "including heating apparatus and approaches;" and in line 49, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For custom-house, post-office, and court-house at El Paso, Tex.: For completion of building under the present limit, including heating apparatus and approaches, $100,000.

The amendment was agreed to.

The next amendment was, after line 49, to insert:

For court-house and post-office at Erie, Pa.: For approaches and heating apparatus complete, $19,511.

The amendment was agreed to.

The next amendment was, in line 56, after the word "complete," to strike out "ten thousand" and insert "twelve thousand four hundred and fifty;" so as to make the clause read:

For post-office at Hannibal, Mo.: For approaches and heating apparatus complete, $12,450.

The amendment was agreed to

The next amendment was, after line 60, to insert:

For court-house and post-office at Jefferson City, Mo.: For heating apparatus complete, $10,000.

The amendment was agreed to.

The next amendment was, after line 65, to insert:

For court-house and post-office at Leavenworth, Kans.: For heating apparatus complete, $12,140.

The amendment was agreed to.

Mr. ALLISON. After line 68, the Committee on Appropriations instruct me to offer the following:

For court-house and post-office at Los Angeles, Cal.: For purchase of site and erection of building, $150,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 70, to insert:

For court-house and post-office at Lynchburg, Va.: For heating apparatus complete, $8,000.

The amendment was agreed to.

The next amendment was, in line 74, after the word "for," to strike out "continuation" and insert "completion;" in line 75, after the word "limit," to insert "including heating apparatus and approaches;" and in line 76, before the word "thousand," to strike out "fifty" and insert "one hundred;" so as to make the clause read:

For court-house and post-office at Manchester, N. H.: For completion of building under present limit, including heating apparatus and approaches, $100,000.

The amendment was agreed to.

The next amendment was, in line 78, after the word "complete," to strike out "ten thousand" and insert "thirteen thousand four hundred and nineteen;" so as to read:

For court-house and post-office at Macon, Ga.: For approaches and heating apparatus complete, $13,419.

The amendment was agreed.

The next amendment was, in line 80, after the word "for," to strike out "continuation" and insert "completion;" and in line 81, after the word "limit," to strike out "$75,000" and insert "$167,514.56;" so as to make the clause read:

For post-office at Minneapolis, Minn.: For completion of building under present limit, $167,514.56.

The amendment was agreed to.

The next amendment was, after line 83, to insert:

For court-house and post-office at Nebraska City, Neb.: For heating apparatus complete, $6,000.

The amendment was agreed to.

The next amendment was, in line 87, after the word "complete," to strike out "nine thousand" and insert "eleven thousand two hundred and forty-five;" so as to make the clause read:

For court-house and post-office at New Albany, Ind.: For approaches and heating apparatus complete, $11,245.

The amendment was agreed to.

The next amendment was, after line 88, to insert:

For court-house at Pensacola, Fla.: For heating apparatus complete, $10,500.

The amendment was agreed to.

The next amendment was, after line 90, to insert:

For post-office and court-house at Peoria, Ill.: For heating apparatus complete, $12,340.

The amendment was agreed to.

The next amendment was, after line 93, to insert:

For custom-house at Philadelphia: For repairs to roof, $5,140.

The amendment was agreed to.

The next amendment was, in line 97, before the word "thousand," to strike out "fifty" and insert "two hundred;" so as to make the clause read:

For court-house and post-office at Pittsburgh, Pa.: For continuation of building, $200,000.

The amendment was agreed to.

The next amendment was, after line 98, to insert:

For post-office and court-house at Quincy, Ill.: For heating apparatus complete, $10,500.

The amendment was agreed to.

The next amendment was, in line 102, after the word "limit," to insert "including heating apparatus and approaches;" so as to make the clause read:

For post-office at Troy, N. Y.: For completion of building under present limit, including heating apparatus and approaches, $100,000.

The amendment was agreed to.

The next amendment was, after line 103, to insert:

For post-office at Reading, Pa.: For completion of building under present limit, including heating apparatus and approaches, $100,000.

The amendment was agreed to.

The next amendment was, after the word "limit," at the end of line 111, to insert "including heating apparatus and approaches;" and in line 113, before the word "thousand," to strike out "ten" and insert "twenty-seven;" so as to make the clause read:

For custom-house and post-office at Saint Joseph, Mo.: For completion of

building under present limit, including heating apparatus and approaches, $127,000.

The amendment was agreed to.

The next amendment was, after line 113, to insert:

For the building known as the old custom-house building at Saint Louis, Mo.: For necessary repairs and alterations, $80,000.

The amendment was agreed to.

The next amendment was, after line 116, to insert:

For court-house and post-office at Saint Paul, Minn.: For the purchase of additional ground fronting on Fifth street, adjoining the premises now owned by the United States, in Saint Paul, Minn., $30,000; and the sum of $35,000 heretofore appropriated for the purchase of ground adjoining the United States court-house and post-office building in said city is hereby made available for the purchase of the ground herein authorized.

The amendment was agreed to.

The next amendment was, after line 124, to insert:

For post-office and court-house at Shreveport, La.: For heating apparatus complete, $8,000.

The amendment was agreed to.

The next amendment was, after line 126, to insert:

For court-house at Springfield, Mass.: For purchase of site and commencing the erection of building, $150,000.

Mr. ALLISON. I move to insert "post-office," instead of "court-house," in the first line of the amendment, and in the next line to strike out "commencing" and insert "completing;" so as to read:

For post-office at Springfield, Mass.: For purchase of site and completing the erection of building, $150,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 129, to insert:

For post-office and court-house at Syracuse, N. Y.: For heating apparatus complete, $15,000.

The amendment was agreed to.

The next amendment was, after line 131, to insert:

For post-office at Terre Haute, Ind.: For heating apparatus complete, $10,040.

The amendment was agreed to.

The next amendment was, after line 133, to insert:

For custom-house and court-house at Toledo, Ohio: For heating apparatus complete, $17,000.

The amendment was agreed to.

The next amendment was, after line 135, to insert:

For court-house and post-office at Tyler, Tex.: For heating apparatus complete, $4,500.

The amendment was agreed to.

The next amendment was, after line 138, to insert:

For court-house and post-office at Waco, Tex.: For heating apparatus complete, $7,000.

The amendment was agreed to.

The next amendment was, after line 140, to insert:

For court-house and post-office at Williamsport, Pa.: For completion of building under present limit, including heating apparatus and approaches, $125,000.

The amendment was agreed to.

The next amendment was, after line 149, to insert:

For continuing the work of putting the Treasury building in a proper sanitary condition by improved plumbing, sewerage, and drainage, $50,000, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, after line 153, to insert:

For vault in the Treasury building: For constructing a suitable vault in the Treasury building for the storage of silver dollars, as estimated for in Senate Executive Document No. 9, second session, Forty-ninth Congress, $27,804.25.

The amendment was agreed to.

The next amendment was after line 159, to insert:

For Bureau of Engraving and Printing: For construction of a new sewer from the building of said Bureau to connect with the city sewer, $1,994.35; and the provision of the sundry civil act of August 4, 1886, appropriating $1,200 for a new sewer for this building is hereby repealed.

The amendment was agreed to.

The next amendment was after line 166 to insert:

For proper sewer drainage to the buildings belonging to the Quartermaster's Department in square 232 in the city of Washington, $2,445.30; the aforesaid sewers to be constructed under the direction of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was after line 172, to insert:

For the purchase of land and buildings thereon, being lots numbered 11 and 12 of the subdivision of square numbered 689 on the original plat of lands in the city of Washington, bounded north by South B street, east by New Jersey avenue, and west by South Capitol street, $275,000, or so much thereof as may be necessary; said purchase to be made by the Secretary of the Treasury, for the use of the Treasury Department.

The amendment was agreed to.

The next amendment was after line 188 to insert:

For repairs and preservation of marine hospitals, $20,000.

The amendment was agreed to.

Mr. ALLISON. I think, before passing from the public building items, I ought to say to the Senate that the Committee on Appropriations have not added a single amendment in that portion of the bill, except for public buildings, that have been authorized by law in separate statutes. Where they have added "for heating apparatus and approaches," it is to complete buildings that are substantially finished, with the exception of the heating apparatus and approaches. But inasmuch as this bill was reported from the House committee early in the session, even before the public documents were printed, many of these items were omitted in the House bill, and the Committee on Appropriations felt it to be its duty to insert them in the Senate. The total amount of these increases, I believe, is about a million and a half.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for "light-houses, beacons, and fog-signals," after line 196 to insert:

For steam-tender for the Western rivers: For a new tender for the maintenance of lights upon the Western rivers, $40,000.

The amendment was agreed to.

The next amendment was in line 221, to increase the appropriation for "Northwest Seal-Rock Light-Station, California: For continuing the construction of a light-house on Northwest Seal-Rock, off Point Saint George, California," from $100,000 to $120,000.

The amendment was agreed to.

The next amendment was in the appropriation for "revenue-cutter service," after line 304 to insert:

For constructing a revenue-steamer for Southern coast: For the construction of one revenue-steamer for duty on the Southern coast of the United States, $60,000.

The amendment was agreed to.

The next amendment was in the appropriations for the Bureau of "Engraving and Printing;" in line 318, after "piece rates," to insert "or wages;" and in line 323, after the words "not more than," to strike out "twenty-four" and insert "twenty-six;" so as to make the clause read:

For wages of not more than one hundred and eighty-seven plate-printers, at piece-rates or wages to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of not more than one hundred and ninety printers' assistants, at $1.25 a day each when employed, and for wages of not more than twenty-six printers' assistants at steam-presses, at $1.50 a day each when employed, and for royalty for use of steam plate-printing machines, $366,500, to be expended under the direction of the Secretary of the Treasury: *Provided*, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses.

The amendment was agreed to.

The next amendment was in the appropriations for "light-house establishment," in line 369, to increase the appropriation from $215,000 to $240,000 for "expenses of light-vessels: For seamen's wages, rations, repairs, salaries, supplies, and incidental expenses of light-ships."

The amendment was agreed to.

The next amendment was, in line 373, to increase from $300,000 to $350,000 the appropriation "for expenses of establishing, replacing, and maintaining buoys, spindles, and day-beacons, and for incidental expenses relating thereto."

The amendment was agreed to.

The next amendment was, in line 383, after the word "Hudson," to strike out "river" and insert "and East Rivers;" in line 384, after "New York," to insert "the Delaware River between Philadelphia and Bordentown, N. J., the Elk River, Maryland;" in line 390, after "Oregon," to insert "and on Puget Sound, Washington Territory;" and in line 391, before the work "thousand," to strike out "one hundred and ninety" and insert "two hundred and fifty;" so as to make the clause read:

Lighting of rivers: For establishing, supplying, and maintaining post-lights on the Hudson and East Rivers, New York; the Delaware River between Philadelphia and Bordentown, N. J., the Elk River, Maryland; Cape Fear River, North Carolina; Savannah River, Georgia; Saint John's River, Florida; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, and Great Kanawha Rivers; on the Columbia and Willamette Rivers, Oregon; and on Puget Sound, Washington Territory, $250,000.

The amendment was agreed to.

The next amendment was in the appropriations for "Coast and Geodetic Survey," in line 431, before the word "thousand," to strike out "eight" and insert "twelve;" so as to make the clause read:

For party expenses:

1. For triangulation, topography, and hydrography of the coast of Maine in Cobscook Bay and Saint Croix River, and for off-shore soundings between Matinicus and Seguin lights, $12,000.

The amendment was agreed to.

The next amendment was, after line 431, to insert:

2. For hydrography of George's Bank and Shoal, off the coast of New England, and for the speedy completion of an accurate survey of the portions of the bank most used by fishermen, $9,000.

The amendment was agreed to.

The next amendment was, in line 439, before the word "thousand," to strike out "fourteen" and insert "twenty," and at the end of the clause, in line 440, to insert "to be immediately available;" so as to make the clause read:

3. For resurveys: For triangulation, topography, and hydrography in the vicinity of the east end of Long Island, Block Island, Nantucket, Nantucket Shoals and approaches, and including Vineyard Sound, $20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in line 442, to increase the appropriation

"for physical hydrographic surveys on Monomoy Shoals" from $2,000 to $4,000.

The amendment was agreed to.

Mr. PLUMB. I notice that there are very large additions by the committee amendments to this bill for what is apparently the service of this Coast and Geodetic Survey. I should like to inquire of the chairman of the committee just wherein the theory of the bill of the House infringes on the theory of the committee of the Senate. What is the occasion of this very large increase for the current expenditures for this work?

Mr. ALLISON. I will say to the Senator from Kansas that the Committee on Appropriations recommend substantially the estimates for this work. The House committee have cut down the estimates very largely, and, as was stated by the Secretary of the Treasury and the Superintendent of the Coast Survey, the arrangement of appropriations which is presented in the bill sent to the Senate would result in very great loss from the fact that they are not properly apportioned. The Senate committee, after examination, believe that the estimates made by the Treasury Department were carefully made, and that an efficient working of the force, both in the field and in the office, would be promoted by making the changes suggested in our amended bill; and therefore the items were made substantially in accordance with the estimates.

Mr. BECK. I hope the chairman of the committee will cause to be read, so as to be made a part of the RECORD, the letter of the Secretary of the Treasury, and of Mr. Thorn, the superintendent.

Mr. ALLISON. I quite agree to the suggestion made by the Senator from Kentucky.

The PRESIDING OFFICER (Mr. CULLOM in the chair). Does the Senator desire to have the letter read now?

Mr. ALLISON. Both the letter of the Secretary of the Treasury and that of the superintendent of the Coast Survey may be read. I will say, however, before they are read, that at an early day, after this bill reached the Committee on Appropriations, finding that the House bill reduced largely the appropriation for field-work, and finding, also, that it had changed materially the office force, increasing some and reducing others, and dispensing almost entirely with a large branch of the office work, I addressed a letter, after consultation with the subcommittee having this bill in charge, to the Secretary of the Treasury on this subject; and the letters which the Senator from Kentucky desires to have embodied in the RECORD were in response to my communication.

Mr. PLUMB. Let them be read.

Mr. BECK. They had better be inserted in the RECORD, unless the Senator from Kansas desires the reading.

Mr. PLUMB. I do not desire it specially, but I want to call attention to one thing. The House of Representatives is in political accord with the Administration. The controversies between the two Houses heretofore have been largely as to what was absolutely necessary for a proper administration of the various executive Departments. The Senator from Iowa knows better than I do, and better than I could possibly state, the character of the controversies which have existed between the two Houses about this question heretofore. The suggestion was always made, in fact the charge was made, that the Senate was promoting extravagance in the various Departments of the Government, was keeping up useless employés, was promoting what amounted to practically, if not actually, corruption; and after a number of years of that sort of contention the people of the United States thought they would take the Democratic party at its word, as expressed through the House of Representatives, and have put the Democratic party in power.

I would be the last man to suggest that the wants of the service should be totally disregarded, but I should like to see the experiment of the House of Representatives tried. I should like to see a chance to demonstrate, if it can be demonstrated, that the Government can be carried on after the plan that they have marked out, and which is substantially the plan which they marked out for Republican Administrations. I should be glad to have the Committee on Appropriations of the Senate, if they feel so minded, give the House of Representatives a chance to have their experiment upon this administrative work tried.

Mr. BECK. Now, Mr. President, perhaps I am the member of the subcommittee charged with this bill who ought to say a word in regard to that matter, as the Senator from Iowa [Mr. ALLISON], the Senator from Maine [Mr. HALE], and myself were the subcommittee who for three weeks carefully examined this whole bill. We found a great many things that we thought ought to be added to this bill in order to carry on the public service efficiently, and this case was one of them, as the letter of Secretary Manning and the statement of superintendent Thorn, I think, conclusively show. We found——

Mr. PLUMB. The Senator——

Mr. BECK. One moment. We found, for example, that there was no provision for this item proposed as an amendment on line 305 of the bill:

For constructing a revenue steamer for the southern coast: For the construction of one revenue steamer for duty on the southern coast of the United States, $60,000.

We ascertained that there was really no steamer of the revenue-marine service from the mouth of the Mississippi River to the mouth of the Rio Grande, opposite the line of the West India Islands, from which smuggling has prevailed, and there is great necessity for some coast-guard there, and yet there was no provision made for it. We found a great many provisions in regard to public buildings that were not inserted. We found in regard to the Northwest Seal Rock Station in California, on the page preceding the appropriations for the Coast and Geodetic Survey, that we had to increase that item, and so of many others.

While I profess to be a Democrat, and my colleagues on the subcommittee are known to be Republicans, there was no question of politics in regard to what was needed for the good of the service. I think the House of Representatives made a mistake in leaving out that ship for the southern coast; in many other of their appropriations they made mistakes; and we agreed that it was best that the Senate should disregard political questions altogether and do what was best for the good of the service, and if in conference the gentlemen on the other side of the Capitol see fit to insist, they must take the responsibility.

I know that the Senate is apt to be charged with extravagance and the other House lauded for economy. I am one of the Democrats at this end of the Capitol who are perfectly willing to take the responsibility for whatever of extravagance is found in this bill as amended, because I believe there is not one dollar in it that is not for the benefit of the public service, and I do not think the gentlemen who object to doing what the public service requires will make any reputation before the country or any party capital out of an economy that is injurious to the public service.

That much I have felt called on to say.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. BECK. I hope that the Senator from Iowa, who desires to go on with the sundry civil bill, will consent to have the unfinished business laid aside informally, not to be displaced, subject to call.

The PRESIDING OFFICER. By unanimous consent, the unfinished business will be laid aside informally. The Chair hears no objection.

Mr. PLUMB obtained the floor.

Mr. PALMER. Excuse me; I want to have an order entered.

Mr. PLUMB. I yield.

Mr. PALMER. The bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season was made the special order for 2 o'clock to-day, and I move that 2 o'clock on Wednesday be fixed for its consideration, to be continued from day to day thereafter until disposed of.

Mr. HARRIS. If it is a special order it holds its place.

The PRESIDING OFFICER. The Chair will inform the Senator from Michigan that if the bill is now a special order it will hold its place and come up in its turn.

Mr. HARRIS. The motion would not change its position.

Mr. PALMER. The ruling of the Chair the other day was entirely different from that asserted by the Chair now.

Mr. HAWLEY. That was the case of a motion to postpone. This is a unanimous consent.

The PRESIDING OFFICER. It is a special order; it will follow the other special orders that are before it.

Mr. PALMER. All I desire is to have it retain its place. If the Chair so decides, very well.

The PRESIDING OFFICER. The Chair thinks it will retain its place. The sundry civil appropriation bill is before the Senate.

Mr. PLUMB. There is something rather touching in the non-partisanship of my friend from Kentucky [Mr. BECK], who has been for years in this body, especially when he is asking his Republican associates to give large appropriations to a Democratic administration; but I desire to say that I wish the Committee on Appropriations had not been so yielding, not, as I said before, that I would wantonly disregard the interests of the public service, but there are two theories about this service, and I think it has come to be understood that the least valuable of all the testimony which can be applied to that subject as to what should be appropriated is the estimate of the Department having control of the expense. When I say that I say it with full knowledge that I have high Democratic authority in its support. The House of Representatives represents a theory of government, as it claims, and that the Democratic administration represents a theory of government which is economical as compared with the Republican theory of government, while the Senate, as the Administration has always claimed and had to claim in order to get into power, represents another theory and an extravagant theory.

I am willing, myself, to vote in regard to all matters of current expenses, in regard to all matters of mere administration, that this Democratic administration shall have its own free will, and its own way. When I say "the administration," I mean the executive department and the House of Representatives together; and I say that that is not only the proper theory, but it is the only one that will ever enable the country, either Republicans or Democrats, to find out whether the House of Representatives or the Senate is right. In other words, it can

not be settled by argument. It has got to be settled by demonstration, and the proper way to settle it is for the Senate to let the House, in regard to all matters which are administrative and which concern the carrying out of existing executive functions, have its own way. Yet I find here that this bill contains appropriations of hundreds of thousands of dollars to be given to a Democratic administration for the purpose of carrying on this Government beyond that which the House of Representatives, itself Democratic, has deemed necessary for that same purpose. We shall never arrive at a determination of this question as to who is extravagant and who is economical until we try it on. The way to try it on is to let the House have its own way, and see what the result will be.

If, as I believe, there can be a great deal of money saved in the carrying on of this Department, then it will be determined that the House is at least partly correct. If it shall be determined that the Government can not be carried on upon the basis of the appropriations proposed by the House, then we shall have shown that the Senate has been right all the time. But, as it is now, with the House pinching appropriations and the Senate crowding them on to the House, and the House yielding, of course—I have no doubt with a leer, as they think how agreeable the Senate is in insisting on giving them more than they want—we shall never arrive at any conclusion except the one conclusion which the House has already formed, that it is economical while the Senate is extravagant.

Mr. BECK. I suppose in politics I am considered somewhat radical; the Senator from Kansas [Mr. PLUMB] on his side I know is; but in business matters connected with the administration of the Government, he and I both being on the Committee on Appropriations, I think we have never allowed these questions to be discussed in that committee, or at least very seldom.

I have served on that committee now for ten years in the Senate; we have had Democratic Houses and we have had Democratic Senates in that time, and Republican administrations during most of that time; and there never has been a time, as far as I know, no matter what the executive branch of the Government was, Republican or Democratic, that the Senate Committee on Appropriations has not endeavored to the best of its ability, no matter whether the Republican House failed to give enough to carry on the Republican administration or not, to report what it thought was the proper thing to do.

We have simply done this time what has been done for every administration, no matter how the two Houses were divided; and I think this bill, as reported, will bear criticism favorably with any other. It certainly has had fair and careful consideration for over two weeks by the three gentlemen who have had charge of it, and politics were never considered.

Mr. ALLISON. Mr. President, the suggestions made by the Senator from Kansas [Mr. PLUMB], respecting our duty here with reference to appropriations to carry on the Government, raise, of course, an important issue. I know in past years it has been said that the appropriations are swollen from year to year because of the extravagance of the Senate, insisting each year that unnecessary and extravagant appropriations should be had as compared with the Democratic House of Representatives, and we have been compelled in this Chamber and elsewhere to confront the idea that the Senate of the United States from year to year was extravagantly wasting the public money.

The remedy suggested by the Senator from Kansas is a practical surrender of the powers of this body. We have a right, in our judgment, to say what we think is necessary to carry on the operations of the Government. I confess that I have been many times tempted, since this administration came into power, to adopt the suggestions of the Senator from Kansas. I have seen this Senate held up and gibbeted on the cross-roads of public opinion, because last year we insisted upon an increase of appropriations as they came to us from the House of Representatives.

Now a word in reference to this immediate appropriation. Here is a non-partisan service, a service which has existed in this Government since 1807, organized in the early days of the Republic for the purpose of surveying the coast of the United States. We then had a narrow and insignificant coast compared with what we have now. That service has continued from that day to this as a non-partisan service, in one way or another. There have been different times when there have been contests in respect to which Department of the Government should have charge of this survey, and these contests have been renewed from year to year and were renewed two or three years ago, there being an effort to secure for the Navy Department this survey and another effort to dump this survey into the Geological Survey of the Interior Department, and that struggle has been going on between the two Houses.

Without any reflection upon any particular person or body or committee, I will say that that contest has found a lodgment in a determination in some portions of this Government to break up and destroy this Coast Survey as it is now organized. I do not believe in doing it. I believe that this Coast Survey, composed as it is of scientific gentlemen who have given their lives, many of them, to this service, has men capable of carrying on the operations of the survey, and it is perfectly known to those who have investigated the subject that if we will give them proper appropriations they will be enabled to carry on the field-work substantially as they have been carrying it on for three or four years, and the work will be completed, with the exception of Alaska, within from six to seven years, certainly not exceeding nine years.

Mr. HAWLEY. Does the Senator refer to the hydrographic survey or the work on land?

Mr. ALLISON. I refer to the survey as it is being carried on now and as it has been carried on for fifty years, including the hydrography and the necessary topography of the shore-line sufficient to make a map which will enable this Government to know what its shores and bays and inlets are.

When we came to examine these appropriations we found that the Coast Survey as provided for in the House bill was shorn of its powers and that it was so crippled that it could practically do nothing under these House provisions. For myself, if we were to rely upon these House provisions I should say it would be better for this year to abandon the Coast Survey and have no appropriation. I could give illustrations; they are given in these documents, which Senators can examine themselves. Take, for instance——

Mr. BECK. I want to interrupt the Senator from Iowa long enough to ask that the letter of the Secretary and the letter of Mr. Thorn, the Superintendent, shall be read at the desk now.

Mr. ALLISON. Let me go on and I will send them up.

For illustration, the House of Representatives have appropriated for the survey of Alaska about a sufficient sum to enable the Coast Survey vessel which we have to make a journey from San Francisco to Alaska and return. We have added sufficient to enable that vessel to go there and work the four or five months that a vessel can work. So with reference to other work known as field-work in the Coast Survey. We have simply provided for the necessary expenditures to enable the Coast Survey to economically conduct this work and nothing more, so that the men who are in the field can work during the business season. That is all we have done here.

Then we have provided in the office of the Coast Survey a sufficient force to enable those here to put upon paper and upon maps and charts the results of the field-work.

For myself, I think in this particular appropriation there is not a question of partisanship, and I want to say—and then I will ask that the letter be read—I want to say here and in this presence that up to this time the Coast Survey has had at its head the most scientific men in our country because the work is essentially of a scientific character. We have had the brightest men, such as Professor Hassler, Professor Bache, and Professor Pierce, in control of this Survey, men who were able to sit in judgment on the work done by the officers in the field and in the office; but since this administration came into power, or within a few months after they came into power, there was some dereliction or some charge of wrong-doing in reference to the head of the Survey, an eminent scientific man. He was removed or resigned, and a clerk in the Treasury Department drawing $1,600 salary, was placed at the head of the Survey, and is at the head of it now drawing $6,000 a year. I am bound to say for him that he discloses in the business management of this Survey a tact and ability far beyond what we had a right to suppose of him.

But I say that this Government is derelict in its duty, and wherever that dereliction falls it must fall in not placing at the head of the Coast Survey what its object intended, namely, a highly scientific gentleman who could understand the intricate workings of this scientific survey. There are some people who think that this Survey should be crippled and destroyed because the President of the United States does not, in his judgment, place at its head a man who is sufficiently equipped for the arduous duties of the office.

The Senate Committee on Appropriations, after careful consideration and investigation of this subject, deemed it too important to withhold appropriations either for that reason or for the reason that there might be in other quarters objections to the conduct of this Survey as it is now managed.

Mr. President, I intended to say a word in reference to partisan questions which are involved in these appropriations, and I will say it now. I noticed in the President's message, which was laid upon our tables at the beginning of this session, a tabulation disclosing that in 1886 as compared with 1885 there had been a saving of $17,000,000 in the public expenditures and that saving was arrayed in a table which I have before me showing under the different departments how this administration had been able to save a sum amounting in the aggregate to $17,000,000 as compared with 1885.

I undertook to analyze the expenditures for the purpose of seeing how it was that in former years we had appropriated from seventeen to twenty million dollars beyond what was actually necessary to carry on the operations of this Government. I found by an analysis of the appropriations of 1885 as compared with those of 1886 that this reduction of expenditures consisted of lump sums which practically had nothing to do with the ordinary operations of the Government, but rested wholly, or materially, at least, upon separate and independent appropriations of large sums, which were necessarily expended in 1885, and were not necessary in 1886. For instance, I find a reduction of the legislative expenses of the Government amounting to $587,000. An analysis of the items discloses that nearly the entire amount arises

from the fact that the judgments of the Court of Claims for 1886 were less than the judgments of the Court of Claims for 1885, amounting to about $500,000 difference in round numbers.

So with the Department of State. According to the table which I have before me, submitted by the President in his message, there is disclosed a saving of $4,100,000 in the expenditures of the Department of State. A casual observer reading that message would suppose that this new Secretary of State and this new Administration had inaugurated great reforms with reference to the administration of that Department. An analysis of the expenditures discloses that the expenses of the Alabama Claims Commission amounted to $40,000 in 1885, and by the lapse of time and the completion of its duties there was no expenditure for this purpose for 1886. I also find that there was expended on account of the judgments of the Alabama Claims Commission $3,300,000 in 1885, and nothing in 1886. I also find that there was an appropriation made for the French and American Claims Commission awards in 1885, and paid in that year, amounting in round numbers to $600,000, So these three sums, arising out of treaty stipulations and appropriations made with reference to payments that we were bound to make, constitute the entire difference between the expenditures of 1885 and 1886 in the State Department.

So of the Treasury Department, made up of a number of different items, the chief one of which is an item of nearly $3,000,000—$2,931,000—charged to the sinking fund of the Pacific railroads, showing that in 1885 there was invested in the sinking fund of these railroads about $3,000,000, and which was consequently charged to the Treasury, whereas in 1886 that investment only amounted to about $800,000.

I have the other items covering this difference in the Treasury Department; I have named the largest item. I will give one other item—repayments to importers, $1,414,000 less in 1886 than in 1885. That is a sum which is not regulated by any rule, except the rule of overcharge upon the assessment of duties, and it is variable. This very year I have no doubt it will amount to an immensely greater sum. Sometimes it has amounted to as high as $7,000,000. It is a flexible and variable sum, depending upon overcharges of duties.

Then there is the item of debentures and drawbacks, amounting in 1886 to only $486,000, as compared with a million and a half in 1885.

There is no suggestion even of a reformatory system of administration with reference to these matters. They do not depend in any sense on appropriations made by Congress. They are outside of and independent of any appropriations made here or in the other branch of Congress.

So I might go on with this analysis. Take the New Orleans Exposition. In 1885 we spent a million dollars on the New Orleans Exposition, and nothing in 1886.

In the War Department a reduction of $9,000,000 is shown in the table in the President's message. What is that made up of? There was no river and harbor bill in 1885; so that the expenditures in 1886 for rivers and harbors were $6,460,000 less than they were in 1885. Is that fairly to be chargeable to Republican extravagance, simply from the fact that there was no appropriation for rivers and harbors, and the expenditure was less in 1886 than in 1885, two-thirds of the whole saving being in this one item?

The rest of the saving is made up of different items which do not depend at all on the current administration of the War Department; for instance, the refunding of the expenses of raising volunteers, a continued expenditure that has been paid in varying sums from the end of the war, refunding to certain States and Territories under the act of June 27, 1882, $332,000, a specific appropriation to pay for Indian depredations in the State of Kansas and other States.

So I might go on giving items in detail showing the entire reduction in the expenditures. Take the Navy Department. The reduction shown is $2,000,000. Why was that? Last year we spent no money in building ships, or at least we spent $1,200,000 more in 1885 for the construction of ships than we did in 1886.

So I might go on. I have analyzed this table for the purpose of showing, first, that it is not true in fact that this administration is any more economical than former administrations; and secondly, that it is not true in fact that the Senate of the United States in former years has appropriated money that was not necessary for carrying on the ordinary expenses of the Government, or at least is not more responsible for those appropriations than is the House of Representatives. Now and then such appropriations get into these bills in the other House, and now and then in the Senate. I now present my analysis of the table for insertion in the RECORD:

The following statement shows the total net decrease in expenditures for 1886 from expenditures for 1885, also the net decrease by Departments and the principal items which make up such decrease of expenditure:

Net decrease in expenditures for 1886 under 1885	$17,743,796 61
Net decrease by Departments:	
1. Legislative	587,567 96
This decrease is principally in the item:	
Payment of judgments of the Court of Claims	468,000 00
2. Department of State	$4,115,106 15
This decrease in part is in the following items:	
Expenses, &c., of Alabama Claims Commission	40,100 00
Judgments of Alabama Claims Commission	3,300,000 00
Awards of French and American Claims Commission	594,200 00
	3,934,300 00
3. Treasury Department	8,968,984 29
This decrease in part is in the following items:	
Mints and assay offices	210,000 00
Territorial governments	45,000 00
Bureau of Engraving and Printing	258,000 00
Internal-revenue service	437,000 00
Repayment to importers	1,414,000 00
Debentures or drawbacks	486,000 00
Light-houses, beacons, and fog-signals	210,000 00
Interest on the public debt	803,000 00
Sinking funds, Pacific railroads	2,931,000 00
New Orleans Exposition	996,000 00
	7,790,000 00
4. War Department	9,079,993 53
This decrease in part is in the following items:	
Building for State, War, and Navy Department	139,000 00
Increasing water supply of Washington, D. C	449,000 00
Pay and bounty to volunteers	250,000 00
Subsistence of the Army	262,000 00
Transportation and clothing for Army	324,000 00
National cemeteries, roads, and headstones	49,000 00
Fortifications	114,000 00
Improving rivers and harbors	6,460,000 00
Army and Navy Hospital, Hot Springs	59,000 00
National Home for Disabled Volunteers	117,000 00
Refunding to States expenses of raising volunteers	255,000 00
Refunding certain States and Territories, act June 27, 1882	332,000 00
Commutation of rations to prisoners of war	39,000 00
Horses and other property lost in military service	189,000 00
	9,038,000 00
5. Navy Department	2,134,782 28
This decrease in part is in the following items:	
Increase of the Navy, new vessels	1,015,000 00
Construction and repair of vessels	20,000 00
Steam machinery	76,000 00
Ordnance and ordnance stores	33,000 00
Medical Department, Navy	28,000 00
Mileage under Graham decision	208,000 00
	1,380,000 00
6. Department of Agriculture	40,542 12
This decrease is in the general expenses of this Department.	
7. Department of Justice	630,243 17
This decrease in part is in the following items:	
Fees of supervisors of election	257,000 00
Expenses of United States courts	324,000 00
Expenses of courts in Utah	15,000 00
	596,000 00

While there has been a decrease in the expenditures for 1886 from 1885, as above enumerated, there has also been an increase in the expenditures for 1886 over 1885 in the following Departments of $7,813,422.84.

These Departments are as follows:

1. Executive proper	$16,534 96
2. Interior Department	5,176,218 16
3. Post-Office Department	2,620,669 72
	7,813,422 84

Again, there are independent bills passed by both Houses. I call the attention of the Senator from Kansas to this fact. Take the additions we have made to this bill, in all $2,940,000. Of that sum $1,600,000, in round numbers, is for public buildings. The Committee on Appropriations in the House and in the Senate have no responsibility for these appropriations. They are appropriations made to carry out existing laws, and are made necessary by existing laws.

Mr. BECK. The Senator will allow me a moment.

Mr. ALLISON Certainly.

Mr. BECK. We increased several appropriations for public buildings so as to complete them, to save rent by having them occupied. We propose to complete them in one year instead of two when the work can be as well done in one.

Mr. ALLISON. I thank the Senator for that suggestion, but we have made no appropriation in that regard which does not provide for carrying out an existing law.

Mr. BECK. That is true, but our increases were for the reason I have stated.

Mr. ALLISON. We have increased some of these appropriations, and why? We found this, as a rule—I make no charge against this administration or any administration—that the moment a law passes for the erection of and an appropriation is made for a public building, no matter whether the appropriation is $50,000, $100,000, or $150,000, that moment there grows up at the locality a little *coterie* of officials, a superintendent of the building, at $6 or $8 a day, a clerk to that super-

intendent, and a messenger, the rent of an office, all of which is paid out of the appropriation, a watchman, and so on, and if these appropriations are made in driblets, as is proposed in the House bill, then these watchmen continue, these superintendents continue, and the clerks, and all the local force that is necessary to carry on a public building.

The Senate Committee on Appropriations believe that when the policy of erecting a public building in a particular place is entered upon it is true economy to appropriate if possible enough to finish the building in order that economical and prudent contracts may be made, in order that there shall not be an eternal prolongation of the official staff connected with the erection of that building, and in cases where these buildings can not be constructed in a single year, that we should appropriate a sufficient sum of money to enable them to go on efficiently and rapidly to completion. By way of illustration, take the case of the public building at Pittsburgh. Here is a building with a limit of appropriation of, I believe, $800,000. We found in this House bill an appropriation of $50,000 for it. The Supervising Architect came before us and said that with that appropriation there would be a practical stoppage of the work on this building, on which we had already expended more than half a million dollars, for a great portion of the fiscal year. We have added $150,000 to that appropriation for the purpose of enabling that building to progress gradually year by year until it is completed. It is either a wasteful and extravagant expenditure of the public money to erect that building at all, or if we are to build it it is economy to complete it at the earliest possible time consistent with good work.

Mr. BECK. We doubled the appropriation for the work in front of this Capitol so as to have it done in two years.

Mr. ALLISON. For illustration, we have added to the House appropriation $157,000 for the terraces of the Capitol. Some of us who have been here for a good many years recollect perfectly well that the Capitol has been in an unfinished state ever since we have been here, and the Senator from Kansas [Mr. PLUMB] says always will be; but we can contribute our part to complete this building. Therefore we called before us the Architect of the Capitol, and said, "What will it cost to complete these terraces in order that we may not come here at the beginning of each session and find this whole Capitol torn up, to the inconvenience of Senators and Representatives?" And we have proposed to appropriate in this bill, by way of amendment, a sufficient sum to complete these terraces.

So in reference to the Northwest Seal Rock. What is the fact in regard to that? There is a rock upon the California coast, situated 12 miles from shore in mid-ocean—a rock upon which a light-house is necessary to the navigation of that ocean. We have appropriated in driblets for the completion of that light-house, which will cost $450,000 to complete. We have appropriated for it in such driblets that a great portion of the sum has been expended in creating a plant and in providing means which were practically left to waste there because there was not sufficient money to continue the work. We have provided here what the Light-House Board have told us will enable them to go on during the working season toward the completion of this great light-house on this rock.

We have adopted this policy with reference to all these appropriations, and that is the reason why this bill appears to be swollen above and beyond that which came from the House of Representatives.

It is not true economy to have fifteen, or twenty, or thirty public buildings in hand with an appropriation of $50,000 a year for these buildings, $10,000 of which probably is used up in the pay of an official staff at the locality where the building is being constructed. Our true policy is to construct and complete these buildings without allowing them to run along on from year to year in this wasteful and extravagant way.

Now, Mr. President, I ask that the letter of the Secretary of the Treasury be read.

The PRESIDENT *pro tempore*. The letter will be read.

Mr. BECK. It begins on page 17 of the report of the committee accompanying the bill.

I only desire to say a word. I am not going into politics now. If we should go into the question of economy as between different administrations, this bill might run until the 4th of March, and we might have an extra session.

The Superintendent of the Coast Survey is a young man whom I never saw except before the committee, as the chairman said picked up when perhaps there was not any assurance that he had the ability he has since developed as shown in the management of the Coast and Geodetic Survey. As will be seen by his letter to the Secretary of the Treasury, he has the office in a condition that is highly creditable to him. The chairman said that, and I want to support it by asking the Senate to listen to the reasons why he wants it.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *January* 10, 1887.

SIR: I have the honor to acknowledge the receipt of the letter of the Committee on Appropriations of the Senate, of the 4th instant, calling attention to the provision made in the sundry civil bill for the Coast and Geodetic Survey, as it passed the House of Representatives, and also to the estimate covering the same subject as transmitted to Congress.

The committee wishes to know whether the appropriations provided in the House bill are sufficient to carry on effectively the work in the Coast and Geodetic Survey, and if the arrangement there made is satisfactory to the Department.

I herewith transmit a letter of the Superintendent of the Coast and Geodetic Survey dated on the 5th instant, together with a statement in relation to engraving and printing in the Coast and Geodetic Survey. From these communications it appears that the estimates made provision for the efficient and economical prosecution of the Survey during the ensuing year; it also appears that the provision made by the House bill will not secure such results, consequently the arrangement there made is not satisfactory to this Department.

Respectfully, yours,

D. MANNING,
Secretary.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

COAST AND GEODETIC SURVEY OFFICE,
Washington, January 5, 1887.

SIR: Referring to the letter of January 4th instant from T. P. Cleaves——

Mr. HAWLEY. I have been myself reading through this letter. It occupies three and a half pages of rather fine type. It is interesting and instructive and shows that the House bill was altogether inadequate; shows it in detail, but it will take a good while to read it. Would it satisfy the Senator to have it printed in the RECORD?

Mr. BECK. I have no objection to that, I but thought perhaps the Senator from Kansas would like to hear it. If he does not, let us go on with the bill and let the letter be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection, the letter will be printed in the RECORD.

The letter is as follows:

COAST AND GEODETIC SURVEY OFFICE,
Washington, January 5, 1887.

SIR: Referring to the letter of January 4th instant, from T. P. Cleaves, clerk of Appropriations Committee, United States Senate, asking whether "the appropriations provided for in the House bill are sufficient to carry on effectually the work in the Coast and Geodetic Survey," &c., which letter was referred to me for report, I have the honor to state that—

The appropriations referred to are very much less than "sufficient to carry on effectually the work of the Coast and Geodetic Survey," whether in the field or in the office.

(1) The reduction by the House bill from $244,000 as estimated for all field-work (party expenses) to $125,450 is accomplished by the entire omission of some twelve items of important and needed work, and the arbitrary reduction, in twenty-five items, of the sums which had been carefully adjusted to rapid and economical performance of work imperatively needed in as many localities. It utterly ignores the capacity of the plant to the amount of work requiring to be done, makes no attempt to provide for continued work throughout the available working-season in any of the two-score localities, and therefore, as hereinafter more fully explained, inevitably involves needless enhancement in cost and indefinite delay in the completion of surveys which, in the interest of commerce and of safety to life and property, ought to be pushed with the utmost rapidity.

(2) The salaries of the field force of the Survey, whose compensation had already been reduced (by my abolishment of certain allowances) in sums ranging from $200 to $900 per annum, were estimated for at the same rate for which Congress in July last appropriated. The House bill still further reduces their compensation by several hundred dollars, and places them at an average of $1,291 each less than the same bill provides for the same grade of employés in the Geological Survey. Such a reduction is grievously unjust and invidious to a body of scientific and skillful men, organized, without reference to politics, under conditions as rigid as those for entry into the official grades in the military or naval service, and whose training and wide experience in topography, hydrography, and geodesy renders their service fully equal in value to the salaries estimated for.

The estimates contemplate a "field force" of fifty-five members. The House bill further reduces the force to forty-eight members, which of course would involve a corresponding delay in the prosecution of work, the immediate and pressing importance of which is nowhere disputed.

(3) The House bill involves certain reductions in the office force, notably in the engraving and printing division, which would inevitably compel either an enormous increase in expenditure or else the practical cessation of the publication of charts and the consequent absolute waste of a large part of the money appropriated for the Survey.

(4) Not one position is estimated for the services of which are not urgently needed or which can not be applied to excellent and useful purpose. In whatever respect the provisions of the House bill deviate from the estimates, to just that extent they are insuffient to carry on the work of the Survey effectually, economically, or with any approach to that rapidity which is essential to safety of navigation, to the intelligent improvement of tide-water rivers, bays, and harbors, and to due protection to life and property engaged in commerce.

To explain, item by item, the estimates and appropriations would be an interminable task, but the practical effect of the appropriations made by the House bill is perhaps sufficiently illustrated in the following statement:

The estimates for the Coast and Geodetic Survey for the year ending June 30, 1888, were framed upon a careful consideration of the relative capacity of the plant (office, shops, vessels, and equipments), the office force and the field force, and especially with reference to the criticism which has imputed to the Bureau undue delay in the prosecution and completion of its work. Not only were the uncompleted gaps along the coast duly considered, and special care taken to direct the field-work to the localities which imperatively *required attention*, but the estimates for the different items of work were the result of the judgment of the most competent and practical officers of the Survey as to the expenditure which would in such case produce the largest net result in proportion to gross expenditure. While it was intended to perform a larger amount of field-work with a somewhat smaller aggregate of salaries' expenditure, the aggregate of the estimates was less than the average annual appropriation of several years past.

All of the estimates for every class of proposed expenditures were itemized to the minutest practicable detail.

The estimates thus detailed, for every dollar asked for, extended without interruption over consecutive pages of the Book of Estimates, so as to show at a glance every expenditure contemplated, and, as far as possible, its nature and amount.

The estimates contemplated the doing of more field-work at an expenditure of over $7,000 less for salaries—that is, the accomplishment of larger results for less pay—than was practicable under the current appropriation.

The reduction in salary expenditure was intended to be accomplished by the retirement of seven of the least efficient members of the field force.

REDUCTIONS BY HOUSE BILL.

The estimates for field-work, aggregating $244,000, every dollar of which (and $100,000 additional) was recommended by the most competent specialists of the

bureau, for the prosecution of work imperatively demanded in the interest of both economical and rapid completion, were met by appropriations aggregating $125,400.

This reduction not only compels the neglect of important localities and operations, and ignores the capacity of the plant—in shops, instruments, vessels, equipment, &c.—for effective work, but it would, for lack of funds in many instances, compel the withdrawal of parties and vessels from the locality of work in the midst, instead of at the close, of the working season, thus not only delaying the completion of the work, but enhancing its cost by the increased proportion of dead expense (transportation to and from localities of work) to net results (*i.e.*, amount of work accomplished in the multitude of localities in the field).

Obviously, the smaller the proportion of an appropriation expended in transportation, equipment, &c., the larger will be the residue of the appropriated sum available for actual work and results, the longer the parties can stay in the field on land or sea, and the larger will be the proportion and the less the cost of net results. It is desirable on the score of both efficiency and economy that parties should, as far as consistent with proper co-ordination of the different varieties of work, be kept in the field as long as conditions of season will permit, instead of being withdrawn, for lack of funds, in the midst of the season. To illustrate: We have two steamers in San Francisco for work in Alaska—one built especially for it two years ago at a cost of $100,000.

The extent and value of the resources of that Territory, recently beginning to be widely recognized, require for their development a rapid survey of its coast. Its commerce is obstructed by the perils of thousands of miles of inland channels and passages, full of rocks, currents, tide-rips, and other dangers to navigation.

There are said to be only two competent pilots, and the commerce of the fur, fish, lumber, and mining interests is practically monopolized by two companies.

The charting of those waters, as the result of rapid and reasonably accurate surveys, would speedily emancipate that commerce, develop those resources, and make them accessible to general enterprise.

The House has responded to an estimate of $12,000 by an appropriation of $5,000, which will compel the idleness of one steamer, being only sufficient to coal, equip, man, and transport from San Francisco to the Alaskan waters and return one steamer, with funds for about two or two and one-half months' work. The $12,000 asked for would have kept the two steamers at work five or six months, equivalent to ten or eleven months' work of a single steamer. In other words, $12,000 in a single appropriation secures in net results as much as four annual appropriations of $5,000, and secures them four times as rapidly.

What is said of the appropriation for Alaska is measurably true of twenty-five other appropriated items for field-work, which were reduced far below the point of economical and efficient prosecution. Twelve items of important field-work, estimated for because the work ought to be done at once, were entirely omitted from the House bill. The inevitable result of the reductions and omissions will be extravagance and delay.

REDUCTION IN FIELD SALARIES.

The normal or field force of the Coast Survey is a trained body of skilled men, who are required to enter the force after a mental and physical examination entitling them to graduate at the best scientific schools. They correspond in grade, requirements, character, and value of work to the "scientific" force of the Geological Survey, and have been selected without reference to partisan considerations.

During the past year and long before the submission of the estimates for 1887-'88, their emoluments, by the abolishment of certain subsistence allowances, had been reduced in sums ranging from $200 or $300 to more than $900 per annum, and the estimates were made at such reduced rates, being the same as appropriated in July last (1886).

Not one member of the "field" or "scientific" force of the Coast Survey is engaged in, or paid for, any other pursuit, profession, or vocation, and the newspaper criticism alleging the payment of salaries to consulting scientists (based upon information alleged to have been given to Congressional committees), was absolutely without foundation. It is the Geological Survey, if any, which pays a number of detached "scientific experts."

Notwithstanding the facts (1) that every member of the "field" or "scientific" force was specifically estimated for; (2) that the force corresponds in quality and character and in the value of its service to the "scientific" force of the Geological Survey; (3) that the emoluments of its members (never as high as those of the members of the Geological Survey) had already been severely pruned, and that the estimates for their salaries averaged $734 less than those for the corresponding force of the Geological Survey, the House still further reduced them by appropriating an average salary of only $1,529 (making no reduction whatever in the estimates for salaries of the Geological Survey "scientific force," but appropriating an average of $2,820), a difference in average salaries in favor the Geological force of $1,291, involving a flagrantly unjust discrimination against the field force of the Coast Survey.

The estimates contemplated a field force of fifty-five. The appropriations contemplate a field force of forty-eight. The reduction is made in disregard of the requirements of the work and necessarily involves dilatoriness in the prosecution of the work.

REDUCTIONS IN OFFICE FORCE.

The House bill is the same as that of last session in relation to the office force, which was very much modified by Congress and in many respects involves undesirable and injudicious changes. It neglects to appropriate for the present position of the most efficient plate-printer in the service, who, in addition to the immediate supervision of the printing division, has actually performed more work than either of his three associates. Not to detail the objections to the reductions made by the House bill, it is especially injudicious and harmful in its reduction of the force of engravers from thirteen to seven.

Even with the present force of thirteen the engraving division is inadequate to the prompt preparation of new charts, the correction of old charts, and the completion of work which accumulated during several years past. Only the conviction that an increase would not be permitted prevented an estimate for it.

With the present force, there is available for the engraving of new charts the time of a little less than nine men. The proposed reduction would leave available for new charts the services of two and one-half men. The bureau, therefore, would be able to issue less than one-third of the usual number of new charts per year, which means that at least one-half of the surveys made could not be charted in time to be of use, the changes of localities during the enforced delay being so numerous as to render the accumulated data and drawings unreliable.

Substantially half the money expended by the Survey would be wasted by the crippling of a division indispensable to the publication of charts, the most important result of its work.

PHOTOLITHOGRAPHY.

It has been intimated that the purpose of the reduction in engravers is to compel the use of photolithography instead of copper-plate printing in the production of permanent chart work. The experiment has been repeatedly tried and invariably found to be utterly impracticable and infinitely expensive, as shown by Commander Bartlett, of the Hydrographic Bureau of the Navy, and by the accompanying copy of the statement prepared at this office in July last for the information of the Senate Committee on Appropriations. For the reasons there detailed, the adoption of photolithography consequent upon the dismissal of six engravers would necessitate the doubling of the force of two dozen draughtsmen now employed on new chart work, while the work of correcting charts would—even during the comparatively brief period during which hand-corrections would continue practicable—require four times as many draughtsmen as is now required of engravers to make corrections on copper-plates. Even if this rapid multiplication of expense could be endured, the accumulation of corrections soon renders the task of making them manually impossible. Instead of retrenchment, the reduction of engravers is bound to be a measure of extravagance, either by delay in publication of charts until many of the surveys become obsolete (involving waste of the money expended in making them), or by the greatly multiplied expense due to corrections of "photolith" charts.

PLATE PRINTERS.

Even if the engraving is reduced, the existing force of printers will need to be continued in order to supply charts from the existing plates, the printing from the nine new plates (which is the average number per year) forming but a slight proportion of the printing from several hundred plates necessary to supply the public demand for charts of all the localities. If a considerable number of copies of each chart were kept on hand, their condemnation (owing to constant changes in the light-houses, beacons, buoys, channels, shoals, &c., compelling corrections of the plates) would result in large and constant loss. To avoid delay in serving the public, the presses are run upon the different plates so as to keep on hand a small number, duly corrected, of those most in demand; but with the utmost frugality and precaution some charts are sacrificed by condemnation. These condemnations average four or five editions of an average of twenty copies per month.

The reduction of the printers and helpers from six to four leaves us able to run but two presses in any emergency. It is impossible for two presses to supply the product of last year as it was required to be furnished—28,500 copies for distribution from the chart-room, with 11,700 copies of proofs of current work, transfer proofs, and coast pilot-charts. "Rag-wiping" can not be depended upon for any but the new, strong engraving, the old plates requiring to be wiped by hand or thrown aside until new electrotype copies are made.

Accident, sickness, or leave of absence would reduce the bureau work to a single press, and during the summer, with the best efforts, the bureau would fall 30 or 40 per cent. behind in its orders for charts.

It was intended to estimate for no position for which there is not ample and profitable employment.

To what has already been said in relation to specific reductions it is proper to add, that the appropriations in the House bill effect a marked and unprofitable change in the relative proportion of the different classes of expenditure.

Of the aggregate expenditures the estimates contemplated as large an amount as practicable for field-work or actual surveying, in proportion to the operating expenses, such as salaries, general office expenses, printing, &c. The appropriations by the House very materially reduce the proportion of expenditure for field-work or the accomplishment of net results, and correspondingly increase the proportion of expenditure for operating expenses, effecting a smaller proportion of productive and a larger proportion of unproductive expenditure than was contemplated by the estimates.

For example: The estimates provided for $244,000 of field-work or surveying, being substantially 42 per cent. of the entire estimated expenditure of $582,-199.98. But the appropriation provides for $125,400 of field-work or survey, being 30 per cent. of the entire expenditures (including printing of annual report) of $415,946 under the appropriation.

Under the estimates all salaries would be but 42$\frac{1}{10}$ per cent. of total expenditures, but under the appropriation the salaries would be 48 per cent. of total expenditures.

In a similar manner the proportion of rent and all general expenses is changed from 12 per cent., as estimated, to 16$\frac{5}{10}$ per cent., as appropriated, and printing is changed from 3$\frac{1}{2}$ per cent. to 4$\frac{9}{10}$ per cent.

Inclosed herewith is a copy of a statement heretofore made, showing with some detail the practical effect of the proposed reductions in the engraving and printing division. Also the letter of Mr. Cleaves, clerk to Senate Committee on Appropriations.

Very respectfully, yours,

F. M. THORN, *Superintendent.*

Hon. DANIEL MANNING,
Secretary of the Treasury.

Copy of statement July, 1886, in relation to engraving and printing, Coast and Geodetic Survey.

Analysis of the engraving work done during last three years and nine months, upon the basis of an average of 14 engravers employed, shows that miscellaneous work (corrections of chart plates, &c.) has taken the time of 3$\frac{1}{2}$ men; leaves, sickness, and holidays have taken the time of 1$\frac{1}{2}$ men; total, 5 men; leaving for new charts the time and work of 9 men, which 9 engravers have been able to engrave for the production of 9 new charts and 9 new editions of charts per annum.

If the number of engravers is reduced to 7, as proposed, their work would show: Miscellaneous correction by (time of) 3$\frac{1}{2}$ men; absence, sickness, and holidays (time of) 1 man; total, 4$\frac{1}{2}$ men; leaving for new work, 2$\frac{1}{2}$ men.

With the number proposed in the bill, therefore, the future capacity of the office to turn out new charts and editions, as compared with its capacity during the past three and three-fourth years, would be as 2$\frac{1}{2}$ is to 9, and the new charts in the future would be reduced in number to 3 per annum, in place of 9 per annum, as at present. That means simply that at the very least one-half of the surveys made would not possibly be charted in time to be of any use to the public; that there would be a constant accumulation of data and drawings, and that the charts thereof would be delayed until the changes of the localities would render them so unreliable as to be useless. In other words, it means a substantial waste of half the money expended by the Survey.

The only reason assigned, so far as known, for the reduction in the force of engravers is alleged to be based upon the theory that photolithography can be profitably substituted for copper-plate engraving in the production of charts. Photolithography is already employed for reproducing the drawings for charts, or of plane-table sheets of surveys, in important localities, so as to get the result of a survey before the public within from two to four months after the completion of the field work. Those photolithographic charts serve very well during the few months further which must elapse before the copper-plate engravings can be completed and printed; but even in that brief interval they become in many instances more expensive than the engravings, because of the fact that corrections can only be made on them by hand, sheet by sheet, instead of being made (as in the engraving) by putting the corrections on the plate and then printing the corrected sheets.

The attempt to use the photolithographic charts, beyond a temporary purpose, would—it has always been found whenever and wherever attempted—speedily make the cost of corrections many times surpass the cost of the original copper-plate engravings and of all subsequent corrections. Photolithography for permanent chart use was tried in the Hydrographic Bureau of the Navy. In his report for the year 1883 Commander Bartlett, the hydrographer, on pages 4, 6, and 7, gives some actual experiences with photolithography, from which some quotations are hereinafter made.

It must be understood that in every locality along the coast, bays, harbors, and tide-water rivers, changes are continually occurring which affect navigation, such as changes in shore lines, in depths, in location of shoals, of light-houses, of buoys, of bars, discovery of rocks or other dangers to navigation, all of which

necessitate constant, prompt, and systematic corrections on the charts. Those corrections not unfrequently begin before the original plate leaves the hand of the engraver. They can and are made upon that plate easily and cheaply, and the printed corrected charts, printed in any number required, at little expense. But on the photolithograph chart, the corrections can only be made on each sheet by the hand of a draughtsman, and the number of corrections soon become so great that in an institution like the Coast Survey the prompt making of indispensable corrections, if hand corrections were practicable, would require the services of more than four times as many draughtsmen as are required to correct the copper plates. It is also twice the work to make drawings of charts for photolith that it is for engaving. The substitution of photolith would therefore require double the number of draughtsmen now engaged in drawing charts.

The Survey has charts to correct a single sheet of which up to date would involve the services of a good draughtsman ten days, costing from $40 to $50. If, at a very moderate estimate, only a third of an edition (200 sheets) remained on hand for correction, the cost of corrections for that chart would range from $8,000 to $10,000, or many times the cost of all the original engraving and corrections on copper-plate. To make the same correction on the copper-plate of the same chart would require the work of the engraver thirty days, costing $150 to $200, and the printing of 200 sheets at about $15 more—a total of $165 to $215 as against $8,000 or $10,000. This is why photolithography, which is less expensive at first, nevertheless from the frequent necessity of correcting the chart soon becomes immeasurably more expensive than engraving, and can only be used to advantage for a temporary purpose. After alluding to the fact that the cost of correcting a photolithographic chart by hand "may amount to $25 a copy" (and his office has since corrected a sheet at a cost of $40 and $50), Commender Bartlett, in his report for 1883, speaking of the copper-plate engraving, says:

"They have, however, an advantage over the photolithographic copies, in that corrections may be made on the copper and new copies may be printed from the plate as corrected. The photolithographic reproductions, while less expensive at the outset, can only be corrected by alterations on each copy of the chart in pen and ink. The waste of labor and waste of money in this hand correction of 83,000 charts (about 40,000 in the Coast Survey) is simply inconceivable, and, moreover, it could not be adequately and accurately accomplished with even unlimited labor and money. The office has for some time made the attempt to perform this task, but after a protracted trial the conviction is formed that it is impossible, and that, if it were possible, it would not be worth the effort. * * * The latter method (photolithography) commended itself as being at the outset a cheap and rapid method of chart-making, but for reasons that will be explained later it has become a source of expense and inconvenience. Its disadvantages have been represented annually to the bureau, and in 1882 an appropriation of $15,000 was made for the transfer of the photolithographic charts to copper," &c.

To this explanation and quotation it is only necessary to briefly add that while it is difficult to state with exactness the increase in cost, by the substitute of photolithography for printing, it is no exaggeration to say that the prompt corrections which are indispensable to the utility of the charts as guides to navigation, and which require the services of an average of 3½ engravers on copper-plates, would require the services of not less than 14 to 17 draughtsmen on photolithographic sheets. Instead of retrenchment, therefore, the reduction in the number of engravers is bound to be a measure of extravagance either by delay in publication of engraved charts until the surveys become obselete (which would involve a waste of moneys expended in them) or by the waste of money in correction of "photoliths."

It has been suggested that instead of hand-correction of photo-lithograph charts, the corrections can be made on the stones. That matter has been the subject of consideration not only in the Coast Survey but in the Hydrographic Bureau of the Navy. In fact, all similar institutions here and abroad are continually searching for new or economical methods, and none of them appear to have utilized the scheme of correcting on the stone where any considerable number of charts are involved. But far beyond all question of cost or expediency in production is that of preservation through long periods of time. Paper is perishable, and original work on it is not secured. Two hundred or three hundred years will probably efface our best sheets. But these invaluable records on copper will last forever, and prove a store for future generations to read of our coasts, note the changes, and in turn prepare for others.

Inasmuch as some of those who criticise the Coast Survey for its alleged adherence to expensive methods are wont to regard the hydrographer of the Navy as so worthy an exemplar of administrative efficiency as to make the transfer of the Coast Survey to his bureau desirable, it is deemed proper to quote his emphatic statement, made in this office June 23, 1886, that the method of chart-correction upon stone, except in Eldridge's case, where the entire issue is limited to a half-dozen different charts, is neither feasible nor economical. The stones of the requisite size are rare enough to be as expensive as the copper plates, and their storage and use would require as much space as is now occupied by the entire bureau.

Commander Bartlett has found that all foreign establishments, interested in the adoption of the best and cheapest methods, use the copper-plate engraving for permanent chart work and making of corrections. The only suggestion of an improvement of the methods in vogue in both the Hydrographic Bureau and the Coast Survey was found in the case of the Danish government, where the engraving is done on copper-plate as it is here, and then transferred to stone, from which the actual printing is done.

A trifle of expense is thus perhaps saved in the printing of sheets more rapidly, but the quality is inferior, and the process requires steam-power and power presses, so that even in the matter of economy the propriety of adopting that method is regarded as dubious. It requires just as many copper-plates, and just as much engraving as our methods.

The experience, enterprise, and inquiries of Commander Bartlett have compelled his abandonment of other methods, and his adherence, in opinion and in practice, to the process of copper-plate engraving as surpassing all others in quality and cheapness for publications involving any considerable number of charts.

If in spite of the suggestions of reason, experience, and the uniform practice of all institutions for national surveys, in their methods of chart production, it should be decided to reduce the force of engravers from thirteen to seven, the full complement of plate printers and helpers would still be required to print from the plates already engraved, if the public is to be furnished copies of the charts as rapidly as demanded.

If the force of engravers is to be retained at an efficient number (and the thirteen now employed are really inadequate to the sufficiently prompt completion of new work), the plate printer and helper, who are proposed by the bill to be dispensed with, ought to be retained for the same reasons.

Mr. HAWLEY. Mr. President, naturally enough from the location of the State I have the honor in part to represent, we feel a very considerable interest in the provisions of this bill that are under discussion, and in the character of the Coast Survey office in general.

Now, I express here my very great disappointment that the superintendent of that office, for the first time, is not a gentleman of high scientific attainment. In fact he is not a scientist at all, as the word is understood. He was a clerk in the Treasury Department; and I supposed for a good while—not knowing the details—that he was merely detailed to take charge as an executive officer *pro tempore* of the Coast Survey office. It seems he has been appointed superintendent, an office the appointment to which does not come here necessarily for confirmation. I submit that that is a most extraordinary departure from the uniform practice of the Government, referred to by the Senator from Iowa, under which we have had men of the very highest attainments in the United States at the head of the Survey. Of course such a gentleman, who is undoubtedly a man of excellent character and is a fair executive officer, would in nineteen-twentieths of the points that come before him take the assertions of his subordinates. He is entirely at their mercy as to all the scientific details of his bureau. That is a great administrative mistake, I submit, and I hope it will not continue.

I was right glad, having been considering these provisions here, to hear what the Senator from Iowa said concerning the unwarranted and extraordinary reductions made elsewhere in the appropriations contributed to the Coast Survey. It seems to be thought that it is something we can amuse ourselves with, and can buy as we can a sealskin coat. It is forgotten that it is a matter of daily necessity for the coastwise service, a matter of common humanity as well as of national honor; and yet it is thought to be a smart thing and a brilliant thing which is supposed to be likely to gain votes at the polls before the groundlings to cut down this service to the starvation point. We might as well, as I think the Senator intimated, discharge the staff here at headquarters if we can not have the requisite persons in the field and the requisite draughtsmen and computers to carry out the work. I will give you an instance in point, one that concerns me more intimately.

Long Island Sound had not been surveyed for nearly forty years. In the mean time it shallowed at points and the depths had changed, and the shore had changed, as well as the great central channels of the sound. Some harbors, before of minor importance, had become of increasing usefulness in the coastwise trade. Forty years elapsed and we succeeded finally in getting the Government to begin a survey of Long Island Sound. The field-notes have been taken. What next is necessary? That they shall be put on paper by the draughtsmen. There are sixteen draughtsmen in that office, eight of whom must go on upon certain current work, and eight of whom only are devoted to the work of enlarging or reproducing the field-notes, or working out the field-notes.

This survey, which is necessary to the comfort and safety of life and property along Long Island Sound, and which is ten or fifteen years behind-hand now, is to be delayed so that it shall take, with the present force of the office, three to four years to give us the statements that are provided for by the field-notes.

The service is unbalanced. I hold in my hand a communication from the chief scientific gentleman of that survey showing that there ought to be during this coming year six more draughtsmen employed, and he tells me that none are provided for even in the amendments of the Senate Committee on Appropriations. He tells me we can not have our Long Island Sound charts under three years. Some of them are two or three years old now. That is only an example of the false economy.

I sympathize with what the Senator from Kansas has said, and if Uncle Sam's house can be kept in the style some of the people not in the Senate think it can, I agree with him that I would like to try it for awhile; and except for the fact that I am a boarder or one of the householders myself, I would be content to let us live on ancient fish and stale eggs and half-rotten potatoes, and let the roof fall in until we had lost ten times as much as it cost to live comfortably. When the Government had gone on in that style two or three or four years, we might be cured of a certain kind of Democracy which is another name for stinginess. The Government would be absolutely cured and we should hear no more of it. I say I would agree to that except that I am one of the boarders and one of the owners of the house, and I can not stand it. The existence of my constituents will not allow me to agree to it, wherefore I have to join the patriotic Senator from Kentucky and say we ought to give what the public service needs, whether the House of Representatives does or not.

Mr. MORGAN. Mr. President, true economy in the use of the public money consists in applying as much of it as possible to the public service, and as little as may be necessary to the salaries and numbers of employés.

I understood the Senator from Connecticut to contend that there ought to be a scientific man at the head of this bureau. That looks very reasonable, indeed. An eminent scientist ought to be at the head of the Coast Survey because it is a scientific bureau. It seems to me that all the men engaged in that service are scientists. Many of them are very experienced men in the particular lines of geodetic measurement and of hydrographic measurement and topographic survey. What has been needed more than anything else is what we have now, a man who is a business man and who understands how to arrange, how to prosecute the true economy of the bureau.

We have got scientific men enough in there, plenty of them, of the highest possible reputation, and they will do their work and do it cor-

rectly, and let it be proved, as it is obliged to be proved, without the necessity of its being supervised by some great scientific chief, for the truth is, when you put a great scientific man at the head of a bureau like this he does not supervise the work in its details, but relies merely on the fact that, comparing one detail with another, the whole work proves itself and the map comes out right, for the whole business is to supply a map for navigators approaching or sailing along our coasts.

The economy which the House of Representatives in its bill has attempted to practice in regard to this bureau is simply destructive. You will notice in the estimates for this service by the Government that $581,699.82 is distributed in the following way in the estimates: For field expenses, 42 per cent.; for repairing vessels, 12 per cent.; for salaries, including field and office force, 42.5 per cent.; printing, including annual report ordered by Congress, 3.5 per cent. of the whole sum that I have just stated. The House bill cuts down the expenditures to $415,532.09. Notice how that is distributed: For field expenses, 30.2 per cent.; for repairs of vessels, 16.9 per cent.; for salaries, including field and office force, 48 per cent.; for printing, including annual report ordered by Congress, 4 per cent.

You thus see that while the amount appropriated to salaries is increased from 42.5 to 48 per cent., the amount for field expenses is decreased from 42 per cent. to 30.2 per cent., showing that the money is taken out of the field-work in the House bill and applied to salaries. That is very unjust to the service. The salaries are large enough. It is true there is some cutting down, because there are some salaries that are disposed of by this bill that were in the law before. The House probably found it convenient to cut down in that respect; but when you come to the percentage of salaries and ascertain how much of this money is actually applied to the really public service of surveying and making maps, you see that the House bill has reduced the field expenses from 42 to 30.2 per cent. That shows that the bill is going upon an expensive and an extravagant predicate, instead of a just and an economical one.

So I think the Senate Committee on Appropriations have done exactly right to follow the estimates made by the Treasury Department with respect to this service. The estimate has been very carefully made, under the most careful supervision, with a view of increasing the activity of the work, and enabling the people in the field to go on and complete the work of the Coast Survey. The fact is in respect to the Coast Survey that nine-tenths of it is completed with the exception of Alaska—the bays, inlets, and harbors of Alaska. All the great bays, and inlets, and mouths of rivers, in fact, all along the Atlantic and Gulf coasts and the Pacific coast, have been completed except about 10 per cent. All the bays have been completed, and all the inlets and river mouths have been completed; but about 10 per cent. of the connecting lines has not yet been run.

Those lines are not so very important in respect to the safety and security of navigation. The mariner wants to know how to get in and out of a port. He does not care so much to know what is the condition of the coast where he has to make no landing, except what hydrography might reveal in the way of some rocks, bars, shoals, and ledges and the like. If we prosecute this work on the plan that has been observed since this young gentleman has been in charge of it, we shall probably complete it inside of six or seven years. I think it is more likely that it will be completed inside of seven years. But if we allow it to drag along and take out of the field force what is necessary for the actual survey, we may be fifteen or we may be twenty years in this matter.

I propose before we get through with this bill, after the committee have done with their amendments, to offer an amendment, which I will read now for the information of Senators who may be concerned in it. This comes in at the end of line 918:

And the Secretary of the Treasury is required to submit an estimate to Congress at its next session to cover the necessary expenses of completely furnishing a permanent party on the coast of Alaska for surveying the bays, inlets, and mouths of the principal rivers along that coast, to include such vessels, boats, and other means of conveyance, and houses, provisions, furs, fuel, and other supplies as are necessary for this permanent party.

I call the attention of the committee to it now for the reason that I think that is an important start to make in the direction of completing the survey on our coast. Alaska has a very short summer, and during all the summer period fogs are very heavy, indeed, and it is impossible almost to run long lines along that coast, and short lines are necessarily very expensive. The very best line that can be taken in Alaska will be found in the winter season, and if we have a permanent establishment there for the survey of the bays, inlets, and mouths of the rivers of Alaska we shall within two or three seasons complete a sufficient survey of that Territory for all practical purposes, leaving it to be filled in hereafter according to our convenience. But if we go on as now, sending our vessels up there with surveying parties so that they reach the coast in the summer time and they have to return so very soon, it will be impracticable, I think, in a very long while to get a correct survey of Alaska.

I call the attention of the chairman of the committee to this subject and to the amendment I propose, because I hope he will agree with me about it, and I believe he will.

And I wish to say in this connection that we have not now outside of our own territories a more important right or a more important privilege connected with the Government of the United States than the fisheries of the Alaskan coast, and after we provide so that our fishermen can have safe harbor and refuge there and can understand from maps what the coast is we shall find that enormous source of wealth developing itself in a very astonishing manner and in a very short time. Hence it is that I desire very much that these bays and inlets and mouths of rivers shall be so explored that our fishermen can have access to them for refuge in time of danger.

Mr. HAWLEY. I concur with nearly every word that the Senator from Alabama has said; but I wish to remind him that while we may within seven or eight or ten years economically complete an original survey of our entire coast, it is necessary to resurvey and resurvey, especially about New York, as the Senator does very well know.

Mr. MORGAN. I will say to the honorable Senator that there will be no objection, perhaps, to stopping the topographic part of the geodetic survey along the coast, but the hydrographic survey, of course, must be made over and over again.

Mr. HAWLEY. Continually; every harbor below New York shifts every year.

Mr. MORGAN. One of my chief desires for an early completion of the coast survey is the fact that the Coast Survey must necessarily drift into the Hydrographic Bureau. After we get the measurements all completed geodetically and topographically, then the survey of the coast will necessarily drift into the Hydrographic Bureau; it will be a hydrographic survey from that time forward, and I wish that done as soon as practicable, because at present doubling the work, the hydrographic and interior survey make the operation very difficult and expensive.

Mr. PLUMB. The Senator from Iowa, in his reply to what I had observed about this bill, went into a class of expenditures about which I said nothing. I limited my remarks simply to that which was the current expense of the administration, not new work in the shape of new public buildings which are provided for continually by new laws.

Mr. ALLISON. I was not replying to the Senator, but explaining the action of the committee.

Mr. PLUMB. The Senator was making an explanation of that which had not been complained of. My own judgment is—I do not express it with any great degree of confidence—that the House bill is better on this Coast and Geodetic Survey subject than the bill as amended by the committee of the Senate, because I observe that the differences this year are the same as they were between the two Houses last year; and the little investigation I could give the matter then satisfied me that great economies can be brought about by a change in the method of expenditure of money, and a change in the *personnel* of that department. I do not speak of this with great confidence, and shall yield to the superior judgment of the chairman of the committee.

But one thing, I think, can not be too often spoken of or too continuously borne in mind, and that is that a public service once undertaken never ends, and that no public officer ever consciously or of his own volition surrenders a work which has been committed to him, but he ekes it out and plays with it, and toys with it, and nibbles at it, and always keeps at least a pretense of that subject before him. And so when I heard the Senator from Connecticut say that he had been told by the Coast and Geodetic Survey people that he could not get maps evidencing what the field-notes disclosed, for years to come, that is what I have been hearing ever since I have been here. When I go to a bureau and ask why a thing has not been done they say at once: "If you want the thing done give us more money." A lot of these things are nursed for the purpose of bringing pressure on members of Congress and inducing them to make greater appropriations. You never yet found an executive department of this Government actually taking up new work if it could avoid it.

The old work may be practically done, the old employés may be idling away their time, and bureaus without necessity may exist, and yet if you want new work done you have got to put on new employés, no matter how illy provided the old employés are with work.

I believe that the only way to get at this is by means of stinting the appropriations, of occasionally recasting them, or putting things in a condition to be turned over and inspected in that compulsory way that only comes from cutting off the supplies. That work, I regret to say, which the House has done well or ill in that direction, but really in the right direction, has not received the assent of the Senate Committee on Appropriations.

Then I say another thing which I think to be axiomatic. This not only voices the difference between the two Houses in regard to the amount of money necessary for the particular service in question, but it is a question of method, a question of substance, a question of theories of government. You can not settle that by doing as we do, adding largely to the appropriations and then compromising in conference committee, because out of that comes no issue except the one that the Senate is always extravagant, because it adds to the total of the bill. The only way it can be settled is by letting the House have, for once at least, its way, and letting the service be cut according to the pattern which is set. Then at the end of the year let us see what the net result is, whether it be good or whether it be bad.

I have no doubt it will be a mixed result; that in some respects it will be good, and in other respects I have no doubt it will be bad. But that which we would learn in that way we shall never learn now, because as we compromise on these different items in conference inevitably, neither giving enough for the most part nor withholding enough to compel an overturning of the service and a disclosure of the weak spots, we simply jog along, making the service practically worse by reason of our contention, and learning nothing as the result of our experiment.

The PRESIDENT *pro tempore*. The next amendment of the Committee on Appropriations will be stated.

The next amendment was, after line 442, to insert:

For completing the resurvey of New York Bay and Harbor, $3,000.

The amendment was agreed to.

Mr. PLUMB. I give notice that I shall reserve a vote, if I do not get it in Committee of the Whole, on these amendments—not on each one of them, but on enough to test the sense of the Senate on the general question of this character of addition to the bill as passed by the other House.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 445, before the word "physical," to strike out "completing;" so as to read:

For physical hydrography in New York Harbor and its approaches, $3,000.

The amendment was agreed to.

The next amendment was, after line 446, to insert:

For the hydrography of the outside waters and bars south of Absecon light: For necessary triangulation and for continuing the topography and inside hydrography along the Atlantic coast of New Jersey, $4,000.

The amendment was agreed to.

The next amendment was, after line 450, to insert:

For continuing physical hydrographic research in Delaware Bay and River, $3,000.

The amendment was agreed to.

The next amendment was, in line 460, to increase the appropriation "for examinations and resurveys on the Virginia coast from Chincoteague to Cherrystone, and especially at Cape Charles and in its vicinity, including triangulation, hydrography, and topography," from $3,000 to $6,000.

The amendment was agreed to.

The next amendment was, after line 470, to insert:

For hydrographic examination at Cape Lookout, $500.

The amendment was agreed to.

The next amendment was, after line 472, to insert:

For connecting the Blue Ridge primary triangulation with the coast triangulation at Charleston, S. C., or Savannah, Ga., $2,000.

The amendment was agreed to.

The next amendment was, in line 477, to increase the appropriation "to continue the primary triangulation from Atlanta toward Mobile" from $2,000 to $3,000.

The amendment was agreed to.

The next amendment was, in line 480, to increase the appropriation "for continuing the survey of the western coast of Florida from Cape Sable north to Cape Romano, and for hydrography off the same coast," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, after line 480, to insert:

For triangulation, topography, and hydrography of Lakes Pontchartrain and Borgne, in Louisiana, $5,500.

The amendment was agreed to.

The next amendment was, in line 486, to increase the appropriation "for continuing the survey of the coast of Louisiana west of the Mississippi Delta and between Barataria Bay and Sabine Pass" from $5,000 to $7,000.

The amendment was agreed to.

The next amendment was, in line 489, to increase the appropriation "to make off-shore soundings along the Atlantic coast and current and temperature observations in the Gulf Stream" from $6,000 to $9,000.

The amendment was agreed to.

The next amendment was, in line 491, after the word "California," to strike out "$5,500" and insert "$10,000; of which sum $5,000 shall be immediately available;" so as to make the clause read:

For continuing the topographical survey of the coast of Southern California, $10,000; of which sum $5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, after the words "Los Angeles," at the end of line 497, to strike out "$4,500" and insert "$12,000; of which sum $4,000 shall be immediately available;" so as to make the clause read:

For continuing the primary triangulation of Southern California, and for connecting the same at Mount Conness and Macho stations with the transcontinental arc, and for a primary base-line in the vicinity of Los Angeles, $12,000; of which sum $4,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in line 505, to increase the appropriation "for continuing the resurvey of San Francisco Bay and of San Pablo and Suisun Bays and the Strait of Carquinez, the examination of San Francisco bar and entrance, and the mouths of the Sacramento and San Joaquin Rivers," from $5,000 to $10,000.

The amendment was agreed to.

The next amendment was, in line 510, to increase the appropriation "for continuing the survey of the coast of Oregon, including off-shore hydrography, and to continue the survey of the Columbia River from the mouth of the Willamette toward The Cascades, triangulation, topography, and hydrography," from $6,500 to $7,000.

The amendment was agreed to.

The next amendment was, after line 510, to insert:

To fill up the gap in the tertiary coast triangulation between the Oregon line and Port Orford, $2,500.

The amendment was agreed to.

The next amendment was, after line 513, to insert:

To fill up the gap in the tertiary triangulation between Port Orford and Koos Bay, $2,000.

The PRESIDENT *pro tempore*. The Principal Legislative Clerk calls attention to the misspelling of the word "Koos." The "K" should be "C."

Mr. WILLIAMS. It ought to begin with a "C."

The PRESIDENT *pro tempore*. That correction will be made.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 522, before the word "thousand," to strike out "five" and insert "twelve;" and at the end of the clause to insert "of which sum $6,000 shall be immediately available;" so as to read:

For continuing explorations in the waters of Alaska, and making hydrographic surveys in the same, and for the establishment of astronomical longitude and magnetic stations between Sitka and the southern end of the Territory, $12,000; of which sum $6,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in line 526, to increase the appropriation "for continuing the researches in physical hydrography relating to harbors and bars, including computations and plottings," from $2,500 to $4,000.

The amendment was agreed to.

The next amendment was, in line 529, to increase the appropriation "for examination into reported dangers on the eastern, Gulf, and Pacific coasts" from $1,000 to $1,500.

The amendment was agreed to.

The next amendment was, in line 532, to increase the appropriation "to continue magnetic observations on the Atlantic and Gulf slopes" from $500 to $1,000.

The amendment was agreed to.

The next amendment was, in line 535, to increase the appropriation "for continuing magnetic observations on the Pacific Coast, at the Los Angeles Magnetic Observatory," from $1,000 to $1,200.

The amendment was agreed to.

The next amendment was, after line 535, to insert:

For continuing magnetic observations at various temporary stations on the Pacific slope, $1,000

The amendment was agreed to.

The next amendment was, after line 537, to insert:

For running an exact line of levels from Boston or Salem, Mass., to Mount Monadnock, Mount Washington, Mount Independence, and Lake Champlain, $2,000.

The amendment was agreed to.

The next amendment was, after line 541, to insert:

For continuing the exact line of levels from Cairo westward, $2,000.

The amendment was agreed to.

The next amendment was, in line 546, to increase the appropriation "for continuing tide observations on the Pacific coast at Kodiak, in Alaska, and at Saucelito, near San Francisco, in California," from $2,250 to $2,500.

The amendment was agreed to.

The next amendment was, in line 550, to increase the appropriation "to continue tide observations on the Atlantic coast, at Pulpit Harbor, Me., and at Sandy Hook, N. J.," from $2,000 to $2,100.

The amendment was agreed to.

The next amendment was, in line 554, to increase the appropriation "to continue gravity experiments, at a cost not exceeding $500 per station, except for special investigations and experiments authorized by the Superintendent at one or more stations," from $2,000 to $2,500.

The amendment was agreed to.

The next amendment was, after line 554, to insert:

For furnishing points to State surveys, to be applied, as far as practicable, in States where points have not been furnished, $10,000.

The amendment was agreed to.

The next amendment was, in line 559, to increase the appropriation "for determinations of geographical positions (longitude party)," from $2,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 562, to increase the appropriation "for continuation of geodetic work on transcontinental main line between the Atlantic and Pacific Oceans," from $20,000 to $30,000.

The amendment was agreed to.

The next amendment was, in line 569, to increase the appropriation "for traveling expenses of officers and men of the Navy on duty, and for any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto," from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, in line 572, to increase the appropriation "for objects not hereinbefore named that may be deemed urgent," from $1,000 to $4,000.

Mr. RANSOM. The chairman of the Committee on Appropriations will remember that under this item for the last couple of years a part of the appropriation has been used for supplementing the hydrographic and partially topographic work on the bays and sounds of North Carolina. I should like to know if this item has been increased for the same purpose now.

Mr. ALLISON. That is one of the objects of the appropriation made for the Coast Survey.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 575, to increase the total amount of the appropriation for "party expenses" of Coast and Geodetic Survey, from $125,450 to $244,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "pay of field officers" of Coast and Geodetic Survey, to strike out from line 584 to line 604, inclusive, as follows:

For pay of three assistants, at $3,500 per annum each, $10,500.
For pay of three assistants, at $2,500 per annum each, $7,500.
For pay of five assistants, at $2,250 per annum each, $11,250.
For pay of four assistants, at $2,000 per annum each, $8,000.
For pay of six assistants, at $1,800 per annum each, $10,800.
For pay of eight assistants, at $1,500 per annum each, $12,000.
For pay of two assistants, at $1,400 per annum each, $2,800.
For pay of five assistants, at $1,200 per annum each, $6,000.
For pay of twelve aids, at $900 per annum each, $10,800.

And in lieu thereof to insert:

For pay of two assistants, at $4,000 each, $8,000.
For pay of one assistant, $3,600.
For pay of one assistant, $3,200.
For pay of two assistants, at $3,000 each, $6,000.
For pay of two assistants, at $2,800 each, $5,600.
For pay of four assistants, at $2,400 each, $9,600.
For pay of three assistants, at $2,300 each, $6,900.
For pay of six assistants, at $2,200 each, $13,200.
For pay of six assistants, at $2,000 each, $12,000.
For pay of ten assistants, at $1,800 each, $18,000.
For pay of nine assistants, at $1,500 each, $13,500.
For pay of three subassistants, at $1,400 each, $4,200.
For pay of two subassistants, at $1,300 each, $2,600.
For pay of four subassistants, at $1,100 each, $4,400.
For pay of six aids, at $900 each, $5,400.
For pay of one aid, $720.

The amendment was agreed to.

The next amendment was, in line 636, after the word "field," to strike out "eighty-five thousand six hundred and fifty" and insert "one hundred and twenty-two thousand nine hundred and twenty;" and in line 638, after the word "dollars," to insert:

Provided, That no new appointments shall be made to the above force until the whole number of assistants, subassistants, and aids shall be reduced to fifty-two.

So as to make the clause read:

Total pay in field, $122,920: *Provided*, That no new appointments shall be made to the above force until the whole number of assistants, subassistants, and aids shall be reduced to fifty-two.

The amendment was agreed to.

The next amendment was, in the appropriations for "pay of office force" of Coast and Geodetic Survey, to strike out from line 642 to 737, inclusive, as follows:

For one auditing clerk and one accounting clerk, at $2,000 each, $4,000.
For one librarian, at $1,800.
For one general office assistant, at $2,000.
For three clerks, at $1,600 each, $4,800.
For two clerks, at $1,400 each, $2,800.
For three clerks, at $1,200 each, $3,600.
For one clerk, at $1,000.
For one clerk, at $900.
For two writers, at $840 each, $1,680.
For seven writers, at $720 each, $5,040.
For two computers, at $1,850 each, $3,700.
For one computer, at $1,500.
For two computers, at $1,400 each, $2,800.
For two computers, at $1,300 each, $2,600.
For two computers, at not exceeding $1,000 each, $2,000.
For two engravers, at $2,000 each, $4,000.
For one engraver, $1,800.
For two engravers, at $1,500 each, $3,000.
For one engraver, at $1,200.
For one engraver, at $900.
For one draughtsman, at $2,400.
For one draughtsman, at $2,000.
For two draughtsmen, at $2,000 each, $4,000.
For three draughtsmen, at $1,800 each, $5,400.
For one draughtsman, at $1,508.
For three draughtsmen, at $1,400 each, $4,200.
For two draughtsmen, at $1,300 each, $2,600.
For one draughtsman, at $1,200.
For one draughtsman, at $1,100.
For one draughtsman, at $900.
For one electrotypist and photographer, at $1,600.
For two electrotypist's helpers, at $550 each, $1,100.
For one janitor, at $1,200.
For two watchmen, at not exceeding $894 per annum each, $1,788.
For two messengers, at $840, $1,680.
For three messengers, at $820 each, $2,460.
For one driver, at $840.
For one packer and folder, at $820 per annum.
For one packer and folder, at $620.
For two laborers, at $620 each, $1,240.
For two laborers, at $550 each, $1,100.
For one laborer, at $1 per working day, $313.
For one laborer, at $1 per day, $365.
For one fireman, at $720.
For one fireman, at $550.
For one map-mounter, at $1,000.
For one map-colorist, at $720.
For one carpenter, at $1,500.
For one carpenter, at $700.
For one mechanician, at $1,600.
For one mechanician, at not exceeding $1,400.
For two mechanicians, at $1,200 each, $2,400.
For one mechanician, at $900.
For one mechanician, at $600.
For three copper-plate printers, at $1,300 each, $3,900.
For one copper-plate printer's helper, at $700.

And in lieu thereof to insert:

For one accountant, $1,800.
For one accountant, $1,400.
For one general office assistant, $2,200.
For one draughtsman, $2,350.
For one draughtsman, $2,100.
For two draughtsmen, at $2,000 each, $4,000.
For three draughtsmen, at $1,800 each, $5,400.
For three draughtsmen, at $1,400 each, $4,200.
For one draughtsman, $1,330.
For one draughtsman, $1,260.
For two draughtsmen, at $1,200 each, $2,400.
For one draughtsman, $1,100.
For one draughtsman, $940.
For two computers, at $1,850 each, $3,700.
For one computer, $1,420.
For one computer, $1,300.
For one computer, $1,260.
For one computer, $1,100.
For one tidal computer, $2,000.
For one tidal computer, $1,250.
For one engraver, $2,060.
For one engraver, $2,000.
For one engraver, $1,960.
For two engravers, at $1,800 each, $3,600.
For one engraver, $1,565.
For one engraver, $1,500.
For one engraver, $1,200.
For one engraver, $900.
For one contract engraver, contract not to exceed $2,400 per annum, $2,400.
For one contract engraver, contract not to exceed $2,100 per annum, $2,100.
For one contract engraver, contract not to exceed $1,800 per annum, $1,800.
For one contract engraver, contract not to exceed $800 per annum, $800.
For one electrotypist and photographer, $1,800.
For one electrotypist's helper, $500.
For one apprentice to electrotypist and photographer, $500.
For one copper-plate printer, $1,700.
For two copper-plate printers, at $1,330 each, $2,660.
For one copper-plate printer, $1,250.
For two plate-printers' helpers, at $700 each, $1,400.
For one chief mechanician, $1,800.
For one mechanician, $1,565.
For one mechanician, $1,330.
For one mechanician, $1,250.
For one mechanician, $1,175.
For one mechanician, $900.
For one mechanician, $545.
For one carpenter, $1,565.
For one carpenter, $800.
For one carpenter and fireman, $570.
For one night-fireman, $550.
For one map-mounter, $1,020.
For one librarian, $1,800.
For one clerk, $1,650.
For two clerks, at $1,500 each, $3,000.
For one clerk, $1,400.
For one clerk, $1,350.
For two clerks, at $1,200 each, $2,400.
For two clerks, at $1,000 each, $2,000.
For one clerk, $900.
For one clerk, $1,175.
For one map-colorist, $720.
For one writer, $900.
For one writer, $840.
For six writers, at $720 each, $4,320.
For one writer, $600.
For one messenger, $875.
For one messenger, $840.
For three messengers, at $820 each, $2,460.
For three messengers, at $640 each, $1,920.
For one driver, $730.
For one packer and folder, $820.
For one packer and folder, $630.
For two laborers, at $630 each, $1,260.
For two laborers, at $550 each, $1,100.
For one laborer, $315.
For one laborer, $365.
For one janitor, $1,200.
For two watchmen, at $880 each, $1,760.

The amendment was agreed to.

The next amendment was, in the line 872, to increase the amount of the appropriation for "total pay of office force" of Coast and Geodetic Survey from $108,436 to $124,605.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous Objects under the Treasury Department," in line 946, after the word "counters," to strike out "one captain of the watch, four," and insert "five;"

and in line 948, after the word "superintendent," to strike out "and necessary expenses;" so as to make the clause read:

Distinctive paper for United States securities: For paper, including transportation, salaries of register, two counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, $45,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriation for "fuel, lights, and water for public buildings," in line 1034, after the word "dollars," to insert:

And the appropriation herein made for gas in any of the public buildings in the District of Columbia under the control of the Treasury Department shall include the rental or use of any gas-governor, gas-purifier, or other device for reducing the expenses of gas, when first approved by the Secretary of the Treasury and ordered by him in writing: *Provided*, That no sum shall be paid for such rental or use of such gas-governor, gas-purifier, or device greater than the one-half part of the amount of money actually saved thereby.

The amendment was agreed to.

The next amendment was, in line 1045, before the word "repairing," to strike out "replacing and;" so as to make the clause read:

Heating apparatus for public buildings: For repairing, heating, hoisting, and ventilating apparatus for all public buildings, including marine hospitals, under control of the Treasury Department, $100,000.

The amendment was agreed to.

The next amendment was, after line 1067, to insert:

Fish-hatchery on the Columbia River: For the establishment of a salmon-hatchery upon the Columbia River, its tributaries or their branches, $10,000.

Mr. ALLISON. I move to add, from the committee, the following proviso to the amendment:

Provided, That this appropriation shall not be available until the Legislatures of the States and Territories having jurisdiction in these waters shall enact the necessary legislation to protect the salmon from improper capture or destruction.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1088, before the word "thousand," to strike out "three" and insert "five;" so as to make the clause read:

Fish-ponds, Monument Lot: For restoring the drainage of the United States fish-ponds in Washington, destroyed by the filling up of the flats, and for an increased supply of water, to be immediately available, $5,000.

The amendment was agreed to.

The next amendment was, in the clause providing for "international exchanges, Smithsonian Institution," in line 1105, to increase the appropriation "for expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employés," from $10,000 to $12,000.

The amendment was agreed to.

The next amedment was, in the clause making appropriation for the "prevention of epidemics," in line 1152, after the word "danger," to insert:

And the President is further authorized to use of the same unexpended balance a sum not exceeding $10,000 for the purpose of investigating the merits of the method practiced in Mexico and Brazil for preventing yellow fever by inoculation.

So as to make the clause read:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved August 4, 1886, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger; and the President is further authorized to use of the same unexpended balance a sum not exceeding $10,000 for the purpose of investigating the merits of the method practiced in Mexico and Brizil for preventing yellow fever by inoculation.

The amendment was agreed to.

The next amendment was, after line 1157, to insert:

UNDER THE STATE DEPARTMENT.

International boundary survey, United States and Mexico: To enable the President to continue the execution of the engagement of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, $100,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1167, to insert:

French spoliation claims: To enable the Secretary of State to complete the search now being made in France for records and other documents affecting the rights or claims of American citizens under the act of Congress approved January 20, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801," and to make a similar search in Spain or elsewhere, and to procure such records and documents as already have been found and that may hereafter be found, or certified copies or abstracts thereof, $5,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State, and to be immediately available.

The amendment was agreed to.

The next amendment was, after line 1181, to insert:

Conference of the Red Cross Association: To pay the expenses of the representatives of the United States (two in number, to be appointed by the President of the United States) to the fourth conference of the Red Cross Association, to be held at Baden on September 19, 1887, $3,000; and to pay the contributory portion of the expenses of the United States at said conference, the additional sum of $1,000, or so much thereof as may be necessary; in all, $4,000; the same to be disbursed under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, after line 1192, to insert:

UNDER THE NAVY DEPARTMENT.

For the expenses of a preliminary reconnaissance, to be made under the direction of the Secretary of the Navy, to examine the configuration of the conventional boundary line between Alaska and British Columbia, following the coast from Portland Channel to the one hundred and forty-first meridian, and to ascertain and report how far the natural features of the country permit the accurate location of the line of demarkation contemplated by the third and fourth articles of the convention between Great Britain and Russia of February 28, 1825, which boundary is reaffirmed in the treaty of 1867, whereby Russia ceded the Territory of Alaska to the United States, $50,000, to be immediately available; and the officer conducting such reconnaissance shall make such recommendations touching the practical establishment of the boundary line as in his judgment may be necessary.

The amendment was agreed to.

The next amendment was, in line 1220, after the word "the," where it occurs the second time, to strike out "General Land Office, Indian Office;" in line 1222, after the words "railroads," to insert "and;" in the same line, after the word "labor," to strike out "and the office of the agent for the payment of pensions in the District of Columbia, and office of the Geological Survey;" and in line 1226, after the word "thereof," to strike out "*Provided further*, That the office of the Quartermaster-General shall, on or before the 31st day of January, 1888, be removed to rooms in the west wing of the new State, War, and Navy building;" so as to make the clause read:

Casual repairs of the Interior Department building: For casual repairs of the Department building, $5,780.

That as soon as completed as provided for in the sundry civil act approved August 4, 1886, the Secretary of the Interior shall, within the fiscal year 1888, cause to be removed to the Pension building the Bureau of Education, Office of Commissioner of Railroads, and Bureau of Labor, and vacate the buildings rented for and now occupied by said offices and bureaus, or portions thereof.

Mr. BLAIR. I wish to make a parliamentary inquiry. I desire to move to amend the amendment of the committee by including in the words to be stricken out, in line 1221, the words "Bureau of Education." Is the amendment proper at this time?

The PRESIDENT *pro tempore*. The Senator from New Hampshire may move to amend the amendment by inserting words.

Mr. BLAIR. I move then to amend the amendment of the committee by striking out, after the words "Indian Office," in line 1221, the words "Bureau of Education," so as to strike out the words:

General Land Office, Indian Office, Bureau of Education.

The PRESIDENT *pro tempore*. The Chair is of opinion that those being words in the text of the bill, the amendment would not be in order until after the amendments of the committee are acted upon.

Mr. BLAIR. At that time I desire to make the motion to amend.

The PRESIDENT *pro tempore*. The Chair supposed the Senator wished to add words in place of those stricken out. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "thereof," in line 1226, to strike out the following proviso:

Provided further, That the office of the Quartermaster-General shall, on or before the 31st day of January, 1888, be removed to rooms in the west wing of the new State, War, and Navy Building.

And in lieu thereof to insert:

That the Secretary of State, the Secretary of War, and the Secretary of the Navy are hereby created and shall constitute a commission to revise and readjust the space in the State, War, and Navy building so as to provide for the office and clerical force of the Quartermaster-General and the office and clerical force of the Commissary-General, and also to provide as far as practicable for the several bureaus of their several Departments in said building, so as to secure the most economical distribution of such space, which readjustment shall take place immediately upon the completion of the west wing of said building.

The amendment was agreed to.

The next amendment was, in line 1259, before the word "thousand," to strike out "thirty-two" and insert "thirty-five;" so as to read:

For the Capitol: For work at the Capitol, and for general repairs thereof, fitting up file-room with iron shelving in basement of House wing, including wages of mechanics, workmen, and fresco painter, $35,000.

The amendment was agreed to.

The next amendment was in line 1266, after the word "for," to strike out "continuing the work upon" and insert "*completion of*;" in line 1267, after the word "and," to strike out "towards constructing;" in line 1268, after the word "stairways," to strike out "sections marked E, F, G, H, and I, as shown on plan accompanying the letter of the Secretary of the Treasury (Executive Document No. 9, first session Forty-eighth Congress);" and in line 1272, after the word "laborers," to strike out "one hundred and sixty-five" and insert "three hundred and thirty;" so as to make the clause read:

Capitol terraces: For completion of the terraces of the Capitol, and grand stairways, including wages of mechanics and laborers, $330,000.

Mr. PLUMB. I should like to inquire of the Senator from Iowa having the bill in charge where the accounts go for this work, and where is the official evidence to be found of the expenditures heretofore made and the result actually accomplished? Through what supervision does it go? I should like to know if the committee have had any evidence on that point, as to the actual necessary work and the cost.

Mr. ALLISON. The committee do not enter into that question at all. They took the estimates of the Architect of the Capitol as to the cost. There is a document referred to here showing in detail the character of this work and the estimated cost. Of course every expenditure made under this appropriation is made by public letting and under contract. I suppose there is no difficulty in ascertaining what it costs. This money is expended under the plan mentioned in the bill, which we struck out because we did not consider it necessary. I do not think there is any trouble about the expenditure.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed, at line 1274, as follows:

Lighting the Capitol and grounds: For lighting the Capitol, and grounds about the same, including the Botanic Garden, Senate and House stables: For gas and electric lighting, pay of superintendent of meters, lamp-lighters, gas-fitters, and for materials for gas and electric lighting, and for general repairs, $24,000.

Mr. PLUMB. I should like to ask the Senator from Iowa about this electric-lighting business. Is the plant which is used in the Senate wing now the property of the Government?

Mr. ALLISON. No; I understand that it is not. The plant in this building, I think, is owned by some company.

Mr. PLUMB. Then wherein is the necessity for the Government going to the expense of electric lighting if it does not own the plant?

Mr. ALLISON. I suppose the Government does own some plant.

Mr. PLUMB. It is for lighting the Capitol grounds also, I see.

Mr. ALLISON. For lighting the Capitol and grounds, including the Botanic Garden, Senate and House stables. I do not think the Government owns any plant connected with the Capitol.

Mr. PLUMB. We had better strike out the item relating to electric lighting.

Mr. ALLISON. I do not know why we should not pay for the light we use, even if we do not own the plant.

Mr. PLUMB. It seems to me we ought to find out whether we own the plant and on what terms we get the light, and so on. We are doing things in a pretty loose way.

Mr. ALLISON. We endeavored to do that last year, and made an appropriation of $20,000 looking to the establishment of a plant here, but the Architect of the Capitol found he could not put in a plant as was suggested with that sum; so that question is entirely open, as it was last year. We have paid for these lights from year to year, but we do not own the plant.

Mr. PLUMB. We have been paying the expense of running the plant?

Mr. ALLISON. We have been paying the expense of running it.

The PRESIDENT *pro tempore*. The next amendment reported by the Committee on Appropriations will be stated.

The next amendment was, after line 1279, to insert:

Elevator for Senate wing of the Capitol: For the construction of an elevator in the south end of the eastern corridor of the Senate wing of the Capitol, $15,000; and the Architect of the Capitol is directed to have the same completed for use by December 1, 1887.

Mr. PLUMB. I should like to ask the Senator from Iowa where the new elevator is to be located?

Mr. ALLISON. As the clause stands now it would be located in the corridor in the northeast end of the Senate wing.

Mr. PLUMB. Is it to come up in front of the Finance Committee room?

Mr. ALLISON. Yes, sir.

Mr. PLUMB. Let me call the attention of the Senator from Iowa and of the Senate to the fact that that is right where the bulk of the travel between the two Houses goes by. That would run where very often a large crowd of people are in process of coming from the House wing to the Senate wing. To build an elevator at that point would, it seems to me, clog up to a very great degree, if not absolutely for a considerable portion of the time, that space.

As long as I have been here I have not discovered that there is any more necessity for an additional elevator now than there was ten years ago. It seems to some, I may say without disrespect, to be desirable to keep tinkering at this building without very much regard to the necessities of the service.

Mr. ALLISON. If the Senator from Kansas objects to the specification I will consent, without having the authority of the committee to do so, to strike out the words "the south end of."

Mr. TELLER. Strike it all out.

Mr. CULLOM. Strike the whole business out.

Mr. ALLISON. It would then read:

For the construction of an elevator in the eastern corridor of the Senate wing of the Capitol, $15,000.

Mr. TELLER. It seems to me that a better suggestion would be to strike it all out. I do not myself think we need any elevator at that point, and, besides, I do not think it is a good thing to tear up the Capitol with that kind of work. We have an elevator which I think is ample for the business of the Senate and of the employés who have any business to use it. I have never seen any necessity for a new elevator. It can not be put in where it is proposed without destroying the harmony of the building. It will be out of place there.

The PRESIDENT *pro tempore*. The Senator from Colorado will accomplish his purpose by voting in the negative, against inserting the clause.

Mr. ALLISON. I modify the amendment by striking out the words "the south end of."

Mr. TELLER. Where will you put it then?

Mr. ALLISON. I do not know.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to strike out, in line 1284, the words "the south end of;" so as to read:

For the construction of an elevator in the eastern corridor of the Senate win &c.

Mr. TELLER. That is still worse.

Mr. MORRILL. I believe that there are very grave objections to placing an elevator as proposed in the amendment of the Committee on Appropriations, for it would not only be an obstruction that would be very serious for the Committee on Public Lands and for approach to the restaurant, but it would make a dark avenue for the three stories, first on the basement, then on the second story, and then on the one above. The only light that comes into the corridors on the Senate side now is from the south side, and if those windows should be blocked up all of the corridors in the three stories would be almost darkened. But there might be an elevator placed in the eastern corridor near the door that enters into the reporter's room.

Mr. TELLER. Where would that be?

Mr. MORRILL. In the corridor as you come in on the east from the outside door on the left-hand side. That space might be occupied with the least possible objection, and it is the only place that I know of where an elevator could be put up with any sort of decency.

Mr. PLUMB. Does the Senator think it necessary in the building at all?

Mr. MORRILL. I do not myself know that it would not be necessary, but I suppose the elevator that we now have is a good deal of inconvenience to the Judiciary Committee and to the Appropriations Committee in making a constant noise in moving up and down. I suppose it is a kind of a nuisance, and so it would be to any other committee-room. Otherwise than that I know of no inconvenience about it.

Mr. TELLER. It seems to me the suggestion of the Senator from Vermont is still worse than the other proposition. It is true that at the place proposed by the committee it will darken the hall, but at the other place it will absolutely destroy the symmetry of the eastern entrance. It would be incongruous, and it ought not to be placed there.

I do not believe the committee have given the subject as much attention as they ought to have done. The present elevator, I understand, is to be left; I do not understand that it is proposed to take that away.

It is insisted now that we need two elevators. I do not think that we very much need any, but we certainly do not need more than one; and to tear up the front of this building where we come in here, and where it is now suggested, or to shut up those lights at the place where it was first suggested, is simply absurd. I believe that the whole thing ought to be stricken out, or at least we ought to refuse to agree to the amendment until there is more care and attention given to the subject and some better place selected, if we must have a new elevator, than the places which have been suggested.

Mr. ALLISON. This matter has been carefully considered by the Committee on Appropriations several times. It passed the Senate at the last session of Congress after a pretty full debate in this body and was agreed upon, but it was finally stricken out of the bill at the urgent solicitation of certain Senators because we could not agree upon the exact location to suit them.

I do not care more particularly to define the location of this proposed elevator than is defined in the amendment, striking out the words which I have suggested, nor do I advocate this elevator simply because the present elevator inconveniences the Committee on Appropriations, although it does greatly inconvenience that committee, not because of the noise in the running up and down of the elevator (that does not inconvenience us), but because of the fact that in that remote corridor there is a constant flow of people, making it practically impossible to use the present elevator.

I venture the statement that ordinarily the Senators who go up and down that elevator during the sessions of the Senate do not feel safe in doing so, for the reason that it is overcrowded and overloaded. There is a necessity for another elevator, or else we should have no elevators in this building. Merely that we may disarrange a little capstone, or perhaps a figure or two of ornamentation in some portion of the eastern end of the Capitol, constitutes no reason why we should fail to have the use of an additional elevator. The Capitol is here for the convenience of people, and modern elevators seem to be necessary for the convenience of people.

The Senator from Colorado seems to think an elevator is not necessary. If we are to have elevators at all this additional one is necessary because the present one is not sufficient. It is a matter in which I have no interest different from or other than other Senators. I believe that we ought to have an additional elevator here.

This amendment was put in after the fullest consideration by the

committee and after consultation with other Senators who are interested. I can appreciate very well that the Senator from Vermont [Mr. MORRILL], having the room of the Committee on Finance, of which he is chairman, near the corridor named here, should object to having it in his neighborhood. I can also see that the Senator from Kansas [Mr. PLUMB], having his committee-room in the lower corridor, should object to that particular location. I am willing to accommodate both Senators. This phraseology was inserted because the Architect of the Capitol said that was the natural place for it, and he wanted us to put it at that point. There are plenty of places for an elevator in the eastern corridor without taking the location named in the amendment.

Mr. VEST. Will the Senator allow me to say a word there?

Mr. ALLISON. Yes, sir.

Mr. VEST. I happen to know something about this matter, because when the last sundry civil appropriation bill was passed this appropriation was contained in it, and it located the elevator on the right-hand side of the eastern entrance, which would destroy the door that now leads into the room of the Committee on the District of Columbia. It attracted no attention from me at the time, though I was a member of the Committee on Public Buildings and Grounds, but after it passed the Architect of the Capitol, Major Clark, came to the chairman of the Committee on Public Buildings and Grounds, the Senator from Virginia [Mr. MAHONE], and called his attention to the location, and said that it was almost impossible to put it there; that it would ruin that entrance to the Capitol altogether.

Mr. ALLISON. That particular location was abandoned. I do not say that it was a good location.

Mr. VEST. If the Senator will permit me, the chairman of the Committee on Public Buildings and Grounds then called me into consultation. The Senator from Vermont [Mr. MORRILL] was at that time unfortunately very ill and not present; but the Senator from Virginia and myself, with the Architect of the Capitol, went and examined all the possible locations. Major Clark explained to us the thickness of the walls and the peculiar construction of the Capitol, and he is the only man living, I believe, who knows all about it. He told us that the elevator could not be put near the eastern entrance; that it would be necessary in that case to close up the door to the District Committee room and put it immediately outside of that door, or else to cut a place inside of the reception room, which he considered impracticable.

The result of our examination and exploration was that we concluded, with the advice of the Architect of the Capitol, that the space near the Finance Committee room was the only eligible location, and I honestly believe if the elevator is not put there it ought not to be erected at all.

Mr. ALLISON. The Architect of the Capitol seems to think that is an available place, and he relies on the Senator from Vermont [Mr. MORRILL] to object to that place, so that no elevator at all will be put in the Capitol.

Mr. TELLER. He is right.

Mr. ALLISON. I went with the Architect of the Capitol, and he pointed out to me three places, two in the eastern corridor and one in the reception-room, either one of which he said was perfectly practicable and perfectly available. That is what he told me within ten days. He did say that the proper place, in his judgment, with reference to the beauty and ornamentation of this side of the Capitol, was at the door of the committee-room of the Senator from Vermont.

Mr. DAWES. Diagonally across from the present elevator?

Mr. ALLISON. Yes, diagonally across from where the elevator is. But the Senator from Vermont objects. I desire, so far as I am concerned, to yield to his suggestion as far as possible, but we need another elevator. It is perfectly easy, convenient, and practicable to put it in the eastern end of the Capitol, and I hope the amendment will be agreed to in some form.

Mr. MORRILL. I do not so much object to the proposed location because it would destroy the convenience or the beauty of the entrance to the room of the Committee on Finance, but it would absolutely exclude the light from all these corridors from top to bottom if put there. As the Senator from Iowa has stated, Mr. Clark does consent that it is practicable to take a space near the eastern entrance of the Capitol, this side of the door that goes into the reporter's room; and it would not be a very great destruction of the beauty of the entrance. It would be near the entrance, but so far removed that there would be room enough to get into the reporter's room, and then it would go up without any sort of obstruction from the lower floor to the upper loft, and end in the upper space near the room of the Committee on Revolutionary Claims.

Mr. BECK. Mr. President, I voted in committee for this amendment to locate the elevator in the south end of the eastern corridor of the Senate wing, and I voted for it with some reluctance, because of the objections stated by the Senator from Vermont, as I understood him. He was not here last year when the question was up, because he was quite unwell at that time, but all the information I had, all the observation I could make, after going around with Mr. Clark and others, was that the place ought to be at the window near the door of the Finance Committee room. Elevators are constructed now so that they obstruct the light very little.

These galleries sometimes contain a thousand people, and every once in a while when the Senator from Vermont is about to make a great speech the people in the galleries of the other House rush over here, and they ought to have some way when they come out of the House gallery to get up very quickly so as to hear him for fear that he might get through before they got in.

The present elevator is so crowded, not only as a passenger, but as a freight elevator, that it seems to me we ought to have two, and that the eastern end of the building ought to be accommodated. I do not believe it would injure the Finance Committee room. Fortunately, or unfortunately, I happen to be a member of both the Committee on Finance and the Committee on Appropriations, and I know that people crowd in near the room of the Committee on Appropriations very much. If the travel by elevator were equally divided it would not do any harm.

If it is not to be placed there I am willing to vote to strike out the amendment, because if put anywhere else in the corridor below, it seems to me it would destroy the whole symmetry of the building.

Mr. MORRILL. I shall vote against the proposition in any shape. I do not believe it is absolutely necessary. However, I move to amend the amendment of the committee so as to make it read:

For the construction of an elevator near the eastern entrance of the Senate wing of the Capitol.

I propose to strike out the words "in the south end of the," and the word "corridor," and to insert the word "entrance" in lieu of the word "corridor."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. In line 1281 strike out the words "in the south end of the," and in line 1282 strike out the word "corridor" and insert the word "entrance;" so as to read:

For the construction of an elevator near the eastern entrance of the Senate wing of the Capitol, $15,000.

Mr. MORRILL. Now, I wish to say one word more. Nearly all the strangers who come up here to see their friends in the Senate approach by the corridor on the south side of the Senate, and they stand there until they can get some messenger or page to send in their cards. When the Committee on Finance have gentlemen calling, as they have every day, for the purpose of seeing some member of the committee or on some business that is pending, they always wait in the light of that window. As I said before, an elevator would be absolutely destructive of the light on the lower floor, on the second floor, and on the upper floor. It would be a very great inconvenience to our entrance into the restaurant, and if there is a place in the Capitol where there ought not to be an elevator that is the spot.

Mr. EDMUNDS. I am surprised that the Senate is engaged in such high debate on this question of the means of getting up and down from its various stories. This Capitol, I am bound to assume, was built purely for beauty, to please the Committee on Public Buildings and Grounds, the Architect of the Capitol, and the *dilettanti* generally who live at the west end of the town, and that the purposes of public business and the opportunity to carry it on are purely a secondary consideration.

I am sure I must be right about that, for I remember that when I was a long time a member of the Committee on Private Land Claims up in the northeast corner, and my old friend Judge Thurman, and Judge Davis, and ever so many gentlemen were chairmen of it, the room smoked, the chimney drew down instead of up; and when we modestly appealed to the Architect of the Capitol and somebody else to put one of these whirligig contrivances on top of that chimney, to have the smoke go out from the fire-place up the chimney instead of coming out into the room, we were met all the time, and have been to this day, by the statement that if you put a cap on that chimney it would show over the balustrade around the top of the Capitol, and the *dilettanti* and the citizens who come up and approach the building would see it and it would not present a handsome appearance.

That is the trouble here. We have a great reception room where a great many people come for good and necessary business purposes to wait. A great many others come to lounge around and sleep there and stay there all day, and where there is room to have an elevator large enough to carry fifteen people at a time in any corner of it up and down from top to bottom. But we can not have it there because it would spoil the beauty of a graining or a fresco of a woman with a torch in her hand, or something of that kind. It will not do to have it there. What is the public business and the public convenience compared to the beauty that this Capitol, inside and out, was intended only to subserve?

Then, when you come over to the Finance Committee room, it is objectionable to my friend and colleague, because it is going to destroy the light which shines on the outside of his door. He ought to remember that with you, Mr. President, and my colleague and the Senator from Kentucky [Mr. BECK] inside, it does not require a great deal of light outside to carry on the public business. And so you must send nine-tenths of the people who come into the Capitol and want to go upstairs and wish an elevator, three or four hundred feet from the east side of this wing to the west side of it, to a narrow corridor that has no other light between the committee-room of the Judiciary Com-

mittee and the committee-room of the Committee on Naval Affairs, or you must send them up to the entrance of the room of the Committee on Appropriations, where there is a similar narrow corridor with no other light than that which comes through where the elevator is, and then up to the room of the Committee on Privileges and Elections and the room of the Committee on Commerce on top, where there is a similar narrow corridor, with no other light, in order that we may save the beauty of the east wing of the Capitol and the light on the outside of the Finance Committee room, and send everybody to travel a half or a quarter of a mile and crowd up those narrow and dark corridors to reach the elevator that is now there.

Is that a good thing to do? I do not think it is necessary to put this elevator into the entrance of my friend's committee room, although there is more light on the outside of that door, coming from the great corridor out here and from the other way, than in any other corridor that I know of in the Capitol, with its southern exposure; and an elevator would diminish the light there less than anywhere else.

Mr. MORRILL. It would obscure the whole of it.

Mr. EDMUNDS. It would divide this tremendous flow that fills these narrow corridors on every one of the floors every day so that it is a serious business—it was this morning—to get into the room of the Committee on the Judiciary at all, or the room of the Committee on Naval Affairs by the door on that side of the hall, which is closed for the very reason that nobody can get in and out of it, and the same is the case on the top floor.

If you divide it it will mitigate the evil, but it is not necessary, in my opinion, unless beauty is the sole object for which this Capitol was built, to confine it to that particular place if it is not the best one for convenience. There is room enough and convenience enough in the eastern broad entrance where people do not come in; there is room enough in this great reception room, and in the open space below it, and in the open space above it, to put an elevator; but if we are to sacrifice everything for all time to come to what some people consider to be beauty, we had better, as my friend says, be opposed to the whole thing altogether.

Mr. MORRILL. Was the amendment which I proposed acted upon?

The PRESIDENT *pro tempore*. Not yet; it is pending.

Mr. MORRILL. Then I merely desire to call attention to the fact that my colleague has a committee-room that is situated precisely as the room of the Public Lands Committee, and the Committee on Finance, and the Committee on Public Printing will be when this elevator is put in. These committees' rooms are in corridors that will have the light as much obstructed by a large elevator as in the corridors of which he speaks, having a small elevator.

Mr. EDMUNDS. You are mistaken.

Mr. MORRILL. I am not mistaken. I ought also to remind my friend that he is one of the west-enders himself.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected.

Mr. PLUMB. What was that amendment?

Mr. EDMUNDS. It was an amendment locating the elevator in the corridor, by the eastern entrance.

Mr. PLUMB. Let the amendment of the Committee on Appropriations, as it now stands, be read.

The PRESIDENT *pro tempore*. The Chair understands that the amendment offered by the Senator from Iowa [Mr. ALLISON] has been adopted.

Mr. TELLER. Let it be read as amended.

Mr. CALL. We do not understand it.

The PRESIDENT *pro tempore*. It will be read.

The Secretary read as follows:

For the construction of an elevator in the eastern corridor of the Senate wing of the Capitol, $15,000.

Mr. PLUMB. I think the difficulty with this is the fact that we have one elevator now and we can not make room enough for all the persons who wish to ascend from the lower story to the story above.

Of course I can appreciate the feeling which the Senator from Vermont [Mr. EDMUNDS] has about the condition of things in front of the Judiciary Committee room, but I think that would all be resolved by the substitute which I shall propose. I move to strike out all about this elevator and to provide that the one we now have shall be removed.

The PRESIDENT *pro tempore*. The Senator from Kansas moves as a substitute for the committee amendment what will be read.

The SECRETARY. It is proposed to strike out the paragraph from line 1280 to line 1285, inclusive, and to insert:

That the Architect of the Capitol be directed to remove the elevator now in the north wing of the Capitol.

Mr. PLUMB. And I propose to add:

And for that purpose $1,000 is hereby appropriated.

Mr. EDMUNDS. That would make it out of order. Stick to it as you had it, and take the sense of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the Committee on Appropriations as amended.

Mr. PLUMB. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. VEST. Do I understand that the amendment offered by the chairman of the committee was adopted?

The PRESIDENT *pro tempore*. The Chair so understands.

Mr. VEST. I do not think we had any vote on it. I want to vote for the provision as it came from the committee. I do not want the location struck out. I am addressing myself now to the Senator from Iowa. I did not understand that his amendment was adopted. It was proposed to take a vote on it.

The PRESIDENT *pro tempore*. If there is any doubt about it, the Chair will again submit the question on the amendment of the Senator from Iowa [Mr. ALLISON]. The Chair understood it to be agreed to.

Mr. INGALLS. Mr. President, having been unfortunately detained from the Chamber during this instructive debate, I am without the information that will enable me to vote intelligently. As the committee of which I have the honor to be the chairman occupies a room to the northward of the colonnade from the eastern entrance, I am curious and somewhat interested to know what the location of the proposed elevator is to be.

In conversation with Mr. Clark, the Architect of the Capitol, the other day, after having called his attention to this amendment in the language in which it was reported from the committee, I was advised that the purpose of the committee was to locate the elevator in the casement of the window near the entrance of the Finance Committee room. Such I understand to have been the deliberate intention of the committee after consultation with the Architect of the Capitol for the purpose of ascertaining how the wants of the public and the needs of the Senate would be best accommodated in the location. Now comes the Senator from Iowa, and in a mysterious and subtle way——

Mr. HALE. Furtive. [Laughter.]

Mr. INGALLS. Not "furtive," as the Senator from Maine suggests, because that is not a characteristic of the Senator from Iowa; but in a subtle way he moves an amendment to change in some method a provision that was absolutely clear and specific before, with the expectation, I fear greatly, in some way or other of confounding this subject and leaving to the caprice, or the design, or the whim of some other person or persons the location of this elevator in some other place than that which has heretofore been selected. I trust the location of this movable car for the convenience of the infirm and the indolent from floor to floor in this building having been determined, that before we are called upon to vote to change the language we shall be advised whether we do not thereby change the location also. If not, why the change?

Mr. ALLISON. The Senator from Vermont [Mr. MORRILL] suggested that the particular spot named in this amendment was not the exact place where this elevator should be located, although the Architect of the Capitol did say to the Committee on Appropriations that this was the proper place, also saying to the committee that there were at least two or three places that were perfectly feasible as locations. Now, I consented, in order that this matter might be left to the Architect of the Capitol, who knows of course more about it than we can know, to provide for an elevator in the eastern end of this wing of the Capitol, and I am willing to trust to the Architect of the Capitol to fix the location.

I am very well aware that there is one convenient method of defeating this amendment, and that is to compel us by law to fix the exact location of the elevator, and then, because it does not suit this Senator or that Senator, or this committee or that committee, we shall have no elevator at all. Therefore, if I had my own way, I should put in, just as the Architect proposes, that exact location, and that is what the committee did. To accommodate the Senator from Vermont I was willing that those three words should be struck out, and I stated when I suggested that they be struck out that I did so, not on the motion of the committee, but on my own, and I do not care whether they are in or out. What I think we ought to have is an elevator in this Capitol, and in the eastern corridor of this Capitol; and no shifting or changing about it, whether it suits this, that, or the other Senator or committee, should prevent our having it.

Mr. HALE. Does not the Senator from Iowa believe that the proper and fitting place for this elevator to accommodate the public that now crowd the other elevator is at the south end of the eastern corridor?

Mr. ALLISON. I am inclined to think that would be a very good place for it. I am inclined to think that it would be still better to put it at the eastern entrance where people come in, and the only objection made by the Architect of the Capitol to that location is the fact that in some way it will disfigure that grand entrance to the Capitol.

Mr. MORRILL. I do not understand when the Architect was present with the Senator and myself that he made any objection to that location at all. He thought it was entirely suitable.

Mr. HALE. What possible objection is there to putting it at the south end of the eastern corridor where it will be plainly in sight,

where it will be out of the way, where it will accommodate everybody, and where it will not discommode anybody?

Mr. MORRILL. You were not here when I made my statement to the Senator from Iowa.

Mr. HALE. I did not hear it, but I have been at this place very many times, and I do not know of any place, unless some individual objection is raised, where it would suit the general public so well as it would at the south end of that corridor near the entrance to the door of the Committee on Finance. It is no nearer to that committee than the present elevator is to the Appropriations Committee room, and there are a hundred men who go into the Appropriations Committee room where there is one who goes into the Finance Committee room.

Mr. MORRILL. I think the Senator is very much mistaken. I think we have more members of the other House coming into the Finance Committee room than go into the Appropriations Committee room.

Mr. HALE. We have more of the general public.

Mr. MORRILL. And we have a large part of the public coming. Besides, as I have stated over and over again, it would be an obstruction to the light, to the entrance into the restaurant, and to all the rooms, from top to bottom.

Mr. HALE. No more than the old elevator is.

Mr. MORRILL. There is not any other light at all for these corridors except what comes on that side.

Mr. HALE. I never heard but one sentiment expressed except by the Senator from Vermont.

Mr. ALLISON. I withdraw my amendment.

The PRESIDENT *pro tempore*. The Senator from Iowa withdraws his amendment. The question recurs on the amendment reported by the Committee on Appropriations.

Mr. PLUMB. Let us have the yeas and nays on that.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

Mr. MORRILL. I renew the amendment, because I am satisfied that if Senators would go down stairs and look and see what the effect would be of putting this elevator at one of the other places there would be no question as to what should be done. I therefore renew the amendment of the Senator from Iowa.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, which will be read.

The SECRETARY. It is proposed, in line 1281, after the word "the," where it occurs the second time in the line, to strike out "south end of the," so as to read:

For the construction of an elevator in the eastern corridor of the Senate wing of the Capitol, &c.

Mr. INGALLS. Now, Mr. President, after the statement of the Senator from Vermont, the issue is plainly tendered to the Senate, because the Senator from Iowa having admitted that the Architect of the Capitol, in consultation with the Committee on Appropriations, affirmed, and that the Committee on Appropriations acted on his statement, that the better place for this elevator was at the south end of the east corridor of the Senate, now agrees to the motion to strike out those words; that is a declaration which, in my judgment, the Architect of the Capitol will be compelled to heed, that this body by a majority, the issue having been tendered, has decided that the elevator shall not be located in that place.

Mr. HALE. Undoubtedly.

Mr. INGALLS. If this is a matter affecting the convenience of the occupants of any committee-room, all I have to say is that, rather than have the eastern corridor mutilated by an elevator, I will cheerfully abandon the room I occupy to anybody so far as my statement or declaration can reach that result; and if there is any objection on the part of the Senator from Vermont resulting from his personal convenience, the noise, the uproar, the throng, the din that will occur around the entrance, the vestibule, the portal of that peaceful retreat, so far as I am concerned, I am willing to make any sacrifice to enable him and the committee of which he is the honored head to obtain some cloistered seclusion where they will be wholly apart from the din and noise that will result from being somewhere in the neighborhood of the entrance to that elevator.

It seems to me that the merest casual inspection of these two corridors, the merest glance at the situation, will disclose to everybody that that is where the elevator, if at all, ought to be; and so far as the subterranean part of it is concerned, I went the other day with Mr. Clark myself examining the different locations where this should be placed, and we went up-stairs and down-stairs, and into the third story below, and examined the whole course of this elevator from the foundation to the top story, and there is no ground whatever for supposing that there is to be any obstruction either to light, or comfort, or convenience upon the story below; none whatever. By simply cutting through the wall there can be, without any sort of interruption to the convenience below, or diminution of space, a location there that will accommodate everybody; and so far as the door of the Finance Committee room is concerned, it can readily be arranged by cutting through the transverse wall, so that the entrance to the elevator shall be from the west instead of from the north and in entire seclusion, and there need never be any more noise or tumult about that room than there is now.

I appeal also to the experience of the members of the Judiciary Committee and of the Appropriations Committee if all this pretext about the obstruction to the rooms is not wholly without foundation. Nobody is obstructed; nobody is interfered with; and I hope, therefore, that as we are called upon to vote on this matter the Senate will agree to vote down this amendment and allow the section to stand as it came from the Committee on Appropriations.

Mr. MORRILL. It is perfectly obvious that every Senator who has a committee-room near where this elevator is proposed to be located is very acute in discovering that it will be no annoyance to anybody else to have it placed somewhere else. The Senator from Kansas [Mr. INGALLS] is exceedingly anxious that this should not be anywhere near his magnificent room that he has on the right hand side of the eastern entrance to the Senate.

Mr. INGALLS. I hope the Senator will allow me just a moment. I said distinctly that if that was the only objection, I would gladly exchange with the Senator from Vermont and take his committee-room for the one I occupy.

Mr. MORRILL. Yes, but the Senator from Kansas went on to say that it was no possible inconvenience to any of the committee-rooms on the other side. I think he is a better judge of what is his own convenience than he is of that of some others.

Mr. HALE. The Senator will allow me on that point——

Mr. MORRILL. I wish to occupy only a moment more.

Mr. HALE. The Committee on Appropriations have an elevator at their door, and they would not want it removed. It does not inconvenience the room in the least.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. MORRILL] has the floor.

Mr. MORRILL. I should like very much that Senators could have an opportunity to go and see the place that the Architect of the Capitol at last agreed was the most appropriate place for this elevator, as I understood him.

Mr. INGALLS. Where was that?

Mr. MORRILL. Where it would not interfere at all with the beauty of the Capitol nor with any committee-room whatever.

Mr. INGALLS. Where was that?

Mr. MORRILL. Just at the entrance on the left-hand side coming in from the eastern door.

Mr. PLUMB. Mr. President, it is pretty evident that if this matter depends on who has seen the Architect of the Capitol last, the Senator from Vermont ought to have another chance. The Senator from Iowa and my colleague have evidently been interviewing him since the Senator from Vermont has seen him, and they have been talking with him, and got him at very great disadvantage. I think now we ought to postpone this matter long enough at any rate to give the Senator from Vermont a chance to see Mr. Clark, who has shown himself very flexible, and will be able to give us another report by to-morrow morning.

The fact is, that an elevator in front of any committee-room is more or less a burden to the occupants of the room, especially to the occupants of a committee-room like that of the Judiciary or the Finance Committee, where there is very serious public service. That might be said also in regard to the Committee on Public Lands; but I do not care anything about that matter, because that is not in a place where people are constantly coming and going, as they would be in front of the door of the Finance Committee. The situation is very greatly different there from what it is either in front of the Appropriations Committee-room or the Judiciary Committee-room. There is a constant surging of people backward and forward there which will impede the ingress and egress, so far as the elevator is concerned, and will be a perpetual annoyance to the members of the Finance Committee in every way.

My colleague sees the disadvantage of this, and is willing to surrender his committee-room rather than to be discommoded by this elevator. I hope we shall have the same courtesy for the Senator from Vermont, that we shall not discommode anybody for that which is to-day practically without testimony in its favor. I have never heard a word said in favor of an elevator. There has never been any public complaint, there has never been any *complaint on* the part of any member of the Senate that I have ever heard of, except by two or three members of the Appropriations Committee. I have always supposed that really it was intended finally to result in taking that elevator away as soon as we got this one established over here, and that an amendment would be introduced to take away the one now annoying to the members of the Committee on Appropriations and the Committee on the Judiciary. That, I have no doubt, was the scheme, to load up one set of committee rooms at the expense of another.

Mr. HALE. I do not look upon this matter in the light that some Senators have viewed it. I do not think it is an inconvenience to any committee-room to have an elevator at its door. I spend a good deal of time in the Committee on Appropriations, go in and out there a great many times a day, come up from below, and go down from above, and I have always considered it a convenience to have the elevator

there. The Senator from Vermont who has conservative ideas, not wanting any changes, does not wish an elevator near the door of his committee-room, but in a month after it is in he will never know the difference.

The need of this elevator is simply to accommodate the public. The throng is increasing here every year. There are a hundred people visiting the Capitol every day now to ten five years ago, and it is increasing all the time. They fill up the corridors, they throng about the elevator, and one elevator is not enough. There ought to be another for the accommodation of the public. So far as my knowledge goes, that was the one object in view by the Committee on Appropriations, to accommodate this constantly increasing throng, and as a Senator said just now, it is not a pleasing spectacle when a thing of this kind is sought to be done for the public benefit, to find every man leaping to his feet and objecting because it is going to interfere a little with him. If you wait until nobody objects you will never have an elevator, you will never have this throng accommodated, they will crowd around this single elevator, and Senators, no matter what committee-room they belong to, will have no opportunity of using it. They go down to lunch, but they can not get in the elevator, it is filled three or four or five deep, and they have to come up the stairway. It is a nuisance that ought to be abated, and to my mind there ought not to be any objection raised here because it is going to be in one place or another. I insist that it does not inconvenience the Committee on Appropriations to have the elevator there. I never want to see that one removed.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now recurs on the amendment reported by the committee.

Mr. PLUMB. I call for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays have already been ordered.

Mr. GIBSON. I ask that the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. After line 1279, the Committee on Appropriations propose to insert:

Elevator for Senate wing of the Capitol: For the construction of an elevator in the south end of the eastern corridor of the Senate wing of the Capitol, $15,000; and the Architect of the Capitol is directed to have the same completed for use by December 1, 1887.

Mr. MORRILL. I desire to call the attention of the Senate to the fact that mine is the same amendment which was first proposed by the chairman of the Committee on Appropriations, and it would leave the place for the elevator where it would be no obstruction to any committee whatever, and as convenient as any spot in the Capitol. If it is placed where it is now proposed, it will be an inconvenience to no less than three committees, and will be an obstruction to the light of all the corridors.

Mr. PLUMB. I think the Senator from Vermont mistakes the question. His amendment was voted down. The question is now on the amendment of the committee.

Mr. MORRILL. I renewed the amendment of the Senator from Iowa [Mr. ALLISON].

Mr. HALE. That was just now voted down.

The PRESIDENT *pro tempore*. If the Senator from Vermont did not understand the question, the Chair will again put it on his amendment; but the Chair put the question on his amendment.

Mr. MORRILL. I know my amendment was voted on, but I renewed the amendment of the Senator from Iowa.

The PRESIDENT *pro tempore*. That was the amendment the Chair last submitted to the Senate, but the Chair will again put the question on the amendment offered by the Senator from Vermont, similar to the amendment offered by the Senator from Iowa some time ago. The question is on that amendment to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment as reported by the Committee on Appropriations.

Mr. PLUMB. I make a point of order on the amendment. It is not covered by the estimates, it increases the appropriation, and it is new legislation.

Mr. KENNA. Is it not too late to raise a point of order to that amendment after an amendment to it has been voted upon?

Mr. HALE. I take it the Senator can put on any clause increasing the conveniences at this end of the Capitol; it can put an elevator in or change a rule; it is only regulating the use of the Capitol.

The PRESIDENT *pro tempore*. Does the Senator from Kansas raise the point of order?

Mr. PLUMB. I make the point of order.

The PRESIDENT *pro tempore*. The Chair is of opinion that after the amendment has been received, and the yeas and nays have been ordered upon it, it is too late to raise the question. The Chair, however, is required under the rules to submit all questions of relevancy to the Senate, and the Chair will submit this question to the Senate.

Mr. HARRIS. I do not think the question of relevancy is raised at all. The point of the Senator from Kansas is that it is new legislation and does not appear in the regular estimates. The question of relevancy is not involved in the question of order, either directly or remotely.

The PRESIDENT *pro tempore*. The Chair will submit the question of order to the Senate.

Mr. ALLISON. Before that question is submitted I desire to ask the Chair if he understands the rule to be that the Committee on Appropriations can not add, for instance, a page to the number of pages in the Senate unless there is a prior estimate for that?

Mr. COCKRELL. The rule does not relate to Senate expenses.

Mr. ALLISON. This, I suppose, is a part of the regular expenses of the Senate. If there is anything we can regulate, it seems to me we can provide for our conveniences; but I may be entirely mistaken.

Mr. EDMUNDS. Will the Chair kindly state again what the point of order is?

The PRESIDENT *pro tempore*. The point of order raised by the Senator from Kansas is that the item with respect to an elevator for the Senate wing of the Capitol is not in order on the ground that no estimate has been made for it by any Department; that it is a new item of appropriation not contained in any estimate.

Mr. EDMUNDS. I hope the Chair will decide it, as it has been a settled matter for twenty years. The rule has expressly for twenty years—I remember it that long—been that the question of estimates applied to amendments proposed by a Senator, that a single individual in this Chamber should not stand up and suddenly spring an amendment on any appropriation bill for which no Department had made an estimate. Then, in order to guard against the danger of that and not put everything in the hands of the Executive Department of the Government, the rule went on to provide that after having that right as to estimates, there should be a right to move amendments to carry out an existing law or treaty stipulation, or an act or resolution already passed through the Senate and not yet a law. Now, it comes to another alternative:

Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Now you have got all branches of the subject.

The PRESIDENT *pro tempore*. If the Senator will read the next few lines he will see the point now raised. It is not on the first clause of Rule XVI, but on the second clause, as the Chair understands.

Mr. EDMUNDS. Then I will read the second clause.

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

I have gone far enough, I suppose, to cover the point.

Mr. PLUMB. Let me suggest that that amendment was not referred to the Committee on Appropriations.

Mr. EDMUNDS. That is just what I was going to say, and that is really the only point. Here is an amendment that is not estimated for by the Secretary of the Treasury, who is supposed, or has been supposed under all former administrations, and I presume under this, to have no very special concern with how the two Houses of Congress regulate their Chambers and conveniences within their own administration. I suppose everybody has always agreed to that.

So we come to a case where naturally there would not be and should not be an estimate from the Secretary of the Treasury as to what it was desirable the Senate should do about its contingent expenses, for instance, whether it would pay $100 to the widow of an employé who was killed by an explosion in this wing of the Capitol to bury her husband or not. It is none of his business. So, then, the rule as applied to this case comes right down to the question of whether this amendment is proposed "by direction of a standing or select committee of the Senate." That is the only test; it is not estimated for; it is not to carry into effect a treaty or a law; it is to co-ordinate the comfort and convenience of the Senate, and that is all.

Now, the amendment is moved by direction of a standing committee, it is reported by a standing committee, but it was not referred to that commitee two days before, or one day before, or whatever the time required by the rule is. There is the point, and literally, but absurdly, we should be bound to hold, if we had not construed it for twenty years the other way, that if the Committee on Appropriations wished to do anything about this Senate they must first consider the proposition, report it as an amendment to a bill that they have under consideration themselves, and send it back to themselves two days before they report it, which everybody has known for twenty years is absolutely absurd.

The construction of the rule has been the common-sense one for twenty years, that any committee reporting an amendment to an appropriation bill that was otherwise proper had the right to report with that bill any amendment that they saw fit to recommend, because the spirit of the rule requiring a reference of an amendment to the Committee on Appropriations was that they should have time to consider it, and nothing else.

Mr. HARRIS. I ask for information. Has the contingent fund of the two Houses ever been estimated for, and, if so, by whom?

Mr. EDMUNDS. I suppose not. It never ought to have been; and yet, on every side, from every committee of the Senate, for twenty years past, to my personal knowledge, amendments have been reported for which there was no estimate, and for which the rule provided that any committee had a right to call to the attention of this branch of Congress—and that is enough for us—a matter of public expenditure that the Department might be entirely opposed to. That is our affair.

Mr. KENNA. Will the Senator from Vermont allow me to make a suggestion?

Mr. EDMUNDS. Yes.

Mr. KENNA. I desire to call the attention of the Senate to the fact that the proposed amendment, as recommended by the committee, was reached in the consideration of this bill; subjected to discussion; that one or two or three amendments to it were presented, debated, and voted down; and then, and not till then, the point of order was made against it. I submit to the Chair and to the Senate whether, without reference to the question he is discussing, it is not too late, after the failure of a Senator to perfect an amendment according to his own ideas, then to come in and make a point of order against it.

Mr. EDMUNDS. It probably and undoubtedly is too late, but I do not wish to put it on the ground of blockading the capacity of the Senate to legislate on the careful report of a committee, whether we agree to it or not, upon any proposition that a Senate committee brings to this body. I do not put my discussion of this point upon that ground, although it is a perfectly good one; but I say that the construction of this rule has been for twenty years that the committee to whom other committees submit amendments, having amendments of its own to propose, having considered them (which was the only object of the reference of matters from other committees), may report them with the bill, and it is within the rule.

Mr. HARRIS. I beg to suggest to the Senator from Vermont that when he presided over the deliberations of this body, and when every other gentleman has presided over them for the last ten years, as I know, under this rule there has not been a single session of Congress that the Chair has not ruled amendments reported by the Committee on Appropriations to be out of order because they contained new legislation. Our rules having formerly prescribed that the Presiding Officer of the Senate should have charge of the Senate end of the Capitol, and now that the Committee on Rules shall have control of that portion of the building, I have been seriously in doubt, and for my life I can not imagine who should make estimates for an elevator in the Capitol. I do not know what officer would be called upon to make the estimates.

Mr. EDMUNDS. If my friend will allow me on his reference to when I was Presiding Officer, I undoubtedly held—I certainly ought to have held—that the Committee on Appropriations in respect to new legislation had no more authority than anybody else, than a Senator, or any other committee of the body; but it is clear to my mind, as has been held here and acquiesced in by the Senate for all these years, that an item of appropriation for an object which did not exist in the law anywhere, but which provided for an expenditure of money in the ordinary course of the Government, was not new legislation in the sense of making it obnoxious to a point of order on the ground that it was legislation.

I do not understand the Senator from Kansas to make a point that this is legislation on an appropriation bill, because as to the Navy, when there was a stress, we have held by acquiescence that you may provide on the naval appropriation bill for any number of new cruisers (and I wish you might provide for one hundred at the present session)—that such an amendment was not out of order on the question of legislation.

Mr. HARRIS. I remember that decision on the new cruisers, and it was one to which I did not assent myself. I should be very glad to find ground on which this amendment is in order.

Mr. HOAR. The Senator from Vermont is clearly right in holding that the rule which requires amendments to be referred to a committee and reported therefrom when it is applied to the Committee on Appropriations itself authorizes that committee, in spirit though not in letter, to make reports on the bill without going through the form of a previous reference. That has been the custom, as the Senator from Vermont says everybody has known for twenty years. I should say everybody has made it known for ten years according to my knowledge.

But I wish to enter a caveat against the opinion of the Senator from Vermont that it is too late to make an objection because there has been a vote in committee upon an amendment or there has been a consideration of it or there has been an amendment proposed to it. We are now in Committee of the Whole, and I conceive that an amendment adopted in Committee of the Whole might be held out of order, if out of order, by the Senate when the bill was reported to the Senate.

Mr. EDMUNDS. That I admit.

Mr. HOAR. So that that part of the Senator's suggestion I do not concur with. The other seems to me very clearly right.

Mr. BECK. I have observed that nothing produces so large a debate in the Senate as a point of order, and I have ascertained also after a long experience that there is but one rule that I have ever been able to understand, and that is that the Senate always does whatever a majority desires should be done, and I think this whole thing can be settled by submitting it to the Senate.

The PRESIDENT *pro tempore*. The Chair is clearly of opinion that within the plain language of this rule the Committee on Appropriations have no more power to propose amendments than any other committee of the body, and the inhibition in the second clause of the rule applies to the Committee on Appropriations as well as to any other committee. Clause 2 of Rule XVI provides that:

> 2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations, and when actually proposed to the bill, no amendment proposing to increase the amount stated in such amendment shall be received.

But it seems to the Chair that it has always been the practice of the Senate to allow the Committee on Appropriations to report amendments, and without that power they would be limited only to the estimates made by the Departments. Such a restraint on the power of the Senate can scarcely be tolerated under our rules. Nor does the Chair believe it was the real intention of the rule to prevent the Committee on Appropriations from reporting in favor of new items of appropriation, or to increase or diminish the amount of an appropriation. Otherwise the Committee on Appropriations of the Senate would be practically limited and would be almost nugatory. They would have to follow the estimates of the Departments literally; they could not increase the amount, nor could they add new items. That is rather a strained construction of the rule. Therefore the Chair desires to submit the question to the Senate for a vote, whether or not it will enforce this rule, in so many words, against the Committee on Appropriations. The Chair submits the question of order to the Senate.

Mr. EDMUNDS. Will the Chair please state precisely the question of order submitted?

The PRESIDENT *pro tempore*. The question of order is: Is the amendment proposed by the Committee on Appropriations in order? As many as are in favor of that proposition will say "aye;" the contrary "no." [Putting the question.] The "ayes" seem to have it. The "ayes" have it. The amendment is in order.

Mr. SAULSBURY. As the amendment now reported by the committee is to be submitted to a vote, I shall vote against it.

The present elevator was constructed on motion of the then Senator from Indiana, Mr. Morton. Prior to that time we had no elevator. Our predecessors who occupied seats here walked up and down. Now we propose to construct a second elevator. We have one elevator at this end of the Capitol. I understand they have one elevator at the House of Representatives, where there are three times the number of members there are in this body. There are twice as many people who occupy the galleries of the other House as occupy the galleries of the Senate. This amendment proposes an expense of $15,000, and then an additional expense adding two persons to the force of the Senate to run the elevator. I shall vote against the amendment.

The PRESIDENT *pro tempore*. The yeas and nays will be called on the amendment.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from New York [Mr. MILLER].

Mr. VANCE (when his name was called). I am paired for to-day with the Senator from Rhode Island [Mr. CHACE]. Otherwise on this important question I should vote "yea."

The roll-call was concluded.

Mr. HAMPTON. I was requested by the junior Senator from Georgia [Mr. COLQUITT] to say that during his absence he was paired with the Senator from Rhode Island [Mr. CHACE]. I do not see him in the Chamber. The Senator from North Carolina [Mr. VANCE] has said he was paired with the Senator from Rhode Island.

Mr. PLATT. The Senator from Rhode Island [Mr. CHACE] being detained from the Senate by illness, sent word to me this morning asking me to pair him and therefore I spoke to the Senator from North Carolina. I do not suppose it is of the slightest importance in this matter, however. The Senator is at liberty to vote on this question.

Mr. VANCE. That being so, I will vote "yea."

The result was announced—yeas 34, nays 15; as follows:

YEAS—34.

Allison,	Edmunds,	Hoar,	Sawyer,
Beck,	Evarts,	Ingalls,	Spooner,
Blackburn,	Farwell,	McMillan,	Vance,
Blair,	Gibson,	Manderson,	Van Wyck,
Call,	Gorman,	Mitchell of Oregon,	Vest,
Cockrell,	Hale,	Palmer,	Williams,
Coke,	Hampton,	Payne,	Wilson of Md.
Conger,	Harris,	Pugh,	
Dolph,	Hawley,	Ransom,	

NAYS—15.

Aldrich,	George,	Plumb,	Walthall,
Berry,	Gray,	Saulsbury,	Whitthorne,
Cameron,	Morrill,	Sherman,	Wilson of Iowa,
Frye,	Platt,	Teller,	

ABSENT—27.

Bowen,	Cullom,	Jones of Nevada,	Morgan,
Brown,	Dawes,	Kenna,	Riddleberger,
Butler,	Eustis,	McPherson,	Sabin,
Camden,	Fair,	Mahone,	Sewell,
Chace,	Harrison,	Maxey,	Stanford,
Cheney,	Jones of Arkansas,	Miller,	Voorhees,
Colquitt,	Jones of Florida,	Mitchell of Pa.,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was after line 1285 to insert:

Building for Library of Congress: For continuing the work of construction of the building for the Library of Congress, $250,000; and the Library Commission is hereby empowered to make leases and to collect rents for such houses on the library site as in its judgment may remain temporarily without obstructing the work, the proceeds from such rents to be paid into the Treasury.

The amendment was agreed to.

The next amendment was, in the appropriations for "expenses of the collection of revenue from sales of public lands," in line 1304, after the word "pay," to insert "office-rent and;" so as to make the clause read:

Salaries and commisions of registers and receivers: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding $3,000 each, $500,000. And hereafter all fees collected by registers or receivers, from any source whatever, which would increase their salaries beyond $3,000 each a year, shall be covered into the Treasury, except only so much as may be necessary to pay office-rent and the actual cost of clerical services employed exclusively in contested cases; and they shall make report quarterly, under oath, of all expenditures for such clerical services, with vouchers therefor.

Mr. PLUMB. I make the point of order on that amendment. It is new legislation.

Mr. ALLISON. I do not think it is.

The PRESIDENT *pro tempore*. The Chair is of opinion that the point is not well taken, unless the law be pointed out.

Mr. PLUMB. That certainly is legislation. There is no law now authorizing the retention by registers and receivers of the money which they receive for fees, for the purpose of paying office rent. It is not only that, but it is entering upon a very dangerous class of expenditure.

The PRESIDENT *pro tempore*. Does the Senator say that these words change existing law?

Mr. PLUMB. They do change existing law undoubtedly. There never was such a law as that proposed to be enacted.

Mr. ALLISON. I care nothing about this amendment, except that last year this limitation of $3,000 was inserted in an appropriation bill. Until that time the fees and compensation of registers and receivers was fixed by law; they were entitled to receive certain fees. We limited their compensation to $3,000, and all the excess was required to be paid into the Treasury. Under the phraseology adopted in the sundry civil bill of last year, it was held by the accounting officers that registers and receivers could not pay out of these fees the necessary rent of their offices, and at the request of the Department these words were inserted. I care nothing about it. I am perfectly willing that it shall be voted up or voted down, or ruled out or in.

Mr. PLUMB. The question is what the rules are. There never has been a provision of law the equivalent of what is now proposed authorizing the registers and receivers to pay the rent of their offices out of anything that came into their hands, as the fees or commissions that came by reason of the rendering of service. All the expenses of the office have heretofore been paid, and are required to be paid, out of the Treasury, upon allowances made by the Commissioner of the General Land Office. This authorizes a retention by the receiver of moneys that come into his hands as commissions to pay office rent where the rent itself is not authorized by law.

The PRESIDENT *pro tempore*. The Chair, assuming that the construction of the law stated by the Senator from Kansas is correct, is clearly of opinion that the amendment is not in order, as it changes existing law.

Mr. CALL. I do not think that is a proper construction of the law. As I understand the matter, it has always been the habit of the registers and receivers of the land office to pay the office rent out of the fees received in the office. I know I have a letter from the register and receiver at the land office in Florida stating the fact in that regard, and that very great inconvenience has been caused to the people of the country who have been entering lands in obtaining plats, for the lack of an appropriation or the means of furnishing the information. I have long letters written to that effect from the register and receiver in Florida, contrasting the practice under the present administration with that of previous administrations of that office, and I have no doubt it is correct, and that it has always been the law that they should pay this office rent out of the salaries or fees allowed them.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed, and continued to line 1365.

Mr. ALLISON. I move that the Senate adjourn.

Mr. MAHONE. Before that motion is put I report from the Committee on Public Buildings and Grounds an amendment intended to be proposed to the pending bill. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Iowa it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters, or having received grant of lands, or pecuniary aid from the United States.

The Senator from Iowa moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 1, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 31, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

PORT OF ENTRY, LEWES, DEL.

The SPEAKER laid before the House a message from the Senate announcing disagreement to the amendment of the House to a bill (S. 2256) to create a port of entry at Lewes, Del., requesting conference on the disagreeing votes of the two Houses, and stating it had appointed as managers of said conference on its part Mr. GORMAN, Mr. MCMILLAN, and Mr. GRAY.

There was no objection, and the request for a conference was agreed to; and the SPEAKER appointed as managers of said conference on the part of the House Mr. O'FERRALL, Mr. CRISP, and Mr. O'NEILL, of Pennsylvania.

DEFENSE OF SEABOARD CITIES.

On motion of Mr. MORROW, by unanimous consent, a memorial of the Chamber of Commerce of San Francisco, Cal., was read in favor of placing seaboard cities in a state of defense against maritime attacks. It is as follows:

MEMORIAL.

To the honorable the Senate of the United States and the House of Representatives in Congress assembled:

The Chamber of Commerce of San Francisco desires by every consideration of national self-interest and patriotic pride to impress upon you the absolute necessity for placing our seaboard cities in a state of defense against maritime attack.

An efficient torpedo service and modern guns in modern fortifications and on board high-speed armored cruisers are necessary to effect this.

Years are needed to complete economically such a system of national defense. To use the money accumulated by the self-imposed taxation of a patriotic people for such a purpose is but to return it to the channels of labor and the mechanic arts from whence it came.

It is a true economy which will receive the support of your fellow-citizens irrespective of party.

Every maritime nation of Europe, South America, and the Orient is possessed of charts of our coast; their naval officers are personally familiar with our harbors and their defenseless condition.

The young English-speaking nation of the Southern hemisphere, anticipating the evil day, is now fortifying the harbors of Sydney, Melbourne, Auckland, Wellington, and Dunedin.

When the time of danger comes, what member of Congress will be pleased to have it charged against him that he voted against the national defense? Who knows how long that time may be deferred? Has the aggressive policy of foreign powers been discarded? Are they, like ourselves, unprepared? Are they unaware of our defenseless condition and of our ability to pay ransom?

Any day the various international questions which arise may involve us in war, and, in our present defenseless condition, in disgrace.

The port of San Francisco is the only first-class harbor from Puget Sound to San Diego. Here center our railways, here our only Pacific-coast naval station, here a national mint and subtreasury, frequently containing nearly one hundred millions of dollars, surrounded by a taxable propery within range of modern guns amounting to two hundred and thirty millions.

From its unique position, San Francisco is more defenseless than any seaboard city on our Atlantic coast. The enemy's ships can throw shell from the Pacific Ocean into the building wherein your memorialists unite in this appeal.

The possession of one first-class cruiser armed with long-range ordnance controls this property and can exact a ransom of millions more than would render our harbor and its approaches impregnable. True economy and patriotic duty demand that we should be prepared.

While San Francisco is specially exposed, your memorialists respectfully urge the same policy in regard to our seaboard cities on both sides of the continent; let them also share your attention and solicitude.

The facts we have briefly presented impress upon us the conviction that if we continue unprepared we shall sooner or later receive a castigation which will prove to our Government that it is true economy in time of peace to prepare for war.

With much respect, your fellow-citizens, the Chamber of Commerce of San Francisco,

[SEAL.]

WILLIAM L. MERRY, *President*.

Attest:

THOS. J. HAYNES, *Secretary*.

SAN FRANCISCO, *January* 18, 1887.

CATHARINE L. CHANEY.

On motion of Mr. STRAIT, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the pension case of Catharine L. Chaney, no adverse report having been made.

ISAIAH HUMERICKHOUSER.

On motion of Mr. CANNON, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Isaiah Humerickhouser without leaving copies.

MISSION INDIANS.

The SPEAKER. Mr. LA FOLLETTE asks leave to print in the RECORD the bill (S. 52) for the relief of the Mission Indians in the State of California, and the report thereon of House Committee on Indian Affairs, together with the special message of the President, and accompanying letters of the Secretary of the Interior and Commissioner of Indian Affairs, requesting Congressional action on same.

Mr. SPRINGER. What is the object of printing those papers.

The SPEAKER. The Chair does not know.

Mr. BARKSDALE. Does that require unanimous consent?

The SPEAKER. It does.

Mr. BARKSDALE. Then I object.

RICHARD H. AND JAMES PORTER.

Mr. VAN EATON. I now ask, by unanimous consent, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1368) for the relief of Richard H. Porter and James Porter, and the same be put upon its passage.

The bill and report were read.

Mr. NELSON. I object.

Mr. SYMES. I ask to take up for consideration at this time Senate bill 1592, which I ask to have read.

Mr. STORM and Mr. RANDALL objected, and demanded the regular order of business.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order of business is the call of the States and Territories for the introduction and reference of bills and resolutions. Under this call, resolutions and memorials of State and Territorial Legislatures are in order; also resolutions of inquiry addressed to heads of Departments; and resolutions for amendment of the rules.

PROPOSED CHANGE IN HOUR OF MEETING.

Mr. WHEELER submitted the following resolution; which was read and referred to the Committee on Rules:

Resolved, That on and after Thursday, the 3d day of February, the House of Representatives shall convene at 11 o'clock a. m.

LOUISE E. A. BRINGIER.

Mr. WHEELER also introduced a bill (H. R. 10915) for the relief of Louise E. A. Bringier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MEMPHIS.

Mr. DUNN introduced a bill (H. R. 10916) authorizing the construction of a bridge across the Mississippi River at Memphis, Tenn., which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUSINESS SELECT COMMITTEE ON AMERICAN SHIP-BUILDING, ETC.

Mr. DUNN also submitted the following resolution; which was read and referred to the Committee on Rules:

Resolved, That ——, the — day of February, 1887, immediately after the reading of the Journal, be set apart for the consideration of such bills upon the Calendar as may be called up by direction of the Committee on American Ship-building and Ship-owning Interests.

JOHN WILLIAMS.

Mr. LORE introduced a bill (H. R. 10917) for the relief of John Williams; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH H. SHIVELY.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 10918) granting a pension to Joseph H. Shively; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE OVER THE MANATEE RIVER, FLORIDA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 10919) authorizing the construction of a bridge over the Manatee River in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

C. H. M'GEE.

Mr. CANNON introduced a bill (H. R. 10920) for the relief of C. H. McGee, of Company A, One hundred and twenty-third Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS KAIN.

Mr. TOWNSHEND introduced a bill (H. R. 10921) granting a pension to Thomas Kain, late of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM W. RINARD.

Mr. TOWNSHEND also introduced a bill (H. R. 10922) granting relief to Adam W. Rinard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COAST DEFENSES.

Mr. LAWLER submitted the following resolution of inquiry:

Whereas the belligerent tone of the Canada press and the announcement that Great Britain will shortly dispatch a fleet of war ships to cruise in the vicinity of our northeastern coast line indicate hostility toward the United States, growing out of our position on the fisheries question; and

Whereas Admiral Porter has directed special attention of the country to the fact that twenty-seven of our Atlantic, Gulf, and Pacific harbors are absolutely defenseless, eleven of these, namely, New York, San Francisco, Boston, the lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore, Portland, Me., and the Rhode Island ports of Narragansett Bay are in urgent need of immediate defenses; and

Whereas it is alleged that Great Britain and Canada are in possession of charts and exemplifications of all our harbors and coast defenses: Therefore,

Be it resolved, That the President be, and he is hereby, requested, as Commander-in-Chief of the Army and Navy, to inform the House of Representatives at an early day what steps, if any, are necessary, in his judgment, to provide for this emergency.

Mr. LAWLER. I ask the reference of this to the Committee on Appropriations.

Mr. BRAGG. Is it not rather in the nature of treason, when we are in such dangerous times as these, to advertise to the enemy our unprotected condition?

Mr. WHEELER. It is not advertising our unprotected condition, because they are already in possession of the facts.

Mr. LAWLER. They know our condition better than we do ourselves. I ask that it be referred to the Committee on Appropriations.

Mr. REED. We will be in perfectly safe hands if it goes there.

The resolution was referred to the Committee on Appropriations.

FREDERICK BISCHER.

Mr. MURPHY introduced a bill (H. R. 10923) granting a pension to Frederick Bischer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUDOLPH MORAND.

Mr. MURPHY also introduced a bill (H. R. 10924) granting a pension to Rudolph Morand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY B. SHAW.

Mr. FULLER (by Mr. CONGER) introduced a bill (H. R. 10925) granting an increase of pension to Henry B. Shaw, Company I, Third Iowa Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. THERESE GUELICH.

Mr. CONGER introduced a bill (H. R. 10926) granting a pension to Mrs. Therese Guelich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REAL-ESTATE SALES, JUDGMENT DEBTORS.

Mr. FUNSTON submitted a joint resolution of the Legislature of the State of Kansas, relating to advertisements and sales of real estate of judgment debtors in localities where situated; which was referred to the Committee on the Judiciary.

PLEURO-PNEUMONIA BILL.

Mr. FUNSTON also submitted a concurrent resolution of the Legislature of the State of Kansas, favoring the passage of the pleuro-pneumonia bill; which was referred to the Committee on Agriculture.

FREDERICK HEISINGER.

Mr. PERKINS introduced a bill (H. R. 10927) granting a pension to Frederick Heisinger, of Arkansas City, Kans.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. BRUMER.

Mr. LAFFOON introduced a bill (H. R. 10928) for the relief of Benjamin F. Brumer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT C. SPEED.

Mr. LAFFOON also introduced a bill (H. R. 10929) for the relief of Robert C. Speed; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. M. ABLE.

Mr. LAFFOON also introduced a bill (H. R. 10930) for the relief W. M. Able; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN HUTCHISON.

Mr. STONE, of Kentucky, introduced a bill (H. R. 10931) for the benefit of John Hutchison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN R. ELKINS.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10932) for the benefit of John R. Elkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. T. WALLACE.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10933) for the benefit of G. T. Wallace, of Trigg County, Kentucky; which was

read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. CHAPPEL.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10934) for the benefit of John W. Chappel; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOEL H. CURD.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10935) for the benefit of Joel H. Curd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES S. BRADLEY.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10936) for the benefit of Charles S. Bradley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. R. MORRISON.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10937) for the benefit of R. R. Morrison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

PROTECTION OF AMERICAN FISHERMEN.

Mr. BOUTELLE submitted the following resolution; which was read, and referred to Committee on Foreign Affairs:

Resolved, That the Committee on Foreign Affairs are hereby instructed to report back to the House forthwith Senate bill 3173 to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes.

COPIES OF CERTAIN MEDALS.

Mr. FINDLAY introduced a joint resolution (H. Res. 248) authorizing and requiring the Secretary of the Treasury to have struck copies of certain medals and to deliver the same to certain Departments and the various States and Territories; which was read a first and second time.

The SPEAKER. The joint resolution will be referred to the Committee on the Library.

Mr. FINDLAY. Naturally the joint resolution would go to the Committee on the Library; but I have had a conversation with the chairman of the Committee on the Library, and there are special reasons why it should have another reference.

The SPEAKER. If there be no objection, the joint resolution will be referred to the Committee on Coinage, Weights, and Measures.

There was no objection, and the joint resolution was accordingly referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PROTECTION OF PERSONS EMPLOYED ON VESSELS.

Mr. FINDLAY also introduced a bill (H. R. 10938) for the protection of persons employed on vessels enrolled and licensed by the United States; which was referred to the Select Committee on American Shipbuilding and Ship-owning Interests, and ordered to be printed.

W. L. W. SEABROOK.

Mr. SHAW introduced a bill (H. R. 10939) for the relief of William L. W. Seabrook; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXAMINING SURGEONS.

Mr. LOVERING introduced a bill (H. R. 10940) establishing fees and expenses of examining surgeons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TREATMENT OF AMERICAN SEAMEN IN CANADIAN WATERS.

Mr. LOVERING also presented the following resolutions of the Commonwealth of Massachusetts, concerning the unjust treatment of American seamen in Canadian waters; which were read, and referred to the Committee on Foreign Affairs:

Whereas American fishermen in Canadian waters have been, and are, subjected to unjust, and in some instances inhuman, treatment at the hands of the officials of the Dominion Government, by which the comity of nations has been denied to vessels bearing the American flag;

Whereas the Dominion Government has recently enacted non-intercourse and hostile legislation; has interpreted existing treaties to deny to our fishermen the right to purchase supplies in Canadian ports, and other hostile acts unbecoming a friendly nation;

Whereas the just rights of our fishermen is a question of great and especial moment to the people of Massachusetts;

Resolved, That if the Canadian Government shall continue to refuse redress, the Legislature of Massachusetts, now in session, favor the retaliatory legislation proposed in Congress by the Government of the United States, to the extent, if need be, of denying to the Canadian vessels in American ports the right to purchase supplies; and the further exclusion of all Canadian products by land or sea from being imported into the United States until such offensive legislation and interpretation of existing treaties and violation of national comity shall have been withdrawn and discontinued.

Resolved, That a copy of this preamble and resolutions, if adopted, be forwarded to our Senators and Representatives in Congress.

SENATE, *January* 25, 1887.

Adopted. Sent down for concurrence.

E. HERBERT CLAPP, *Clerk*.

HOUSE OF REPRESENTATIVES, *January* 27, 1887.

Adopted in concurrence.

EDWARD A. McLAUGHLIN, *Clerk*.

A true copy.
Attest:

E. HERBERT CLAPP, *Clerk of the senate*.

EDWARD RICE.

Mr. RICE introduced a bill (H. R. 10941) for the relief of Edward Rice; which was read a first and seecond time, referred to the Committee on Ways and Means, and ordered to be printed.

KEWEENAW BAY SHIP CANAL.

Mr. MOFFATT presented the following resolution of the Legislature of Michigan; which was read, and referred to the Committee on Rivers and Harbors:

SENATE CONCURRENT RESOLUTION.

Be it resolved by the senate of the State of Michigan (the house concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring the title to and the ownership of the ship canals connecting the waters of Keweenaw Bay by way of Portage Lake, with the waters of Lake Superior in the Upper Peninsula, for the purpose of a harbor of refuge, and of making them free for the navigation and commerce of the great lakes, in accordance with the recommendation of the special board of engineers appointed by the Secretary of War to examine into and report on the desirability of their purchase by the General Government.

Resolved further, That the governor be, and he hereby is, requested to forward copies of the foregoing resolution to our Representatives in Congress.

JAMES H. MacDONALD,
President of the senate.
DANIEL P. MARKEY,
Speaker of the house of representatives.

Approved January 27, 1887.

C. G. LUCE, *Governor*.

LYDIA M. SMITH.

Mr. TARSNEY introduced a bill (H. R. 10942) restoring a pension to Lydia M. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH REGAN.

Mr. TARSNEY also introduced a bill (H. R. 10943) granting a pension to Sarah Regan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUTH A. GATES.

Mr. TARSNEY also introduced a bill (H. R. 10944) granting a pension to Ruth A. Gates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT A. GILBERTS.

Mr. TARSNEY also introduced a bill (H. R. 10495) granting a pension to Albert A. Gilberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI B. CHAMBERLIN.

Mr. TARSNEY also introduced a bill (H. R. 10946) granting a pension to Levi B. Chamberlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENOS B. MUNSON.

Mr. TARSNEY also introduced a bill (H. R. 10947) for the relief of Enos B. Munson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. P. R. SHEPPERD.

Mr. BARKSDALE introduced a bill (H. R. 10948) for the relief of Mrs. P. R. Shepperd, of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. A. A. BRABSTON.

Mr. BARKSDALE also introduced a bill (H. R. 10949) for the relief of Mrs. A. A. Brabston, of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH W. NEWLAND.

Mr. HEARD introduced a bill (H. R. 10950) for the relief of Joseph W. Newland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES H. PRICKETT.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 10951) granting a pension to James H. Prickett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM BATEMAN.

Mr. LAIRD introduced a bill (H. R. 10952) granting a pension to Hiram Bateman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIS FULFORD.

Mr. DORSEY introduced a bill (H. R. 10953) granting a pension to Harris Fulford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CHEESMAN.

Mr. BUCHANAN introduced a bill (H. R. 10954) granting a pension to Elizabeth Cheesman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRVING M. SEDGWICK.

Mr. McADOO introduced a bill (H. R. 10955) granting a pension to Irving M. Sedgwick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CUNNINGHAM.

Mr. McADOO also introduced a bill (H. R. 10956) granting a pension to James Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPENSATION OF JUDGES OF THE SUPREME COURT, ETC.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 10957) fixing the annual compensation of the judges of the Supreme Court, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF RULES.

Mr. MILLARD offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered unless objected to by at least ten members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said one hour, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees, or to dispose of Senate amendments to bills which have passed the House; that before asking for objections to the bill or resolution indicated it shall be in order for the debate provided for to be had, and thereafter there shall be no further debate.

SALARIES AND EXPENSES CIRCUIT AND DISTRICT JUDGES IN NEW YORK.

Mr. PARKER introduced a bill (H. R. 10958) to regulate the salaries and expenses of the judges of the circuit and district courts of the United States within the State of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ISSUE OF COIN NOTES.

Mr. MERRIMAN (by request) introduced a bill (H. R. 10959) to authorize the issue of United States coin notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARY RADY.

Mr. WEST introduced a bill (H. R. 10960) granting a pension to Mary Rady; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF DISTRICT RAILROAD CHARTERS.

Mr. HENDERSON, of North Carolina (by request), introduced a bill (H. R. 10961) repealing the charters of the Washington and Georgetown and the Metropolitan Railroad Companies in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REV. STEPHEN M. COLLIS.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 10962) to place the name of Rev. Stephen M. Collis on the muster-rolls of the Thirteenth Tennessee Cavalry, as chaplain thereof; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE K. SMITH.

Mr. HILL introduced a bill (H. R. 10963) to relieve George K. Smith from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MIRIAM GAZELEY.

Mr. FORAN introduced a bill (H. R. 10964) granting arrears of pension to Miriam Gazeley, widow of James Gazeley, late private Company G, Forty-second Ohio Volunteers; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. TOWNSHEND). This bill will be referred to the Committee on Invalid Pensions.

Mr. TAULBEE. The Chair will allow me to say that, although bills of this character, granting arrears of pension, have usually been referred to the Committee on Invalid Pensions, that committee has uniformly decided that such bills are not within its jurisdiction, but belong to the Committee on War Claims. To obviate the trouble of having this bill reported back and referred to the Committee on War Claims, I move its reference now to that committee.

The SPEAKER *pro tempore*. Under the rules and practice of the House, bills relating to arrears of pension, where the pension is based on services in the late war, are sent to the Committee on Invalid Pensions.

Mr. TAULBEE. But our committee has invariably reported back such bills, and they have been referred to the Committee on War Claims.

The SPEAKER *pro tempore*. Does the gentleman move to refer this bill to the Committee on War Claims?

Mr. TAULBEE. Yes, sir; to save the trouble of changing the reference hereafter.

Mr. FORAN. I have no objection to the reference which the gentleman proposes.

The bill was referred to the Committee on War Claims, and ordered to be printed.

DANIEL KANE.

Mr. FORAN also introduced a bill (H. R. 10965) to remove the charge of desertion from the military record of Daniel Kane; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM B. ROBINSON.

Mr. FORAN also introduced a bill (H. R. 10966) granting a pension to William B. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M. FITCH.

Mr. FORAN also introduced a bill (H. R. 10967) granting arrears of pension to Thomas M. Fitch, Company G, Eighty-seventh Ohio Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK RABISKA.

Mr. FORAN also introduced a bill (H. R. 10968) granting a pension to Frank Rabiska, late wagon-master Quartermaster's Department, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH E. SITTS.

Mr. FORAN also introduced a bill (H. R. 10969) to place the name of Joseph E. Sitts on the roll of the Chicago Mercantile Battery, also known as Cooley's Independent Illinois Light Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WATCHMEN IN EXECUTIVE DEPARTMENTS.

Mr. FORAN also introduced a bill (H. R. 10970) to regulate the compensation of watchmen in the Executive Departments of the Government; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

ELLEN E. DICKEY.

Mr. FORAN also introduced a bill (H. R. 10971) granting increase of rating of husband's pension to Ellen E. Dickey, widow of Hamilton D. Dickey, first lieutenant Company D, One hundred and third Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE F. HARDIE.

Mr. FORAN also introduced a bill (H. R. 10972) to refund to George F. Hardie $300 for money paid by him in "commutation of draft;" which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUGUST PIETSCH.

Mr. FORAN also introduced a bill (H. R. 10973) granting arrears of pension to August Pietsch, Company H, One hundred and twenty-fifth Ohio Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL SAXTON.

Mr. FORAN also introduced a bill (H. R. 10974) to remove the charge of desertion from the military record of Daniel Saxton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL CLANCY.

Mr. FORAN also introduced a bill (H. R. 10975) to remove the charge of desertion from the military record of Michael Clancy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE FETTEMAN.

Mr. McKINLEY introduced a bill (H. R. 10976) to remove the charge of desertion from the record of George Fetteman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MYRON PACKARD.

Mr. McKINLEY also introduced a bill (H. R. 10977) for the relief of Myron Packard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MUNICIPAL LAWS OF DISTRICT OF COLUMBIA.

Mr. McKINLEY also introduced a bill (H. R. 10978) to provide for the examination and purchase of manuscripts composing a revision and consolidation of the laws relating to municipal affairs in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER AT SIOUX CITY.

Mr. SCOTT introduced a bill (H. R. 10979) to authorize the construction of a bridge across the Missouri River at Sioux City, Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DANIEL M'CANN.

Mr. JACKSON introduced a bill (H. R. 10980) granting a pension to Daniel McCann; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY W. DOUTHETT.

Mr. FLEEGER introduced a bill (H. R. 10981) to reimburse Mary W. Douthett for United States bonds and coupons owned by her and destroyed by fire; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEPOSITORIES OF DOCUMENTS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 10982) for authorizing depositories of documents adjunct to the National Library; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ELIZA BAMBRICK.

Mr. SCRANTON (by request) introduced a bill (H. R. 10983) for the relief of Eliza Bambrick, widow of James Bambrick, Company H, First Pennsylvania Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS CONNOLLY.

Mr. BOUND (by request) introduced a bill (H. R. 10984) for removal of mark of desertion from the military record of Thomas Connolly; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JULIA CONNOLLY.

Mr. BOUND (by request) also introduced a bill (H. R. 10985) for the relief of Julia Connolly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTHER WERTS.

Mr. STORM introduced a bill (H. R. 10986) granting a pension to Esther Werts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON HILL.

Mr. STORM also introduced a bill (H. R. 10987) granting a pension to Solomon Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE KNOPPENBERGER.

Mr. STORM also introduced a bill (H. R. 10988) restoring Caroline Knoppenberger to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORTER ACADEMY, SOUTH CAROLINA.

Mr. DARGAN introduced a bill (H. R. 10989) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH BURKE.

Mr. PETTIBONE introduced a bill (H. R. 10990) for the relief of Elizabeth Burke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CERTAIN LAND IN WASHINGTON, D. C.

Mr. BARBOUR (by request) introduced a bill (H. R. 10991) to quiet title to certain land in the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PETER TRESNON.

Mr. WISE introduced a bill (H. R. 10992) to relieve Peter Tresnon from charges of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY O'DAY.

Mr. BRADY introduced a bill (H. R. 10993) granting a pension to Mary O'Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIRCUIT COURTS UNITED STATES.

Mr. TUCKER introduced a bill (H. R. 10994) to authorize appeals from the order of the circuit courts of the United States on motions to remand in cases removed from the State courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM TYLER PAGE.

Mr. TUCKER also submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk be directed to pay William Tyler Page out of the contingent fund of the House the sum of $250, the difference between the pay of a page and that of a messenger, for additional service rendered in the present Congress.

UNAUTHORIZED WEARING OF MILITARY BADGES.

Mr. BRAGG introduced a bill (H. R. 10995) to prevent unauthorized persons from wearing badges, buttons, decorations, or devices, indicating enlistment or commission and muster into the military or naval service of the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIFE-SAVING STATION, KEWAUNEE, WIS.

Mr. HUDD introduced a bill (H. R. 10996) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. BEAN introduced a bill (H. R. 10997) to amend section 9 of chapter 341 of the United States Statutes at Large, volume 23; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHT OF WAY THROUGH CŒUR D'ALENE INDIAN RESERVATION.

Mr. HAILEY introduced a bill (H. R. 10998) granting to the Washington and Idaho Railway Company the right of way through the Cœur d'Alene Indian reservation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection, the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection.

AMENDMENTS TO THE CONSTITUTION.

Mr. CRAIN introduced a joint resolution (H. Res. 249) proposing amendments to the Constitution changing the time for the commencement and limitation of the term of the President, Vice-President, and members of Congress, and altering the date of the annual meeting of Congress; which was read a first and second time, the first reading being in full, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHT OF WAY THROUGH FORT CRAWFORD MILITARY RESERVATION.

Mr. SYMES introduced a bill (H. R. 10999) granting the right of way to the Denver and Rio Grande Railroad Company through the Fort Crawford Military Reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PORTRAIT OF ANDREW JACKSON.

Mr. KING introduced a joint resolution (H. Res. 250) authorizing the Committee on the Library to purchase a picture of Andrew Jackson on trial before Judge Hall at New Orleans, La., in 1815; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PAY OF ARMY.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 11000) to amend section 1198 of the Revised Statutes, relating to the pay of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMERICAN ASSOCIATION OF THE RED CROSS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R.

11001) to incorporate the American Association of the Red Cross; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HARRIET RENWICK.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 11002) for the relief of Harriet Renwick, widow of John W. Renwick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDITIONAL APPOINTMENT ON THE RETIRED-LIST.

Mr. HENLEY introduced a bill (H. R. 11003) authorizing an additional appointment on the retired-list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDUCATIONAL BILL.

Mr. CLEMENTS submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Wednesday, February 9, 1887, be set apart for the consideration of the bill (H. R. 7266) entitled "A bill to aid in the establishment and temporary support of common schools," which was referred to the Committee on Labor and reported with amendments; and that its consideration be continued from day to day until finally disposed of. If the consideration of said bill be displaced, then the next day not previously set apart shall be devoted to its consideration, and so on until the same shall be disposed of.

AMENDMENT OF PENSION LAWS.

Mr. MILLIKEN introduced a bill (H. R. 11004) relating to pensions to dependent and destitute parents of deceased soldiers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH C. GRINDLE.

Mr. MILLIKEN also introduced a bill (H. R. 11005) granting a pension to Elizabeth C. Grindle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ILLINOIS AND MICHIGAN CANAL, ETC.

Mr. ADAMS, of Illinois, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be printed immediately for the use of the House one thousand copies, without the maps, of Executive Document No. 79, Forty-ninth Congress, second session, being a letter from the Secretary of War, transmitting a report of the Board of Engineers upon the proposed acquisition by the Government of the Illinois and Michigan Canal, and construction of the Hennepin Canal.

JOHN BROWN.

Mr. McCOMAS introduced a bill (H. R. 11006) to increase the pension of John Brown, late a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WRITS DE LUNATICO INQUIRENDO, DISTRICT OF COLUMBIA.

Mr. McCOMAS also introduced a bill (H. R. 11007) to regulate proceedings under a writ *de lunatico inquirendo* in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN M'MAHAN.

Mr. THOMPSON introduced a bill (H. R. 11008) for the relief of John McMahan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. THOMPSON also introduced a bill (H. R. 11009) to amend certain sections of the Revised Statutes of the United States relating to pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELZA MAZE.

Mr. THOMPSON also (by request) introduced a bill (H. R. 11010) granting a pension to Elza Maze, of Gallia County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON IMPORTED MALT LIQUORS.

Mr. LIBBEY introduced a bill (H. R. 11011) regulating the duties on imported malt liquors; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LUCY J. M'GRAYEL.

Mr. MATSON introduced a bill (H. R. 11012) granting a pension to Lucy J. McGrayel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DIETERICK GLANDER.

Mr. MATSON also introduced a bill (H. R. 11013) for the relief of Dieterick Glander; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LICENSE TO RETAIL LIQUOR DEALERS.

Mr. MORRILL introduced a bill (H. R. 11014) to restrict the issue of license to retail liquor dealers to persons unless first empowered under State and municipal laws to engage in such business of retail liquor dealers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ROBERT SHARP.

Mr. MORRILL also introduced a bill (H. R. 11015) granting a pension to Robert Sharp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. McRAE. I desire to introduce a bill to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the Congress of the United States, and ask that the bill be read.

The bill was read, as follows:

A bill to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law, or payment for services of any kind, from any railroad company or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

Mr. McRAE. That is a copy of the bill known as the railroad attorneys bill, and I ask consent that it may now be put upon its passage.

The SPEAKER. That can not be done under the call for the introduction of bills, &c.

Mr. HOLMAN. Has not that call been exhausted?

The SPEAKER. It has not. The Chair, under an order made by the House, is now recognizing, for the introduction and reference of bills, gentlemen who were not in their seats when their States were called.

Mr. McRAE. Then I withdraw the bill for the present.

WILLIAM CLOSE.

Mr. STRAIT introduced a bill (H. R. 11016) for the relief of William Close; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories for the introduction and reference of bills.

RAILROAD ATTORNEYS.

Mr. McRAE. I now introduce for present consideration the bill which was read a few moments ago.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11017) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the United States.

Mr. PARKER. This is a bill which should have proper consideration. I take the responsibility of objecting.

Mr. McRAE. Then I ask that it be referred.

Mr. PARKER. I have no objection to that.

The bill was read twice, referred to the Committee on the Judiciary, and ordered to be printed.

RALPH T. MOSES.

Mr. TRIGG. I desire to make a privileged report from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the Doorkeeper be authorized to employ Ralph T. Moses as assistant folder in the seal room of the House of Representatives at the rate of $2.50 per day during the present session, to be paid out of the contingent fund of the House.

The Clerk read the report of the Committee on Accounts, as follows:

That the Committee on Accounts, having considered the accompanying resolution, find that an assistant folder was employed in the seal room throughout the last session and is now employed there, although not on the House roll. The work is necessary, and the committee reports the resolution favorably and recommends that it be passed.

The SPEAKER. The question is on the adoption of the resolution reported by the Committee on Accounts.

The House divided; and there were—ayes 18, noes 20.

Mr. TRIGG. No quorum.

The SPEAKER. The Chair appoints as tellers the gentleman from Virginia [Mr. TRIGG], and the gentleman from Indiana [Mr. HOLMAN].

Mr. CUTCHEON. I ask unanimous consent that the resolution be again reported.

The resolution was again read.

Mr. STEELE. I wish to ask the gentleman from Virginia [Mr. TRIGG] how many more men are employed by the House now than were employed during the last session of Congress?

Mr. TRIGG. That is a question I can not answer at present. I did not introduce this resolution. It came before the Committee on Accounts, of which I am a member, and on investigation the committee found that this man was employed last session, and is again employed this session, as an assistant folder.

Mr. STEELE. Under the authority of the House?

Mr. TRIGG. The committee found that his services were absolutely necessary and indispensable.

The SPEAKER. The tellers will take their places.

Mr. SPRINGER. I think we will not get a quorum to vote on this resolution unless we understand it. I ask the gentleman from Virginia what is the immediate necessity for the employment of another clerk in the folding room for the rest of this session?

Mr. TRIGG. This man is the clerk who has been employed all the time. This is not a resolution to authorize the employment of any one else. He was there during all of the last session of Congress. A resolution was then passed providing for his payment, and this is a similar resolution for the same purpose for this session. If this resolution is not adopted the party named in it who has performed this service for Congress will absolutely have received nothing for his services.

Mr. SPRINGER. Do I understand the Doorkeeper has power to employ a person in that room without authority of law, and that this man has been performing service without such authority?

Mr. TRIGG. I understand the facts to be as I have stated them.

Mr. BLOUNT. I would like to ask the gentleman if it is not true that this young man is employed under the authority of a resolution of the House.

Mr. TRIGG. That is what I understand to be the fact.

Mr. SPRINGER. If so, he will get his pay under that resolution, will he not?

Mr. TRIGG. He will get his pay under this resolution.

Mr. MILLIKEN. Mr. Speaker, I understand that a resolution was passed by the House authorizing his employment of this man, but that it did not make any provision for his pay.

Mr. SPRINGER. If that be true there will be no objection to providing for his pay.

Mr. SPOONER. That is not quite correct. This assistant in the seal-room has been a session employé, I think, ever since I have been a member of Congress. He has been appointed each session by a resolution of the House for the session only. It was so during the last Congress, I am sure, and also during the first session of this Congress. The employment is a necessary one, and the man has been constantly engaged in the duties of the position during the present session. Although this resolution was referred to the Committee on Accounts quite seasonably, it is reported back a little late, owing to the want of a quorum for some time in that committee.

Mr. BLOUNT. Is this a unanimous report?

Mr. SPOONER. I so understand it.

Mr. DUNHAM. Is not this the boy that is working now in the seal-room?

Mr. SPOONER. Yes, sir.

Mr. DUNHAM. And working for nothing?

Mr. TRIGG. Unless this resolution is passed.

Mr. DUNHAM. Then let us pay him.

The resolution was agreed to.

Mr. TRIGG moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MEXICAN AND DEPENDENT PARENTS' PENSION BILLS.

Mr. BARKSDALE, from the Committee on Printing, submitted the following report:

IN THE HOUSE OF REPRESENTATIVES, *January* 24, 1887.

Resolved, That 5,000 additional copies of the bill known as the Mexican pension bill, which passed the House on January 17, 1887, be printed for the use of the House; also that 5,000 additional copies of the bill (H. R. 10457) for the relief of dependent parents, &c., which also passed the House on January 17, 1887, be printed for the use of the House.

The Committee on Printing, to whom was referred the foregoing resolution, recommend the adoption of the same. The estimated cost of printing said bill is $38. The Public Printer states that the amount of printing previously estimated upon, ordered by Congress within the present fiscal year, is $134,648.02.

The committee recommend the passage of the resolution.

Mr. STEELE. Mr. Speaker, I would like to know who offered that resolution. Is it not the fact that both the bills described in the resolution have passed both Houses, and that we shall get copies of them as laws within a few days; which will be much more desirable than to have them in bill form?

The SPEAKER. The Chair is informed that the resolution was offered by the gentleman's colleague [Mr. MATSON].

Mr. STEELE. I should think, Mr. Speaker, it would be useless to reprint those bills when we are going to have them in the form of laws within a short time.

Mr. MATSON. The bills as they passed were unchanged in form. The passage of the Mexican pension bill by the House was merely a concurrence in the action of the Senate, and the House bill has passed the Senate without any change.

Mr. STEELE. Well, both bills have passed both Houses and are now laws, or will be within a few days unless the President should veto them, and I think it would be much better for us to have copies of the laws than copies of the bills.

Mr. MATSON. I am willing, Mr. Speaker, that the resolution shall be amended.

Mr. BARKSDALE. Then, Mr. Speaker, I move to amend the resolution by substituting the word "law" for the word "bill."

The SPEAKER. But they are not laws yet. The Chair suggests that the gentleman withdraw the report, and withhold it until it is known whether the bills are to become laws or not.

Mr. BARKSDALE. Very well, Mr. Speaker, I will withdraw the report for the present.

PUBLIC BUILDING, STILLWATER, MINN.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 577) for the erection of a public building at Stillwater, Minn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LA FAYETTE, IND.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 531) to provide for the erection of a public building at La Fayette, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, WINONA, MINN.

Mr. OWEN, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (H. R. 7063) limiting the cost of the erection of a public building at Winona, Minn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, NEWARK, N. J.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 3055) for the extension and repair of the public building at Newark, N. J.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, CHESTER, PA.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (S. 2303) for the erection of a public building at Chester, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EMPLOYÉS IN GOVERNMENT PRINTING OFFICE.

Mr. FORAN, from the Committee on Labor, reported back favorably the bill (H. R. 10734) to revise the rates of wages of certain employés of the Government Printing Office; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

WILLIAM M. BRYANT.

Mr. MARTIN, from the Committee on Patents, reported back with amendment the bill (H. R. 10456) for the relief of William M. Bryant, of Washington city, D. C.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS F. TOWNSEND.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10679) to increase the pension of Thomas F. Townsend; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MATILDA STOCKDALE.

On motion of Mr. MATSON, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3328) for the relief of Matilda Stockdale; and the same was referred to the Committee on Claims.

FIRST NATIONAL BANK, PORTLAND, OREG.

Mr. McKENNA, from the Committee on Claims, reported back favorably the bill (S. 84) for the relief of the First National Bank of Portland, Oreg.; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

Mr. McKENNA, from the Committee on Claims, also reported back adversely the bill (H. R. 3620) for the relief of the First National Bank of Portland, Oreg., for money advanced the Portland Iron Works, the contractor in building the United States revenue cutter Thomas Corwin; which was laid on the table, and the accompanying report ordered to be printed.

COMPILATION OF DISTRICT LAWS.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with amendment the bill (H. R. 10758) to provide for the compilation of the laws relating to, and in force in, the District of Columbia, and for the appointment of a reporter for the supreme court of said District; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

ROCK CREEK PARK, DISTRICT OF COLUMBIA.

Mr. ROWELL, from the Committee on the District of Columbia, reported back favorably the bill (S. 2584) to authorize the commissioners of the District of Columbia to condemn land on Rock Creek for the purposes of a park to be called "Rock Creek Park;" which was referred to the House Calendar, and the accompanying report ordered to be printed.

STREET RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 10899) to regulate the construction of street railroads and of the pavements between and adjacent thereto, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

INTERNATIONAL EXPOSITION IN 1892.

Mr. SINGLETON, from the Committee on the Library, reported back favorably the following concurrent resolution of the Senate; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of five members of the Senate and eight members of the House of Representatives be appointed to take into consideration the expediency of holding in 1892, in commemoration of the discovery of America, an international exhibition of the industries and products of all nations; and if such an exhibition should be deemed expedient, to consider the time, place, circumstances, and general plan thereof, and to report by bill or otherwise.

PRINTING OF STATISTICAL ABSTRACT FOR 1886.

Mr. FARQUHAR, from the Committee on Printing, reported back favorably the following resolution; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed:

Resolved by the House of Representatives (the Senate concurring), That there be printed 15,000 additional copies of the Statistical Abstract of the United States for the year 1886; of which 5,000 copies shall be for the use of the Senate, and 10,000 for the use of the House of Representatives.

PUBLIC BUILDING IN SAVANNAH, GA.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 10378) to provide for condemning a site for a public building in Savannah, Ga.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NEW YORK NATIONAL-BANK ASSOCIATIONS.

Mr. WILKINS, from the Committee on Banking and Currency, reported back adversely the following resolution; which was laid on the table:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to ascertain whether any national-bank association located in the city of New York has, during the present month, loaned its surplus money or deposits to brokers or other persons operating in stocks and bonds, without security and merely upon the receipt of interest on the same, for the purpose of enabling speculators to lock up and prevent the use of money in business transactions, and thereby produce a scarcity of money and greatly increase the rates of interest on loans. And also whether during said period any of said banks, for the purposes aforesaid, knowingly permitted the total liabilities of any person, company, corporation, or firm to exceed the amount limited by the statute in such cases. And that the said Secretary report all the facts to this House as soon as practicable, with such recommendations as he may deem proper.

PETER MILLIS.

Mr. KETCHAM introduced a bill (H. R. 11018) to relieve Peter Millis of the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CALIFORNIA SCHOOL LANDS.

Mr. HENLEY, from the Committee on the Public Lands, reported back a bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands; which, by unanimous consent, was referred to the Committee of the Whole House on the Private Calendar, and the bill and accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HATCH moved that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. MATSON in the chair.

The CHAIRMAN. The Clerk will read the title of the first general appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. COX, of North Carolina. I move that that bill be passed over for the present on account of the necessary absence of the chairman of the Committee on Foreign Affairs.

There was no objection, and it was ordered accordingly.

AGRICULTURAL APPROPRIATION BILL.

The next business on the Calendar was a bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes.

Mr. HATCH. I ask, by unanimous consent, that the first reading of the bill, for information, be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. HATCH. I ask for the reading of the report.

The report (by Mr. HATCH) was read, as follows:

The Committee on Agriculture respectfully submit the following report:

The bill herewith submitted appropriates the sum of $563,730, which is $90,985 less than the total sum appropriated for the present fiscal year.

There is no new legislation contained in the bill, nor any increase of salaries over that contained in the appropriation bill of the present fiscal year. Some slight changes have been made in the arrangement and classification of the working force of the Department, which will increase the appropriation in certain divisions and decrease it in others. The appropriation to the botanical division is increased $7,240, deemed necessary by the growing and important work of this division and urgent recommendation of the Commissioner.

Slight increases are made in several of the other divisions to meet the enlarged scope of the work performed and to provide additional material and facilities for carrying it on. Others, amounting to $42,950, recommended by the Commissioner, were disallowed by the committee as not of such imperative importance as to justify the increased appropriation at this time.

Mr. HATCH. I now ask by unanimous consent that general debate on the bill be closed, and the bill be read by paragraphs for amendment under the five-minute rule.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, 1888, for the purposes and objects hereinafter expressed, namely:

DEPARTMENT OF AGRICULTURE.

Office of Commissioner:

For compensation of Commissioner of Agriculture, $4,500; chief clerk in said Department, who shall be superintendent of the Department buildings, $2,500; chief of division of accounts and disbursing officer, $1,800; one assistant disbursing officer, who shall act as property clerk, $1,400; one clerk to disbursing officer, $1,000; one stenographer, $1,800: one engraver, $2,000; one draughtsman, $2,000; two clerks of class 4, $3,600; two clerks of class 3, $3,200; four clerks of class 2, $5,600; seven clerks of class 1, $8,400; eight clerks, at $1,000 each; six clerks, at $840 each; one librarian, $1,400; one engineer, $1,400; two firemen, at $720 each; one assistant fireman, at $500; superintendent of folding-room, $1,200; four assistants in folding-room, at $600 each; one clerk in folding-room, at $660; two night watchmen, at $720 each; messengers, carpenters, laborers, and charwomen, $10,000; in all, $71,280.

Mr. HATCH. I am instructed by the Committee on Agriculture to move in line 11 to strike out "$4,500" and insert "$5,000;" so it will read:

For compensation of Commissioner of Agriculture, $5,000.

Mr. HOLMAN. I make the point of order that changes existing law.

Mr. HATCH. I ask the gentleman from Indiana to withdraw the point of order until I can make a brief statement.

Mr. HOLMAN. Certainly I will withdraw the point of order to hear what the gentleman has to say.

Mr. HATCH. The point of order made by the gentleman from Indiana is well taken, no doubt, but after careful examination of the duties and responsibilities of the Commissioner the committee were unanimous in recommending this amendment to the House, and to ask the House, in view of the fact that all the other commissioners who have not anything like as much to do as the Department of Agriculture receive $5,000 a year, that this distinction shall not be kept up any longer against the Commissioner of Agriculture.

If the bill which passed the House shall pass the Senate and become a law this amendment will be unnecessary, but if the bill should fail to pass the Senate then, if this amendment is adopted, the Commissioner of Agriculture will receive the next fiscal year an adequate salary of $5,000. I ask the gentleman from Indiana to withdraw his point of order and let the House vote on the proposition.

Mr. HOLMAN. I will say my friend from Missouri misapprehends the actual state of things. The Commissioner of the General Land Office is the most important commissioner under the Government—the most important in many respects—and yet his salary is only $4,000.

Mr. HATCH. It ought to be $5,000, and I hope it will be increased to that figure.

Mr. HOLMAN. It is proposed to make that salary $4,500, which is the same as that now received by the Commissioner of Agriculture. The Commissioner of Indian Affairs receives only a salary of $4,000, and that is equally an important office.

Mr. HATCH. What office does the gentleman refer to?

Mr. HOLMAN. I refer to the Commissioner of Indian Affairs. Both positions are responsible, and the salaries now allowed are lower than the salary provided for the Commissioner of Agriculture. It is far better to try to adopt some general principle which will apply as well to other commissioners of the highest importance—of an importance approaching, if not exceeding that of the Commissioner of Agriculture——

Mr. HATCH. I agree with the gentleman from Indiana that the salary of the Commissioner of Public Lands and of the Commissioner of Indian Affairs should be increased to $5,000. The salary of the Commissioner of Patents is $5,000, and the salary of the Commissioner of Internal Revenue is $6,000.

Mr. HOLMAN. Those salaries were fixed as it is proposed to fix

the salary of the Commissioner of Agriculture in this bill, and that is in an irregular way. These salaries should really be $4,000 salaries, all belonging to the same class; but by sort of fragmentary legislation some have been increased and others have been allowed to remain where they are. I think it would be better to allow the salaries to remain as they are for the present until some general principle can be adopted to equalize them.

The salary fixed at $4,500 would be up to what is proposed for the other officers corresponding to this in other Departments.

The CHAIRMAN. Does the gentleman from Indiana insist upon the point of order?

Mr. HOLMAN. I do.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Sericulture: For disseminating information relating to silk-culture; for purchasing and distributing silk-worm eggs, and purchasing cocoons, and for conducting at some point in the District of Columbia experiments with automatic machinery for reeling silk from the cocoon, $15,000. And the Commissioner of Agriculture is hereby authorized to sell in open market any and all reeled silk and silk waste produced in these experiments, and to apply the proceeds of such sales to the payment of the legitimate expenses incurred therein; and the Commissioner of Agriculture shall make full report to Congress of the experiments herein provided for, and also of all sales and purchases made under this paragraph.

Mr. PETERS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question. What was the amount of the estimates of the Department for this branch?

Mr. HATCH. Just the amount appropriated by this bill, $15,000. We did not change it in the least.

Mr. PETERS. I withdraw the *pro forma* amendment.

The Clerk read as follows:

Seed division: For the purchase, propagation, and distribution, as required by law, of seeds, bulbs, trees, shrubs, vines, cuttings, and plants, and expenses of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, $100,000.

Mr. O'NEILL, of Missouri. Mr. Chairman, I offer an amendment to come in after the subdivision just read.

The Clerk read as follows:

After line 181 insert:

"*Provided*, That no discrimination shall be made in the compensation paid persons employed in the seed-room for the same class of work."

Mr. HATCH. I make the point of order upon that amendment.

Mr. O'NEILL, of Missouri. I wish to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Missouri who makes the point of order first.

Mr. HATCH. My point of order is that this is new legislation; that it changes existing law, and that it does not retrench expenditures.

Mr. O'NEILL, of Missouri. Mr. Chairman, I did not make the point of order when you proposed to increase the salary of the Commissioner of Agriculture $500, which certainly was not in the line of retrenchment, while it manifestly changes existing law.

The amendment I have offered simply proposes to equalize the pay in that particular department and to get rid of what is now a specially favored class. It is to provide that the persons who sit at the same table and do exactly the same class of work shall receive the same compensation; that the lady in her silks shall not receive $55 a month while the poor woman sitting at her side and doing exactly the same kind of work receives but $1.50 per day.

It will be seen that this amendment applies only to cases where the work is identical, and it is in the line of retrenchment; in it is a common-sense application of practical reform in the conduct of the affairs of this Government.

This abuse did not originate with the present Commissioner of Agriculture, but has been handed down to him from former administrations, and the present Commissioner is not responsible for it; but the time has come to correct this evil. It is simply doing exact justice to the employés in that branch of this department, and the members of this House well know the need of it. They know that there is a specially privileged class which has been carried on year in and year out, and as a rule they are not the most needy and deserving of those employed there. I have personal knowledge of the fact that during the present winter a poor, delicate woman employed in that department, whose poverty compelled her daily to walk to her work and return, through the snow and the rain, unable to take from her little earnings the amount necessary to purchase car tickets, all her means being required to put bread in the mouths of her four little fatherless boys, and she receives the paltry pittance of $1.50 a day, while at the same table sits a lady doing the same work receiving $55 a month, who, I am informed, is not dependent upon her employment.

Members of the House must see that if such an abuse exists it is time to correct it, and I want to direct public attention to it to-day, and let those gentlemen who are opposed to this needed reform exercise their privilege of making points of order against it. I reiterate that there is a specially favored class employed there who receive $55 per month for work which is identical with that done by those who are paid but $1.50 per day, about $37 per month, and the members of this House well know it.

I do not think it is subject to the point of order. It is in the line of retrenchment, and there is no law on the statute-books that applies to this class, hence it does not amend any existing law. If we can not correct an abuse of this kind when our attention is called to it and it is known to exist, then it is simply idle for us to talk about reform in the conduct of public affairs.

The amendment, Mr. Chairman, I wish to state, need apply only to this appropriation. If adopted it will furnish a law for the future.

Mr. HATCH. If any such abuse as that stated by my colleague from Missouri exists——

Mr. O'NEILL, of Missouri. I wish to state again that it is not the fault of the present Commissioner; it is a practice which was handed down to him.

Mr. HATCH. I say that if any such abuse as that exists there is no authority of law for perpetuating it, and if there be such an abuse an appeal should be made to the Commissioner to correct it. If it exists at all it is an abuse in the execution of the law. There is nothing in the law requiring favoritism on the part of the Commissioner; and I am opposed to any restriction placed upon an appropriation which would interfere as this would interfere with the proper discharge and execution of the duties of his office.

Mr. O'NEILL, of Missouri. We can not shirk our responsibility by referring the matter to him. When we recognize a wrong it is our duty to correct it.

Mr. STEELE. Is there anything in the law requiring a woman to wear a $55 silk dress? [Laughter.]

Mr. O'NEILL, of Missouri. Mr. Chairman, the $55 referred to is the salary, not the cost of dress. Concerning the latter, I only used that as descriptive.

Mr. HATCH. I insist upon the point of order.

Mr. STEELE. Why don't you move to reduce the $55 salary to $45?

The CHAIRMAN. The Chair would have been glad to have further argument upon the point of order.

Mr. HATCH. If the Chair has any question about the propriety of the point of order——

The CHAIRMAN. The Chair has serious question about it.

Mr. HATCH. Then I will say the amendment as read from the Clerk's desk clearly changes the existing law on the subject.

The CHAIRMAN. It would if there is any law providing for discrimination in pay.

Mr. RANDALL. Let the amendment be again read, so that it may be seen whether it is a change of existing law or a restriction on the appropriation.

The Clerk read as follows:

Provided, That in the expenditure of the money herein appropriated no discrimination shall be made in the compensation paid to persons employed in the seed-room for the same class of work.

Mr. ADAMS, of Illinois. The gentleman from Missouri [Mr. O'NEILL] desires the amendment to be modified so as to apply it only to the expenditure of the money in this paragraph of the bill.

The CHAIRMAN. The Chair so understands it. The amendment has been modified so as to apply only to the expenditure of the money appropriated in this paragraph. The gentleman from Missouri [Mr. HATCH] will be heard if he desires on the point of order.

Mr. HATCH. I do not care to take time in discussing the merits of this proposition. I think it is subject to the point of order, but if the Chair overrules the point of order I am quite willing the committee should vote on it.

The CHAIRMAN. The point of order is overruled.

The amendment was adopted.

Mr. STEELE. I move to strike out the last word for the purpose of making an inquiry.

I see that for salaries in the Department of Agriculture this bill appropriates $161,490. In this paragraph, which has just been read relating to the seed division, there is an appropriation of $100,000:

For the purchase, propagation, and distribution, as required by law, of seeds, bulbs, trees, shrubs, vines, cuttings and plants, and expenses of labor, transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture.

This $100,000, then, besides what is paid for the purchase of seeds, &c., includes the expense of labor, transportation, paper, twine, gum, printing postal cards, and all necessary material and repairs, &c. I wish to inquire of the chairman of the Committee on Agriculture about how much of this amount is to be expended for seed?

Mr. HATCH. If the gentleman will read the report which accompanies the bill he will find the present Commissioner has reduced the amount of expense on this fund very considerably. Heretofore it has run from 30 to 33 per cent. of the entire amount, which is less, I believe, than the proportion of expense in the case of any large wholesale seed establishment in the United States. But within the last two years the substitution of paper bags for the cotton bags and other improvements that have been made—there having been in one year a saving in the item of gum alone of $4,000—have reduced the expense until it is now but a little over one-fourth, I believe, of the whole amount.

Mr. STEELE. The total appropriation in this bill is $563,730. I infer from what the gentleman from Missouri states that from $63,000

to $70,000 of this amount is expended for seed. Now, this being the most important function of that Department, in my estimation, it seems to me it would be better to expend the $63,000 for labor and the $500,000 for seed. It would do the people more good.

The Department has expended a great deal of money in trying to find out what was the matter with the hogs, and a great deal of money in trying to find out what is the matter with the cattle. They found out after all their learned research that the only thing to do with the cow when she gets sick is to kill her.

They do not pretend that they can distinguish between pleuro-pneumonia and wolftail; and even when a cow is killed they can not tell the disease of which she was sick.

While we have been spending a great deal of money upon this Department, and although it is one that should be the most easily approached, it appears to be one of the most unapproachable of all. In the district I have the honor to represent 47,000 voters at the last distribution of wheat were able, owing to the graciousness of the Department of Agriculture, to get 32 quarts of wheat. That was the amount distributed to 47,000 voters, representing a population of about 250,000.

They paid about $500,000 for labor in distributing these seeds and finding out the only thing to do with a cow when she gets sick is to kill her. And they have utterly abandoned the hog-cholera question.

I have yet to find a Representative in this House who does not say the seeds distributed as a rule failed to propagate. They are kept in a warm house and the germs are destroyed. In my opinion the distribution ought to be direct from the gardens where they are purchased. In that event there would be a little better showing. They are purchased from the great gardeners of the country, and it would appear after those great gardeners have sent out the seeds that are worth anything they take their last year's seed and sell it to the Agricultural Department. I do not know this to be true, but I am afraid it is. The character of the seed would indicate it was so.

I do not wish to take up more of the time of the committee; I only wish to call attention to the fact that the distribution of seed is the most important function of this Department and the one that is most neglected. [Applause.]

Mr. CANNON. I move to strike out the last word, that I may ask the gentleman from Missouri [Mr. HATCH] a question. My recollection is that a year ago when this bill was under consideration the gentleman from Missouri [Mr. HATCH] and the gentleman from Wisconsin, Mr. PRICE, since dead, agreed that there was a very serious abuse in this Department growing out of the employment of a larger force than was necessary in connection with this appropriation.

Mr. HATCH. The gentleman from Illinois is mistaken. The question then was as to the statistical division, and we reduced the appropriation, which had formerly been made to the statistical division, and appropriated $55,000. The Senate added $10,000. We have reported in this bill $55,000, the same as last year, but ten or twenty thousand dollars less than was formerly appropriated.

It was the statistical division that the late gentleman from Wisconsin [Mr. PRICE] had so thoroughly investigated and in which he was satisfied that the force was too large for the amount of work performed.

Mr. CANNON. My recollection is that the gentleman from Missouri [Mr. HATCH] and the gentleman from Wisconsin [Mr. PRICE] both stated that the employment of that force was without warrant, and the gentleman from Missouri said, I think, that the report the committee had made would correct the matter. I desire to inquire now if it has been corrected?

Mr. HATCH. The subcommittee have sat at the Department as many as a dozen times since this session of Congress began, and as far as we are able to judge, from a very careful investigation, we are satisfied that there has been a very decided improvement as to the quantity and quality of the work done in that division, and, therefore, we have made the appropriation $65,000.

Mr. CANNON. Then the desire for places on the part of those having influence with the Department is not gratified?

Mr. HATCH. Not by any means. The pressure is about as heavy as it ever was, and it comes principally from members of Congress.

The Clerk read as follows:

An equal proportion of two-thirds of all seeds, trees, shrubs, vines, cuttings, and plants shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents; and the person receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *But provided, however*, That the Commissioner shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as may be, and the best adapted to the locality he represents

Mr. STEELE. I move to strike out the last word. I see that in lines 187 to 191 it is provided "that all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates to Congress for distribution, remaining uncalled for at the end of the fiscal year, shall be distributed by the Commissioner of Agriculture." I wish to ask what is the purpose of distributing seeds after the end of the fiscal year? Are those seeds distributed for the following year, or does the Department reissue them year after year [laughter], and are there now accumulated seeds which have been left over from time to time by members of Congress, and are we trying to exhaust the old crop of three or four years ago?

Mr. HATCH. I have no recollection upon that subject, Mr. Chairman. If the gentleman knows anything about it he can give his information to the House.

Mr. STEELE. I have not.

Mr. HATCH. If the gentleman is simply taking up time talking about things he does not know anything about——

Mr. STEELE. I agree with the gentleman; I do not know anything about it, and I am sorry to find that the chairman of the committee does not know any more than I do. [Laughter.]

Mr. HATCH. Mr. Chairman, this appropriation has been in the bill for several years, and I have never before heard it intimated that seeds have been carried over from one year to another, or old seeds distributed.

Mr. PARKER. I think, Mr. Chairman, that the assertion ought not to go out to the country without contradiction that stale seeds are palmed off upon the people through members of Congress by the National Government. I am informed, and I have no question at all about the fact, that every species and assortment of seeds is thoroughly tested practically before being allowed to go out.

Mr. STEELE. Do you mean the next year's seeds, or those of the preceding year?

Mr. PARKER. I mean that the seeds to be sent out at any given time are, within a reasonable time before they are sent out, thoroughly tested by the Department.

Mr. HATCH. One of the most valuable men in the whole Department is an expert who remains in the seed-room and tests, under the microscope and by every means known to agricultural science, every sample of seed that is offered to the Department before it is bought, and the Commissioner never buys seed of any kind until it has received the indorsement of this expert. That has been the rule for years.

Mr. STEELE. And yet the fact remains that a very large proportion of the seed sent out does not grow.

Mr. PARKER. During an experience of three Congresses I have found that there has been no complaint as to any seeds distributed, except, perhaps, a single assortment, and I wish now to bear testimony to the honesty and good faith of the present management of the Department of Agriculture, as well as of that which preceded it, to say that it has been honestly and faithfully administered in all these respects, and that there is no ground or reason for complaint against it.

Mr. STEELE. Now, I wish to ask the gentleman whether or not any of the seeds for the Department are purchased from his part of the State of New York?

Mr. PARKER. I can say to the gentleman that I have no knowledge or information——

Mr. STEELE. Information is what I am hunting for.

Mr. PARKER. I say that I have no knowledge or information that any of the seed distributed by the Department of Agriculture is now, or ever has been, obtained from that portion of the country.

Mr. STEELE. I am aware that the soil of Indiana is too rich for New York or Southern seeds——

Mr. PARKER. The gentleman himself is an exemplification of that. [Laughter].

Mr. STEELE. I am glad that the gentleman has got a point. I withdraw the *pro forma* amendment.

The CLERK read as follows:

Salaries and expenses Bureau of Animal Industry: For carrying out the provisions of the act of May 29, 1884, establishing the bureau of animal industry, $100,000.

Mr. RANDALL. Mr. Chairman, it is not my wish to criticise this bill in any particular, yet I feel that I ought to direct the attention of the gentleman from Missouri [Mr. HATCH] to this paragraph. It appropriates a large sum of money and is very indefinite so far as details are concerned. It occurs to my mind that the number of officials employed in that branch of the service and the salaries they receive should be indicated, and also what proportion of the appropriation is for other expenses apart from salaries. The amendment adopted a little while ago at the instance of the gentleman from Missouri [Mr. O'NEILL] was, in my judgment, wise, and I think it might well be followed in some particulars in connection with this paragraph. It strikes me that this is a loose mode of appropriating money. I make these remarks merely by way of suggestion to the gentleman in charge of the bill.

Mr. HATCH. The gentleman is aware that the act of May 29, 1884, prescribes the salaries of the principal officers of the bureau, and limits the force to not exceeding twenty men at any one time.

Mr. RANDALL. Then, why not embrace that provision in this bill?

Mr. HATCH. That is in the law as it now exists upon the statute book, and this bill simply provides for the salaries and expenses as fixed by law.

Mr. RANDALL. How much are salaries and how much expenses?

Mr. HATCH. I do not understand just what the gentleman means by "expenses."

Mr. RANDALL. Under the act of 1884 how much is required for salaries and how much for other expenses?

Mr. HATCH. It depends upon circumstances, upon whether there is an outbreak of pleuro-pneumonia, and what section of the country it occurs in, and the extent of it. That would determine how much the Commissioner would have to expend at any one time.

Mr. RANDALL. But we know that he can not exceed $100,000. Now, if the act of 1884 fixes the number of employés and their salaries, some of the details should be stated, I think, in this bill.

Mr. REED. Are persons employed by the year in this bureau?

Mr. HATCH. Some have annual salaries and others are employed only for the time being, as emergencies arise.

But under that act there are quarantine expenses——

Mr. RANDALL. I shall not offer any amendment, but I suggest to the gentleman——

Mr. HATCH. The act itself guards this matter as well as it is possible to do here by any amendment which would not utterly destroy the efficacy of the appropriation.

Mr. RANDALL. The act itself, as I understand, not only gives a discretion to the commissioner as to the number of employés, but as to twenty persons it gives him a discretion in fixing their salaries.

Mr. HATCH. But the principal officers are fixed by law.

Mr. RANDALL. I think it might have been better to have given the appropriation more in detail.

Mr. HOLMAN. I wish to make an inquiry of the gentleman from Missouri [Mr. HATCH]. The language of this paragraph is "for carrying out the provisions of the act of May 29, 1884." Now, is the meaning of this language necessarily that the money shall be expended in conformity with the provisions of that act?

Mr. HATCH. Of course. Not a dollar can be expended in any other way.

Mr. HOLMAN. It occurred to me it might be safer to provide that the expenditures should be in conformity with the provisions of the act referred to; but if this means the same thing——

Mr. HATCH. There is no question about it. And there has never been a dollar expended outside of the provisions of that act.

Mr. STEELE. I wish to inquire whether the expenditure of the $100,000 here provided for will be necessary if we should appropriate the $250,000 proposed to be appropriated by the pleuro-pneumonia bill?

Mr. WHITE, of Minnesota. As these officers are upon the rolls of this bureau they must, of course, be paid. There are a chief and some clerks who receive annual salaries. So far as the remainder of the $100,000 is concerned, it will be spent if the expenditure be required; otherwise not.

Mr. STEELE. But the other bill to which I have referred proposes to appropriate $250,000. I want to know whether the expenditure here proposed will be necessary if we pass that bill?

Mr. WHITE, of Minnesota. The appropriation we are now considering is for a department of the Government established by law. The other appropriation to which the gentleman refers will, if we pass that bill, be expended so far as may be necessary. So far as the present appropriation is concerned the salaries of the chief officer and the clerks must be paid out of it; and the balance can be used in the employment of persons, not exceeding twenty, for the purpose of investigating and stamping out pleuro-pneumonia.

Mr. CUTCHEON. But if we pass the other bill we shall have appropriated altogether $350,000.

Mr. WHITE, of Minnesota. If you pass the Miller bill you will have two commissions, one operating through the Department of Agriculture, and the other under the Miller bill.

Mr. CUTCHEON. I am not speaking of the Miller bill, but of the House bill now pending in the Committee of the Whole.

Mr. WHITE, of Minnesota. That bill makes an additional appropriation, to be expended if necessary.

Mr. RYAN. I desire to ask the gentleman from Missouri how much was appropriated for this item for the current year?

Mr. HATCH. One hundred thousand dollars.

Mr. RYAN. How much for the last year?

Mr. HATCH. Last year there was more than $100,000 subject to expenditure, because there was part of an appropriation coming over from a previous year; but what was left over was covered into the Treasury. We appropriated for the present fiscal year $100,000; but there was a proviso put upon the bill which gave the Commissioner the authority to expend any portion of that sum in the purchase of diseased cattle, for the purpose of stopping the spread of disease from one State to another. That authority, which the Commissioner has not under the general law, we have not attached to this bill, because we hope to pass that as an amendment to the general act.

Mr. RYAN. Now, I desire to ask the gentleman from Missouri whether he has an itemized statement of the expenditure of that money for the last fiscal year?

Mr. HATCH. There will not be an itemized statement until the end of the fiscal year.

Mr. RYAN. I refer to the last fiscal year.

Mr. HATCH. A detailed statement of the expenditures for the last fiscal year is included in the report of the Commissioner, which can now be obtained in the document-room. It shows every dollar and every cent expended, the mode of expenditure, and every person employed.

Mr. STEELE. I omitted to ask the chairman of the Committee on Agriculture, at the proper place, in regard to the distribution of "seeds, trees, shrubs, vines, cuttings, and plants." During the six years I have been in this House I have not received any notification that there were any of these things subject to my distribution. I want to know whether the provision for this distribution is placed in the law as a mere formality, or whether there is in fact any distribution of that kind?

Mr. HATCH. The gentleman can ascertain that if he will sit down and write a note of inquiry to the Commissioner.

Mr. STEELE. Then I can not get the information I desire from the chairman of the committee.

Mr. GLASS. I think I can answer the gentleman. Mr. Sanders, the superintendent of the propagating department, informed me that he had put out about one thousand rose-cuttings, and that when the department had used what they desired the balance would be given to any members who might call.

Mr. STORM. Any members who may happen to find out they are there.

Mr. GLASS. Only one thousand have been put out, as he told me. I applied to him in person for my quota, and he said there was no quota specifically allowed to members, but that after the department used what it desired the balance would be given to such members as might call for them.

Mr. STEELE. I am glad to get that information, and I have no doubt a great many other members are. It appears that if we want anything we must go to the department and ask for it.

Several MEMBERS. Of course.

The CHAIRMAN. No amendment is pending. The Clerk will continue the reading of the bill.

The Clerk read as follows:

Contingent expenses: For stationery, freight, express charges, fuel, lights, subsistence and care of horses, repairs of harness, for paper, twine, and gum for folding-room, advertising, telegraphing, dry-goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, purchasing supplies, washing towels, actual traveling expenses while on the business of the department, and other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $15,000.

Mr. HATCH. I find, Mr. Chairman, some clerical errors which I ask to have corrected. On page 5, line 88, the word "class" has been omitted. It reads "three clerks of 3;" it should be "three clerks of class 3;" so it will read:

STATISTICAL DIVISION.

One statistician, $2,500; two clerks of class 4, $3,600; three clerks of class 3, $4,800.

The amendment was agreed to.

Mr. HATCH. Page 6, line 124, the word "agricultural" should be struck out and "agriculture" inserted; so it will read:

Entomological division: For investigating the history and habits of insects injurious and beneficial to agriculture, arboriculture, and horticulture.

The amendment was agreed to.

Mr. HATCH. I now ask, by unanimous consent of the Committee, to offer the following amendment, to come in at the end of the bill:

The bond of the Commissioner of Agriculture shall be in the penal sum of $25,000.

I will state that the Commissioner of Agriculture, under existing law, is compelled to give a bond of $10,000. I hope the gentleman from Indiana will give his attention. I ask to increase that bond to $25,000. Under his bond of $10,000 he is only allowed to draw that amount to pay under all these appropriations at one time, and he has to keep a man trotting from the Agricultural Department to the Treasury to keep him in funds. I ask he be permitted to give a bond of $25,000, so he may draw at one time that amount to pay under these appropriations.

Mr. HOLMAN. There can be no objection to that.

The amendment was agreed to.

Mr. HATCH. I now ask the gentleman from Indiana whether he will not withdraw his point of order to the amendment increasing the salary of the Commissioner of Agriculture from $4,500 to $5,000 a year.

Mr. HOLMAN. I appreciate highly the Commissioner of Agriculture and the efficient way in which the duties of the Department of Agriculture are performed. But I am not prepared to say at this time that this salary should be increased from $4,500 to $5,000, when the other officers of equal importance receive a much lower salary than is now paid to the Commissioner of Agriculture. I ask this matter be allowed to remain as it is until some general principle can be adopted.

Mr. HATCH. I ask the gentleman from Indiana, if the House decides to fix the other two salaries at $5,000 will he object to giving the Commissioner of Agriculture $5,000?

Mr. HOLMAN. It is proposed to fix the other salaries at $4,500,

which is the amount received now by the Commissioner of Agriculture.

Mr. HATCH. But the House may take it out of the hands of gentlemen and fix the salaries at $5,000.

Mr. HOLMAN. I hope the gentleman will not press this matter now.

Mr. HATCH. I move the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. HATCH. I move the previous question.

The previous question was ordered, and under the operation thereof the amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide estimates and equipments for the militia; when the Speaker signed the same.

STATE CLAIMS.

Mr. SPRINGER. We have not yet had the hour for the consideration of bills.

The SPEAKER. The hour begins at 20 minutes before 3 o'clock p. m., and the Committee on Claims is still under call.

Mr. WARNER, of Ohio. If there is no business, I move the House adjourn.

The SPEAKER. If that committee does not respond the next committee must be called. The bill heretofore called up by that committee is before the Committee of the Whole House on the state of the Union for consideration.

Mr. SPRINGER. I move the House resolve itself into the committee to proceed with its consideration.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 2498) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812.

Mr. TRIGG. A motion had been made that the bill be reported to the House with the recommendation that it do pass, and pending that motion the gentleman from Indiana [Mr. HOLMAN] asked for some information as to the amount involved in its passage. My colleague [Mr. TUCKER] had the floor making an explanation of the bill when the morning hour expired, and the committee, under the rules of the House, rose. Since then I believe my friend has had ample opportunity to examine the bill and the report, and if so I presume it will hardly be necessary to make any further extended explanation of its provisions.

Mr. ALLEN, of Mississippi. But perhaps some other members might want information upon the subject.

Mr. TRIGG. Mr. Chairman, I will state briefly, in order that the House may be informed exactly as to the character of the contemplated legislation, the basis of this proposed settlement. It is a bill which not only affects the State of Virginia, I will say, but several other States as well—New York, Pennsylvania, Delaware, Virginia, and South Carolina—and it originally affected also the States of Maryland and Massachusetts, as well as the State of Maine, which at that time formed a part of Massachusetts. All of these States advanced to the General Government in the war of 1812 and 1814 large sums of money for the prosecution of the war. In other words, they equipped their troops and furnished certain munitions of war, and borrowed money, every one of them, I believe, without exception, for this purpose. The General Government recognized its indebtedness to each of the States to the full extent of the moneys expended by them, and commenced as early as 1815 to repay to the States the amounts so advanced. In the case of the State of Virginia $1,807,000 had been advanced up to the year 1814, and there has been repayed to the State about that sum of money, but the mode of repaying it under the rule adopted at the Treasury Department in settling with the States is this: that when a payment is made, we will say, of $100,000, as was the case with Virginia, that sum, instead of being credited upon the interest which had then accrued and which the Government recognizes as due, was credited upon the principal of the debt, thereby reducing the principal and leaving the total accumulated interest untouched. This was the plan adopted with reference to all of these payments, by crediting each payment upon the principal until the total amount was repaid, leaving a large balance in the way of interest, upon which, of course, the States were not under the law permitted to receive interest.

Mr. ROWELL. Let me ask the gentleman, is it not true that there was no authority under the original law to pay interest at all?

Mr. TRIGG. That is true; but the States complained of that provision, and the State of Maryland was the first to get relief from it, and was allowed the interest, the allowance being regarded as just and proper.

Mr. ROWELL. Is it not further true that subsequent acts were passed to repay the interest that had been paid by the States themselves, and that these accounts have been adjusted with reference to these subsequent acts?

Mr. TRIGG. No, sir; it is true that Maryland had a law passed for her relief; and subsequently, in 1870, Massachusetts also had a law passed granting the same relief, that is to say, to make a settlement upon the same basis made under the law of 1858 with Maryland, which was that the payments should be applied under the law as settled by the Supreme Court of the United States.

Mr. ROWELL. Has any interest been paid to the States under the subsequent acts?

Mr. TRIGG. My friend does not understand me fully. Interest has been paid, but not according to the rule which is adopted in all commercial transactions of applying it first to the interest accumulated, and then the residue of the payment, if any, to the principal of the debt.

Mr. ROWELL. I understand you to say that under the original law they were paid the principal of the indebtedness.

Mr. TRIGG. Yes, sir.

Mr. ROWELL. But that was the only law authorizing any payment. Under the subsequent law they have been paid interest, but it did not go back and credit the original payments on the principal as payments on the interest.

Mr. TRIGG. That is about the condition of affairs, except, let me state again, in the case of Maryland. All the States complained when this action was taken that it was not just, since all the States had been compelled, as Virginia was compelled, to borrow the money and pay interest upon it. Maryland, as I have said, got relief under the act of 1858, and the bill passed directing the interest to be computed in her case as it is in every contract with individuals throughout the country, and according to the law as laid down by the Supreme Court of the United States.

Then, subsequently, Massachusetts got relief exactly the same as that awarded to Maryland. In the case of Massachusetts the amount they got under the law, I think, was some $600,000, applying their payments first to the extinguishment of the interest and then to the principal of the debt.

Now, this bill simply proposes to do for the other States the same as was done for Maryland and Massachusetts.

Mr. ROWELL. Let me ask the gentleman another question. Is it not true that all moneys advanced during the recent war have been reimbursed to the States without interest, and that there are millions of dollars of accumulated interest not provided for by law at all?

Mr. TRIGG. I can not answer the gentleman, and I do not think his question touches the subject under discussion. I can state this, however, for his information—for it is a hardship, I think, but I have agreed to submit to it with the balance of my committee—that so far as any war debt from my State is concerned, if this law shall be passed, then that war debt will be set off against this indebtedness. In other words, we are compelled to pay the war tax said to be due by Virginia under the direct tax passed for that purpose in 1861.

Mr. WARNER, of Ohio. What does the gentleman mean by war tax?

Mr. TRIGG. I refer to the direct tax imposed upon the States during the year 1861.

Mr. BUCHANAN. If my friend will permit me, I think he states the fact a little too broadly. It does not compel Virginia to pay the tax, but simply leaves that sum in the Treasury for further adjustment after a general law is passed applying to all of them.

Mr. TRIGG. The gentleman has stated the facts more fully. I believe it was done at his instance; and, as I have said, there is no objection to it.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. TRIGG. Yes, sir.

Mr. MILLIKEN. In the twenty-fourth and twenty-fifth lines of the bill are these words:

Also making a deduction as of the 8th day of July, 1870.

My question is, why the interest should not be computed down to the time of settlement?

Mr. TRIGG. I will state why that is. I think the gentleman will find this is directly for the benefit of the Government instead of for the benefit of the State. To illustrate: This money was advanced by the State of Virginia in the years 1812–1814. In the year 1860 the

Government owed the State of Virginia over $1,000,000. The State had then for years, as shown by the record here in Congress, been endeavoring to get what she now asks—a just settlement of the account. At that time she could not get the settlement, and borrowed from the Government the sum of $580,000, in round numbers. Now, then, the agents of the State of Virginia contended before the Committee on Claims that there should be a settlement at that time, and that the money which the State had itself been compelled in her extremity to borrow from the Government should be credited as of 1860.

Mr. ANDERSON, of Kansas. Will the gentleman from Virginia state how the State borrowed money from the General Government?

Mr. TRIGG. It was borrowed from the Indian trust fund.

Mr. ANDERSON, of Kansas. Did Congress by an act permit that?

Mr. TRIGG. Yes, sir. Several of the States borrowed money at that time; among them the States of Virginia and South Carolina, which are embraced in this bill.

Mr. EDEN. May I ask the gentleman from Virginia a question for information?

Mr. TRIGG. Certainly.

Mr. EDEN. For what length of time, under the adjustment proposed by this bill, will the Government be required to pay interest on money advanced?

Mr. TRIGG. I do not quite catch the gentleman's question.

Mr. EDEN. What length of time will we have to pay interest under the adjustment proposed by this bill?

Mr. TRIGG. We will have to pay interest from the time the advance was made by the State, July, 1814. The payments commenced to be made in 1816.

Mr. EDEN. So that under this bill the Government would be required to pay interest since 1816?

Mr. TRIGG. Yes, sir; as it did to all the other States.

Mr. EDEN. At what rate?

Mr. TRIGG. At the rate of 6 per cent.

Mr. MILLIKEN. Now, as the gentleman from Virginia has been answering everybody else, will he be kind enough to complete his answer to my question?

Mr. TRIGG. When we get to 1860, the State of Virginia borrows as well as the State of South Carolina from the Indian trust fund, which is now a part of the Government funds, $580,000. It was insisted, and according to the principles of equity and justice it could be well insisted, that that settlement could be made in 1860. But the Committee on Claims fixed July 8, 1870, because that was the date when the act was passed for the relief of the State of Massachusetts. They said it would be unjust, clearly, to come down to the present time and require in the case of a State with interest in her favor of $700,000 on a million of indebtedness to have it liquidated with $500,000 of indebtedness.

Mr. MILLIKEN. Will the gentleman permit me a moment further?

Mr. TRIGG. Yes, sir.

Mr. MILLIKEN. What I have to say is this: I do not care whether one settlement or the other benefits the Government or benefits the State of Virginia. I do not think that ought to enter into consideration. What you want is a just settlement. Now, why should not the interest on the money loaned to Virginia by the Government be legally computed from the time the money was loaned down to the time of settlement, and also the interest on the money that was advanced by Virginia be computed from the time it was paid down to the time of settlement and the balance struck? Why is not that just? I do not care which side it hits, whether Virginia or the Government. That should not enter into account at all.

Mr. TUCKER. With the permission of my colleague [Mr. TRIGG] I will say to the gentleman from Maine it would seem to me manifestly unjust for this reason: In 1860, say, there was due to Virginia $1,000,000; of that $300,000 was principal and $700,000 interest. Virginia then borrows $580,000 principal, which is less than the amount of interest that the Government then owed to her. Now you say, borrowing the interest which the Government owes to Virginia, Virginia is to pay the interest on her own interest as if it were the principal of a debt owing to the Government.

Mr. MILLIKEN. I do not say anything of the kind.

Mr. TUCKER. I beg pardon of the gentleman if I have misstated his position.

Mr. MILLIKEN. I say the interest ought to be computed on the amount which was due to the Government from Virginia from the time it was due down to the present time, just as you compute the interest on a promissory note, reckoning the interest from the time the debt was contracted up to the time of the first payment, subtracting the payment made of any interest down to the present time; and then the interest should be computed on the amount due by the Government to Virginia.

In other words, legal interest should be computed upon the two distinct debts from the time they were contracted down to the time of settlement, and the balance struck. I do not know on which side the balance would come out, but that makes no difference.

Mr. TUCKER. I do not think that mode of settlement has ever been adopted between private parties, and I think it ought not to be adopted between two governments. The principle I contend for is simply this: Virginia loaned $1,000,000 to the Government of the United States during the war of 1812, and she was entitled to interest upon that loan by recognition of the Government of the United States. From time to time the United States paid large sums back to Virginia. On the books of the Government here the sums so paid to Virginia were credited on the principal of the debt and not first upon the interest. The consequence was that, coming down to about 1858–'59, there was due to Virginia in round numbers $300,000 of principal and $700,000 of interest. Under those circumstances Virginia borrowed from the Federal Government $580,000. Now the Federal Government charges Virginia interest on that $580,000, but does not allow her interest on the $700,000 of interest that had been accruing for fifty years upon the original loan of Virginia to the United States.

Mr. MILLIKEN. But my proposition would give her interest on that.

Mr. TUCKER. Now, Mr. Chairman, I have made the computation and it amounts to this: If you make the settlement in 1860, that is to say, if you take the $580,000 as a credit upon the principal and interest due to Virginia at that time, the amount due to Virginia to-day would be, including interest, more than a million dollars. If you make the settlement by computing interest on the debt due from Virginia to the United States down to 1870, and on the principal due to Virginia down to 1870, the amount will be about $400,000. But as the principal due from Virginia to the United States is nearly twice as great as that due from the United States to Virginia, it is easy to see that all you have to do is to continue to let the account run long enough, and the claim of Virginia against the United States will be eaten up by the interest on the much larger principal due from Virginia to the United States.

Mr. MILLIKEN. I understand the gentleman's argument very well; but my proposition is simply this: That the interest upon the debt due to Virginia from the United States Government should be reckoned from the time the debt was incurred up to the first payment to Virginia; that that payment should be subtracted from the amount, just as you would deal with a payment on a promissory note, and then that interest should continue to be computed up to the next payment, and so on down to the present time. The amount of interest on the debt due to Virginia from the time it began down to the time of settlement would be thus computed just as you would compute interest on a promissory note, and the amounts that have been paid would be subtracted and the balance struck. That is the legal and the just way. I do not know whether it would affect Virginia favorably or unfavorably, but that question does not enter into the case; Virginia should have what is justly due her, and that is all.

Mr. TUCKER. But, as I understand the gentleman, he means that instead of taking the $580,000 loaned by the United States to Virginia in 1860 and crediting it upon the debt, principal and interest, then due to Virginia from the United States, he would compute interest upon that sum from that time against Virginia, and would also continue to compute interest in favor of Virginia upon the $300,000 of principal then due her, but would not compute interest on the $700,000.

Mr. MILLIKEN. No; the gentleman does not understand me. My proposition gives Virginia interest upon the debt from the time it was contracted; and if the Government, prior to the time to which the gentleman refers, had credited its own payments to Virginia upon the principal amount, they should be credited upon the interest first, and if the payment was more than the interest at a certain time, then the difference should be ascertained at that time, but, if it was not more, then you should go on until you reached a time when it was more than the interest before applying it to the principal.

Mr. TUCKER. Then you would take the $580,000 paid to Virginia in 1860 and credit it upon the interest due her at that time?

Mr. MILLIKEN. Certainly, and give Virginia interest up to that time, making the computation exactly in the same way as if this were a transaction between individuals.

Mr. TUCKER. I understand the proposition of my friend from Maine, and I agree with him as to the justice of that plan. But when that was urged in the Committee on Claims, a majority of the committee, as I understood, insisted upon this mode, which Virginia was willing to accept.

Mr. SOWDEN. And which would give to Virginia less than by the mode of computation which the gentleman from Maine [Mr. MILLIKEN] proposes.

Mr. MILLIKEN. I do not want to force upon Virginia any money that she does not want; but in a matter of this kind, if a particular method of computation appeared just, I would not consider for a moment whether it would give Virginia more or less.

Mr. BURROWS. I desire to occupy the attention of the House on this matter for only a few moments. I took occasion to go to the Treasury Department this morning to get some data on this subject. It seems that Virginia, as has been stated, loaned to the Government of the United States various sums of money at different times from 1812 to 1814, upon which indebtedness the Government of the United States paid back to Virginia various sums at different times, so that in 1829 there was a balance of $298,369 due the State of Virginia from the United States. It is claimed by gentlemen representing the State of

Virginia in this matter that in making the computation of interest an erroneous theory was adopted by which that State was wronged; and this bill, therefore, authorizes a recomputation of interest. It is claimed that instead of applying the payments in the first instance as they were applied upon the principal, the interest upon the debt due by the United States to Virginia should have been computed up to the time of the payment, and the payment applied first to the discharge of the interest; and this method of computation has been settled by the Supreme Court to be the correct one. Now it is asked that upon the balance of $298,369 due in 1829 we shall pay interest from that time until 1887, making in interest $1,038,316.

Mr. PERKINS. At what rate per cent.?

Mr. BURROWS. At 6 per cent., making the total debt due Virginia in 1887 (allowing interest from 1829) $1,336,685. This is the amount due Virginia, according to this method of computation of interest, which is conceded to be correct at this date.

Now, in 1860, the Government of the United States (and here is where the contest comes in) loaned Virginia $581,800, at 6 per cent., taking her bonds for the indebtedness. Those bonds will become due in 1894. Virginia has never paid a cent of interest or of principal on those bonds.

Mr. TRIGG. That is a mistake. The interest was paid on those bonds up to 1870.

Mr. BURROWS. Then I am misinformed. But, be that as it may, in the settlement of this account between the Government and Virginia, we would very naturally compute interest on the $581,800 from 1860 up to the time of settlement, and strike a balance. But the amount of Virginia's claim against the Government, with interest up to the present time, is, as I have stated, $1,336,685; and the claim of the United States against Virginia on the loan made by the Government to that State is $1,524,316, leaving Virginia in debt to the United States Government $187,631. So that, if the interest be computed on the debt due by Virginia up to the time of settlement, and on the debt due to Virginia up to the present time, the State of Virginia will be in debt to the United States, and the Government of the United States will owe Virginia nothing. But, in order to bring the United States in debt to Virginia, it is said, "You should take the $298,369, the balance due from the United States to Virginia in 1829, and compute interest on it at 6 per cent. until 1887, fifty-eight years, making an interest indebtedness of $1,038,316; then, add the principal to that, and you have $1,336,685 as the present indebtedness of the Government to Virginia. Then the bill provides that instead of computing the interest on the debt due by Virginia to the United States up to the time of settlement it shall be computed only up to 1870, throwing off seventeen years' interest.

In this way there will be something due to the State of Virginia. Taking the $581,800 loaned to Virginia in 1860, and computing interest at 6 per cent. up to 1870—and this bill authorizes the computation of no interest beyond that—the amount due to the United States from Virginia on that account is $930,880, which, deducted from the indebtedness due by the United States to Virginia, would leave $405,805 due by the Government to that State. In order to reach this result, as I have said, no interest is charged since 1870—or for seventeen years—upon the amount loaned by the Government of the United States to Virginia.

Mr. LONG. Upon what theory is that done?

Mr. BURROWS. The theory is this: That in 1870 there was a settlement with Massachusetts and some other States, and it is claimed that now, in order to be perfectly fair, the Government ought only to charge interest on its loan up to 1870. Very well; if that be so, upon what principle do you charge interest on the indebtedness due by the Government to Virginia up to 1887, while the interest due by Virginia to the United States is computed only up to 1870?

Mr. SOWDEN. Allow me right here——

Mr. BURROWS. Not now. If you wish to adjust this claim on the basis of 1870, on which the other claims were liquidated, compute interest on the debt due Virginia from 1829 to 1870, compute interest on $581,800 the Government loaned Virginia from 1860 to 1870; settle as you did with Massachusetts, and we will be owing Virginia $83,569 in 1870. Then add interest on this balance until date of final settlement.

Mr. PERKINS. Have you in your computation computed the interest on the direct tax claimed to be due from Virginia to the Government?

Mr. BURROWS. Oh, no.

Mr. PERKINS. I say the bill does not charge any interest on the direct tax levied on that State for war purposes, and why should not she be charged like every other State with the payment of that money?

Mr. BURROWS. Because it is expected the bill which is pending to wipe out all that direct tax will prevail.

Mr. PERKINS. It provides Virginia shall be charged, but does not allow any interest on it.

Mr. BURROWS. The whole matter is in a nutshell. In order to bring the General Government in debt to Virginia it is necessary to compute interest for seventeen years on her claim longer than you compute interest on the claim of the United States.

Mr. PERKINS. Upon what amount is interest claimed?

Mr. MILLIKEN. Should not interest be computed from the time the claim accrued down to the present time?

Mr. BURROWS. That would bring Virginia in debt to the United States.

Mr. MILLIKEN. I do not know how it would bring her.

Mr. BURROWS. Mr. Chairman, I wish to say to the House, in conclusion, there is no reason why we should compute the interest on the claim of Virginia up to 1887 and on the claim of the United States against Virginia only to 1870.

Mr. TUCKER. If the United States owed to Virginia in 1816 a principal debt, why, in God's name, should not interest be allowed upon it?

Mr. BURROWS. I will answer the gentleman's question in a moment. You claim the Government of the United States, when it paid back to Virginia, paid on the principal only and let the interest accumulate.

Mr. TUCKER. Very well.

Mr. BURROWS. But your bill provides for a recomputation.

Mr. TUCKER. Let me say a few words to the House as a matter of justice between man and man and between government and government. It is conceded in 1860 the amount of principal due to old Virginia by the United States was about $300,000, and of interest was $700,000. If the United States had paid the interest due and running for over fifty years at that time, Virginia would not have had to borrow $580,000 from the Government of the United States. *But she borrowed* from the Government of the United States nearly twice as much as was still due by the United States to Virginia and less than the interest due by the United States to Virginia. But my friend says the true way to settle it is to let Virginia compute interest, not on her accrued interest, but only on the principal of $300,000, and let the Government of the United States calculate interest on the $600,000 paid by Virginia, which is $300,000 more of principal that is to be due, and in that way by accumulating interest against our creditor we will pay off the principal and interest due!

Mr. WARNER, of Ohio. That is the way the Pacific Railroad wished to pay the interest due to the Government of the United States.

Mr. SOWDEN. I ask the gentleman, what was the amount of principal with interest due by the Government to Virginia at the time the Government loaned Virginia $580,000?

Mr. TUCKER. Over a million of dollars. At the time she paid $580,000 there was due $700,000 in interest. Now the ground of the Government is, we will not pay interest on the interest we withheld from you, but we will charge interest on the money we loaned you.

Mr. BURROWS. Why do you say interest due? This bill provides for recomputation. Allow me——

Mr. TUCKER. I beg your pardon.

Mr. BURROWS. This bill provides for recomputation, and compels the Government to apply every payment to the liquidation in the first place of interest, so when you come to 1860 it is the principal which is left, the interest having been paid.

Mr. TUCKER. No; on the contrary, it is $300,000 of principal and $700,000 of interest, and if you had paid the $580,000 instead of loaning it to the State of Virginia, and credited it upon the debt, according to your own mode of computation the $580,000 would not have extinguished the interest then due to the State, and there would be still the principal due of more than $300,000.

Now, we say that when the Committee on Claims insist upon the hard measure, as we think for Virginia, of charging up against this amount the amount of the direct tax of 1861, then we say compute the interest on the same up to the time you settled with Massachusetts, and we are willing to accept that as a proper mode of canceling the obligation.

And I will say here, Mr. Chairman, that tradition has it, and I get this from credible sources, that when Mr. Charles Sumner, in 1870, passed that bill in the Senate in reference to Massachusetts he said that whenever Virginia was ready to accept the same terms of settlement as that accorded to Massachusetts he would cordially aid in bringing it about. Now, all we ask is the same measure of justice that was accorded to Massachusetts.

Mr. BURROWS. In settling with Massachusetts did the United States have any claim against Massachusetts?

Mr. TUCKER. None at all, sir.

Mr. BURROWS. Then, here is a new element in the case.

Mr. TUCKER. Very well, that is true; but I say to the gentleman that we take into consideration that element and propose a fair and reasonable settlement.

We say take the $580,000, credited in 1860, and compute interest on that up to 1870; deduct the one from the other, and let the balance be paid as it may be shown to be due.

Mr. ROWELL. Mr. Chairman, it strikes me that this whole thing is vicious.

Mr. TUCKER. I hope the gentleman will permit me to make a motion that the committee rise in order to limit debate. We have but one hour.

Mr. ROWELL. I only want ten minutes.

Mr. TUCKER. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 2498) had come to no resolution thereon.

Mr. TRIGG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of this bill, and pending that I move that all general debate be limited to five minutes.

Mr. BURROWS. I move to strike out "five" and insert "thirty."

Mr. TUCKER. If that is done, it just kills the bill because the hour will be exhausted.

The question being taken on the amendment of Mr. BURROWS, the House divided; and there were—ayes 32, noes 66.

Mr. BURROWS. We will need to have a quorum on this vote.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BURROWS and Mr. TRIGG were appointed tellers.

Mr. TUCKER. I would ask that by unanimous consent the time for the consideration of this bill be extended one hour.

Mr. HERBERT. I demand the regular order.

Some time subsequently:

Mr. TUCKER. I again ask that by unanimous consent the time be extended for the consideration of this bill for one hour.

Mr. RANNEY. I object.

Mr. STRAIT. I demand the regular order.

Mr. TUCKER. Then I ask for a half hour.

Mr. STRAIT. I object.

Mr. TUCKER. Then permit me to ask, Mr. Speaker, that to-morrow morning one hour be allowed for the consideration of this bill, as it is manifest the hour will be exhausted before we can secure a vote upon the measure.

Mr. RANNEY. I object.

Mr. GALLINGER. As a member of the Committee on Claims, having investigated this matter very carefully and satisfied myself upon the subject, I ask unanimous consent that a half hour may be given to-morrow morning for the consideration of the bill.

Mr. RANNEY and Mr. STRAIT objected.

Before the result of the vote was announced by the tellers the hour expired.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole on the state of the Union having had under consideration the bill H. R. 2498 had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union to further consider the special order, being the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy.

The question was taken; and there were—ayes 60, noes 15.

Mr. BOUTELLE. No quorum.

Mr. HERBERT. I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 63, not voting 113; as follows:

YEAS—141.

Allen, J. M.	Eldredge,	Martin,	Springer,
Anderson, J. A.	Ellsberry,	Matson,	Stahlnecker,
Bacon,	Ermentrout,	Maybury,	Steele,
Baker,	Felton,	McAdoo,	Stewart, Charles
Barbour,	Findlay,	McCreary,	Stewart, J. W.
Barksdale,	Fisher,	McKenna,	Stone, W. J., Mo.
Barnes,	Foran,	McMillin,	Storm,
Blanchard,	Ford,	McRae,	Struble,
Blount,	Forney,	Merriman,	Swope,
Bragg,	Frederick,	Millard,	Tarsney,
Breckinridge, WCP	Fuller,	Miller,	Taulbee,
Buck,	Gay,	Mills,	Taylor, J. M.
Burnes,	Geddes,	Morgan,	Thomas, J. R.
Burrows,	Glass,	Neal,	Thomas, O. B.
Bynum,	Hall,	Neece,	Tillman,
Cabell,	Halsell,	Norwood,	Townshend,
Campbell, Felix	Hammond,	Oates,	Trigg,
Campbell, T. J.	Hatch,	O'Ferrall,	Turner,
Carleton,	Heard,	O'Neill, Charles	Van Eaton,
Catchings,	Hemphill,	O'Neill, J. J.	Viele,
Clardy,	Henderson, J. S.	Parker,	Wadsworth,
Cobb,	Herbert,	Peel,	Ward, J. H.
Cox, W. R.	Hill,	Perry,	Warner, A. J.
Crain,	Holman,	Phelps,	Weaver, J. B.
Crisp,	Howard,	Randall,	Wheeler,
Croxton,	Johnston, T. D.	Ranney,	White, A. C.
Culberson,	Jones, J. H.	Richardson,	Wilkins,
Curtin,	Jones, J. T.	Riggs,	Willis,
Daniel,	King,	Sadler,	Wilson,
Dargan,	Kleiner,	Sayers,	Winans,
Davidson, A. C.	Laffoon,	Scott,	Wise,
Dibble,	La Follette,	Seney,	Wolford,
Dockery,	Landes,	Shaw,	Worthington.
Dougherty,	Lanham,	Skinner,	
Dunn,	Little,	Snyder,	
Eden,	Lovering,	Sowden,	

NAYS—63.

Adams, G. E.	Boutelle,	Buchanan,	Cannon,
Bingham,	Brown, C. E.	Burleigh,	Caswell,
Bound,	Brown, W. W.	Campbell, J. M.	Cooper,
Dorsey,	Henderson, D. B.	McComas,	Plumb,
Dunham,	Hepburn,	Milliken,	Reed,
Evans,	Hiestand,	Moffatt,	Rice,
Everhart,	Hitt,	Morrill,	Rowell,
Farquhar,	Hopkins,	Negley,	Scranton,
Fleeger,	Houk,	Nelson,	Sessions,
Funston,	Jackson,	O'Donnell,	Spooner,
Gallinger,	James,	O'Hara,	Strait,
Gilfillan,	Johnston, J. T.	Osborne,	Taylor, Zach.
Grout,	Kelley,	Payne,	Warner, William
Guenther,	Libbey,	Payson,	Weber,
Hayden,	Long,	Perkins,	White, Milo
Haynes,	Lore,	Peters.	

NOT VOTING—113.

Adams, J. J.	Cutcheon,	Lawler,	Seymour,
Aiken,	Davenport,	Le Fevre,	Singleton,
Allen, C. H.	Davidson, R. H. M.	Lehlbach,	Smalls,
Anderson, C. M.	Davis,	Lindsley,	Spriggs,
Atkinson,	Dawson,	Louttit,	Stephenson,
Ballentine,	Dingley,	Lowry,	St. Martin,
Barry,	Ely,	Lyman,	Stone, E. F.
Bayne,	Gibson, C. H.	Mahoney,	Stone, W. J., Ky.
Belmont,	Gibson, Eustace	Markham,	Swinburne,
Bennett,	Glover,	McKinley,	Symes,
Bland,	Goff,	Mitchell,	Taylor, E. B.
Bliss,	Green,	Morrison,	Taylor, I. H.
Boyle,	Grosvenor,	Morrow,	Thompson,
Brady,	Hale,	Muller,	Throckmorton,
Breckinridge, C. R.	Hanback,	Murphy,	Tucker,
Browne, T. M.	Harmer,	Outhwaite,	Van Schaick,
Brumm,	Harris,	Owen,	Wade,
Bunnell,	Henderson, T. J.	Pettibone,	Wait,
Butterworth,	Henley,	Pidcock,	Wakefield,
Caldwell,	Hermann,	Pindar,	Wallace,
Campbell, J. E.	Hires,	Reagan,	Ward, T. B.
Candler,	Hiscock,	Reese,	Weaver, A. J.
Clements,	Holmes,	Robertson,	Wellborn,
Collins,	Hudd,	Rockwell,	West,
Compton,	Hutton,	Rogers,	Whiting,
Comstock,	Irion,	Romeis,	Woodburn.
Conger,	Johnson, F. A.	Rusk,	
Cowles,	Ketcham,	Ryan,	
Cox, S. S.	Laird,	Sawyer,	

So the motion was agreed to.

Mr. HERBERT. I ask unanimous consent that the reading of the names be dispensed with.

Mr. GOFF. I object.

The following pairs were announced:

Until further notice—

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. GLOVER with Mr. WADE.

Mr. COMSTOCK with Mr. HIRES.

Mr. CANDLER with Mr. BUNNELL.

Mr. BALLENTINE with MR. LAIRD.

Mr. REAGAN with Mr. HISCOCK.

Mr. BLAND with Mr. GOFF.

Mr. PINDAR with Mr. DAVENPORT.

Mr. GREEN with Mr. SWINBURNE.

For this day:

Mr. ROBERTSON with Mr. HOLMES.

Mr. ADAMS, of New York, with Mr. HERMANN.

Mr. LOWRY with Mr. ELY.

Mr. ROGERS with Mr. LYMAN.

Mr. BENNETT with Mr. HANBACK.

Mr. LE FEVRE with Mr. BRUMM.

Mr. STONE, of Kentucky, with Mr. WAKEFIELD.

Mr. MURPHY with Mr. HENDERSON, of Illinois.

Mr. ANDERSON, of Ohio, with Mr. ALLEN, of Massachusetts.

Mr. COMPTON with Mr. ROCKWELL.

Mr. DAVIDSON, of Florida, with Mr. BAYNE.

Mr. TUCKER with Mr. BUTTERWORTH.

Mr. BOYLE with Mr. DINGLEY.

Mr. HUTTON with Mr. JOHNSON, of New York.

Mr. BELMONT with Mr. HARMER.

Mr. MULLER with Mr. RYAN.

Mr. MAHONEY with Mr. LINDSLEY.

Mr. GIBSON, of West Virginia, with Mr. EZRA B. TAYLOR, for this vote.

Mr. GIBSON, of Maryland, with Mr. WHITING.

Mr. MCRAE. I desire to announce that my colleague from Arkansas [Mr. ROGERS] is absent on account of sickness.

Mr. GLOVER. I voted "aye," but withdraw my vote, finding that I am paired.

The SPEAKER. The gentleman from New York [Mr. BELMONT] is absent on account of the death of his brother, and asks leave of absence. In the absence of objection that will be granted.

Mr. COWLES. My colleague from North Carolina [Mr. BENNETT] was required to leave the Hall on account of sickness. I was out of the Hall on other business when the vote was taken, and did not return in time, otherwise I would have voted "aye."

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had adopted a resolution, in which the concurrence of the House was requested, ordering that there be

printed for the use of the two Houses of Congress 6,000 additional copies of the report of the Senate Committee on Foreign Relations touching our fisheries, numbered 1683, one-third thereof for the use of the Senate and two-thirds for the use of the House; also that there be added at the end of said report numbered 1683, Senate Executive Document No. 55, and that said documents be bound in paper covers.

The message further announced that the Senate had adopted a joint resolution of the following title; in which the concurrence of the House was requested:

A joint resolution (S. R. 88) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

CONSOLIDATION OF NAVAL BUREAUS.

The House resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes.

The CHAIRMAN. Forty-two minutes of the time allowed for general debate remain to be occupied by those in favor of the bill.

Mr. HERBERT. I do not propose to occupy that time, my wish being to go on with the consideration of the bill by sections. But I desire, first, very briefly, to recall the attention of the House to this bill and to the discussion upon it. It will be remembered that the committee reported the bill ten to three; out of thirteen members of the committee ten, without regard to party, favored the bill. It has been shown here that Secretary Chandler expressed himself more than once as in favor of the reform, the one great reform which is the principal purpose of this bill; that Secretary Whitney is in favor of it; that the Admiral of the Navy is also in favor of it; that he has said substantially——

Mr. GOFF. Do I understand the gentleman from Alabama to say that ex-Secretary Chandler was in favor of this bill?

Mr. HERBERT. Not of this particular bill, but of the principal purpose we propose to effect by it.

Mr. GOFF. The recommendation of Mr. Chandler was as to the Bureau of Steam Engineering, and did not allude to the Bureau of Yards and Docks.

Mr. HERBERT. If the gentleman will not interrupt me I will sooner get through. But I will say now, in answer to his suggestion, the principal purpose of this bill is by consolidation to put under the charge of one bureau everything which has to do with the building of a ship. Secretary Chandler more than once recommended in his report that Congress should consolidate the Bureaus of Engineering and of Construction and also put Equipment under the same bureau. This bill does that, and goes in that respect just one step farther by putting the navy-yard in which this work of building and repairing a ship is done also under that same bureau.

I was about to say that the Admiral of the Navy had declared it to be the almost unanimous opinion of the Navy that this bill, or something like it, should be passed. And yet, Mr. Chairman, there is a certain portion of the Navy opposed to this bill; and there is the difficulty.

I hold in my hand a letter written to a former colleague upon the committee, Mr. Hewitt, of New York, in which the writer opposes the bill then before the committee—as he would oppose this one—and, among other things, says that while the reforms which the Secretary desires "are unquestionably needed," yet he ought to pursue some other method in order to "avoid antagonizing a very powerful and influential body of naval officers and their friends."

That body—mark, gentlemen, the words of this writer—that body of officers, he says,

Is strong enough to hold the balance of power in any case of important action in either House or Senate, and he [the Secretary] can not afford to force them into a position of positive antagonism.

Is that true? Is there any body of naval officers or any other body of officers that hold the balance of power here? Perhaps time will demonstrate.

Mr. REED. What does the gentleman mean by that?

Mr. HERBERT. Well, I do not mean to say that every gentleman who opposes this bill is influenced by the officers who oppose it.

Mr. REED. But you have just cited the Admiral in favor of it.

Mr. HERBERT. I have.

Mr. REED. Well, can men testify on only one side of this case?

Mr. HERBERT. No, sir.

Mr. BOUTELLE. Oh, of course it is not proper for anybody to cite the testimony of officers on this question except the chairman of the committee.

Mr. HERBERT. I do not catch the point of the inquiry of the gentleman from Maine [Mr. REED]. What is it?

Mr. REED. The point is this: If officers are good witnesses on one side, why not on the other?

Mr. HERBERT. I speak of the personal interests which officers have in defeating this bill. I desire to call the attention of the House to the great difficulty always experienced whenever an attempt is made to abolish an office, and that difficulty is increased threefold in this case, because this bill attempts the herculean task of abolishing three bureaus at once. The question I was putting to the House when I was interrupted was: Is this House competent to that task?

The gentleman from West Virginia [Mr. GOFF] said that we were putting on trial the act of 1842. We are not. That act provided for but five bureaus. One of those bureaus embraced everything relating to the building, equipping, and repairing of a ship. That is what we want to return to. It was not until 1862 that the eight bureaus were created. It will be said on the other side that that was done on the recommendation of the Chief Constructor, Lenthall. That is true. He did desire to have his friend Isherwood, who was then Chief of the division of Steam Engineering, made a commodore, and he recommended the change; but is that a reason why, when twenty years of experience in peace and war have given ample opportunity to examine and test the matter, we should adhere to the system then adopted, although it is shown to be wrong? My friend from Delaware [Mr. LORE] says that this system has existed all along under Whig and Democratic administrations. There is no party in this, but the gentleman is mistaken. No Democratic and no Whig administration ever saw the three things, construction of a hull, construction of engines, and the equipment of a ship given to three different bureaus. That was done in the hurry of war. And I call attention to another fact.

In 1844, by order of the Secretary of the Navy, all the stores were put under one head, and, notwithstanding what the gentleman from West Virginia [Mr. GOFF] has said, they remained under one head all through the war and down to 1867, when these eight bureaus that had been established during the war succeeded in dividing up the stores among themselves, each having its own storehouse and its own clerks.

Mr. WARNER, of Ohio. If it will not interfere with the line of the gentleman's argument I wish to ask him a question at this point. I wish to inquire whether the *personnel* of these bureaus remain the same now that it was when stores and supplies were accumulated at such enormous cost as stated by the Secretary of the Navy in his report.

Mr. HERBERT. No, sir.

Mr. WARNER, of Ohio. Because, if that has not been changed, I should have little hope in achieving any reform by merely changing the bureaus. In my judgment it is more a question of *personnel* than of bureau organization; and I wish to say that I think this is an example of life-tenure in office and bureaucratic government, the worst form of government in the world.

Mr. BUCHANAN. Oh, do not attack the Administration in that way! [Laughter.]

Mr. MILLIKEN. How does this bill remedy that?

Mr. WARNER, of Ohio. I do not know that it will remedy it, but the inquiry is pertinent to the issue here.

Mr. REED. I trust these attacks on the Administration will cease. [Laughter.]

Mr. WARNER, of Ohio. The gentleman from Alabama [Mr. HERBERT] says that the *personnel* has been changed, and therefore the reforms will probably follow.

Mr. BUCK. With the consent of the gentleman from Alabama, I wish to suggest to the gentleman from Ohio that we have already prepared an amendment which will obviate the objection suggested, which will authorize the Secretary of the Navy by proper orders to distribute all property that accumulates too much in one place.

Mr. BOUTELLE. Has that amendment been reported?

Mr. BUCK. I did not say that it had.

Mr. BOUTELLE. We are discussing this bill as we have it before us.

Mr. HERBERT. The opinion of my friend from Ohio seemed by the speech of my friend from West Virginia [Mr. GOFF] to be shared somewhat by him, for he said, bringing a very serious charge against the previous administrations, that it was all a question of maladministration. In that charge he included even himself, because these things did exist while he was Secretary of the Navy. But I defend him from the charge he himself brought, for in my opinion Secretary Chandler was right, and the Admiral is right, and Secretary Whitney is right, in maintaining, as the facts show, that these defects arise out of the system itself.

Mr. WARNER, of Ohio. Rather than the *personnel*.

Mr. HERBERT. Yes, rather than the *personnel*. Let me give an illustration. The New York, a wooden vessel, was begun in 1864; was at that time put upon the stocks in the Brooklyn navy yard. She is there now.

Mr. MCADOO. A mere skeleton.

Mr. HERBERT. The last stroke of work done upon that vessel was in the fall of 1868. Yet in 1881 the Bureau of Engineering went to work and during 1881–'82–'83–'84 made boilers for that vessel, a vessel upon which no work had been done for thirteen years. These boilers were constructed at a cost of $107,000.

Mr. GOFF. Did not Congress appropriate for that?

Mr. HERBERT. No, sir; not a dollar.

Mr. GOFF. At the time the work was commenced they were au-

thorized to proceed; but the difficulty was Congress refused to make the appropriation according to the estimate.

Mr. HERBERT. The gentleman can not get away from his own question in that manner. He asked me whether Congress appropriated the money for these boilers. I tell him no. I wrote and asked the Chief of Engineering to point out to me the appropriation for those boilers, and he could not do it. In my note I inquired how much those boilers were worth and how much they had cost. After stating their cost as I have given it, he said he did not know what they would sell for; that they were good boilers and could be sold if anybody could be found who wanted them; but that the Government had no use for them, because the Navy Department had changed its mind since they were begun; and, in order to show what the mind of the Navy Department was, he pointed me to a sentence in the report of the Chief of the Bureau of Construction, which was to the effect that the chief intended to complete that vessel when he got the money.

That was the authority on which the then Chief of the Bureau of Engineering acted. I am glad to say it was not the present chief. Understanding that the Chief of Construction intended when he got the money to build that ship, the Chief of Engineering goes to work and constructs the boilers. They were completed in 1884; and there they lie to-day in the navy-yard here at Washington. I presume they were not burned up or injured on Saturday last, because they were lying near the wharf, I believe, not under shelter but exposed to the weather.

Mr. GOFF. Will the gentleman tell this House in what particular his proposed bill will remedy that evil?

Mr. HERBERT. Yes, sir; I will tell the gentleman right here. If one man is responsible for the building of a ship, its engines and its machinery, he will never start upon the one until he has money for the other. He will not, thirteen years after the work has been abandoned upon the hull of a vessel, start to make boilers for it. Any officer who would do that ought to be court-martialed.

Mr. BOUTELLE. Does not that simply involve the assertion or assumption that the chief of the Bureau of Material, Construction, and Repair, who is to be appointed under this bill, will exercise better judgment than the Chief of Engineering did under the law as it has been?

Mr. HERBERT. Not at all, because the very purpose of this bill is to put all these bureaus, engineering and construction and equipment, under one head, that head being at all times enabled to say to this one, "you shall build," and to the other, "you shall build," or "you shall not."

Mr. BOUTELLE. Precisely. Now, as I understand my friend, his allegation is that the Chief of Engineering made a mistake, a blunder, in building engines which ought not to have been built. Does the gentleman assume that the chief of the reorganized bureau to be created under this bill is necessarily going to be incapable of making mistakes? This, I submit, is entirely a question of the good judgment of the officer, and does not go at all to the matter of organization.

Mr. HERBERT. I never said the Chief of the Engineer Bureau made a mistake. Oh, no. If I did so I retract it. The mistakes are made all along one after another.

Mr. BOUTELLE. What did I understand you to say? I understood you to say that certain engines were built that ought not to have been built.

Mr. HERBERT. I hope the gentleman will not interrupt me further, as I wish now to close this discussion. I have a table here to which I wish to call the attention of the House. It shows that not one, but set after set of boilers were constructed when there was either no use for them or long before there was any need of them.

Here is the Amphitrite boilers, finished in 1877, just recently put in; the Colorado boilers, finished in 1877, not yet put in; the Franklin boilers, finished in 1877, not yet in; the Monadnock boilers, finished in 1879, not yet in; the New York boilers, finished in 1884, not yet in; the Wabash boilers, finished in 1877, not yet in; the Tuscarora boilers, finished in 1881, not yet in. Let gentlemen ponder the full meaning of this table.

Here it is, with citation to the books and pages showing its correctness:

Boilers for United States steamers.	Built or building.	When put in.	Remarks.	Authority.
Amphitrite	1875-'76-'78	Recently	Contract for completion of machinery let in 1883.	Report of Secretary of the Navy, 1876, page 250; 1877, page 264; 1879, page 160 (Bureau of Steam Engineering).
Colorado	1876-'77	Not yet	Two placed in Wyoming. Others placed in dock pump-house, navy-yard New York.	Report of Secretary of the Navy, 1876, page 250; 1877, page 264; 1879, page 160.
Franklin	1877	do		Report of Secretary of the Navy, 1876, page 249; 1877, page 262.
Hartford	1877	1880-'81		Report of Secretary of the Navy, 1877, page 262.
Juniata	1877-'81	1883		Report of Secretary of the Navy, 1877, page 262; 1881, page 242; 1880, page 161.
Lancaster	1875-'76-'79	1880-'81		Report of Secretary of the Navy, 1876, page 249; 1881, page 243; 1883, page 294.
Monadnock	1875-'76-'79	Not yet		Report of Secretary of the Navy, 1876, page 250; 1880, page, 161; 1881, page 242; 1875, page 118.
New York	1883-'84	do	Four are to be sent to the Kearsage	Report of Secretary of the Navy, 1875, page 118; 1876; page 249; 1879, page 161.
Omaha	1877	1883-'85		Report of Secretary of the Navy, 1883, page 298; 1884, page 183.
Puritan	1876-'77-'78	Recently	Contract for completion of machinery let in 1883.	Report of Secretary of the Navy, 1877, page 263; 1883, page 299; 1885, page 161.
Terror	1875-'78	do	do	Report of Secretary of the Navy, 1876, page 249; 1877, page 264; 1879, page 160 (Bureau of Steam Engineering).
Wabash	1877	Not yet	Put in Richmond 1886	Report of Secretary of the Navy, 1875, page 118; 1877, page 264; 1879, page 160 (Bureau of Steam Engineering); 1877, page 262.
Tuscarora	1881	do	Vessel sold 1883. Boilers not completed. Material on hand.	Report of Secretary of the Navy, 1881, page 243; 1882, page 140 (Bureau of Steam Engineering).

Do gentlemen think, Mr. Chairman, these mistakes would occur year after year, and the Government money be thus wasted, if one man were responsible for everything connected with the building of a ship? Our purpose here is to make one man responsible for all this work, and to give him authority over it.

Another thing we propose is to consolidate all purchases under one head. It may be said the Secretary has done that. That is true; but it is the opinion of the Secretary, as it was the opinion of Secretary Hunt, and as it was the opinion of Secretary Thompson and Secretary Chandler, that reform in Navy organization should be embodied in the law. No executive officer can satisfactorily administer his office when those under him are in opposition, whether it be secretly or otherwise.

Now, as to economy in the Navy. I was astonished to hear so good a lawyer as my friend from Delaware [Mr. LORE] stick, as he did, in the bark of this question when he undertook to discuss it as if it were a question about the salaries to be paid, on the one hand, to the officers presiding over the three bureaus we propose to abolish, and, on the other, of the four divisions we propose to establish; that is to say, of the difference between the increase of pay to the three commodores to be dispensed with and the added pay of division chiefs whose pay is increased by the difference between land-pay and sea-pay. Nobody can tell what it is to be, because it depends so much on the rank and pay of those holding these places. He figured out that in some imaginary case it would be $8,000. Are you serious when you discuss the question of economy and argue as if the question rests there?

Mr. LORE. I will see. The question of economy runs all through the bill.

Mr. HERBERT. Of course.

Mr. LORE. Let me ask the gentleman a question. Has not the Secretary of the Navy now, to-day, the power to correct these abuses without any change in the organic law?

Mr. HERBERT. No, sir.

Mr. LORE. Point out where he has not.

Mr. HERBERT. You will not get me away from the point. Are you serious?

Mr LORE. I am serious.

Mr. HERBERT. In arguing before this House the question of economy rests with the difference in salary between three persons who may be commodores and four others who are to draw sea-pay instead of other duty pay?

Mr. LORE. I did not so state.

Mr. HERBERT. That is in your speech.

Mr. LORE. I said the organization of the Navy Department as you propose it will entail additional expense in that item over the Navy Department as it is now.

Mr. HERBERT. But I will proceed.

Mr. LORE. But you must not misstate me.

Mr. HERBERT. The substance of the gentleman's argument on that proposition appears in the RECORD, and if I am wrong I can easily be corrected. He and I have just completed an appropriation bill in

which we found that the economy by consolidating naval stores under one head in the way of dispensing with clerical force alone amounted to over $20,000, and that is not a drop in the bucket—nothing to compare with the economies which will result when we consolidate these bureaus as proposed by the bill. We expect to bring about not only increase in efficiency but decrease in expense all along the lines; clerks, writers, store-keepers, head men in blacksmith-shops, cooper-shops, carpenter-shops, and so on; many of them will be dispensed with, and while you promote efficiency and prevent conflicts, economy will run up to hundreds of thousands of dollars.

Mr. BOUTELLE. Is this saving the result of some experience which has been had in the Navy Department?

Mr. HERBERT. It is the result of experience, as shown by the testimony of such men as Admiral Porter and others who have investigated the matter.

Mr. BOUTELLE. Is this the result of experience or is it an estimate?

Mr. HERBERT. I do not care to take time to answer that question now.

Mr. BOUTELLE. I do not care to have you answer it. I will answer it in my own time.

Mr. HERBERT. I do not care to discuss the matter further. It has been gone over very fully; and I now ask that the bill be read by sections for debate and amendment.

The Clerk read as follows:

Be it enacted, &c., That section 419 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 419. That the business of the Department of the Navy shall, except as otherwise provided by law, be distributed, in such manner as the Secretary of the Navy shall judge to be expedient and proper, among the following bureaus:

"First. A Bureau of Navigation.
"Second. A Bureau of Ordnance.
"Third. A Bureau of Medicine and Surgery.
"Fourth. A Bureau of Material, Construction, and Repair.
"Fifth. A Bureau of Supplies and Accounts."

Mr. BUCK. I offer the amendment I send to the desk, to come in after the ninth line.

The Clerk read as follows:

At the end of line 9, section 419, add the following: "*Provided*, That the Secretary shall have power, by proper orders, to transfer the materials, stores, and other property belonging to the United States from one bureau to any other bureau, as the same may be needed.

Mr. BUCK. I offer that for the purpose of removing the objections urged by certain members that the bill would not perform for the Navy Department what its friends claim; that is to say, that it would do away with the abuses which have to a certain extent arisen in that Department by the accumulation of large quantites of surplus stores and materials in the different bureaus—much more than the bureaus themselves required for the work they had on hand.

I had occasion the other day to explain how that condition of things had been brought about, and what large quantities of stores and materials were to be found in certain bureaus, while in some cases none could be found in others. This amendment will allow the Secretary of the Navy to transfer any stores not needed in the bureaus, either now or which may hereafter be accumulated, to any other bureau where they are needed, and I think removes the cause for criticism that existed during the debate on the bill; and while I think that the bill as it originally stood would of itself remove that objection by putting into the one bureau all of those subjects which appertain to the construction of a ship, yet it is fair to the members of this House who have made such criticisms that we should put in this amendment, which can do no harm, and makes the bill clearer, as I am willing to concede.

Mr. HERBERT. The gentleman from Connecticut, I will state, consulted with other friends of the measure on the committee, and we have all agreed that while there is no actual necessity for the incorporation of this amendment, yet, in order to remove the ground of criticism, as he has stated, we have agreed to accept it as a part of the bill.

Mr. REED. The Committee on Naval Affairs is also a committee on appropriations, if I do not incorrectly remember the language of our present rules. I would like to know, therefore, what the opinion of the chairman of the Committee on Naval Affairs is, as the chairman of a committee on appropriations, with reference to a proposition which prevents, or rather nullifies, the application of the appropriation of money by Congress to specific objects?

Some time ago a new plan was determined upon, and carried into execution, of making definite and distinct appropriations, because such definite and distinct appropriations were in the interest of economy and came within the purview of the proper functions of Congress. Now this entirely, so far as the Navy Department is concerned, abolishes that method. It adopts instead a regulation which, practically, makes the appropriation for the different purposes indicated, as connected with ship-building in the Navy, a lump sum.

Mr. BUCK. Will the gentleman from Maine allow me to suggest that the amendment does not authorize the Secretary of the Navy to transfer anything but property from one bureau to another—property which belongs to the Department.

Mr. REED. Precisely; but then the Secretary of the Navy can purchase under one appropriation, under the laws of Congress, and then divert the proceeds of that purchase to a purpose to which Congress has refused its sanction.

Now, does the chairman of the Committee on Naval Affairs, as chairman of a committee on appropriations, approve of that method in the interest of economy?

Mr. HERBERT. I approve of this amendment, the effect of which, as I understand it, is simply to provide in express terms that the Secretary of the Navy may now, in the first place, transfer any property belonging to any particular bureau with that bureau whenever it may be transferred, either by law or by his order; and this transfer from one bureau to another of surplus property is thus authorized by law.

Here, Mr. Chairman, is an attempt to reorganize the United States Navy Department. If we succeed, the form of the appropriations ought to be somewhat different from what it now is. As I said I do not think that amendment is at all necessary, because, in my opinion, when the Secretary undertakes, and has the power to transfer, he ought to have authority to transfer everything with that authority, embraced by it, all property over which that authority exists going with the authority when that is transferred. But there were criticisms here in the House, and that amendment was intended to apply to them.

Again, it may perhaps serve another purpose, and if so I shall favor it. There have been vast accumulations during the past twenty years of property in the different bureaus, some of which are set forth in the report of the Secretary. For instance, enough of nails is found in one bureau to last for fifty years, and yet another bureau right by it wanted just such nails and could not get them, under a decision made by the Comptroller, and was purchasing nails just like them.

The same thing has occurred in relation to lanterns. One bureau required to have manufactured for it lanterns of a particular kind, while another bureau was in possession of lanterns in excess of its requirements of that very same kind. I think the Secretary ought to have power to transfer that property, although it was bought for one bureau, to another bureau which has use for it, when that bureau does not possess the property itself. Does the gentleman from Maine not think so?

Mr. REED. The appropriations for the Navy in times gone by used to be made for specific purposes, but the Secretary had the right, claimed it, and acted under it, of transferring the balances from one department to another. That was found, in the opinion of the House of Representatives, to be a reprehensible practice and it was carefully and sedulously guarded against; and it was guarded against because the effect of it was to make the appropriations for the Navy lump sums, to be expended substantially, within certain limitations, in the discretion of the Secretary. That was abolished with the concurrence of both sides. Now it is proposed to introduce under a new guise precisely the same thing. Only the transfer is not to be of money but is to be of material; so that if the Secretary wishes to use appropriations which Congress intended for one purpose for another purpose, all he has to do is to make one bureau buy the things and then transfer them to the other bureau where he wants them; so that substantially you have got the same thing that Congress has seen fit to guard against.

Of course, I am in no way responsible for any results that may come from this action; but, perhaps, I should be responsible if I did not call the attention of the House to the situation.

Mr. BUCK. I wish to make just this suggestion. The gentleman from Maine has certainly made a very plausible speech in regard to this amendment, but the reasons which he urges upon the members of this committee are the very reasons I should urge why we should adopt such an amendmont as I have offered.

Under the system of the appropriations we have been making, we have appropriated for the Bureau of Navigation, for the Bureau of Ordnance, for the Bureau of Yards and Docks, for the Bureau of Steam Engineering specific sums. Those sums could not be changed from one bureau so that they would apply to any other bureau. The bureau to which the money was appropriated would take it and buy stores and material, and by the action of some other bureau that was connected with the building of a ship they might be prevented from using the material and stores which they had purchased, and then they would have the material and stores on hand, with no power to transfer them anywhere else where they might be needed. This iron-bound custom of specific appropriation, so far as the different bureaus of the Navy Department are concerned, is largely responsible for the abuses that have grown up in that bureau system.

That is one of the great reasons why we find there now in one of the navy-yards in a particular bureau 46,000 augers and bits, and in another 29,500 gross of screws, 10,000 of these lying at closed yards. There are 146,385 files in stock, and 42,000 of them are lying in yards that are entirely closed and have been for years.

Mr. REED. Why not make the transfer in the appropriation bill?

Mr. BUCK. There are 11,813 paint-brushes in stock; 2,000 of these are in the stores of the yards that are closed. That is because the appropriation has been made specific, and with the proceeds of that appropriation they have bought these materials and stores, and they are there in closed yards and can not be used.

I say in the interest of economy we ought to adopt this amendment and authorize the Secretary of the Navy to transfer these stores from

one bureau to any other where they are needed. I had thought when I offered this amendment that it was in the interest of economy and in the interest of an efficient administration of the affairs of those bureaus.

Mr. REED. The gentleman from Connecticut does not in any way meet the objection I made. If it was found under the present system there was an accumulation in one bureau beyond what was needed there, Congress at its next session could transfer that material in an appropriation bill; and Congress would still retain control. The gentleman does not seem to comprehend the danger that they run in allowing the Secretary to have power to cause unusual expenditures in one department for things which he knows will not be needed there for the very purpose of transferring them to a department which transfer Congress would not sanction. In other words, the power which Congress has determined to guard for itself is by this amendment taken from Congress and given to the Secretary. I do not say whether it is a proper thing or not. I simply call the attention of the Committee on Naval Affairs to the effect of the transaction. That is all.

Mr. BOUTELLE. Mr. Chairman, it seems to me somewhat remarkable that after we have been treated to a long discussion on the merits or alleged merits of this bill, among which almost the only tangible improvement that I remember to have heard set forth was the enabling of the Secretary to transfer from one bureau to another certain kegs of nails, the possession of which in the engineering bureau has vexed the souls of my friend from Connecticut and my friend from Alabama—that at the very threshold of the detailed discussion of this bill the gentlemen come in here and admit precisely what was contended by myself and the gentleman from West Virginia [Mr. GOFF] from the start, that there is nothing in their bill whatever to accomplish this transfer which they admit to be so necessary.

So we have here, in effect, a proposition at the very outset to remedy a fundamental defect in their own bill. Now, if I were to talk here for hours it seems to me it would be impossible to demonstrate any more clearly than it is demonstrated by this admission of the gentlemen themselves that their measure has been ill-considered, that it is crude, that it is not adapted to secure the reforms which they profess to desire, and that it is not a wise or a safe proceeding for the Congress of the United States, at the heel of a session, upon a proposition so illy matured as this, so clearly confessed to be lacking in the essential elements of usefulness, to reorganize—or rather to disorganize—a great department of the Government by tearing up by the roots divisions and bureaus which date their existence from forty years in the past.

But, Mr. Chairman, there is another view to which I call the attention of the House, there is another phase of this matter that is brought more clearly into light by this amendment. First, we have the confession on the part of the committee that their bill absolutely fails to accomplish what they profess to think necessary; and, secondly, I desire to call attention to the fact that while the Naval Committee have attempted, as they say, by bill, and are now attempting by amendment, to confer upon the Secretary of the Navy a power which they assert he does not possess to-day—a necessary power, as they allege, which the Secretary can not now exercise under the law, the power of transferring material from one bureau to another—I wish to call attention, I say, to the fact that while they are making these professions, the Secretary of the Navy, as is known by the chairman of the committee and as is well known by my friend from Connecticut [Mr. BUCK], is to-day, and has been for weeks, engaged in an arbitrary transfer of the materials of different bureaus from their control to the control of other bureaus to an extent unknown in the history of the Navy hitherto.

I have received within a few days copies of public journals published in different parts of the country calling attention to this remarkable assumption of power by the present Secretary of the Navy. The Boston Journal of a few days ago publishes an editorial which I hold in my hand, the opening words of which only I will read:

A recent order of the Secretary of the Navy proposes to transfer on February 1, 1887, all the buildings and machinery in the navy-yard at Charlestown, Mass., at present under the control of the Bureau of Steam Engineering, of the Bureau of Construction, of the Bureau of Yards and Docks, to the control of the Bureau of Equipment, and all machinery not required for the use of this bureau, to other stations, or otherwise to be disposed of.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. WARNER, of Missouri, was recognized and yielded to Mr. BOUTELLE.

Mr. BOUTELLE. I thank the gentleman. Now, Mr. Chairman, I want to direct the attention of the House to this salient fact, that under an order of the present Secretary of the Navy, of recent date, an order which I hold in my hand, he has assumed and is to-day exercising the authority, not simply to transfer from one bureau to another a few kegs of nails or a few dozen or a few hundred files, but to transfer from one of the great navy-yards of this country the whole of the machinery, the whole of the plant of the great Bureaus of Steam Engineering and Construction. Yet, in the face of this fact, gentlemen come in hear and say that the law is so defective that they must have not only this bill passed, which they claim will cure all these evils, but also that they must patch onto it an addition, an amendment, to authorize the Secretary of the Navy to do just exactly what he is doing to-day.

Mr. HERBERT. Does not the gentleman know that an order like that was made in 1844, and lasted nearly twenty years, and that the power to make the order is given in the organic act, which says that the powers are distributed among the following bureaus, and the Secretary may distribute them as he pleases?

Mr. BOUTELLE. I am very happy, Mr. Chairman, to yield a portion of my brief time to enable the chairman of the committee to confirm so fully my statement, that from away back the power has existed in the Navy Department to do the very thing which he has told the House it requires an elaborate bill with an elaborate amendment tacked onto it to accomplish.

Mr. BUCK. Then the amendment will not do any harm.

Mr. BOUTELLE. Now, Mr. Chairman, everybody who is familiar with the discussions here for the past dozen years in regard to the use of appropriations is very well aware of the fact to which my colleague from Maine [Mr. REED] adverted awhile ago, that, whatever restriction there may be upon applying the materials or the money of one bureau to the purposes of another, the condition of things which exists to-day in the Navy Department was provided for only a few years ago as a measure alleged to be of absolutely necessary reform. I have not taken the trouble to go back to the record, but I should not be much afraid to hazard the guess that if I did so I would find that when that legislation was before the House my friend from Alabama [Mr. HERBERT] was as zealous in behalf of restricting the power of the Secretary to manipulate appropriations from one bureau to another as he is to-day to have that restriction repealed and restore the arbitrary power.

Mr. BUCK. You do not mean appropriations; you mean property.

Mr. BOUTELLE. The gentleman says I do not mean appropriations. I do mean appropriations. It makes no difference whatever whether the Secretary of the Navy is enabled to take $10,000 from the appropriation for steam engineering and transfer it to buy material for the Bureau of Construction or whether he tells the chief of the Bureau of Steam Engineering to buy so much material and then transfers it. The effect is precisely the same.

The CHAIRMAN. The Chair assumes that the *pro forma* amendment is withdrawn.

Mr. WARNER, of Missouri. I withdraw it.

The CHAIRMAN. The question is upon the question of the gentleman from Connecticut [Mr. BUCK], which will be read by the Clerk.

The Clerk read as follows:

At the end of line 9 add:

"*Provided*, That the Secretary shall have power, by proper orders, to transfer the materials, stores, and other property belonging to the United States from one bureau to any other bureau, as the same may be needed."

The question being taken on agreeing to the amendment, there were—ayes 85, noes 36.

Mr. GOFF. No quorum.

Mr. HERBERT. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes, had come to no resolution thereon.

Mr. HERBERT. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Memorial of ship-owners, masters of vessels, merchants, and others doing business at the port of Norfolk, Va., against the passage of House bill 6390—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. BINGHAM: Petition for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. BOUND: Resolutions of the Board of Trade of Reading, Pa., in regard to the manufacture of heavy ordnance invented by Norman Wiard—to the Committee on Naval Affairs.

By Mr. BRADY: Petition of Mary O'Day, mother of James O'Day, deceased, praying for a pension—to the Committee on Invalid Pensions.

By Mr. BYNUM: Petition of E. S. Folsom and others, of Indianapolis, Ind., for the passage of the Miller bill for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. CLEMENTS: Petition of Price Connolly, executor, praying that the war claim of Martin Fralix, deceased, late of Walker County, Georgia, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. W. R. COX: Petition of the Farmers' Mass Convention of North Carolina, in favor of the Hatch and Hawley experiment-station bills—to the Committee on Agriculture.

By Mr. DINGLEY: Petition of James E. Cushman, port of Phillips, Me., for the passage of the Edmunds-Tucker anti-Mormon bill—to the Committee on the Judiciary.

By Mr. DORSEY: Petition of Harris Fulford, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. DUNN: House concurrent resolution of the General Assembly of Arkansas, in favor of a refund of the cotton tax to the several States—to the Committee on Ways and Means.

By Mr. EDEN: Petition and evidence in the invalid pension claim of John E. Lewis, Company F, One hundred and fifteenth Illinois Infantry—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of Thomas B. Wales, president Holstein-Friesian Association of America, for the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

Also, memorial of Reading (Pa.) Board of Trade, in favor of seacoast and harbor defense, and in favor of adopting the Wiard gun and the Haskell multicharge cannon—to the Committee on Appropriations.

By Mr. FUNSTON: Petition of citizens of Ione, Kans., for the passage of the prisoner-of-war bill, known as the Robinson bill—to the Committee on Invalid Pensions.

By Mr. GROUT: Resolution of the Vermont Legislature, against occupation by aliens of the public lands—to the Committee on the Public Lands.

By Mr. HALL: Petition of the Yearly Meeting of Friends at Salem, Iowa, asking for the passage of the bill (S. 2362) to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. HALSELL: Papers relating to the claim of Walter B. Baker and others—to the Committee on War Claims.

By Mr. HEARD: Petition of Joseph W. Newland, praying for payment of his war claim—to the same committee.

By Mr. D. B. HENDERSON: Paper from the Holstein-Friesian Association of America, recommending the Miller bill for extirpation of the pleuro-pneumonia—to the Committee on Agriculture.

Also, remonstrance of A. C. Walker and 95 others, citizens of Farley, Iowa, against the repeal of the oleomargarine law, and against the reduction of the special taxes provided for in said law—to the same committee.

Also, petition of 60 citizens of Independence, Iowa, favoring the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Petition of George K. Smith, for honorable discharge—to the Committee on Military Affairs.

By Mr. HUDD: Petition of many citizens of the State of Wisconsin, and vessel-owners on Lake Michigan, for a life-saving station of the harbor of Kewaunee, Wis.—to the Committee on Commerce.

By Mr. JACKSON: Petition of soldiers and citizens of Washington, County, Pennsylvania, asking a special act to pension Daniel McCann, a soldier of three wars—to the Committee on Invalid Pensions.

By Mr. JAMES: Petition of J. H. Perry Post, No. 89, Grand Army of the Republic, of Brooklyn, N. Y., for enactment of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. F. A. JOHNSON: Petition of Andrew Druley and 50 others, citizens of Mooers, Clinton County, New York, for repeal of law limiting benefits of arrears to those filing claims for pensions prior to July 1, 1880—to the Committee on Invalid Pensions.

Also, resolutions of Walter H. Benedict Post, No. 366, Grand Army of the Republic, of Plattsburgh, N. Y., regarding the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. LAFFOON: Petition of citizens of Hopkins County, Kentucky, for the relief of Robert C. Speed—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Madisonville, Ky., in relation to forfeiture of public domain heretofore held by railroad companies, &c., and for other purposes—to the Committee on the Public Lands.

By Mr. LAIRD: Petition of Hiram Bateman, for increase of pension for service as private Company I, Third Michigan Infantry Volunteers—to the Committee on Invalid Pensions.

By Mr. LOVERING: Papers relating to House bill concerning fees of examining surgeons, Pension Department—to the same committee.

By Mr. McCREARY: Petition of Morris J. Harris, jr., administrator of M. J. Harris, of Crab Orchard, Ky., for reference of claims to the Court of Claims—to the Committee on War Claims.

Also, petition of William Campton, asking for a pension—to the Committee on Invalid Pensions.

By Mr. MARKHAM: Petition of San Diego Chamber of Commerce, against inclusion of San Diego in bill abolishing unnecessary customs districts—to the Committee on Ways and Means.

By Mr. MARTIN: Papers relating to the claim of John R. Carpenter, John P. Moore, administrator, of Phillips County, Alabama—to the Committee on War Claims.

By Mr. MATSON: Petition of Willis G. Neff and 81 others, citizens of Putnam County, Indiana, and of A. V. Mulliken and 113 others, citizens of Johnson County, Indiana, asking for legislation to exterminate pleuro-pneumonia—to the Committee on Agriculture.

By Mr. MURPHY: Petition of Olmy & McDaid and others, of Clinton, Iowa, for repeal of internal-revenue taxes on tobacco and spirits—to the Committee on Ways and Means.

Also, petition of J. R. Dowling and others, of Wheatland, Iowa, in favor of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. NEGLEY: Petition for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. NELSON: Paper relating to the tonnage of Saint Mary's Canal for 1886—to the Committee on Rivers and Harbors.

By Mr. O'DONNELL: Petition of Myron Hawley Post, of Napoleon; of J. B. Brainerd Post, of Eaton Rapids; of Gregg Post, of Homer; of Jefferd Post, of Nashville; of George A. Walker Post, of Partulo; of Lewis Clark Post, of Olivet; of Farragut Post, of Battle Creek; and of Hackett Post, of Browning, Mich., Grand Army of the Republic, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, Morris England Post, Grand Army of the Republic, of Orangeville Mills, Mich., in favor of the Edmunds-Tucker bill—to the same committee.

By Mr. CHARLES O'NEILL: Petition of business men of Philadelphia, asking for addition to some of the internal taxes and the reduction of others—to the Committee on Ways and Means.

Also, memorial asking that a special depository be made at Philadelphia as an adjunct to and reserve for the National Library—to the Committee on Library.

By Mr. PARKER: Petition of G. B. Steel, Post No. 269, Grand Army of the Republic, of Carthage; and of Joe Spratt Post, No. 323, Grand Army of the Republic, of Watertown, N. Y., in favor of the Edmunds-Tucker anti-polygamy act—to the Committee on the Judiciary.

Also, memorial of the Bar Association of New York city, in relation to salaries of Federal judges residing in the State of New York—to the same committee.

By Mr. PAYNE: Resolutions of John B. Burend Post, No. 444, Grand Army of the Republic, of Marion; and of John Hance Post, No. 320, Grand Army of the Republic, of Williamson, N. Y., in favor of the Edmunds-Tucker bill—to the same committee.

Also, resolutions of a public meeting of citizens of Mexico, N. Y., against monopolies—to the Committee on Labor.

Also, petition of the examining board of surgeons at Oswego, N. Y., for adjustment of salaries—to the Committee on Invalid Pensions.

Mr. PETTIBONE: Petition of John Brown, of Bristol, Tenn., asking for a pension—to the same committee.

By Mr. RANDALL: Petition of chief of council of the Quapaw tribe of Indians, that certain tax moneys in the United States Treasury belonging to them be paid to them per capita—to the Committee on Indian Affairs.

By Mr. REED: Resolutions of the Women's Indian Association of Maine—to the same committee.

By Mr. RICHARDSON: Petition of A. S. Moore, Wilson Irwin, and others, for reduction of postage on seeds, plants, &c.—to the Committee on the Post-Office and Post-Roads.

My Mr. RIGGS: Letter of O. W. Bagby and of J. Y. Rose, of Milton, Ill., in favor of House bill 9733—to the Committee on Ways and Means.

By Mr. ROBERTSON: Petition of John Dougherty, of Select, Ohio County, Kentucky, praying that he be placed on the pension-rolls—to the Committee on Invalid Pensions.

Also, petition of W. H. Porter and others, praying that W. H. Porter be granted a pension—to the same committee.

By Mr. SHAW: Petition of William L. W. Seabrook, late United States weigher at Baltimore, for compensation for services rendered as United States gauger and measurer—to the Committee on Claims.

By Mr. STORM: Petition of Solomon Hill, of Effort, Monroe County, Pennsylvania, for a pension—to the Committee on Invalid Pensions.

Also, claim of Caroline Knoffenberger, mother of Charles Knoffenberger, Company N, Twenty-eighth Regiment Pennsylvania Volunteers, of Mauch Chunk, Carbon County, Pennsylvania, for restoration to pension-rolls—to the same committee.

By Mr. SWOPE: Petition of 12 druggists and drug firms of York, Pa., for the removal of the tax on whisky and tobacco—to the Committee on Ways and Means.

By Mr. ZACH. TAYLOR: Petition of Mary R. Williams, administratrix of James C. Williams, deceased, of Hardeman County; and of Lewis B. Anderson, administrator of Willis Robinson, deceased, of Madison County, Tennessee, asking reference of war claims to the Court of Claims—to the Committee on War Claims.

By Mr. TILLMAN: Petition of the Board of Health of Charleston, S. C., for the erection of a hospital near Key West, for the purpose of facilitating the proper authorities in keeping out yellow fever from the United States—to the Committee on Commerce.

By Mr. TOWNSHEND: Petition for a pension to James H. Noble—to the Committee on Invalid Pensions.

Also, papers relating to the bill for relief of Adam W. Rinard—to the same committee.

By Mr. VAN SHAICK: Petition of H. Bosworth & Sons and the Green and Button Company, wholesale druggists, of Milwaukee, asking for the removal of taxes upon tobacco and spirits used in the arts and in medicines—to the Committee on Ways and Means.

By Mr. WEAVER: Petition of James H. Prickett, for an original pension—to the Committee on Invalid Pensions.

By Mr. WEST: Petition of citizens of Corinth, N. Y., praying for the repeal of that provision of the pension laws which limits the time for making application—to the same committee.

By Mr. WHEELER: Petition of A. H. Foshee and of John P. Davis, of Jackson County, and of F. Varin, of Huntsvillee Ala., for payment of their claims—to the Committee on War Claims.

Also, petition of Benjamin F. Hammonds, praying that his war claim be referred to the Court of Claims—to the same committee.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BURLEIGH: Of 251 citizens of Greenwich and Granville, N. Y.

By Mr. HANBACK: Of citizens of Osborne and North Branch, Kans.

By Mr. JACKSON: Of 433 citizens of West New Castle, Pa.

By Mr. KETCHAM: Of J. H. Draper and 61 others, of Beekman, N. Y.

By Mr. LORE: Of 163 citizens of Wilmington, Del.

By Mr. LYMAN: Of the Women's Christian Temperance Union of Lewis and of Exira, Iowa.

By Mr. MARKHAM: Of 265 citizens of the sixth district of California.

By Mr. MILLARD: Of 405 citizens of the twenty-sixth district of New York.

By Mr. MILLIKEN: Of T. Banker and others, of Somerset County, Maine.

By Mr. MITCHELL: Of 110 citizens of Orange, and of 131 citizens of Naugatuck and Guilford, Conn.

By Mr. MURPHY: Of 200 citizens of the second district of Iowa.

By Mr. ROCKWELL: Of the Women's Christian Temperance Union of Pittsfield, Mass.

By Mr. SAWYER: Of 186 citizens of Bergen and Medina, N. Y.

By Mr. SESSIONS: Of 657 citizens and of 519 citizens of the thirty-fourth district of New York.

By Mr. STORM: Of 113 citizens of Danville, Pa.

By Mr. SWOPE: Of Rev. A. W. Lilly and 239 citizens of York, Pa.

By Mr. WILKINS: Of 125 citizens of Dresden, Ohio.

SENATE.

TUESDAY, *February* 1, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

MARGARET DUNLAP—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I hereby return without approval Senate bill 2167, entitled "An act granting a pension to Mrs. Margaret Dunlap."

By this bill it is proposed to grant a pension to the beneficiary therein named as the mother of James F. Dunlap, who enlisted in the Seventh Missouri State Militia Cavalry in 1862, and died in July, 1864, of wounds received at the hand of a comrade.

The favorable action of the Senate upon this bill appears to be based, so far as the cause of death is concerned, upon an affidavit, contained in the report of the committee to which the bill was referred, made by one G. Will Houts, second lieutenant in the company to which the deceased soldier belonged, in which the affiant deposes that some of the comrades of the deceased being engaged in an affray he attempted to separate the combatants, whereupon one of them, without cause or provocation, stabbed the deceased in the breast, from which in a few days thereafter he died, to which affidavit is added the finding of a court-martial that the party inflicting the wound was found guilty of manslaughter and sentenced to five years' imprisonment.

Upon this showing it might be difficult to spell out the facts that the injury to the soldier was received in the line of duty, or that any theory of granting pensions covered the case.

But the weak features of this application are not alluded to in the committee's report.

The record of the soldier's death states that he was "killed by one of his comrades in a difficulty."

The same Lieutenant Houts, who in 1872 made oath that the soldier was wounded while attempting to separate comrades who were fighting, testified in 1864 before the court-martial upon the trial of the man who did the wounding, and whose name was Capehart, that Dunlap, the deceased, stated to him "that he was more to blame than Capehart, and that they had been scuffling at first good-naturedly and then both got angry; that he was rougher with Capehart than he ought to have been."

Another witness testified that the affray took place between Dunlap and Capehart; that Dunlap handled Capehart very roughly, kicking him, &c., and that finally Capehart stabbed Dunlap, upon which the latter attempted to get his gun, but was prevented from doing so by the witness.

Of course there can be no pretense of any kind of claim against the Government arising from these facts.

It is quite evident that the affidavit presented to the Senate Committee was contrived to deceive, and it is to be feared that it is but a sample of many that are made in support of claims for pensions.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 31, 1887.

CONGRESSIONAL LIBRARY BUILDING.

The PRESIDENT *pro tempore* presented a letter from the Secretary of the Interior, transmitting, in compliance with the act of April 15, 1886, a detailed statement of the proceedings of the commission for the construction of a building for the accommodation of the Congressional Library; which was referred to the Committee on the Library and ordered to be printed.

CREDENTIALS.

Mr. MANDERSON presented the credentials of ALGERNON S. PADDOCK chosen by the Legislature of Nebraska a Senator from that State for the term beginning March 4, 1887; which were read and ordered to placed on file.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented resolutions adopted by Barry Post, No. 27, Grand Army of the Republic, Department of New Jersey, urging the passage of the Edmunds-Tucker bill for the suppression of polygamy; which were ordered to lie on the table.

Mr. MCPHERSON. I present two memorials of property owners, residents of the city of Washington on the line of Twelfth street southwest, and Twelfth street northwest, and a memorial of property owners on the line of Sixth street northwest, remonstrating against the passage of the bill (H. R. 8976) for the incorporation of the Washington Traction Railway Company, and giving reasons for their protest. These memorials are numerously signed. I move that they be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PLUMB. I present a memorial of the Legislature of the State of Kansas concerning the postal facilities in that State. I ask that it be read.

The Chief Clerk read the memorial, as follows:

Whereas the railway mail facilities of the State of Kansas have failed to keep pace with the rapid development of the State; and

Whereas there are 500 miles of railroad in operation in said State upon which there is no mail service; and

Whereas the car facilities on many of the through lines are insufficient for a proper distribution of the mail; and

Whereas there is not a sufficient number of postal clerks on many of the lines in the State to properly perform the services required of them; and

Whereas the superintendent of the seventh division of the railway mail service has apparently failed to recognize the growing needs of the State: Therefore,

Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein) That our Senators and Representatives in Congress are hereby respectfully requested to use their utmost endeavors to secure the necessary improvements for the proper distribution and prompt delivery of the mail.

Resolved, That the secretary of state be directed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 27th day of January, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of state.*

Mr. PLUMB. I wish to say that the resolution which has been read is simply corroborative of the universal expression of the press and of the business men of the State of Kansas in regard to the present condition of the postal service in that State. It is simply disgraceful. It is without sufficient force. It is negligently carried on; and in every way it is the reverse of what it ought to be in order to render that service which the Postal Department was organized to render.

There are, as stated in the resolution, several hundred miles of railroad in that State upon which no service has been put at all. I undertake to say that there never has been a time before, in the history of the Government, until the incoming of this Administration, where there was a refusal or a failure to put mail service upon a constructed railroad as soon as the fact of the construction of the railroad and the terminal points of it were brought to the attention of the Department. The present Administration has for months withheld service from railroads already constructed, and has continued to do so in that State as I have no doubt it has continued to do elsewhere, so that the postal service in that growing State of newspapers and active business is in the worst possible condition it ever has been.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Post Offices and Post-Roads.

Mr. SAWYER presented a petition of wholesale druggists of Milwaukee, Wis., praying for a reduction of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. ALDRICH presented a petition signed by the principal marine underwriters of the United States, praying for the establishment of a harbor of refuge at or near Point Judith, Rhode Island; which was referred to the Committee on Commerce.

He also presented the petition of Charles Fletcher and others, citizens of Providence, R. I., praying for the repeal of the internal-revenue laws; which was referred to the Committee on Finance.

Mr. CAMERON presented resolutions adopted by the Philadelphia Board of Trade, the Commercial Exchange of Philadelphia, and the Philadelphia Maritime Exchange; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives in Congress assembled:

Whereas the increasing commerce of the port of Philadelphia demands enlarged wharf facilities for vessels now engaged in coastwise and foreign trade; and

Whereas it is a notorious fact that there are but few piers of sufficient length to accommodate safely the largest vessels trading with this port; and if it be desired to retain our commerce some speedy and radical measures must be adopted

to secure the extension of the wharves to meet the present and future necessities; and

Whereas the further extension of the port warden's line under the existing conditions has been declared by recognized authorities unwise and dangerous, thus restricting the length of our wharves to their present inadequate dimensions; and

Whereas "Smith's" and "Windmill" Islands stand as permanent barriers to the future improvement of our valuable river frontage, and threaten most seriously the commercial welfare of our great city: therefore,

Your memorialists, the Philadelphia Board of Trade, the Commercial Exchange of Philadelphia, and the Philadelphia Maritime Exchange, request your honorable bodies to pass a resolution under which an inquiry shall be made as to the feasibility of removing "Smith's" and "Windmill" Islands and the shoals adjacent thereto, and that the sum of $2,500 be appropriated for defraying the expenses of such inquiry.

And your memoralists will ever pray, &c.

[SEAL.] FRED. FRALEY,
President Philadelphia Board of Trade.

Attest:
Z. P. TUCKER, *Secretary.*

[SEAL.] WILLIAM E. BURK,
President Commercial Exchange of Philadelphia.

Attest:
C. ROSS SMITH, *Secretary.*

[SEAL.] WILLIAM BROCKIE,
President Philadelphia Maritime Exchange.

Attest:
EDW. B. SHERWOOD, *Secretary.*

PHILADELPHIA, *January* 25, 1887.

Mr. MITCHELL, of Pennsylvania, presented the petition of R. K. Campbell and 19 other citizens of Connorsburg, Pa.; the petition of William J. O'Neill and 95 other citizens of Philadelphia, Pa.; the petition of Jacob Week and 28 other citizens of Pittsburgh, Pa.; and the petition of Peter W. Weide and 19 other citizens of Philadelphia, Pa., respectfully representing that they are consumers of oleomargarine in their own homes, and stating that the license tax on oleomargarine is from five to fifty times higher than the license tax on whisky, beer, or tobacco, and praying for a reduction of the same; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of B. F. Fahnestock and 7 other druggists and merchants of Pittsburgh, Pa., praying for the repeal of the internal-revenue laws; which was referred to the Committee on Finance.

Mr. CALL. I present a letter, in the nature of a petition, to be submitted to the Committee on Commerce, from Mr. H. B. Plant. I wish to state that Mr. Plant is the president of the Coast Line Railway. While I have very slight personal acquaintance with him, I have knowledge of the fact that he is a man of large wealth, who has used it beneficially to the people of the Southern States, and especially to the State of Florida, in the construction of lines of railway and in the development of that State. The letter states:

I am largely interested in several rail and steamship lines engaged in the transportation of passengers, property, and mails to, from, and through the State of Florida. After such examination as these companies could make of the Gulf coast, Tampa Bay was selected as the most eligible for the development of a great future trade between the United States, the West Indies, Central and South America. In proof of their convictions on this point, these companies have connected and extended their rail lines to Tampa, and a tri-weekly mail steamship line is now plying between Tampa, Key West, and Havana. But serious difficulties are encountered from the fact that the port of Tampa is not a port of entry. This, however, it was thought, could be overcome by bonding the lines under the act of Congress providing for the immediate transportation of dutiable merchandise from the port of first arrival to any other port in the United States.

That, however, has proved inefficacious.

Several Cuban manufacturers have settled in and near the city of Tampa and are dependent for their supply of imported tobacco on this trade, but now the merchandise must be entered and unloaded at Key West and remain there on storage until the arrival and departure of the ship following the one which carried the goods from Havana to Key West. This process not only causes delay in the delivery, but the policies of insurance have to cover transportation in two ships instead of one and a fire risk on land. Of course if the port of Tampa were a port of entry these obstructions to commerce would be removed.

This, however, is but one and comparatively a small one of the many reasons why the port of Tampa should be made a port of entry.

There are now, in addition to the tri-weekly mail steamship line, a weekly steamship line between New Orleans, Tampa, and Havana, and a semi-monthly line between Tampa and the Bahamas; but each of these lines is forced to stop at Key West, enter the vessels and cargoes, and unload and load again all dutiable merchandise destined for Tampa, and thence to the United States. This you will see is a great tax on that commerce, and there is no telling to what extent shipments are diverted on account of it.

I have had proposals from several sources to establish direct lines to Aspinwall and other Central American ports, if the port of Tampa could be made a port of entry. But all concur that the business could not be successfully conducted if the ships and steamers must go many miles out of the way to Key West and be detained there to have the cargoes inspected and the duties liquidated. A nd besides, after leaving Key West, such ships as would be suitable for the trade could not pass through the Northwest Channel near Key West, and would have to make a long detour to the west before heading for Tampa Bay.

I ask the consideration of the Committee on Commerce upon these very forcible suggestions of this petition from a man largely interested in establishing the foreign commerce between the port of Tampa and Central and South America.

The PRESIDENT *pro tempore.* The paper will be referred to the Committee on Commerce.

Mr. WILSON, of Maryland, presented the petition of Mrs. Jane Dulany, of Baltimore, Md., praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. HALE. I present the petition of Asbury Caldwell Grand Army Post. No. 51, of Sherman, Me., praying for the passage of the so-called Edmunds-Tucker bill, touching abuses in Utah Territory. I move that the memorial lie on the table, as the subject is before the Senate.

The motion was agreed to.

Mr. EVARTS presented a petition of members of the bar of the city of New York, praying for the passage of the bill (H. R. 8599) for the appointment of an additional circuit judge for the second circuit; which was referred to the Committee on the Judiciary.

Mr. MANDERSON. I present a petition of many residents of Nebraska—several thousand of them, I think—who pray that the bill known as the Miller bill, for the suppression of contagious diseases of domestic animals, may be passed. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2624) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 7335) granting a pension to Michael Todd, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Library, to whom was referred an amendment proposed by Mr. SHERMAN on the 10th of January to the sundry civil appropriation bill, providing for an appropriation to assist the Marietta Centennial Monumental Association, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3107) granting a pension to Catharine F. Ellsworth;
A bill (H. R. 8601) granting a pension to James H. Butler;
A bill (H. R. 325) granting a pension to Catharine Waters;
A bill (H. R. 9026) granting a pension to Nirius Cissel;
A bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon;
A bill (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll;
A bill (H. R. 8151) granting a pension to John P. McDonald; and
A bill (H. R. 10025) granting a pension to Clementine Hartinger.

Mr. MORRILL, from the Committee on Finance, reported an amendment in the nature of a substitute for the bill (S. 3114) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. 995) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861, reported it with an amendment.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4097) for the relief of William J. Owings;
A bill (H. R. 9247) granting a pension to Mary Grimes;
A bill (H. R. 8791) granting a pension to Sally W. Rice;
A bill (H. R. 8847) for the relief of Phila Clark; and
A bill (H. R. 10082) to increase the pension of Margaret R. Jones.

Mr. VANCE, from the Committee on Finance, to whom was referred the bill (H. R. 1741) for the relief of William E. Bond, reported it without amendment, and submitted a report thereon.

Mr. KENNA. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 3039) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same, to report it favorably without amendment. The passage of the bill is important for the continuation of a valuable public improvement in West Virginia, and I shall in a day or two call it up and ask the Senate to dispose of it. I think there will be no objection to it anywhere.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 2906) to refund certain import duties, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1429) for the relief of the North German Lloyd Steamship Company, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3220) granting a pension to Hannah R. Langdon;
A bill (S. 2248) for the relief of Adam L. Epley;
A bill (H. R. 4028) granting a pension to Samuel Sawyer;
A bill (H. R. 6523) granting a pension to Henry Roscoe;
A bill (H. R. 7327) granting a pension to Anthony McRobertson; and
A bill (H. R. 9862) granting a pension to Mary Jane Magoon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 3126) to effect a re-arrangement of grades of office in the Adjutant-General's Department of the Army, reported it without amendment, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 3230) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C., reported it with amendment, and submitted a report thereon.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (S. 1277) to refund duties paid by the State of New York on arms imported in 1863, reported it with amendments.

ROBERT STRACHAN.

Mr. BLACKBURN. By direction of the Committee on the District of Columbia I report back the bill (S. 574) for the relief of Robert Strachan, which was amended by the House of Representatives, and the amendments were then referred to the Committee on the District of Columbia. I ask the Senate to concur in the amendments which the House put upon the bill, assuring the Senate that they are simply technical and immaterial.

By unanimous consent, the Senate proceeded to consider the amendments of the House of Representatives, which were in section 1, after the word "employés," at the end of line 9, in section 1, to strike out "having changed the grade of New Hampshire avenue, between Sixteenth and Seventeenth streets, and;" in line 12, after the word "dwelling house," to strike out the word "and;" and in line 13, after the word "continued," to insert "by them;" so as to make the section read:

Be it enacted, &c., That jurisdiction be, and the same is hereby, conferred upon the United States Court of Claims to hear, try, and determine, according to the rules and practice now in force in said court, any claim for damage which Robert Strachan may have against the District of Columbia by reason of the said District of Columbia, or its agents, servants, or employés, having turned the water upon the premises of the said Strachan and into his dwelling-house by means of an embankment having been erected and continued by them thereon for a long time, in said District of Columbia.

The amendments were concurred in.

THE COLUMBIA RIVER.

Mr. MITCHELL, of Oregon. I am instructed by the Committee on Transportation Routes to the Seaboard to submit a report, which is made in obedience to the Senate resolution adopted January 5, 1886, instructing the committee to inquire into the alleged grievances in matters relating to the subject of transportation in the great valley of the Columbia and to report as to the proper measures of relief, and also as to the importance of the speedy completion of the canal and locks at the Cascades of the Columbia River, and the means proper to be adopted to overcome the obstructions to navigation at the Dalles of the Columbia.

I am also instructed in the same connection by that committee to report an accompanying bill and recommend its passage.

The bill (S. 3252) making an appropriation for a final survey and estimates for, and the commencement of, the construction of a boat-railway around the obstructions to navigation at the Dalles and Celilo Falls in the Columbia River, was read twice by its title.

Mr. MITCHELL, of Oregon. I desire to state that this report is signed by eight of the nine members of the Committee on Transportation Routes to the Seaboard, and eight members of the committee approve the report and recommend the passage of the bill. It is proper that I should state that the report does not receive the approval of the chairman of the committee, the Senator from Rhode Island [Mr. ALDRICH].

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the report will be printed.

LOUISIANA PRIVATE LAND CLAIMS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the letter of the Secretary of the Interior transmitting papers pertaining to private land claims in the State of Louisiana, with a recommendation that the usual number be ordered printed, and I ask that such order may now be made.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, moves that the usual number of the letter of the Secretary of the Interior, transmitting, in response to Senate resolution of July 26, 1886, the report of the Commissioner of the General Land Office relative to private land claims in the State of Louisiana, be printed. That order will be made if there be no objection.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3253) to extend the provisions of the act entitled "An act to provide compensation for the services of George Morell in adjusting titles to land in Michigan;" which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3254) for the improvement and enlargement of the public building at Omaha, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. PUGH introduced a bill (S. 3255) to construct a road from the city of Staunton to the national cemetery in the county of Augusta, in the State of Virginia; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SEWELL introduced a bill (S. 3256) authorizing appeals from orders of the circuit courts of the United States on motions to remand in cases removed from State courts; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3257) granting a pension to Elizabeth L. Cheesman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 3258) for the erection of a monument to the memory of Maj. Gen. Henry Knox, at Thomaston, Me.; which was read twice by its title, and referred to the Committee on the Library.

Mr. MORGAN (by request) introduced a bill (S. 3259) to encourage the holding of a national industrial exposition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the year 1888; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. CAMERON, Mr. CULLOM, Mr. GEORGE, Mr. SAULSBURY, Mr. WILLIAMS, and Mr. WILSON, of Iowa, submitted amendments intended to be proposed by them, respectively, to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SHERMAN, it was

Ordered, That the papers on file in regard to the case of Electa W. Jacobs be referred to the Committee on Pensions, new evidence having been presented.

AWARDS AGAINST HAYTI.

Mr. FRYE. I ask that an order may be made to print for the use of the Senate the usual number of copies of the message of the President of the United States and the accompanying communication from the Secretary of State touching the cases known as the Pelletier case and the Lazare case against the Republic of Hayti.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the usual number be printed for the use of the Senate of the message from the President of the United States, transmitting a report of the Secretary of State, in response to a Senate resolution of December 8, 1886, upon the claims of Antonio Pelletier and others against the Republic of Hayti. That order will be made if there be no objection.

CONSIDERATION OF HOUSE BILLS.

Mr. HARRIS. I ask the Senate to proceed to the consideration at this time of the resolution which I introduced on Saturday last, or move that it do so proceed, if the morning business is through.

The PRESIDENT *pro tempore*. If there be no further morning business, the Senator from Tennessee moves that the Senate proceed to the consideration of a resolution heretofore submitted by him. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. HARRIS January 29, 1887, as follows:

Resolved, That at the conclusion of the morning business for each day the Senate proceed to the consideration of House bills and joint resolutions favorably reported on the Calendar, and continue such consideration until 2 o'clock, under the provisions of Rule VIII, until the Calendar of such bills and resolutions has been completed.

Mr. INGALLS. Does that confine the attention of the Senate to bills passed by the other House? Let it be read again, please.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk again read the resolution.

Mr. INGALLS. Is the resolution up for action?

The PRESIDENT *pro tempore*. The question is: Will the Senate proceed to the consideration of the resolution? The motion is not debatable.

Mr. ALLISON. Then I hope that by unanimous consent we may be allowed to go on with the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee object to the suggestion of the Senator from Iowa?

Mr. HARRIS. If the resolution is going to consume any time I shall not object to the request of the Senator from Iowa.

Mr. ALLISON. I am afraid it is, from the appearance of the Senator from Kansas [Mr. INGALLS].

Mr. HARRIS. The Senator from Kansas has not indicated to my mind that the resolution will necessarily take time.

Mr. INGALLS. I was about to inquire whether the House of Representatives had adopted any resolution declaring that they would devote any specific and particular portion of time to the consideration of bills passed by the Senate. When that action has been taken, so that there may be an interchange of courtesies in this matter, I shall be willing to consider a proposition like that now called up by the Senator from Tennessee.

Mr. HARRIS. The Senator from Kansas will allow me to remark that I think the House of Representatives have established no standing rule upon the subject, but certainly it is true that the House of Repre-

sentatives devoted two days in the last week to the consideration of Senate bills to the exclusion of all other business on the House Calendar.

Mr. ALLISON. I think——

Mr. DAWES. I should like to inquire if this discussion is in order. Is an allusion to what the other branch is doing in order?

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. ALLISON. No debate is in order, I understand.

The PRESIDENT *pro tempore*. The whole debate is out of order.

Mr. DAWES. This kind of debate is so strange, it seems to me well to have a ruling of the Chair.

Mr. INGALLS. I hope the Senator from Massachusetts will possess his soul in patience and advise himself about the condition of the rules. This idea that there is some divinity that doth hedge about the House of Representatives so that nobody can mention it without getting down on his knees, or in some way make a gesture of homage and obeisance, is a superstition that ought to be abandoned. The rules provide that particular acts or particular votes or particular speeches of members of the House of Representatives shall not be alluded to in the Senate, because it might provoke a breach of order; but that we are forbidden to mention the existence of a correlative branch of Congress appears to me to be a relic of the dark ages, and it ought to be abandoned.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts will proceed if there be no objection. The Chair must again remind Senators that debate is out of order on the pending motion.

Mr. DAWES. There is a sense of propriety and decency which ought to govern us, however strange it may seem to some Senators. It was because it was out of order to refer to particular acts and what the other branch was doing, that led me to make the suggestion. I regret that it did not commend itself to that sense of propriety which so governs the Senator from Kansas always.

Mr. ALLISON. I ask consent——

Mr. HARRIS. I ask for a vote on my motion, and if the Senate shall decide to consider the resolution and it leads to debate, I will consent to the suggestion of the Senator from Iowa.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the resolution heretofore submitted by the Senator from Tennessee. [Putting the question.] The noes appear to have it.

Mr. HARRIS. I shall not insist upon a division, in view of the anxiety of the Senate to proceed with the appropriation bill, but I give notice that I shall to-morrow again ask the Senate to consider the resolution.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1365, to insert:

Yellowstone National Park:

For every purpose and object necessary for the protection, preservation, and improvement of the Yellowstone National Park, including compensation of superintendent and employés, $40,000; $2,000 of said amount to be paid to a superintendent of said park, and not exceeding $900 to each of ten assistants, all of whom shall be appointed by the Secretary of the Interior and reside continuously in the park, and whose duty it shall be to protect the game, timber, and objects of interest therein; the balance of the sum appropriated to be expended in the construction and improvement of suitable roads and bridges in said park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that duty.

The amendment was agreed to.

The next amendment was, after line 1391, after the words "estimates for," to strike out "all moneys wanted by;" and in line 1392, after the word "itemized," to insert "as far as may be practicable;" so as to make the clause read:

United States Geological Survey:

For the United States Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employés in the field and office, and all other necessary expenses, to be expended under the direction of the Secretary of the Interior, $400,000; and hereafter the estimates for the Geological Survey shall be itemized, as far as may be practicable.

The amendment was agreed to.

The next amendment was, after line 1416, to insert:

For the preparation from material on hand of volume 3, book 2, of the final report of the United States Geological Survey of the Territories, the publication of the same having been ordered by Congress, $3,800, to be expended in preparing, drawing, and writing the same, said work to be done by Prof. E. D. Cope, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in the appropriations for "Government Hospital for the Insane," after line 1449, to insert:

For additional accommodations for the colored insane, $17,000.
For rebuilding wharf, $3,500, to be immediately available.
For cottage at the cemetery, $900.

The amendment was agreed to.

The next amendment was, in line 1460, after the word "improvements," to strike out "fifty-two thousand five hundred" and insert "fifty-five thousand;" so as to make the clause read:

Current expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and for books and illustrative apparatus, for general repairs, and improvements, $55,000: *Provided*, That no more than $25,000 of said sum shall be expended for salaries and wages.

The amendment was agreed to.

The next amendment was, after line 1463, to insert:

For the improvement of the grounds, including pavements near the new buildings for the Kendall School and the laboratory and shop-buildings, $1,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Freedmen's Hospital and Asylum," in line 1486, after the word "surgeon-in-chief," to insert "not to exceed $3,000;" in line 1495, after the word "dollars," to insert "for painting inside of hospital wards, four hundred dollars;" so as to read:

For subsistence, $22,000; for salaries and compensation of the surgeon-in-chief, not to exceed $3,000, two assistant surgeons, clerk, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, $14,000; for rent of hospital buildings and grounds, $4,000; for fuel and light, clothing, bedding, forage, transportation, medicines and medical supplies, repairs and furniture, and other absolutely necessary expenses, $10,500; one centrifugal wringer, $240; for painting inside of hospital wards, $400.

The amendment was agreed to.

Mr. ALLISON. I move to add after the amendment just adopted the words "to be immediately available."

The amendment was agreed to.

Mr. ALLISON. I move to add, also, to that clause:

For purchase of horse, $200, or so much thereof as may be necessary.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1496, to increase the total amount of the appropriation for "Freedmen's hospital and asylum" from $50,740 to $51,140.

Mr. ALLISON. Now, I move to add $200 to that amount, so as to make the total $51,340.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1497, to insert:

EDUCATION IN ALASKA.

For the education of the children of school age in the Territory of Alaska, without reference to race, $15,000.

Mr. TELLER. I move to amend that amendment by striking out "fifteen" and inserting "twenty-five."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the item for "National Museum," in line 1505, to increase the appropriation "for expense of heating, lighting, and electrical and telephonic service for the National Museum," from $11,000 to $13,000.

The amendment was agreed to.

The next amendment was, in line 1512, in the clause making appropriations for "preservation of collections of the National Museum," to increase the appropriation from $106,500 to $116,000 "for the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employés."

The next amendment was, in the appropriations "under the War Department" for "armories and arsenals," in line 1533, to increase the appropriation "for replacing wooden beams on Rock Island wagon-bridge (between the island and the city of Rock Island) by iron ones, reflooring wagon-road and sidewalks, and painting," from $5,000 to $9,000.

The amendment was agreed to.

The next amendment was, in the appropriations for Rock Island bridge, after line 1548, to insert:

For renewing tracks with steel rollers at end of each span; wagon-road, sidewalks, floor-beams, and stringers for supporting railroad track, $3,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Springfield arsenal, Springfield, Mass.," after line 1555, to insert:

For the erection of a new fire-proof milling-shop, in addition to the amount ($30,000) appropriated by the sundry civil act approved August 4, 1886, $20,439.88.

The amendment was agreed to.

The next amendment was, in the appropriations for "testing machine, Watertown arsenal," to strike out lines 1581 and 1582, in the following words:

For purchasing machine to test small specimens, $15,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "buildings and grounds in and around Washington," to strike out the clause from line 1606 to line 1608, inclusive, as follows:

For construction and repair of post and chain fences, removal and repair of high iron fences around smaller triangular reservations, $1,500.

The amendment was agreed to.

The next amendment was, in line 1638, after the word "than," to strike out "$1.75" and insert "$2;" in line 1639, after the word "best," to strike out "heretofore;" and in line 1640, after the word "Columbia," to insert "prior to July 1, 1876, and with a base of not less than 6 inches in thickness;" so as to make the clause read:

That under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington city at a higher price than $2 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1876, and with a base of not less than 6 inches in thickness.

The amendment was agreed to.

Mr. ALLISON. I think in line 1641 the date should be 1886 instead of 1876. I think that is a mistake in the print. It should read "prior to July 1, 1886."

The PRESIDENT *pro tempore*. That seems to change the whole substance.

Mr. ALLISON. I know it changes the whole substance, but prior to last year we had a provision of this character in the District of Columbia bill and the sundry civil bill, and I understand they have been putting down some inferior pavements since. We desire that this should be confined to pavements constructed before this time.

The PRESIDENT *pro tempore*. The change will be made if there is no objection. The Chair hears none, and the correction will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the words "gas-fitters and," at the end of line 1656, to strike out "laborers," and insert "plumbers;" so as to read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas-fitters, and plumbers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and for repairs of all kinds; fuel and light for office, office-stables, watchmen's lodges, and for the greenhouses at the nursery, $14,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Washington Monument," after line 1689, to insert:

For the expenses of running the elevator in said Monument, $10,000.

The amendment was agreed to.

The next amendment was, after line 1691, to insert:

Building for Army Medical Museum and Library: For brick annex to main building, for laboratory and anatomical work, $7,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "military posts," to strike out the following clause from line 1701 to line 1706, inclusive:

Protection and improvement of the Yellowstone National Park: For the construction and improvement of suitable roads and bridges within the park, under the supervision and direction of an engineer officer detailed by the Secretary of War for that purpose, $20,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Signal Service," after the word "therewith," at the end of line 1715, to insert "including those already issued and to be issued to voluntary unpaid observers, and the Secretary of War shall establish regulations respecting such issue;" so as to make the clause read:

For the manufacture, purchase, and repair of meteorological instruments, and expenses in connection therewith, including those already issued and to be issued to voluntary unpaid observers, and the Secretary of War shall establish regulations respecting such issue, $10,000.

The amendment was agreed to.

The next amendment was, in line 1721, to increase the appropriation "for telegraphing reports, messages, and other meteorological information in connection with the observation and report of storms," from $125,000 to $138,000.

The amendment was agreed to.

The next amendment was, in line 1737, to increase from $35,000 to $40,000 the appropriation "for rent, hire of civilian employés, furniture, light, stationery, ice, stoves and fixtures, repairs, rent of telephones, text-books, lumber, and other expenses of offices maintained as stations of observation outside of Washington, D. C."

The amendment was agreed to.

The next amendment was, after line 1762, to insert:

For the repair of the Signal Service cable at the mouth of the Columbia River, in Oregon and Washington Territory, $500.

Mr. MITCHELL, of Oregon. I desire to inquire of the chairman of the committee if $500 will amount to anything, and whether $5,000 should not be the amount of this appropriation?

Mr. ALLISON. Five hundred dollars is the amount of the estimate. This cable, as we understand, was broken last August and they have been making some attempts to raise it and repair it. I believe they have not yet succeeded; but when it is raised it will cost about $500 to repair it—over $400. We thought we would give them an ample sum.

Mr. MITCHELL, of Oregon. I think the Senator is wrong in this matter. The estimate, I understand, is $5,000.

Mr. ALLISON. That is an estimate for the construction of a new cable.

Mr. MITCHELL, of Oregon. I ask the chairman to pass over this amendment until I can look at the papers.

Mr. ALLISON. Before doing so, I will say there was an estimate for a new cable; but the committee saw no difficulty in raising the old cable. It can not be possible that the cable is so submerged that it can not be reached.

The PRESIDENT *pro tempore*. The amendment will be passed over for the present.

Mr. ALLISON. I have no objection to passing it over.

The PRESIDENT *pro tempore*. It will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 1765, to insert:

For the construction and maintenance of a military telegraph line from San Francisco, California, to a point at or near Point Reyes, California, via Point San José, California, $2,500.

The amendment was agreed to.

The next amendment was, in line 1774, after the word "pay," to strike out "four thousand six hundred and eighty," and insert "five thousand one hundred and forty;" so as to read:

For pay of one brigadier-general and sixteen second lieutenants, $29,500; for longevity pay to officers of the Signal Corps, to be paid with current monthly pay, $5,140.

The amendment was agreed to.

The next amendment was in the first proviso to the same clause, in line 1781, after the words "disbursing this," to strike out "sum" and insert "amount;" in line 1782, after the word "paid," to insert "to an officer;" in line 1784, after the word "thereto," to insert "upon the officer's certificate that it was not practicable to obtain transportation from the Quartermaster's Department;" in line 1787, after the word "paid," to insert "by the officer over said route or routes," and in line 1788, after the word "fare," to insert "and transfers;" so as to make the proviso read:

Provided, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be 4 cents per mile, distance to be computed over the shortest usual traveled routes, and, in addition thereto, upon the officer's certificate that it was not practicable to obtain transportion from the Quartermaster's Department, the cost of transportation actually paid by the officer over said route or routes, exclusive of sleeping or parlor-car fare and transfers.

The amendment was agreed to.

The next amendment was, in the same clause, line 1788, after the word "transfers," to insert:

And provided further, That when any officer so traveling shall travel in whole or in part on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, he shall be allowed for himself only 4 cents per mile as a subsistence fund for every mile necessarily traveled over any such last-named railroad.

The amendment was agreed to.

The next amendment was, in the same clause, line 1797, to increase the total amount of the appropriation for pay of officers and men of the Signal Service from $223,680 to $224,140.

The amendment was agreed to.

The next amendment was, in the appropriations for "subsistence" for the Signal Service, in line 1822, to increase the amount of the appropriation from $148,000 to $151,243.75 "for commutation of rations of not exceeding four hundred and seventy Signal Service enlisted men of the Signal Corps, and for sales of subsistence stores to officers and enlisted men of said corps, as authorized by section 1144 of the Revised Statutes, and paragraph 2199 of the Army Regulations, 1881."

The amendment was agreed to.

The next amendment was, in line 1838, to increase the appropriation "for commutation of fuel for not exceeding four hundred and seventy enlisted men of the Signal Corps on duty at the office of the Chief Signal Officer and at signal stations throughout the United States" from $45,000 to $47,760.

The amendment was agreed to.

The next amendment was, in the appropriations for "transportation" for the Signal Corps, in line 1882, to increase the appropriation "for transportation of men" from $6,000 to $8,000.

The amendment was, agreed to.

The next amendment was, in line 1890, to increase the appropriation "for commutation of quarters to not exceeding four hundred and seventy enlisted men of the Signal Corps on duty at office of the Chief Signal Officer and at signal stations throughout the United States" from $84,000 to $85,440.

The amendment was agreed to.

The next amendment was, in the appropriations for "national cemeteries," in line 1915, after the date "1879," to strike out "and for supplying headstones for unmarked graves of soldiers, sailors, and marines of the Revolution, war of 1812, Mexican, and other wars, not heretofore provided for, twenty," and insert "ten;" so as to make the clause read:

Headstones for graves of soldiers: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, $10,000.

Mr. ALLISON. I think that amendment should be modified by inserting "fifteen" instead of "ten" in line 1918.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to amend the amendment by striking out "ten" and inserting "fifteen;" so as to make the appropriation $15,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1921, after the word "for," to strike out "maintaining" and insert "repairing;" so as to read:

Maintenance of roadways to national cemeteries: For repairing the roadways to national cemeteries which have been constructed by special authority of Congress, $3,000.

The amendment was agreed to.

The next amendment was, after line 1927, to insert:

Monuments or tablets in Gettysburg Cemetery: For the erection of monuments or memorial tablets for the proper marking of the position of each of the commands of the Regular Army engaged at Gettysburg, $20,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, after line 1933, to insert:

Confederate cemeteries near Columbus, Ohio: For the erection of suitable fences around the cemeteries in which Confederate dead are buried near Columbus and on Johnson's Island, Ohio, and for putting the grounds in good condition, $2,000.

The amendment was agreed to.

The next amendment was, in line 1964, after the word "therefor," to strike out "seven thousand five hundred" and insert "ten thousand;" so as to make the clause read:

Garfield Hospital: For support and care of transient persons unable to pay therefor, $10,000.

Mr. ALLISON. I wish to change the phraseology of that paragraph, to insert in lieu of the whole paragraph:

Garfield Memorial Hospital: For aid to enable it to provide medical and surgical treatment to persons unable to pay therefor, $10,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1986, to insert:

Yorktown Monument: For the erection of a cottage for use of watchman at Yorktown Monument, $1,000.

Mr. MANDERSON. I call the attention of the Senator from Iowa, in charge of this bill, to an amendment proposed by way of a substitute for the language of the Committee on Appropriations. I ask that the proposed amendment be read.

The CHIEF CLERK. It is proposed to strike out the amendment reported by the Committee on Appropriations, and in lieu thereof to insert:

That so much of the unexpended balance ($5,176.74) of the appropriation of $100,000 in the act of June 7, 1880 (21 Statutes, page 163), for the erection of a monument at Yorktown, Va., as may be necessary therefor, in the opinion of the Secretary of War, may be applied to the building or purchase of a plain, substantial dwelling for the keeper of said monument, and for the care of the same after construction, and of the grounds around the monument: *Provided*, That the total cost of said building, tool and wood house, &c., shall not exceed the sum of $2,500, and of the balance thereafter remaining not more than $200 shall be expended in any one year in the care of the grounds, buildings, &c., pertaining to said monument.

Mr. MANDERSON. This is the amendment as proposed by the Committee on Military Affairs, and it is the desire of the Senator from Virginia [Mr. MAHONE], not now in his seat, that it should be offered as a substitute for this amendment of the Committee on Appropriations.

Mr. ALLISON. I am willing this paragraph shall be passed over for the present, but I will say that the Committee on Appropriations considered very fully the amendment just read. There is no unexpended balance. The balance remaining of the money appropriated for this Yorktown affair was covered into the Treasury some time ago. Of course the money appropriated was not all expended. It seems that there ought to be some cottage or place there for the keeper or guardian of this monument, but it is proposed by the amendment just read to either purchase or erect a house, costing $2,500. The Committee on Appropriations, after considering it, thought that for a thousand dollars a very fair cottage could be placed there for the home of the keeper.

Mr. MANDERSON. I make this suggestion in the absence of the Senator from Virginia, who is interested in the subject matter, that the vote on the amendment proposed by the Committee on Appropriations and the substitute proposed by the Committee on Military Affairs be passed over until his return.

Mr. ALLISON. I have no objection.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be passed over.

Mr. HAMPTON. I ask permission of the Senator from Iowa to recur to page 73, line 1763, to the item—

For the repair of the Signal Service cable at the mouth of the Columbia River, in Oregon and Washington Territory, $500.

which was passed over informally.

The PRESIDENT *pro tempore*. It was passed over informally.

Mr. HAMPTON. I ask that that matter be called up, as I was directed by the Committee on Military Affairs to make a favorable report upon the amendment offered by the Senator from Oregon [Mr. MITCHELL]. I submitted it to the Secretary of War, and I ask that the papers which I send to the Chair may be read, for upon them the action of the Committee on Military Affairs was based. The Secretary of War and the Signal Officer say that in all probability it will be necessary to build a new cable, and I ask that these papers may be read.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks that the Senate go back to the consideration of this item.

Mr. ALLISON. I have no objection to going back now, as the question ought to be disposed of at some time, if the Senator from Oregon is also ready.

Mr. MITCHELL, of Oregon. I am ready.

The PRESIDENT *pro tempore*. The amendment will be considered before the Senate, and will be stated.

The CHIEF CLERK. On page 73, after line 1762, the Committee on Appropriations propose to insert:

For the repair of the Signal Service cable at the mouth of the Columbia River, in Oregon and Washington Territory, $500.

The PRESIDENT *pro tempore*. Does the Senator from South Carolina submit an amendment to this amendment?

Mr. HAMPTON. In accordance with the suggestion of the Secretary of War, after the word "repair," I move to insert "or renewal." That amendment has not yet been offered by the Senator from Oregon, and I shall move that the Senate consider it.

The PRESIDENT *pro tempore*. The amendment of the Committee on Appropriations being now under consideration, it is open to amendment.

Mr. HAMPTON. Well, I move to insert the words "or renewal," after the word "repair," in line 1763.

Mr. MITCHELL, of Oregon. And to increase the amount in line 1765 from $500 to $5,000.

Mr. HAMPTON. I suppose that would follow. In accordance with the instructions of the Military Committee, I move to substitute $5,000 for $500, in line 1765.

The PRESIDENT *pro tempore*. The amendment to the amendment will be stated.

The SECRETARY. After the word "repair," in line 1763, it is proposed to insert "or renewal;" and in line 1765 to strike out "five hundred" and insert "five thousand;" so as to read:

For the repair or renewal of the Signal Service cable at the mouth of the Columbia River, in Oregon and Washington Territory, $5,000.

Mr. ALLISON. I hope this amendment will not be agreed to. As a matter of course, if this amendment prevails, making the amount $5,000, no further effort will be made to raise the present cable, but they will go on to build a new one. This item really ought to have gone in the deficiency bill, because whatever there is about it is a deficiency estimate within the year. If the Senator from Oregon is content to allow this item to be struck out and take his chances when we come to consider the deficiency bill, I have no objection; but why we should now appropriate $5,000 for the construction of a new cable when this cable was only broken last August, and when there was no evidence before the Committee on Appropriations that it was not perfectly practicable to raise it——

Mr. HALE. It is not an old cable.

Mr. ALLISON. No, it is not an old cable. Why should we appropriate $5,000 to construct a new cable, when this cable can easily be raised by proper effort, and done for $400?

Mr. MITCHELL, of Oregon. The answer to the whole speech of the chairman of the committee is to be found in the papers from the War Department, submitted by the Senator from South Carolina [Mr. HAMPTON], in which it is stated that an effort has been made to raise this cable, and that it is not at all probable that it ever can be raised with any amount, and that in all probability a new cable will have to be constructed. I ask that the papers submitted by the Senator from South Carolina, who reported this amendment from the Committee on Military Affairs, be read.

The PRESIDENT *pro tempore*. The papers will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington City, January 25, 1887.*

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant requesting information touching the subject-matter of a proposed amendment to House bill 10072 (sundry civil bill), to provide for an appropriation of $5,000, or so much thereof as may be necessary, to repair the Signal-Service cable at the mouth of the Columbia River, in Oregon and Washington Territory, and in reply to invite attention to the inclosed copy of a report of the 21st instant from the Acting Chief Signal Officer of the Army, which will, it is believed, afford the desired information.

It will be observed that the Acting Chief Signal Officer suggests that, as an entirely new cable will in all probability be required, the words "or renew, as may be found necessary," should be inserted in the amendment after the word "repair," in order to place the complete restoration of the cable beyond all doubt.

The copy of the amendment inclosed by you is herewith returned.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brig. Gen., Chief of Ordnance, and Acting Secretary of War.

Hon. JOSEPH R. HAWLEY,
Acting Chairman of Committee on Military Affairs, United States Senate.

SIGNAL OFFICE, WAR DEPARTMENT,
Washington, January 21, 1887.

Respectfully returned to the honorable Secretary of War with the following report, submitted for his consideration:

The cable in question failed on July 31, 1886, presumably from having been damaged by a ship's anchor. Two attempts were made to recover it, but being deeply inbedded in the sand the cable could not be raised. A deficiency estimate of $5,000 was then submitted for furnishing and laying a new cable, which is now before Congress. (See Executive Document No. 45, current session.)

The great importance of this cable to commercial and other interests can not be questioned, and is evidenced by the urgent appeals from the Portland (Ore-

gon) Board of Trade and the Astoria (Oregon) Chamber of Commerce, for its speedy repair or renewal.

The favorable action of Congress on either the deficiency estimate mentioned, or the proposed amendment, is therefore strongly recommended; but as the success of any further attempt to raise and repair the old cable is more than doubtful, and as an entirely new cable will in all probability be required, the words "or renew, as may be found necessary," should be inserted in the amendment after the word "repair," in order to place the complete restoration of the cable beyond all doubt.

The Treasury Department has authorized the use of the light-house tender Manzanita in making another attempt at recovering the cable, if the tender can be spared for that purpose, but it is not expected that under the most favorable conditions more than a small portion of the old cable can be raised.

This office does not desire to ask for more than is absolutely necessary to restore communication over the cable, and any proviso attached to the amendment limiting the power to expend the money to be appropriated will be satisfactory to it.

A. W. GREELY,
Capt. Fifth Cavalry, A. S. O. and Asst., Acting Chief Signal Officer, U. S. A.

Mr. MITCHELL, of Oregon. It is quite immaterial to me whether this item is put on the sundry civil bill or on the deficiency bill; but it is evident from these papers from the War Department that this cable can never be raised. Two attempts have already been made to raise the cable, according to this report from the War Department, and both of them have been unsuccessful.

The Department states furthermore that in all probability a new cable will have to be constructed, and that its cost will not be in proportion much beyond what the old cable can in any event be raised for, and an estimate has been submitted in the sum of $5,000 for that purpose. Of course if it is not all used, it will not be wasted.

Now I wish to say one further word. This is a matter of a good deal of importance commercially to that section of the country. The boards of trade at Portland, Oreg., and at Astoria, Oreg., have resolved in regard to this matter, and written letters calling on their Senators and their Representatives to see to it that an appropriation is secured for the purpose of raising this cable or having a new one constructed. I hope the chairman of the Committee on Appropriations will consent to allow this appropriation to go on this bill, inasmuch as I introduced the amendment and had it referred to the Committee on Appropriations. I also introduced another amendment and referred it to the Committee on Military Affairs, and that committee has reported in favor of appropriating $5,000 for this purpose. I think the chairman of the Committee on Appropriations ought to abandon any objection he may have had. I do not think he has looked into it very fully. I hope he will permit it to go on this bill.

Mr. BECK. There is nothing new in those papers as far as I could catch the reading of them.

Mr. ALLISON. Nothing at all.

Mr. BECK. Nothing beyond what was shown to us in the subcommittee on this matter.

The importance of a cable at this point is obvious; but it was apparent to my mind, and I think apparent to minds of the committee, when we heard the gentlemen in charge, that what they call efforts have been very feeble efforts to endeavor to repair this cable. We were told that they expected to get a ship from some other quarter provided it could be spared to make another attempt. The whole of it is that no earnest, honest effort has been made to restore the cable at all.

Mr. MITCHELL, of Oregon. I wish to ask the Senator from Kentucky a question.

Mr. BECK. I am only telling the impression made on my mind. If $400 would repair the cable and we gave them $500, my idea was that they ought to be required to make an effort to repair it. It is so much more convenient, so much more in accordance with the style and dignity of the United States when a ship's anchor drops on a cable in a strait 2½ miles wide and breaks it, instead of feeling for the ends of the cable at points where the cable is broken, to just construct a new cable, that of course the proposition must be made. They do not know whether the ends of the old cable are in sand; but it is a little unpleasant job to be fishing around for and pulling up an old thing, and it is not quite worthy of the dignity of the United States, and $5,000 does not matter to the United States.

We intended to make an honest effort to have the old cable repaired. It can be done beyond all question, and any business man would take a contract to find where the ship's anchor is that broke the cable and restore it for $500. There is a proposition to put down a cable in the bay of San Francisco, where it is deemed desirable to reach a point 35 miles north of the Golden Gate. It is more stylish to make everything grand; but there is no sense in giving $5,000 now for a new cable here, for if you do that no effort will ever be made to repair the old cable. If they can not repair it I will vote $5,000, or if necessary $10,000; but I do want an effort made to repair the old cable and take it up, as I believe it can be done, before we give them money for a new one, because if we give them more money for a new cable there will be no attempt to raise the old.

Mr. HAMPTON. May I ask the Senator from Kentucky a question in regard to that?

Mr. BECK. Yes, sir.

Mr. HAMPTON. Would he not regard the amendment offered by the Senator from Oregon as the preferable course? Under that a new cable is not appropriated for if they can restore the old cable. I want to say while I am up that of course I had no information on this subject except what was given me by the Secretary of War and the Chief Signal Officer. The Military Committee referred this amendment to the War Department. We had these papers laid before us in regard to an appropriation of $5,000, recommending it in the strongest possible language, and the committee unanimously instructed me to report the amendment back favorably. I knew nothing more about it. I was not aware that the matter had ever been submitted to the Committee on Appropriations, and I was merely the organ of the Military Committee in reporting, in accordance with the recommendations of the War Department, this appropriation.

Mr. BECK. The Senator from South Carolina is entirely right in saying that a cable ought to be there. Commerce requires it. After we examined the officers with some care the committee became convinced that they ought to make a more earnest effort than they have yet done to repair the old cable. I believe, also, that the very moment we give them this $5,000 that is the end of all effort in that direction.

Mr. MITCHELL, of Oregon. The evidence was before the Committee on Appropriations as to the character of the effort that was made to raise this cable.

Mr. BECK. It was because they could not give us any assurance that they had made any honest, earnest effort at all to recover the old cable that the sum of $500 only was proposed to be appropriated. They had grappled down, and they did not know anything except that there was a good deal of sand over the ends of the cable. They did not even know, as they advised us, that this was true, not having found the point where it was damaged, because such a slight investigation had been made. If it was damaged at a point in the bay where ships anchor, there was probably no sand over it, and the two ends might be taken up and repaired, and a good cable made of it again, notwithstanding the ends were covered with sand. It was because of the absolute want of knowledge on their part, for the want of any effort that they have made, that we reported the amendment in the form we did. If they had told us anything to induce us to believe that a new cable was indispensably necessary they would have readily got the $5,000.

Mr. MITCHELL, of Oregon. All I know about it is that the old cable is useless. It is disabled; it can not be used at all for the purpose for which it was intended. I know furthermore that the War Department, whose business it is to look after this cable, reports to the Military Committee, the proper committee of the Senate to investigate the subject, that two efforts have been made to raise the cable, and they have been unsuccessful. I know further, that that same Department reports that in all probability the cable never can be raised, and that in any event only a very small proportion of the cable can be raised.

The Military Committee of the Senate has considered the matter and reported unanimously in favor of an appropriation necessary to renew the cable in case it can not be raised, and yet the Appropriations Committee of the Senate, simply upon their surmise that the effort which has been made has not been an honest one, and not that character of effort that should have been made, brush aside the reports of the War Department and the Military Committee and they say, "No, we will appropriate only $500."

Mr. President, it seems to me that that is hardly fair, to say the least, in view of these reports. The Appropriations Committee, in my judgment, has nothing to stand on here so far as repudiating the report of the War Department and of the Military Committee is concerned.

We are at a little disadvantage on the Pacific coast. I believe there is not a member of the Committee on Appropriations west of the Rocky Mountains, and has not been for years, and we have to take what we can get and do the best we can. It seems to me that when we present a good case, as I think we have done in this instance, and the matter is not a large one, for not a very large appropriation is asked here, there ought not to be such opposition to it on the part of the Appropriations Committee.

Mr. HAMPTON. I would suggest to the chairman of the Committee on Appropriations, as I have also to the Senator from Kentucky, that there might be some further amendment made to carry out the views of the committee as well as those of the Senator from Oregon, by putting in a provision appropriating $500 for what the Senator from Kentucky calls an earnest effort to repair the present cable, and if it is found impracticable then to authorize the use of $4,500 in addition to make a new cable, because in case they are not able to repair and use the old cable of course they will be without the use of any cable at all until the next meeting of Congress. I think that will cover the whole ground.

Mr. BECK. There is a good deal in that suggestion.

Mr. ALLISON. Mr. President, I of course care nothing about this matter for the Committee on Appropriations, but the Senator from Oregon is slightly in error when he assumes that the Committee on Appropriations have made no investigation of this question. I think the investigation was quite as thorough as if the Senator from Oregon had been on the committee. We not only had every document that has been presented here, but having those documents and having the amendment of the Committee on Military Affairs referred to our committee, and it being the duty of the Committee on Appropriations to make examination of such amendments, we sent for Captain Greely, who is the

foundation of all this statement and machinery that is built up here from the War Department, and asked him the basis of these statements, and he stated to us, I believe, that a couple of local vessels had endeavored once or twice to grapple with this cable, but that now they were trying to get a Government vessel there to undertake to grapple with the cable in earnest. I do not believe there was a member of the Committee on Appropriations who had a single doubt of the fact that if an earnest effort was made by a proper vessel to recover this cable it could be recovered. So whatever was done by the Committee on Appropriations was not done without examination and without knowledge. It was done after the fullest examination, and having every document and paper referred to us by the Military Committee, and a personal examination of the foundation of all these statements.

Now, I undertake to say after all the facts have been disclosed, that there has been no serious effort made to recover this cable. I do not care whether you appropriate for a new cable or for recovering the old, for it is a matter of no moment, but I am perfectly willing to submit to a provision here for the laying of a new cable if it shall turn out that this cable can not be recovered.

Mr. MITCHELL, of Oregon. That is all we ask.

Mr. ALLISON. Now let me say one word further. This cable was originally laid as a military cable. It is laid at the mouth of the Columbia River. It is laid at the mouth of a river that has an immense commerce, a river that we are expending nearly a half a million dollars per annum in improving. It is a commercial cable; and when you come strictly to the question of who should build this cable or repair it, the Government of the United States is under no more obligation to build a cable across this Columbia River than it is across the mouth of Sandy Hook; but the Government having originally laid this cable seems to be willing to undertake to continue to keep it in repair. When this cable was first erected it was part of a long connecting line; now it is used by telegraph companies chiefly, but it is also used for purposes connected with Signal Service and for the military posts in that neighborhood. The Committee on Appropriations were quite willing to allow this cable to be repaired at public expense.

If there is a new cable to be built, it should be a much larger cable; and it would be a much larger cable for the benefit of the growing commerce there. But when you get down to the real facts in this case, they are that the people who are interested in this matter of a cable want a larger cable than the one that was there, and one that can be grappled and taken up. So when the Senator from Oregon suggests that the Committee on Appropriations have made no investigation of this subject, I want the Senator to understand that the Committee on Appropriations have looked into it, and understand it thoroughly.

We have a similar application for the building of a new cable at the Golden Gate, coming with the same recommendation from precisely the same sources. There is already at the expense of a telegraph company—I do not know what one—a cable across the Golden Gate. Why should the Government build another there merely for the purposes of the Signal Service when it can use that cable at a mere nominal charge, and when it is paying the telegraph companies under these same Signal Service appropriations more than $150,000 per annum? And yet the Government itself is called upon to build these cables.

The same thing that has destroyed this cable may destroy the one that is built in the next year. A ship's anchor has broken this cable at the mouth of the Columbia River. We all know that these cables are dangerous, for that reason, across the mouths of rivers; and yet this proposition to build a new cable is to make the Government perpetually responsible for the building of a cable across the mouth of the Columbia River at the Government expense for the use of all the private telegraph companies that may in the future come to use this cable.

When it comes to the question of what we should do or what we should not do, I think it is perfectly clear that when we come to the matter of laying a new cable we should have some further information before we appropriate $5,000, and we should know whether this is for the exclusive use of the Signal Service or whether, under the guise of a military cable, we are not appropriating money for the purposes of a commercial cable company, or a large telegraph company that may have interests here far beyond the interests of the Government.

That is the reason the Committee on Appropriations hesitated without further inquiry and without further suggestion, when Captain Greely himself, who was the father of all these communications read here, was not able to say on personal inquiry and examination that any sincere effort had been made to raise this cable.

Mr. BECK. We had the same thing passed on us at San Francisco Bay.

Mr. ALLISON. Yes, and we left both of them out, because we desired to have some understanding for whose benefit these cables are to be laid.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Military Affairs to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes; in which it requested the concurrence of the Senate.

The message also requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound and to restore the same to settlement, and for other purposes, the original copy having been lost or mislaid.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia; and it was thereupon signed by the President *pro tempore*.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. I wish the Senator from Iowa would give way to me for a moment, to allow me to call up a communication just received from the House of Representatives in regard to the bill forfeiting the Northern Pacific land grant.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 1, 1887.

Resolved, That the Senate be requested to furnish the House with a duplicate engrossed copy of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the original copy having been lost or mislaid.

The PRESIDENT *pro tempore*. The question is on agreeing to the request of the House of Representatives.

Mr. COCKRELL. I desire to have some information as to what has been done by the conference committee, and when it was discovered that this bill had been lost. The bill has been in conference for some time. Indeed, the conference committees were appointed at the last session. I should like to know something about it, having been a member of the committee myself.

Mr. INGALLS. Is it alleged that an engrossed copy of a bill that has passed both Houses has disappeared absolutely and no trace of it can be found?

Mr. DOLPH. For the Senator's information I ask for the reading of the message.

Mr. INGALLS. Let it be read again.

The PRESIDENT *pro tempore*. The message will be again read.

The message from the House of Representatives was again read.

Mr. INGALLS. That presents a very singular and novel question. I think that had better lie over.

Mr. DOLPH. The Senator from Missouri has called for some statement in regard to the matter, and I recognize the propriety of such a statement. I, however, am not quite certain how far I am at liberty to state what has transpired between the managers on the part of the Senate and the managers on the part of the House. I should like to submit a question as to whether correspondence in regard to the loss of a bill or the possession of a bill is considered a matter proper to be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair is not advised of any special rule on the subject. The Senator can exercise his discretion.

Mr. DOLPH. That being the case, I will ask the Secretary to read——

The PRESIDENT *pro tempore*. If objection is made to the consideration of the resolution at this time, the Chair is of opinion that it must go over under the rules.

Mr. DOLPH. I would ask the Senator to yield to me to make the statement I desire to make at this time.

The PRESIDENT *pro tempore*. Does the Senator from Kansas object?

Mr. INGALLS. I do not object to any statement being made; but I said the situation was novel and unprecedented and we ought not to act in haste in the matter. I therefore asked that the resolution might go over under the rules in order that we might deliberate about it.

Mr. DOLPH. I ask the Senator to withdraw his objection until he hears a statement.

Mr. INGALLS. I withdraw it for that purpose.

Mr. DOLPH. That being the case, I ask the Secretary to read a copy of a communication transmitted yesterday by the managers on the part of the Senate to the managers on the part of the House on the conference on the disagreeing votes of the two Houses on the House amendment to Senate bill 2172, a communication dated 29th January, 1887, and which has undoubtedly produced the action of the House now under consideration. I ask for the reading of the communication.

The Secretary read as follows:

WASHINGTON, D. C., *January* 29, 1887.

Messrs. COBB, VAN EATON, and PAYSON, managers on the part of the House at the conference on the disagreeing vote of the two Houses on the House amendment to Senate bill 2172:

GENTLEMEN: We again call your attention to the matter of the conference on the disagreeing vote of the two Houses on the House amendment to Senate bill 2172, a bill restoring to the United States certain lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and for other purposes.

The record shows that the House passed the bill with an amendment July 27, 1886, and, on motion of Mr. PAYSON, it was ordered that the House insist on said amendment and ask a conference with the Senate thereon (House Journal, page 2364); that on July 28, the Speaker appointed Messrs. COBB, VAN EATON, and PAYSON as managers on the part of the House (see House Journal, page 2378); that the Senate was notified on the same day that the House of Representatives had passed said bill with an amendment, and requested a conference with the Senate on the bill and the amendment, and had appointed Messrs. COBB, VAN EATON, and FISHER as managers of the same on its part (see Senate Journal, page 1191); that on the next day, July 29, 1886, the Senate proceeded to consider the bill, and on motion of Mr. DOLPH, it was

Resolved, That the Senate disagree to the amendment of the House of Representatives to the said bill and agree to the conference asked by the House on the said bill and amendment (see Senate Journal, page 1199).

And that on July 30, 1886, Messrs. DOLPH, TELLER, and COCKRELL were appointed managers on the part of the Senate; and it was ordered that the Secretary notify the House of Representatives thereof (see Senate Journal, page 1204). Thereupon the papers were transmitted to the House (see message from the Senate by Mr. Sympson, one of their clerks, page 2450, House Journal.)

There appears (if its printed journals are correct) to have been a mistake in the message from the House in naming Mr. FISHER, instead of Mr. PAYSON, as one of the managers on the part of the House, and in the message from the Senate, which, so far as it relates to bill 2172, is to the effect that the Senate had disagreed to amendment of the House, asked a conference, and had appointed conferees. No further action appears to have been taken in the House, however, and the errors probably were not noticed, and it is quite possible that both are typographical errors.

Just before the close of the session, and as soon as it could be arranged for, a meeting of the conference committee upon the bill and amendment in question was held, when, it being supposed that an agreement was impossible during the brief remaining hours of the session, it was determined without much discussion to report to the two Houses that the committee were unable to agree and to ask for a further conference. Duplicate reports were accordingly prepared by the clerk of the Senate Committee on Public Lands, and signed by the managers on the part of both Houses on the same or the succeeding day, and one copy of the report was retained by the managers upon the part of the House, and the other by the managers upon the part of the Senate. The chairman of the Senate conferees upon the same day the report was signed undertook to submit it to the Senate, but it was not received for the reason that the papers were not in the possession of the Senate. The managers upon the part of the Senate being under the impression that the House was entitled to retain the bill, and that the report should and would be first made in that body, awaited its action.

No message having been received from the House announcing action upon the report, the Senate managers, through Mr. DOLPH, early in the present session, called the attention of the managers on the part of the House to the matter, and requested that the report should be submitted and the Senate notified. Later, being advised that if the papers should be transmitted to the managers on the part of the Senate, the report could be first submitted in that body, shortly after the holiday recess Mr. DOLPH applied to Mr. COBB for the possession of the papers, and was informed by Mr. COBB that he did not have the bill in his possession at the time of the conference; and also that he had mislaid the copy of the conference report delivered to the House conferees. Mr. COBB requested to be furnished with a duplicate of the one in the possession of the managers upon the part of the Senate. The duplicate copy of the report was accordingly prepared by the clerk of the Senate Committee on Public Lands, signed by the managers on the part of the Senate and furnished to Mr. COBB on the 11th instant, accompanied by a letter from the clerk of the Senate Committee on Public Lands, requesting on behalf of the Senate conferees possession of the bill. On the 12th instant a letter was received from Mr. COBB, acknowledging the receipt of the duplicate report, and containing the following statement:

"In regard to the bill S. 2172 (the Northern Pacific Railroad land-grant forfeiture bill), I have not got it in my possession, and have not had it since I reported it to the House from my committee at the last session." Upon inquiry at the Clerk's desk in the House it was ascertained that the bill could not be found. Thereupon Mr. DOLPH requested Mr. COBB to take the necessary steps to substitute a copy of the bill in the usual manner, and on the 13th instant addressed to him a letter renewing the request in writing, and inclosing the form of an order prepared by one of the Senate clerks, which it was supposed would answer the purpose.

It was understood then that the matter would receive due attention without delay. Since then the managers upon the part of the Senate, through Mr. DOLPH, have repeatedly called attention to the subject and requested immediate steps to be taken to find the bill or to substitute a copy for it. But so far as we have learned no action has yet been had. Mr. COBB's recollection that he did not have the bill at the time of the conference is no doubt correct, as the bill was not produced at the time, and the committee erred in proceeding until that was done.

The session is drawing to a close. In our judgment it is important that an agreement should be reached by the conference committee; at all events an effort in good faith on both sides to reach an agreement should at once be made. We therefore request that as the House was last in possession of the bill, and therefore action for the purpose of substituting a copy, if it can not be found, must originate there, that you cause whatever may be necessary in the premises to be done at once in order that a report of the committee can be submitted and a further conference be had.

Respectfully, yours,

J. N. DOLPH,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. ALLISON. I ask that that be informally laid aside.

The PRESIDENT *pro tempore*. If there be no objection the unfinished business will be laid aside informally to proceed with the consideration of the sundry civil bill. The Chair hears no objection.

Mr. DOLPH. I now submit a copy of a letter addressed by the clerk of the Senate Committee on Public Lands, by the direction of the Senate conferees, to Mr. COBB, on the 11th of January.

The Secretary read as follows:

SENATE CHAMBER, *Washington*, *January* 11, 1887.

MY DEAR SIR: Senator DOLPH informs me that you have lost your copy of the conference report agreed upon at the last session by the conference committee on the disagreeing vote of the two Houses upon the House amendments to Senate bill 2172 (the Northern Pacific land-grant forfeiture bill), and desire a copy of the one delivered to the Senate conferees. I inclose you a copy signed by the conferees on the part of the Senate.

The Senate conferees have also instructed me to ask for the possession of the bill and papers, to enable them to submit their report.

Very respectfully,

B. F. FLENNIKEN,
Clerk Senate Committee Public Lands.

Hon. T. R. COBB,
Chairman Conferees, House of Representatives.

Mr. DOLPH. I now submit an original letter, which I ask to have read.

The Secretary read as follows:

HOUSE OF REPRESENTATIVES, *Washington, D. C., January* 12, 1887.

MY DEAR SIR: The conference report received with thanks.

In regard to the bill (S. 2172) the Northern Pacific land-grant forfeiture bill, I have not got it in my possession, and have not had it since I reported it to the House from my committee, at last session.

I am yours, truly,

T. R. COBB.

Mr. DOLPH. I now submit a copy of a letter addressed by the clerk of the Senate Public Lands Committee to Mr. COBB, on the 13th of January.

The Secretary read as follows:

SENATE CHAMBER, *Washington*, *January* 13, 1887.

MY DEAR SIR: Referring to your letter of the 12th instant, in which you state "in regard to the bill (S. 2172) the Northern Pacific land-grant forfeiture bill, I have not got it in my possession, and have not had it since I reported it to the House from my committee at last session," the Senate conferees direct me to request that, as the bill should be on the House files, having been transmitted to that body on the 30th day of July last, in order that the report of the conference committee shall not be further delayed, and that an opportunity for a further conference may be secured at an early day, you take steps to substitute a copy of the bill, in the usual method, by having the House ask for an engrossed copy of the Senate bill. The chairman of the Senate conferees undertook to submit the conference report to the Senate immediately after the conference, but was not permitted to do so, as the bill was not in possession of the Senate.

This is the occasion of the verbal and written requests which have been made to your committee for the possession of the bill.

Very respectfully,

B. F. FLENNIKEN,
Clerk Senate Committee on Public Lands.

Hon. T. R. COBB,
Chairman Conferees, House of Representatives.

Mr. DOLPH. I also present an original letter from the clerk of the Senate Committee on Public Lands addressed to myself.

The Secretary read as follows:

WASHINGTON, *January* 31, 1887.

MY DEAR SIR: In response to your inquiry I have the honor to inform you that on January 11, 1887, by your request, I prepared, procured the signatures of the Senate conferees, and delivered to Hon. T. R. COBB, chairman of the House conferees, a duplicate or copy of the conference report on the disagreeing votes of the two Houses on the bill (S. 2172) the Northern Pacific forfeiture bill, and that in my letter with the above inclosure I requested possession of the bill and papers. Under date of January 12 Mr. COBB acknowledged receipt of the report, and said "that he had not the bill in his possession, and had not had it since he reported the same to the House from his committee at the last session of Congress."

The bill was not produced at the meeting of the conferees held at the room of the Senate Committee on Public Lands.

Mr. COBB subsequently stated to me that he did not have the bill at the conference, but that he thought Mr. PAYSON, one of the House conferees might possibly have it in his possession.

Very respectfully,

B. F. FLENNIKEN, *Clerk.*

Hon. J. N. DOLPH,
Chairman Senate Conferees.

Mr. DOLPH. In addition to the facts stated in these several communications, as soon as we ascertained from Mr. COBB and from the clerk of the House committee that the bill could not be found, I requested our Reading Clerk, Mr. Gilfry, to make a thorough search not only of the files of the Senate, but also of the RECORD to see where the bill ought to be, and endeavor to find the bill. He informed me that he inquired at the Clerk's desk in the House, and found that they had not the bill or that the bill had been mislaid, and also that he inquired of Mr. COBB, and Mr. COBB informed him that he did not have the bill at the time of the conference.

I have had this correspondence read not because I desire to criticise the act of anybody, or the omission to act on the part of the managers of either branch of Congress, but simply that the facts might be known, in justice to the managers on the part of the Senate.

I understand that there is no difficulty in substituting a copy for the original bill at this stage of the proceedings. I, myself, suppose from all the indications that the bill has been mislaid, and am inclined to think probably with the report of the conference committee that was delivered to the House conferees shortly after the meeting of the conference.

This seems to be the usual method of substituting a bill, to get a certified copy from the Senate of the Senate bill and to have the House amendment by order of that body substituted for the bill as it passed

the House with the amendment. I therefore renew the motion that the request of the House of Representatives be granted.

The PRESIDENT *pro tempore*. It is moved that the Senate agree to the request of the House of Representatives.

Mr. INGALLS. I withdrew my objection for the purpose of enabling the Senator from Oregon to make a statement. If it is necessary for me to make the objection again, of course I will do that. I only withdrew it for the purpose of allowing him to make the statement which has gone on the records.

The PRESIDENT *pro tempore*. The matter goes over under objection.

HOUSE BILL REFERRED.

The bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CONSIDERATION OF HOUSE BILLS.

Mr. HARRIS. I ask the indulgence of the Senator from Iowa for a single moment in order that I may offer a resolution so that it may be printed with the notice required by Rule XL. I want the notice and resolution printed, and I shall call the matter up to-morrow morning.

The resolution I introduced on Saturday last would be subject to a question of order if any Senator chose to make it, and I therefore propose now to introduce it with the proper notice in this form:

Under the provisions of Rule XL, I give notice that I will to-morrow move to modify that part of Rule VIII which provides that "at the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of bills and resolutions, and continue such consideration until 2 o'clock;" so that said rule as modified shall provide that on and after Monday, the 7th instant, at the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of House bills and joint resolutions favorably reported upon the Calendar, and continue such consideration until 2 o'clock, under the provisions of Rule VIII as thus modified, until the Calendar of such bills and resolutions has been completed.

To that end I offer the following resolution.

ISHAM G. HARRIS.

Resolved, That on and after Monday, the 7th instant, at the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of House bills and joint resolutions favorably reported on the Calendar, and continue such consideration until 2 o'clock, under the provisions of Rule VIII as herein modified, until the Calendar of such bills and resolutions has been completed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MANDERSON, it was

Ordered, That all papers pertaining to, and accompanying, the bill (S. 1917), first session Forty-seventh Congress, to extend the provisions of the act entitled "An act to provide compensation for the services of George Morell in adjusting title to lands in Michigan," be withdrawn from the files of the Senate and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. WILSON, of Iowa (by request), submitted an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 10757) to provide for an additional term of the circuit court of the supreme court of the District of Columbia, and for the appointment of one additional associate justice thereof; in which it requested the concurrence of the Senate.

THE COMMITTEE ON THE JUDICIARY.

Mr. EDMUNDS. I ask unanimous consent that the Committee on the Judiciary have leave to sit during the remainder of this session of the Senate during the sittings of the Senate.

The PRESIDING OFFICER (Mr. PALMER in the chair). If there be no objection permission will be granted. The Chair hears no objection, and it is granted.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "National Home for Disabled Volunteer Soldiers," after line 2142, to insert:

For the enlargement of the hospital building at the Central Branch, $60,000.

The amendment was agreed to.

The next amendment was, in line 2156, to increase the total appropriation for the central branch of the National Home for Disabled Volunteer Soldiers, at Dayton, Ohio, from $743,239.60 to $803,239.60.

The amendment was agreed to.

The next amendment was, after line 2255, to insert:

For the erection of a hospital building at the western branch, $100,000.

The amendment was agreed to.

The next amendment was, in line 2260, to increase the total amount of the appropriation for the western branch of the National Home for Disabled Volunteer Soldiers from $197,202.25 to $297,202.25.

The amendment was agreed to.

The next amendment was, in line 2264, to increase the total appropriation for the western branch of the National Home for Disabled Soldiers, at Leavenworth, Kans., from $1,650,556 to $1,810,556.

The amendment was agreed to.

The next amendment was, after the word "moneys," in line 2273, to insert "so far as the same can be made applicable thereto;" after the word "Treasury," in line 2276, to strike out:

In the same manner and as fully as other expenditures of the several Departments of the Government are by law required to be audited.

And in lieu thereof to insert:

Under such rules and regulations as may be prescribed by the Secretary of the Treasury.

So as to make the clause read:

And hereafter the detailed statement of the expenses of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall be reported direct to Congress in the annual report of the Board of Managers. But all of the expenditures of the said home, including the expenses of the Board of Managers, shall be made subject to the general laws governing the disbursement of public moneys, so far as the same can be made applicable thereto, and shall be audited by the proper accounting officers of the Treasury, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, after the word "Treasury," in line 2280, to strike out the following proviso:

Provided further, That no person shall be eligible to or hold any position or employment in the government or management of any home who is interested in or connected with, directly or indirectly, any railroad, brewery, mercantile house, manufactory, dram-shop, or distillery in the State where such home is located.

Mr. PLUMB. That seems on the face of it to be a rather wholesome provision. I should be glad to have the chairman of the committee state the reasons for striking it out.

Mr. ALLISON. The committee made inquiry of the managers of the home, the Senator will remember, and it was stated that there were no abuses in the direction prohibited here. The Committee on the Whole thought it wise to strike out the entire provision. If there were any abuses to correct of course the committee would not have recommended striking it out. I do not think there are any abuses.

Mr. PLUMB. I do not know that there are. I should not like to speak on that point. I am very glad if there are not any abuses, but at the same time the fact that the clause has been put in there by the other House would seem to indicate possibly some information which that body had which justified it.

In addition to that, it is a good rule, a wholesome rule. Certainly no one who is connected with any brewery or mercantile house, manufactory, dram-shop, or distillery ought to have anything to do with the management of a soldiers' home. I think the Senator from Iowa is aware of the fact that too many inmates of the soldiers' homes are enticed out of them and are seriously demoralized by the proximity of drinking shops near to the soldiers' homes.

Mr. ALLISON. That is quite true, but this provision does not reach the evil that the Senator from Kansas suggests. I do not know why a man who is engaged in mercantile pursuits would not make a good manager of a home, nor do I know why a man who is conducting a manufactory would not make a good manager. I can readily see that the managers of this home must be selected from merchants, manufacturers, lawyers, doctors, &c., or else from men who do nothing and have no occupation.

So we concluded that there was no more reason why a merchant or a manufacturer should be excluded than there was why a lawyer or a physician should be excluded. On the whole we concluded that, unless there was some abuse, it would be best to strike out the entire proviso. Of course if the other House has information which we could not acquire, it will be readily seen that in a matter of this character the Senate would yield its objections to the provision.

Mr. PLUMB. It may be that it would be no disqualification to be a merchant within the State, and still the clause is evidently aimed at the possible fact that a person interested in mercantile pursuits and who is at the same time the manager of a soldiers' home or otherwise connected with it is using that position for the purpose of selling his own goods. But suppose the objection would lie to that part of the proviso, what is the objection to prohibiting any person identified with a dram-shop or a brewery or a distillery from having connection with soldiers' homes? It seems to me that there can be no error made in adhering to that much at least of the House provision. I therefore hope that the amendment of the committee striking out this proviso may be disagreed to, and that then such amendments as the chairman of the committee may suggest to it, and which he has outlined, may

be made, leaving the prohibition against the brewer, the distiller, and the dram-shop keeper.

Mr. HOAR. I infer that the proper course would be to perfect the proviso before the vote is taken on striking it out. I move in line 2283 to strike out the word "railroad," and in line 2284 to strike out the words "mercantile house, manufactory," leaving in the words "any brewery, dram-shop, or distillery in the State where such home is located."

Mr. ALLISON. I think that is a very wise suggestion. I have no objection to the amendment.

Mr. HOAR. The word "and," in line 2283, is a misprint for "any." That should be corrected by general consent.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

Mr. ALLISON. I agree for myself, not acting for the committee, to retain the proviso as now modified, because I quite concur with the Senator from Kansas. He and I have no difference of opinion upon this question so far as I have heard him utter his views. I think the provision had better remain; so I hope that having stricken out the words "railroad," "mercantile house," and "manufactory," the proviso will be retained.

The PRESIDING OFFICER. Is there any objection? If not, it will be considered as agreed to.

Mr. HOAR. No; disagreed to.

Mr. ALLISON. Then what will be the effect?

Mr. HOAR. The proviso is part of the text of the bill. The committee proposed to amend the text by striking out the proviso. I moved to perfect the proviso before the vote was taken on striking it out, by striking out something less. That is not an amendment to the committee's amendment, but it is an amendment which takes precedence of it, by reason of its nature. That has been adopted, and the proviso now stands in the bill with those words stricken out. Disagreeing to the committee's amendment, the paragraph stands, leaving those words stricken out.

Mr. ALLISON. That is my understanding of the effect.

The PRESIDING OFFICER. There being no objection, the amendment of the committee proposing to strike out the proviso will be disagreed to, and the proviso remains in the bill as it has been amended by the motion of the Senator from Massachusetts.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2298, after the word "For," to insert "rent of office for the marshal;" so as to make the clause read:

Rent and incidental expenses, office of marshal, Territory of Alaska: For rent of office for the marshal, fuel, books, stationery, and other incidental expenses, $500.

The amendment was agreed to.

The next amendment was, in the appropriation for "expenses of the United States courts," in line 2392, after the word "when," to insert "the court is open for business or;" so as to read:

Nor shall any part of any money appropriated be used in payment of a per diem compensation to any attorney, clerk, or marshal for attendance in court except for days when the court is open for business or business is actually transacted in court, and when they attend under sections 583, 584, 671, 672, and 2013 of the Revised Statutes, which fact shall be certified in the approval of their accounts.

The amendment was agreed to.

The following item of the bill was read:

For fees of United States commissioners, and justices of the peace acting as United States commissioners, $50,000.

Mr. PLUMB. At this point I should like to make an inquiry of the Senator having charge of the bill as to the amounts appropriated this year by comparison with the last year and the year before for the judiciary, the United States courts.

Mr. ALLISON. I have a memorandum of that. In regard to what particular point does the Senator inquire?

Mr. PLUMB. I refer to all the expenses under the head of judiciary, the United States courts.

Mr. ALLISON. Two million nine hundred and five thousand six hundred dollars was appropriated for the current year. The total for the coming year is $2,829,400. The estimates are $3,155,000. I will say, however, to the Senator that I am quite sure there are large deficiency estimates for the current year.

Mr. PLUMB. I should like to ask the Senator whether the committee have gone into the question of the expenditure of this money to any extent?

Mr. ALLISON. Do you mean of this money?

Mr. PLUMB. Of any portion of it, especially that portion which covers the fees of United States attorneys and marshals, the fees of witnesses, and so on.

Mr. ALLISON. We went into the question as far as we could by inquiry of those who have special charge of this matter in the office of the Attorney-General, and we had them furnish to us elaborate tables upon this question. They will be found in the report made by the House committee.

Mr. PLUMB. Can the Senator state in what portion of the country the expenses have increased materially since last year?

Mr. ALLISON. I do not know in detail in what portion of the country. The expenses have increased in the Southern States and in the Territories, where there are great depredations upon timber on the public lands.

Mr. PLUMB. That brings me to what I had in mind. I am told that several hundred prosecutions have been instituted against parties in New Mexico, who are charged with having committed frauds in the entry of public lands, and that more than one-half of all those prosecutions are for offenses that were barred by the statute of limitations, and that fact was known to the district attorney at the time the indictments were found. I am further informed that he was advised by an officer of the court during the session of the court at Santa Fé, at which a large number of those indictments were found, that the offenses were barred by the statute of limitations. I do not know that that would in any way add to or qualify his responsibility, for he ought to do that much anyhow, being the district-attorney; but it is stated to me as a fact, upon authority which I can not question, and I do not think it admits of any question, that out of two hundred and seventy-five or two hundred and eighty indictments found at the term of the court held recently at Santa Fé more than one-half, perhaps two-thirds of them, were for offenses clearly barred by the statute of limitations, and that in a number of cases that fact has been brought to the attention of the court; that is to say, the statute has been pleaded successfully.

If that be true, it would look as though the liberality of Congress in the appropriations for expenses for the fees of magistrates, district attorneys, and so on, was being made use of, not in the interest of justice, not for the purpose of the actual punishment of offenders against the laws, but for the other and not quite so laudable purpose, of making fees for the United States officers.

It seems to me that it would be well to have some information upon this subject before increasing the amount of appropriation beyond that granted for last year, and if, as the Senator from Iowa says, there are to be large deficiencies it would be very pertinent to make inquiry at this point before advising their appropriation.

I am also informed that in the Territory of Washington the surplus energy of the Land Department is being exercised in stimulating prosecutions against persons who have gone upon the school lands set apart and reserved for that Territory, and which have been leased by the authority of the Territory of Washington to various persons for settlement and improvement, the proceeds of the leases to go to the common-school fund, where the proceeds of the sale of the lands should also go; and that those persons thus going in perfect good faith upon land that can not be damaged, because you can not damage a piece of agricultural land by cultivating it, are being prosecuted at the instance of the Commissioner of the General Land Office, who does not find in the ordinary operations of his bureau scope enough for his energy, and I might perhaps say, without offense, his malice. I think when we come to vote supplies of money, it would be advisable to understand how much of it is going for the purpose of gratifying malice and cupidity, and how little of it is going for purposes of public justice.

Mr. ALLISON. I believe the appropriations in each item this year are substantially what they were last year. In a few instances small increases have been made; but these appropriations were made in the face of the well known fact that each year, for a number of years, there have been deficiencies in these very items of appropriation. In nearly every one of the items enumerated under the head of the Department of Justice there are deficiencies for the current year.

I have the deficiency estimates before me. For the fees and expenses of marshals of United States courts there is a deficiency of $50,000 for the current year, and an estimated deficiency of $10,000 still for the year 1886. So for district attorneys' assistants, a subject to which the Senator from Kansas has particularly called the attention of the Senate, there is a deficiency estimate for the current year of $25,000, the appropriation last year having been $350,000; and the appropriation in this bill being $225,000. We did not change that appropriation. That was the appropriation made by the other House.

Mr. INGALLS. Have there not been one or two intermediary deficiency bills passed in addition to these?

Mr. ALLISON. Yes, there have already been.

Mr. INGALLS. Amounting to how many thousand dollars?

Mr. ALLISON. I do not now remember from memory, but I should say $60,000 or $70,000.

Here is an appropriation for the payment of United States district attorneys of $225,000 and for the payment of assistants to United States district attorneys $100,000, making $325,000. We have appropriated for the current year $350,000, and there is a deficiency estimate from the Department of Justice for $25,000 more, and this deficiency of $25,000 will not pay the bill of the current year. We shall have these deficiencies coming up again and again for 1887, as we have now for 1885 and 1886.

Although the Committee on Appropriations recognized the fact that these appropriations are insufficient to carry on the judicial department of the Government for the next fiscal year, they were content to take the sums given by the House of Representatives, fully knowing that whatever sum we gave there would be likely to be a deficiency even if there should be any reasonable increase of the bill.

I sympathize somewhat with the suggestions made by the Senator from Kansas with reference to the methods of the expenditure of these appropriations in the Territories of the United States, and the newer States, but I can see no way whereby in an appropriation bill we can cure the evils, if evils there be. These appropriations must be made for all the courts of the United States, and any sum that will carry on the courts of the United States will be used and can be used in the Territories and in the newer States of the Union. We can not in the appropriation bill make the distinction which the Senator from Kansas thinks ought to be made in the expenditure of this money.

Mr. PLATT. Can not the Attorney-General regulate practically the amount of the appropriation which is to be expended in the Territories?

Mr. ALLISON. He can undoubtedly control a certain class of expenditures, and yet there are expenditures in the Territories that the Attorney-General can not control. Here is a district attorney, for example, in the State of Oregon, appointed by the President and confirmed by this body. He is an independent officer. He chooses to go into court and summon witnesses for the purpose of indicting men for committing depredations, if you please, upon timber lands. The Attorney-General has no knowledge that such a process is going on in Oregon until the expenditure has been made. So whilst the Attorney-General may have control over certain moneys, he has no control over the vast bulk of the appropriations with reference to the judicial expenditures of the United States.

Mr. TELLER. I should like to ask the chairman of the committee what the estimates of the Department of Justice were for this item of appropriation?

Mr. ALLISON. For district attorneys?

Mr. TELLER. For this service. How near has the House come to giving the Department of Justice the estimates they made?

Mr. ALLISON. The amount is $375,000. The Department of Justice estimated for the next fiscal year just what it is supposed the expenditure of this fiscal year will be. We appropriated for the current year $350,000. The estimate was $375,000.

Mr. TELLER. What is the appropriation for the Department of Justice?

Mr. ALLISON. Three hundred and twenty-five thousand dollars.

Mr. TELLER. It is estimated at $375,000?

Mr. ALLISON. At $375,000.

Mr. TELLER. Why not give the $375,000?

Mr. ALLISON. I do not know any special reason why we should not give it, although if we gave $375,000 or $400,000, if the Department chose to expend more than that sum, we should be obliged to give it, or, at least, they would ask us for a deficiency.

We have not in this bill, I will say to the Senator from Colorado, given within $8,000,000 of the estimates of the Departments of the Government with reference to the subjects that come under the usual appropriations in the sundry civil bill.

Mr. TELLER. I wish to inquire of the Senator if he means to say that in the judgment of the committee the Departments have asked for too much money. Have they asked for $8,000,000 too much, or is the committee disposed to be economical at the expense of the service of the Departments? Which is it?

Mr. ALLISON. I can go into that in detail. I have taken some pains to enable myself to answer the question suggested by the Senator from Colorado.

Mr. TELLER. I wish the Senator would answer it.

Mr. ALLISON. I will answer it upon this very proposition.

We have not proposed here an amendment increasing the appropriations for district attorneys. The House appropriated $325,000 and the Department estimated $375,000. There was a service which the Senate Committee on Appropriations believed should be settled between the House of Representatives, if you please, and their own Attorney-General, because no matter whether we appropriated $375,000 or $325,000, whatever the necessary expenditures may be in the opinion of the Attorney-General will be made, and we shall be called upon to appropriate a deficiency, as we have appropriated deficiencies for that Department for many years, year after year, under the appropriations that we have been able to procure from the House of Representatives.

The Senator from Colorado asks whether it is because we are unwilling to give the amount necessary to carry on the operations of the Government or because we believe that the Departments have estimated in excess of the necessary requirements. I have before me the items estimated for which are not included in this bill at all, and I will leave each Senator for himself to judge whether these are necessary expenditures which ought to be made.

Mr. TELLER. Read the items.

Mr. ALLISON. The very first and the largest item is the item for navy-yards and stations. That has always been hitherto in the sundry civil bill, but by some arrangement in the House of Representatives it has been transferred to the naval appropriation bill, and the Committee on Appropriations of the House reported nothing for navy-yards and stations, leaving that entirely to the Committee on Naval Affairs, which has charge of the naval appropriation bill in the House. The Naval Committee has reported for navy-yards and stations in their bill, I do not remember how much; the Senator from Maine [Mr. HALE] can tell me perhaps; he has examined that bill with more care than I have.

The next item is one thoroughly familiar to the Senator from Colorado, for reconstructing the Interior Department building, $172,720. That is estimated for. The Senate Committee on Appropriations believed that it would be a wise thing to expend that money. I do not believe there is a member of the committee who does not believe that, because, as the Senator knows, it would make that building fire-proof and it would provide room for a hundred additional clerks. It is not fire-proof now. But we put that appropriation upon a bill last year of a similar character and the House of Representatives refused to acquiesce in it. The Senate committee does not wish to be playing fast and loose with the committee of the House of Representatives by inserting year after year appropriations that they will not consent to, and they said this was an improvement that the House would not consent to. So this year we have abandoned it. The Senator from Colorado can judge for himself whether that would be a wise expenditure.

Mr. TELLER. If the Senator will allow me, I will say that I think the committee should have put that item in this appropriation bill.

Mr. ALLISON. I have no doubt the Senator thinks so.

Mr. TELLER. It not only would furnish the additional room spoken of, but it would serve the purpose of making fire-proof the building which contains valuable records. It is a question between appropriating $172,000 to make it fire-proof and having it some day burnt up. I think the item ought to have been put in the bill, and the committee should have insisted that the House should agree to it. At least they should have tried it.

Mr. HALE. We tried it last year.

Mr. TELLER. I would have tried it again.

Mr. ALLISON. We have tried it, I think, twice.

Another estimate is for the construction of the Library building. The Department estimated $500,000 to be expended next year for the construction of the Library building. The Committee on Appropriations carefully investigated that question, and from all they could ascertain concluded that $250,000 will be as much as can reasonably be expended during the next fiscal year, taking into account the amount that will be remaining at the end of this fiscal year which will be applicable to it.

So with reference to arsenals, estimated for $230,000, not included in this bill. We have included these from time to time in past years, but they have been thrown out by the House of Representatives.

Mr. TELLER. It is supposed that the amount of the estimate with reference to arsenals will be put in some other bill, or is that to be given up?

Mr. ALLISON. I think some portion of it may be put into the fortification bill if we shall ever get a fortification bill, which we were unable to get last year and which we may not get this year.

So there are various items. I do not care to occupy the time in stating them all. There is a proposition to buy ground with a building for the Signal Service. The Committee on Appropriations believed that that would be a wise thing to do. A piece of ground could be purchased in the neighborhood of Twenty-fourth street covering the remainder of an entire square, the Government already owning part of the square, the particular property being owned by a private individual, having on it a building adapted to the uses of the Signal Service. The committee at one time recommended that it be purchased, but in view of the fact that contemporaneous with our report there came a report from the Committee on Agriculture proposing to transfer the entire Signal Service to a new department, in this transition state, if it may be so called, of the Signal Service bureau, depending upon legislation yet to be had at this session, we thought it unwise to appropriate for this building, although I believe every man on the Committee on Appropriations believed that it would be a wise thing for the Government to buy the property under proper restrictions and restraints.

Notwithstanding the number of buildings that are being erected in this city by the Government, we see year by year an increasing rental paid by the Government for buildings in the District of Columbia amounting to more than $100,000, and in some cases amounting to 10 per cent., or to 6 per cent. in most cases, of the entire cost of the purchase of the property which is now being used by the Government. Yet the Committee on Appropriations hesitate with reference to these purchases, because when they come into this body they are regarded in some sense extravagant, and when they come in conflict with the House of Representatives, such propositions are thrown out summarily.

For military posts and roads an estimate of $252,000 was made by this administration by the War Department. I have no doubt that $252,000 could be expended in the construction of military roads in the United States with great advantage to the people; but with our experience, swelling this bill as we did swell it, we did not feel that we could enter upon such an appropriation.

Mr. HALE. How much is the bill increased?

Mr. ALLISON. The bill is increased $2,940,000.

Mr. HALE. Over the bill as it passed the other House?

Mr. ALLISON. Over the bill as it passed the other House.

For the very judicial expenses we have been discussing the estimates

in the aggregate are $302,000 more than was appropriated in the bill. I am not prepared to say that all the estimates are just and proper; I believe many of them are; yet they are estimates made for a public service which may be expended this year or next year or five years from now. They are not of such exigency as requires absolutely the expenditure of the money now. I will ask the Reporter to insert this table, for the information of the Senate.

The table referred to is as follows:

Principal items of estimates under sundry civil expenses for 1888 *omitted from, and reduced in, bill as reported to Senate.*

Navy-yards and stations (transferred to naval bill)	$4,418,961
Reconstructing Interior Department building, &c., omitted	172,720
Ventilation of Senate wing and boiler-vaults House, omitted	14,000
Construction of Library building, reduced	250,000
Reform School, District of Columbia (transferred to District bill)	18,200
Various arsenals, reduced	239,037
Buildings and grounds in and around Washington, reduced	130,000
Building for Signal Service, omitted	150,000
Military posts, roads, &c., reduced	252,203
Yellowstone National Park, reduced	90,000
Public printing and binding, reduced	427,047
Revenue-cutter service, reduced	60,000
Light-houses and light-house establishment, reduced	1,191,500
Coinage and recoinage of subsidiary silver coin, omitted	30,000
Quarantine service, omitted	84,500
Signal Service, reduced	31,695
Military surveys and reconnaissances, omitted	25,000
Public lands, surveys and expenses, reduced	322,000
Paper for internal-revenue stamps, reduced	20,000
Miscellaneous, Department of Justice, reduced	24,600
Judicial expenses, reduced	305,600
Total	8,218,063

Mr. ALLISON. To recur to the particular item which we are debating, it is impossible, so far as I can see, for us to restrain absolutely the expenditures of the courts of the United States; and it is impossible, I must do the Attorney-General the justice to say, for him to do so. He can only make an approximate estimate, because every circuit judge, every district judge, every district attorney, and in fact you may say, in some respects, every grand and petit juror, has some control over the amount, and to some extent over the character of these judicial expenses. So all we can do is to approximate the necessary expenses as nearly as we can, and appropriate for them, and from time to time bring in deficiency bills if we have not appropriated enough.

I should be glad to put some restraining clause in the bill if we could do it, with reference to the subject spoken of by the Senator from Kansas, but I see no way of doing it properly.

Mr. BECK. The United States commissioners have authority by law as justices of the peace have, and they can not be controlled.

Mr. ALLISON. The Senator from Kentucky [Mr. BECK] very properly suggests to me that these expenditures are swollen not only by the judges of the courts, but also by the United States commissioners who have power to hear complaints and bind over for the grand juries of United States courts men who are accused of crime.

Mr. CULLOM. It is necessary that they should have that power.

Mr. ALLISON. As the Senator from Illinois [Mr. CULLOM] very properly says, it is necessary that this power should be given. Whether it should be or not, it is actually given by law, and is exercised in every State in the Union.

Mr. TELLER. I inquire of the Senator from Iowa where he finds the authority of law for an executive officer to exceed the appropriations?

Mr. ALLISON. I have not been able to find it. I did not suggest that he could exceed the appropriations.

Mr. TELLER. I did not intend by asking the question to criticise the Department of Justice. I have not any idea that the Department of Justice has asked for any more money than is absolutely necessary to carry on that Department. I know very well that the head of a Department refrains from asking for excessive sums. If possible he keeps his estimates within bounds. The Department of Justice come here and say, "Last year it cost $375,000 to do the business of this Department." The committee give them $325,000, saying to the Attorney-General, in the face of a statute that declares that he shall not exceed the appropriation, that he must exceed the appropriation or else the public service must suffer, and the chairman says, "Of course, we expect him to exceed the appropriation."

I admit that it would be almost impossible for the Department of Justice to proceed exactly within the appropriations. If the appropriations had been made for $375,000, circumstances might arise that would require and justify the Department in the face of the statute in exceeding the appropriations, but I do not think we ought, by any system of procedure in this body, to say to them, "Here, you must exceed the appropriations or else you must not do the business."

In the Land Office, in the Interior Department, they can cut down the force, they decline to do the business, and, as the office has been doing year after year, they can let the business fail for want of agencies to complete the work. It is not so with the Department of Justice. The courts are assembled. They may be dismissed, as they have been, and as they were during the last year, when juries were sent home because there was not money enough to pay them, when the public interests suffered, and when private litigants were put to great expense, as I know, in some sections of the country. That may be done.

Yet there is another class of business. Private business may be put off; the public business can not be. If the Government of the United States finds an indictment against an individual that individual must be tried. It is his right to be tried. The Government has no right to put him off because there is not money to pay the jury or the witnesses.

I think that the committee should have put in the whole amount of the estimate if they believed the estimate was not excessive; and if the House declined to accept it let the House take the responsibility. They do not take it in full when they send a bill here with the suggestion that the Senate is going to raise it. The bill came over from the House with the expectation that it would be raised, and it was done for the purpose of saying to the country: "The House is economical, but the Senate is not." That is the way it comes here. I would give the Department of Justice and every other Department of the Government the necessary money to carry on the Government in a proper manner, and if the House declined, then I would let the House take the responsibility.

Mr. PLUMB. Does the Senator from Colorado say that he would give to every Department exactly what is estimated for it?

Mr. TELLER. No, I do not say that. I think we have the right to exercise some judgment about it; but if it did appear that last year it took $375,000 to do the business in the courts, I think it might be inferred that it would take $375,000 this year, with a growing people and increased business in all the departments of life.

Mr. PLUMB. Is not the Senator aware—I think he must be as much as any one on this floor—that in the executive departments, where the expenses are let go without much, if any, supervision, and especially without legislative supervision, there is a great tendency to extravagance; and is not that tendency so strong indeed that the mere fact that the expenditure of a certain amount of money has been made one year is hardly a guide for what might be required the next year?

Mr. TELLER. I admit it does not follow because the appropriation of $350,000 was made last year that there ought to be an appropriation of $350,000 made this year, but I do say if it appears that there was a necessity to such an extent that the head of the Department, in the face of a statute which declared he should not do it, was compelled to create a deficiency, which we said was so properly created that we paid it, we ought to expect a deficiency of a like amount this year.

I do not say that every estimate made should be appropriated for. There are classes of estimates made that involve grave questions of policy and propriety. The War Department say to us that they want $40,000,000 for rivers and harbors. I do not pretend that there should be $40,000,000 given. They might say that they want it for coast defenses and that they want it for other things. The Senate might not agree with them. But for that class of departmental service like the courts of the United States, where there is a necessity that the laws shall be executed, that the courts shall be held, and that the witnesses and the juries shall be paid, stands on a different footing from any other class of expenditures, although within the appropriations made to carry on the Government.

Mr. PLATT. It seems to be somewhat the fashion to catechise the chairman of the Committee on Appropriations, and I should like to ask one question.

We have heard a great deal about not raising any more by taxation than was required for the expenditures of the Government economically administered. If we are to take the estimates made by the Departments as the standard of economical administration and appropriate as much as they require, will there be any surplus revenue?

Mr. ALLISON. That is a pretty considerable question, and the Senator from Connecticut I think is quite as capable of answering it as I am or any other Senator on this floor. It is safe to say that if we were to appropriate all that has been estimated for in the Book of Estimates for the coming year and then add to it the sums necessary to pay pensions to the Mexican war soldiers, to our disabled Union soldiers, &c., the surplus would not be very large at the end of the next fiscal year unless we largely increase our revenue. That is my opinion with reference to it.

I think the Departments have estimated for the coming fiscal year in all $376,000,000. I speak now from memory, not having the Book of Estimates before me in such a way that I can refer to it. They have estimated undoubtedly at least $31,000,000 or $32,000,000 more than we are likely to appropriate in the regular appropriation bills, so that if we should appropriate all that they desire, in the nature of things there would be a very small surplus at the end of the next fiscal year.

Mr. PLATT. There would not be any, would there?

Mr. ALLISON. There might be a surplus and there might be none, depending of course, as the Senator from New York [Mr. MILLER] suggests, upon the revenue.

Mr. SEWELL. I ask leave at this time, with the permission of the Senator from Iowa, to report favorably from the Committee on the Library an amendment to the pending bill. I ask that it lie on the table.

The PRESIDING OFFICER. If there be no objection the amendment will be received and laid on the table.

The Secretary will state the next amendment reported from the Committee on Appropriations.

The next amendment was, after the word "dollars," in line 2401, to strike out all down to and including the word "indictment," in line 2415, as follows:

No part of this appropriation shall be expended in the payment of more than $800 per annum to any commissioner for services in the examination of criminal charges, or at that rate for any time less than a year and more than one month. But this provision shall not apply to commissioners in cities of more than 100,000 inhabitants. No part of any money hereby appropriated shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been approved by the attorney of the United States and of the collector of the internal revenue in the district where the offense is alleged to have been committed, or that the prosecution is by indictment.

So as to make the paragraph read:

For fees of United States commissioners, and justices of the peace acting as United States commissioners, $50,000.

Mr. COCKRELL. I wish to call attention to an amendment which has been agreed to. I was listening for it, but somehow or other I missed it.

The PRESIDING OFFICER. Does the Senator from Missouri object to the pending amendment?

Mr. COCKRELL. I object to that and also to another one just passed, that I did not observe at the time. I was trying to follow too. In line 2392 the words "the court is open for business or" were inserted. I hope that that amendment will not be agreed to.

The PRESIDING OFFICER. It has been agreed to.

Mr. COCKRELL. I move to reconsider it unless the Senator from Iowa will consent that it be considered open.

Mr. ALLISON. I will consent, of course, that it may be reopened. The Senator from Missouri was out at the time, I understand.

The PRESIDING OFFICER. If there be no objection, that amendment will be considered as pending. The amendment will be again stated.

The SECRETARY. In line 2392, after the word "when," the Committee on Appropriations report to insert the words "the court is open for business or;" so as to read:

Nor shall any part of any money appropriated be used in payment of a per diem compensation to any attorney, clerk, or marshal for attendance in court except for days when the court is open for business or business is actually transacted in court, and when they attend under sections 583, 584, 671, 672, and 2013 of the Revised Statutes, which fact shall be certified in the approval of their accounts.

The PRESIDING OFFICER. The question recurs on agreeing to this amendment.

Mr. ALLISON. I am not quite clear myself that the amendment ought to be agreed to just as it was inserted by the committee.

Mr. COCKRELL. I will state to the Senator, as he will doubtless recollect, that in the bill last year the language here proposed to be inserted was not in.

Mr. ALLISON. The language of the bill of last year was substantially the language of this bill, as I understand it.

Mr. COCKRELL. With the words "the court is open for business or" left out.

Mr. ALLISON. I so understand. Those words were left out for the reason that it was supposed the sections of the Revised Statutes which are quoted following the words indicated by the Senator from Missouri would cover all the cases, but the Department of Justice suggested that under the provisions of last year's bill there were some cases where injustice was done clerks of courts. For example, the clerk of a district court and of a circuit court, both being in session at the same time, but one in session on a particular day and another in session on another day, under the decisions of the First Comptroller of the Treasury the clerk would be unable to get pay for the actual days in attendance on the court.

But I think the language inserted, which was the language suggested to us by the Department of Justice, is too broad, and therefore I do not know but that I would agree personally with the Senator from Missouri that we had better strike it out and trust to some future bill to correct any evils that may exist now.

Mr. COCKRELL. I hope the amendment will not be agreed to.

Mr. HALE. Under the bill as it came from the other House, it might happen that a court would be in session simply for the purpose of adjourning from day to day, no business whatever being transacted, but the judge would be there or as in some cases the clerk would be authorized to make the adjournment in the absence of the judge. The clerk must be there. He can be nowhere else. The law compels him to be present whether he adjourns the court or the judge adjourns the court from day to day, no business being ready.

In such circumstances, under the provision inserted by the other House, the clerk might get nothing because no business would be transacted, and the Comptroller, I think, has decided, or is inclined to decide, or has intimated that he would decide, that in such a condition he could not allow the clerk to have any pay because no business was transacted.

The object of the committee in putting in the clause "The court is open for business or" was to meet just such a case as I have described. As it stands now I like the language better than I did that of the House. No abuse can arise. No charge can be made where the court is not actually in session; but if the clerk be present, as the law compels him to be, at a regular session of the court, he ought to have his fees although no business is transacted, for every day that the court is open for business. That I understand to be the reason why the words were inserted, and to my mind it is a pretty good reason.

Mr. COCKRELL. The provision as it came from the other House is the exact provision of the bill of last session, and as I have been informed it has been found to work very well and is not subject to abuse in the accounts of the officers. It is for this reason that I do not think the amendment ought to be agreed to.

In connection with this matter I desire to have a letter read from the First Comptroller, dated January 31, on this very subject, which will show very clear reasons why the amendment should not be agreed to.

The Secretary read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., January 31, 1887.

SIR: As you are apprised, I have been lending all my efforts, since I have been in this office, to correct so far as possible the many irregular and illegal practices which have grown up on the part of marshals, commissioners, clerks, and attorneys. In many cases where they are apparently entitled to fees under the fee bill it was so manifestly not the intention of Congress to provide for them that I have disallowed them in settling the accounts. For instance, in section 828 of the Revised Statutes, in the next to the last clause in said section, the clerk is allowed 5 cents a mile for going and 5 cents a mile for returning, and $5 a day for his attendance on court while actually in session; and in many instances the clerks claim for twice as many days as, under my construction of the clause, the court is "actually in session." We have found, upon investigation of some cases, that with the exception of opening and closing the court, nothing whatever was done on many days when the court was technically open, the clerks and district attorneys receiving $5 each for these days, and the marshals $2. They claim that the court is always open for the transaction of business, which is true; and from the fact that the court is thus open, and that they are ready for business which possibly might be presented, they claim these fees.

For the purpose of obviating all trouble and difficulty in settling the question as to their right to the fees the House committee incorporated in the sundry civil bill the following: "Nor shall any part of any money appropriated be used in payment of a per diem compensation to any attorney, clerk, or marshal for attendance in court except for days when business is actually transacted in court." I find that you have inserted in the bill, in line 2392, the words "the court is open for business or." Now, permit me to say that if that amendment is made to the bill it puts the thing right back where it was before, and we shall have the same troubles and difficulties to encounter as we have heretofore had. I will give you an illustration showing how advantage is taken of such a provision.

The clerk of the district court of New Hampshire, in an account rendered here, charges for two hundred and thirty-five days' attendance, when business was actually transacted on only one hundred and five, less than one-half of the number charged for by the clerk; and when the matter was called to the attention, not only of the clerk but the judge, it was claimed that the court was always open for the transaction of business, although no business might be done.

Now, if it is the will of Congress that these men shall be paid for days when no business is transacted, as a matter of course I acquiesce in it; but I repeat that it is my opinion that it was not the intention of Congress to pay them such fees except for the days when the court is open and transacting business. Hence the amendment as incorporated in the sundry civil bill.

You will find that in the sundry civil bill for the present fiscal year there is the same provision as to clerks and marshals as in the present bill, but not as to attorneys; and the House committee only enlarged it so as to make it applicable to attorneys. See sundry civil bill for the present fiscal year, acts of last session, at the bottom of page 253. I am now settling the accounts of clerks and marshals on the basis indicated in the present bill; but if your amendment to the bill now before your committee prevails it will admit the practice which existed under the old statute.

I beg to call your attention also to that portion of the bill in regard to United States commissioners. If you are not apprised, I desire to say that the frauds now being practiced by United States commissioners are astounding; and these frauds involve marshals, deputy marshals, and in some instances United States district attorneys, and all for the purpose of making fees. Some of the commissioners present accounts for fees to the amount of more than $5,000 a year. It seems to be the object of these persons to hunt up trifling cases for the purpose of making fees, as of those cases set for trial more than three-fourths are dismissed by the higher courts.

So the committee of the House incorporated in the present bill the provision that no commissioner should receive more than $800 except in the case of those commissioners in cities with a population of more than 100,000; but this, on the point of order that it was new legislation, was stricken out. It was then attempted to limit the payment to $800 per year, which would have been some check, as showing that it was the intention to only allow that amount. After the bill got into the House it seems to have been so amended that no part of the fees appropriated for in the bill should be paid for the prosecution of internal-revenue cases unless the prosecution had been approved by the attorney of the United States or the collector of internal revenue. Now, permit me to say that while that was not intended by this bill, still it is a wise provision; and some of the district attorneys who are disposed to aid the accounting officers in correcting these evils that have sprung up propose to act in accordance with this amendment. Many will not do it; and hence the propriety of requiring all to do what a portion regard as wise and prudent to do. But if the positive legislation desired can not be effected I ask you to consider the propriety of striking out that portion of the House bill extending in your bill from line 2401 to and including line 2415. I do hope that it will be retained; for I think that we will thereby be enabled to correct eventually many of these gross outrages upon the Treasury, if we can not accomplish all that we desire.

I know that you are all very busy; but I hope that after reading this communication you will confer with Senators BECK and ALLISON in regard to the matter. I feel sure that if you were to see as plainly as I do here the great abuses that are existing and the heavy drain upon the Treasury caused by these officials without any good results you would think as I do about it.

Very respectfully,

M. J. DURHAM.

Hon. F. M. COCKRELL,
United States Senate.

Mr. HALE. That letter tells the whole story about this matter of compensation of court clerks. The comptroller in unearthing this mass of villainy that he has found, has discovered that clerks who are present when the court is actually open for business and adjourns without doing business draw their pay, and he wants to cut that off. That is a matter for the Senate now, so far as its action goes, to settle whether it is an abuse on the part of these United States court clerks to draw their daily pay on days when the court is actually open for business, if business be ready, and then adjourns without the transaction of business. I do not know where else the clerk can be excepting at his desk whenever the court is open. One Senator says the court is always open for business. It would be an abuse if it was constructively held that a clerk could draw his fees every day during the year whether the court was actually open for business or not. That I do not understand is claimed; but where a court is actually open for business, the judge upon the bench, and the clerk at his desk, and no business is done and an adjournment is had, I can see no reason why the clerk should not have his pay for that day.

Mr. HOAR. I should like to ask the Senator from Maine a question if he will allow me?

Mr. HALE. Certainly.

Mr. HOAR. I understand that in the State of Iowa there are six or eight places where the United States courts are held.

Mr. ALLISON. Six places.

Mr. HOAR. There are but two clerks in that State. They are obliged to travel to those places to be present at the opening of the court on the morning of the day fixed, and if they go into court and there does not happen to be any business ready that day owing to some accident, perhaps the absence of the judge, they are to draw no compensation even in that case.

Mr. HALE. That is the purport of the Comptroller's recommendation. That is just such a case as the Comptroller is trying to prevent clerks from receiving pay in. One Senator says the court is always in session, always open for business. That is not so. There are not many cases, excepting in districts where there is constant business pushing, that the circuit or the district courts of the United States are actually always open; weeks and weeks intervene between one term and another, between one session and another; and no clerk, I take it, would claim that he should draw his pay during such time. But when the court is open for business, although no business is actually transacted, just such a case as is cited by the Senator from Massachusetts, I see no reason why the clerk should not have his pay.

Mr. PLATT. I think, perhaps, this amendment was inserted somewhat upon my request. At any rate, I did suggest the matter to the chairman of the Committee on Appropriations. In Connecticut the clerk was confronted and the district attorney was confronted with just this situation. We have two places where the courts are held, growing out of the fact that we formerly had two capitals. The clerk resides at one, in Hartford. The court is held about half the time in Hartford and about half the time in New Haven. Much of the business is actually transacted under what is called an assignment for a particular day.

The term of the circuit or district court commences, and then assignments are made as to when the cases will be tried, running over, perhaps, a period of months, assigning certain days for certain cases. It happens very often that when the court upon an assignment day is held at New Haven, which is distant from the clerk's residence, the clerk has to go, the attorney has to go, though the assignments relate more particularly to civil business. When they get there they find that by some arrangement of counsel or the settlement of the case there is no actual business transacted in court that day. The clerk ought to have his pay for that day. He has spent a whole day to go and attend court, and there is no reason, as it seems to me, when the court is actually open for business, why the clerk and the other officers who by law must attend should not have their pay. I think in the last year it amounted to something like thirty days that the clerk was obliged to attend court, and yet no business being actually transacted, although the court was open for business, he was unable to draw his per diem. I think it is only right that he should have it, and it is therefore that I suggested something in the nature of this amendment to the Committee on Appropriations.

Mr. COCKRELL. If it is right that they should have the per diem, it ought to be given to them all, and they ought not to resort to these subterfuges of nominal sessions of the courts. Here is one clerk who charges for two hundred and thirty-five days, when the record shows that the court was in session actually one hundred and twenty-three days. Is it fair or just to place that clerk in the position of being tempted to make that charge, he having the color of law to make it? I do not think it is. If the clerks are entitled to a per diem for their whole time, give it to them, and do not let it come in under these subterfuges.

The existing law for this year reads as follows:

Nor shall any part of the money appropriated by this act be used in payment of a per diem compensation to any clerk or marshal for attendance in court except for days when business is actually transacted in court.

If, as in the case cited by the Senator from Connecticut, that court sets cases for hearing on a certain day and the judge appears in court, and that entry is made and those cases are disposed of, or if the judge appears there and finds that he can not make disposition of them and then orders an adjournment, that is the transaction of business.

Mr. PLATT. Will the Senator allow me to interrupt him?

Mr. COCKRELL. Certainly.

Mr. PLATT. That is just what the judge in our circuit will not certify was an actual transaction of business in the court, and, therefore, the clerk does not get his pay. I do not know how it may be in other circuits; I do not know how elastic the conscience of the judge may be; but our judge has that conscientious regard for the law which prevents him from certifying that actual business was transacted in court when no actual business was transacted.

Mr. COCKRELL. It is the business that was set for that day; it is disposed of, and that is the transaction of business.

In the bill of last year this law was extended to the clerks and the marshals. The intention of this bill, as it passed the other House, is to extend the provision to the district attorneys. So that there may be no mistake about it, it is said to apply to those terms of the court where there is a mere nominal adjournment, where the judge is not present, where the officers of the court are not called into court to transact any business. I do not think that that is the kind of sitting or holding of court contemplated in the law. I think it far better if we intend to give these clerks or marshals or district attorneys any additional pay to make it plain and distinct, so that all can be dealt with precisely alike. It is manifest that they are all not dealt with alike. It must depend on the interpretation of the judge. Now let us establish and maintain the rule that business must be transacted in court to justify payment to these officers of a per diem.

I hope the amendment will not be agreed to.

Mr. PLATT. Does the Senator suppose that there is any opportunity for a clerk, a marshal, or a district attorney to obtain pay for a day when he is not actually present in court even if this amendment be adopted?

Mr. COCKRELL. I did not catch the question.

Mr. PLATT. Does the Senator suppose that if this amendment be adopted there will be any opportunity for a clerk, a district attorney, or a marshal to draw pay for a day when he was not actually compelled to be in court?

Mr. COCKRELL. Unquestionably. All that is required is that the court is open for business, and they say the court is open all the time, and I think they could charge the whole per diem.

Mr. PLATT. Certainly not unless the court is actually opened by the marshal.

Mr. TELLER. The term "open," "the court is open," may be misconstrued differently from what is intended, and I think the term "open" is not a proper one to meet what was intended. If we would strike out the word "open" and insert in place of it "the court is in session," and then after the word "for" put in "the transaction of business," it would read in this way:

When the court is in session for the transaction of business, or business is actually transacted.

A court of equity is said to be open all the time for certain purposes, but "the court in session" means that the crier has declared that the court is open.

I move to amend by striking out the word "open" and inserting in lieu thereof "in session," and after the word "for" inserting "the transaction of."

Mr. ALLISON. How would this phraseology suit?

When his attendance is necessary and the court is open.

It seems to me if the attendance of the clerk is necessary he ought to be paid for it.

Mr. TELLER. Who will determine whether it is necessary or not?

Mr. ALLISON. I suppose the judge. Probably the First Comptroller might think he ought to be the man to decide it.

Mr. TELLER. I have no objection to that amendment, but I think the suggestion I make will provide that at every time when the crier has declared the court open the clerk will always get his pay, and he certainly ought to have his pay then, because he is there to record that proceeding. It may be that there are other cases where he ought to be paid, for instance, where he attends and the judge does not come. I think then he ought to be paid. His attendance would be necessary. I think the clerk should be paid whenever he is compelled to put in the time, to go and sit and wait for the court to open, or wait for the judge to come there and open the court; but he should not be paid for days that the court is constructively open and not actually, and that is the evil the committee are aiming at, that the clerk shall not be paid for the days when the court is only constructively open.

Mr. EVARTS. Mr. President, it seems to me that the amendment proposed is very desirable to relieve any diversity of construction of the rates of compensation. The Senator from Missouri recognizes, as I think every one must recognize, that when a court is open for business, and business is reasonably expected to be performed, and an officer attends in his function to take part in that, and then, for reasons for which he

is not responsible, the business fails of being actually transacted, as his function was to be there, and not to be engaged in the particular transaction otherwise necessarily than in his real office, the Senator is quite right in thinking, as I suppose, that the judge ought to certify for such an attendance as that. But the Senator from Connecticut thinks that the judge there does not feel at liberty to do so if the language is left without what is now offered to be inserted.

The Senator from Colorado will allow me to suggest that we could get rid of this question of constructively-open courts by simply changing the word "open" to "opened," saying, "when the court is opened for business."

Mr. TELLER. I will withdraw my amendment and accept that. I think that would cover the case.

Mr. EVARTS. Then it will read, "when the court is opened for business, or business is actually transacted."

Mr. TELLER. And would prevent pay for a constructive opening.

Mr. EVARTS. That would relieve this ambiguity.

Mr. TELLER. I withdraw my amendment and let the Senator substitute his.

Mr. EVARTS. When the law says it is open for business, it does not mean constructively open but actually open. All lawyers will so understand it. That will dispose of that.

Mr. COCKRELL. Let me ask, in a case of that kind could that be done without the actual presence of the judge?

Mr. EVARTS. The marshal may have a right in certain cases to open court and wait.

Mr. COCKRELL. The clerk has no right to charge where the marshal simply opens the court and in the same breath declares it adjourned to a certain day, when the judge is not present.

Mr. EVARTS. My purpose is neither to enlarge nor diminish the compensation of these officers, but to make the clause here so as to be intelligible alike to meet such a situation as we approve of, and that will be certified alike in the different tribunals of the country. And I imagine that the observations of the Senator from Missouri, which he made before I rose to speak, accord with my own, that the mere question of business having been transacted is not a proper criterion of what people should be authorized to receive for attending, expecting it would be transacted. All the officer's attention and all his earning of the right to his per diem is when he has attended there in his function expecting that the transaction of business would take place, and then we do not wish it left open whether it is transacting business to put it off. The Senator from Missouri thinks that for this purpose of attendance it is just as proper he should be paid if the business is put off as if it is not, and that is a transaction in court. The real purpose of what the committee of the Senate has proposed here is to make in expressive and definite language what we shall all agree is either a proper or not a proper compensation. I think it is a proper compensation, and I imagine that the Senator from Missouri in the main agrees with my view, that it does not depend on the criterion of *post hâc*, there having been a transaction of business.

Mr. COCKRELL. If the court is actually opened and the judge is present and the clerk is there, the clerk ought to be paid. If the clerk and all the officers of the court know perfectly well that the judge will not be there and that no business will be transacted, and there is a mere formal announcement, the clerk ought not to be paid. There is where the line of division ought to be drawn. If the Senator will put in "the court is actually opened and the judge present," then there would be no question about it, but if he does not it leaves it open to this constructive service that the court may be in technical language opened for a month or two months and the judge not be near it, and yet the clerk get his per diem. The law did not contemplate that.

Mr. EVARTS. Now, Mr. President, I think we are refining too much on this, if the Senator from Missouri will allow me to say it.

We provide that there shall be an actual opening of the court, and whatever in contemplation of law is a prerequisite or an attendant of that judicial fact seems to be a reason why the officers shall be expected to be, and themselves should plan to be, there to attend to their business.

If after this opening and expectation of a judge, the judge should be intercepted by a railroad catastrophe, would that be a reason why the court's opening should not be a proper basis of the per diem of those who were attending there waiting for him to come in? In other words, let me suggest that we are refining a little too much on the closeness of these calculations. If we insist upon there being an actual opening of the court and an opportunity to do business, then it seems to me we ought to put in a clause that will cover the right and not exclude it because by *post hâc* considerations there was no business done.

Mr. CALL. Mr. President, suppose the court is not open for business; the law commands the district attorney, the marshal, and the clerk to be there. They attend the court, sacrifice other engagements, incur expense, if, as is often the case, the court is held away from their own homes, and they are detained there. By what kind of argument will you refuse to pay them their reasonable compensation and their necessary expenses in such cases? You can not do it, Mr. President, without impairing the efficiency of the public service. Your only protection is in the character of the judge. You may, perhaps, prescribe when he may be allowed to open his court and when he shall adjourn it, but you can not say with any kind of justice that when the law compels an officer to be present at a particular day at a term fixed by law or by the order of the judge having authority to do it, and compels his attendance, because the judge fails to be there to open the court this man who has thus performed the command of the law shall be punished and prejudiced by it.

I think the amendment inserted by the Committee on Appropriations would have been much better if it had been left to say "when the court is open for business." If you add the words "as business is actually transacted" you make an alternative which may perhaps be held by the Comptroller to indicate the intention of Congress that the two phrases are synonymous. For myself I wish to say that there is no reason whatever in the proposition that when the law compels a district attorney or a marshal or a juror to perform a duty, you ought to withhold from him the proper compensation for that which he is compelled by law to do.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York [Mr. EVARTS] to the amendment of the Committee on Appropriations, in line 2392, page 98. The amendment to the amendment will be reported.

The SECRETARY. In line 2392 it is proposed to strike out the word "open" and insert "opened;" so as to read:

When the court is opened for business, or business is actually transacted in court.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "aid," in line 2421, to insert "and transportation to place of conviction;" and in line 2422, before the word "thousand," to strike out "*forty*" and insert "*fifty*;" so as to make the clause read:

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, $250,000.

The amendment was agreed to.

The next amendment was, in line 2423, after the word "court-rooms," to strike out "fifty" and insert "sixty;" so as to make the clause read:

For rent of United States court rooms, $60,000.

The amendment was agreed to.

The next amendment was, after line 2440, to insert:

UNDER LEGISLATIVE.

Botanic Garden:

For constructing storehouse for plants and for steam-heating for same; repairing green-houses, for extending concrete walks, and for general repairs to conservatory and propagating-houses, under the direction of the Joint Committee on the Library, $5,700.

The amendment was agreed to.

The next amendment was, after line 2447, to insert:

Works of art:

For the purchase of works of art, and the necessary cleaning and repairing thereof, including new frames, under the direction of the Joint Committee on the Library of Congress, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriation for "public printing and binding," after the word "million," in line 2466, to insert "and twenty-seven thousand;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, the Departments, and the United States Geological Survey, including salaries or compensation of all necessary clerks and employés for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $2,027,000.

The amendment was agreed to.

The next amendment was, after the word "printing," in line 2474, to insert "of either House;" in line 2475, after the word "an," to insert "approximate;" in line 2477, after the word "of," to strike out "the amount and," and insert "estimated approximate;" and after the word "Congress," in line 2478, to insert "upon recommendation of the Committees on Printing;" so as to read:

For printing and binding for Congress, including the proceedings and debates, $812,000; and printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, upon recommendation of the Committees on Printing, within the fiscal year for which this appropriation is made (all reserve work shall be bound in sheep).

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 2491, to strike out "seventy-five" and insert "eighty-five;" and in line 2492, after the word "exceeding" to strike out "ten" and insert "twenty;" so as to read:

For the Treasury Department, $285,000, including not exceeding $20,400 for the Coast and Geodetic Survey.

The amendment was agreed to.

The next amendment was, after "United States," in line 2510, to strike out "thirty" and insert "fifty-four," so as to read:

For engraving for the geological map of the United States, $54,000.

The amendment was agreed to.

The next amendment was, in line 2518, after the word "Congress," to strike out "twelve" and insert "fifteen;" so as to read:

For the Library of Congress, $15,000.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. ALLISON. The Committee on Appropriations instruct me to offer an amendment relating to the public building at Philadelphia. This amendment is, I know, not in order, and therefore I ask unanimous consent to offer it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 5, at the end of line 95, it is proposed to insert—

That in the sale of the land and premises known as the old court-house and post-office in the city of Philadelphia, lying upon Chestnut street, and extending to Library street, and between Fourth and Fifth streets, and adjoining the present custom-house site in said city, under the act approved August 4, 1886, the purchaser at said sale, his heirs and assigns, shall have permission to use and enjoy, in common with the United States, a passage-way of not less than 19 feet in width, extending from Chestnut to Library street, adjoining the said old court-house and post-office building on the east.

Mr. EDMUNDS. I should like to hear that explained.

Mr. ALLISON. One word of explanation, and then if any Senator objects to the insertion of this amendment of course I shall withdraw it.

In the sundry civil bill of last year we authorized the sale of what is known as the old post-office and court-house lot in the city of Philadelphia, with a limit of $300,000. That lot is situated adjacent to the old custom-house building. There is a space between the two now, varying from 19 to 30 feet. There was a passage-way between these two buildings, used by the Government for the transaction of its business, extending from Chestnut to Library street. The language of the law was "the post-office property and premises." The alley-way which is described here was used by the Government when it occupied the old building as well as by the custom-house. The custom-house building is so constructed that doors and window-ways are adjacent to this alley.

The purchaser of this property supposed that he was purchasing the right to have an open alley-way between these two buildings. The Solicitor of the Treasury states that in his judgment it could be construed that this alley-way should be kept open permanently, as it has been in use for this length of time. The purchaser agreed to pay $415,000 for this property. He refuses to take title unless he can take it with this provision guaranteeing to him the right of this open way, about which there is some doubt. What I desire is that this opportunity may be given. Unless it is inserted in this bill, as a matter of course, this property can not be exchanged and the $415,000 can not be paid into the Treasury. I suppose it is a matter of some moment, though not very great.

Mr. EDMUNDS. I make no point of order because I think this is incidental to what has been done before; but I think the word "less," in the third line from the bottom of this amendment, should be stricken out and the word "more" inserted, so as to secure to this purchaser what evidently was the purpose, a passage-way of 19 feet width. So I wish to have the amendment read: "shall have permission in common with the United States to enjoy a passage-way of not more than 19 feet."

That gives him the full 19 feet, and it does not bind us to give him any more, because that is all he really asks for. This is a mere change of phraseology.

Mr. ALLISON. I accept that suggestion.

The PRESIDING OFFICER. The Senator from Iowa accepts the modification and the amendment will be so modified. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. ALLISON. On page 7, beginning in line 160, there are two paragraphs relating to the drainage of the building of the Bureau of Engraving and Printing. These two paragraphs should be consolidated into one and I ask unanimous consent to strike out from lines 160 to 172, inclusive, and insert what I send to the desk. It saves an appropriation of $19,000.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to strike out from line 160 to line 172, inclusive, as follows:

For Bureau of Engraving and Printing: For construction of a new sewer from the building of said bureau to connect with the city sewer, $1,994.35; and the provision of the sundry civil act of August 4, 1886, appropriating $1,200 for a new sewer for this building, is hereby repealed.

For proper sewer drainage to the buildings belonging to the Quartermaster's Department, in square 232, in the city of Washington, $2,445.30; the aforesaid sewers to be constructed under the direction of the commissioners of the District of Columbia.

And in lieu thereof to insert:

Bureau of Engraving and Printing and Quartermaster's Corral, Washington, D. C.: For the construction of new sewers to connect with the city sewer, for the proper drainage of the buildings of said bureau and Quartermaster's Department, in square 232 in said city, $243,030, the work to be done under the direction of the commissioners of the District of Columbia; and the provision of the sundry civil act of August 4, 1886, appropriating $100,000 for a new sewer for the Bureau of Engraving and Printing is hereby repealed.

Mr. ALLISON. That is done under a communication from the Treasury Department.

The amendment was agreed to.

Mr. ALLISON. On page 10, after line 234, the committee omitted one paragraph or item in relation to the re-establishment of two lights on Lake Champlain. After line 234 I move to insert:

North and South Hero, Lake Champlain: For the re-establishment of two stake lights to mark the channel between North and South Hero Islands, in Lake Champlain, upon foundations sufficiently strong to secure them against floating ice, $4,000.

The amendment was agreed to.

Mr. ALLISON. On page 44, line 1066, in the appropriation for "propagation of food-fishes," I move to strike out "thirty" and insert "fifty;" so as to make the amount $150,000.

Mr. BECK. That ought to be done by all means.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. Before the word "thousand," in line 1067, it is proposed to strike out "thirty" and insert "fifty;" so as to make the clause read:

Propagation of food fishes: For the introduction by the United States Fish Commission into and the increase in the waters of the United States of food fishes and other useful products of the waters, including lobsters, oysters, and other shell-fish, and for continuing the inquiry into the fisheries of the United States and their subjects, and for such general and miscellaneous expenditures as the Commissioner of Fish and Fisheries may find necessary to the prosecution of his work, including salaries or compensation of all necessary employés, $150,000.

Mr. EDMUNDS. Please explain that.

Mr. ALLISON. That is an estimate of the Fish Commission respecting this appropriation. Last year we established a new hatchery at Duluth, which it is expected will be ready for use about the middle of June. Last year we appropriated $130,000, and the year before $130,000, and in each of the two years we have had a deficiency of $12,000. Professor Baird states that this sum will be necessary to carry on the operations of the Fish Commission for the next fiscal year, in view of the necessary expenses.

Mr. BECK. And the Columbia River comes in?

Mr. ALLISON. The Columbia River also, if the hatchery there is begun.

Mr. McMILLAN. That contemplates the new stations established by act of Congress.

Mr. EDMUNDS. It covers the whole thing.

The amendment was agreed to.

Mr. ALLISON. Now, on page 47, after line 1126, I move to insert:

For defraying the necessary expenses of local appraisers at quarterly meetings for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, $2,000.

Mr. EDMUNDS. I wish the Senator would explain that.

Mr. ALLISON. The object is to enable the local boards of appraisers at the chief commercial cities of the Union to meet once a quarter and compare valuations with respect to dutiable goods.

Mr. EDMUNDS. But are they not under pay all the time?

Mr. ALLISON. They are under pay, but they are not under pay to meet in New York, where it is necessary for them to meet; and it is necessary that they should have a small appropriation for the purpose of paying their expenses.

Mr. EDMUNDS. What does the Senator mean by "local appraisers?" Where are they to come from to New York?

Mr. ALLISON. They are to come from Philadelphia, Boston, Baltimore, and Chicago, undoubtedly, &c.

Mr. EDMUNDS. I am satisfied.

The amendment was agreed to.

Mr. SHERMAN. I now submit an amendment to come in on page 62, after line 1497:

To assist the Marietta Centennial Monumental Association, incorporated under the laws of the State of Ohio, in the erection of a suitable monument or memorial structure at Marietta, Ohio, to celebrate the ordinance of 1787, and the first settlement in the Northwest Territory, to be paid only to said association when not less than an equal amount shall have been appropriated by the State of Ohio or subscribed and paid by citizens of the United States, $50,000.

This amendment was offered by me pursuant to a resolution of the General Assembly of Ohio and referred to the Committee on the Library, reported favorably by that committee, and, therefore, in order as an amendment to this bill.

The people of Ohio and all the Northwestern country are now preparing for the celebration of one of the most important events in American history, the first settlement of the Northwestern territory, and also the adoption of the ordinance of 1787, which is one of the most important political events in the history of this country. The people of that whole region of country, many States co-operating, expect to celebrate that event, and wish in connection with it to provide for the erection of this monument or some suitable building to commemorate the event.

Heretofore Congress has in several cases contributed to these great historical monuments, notably at Saratoga and at Yorktown and many others. Probably no event in our history is more interesting than the early settlements of Ohio, the purchase and sale of the lands in Ohio, their division among the older States, the sale of the lands of the Ohio Company, and the final settlement in Marietta, led by some of the

most distinguished men of the Revolution, and the subsequent settlements that followed through Ohio and the Northwest. It is deemed proper, therefore, to mark this event at the place where this settlement occurred by some memorial structure.

A corporation was organized by the General Assembly of Ohio, called the Marietta Monumental Association, charged with this duty, and there is no doubt that if the United States will pay one-half the expense of the monument the like amount will be paid by the State of Ohio, either through the State Legislature or by citizens of Ohio. At all events this contribution of $50,000 by the United States to this monument is made conditional upon the actual payment either by the State of Ohio or by citizens of that State and of other States of an equal amount to complete this structure.

If this appropriation shall be made, then the cost of the structure will be fixed at not less than $100,000, so that a monument fitted for the occasion, fitted for the event, will be constructed without failure and without delay. I trust, therefore, that the amendment will be adopted.

Mr. CULLOM. I did not hear the amount specified in the Senator's amendment.

Mr. SHERMAN. Fifty thousand dollars by the United States, and $50,000 by the State of Ohio, the amount of the latter to be paid either by that State or by citizens of the United States. I can say in regard to Illinois, Indiana, and nearly all those States, that they have taken some measures looking to this celebration.

Mr. CULLOM. I am aware of that.

Mr. SHERMAN. It is not merely a matter affecting the history of my own State but the whole Northwestern Territory, now comprising five States. I hope the Senate will, without objection, incorporate this amendment in the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. BECK. I ask leave to offer an amendment. After line 1310 I move to insert:

That all the public lands in the Territory of Wyoming lying in the counties of Johnson and Crook, in said Territory, shall constitute a new land district, to be called the Buffalo district.

That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof and until the next session after such appointment, a register and a receiver for said district, who shall be required to reside in the town of Buffalo, Wyoming Territory, until such time as the President may, in his discretion, remove the site of said land office from said town; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said Territory.

Mr. EDMUNDS. Is that in order?

Mr. BECK. I desire to be allowed to say a word before the point of order is made. I admit that it is subject to the point of order.

The Secretary of the Interior sent a letter, which I hold in my hand, saying that it was absolutey necessary for the people in the northern end of this Territory to have a land office there, and the commissioner sends a letter, which I have in my hands, to the Hon. P. B. PLUMB, chairman of the Committe on Public Lands, setting forth the necessity of it. The Senate unanimously passed a bill for the purpose. It went to the other House, and the committee of that body reported it with equal unanimity. It is not a law, and may not become so; but three-fourths of the people of that Territory live in the northern part of it; they are actual settlers, and they have to go from 350 to 400 miles to prove up their claims, the only land office in the Territory being along the line of the Union Pacific Railroad, and it costs the real actual settlers of the Territory more than the land is worth to go so far to make their proof. Thirteen million acres are embraced in this new district. It is simply a question whether the Senate will allow the amendment to be considered now.

Mr. EDMUNDS. Let the amendment be read again.

The PRESIDING OFFICER. The Secretary will report the amendment.

The amendment was read.

Mr. BECK. That is an exact copy of the bill that passed the Senate.

Mr. EDMUNDS. I withdraw the point of order.

Mr. BECK. It ought to pass.

Mr. ALLISON. I will not make the point of order, although I do think the House of Representatives ought to have passed a bill of this character. All I am afraid of is that if we put too many of these things on, they will say we are legislating on an appropriation bill.

Mr. EDMUNDS. That is the danger. I give notice I will never do it again.

Mr. ALLISON. I will not object, but I want it understood that the unanimous consent of the Senate is given for this amendment to be put on.

Mr. BECK. I ask that because I admit it is subject to the point of order.

The PRESIDING OFFICER. If there is no objection to the amendment offered by the Senator from Kentucky, it will be considered as agreed to. It is agreed to.

Mr. MILLER. On page 9, after line 188, I move to insert:

For the purchase by the Secretary of the Treasury from the present owners of the property in the town of Middletown, Richmond County, New York, known as the Seamen's Retreat, consisting of 30 acres, more or less, and the buildings thereon, the same to be used for the purpose of a marine hospital at the port of New York, $250,000.

Mr. EDMUNDS. I make the point of order on that.

Mr. MILLER. This is estimated for in the Book of Estimates, is recommended by the Secretary of the Treasury, and has been recommended by every Secretary of the Treasury since 1872. The chairman of the committee will furnish the estimates.

Mr. ALLISON. There is an estimate for a marine hospital in New York Harbor.

Mr. EDMUNDS. Let us see the estimate.

Mr. ALLISON. This particular thing is not estimated for.

Mr. EDMUNDS. That is my point of order.

Mr. ALLISON. This particular thing is not estimated for.

Mr. MILLER. Two years ago this provision was introduced into this bill and passed the Senate. By a vote of the Senate it was incorporated in the bill, but in the conference committee it fell out. As I remarked, it has been recommended by every Secretary of the Treasury since 1872 down to and including the present Secretary of the Treasury.

This property has been rented by the United States Government for a number of years, and is now in possession of the Government, and is used as a marine hospital, the Government paying a rental of $8,000 per annum, which is more than 3 per cent. upon the valuation placed upon it and the price now asked for it.

Two years ago, when this was put into the sundry civil appropriation bill by the Senate, the amount of $280,000 was appropriated. A portion of the land has since been sold, which the then owners valued at $30,000. That has been deducted, and the amount now asked for is $250,000.

This has also been recommended by the Surgeon-General of the Marine Hospital Service for a number of years past. As I have stated, the property is now occupied by the Government, and is substantially the only eligible site in the harbor of New York for a hospital of this kind. The price asked for it is undoubtedly less than the Government could obtain a suitable site for anywhere else in that harbor and erect suitable buildings such as are now upon it.

It will be remembered, perhaps, that for a number of years the Government occupied Bedloe's Island and erected upon it temporary buildings which were used as a marine hospital; but when Congress located upon that island the site for the statue of Liberty Enlightening the World, the hospital was torn down, and then the Government entered into a lease of this property and has been occupying it ever since. If the Government shall fail to acquire title to this property within a reasonable length of time, it will undoubtedly be broken up and sold.

I have not the report of the Secretary of the Treasury here, but I make the statement that every Secretary of the Treasury substantially since 1872 has recommended the purchase of this site. New York Harbor is the only harbor of any importance in which the Government does not own and maintain its own marine hospital.

It is undoubtedly true, also, that the price asked for this property is reasonable and probably much less than it is actually worth. As I stated, two years ago when this same proposition was put into the sundry civil appropriation bill the price was $280,000. A portion of the land which the then owners valued at $30,000 has since been sold for $45,000, showing that the valuation which they put upon the property was not at all extravagant. Now the remainder of the property, which includes thirty acres of land and the hospital buildings, which are ample, and, as I understand, entirely convenient and satisfactory, is offered for the sum of $250,000. This property is not the property of private individuals but of a charitable association of the State of New York. There is no private interest in it, there is no attempt to speculate in it, and no attempt to obtain from the Government an extravagant price for it. In my judgment the Government ought to secure this site, and secure it at once.

Mr. EDMUNDS. I shall withdraw my point of order if my friend from New York will consent to add to his amendment, after the word "Treasury," the words "in his discretion," so as to read:

For the purchase by the Secretary of the Treasury in his discretion from the present owners of the property in the town of Middletown, &c.

So as to give him liberty.

Mr. MILLER. I have no objection to that.

Mr. EDMUNDS. The Senator accepting that, I withdraw the point of order.

Mr. MILLER. If I had noticed that that phrase was not in the amendment, I should have put it in myself.

Mr. ALLISON. This matter is one which has been considered two or three times by the Senate Committee on Appropriations. Either last year or the year before the Senate inserted this identical provision, and the Senate conferees finding the House conferees utterly opposed to it said "strike it out." I suspect the same fate will befall it again.

There is a controversy respecting the purchase of this ground, and it is a local controversy. There are people who are constantly saying and writing and communicating in various ways that this property is not worth half what is asked for it.

Mr. COCKRELL. Is it not charged that there is other property close by that could be bought for one-eighth the amount?

Mr. ALLISON. There are various statements about it, so that I think it is of doubtful propriety, I will say to the Senator from New York, to require the Secretary of the Treasury to purchase this identical property. I agree with him that there ought to be a marine hospital in the neighborhood of the city of New York owned by the Government, and it ought to be a commodious one, and a convenient one to the people engaged in commerce; but this proposition ties down those who have the responsibility to the purchase of this particular lot at this particular location for a particular price, which I think is a mistake.

Mr. MILLER. The amendment of the Senator from Vermont relieves it of that objection, as it leaves it discretionary with the Secretary of the Treasury.

Mr. ALLISON. I know, but when you have such a specific provision, it becomes rather persuasive with a Cabinet officer, and he regards this as an indication to him that the Congressional view is that the particular property ought to be purchased.

Mr. EDMUNDS. If there is any doubt about the place you might add, "or other property at any convenient point for that purpose," for it is clear there ought to be a United States marine hospital there where the United States can take care of sick seamen.

Mr. MILLER. I have no objection to that suggestion either. I have no objection to putting into the amendment that proposition, that the Secretary of the Treasury may buy this property or any other. I am entirely willing to leave it to the discretion of the Secretary of the Treasury as to that, but I say this property is not private property; it belongs to a charitable institution of the State of New York, and there is no possible private speculation in the proposition. As soon as the Government decides not to buy it or shall decide to buy other property, this property will be broken up. It is now used as a marine hospital. It has buildings sufficient for the purpose.

It is evident to any one who will go over the history of the building of the marine hospitals of the United States Government that we are not going to get in the harbor of New York land for a marine hospital for less money than $250,000.

Let me read for the information of the Senate what some of the marine hospitals in this country have cost. The hospital at New Orleans cost $530,000; the hospital at Chelsea, $391,452.38; the hospital at Chicago, $422,107; the old hospital at San Francisco, $231,871.10; the hospital at Cleveland, $118,000; the old hospital at Cincinnati, $162,000, and so on.

What I want is that the Government shall have a marine hospital in the harbor of New York, and whether it shall purchase this property or not I care nothing about whatever; but the Government is now occupying this property, and is paying a rental for it which is more than 3 per cent. on the sum asked, $250,000. The rental the Government is now paying is $8,000. This is undoubtedly one of the most convenient and best located properties in the harbor of New York for the purpose.

I know that objection has been made to it by some of the people living in the vicinity on the ground that contagious diseases would be found in the hospital, and that it would be detrimental to the surrounding property. Of course that objection would be made to any hospital anywhere, but the answer to that is made by Dr. Hamilton, the Surgeon-General of the Marine Hospital Service, who says that no persons with contagious diseases will be maintained in this hospital at all; that they are taken at once to particular hospitals which lie on two islands in the harbor of New York, and that all persons having contagious diseases coming off vessels are taken at once to the quarantine hospital, and if any cases of contagious disease should be found in the marine hospital, they would be at once removed to the quarantine hospital. Of course you can not locate a hospital anywhere about the harbor of New York without having people in the immediate vicinity objecting to it. People do not like to have hospitals in their immediate vicinity; but if we are to have a marine hospital there we must have it in the vicinity of other property, and this property has been occupied for years as a hospital. The country about it has adapted itself to it, and no danger is to come from it.

Now, having modified the amendment so as to leave it entirely with the discretion of the Secretary of the Treasury whether he shall purchase this property or any other property which he may find suitable for this purpose, it seems to me all objection must be withdrawn from the amendment, and as the Senator from Vermont has so changed the amendment as to make it meet those conditions I hope the Senate will adopt it.

Mr. EDMUNDS. I suggest to my friend from New York to so modify his amendment further than what I have stated and what he has accepted, giving the Secretary of the Treasury discretion to purchase this property or not, in view of what he has stated, so that if this is not the best location and the owners ask too much for it, and still there ought to be a hospital there, the Secretary shall have authority to get another place. So I suggest to him to modify his amendment by providing for an insertion, after the word "therein," in the tenth line of the written amendment, of these words:

Or for such other property for the purpose that he may find more advantageous to the public interest for the purpose of a marine hospital.

So as to read:

For the purchase by the Secretary of the Treasury, in his discretion, from the present owners of the property in the town of Middletown, Richmond County, New York, known as the Seaman's Retreat, consisting of thirty acres, more or less, and the buildings thereon, or for such other property for this purpose that he may find more advantageous to the public interest for the purpose of a marine hospital at the port of New York——

So much money.

Mr. MILLER. I accept that.

Mr. EDMUNDS. If my friend accepts that, all right.

Mr. PLUMB. Something has been said about the amount. Say "not exceeding."

Mr. EDMUNDS. I was not on the amount. I was only on the description of giving the Secretary power.

Mr. MILLER. Let the words "not exceeding" be put in before the amount.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. EVARTS. The amendment proposed by the Senator from Vermont does not seem to me to observe the proper conditions of this appropriation. We have before us a proposition to buy certain described property in regard to its locality, its relations to population, and its area and its cost. Now I am quite willing that an amendment should be adopted which should make it a condition of the Secretary's purchase of this property that he should find it the property most advantageous to the interests of the Government; but it seems to me it is going a far way off from the precision in advance of appropriation that we at once separate ourselves from this as a proper subject of purchase in its value, in its relations, in its suitability, and in the acceptance of the population in its neighborhood, to leave it to the Secretary to make a selection at large all over the area that may be open to selection.

It seems to me, therefore, that in advance we have this property before us, we judge of it as suitable enough; its price as reasonable enough, perhaps, and we should leave this to the Secretary of the Treasury to decide on its being the most suitable one for the purposes of the Government.

Mr. EDMUNDS. To this suggestion of my friend from New York I have to say that without the modification which I have suggested, and which my friend, the senior Senator from New York [Mr. MILLER], has accepted, the amendment if passed into a law would confine the Secretary of the Treasury to this identical property, and if he could not in his discretion agree upon the terms, then we should have no marine hospital at all; and the point of my suggestion of the amendment, and which my other friend from New York has agreed to, is to allow the Secretary of the Treasury, if the people who own this property were insisting on too great a price, as has been suggested, and continued to insist upon it, to have authority within this limit to buy some adjoining or adjacent or near property or suitable property there for a marine hospital. That will leave him just as we should be if it were left to us at this moment to look the whole ground over and take the best place for the least price.

Mr. EVARTS. The difficulty is that this amendment does not so restrict the Secretary of the Treasury.

Mr. EDMUNDS. I think it does.

Mr. EVARTS. It does not restrict him to adjacent property. It does not restrict him to property in the neighborhood. It does not restrict him to property on Staten Island, nor any of the observances which make this somewhat difficult problem suitable to the people of the city of New York and the surrounding population. It leaves the Secretary of the Treasury to regard almost exclusively the question of $250,000 worth of land wherever he can find it that will be reasonably accessible in the interests of this Government.

The Senator has said that if this property now offered is rejected, is left out, we shall go without a marine hospital. We have gone without a marine hospital, and we do go without it because we do not pass upon the necessary conditions. This is not like the purchase of land at large in a prairie, nor is it an element of mere cost. It is a difficult proposition to find a place to put it that will not excite the resentment of the neighborhood in regard to hospitals. We have had already in the experience of that island the destruction of a hospital and an excitement, all the population of one mind, so to speak, against its being tolerated any longer.

Now my proposition is, that this is ostensibly on its face a suitable place, and the population are satisfied with it, and the price on its face is reasonable; and if we give the limitation that the Secretary is to be satisfied with this price as reasonable, and then he is put under the condition that he still may reject it if he does not find it suitable to the purposes of the Government, is not that enough, without leaving him at large without any of these previous conditions, without the information of different neighborhoods, without their consultation and being heard by the Senate on the selection, to be made the absolute selector of the site of this difficult and complicated problem for this hospital?

Mr. EDMUNDS. Then your idea is he must take that or nothing.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York [Mr. MILLER] as modified.

The amendment was agreed to.

Mr. HOAR. I move to amend the bill by adding, after line 126:

For public building at Worcester, Mass.: For purchase of site and commencing the erection of building, $125,000.

Congress has passed a bill at this session for that public building, which was signed by the President yesterday morning. So I think un-

der the rules this would have been put in by the Committee on Appropriations as a matter of course if the signature of the President had been sooner.

Mr. ALLISON. Has the Senator a copy of the bill as passed?

Mr. HOAR. I have. It calls for $250,000, and I propose to appropriate one-half the sum.

Mr. EDMUNDS. Under the rule, if the bill had merely passed the Senate, the amendment would be in order.

Mr. HOAR. It is in order.

Mr. ALLISON. I only called attention to the bill for the purpose of ascertaining whether it does not itself carry an appropriation.

Mr. HOAR. No, it does not. I looked at that.

Mr. EDMUNDS. That is the point.

Mr. ALLISON. The committee were under the impression that it did.

Mr. HOAR. It does not.

Mr. ALLISON. Of course it is a proper amendment; but it ought to be inserted in line 144, I will say to the Senator.

Mr. HOAR. I put it where I suggested because it came just before the Springfield building.

Mr. ALLISON. These appropriations are made alphabetically and W comes a good space after Springfield.

Mr. HOAR. I suppose the Senator will insist on placing it alphabetically?

Mr. ALLISON. Yes; merely retaining the usual custom.

Mr. HOAR. Let it come in in line 144.

The PRESIDING OFFICER. Is there objection to the amendment of the Senator from Massachusetts? If there is none, it will be considered as agreed to.

Mr. MCMILLAN. I move to insert after line 1989:

For the purchase of the painting entitled "Farming in Dakota," by Carl Gutherz, $3,000.

This amendment has been recommended by the Committee on the Library and was referred to the Committee on Appropriations. It was inserted by the Committee on Appropriations, I think, in a former bill.

Mr. ALLISON. I suppose it is not liable to a point of order.

Mr. HOAR. It was agreed to last year.

Mr. MCMILLAN. It has been reported twice by the Committee on the Library.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. MCMILLAN].

The amendment was agreed to.

Mr. MAHONE. From the Committee on Public Buildings and Grounds I have some amendments to offer in respect to public buildings which seem to have been omitted in the bill. These amendments are on account of recommendations made by the Department and contain the substance of bills which have been passed by the Senate. After line 45, I move to insert:

For court-house and post-office at Denver, Colo.: For continuation of building, $25,000; and the limit of cost of said building is hereby fixed at $575,000.

Mr. ALLISON. I desire to ascertain from the Senator from Virginia, who is chairman of the Committee on Public Buildings and Grounds, how many of these amendments he proposes to offer, and whether they are all of the character indicated by the amendment he has just sent to the desk?

Mr. MAHONE. Precisely, sir. I have only three others to offer.

Mr. ALLISON. I understand that these are amendments which have been referred to the Committee on Appropriations from the Committee on Public Buildings and Grounds.

Mr. MAHONE. Yes, sir; and they cover appropriations contained in bills passed by the Senate and which were recommended by the Department.

Mr. ALLISON. I suppose they are not liable to the point of order, then.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE].

The amendment was agreed to.

Mr. MAHONE. After line 57 I move to insert:

For court-house and post-office at Harrisonburgh, Va.: For the enlargement and completion of building, $40,000.

The amendment was agreed to.

Mr. MAHONE. I move to insert, after line 88:

For post-office at New Bedford, Mass.: For the erection and completion of a post-office building at New Bedford, Mass., to be erected on land already purchased by the Government for the purpose, under the provisions of the acts of February 20, 1885, and August 4, 1886, $100,000.

The amendment was agreed to.

Mr. MAHONE. In line 85, after the word "Nebraska," in the item for the court-house and post-office at Nebraska City, Nebr., I move to strike out the words:

For heating apparatus complete, $6,000.

And to insert:

"For completion of building, including heating apparatus, $31,000

The amendment was agreed to.

Mr. RIDDLEBERGER. I find, beginning at line 43, the words "For court-house and post-office at Danville, Va.: For completion of building, fixtures, inclosure, and approaches, $2,000," stricken out by the Committee on Appropriations of the Senate. I should like to ask the chairman of the committee the reason for striking that item out, and I will state that if there be no other way I shall reserve it for a separate vote when the bill is reported to the Senate, and endeavor to reinstate that provision.

Mr. ALLISON. I will say to the Senator from Virginia that we found no estimate for this appropriation in the Book of Estimates. We inquired of the Supervising Architect, and he could give us no information on the subject. We could gather no information, and therefore we struck it out. If the Senator from Virginia is familiar with the necessity for the work in connection with the construction of the public building there, for myself I should be glad to disagree to the amendment of the committee.

Mr. RIDDLEBERGER. It is an appropriation to complete something about the building, and amounts to only $2,000. The clause was put in by the other House. The city of Danville has an immediate Representative in the other House, and I think it would be proper to assume that the clause is in the bill for a proper purpose.

The PRESIDING OFFICER. Does the Senator from Virginia make a motion?

Mr. ALLISON. I suggest to the Senator from Virginia that if I should be on the conference committee, as I think I shall be, and if the conferees on the part of the House of Representatives can explain this to us so that we can find that the appropriation is necessary, I shall be entirely willing to recede from the amendment striking it out. There was no debate in the other House about it. It was not reported by the Committee on Appropriations in the House, so that the Senate committee had no opportunity to ascertain whether it is necessary. If we find that it is necessary I will say to the Senator from Virginia we shall ask that it be retained.

Mr. RIDDLEBERGER. I still think it best for me to reserve the amendment for a separate vote when the bill is reported to the Senate.

Mr. ALLISON. If the Senator will state that he regards this as a necessary appropriation, I shall, for myself, be willing to yield.

Mr. RIDDLEBERGER. I do not know anything about it, but I can state that it appears in the bill as it passed the House and it was stricken out by the Senate committee. There are but two entire items of appropriations stricken out of the bill by the Senate committee, this one of $2,000 and the Yellowstone Park appropriation.

The Senator to-day has admitted into the bill large appropriations, one of $50,000, himself confessing that it was not proper, but he admitted it on the suggestion of the Senator from New York. It does seem to me that if he can do that, he could assume that possibly the other House understood what it was doing when it added $2,000 to the bill for the completion of the public building at Danville, Va., which is an important city, the largest tobacco-trading city in the State of Virginia, and which has more use, I take it, for a public building than any other city in the State, except possibly one.

Mr. ALLISON. Mr. President——

The PRESIDING OFFICER. The Chair will state that there is no motion before the Senate.

Mr. RIDDLEBERGER. I simply give notice that I shall ask for a separate vote on the amendment when the bill is reported to the Senate.

Mr. ALLISON. I wish to say that I have not admitted any appropriation in the bill, without my objection at least, unless I believed it was a wise appropriation. I did object to the appropriation as first proposed by the Senator from New York because of its phraseology.

If any Senator on this floor will say that he believes from any information he has that this is a necessary appropriation I shall waive my objection to it. I have said to the Senator from Virginia that if he will furnish any information whatever on the subject I shall be glad to yield; but here is an appropriation about which we know nothing, and after inquiry know nothing.

Mr. VANCE. If the Senator will allow me, I will say that I saw some time ago the Representative from Virginia who lives in the city of Danville, and he asked my kind offices in procuring this appropriation, stating that it was necessary to finish the approaches to the court-house recently erected at Danville.

Mr. ALLISON. Now, we have an array of hearsay evidence on this subject coming roundabout through North Carolina. It is a matter of such small moment that I care nothing about it.

The PRESIDING OFFICER. The Chair will inform the Senator from North Carolina that no motion has been made in regard to the item.

Mr. RIDDLEBERGER. The Senator from North Carolina lives much nearer Danville than I do.

Mr. VANCE. The Representative spoke to me as a member of the Finance Committee, supposing that I would have something to do with the formation of the bill, which was a mistake, however.

Mr. SEWELL. After line 16, I move to insert:

For purchase of ground on which to erect a public building in Camden, N. J., $40,000.

The bill authorizing the erection of the building has just become a law.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

The amendment was agreed to.

Mr. FRYE. I am instructed by the Committee on Foreign Relations to offer an amendment. After line 1157, I move to insert:

International Medical Congress: For the purpose of entertaining and providing for the expenses of the International Medical Congress at its ninth annual meeting, to be held in Washington in September, 1887, $45,000; and the same shall be expended under such regulations as the Secretary of the Treasury may prescribe.

Mr. PLUMB. I should like to have the amendment explained.

Mr. FRYE. It was explained to the committee by the resident surgeons and physicians of Washington, Dr. Garnett and others. This is a congress which has had nine annual meetings in the world. It has met in England, in France, in Denmark, &c. It embraces the surgeons and physicians of the whole world. They are regarded as congresses of the utmost importance to the health, the comfort, and the well-being of the people of all the world. They remain in session some two or three weeks; the finest physicians and surgeons in the world are present; and they discuss various questions touching surgery, the health of people, the cure of diseases, &c. The assemblage has received the sanction of other nations, with the royalty of other nations present.

The doctors inform us that it will take in the neighborhood of $75,000 to provide the printing and the halls and everything that is ordinarily provided for a congress of this kind; that they have raised some $30,000, and that they can not raise the balance, and they ask Congress to provide for it.

Mr. PLUMB. I wish to know if any of this appropriation is to go to the payment of the personal expenses of these delegates?

Mr. FRYE. I understand not.

Mr. PLUMB. Then $45,000 is too large a sum for the rent of a hall and a little printing.

Mr. FRYE. There is to be a good deal of printing.

Mr. PLUMB. That amount would pay for a very great deal of printing.

The PRESIDING OFFICER. Does the Senator from Kansas object to the amendment?

Mr. FRYE. An objection is not available. A point of order can not be made against it. It is reported from a standing committee of the Senate.

Mr. PLUMB. I do not desire to make a point of order, but I wish to say that I think the sum is too large. It certainly is more than enough to pay for the use of any hall and for all the printing to furnish a very large number of volumes of proceedings with seven or eight hundred pages each. Unless they should stay in Washington for a year or two they could certainly rent a hall for, I think, $5,000 at the outside. I move to amend the amendment by reducing the sum to $15,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment reported from the Committee on Foreign Relations.

The amendment to the amendment was rejected.

Mr. ALLISON. I move to amend the amendment by reducing the sum to $35,000.

Mr. PLUMB. I move to make it $30,000.

Mr. FRYE. I accept the amendment placing it at $35,000, because the opinion which I expressed myself to the surgeons who were present was that $35,000 ought to be enough.

Mr. PLUMB. It is plainly evident that this means a junket and the expenditure of a large sum of money which must undoubtedly go to the payment of personal expenses. There is no possible necessity for an expenditure for a hall and for the printing of an unofficial paper of this kind that would amount to $35,000. I move to reduce the sum to $20,000.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to amend the amendment by reducing the amount to be appropriated to $20,000.

Mr. EVARTS. If it is the purpose of the Senate to disparage this conference or convention of the eminent physicians and surgeons of the world, let us do it directly. If it is supposed that this convocation is entitled to be called a junket, and therefore the reception and hospitality which we are to offer to it is to be based upon a restriction of that purpose and indulgence, let us put it upon that ground and refuse to make an appropriation even of $20,000, and strike out the provision entirely, as the interests of mankind are not at all concerned with a junketing of physicians and surgeons.

But we can not disparage the interests that are represented by such a convocation as this is to be, because the record of their meetings in all the great capitals of Europe has shown the service to humanity and the service to the age which such a conference presents.

It is now provided that this convocation in their consultations shall cross the ocean and come here, and we are accounted in the number who can fairly be enlisted with those who are to be hospitable and polite to such conferences. I believe the fact that the physicians and surgeons here are themselves willing to bear a very considerable portion of what they regard as a suitable expense for the reception of such a conference, is a sufficient guarantee that it is not money to be wasted. If they are of the opinion, as they are, that the sum of $35,000 will be but one-half of the reasonable and open and honorable expenditures which are required, it seems to me that the Senate should not disparage it by disparaging the objects of the conference and the character of the men engaged in it.

Mr. PLUMB. I offer another amendment, to come in at the end of the amendment of the Senator from Maine.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his amendment reducing the sum to $20,000?

Mr. PLUMB. I will withhold the amendment I now suggest until the question of amount is settled.

The PRESIDENT *pro tempore*. The question then will be on agreeing to the amendment proposed by the Senator from Kansas to the amendment reported from the Committee on Foreign Relations reducing the amount from $45,000 to $20,000.

The amendment to the amendment was rejected.

Mr. PLUMB. I now move to add to the proposed amendment the following proviso:

Provided, That no part of this sum shall be paid as the personal expenses of any delegate; and no money shall be expended except upon vouchers to be approved by the Secretary of the Interior.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on agreeing to the amendment as amended.

Mr. ALLISON. What is the amount now of the appropriation?

Mr. FRYE. Thirty-five thousand dollars. I accepted the amendment of the Senator from Iowa making it $35,000.

The PRESIDENT *pro tempore*. The Senator from Iowa moves as an amendment to insert $35,000 instead of $45,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PUGH. In line 1221, I move to strike out the words "Bureau of Education;" and I make that motion on information communicated to the Senate from persons who are well informed on the subject. I read two letters from the Commissioner of Education, which are as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, D. C., January 29, 1887.

SIR: Since my recent conversation with you in regard to the removal of the Bureau of Education to the Pension building, under one of the provisions of the sundry civil bill, I have the honor to state that I have made a visit to the honorable Commissioner of Pensions. In his absence I saw General McLean, the deputy commissioner. When I made known to him that the removal of my office to the Pension building was contemplated, he said it would be impossible to provide the necessary room; that the building was now crowded and did not give comfortable accommodations to the 1,300 employés and voluminous documents and papers of his office.

He said further that under the recent legislation of Congress his office had made a requisition for 220 more clerks, but that he did not see where they could be accommodated.

I walked through the rooms of the building, and I concur in this opinion of General McLean. I was personally convinced of the present overcrowded condition of the building.

Under these circumstances I can not see how the intention of the House of Representatives can be carried out with any regard for the good of the service in either the Pension Office or the Office of Education.

General McLean informed me that he would communicate his own views to you upon this subject.

I have the honor to be, very respectfully, your obedient servant,

N. H. R. DAWSON, *Commissioner.*

Hon. SECRETARY OF THE INTERIOR,
Washington, D. C.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, D. C., January 31, 1887.

DEAR SIR: Referring to the proposal in the sundry civil bill as it passed the House of Representatives, to remove the Bureau of Education to the Pension Office building, I have the honor to state that I have personally examined the Pension Office building in company with the Acting Commissioner of that office; that it contains more than 1,300 clerks already, and is badly crowded.

The Bureau of Education now fills and more than fills a four-story brick building, containing twenty-four large rooms, besides furnace room and coal vault. This building is about 40 by 60 feet in ground dimensions, and four stories high.

The library of the office, containing 17,000 volumes and 45,000 pamphlets, many most rare and from every part of the world, occupies one whole floor of the building and parts of other rooms, and the accommodation for it is entirely insufficient.

The museum, consisting of educational apparatus of different sorts, scholar's work, models of school buildings, maps, plans, &c., is very badly crowded into eight large rooms.

To remove this library and museum, except to a place with some prospect of permanent occupation, would be running a great risk of loss and injury.

The immediate prospect of an increase in the size of the Pension Office renders the removal contemplated by the House of Representatives only temporary, because if the Pension Office is increased from any cause, the other bureaus which are forced into its building will be thrown out again.

In my judgment the assignment of this office to such quarters, under such circumstances, is a direct means of destroying the efficiency and the usefulness of the Bureau of Education.

Very respectfully,

N. H. R. DAWSON, *Commissioner.*

Hon. JAMES L. PUGH,
United States Senate, Washington, D. C.

I read now a letter from Mr. McLean, Acting Commissioner of Pensions, written to the Secretary of the Interior, which is as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 29, 1887.

DEAR SIR: To-day the Commissioner of Education called at this office for the purpose of making an inspection with a view to securing quarters in this build-

ing for the bureau over which he presides. As well as to enlighten myself with reference to the occupancy of this building by the Bureau of Labor and the Railroad Office, I have set on foot an inquiry and am informed by Mr. Dawson that his bureau alone will require at least eight rooms of the capacity of the room now occupied by myself, which room is of the size of the larger rooms in this building. One of them will be required for a library, one for a museum, four for his clerical force, one for document purposes, and one for his own use. He has no information as to the number of rooms required by the other two bureaus, but it is safe to say that for the three bureaus in question at least twelve or fifteen rooms will be required. I have taken occasion to-day to make special investigation in regard to the subject-matter of any other bureau of the Government occupying quarters in this building, and the superintendent of the building is impressed with the decided conviction that our own requirements preclude the possibility of giving quarters here to any other bureau. In this connection I will state that the fourth story, the finishing of which was provided for by the late act of Congress, is wholly unadapted for any other purposes than the storage of documents, it not being at all adapted for the occupancy of any clerical employés.

I deem it my duty, in the absence of the Commissioner, to call your immediate attention to this subject in order that you may take such action as the emergency would appear to require.

Yours, very respectfully.

WM. E. McLEAN,
Acting Commissioner.

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

I have here a letter from the Secretary of the Interior, written to the chairman of the Committee on Appropriations, which is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, January* 31, 1887.

SIR: I have the honor to transmit herewith for the consideration of Congress a copy of a letter dated the 29th instant from the Commissioner of Education, embodying the result of his examination into the matter of the removal of his office to the Pension Office building, as proposed in the sundry civil appropriation bill.

I concur in the opinion of the Commissioner that it will be impracticable to accommodate his office in the Pension building, especially in view of the increased work which will devolve upon the Pension Office under recent legislation.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

I have no idea that when the other House put in the bill a provision for the removal of the Bureau of Education to the Pension building they understood the facts which are now placed before the Senate. I do not see how the Committee on Appropriations can resist my amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. PUGH].

Mr. ALLISON. Of course this is a question that these gentlemen ought to have great experience about, and respecting which perhaps they ought to give us advice; but the tendency of all bureau officers is to have ample quarters and provision made for them.

The Bureau of Education is occupying a building on G street, and we are paying $6,000 a year rent for that property. It is a cheap brick building located upon a side street of this city. The bureau people want to remain there permanently.

When the new Pension building is completed it was the judgment of the Committee on Appropriations that there would be room enough for this little bureau—little so far as the number of its clerical force is concerned—in that building, as well as room for the Bureau of Labor. It seemed wise to try it and see whether we can not find a place for them there.

Mr. PUGH. If the opinion of the persons who understand this matter better than any one else is to be relied upon, it is practically impossible to make this proposed removal. If it is ascertained hereafter that the Pension building has capacity enough to take in the Bureau of Education, the change can then be made. I hope the chairman of the Committee on Appropriations will not resist my amendment.

Mr. BLAIR. The Bureau of Education, which is alluded to as a little bureau, is not, I understand, alluded to in that way disrespectfully, but on account of the comparatively small number of employés in the bureau.

Mr. ALLISON. That is what I said. It is not necessary for the Senator to indicate what I did not say. I said it was little in the sense of having a small clerical force.

Mr. BLAIR. I do not know that there is any occasion for my being interrupted, then, when I am simply repeating what the Senator himself said, and when I appear to have his sanction and approval in saying what I do say.

But in other respects the bureau is of considerable importance. It has accumulated a vast amount of useful and important matter appertaining to the cause of education. It has the best library upon the subject of education, upon methods of education and the instruction of the human mind, probably, in the world, certainly in this country. It has been culled and collected, during many years past, with great effort and at considerable expense. The museum of models and illustrations of different methods of instruction and teaching is very important, very valuable, and very large. The house of four stories occupied by the bureau is packed just as full as it can be at the present time. The matter is of a sort that must be well protected from the weather in order that it may be kept at all.

The Pension Office building is not as yet complete, and officers who have inspected it with reference to this change say that the property of the bureau would, much of it, be eventually destroyed if the transfer were made. I do not think that it is possible to make it without striking a blow at the value of the property of the Government which would be greater in the way of damage than the rental of the building for many years. The public attention of educators is now concentrated on this bureau and this property, and there would be a very general feeling of remonstrance and indignation if a step should be carelessly taken which would do it injury. I hope that the transfer will not be made.

Mr. MORRILL. I hope that the proposition of the Senator from Alabama will be accepted by the Senate. It is quite manifest that there is not room in the Pension building for the purpose proposed by the bill, as it comes to us from the other House. The Pension Office does not want this proposed intrusion there, for it would be extremely inconvenient; and besides that, considering the number of pension bills which have already been passed we shall require all the room for the clerks of the Pension Bureau. Any Senator who will go to the present building which the clerks of the Commissioner of Education and that officer now occupy will see at once that it is utterly impossible that the whole of its contents can be transferred to the new Pension building with any propriety at all.

I hope, therefore, that the amendment of the Senator from Alabama will be accepted.

Mr. BECK. Senators have no doubt observed that the House of Representatives, after what we have a right to assume was a careful examination of the whole matter, recommended and passed the bill with a provision directing the General Land Office, the Indian Office, the Bureau of Education, the Office of the Commissioner of Railroads, the Bureau of Labor, the office of the agent for the payment of pensions in the District of Columbia, and the office of the Geological Survey to vacate the buildings rented for and now occupied by said offices and bureaus or portions thereof and have them all transferred to the Pension Office building.

Mr. MORRILL. But the Senator from Kentucky will remember that they passed this bill before the pension bill was finally acted upon and became a law. This bill was passed in the House December 17, 1886.

Mr. BECK. I do recall that fact. Now, we have stricken out the General Land Office, the Indian Office, the office of the agent for the payment of pensions in the District of Columbia, and the office of the Geological Survey. We shall have to go into conference with the Representatives of the other House upon that proposition. If we strike out the whole, the question will be made, and made very promptly, between the two Houses, and one or the other has to give way. We have stricken out the General Land Office because arrangements are made now for the care of all the papers, patents, and records in fire-proof portions of the present building. The Secretary of the Interior has to decide more important questions arising in that single office than in all the others put together; and we have thought that it ought to stay where it is and stay where the Secretary is. So with the Indian Office; so with the office of the Geological Survey, the rent of which is reduced from $20,000 to $10,000 a year, and so in regard to the office of the agent for the payment of pensions in the District of Columbia. We regarded it as obviously improper that that office should be placed in the Pension building, because sometimes hundreds of men coming for their pensions gather together at that office, and they are not persons connected with the Government service at all. Therefore, if we expect to make any compromise whatever with the House on this question, the committee thought, after striking out the General Land Office, the *Indian Office*, the office of the Geological Survey, and the office of the agent for the payment of pensions in the District of Columbia, we ought, if we possibly could, to endeavor to accommodate the disagreement between the two Houses in some way, and that the Bureau of Education, the office of the Commissioner of Railroads, and the Bureau of Labor might go into that building.

We were fortified in striking out what we did by the action of both Houses in regard to the Mexican pension bill, and in regard to the increase of force which will necessarily have to be employed to carry out the laws of which the Senator from Vermont very well reminded me; but if we make no efforts whatever to give up any rented buildings, and meet the other House with a flat refusal to do anything in this regard, we may find ourselves in a condition where we may have to give up even more than is now intended. We have an assurance that the Pension building will be finished by the 1st of July. I believe that is the fact. Am I right, Mr. Chairman, in my presumption?

Mr. ALLISON. That is what is said.

Mr. BECK. Being so advised, we thought we ought to make an effort to accommodate these smaller bureaus in that great building. While I am afraid the passage of the Mexican pension bill and the other pension bill we have recently passed will necessarily increase the number of employés in the Pension Bureau to carry out their provisions, and thus cause some embarrassment, I am inclined to think that we ought to be allowed to go into conference with the House conferees with something no larger than we have got now, rather than reject the proposition altogether.

Mr. MORRILL. I desire to remind the Senator from Kentucky that the Committee on Appropriations struck out the provision for the office

of the agent for the payment of pensions in the District of Columbia. That would be a very appropriate office to be placed in the pension building, but to put the Bureau of Education there would be a sort of miscegenation with no harmony or appropriateness whatever.

Mr. BECK. The office to which the Senator from Vermont refers, the office of the agent for the payment of pensions in the District of Columbia, is perhaps the most objectionable of all, because it would take into that building at certain periods great masses of people wholly disconnected with the public service. Hundreds and hundreds of men in no way connected with the public service go to that office to receive their pensions, to make their complaints, and to attend to business outside of the public service altogether; and when the Senator from Vermont comes to consider the question fully he will find, while that office seems to be a very small place, it gathers in everybody who has a claim to a pension, outside of the public service altogether, and crowds of people, to the great discomfort of our own employés, would be taken into that building. The committee investigated that point with great care and thought the transfer of that office would be the most objectionable of all. I beg the Senator's pardon for interrupting him.

Mr. MORRILL. What is most objectionable about this measure is that there is no room for anything whatever in the building of the Pension Office except for pension business; and I think it a very great mistake to undertake to cram other bureaus into that building, when it will all be required for the purpose for which the building itself was erected.

Mr. PUGH. Mr. President, a single word, The Senator from Kentucky stated that we were bound to presume that the House of Representatives acted upon information sufficient to justify the provisions they put in this bill, and at the same time he said it was perfectly obvious that some of the provisions ought not to have been made. Then, again, if you read what was in the bill you will find that they certainly did not understand what they were doing. They required that the General Land Office, the Indian Office, the Bureau of Education, the office of the Commissioner of Railroads, the Bureau of Labor, the office of the agent for the payment of pensions in the District of Columbia, and the office of the Geological Survey should be removed to the Pension building. If they had known anything upon the subject they would have known that it was a physical impossibility to make this removal, so that it is perfectly manifest that the House of Representatives acted in ignorance of what is now known to the Senate.

Mr. PLATT. I do not propose to discuss this question at this hour in the afternoon, but I want to avail myself of this opportunity to say that this whole business is an illustration of the old saying about putting a quart of water into a pint cup. There is not room either in the Interior Department building or in the Pension building for those clerks who are now in the two buildings or will be in the two buildings when the Pension Office force shall be enlarged.

The thing that ought to be done, and the thing that ought to have been done last year and the year before and for several years, is to erect an entirely new building for the accommodation of the clerks and officials who are now huddled together in a way that would be thought inhuman if it were in a tenement house and not the Interior Department. I do not believe that any scheme will relieve the trouble until a new building is projected and completed.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama [Mr. PUGH].

The amendment was agreed to.

Mr. DOLPH. Mr. President, yesterday when the amendment made by the Committee on Appropriations, on page 44, line 1068, providing an appropriation for a fish-hatchery on the Columbia River, was under consideration, the chairman of the committee offered the following amendment, which I did not understand at the time it was adopted:

Provided, That this appropriation shall not be available until the Legislatures of the States and Territories having jurisdiction in these waters shall enact the necessary legislation to protect the salmon from improper capture or destruction.

My objection to this amendment is that it assumes that there is no existing legislation; it makes no one a judge as to when the necessary legislation has been had. I have explained to the chairman of the committee that the Legislature of Oregon is now in session and a bill has been introduced for the very purpose indicated, for the further protection of salmon in those waters, and that the Legislature will not meet again until after this appropriation will have lapsed into the Treasury if legislation is not had at this session. I want the amendment so worded that if the Fish Commissioner finds that the existing legislation in Oregon is sufficient, no further legislation may be required. I have submitted my substitute to the chairman of the committee and he agrees to it. I send it to the desk to be read.

The SECRETARY. In lieu of the amendment already agreed to it is proposed to insert:

Provided, That if, in the opinion of the United States Fish Commissioner, the existing laws of Oregon and Washington are not sufficient for the protection of salmon in the Columbia River and its tributaries, this appropriation shall not be available until the Legislatures of the State of Oregon and of Washington Territory shall have enacted such additional legislation as in the opinion of the Fish Commissioner shall be necessary to protect the salmon from improper capture and destruction.

Mr. BECK. I think that is an improvement on the committee's amendment.

Mr. ALLISON. It is entirely right.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SPOONER. I offer an amendment on page 4, after line 68, to insert:

For the construction of a public building at La Crosse, Wis., in addition to the $100,000 heretofore appropriated for this purpose, $50,000.

Mr. BECK. Has the bill for the construction of that building passed both Houses?

Mr. ALLISON. No; but this comes substantially under the provision heretofore made.

The amendment was agreed to.

Mr. FRYE. I was instructed by the Committee on Foreign Relations to offer the following amendment, on page 49, to come in at the end of line 1181:

To provide for the acceptance of the invitation of the British Government communicated to the Government of the United States, on behalf of the colony of South Australia, to take part in an international exhibition of products, manufactures, and arts to be held at Adelaide, South Australia, beginning June 20, 1887, and continuing six months, $30,000, or so much thereof as may be necessary; the same to be expended under the direction of the Secretary of State, who shall transmit to Congress a detailed statement of the expenditures which may have been incurred, together with all reports which may be submitted by the person or persons delegated to carry out the purposes hereof, as commissioner or otherwise, which reports shall be prepared and arranged with a view to concise statement and convenient reference.

Mr. ALLISON. This amendment comes from the Committee on Foreign Relations, who have examined into that subject?

Mr. FRYE. Yes, sir.

The amendment was agreed to.

Mr. PLUMB. I move to insert, between lines 144 and 145, the following:

For court-house and post-office at Fort Scott, Kans.: For completion of building under the present limit, $40,000.

I will state that this is in accordance with a bill which has just passed Congress and become a law.

The amendment was agreed to.

Mr. MORGAN. I offer the following amendment, to come in after line 918, on page 38:

And the Secretary of the Treasury is required to submit estimates to Congress, at its next session, to cover the necessary expense of establishing and maintaining a permanent party on the coast of Alaska, for the survey of the bays, inlets, and mouths of the principal rivers along that coast, to include such vessels and boats, and other means of conveyance, and houses, and provisions, and furs, fuel, and other supplies that are necessary for such permanent party.

The amendment was agreed to.

Mr. VEST. I have been requested by the Delegate from Montana to offer an amendment, which I send to the desk. I also ask that his letter may be read after the amendment is read, which is explanatory of the matter.

The CHIEF CLERK. On page 56, after line 1358, it is proposed to add:

In addition to the amount herein appropriated, the sum of $25,000, or so much thereof as may be necessary, is hereby specifically appropriated for surveying the lands embraced within the grant by Congress to the Northern Pacific Railroad Company in the Territory of Montana.

Mr. VEST. Now read the letter.

The Chief Clerk read as follows:

HOUSE OF REPRESENTATIVES, *Washington, D. C.*, 1887.

SIR: I beg leave to ask that an amendment be made to the sundry civil bill by which $25,000 may be specifically appropriated to survey lands falling within the grant of the Northern Pacific Railroad in Montana. I am aware of the fact that a bill has passed the House of Representatives forfeiting these lands and is now pending before a conference committee. Whatever may be the fate of this bill it in no manner affects the propriety of this appropriation. If a forfeiture shall be declared, then in the interest of the settlers in pursuit of homes the survey ought to be extended. If a forfeiture is never declared, then the Territory of Montana ought to have the benefits derived from the taxation of these lands, and this can only be had by surveying them. The annexed law was passed at the first session of the Forty-ninth Congress, and is the authority for the taxation of surveyed railroad lands, the patents for which have not issued.

There are 20,500,000 acres of Northern Pacific Railroad lands within the Territory of Montana, about 5,000,000 acres of which have been surveyed and have been listed for assessment and taxation by the railroad company under the foregoing law. This action has been voluntary so far as the railroad company is concerned. It is a matter of supreme importance to the people of Montana, and does not conclude or commit the Government upon the right to forfeit, if such right now exists.

The third section of the act is as follows:

"SEC. 3. That this act shall not affect the right of the Government to declare or enfore a forfeiture of any lands so granted, but all the rights of the United States to said lands or to any interest therein shall be and remain as if this act had not passed, except as to lien mentioned in the first section thereof."

It will be observed that if the lands unsurveyed, 20,000,000 acres, were assessed at the moderate value of 50 cents per acre, two-thirds less than the lowest price for which Government lands are sold, they would add $10,000,000 to the taxable property of the Territory.

There is no reason in my opinion why these lands should not be subject to taxation. The Territory ought not to be deprived of the right of taxation, pending the uncertainty of forfeiture. They may or may not be forfeited, even if the right to forfeit is conceded. The railroad company having voluntarily paid taxes upon the surveyed lands under the foregoing law, it is fair to presume that they will continue to pay upon other lands as rapidly as surveyed. If they do not the act of Congress referred to provides the manner of enforcing payment.

Ample provision is also made for collecting the costs of surveying, selecting, and conveying by the United States.

The railroad company having expressed a willingness to pay these taxes, and as the appropriation for surveys does not prejudice the right of the United States to deal with the forfeiture question in the future, I submit that it is only fair and just that the appropriation asked for should be made in order that the Territory may collect from these lands their just proportion of the public revenue.

Your obedient servant,

JOS. K. TOOLE, *Delegate for Montana.*

Hon. WILLIAM B. ALLISON,
Chairman of Committee on Appropriations, United States Senate.

The following reference to a late decision of the Montana supreme court will show that a survey is important to the Government in maintaining suits against timber trespassers:

An important decision was rendered in the supreme court at Helena this week. The case referred to is that wherein the Northern Pacific was sued by the United States for the sum of $1,100,000 alleged to be due for timber cut upon public lands in Missoula County. The defense put in a demurrer to the complaint in the trial in the district court, and it was sustained. The case was appealed to the supreme court, and that tribunal sustained the decision of the lower court, holding that the Northern Pacific are not tenants in common of the land within the land grant limits of the Northern Pacific road. Each is clearly entitled to half of the land within such limits, the United States to the even-numbered sections and the Northern Pacific to the odd-numbered sections. This being the case, it only remains to distinguish the land to which each is entitled. By the charter of the Northern Pacific (which is also a contract between the road and the Government) the United States agrees to survey the land within the limit of the grant, the railroad company to pay half the expense. Were the survey made there would be no question but that the United States would have a suit against the Northern Pacific at trespass or trover to recover for timber cut on the former's land by the latter. But it has failed to make the survey or to establish by the legal evidence of a survey that its land has been trespassed upon. Such being the case, the plaintiff can not take advantage of its negligence to bring suit against the Northern Pacific for cutting timber on ground which is not shown not to belong to defendant.

[Public—No. 132.]

AN ACT to provide for taxation of railroad-grant lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation by States, Territories, and municipal corporations on account of the lien of the United States upon the same for the costs of surveying, selecting, and conveying the same, or because no patent has been issued therefor; but this provision shall not apply to lands unsurveyed: *Provided*, That any such land sold for taxes shall be taken by the purchaser subject to the lien for costs of surveying, selecting, and conveying, to be paid in such manner by the purchaser as the Secretary of the Interior may by rule provide and to all liens of the United States, all mortgages of the United States, and all rights of the United States in respect of such lands: *Provided further*, That this act shall apply only to lands situated opposite to and coterminous with completed portions of said roads, and in organized counties: *Provided further*, That at any sale of lands under the provisions of this act the United States may become a preferred purchaser, and in such case the lands sold shall be restored to the public domain and disposed of as provided by the laws relating thereto.

SEC. 2. That if any railroad corporation required by law to pay the costs of surveying, selecting, or conveying any lands granted to such company or for its use and benefit by act of Congress shall for thirty days neglect or refuse to pay any such costs after demand for payment thereof by the Secretary of the Interior, he shall notify the Attorney-General, who shall at once commence proceedings to collect the same. But when any sum shall be collected of such railroad company as costs of surveying, selecting, and conveying any tract of land which shall have been purchased under the provisions of section 1 hereof, the Secretary of the Interior shall out of such collections reimburse said purchaser, his heirs or assigns, the amount of money paid by him as the costs of such surveying, selecting, and conveying.

SEC. 3. That this act shall not affect the right of the Government to declare or enforce a forfeiture of any lands so granted; but all the rights of the United States to said lands or to any interest therein shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

SEC. 4. That section 21 of chapter 216, approved July 2, 1864, is hereby so amended as that the costs of surveying, selecting, and conveying therein required to be paid shall become due and payable at and on the demand therefor made by the Secretary of the Interior as provided in section 2 of this act, and nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said act, as in the opinion of Congress justice or the public welfare may require, or to impair or waive any right or remedy in the premises now existing in favor of the United States. This act shall be subject to alteration, amendment, or repeal.

Approved July 10, 1886.

Mr. ALLISON. I am constrained to make the point of order on the amendment of the Senator from Missouri, for the reason that if we begin these special appropriations we shall be compelled to enlarge the proposition from time to time so as to include all the railroads.

No doubt there ought to be a survey of the lands in the land grant not only of the Northern Pacific but of the other railroads; but the general appropriations made for the Land Office are not so used, and I think it would be rather a dangerous precedent to make special appropriations in this way. We made a special appropriation last year for the State of Nevada, and the Commissioner of the General Land Office has not executed it, as I understand. So we do not know what will become of this if this special appropriation is made.

Mr. TELLER. Why has the Commissioner of the General Land Office not executed it?

Mr. ALLISON. I do not know why.

The PRESIDENT *pro tempore*. The point of order being made, the Chair thinks it is well taken.

Mr. PLUMB. I move, in line 1350, on page 56, before the word "thousand," to strike out "twenty-five" and insert "ten;" so as to read:

For surveys and resurveys of public lands, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, $50,000; and of the sum hereby appropriated $10,000, or so much thereof as may be necessary, may be expended for the examination of surveys in the field.

Mr. BECK. I should like to hear some reason given for that. The sum of $25,000 seems to be rather a small amount, and to reduce it down to $10,000 is equivalent to doing nothing.

Mr. PLUMB. We give the total sum of $50,000 for surveys, and of this we provide that $25,000 may be used for the inspection of the surveys. It is a good deal like the old man's dollar for the dress and $10 for the trimming. The idea of giving a dollar for the inspection of every dollar of money we spend for surveys seems to me a wholly unnecessary proportion. I simply wish to establish some proper proportion between the amount to be expended for surveying and the amount to be expended for inspecting the surveys when made. I am quite certain that $10,000 is an ample sum for inspection purposes. The Senator from Kentucky will remember that last year the Senate inserted that sum of $10,000, and by reason of some agreement between the Senate and House conferees it was fixed at $25,000. I think the amount I propose is certainly ample.

Mr. CALL. It seems to me that it is very improper to be changing the appropriation as provided by the other House. In giving $25,000 we are to presume they had some information and some reason to guide them in the appropriation. It may be for the examination of surveys heretofore made, fraudulent and imperfect surveys. The section states:

For inspecting mineral deposits, coal-fields, and timber districts; and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

We have no information but that that is a proper appropriatioon An examination of previous surveys that may require examination. may require this sum.

Mr. PLUMB. The Senator will observe that the appropriation here is not according to the estimate. The estimate was for $250,000 for surveys. This sum of $25,000 would have been 10 per cent. of that entire amount. The committee of the House of Representatives and the Senate committee concurring therein have agreed to appropriate $50,000 instead of $250,000, and yet they give the same amount for the inspection of surveys and the other miscellaneous objects as would have been given if the $250,000 was appropriated for surveys. Why appropriate $25,000 for these frills and furbelows of this service? Let us have something for the money and not mere skirmishing around the country under salaries, which will be the case, I fear, or, at all events, it might be the case if this provision should be adopted as it stands.

Mr. MANDERSON. I move that the Senate adjourn. It seems evident that we cannot finish this bill to-night.

Mr. ALLISON. I hope that will not be done, at least until we get the bill into the Senate. I think we can pass it in a few minutes if the Senate will have a little patience.

Mr. BOWEN. I ask the Senator from Nebraska to withdraw the motion for a moment.

Mr. MANDERSON. I yield to the Senator from Colorado.

Mr. BOWEN. I desire to offer an amendment.

The PRESIDENT *pro tempore*. There is an amendment already pending to the bill. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. BOWEN. I beg pardon; I thought that was disposed of.

Mr. MANDERSON. I move that the Senate adjourn.

Mr. BECK. I hope the unfinished business will be laid before the Senate before that motion is put.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

The Senator from Nebraska [Mr. MANDERSON] moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 2, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 1, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings, when

On motion of Mr. TAULBEE, the reading of so much of the Journal as related to the introduction and reference of bills and joint resolutions was, by unanimous consent, dispensed with.

The remainder of the Journal was read and approved.

PURCHASE OF BULLION AND COINAGE OF SILVER.

The SPEAKER laid before the House a letter from the Secretary of the Treasury transmitting a report of the Director of the Mint in re-

sponse to House resolution of January 13, 1887, calling for information relative to the monthly purchases of bullion and the coinage of silver dollars; which was referred to the Committee on Coinage, Weights, and Measures, and, with the accompanying documents, ordered to be printed.

Mr. SYMES. I ask unanimous consent that this communication, with the accompanying papers, be printed in the RECORD.

There being no objection, it was ordered accordingly.

The document is as follows:

TREASURY DEPARTMENT, *January* 31, 1887.

SIR: I have the honor to acknowledge the receipt of resolution of the House of Representatives, dated 13th instant, as follows:

"*Resolved*, That the Secretary of the Treasury be directed to report to the House how many dollars' worth of silver bullion was purchased each month and how many dollars' worth was coined in each month of the fiscal year ended June 30, 1886; also how many dollars' worth of silver bullion was purchased and how many coined in each of the months of July, August, September, October, November and December of 1886. Also whether the law requiring the purchase and coinage of not less than two millions' worth of bullion per month has been complied with."

And in reply to inclose herewith copy of report, dated 29th instant, with inclosure from the Director of the Mint, to whom the resolution had been referred, containing the information desired.

Respectfully, yours,

D. MANNING, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., January 29, 1887.

SIR: I have the honor to forward herewith, for transmittal to the House of Representatives, in pursuance of House resolution of January 13, a statement showing "how many dollars' worth of silver bullion was purchased each month and how many dollars' worth was coined in each month of the fiscal year ended June 30, 1886; also how many dollars' worth of silver bullion was purchased and how many coined in each of the months of July, August, September, October, November, and December of 1886."

It will be seen therefrom that the law requiring the purchase and coinage of not less than two million dollars' worth of bullion per month has been complied with for the fiscal year ended June 30, 1886, as well as for the remaining six months of the calendar year 1886.

Very respectfully,

JAS. P. KIMBALL,
Director of the Mint.

The SECRETARY OF THE TREASURY.

Statement showing by months the cost of silver bullion purchased, delivered, and coined into silver dollars, and the face value of the coinage for the fiscal year ending June 30, 1886, and for the six months ending December 31, 1886.

Months.	Silver purchased.		Coinage.	
	Cost of amount purchased.	Cost of amount delivered on month's purchases.	Cost of amount coined.	Face value of coinage.
1885.				
July	$1,561,864 67	$1,578,874 37	$1,582,571 32	$1,900,000 00
August	1,780,016 17	1,791,129 08	2,057,566 18	2,475,000 00
September	2,005,915 66	2,009,013 20	2,055,758 34	2,500,050 00
October	2,502,085 95	2,531,749 60	2,043,143 34	2,500,000 00
November	1,888,070 44	1,883,635 53	2,029,223 44	2,500,330 00
December	2,304,410 10	2,310,699 89	2,013,677 70	2,600,000 00
1886.				
January	1,563,719 61	1,581,467 88	2,084,850 92	2,600,000 00
February	1,585,569 67	1,602,221 82	2,079,780 69	2,600,000 00
March	2,077,993 17	2,094,071 05	2,080,903 69	2,600,360 00
April	1,907,499 84	1,975,954 66	2,071,888 30	2,600,000 00
May	1,609,114 99	1,620,594 62	2,055,755 18	2,600,000 00
June	3,406,342 89	3,418,591 10	1,919,934 90	2,463,165 00
Total fiscal year	24,255,603 16	24,398,002 80	24,075,054 00	29,838,905 00
1886.				
July	1,490,686 20	1,496,990 31	1,684,342 00	2,200,000 00
August	2,115,107 15	2,117,578 41	2,015,098 95	2,700,000 00
September	2,048,666 90	2,054,888 93	2,079,770 66	2,810,100 00
October	2,333,457 04	2,339,766 55	2,245,704 87	3,000,000 00
November	2,447,678 45	2,458,857 26	2,055,356 87	2,700,000 00
December	2,684,651 11	2,682,319 60	1,955,137 63	2,550,261 00
Total 6 months	13,120,246 85	13,150,401 06	12,035,410 98	15,960,361 00
Total 18 months	37,375,850 01	37,548,403 86	36,110,464 98	45,799,266 00

J. HART & CO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimate of appropriation to pay J. Hart & Co. for tax and fine imposed on the steamship Dawn and remitted by that Department; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCIES IN SIGNAL SERVICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of War of deficiencies in appropriations for the Signal Service for the current fiscal year, in lieu of estimates submitted December 17, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS OF COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a list of judgments of the Court of Claims against the United States, presented for payment since June 14, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

WATER SUPPLY OF WASHINGTON, D. C., ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of War of appropriations for increasing the water supply of Washington, D. C., and for fish-ways at Great Falls, Potomac River; which was referred the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS AT KEY WEST, FLA., AND NEW YORK CITY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect, relative to proposed additional appropriations for public buildings at Key West, Fla., and New York city; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LAKE SUPERIOR SHIP-CANAL RAILWAY, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting correspondence relative to the proposed sale to the Government of the properties of the Lake Superior Ship-Canal Railway and Iron Company, and of the Portage Lake and River Improvement Company; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CIVILIAN ENGINEERS ON RIVER AND HARBOR IMPROVEMENTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the names and places of residence of civilian engineers employed on works of river and harbor improvement; which was referred to the Committee on Rivers and Harbors and ordered to be printed.

DECENNIAL CENSUS OF 1885.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, relative to the decennial census of 1885, and of the omission of the State of Florida to fully comply with the provisions required preliminary to payment therefor by the United States; which was referred to the Committee on Claims.

CONGRESSIONAL LIBRARY BUILDING.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting a detailed statement of the proceedings of the commission for the construction of the Congressional Library building; which was referred to the Committee on Appropriations, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House, under the rule, for reference, a Senate bill and resolutions of the following titles; which were referred as indicated, namely:

The bill (S. 2436) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park—to the Committee on the Public Lands.

The joint resolution (S. Res. 88) authorizing the printing of 2,500 extra copies of the report of the health officers of the District of Columbia—to the Committee on Printing; and

The concurrent resolution of the Senate providing for the printing of 6,000 additional copies of the report of the Senate Committee on Foreign Relations touching our fisheries—to the Committee on Printing.

The SPEAKER. If there be no objection the Chair will order the bill (S. 2436) setting aside a certain tract of land for a public park, to be printed.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BENNETT, for one day, on account of sickness.

To Mr. DINGLEY, for to-day, on account of illness.

To Mr. PARKER, for three days, on account of important business.

To Mr. BOYLE, for two days, on account of important business.

To Mr. BACON, indefinitely, on account of important business.

COPY OF AN ENGROSSED BILL.

The SPEAKER. The Chair will lay before the House for present consideration, if there be no objection, a resolution which the Clerk will now report.

The Clerk read as follows:

Resolved, That the Senate be requested to furnish the House with a duplicate engrossed copy of the bill (S. 2172) restoring to the United States certain lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the original copy having been lost or mislaid.

The SPEAKER. The Chair will state that a committee of conference was appointed upon the disagreeing votes of the two Houses on

this bill at the last session of Congress, and during the vaction the bill has been mislaid.

There being no objection, the resolution was adopted.

ORDER OF BUSINESS.

Mr. VAN EATON. Mr. Speaker, the objection having been withdrawn, I now renew my request for unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 1368) for the relief of Richard H. Porter and James Porter, and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THOMAS, of Illinois. I object.

Mr. ROMEIS. I ask unanimous consent to take up for present consideration from the House Calendar the bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. COWLES. I ask for the reading of the report.

The report was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MORRISON. I object.

Mr. NORWOOD. I now call up for consideration a resolution offered by instruction of the Committee on Naval Affairs a day or two ago, which was ordered to be printed in the RECORD and laid over.

Mr. RANDALL. Does the consideration of this resolution require unanimous consent at this time?

The SPEAKER. It does.

Mr. RANDALL. Then I object.

Mr. BYNUM. I demand the regular order.

Mr. STEELE. I call up for consideration the special order of May 5.

The SPEAKER. The Clerk will report the order referred to by the gentleman from Indiana.

The Clerk read as follows:

Resolved, That May 19 be set apart for the consideration of H. R. 7634, not to interfere with revenue or appropriation bills or any prior orders.

Mr. SPRINGER. What is the title of that bill?

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 7634) to increase the efficiency of the line of the Army, and for other purposes.

Mr. BUCHANAN. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN. Does that special order displace the morning hour for the call of committees for reports?

The SPEAKER. It does not. It would for the time being, of course, if the House proceeds now to consider it.

Mr. SPRINGER. I raise the question of consideration, as the gentleman from Wisconsin [Mr. BRAGG] I see is not present.

The SPEAKER. The gentleman from Illinois raises the question of consideration against the special order.

The question is: Will the House now proceed to consider the bill?

Mr. STEELE. I did not understand the statement of the Speaker as to whether this order interferes with the morning hour or not.

The SPEAKER. It will interfere with it during the time it is being considered. But this being a special order, as soon as disposed of the Chair will proceed with the regular order of business, which is first the call of committees for reports and then the hour for the consideration of bills.

Mr. BUCHANAN. I ask unanimous consent that gentlemen having reports to make from committees may hand them to the Clerk.

The SPEAKER. That request can be made after the pending question is disposed of.

Mr. STEELE. I withdraw the call for the special order until after the call of committees for reports.

The SPEAKER. The gentleman from Indiana [Mr. STEELE] does not then call up the special order at this time.

Mr. SPRINGER. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

UNITED STATES COURTS IN NEWARK, N. J.

Mr. HAMMOND, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 10730) providing for the holding of the United States courts in the city of Newark, N. J.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES IN MISSISSIPPI.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER CUMBERLAND RIVER.

Mr. CALDWELL, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 2958) to give the assent of Congress to the construction of a free bridge by the county of Davidson, Tennessee, over the Cumberland River; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER AT WINONA.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 10146) authorizing the city of Winona, Minn., to construct a bridge across a part of the Mississippi River and a certain island therein; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE AT KANSAS CITY.

Mr. BYNUM, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 10717) authorizing the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson and State of Missouri; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE AT MEMPHIS, TENN.

Mr. BYNUM, from the Committee on Commerce, also reported back with amendments the bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ALLEN GUNTER.

Mr. WOLFORD, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3170) for the relief of Allen Gunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. HERBERT, from the Committee on Naval Affairs, reported a bill (H. R. 11020) making appropriations for the naval service for the fiscal year ending June 30, 1888, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. I reserve all points of order.

ADVERSE REPORTS.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5981) for the relief of Albert Schmidler; and

A bill (H. R. 6001) for the relief of John H. Jaques.

SPOKANE AND PALOUSE RAILWAY COMPANY.

Mr. HAILEY, from the Committee on Indian Affairs, reported as a substitute for the bill (H. R. 10639) granting the Spokane and Palouse Railway Company right of way through the Cœur D'Alene Indian reservation a bill (H. R. 11021) having the same title; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 10639) was laid on the table.

NEW BERNE, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill (H. R. 1687) to provide for the erection of a public building in the city of New Berne, in the State of North Carolina, a bill (*H. R. 11022*) having the same title; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill (H. R. 1687) was laid on the table.

ELIZABETH GREGORY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. 9352) for the relief of Elizabeth Gregory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL BAKER.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 509) granting a pension to Samuel Baker; which was referred to the Committee of the

Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH J. LEWIS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 505) granting a pension to Joseph J. Lewis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6433) granting a pension to Jacob Seigler;

A bill (H. R. 4479) authorizing and directing the Secretary of the Interior to place the name of Milo Bowman on the pension-roll;

A bill (H. R. 523) for the relief of Thomas R. Bruner;

A bill (H. R. 5960) granting a pension to Jennie Reed;

A bill (H. R. 512) granting a pension to George W. Martin;

A bill (H. R. 8692) for the relief of Dalton Hinchman;

A bill (H. R. 514) for the relief of James W. Hetrick;

A bill (H. R. 518) granting a pension to Anna M. Smith;

A bill (H. R. 5582) for the relief of Andrew J. Todd;

A bill (H. R. 8780) granting a pension to Mary Nally;

A bill (H. R. 5243) granting a pension to David Gentry;

A bill (H. R. 10687) granting a pension to Willis Oliver; and

A bill (H. R. 5581) granting a pension to William E. Fisher.

MRS. MARY LATHROP.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA N. PARKER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1146) granting a pension to Maria N. Parker; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WALT WHITMAN.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 10707) granting a pension to Walt Whitman; which was referred to the Committee of the Whole on the Private Calendar, and, with the accom- accompanying report, ordered to be printed.

HENRY B. VERY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2105) granting a pension to Henry B. Very; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back adversely the bill (S. 3050) granting a pension to Mary A. Logan.

Mr. TAULBEE. Mr. Speaker, it is understood that the views of the minority are to be printed with the report of the committee, and that the bill is to go on the Calendar.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 3087) to increase the pension of Mrs. Apolline A. Blair.

Mr. MORRILL. Mr. Speaker, I desire to file the views of the minority, to be printed with the report of the committee upon that bill, and I also ask that the bill go upon the Calendar.

There was no objection, and it was so ordered.

Mr. CONGER. I understand, Mr. Speaker, that a like order has been made in regard to the bill to pension Mrs. Logan.

The SPEAKER. A like order has been made.

JOHN H. LOCKE.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 9427) increasing the pension of John H. Locke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOVINIA REVES.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 10124) granting a pension to Mrs. Lovinia Reves; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH L. MACE.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 10129) granting a pension to Elizabeth L. Mace; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES W. SANBORN.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 9534) granting an increase of pension to Charles W. Sanborn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

M. LOUISE BUTLER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 773) granting a pension to M. Louise Butler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES JOHNSTON.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2497) to increase the pension of James Johnston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. D. HOBBS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2463) granting a pension to H. D. Hobbs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES E. GOTT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 2258) granting an increase of pension to James E. Gott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. WIRT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1078) granting a pension to William C. Wirt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JESSE H. STRICKLAND.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 1493) for the relief of Col. Jesse H. Strickland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7948) granting an increase of pension to Franklin C. Adams;

A bill (H. R. 5008) granting a pension to Mrs. Anna Butterfield;

A bill (H. R. 6465) granting a pension to Nathaniel D. Chase;

A bill (H. R. 10506) granting a pension to Maria B. Hatch;

A bill (H. R. 8270) granting a pension to Edna M. Hildreth;

A bill (H. R. 1457) granting an increase of pension to Edward B. Holt;

A bill (H. R. 1470) granting a pension to John E. Little;

A bill (H. R. 10877) granting a pension to Nancy O'Connell;

A bill (H. R. 1460) granting an increase of pension to Charles H. Ordway;

A bill H. R. 10728) granting a pension to Sarah A. Packard;

A bill (H. R. 10377) granting a pension to Mary Pike;

A bill (H. R. 10507) granting a pension to Fernando G. Pratt;

A bill (H. R. 3462) granting a pension to Mr. Laura F. Pusey;

A bill (H. R. 7760) granting a pension to Abigail Richards; and

A bill (H. R. 1025) granting arrears of pension to George W. Stevens.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely Senate bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (S. 2705) granting a pension to Frank W. Tubbesing;

A bill (S. 357) granting arrears of pension to Nancy B. Leach;

A bill (S. 2598) granting a pension to James Noyes; and

A bill (S. 2046) granting a pension to Elizabeth Marshall.

RESTORATION OF PENSIONS.

On motion of Mr. HAYNES, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of

the bill (S. 2482) to restore pensions in certain cases; and the same was referred to the Committee on Pensions.

MALINDA VEST.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5687) granting a pension to Malinda Vest; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were respectively laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8960) for the relief of Jane Holmes; and

A bill (H. R. 8823) granting a pension to James M. Devall.

WILLIAM REDDICK.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10473) granting a pension to William Reddick; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY J. GILBERT.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5345) for the relief of Mary J. Gilbert; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELENOR C. RANSOM.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10795) granting a pension to Elenor C. Ransom; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LESLIE BASSETT.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (S. 996) for the relief of Leslie Bassett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NORMAN THACHER.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back favorably the bill (S. 934) making an appropriation to enable the Secretary of the Interior to settle the accounts of Norman Thacher, late a receiver of public moneys at Menasha, Wis.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

S. W. MARSTON.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back favorably the bill (S. 220) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN A. THOMPSON.

Mr. BUCHANAN, from the Committee on Claims, reported back the bill (H. R. 9414) for the relief of John A. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES A. RUFFEE.

Mr. BUCHANAN, from the Committee on Claims, also reported back the bill (S. 2408) for the relief of Charles A. Ruffee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ACTUAL SETTLERS, NEBRASKA AND KANSAS.

Mr. BUCHANAN, from the Committee on Claims, also reported back the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JOHN J. BROWN.

Mr. HOWARD, from the Committee on Claims, reported back the bill (H. R. 62) for the relief of John J. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MISSOURI WAR CLAIM.

Mr. LYMAN, from the Committee on War Claims, reported back the bill (S. 2806) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for militay services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

HEIRS OF W. B. SPINKS.

Mr. RICHARDSON, from the Committee on War Claims, reported back the bill (H. R. 8526) for the relief of John F. Spinks, James B. Spinks, and Annie D. Leverett, heirs of W. B. Spinks, deceased; which was laid on the table.

Mr. RICHARDSON, from the Committee on Claims, also reported back the bill (H. R. 11023) for the relief of John F. Spinks, James B. Spinks, and Annie D. Leverett, heirs of W. B. Spinks, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FOURTH OF JULY CLAIMS.

Mr. RICHARDSON, from the Committee on War Claims, also reported back with amendments the bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SUBDIVISION OF LANDS IN THE DISTRICT.

Mr. ROWELL, from the Committee on the District of Columbia, reported back the bill (H. R. 10897) to regulate the subdivision of land within the District of Columbia; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CLERKS TO SENATORS AND REPRESENTATIVES.

Mr. OATES, from the Committee on the Revision of the Laws, reported back the bill (H. R. 10078) to authorize the appointment and prescribe the compensation of clerks to Senators and Representatives who are not chairmen of committees; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. BARKSDALE, from the Committee on Printing, reported back the joint resolution (H. Res. 225) to provide for printing the fourth annual report of the bureau of animal industry for the year 1887; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. The call of committees has been concluded, and the Chair will now recognize gentlemen who were absent when their committees were called.

NATIONAL CEMETERY AT CORINTH, MISS.

Mr. WHEELER, from the Committee on Military Affairs, reported back the bill (S. 2725) to construct a road to the national cemetery at Corinth, Miss.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

OBITUARIES ON DECEASED NEW YORK MEMBERS.

Mr. VIELE. I ask, Mr. Speaker, in consequence of the absence of a number of Representatives from the State of New York on account of sickness, that so much of the special order providing that Thursday evening of this week be assigned for the consideration of resolutions relating to the late Messrs. ARNOT, BEACH, and DOWDNEY, late Representatives in this House from the State of New York, be vacated and that the evening of next Tuesday, February 8, be set apart for that purpose.

There was no objection, and it was ordered accordingly.

EMPLOYÉS OF GEOLOGICAL SURVEY.

Mr. COBB, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to communicate to this House the names of all persons who have heretofore been and are now employed in any manner, or for any purpose, by or in the office of the Geological Survey, distinguishing between those appointed under the civil-service rules and those who were not, also where each was appointed and his or her place of residence, the time of service of each, the nature of the work performed by each and when performed, the annual and daily compensation of each, and the aggregate amount paid to each employé for services, and the amount of expenses paid for each.

Mr. COBB moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS OHIO RIVER.

Mr. BRECKINRIDGE, of Kentucky, by unanimous consent, introduced a bill (H. R. 11024) to authorize the Central Railway and Bridge Company to erect a bridge across the Ohio River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STEELE. I now call up for consideration the special order fixed on May 5.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from Indiana.

The Clerk read as follows:

A bill (H. R. 7634) to increase the efficiency of the line of the Army, and for other purposes.

Mr. HERBERT. I raise the question of consideration in favor of the bill to consolidate certain bureaus of the Department of the Navy, and for other purposes.

Mr. STEELE. I would like to say that this bill has but one day, while the bill the gentleman from Alabama refers to can run to the end of the session.

Mr. HERBERT. Any other day, I am satisfied, will do for the consideration of the gentleman's bill just as well as this.

Mr. STEELE. It is a very important and meritorious bill.

Mr. HERBERT. I have no doubt of that, and shall probably vote for your bill myself, but hope it will not be taken up for consideration to-day.

The SPEAKER. The question is, will the House proceed to consider the special order?

Mr. HEMPHILL. What is the effect upon the second hour?

The SPEAKER. It will be dispensed with so long as the House is engaged in the consideration of this bill.

Mr. HEMPHILL. If the House shall not proceed to consider it then the second hour will begin?

The SPEAKER. It will.

The question was taken on the motion of Mr. STEELE, and on a division there were—ayes 71, noes 78.

Mr. STEELE. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. STEELE and Mr. HERBERT were appointed tellers.

The House again divided; and the tellers reported—ayes 96, noes 92.

Mr. HERBERT. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 126, not voting 80; as follows:

YEAS—111.

Adams, G. E.	Everhart,	Lyman,	Sessions,
Anderson, J. A.	Farquhar,	Markham,	Spooner,
Atkinson,	Felton,	McComas,	Steele,
Baker,	Fleeger,	McKinley,	Stephenson,
Bayne,	Funston,	Millard,	Stewart, J. W.
Bingham,	Gallinger,	Moffatt,	Stone, E. F.
Bound,	Goff,	Morrill,	Strait,
Boutelle,	Grosvenor,	Morrow,	Struble,
Brady,	Grout,	Negley,	Swinburne,
Bragg,	Guenther,	Nelson,	Symes,
Brown, C. E.	Hayden,	O'Donnell,	Taylor, E. B.
Brown, W. W.	Haynes,	O'Hara,	Taylor, I. H.
Brumm,	Henderson, D. B.	O'Neill, Charles	Taylor, Zach.
Buck,	Henderson, T. J.	Osborne,	Thomas, O. B.
Burleigh,	Hiestand,	Owen,	Thompson,
Burnes,	Hitt,	Payne,	Van Schaick,
Burrows,	Holmes,	Payson,	Wadsworth,
Campbell, J. M.	Hopkins,	Perkins,	Wait,
Cannon,	Houk,	Peters,	Wakefield,
Caswell,	Jackson,	Pettibone,	Warner, William
Conger,	James,	Plumb,	Weaver, A. J.
Cooper,	Johnson, F. A.	Ranney,	Weber,
Cutcheon,	Johnston, J. T.	Reed,	West,
Davis,	Kelley,	Rice,	White, A. C.
Dorsey,	Ketcham,	Romeis,	White, Milo
Dunham,	Le Fevre,	Rowell,	Whiting,
Ely,	Libbey,	Ryan,	Woodburn.
Evans,	Long,	Scranton,	

NAYS—126.

Allen, J. M.	Dunn,	Lore,	Singleton,
Anderson, C. M.	Eden,	Lovering,	Skinner,
Barksdale,	Eldredge,	Lowry,	Snyder,
Barnes,	Ermentrout,	Martin,	Sowden,
Barry,	Foran,	Matson,	Springer,
Bliss,	Forney,	Maybury,	Stahlnecker,
Blount,	Frederick,	McAdoo,	Stewart, Charles
Breckinridge, C. R.	Fuller,	McMillin,	Stone, W. J., Ky.
Breckinridge, WCP	Gay,	McRae,	Stone, W. J., Mo.
Bynum,	Geddes,	Merriman,	Storm,
Cabell,	Glass,	Miller,	Swope,
Caldwell,	Hall,	Mills,	Taulbee,
Campbell, Felix	Halsell,	Morgan,	Taylor, J. M.
Carleton,	Hammond,	Morrison,	Thomas, J. R.
Clardy,	Harmer,	Murphy,	Tillman,
Clements,	Harris,	Neal,	Townshend,
Cobb,	Hatch,	Neece,	Trigg,
Collins,	Hemphill,	Norwood,	Tucker,
Compton,	Henderson, J. S.	Oates,	Turner,
Cowles,	Herbert,	O'Ferrall,	Van Eaton,
Cox, W. R.	Hill,	O'Neill, J. J.	Ward, J. H.
Crain,	Holman,	Outhwaite,	Warner, A. J.
Crisp,	Howard,	Peel,	Weaver, J. B.
Croxton,	Hudd,	Perry,	Wheeler,
Culberson,	Irion,	Pidcock,	Willis,
Daniel,	Johnston, T. D.	Robertson,	Wilson.
Dargan,	Jones, J. H.	Rusk,	Winans,
Davidson, A. C.	Jones, J. T.	Sadler,	Wise,
Davidson, R. H. M.	Laffoon,	Sayers,	Wolford,
Dawson,	Landes,	Scott,	Worthington.
Dibble,	Lanham,	Seney,	
Dockery,	Lawler,	Seymour,	

NOT VOTING—80.

Adams, J. J.	Cox, S. S.	Hires,	Randall,
Aiken,	Curtin,	Hiscock,	Reagan,
Allen, C. H.	Davenport,	Hutton,	Reese,
Bacon,	Dingley,	King,	Richardson,
Ballentine,	Dougherty,	Kleiner,	Riggs,
Barbour,	Ellsberry,	La Follette,	Rockwell,
Belmont,	Findlay,	Laird,	Rogers,
Bennett,	Fisher,	Lehlbach,	Sawyer,
Blanchard,	Ford,	Lindsley,	Shaw,
Bland,	Gibson, C. H.	Little,	Smalls,
Boyle,	Gibson, Eustace	Louttit,	Spriggs,
Browne, T. M.	Gilfillan,	Mahoney,	St. Martin,
Buchanan,	Glover,	McCreary,	Tarsney,
Bunnell,	Green,	McKenna,	Throckmorton,
Butterworth,	Hale,	Milliken,	Viele,
Campbell, J. E.	Hanback,	Mitchell,	Wade,
Campbell, T. J.	Heard,	Muller,	Wallace,
Candler,	Henley,	Parker,	Ward, T. B.
Catchings,	Hepburn,	Phelps,	Wellborn,
Comstock,	Hermann,	Pindar,	Wilkins.

So the House refused to consider the spesial order.

Mr. PAYSON. I ask unanimous consent to dispense with the reading of the names.

Mr. ELY. I object.

The Clerk recapitulated the names of those voting.

The following pairs were announced until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. BACON with Mr. PARKER.

Mr. PINDAR with Mr. DAVENPORT.

Mr. GREEN with Mr. SWINBURNE.

Mr. GLOVER with Mr. WADE.

Mr. COMSTOCK with Mr. HIRES.

Mr. CANDLER with Mr. BUNNELL.

Mr. BALLENTINE with Mr. LAIRD.

Mr. REAGAN with Mr. HISCOCK.

Mr. CAMPBELL, of Ohio, with Mr. ALLEN, of Massachusetts, on this vote.

Mr. BELMONT with Mr. LINDSLEY, for this day.

Mr. BENNETT with Mr. BUCHANAN, on this vote.

Mr. HEARD with Mr. PHELPS.

Mr. ROGERS with Mr. HANBACK.

Mr. BOYLE with Mr. DINGLEY.

Mr. BLAND with Mr. ROCKWELL.

Mr. MAHONEY with Mr. HERMANN.

Mr. GIBSON, of West Virginia, with Mr. LA FOLLETTE.

Mr. RANDALL with Mr. LITTLE.

Mr. MCCREARY with Mr. BUTTERWORTH, on this vote.

The result of the vote was then announced as above recorded.

Mr. STEELE. I move that when the House adjourns to-day it be to meet on Thursday next.

The question was taken; and on a division there were—ayes 17, noes 72.

Mr. STEELE. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. STEELE and Mr. HERBERT were appointed tellers.

Mr. SOWDEN. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. STEELE. If I may be allowed to do so, as I do not wish to prolong the session, I withdraw the question of a quorum.

Mr. SOWDEN. Then I withdraw the demand for the yeas and nays.

The SPEAKER. The order will be considered as rescinded by unanimous consent.

Mr. HEMPHILL. I now call for the regular order.

The SPEAKER. The regular order is the consideration of bills under the second hour. The hour begins at twenty minutes before 2 o'clock.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the unfinished business.

Mr. HEMPHILL. I will withdraw the call for the regular order for the present.

Mr. PETERS, Mr. GOFF, and others demanded the regular order.

Mr. HERBERT. Is not the motion I have made in order?

The SPEAKER. Not until after the expiration of the second hour. The order under which the gentleman makes the motion provides that the consideration of the bill to which he refers shall not interfere with the morning hour for the consideration of bills.

Mr. HERBERT. I withdraw the motion.

The SPEAKER. The call rests with the Committee on the District of Columbia.

SINKING FUND OF THE DISTRICT.

Mr. HEMPHILL. I am instructed by the Committee on the District of Columbia to call up for consideration the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. HEMPHILL. I ask unanimous consent that the bill may be

considered in the House. I will state to the gentleman from Ohio [Mr. WARNER] that I have prepared a substitute which I am authorized by the committee to offer in place of the bill originally introduced. This substitute, I think, covers the objection which the gentleman from Ohio made.

Mr. WARNER, of Ohio. Let the substitute be read.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to discharge the Committee of the Whole from the consideration of this bill and that the same be considered in the House, stating at the same time he proposes to offer a substitute for the bill.

Mr. HEMPHILL. Let the substitute be read.

The substitute was read, as follows:

Be it enacted, &c., That the Treasurer of the United States, as commissioner of the sinking fund of the District of Columbia, shall not be compelled hereafter to invest money retained from District contracts hereafter entered into, but may, in his discretion, retain said funds without interest, or invest the same in any class of United States or District of Columbia bonds at the request and at the risk of the contractor whenever the sum retained on any contract shall reach the sum of $100 or more. Any sum less than $100 shall be retained without interest, as above.

Mr. WARNER, of Ohio. I have no objection to that.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and to consider it in the House?

There was no objection.

Mr. HEMPHILL. I desire to say but a few words in explanation of this bill.

Mr. WILSON. I ask for the reading of the Senate bill for which this is proposed as a substitute.

The bill (S. 1854) was read, as follows:

Be it enacted, &c., That the Treasurer of the United States, as commissioner of the sinking fund of the District of Columbia, after paying the interest on the funded indebtedness of the District of Columbia, may, when in his judgment it is for the interest of the United States or the District of Columbia so to do, in lieu of investing the combined funds in bonds of the District of Columbia, as provided in the act of March 3, 1883, making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1884, and for other purposes, retain the same in the Treasury and allow interest thereon at the rate of 3 per cent. per annum, and make use thereof, principal and interest, for the payment of the bonds of said District as they mature. Said Treasurer may also, in his like discretion, in lieu of investing the money retained from District contractors in bonds, as now provided by law, retain such moneys and pay interest thereon at the rate of 3 per cent. per annum, for the purposes for which such retain is provided.

Mr. HEMPHILL. I move the adoption of the substitute and the passage of the bill.

The SPEAKER. The question is on agreeing to the substitute.

The substitute was adopted.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEMPHILL. I now, in pursuance of instructions from the Committee on the District of Columbia, call up for consideration the bill S. 938, which is on the Private Calendar.

The SPEAKER. If it is a private bill it is not in order under this call.

Mr. HEMPHILL. Then I call up for consideration the bill H. R. 10758.

The SPEAKER. The bill to which the gentleman now refers was reported to the House yesterday, and is at the Government Printing Office.

Mr. HEMPHILL. I have a print of the bill here. It must have come from the Printing Office.

The SPEAKER. The Chair is advised the bill is reported with an amendment. The bill which the gentleman from South Carolina has is the original bill as referred to the committee. The bill has been sent for.

Mr. HEMPHILL. I will ask unanimous consent to call up to-morrow the bill which has been sent for, unless I can get it up to-day.

The SPEAKER. The bill may have come up before the hour expires.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I am instructed by the Committee on the District of Columbia to call up for consideration the bill (H. R. 10757) to provide for an additional term of the circuit court of the supreme court of the District of Columbia, and for the appointment of one additional associate justice thereof.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. HEMPHILL. I ask unanimous consent to have it considered in the House.

Mr. HOLMAN. I think such a bill as that ought to be considered in Committee of the Whole.

Mr. HEMPHILL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. OATES in the chair.

The CHAIRMAN. The House is in the Committee of the Whole for the purpose of considering a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10757) to provide for an additional term of the circuit court of the supreme court of the District of Columbia, and for the appointment of one additional associate justice thereof.

Be it enacted, &c., That an additional term of the circuit court of the supreme court of the District of Columbia shall be held, for which juries shall be drawn in the same manner as is now provided by law, which said additional term shall be vested with both civil and criminal jurisdiction, and shall sit during every month in the year, for such part thereof as shall be necessary, except the month of August, to hear and determine, first, all cases of appeal from the police court, and, thereafter, such other causes, whether from the docket of the other circuit or of the criminal court, as the general term may assign to it for trial.

SEC. 2. That there shall be appointed by the President, by and with the consent of the Senate, one additional associate justice of the supreme court of the District of Columbia, which said additional associate justice shall have the same power, authority, and jurisdiction as now or hereafter may be exercised by any of the associate justices of the said supreme court, and shall be entitled to receive the same salary, payable in the same manner.

SEC. 3. That in all causes heard and decided by the supreme court of said District when sitting in general term, the justice rendering the decision of the court therein shall do so in writing, and shall file the written opinion of the court in such cause with the clerk of said court, to be kept as a part of the record therein.

Mr. HEMPHILL. I ask for the reading of the report.

The report (by Mr. HEMPHILL) was read, as follows:

The Committee on the District of Columbia, to whom was referred House bill 10757, respectfully report that they have considered the same.

Under the existing judicial system of the District of Columbia three of the judges sit in general term and constitute the court of appeals, and on the other three judges devolves the duty of holding the other courts of the District.

The general term sits continuously from the 1st of October until July, engaged in the hearing of causes every working day except Saturdays, which are devoted to consultations. It is usually about one year behind in the business on the docket.

The equity court sits eleven months in the year. In addition to the causes regularly put on the calendar, averaging one case a day, the judge has to hold a probate court. To this he only gives one or two hours in each week.

The circuit court sits ten months in each year and every working day in the week.

The criminal court also sits about ten months in each year and almost every day. In addition to the ordinary criminal business, which is sufficient to occupy the whole of its time, this court takes cognizance of all appeals from the police court. These consume probably one-fourth of the court's time, and as these appeals are often delayed for a year or more before being heard, the witnesses disappear, and the District attorney finds it impossible to secure convictions.

The third section of the bill simply provides that the decisions of the courts of the District, when sitting as an appellate tribunal, shall be in writing. There is no law requiring this now, and the decisions are generally made orally.

In view of these facts, and with the hope of expediting the administration of justice in the District, the committee recommend the passage of the bill.

Mr. HEMPHILL. The committee has investigated this subject with a good deal of care. They have obtained considerable information as to the state of the dockets here, the administration of justice, and other matters which would properly come before them in making up their conclusion upon this subject. It is clear from the information we have that an additional justice of the supreme court is essential if the people in this District are to have justice administered as it is in the States and if we are to save expense to litigants and to other people far exceeding the increased expense of having an additional judge.

There is one matter of particular interest to the people of the District, and that is the keeping of the criminals here from the time when they appeal till the time they are tried. The expense of that if they remain in jail of course falls upon the District. These criminals are often held as long as one or two years before their cases can be reached, and the expense which is incurred in their maintenance will, I have no doubt, far exceed the salary which will be paid to this additional judge.

Another matter of very grave consequence to the people of the District who have property here is the fact that there is no judge who gives attention to the probate business of this District. The judge who holds the equity term of the court sits in that court every day of the week. He devotes from one hour to two hours every week to the consideration of the probate business, and people have to wait in the court perhaps six or eight hours till he can have time to come there and transact their business. Every man who is acquainted with the large business which devolves on trustees, administrators, and executors knows it is important time should be given to the investigation of business in order that people who have nobody to take care of them and are not able to take care of themselves shall not have their property wasted by those who ought to account for it.

These are the two principal reasons why there should be an additional justice in this District. There are many other reasons; but, unless some gentleman desires further information upon the subject, I will not stop to state to them but will ask that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. Mr. Chairman, I was not aware that this bill was pending, and therefore I am mainly dependent upon the statement in the report and the statement made by the gentleman from South Carolina [Mr. HEMPHILL] as to the necessity of this proposed legislation,

but the facts stated do not impress me with the belief that there is a real necessity for the creation of another judge in this District. There are already, I believe, six judges here, and the business of the District is divided among them, coupled with the courts held in banc. Judging from the experience of the States, it seems to me that that is an ample judicial force here, for a community not exceeding, perhaps, 200,000 people, especially when, as in this case, the business is concentrated within a comparatively limited area and no material commercial interests. I am very confident that a corresponding number of people with much larger commercial interests may be found in most sections of the country getting along reasonably well with a less judicial force than is now provided for this District.

I am impressed, sir, with the belief that we are increasing judicial offices too rapidly. An unusual number have been already created by this Congress. This House recently passed a bill creating an additional judge in one of the Territories; yet the fact now transpires that the business of that Territory is diminishing rather than increasing. I have looked hastily over the list of new offices, civil and judicial, created at the last session of the present Congress, and I have some knowledge of the bills that are still pending for the creation of other new offices. Some of those pending bills are more than likely to become law. Past experience demonstrates to me the reasonable certainty that when such measures come before the House they will receive approval, and therefore I do not address myself to this particular measure with any expectation that it is to be defeated; yet I do wish to enter my protest against the steady increase in the number of Federal officers and employments that is going on here so steadily.

The list furnished us (by the publication required by law to be made at the end of each session) of the new offices created and the number of salaries increased during the first session of this Congress will, it seems to me, arrest the attention of the people when it shall be brought to their knowledge. I regret exceedingly that at this time, when we are in the early years of a new administration, the necessity should seem to be discovered for creating new offices in fields where no such necessity was ever suggested in former years, and where there has been no material increase in the business of Government. This Congress seems to regard with favor the enlargement of the field of Federal employment, yet the antecedents of the party controling the Government have in all former years firmly resisted the creation of new offices unless most imperatively demanded by public necessity.

Mr. BRUMM. That is consistent with "retrenchment and reform."

Mr. HOLMAN. The gentleman says that is consistent with retrenchment and reform. I agree that it is not, and it is not reassuring that these measures are crowded upon us at this time in such unexampled number, and, what is still more surprising, with such almost uniform success.

Mr. LONG. Is not that an evidence that there was no occasion for "retrenchment and reform?"

Mr. HOLMAN. I can not answer that question, but I do say that I think it becomes this side of the House, when appeals are made for the creation of new offices, to take care, before heeding those appeals, to be reasonably certain that there is a necessity for the offices proposed. I am not willing to stand in the way of the creation of new offices when the public service really requires them. I view with alarm and apprehension the rapid growth of public employments under this Government. The party controling this House has not been accustomed to regard as a thing that should be encouraged the increase of the number of our fellow-citizens who shall live off the industry of the people. It has never been deemed wise in the past that special search should be made by the law-making power for places where new offices might be created.

For my own part I believe that in any field of governmental service the very smallest number of persons that can be employed consistently with the proper performance of the public duties and the proper administration of the Government, is the number that should be employed. I never see a bill brought forward proposing to create a new office without wishing to make the inquiry whether there is really an imperative necessity that the office shall be created. I see no such necessity for the creation of this office, and enter my objection to the passage of this bill, sir, not with any hope of defeating it, for from the beginning of this Congress down to the present time there has been, I believe, no case in which a bill of this character has been defeated. Nevertheless, I wish to enter my protest against such legislation.

Mr. BRUMM. Can the gentleman from South Carolina [Mr. HEMPHILL] inform us whether this is a unanimous report?

Mr. HEMPHILL. This is the unanimous report of the committee, Mr. Chairman. In addition to what I have already said, I will state that when the population of this District was only 75,000 Congress thought proper to give them five judges; three of them, of course, sitting in the Supreme Court, so that they did not try causes on circuit. Since that time the population has been trebled, being now more than 200,000, and yet there are only six judges. My friend from Indiana [Mr. HOLMAN] has, of course, a general objection to increasing the number of officials, and we all have some feeling of that kind; but when the business of the District is steadily increasing, when the population of the District has increased and is still rapidly increasing, when, in fact, you can make more by having an additional judge than by not having him, then it is simply a question of common sense whether the people of this District shall have a judicial force adequate to the proper and expeditious transaction of business and the proper administration of justice.

Mr. HOLMAN. I wish to ask my friend from South Carolina, whether, looking over his own district, or his own State, and taking any population corresponding with that of this district, including even commercial communities and manufacturing districts (a class to which this city does not belong) he can point out any corresponding number of people where the judicial facilities are as great as they are now in this District?

Mr. HEMPHILL. I can not in my own section of country. But there is one consideration which the gentleman overlooks. If the litigation in this District were confined to people residing here, the gentleman's question would be a very pertinent one; but we know as a matter of fact that it is not. For instance, there are pending upon the calendar of the circuit court here between seven hundred and eight hundred cases for trial by jury. If there should be no new cases, it would take the court every working day for two years to get rid of this calendar; and the showing is that the number of cases is largely increasing every year.

Mr. HOLMAN. What is altogether the number of cases pending?

Mr. HEMPHILL. There are between seven hundred and eight hundred cases pending on the Calendar for trial by jury.

Mr. RYAN. And not one-quarter are ever tried.

Mr. HOLMAN. That is a comparatively small number—a very small number for so large a number of judges.

Mr. HEMPHILL. Only one judge can sit for the trial of those cases.

Mr. HOLMAN. But this business is divided up among six judges. I have just run over rapidly in my mind a number of districts in my own State, rivaling this District in population, but having not one-half or very little more than one-half of the judicial facilities of this district. Yet in those communities in my State there is a great deal more commercial activity than exists here. It ought to be borne in mind that in the District of Columbia the manufacturing or commercial interests are small; and in that respect it is a community as unlikely to have litigation as any community in the United States.

Mr. WADSWORTH. But there are plenty of saloons.

Mr. HEMPHILL. This district court has jurisdiction of questions which are never heard of in the districts of Indiana to which my friend refers. The general term of this court has exclusive jurisdiction of all appeals from the Commissioner of Patents; and exclusive original jurisdiction of all mandamus and other extraordinary proceedings affecting the various heads of Departments of the General Government. Those are questions which take up much more time than questions arising from manufacturing interests would do.

Mr. SPRINGER. I ask my friend from South Carolina [Mr. HEMPHILL] to yield to me for a few words upon this bill.

Mr. HEMPHILL. Certainly.

Mr. SPRINGER. Mr. Chairman, I have been somewhat impressed with the remarks of the gentleman from Indiana [Mr. HOLMAN], as I always am with his views upon questions of economy; and I am generally disposed to follow his lead upon these subjects. On this question, however, it seems to me we are to consider whether it costs more to keep prisoners in jail awaiting trial than to provide a judge in order to have their cases promptly disposed of. I have before me the report of the Attorney-General for the last fiscal year, 1886, and I see that in the District of Columbia it cost the United States $45,000 for the support of prisoners.

Mr. HOLMAN. And the whole expense is paid by the United States, is it not?

Mr. SPRINGER. One-half is paid by the District of Columbia.

Mr. HOLMAN. Is not the whole paid by the United States?

Mr. SPRINGER. Well, I presume this is all paid by the United States.

Mr. HOLMAN. Yes; so that the District may very well be anxious to have an increase in the number of judges.

Mr. SPRINGER. The case is practically the same either way; for if the expense is paid by the United States, one-half would come out of the District of Columbia and one-half would be appropriated by Congress.

At the present time, as I was saying, the United States Government is paying $45,000 a year to support prisoners in this District. That is nearly three times as much as is paid by the United States for the support of prisoners in any State of the Union.

Mr. BRUMM. How much of that is for supporting prisoners awaiting trial, and how much for those already convicted?

Mr. SPRINGER. As to the expense of supporting those already convicted, of course there can be no change in that respect by a bill of this character, because they must serve out their sentences.

Mr. BRUMM. But the gentleman should be able to tell us what proportion of the amount he has named is for expenses of supporting prisoners awaiting trial.

Mr. SPRINGER. I can not say what proportion of the prisoners referred to are serving sentences, and how many are waiting to be tried.

But I assume that the expense of keeping prisoners in this District is entirely too large. For instance, in New York, a very large State, the item for expense of supporting prisoners of the United States, in the northern district, is $3,000; in the eastern district, $1,800; and in the southern district, which embraces the city of New York, $5,000, annually.

Mr. WARNER, of Missouri. Is it not the fact that in the District of Columbia every violation of law, all misdemeanors of every description, are cases in which the party plaintiff is the United States, which is not the case in other districts, where there are courts representing the State or municipal authority? Is not that fact to be borne in mind in any comparison which may be made?

Mr. SPRINGER. That is what I was about to call attention to—that elsewhere the United States courts adjudicate only cases arising under the general laws of the United States, while in the District of Columbia the jurisdiction of these courts embraces all misdemeanors, appeals from justices of the peace, appeals from the Departments, mandamus cases in reference to Department business and the duties of ministerial officers, &c. The whole expense of maintaining the United States courts in this District for the last fiscal year amounted, according to the report of the Attorney-General, to the enormous sum of $137,000; and this does not include the salary of any judge, such salaries being provided for elsewhere. It embraces the fees of marshals, jurors, and witnesses, the support of prisoners, miscellaneous expenses, attorneys' fees which are assessed and follow the cases, clerks' costs, and the fees of United States commissioners.

It seems to me, therefore, there is great necessity in the District of Columbia for curtailing these expenses, and I am of the opinion that to furnish facilities for speedy trial is much more economical than these long delays keeping persons in prison waiting trial. I think this bill is in the line of economical administration.

Mr. HOLMAN. Before my friend from Illinois takes his seat I would like to ask him a question.

Mr. SPRINGER. Certainly.

Mr. HOLMAN. How does he account for the largely increased force, not only here but throughout the country, required within the last two years? How does he account for the fact that prior to that time no necessity was felt in regard to this increase my friend now speaks of?

Mr. SPRINGER. I account for it from the fact that during the last decade the population of the United States has increased over 25 per cent., and that our population is increasing at the rate of more than a million a year. The more our population increases, as a matter of course, the more persons will be required to administer our public affairs.

Mr. HOLMAN. But that does not answer my question. This increase of population has been going on all the time. How does it happen this large increase is required at this time?

Mr. HEMPHILL. It is because the criminals are now being brought to justice. [Laughter and applause.]

Mr. HOLMAN. Ah!

Mr. HEMPHILL. I move the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OATES reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 10757) to provide for an additional term of the circuit court of the supreme court of the District of Columbia, and for the appointment of one additional associate justice thereof, and had directed him to report the same back to the House with the recommendation that it do pass.

Mr. HEMPHILL. I call for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. HEMPHILL demanded the previous question.

The previous question was ordered.

Mr. HOLMAN. I demand a division.

Mr. STEELE. Is it in order to move to recommit?

The SPEAKER. It is.

Mr. STEELE. I wish to inquire whether my colleague, who has been so much against increasing the hungry horde of a hundred thousand office seekers, has opposed this bill. [Laughter.]

Mr. BROWN, of Pennsylvania. Yes, but feebly.

The House divided; and there were—ayes 62, noes 25.

Mr. HOLMAN. No quorum.

Mr. HEMPHILL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 129, nays 96, not voting 92; as follows:

YEAS—129.

Adams, G. E.	Blanchard,	Campbell, J. E.	Cox, W. R.
Allen, J. M.	Blount,	Carleton,	Crain,
Anderson, C. M.	Breckinridge, C. R.	Caswell,	Crisp,
Barksdale,	Breckinridge, WCP	Clardy,	Croxton,
Barnes,	Buck,	Compton,	Culberson,
Barry,	Caldwell,	Conger,	Curtin,
Dargan,	Hatch,	Morrill,	Struble,
Davidson, A. C.	Hayden,	Morrow,	Swope,
Davidson, R. H. M.	Haynes,	Murphy,	Symes,
Dibble,	Hemphill,	Neece,	Taylor, E. B.
Dougherty,	Herbert,	Norwood,	Thompson,
Dunn,	Hermann,	Oates,	Tillman,
Eldredge,	Hill,	O'Donnell,	Trigg,
Ellsberry,	Howard,	O'Ferrall,	Turner,
Ermentrout,	Hudd,	O'Neill, Charles	Van Eaton,
Everhart,	Irion,	O'Neill, J. J.	Viele,
Findlay,	Johnson, F. A.	Outhwaite,	Wadsworth,
Ford,	Jones, J. H.	Peel,	Wakefield,
Forney,	Jones, J. T.	Pettibone,	Wallace,
Frederick,	Kleiner,	Plumb,	Ward, J. H.
Fuller,	Lanham,	Robertson,	Weber,
Funston,	Lawler,	Rowell,	Wellborn,
Gallinger,	Le Fevre,	Sayers,	West,
Gay,	Little,	Scott,	Wheeler,
Geddes,	Long,	Scranton,	White, A. C.
Gibson, C. H.	Lore,	Seney,	Winans,
Glass,	Louttit,	Seymour,	Wise,
Grout,	Lovering,	Singleton,	Wolford,
Hall,	Martin,	Sowden,	Woodburn,
Halsell,	Miller,	Springer,	Worthington.
Hammond,	Mills,	Stahlnecker,	
Harmer,	Mitchell,	Stewart, J. W.	
Harris,	Morgan,	Stone, E. F.	

NAYS—96.

Anderson, J. A.	Eden,	Matson,	Skinner,
Atkinson,	Farquhar,	McKenna,	Spooner,
Bayne,	Fleeger,	McKinley,	Steele,
Bound,	Gibson, Eustace	McMillin,	Stephenson,
Boutelle,	Gilfillan,	McRae,	Stone, W. J., of Ky.
Brady,	Goff,	Millard,	Stone, W. J., of Mo.
Brown, C. E.	Grosvenor,	Moffatt,	Storm,
Brown, W. W.	Hale,	Neal,	Strait,
Brumm,	Henderson, J. S.	Nelson,	Swinburne,
Buchanan,	Hepburn,	O'Hara,	Taulbee,
Burleigh,	Hiestand,	Osborne,	Taylor, J. M.
Burnes,	Hitt,	Owen,	Taylor, Zach.
Burrows,	Holman,	Payne,	Thomas, J. R.
Bynum,	Holmes,	Payson,	Thomas, O. B.
Campbell, Felix	Hopkins,	Perkins,	Van Schaick,
Campbell, J. M.	Houk,	Peters,	Wade,
Clements,	Jackson,	Pidcock,	Wait,
Cowles,	James,	Randall,	Warner, A. J.
Cutcheon,	Johnston, J. T.	Rice,	Warner, William
Daniel,	Johnston, T. D.	Richardson,	Weaver, A. J.
Dawson,	La Follette,	Romeis,	Weaver, J. B.
Dockery,	Landes,	Ryan,	Whiting,
Dorsey,	Lehlbach,	Sawyer,	Wilkins,
Dunham,	Lyman,	Sessions,	Willis.

NOT VOTING—92.

Adams, J. J.	Collins,	Kelley,	Ranney,
Aiken,	Comstock,	Ketcham,	Reagan,
Allen, C. H	Cooper,	King,	Reed,
Bacon,	Cox, S. S.	Laffoon,	Reese,
Baker,	Davenport,	Laird,	Riggs,
Ballentine,	Davis,	Libbey,	Rockwell,
Barbour,	Dingley,	Lindsley,	Rogers,
Belmont,	Ely,	Lowry,	Rusk,
Bennett,	Evans,	Mahoney,	Sadler,
Bingham,	Felton,	Markham,	Shaw,
Bland,	Fisher,	Maybury,	Smalls,
Bliss,	Foran,	McAdoo,	Snyder,
Boyle,	Glover,	McComas,	Spriggs,
Bragg,	Greene,	McCreary,	Stewart, Charles
Browne, T. M.	Guenther,	Merriman,	St. Martin,
Bunnell,	Hanback,	Milliken,	Tarsney,
Butterworth,	Heard,	Morrison,	Taylor, I. H.
Cabell,	Henderson, D. B.	Muller,	Throckmorton,
Campbell, T. J.	Henderson, T. J.	Negley,	Townshend,
Candler,	Henley,	Parker,	Tucker,
Cannon,	Hires,	Perry,	Ward, T. B.
Catchings,	Hiscock,	Phelps,	White, Milo
Cobb,	Hutton,	Pindar,	Wilson.

So the bill was passed.

On motion of Mr. HEMPHILL, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced for the rest of the day, namely:

Mr. BENNETT with Mr. ALLEN, of Massachusetts.

Mr. SNYDER with Mr. KELLEY.

Mr. WILSON with Mr. HENDERSON, of Iowa.

Mr. CABELL with Mr. CANNON.

Mr. MCCREARY with Mr. BUTTERWORTH.

Mr. LOWRY with Mr. IKE H. TAYLOR.

Mr. TOWNSHEND with Mr. MCCOMAS, on this vote.

The result of the vote was then announced as above recorded.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEMPHILL. Mr. Speaker, I ask now to call up House bill 10758, which had not been returned from the Printing Office when it was called up before.

The SPEAKER. The hour has expired; but if there be no objection, the gentleman's matter may be considered as pending.

Mr. HEMPHILL. I ask that it be considered as pending.

The SPEAKER. The Clerk will report the title of the bill.

Mr. HEMPHILL. I will state again that this is the bill which was

passed over, not having been received from the Printing Office in time to get it before the House.

The SPEAKER. Is there objection?

Mr. DUNHAM. Has not the Speaker announced that the hour is up?

The SPEAKER. The gentleman called up the bill, and the Chair stated that the hour had expired. The gentleman thereupon asked unanimous consent that it might be considered as pending, so as to come up for consideration as unfinished business in the next hour allotted to that committee.

Mr. DUNHAM. How can the gentleman do that?

The SPEAKER. Only by unanimous consent.

Mr. DUNHAM. Then, I object.

Mr. HEMPHILL. Did I not call it up in time?

The SPEAKER. The Chair thinks not; the hour had expired a minute over, but the roll-call was not quite concluded within the hour.

WILLIAM R. CRANNA.

Mr. MORROW, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be directed to pay, out of the contingent fund of the House, to the widow of William R. Cranna, deceased, late an employé of the House of Representatives, a sum equal to his salary for six months; and that the Clerk be further directed to pay out of the contingent fund of the House the expenses connected with the last illness and funeral of said Cranna, said expense not to exceed $250.

AMENDMENT TO THE RULES.

Mr. OATES, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That after Monday, the 7th day of February, during the present session, one hour each day, immediately after the reading of the Journal, shall be devoted to the consideration of bills upon the Calendars, to which there are not ten objections.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I take the floor for the purpose of moving that the House resolve itself into Committee of the Whole House on the state of the Union to consider the unfinished business, being the bill (H. R. 7635) to consolidate certain bureaus of the Navy Department; but before that I desire to ask gentlemen who are opposing this bill if they will not agree to some limit of debate upon the pending section and all amendments thereto. We have debated the bill, I will state, for three days, and most of the debate has been directed to this pending section. I now ask gentlemen if they will not agree to limit debate upon the pending section and all amendments, say to twenty minutes?

Mr. BROWN, of Pennsylvania. I shall not object, but I want five minutes myself.

Mr. HERBERT. Well, the gentleman shall have that.

Mr. GOFF. That section embraces all the bureaus of the Department.

Mr. HERBERT. Yes, sir.

Mr. GOFF. I do not think the debate ought to be limited to that time. It is too important a question.

Mr. HERBERT. That section has been already debated for three days nearly.

Mr. GOFF. I do not think so.

Mr. HERBERT. Nearly all of the debate has been applied to that section. I ask gentlemen to agree to limit the debate.

Mr. BOUTELLE. To what extent does the gentleman want to apply the limit?

Mr. HERBERT. On the pending section and all amendments thereto.

Mr. BOUTELLE. I do not think we want to limit debate on such an important question as that.

The SPEAKER. The Chair will submit the request of the gentleman from Alabama.

The gentleman moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill indicated; and, pending that, the gentleman asks unanimous consent that the debate be limited to twenty minutes.

Mr. BOUTELLE. I object.

Mr. GOFF. Regular order.

Mr. HERBERT. Then, Mr. Speaker, pending the motion that the House resolve itself into Committee of the Whole on the state of the Union, I move that all debate upon the pending section and all amendments that may be offered thereto be limited to twenty minutes; and upon that I call the previous question.

Mr. BOUTELLE. I wish to ask the gentleman from Alabama a question so that we may understand his proposition. Your proposition is to limit debate as to all of these bureaus and all amendments that may be offered to this section to twenty minutes?

Mr. HERBERT. On all amendments to the pending section.

Mr. BOUTELLE. Which embraces all of these bureaus.

Mr. HERBERT. It embraces all the bureaus, of course; but we have had three days' debate on it already.

Mr. BOUTELLE. I hope the House will vote that down.

The question was taken on the motion of Mr. HERBERT for the previous question; and on a division, there were—ayes 64 noes 23.

Mr. BOUTELLE. No quorum.

Mr. HERBERT. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HERBERT. Before the question is taken, I will ask gentlemen if they will consent to forty minutes' debate?

Mr. BOUTELLE. The proposition made here, as I understand it——

Mr. GOFF. I demand the regular order.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 124, nays 29, not voting 164; as follows (no quorum voting):

YEAS—124.

Anderson, C. M.	Eldredge,	Lanham,	Singleton,
Barksdale,	Ermentrout,	Lawler,	Skinner,
Barnes,	Findlay,	Lovering,	Sowden,
Barry,	Ford,	Lowry,	Springer,
Bliss,	Frederick,	Martin,	Stahlnecker,
Blount,	Fuller,	Maybury,	Stone, W. J., Ky.
Bragg,	Gay,	McAdoo,	Storm,
Breckinridge, C. R.	Geddes,	McMillin,	Struble,
Breckinridge, WCP	Gibson, C. H.	McRae,	Swope,
Bynum,	Gibson, Eustace	Merriman,	Tarsney,
Caldwell,	Glass,	Miller,	Taulbee,
Campbell, Felix	Hale,	Mills,	Taylor, J. M.
Campbell, J. E.	Hall,	Morgan,	Tillman,
Carleton,	Halsell,	Murphy,	Trigg,
Catchings,	Hammond,	Neal,	Turner,
Clardy,	Harris,	Neece,	Van Eaton,
Clements,	Hatch,	Norwood,	Viele,
Collins,	Heard,	Oates,	Wadsworth,
Cowles,	Hemphill,	O'Ferrall,	Wallace,
Cox, W. R.	Henderson, J. S.	Outhwaite,	Ward, J. H.
Crisp,	Herbert,	Peel,	Warner, A. J.
Culberson,	Hill,	Perry,	Weaver, J. B.
Daniel,	Howard,	Pidcock,	Wellborn,
Dargan,	Irion,	Richardson,	Wheeler,
Davidson, A. C.	Johnston, T. D.	Robertson,	White, A. C.
Davidson, R. H. M.	Jones, J. H.	Rusk,	Wilkins,
Dibble,	Jones, J. T.	Sadler,	Willis,
Dockery,	Kleiner,	Sayers,	Winans,
Dougherty,	Laffoon,	Seney,	Wise,
Dunn,	La Follette,	Seymour,	Wolford,
Eden,	Landes,	Shaw,	Worthington.

NAYS—29.

Adams, G. E.	Hayden,	Millard,	Spooner,
Anderson, J. A.	Hitt,	O'Donnell,	Steele,
Brown, C. E.	Hopkins,	O'Neill, Charles	Stewart, J. W.
Campbell, J. M.	James,	Payson,	Stone, E. F.
Conger,	Johnson, F. A.	Plumb,	Taylor, Zach.
Cutcheon,	Johnston, J. T.	Rice,	
Ely,	Lore,	Ryan,	
Everhart,	McKenna,	Scranton,	

NOT VOTING—164.

Adams, J. J.	Curtin,	Kelley,	Reed,
Aiken,	Davenport,	Ketcham,	Reese,
Allen, C. H.	Davis,	King,	Riggs,
Allen, J. M.	Dawson,	Laird,	Rockwell,
Atkinson,	Dingley,	La Fevre,	Rogers,
Bacon,	Dorsey,	Lehlbach,	Romeis,
Baker,	Dunham,	Libbey,	Rowell,
Ballentine,	Ellsberry,	Lindsley,	Sawyer,
Barbour,	Evans,	Little,	Scott,
Bayne,	Farquhar,	Long,	Sessions,
Belmont,	Felton,	Louttit,	Smalls,
Bennett,	Fisher,	Lyman,	Snyder,
Bingham,	Fleeger,	Mahoney,	Spriggs,
Blanchard,	Foran,	Markham,	Stephenson,
Bland,	Forney,	Matson,	Stewart, Charles
Bound,	Funston,	McComas,	St. Martin,
Boutelle,	Gallinger,	McCreary,	Stone, W. J., Mo.
Boyle,	Gilfillan,	McKinley,	Strait,
Brady,	Glover,	Milliken,	Swinburne,
Browne, T. M.	Goff,	Mitchell,	Symes,
Brown, W. W.	Green,	Moffatt,	Taylor, E. B.
Brumm,	Grosvenor,	Morrill,	Taylor, I. H.
Buchanan,	Grout,	Morrison,	Thomas, J. R.
Buck,	Guenther,	Morrow,	Thomas, O. B.
Bunnell,	Hanback,	Muller,	Thompson,
Burleigh,	Harmer,	Negley,	Throckmorton,
Burnes,	Haynes,	Nelson,	Townshend,
Burrows,	Henderson, D. B.	O'Hara,	Tucker,
Butterworth,	Henderson, T. J.	O'Neill, J. J.	Van Schaick,
Cabell,	Henley,	Osborne,	Wade,
Campbell, T. J.	Hepburn,	Owen,	Wait,
Candler,	Hermann,	Parker,	Wakefield,
Cannon,	Hiestand,	Payne,	Ward, T. B.
Caswell,	Hires,	Perkins,	Warner, William
Cobb,	Hiscock,	Peters,	Weaver, A. J.
Compton,	Holman,	Pettibone,	Weber,
Comstock,	Holmes,	Phelps,	West,
Cooper,	Houk,	Pindar,	White, Milo
Cox, S. S.	Hudd,	Randall,	Whiting,
Crain,	Hutton,	Ranney,	Wilson,
Croxton,	Jackson,	Reagan,	Woodburn.

Mr. LORE. I ask unanimous consent to dispense with the reading of the names.

Mr. GOFF. I object.

The following additional pairs were announced:

Mr. TUCKER with Mr. IKE H. TAYLOR, on this vote.

Mr. MATSON with Mr. HARMER, for the rest of the day.

Mr. O'NEILL, of Missouri, with Mr. THOMPSON, for the rest of the day.

Mr. TOWNSHEND with Mr. MCCOMAS, for the rest of the day.

The SPEAKER. On this vote the yeas are 124; the noes are 29. No quorum has voted.

MESSAGE FROM THE PRESIDENT.

Two messages in writing from the President of the United States were communicated to the House, by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 5692) for the relief of James B. Russell;

An act (H. R. 191) providing for the erection of a public building at Los Angeles, Cal.;

An act (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes;

An act (H. R. 7988) granting an increase of pension to Bryant Waters;

An act (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare, certain portions of the military reservation near said city;

An act (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain points for the use of the Army of the United States; and

An act (H. R. 4688) granting a pension to Josephine Da Costa Thomas.

ORDER OF BUSINESS.

Mr. HERBERT. I move a call of the House.

The question being taken on Mr. HERBERT'S motion,

The SPEAKER stated that the "ayes" seemed to have it.

Mr. ANDERSON, of Kansas. I call for a division.

The House divided; and there were—ayes 62, noes 15.

So a call of the House was ordered.

The Clerk proceeded to call the roll, and the following named members failed to answer:

Adams, J. J.	Compton,	Hutton,	Rockwell,
Aiken,	Comstock,	Kelley,	Rogers,
Allen, C. H.	Cox, S. S.	Laird,	Rusk,
Bacon,	Davenport,	Lindsley,	Smalls,
Ballentine,	Dawson,	Louttit,	Snyder,
Barbour,	Dingley,	Mahoney,	Spriggs,
Barksdale,	Ermentrout,	Matson,	Stewart, Charles
Belmont,	Foran,	McCreary,	St. Martin,
Bennett,	Gibson, C. H.	Milliken,	Stone, W. J., Mo.
Bland,	Gibson, Eustace	Muller,	Taylor, E. B.
Boyle,	Glover,	O'Neill, J. J.	Thompson,
Browne, T. M.	Green,	Parker,	Throckmorton,
Bunnell,	Hanback,	Perkins,	Tucker,
Burleigh,	Harmer,	Reagan,	White, Milo
Campbell, Felix	Hepburn,	Reed,	Whiting,
Campbell, T. J.	Hermann,	Reese,	Woodburn.
Candler,	Hires,	Riggs,	
Cobb,	Hiscock,	Robertson,	

The SPEAKER. The doors will now be closed.

Mr. HERBERT. I move to dispense with further proceedings under the call which I understand shows the presence of a quorum.

The SPEAKER. It appears from the roll-call there are two hundred and forty-seven members present. The gentleman from Alabama moves to dispense with further proceedings under the call.

The question being taken,

The SPEAKER stated that the "noes" seemed to have it.

Mr. HERBERT. I call for a division.

The House divided; and there were—ayes 76, noes 4.

Mr. GOFF. No quorum.

The SPEAKER. A quorum is not necessary for a proceeding under a call of the House. The "ayes" have it, and further proceedings under the call are dispensed with. The question now recurs on the demand made by the gentleman from Alabama for the previous question on the motion to limit debate to twenty minutes. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 140, nays 11, not voting 166; as follows:

YEAS—140.

Allen, J. M.	Davidson, A. C.	Heard,	Mills,
Barksdale,	Davidson, R. H. M.	Hemphill,	Mitchell,
Barnes,	Dawson,	Henderson, J. S.	Morgan,
Barry,	Dibble,	Herbert,	Morrison,
Blanchard,	Dockery,	Hermann,	Murphy,
Bliss,	Dougherty,	Holman,	Neal,
Blount,	Dunn,	Howard,	Neece,
Bragg,	Eden,	Hudd,	Oates,
Breckinridge, C. R.	Eldredge,	Irion,	O'Ferrall,
Breckinridge, WCP	Ellsberry,	Johnston, T. D.	Outhwaite,
Bynum,	Ermentrout,	Jones, J. H.	Peel,
Caldwell,	Findlay,	Jones, J. T.	Perry,
Campbell, Felix	Fisher,	King,	Pidcock,
Campbell, J. E.	Foran,	Kleiner,	Richardson,
Campbell, T. J.	Ford,	La Follette,	Riggs,
Carleton,	Forney,	Landes,	Sayers,
Catchings,	Frederick,	Lanham,	Scott,
Clardy,	Fuller,	Lawler,	Seney,
Clements,	Gallinger,	Lore,	Seymour,
Cobb,	Gay,	Lovering,	Shaw,
Compton,	Geddes,	Lowry,	Singleton,
Cowles,	Glass,	Martin,	Skinner,
Cox, W. R.	Hale,	Maybury,	Sowden,
Crain,	Hall,	McAdoo,	Springer,
Crisp.	Halsell,	McMillin,	Stahlnecker,
Croxton,	Hammond,	McRae,	Steele,
Curtin,	Harris,	Merriman,	Stone, W. J., Ky.
Daniel,	Hatch,	Miller,	Stone, W. J., Mo.
Storm,	Tillman,	Ward, J. H.	White, A. C.
Swope,	Trigg,	Ward, T. B.	Wilkins,
Tarsney,	Turner,	Warner, A. J.	Willis,
Taulbee,	Van Eaton,	Warner, William	Winans,
Taylor, J. M.	Viele,	Weaver, J. B.	Wise,
Thomas, J. R.	Wadsworth,	Wellborn,	Wolford,
Thomas, O. B.	Wallace,	Wheeler,	Worthington.

NAYS—11.

Anderson, J. A.	Farquhar,	McKenna,	Taylor, Zach.
Bunnell,	Grout,	O'Donnell,	Weaver, A. J.
Everhart,	Henderson, T. J.	Sessions,	

NOT VOTING—166.

Adams, G. E.	Davenport,	La Fevre,	Rice,
Adams J. J.	Davis,	Lehlbach,	Robertson,
Aiken,	Dingley,	Libbey,	Rockwell,
Allen, C. H.	Dorsey,	Lindsley,	Rogers,
Anderson, C. M.	Dunham,	Little,	Romeis,
Atkinson,	Ely,	Long,	Rowell,
Bacon,	Evans,	Louttit,	Rusk,
Baker,	Felton,	Lyman,	Ryan,
Ballentine,	Fleeger,	Mahoney,	Sadler,
Barbour,	Funston,	Markham,	Sawyer,
Bayne,	Gibson, C. H.	Matson,	Scranton,
Belmont,	Gibson, Eustace	McComas,	Smalls,
Bennett,	Gilfillan,	McCreary,	Snyder,
Bingham,	Glover,	McKinley,	Spooner,
Bland,	Goff,	Millard,	Spriggs,
Bound,	Green,	Milliken,	Stephenson,
Boutelle,	Grosvenor,	Moffatt,	Stewart, Charles
Boyle,	Guenther,	Morrill,	Stewart, J. W.
Brady,	Hanback,	Morrow,	St. Martin,
Browne, T. M.	Harmer,	Muller,	Stone, E. F.
Brown, C. E.	Hayden,	Negley,	Strait,
Brown, W. W.	Haynes,	Nelson,	Struble,
Brumm,	Henderson, D. B.	Norwood,	Swinburne,
Buchanan,	Henley,	O'Hara,	Symes,
Buck,	Hepburn,	O'Neill, Charles	Taylor, E. B.
Burleigh,	Hiestand,	O'Neill, J. J.	Taylor, I. H.
Burnes,	Hill,	Osborne,	Thompson,
Burrows,	Hires,	Owen,	Throckmorton,
Butterworth,	Hiscock,	Parker,	Townshend,
Cabell,	Hitt,	Payne,	Tucker,
Campbell, J. M.	Holmes,	Payson,	Van Schaick,
Candler,	Hopkins,	Perkins,	Wade,
Cannon,	Houk,	Peters,	Wait,
Caswell,	Hutton,	Pettibone,	Wakefield,
Collins,	Jackson,	Phelps,	Weber,
Comstock,	James,	Pindar,	West,
Conger,	Johnson, F. A.	Plumb,	White, Milo
Cooper,	Johnston, J. T.	Randall,	Whiting,
Cox, S. S.	Kelley,	Ranney,	Wilson,
Culberson,	Ketcham,	Reagan,	Woodburn.
Cutcheon,	Laffoon,	Reed,	
Dargan,	Laird,	Reese,	

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the amendments of the House to the bill (S. 574) for the relief of Robert Strachan.

ORDER OF BUSINESS.

Mr. TAULBEE. I ask unanimous consent that the names of members voting be dispensed with.

Mr. BRADY. I object.

Mr. TARSNEY. Mr. Speaker, I desire to announce that my colleague [Mr. COMSTOCK] is absent from the House on account of sickness.

The following additional pairs were announced:

Mr. CUTCHEON with Mr. LIBBY, for the rest of the day.

Mr. BRECKINRIDGE, of Arkansas, with Mr. *McKINLEY*, for the rest of the day.

Mr. HAMMOND with Mr. CASWELL, for the rest of the day.

Mr. BARBOUR with Mr. WAIT, for the rest of the day.

Mr. FORNEY with Mr. RYAN, on this vote.

The SPEAKER. Upon this question there are yeas 139, nays 12. No quorum has voted.

Mr. HERBERT. Mr. Speaker, before making the motion which I propose, I desire to make a very brief statement. We are attempting by this bill to effect a great reform—[cries of "Regular order!"]—in a Department where there has been more extravagance—— [Renewed cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. HERBERT. I move a call of the House, Mr. Speaker. I want the country to know who are the friends of this reform and who are opposed to it.

[Renewed cries of "Regular order!"]

The question was taken on ordering a call of the House; and there were—ayes 77, noes 6.

So a call of the House was ordered.

The roll was called, and the following-named members failed to answer:

Aiken,	Browne, T. M.	Daniel,	Gibson, Eustace
Anderson, C. M.	Bunnell,	Dargan,	Glass,
Bacon,	Candler,	Davenport,	Glover,
Ballentine,	Collins,	Davis,	Green,
Barbour,	Compton,	Dingley,	Hammond,
Belmont,	Comstock,	Eldredge,	Hanback,
Bennett,	Conger,	Gallinger,	Harmer,
Bland,	Cox, S. S.	Geddes,	Henley,
Boyle,	Curtin,	Gibson, C. H.	Hepburn,

Hill,	Matson,	Rogers,	Taylor, E. B.
Hires,	McCreary,	Rusk,	Thompson,
Hiscock,	Mitchell,	Sadler,	Throckmorton,
Hutton,	Muller,	Sessions,	Wait,
Kelley,	O'Neill, J. J.	Singleton,	Wallace,
Laird,	Parker,	Smalls,	White, Milo
Lindsley,	Reagan,	Snyder,	Winans,
Louttit,	Reese,	Spriggs,	Woodburn.
Lyman,	Rice,	Stewart, Charles	
Mahoney,	Rockwell,	St. Martin,	

The SPEAKER. The doors will now be closed. It appears that there are present two hundred and thirty-nine members.

Mr. HERBERT. Mr. Speaker, I offer the resolution which I send to the desk, and on that I call the previous question.

The SPEAKER. Before that resolution is offered, the gentleman from Indiana [Mr. HOLMAN] asks leave of absence on account of ill-health. If there be no objection the leave will be granted.

There was no objection.

The SPEAKER. The gentleman from Minnesota [Mr. WHITE] also asks leave of absence for the remainder of this day on account of sickness. If there be no objection leave will be granted.

There was no objection.

The SPEAKER. The Clerk will now report the resolution offered by the gentleman from Alabama.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the Bar of the House such of its members as are now absent without leave of the House.

The resolution was agreed to—ayes 85, noes 2.

Mr. JOHN M. TAYLOR. Mr. Speaker, I ask that my colleague, Mr. GLASS, be excused. His family are about to leave for Tennessee this evening, and he has gone to see them off.

There was no objection, and it was so ordered.

Mr. GOFF. I move that the House take a recess until half past 7 o'clock.

The SPEAKER. The House can not now take a recess.

Mr. GOFF. Then I move that the House adjourn.

The motion was not agreed to.

Mr. BUCHANAN. Mr. Speaker, I ask that my colleague, Mr. HIRES, be excused, as he is at home ill.

There was no objection, and it was so ordered.

Mr. ALLEN, of Mississippi. Mr. Speaker, I ask that my colleague, Mr. SINGLETON, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. MCRAE. Mr. Speaker, I ask that my colleague, Mr. ROGERS, be excused on account of illness.

Mr. PEEL. I was about to make the same request, Mr. Speaker.

The SPEAKER. The Chair thinks the gentleman from Arkansas [Mr. ROGERS] has leave of absence. The Chair will state that it is not necessary to ask that any gentleman be excused who is absent by leave of the House.

Mr. DUNHAM. Mr. Speaker, I wish to ask a question for information. Under the previous order does the House take a recess at 5 o'clock to-day?

The SPEAKER. That is the order of the House.

Mr. LITTLE (at 4 o'clock and 55 minutes p. m.). I move to dispense with all further proceedings under the call.

The motion was not agreed to, there being—ayes 7, noes 76.

Mr. MCCREARY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCCREARY. Under the previous order does not the House take a recess at 5 o'clock?

The SPEAKER. It does.

Mr. SPRINGER. Is it in order to have that order read at this time?

The SPEAKER. It is not.

At 5 o'clock p. m.,

The SPEAKER said: Under the order heretofore made the House now takes a recess until half past 7 o'clock this evening, the evening session to be devoted exclusively to the consideration of measures reported by the Committee on Military Affairs.

EVENING SESSION.

The House reassembled at half past 7 o'clock p. m.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the order under which the session of this evening is held.

The Clerk read as follows:

Resolved, That on Tuesday, February 1, 1887, the House will take a recess at 5 o'clock p. m. until 7.30 o'clock p. m., and that the evening session shall be devoted exclusively to the consideration of such measures as may be presented by the Committee on Military Affairs.

SUPPORT OF FAMILIES OF ARMY AND NAVY OFFICERS.

Mr. BRAGG. I desire first to call up the bill (H. R. 8331) to regulate the pay of the officers of the Army and Navy who refuse or neglect to provide for the support of their families. My colleague on the committee, the gentleman from South Carolina [Mr. DARGAN], has charge of this bill.

The SPEAKER. The gentleman from South Carolina does not appear to be in his seat.

Mr. BRAGG. I will proceed with the bill.

The bill was read, as follows:

Be it enacted, &c., That when any officer of the Army or of the Navy has been lawfully retired from active service, and such officer has a wife, or a child or children under age, or both wife and child or children, and shall refuse or neglect to provide for the same, the Secretary of War, if such officer belong to the Army, or the Secretary of the Navy, if he belong to the Navy, may apportion the pay and allowances of such officer between him and his wife and child or children, as he shall deem just and equitable, and pay over the same accordingly to him, her, or them.

Mr. BURROWS. Mr. Speaker, I presume this bill is all right, but I would like to ask this question: Suppose that the wife of an officer has deserted her husband without just cause, would she receive a portion of the officer's pay under this bill?

Mr. BRAGG. Is the gentleman supposing a case where the wife with her children has deserted the officer?

Mr. BURROWS. With her children, or taking a part of the children with her, and leaving the rest with him.

Mr. BRAGG. All questions of that kind will be determined by the Secretary of War, or the Secretary of the Navy, when ordering the allotment. This bill simply gives the Secretary power when a proper case is presented to make a suitable allotment of the pay.

Mr. BURROWS. He may divide it as he thinks best?

Mr. BRAGG. Certainly.

Mr. FINDLAY. That is provided by the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC PARK, NEWPORT, R. I.

Mr. BRAGG. I am also instructed by the Committee on Military Affairs to call up the bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized to allow the city of Newport, State of Rhode Island, to use the land belonging to the United States upon which is situated Fort Greene, in said city, as a public park, during the pleasure of Congress, and under such conditions as the Secretary of War may prescribe.

The amendment reported by the committee was read, as follows:

In lines 6 and 7 strike out the words "during the pleasure of Congress," and at the end of the bill add the following:

Provided, That such use of said property shall cease and be terminated whenever the Secretary of War shall elect and give notice of such election to the public authorities of said city; and upon such termination the United States may enter and reoccupy the same as upon a lease terminated; but no right or claim to damage by reason of such termination and reoccupation, nor for any cause growing out of any improvement made or other thing done by the said city under the right conferred by this act, shall accrue to said city or to any person against the United States, or any agent or officer thereof.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTION OF ARMY SURGEONS, ETC.

Mr. BRAGG. I am instructed to call up next the bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army. This bill is in charge of my colleague on the committee, the gentleman from Indiana [Mr. STEELE].

The bill was read, as follows:

Be it enacted, &c., That assistant surgeons of the Army appointed under the act approved by July 28, 1866, who have served twenty years, shall be nominated and, by and with the advice and consent of the Senate, appointed to the office of surgeon with the rank of major; and said service shall be estimated as is now done in computing service for longevity pay, except that service under present commission shall be counted from the date of said commission: *Provided*, That no such assistant surgeon shall be promoted unless he has been examined and found qualified for promotion by a duly constituted examining board in accordance with existing law: *And provided further*, That the whole number of officers in the Medical Department shall not be increased by this act.

The amendment reported by the committee was read, as follows:

After the word "major," in line 7, insert "to date from the completion of such service."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACCEPTANCE OF LANDS NEAR CHICAGO, ILL.

Mr. BRAGG. I next call up the joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of

War be, and he is hereby, authorized and directed to accept deed and conveyance of a certain tract of land, when the State of Illinois shall cede jurisdiction of the same to the United States, described as follows: Known as the Highwood tract, in Lake County, Illinois, containing 598½ acres, lying on Lake Michigan, north of the city of Chicago, and distant 25 miles; this land being a tract donated by the Commercial Club of Chicago (represented by John A. Doane, C. B. Farwell, and Alexander P. McClurg), for military purposes.

The amendment reported by the committee was read, as follows:

At the end of the resolution add the following:

"*Provided*, That the title proposed to be conveyed shall be approved by the Attorney-General of the United States as sufficient to vest the fee-simple of the said above-described land in the United States, free of incumbrance, before the Secretary of War shall formally accept the same."

Mr. WEAVER, of Iowa. I would advise the gentleman from Wisconsin [Mr. BRAGG] not to urge this measure, as I shall not consent to its passage unless there is a quorum here.

Mr. BRAGG. Perhaps I can make a satisfactory arrangement with the gentleman from Iowa by allowing this bill, with the amendment, and also any amendment which the gentleman may choose to offer, to go over under the previous question, to be acted on in a full House, giving the gentleman fifteen, twenty, or thirty minutes to state, if he chooses, his objections to the bill.

Mr. WEAVER, of Iowa. Not at all, Mr. Speaker. I can make no agreement about it. I dislike very much to take this attitude, but I do so because I am decidedly opposed to the passage of the bill. I will state my reasons, if the gentlemen wants to hear them.

Mr. BRAGG. At a meeting of this kind it is better to avoid any controversy and contest, even if we have to lose a bill.

Mr. WEAVER, of Iowa. I think so.

Mr. BRAGG. I will, therefore, ask that this bill lie over.

The SPEAKER. The bill will be passed over, if there is no objection. The Chair hears none.

BREVET RANK FOR INDIAN SERVICE.

Mr. CUTCHEON. I call up for consideration the bill (H. R. 6758) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States is hereby authorized and empowered, at his discretion, to nominate and, by and with the advice and consent of the Senate, to appoint to brevet rank all officers of the Army now on the active or retired list who have been recommended for brevet rank by their commanding general for gallant service in action against hostile Indians since January 1, 1867.

The amendment of the Committee on Military Affairs was read, as follows:

Strike out "commanding general" and insert "department commander."

The amendment of the committee was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACCOUNT BETWEEN TERRITORY OF MONTANA AND UNITED STATES.

On motion of Mr. BRAGG, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (S. 129) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States; and the same was considered in the House.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to adjust and balance the account for arms, ammunition, and accouterments between the Territory of Montana and the Government of the United States, by crediting said Territory with the balance now standing against it on said account.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY TELEGRAPH LINE FROM SANFORD TO POINT JUPITER.

Mr. BRAGG. The next bill to be called up is a bill (H. R. 4626) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Fla., and the establishment of a signal station.

The SPEAKER. This bill is in the Committee of the Whole House on the state of the Union.

Mr. BRAGG. My colleague on the Committee on Military Affairs [Mr. VIELE] has charge of the bill.

Mr. VIELE. I move, by unanimous consent, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House as in the Committee of the Whole.

There was no objection, and it was ordered accordingly.

Mr. VIELE. I move that the House bill be laid upon the table, as I propose to take up and pass the bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Fla., and the establishment of a signal station, which has already been passed by the other Chamber.

The House bill was laid on the table.

The SPEAKER. The Senate bill is also in the Committee of the Whole House on the state of the Union.

Mr. BRAGG. I think it should not be properly there, as it takes no money from the Treasury and makes no appropriation.

Mr. VIELE. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the Senate bill, and it be considered in the House as in Committee of the Whole.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the sum of $17,000 be, and the same is hereby, appropriated, out of any money in the Treasury unappropriated, for the construction of a military telegraph line on the eastern coast of the State of Florida, from a point at or near Point Jupiter, Florida, to Sanford, Florida, or to the nearest point of railroad communication, and for the establishment of a station for the taking of meteorological observations and the display of storm-signals at Point Jupiter; the said line and station to be constructed, maintained, and operated under the direction and control of the Secretary of War, in connection with the establishment of signal and display stations for the observation and report of storms for the benefit of commerce and agriculture.

Mr. BRAGG. I think we should have some explanation of the bill.

Mr. VIELE. Mr. Speaker, this bill is intended to make telegraph communication between a point known as Sanford, on the coast of Florida, which is now the lowest station of telegraphic operations on the Atlantic coast, and Point Jupiter, 200 miles distant. Point Jupiter is the point all vessels make coming from the Atlantic to turn the Capes of Florida into the Gulf of Mexico, and the signal stations at that point indicate the condition of the atmosphere and the probability of storms in the Gulf of Mexico. That is a point where there have been numerous wrecks causing loss of property and life.

This bill is asked for by the entire mercantile marine of the Atlantic coast. It is deemed of the utmost importance, not only for the safety of property but for the safety of life.

An estimate has been made by the Chief of the Signal Service as to probable cost, and there is a recommendation on his part this line should be established.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. VIELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDNANCE STORES FOR DAKOTA.

Mr. BRAGG. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes, and the bill and amendments reported by the Committee on Military Affairs be taken up and considered in the House as in the Committee of the Whole.

There was no objection, and it was ordered accordingly.

The bill was read, as follows:

Whereas it appears from the records of the Ordnance Bureau of the War Department that the Territory of Dakota stands charged with the sum of $38,625 for ordnance and ordnance stores issued to said Territory during the year 1867, under the provisions of the act of Congress approved April 7, 1866, entitled "An act to provide arms and ammunition for the defense of the inhabitants of Dakota Territory," and the then governor of said Territory, to wit, ————, stands charged therewith and with said amount, all of said ordnance and ordnance stores having been drawn by the Territory of Dakota and used for the purpose of aiding the General Government in the protection of the borders of said Territory against Indian invasions and depredations; and

Whereas said ordnance was issued to the inhabitants of said Territory as in said act directed, and all of the same has been lost and rendered useless in the service: Therefore,

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to cause the Territory of Dakota to be credited on its ordnance account with the sum of $38,625, and the then governor of said Territory with said amount, upon the delivery to the United States, at such place as the Secretary of War may direct, of all such arms and other ordnance stores remaining in the custody of said Territory of the issues thereof under said act.

The amendments of the committee were read, as follows:

In line 5, strike out "thirty-eight" and insert in lieu thereof "twenty-seven;" and in line 6 strike out "twenty-five" and insert "fifty;" also in lines 6 and 7, strike out the following, "and the then governor of said Territory with said amount:" so it will read:

"That the Secretary of War be, and he is hereby, directed to cause the Territory of Dakota to be credited on its ordnance account with the sum of $27,650, upon the delivery to the United States, at such place as the Secretary of War may direct, of all such arms and other ordnance stores remaining in the custody of said Territory of the issues thereof under said act."

The amendments of the committee were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJUTANT-GENERAL'S DEPARTMENT.

Mr. BRAGG. I call up now for consideration the bill (H. R. 10804) to effect a re-arrangement of grades of office in the Adjutant-General's

Department of the Army; of which my colleague, General WHEELER, has charge.

The bill was read, as follows:

Be it enacted, &c., That the Adjutant-General's Department of the Army shall consist of one Adjutant-General, with the rank, pay, and emoluments of brigadier-general; four assistant adjutants-general, with the rank, pay, and emoluments of colonel; six assistant adjutants-general, with the rank, pay, and emoluments of lieutenant-colonel; and six assistant adjutants-general, with the rank, pay, and emoluments of major: *Provided*, That the vacancies in the grade of colonel and lieutenant-colonel created by this act shall be filled by the promotion by seniority of the officers now in the Adjutant-General's Department.

Mr. WARNER, of Ohio. I think we should have some explanation of this bill.

Mr. WHEELER. Mr. Speaker, this bill I will state does not create any additional officers; it simply has the effect of increasing the rank of certain officers, already commissioned, in the Adjutant-General's Department.

In all armies of the world the adjutant-general is the chief of staff, and generally has a rank higher than that of all other officers of the staff; but owing to the fact that in the United States Army promotion has been slower in the Adjutant-General's Department than in any other branch of the service, in nearly every case the Adjutant-General is inferior in rank to all the other officers of the staff of the commanding officer. Another reason for this is that it not infrequently happens that a junior officer is giving orders to a superior; and in addition the officer whose dignity and position is highest is compelled to accept a junior place in selecting quarters, and in all of the other emoluments conferred upon officers of the Army.

The report in this case shows that the four officers who will be promoted to lieutenant-colonel from major have held the office of major for periods ranging from eighteen to twenty years.

Mr. ANDERSON, of Ohio. And in one case as much as twenty-five years.

Mr. WHEELER. In one case for twenty-five years.

This will cost the Government about $3,000 more than under the present rule. And I will say further that it is recommended by the Secretary of War, by the General commanding the Army, and by General Schofield, the commander of the Department of the East.

It seems to me, Mr. Speaker, that it is entirely unnecessary to detain the House by discussing any further a matter which goes so far toward remedying what has been an injustice, which necessitates so small an expenditure of the public money, and which succeeds in effecting a better organization of the Army. It does justice to officers who, through no fault of their own, have been unjustly dealt with for years.

Mr. MCMILLIN. Let me ask my friend from Alabama how many officers are effected by the provisions of this bill?

Mr. WHEELER. Two have their rank increased from lieutenant-colonel to colonel, and four from major to lieutenant-colonel, making six in all.

Mr. CUTCHEON. I will simply add to what has been said by the gentleman from Alabama that the bill is warmly recommended by the Secretary of War, by the General of the Army, and by the Adjutant-General.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOVERNMENT BARRACKS, NEWPORT, KY.

Mr. BRAGG. I now call up the bill (H. R. 6066) to authorize the Secretary of War to improve and enlarge the barracks at Newport, Ky., and ask that the Committee of the Whole on the state of the Union be discharged from its further consideration, and that the bill be considered in the House.

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to make such improvements as he may deem necessary upon the grounds and buildings belonging to the United States and now occupied as a barracks at the city of Newport, in the county of Campbell, in the State of Kentucky, and to purchase in or near the said city and in the said county such additional ground as he may consider necessay for the proper enlargement of said barracks, and to erect necessary buildings thereon; but the cost of such improvements and enlargement shall not exceed the sum of $100,000, which sum, or so much thereof as may be necessary, is hereby appropriated, to be used for that purpose, out of any money in the Treasury not otherwise appropriated.

Mr. BRAGG. Mr. Speaker, I offer, by instruction of the Committee on Military Affairs, the following amendment in the nature of a substitute for the bill which has been read.

The Clerk read as follows:

A bill to authorize the sale of the United States barracks property in the city of Newport, Ky., and the purchase of a new site and the erection of buildings thereon.

Strike out all after the enacting clause and insert:

"SECTION 1. That the Secretary of War be, and he is hereby, authorized and directed to sell the property now owned by the United States in the city of Newport, State of Kentucky, known as the United States barracks property, at public auction or private sale, as may be in his judgment most advantageous to the Government. Before disposing of said property the Secretary of War shall cause the grounds to be subdivided and plotted in blocks, streets, and alleys, corresponding as nearly as may be with the plat of the city of Newport in which said grounds are situated, and having reference to the location of buildings thereon. He shall cause the lots and parcels to be appraised separately, and shall not sell any lot or parcel for a less amount than its appraised value. The expenses of advertisement, appraisement, survey, and sale shall be paid out of the proceeds of said sale, and the remainder shall be paid into the Treasury of the United States.

"SEC. 2. That the Secretary of War is hereby authorized and directed to purchase at as early a day as practicable a suitable site for the location of barracks, officers' quarters, and other necessary buildings in the county of Campbell, State of Kentucky, and as near the city of Newport as suitable grounds for the purpose can be procured; but the same shall not cost more than $60,000, which sum or so much thereof as may be necessary, is hereby appropriated for the purpose aforesaid out of any money in the Treasury not otherwise appropriated.

"SEC. 3. That the sum of $100,000 is also hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the erection of necessary and suitable buildings and the construction of other necessary improvements upon the grounds purchased by him under the second section of this act. But before said purchase is completed the title of the ground proposed to be acquired shall be approved by the Attorney-General of the United States.

"SEC. 4. That the Secretary of War shall transmit to Congress a report showing the amount realized from the sale of said property in the city of Newport, the expenses connected with such sale, the price paid for the new site, and the location and description of the same.

"SEC. 5. That the provisions of the first section of this act shall be inoperative until the Secretary of War shall have obtained for the Government of the United States the option of the right to purchase such suitable land as he may select for a site at a price to be approved of by him."

Mr. WARNER, of Ohio. I hope we will have some explanation of this.

Mr. BRAGG. I regret exceedingly that my friend from Ohio has omitted to read the report of the Secretary of War. The Secretary specially recommends, in his report this year, the sale of the present site for barracks at Newport, for the reason, first, that they are too small, and that a portion of them in very high water in the Ohio are overflowed and made untenable. And therefore he recommends that such measures be taken as will secure a proper site near Newport. We are informed that the value which the property will net to the Government, which this bill provides shall be paid into the Treasury, will be about $60,000.

Mr. WARNER, of Ohio. And the cost of the new site?

Mr. BRAGG. It is provided in this bill no sale shall be made so as to place ourselves in the hands of speculators until we first get an option to buy at a reasonable price. We hold this property till we have that option. The bill is as carefully guarded, I think, as any bill can be to protect the interests of the United States.

Mr. GROSVENOR. I am in favor of the passage of this bill, but I want the chairman of the Committee on Military Affairs to answer a question which I have seen suggested in the newspapers.

Mr. BRAGG. That is what the chairman of the committee is here for, if he can.

Mr. GROSVENOR. Is the title of the Government to the present location such that the Government can sell it, or will the Government by abandonment of it for its present purposes endanger the title so that there might be a claim of reversion to anybody?

Mr. BRAGG. There is nothing of that kind that has ever been suggested by the Department, but on the contrary we are assured there is no reversionary interest to anybody.

Mr. GROSVENOR. I have no doubt about the propriety of changing the site. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on agreeing to the substitute.

The substitute was adopted.

The bill as amended, by the adoption of the substitute, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BBAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY POST NEAR DENVER, COLO.

I now call up for consideration the bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado.

I ask that the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill, and that it be now considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the sum of $250,000, or so much thereof as may be necessary, be, and hereby is, appropriated for the establishment and erection of a military post or garrison near the city of Denver, in the State of Colorado, said appropriation to be expended under the direction of the Secretary of War: *Provided*, That before the expenditure of any of the appropriation hereby made, good and sufficient title shall be made to the United States of not less than 640 acres of land suitable for such purpose, without cost to the United States.

The Committee on Military Affairs recommended the following amendment:

Strike out all after the enacting clause and insert as follows:

That the Secretary of War be, and he is hereby, authorized and directed to establish a military post near the city of Denver, in the State of Colorado, at some suitable site to be selected by the Lieutenant-General of the Army, and approved by him, provided that a good and sufficient title, to be approved by the

Attorney-General of the United States, be first made to the United States, free of cost, of not less than 640 acres of land in a compact body, including the site so selected.

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated the sum of $100,000, to be expended under the direction of the Secretary of War in the commencement of the work of constructing the necessary buildings, quarters, barracks, and stables for the post to be established under the provisions of this act: *Provided*, That no part of such money shall be expended until the State of Colorado shall have ceded to the United States jurisdiction over the tract of land which may be selected under the provisions of this act.

Mr. BRAGG. If any member desires an explanation I shall be happy to give it.

Mr. WARNER, of Ohio. I should like to hear some explanation.

The SPEAKER. The question is on agreeing to the substitute.

The substitute recommended by the Committee on Military Affairs was agreed to.

Mr. WARNER, of Ohio. Let us now have an explanation of the necessity of this expenditure.

Mr. BRAGG. I have the honor to hold in my hand a letter from the Secretary of War in which he recommends that Denver should be one of the points at which one of the permanent military posts of the country should be located, and that an appropriation should be made for that purpose. I hold also in my hand a letter from the Lieutenant-General in which he states that in establishing the line of posts continuous from the northern frontier through to Texas at points where there are great railroad centers affording convenience for the transmission of troops anywhere over what may be hostile territory, Denver is one of the most available points that can be selected. The ground that has been looked over by the Lieutenant-General is decided by him to be feasible for the purposes of the transmission of troops, and this proposition is pronounced to be valuable as a sanitary measure for having troops changed to that point from warmer climates, as from the Rio Grande. He states also that by carrying out the system of consolidating the Army in posts where there will be something for the officers to do and where the troops can be drilled, Fort Lyon in Colorado, Union in New Mexico, Fred Steele in Wyoming, and the cantonment in the Uncompahgre country in Colorado will be dispensed with, and the little posts can all be taken up and consolidated, which will operate to the advantage of the Army not only for its well-being and discipline, but for convenience in case a demand is made for its use.

Mr. EDEN. I believe this is an appropriation for the commencement of the work. Is there any estimate how much it will cost?

Mr. BRAGG. I will state to the gentleman who asks me this question that the Senate bill recommends $250,000. The House committee thought it unadvisable to make so large an expenditure. They thought it better to commence with $100,000. That will be enough to start the post and make it, perhaps, nearly a four-company post; and then, as the troops are withdrawn from the other forts, we can, by moderate appropriations, increase its size until we have a twelve-company post and take in all the small forts that are now scattered around through that country. And, Mr. Speaker, as I notice that my friends who are asking these questions are great on the economic side, I wish to say to them that it is vastly more economical in the transportation of supplies for cavalry, infantry, and artillery, to do it by railway than to have to hire wagon-trains to haul your supplies 50, 100, or 150 miles, across the country. So, on the score of economy, I have no doubt that my friend from Illinois [Mr. EDEN] will join hands with me.

Mr. EDEN. But the gentleman has not answered my question. I ask him to give some estimate as to what this work would cost.

Mr. BRAGG. As I have said, I think a hundred thousand dollars will make a four-company post, or nearly so, and then it is for Congress to say whether we shall appropriate any more or not.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOSPITAL STEWARDS, U. S. A.

Mr. BRAGG. Mr. Speaker, I now call up the bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance.

The SPEAKER *pro tempore*. That bill is in Committee of the Whole.

Mr. BRAGG. Then I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House.

There was no objection, and it was so ordered.

The Committee on Military Affairs recommended an amendment, striking out all after the enacting clause and inserting in lieu thereof a substitute; which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the hospital corps of the United States Army shall consist of hospital stewards, acting hospital stewards, and privates; and all necessary hospital services in garrison, camp, or field (including ambulance service) shall be performed by the members thereof, who shall be regularly enlisted in the military service; said corps shall be permanently attached to the medical department, and shall not be included in the effective strength of the Army nor counted as a part of the enlisted force provided by law.

SEC. 2. That the Secretary of War is empowered to appoint as many hospital stewards as, in his judgment, the service may require; but not more than one hospital steward shall be stationed at any post or place without special authority of the Secretary of War.

SEC. 3. That the pay of hospital stewards shall be $50 per month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men. They shall have rank with ordnance-sergeants and be entitled to all the allowances appertaining to that grade.

SEC. 4. That no person shall be appointed a hospital steward unless he shall have passed a satisfactory examination before a board of one or more medical officers as to his qualifications for the position, and demonstrated his fitness therefor by service of not less than twelve months as acting hospital steward; and no person shall be designated for such examination except by written authority of the Surgeon-General.

SEC. 5. That the Secretary of War is empowered to enlist, or cause to be enlisted, as many privates of the hospital corps as the service may require, and to limit or fix the number, and make such regulations for their government as may be necessary; and any enlisted man in the Army shall be eligible for transfer to the hospital corps as a private. They shall perform duty as wardmasters, cooks, nurses, and attendants in hospitals, and as stretcher-bearers, litter-bearers, and ambulance attendants in the field, and such other duties as may by proper authority be required of them.

SEC. 6. That the pay of privates of the hospital corps shall be $15 per month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men; they shall be entitled to the same allowances as a corporal of the arm of service with which on duty.

SEC. 7. That privates of the hospital corps may be detailed as acting hospital stewards by the Secretary of War, upon the recommendation of the Surgeon-General, whenever the necessities of the service require it; and while so detailed their pay shall be $25 per month, with increase as above stated. Acting hospital stewards, when educated in the duties of the position, may be eligible for examination for appointment as hospital stewards as above provided.

SEC. 8. That all acts and parts of acts in so far as they contravene the provisions of this act are hereby repealed."

Mr. BRAGG. I am instructed by the committee to offer an amendment to the substitute striking out, in line 2, section 6, the word "fifteen" and inserting in lieu thereof "thirteen."

The amendment was agreed to.

Mr. STEELE. I move to amend section 3, line 1, by striking out "fifty" and inserting "forty-five."

Mr. BRAGG. I accept that amendment.

Mr. LAIRD. I object. I object to the reduction of the pay of hospital stewards; they do not get any too much.

The amendment was agreed to—ayes 44, noes 15.

The substitute as amended was then agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The title was amended so as to read:

"A bill to organize the Hospital Corps of the Army of the United States, to define its duty and fix its pay."

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROAD TO RICHMOND NATIONAL CEMETERY.

Mr. BRAGG. I call up the bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond National Cemetery, near Richmond, Va.

The SPEAKER *pro tempore*. That bill is in Committee of the Whole.

Mr. BRAGG. I ask unanimous consent, Mr. Speaker, that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a graveled road from the terminus of Broad street at Chimborazo Park, near Richmond, Va., to the Richmond National Cemetery; said money to be expended under the direction of the Secretary of War, or so much thereof as may be necessary for said purpose.

SEC. 2. That before any money shall be expended as aforesaid, the title to the right of way shall be granted to the United States free of cost.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROAD TO NATIONAL CEMETERY, VICKSBURG.

Mr. BRAGG. I now call up the bill (H. R. 8593) for the repair and preservation of the road to the national cemetery heretofore constructed by the Government, leading from Vicksburg to the national cemetery adjacent thereto.

The SPEAKER *pro tempore*. The bill is in Committee of the Whole.

Mr. BRAGG. I ask unanimous consent that the committee be discharged from its further consideration, and that the bill be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, to be used in the repair and preservation of the road heretofore constructed by the United States, leading from the city of Vicksburg to the national cemetery adjacent thereto, the same to be expended by the keeper or person in charge of said cemetery, under the direction of the Secretary of War.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' HOME WEST OF ROCKY MOUNTAINS.

Mr. BRAGG. I call up the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains. My colleague on the committee, the gentleman from Ohio [Mr. ANDERSON], has charge of this bill.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole House on the state of the Union.

Mr. ANDERSON, of Ohio. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the Board of Managers of the National Home for Disabled Volunteer Soldiers are hereby authorized, empowered, and directed to locate, establish, construct, and permanently maintain a branch of said National Home for Disabled Volunteer Soldiers to be by such board located at such place in the States west of the Rocky Mountains as to said board shall appear most desirable and advantageous; and that the sum of $250,000 be, and the same is hereby, appropriated, out of any money in the United States Treasury not otherwise appropriated, to be paid to the said board of managers, and by them expended in the purchase of the necessary land, and the erection of suitable buildings thereon, for said branch of said National Home for Disabled Volunteer Soldiers.

SEC. 2. That all honorably discharged soldiers and sailors who served in the volunteer forces of the United States, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living, shall be entitled to be admitted to said home for disabled volunteer soldiers, subject to like regulations as they are now admitted to existing branches of the National Home for Disabled Volunteer Soldiers.

SEC. 3. That as soon thereafter as practicable from the approval of this act the said board of managers shall secure the necessary lands and commence the erection of suitable buildings for the use of said branch.

The amendment reported by the Committee on Military Affairs was read as follows:

In line 10 of section 1 strike out "two," and insert "one;" so as to make the appropriation $150,000.

Mr. ANDERSON, of Ohio. I move to amend the amendment reported by the committee by striking out the words "and fifty," so that the amount upon the appropriation made by the bill shall be $100,000.

The amendment to the amendment was agreed to.

Mr. CANNON. Mr. Speaker, I desire, with the consent of the gentleman from Ohio, to make an inquiry or suggestion. This is a proposition to build another soldiers' home.

Mr. ANDERSON, of Ohio. Yes, on the Pacific slope.

Mr. CANNON. On the Pacific slope. Now I would be glad to know whether the Committee on Military Affairs has considered a proposition to build a home of this character in each State.

Mr. ANDERSON, of Ohio. We have not.

Mr. CANNON. I think it very proper that such a proposition should be considered, for the reason that in many of the States—certainly in my own—a home at State expense has been completed, and is not sufficient to accommodate those entitled to admission. Especially do I think this proposition worthy of consideration and adoption when I take up the returns made by these soldiers' homes. While these institutions are apparently open for the reception of soldiers without regard to their residence, yet in fact there is a much larger proportion admitted from the State where the home is located than from other States. For instance, in the State of Ohio, about equal in population to the State of Illinois, there are admitted to that home twice as many from Ohio as from my own State.

Mr. ANDERSON, of Ohio. And the people of the State of Ohio are erecting a soldiers' home at their own expense.

Mr. CANNON. That may be true.

Mr. STEELE. I agree with the gentleman from Illinois [Mr. CANNON] in thinking there ought to be a home for each State. The proposition, however, has never been referred to our committee.

Mr. CANNON. The gentleman is familiar with this bill. Why not amend it by incorporating such a provision?

Mr. STEELE. This is a proposition to accept on the part of the General Government a donation of land from the State of California for a home already established by the State.

Mr. ANDERSON, of Ohio. The people of the State of California at this time own 900 acres of land, upon which they have already established a State home. The value of that property is estimated at from eighty to one hundred thousand dollars. A proposition was made by the proper authorities in California that if the Government would make an appropriation of $100,000 for this home, they would cede the whole of that property to the Government, with the view that upon it there might be erected with this money necessary buildings, thus establishing a home west of the Rocky Mountains.

Mr. CANNON. The Government, then, as I understand, takes the soldiers' home ceded by the proper authorities of the State of California and relieves the State from the support of that home.

Mr. ANDERSON, of Ohio. Yes, sir. It is to be a general home for persons from all the States.

Mr. NEGLEY. I think the gentleman from Ohio has overlooked the fact that this is not a State home, but was organized by old soldiers in California, and has been maintained by them through donations from various sources; but being unable any longer to support the large numbers who come there, they ask this assistance from the General Government.

Mr. ANDERSON, of Ohio. That is correct.

Mr. NEGLEY. It is not a State home in the sense in which that term might be understood.

Mr. CANNON. After the explanation which has been made I have no disposition to embarrass, by any objection or amendment, the passage of this bill. If it were earlier in the session I would seek to have action by the Committee on Military Affairs for the establishment of additional homes in certain States where I think they ought to be erected; and hereafter I shall endeavor, at least so far as my vote may go, to see that any measure of this character which may be adopted shall look to the establishment of these homes generally throughout the country in the different States.

Mr. ANDERSON, of Ohio. I shall be with the gentleman on that proposition.

The amendment of the committee as amended was adopted.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. ANDERSON, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF RULES AND ARTICLES OF WAR.

Mr. BRAGG. I move to take from the House Calendar a bill (S. 1490) reported from the Committee on Military Affairs with amendment.

The bill was read, as follows:

Be it enacted, &c., That the one hundred and third of the Rules and Articles of War be, and the same is hereby, amended by adding thereto the following words:

"No person shall be tried or punished by a court-martial for desertion in time of peace, and not in the face of an enemy, committed more than two years before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person enlisted."

SEC. 2. That no judge-advocate, or officer acting as such, before any court-martial, shall hold any communication with the court, or with any member of the court, concerning any question, matter, or thing involved in or having any relation or bearing, directly or indirectly, upon the case upon trial, after the court shall be sworn and before judgment is pronounced, except in the hearing and presence of the accused on trial and of his counsel, if he shall have appeared with counsel, and then such communication shall be entered upon and made part of the record of the case.

SEC. 3. That every sentence of a court-martial dismissing an officer from the service shall be inoperative until the President shall approve the same in person; but the order promulgating the sentence and judgment, after such approval, shall be "by order of the President," and signed by the Secretary of War.

SEC. 4. That if any person, being a civilian not subject to military law, having been duly summoned to testify under the laws of the United States, shall refuse or neglect to appear before either a court-martial or court of inquiry, at the time or place mentioned in the process, or if upon his appearance he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States; and the same power to punish for contempt, and to the same extent, is hereby conferred upon courts-martial and courts of inquiry as is conferred upon courts by the provisions of section 725 of the Revised Statutes of the United States: *Provided, however*, That no witness shall be required to make any disclosure or discovery which shall tend to criminate him, either under the laws of the United States, or the laws of any State or Territory, or the laws of any foreign state.

SEC. 5. That hereafter, in time of peace, all offenders in the Army charged with offenses now punishable by a regimental or garrison court-martial shall be brought before a summary court, which shall consist of the commissioned officer of the line second in rank at the post or station of the offender, who shall hear and determine the offense and adjudge the punishment that shall be inflicted, and shall also make a record of his proceedings, with a statement of the evidence, and submit the same to his post commander, who shall indorse thereon his action of approval or disapproval, and forward the same to the department commander for examination and action, and to be filed in the office of the judge-advocate of the department; and upon the approval of the same by the department commander, such post commander shall order the execution of the sentence: *Provided*, That the punishment in such cases shall be limited to that now authorized to be inflicted by a regimental or garrison court-martial. The President may make such rules and regulations governing such courts as to the offenses and punishments as he may deem just and proper, not inconsistent herewith.

SEC. 6. That in all trials and proceedings before any military tribunal, the party accused, or whose action or conduct is under investigation, may, at his option, be sworn and testify in his own behalf, the same as any other witness.

SEC. 7. That in addition to the qualifications now required by law, no person shall be appointed a chaplain in the Army who is not of good constitution and in sound bodily health, and who is more than forty years of age; and hereafter it shall be a part of the duty of post chaplains to have the charge of and act as instructors in post schools.

SEC. 8. That the pay of officers upon the retired-list shall be 75 per centum of the full pay the officer was entitled to receive when retired, and no more.

SEC. 9. That the pay of an enlisted man upon the retired-list shall be 75 per cent. of his pay at the time of his retirement, and $8 per month in lieu of allowances.

SEC. 10. That the Army ration be increased by the addition of one-quarter of a pound of Irish potatoes a man per day, or its equivalent in dried or desiccated potatoes when the issue of fresh ones is impracticable.

SEC. 11. That when there is no land available or suitable upon a military reservation for company or post gardens, the Quartermaster's Department shall, whenever it is practicable, under the direction of the post commander, rent suitable land for that purpose that is attainable most convenient to the post, at the rate of 2 acres per company for each company desiring to cultivate a garden for its use, and procure from the Department of Agriculture the necessary supply of seeds for the same.

SEC. 12. That captains of companies may re-enlist, in their respective companies, to serve one, two, three, four, or five years, in their discretion, any men discharged therefrom of good moral and military character: *Provided*, That such enlistment is made in ten days from the date of their discharge: *And provided further*, That hereafter no man who has been convicted of desertion or who has been discharged for disability shall ever be re-enlisted in the service of the United States: *And provided further*, That whenever an enlisted man shall be convicted of the crime of desertion from the military service of the United States, he shall, in addition to any other punishment that may be inflicted, be indelibly tattooed with India ink with the letter D, an inch long, upon his back, between the lower points of his shoulder-blades.

SEC. 13. That hereafter, in addition to the inspections now required by law of the Pay Department and the accounts and business of its officers, there shall be inspections made by officers of that Department, detailed by the Secretary of War, whenever in his judgment the interest of the public service will be promoted thereby.

SEC. 14. That all acts and parts of acts in so far as they contravene or are repugnant to the provisions of this act are hereby repealed.

Mr. BRAGG. I move to amend the amendment by striking out section 8, and in lieu thereof inserting the following:

Hereafter no increase of pay shall be allowed or paid to any officer by reason of service on the retired-list.

Mr. CURTIN. What is the use of that?

Mr. PETTIBONE. To that amendment I offer the following amendment:

The Clerk read as follows:

Provided: That nothing in this act shall be held to apply to any officer who has been retired on account of wounds received in line of duty, or to any officer who served in the field during the war.

Mr. WOLFORD. Before the vote is taken on this bill, which I regard as a dangerous and bad one, I desire to say a few words.

The SPEAKER *pro tempore*. The Chair will first entertain remarks on the amendment to the amendment. After that the Chair will entertain general debate.

Mr. ADAMS, of Illinois. I desire to ask whether the adoption of this amendment will not put that section 8 into the bill and prevent any subsequent motion to strike it out?

The SPEAKER *pro tempore*. The adoption of the amendment to the amendment will simply add to the proposed section the words which the Clerk has read. If the amendment as amended is agreed to it will substitute the amendment as amended for section 8.

Mr. PETTIBONE. Let the amendments be again read so members may understand them.

The amendment and the amendment to the amendment were again read.

Mr. BRAGG. I expected, sir, that there would be opposition to this clause. I have seen the beneficiaries swarm about the corridors of the Capitol. I have been notified through the press, and I understand members of the House have been notified by anonymous letters calling their attention to the injustice, the wondrous injustice of this bill.

I had hoped, sir, we would be able to dispose of our business to-night without being called upon to enter into any discussion at length. I shall confine myself to a simple statement of the section as it is proposed to be amended by the committee.

Mr. DUNHAM. I suggest to the gentleman from Wisconsin he will get along with the rest of his bill if he will withdraw this proposition.

Mr. WEAVER, of Iowa. This bill can never pass with that tattooing clause in it without a quorum.

Mr. BRAGG. Then move to strike it out and test the sense of the House when we come to consider that part of the bill.

Mr. WEAVER, of Iowa. Why not strike it out now?

Mr. BRAGG. We can not go to the tail end of the bill and begin to amend it there. When we reach the provision you can make your motion and test the sense of the House on it.

Mr. WEAVER, of Iowa. It is a brutal proposition, and one that I will not assent to.

Mr. STEELE. I want to say right here——

Mr. BRAGG. It is not necessary to enter into a discussion of that now.

Mr. STEELE. I only want to answer the statement while it is fresh, that so far from that being a brutal section it is one that is calculated to save the reputation of the Army.

From three to eight thousand desertions have been going on from year to year.

Mr. WEAVER, of Iowa. If it is going to be discussed here, I want to be heard upon it myself.

Mr. BRAGG. The provisions of this bill as presented here by the committee are simply in effect a re-enactment of the law as it was, or was understood to be, when the retired-list was created. It was the law as it stood at the time of the creation of the retired-list in 1881. Congress in the original act provided as a reward for service to officers upon the active-list, as it was understood, that for each five years which they served in the field their longevity pay should be increased by the addition to the salaries they were entitled to of 10 per cent. for every five years, provided that the percentage as a whole should never exceed 40 per centum of the salary. That is for active service in the field, and for twenty years, when retired, they drew their full pay with 40 per cent. added at the time of retirement.

Mr. STEELE. Not necessarily for service in the field.

Mr. BRAGG. No, sir; but for active service.

Then follows a provision for the retired-list, and that provides that officers on the retired-list shall receive 75 per centum. Now after fifteen years, yes, almost twenty years, practically, under that law, with a uniform construction, the Supreme Court took upon itself to decide a question as to the understanding of Congress, and on a question involving military ethics, and they determined that these gentlemen on the retired-list who run banks, who practice as attorneys, who are claim agents in the city of Washington, who are clerks in the Pension Office, who are clerks in the Treasury, and clerks in every other Department of the Government, were officers on the active-list, and sufficiently so to receive that additional 40 per centum provided by the law to which I have referred. Under that decision this Government has paid out in round numbers more than one and a half millions of dollars, and have paid out annually more than $270,000, to which it has now grown.

The question before the House is not one of sympathy or sentiment, but simply this: Are the men who are upon the retired-list, who are transacting business for themselves, within the purview of that class of men for whom the law was originally designed, giving them for each five years of service 10 per cent. in addition to their pay up to the amount of 40 per cent.?

An officer upon the retired-list has no commission; an officer upon the retired-list has no command. He has a titular rank, and nothing more. The retired-list is the pension-list of the regular Army; and are we prepared to say that a man serving upon the pension-rolls for five years shall have his pension increased 10 per cent.? Do we say that to the other pensioners of the Government?

Now as to the particular class that make complaint, and who will be covered by that proviso, I will state that there are men on the list retired for wounds who are as well to-day as the day they entered the service. There are men on the retired-list who have no disability whatever. There are chaplains on the retired-list who served but two years, and are drawing this additional 40 per cent. There is not a chaplain on the list who served to exceed fifteen years, and yet each one is drawing this additional percentage for the prayers I suppose sent up for us as he labors in his addresses to the Eternal Being.

The officers who have attracted the attention and sympathy of my friend from Tennessee [Mr. PETTIBONE] are officers who were transferred from the volunteer army without ever having received their disability. One man, perhaps, out of one hundred regiments from a State, who had political influence enough, after he had lost a leg in the volunteer service and was unfitted to perform duty in the regular Army, secured an appointment into the regular service, and was transferred to a regiment, remained unassigned, and in a few months went on the retired-list, while his companion, who stood side by side with him in the breach, is remitted to a pension-list of fifteen, twenty-four, thirty-six, forty, or fifty dollars a month, while he draws $150 and wants 40 per cent. more.

A strict application of the rule and a revision of that retired-list as it ought to be revised would reject every man from it who did not receive his disability in the Army, for which that retired-list is provided. These men are not satisfied with the benefits they have obtained over their comrades, but being located here in Washington they beset members of Congress and ask that that discrimination against their comrades shall be increased 40 per cent. I say justice to them only requires of us that we shall give to them the retired-pay to which they were entitled under the law when they were retired. We shall give them that, although it does discriminate against their comrades in the volunteer service, and we think with that they ought to be thankful. If this list is to be ever broken down it will be broken down by the inordinate greed of those men who have been fortunate enough to get upon it—men who served from two to four, or six, seven, eight, or nine years in the regular Army, coming out and going into business for themselves, and then asking to have the same addition to their pay which is made to the men who are doing service in the field.

I trust, Mr. Speaker, the amendment will not be adopted, but that the amendment proposed by the committee will be adopted.

Mr. CUTCHEON. May I ask the gentleman from Wisconsin a question?

Mr. BRAGG. Yes, sir.

Mr. CUTCHEON. Does the chairman of the committee understand this takes away from any of these officers the longevity pay already accrued, or does it prevent the further accumulation of pay?

Mr. BRAGG. Simply the further accumulation.

Mr. WARNER, of Ohio. It stops this accumulation.

Mr. WEAVER, of Iowa. There is no necessity for wasting further time over this bill. I shall object to its passage in any event.

Mr. WARNER, of Ohio. I suggest to the gentleman from Iowa that he can move to amend it.

Mr. WOLFORD. It can not be amended.

Mr. WEAVER, of Iowa. It could not be properly debated or amended in a week.

Mr. BRAGG. All right. I withdraw the bill.

Mr. DURHAM. I suggested to the gentleman some time ago that the bill should be withdrawn.

Mr. WARNER, of Ohio. I submit that the bill can not now be withdrawn.

The SPEAKER *pro tempore* (Mr. SPRINGER). There having been no decision on any part of the bill, it can be withdrawn.

Mr. WARNER, of Ohio. It has been under debate.

The SPEAKER *pro tempore*. It is the right of the gentleman who called up the bill to withdraw it at any time before there has been a decision on any part of it.

Mr. WARNER, of Ohio. Only certain sections of the bill have been objected to.

The SPEAKER *pro tempore*. The bill has been withdrawn.

PRESCOTT AND ARIZONA RAILWAY COMPANY.

Mr. BRAGG. I now call up for consideration the bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Fort Whipple Military Reservation, in Arizona. This bill my colleague from Wyoming [Mr. CAREY] has in charge.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole House on the state of the Union.

Mr. BRAGG. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Prescott and Arizona Central Railway Company, a corporation duly organized under the laws of the Territory of Arizona, are hereby granted the right of way, 100 feet in width, for their said railroad, across and through the Fort Whipple Military Reservation, located in said Territory of Arizona, not to interfere with any buildings or improvements on said reservation, and the location of the line of said right of way to be subject to the approval of the Secretary of War.

The Committee on Military Affairs recommended the following amendment:

In line 7 strike out the word "Fort" and after the word "Whipple" insert the word "barracks"; so that it will read: "and through the Whipple Barracks Military Reservation."

The amendment was adopted.

Mr. CAREY. There can be no objection in the world to this bill.

The SPEAKER *pro tempore*. The question is on ordering the bill as amended to be engrossed and read a third time.

Mr. WEAVER, of Iowa. What is the bill?

The SPEAKER *pro tempore*. The Clerk will again report the bill.

The bill was again read.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CAREY. I move that the title be amended so that it will read:

A bill granting the right of way to the Prescott and Arizona Central Railway Company across the Whipple Barracks Military Reservation in Arizona.

The motion was agreed to.

Mr. BRAGG moved to consider the vote by which the bill was passed; and also moved that the motion to consider be laid on the table.

The latter motion was agreed to.

CHEYENNE AND NORTHERN RAILWAY COMPANY.

Mr. BRAGG. I now call up the bill (H. R. 8037) to authorize the Cheyenne and Northern Railway Company to build its road across the Fort Russell and Fort Laramie Military Reservations.

Mr. CAREY. I suggest that that bill was disposed of in the last session. A Senate bill identical with this passed both Houses.

Mr. BRAGG. All right.

The SPEAKER *pro tempore*. The Chair is advised that the bill which was passed was a Senate bill. In the absence of objection the House bill (H. R. 8037) will be laid on the table.

There was no objection and it was so ordered.

FREMONT AND MISSOURI VALLEY RAILROAD.

Mr. BRAGG. I now call up for consideration the bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military Reservation. This is a bill which is on the Private Calendar.

The SPEAKER *pro tempore*. This bill is in Commitee of the Whole House.

Mr. BRAGG. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Fremont, Elkhorn and Missouri Valley Railroad Company, a corporation in the State of Nebraska, be, and is hereby, granted a right of way, not to exceed 100 feet in width, across the Fort Meade Military Reservation, upon such line as may be approved by the Secretary of War.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY THROUGH FORT BLISS RESERVATION.

Mr. BRAGG. I call up the bill (S. 388) to grant the right of way through the Fort Bliss Military Reservation to the Rio Grande and El Paso Railroad Company.

The SPEAKER, *pro tempore*. That bill is in Committee of the Whole.

Mr. BRAGG. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That there is hereby granted to the Rio Grande and El Paso Railroad Company right of way 100 feet wide, on such route as the Secretary of War may designate, through the Fort Bliss Military Reservation, Texas.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESTORATION OF PROPERTY.

Mr. CUTCHEON. Mr. Speaker, I call up the bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War. The bill is on the House Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to deliver, under such rules and regulations as he may prescribe, to the proper claimants or owners, any silverware, jewelry, portraits, watches, or other articles deposited in the Treasury of the United States by the Secretary of War, as property captured by the United States Army during the late war, and now in the possession of the United States Treasury: *Provided*, That in all cases proof satisfactory to the Secretary of the Treasury be made by the said claimants of the ownership and identification of the said silverware, jewelry, portraits, watches, or other articles.

The Committee on Military Affairs recommended an amendment, adding at the end of the bill the following proviso:

Provided further, That all of said articles remaining in the hands of the Secretary of the Treasury not identified to his satisfaction in two years from the passage of this act shall be sold by the said Secretary of the Treasury at public auction, under such rules and regulations as the Secretary may prescribe; and the net proceeds thereof shall be covered into the Treasury of the United States.

The amendment was agreed to.

Mr. MILLS. Mr. Speaker, I think there ought to be some explanation of this bill.

Mr. CUTCHEON. The bill can be explained in a very few words. The articles to which it relates were taken possession of during the late war by the commandant of the post at Point Lookout, which was used as a place for the confinement of confederate prisoners. These articles were the effects of deceased prisoners, which were left there and have been in the keeping of the Government, in the hands of the Secretary of War, and of the Secretary of the Treasury, ever since. The amendment to the bill was draughted by the Secretary of War, and the entire bill is approved by both the Secretary of War and the Secretary of the Treasury. Its object is to get this property (consisting of watches, rings, jewelry, and a little plate), which was left upon the hands of the Government in the manner I have stated, during the late civil war, returned to its legitimate owners if they can be found.

Mr. MILLS. Have you the names of the parties from whom any of these articles were taken?

Mr. CUTCHEON. I do not know that we have; but if we have they are in the possession of the Secretary of the Treasury. Claimants are to have two years in which to be identified and make their claims, and if within two years they do not appear, identify themselves, and make their claims, then the Secretary of the Treasury is authorized to make sale of these articles under such regulations as he may prescribe.

Mr. MILLS. Are all of these articles the effects of prisoners?

Mr. CUTCHEON. Yes, sir.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE TWIGGS SWORDS.

Mr. CUTCHEON. I now call up the bill (H. R. 10790) authorizing the President to return the Twiggs swords.

The bill is a substitute for a joint resolution which was referred to the Committee on Military Affairs.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to deliver up the so-called "Twiggs swords," which are now in his custody, and which were captured or seized by General B. F. Butler, in 1862, to such person, or to the legal representatives of such person, as was owner thereof at the time they were captured or seized. For the purpose of determin-

ing who was such owner the Secretary of the Treasury shall send the petitions of all persons who may claim said swords to the Court of Claims. Said court shall thereupon examine such claimant or claimants, and such other legal evidence as may be offered in behalf of such claimant or claimants, and determine who was such owner and who is entitled to receive said swords under the provisions of this act. Said court shall certify their judgment to the Secretary of the Treasury: *Provided, however*, That all claims for said swords shall be filed with the Secretary of the Treasury within three months from the passage of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY EAST.

Mr. FINDLAY. Mr. Speaker, I call up the bill (H. R. 8922) for the relief of Henry East.

The SPEAKER *pro tempore*. The bill is in Committee of the Whole on the Private Calendar.

Mr. FINDLAY. Then I ask that the Committee of the Whole be discharged from the further consideration of the bill, and that it be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Henry East, late a private in Company H, Second Maryland Volunteers, by removing therefrom the charge of desertion: *Provided, however*, That the said East shall not be entitled to or receive any back pay, bounty, pension, or other allowance of any kind whatsoever.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINDLAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTIN COUGHLIN.

Mr. STEELE. On behalf of the Committee on Military Affairs, I call up the bill (H. R. 8319) for the relief of Martin Coughlin.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole House on the Private Calendar.

Mr. STEELE. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to amend the record of Martin Coughlin, late a private in Company A, Thirty-fifth Indiana Volunteers, so as to show he was absent with leave, and to grant said Coughlin an honorable discharge.

Mr. STEELE. I move to amend by inserting after the word "leave," in line 6, the words "from February 28, 1864, to May 3, 1886."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT W. SPANG.

Mr. ERMENTROUT. I call up the bill (H. R. 9446) for the relief of Robert W. Spang.

The SPEAKER *pro tempore*. If there be no objection, the Committee of the Whole House on the Private Calendar will be discharged from the further consideration of this bill, and it will be considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to remove from the rolls and records in the office of the Adjutant-General of the United States Army the charge of desertion against Private Robert W. Spang, late of Company B, Ninety-third Pennsylvania Infantry Volunteers.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. ERMENTROUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARTIN H. M'CHESNEY.

Mr. BRAGG. I call up the bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service.

The SPEAKER *pro tempore*. This bill is in Committee of the Whole House on the Private Calendar.

Mr. BRAGG. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Whereas Martin H. McChesney, late a captain in the Second Regiment New York Volunteer Mounted Rifles, was, by an order from the War Department, erroneously and improperly dismissed from the service of the Government for absence without leave, when the said McChesney was, and had been for many months prior thereto, a prisoner of war in the hands of the enemy; and

Whereas by reason of his erroneous and improper dismissal, as aforesaid, the said McChesney is, under the rulings and decisions of the accounting officers of the Government, deprived of certain pay and allowances to which he would otherwise have been entitled by reason of his services: Therefore,

Be it enacted, &c., That the action of the President of the United States in revoking and annulling said order of dismissal, and honorably discharging said officer from the service as of date of May 11, 1865, be, and the same is hereby, affirmed; and the accounting officers of the Government are hereby authorized and directed, in the settlement of the accounts of the said McChesney, to pay to him the same pay and allowances that he would have been entitled to receive had no such order of dismissal been issued as aforesaid in his case.

The amendment reported by the committee was read, as follows:

In lines 5 and 6 strike out "May 11" and insert "March 18."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRED B. BARNES.

Mr. BRAGG. I call up the bill (H. R. 8591) directing the Secretary of War to cause the name of Fred B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole House on the Private Calendar will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to place on the muster-roll of Company I, Seventh Tennessee Cavalry, the name of Fred B. Barnes, as private, as of the 1st day of February, 1864, with the following remarks: "Captured by the confederates with his regiment on the 24th day of March, 1864, at Union City, Tenn., and sent to Andersonville, Ga., where he died in prison of chronic diarrhea, February 16, 1865." And the proper accounting officers of the Treasury are hereby authorized and directed to settle the accounts of the said Fred B. Barnes for pay, bounty, and commutation of rations from February 1, 1864, to February 16, 1865, deducting any and all payments which may have been made him, and pay the same to the heirs of said Barnes. And so much money as may be necessary therefor, in the Treasury not otherwise appropriated, is hereby appropriated for such purpose.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE D. PAUL.

Mr. LAIRD. On behalf of the Committee on Military Affairs, I call up for consideration the bill (H. R. 6937) for the relief of George D. Paul. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that it be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That in view of the faithful services rendered by George D. Paul as a member of Company A of the Fourth Regiment of Michigan Infantry Volunteers, during the war of the late rebellion, he be regarded in the administration of the pension laws as though no charge of desertion had been made against him upon any records of service prior to that in the said Fourth Regiment of Michigan Infantry Volunteers.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. LAIRD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM FIGLEY.

Mr. CUTCHEON. On behalf of the Committee on Military Affairs, I call up the bill (H. R. 5935) to remove the charge of desertion against William Figley. I ask that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that it be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to remove from the records of the War Department the charge of desertion against William Figley, late a private in Company A, Eleventh Regi-

ment of Illinois Volunteers, and that he give to the said Figley an honorable discharge.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE LEMON.

Mr. BRAGG. I call up, on behalf of the committee, the bill (H. R. 5056) for the relief of George Lemon.

The SPEAKER *pro tempore*. If there be no objection, the Committee of the Whole House on the Private Calendar will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in such a manner as to relieve of the charge of desertion the name of George Lemon, formerly a member of Company G, Fourth Regiment United States Infantry.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

T. J. PAYNE.

Mr. BRAGG. I call up for present consideration the bill (H. R. 1710) for the relief of T. J. Payne. I ask that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that it be now considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby directed to remove the charge of desertion made against T. J. Payne, late a private in Company F, Second Tennessee Mounted Infantry, and to place him on the muster-rolls of said company.

The amendment reported by the committee, to strike out, in line 5, the words "mounted infantry," and insert "cavalry," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANKLIN W. M'CAULEY.

On motion of Mr. FINDLAY, the Committee of the Whole House on the Private Calendar was discharged from the consideration of the bill (H. R. 6535) to close the account of Franklin W. McCauley; and it was considered in the House as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, &c., That to close the account for disbursements of Franklin W. McCauley, late a first lieutenant in the Ninety-eighth Regiment of Ohio Volunteer Infantry, the proper accounting officers of the Treasury be, and they are hereby, required to allow and credit him the sum of $750, amount of debit items found by them in settlement of his accounts, per statement of differences, dated Treasury Department, Third Auditor's Office, February 16, 1883.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINDLAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY B. JAY.

On motion of Mr. LAIRD, the Committee of the Whole House on the Private Calendar was discharged from the consideration of the bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay; and it was considered in the House as in Committee on the Whole.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion now standing upon the records of the War Department against the name of Henry B. Jay, late of Company C, Seventy-third Regiment of Indiana Volunteer Infantry, and to grant him an honorable discharge, with the same pay, bounties, and benefits he would have been entitled to if the charge of desertion had not been entered against his name.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time, and passed.

Mr. LAIRD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEPHEN O'CONNOR.

On motion of Mr. STEELE, the Committee of the Whole House on the Private Calender was discharged from the further consideration of the bill (H. R. 798) for the relief of Stephen O'Connor; and it was considered in the House as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Second Lieut. Stephen O'Connor, of the Twenty-third Infantry, late a first lieutenant in the Twenty-third Infantry, a first lieutenant of infantry in the Army of the United States, with his original rank and date of commission; and that he shall be assigned to the first vacancy occurring in his grade in the Twenty-third Infantry.

Mr. BRECKINRIDGE, of Kentucky. How did this officer happen to get out of the service?

Mr. STEELE. This is the case of an officer who was erroneously put out of the service. The President undertook to reappoint him, but failed to get him back in his proper place. The officer is now in the service, and this bill merely provides he shall be restored to the rank to which he is entitled.

Mr. McMILLIN. What took him out of the Army?

Mr. STEELE. The gentleman from Kansas [Mr. PETERS] will explain the matter.

Mr. PETERS. This officer was court-martialed, but it was afterward discovered that a mistake had been made, and he was restored by President Hayes. He was a first lieutenant, but was only restored by the President as a second lieutenant. This merely puts him back to the position he would occupy if he had not been erroneously put out of the Army.

Mr. McMILLIN. Does it give him any arrears of pay of the higher rank until he assumes that rank?

Mr. STEELE. It does not.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF ARMS.

On motion of Mr. CUTCHEON, the bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States, was taken from the House Calendar and read, as follows:

Be it enacted, &c., That so much of section 3 of an act making appropriations for the support of the Army for the fiscal year ending June 30, 1876, and for other purposes, approved March 3, 1875, as provides that so much of the appropriations between the 1st of January, 1861, and the 9th of April, 1865, under the act of April 23, 1808, therein referred to, as would have been used for the purchase of arms to be distributed to the several States that were in rebellion shall be covered into the Treasury of the United States, be, and the same is hereby, repealed; and out of any moneys in the Treasury not otherwise appropriated the Secretary of the Treasury is hereby directed to pay to those States, respectively, the amount of the balance due them which remained undrawn in consequence of said proviso in the appropriation bill of 1875, to the end that the credit lost to the States of Alabama, Florida, North Carolina, and South Carolina under the annulling proviso in the said act of March 3, 1875, be restored to said States.

The amendment of the committee was read, as follows:

Strike out the following:

And out of any moneys in the Treasury not otherwise appropriated the Secretary of the Treasury is hereby directed to pay to those States, respectively, the amount of the balance due them which remained undrawn in consequence of said proviso in the appropriation bill of 1875, to the end that the credit lost to the States of Alabama, Florida, North Carolina, and South Carolina under the annulling proviso in the said act of March 3, 1875, be restored to said States.

The amendment was agreed to.

Mr. CUTCHEON. I will make a brief explanation. Under the act of 1808 certain amounts were distributed among the several States for militia and arms. During the rebellion certain States did not draw them. Under the act of 1873 they were permitted to be credited with those amounts and draw them. That was in force but two years when in the appropriation bill of 1875 it was ordered to be covered into the Treasury. This simply repeals that paragraph of the act of 1875 and allows them to have credit as the other States did. The amount is small, only a few thousand dollars.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM J. MULVEY.

On motion of Mr. BRAGG, the Committee of the Whole House on the Private Calendar was discharged from the consideration of the bill (H. R. 7996) for the relief of William J. Mulvey, and it was considered in the House as in the Committee of the Whole.

The bill was read, as follows:

Be it enacted, &c., That the President is hereby authorized to revoke so much of General Orders No. 46, headquarters Department of West Virginia, April 4, 1865, as relates to and directs the dismissal from the Army, with loss of all pay and allowances, of Second Lieutenant William J. Mulvey, of Company D, Second Regiment West Virginia Veteran Volunteers, and to grant him an honor-

able discharge of that date, and that the military record of said Mulvey be amended accordingly: *Provided*, That said Mulvey shall receive no pay or allowances after the date of said order of dismissal.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES ROACH.

Mr. BRAGG. I now call up the bill (H. R. 228) for the relief of James Roach, and ask unanimous consent to discharge the Committee of the Whole from its further consideration, and consider it in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be removed from the records the charge of desertion now uncanceled and standing against James Roach, late a private in Company E, Seventeenth Regiment Connecticut Volunteers.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES W. KINGON.

Mr. WHEELER. I call up the bill (H. R. 9860) to correct the record of the military service of James W. Kingon, and ask unanimous consent to discharge the Committee of the Whole House from its further consideration, and consider it in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby directed to correct the record of the military service of James W. Kingon, late of Company E, Twenty-second Regiment of Illinois Volunteers, and of Company H, Forty-second Regiment of Illinois Volunteers, and to set aside the approval of the proceedings and the findings and sentence of a court-martial which was convened at Camp Irwin, August 26, 1865, pursuant to orders from the headquarters of the Second Division, Fourth Army Corps, of June 28, 1865, in so far as said proceedings, findings, and sentence refer to or have any effect.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPT. JAMES H. BONE.

Mr. WHEELER. I now call up the bill (H. R. 9486) to correct the military record of Capt. James H. Bone, and for other purposes. I ask unanimous consent to discharge the Committee of the Whole House from its further consideration and put it upon its passage.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the military record of Capt. James H. Bone, late of Company D, Thirty-fifth Regiment of Ohio Infantry Volunteers, be changed so as to show that he was entitled to the rank of captain to date from September 30, 1864; and that the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Capt. James H. Bone, late of Company D, Thirty-fifth Regiment of Ohio Infantry Volunteers, out of any money in the Treasury not otherwise appropriated, the pay and emoluments of a captain in the Army of the United States for a period of five months and twenty-seven days, that amount being now due the said Capt. James H. Bone for his services from the 30th day of September, 1864, to the 27th day of March, 1865.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SILAS D. BALDWIN.

Mr. NEGLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the joint resolution (H. Res. 19) for the relief of Silas D. Baldwin, and put it upon its passage, with the amendments recommended by the Committee on Military Affairs.

The joint resolution was read at length.

The committee recommend the following amendments:

(1) Strike out the preamble.

(2) Insert after the word "to," in the fourth line, the words "be corrected so as to."

The resolution will then read as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War be, and he is hereby, authorized and directed to cause the records of the War Department to be corrected so as to recognize the said Colonel Silas D. Baldwin as the Colonel of the Fifty-seventh Regiment Illinois Volunteer Infantry from the 30th day of June, A. D. 1863, to the date of the muster out of service of said regiment, and to grant the said Colonel Baldwin an honorable discharge from the service of the United States, bearing date the same as that of the muster out of service of the said Fifty-seventh Regiment: *Provided*, That by reason of this resolution or of the amendment of the record of the said Silas D. Baldwin, hereby provided for, the said Silas D. Baldwin shall receive no pay, allowance, or pension for any period or disability subsequent to the said 13th day of June, 1863."

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. NEGLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISAAC CRAWFORD.

Mr. STEELE. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 7176) for the relief of Isaac Crawford, and put it upon its passage in the House.

There was no objection.

The bill is as follows:

Whereas Company F of the Third Tennessee Mounted Infantry was, its time having expired, mustered out of service, so far as the records of the company show, on the 30th of November, 1864, but on the same day, and before disbandment, was ordered from Knoxville, Tenn., to the neighboring county of Greene, to repel a force of the enemy; and

Whereas Isaac Crawford, a member of said company, while strictly obeying orders, was captured in actual conflict and taken as a prisoner of war to Richmond, Va., and there held until exchanged on March 1, 1865: Therefore,

Be it enacted, &c., That the Adjutant-General of the Army be, and he is hereby, authorized and directed to grant an honorable discharge to the said Isaac Crawford, to date from March 1, 1865, in place of the discharge granted him dated November 30, 1864.

The committee recommend the following amendment:

Strike out, in the 5th line, the date "March 1," and insert "March 22."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM N. CANADY.

Mr. BRAGG. I now call up the bill (H. R. 6712) for the relief of William N. Canady.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole House will be discharged from the further consideration of this bill.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to amend the military record of William N. Canady, late a private in Company A, Eighth Regiment Iowa Veteran Volunteer Infantry, and grant him an honorable discharge, so that he may draw all arrears of pay, bounty, and other allowances to which he would be entitled had not the charge of manslaughter been made, and for which he was subsequently pardoned.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PHILIP TAYLOR.

Mr. BRAGG. I now call up the bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor.

The SPEAKER *pro tempore*. Without objection the Committee of the Whole House will be discharged from the further consideration of this bill.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of desertion from the military record of Philip Taylor, late a member of Company B, of the One hundred and fifth Regiment Pennsylvania Volunteers, and that an honorable discharge be granted the said Philip Taylor, with all the pay and other emoluments due him at date of expiration of his term of enlistment.

The bill was ordered to be engrossed for a third reading; and being duly engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN ROCKWELL.

Mr. LAIRD. I ask to call up the bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry.

The SPEAKER *pro tempore*. Without objection the Committee of the Whole will be discharged from the further consideration of this bill.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States against Private John Rockwell, late of Company F, One hundred and twenty-first Regiment Ohio Volunteers, war of 1861, be, and the same is hereby, removed; and said soldier having been regularly and honorably discharged from the service of the United States, the Adjutant-General of the United States is hereby directed to so correct the rolls and records in his office that said John Rockwell shall be restored to all his rights and privileges as an honorably discharged soldier.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAIRD moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM A. WIGHAMAN.

Mr. LAIRD. I call up for consideration from the Private Calendar the bill (H. R. 4709) to remove the charge of desertion from the military record of William A. Wighaman.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole House will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion from the military record of William A. Wighaman, late a member of Company G, Fifth Pennsylvania Reserve Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LAIRD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPTAIN EDMOND G. FECHÉT.

Mr. CUTCHEON. I call up for consideration from the Private Calendar the bill (H. R. 1173) to correct the record of Capt. Edmond G. Fechét.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole House will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That in order to correct the record of Capt. Edmond G. Fechét, of the Eighth Regiment of Cavalry, United States Army, and fix his relative rank as provided in section 1219 of the Revised Statutes of the United States, the President be, and he hereby is, authorized to commission the said Edmond G. Fechét a captain in the Eighth Regiment of Cavalry aforesaid, to date from the 23d day of May, 1870, that being the date his present commission as captain would have been dated had not an error been made in the first arrangement of the lieutenants of said regiment: *Provided*, That the issuing of such commission shall not entitle said Fechét to any extra pay or compensation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANDREW J. EDGERLY.

Mr. BRAGG. I call up for consideration from the Private Calendar the bill (H. R. 10353) for the relief of Andrew J. Edgerly.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole House will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to so amend the military record of Andrew J. Edgerly, late a first lieutenant of the Fourth Regiment New Hampshire Volunteers, as to grant to him an honorable discharge as of March 10, 1863.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM C. SPENCER.

Mr. BRAGG. I call up for consideration from the Private Calendar the bill (H. R. 9905) for the relief of William C. Spencer.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole House will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That William C. Spencer, late a lieutenant in the Second Infantry, and more recently a captain in the Seventeenth Infantry, United States Army, is hereby relieved from any liability to the United States for moneys received by him for disbursement as a lieutenant in the Second Infantry and as a captain in the Seventeenth Infantry; and that the proper accounting officers of the Treasury are hereby authorized and directed to close all accounts of said William C. Spencer as such lieutenant and captain in accordance with the intent of this act: *Provided*, That the amount for which credit shall be given under the provisions of this act shall not exceed the undermentioned amounts, to wit: On account of recruiting, $92.63; on account of Quartermaster's Department, $151.75; and on account of subsistence of the Army, $132.06; making a total of $376.44.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALFRED HEDBERG.

Mr. ANDERSON, of Ohio. I call up for consideration from the Private Calendar the bill (H. R. 38) for the relief of Alfred Hedberg.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole House will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and hereby is, authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Hedberg (late a captain in the Fifteenth Infantry) a captain of infantry in the Army of the United States, with his former rank and date of commission; and that he, the said Alfred Hedberg, shall be assigned to the first vacancy of his grade occurring in the infantry arm of the service: *Provided*, That said Alfred Hedberg shall receive no pay for the time he was out of service, but only from the date of his appointment under this act.

The Committee on Military Affairs recommended the following amendment:

In lines 9 and 10 strike out the words "infantry arm of the service" and insert in lieu thereof "Fifteenth Regiment of the United States Army."

The amendment was agreed to.

Mr. CANNON. I would like to hear the report read.

The Clerk proceeded to read the report which had been submitted by Mr. ANDERSON, of Ohio, from the Committee on Military Affairs.

Mr. PETTIBONE. I ask that the further reading of the report be dispensed with. I do not know that any one asked for the reading of the report.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. CANNON] asked for it.

The Clerk resumed the reading of the report.

Mr. T. J. CAMPBELL. I ask that the further reading of the report be dispensed with.

There was no objection.

The report in full is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 38) for the relief of Captain Hedberg, beg leave to report:

Your committee have carefully read and considered the testimony in this case, and have endeavored to look at the case in all its phases, that justice might be done the party complaining. We find that Alfred Hedberg was born in Sweden, and educated there in the military service of his native country, and on the breaking out of our civil war came to this country to participate in the wars of this country, enlisted as a private soldier, and by his energy and soldierly conduct won, in the course of time, a commission of captain in the Fifteenth United States Regulars; in the meantime acquired our language, and became greatly attached to the institutions of his adopted country.

Fortune favored him until about 1872, when a charge was made against him, involving his standing as a gentleman and officer; but when fully investigated by a Regular Army officer, Captain Hedberg was acquitted of the charge and fully sustained. Later, in the same year, he was charged with three charges, subdivided into thirteen specifications. Captain Hedberg was put under arrest and under guard, and he was taken for trial to Santa Fé, a distance of 400 miles from his post, and was not furnished with a copy of the charges until four days before trial; but at that time we find the prosecution had their witnesses already at hand and ready for trial.

We find five of the prominent witnesses on the prosecution were officers in the Army, who in a short time thereafter were court-martialed and dismissed the service, and others of the witnesses we find to be camp-followers, drunkards, harlots, and Mexican greasers, wholly unworthy of belief, and the court must have violated every principle of the law of evidence to arrive at the result by them reported in their findings and sentence.

Your committee cannot find sufficient testimony to support any one of the charges or any part thereof, nor is there sufficient testimony to support a civil action much less the grave charge which, if the accused was guilty, would dismiss him from the service and disgrace him forever.

The testimony is weak and flimsy, and will convince any one that the court was controlled by something other than evidence. We find the court in some instances find Captain Hedberg guilty, but say they "attach no criminality." We find that the one hundred and sixth Article of War, Revised Statutes, page 241, volume 1, is as follows:

"ART. 106. In the time of peace no sentence of a court-martial directing the dismissal of an officer shall be carried into execution until it shall have been confirmed by the President."

Strange as it may seem, here was an officer court-martialed in the time of peace, and dismissed without the confirmation of the President; in fact the proceedings were never submitted or even sent to him for confirmation, and we have the anomaly of an officer dismissed the service by a court-martial in open violation of law and of the rights of the accused, and without the confirmation of the President; yet he was dismissed, and a great wrong perpetrated, which should be corrected as far as possible.

Your committee find that Captain Hedberg does not ask pay or other emoluments, but that this unjust and illegal sentence be set aside, and the President authorized to appoint him to the first vacancy of the grade of captain in the Fifteenth United States Infantry (his old regiment), and thus restore him as far as possible to the place he was unlawfully deprived of.

Your committee beg to report that Captain Hedberg sustains an excellent reputation in private life, and his record as a soldier is of the first order.

The Committee on Military Affairs in the Forty-eighth Congress examined this case and reported favorably, and as that report contains many details not set out in this report we make the report in this case so made in the Forty-eighth Congress a part hereof, and marked Exhibit A.

Your committee report the bill (H. R. 38) back with an amendment, as follows:

Strike out, in the ninth and tenth lines, the words "infantry arm of the service," and insert in lieu thereof "Fifteenth Regiment of United States Army."

And your committee ask that the bill so amended do pass.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ANDERSON, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOTEL AT FORTRESS MONROE, VA.

Mr. NEGLEY, from the Committee on Military Affairs, reported back the joint resolution (S. R. 73) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va., with an amendment in the nature of a substitute.

The SPEAKER *pro tempore*. If there be no objection the joint resolution will be considered in the House.

There was no objection.

Mr. NEGLEY. The Committee on Military Affairs report as a substitute for the Senate joint resolution the House joint resolution (H. Res. 208) having the same title.

The Senate joint resolution (S. R. 73) was read, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to grant permission to John F. Chamberlin to build a hotel upon the lands of the United States at Fortress Monroe, Va., upon such site and with such plans and dimensions as may be approved by the Secretary of War: *Provided*, That the State of Virginia, by its General Assembly and governor, shall, by proper legal enactment, give the consent of said State to the erection of such hotel, and that the building or buildings erected shall be removed, at the expense of the owner or owners, whenever the Secretary of War shall so direct; and no claim for damages by reason of such removal shall be made upon the Government of the United States: *And provided further*, That the buildings so erected shall be subject to State and national taxation as other property.

The amendment reported by the Committee on Military Affairs was read, as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of War be, and he is hereby, authorized to grant permission to John F. Chamberlin to build a hotel, with its appurtenances, upon the military reservation of the United States at Fortress Monroe, Va., in accordance with the plans, dimensions, and specifications submitted to the Committee on Military Affairs, July 21, 1886, and embodied in the report of that committee, upon such site or location on said reservation as shall be assented to by the Secretary of War: *Provided, however*, That the said hotel building or buildings shall be fully completed within two years subsequent to the date of such approval, and with the further understanding that all the buildings constructed under the authority herein granted shall be destroyed or removed at the expense of the owner or owners, whenever military exigencies require the same to be done and the Secretary of War shall so direct; and no claim for damages by reason of such destruction or removal shall be made upon the Government of the United States: *And provided further*, That the State of Virginia, by its General Assembly and governor, shall, by proper legal enactment, give the consent of said State to the erection of said building or buildings as a condition-precedent: *And provided further*, That the building or buildings so erected may be made subject to State and national taxation the same as other property."

The SPEAKER *pro tempore*. The question is upon the motion to strike out all after the enacting clause in the Senate resolution, and to adopt the amendment which has been read.

Mr. ADAMS, of New York. I desire to ask the chairman of the Committee on Military Affairs a question: whether or not the Legislature of Virginia meets within sufficient time to enable Mr. Chamberlin to carry out the provisions of the bill?

Mr. O'NEILL, of Missouri. They may be called together in extra session.

Mr. TUCKER. The legislature will not meet until next winter in regular session.

Mr. ADAMS, of New York. Why not pass the Senate bill? I understand there is no provision of that character in it.

Mr. BRAGG. That is the reason the House committee did not adopt it.

Mr. ADAMS, of New York. I presume the committee did not consider the point I have suggested. I ask the chairman of the committee whether he will not consent to pass the Senate bill?

Mr. BRAGG. I do not think the Senate bill is a proper bill. I do not, however, desire any discussion over this.

Mr. LIBBEY. I shall insist upon a quorum.

Mr. NEGLEY. I trust the gentleman will state his objections to the bill. Its provisions have been very carefully guarded, and I hope that before making any captious opposition he will state his objections.

Mr LIBBEY. I do not care to take up the time of the House in that way to-night, and I do not propose to do it; but I shall call for a quorum upon that bill.

Mr. NEGLEY. I submit, Mr. Speaker, that that is hardly fair to a proposition which is intended to remove a monopoly. Such a course seems scarcely fitting in the friends of an existing hotel that is seeking to maintain a monopoly on the public domain, and I hope the gentleman will state the grounds of his opposition to the bill other than the mere defense of that monopoly.

Mr. WEAVER, of Iowa. Would there be any objection to inserting a clause against pooling? [Laughter.]

Mr. NEGLEY. Does the gentleman insist upon his objection?

Mr. LIBBEY. I shall certainly insist upon a quorum.

Mr. NEGLEY. Well, Mr. Speaker, I have no desire——

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. NEGLEY] withdraw the report?

Mr. NEGLEY. No; I do not withdraw it.

The SPEAKER *pro tempore*. The question then is on agreeing to the amendment reported by the Committee on Military Affairs.

The question being taken,

The SPEAKER *pro tempore* declared that the amendment was agreed to.

Mr. LIBBEY. I ask for a division.

Mr. NEGLEY. Too late.

The SPEAKER *pro tempore*. The Chair will put the question again.

The House divided; and there were—ayes 29, no 1.

Mr. LIBBEY. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint the gentleman from Virginia [Mr. LIBBEY] and the gentleman from Pennsylvania [Mr. NEGLEY] to act as tellers.

Mr. BRAGG. I ask my colleague, the gentleman from Pennsylvania, to ask permission to withdraw the bill.

Mr. NEGLEY. I will withdraw it, Mr. Speaker.

Mr. STEELE. There has been a vote, and I ask that the bill be allowed to go over until to-morrow morning, so that we may have a vote upon it when there is full House.

Several MEMBERS. That is right.

Mr. LIBBEY. I object.

Mr. CURTIN. That motion will certainly prevail.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. NEGLEY] withdraws the bill.

Mr. STEELE. I object to the withdrawal.

The SPEAKER *pro tempore*. The gentleman has the right to withdraw it. There has been no action. The question was taken on agreeing to the amendment, but no quorum voted and no decision was had, and that being so, the gentleman has a right to withdraw the bill.

Mr. NEGLEY. I should insist upon action if any result could come from it, but as the gentleman [Mr. LIBBEY] is determined to make a factious opposition, I think I had better withdraw the bill.

The SPEAKER *pro tempore*. The bill is withdrawn.

HENRY DURKEE.

Mr. BRAGG. I call up the bill (H. R. 8620) for the relief of Henry Durkee, and I ask that the Committee of the Whole be discharged from its further consideration, and that the bill be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Whereas Henry Durkee was enrolled and served as a private in Company B, Second Regiment of Wisconsin Infantry, from the 20th day of February, 1862, until the 11th day of April, 1862, when he was discharged, and also afterwards enrolled and served as a private in Company E, Fifth Regiment of Wisconsin Infantry, from the 27th day of August, 1864, until the 17th day of May, 1865, when he was discharged, both of said enrollments and terms of service being under the name of Henry Grant, the same being his step-father's name; and

Whereas since his discharge he has assumed his right name, to wit, Henry Durkee: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized and directed to issue to Henry Durkee a discharge from each of the above-named regiments, under the name of Henry Durkee, and is hereby directed to correct the records so as to make it appear that Henry Durkee served in Company B, Second Regiment of Wisconsin Infantry, from the 20th day of February, 1862, until the 11th day of April, 1862, and also served in Company E, Fifth Regiment of Wisconsin Infantry, from the 27th day of August, 1864, until the 17th day of May, 1865.

The Committee on Military Affairs recommended an amendment, adding at the end of the bill the following:

Provided, That before the discharges are issued to Henry Durkee he shall file satisfactory proof with the Adjutant-General of the Army that he is the identical person who served in Company B, Second Wisconsin Infantry, and Company E, Fifth Wisconsin Infantry, under the name of Henry Grant.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHNSON S. PRALL.

Mr. BRAGG. I call up the bill (H. R. 329) for the removal of the charge of desertion against the record of Johnson S. Prall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and directed to remove any charge of desertion which may stand on the records against Johnson S. Prall, late a private in Company I, First Regiment Michigan Engineers and Mechanics.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY LINEBAUGH.

Mr. ANDERSON, of Ohio. I call up for consideration the bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole on the Private Calendar will be discharged from the further consideration of this bill, and it will be considered in the House.

There being no objection, it was ordered accordingly.

The bill was read, as follows:

Whereas Henry Linebaugh was enlisted and sworn into the United States service as a private soldier in Company A, Third Tennessee Mounted Infantry Volunteers, on the 1st day of July, 1861, but before his command was mustered into the United States service was captured and held a prisoner of war, and so was never mustered into the service, nor was able to rejoin his command until its term of service expired; and

Whereas the said Henry Linebaugh was never borne on the rolls of said company, yet by no fault of the soldier: Therefore,

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to cause the name of Henry Linebaugh to be placed on the roll of Company A of the Third Regiment of Tennessee Mounted Infantry Volunteers, and give to him an honorable discharge, to date at the time of the discharge of said regiment; and that he be paid from the date of his enlistment up to the date of the muster out of the said company and regiment.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. ANDERSON, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD BYRNE.

Mr. LAIRD. I call up for present consideration the bill (H. R. 1207) for the relief of Edward Byrne.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole on the Private Calendar will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward Byrne, late a captain in the Tenth Regiment of Cavalry, a captain of cavalry in the Army of the United States, with his original rank and date of commission, and that he shall be assigned to the first vacancy occurring in his grade in the cavalry arm of the service: *Provided*, That he shall receive no pay for the period he was out of the service other than that already received at the time of his muster out.

The amendments reported by the committee were read, as follows:

In line 6, strike out the words "a captain of cavalry," and insert "a first lieutenant of said Tenth Cavalry."

Strike out all after "United States," in line 7, down to and including "service," in line 10, and insert "to rank as such from the first day of July, 1875; and he shall be assigned to the first vacancy occurring in the grade of first lieutenant in said Tenth Cavalry."

In line 14, after the word "pay," insert the words "or allowances."

At the end of the bill strike out the words "other than that already received at the time of his muster out."

So that the bill will read as follows:

"*Be it enacted &c.*, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward Byrne, late a captain in the Tenth Regiment of Cavalry, a first lieutenant of said Tenth Cavalry, in the Army of the United States, to rank as such from the 1st day of July, 1875; and he shall be assigned to the first vacancy occurring in the grade of first lieutenant in said Tenth Cavalry: *Provided*, That he shall receive no pay or allowances for the period he was out of the service."

Mr. BRAGG. I shall object to the passage of this bill.

Mr. LAIRD. I hope the gentleman will not insist on that objection. This is certainly as just a measure as any of this nature which the House has considered.

Mr. BRAGG. I do not want to discuss the merits of the bill.

The amendments reported by the committee were agreed to.

The question being on ordering the bill as amended to be engrossed and read a third time,

Mr. BRAGG called for a division.

The question being taken; there were—ayes 4, noes 3.

Mr. BRAGG. No quorum.

The SPEAKER *pro tempore*. No quorum having voted, the Chair will appoint tellers.

Mr. BRAGG. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Concurrent resolution of the Kansas Legislature, favoring the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

Also, concurrent resolution of the same, urging increased mail facilities—to the Committee on the Post-Office and Post-Roads.

Also, petition of 25 citizens of Rooks County, Kansas, for the passage of Senate bill 1636—to the same committee.

Also, petition of Vesta M. Williams, of Minneapolis, Kans., for legislation to cure title to certain lands—to the Committee on the Judiciary.

Also, petition of Grant Post, No. 96; of Lyon Post, No. 9; of Reed Post, No. 383, and of Cornfoeth Post, No. 159, Grand Army of the Republic, of Kansas, in favor of the Mormon bill—to the same committee.

By Mr. BARKSDALE: Petition of Mrs. Eliza A. Harolson, of Scott County, Mississippi, for relief—to the Committee on War Claims.

Also, petition of Mrs. Harriet Murrell, of Scott County, Mississippi, for a pension—to the Committee on Invalid Pensions.

By. Mr. BYNUM: Petition of Coleman Pope and others, of Marion County, Indiana, in favor of the Miller bill for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. COMPTON: Petition of Charles W. Coffin, William T. Jones, and 10 others, asking for the reduction of internal taxation—to the Committee on Ways and Means.

By Mr. CONGER: Resolutions of the Iowa State Horticultural Society, urging the passage of the Hatch bill establishing experiment stations—to the Committee on Agriculture.

By Mr. ELY: Petition in favor of granting increase of pension to William Gibbons—to the Committee on Invalid Pensions.

By Mr. GILFILLAN: Petition of citizens of Minnesota in favor of legislation for international arbitration—to the Committee on Foreign Affairs.

By Mr. D. B. HENDERSON: Resolutions by the Iowa State Horticultural Society favoring the passage of the bill establishing experiment stations—to the Committee on Agriculture.

By Mr. HERBERT: Joint resolution of the Legislature of Alabama in behalf of a world's exposition by the colored people—to the same committee.

By Mr. HERMANN: Petition of H. T. Scott and 75 others, citizens of Prince George's County, Maryland, favoring Mr. Hermann's joint resolution amendatory of the Constitution in the election of United States Senators by the people—to the Committee on the Judiciary.

By Mr. HIESTAND: Petition of citizens of Lancaster, Pa., for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. LYMAN: Petition for reimbursement of soldiers of the late war—to the Committee on War Claims.

Also, resolution of Holstein-Friesian Association of America, for the passage of the act to extirpate contagious pleuro-pneumonia—to the Committee on Agriculture.

By Mr. McKINLEY: Papers to accompany bill for the removal of charge of desertion from the record of George Fetterman—to the Committee on Military Affairs.

By Mr. MILLARD: Resolution of Howard Post, No. 474, Grand Army of the Republic, of Broome County, New York, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. MORRILL: Petition of the Grand Army of the Republic Post of Holton, Kans., asking for the passage of the Edmunds-Tucker bill—to the same committee.

By Mr. MORRISON: Petition of the Illinois State Grange in favor of electing United States Senators by the people—to the same committee.

Also, petition of the same, in favor of woman suffrage—to the same committee.

Also, petition of the same, in favor of a bureau of agriculture, with its chief a Cabinet officer—to the Committee on Agriculture.

Also, petition of the same, urging the passage of the experiment-station bill—to the same committee.

Also, petition of the same against changing the oleomargarine bill—to the same committee.

By Mr. OUTHWAITE: Petition of many citizens of the thirteenth district of Ohio, urging the immediate passage of the bill (S. 1636) to reduce postage on seeds, scions, plants, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. PETERS: Letter of G. O. Pearce, on election of Walter J. Hayes to the Fiftieth Congress—to the Committee on Elections.

By Mr. REED: Memorial of Grand Army of the Republic Post, No. 117, of Maine, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. J. W. STEWART: Petition of the Woman's Indian Association of Burlington, Vt.—to the Committee on Indian Affairs.

Also, petition of citizens of Danby, Vt., for the experiment-station bill—to the Committee on Agriculture.

By Mr. O. B. THOMAS: Petition of citizens of Bell Center, Wis., asking for the repeal of the law which limits the time for making application for arrears of pensions—to the Committee on Invalid Pensions.

By Mr. VAN EATON: Papers relating to the claim of Mrs. Elizabeth Mackin, to accompany House bill 6113—to the Committee on War Claims.

By Mr. WILLIS: Petition of Maine Assembly, 8492, of Cincinnati,

Ohio, for the bill introduced by Mr. WILLIS refunding license tax to pilots, mates, and engineers—to the Committee on Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. J. M. CAMPBELL: Of citizens of Ursina, Pa.
By Mr. FLEEGER: Of 98 citizens of Grove City, Pa.
By Mr. HAYDEN: Of 126 citizens of Cambridge, Mass.
By Mr. HAYNES: Of 129 citizens of Hampton, N. H.
By Mr. HIESTAND: Of Rev. J. P. Stein and 173 others, citizens of Lancaster County, Pennsylvania.
By Mr. LANDES: Of 255 citizens of West Union and Olney, Ill.
By Mr. LONG: Of 99 citizens of Dighton, Mass.
By Mr. PIDCOCK: Of 57 citizens of New Bruswick, N. J.
By Mr. PINDAR: Of 131 citizens of Gilboa and Fly Creek, N. Y.
By Mr. SPOONER: Of 100 citizens of East Greenwich, R. I.
By Mr. J. W. STEWART: Of women of Vermont.
By Mr. STRAIT: Of women of Vermont.
By Mr. J. R. THOMAS: Of 61 citizens of Duquoin, Ill.

SENATE.

WEDNESDAY, *February* 2, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

SURVIVORS OF JEANNETTE EXPLORING EXPEDITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, together with a copy of the report, which it incloses, of Lieut. William H. Schuetze, United States Navy, who was designated by the Secretary of the Navy, in pursuance of the act of Congress of March 3, 1885, making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1886, to distribute the testimonials of the Government to subjects of Russia who extended aid to the survivors of the Jeannette exploring expedition and to the parties dispatched by this Government to aid the said survivors.

The report is interesting alike to the people of the United States and to the subjects of Russia; and will be gratifying to all who appreciated the generous and humane action of Congress in providing for the testimonials.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, February* 1, 1887.

The PRESIDENT *pro tempore*. The message will lie on the table and be printed. The question of printing the accompanying papers will be referred to the Committee on Printing.

NORTHERN PACIFIC RAILROAD LANDS.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *February* 1, 1887.

Resolved, That the Senate be requested to furnish the House with a duplicate engrossed copy of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, the original copy having been lost or mislaid.

The PRESIDENT *pro tempore*. Will the Senate grant the request of the House of Representatives? The Chair hears no objection and the request is granted.

DISTRICT ACCOUNTS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1854) authorizing the Treasurer of the United States to credit the District of Columbia with certain moneys in lieu of investing the same in bonds, which was to strike out all after the enacting clause and to insert:

That the Treasurer of the United States, as commissioner of the sinking fund of the District of Columbia, shall not be compelled hereafter to invest money retained from District contracts hereafter entered into, but may, in his discretion, retain said funds without interest, or invest the same in any class of United States or District of Columbia bonds at the request and at the risk of the contractor whenever the sum retained on any contract shall reach the sum of $100 or more. Any sum less than $100 shall be retained without interest, as above.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on the District of Columbia.

HOUSE BILL REFERRED.

The bill (H. R. 10757) to provide for an additional term of the circuit court of the supreme court of the District of Columbia, and for the appointment of one additional associate justice thereof, was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Joseph Neumann, of California, praying that $800 be appropriated to provide a show-case for the preservation and exhibition of the first American flag made of native American silk, now in the National Museum; which was referred to the Committee on the Library.

Mr. ALLISON. I present a circular letter, which is in the nature of a petition, requesting Congress to pass what is known as the Miller pleuro-pneumonia bill. The paper comes from a stock-breeding association of the State of Iowa, and I move its reference to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. WILSON, of Iowa. I present a petition of representatives of the heirs of William Hickey, with reference to a proposition to sell to the Government the copyright of the work known as Hickey's Constitution of the United States. As the petition is brief and states all the facts in connection with the case, and may be of some interest to all the members of the Senate, I ask that it may be printed in the RECORD, and referred to the Committee on the Library.

The petition was ordered to be printed in the RECORD, and referred to the Committee on the Library; as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

Your memorialist respectfully represents that he has been duly authorized by the heirs of the late General William J. Hickey, author and owner of the work known as "Hickey's Constitution of the United States," to offer the opportunity to the Government to purchase and own the copyright and stereotype plates of this work for $50,000.

Your memorialist respectfully submits that "Hickey's Constitution of the United States" is a work recognized by jurists, lawyers, statesmen, and people of all classes as the only standard authority for that great instrument. Three times prior to the civil war thousands of copies were purchased by Congress and put in general circulation. It had the unqualified indorsement of Webster, Clay, Calhoun, and the leading statesmen, and the entire Supreme Bench of that day, as will be seen by a copy of the book herewith filed.

George M. Dallas, then Vice-President, said "it should be in the hands of every freeman." Silas Wright advocated its adoption as a class-book in the schools.

If important then, how vitally important now, in this day of monopolistic and socialistic forces, that it should be in general use.

With a population now of over 60,000,000, nearly three times as large as when this book was first issued, a large majority of whom have never seen and have no conception of what our great charter of freedom is.

With an enfranchised race now more than double the number of our whole population when our fathers gave us this great instrument, a vast number of whom are slowly emerging from the densest ignorance.

It is needless to multiply reasons which will very readily occur to your enlightened body. I will simply add that there has been no general circulation of this document since the adoption of the thirteenth, fourteenth, and fifteenth amendments, and it is believed to be the duty of the Government to give it wide circulation among the schools and the people, hence this offer is made.

Respectfully submitted.

EDMUND P. HICKEY,
Attorney for the heirs.

Mr. EVARTS presented two memorials of owners and masters of fishing vessels and fishermen of Gloucester, Mass.; and a memorial of owners and masters of fishing vessels and fishermen in the State of Maine, remonstrating against the passage of the bill (H. R. 5538) limiting the taking and landing of mackerel; which were ordered to lie on the table.

Mr. RIDDLEBERGER presented petitions of citizens of Fairfax and Rockingham counties, in the State of Virginia, praying for the passage of what is known as the Colquitt bill to regulate the granting of certain licenses in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. INGALLS. I present concurrent resolutions of the Legislature of the State of Kansas concerning the alleged want of mail facilities in that State, which I ask may be printed in the RECORD and referred to the Committee on Post-Offices and Post-Roads.

The resolutions were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

Whereas the railway mail facilities of the State of Kansas have failed to keep pace with the rapid development of the State; and

Whereas there are 500 miles of railroad in operation *in said State upon* which there is no mail service; and

Whereas the car facilities on many of the through lines are insufficient for a proper distribution of the mail; and

Whereas there is not a sufficient number of postal clerks on many of the lines in the State to properly perform the services required of them; and

Whereas the superintendent of the seventh division of the railway mail service has apparently failed to recognize the growing needs of the State: Therefore,

Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators and Representatives in Congress are hereby respectfully requested to use their utmost endeavors to secure the necessary improvements for the proper distribution and prompt delivery of the mail.

Resolved, That the secretary of state be directed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this *27th day of* January, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of state.*

Mr. MILLER presented a memorial of citizens of New York interested in the navigation of the Arthur Kill, remonstrating against the passage of the bill (S. 3183) amending the act authorizing the Arthur Kill bridge, &c.; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of 215 citizens of Washington, D. C., residents on Water street southwest and B and E streets northwest, and a petition of 496 citizens of Washington, D. C., residents on Sixth street northwest, praying for the passage of the bill for the incorporation of the Washington Cable Railway Company; which were referred to the Committee on the District of Columbia.

DISTRIBUTION OF SEEDS IN TEXAS.

Mr. GEORGE. I am instructed by the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 10203) to enable

the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor, to report it favorably without amendment. I am also instructed by the committee to ask the unanimous consent of the Senate for its immediate consideration.

Mr. EDMUNDS and Mr. HARRIS. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

Mr. EDMUNDS. Subject to objection.

The Chief Clerk read the bill as follows:

Be it enacted, &c., That the Commissioner of Agriculture be, and he is hereby, empowered and directed to make a special distribution of agricultural seeds for the year 1887 to the drought sufferers of those counties in Texas who are engaged in agricultural pursuits and in need of such relief, which distribution may, in the discretion of said Commissioner, be made through the county judges of said counties so suffering on account of drought; and in the ascertainment of such counties the said Commissioner may seek information from the governor of Texas.

SEC. 2. That in order to enable the Commissioner of Agriculture to carry out the provisions of this act the sum of $10,000, to be immediately available, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I should like to hear an explanation. It may go on subject to objection, so far as I am concerned.

The PRESIDENT *pro tempore*. If there be no objection the bill will be considered, subject to objection, as in Committee of the Whole.

Mr. GEORGE. The bill proposes to make an appropriation of $10,000 to buy seed for distribution in certain counties in Texas where the crops were wholly destroyed by drought last year. The Senator from Texas [Mr. COKE] will explain it.

Mr. COKE. Mr. President, this appropriation is proposed to be made for the purpose of supplying seeds to about forty counties in Texas which have suffered from the drought which destroyed all agricultural productions last year, leaving the people almost entirely without seeds. The number of persons who are thus destitute is estimated at some thirty-five or forty thousand. The amount proposed to be appropriated is $10,000, not reaching as much as 30 cents per capita. The object is to enable the people who are not able to supply themselves with seed to plant and raise something for this year.

Mr. EDMUNDS. Certainly it must be a very deserving object, to provide people with seeds who have not any; but can it be possible that there are forty counties in Texas where from a drought of a single year the farmers are so destitute in respect of credit that they can not buy their seeds at the agricultural seed stores in Texas, just as other farmers do when they need some seed?

Mr. COKE. I will state to the Senator that the Legislature of Texas is now in session, and is making provision for those destitute people.

This bill comes to us from the other House. It is in line with appropriations which are annually made by this Government for the purchase of seed for general distribution, and it is proposed simply to appropriate this amount for particular distribution in that particular district.

Mr. EDMUNDS. I was under the impression that the line of annual appropriations for seeds was, as the law I believes states it in substance, for the purpose of experimenting with different kinds of new seeds in different parts of the country, in order, not to help the particular person or community to whom those seeds were sent, but to employ that method of trying the exchange of seeds in different climates, so as to promote the general interests of agriculture, and not to make a general or special distribution of seeds to particular farmers or counties, or to particular States, or to all of them, for the sake of helping a farmer to a peck of wheat seed, instead of letting him buy it as he might. I do not know of any such line of appropriations as that.

So it seems to me that under whatever guise you put it, it comes simply to a donation of $10,000 to be spent for a particular purpose, to be sure, to certain counties in Texas that have had a drought. It is a gift, and you might just as well give those farmers the money and let them go down to Galveston, or wherever, and buy the seed themselves, and I have no doubt they would buy it a great deal better and more economically than they would to send the seed there from Washington or somewhere else. That is just what it is.

Mr. COKE. This appropriation is to be expended by the Commissioner of Agriculture for seed, just as he has heretofore been expending the annual appropriations for seed, and the only difference between this and any other appropriation for such a purpose is that this is to be expended in a particular section of country where the necessities of the people for the seed are greater than elsewhere.

The theory of the Senator from Vermont, that these seeds are to be used for experimental purposes, is all very well as a theory, but in practice the seeds are distributed without reference to any such idea, and this appropriation simply recognizes the fact and the practice, and places the seed where they are most needed.

Mr. PLUMB. I wish to say simply that I know something personally about that portion of Texas where these seeds are to be distributed, and about the condition of things prevailing there now. There is no doubt of the almost entire destitution of those people and of the fact that the ordinary agencies of credit will not avail them. Therefore if the General Government is to engage in anything of this kind at all, this is a very proper place to begin.

Mr. DAWES. What is the area of country affected?

Mr. PLUMB. In order to bring this matter to the comprehension of my friend who sits in front of me, I will say that I think the area of country which has been affected by this unfortunate condition of things is about the size of Massachusetts. Nothing, I think, would bring it more fully to his comprehension than that statement.

About the question of the propriety of the expenditure I should like to have heard a little more fully from the Senator from Texas.

Mr. COKE. What does the Senator say?

Mr. PLUMB. I said that on the question of the propriety of the national expenditure of money for this object, I regretted that I did not hear more fully from the Senator from Texas. I myself have not heretofore been troubled with those scruples which I have heard so much about from that side of the Chamber, and somewhat notably perhaps from my friend from Texas. If he is willing now to say that his sympathy for these people who are in distress, as I know, and who are very near to him in a very proper way, is such that he is willing to overcome his constitutional scruples at this moment, I think the bill will be agreed to unanimously.

Mr. COKE. In response to the Senator from Kansas [Mr. PLUMB] I have to say, without reference to the propriety of this expenditure, that money has been expended, and has been expended annually for such a purpose since the establishment of the Agricultural Department. Originally the question was a debatable one whether there was constitutional power to expend money in this way. It has grown into a precedent, and has gathered force each year, until now it is an established fact that the Government exercises jurisdiction of this character. As the Government does exercise it, and exercises it whether this special appropriation is made or not, I think that where a large section of country such as is destitute in Texas needs the appropriation it is perfectly proper to make it and expend it in that way.

Mr. CULLOM. I did not hear what the Senator from Texas said about what his own State is doing with reference to these people.

Mr. COKE. The Legislature of Texas is now in session and will make provision for these people. Bills have been introduced and are now in progress through the two houses of the Legislature for their relief. This appropriation of $10,000 will not amount to 30 cents per capita.

Mr. CULLOM. Does not the Senator think he had better defer the consideration of this bill until he sees what his own State will do for the relief of those people?

Mr. COKE. The State of Texas will act liberally toward those people. There is no question about that. If this bill is to be passed it must be passed now or there will be no use in passing it at all, because planting time is already at hand in Texas.

Mr. CULLOM. I myself think the State had better take care of it.

Mr. HOAR. Will the Senator from Texas be good enough to state the constitutional grounds on which he rests the power of Congress to do this thing?

Mr. COKE. Not at this time.

Mr. HARRIS. I chance to know very well one of the counties within the drought-stricken section of Texas, and I desire to say that if any relief is to be given to those people it is even now late, and delay will be absolutely fatal to any effort to relieve them.

I wish to say, in answer to some of the questions which have been raised, that from my knowledge of the people of the county with which I am familiar there are perhaps about one-half of the agriculturists within its limits who are able to provide themselves with seeds, but perhaps one-half of the agricultural population of that county have neither the means nor the credit to procure seed for the crop of this year, and they are bound to suffer unless relief comes from some quarter. My own opinion is that this is not the proper quarter to give that relief or to be applied to for that relief, and I can not find myself justified in voting to give it. Therefore I shall not so vote.

But it is a fact that with the extremest efforts during the last year, within the limits of the county of Callahan to which I have referred, there was a total failure of crops of every description in the agricultural line. There has been, there is now, there must be in the immediate future suffering to the people by reason of the drought that extended for fourteen months without a single season that was to any extent beneficial to the prospects of crops.

I should be very glad to see those people relieved, but I can not vote the money out of the Treasury for their relief.

Mr. TELLER. I should like to inquire of the Senator from Tennessee, as he is familiar with the subject, whether the Legislature of Texas is not in session?

Mr. HARRIS. The Senator from Texas [Mr. COKE] has so stated, that it is now in session and considering the question.

Mr. TELLER. Then why can not those people get their relief from Texas? Texas is able to donate $10,000, is it not?

Mr. COKE. Texas is able to take care of those people and will take care of them.

Mr. TELLER. All right.

Mr. COKE. But the Government of the United States is expending money every year for the purchase of seeds for distribution throughout the United States, and it is but right that they should make a special application of some of the seeds thus purchased in a district of country so needful of them as the one in Texas.

Mr. EDMUNDS. There is not any doubt, as the Senator from Texas says, that so far as there is need of seeds or other pecuniary assistance to its citizens in those counties of that empire, the wealthy and populous and old State of Texas is quite able, as he says, to take care of her own citizens, being on the spot and knowing precisely what amount is needed, and what kind of aid they need, and how it ought to be extended. Therefore I think it is almost an unkindness, almost an insult to the State of Texas, for the United States to rush in voluntarily and take the thing out of the hands of the State of Texas or offer to contribute something in the mite-box, as if Texas did not know what the needs of her own people were and what is best to be done about them; it seems to me so.

But my friend from Texas is mistaken in saying that there is any precedent for this bill in the law regarding the distribution of seeds through the Department of Agriculture. The administration of that service may be what the Senator says it is. If it is, it is wrong and ought to be stopped.

Mr. COKE. I do not think I am mistaken in the law—I know I am not in the fact—as to the mode in which the seeds that are purchased annually are distributed.

Mr. GEORGE. Will the Senator from Vermont allow me to interrupt him for a moment? Congress passed a similar bill to this to distribute seeds in Alabama some years ago, and it passed a similar provision to this to distribute seeds in the Mississippi Delta in 1882 on account of the overflow that year. There is precedent for this proposed legislation.

Mr. EDMUNDS. I shall not take the time to hunt up the law about the powers of the Department of Agriculture, but I repeat that I am confident that its authority and duty is by law to distribute new varieties of seeds and change old varieties from one climate in this vast country to another, which would be a new variety there, in order to test, for the general welfare, the adaptability of improvements in grains, fruits, vegetables, &c. That is right, and I am for it. Whether the law is administered so that Senators and Members of Congress and clerks in the Department of Agriculture and all others use very cheap and poor seeds that are bought on a commission by somebody in Philadelphia, to return political favors or to court political favors from the persons to whom they are sent, is another thing.

As the Senator from Mississippi says, I dare say it is true that in respect of Alabama Congress did make provisions of food, &c., as it has for people who were rendered desolate by floods; and the theory upon which it proceeded was that in respect of these seeds in Alabama and the floods the great mass of people there who were the sufferers were colored people who had been recently enfranchised, who were known to be utterly poor, and poor by counties, and that the State was in slender circumstances, its Legislature was not in session, and perhaps would not feel able to help them if it were in session. Therefore we did it, and I dare say I voted for it, because I believe it to be perfectly constitutional for Congress to give away as much money for such a purpose as it thinks fit; whether it is wise or not is another thing.

Now, you come to the State of Texas. Here is a scarcity of seed that must have occurred last fall—three or four months ago—when the failure of the crop to ripen from the drought took place. I think it must be shown that there is such a vast destitution that the State Legislature in session can not provide for it, or else that it is an emergency which has so suddenly happened (not six months, four months, three months ago) that it is impossible to do anything in the ordinary way.

That is not the case. The State of Texas is rich, and powerful, and respectable, and able, and populous. The farmers and everybody else are prosperous. Of course a smaller farmer, who has just bought his farm, starting his little stock, who loses all his seed and his crop, is, of course, very much pinched. What does he do? He goes to his neighbor who is less pinched and borrows money on his property and buys his seed, or if he is too poor to do that he appeals to the people, who in every instance are bound to take care of such cases, and proud to take care of them, I hope, to help them out; and that is what the Legislature of the State of Texas proposes to do.

Therefore I do not think the bill ought to pass; and I want to ask for the yeas and nays on its passage.

Mr. INGALLS. I should like to hear the bill read again.

The PRESIDENT *pro tempore*. The bill will be again read.

The Chief Clerk read the bill.

Mr. HOAR. I am sorry that my honorable friend from Texas would not give us at this time the benefit of the constitutional reason which operates on him in voting for the bill, because it seems to me that it is no more than fair reciprocation that if we furnish seeds to Texas, where they need them, Texas should furnish constitutional law to us, who need it, especially when we are obliged to vote upon this bill.

But, being left in the dark by my honorable friend who represents that State, I shall vote for the bill with great pleasure for the reason which occurs to me, and that is the practice of distributing seeds to the people of the United States, not merely new and untried varieties but seeds the excellence of which is supposed at any rate to have been tested by the Department of Agriculture, which are distributed all over the country, and every Congressman and Senator has large quantities of them to distribute.

Certainly in our distribution of these seeds we should have regard for the exact principle of this bill; that is, if there were any farmers in our State or neighborhood who were specially poor and in need, and who wanted the seeds, or especially if they had had a particular affliction, like a drought or flood or anything else which has destroyed their power to get them for themselves, any Senator would regard that as a reason for preferring that class of persons in his own State.

I do not see, therefore, why Congress may not make a slight addition to the amount provided for that purpose and have similar regard to the special need of a particular community. I shall vote for the bill with great pleasure.

Mr. HAWLEY. I hope the Senator from Texas will not press this bill, because I shall be compelled to vote against it out of regard for the history of Texas as it will read hereafter. With 278,000 square miles, a magnificent empire, a small portion of which was settled when Texas achieved its independence and was annexed to the United States, the body of that State must have been public lands belonging to the State. It tossed out 3,000,000 acres to contractors to build a new State house. It is rumored that there is a little distress in a corner of that State, that the crops will not be good until this year, and that there is some trouble about seed for the spring. It is proposed to pass the hat here for $10,000 to the United States that the Department of Agriculture may go into the market and purchase seeds and transport them from here to Texas to supply the people of the counties who have had none since last autumn and who would be short in the spring.

The Legislature has been in session there for weeks; it is a State without a dollar of debt, an empire that is a boast to us when we talk with Europeans about our sovereign States, and it is here passing the hat for $10,000. I submit that if my Legislature in the little State of Connecticut was asking $10,000 for garden seeds and got it I would resign.

Mr. COKE. Mr. President, the Legislature of Texas is now in session and is proceeding to pass bills for the relief of the people in the drought district, comprising some forty counties. By estimate the destitute people in those counties are some thirty-five thousand or forty thousand. The State of Texas is amply able to take care of her own people and will do it; she asks charity from nobody, neither from the Government of the United States nor from any other source. She is able to maintain herself anywhere and everywhere financially and in every other way. Wherever it has been necessary for that State to make an effort it has always been and it ever will be an effort worthy of a great State. We ask no charity from Congress; we ask no aid from the National Government.

We only ask to be treated as the people of other States are treated. Justice, not charity, is what we ask. The proposed appropriation comes out of the National Treasury, which the people of Texas pay their full quota to fill. The same constitutional power exists to buy the seeds provided for in this bill that exists to purchase seeds for annual distribution. As an original question I would vote against the expenditure of a dollar for the purchase of seeds, but when it is now and has been for years a fixed fact that seeds are to be purchased for distribution I propose to claim the benefits of it for my State.

Money is expended here every year for the relief of people in different parts of the United States. Money was expended for the relief of the people of the great State of Ohio when they suffered from floods. There is not a session of Congress that money for the relief of people somewhere in the United States is not expended. We ask no departure from any precedents established by the Government. We simply ask that a system of expenditure for the purchase of seed for general distribution may be enlarged in this instance to meet the exigencies of a particular case. The Senator from Connecticut calls that charity and says we are passing around the hat. I deny it. I say that we are not asking except for that which has always been freely granted to others having no greater rights or equities than ourselves. We simply ask that the Agricultural Department may extend its operations to a particular section of Texas with greater liberality, instead of distributing the seed over the whole country and in sections where they are not so much needed.

Mr. INGALLS. I do not understand that statement to be exactly in accordance with the purpose of the bill. The Senator from Texas closed his remarks by saying that this was simply to localize the efforts of the Commissioner of Agriculture, intimating that there was to be a withdrawal to that extent from other portions of the country of the amounts that were to be disbursed in Texas. If that statement is correct, the bill does not express it, because, if I heard the language correctly, this is a provision for $10,000 in addition to the regular annual appropriation for the distribution of seeds.

Mr. COKE. That is correct.

Mr. INGALLS. I should like to ask the Senator from Texas whether the area of destitution is in the older settled portion of the State of Texas?

Mr. COKE. It is not; it is in the frontier counties; it is in a new country.

Mr. INGALLS. Where agriculture, then, has been largely experimental. There has been an invasion by this population of territory hitherto supposed to be not qualified for agriculture.

Mr. COKE. The country over which the drought extended has heretofore yielded well to the efforts of the farming population of the community. Such a drought never occurred there before.

Mr. INGALLS. The people of Texas and of Kansas, socially and commercially, are intimate; and I have been familiar in many ways by the reports of visitors and by accounts in the press with the singular and exceptional calamity that has fallen upon the people living in that portion of the State. The earth has been iron and the heavens brass, as the Senator from Tennessee said, for a great many months, and they had neither the early nor the latter rains.

There are many precedents for the course that is invited by this bill. I remember in Kansas not many years ago, when there had been a devastation by grasshoppers or locusts, and in the Ohio Valley by flood, and in Alabama and the Mississippi Valley by the inundation of that great river, we have from time to time made appropriations for the relief of the distress of the people; but this case appears to be different from those, in that there is no special donation of money, but simply a proposition to extend the area of the operations of the Department of Agriculture.

I agree fully with what the Senator from Connecticut stated about the unfortunate attitude that this great empire State presents in asking for this alms. The Senator from Texas repels the idea that this is charity or mendicancy, or that, to use the figurative language of the Senator from Connecticut, the State is passing the hat, but in terms it is simply a request from the State of Texas for the donation of $10,000 for the purpose indicated.

Mr. COKE. I ask the Senator wherein does it differ from the appropriation made for the flood sufferers in Ohio?

Mr. INGALLS. I say that it does not differ in principle from that, and yet it appears to me that in the case of a State like the State of Texas, opulent both in population and resources, with its Legislature in session, and, as the Senator from Texas says, amply able and fully disposed to relieve all the wants of its inhabitants, the aspect is unfortunate; but if the Senator from Texas says that it is desired by the people of that State, if they can afford to take it I can afford to vote for it.

Mr. SAULSBURY. I am opposed to the appropiation of money from the Treasury of the United States for any purposes except those which are constitutional and within the legitimate scope of our power. I do not believe we have any right to take the people's money brought into the Federal Treasury by taxation and make donations of it to persons in Kansas, Texas, or elsewhere. We are acting as trustees for the people, bound to faithfully account for our trust and apply the money raised by taxation of the people to the legitimate demands of the Government, to the support and maintenance of the Government. We are not almoners of charity to anybody. That is my view of our constitutional power and duty.

The precedents cited are, in my opinion, the very strongest argument which could be made against this appropriation of money. We see what we are coming to. Year after year applications come up here from some section of the country for donations of money out of the public Treasury. We ought at once to put our foot down upon such proceedings.

I have as much regard for the people of Texas as I have for the people of any other section of the country. I would as soon appropriate money out of the public Treasury to relieve distress in Texas as I would in New York or Massachusetts or Delaware; but I do not believe we have any right to use the people's money in any such way. I have no doubt that the distress the Senator from Texas speaks of actually occurred, and that those people are as worthy of appropriations of money from the public Treasury as other people; but I can not vote for the proposition, because in the first place I do not believe I have a right as a Senator of the United States to take money out of the public Treasury and give it to the people in any particular locality in the country, and I will not do it. I never have, to the best of my knowledge, voted for any such appropriation, and with the help of God till I leave here I will not give such a vote.

Mr. CULLOM. If it is in order to do so I object to the further consideration of the bill.

Several SENATORS. Oh, no; let us get through with it; let us vote.

Mr. CULLOM. If the Senate is ready to vote, very well; but in that case I ask for the yeas and nays on the passage of the bill.

Mr. MILLER. I simply desire to say a word. The bill was unanimously reported by the Committee on Agriculture and Forestry. It was not thought that this bill in any way reflected upon the honor or credit of the State of Texas. It was not considered that it was in any way a matter of charity to that great State, but simply a matter of justice.

The principle that the Federal Government can aid its own citizens wherever they are located, in any State or Territory, has been well established by this Congress and by Congresses which have preceded it, and this distribution of seeds from the Agricultural Department is simply following a line of precedents which have been established for many years. If the State of Texas be a great and rich State it can ask this in justice, and it has a right to ask for this appropriation, in my judgment, from the Federal Treasury. We are constantly appropriating money to that State for the improvement of its rivers and harbors and for other purposes; and certainly it seems to me that no one can say or ought to say that the State of Texas in asking this appropriation to aid sufferers within its own bounds is passing the hat or is in any way demeaning itself by asking for this appropriation. I trust that it will be made. I believe it to be just and proper and right that it should be made.

Mr. TELLER. I do not intend to vote for this bill; not because I can not find authority under the Constitution so to do, if the case seemed to me to require it. I do not understand that the State of Texas has asked any legislation of this kind. I do not understand that there is any pretense anywhere that the State is not willing to and will not take care of her people.

Mr. MILLER. Her representatives have asked for it.

Mr. TELLER. I understand that. Perhaps the representatives of Texas, who can not find the authority in the General Government to vote money for educational purposes, think we have a right to vote it for the purpose of supporting people or furnishing them with seeds. If we have a right to furnish them with seeds, we have a right to furnish them with clothing and with food to keep them from starving, and fuel to keep them from freezing. I do not think there is any necessity for it. If there was I might endeavor to find a constitutional right to vote it.

The case is entirely dissimilar from that of Ohio, which has been mentioned. In that case there was a great misfortune extending over a large area of country, and the Legislature of the State was not in session—not that that would make any difference on the constitutional question, but it would, if we believed the constitutional power exists, on the propriety of taking action. In this case the Legislature is in session; the State is rich and strong, and abundantly able to take care of these people; and if you furnish seed to them you will be called upon to furnish them to hundreds of others.

Is there any reason why you should furnish to a poverty-stricken man in Texas what you decline to furnish to a poverty-stricken man in Dakota, who, owing to grasshopper raids or droughts, or some other unforeseen and unfortunate circumstance, has been compelled to find himself in the spring of the year without money to buy seed? I have seen the farmers of a whole region in the West deprived of seed, seed being brought hundreds of miles by wagon, and I never heard that they were unable to plant in the spring. There is not any community in the United States, unless where there is a very extended calamity, where the people can not of their neighbors obtain seed upon credit.

When wheat was $6 a bushel in the State of Colorado, when there was no wheat to be had except by sending off for it, the people were able without money to obtain credit sufficient to seed their ground, and so they are to-day in Texas, and so they are everywhere unless a whole State or more than a State should be included in the calamity. In this case there is but a little section, one corner of the State, a county or so as I understand.

Mr. GEORGE. Forty counties, I understand.

Mr. TELLER. Forty counties is a small portion of Texas, and there are only a few people in them. What is $10,000 to purchase seed for them? If there are forty counties, and you are going to give them any relief at all, you need more than $10,000. I do not see any necessity for the bill, and therefore I am going to vote against it; not because under certain circumstances I would not vote for it; not because I might not find power to give to these people this assistance; but because I am not convinced that it is necessary that the Government of the United States should interfere.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. TELLER. On that question the yeas and nays have been called for, I understand.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the absent Senator from Texas [Mr. MAXEY]. I do not know how he would vote on this question. Does his colleague know?

Mr. COKE. He would vote "yea."

Mr. DAWES. As the Senator from Texas would vote "yea," I vote "yea."

The roll-call having been concluded, the result was announced—yeas 34, nays 16; as follows:

YEAS—34.

Beck,	Dolph,	Manderson,	Sherman,
Blackburn,	Evarts,	Miller,	Spooner,
Blair,	Farwell,	Mitchell of Oreg.,	Vance,
Call,	Frye,	Palmer,	Van Wyck,
Cameron,	George,	Payne,	Walthall,
Cheney,	Gibson,	Plumb,	Williams,
Coke,	Hampton,	Pugh,	Wilson of Iowa.
Conger,	Hoar,	Sabin,	
Dawes,	Ingalls,	Sawyer,	

NAYS—16.

Allison,	Edmunds,	Jones of Arkansas,	Sewell,
Berry,	Hale,	Mitchell of Pa.,	Teller,
Butler,	Harris,	Platt,	Vest,
Cullom,	Hawley,	Saulsbury,	Wilson of Md.

ABSENT—26.

Aldrich,	Eustis,	Kenna,	Ransom,
Bowen,	Fair,	McMillan,	Riddleberger,
Brown,	Gorman,	McPherson,	Stanford,
Camden,	Gray,	Mahone,	Voorhees,
Chace,	Harrison,	Maxey,	Whitthorne.
Cockrell,	Jones of Florida,	Morgan,	
Colquitt,	Jones of Nevada,	Morrill,	

So the bill was passed.

REPORTS OF COMMITTEES.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. 3178) for the relief of Charles Murphy, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. MILLER, from the Committee on Commerce, to whom was referred the bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island, reported it with an amendment.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2374) granting a pension to Mrs. Arabella Coddington, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 603) for the relief of J. R. Jones, late postmaster at Boydton, Va., reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 3218) granting an increase of pension to Maria Hunter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Laura A. Wright, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 3260) granting a pension to Laura A. Wright; which was read twice by its title.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 2576) for the relief of William J. Martin, of Oregon, reported it with an amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 3246) making an appropriation for the improvement of the naval hospital park at Portsmouth, Va., reported it without amendment.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (H. R. 5262) for the relief of Mrs. Frances Marshall, reported adversely thereon.

Mr. BECK. I desire to have that bill placed on the Calendar.

Mr. DOLPH. Let that order be made.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DAWES. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes, to report it, together with amendments and also with a written report. I give notice that I will call up the bill as early as possible after the passage of the pending appropriation bill.

LANDS IN SEVERALTY TO INDIANS.

Mr. MANDERSON, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That 500 copies of the bill (S. 54) entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," in form as it finally passed both Houses of Congress be printed for the use of the Senate.

MILITARY ACADEMY REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the resolution to print 2,500 additional copies of the annual report of the Board of Visitors to the United States Military Academy for the year 1886, to report it with an amendment. I ask for the present consideration of the resolution.

By unanimous consent, the Senate proceeded to consider the resolution, as follows:

Resolved, That 2,500 additional copies of the annual report of Board of Visitors to the United States Military Academy for the year 1886 be printed; 2,000 for the use of the Senate, and 500 for the use of the Senate members of that board.

The amendment reported by the Committee on Printing was, in line five, after the word "printed," to insert "and bound in paper covers;" so as to read:

That 2,500 additional copies of the annual report of Board of Visitors to the United States Military Academy for the year 1886, be printed, and bound in paper covers.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 3261) to declare valid the titles to certain lands sold by the officers of the Land Department in Florida, for which patents have not yet been issued; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SABIN introduced a bill (S. 3262) for the relief of Anson Northrup, of Minnesota; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

AMENDMENTS TO BILLS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BOWEN submitted an amendment intended to be proposed by him to the bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes; which was ordered to lie on the table, and be printed.

Mr. SAWYER (by request) submitted an amendment intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RAILROAD LAND GRANTS IN IOWA.

Mr. WILSON, of Iowa, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to furnish to the Senate, as soon as practicable, information in relation to what has been done under the land-grant act of Congress of May 12, 1864 (13 Statutes U. S., 72), as follows:

Copies of lines of location of railroads and correspondence in relation thereto; copies of lines of roads as constructed; copies of patents or certifications of land to the State of Iowa; copies of letters to register and receiver of local land office at Des Moines withdrawing lands from market, with maps designating lands withdrawn, and answers to such letters; copies of correspondence with railroad companies in relation to location and relocation of roads; copies of correspondence with State officers of Iowa in relation to lands granted and relating to restoration of lands to the United States; separate lists of lands within the counties of O'Brien, Dickinson, Sioux, Plymouth, and Woodbury, of the four following classes:

1. Those within the 10-mile limits of the road of the Sioux City and Saint Paul Railroad Company and not within the 10-mile limits of the Chicago, Milwaukee and Saint Paul road.
2. Those within the 10-mile limits of said last-named road and not within the 10-mile limits of the former.
3. Those within the 10-mile limits of both said roads.
4. Those within the overlapping 20-mile limits of both roads, with a map showing such lands.

A list of lands, if any, patented to homestead claimants who were permitted to take only 80 acres of land in said counties named by reason of the first line of location of said Chicago, Milwaukee and Saint Paul road or its predecessor, the McGregor Western Railroad Company, and which are not within the 10-mile limits of said road as constructed upon the last location of said road; a list of lands taken by pre-emption claimants within similar limits, with map showing both locations of roads and the lands so taken; a list of lands with maps showing what, if any, lands were patented or certified to or for each company in said counties as lands in place which are not within the 10-mile limits of said roads as constructed, and what, if any, portions of said roads have not been completed, or if completed what, if any, portion of either has not been completed as a land-grant road; with such other information as may be necessary to determine whether either of said companies is entitled to any lands not yet certified or patented in its favor or to all the lands which have been so certified or patented, and a statement of lands in said counties certified or patented as indemnity lands.

CONSIDERATION OF HOUSE BILLS.

Mr. ALLISON and Mr. CALL addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Florida rise to morning business?

Mr. CALL. I do not.

Mr. ALLISON. I move to proceed to the consideration of the sundry civil bill.

The PRESIDENT *pro tempore*. Before that motion is received the Chair is bound to submit a resolution which comes over from yesterday, which will be read.

The Chief Clerk read the resolution submitted by Mr. HARRIS yesterday, as follows:

Resolved, That on and after Monday, the 7th instant, at the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of House bills and joint resolutions favorably reported on the Calendar, and continue such consideration until 2 o'clock, under the provisions of Rule VIII as herein modified, until the Calendar of such bills and resolutions has been completed.

Mr. ALLISON. I think that will lead to debate. I ask the Senator from Tennessee to let it go over.

Mr. HARRIS. If it does lead to debate I shall not contest with the Senator; I shall not ask its consideration; but I had hoped the Senate was ready to act on the resolution without discussion.

Mr. INGALLS. I desire to debate it.

Mr. HARRIS. Very well. I shall not insist on its consideration this morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 38) for the relief of Alfred Hedberg;

A bill (H. R. 228) for the relief of James Roach;

A bill (H. R. 329) for the removal of the charge of desertion against the record of Johnson S. Prall;

A bill (H. R. 798) for the relief of Stephen O'Connor;

A bill (H. R. 1173) to correct the record of Capt. Edmond G. Fechét;

A bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay;

A bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States;

A bill (H. R. 1710) for the relief of T. J. Payne;

A bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains;

A bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War;

A bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry;

A bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers;

A bill (H. R. 4709) to remove the charge of desertion from the military record of William A. Wighaman;

A bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor;

A bill (H. R. 5056) for the relief of George Lemon;

A bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States and honorably discharging said McChesney from said service;

A bill (H. R. 5935) to remove the charge of desertion against William Figley;

A bill (H. R. 6066) to authorize the sale of the United States barracks' property in the city of Newport, Ky., and the purchase of a new site and the erection of buildings thereon;

A bill (H. R. 6535) to close the account of Franklin W. McCauley;

A bill (H. R. 6712) for the relief of William N. Canady;

A bill (H. R. 6758) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns;

A bill (H. R. 6937) for the relief of George D. Paul;

A bill (H. R. 7176) for the relief of Isaac Crawford;

A bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond National Cemetery, near Richmond, Va;

A bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army;

A bill (H. R. 7996) for the relief of Willliam J. Mulvey;

A bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes;

A bill (H. R. 8319) for the relief of Martin Coughlin;

A bill (H. R. 8331) to regulate the pay of the officers of the Army and Navy who refuse or neglect to provide for the support of their families;

A bill (H. R. 8591) directing the Secretary of War to cause the name of Fred B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes;

A bill (H. R. 8593) for the repair and preservation of the road heretofore constructed by the Government, leading from Vicksburg to the national cemetery adjacent thereto;

A bill (H. R. 8620) for the relief of Henry Durkee;

A bill (H. R. 8922) for the relief of Henry East;

A bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Whipple Barracks Military Reservation, in Arizona;

A bill (H. R. 9446) for the relief of Robert W. Spang;

A bill (H. R. 9486) to correct the military record of Capt. James H. Bone, and for other purposes;

A bill (H. R. 9860) to correct the record of the military service of James W. Kingon;

A bill (H. R. 9905) for the relief of William C. Spencer;

A bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military Reservation;

A bill (H. R. 10353) for the relief of Andrew J. Edgerly;

A bill (H. R. 10790) authorizing the President to return the Twiggs swords;

A bill (H. R. 10804) to effect a re-arrangement of grades of office in the Adjutant-General's Department of the Army; and

A joint resolution (H. Res. 19) for the relief of Silas D. Baldwin.

The message also announced that the House had passed the following bills:

A bill (S. 388) to grant the right of way through the Fort Bliss Military Reservation to the Rio Grande and El Paso Railroad Company;

A bill (S. 129) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States; and

A bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Florida, and the establishment of a signal station.

The message further announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance;

A bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park; and

A bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move to proceed to the consideration of the sundry civil bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, the pending question being on the amendment of Mr. PLUMB, in line 1350, before the word "thousand," to strike out "twenty-five" and insert "ten;" so as to make the clause read:

> For surveys and resurveys of public lands, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines, $50,000; and of the sum hereby appropriated $10,000, or so much thereof as may be necessary, may be expended for the examination of surveys in the field.

Mr. BECK. I should like to hear some reason for that change. Considering the great difficulty they have had in regard to the surveys heretofore made, perhaps $10,000 would not be at all sufficient for that purpose.

Mr. ALLISON. The Senator from Kansas [Mr. PLUMB] offered the amendment. I will send for him.

Mr. BECK. Let it be passed over informally until he comes in, without losing its place.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. HOAR. I wish to offer an amendment.

Mr. ALLISON. At this stage of the bill I desire to submit some observations respecting the inquiry put to me last evening by the Senator from Connecticut [Mr. PLATT].

Mr. HOAR. I have to be absent at a committee meeting very soon for many hours, and the amendment I want to offer I think will be received without any sort of objection. I should like to offer it now.

Mr. ALLISON. Very well.

Mr. HOAR. I move an amendment to come in after the provisions about the Library of Congress; I do not now remember the line.

The PRESIDENT *pro tempore*. Can the Senator indicate the page?

Mr. HOAR. I desire it to come in after the provisions for the Library of Congress.

Mr. ALLISON. Page 101 is the place.

Mr. HOAR. Very well. On page 101, after line 2452, I move to insert:

> That the Secretary of State, the Librarian of Congress, and the Secretary of the Smithsonian Institution, and their successors in office, are hereby constituted a commission whose duty it shall be to report to Congress the character and value of the historical and other manuscripts belonging to the Government of the United States, and what method and policy should be pursued in regard to editing and publishing the same, or any of them.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

Mr. HOAR. There will be no objection to it.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Kansas [Mr. PLUMB], in line 1350, before the word "thousand," to strike out "twenty-five" and insert "ten."

Mr. BECK. Before the vote is taken I wish to say a word, as I asked to have that amendment passed over until the Senator from Kansas came in. I do not know whether $10,000 is enough to provide for looking into these surveys and resurveys. I understand that quite a number of them have to be re-examined, and perhaps this changes the adjustment in such a way that it can not be done sufficiently.

Mr. PLUMB. Of course, if the Department is able to show, as I think it will not be, that it needs $25,000 to inspect $25,000 worth of surveys, of course the conference committee will yield the point; but on the face of the thing, this is entirely out of proportion. I remind the Senate of what I stated yesterday, that when this provision was before the Senate at the last session the Senate by a vote followed the committee in making this amount $10,000 in place of $25,000, and in conference the amount of $25,000 was restored. I only ask that the Senate repeat its action of last year. Of course if there can be any showing made that $25,000 is necessary, the office will have it and ought to have it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. BOWEN. On page 6, after line 116, I move to insert:

For repairs on the United States mint building at Denver, Colo., $2,000.

The amendment was agreed to.

Mr. CALL. On page 3, after line 60, I move to amend by adding:

For the foundation of the public building at Key West, Fla., $8,000.

That has been recommended by a report of the Supervising Architect of the Treasury in consequence of a discovery made that the foundation will have to be repaired by artificial means underground, and we have now expended a considerable amount of money on that building.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida.

The amendment was agreed to.

Mr. ALLISON. Mr. President, yesterday the Senator from Connecticut [Mr. PLATT] inquired of me whether or not there would be a surplus in the Treasury in case Congress, before the end of the session, should make appropriations in accordance with the estimates of the Treasury Department. I think, perhaps, in my desire to complete the bill last night, I failed to state all that I should have stated in response to that inquiry.

The regular estimates of the Departments, submitted by the Secretary of the Treasury; amounted to $376,000,000 in round numbers; but since that time there have been added supplemental and other estimates amounting to considerable sums, as, for example, there is an esmate of nearly $5,000,000 to carry out the provisions of the Mexican pension bill. As yet no estimates have been submitted of the amount required for the purpose of carrying out the disability pension bill which has passed both Houses, but has not yet received the signature of the President. It is safe to assume that during the next year $7,000,000 or $8,000,000 will be required for that purpose. There have been already submitted estimates for deficiencies amounting to $7,000,000 more. So the total of the estimates for the next fiscal year, without including miscellaneous appropriations, will amount to $395,000,000. I think it is safe to assume that Congress will not appropriate fully up to the estimates.

Mr. PLATT. Why not, if the Senator will permit me to ask a question? And if he will permit me another word, I will say that these officers of the Departments are supposed to know what the wants of the Government are upon an economical scale. Now the question that I want to have answered is whether they have estimated the Government expenditure upon a scale which is extravagant or upon a scale which is economical, and if economical why do we not appropriate according to their estimates?

Mr. ALLISON. Taking the total of the estimates, they include various things that can be done this year or can be postponed until next year; and therefore, without saying that the estimates are either extravagant or improvident, Congress may not feel willing to enter upon all the expenditures which are proposed in the Book of Estimates. So I would not say that the estimates of the Departments are extravagant estimates, although I will say that in some respects they are in excess of estimates hitherto made by prior Departmental officers and in excess, perhaps, of the immediate necessity of the Government.

As I have said, the estimates for next year are $395,000,000. The revenues are conjectural, necessarily. Curiously enough, perhaps naturally enough, the Secretary of the Treasury this year makes no estimate in his report as to the revenues in the future. It has been the custom of former Secretaries of the Treasury to make estimates for the current fiscal year, giving the actual returns for the period prior to the meeting of Congress, including the entire first quarter of the year, and then estimating for the remainder of the year, and estimating the receipts also for the next ensuing fiscal year. A careful examination of the law discloses the fact that the Secretary of the Treasury is not bound to make those estimates. So we have no actual guide as to what the revenue either of the current fiscal year or of the fiscal year for which we are now appropriating will be, except that derived from the estimates made last year, and from the receipts of the first six months, up to the first of January of this fiscal year.

Mr. PLATT. May I make another inquiry?

Mr. ALLISON. Yes, sir.

Mr. PLATT. I inquire whether this estimate of $395,000,000 includes any considerable sum for coast defenses?

Mr. ALLISON. It includes, for fortifications, $5,000,000. The total Navy estimate is $20,000,000. So I assume that these estimates do not include what we should regard as a sufficient expenditure for coast defenses, or for the Navy, if we enter upon that subject.

Mr. PLATT. Five million dollars for fortifications is practically what the Senate appropriated in the last fortification bill, and that is still in conference between the Senate and House of Representatives.

Mr. ALLISON. We passed a bill providing for $6,000,000.

Mr. WILSON, of Iowa. I desire to ask my colleague whether there is included in the $395,000,000 the amount that is to be carried to the sinking fund.

Mr. ALLISON. That is included.

Mr. WILSON, of Iowa. Together with the standing appropriations?

Mr. ALLISON. All permanent appropriations are included in the $395,000,000 and the Secretary's estimate of what should be applied to the sinking fund, thirty-six and a half million dollars.

Mr. PLATT. If then it should be deemed advisable to spend a larger sum than $5,000,000 for coast defenses during the next fiscal year that would increase the estimate beyond the $395,000,000.

Mr. ALLISON. To that extent; and if we should appropriate more than $20,000,000 for the Navy, that excess should be added. The naval appropriation bill, as reported to the House of Representatives, provides $22,000,000 for the Navy.

What will probably be the receipts for the next fiscal year? The total receipts for the fiscal year ending June 30, 1886, were $336,000,000, as stated by the Secretary of the Treasury in his report, and by the Treasurer, and by the President in his message; but that does not include the receipts from postal revenue, and those receipts should be added to the $336,000,000.

Mr. MCPHERSON. How much are they?

Mr. ALLISON. They were, for the year 1886, $43,948,000, or, in round numbers, $44,000,000. So that the receipts for the year amounted, in round numbers, to $380,000,000. This year the Postmaster-General estimates that the postal revenues will be $50,000,000 next year. I think, in view of the actual receipts of last year, that is an excessive estimate. I do not believe they will reach $50,000,000 next year, but assuming that they will reach $50,000,000, and assuming that the ordinary revenues of the Government will be what they were last year, $336,000,000, we have, in round numbers, $386,000,000 as the current receipts for 1888. These receipts will not be added to, except from duties on imports. Whatever increase of receipts there may be will be found to be from customs duties. The customs receipts for the year 1886 were $192,000,000. Of course I am speaking now only in round numbers. The customs receipts for the first six months of this fiscal year, in round numbers, were $107,000,000. So there has been an increase of $10,000,000 in the customs receipts this year as compared with last, so far.

Assuming that this will continue, the customs receipts for the current year will be $214,000,000, and assuming that they will be the same for the next year that will be the amount of the customs receipts. The total receipts for the first half of this fiscal year amount to $180,000,000 in round numbers, so that on the 1st of July we shall probably have a total revenue of $360,000,000 for this current year as compared with $336,000,000 for the last year, because in this estimate for the current year I do not include the postal receipts, nor are they included in the statement of $336,000,000 for last year. So we shall have then for the next fiscal year $360,000,000 of receipts and a probable expenditure of $395,000,000. During the first six months of the current fiscal year the actual receipts have been from customs, $107,408,120$\frac{4}{100}$; from internal-revenue, $57,642,779$\frac{69}{100}$; from miscellaneous sources, $15,632,007$\frac{45}{100}$; total, $180,683,007$\frac{45}{100}$. For the month of January just closed the total receipts from all sources have been $28,395,921$\frac{49}{100}$.

Mr. MORRILL. May I ask the Senator from Iowa if he does not think he ought to make some difference between the first half of the year and the last half of the year as to the receipts from customs revenue? I think they are much larger in the first half of the fiscal year than in the last half.

Mr. ALLISON. It happens so sometimes, and sometimes it is the reverse, so that I do not think it is accurate to make any such statement.

I say the receipts may be expected to be $360,000,000 next year. Add the estimated postal revenues and the receipts will be $410,000,000. Then take the estimates as suggested by the Senator from Connecticut as the measure of our expenditures for 1887-'88, to which should be added the pension legislation, and we have a total expenditure of $395,000,000 which will make the surplus—which was the question suggested to me by the Senator from Connecticut—$15,000,000, assuming now that we comply with the law relating to the sinking fund. In order to comply with that law we are compelled to buy bonds in the open market, either four-and-a-halfs or 4 percents., or what are known as the currency sixes, being the bonds issued to the Pacific Railroads.

Mr. TELLER. I wish to ask the Senator a question.

Mr. ALLISON. Very well.

Mr. TELLER. Why does the Senator say "assuming that we purchase bonds for the sinking fund"? Is not the law imperative? Can there be any question but what the Government will provide according to law for the sinking fund?

Mr. ALLISON. There is a question whether the Government is bound to purchase in the open market at a large premium its own bonds for the purpose of complying with the sinking-fund law, when in fact the sinking fund now is over $300,000,000 in excess of the requirements of that fund as provided for by the act of 1862.

Mr. TELLER. I will call the attention of the Senator to the fact that the sinking fund provides not for a total amount, but for so much each year.

Mr. ALLISON. I give my own answer, which is that this Government, in my judgment, is not bound by law or by good faith to the bondholders to purchase, at a premium, bonds of the United States not

yet due, when this sinking fund projected for their benefit is more than $300,000,000 in advance of the general requirements of the law providing a sinking fund. That is my view.

I admit, however, that the letter of the law requiring the setting apart of 1 per cent. of the total debt of the United States each year, as the law stands now, is a requirement; but that law can be so changed in good faith as not to require that that shall be done; but it is a question whether or not the promoters of that law intended that the Government of the United States should go into the open market and pay 28 per cent. premium for bonds in order to comply with its provisions.

Mr. INGALLS. How has it happened then, the law being imperative as to the annual amount to be set aside for the sinking fund, that it is now $300,000,000 in excess of the amount that should be so held for that purpose?

Mr. ALLISON. That is a mere question of arithmetic, as the Senator from Kansas will certainly see. The law requires that 1 per cent. shall be set apart annually.

Mr. INGALLS. No more and no less?

Mr. ALLISON. It does not say "no more and no less," but impliedly it means no less. Now, the Government of the United States has purchased and put in the sinking fund, as I think it had a right to do, a sum largely in excess of the amount required by the 1-per cent. requirement. For many years we did not purchase bonds at all, because we were selling bonds, and for other years we have purchased, I believe, as high as $130,000,000 of bonds for the purpose of the sinking fund.

Mr. BECK. The Senator from Iowa I think could answer that by saying that we passed an additional law authorizing the Secretary of the Treasury to meet any bonds that were payable with any surplus revenue we had, and that made the excess.

Mr. ALLISON. That is a very good answer, although the law did not specifically require that those bonds should be put in the sinking fund, which I understand to be the inquiry of the Senator from Colorado.

Mr. PLATT. I am glad I have listened to this very lucid explanation of the prospective revenues and expenditures for the next fiscal year. I understand from it that if Congress makes the appropriations which are really needed according to the estimates which have been submitted by the Departments there will not be a surplus of receipts over and above the expenditures, which will be likely to exceed, say, $50,000,000 at the outside. The Senator from Iowa does not give as much room as that for a surplus.

But I want to say, Mr. President, that if we are not to have a surplus for the next fiscal year exceeding $50,000,000, I desire to be reckoned as an opponent of any scheme which will lessen that surplus, and I do not want this Congress to adjourn until it has provided in some way that a sum equal to $50,000,000, or nearly equal to $50,000,000, shall be immediately available to commence, a system of coast defense in the United States. I think Congress will be negligent of its duty, will be justly and severely criticised by the people, will have forgotten the best interests of the country, if it shall adjourn without having made such a provision; and I for one want to be counted as an opponent of any scheme which shall reduce the revenues of this Government to a point where there will not be plenty of money to inaugurate and carry on most vigorously a thorough system for coast defenses in the country.

Mr. BECK. Mr. President, I heard rather indistinctly the statement of the chairman of the Committee on Appropriations, and I do not propose to contradict anything that he has said without very careful examination. I will see what he has said in the RECORD in the morning; but I think he is mistaken as to the estimates running up to $396,000,000, as I understood him.

Mr. ALLISON. The estimates in the Book of Estimates amount to $376,000,000 in round numbers—not quite that sum, three hundred and seventy-five millions and some odd thousands.

Mr. BECK. I have it in my Book of Estimates $325,000,000, on page 246.

Mr. ALLISON. But that statement does not include the postal expenditures; and confusion is constantly created because the Treasury Department's and our accounts here are not alike in that respect. They only give the deficiencies in the postal revenues usually in their statements, while in our appropriations we appropriate the whole amount. So if the Senator will add $50,000,000 of estimated revenues from the Post-Office Department to the $325,000,000 he will have exactly the estimated expenditure as proposed by the Treasury Department. I have added to that the $7,000,000 of deficiencies which are already estimated for by the Secretary of the Treasury. I have added to it $5,000,000 as the estimated amount required to pay the Mexican war pensions, and I have added to it also an estimate of $7,000,000 or $8,000,000 for the purpose of paying the disabled soldiers their pensions. Taking these three items in addition to the estimates made in the Book of Estimates, we have an expenditure proposed of $395,000,000. That is my statement.

Mr. BECK. The chairman may be correct. Those estimates when they are analyzed I think will embrace all the work that the engineers say they could carry on provided they were allowed the money.

Mr. ALLISON. It includes only $10,000,000 for a river and harbor bill.

Mr. BECK. It includes all that may be spent for public buildings provided we see fit to finish them all in one year, and includes a great many things which are merely advisory as to carrying out what has been provided for by law.

There will be, however, another appropriation bill up for consideration pretty soon, and I do not want any question raised now to impede the passage of this bill; but I will take care to look into this matter, and if I am not mistaken I can show that the surplus revenue this year will be nearer $90,000,000 than $15,000,000.

Mr. TELLER. Without reference to the sinking fund?

Mr. BECK. There is no such thing as a sinking fund and can not be. We absolutely give away our money to enhance the price of bonds. Does the Senator from Colorado believe that it ever was intended that if the sinking fund was $25,000,000 a year, and we had a surplus of $50,000,000, and applied that $50,000,000 one year, we were still obliged to apply $25,000,000 the next year to make up the deficiency, or let that money lie idle and bear no interest in order to wait for the 1st day of July to come? The whole idea of the sinking fund was that we should at least pay 1 per cent. per annum to let the bondholder know that the debt would be liquidated in time and not be considered a permanent debt; and if we had a surplus at any time, in advance of what we had agreed to do, and applied it so as to prevent it from being locked up in the Treasury and to save the interest, the bondholder and everybody who was to be protected by that sinking fund got the security as absolutely as if it lay idle till the beginning of another year and then was so applied. The total result is that three hundred and odd million dollars, as the Senator from Iowa says—I think $500,000,000—has already been applied above all that any sinking-fund law requires, according to any construction that can be given to it. But I do not want to go into that question now. I want this bill to pass, and therefore am seeking to avoid discussion.

Mr. ALLISON. I did not wish to open up a discussion of this question; yet the Senator from Connecticut asked me last evening a question which I did not fully respond to then and I completed the response this morning. I want to say to the Senator from Kentucky that my statement was in reply to the Senator from Connecticut, which was, if we appropriate up to the estimates in every particular, what will the surplus be? I stated this morning—the Senator perhaps did not give attention to that—that in my judgment we would not appropriate within several millions of dollars of the estimates of the Departments. We never have done so, and I presume we shall not do so this session.

Mr. BECK. I beg pardon of the Senator from Iowa, because I am desirous not to contradict him, for I know how careful he usually is; but I could not help the expression of some surprise at the idea that the surplus would be so small in the face of all that we are advised in regard to it, and I said I would take the time if need be on some other appropriation bill to give my reasons for dissenting from him. If I find in the RECORD that he is correct I shall take care not to do so.

Mr. TELLER. The Senator from Kentucky asks me what I think about the statute. The Senator from Iowa proposed to state what the men who passed this statute intended. I have been educated to understand that the plain words of a statute were not to be construed away. I have always been educated to understand that the executive department of the Government has nothing to do with the propriety or impropriety of the passage of a bill. It is their duty to execute the law as they find it upon the statute book. I find that the sinking fund is provided for as follows in the act of February 25, 1862:

SEC. 5. *And be it further enacted*, That all duties on imported goods shall be paid in coin, or in notes payable on demand heretofore authorized to be issued and by law receivable in payment of public dues, and the coin so paid shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year after the 1st day of July, 1862, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct.

Third. The residue thereof to be paid into the Treasury of the United States.

Certain bonds were to be applied to the sinking fund and all other United States bonds redeemed or paid by the United States were to be canceled and destroyed. It was never contemplated by anybody when this legislation occurred that the Government of the United States was simply to pay off its debt by installments of 1 per cent. per annum. Nobody thought of that. It is true that that clause was probably put in the law for the purpose of strengthening the bonds. It is undoubtedly true that it was in the interest of the people who were to buy Government securities, to give them character and to give them strength; and it was probably a wise proposition then; certainly it is there in unmistakable terms that this executive department of the Government is bound to recognize, and unless that statute is repealed, in my judgment it is bound to buy these bonds as it can. I do not say that it is wise policy; I do not say that it is right; but it is the law. I repeat again that it is the duty of the executive departments of the Government to enforce existing law, which I am sorry to say they do not always do. But I will not go into that.

It is not any answer to the assertion for the Senator from Kentucky to ask me do I think it is wise to pay great interest. That is a ques-

tion for us here; that is a question for the legislative branch of the Government to determine; and if we sit still and leave the law upon the statute book as it is till all the bonds that are LOW payable are paid, then it will be the duty of the Government to buy the other bonds each year or else it will violate the plain, unmistakable language of the statute. I do not know what it will do. I have not any idea—I will not say that, for I have—but I do not know what it will do. I think, however, in all calculations that we are making with reference to the revenue and its reduction we should take into consideration a belief that the executive department will enforce the law, and if we do not want that to be done it is our duty to legislate upon the subject.

The country has been full of complaints of the great amount of money coming into the United States Treasury. I admit I have heard no complaints of that kind. I do not believe any considerable portion of the people of the United States anywhere are to-day complaining that there is too much money going into the Treasury of the United States. I do not believe to-day that 1 per cent. of the people of the United States are complaining of the rates of taxation either on imports or by way of internal revenue. I do not believe that that is the cause of complaint; but the complaint is that when this money comes into the Treasury, there it is locked up and kept where the public do not have the use of it, and it ceases to be of any practical benefit to the people of the United States.

Every monthly statement that comes from the Treasury Department shows us an increasing amount of money in the Treasury; every monthly statement shows an increase that is destructive of the business interests of the country; and yet we sit here and hesitate to legislate upon that subject, and we say the remedy is not to pay the money out, not to provide for paying your debts, and not for the purpose of conducting the Government as it ought to be conducted, but you should go to work and see how you can prevent the money from coming into the Treasury. It is exactly as if a great manufacturing establishment was getting too much money, and they commenced saying, "We will not take out any," when they have opportunities to pay it out, and pay it out with profit.

I am not going over this subject in detail. We have in the Treasury of the United States a very large amount of money now that is not needed there. It is a crime against the public that it is there, and if the executive department has not the authority to pay it out, then the responsibility should be laid at the door of the legislative department, that they do not provide for the proper payment of this money for some proper purpose. If we have not any other proper thing to pay it for, then let us provide how the Treasury Department may pay the public debt, upon what plan or upon what principle it may say to the people who own the debt that is not yet due, that it will pay it. But, sir, we need not do that. There are plenty of opportunities, and wise opportunities, to pay out the excess of revenue that is in the Treasury, and all that will come in, if there should be $90,000,000 of surplus next year.

A few days ago the Admiral of the Navy sent to a distinguished member of the other House a letter which appears in the RECORD, and the astonishing statement is there made by the Admiral of the American Navy that with all the ships that we have got we have one ship only that could in three months do service if we were assailed, and that ship has upon it one single gun. He makes a statement over his signature that can not be misunderstood or mistaken. He says the Dolphin is the only vessel we have got that could be put to sea within three months.

Think of it, Mr. President! Yet we are crying out against the surplus that is coming into the Treasury when we are without a fortification on any of our coasts, with all our great seaports that could be raided by any of the fifth-rate powers of the world. Chili, China, Japan, Spain, or any of the inferior nations, when compared with ours, could wipe out every seacoast city that we have got; and not only that, Mr. President, but every city on the great lakes. By our treaty with Great Britain we agreed to keep on those lakes but one war vessel, a vessel that to-day, I understand, has a cast-iron gun, used to announce the rising and the setting of the sun, and scarcely good for that. England could put on the great lakes a fleet that would knock down every single town on the great lakes in twenty-four hours; while we were endeavoring not to build a navy because we had time to determine whether we ought to build a navy. With the Welland Canal they have access to the lakes, and they could put in their fleets of iron-clad war vessels and bombard Chicago, Detroit, Cleveland, and all the great cities on the lakes.

Mr. President, is this wisdom? Is it worth while to spend our time in determining what shall be the reduction of the revenue when we have the necessity for such a vast expenditure? Spain is not regarded to-day as a first-class nation, and yet her war vessels are all over the world, and recently Spain mortgaged her forests and her public lands for $45,000,000 to put into war-ships. We not only have not any ships, we not only have not any fortifications, but we have not any guns. Only a few days ago the press published a telegram that Great Britain had sent across to the western coast more efficient guns than the United States was able to muster all told. Let me call attention to what the Admiral says about the number of guns. In the letter to which I have called attention, and which I commend to the perusal of Senators, he says:

> It is not twenty, nor forty, nor a hundred guns that we require, but it is thousands of them, especially in a country whose motto seems to be "*festina lente*." England has such a start of us that she has to-day 7,000 rifled guns that she can bring into action in time of war, France has 6,000, and Russia about 5,000. Here you have at once three leading naval powers combined with 18,000 high-powered guns, while we can boast of but 29.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. ALLISON. I ask that that bill be informally laid aside.

Mr. BECK. That is right.

The PRESIDING OFFICER. Unanimous consent is asked to lay aside informally the unfinished business until the pending bill has been completed. The Chair hears no objection, and that order will be made. The sundry civil bill continues before the Senate as in Committee of the Whole.

Mr. TELLER. The Admiral continues:

> We have some old 8-inch rifles, converted from 11-inch smooth-bores, by which a good smooth-bore was spoiled and a poor rifle was made.
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> There should be at least six hundred of the heaviest high-powered guns purchased abroad at once for the use of the Army and Navy, so as to have armaments for our ships as soon as they are built, and to be able to defend the principal cities of the Union, which are liable to be attacked by any nation. It is not Great Britain, Russia, France, or Germany that we have to fear in our weakness so much as some of the small South American countries. Even Venezuela is about purchasing ironclads in Europe, it is supposed to resist the mild demands made upon her by this Government for many years. She finds it cheaper to buy ironclads than to pay a debt that does not altogether meet her ideas of justice.

Mr. President, we have been going on in this way for a great many years. We have been practically without war vessels, practically without seacoast defenses for many years. There was at one time some excuse, and that was when the country was uncertain whether it was ever going to be able to pay its great debt or not. But since the debt has been so rapidly reduced, since money has accumulated in the Treasury in such quantities, there can be no further reason why we should not make preparations for the defense of our seacoast.

I know it has been said on this floor that you did not need forts, that you did not need ships, that modern science had provided another method of meeting a hostile fleet, and that was by the torpedo. But you can not use a torpedo on any of the coast unless you have a place at which you can put your men that is bomb-proof. And as the Senator from South Carolina [Mr. BUTLER] suggests, we have not got any torpedoes, and they could not be made in a day. We are absolutely at the mercy of every people who choose to assail us, and I listened with astonishment the other day when the question was asked, "do you mean war?" There is no nation in the world that is so unready for war to-day as the people of the United States. We could be buffeted and insulted by the smallest power in the world, and we should be compelled, for a time at least, to submit in humiliation and chagrin.

Take the Pacific coast. There is a hundred million dollars in the subtreasury in the city of San Francisco. A single ironclad in that harbor could compel the authorities to put every dollar of it on that vessel, or suffer the consequence of the destruction of the city. An ironclad coming into New York Harbor could levy tribute of millions and millions upon that city, and if the state of affairs existed that existed one hundred and fifty years ago in the world, when privateers went out, or pirates more properly speaking, we should be at the mercy of a common pirate. And yet we sit here day after day and do nothing except to consult as to how we may reduce the revenue, whether we ought not to take the tax off sugar, and whether we ought not to take the tax off tobacco, or whether the tariff should not be reduced upon imports in some respects.

Mr. President, I live in the interior. The people whom I represent have not any special interest in this. They are away and would be away from the noise of war, because that kind of war would be upon the coast and the coast only. But the people there believe it to be the duty of the Government of the United States to put itself in position where it can be independent of the powers of the world.

The Senator from Missouri [Mr. VEST] said here the other day that all the forces of the world, of five worlds like this, could not subdue us upon our own soil. That may be true. We can create an army in a night. You cannot create a navy in two or three years. You can not build a gun in a year and a half. You cannot build fortifications under two or three years; and when six millions is proposed there are Senators on this floor and others in public life who are staggered at the vast sum of money that is going into fortifications on the coast. Torpedo shelter could not be built with it.

Mr. President, I think it is the duty of the legislative department of the United States—for it is only responsible for this neglect—to at once take some steps, not to reduce the revenue, not to see how little money can come in, but to put us in a position where we shall not be disgraced by the Admiral, the highest officer of our Navy, declaring to the world

that of all the ships we have got that we could put into use to-day there is but one, and that has upon it one single gun! As an American I am ashamed of the showing. I read it with chagrin. I knew it was true. The people of the United States believe that it is the duty of the legislative department to go to work and devise some method by which the coast may be protected; and that necessitates the building of guns, and that necessitates the building of ships.

I wish to call the attention of the Senate to another thing, that the money is now in the Treasury with which it may be done; and 95 per cent. of every dollar that shall be put into a fortification, 95 per cent. of every dollar that shall be put into a great gun, 95 per cent. of every dollar that shall be put into a great ship is paid to American labor, is money well spent to start the wheels of business and all departments of commerce and trade. It is not a waste. The maintenance of a great army in time of peace is a waste of money. I am not in favor of it. We know the spirit of the American people and know we can make soldiers out of them in a day, not as good as they will be after a year's service, but we can make soldiers out of them at once. But, I repeat, you can not build ships and you can not build fortifications, and you can not make guns in a day; these things require money and require time, patience, industry, and skill.

Mr. President, this discussion may seem foreign to the pending bill, but whenever there is a question of the reduction of the revenue, and whenever a bill comes in here of this character we always hear something about the reduction of the revenue, and we are admonished that the revenue is too great. I want to put in my protest, as the Senator from Connecticut did his. I am opposed to the reduction of the revenue in any branch of the Government until preparation is made for the defense and honor of this country commensurate with its greatness and its internal strength. With more money in its Treasury than all the other combined powers of the world, with more money coming in, with a people who have the ability to pay, and the willingness to pay, we are the laughing-stock and the scorn of the smallest nation of the earth.

The PRESIDING OFFICER. If there be no further amendment the bill will be reported to the Senate.

Mr. ALDRICH. I desire to ask the chairman of the Committee on Appropriations for an explanation of the purpose of the proviso on the fourteenth page, commencing in line 314.

Mr. ALLISON. I hope the bill will be reported to the Senate.

Mr. ALDRICH. I am willing to wait until the bill is in the Senate before I ask my question.

Mr. MITCHELL, of Oregon. I desire to call the attention of the Committee on Appropriations to what must have been an oversight on the part of the committee. By the act approved July 7, 1886, entitled "An act providing for the establishment of certain light-houses and fog-signals, and for other purposes," provision was made for the purchasing of a site and establishing of a number of light-houses, among others one at San Luis Obispo, Cal., $50,000; at Point Sur, California, $100,000; at Castle Hill, Rhode Island, $10,000; above Pulpit Point, Whitehall Narrows, New York, a light to guide vessels through said narrows, $200; also for the erection of a light-house on Crabtree's Ledge (so called), between Bean Island and the mainland of Crabtree's Neck, in Frenchman's Bay, Hancock County, Maine, $25,000; Deer Island, in Boston Harbor, Massachusetts, $35,000; also for the establishment of a light-house at Two Harbors, Minn., $10,000; for a light-house on Gould Island, Narragansett Bay, Rhode Island, $10,000. Appropriations were made in the sundry civil bill at the last session of Congress for the following places provided for in that bill: Castle Hill, Rhode Island; Whitehall Narrows, New York; Crabtree's Ledge light-house, Maine; Deer Island light-house and fog-signal, Boston Harbor, Massachusetts; Two Harbors light-house, Minnesota; and all the rest, with a single exception, have been put in the pending bill, the exception being the light-house at Cape Meares, Tillamook Bay, Oregon. The act to which I have called attention provides as follows in reference to that:

Also for the purchase of a site and the construction of a first-order coast light-house at Cape Meares, Tillamook Bay, Oregon, the cost of which shall not exceed the sum of $60,000.

In the report of the Light-House Board the steps taken under the sundry civil act of last session to execute the act of July 7, 1886, are stated. In a further letter from the Light-House Board to the Secretary of the Treasury, in which are specified those light-houses that are deemed indispensable to the commerce of the country, this light at Cape Meares, Tillamook Bay, Oregon, is mentioned. It is also contained in the Book of Estimates. On page 162 I find:

Cape Meares light-station, Oregon: For the purchase of a site and the construction of a first-order coast light-house at Cape Meares, Tillamook Bay, Oregon, or at Cape Lookout, Oregon, if, in the opinion of the Light-House Board, that site is more advantageous to mariners, $60,000.

I said that all the light-houses provided for by the act of July 7, 1886, have been provided for either in the sundry civil bill of last year or in this bill, with this single exception. I do not know of any reason why it should not go in.

Mr. ALLISON. What is the amendment suggested by the Senator?

Mr. MITCHELL, of Oregon. I have not offered any amendment yet; but is there any good reason why this item should not go in? I am not able to see any reason why all the rest should be contained in the bill and this one be left out.

Mr. ALLISON. I have no doubt there should be a light-house at this point; but my recollection is, and I speak only from memory, that if the Senator will look at the Book of Estimates he will see that this is in the alternative, either at the point named by the Senator or at Cape Lookout, Oregon; but my recollection is that the secretary of the Light-House Board stated to us that there was difficulty about locating the site for this light-house, that they had not yet done so, and that they were not likely to do so in the very near future, for some reason which they gave but which is not now in my mind. I know what the Senator says is correct, and I noticed at the time that it was marked "indispensable" in the letter addressed to the Committee on Appropriations of the other House——

Mr. MITCHELL, of Oregon. Dated November 20, 1886, and put in the list of indispensable light-houses estimated for. I will move an amendment to meet the requirements of the law.

Mr. ALLISON. The only trouble is about the site.

Mr. HALE. How would the Senator from Oregon fix the location?

Mr. MITCHELL, of Oregon. Congress, by the act of July 7, 1886, provided for it, and I propose to direct the Light-House Board to execute the law.

Mr. ALLISON. What does the Senator propose?

The PRESIDING OFFICER. The Senator from Oregon sends up an amendment, which will be read.

The CHIEF CLERK. On page 10, after line 231, it is proposed to add:

Cape Meares, Tillamook Bay, Oregon: For purchasing a site and the erection of a first-order coast light-house, $60,000.

The amendment was agreed to.

Mr. MITCHELL, of Oregon. Before the bill is reported to the Senate I desire to say a word in reference to the amendment offered yesterday in regard to the cable at the mouth of the Columbia River, which was passed over. The chairman of the Committee on Appropriations suggested that it was a matter more properly belonging to the deficiency bill. Perhaps we can get some more information for the Senate in regard to that matter from the Secretary of War after the bill is reported to the Senate, and I shall not press my suggestion now.

Mr. TELLER. I desire to move an amendment on pages 50 and 51, but before I make the motion I ask that the two letters which I send to the desk may be read. I wish Senators would give a little attention to the reading of the letters.

The PRESIDING OFFICER. The letters will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1887.

SIR: I have the honor to inclose herewith a copy of a letter from the Commissioner of Pensions relative to the transfer to the Pension Office Building of certain bureaus of this Department, as proposed in the sundry civil appropriation bill, and to invite your careful consideration to the objections to such transfer therein set forth.

I concur in the opinion of the Commissioner to the effect that very considerable embarrassment and inconvenience in the transaction of the public business would result from the crowding of other bureaus into the office building.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, February 2, 1887.

The honorable the Secretary of the Interior:

Referring to the conversation I had with you last evening, and in response to your verbal request, I have the honor to give you the following statement as to the practicability of housing and accommodating in this building any other than the clerical force of the Bureau of Pensions.

The number of persons at present borne upon the rolls and employed in this building is 1,242, and as I have already noted there will be accommodations required for immediate use for 221 additional employés, (who will be assigned to existing divisions) for work upon the Mexican Pension bill.

The building is in a state of incompleteness. Its floors are torn up and littered with the material for construction. Great piles of sand, mortar, and brick obstruct its main floors.

The fourth floor, which was directed to be added by an act of the present Congress at its first session, is only partially completed, and its construction has greatly delayed the occupation and use of the remainder of the building, as great joists of iron and large quantities of other material had to be hauled into the building, obstructing its floors and galleries, and are still being removed into position.

When the work shall have been completed, as I have before pointed out, the new fourth floor will not add to the clerk accommodating capacity of this building, for the reason that the added upper rooms being but 2 feet in height, and being directly under the great metal roof of the building, will be of a torrid temperature and insufficiently lighted from above, by sky-lights, yet to be completed.

All the improvements that may be made having for an object the use of the new fourth floor, will but fit it for the storage of files.

According to the best estimates that I am able to obtain, the work on the new building will not be completed much, if any, earlier than a year from this time; how much sooner or later I can not tell, but workmen will be going in and out for probably that or a longer time.

I respectfully suggest that the chairman of the committees of Congress, Senate and House, having the matter of the location of the clerical force of the Government in charge, be respectfully requested to visit the building now occupied by this Bureau to the end that they may personally verify the correctness of the statements and conclusions herein made and reached. I do not think but that they will conclude that the addition at this time of other clerical force than that belonging to this Bureau will be to the detriment of the public service.

I have the honor to be, very respectfully,

JOHN C. BLACK,
Commissioner of Pensions.

Mr. ALLISON. The Commissioner of Pensions seems to utterly misapprehend the scope and intent of our amendment. The provision in the House bill provides practically that this shall not be done until the completion of the present building. It says "within the fiscal year 1888," that it may be done a year from now or a year from next June and still be within the provisions of the law.

Mr. TELLER. I desire to move to strike out, beginning in line 1218, on page 50, the words "shall within the fiscal year 1888" and insert "may within his discretion," which will authorize the Secretary of the Interior to transfer if in his judgment it can be done at any time without reference to date, to that building.

I should like to say that I called at the Pension Office this morning and saw the Commissioner of Pensions. This building, as the Senator from Kentucky perhaps will recollect, was appropriated for after General Meigs had been before the Committee on Appropriations; and when asked how much money he wanted appropriated for a certain number of clerks in the Pension Office he gave his sum, and this building was erected for the number of people who were then in the office, and the plans were all made on that basis. Since that time there has been a very large increase of the employés of that bureau, and there must be a very great increase hereafter. It was built while I had the honor to be Secretary, and I desire here to say that I am not at all responsible for the architectural beauty of that building. I did not have anything to do with that. I had to locate, with others, the site, and had to see that the money appropriated by Congress was properly paid out, and that was the extent of my jurisdiction; but having that matter in the Department when I was Secretary, I took some interest in the work as it progressed, and I felt confident yesterday that no portion of these outside bureaus could be put into that building without detriment to the service. So I called this morning for the purpose of ascertaining whether I was mistaken and to determine what the suggestion of making some changes in the roof had done toward it. I find the upper rooms can only be used, as they are, for file-rooms and document rooms, and not at all for clerks. It will be utterly impracticable to put clerks there, and this provision ought not to be imperative on the Secretary. Therefore, I move that the clause be amended to leave it in that way, so as to place it within the discretion of the Secretary, who will undoubtedly do it if it is necessary and proper to have it done.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado.

Mr. HALE. Mr. President, about the only merit this new building has is its immensity, and it is proposed now to take that away; that is, not to utilize the space that is found within the four walls and under that marvelous roof which disturbs the vision of every beholder.

The Committee on Appropriations in considering this matter were confronted with the House provision, which puts bodily into this building several of the very large bureaus of the Government, including the General Land Office, the Indian Office, the Bureau of Education, which is a smaller bureau, the Office of the Commissioner of Railroads, which is a smaller bureau, the Bureau of Labor, the office of the agent for the payment of pensions in the District of Columbia, and the Geological Survey. The estimate of the House of Representatives of the capacity of this building was that it would hold the Pension force and all of these other large forces. The Committee on Appropriations, giving very careful consideration to the subject, and summoning the Secretary of the Interior in order to consult with him, concluded that the House had put in too much, that the building would not hold all of these large bureaus; but it did decide that in its judgment there was room to put in the small Bureaus of Education of Labor, and of the Commissioner of Railroads; and when the Secretary of the Interior, who has since transmitted the documents sent to the desk by the Senator from Colorado, was asked if that could be done, he expressed his willingness to attempt the use of that building for this purpose.

Mr. TELLER. To hold all these bureaus?

Mr. HALE. No, those that the committee selected, the small bureaus. He said it was impossible to put in these larger bureaus, but that with these small bureaus which the committee have selected to put in there, which altogether have not a large force, he believed he could get along. I have no doubt that he can get along. I have no doubt that more than the Committee on Appropriations have provided for might be put into this building in addition to the present force now there. I can understand that the force which is there now and the Commissioner of Pensions at the head of that force, would prefer that nobody else should be there, that it should be his exclusive domain, and that nobody should trench upon it, and that he should have entire say and sway in that building. That is natural enough; I am not speaking of it complainingly; the committee finds that everywhere; but I believe that in that immense building there is room for a good deal of clerical force aside from all the Pension Bureau will need for its purposes for years to come, and I think the committee has been very moderate in selecting so small an additional force to be put into the building. But of course the Senate can settle this matter in accordance with the suggestion of the Senator from Colorado. If it is left to the discretion of the Secretary, beset as he will be by the Commissioner, who is determined that nothing more shall go into the building, nothing more will go into the building. Unless we fix it in the bill and declare in terms who shall occupy this building there will be no addition to the present force there.

One remarkable thing is seen in Washington, that build no matter how much we may, add whatever number we may feel obliged to do to the great spacious edifices here owned by the Government, upon the ground that when we build them it will be true economy in the saving of rents paid by the Government, still the renting of outside buildings goes on increasing, and it will always be so until Congress takes the matter of the uses of these buildings into its own hands and sees that they are properly filled up, and that there shall not be such waste places. There is no reason why in a room 20 by 30 feet there should not be more than half a dozen clerks. More than that number can work to advantage, very many more.

Mr. TELLER. They can not.

Mr. HALE. More than that number can work in a room 20 by 30 feet. One merit that is claimed for this building in particular is that its ventilation is such, its light is such that more room can be utilized than in any other building in the city. Whether that is so or not, I do not know. I am not inclined to believe much in the merit of the building any way, but I know that that is claimed. I know if the amendment suggested by the Senator from Colorado is adopted there will never be anything in there but the pension force.

Mr. TELLER. This building is a fair illustration of the impropriety of Congress attempting to deal with details. This building is the result of the wisdom of a committee of this body in the interest of the economy spoken of by the Senator from Maine, a monstrosity that everybody who goes up and down the streets on which it stands is ashamed of; and yet the architect was bound to build a building with a certain amount of space for a certain amount of money.

Mr. HALE. That was not it. It was started with the idea of a limit, but, like almost every other public building, that limit was soon exceeded and the appropriations were made at the suggestion of the architect after that, without regard to limit. So he was not held in an iron clamp so far as money was concerned.

Mr. MCMILLAN. It was very unfortunate that Judiciary Square was taken for it.

Mr. TELLER. The Senator says it was unfortunate that Judiciary Square was taken for it. Let us see about that. I think so, too, but in the interest of economy and with a determination not to give the executive officers any control over it, for fear they would abuse it, the committee, of which the Senator from Maine was a member, provided it should be put upon the public property of the United States in this city; that no land should be bought. You could not afford to do that. We had two places where we could put it. One was down by the market, where the old canal used to be, where the evidence was that the water had stood 4½ feet within the last ten years—because it is since I have been in the Senate, I have forgotten the year—right where the building was proposed to be put. No basement could be put there, no fires could be kept at such a time, and twelve hundred or fourteen hundred clerks would be turned out without anything to do. The Secretary of the Interior, the Secretary of War, and the architect, General Meigs, were authorized to locate this building. They had their choice to locate it there or upon Judiciary Square. Nobody doubted where they would locate it. It would have been a criminal offense, in view of the character of the soil upon which the building was to be put, the unhealthy condition it would have been in after it was built, to have put it in the other place, and so it was put on Judiciary Square.

Now the Senator from Maine says that Congress should designate where the employés are to be put. Was there ever such a proposition? Congress to determine where the Secretary shall put his clerks, and how many he shall put in a room!

The Senator complains that all the time we erect buildings and the departments want more. The Senator lives in a part of the country that is completed and finished and which is practically standing still. He ought to remember that the greater part of this country is increasing all the time in population; that where we had 30,000,000 people a few years ago and our buildings were largely built for 30,000,000 people, we have now 60,000,000, and the business increases proportionately, and will continue to increase. We can not erect buildings fast enough to keep up with the demand. There are employés to-day in the Interior Department crowded to such an extent that in some cities of the world the public officers would be indictable for keeping so many people in that space. They would be indictable in any place where there was proper and due regard for the health of the people. Yet the officers are compelled to keep them there in such a condition as to injure their health and destroy their lives in the interest of economy, in the interest of saving a few dollars.

I say that it is an imposition upon the head of a department to say that he has not the judgment to determine where he can put his clerks, and it is an imposition upon the Executive Department of the Government for this body, or the other, or both together, to say they will detail the clerks to particular rooms. The Senator says Congress ought to do this.

Look at what the other House have done in the bill which they have sent us. If it becomes a law as it came from the House, the Secretary of the Interior could not crowd those people into the rooms if he put

them doubly as thick as they are to-day. Yet the Senator says that Congress knows more about it than the head of the Department, that Congress is the proper authority to determine it, and yet he has before him the bill which he himself admits is impossible of execution. To put the Land Office with its records and all other things, the Indian Office with its records and its numerous clerks there, is impossible, and the committee admit that it is impossible. That is an evidence which ought to be taken by Senators of the inability of the Senate or the House to legislate upon the subject.

How many Senators on this floor know whether there is room there or not? The Senator from Maine does not know it. He has never been there to see. No one knows it who has never been there; and the men who have been there and who know the condition of things say that there is not room.

Let the legislative department of the Government attend to its part, which is to legislate for and not to administer the Government. When we have done this, next year we shall be asked to detail the clerks by a bill to some particular room, No. 24 or No. 25, if the Senator from Maine thinks he knows more about it than the head of the proper department.

It is not any answer to say that it is hands off for the Senate to say, "You are demanding more room every year." They will be demanding more room every year for many years to come, and it would be wisdom for that committee, instead of sitting back and saying that they must utilize what they have, to go to work and provide for the erection of great buildings. The Government of the United States is paying rent upon property at the rate of 10 and 12 per cent. per annum when there are millions of money in the Treasury unused which could be appropriated, or, if the Government wanted to borrow the money, it could borrow it at 2 per cent. per annum with which to erect these buildings.

Although this is an administration with which I am not in sympathy and for which I am not responsible, I am willing to trust the heads of all the departments with all proper executive matters. I think it is proper and just that this matter should be left to the Secretary of the Interior, and if he does not put other offices there it will be evidence to my mind that they ought not to be put there.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Colorado [Mr. TELLER]. [Putting the question.] The Chair is in doubt.

Mr. TELLER. I should like to have the yeas and nays upon the question. It is not very big, but I want to know whether we are to proceed in this way, and whether we propose to administer for the different departments in matters of detail. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. Let the amendment be stated.

The SECRETARY. After the word "Interior," in line 1218, it is proposed to strike out the words "shall, within the fiscal year 1888," and insert "may, within his discretion;" so as to read:

The Secretary of the Interior may, within his discretion, cause to be removed to the Pension building the office of Commissioner of Railroads and Bureau of Labor, &c.

Mr. HALE. I wish to say that there is no attempt here made to interfere with the proper administration of the departments by the heads of those departments, as suggested by the Senator from Colorado, but Congress has found whenever we have erected new buildings and appropriated money to pay for them, sometimes in very large sums, that it has to do something about the occupation of the buildings more than simply leaving it to the discretion of the heads of the departments. There was a long controversy about the occupation of the new State, War, and Navy building. A committee of Congress spent a great deal of time and bent its steps to that building a great many times for the purpose of determining how the space should be divided between the different departments, and how much force should be put in, because the heads of departments are constantly, as I said before, beset with importunities not to bring many people into the building. In this very bill, with reference to the State, War, and Navy Department building, there are provisions that certain bureaus in the War Department shall be put into that building. The danger would be, if Congress did not intervene, that they would not be put into the building, and that they would go on occupying outside rooms and buildings, and thousands of dollars would have to be appropriated yearly to pay for the rent of outside buildings.

Mr. TELLER. I should like to ask the Senator if that does not arise from the fact that there are three departments of the Government occupying one building?

Mr. HALE. No; it does not.

Mr. TELLER. I think it does.

Mr. HALE. Some of the difficulty arises from that fact, but the main difficulty, the fundamental trouble is that if the matter is left entirely to the heads of the departments, the danger is that they will not get in more than 60 per cent. of the force that the building has actual capacity for. It is to meet that danger that Congress, which appropriates the money and furnishes the buildings, continues its supervision over the occupation. It does not attempt to interfere with the little details as to where a clerk shall go, what room he shall occupy, for that would be nonsensical, but it has the right, and ought to exercise it, when it has spent millions of dollars upon the building, taking the revenue coming from the people, to say something about the capacity of the building and how far it shall be occupied.

I hope I shall never see the day when the argument advanced by the Senator from Colorado is entertained and adopted here, that Congress has no right and that it is interfering improperly with a department when it undertakes to say how much force shall be put in a building.

Mr. TELLER. Congress never did say that. We have in the bill a proposition to say as between three departments how one building shall be divided. That is proper. The vice in that case was in erecting a building for three departments without providing in the original plan of the building the space that each department should occupy. Of course the head of each department is anxious to get the best rooms and the most room for his department.

That is a different thing from this proposition. Here is the Secretary of the Interior with certain buildings under his charge, or all of them would have been except that by a special act this building was set apart for the Pension Office, so that perhaps he can not without this legislation control it. But it is the interest of the Secretary to distribute his force properly, and he will not keep in the basement of the building where he sits, people crowded into rooms if there is room anywhere else for them.

I know something about the complaint that has been made of sickness and of death because there was a failure to provide suitable room for the employés of that great Department, a Department that deals with more matters in which the people are interested than almost all the others, a Department in which the people have a direct and immediate interest, in pensions, and lands, and schools, and railroads, and labor, and Indians. Do you suppose that if the Secretary of the Interior found a vacant room in that building, and the clerks were crowded in the basement of the building where he is, he would not move them? He would consult the heads of the bureaus, of course, but he would not allow the head of a bureau to keep a number of clerks in a room that was too small when in another place they would not be crowded.

The Secretary for years has been compelled to decide as to the distribution of space between the Land Office and the Patent Office and the Indian Office, and I never heard before that he was not able to give equitable relief and to make a proper distribution in proportion to the whole room at his disposal. He can do it again, and the present Secretary can do it as well as any of his predecessors.

Mr. PLUMB. Mr. President, I do not see any reason why Congress, which makes the appropriation of money to pay for these buildings, should not give attention to the character and extent of their occupation. The controversy to which the Senator from Maine [Mr. HALE] alluded, which I think is fresh in the recollection of all those who were members of the Senate at that time, in regard to the occupancy of the new State, War, and Navy Department building, shows conclusively that unless Congress does act there will be no economy of space in the use of any public building.

The Senator from Colorado [Mr. TELLER] is logical in this matter, because his position is that the executive officers of this Government have a right to do just as they please, and that Congress is here chiefly for the purpose of ratifying what they do, and of doing what it is told by them to do. I want to dissent most vigorously and emphatically from any such idea. I will turn that proposition exactly square around.

I assume from the experience I have had in this Government that there is no overcrowding of rooms in the capital of any consequence. I know plenty of rooms in the Interior Department larger than the room of the Committee on Appropriations of the Senate in which only three persons work. If it was the property of private individuals there would be twenty clerks in such a room, and there would then be plenty of space for all of them. This talk about overcrowding is the same kind of talk we hear about putting in elevators, and so on. Persons coming here from the country want to get these things; when at home they can go four steps at a time on a steep stairway, but when they get into the Government service they want to get somebody to carry them all the time, and want to be curried and rubbed down. My friend from Iowa [Mr. ALLISON] says they want to have fine baths, &c., but that I think is applied principally to members of the other House. [Laughter.]

The building which has been put up on the north side of Judiciary square is a building which ought to be occupied. It has a large amount of room in it; and not only a large amount of room, but room which is well situated for official purposes. It is well ventilated and has a large court in the interior of the building, which makes it one of the best ventilated buildings in the city of Washington. There can be put into that building two or three times as many people as are in now without any discomfort or without any danger as to loss of life.

Speaking about the matter of loss of life, the mortality among Government officials has not been so great that anybody has been known either to resign or decline an appointment or fail to besiege the doors of the appointing power until he has worn out his shoe-leather if he did not get a place before; so that the mortality is not such as to assume the form of an epidemic. It does not frighten anybody out of the Government service, and the number of the persons who are seeking to get in is as large or larger than ever before, and they now come

from a class of people, I think, chiefly who belong to a section of the country where there is plenty of air, and who have had plenty of space to move around in.

Mr. TELLER. And they want plenty of air.

Mr. PLUMB. They are willing to take a room of 20 feet space, and two individuals to the room, if they can get in.

I think the trouble about our legislation is that we do not supervise the executive officers enough. When I say that, I do not mean to reflect upon the heads of departments for what they do. This is a great Government; it goes on and on. The man who goes into office finds he can carry it on in a somewhat loose way, which comes to prevail finally. His duties are simply sitting at a desk and signing letters which are prepared for him. He finds it a comfortable thing to do, and he does not meet the responsibility because the clerks under him do all that for him, and they will certify up to him, from time to time, according to the precedents which have been established in the department, or according to the ones which they shall establish; and he finds that it is much more comfortable for him to do that, and go down to his office, go to receptions and balls, and things of that kind, during seven or eight hours of the twenty-four, than it is for himself to go to the bottom of the administration of the Department of which he has charge, and settle for himself as he ought, being the responsible head, whether what is going on is right or not. So these estimates come up, and these objections to legislation come up, and these recommendations about legislation come up from the clerical branches of the service, and without receiving much, if any, consideration at the hands of the heads of the departments.

One of the most competent men who I think ever was at the head of a department of this Government, and one who sat around the Cabinet table of President Arthur along with my friend from Colorado, told me that he could carry on the business of his department, if permitted to run it as he would run his individual business, for 25 per cent. less money than it took to carry it on, and he said, "I will go a step further; for one-third of the salaries I could carry it on with 25 per cent. less force." He said he had no doubt that was true of all the departments. I have no doubt of it either.

It is because Congress has not exercised sufficient authority over these matters that these things are allowed to go on. The knife has not been put in deep enough. It is not that the Secretary of the Interior is not given discretion enough about what he should do with the public buildings and all the public interests under his control.

I do not speak of it as any reflection upon him; the trouble is simply in the system. It is by thrusting in the knife occasionally by means of appropriation bills that you give strength and vigor and vigilance and efficiency to these departments, and that is about the only way they do get it. In other words, they get into a certain rut.

I do not want to speak of my friend's administration of the Interior Department with any disrespect. That part of it which came under his observation no doubt he disposed of according to his conscientious belief of what the public interest required; but it was a machine in the presence of which he or anybody else who appreciated the situation would have felt helpless. He realized that he would stay there only two or three years. There was no use of his going into it for the purpose of reaching a result unless he could follow it up to a completed system, which he could not do within his term of service.

I am prepared to believe that more use could be made of the Pension building. I think the move should be made, not for the sake of moving, but it will not do any hurt; at least it will shake up some old things, carry off some accumulated dust, and put it into a new relation with things. If there is, as the Senator from Colorado has said, a crowd of people in the Interior Department beyond the capacity of that building, then why, in Heaven's name, not send them down to the Pension Office, where there is room?

Mr. ALLISON. Yesterday the Senate struck out the provision including in this clause the Bureau of Education, which the Committee on Appropriations believed might properly be placed in the Pension building in addition to the bureaus that are now left in by the bill as amended. The Bureau of Education has 39 clerks, the Bureau of Labor 42, and the Commissioner of Railroads has 7; so that as the bill now stands we have provided the enormous situation of adding 49 people to the new building. Now, the Senator from Colorado says that we can not do this because of the overcrowded condition of that building.

Mr. TELLER. No, I have not said that.

Mr. ALLISON. Words to that effect.

Mr. TELLER. I was not speaking of that building as being overcrowded. I was speaking of the other building, where the Secretary himself has his office.

Mr. ALLISON. The Senator reads from the Commissioner of Pensions a letter protesting against this assignment because his building is occupied, and yet in the same letter he suggests that he can put 221 more people in it. He gives as a reason why we should not put 49 more people in the Pension building that in the future we are likely to appropriate money to add 221 clerks to the Pension Office.

Mr. TELLER. Is not that a fact?

Mr. ALLISON. I do not know whether it is or not. I do not myself believe that it is necessary for executing the pension laws with reference to Mexican war pensions to add at once 221 clerks to the force in the Pension Office.

Mr. PLUMB. It will not be necessary to add 50.

Mr. ALLISON. The Senator from Kansas says it will not be necessary to add 50. I do not believe that it will be necessary to throw into that building 221 new people unfamiliar with the subject of paying pensions and adjusting accounts and records with reference to pensions. So, according to the admission of the Commissioner himself, if we do not appropriate for 221 new people we can put in at least 49 people.

I wish to say one word with reference to this much-abused Pension building. In the first place, when the Committee on Appropriations—because this particular building had its origin in that committee—proposed this new building, we found the city filled with buildings occupied by the Government at a high rent. We found a great granite building going up in the western end of the city, nearly all of it hall-space and stairway, and the Committee on Appropriations believed that it was a wise thing in some way to direct and supervise the building which we intended to erect for the purpose of accommodating the Pension Office, which then had a thousand clerks. Therefore we made the best inquiry we could. General Meigs, who had experience as an architect, as all will agree, among other persons, was called before the committee, and he said he could erect a building of plain brick, fireproof, and sufficiently large to accommodate a thousand people, for $400,000, which was the sum appropriated. That was his suggestion.

At that very session of Congress, contemporaneous with that appropriation, we enlarged the number of clerks in the Pension Office to about thirteen hundred, and when General Meigs prepared his plans for the building he prepared them on a basis of utilizing a force of sixteen hundred people in the building. You may call General Meigs now before any committee of this body and he will tell you that sixteen hundred people can be usefully occupied in the building in a clerical way as clerks usually are employed; that they will have ample space, ample vetilation, and ample light.

The Commissioner of Pensions discloses that there are about twelve hundred people there. I venture to say that there are not twelve hundred people there daily in the occupation of the rooms assigned for the clerical work of the office. That may be the number upon his rolls.

Mr. TELLER. There must be space for them, however.

Mr. ALLISON. Very well. Now, then, all the Committee on Appropriations propose to do, as the bill now stands, is to put in that building the Bureau of Labor and the force of the Commissioner of Railroads, forty-nine people. That is the way the bill stands now; and yet the Commissioner of Pensions finds it necessary to appeal to the Senate for the purpose of excluding absolutely any use of the building except by his own clerical force. I regard that as outside of and beyond the duties of the Commissioner of Pensions, and I am glad to see that the Secretary of the Interior, in forwarding the letter here, wrote a very guarded letter respecting it.

Mr. TELLER. He agreed with the Commissioner.

Mr. ALLISON. He said that from the statement made he had reason to believe it would be crowding the force.

For one I think we have gone as far as we can afford to go in the way of curtailing what is proposed by the House of Representatives with reference to the occupation of the Pension building. We are paying $6,000 a year for the rent of a building for the Bureau of Education for the purpose of carrying on the operations of that bureau, which has thirty-nine clerks. The Senate excluded that bureau from the Pension building by its vote yesterday, and I do not care to test that again. The Bureau of Labor has forty-two clerks and the Commissioner of Railroads seven, and the Commissioner of Pensions protests against these forty-nine people coming in, when he states that he has room for two hundred and twenty-one more.

Mr. TELLER. The Commissioner of Pensions assumes that the two hundred and twenty-one additional clerks are to be put in. If they are not put in I think I can say it will be because the Senate does not give him that increased force. It will be given him elsewhere, I understand, beyond question. The Senator from Iowa will not stand up here and object to a sufficient force to execute the law that he voted for. That is what the Commissioner says. He says, "if you give me these people," he does not say if there is to be no more force he could not take the forty-nine. His whole letter goes upon the supposition that he is to have the two hundred and twenty-one people in addition to the force he has.

The Senator from Kansas [Mr. PLUMB] says that the Senator from Colorado wants the Executive Department to be independent of the legislative. I do not. In the years that I have served in this body I think my votes will show that I am for holding the Executive Department to a strict construction of the statutes, and I am for holding the legislative department to the legislative business of the country, and not the executive. The legislative department has no more right under our form of Government to invade the Executive than the Executive has to invade the legislative. It is a Government of co-ordinate departments, and when we go beyond proper legislation we go beyond our power.

The details of a matter of this kind ought in all decency to be left to the head of the proper department. It ought not to be interfered with by Congress. It never can be intelligently done by Congress, although the Senator from Iowa and the Senator from Kansas may be the principal movers in the legislation. They may as members of the Committee on Appropriations dictate to us, as they do very largely, the legislation of this body, but they cannot enter into the details of the administration of the Government.

The Senator from Kansas complains and says that the departments might be run with less men. I have not any doubt about it. I have not any doubt if you would put at the head of any department a man and give him absolute authority he could administer the Government with half the money; but he must administer it as the legislative department of the Government says he shall.

There is not a man living, with ordinary intelligence and judgment, who could not take the Indian branch of the service and save a very large percentage of the money every year, and hire clerks for less money than the legislative department of the Government says that he must pay for them. But it is the policy of the legislative department of the Government, and has been for years, to say to the executive departments, you must hire so many men at such a salary. If a hundred men offer to do the work for half the money you must hire two hundred men to do it. If a man says "I am willing to work for $1,200 a year," you must see how many men you can put in, and if you put in another one you must put him in at $1,600 if the legislative department says so, although he could procure a man to fill the place for $1,200.

There was a time when all these appropriations were made in a lump and sent to the departments, and the departments hired their clerks at such prices as they saw fit to give. It was thought that was not wise by the legislative department, but that every man employed should be employed at a salary fixed by the legislative department and not by the executive department. The effect of that legislation was to largely increase the expenditures of the Government and not to decrease them. Every time that the legislative department puts its hand upon the Executive Department in matters of detail, it can be demonstrated that it has been at the expense of the Treasury of the United States without a single exception, whether it be in Indian matters, or in lands, or in anything else.

If the legislative department of the Government has the right to say that this bureau shall be put in that building, it may say that all the bureaus shall be put there, and it is destructive of the discretion which ought to be given to the head of a department with reference to the distribution of its clerical force.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1753) for the relief of Mathew H. Fulton;

A bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio; and

A bill (H. R. 10412) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa.

The message also announced that the House had passed the bill (S. 1368) for the relief of Richard H. Porter and James Porter, with amendments; in which the concurrence of the Senate was requested.

HOUSE BILLS REFERRED.

The following bills and joint resolution, this day received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 38) for the relief of Alfred Hedberg;

A bill (H. R. 228) for the relief of James Roach;

A bill (H. R. 329) for the removal of the charge of desertion against the record of Johnson S. Prall;

A bill (H. R. 798) for the relief of Stephen O'Connor;

A bill (H. R. 1173) to correct the record of Capt. Edmond G. Fechét;

A bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay;

A bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States;

A bill (H. R. 1710) for the relief of T. J. Payne;

A bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains;

A bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War;

A bill (H. R. 3600) for the removal of the charge of desertion from John Rockwell, late a private in Company F, One hundred and twenty-first Ohio Volunteer Infantry;

A bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers;

A bill (H. R. 4709) to remove the charge of desertion from the military record of William A. Wighaman;

A bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor;

A bill (H. R. 5056) for the relief of George Lemon;

A bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service;

A bill (H. R. 5935) to remove the charge of desertion against William Figley;

A bill (H. R. 6066) to authorize the sale of the United States barracks property in the city of Newport, Ky., and the purchase of a new site, and the erection of buildings thereon;

A bill (H. R. 6535) to close the account of Franklin W. McCauley;

A bill (H. R. 6712) for the relief of William N. Canady;

A bill (H. R. 6937) for the relief of George D. Paul;

A bill (H. R. 6758) to authorize the President to confer brevet rank on officers of the Army for gallant services in Indian campaigns;

A bill (H. R. 7176) for the relief of Isaac Crawford;

A bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond National Cemetery, near Richmond, Va.;

A bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army;

A bill (H. R. 7996) for the relief of William J. Mulvey;

A bill (H. R. 8922) for the relief of Henry East;

A bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes;

A bill (H. R. 8319) for the relief of Martin Coughlin;

A bill (H. R. 8331) to regulate the pay of the officers of the Army and Navy who refuse or neglect to provide for the support of their families;

A bill (H. R. 8591) directing the Secretary of War to cause the name of Fred B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes;

A bill (H. R. 8593) for the repair and preservation of the road heretofore constructed by the Government leading from Vicksburg to the national cemetery adjacent thereto;

A bill (H. R. 8620) for the relief of Henry Durkee;

A bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Whipple Barracks Military Reservation, in Arizona;

A bill (H. R. 9446) for the relief of Robert W. Spang;

A bill (H. R. 9486) to correct the military record of Capt. James H. Bone, and for other purposes;

A bill (H. R. 9860) to correct the record of the military service of James W. Kingon;

A bill (H. R. 9905) for the relief of William C. Spencer;

A bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military Reservation;

A bill (H. R. 10353) for the relief of Andrew J. Edgerly;

A bill (H. R. 10790) authorizing the President to return the Twiggs swords; and

Joint resolution (H. Res. 19) for the relief of Silas D. Baldwin.

The bill (H. R. 10804) to effect a re-arrangement of grades of office in the Adjutant-General's Department of the Army was read twice by its title.

Mr. SEWELL. I ask that that bill may lie on the table. There is a Senate bill reported on that subject and it is now on the Calendar of the Senate.

The PRESIDING OFFICER. The bill will lie on the table if there be no objection.

The bill (H. R. 1753) for the relief of Mathew H. Fulton was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10412) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa, was read twice by its title.

Mr. ALLISON. I ask that that bill may lie on the table. The Committee on Commerce of the Senate have under consideration a similar bill, and intended to report it this morning. I desire, when they make their report to substitute the House bill, which I ask may lie on the table in the mean time.

The PRESIDING OFFICER. There being no objection, the bill will lie on the table.

GOVERNMENT GROUND IN NEWPORT.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1154) to authorize the

city of Newport, R. I., to use the site of Fort Greene as a public park, which were in lines 6 and 7 to strike out the words "during the pleasure of Congress," and at the end of the bill to add the following proviso:

Provided, That such use of said property shall cease and be terminated whenever the Secretary of War shall elect and give notice of such election to the public authorities of said city; and upon such termination the United States may enter and reoccupy the same as upon a lease terminated; but no right or claim to damage by reason of such termination and reoccupation, nor for any cause growing out of any improvement made or other thing done by the said city under the right conferred by this act, shall accrue to said city or to any person against the United States, or any agent or officer thereof.

The amendments were referred to the Committee on Military Affairs.

ARMY HOSPITAL STEWARDS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance; which was referred to the Committee on Military Affairs.

MILITARY POST NEAR DENVER, COLO.

The PRESIDING OFFICER also laid before the Senate the amendment of the House of Representatives to the bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado.

Mr. TELLER. That bill is substantially the bill that passed the Senate, except that the Senate passed a bill appropriating $250,000, and the House has appropriated $100,000. I should like to move to concur in the House amendment.

Mr. ALLISON. Let it lie on the table for the present and we can take it up in the morning.

The PRESIDING OFFICER. It will require unanimous consent to lay aside the appropriation bill and take this bill up.

Mr. TELLER. Let it lie on the table. I can call it up in the morning.

The PRESIDING OFFICER. The bill will lie on the table for the present.

RICHARD H. PORTER AND JAMES PORTER.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1368) for the relief of Richard H. Porter and James Porter.

Mr. COCKRELL. The amendment is simply a change in the bill so as to make it the surviving partner of a firm, and in the title of the bill the name of the firm is changed. I should like to have the amendment concurred in so as to dispose of the matter.

Mr. BECK. That is all there is of it.

The PRESIDING OFFICER. Is there objection?

Mr. ALLISON. Then I must also yield to the Senator from Colorado [Mr. TELLER]. Very well.

The PRESIDING OFFICER. There being no objection, the amendments will be stated.

The amendments of the House of Representatives were in line 1, after the word "Porter," to insert the words "surviving partner and assignee of the late firm of R. H." and to amend the title so as to read "An act for the relief of Richard H. Porter, surviving partner and assignee of the late firm of R. H. & James Porter."

The amendments were concurred in.

MILITARY POST NEAR DENVER.

Mr. TELLER. The Senator from Iowa having yielded to the Senator from Missouri, I ask him to yield to me that I may ask the Senate to concur in the amendment of the other House to Senate bill 2477. It will not create any discussion.

The PRESIDING OFFICER. Is there objection to taking up for consideration the bill? The Chair hears none, and the amendment of the House of Representatives will be stated.

The Chief Clerk read the amendment of the House to the bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado, which was to strike out all after the enacting clause and to insert:

That the Secretary of War be, and he is hereby, authorized and directed to establish a military post near the city of Denver, in the State of Colorado, at some suitable site to be selected by the Lieutenant-General of the Army and approved by him: *Provided*, That a good and sufficient title, to be approved by the Attorney-General of the United States, be first made to the United States, free of cost, of not less than 640 acres of land, in a compact body, including the site so selected.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, to be expended, under the direction of the Secretary of War, in the commencement of the work of constructing the necessary buildings, quarters, barracks, and stables for the post to be established under the provisions of this act: *Provided*, That no part of such money shall be expended until the State of Colorado shall have ceded to the United States jurisdiction over the tract of land which may be selected under the provisions of this act.

Mr. TELLER. The amount was reduced by the other House from $250,000 to $100,000. I shall make no objection under the circumstances. I ask the Senate to concur in the amendment.

The amendment was concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Colorado [Mr. TELLER], on which the yeas and nays have been ordered.

Mr. ALLISON. I hope the Senator from Colorado will withdraw the call for the yeas and nays.

Mr. TELLER. I will withdraw the call for the yeas and nays. There seems to be rather a slim quorum present.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was rejected.

Mr. ALLISON. There was an amendment passed over last night to strike out lines 1987, 1988, and 1989, the amendment reported from the Committee on Appropriations, in the following words:

Yorktown monument: For erection of a cottage for use of watchman at Yorktown monument, $1,000.

And to insert:

That so much of the unexpended balance ($5,176.74) of the appropriation of $100,000 in the act of Juue 7, 1880 (21 Stats., page 163), for the erection of a monument at Yorktown, Va., as may be necessary therefor, in the opinion of the Secretary of War, may be applied to the building or purchase of a plain, substantial dwelling for the keeper of said monument, and for the care of the same after construction, and of the grounds around the monument: *Provided*, That the total cost of said building, tool and wood house, &c., shall not exceed the sum of $2,500; and of the balance thereafter remaining not more than $200 shall be expended in any one year in the care of the grounds, buildings, &c., pertaining to said monument.

Mr. PLUMB. I should like to ask the Senator from Virginia what is the reason for changing the amount from $1,000 to $2,500? Nobody in that part of Virginia has a house so expensive as that. I do not want to set a bad example down there.

Mr. MAHONE. Mr. President, I wish to make an explanation. The amendment which is proposed in this case comes from the Committee on Military Affairs of the Senate based upon a recommendation of the Secretary of War.

It appears that for the Yorktown Monument there was originally appropriated $100,000. In the erection of the monument all has been expended of that $100,000 save and except $5,000 and a fraction over. It has been advised by the engineer in charge of the work that it is very necessary and proper that the monument should be inclosed, and that some suitable provision in the form of a house should be provided for the accommodation of a keeper.

Therefore, we find in the Book of Estimates for the last fiscal year a recommendation on the part of the Secretary of War that he be authorized to expend this sum for that purpose, that is to say, for the erection of a suitable house for the accommodation of a keeper and for a proper inclosure of the monument, the balance to be used in paying the person in charge a sum not exceeding $200 per annum. We find that in the Book of Estimates of last year.

We also find in the sundry civil appropriation bill of last year an item authorizing the expenditure of a sum not exceeding $5,000 of this balance.

What is proposed in this case is to substitute for the appropriation of $1,000 recommended by the Committee on *Appropriations, authority* to expend the balance on account of the former appropriation of $100,000, in the direction I have indicated.

As will be seen by the amendment, it does not require absolutely the construction of a house, but it authorizes the Secretary of War to purchase, if there should be a suitable house found.

It is proper to say in this connection that there is an old historical building within 150 feet of the monument, a very large and comfortable building, built of English brick in colonial times, which had a very conspicuous connection with the battle of Yorktown. It was the headquarters of the English army, and it is said that one of our generals, General Nelson, after whom the house is called, gave the artillerymen on our side a guinea for every shot they would throw into that house.

So it has a very historical connection with the monument. It may be that that house can be purchased for a sum not exceeding that for which a suitable building can be erected there for the accommodation of the keeper. The amendment allows the Secretary of War that discretion in this matter, and I hope the Senate will adopt it.

Mr. ALLISON. I hope not.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Virginia [Mr. MAHONE] to the amendment reported from the Committee on Appropriations.

Mr. BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Mr. President, it so happens, it seems, that there were $5,000 or $6,000 not expended out of the $100,000 appropriated for the monument at Yorktown. That money has gone back into the Treasury and is as much the money of the people of the United States as any other money we have; but it seems whenever there is any money left

from anything, it is so unusual to have any, that ways and means have to be devised to spend it.

All that is needed is a house for a watchman, white or colored, to see that the monument is not injured. I will guarantee that nine-tenths of the people living in that neighborhood, who occupy the same position as this watchman, do not live in houses that cost $500; and to pay $2,500 to build a house for the watchman to sit in and watch the monument does not seem to me the proper thing to do.

The Committee on Appropriations thought they were very liberal when they allowed a cottage to be built that would cost $1,000. I thought it was more than would be needed, but as the United States always does things in a little grander style than anybody else, I consented that $1,000 should be given; but when it comes to paying $2,500 for a house for a single man to sit in to shelter him while he is watching the monument, it seems to be absurd; and therefore I called for the yeas and nays.

Mr. MAHONE. It is not proposed to spend $5,000 for the house. The Senator from Kentucky has not read the amendment.

Mr. ALLISON. It is proposed to spend $2,500 for the house.

Mr. MAHONE. Here is what we find in the Book of Estimates for last year:

Erection of monumental column at Yorktown, Va.:

That so much of the unexpended balance ($5,176.74) of the appropriation of $100,000 in the act of June 7, 1880 (21 Stat., 163), for the erection of a monument at Yorktown, Va., as may be necessary therefor, in the opinion of the Secretary of War, may be applied to the building of a plain, substantial dwelling for the keeper of said monument, and for the care of the same after construction, and of the grounds around the monument: *Provided*, That the total cost of said building, tool and wood house, &c., shall not exceed the sum of $2,500; and of the balance thereafter remaining not more than $200 shall be expended in any one year in the care of the grounds, buildings, &c., pertaining to said monument.

That will be found in the Book of Estimates of last year, recommended by the Department. Then we find also in the sundry civil bill of last year a provision appropriating directly $5,000 of this amount. It seems to me that we might very properly appropriate this unexpended balance for the purpose indicated.

Mr. BECK. I ask the Senator from Virginia if the $5,000 which was unexpended on the monument is not as much public money as any other money, and why should that cut any figure in this case?

I ask the Senator again, if in comparison with the people living about there, in a mild climate, near Fortress Monroe, occupying the same relation in life that the watchman would, a thousand dollars is not far greater than the average value of the houses that the people generally occupy in that station of life? Beyond doubt it is, and I can see no reason why we should do more. I am willing that the monument shall be watched; I am willing that the man who watches it shall have a comfortable place to stay in, but beyond that it seems to me simple extravagance to go. The sum is not large, but it is just one of a lot of that sort of things.

Mr. MAHONE. It is scarcely necessary to answer the questions of the Senator from Kentucky. The proposition is self-evident. Of course the money is in the Treasury and is as much the money of the people as any other money in the Treasury, but the intention of Congress was to appropriate $100,000 on account of the monument. The monument has been built. The next thing to do is to take care of it. It is advised by the proper officers of the Government that the items referred to in the amendment are essential to its proper preservation.

In addition to the valuable reminiscence connected with the history of Yorktown which may be acquired under the authority granted the Secretary of War by the amendment to purchase, if within reasonable limits, the old historical house known by the name of Nelson, constructed by the grandfather of General Nelson, who, as I before stated, was conspicuous in Revolutionary times, not only in connection with the war, but in connection with the formation of our Government—there are at Yorktown, besides this, a customs office and a post-office, and I am advised that this house will accommodate all these purposes if it can be purchased. We are paying there $75 a year rent on account of the customs service. If we could purchase that house for $2,500 it would be equivalent to the capital at 3 per cent. of what we are paying now for an office at Yorktown.

I have never been at Yorktown, I am sorry to say. I know nothing about the house, except that I am advised it is situated within 150 feet, or thereabouts, of the monument, and that it will not only be a very suitable building for this purpose but very appropriate in connection with the monument.

Mr. BECK. This is the very first time I ever heard of some grand old historic mansion that could be obtained cheaply to put a watchman in, and then it will take from $500 to $1,000 a year to keep that grand historic mansion in repair from this time on. The committee never heard, and there is nothing in the amendment to indicate, that we were going to establish a post-office and custom-house and other public buildings at Yorktown in the watchman's house.

Mr. MAHONE. They are already established.

Mr. BECK. The idea we had was to build a comfortable cottage to take care of the watchman, and not go either into the customs service or the post-office service or into the purchase of historic houses, which must be maintained in order to protect some plain man, white or colored, while he sits there and sees that nobody chips blocks off the monument.

Mr. HAMPTON. It is not a grand house of which the Senator from Virginia speaks; it is a substantial, plain, old-fashioned brick house.

Mr. BECK. About how large?

Mr. HAMPTON. It has two stories. It is a historical house, and has many historical reminiscences connected with it. Besides being the mansion of one of Virginia's great men, it was used as a hospital for both Federal and confederate soldiers during the war. It is close by the monument, and I am satisfied that it could not only be used with great advantage as a keeper's lodge, but it could be used also to accommodate the officers necessary there to attend to the customs duties.

The provision was considered in the Military Committee, and the Secretary of War was authorized to build or purchase a house. It was left optional with him, and I am satisfied that no more appropriate or suitable house can be obtained than the one to which the Senator from Virginia has alluded.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Virginia [Mr. MAHONE] to the amendment reported from the Committee on Appropriations.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. EDMUNDS]. I do not know how he would vote, and therefore I withhold my own vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], but being satisfied that he would vote for this amendment, I therefore vote. I vote "yea."

Mr. PLUMB (when his name was called). I am paired with the Senator from Missouri [Mr. VEST], who is absent from the Chamber.

The roll-call was concluded.

Mr. COCKRELL (after having voted in the negative). The Senator from Connecticut [Mr. PLATT] was called out of the Chamber a short time ago to be absent for the evening, and I am paired with him. I understand that he would vote "yea" in this case, and therefore I withdraw my vote, as I would vote "nay."

The result was announced—yeas 29, nays 12; as follows:

YEAS—29.

Blair,	Gray,	Mitchell of Oreg.,	Sherman,
Bowen,	Hampton,	Morrill,	Spooner,
Butler,	Hawley,	Palmer,	Teller,
Cameron,	McMillan,	Riddleberger,	Van Wyck,
Cheney,	Mahone,	Sabin,	Walthall,
Dolph,	Manderson,	Sawyer,	Whitthorne,
Farwell,	Miller,	Sewell,	Williams.
Gorman,			

NAYS—12.

Allison,	Call,	Ingalls,	Saulsbury,
Beck,	Cullom,	Jones of Arkansas,	Vance,
Berry,	Hale,	Payne,	Wilson of Md.

ABSENT—35.

Aldrich,	Dawes,	Harrison,	Platt,
Blackburn,	Edmunds,	Hoar,	Plumb,
Brown,	Eustis,	Jones of Florida,	Pugh,
Camden,	Evarts,	Jones of Nevada,	Ransom,
Chace,	Fair,	Kenna,	Stanford,
Cockrell,	Frye,	McPherson,	Vest,
Coke,	George,	Maxey,	Voorhees,
Colquitt,	Gibson,	Mitchell of Pa.,	Wilson of Iowa.
Conger,	Harris,	Morgan,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

Mr. ALLISON. I hope the bill can now be reported to the Senate.

Mr. RIDDLEBERGER. I wish to ask whether this is the proper time, or after the bill is reported to the Senate, to reserve the amendment in lines 43, 44, and 45, relative to the public building at Danville, Va.

The PRESIDING OFFICER. Does the Senator from Virginia desire a separate vote on a certain amendment?

Mr. RIDDLEBERGER. Yes, sir; I wish to reserve that amendment for a separate vote.

The PRESIDING OFFICER. The Senator will have that right after the bill is reported to the Senate.

Mr. ALLISON. I will say that the Senator from Virginia explained to me this morning to my satisfaction that the provision put in by the House is a proper provision, and I am perfectly willing, for myself, to surrender the amendment of the committee, striking it out.

Mr. RIDDLEBERGER. I have information that I did not have yesterday, and I gave it to the chairman of the Committee on Appropriations this morning.

Mr. VANCE. The committee's amendment was not agreed to, I see by the RECORD. The committee proposed to strike out the House provision, but that was not adopted by the Senate.

Mr. ALLISON. Then there is no motion necessary.

Mr. CULLOM. We had better see what the RECORD shows in reference to it. I think there may be a mistake about it.

The PRESIDING OFFICER. The clerks inform the Chair that the clause was stricken out by the Senate as in Committee of the Whole.

Mr. ALLISON. Very well.

Mr. CULLOM. Is it in now?

The PRESIDING OFFICER. It is not, the Chair is informed.

Mr. ALLISON. It was in the original House text, and the amendment was to strike out the House text. If the committee amendment was not agreed to, then the House text stands.

Mr. VANCE. The amendment was not agreed to.

The PRESIDING OFFICER. The clerks inform the Chair that the motion to strike out was agreed to.

Mr. COCKRELL (to Mr. ALLISON). Then move to reconsider.

Mr. ALLISON. I ask unanimous consent to reconsider that vote and allow the amendment of the Senate committee to be rejected.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendment reported from the committee will be considered as disagreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. What is the pleasure of the Senate concerning the amendments made as in Committee of the Whole?

Mr. ALLISON. I ask that the vote may be taken on all the amendments together.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and still open to amendment.

Mr. ALDRICH. I desire to ask the chairman of the committee for an explanation of the proviso contained in lines 314, 315, and 316 of the bill. What is the purpose of the proviso?

Mr. ALLISON. That proviso we found in the bill. It is a House provision and it is the present law.

Mr. ALDRICH. It would not be the present law if the proviso were left out, however.

Mr. ALLISON. That is true. The proviso reads:

Provided, That no portion of this sum shall be expended for printing United States notes of large denomination in lieu of notes of small denomination canceled or retired.

That is, of course, a limitation upon the appropriation for the printing of these notes. The same limitation was in the bill last year. As I understand the proviso, it requires the Secretary of the Treasury in redeeming greenbacks of small denominations to reissue greenbacks of small denominations, the distinction between small and large denominations running, I believe, according to the custom of commercial people of the Treasury, to $20, so that if the proviso shall stand it would not be competent for the Secretary of the Treasury to redeem five-dollar notes and issue in lieu of them hundred-dollar notes or thousand-dollar notes, but it would be competent for him to redeem five-dollar bills and to issue in lieu of them ones and twos or tens and twenties. That, I understand, is the construction put upon the proviso at the Treasury, and I believe it is a reasonable and fair construction.

If the proviso is not inserted it is claimed in certain quarters, with how much force I shall not undertake to say, that the Secretary of the Treasury would be compelled by the law as it stands without the proviso to reissue a one-dollar note in place of a one-dollar note retired, and to reissue a five-dollar note in place of a five-dollar note retired, and that thereby the flexibility which this provision allows between $1 and $20 would be removed.

I know that the Treasurer of the United States claims that he can redeem one-dollar and two-dollar and five-dollar notes under the law and issue in lieu of them one-hundred-dollar notes or one-thousand-dollar notes. That is his construction of the provision. The Committee on Appropriations, finding this provision here, looked into the law with great care, and there was a difference of opinion in the committee, I confess, respecting the true construction of the statute. If I understand the object of the inquiry made by the Senator from Rhode Island, it is to strengthen and invigorate the construction given by the Treasurer and the Secretary of the Treasury to the existing law. My own opinion is that this provision is a relaxation of the existing law as it is construed generally by people who have examined it with care. I do not myself undertake at this time to give a construction to the law.

Mr. ALDRICH. I suppose the Senator from Iowa will agree with me that, so far as the practice is concerned, from the foundation of the Government down to the present time, the construction put upon the law by Secretaries of the Treasury and by Treasurers of the United States has been that they had a right to reissue, and they have reissued, notes in any denominations they saw fit in place of those which were retired and canceled.

Mr. COCKRELL. Has not Congress the right to restrain that exercise of power whenever it chooses?

Mr. ALDRICH. I take it for granted they have, and this is a restraint. That is the reason I object to the proviso.

Mr. COCKRELL. That is the reason I am in favor of it.

Mr. ALDRICH. This is a restraint on the discretion they have wisely had and have wisely exercised.

Mr. ALLISON. It was a discretion they had under the law up to the passage of the statute of May 31, 1878, restricting and limiting the retiring of greenbacks.

Mr. ALDRICH. The only restriction in the act the Senator now alludes to was on the gross amount. Congress has never undertaken to place any restriction on the denominations to be issued in the place of those which were retired, to my knowledge, and I have never found any Secretary of the Treasury or any Treasurer of the United States who has placed such a construction on the law.

I wish to ask the Senator from Iowa another question as to the practical effect of this proviso. To the extent to which the ones and twos and fives of the United States notes are retained in circulation by the proviso, will not the effect be to exclude to that amount from circulation the silver certificates of the same denominations?

Mr. ALLISON. I think, if this proviso is retained, that the Secretary of the Treasury can issue ones and twos of greenbacks, if he chooses to do so, but if he chooses in lieu of those ones and twos to issue fives, he can do so. They so construe the proviso at the Treasury, and I believe rightly.

Mr. ALDRICH. They consider those small denominations.

Mr. ALLISON. Small denominations as known in commerce and known among banks and known in the Treasury are notes of the denominations of $20 and under, and the larger denominations are those of $50 and upwards.

Mr. ALDRICH. Is that the construction put on it by the Senator from Kentucky?

Mr. ALLISON. I do not know what he thinks about it.

Mr. BECK. I can answer very promptly. I am content to allow this proviso to remain as it is, because, in my opinion, we shall get something worse from the other House if we strike this out. In the present condition of our circulation the national-bank circulation is diminishing very rapidly, as the Senator knows, for reasons which, perhaps, the banks can not control. Over $100,000,000 in the last three years have been withdrawn from circulation. Hence it is indispensable to have small certificates, based upon coin, or silver certificates as they are known, and it is quite well to give the right of way to those small certificates as far as we can.

Under the construction given by the Secretary of the Treasury and the Treasurer of the United States they can change, and they are changing, small notes into fives, tens, and twenties, the ones and twos making way for the silver certificates. Under this provision they claim that they can do it. Therefore the evil that the Senator from Rhode Island apprehends is not working practically any mischief, as will be seen by the reports. I have them in my hands.

About the time the law of 1878 was passed, on the 30th of June following, there were $21,000,000 of one dollar legal-tender notes; there were $20,900,000 of twos; on May 31, 1886, there were eighteen and one-fourth millions of ones and $18,800,000 of the twos, making a reduction of say $7,000,000. The Secretary of the Treasury tells us that, on the 30th of November, 1886, just prior to his last report, he had reduced the ones, acting under this law. While he had $18,000,000 of ones and $18,000,000 of twos at the beginning of the fiscal year, under the operation of this law he had reduced them till, on the 30th of November, he had $14,300,000 of ones, and $14,900,000 of twos, a further reduction of these small notes for the purpose of giving the certificates the right of way. That process is going on still, and this provision does not prevent the Secretary of the Treasury from doing that under the construction he is giving that all notes are small which are twenties and under. That is the condition.

I think we have allowed that to go on in violation of the law, for I differ with the Treasurer and the Secretary about it. I was thoroughly convinced, after careful examination and consultation with all the officers, that it will do no harm; but for fear some more radical provision should be made and the construction now given by the Treasury Department be taken away from them, as I am afraid it would be if the law was strictly followed, I was content to allow the provision to stand. The law of May 31, 1878, reads thus:

Be it enacted, &c., That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation.

The meaning of that was to restrict the liberty theretofore given to the Secretary of the Treasury to change the character of the notes when they were once received in the Treasury, and to maintain them not only in their volume but of the denominations that then existed. The proviso to the act I have just read is as follows:

Provided, That nothing herein shall prohibit the cancellation and destruction of mutilated notes and the issue of other notes of like denomination in their stead, as now provided by law.

So that even as to mutilated notes returned for substitution under the law the proviso was that other notes of like denominations should be issued in their stead.

Now, without arguing it elaborately, as I have done before, my con-

struction is that it was the will of Congress, the determination of Congress, whatever might have been the law before, to retain the $346,000,000 of legal-tender notes in the same denominations that were then in existence. They have been changed since, but the condition is improved by the reduction of the small notes for purposes that I think, under the changed condition of our national-bank currency, the country requires, and it may go on under the provision now in the bill without doing any harm. Therefore I decline to make any question about the strict construction of the act, and I am content to allow the House provision to stand.

Mr. ALDRICH. My objection to the proviso is, in the first place, that legislation of this kind should have no place on a general appropriation bill, and, second, that it is unwise either to limit or restrict the discretion which the head of the Treasury Department has always exercised in regulating the denomination of the notes to be issued by the demands of trade at various seasons of the year.

I had another objection, which is obviated by the construction now placed upon the proviso by the Senators from Iowa and Kentucky, that under the terms of this proviso, strictly construed, the Treasurer of the United States could not fail to reissue ones, twos, and fives of legal-tender notes, and that the effect of this section would be to exclude those denominations of the silver certificates to the amount of twenty-eight or thirty million dollars, as referred to by the Senator from Kentucky.

The Secretary of the Treasury, in the communication sent to Congress yesterday, called the attention of the House of Representatives to the fact that the issues to be made of the one and two dollar legal-tender notes, which he understands to be required by the terms of the proviso now under discussion, would exclude an equal number of one and two dollar silver certificates from circulation.

I sympathize to a very great extent with the attempt which is now being made by the Treasury Department to have the one, two, and five dollar silver certificates added to the circulation, believing it is the only way in which the contraction of our currency can be offset, and I am unwilling that there should be any limitation placed upon him by a proviso of this nature, which, if enforced as the Secretary seems to construe it, would exclude silver circulation to the extent of $28,000,000 of ones and twos if one course is pursued, and to a much greater extent if the fives are included. If, however, it should be given the interpretation now suggested by the Senator from Kentucky and the Senator from Iowa of course no such result would be reached.

Mr. BECK. I think it will work well.

Mr. VAN WYCK. I desire to renew the amendment proposed on page 56, after line 1358.

From what appears in the RECORD I fear the importance of that appropriation was overlooked by the chairman of the Committee on Appropriations in the point of order which he raised, because it would seem that this is important in two aspects. First, the people of that country are deprived of the benefit of the law passed at the last session making these lands subject to taxation. The statute required that they should be surveyed lands, and from a letter presented here by the Delegate from Montana there are, it seems, fifteen or twenty million acres which can not be reached for taxation because the lands have not been surveyed.

Then it seems in regard to the claim made by the Government against the Montana Improvement Company, which is only a portion of the Northern Pacific Railroad Company, an inside ring of that company, a suit has been brought to recover a million and more dollars' worth of timber cut, and, strange as it may appear, there seems to have been a decision rendered that the Government is powerless to obtain any recovery for timber cut upon lands acknowledged to belong to the United States because it is said these lands have not been surveyed, and therefore it is not known to whom they belong, whereas there are previous decisions, and numberless decisions, showing that these men were necessarily trespassers, as the Northern Pacific Railroad Company has never obtained a title by patent to the land.

If it be true that this railroad company, through the Montana Improvement Company, can continue to despoil the Government land of the timber upon it to the extent already accrued of a million and more dollars, and that this can go on until the land shall be surveyed, then it becomes a duty on our part to provide for the survey of the land in order that the timber belonging to the Government may be protected.

There is an additional reason. It is necessary to survey these lands in order to make them subject to taxation. For five years has Congress been engaged in the act of passing a law subjecting the lands to taxation, and now this community are to be deprived of the benefit of the taxation of these lands because they are not surveyed.

I appeal to the chairman of the committee and to the committee whether it does not become their duty to consent to this appropriation in view of the fact that there is no power anywhere to protect the Government land from spoliation by this inside ring of the Northern Pacific Railroad Company, and that it is necessary to give the people the benefit of the taxation of these lands, which we are denying when we withhold this appropriation for a survey. I appeal to the chairman of the committee if it is not the duty of Congress now, in order to protect these lands and give the people this benefit, that they should cheerfully make this appropriation, so that the survey may be made? It is in my judgment an absolute necessity.

Mr. ALLISON. Mr. President, I made the point of order I believe on the Senator from Missouri [Mr. VEST] who proposed this amendment. I did it on two or three grounds. In the first place, we appropriated two years ago $300,000 for the survey of public lands, not one dollar of which practically was used, or perhaps twenty or twenty-five thousand dollars only. We appropriated last year $50,000 for the survey of public lands, and only a small portion of it, I am told, has been used. It is perfectly competent for the administration of the Land Office to apply every dollar of the appropriation for surveys in this bill for the survey of the particular lands which the Senator describes, but if we make a special appropriation for this particular survey we shall be called upon to gridiron this bill with special appropriations for surveys. That is my objection to it.

I think there is great force in what the Senator from Nebraska says, that the railway lands should be surveyed, not only along the line of the Northern Pacific Railroad but along the lines of the other land-grant railroads, where neither the lands of the railroad company nor the lands adjacent thereto can be utilized by the people; but here is a suggestion made by the Senator from Missouri to appropriate $25,000 for this specific purpose. For one I shall have no objection to the Senator from Nebraska providing for the appropriation in line 1439 to be increased, and that will accomplish the object.

Mr. BECK. Make that $50,000 $75,000, and that accomplishes the object.

Mr. ALLISON. That accomplishes the purpose, and it saves us from continually making specific appropriations for specific places.

Mr. BECK. I think that would be well.

Mr. ALLISON. I shall make no objection to that, and I think it would be a wise thing to do.

Mr. BECK. Since this subject has been agitated the Delegate from Montana has called on me and stated substantially what has been said by the Senator from Nebraska. Those lands, both for the protection of the Territory in the right to obtain taxes on them and for the protection of settlers, ought to surveyed, and I will vote to increase the appropriation of $50,000 for surveys to $75,000, with the distinct understanding on my part, at least, that the additional $25,000 shall be so applied; and if it is not I shall be very much disappointed in the face of the facts stated to me by the Delegate from Montana and by the Senator from Nebraska.

Mr. VAN WYCK. That is entirely satisfactory. Why the Department should withhold the use of money appropriated for such purposes when I have every reason to believe the head of it is in sympathy with the protection of the timber on the public lands, and with making these lands subject to taxation, I certainly do not know. If it be so as the chairman says, that there has been money within reach which has not been used for that proper purpose, then there ought to be some plain, distinct declaration and instruction on the part of Congress that that thing shall be done. If it be true that the head of this Department neglects to discharge a plain duty, that is no excuse for us, and it then becomes our more imperative duty to make this land subject to taxation as Congress has declared, and to protect the public land when it is given up by this very strange decision, as I think, in the face of repeated decisions in the Supreme Court of the United States, to the entire control of this enormous corporation. When we are seeking on the one hand to preserve and protect the public domain and its timber, we sit here quietly by and see a decision of the Supreme Court sanctioning, sustaining, encouraging the cupidity and the aggressive trespasses of this huge corporation in this country.

I am satisfied and content with this explanation of the committee, but I would desire something a little stronger if need be. I think, however, this ought to be sufficient. The few remarks made by members of the committee, two of them at least, will let the Department understand that it is their duty to protect the people so that they may have the benefit of the taxation, and at the same time protect the public lands.

The PRESIDING OFFICER. What is the precise amendment proposed?

Mr. ALLISON. Strike out "fifty" and insert "seventy-five" in line 1349.

The PRESIDING OFFICER. The question is on that amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BRIDGE OVER THE MISSOURI RIVER AT OMAHA.

Mr. MCMILLAN. I am instructed by the Committee on Commerce to report, with amendments, the bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes.

Mr. ALLISON. I ask the Senate, as that bill will take but a moment, that it may be now considered. There are reasons why it should be considered so as to go to the House early. It is an important matter that ought to be sent to the House.

Mr. MCMILLAN. It is a bridge bill, and contains all the usual provisions inserted in those bills by the Committee on Commerce, and will take no time.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

By unanimous consent, the bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 22, after the word "location," to strike out the words "to the bottom chord of the bridge," and to insert in lieu thereof the words "to the lowest part of the structure."

The amendment was agreed to.

The next amendment was, in line 24 of section 1, after the word "river," to insert the words "and the bridge itself at right-angles thereto."

The amendment was agreed to.

The next amendment was, at the end of section 1, to insert:

In the clear, and no span over the water way of said river shall be less than 300 feet in the clear, and the said company or corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 3, line 7, to strike out the word "and," and to insert "the."

The amendment was agreed to.

The next amendment was, in section 6, line 2, to strike out the words "so as" and to insert "and."

The amendment was agreed to.

The next amendment was to add to section 6 the following words:

And if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD ATTORNEYS.

Mr. BECK. I call for the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the regular order, which is the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. WALTHALL and Mr. TELLER rose.

Mr. TELLER. I yield to the Senator from Mississippi [Mr. WALTHALL].

The PRESIDENT *pro tempore*. The railroad-attorney bill is before the Senate.

Mr. INGALLS. What is the state of business, Mr. President? What are we considering?

The PRESIDENT *pro tempore*. The railroad-attorney bill, as it is called.

Mr. INGALLS. Let us go on with it, then.

Mr. BECK. The Senator from New York wants to take the floor.

Mr. EVARTS. If the railroad-attorney bill, as it is called, is now before the Senate, I rise for the purpose of taking part in that debate. At the same time, however, I say that I would rather not go on with that discussion this evening, and if the bill can retain its position tomorrow, as I suppose it can, I shall be glad to have it done. In the mean time I will yield to any gentleman.

Mr. SAULSBURY. I now offer an amendment to the pending order, the railroad-attorney bill.

The PRESIDENT *pro tempore*. The amendment will be received, printed, and laid on the table.

SHIP ISLAND QUARANTINE STATION.

Mr. WALTHALL. The Senator from New York having the floor, I ask him to yield to me. I ask unanimous consent to proceed to the consideration of Order of Business No. 2045, being the bill (S. 3157) to authorize the removal of the quarantine station from Ship Island, Mississippi. I will state that this bill relates to a very urgent matter that involves the health and safety of the people of the gulf coast of Mississippi and Louisiana. It can be disposed of without discussion I am sure.

There being no objection, the bill (S. 3157) to authorize the removal of the quarantine station from Ship Island, Mississippi, was considered as in Committee of the Whole.

It authorizes the Secretary of the Treasury to cause the removal of the national quarantine station now located on Ship Island, in the Gulf of Mexico, to some other island in the Gulf, or in such pass in the Mississippi Delta as may be recommended by a board to be designated by him, and the necessary quarantine buildings and appliances are to be established thereon, for which $45,000, or so much thereof as may be necessary, is appropriated.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EFFICIENCY OF THE GENERAL LAND OFFICE.

Mr. TELLER. I ask the unanimous consent of the Senate to take up Senate bill 2877, Calendar number 1831, which has the approval of the Committee on Public Lands, and I am sure will not take any time.

By unanimous consent, the bill (S. 2877) to promote the efficiency of the General Land Office was considered as in Committee of the Whole. It provides that there shall be in the General Land Office ten principal clerks, chiefs of divisions, to be appointed by the Secretary of the Interior, who shall receive a salary of $2,000 each per annum.

Mr. TELLER. This does not create any new offices, but simply classifies the existing force.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ACADEMY OF DENTAL SCIENCE.

Mr. CALL. I ask unanimous consent to proceed to the consideration of Order of Business 2055, being the bill (S. 2051) to incorporate the National Academy of Dental Science. The bill will not occupy time. It is simply a bill for the incorporation of scientists in the District of Columbia, reported from the Committee on Education and Labor.

The bill was read.

Mr. INGALLS. What committee reported that bill?

Mr. CALL. The Committee on Education and Labor.

Mr. INGALLS. If it is open to objection I should like to interpose an objection at this time. I question the propriety and the necessity for the incorporation by Congress of any such institution, and I shall ask for further information, including the report of the committee, before the bill will pass with my concurrence.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection being made it can not be taken up now.

TRANSFER OF APPROPRIATIONS.

Mr. HALE. I ask unanimous consent to take up Calendar No. 1866, being the bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer certain appropriation. It will take no time.

The bill was read. The Committee on Appropriations reported the bill with an amendment, to add:

and the accounting officers of the Treasury are authorized and directed to allow the suspended account of George B. Loring, late Commissioner of Agriculture, the several sums which were expended by him in the purchase of sorghum-seed and beet-seed, and for labor in the distribution of the same, from October 1, 1884, to September 30, 1885, inclusive, which expenditures were made from the laboratory fund, so called, and which the First Comptroller of the Treasury has decided not to be properly chargeable to said fund, said allowance not to exceed the sum of $20,807.80.

Mr. MORGAN. I object to the consideration of that bill now.

The PRESIDENT *pro tempore*. The Senator from Alabama objects.

WASHINGTON MONUMENT GROUNDS.

Mr. SPOONER. I ask unanimous consent that the Senate proceed now to the consideration of Order of Business 2070, being House bill 5097.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as Public Reservation No. 3, in the city of Washington, D. C.

The bill was reported by the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That public travel in and occupancy of the grounds in and about the Washington National Monument, known as Public Reservation No. 3, shall be restricted to the roads, walks, and places prepared for the purpose by paving, flagging, or otherwise.

SEC. 2. That it is forbidden to occupy the roads in such manner as to obstruct or hinder their proper use; to drive violently upon them, or to use them for the conveyance of goods or merchandise, except on Government service.

SEC. 3. That it is forbidden to offer or expose any article for sale; or to display any sign, placard, or other form of advertisement; or to solicit fares, alms, subscriptions, or contributions upon said reservation.

SEC. 4. That it is forbidden to step or climb upon, remove, or in any way deface, disfigure, or injure any statue, seat, wall, or other structure, or any tree, shrub, plant, or turf, in or upon said reservation.

SEC. 5. That it is forbidden, unless upon permission granted by the Commissioner of Public Buildings and Grounds, to discharge any fire-arm, fire-work, or explosive, or to set fire to any combustible, or to make any harangue or oration, upon said reservation; and it is forbidden to utter loud, threatening, or abusive language in and upon the same.

SEC. 6. That it is forbidden, unless upon permission granted by the said Commissioner, to parade, stand, or move in procession or assemblages, or to display any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement upon said reservation.

SEC. 7. That it is forbidden to mark, scratch, stain, or in any way deface or disfigure any surface or part of the Monument, or to chip off fragments or pieces from any of the stone, iron, or other parts of the completed structure, or its surrounding and accompanying building.

SEC. 8. That the police court of the District of Columbia shall have jurisdiction of offenses hereunder, except as hereinafter provided, and such offenses

shall be punishable by fine or imprisonment, or both, at the discretion of the judge of said court, the fine to be not less than $5 nor more than $100, the imprisonment not less than two days nor more than sixty days; but in the case of offenses by reason of which public property shall have suffered damage to an amount exceeding $100 in value, said judge of the police court may commit or hold to bail the offender for trial before the supreme court of the District of Columbia, where the offense shall be punishable by imprisonment in the penitentiary for a period of not less than six months nor more than five years.

SEC. 9. That it shall be the duty of all persons employed in the service of the Government at the Washington National Monument, or upon its surrounding grounds, known as Public Reservation No. 3, including persons there employed under the United States Fish Commission, to prevent offenses against this act, and to aid the said police and watchmen, by information or otherwise, in securing the arrest and conviction of offenders.

Mr. INGALLS. How does this amendment differ from the bill as it came from the House of Representatives?

Mr. SPOONER. The amendment, as a rule, does not differ in many particulars from the bill as passed by the House of Representatives. It is verbally improved, I think, by the Committee on Public Buildings and Grounds in many respects, and in one particular the amendment proposed by the committee is essential. In the bill as it passed the House of Representatives there was a minimum limit to the fine and the term of imprisonment that might be imposed by the court, but no maximum limit. This maximum limit the Committee on Public Buildings and Grounds has supplied by an amendment.

I may say that the committee is advised by the board charged with the care of the Washington Monument, of which the President, I believe, is *ex officio* a member, that there is now no legislation which is adequate for the protection of that structure, and it is being continually defaced and mutilated, and nuisances of various kinds are committed in the reservation, and that some legislation of this kind is needed.

Mr. INGALLS. I have no doubt that there must have been many grievous offenses committed in the national monument reservation to justify such legislation as is proposed in this bill; but if it becomes a law it will be necessary for every man to tread the paths of his feet with more circumspection in that area hereafter. I presume that the Committee on Public Buildings and Grounds have given the bill careful attention, and I know of no limit within the territorial superficies of the United States of America where such extraordinary limitations are imposed upon human liberty.

Mr. MORGAN. The Yellowstone Park.

Mr. INGALLS. The Yellowstone Park, as the Senator from Alabama suggests, may possibly present a parallel. I should be willing to go as far as anybody in protecting that massive and majestic and imposing structure from mutilation or from defacement; but why it is necessary to impose such restrictions upon not only those acts which would result in what this legislation is proposed to prevent, but from the exercise of the ordinary avocations of life and society within so large a space of territory under a Government that is devoted to the preservation of popular liberty, I can not understand.

As I say, the committee have undoubtedly given it proper attention; but if there is no legislation that will prevent mischievous and malevolent mutilation of that monument I am very much mistaken. I believe there is such a law in this District.

Mr. COCKRELL. Will the Senator allow me to ask a question? Do not the general laws apply to that reservation as well as elsewhere in the District?

Mr. INGALLS. Unquestionably.

Mr. COCKRELL. Is not the same law in force for the protection of that monument and the property there that is in force elsewhere?

Mr. INGALLS. For the public buildings, or for this Capitol, or any other of the public property of the United States. At the same time, for some reason these extraordinary limitations upon human liberty are imposed upon the citizens of the United States who happen to set foot within the limits of Reservation No. 3.

I regret that the committee have seen fit to report such a stringent and rigid and unprecedented regulation. Of course I can interpose no objection, because I suppose they must have acted advisedly; but I am satisfied that the restraints which are imposed there are not justified by the condition of affairs in this District, and that they are inconsistent with the principles upon which this Government is founded, and to the perpetuation of the memory of which that structure was erected.

Mr. MORRILL. I think that there are no laws such as are applicable to the defacement or injury of the Capitol which apply to the Washington Monument. This bill has been prepared by those who have investigated the subject, in consequence of the damage already beginning to be inflicted upon the monument in chipping off stones to carry away. I do not believe that there are any restrictions in the bill which will be found to be an infringement of the liberties of any citizen of the United States. I take it that we should all regard horse-racing through the park and all the public grounds as incompatible with the proper use of the ground. I hope that the bill will receive the favorable consideration of the Senate. It has certainly been investigated by the parties concerned, who aver that there is no opportunity now to bring offenders before the police court for any of these petty injuries, or even for gross injuries.

Mr. INGALLS. Mr. President, I wish the Senator from Vermont would explain how it will chip off fragments of that monument for any person to deliver a harangue in that reservation? Here in section 5—

It is forbidden, unless upon permission granted by the Commissioner of Public Buildings and Grounds, to discharge any fire-arm, fire-work, or explosive, or to set fire to any combustible—

Like a match that a person may light to inflame a cigar—

or to make any harangue or oration upon said reservation.

Now, the Senator from Vermont states that the object of this bill is to prevent that monument from mutilation, from being in some way or other mutilated by mischievous persons who are disposed to chip off fragments from it, and in order to secure that result we are gravely informed that it is absolutely necessary to prevent the delivery of harangues within that reservation, and that no man shall go in there upon all that vast area to deliver an oration or to make a speech because they want to prevent mischievous persons from chipping off pieces from the corners and angles of that magnificent structure.

Mr. President, it goes without saying that these restrictions are inconsistent with human liberty. There ought not to be any area of territory in the United States of America under the Constitution and laws where for any reason whatever, except it may be one that interferes with public property or protects it from injurious assault, a citizen of this land shall be prevented from entering with purposes that are consistent with the proper use of that territory.

I say again that I do not believe the records of any state, ancient or modern, no matter what its political system may be, republican, democratic, aristocratic, or monarchic, ever passed a statute for the avowed purpose of preventing a monumental structure from defacement that contained such burdensome restrictions as these. Why, there is such sanctity about this place that persons are even prohibited from hauling goods or merchandise through that reservation. A citizen who may want groceries carried to his house is compelled to make the entire circuit of that reservation; he can not pass through it with anything necessary for the convenience or comfort of society or the conducting of personal affairs because it is necessary to prevent persons from defacing or chipping off pieces from this monument. That would be a pretty tolerably loud harangue that would knock chips off from the monument. [Laughter.]

It is forbidden to offer or expose any article for sale, or to display any sign, placard, or other form of advertisement, or to solicit fares, alms, subscriptions, or contributions upon said reservation.

It is forbidden to step or climb upon, remove, or in any way deface, disfigure, or injure any statue, seat, wall, or any structure or any tree, shrub, plant, or turf in or upon said reservation.

Mr. President, all that is necessary in this bill is what is contained in section 7, and that is the object and purpose of the proposed legislation:

It is forbidden to mark, scratch, stain, or in any way deface or disfigure any surface or part of the monument, or to chip off fragments or pieces from any of the stone, iron, or other parts of the completed structure, or its surrounding and accompanying buildings.

That, with the additional section, which provides a penalty for violation of this law, is all that is necessary to carry out the provisions and execute the design the committee say they have in view. I trust, therefore, that the committee will consent to removing these limitations, which apply to no other territory on the face of this earth that I know of, and allow us to pass a bill that will confine legislation to the punishment of the offense that the Senator from Vermont has described.

Mr. MORRILL. Mr. President, it will be understood, of course, that this bill applies only to the particular portion of the grounds where the monument is erected. In relation to the power of harangue, I presume the framers of the bill had witnessed the power of the Senator from Kansas. He is able to make the chips fly upon almost any subject. [Laughter].

In relation to the carrying of goods across this ground, there are plenty of streets between Pennsylvania avenue and South Washington where goods can be transported, and this is the same provision that applies to the ground about the Capitol.

A word now in relation to the propriety of having some provision against assemblages. They would naturally congregate, if there were no provision against it, around the monument, and there would be large multitudes upon the many occasions that might be called who would assemble around the monument. When that is completed and the grounds finished there ought to be some restriction. I do not think we need be alarmed by the grotesque figures of my friend from Kansas in relation to this matter.

Mr. SPOONER. A few words only, Mr. President.

I think the Senator from Kansas [Mr. INGALLS] has been somewhat hypercritical in his remarks upon this bill. It does not purport to be a measure simply to protect the Washington monument from defacement. That is one of its objects. In addition to that, it is intended to regulate the use of the grounds of the Washington National Monument, known as Public Reservation No. 3. I am informed by gentlemen who are advised on the subject, including Mr. Corcoran and others who have had long to do with this reservation, that there are now

no regulations there enforceable as a matter of law governing the use of that reservation, and I venture to say that almost every rule which is formulated in this bill is now in force for the preservation of every public park in the country.

The indictment which the Senator from Kansas makes of the bill is too general to be answered without asking the Senate to notice the provisions of the measure somewhat in detail. The first section is:

That public travel in and occupancy of the grounds in and about the Washington National Monument, known as Public Reservation No. 3, shall be restricted to the roads, walks, and places prepared for the purpose by paving, flagging, or otherwise.

Why not? Why should not public travel—that is the language of the prohibition—be restricted in the use of this public park to the walks and roads prepared for the purpose?

SEC. 2. That it is forbidden to occupy the roads in such manner as to obstruct or hinder their proper use;

What just criticism can be made of that prohibition?

to drive violently upon them,

Is there a public park in the United States in which fast driving is not prohibited?

or to use them for the conveyance of goods or merchandise, except on Government service.

The park, and these paved roadways through the park, ought not to be used for heavy-loaded vehicles. There are other streets and highways provided for such use.

SEC. 3. That it is forbidden to offer or expose any article for sale; or to display any sign, placard, or other form of advertisement; or to solicit fares, alms, subscriptions, or contributions upon said reservation.

These things all ought to be prohibited in a public park where people are promenading. It is a nuisance to be constantly accosted by beggars or by persons having something to sell. As I recollect it, in the great New York Central Park all such things are prohibited.

Section 5, which is construed as prohibiting orations, has received much animadversion from the Senator from Kansas. I desire to ask the attention of the Senate to the language of that section. I think it will be apparent that it is not liable to the criticism made upon it:

SEC. 5. That it is forbidden, unless upon permission granted by the Commissioner of Public Buildings and Grounds, to discharge any fire-arm, fire-work, or explosive, or to set fire to any combustible, or to make any harangue or oration, upon said reservation.

If it were advisable in the public interest that an oration should be delivered on that public reservation, this bill provides that it may be done upon permission granted by the Commissioner of Public Buildings and Grounds. *Ought it to* be left so that every one who chooses may make a harangue upon any subject he chooses to select, and gather about him at any point of this reservation a crowd? I have thought that provision was, as a rule, a fair one, and that there was sufficient elasticity in it to cover a case where properly an oration might be delivered.

And it is forbidden to utter loud, threatening, or abusive language in and upon the same.

Is that pressing too strongly on the liberty of the American citizen?

SEC. 6. That it is forbidden, unless upon permission granted by the said Commissioner, to parade, &c.

There may be cases where a parade would be perfectly proper and where it might be in a measure necessary, and under this bill as it is drawn, but it was not so as it came from the House of Representatives, that is left open to the action of the Commissioner of Public Buildings and Grounds. Where the circumstances are such that the permission should be granted it is only fair to presume that it would be granted; but, as a rule, assemblages and parades and processions upon the reservation ought to be prohibited.

Section 7 relates only to the protection of the monument itself, which, as I have observed, is only a part of the object of the bill.

There is certainly nothing startling or unusual or improper in this bill, and I hope it will pass.

Mr. DAWES. I should like to inquire of the Senator from Wisconsin whether the Committee on Public Buildings and Grounds have any information which they can communicate to the Senate in reference to the rumor which has found expression in the newspapers here that some authority has given over Armory Square to the use of railroad companies entering the city, whether they have considered the propriety of extending the mantle of this or some other reservation there, so that it shall not be subject to spoliation by railroads.

Mr. SPOONER. For myself, I can say to the Senator that that subject has not been considered by the committee at any time when I have been present.

Mr. INGALLS. In reply to the interrogatory of the Senator from Massachusetts, as it relates to a matter of great public interest, I would respond that in considering the question of the removal of the steam railroads from several of the streets which they now occupy, and providing for a union depot, the commissioners of the District, largely under the direction of the engineer commissioner, Major Ludlow, formulated a bill providing for the removal of the present Baltimore and Ohio depot and tracks and the depot of the Baltimore and Potomac and its tracks from the mall or reservation, and their concentration upon what is known as Armory Square. That is merely a tentative proposition and has no foundation in law, and has not proceeded to any extent whatever to the adoption of the scheme that has been proposed. There is no servitude imposed upon Armory Square whatever, and the whole subject is before the committees of the two Houses for consideration.

Mr. SPOONER. I do not care to take up further the time of the Senate on this bill. I think in examination it will be found that it contains no regulations other than such as are usual for the preservation of such reservations.

Mr. INGALLS. What are the boundaries of the Reservation No. 3 as expressed in the bill?

Mr. SPOONER. I do not understand that the boundaries of the reservation are defined in this bill.

Mr. MORRILL. From the Potomac to Fourteenth street, I think.

Mr. SPOONER. The first section of the amendment says:

That public travel in and occupancy of the grounds in and around the Washington National Monument, known as Public Reservation No. 3—

I suppose that will be found on the maps.

Mr. INGALLS. My object was to inquire whether or not this legislation was intended to cover the whole public mall from the Capitol up to Observatory Hill.

Mr. MORRILL. Oh, no.

Mr. INGALLS. There is no reason why it should not.

Mr. MORRILL. It is only this reservation which comprises the lot where the monument is.

Mr. INGALLS. That shows the futility of the argument that has been made. The public reservation or mall extends without interruption from the Capitol through the Botanic Garden square and the one beyond, and thence toward the Agricultural grounds and the Smithsonian; then through the Monument grounds, and so on to the foot of the old Naval Observatory Hill or Easby's Point; and this bill proposes to select from that portion of the public reservation this particular area of territory around the monument, and leave the rest of this great park, which the Senator says ought to be restricted by these same limitations, without any law and without any power to enforce these restrictions. Now, either the argument that the Senator from Wisconsin has made ought to fail with regard to this particular reservation, or those same provisions ought to be applied to the whole extent of this park from the Capitol up to the Naval Observatory Hill, and I will move that, instead of being applied to Reservation No. 3, the bill be so amended as to apply these restrictions to all public reservations in the city, so that we may see whether or not they should all be under one system or whether this particular locality shall be so far selected out as to impose what I conceive to be unusual and unprecedented limitations upon the liberty of the citizen, and leave all the rest of this reservation entirely open to all these infractions of public law and order.

If, as the Senator from Vermont and the Senator from Wisconsin seem to intimate, there is no law now that prevents this malicious mischief on public reservations, all these statues of McPherson and Scott and Greene and the Emancipation group at Lincoln Square are all open to this same difficulty, and yet the Senator proposes to select this particular space of territory for the purpose of imposing these limitations and leaves the rest entirely open. Either we ought to have a law general in its terms that shall apply to all the public parks and public reservations or this might not pass.

Mr. MORRILL. This is a bill that comes to us from the House. It proposes merely to make the legislation that is called for by the small tract of land where the monument now stands, and I think we had much better wait until the Committee on the District of Columbia brings in a bill for the removal of the track on Sixth street, so that we shall have something worthy of being called a park. When that is done I shall be ready to vote for any restrictions that may be necessary; but at the present time the House of Representatives have sent to us a bill that I think accomplishes all that is at present required.

So far as trees and shrubs are concerned throughout the District, I think on all public grounds they are already protected by existing law; but I am not prepared to say that the laws do protect the existing monument.

I hope that no amendment will be offered to this bill, but that it will be allowed to pass, for there is an exigency why it ought to be passed at the present session.

Mr. INGALLS. The bill as it comes from the committee is nothing but an amendment. The Senator is leaving the impression that this is a proposition from the House of Representatives, and yet the bill we are called upon to act on provides for striking out every line in the bill that came from the House of Representatives and inserting an entirely new proposition I believe in terms. And yet the Senator says he hopes there will be no amendment offered because the bill came from the House of Representatives an amendment may delay final action, when as a matter of fact we are acting upon nothing but an amendment.

Mr. MORRILL. But it proposes only to deal with the same subject that the House dealt with.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS] to the amendment of the Committee on Public Buildings and Grounds.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CALIFORNIA LAND SALES.

Mr. DOLPH. I move to take up for present consideration Senate bill 994, Order of Business 196.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent to proceed to the consideration of the bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of lands in said State. Is there objection? The Chair hears none.

The bill was reported from the Committee on Public Lands with amendments in line 5, after the word "been," to insert "made by the United States since the admission of said State;" and in line 8, after the words "money necessary to," to strike out the words "carry into effect the provisions of this act" and insert "pay said 5 per cent. to said State;" so as to make the bill read:

Be it enacted, &c., That there be, and is hereby, granted to the State of California 5 per cent. of the net proceeds of the sales of the public lands which have been made by the United States since the admission of said State, or may hereafter be made in said State, to aid in the support of the public or common schools of said State; and the sum of money necessary to pay said 5 per cent. to said State is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

Mr. SAULSBURY. Is that bill subject to objection now?

The PRESIDENT *pro tempore*. It is subject to an objection.

Mr. SAULSBURY. Then I object. It is an important bill.

The PRESIDENT *pro tempore*. The Senator from Delaware objects.

Mr. DOLPH. I hope the Senator will withdraw his objection for a moment.

Mr. SAULSBURY. We have dealt with this question of the 5 per cent. and had protracted discussion on it in reference to other States. It is too important a measure to pass now.

Mr. DOLPH. The Senator does not understand the bill.

Mr. SAULSBURY. I think I do.

The PRESIDENT *pro tempore*. Objection being made, the Chair can not entertain debate.

Mr. DOLPH. It is quite customary to allow an explanation.

Mr. SAULSBURY. I insist on my objection.

ADJOURNMENT.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. McMILLAN. Pending that, I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate do now adjourn.

The motion was not agreed to, there being on a division—ayes 15, noes 24.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. The Senator from Pennsylvania promised to yield to me for a moment.

Mr. CAMERON. Certainly. I withdraw the motion for a moment.

Mr. HAWLEY. I beg that of him, because I wish to give formal notice that on next Monday, immediately after the morning business, I shall move to call up the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and the bill (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare—bills that have been reported unanimously by the Committee on Coast Defenses, and that we have been waiting an unreasonable time to ask the Senate to consider. I shall make the motion and press it, and I know that the motion is sustained by the unanimous sentiment of the Senate.

Mr. CAMERON. I renew my motion that the Senate proceed to the consideration of executive business.

The question being put, the motion was declared to be agreed to.

Mr. MORRILL. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair is of opinion that pending the execution of the order for an executive session——

Mr. EDMUNDS. I demand a division on the question of going into executive session.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for a division on the motion to proceed to the consideration of executive business.

Mr. EDMUNDS. And, pending that, I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator has a right to do that.

Mr. EDMUNDS. Let us divide on that.

The PRESIDENT *pro tempore*. On the question of adjournment the Senator from Vermont calls for a division.

The motion was not agreed to; there being on a division—ayes 8, noes 26.

The PRESIDENT *pro tempore*. On the question of proceeding to the consideration of executive business a division has been called for.

The question being put, there were on a division—ayes 30, noes 7.

Mr. EDMUNDS. No quorum.

The PRESIDENT *pro tempore*. There is no quorum voting.

Mr. EDMUNDS. Pending that motion, then, I move that the Senate adjourn. It is evident we can not do anything to-night.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn.

Mr. RIDDLEBERGER. I rise to a point of order that no business and no motion has intervened since the motion to adjourn was voted down.

The PRESIDENT *pro tempore*. The Chair is of opinion that business has intervened.

Mr. RIDDLEBERGER. I ask the Chair to note the business and state it to the Senate. A motion to adjourn was made and voted down. A motion was made previous to that by the Senator from Pennsylvania to go into executive session. That motion the Chair declared was carried. After the motion to adjourn was voted down a call for the yeas and nays was made on a motion that had previously been declared by the Chair to have prevailed. Now, I say no business has intervened since the motion made by the Senator from Vermont to adjourn.

The PRESIDENT *pro tempore*. The Chair is of opinion that the division on the motion to go into executive session not having been completed or the count made it is in the nature of business.

Mr. RIDDLEBERGER. But the Chair had previously declared before the motion to adjourn that the motion of the Senator from Pennsylvania had prevailed, and it was improper to divide on that question after the intervening motion to adjourn.

The PRESIDENT *pro tempore*. The decision of the Chair on that question was suspended by the call for a division, and as a matter of course the division following that superseded the previous declaration.

Mr. HARRIS. As there was no quorum developed by the division, I ask for the yeas and nays on the pending motion.

Mr. EDMUNDS. Pending that I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Tennessee calls for the yeas and nays on the question of adjournment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

The roll-call having been concluded, the result was announced—yeas 15, nays 29; as follows:

YEAS—15.

Allison,	Farwell,	Mahone,	Sewell,
Dolph,	Frye,	Mitchell of Oreg.,	Williams,
Edmunds,	Hoar,	Morrill,	Wilson of Iowa.
Evarts,	McMillan,	Sawyer,	

NAYS—29.

Beck,	Fair,	Payne,	Vance,
Berry,	George,	Plumb,	Vest,
Butler,	Gorman,	Pugh,	Walthall,
Call,	Gray,	Riddleberger,	Whitthorne,
Cameron,	Harris,	Sabin,	Wilson of Md.
Cockrell,	Hawley,	Saulsbury,	
Coke,	Jones of Arkansas,	Sherman,	
Conger,	Morgan,	Teller,	

ABSENT—32.

Aldrich,	Colquitt,	Ingalls,	Mitchell of Pa.,
Blackburn,	Cullom,	Jones of Florida,	Palmer,
Blair,	Dawes,	Jones of Nevada,	Platt,
Bowen,	Eustis,	Kenna,	Ransom,
Brown,	Gibson,	McPherson,	Spooner,
Camden,	Hale,	Manderson,	Stanford,
Chace,	Hampton,	Maxey,	Van Wyck,
Cheney,	Harrison,	Miller,	Voorhees.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Pennsylvania [Mr. CAMERON] that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. ALLISON (after having voted in the affirmative). I am paired with the Senator from North Carolina [Mr. RANSOM]. I withdraw my vote.

The result was announced—yeas 26, nays 6; as follows:

YEAS—26.

Beck,	Conger,	Mahone,	Vance,
Berry,	Fair,	Morgan,	Vest,
Butler,	George,	Payne,	Walthall,
Call,	Gorman,	Plumb,	Whitthorne,
Cameron,	Gray,	Pugh,	Wilson of Md.
Cockrell,	Harris,	Riddleberger,	
Coke,	Jones of Arkansas,	Saulsbury,	

NAYS—6.

Dolph,	Frye,	Morrill,	Teller.
Evarts,	Mitchell of Oreg.,		

ABSENT—44.

Aldrich,	Dawes,	Jones of Florida,	Ransom,
Allison,	Edmunds,	Jones of Nevada,	Sabin,
Blackburn,	Eustis,	Kenna,	Sawyer,
Blair,	Farwell,	McMillan,	Sewell,
Bowen,	Gibson,	McPherson,	Sherman,
Brown,	Hale,	Manderson,	Spooner,
Camden,	Hampton,	Maxey,	Stanford,
Chace,	Harrison,	Miller,	Van Wyck,
Cheney,	Hawley,	Mitchell of Pa.,	Voorhees,
Colquitt,	Hoar,	Palmer,	Williams,
Cullom,	Ingalls,	Platt,	Wilson of Iowa.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. WILSON, of Iowa. I move that the Senate do now adjourn.

Mr. BECK. I call for the yeas and nays on that. I have been on this floor time and again and sat here and did not vote, and been upbraided for it. I should like to have a call of the Senate, and see how many gentlemen are here who did not vote.

Mr. HOAR. Debate is out of order.

The PRESIDENT *pro tempore*. The question is not debatable. The Senator from Kentucky calls for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. VANCE (when Mr. RANSOM'S name was called). I desire to announce that my colleague [Mr. RANSOM] is absent from the city in consequence of serious illness in his family. He is paired with the Senator from Iowa [Mr. ALLISON].

The roll-call was concluded.

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. PLATT], who has been called away. If he were present he would vote "yea," and I would vote "nay."

Mr. DAWES (after having voted in the negative). I am paired with the absent Senator from Texas [Mr. MAXEY], and withdraw my vote.

The result was announced—yeas 24, nays 22; as follows:

YEAS—24.

Bowen,	Frye,	Miller,	Sawyer,
Cameron,	Hawley,	Mitchell of Oreg.,	Sherman,
Conger,	Hoar,	Morrill,	Spooner,
Dolph,	McMillan,	Palmer,	Teller,
Edmunds,	Mahone,	Plumb,	Williams,
Evarts,	Manderson,	Sabin,	Wilson of Iowa.

NAYS—22.

Beck,	Fair,	Morgan,	Vest,
Berry,	George,	Payne,	Walthall,
Blackburn,	Gorman,	Pugh,	Whitthorne,
Butler,	Gray,	Riddleberger,	Wilson of Md.
Call,	Harris,	Saulsbury,	
Coke,	Jones of Arkansas,	Vance,	

ABSENT—30.

Aldrich,	Colquitt,	Harrison,	Platt,
Allison,	Cullom,	Ingalls,	Ransom,
Blair,	Dawes,	Jones of Florida,	Sewell,
Brown,	Eustis,	Jones of Nevada,	Stanford,
Camden,	Farwell,	Kenna,	Van Wyck,
Chace,	Gibson,	McPherson,	Voorhees.
Cheney,	Hale,	Maxey,	
Cockrell,	Hampton,	Mitchell of Pa.,	

So the motion was agreed to; and (at 5 o'clock and 22 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 3, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 2, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings were read and approved.

HAWAIIAN TREATY.

The SPEAKER laid before the House the following message from the President:

The Clerk read as follows:

To the House of Representatives of the United States:

In response to the resolution of the House of Representatives, adopted on the 22d ultimo, calling upon me for "a copy of the treaty or convention proposed to the Senate and ratified by that body, between the United States and the Government of the Hawaiian Islands," I transmit herewith a report of the Secretary of State, with accompanying papers.

It is proper to remark in this relation that no convention whatever has been "agreed to and ratified" by "the President and Senate," as is recited in the preamble to the said resolution of the House of Representatives, but that the documents referred to, exhibiting the action of the Executive to the Senate, respectively, are communicated in compliance with the request of the resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 1, 1887.

The SPEAKER. Inasmuch as the resolution relating to this subject has been referred to the Committee on the Judiciary this will take the same course.

Mr. MILLS. And let it be printed.

The message was referred to the Committee on the Judiciary and ordered to be printed.

REPORT OF WILLIAM H. SCHUETZE, UNITED STATES NAVY.

The SPEAKER also laid before the House the following message from the President:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, together with a copy of the report, which it incloses, of Lieut. William H. Schuetze, United States Navy, who was designated by the Secretary of the Navy in pursuance of the act of Congress of March 3, 1885, making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1886, to distribute the testimonials of the Government to subjects of Russia who extended aid to the survivors of the Jeannette exploring expedition and the parties dispatched by this Government to aid said survivors.

The report is interesting alike to the people of the United States and to the subjects of Russia, and will be gratifying to all who appreciated the generous and humane action of Congress providing for the testimonials.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 1, 1887.

The message and accompanying papers were referred to the Committee on Printing, and ordered to be printed.

REISSUE OF TREASURY NOTES, ETC.

The SPEAKER also laid before the House a reply of the Secretary of the Treasury to the Speaker of the House of Representatives on the resolution of the House of Representatives of December 20, 1886, respecting a reissue of Treasury notes, destruction of United States notes, and denomination of the latter; which was referred to the Committee on Banking and Currency, and ordered to be printed.

It was also, by unanimous consent, ordered to be printed in the RECORD, and is as follows:

TREASURY DEPARTMENT, *February* 1, 1887.

SIR: I have had the honor to receive the following direction from the House of Representatives, and thereon submit the report subjoined:

(Forty-ninth Congress, second session.)

CONGRESS OF THE UNITED STATES,
In the House of Representatives, December 20, 1886.

Mr. WILKINS, from the Committee on Banking and Currency, submitted the following; which was agreed to:

Resolved by the House of Representatives, That the Secretary of the Treasury be, and he is hereby, directed to report to this House as soon as possible:

First. Whether any portion of the money appropriated by the act approved August 4, 1886, known as the sundry civil appropriation act, has been expended in issuing Treasury notes of large denomination in lieu of notes of small denominations canceled or retired; and whether any other money belonging to the Government of the United States has been expended for such purpose since August 4, 1886.

Second. How many, if any, one and two-dollar notes have been canceled and destroyed since the passage of said act, by what authority said notes were destroyed, and what sum has been expended in their destruction.

Third. How many, if any, of said notes canceled and destroyed were mutilated notes, and whether notes of like denominations were issued in their stead.

Attest: JNO. B. CLARK, JR., *Clerk.*

The Treasury notes heretofore issued under the authority of Congress and outstanding August 4, 1886, were as follows:

Outstanding August 4, 1886.

Treasury notes of 1846, act of July 22, 1846	$5,900 00
Treasury notes of 1847, act of January 28, 1847	950 00
Treasury notes of 1857, act of December 23, 1857	1,700 00

Treasury notes outstanding January 1, 1887—"*Acts prior to* 1846."

Act and per cent.	$50.	$100.	$500.	$1,000.
October 12, 1837—1 mill per cent	$600	$500	.....	.....
2 per cent	150	900	.....	.....
5 per cent	650	600	$500	.....
6 per cent	.....	.....	.....	.....
May 21, 1838—6 per cent	150	600	500	.....
March 31, 1840—2 per cent	700	900	500	.....
5 per cent	250	400	.....	.....
6 per cent	50	100	500	$2,000
6 per per cent., exchange	50	100	.....	.....
February 15, 1841—2 per cent	700	1,300	2,500	1,000
2 per cent., fourth issue	50	400	.....	.....
5 2-5 per cent exchange	1,000	1,000	1,000	1,000
6 per cent	.....	1,900	500	5,000
6 per cent., fourth issue	300	.....	2,000	.....
6 per cent., exchange	.....	.....	3,000	5,000
January 31, 1842—6 per cent	*3,300	19,800	8,500	10,000
August 31, 1842—6 per cent	.....	100	.....	.....
March 3, 1843—1 mill per cent	1,750	.....	.....	.....

*Fifty dollars, included above, was stolen from custom-house at New Orleans after it was redeemed by the collector. It is now on file.

Treasury notes outstanding January 1, 1887—"*Acts prior to* 1864."—Continued.

Act and per cent.	Fract.	Amount.	Am't under each act.
October 12, 1837—1 mill per cent	$60 00	$1,160 00	
2 per cent		1,050 00	
5 per cent		1,750 00	
6 per cent	62 50	62 50	
			$4,022 50
May 21, 1838—6 per cent	96 93	1,346 93	
			1,346 93
March 31, 1840—2 per cent		2,100 00	
5 per cent		650 00	
6 per cent	90 00	2,740 00	
6 per cent exchange		150 00	
			5,640 00
February 15, 1841—2 per cent		5,500 00	
2 per cent., fourth issue		450 00	
5 2-5 per cent., exchange		4,000 00	
6 per cent		7,400 00	
6 per cent., fourth issue		2,300 00	
6 per cent., exchange		8,000 00	
			27,650 00
January 31, 1842—6 per cent	223 00		41,823 00
August 31, 1842—6 per cent	92 92		192 92
March 3, 1843—1 mill per cent			1,750 00
			82,425 35

Of the Treasury notes outstanding August 4, 1886, there had been, up to January 15, 1887, received into the Treasury, paid and canceled, in due course to be destroyed, the following:

Title.	Denominations.				Amount.
	$10.	$20.	$50.	$100.	
One-year notes of 1863	9	11		1	$410
Two-year notes of 1863				1	100
Compound-interest notes	28	19	5	3	1,210
Seven-thirties of 1864-'65			3	1	250
Total	37	30	8	6	1,970

It is true that Congress, while in each of the foregoing enactments prescribing the maximum sum and the lowest denomination of Treasury notes issuable thereunder, imposed upon the Secretary of the Treasury the duty of fixing, according to his discretion and current view of the exigencies and conveniences of the public interest and service, sometimes the sums, often the reissue, always the denominations, as well as regulations for custody, redemption, payment, and destruction of the same. It is also true that in any case of reissued Treasury notes Congress thus imposed upon the Secretary of the Treasury the continued exercise of his discretion in the choice and possible change of denominations outstanding.

Nevertheless, I am not aware that the Secretary of the Treasury has had the authority of Congress, under any of the foregoing enactments or otherwise, since August 4, 1886, either to issue Treasury notes of any denomination, large or small, or to reissue any, whether in denominations changed or unchanged.

The first of these resolutions, presented with the authority of the Committee on Banking and Currency, and adopted by the House of Representatives itself, seems, indeed, to convey a different expectation, and I shall defer at once to better instruction; but, as at present informed, I would beg leave to intimate to the Committee and to the House that in all acts of Congress directing or authorizing an issue of Treasury notes, certainly in all acts which ever provided for a reissue of Treasury notes, the time fixed therein for the exercise of any such duty or discretion imposed upon the Secretary has long since elapsed.

But were a more patient scrutiny of the Statutes at Large to disclose some overlooked authority to reissue Treasury notes, I should not, except under fresh instructions from Congress, conceive it a duty to expend "any portion of the money appropriated by the act approved August 4, 1886," for such a purpose; nor has that or "any other money belonging to the Government of the United States" been expended for such purpose. In the administration of solvent governments, by capable officers, Treasury notes have been reissued only when expenditures were in excess of income, or were thought about to be in excess of income.

But I beg leave respectfully to recall the attention of the House of Representatives to the facts which I had the honor to lay before them in my last annual report, showing that such is not the case of this Government, but, contrary, that, for the last seven years, besides expending $24,000,000 per annum in the purchase of a metal at present lacking international currency and superfluous for local currency, the annual excess of ordinary revenue over ordinary expenditure has been about $100,000,000, which excess is gradually enlarging. So that the measure of our present annual surplus taxation, being thus nigh to $125,000,000, is the measure also of the clear distance which separates this Department and this Government from a present need or excuse to reissue Treasury notes.

That another species of our outstanding indebtedness, namely, the legal-tenders or greenbacks, known in law as United States notes, are, equally with what the law designates as Treasury notes, beyond any need or excuse for reissue; that temporary notes which are a debt of principal only, like notes which are a debt of principal and interest, should at once be cashed and canceled from abundant and superfluous coin in hand not now capable of being applied to any other use—this is so obvious a principle of sound finance, such as a prudent citizen would apply to his private affairs, that any Secretary of the Treasury would be subject to just reproach for departure therefrom by reissues, were it not that the act of May 31, 1878, seems to require of him that fiscal misstep.

And I beg leave to submit to the House the question whether, among many other reasons for its repeal, the contraction of the currency sought to be averted by that act can now in any other and better way be prevented than by its repeal. The fact that the $346,681,016 of greenback debt is a greenback currency, is so far from being a reason against its payment that it is the reason which makes its payment and destruction necessary—not without a better currency to take its place; but such a currency is at hand.

Of course the greenback debt should be paid. "To the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes," "the faith of the United States is solemnly pledged" by the act of Congress, March 18, 1869. But, also, a contraction of the currency should be avoided. The substitution of a better currency for the greenbacks runs no hazard of contraction. But the consequences of not using our coin surplus thus are serious. For in currency of some sort will the year's taxes be paid, and the excess of receipts over the authorized disbursements of the Treasury would be the measure of the contraction of the currency.

This contraction can be avoided by appropriations for an extravagant and reckless outpour and expense like that of war. It can also be avoided by the payment of debt. The first remedy need not be discussed; it is, of course, a remedy the most unworthy of the people's representatives. The second remedy is all that remains. What debt, then, shall we pay? Beyond the 3 percents, which are already provided for and will soon all be paid, not another dollar of the principal of our funded debt is due for four years to come, and except by a reduction of the interest on the 4½ percents, and of the fours, such as I suggested to the House of Representatives nearly a year ago in my letter of March 2, 1886, no part of the same can now be canceled or diminished by anticipatory purchase without paying to the bondholder a premium on pretty much his own terms.

The premium on the 4½ percents of 1891 is now 11 per cent.; the premium on the 4 percents of 1907 is now 28 per cent. Payment of the funded debt at these premiums to the bondholder is thriftless extravagance. But it is an inexcusable extravagance, for the reason shown in my last annual report, namely, that the operation of the present sinking-fund law, and the annual appropriation of 1 per cent. of the debt to that fund which it requires, and which gives us no trouble, will cancel every dollar of the public indebtedness, greenbacks and all, within one twelvemonth of the day that our last great funded loan becomes due and payable, in 1907. We may almost say that our funded debt will thus pay itself, so little excuse have we for hastening its payment.

But anticipatory payment of funded debt at a high premium, while successfully getting out of the Treasury its currency tax surplus, and so preventing contraction in that form, is that method, nevertheless, which would contract the currency in another form by too suddenly diminishing national-bank circulation based on the funded debt.

It is therefore necessary now, not only to reduce taxation in order to prevent surplus-tax-collecting from being currency-contracting again and again, but it is necessary also to employ our present and unavoidable tax surplus in the payment, not of funded, but of the unfunded debt. Great extravagance of needless expense or serious monetary trouble can both so be avoided. The people's representatives, by action before adjournment, can relieve the Secretary of the Treasury from the bad choice between these now present alternatives.

The surplus coin and bullion which will remain in the Treasury after all the bonds subject to call have been paid and before the Fiftieth Congress will assemble, together with the proceeds of surplus taxation which will flow into the Treasury before any possible reduction of taxes by the present Congress can take effect, constitute a sum which can well be got out of the Treasury into the hands of the people, where it belongs, by the payment of the greenback debt. Coin certificates are a ready and superior paper money to the greenbacks. The substitution can be effected as a mere matter of Treasury administration whenever two indispensable conditions are first fulfilled by Congress.

Of these, the first is that the silver purchases should be stopped. Our approaching difficulties were discernible two years ago, and I commended both those conditions of safety respectfully to the consideration of Congress in my first annual report, in my reply to the resolutions of the House of Representatives last spring, and again in my second annual report. Congress has but to remove the *débris* of two past errors of our predecessors in order effectually to avert monetary difficulties which are now imminent, and to renew a commercial prosperity which will dispel the mephitic atmosphere of our so-called labor troubles. The repeal of the compulsory silver purchases (act of February 28, 1878) is the first and indispensable condition. The repeal of the compulsory post-redemption reissues of United States notes (act of May 31, 1878) is the next and only other condition.

These two repeals are together necessary to prevent either on the one hand an extravagant expense or on the other hand a considerable contraction of the currency. I can see no other alternatives. As the evil is at our door, I can not conceive that the case admits of further delay.

Renewing the expression of my hope that the Forty-ninth Congress before its near adjournment will enter upon the residue of work which demands attention from the people's representatives—and that it will at once begin to untax the clothing of 60,000,000 people by a repeal of the duty on raw wool—I beg leave to submit herewith an interesting table covering the whole field of Federal taxation, which I was not strong enough to perfect in time to go with my annual report. (See Appendix J.)

In answer to the second and third inquiries of the House of Representatives, above cited, I respectfully refer to the table in Appendix A, which exhibits minutely every change in the distribution of United States notes among their various denominations, by a daily statement of the amount of them destroyed or credited into the Treasury, or received from the Bureau of Engraving and Printing from August 4, 1886, to December 31, 1886. It appears that between those dates $3,861,857 in one-dollar notes were destroyed, and $3,937,082 in two-dollar notes were destroyed—total, $7,798,939. What sum has been expended in their destruction it would be impossible to fix because of the mixed character of the denominations of mutilated money handled by the Redemption Bureau of the Treasury. It is usual in the case of the small denominations sent in for redemption to find the paper badly mutilated and difficult to count.

But I know of no satisfactory method of computing such an inseparable part of a total and continuous though inconsiderable expense. The table in Appendix A exhibits every detail of that continuous process by which from day to day are fulfilled the requirements of the act of May 31, 1878, making compulsory that post-redemption issue and reissue of the total amount of the debt in circulation as United States notes which was but permitted by section 3579 of the Revised Statutes, and by which from day to day has been exercised the discretion imposed upon the Secretary (sections 3571, 3575, 3580, 3581, &c., of the Revised Statutes, see Appendix H) in respect to the denominations of such notes reissued in like character and amount to replace their mutilated or less desired predecessors.

It is obvious from the table, and from similar tables in the Treasurer's report of 1885 and 1886, communicated to the House along with my annual reports of those years, that no ones or twos have been issued "in the stead" of the $7,798,939 mutilated ones and twos redeemed, canceled, and destroyed, since August 4, nor instead of any other ones or twos or $10,000, or $5,000, or $1,000 notes likewise canceled and destroyed. For no ones and twos have been issued since July, 1885.

From an examination of the Treasurer's last annual report, pages 65 to 78, inclusive, and Appendix B, it will be seen that the practice of the Redemption Bureau of the Treasury, from 1862 up to the present time, has been to deliver in exchange for mutilated notes such other notes or denominations as might be required by the person, bank, or banker presenting the former for redemption. The expenses of presentation and return are borne by the party presenting mutilated notes for redemption.

It has also been the practice of the Treasury during the same twenty-five years to cause to be printed notes of all denominations in advance of the destruction of the notes returned as mutilated, or as locally inconvenient, and to issue from

such previously-printed notes such amounts and denominations as were needed for its own convenience or that of the persons presenting the same for redemption. There is now in the "reserve vault" of the Treasury the sum of $16,498,000 of such notes. The practice of issuing completed notes and certificates from the Bureau of Engraving and Printing has been very properly stopped by the Treasurer.*

The printed notes and certificates are now held in an incomplete form; the seal of the Treasury is not attached to them until they are required, which is affixed in the Treasury building.

The United States or legal-tender notes destroyed since August 4, 1886, up to December 31, 1886, as appears by Appendix A, have been of the following denominations:

Denomination.	Destroyed.	Issued.	Increase.	Decrease.
1's	$3,861,857	None		$3,861,857
2's	3,937,082	None		3,937,082
5's	6,217,681	$18,300,000		
10's	3,204,446	12,480,000	$12,082,319	
20's	3,054,864	3,600,000	9,275,554	
50's	1,063,380	200,000	545,136	863,380
100's	1,797,190	800,000		997,190
500's	4,028,500	None		4,028,500
1,000's	8,205,000	None		8,205,000
5,000's	10,000	None		10,000
	35,380,000	35,380,000	21,903,009	21,903,009

* United States notes	$16,498,000
Gold certificates	103,680,000
Silver certificates	22,040,000
	142,218,000

These figures show a decrease during the period named of $7,798,939 of one and two dollar notes; an increase of $12,082,319 in five-dollar notes; of $9,275,554 in ten-dollar notes; and $545,136 of twenty-dollar notes, or a total increase in notes of small denominations of $14,104,070, and a decrease in large notes of the following denominations and amounts:

50's, of	$863,380
100's, of	997,190
500's, of	4,028,500
1,000's, of	8,205,000
5,000's, of	10,000
	14,104,070

In addition to these denominational changes in legal-tender notes, the following changes have occurred in the silver certificates:

Denomination.	Destroyed.	Issued.	Increase.	Decrease.
1's	$2,061	$6,736,000	$6,733,939	
2's	None.	1,984,000	1,984,000	
10's	2,114,465	10,440,000	8,325,535	
20's	1,148,024			$1,148,024
50's	2,214,750			2,214,750
100's	3,914,400			3,941,400
500's	132,000			132,000
1,000's	142,000			142,000
	9,694,700	19,160,000	17,043,474	7,578,174
		9,694,700	7,578,174	
		9,465,300	9,465,300	

These figures show an increase in one and two dollar certificates of $8,717,939, in ten-dollar certificates of $8,325,535, a decrease of $1,448,024 in twenty-dollar certificates, and a total decrease of large denominations, as stated above, of $6,430,150, making a net increase in small denominations of $15,895,450.

It will thus be seen that the one and two dollar legal-tender notes destroyed ($7,798,939) have been more than replaced by the one and two dollar silver certificates issued, which amount to $8,717,939; and that the total increase of small denominations has been since the 4th of August, 1886, to the 31st day of December, 1886, as follows:

One-dollar silver certificates	$6,733,939	
Two-dollar silver certificates	1,984,000	
Ten-dollar silver certificates	8,325,535	
Five-dollar legal-tender notes	12,082,319	
Ten-dollar legal-tender notes	9,275,554	
Twenty-dollar legal-tender notes	545,136	
		$38,946,483
Less one-dollar legal-tender notes destroyed	3,861,857	
Less two-dollar legal-tender notes destroyed	3,937,082	
Lest twenty-dollar silver certificates destroyed	1,148,024	
		8,946,963
Increase since August 4, 1886		29,999,520
To which can be added—		
Standard silver dollars increased in circulation		5,914,329
Subsidiary silver coin increased in circulation		2,744,871
Minor coin increased in circulation		204,927
Total		38,863,647

In Appendix B will be found the outstanding currency in denominations, as of Decemcer 31, 1886; and in Appendix C the total shipments of United States notes, &c., since August 4 to December 31, 1886.

With the desire that the House may be fully informed as to the working of the Treasury in the most ample detail, there have been added the daily statements for December 31, marked "E," and those of January 3, 1887, marked "F" and "G," made to the Treasurer, with detail of the accounts upon which payments and receipts are made, and the kind of money received and paid out of each of the several sub-treasuries and the Treasury at Washington.

It will be seen by the recapitulation on page 11 of Appendix E that the receipts were—

	Receipts and payments.	Excess of payments.	Excess of receipts.
In national-bank notes	$181,241		$181,241
[Payments none; the $25,000 received at the sub-treasuries being forwarded to Washington for redemption.]			
The legal-tenders—Receipts	807,767		
Payments	1,297,629	$489,862	
The gold coin—Receipts	221,428		
Payments	154,850		56,570
The gold certificates—Receipts	768,730		
Payments	777,450	8,720	
The silver certificates—			
Receipts	293,280		
Payments	428,165	134,885	
The standard silver dollars—			
Receipts	178,820		
Payments	51,077		127,743
Subsidiary silver coin—			
Receipts	51,100		
Payments	46,134		4,966
		633,467	380,520
Less receipts December 31		380,520	
Excess of payments		252,947	

The amount of standard silver dollars and subsidiary silver coin ($97,211) put out, with the exception of small amounts used in making change, were put in circulation at an average expense of $1.96 per $1,000.

The withdrawal, begun in the summer of 1885, of the one and two-dollar United States notes and their conversion into five-dollar notes, both being known to the Treasury and the public under the denomination of small notes—which title extends to the ten and twenty dollar notes—was due to the fact that the Government had in the Treasury vaults large masses of silver dollars, for which no fitting use could be found.

To this statement it may be objected that these coins could be paid out in the ordinary transactions of the Government. This is not true, for one among many reasons, because of the physical impossibility of the movement of the mass of money required to make the payments of the Government; and, secondly, to the fact that all payments of this character might be said to await the opening of the doors of the Treasury in order to be again paid into the Treasury vaults, as the cost of handling and the bulk of the metal make it an impossible vehicle for the transactions of the Treasury or private business. The Treasury would require 33 tons per day to make its daily payments. Its receipts would be strictly confined to the same metal, which would involve the handling of 33 more tons. A thousand dollars bagged weighs 60 pounds. The physical force does not exist in the Treasury to handle the mass required to effect its daily settlements under such conditions.

Objection will be made that the silver certificates could have been used—which is true if the object had been to confine the receipts and payments of the Treasury to this kind of money and to depreciate its value. Such a mode of payment is not practicable so long as the legal-tender United States notes are suffered to exist, and everything called in law a "dollar" is to be upheld in a firm equivalence with our monetary unit of value established by law. Owing to the non-legal-tender character of coin certificates, they would return—as they do now return when issued in large denominations—on the day of issue, or by the succeeding day. This must of necessity happen, because of the fact that, being acceptd by the banks as deposits, these notes are transformed into a legal-tender liability of the banks, so that room must instantly be made for further deposits of the same kind by making immediate payment back into the Treasury.

The uses of each denomination of currency, whether note, certificate, or coin, are defined by the daily needs of the people with the greatest distinctness. Were issue now to be made of the one and two dollar legal-tender notes, it would exclude just so many one and two dollar silver certificates from circulation. This is true of each denomination of silver certificates or United States legal-tender notes, but is most strikingly shown in the larger denominations of silver certificates, which, except for their use as a means of redemption of the standard silver dollar, would be absolutely worthless as circulation; in fact, it may be said that they are not used by the community, but that these certificates are only used between the banks and the Government. Paid out by the Government in exchange for silver dollars, the next day, often the same day, they are back in the Treasury vaults, paid in by the banks, as the best use to be made of them by these institutions, in so far as the revenues of the Government arrive to the Treasury by that channel.

There is no doubt that when the silver five-dollar certificates take their full place in the circulation, they will transform the present legal-tender notes into ten and twenty dollar denominations, because it is only in the smallest denominations that any considerable addition can be made to the currency of the country in this form of money while Congress continues to require also the compulsory reissue of legal-tender notes, and so long as that competition is insisted upon.

As to the successful use of the present amount of silver coinage and its representative certificates, more depends, so long as the legal-tender notes exist, upon the denomination of the certificates than upon any other determining cause. Under the issue of the silver certificates in larger forms, a maximum of 45 per cent. was attained in the Treasury's receipts through the customs with a total circulation of $101,000,000, while at present, owing to the issue of smaller denominations, in a circulation of $117,000,000, the receipts in customs of these certificates are only 15 per cent., though during the first months of the current year the receipts of this kind of money may reach 20 per cent.

In examining the changes made in the denominations of legal-tenders during the first half of the year, it will be found that these notes generally take the form of large notes, while during the last half the notes issued are of small denominations. This will be found to be true of every year in which record has been kept of these changes, except that during the period of depression through which we have just passed, the changes were generally in the direction of the large notes. This will be found to be true of each period of depression since the issue of the legal-tender notes, and marks the diminished use of the smaller currency brought about by that slackened prosperity among the people.

There are those who profess to desire the Secretary of the Treasury to revive the smaller issues of the legal-tenders, upon the assumption that profits will accrue by the people losing more of them while in circulation. This scheme is quite as unsound as dishonest; for the loss on currency of this character, either national-bank notes or legal-tenders (Annual Report of the Treasurer for 1886, pages 33, 34, pages 65-67), does not amount to one-twentieth of 1 per cent. upon the closed issues therein stated, and as to those in which there is an element of worth in excess of the face value, the percentage of loss is not one two-hundredth of 1 per cent. per annum. It is, therefore, a fair deduction, as the ones and twos of these old issues are still coming in, though slowly, that one-twenty-fifth of 1 per cent. per annum is the limit of such profit on the loss of a small currency while in use as a circulating medium.

The controling principle in making the redemptions of the legal-tender notes is to issue these notes in the form demanded by those who present them for redemption when mutilated, and (except the one and two dollar notes, which are replaced by the one and two dollar silver certificates) this has been, and will continue to be, the rule of the Department until Congress directs a change. Any other course would result in serious embarrassment to the people, and, while it would not otherwise affect the Treasury, would throw upon it the burden of additional and unnecessary labor.

In my letter to the House of March 2, 1886, I had explained that if it were desired to promote the circulation of a silver certificate of a given denomination without reference to the primary fact of public convenience, it could be accomplished only by shouldering out from concurrent circulation the same denomination of United States notes. (Appendix K.)

In the act approved August 4, 1886, Congress enlarged the limits of the discretion required of the Secretary in respect to the distribution of the silver certificates among various denominations, by authorizing, besides the issue of certificates upward from "$10 each, corresponding with the denominations of the United States notes," the issue of certificates downward from $10 and corresponding with the smallest denominations of such notes. But besides enlarging the variety of denominations within which the Secretary was required to exercise his discretion in supplying the wants of the business community, Congress in the same act required the Secretary to issue silver certificates of the three smallest denominations, and left him at liberty to effect their issue in lieu of or in exchange for silver certificates of larger denominations.

Congress had left unmodified the discretion in respect to denominations of United States notes originally imposed upon the Secretary. It had even confirmed the same. In the act of May 31, 1878, which forbade the retiring, canceling, and destroying of any of those notes, and enjoined the reissue and constant circulation of the whole of them, Congress expressly negatived the possible though strained inference that it was thereby prohibiting that daily renewal of mutilated notes with fresh ones of like denomination, which was then provided by law, as also was the daily renewal of mutilated notes with fresh ones of unlike denomination. The discretion thus confirmed was of course no larger in the reissue than in the original issue, nor a different discretion. It has been exercised in subordination to the laws, and in response to the daily requirements of the people of the United States. (Appendix H.)

The act of August 4, 1886, which made the issue of the silver certificate ones and twos compulsory, and the act of May 31, 1878, which made the reissue of the greenback total compulsory, have been jointly executed by the abridgment of the smallest and the largest denominations of the greenbacks, and the enlargement of the smallest silver certificates.

In pointing out a year ago the only way in which such a substitution could be made and the use of silver enlarged while greenbacks are suffered, the Secretary is happy to have anticipated the wish and the enactment of Congress. These coin certificates can now be made to take the place of the whole greenback circulation, by the prior repeal of the compulsory silver-purchase law and the repeal of the greenback, compulsory, post-redemption-issue law—some of the many reasons for which are so fully set forth in my last annual report that they need no repetition here.

Respectfully yours,

DANIEL MANNING,
Secretary of the Treasury.

The Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. WEAVER, of Iowa. Mr. Speaker, if this is what I think it is, and as I understand from the public prints, I will at the proper time rise to a question of the highest privilege in order to see what further steps are necessary to be taken to secure observance of the law.

COURT OF CLAIMS JUDGMENTS AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a list of judgments against the United States in the Court of Claims presented for payment February 1, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

STAKE-LIGHTS, LAKE CHAMPLAIN.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury transmitting a letter from the Light-House Board, asking an appropriation for the re-establishment of two stake-lights in the channel between North and South Hero Islands, Lake Champlain; which was referred to the Committee on Appropriations, and ordered to be printed.

ALTERATIONS OF LOUISVILLE AND PORTLAND CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War transmitting, in compliance with a provision of the river and harbor act of August 5, 1886, a report upon proposed alterations of the Louisville and Portland Canal; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

RECONSTRUCTION OF AQUEDUCT BRIDGE IN DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Board of Engineers on the proposed reconstruction of the Aqueduct Bridge in the District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN LOAGUE, ADMINISTRATOR, AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact by that court in the case of John Loague, administrator, &c., against the United States; which was referred to the Committee on War Claims.

FLOWAGE DAMAGE, FOX AND WISCONSIN RIVERS.

The SPEAKER. The letter from the Attorney-General in further response to the House resolution calling for a report of the amounts due the several commissioners to ascertain the flowage damages caused by the improvement of the Fox and Wisconsin Rivers, was wrongly referred to the Committee on Rivers and Harbors; and if there be no objection that committee will be discharged from its further consideration, and it will be referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. BENNETT, for three days, on account of sickness.

To Mr. JOHNSON, of New York, for one week, on account of important business.

To Mr. O'DONNELL, for one week, on account of important business.

BUSINESS OF FOREIGN AFFAIRS COMMITTEE.

Mr. MORRISON. I ask, Mr. Speaker, that the order heretofore made setting apart February 3 for the consideration of the business of the Committee on Foreign Affairs, be postponed to Tuesday, February 8. I need hardly say that the chairman of that committee is necessarily absent.

There was no objection, and it was ordered accordingly.

SWEARING IN OF A MEMBER.

Mr. GUENTHER. Mr. Speaker, I desire to present at this time the certificate of election of Mr. Hugh H. Price, elected from the eighth Congressional district of the State of Wisconsin, to fill the vacancy occasioned by the death of the late Hon. William T. Price. I ask the reading of the certificate, and that he be now sworn in.

The certificate was read, as follows:

STATE OF WISCONSIN,
OFFICE OF THE SECRETARY OF STATE.

To all whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that Hugh H. Price was, on the 18th day of January, A. D. 1887, duly elected a Representative in the Forty-ninth Congress of the United States for the eighth Congressional district of the State of Wisconsin for the unexpired term of two years, commencing on the 4th day of March, A. D. 1885, as appears from the official canvass of votes given at a special election held in the State of Wisconsin on the day and year above written, and that he was so elected in accordance with the laws of the State of Wisconsin.

In testimony whereof I have hereunto set my hand and have affixed my official seal at the capital, in the city of Madison, this 28th day of January, A. D. 1887.

[SEAL.] ERNST G. TIMME.

Mr. PRICE, having appeared at the Bar of the House, was duly qualified, taking the oath of office prescribed by law.

RICHARD H. & JAMES PORTER.

Mr. VAN EATON. Mr. Speaker, the objection having been withdrawn, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (S. 1368) for the relief of Richard H. & James Porter, and put the bill upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury pay to Richard H. & James Porter the said sum of $10,100, less the said sum of $750 paid them under the second award, in full for all claims for damages or compensation for property impressed by order of Colonel Johnston, in command of the United States troops *en route* for Utah in 1857.

Mr. HOLMAN. I think the report in that case had better be read.

Mr. VAN EATON. The report is quite a lengthy one, and I think perhaps I can state the substance of it in a few words.

Mr. HOLMAN. I should be glad to hear a statement covering the facts.

Mr. VAN EATON. Mr. Speaker, this claim arose under the following circumstances: When General Sidney Johnston was engaged in the Utah expedition in the year 1857, while passing through the State of Missouri, he found it necessary to take possession of certain cattle, horses, and mules belonging to the petitioner in this case, for which payment is now sought. They were used in the army, as appears in the documents filed with the case, and were lost to Mr. Porter. Application was duly made to the Treasury under the act of 1849 for payment, and the claim was considered and reported upon favorably by the Auditor. The Secretary of the Treasury subsequently referred the claim to the Attorney-General, Hon. Edward Bates, a doubt having arisen in the mind of the Secretary whether the report of the Auditor justified the payment of the claim. The Secretary of the Treasury was in doubt as to whether the claim came within the purview of the act of March 3, 1849, and referred the matter to the Solicitor of the Treasury. The award of the Third Auditor was held by the Solicitor to be final in the sense of being without appeal, and could neither be changed nor diminished.

The Attorney-General reported that the claim came within the provisions of the act in question; but some other difficulty arose, and it finally came to Congress. It has been examined and reported by the Department several times, and, finally, as I have said, came to Con-

gress, where it was unanimously reported favorably in the Forty-seventh Congress, and reported favorably and passed at the present session of the Senate. At this Congress it was examined by the Committee on Claims of the House, and has been unanimously presented to this House by the committee. The Senate bill was again reported favorably, and is now upon the Calendar. I hold in my hand the report of the committee, from which I read the concluding words:

The award appears to the committee to have been made in accordance with the provisions of the act of March 3, 1849, volume 9, Statutes at Large, section 2, page 415; and as the proof was conclusive as to the taking of the property by the officers of the Government under circumstances that appear to have justified such taking, and the Government having received the benefit thereof in 1857, it does not seem to be proper to compel the claimants to go into court to establish the validity of their claim, and therefore the committee recommend the amendment of the bill so as to pay the claimants the award, less the amount received under the second award.

That is exactly the bill which we have now pending, and I hope there will be no objection to its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. VAN EATON. I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

Insert, after the words "Richard H. Porter," in the first line of the engrossed bill, the words "surviving partner and assignee of the late firm of R. H.;" so that it will read:

"That the Secretary of the Treasury pay to Richard H. Porter, surviving partner and assignee of the late firm of R. H. & James Porter," &c.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

The title was amended to conform to the body of the bill.

Mr. VAN EATON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLECTION DISTRICTS MIAMI AND SANDUSKY, OHIO.

Mr. ROMEIS. Mr. Speaker, the objection having been withdrawn, I again ask the House to take up and consider the bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio.

The bill is as follows:

Be it enacted, &c., That section 2603 of the Revised Statutes is hereby so amended that the district of Miami, in the State of Ohio, shall comprise all the waters and shores of Lake Erie within the jurisdiction of the United States from the western bank of the Portage River to the western bank of the Miami River in which Toledo shall be the port of entry; and so that the district of Sandusky shall comprise all the waters and shores of Lake Erie within the jurisdiction of the United States from the eastern bank of the Vermilion River to and including the western bank of the Portage River, and all the islands at the head of Lake Erie, lying east of a line drawn north from the west bank of the Portage River at its mouth, in which Sandusky shall be the port of entry. Vessels shall be allowed to ply between the port of Toledo, in the Miami district, and any of the said islands, in the same manner and subject to the same conditions only as if said islands were in the district of Miami.

Mr. HOLMAN. I wish to inquire whether this bill is recommended by the Secretary?

Mr. ROMEIS. It was recommended by him some years ago, and passed the Senate twice, but there being two Congressmen from this district there has always been more or less friction between them.

Mr. HOLMAN. Does this establish a new port of delivery?

Mr. ROMEIS. No, sir; the principal effect of the bill is to abolish a tax now levied upon vessels going to the islands in one of these districts from a port of entry in the other.

Mr. TARSNEY. And is unanimously reported from the Committee on Commerce.

Mr. FORAN. I call for the reading of the report.

The report (by Mr. REAGAN) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, Ohio, report the bill back to the House without amendment, and recommend its passage.

This bill, it is understood, was drawn in the Treasury Department, and has its approval; it has, once or twice, in the form in which it is now presented, passed the Senate. The object of the bill is to define more clearly the boundaries between these two collection districts, and to abolish a small tax now levied upon vessels going to the islands in one of these collection districts from a port of entry in the other collection district.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROMEIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT OWENSBOROUGH, KY.

Mr. LAFFOON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes, and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BRADY. I object.

BRIDGE OVER THE MISSISSIPPI AT DUBUQUE.

Mr. HENDERSON, of Iowa. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 10412) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi River, between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa, and that the same be considered in the House.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That in lieu of the pontoon bridge authorized by the act of Congress to be constructed over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa, by the East Dubuque Bridge Company, a corporation organized under the laws of the State of Illinois for that purpose, the Dubuque Pontoon Bridge Company, a corporation organized under the laws of the State of Iowa for a like purpose, and now holding the franchise of said East Dubuque Bridge Company in relation to such bridge, may construct and maintain over said river, at the most suitable point between those cities, a high wagon bridge, for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for such reasonable rates of toll as said cities may prescribe: *Provided*, That the Secretary of War, to whom the plans and specifications for said contemplated high wagon bridge have been submitted for inspection, shall be of opinion that such high wagon bridge will be no substantial obstruction to the navigation of said river.

The Committee on Commerce recommended the following amendment:

In line 8, after the word "purpose," insert the words "and amendatory of said act."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. SPRINGER. I desire to ask the gentleman from Iowa, did this bill receive the sanction of the Committee on Commerce?

Mr. HENDERSON, of Iowa. It received the unanimous sanction of that committee.

The bill was passed.

Mr. HENDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MATHEW H. FULTON.

Mr. SENEY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 1753), and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, the sum of $337.02 to Mathew H. Fulton, postmaster at Bucyrus, Ohio, the said sum being the amount of money stolen from the safe and from registered letters in the post-office at Bucyrus, Ohio, on the night of May 9, 1883, and which sum the said Fulton made good to the claimants from his own means.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SENEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. LAFFOON rose.

Mr. BRADY. I desire to withdraw my objection to the consideration of the bill called up a short time ago by the gentleman from Kentucky [Mr. LAFFOON].

Mr. STORM and Mr. SPRINGER called for the regular order.

MRS. HENRIETTA M. DRUM HUNT.

Mr. SCOTT. I make a privileged report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 8869, granting a pension

to Mrs. Henrietta M. Drum Hunt, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

WILLIAM L. SCOTT,
N. B. ELDREDGE,
Managers on the part of the House.
JOHN I. MITCHELL,
H. W. BLAIR,
Managers on the part of the Senate.

Mr. ZACH. TAYLOR. I should like to be heard on the question of concurring in that report.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCOTT] is entitled to the floor.

Mr. SCOTT. I yield five minutes to the gentleman from Tennessee.

Mr. ZACH. TAYLOR. I move non-concurrence in the report presented by the committee of conference.

The SPEAKER. That is not a parliamentary motion. The question is on agreeing to the report, and a refusal to agree is a rejection.

Mr. ZACH. TAYLOR. I oppose the adoption of this report because this bill proposes to give to the widow of a lieutenant of the Navy $40 a month. Under the law widows of officers of that grade are entitled to $20. No application in this case has ever been made to the Pension Bureau for the allowance of this claim.

Mr. McCOMAS. For any amount?

Mr. ZACH. TAYLOR. For any amount. The application was made in the first instance to this House; and to agree to this sets a vicious precedent. Congress has inaugurated a Pension Bureau for the purpose of granting pensions to those who are entitled to them, and the first duty of applicants is to apply to that department for the relief claimed. As I have said, no application has been made to the Pension Bureau.

And even if that practice should be disregarded, instead of coming here and asking for that amount which this widow would be entitled to under the law they ask for an increase from $20 to $40 per month.

This question was up for consideration by the House on January 8, at the Friday evening session. The House bill was passed giving the applicant $5 more than she was entitled to under the law, and I must say without any valid evidence that it ought to be granted at all. There is nothing pending before this House except the petition of the claimant herself and a recommendation by Commodore Schley that the pension should be granted, and upon that the House gave her a pension of $25 a month; $5 more than the widows of other officers who have lost their lives in the defense of the country are entitled to.

For that reason I am opposed to the adoption of this report. There is no evidence here to show that this claimant is entitled to anything at all, and anything the House gave her is a mere gratuity. This bill is based on a matter of mere sentiment. These people are not specially in need of this pension.

I want to know whether this House intends to set the precedent of granting to the widows of officers of the Navy $40 a month. If so, now is the time to set that precedent. Whether they intend to dole out gratuities as is proposed by this bill is a question for this House to decide.

I move that the conference report be not adopted, and that these amendments be not concurred in. I hope the House will vote down this report and reappoint a committee of conference for the consideration of these amendments.

Mr. SCOTT. I admit this bill is an exceptional one, but this is an exceptional case. Lieutenant Hunt sacrificed his life in the attempt to save the lives of others. He volunteered on what is known as the Greely Relief Expedition. After having exposed himself in the search of Lieutenant Long's party, and of the commander of that expedition, he was one of the party that brought those remains home. He then volunteered on another expedition, and the result was, as is well certified, that he had contracted in that expedition diseases which terminated his life. It was his great bravery and his desire to save the lives of others that caused him to lose his life.

The case being an exceptional one, the Committees on Pensions of the two Houses, with the exception of my friend from Tennessee [Mr. ZACH. TAYLOR] have recommended the $40 per month. I do hope, sir, that as an incentive to the younger officers of the Navy, when it is necessary for them to go forth to save the lives of others, or in the defense of their country, we will let them know that we will take care of their families if they lay down their lives for their country.

I call the previous question on the bill.

The question was taken on ordering the previous question; and there were—ayes 52, noes 61.

Mr. SCOTT. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint tellers——

Mr. TAULBEE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. Is it in order for the gentleman from Tennessee [Mr. ZACH. TAYLOR] at this point to withdraw his opposition to ordering the previous question on this bill?

The SPEAKER. It is always in order for a gentleman to withdraw his own opposition to any measure. [Laughter.]

Mr. ZACH. TAYLOR. So far as I am concerned I withdraw my opposition.

The SPEAKER. The House has voted upon the question, and the majority is in the negative; and the gentleman from Pennsylvania [Mr. SCOTT] makes the point that no quorum has voted. The Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. SCOTT] and the gentleman from Tennessee [Mr. ZACH. TAYLOR].

Mr. PERKINS (before the completion of the count by tellers). Mr. Speaker, I ask unanimous consent that the previous question be ordered on this bill.

Mr. ZACH. TAYLOR. Mr. Speaker, not wishing to detain the House on a measure of this kind, I am willing that the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the previous question be considered as ordered.

There was no objection, and it was so ordered.

The SPEAKER. The question now is on agreeing to the report of the conference committee.

The question was taken,

And the SPEAKER declared that the noes seemed to have it.

Mr. SCOTT. I call for a division.

The House divided; and there were—ayes 25, noes 76.

So the report of the conference committee was not agreed to.

Mr. RANDALL. I ask now for the regular order.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. SCOTT] desire a further conference upon this bill?

Mr. SCOTT. I do.

The SPEAKER. If there be no objection, the House will further insist upon its amendments, and ask a further conference.

During the day the Chair will appoint the conferees on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, was delivered to the House transmitting, in compliance with the request of the House, a duplicate engrossed copy of the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and restoring the same to settlement, and for other purposee.

VETO MESSAGE—CARTER W. TILLER.

Mr. TAULBEE. Mr. Speaker, I desire to call up a privileged matter, the veto message of the President on the bill (H. R. 4002) granting a pension to Carter W. Tiller.

The message was read, as follows:

To the House of Representatives:

I return without my approval House bill No. 4002, entitled "An act granting a pension to Carter W. Tiller."

The records of the War Department show that George W. Tiller, the son of the claimant, enlisted in a Kentucky regiment on the 8th day of October, 1861, and that he deserted on the 20th day of September, 1863; that he was captured by the confederates afterwards, but the time and circumstances are not given. On the 21st day of July, 1864, he was admitted to the Andersonville hospital, and died the same day of scorbutis.

The father filed his claim for a pension in 1877, alleging his dependence upon the deceased soldier. It it probably true that the son while in the army sent money to the claimant, though he appears to have been employed as a policeman in the city of Louisville ever since his son's death, at a fair salary.

The claim thus made was rejected by the Pension Bureau on the ground that the claimant was not dependent upon his son

I am entirely satisfied of the correctness of this determination, and if the records presented to me are reliable, I think the fact which appears therefrom, that the death of the soldier occurred ten months after desertion, and had no apparent relation to any service in the Union army, is conclusive against the claim now made.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1886.

Mr. SPRINGER. I raise the question of consideration.

The SPEAKER. The gentleman from Kentucky [Mr. TAULBEE], as a matter of privilege, calls up the veto message of the President, which has just been read, and the gentleman from Illinois [Mr. SPRINGER] raises the question of consideration.

Mr. SPRINGER. This being a private bill, I think it ought to go over until Friday.

Mr. TAULBEE. I believe I have the floor, Mr. Speaker. Is the gentleman's question in order while I have the floor?

The SPEAKER. It is always in order to raise the question of consideration before the House enters upon the consideration of a matter.

Mr. TAULBEE. But is it in order to raise that question after I have taken the floor?

The SPEAKER. Certainly. It can not be raised any other time, because after the House has actually entered upon the consideration of a matter the question can not be raised. The question, then, is, Will the House now proceed to the consideration of the bill and the message of the President?

The question was taken; and there were—ayes 89, noes 81.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered; and there were—yeas 135, nays 107, not voting 76; as follows:

YEAS—135.

Adams, G. E.	Geddes,	Matson,	Steele,
Allen, C. H.	Gilfillan,	Maybury,	Stephenson,
Anderson, J. A.	Goff,	McAdoo,	Stewart, J. W.
Atkinson,	Grosvenor,	McComas,	Stone, E. F.
Baker,	Grout,	McKenna,	Strait,
Bayne,	Guenther,	McKinley,	Struble,
Bound,	Harmer,	Millard,	Swinburne,
Boutelle,	Hayden,	Milliken,	Swope,
Brady,	Haynes,	Moffat,	Taulbee,
Brown, C. E.	Henderson, D. B.	Morrill,	Taylor, E. B.
Brown, W. W.	Henderson, T. J.	Morrow,	Taylor, I. H.
Brumm,	Hepburn,	Nelson,	Taylor, Zach.
Buchanan,	Hermann,	O'Neill, Charles	Thomas, J. R.
Buck,	Hiestand,	O'Neill, J. J.	Thomas, O. B.
Burrows,	Hitt,	Osborne,	Thompson,
Butterworth,	Holman,	Owen,	Van Schaick,
Campbell, J. M.	Hopkins,	Payne,	Wade,
Campbell, J. E.	Houk,	Payson,	Wadsworth,
Carleton,	Howard,	Perkins,	Wait,
Caswell,	Jackson,	Peters,	Wakefield,
Collins,	James,	Pettibone,	Warner, William
Conger,	Johnson, F. A.	Plumb,	Weaver, A. J.
Cooper,	Johnston, J. T.	Price,	Weaver, J. B.
Cutcheon,	Kelley,	Ranney,	Weber,
Dorsey,	La Follette,	Reed,	West,
Dunham,	Laird,	Rice,	White, A. C.
Ely,	Lawler,	Romeis,	White, Milo
Evans,	Le Fevre,	Rowell,	Whiting,
Everhart,	Lehlbach,	Ryan,	Wilkins,
Fleeger,	Little,	Scranton,	Willis,
Foran,	Long,	Seney,	Wolford,
Fuller,	Lowry,	Sessions,	Woodburn,
Funston,	Lyman,	Sowden,	Worthington.
Gallinger,	Markham,	Spooner,	

NAYS—107.

Adams, J. J.	Dargan,	Johnston, T. D.	Sayers,
Allen, J. M.	Davidson, A. C.	Jones, J. H.	Scott,
Anderson, C. M.	Davidson, R. H. M.	Jones, J. T.	Seymour,
Barksdale,	Dibble,	Kleiner,	Shaw,
Barnes,	Dockery,	Landes,	Singleton,
Barry,	Dougherty,	Lanham,	Skinner,
Blanchard,	Dunn,	Lore,	Snyder,
Bliss,	Eden,	Martin,	Springer,
Blount,	Eldredge,	McRae,	Stahlnecker,
Boyle,	Ermentrout,	Miller,	Stewart, Charles,
Bragg,	Fisher,	Mills,	Storm,
Breckinridge, C. R.	Forney,	Morgan,	Tarsney,
Burnes,	Frederick,	Morrison,	Taylor, J. M.
Bynum,	Gay,	Muller,	Tillman,
Cabell,	Gibson, C. H.	Murphy,	Trigg,
Caldwell,	Glass,	Neal,	Tucker,
Campbell, Felix	Hall,	Neece,	Turner,
Catchings,	Halsell,	Norwood,	Van Eaton,
Clardy,	Hammond,	Oates,	Viele,
Compton,	Harris,	O'Ferrall,	Wallace,
Cowles,	Hatch,	Outhwaite,	Ward, T. B.
Cox, W. R.	Hemphill,	Peel,	Warner, A. J.
Crisp,	Henderson, J. S.	Perry,	Wellborn,
Croxton,	Hill,	Pidcock,	Wheeler,
Culberson,	Hudd,	Richardson,	Winans,
Curtin,	Hutton,	Riggs,	Wise.
Daniel,	Irion,	Rusk,	

NOT VOTING—76.

Aiken,	Crain,	Hiscock,	Pindar,
Bacon,	Davenport,	Holmes,	Randall,
Ballentine,	Davis,	Ketcham,	Reagan,
Barbour,	Dawson,	King,	Reese,
Belmont,	Dingley,	Laffoon,	Robertson,
Bennett,	Ellsberry,	Libbey,	Rockwell,
Bingham,	Farquhar,	Lindsley,	Rogers,
Bland,	Felton,	Louttit,	Sadler,
Breckinridge, WCP	Findlay,	Lovering,	Sawyer,
Browne, T. M.	Ford,	Mahoney,	Smalls,
Bunnell,	Gibson, Eustace	McCreary,	Spriggs,
Burleigh,	Glover,	McMillin,	St. Martin,
Campbell, T. J.	Green,	Merriman,	Stone, W. J., Ky.
Candler,	Hale,	Mitchell,	Stone, W. J., Mo.
Cannon,	Hanback,	Negley,	Symes,
Clements,	Heard,	O'Donnell,	Throckmorton,
Cobb,	Henley,	O'Hara,	Townshend,
Comstock,	Herbert,	Parker,	Ward, J. H.
Cox, S. S.	Hires,	Phelps,	Wilson.

So the House decided to consider the veto message.

The following-named members were announced as paired until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.
Mr. BARBOUR with Mr. NEGLEY.
Mr. ROGERS with Mr. O'DONNELL.
Mr. BLAND with Mr. DAVENPORT.
Mr. BACON with Mr. PARKER.
Mr. GREEN with Mr. SWINBURNE.
Mr. GLOVER with Mr. WADE.
Mr. CANDLER with Mr. BUNNELL.
Mr. REAGAN with Mr. HISCOCK.

The following-named members were announced as paired for this day:

Mr. MAHONEY with Mr. DAVIS.
Mr. BENNETT with Mr. DINGLEY.
Mr. BELMONT with Mr. LINDSLEY.
Mr. STONE, of Kentucky, with Mr. HANBACK.
Mr. DAWSON with Mr. ROCKWELL.

The following-named members were announced as paired on this vote:

Mr. GIBSON, of West Virginia, with Mr. BURLEIGH.
Mr. BALLENTINE with Mr. LOUTTIT.
Mr. COMSTOCK with Mr. BINGHAM.
Mr. WARD, of Illinois, with Mr. CANNON.

The result of the vote was announced as above stated.

Mr. TAULBEE. I yield five minutes to my colleague [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I am taken somewhat by surprise in consequence of the calling up of this case this morning, although it was done with my consent; and I have not at hand certain memoranda which I had hoped to present to the House in the consideration of this veto message. I regret very much, indeed, that the time of the House has been unnecessarily occupied with a roll-call, because I believe that the facts in this case are so few and so simple that the question could have been disposed of in less time than has been taken by this dilatory movement.

This old gentleman resides in my district. I have known him from my boyhood; and I am somewhat familiar with the facts upon which his application for this pension is founded. Upon those facts I presented to this House a bill which was considered by the Committee on Invalid Pensions, and that committee, by a unanimous vote, declared that he was entitled to a pension, being the dependent father of a soldier who had died in the service of his country. That bill passed both Houses of Congress, but was vetoed by the President.

The main consideration which actuated the President was, as it seems to me from the reading of the veto message, the belief on his part that this young man was a deserter; and he so states in the veto message. It is due to the facts in the case to state that the record upon this point had not been very clearly presented; but my colleague [Mr. TAULBEE], who is a member of the Committee on Invalid Pensions, made a critical examination of the records after this veto message was sent to the House, and thereby strengthened the case materially. The facts which my colleague developed upon his examination being brought to the attention of the President, he very promptly directed the Commissioner of Pensions to reinvestigate this case, the object being to give this old man arrearages of pension if the facts sustained his application. In pursuance of the direct letter of the President, the Commissioner of Pensions caused an investigation of this case to be made by a special agent. In this latter investigation it is not claimed for one moment that this young man was a deserter. The evidence clearly shows that he was taken prisoner within a few miles of the point where his company was stationed, and was carried to Andersonville prison, where he died. All the evidence now conclusively shows that fact.

Mr. MORRISON. Where is that evidence? Let us have it.

Mr. WILLIS. It will be given to the House by my colleague. It is in the record. There is no dispute about it.

Mr. LONG. The President, in his veto message, makes no point of desertion, does he?

Mr. WILLIS. Yes, he does. He mentions that.

Mr. LONG. I thought the point mentioned by the President was that the father was not dependent.

Mr. WILLIS. The message also raises the point as to the son having been a deserter. That was the main point.

Now, as to the question of dependence of the father. This old gentleman, who has now passed the age of three score years and ten, was engaged in the service of the city of Louisville as a detective, and many years prior to the death of his son received a wound in a contest with a burglar. Because of this fact he was retained on the police force, although not capable of discharging the active duties of the position. He is now unquestionably dependent, as he was then. Having a family of five or six children and without a dollar in the world, he has been supported during the last few years by the Masonic and Odd Fellows fraternities of the city of Louisville. These facts are shown in the evidence and are known to me personally; so that there can be no question in the world as to the dependence of this father, both at the time when his son died and at the present time.

But I desire to call the attention of the House to the fact that in all these pension cases, where the question of dependence has been one of the prominent questions, our Committee on Invalid Pensions has considered the condition of the parent at the time of the application. In their judgment it has not been a matter of importance as to what the condition of the parent was at the death of the son if it could be shown that he was dependent at the time of making the application.

[Here the hammer fell.]

Mr. TAULBEE. I yield my colleague five minutes more.

Mr. WILLIS. I want only a minute or two.

Upon the question which finally caused a decision adverse to this applicant in the Pension Department—that is, whether the son was in the line of duty at the time of his capture—I desire to submit simply one statement.

It is admitted on all hands he was within a few miles of the post where his company was stationed. This company was there on guard duty, being scattered in different directions protecting the property of the Government, and this young man at the time was taken prisoner.

Those are the facts which will be more fully presented by my colleague [Mr. TAULBEE]. Therefore I say, on review of the whole ques-

tion, there is no question as to the dependence of this father both at the time when the son died and at the present time, and no question the young man was in the discharge of his duty, having been captured by the enemy and dying at Andersonville prison. Upon all the facts of the case this applicant should be pensioned.

Mr. BROWN, of Pennsylvania. Let me ask the gentleman, in the line of his last statement, whether it does not appear in the evidence that a comrade of the same regiment was captured at the same time?

Mr. WILLIS. At the same time, and put in the same prison.

Mr. MORRILL. Under the late bill we passed present dependence only is required.

Mr. WILLIS. As the gentleman from Kansas has stated, this House expressed itself recently on the general question of dependence, by making present dependence the only guide. But the Committee on Invalid Pensions, prior to the passage of that law, as my friend from Kansas very well knows, has never given very much attention to the dependence at the time of the death of the son. In this case, however, the evidence shows this father was dependent when the son died, being retained in the police service, having received a severe wound in an attack made upon him by a burglar, and not because he was able to discharge the active duties of this position.

Mr. TAULBEE. Mr. Speaker, I will send to the Clerk's desk to be read a part of the report of the special examiner in this case, to which I I invite the attention of the House.

The Clerk read as follows:

At the same time it would not appear that he was flagrantly outside the line of duty at the moment of capture, as he is shown to have been guarding Government property, notwithstanding the statement of Mr. Frissman (the baker) that he was responsible for the flour received from the several commissaries, and that he had to make good the loss. We can, I think, consider him in no other light than as a contractor, and that the flour was simply in his hands for the purpose of converting it into bread for the sustenance of United States troops.

Mr. TAULBEE. My object, Mr. Speaker, in having that read from the report of the special examiner is that full and fair investigation may be had of this case. My colleague [Mr. WILLIS] correctly stated this case as far as he went, and this report of the special examiner shows the fact that the Pension Office had investigated this case and had rejected this pension claim solely on the question of dependence, but the President in his veto message calls attention to the fact that the name of this claimant's son was marked as a deserter on the roll of his company. When this case was up before, I then stated that the President was fully justifiable in vetoing as he did, from the facts before him. When he came to consider this bill, to enter on the investigation upon which he based his veto message, the records of the War Department were submitted to him, and they showed this soldier deserted on the 20th of September, 1862. That question, however, had been investigated by the Pension Office prior to this, and the question had been passed upon in the Pension Office. But inasmuch as the veto message again raised the question, I took it upon myself to call upon the Adjutant-General of the Army and the Secretary of War to give a full military history or record of this soldier, which they did in a letter addressed to me and submitted to the House and printed in the RECORD on the 1st day of May last. Investigation showed that on the company roll of this soldier he was marked as deserter for the months of September and October, 1862, but subsequent report from the captain of the company led to the ascertainment of the fact as shown by the records of the War Department that instead of this soldier having deserted at the time that he was supposed to have deserted he was captured by the cavalry of General Wheeler and taken to Andersonville prison, where he died.

Mr. STEELE. Right there let me ask the gentleman a question, as he undertakes to apologize for the President. Does the gentleman not think that the officers who failed to give him full information upon the subject are censurable for their neglect?

Mr. TAULBEE. It is not my purpose to criticise the conduct of any officer. I presume the subordinate officers of the Adjutant-General's Office, be they who they may, were perfectly honest in giving to the case such attention as they thought it demanded; and when they submitted their report to the Commissioner of Pensions they believed it covered the entire military record of the soldier. But if they did make a mistake, which I believe they did make, and are censurable therefor, I hope that the gentleman will not attempt to attach any blame to the present administration either of the Pension Office or the Departments of this Government; because he knows as well as I do, and the country knows, that the subordinate officers of that Department are not in harmony, politically, with this administration at all.

Mr. STEELE. Well, they are getting to be, as fast as you can make them so.

Mr. TAULBEE. Not quite as fast as I would like to see them made.

Mr. SPRINGER. They are in harmony now with this administration, I presume; but they were appointed by a previous administration. They are all "Democrats" now.

Mr. REED. I do not think the gentleman from Kentucky ought to introduce a topic that will stir up, as much as this does, that side of the House. Let us go on with the public business.

Mr. TAULBEE. But the question was raised by a gentleman on the opposite side of the Chamber.

I desire, Mr. Speaker, to state the further facts. After the subsequent investigation had been made at the office of the Secretary of War, and these official documents came to the knowledge of the President, on his motion and at his instance action upon the case was deferred by the House in order that a further investigation of the facts by a special examination of an examiner of the Pension Office might be had. I, as one of the members of the committee who had the bill in charge, consented to that, although I confess it was with some reluctance I did it. But I do not consider that the claimant has been injured, except by the mere fact that the relief to which, in my opinion, he is entitled has been deferred by that action for so much longer time. I repeat that when the facts were brought to his attention the President asked the Commissioner of Pensions to investigate the case. That investigation was had, and I hold the report in my hand.

Mr. HENDERSON, of Iowa. Did the President make the request for further delay after the facts brought out by this examination or special investigation had been submitted to him?

Mr. TAULBEE. Yes, sir; after the facts had been laid before the President, or after he read them in the records of this House, perhaps; and he at his own instance asked that action be deferred.

Mr. STORM. How?

Mr. TAULBEE. By addressing a letter to the Commissioner of Pensions and requesting my colleague [Mr. WILLIS] and the chairman of the Committee on Invalid Pensions [Mr. MATSON], as I have understood from both of them——

Mr. MATSON. Will the gentleman permit me a moment? He is probably a little incorrect in that statement. There was no official communication or other communication by the President asking that action be deferred by the House; nothing of that kind; but there was simply action on his part in the way of a letter addressed to the Commissioner of Pensions, in which he asked him to further investigate the case, and then, upon motion of Mr. WILLIS and myself, we persuaded the House to defer action.

Mr. SPRINGER. Is there any reason why the Commissioner of Pensions could not have proceeded to grant the pension notwithstanding the action of the House in the premises?

Mr. TAULBEE. I was approaching that point. I may have misunderstood the maneuverings touching the case which resulted in this postponement. It was my understanding then, and is now, that the President was attempting to make further investigation of the case, and the chairman of the committee and Mr. WILLIS both requested me to desist until the further investigation of the case could be had. That investigation was ordered. That special examiner proceeded to Louisville, and after having, as he states in his report, given the claimant ample opportunity to introduce all the witnesses he desired to introduce, in a subsequent part of the report gives the name of a witness living, I believe, in Saint Louis that claimant desired to have interrogated, but who was never interrogated. However material the witness may have been, I consider that the testimony submitted by the special examiner is amply sufficient to authorize the House to pass the bill, and it develops facts sufficient in my judgment to induce the President to have signed the bill cheerfully had those facts been before him when he sent the veto message upon which the present motion is based.

Mr. BUCHANAN. May I ask the gentleman a question?

Mr. TAULBEE. With pleasure.

Mr. BUCHANAN. Why did not the Commissioner of Pensions grant the pension at the office?

Mr. SPRINGER. That is what I would like to know.

Mr. TAULBEE. I was proceeding to that point.

Now on this report of the special examiner, recommending the rejection of this claim, the Commissioner of Pensions rejected it on the ground of dependence; and in the action of the office there is a suggestion made to the effect that the soldier was not strictly in the line of duty when captured by the Confederate soldiers.

Mr. HENDERSON, of Iowa. Is this the report of the examiner appointed at the request of the President?

Mr. TAULBEE. Yes, sir.

Mr. HAMMOND. Let me ask the gentleman a question. Do you wish us to understand that though the special examiner reported adversely upon the claim, and the Commissioner of Pensions acted adversely upon it, yet that the reasoning ought to have made them act otherwise?

Mr. TAULBEE. No; I did not state that. What I stated was this: That I believe if these facts had been before the President at the time he signed the veto message he would have signed the bill instead.

The decision of the Pension Office is not to the effect that this bill is not in the line of legislation, or that this bill is void of merit; but it is to the effect that in the judgment of the Commissioner of Pensions existing laws do not authorize the allowance of this claim. And in that particular this bill stands upon precisely the same footing that every other private relief bill passed by this House stands upon.

Mr. HAMMOND. May I ask the gentleman another question?

Mr. TAULBEE. Yes, sir.

Mr. HAMMOND. Has the President's attention been called to those facts?

Mr. TAULBEE. I am not posted as to that.

Mr. MILLS. Did the special examiner report against this pension?

Mr. TAULBEE. Yes, sir.

Mr. MILLS. And the Commissioner of Pensions sustains his report?

Mr. TAULBEE. Yes, sir.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. TAULBEE. Certainly.

Mr. MILLIKEN. Were these facts before the Commissioner of Pensions at the time he rejected the application?

Mr. TAULBEE. Yes, sir.

Mr. MILLIKEN. On what ground did he reject it?

Mr. TAULBEE. He adhered to the former decision on the ground of dependence, with an intimation that the soldier was not strictly in the line of duty at the time of his capture. That is the substance of the recent action at the Pension Office. It is fair to the Commissioner of Pensions and to the case that I should state that all these facts were before him when this last action was had; and yet I maintain that action is no indication to the effect that he would not have recommended, if he had exercised such a prerogative, the passage of a special bill to pension this man.

Mr. DOUGHERTY. Will the gentleman yield to me for a question?

Mr. TAULBEE. Certainly.

Mr. DOUGHERTY. The question I wish to ask the gentleman from Kentucky is this: Is the action of the Commissioner of Pensions final; and is it required to pass this bill in order that this man may have his pension?

Mr. TAULBEE. Yes, sir.

Mr. WARNER, of Ohio. Allow me this suggestion. If the bill which has recently passed both Houses becomes a law would it be necessary to pass this bill to secure this man a pension?

Mr. TAULBEE. It would.

Mr. WARNER, of Ohio. Then he is not dependent.

Mr. TAULBEE. Let me say this in response to the gentleman from Ohio. He asks me whether, if there is no question about present dependence, this claimant could not get a pension under the recent law. He could because he is absolutely destitute but for the fact as intimated in the recent decision of the Commissioner of Pensions touching the question as to whether the soldier was in the line of duty at the time of the capture. The Commissioner of Pensions still adheres to his former decision, and on the point raised by the veto message of the President he intimates concurrence.

I wish to make a brief statement in reference to the question of dependence, and then will proceed to the vital point of the case.

Mr. SOWDEN. Will the gentleman permit me a question?

Mr. TAULBEE. Yes, sir.

Mr. SOWDEN. I desire to ask the gentleman from Kentucky whether the Commissioner, upon a review of the case, rejected it for the second time.

Mr. TAULBEE. Yes, sir.

Mr. SOWDEN. I ask the gentleman also whether the last decision has been appealed to the Secretary of the Interior.

Mr. TAULBEE. It has not.

Mr. SOWDEN. And has not been reversed?

Mr. TAULBEE. That decision has never been reversed by the Secretary of the Interior, and there are points upon which an appeal could not be pushed and successfully prosecuted on the question of dependence. At the time the soldier enlisted his father was on the police force of Louisville, receiving a salary of $50 or $60 a month. It was proven by the officers of the company that he contributed liberally of his pay as a soldier to the support of his crippled and invalid father.

On that question the recent decisions of the Pension Office are to this effect. I hold one of them before me now. This is a case decided in application No. 178134, where the claimant had property to the amount of $4,500 in money or other securities at 7 per cent. interest, and in addition to that owned a tract of land in the State of Texas, the exact value of which is not given, but from which it is stated in the decision $1,000 had been realized. In that case the dependence was considered sufficient to authorize the granting of a pension.

Mr. HAMMOND. Who decided that?

Mr. TAULBEE. Secretary Teller, I believe.

A more recent decision is to this effect: That in considering the question of dependence $300 should be allowed for the support of a father and mother and $100 for each child under sixteen years of age. Had that decision been adhered to in this case I think it would have authorized the granting of a pension on the question of dependence.

But be the dependence of the father at the time of enlistment as it may, the report of the special examiner, as shown by the voluminous testimony in this case, is that the father is now absolutely destitute; that he is old, decrepit, and crippled. He is in bad health and is supported by the charitable institutions of the city in which he lives, and where, I am happy to say, he maintains a good reputation and standing. His present dependence then is sufficient, in view of the recent law passed by this House and the Senate.

Now, the question as to the line of duty at the time of the capture is the only question which, in my opinion, could be made to justify the conscience of any gentleman in voting against this bill. The facts of the case are simply these: The captain of Company A, to which this soldier belonged, was ordered out on a scout or other duty, and, for some reason satisfactory to himself, as stated by him in his affidavit, he left this soldier behind. The soldier was sent out by some one (it is not stated by whom, but it is proven by his comrades who accompanied him) with the baker of the regiment to guard a wagon-train carrying flour to the headquarters of the army. While he was thus occupied in what he doubtless conceived to be his line of duty, the troops were ordered to return to camp, as the result of the knowledge obtained that the confederate soldiers were approaching the neighborhood toward which they were going.

When this soldier turned and started in the direction of the headquarters he was captured and taken to Andersonville, where he died. These are the facts with reference to the question of line of duty, and upon that point I wish to call attention again to the extract from the report which the Clerk has read from the desk, in which it is said substantially that while the soldier may not have been technically in the line of duty, yet it was not apparent that he was not in the line of duty, and the presumption to that effect was taken to the prejudice of this claimant. That is a theory which, so far as my experience and observation go, has never been carried out in the administration of the Pension Office, and it is certainly a theory which this House has never been in the habit of carrying out in the consideration of these private cases.

Mr. HAMMOND. Will the gentleman permit me to ask him another question?

Mr. TAULBEE. Yes, sir.

Mr. HAMMOND. Assuming that this man was in the line of duty, and that his father was dependent, will he not get a pension under the general law?

Mr. TAULBEE. Yes, sir. If the bill now before the President becomes a law.

Mr. RYAN. If those things concurred he would.

Mr. HAMMOND. And if they do not concur, he ought not to have it at all.

Mr. TAULBEE. On that question the special examiner has adhered to the intimation made by the President in his veto message, written when all the facts were not before him; and, doubtless, it is apparent to members of this House what motives or incentives might prompt the special examiner, in his report, to strain a point in order to sustain the opinion of the President, when, so far as he could have known, that opinion of the President was deliberate and based upon a full knowledge of all the facts.

Mr. WARNER, of Missouri. Will the gentleman permit me a question?

Mr. TAULBEE. With pleasure.

Mr. WARNER, of Missouri. As I understand the gentleman, the presumption is that the special examiner strained a point to meet the views of the Executive. Did the Commissioner of Pensions, in again rejecting this claim, follow the same line and strain a point?

Mr. TAULBEE. I think the gentleman did not understand me. I do not think I said that the special examiner did strain a point. If I did I spoke unadvisedly; but I insist that I did not say that. Neither do I say that the Commissioner of Pensions has strained any point or any construction of law or facts in order to justify his action in this matter. I have no ambition to accomplish in this case beyond the mere desire to do what I conceive to be my official duty in behalf of a worthy claimant—a man who gave his son to the service of his country.

Mr. WARNER, of Missouri. If the gentleman will permit me I will ask him another question. If I understand his argument now, it is that the special examiner did not strain a point, that the Commissioner of Pensions did not strain a point, that the Executive did not strain a point, and that all three were right. [Laughter.] If so, what is the case here for?

Mr. TAULBEE. Mr. Speaker, I am not on this floor to strain points, nor to discuss the propriety of straining points. I am here to discharge a plain duty, and I respectfully decline to enter into such a colloquy as might follow from the remarks of the gentleman who has just spoken. I now yield to my colleague on the committee, the gentleman from Indiana [Mr. MATSON].

Mr. BUCHANAN. Before the gentleman takes his seat I wish to ask him a question, simply for information. Has the claim been rejected by the Pension Office again since the veto?

Mr. TAULBEE. Yes, sir.

Mr. BUCHANAN. What grounds are alleged in the rejection for such action?

Mr. TAULBEE. I have no objection, Mr. Speaker, to restating that the case was rejected on the question of dependence. The last rejection is simply a reaffirmation of the former decision, and amounts to this: that the facts as set out in the proof do not justify the allowance of the pension under the law, which requires the dependence to have existed at the time of soldier's death.

Mr. BUCHANAN. And upon the testimony as you have examined it, you believe that rejection by the Pension Office to be improper?

Mr. TAULBEE. I say that under the bill recently passed by the

House it would be improper, and that under the custom of this House it would be improper; for the gentleman doubtless knows that it is our custom here and the custom of our committee to consider the question of present dependence, rather than to confine ourselves to the question of dependence at the time of enlistment or death.

Mr. MATSON. I did not intend, Mr. Speaker, to say anything in relation to this question.

I think, Mr. Speaker, that the attention of this House ought to be invited to this case more strongly perhaps than to any other of the cases vetoed by the President, because of the fact that there has been probably more public discussion on account of this veto than on account of the veto of any other of the private pension bills.

To sum up the whole case, I think its character might be expressed by saying that it was a very close one, even under the general law. At the same time my deliberate judgment is that the case has been properly rejected in the Pension Office whenever it was adjudicated. I believe that as the law now stands, and until the bill recently passed by both Houses of Congress and now perhaps in the hands of the President shall become a law, this case does not come within the general law; that there was not shown that dependence of the parent at the time of the death of the soldier which the law requires should be shown. But, on the other hand, Congress and the President have repeatedly acted upon cases of this kind where the question was one of present dependence rather than dependence at the time of the death of the soldier. The President has signed bills granting relief to dependent parents where the case had been brought to Congress because there was an inability to show dependence at the time of the death of the soldier, and where it was insisted that there was a present dependence.

Mr. MILLIKEN. Will the gentleman allow me——

Mr. MATSON. Not now. I decline to yield, because I do not wish to be interrupted at this time. When I get through with what I have to say about the history of this matter I will yield to the gentleman.

I repeat, Mr. Speaker, that in many cases in which bills have been passed by Congress and signed by the President, relief was based upon the ground that the claimant, though unable to show dependence at the time of the death of the soldier, showed clearly a present dependence. Congress and the President have therefore recognized that as a just and righteous rule; and recently a bill has been passed, which is now in the hands of the President, to establish that as a general provision of law.

Upon the other question, as to whether or not this soldier was in the line of duty, I am satisfied, after a very careful and thorough investigation of the facts, that the action of the Pension Office was correct—not because I believe that the soldier was not in the line of duty, for I do not so believe, I think he was; but the trouble is the evidence necessary to prove it can not be produced. There is the difficulty. Here is an affirmative fact which the claimant must establish. This is a claim by a dependent father who had no knowledge of the circumstances under which his son was taken prisoner, and is unable to show affirmatively that the son was in the line of duty. So I think upon that ground also the claim has been properly rejected in the Pension Office.

Upon that question, however, the claimant has shown that his son was in the presence of the enemy when taken prisoner; that his face was probably turned in the direction of the enemy; that he was engaged in guarding Government property; and there are sufficient corroborating circumstances shown by this claimant to justify me in arriving at the conclusion that the claim ought not to be rejected by Congress on that ground, but that where a claim is so nearly established, though perhaps not established as the law requires, and where the equities are shown to be so strong, there ought to be no hesitation on the part of Congress in granting relief.

Mr. HAMMOND. Is that the question pending before the House; or is not the pending question whether we ought to vote against sustaining this veto in a case that is only a little doubtful?

Mr. MATSON. That is the question exactly—whether or not we ought to pass this bill over the objections of the President. For one, with all due respect to the President of the United States, I feel obliged to cast my vote in favor of passing this bill over his veto. I want to say for the President, because I know the history of this case, as does my friend from Kentucky, that the President, during the whole progress of the transaction—and this case has received, perhaps, more attention than any other that has been vetoed—has shown a disposition to exhaust every possible remedy for the purpose of enabling this old man to secure his rights under the general law.

Mr. HAMMOND. Would it not be possible and altogether proper for the President to send to the House a special message, if he desired to retract?

Mr. MATSON. I do not know of any such practice; nor do I know that the President wishes to retract. I do not want to put him in that position. I understand that the President stands by his veto because he believes that upon this question, whether the soldier was in the line of duty, the party who attempts to establish a claim of that kind ought to be held to the rigid proof, and that it should be shown affirmatively in this case that the soldier was in the line of duty when he was taken prisoner. I suppose the President desires to adhere to that position, and I am not going to quarrel with him about it. He takes one view and I another; there is no need of any quarrel. In this case the question is so nearly established, and certainly so equitable a case has been made out by this old man, showing that his son was in the presence of the enemy and was nearly, if not entirely, in the line of duty, that I shall not hesitate to vote to grant a pension from the date of the passage of the act.

Now, Mr. Speaker, I believe I have covered the two principal points in the case, and I will yield to the gentleman from Maine for a question.

Mr. MILLIKEN. I understand the gentleman to say that if the general law had corresponded with the measure which we passed in the House the other day, so far as the question of dependence is concerned, the Pension Office would have found no trouble.

Mr. MATSON. I presume there would have been no difficulty in that regard.

Mr. MILLIKEN. And the only trouble now is that the Pension Office requires this man to establish rigidly the fact in regard to his son having been in the line of duty; and while such technical proof as the Pension Office requires on that point can not be presented, still the gentleman from Indiana is satisfied from the evidence that this matter is sufficiently established to satisfy Congress beyond any reasonable doubt?

Mr. MATSON. I do not put it quite so strongly as that. I do not say it is shown "beyond any reasonable doubt;" that would be a very strong proposition. But I do say this claimant has shown that his son was there with his company just before he started off to guard the wagon train; that he continued in the presence of the enemy; that he was doing some kind of military duty at the time he was taken prisoner; and although the father can not now show that his son had a regular detail, or that the captain or colonel of the regiment or some other officer directed that he should go with that particular wagon train, I think enough evidence has been presented to show that the young man was there for the purpose of performing his duty, that he had not deserted, that he was intending to do his duty as a soldier. Therefore I am willing to give the old man the benefit of any doubt on this point, and vote to grant him a pension.

Mr. SOWDEN. Does not the report of the special examiner show he was absent without leave?

Mr. MATSON. I think not. I do not think the report of the special examiner shows he was absent without leave.

Mr. SOWDEN. I call for the reading of the report.

A MEMBER. There is no report.

Mr. SPRINGER. Here it is in the report.

Mr. SOWDEN. Let me have the report read.

Mr. TAULBEE. I yield to the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. Mr. Speaker, it seems to me there is less excuse for passing this bill over the veto or objections of the President than there was when it was last before the House for consideration. The President vetoed this bill, among other reasons, because it appeared upon the records of the War Office where it now appears, and has appeared officially for many years, this soldier was marked as a deserter; and because the proof in the case did not meet the requirements of the law in relation to the dependence of the father on the son for support.

The facts are, as shown by the proofs and report of the special agent, this soldier was out on guard duty taking care of sutlers' or Government stores, and was found going alone in the direction of the opposing army.

Mr. WILLIS. The gentleman is mistaken in that. He was with several comrades, who were captured at the same time he was.

Mr. TAULBEE. He was with a wagon train loaded with flour.

Mr. MORRISON. There are conflicting statements as to the exact facts; but whatever the facts may be, or whatever these gentlemen claim them to be, the Pension Office sent an agent, I presume with the approval of the claimant, and with all the assistance the friends of this old man in Louisville could give him, after careful examination of the whole matter, the agent was compelled to return to the Pension Office and say this claim ought to be rejected, because it did not appear that this man was in the line of duty when captured, if he was captured.

Now as to the other fact, the dependence of the father on the son for support; and because of this the consideration of this subject ought, I think, to have been postponed at least until it was determined whether the measure lately passed here in relation to such dependence was to become a law. For I insist, Mr. Speaker, the Pension Office, with its agents, with its friendly and almost partial purpose to find in favor of every soldier, can better ascertain the truth and can better know whether or not a man was in the line of duty at any time than we can. And if we had only been patient a day or two until we could have seen whether the bill we passed became the law, the other fact would have been disposed of. And I have little doubt the President will be found as desirous of following public opinion as this House. Then all legal objection to this claim will be removed, and this man can get his pension, if he is entitled to it. If, after further investigation, with all

the aid these gentlemen can give the Pension Bureau, they can ascertain with reasonable certainty, or even if there is any reasonable probability of this man having been in the line of duty, he will get his pension without the necessity of straining or guessing at facts or running counter to established rules or safe precedents.

Mr. TAULBEE. I yield two minutes to my colleague [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I regret the time of this House has been so long occupied with a case which will not bankrupt the Treasury of the United States. We are not considering a case, as we were last Monday, involving from ten to twenty-five millions of dollars. We are not considering a case where the soldier may have served thirty or ninety days and proposing to give him $12 a month. There was such a measure before this House, and some of these gentlemen who array themselves against this octogenarian voted for that bill.

Now, what are the plain facts, the undisputed facts, before this House? There was a soldier, the only boy of this old man; there he lies dead in the Andersonville prison. Does the gentleman from Illinois [Mr. MORRISON] deny that? His son gave up his life as a sacrifice on the altar of his country, dying the terrible death of death in prison.

Does any one deny that his father is now dependent? He can not truthfully deny it on this record. The old man is nearly eighty years of age, without any occupation, unable to do any character of work, and is supported by the charity of the Odd Fellows of my city—there is another fact, Mr. Speaker, that all the argument on this floor can not do away with.

What further? Why it is stated that the special agent did not find enough proof to show absolutely, without cavil, that this soldier was in the line of duty. That special agent was considering the question of arrears of pension, and we know how careful they are when three, four, or five thousand dollars are involved. But we are not here considering arrears. We are upon an appeal from the Pension Office, governed, not by the technical evidence, but by the inevitable presumptions brought out by the surroundings, and those presumptions are all in favor of establishing the fact that this man's son was in the line of duty, with his face toward the foe, guarding Government property when he was arrested by confederate soldiers and carried with his comrades to a confederate prison. These are the facts.

Mr. HENDERSON, of Iowa. Is it not also true that he was acting under orders of a superior officer?

Mr. WILLIS. He was there acting under orders——

The SPEAKER. The time yielded to the gentleman has expired.

Mr. WILLIS. I ask a minute longer.

Mr. TAULBEE. I yield to my colleague.

Mr. WILLIS. What further facts are developed? If you grant this pension, not involving ten millions or twenty-five millions of dollars, but if you grant this pension you will have taken out of the Treasury, upon the ordinary expectation of life, about $250 in all.

Mr. MILLS. I want to ask the gentleman from Kentucky whether the property this soldier is alleged to have been guarding was captured at the same time he was captured?

Mr. WILLIS. My understanding is that it was—the bakery and everything connected with it, as well as himself and his comrades. The only point now is that this old man, far removed from the battlefield, is unable, forsooth, to bring the exact line and plummet to demonstrate to these gentlemen by affirmative evidence that this boy was in the line of duty, when all the facts show it, and this House, unless it hides itself from the truth, will admit that he was.

Sir, I will not occupy further the time of the House with the discussion of a question, which, as I have said, according to the ordinary tables of human life will require an appropriation of but $250, in view of the fact that we passed an appropriation bill covering an expenditure of from ten to twenty-five millions of dollars after thirty minutes' discussion the other day.

Mr. BRAGG addressed the Chair.

Mr. TAULBEE. I desire to have a vote on this case unless some gentleman wants to take the floor in opposition.

Mr. BRAGG. As I understand it the hour expired before the other gentleman from Kentucky had finished speaking, and I addressed the Chair.

The SPEAKER. The gentleman from Kentucky took the floor at thirty-five minutes past 1 o'clock. He has six minutes of his time remaining.

Mr. TAULBEE. I have no desire to prevent the gentleman from Wisconsin from discussing the case, if he wishes, either in my own time or his own.

Mr. BRAGG. I desire to take the floor in my own right.

Mr. TAULBEE. Then I reserve the remainder of my time.

The SPEAKER. The gentleman has six minutes.

Mr. BRAGG. I understood the occupant of the chair a few moments ago to drop the hammer on the gentleman from Kentucky [Mr. WILLIS], who requested to be permitted to proceed for one minute longer.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] was speaking in the time of his colleague [Mr. TAULBEE], who had yielded to him five minutes.

Mr. BRAGG. Mr. Speaker, I differ entirely from the conclusions of any gentleman who has addressed the House upon this bill. I say that the record shows, upon a fair comparison of the evidence, that this man was not in the line of his duty. In reviewing this question, I desire those gentlemen here who are accustomed to consider evidence, and its weight, to listen to what I have to say and the records which I will cite in support of the position I take.

The evidence which went to show that this man was in the line of his duty was evidence upon *ex parte* affidavits, and the circumstances connected with the positions of the men who made the *ex parte* affidavits show that they were upon hearsay only; while the record evidence shows that the man was not in the line of his duty. The first affidavit filed to show that he was in the line of his duty was the affidavit of his captain. The affidavit of his captain, the captain of Company A, to which this soldier belonged, after stating that the soldier was captured, as he learned by hearsay, goes on to say that he himself, the captain, was absent with a detail of his Company A in charge of a wagon train going to Huntsville, Ala., and that this man was left behind in camp and therefore was not with his company, but was left hanging about the camp in the rear, while the company went on duty guarding this train on the road to Huntsville; thus showing that the man was not with his company at that time. So much for the affidavit that he was on duty.

Next comes the affidavit of a lieutenant of the company that this man was captured while on duty guarding a wagon train. When or where he does not state, and the circumstances show that he could not have known, but made it, as *ex parte* affidavits are made, upon the representations of others.

Mr. TAULBEE. Will the gentleman permit me to ask him a question?

Mr. BRAGG. Not now, sir. After I finish this I will yield to the gentleman.

If this company with its officers was off on detached service, and the captain in his affidavit says this man was not with it, these two affidavits, that of the captain and the lieutenant, must be construed together. The captain states that he was captured while on duty, as he learned by information. The lieutenant who was with him on the detail, could have no other information except that possessed by the captain, for he was with his company, and it is conceded that the man was left in the camp.

There is all the evidence there is upon *ex parte* affidavits that he was captured in the line of his duty. Now we have evidence since, that the Pension Office have sent a special examiner for the purpose of examining these witnesses to ascertain what the truth of the fact was; and he reports after a special examination that the evidence shows that this man was not captured in the line of his duty. How was he captured? And how is it proven?

A young man, the son of a baker, by the name of Bottger, testifies—and here is all you get as to this man who was on guard. I want to call the attention of the House, and particularly the attention of my eloquent friend from Kentucky, to what we are told of this man, who it is alleged was on guard, properly detailed, resisting the enemies of his country. Let us see what this man Bottger, who was present when the soldier was captured, as he states, says he was doing. He declares "that he was with the post baker at Stevenson, Ala., with wagon train and sutler's wagon; he was in company with George W. Tiller."

He was there with the sutler's wagon accompanied by George W. Tiller. He was not in the service of the United States. He was a son of a baker; and this straggler left in the camp when his company went forward on duty went with the baker's son to the sutler's headquarters. And what happened while there? There was a raid made on the sutlers, which was very common. [Laughter.] I remember our gallant friend Mosby used to say that if we would give him a chance at a sutler he would exchange an officer for a sutler's wagon at any time. And I have no doubt my friend General WHEELER's men were hungry. For we know the activity of that gentleman here, how he wishes to keep every man lively, and unless his soldiers had full haversacks they were likely to be hungry.

Well, General WHEELER's cavalry made a raid, struck that point, and they captured—whom? The baker and this famous soldier from Louisville, who was there in company with the baker's son.

Now, then, let us follow him further. That affidavit of the capture was made by this boy fifteen or sixteen years afterward. Let us trace it and see whether or not he might even be mistaken on that subject. He was captured and taken with this man Tiller to prison in Richmond. He was assigned to Castle Thunder, and Tiller, he says, was assigned to Libby. Now let us go and examine the confederate records of the prison and see what we find. We find a record of Bottger's capture, as a baker held as a prisoner, but there is no record of Tiller.

We go to Libby. There is no record of Tiller there. We find a record, however, of the prisoners who were captured within two or three days of that time by my distinguished and active friend from Alabama [Mr. WHEELER] all properly recorded. But Tiller *non est*.

When do we hear of Tiller next? I think, if my memory serves me, on the 21st day of July of the next year, almost a year after he was

taken into Andersonville prison, and died the next day. Where was he during that year?

Mr. BROWN, of Pennsylvania. Will the gentleman permit me to ask him a question at that point?

Mr. BRAGG. If the gentleman will wait till I get through, he can then question me to his heart's content.

Mr. BROWN, of Pennsylvania. I do not care to ask the gentleman the question unless I can do so at this time.

Mr. BRAGG. I decline to yield. I have seen enough catechising this morning.

Now, as I have said, there is no record of this man being in prison until nearly a year after the time he is reported as a deserter. That brings me back to another proposition. If the second lieutenant's affidavit is correct, if there was a detail of this man to go upon duty, then Mr. Second lieutenant and Mr. Captain, who certified that he was a deserter—what did they do? They disgraced a member of their own company who was on detail doing legitimate duty. Which is the more credible evidence, the official action of the officers at the time or an affidavit made fifteen years afterwards that they had heard he had gone away and been captured?

Now, on the question of dependence, I know nothing about that and care nothing about it. But I maintain that the record and the evidence show that this man if he was captured at the post at Whiteside station was there as a straggler, waiting on the sutler's quarters, and that he was not upon duty. And I say there is no man upon the floor of this House who can furnish any evidence that that man was ever detailed on duty, but on the contrary the evidence is furnished that, instead of being on detailed duty with his company, the company went away with the captain and performed duty, and were not captured.

In that view I say, Mr. Speaker, that the President in reviewing this evidence reviewed it as a lawyer ought to review it. He reviewed it as the chief magistrate, whose duty it is to see that the laws are protected. He did it without sentiment; he had no gush for a townsman; he did it as the chief executive ought to do always, acting coolly and examining the law and evidence to see if the man was in a position to be brought within the benefits of the law.

It was his duty as chief magistrate, when he came to the conclusion that the case was not within the provisions of the law, to say so to this House by his veto message. I hope that the message will be sustained. I yield now five minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. TAULBEE. Mr. Speaker, before the gentleman from Wisconsin [Mr. BRAGG] takes his seat I wish to ask him if he has read the recent report of the investigation by the special examiner.

Mr. BRAGG. I have it here. I did not know, Mr. Speaker, that the evidence taken by the special examiner would show just exactly what I have been arguing as the conclusion properly to be drawn from the *ex parte* affidavits. Here is the affidavit of the baker. He was asked, "Was not the soldier detailed to go with you on guard?" His answer was "No, sir; he went on his own hook, I think, and I know of no business he had except a pleasure trip so far as he was concerned, I think." I did not know, I say, that this examination would show that fact, but what this man states is the conclusion I had arrived at from the *ex parte* evidence. It appears that he was examined by the pension examiner and testified to the facts exactly as I inferred them from the *ex parte* statements. It shows that the man was left behind in camp, as many gentlemen here have known men to be left who wanted to go away on a little excursion to the sutler's or somewhere else.

Mr. TAULBEE. Have you read the report of the special examiner?

Mr. BRAGG. I have not.

Mr. TAULBEE. I wish to state then——

Mr. BRAGG. One moment. Not in my time. You will not make any statement in my time.

The SPEAKER *pro tempore*. How much time does the gentleman from Wisconsin [Mr. BRAGG] yield to the gentleman from Illinois [Mr. SPRINGER]?

Mr. BRAGG. Five minutes.

Mr. SPRINGER. I ask to have read in my time the report of the special examiner, which I send to the desk.

Before the Clerk begins to read, I wish to state that this is the report of a special agent sent out by the Pension Office, at the request of the President, to examine all the facts in relation to this case, not only those on file, but also those that could be ascertained by the examination of additional witnesses. The officer assigned to that duty was Col. Charles C. Horton, who was colonel of an Iowa regiment during the war.

A MEMBER. What is the date of that report?

Mr. SPRINGER. September last. Colonel Horton has been in the Pension Office for many years; he is well known to the members of the Iowa delegation upon this floor, and they will all certify to his high character and trustworthiness as a gentleman. I now ask that his report upon this case be read.

The Clerk read as follows:

LOUISVILLE, KY., *September* 14, 1886.

HON. JOHN C. BLACK,
Commissioner of Pensions, Washington, D. C.:

SIR: I have the honor to return the papers and to submit this my report in the claim, No. 234478, of Carter W. Tiller.

Claimant's post-office address is No. 563 East Green street, Louisville, Ky., and he claims a pension as dependent father of George W. Tiller, late private Company A, Twenty-eighth Kentucky Volunteers, who died at Andersonville prison in 1864.

This is a rejected claim. The matter was subsequently brought before Congress by the introduction of a bill granting a pension to claimant, which was passed, but was vetoed by the President. Upon representations made to him, President Cleveland, under date of July 8, 1886, addressed a communication to the honorable Commissioner of Pensions with the request that he review the case, not only upon the papers on file in the office, but also in the light of any additional evidence or information within his reach.

The claim was referred to me for a thorough and exhaustive examination at Louisville, Ky., to determine the questions of line of duty of soldier at date of capture, and dependence of claimant upon soldier at date of soldier's death.

The evidence herewith submitted represents but a small share of the time and labor expended in the investigation of this claim. I called upon and interviewed a large number of officers and comrades, not only of soldier's company, but of other companies of the regiment, as well as many of claimant's old neighbors and associates, without securing any material or additional evidence or information upon the points at issue.

In the prosecution of my investigation, I have accorded to the claimant and his attorney (one or the other has been present during the examination of all witnesses) the utmost latitude, in the way of introducing evidence and in giving them time in which to find and introduce witnesses.

I will say in this connection that, with the exception of Mr. Bliss (Dep. N), the witnesses who have testified before me were all introduced by claimant or his attorney. While several were perhaps somewhat biased in favor of claimant, they are all good, reliable citizens.

The claimant in this case is very much respected as an honorable and truthful man, as one who is poor and needy in his old age by reason of his generosity rather than from his prodigality.

After a thorough and careful effort, I am satisfied that I have secured all, and the very best, available evidence touching the merits or demerits of this claim.

In view of my instructions to complete the investigation, and let my report settle the claim, if possible, I deemed it best to proceed to Indianapolis in order to secure the testimony of Charles Owen, a comrade and personal friend of soldier, and whose statement claimant desired me to take. I found Owen had left Indianapolis and that he was supposed to be in Saint Louis, Mo. He is a printer and he is thought to be employed upon the Globe-Democrat.

From the evidence it does not appear that soldier accompanied the army baker on the trip to Whiteside station, either under orders or by permission, and the presumption is that he was in fact absent without proper authority, consequently was not in the line of duty. At the same time it would not appear that he was flagrantly outside the line of duty at the moment of capture, as he is shown to have been guarding Government property. Notwithstanding the statement of Mr. Frissman, the baker, that he was responsible for the flour received from the several commissaries and that he had to make good the loss, we can, I think, consider him in no other light than as a contractor, and that the flour was simply in his hands for the purpose of converting it into bread for the subsistence of the United States troops.

To my mind the evidence does not sustain the allegation of dependence at date of soldier's death or at any time during the period that he continued in the service of the municipal government of this city.

While claimant had doubtless been disabled to a great extent for the performance of manual labor since the receipt of his wound in 1858 and has probably been unable to discharge the more active duties of a regular police officer, the fact is patent that he did render valuable and efficient service as a detective, and the presumption is, from the absence of evidence to the contrary, that he was in fact retained upon the said detective force——

The SPEAKER *pro tempore*. The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. TAULBEE. Mr. Speaker, I had desired to move the previous question on this case as early as possible, as I certainly do not wish to occupy the time of the House unnecessarily, and I will move the previous question, unless my friend from Wisconsin [Mr. BRAGG] desires to occupy his time.

Mr. BRAGG. I will yield the floor to allow you to make that motion.

Mr. TAULBEE. Before doing that, however, I desire to make a statement with reference to the argument of the gentleman from Wisconsin [Mr. BRAGG]. He has labored to establish the conclusion that when this soldier was captured he was not in the line of duty; and, in support of that proposition, the gentleman has resorted to the construction and collation of testimony. I would call his attention to the document (which he has doubtless read) on page 6450 of the RECORD of the last session of this Congress, in which it is shown by the letter of the Adjutant-General, addressed to me, of date July 1, 1886, that one John W. B. Shirley, a witness in this case, who was charged, as this soldier was, with desertion, was in fact "captured at Stevenson, Ala., October 10, 1863."

I call his attention also to another witness who gives a history of his prison life, which is corroborated in detail by the records of the confederate prisons. While the records of those prisons are not complete in our War Department, yet so far as we have them they do sustain and corroborate every statement of these witnesses with reference to the facts concerning which they testify; yet when the witnesses testify as to the capture of this soldier, there is an effort made by the gentleman from Wisconsin [Mr. BRAGG] to discredit their statements, notwithstanding the fact that the records preserved from the wreck of the rebellion sustain in an almost miraculous manner every detail to which they testify save the mere fact of the capture of the soldier on account of whose death a pension is claimed. I maintain that a more complete chain of corroborating evidence could not, in all human probability, be expected in a case like this; and, so far as the *ex parte* affidavit of the captain with reference to line of duty is concerned, he has testified in his affidavit before the Pension Office and in the examination made by the special agent of the Pension Office recently, that this soldier was left behind with his consent, although he has no definite recollection of the facts which led to his being thus left behind. Those who were captured with him testify as to his having been at the time engaged in

the discharge of a public duty—not as the gentleman would have us believe, following up the sutler, but guarding Government property, having been detailed for that purpose as shown by the evidence of those who were with him, as well as those who had left him at the point where he was captured.

I maintain that to brand this soldier now, to place a stain upon his good name after he has sacrificed his life in this way, is unfair to him, unfair to every unfortunate soldier who happened to be captured when there was none left to tell the tale. There is a deeper question involved in this proposition than the mere granting of a pension. That is a small matter when compared with the injustice of casting a slur, by the action of Congress, on the good name of this soldier, wounding the pride of his family in his record, and sending rankling to the heart of his fond father who gave his son to the country a bitter realization that the Congress of that country for which the son gave his life has cast the stigma of desertion upon the fair fame of that son.

I move the previous question.

Mr. BOUTELLE. I rise to a parliamentary inquiry. I would like to know if there is any form in which this question can be put to the House so that gentlemen will be enabled to vote for this pension and at the same time sustain the Administration?

Mr. TAULBEE. To whom was the gentleman's question addressed?

Mr. BOUTELLE. To the Chair.

The SPEAKER *pro tempore* [Mr. HATCH]. The gentleman from Kentucky [Mr. TAULBEE] has demanded the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is now, Shall this bill pass, the objections of the President to the contrary notwithstanding? On this question the Constitution requires that the yeas and nays shall be entered on the Journal. The Clerk will call the roll.

The question was taken; and there were—yeas 136, nays 115, not voting 67; as follows:

YEAS—136.

Adams, G. E.	Gallinger,	Lovering,	Sessions,
Anderson, J. A.	Gilfillan,	Lyman,	Spooner,
Baker,	Goff,	Markham,	Steele,
Bayne,	Grosvenor,	Matson,	Stephenson,
Bound,	Grout,	McComas,	Stewart, J. W.
Boutelle,	Guenther,	McKenna,	Strait,
Brady,	Hale,	McKinley,	Struble,
Brown, C. E.	Harmer,	Millard,	Swinburne,
Brown, W. W.	Hayden,	Milliken,	Swope,
Brumm,	Haynes,	Moffatt,	Symes,
Buchanan,	Henderson, D. B.	Morrill,	Tarsney,
Buck,	Hepburn,	Morrow,	Taulbee,
Burleigh,	Hermann,	Neece,	Taylor, E. B.
Burnes,	Hiestand,	Nelson,	Taylor, I. H.
Burrows,	Hires,	O'Hara,	Taylor, Zach.
Campbell, J. M.	Hitt,	O'Neill, Charles	Thomas, J. R.
Campbell, J. E.	Holman,	O'Neill, J. J.	Thomas, O. B.
Carleton,	Holmes,	Osborne,	Thompson,
Caswell,	Hopkins,	Owen,	Van Schaick,
Conger,	Houk,	Payne,	Wade,
Cooper,	Howard,	Perkins,	Wadsworth,
Crain,	Jackson,	Peters,	Wait,
Cutcheon,	James,	Pettibone,	Wakefield,
Dockery,	Johnson, F. A.	Plumb,	Warner, William
Dorsey,	Johnston, J. T.	Price,	Weaver, A. J.
Dunham,	Kelley,	Ranney,	Weaver, J. B.
Ely,	Ketcham,	Reed,	Weber,
Evans,	La Follette,	Rice,	West,
Everhart,	Laird,	Romeis,	White, A. C.
Farquhar,	Lawler,	Rowell,	White, Milo
Fleeger,	Lehlbach,	Ryan,	Wilkins,
Foran,	Libbey,	Sawyer,	Willis,
Fuller,	Little,	Scranton,	Woodburn,
Funston,	Louttit,	Seney,	Worthington.

NAYS—115.

Allen, C. H.	Dibble,	Lowry,	Seymour,
Allen, J. M.	Dunn,	Martin,	Shaw,
Anderson, C. M.	Eden,	McCreary,	Singleton,
Barnes,	Eldredge,	McMillin,	Skinner,
Barry,	Ellsberry,	McRae,	Sowden,
Blanchard,	Ermentrout,	Merriman,	Springer,
Bliss,	Forney,	Miller,	Stahlnecker,
Blount,	Frederick,	Mills,	Stewart, Charles
Boyle,	Gay,	Mitchell,	Stone, W. J., Mo.
Bragg,	Gibson, C. H.	Morgan,	Storm,
Breckinridge, C. R.	Glass,	Morrison,	Taylor, J. M.
Bynum,	Hall,	Muller,	Tillman,
Cabell,	Halsell,	Murphy,	Townshend,
Caldwell,	Hammond,	Neal,	Trigg,
Campbell, Felix	Hatch,	Norwood,	Turner,
Campbell, T. J.	Hemphill,	Oates,	Van Eaton,
Catchings,	Henderson, J. S.	O'Ferrall,	Viele,
Clardy,	Henley,	Outhwaite,	Wallace,
Compton,	Herbert,	Peel,	Ward, J. H.
Cowles,	Hudd,	Perry,	Ward, T. B.
Cox, W. R.	Hutton,	Pidcock,	Warner, A. J.
Crisp,	Irion,	Randall,	Wellborn,
Croxton,	Johnston, T. D.	Richardson,	Wheeler,
Culberson,	Jones, J. H.	Riggs,	Whiting,
Curtin,	Jones, J. T.	Robertson,	Wilson,
Daniel,	Kleiner,	Rusk,	Winans,
Dargan,	Laffoon,	Sadler,	Wise,
Davidson, A. C.	Lanham,	Sayers,	Wolford.
Davidson, R. H. M.	Lore,	Scott,	

NOT VOTING—67.

Adams, J. J.	Ballentine,	Bennett,	Browne, T. M.
Aiken,	Barbour,	Bingham,	Bunnell,
Atkinson,	Barksdale,	Bland,	Butterworth,
Bacon,	Belmont,	Breckinridge, WCP	Candler,
Cannon,	Fisher,	Landes,	Reagan,
Clements,	Ford,	Le Fevre,	Reese,
Cobb,	Geddes,	Lindsley,	Rockwell,
Collins,	Gibson, Eustace	Long,	Rogers,
Comstock,	Glover,	Mahoney,	Smalls,
Cox, S. S.	Green,	Maybury,	Snyder,
Davenport,	Hanback,	McAdoo,	Spriggs,
Davis,	Harris,	Negley,	St. Martin,
Dawson,	Heard,	O'Donnell,	Stone, E. F.
Dingley,	Henderson, T. J.	Parker,	Stone, W. J., Ky.
Dougherty,	Hill,	Payson,	Throckmorton,
Felton,	Hiscock,	Phelps,	Tucker.
Findlay,	King,	Pindar,	

So (two-thirds not voting in the affirmative) the bill was not repassed.

The following additional pairs were announced:

Mr. ADAMS, of New York, with Mr. LONG, on this vote.

Mr. GIBSON, of West Virginia, with Mr. BUTTERWORTH, for the rest of the day.

Mr. BALLENTINE with Mr. CANNON, for the rest of the day.

Mr. HENDERSON, of Illinois, with Mr. LE FEVRE, on this vote.

Mr. HEARD with Mr. ATKINSON, for the rest of the day.

Mr. COMSTOCK with Mr. BINGHAM, for the rest of the day.

The SPEAKER *pro tempore*. On this question the yeas are 136, the nays 115. Two-thirds not having voted in the affirmative, the bill is lost.

ELLA A. WARD.

Mr. DOCKERY. I desire to present a privileged report from the Committee on Accounts. That committee has directed me to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of this House be, and is hereby, directed to pay, out of the contingent fund of the House, to Ella A. Ward, the daughter of Anna E. Ward, late an employé of this House, a sum equal to her salary for six months, and also the expenses attending her last sickness and funeral, not to exceed the sum of $250.

Mr. DOCKERY. Mr. Speaker, Anna E. Ward was the widow of a soldier of the United States in the war with Mexico. Ward was desperately wounded in storming the heights of Chapultepec. After his death (a little more than twenty years ago) the House of Representatives placed his widow upon the roll of employés, and gave to her charge of the "National Statuary Hall." About one month since she died, and this bill gives to her only child the usual six months' salary and a sum of money not exceeding $250 to defray the funeral expenses. I ask for a vote upon the proposition.

The question being taken on agreeing to the resolution, there were—ayes 58, noes 26.

Mr. COWLES. No quorum has voted.

The SPEAKER *pro tempore* (Mr. HATCH in the chair) appointed as tellers Mr. DOCKERY and Mr. COWLES.

Mr. COWLES. After explanation by the gentleman from Missouri, I withdraw the point of no quorum.

So the resolution was adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF COMMITTEES.

Mr. SPRINGER. I demand the regular order of business.

The SPEAKER *pro tempore*. The regular order of business is the call of committees for reports for reference, commencing with the Committee on Elections.

BOUNDARIES OF FOURTH COLLECTION DISTRICT, VIRGINIA.

Mr. O'FERRALL, from the Committee on Commerce, reported back the bill (H. R. 10347) to change the boundaries of the fourth collection district of Virginia, and for other purposes, and the same was laid on the table.

Mr. O'FERRALL, from the Committee on Commerce, also reported a substitute for the foregoing, a bill (H. R. 11025) to amend an act approved June 15, 1882, changing boundaries of the fourth collection district of Virginia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AGRICULTURAL EXPERIMENT-STATIONS.

Mr. HATCH, from the Committee on Agriculture, reported back the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CONSTRUCTION OF CRUISER NO. 1.

Mr. NORWOOD, from the Committee on Naval Affairs, reported a joint resolution (H. Res. 251) relating to the construction of cruiser No. 1, known as the Newark; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER *pro tempore*. It seems no report accompanies this joint resolution, and under the rules a written report is required.

Mr. NORWOOD. I ask, by unanimous consent, to be permitted to supply the report during the day.

There was no objection, and it was ordered accordingly.

WEIGHTS AND MEASURES FOR NEW MEXICO.

Mr. JOSEPH, from the Committee on the Territories, reported back favorably joint resolution (H. Res. 237) for the furnishing of a complete set of weights and measures to the Territory of New Mexico; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CHARLOTTE O'NEAL.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (S. 859) granting a pension to Charlotte O'Neal; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PIROMIS H. BELL.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back the bill (S. 1876) for the relief of Piromis H. Bell, administrator of Marcus A. Bell and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. GEDDES, the Committee on War Claims was discharged from the further consideration of the bill (H. R. 5536) for the relief of Ferdinand Hercher; and the same was referred to the Committee on Military Affairs.

JAMES M. WILLBUR.

Mr. SPRINGER, from the Committee on Claims, reported back the bill (S. 821) for the relief of James M. Willbur; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BASE OF WASHINGTON MONUMENT.

Mr. COMPTON, from the Committee on the District of Columbia, reported back the bill (S. 2982) to authorize the Committee on the District of Columbia to permit the temporary occupancy of streets by a railway for the purpose of transporting material to fill about the base of the Washington Monument; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MANUFACTURE OF MODERN GUNS.

Mr. McADOO, by unanimous consent, introduced a bill (H. R. 11026) to provide for the manufacture of first-class modern guns for the Navy, seacoast, and other defenses; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour for the consideration of bills begins at 3 o'clock and 20 minutes. The call rests with the Committee on the Revision of the Laws.

DRAPING OF PUBLIC BUILDINGS, ETC.

Mr. OATES. Mr. Speaker, I am directed by the Committee on the Revision of the Laws to call up for consideration the bill (H. R. 10659) to prohibit the appointment of Congressional committees to attend funerals at public expense outside of the District of Columbia, and also to prohibit the draping of public buildings in mourning except upon the order of the President of the United States.

The bill was read, as follows:

Be it enacted, &c., That from and after the approval of this act no money shall be drawn from the Treasury of the United States or be paid out of the contingent fund of either House of Congress to defray the expenses hereafter incurred of any Senator or Representative, or any committee of such, in attending the funeral or accompanying the remains of any deceased person outside the District of Columbia; nor shall any public building of the United States be draped in mourning unless the same be ordered by the President of the United States.

Mr. OATES. Mr. Speaker, the object of the committee in reporting this bill was to correct what was believed to be an abuse, which began no doubt under a disposition on the part of the two Houses of Congress to manifest what was deemed to be a proper measure of respect to the memory of its deceased members. It is well known, without going into the particulars of the statement, that that practice has, in some cases, been very much abused.

I have not been able to ascertain with accuracy the amount of expenses attending these joint committees of the two Houses appointed for such purposes. They vary from one thousand to as high as ten or twelve thousand dollars, and some perhaps exceed even that amount. It is quite impossible, without a vast amount of labor and trouble, to ascertain with any degree of accuracy the amount, because the items are distributed throughout the books of accounts, and would take a very considerable time to collect.

In the opinion of the committee this practice of sending committees of Congress to attend the funerals of deceased persons at great distances, or in fact at any distance whatever outside and beyond the District of Columbia, is wholly unnecessary as a mark of respect, and therefore they were in favor of passing this bill.

It will be observed that the bill does not undertake to prohibit the two Houses from appointing such committees. It is intended only to prevent the payment of any money out of the contingent fund of either House or out of the Treasury to defray such expense. If such committee is appointed and see proper to go it would be at their own expense.

Mr. Speaker, I do not think that Congress has any right to tax the Treasury or expend the money of the people in sending a committee to California or Texas or to any other point to attend a funeral of one of its deceased members.

It is a wholly unnecessary work in the way of attesting respect to the memory of a deceased member, and is certainly, at least in recent years, a very expensive one.

Now, as to the other proposition contained in the bill, that no public building shall be draped in mourning except by the order of the President. I have ascertained since the action of the committee upon this bill that the only authority now existing for that action is supposed to emanate from the President. It is a practice that has grown up gradually, and is one I think that exhibits very questionable taste. I have seen with regret the public buildings in the city of Washington draped in a manner that was altogether out of taste and which seemed to me wholly unnecessary as a mark of respect. Besides it is no inconsiderable item of cost, for I have been informed by some one who knows the expense that the cost of draping the Capitol varies from one thousand to twelve hundred dollars each time when it is done; and I think it manifest that it could be done much more inexpensively and in decidedly better taste.

When the President has heretofore directed the draping of the public buildings of the city, that of course was not applicable to the Capitol; but it has been recognized as a custom on the part of the officers in charge of the Capitol, and they have followed the precedent and draped the building. Now, if it be a fact that the President has heretofore ordered these things it is clear that there is no law authorizing it. It is a mere assumption or custom that the Executive has fallen into. If this is enacted into law the responsibility is upon him, and then perhaps it would be done in better taste, if done at all, than at present.

It may be that it would be well to amend that part of the bill, and if it meets the favor of the House I will offer an amendment or addition to the bill in the following words:

And shall specify the manner and extent of the same.

Now, if any gentleman desires to be heard I will be glad to yield to him.

Mr. HAMMOND. I wish to be heard for a few moments.

Mr. OATES. I yield ten minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, I did not care to occupy the floor in my own right to oppose the bill. There are some things in it that ought to be passed and some things that ought not to be passed by this House. I had told the gentleman from Alabama this morning that so far as draping the public buildings was concerned he was not changing the law at all by this bill, for they are only draped now by order of the President.

I am in favor of passing the bill, if passed at all, to read in this way and this way only:

That from and after the approval of this act no public building of the United States shall be draped in mourning.

I think the draping of public buildings is useless and very extravagant. But I would not be willing to have the balance of the bill passed without expressing my opposition to it. I think it altogether probable that it would be better to prohibit the sending out of committees to bury Congressmen at home. But it would be certainly a very strange thing for Congress to prohibit a committee of this body carrying to his home or to the home of his family a dead Congressman in order to save the railroad expenses of that committee.

Many men in Congress are poor. Their families are dependent upon them. If in this inclement climate disease overtakes them and they die what could we do but send a committee home with the remains and deliver the dead body at the burial place to the wife and children? And shall we with a corpse lying before us go around begging volunteers to put their hands in their pockets and carry dead men home, paying them the decent regard that ought to be paid? It seems to me that would be highly improper.

If we are going to pass anything upon the subject of attending the funerals of dead members the bill should be amended by striking out the word "or," at the end of line 7, and inserting in lieu thereof the words "except for;" so that it would read, there should be no such expense—

In attending the funeral except for accompanying the remains of any deceased person outside the District of Columbia.

It ought certainly to go no further than that. My own opinion is it is best to leave it just where it is. I know there is a good deal of newspaper talk about improper conduct on funeral occasions and by funeral committees. I have never been with one, and therefore can not speak with knowledge, but I know the men who do go with them; I know

they are gentlemen of high tone. I know they are gentlemen who would not misbehave themselves on any occasion, and I think most of the stuff which is published on such subjects consists simply of lies. I do not believe we should yield to any such comment and place ourselves in the awkward position of declaring when any member of Congress dies we can get his body home only by taking it on the express train, and not even then until his family can make the arrangements for paying the expenses of transportation in advance.

That is all I desire to say about it. I propose, if opportunity is allowed, to offer that amendment, to strike out "or," at the end of the seventh line, and insert the words "except for," which will reduce it to the expense of having a committee simply to attend the remains home. I should prefer the whole stricken out except the matter of prohibiting the draping of public buildings.

Mr. OATES. I yield five minutes to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. Mr. Speaker, I took occasion at the first session of the present Congress to submit some very pertinent and sensible remarks on the subject of Congressional funerals. [Laughter]. These remarks seem to have made a deep impression on the country [renewed laughter], so much so that I was warmly indorsed and returned to the Fiftieth Congress without opposition, just to illustrate how profoundly my constituents were impressed with my speech on that occasion, and how fully they appreciate their Representative. I will repeat what one of my old friends said to me on my return home last summer. He met me, and after congratulating me on the very brilliant record I had made in Congress, [laughter] he said: "And John, old fellow, we read your speech about the Congressional funerals, and the people all indorse what you said. You are exactly right; and you tell them fellows up there in Congress that if you die while you are there, you do not ask them to bury you. You have plenty of friends down here who will take pleasure in doing that for you." [Great laughter.]

Mr. Speaker, I must differ with the gentleman from Georgia [Mr. HAMMOND]. He says a great many of the Congressmen are poor men, and that he does not want to see the spectacle of people going around begging some one to take the remains of a poor Congressman home. But, Mr. Speaker, I will remind the gentleman and this House of the fact that poverty in this country is not confined to members of Congress [laughter], and of the further fact that the money that is spent on these Congressional funeral expeditions is much of it wrung by taxation from the poor indeed, and when we are legislating we should remember them as well as ourselves.

I would like for the gentleman to explain to me upon what principle he would justify our taxing the people of the country to bury a Congressman at the public expense, even though he is poor, when other poor people have to take their chances for a decent burial. I have no fear, Mr. Speaker, that any Congressman who comes here and conducts himself properly will be neglected or fail of a decent burial, or lack for friends who will be willing to see him properly put away. We give the families of dead Congressmen their salaries for the balance of their terms, and out of this there is no danger but that they will get a decent burial. I will guarantee if this bill passes that all the dead Congressmen will still be decently buried.

Mr. OATES. The argument of the gentleman from Georgia [Mr. HAMMOND] seems to proceed on the idea that there may be cases of the death of some Senator or Representative so poor that there will be nothing with which to pay the expenses of a transportation of his remains to his home if his family sees proper to take him there. It assumes, too, that he will have no friends here who are willing to accompany his remains.

Why, Mr. Speaker, the friends who are willing to accompany the remains of the deceased member, even at their own expense, are such friends as do really feel deeply their loss and sincerely mourn. But the mere formal Congressional committee that is appointed, many times consisting in part at least of members who were scarcely acquainted with the deceased—not to say friends, but scarcely acquainted—it reminds me of the Chinese system of employing mourners, where they have regular professionals with their uniforms prepared, always ready to go, whenever the money is forthcoming for them, to make a manifestation of their grief.

It is not a mark of respect at all. It is not an evidence of sincere sorrow or mourning. But for my respect for the Congress of the United States I could mention cases which would certainly shock the country, of misconduct upon the part of grave Senators as well as members of this House who have accompanied the remains of deceased members, either going or returning; but I will not mention them.

Again, sir, the custom of appointing these committees is not only unnecessary as a mark of respect and quite expensive, but it is also productive of great inconvenience. During this present session, if I am correctly informed, a committee was appointed to attend the funeral of one of our members (a gentleman for whom I had great respect and whose memory I revere), and the members of that committee, on account of the great distance, the inclemency of the weather, and the inconvenience of leaving their business here, actually declined to go. As we all know it is often a great inconvenience to members to be drawn away from the duties which their constituents have sent them here to perform, to take part in the idle ceremony of attending the burial of some deceased colleague.

Mr. HAMMOND. I thought the gentleman said they would go anyhow, whether their expenses were paid or not.

Mr. OATES. If any member of this House has not friends who have enough respect for him to attend his funeral, I am not in favor of paying men to go at the public expense as a mere formality.

Mr. HAMMOND. I thought the gentleman was making an argument to show that members ought to stay here and attend to their business, instead of attending the funerals of their deceased colleagues.

Mr. OATES. I am opposed to sending out such committees as a mere formality. If any deceased member has friends who desire to attend his funeral they can doubtless be excused from the House while doing so.

Mr. SPRINGER. Will the gentleman from Alabama yield to me for one minute?

Mr. OATES. I will yield to the gentleman a minute.

Mr. SPRINGER. Lest there should be some misunderstanding with regard to this bill, I desire to state that it does not interfere in the least with the custom which now prevails of paying funeral expenses, but only prohibits the payment of the expenses of any Senator or Representative who may accompany the remains.

Mr. OATES. Or of a committee.

Mr. SPRINGER. Or of a committee; but of course the committee will be composed of members. The effect of this bill will simply be that hereafter the remains of deceased members will be taken to their destination by the Sergeant-at-Arms or one of his deputies, and delivered to the family.

Mr. HAMMOND. How does the gentleman find that out?

Mr. SPRINGER. It is provided in the bill "that from and after the approval of this act no money shall be drawn from the Treasury of the United States or be paid out of the contingent fund of either House of Congress to defray the expenses hereafter incurred of any Senator or Representative, or any committee of such, in attending to the funeral," &c.

Mr. HAMMOND. But how do you find that the Sergeant-at-Arms will take the remains home?

Mr. SPRINGER. The custom has heretofore prevailed of sending the remains of deceased members home by the Sergeant-at-Arms, or his deputy, and there is nothing here to prohibit the payment of the expenses of doing that.

Mr. LORE. Under what authority has it been done?

Mr. SPRINGER. I do not know whether there is a law for it or not, but the custom has prevailed, and this bill does not interfere with that. All the expenses of the funeral will be paid under this bill the same as now.

Mr. HAMMOND. Does the gentleman from Alabama [Mr. OATES] believe that is true?

Mr. OATES. I do not. [Laughter.] I move the previous question on the bill and pending amendment.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. Is it necessary before any other amendment can be proposed to this bill to vote that down?

The SPEAKER *pro tempore*. It is, unless the gentleman from Alabama consents to accept the amendment.

Mr. HAMMOND. I desire to offer an amendment.

Mr. OATES. I understood that the amendment of the gentleman from Georgia [Mr. HAMMOND] was pending.

Mr. HAMMOND. I offered two. If those amendments are considered as pending, I have no objection.

The SPEAKER. If there be no objection, the amendments will be read and considered as pending.

There was no objection.

The Clerk read as follows:

Strike out "or," where it last occurs in line 7, and insert "except for."

Amend by striking out all after the word "no," in line 3, down to and including the word "any," in line 9, and insert "shall," before the word "be," in line 10; so that the bill will read: "That from and after the approval of this act no public building of the United States shall be draped in mourning," &c.

Mr. OATES. I now insist on my motion for the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is first on the amendment of the gentleman from Alabama, which will be read.

The Clerk read as follows:

After the word "States," in line 11, insert "who shall specify the manner and extent of the same," so as to read: "nor shall any public building of the United States be draped in mourning unless the same be ordered by the President of the United States, who shall specify the manner and extent of the same."

The amendment was agreed to; there being—ayes 76, noes 45.

The question was next taken on the following amendment, offered by Mr. HAMMOND:

Strike out the word "or," at the end of line 7, and insert "except for;" so as to read: "or any committee of such in attending the funeral except for accompanying the remains of any deceased person outside of the District of Columbia."

The amendment was agreed to; there being—ayes 100, noes 31.

The next question was upon the following amendment, offered by Mr. HAMMOND:

Strike out all after the word "no," in line 3, down to and including the word "any," in line 9, and insert before "be," in line 10, the word "shall;" so as to read: "that from and after the approval of this act no public building of the United States shall be draped in mourning," &c.

The question being taken, there were—ayes 109, noes 19.

Mr. OATES. No quorum.

Tellers were ordered; and Mr. OATES and Mr. HAMMOND were appointed.

Before the count by tellers was concluded,

Mr. OATES said: I demand the yeas and nays.

Mr. HAMMOND. I move to lay the bill and amendments on the table; and on that motion I demand the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Georgia moves to lay the bill and amendments on the table.

Mr. HAMMOND. I withdraw the call for the yeas and nays.

Mr. OATES. I renew it.

The yeas and nays were not ordered, there being ayes 26, noes 122—less than one-fifth voting in the affirmative.

The question being taken on the motion of Mr. HAMMOND, there were—ayes 102, noes 46.

Mr. COWLES. No quorum.

Tellers were ordered; and Mr. HAMMOND and Mr. COWLES were appointed.

Mr. OATES (during the count by tellers). Mr. Speaker, there is on the part of the House such a decided manifestation of opposition to this bill that I am satisfied the House does not wish any legislation on this subject. I therefore appeal to my friend from North Carolina to withdraw his point.

Mr. COWLES. I decline to do so.

The count having been concluded, the tellers reported—ayes 119, noes 46.

So the motion of Mr. HAMMOND to lay the bill and amendments on the table was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, without amendment, the bill (H. R. 10203) to enable the Commissioner of Agriculture to make a special distribution of seed in the drought-stricken counties of Texas.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 1368) for the relief of Richard H. & James Porter; and

A bill (S. 2477) making an appropriation for the establishment and erection of a military post in the city of Denver, in the State of Colorado.

CLERKS TO SENATORS AND REPRESENTATIVES.

Mr. OATES. I am directed by the Committee on the Revision of the Laws to call up for present consideration the bill (H. R. 10078) to authorize the appointment and prescribe the compensation of clerks to Senators and Representatives who are not chairmen of committees.

The SPEAKER *pro tempore*. This bill is in the Committee of the Whole on the state of the Union.

Mr. OATES. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill, and that it be now considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That from and after the approval of this act each Senator and Representative in Congress, who is not the chairman of a committee which is allowed a clerk, shall, during the sessions of Congress only, be entitled to a clerk, to be appointed and paid as follows, to wit: Such Senator may, at the beginning of each session, as soon as the committees are announced, nominate to the Secretary of the Senate such person as he desires to be his clerk, and thereupon said Secretary shall enroll the name of such nominee in a record-book to be kept for that purpose, showing the full name of such person and the State or place from which appointed, with the date of the same. Such Representative may, at the beginning of each session of Congress, as soon as the committees are announced, nominate to the Clerk of the House of Representatives such person as he desires to be his clerk, and thereupon the Clerk of the said House shall enroll the name of such nominee in a record-book to be kept for that purpose, showing the full name of such person and State or place from whence appointed, with date of same.

SEC. 2. That the aforesaid clerks shall be paid as other employés of the Senate and House of Representatives, but only for the time they are actually present and in the service of the Senator or Representative by whom they are respectively nominated, each at the rate of $100 per month; and such clerks shall be removable at the pleasure of the Senator or Representative at whose instance the appointment is made.

Mr. OATES. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will state that the hour for the consideration of bills under the special order has expired.

Mr. OATES. In order that every gentleman may have an opportunity of informing himself on this subject, I ask that the report be printed in the RECORD.

There being no objection, it was ordered accordingly.

The report is as follows:

Mr. OATES, from the Committee on the Revision of the Laws, submitted the following report, to accompany bill H. R. 10078:

The Committee on the Revision of the Laws, to whom was referred House bill 10078, having had the same under consideration, report the same back to the House, with a recommendation that it pass.

The bill gives a clerk to each Senator and Representative who is not the chairman of a committee, entitled to a clerk. At the beginning of each Congress and as soon as the committees are announced, each such Senator and Representative is required to name his clerk. Those named by the Senators are to be enrolled by the Secretary of the Senate, and those named by the Representatives are to be enrolled by the Clerk of the House. They are to be paid as other employés of the two Houses are paid, and at the rate of $100 per month during the time they are actually present and serving. It is believed by your committee that the passage of the bill is necessary to relieve members of Congress from a drudgery which prevents them from devoting a good portion of their time to the study and preparation of such measures as they have to act and vote upon. How often are members of this House called to vote upon the most vitally important measures without ever having had time to read the bill or the report of the committee thereon, much less an opportunity to study and compare such measure with former legislation touching the same subject.

One of the reasons which influenced the committee was the adoption of a resolution by the Senate some years ago, allowing each Senator (not chairman of a committee) a clerk. At each session of Congress since then the Senate has put an amendment on the legislative, executive, and judicial appropriation bill providing for paying those clerks, and the House, after a fruitless resistance, has each time been forced to assent thereto. Senators' clerks now receive the same per diem compensation as clerks to committees. The bill herewith reported proposes to establish uniformity and equality as between Senators and Representatives as to clerks and their compensation.

It is believed that honest and capable young men can be found in every Congressional district throughout the Union who would gladly accept the position of clerk to his Senator or Representative for $100 per month during the sessions of Congress, which is the compensation proposed by this bill.

With six great Departments, comprising more than a score of bureaus, and the large amount of business which requires of members a daily visit to some of them, the large number of Government publications, the seed of various kinds which it is the right of the people to have distributed among them, pensions and patents to be looked after, which, with the answering of the letters received by any member of Congress, will require the whole time of any one man, and he who does it properly will find all of his time fully occupied in its performance. A Senator or Representative who devotes his time to these duties will have none to spare for legislation. One of these must be neglected, or the Senator or Member must employ a clerk at his own expense, and this is a hardship in many cases.

Many of the Representatives and some of the Senators, especially from the Southern States, are poor men, and cannot maintain a family in Washington on a less salary than that now allowed by law. It is not to the interest of the public at large that poor men of a high order of talent should be driven out or kept out of Congress through the meagerness of the salary, and thus the business of legislation be entrusted to the millionaires and men of wealth. Such a course would be as fallacious as very high salaries would be inconsistent with the genius of our Government. The bill under consideration does not in any sense increase the salaries of members, for under its provisions they have nothing to do with the payment of the clerks, nor can the latter receive any pay except for time employed and service actually rendered.

Your committee are of opinion that the services of a clerk to a member of Congress would be more valuable to that member's constituents than to the member himself. Would not the people of any Congressional district prefer to present methods that there should be paid out of the United States Treasury $100 per month while Congress is in session, to some bright, active young man, to aid their Representative by giving prompt attention to their business with the several Departments, and promptly answering their letters, &c., thereby securing to the member time enough to read and study closely the various important matters of legislation before Congress? Twenty-five years ago there was no necessity for such assistance, but the growth of the country in population and business has been very great, and with it the Departments and bureaus of the Government have, not always wisely perhaps, correspondingly multiplied. Then three thousand bills was a large aggregate of the number introduced during a Congress, while now more than four times that number are printed and referred to appropriate committees during each Congress.

Under this bill clerks to Senators would receive but $100 per month, whereas at present they receive $180, being the same as received by committee clerks, and with much less labor to perform. This reduction in the amount paid Senators' clerks would, upon an average per session, reduce the expenditure about $15,000. The total expenditure under this bill would amount in the aggregate to about $240,000 per Congress of two sessions, or an average of $120,000 per annum, which at the most would not exceed the present outlay in that direction more than $100,000 per annum. It is also believed that the passage of this bill would greatly diminish the competition for chairmanships of committees. A large number of the standing committees of the House (at least twelve) could well be dispensed with, and the present necessity for additional committee rooms in the Capitol would thereby be averted. A majority of your committee are, therefore, of opinion that the bill ought to pass. It is deemed just to state that this report is not the unanimous voice of the committee.

B. S. JAMES.

Mr. CRISP. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (S. 1042) to pay B. S. James for transporting the United States mails, and that the bill be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay B. S. James, out of any moneys in the Treasury not otherwise appropriated, such sum, not exceeding $408.03, as shall, upon reference to the proper accounting officers, be found justly due and payable to him for transportation of the mails over route numbered 5610 in the years 1869 and 1870.

Mr. CRISP. This bill, which has been passed by the Senate, has been unanimously reported by the Committee on Claims of this House. In the report of that committee the facts of the case are thus stated:

In 1866 B. S. James became the lessee of the Laurens Railroad Company, in the State of South Carolina. In 1867 the Laurens Railroad Company (James being lessee) contracted, by Joseph Crews, its superintendent, to carry the United States mails on route 5610 for $1,200 per annum. In 1869, Crews having been discharged from the superintendency, a controversy arose in regard to the rolling-stock of the road, which resulted in litigation, and the Auditor of the Treasury for the Post-Office Department, by a letter dated August 19, 1869, informed the claimant that Joseph Crews having written to the Department "that H. R. Scott was the owner of the rolling-stock of the Laurens Railroad, and that he, Crews, was his agent, the account of the railroad company can not be settled until this difference is adjusted between you."

The decision of the court was in favor of claimant, but in the mean time the unexpended balance of the appropriation for the postal year in which the service was rendered was covered into the Treasury. The statement of the account furnished by the Post-Office Department shows a balance due for mail service on that route to September 30, 1870, to the amount of $408.03.

There is no question that the amount claimed is justly due and ought to be paid. I hope there will be no objection to the present consideration of the bill.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PLEURO-PNEUMONIA.

Mr. HATCH. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the special order, being what is known as the pleuro-pneumonia bill. Pending that motion, I move that all debate in Committee of the Whole on the pending section and all amendments thereto, be limited to one minute.

Mr. HAMMOND. I move to amend that by making it six minutes.

Mr. HATCH. I accept the amendment.

The motion, as amended, was agreed to.

The question recurred on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

Mr. WARNER, of Ohio, demanded a division.

The House divided; and there were—ayes 75, noes 4.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884, and, by order of the House, all general debate is limited to six minutes.

Mr. HAMMOND. I offer the following amendment:

The Clerk read as follows:

Insert "not exceeding forty persons" after the word "force," in line 22.

Mr. HAMMOND. Mr. Speaker, notwithstanding this bill purports to strike out a whole section and insert half a page in lieu of it, the only words stricken out in the old section are "not exceeding twenty." In other words, in two years, that is, since the act of 1884, it has been found the limit of twenty persons was too small. I think, unless some strong reason is given to the contrary, it would be well for us not to increase that limit more than double.

I have heard it said this cannot be done without giving this officer unlimited power to employ just as many people as he pleases. It seems to me that is an inexpedient thing to do, if not a dangerous thing to do. It is an unusual thing to do. If two years ago Congress thought twenty persons could do this duty, certainly forty can do it now, unless some strong reason can be given to the contrary.

I have nothing further to say, and will yield the floor to the chairman of the committee, who can state what reason exists for saying that forty persons are not enough.

Mr. HATCH. I can add but little to what I have stated heretofore in this connection. The gentleman from Georgia and the committee will bear in mind when this subject was passed, in the Forty-eighth Congress, it was to some extent an experiment. It was new to many members of Congress in both branches, and the disposition was to place this limit at twenty persons to be employed at any one time in execution of the law by the Commissioner. Experience has demonstrated beyond question an addition from twenty to forty would for a short time be inadequate to carry out the provisions of the bill.

I am aware this unlimited power of appointment is an objection to a large number of gentlemen on the floor. I have stated frankly it is an extraordinary power, but I do not believe any law can be effective in carrying out the purpose of the large class of people who demand this legislation without that power. It is absolutely as necessary to rely on the discretion, wisdom, and integrity of the officer having the execution of this law as to what number is sufficient to accomplish the end in view, which is to prevent the transportation of diseased or infected animals from one State to another, as it is to protect the export trade in meat.

The question recurred on Mr. HAMMOND'S amendment.

The committee divided; and there were—ayes 56, noes 45.

Mr. HAMMOND. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. HAMMOND and Mr. HATCH.

Mr. HAMMOND. I withdraw the point of no quorum.

Mr. MCMILLIN and Mr. STORM renewed it.

Mr. HAMMOND. I withdraw the point of no quorum in deference to members who wish another number voted on. I hope no one will further insist on the point of no quorum.

The CHAIRMAN. The point of no quorum is withdrawn. The tellers report—ayes 50, noes 90, and the amendment is rejected.

Mr. WARNER, of Ohio. I move to make the number "sixty" instead of "forty."

The committee divided; and there were—ayes 51, noes 26.

Mr. CUTCHEON. I offer the following amendment:

The Clerk read as follows:

To add as a further proviso:

"*And provided further*, That the said experts and agents to be appointed by the Commissioner of Agriculture for the purpose of collecting information under the provisions of this section shall be selected by and appointed upon competitive examination in the same manner provided for the selection of candidates for the classified civil service under the act of January 16, 1883; and the Civil Service Commissioners shall provide a special and technical examination for such candidates for appointment under this section, and shall keep a special register of candidates who pass such examination; and no person shall be appointed as such experts or agents under the provisions of this section except upon such competitive examination."

Mr. CUTCHEON. Is there any time allowed for debate?

Mr. HATCH. Debate has been limited on the bill and amendments, and that time has expired.

The committee divided; and there were—ayes 31, noes 63.

Mr. CUTCHEON. No quorum has voted.

Mr. HATCH. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884, and had come to no resolution thereon.

PAULINE HOLMAN.

Mr. O'NEILL, of Missouri, by unanimous consent, introduced a bill (H. R. 11029) granting a pension to Pauline Holman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

And then, on motion of Mr. HATCH (at 4 o'clock and 52 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. T. M. BROWNE: Petition of B. H. Davis and 50 others, citizens of Henry County, Indiana, for legislation to prevent the spread of disease among cattle—to the Committee on Agriculture.

By Mr. BURNES: Petition of certain citizens of Marysville, Mo., in favor of Senate bill 1626—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARDY: Petition of John Frankman, of Saint Louis, Mo., for a pension on account of disabilities incurred in the Mexican war—to the Committee on Pensions.

By Mr. DORSEY: Resolution of the Nebraska State Board of Agriculture, in favor of the Miller bill—to the Committee on Agriculture.

Also, resolutions of the same favoring the experiment-station bill—to the same committee.

By Mr. EDEN: Petition of Yates Post, Grand Army of the Republic, and others, at Effingham, Ill., in favor of paying pensions to pensioners on account of wounds or disease contracted in the service, from the date of disability—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of J. W. Gadsen and others, of Pennsylvania, asking action on the part of the Government to stamp out pleuro-pneumonia—to the Committee on Agriculture.

By Mr. FULLER: Resolution of the Iowa State Horticultural Society favoring the Hatch experiment-station bill—to the same committee.

By Mr. HAYNES: Papers to accompany bill to increase the pension of Albert G. Fifield—to the Committee on Invalid Pensions.

By Mr. HEARD: Thirty-three petitions of sundry citizens of the State of Missouri, favoring the bill to pay the expense of rent, light, and fuel, and grant other relief to all postmasters of the third and fourth class—to the Committee on the Post-Office and Post-Roads.

Also, petition of John Barron and other citizens of Howard County, Maryland, in favor of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. HERMANN: Petition of citizens of Clackamas County, Oregon, for the passage of the pension bill in favor of all disabled soldiers—to the Committee on Invalid Pensions.

By Mr. J. T. JOHNSTON: Petition of W. H. Armstrong and others; of John G. Johnson and others; and of W. N. Welch and other citizens of Indiana, asking for the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. MARKHAM: Petition of Captain John and other Indians, concerning the condition of the Mission Indians, and the protection of lands held by them—to the Committee on Indian Affairs.

By Mr. MILLARD: Resolution of Henry Williams Post, No. 150, Grand Army of the Republic, of New York, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. CHARLES O'NEILL: Resolutions of the Philadelphia Drug

Exchange, favoring the repeal of all internal taxes, and if the entire abolition of the tax on alcohol can not be accomplished, then recommending the discontinuance of the dealers' licenses for those in the drug business—to the Committee on Ways and Means.

Also, memorial of Dr. J. W. Gadsen, of Philadelphia, and others, favoring the passage of the bill to extirpate pleuro-pneumonia and other contagious diseases among cattle—to the Committee on Agriculture.

By Mr. OWEN: Petition of the executive committee of the Grand Lodge of Independent Order of Good Templars, praying for the passage of the bill (S. 1579) authorizing the citizens of the District of Columbia to decide by ballot the prohibition of liquors in the District—to the Committee on the District of Columbia.

By Mr. RIGGS: Letter of Clinton V. Easterday, David Fox, David M. Belt, William H. Tillson, and W. W. Payne, of Quincy, Ill., in favor of House bill 8098—to the Committee on Invalid Pensions.

Also, letter of Henry Dresser, of Naples; of J. W. Winans, of Pittsfield, and of A. C. Wilson, of Batchtown, Ill., in favor of House bill 9733—to the Committee on Ways and Means.

By Mr. ROCKWELL: Petition of L. Pomeroy's Sons and others, for the abolition of internal-revenue taxes—to the same committee.

By Mr. RYAN: Petition of Woodson Post, No. 185, Grand Army of the Republic, of Kansas, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, petition of J. S. Jones and others, citizens of Kansas, in favor of international legislation—to the Committee on Foreign Affairs.

By Mr. SNYDER: Petition of John B. Bray, of Kanawha County, and of the legal representatives of Joshua Ellis, deceased, late of Fayette County, West Virginia, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

ByMr. STAHLNECKER: Petition of J. W. Gadsen and others, of Pennsylvania, for the extirpation of pleuro-pneumonia and other contagious diseases—to the Committee on Agriculture.

By Mr. J. W. STEWART: Petitions of women of the State of Vermont, in favor of the Blair bill—to the Committee on Education.

By Mr. E. F. STONE: Petition of John Pew & Son and others, of Gloucester, Mass., against the abolition of the Gloucester collection district—to the Committee on Ways and Means.

By Mr. W. J. STONE, of Missouri: Petition of Calvin Gibbons and others, citizens of Missouri, in favor of the experiment-station bill, and other matters—to the Committee on Agriculture.

By Mr. STORM: Memorial of the auxiliary committee of the Pennsylvania Consolidated Cattle-Growers' Association, in favor of the Miller bill—to the same committee.

By Mr. WHEELER: Petition of proprietors of hotels in Washington city, urging the passage of the bill (S. 1380) to regulate the sale of distilled and fermented liquors in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions asking that the claim of the estate of Martha R. Williams and of the estate of Nelson Kyle be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Petition of Capt. Anson Northrop, for relief—to the Committee on Claims.

Also, petition of the Holstein-Friesian Cattle Association, in favor of the Miller bill—to the Committee on Agriculture.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BRAGG: Of Frank Boone and 93 citizens of second district of Wisconsin.

By Mr. W. W. BROWN: Of 88 citizens of McKean County, Pennsylvania.

By Mr. BOUTELLE: Of T. A. Pearce and 72 others, citizens of Eastport, Me.

By Mr. CONGER: Of 57 citizens of Mendo, Iowa.

By Mr. EDEN: Of 77 citizens of Hillsborough, Ill.

By Mr. EVANS: Of 89 citizens of Cheltenham, Pa.

By Mr. GROUT: Of 271 citizens of Cabot and Derby, Vt.

By Mr. GUENTHER: Of A. Mathewson and 80 citizens of sixth district of Wisconsin.

By Mr. HEPBURN: Of 73 citizens of Redding and of 90 citizens of Corydon, Iowa.

By Mr. HERMANN: Of 312 citizens of Newberry, Baker, and Chilamatte, Oreg.

By Mr. LYMAN: Of 104 citizens of Denison, Iowa.

By Mr. MOFFATT: Of 158 citizens of Frankfort and Fife Lake, Mich.

By Mr. PAYNE: Of 330 citizens of Auburn and Mexico, N. Y.

By Mr. SOWDEN: Of 194 citizens of Easton, Pa.

By Mr. J. W. STEWART: Of 109 citizens of Cornwall and Middletown Springs, Vt.

By Mr. W. J. STONE, of Missouri: Of 29 citizens of Box, Mo.

By Mr. A. C. WHITE: Of 258 citizens of Brush Valley, Rochester Mills, and Apolloborough, Pa.

SENATE.

THURSDAY, *February* 3, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM TENNESSEE.

The PRESIDENT *pro tempore* presented the credentials of W. C. WHITTHORNE, chosen by the Legislature of Tennessee a Senator from that State to fill the vacancy occasioned by the resignation of Howell E. Jackson, ending March 4, 1887; which were read, as follows:

THE STATE OF TENNESSEE.—ROBERT L. TAYLOR, Governor.

To all who shall see these presents, greeting:

Know ye, that whereas the election of W. C. WHITTHORNE, a Senator in the Congress of the United States, has been properly and legally certified by the speakers of the senate and house of representatives of the Forty-fifth General Assembly of Tennessee, and whereas it is made the duty of the governor under the laws to commission such Senator:

Now, therefore, I, Robert L. Taylor, governor of the State of Tennessee, by virtue of the power and authority in me vested, do commission W. C. WHITTHORNE (of the county of Maury) to fill said office of United States Senator from Tennessee, for the unexpired term ending March 4, 1887, agreeably to the constitution and laws, during the term, with all the powers, privileges, and emoluments thereunto appertaining by law.

In testimony whereof I, Robert L. Taylor, governor as aforesaid, have hereunto set my hand and caused the great seal of the State to be affixed, at the department in Nashville, on the 26th day of January, A. D. 1887.

[SEAL.] ROBT. L. TAYLOR.

By the governor:

JOHN ALLISON, *Secretary of state.*

EXECUTIVE OFFICE, *Nashville, Tenn., January*, 26, 1887.

To the honorable President of the Senate of the United States:

In obedience to the laws, I, Robert L. Taylor, governor of the State of Tennessee, do hereby certify, that the General Assembly of the State of Tennessee, chosen on the first Tuesday after the first Monday of November, 1886, as prescribed in the constitution and laws of that State, assembled on the first Monday of January, 1887, at the capitol in the city of Nashville, in pursuance of the requirements of the constitution and laws aforesaid, and that on Tuesday, the 18th day of January, 1887, that being the second Tuesday after the meeting and organization thereof, the senate and house of representatives composing the said General Assembly, which is the Forty-fifth General Assembly of Tennessee, each in its respective chamber, openly, by *viva voce* vote, there being present and voting a constitutional quorum in each house, named one person for Senator in the Congress of the United States from said State of Tennessee, for the unexpired term commencing the 4th day of March, 1881, and ending the 4th day of March, 1887, to which Howell E. Jackson, resigned, was elected. Each of said houses gave a majority of votes to W. C. WHITTHORNE on said day, and the fact was entered on the respective journals of said houses; at 12 o'clock meridian of the day following the members of the two houses convened in the hall of the house of representatives in joint assembly, and the journals of each house were then read, and it appeared that W. C. WHITTHORNE, an inhabitant and citizen of the State of Tennessee, having received a majority of all the votes of the two houses of the said General Assembly, a majority of all the members elected to both houses being present and voting, was declared duly elected a Senator to represent the State of Tennesses in the Congress of the United States for said unexpired term.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Tennessee, to be affixed at the department in Nashville, this 26th day of January, A. D. 1887.

[SEAL.] ROBERT L. TAYLOR, *Governor.*
JOHN ALLISON, *Secretary of state.*

GENERAL ASSEMBLY, STATE OF TENNESSEE,
January 26, 1887.

The undersigned, speakers of the senate and house of representatives of the Forty-fifth General Assembly of the State of Tennessee, do hereby certify that at a joint convention of the two houses of the General Assembly of the State of Tennessee, held in the hall of the house of representatives, in pursuance of law, on the 19th day of January, 1887, W. C. WHITTHORNE (more than thirty years of age), of the county of Maury, a citizen and inhabitant of the State of Tennessee, and more than nine years an inhabitant of the United States, was duly and constitutionally elected to a seat in the Senate of the United States for the State of Tennessee for the unexpired term ending March 4, 1887.

B. W. EWING,
Speaker of the senate.
W. L. CLAPP,
Speaker of the house of representatives.

Mr. HOAR. I move that the oath be administered to the Senator-elect, and in making that motion I desire to say that these credentials seem to me to be in all respects perfect and regular; but I trust the paper purporting to be the commission from the governor of the State will be withdrawn by the Senator, because clearly it would transcend the power of the executive of the State to claim that the commission comes from him. The appointment is clearly the act of the State Legislature under the constitution, and I trust the Senator will withdraw the commission.

The PRESIDENT *pro tempore.* The credentials will be placed on file. The Senator from Tennessee will please come forward and take the oath of office precribed by law.

Mr. WHITTHORNE, escorted by Mr. JONES, of Arkansas, advanced to the desk of the President *pro tempore*, and the oath prescribed by law was administered to him.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of PHILETUS SAWYER, chosen by the Legislature of Wisconsin a Senator from that State for the term beginning March 4, 1887; which were read, and ordered to be placed on file.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in reply to a res-

blution of January 13, 1887, a report from the Light-House Board as to the re-establishment of lights to mark the channel between the North and South Hero Islands, Lake Champlain; which was read, and, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, stating, in reply to a resolution of January 31, 1887, that the Department has no information as to the national banks loaning money, &c., and requiring payment in gold coin only; which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, in regard to protecting, in the bill transferring the Signal Corps to the Department of Agriculture and Labor, the rights of enlisted men as to retirement on account of old age and long service; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 13, 1886, a report of the Chief of Engineers in regard to the threatened cut-off in the Willamette River, at Corvallis, Oreg.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, relative to additional legislation for the improvement of the Des Moines Rapids Canal; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 27, 1887, a report of the Adjutant-General as to claims filed under the act of June 3, 1884, to provide for the muster and pay of certain officers and enlisted men; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting papers relative to contracts for the education of the Apaches at Saint Augustine, Fla.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HALE presented the petition of G. E. King and others, enlisted men of the Signal Corps, praying that that branch of the service be taken from the Army and transferred to a civilian department; which was referred to the Committee on Military Affairs.

Mr. FARWELL presented the petition of Morrison, Plummer & Co. and other citizens of Illinois, praying for a repeal of the internal-revenue laws; which was referred to the Committee on Finance.

Mr. BLAIR. I present a large number of petitions from the States of Illinois, Ohio, Tennessee, Virginia, West Virginia, Pennsylvania, Indiana, Kansas, Iowa, Wisconsin, Missouri, Minnesota, New York, and the District of Columbia, which have been prepared under the supervision of the National Women's Christian Temperance Union in the department of Sabbath observance, Mrs. Josephine C. Batehan, superintendent, praying for legislation against violations of the Sabbath in the matter of transportation, and especially with reference to the transportation of mails on the Sabbath.

I also present a petition of locomotive engineers on the same subject and to the same effect.

These petitions come from different parts of the country, and the locality and a sufficient designation of the citizens and the number embraced in each petition is to be found indorsed thereon. They are as follows:

A petition of 110 citizens of Nansemond County, Virginia;
A petition of 500 citizens of Washington, District of Columbia;
A petition of 66 citizens of Washington, District of Columbia;
A petition of 74 citizens of Albemarle County, Virginia;
A petition of 59 citizens of Fayette County, West Virginia;
A petition of 56 citizens of Albemarle County, Virginia;
A petition of 49 citizens of Albemarle County, Virginia;
A petition of 63 citizens of Cabell and Lincoln Counties, West Virginia;
A petition of 26 citizens of Charleston, W. Va.;
A petition of 126 citizens of Powhatan County, Virginia;
A petition of 155 citizens of (West) Chicago, Ill.;
A petition of 64 citizens of Urbana, Ill.;
A petition of 64 citizens of Bath County, Virginia;
A petition of 95 citizens of Hampden Sidney, Va.;
A petition of 15 citizens of Charlotte, N. C.;
A petition of 109 citizens of Albany, N. Y.;
A petition of 45 citizens of Wythe County, Virginia;
A petition of 78 citizens of Wood County, West Virginia;
A petition of 122 citizens of Bath County, Virginia;
A petition of 46 citizens of Bell's Valley, Va.;
A petition of 30 citizens of Bell's Valley, Va.;
A petition of 160 citizens of Rockbridge County, Virginia;
A petition of 68 citizens of Putnam County, West Virginia;
A petition of 55 citizens of Rockbridge County, Virginia;
A petition of 54 citizens of Rockbridge County, Virginia;
A petition of 29 citizens of Rockbridge County, Virginia;
A petition of 67 citizens of Rockbridge County, Virginia;
Ten petitions of 512 citizens of the United States;
A petition of 52 citizens of Mercer County, Illinois;
A petition of 116 citizens (all voters but one) of Caledonia, N. Y.;
A petition of 9 citizens of Marshall County, Iowa;
A petition of 66 citizens (30 voters) of Harshasville, Ohio;
A petition of 126 citizens of Allegheny city, Pa.;
A petition of 29 citizens of Jefferson County, Ohio;
A petition of 58 citizens of Brookville, Pa.;
A petition of 66 citizens of Jefferson County, Pa.;
A petition of 59 citizens of Londonderry Township, Ohio;
A petition of 50 citizens of Liberty, Ohio;
A petition of 32 citizens of Worth Township, Butler County, Pennsylvania;
A petition of 37 citizens of Fayette County, Pennsylvania;
A petition of 20 citizens of Lawrence County, Pennsylvania;
A petition of 21 citizens of Braddock, Pa.;
A petition of 120 citizens of Reynoldsburgh, Ohio;
A petition of 234 citizens (123 voters) of Washington County, Pennsylvania;
A petition of 51 citizens of Pittsburgh, Pa.;
A petition of 80 citizens of Monroe, Ohio;
A petition of 137 citizens of Saint Louis, Mo.;
A petition of 97 citizens of Page County, Iowa;
A petition of 34 citizens of Randolph County, Illinois;
A petition of 150 citizens of Perry County, Illinois;
A petition of 15 citizens of America, Minn.;
A petition of 97 citizens of Richmond and vicinity, in Pennsylvania;
A petition of 100 citizens of Ohio Township, Pennsylvania;
A petition of 58 citizens (36 voters) of Monroe County, Iowa;
A petition of 128 citizens of Ontario, Ohio;
A petition of 24 citizens of Mahoning County, Ohio;
A petition of 63 citizens of Logan Township, Illinois;
A petition of 60 citizens of Jones County, Iowa;
A petition of 43 citizens of Boone County, Indiana;
A petition of 58 citizens of Edgerton, Kans.;
A petition of 35 citizens of Banks Township, Pennsylvania;
A petition of 27 citizens of Lebanon, Ohio;
A petition of 30 citizens (4 voters) of Washington County, Iowa;
A petition of 28 citizens of Jackson Township, Iowa;
A petition of 105 citizens of South Shenango, Pa.;
A petition of 53 citizens of Evansburg, Pa.;
A petition of 51 citizens of Wells County, Indiana;
A petition of 56 citizens of Ritchie, W. Va.;
A petition of 31 citizens of Ritchie County, West Virginia;
A petition of 55 citizens of Butler County, Pennsylvania;
A petition of 32 citizens of Jamestown, Ohio;
A petition of 28 citizens of Madison County, Iowa;
A petition of 23 citizens of Antrim, Ohio;
A petition of 23 citizens of Hoboken, N. J.;
A petition of 25 citizens of Guernsey, Ohio;
A petition of 24 citizens of Crawford County, Missouri;
A petition of 68 citizens of Carpenter, Putnam County, West Virginia;
A petition of 112 citizens of Harrison and Doddridge Counties, West Virginia;
A petition of 75 citizens of Upshur County, West Virginia;
A petition of 90 citizens of Lewis and Upshur Counties, West Virginia;
A petition of 66 citizens of Lee County, Virginia;
A petition of 146 citizens of Goochland County, Virginia;
A petition of 49 citizens of Union and Monroe Counties, West Virginia;
A petition of 46 citizens of Sullivan County, Tennessee;
A petition of 117 citizens of Sullivan and Washington Counties, Tennessee and Virginia;
A petition of 14 citizens of Nansemond County, Virginia;
A petition of 13 citizens of Caroline County, Virginia;
A petition of 123 citizens of Augusta County, Virginia;
A petition of 76 citizens of Cobb, Paulding, and Douglas Counties, Georgia;
A petition of 55 citizens of Randolph County, Illinois;
A petition of 74 citizens of Greenwood, Mo.;
A petition of 65 citizens of Burlington, Iowa;
A petition of 73 citizens of Columbiana County, Ohio;
A petition of 35 citizens of Lawrence County, Pennsylvania;
A petition of 41 citizens of Pittsburgh, Pa.;
A petition of 24 citizens of Mount Jackson, Pa.;
A petition of 95 citizens of Franklin County, Kansas;
A petition of 48 citizens of Clinton County, Indiana;
A petition of 150 citizens of Bethel and Greenfield, Pa.;
A petition of 58 citizens of Grant's Hill, Ohio;
A petition of 58 citizens of Pepin and vicinity, Wis.;
A petition of 122 citizens of Red Oak, Iowa;

A petition of 88 citizens of Rex's Mills, Ohio;
A petition of 116 citizens (44 voters) of Iberia and vicinity, Ohio;
A petition of 214 citizens of Beaver Falls, Beaver County, Pennsylvania;
A petition of 307 citizens of Rochester, N. Y.;
A petition of 142 citizens of York County, Pa.;
A petition of 50 citizens of Plain Grove, Pa.;
A petition of 34 citizens of Newville, Pa.;
A petition of 55 citizens (27 voters) of Washington County, Iowa;
A petition of 71 citizens of Oskaloosa, Iowa;
A petition of 39 citizens of Mitchell County, Kansas;
A petition of 25 citizens of Tonganoxie, Kans.;
A petition of 193 citizens (85 voters) of Pittsburgh, Pa.;
A petition of 56 citizens of Philadelphia, Pa.;
A petition of 61 citizens of Buffalo, N. Y.;
A petition of 44 citizens of Andrew and Zwingle, Iowa;
A petition of 134 citizens of Lawrence County, Pennsylvania;
A petition of 66 citizens of Cattaraugus and other counties, New York;
A petition of 142 citizens of Lawrence County, Pennsylvania;
A petition of 50 citizens of Hoopeston, Ill.;
A petition of 50 citizens of Faribault County, Minnesota;
A petition of 86 citizens of Allegheny County, Pennsylvania;
A petition of 58 citizens of West Beaver, Ohio;
A petition of 50 citizens of Will and Kendall Counties, Illinois;
A petition of 45 citizens (19 voters) of Allegheny and Beaver Counties, Pennsylvania;
A petition of 43 citizens (19 voters) of Allegheny and Beaver Counties, Pennsylvania;
A petition of 50 citizens of Indiana County, Pennsylvania;
A petition of 38 citizens of Warren and Hamilton Counties, Ohio;
A petition of 25 citizens of College Corner and vicinity, Ohio;
A petition of 78 citizens of Troy, Oakland County, Michigan;
A petition of 76 citizens of Guernsey County, Ohio;
A petition of 40 citizens of Martin's Ferry and vicinity, Ohio;
A petition of 66 citizens of Washington County, Pennsylvania;
A petition of 101 citizens of New Sheffield and vicinity, Pa.;
A petition of 45 citizens of Xenia, Greene County, Ohio;
A petition of 39 citizens (12 voters) of Knox County, Tennessee;
A petition of citizens of Idaville and vicinity, Ind.;
A petition of 20 citizens of Allegheny County, Pennsylvania;
A petition of 200 citizens of New Galilee, Beaver County, Pennsylvania;
A petition of 54 citizens of Indiana County, Pennsylvania;
A petition of 88 citizens of Washington and Allegheny Counties, Pennsylvania;
A petition of 45 citizens of Clay County, Illinois;
A petition of 66 citizens of Belmont County, Tennessee;
A petition of 54 citizens of Park and Putnam Counties, Ohio;
A petition of 69 citizens of West Sunbury and Clay Top, Pennsylvania;
A petition of 132 citizens of Elvira, Iowa;
A petition of 86 citizens of Porter and Lake Counties, Indiana;
A petition of 35 citizens of Crawford County, Illinois;
A petition of 53 citizens of Delaware County, New York;
A petition of 11 citizens of Bedford County, Virginia;
A petition of 384 citizens of Warren County, Illinois;
A petition of 67 citizens of Browntown, Kanawha County, West Virginia;
A petition of 53 citizens of Quinnimont, W. Va.;
A petition of 27 citizens of Spring Hill, Kanawha County, West Virginia;
A petition of 11 citizens of Kanawha County, West Virginia;
A petition of 30 citizens of Gauley Bridge, W. Va.;
A petition of 58 citizens of Norfolk City and County, Virginia;
A petition of 111 citizens of Loudoun and Fauquier Counties, Virginia.
A petition of 102 citizens of Fauquier, Loudoun, and Clarke Counties, Virginia.
A petition of 66 citizens of Marion County, West Virginia;
A petition of 87 citizens of Charlotte County, Virginia;
A petition of 64 citizens of Staunton, Va.;
A petition of 62 citizens of Bath County, Virginia;
A petition of 192 citizens of Rockbridge County, Virginia;
A petition of 23 citizens of Pedlar Mills, Va.;
A petition of 54 citizens of Augusta County, Virginia;
A petition of 163 citizens of Nansemond and Isle of Wight Counties, Virginia;
A petition of 85 citizens of Augusta County, Virginia;
A petition of 79 citizens of Spottsylvania County, Virginia;
A petition of 143 citizens of Christiansburg, Va.;
A petition of 23 citizens of Elon Township, Va.;
A petition of 64 citizens of Augusta County, Virginia;
A petition of 25 citizens of Spottsylvania County, Virginia;
A petition of 68 citizens of Botetourt and Alleghany Counties, Virginia;
A petition of 29 citizens of Bath County, Virginia;
A petition of 52 citizens of Bland County, Virginia;
A petition of 48 citizens of Goshen, Va.;
A petition of 22 citizens of Giles County, Virginia;
A petition of 209 citizens of Farmville, Va.;
A petition of 42 citizens of Rockbridge County, Virginia;
A petition of 36 citizens (17 voters) of Augusta and Rockbridge Counties, Virginia;
A petition of 20 citizens of Rockbridge County, Virginia;
A petition of 9 citizens of Rockbridge County, Virginia;
A petition of 35 citizens of Rockbridge County, Virginia;
A petition of 41 citizens of Spottsylvania County, Virginia;
A petition of 96 citizens of Harrison and Doddridge Counties, Virginia;
A petition of 34 citizens of Allegheny County, Pennsylvania;
A petition of 54 citizens of Madison Township, Westmoreland County, Pennsylvania;
A petition of 24 citizens of Allegheny County, Pennsylvania;
A petition of 41 citizens of Kingsville, Johnson County, Missouri;
A petition of 49 citizens of the State of Tennessee;
A petition of 30 citizens of Londonderry and vicinity, Ohio;
A petition of 36 citizens of Meredith, N. Y.;
A petition of 53 citizens of Lawrence County, Pennsylvania;
A petition of 49 citizens of Allegheny County, Pennsylvania;
A petition of 63 citizens of Plum Creek, Indiana County, Pennsylvania;
A petition of 11 citizens of Lucas County, Minnesota;
A petition of 41 citizens of Washington County, Pennsylvania;
A petition of 69 citizens of Venice, Washington County, Pennsylvania;
A petition of 66 citizens of Uniontown, Penn.; and
A petition of 216 citizens of Beaver County, Pennsylvania.

I move the reference of these petitions where similar petitions have gone—to the Committee on Education and Labor; and I wish to add that they have been examined, and the total number of memorialists is 14,948, of whom one-third are designated to indicate that they are the names of legal voters and comprise all classes and conditions of society.

The motion was agreed to.

Mr. MANDERSON presented a petition of 535 residents of Washington, D. C., living on M, N, Fifteenth, and Eighteenth streets northwest, and a petition of 161 residents of Washington, D. C., living on T street northwest, praying for the passage of the bill for the incorporation of the Washington Cable Railway Company; which were referred to the Committee on the District of Columbia.

Mr. CAMERON presented a petition of citizens of Pottsville, Pa., and a petition of citizens of Lancaster, Pa., praying for the repeal of the internal-revenue taxes; which were referred to the Committee on Finance.

Mr. HOAR presented the petition of George Gross, M. D., of Washington, D. C., praying for the creation and temporary support of a botanic hospital at Washington; which was referred to the Committee on Education and Labor.

Mr. INGALLS presented a petition of ex-soldiers, citizens of Indiana, praying for the removal of the limitation in the act granting arrears of pension; which was referred to the Committee on Pensions.

Mr. PLUMB presented a petition of 1,113 residents of Tenth street northwest, Eleventh street northwest, Twelfth street northwest, and Thirteenth street northwest, Washington, D. C., in favor of the passage of the Washington cable railway bill; which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented a petition of 282 citizens of Washington, D. C., praying for the passage of the cable railway bill; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 3102) for the relief of H. C. Rogers, late deputy commissioner of internal-revenue, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

COMPILATION OF VETO MESSAGES.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution providing for the printing of the compilation of the veto messages of the Presidents of the United States, to report it favorably without amendment. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the compilation of the veto messages of the Presidents of the United States, made in obedience to a resolution passed by the Senate on the 24th of July, 1886, be printed, and that 3,000 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from the disagreement to the amendment of the Senate to the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt.

The message also announced that the House had passed a bill (S. 1042) to pay B. S. James for transporting the United States mails.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3263) granting a pension to William Bradford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 3264) for the purchase of John Ericsson's Destroyer, and ten enlarged steel vessels of the same type, for defending the harbors of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BLAIR introduced a joint resolution (S. R. 100) appropriating money to pay the hire of a hall for the use of the meeting of the Department of Superintendence of the National Educational Association; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. INGALLS (by request) introduced a joint resolution (S. R. 101) to protect the interests of the United States in the extension of Massachusetts avenue through the grounds of the new Naval Observatory; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. PLATT submitted four amendments intended to be proposed by him to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. BERRY submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of the case of Electa W. Jacobs, and that the claimant have leave to withdraw her papers from the files of the Senate.

SANDUSKY HARBOR IMPROVEMENT.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary of War be directed to communicate to the Senate any report of an officer of the Engineer Corps or other information in the Department in respect to the excavation of a straight channel in the harbor of Sandusky, Ohio, on Lake Erie.

CORRECTION OF THE CALENDAR.

Mr. HAMPTON. I call attention to a mistake in the Calendar with a view of having it corrected. It is Order of Business 1984, being the bill (S. 97) for the relief of Basil Moreland. I had the honor of making that report. It is put down on the Calendar as coming from the Committee on Military Affairs, while the report was made from the Committee on Indian Affairs. I wish the correction made before the bill is reached on the Calendar.

The PRESIDENT *pro tempore*. That correction will be made.

REJECTION OF PENSION CLAIMS.

Mr. INGALLS. If there be no further morning business, I move that the Senate proceed to the consideration of Order of Business 1902.

Mr. PLUMB. I wish my colleague would withhold that for a moment until I can bring up the resolution I offered a few days ago—a resolution of inquiry addressed to the Secretary of the Interior.

The PRESIDENT *pro tempore*. Does the Senator from Kansas [Mr. INGALLS] yield to his colleague [Mr. PLUMB]?

Mr. INGALLS. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] has a right to make the motion. The resolution heretofore submitted by him will be read.

The Chief Clerk read the resolution submitted by Mr. PLUMB January 28, 1887, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether there is any rule of his Department applied in the Pension Bureau, or any rule of said bureau existing and applied with his knowledge or consent, whereby any applicant for pension is denied a hearing in said bureau concerning his claim by reason of said applicant having petitioned Congress for relief.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to proceed to the consideration of the resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. There is an amendment pending, which will be read.

The Chief Clerk read the amendment of Mr. COCKRELL, as follows:

At the end of the resolution add:

"And if there be no such rule, then to inform the Senate who wrote the letter of January 27, 1887, touching the pension claim of David C. Canfield, and when such employé was appointed in the Pension Office."

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. PLUMB. I hope the amendment will not be adopted. It is evidently a suggestion which comes from the Department, and it would be perhaps unjust to an individual to have him berated before the public in response to the resolution. All I want is simply to ascertain whether such an order exists, and I think on the whole the Senate can not doubt the propriety or the importance of ascertaining whether an order such as would seem to be indicated by the letter is in existence.

Mr. SAULSBURY. The Senator who offered the amendment is not in his seat.

Mr. PLUMB. I thought the Senator from Florida [Mr. CALL] offered it. He is here.

Mr. SAULSBURY. The Senator from Missouri [Mr. COCKRELL] offered it.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] offered the amendment.

Mr. PLUMB. Excuse me, I thought it was offered by the Senator from Florida [Mr. CALL]. Then, in view of the absence of the Senator from Missouri [Mr. COCKRELL] from the Chamber I ask that the resolution lie over.

The PRESIDENT *pro tempore*. The resolution will be passed over.

ARREARS OF PENSION.

Mr. INGALLS. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. INGALLS] moves that the Senate proceed to the consideration of Order of Business 1902, being a resolution introduced by him to discharge the Committee on Pensions from the further consideration of the bill (S. 35) to remove the limitation in the payment of arrears of pension. The resolution will be read.

The resolution submitted by Mr. INGALLS December 21, 1886, was read, as follows:

Resolved, That the Committee on Pensions be discharged from the further consideration of Senate bill 35, to remove the limitation in the payment of arrears of pension.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to proceed to the consideration of the resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. INGALLS. On the adoption of the resolution I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. If the resolution is not long I should like to have it read again. I was not paying attention.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution.

Mr. INGALLS. I will state briefly that the bill (S. 35) to remove the limitation in the act of 1879 granting arrears of pension, was introduced in December, 1885, and referred to the Committee on Pensions, where it has since rested without action. My purpose is, as the committee have failed to act, to discharge them, in order that the bill may be brought before the Senate for its action.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the resolution.

The Secretary proceeded to call the roll.

Mr. STANFORD (when his name was called). I am paired.

The roll-call was concluded.

Mr. HARRIS (after having voted in the negative). I rise to inquire if the Senator from Vermont [Mr. EDMUNDS] has recorded his vote on this question?

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] has not voted.

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. EDMUNDS], and I am satisfied that if he were present he would vote "yea." I therefore withdraw my vote.

Mr. COKE. My colleague [Mr. MAXEY] is absent, and is paired with the Senator from Massachusetts [Mr. DAWES], who voted, I think, just now by mistake. My colleague would vote "nay" if he were here.

Mr. DAWES (after having voted in the affirmative). I withdraw my vote; I voted inadvertently.

Mr. MANDERSON. I am paired generally with the Senator from Kentucky [Mr. BLACKBURN]. I transfer the pair with the Senator from Kentucky to the Senator from Colorado [Mr. BOWEN], and will vote on this proposition. I vote "yea."

Mr. HAMPTON. I was requested by the junior Senator from Georgia [Mr. COLQUITT] to announce his pair during his absence with the Senator from Rhode Island [Mr. CHACE].

Mr. TELLER. If my colleague [Mr. BOWEN] were here he would vote "yea." He is paired with the Senator from Texas [Mr. MAXEY].

Mr. SEWELL (after having voted in the affirmative). I ask if my colleague [Mr. MCPHERSON] is recorded as voting?

The PRESIDENT *pro tempore*. The colleague of the Senator from New Jersey has not voted.

Mr. SEWELL. I then withdraw my vote.

Mr. VANCE. My colleague [Mr. RANSOM] is absent from the city on account of sickness in his family and is paired with the Senator from Iowa [Mr. ALLISON].

Mr. ALLISON. I voted for the resolution under the impression that I was paired with the Senator from North Carolina [Mr. RANSOM] only on political questions. If the Senator from North Carolina [Mr. VANCE] thinks this is such a question as I should be paired upon with his colleague I withdraw my vote.

Mr. VANCE. I can not state distinctly, but I think the vote will show a division according to parties.

Mr. ALLISON. Very well; I withdraw my vote, so that there shall be no mistake about it. I should, of course, vote for the resolution.

The result was announced—yeas 27, nays 26; as follows:

YEAS—27.

Blair,	Farwell,	Manderson,	Sherman,
Cameron,	Frye,	Miller,	Spooner,
Cheney,	Hale,	Mitchell of Oreg.,	Teller,
Conger,	Hoar,	Palmer,	Van Wyck,
Cullom,	Ingalls,	Plumb,	Williams,
Dolph,	McMillan,	Sabin,	Wilson of Iowa.
Evarts,	Mahone,	Sewell,	

NAYS—26.

Beck,	George,	McPherson,	Vance,
Berry,	Gorman,	Morgan,	Vest,
Butler,	Gray,	Payne,	Walthall,
Call,	Hampton,	Platt,	Whitthorne,
Cockrell,	Hawley,	Pugh,	Wilson of Md.
Coke,	Jones of Arkansas,	Saulsbury,	
Eustis,	Kenna,	Sawyer,	

ABSENT—23.

Aldrich,	Chace,	Harris,	Morrill,
Allison,	Colquitt,	Harrison,	Ransom,
Blackburn,	Dawes,	Jones of Florida,	Riddleberger,
Bowen,	Edmunds,	Jones of Nevada,	Stanford,
Brown,	Fair,	Maxey,	Voorhees.
Camden,	Gibson,	Mitchell of Pa.,	

The PRESIDENT *pro tempore*. So the resolution is agreed to, and the bill is before the Senate.

Mr. HARRIS. The vote just taken does not bring the bill before the Senate for present consideration, I suppose.

Mr. COCKRELL. Certainly not.

Mr. HARRIS. It simply discharged the committee.

The PRESIDENT *pro tempore*. It brings the bill before the Senate, but it is subject to objection, like any other measure.

Mr. HARRIS. I rose for the purpose of asking the Senate to consider the resolution which I submitted two or three days ago in respect to the business of the morning hour of the Senate, taking for granted that the vote just taken simply discharged the committee from further consideration; and the bill now properly belongs in the Senate for the disposition of the Senate, as every other bill.

The PRESIDENT *pro tempore*. The Chair is of opinion that it would require a motion to proceed to the consideration of the bill.

Mr. INGALLS. The bill is one of very great consequence, and I do not desire to ask the Senate to vote upon it *instanter*. I suppose as a parliamentary proposition, the committee having been discharged, the bill will go to the Calendar, having been read the second time, and can be called up on motion. I give notice that at an early day next week, as soon as I can obtain the floor for that purpose, I shall move that the Senate proceed to the consideration of the bill.

WASHINGTON MONUMENT GROUNDS.

Mr. SPOONER. I move that the Senate insist upon its amendment to the bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as Public Reservation No. 3, in the city of Washington, D. C., and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SPOONER, Mr. MORRILL, and Mr. VEST were appointed.

CONSIDERATION OF HOUSE BILLS.

Mr. HARRIS. I now move that the Senate proceed to the consideration of the resolution that I referred to a few moments since.

The PRESIDENT *pro tempore*. The resolution heretofore submitted by the Senator from Tennessee [Mr. HARRIS] will be read.

The resolution submitted by Mr. HARRIS February 1, 1887, was read, as follows:

Resolved, That on and after Monday, the 7th instant, at the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of House bills and joint resolutions favorably reported on the Calendar, and continue such consideration until 2 o'clock, under the provisions of Rule VIII as herein modified, until the Calendar of such bills and resolutions has been completed.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. INGALLS. Under the provisions of Rule VIII, would those bills be subject to individual objection?

The PRESIDENT *pro tempore*. The Chair is of opinion that they would be.

Mr. HARRIS. If the Senator will allow me, I will state that the object and purpose, and, as I think, the unmistakable effect of the resolution will be to change Rule VIII only in this respect: Upon the regular call, House bills and joint resolutions favorably reported upon our Calendar will be called instead of taking the Calendar in its regular order, Senate and House bills, as they appear there.

Mr. INGALLS. And a single objection will put any bill over to the Calendar under Rule IX?

Mr. HARRIS. A single objection, unless when the objection was made a Senator should move to proceed to consider the bill notwithstanding the objection. Every provision of Rule VIII will be in force except the single modification that the Calendar of House bills is in order to the exclusion of others.

Mr. HOAR. I desire to ask my honorable friend from Tennessee whether, as he understands it, the adoption of this order will prevent any Senator from moving to proceed to the consideration of any particular measure as now?

Mr. HARRIS. If the Senator from Massachusetts will look at the language of the resolution he will see that the right to move to consider any bill, Senate or House, on the Calendar remains just as it is to-day without my resolution.

Mr. HOAR. I so understand it; but I wanted to be sure that we understood it correctly.

Mr. HARRIS. I draughted the resolution with the distinct view of preserving that right to every Senator on the floor, and I do not think the resolution can be susceptible of any other construction than that the right is reserved to every Senator to move to consider anything he wants to have considered.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

REJECTION OF PENSION CLAIMS.

The PRESIDENT *pro tempore*. The Calendar is now in order, under the eighth rule.

Mr. PLUMB. I move to take up the resolution which was laid aside a few minutes ago on account of the absence of the Senator from Missouri [Mr. COCKRELL].

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the resolution indicated by him. It will be read.

The resolution submitted by Mr. PLUMB, January 28, 1887, was read, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether there is any rule of his Department applied in the Pension Bureau, or any rule of said bureau existing and applied with his knowledge or consent, whereby any applicant for pension is denied a hearing in said bureau concerning his claim by reason of said applicant having petitioned Congress for relief.

The question was stated to be on the amendment proposed by Mr. COCKRELL, to add to the resolution:

And if there be no such rule, then to inform the Senate who wrote the letter of January 27, 1887, touching the pension claim of David C. Canfield, and when such employé was appointed in the Pension Office.

Mr. PLUMB. I think the Senator from Missouri will not insist on that amendment. We shall get all that it is material to know in that direction from the Secretary of the Interior, and we might injure some one by dragging his name before the public. The main fact is that the letter appears here signed by the Commissioner of Pensions. The suggestion of the Commissioner that somebody wrote that letter without his instruction or authority would be, I think, rather unusual; at all events it might place a deserving employé (whether he be a Republican or Democrat, I do not care) in a bad situation by placing him before the public in this way. There are a variety of suggestions which might be made in that line. So I think the inquiry proposed by the Senator from Missouri would be entirely improper, as it is not at all germane to the main inquiry.

Mr. HOAR. Does the Senator from Missouri think it would be proper to ask the Executive Department who wrote all the communications sent to the Senate?

Mr. COCKRELL. The Senator from Massachusetts has had too long practical experience and has too much good sense as to business to think that any such question as that is pertinent to this matter. There are thousands and hundreds of thousands of letters written in the Pension Bureau, and as every one who has any knowledge of the business—and the Senator from Massachusetts has thorough knowledge of it—knows, those letters are prepared by the clerks. They are then sent to the chiefs of divisions and they go through this machinery. The officer who signs them scarcely sees them and never pretends to read them. If he were to attempt to read all the letters he signs, he could not do it in twelve hours each day.

There is a large number of employés in the Pension Office; the business of the Pension Office is behind, and I think it is right and proper that individual responsibility should rest on those who make the blunders and the errors there, and I think it would be to the interest of the public service if the Senate should know and the public should know who it is in that office who permits letters to be prepared and go out as they do.

It is immaterial as to who this man is, it is immaterial as to who his chief of division is. I should apprehend without knowing, or, if knowing, without saying anything about it, that possibly this is an old employé who has been in the Pension Office for several years, and it is probable that his chief of division has not been there so long, so that, so far as responsibility is concerned, it is equally divided.

Mr. PLUMB. Would not that be one of those things which the Commissioner himself would say in his own defense, if it were true?

Mr. COCKRELL. If he were to say that in response to the inquiry of the original resolution he would be criticised and denounced upon the Senate floor.

Mr. PLUMB. Let me read a decision which I have which is also signed by the Commissioner, which is in print, and I think will throw a little light on the subject and show that the suggestion of the Senator from Missouri is entirely wide of the mark.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 29, 1886.

[Samuel Schuler, private, Company E, Sixty-first Pennsylvania Volunteers.]
Ruling 167.] [Certificate No. 55815.

STATEMENT OF FACTS.

Pensioned from May 26, 1865, for gunshot wound of neck. Paid to September 4, 1870, when dropped, upon the ground that his disability had ceased. Again pensioned from March 3, 1873, by a special act of Congress, for a hernia of left side, which pension he has since continuously received.

May 18, 1885, asks a reissue of the certificate to include the gunshot wound of neck, which he claims continues to disable him.

DECISION.

This case coming before the Commissioner—

Not before some clerk appointed at discretion—

This case coming before the Commissioner, he decides that the pensioner having appealed to Congress for special legislation in his behalf, thereby waived his right under the general law, and should have pleaded before that body all the causes of action under which he believed himself entitled. That the rights conferred by the special act are the only pensionable rights now existing in his behalf, and the claim for reissue will be rejected accordingly.

JOHN C. BLACK, *Commissioner.*

Mr. COCKRELL. What is the number of that ruling?

Mr. PLUMB. Ruling 167. I think there is enough in that to dispel the idea that some clerk down there has been running away with the responsible head of that bureau. I do not conceive that the Commissioner of Pensions himself will plead the baby act in response to this resolution, nor will he thank the Senator from Missouri for suggesting that he will.

Mr. COCKRELL. I do not care whether he thanks me or not so far as that is concerned. I propose to discharge a public duty.

I have a copy of the ruling to which the Senator refers. That is a case that was appealed to the Commissioner, and he made his decision upon it, and it is not one of the letters prepared in the office and sent out and about which the Commissioner knows nothing. I understand precisely the position of the Commissioner and his ruling. I have in my hand another ruling of the Commissioner, ruling 174, February 23, 1886, which reads thus:

IN THE CLAIM OF JAMES ROCKWELL, CORPORAL COMPANY C, THIRTY-SIXTH OHIO VOLUNTEERS.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., February 23, 1886.

Ruling No. 174.]

Where, upon a declaration for invalid pension, the claimant, being dissatisfied with the action of this bureau, removes the consideration of his title to pension to Congress, and Congress takes cognizance of the matter, the action of Congress will be held final in the premises upon the evidence before it; and in the absence of new, positive and material evidence, this bureau will not reconsider the claim upon its merits under the provisions of the general pension laws after such Congressional action has been had, whether favorable or unfavorable.

JOHN C. BLACK, *Commissioner.*

There is no question about the position of the rulings of the Department, but here comes in a letter signed by the Commissioner, not a decision, not a ruling, but an answer to a communication, in which some one has inserted that an appeal to Congress forfeited all the rights of the claimant. Now we are asked that that shall be regarded as a ruling. I simply desire in connection with that to know the whole history of how that letter was written.

Mr. PLUMB. The Senator from Missouri, of course, has the advantage of me in his means of communication with the Department; and if he knows all about this matter, perhaps this resolution is not necessary, so far as he is concerned, but I understood him to say that decision 167 which I have read is in precise accord with the letter signed by Mr. Black which is the subject of this resolution. The only difference is that in one case the letter says the man has forfeited his right, and in the other waived his right. For all practical purposes a waiver is a forfeiture and a forfeiture is a waiver.

If this amendment be adopted on the theory of the Senator from Missouri, no man who ever gets a letter from one of these Departments will ever know until he has run the letter down and ascertained its genesis and who wrote it—whether he was a Democrat or a Republican, appointed under the present or the last administration—whether the letter was in response to his call for information or not. It will simply leave the thing open to the wildest guesswork.

What kind of sanctity or authority is there in a communication from a Department if we are to be met by the suggestion that probably it was written by a clerk and that clerk was a Republican and consequently interested in putting this great and glorious and wise and prudent Democratic administration at a disadvantage? I think that the letters which the Senator from Missouri gets from the Commissioner of pensions rejecting cases or certifying to their allowance, giving him notice of the testimony that is required in order to bring a case within the rules of the office, as well as the letters he gets from all the other Departments of the Government, he sends to his constituents in the simple belief that they record the Department view of the case and the actual facts as they are shown by the record. I do not want this great fabric of trust built upon this presumption to be thus rudely interrupted by the suggestion that a few Republican clerks——

Mr. COCKRELL. A few! All Republican clerks.

Mr. PLUMB. All of them?

Mr. COCKRELL. Nearly every one in the Pension Office.

Mr. PLUMB. The case is worse, then, than I supposed it was; because, of course, if they are all Republican clerks, the Department will fall into pitfalls if those who are thus engaged are in combination against the chiefs and the dignity of this administration. I should be glad to have the Senator from Missouri devise some plan whereby they might be substituted by people who might be relied upon to write only what the Commissioner directed them to write.

Mr. TELLER. I do not desire to debate this resolution; but I want to say to the Senator from Missouri that when he stated that all these clerks are Republicans he could not have examined the record very carefully. There never was a time since I have been acquainted with the Interior Department when there was not a very large sprinkling of Democrats in that Department and in the Pension Bureau. I think I can say that there never has been a time in the administration of that office since the war when there was any distinction made between a Democratic soldier and a Republican soldier when his application came up. Between men who had not been soldiers, Democrats and Republicans, there was a distinction made in favor of Republicans who had not been soldiers. But as between Democratic soldiers who were applicants and Republican soldiers who were applicants, I have never known any distinction. I can say certainly that for three years there never was any made. In that way a great many men got in who are Democrats.

The Senator will remember that recently it appeared that out of some eighty-odd who had been put in under the civil-service rules all but five were Democrats.

Mr. COCKRELL. In what positions?

Mr. TELLER. In the Pension Office.

Mr. COCKRELL. In what place?

Mr. TELLER. Clerks who came in under the civil-service rules.

Mr. COCKRELL. Special examiners?

Mr. TELLER. Perhaps they were.

Mr. COCKRELL. They were put in because there had been one hundred and fifty put in before, and every one of them was a Republican. They were simply divided, as ought to have been done.

Mr. TELLER. I beg the Senator's pardon. There is no record of that.

Mr. COCKRELL. I beg the Senator's pardon; that is the record.

Mr. TELLER. The facts will not justify the Senator in his statement. Of the one hundred and fifty special examiners who went in, I have no doubt fully one-half were Democrats.

Mr. COCKRELL. They may have been Democrats, but that fact has only appeared since Cleveland and Hendricks were elected in 1884. They were certainly Republicans up to that time.

Mr. TELLER. They were not. I have not any doubt that there are a great many men in there who were Democrats, who perhaps concealed the fact or said nothing about Democracy, who now say they are Democrats, and some perhaps have changed. But I wanted simply to antagonize the statement that the Pension Office has been a political machine in any shape or manner, unless it has been by the modern practice by which in some way out of eighty people who passed the civil-service examination seventy-five of them are assured to us to be Democrats, and the other five may be because their politics are "unknown."

Mr. INGALLS. Mr. President, one inference that was made by the Senator from Missouri is not sustained by the facts. The impression he left was that these letters might have been written by clerks without authority from the Department. As a matter of fact no letter leaves the Pension Office composed by a clerk until it has been submitted for revision and suggestion, and alteration, if necessary, by the head of the division. And the statement the Senator from Missouri makes, that this may have been an unauthorized letter from a clerk, *is not borne out by* the facts, because there is a corps of revisers and examiners in the Pension Office, appointed by the Commissioner, who have charge of the correspondence, and no letter leaves the office without having been subjected to revision; and one of the clerks has stated to me within the last week that a letter which had been composed by him had been altered and amended three times before it went out of the office, and that he was specially directed to insert provisions which had hitherto never been permitted to be in the correspondence of the Pension Office.

Therefore this letter, which was written by a clerk, which has been presented here in evidence by my colleague, left that office under the sanction and authority of the Commissioner; and there is no doubt in the world but that it was in accordance with that order, which was deemed of sufficient importance to print and put on file as one of the methods of transacting business in that Department.

Mr. COCKRELL. The Senator from Kansas [Mr. INGALLS] if he had listened to what I said would have had no occasion to have made the remarks he has just made, because I stated distinctly that these let-

ters were prepared by the clerks and passed through the hands of the chiefs of divisions, and that I apprehended that in this case it would be found that this letter had been prepared by a clerk who had been in the office for years, and had passed into the hands of a chief of division who had not been there so long. We all know how that is.

My good friend from Colorado [Mr. TELLER] spoke about seventy-five or eighty Democrats having been appointed in the Pension Office. I suppose he refers to the one hundred and fifty examiners in the field. I think if he will examine the record he will not find ten Democrats among the whole of the entire selection. I confess that since November, 1884, according to their professions, quite a number, not only of these special examiners but of other employés, may have been Democrats all the time, concealing that fact and voting the Republican ticket; and so it may be in the Pension Office generally. There may be hundreds of the employés, who, since that election, have turned out to be Democrats and have been so all the time, but their Democracy was never known before. Soon after the election in 1884, when we came here, it was a joke, a standing offer in some of the departments to give $5 to any man who could be found in departmental positions who was not a Democrat; the conversion had been so glorious and so complete!

I have considerable correspondence with the Pension Office, probably nearly as much as almost any other Senator. I have had frequently to send back to that office, and to other offices, letters which they had sent in answer to my communications, but which were not answers; they were not responsive to what I had asked; and I have had to send them back personally to the head of the bureau in order that his attention might be called and a full answer given. He had signed the first reply. So it is in other departments. It is impossible for the head of a bureau such as the Pension Office to know everything that he signs; and I want to get at this as a lesson and instruction. If this letter was written without any such order having been given as it states, let us know where the responsibility of originating it rested; and I can not see why there should be any squeamishness in knowing all the facts in the case, because the Senator from Kansas knows perfectly well that if General Black were to come in here in his response to the resolution and give the statement that that letter was prepared by so-and-so, passed through the hands of a certain chief of division, and was signed by him without looking at it or without being able to examine it, then there would be criticism and harping upon it. What I ask is simply to let us know who prepared the letter; let him make his explanation, and let that come in connection with the report of the Commissioner.

I have sent letters that have remained unanswered for months. When I have called the attention of the Department to the failure to receive a response to a particular letter, it was sent to the division where that letter had gone, and it was sent to the clerk upon whose desk that letter had been placed, for the purpose of receiving his explanation, and I have received the explanations and excuses which they have given for keeping letters on their desks unanswered for months.

I can not see why there can be any possible objection to this little bit of an amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The question being put; there were on a division—ayes 17, noes 21.

Mr. SAULSBURY. There is not a quorum voting. Let us have the yeas and nays. I think this is an important question.

The yeas and nays were ordered.

Mr. SAULSBURY. I do not see that there can be any reasonable objection to the amendment. Here is a resolution evidently seeking to inculpate the Commissioner of Pensions in something deemed offensive to the soldiers of the country. The amendment simply proposes to make an inquiry to know who prepared the letter cited. And yet it is opposed on the other side of the Chamber, under the apprehension, I presume, that it will turn out, if the amendment is adopted, that some employé put in under a former administration had prepared this letter, and therefore a case can not be made fully against the Commissioner of Pensions.

We all know that there is in all the departments a large number of men who have no sympathy, and who have never had any sympathy, with the present administration, and it is very possible—I do not say that it is true, because I do not know the fact—that those men under the Commissioner of Pensions, put there by a former administration, may be seeking to bring disrepute on the administration of that bureau while they are receiving the patronage of the Government and the pay that is provided for their positions.

I think the administration is making a great mistake in keeping so many men hostile to the administration in the various departments of this Government. The civil-service law is obligatory upon the President, of course, to execute; but a set of rules has been made under the civil-service law, and with the approbation, I believe, of the President of the United States himself, which cramps the administration at every step and does injustice to the men who placed the administration in power. If I were the President of the United States I would revoke those rules, and I would make such rules as would place the departments under the control of men who were friendly to the administration and not hostile to it.

I think the President is making a great mistake for himself, for his party, and for his country in not exercising the power which he has to have a revision of those rules, to have the rules so framed that his friends shall be placed in power instead of men who are hostile to the Government. You may go to any department of this Government, and there are the same men who have, for years, been carrying on the Government, men who have no sympathy with the administration and who—I do not say they can do it because I do not know the fact—but who, I strongly suspect, sometimes desire to see the very administration under which they are holding place brought into ridicule before the country.

I go sometimes to the Post-Office Department. The head men of that Department are the men who have been there for years, and Democratic members of Congress are sometimes required to go and consult these same officials in reference to matters connected with the interests of that Department in their own States. Personally I have always received very kind and proper attention; I have no complaint personally to make; but at the same time I do believe that it is wrong, and I do not hesitate to say it here and now.

While I would not convert President Cleveland into a public butcher to decapitate every man in the departments who is adverse to him in politics, I would instruct him, if I could, that it is his duty to himself, to his administration, to the party that elected him, to the country, to the service, to purge these departments very largely of the men hostile to his administration. If he does not do it he will not have a successful administration, in my opinion. No man ever yet did carry on any business successfully with agents that were hostile to him in the transaction of his business. It is true of politics as it is true in any other department of life, and I should be glad if the President would wake up to the duty which he owes to the country and to the party which elected him to purge these departments of the men who fought it and seek sometimes to bring the administration into disrepute.

Mr. PLUMB. If there has been any attack on this administration in this debate it has been made by the Senator from Delaware and the Senator from Missouri. If there is anybody in the Interior Department to-day, in the Pension Bureau, or any other bureau of it it is simply because the President elects that he shall stay there. There is no civil-service rule which requires any man to be kept, and the rule which the Senator from Delaware has paraded so strongly here has nothing to do with changes of the *personnel* of the departments. Back of that, perhaps, there is a suggestion that if those who are to be appointed are to be appointed because they can pass a civil-service examination very few Democrats will succeed in getting through that sieve; but, as the Senator from Massachusetts [Mr. DAWES] says, that is their misfortune and not the fault of the President. He has got a limited amount of material to work with of the character that is fit for executive functions. I credit him with doing the very best he can; and the wisest thing he has ever done, although he has not done any part of it on my recommendation, is his keeping in office the trained men that he found there in order that the public business might not suffer.

The Secretary of the Treasury sent us a letter the other day in regard to the currency of the country which, as I know, does not meet with the views of those who sit on the other side of the Chamber. I have no doubt that down at the bottom they would like to know who wrote that letter. Why do they not offer a resolution to find out?

We are to presume that the President himself, whether he writes his own messages or not, is responsible for that which he sends here, and that every officer under him is responsible in the same way; and to go back of the Commissioner of Pensions and inquire who his clerks are and put the responsibility upon them is to take away his responsibility entirely in that bureau and allot it to the clerks, and that responsibility then to be supervised by Congress directly in reference to the particular individual whose place is at stake. As I said in the beginning, I have a great deal more respect for the Commissioner of Pensions than to believe that he wants anybody to assume that he is not responsible for what is going on in his bureau, which is under his supervision and which he esteems himself able to supervise in such a way that the public interests shall not suffer.

I want simply to know—and it is a pertinent inquiry—whether there is a rule whereby men who are entitled to pensions, because they have exercised the constitutional right of petition in bringing their cases to Congress, have forfeited, according to the judgment of the head of that bureau, their right to have that which the country owes them and has too long denied. For that purpose I do not care to inquire into the *personnel* of the Department. I look to the head of it as the country looks to the head of the administration in the person of the President and his lieutenants, who are his Cabinet ministers, for that which they find in the administration which is good or bad.

Mr. MORGAN. As this matter seems to be taking rather a political turn and we are called upon for our votes on it by yeas and nays, I wish to express my views in regard to it.

The Senator from Kansas evidently does not want the information that a Republican official in the Pension Office was the author of that letter.

Mr. PLUMB. Let me say that if that is true I assume that the Commissioner will state it in his own defense, but I do not care to sug-

gest to him by the resolution a way whereby he can get out of the responsibility for what is done in his bureau. I want also to say another thing, that the President of the United States can have my vote and my voice to turn out every single Republican in all the Departments. I have not asked that they should remain there at all, and I am not concerned about them in the slightest degree.

Mr. MORGAN. The Commissioner of Pensions is rather an able man, I take it. He has been spoken of in connection with the Senate of the United States on several different occasions. He has for years been considered a man in the United States of marked ability. He does not need a suggestion from the Senate or from any Senator as to what should be a proper response to the words of this resolution of inquiry. But after the Senate has voted down this amendment, if it shall do so, he will doubtless feel himself forbidden to make any allusion to the fact that there is any possibility of his not being responsible for the letter that is being questioned here. In order to give him a fair chance to show exactly how this matter has occurred, the Senate ought to be willing to listen to the truth, and not act upon presumption. Sometimes presumptions that are based on mere appearances are very erroneous and very deceptive, and it seems that the Senator on the other side desires to hold on to what we consider to be an erroneous and deceptive presumption, for the purpose of putting in default a very important officer of this Government.

Now let us have the naked truth. That is the way to get at what is right in this matter, and I am a little surprised that Senators are not willing that we should have it.

I have not very much personal connection with the departments of this Government. I do not worry them very much about business matters. Nevertheless, I have on frequent occasions been led very strongly to suspect that men who have been in office a long time, who have had chances to form combinations and cliques and rings in the different departments, are busily, steadily, continuously acting as spies upon this Administration, for the purpose of collecting up all the little matters that they can, and that they communicate them to the representatives of the Republican population of this country; and I have not any doubt that to-day there are gentlemen in this Senate better informed of what goes on in the Treasury Department of the United States than Mr. Manning can be.

Take the Superintendent of the Railway Mail Service. There is a man who has a very large number of employés under him. How many? Four thousand—my colleague says between seven and eight thousand—a pronounced, steadfast, fixed, and talented Republican, a man who has more arbitrary power to control his subordinates than any other man I know of in the Government of the United States. It would be, I think, a discredit to a Democrat to go to the President of the United States and ask for the removal of that man. There would be no ground that could be taken in regard to it, except that stated by the Senator from Kansas, deliberately, and with so much of intelligence, that the material is too short in the Democratic party to fill up the offices. That would be all.

Mr. PLUMB. I am taking the action of the President as confirmatory of that idea. I can not see why he should have kept Republicans in if he could find competent Democrats to fill the places.

Mr. MORGAN. That is another case of acting on presumption which I think is a little presumptuous on the part of the Senator. The 6,000,000 voters in the United States who are Democrats combine together the best ability that was ever assembled in the United States in its history. There is no question of it. There are more intelligent white men, there is more intelligence to-day in the Democratic party of the United States than ever before existed in a party in this country.

Mr. PLUMB. Then why should the President go by all this great party to select the scalawags he found in office under a Republican administration?

Mr. MORGAN. I am neither indicting nor excusing the President. He is not on trial. The Democratic party is. It is put on trial by the accusation of the Senator from Kansas that we have not got intelligent men enough in our numbers to fill up the offices. That is the proposition. The Senator from Kansas is on trial for his remark, and not the President of the United States. This party, the Democratic party, comprising six million and more of voters, has been drawn together in the face of social and local ostracism in many parts of the United States, and in face of the fact that the Republican party has had the administration and the dispensation of the patronage of this Government for nearly twenty-five years, with all the power of this patronage behind it, reaching to the Army and Navy, reaching to every ramification of office in the United States, with all the power of that immense prestige which the Republican party of the Northern States won by reason of their assumed attitude in conducting the war against the rebellion, we find that man after man, troops of men, have dropped out from behind their banners and allied themselves with the Democratic party. They have not come into association with us because of the temptations of office, for we had no offices to offer them. They have not come because we had money to lay before them to bribe them into our service. They have come because they have witnessed the rapacity, the infidelity to the Constitution, the wrong and injustice of the Republican party toward the people of the United States, which have so moved and impressed them that they were compelled in decent self-respect to leave the banner of that party and come into a party that had some respect for the Constitution and some respect for justice and for law. That is the reason the Democratic party numbered so largely on this occasion in this last election, and that is the reason why I am able to say that there are more men who have been drawn beneath the Democratic banner into the present party organization of intelligence and principle than were ever found in one party in the United States before.

The Democratic party is a conglomerate party made up of men who had the independence of thought to leave their former party leaders and machine workers behind and to come out in the honest advocacy of those opinions and those policies which they believed were essential for the welfare of the individual men of this county, communities, States, and the whole country at large. That is the party we belong to, and I think that out of that number, whether the President concurs with me or not, it is quite possible to get officers enough to fill up the quota in the city of Washington. I concur with the venerable Senator from Delaware, that that man mistakes his opportunities and puts too much at peril who deliberately leaves the administration of affairs, for which he is responsible, in the hands of his enemies. I have not any doubt at all, indeed I could point out if occasion required it, quite a number of men in the offices of this country to-day who are Republicans who are unworthy men.

I will not say that you can not point out Democrats who are unworthy men, either, but I say that it is the duty of the Administration to put the Commissioner of Pensions and the Commissioners of other bureaus and the heads of other departments in such position that they will feel that they are safe in their surroundings. That is the legitimate duty of government, and one without which there can be no proper vigor in government, and without which there can be no proper inspection of the conduct of inferior officers and servants—chiefs of divisions in the departments and bureaus of this Government. I insist upon it that it should be done, and I hope that the Administration and the heads of departments will take warning from this debate this morning and will not any longer allow themselves to be put in a position of jeopardy and distrust and perhaps disgrace by and through the conduct and agency of their subordinates who are treacherous to them and to the party that they pretend now to be regardful of.

Mr. PLUMB. The debate has taken a pretty wide range; I do not know that it is entirely pertinent to the resolution; but some observations which have been made by the Senator from Alabama seem to indicate on his part an absence of accurate knowledge of what is going on in the United States. He has eulogized the Democratic party in a way not so agreeable to many of them who shall ever be able to inspect with knowledge his polished periods in the pages of the vivacious newspaper that we publish here every day. But while he is eulogizing this party and serving it and the country so admirably here, the Democratic party is entirely disappearing. There are sections of country where it once existed, not only in vigor, but in great numbers, where there is only a trace of it left.

In the State of South Carolina, a State having, according to the last census, as many people as the State of Kansas, and having as many Representatives in the other House of Congress as the State of Kansas, only 33,000 votes were cast at the last election for members of the Congress of the United States, while nearly 300,000 were cast in the State of Kansas at the same election for members of Congress. One district in the State of Kansas cast 58,000 votes, nearly twice as many as the entire State of South Carolina. Only about 30,000 votes were cast in the State of Georgia, called the Empire State of the South, over whose name and achievements the average Bourbon Democrat lingers with pride, as he speaks of that Empire State situated midway between the Atlantic and the Mississippi, the keystone of the confederate arch. In the Senator's own State, where, according to the figures of the last census—whether they are to be believed or disbelieved I will not say—there are as many people or more than there were in the State of Kansas in 1880, less than one-quarter the number of votes were cast at the last general election than were cast at the same time and for the same purpose in the State of Kansas. There are men sitting in the other House of Congress assuming to represent constituencies that are akin to the men who sit in the Parliament of England representing rotten boroughs, universities, and estates, the tenantry on which vote according to the dictates of the man who owns the land.

Mr. MORGAN. The Senator will allow me to say that in Alabama they had no Republican ticket at all, and the people were not in any way expected to come out to vote. They carried the election without any struggle or effort. There was no Republican ticket.

Mr. PLUMB. Perhaps we might have instruction by ascertaining why it was that the Republicans did not have a ticket in the State of Alabama.

Mr. BECK. May I say a word?

Mr. PLUMB. You may.

Mr. BECK. To show how misleading these figures are I may state that in the district in which I live, the Lexington district, Kentucky, I believe less than 5,000 votes were cast.

Mr. PLUMB. I thank the gentleman for testifying in my behalf.

Mr. BECK. Wait a moment. That was because Colonel BRECKINRIDGE, now the Representative and again elected, had no opposition and nobody thought of opposing him. Everybody knew that 1 vote for him was as good as 20,000. We could have cast and would have cast 30,000 votes if there was any necessity to come out, but in that case 5,000 were as good as 30,000, as no one opposed him. In an adjoining district, where there was a contest, with perhaps 5,000 fewer votes than we have, 31,000 votes were cast because of the contest. That is very often the difficulty about the vote coming out.

Mr. PLUMB. If the suggestion which the Senator from Kentucky makes is correct, that the people are really there, how does their presence there comport with their absence from the voting precincts at the time when members of Congress are to be elected to serve them? They do not come out to express the opinions which they have on public questions; and what groundwork is there for the eulogy which the Senator from Alabama passed on this great Democratic party when only 2 or 3 per cent. of its numbers ever go to the polls to express their judgment on matters which are to be settled by the votes of Congress, and which are supposed to be material to the welfare of the whole people of the United States, themselves included.

Mr. President, in those places where the Democratic party thrives most there is no such thing as public opinion. No man who sits in Congress with only three or four thousand votes at his back at an election which passed off in that way can assume to represent any phase of that public opinion which ought to be finally reflected in laws enacted by Congress.

I do not care to go back of the figures and inquire into the whys and wherefores. I take the eulogy of the Senator from Alabama upon the Democratic party, and then I show either that the Democratic party has entirely disappeared in certain localities or that a worse thing has come about, that the people of those sections have no interest whatever in public matters, do not care who represent them in Congress, do not submit to the arbitrament of intelligent discussion any public question, nor any question affecting their representation in the lower House of Congress, and per consequence are not fitted to exercise the functions of government.

Mr. President, if there is any responsibility in administration to-day that is not fully devolved on the President of the United States and those whom he has selected and whom the Senate so promptly confirmed, I should like to know where it is. I should like to know how it is that this great, powerful, and intelligent organization which selected the President is to-day putting off upon the subordinates it found in office, and whom it either lacked the courage of conviction or the intelligence to discharge, those acts which it ought to be and is practically responsible for itself. No eulogy of the Democratic party, no admonition to the President that he should go on and turn out with greater rapidity, will enable Senators on the other side of the Chamber to disguise the issue which is presented here on the amendment of the Senator from Missouri.

Mr. BECK. Mr. President, I do not care to go into political wrangles, but the statement of the Senator from Kansas that the number of votes cast for any Representative is either evidence of the ignorance of the people to be represented or that the party who send him do not take an interest in the Government or are unfit to have Representatives is so unjust that I rose to illustrate by just what happened in the neighborhood where I live.

I said the votes cast for Colonel BRECKINRIDGE would have been multiplied four times but for the fact that the Republican party in that district made no contest. That my Representative from Lexington is the ablest man in that body on either side will be determined before two years if it is not known now. It is known to the Republicans of that district as well as to the Democrats, and by common consent he came back without opposition and could have got 20,000 votes just as readily as 5,000 if anybody had attempted to call for a vote against him.

To say that that district is not fit to be represented or that its people take no interest in public affairs because by common consent a distinguished man is allowed to be elected without opposition is not fair; and that happens very often in large portions of the country. As I said, in the adjoining district, where there was a contest, and where there are not so many voters by perhaps five or six thousand, over 30,000 votes were cast, and we could have cast 35,000 or 40,000 if both sides had come out. These are the facts. The statement of the Senator from Kansas does not present the facts really as they exist in the community.

I am neither going to laud the administration nor to find fault with it. A good deal was said by the Senator from Delaware that the administration would do well to act on.

While I am on my feet I will say that as everybody else has a grievance perhaps I have one. I must say that in my opinion it is not wise policy on the part of the administration to keep its enemies in power to hurt it all they can or to allow them to do all the harm they can. I voted against the civil-service law and worked against it, and was one of the few who voted with the Senator from North Carolina [Mr. VANCE]. It was simply a method of keeping Republicans in office after you gentlemen had lost your power. There was no examination of those who were in office, but all were kept, and therefore there were no places vacant, and there were 10 per cent. more in office than were really needed.

Mr. DAWES. The Senator says there are 10 per cent. more in than are needed. Is it not true that every head of department except one has asked for an increase of force?

Mr. GEORGE. Will the Senator from Kentucky yield to me?

Mr. BECK. Yes, sir.

Mr. GEORGE. With the Senator's permission I desire to say that he misapprehends the force and effect of the civil-service law. There is not a single provision in it which restricts or interferes in the least with the power of the President, or of any other officer having the appointing power, to dismiss any employé or officer of the Government under him—not a single provision.

Mr. BECK. Well, I will not go into that. All that were found there had a right to stay, and nobody could get in unless he went through an examination that could be made easy or hard as the examiner saw fit. But I care nothing about that.

What I was going to state was, that the administration, in my judgment, has made a mistake in not putting its friends in place where it has the power to do so. I do not believe that any man can carry on a farm if his plow-boys are trying to break him down; and a man can not carry on a corner grocery if all his clerks are seeking to destroy him. I do not believe a great government can be administered without having the good will of the men who are intrusted with its positions. There is one case that I desire to refer to, that of the man at the head of the railway mail service, a Republican, a good man, no doubt, but as earnest a worker for the Republican party as I am for the Democratic party.

Mr. PLUMB. He does not make any appointments.

Mr. BECK. The Blue Book shows that he has under him nearly seven thousand men.

Mr. PLUMB. He does not appoint one of them.

Mr. BECK. Of that number 4,400 are railway mail clerks with salaries of from eight hundred to $1,800; and he manages to retain nine-tenths of them as colaborers with him against the party he pretends to serve.

Mr. PLUMB. What a helpless Postmaster-General you have got!

Mr. BECK. No one man can manage any great department without having to rely on his subordinates. When a man like Mr. Jameson—able, I admit, but not indispensable, for he might die, and the railway postal service would not stop if he did die, and somebody should take his place—has under him 4,400 men, as the Blue Book shows, the most intelligent young men in the country, ramifying, in every part of the country, with salaries varying, as I say, from $1,800 down to $800 a year, is it right that I should have to go, with my hat in my hand, and beg him to look into things, and he can turn me off, as if I was a beggar, and I dare not tell him why I want a change made, because the very reason why I desire a change is the very reason why he wants to keep the men he has got. He desires to keep men to break down the administration. I desire to put men there who will build it up, and I cannot tell him so. That is a case I give you, as illustrating the whole matter. I do not care to say more now.

Mr. TELLER. I should like to suggest to the Senator from Kentucky that it would be a very great detriment to the public service to dismiss a class of men like the railway mail clerks. Their efficiency depends largely upon their experience, and their places can not be filled readily. They are not, I understand, within the civil-service rules; at least they have not been so construed, and yet the Department, I think, including the present head of the Post-Office Department, looking more earnestly to the civil-service than to political advantage in that particular, has determined to keep these people, and to make discharges only for lack of ability in the line of duty in which they are serving. It can not be pretended that persons of equal ability can be put in and take their places under months. Is a great public service of the country like that to be disturbed for the purpose of building up a political party? Not at all. I would not blame the present head of that Department if when there is a vacancy and he is compelled to put in a new man, he selects a Democrat and puts him in. I expect him to do that. But I think the public would rise up and be heard if there had been an attempt to discharge this great corps of efficient, valuable, and necessary workers in the railway mail service. You could not have done it without detriment to the public service of such a character as would have overwhelmed the Democratic party.

Mr. CALL. Mr. President, I do not rise to make a speech, but I wish to say that I think we have been wasting a great deal of the valuable time of this body, with a vast amount of important matter requiring practical attention by the Senate. I understand that this resolution simply proposes an inquiry whether or not the Commissioner of Pensions has declared or decided and informed any one that he regarded an application to Congress as forfeiting the right to a pension.

Mr. PLUMB. The Senator is mistaken about the resolution. The resolution simply inquires whether there is a rule of a certain kind in the office. We know by the letter what was done in the given case, but I simply wish to ascertain what the rule is in regard to it.

Mr. CALL. The decision which has been read by the Senator from

Missouri of the Commissioner of Pensions clearly shows that that was simply an infelicitous use of language. That decision no one can controvert. It asserts that when Congress has passed upon the subject of the rights of a pensioner and the evidence, that decision of Congress is obligatory and binding upon the Commissioner; but that other and new evidence will be considered by him. Now, we know what the rule of the Pension Office is; we know what the wise and just decision of the Commissioner is; that it affirms the power of Congress, and that it having been exercised, he submits to it. That is all he has done, and that is all we can find out.

Mr. COCKRELL. If the Senator from Kansas simply introduced his resolution asking if there was such a rule in that Department, there would have been no occasion for the amendment which I offer; but on the 28th of January, when the Senator submitted the resolution, he said:

Mr. PLUMB. The occasion for the resolution is found in a letter, which I send to the desk and ask to have read.

The PRESIDENT *pro tempore*. The letter will be read if there be no objection.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 24, 1887.

SIR: In response to the request of Hon. P. B. PLUMB, relative to your claim for pension, No. 260105, as late of Company D, Fifth Pennsylvania Reserves, you are informed that it was rejected January 29, 1879, on the ground that the alleged affection of eyes was incurred by lifting heavy timbers in the year 1857, as shown by the certificate of disability upon which you were discharged. Furthermore your appeal to the Congress of the United States for aid forfeited your right as a claimant before this office, which therefore declines further consideration of the claim.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

DAVID C. CANFIELD, *Fort Scott, Kans.*

And then Mr. ALLISON and Mr. INGALLS exclaimed:

"Forfeited!"

And Mr. PLUMB replied:

Yes, "forfeited." He is advised that he has thereby forfeited his right to be heard in the Pension Office.

In view of the fact that every one knows that these answers which go out in regard to the hundreds of thousands of inquiries that are made every year have to be written by some subordinate and go through the hands of the chief of division and then signed, as a matter of course, without further investigation or inquiry, I thought it but just and in order that we might find out who was the clerk, and when he was appointed who wrote that letter, and who was the chief of division through whose hands it passed, so that we might have before us all the facts.

Now, Mr. President, a word as to the intimation that the Senator from Kansas made or the slur he attempted to cast upon the Democratic party in regard to ignorance, that we did not have intelligent men enough to fill the offices. This slur has been used on other occasions, and it does not come well from that Senator or any other Senator. I say to him that the census reports will show in 1890 that there are more intelligent Democrats in the State of Kansas than there are intelligent Republicans. I state that the census of the United States will show that there are more Democratic voters who can read and write in the United States than there are Republican voters who can.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. It is the duty of the Chair at this hour to lay before the Senate the unfinished business, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. EVARTS. Mr. President, the bill under consideration by the Senate now is a crimes act. It belongs to the province of constitutional jurisdiction in criminal matters by the Congress of the United States, if it has any proper place here; and as a preliminary consideration of the value, the necessity, the operation, the expediency, and the constitutionality of this new crimes act I deem it quite important that we should understand what the condition of the law now is as bearing upon the integrity and propriety of conduct of members of Congress.

This crimes act has this clear feature upon its face—that it makes that a crime which never was a crime and in its nature never can be made a crime except by the positive enactment which so decrees. In the next place this criminal legislation is confined to a few persons. In its largest comprehension it includes only the two Houses of Congress, and then, by a lesser reduction, it is only the lawyers of the country who are members of these two Houses. When, therefore, I find that a bill introduced, as I suppose, suddenly into this Chamber at the last session, undertakes to do that, to make a new crime, to confine it only to members of Congress, and to confine it only to members of the professsion of the law as they may be members of these two Houses, as they may purpose to be, or their constituents may desire to make them, members of Congress, if I am right in the examination of this criminal act proposed that it is an artificial decree of criminality when the transaction that is thus made a subject of criminal legislation in its qualities has no such turpitude and no quality of injury to the public service, I shall have gone a great way, I think, in satisfying the honest judgment of this Senate and the honest judgment of this country that such an act should not be passed.

But if in addition to that I shall satisfy the Senate that all that is in its nature to be proscribed, or denounced, or avoided, in the action that is thus made the subject of the denunciation of this act, is already found on the statute-book, then I hope the judgment of the Senate, and I hope the concurrent judgment of the country, will understand that there is no occasion for solicitude, that there is no protection required, and there is no justification for this special legislation.

I hold in my hand the bill as presented by the Senator from Kentucky [Mr. BECK] and as reported from the Judiciary Committee, which enables us to ascertain what the original proposition was and what the substitute of the committee is. I do not need to read this, for it is in the general recollection certainly of the Senate.

I also hold in my hand four or five amendments that have been presented by different Senators, but for any purpose that I need to contrast the scheme of the original bill as proposed by the Senator from Kentucky with the suggested modifications that seem to pursue a line that is to secure good legislation and is contradictory to and corrective of what I regard as the vice of the original measure proposed by the Senator from Kentucky, I am only called on to refer to the last amendment, which was introduced in the Senate last evening by the honorable Senator from Delaware [Mr. SAULSBURY]. I will read this amendment for the purpose of comparison between the bill and what may be deemed a correct line and may be regarded as necessary to meet an expectation in some part of our communities that desire some legislation in addition to what is now on the statute-book. This amendment proposes to strike out the whole of the bill and substitute this:

That it shall be unlawful for any member of Congress to accept employment as general counsel or attorney, or receive payment for services as such general counsel or attorney, from any railroad company, or from any officer or agent thereof, which obtained its charter or any grant of land or pecuniary aid from the United States: *Provided*, That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts, when the United States is not a party or interested in the result of said suits.

This amendment is extremely well drawn in observance of what I suppose is in the minds of very many of our citizens and in the minds of very many of the Senators when they think that there is a practical and an important interest that should be guarded against being encroached upon by too intimate relations between members of either House of Congress being lawyers in professional service for these same corporations. It also, not only by the limitation of this principal clause, but by the operation of the proviso, distinctly draws the line of usefulness, of what is not opprobrious and is not offensive in the treatment of the profession of the law or of the two Houses of Congress in accepting or imposing this form of legislation.

Mr. President, the principal act now on the statute-book which has most to do with the topic or interest to find a place for itself on the statute-book in the view proposed by the Senator from Kentucky is what is known as the bribery act. It forms one of the sections of the Revised Statutes; that is, section 5500 of chapter 6 in the crimes code of the United States. The name of its title is "official misconduct, &c.," and it pursues through many sections appropriate legislation for the thorough exposition and the proper punishment of violations of conduct on the part of this or that officer.

We come in section 5499 to the topic of what we call bribery, and we all understand that bribery is in its nature a crime, a crime of great heinousness in its relation to the public service, and certainly a very great crime in any high officer of the Government who exposes himself to or is chargeable with any such corrupt purpose or intention. Section 5499 takes up the subject as to judges:

Every judge of the United States, who in any wise accepts or receives any sum of money, &c.

I will not read it in full. The next section is that which touches members of Congress, and that I shall read in full in a moment.

Section 5501, still adhering to the same subject of bribery, takes up the application and the punishment in the case of—

Every officer of the United States, and every person acting for or on behalf of the United States, in any official capacity under or by virtue of the authority of any Department or office of the Government thereof.

And the next section, which is 5502, besides the sanctions, which I think are the same in each of these sections, has this further punishment provided to carry all of these instances:

SEC. 5502. Every member, officer, or person, convicted under the provisions of the two preceding sections, who holds any place of profit or trust, shall forfeit his office or place; and shall thereafter be forever disqualified from holding any office of honor, trust, or profit under the United States.

It will be admitted at once that however mild or however general the phrases which may be used in the new act proposed by the Senator from Kentucky having any relation to the subject of punishment or to the subject of danger needing to be guarded against, it is in its relation to bribery, it is because it belongs to that topic that it is here; and if it be a rightful matter of treatment under that head it should find its place under that section, and there will be very little consideration required to see whether it deserves a place in that section or whether all that there is needing to be guarded against is not already embraced and covered by this section.

If Senators will give me their attention while I read this bribery sec-

tion they will see at once, without much aid from argument on my part, that all that is really aimed at and is worthily embraced within the operation and the punishment and the dangers of bribery is covered by the existing legislation. Let me read:

SEC. 5500. Any member of either House of Congress who asks, accepts, or receives any money, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, either before or after he has been qualified or has taken his seat as such member, with intent to have his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House, or before any committee thereof, influenced thereby, shall be punished by a fine not more than three times the amount asked, accepted, or received, and by imprisonment not more than three years. [See § 5450.]

If lawyers bring themselves into relation with land-grant railroads or railroads receiving their incorporation from the United States, of course in regard to them as in regard to a thousand other relations that are possible with other railroads, other corporations, other private litigants—if they bring themselves fairly within the imputation of having accepted such relation and compensation connected therewith with the intent that the vote or decision of such lawyer is to be influenced thereby, the case is covered by that section as it now reads. The language is broad; the distribution of the topics and forms under which bribery may be approached or bribery be submitted to are distinctly here. Let me again call attention to some of these phrases, "who asks, accepts, or receives any money or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money."

If a railroad attorney, as he is stigmatized, comes into a relation with a land-grant corporation of general employment with an intention to be honest in the transaction in which he is ostensibly employed, and there is also an intention that he is to be retained, so to speak, for a particular interest or the general interest of this employer in any matter that shall be pending at any time in Congress, the proof of that is as clearly embraced within the prohibition and within the punishment as any of the other more direct forms of the offense of bribery.

Nor will it do to say that it may be true, but it may not be easy to prove the criminal intent. But without the criminal intent it is not a crime. You are not to avoid the necessity of proving that essential ingredient of the *corpus delicti* by undertaking to punish things that are not crimes in order to guard against or disable men from committing crimes. This latter is the essence of tyranny in legislation. Neither will it do in dealing with a topic that intrinsically is intricate, to substitute affirmative and purely arbitrary rules of evidence. That is another form of tyranny—a form of tyranny that I hope will never find its place on any statute-book in this country.

If you are willing to impart to the vigor of this section on crimes a force which shall expose to punishment and opprobrium the conduct denounced in the bill proposed by the Senator from Kentucky, then here is its place; put it in juxtaposition with the elements of turpitude and of mischief and of punishment that belong to it; put it in as a crime though it is not now a crime and does not include any of the turpitude or the evil intent indicated in the section, but that it shall be punished as in the nature of corruption of the integrity and purity of the conduct of members of Congress, or put it in as a rule of evidence, leaving the section to stand as it now does in the enumeration of the acts that are punishable as a crime, and provide in bold and bald assertion that if any member of Congress shall argue a cause for a railroad corporation in the public courts of this country in matters that have nothing to do with Congress or its legislation, that shall be conclusive evidence of his having accepted a bribe. Logic can not be discarded from legislation, from criminal legislation especially, and these two distinct forms of tyranny have been carefully avoided in the legislation of this country in the States and in the United States.

Let me read an amendment to this section that will place in proper juxtaposition the scope and nature of this new criminality and the application of the old punishment, not too severe, and the old guilt. Better to fetter it at once with the mild form that belongs to the nature of the transaction to which the new criminal legislation is to apply. After reading down to the completion of the criminality as thus defined, "with intent to have his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House, or before any committee thereof, influenced thereby," then it goes on to say "shall be punished." Let me introduce what, in my judgment, is the amendment of the criminal law of the country by the crimes act proposed by the Senator from Kentucky:

And any such member, being of the profession of the law, who shall accept any professional employment in any matter in which a railroad company which has received its incorporation or any land grant from the United States is concerned, from such company, though such matter have no relation to any matter pending in Congress, and though such acceptance and employment be without intent to have his vote or decision influenced thereby, shall be punished——

Mr. GEORGE. Will the Senator allow me to make a suggestion?

Mr. EVARTS. Certainly.

Mr. GEORGE. The essence of bribery, I understand, is the agreement, express or implied, between the giver and the receiver that the conduct of the receiver shall be affected in some way by the bribe. It has been therefore held that a judge ought not to receive a gift from any person having a suit in court, notwithstanding there may be no agreement of a corrupt character such as is denounced by that statute. I think Lord Bacon was charged with having received gifts from suitors. But while there is no corrupt agreement between the railroad company and the attorney which would be dishonorable to either or which would compel the attorney to carry out the wishes of the railroad company, yet the attorney, just like the judge in the case which I have mentioned, is the recipient of benefits, of favors from the railroad company which might impair his impartiality in a matter of legislation in which the railroad company was interested.

Mr. EVARTS. Then it belongs under the head of bribery, as Lord Bacon's conduct came under the head of bribery. It is not necessary that there should be an agreement *inter partes* about it. The point is whether the relation is such that the action in the public capacity shall be influenced thereby.

Mr. GEORGE. Is it not absolutely improper for a judge to receive a gift from a suitor in his court although there may be no agreement, express or implied, that it shall affect the judge's action?

Mr. EVARTS. It is an executed contract when he receives the gift.

Mr. GEORGE. That does not answer the question. I ask if it is not equally improper for a judge to accept a valuable gift from a suitor having a cause pending in his court without any agreement as to whether he should be affected by the gift or not?

Mr. EVARTS. The point unquestionably is that you discriminate and punish and condemn a transaction that carries the nature of turpitude and influence, though there be a failure to show a deliberate and express contract to that effect. The act of a judge in his capacity receiving gifts from a suitor is in itself an official impropriety, whether or not it comes within the definition of bribery as affecting judges as described in one of the sections to which I have referred.

Mr. GEORGE. Suppose the judge should be so good a man and so pure a man as that he would not be influenced by it, is it not as matter of public policy for the security of the fair and due administration of public justice and to maintain the character of the courts, even in a case where the intent of the parties on both sides was entirely innocent—is it not an improper thing for a judge to receive a gift from a suitor?

Mr. EVARTS. Such an act undoubtedly has the denunciation of morals, and when it reaches the point of requiring to be redressed by public justice and it does not fall within proper regulation of criminal legislation, then it falls within the rule of impeachment.

Mr. GEORGE. Again, if the Senator will allow me, if that be true, as the Senator admits we are judges in a most important matter between the United States and these railroad companies, would not the very rule which he admits to be correct in reference to a judge sitting on the bench apply to a judge sitting in this Chamber or in the other end of the Capitol to determine the rights of parties before the American Congress?

Mr. EVARTS. I do not admit the correctness of the analogy, because there is not one word as to gift in this bill that is proposed by the Senator from Kentucky. There is not any relation of favor or gift about it, and subsequently in my discussion I shall point out that fallacy in the proposition.

Mr. GEORGE. But allow me here to say that while there is no gift in the matter, yet the employment of an attorney at a large salary is always such a favor on the part of the employer that it may affect the employé.

Mr. EVARTS. That I shall consider; but at this moment I ask the Senator if there is anything in the bill about a large fee or a general fee. I am not to discuss here questions of morals as to how this or that may be shaded into a corrupt or corruptible ingredient. I am talking about the bill as it reads, and there is nothing in it about gifts, and there is nothing in it about large and general retainers at all, nor is any general relation between attorneys or members of our profession with these railroad companies or anybody described. I am talking about the bill as it is, not as it might be, not as it might be made consonant, perhaps, with what all would appreciate as falling within the region of either denunciation or debate.

Mr. GEORGE. Now, if I am to understand the Senator as admitting that the tender by the railroad company and the acceptance by the attorney of a large fee would be objectionable, then I respectfully suggest that what would be large to one man would be small to another, and that as every one has his price, as Walpole said, some men have much more capacity to be influenced than others.

Mr. EVARTS. I have not admitted the proposition about the railroad attorneys; I have only admitted it about the judges, that such conduct on their part came within the range of impeachment or denunciation.

Mr. GEORGE. I understood the Senator to admit it by implication.

Mr. EVARTS. I said the bill did not attempt to go upon any such idea of gift or of criminal relation that carried it beyond the mere actual service employed, with no intent of any kind; but I have reserved that matter for more explicit determination when I come to take it up.

I think there is not a lawyer in or out of either House of Congress, nor any fair-minded man, whether he be connected with journalism or with the busy and common occupations of life, who would not pro-

nounce such an amendment as I have proposed here as a fit expression of the denunciation of the bill before this body, if it is to be included within the shade and the criminality of bribery; first, that the statute as it now reads covers every form of retainers, but carries under guise of honest and honorable relation a purpose that by its actual circumstances shall disclose or by accompanying evidence shall impart to it the ingredient of being done—and this is all that this clause requires—with the intent that it shall affect his decision or vote in this body.

There are two other crimes sections which are not embraced under this code as the heads are distributed in the Revised Statutes, and they are important, serious, and comprehensive regulations of members of Congress in regard to the matters which are there disposed of. They come under a general title of provisions applicable to several classes of officers, and these two criminal sections as I think ought to find their place under the title from which as I think I have already read of bribery, are put under a regulation of conduct, but they are crimes statutes and nothing else. I need not read these, though I shall ask that they be taken in the RECORD in full from the statute-book which is open before me.

The sections of the Revised Statutes referred to are as follows:

SEC. 1781. Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring, or aiding to procure, any contract, office, or place, from the Government or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his official capacity, or in his place as such member of Congress, shall be deemed guilty of a misdemeanor and shall be imprisoned not more than two years and fined not more than $10,000. And any such contract or agreement may, at the option of the President, be declared absolutely null and void; and any member of Congress or officer convicted of a violation of this section shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and be fined not more than $10,000, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

Mr. EVARTS. We are more familiar, I think, with reference to this debate with these two sections, because they are relied upon as a line and method of legislation that gives support to this additional and progressive feature which is the subject of the proposed act. Section 1781 provides that—

Every member of Congress, or any officer or agent of the Government, who directly or indirectly takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring or aiding to procure any contract, office, or place from the Government—

That is a sufficient description of that section. That is a crimes statute, clearly so, and it is a denunciation of an improper thing to be done. It is in its nature, in its quality improper to be done—the *corpus delicti*, in the nature of morals and of government. That is against brokerage on the part of members of Congress in obtaining the appointment of persons to office.

That is the nature of this legislation. It pursues very carefully every form and shape of this denunciation, and it provides that the member of Congress shall be imprisoned not more than two years, and fined not more than $10,000; that the contract may be declared null by the President of the United States at his option; and when a member of Congress or officer is convicted of a violation of the section he shall moreover be disqualified from holding any office of honor, profit, or trust under the Constitution of the United States. That is a crime. You can not alter its nature by putting it under a series of regulations that do not fall within that description. It is imprisonment and fine, a grave and weighty punishment, and the penal punishment to be excluded from the enjoyment of the common right of citizens of the United States in enjoying public place.

Mr. GEORGE. Still that was not legally equivalent to a crime until the act was passed.

Mr. EVARTS. It was not put in the shape of a criminal section, but it was criminal before in its nature, and it is punished for the reason that it is wrong.

Mr. GEORGE. That is, morally wrong, but not legally.

Mr. EVARTS. No; the act itself (we will not dispute about the word "criminal" in the sense of being written down in the crimes act) is a criminal thing.

Mr. GEORGE. I mean legally a violation of criminal law. That is what I mean by "criminal."

Mr. EVARTS. It was not a violation of criminal law until the criminal section was passed, and the bribery was not punishable before, but there is no interest in that equivocation on the meaning of what is written down to be punished, when it is in its nature wicked and corrupt, and is put into the statute book for punishment because it is a crime, and not one that is made a crime, and on its face is not a crime, against the duties and obligations of society or of Government.

Mr. GEORGE. Do you say as much for the statute which prohibits members of Congress from prosecuting claims against the United States?

Mr. EVARTS. I can not notice all these sections at once, but I shall not omit that when I come to expose the true nature of each of them. I now come to section 1782.

No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested—

That is the description of the misconduct, but the representation of the board or officer then follows—

before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever.

It will be observed that although the misconduct here denounced is so recognized in its character, whether it is made a subject of penal punishment or not, it is offensive to the interests of society and it is denounced and punished to guard against the misconduct. But I ask the attention of members of the Senate to the discrimination there made. It does not undertake, even in regard to these representations, to make it punishable for a member of either House to represent interests in the great and public courts of record of this country; it is only in these particular and limited administrative functions, as a court-martial is really the only one that comes up to a court in the least sense.

Mr. GEORGE. The Court of Claims is mentioned there, is it not?

Mr. EVARTS. It is, but not in the section I am now talking about. When I come to that I shall endeavor to adequately express and elucidate it. Leave out courts-martial and you have nothing of the public administration of justice in courts; it relates to department or bureau officers, civil, military, or naval commissions, or whatever. That is made punishable by the same grave and weighty denunciation, and the same consequence of losing employment.

In these two sections, whatever you may think of them as useful legislation—and about that I have no question, I have no reason to make any, certainly none in reference to my argument—the thing forbidden is itself a crime, and the form and manner of its punishment is the only question taken up by the National Legislature in passing those sections. It does not take up what is innocent, and denounce it and make it punishable as a crime, because some injury may be expected or may be feared by the influence even of innocent parties.

If it was desired that the offense described and made punishable in section 1782 should be extended to a representation by a member of Congress in the courts of the country at large, here is the place to put in that amendment; and that would be, after the enumeration of the places in which this representation or maintenance of interests is described, in this form:

Or before any public court or tribunal of justice of the United States, or of any State.

I do not now make any question as to whether it could be only lawfully or constitutionally confined to courts of the United States or not. Then it is seen you would place what was omitted from the representation in great and open courts of the country, an espousal by an advocate, an attorney, as you may please to call him, of the matters of which the United States was interested, the *corpus delicti* here being a matter in which the United States was concerned; and that was the crime and the mischief to be guarded against.

I have thus shown in regard to this crimes enactment that it does not undertake to turn upon the employment of members of either House in their ordinary avocations. It undertakes to deal with the subject-matter of criminality and of redress and prevention, and that is of undertaking to be themselves representatives of private interests in matters in which the United States is concerned. Therefore you can find no more in those two sections than in the bribery act any justification of the legislation that is now proposed.

I now come to the only other piece of legislation which affects the conduct of members of Congress in reference to their occupation and their relations of an improper kind that the law should regulate, and it is the law establishing the Court of Claims. The name of the title is "The Court of Claims: Organization and Sessions." The Court of Claims is then constituted, and what is it? It is a board with judicial function to audit and adjust and maintain, according to law and justice, claims against the United States; so that you do not need to find any special reasons for prohibiting members of Congress from practicing there. The existing act only needed to be applied to the Court of Claims, if it had been treated as a matter that really should be brought within the regulation of criminal law; but it did not need to be brought within the regulation of criminal law, nor did it need to trespass upon the private rights and interests of society, of members of any profes-

sion, or of members of either House of Congress except in the simple statement which I will read. After the complete organization of the court, section 1058 adds:

Members of either House of Congress shall not practice in the Court of Claims.

Is it necessary for me to give reasons why this is not a regulation of private conduct? It is a regulation of the constitution of the court itself, which on its face has for the defendant the United States. There is no litigation before the Court of Claims in which the United States is not a party presumptively, an actual party to the record and in the discussions. When matters are sent there they are sent by the will and order of the two Houses of Congress, conferring for special reasons a jurisdiction *pro hâc vice* in the matter thus referred.

It is impossible to raise an argument that the private conduct of members of society, the private conduct of members of the profession, or the private conduct of members of the two Houses of Congress is touched or affected by that provision. It is the subject-matter there that is the foundation of precluding members of Congress from practicing in that court. I venture to say that if that clause had not been in the law, no member of Congress would ever have practiced there. I can not conceive on what general principles you need to draw a line to enforce on the conscience and the sense of propriety of members of the Senate or of the other House the fact that the Court of Claims is in its whole arrangement and management of adjustments a court in which the United States is on one side and the claimants are on the other; and section 1058 precludes members of Congress from practicing not only for suitors there but for the United States. It is an arrangement of the court, and an eminently proper one. Congress did not need to denounce it by criminal legislation, and it is not accompanied with any denunciation or any punishment whatever. It is an element in the composition of the jurisdiction of the court, and it is, as we all know without any further insisting upon it, an auditing between suitors and the Government of the United States, the payment after judgments depending upon the action of Congress. For every reason, without any public exposition or elucidation of the nature of the court, that is all there is on the subject of the Court of Claims, and it, with the section I have read, is the only basis by which it is argued that this further step can be taken.

Mr. GEORGE. Does the Senator allude to the statute which prohibits members of Congress from being interested in contracts with the Government, which was cited by the Senator from Kentucky?

Mr. EVARTS. No; I have not read that section. It certainly does not go any further than sections 1781 and 1782.

Mr. GEORGE. It only prohibits members of Congress from being interested in any contract with the Government.

Mr. EVARTS. It certainly does not go any further than the sections I have read.

Mr. GEORGE. It is only valuable in the aspect that it is an instance in which Congress undertook to make criminal and to punish acts of members of Congress which before the passage of the law were perfectly innocent.

Mr. EVARTS. It does not approach as near this subject as the sections I have already adverted to, and it can carry no argument. It does not apply to any class of the members of the two Houses, which is denounced very properly and rests on the same reason that they are precluded from representing claims against the Government, and there is the same reason for punishing the engagement in them.

Mr. GEORGE. I desire to call the attention of the Senate and of the Senator to the fact that it is an instance of a statute passed by Congress for the regulation of members of Congress which prohibits the doing of things by members of Congress which in themselves before the passage of the act were perfectly innocent.

Mr. EVARTS. I think not.

Mr. GEORGE. And further, these acts being innocent, not contrary to law, they were prohibited not because a member of Congress could not perform his contract with the Government as well as anybody else, but because of the tendency of that sort of relation to the Government to influence improperly the member of Congress.

Mr. EVARTS. I should not at all agree with the Senator from Mississippi that the action was innocent before the statute was passed.

Mr. GEORGE. It was innocent so far as the law was concerned.

Mr. EVARTS. Now we are back to the old question as to whether a crime depends on punishment written down in the book. I have undertaken to draw the distinction. Nor was there in that motive nor in its treatment of that denunciation a recognition of the right of prohibiting because there would be an evil tendency that might escape into bad relations. The law relates to an act which in its terms and conduct and relations is not justifiable and should not be allowed.

Mr. GEORGE. The taking of a contract in which the Government is interested on one side by a member of Congress is not reprehensible in any point of view, except in the point that its tendency is to make him do wrong as a member of Congress.

Mr. EVARTS. It is not necessary for me to point out the distinction. In the first place, getting the contract is one thing. He has an advantage over the rest of the world in that, and he makes the contract with men who are in subordination to the action of the two Houses of Congress, and the whole relation is, from beginning to end, vicious and reprehensible.

Mr. GRAY. Will the Senator from New York allow me to make a suggestion in answer to the query of the Senator from Mississippi?

Mr. EVARTS. Certainly.

Mr. GRAY. I believe that in all systems of jurisprudence a contract by a trustee or by any one holding a fiduciary relation to others in respect to the matters of his trust is denounced as immoral and against public policy; I mean any contract by which the trustee is to be benefited. So when a member of Congress, who is a part of this Government, undertakes to make a contract with the Government he is in one sense contracting with himself, and is therefore obnoxious to the rule which would prohibit any one in the capacity or position of a trustee from undertaking to benefit by any such relation. It seems to me that the law which the Senator from Mississippi has alluded to comes clearly within the denunciation of that class of contract relations.

Mr. GEORGE. If the Senator from New York will allow me, I am very much obliged to the Senator from Delaware for calling my attention to the general rule of law about the contracts of trustees in relation to trust property. Those contracts are denounced, not because they are injurious to the trust property, for they may have been beneficial, but because of the tendency of such contracts to make the trustee act improperly. That is all there is in it. It is the tendency, and not the act itself, because if the contract was shown to be beneficial to the *cestui que* trust it would, nevertheless, be condemned by the law.

Mr. EVARTS. I do not need to either contradict or to discriminate between the propositions of the Senator from Mississippi and those that I have occasion to support in regard to the bill presented by the Senator from Kentucky, under discussion here, because I think he will agree that the relation of making contracts with the United States is quite as near making an influence on action in this body as this attorneys bill.

Mr. GEORGE. I myself believe that the contract law is a proper law, and I wish the Senator to understand that I believe the taking of a fee from a railroad company by a member of this body, until prohibited by law, is not only not wrong, but I see no objection to it whatever. It may be a highly honorable relation carried out in that way. So far as that is concerned, I do not want to be understood as saying that there is anything *malum in se* in taking the contract.

Mr. EVARTS. Then the Senator agrees with me on that point, although I can not agree with him that for Senators and Congressmen to make a contract with the Government is an innocent thing in itself.

What does this proposed act undertake to do? I will read it as originally presented and as it was referred to the Judiciary Committee:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter or any grant of lands or pecuniary aid from the United States.

And any person who violates it shall be punished. That is the crime. The Senator from Mississippi gives at least his countenance to the proposition that the act thus denounced is perfectly innocent in his own mind.

Mr. GEORGE. No man is condemned for taking that relation unless a law, which does not now exist, is passed on the subject.

Mr. EVARTS. Of course we know it is wrong to violate laws. Whether laws are good or bad, it is wrong to violate them. We all know that, and we know the difference between a law in criminal relation finding a crime and proceeding to punish it and a law finding a perfectly innocent relation and then turning it into a crime and punishing it by mere force of law.

The motives for passing this measure will be of course considered, and I shall have something to say about them; but in the conscience of men, in the intelligence of men, in the safety of society, in the freedom of our communities, in the great institutions which are the features of governments of justice, you never can get over the distinction between pursuing wrong and pursuing fraud and punishing it, and pursuing innocence and the ordinary freedom of citizens and punishing it by mere enactment of law. The distinction never can be dissimulated; it never can be disguised; and when as the first proposition you are criticising a new law you are to find that in the nature of things it is perfectly innocent and in the common right of the people of this country, that it belongs to them as a part of their innocent property; then the burden is upon those who find such a mischief, and such a motive, and such a necessity as will justify taking from common possession, common right, and common innocence, and denouncing them all as crimes to be punished by sending men to jail. How long does such a law last? It may grow into an enactment; timorous, agitated communities may resort to such legislation; but it never lasts long, and never is justified except upon that supreme and final necessity in overlooking the distinction between right and wrong.

Mr. GEORGE. That is all very true, but in the administration of justice, in the discharge of high functions of government which decide between man and man, the law is full of denunciations against acts which are in themselves perfectly innocent, but which are condemned solely on the ground of public policy, because if such acts were permit-

ted they might tend to corrupt the administration of justice. For instance, as I have said, you can not make a gift to a judge, you can not give a juror who is trying a case a drink of water or a piece of bread, not because it is criminal to give him a drink of water or a piece of bread, but because of its tendency to corrupt justice.

Mr. EVARTS. The difficulty, if the Senator will allow me to say it, is that he cites no instances which are innocent. They would be innocent if the man was not a judge, and they would be innocent if the man was not a juror, but he does not cite any case where it is innocent as towards the judge or innocent as towards the juror. It is an interference with the administration of justice in the panel that is to be guarded against approach of any kind, even a message from a dying wife, unless it goes through the channel of the court.

Mr. GEORGE. That is exactly what the friends of this bill say, that although the act itself may be innocent as between other parties, yet as this may affect the conduct of a member of Congress in the discharge of a high public duty in the administration of public justice, it ought to be condemned.

Mr. EVARTS. I shall proceed to consider, as I go on, what this proposed legislation does. It is entirely uncalled for. Every gentleman who has defended or espoused this proposed enactment has discarded at once any impression or any imputation that there now exists in this body or in the other House of Congress any practice or any relation that needs to be guarded against. Is it not the first duty of legislators, when a crimes act is to be enacted, especially when innocence is to be turned into crime, that there should be some controlling public interest which makes a supreme and subtending authority out of what otherwise would be intolerable oppression? Is it not understood that if you will find a similarity in the protection of the jury-box from any intrusion from any cause you find in the very seclusion of it the necessity for the suppression of this or that form of message to prevent intrusion in any form upon the seclusion of the panel?

This proposed legislation is wholly uncalled for. Nothing is occurring here, nothing is occurring in the other House of Congress, that in the least is supposed to require any such enactment. It is true the Senator from Arkansas [Mr. BERRY] has said, looking outside of this Chamber, imputing no such instances here, that there is—I use his own words—"a restless dissatisfaction or a vague fear." That is the nearest approach I have heard in the justification of this new legislation trespassing upon the line of the regulation of the conduct of Congressmen toward the action of Congress and the encroachment upon the liberty of citizens in the ordinary conduct of their affairs.

I have laid down all the citations from the statute book, and I had no intention of leaving out the provision about contracts with the Government which the Senator from Mississippi has very properly introduced into the matter. This measure is unprecedented by any of that legislation. I know that it is professed, and I know it may be felt that it is in some argumentative estimate and criterion of this new legislation, a step forward. If the existing legislative acts are based on the substantive and firm principle of actual delinquency and of actual danger in the service of the country, where do we find any warrant for a step that takes you entirely over the bound of dealing with innocent acts and dealing with the common conduct of members of society? There is the danger.

Is it enough for us to feel that there is a restless dissatisfaction and a vague fear? I do not speak with any disposition of disparaging public opinion even in the form of restless dissatisfaction and vague fear, but I do not find, and should not find if there were, in the minds and breasts of the members of this body or of the members of the House of Representatives what they could not define and solidify more clearly than "a restless dissatisfaction and vague fear." No measure has ever yet been passed in either House of Congress upon an opinion even in the members of the two Houses that there was in their own minds a restless dissatisfaction or a vague fear. They must find a substantial dissatisfaction and a sincere, and thorough, and sensible fear.

But conversant with what is occurring in the business of the country as it is committed to the two Houses of Congress, conversant with the members as surrounding us under the delegation of their respective States, the representation in the other House coming directly from the suffrage of the people in their respective districts, if our own judgment does not face us with any impending danger or any threatened or meditated mischief, there is not any reason why we should excuse our sober judgment which would direct us one way and accept as a basis for legislation a restless dissatisfaction and a vague fear somewhere else.

If the members of society who feel this restless dissatisfaction and this vague fear would devote their own attention and acquire the same knowledge that we possess on the subject, the same estimate of the mischief and the same estimate of the gravity of the enactment, I will venture to say that brought into conference among themselves and applying their own judgment to a deliberate discrimination and assertion of what they would insist upon, it would end in denouncing the bill presented by the Senator from Kentucky, and they would be entirely satisfied with the provision included in the amendment of the Senator from Delaware [Mr. SAULSBURY].

I do not undertake to draw distinctions between the capacities or the integrity of those who are members of Congress and those who are not, and who are each in their own functions, each in their particular addiction, animating and influencing public opinion; but we can not part with our function, although they may with energy, with courage and intelligence, judge that there is need of legislative interference. It is our energy, our intelligence, and our courage that is to deal with the matter of placing on the statute-book of the United States a permanent inscription of law.

Besides this measure being entirely uncalled for and entirely unprecedented, it is entirely illusory. There is not any sensible, intelligent man in Congress or out of Congress who fears a corruption or a tendency to corruption that shall subject the free, unbiased action of members of Congress to the subjugation of the relation between attorney and client. There is not any man but who will say and will see that if there be corrupt desire on the part of any members of Congress or any lawyers, if they are to be treated in a more disparaging light as members of either body of Congress, or as the corrupting agents or the corrupting motives of the vast interests that touch the relations between great corporations, land grant or not land grant, so as to affect members of Congress in their action here, what a libel is such a bill as this, as if the open, and solid, and just, and right occasion by which the relations between client and lawyer should be established being denounced it would be a suppression of the "itching palm" of Senators or the extinction of the corrupting power of Senators. If you enter upon this legislation you must produce a situation of general opinion at least, to be accepted and acted upon here, that the body of lawyers are in the nature of their employment a disgraced body, a body of habitual criminals. There is the terror of this thing. Is it true that servility is the badge of all our functions? If we are to accept that attitude put on us, if we are ready to write as on frontlets between our eyes, servility as the badge, then indeed we can see that this act proposed does not rest on "restless dissatisfaction" or "vague fear," but that we are a recognized and described body of fellow-citizens who are to be followed by punitive legislation wherever we go.

Mr. BECK. Mr. President, I do not like to disturb the Senator from New York in his debate, but he is an old lawyer and it will not hurt him. Will he be kind enough to tell the Senate and the country wherein the substitute offered by the Judiciary Committee is an improvement on the bill I presented?

Mr. EVARTS. Certainly the Senator from Kentucky does not wish to interrupt me at this moment. I expect to consider that point when I take up the amendment, which I have not yet approached.

Mr. BECK. I did not wish to interrupt the Senator at any particular time, but he has seen fit as a member of the Judiciary Committee to make by a substitute any attack that we may assume to have been made on the legal profession infinitely worse than anything I ever ventured to suggest, and I want him to tell the Senate and the country, whenever he likes to do so, how far he has improved the measure I introduced by his substitute?

Mr. EVARTS. If the Senator from Kentucky had done me the honor to listen to my argument to-day he would not have had occasion to suppose that I imputed to him for one moment any motive or any purpose. Whatever I said about the bill in the aspect that I am now regarding it, which has recently engaged my attention, and but for a few minutes, is on the face of the section as pointed by the observations of the Senator from Mississippi; that this was all innocent conduct in itself, but that it was to be guarded against, because it had an opening and an opportunity for fraud and mischief.

Mr. BECK. Then I have to apologize to the Senator, because being a member of the Committee on Appropriations, and a member of the subcomittee having charge of the post-office appropriation bill, and the committee having met in full committee at half past 2, I was obliged to go out and to take part in seeking to perfect that bill; and so I missed a part of what the Senator said. I ought not to have interrupted him, having lost part of it.

Mr. EVARTS. The Senator from Kentucky will do me the credit of saying that neither in my manner nor in my observation did I show the least objection to his withdrawal from the Senate. I knew of his engagement, and I gave it as a reason why when in the order of my argument I should come to the topic to which he draws my attention it would then be in my way to consider it. I do not think any member of the two Houses of Congress will deny, I do not think that any vigilant critic and observer of public duty will deny that if there be a corrupt purpose and a corrupt wish on the side corrupting or on the side of the corrupted member, it is wholly illusory, and that is the topic with which I have engaged myself, and I shall dismiss it.

Mr. President, I shall enter on no encomium of the profession of the law. There is no other collection of men where there is so large a proportion of those who understand their profession, understand themselves, understand their relations to clients and the relations of clients to them. So if we do inscribe this enactment upon the permanent statute-book of the United States it will have been written by lawyers and about lawyers, and they can not escape the imputation of those who join in it that in their judgment, from what they know of lawyers and know of the relations between clients and lawyers, it is a class to be taken out from the rest of the community and separated from other members of the two Houses of Congress and reserved from

the honorable and innocent conduct of their profession for fear that they may be drawn over the line of their duty. The Senator from Maryland [Mr. WILSON], I think it was, who said that this enactment would be a wise and judicious admonition to the bar and a safeguard to them against being overtaken in some unwary moment by an undue subserviency to the influence of corporations. Another form of expression used by, I think, both the Senator from Maryland and the Senator from Arkansas, and certainly the Senator from Kentucky used the phrase, was of lawyers coming into the Senate with their clients' money in their pockets. Whose money is in their pockets in the innocent relations of attorneyship and great service by a great and noble profession to the needs of the community which was demanded in every form of their necessity and their danger and never denied to them? Will not the people of this country know what the lawyers are? And can any relation ever be more sacred than theirs because of the very honesty, the very fidelity, the very prudence, the very sanctity of their profession?

You may rely upon it that when a lawyer takes a fee from a land-grant railroad, or a company incorporated under the United States laws, that it is not of the true relation between attorney and client of honest compensation, of fair compensation, then he is on the very edge of taking, under the guise of compensation, what is denounced and is punishable, and is capable of punishment, under the bribery section of the statute. It is not less a bribery of the Senator from any State that, not occupying the relation of a lawyer giving service for a compensation, he takes the compensation without the service, and then appears in the Senate as a votary or a defender of wrong. He brings himself within the denunciation of bribery, taking, under the guise of compensation, what is no compensation for the lawyer's service, but is a payment under a shadow or an expectation or a fear that the corporation is buying something that is not matter of merchandise; that is the sale of a public trust.

But I repudiate the notion that when a lawyer has in his pocket the money that he has earned and received from his client, it is the client's money in the lawyer's pocket. What is it? Do we consider that the grocer, the butcher, or the baker, when he has his bill paid at the end of the month, goes about with his patron's money in his pocket? Then we go about with their bread and their beef in our health and our strength. Therefore my quarrel—if the Senator will allow me to say—is his talking about one thing and my talking about another. I am speaking of that which is dear to the rights of every lawyer in the interest of his client and in the interest of society; and not only for his own profession, but for all the employments of life. I contend that citizenship is not to be impinged upon because honest employment may lead to criminality. Shall we suppress the apothecary shop because poison is dealt out there? We punish for administering poison; but we do not say that the keeping of a shop for the sale of medical means of cure is to be prohibited because it is a cover for the sale of poison. We do not pass laws of that kind in the United States jurisdiction, not in the States, nor do the freer states of Europe. We long got out of that system by which a tyranny by terror and fear, moral and real, is set up for the control of actions by *in terrorem* legislation.

Mr. President, nothing that has been said here, on one side or the other, will in the least affect the judgment of lawyers about themselves, or of the community about lawyers. I will put it to any community, rural or city, if the lawyers have not the confidence of the community. They know that the lawyers know all their affairs, and I believe it is a general proposition that this widely diffused profession of the law in this great country, sooner or later, in its own neighborhoods, knows, under the confidence and trust reposed in it, all that may be hid and should be hid for the interests of society. But do lawyers see themselves under that guise and in that form in the attitude of hostility to the general interests of society? Every State in the Union, I imagine, certainly the great State that I have the honor, with my colleague, to represent, provides, in the interests of the administration of justice, which Burke has eloquently described as the main interest of all society, that the lawyer shall not be allowed to disclose anything that has passed in confidence between himself and client. Why is it?

We lawyers no less than the judges are servants of the law, and the primary and principal and essential duty is in the integrity and the intrepidity of the bar. Where is innocence defended? Where is power resisted? Certainly not by judges who originate and assume no jurisdiction, but in the courage and intrepidity of the profession of the law; and as I have said, strange as it may seem, this vestibule leading into the courts of justice must protect the relation between client and lawyer, because it is the first stage of the perfect administration of justice and the first department of the execution and maintenance of law.

So then, as I said, not as an encomium upon the profession of the law, those of us who have advanced in that profession to the dignity either of mere professional success or of prominence in public interest and in the public approval of the communities in which we live—and none else are here—know what lawyers are, and know whether there is anything in the history, or in the nature, or in the workings of the profession of the law that needs them to be set up and guarded, not by punishing them if they do wrong, but by punishing them for doing what is innocent and right, because there may be opportunities of cover and disguise to do wrong.

Mr. President, there is another suggestion in maintenance of this provision, unconnected with any question of morals. It has been insisted upon here that as lawyers, in common with other members of the two Houses, are paid $5,000 a year, they should withdraw from attention to anything but their business in the Senate and in the House of Representatives. Well, do railroad retainers draw men in that sense out of the Senate any more than commerce? If you are going to propose a bill applying to lawyers, if you think there is a difference between lawyers and other members of the body, for attending to their private interests and pursuits, make the distinction or apply it to all, and pass a law, not that they shall not take a fee from a railroad company, but that they shall not take a fee at all; that they shall not, between the 1st day of January and the 31st day of December, have their minds and thoughts and strength subtracted from the duties of the Senate.

This bill is not of that nature; and the proper place for such a provision is an amendment to the Constitution, a provision for compensation of the members of the two Houses of Congress. Put it there, $5,000 a year, and no one shall be at liberty during his membership of the body to pursue any individual trade, business, art, profession, or occupation. Then you would have it; then it would not be an aspersion of a great profession, nor would there be as great an aspersion of the great bodies of Congress; then with our eyes open we should know that all gain of merchandise, and of commerce, and of the liberal professions in all their forms was to be excluded from the means of subsistence.

How does the argument that we shall not be withdrawn from this body while in session apply to the eight or nine months from the 4th of March to the 1st of December next? Are we to be idle then?

Before I take up the next topic, which will be the constitutionality of this bill, I wish to call not the attention of the Senate, for it is well known to them, but the attention of those who shall do us the honor to consider our debates in the community at large, to the fact that not only have we firm and certain provisions of criminal law already on the statute-book, not only have we the clauses of the Constitution which give a dominion over all the members of the two Houses in the respective exercise of power by each House over the continuance and over the conduct of members, but we have recognized as a part of the parliamentary law which no one has ever disputed, what seems to be as thorough and as clear a recognition that it is regarded by this body, as no doubt by the House of Representatives, as a clear violation of propriety and of duty for a member to take part in any decision that affects the private interests of the member. Let me read from Jefferson's Manual:

> Where the private interests of a member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to.

Where will you find a more rigid rule of morality, of decency, of the principles of the social compact? You can not find an instance of a parliamentary body, a house of bishops, any confederacy of the highest repute and honor in the world, that from immemorial usage has not adhered to the position which I have read. Is it not true now? Has it died out? Do we need criminal enactments, not against criminal conduct, but against freedom of action lest it should involve a contrariety or a diversity with duty. Now, duty to the country, duty to this Senate is the law that prevails here. We are not to be taunted with a need of obeying two masters. We can obey as our master the administration of the law when we are in fact in the attitude of servants of the law serving the needs of our clients and the court, and here we have our subservience to our duty to the country and the Senate under as rigorous a rule of demeanor as can be made by human ingenuity. And are we serving two masters when we serve the dignity of the law and the protection of the community in the courts, and when we protect them here also in the interest and the duty of a Senator of the United States to our constituents?

Away, then, with this plea! It is all a mere confusion of words and ideas. People are talking about one thing and denouncing it. We are defending another. What is this legislation? What is a corporation? What are these safeguards, and what are the mischiefs that are apprehended? It is in vain to think there can be any difference between the lawyers on the other side of this gangway and the lawyers on this if we inscribe this law. When we look to-morrow or another year for this notion of your apprehended dissatisfaction or vague fear, what answer have we to make to other professions and to the community outside of these Chambers that we with our own hands have inscribed this imputation, covering with shame with one breath this honorable profession and the dignity and glory of the Senate? Whatever may be the debate here, whatever may be the debate, the resistless debate, outside of the two Houses of Congress, it is we who will have written this inscription that servility is the badge of all our profession, and each one must answer for his own profession, for it can not be disguised that there is a feeling that induces men to exclaim *absque*

argento omnia vana. Outside apprehensions and vague fears do not protect us when we bring face to face this action and the lawyers and are asked where we found the ground for a denunciation of this class among all the learned professions that they can not be trusted to decide between what is good and what is evil, submitting to the law to punish guilt, but expecting the protection of the law given to all men in what is innocent.

Now, I come to dispose of the question of constitutionality. The Senator from Alabama [Mr. MORGAN] has exposed to the Senate what is the nature, what is the discrimination which I draw between the legislative acts that are now on the statute-book and this proposed legislation. We shall all agree that the only criminal jurisdiction of the United States is over legislation where it has control of the subject-matter. Whenever you approach a specific species of conduct before you can exercise your criminal control in punishment you must find that that subject-matter is committed to you. In every one of the sections that I have cited I have found that it is attributed to the United States jurisdiction in its criminal jurisprudence because of the necessity of it in the conduct and attitude of the action of the members of the two Houses, that the very matter is one that does touch upon it. Whenever you find that the *corpus delicti* is not adhering to the line of Federal jurisdiction it is an invasion and should be considered a very dangerous invasion either of the rights of the States or the rights of members that are not governed except by the regulation of the two Houses.

Where is the constitutional provision that gives the least jurisdiction to the United States here? It is quite true that we are members of the Senate; it is quite true that we are, in our relation as members of the legal profession, entirely outside the Federal jurisdiction at all, and that there is no part of our conduct as members of our profession that can come within the criminal jurisdiction of the United States for its far-reaching power. There is no such authority. There are many instances, we all know, where lawyers are brought within the jurisdiction of the criminal jurisprudence of the United States because the subject-matter is within the sphere of that jurisdiction. But this bill says:

> That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States.

We are restrained from any jurisdiction of this criminal legislation as any other members of Congress, unless you make an exception of some kind to bring us within the Federal jurisdiction. Where is it? Do you find it in a statute relative to accepting bribes or engaging in furthering claims against the United States in the Court of Claims?

The very issue of this subject-matter is that you are prescribing regulation and punishment for the conduct of individual members of this body in their every-day duties and employments and honest and honorable avocations. How is it connected with their Senatorial duties? Because their conduct is invaded and controled and domineered over by Federal legislation, either because of requiring other qualifications in Senators than the Constitution has imposed or as restricting the ordinary and common rights of the community in regard to the particular services of lawyers, because if they are improperly in such employment there is an opportunity of proving crime under the existing statutes, but this is because of a suspicion that they might commit some impropriety!

The Senator from Kentucky asked me how the amendment reported by the Committee on the Judiciary had improved the bill's denunciation of lawyers. It has not improved his bill at all, but it has admitted the logic of his bill and applied it discreetly and decorously and logically to other employments, and that wound that the amendment of the Committee on the Judiciary has given to the bill has troubled the Senator from Kentucky. It has taken his logic and reduced it to an absurdity. The Senator denounced it as bringing ridicule and contempt on the profession. He even questioned the good taste of the members of the Judiciary Committee. Now you may read every clause here, and I defy him and challenge him to say that there is a clause here which is not according to the logic of his bill. I do not think any distinction can be made in regard to some of these matters, nothing can be drawn in the way of distinction between the principle of the measure as it came from the hands of the Senator from Kentucky except that you may say there is not any such occasion and is not any complaint, any restless apprehension about the other classes named in the amendment. I challenge the Senator to show the difference between any one of the clauses the Judiciary Committee has appended to that first clause to distinguish it from the operation of the first one except that there is some fear that somebody may think we may go too far in the ramifications of the principle of the Senator's bill.

Mr. President, I do not know any more how we can be governed by fear. I believe that a Government of fear is the worst Government in the world. It costs nothing to govern by fear. Fear is a base motive that makes cowards of all. Some may be afraid that if they do not persevere with energy against railroads, in the way of aspersion if not of restriction, they may suffer in the estimation of their falling short of duty. Others may fear that as some Senators think necessity and duty impel them, although they cannot be driven to do the act, yet they will be misjudged if they fail to respond to this call for action. From these two fears, one of active impulse and one of cowardly retreat, we are to have a bill passed when no justification for it is shown, and that is a violation of common propriety. If from the wise steps already taken by the sections I have cited from the statutes you can deduce the power to pass this bill, overlooking the discrimination I have pointed out, I should like to know why you can not argue from this bill when it becomes a law to any and every extent of dominion over private duty and conduct of members.

Why should we stop at lawyers? Why should we not include those who are in manufactures, and those who are in commerce, and those who are managing railroads, and those who own stock, and those who are interested in bonds? Where can you draw the line between the power and duty of criminal legislation by this Government and the private security and protection in honest employment of those who do not violate the rules of law or of justice?

Let us look at the operation of this limitation, this encroachment upon the freedom of the suffrage and the freedom of the representative. There are to be found in our Constitution firm lines that make this a free country. How? Because its function and law, the supreme law of the Constitution dominates over it, and then there can come into existence no other mode of dealing with rights except the law, and that law should be obedient to the laws of God and the rules of the Constitution. When you have laid down the proposition on which the constitutions of these two Houses are founded within the brief pages of the Constitution of the United States, you have said all and everything that can touch the question of the freedom of eligibility and the freedom of action; and if you can disparage this or that class from being open on the same terms with all others to the selection of the suffrage and to independence after coming here, then you have the beginning in principle, in mischief, and in danger of encroachment on the freedom of the suffrage and the independence of the judiciary.

Now, let me call attention to the energy and the perspicacity and the circumspection with which these two Houses of Congress are recognized in two sections of the Constitution of the United States in the establishment of these two great bodies resting upon free suffrage and how they are limited. There is a clause in the constitution of New York, solemn and formal (and in how many other States I do not know), and it is a proper arrangement in the view and purpose of that State in which they were obliged to legislate in the shape of constitutional clauses, and the tribunal that judges of the elections of Senators has determined that this was an encroachment on the firm, clear, absolute freedom in the mode of filling these chairs which was not to be encroached upon even by wise and politic and prudent arrangements in the constitutions of the States. I read from the constitution of the State of New York:

> No member of the Legislature shall receive any civil appointment within this State, or to the Senate of the United States, from the governor, the governor and senate, or from the Legislature during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

And yet when the Legislature meets in the State of New York to choose a Senator, under the instruction from the determination of this body that that is foreign to the freedom of the Senate established by the Constitution, it may pay no attention to this clause of its State constitution. I do not know that anybody has ever been elected who came within that regulation, but I know that several times votes have been cast for such persons without any hesitation.

Then, Mr. President, to conclude, I must think that a proper examination of this bill will show that it is entirely uncalled for, that it is unprecedented, that it is illusory, that it is unconstitutional; and that to restrict our employment, unless we come within the inculpation of the criminal legislation of the Government of the United States, based on its jurisdiction from connection with our duty in Congress in reference to what is binding and what is a part of the action of the United States Government, is, as I have said, entirely unconstitutional.

If we wish to denounce permanently all general engagements which enlist the lawyer in the general service of one of these corporations, let that legislation exclude those occupying that relation from participating in the votes or decisions before the Senate. If you think it important for the public interest that that should be prescribed, let them prescribe that, for it will not offend the sense of freedom or of morality by classifying such an agreement as is specified as being in itself an adequate and suitable reason for infringing the proper freedom of action, that the Senator from Delaware [Mr. SAULSBURY] has offered. Do not allow any vague fear, any restless general apprehensions, to carry us beyond any necessary exaction or constraint on the ordinary freedom of citizens.

I have endeavored to bring attention to existing legislation and to the very features which distinguish this bill from that. I have endeavored to point out a transgression of the primary principles of legislation in a free country which is to suppress innocence and not to guard against danger of corruption, and I have pointed out that if we enact this measure it will be our own accusation, our accusation of the Senate, and our accusation of our profession, and then when we look for

vouchers or instigators of these imputations outside of this Chamber, we shall find nobody that will take the responsibility.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to return to the House the message announcing that the House had agreed to the amendment of the Senate to the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt.

The message also announced that the House had passed the bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes, with an amendment; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10203) to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor; and it was thereupon signed by the President *pro tempore*.

HENRIETTA M. DRUM HUNT.

Mr. HOAR. I move that the bill mentioned by the House in the message, House bill 8869, be returned in compliance with the request of the House of Representatives.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. BLAIR submitted three amendments intended to be proposed by him to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, to report it with amendments, and I give notice that I shall call it up at an early day.

PUBLIC BUILDING AT OWENSBOROUGH, KY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes, which was in section 1, line 20, after the word "therein," to insert:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $50,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys.

The amendment was concurred in.

HOURS OF SITTING.

Mr. CALL submitted the following resolution for consideration; which was ordered to be printed:

Resolved, That, for the remainder of the session, the Senate will convene at 11 o'clock a. m. and, with a recess of one hour, will continue in session until 9 p. m.

Mr. MILLER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 4, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 3d day of February, 1887.

POSTMASTERS.

Robinson M. Jones, to be postmaster at Chico, Butte County, California, *vice* Jo Davis Sproul, resigned.

George C. Middlebrook, to be postmaster at Millbank, Grant County, Territory of Dakota, *vice* Alfred H. Lewis, whose commission expires February 5, 1887.

August E. Kammerer, to be postmaster at Beardstown, Cass County, Illinois, *vice* Norman Parsons, whose commission expires February 12, 1887.

A. M. McPherson, to be postmaster at Galena, Cherokee County, Kansas, the office having become Presidential.

James A. Ballinger, to be postmaster at Machias, Washington County, Maine, the office having become Presidential.

George H. Snowman, to be postmaster at Bucksport, Hancock County, Maine, *vice* Alfred L. Skinner, whose commission expires February 5, 1887.

Lawrence Reade, to be postmaster at Woburn, Middlesex County, Massachusetts, *vice* William T. Grammer, commission expired.

Maria S. Hewlett, to be postmaster at Jonesville, Hillsdale County, Michigan, *vice* Jane S. Sinclair, removed.

Joseph H. Kilbourne, to be postmaster at Big Rapids, Mecosta County, Michigan, whose commission expires February 7, 1887.

William A. Wheeler, to be postmaster at Atkinson, Holt County, Nebraska, the office having become Presidential.

Daniel B. Smith, to be postmaster at Mount Holly, Burlington County, New Jersey, *vice* Jacob F. Laumaster, whose commission expires February 27, 1887.

William G. Brading, to be postmaster at Gallipolis, Gallia County, Ohio, *vice* Samuel F. Neal, whose commission expires February 5, 1887.

Frank E. Rich, to be postmaster at Westerly, Washington County, Rhode Island, *vice* Eugene B. Pendleton, whose commission expires February 19, 1887.

Du Bose Egleston, to be postmaster at Winnsborough, Fairfield County, South Carolina, *vice* Du Bose Egleston, whose commission expires March 2, 1887.

E. J. Higgins, to be postmaster at Ackley, Hardin County, Iowa, *vice* William Francis, whose commission expires February 7, 1887.

L. P. Bowes, to be postmaster at Eldora, Hardin County, Iowa, *vice* Marcus W. Moir, whose commission expires February 5, 1887.

Edward Sorin, to be postmaster at Notre Dame, Saint Joseph County, Indiana, *vice* Edward Sorin, whose commission expires February 15, 1887.

John H. Cushenberry, to be postmaster at Girard, Crawford County, Kansas, *vice* Elias A. Wasser, whose commission expires February 5, 1887.

Jesse White, to be postmaster at Wiscasset, Lincoln County, Maine, *vice* Isaac H. Coffin, whose commission expires February 5, 1887.

John S. Fay, to be postmaster at Marlborough, Middlesex County, Massachusetts, whose commission expires February 5, 1887.

Howard M. Church, to be postmaster at Holly, Oakland County, Michigan, *vice* David Hobart, commission expired.

Charles Cowan, to be postmaster at Ovid, Clinton County, Michigan, *vice* Lewis C. Mead, whose commission expired January 29, 1887.

William W. Joyner, to be postmaster at Flint, Genesee County, Michigan, *vice* Francis H. Rankin, whose commission expires February 24, 1887.

Joseph M. Frisbie, to be postmaster at Saint John's, Clinton County, Michigan, *vice* George A. Wells, whose commission expires February 19, 1887.

Andrew W. Bingham, to be postmaster at Littleton, Grafton County, New Hampshire, *vice* Phineas R. Goold, whose commission expires February 5, 1887.

George W. Paul, to be postmaster at Claremont, Sullivan County, New Hampshire, *vice* John M. Whipple, whose commission expires February 19, 1887.

John S. Ellen, to be postmaster at Willoughby, Lake County, Ohio, *vice* George S. Eddy, whose commission expired January 13, 1887.

George Perritte, to be postmaster at Cannonsburg, Washington County, Pennsylvania, *vice* Jane Martin, deceased.

Nathaniel Brady, to be postmaster at Beaufort, Beaufort County, South Carolina, *vice* Philip E. Ezekiel, whose commission expires February 15, 1887.

Sylvester N. Clark, to be postmaster at Cleburne, Johnson County, Texas, *vice* Sylvester N. Clark, commission expired.

SURVEYOR-GENERAL.

Calhoun Fluker, of Clinton, La., to be surveyor-general of Louisiana, *vice* Benjamin F. Ledbetter, deceased.

UNITED STATES CONSUL.

Judson S. Farrar, of Mount Clemens, Mich., to be consul of the United States at Port Sarnia, to fill a vacancy.

For promotion in the Army.

ORDNANCE DEPARTMENT.

Lieut. Col. James M. Whittemore, to be colonel, January 3, 1887, *vice* McAllister, deceased.

Maj. Francis H. Parker, to be lieutenant-colonel, January 3, 1887, *vice* Whittemore, promoted.

Capt. John A. Kress, to be major, January 3, 1887, *vice* Parker, promoted.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 3, 1887.

The House met at 12 o'clock m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read.

Mr. LONG. Mr. Speaker, my colleague, Mr. DAVIS, of Massachusetts, by way of a correction of the Journal, perhaps, desires to have it stated that with reference to the report of the Committee on Commerce on the bill H. R. 10347, in relation to the boundaries of the fourth collection district of Virginia, he dissented from the report made by the majority of the committee, and asks consent to file the views of the minority.

The SPEAKER. The statement of the gentleman from Massachusetts will go into the RECORD; and if there be no objection the gentleman's colleague will be permitted to file his views dissenting from the report of the committee hereafter.

The Journal was then approved.

ESTIMATES, CIVIL SERVICE COMMISSION.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the estimates of the Civil Service Commission for appropriations for additional force for the fiscal year ending June 30, 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

METROPOLITAN RAILROAD COMPANY.

The SPEAKER also laid before the House a report of the receipts and expenditures of the Metropolitan Railroad Company of Washington, in the District of Columbia, for the fiscal year ending June 30, 1886; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ADDITIONAL COPY OF ENGROSSED BILL.

The SPEAKER also directed the reading of the following communication from the Senate:

IN THE SENATE OF THE UNITED STATES, *February* 2, 1887.

Ordered, That the Secretary be directed to furnish the House of Representatives, in compliance with their request, a duplicate engrossed copy of the bill (S. 2172) restoring to the United States certain lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes.

The SPEAKER. If there be no objection the Clerk of the House will be directed to re-engross the bill so as to include the amendments adopted by the House, and make the proper official indorsements upon the same, and again inform the Senate of the action of the House thereupon.

Mr. RANDALL. This is the bill which was lost during the recess?

The SPEAKER. The Chair will state that this is a bill which passed the Senate and came to the House, where it was amended by agreeing to a substitute for the bill. Thereupon a committee of conference was appointed, but before their report was made the original engrossed copy of the bill was lost or mislaid.

The Senate has now transferred to the House another engrossed copy of the bill as it passed that body originally, and the order suggested by the Chair is to cause it to be engrossed as it passed the House and return it to the Senate in that form.

Mr. RANDALL. That would be the final engrossment of the bill as it passed the House?

The SPEAKER. It would.

There being no objection, the bill was ordered to be re-engrossed as amended and transmitted to the Senate.

MRS. HENRIETTA M. DRUM HUNT.

The SPEAKER announced as the managers on the part of the House at a conference to be held on the disagreeing votes of the two Houses on the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt, Mr. SCOTT, Mr. ELDREDGE, and Mr. ZACH. TAYLOR.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WAKEFIELD, for one week, on account of sickness in his family.

EXPLANATION.

Mr. OATES. Mr. Speaker, on yesterday while the bill with reference to Congressional funerals was under consideration I made a statement upon information which I had then, in which perhaps I did injustice to certain gentlemen who were appointed upon a committee not long since to attend the funeral of a deceased member. I used the following language:

During this present session, if I am correctly informed, a committee was appointed to attend the funeral of one of our members (a gentleman for whom I had great respect and whose memory I revere), and the members of that committee, on account of the great distance, the inclemency of the weather, and the inconvenience of leaving their business here, actually declined to go.

I am informed, sir, that the reason why that committee failed to attend the funeral was not as I stated, but from an intimate knowledge they had obtained of the well-known opposition of the deceased member during his lifetime, and I refer to my friend, the late lamented Mr. PRICE, of Wisconsin, to Congressional funeral committees. I deem it but just to the gentlemen on that committee to make this explanatory statement.

Mr. CASWELL. Allow me, Mr. Speaker, to add in this connection that it was ascertained the funeral would occur before the committee could reach the place of holding it. I will also add at the suggestion of my colleague upon the committee [Mr. LA FOLLETTE], that they were prepared and had all arrangements made to go to attend the funeral until this discovery was made.

PUBLIC BUILDING AT OWENSBOROUGH, KY.

Mr. LAFFOON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 1536) and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase suitable grounds in the city of Owensborough, in the State of Kentucky, and cause to be erected thereon a suitable public building, with a fire-proof vault extending to each story, for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city. The cost of the site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed $50,000: *Provided*, That no money appropriated for this purpose shall be available until a valid title to the grounds for said building shall be vested in the United States, nor until the State of Kentucky shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil processes therein.

SEC. 2. That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended in the purchase of said grounds and the erection of said building.

The committee recommend the following amendment to the Senate bill:

After the word "therein," at the end of section 1, add the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $50,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RANDALL. I desire to ask whether the House Committee on Public Buildings and Grounds had this bill under consideration and reported thereon?

Mr. LAFFOON. Yes, sir.

Mr. BURROWS. What is the population of this place?

Mr. LAFFOON. Fifteen thousand.

Mr. BURROWS. Are there United States courts there?

Mr. LAFFOON. No, sir. There is not a United States court within 150 miles of that place; but we want one, and can not have it without a public building.

Mr. BURROWS. The gentleman says the population is 15,000 and there is no United States court there. What is the public building to be used for?

Mr. LAFFOON. For the post-office, United States collector's office, United States commissioner's office, and for other Federal offices in that city.

Mr. BURROWS. I would like to make an inquiry of the Committee on Public Buildings and Grounds. I have had a bill referred to that committee for constructing a public building in my city where the population is 20,000, and where there is a United States commissioner and all the offices mentioned here. Why has not that bill been reported?

Mr. JAMES. The committee will get to that bill in good time.

Mr. LAFFOON. The bill of the gentleman from Michigan will no doubt come out all right.

Mr. BURROWS. I would like to know on what principle the committee is acting.

Mr. TAULBEE. Wait till we get this bill through.

Mr. BURROWS. I shall not object to this bill; but I desire to have my bill reported.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was adopted.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LAFFOON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STORM. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported a bill (H. R. 11028) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. HOLMAN. I ask leave to present hereafter the report in writing required by the rules.

There was no objection, and the report was ordered to be printed, when filed.

Mr. MILLS. I reserve all points of order on the bill.

FRENCH SPOLIATION CLAIMS.

Mr. TUCKER, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (S. 3052) to extend the time for filing claims in the Court or Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ROGERS, from the Committee on the Judiciary, reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 10209) to enable the people to name their postmasters;

A bill (H. R. 10150) to amend section 714 of the Revised Statutes of the United States;

A bill (H. R. 10386) for the redistribution of unclaimed money in bankrupt and receivers' estates; and

A bill (H. R. 10997) to amend section 9 of chapter 341 of the United States Statutes at Large, volume 23.

Mr. ROGERS, from the Committee on the Judiciary, also reported back with an adverse recommendation the bill (H. R. 10695) to regulate the prosecutions against Indians for crimes committed in the Territories.

Mr. SPRINGER. I desire that this bill shall go on the House Calendar.

The bill was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. HAMMOND, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 10003) to amend section 3220 of the Revised Statutes; which was laid on the table, and the accompanying report ordered to be printed.

Mr. EDEN, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 10519) relating to limitations in criminal cases; which was laid on the table, and the accompanying report ordered to be printed.

S. D. BARCLAY AND OTHERS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 10794) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ELLSBERRY (by Mr. LOVERING), from the Committee on Invalid Pensions, reported back with an adverse recommendation bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 9963) granting a pension to Jacob Crosly; and

A bill (H. R. 9580) granting a pension to C. H. McWethy.

ELIZABETH RICE.

Mr. ELDREDGE, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 2216) for the relief of Mrs. Elizabeth Rice; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ELDREDGE, from the Committee on Pensions, also reported back with an adverse recommendation the bill (H. R. 10764) granting pensions to the dependent relatives of the members of the Life-Saving Service who were lost at Virginia Beach January 8, 1887.

Mr. BUCHANAN. I ask that this bill be placed on the Private Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NEHEMIAH OSBURN.

Mr. HOWARD, from the Committee on Claims, reported back with amendments the bill (H. R. 9252) for the relief of Nehemiah Osburn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

ROBLEY D. EVANS AND RICHARD M. GREEN.

Mr. FLEEGER, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1361) for the relief of Robley D. Evans and Richard M. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT GREENLEAF.

Mr. SHAW, from the Committee on Claims, reported a bill (H. R. 11029) for the relief of Albert Greenleaf; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WINDSOR HOTEL COMPANY, DISTRICT OF COLUMBIA.

Mr. HEARD, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (S. 2761) to incorporate the Windsor Hotel Company of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. DOCKERY, the Committee on Accounts was discharged from the further consideration of resolutions directing the Clerk of the House to make certain payments to Joseph A. Woodsworth, William Tyler Page, Robert Dougherty, Noah W. Halley, and Samuel J. Long; and the resolutions were severally referred to the Committee on Appropriations.

On motion of Mr. SPOONER, the Committee on Accounts was discharged from the further consideration of a resolution directing the Clerk of the House to pay Charles Holbrook, out of the contingent fund of the House, for services as laborer from July 1, 1886, to August 5, 1886, inclusive; and the same was referred to the Committee on Appropriations.

REPORT OF THE NATIONAL ACADEMY OF SCIENCES.

Mr. FARQUHAR, from the Committee on Printing, reported back with favorable recommendation joint resolution (S. R. 94) ordering the printing of the annual report of the National Academy of Sciences, with the accompanying memoirs; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EDWIN L. JEWELL.

Mr. GIBSON, of Maryland, from the Committee on Accounts, reported back, with favorable recommendation, a House resolution authorizing the Clerk of the House to pay out of the contingent fund to Edwin L. Jewell, assistant index clerk of the House, the sum of $240, being the amount of his salary from December 6, 1886, to January 15, 1887; and, in accordance with the recommendation of the report, the resolution was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

The SPEAKER. The call of the standing and select committees for reports is now completed. The hour for the consideration of bills begins at fifteen minutes before 1 o'clock. The call rests with the Committee on the Revision of the Laws.

Mr. OATES. Mr. Speaker, I call up the bill H. R. 10078.

Mr. WARNER, of Ohio. I make the point of order that that bill must receive its first consideration in Committee of the Whole, as it requires an appropriation of money.

Mr. OATES. That requirement was dispensed with yesterday.

The SPEAKER. The House, by unanimous consent, yesterday discharged the Committee of the Whole on the state of the Union from the consideration of this bill.

Mr. OATES. Mr. Speaker, I introduced this bill because I was convinced of the necessity for some such enactment. It was not for my own convenience or benefit, because, by the favor of the Speaker in the last Congress and in this, I have had the good fortune to be chairman of a committee which has given me the assistance of a clerk. I know, however, from my own experience that if a member of Congress undertakes to perform the drudgery of attending to the interests and requests of his constituents before the Departments, and of giving prompt answer to the letters which he receives touching public business, he will have no time for the study of important questions of legislation, unless he is a gentleman of much more extraordinary capacity than any within my knowledge. As I have stated in the report, as succinctly as I possibly could and upon the floor, the reasons why I think this measure should pass the House, I will now ask that the report be read, and will beg the attention of gentlemen to the reasons for the bill therein set forth.

The report (see page 1303) of the CONGRESSIONAL RECORD) was then read.

Mr. OATES. I now yield five minutes to the gentleman from Tennessee [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, no more delicate duty could be devolved upon a Representative of the people than to be called upon by any act or vote to increase his own compensation or patronage, or to give to himself any additional perquisite beyond those which were attached to the office at the time of his election. My idea of the trust of this office of Representative is that the only way in which any gen-

tleman would be authorized to vote to grant to himself any additional patronage or perquisite of office would be by having first canvassed the matter before his constituents at the time he was honored with election to a seat here. If it were an original question—if this Congress were called upon for the first time to fix the compensation of its members—then gentlemen would have been elected with full knowledge on the part of their constituents that that was one of the questions on which they would have to vote. But such not being the case, I say that the only way in which any Representative of the people can be justified in voting for this increased compensation—because it is nothing more nor less than that—is by having first submitted the question to the people who elected him.

The only contingency I can see in which any Representative would be justified in voting for this measure would be, as I have said, after canvassing the question with his constituents and after they had sent him here with a full knowledge that he intended so to vote.

A MEMBER. How would he ascertain their views?

Mr. CALDWELL. Why, let him get the expression of the convention that nominates him, or the expression that comes from the people at the ballot-box. When he is making the canvass of his district let it be understood that he is to be voted for with this as a part of his platform. No man on this floor, at any rate no Democrat, is authorized to vote, under present circumstances, for any such increase either of patronage or of pay. The platform upon which the Democratic party came into power was retrenchment and reform, and a return of this Government to "Jeffersonian simplicity." I want to know whether it is "retrenchment" to add three hundred and twenty officers to the present list of Government employés. I want to know whether it is "reform" to reach out and grasp patronage which does not belong to us. I want to know whether it is "retrenchment" or "reform" to add to the burdens of the people a quarter of a million dollars per annum. I want to know whether it is a return to "Jeffersonian simplicity." I say it is not.

Why, gentlemen, in passing such a bill as this you are putting between yourselves and your constituents a body servant—"a bright and active young man" to attend to your duties at the Departments. And I tell you your constituents will conclude that if your business can not be attended to in person at the Departments, if you are not "bright and active" enough to do it yourselves, they had better leave you at home and send the bright young man here.

Further, on the question of "Jeffersonian simplicity;" a return to that administration of the Government which kept the Democratic party in power for half a century before the war and which has returned them after twenty-five years of exile upon the cold and barren promontory of defeat, I say that those sound principles of administration are violated by interposing between the people and their representatives any sort of shadow or makeshift such as this. It puts me in mind of an aristocratic doctor who would take off his gloves to feel the pulse of a rich man, who would feel the pulse of a poor man with his gloves on, and who would feel the pulse of the poor negro with his walking-stick. [Laughter.] What would you do under such a bill as this? You would send your bright young man to do what you ought to do before the Departments. As a special act of grace you would with your own hand write to a favored constituent; to the ordinary man you would dictate a letter in the handwriting of your clerk, with your lordly signature affixed at the bottom; but as to the poor common fellow, you would communicate with him through the medium of the type-writer.

I say, Mr. Speaker, whatever others may think of this measure, I see in it disaster to Representatives here; I see in it the grave of the Democratic party; and I invoke the voice of the people's representatives against thus burying that grand old party.

[Here the hammer fell.]

Mr. CALDWELL. One minute more. I say that if there is any power left in the veto hand of the President, he will bury this measure, if passed, under the trip-hammer of his veto, rather than bury himself and his party by approving it.

The SPEAKER. The time of the gentleman has expired.

Mr. BRUMM (to Mr. CALDWELL). Have you not a clerk as chairman of the Electoral Count Committee?

Mr. CALDWELL. I have.

Mr. BRUMM. Does he not do your private business?

Mr. CALDWELL. That is none of your business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

CLERKS TO SENATORS AND REPRESENTATIVES.

Mr. OATES. I yield five minutes to the gentleman from Pennsylvania [Mr. WHITE].

Mr. HOLMAN. I rise to what I suppose to be a question of order. I wish to inquire in what manner the time is being divided.

Mr. OATES. I am dividing the time.

The SPEAKER. Under the rules of the House the gentleman from Alabama has control of one hour. After that some other gentleman would be entitled to recognition; but the consideration of the bill under this order will cease at the expiration of one hour.

Mr. HOLMAN. I trust the gentleman will allow the time to be equally divided.

Mr. OATES. I am dividing the time.

Mr. WHITE, of Pennsylvania. Mr. Speaker, I rise to advocate this bill, simply because I believe it to be right and necessary. I am one of those who have the courage of their convictions and are ready to vote for what they deem to be right, and not merely to bow to public clamor. I believe that none of my constituents who thoroughly understand this matter would refuse to indorse my vote in favor of this bill. I apprehend that on this question other members are in a similar situation to my own. I represent a population of almost 200,000, embracing 35,000 to 40,000 voters. We all understand that the general business which is to be transacted here in Congress, with the numerous bills presented, which should receive the careful consideration of every member, is, undoubtedly, sufficient to occupy the entire time and attention of any of us. But besides attending to this branch of our duties many of us are in constant correspondence with constituents for whom there is always business to be attended to at the various Departments of the Government in this city. Now, can we say that this is none of our legitimate duty, that we will throw it all aside and not attend to it?

Certainly no members are going to do that. We can not do it. We are sent to represent the people, and I say it is to the interest of our constituents that each member of this body should have a clerk. Undoubtedly he has clerical work enough to occupy his time and attention, and to occupy all of his time.

This House has decided this is so. As to the Senators at the other end of the Capitol we have voted for this same thing time and again. Different Congresses have done so. Does anybody pretend to say that is not right, that those clerks are not necessary to be employed? Does any one pretend to say that members of the House have not as much labor to perform, as many bills to examine, and as large responsibility lying on their shoulders as the Senators at the other end of the Capitol? We have indorsed it, and the people do not complain of it.

Are we going to vote against this because we fear it will raise a clamor or something of that kind? Are we going to vote against it because the newspapers will clamor against it?

I am in favor of this bill, Mr. Speaker, not for personal interest. I will receive no personal benefit from it. I am not a member of the Fiftieth Congress. I hope my successor will represent my people as well as I have tried to do. [Applause.] And unless he has more than ordinary brain and more than ordinary physical power he can not do it without the assistance of a clerk, unless he works himself to death. [Applause.] If any of my constituents could follow me from morning till night around the different departments attending to the different requests which come up to me, and then attending the sessions of the House from 12 o'clock until 5 or 6 o'clock in the evening, and then afterwards follow me to my home where I am kept until midnight answering the correspondence which I have received, I tell you, sir, they would say if they knew it all that a clerk is needed; that the work requires it.

If necessary we should take the responsibility, and when we do what is right our constituents will indorse us every time. Certainly the work imposed upon a member of Congress does require the service of a clerk. We all admit the necessity. We all admit we need such services, and why not get up and vote for these clerks if we think this proposition is right? If we do not think it is right, and the work is not to be done, then do not do it. In all my votes I have the courage of my conviction, and vote as I believe to be right. Therefore I am for the pending proposition, and I apprehend the House will take the same view of it and pass the bill as reported from the Committee on the Revision of the Laws. [Applause.]

Mr. OATES. I now yield for three minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Speaker, I hope this bill is not going to be put through by whip and spur under the gag of the previous question, preventing discussion——

The SPEAKER. The gentleman from Alabama has yielded to the gentleman from Ohio for three minutes.

Mr. WARNER, of Ohio. Mr. Speaker, what are clerks to members of Congress for? Certainly not to help them in the discharge of their legislative duties. Clerks can be little or no help to members of Congress in the discharge of such duties. It is, then, to aid them in the discharge of private business—that sort of business that is thrust upon them by those having claims of one kind or another, in other words, private and not public business.

Now, sir, what is most needed is to curtail this private business which members of Congress are now called upon to do. They ought not to have it to do. They are now often made mere employment agents to help persons to places—claim agents to do business at the various departments of the Government—pension agents, patent agents, and claim agents for all kinds of claims; and their efficiency and usefulness as legislators is in a large measure destroyed by demands of

this kind upon them. Now the clerks proposed in this bill would become claim-agent attachments to members of Congress, and would be so considered. A member then might properly sign himself M. C. and C. A.—member of Congress and claim agent. [Laughter.] It would be notice to the whole country that every member of Congress has a claim agent attached to him and you will please send all your claims to him to be prosecuted at the public expense instead of to claim agents at your own expense. [Laughter.]

Bad as the claim-agents business has become, and abused as it often is, I nevertheless regard it as the lesser evil of the two. Better these than three hundred and twenty-five claim agents attached to as many members of Congress, for that is what this bill means and nothing else. If it is not that, then it will amount to giving salaries to sons, nephews, or nieces who want to spend their time in Washington. Or, possibly, to some one to act as "home correspondent" to tell constituents, through the local press, how great a man they have representing them, and how tremendously he and his clerk are working for them. The secondary effect of creating three hundred and twenty-five claim-agent attachments will be to double up the private business before Congress. It will be brought from the departments to the House as fast as three hundred and twenty-five active men anxious to serve their employers can bring it here, until the House becomes little more than an "annex" to the departments for adjudicating private claims. Better, Mr. Speaker, divest members of Congress altogether of the duty of acting as claim agents in the prosecution of private claims and provide some other machinery, perhaps State agents. At any rate take it from members of Congress and leave them to attend to the public duties they were elected to perform. Do not invite more by providing for three hundred and twenty-five claim agents to be attached to so many members of Congress.

Mr. HOLMAN. I wish to ask my friend from Ohio if it is not true, as a matter of fact, that this is simply an increased compensation for members of Congress?

Mr. WARNER, of Ohio. Yes; but I think it is something more than that; it is an invitation besides to the public to send to him all the private business anybody may have to be attended to at the public expense.

That is the objectionable feature of the bill, in my judgment, and I oppose it on that ground. If it is not that, then, as the gentleman from Indiana says, it is an indirect way of increasing the salaries of members. I say relieve members of Congress of that kind of business; provide some other way to have the private business of constituents attended to without requiring all the time of a member of Congress and a clerk too, as will be the case under this bill. If left to attend to public and legislative duties as they should be, and must be if they are expected to attend properly to these, and not have their time frittered away on private matters, members of Congress would need no clerks, for clerks in such matters can be of little or no use to them. Clerks would then be of no more use than a footman or a liveried servant. For these reasons I shall vote against the bill.

Mr. CUTCHEON. If a constituent writes you about an office, do you send his letter back to him unanswered?

Mr. WARNER, of Ohio. No, sir; but I answer such letters myself.

Mr. OATES. I yield three minutes to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker, I desire to speak from an experience of twenty-six years, and I may be permitted to say that year after year I have paid from my poor salary $900 for such services as I have had to perform, and services of which the gentleman from Ohio can show no means of divesting members. I have for two years of my service enjoyed the privileges of the gentleman from Tennessee [Mr. CALDWELL], who opposes with so much vigor the bill; that is to say, I was chairman of a committee that had a clerk, and that privilege saved me my $900 a year. [Laughter and applause.]

Mr. CALDWELL. There is no law compelling you to come back, or to stay after you got here. You could resign at any time.

Mr. KELLEY. I am at this very day using the service of a gentleman to whom I pay $100 a month out of my poor salary of $5,000; and I believe if my constituents knew the sacrifices I have made to serve them they would shock the public sense by making up a fund and reimbursing me, for they know I have not paid out that sum of money for my own service, but for theirs. Nor do I want a clerk to help me to get offices, for in 1868 my response was, to as flattering an invitation as ever man received requesting the withdrawal of a refusal of a renomination—my answer was, "not if I am to be regarded as an appointment agent." If they would put it into the platform that I should not be expected to administer or seek to administer the minor employments of the Government I would take it; and for eighteen years they have elected me with increasing majorities because they find me serving the general interests of the people and leaving the distribution of the offices to the care of those to whom the Constitution and the laws confide them.

There is not a man on this floor who ought not to have the right to draw, on behalf of his constituents, a competent salary during the sessions of Congress for a man to perform those duties which few of us have the physical ability to perform in connection with our duties to our constituents and to the people of this country.

With a clerk and a competent one, a phonographer and type-writer, a gentleman familiar with the routine of the departments, I came here at noon to-day exhausted by a hard day's labor dealing with my correspondence brought to me through the post-office here to-day; and when night comes instead of finding rest, my clerk, the agent of my constituents, will be there ready to earn his portion of his $100 a month. We can not rid ourselves of these private duties if we would, and we should not if we could. [Applause.]

[Here the hammer fell.]

Mr. OATES. I now yield two minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, the pending measure ought to be considered merely as one providing for an increase of the pay of members of Congress. Of course, sir, gentlemen find it necessary during the current sessions of Congress to spend a part of their salary in employing clerical assistance, but such is not the case now any more than it was in former years—for the employment of clerical assistance in their correspondence and sometimes in making researches into public questions has always been, or at least for many years past, to a greater or less extent inevitable. That, I think, has been the experience of all members of Congress now in this House without regard to the periods in which they served.

But the question is whether or not, in view of the salary now paid to members of Congress, a member of the House or Senate can not very well afford to incur this expense without casting it upon the Treasury. Let us look for a moment how rapidly we are progressing, and it should be remembered that the measure of economy on the part of the Government, in the House and in Senate, will be the measure of public expenditures and the measure of economy throughout all departments of the Government.

Thirty-two years ago the pay of a member of Congress was $8 a day.

Mr. EDEN. And during the session.

Mr. HOLMAN. Yes, as my friend suggests, $8 per day during the session. Twenty-two years ago, the year the late war closed, when the cost of living was greater than it is at the present time, and when the correspondence of a member of Congress was as great as now, the pay was $3,000 a year.

Mr. BUTTERWORTH. With potatoes at 10 cents a bushel and board $3 a week. [Laughter and applause.]

Mr. HOLMAN. No, sir, the gentleman is mistaken in that respect. The cost of living was much higher then than now. In 1865–'66, right on the heels of the war, when the cost of living in this city was nearly twice as much as it is to-day, the salary of a member of Congress was $3,000. It advanced to $5,000, and yet some gentlemen think that we can not afford to pay out of this advanced salary—this largely increased salary over that received by our predecessors—the small amount necessary to obtain clerical assistance to aid us in performing some of the duties which are incumbent upon us here. I wish gentlemen to observe that the pay of a member of Congress has been increased from $8 per day during the session to $5,000 per year within thirty-two years—a single generation.

Mr. BRUMM. Has the gentleman from Indiana himself a clerk, as chairman of a subcommittee?

Mr. HOLMAN. I have not a clerk.

Mr. BRUMM. Do you not have the use of one?

Mr. HOLMAN. I have not had one except what I paid for myself.

[Here the hammer fell.]

Mr. OATES. I yield two minutes to the gentleman from Florida [Mr. DOUGHERTY].

Mr. DOUGHERTY. There are two reasons especially which induce me to vote in favor of this bill. There are other reasons which the limited time at my disposal will not permit me to state to this House. I should be better satisfied if the bill were amended in one respect, and if in order at any time during the discussion, I will submit an amendment that this act, if it should become a law, shall not take effect until the convening of the Fifty-first Congress, so that these members of the Forty-ninth Congress who are to be members of the Fiftieth Congress shall not be exposed to the suspicion of having voted to increase their own pay. But if this bill can not be passed with such an amendment and if it is necessary that its provisions shall apply to the members of the Fiftieth Congress, even then I shall vote for it for the reasons which I will now endeavor to give as briefly as possible.

The first reason is that it is an utter impossibility without this assistance for any member of this House to give to the duties, which the business of his constituents require him to attend to, that attention which those interests deserve, and also to find the time which is necessary to enable him to inform himself in reference to the public questions that he is called to vote upon as a member of this House.

The SPEAKER. The time of the gentleman has expired.

Mr. OATES. I yield the gentleman from Florida one minute more.

Mr. DOUGHERTY. If I performed all the duties required at my hands by my constituents and performed those duties as my constituents have the right to have them attended to, I never would be able to attend a session of the House. That, then, is one reason which will induce me to vote for this bill, that I can give more attention to the duties which the people of the State of Florida require shall be per-

formed by me, and in order that their business may be more satisfactorily attended to by those who shall succeed me here.

The other reason is that at every session of Congress for years, as the record shows, a Senate amendment to an appropriation bill has come here which practically increases the salaries of Senators by allowing them clerks, and after a show of objection the House, though controlling the purse-strings, backs down and agrees to the amendment. Now, I am not willing to admit that any Senator performs his duty any more earnestly and conscientiously than I do, and I do not believe he is entitled to any compensation more than that which is accorded to me as a member of this House. I know of no duty which those statesmen in the other end of the Capitol are called upon to perform other than that performed by Representatives of the people, except it be the self-imposed one of filling the sinecure places under the Government with their "brothers, their sisters, their cousins, and their aunts," and other blood relations and protégés.

[Here the hammer fell.]

Mr. OATES. I yield three minutes to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER. I should not have asked the indulgence of the House on this occasion at all if it had not been that on account of being a member of the committee which reported this bill I had a sort of immediate responsibility for the report. I want to put in a disclaimer, Mr. Speaker, for any responsibility for the opinions contained in that report, although I have the highest respect for the gentleman who is chairman of the committee, and whose wishes I regret very much to antagonize.

I want to say, in the first place, Mr. Speaker, that it is no new thing for me to be reminded that the position of a member of Congress is not a sinecure. It is full of arduous and difficult and embarrassing duties. But I submit, sir, that it is hardly consistent with our party professions that we should commit ourselves to a measure which is intended to increase our own allowances.

In the second place, I want to say that the record we have made as a party on this question and on the amendments put by the Senate on our appropriation bills proposing compensation for clerks for Senators requires, if we are consistent with that record, that we should adhere firmly to the policy of resistance to which we dedicated ourselves even as early as the Forty-seventh Congress. I remember when gentlemen on both sides of this Hall stood together to a man determined to resist that measure which the Senate put upon our appropriation bills, even to the extent of incurring the hazard of a prolongation of the session or even of an extra session. Now, I ask is it exactly fair to ourselves in committing ourselves to this proposed measure of increasing our own allowances when we are unable to resist the Senate to embark ourselves in the same measure and give ourselves the allowances which we denounced when proposed for those at the other end of the Capitol?

Mr. BUTTERWORTH. Does not my friend remember that the burden of our complaint and the main ground of our opposition was that they had and we had not this allowance?

Mr. TURNER. The gentleman from Ohio is too familiar with the powers of this House not to know that if we had dared to incur the responsibility for that sort of thing we could have proposed an amendment to the Senate amendment by which we could have given ourselves the same allowance.

Mr. BUTTERWORTH. But we had not the courage of our convictions, that is all.

[Here the hammer fell.]

Mr. OATES. I yield two minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. If I know anything of the spirit and disposition of my countrymen I think I am not mistaken in the assertion that the American people are not fond of small things or little economy. I have been a member of Congress for some time; and, as my distinguished colleague from Philadelphia stated of himself, my life here has been taken up in labors greater than I ever incurred in the practice of my profession. From early morning until I come here at 12 o'clock I am engaged; I have engagements also for the evening, and I could not perform the duties which devolve upon me without assistance. I have employed and paid assistants, paid them regularly, and I could not perform my duties without them, and would scarcely have an opportunity to read or reflect upon the measures coming before this House.

But now, Mr. Speaker, I am going out of Congress. I shall have nothing to do with the next Congress, except to give it my support as a private American citizen, and in leaving this Hall I do not wish to yield to any small legislation or to condescend to any demagogism, but I desire to fire one stern gun in favor of those who come after me. [Applause.]

Mr. OATES. It is impossible, Mr. Speaker, in the short time that I have to allow opportunity to all the gentlemen who wish to express themselves on this subject, and I therefore ask unanimous consent that members who see proper to do so be allowed to print their remarks in the RECORD.

A MEMBER. I object.

The SPEAKER. Objection is made.

Mr. OATES. Then, Mr. Speaker, I only desire in conclusion to correct an error which my friend from Georgia [Mr. TURNER] committed, unintentionally I have no doubt. I understood him to characterize the opposition which this House made to the appropriation adopted by way of amendment in the Senate for the pay of clerks allowed to Senators as a partisan opposition. I did not so understand it.

Mr. TURNER. If the gentleman refers to me, I beg to correct him. I said that both sides united in opposition to that amendment.

Mr. OATES. Then, Mr. Speaker, I merely wish now to call attention to the fact that the Senators for whom those clerks are provided, with the assent of the House each year, are Senators who are not chairmen of committees, and that they are the Democratic Senators. Now, sir, I was inclined to offer an amendment to this bill so that there could not possibly be any doubt as to its meaning. It provides that "from and after the approval of this act," &c., and I thought that language might possibly be misconstrued to apply to the present Congress, but, as I have no real apprehension of any such misconstruction, and as the bill is not intended to apply to the present Congress, and, if approved at all, will probably not be approved much before the adjournment of this Congress, I do not think any amendment necessary; and I now move the previous question on the engrossment and third reading of the bill.

Mr. EDEN. I move that the bill be laid on the table, and on that I demand the yeas and nays.

Mr. HOLMAN. Yes, let us have the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 142, nays 105, not voting 71; as follows:

YEAS—142.

Adams, G. E.	Farquhar,	La Follette,	Shaw,
Anderson, C. M.	Findlay,	Laird,	Singleton,
Anderson, J. A.	Fleeger,	Lanham,	Skinner,
Barksdale,	Ford,	Lore,	Sowden,
Barnes,	Forney,	Lowry,	Springer,
Barry,	Frederick,	McAdoo,	Stahlnecker,
Blanchard,	Fuller,	McComas,	Stephenson,
Bliss,	Gay,	McCreary,	Stewart, Charles
Blount,	Geddes,	McKinley,	Stone, W. J., Mo.
Boyle,	Gibson, C. H.	McMillin,	Storm,
Bragg,	Glass,	McRae,	Swope,
Breckinridge, C. R.	Goff,	Merriman,	Symes,
Breckinridge, WCP	Green,	Millard,	Taylor, E. B.
Buchanan,	Guenther,	Mills,	Taylor, J. M.
Buck,	Hale,	Morrison,	Thomas, O. B.
Cabell,	Halsell,	Muller,	Tillman,
Caldwell,	Hammond,	Neal,	Townshend,
Campbell, Felix	Harmer,	Nelson,	Tucker,
Campbell, J. M.	Harris,	O'Ferrall,	Turner,
Clardy,	Hatch,	O'Neill, Charles	Van Eaton,
Clements,	Heard,	Owen,	Wait,
Cobb,	Hemphill,	Payson,	Ward, T. B.
Cooper,	Henderson, D. B.	Peel,	Warner, A. J.
Cowles,	Henderson, J. S.	Perry,	Warner, William
Cox, W. R.	Herbert,	Pettibone,	Weaver, A. J.
Crisp,	Hiestand,	Pidcock,	Weaver, J. B.
Croxton,	Hill,	Pindar,	Wheeler,
Culberson,	Hires,	Price,	Wilkins,
Davidson, A. C.	Holman,	Randall,	Willis,
Davidson, R. H. M.	Hutton,	Richardson,	Wilson,
Dawson,	Jackson,	Riggs,	Winans,
Dibble,	James,	Robertson,	Wise,
Dockery,	Johnston, T. D.	Sayers,	Wolford,
Eden,	Jones, J. H.	Scranton,	Worthington.
Ermentrout,	Kleiner,	Seney,	
Everhart,	Laffoon,	Sessions,	

NAYS—105.

Allen, C. H.	Dunham,	Lawler,	Rockwell,
Allen, J. M.	Dunn,	Libbey,	Romeis,
Baker,	Eldredge,	Lindsley,	Rowell,
Bayne,	Ely,	Long,	Ryan,
Bingham,	Evans,	Louttit,	Scott,
Bound,	Felton,	Lovering,	Snyder,
Boutelle,	Fisher,	Lyman,	Spooner,
Brady,	Foran,	Markham,	Steele,
Brown, C. E.	Funston,	Martin,	Stewart, J. W.
Brown, W. W.	Gallinger,	Maybury,	Stone, E. F.
Brumm,	Grosvenor,	McKenna,	Strait,
Burleigh,	Grout,	Miller,	Struble,
Butterworth,	Hall,	Milliken,	Tarsney,
Campbell, J. E.	Hayden,	Mitchell,	Taylor, Zach.
Campbell, T. J.	Haynes,	Moffatt,	Thomas, J. R.
Cannon,	Henderson, T. J.	Morgan,	Trigg,
Carleton,	Hepburn,	Murphy,	Van Schaick,
Caswell,	Hermann,	Norwood,	Wade,
Catchings,	Hitt,	Oates,	Wadsworth,
Collins,	Holmes,	O'Hara,	Weber,
Conger,	Hopkins,	Osborne.	West,
Crain,	Houk,	Outhwaite,	White, A. C.
Curtin,	Hudd,	Peters,	White, Milo
Cutcheon,	Irion,	Phelps,	Woodburn.
Daniel,	Jones, J. T.	Plumb,	
Dargan,	Kelley,	Reed,	
Dougherty,	Landes,	Rice,	

NOT VOTING—71.

Adams, J. J.	Browne, T. M.	Davenport,	Henley,
Aiken,	Bunnell,	Davis,	Hiscock,
Atkinson,	Burnes,	Dingley,	Howard,
Bacon,	Burrows,	Dorsey,	Johnson, F. A.
Ballentine,	Bynum,	Ellsberry,	Johnston, J. T.
Barbour,	Candler,	Gibson, Eustace,	Ketcham,
Belmont,	Compton,	Gilfillan,	King,
Bennett,	Comstock,	Glover,	Le Fevre,
Bland,	Cox, S. S.	Hanback,	Lehlbach,

Little,	Parker,	Sawyer,	Thompson,
Mahoney.	Payne,	Seymour,	Throckmorton,
Matson,	Perkins,	Smalls,	Viele,
Morrill,	Ranney,	Spriggs,	Wakefield,
Morrow,	Reagan,	St. Martin,	Wallace,
Neece,	Reese,	Stone, W. J., Ky.	Ward, J. H.
Negley,	Rogers,	Swinburne,	Wellborn,
O'Donnell,	Rusk,	Taulbee,	Whiting,
O'Neill, J. J.	Sadler,	Taylor, I. H.	

So the motion to lay the bill on the table was agreed to.

Mr. NEECE. I am paired with the gentleman from Ohio [Mr. LITTLE]. Were I not paired, I should vote ay.

The following pairs were announced:

Mr. BENNETT with Mr. PERKINS, until Saturday next.

Mr. LE FEVRE with Mr. IKE H. TAYLOR, on this vote.

Mr. NEECE with Mr. LITTLE, on this vote.

The following-named members were announced as paired until further notice:

Mr. BYNUM with Mr. JOHNSTON, of Indiana.

Mr. WARD, of Illinois, with Mr. NEGLEY.

Mr. MAHONEY with Mr. WAKEFIELD.

Mr. BALLENTINE with Mr. JOHNSON, of New York.

Mr. CANDLER with Mr. BUNNELL.

Mr. GLOVER with Mr. WADE.

Mr. REAGAN with Mr. HISCOCK.

Mr. BACON with Mr. PARKER.

Mr. BLAND with Mr. DAVENPORT.

Mr. ROGERS with Mr. O'DONNELL.

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

The following-named members were announced as paired for this day:

Mr. BELMONT with Mr. DINGLEY.

Mr. SADLER with Mr. THOMPSON.

Mr. COMSTOCK with Mr. ATKINSON.

Mr. GIBSON, of West Virginia; with Mr. HANBACK.

Mr. ELLSBERRY with Mr. WHITING.

The result of the vote was announced as above stated.

Mr. EDEN. I move to reconsider the vote just taken, and also to lay that motion on the table.

The SPEAKER. The hour for the consideration of bills under this order has expired.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, the sundry civil appropriation bill has been returned from the Senate with various amendments. I ask unanimous consent that the bill, with the amendments, be referred to the Committee on Appropriations, and ordered to be printed.

There being no objection, it was ordered accordingly.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 10203) to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor; when the Speaker signed the same.

PLEURO-PNEUMONIA.

Mr. HATCH. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the special order, the pleuro-pneumonia bill.

Mr. STEELE. I desire to raise the question of consideration on that bill.

The SPEAKER. The motion of the gentleman from Missouri [Mr. HATCH] is in order. The only way to defeat it is to vote it down.

Mr. STEELE. I desire to call up another special order, the bill to increase the efficiency of the Army.

The SPEAKER. The special order called up by the gentleman from Missouri [Mr. HATCH] has priority over that which the gentleman from Indiana desires to call up.

Mr. STEELE. I wish to inquire whether the bill which the gentleman from Missouri wants to call up is older than the order under which he makes this motion.

The SPEAKER. The Chair does not know; but that order covers all business which may be presented by the Committee on Agriculture.

Mr. STEELE. Then that committee is in a position to antagonize everything else until the close of the session.

The SPEAKER. Except those matters which are specified in the order as having priority.

The question being taken on the motion of Mr. HATCH, it was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union, for the further consideration of the pleuro-pneumonia bill. The pending question is on an amendment offered yesterday by the gentleman from Michigan [Mr. CUTCHEON].

Mr. MCMILLIN. Let us have that amendment read.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Add, as a further proviso to section 1, the following:

"*And provided further*, That the said experts and agents to be appointed by the Commissioner of Agriculture for the purpose of collecting information under the provisions of this section shall be selected by and appointed upon competitive examination in the same manner provided for the selection of candidates for the classified civil service under the act of January 16, 1883; and the Civil Service Commissioners shall provide a special and technical examination for such candidates for appointment under this section, and shall keep a special register of candidates who pass such examination; and no person shall be appointed as such experts or agents under the provisions of this section except upon such competitive examination."

Mr. HATCH. The gentleman from Michigan made the point of no quorum, although the amendment was voted down more than two to one. I hope he will withdraw his point, and let us proceed with the bill.

Mr. CUTCHEON. Will the gentleman let us have a vote on this amendment in the House?

Mr. HATCH. No; I can not.

The CHAIRMAN. The question will be again put to the committee, if there be no objection.

The committee divided; and there were—ayes 16, noes 69.

Mr. CUTCHEON. I make the point of no quorum.

The CHAIRMAN appointed as tellers Mr. HATCH and Mr. CUTCHEON.

The committee again divided; and the tellers reported—ayes 13, noes 86.

Mr. CUTCHEON. I withdraw the point.

So the amendment was disagreed to.

The Clerk read as follows:

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, and whenever the governor of a State, or other properly constituted authorities, signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, in paying for the animals it is deemed necessary to slaughter, as hereinafter provided, and in such disinfection and other means as may be necessary to extirpate the disease: *Provided*, That the Commissioner of Agriculture shall cause special investigations to be made as to the existence of pleuro-pneumonia, foot-and-mouth disease, and rinderpest in any part of the United States where he may have reason to suspect their existence; and upon the discovery of any of these diseases, the Commissioner of Agriculture, with the consent, approval, or co-operation of the governor or other properly constituted authority of the State where such disease may be found, shall cause the appraisal of the animal or animals affected with or that have been exposed to such disease, and, under the laws of the State provided for condemning private property for public use, shall cause the same to be destroyed, and pay the owner not to exceed three-fourths of such amount as the appraisers may determine to have been the value before being diseased or exposed, out of any moneys appropriated by Congress for this purpose: *Provided further*, That he shall not pay more than $160 for any animal with pedigree recorded or recordable in the recognized herd-books of the breed to which it may belong, nor more than $60 for an animal not pedigreed; and that in no case shall compensation be allowed for any animal slaughtered under the provisions of this act that may have contracted or have been exposed to such disease in a foreign country, nor shall compensation be allowed to the owner of an animal where by reasonable diligence he could have prevented his animals from becoming exposed: *And provided further*, That whenever a State or Territory, in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

Mr. HATCH. I desire to offer an amendment on behalf of the committee in lines 59 and 60. After the word "State," strike out the words "provided for condemning private property for public use;" so it will read:

And under the laws of the State shall cause the same to be destroyed, &c.

Now, Mr. Speaker, I will state, in explanation of that amendment, that in some of the States where they have laws on this subject the acts are not entitled "acts to provide for condemning private property for public use;" but in an act of May 29, 1884, establishing a bureau of animal industry, special provision is made for condemning private property for public use.

Mr. HAMMOND. But how can the law be operated where a State has made no such provision?

Mr. HATCH. Where a law is made for condemning private property, diseased or exposed to disease, for the purpose of stopping the spread of the contagion, the condemnation of private property cannot be made under the State law.

Mr. CUTCHEON. But suppose there is no State law, then under what law would the condemnation be made?

Mr. HAMMOND. As the amendment is proposed to be amended by the gentleman from Missouri, condemnation and destruction of this property could only be made under the State law. Many States have no such law, and in such a State you could not operate this law.

Mr. HATCH. The gentleman is broad in his statement there are many States which have no such law.

Mr. HAMMOND. Suppose there is only one State, the State of Georgia, which has no law for the condemnation of private property?

Mr. HATCH. Condemning private property in such case?

Mr. HAMMOND. Or in any case. Except when the Legislature desires to authorize any such condemnation it passes a specific act for such purpose, just as the United States, which has no law condemning private property for public use, does when occasion requires such a law. And that is the law in most of the States.

Mr. HATCH. In that case the Commissioner would be compelled to treat directly with the citizen, and he would have to get his consent before the property could be condemned and destroyed. The theory of the section is: there shall be no invasion of the right of private property within a State except by State law, or by the approval of the owner. That is the theory of the whole section.

Mr. MCMILLIN. I submit to the gentleman from Missouri that the amendment he offers takes out that feature of the bill and leaves (if Congress can give that authority to all) the right to destroy private property without regard to the law of the State.

Mr. HATCH. The gentleman misapprehends the effect of the amendment, as he will see if he will listen for a moment. That section, as reported from the committee, reads as follows: "And under the laws of the State provided for condemning private property for public use, shall cause the same to be destroyed," &c. Many of the States have since the enactment of the law establishing the bureau of animal industry passed laws conforming to the provisions of that act.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. HAMMOND. I do not care to be heard upon this amendment, but wish to offer one in a line above that.

Mr. MCMILLIN. Before we come to that, if the gentleman will yield to me——

Mr. HAMMOND. I have not the floor.

Mr. MCMILLIN. I do not wish to take the gentleman from Missouri off the floor.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MCMILLIN. Now, I submit to the gentleman from Missouri if his amendment will not have the effect I claim. What is the effect of striking out this provision? Let us read it as it is in the bill, and as it will stand if his amendment is adopted:

Shall cause the appraisal of the animal or animals affected with or that have been exposed to such disease, and, under the laws of the State provided for condemning private property for public use, shall cause the same to be destroyed.

That is the bill as it is reported by the committee. The amendment, as suggested by the gentleman from Missouri, is to strike out that portion of it——

Mr. HATCH. Commencing with the word "provided"—the words "provided for condemning private property for public use."

Mr. MCMILLIN. Yes, you strike out of that provision the following words:

Provided for condemning private property for public use.

Then if there is no such law in the State this provision will be ineffectual.

Mr. HATCH. Of course, and it would be anyway if there is no law.

Mr. MCMILLIN. And this much-feared pleuro-pneumonia, that is going to destroy finally everything in the way of cattle unless it be exterminated instanter, will be allowed to range at will throughout the length and breadth of the State; and hence, after all of this army of special examiners have been appointed, and have entered upon their duties and have gone forth indued with the wisdom of this Congress, if they have it at all, to ferret out pleuro-pneumonia, they find out that they are utterly powerless to deal with it, and that is to be the substance of this action by this Congress!

Mr. HATCH. Will the gentleman allow me a question?

Mr. MCMILLIN. With pleasure.

Mr. HATCH. Will the gentleman vote for a provision or a section that will give the officers or employés of this department—Federal officers—the power to go into a State and condemn and take possession of or destroy private property?

Mr. MCMILLIN. I will never vote to go as far as your bill proposes to go. No, sir; I will not give them authority to override the Constitution of the United States, as your committee proposes to do, with all due defference to the committee.

But, Mr. Chairman, I was just pointing out that the gentleman's bill, after giving him all that he asks, and after this commission has been appointed, will be utterly powerless to deal with the disease in any portion of the country.

Mr. HATCH. Wherever the disease breaks out it will be easy to get the State to act in conjunction with the Federal authorities to stamp it out.

Mr. HAMMOND. The Legislatures of twenty-three of the States only meet every two years.

Mr. MCMILLIN. They have only biennial sessions in many of the States; and three years ago we were told that if we did not get a specific and certain remedy for this disease, and that very soon, too, that the cattle industry of this country would not be worth enumerating; and yet after three years of this terrible danger which then threatened us we know no more about pleuro-pneumonia, we know no more about the cause of the disease or the remedy for it than we did then; and again the Agricultural Committee comes and asks this House to give them more power and more men and more money, and the same threat is held over us that if we do not yield to this request ruin is impending.

Mr. HATCH. The gentleman claims that he does not know more than he did three years ago. He does not mean I presume to include everybody in that statement.

Mr. MCMILLIN. I have listened patiently to the great Agricultural Committee of this House and its reports, and to the gentleman from Missouri in particular, and I am compelled to say that after all of his lucubrations on this subject the matter is involved in as much obscurity as it was before.

Mr. HATCH. That is not the fault of the "gentleman from Missouri." He can state facts, but it is impossible for him to make the gentleman understand them.

Mr. MCMILLIN. The trouble is the gentleman from Missouri fails to state any new facts. We have heard this old story before.

Mr. HATCH. Read the report of the committee.

Mr. MCMILLIN. And the gentleman's "statement of facts" comes in direct conflict with the reports from the Bureau of Agriculture itself.

Mr. HATCH. The gentleman is mistaken in that.

[Here the hammer fell.]

Mr. SPRINGER. I move to strike out the last word.

My friend from Tennessee says that the country has learned nothing about pleuro-pneumonia since this legislation began. In that I regret to say that my friend, who is usually well informed, is very much mistaken. Last summer and fall this disease broke out in the city of Chicago at the stock yards, and so great was the alarm and damage resulting from that outbreak that the cattle industry of the whole country was damaged to a greater extent than by any other circumstance that has happened to that industry in the last quarter of a century.

I regret that the House has not taken pains to inform itself of the extent of the outbreak which has caused such a loss, and I hope the gentleman from Tennessee will give me his attention and I will try to enlighten him upon the subject.

Mr. MCMILLIN. Thank you. [Laughter.]

Mr. SPRINGER. The outbreak last summer and fall has, by the testimony of intelligent cattle men, involved the State in a loss with reference to this industry amounting to the enormous sum of at least ten millions of dollars.

Mr. MCMILLIN. I ask the gentleman from Illinois if to-day this Agricultural Bureau and the governor of his State are not at loggerheads on this question?

Mr. SPRINGER. I answer the gentleman from Tennessee that that has nothing to do with this question. Those flowers of rhetoric that bloom in my friend's mind have nothing to do in this case.

I have been trying to impress some facts on the mind of my friend, and he seems to be utterly unimpressible. I want to call his attention and the attention of the House to the fact that that disease did have a most extraordinary and damaging effect upon the great Northwest even since the adjournment of the last session of Congress; that more than three thousand head of cattle were either exposed to or actually affected with this disease, and that several hundred head of cattle were, under the operations of the bill, now a law, and of the laws of the State of Illinois, condemned and slaughtered; and that every veterinary surgeon and scientist who came there, and many did come to Chicago for the purpose of investigating the disease, that every one of them concurred in stating two facts, which do not seem to be understood on this floor. First, that the disease was infectious and contagious; and, secondly, that the cattle which there died did have this disease. There was not a dissenting opinion on this proposition among the scientists and physicians who investigated the disease at the yards.

Mr. MCMILLIN. Was it not also agreed among a portion of them that the disease originated there?

Mr. SPRINGER. No, sir.

Mr. MCMILLIN. Is it not claimed that that is a fact?

Mr. SPRINGER. It is not claimed by any one who has investigated the subject that it is a native disease. It is exotic. It does not belong to this country. It has never been brought about by any local circumstances in this country. Every single case which has been investigated in the United States has been traced to countries beyond the sea. Never has a case grown up of itself in this country.

Mr. MCMILLIN. Where did it come from to the State of Illinois?

Mr. SPRINGER. It came from the Eastern States, and it came there from Europe. In this case the disease came from Baltimore to Ohio, from thence to Indiana, and from thence to Illinois. Every case has been traced. Gentlemen talk about other diseases, such as hog cholera. Those diseases have nothing to do with this disease.

Mr. HAMMOND. May I ask the gentleman a question?

Mr. SPRINGER. Yes, sir.

Mr. HAMMOND. If this disease comes from abroad and the object of the bill is to protect against it, and in order to provide that protection you must offer a high reward for the killed cattle, why is it the bill offers no reward for the cattle imported into the country sick—why is it it will not pay for them at all?

Mr. McMILLIN. There is no reward there for the detection of the disease.

Mr. HATCH. With the permission of the gentleman from Illinois I will state that we have at an expense of $30,000 kept up quarantine stations from which no head or hoof of imported live-stock can be taken out except under prescribed regulations.

Mr. HAMMOND. But I understand from the report of the committee, of which the gentleman from Missouri is chairman, that this disease may be fifteen months in incubation. Is there any place where cattle are kept fifteen months?

Mr. HATCH. No, sir.

Mr. HAMMOND. Then your detective system amounts to nothing.

Mr. SPRINGER. I do not yield any further.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. CUTCHEON. I offer an amendment to the amendment.

The Clerk read as follows:

After the word "provided," in line 59, insert the following:
"Therefor, or under such laws as may exist in such State."
So that it will read:
"Under the laws of the State provided therefor, or under such laws as may exist in such State for condemning private property for public use."

Mr. HATCH. I have no objection to that amendment. But let me ask the gentleman from Michigan how does that add anything to the broad statement—

Shall cause the appraisal of the animal or animals affected with or that have been exposed to such disease, and, under the laws of the State, shall cause the same to be destroyed, &c.

How can you make it broader than that?

Mr. CUTCHEON. I will answer the question of the gentleman from Missouri. If there exist in a State laws for condemning diseased cattle or other animals they will be condemned under those laws. But if there be no law applicable thereto they will be condemned, should my amendment be adopted, under the law most analogous thereto for the condemnation of private property.

Mr. HATCH. I think the expression "laws of the State" covers the whole ground.

The amendment to the amendment was agreed to.

The amendment as amended was adopted.

Mr. HAMMOND. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert, after the word "exist," in line 39, the words:
"Or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture."

Mr. HATCH. I have no objection to that amendment.

Mr. HAMMOND. The existing act was passed and approved on the 29th of May, 1884. The gentleman from Missouri by the amendment which he recently offered declared that the purpose was not to restrict the rights of the several States; and yet in this clause copied from that statute he has stricken out the words which I propose to reinsert, the only words which recognize the authority of a State to make laws on the subject.

Mr. HATCH. Will the gentleman allow me to explain?

Mr. HAMMOND. Yes, sir.

Mr. HATCH. That was simply because we supposed we had provided for it better in another place, but, as the gentleman seems to be critical about it, I have consulted with several friends of the bill and said that I was perfectly willing to accept the amendment.

Mr. HAMMOND. Will the gentleman tell us where he thought it was better provided for?

Mr. HATCH. In the amendment which has just been adopted, which covers all the laws of the State, and which provides that the condemnation, wherever it is made, can only be made under the laws of the State. Also, in the several provisos that follow in regard to payment.

Mr. HAMMOND. The difference is just this: After a long fight over this bill of 1884, Congress consented to go into this business to the extent of letting the State go foremost and the Commissioner of Agriculture ride behind, and confined the bill to only such matters as related to interstate commerce; whereas this bill strikes out the State, puts the Commissioner of Agriculture in the lead, and lets him cut up the State as he sees proper. Now, Mr. Chairman, inasmuch as that amendment is to be accepted, I go on to call the attention of the committee to the situation here.

This bill passed before, in 1884, by only a small majority. Upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] to recommit it the nays were only 145 as against 138 yeas. The proviso which begins here, at line 75, was stricken out in that bill of 1884 upon a yea-and-nay vote of 155 yeas against 127 nays. The House solemnly voted, after long debate, that that ought not to be in any such bill; yet it is brought here and put in again as a proviso to something new and made to appear necessary to carry out the provisions of the bill as to interstate commerce. Again, the bill of 1884 authorizes no money to be expended for any other purpose than to prevent the spread of the disease between the Territories and the States of this Union.

Those words are stricken out. The words which gave the bill of 1884 its constitutional status, if it had any, are by this bill stricken out, and in place of them the words "to extirpate said disease" are inserted. The other bill did not touch cattle until they became an article of commerce; this bill allows the United States, by its Commissioner of Agriculture, to visit my private barn and kill a cow that I never intend shall be moved and that never will become the subject-matter of commerce. For my own part, I shall content myself with voting against the bill, but I wish those gentlemen who support it, and who desire to find a constitutional basis for their votes, to try to ascertain by what authority the United States can interfere in this matter.

[Here the hammer fell.]

Mr. BUTTERWORTH. Mr. Chairman, I desire to offer an amendment.

Mr. HATCH. Let us dispose of the amendment offered by the gentleman from Georgia [Mr. HAMMOND].

Mr. BUTTERWORTH. I understood that that was accepted.

Mr. HATCH. I can not accept it for the committee.

The CHAIRMAN. The Chair will submit the amendment of the gentleman from Georgia [Mr. HAMMOND].

The amendment was agreed to.

Mr. HAMMOND. Now, Mr. Chairman, to make the language conform, I desire to offer another amendment which I send to the desk.

The amendment was read, as follows:

Amend by striking out "to extirpate the disease," in lines 48 and 49, and insert in lieu thereof "to prevent the spread of such disease from one State or Territory to another."

The question was then taken on the amendment; and there were—ayes 39, noes 53.

Mr. HAMMOND. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint the gentleman from Georgia [Mr. HAMMOND] and the gentleman from Missouri [Mr. HATCH] to act as tellers.

The House again divided; and the tellers reported—ayes 44, noes 120.

So the amendment was rejected.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. SWINBURNE] will now be reported.

The amendment was read, as follows:

In line 61, section 3, strike out "destroyed and," and insert "quarantined and destroyed if deemed necessary for scientific investigation by the scientific experts provided for in section 1 of this act; and, to carry this provision into effect, the said experts shall provide such rules and regulations as in their judgment are necessary to best prevent the spread of the disease and promote a thorough investigation and understanding of its nature, characteristics, consequences, and the laws governing the same, and where the cattle are destroyed to."

Mr. SWINBURNE. Mr. Chairman, this amendment simply prescribes what the experts shall do if the House should see fit to pass the bil in that form. I offer the amendment for this reason: In connection with our report as an Agricultural Committee a misfortune happened—how or why, I do not know. That report was made early in the session, long before the reports were received from the Agricultural Department. I mean our report known as "the Hatch report," in which it was stated that 62,000 head or cattle, or thereabouts, were then sick or exposed to the disease, and the proposition was to kill all of them. That statement went abroad over the Old World and injured our commerce to the amount of untold millions. The sale and transportation of our cattle was interfered with to such an extent that foreign buyers would hardly deal with us at all, for they said, "Why, you are sending over to us beef that has died of pleuro-pneumonia, so called."

The other day when I called for that report from the Agricultural Department—and the committee were with me in asking for it—the answer was that they had never made that report. But the fact is it was made nearly three months before.

Resolution after resolution was adopted, there being, I think, three resolutions altogether; and finally when I got that report from the Agricultural Department, it was in the form of stray leaves. In that report it is charged that there is a large amount of this disease in New York and Brooklyn. I transmitted to the boards of health of those two cities a copy of the statement on that point; and they said it was not true. Dr. Loring, who is familiar with this question, said that he never had been able to find a case where he could produce the contagion in animals that were not acclimated; that in animals brought, for instance, from the mountains, he had never been able to find a case of that kind, though a large number of them were said to have pleuro-pneumonia. Now I would be glad if we could have an Agricultural Department upon whose statements we could rely, a department composed of scientific men.

We have been told by the Department that this disease has existed in Chicago for three years. The Department undertakes to say the disease existed there before Chicago had found it out herself. What has become of the four hundred and fifty-five herds and the sixty thousand cattle that were stated to be sick of this disease, or to have been exposed to it? You have the answer in the RECORD.

Mr. BUTTERWORTH. What is the answer?

Mr. SWINBURNE. That they did not make the report. In short, they did not give us a word of information in response to that resolution. That is the reason I have offered this amendment.

[Here the hammer fell.]

Mr. BUCHANAN. Mr. Chairman, I have but a word to say with reference to this amendment. As we all know, the remarks just made by the gentleman from New York [Mr. SWINBURNE] were uttered in so low a tone as to be inaudible to almost every member of this House; but as I understand his amendment, it provides that these experts to be appointed under the operation of this bill shall provide various rules and regulations. Now, I want to express my conviction that there has been already too much scientific talk on this bill. It is an old proverb that whilst the doctors disagree the patient dies.

Mr. SWINBURNE. Does the gentleman mean to say that the doctors, as such, have ever been consulted in regard to this measure?

Mr. BUCHANAN. I am speaking of the discussion on this floor.

Mr. GALLINGER. It occurs to me this is a case where the advocates of the bill want the patient to die.

Mr. BUCHANAN. I fail to see the pertinency of the gentleman's suggestion.

Mr. GALLINGER. I am sorry.

Mr. BUCHANAN. The very astute gentleman from New Hampshire [Mr. GALLINGER] may understand it.

Two facts are beyond dispute. One is that there is some disease, call it what we may, unknown until within a few years past in our country, that is destroying our cattle. I do not care whether it is called pleuro-pneumonia, contagious lung fever, or anything else. The disease exists. It exists in the district that I have the honor to represent. It exists in almost every country district represented on this floor. Another fact exists beyond dispute. This disease is capable of being communicated from one herd to another, and is so communicated. When these two facts coexist a remedy becomes necessary. I do not venture to approve every detail of the proposed remedy; but I have heard enough of the discussion on this floor to convince me that unless the friends of the farmers and of the cattle interests in this country stand by this bill, it will be so emasculated as to be of no practical benefit to the interests it is designed to promote. Whatever the remedy may be, it is necessary that something should be done. This evil is no longer confined to a single State. It exists throughout the country; and the remedy must be broader than the confines of any State. If it would be effective, it must be as broad as the domain of the United States.

Mr. MCADOO. Will my colleague allow me to ask him a question?

Mr. BUCHANAN. Certainly.

Mr. MCADOO. I would like my colleague to state what was the result in New Jersey of a large expenditure of money on a somewhat similar basis to this bill, for the purpose of putting down this disease? My colleague will remember that New York and New Jersey acted conjunctively in the expenditure of that money and in carrying out provisions of law somewhat similar to the bill now before us.

Mr. BUCHANAN. We only know this, that as a result of those efforts beyond reasonable doubt the disease was kept confined to narrower limits than would have been the case if those efforts had not been made.

My friend the other day discussing this bill said he would rather every cow in the country should die than that any principle of the Constitution should be violated. And as he said that I pictured to myself the farmer in our State coming into his house and saying to his wife, "Nancy, the last cow is dead, but, thank God, Mr. MCADOO has saved the Constitution for us." [Laughter and applause.]

Mr. MCADOO. But is it not a fact that it was an utter failure in New Jersey, and every dollar was wasted?

Mr. BUCHANAN. No, I think it was not.

Mr. MCADOO. Yes, every dollar was absolutely wasted, and you did not save a single consumptive cow or decrepit hog. [Laughter and applause.]

Mr. BUCHANAN. It was not wasted.

The CHAIRMAN. The gentleman's time has expired.

Mr. HATCH. I move that all debate on the pending section and amendments be limited to ten minutes. [Cries of "Object!"]

Mr. WARNER, of Ohio. I shall certainly object to closing debate on this section and the amendments which are to be proposed to it in ten minutes.

Mr. HATCH. Then I shall move that the committee rise for the purpose of going into the House and limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884, and had come to no resolution thereon.

Mr. HATCH. I move that the House resolve itself into the Committee of the Whole House on the state of the Union, and pending that motion I move that debate on the pending section and all amendments thereto be limited to ten minutes.

Mr. WARNER, of Ohio. I wish to amend that.

Mr. HATCH. And on that motion I demand the previous question.

Mr. STEELE. Make it fifteen minutes.

Mr. HATCH. I am willing to accept fifteen minutes.

Mr. WARNER, of Ohio. Let the gentleman withdraw his previous question, and let the House fix the time itself.

Mr. HATCH. If it will suit gentlemen, I will make it twenty minutes.

Mr. LANHAM. If the previous question is ordered will it exclude further amendment?

Mr. HATCH. It will not. My only object is to close the debate.

Mr. STEELE. Does the gentleman agree to make it twenty minutes?

Mr. HATCH. I do.

The SPEAKER. The gentleman can not do that pending the demand for the previous question if objection be made.

Mr. HAMMOND. Then I object.

The question recurred on ordering the previous question.

The House divided; and there were—ayes 23, noes 33.

Mr. WARNER, of Ohio. No quorum has voted.

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 175, nays 57, not voting 86; as follows:

YEAS—175.

Allen, C. H.	Ermentrout,	Kleiner,	Romeis,
Allen, J. M.	Evans,	La Follette,	Rowell,
Anderson, J. A.	Everhart,	Laird,	Ryan,
Baker,	Farquhar,	Lanham,	Sawyer,
Barry,	Felton,	Lawler,	Sayers,
Bayne,	Findlay,	Le Fevre,	Scott,
Bingham,	Fisher,	Lehlbach,	Scranton,
Bliss,	Fleeger,	Little,	Seney,
Bound,	Foran,	Long,	Shaw,
Boutelle,	Ford,	Lore,	Snyder,
Brady,	Forney,	Lyman,	Spooner,
Bragg,	Frederick,	Markham,	Springer,
Breckinridge, WCP	Fuller,	Maybury,	Stahlnecker,
Brown, C. E.	Funston,	McComas,	Steele,
Brown, W. W.	Gay,	McCreary,	Stephenson,
Brumm,	Geddes,	McKenna,	Strait,
Buchanan,	Gibson, C. H.	McKinley,	Struble,
Buck,	Gilfillan,	Millard,	Swope,
Burleigh,	Glass,	Miller,	Tarsney,
Burnes,	Goff,	Milliken,	Taulbee,
Burrows,	Green,	Mills,	Taylor, E. B.
Bynum,	Grosvenor,	Morrison,	Taylor, I. H.
Cabell,	Grout,	Morrow,	Taylor, Zach.
Caldwell,	Guenther,	Muller,	Thomas, J. R.
Campbell, Felix	Hall,	Murphy,	Thomas, O. B.
Campbell, J. M.	Harmer,	Neece,	Thompson,
Cannon,	Hatch,	Nelson,	Townshend,
Carleton,	Hayden,	O'Ferrall,	Trigg,
Caswell,	Haynes,	O'Neill, Charles	Viele,
Clardy,	Heard,	O'Neill, J. J.	Wade,
Compton,	Henderson, D. B.	Osborne,	Wadsworth,
Conger,	Henderson, T. J.	Outhwaite,	Wait,
Cooper,	Hepburn,	Owen,	Warner, William
Crain,	Hermann,	Payne,	Weaver, A. J.
Culberson,	Hiestand,	Peters,	Weaver, J. B.
Curtin,	Hill,	Pettibone,	Weber,
Davidson, R. H. M.	Hires,	Pidcock,	West,
Dawson,	Holman,	Plumb,	Wheeler,
Dorsey,	Holmes,	Price,	White, A. C.
Dougherty,	Hopkins,	Ranney,	White, Milo
Dunham,	Hutton,	Rice,	Wilson,
Dunn,	Irion,	Richardson,	Winans,
Eden,	Jackson,	Riggs,	Worthington.
Ely,	Johnston, J. T.	Rockwell,	

NAYS—57.

Adams, J. J.	Halsell,	McAdoo,	Sowden,
Blanchard,	Hammond,	McMillin,	Stone, W. J., Ky.
Blount,	Harris,	McRae,	Storm,
Breckinridge, C. R.	Hemphill,	Morgan,	Taylor, J. M.
Clements,	Henderson, J. S.	Neal,	Tillman,
Cobb,	Herbert,	Norwood,	Tucker,
Collins,	Hitt,	Oates,	Turner,
Cowles,	Howard,	Peel,	Van Eaton,
Cox, W. R.	James,	Perry,	Wallace,
Crisp,	Johnston, T. D.	Phelps,	Warner, A. J.
Croxton,	Jones, J. H.	Randall,	Wilkins,
Cutcheon,	Jones, J. T.	Reed,	Wise.
Daniel,	King,	Seymour,	
Dibble,	Landes,	Singleton,	
Gallinger,	Lovering,	Skinner,	

NOT VOTING—86.

Adams, G. E.	Dargan,	Louttit,	Sessions,
Aiken,	Davenport,	Lowry,	Smalls,
Anderson, C. M.	Davidson, A. C.	Mahoney,	Spriggs,
Atkinson,	Davis,	Martin,	Stewart, Charles
Bacon,	Dingley,	Matson,	Stewart, J. W.
Ballentine,	Dockery,	Merriman,	St. Martin,
Barbour,	Eldredge,	Mitchell,	Stone, E. F.
Barksdale,	Ellsberry,	Moffatt,	Stone, W. J., Mo.
Barnes,	Gibson, Eustace	Morrill,	Swinburne,
Belmont,	Glover,	Negley,	Symes,
Bennett,	Hale,	O'Donnell,	Throckmorton,
Bland,	Hanback,	O'Hara,	Van Schaick,
Boyle.	Henley,	Parker,	Wakefield,
Browne, T. M.	Hiscock,	Payson,	Ward, J. H.
Bunnell,	Houk,	Perkins,	Ward, T. B.
Butterworth,	Hudd,	Pindar,	Wellborn,
Campbell, J. E.	Johnson, F. A.	Reagan,	Whiting,
Campbell, T. J.	Kelley,	Reese,	Willis,
Candler,	Ketcham,	Robertson,	Wolford,
Catchings,	Laffoon,	Rogers,	Woodburn.
Comstock,	Libbey,	Rusk,	
Cox, S. S.	Lindsley,	Sadler,	

So the previous question was ordered.

Mr. HATCH. I ask unanimous consent to dispense with the reading of the names.

Mr. WARNER, of Ohio. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced for the rest of the day:

Mr. STEWART, of Texas, with Mr. KETCHAM.

Mr. MARTIN with Mr. LOUTTIT.

Mr. ROBERTSON with Mr. ADAMS, of Illinois.

Mr. LOWRY with Mr. HOUK.

Mr. ANDERSON, of Ohio, with Mr. KELLEY.

Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH, on this vote.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

RETURN OF MESSAGE FROM THE SENATE.

The SPEAKER. If there be no objection, the Chair will lay before the House a resolution for present consideration.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House the message that the House had agreed to the amendment of the Senate to the bill (H. R. 8869), granting a pension to Mrs. Henrietta M. Drum Hunt.

The SPEAKER. The Chair will state that this bill is still in conference, but by mistake it was enrolled, and a message sent to the Senate that the House had agreed to the amendment.

There being no objection, the resolution was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested; namely:

A bill (S. 2877) to promote the efficiency of the General Land Office;

A bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes; and

A bill (S. 3157) to authorize the removal of the quarantine station from Ship Island, Mississippi.

The message also announced that the Senate had passed a concurrent resolution providing for completing the compilation and printing of the veto messages of the Presidents of the United States.

Also, that the Senate had passed with amendments the bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as Public Reservation No. 3, in the city of Washington, D. C., and requests a conference with the House on the bill and amendments, and had appointed Messrs. SPOONER, MORRILL, and VEST as managers on the part of the Senate.

PLEURO-PNEUMONIA BILL.

Mr. HATCH. I now ask unanimous consent to modify my motion so as to limit the debate to twenty minutes instead of ten minutes.

Mr. WARNER, of Ohio. I object. If the gentleman will make it one hour, I will withdraw the objection.

The question being taken on the motion of Mr. HATCH, the House divided; and there were—ayes 73, noes 13.

Mr. WARNER of Ohio. No quorum.

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 49, not voting 96; as follows:

YEAS—173.

Adams, J. J.	Dockery,	Hayden,	McCreary,
Allen, C. H.	Dorsey,	Haynes,	McKenna,
Allen, J. M.	Dougherty,	Heard,	McKinley,
Anderson, J. A.	Dunham,	Henderson, D. B.	Millard,
Atkinson,	Eden,	Henderson, T. J.	Miller,
Baker,	Eldredge,	Hepburn,	Mills,
Barksdale,	Ely,	Hermann,	Moffatt,
Barry,	Ermentrout,	Hiestand,	Morrison,
Bayne,	Evans,	Hill,	Murphy,
Bliss,	Everhart,	Hires,	Neal,
Blount,	Farquhar,	Hitt,	Neece,
Boutelle,	Felton,	Holman,	O'Ferrall,
Brady,	Findlay,	Holmes,	O'Hara,
Brown, C. E.	Fisher,	Hopkins,	O'Neill, Charles
Brumm,	Fleeger,	Howard,	O'Neill, J. J.
Buchanan,	Foran,	Irion,	Osborne,
Buck,	Ford,	Jackson,	Owen,
Burleigh,	Forney,	Johnston, J. T.	Payne,
Burnes,	Frederick,	Kleiner,	Peters,
Burrows,	Fuller,	Laffoon,	Pettibone,
Bynum,	Funston,	La Follette,	Pidcock,
Cabell,	Gallinger,	Laird,	Plumb,
Caldwell,	Geddes,	Landes,	Price,
Campbell, Felix	Gibson, C. H.	Lanham,	Rice,
Campbell, J. M.	Glass,	Lawler,	Richardson,
Campbell, J. E.	Goff,	Le Fevre,	Riggs,
Cannon,	Grosvenor,	Little,	Rockwell,
Carleton,	Grout,	Long,	Romeis,
Caswell,	Guenther,	Lore,	Rowell,
Collins,	Hall,	Lovering,	Sadler,
Conger,	Halsell,	Lyman,	Sawyer,
Cooper,	Harmer,	Markham,	Sayers,
Curtin,	Hatch,	McComas,	Scranton,
Seney,	Stone, E. F.	Thomas, O. B.	White, A. C.
Seymour,	Strait,	Townshend,	White, Milo
Shaw,	Struble,	Trigg,	Wilkins,
Singleton,	Swope,	Van Schaick,	Willis,
Spooner,	Symes,	Wade,	Wilson,
Springer,	Tarsney,	Wadsworth,	Winans,
Stahlnecker,	Taulbee,	Warner, William	Wise,
Steele,	Taylor, E. B.	Weaver, A. J.	Wolford.
Stephenson,	Taylor, I. H.	Weaver, J. B.	
Stewart, Charles	Taylor, Zach.	Weber,	
Stewart, J. W.	Thomas, J. R.	Wellborn,	

NAYS—49.

Barnes,	Davidson, R. H. M.	McMillin,	Storm,
Blanchard,	Dibble,	McRae,	Swinburne,
Boyle,	Hammond,	Morgan,	Taylor, J. M.
Bragg,	Harris,	Muller,	Tillman,
Breckinridge, C. R.	Henderson, J. S.	Oates,	Tucker,
Campbell, T. J.	Herbert,	Peel,	Van Eaton,
Clements,	James,	Perry,	Viele,
Cobb,	Johnston, T. D.	Phelps,	Wallace,
Cowles,	Jones, J. H.	Randall,	Warner, A. J.
Croxton,	Jones, J. T.	Reed,	Wheeler.
Cutcheon,	King,	Skinner,	
Daniel,	Libbey,	Sowden,	
Dargan,	McAdoo,	Stone, W. J., Ky.	

NOT VOTING—96.

Adams, G. E.	Crisp,	Ketcham,	Reagan,
Aiken,	Culberson,	Lehlbach,	Reese,
Anderson, C. M.	Davenport,	Lindsley,	Robertson,
Bacon,	Davidson, A. C.	Louttit,	Rogers,
Ballentine,	Davis,	Lowry,	Rusk,
Barbour,	Dawson,	Mahoney,	Ryan,
Belmont,	Dingley,	Martin,	Scott,
Bennett,	Dunn,	Matson,	Sessions,
Bingham,	Ellsberry,	Maybury,	Smalls,
Bland,	Gay,	Merriman,	Snyder,
Bound,	Gibson, Eustace	Milliken,	Spriggs,
Breckinridge, WCP	Gilfillan,	Mitchell,	St. Martin,
Browne, T. M.	Glover,	Morrill,	Stone, W. J., Mo.
Brown, W. W.	Green,	Morrow,	Thompson,
Bunnell,	Hale,	Negley,	Throckmorton,
Butterworth,	Hanback,	Nelson,	Turner,
Candler,	Hemphill,	Norwood,	Wait,
Catchings,	Henley,	O'Donnell,	Wakefield,
Clardy,	Hiscock,	Outhwaite,	Ward, J. H.
Compton,	Houk,	Parker,	Ward, T. B.
Comstock,	Hudd,	Payson,	West,
Cox, S. S.	Hutton,	Perkins,	Whiting,
Cox, W. R.	Johnson, F. A.	Pindar,	Woodburn,
Crain,	Kelley,	Ranney,	Worthington.

So the motion to limit debate was agreed to.

Mr. WILSON. I ask unanimous consent to dispense with the reading of the names.

Mr. WARNER, of Ohio. I object. Let them be read.

The following additional pairs were announced:

Mr. HUTTON with Mr. MORROW, for the rest of the day.

Mr. SCOTT with Mr. KETCHAM, for the rest of the day.

Mr. CRAIN with Mr. BUTTERWORTH, on this vote.

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore* (Mr. MCCREARY). The question recurs on the motion of the gentleman from Missouri that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the pending bill (H. R. 7208).

The question being taken,

The SPEAKER *pro tempore* stated that the "ayes" seemed to have it.

Mr. WARNER, of Ohio. I ask for a division.

The House divided; and there were—ayes 118, noes 19.

Mr. WARNER, of Ohio. No quorum.

The SPEAKER *pro tempore*. The Chair appoints as tellers the gentleman from Missouri [Mr. HATCH] and the gentleman from Ohio [Mr. WARNER].

The House again divided; and the tellers reported—ayes 151, noes 12.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of resuming the consideration of the pleuro-pneumonia bill. By order of the House debate on the pending section and amendments thereto has been limited to ten minutes.

Mr. BUTTERWORTH. We all recognize the fact, Mr. Chairman, that there may be conditions affecting the public safety or the public health with which the several States are unable, and in some cases possibly unwilling, to successfully deal, and when such conditions arise an appeal is very properly and in fact necessarily made to the General Government as having a larger jurisdiction and more ample powers to meet such an emergency.

It is urged that this bill deals with such a condition of affairs in that one of the great sources of our food supply is seriously threatened with partial destruction, and in turning aside such a calamity all our people are interested. The necessity for legislative action being conceded, a question remains whether this bill deals wisely in all its provisions in meeting the conditions which confront us.

I submit that, admitting whatever there may be of wisdom in the other provisions, that which authorizes and in effect requires the payment by the United States of three-fourths of the appraised value of

the animals slaughtered, the appraisement fixing the value as of sound, healthy cattle, as the bill requires, is well calculated to promote pleuro-pneumonia instead of suppressing it. The result in each case would obviously be to pay the full value of the animal, thus affording a ready market for herds and creating a strong temptation to collusion and fraud. The several States are vitally interested in the case of the herds of cattle owned by the citizens within their borders, and will or should be required to co-operate with the General Government and should make some provision for paying at least in part for private herds of their citizens when they are destroyed in pursuance of the provisions of this bill, and in no event ought the General Government to be authorized to pay over one-third or one-half at most of the value of an animal appraised as if sound. The States could in fact, if they would, suppress pleuro within their jurisdiction and pay the expense. Massachusetts did so.

But in view of the danger arising from interstate-commerce in cattle the General Government is appealed to. But in my judgement the General Government should not do more than ought properly to devolve upon it.

If the State of Ohio can not supplement the payment by the Government of one-third of the value of the herds slaughtered in the private pastures of that State, then Ohio is remiss, and ought not to be heard when she appeals to have the United States bear burdens which should properly be borne by the State. All the people of Ohio are interested in the suppression of pleuro-pneumonia, whatever it is and wherever it is within her borders; and I submit that it is quite enough for the General Government in behalf of all the people to aid to the extent of paying at most one-half the loss sustained in the destruction of cattle owned in that State. Otherwise the General Government resolves itself into a philanthropic live-stock insurance company, and tainted herds will soon become very numerous and pleuro-pneumonia would abound. There is a good deal of human nature throughout this land, and supplementing the good neighborhood which obtains everywhere would insure the payment in every instance of about the full value of each animal, and herd-books with pedigrees would be multiplied without limit and blooded stock would be found in every pasture.

No provision should be adopted which even tends to absolve the States from doing their full duty in protecting their own herds from destruction, and the best way to secure this is to leave the responsibility and loss largely on the States. To assume they would do nothing would be to assert that the citizens of such State court pestilence and famine. With a division of the burden and responsibility, the General Government, acting conjointly with the States, can successfully accomplish what is sought by this bill. In that view, I shall at the proper time offer an amendment to strike out "three-fourths" where it occurs in the section being considered, and insert "one-half," and rely upon the several States to do their share whatever that may be. It is urged that men will conceal the fact that they have worthless animals unless you pay them three-fourths the value of sound animals as an inducement. That is absurd. A man who has an animal tainted so that its meat is unfit to eat ought to be punished criminally for offering it for sale; and it is enough for him that the Government pays him one-third or one-half of the value of the animal appraised as if it were sound. I submit that is as far as we ought to go, if, indeed, we ought to go so far. Therefore, I shall offer the amendment I have indicated.

So far as the amendment of my friend from New York [Mr. SWINBURNE] is concerned, I understand it looks to defining and limiting the duty of experts; but I am not sufficiently familiar with its exact provisions to approve or disapprove it. But I do feel we are offering a premium for the propagation of pleuro-pneumonia by offering three-fourths of the value of every herd selected in any pasture and appraised by the neighbors of the owner, where good neighborhood obtains, insuring payment of full value of each animal. I therefore hope, if it pleases the House, that it will reduce the amount to one-third. This bill doubtless meets a much-felt want, but in view of the vast powers it confers it should be carefully guarded.

Mr. HATCH yielded to Mr. LA FOLLETTE.

Mr. CALDWELL. I ask for the reading of the amendment of the gentleman from New York [Mr. SWINBURNE].

Mr. HATCH. I object.

Mr. LA FOLLETTE withholds his remarks for revision. [See Appeddix.]

Mr. CAREY withholds his remarks for revision. [See Appendix.]

Mr. SPRINGER was recognized, and yielded to Mr. LANHAM.

Mr. LANHAM. I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 76, after the word "which," strike out "a contagious or infectious disease," and insert "pleuro-pneumonia, foot-and-mouth disease, or rinderpest."

The CHAIRMAN. The time for debate upon this paragraph and all amendments thereto has expired.

Mr. HATCH. I desire to state to the committee that I accept the amendment of the gentleman from Texas [Mr. LANHAM].

Mr. GALLINGER. I have an amendment that I desire to offer, Mr. Chairman.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. SWINBURNE].

Mr. MCMILLIN and Mr. SPRINGER. Let the amendment be reported again.

The amendment was again read.

The question was taken on the amendment offered by Mr. SWINBURNE; and there were—ayes 84, noes 81.

The CHAIRMAN. The ayes have it——

Mr. HATCH. Mr. Chairman, I make the point that no quorum has voted.

The CHAIRMAN. There is a quorum. [Laughter.]

Mr. ANDERSON, of Kansas. I demand tellers.

The CHAIRMAN. Tellers are demanded. All in favor of ordering tellers will rise and stand until they are counted.

Mr. HATCH. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HATCH. My point is that the confusion is so great that the committee can not hear the Chairman. I have not heard more than one announcement out of three. I ask for tellers upon the last vote.

The CHAIRMAN. The Chair was submitting that question to the committee.

Tellers were ordered, 64 members voting in favor therof.

Mr. BURROWS. Mr. Chairman, is the question now on the amendment proposed by the gentleman from New York [Mr. SWINBURNE]?

The CHAIRMAN. It is.

The committe again divided; and the tellers reported—ayes 97, noes 73.

So the amendment was agreed to.

The CHAIRMAN. The question will next be taken on the amendment offered by the gentleman from Texas [Mr. LANHAM], which the Clerk will read.

The Clerk read as follows:

In line 76, page 4, after the word "which," strike out the words "a contagious or infectious disease," and insert "pleuro-pneumonia, foot-and-mouth disease, or rinderpest."

The amendment was agreed to.

Mr. MCMILLIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 61, 62, and 63 strike out "three-fourths of such amount as the appraisers may determine to have been the value before being diseased or exposed," and insert in lieu thereof "such amount as the appraisers may determine to be the value of the cattle as diseased or exposed."

The question being taken, there were—ayes 70, noes 70.

The CHAIRMAN. The Chair votes in the negative, and the noes have it.

Mr. MCMILLIN. No quorum has voted.

Tellers were ordered; and Mr. MCMILLIN and Mr. HATCH were appointed.

The committee again divided; and the tellers reported—ayes 72, noes 91.

So the amendment was not agreed to.

Mr. WARNER, of Ohio. I move the amendment which I send to the desk.

The Clerk read as follows:

In line 52 strike out "and," and insert, after the word "rinderpest," the words "and hog cholera."

The amendment was agreed to.

Mr. HATCH. I could not hear a word of that last amendment. [Laughter.]

The CHAIRMAN. The amendment has been disposed of.

Mr. BUTTERWORTH. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

In lines 61 and 62 strike out "three-fourths" and insert "one-half;" so as to read, "and pay the owner not exceeding one-half of such amount as the appraisers may determine to have been the value before diseased or exposed," &c.

The amendment was agreed to; there being—ayes 110, noes 36.

Mr. HATCH. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, returned to the House, in compliance with its request, a message from the House, announcing its agreement to the amendment of the Senate to the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt.

Mr. HATCH. I move that the House now take a recess until 11 o'clock to-morrow morning.

Mr. MILLS. I move that the House adjourn.

The motion of Mr. MILLS was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Petition of Florian Lischewsky, late private of Company C, Twenty-ninth Regiment New York Volunteers, for restoration to pension-rolls—to the Committee on Invalid Pensions.

Also, resolution of the Philadelphia Drug Exchange, asking for the passage of House bill 1621—to the Committee on Commerce.

By Mr. BLANCHARD: Papers relating to the claim of Frederic Williams, of Natchitoches, La.—to the Committee on Private Land Claims.

By Mr. BLOUNT: Papers relating to the claim of James Stevens, of Gordon County; and of Mrs. Emily Speight, of Baldwin County, Georgia—to the Committee on War Claims.

By Mr. BOYLE: Memorial of Letter-Carriers' National Association and of the Knights of Labor, in favor of a law making eight hours a day's labor for letter-carriers—to the Committee on Labor.

By Mr. BRUMM: Petition of George W. Kenedy and 33 others, citizens of Pottsville, Pa., for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. BYNUM: Petition of Frank Emerich and others, of Marion County, Indiana, for reduction of postage on seeds, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. CLEMENTS: Papers relating to the claim of Lucretia Frealix, of Walker County, Georgia—to the Committee on War Claims.

By Mr. CRAIN: Petition to accompanying House bill, granting a pension to William E. Parker—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of Post No. 271 and of Post No. 285, Grand Army of the Republic, of Michigan, in favor of the anti-polygamy bill—to the Committee on the Judiciary.

By Mr. DINGLEY: Petition of Grover Post, No. 126, Grand Army of the Republic, of Fryeburg, Me., for the passage of anti-Mormon bill—to the same committee.

By Mr. DORSEY: Petition of officers of the Independent Order of Good Templars, of Nebraska, in reference to the liquor traffic in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ERMENTROUT: Memorial of enlisted men of the Signal Corps, asking for the passage of House bill 5190—to the Committee on Military Affairs.

Also, memorial of S. S. Stevens and others, citizens of the eighth district of Pennsylvania, for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. HARMER: Resolution of the Philadelphia Drug Exchange, in favor of the bill (H. R. 1621), to regulate commercial sales of goods by samples—to the Committee on Commerce.

By Mr. HEARD: Petition of citizens of Boone County, Missouri, in favor of the Miller bill to extirpate cattle diseases—to the Committee on Agriculture.

By Mr. HERMANN: Petition of citizens of Oregon for land-grant forfeitures—to the Committee on the Public Lands.

By Mr. KLEINER: Petition of cattle-growers of New Harmony, Ind., in favor of the Miller bill—to the Committee on Agriculture.

By Mr. LINDSLEY: Petition of General Grant Post, No. 209, of Benjamin Marvin Post, No. 209, and of Pratt Post, No. 127, Grand Army of the Republic, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. LORE: Petition of James A. Hopkins and 41 others, citizens of Delaware, for the repayment of expenses entailed by the draft of 1865—to the Committee on War Claims.

By Mr. LYMAN: Resolution of the Iowa State Horticultural Society, in favor of the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. MORROW: Petition of George G. Meade Post, No. 48, Grand Army of the Republic, of San Francisco, Cal., for the passage of the anti-polygamy bill—to the Committee on the Judiciary.

By Mr. O'FERRALL: Petition of Jonathan Carpenter, of Rappahannock County, Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. OSBORNE: Petition of enlisted men of the Signal Corps, favoring the passage of House bill 5199—to the Committee on Military Affairs.

Also, petition of owners, masters, and seamen of American sailing vessels, favoring the passage of the Dingley pilot bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PIDCOCK: Petition of citizens of Bound Brook, N. J., for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. PINDAR: Concurrent resolution of the Legislature of New York, in favor of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. RIGGS: Letter of S. D. Nokes, of Mound Station, Ill., in favor of House bill 9733—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Neosha Falls Post, No. 73, Grand Army of the Republic, of Kansas, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. SHAW: Petition of Letter-Carriers' National Association, asking that eight hours shall constitute a day's work—to the Committee on Labor.

Also, petition of enlisted men of the Signal Corps, United States Army, for transfer of said corps to the new Executive Department contemplated in House bill 5190—to the Committee on Military Affairs.

By Mr. STAHLNECKER: Petition of enlisted men of the Signal Corps of the United States Army, favoring House bill 5190—to the same committee.

Also, petition of the Legislature of New York, favoring the bill (H. R. 10359), to extirpate pleuro-pneumonia among cattle—to the Committee on Agriculture.

Also, petition of Letter-Carriers' National Association, for relief—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Western Virginia leaf-tobacco trade, in favor of the repeal of the tax on tobacco—to the Committee on Ways and Means.

By Mr. STEELE: Petition of 75 citizens of Howard County, Indiana, in favor of the Miller bill to prevent contagious diseases among cattle—to the Committee on Agriculture.

Also, petition of Lieut. E. D. Pierce, late Company H, Fifth Indiana Volunteers, Mexican war, and numerous citizens of Indiana and Washington Territory, asking arrears of pension for Lieutenant Pierce, and giving reasons therefor—to the Committee on Pensions.

By Mr. THROCKMORTON: Petition of citizens of Wise County, Texas, praying for an appropriation to buy seeds for the drought sufferers of that State—to the Committee on Appropriations.

By Mr. WHEELER: Papers relating to the claim of Francis M. Wedgeworth; of Sophronia Hughes, administrator of A. C. Hughes; of Thomas M. Barksdale; of David F. Bates; of Sarah J. Graham; of Anderson A. Clem; of James M. Newby; and of William R. Hanserd, of Limestone, Ala.—to the Committee on War Claims.

By Mr. WILSON: Papers in the claim of William F. Turner, administrator of Jacob Custer; of John W. Ott; of Mrs. Elizabeth B. Welsh; of John J. Lock, administrator of Uriah Rutherford, deceased; of David A. Wazeley; of William C. Ramey; of Samuel Ruckle, of Jefferson County; and of John D. Conard, of Loudoun County, Virginia—to the same committee.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. GILFILLIAN: Of citizens of Minneapolis, Minn.

By Mr. D. B. HENDERSON: Of 115 citizens of Allison, and of 66 citizens of Quasqueton, Iowa.

By Mr. HERMANN: Of 165 citizens of Yam Hill County, Oregon.

By Mr. HOLMES: Of 143 citizens of Dakota City and Eldora, and of 90 citizens of Clarion, Iowa.

By Mr. OSBORNE: Of 193 citizens of Pennsylvania.

By Mr. OWEN: Petition of the Women's Christian Temperance Union of Indiana.

By Mr. PLUMB: Or 315 citizens of Joliet, Ill.

By Mr. PRICE: Of 389 citizens of the eighth district of Wisconsin.

By Mr. RIGGS: Of 65 citizens of Perry and Pittsfield, Ill.

By Mr. SCOTT: Of the Methodist, Baptist, and Congregational churches, and of 192 citizens of Corry, Pa.

By Mr. SWINBURNE: Of the Presbyterian, Methodist, and Baptist Churches of West Troy, N. Y.

By Mr. TARSNEY (by request): Petition of the Women's Christian Temperance Union of Michigan.

By Mr. E. B. TAYLOR: Of 148 citizens of Berea, Ohio.

SENATE.

FRIDAY, *February* 4, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Treasury; which was read:

TREASURY DEPARTMENT, *February* 3, 1887.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of letter of the Secretary of the Interior of the 2d instant, submitting an estimate of appropriation for pay of special agents to make allotments of lands in severalty, including actual and necessary traveling and other expenses of such agents, $25,000.

Respectfully yours,

D. MANNING, *Secretary.*

The PRESIDENT *pro tempore United States Senate.*

Mr. HALE. I should like to have the letter from the Secretary of the Interior accompanying that communication read.

The PRESIDENT *pro tempore.* It will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1887.

SIR: In accordance with the provisions contained in the second section of the act of July 7, 1884 (23 Stat., 254), I have the honor to transmit herewith for presentation to Congress copy of a letter of 1st instant from the Commissioner of Indian Affairs, inclosing an item of appropriation in the sum of $25,000 to provide for the salaries and necessary expenses of special agents to make allotments in severalty, including actual and necessary traveling expenses of such agents.

I have the honor to be, very respectfully,

H. L. MULDROW,
Acting Secretary.

The Hon. SECRETARY OF THE TREASURY.

Mr. HALE. I should like to have the estimate, not read, but printed in the RECORD. It is a very important matter.

The PRESIDENT *pro tempore*. Nothing further accompanies the communication from the Secretary of the Treasury except a short letter of the Commissioner of Indian Affairs. That will be printed in the RECORD; and all the papers will be referred to the Committee on Appropriations and printed in document form.

The letter of the Commissioner of Indian Affairs is as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 1, 1887.

SIR: The general allotment bill (S. 54), now before the President for his signature, provides that the allotments of lands in severalty therein authorized shall be made by special agents appointed by the President for that purpose, but makes no provision for the payment of the salary and expenses of such special agents.

I therefore have the honor to recommend that the attention of Congress be called to the matter, through the proper channels, with the request that an item (draught of which is herewith submitted) be inserted in the Indian appropriation bill appropriating the sum of $25,000 for that purpose.

Very respectfully, your obedient servant,

J. D. C. ATKINS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Item of appropriation:

For pay of special agents to make allotments of lands in severalty, including actual and necessary traveling and other expenses of such agents, $25,000.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in reply to a resolution of January 11, 1887, an estimate of contingent expenses of the Treasury Department; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of $1,500 appropriation for removing the Jicarilla-Apache Indians in New Mexico to a more suitable location; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation for the erection of shops, &c., at the Indian Industrial School at Genoa, Nebr.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a letter from the secretary of the Territory of Dakota, transmitting a resolution of the Legislative Assembly of Dakota, remonstrating against the removal of Fort Abraham Lincoln; which were referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

TERRITORY OF DAKOTA, SECRETARY'S OFFICE,
Bismarck, D. T., January 31, 1887.

SIR: In compliance with the instructions contained in the inclosed joint resolution of the Legislative Assembly of the Territory of Dakota, I have the honor to transmit herewith a copy of house bill No. 50.

I am, your obedient servant,

M. L. MCCORMACK,
Secretary of Dakota.

Hon. JOHN SHERMAN,
President of the Senate, Washington, D. C.

Whereas it is reported that the early abandonment of Fort Abraham Lincoln, in this Territory, is contemplated by the United States Government: Therefore,

Be it resolved by the Legislative Assembly of the Territory of Dakota, That we earnestly protest against any such contemplated action, and do respectfully petition that said fort be maintained and further improved for the following reasons:

Its location at the crossing of the Northern Pacific Railroad over the Missouri River makes it pre-eminently suited for a distributing post for arms and supplies for other posts along the Missouri River and in the country farther west.

Its facilities are the very best for the massing of troops, and for their prompt dispatch in case of Indian outbreak, riots, or emergency of any kind to exposed points in every direction.

Its abandonment would necessitate the removal of the bodies of the dead in its cemetery to some other point, many of whom have but recently been brought there from other posts and interred.

Its adequate maintenance is a necessity to the settlers in the adjacent country, who are unprotected, except by the near presence of United States troops, from the depredations of the roving bands of Indians who are continually wandering over the country, or from the horrors of an outbreak of the thousands now massed on the adjoining Sioux reservation, whose atrocities and massacres are still fresh in the memories of the people, while its abandonment would not only greatly alarm and jeopardize the present scattered settlers and small communities, but would also seriously retard further settlement and development of that section of the country.

Resolved, That we urge upon our Delegate in Congress, Hon. O. S. GIFFORD, to use every effort to secure the object above set forth.

Resolved, That duly certified copies of the foregoing preamble and resolutions be forwarded to Hon. O. S. GIFFORD, the President of the Senate, and the Speaker of the House of Representatives, at Washington, to be laid before both Houses of Congress, and ordered printed and referred to appropriate committees.

UNITED STATES OF AMERICA.
TERRITORY OF DAKOTA, SECRETARY'S OFFICE.

I, M. L. McCormack, secretary of the Territory of Dakota, do hereby certify that I have carefully compared the foregoing copy of house bill No. 50, being a joint resolution against the removal of Fort Abraham Lincoln, approved by the governor January 29, 1887, with the enrolled original now on file in this office, and that the same is a correct transcript therefrom, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the Territory of Dakota, at Bismarck, this 31st day of January, 1887.

[SEAL.] M. L. MCCORMACK,
Secretary of Dakota Territory.

Mr. EUSTIS presented the petition of J. L. Lyons & Co. and other citizens of New Orleans, La., praying for the repeal of the internal-revenue laws; which was referred to the Committee on Finance.

Mr. ALLISON. I present a petition signed by all the national banks of the city of Omaha, Nebr., suggesting certain amendments to the bill (H. R. 9110) in relation to national banks. The petition suggests that Chicago be added to the list of cities where reserve banks can deposit money as now in the city of New York. I also present a similar petition signed by all the national banks of Kansas City, Mo., suggesting that Saint Louis also be added to the list. I move the reference of these petitions to the Committee on Finance.

The motion was agreed to.

Mr. CAMERON presented a petition of druggists of Reading, Pa., and a petition of druggists of Scranton, Pa., praying for a reduction of internal-revenue taxes; which were referred to the Committee on Finance.

Mr. MORRILL presented the memorial of G. F. Dunlop, M. I. Adler, Robert E. Frey, and a large number of other citizens of Georgetown, D. C., remonstrating against the proposed franchise to allow the Washington Cable Railroad Company to lay its tracks through the streets of Georgetown and Washington; which was referred to the Committee on the District of Columbia.

Mr. RIDDLEBERGER presented a petition of citizens of Virginia, praying for the passage of what is known as the Colquitt bill to regulate the granting of liquor licenses in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BUTLER presented resolutions adopted by the Board of Health of Charleston, S. C., favoring legislation looking to the erection of a hospital near Key West for the purpose of assisting the proper authorities in keeping out yellow fever from the United States; which were referred to the Committee on Epidemic Diseases.

He also presented the petition of Joseph Berry, of Aiken County, South Carolina, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BLAIR presented the petition of W. T. Dale and other citizens of Spring Hill, Tenn., praying for the passage of a bill in relation to the observance of the Sabbath; which was referred to the Committee on Education and Labor.

Mr. HAWLEY presented resolutions adopted by the Board of Trade of Norwich, Conn., favoring an appropriation for the improvement of the Thames River; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio, reported it without amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 3013) for the relief of First Lieut. James Regan, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military Reservation, reported it without amendment and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 3146) granting a pension to John W. Reynolds, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred an amendment intended to be proposed to the post-office appropriation bill, reported it favorably, and moved its reference to the Committee on Appropriations; which was agreed to.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 3265) to increase the pension of Lucy Moore; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 3266) for the relief of Lacon R. Tillman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER introduced a bill (S. 3267) to increase the appropriation for the erection of a public building at Troy, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

SCHOOL BUILDINGS IN THE DISTRICT.

Mr. VAN WYCK. I offer the following resolution:

Resolved, That the Committee on Appropriations be directed to make suitable appropriations for the rent or construction of buildings for school purposes sufficient to accommodate all children of school age in the District of Columbia.

In connection with the resolution I desire, in order to show the importance of the subject and the oversight or neglect which has followed the want of buildings for school-houses, to have read as part of my remarks a preamble and resolutions adopted at a meeting of citizens of this city.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks that the preamble and resolutions he sends to the desk be read. If there be no objection they will be read.

The Chief Clerk read as follows:

Preamble and resolutions unanimously adopted at a public meeting of citizens and tax-payers of East Washington, D. C., held December 29, 1886.

Whereas Congress has by law imposed a penalty of $20 on every person or guardian in the District of Columbia who fails to send each child of school age to school twelve weeks each year; and

Whereas the official record for 1886 shows that there are 5,000 more school children enrolled than there are school seats in the District; and

Whereas Congress by its laws has deprived the people of the District of the legal right or power to build a school-house with their own taxes even, except by its permission; and

Whereas the record shows that, because of the want of school buildings, over 12,000,—considerably more than one-third of the children enrolled—are compelled to attend half-day schools; and

Whereas in the third school division, known as East Washington, out of a total of 83 schools, 35 are half-day schools, embracing 1,750 scholars, 786 of whom are in the third and fourth grades, and who are compelled to occupy an old stable, a loft over a tin and paint shop, an old engine-house, and similar unfit places; and

Whereas the eight-room building now being erected will not provide room for half of these children; and

Whereas the children of the poor seldom attend school beyond the fourth or fifth grade, and therefore receive little or no benefit from the high grades or the high school; and

Whereas it is an axiom that "ignorance is the mother of crime and vice," and it has been publicly charged by a high officer of the United States Government that in consequence of this condition of our educational affairs there is more crime in proportion to the population in the District of Columbia than in the city of New York; and

Whereas it has been publicly stated by a Senator that this bad condition of our school affairs is the fault of the people of the District, because they had not made their wants known to Congress, notwithstanding their repeated memorials and petitions, backed by urgent appeals from the Secretaries of the Treasury and the Interior, the Commissioner of the Land Office, and by Washington, Jefferson, and Monroe from 1804 to the present day; and notwithstanding the fact also that the official record of Congress shows that, while it has given to the States over $28,000,000 in money, over 80,000,000 acres of the public lands for school purposes, and 155,000,000 acres for railroads, it has never given to the District of Columbia a dollar of money or a foot of land for such purpose, but, on the contrary, received as a free gift from the citizens of the District three-fourths of all the land occupied by the city of Washington; and notwithstanding also that more than one-third of the pupils are the children of colored people, a large portion of whom were brought here by exigencies of the war as "freedmen" and left on our hands, and for whom we are required by a law of Congress to expend as much per capita as for the white children for school purposes, very few of whom are able to or do contribute a cent to the District revenues or school fund, besides whom we are required to provide school facilities for a large number of non-residents in the employ of the United States Government, who also contribute nothing to the school fund;

Therefore it is hereby resolved by the citizens and tax-payers of East Washington, in public meeting assembled, as follows:

1. *Resolved*, That we here and now call the attention of Congress to the terrible condition and needs of the public schools of the District, as set forth in the report of the board of school trustees and of the superintendents of the schools; and ask for the publication of this preamble and resolutions in the CONGRESSIONAL RECORD, to the end that all Members and Senators may be informed as to the facts in the case.

2. *Resolved*, That for the reasons above set forth it would, in our opinion, be a great wrong to expend any more of our limited revenues to enlarge high-school buildings or to increase the expenditures for said schools until the lower grades have been more fully provided for.

3. *Resolved*, That the conditions and needs of the third school division imperatively demand the erection of at least one twelve-room school building in said division the coming season.

4. *Resolved*, That a committee of three be appointed by this meeting to wait on the Committee of Appropriations for the District of Columbia of the House and Senate and urge on said committees the necessity and propriety of increasing the school facilities for the lower grades first, and of providing for at least one twelve-room school building in the third division the coming season.

Fifth. *Resolved*, That in view of the facts herein set forth, simple justice would seem to require that Congress should, by a grant of land or otherwise, provide a public school fund for the District of Columbia at least equal to that provided for the several States of the Union; and we hereby invoke the earnest attention of Congress to the matter.

S. C. CLARKE, *Chairman*.

T. B. MARCHE, *Secretary*.
Washington, D. C., December 29, 1886.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution offered by the Senator from Nebraska.

Mr. PLUMB. What is the resolution?

The PRESIDENT *pro tempore*. The resolution will be again read.

Mr. PLUMB. I understood that the resolutions presented were resolutions of a meeting of citizens of this District.

The PRESIDENT *pro tempore*. A resolution was offered by the Senator from Nebraska, which will be again read.

The Chief Clerk read the resolution submitted by Mr. VAN WYCK.

Mr. PLUMB. I move that the resolution be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the resolution be referred to the Committee on Appropriations.

Mr. VAN WYCK. I have no objection to that motion. I intended to ask that the resolution be referred to the Committee on Appropriations. I offered the resolution for the purpose of laying the foundation in order that the resolutions of the citizens of this city might be properly presented to this body and referred to the Committee on Appropriations. I presume all that will be necessary will be that the wants of the citizens as expressed should be called to the attention of the committee.

The facts stated in the resolutions are alarming, if they be true, and no doubt they are true. While great efforts have been made by Congress to appropriate millions and millions of dollars for school purposes, right in the shadow of this Capitol this neglect has been going on year after year, so that there are not absolutely buildings or seats provided for the children of school age, and to such an extent has it grown that it has been published to the world that the ratio of crime is really greater in the city of Washington, in proportion to population, than in the great city of New York, which we always supposed took precedence in that regard.

I therefore ask that the resolutions of the citizens and the resolution which I have offered may be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The resolution and accompanying papers will be referred to the Committee on Appropriations.

Mr. HAWLEY. I wish to say just a word upon the motion to refer. It is not alone the fact that there is not school room enough for all the children of school age in the District. If there were seats and benches for three-fourths of them it would probably be enough, but there are not enough for those of school age who are enrolled as desiring to attend. I think I explained this once before. If the school age be from four to sixteen, as it used to be in my State, it covers twelve years. If children on the average go to school eight years out of the twelve they are doing tolerably well, as an average. That would require school room only for two-thirds of the number who are returned as of the school age. But in this District that is not what the Senator from Nebraska refers to, if he will allow me to say so. The difficulty is that there is not room for those who do apply and desire to attend school, and they are only a fraction of the total number—a large fraction it is true, but not all by any means.

Mr. DAWES. I do not think that Congress is open to the criticism implied in these resolutions and in the remarks of the Senator from Nebraska. Congress has never failed to come up to all that those who are clothed with the authority of administering public affairs in this District have asked.

The law does not require the Committee on Appropriations to make the estimates for public schools in this District. The law imposes that duty upon others, and if they have been more engaged and enlisted in other enterprises looking to the prosperity of the District or of any portion of it than they have to the education of the children of school age in this District, the criticism should be applied to them and not to Congress.

The resolution of the Senator from Nebraska and the resolutions which it covers suggest that the Committee on Appropriations make the estimates, and that they determine for themselves what is necessary for the schools in this District. What is the purpose of having a board of commissioners to manage the affairs of this District, what is the object of having a school superintendent in this District, what is the purpose of having a board to which the interests of the schools in this District are committed, if the Committee on Appropriations, which has considerable to do, I am of opinion, is to go and visit all the schools, is to go and enumerate all the scholars, is to go and ascertain the average attendance, and the standard of progress made by the scholars, and to determine where it is best to have a school-house, and what is the shape best to have it built, and how much is to be expended? Those officers appointed here under the Government are ornamental if that is the purpose and the object of all these resolutions. I suggest to my distinguished friend from Nebraska that he open his cannonade upon those officers to whom the interests of this District are committed.

I happened to attend the public meeting to which those resolutions allude, and I heard a high official of the Government make the statement that the crimes committed in this District were greater in proportion than they were in the city of New York, and he did not seem to understand what the matter was. He declared that the whole difficulty was with Congress.

The Committee on Appropriations have never failed, nor has Congress ever failed, to give to this District for the purposes of education everything its officials have asked.

The PRESIDENT *pro tempore*. The resolution and accompanying papers are referred to the Committee on Appropriations.

Mr. VAN WYCK. Mr. President——

The PRESIDENT *pro tempore*. There is no question before the Senate; concurrent or other resolutions are still in order.

Mr. VAN WYCK. The Senator from Massachusetts seems to misunderstand the extent and the purport and the object not only of the resolution which I offered but of the resolutions adopted by sundry citizens of Washington on this behalf. There was no cannonade intended on the part of the citizens, neither was there any cannonade intended on the part of the resolution which I felt it my duty to offer.

I do not know why it should be that when the Congress of the United States are appealed to, or a distinguished committee of this body are solicited, mildly, humbly, gentlemen at once feel it their duty to suppose that some attack is made upon them and to characterize it as a cannonade. This is the petition of the citizens of Washington, humbly beseeching and asking, as they have to do when any of their rights are recognized, coming obsequiously, with hat in hand, begging that they may be recognized in their rights. They come to this body year after year to seek for redress of wrongs and for the prevention of outrages, and neither the committee to which the gentleman refers, nor any other committee, nor Congress itself manifests any disposition to take them by the hand, or to relieve them from the scourgings that are inflicted upon them. They come now, meekly as usual, to ask Congress at least to prevent them from the increase of crime by giving them school room sufficient to educate their children. That is all they ask, and the Senator from the grand old State of Massachusetts, which boasts of the excellence of education to all her children, charges the citizens of Washington, when they make this humble appeal, with a cannonade upon the committee. It is remarkable in the source from whence the objection comes.

Is the right of petition to be thus stigmatized when their petition only asks to be allowed to expend their money for the purpose of educating their own children and the children of the poor that there may be less of crime and less of poverty in the District of Columbia?

Then my friend says that it is beyond the duty of the Committee on Appropriations to make estimates. Certainly. The citizens are not asking them to make estimates. Did the distinguished Senator, who is a member of the committee, read the report of the school board of this city? Did he find time for that, may I ask him? Has he read the report of the superintendent of public schools for this year presented to this body?

Mr. DAWES. If the Senator does not ask the committee to make estimates and they have made appropriations for all the estimates, what does he ask the committee to do?

Mr. VAN WYCK. I ask the Senator if he has read the report of the superintendent of schools of this city? Has he read the one for the current year? Has he read it?

Mr. DAWES. Suppose I have?

Mr. VAN WYCK. It is not a question of supposition; it is a question of fact. Has the Senator read it? [A pause.]

Mr. DAWES. The Senator has come to a full stop because I have not answered his question. Perhaps I should be tempted not to answer it at all.

Mr. VAN WYCK. Just as the Senator chooses. I can not enforce an answer.

Mr. DAWES. I am quite free to say that I have read it with great pleasure and delight, and I have derived a good deal of profit from reading it, but it has thrown no light on the question as to what the Committee on Appropriations can do if they are not called upon to make estimates and have made appropriations for every estimate that somebody else has submitted to them.

Mr. VAN WYCK. If the Senator had gone a little further he might have characterized the proper feeling which the reading of that document would naturally have inspired. He says he read the report with profit and pleasure. I think he could have added that he read it also with pain. That such a state of facts exists as is set forth in the report of the superintendent of the public schools in this city should produce pain in the mind of a distinguished Senator coming from a State which values education so highly as does the State of Masschusetts; that such facts could be stated in the report of the superintendent of education in this city should have brought the Senator to his feet at once in this body and not caused him to enjoy the pleasurable sensation of which he speaks—the idea that such a state of facts could have existed beneath the shadow of the Capitol of this great Republic is a matter which might have better produced pain than pleasure in the mind of the Senator reading it.

The facts are there, and now the committee shields itself under this cannonade, as the Senator calls it, from the fact, he says, that it is beyond the dignity of the committee to make estimates. Certainly the citizens do not ask the committee to make estimates. The necessary estimates will be gladly furnished to them. All the people of the District want is a disposition on the part of the Senate to do for them what they ask and implore and have a right to demand. If Congress is determined to keep its clutch and hold upon a population of 200,000 citizens, intelligent, and desiring that their children should grow up in intelligence, if Congress will insist upon denying to the people of this city home rule, the power to regulate their own matters in regard to a question so important as education, then Senators should not stand up here and find fault with the duty and labor which they impose upon themselves and arraign a feeble people and call it a cannonade because they dare come and ask Congress to relieve them from the stigma and stain that their children should grow up in idleness and that vice and crime should come commensurate with that ignorance and poverty. It is a startling proposition. England answered Ireland, when Ireland demanded home rule and she denied it, in no more opprobious terms than the gentleman who stigmatizes this humble effort as a cannonade on the part of the citizens of Washington. If Congress are determined to deny this little of home rule to this people, this little of self-control to this people, then they must not arrogate to themselves any special prerogatives of dignity when they are called upon to yield in so important a matter as that of education a little of the time and attention which they give to other matters.

Mr. President, I have said all I need to say upon this matter. It was only called out by the very remarkable expression of the Senator from Massachusetts, and I trust what I have said will be sufficient. I trust I may say to those who passed the resolutions that all they have to do is to ask, to stretch forth their hands and to implore, and the doors of the Treasury will be opened at least in the matter of education.

I will say to my friend from Connecticut [Mr. HAWLEY] that there are thousands and thousands of children in this city who are only allowed the advantages of school one-half of each school day because there is not room enough in this great city of this great Republic for which the Senator from New Hampshire [Mr. BLAIR] desires to appropriate nearly a hundred million dollars for educational purposes. Thousands of children in this city are denied the privileges of education one-half of each school day of the year because this great Republic will not allow to the citizens of this city the privilege of taxing themselves to build houses or rent rooms for that purpose.

Mr. BLAIR. Mr. President, I only rise to suggest to the Senator from Nebraska what perhaps he has overlooked, that the appropriation in the bill to which he refers of $77,000,000 would carry to this District its proportion and would do thus much toward helping out and relieving the evil that the District is suffering from in common with the whole country.

Mr. VAN WYCK. But as that bill is so far off in the future it gives very distant prospects of relief to the citizens of this city, who immediately need relief, and they want it. What a disgrace! And the Committee on Appropriations do not know it! The intelligent Senator from the highly cultured State of Massachusetts does not seem to know that there are thousands of children here to-day not only of school age but upon the roll seeking education, demanding it, and yet the innocence of Senators who have not been properly approached is such that they do not know it; and the report which states that fact does not excite any feeling of dissatisfaction or pain.

Mr. President, I trust that with this explanation on the part of the Committee on Appropriations and the liberality manifested they will see to it that if the commissioners have neglected to press it, as I think they have not, if the superintendents of education in this city have neglected to press it, as I think they have not, they will press this matter now even at the risk of being charged with another cannonade as against the Committee on Appropriations or the Congress of the United States.

Mr. HAWLEY. Mr. President——

The PRESIDENT *pro tempore*. Are there further "concurrent or other resolutions?"

Mr. HAWLEY. I desire to say a word or two more upon this subject.

The PRESIDENT *pro tempore*. The resolution has been already referred to the Committee on Appropriations.

Mr. HAWLEY. I rose as soon as the Senator from Nebraska closed his remarks. At any rate I do not think it out of place altogether to say something about the report to which reference has been made, because the discussion will inevitably arise, and it is quite as well that something should be said at least before the Committee on Appropriations has come to any decision. I will confine myself to giving an official statement briefly of the chief facts in this matter as presented by the board of trustees of the schools of this District. They say:

> In the first place, it is shown that the basements of eight of our public school buildings are, under the pressure of absolute necessity, crowded with children. No one of these basements was ever intended for any such purpose, and every one of them is wholly unfit for it. As stated by the superintendents, they are dark, damp, and incapable of proper heating or proper ventilation—so dark that on many days in the year the schools must be dismissed because the children can not see to read their lessons.
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> But, in the second place, these reports show that, even after resort to these basements and to the thirty-nine unsuitable rented school-rooms, 9,120 children, or more than one-third of the entire attendance, were restricted to half-day schools last year, for the simple reason that the total seating capacity provided for the accommodation of pupils, these objectionable make-shifts included, left 4,530 children wholly unprovided for, and compelled the unseating of that many other pupils for one-half of each day throughout the school year in order that the first-named might not be wholly excluded from the benefit of the schools. And the statistics for the current year included in the two reports show that the number of children whose common-school opportunities are thus dwarfed and mutilated is now increased to 12,089.

And again:

> We have in actual attendance about 5,000 pupils in excess of the seating capacity provided—

In attendance, mind; 5,000 in excess of the seating capacity—

the basement and rented school-rooms all included.

Mr. DAWES. From what is the Senator reading?

Mr. HAWLEY. The "report of the board of trustees of public schools of the District of Columbia for the school year ending June 30, 1886."

Mr. DAWES. To whom is it addressed?

Mr. HAWLEY. I know the legal point the Senator makes. I will attend to it when I get through reading from the report.

Mr. DAWES. I want to know to whom it is addressed.

Mr. HAWLEY. It is addressed to the commissioners of the District of Columbia, who are the mere instruments of Congress.

Mr. DAWES. So I supposed, and they address their conclusion——

Mr. HAWLEY. I will attend to that before I get through.

Mr. DAWES. They address their conclusion to——

Mr. HAWLEY. I will attend to it before I get through. The Senator pleaded in abatement that miserable evasion before. The board of trustees say:

Each teacher, with us, is intrusted with about fifty pupils; so that, retaining the basements and rented buildings, we actually need, at the present time, one hundred additional school rooms.

Again, from Mr. Powell to the president of the board of trustees:

I herewith present a summary of statistics compiled from records in my office and from the report of Superintendent Cook.

This is submitted to the trustees:

The total number of school rooms owned and rented (458) accommodated 21,663 pupils, but there were 26,223 pupils enrolled on an average throughout the school year, excluding those enrolled in the Washington High School.

There were therefore 4,560 pupils for whom there were no seats and 4,560 other pupils were compelled to give up their seats to them a half of each day; that is, there were 9,120 pupils on an average throughout the entire school year who were attending half-day schools.

The condition of the schools for the current year is worse than was that of last year, because the additional demand for school room because of the increase in the population of the city is much in excess of the additional supply.

The additional demand does not keep up with the increase of the number of pupils.

The Senator from Massachusetts says that a cannonade is made upon the Committee on Appropriations. Not at all, sir. I am saying nothing savage or harsh about either the commissioners or the Committee on Appropriations; they must do their duty as seems best to them; but I submit that Congress can not escape its obvious duty in this matter by saying that the commissioners have not asked for all that is needed. They are afraid to ask for all that is needed. That is what I have been told over and over again.

Mr. DAWES. Mr. President——

Mr. HAWLEY. To wait until I get through would be just as well and much better. The commissioners do not estimate for what they know to be needed. I state that, and I ask the Committee on Appropriations to summon those commissioners and put them upon their honor to testify—I say nothing of their oath—whether they have asked all that was in their judgment needed by the demands of humanity and common decency for the schools of the District. I say they have not; but whether they have or not, if there be any legal authority in this body to increase that appropriation upon the District appropriation bill I hope it will be done by the Committee on Appropriations, and if not, I hope it will be done by the Senate, that we at least may clear ourselves.

I say deliberately that somebody is disgracefully neglecting duty. It is either the commissioners or the Congress, one or the other. I do not care to attempt to apportion it, but the evil is unquestionable, and is a shame to civilization. Here we have proposed to vote $77,000,000 as a gift to the various States because we say the States are too indolent, or too stupid, or too ignorant to take care of their own children, when right here in the District of Columbia, in the center of the country, in that bit of land which ought to be the typical presentation of the benefits of free government, we are exhibiting a worse neglect of schools, I venture to say, than prevails in any State or Territory of the Union.

Mr. DAWES. No member of the Committee on Appropriations that I have heard of has fallen short of the Senator from Connecticut or the Senator from Nebraska in denouncing the condition, hopeless almost, of the children of this District for want of education. If any commissioner of the District has attempted to shield himself from responsibility by saying that he dare not ask the Committee on Appropriations for what he deems necessary for the education of the children in this District, he has stated to the Senator from Connecticut or to somebody else that which does not exist in fact. Every commissioner of the District ever since I have been upon the subcommittee connected with the District appropriation bill knows that the committee themselves have attempted and have put in appropriations beyond the advice of the commissioners; and when they prefer to have the money taken from the purposes of school education to extend streets out from the boundary of the city, or to expend money in other methods of improvement in this District, they shall not undertake to shield themselves here in this body from any dereliction of duty to the poor beggar children of this District by saying they did not dare to ask for appropriations from the Committee on Appropriations. They never have asked for a dollar since I have served upon that committee for the purposes of education that they did not get, and they have got more than they asked many a time.

Mr. HAWLEY. I disclaim any reflection upon the Appropriations Committee, gentlemen for whom I have the highest respect, personally and officially. I simply state that the condition of the District is infamous.

Mr. DAWES. I agree with the Senator in that.

Mr. VAN WYCK. Mr. President——

Mr. BUTLER. If this cannonade can be suspended for a little while, I should like to present some morning business.

The PRESIDENT *pro tempore*. There is no question before the Senate.

Mr. BUTLER. Then I think we had better cease firing.

Mr. VAN WYCK. The question is on the reference of the resolution.

The PRESIDENT *pro tempore*. The resolution was referred long since. The Chair endeavored to stop the debate, but could not.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed an order, in which it requested the concurrence of the Senate, directing the Clerk to make a duplicate engrossed copy of the amendment of the House to the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, indorsing thereon the action of the House in requesting a conference with the Senate on said amendment, and after indorsing on the duplicate engrossed copy of said bill furnished by the Senate in compliance with the request of the House, the action of the House on said bill, he deliver all of said papers to the Senate, and request that body to have indorsed on the duplicate engrossed copy of the amendment of the House the action of the Senate on said amendment in agreeing to a conference, and request the Senate to return all of said papers to the House of Representatives.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt, further insisted upon its disagreement to the amendment, asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. ELDREDGE, and Mr. ZACH. TAYLOR, managers at the conference on the part of the House.

PACIFIC RAILROAD INVESTIGATION.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States, to report it favorably with an amendment and to ask the present consideration of the joint resolution.

Mr. HALE. Let it be read first.

The PRESIDENT *pro tempore*. The joint resolution will be reported at length.

Mr. HOAR. The joint resolution is altered by recommendation of the committee to a bill.

Mr. CULLOM. I should like to hear it read before we give consent to its consideration.

The PRESIDENT *pro tempore*. The substitute reported by the committee will be read.

The Chief Clerk proceeded to read the amendment reported by the Committee on the Judiciary.

Mr. HALE. This is a long proposition and a very important matter, and there are other subjects that ought to come up this morning. I think it had better go over and be printed.

Mr. HOAR. If any Senator wants it to go over I am indifferent. The resolution has been submitted to Senators who have represented in debate various views of this question, and so far as I am aware the amendment has the general approbation of all those Senators except in one respect, in which I dissent from it myself, but I think when it is read it will pass without discusson. Still it is quite reasonable that it should go over if the Senator prefers.

Mr. HALE. I do not know that I am opposed to the resolution, but I think it had better go over.

The PRESIDENT *pro tempore*. It will be placed on the Calendar.

Mr. HOAR. I give notice that I shall call it up at the first possible moment, probably to-morrow, at the proper time.

Mr. ALLISON. I suggest that this be printed in the RECORD. I do not know what it is.

The PRESIDENT *pro tempore*. The order to print has already been made.

Mr. ALLISON. That is in bill form.

Mr. HOAR. The Senator from Iowa asks that the amendment may be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection the sub-

stitute reported by the Senator from Massachusetts will be printed in the RECORD. The Chair hears no objection.

The substitute reported by the Committee on the Judiciary is as follows:

That the President of the United States, by and with the advice and consent of the Senate, be, and he is hereby, authorized to appoint three commissioners, whose compensation shall be $750 per month to each, and the necessary traveling expenses and board bills, for which proper vouchers shall be returned, to be approved by the Secretary of the Interior; and said commission may appoint a stenographer, if necessary, and fix his compensation; and the persons appointed on the said commission shall have power to examine all books, papers, and methods of the companies hereinafter named, employ experts if necessary; and they shall at all times be under the immediate direction and control of the President of the United States, and may at any time be removed by him in his discretion.

SEC. 2. That the duty of said commission shall be to examine into the working and financial management of all of the railroads that have received aid from the Government in bonds; to ascertain whether they have observed all the obligations imposed upon them by the laws of the United States under which they received such aid, or which have been since passed in reference thereto, and complied with all other obligations to the United States; and whether their books and accounts are or have been so kept as to show the net earnings of the aided roads, and what said books and accounts actually show in regard thereto, and what have been in fact said net earnings; or whether there has been a diversion of earnings of aided roads to less productive branches, through constructive mileage allowances, or average mileage allowances between aided and non-aided roads or parts of roads, or otherwise, and also whether such system of constructive mileage allowances is fair and usual, and in practical operation has resulted adversely or otherwise to the aided roads and the interest of the United States; or whether there has been a diversion of earnings of aided roads to wrongful or improper purposes, and, if so, to what extent; whether there is a discrimination of rates in favor of unaided against aided roads; whether any, and, if so, how much, money is due and owing to the United States on account of mistaken or erroneous accounts, reports, or settlements made by said roads; whether any traffic or business which could or should be done on the aided lines of said companies has been diverted to the lines of any other company or to non-aided lines, and what amounts have been deducted from the gross earnings of any of said aided railroad companies, by their general freight and passenger agents or auditors, by way of rebate, percentage of business done, constructive mileage, monthly or other payments on any pooling or rate arrangement, contract, or agreement; and also to inquire into, ascertain, and report as to the kind, character, and amount of the assets of said companies, and what assets of each company are now subject to the lien of the Government, and the value thereof; and also whether any dividends have been unlawfully declared by the directors or paid to the stockholders of said companies, and, if so, to what extent, and whether the amount thereof may not be recovered from the directors unlawfully declaring the same or persons who have unlawfully received the same; whether the proceeds of any trust funds or lands loaned, advanced, or granted have been diverted from their lawful use; whether any new stock or bonds have been issued or any guarantees or pledges made contrary to or without authority of law; whether any of the directors, officers, or employés of said companies respectively have been or are now, directly or indirectly, interested, and to what amount or extent, in any other railroad, steamship, telegraph, express, mining, construction, or other business company or corporation, and with which any agreements, undertakings, or leases have been made or entered into; what amounts of money or credit have been or are now loaned by any of said companies to any person or corporation; what amounts of money or credit have been or are now borrowed by any of said companies, giving names of lenders and the purposes for which said sums have been or are now required; what amounts of money or other valuable consideration, such as stocks, bonds, passes, and so forth, have been expended or paid out by said companies, whether for lawful or unlawful purposes, but for which sufficient and detailed vouchers have not been given or filed with the records of said companies; and, further, to inquire and report whether said companies, or either of them, or their officers or agents, have paid any money or other valuable consideration, or done any other act or thing, for the purpose of influencing legislation; and to investigate and report all the facts relating to an alleged consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and the Denver Pacific Railway and Telegraph Company into an alleged corporation known as the Union Pacific Railway Company. Said investigation shall include the alleged sale of the stock of the Kansas Pacific Railroad Company to the Union Pacific Railroad Company, and all the circumstances and particulars pertaining to said alleged sales, and whether any of the Pacific railroad corporations which obtained bonds from the United States to aid in the construction of their railroads have expended any of their moneys or other assets in the construction, or to aid in the construction, of other railroads, or invested of their moneys or other assets in the stocks or bonds of any manufacturing, mining, and commercial companies or corporations, or of other railroad corporations; and if any such expenditures or investments have been made, the extent and character thereof made by each of said corporations shall be inquired into, and also the present interest of any of said corporations in the railroads auxiliary to their respective railroads.

And said commission shall also ascertain and report the names of all the stockholders in each of said companies, from its organization to the date of the investigation herein provided for, as they appear on the books of said companies at the date of its annual meeting in each year; the amount of stock held by each; what consideration, if any, was paid by each stockholder to said company for his stock, and when and in what property such payment was made; the date when each stockholder so appearing on the books became such; and whether stock is now held or has heretofore been held in the name of any person in trust or for the benefit of any other, and the names of all such persons; the total amount of stock in each company, and the dates and amount of any increase of such stock, and the reason for such increase; and the amount of the annual salaries or compensation that are now or at any prior time have been paid to any officer or employé of said company, when such salary or compensation amounts to $5,000 or more per annum, and the names of the persons now receiving or who have heretofore received such salaries or compensation, and all bonuses or donations which may have been given or paid to any such person; and all payments made under the head of legal expenses, to whom made, and the amount paid to each, and for what specific services such payments were made.

Said commissioners shall also consider and report whether the interests of the United States require any extension of the time for the performance of the obligations to the United States of said companies, or any of them, and the facts and circumstances upon which said opinion is based, including the security held by the United States for the performance of such obligations, and the value thereof, and the value of the property of such companies, and either of them, not included in such security, and what further security it is expedient that said companies shall be required to give; and if, in their opinion, such extension shall be required by the interests of the United States, they shall submit a scheme for such extension, which shall secure to the United States full payment of all debts due them from said companies, with a reasonable rate of interest, in such time as the commissioners shall propose, having due regard to the financial ability of said companies and the proper conduct of their business in such manner as shall afford efficient service to the public.

And the said commission shall report in full in regard to all such matters aforesaid, and in regard to any other matters which may be ascertained or come to their knowledge in regard to said companies respectively, on or before December 1, 1887, to the President of the United States, who shall forward said report to Congress with such recommendations or comments as he may see fit to make in the premises.

That the commissioners hereby created, or either of them, shall have power to require the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, and documents relating to the matter under investigation, and to administer oaths; and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section. Any of the circuit or district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring any such person to appear before said commissioners, or either of them, as the case may be, and produce books and papers if so ordered, and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 3. That the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the purposes of this investigation.

SEC. 4. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States, in respect of its lien, mortgage, or other interest in any of the property of any or all of the several companies upon which a lien, mortgage, or other incumbrance paramount to the right, title, or interest of the United States for the same property, or any part of the same, may exist and be then lawfully liable to be enforced, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings, in the courts and otherwise, as shall be needful to redeem such lien, mortgage, or other incumbrance, and to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned, and to take steps to foreclose any mortgages or liens of the United States on any such railroad property.

SEC. 5. That from and after the first day of July, 1887, there shall be charged to and collected from the Central Pacific Railroad Company, the Union Pacific Railway or Railroad Company, by whichever description it may be lawfully known, the Central Branch Union Pacific Railway Company, the Sioux City and Pacific Railroad Company, and the Kansas Pacific Railway Company, as all the same are described and known in the acts of Congress providing for issuing bonds in aid of the same, or acts in addition thereto, their successors and assigns respectively, 40 per cent. of their respective annual net earnings, to be ascertained as provided in section 1 of the act of May 7, 1878, in lieu of the 25 per cent. provided for in said act, so far as the same respects the companies mentioned in said act, and as to the others herein mentioned absolutely; and to that end the said act of May 7, 1878, and any and all amendments or modifications thereof, be, and the same are hereby, extended to the Kansas Pacific Railway Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch Union Pacific Railroad Company; and said act, and all amendments thereto or modifications thereof, shall henceforth apply to the said respective corporations herein last named, as well as to the corporations named in said act.

SEC. 6. The sinking-funds which are or may be held in the Treasury for the security of the indebtedness of either or all of said railroad companies may, in addition to the investment now authorized by law, be invested in any bonds of the United States heretofore issued for the benefit of either or all of said companies, or in any of the first-mortgage bonds of either of said companies which have been issued under the authority of any law of the United States and secured by mortgages of their roads and franchises, which by any law of the United States have been made prior and paramount to the mortgage, lien, or other security of the United States in respect of its advances to either of said companies as provided by law.

Amend the title so as to read; "An act authorizing an investigation of the books, accounts, and methods of railroads which have received aid from the United States, and for other purposes."

Mr. MCPHERSON. Do I understand that objection has been made to the present consideration of the joint resolution?

The PRESIDENT *pro tempore*. Objection has been made to its present consideration, and it goes over and will be placed upon the Calendar.

HOURS OF SITTING.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution submitted yesterday by the Senator from Florida [Mr. CALL], which comes over under objection. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That, for the remainder of the session, the Senate will convene at 11 o'clock a. m., and, with a recess of one hour, will continue in session until 9 p. m.

Mr. ALLISON. I hope that resolution will not be adopted. I do not think the public business requires——

The PRESIDENT *pro tempore*. Does the Senator move to refer it?

Mr. ALLISON. I move to refer it to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa to refer the resolution to the Committee on Appropriations.

The motion was agreed to.

THE MACKEREL FISHERY.

Mr. PALMER. I move that the Senate proceed to the consideration of Order of Business 1833, being the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season.

Mr. MILLER. I hope the Senator will not insist on that now. I shall necessarily leave the Chamber within a very short time, and I can

not be here for the remainder of the day. I trust that bill will be allowed to go over. It is set apart as a special order.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate.

Mr. PALMER. I would state that this bill was passed last session by the House of Representatives and was acted upon by the Senate Committee on Fisheries, but, on account of the unavoidable absence of myself first, and of the Senator from New York secondly, action has been deferred at this session. I should like to grant the courtesy that the Senator from New York asks, and if he will not ask it to too great an extent I shall be willing to defer the consideration of the bill at present. If he can state a time when I can call it up, I should like to have him do so.

Mr. MILLER. I shall be prepared on my part to take up this bill next Tuesday without fail, and perhaps on Monday, but I am not positive that I can be here on Monday. I certainly shall be here on Tuesday and will make no objection to taking it up then.

The PRESIDENT *pro tempore*. Does the Senator from Michigan withdraw his motion?

Mr. MILLER. If I am not here on Tuesday I shall make no objection.

Mr. PALMER. I withdraw the motion.

TERM OF COURTS AT TEXARKANA.

Mr. BERRY. I move to take up Order of Business 2071, being House bill 9116. It is a local matter that will not take five minutes.

Mr. CULLOM. Regular order.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate proceed to the consideration of the bill (H. R. 9116) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes.

Mr. BERRY. It will not take five minutes. The reading of the bill will be sufficient.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That the circuit judge of the United States for the circuit in which the eastern district of Arkansas is situated may, in his discretion, whenever in his opinion the public interest shall require it, order special terms, not exceeding two in each year, of said circuit court, to be held at the city of Texarkana, in said district. Notice of the time of holding such special terms shall be publicly given by such advertisement in two newspapers printed in said district as said circuit judge shall think proper, which notice shall be published at least twenty days before the day fixed for holding such term.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BERRY. I move that the Senate insist on its amendment and ask a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. EDMUNDS, Mr. WILSON of Iowa, and Mr. COKE were appointed.

NORTHERN PACIFIC RAILROAD LAND.

The PRESIDENT *pro tempore* laid before the Senate the following order from the House of Representatives:

Ordered, That the Clerk be directed to make a duplicate engrossed copy of the amendment of the House to the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, indorsing thereon the action of the House in requesting a conference with the Senate on said amendment, and after indorsing on the duplicate engrossed copy of said bill furnished by the Senate in compliance with the request of the House the action of the House on said bill, he deliver all of said papers to the Senate, and request that body to have indorsed on the duplicate engrossed copy of the amendment of the House the action of the Senate on said amendment in agreeing to a conference, and request the Senate to return all of said papers to the House of Representatives.

Mr. DOLPH. I offer the following order, to comply with the request of the House:

Ordered, That the Secretary be directed to indorse the action of the Senate agreeing to the conference asked by the House on the amendment of House to the bill S. 2172 on the duplicate engrossed copy of the said amendment, and return the papers to the House of Representatives agreeably to its request.

The order was agreed to.

REFUNDING OF DIRECT TAX.

Mr. MORRILL. I move that the Senate proceed to the consideration of Senate bill 995.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. DAWES. I do not like to interrupt the Senator, but I desire to call up the Indian appropriation bill.

Mr. MORRILL. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 995) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861.

The bill was read.

Mr. HOAR. I rise to a question of order. It is absolutely impossible to hear where I sit the Chief Clerk reading from the desk, the disorder in the Senate is so great.

The PRESIDENT *pro tempore*. The business of the Senate will be suspended until order is resumed. Conversation among Senators should cease.

Mr. COCKRELL. Is there a report on the bill?

Mr. HOAR. Will the Chief Clerk read again the bill which he has just read? It is short.

The PRESIDENT *pro tempore*. The bill will be again read.

The Chief Clerk read the bill.

Mr. MORRILL. I desire to say that the Committee on Finance propose to amend the proposition in the bill which would pay 15 per cent. where the States promptly paid the tax. In other words, the bill only proposes to pay back to the several States that have paid the direct tax the exact amount that has been paid.

I presume that this subject is well understood by nearly all Senators; that the major part of the States have paid the tax in full, whereas several of them have not. Some have paid a part, and some perhaps none at all. The documents in relation to this matter are very voluminous, and in order to present the case as it would be presented by a report, I will ask the Secretary to read the statement of the case by Secretary Folger, and I presume it will be understood by all, that there is no method by which this matter can be actually and finally settled and made just and equitable to the several States except by collecting from those States that have not paid the balance that may be due from them, or restoring to all those who have paid the full amount so paid.

Mr. CULLOM. Will the Senator state what the aggregate amount will be?

Mr. MORRILL. About $15,000,000, less 15 per cent.

Mr. CULLOM. Does the report show the amount which each State would be entitled to under the bill?

Mr. MORRILL. That it is impossible to state with entire accuracy, because the register's office would not, perhaps, agree with the accounts of the Treasury Department. Some States have paid something, and where claims of theirs have been allowed to the States the amount has been credited to them, and that may not appear in the accounts kept in relation to the direct tax. I ask the Secretary to read what I have marked on the margin of the paper which I send to him, from Secretary Folger.

Mr. SHERMAN (Mr. HAWLEY in the chair). Before that statement is read I think a few words, if I can get the attention of the Senate for a moment, will inform them as to the condition of this very important bill. I only wish to recall facts known to every Senator.

This bill has been several times recommended by the Treasury Department, partly because it is an act of justice to the States that paid the money, but chiefly as a relief from legal complications and many lawsuits in which the United States are likely to be and are now involved with the Southern States, or the States lately in rebellion. It is only necessary to state a few historical facts to bring the whole case before the Senate.

During the war a tax of $20,000,000 was levied upon all the States, North and South alike. The proposition was made that if any State would pay its share of the tax it would be allowed a discount of 15 per cent., and under that provision almost all the States not in rebellion paid the tax to the General Government. Some did not because they had not the means to do it, and it was gradually collected or paid by them subsequently. Practically, I think, all the States, with one or two exceptions, that were not in rebellion paid the tax.

This amount was charged to the States formerly in rebellion, and was collected in some of those States from private individuals, as in the State of South Carolina, where a greater amount was collected from private individuals by the sale of lands than the tax levied against South Carolina.

Under the law as it now stands, whenever any money becomes due to a State it is placed to the credit of the State; but as this charge stands on the books of the Treasury against eleven or twelve or thirteen States of the Union, and has not been paid, there has been a constant state of irritation between the Treasury Department and the Southern States in regard to their claims as shown upon the books of the Treasury Department. Occasionally the First Comptroller will give a credit to a State, the State of Georgia for instance. A bill passed Congress allowing Georgia a certain sum of money, which the Secretary of the Treasury at once placed to the credit of Georgia, but did not pay over the money because under the plain language of the law he was forbidden to pay over to any State any money accruing to it in the course of business until it had settled its various dues and accounts with the Government.

The result is that the United States are now in litigation with several of the Southern States and have some controversies with several

of the Northern States that did not pay up the amount of their direct tax promptly. Under the circumstances three or four Secretaries of the Treasury have recommended that out of the overflowing money in the Treasury there be paid back to the States that paid this tax the actual amount they paid of the direct tax, and that there be credited to the States that did not pay the money their quota of the tax, so as to practically equalize and restore things to the condition in which they were before the tax was levied. It is manifestly just. It has been uniformly recommended by the Department of late years, and it is now recommended, I know, by the Committee on Finance unanimously after a full examination.

There are voluminous documents and reports here without number, giving the details and showing the amount due to each State.

The Senator from Kentucky [Mr. BECK] desires me to incorporate, and I will make it part of my remarks, a table which shows the exact state of the account with each State, and whether it paid the tax or not. I will make that a part of my remarks.

Statement of the condition of the direct-tax accounts of the several States and Territories and the District of Columbia, under acts of August 5, 1861, and June 7, 1862, as appears from the books of the Register of the Treasury to date.

15 per cent. allowance.	State or Territory.	Amount imposed.	Amount collected.	Balance due United States.
.....	Alabama	$529,313 33	$18,285 03	$511,028 30
.....	Arkansas	261,886 00	184,082 18	77,803 82
(*)	California	254,538 67	254,538 67	.....
.....	Colorado	22,905 33	22,189 96	715 37
$46,232 10	Connecticut	308,214 00	261,981 90	.....
.....	Dakota	3,241 33	3,241 33	.....
†4,350 50	Delaware	74,683 33	70,332 83	.....
.....	District of Columbia	49,437 33	49,437 33	.....
.....	Florida	77,522 67	43,529 81	33,992 86
.....	Georgia	584,367 33	106,963 17	477,404 16
171,982 70	Illinois	1,146,551 33	974,568 63	.....
135,731 30	Indiana	904,875 33	769,144 03	.....
67,813 20	Iowa	452,088 00	384,274 80	.....
(*)	Kansas	71,743 33	71,743 33	.....
107,054 30	Kentucky	713,695 33	606,641 03	.....
.....	Louisiana	385,886 67	268,515 12	117,371 55
63,123 90	Maine	420,826 00	357,702 10	.....
65,523 50	Maryland	436,823 33	371,299 83	.....
123,687 19	Massachusetts	824,581 33	700,894 14	.....
75,264 50	Michigan	501,763 33	426,498 83	.....
16,278 60	Minnesota	108,524 00	92,245 40	.....
.....	Mississippi	413,084 67	101,717 04	311,367 63
114,169 10	Missouri	761,127 33	646,958 23	.....
.....	Nebraska	19,312 00	19,312 00	.....
(*)	Nevada	4,592 67	4,592 67	.....
32,761 00	New Hampshire	218,406 67	185,645 67	.....
67,519 17	New Jersey	450,134 00	382,614 83	.....
.....	New Mexico ‡	62,648 00	62,648 00	.....
390,587 81	New York	2,603,918 67	2,213,330 86	.....
.....	North Carolina	576,194 67	386,194 45	190,000 22
235,063 40	Ohio	1,567,089 33	1,332,025 93	.....
(*)	Oregon	35,140 67	35,140 67	.....
292,007 90	Pennsylvania	1,946,719 33	1,654,711 43	.....
17,544 56	Rhode Island	116,963 67	99,419 11	.....
.....	Tennessee	669,498 00	387,734 31	281,763 69
.....	Texas	355,106 67	130,008 06	225,098 61
.....	Utah	26,982 00	.....	26,982 00
31,660 20	Vermont	211,068 00	179,407 80	.....
.....	Virginia ‖	729,071 02	515,569 72	213,501 30
27,172 72	West Virginia ‖	208,479 65	181,306 93	.....
.....	Washington	7,755 33	4,268 16	3,487 17
39,346 43	Wisconsin	519,668 67	454,944 84	25,397 40
.....	South Carolina	363,570 67	377,961 30	(¶)

* Payments made on account, 15 per cent. allowance for cost of assuming collection, namely:

To California, September 10, 1884, deficiency act July 7, 1884	$31,583 26
To Kansas, August 23, 1882, deficiency act August 5, 1882	10,761 50
To Nevada, September 3, 1884, deficiency act July 7, 1874	688 90
To Oregon, September 16, 1884, deficiency act July 7, 1884	5,271 10

† In part on compromise.

‡ Nebraska:

Amount collected		4,281 60
Amount allowed by First Comptroller of Treasury March 27, 1884, under act August 7, 1882		15,030 40
		19,312 00

‡ New Mexico:

Amount allowed by First Comptroller of Treasury, March 27, 1884, under act July 1, 1862	62,648 00

‖ Sec. 1. J. R. Feb. 25, 1867, authorized the Secretary of the Treasury to transfer $208,479.65 of the amount originally imposed on Virginia to the State of West Virginia.

¶ Balance due State.

ROS. A. FISH,
Assistant Register.

TREASURY DEPARTMENT,
Register's Office, March 22, 1886.

Mr. HALE. What is the aggregate as shown by that which was collected from the States which did pay?

Mr. SHERMAN. Between fourteen and fifteen million dollars, but they got a discount of 15 per cent. and that we do not allow. We give them back the exact amount they paid.

Mr. CULLOM. Will the Senator allow the table showing the amount each State is to receive to be read by the Secretary now so that we may understand what it is?

Mr. SHERMAN. It would be quite a complicated thing. It can be printed in the RECORD and the Senator can read it there.

Mr. CULLOM. But if we are now to vote on the bill, I should like to know what it is.

Mr. SHERMAN. The Senator can see the table. He can not understand it from the reading at the desk because the table is made up on the condition that 15 per cent. is remitted, and also on the condition that it is not remitted, and also the various other conditions. However, the amount is stated in the table.

Mr. MORRILL. Illinois gets over $1,100,000.

Mr. SHERMAN. Illinois will receive, in one view of the case, that is if the 15 per cent. is allowed, $1,146,000. Without the 15 per cent. it gets $974,000. The whole amount is stated here.

Mr. VAN WYCK. What is the aggregate?

Mr. SHERMAN. The aggregate of the refund I think is about fourteen or fifteen million dollars, and the balance is credited to the several States that did not pay, so that they are relieved from any further claim for payment of the direct tax.

I have made this statement simply that the Senate may understand the importance of this question and the fact that the bill has been maturely and fully considered, and I believe it is a measure that will be highly acceptable to all the States of the Union at this time.

Mr. MORRILL. After the statement of the Senator from Ohio I do not know that it is necessary to read the report of Secretary Folger on this subject, but I ask to have it appended to my remarks.

Mr. COCKRELL. Let it be read also.

Mr. VAN WYCK. This is an important bill, and I think the statement should be read.

Mr. MORRILL. Let the portion I have marked be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *June* 14, 1884.

SIR: I have the honor of acknowledging the receipt from you of the bill (H. R. 110) entitled "A bill to adjust certain accounts between the United States and the several States and Territories and the District of Columbia."

This bill relates to the direct tax of $20,000,000 annually laid upon the United States, and apportioned to the States, the Territories, and the District of Columbia under the act of Congress passed August 5, 1861 (12 Stat. at Large, page 294). The purpose of the bill is to relieve and discharge from further liability for that tax those States and Territories which have not paid the portion thereof apportioned to them respectively; and to repay, out of any money in the Treasury not otherwise appropriated, to those States and Territories which have paid any portion the sums by them respectively paid. Though by the act above cited this tax was made an annual one, an attempt to collect it for more than one year has never been made. By that attempt there were collected about $15,000,000, principally from the States which did not seek to go out of the Union, and there were left uncollected about $5,000,000, principally in the States which did seek to go out of the Union. The sum uncollected remains a charge against those States, and for the purposes of this letter it may be assumed that it is a valid and enforceable charge. It is plain, however, that no legislator at this day would propose to raise revenue by a tax of that kind. There is no need of resorting to such method.

The revenues of the Government, from sources not so extraordinary, and collectible by means and appliances not so objectional as those involved therein, are ample for its purposes. They are, indeed, superabundant, and the concern of statesmen is rather how they may be reduced than how they may be increased. The Government, then, needs not the money to be got by enforcing this tax. At the same time it is plain that to enforce it would put a grievous burden upon the people of the States which are in default in payment. It needs no array of facts to show this. Congress in one, if not both branches, has this session considered the proposition of large pecuniary aid to these people to help them place and keep up common schools, and the Senate has passed a bill therefor. If there be need for that succor, there would be harm in enforcing this charge. It is to be considered, too, that while taxes are seldom looked upon with favor, this would be specially objectionable. The purpose for which it was laid can but be remembered with distaste. It can scarcely be expected that there would be cheerful aid from the State authorities in the enforcement of it. It may be doubted whether there would be any. Indeed it would, without further legislation, have to be enforced by the machinery provided by the act under which it was laid. This would call for the appointment of numerous Federal officials who would go among the people as obnoxious exactors. I think it must be conceded that there is, and ever will be, great reluctance to ever setting about the collection of this tax. That it never had great favor is shown by that it was never put in force but one year. In practical effect, then, the law for it is obsolete. Why, then, should there remain this unenforced liability, a menace to the people, the enforcement of which is called for by no public need nor by any public opinion?

In my judgment the people and the property of the States in default should be relieved and discharged from it.

But to give such relief and discharge would be to put an inequality of burden upon the States which paid unless they in turn were in some way relieved. This the bill proposes to do by repaying to them the sums received from them. Assuming that the tax was lawful, and the collection as far as made was warranted, this, apart from the circumstances, would be a proposition to donate to the States surplus moneys of the United States, a proposition which I should not favor. But as connected with the proposition to discharge from onerous and needless liability one portion of the people, it takes on a different character; it is presented as an adjustment between different bodies of the people, and is worthy of acceptation. Indeed, it would be unjust to the people of the loyal States to release the people of the once insurrectionary States from their liability without refunding to the former the sums paid by them, and there are analogies in the legislation of Congress.

Acts have been passed, refunding to States moneys raised by them for the raising, arming, and equipping of troops for the Army of the United States in the civil war; and for making other refunds of like character. The purpose of laying this direct tax was to aid in the ultimate payment of the extraordinary expenses of the Government caused by the civil war. The raising, arming, and equipping of troops by the States served to keep down those expenses for the time. It was a voluntary act upon the part of the States. There is no violation of principle or fundamental law in repaying to the States from the funds of the United States the cost thereof. The purpose and effect of this bill is not so unlike in nature to that as not also to be freed from the objections to a bald distribution among the States of what are called the surplus revenues of the United States.

Under the peculiar facts of the case, and as it is not likely to become a prece-

dent for other disposals of Federal moneys, my judgment is that the proposed measure is a good one. It is true that exactly equal justice can not be done in carrying out the proposition of the bill. Thus, in some of the Southern States, the tax was to some extent enforced. Tax sales were made of pieces of real estate, in instances, for less than the value of them. Only the surplus of purchase money over the tax and charges has been available to the owners, and they have lost the difference between that and the total of the purchase money and between the purchase money and the real value. On the other hand, in most, if not all, of the Northern States the payment to the United States of the tax was assumed by the State government, which collected the amount of its own people in its own tax levy. Of course, in the changes of citizenship and of ownership of taxable property, while a repayment into the State treasury will tend to reduce the amount of State tax, it will not inure to the benefit of some of those who, in 1861, were tax-payers. But these failures of full and general compensation in dealing with transactions so long past must ensue, and are not to be potentially urged against proposed measures which, in the main, do work equal benefit.

I also inclose herewith a communication to me from the First Comptroller of the Treasury, which presents views in accord with some of those expressed by me, and gives tables of value, and a draught of a bill; and to this communication I ask attention.

Very respectfully, CHAS. J. FOLGER, *Secretary.*

Hon. A. J. WARNER,
Chairman Subcommittee of Committee on Claims,
House of Representatives.

The PRESIDENT *pro tempore.* The question is on the amendment reported by the Committee on Finance.

Mr. VAN WYCK. I think the amendment has not been read.

The PRESIDENT *pro tempore.* It will be read.

The CHIEF CLERK. In section 1, line 8, after the word "thereto," the committee propose to strike out the words "with an additional sum of 15 per cent. upon all amounts so collected where such States or Territories or the District of Columbia have collected the same without cost to the United States;" so as to make the section read:

That it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States, and the District of Columbia, a sum equal to all collections made from said States and Territories and the District of Columbia under the act of Congress approved August 5, 1861, and the amendatory acts thereto.

Mr. BECK. In section 3, line 6, after the word "same," I suggest to add "the governor of the State." All I want is that the money shall be paid to the authorities of the State, either the treasurer or governor.

Mr. TELLER. I think it should be paid to the treasurer.

Mr. BUTLER. Say, "paid on the warrant of the governor."

Mr. BECK. What I desire is that the money shall go directly to the State, and if any agent or anybody has any claim let him make it to the State.

Mr. CULLOM. Warrants are always issued to the governor of a State, at any rate.

Mr. BECK. The Senator from Illinois has been a governor and knows exactly the language which is necessary.

Mr. CULLOM. It ought to be paid directly to the governor of a State.

Mr. TELLER. I submit to the superior knowledge of the late governor of Illinois.

The PRESIDENT *pro tempore.* The amendment of the Senator from Kentucky will be read.

The CHIEF CLERK. In section 3, line 6, after the word "same" it is proposed to insert "to the governor of the State;" so as to read:

SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse each State, Territory, and the District of Columbia for all money found due to them under the provisions of this act; and the Treasurer of the United States is hereby directed to pay the same to the governor of the State.

Mr. WILSON, of Iowa. I suggest to the Senator from Kentucky that his amendment does not provide for payments to the Territories and the District of Columbia. It merely provides for the States. The Territories and District of Columbia are also interested.

Mr. BECK. Add the words "and Territories." The amendment was proposed in such a hurry that I did not have time to put it in proper shape. I move to insert the words:

To the governors of the States and Territories and to the commissioners of the District of Columbia.

The amendment was agreed to.

Mr. VAN WYCK. From the statement that this bill receives the entire approbation of the Finance Committee, it would seem probably useless to say a word in opposition to the proposition.

From the report of the Secretary of the Treasury it appears that the embarrassment arises from the difficulty of collecting from the Southern States the quota of this tax which was due from them. That is one distinct proposition which can readily be understood. If there be any reason, at this length of time from the war, which caused the necessity of this tax, why those States should be exempt from the payment which is due to the Government from them, that is one question which might call for the attention of Congress and the country. But when it is proposed to take from fifteen to twenty million dollars out of the Treasury and pay it to the States which paid it in, it seems to be establishing a precedent which may come back to curse Congress if they should feel themselves bound to follow the precedent.

We have many claims arising from the war which are not paid, claims that are honest, preferred by citizens whose property was taken. We have been told repeatedly that persons who suffered by the loss of their property by the ravages of war must regard that loss as an incident of war, and if we commenced to pay debts of that kind there never would be any end, and therefore the Treasury would be depleted by paying an honest debt to an honest citizen. Is there any reason why, because a Union man's buildings lay in the pathway of war and were subject to its havoc and destruction, he should not be compensated when he has been impoverished, upon the pretext that it was a consequence of war, unfortunate for him but too great for the Government to attempt to liquidate?

Now, we propose what? To take from fifteen to twenty million dollars out of the Treasury which was put there in response to the law and by its act. Since then there have been changed conditions in the country. Could we have received it one day and have paid it the next day there would be no injustice in making this voluntary gift; but injustice will be done to some sections of the country because there have been changes in population, and those who contributed in New York and in Pennsylvania, and other great States, will receive a large portion of this donation, of this gift, of this charity—for it is nothing else—on the part of the Government. The population has gone out from those older and richer States, and the men who have gone from them are now citizens of the younger States, that receive none of this bounty. If it is well to distribute fifteen or twenty million dollars as charity, or as a gift, why should it not be distributed on the basis of population among, if you please, the loyal States? The States of the South which were in rebellion contributed not their share; and if the loyal States were the only ones which contributed, then why not apportion this fifteen or twenty million dollars from the Treasury among those States in proportion to their population. By that measure the younger, the poorer, the most heavily-taxed portion of this Republic would receive some of the benefits of this great munificence, instead of pouring it into the laps of States already overgrown in wealth, like New York, Pennsylvania, Illinois, and Ohio. The States in the Northwest contributed then, and are contributing to-day, in proportion to their wealth, more than the Eastern States; contributing more of their labor than these wealthy States; and why should they not receive a share of this bounty?

The money has gone into the Treasury. It will go out to repay New York, where it was raised how? Not by direct taxation. The wealth of New York did not contribute; but the poverty of the Northwest contributed, if I may use that term, and only in contradistinction with the great wealth of the East. They contribute by the charges which they pay in tariff duties, by the charges which they pay upon sugar, for instance. The humble settler in any of the Northwestern States pays precisely the same into the National Treasury in the duty upon sugar as the millionaire in New York or Pennsylvania.

Mr. SAULSBURY. How about whisky?

Mr. VAN WYCK. They pay the same on whisky, and I will say to my friend who asks about whisky, that they may pay a little more than the Eastern States, because there is more population belonging to that potential political family to which my friend [Mr. SAULSBURY] belongs.

Therefore it is that there seems to be no sort of justice in this proposition. Is there any reason why New York should be paid nearly $3,000,000 because she contributed near $3,000,000 to carry on the war. Then the individual citizen of the State, then the municipalities and counties which impoverished themselves by raising money to pay bounties to soldiers who went to the war ought to be repaid.

If this is unanimously reported from the Finance Committee, it seems to be in the spirit which is manifested very much prevalent at this time, to deplete the Treasury, to empty it, when the difficulty with the people of this Republic to-day is that there are surplus millions in the Treasury. The people are demanding to-day that the sources of taxation, that the sources from which these millions are drawn, shall be stopped; not that you shall open one end of the Treasury and let it run out and hunt for avenues in which it may escape, but that you may stop the drain on the people which draws taxes from them and fills the Treasury full. There is the point with the people; not that the money is there; and when one and another attempt is made to drain this money from the Treasury and not stop the sources of supply from which this money is taken, there arises objection in the public mind.

We can not escape our duty in that direction. It is to reduce the excessive duties imposed by our tariff laws; but those are perhaps to be continued. You empty this fifteen or twenty million dollars into the treasuries of the various States of the Republic, but you do not seek to take fifteen or twenty million dollars of burden off the people who are required to pay the money. They who use sugar in the East and in the West, in the North and the South, are still required to pay their 2 cents upon the pound of sugar; and you have an equality in the collection. There is no difference between the laborer and the millionaire; each pays his 2 cents per pound upon the sugar he uses. You have equality there, but in the distribution of this gift, of this bounty, the equality ceases.

I desired merely to make this suggestion more in the nature of a protest, because there is evidently power enough. There are strong, powerful States sufficient to pass this bill into a law; and when it is done, the next we shall hear if there be a few more such measures, and we can not stop, will be that we can not ask for a reduction of tariff duties because we must have money in the Treasury.

It has been said here by the chairman of the Appropriations Com-

mittee and other distinguished gentlemen that it is extremely doubtful whether in the future there will be any surplus in the Treasury. Then, had we not better pause? There is no need of haste about this. These great States, these wealthy States have paid this tax, a debt which they owed to the United States. They have received full consideration for it. Then, let the money remain in the Treasury to be appropriated in some other way besides paying it back to those who paid it. Let us see whether there will be an objectionable surplus in the revenue, and then direct our attention to the stoppage of taxation, which is the only matter of which the people complain.

It may be deemed necessary in order to strengthen the arguments of the high protectionists, it may be necessary in order to strengthen the arguments of those who think that internal-revenue taxation should be continued, to show an apparent necessity for their continuance by pointing to a diminution of the amount in the Treasury; but I ask, of course without any expectation of its being complied with, that this money at least shall be equally distributed, because, as I have said, there is more justice in giving to the humble citizen who has lost his all and been beggared, there is more justice in paying a portion of his honest claim against the government that despoiled him on the ground of the necessities of war, than in paying three millions into the treasury of the State of New York, two millions into the treasury of Pennsylvania, and nearly two millions into the treasury of the State of Ohio. You may do this because you have the power, but it will be only upon that ground.

If the Southern States, as I have said before, are unable to pay their quota, forgive them the debt, if you please; but do not in connection with that, in the way of magnanimity or generosity, couple with it a proposition unjust as I think this proposition to be. Therefore it is that I have a right to state, and I do state and believe, that this is only one of kindred propositions to deplete the Treasury so that there may be no apparent excuse for granting what the people ask—a reduction of taxation and a reduction of duties which weigh heavily upon the people of this nation.

Mr. MORRILL. Mr. President——

Mr. HAWLEY. I should like to ask a question of the Senator from Vermont before he goes on.

This bill disposes, as I understand, of something like $18,000,000 of assets, which are in the form partly of charges against certain States and partly in the form of cash paid into the Treasury. I should be glad to know what the total is on the books, and how much of that total is to be restored to the States in cash, and how much is to be accounted for simply by settling the accounts on the books by forgiving the debts.

Mr. MORRILL. The nearest approach to accuracy on the subject that I have been able to arrive at is that a trifle over twelve millions of money will go out of the Treasury, and about five millions of unpaid tax will be relinquished.

I will say, Mr. President, that I think it is unnecessary to continue the debate after the very lucid speech of the Senator from Nebraska. We have the money on hand; we are not about to tax anybody for money to pay this debt, and it is the nearest approach to justice that it is possible to devise from all the information we can obtain on the subject from the Treasury Department, from documents, and from other sources.

Mr. VAN WYCK. Now one word as to that proposition that we have the money on hand, as an excuse for taking $18,000,000 out of the Treasury that we have the $18,000,000 there. If we take $18,000,000 out of the Treasury we must continue our excessive duties and taxes and put $18,000,000 more there again to provide for the expenses of this Government. It is a fallacious argument that we have the money there. Certainly we have it there. We could have no government without money there. But the fact is that $18,000,000 has been paid there when it has been required to be paid by the laws of this nation. It is there, and I say to my friend, and I desire to say to the people of this country that when that $18,000,000 is taken out $18,000,000 more will be drawn by taxation from the people to supply its place, and it necessarily must be so.

But this and other projects like this are to be the excuse for continuing to draw from the pockets of the people this unjust and, as I think, altogether oppressive burdens of taxation. Keep your eighteen million; do not give three million to New York which she does not need; she received consideration for what she gave. Give pensions to soldiers who are wasting out their lives in poor-houses, and then we can talk about the eighteen million being in the Treasury to pay the States. I have seen growing, and so have the people of this nation, this desire, this determination at every conceivable opportunity to deplete the Treasury of the United States so as to prevent any reduction in taxation by the tariff and other things which the people of this nation feel to be oppressive and unjust.

Mr. HAWLEY. I think there ought to appear somewhere upon the record a statement of this account. The Senator from Vermont did not quite complete it, but the Chair has kindly furnished me something upon the subject. The total amount is about $20,000,000 to be repaid, less 15 per cent., or $17,000,000, which, roughly, is cash $12,000,000 to be taken out of the Treasury, and a reduction of the surplus to that amount and a credit of $5,000,000. That is to say, $17,000,000 are disposed of by this bill.

The PRESIDENT *pro tempore*. The occupant of the chair handed to the Reporter the precise statement giving the amount to be repaid to each State under the operation of the bill, but it was not read.

Mr. HAWLEY. But it will appear in the RECORD, then.

Mr. SAULSBURY. I understand the necessity for this bill is in order to adjust the accounts between the Treasury and the several States of this Union. Personally I would prefer to have forgiven the debt due by the Southern States that were out of the Union when the tax was imposed so that the money could not be collected from them. I would have preferred myself that the committee should have proposed, in order to adjust the accounts of the Treasury, to forgive those delinquent States all their debt and let the money that had been paid in twenty-odd years ago remain in the Treasury. I remember when it was collected in my State. Being a direct tax, of course it had to be levied on all the States then recognized as being in the Union, the Southern States as well as the others. But the Southern States were not in a condition for the Government to collect it, and nobody at that time expected that it would be collected out of the Southern States. But the States that were in the Union and could be reached by the Federal collectors were compelled to pay it. I know in my own State we assumed the debt and levied the tax upon the holders of real estate in the State and raised the money and paid it into the Treasury. I suppose that was done in most of the States. Now, you can not return it to the men who paid it; you return it to the State governments.

As I before remarked, if the committee could have prepared a bill by geheral acquiescence providing that the delinquent States should be forgiven their debt I would have preferred that to any other arrangement. The bill seems to be equitable on the principle upon which it is proposed; that is, to return to the States which did pay the amount which they paid and forgive the others. Personally I would have preferred the absolute gift to the States that were then Confederate States and out of the Union, for at that time there was not a single member of Congress who ever expected one dollar of the tax levied on these States to be collected; but being a direct tax, and the Constitution requiring that all direct taxes should be equally laid, Congress had of course to apportion a part of it to the Southern States.

Mr. VAN WYCK. This is a matter of importance. Perhaps people generally may have given the matter some consideration, but I think there are Senators who have not had opportunity, certainly I have not had, to give it that thought which its importance deserves. I ask the Senator from Kentucky whether there was objection in the committee, or has there been in the Senate, to releasing the defaulting States from their obligation by reason of this tax, without imposing the onerous condition of distributing the money actually collected back to the States that paid?

Mr. BECK. I had the honor to serve for, I believe, six years upon the Committee of Ways and Means of the House and eight years in this body, and this has been a bone of contention and annoyance ever since I first came to Congress, and I see no other equitable way to settle it unless the way we now propose. We are able to do it. We shall never do it in any other way. It has been a contention all the time. Any attempt to give up what is charged to the Southern States when the others have paid the tax would be utterly impracticable, and such a proposition never could approach success. We can not do it in any other way than this. The Senator from Massachusetts [Mr. DAWES] knows that when he was chairman of the Committee of Ways and Means in the House, and I served under him, we had the subject before us, and at last, I believe, there is no way to do it but this.

Mr. VAN WYCK. If the Southern States had directly paid their quota under this law, does the Senator think there would ever have been a proposition to repay the other States what they paid?

Mr. BECK. I think not. I think there would have been no necessity for it in that contingency.

Mr. VAN WYCK. Precisely; that is the point I desire to impress on the Senate. Had all these defaulting States paid promptly, the Senator admits, as I presume the whole committee will admit, that there never would have been an attempt to divide this money among the States of the Union. Then they were embarrassed by this one question, how they should deal with the defaulting States. I fail to see in a proposition presented to Congress to relieve the defaulting States from the payment of their debt which by reason of certain circumstances it may be magnanimous or even just, perhaps because of their poverty after the war, and I think the people generally will fail to see any reason why in doing that act of justice we should couple with it another act which has not the character of justice at all. The other States have paid their debt to the Government. They have only paid what they were obliged to pay—New York nearly $3,000,000, Pennsylvania nearly $2,000,000. They only paid what was their due; and now because there are other debtors who have not paid theirs, is that any reason, any pretense even, why we should pay back to the debtors who did pay and received consideration for their money, because there are poor defaulting debtors who can not pay?

I see no propriety in that, Mr. President, and I only want to stop long enough to protest, because I think all I may say will amount to

nothing. This thing is all fixed and settled, undoubtedly. New York must vote for it for the $3,000,000 that comes back to her treasury; Ohio must because there is a million and a half to go into her treasury, and she can not forego the opportunity to take a million and a half out of the Treasury of the United States. Pennsylvania gets nearly $2,000,000, and of course her statesmen must not hesitate a moment if they can put their hands in far enough and strong enough to take out $2,000,000 from the Treasury of the United States and put it into the treasury of the State.

So the bill will go through. Why? Under what pretence? There are claims against you that you can pay with this $18,000,000. Can you, sir, stand before the people of Ohio and say it is just? There is no justice in taking $3,000,000 out of the Treasury of the United States and putting it in the treasury of the State of New York. No New York Senator can make an argument that will induce the citizens of New York to believe there is anything just in that. There is no reason for it. We have claims on us, we have honest debts against this Government, we have citizens without number who have been impoverished by reason of the war, by having their property taken from them, as I said before, and they receive no consideration at the hands of a Senate which is willing to take $18,000,000 out of the Treasury and pay it where it does not belong, where there is no pretense of a claim for it, not the least; and you turn impoverished men from your doors and you refuse to give what the ordinary principles of justice require. You turn them out of the doors of your Senate Chamber when you acknowledge the justice and equity of their claims, and content yourselves with saying that to pay them would establish a precedent that would cost us millions of dollars.

Look at it just for a moment. These wealthy States with no claim against this Government are to receive this money, and you turn out of doors the beggared man who lost all in the track of war; you turn him out and tell him his claim is just and equitable, but there is danger that the Treasury may give out before such honest claims are paid.

Mr. GEORGE. It is well, Mr. President, for the Senate to understand the true attitude of this case, so far as the Southern States are concerned. It has been stated on the floor that this question has been distinctly presented in the case of a debt due to the State of Georgia by the United States. What is the act under which the tax was apportioned among the States, and what is the Constitution on that point? But I especially now call atttention to the act. There was no attempt on the part of Congress to assess the tax against the State in its corporate capacity; that is, to create a debt against the State as a State debt and a State obligation. The whole effect of the law of 1861 apportioning the tax among the several States was to authorize the tax-collectors of the United States to collect from the tax-payers in each State up to the amount apportioned to the State; and the result of all that legislation was simply that when the tax was assessed the separate share of each tax-payer became a legal debt to the United States, and unless the State by act of its Legislature assumed the debt, as that act provided it might do, then there was no debt against the State. And so far now as the rebel States are concerned the tax stands in this attitude exactly: there is no claim against the State governments; none whatever. The claim which the United States have is against the tax-payers, and not against the tax-payers of 1887, but against the tax-payers of 1861.

It is an obligation which the tax-payers who then existed owed, each for his separate share of the tax. That is exactly the legal attitude of this case; and that view of it, I want to state to the Senate, has received the unanimous sanction of the Judiciary Committee of this body, who in the Georgia case directed the report of a bill to pay to the State that which the Treasury officials had detained from the State, which was her acknowledged right against the United States on account of this debt. The Judiciary Committee all agreed that it was such a set-off as could not be enforced against the State, because there was no legal obligation on the part of the State to pay it; and so it is with all the other States.

I want the Senate to exactly understand the condition of the case. You may go into Mississippi and Georgia and collect as much of this tax as you can, but you must find the tax-payer of 1861; you must assess it upon him for the amount which he owed at that time.

I wish the Senate to understand another proposition in this matter. The tax was no lien upon the land beyond two years; so that if a man in 1861 had 10,000 acres of land in Mississippi, and on that account owed $5,000 for taxes, and to-day he is insolvent, and his land belongs to somebody else, you can not collect that at all.

The equity of the bill, however, so far as the Southern States are concerned, is this, and I believe I shall vote for it upon that equity: The United States Treasury officials, by a ruling of the Treasury Department which is now acknowledged—not only now, but was under the last administration—to be erroneous, have charged on the books of the Treasury Department against each of the Southern States, for instance, Mississippi, the amount due by the tax-payers of that State of 1861 under the act of 1861. They have charged it against the State as a State debt; and whenever anything is due from the United States to the State of Mississippi or the State of Georgia, or any other Southern State, the Treasury officials, without warrant of law, acting, as they concede they are acting, in violation of law and in violation of the decision of the Judiciary Committee of this body, instead of paying the debt to the State, undertake to credit the State upon this charge which they have put on the books of the Treasury against the State without authority of law. In that way about $100,000 due the State of Mississippi by the Government has been kept on the books of the Treasury Department against this supposed and illegal charge made by the Treasury Department against the State of Mississippi.

Mr. VAN WYCK. May I ask a question?

Mr. GEORGE. Yes, sir.

Mr. VAN WYCK. Your proposition, as I understand it, is that it was unjust to the State of Mississippi that the United States should credit money due her as against this debt, that the tax was not a debt against the State, and therefore you consider it equitable, so far as Mississippi is concerned, to discharge the amount of the tax. Now, before you sit down will you please go on and show how you consider it equitable when New York State paid nearly $3,000,000 into the Treasury to pay back to New York the $3,000,000?

Mr. GEORGE. I do not care anything about this bill. I think they ought not to charge the State of Mississippi with this amount; but I see they are going to do it; I see they have been doing it all along; I see that the present administration will not change the rule on that subject; and there is some sort of equity, I suppose, in the idea that as these Northern States paid their money to whip us fellows down there, and we did not pay our share of the cost of the whipping, now after the whipping is all over we ought to return to them the money which they paid for whipping us.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. MAHONE. I wish to ask if the bill covers the penalty imposed by the law of 1862 on individuals?

Mr. MORRILL. It does not.

Mr. VAN WYCK. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES. I think the hour of 2 o'clock has arrived.

Mr. MORRILL and others. Let the roll-call proceed.

The PRESIDENT *pro tempore*. The roll-call has commenced.

The Secretary resumed and continued the calling of the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. KENNA (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. If I were not paired I should vote "yea."

Mr. COKE (when Mr. MAXEY'S name was called). My colleague [Mr. MAXEY] is absent. If present he would vote "yea."

Mr. HAWLEY (when Mr. PLATT'S name was called). My colleague [Mr. PLATT] is absent by reason of indisposition in his family. If he were here I think he would vote "yea."

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] has just been called from the Senate. He is paired on party questions with the Senator from Michigan [Mr. PALMER], but this is not a question of that character. If my colleague were here he would vote "yea."

The roll-call was concluded.

Mr. BERRY. I am paired with the Senator from Indiana [Mr. HARRISON].

Mr. KENNA. I announced my pair with the Senator from New York, but I am assured he would vote for this proposition if present, and so I vote "yea."

Mr. WHITTHORNE. My colleague [Mr. HARRIS] is absent. I understand he is generally paired with the Senator from Vermont [Mr. EDMUNDS]. It is unnecessary to say that if he were present my colleague would vote "yea."

Mr. DAWES. I understand that the absent Senator from Texas [Mr. MAXEY], with whom I am paired, would vote "yea" if present, and therefore I vote "yea."

Mr. FRYE. My colleague [Mr. HALE] is necessarily detained from the Senate. If present he would vote "yea."

The result was announced—yeas 53, nay 1; as follows:

YEAS—53.

Aldrich,	Dolph,	McMillan,	Sherman,
Allison,	Eustis,	McPherson,	Spooner,
Beck,	Evarts,	Mahone,	Stanford,
Blackburn,	Farwell,	Manderson,	Teller,
Blair,	Frye,	Mitchell of Oregon,	Vest,
Bowen,	George,	Morrill,	Voorhees,
Call,	Gorman,	Palmer,	Walthall,
Cameron,	Gray,	Payne,	Whitthorne,
Cheney,	Hampton,	Ransom,	Williams,
Cockrell,	Hawley,	Riddleberger,	Wilson of Iowa,
Coke,	Hoar,	Sabin,	Wilson of Md.
Conger,	Jones of Arkansas,	Saulsbury,	
Cullom,	Jones of Nevada,	Sawyer,	
Dawes,	Kenna,	Sewell,	

NAY—1.

Van Wyck.

ABSENT—22.

Berry,	Edmunds,	Ingalls,	Platt,
Brown,	Fair,	Jones of Florida,	Plumb,
Butler,	Gibson,	Maxey,	Pugh,
Camden,	Hale,	Miller,	Vance,
Chace,	Harris,	Mitchell of Pa.,	
Colquitt,	Harrison,	Morgan,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (S. 269) for the relief of W. H. Powell.

The message also announced that the House had passed a bill (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short-Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis, Md.; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the following acts:

An act (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon; and

An act (S. 2589) authorizing the construction of a bridge over the Missouri River at Saint Louis, Mo.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce and ordered to be printed.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being Senate bill 2578.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. WILSON, of Iowa, obtained the floor.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. WILSON, of Iowa. For what purpose?

Mr. DAWES. I was going to ask unanimous consent that this bill be laid aside informally, so that I might call up the Indian appropriation bill.

Mr. WILSON, of Iowa. I shall occupy the attention of the Senate but a short time, and I prefer to say now what I wish to say on this bill.

The PRESIDENT *pro tempore*. The Senator from Iowa is entitled to the floor.

Mr. WILSON, of Iowa. Mr. President, the bill we are now considering was reported by the Committee on the Judiciary with a recommendation in favor of its passage. It is true that the original bill as introduced by the Senator from Kentucky [Mr. BECK] was not approved by the committee, and that the report presents a substitute for that measure. But it is also true that the substitute approves the principle upon which the original bill is based. Hence the report of the committee by necessary implication affirms the constitutional power of Congress to pass either the original bill or the substitute. A report in favor of the passage of a measure which it presents conveys to the Senate, by implication at least, the judgment of the committee that the thing which it approves is not obnoxious to any constitutional objection.

The bill introduced by the Senator from Kentucky [Mr. BECK] is as follows:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, or any gratuity whatever from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

This bill was referred to the Committee on the Judiciary for its consideration. After due deliberation the committee reported it back to the Senate with an amendment in the nature of a substitute in form as follows:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, in opposition to the United States, in any case to which the United States may be a party or in which its interests may be concerned; or from or against any railroad company which obtained its charter, or any grant of lands, or pecuniary aid from the United States, when measures specially affecting the interests of such railroad are pending before Congress; or from or against any bank or corporation or other officer or agent thereof, which obtained its charter or any pecuniary aid from the United States; or from or against any corporation or company, its officer or agent, engaged in the business of interstate commerce by land or water, or in the business of any interstate transportation, or in the transportation of the United States mails; or from or against any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country, any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied; or from or against any manufacturer of any article on which an excise tax is now levied, or shall at any time hereafter be levied, by any act of Congress.

SEC. 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

This amendment received the support of a majority of the committee. A minority of the committee reported an amendment in the following language and form, namely:

That it shall be unlawful for any member of either House of Congress, or any civil officer of the United States, to accept employment as attorney-at-law, or payment for services of any kind, or any gratuity whatever from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

This amendment incorporates into the original bill the words "or any civil officer of the United States."

In no other respect does it propose to change the form or text of the original bill.

It will be apparent to every Senator that if these proposed amendments are within the constitutional power of Congress, then the original bill does not exceed that power.

This was admitted by the Senator from New York [Mr. EVARTS] when, in the course of the remarks which he made to the Senate on yesterday, he said:

The Senator from Kentucky asked me how the amendment reported by the Committee on the Judiciary had improved the bill's denunciation of lawyers. It has not improved his bill at all, but it has admitted the logic of his bill and applied it discreetly and decorously and logically to other employments, and that wound that the amendment of the Committee on the Judiciary has given to the bill has troubled the Senator from Kentucky. It has taken his logic and reduced it to an absurdity. The Senator denounced it as *bringing* ridicule and contempt on the profession. He even questioned the good taste of the members of the Judiciary Committee. Now you may read every clause here, and I defy him and challenge him to say that there is a clause here which is not according to the logic of his bill. I do not think any distinction can be made in regard to some of the matters, nothing can be drawn in the way of distinction between the principle of the measure as it came from the hands of the Senator from Kentucky except that you say there is not any such occasion and is not any complaint, any restless apprehension about the other classes named in the amendment. I challenge the Senator to show the difference between any one of the clauses the Judiciary Committee has appended to that first clause to distinguish it from the operation of the first one except that there is some fear that somebody may think we may go too far in the ramifications of the principle of the Senator's bill.

This is a very forceful affirmation of the constitutionality of the original bill when considered in connection with the action of the Committee on the Judiciary in respect of the two several amendments to that measure which it reported to the Senate. Surely nothing in this respect has come from that committee, of which the Senator from New York is a member, with the stamp of its approval accompanied by a denunciation of unconstitutionality. No one will pretend that this is so. We are not dealing with any such ridiculous predicament as this. The bill is before the Senate with its constitutionality declared by the Committee on the Judiciary. From this judgment I did not and do not now dissent. On the contrary I concur in the opinion held by the other members of the committee that it is within the constitutional competency of Congress to enact the bill of the Senator from Kentucky, or to substitute therefor either of the proposed amendments. The constitutional question being out of the way there still remains one of another character to be answered. Is there any sufficient reason to be found in considerations affecting public policy that demands or will justify the passage of this bill? The Senator from Alabama [Mr. MORGAN] in his remarks on the bill during the session of Friday last said:

No bill of particulars, no specification of the facts which show a public necessity for the public criminal law we are asked to enact here, has been stated; and I think it is due to the Senate of the United States before it shall act upon a matter of this kind, of this grave importance, that somebody should arise on the floor of the Senate and specify that at least some Senator had been guilty of some conduct of a character that was not reached by law in the present state of the law, which required that our criminal laws should be amended by the introduction of this statute into them for its punishment. But nothing of that kind seems to have occurred; at all events it has not been named.

If it could be shown here that some Senator had cast a corrupt vote for a land-grant railroad corporation there would be no difficulty in the exercise of the conceded constitutional right of the Senate to expel him from this body, for that right is expressly found in the Constitution, two-thirds of the Senate concurring therein. If there was anything more than an outside suspicion to agitate the mind of this body to make an inquiry and an enactment of this kind based upon that inquiry it ought to be stated, so that the Senate would have a chance to expurgate itself by the ordinary methods known to parliamentary bodies, by the method secured in the Constitution of the United States, and not by going outside of this body and asking a court of justice in the District of Columbia, or wherever it may be, to impose penalties upon that Senator, penalties which may be exactly contrary to his duties in this body.

Evidently that Senator had not discovered such a reason as the question I have stated suggests. But it seems to me that his view of the case, as presented in the quotation I have made from his remarks, is superficial. To wait until the things which he suggests shall have been done before applying to them the denunciation of law would not be, it seems to me, the best way to conserve the public welfare. It is not the usual mode of action in matters of this kind. Communities do

not wait until things which tend to their hurt have transpired before declaring against them the prohibition of affirmative law, and I am glad to be able to say that the vote which I intend to cast for the enactment in proper form of the principle of this bill will not be induced by a belief that the things which the Senator from Alabama seems to think should precede the enactment of the proposed legislation do now exist. I have no sufficient reason for believing that such things do now exist. I place my support of the bill on a different ground. I believe that the bill presents a question of political ethics rather than of present criminal conduct. I believe that the ethical principle that it presents is a sound one, and that its recognition by affirmative law will be promotive of the public good. Holding to this view of the case I can not vote against the principle and purpose of this bill, and I shall derive more satisfaction from the fact of voting to affirm a correct canon of political ethics than I possibly could from a conviction of the present existence of results which it aims to prevent and which the Senator from Alabama affirms should precede its enactment.

Mr. President, I am not unmindful of the often-asserted charges and frequently-expressed suspicions which come to us in the public press, and in other ways, and through a multitude of channels indicating a pretty widespread demand for some such legislation as this bill proposes. I can not but believe that this demand does very great injustice to this body. If called upon to name a member of this Senate who could be knowingly swerved from the conscientious discharge of legislative duty by reason of professional employment, I could not do it. I do not believe that the case exists. Still I shall vote for the affirmation of the doctrine of this bill, without thereby expressing in the slightest degree even a suspicion, not to say belief, that any present member of this body by accepting professional employment of kind and character prohibited by its terms would thereby surrender himself to influences from which that unknown quantity called bias is evolved, and I make this statement without any intention of entering upon a discussion of the subjects to be found in that interesting field of mental phenomena which in all ages have appeared as the results of the subtle force of intellectual operations inappreciable to the persons affected, but nevertheless affirmative in the matter of inducing effects.

It is in this field of inquiry that the reasons for the suspicions and beliefs which may have found lodgment in the public mind in respect of the propriety of such legislative action as this bill suggests can be found; and the fact that so many people are inclined to enter upon that field of inquiry and therein formulate suspicions and beliefs is a forceful suggestion, as it seems to me, why we should declare by law the correct principle of political ethics upon which this measure rests. If it does no more than serve as a protection to the good name of the branch of the public service to which it relates, it will not wholly fail in the office to which it is assigned. It is best on all accounts that no encouragement be given to the people to have other than a good opinion of the public service and of all connected therewith.

I recognize it as a part of my public duty to do whatsoever I rightfully may to protect the good name of the branch of the public service to which I belong. But I do not expect all others to agree with me in all that I may do to effect that end. I can only act for myself as the light which I have may point the way. The debate on this bill has disclosed sharp divergences of opinion, and they will be affirmed by the final vote when it shall have been cast. It seems to me a duty to vote for its passage in such form as will most tend to effect its declared purpose. It is, doubtless, quite as clear to others that the principle of the bill is all wrong. But however we may differ here, Iam quite sure that an affirmative declaration of the doctrine of this bill will be approved by the thoughtful people of this country. And this approval will, in my judgment, be given—not because of a belief that the members of this body are corrupted by the methods suggested by the bill, but for that other and better reason that it will be regarded as a marked recognition of a correct principle of political ethics, as well as a resolute affirmation of sound public policy.

Mr. DAWES. I move to lay aside this business and take up the Indian appropriation bill.

Mr. BECK. I do not like to antagonize appropriation bills, but I know the Indian appropriation bill passes almost on the reading of it, and this bill will perhaps take less than half the time to finish it, if it is disposed of now, that it will take if it be postponed for a day or two.

Mr. DAWES. If no other Senator desires to speak on it——

Mr. BECK. I do not know of any; but I think we can more readily dispose of it now than if it is postponed, and the Indian bill is a very simple one.

Mr. DAWES. I will not interpose if the bill can be disposed of during the next hour; but it is very important, considering that the Post-Office appropriation bill is expected to be brought up to-morrow, that the Indian bill be finished to-day, but I will wait a little while.

Mr. FRYE. Let us come to a vote.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to perfect the text of the bill. The amendment will be read.

The SECRETARY. After the word "kind," in line 5 of the original bill, it is proposed to strike out down to and including the word "court," in line 11, in the following words:

From any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisonment not more than one year, in the discretion of the court.

And to insert in lieu thereof:

In opposition to the United States, in any case to which the United States may be a party, or in which its interests may be concerned, or from any railroad company which obtained its charter, or any grant of lands, or pecuniary aid from the United States, if such member shall have reasonable cause to believe that measures specially affecting the interests of such railroad are pending before Congress, or are about to be so pending during his term of office. Any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by a fine not exceeding $500, or by both, in the discretion of the court.

Mr. DOLPH. I should like to inquire what the amendment just read is.

The PRESIDING OFFICER. The Committee on the Judiciary reported a substitute for the original bill, and the Senator from Massachusetts [Mr. HOAR] moves to perfect the text of the bill.

Mr. DOLPH. Does the proposed amendment, just read, take the place of the amendment reported by the committee?

The PRESIDING OFFICER. Not entirely.

Mr. FRYE. Very largely.

Mr. DOLPH. I call for the reading of the amendment, then, as it would stand if the amendment to the bill were adopted.

The PRESIDING OFFICER. The bill as it would stand, if amended, will be read.

The Secretary read, as follows:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, in opposition to the United States, in any case to which the United States may be a party or in which its interests may be concerned, or from any railroad company which obtained its charter, or any grant of lands, or pecuniary aid from the United States, if such member shall have reasonable cause to believe that measures specially affecting the interests of such railroad are pending before Congress, or are about to be so pending during his term of office. Any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

Mr. GEORGE. I desire to make one remark on that amendment. It is a very difficult question to be determined by a jury whether the member of Congress had reasonable ground to believe so and so. With that provision in, it would be almost impossible to convict any party who should say that he was ignorant that anything affecting the interests of a railroad would come before Congress. For that reason alone the amendment ought to be voted down.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

Mr. COKE called for the yeas and nays, and they were ordered.

Mr. TELLER. I should like to inquire if this amendment should be voted in, would it be in order to propose the amendment offered by the Senator from Delaware [Mr. SAULSBURY], which I think is a better amendment than this? Will it be in order after this is adopted, if it should be, to move that amendment?

The PRESIDING OFFICER. This is a motion to perfect the original text. After that is perfected the proper question will be the amendment proposed by the committee. Then it will be in order to amend the amendment of the committee.

Mr. GEORGE. Are we voting on the substitute of the committee?

The PRESIDING OFFICER. No, sir.

Mr. FRYE. The amendment of the Senator from Delaware is a substitute for the original bill. Therefore the Chair is entirely right in saying that this is to be voted on first. Then that will be in order.

The PRESIDING OFFICER. The pending amendment is one to perfect the original bill introduced by the Senator from Kentucky. After that has been perfected, then the next proper question will be on the amendment proposed by the Judiciary Committee, which is subject to amendment.

Mr. SAULSBURY. Would it be in order now to offer my amendment, which is in the nature of a substitute for the whole bill?

The PRESIDING OFFICER. It is not in order now.

The yeas and nays were taken.

Mr. DAWES (after having voted in the affirmative). It did not occur to me when I voted that I was paired with the absent Senator from Texas [Mr. MAXEY]. I withdraw my vote. If he were present, I should vote for the amendment.

Mr. COKE. I desire to say that my colleague [Mr. MAXEY] if present would vote "nay."

Mr. KENNA. I am paired with the Senator from New York [Mr. MILLER]. If not paired, I should vote "nay."

Mr. BECK. The Senator from Tennessee [Mr. HARRIS] is paired with the Senator from Vermont [Mr. EDMUNDS]. The Senator from Tennessee requested me to announce the pair and to say that he would vote against all these amendments. If present, he would vote "nay" on this amendment.

Mr. PLUMB. I am paired on this question with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "nay."

Mr. COCKRELL. I am paired for the day with the Senator from Connecticut [Mr. PLATT], who is necessarily detained at home in consequence of the indisposition of his family. I understand if present that he would vote "nay," and therefore I will let my vote "nay" stand.

Mr. EDMUNDS (after having voted in the affirmative). I withdraw my vote. I am reminded of what I did not observe before, that my friend from Tennessee [Mr. HARRIS], with whom I am paired on this bill and everything else, is not here. So I withdraw my vote.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here, I should vote "yea."

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON], but I have transferred the pair to the Senator from Louisiana [Mr. GIBSON], so that those two Senators are now paired.

The result was announced—yeas 26, nays 21; as follows:

YEAS—26.

Allison,	Evarts,	McMillan,	Sewell,
Blair,	Farwell,	Mahone,	Sherman,
Bowen,	Frye,	Morrill,	Spooner,
Call,	Hale,	Payne,	Teller,
Cheney,	Hawley,	Pugh,	Williams.
Conger,	Hoar,	Riddleberger,	
Cullom,	Jones of Nevada,	Sawyer,	

NAYS—21.

Aldrich,	Coke,	McPherson,	Whitthorne,
Beck,	Dolph,	Manderson,	Wilson of Iowa,
Berry,	Fair,	Mitchell of Oreg.,	Wilson of Md.
Blackburn,	George,	Saulsbury,	
Butler,	Gorman,	Voorhees,	
Cockrell,	Jones of Arkansas,	Walthall,	

ABSENT—29.

Brown,	Gibson,	Maxey,	Sabin,
Camden,	Gray,	Miller,	Stanford,
Cameron,	Hampton,	Mitchell of Pa.,	Vance,
Chace,	Harris,	Morgan,	Van Wyck,
Colquitt,	Harrison,	Palmer,	Vest.
Dawes,	Ingalls,	Platt,	
Edmunds,	Jones of Florida,	Plumb,	
Eustis,	Kenna,	Ransom,	

So the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Florida [Mr. CALL], which will be read, it being to perfect the amendment reported by the committee.

The CHIEF CLERK. In line 11 of the amendment of the Committee on the Judiciary, after the word "Congress," it is proposed to strike out all down to the end of section 2, as follows:

Or from or against any bank or corporation, or other officer or agent thereof, which obtained its charter or any pecuniary aid from the United States; or from or against any corporation or company, its officer or agent, engaged in the business of interstate commerce by land or water, or in the business of any interstate transportation, or in the transportation of United States mails; or from or against any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country, any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied; or from or against any manufacturer of any article on which an excise-tax is now levied, or shall at any time hereafter be levied, by any act of Congress.

SEC. 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

Mr. BECK. Is that the amendment of the Judiciary Committee? There is so much noise we can not hear.

The PRESIDING OFFICER. The amendment just read is an amendment proposed by the Senator from Florida to the amendment proposed by the Judiciary Committee.

Mr. BECK. I have endeavored to get every amendment, but I have not seen that.

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Florida.

Mr. BECK called for the yeas and nays, and they were ordered.

Mr. GEORGE. I should like to know before I vote on that amendment whether the last vote substituted the amendment of the Senator from Massachusetts [Mr. HOAR] for the original bill?

The PRESIDING OFFICER. It did substitute the amendment of the Senator from Massachusetts for the original bill so far as it went. The Chair will state to the Senator from Mississippi that the amendment proposed by the Senator from Massachusetts was not an entire substitute, but a substitute for the greater portion of the text of the bill.

Mr. GEORGE. The print I have reads, "Strike out all after the enacting clause and insert the following." That was offered by the Senator from Massachusetts [Mr. HOAR].

Mr. FRYE. That was not the amendment voted on.

Mr. GEORGE. It reads, "Strike out all after the enacting clause."

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts was not to strike out all after the enacting clause, but after the word "kind" in line 5, and insert what the Senate has already agreed to.

Mr. DAWES. I ask the attention of the Senator from Kentucky. I suggest to him that he allow this bill to be laid aside informally and that we take up the Indian appropriation bill. ["Oh, no."] Let the Senate come to understand where it stands on this bill.

Mr. BECK. I hope that will not be done. A postponement of this bill now will involve a good deal more debate. I believe we have all agreed not to debate it any more. If the bill goes over another day there may be extended debate. I am willing to go on now and have it disposed of. The Indian appropriation bill, as the Senator knows, can pass in an hour any day, as the House and Senate committees have not disagreed at all on any matter of principle.

Mr. HOAR. We can finish this bill in a few minutes.

Mr. BECK. Let us have it disposed of.

Several SENATORS. Go on.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Florida [Mr. CALL] to the amendment of the Judiciary Committee.

Mr. CALL. That amendment will leave the committee's bill to read:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, in opposition to the United States, in any case to which the United States may be a party or in which its interests may be concerned; or from or against any railroad company which obtained its charter, or any grant of lands, or pecuniary aid from the United States, when measures specially affecting the interests of such railroad are pending before Congress.

Mr. BECK. The motion of the Senator, I understand, is to strike out all that part of the amendment of the Committee on the Judiciary after the word "Congress," in line 11?

Mr. CALL. Yes, sir.

Mr. CULLOM. I suppose the Senator from Florida does not propose to strike out all the rest of the bill, but simply the rest of that section?

Mr. BECK. The rest of that section.

Mr. CALL. I propose only to go to the end of that section.

The PRESIDING OFFICER. The amendment will be so modified. The yeas and nays have been ordered on this amendment.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from New York [Mr. MILLER]. I would vote for this amendment if I were not paired.

Mr. PLUMB (when his name was called). On all questions pertaining to this bill I am paired with the Senator from Georgia [Mr. BROWN]. I do not know how he would vote on this particular proposition; so I withhold my vote.

The roll-call was concluded.

Mr. MORRILL. I desire to say that my colleague [Mr. EDMUNDS] is paired with the Senator from Tennessee [Mr. HARRIS] on all questions relating to this bill.

Mr. PALMER (after having voted in the negative). I had forgotten when my name was called that I was paired with the Senator from North Carolina [Mr. VANCE]. I now announce the pair again, and on all further votes on this bill I shall not announce it. I withdraw my vote on this amendment.

Mr. COLQUITT. I am paired with the Senator from Rhode Island [Mr. CHACE].

The result was announced—yeas 25, nays 26; as follows:

YEAS—25.

Beck,	Cullom,	Hale,	Voorhees,
Berry,	Eustis,	Hampton,	Walthall,
Blackburn,	Fair,	Jones of Arkansas,	Whitthorne,
Bowen,	Frye,	McPherson,	Wilson of Md.
Call,	George,	Manderson,	
Cameron,	Gorman,	Van Wyck,	
Coke,	Gray,	Vest,	

NAYS—26.

Aldrich,	Dolph,	Morrill,	Sawyer,
Allison,	Evarts,	Payne,	Spooner,
Blair,	Farwell,	Pugh,	Teller,
Butler,	Hawley,	Ransom,	Williams,
Cheney,	Hoar,	Riddleberger,	Wilson of Iowa.
Cockrell,	Mahone,	Sabin,	
Conger,	Mitchell of Oreg.,	Saulsbury,	

ABSENT—25.

Brown,	Harris,	Maxey,	Sewell,
Camden,	Harrison,	Miller,	Sherman,
Chace,	Ingalls,	Mitchell of Pa.,	Stanford,
Colquitt,	Jones of Florida,	Morgan,	Vance.
Dawes,	Jones of Nevada,	Palmer,	
Edmunds,	Kenna,	Platt,	
Gibson,	McMillan,	Plumb,	

So the amendment to the amendment was rejected.

Mr. SAULSBURY. I desire now, if it is in order, to offer an amendment as a substitute for the whole bill as amended. Is that in order?

The PRESIDING OFFICER. It is not in order now, in the opinion of the Chair. The amendment would be in order as a substitute for the amendment reported by the committee, but a substitute for the whole bill is not now in order in the opinion of the Chair. The Chair will state to the Senator from Delaware that the pending question is on the amendment proposed by the Judiciary Committee. To that, if the Senator from Delaware desires, he can offer a substitute.

Mr. SAULSBURY. Then I will offer my amendment as a substitute for the amendment of the Judiciary Committee. That is in order.

Mr. HAWLEY. I ask for information. Does not the amendment offered by my colleague [Mr. PLATT], similarly in the nature of a substitute, precede the amendment of the Senator from Delaware?

The PRESIDING OFFICER. The Chair has not been advised of any such amendment.

Mr. HAWLEY. I ask that the clerks may inform the Chair.

The PRESIDING OFFICER. The amendment of the Senator's colleague has not been formally offered, the Chair is advised.

Mr. HOAR. The Senator from Connecticut [Mr. PLATT] gave notice that he would offer it at the proper time.

Mr. HAWLEY. I give notice that I shall offer it at the first opportunity. I thought he had offered it.

The PRESIDING OFFICER. It has not been offered.

Mr. HAWLEY. It has been printed.

The PRESIDING OFFICER. The amendment proposed by the Senator from Delaware [Mr. SAULSBURY], intended as a substitute for the amendment reported from the Judiciary Committee, will be stated.

Mr. DOLPH. First let the amendment of the committee as it now stands be read.

The PRESIDING OFFICER. The amendment of the Judiciary Committee will be read.

Several SENATORS. It has not been amended.

Mr. DOLPH. If it has not been amended I do not care to have it read.

The PRESIDING OFFICER. It has not been amended. The amendment proposed to it was voted down.

Mr. BECK. Do I understand the Chair to say that it has not been amended?

The PRESIDING OFFICER. The only amendment to it that has been offered since the present occupant of the chair has been in the chair was the amendment of the Senator from Florida [Mr. CALL], which was voted down by a majority of 1 vote.

Mr. BECK. I understood that the amendment offered by the Senator from Massachusetts [Mr. HOAR] was adopted.

The PRESIDING OFFICER. The Chair will state to the Senator from Kentucky that that was not an amendment to the amendment of the Judiciary Committee.

Mr. BECK. What was it?

The PRESIDING OFFICER. It was an amendment to the original text, and was agreed to. The amendment now proposed by the Senator from Delaware [Mr. SAULSBURY] will be read.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by the Committee on the Judiciary, it is moved to insert:

That it shall be unlawful for any member of Congress to accept employment as general counsel or attorney, or receive payment for services as such general counsel or attorney, from any railroad company, or from any officer or agent thereof, which obtained its charter or any grant of land or pecuniary aid from the United States: *Provided*, That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts, when the United States is not a party or interested in the result of said suits, or where the subject-matter of any such suit is pending before Congress, or such member of Congress has reasonable ground to believe the subject will come before Congress for its action.

Mr. HALE. I should like the Senator from Delaware to explain to the Senate what he believes to be the legal effect or purport of the words "general counsel?"

Mr. SAULSBURY. My understanding is that railroad companies are in the habit of employing and retaining counsel as their general counsel to serve them in such capacities as the interests of the railroad companies may require, at a fixed salary. That is the case at least in the section of the country in which I live, and I understand that it is the system pursued by railroad companies generally. I believe that relation to be inconsistent with the position of a member of Congress, but I do not believe that it is inconsistent with the duties which we owe as members of Congress to the Government for a Senator to appear in the courts in special cases where the Government is not interested, in private suits between parties, and I have sought to draw that distinction.

There are general counsel engaged by roads who retain that position, and it is that relation which I believe to be inconsistent with the duties of a member of Congress, because, naturally, being employed for the purpose of looking out for the general interests of the corporation which has retained him, he may come in conflict with the duties which he owes here in questions that come before Congress relating to the particular road which had thus retained him.

Mr. HALE. I think I see clearly now what the Senator has in view; but does not the proviso of the Senator's amendment in the terms take care of all cases where railroads or corporations have suits in the courts with private parties in which the United States is not interested, and would it not be very easy under the term "general counsel" to evade the effect of the amendment and take away what the Senator desires?

Mr. SAULSBURY. The relation of general counsel is inhibited by my amendment.

Mr. HALE. Undoubtedly; but it goes no further.

Mr. SAULSBURY. It goes no further.

Mr. HALE. It does not prevent railroads which have received Government benefactions from employing counsel outside of the courts, where they have private litigation for a certain time or for a specified object even, although the Government may be interested. As I understand it it only applies to the relation where a counsel is engaged, for instance, by the year at a regular salary, but it would not prevent a company from employing a member of Congress as an attorney for a specific purpose, even if that purpose involved him in relations to the Government or in the relation of defending the railroad where it had a suit with the Government.

Mr. SAULSBURY. I understand the amendment to prohibit a member of Congress first from assuming the relation of general counsel. I understand that the amendment further would prohibit any member of Congress from acting as special counsel in any particular case where the Government of the United States was a party to the suit or interested in the result of the suit. That is my understanding of the amendment.

Mr. HALE. Where does the Senator find that provision? It is not in the printed amendment as I have it.

Mr. SAULSBURY. The first clause in the substitute which I have offered is an inhibition against the employment of a member of Congress as general counsel or attorney for railroads of a particular class. The proviso as printed reads:

That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts when the United States is not a party or interested in the result of said suits.

Mr. HALE. That takes care of the private litigation of companies, and allows the attorney to appear. Where in the amendment as printed is the provision which prohibits members of Congress from appearing as attorneys and counsel for railroad companies in special cases where the Government is interested, unless the amendment of the Senator contains something more than there is in the printed text?

Mr. SAULSBURY. I have added an additional clause, which is in manuscript:

Or where the subject-matter of any such suit is pending before Congress, or such member of Congress has reasonable ground to believe the subject will come before Congress for its action.

Mr. HALE. I do not find that in the printed amendment.

Mr. SAULSBURY. No; I added it at the suggestion of the Senator from Wisconsin [Mr. SPOONER] after the amendment was printed.

I wish to state in reference to the amendment that the inhibition of the employment of general counsel differs from the original bill or from any amendment which has been offered to the bill in this particular, that it does not undertake to define the crime; it does not undertake to prescribe any punishment, but follows the course which was pursued in reference to appearances before the Court of Claims, and is a mere inhibition of such employment. It does not undertake to provide any punishment for the crime; it leaves that to be dealt with, on the idea that members of Congress, being law-makers, would faithfully observe a statute which they had themselves enacted.

There is nothing degrading to the Senate in such a proposition, and I have no doubt that if my amendment should become the law no member of Congress would assume the relation of general counsel for railroads in any case or would appear in any case in a court where the interests of the Government were involved in any way. It would be in harmony with the action that was had with reference to appearances in the Court of Claims, where there was a simple inhibition against members of Congress appearing in the court; and I believe that that is all the legislation we need.

Mr. HALE. If it is in order, I move to strike out in lines 4 and 5 the word "general" before "counsel," where it occurs in both lines. That would leave the first part of the amendment with a clear inhibition against members of Congress accepting employment as attorneys from railroad companies. That of itself would be so complete that without the proviso following no member of Congress could be employed at all by these corporations, but with the proviso which follows, "That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts, when the United States is not a party or interested in the result of said suits," the sweeping clause of the first part of the amendment will be so modified that members of Congress can appear in all that great domain of suits where the United States is not interested; and with this amendment I believe the object that should be sought for will be accomplished.

The PRESIDING OFFICER. The Chair will state to the Senator from Maine that the amendment proposed by the Senator from Delaware is already an amendment in the second degree.

Mr. SAULSBURY. I accept the amendment of the Senator from Maine.

The PRESIDING OFFICER. The amendment is accepted.

Mr. BECK. Let the amendment be read as modified.

The PRESIDING OFFICER. The amendment of the Senator from Delaware proposed as a substitute for the amendment reported from the Judiciary Committee will be read as modified on the suggestion of the Senator from Maine.

The CHIEF CLERK. In line 4 and in line 5, of the matter proposed to be inserted, strike out the word "general;" so as to read:

That it shall be unlawful for any member of Congress to accept employment as counsel or attorney, or receive payment for services as such counsel or attorney, from any railroad company, or from any officer or agent thereof which obtained its charter or any grant of land or pecuniary aid from the United States: *Provided*, That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts, when the United States is not a party or interested in the result of said suits, or where the subject-matter of any such suit is pending before Congress, or such member of Congress has reasonable ground to believe the subject will come before Congress for its action.

Mr. HALE. I suggest to the Senator from Delaware that he modify his amendment further by leaving out the words which are in manuscript and not in the printed text. It seems to me it is very clear and pithy as left in the printed text as now amended, and covers every ground that it should be sought to cover.

Mr. SAULSBURY. That is my own impression. I put in those words at the suggestion of the Senator from Wisconsin [Mr. SPOONER].

The PRESIDING OFFICER. Does the Senator from Delaware further modify his amendment?

Mr. SAULSBURY. I will omit the part in manuscript from the amendment.

Mr. COKE. How does the amendment now stand?

The PRESIDING OFFICER. The amendment offered by the Senator from Delaware as now modified will be read.

The CHIEF CLERK. From the matter proposed to be inserted strike out the words:

Or where the subject-matter of any such suit is pending before Congress, or such member of Congress has reasonable ground to believe the subject will come before Congress for its action.

Mr. HALE. I understand the Senator from Delaware withdraws that part of the amendment.

Mr. SAULSBURY. Yes; the manuscript part which has just been read.

The PRESIDING OFFICER. The amendment of the Senator from Delaware to the amendment of the Judiciary Committee will be so modified.

Mr. HOAR. There seems to be still a misunderstanding in the Chamber among some Senators with whom I have conversed, regarding the parliamentary position of this question. I desire to ask the Chair if this be the position of the question: The Senator from Kentucky moved as an original bill A, to which the Committee on the Judiciary proposed a substitute B. The original bill A was amended by the amendment which I reported.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOAR. Then to the substitute B, the Senator from Delaware moves his amendment as a substitute by striking out and inserting.

The PRESIDING OFFICER. That is the situation.

Mr. HOAR. If the amendment of the Senator from Delaware be adopted, then the further question will be whether the substitute B (which is the amendment of the Senator from Delaware, if that be adopted) shall be substituted for the original bill as it has been amended.

The PRESIDING OFFICER. That is correct.

Mr. HALE. Now, let us have the amendment of the Senator from Delaware fixed as he desires it before we vote upon it. I understand that he modifies it by striking out the last clause, which is in written words and not in print.

The PRESIDING OFFICER. The Senator from Delaware will advise the Secretary as to the precise character of his amendment.

Mr. SAULSBURY. The precise character of my amendment is now as it was printed, except as it was modified on the suggestion of the Senator from Maine [Mr. HALE], by striking out the word "general" before "counsel," in lines 4 and 5.

Mr. HALE. That is it.

The PRESIDING OFFICER. The question is on agreeing to the substitute proposed by the Senator from Delaware.

Mr. HAWLEY. I wish to know whether the proposition of the Senator from Delaware is not still amendable?

Mr. RANSOM. Certainly.

Mr. HAWLEY. My only doubt is whether the amendment I propose to offer would be an amendment in the third degree. I wish to call the attention of the Senate to the amendment submitted by my colleague [Mr. PLATT], which has been printed, and is, I suppose, upon Senators' tables. I suggest that we strike out all after the words "member of," in the third line of the pending amendment—

That it shall be unlawful for any member of—

And insert my colleague's amendment; so as to read:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or receive compensation for services rendered, in opposition to the interests of the United States, in any suit, action, or other matter in the result of which the United States is directly or indirectly interested, or in respect of which any question is pending before Congress, or in respect of which such member has reasonable cause to believe legislation by Congress may be asked.

SEC. 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

The essence of the amendment proposed by my colleague is this: It makes no reference to land-grant roads or any other roads, but forbids a member of either House of Congress to be retained in opposition to the interests of the United States in any matter of controversy before the courts of the United States. It covers the whole question once for all, and ends the discussion. I move that as an amendment to the amendment offered by the Senator from Delaware.

Mr. SAULSBURY. In the first place, I am opposed to that amendment, and perhaps I can afford, as well as any other member of the Senate, to oppose it. I have never been retained by a railroad company in any suit which such company have ever had. It has been my fortune to fight the railroad companies in my own State, not only in the State courts but in the circuit court of the United States and in the Supreme Court of the United States. So I can afford now, never having been employed as a railroad attorney, to say that I believe the amendment of the Senator from Connecticut would do great injustice to the profession by excluding them from legitimate practice.

I am opposed to the amendment of the Senator from Connecticut on another ground. It undertakes, as the original bill does, and as every amendment which has been offered does, except my own, to define, and to punish as a crime, employment of members by railroad companies. To that I am opposed. The mere inhibition, without designating that it shall be either a misdemeanor or a felony, or without prescribing a penalty of imprisonment or a fine, will be more consistent, as I think, with the character of legislators dealing with themselves, who will obey an inhibition of law just as readily as they would if the penalty of the penitentiary, of the jail, or of a fine, was imposed upon them.

I am opposed to it on all these grounds.

Mr. HAWLEY. The Senator's objection goes only to the second section of the amendment proposed by my colleague, the punitive section. Suppose we omit that. Omitting that, the prohibition in the first section the Senator does not criticise at all. It simply forbids members of Congress from being employed against the United States, in opposition to the interests of the United States, in any legal matter. As to whether the punitive clause should be there or not, that I consider, as the Senator from Delaware does, a matter of indifference. That is to say, it is quite as well it should be omitted. I agree with him that the prohibition is sufficient, but I think the general prohibition against employment in opposition to the interests of the United States is a just one.

Mr. HOAR. I wish to call the attention of the Senator from Delaware to two things, which are mere matters of phraseology and not of intent. In the first place, he prohibits the employment as counsel or attorney by general language. Then he provides that the act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits in the State or Federal courts; but he does not, I suppose, mean to prohibit them from giving opinions, drawing instruments, and to be consulted as chamber counsel in matters in which the United States has no interest.

Mr. SAULSBURY. It is applied to a distinctive class of counsel; that is, to the general attorneys who are conferred with in reference to everything connected with the interests of the company.

Mr. HOAR. But my friend does not take my point. I am not criticising his object, assuming that to be all right, but I am asking whether his language effects his object. The Senator prohibits all employment in the beginning. Then he makes an exception of what he considers innocent or harmless, but he has only excepted from the general prohibition the appearing as counsel in suits in court. He ought to add to his exception the right to be employed not in court; that is, in giving opinions or drawing instruments where it does not affect the United States at all.

Mr. SAULSBURY. I think I would prefer my amendment in the form it is in.

Mr. HOAR. Let me call my friend's attention to another point. He has prohibited the accepting of compensation in all cases. He has come in and said, "You may act as counsel in a certain case," but he does not allow the counsel to be compensated for that service. I think the Senator will see that the last part of his amendment will have to be redrawn a little to carry out what he desires.

Mr. SAULSBURY. I do not think so.

Mr. HOAR. Does the Senator mean to allow the person only to appear without compensation?

Mr. SAULSBURY. No, sir.

Mr. HOAR. That is what the Senator says by his amendment. He says the attorney who is a member of Congress shall not have any compensation for anything, but he may appear in a suit in a State court.

Mr. SAULSBURY. I do not think that construction can be put upon it.

Mr. HOAR. That is what you say by the amendment.

Mr. SAULSBURY. I do not think that is a fair construction of it.

Mr. HOAR. Then why not make it right? The Senator provides that they shall not be employed as counsel at all. Then he makes his exception for the appearing in court in suits. Why shall not Mr. Thurman, of Ohio, being a member of the Senate, give an opinion to

a railroad company as to the effect of a certain lease with another railroad company, and be paid $50 or $100 for it, in vacation; or why shall not Mr. Thurman, of Ohio, being a member of the Senate, draw a lease or a contract between two railroad companies, with which the United States has nothing to do? The Senator prohibits that.

Mr. SAULSBURY. I did that designedly, because whatever we may think about it there is, perhaps, a prejudice in the popular mind that the Congress of the United States is being filled up to a certain extent by gentlemen connected with the large railroad corporations. That may be true, or it may not be true; but, admitting that it is not true in fact, nevertheless that opinion is extant in the land, and we owe it to ourselves to extricate ourselves from any supposed influences of that kind. An honest prejudice, although it may be only a prejudice, is entitled to respect; and, while I may not at all times yield to such a prejudice when we can so far adjust ourselves to the prejudice as to wipe out any stigma upon Congress, I believe we owe it to ourselves to do it.

My object in the amendment was that the only service which a member of Congress should perform for a railroad company should be to go into the courts openly and above board, to argue the questions in litigation in open court, because if you permit them to sit in their offices and act as private counsel you have no restraint over them whatever; but when they are exposed to public view, and their services are known to the public, then it will be understood.

I think the amendment suggested by the Senator from Massachusetts would virtually annul all the previous provisions of the amendment I propose. Therefore, for myself, I prefer to abide by that amendment.

Mr. CULLOM. I should like to make an inquiry.

Mr. HOAR. Allow me to move an amendment. After the word "courts," in line 11 of the amendment of the Senator from Delaware, I propose to insert "and receiving compensation for the same." That would make the proviso read:

That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts, and receiving compensation for the same, when the United States is not a party or interested in the result of said suits.

That makes it clear.

Mr. SAULSBURY. I will accept that amendment.

The PRESIDING OFFICER. The Senator from Delaware accepts the modification. The question is on the amendment proposed by the Senator from Delaware as modified.

Mr. HAWLEY. I beg pardon; the question is on the amendment which I offered.

Mr. CULLOM. That is exactly what I desired to inquire.

Mr. HOAR. I wish to move an amendment to the amendment of the Senator from Delaware. I desire to perfect the Senator's amendment.

Mr. HAWLEY. I shall withdraw my colleague's amendment for the present.

Mr. HOAR. I propose to substitute for the word "appearing," in line 10 of the amendment of the Senator from Delaware, the word "acting," and to strike out the words:

In suits by or against such railroad companies in the State or Federal courts;

So as to read:

From acting as counsel and receiving compensation for the same when the United States is not a party or interested in the result.

I will say "in the subject-matter"—

of said suits.

The PRESIDING OFFICER. Does the Senator from Delaware accept the amendment suggested by the Senator from Massachusetts?

Mr. SAULSBURY. The effect of that modification would be to permit every member of Congress who is a lawyer to sit in his office and to act as counsel and to give opinions outside of the courts. There is not any business for the railroad companies——

Mr. HOAR. If the Senator will allow me, I shall not press the amendment against his judgment. He has framed his amendment to suit himself, and I shall not embarrass action upon it.

The PRESIDING OFFICER. The amendment suggested by the Senator from Massachusetts to the amendment of the Senator from Delaware is withdrawn.

Mr. HOAR. I withdraw the last amendment. The first one the Senator from Delaware accepts.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware as modified.

Mr. BECK. Let it be read as it has been patched up.

Mr. CULLOM. I suppose the first vote will be on the amendment offered by the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut withdrew his amendment. The amendment as finally submitted by the Senator from Delaware will be read.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by the Committee on the Judiciary, it is moved to insert:

That it shall be unlawful for any member of Congress to accept employment as counsel or attorney, or receive payment for services as such counsel or attorney, from any railroad company, or from any officer or agent thereof, which obtained its charter or any grant of land or pecuniary aid from the United States: *Provided*, That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts, and receiving compensation for the same, when the United States is not a party or interested in the result of said suits.

The PRESIDING OFFICER. The question is on agreeing to the amendment moved by the Senator from Delaware [Mr. SAULSBURY] which has just been read, and which is proposed as a substitute for the amendment reported from the Committee on the Judiciary.

Mr. BUTLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Mr. President, I do not propose to inflict a speech upon the Senate. The amendment of the Senator from Delaware, if it should finally become a law, would be a little bit better than nothing; but it is so near nothing that it is hardly worth while for the Senate to take time about it. It allows any Senator or Representative in Congress to be counsel in all the great suits of the railroad companies. They may sit here with $100,000 of the money of the Union Pacific, the Central Pacific, the Northern Pacific, or any of the great land-grant roads of the country, in their pockets, and because they have received no fee in a particular matter which Congress is considering, notwithstanding they have received fees and have been employed for the purpose (without their knowledge and consent perhaps) of standing by as the counsel for the company in every other case, they are to be regarded as disinterested men! That is the meaning of the amendment.

When I introduced the bill first, I meant to strike at a great evil, and I limited it carefully so as not to interfere with the general employment of lawyers beyond their employment by those corporations and persons who had great and important interests before the Congress of the United States. The language of my bill was as follows:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States.

And then a penalty was affixed for members so doing. I showed that the reason why I desired such a law to pass was that we have over $100,000,000 to-day in controversy with the great Pacific roads for money that we advanced to them to aid them. Empires of land are in controversy now between the people of the United States and those companies; and we are dealing with them in Congress. The Judiciary Committee were sitting yesterday all day, I understand, seeking to devise ways and means as to how we could best settle with these great railroad companies in regard to the moneys which we have advanced to them, and to-morrow that question may be precipitated upon us.

Again, the great railroad companies agreed to carry our mails upon such terms as we might prescribe. They agreed to carry our soldiers and our munitions of war upon terms that Congress should prescribe, or to carry them free, according to my construction of the law. The object of the bill I introduced was to say to members of Congress who were in their employ on any pretext whatever, whether they had been sought for because they were members of Congress, either in the other House or the Senate, and employed in suits with other railroad companies or other people, and paid fees ten times out of proportion to what their services were expected to be in order to secure their friendship here, that they should not take those fees or occupy such relations with those railroads when great controversies were pending between the people of the United States and the railroad companies.

Now with a great show of fairness the Senator from Delaware [Mr. SAULSBURY], as fair a man as there is in the Senate, has been induced to believe that it is a hardship upon lawyers serving in Congress to prevent them from taking fees from such corporations except in cases where they are in controversy with the United States in particular suits; and every enemy of my bill, every man who is seeking to defeat it by direct or indirect means, is amending and adding to and supplementing and lauding the position taken by the Senator from Delaware, who is himself, I believe, friendly to the purpose I have in view; but he has been made to believe that the measure was too harsh. I say he is apparently friendly to the bill, and I mean it with perfect respect. He has given the highest evidence that he is friendly to it. When the bill was first introduced and laid upon the tables of Senators for a week, and the question came on its reference to the Judiciary Committee, and then again on its final passage, a bill of five lines, that no man could misunderstand, on the yeas and nays one of the 37 votes for the bill was that of the Senator from Delaware. I desire to have that record of last year read again and made part of the RECORD of to-day's proceedings, with the yeas and nays, so as to show how gentlemen are changing now from their position then.

The PRESIDING OFFICER. The matter sent to the desk by the Senator from Kentucky will be read.

The Chief Clerk read as follows:

RAILROAD ATTORNEYS.

Mr. BECK. I gave notice on Monday that after the close of the morning business to-day I should ask the Senate to take a vote upon Senate bill 2578. I move to take it up for that purpose.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MAHONE. I hope it will be the pleasure of the Senate to take up the agricultural appropriation bill at or before 2 o'clock.

Mr. BECK. The bill I have called up will take but a moment, I hope. I have not a word to say about it.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill, as follows:

"*Be it enacted, &c.*, That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisonment not more than one year, in the discretion of the court."

Mr. EDMUNDS. Has that bill ever been referred?

The PRESIDENT *pro tempore*. It has not been referred.

Mr. EDMUNDS. I move that it be referred to the Committee on the Judiciary.

Mr. BECK. I think it had better be voted down than go there. I ask for the yeas and nays.

Mr. EDMUNDS. Then I withdraw that motion and move to refer the bill to the Committee on Finance.

Mr. BECK. A reference to any committee amounts to a defeat of the bill.

Mr. EDMUNDS. Then we will take it on the motion to refer to the Committee on the Judiciary.

Mr. BECK called for the yeas and nays, and they were ordered.

The PRESIDENT *pro tempore*. The motion is to refer the bill to the Committee on the Judiciary.

The Secretary proceeded to call the roll.

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present I should vote "nay."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present I should vote "nay."

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT].

Mr. KENNA. I am paired with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 21, nays 24; as follows:

YEAS—21.

Allison,	Edmunds,	McMillan,	Sewell,
Blair,	Evarts,	Mahone,	Sherman,
Cameron,	Frye,	Miller,	Teller.
Chace.	Hale,	Mitchell of Oreg.,	
Cullom,	Hawley,	Morrill,	
Dawes,	Hoar,	Sawyer,	

NAYS—24.

Beck,	Coke,	Jones of Arkansas,	Riddleberger,
Berry,	Colquitt,	McPherson,	Saulsbury,
Brown,	Eustis,	Maxey,	Vest,
Butler,	George,	Payne,	Whitthorne,
Call,	Harris,	Pugh,	Wilson of Iowa.
Cockrell,	Harrison,	Ransom,	Wilson of Md.

ABSENT—31.

Aldrich,	Gorman,	Logan,	Sabin,
Blackburn,	Gray,	Manderson,	Spooner.
Bowen,	Hampton,	Mitchell of Pa.,	Stanford,
Camden,	Hearst,	Morgan,	Vance,
Conger,	Ingalls,	Palmer,	Van Wyck,
Dolph,	Jones of Florida,	Pike,	Voorhees,
Fair,	Jones of Nevada,	Platt,	Walthall,
Gibson,	Kenna,	Plumb,	

So the motion to refer was not agreed to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. HALE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH's name was called). I wish to announce that my colleague [Mr. ALDRICH] is paired with the Senator from Louisiana [Mr. GIBSON].

Mr. MAXEY (when his name was called). I am paired with the Senator from Michigan [Mr. CONGER] on political questions, but as I presume he would vote for this bill if here, I vote "yea."

Mr. MILLER (when his name was called). I have just been asked to pair with the Senator from South Carolina [Mr. HAMPTON]. If he were here, I should vote "yea."

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER]. If he were present, I should vote "yea."

M. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER]. If he were present, I should vote "yea."

The roll-call was concluded.

M. BUTLER. I am quite sure my colleague [Mr. HAMPTON], if he were present, would vote "yea" on this question. So if the Senator from New York desires to vote, he can cast his vote.

Mr. MILLER. Then I vote "yea."

Mr. KENNA. I announce again that I am paired with the Senator from Minnesota [Mr. SABIN]. If he were present, I should vote "yea."

Mr. BECK. My colleague [Mr. BLACKBURN] is absent, paired with the Senator from Nebraska [Mr. MANDERSON], who is also absent, both under the orders of the Senate. My colleague, if present, would vote "yea."

Mr. CAMDEN. I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, I should vote "yea."

Mr. MCMILLAN. My colleague [Mr. SABIN] is absent from the city and is sick. If he were present, my impression is that he would vote "yea."

Mr. KENNA. On that statement I vote "yea."

The result was announced—yeas 37, nays 11; as follows:

YEAS—37.

Allison,	Cullom,	Kenna,	Ransom,
Beck,	Dolph,	McMillan,	Saulsbury,
Berry,	Eustis,	McPherson,	Sherman,
Blair,	Frye,	Mahone,	Vest,
Brown,	George,	Maxey,	Whitthorne,
Butler,	Hale,	Miller,	Wilson of Iowa,
Chace,	Harris,	Morrill,	Wilson of Md.
Cockrell,	Harrison,	Payne,	
Coke,	Hawley,	Plumb,	
Colquitt,	Jones of Arkansas,	Pugh,	

NAYS—11.

Bowen,	Edmunds,	Mitchell of Oreg.,	Sewell,
Cameron,	Evarts,	Riddleberger,	Teller.
Dawes,	Hoar,	Sawyer,	

ABSENT—28.

Aldrich,	Gorman,	Logan,	Sabin,
Blackburn,	Gray,	Manderson,	Spooner,
Call,	Hampton,	Mitchell of Pa.,	Stanford,
Camden,	Hearst,	Morgan,	Vance,
Conger,	Ingalls,	Palmer,	Van Wyck,
Fair,	Jones of Florida,	Pike,	Voorhees,
Gibson,	Jones of Nevada,	Platt,	Walthall.

So the bill was passed.

Mr. BECK. Mr. President, before the final death of this bill, because the amendment proposed by the Senator from Massachusests destroyed it—we all understand that—and the amendment of the Senator from Delaware is only intended to lay it a little bit more decently in the grave, I desire to say that I am content with the record made at the last session of Congress.

Mr. KENNA. Before the election?

Mr. BECK. I know nothing about before or after the election, but I am willing to stand upon the record then made by gentlemen who underetood fairly the purpose of the bill. I leave it to them to satisfy themselves why they should now be willing to license every man in both Houses of Congress to be acting as an attorney for these great railroad corporations when on the first impulse the common instinct of almost the whole Senate went out in the expression that it was not a proper thing to allow men to be in either body when they had the money of the corporations with whom they were dealing, as Congressmen, in their pockets under any pretense whatever.

My bill was taken away, however, on a motion to reconsider, and was sent to the Committee on the Judiciary. The distinguished gentlemen of that committee conceded by their action that the subject-matter was a proper one for us to consider, and that the bill was constitutional; and they reported what? They reported the following substitute for the bill which I had introduced, and which was referred to them:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, in opposition to the United States, in any case to which the United States may be a party or in which its interests may be concerned; or from or against any railroad company which obtained its charter, or any grant of lands, or pecuniary aid from the United States, when measures specially affecting the interests of such railroad are pending before Congress; or from or against any bank or corporation or other officer or agent thereof which obtained its charter or any pecuniary aid from the United States; or from or against any corporation or company, its officer or agent, engaged in the business of interstate commerce by land or water, or in the business of any interstate transportation, or in the transportation of United States mails; or from or against any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied; or from or against any manufacturer of any article on which an excise tax is now levied, or shall at any time hereafter be levied, by any act of Congress.

SEC. 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

That was the deliberate act of the Judiciary Committee of this body.

Mr. COKE. Of a majority of that committee.

Mr. BECK. Of course the minority dissented; but a majority constitutes a committee, parliamentarily speaking, and the distinguished gentlemen who are now talking about the bill that I introduced being unconstitutional, themselves, when required by a vote of the Senate to perfect the bill and to present a proper measure for its consideration, agreed not only that all which I had proposed was right in itself, but they added provision after provision to it and submitted to the Senate for approval as their substitute for it, what I have just read. To-day, when the Senator from Florida [Mr. CALL] moved an amendment to strike out all after the word "Congress," in line 11 of the substitute, excluding from its provisions all those features which but for the high authority of the Judiciary Committee we should almost be led to believe were intended as a burlesque on legislation, on a call of the yeas and nays those distinguished gentlemen voted down the proposed amendment of the Senator from Florida, and by their vote on the call of the yeas and nays within the last half hour they tell the Senate and tell the world that they believe that all I have read is not only legitimate, but good and proper legislation, better than anything that I proposed, and they offer it to us as a substitute, and on the yeas and nays stand by it. I am willing to go before the country on the record of my bill and the substitute of the Judiciary Committee, and on the yeas and nays called to-day on the refusal to strike out the portions of it which I regard as a burlesque on all decent legislation, when the question was fairly presented on the amendment of the Senator from Florida, himself an opponent of the original measure.

Mr. President, there is no disguising the fact that a portion of the Senate, of whom I am one, believes, and believes in earnest, that when men become members of either House of Congress they should sever any relations they may have with the great land-grant railroads of this country who hold empires of our land and over one hundred millions of our money, who are under obligations to us in regard to our mails and the transportation of our troops and munitions of war. These gentlemen can not serve two masters; and when they take $5,000 a year to serve the people of the United States they must relinquish the

fees they are getting, under any pretense whatever, from the great corporations that have heretofore employed them.

The amendment reported by the Senator from Massachusetts and the amendment proposed by the Senator from Delaware leave the door wide open for every member of either House of Congress who happens to be a lawyer (and I am told that there are sixty-five out of seventy-six Senators who are lawyers) to have his pockets full of the money of these great railroad corporations under the pretense that members of Congress have been employed in suits with other roads, or suits with other people, or under any pretense whatever, so that they were not in direct litigation with the United States. I want to do something or to do nothing. The amendment proposed by the Senator from Massachusetts has been already voted in, and the amendment of the Senator from Delaware means nothing and will deceive nobody, however honest some Senators may be in believing that it does something. No intelligent man in the country will believe that it does, or that it can do anything; and some will be malicious enough to think that it was not intended that it should do anything.

The amendment now offered by the Senator from Delaware being, as I regard it, absolutely worthless, I am willing to stand on the issue with the amendment of the Judiciary Committee, and I propose to vote against the amendment of the Senator from Delaware, which does no real good, so as to see whether the Judiciary Committee itself will vote for its own substitute. I desire the members of the majority of that committee to have an opportunity by a yea-and-nay vote to tell the country that that is good legislation, and I do not propose, as far as I can help it, by voting for a mild bread-pill, apparently an improvement upon theirs, especially as they refused to strike out the worst parts of it when the Senator from Florida moved to have it done, and stand by it all. I shall vote against the substitute of the Senator from Delaware, and if it is voted down we shall then see whether the distinguished gentlemen of the Judiciary Committee will vote for their own substitute when the chance is given them.

I do not propose to argue this question elaborately. I want to come to a vote. I showed, when I argued this case before, that there was nothing new in this proposed legislation. The Judiciary Committee admit, all the amendments admit, that it is a subject about which we can legislate. When I introduced the bill it was not, as has been intimated, to make a charge against anybody. I do not legislate in that way; nor do I make personal attacks upon men; but I have heard in the Senate language used by Senators to each other which makes it important that we should take some steps to prevent that sort of crimination and recrimination, which tends to bring us into disrepute before the country.

On the 28th of last May, within a day or two of the time when I introduced the original bill, the Senator from Vermont [Mr. EDMUNDS], in speaking of the efforts that were made to forfeit parts of the land grant of the Northern Pacific road, said:

> I wish to speak to the pending bill as illustrating the bill that has just passed away from the consideration of the Senate. I wish to call the attention of my brother Senators to the circumstance that a bill considered by a committee and reported by that committee, by a majority (I do not know whether it was unanimous or not, probably not), which proposes to forfeit 200 miles or more of a land grant in the rich valley of the Columbia, in respect to which probably all Senators would agree that it ought to be forfeited—has been by a yea-and-nay vote (if I may use such a phrase now) bedeviled, as if we were all employed by a railroad company to bedevil it, and do nothing at all by the propositions of amendments, and insisting upon considering them, that raise open and difficult and disturbing questions, which our former experience has shown are not likely to be decided in the six weeks that are probably yet left for the action of Congress at this session.

A colloquy, as I gave it before, occurred between my friend from Mississippi [Mr. GEORGE] and the Senator from Oregon [Mr. DOLPH] of the same general character. The Senator from Mississippi said:

> I am willing to yield to any reasonable length, but I can not give way to hear all the apologies and all the reasonings, and everything of that sort of a railroad company.
>
> Mr. DOLPH. It is simply a question whether the Senator yields for me to finish my statement.
>
> Mr. GEORGE. I believe I will not. You can reply to me.
>
> The PRESIDENT *pro tempore*. The Senator from Mississippi declines to yield.
>
> Mr. GEORGE. I have no doubt the Senator from Oregon as a lawyer has had a great deal of experience in reference to railroad companies which would interest the people of this country, but as I am just now going on with the people's side of the case I ask him to wait until I get through.

So I have speeches made by other Senators intimating, twitting each other, perhaps not intending anything offensive, but suggesting to the country that we were acting in the interest of railroads; and every once in a while when a Legislature sends a man here the press of the country and the people of the country believe that he is sent by railroad or other great influences to represent them and not to represent the people. What I desire is, as long as I am in this body, to have it understood that no member can be interested for those great land-grant railroads in any way by taking fees from them in suits that they may have with anybody, or by taking their money on any pretense whatever when we are dealing with them, and that he must come here free from all embarrassment when he is acting on the question of land forfeitures, or what to do with the great amount of money we have loaned the railroads, or when we are arranging to carry our mails, our troops, or our munitions of war, and that he shall be able to say to any slanderer anywhere, "If you think I am an interested man go to the courts and prove it; I hold myself ready to answer your charges."

Mr. GEORGE. I desire to say that in the extract which the Senator from Kentucky quoted from the speech which I made last session I did not intend to impute to the Senator from Oregon [Mr. DOLPH] anything improper or any improper relation with any railroad company whatever.

Mr. BECK. I had no idea that the Senator from Mississippi was making any charges; but he will readily see that when the Senator from Vermont, the distinguished leader of this body and chairman of the Judiciary Committee, and the distinguished Senator from Mississippi and others are talking in that way, it is better for us that we should have a law prohibiting us from having any connection with these railroad companies.

I have read twice during this debate the acts of Congress declaring that no member of either House shall prosecute any suit in the Court of Claims even for his most deserving constituent. Why? Because it is inconsistent with the duty of a member of either House to take any part in a case in which the United States is concerned. I read laws showing that he can not even take money from a man to obtain a contract or a place, or to appear before a court-martial or any other tribunal, because it is inconsistent with his position. In every contract that is made with the United States there has to be a clause inserted that no member of either House is interested in it, and there is a whole line of legislation in the same direction as that now proposed.

Mr. President, if this case had not been argued so well by other Senators I might be tempted to go on. The Senator from Arkansas [Mr. BERRY] argued it the other day in a way that commended his speech to the country. I have not his speech before me; but the Senator from Maryland [Mr. WILSON] followed him, and in his speech, which no man has answered, and which no man can answer, he not only showed the policy, the propriety, but the absolute necessity of legislation such as the bill I had the honor to offer proposes.

If I heard correctly amidst the confusion the statement of the Senator from Delaware in the argument he made, he seemed willing that even no penalty should be attached for a violation of the proposed law. I believe I am correct in that; at least the Senator does not seem to dispute it. A law without a penalty, leaving it to the honor of men, has never been recognized in any of the legislation of this country. All the laws I quoted, in regard to contracts, in regard to the Court of Claims, &c., have their appropriate penalties, and some of them much heavier than those I propose.

But I was about to say that the Senator from Maryland [Mr. WILSON], in the speech which he made the other day, came up to my ideas of what ought to be done, and the reasons he gave were so conclusive to my mind that I do not care to repeat them, except by reading a few extracts from his speech which I will adopt as my own. The Senator, after showing how we ought to preserve the purity of legislation, said:

> It would be an invitation to a general system of robbery, peculation, fraud, and inefficiency if Congress had not the power to impose penalties upon its agents and fiduciaries commensurate with its powers and duties, and necessary to insure the right performance of the varied functions of government. And it would indeed be a strange anomaly if the legislative power could embrace all other repositories of the functions of government within its range of criminal legislation, but should be nerveless to take any step to repress grave offenses among its own constituent members—if it were armed with full energy to keep pure every streamlet of governmental agency, but were powerless to pass any act to protect from pollution the great fountain of political life right here in its own bodies. Nothing can be found in the language of the Constitution to warrant so remarkable an assumption, and certainly there is nothing in the nature or reason of things to justify it.

Again the distinguished Senator said:

> Momentous questions, involving the forfeiture back to the people of unearned grants of many millions of acres of land, and the claim of the Government for most valuable services which these corporations, by the terms of their charters, undertook to render to the Government, and also the settlement of immense sums of money claimed to be due from them to our Treasury, are either of chronic standing or perpetually arising.
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> * * * * * * *
>
> Gentlemen may refine as they will, and wax eloquent over the dignity of the legal profession, and denounce the attempt to invade the rights of the citizen to pursue his calling free from governmental control; but the people have deep and abiding convictions that no member of Congress has any right to place himself in any such indelicate or compromising position.

The Senator from Maryland is right. The voice of the country will respond to the honest impulses he has there given utterance to. As to not imposing any penalty as is suggested by the Senator from Delaware, the Senator from Maryland answered that position very well a little further on. He said:

> The Constitution even contemplates that the hightest may fall, and has organized a court of impeachment which can strip the ermine from the shoulders of your Chief-Justice or drive a President from the White House. There is no reason, either in the principles of human nature or in the light of our own or of any other people's experience, why we should assume (much less grow indignant at the contrary supposition) that members of Congress, even if they be lawyers, like the rest of mankind, may not be successfully assailed by temptation. It is extremely right and judicious, then, to provide all reasonable safeguards against the possible lapse of legislators from the path of duty. To do this does not involve a charge against any man in either House of Congress. It is only an assertion of a truth, which no one will deny, that to err is human and that human nature requires all the props attainable to keep it from falling.

Further on the Senator from Maryland said:

> It has been further strenuously argued that Congress has no power to pass this bill, because it would be an assertion of a power to regulate the right of an attorney of a State court to practice law in such court—the power to impose such restrictions upon a practitioner in a United States court being conceded, so far

as this particular view is concerned. Some supporters of the general scope and purpose of this bill, as it originally stood, recognize this distinction, and would limit the bill to lawyers practicing in Federal courts. With all deference to the views of these eminent lawyers, I have no difficulty in going to the full extent of the legislation originally proposed by the Senator from Kentucky. I hold that we are not claiming the power to regulate or control State laws on this subject. We are simply regulating the conduct of members of Congress in reference to the discharge of their duties as such. When a man comes here, if he be a lawyer, in everything relating to or bearing upon the discharge of his duty on this floor his character as a lawyer is or should be merged in his character as a Senator. His duties to the public are or should be paramount to any duties owed to a citizen or to a corporation.

* * * * * * *

And right here, sir, appears to rest the full and complete answer to the amendment proposed by the Judiciary Committee, which seeks to discredit the bill before us by professing to carry it out to its logical consequences. Because it might be childish to attempt to prevent a member of Congress from allowing himself to be retained by a man or a corporation with some much less important interest opposed to the Government, it is highly illogical to argue that no case can arise in which interests can be so powerful, so aggressive, and so seductive as not only to render it unseemly and impolitic, but actually dangerous to legislative rectitude, to allow members of Congress to be retained as attorneys in their behalf. The science of government is not only the science of the attainable, but also of the expedient. Legislation in one class of the cases supposed may well be highly expedient and necessary, while in the other its utter needlessness would only render it ridiculous. Of the one class is the wholesome legislation proposed by the Senator from Kentucky in this bill as it originally stood; of the other, with all due respect to the committee, is their amendment.

* * * * * * *

Surely, these great corporations can find multitudes of able counsel to prosecute their claims against the Government without seeking to impress into their service members of Congress, who were sent here, above all things, to protect the rights of the people, and whose employment by such corporations will be surely suspected to have been often sought simply because they do sustain that very relation to the States or to the people. If, then, members of Congress do not desire such employment, and do not intend to accept it, and if the moral sense of the people demands that they should not do so, and if to accept it would tend to bring Congress into disrepute, why not pass the law as originally proposed, satisfy the public demand, and dispel any cloud of suspicion which a contrary course will be sure to gather around us?

* * * * * * *

That profession, we must remember, is the only one whose members hold themselves out to the world as prepared to undertake the business of clients for pecuniary considerations, and who bind themselves by oaths to faithfully prosecute such business when intrusted to them. Let us recall another fact developed by this discussion, that, out of seventy-six members of this body, sixty-five are lawyers. If the outcome of this debate should be an approval of the position that it is becoming and proper for a Senator who is a lawyer to become a retained counsel for a land-grant railroad, each one of these sixty-five lawyers will be at liberty, with the expressed approval of the Senate, to accept a retainer by these railroads.

Thus, 85 per cent. of the Senate's members might, with the Senate's approval, be subject to whatever bias such retainer might generate when here called upon to decide questions of the highest importance (though in precisely opposite directions) both to their clients and to the people.

So I might read other extracts as conclusively in favor of the proposition that I maintain.

Now, Mr. President, all I have to say is, let us take a fair vote on the bill as presented, as voted upon once by the Senate, as passed on a call of the yeas and nays by a vote of 37 to 11. Do not let us have any evasion upon that question or any doubt as to where we stand. If Senators have changed their minds and desire to vote against it now, let them do so, but do not let us go before the country and assume that we are doing something that is equivalent to it, or that we are making some substitute that will answer every purpose and reach every evil, when the fact is that every substitute proposed and every suggestion made in the direction of a substitute, whether by the Judiciary Committee or by any amendment offered, meant either to make the bill so ridiculous that nobody could vote for it, or to leave untouched all the evils which the bill sought to remedy.

These evils will not be remedied so long as members of both Houses of Congress can be attorneys for the railroads in all their suits, so long as they can be employed under all sorts of pretenses, and receive heavy fees, whether the railroads want their services or not, or whether they employ them merely because they think it best to keep them as their agents and under their control, or from whatever motive the railroad companies act. There are a thousand ways in which they can make a man believe that they need his services when they want him as their friend in the Congress of the United States, not paying for what he does in Congress, not bribing him directly for his vote, but keeping him in their employ for everything else. All the amendments allow that to be done, and as long as that is allowed we might as well have no law at all seeking to control or curtail the relations which exist between the great land-grant railroads and members of Congress whom they desire to keep under their control.

Mr. SAULSBURY. I had not intended to say anything in advocacy of the amendment I offered, but to content myself simply with an explanation of the provision I proposed as a substitute for the bill of the Senator from Kentucky, and to answer such inquiries as were made of me in reference to what was the import of the measure. But I can not now let the remarks which have just been made by the Senator from Kentucky in denunciation of the amendment which I have proposed and in advocacy of the bill which he himself proposed, pass unnoticed.

I am willing to concede to the Senator from Kentucky a monopoly of all the talent and all the virtue that there is in this body, for he certainly assumes it himself, and I shall not controvert his position with him; but I think it a little ungenerous that that Senator should rise in his place and denounce other gentlemen who see proper to differ with him in reference to a question pending in the Senate. The tendency of his remarks was to show that because we had upon an impulse of the moment voted for his bill, any change of view which any of us might express was a change of view that was not an honest one.

Mr. BECK. Oh, I can not submit to that. I have neither so claimed nor have I charged any member, nor have I suggested that as the reason for any change of view. I deny it.

Mr. SAULSBURY. The Senator from Kentucky said in reference to my amendment that the Senator from Delaware had voted for his bill but had been induced—"induced"—to change his opinion. I should like to know what is the meaning of the word "induced," as applied by the Senator from Kentucky. If that Senator——

Mr. BECK. Oh, Mr. President——

Mr. SAULSBURY. If he attempts to cast any imputation upon the action of myself——

Mr. BECK. Now, Mr. President——

Mr. SAULSBURY. Or any other Senator——

Mr. BECK. Allow me to ask, does not the Senator from Delaware know that I said there was no man whose integrity was higher or who was more above suspicion than he?

Mr. SAULSBURY. Then I caution the Senator to be more guarded in expressions which he uses in debate when referring to myself.

Mr. BECK. I will let my remarks go into the RECORD without looking at them, and if the Senator finds a word in them that looks as though any improper motives were attributed to him or to any other gentleman here, by a remark I made in the Senate, I shall rise to-morrow when I see it and apologize for it.

Mr. SAULSBURY. I do not ask the Senator to apologize for anything he said. I know he used the expression that I had been induced to offer this amendment. Such imputations, conveyed in language of that kind, I resent here or anywhere else, whenever the Senator from Kentucky may feel disposed to call me to account for anything I say in reply to him. Such an imputation was unworthy of the Senator; it was unworthy of the Senate; and I stand here now and say that whatever may be his virtue, whatever may be his purity, he is not the superior of other Senators in this body in those regards. I have followed that Senator frequently, but I can not sit here, and simply because an honest difference of opinion exists between him and myself or between him and other Senators, tolerate expressions calculated to cast reflection upon men as honorable and as worthy as he is himself.

I did not vote for the Senator's bill. I believed at the time that it was right. Subsequent reflection convinced me that it went too far. Subsequent reflection convinced me, in the first place, that the provision which made the employment of members of Congress by railroads a misdemeanor punishable by fine and imprisonment was wrong; and in turning to the act which inhibited the employment of members of Congress in the Court of Claims I found that no such penalty was attached, that it was simply an inhibition. In drawing my amendment I followed that provision which is simply an inhibition against the employment of members of Congress in the Court of Claims. That was one provision which I thought was wrong.

Another provision which I thought was wrong in his bill proposed to inhibit the employment of members of Congress as counsel in open court where the Government of the United States was not concerned. So far as my amendment goes, no member of Congress can take employment and give advice even in reference to any matter which is not pending in court. His services for a railroad company must be such that they must be open before the world. It prohibits him from being attorney or counsel except as is provided for in the amendment, that he may appear in suits in court and receive compensation for such services.

I had not intended to say anything in advocacy of my amendment. I believe it is right, and I believe it goes as far as any provision of law ought to go. It prohibits a member of Congress from acting as attorney or counsel for railroads that have received a land grant or aid of any character from the Government, with the exception contained in the proviso that in suits in courts where the United States is not interested he may appear and receive compensation. I hold that under the provisions of that amendment no member of Congress can give advice and receive compensation for it upon any subject except in connection with the suits pending in courts. In all other respects he is excluded from appearing for these land-grant railroads or from rendering them any assistance whatever.

But I was not in favor of the provision which denounced it as a misdemeanor and punishable with fine and imprisonment because, in the first place, that is unnecessary. Whenever such a law is passed here I have no doubt that it will be observed by every member of Congress, just as the provision in respect to practicing in the Court of Claims has been faithfully observed ever since it was enacted, although without a single provision designating it a crime or providing any punishment for a disobedience of the law. I understand that to be the case with reference to practicing in the Court of Claims.

This is all I desire to say, and I am very sorry that the remarks of the Senator from Kentucky have caused me to say this much, but I could not sit by and hear motives impugned, and especially hear language imputed, that conveys to the world the idea that a Senator has been approached by some person with a view to tender him a fee for his services in connection with this bill.

Mr. BECK. Mr. President, I do not propose to answer the ill-natured

and unjust remarks of the Senator from Delaware. The RECORD will show that he has raised a storm about nothing, and that is a mild way to put it. I have only to say that I am willing when he tells me that I am not the peer of other Senators——

Mr. SAULSBURY. I beg pardon; it was a *lapsus linguæ* if I said so.

Mr. BECK. When he tells me that I am not the peer of other Senators here, I will leave it to the country either on the record or anywhere else.

Mr. SAULSBURY. I want to say to the Senator that it was a *lapsus linguæ* if I used that word. I did not intend to say that he was not the peer, but that he was not the superior, as he——

Mr. BECK. I never claimed to be superior to any other Senator, but I am the peer of the Senator from Delaware or anybody else in this Chamber.

Mr. ALDRICH. I move an amendment to the amendment of the Senator from Delaware. It is simply a renewal of the amendment of the Senator from Connecticut [Mr. PLATT]. I desire to test the sense of the Senate upon the proposition.

The PRESIDENT *pro tempore*. The Senator from Rhode Island offers an amendment to the pending amendment. It will be read.

The CHIEF CLERK. It is proposed to strike out all after the word "member," in the third line of the amendment now pending, and to insert:

Of either House of Congress to accept employment as attorney-at-law, or receive compensation for services rendered, in opposition to the interests of the United States, in any suit, action, or other matter in the result of which the United States is directly or indirectly interested, or in respect of which any question is pending before Congress, or in respect of which such member has reasonable cause to believe legislation by Congress may be asked.

SEC. 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by a fine not exceeding $500, or by both, in the discretion of the court.

So as to read:

That it shall be unlawful for any member of either House of Congress to accept employment, &c.

The PRESIDENT *pro tempore*. The question is on this amendment to the amendment offered by the Senator from Delaware.

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALDRICH. I will strike out the penalty clause, and let that come in subsequently. I modify the amendment by striking out the second section.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. In line 3 of the pending amendment it is proposed to strike out all after the word "member," and to insert in lieu thereof:

Of either House of Congress to accept employment as attorney-at-law, or receive compensation for services rendered, in opposition to the interests of the United States, in any suit, action, or other matter in the result of which the United States is directly or indirectly interested, or in respect of which any question is pending before Congress, or in respect of which such member has reasonable cause to believe legislation by Congress may be asked.

Mr. GEORGE I should like to have read the language that is stricken out.

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware is the original text. It will be read.

Mr. GEORGE. I want only the part stricken out read.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Rhode Island strikes out substantially the whole of the amendment of the Senator from Delaware and inserts what has been read. Does the Senator from Mississippi desire the amendment of the Senator from Delaware to be read?

Mr. GEORGE. No, sir; I have it here now.

Mr. SAULSBURY. Is this the amendment of the Senator from Rhode Island?

The PRESIDENT *pro tempore*. It is.

The Secretary proceeded to call the roll.

Mr. BUTLER. There is so much confusion that it is impossible to hear what is going on in the Senate Chamber.

The PRESIDENT *pro tempore*. The Chair will cause business to be suspended until order is restored, and have read both the amendment of the Senator from Delaware and the amendment of the Senator from Rhode Island, which is offered substantially as a substitute.

The amendments were read.

Mr. HAWLEY. Senators will understand that this is substantially the amendment offered by my colleague [Mr. PLATT], which was printed and laid on the desks of Senators.

Mr. HOAR. Does the phrase "in opposition to the interests of the United States" run all through the amendment?

Mr. ALDRICH. I understand it so.

Mr. HOAR. What does the Senator mean by the phrase prohibiting the acting as counsel in any case in regard to which legislation may possibly be asked? It is hardly to be conceived that counsel can ever act in a matter in which the interpretation or construction of a national statute is involved, or in which the law as administered in the national courts is to be administered, in regard to which there may not hereafter be legislation invoked.

Mr. ALDRICH. It seems to me very clearly that the words "in opposition to the interests of the United States" apply to and limit the whole clause.

Mr. HOAR. Very well.

The PRESIDENT *pro tempore*. The roll-call will be resumed.

Mr. GEORGE. Before the roll-call, I should like to ask whether the word "general" has been stricken out before "counsel" in the amendment of the Senator from Delaware [Mr. SAULSBURY]?

Several SENATORS. Yes, that word is stricken out.

Mr. BECK. I desire to ask whether if this amendment as amended be adopted, it will be a substitute for the amendment reported by the Judiciary Committee?

The PRESIDENT *pro tempore*. The amendment is to the amendment of the Senator from Delaware. If this amendment be adopted, it will take the place of the amendment of the Senator from Delaware, and the question will then recur on the adoption of that amendment.

Mr. HALE. If this amendment is rejected, the question will then be on the amendment of the Senator from Delaware.

The PRESIDENT *pro tempore*. Yes. The roll-call will proceed.

The Secretary resumed the call of the roll.

Mr. DAWES (when his name was called). I am paired with the absent Senator from Texas [Mr. MAXEY].

Mr. MORRILL (when his name was called). My colleague [Mr. EDMUNDS] is paired on this question and all others in relation to this bill with the Senator from Tennessee [Mr. HARRIS].

Mr. PALMER (when his name was called). On this question I am paired with the Senator from North Carolina [Mr. VANCE]. If he were here I should vote "yea."

The roll-call was concluded.

Mr. RANSOM. I desire the attention of the Senator from Michigan [Mr. PALMER], who is paired with my colleague [Mr. VANCE] on this bill. My colleague instructs me to say that he would vote all the time with the Senator from Kentucky [Mr. BECK], and I observed that the Senator from Michigan said he would vote "yea." My colleague would vote "yea" if he were here.

Mr. PALMER. I did not know how the Senator's colleague would vote. I thought it incumbent on me to announce the pair.

Mr. PLUMB. On this question I am paired with the Senator from Georgia [Mr. BROWN].

Mr. KENNA. I am paired, as I have already announced, on all questions with the Senator from New York [Mr. MILLER]. If not paired, on this proposition I should vote "yea."

Mr. COKE. My colleague [Mr. MAXEY] is paired on all questions with the Senator from Massachusetts [Mr. DAWES]. If he were here, my colleague would vote "yea" on this amendment.

Mr. KENNA. I wish to announce that my colleague [Mr. CAMDEN] is paired with the Senator from California [Mr. STANFORD].

Mr. COCKRELL. I am paired for the evening with the Senator from Connecticut [Mr. PLATT]. I believe this is his amendment. I understand it is the same as the one offered by him.

Mr. ALDRICH and Mr. HAWLEY. Yes.

Mr. COCKRELL. I will, therefore, for him, vote "yea."

Mr. MCPHERSON. I am paired with my colleague [Mr. SEWELL]. I do not know how he would vote on this amendment, and, therefore, I shall withhold my vote. If he were present I should vote "yea."

Mr. PALMER. I did not at the time comprehend the tenor of the remarks made by the gentleman from North Carolina [Mr. RANSOM] in respect to his colleague [Mr. VANCE]. He says that his colleague would vote "yea" if he were here. If he takes the responsibility, I shall vote "yea."

Mr. RANSOM. Yes, sir; that is all right.

Mr. COLQUITT. I am paired with the Senator from Rhode Island [Mr. CHACE]. I understand he would vote for the amendment if present. I therefore vote "yea."

The result was announced—yeas 27, nays 27; as follows:

YEAS—27.

Aldrich,	Conger,	Hawley,	Spooner,
Allison,	Cullom,	Hoar,	Van Wyck,
Beck,	Dolph,	Manderson,	Voorhees,
Blair,	Eustis,	Mitchell of Pa.,	Walthall,
Cheney,	Farwell,	Morrill,	Whitthorne,
Cockrell,	George,	Palmer,	Wilson of Iowa.
Colquitt,	Gorman,	Sawyer,	

NAYS—27.

Berry,	Evarts,	Jones of Nevada,	Saulsbury,
Blackburn,	Fair,	McMillan,	Sherman,
Bowen,	Frye,	Mahone,	Teller,
Butler,	Gray,	Mitchell of Oreg.,	Vest,
Call,	Hale,	Payne,	Williams,
Cameron,	Hampton,	Pugh,	Wilson of Md.
Coke,	Jones of Arkansas,	Ransom,	

ABSENT—22.

Brown,	Harris,	Maxey,	Sabin,
Camden,	Harrison,	Miller,	Sewell,
Chace,	Ingalls,	Morgan,	Stanford,
Dawes,	Jones of Florida,	Platt,	Vance.
Edmunds,	Kenna,	Plumb,	
Gibson,	McPherson,	Riddleberger,	

So the amendment to the amendment was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Delaware [Mr. SAULSBURY], on which the yeas and nays have been ordered.

Mr. DOLPH. Let the amendment be read as it now stands.

Mr. BECK. There is so much confusion that it is difficult to understand what is being said. This is a substitute for the committee's substitute, and if this is adopted we do not have a vote on the committee's substitute at all, as I understand.

Mr. HOAR. What is the matter to be amended by the proposition now pending?

The PRESIDENT *pro tempore*. The amendment is to the substitute reported by the Committee on the Judiciary, the original text having already been amended on motion of the Senator from Massachusetts. The question will finally recur on the adoption of the amendment to that proposition as amended.

Mr. BECK. But if this is voted in, there will be no vote on the amendment of the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The amendment reported by the Committee on the Judiciary will be superseded by the amendment of the Senator from Delaware.

Mr. CULLOM. But there will be a vote on the Senator's original bill as amended.

Mr. BECK. No, sir; oh, no. I desire a fair vote on the amendment of the Committee on the Judiciary. I do not want any avoidance of that if I can help it.

Mr. CULLOM. I rise to a parliamentary inquiry. Even if this amendment of the Senator from Delaware is adopted, shall we not finally have an opportunity of voting upon the original bill of the Senator from Kentucky as amended by the amendment of the Senator from Massachusetts to-day?

Several SENATORS. Undoubtedly.

Mr. BECK. Of course, but there is nothing left of the original bill. [Laughter.]

The PRESIDENT *pro tempore*. The Secretary will call the roll on the amendment of the Senator from Delaware [Mr. SAULSBURY].

The Secretary proceeded to call the roll.

Mr. MCPHERSON (when his name was called). On this question I am paired with my colleague [Mr. SEWELL]. If he were present, he would vote "yea" and I should vote "nay."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "nay."

The roll-call was concluded.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE]. I understand he would vote "nay" if he were here, and I should vote "yea."

The result was announced—yeas 26, nays 27; as follows:

YEAS—26.

Allison,	Gray,	Mitchell of Oreg.,	Saulsbury,
Bowen,	Hale,	Mitchell of Pa.,	Sawyer,
Butler,	Hawley,	Morrill,	Sherman,
Call,	Hoar,	Payne,	Teller,
Cameron,	Jones of Nevada,	Pugh,	Williams,
Evarts,	McMillan,	Ransom,	
Frye,	Mahone,	Riddleberger,	

NAYS—27.

Aldrich,	Colquitt,	George,	Vest,
Beck,	Conger,	Gorman,	Voorhees,
Berry,	Cullom,	Hampton,	Walthall,
Blackburn,	Dolph,	Jones of Arkansas,	Whitthorne,
Blair,	Eustis,	Manderson,	Wilson of Iowa,
Cheney,	Fair,	Spooner,	Wilson of Md.
Coke,	Farwell,	Van Wyck,	

ABSENT—23.

Brown,	Gibson,	McPherson,	Plumb,
Camden,	Harris,	Maxey,	Sabin,
Chace,	Harrison,	Miller,	Sewell,
Cockrell,	Ingalls,	Morgan,	Stanford,
Dawes,	Jones of Florida,	Palmer,	Vance.
Edmunds,	Kenna,	Platt,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the amendment reported by the Committee on the Judiciary as a substitute for the original bill as amended on the motion of the Senator from Massachusetts.

Mr. CULLOM. I desire to inquire whether, if that is voted down, we shall then have a vote on the text of the original bill as amended by the motion of the Senator from Massachusetts?

The PRESIDENT *pro tempore*. Certainly.

Mr. CULLOM. That is what I wanted to know.

Mr. ALDRICH. I desire to make a parliamentary inquiry. I ask whether when the bill gets into the Senate it will then be in order for me to offer the amendment which I offered in Committee of the Whole as a substitute for the whole bill?

The PRESIDENT *pro tempore*. Unquestionably.

Mr. GEORGE. If this amendment is voted down, will it be in order then to offer a substitute in place of the bill as amended?

The PRESIDENT *pro tempore*. It will in the Senate. The question is on the amendment reported from the Committee on the Judiciary.

Mr. BECK called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. PALMER (when his name was called). If the Senator from North Carolina [Mr. VANCE] were here I should vote "nay."

Mr. PLUMB (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. If he were present I should vote "nay."

The roll-call was concluded.

Mr. RANSOM. If my colleague [Mr. VANCE] were here he would vote "nay."

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. PLATT], as before announced. If he were present he would vote "nay;" and I, therefore, vote "nay."

Mr. MCPHERSON. I am paired with my colleague [Mr. SEWELL]; but I am informed that if present he would vote "nay;" and therefore I vote "nay."

The result was announced—yeas 0, nays 55; as follows:

YEAS—0.

NAYS—55.

Aldrich,	Conger,	Hawley,	Saulsbury,
Allison,	Cullom,	Hoar,	Sawyer,
Beck,	Dawes,	Jones of Arkansas,	Sherman,
Berry,	Dolph,	McMillan,	Spooner,
Blackburn,	Eustis,	McPherson,	Teller,
Blair,	Evarts,	Mahone,	Van Wyck,
Bowen,	Fair,	Manderson,	Vest,
Butler,	Farwell,	Mitchell of Oreg.,	Voorhees,
Call,	Frye,	Mitchell of Pa.,	Walthall,
Cameron,	George,	Morrill,	Whitthorne,
Cheney,	Gorman,	Payne,	Williams,
Cockrell,	Gray,	Pugh,	Wilson of Iowa,
Coke,	Hale,	Ransom,	Wilson of Md.
Colquitt,	Hampton,	Riddleberger,	

ABSENT—21.

Brown,	Harrison,	Miller,	Sewell,
Camden,	Ingalls,	Morgan,	Stanford,
Chace,	Jones of Florida,	Palmer,	Vance.
Edmunds,	Jones of Nevada,	Platt,	
Gibson,	Kenna,	Plumb,	
Harris,	Maxey,	Sabin,	

So the amendment was rejected.

Mr. COKE. The Senate has just taken a vote upon the amendment reported by the majority of the Judiciary Committee, and it transpires that not a single vote is recorded in favor of the report.

Mr. BECK. That is a good record.

Mr. COKE. Not a single vote is recorded in favor of the majority report of the Judiciary Committee upon this bill.

Mr. COCKRELL. Will the Senator permit me to ask him if that distinguished committee made a written report?

Mr. COKE. It did not.

Mr. COCKRELL. I should like to hear the report read if the committee made one.

Mr. COKE. There were two reports made from that committee, one by the majority and the other by the minority.

Mr. GEORGE. Who are the minority?

Mr. COKE. The minority of that committee instructed me to report the following as a substitute for the committee's bill. I offer it now as a substitute for the original bill as amended, if it is in order to do so; and I will remark that this substitute differs from the bill as originally introduced by the Senator from Kentucky only in this: in line 4, after the words "either House of Congress," is inserted "or any civil officer of the United States;" so as to make it read:

That it shall be unlawful for any member of either House of Congress, or any civil officer of the United States, to accept employment, &c.

I ask that the amendment I offer be read, and that it be adopted.

The PRESIDENT *pro tempore*. The Senator from Texas submits an amendment in the nature of a substitute, which will be read.

The Chief Clerk read as follows:

That it shall be unlawful for any member of either House of Congress, or any civil officer of the United States, to accept employment as attorney-at-law, or payment for services of any kind, or any gratuity whatever, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

Mr. HALE. Now let us have read the original proposition as amended by the Senator from Massachusetts, which is antagonized by this.

Mr. HOAR. Is it in order to move to amend this proposed substitute before the vote is taken on it?

The PRESIDENT *pro tempore*. The Chair is of opinion that it is, because it embraces other things.

Mr. HOAR. Then I move to add to it the following:

No member of either House of Congress shall, after the expiration of six months from the passage of this bill, own or be interested in any real estate in the District of Columbia, except such as he may occupy for his own residence. Any violation of this provision shall be punished by fine not exceeding $5,000 and imprisonment not exceeding one year.

Mr. BECK. Let us have the yeas and nays on that.

Mr. HOAR. Certainly; let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). I am paired with the Senator from Connecticut [Mr. PLATT]. I do not know how he would vote if he were present.

Mr. HAWLEY. He would vote "nay."

Mr. COCKRELL. I should vote "yea" if at liberty. He would not vote as I would.

The PRESIDENT *pro tempore*. The Senator from Missouri is not understood. Does he vote?

Mr. COCKRELL. No; I say I would vote "yea" if I were not paired with the gentleman from Connecticut [Mr. PLATT].

Mr. DAWES (when his name was called). I am paired with the absent Senator from Texas [Mr. MAXEY]. If he were present, I should vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the gentleman from Georgia [Mr. BROWN].

The roll-call was concluded.

Mr. KENNA. I have already announced that I am paired on all questions with the Senator from New York [Mr. MILLER]. On this particular question, if not paired, I should vote "nay."

I believe also the Senator from California [Mr. STANFORD] has announced his pair with my colleague [Mr. CAMDEN].

The result was announced—yeas 6, nays 46; as follows:

YEAS—6.

Butler,	Hoar,	Pugh,	Teller.
Hale,	Payne,		

NAYS—46.

Aldrich,	Cullom,	Jones of Arkansas,	Sherman,
Allison,	Dolph,	Jones of Nevada,	Spooner,
Beck,	Eustis,	McMillan,	Van Wyck,
Berry,	Evarts,	McPherson,	Vest,
Blackburn,	Fair,	Manderson,	Voorhees,
Blair,	Farwell,	Mitchell of Oreg.,	Walthall,
Call,	Frye,	Mitchell of Pa.,	Whitthorne,
Cameron,	George,	Morrill,	Williams,
Cheney,	Gorman,	Ransom,	Wilson of Iowa.
Coke,	Gray,	Riddleberger,	Wilson of Md.
Colquitt,	Hampton,	Saulsbury,	
Conger,	Hawley,	Sawyer,	

ABSENT—24.

Bowen,	Edmunds,	Kenna,	Platt,
Brown,	Gibson,	Mahone,	Plumb,
Camden,	Harris,	Maxey,	Sabin,
Chace,	Harrison,	Miller,	Sewell,
Cockrell,	Ingalls,	Morgan,	Stanford,
Dawes,	Jones of Florida,	Palmer,	Vance.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Texas [Mr. COKE].

Mr. COKE. I was asked a question by the Senator from Mississippi [Mr. GEORGE] when I was up before, which, inadvertently, I did not answer, as to who constituted the minority of the Judiciary Committee. I will state now that minority was composed of the Senator from Mississippi [Mr. GEORGE], the Senator from Missouri [Mr. VEST], the Senator from Iowa [Mr. WILSON], and myself.

Mr. HOAR. I move to amend the amendment just offered by striking out all after the words "attorney-at-law," in line 3, and inserting what follows the words "attorney-at-law" in line 4 of the amendment which I formerly proposed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts submits an amendment, which will be read.

Mr. BUTLER. Pending the consideration of that amendment I move that the Senate proceed to the consideration of executive business. ["No!" "No!"]

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Texas [Mr. COKE] will be read.

The CHIEF CLERK. It is proposed to strike out all after "attorney-at-law," in line 5 of the amendment, and in lieu of the words stricken out to insert:

> Or payment for services of any kind, in opposition to the United States, in any case to which the United States may be a party or in which its interests may be concerned, or from any railroad company which obtained its charter, or any grant of lands, or pecuniary aid from the United States, if such member shall have reasonable cause to believe that measures specially affecting the interests of such railroad are pending before Congress, or are about to be so pending during his term of office.
>
> Any person who violates the provision of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

Mr. HOAR. That is in substance what the Senate has already adopted by a decided majority on a call of the yeas and nays.

Mr. COKE. I hope that amendment will not be agreed to. It has been sought in vain here to get a direct, square vote upon the leading proposition in the bill of the Senator from Kentucky. This amendment contains that proposition. Every time that it has been sought to get a vote on that proposition it has been defeated by amendments, by substitutes, and by all the devices and tactics of parliamentary law.

The people demand just such a bill as the Senator from Kentucky introduced; the country clamors for it, and this Senate is standing in the way of its enactment. The people believe that the enactment of such a law is necessary to protect the purity of their National Legislature; they believe that the great power of the railroad corporations is sapping and mining the purity of this Government, and especially of its legislative branch. They have asked in every mode in which they can give expression to their opinions, through the public press, through their Representatives, in every way, that legislation be enacted which shall prevent their representatives, sent here to represent them, from being corrupted and lured away to the support of schemes not approved by them.

We ask no advantage; we seek nothing but a direct, square vote upon the proposition. If we are beaten on that we are done. But we have tried every way to get a vote upon the proposition, and every time when it seems we are about to get a vote some gentleman gets up and offers an amendment which diverts the attention of the Senate to something else than a vote on the direct question. I hope the amendment will be voted down, so that we may have a vote on the main question presented by the bill of the minority.

Mr. HOAR. Mr. President, there never was a bill of any importance passed in Congress in which the Senate did not, if it saw fit, exercise its privilege of amendment. The Senator demands one method of dealing with this question, a gross, unconstitutional, awkward, crude, ill-drawn, ill-considered, ill-conceived scheme, which is not only an insult to the Senate, but is an insult to the American people who elect the Senate, who honor the Senate, who know the individual men who are the members of this body, and know that to their purity and sense of honor and character the country may safely look. That bill is not the outcome of any popular or public demand. It comes from the fears of men who think their characters are not strong enough to stand up against the anonymous articles put by blackmailers and stock-jobbers in irresponsible newspapers.

That is what the Senator from Texas calls "the people." The will of the people of the United States is found enacted in its Constitution, which the fathers framed and which the sons observe and honor. The will of the people of the United States in matters of legislation is found in the laws which its Representatives and its Senators and its President write upon its statute-books. And that man knows very little of the Constitution who talks about any other will of the people than that which the people in the constitutional method enact into law.

It is a very strange claim for Senators to get up here and undertake to cast dishonor upon the body to which they belong and to claim that they have a right which belongs to no other member of the body, that the measures which they draught and propose shall be voted on without amendment, without the opportunity to amend. If the Senate like better the proposition which I have drawn, which enacts that if any member of either House shall hereafter act as the counsel for any railroad in opposition to the interests of the United States, or shall hereafter act as counsel for any railroad which expects legislation, or concerning whose interests there is likely to be legislation, or concerning whose interests there is legislation pending, he shall be punished, it will vote for my amendment.

Any member of the Senate who is of opinion that a member of the House of Representatives in a Western State may in the vacation lawfully and honorably practice his profession, and in the practice of that profession may draw a lease between two railroads, or may give an opinion as to their right to cross the street of a city, or to a patent in a Pullman car, without being dishonored and disgraced, that Senator will vote for my proposition. But any Senator who thinks such things ought to be branded as crimes will vote with the Senator from Texas.

That Senator's speech comes with singular grace from a neighborhood which refuses to strike at the practice of speculating in real estate in the District of Columbia, and of enriching men by acquiring property whose value is enhanced speedily by its relief from taxes by Congressional legislation, by laying out sewers and streets. That is the one thing, if there is a danger in this country to the purity of the Senate and the House of Representatives, in which the danger lies. In my judgment, against that we are safe by the integrity of the individual Senators.

Mr. COKE. Does the Senator mean to charge me with being interested in real estate in this District?

Mr. HOAR. I do not. I made no charge against anybody.

Mr. COKE. I have no interest in real estate here.

Mr. HOAR. But I say if we were to legislate in this direction that is the first legislation to which we should resort. I have heard about enough of this arrogant, insulting, domineering style of an attempt to frighten Senators from what they consider their duty, their sense of honor, and what they consider is demanded by respect for themselves and regard for the interests of the country.

Mr. GEORGE. Mr. President, I do not want to scare anybody, and I do not suppose I could if I were to try [laughter], and I do not want to be scared myself if I can help it; but I want to make one remark about this amendment of the Senator from Massachusetts.

The Senator from Texas moved as a substitute for the bill as amended on the motion of the Senator from Massachusetts the report of the minority of the Judiciary Committee, and we have this very extraordinary parliamentary proceeding, that the very thing to which the Senator from Texas offered his amendment as a substitute is brought out and offered as a substitute to the amendment offered by the Senator from Texas. He moved to amend the bill as amended on the motion of the Senator from Massachusetts, and his motion is met by a motion to amend his amendment by substituting the very thing complained of and to which it is offered. Now, sir, that is a very extraordinary spectacle, I think. I do not know that it is subject to a point of order; but at least we stand in relation to that in this way. The Senator from Texas moves to strike out——

Mr. HOAR. Will the Senator pardon me? Is not the Senator's amendment exactly that thing?

Mr. GEORGE. No, sir.

Mr. HOAR. The Senate has practically substituted my amendment for the original bill, and that will be the proposition when we go into the Senate. The original bill is modified by my amendment. Then the Senator from Texas comes in and takes the original bill with a mere trifling and verbal alteration, and moves to amend it by that. Then I do to him exactly what he did to us; nothing more, nothing less.

Mr. GEORGE. The Senator from Massachusetts is in error, and in very serious error, in relation to the amendment offered by the Senator from Texas. It is not a mere verbal amendment. It is a very important amendment, and an amendment which the minority of the Judiciary Committee instructed him to offer.

Mr. HOAR. If the Senator will pardon me, the Senator from Texas advocated his amendment by saying that he did it because he wanted to get a square vote on the original bill.

Mr. GEORGE. Well, sir, what he did was this: The original bill offered by the Senator from Kentucky applied only to members of Congress. The substitute offered by the Senator from Texas applies to every civil officer in the United States. The proposition of the Senator from Kentucky prohibited only the receiving of fees from railroad companies. The amendment offered by the Senator from Texas prohibits not only that, but the receiving of any gratuity whatever from railroad companies—a very important amendment.

Mr. HOAR. Will my honorable friend allow me to put him a question?

Mr. GEORGE. Certainly I will.

Mr. HOAR. If he is right, then what earthly reason is there that that should not be amended like anything else, if the Senate choose to do so?

Mr. GEORGE. The point I make is this, that when the Senator from Texas offers this substitute in place of the original bill as amended on the motion of the Senator from Massachusetts, he is met by a sort of cross-action; he is met by a motion to substitute the original bill as amended by the Senator from Massachusetts for the substitute offered by the Senator from Texas. The only effect—I want that distinctly understood—in changing the mode of voting is to prevent that which the Senator from Texas said ought to be done, to prevent a square, fair vote on the proposition submitted by the Senator from Kentucky.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts to the amendment of the Senator from Texas.

Mr. EVARTS. Mr. President, if a vote is to be taken which is to advance toward the stage of final enactment the bill as proposed by the Senator from Texas in the name of the minority of the Judiciary Committee, we shall now at this late stage of this transaction be for the first time considering and voting on the question whether every civil officer of the United States of America all over this country shall be precluded from practicing law in the current and every-day business of his profession.

The motive here is that it corrupts legislation to permit attorneys to practice if they are members of these Houses. What becomes of the proposition of precluding every civil officer of the United States having nothing to do with legislation and nothing to do with corruption, from practicing law in his own neighborhood? At this last stage we are for the first time to throw into ridicule the whole proposition of the matter which has rested on this danger of corruption in the two Houses of Congress, and now it is transferred with one swoop, without a word of debate, over the common and every-day pursuits of every civil officer in his neighborhood and in matters that do not corrupt him, or his office, or the two Houses of Congress.

Mr. GEORGE. Now, Mr. President, the answer to that is this: The original proposition submitted by the Senator from Kentucky is retained in this substitute offered by the Senator from Texas. It only goes further. It does not prohibit, however, as the Senator from New York says, every civil officer of the United States from practicing law; it only prohibits him, a servant of the Government, receiving a salary from the Treasury of the Government, from turning his services in favor of railroads who have an interest adverse to the Government in the legislation of the country.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Texas [Mr. COKE], upon which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his named was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL]. If he were present, I should vote "nay."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "nay."

Mr. STANFORD (when his name was called). My pair with the Senator from West Virginia [Mr. CAMDEN] has been transferred to the Senator from Minnesota [Mr. SABIN]. I therefore vote "yea."

The roll-call was concluded.

Mr. MCMILLAN. My colleague [Mr. SABIN] has been called from the chamber for this afternoon, and is paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. DAWES. I am paired on this vote with the Senator from Texas [Mr. MAXEY], or I should vote "yea."

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. PLATT], who, if present, would vote "yea;" and I should vote "nay."

The result was announced—yeas 32, nays 21; as follows:

YEAS—32.

Aldrich,	Cullom,	Jones of Nevada,	Riddleberger,
Allison,	Evarts,	McMillan,	Saulsbury,
Blair,	Farwell,	Mahone,	Sawyer,
Bowen,	Frye,	Manderson,	Sherman,
Call,	Gray,	Mitchell of Oreg.,	Spooner,
Cameron,	Hale,	Mitchell of Pa.,	Stanford,
Cheney,	Hawley,	Morrill,	Teller,
Conger,	Hoar,	Pugh,	Williams.

NAYS—21.

Beck,	Eustis,	Payne,	Whitthorne,
Berry,	Fair,	Ransom,	Wilson of Iowa,
Blackburn,	George,	Van Wyck,	Wilson of Md.
Butler,	Gorman,	Vest,	
Coke,	Hampton,	Voorhees,	
Dolph,	Jones of Arkansas,	Walthall,	

ABSENT—23.

Brown,	Edmunds,	Kenna,	Platt,
Camden,	Gibson,	McPherson,	Plumb,
Chace,	Harris,	Maxey,	Sabin,
Cockrell,	Harrison,	Miller,	Sewell,
Colquitt,	Ingalls,	Morgan,	Vance.
Dawes,	Jones of Florida,	Palmer,	

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment as amended.

Mr. BECK. Is this now the substitute, as amended?

The PRESIDENT *pro tempore*. It is.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

Mr. COKE. Let the bill be read as amended.

The PRESIDENT *pro tempore*. The bill will be read at length as amended.

The Chief Clerk read as follows:

That it shall be unlawful for any member of either House of Congress, or any civil officer of the United States, to accept employment as attorney-at-law, or payment for services of any kind in opposition to the United States, in any case to which the United States may be a party or in which its interests may be concerned, or from any railroad company which obtained its charter or any grant of lands or pecuniary aid from the United States, if such member shall have reasonable cause to believe that measures specially affecting the interests of such railroad are pending before Congress or are about to be so pending during his term of office.

Any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

Mr. HOAR. I move further to amend by striking out the words "or any civil officer of the United States."

Mr. BUTLER. Is the bill in the Senate or in Committee of the Whole?

The PRESIDENT *pro tempore*. In the Senate. The Senator from Massachusetts moves to amend the amendment by striking out, in line 4, the words:

Or any civil officer of the United States.

The amendment to the amendment was agreed to.

Mr. BUTLER. I offer an amendment as a substitute for the bill as amended.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any member of Congress to accept employment as general counsel or attorney, or receive payment for services as such general counsel or attorney, from any railroad company, or from any officer or agent thereof, which obtained its charter or any grant of land or pecuniary aid from the United States: *Provided*, That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts when the United States is not a party or interested in the result of said suits.

Mr. BUTLER. Before that is submitted I will strike out the word "general" in line 4 and also in line 5.

The PRESIDENT *pro tempore*. The Senator can so modify his amendment.

Mr. BUTLER. On the amendment as modified I ask for the yeas and nays.

Mr. BECK. I move to amend the substitute by striking out all after the first five words, "That it shall be unlawful," and inserting the original bill, leaving out the five words.

The PRESIDENT *pro tempore* The Senator from Kentucky moves an amendment to the amendment, which will be read.

The CHIEF CLERK. It is proposed to strike out all after the word "unlawful," in line 3, and to insert:

For any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

Mr. BECK. I demand the yeas and nays on that amendment.

Mr. HOAR. I rise to a question of order. That, I understand, is the original bill. The original bill is still the question before the Senate. The Committee of the Whole has merely reported a proposed amendment. It is not in order to move to amend that proposed amendment by substituting the thing which it is proposed as an amendment to. I avoided that difficulty in the amendment I offered a little while ago by beginning half-a-dozen lines down and inserting only a part of the proposed amendment. This is clearly out of order. What the Senator moves, in other words, is the question pending before the Senate, "Shall the bill pass?" On that question a certain amendment is proposed. Then the Senator moves to substitute the bill for the amendment. It is simply turning around the very question which is before the Senate already.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the original bill has been reported to the Senate with an amendment in the nature of a substitute.

Mr. HOAR. Proposed.

The PRESIDENT *pro tempore*. A proposed amendment in the nature of a substitute. That amendment is amendable in the second degree, and the proposition standing by itself is open to amendment. The Chair, therefore, with due deference to the Senator from Massachusetts, is of the opinion that the Senator from South Carolina having proposed an amendment, that amendment is amendable. Either the original bill or the amendment proposed can be amended. The Chair, therefore, thinks the amendment of the Senator from Kentucky is in order.

Mr. HOAR. I think the Chair does not get my point. My point is not that it is not amendable in a degree, but it is not amendable by simply proposing to substitute for it the original bill. The action of the Committee of the Whole, if the Chair will pardon me, has had no effect as yet on the original bill. It is nothing more than a proposition of the Judiciary Committee or any other committee of the Senate. It proposes amendments for the Senate. The bill is pending in the Senate, and the Committee of the Whole has proposed an amendment to it which has got to be acted upon, as the Chair sees. Now, the Senator from Kentucky proposes to substitute for that amendment the original bill *in totidem verbis*. My proposition is, not that the amendment is not amendable, for I concede that it is, but that it is not in order to move to amend it by precisely the same bill which it is an amendment to.

The PRESIDENT *pro tempore*. The Chair understands the point of order, and will ask the Senator from Kentucky whether the amendment proposed by him is in the same words as the original bill?

Mr. BECK. I desire to modify the amendment I offered by striking out "five thousand" in line 10, and inserting "three thousand," and striking out "one year" and inserting "six months."

Mr. HOAR. That answers my proposition. I withdraw my point of order on that modification.

Mr. BECK. I am not very sure that the first four words are the same, but I now modify it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. BERRY and Mr. BECK called for the yeas and nays, and they were ordered.

Mr. EDMUNDS. Will the Chair please state what is the amendment?

The PRESIDENT *pro tempore*. It is substantially the original bill, with slight variations.

Mr. EDMUNDS. That is enough.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "yea."

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. If he were present, I should vote with immeasurable contempt both against the amendment and the bill itself.

Mr. BECK. The Senator from Tennessee [Mr. HARRIS], if present, would vote "yea."

Mr. PLUMB (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "yea."

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired with the Senator from West Virginia [Mr. CAMDEN]. If my colleague were here, he would vote "nay."

The roll-call was concluded.

Mr. MCPHERSON. I am paired with my colleague [Mr. SEWELL]. If present, he would vote "nay," and I should vote "yea."

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. PLATT], who is absent on account of illness in his family. If present, he would vote "nay," and I should vote "yea."

The result was announced—yeas 17, nays 36; as follows:

YEAS—17.

Beck,	Eustis,	Van Wyck,	Wilson of Iowa,
Berry,	Fair,	Vest,	Wilson of Md.
Blackburn,	George,	Voorhees,	
Coke,	Gorman,	Walthall,	
Dolph,	Jones of Arkansas,	Whitthorne,	

NAYS—36.

Aldrich,	Cullom,	Jones of Nevada,	Ransom,
Allison,	Evarts,	McMillan,	Riddleberger,
Blair,	Farwell,	Mahone,	Saulsbury,
Bowen,	Frye,	Manderson,	Sawyer,
Butler,	Gray,	Mitchell of Oreg.,	Sherman,
Call,	Hale,	Mitchell of Pa.,	Spooner,
Cameron,	Hampton,	Morrill,	Stanford,
Cheney,	Hawley,	Payne,	Teller,
Conger,	Hoar,	Pugh,	Williams.

ABSENT—23.

Brown,	Edmunds,	Kenna,	Platt,
Camden,	Gibson,	McPherson,	Plumb,
Chace,	Harris,	Maxey,	Sabin,
Cockrell,	Harrison,	Miller,	Sewell,
Colquitt,	Ingalls,	Morgan,	Vance.
Dawes,	Jones of Florida,	Palmer,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. ALDRICH. I move to strike out all after the word "member," in the third line, and to insert the words:

Of either House of Congress to accept employment as attorney-at-law, or receive compensation for services rendered, in opposition to the interests of the United States, in any suit, action, or other matter in the result of which the United States is directly or indirectly interested, or in respect of which any question is pending before Congress, or in respect of which such member has reasonable cause to believe legislation by Congress may be asked.

Mr. DAWES. I suppose it would be proper to defend a poor fellow indicted by the United States.

Mr. ALDRICH. I think the Senator can not have paid proper attention to the reading of the amendment.

Mr. DAWES. I think a trial under indictment would be a "proceeding."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Rhode Island [Mr. ALDRICH] to the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. ALDRICH. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. EDMUNDS. I am paired with the Senator from Tennessee [Mr. HARRIS]. I do not know which way he would vote, and I do not know which way I should vote myself if at liberty to do so.

The result was announced—yeas 10, nays 39; as follows:

YEAS—10.

Aldrich,	Fair,	Jones of Nevada,	Wilson of Md.
Call,	Gray,	Pugh,	
Cheney,	Hampton,	Whitthorne,	

NAYS—39.

Allison,	Eustis,	McPherson,	Sherman,
Beck,	Evarts,	Manderson,	Spooner,
Berry,	Farwell,	Mitchell of Oreg.,	Stanford,
Blackburn,	Frye,	Mitchell of Pa.,	Teller,
Blair,	George,	Morrill,	Van Wyck,
Butler,	Gorman,	Payne,	Vest,
Cameron,	Hale,	Ransom,	Voorhees,
Coke,	Hawley,	Riddleberger.	Walthall,
Conger,	Hoar,	Saulsbury,	Wilson of Iowa.
Dolph,	Jones of Arkansas,	Sawyer,	

ABSENT—27.

Bowen,	Dawes,	Kenna,	Platt,
Brown,	Edmunds,	McMillan,	Plumb,
Camden,	Gibson,	Mahone,	Sabin,
Chace,	Harris,	Maxey,	Sewell,
Cockrell,	Harrison,	Miller,	Vance,
Colquitt,	Ingalls,	Morgan,	Williams.
Cullom,	Jones of Florida,	Palmer,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from South Carolina [Mr. BUTLER].

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any member of Congress to accept employment as counsel or attorney, or receive payment for services as such counsel or attorney, from any railroad company, or from any officer or agent thereof, which obtained its charter or any grant of land or pecuniary aid from the United States: *Provided*, That this act shall not be construed to prevent members of either House of Congress from appearing as counsel in suits by or against such railroad companies in the State or Federal courts, when the United States is not a party or interested in the result of said suits.

Mr. DAWES. I should like to hear the original for which this is a substitute read.

The PRESIDENT *pro tempore*. The amendment reported by the Committee of the Whole will be read.

The CHIEF CLERK. Strike out all after the enacting clause and insert——

Mr. DAWES. I want to know what this is a substitute for.

Mr. BUTLER. That is going to be read now.

Mr. DAWES. Now I understand.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered, and the Secretary will call the roll on the amendment of the Senator from South Carolina.

The Secretary proceeded to call the roll.

Mr. HAMPTON (when Mr. COLQUITT'S name was called). The Senator from Georgia [Mr. COLQUITT] is paired with the Senator from Rhode Island [Mr. CHACE].

Mr. DAWES (when his name was called). I am paired with the absent Senator from Texas [Mr. MAXEY]. I do not know how he would vote if present, and I do not know exactly what the question is myself, and I will withhold my vote.

Mr. EDMUNDS (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS].

Mr. MCPHERSON (when his name was called). I am paired with my colleague [Mr. SEWELL].

Mr. PLUMB (when his name was called). I am paired with the Senator from Georgia [Mr. BROWN].

The roll-call was concluded and the result announced—yeas 22, nays 27; as follows:

YEAS—22.

Blackburn,	Evarts,	Mitchell of Oreg.,	Sawyer,
Bowen,	Fair,	Payne,	Teller,
Butler,	Gorman,	Pugh,	Vest,
Call,	Hampton,	Ransom,	Wilson of Md.
Cameron,	Hawley,	Riddleberger,	
Conger,	Jones of Nevada,	Saulsbury,	

NAYS—27.

Aldrich,	Cullom,	Mahone,	Van Wyck,
Allison,	Eustis,	Manderson,	Voorhees,
Beck,	Farwell,	Mitchell of Pa.,	Walthall,
Berry,	Frye,	Morrill,	Whitthorne,
Blair,	George,	Sherman,	Williams,
Cheney,	Hoar,	Spooner,	Wilson of Iowa.
Coke,	Jones of Arkansas,	Stanford,	

ABSENT—27.

Brown,	Edmunds,	Jones of Florida,	Palmer,
Camden,	Gibson,	Kenna,	Platt,
Chace,	Gray,	McMillan,	Plumb,
Cockrell,	Hale,	McPherson,	Sabin,
Colquitt,	Harris,	Maxey,	Sewell,
Dawes,	Harrison,	Miller,	Vance.
Dolph,	Ingalls,	Morgan,	

So the amendment of Mr. BUTLER was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported from the Committee of the Whole.

Mr. DOLPH. I have an amendment to offer that I understand is acceptable to the Senator from Massachusetts. If the amendment of the Senator from Massachusetts is now open to amendment before it is voted upon in the Senate, I move to strike out the words I have marked on the print I send to the desk, and I will briefly state my reasons.

The prohibition contained in the last clause proceeds upon the proposition that it would be improper for a member of Congress to accept a retainer from a company when there was legislation pending in Congress or likely to be brought into Congress affecting the company. If that is the case, there is no reason why that should be confined to railroad companies that received pecuniary aid from the Government. It ought to be general.

The PRESIDENT *pro tempore*. The amendment of the Senator from Oregon will be read.

The CHIEF CLERK. In lines 8 and 9 it is proposed to strike out the words "which obtained its charter, or any grant of land, or pecuniary aid from the United States;" so as to read:

Or from any railroad company, if such member shall have reasonable cause to believe that measures specially affecting the interests of such railroad are pending before Congress or are about to be so pending during his term of office.

Mr. DOLPH. Then I will ask to insert the word "company" instead of "railroad."

Mr. HOAR. I do not know but that I was incautious in saying I would accept that. Many members of the Senate suggest to me that this discussion relates to our relation to the land-grant roads, and it is better to confine the legislation to that subject.

Mr. DOLPH. I am glad of that suggestion. I have maintained my peace through the entire debate, but the bill, as I understand, is on a wrong theory. The words "which obtained its charter, or any grant of lands, or pecuniary aid from the United States," embraces every railroad in every public land State. The act of March 3, 1875, grants to every railroad company organized under any State or Territory of the United States a right of way over the public lands of the United States, and the right to take materials from adjacent land for the construction of its road, simply by filing its articles of incorporation and a statement of the organization of the company and a map of its location with the Secretary of the Interior. So then this language embraces every railroad in every public land State of the Union, but excepts every railroad in every other State of the Union. In other words, the Senator from Massachusetts, and the Senator from Vermont, and the Senator from New York, may appear under this bill for every railroad company in their States, for great railroad corporations having an interest in the question of interstate commerce, but the smallest road in any Western State or Territory of the Union is cut out by this provision.

If it is right to say that a member of Congress shall not appear for a railroad company simply because there is legislation pending in regard to it, or there is likely to be such legislation, why does not that principle apply to every railroad company? Is it a sound proposition to say we will confine it to railroad companies that received a right of way from the Government, and will not apply it to other railroad companies that may have some actual positive interest in legislation? The companies which received merely the right of way have no interest in legislation. The country will never undertake to forfeit or to deprive them of the right of way which has been granted under a general act.

No question affecting the right of way can ever come before Congress, and still they are included here, and great railroad companies having great and important interests in other matters of general legislation are excepted. Why is it not a proper thing to say that a member of Congress shall not take a retainer from any railroad company that has a matter pending, like the interstate-commerce bill, in Congress, or when that member supposes there is going to be such a question pending in Congress? That is the reason I offer this amendment. It ought to be broader than it is, but I am seeking to enlarge the scope of the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon.

Mr. HOAR. I make no objection to it.

Mr. DOLPH. I understand the Senator withdraws his objection, and it may be made by general consent.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. DOLPH. Now I ask that the word "railroad," in line 11, be changed to "company."

Mr. FRYE and others. No objection.

The PRESIDENT *pro tempore*. If there be no objection that change will be made. The question recurs on the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

The PRESIDENT *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. TELLER. I do not intend to vote for this bill, and I do not intend to keep the Senate here any length of time while I express my contempt of this proceeding.

I have been a member of the United States Senate seven years, and I think I can appeal to every man who is present in this Chamber to bear me out in the statement I make that a more disgraceful scene has never occurred in the American Senate than I have seen here to-day. I have heard recriminations and condemnations heretofore, but I have never heard anything to compare with what I have heard here to-day—charges not directly made against members of this body, but charges made by innuendo in an unjustifiable manner.

We are told by the Senator from Kentucky that we who are opposed to this class legislation are dishonest.

Mr. BECK. That is not true; I state that distinctly. It is absolutely untrue.

Mr. TELLER. In substance we are told that we want members of the Senate to have their pockets full of the money of the great corporations that come here for legislation; that we want Senators to have that money in their pockets, to corrupt and destroy their judgment.

Mr. President, I have opposed this bill. I have opposed it openly without any personal interest in it. I have opposed it, and I stated on the floor of the Senate that I was not the attorney of any railroad in the world. I stated on the floor of the Senate that I had never been interested for any railroad in any question that could come before Congress, unless the question of interstate commerce might be considered. I have never been the attorney of any railroad touching any matter that has come to Congress concerning their land grants. If I have ever been the attorney of a railroad company I have been the attorney simply for the transaction of an attorney's business in the courts, such as the trial of an assumpsit, or an ejectment, or a trespass case on the part of the railroad company.

The honorable Senator says that what I state is untrue. I do not state that the honorable Senator said in words that we were dishonest. The honorable Senator's statement that this legislation was resisted because some Senators wanted to come into this body having the money in their pockets which was to control their judgment——

Mr. BECK. That is equally untrue. I never said that.

Mr. TELLER. If the Senator did not say it, my ears are of but little value, and I could have heard but imperfectly what he said to-day on that subject just before he was replied to by the Senator from Delaware.

No, Mr. President, I do not think it is becoming in any member of this Senate to taunt his associates with a less degree of honesty than he himself has. I for myself claim, as the Senator does, to be in moral worth his peer. He says no man is his superior. I claim that no man on this floor is my superior in that particular. I do not need any legislation to keep me honest.

I do not need any legislation that shall keep me from doing that which the people whom I represent will believe affects my judgment. I rely upon my conscience and my sense of propriety to do that, and I have refrained since I have been a public officer from taking any fees from the class of people who could come here for legislation, not only the railroad companies but all other classes of people who might have legislation here, where it might be said that it might bias my judgment. I have done this for the reason I stated here the other day, that in my judgment it is as essential that the people shall have faith in their representatives as to their honesty as it is that they shall be honest; and I do not propose myself by silence to have anybody say that I am resisting a public demand or a public clamor. I only reply to the Senator from Texas, who says there is a public clamor for this kind of a law, that if there is it is because the people believe that their representatives are dishonest. Where is the remedy? Not in legislation; not in this kind of a movement; for the man who would take a fee from a railroad company for the purpose of doing its business and come into this Senate and be governed by that would take a bribe from that company, and the company would much more readily approach him with a direct bribe than they would in that indirect way.

I alluded the other day to the fact that the attacks made upon this Senate arose mainly from the assaults made in this Chamber, and I repeat it again. The Senator from Kentucky, whether he so intended or not, did arraign the whole opposition to this bill in terms more severe than I have heard used before in this body, and more severe, I think, than the ethics of the body justify. The Senator was perhaps in heat, but the heat goes out to the country. He alluded to the fact that on a former occasion a Senator had said we had juggled with the bill, and we juggled with the bill in such a manner as to make it appear that we were the attorneys of the railroad companies. That goes out to the country. He did not say that when that charge was made it was made against the very men who had been voting in favor of the forfeiting of a railroad grant. He voted as I did upon that occasion, and as a majority of this Senate did, properly as I thought, properly as he thought, and yet he takes occasion to read it here to-day to go out to the country to be a charge against the Senate and against every member of this body who votes against this bill.

I do not propose to be intimidated in this body or anywhere else with reference to my votes. I vote according to my judgment, leaving the responsibility where it belongs, and I am not amenable or answerable to the Senator from Kentucky or anybody else for my vote. As high regard as I have for him I will not yield upon a question of that kind to his judgment or to that of any other man.

Mr. President, the bill has never been called for or demanded. Its introduction here was a mistake, in my judgment. It came in here in a hurry. The Senator has alluded over and over again to the fact that it had 37 votes. It did not have mine; it will not get it now; and if I vote solitary and alone, I will not be here to say that anybody who sits in this Chamber with me needs legislation of this character.

Why, Mr. President, there is not 5 per cent. of the members of this Senate that has ever been the attorneys of land-grant railroads in any shape or manner. There is not 5 per cent. of them, if everything that has been said is true, who are so lacking in moral stamina that a fee in their pockets to do something entirely disconnected with the legislation pending would lead them to vote improperly. And yet the whole Senate is arraigned, not only before the American people, but before the world, as guilty of offenses that would consign a man under the common law of all the States to the penitentiary, and ought to preclude him from all decent society.

It is to be supposed that an American Senator is a gentleman. It is to be supposed that he is a man of moral worth. It is to be supposed that he is a man of intellectual character to some extent at least, and that he does know, too, that he will enforce here the principles of honesty, morality, and justice. And I do not believe there has ever been any cry anywhere by the people, nor even a vague fear, as the Senator from Arkansas said, as to the influence of these corporations upon the lawyers of this Senate. If I believed it, I should no longer regard a seat in this body as the highest acme of American ambition. I should say to every young man everywhere, "Keep within the humbler spheres of life; walk lowly and not in high places," if the American people believe of their chief representatives in the greatest parliament-house in the world that they are a body of conspirators who need a law to hold them to the decencies of life.

Mr. EVARTS. The matter which we are now to vote upon is, I suppose, to take the place of the bill that is to be passed upon and adopted or defeated.

Mr. EDMUNDS. It has taken the place. The question is on passing the bill to a third reading.

The PRESIDENT *pro tempore*. The substitute has already been adopted.

Mr. EVARTS. Then the question is on the passage of the bill?

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading.

Mr. EVARTS. As it now reads, we have departed from the particular occasion or danger of the land-grant, or the incorporated property from the United States, in reference to the interests that were pending or to be pending; and as it now reads it is to provide thus, so far as that is concerned, to accept employment as attorney at law from any railroad company, if such member shall have reasonable cause to fear that measures specially affecting the interests of such company are pending before Congress, or about to be so pending during his term of office.

In a certain sense this amendment does relieve the legislation from the invidious distinction that was made, but it brings us in front of the very question whether we are to pass legislation that does make any discrimination at all when it observes the rules which are universally prevalent in the conscience and in the habit of the members of the Senate.

I desire to point out that by the particular amendment now made we are brought back to a general consideration whether, so far as railroad companies are concerned, we should accept relations with matters in which there is or may be an interest. I should not desire to have the bill carry an implication that members of Congress were at liberty to enter into such relations in regard to banks and other corporations. I now make protest, and I should say all persons must make it, before they vote for such a bill as this.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading.

Mr. BECK. Let it be read first. We do not know what it is.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, in opposition to the United States in any case to which the United States may be a party, or in which its interest may be concerned, or from any railroad company, if such member shall have reasonable cause to believe that measures specially affecting the interests of such company are pending before Congress, or are about to be so pending, during his term of office.

Any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

Mr. EDMUNDS. Is it intended by the bill as it now stands to change the existing law, which does not now permit, as the Attorney-General of the United States long ago reported to the President, a member of Congress, either a Senator or Representative, to accept a retainer from the United States? The fair implication of it is that it does; and I call attention to it because I have declined a good many retainers in favor of the United States lest I should be under the influence of the Departments, and I want to have it understood that this language, as it clearly does, repeals the law that now makes it improper for me to engage for the United States, and gives me leave to do so. It is the only favorable feature that I see in the bill.

Mr. HOAR. I do not understand, from the Senator's own statement, that it is the law now existing that makes it improper for him to accept retainers from the United States, because he said his only reason for declining a great many was that he should be placed under the influence of the Departments——

Mr. EDMUNDS. That was my motive.

Mr. HOAR. Whether there was a statute or not——

Mr. EDMUNDS. The law provides that no member of Congress shall have any contract——

Mr. HOAR. I thought I had the floor.

Mr. EDMUNDS. I beg the Senator's pardon.

The PRESIDENT *pro tempore*. The Senator from Massachusetts has the floor.

Mr. HOAR. I will yield to the Senator with great pleasure.

Mr. EDMUNDS. I thought you were asking me a question.

Mr. HOAR. No, I did not. I thought you sat down. Certainly this bill does not affect, by any possibility of implication, the law which the Senator has alluded to, being a law on the statute-book as expounded by the law officer of the Government, which prohibits taking retainers for the United States. Now comes in a law in addition to the existing law and says you shall not take retainers against it in certain cases not prohibited before.

Mr. EDMUNDS. I ought to reply to the Senator from Massachusetts. The present state of the law, aside from the question of prosecuting claims against the United States, and so on, is that no member of

Congress shall have any contract with the United States. A great many years ago, and under administrations which were much purer, if I am to suppose that my friend from Kentucky is right, than this one is, and at times when Senators and Representatives were much purer than they are now, if I am to suppose his statement to be correct, a member of Congress was invited by a Department to defend the interests of the United States in a cause pending in the State of Ohio, and the question whether he could be employed was referred to the then Attorney-General of the United States. He reported upon it, and said: "Here is this statute which says that no member of Congress shall be interested in any contract with the United States. Your retainer as an attorney for the United States to prosecute a crime against it in your district is a contract; you can not do it." So it has been followed ever since with one or two exceptions, which were rare. Now we come in with a law which, by implication, as I think, repeals that. I do not object to it, because I am not in favor of this measure at all. It is a disgrace to the Senate, as I think, but the present form really improves, so far as self-interest goes, the status of the bar.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. BECK. I desire to have the yeas and nays on the passage of the bill. There is now nothing in the bill that I care about much, but the House of Representatives may put something in it, and I want to give them a chance by sending it to them.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). Understanding that the Senator from Texas [Mr. MAXEY], who is absent, and with whom I am paired, would vote "yea," I shall vote "yea."

Mr. KENNA (when his name was called). I should vote "yea," but I am paired with the Senator from New York [Mr. MILLER].

Mr. PALMER (when his name was called). I understand from the Senator from North Carolina [Mr. RANSOM] that if his colleague [Mr. VANCE] were here he would vote "yea." I have been paired with the Senator from North Carolina [Mr. VANCE] throughout the day on this question. I therefore vote "yea."

The roll-call was concluded.

Mr. PLUMB. On this question I am paired with the Senator from Georgia [Mr. BROWN]. If he were present, I should vote "yea."

Mr. COKE. My colleague [Mr. MAXEY] is absent and is paired generally with the Senator from Massachusetts [Mr. DAWES]. My colleague would vote "yea" if he were present.

Mr. EDMUNDS. I am paired with the Senator from Tennessee [Mr. HARRIS]. If he were present, I should vote "nay."

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. PLATT]. If he were present, he would vote "yea," and I should also vote "yea." I therefore vote.

Mr. MCMILLAN. My colleague [Mr. SABIN] is absent from the city, and is paired with the Senator from West Virginia [Mr. CAMDEN].

The result was announced—yeas 39, nays 14; as follows:

YEAS—39.

Aldrich,	Conger,	Hawley,	Spooner,
Allison,	Cullom,	Hoar,	Van Wyck,
Beck,	Dawes,	Jones of Arkansas,	Vest,
Berry,	Dolph,	Jones of Nevada,	Voorhees,
Blackburn,	Eustis,	Manderson,	Walthall,
Blair,	Fair,	Mitchell of Pa.,	Whitthorne,
Butler,	Frye,	Morrill,	Williams,
Cheney,	George,	Palmer,	Wilson of Iowa,
Cockrell,	Gorman,	Riddleberger,	Wilson of Md.
Coke,	Hale,	Sherman,	

NAYS—14.

Call,	Hampton,	Payne,	Stanford,
Cameron,	McMillan,	Pugh,	Teller.
Farwell,	Mahone,	Ransom,	
Gray,	Mitchell of Oreg.,	Sawyer,	

ABSENT—23.

Bowen,	Evarts,	Kenna,	Plumb,
Brown,	Gibson,	McPherson,	Sabin,
Camden,	Harris,	Maxey,	Saulsbury,
Chace,	Harrison,	Miller,	Sewell,
Colquitt,	Ingalls,	Morgan,	Vance.
Edmunds,	Jones of Florida,	Platt,	

So the bill was passed.

On motion of Mr. HOAR, the title was amended so as to read: "A bill to prohibit members of Congress from acting as attorneys or employés for railroad companies in certain cases."

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the special order.

The CHIEF CLERK. A bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 5, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 4, 1887.

The House met at 12 o'clock m. Prayer by Rev. J. J. BULLOCK, D. D., of Washington city.

The Journal of yesterday's proceedings was read and approved.

VETO MESSAGE—ALEXANDER FALCONER.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill numbered 6443, entitled "An act granting a pension to Alexander Falconer."

This claimant filed his application for pension in 1879, alleging that in 1837, being then an enlisted man in the United States Army, he received a gunshot wound in his right leg below the knee, at the battle of Okeechobee Lake, Florida.

The records disclose the fact that this soldier enlisted in 1834, and was almost continuously in the service and attached to the same company until 1846.

It further appears that he is reported sick during the month in which the battle was fought. The list of casualties does not contain his name among the wounded.

He re-enlisted in 1846 and again in 1847, and was finally discharged in 1848. These latter enlistments were for service in the Mexican war.

His claim for pension was denied in 1885, on the ground that no disability existed in a pensionable degree from the alleged gunshot wound in his leg.

It is perfectly clear that the only pretexts for giving this claimant a pension are military service, old age, and poverty.

Inasmuch as he was a soldier in the Mexican war, his case is undoubtedly provided for by a general law approved within the last few days.

Under this bill the amount to be paid him is fixed, while if the bill herewith returned were approved, the sum to be paid him would depend upon the determination of the Pension Bureau as to the extent of his disability as the result of his wound. As that bureau has quite lately determined that there was no disability it is evident that this old soldier can better rely upon the general law referred to.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 3, 1887.

Mr. ELDREDGE. I move that this veto message, with the accompanying bill, be referred to the Committee on Pensions.

The motion was agreed to.

WILLIAM LYNCH.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return without approval House bill numbered 6132, entitled "An act granting a pension to William Lynch."

The claimant mentioned in this bill enlisted in the Fifth Regiment United States Infantry in 1849, and was discharged after a re-enlistment September 8, 1859.

He filed a claim for pension more than twenty-four years afterward, in April, 1884, claiming that he contracted rheumatism of the right hip and leg in the winter of 1857–'58, while serving in Utah. He admitted that he was not under treatment while in the service, and that he never consulted a physician in regard to his disability until he commenced proceedings for a pension.

The evidence disclosed to me falls far short of establishing this claim for pension upon its merits.

The application made to the Pension Bureau is still pending and awaiting answer to inquiries made by the bureau in January, 1886.

I do not understand that the Congress intends to pass special acts in cases thus situated.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 3, 1887.

Mr. ELDREDGE. I move that this message, with the accompanying bill, be referred to the Committee on Pensions.

The motion was agreed to.

STATUE OF LIBERTY LIGHT STATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board, and recommending the passage of an act providing for a permanent plant for lighting the Statue of Liberty light station, Bedloe's Island, New York; which was referred to the Committee on Commerce, and ordered to be printed.

MILEAGE OF ARMY OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of a deficiency in the appropriation for mileage of officers for the fiscal year ending June 30, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN H. WEEKS.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact by that court in the case of John H. Weeks against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

JAMES G. FIELD.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact by that court in the case of James G. Field, administrator, &c., against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

REFERENCE OF BILLS, ETC.

The SPEAKER laid before the House, under the rules, a bill of the House with Senate amendments, and Senate bills and a concurrent resolution; which were referred as follows, namely:

The bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as Public Reservation No. 3, in the city of Washington, D. C.—to the Committee on the Public Lands;

The bill (S. 2877) to promote the efficiency of the General Land Office—to the Committee on Expenditures in the Interior Department;

The bill (S. 3157) to authorize the removal of the quarantine station from Ship Island, Mississippi—to the Committee on Commerce;

The bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes—to the Committee on Commerce; and

The concurrent resolution of the Senate providing for the compilation and printing of the veto messages of the Presidents of the United States—to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FLEEGER, for six days, an account of important business.

To Mr. DINGLEY, for the remainder of the week, on account of illness.

To Mr. TOWNSHEND, for ten days.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. TOWNSHEND to print remarks in the RECORD on the diplomatic and consular appropriation bill.

ORDER OF BUSINESS.

Mr. McCOMAS. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 9379) for the relief of John Heflebower, and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. SPRINGER and Mr. COWLES demanded the reading of the report.

The report was read at length.

Mr. SPRINGER. I shall have to object to that, for the present at least.

Mr. McCOMAS. I hope the gentleman will not insist upon his objection. This case has been before the Court of Claims.

Mr. SPRINGER. I know; but there are certain facts ascertained by the court, and there are items connected with the claim that in my opinion come within the rule heretofore laid down by the committee, and I think it should have a further examination.

Mr. McCOMAS. Let it be considered now, and the gentleman can state his objections to any particular point.

Mr. SPRINGER. I must insist upon the objection at this time.

Mr. BYNUM. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 569) appropriating $45,000 for the improvement of the post-office building in the city of Indianapolis, Ind., and put it upon its passage.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ELY. I object.

Mr. FELTON. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. STORM. Let me ask if this has been recommended by any committee of the House?

Mr. FELTON. Yes, sir; by both committees unanimously.

Mr. STORM. By the Committee on Commerce?

Mr. STRAIT. The Committee on the Public Lands.

Mr. FELTON. Not by the Committee on Commerce. It has been reported unanimously by both committees, that of the House and of the Senate, on the public lands.

Mr. STORM. What is the extent of the grant?

Mr. FELTON. It is not a grant, but simply gives to the city of San Francisco the control of these islands until the Government chooses to take possession of them.

Mr. OATES. Does it impose any restrictions upon the public with reference to the use of these islands?

Mr. FELTON. None whatever. It simply gives to the city of San Francisco control of the islands, and the Government can take possession of them at any time that it thinks proper for any purpose.

Mr. SPRINGER. Are these the little seal islands right off the mouth of the Golden Gate?

Mr. BLOUNT. Let the report in this case be read before the right to object is waived.

Mr. COX, of North Carolina. I ask for the reading of the report.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ELY. I object.

GOVERNMENT FARM, ANNAPOLIS, MD.

Mr. FINDLAY. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short-Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis, Md., and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the right of way through the northwest corner of the lands belonging to the United States Government, lying and being in Anne Arundel County, in the State of Maryland, known as the Government farm, be, and hereby is, granted to the Annapolis and Baltimore Short-Line Railroad Company, for the construction of a railroad between the cities of Annapolis and Baltimore, to be located to the satisfaction of the Secretary of the Navy; and the said right of way hereby granted shall be to the extent of 66 feet in width, with such additional width as may be required for slopes at cuttings and embankments, said line to be located northwest of the hospital buildings, and at least 50 feet from the out-buildings thereof.

SEC. 2. That the right of way and other privileges granted herein under the provisions contained in this act shall become inoperative and null and void unless the said company shall, within the term of two years from the 1st day of June, 188-, have so far advanced the construction of said road as to satisfy the Navy Department that said company is lawfully and successfully established, and that said road will be completed as proposed within a reasonable time.

The committee recommend the following amendment:

Insert, after the word "time," in the ninth line of section 2, the following:

And also unless the said railroad company shall cause to be erected and maintained suitable bridges where roads are crossed, and fences erected and maintained on either side of said railroad.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ADAMS, of Illinois. I think some one should state how much of the Government farm this right of way covers.

Mr. FINDLAY. I will say, in reply to the gentleman from Illinois, that it takes but a very small portion, a very insignificant part of the farm, just sufficient width for the road.

Mr. ADAMS, of Illinois. That is sufficient.

Mr. FINDLAY. And I will say, in the first place, that the Government farm is not used, and that this right of way is granted in accordance with the regulations prescribed by the Secretary of the Navy; and it also comes as a unanimous report from the Committee on Public Buildings and Grounds.

Mr. ADAMS, of Illinois. I observe that there is a blank in the bill which has not been filled.

Mr. FINDLAY. I move to insert, in the fifth line of the printed bill, second section, after the words "eighteen hundred and eighty," the word "eight;" so as to fix the date 1888.

The SPEAKER. The first question will be on the amendment proposed by the committee.

The amendment was agreed to.

The amendment of Mr. FINDLAY was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. FINDLAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSIDERATION OF BILL FOR REDEMPTION OF TRADE-DOLLAR.

Mr. RANDALL. I desire to make a privileged report from the Committee on Rules.

The Clerk read as follows:

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 199) entitled "An act for the retirement and recoinage of the trade-dollar," and that Saturday, February 5, immediately after the reading of the Journal, be set apart for the consideration of the same in the House, no other business to be transacted until the consideration of said bill is concluded.

Mr. RANDALL. Upon that resolution I call for the previous question.

Mr. LANHAM. Before the previous question is ordered I desire to be heard for a moment.

Mr. RANDALL. I withdraw the call for the previous question that I may hear the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. I ask the gentleman from Pennsylvania if he will not so modify the resolution as to allow the bill to be considered in the Committee of the Whole House on the state of the Union, and, furthermore, if he will not agree to postpone its consideration until to-morrow week. I make this request in view of the absence of the chairman of the Committee on Coinage, Weights, and Measures, the gentleman from Missouri [Mr. BLAND], who has gone home in consequence of sickness in his family. I know he takes great interest in this measure, and is especially anxious to be present when it is considered.

Mr. RANDALL. The latter request of the gentleman from Texas, it occurs to me, is a reasonable one, and while I have no authority from the Committee on Rules to accept the amendment, yet my individual inclination is to do so; and if the gentleman from Illinois [Mr. MORRISON] and the gentleman from Maine [Mr. REED], members of the Committee on Rules, acquiesce in this suggestion as to the later day, I will accept that amendment.

Mr. MORRISON. I think it is not an unreasonable request, and that it ought to be granted.

Mr. RANDALL. Then I accept the amendment as to the change of day, and will modify the resolution accordingly.

Mr. LANHAM. I know the chairman of the Committee on Coinage, Weights, and Measures desires that the bill shall be considered in Committee of the Whole House on the state of the Union, and I ask the gentleman from Pennsylvania to include that also in his modification of the resolution.

Mr. RANDALL. I ask for the reading of the resolution again. There is no purpose to limit fair debate or to restrict amendments.

Mr. LANHAM. So far as I am concerned and so far as the gentleman from Missouri [Mr. BLAND] is concerned, we are both in favor of redeeming and recoining the trade-dollar. I have heretofore expressed myself as to that in as strong terms as I know how to employ. But there is a minority report, or at least leave was obtained for a minority report to be filed, which differs from the majority of the committee as to the manner of redemption and recoinage, and I think it is better that the bill should be considered in the way I suggest.

Mr. WARNER, of Ohio. I ask that the resolution be again read.

Mr. RICHARDSON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Is this a privileged matter?

The SPEAKER. It is. The resolution was referred to the Committee on Rules.

The resolution was again read.

Mr. RANDALL. I have accepted the suggestion that the day assigned for the consideration of the bill be the 12th February instead of the 5th, and I modify the resolution in that way.

Mr. LANHAM. That being agreed to, I move to strike out so much of the resolution as provides for discharging the Committee of the Whole House on the state of the Union.

Mr. RANDALL. I do not yield for that.

The SPEAKER. The Chair will state that the effect of a resolution making the consideration of a bill a special order, unless the contrary is stated in the resolution, is to discharge the Committee of the Whole House on the state of the Union and to bring the bill into the House.

Mr. CRISP. Is it competent for a majority to discharge the Committee of the Whole House on the state of the Union from the consideration of a bill?

The SPEAKER. It is, on a report of the Committee on Rules. It is a change of the rules to that extent; and there is no rule of the House requiring more than a majority to change a rule.

Mr. WARNER, of Ohio. But the consideration in the House does not cut off the power of amendment? I presume that is not the object.

Mr. RANDALL. I do not think the object is to cut off fair debate or amendment.

Mr. SCOTT. I would like to understand what is the amendment of the gentleman from Texas [Mr. LANHAM]. I want to know whether he proposes, in addition to postponing the consideration to the 12th, to have the bill considered in the Committee of the Whole House on the state of the Union?

The SPEAKER. The amendment proposed by the gentleman from Texas and accepted by the gentleman from Pennsylvania was simply to postpone the consideration of the bill till Saturday, the 12th.

Mr. SCOTT. And to have the bill considered in Committee of the Whole House on the state of the Union?

The SPEAKER. The gentleman from Texas proposed that amendment, but the gentleman from Pennsylvania declined to yield.

Mr. RANDALL. I demand the previous question on the resolution as modified.

Mr. LANHAM. I ask the gentleman from Pennsylvania if he will allow me to have printed in the RECORD an amendment substantially embodying the judgment of the minority of the committee, which we propose to offer to the Senate bill?

Mr. RANDALL. I will say to the gentleman from Texas that I am not here as the spokesman of the bill at all. I have merely offered the pending resolution as a member of the Committee on Rules to give an opportunity for the consideration of the bill. After that has been provided for the control of this bill passes from me; but I give assurance, so far as I am concerned, the gentleman will have opportunity of amendment, and that I have no objection to the insertion in the RECORD of the amendment he has indicated.

Mr. LANHAM. I ask unanimous consent that there be printed in the RECORD the following amendment in the nature of a substitute for the Senate bill, which I send to the desk, and expect to offer at the proper time.

There was no objection.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered, and under the operation thereof the resolution as modified was agreed to.

Mr. RANDALL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The following is the proposed amendment, which was ordered to be printed in the RECORD:

Senate bill 199. Amendment.

Strike out all after the enacting clause in sections 1 and 2, and insert:

"That for a period of six months after the passage hereof, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at their face value in payment of all dues to the United States, and shall not be again paid out or in any other manner issued.

"SEC. 2. That the holder of any such trade-dollars, during the period aforesaid, on presentation of the same at the office of the Treasurer or any assistant treasurer of the United States, if said coins be not defaced, mutilated, or stamped, may receive in exchange therefor a like amount and value, dollar for dollar, in standard silver dollars, or in subsidiary coins of the United States, at the option of the holder.

"SEC. 3. That the trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer, or national depositary of the United States, shall not be paid out, or in any other manner issued, but at the expense of the United States shall be transmitted to the coinage mints and recoined into standard silver dollars, or subsidiary coin, at the discretion of the Secretary of the Treasury."

Strike out the words "section 3," in Senate bill, and insert section 4.

WIDOW OF W. R. CRANNA.

Mr. SPRINGER. Regular order.

Mr. ADAMS, of Illinois. Mr. Speaker, I desire to present a privileged report from the Committee on Accounts.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 1, 1887.

Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to the widow of William R. Cranna, deceased, late an employé of the House of Representatives, a sum equal to his salary for six months; and that the Clerk be further directed to pay out of the contingent fund the expenses connected with the illness and funeral of the said Cranna; said expenses not to exceed $250.

The Committee on Accounts, having considered the accompanying resolutions, finds that Cranna was an old employé of the House and was on the roll at the time of his death. The allowance called for is the usual one, and is for the benefit of the widow and children of deceased.

Mr. ADAMS, of Illinois. Mr. Speaker, this employé left a widow and young children. They are very poor. This resolution is the usual one in such cases, and as I presume that no discussion is desired, I demand the previous question.

The previous question was ordered, and the resolution was agreed to.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN R. M'KINNIE.

Mr. GEDDES, from the Committee on War Claims, reported favorably a bill (H. R. 11030) for the relief of John R. McKinnie, administrator; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIMON WITKOUSKI.

Mr. GEDDES, from the Committee on War Claims, also reported favorably a bill (H. R. 11031) for the relief of Simon Witkouski; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. M'DOWELL.

Mr. GEDDES, from the Committee on War Claims, also reported favorably a bill (H. R. 11032) for the relief of John R. McDowell, administrator of the estate of John McDowell, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

S. H. BRODNAX.

Mr. GEDDES, from the Committee on War Claims, also reported favorably a bill (H. R. 11033) for the relief of S. H. Brodnax, executor of George T. Taylor; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. COOK, SR.

Mr. GEDDES, from the Committee on War Claims, also reported favorably a bill (H. R. 11034) for the relief of William H. Cook, sr.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN MOREAU.

Mr. GEDDES, from the Committee on War Claims, also reported favorably a bill (H. R. 11035) for the relief of Ann Moreau; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN LOAGUE.

Mr. GEDDES, from the Committee on War Claims, also reported favorably a bill (H. R. 11036) for the relief of John Loague, administrator; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. RICHARDSON. Mr. Speaker, a few days ago the House made the bill (H. R. 10666) to provide for the payment of what are known as the 4th of July claims, a special order for this day. Some of the friends of the measure have asked me to agree that it go over till to-morrow immediately after the reading of the journal, with the understanding that it shall then have the same rights and privileges to which it is now entitled. If that agreement can be had I have no objection; and I now ask unanimous consent that the bill be laid over until to-morrow immediately after the reading of the journal, with the understanding that it shall lose none of its rights.

Mr. HATCH. I object.

Mr. BURROWS. Mr. Speaker, would it be in order to move the postponement of the consideration of this bill until to-morrow?

The SPEAKER. It is in order. The gentleman from Tennessee [Mr. RICHARDSON] makes that request.

Mr. BURROWS. There are only a few Fridays left for private business. This special order was made for this day thoughtlessly, I presume, and if we devote the day to the consideration of this bill it may deprive us entirely of an opportunity to consider private business,

Mr. BRAGG. This is private business.

Mr. BURROWS. I understand; but the business is all in one bundle. I move, Mr. Speaker, to postpone the consideration of this bill until to-morrow morning immediately after the reading of the Journal.

Mr. RICHARDSON. I have no objection to that if the gentleman will include in his motion that the bill shall reserve all its rights.

Mr. BLOUNT. It does seem to me, Mr. Speaker, that private bills consume a sufficient proportion of the time of this House. There are important measures of a general character that ought to be acted upon, and I think we ought not to further obstruct their consideration by giving additional time to private matters. There are several important measures which have been reported from committees of the House and are awaiting consideration.

Mr. MILLS. Regular order.

Mr. BURROWS. I demand the previous question on my motion.

Mr. DUNHAM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. If this bill is postponed until to-morrow will the effect be to give us the use of that day as private-bill day?

The SPEAKER. The Chair does not know. The House may by a majority vote dispense with the consideration of private bills.

Mr. DUNHAM. It is one step in that direction, is it not?

The previous question was ordered.

The question was taken on the motion of Mr. BURROWS; and there were—ayes 97, noes 32.

Mr. HATCH. I demand the yeas and nays.

The SPEAKER. Thirty-one have risen in the affirmative, which is more than one-fifth of the last vote. [Cries of "Count the other side!"] There are eighty in the negative. The yeas and nays, therefore, are ordered.

The question was taken; and it was decided in the affirmative—yeas 153, nays 92, not voting 73; as follows:

YEAS—153.

Adams, G. E.	Dorsey,	Hudd,	Outhwaite,
Adams, J. J.	Dunham,	Jackson,	Owen,
Allen, C. H.	Ely,	James,	Payne,
Atkinson,	Evans,	Johnston, J. T.	Payson,
Baker,	Everhart,	Kelley,	Peters,
Barbour,	Farquhar,	Ketcham,	Pettibone,
Bayne,	Felton,	La Follette,	Phelps,
Bliss,	Findlay,	Laird,	Pindar,
Bound,	Fleeger,	Landes,	Plumb,
Boutelle,	Ford,	Lawler,	Price,
Boyle,	Gallinger,	Lehlbach,	Reed,
Brady,	Geddes,	Libbey,	Rice,
Brown, C. E.	Gilfillan,	Lindsley,	Richardson,
Buchanan,	Goff,	Little,	Robertson,
Buck,	Grosvenor,	Long,	Rockwell,
Bunnell,	Grout,	Louttit,	Rowell,
Burrows,	Guenther,	Lovering,	Ryan,
Butterworth,	Hale,	Lyman,	Sawyer,
Caldwell,	Hall,	Markham,	Scranton,
Campbell, J. E.	Halsell,	Matson,	Seymour,
Campbell, J. M.	Harmer,	Maybury,	Skinner,
Campbell, T. J.	Hayden,	McComas,	Snyder,
Cannon,	Haynes,	McKinley,	Spooner,
Carleton,	Henderson, D. B.	Merriman,	Stahlnecker,
Compton,	Henderson, T. J.	Millard,	Steele,
Conger,	Hepburn,	Moffatt,	Stephenson,
Cooper,	Hiestand,	Morrow,	Stewart, J. W.
Crain,	Hill,	Murphy,	Stone, E. F.
Culberson,	Hires,	Neal,	Strait,
Curtin,	Hitt,	Negley,	Struble,
Cutcheon,	Holmes,	Nelson,	Swinburne,
Daniel,	Hopkins,	O'Hara,	Swope,
Davidson, R. H. M.	Houk,	O'Neill, Charles	Taylor, I. H.
Davis,	Howard,	Osborne,	Taylor, J. M.
Taylor, Zach.	Wade,	Weber,	Woodburn.
Thomas, J. R.	Wadsworth,	White, A. C.	Worthington.
Thomas, O. B.	Wait,	White, Milo	
Thompson,	Warner, William	Whiting,	
Van Schaick,	Weaver, A. J.	Wilson,	

NAYS—92.

Allen, J. M.	Eden,	Lowry,	Seney,
Barksdale,	Eldredge,	Martin,	Shaw,
Barnes,	Ermentrout,	McCreary,	Sowden,
Barry,	Fisher,	McKenna,	Springer,
Blanchard,	Forney,	McMillin,	Stone, W. J., Ky.
Blount,	Gay,	McRae,	Stone, W. J., Mo.
Bragg,	Glass,	Miller,	Storm,
Burnes,	Green,	Mills,	Tarsney,
Bynum,	Hammond,	Mitchell,	Taulbee,
Cabell,	Hatch,	Morgan,	Throckmorton,
Campbell, Felix	Hemphill,	Morrill,	Tillman,
Catchings,	Henderson, J. S.	Morrison,	Trigg,
Clardy,	Henley,	Muller,	Turner,
Clements,	Herbert,	Neece,	Van Eaton,
Cobb,	Hermann,	Oates,	Viele,
Cowles,	Holman,	O'Ferrall,	Ward, T. B.
Cox, W. R.	Johnston, T. D.	Peel,	Weaver, J. B.
Crisp,	Jones, J. H.	Perry,	Wheeler,
Croxton,	Jones, J. T.	Pidcock,	Wilkins,
Davidson, A. C.	Kleiner,	Reese,	Willis,
Dibble,	Laffoon,	Sadler,	Winans,
Dockery,	Lanham,	Sayers,	Wise,
Dunn,	Lore,	Scott,	Wolford.

NOT VOTING—73.

Aiken,	Cox, S. S.	Irion,	Sessions,
Anderson, C. M.	Dargan,	Johnson, F. A.	Singleton,
Anderson, J. A.	Davenport,	King,	Smalls,
Bacon,	Dawson,	Le Fevre,	Spriggs,
Ballentine,	Dingley,	Mahoney,	Stewart, Charles
Belmont,	Dougherty,	McAdoo,	St. Martin,
Bennett,	Ellsberry,	Milliken,	Symes,
Bingham,	Foran,	Norwood,	Taylor, E. B.
Bland,	Frederick,	O'Donnell,	Townshend,
Breckinridge, C. R.	Fuller,	O'Neill, J. J.	Tucker,
Breckinridge, W. C. P.	Funston,	Parker,	Wakefield,
Browne, T. M.	Gibson, C. H.	Perkins,	Wallace,
Brown, W. W.	Gibson, Eustace	Randall,	Ward, J. H.
Brumm,	Glover,	Ranney,	Warner, A. J.
Burleigh,	Hanback,	Reagan,	Wellborn,
Candler,	Harris,	Riggs,	West.
Caswell,	Heard,	Rogers,	
Collins,	Hiscock,	Romeis,	
Comstock,	Hutton,	Rusk,	

So the motion to postpone was agreed to.

During the roll-call,

On motion of Mr. BURROWS, by unanimous consent the reading of the names was dispensed with.

The following pairs were announced until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. BALLENTINE with Mr. JOHNSON, of New York.

Mr. MAHONEY with Mr. WAKEFIELD.

Mr. WARD, of Illinois, with Mr. NEGLEY.

Mr. GLOVER with Mr. WADE.

Mr. REAGAN with Mr. HISCOCK.

Mr. BACON with Mr. PARKER.

Mr. BLAND with Mr. DAVENPORT.

Mr. ROGERS with Mr. O'DONNELL.

Mr. BENNETT with Mr. PERKINS, until Saturday next.

Mr. TOWNSHEND with Mr. BRUMM, until Monday next.

Mr. CANDLER with Mr. HANBACK, for this day.

Mr. STEWART, of Texas, with Mr. FULLER, for this day.

Mr. COMSTOCK with Mr. DINGLEY, on this vote.

Mr. ELLSBERRY with Mr. EZRA B. TAYLOR, on this vote.

The vote was then announced as above recorded.

AMENDMENT OF RULES.

Mr. McCREARY, by unanimous consent, submitted the following amendment; which was referred to the Committee on Rules:

Amend clause 2 of Rule XXIII by striking out the words "whenever a Committee of the Whole House" and insert in lieu thereof the following words, namely:

"A quorum of a Committee of the Whole shall consist of one hundred members, and whenever said committee finds itself;" so it will read:

"A quorum of a Committee of the Whole shall consist of one hundred members; and whenever said committee finds itself without a quorum the chairman shall cause the roll to be called, and thereupon the committee shall rise and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear the committee shall thereupon resume its sitting without further order of the House."

CALL OF COMMITTEES.

Mr. SPRINGER. I demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

JACOB SURERENO AND WILLIAM H. BEHRENS.

Mr. LEHLBACH, from the Committee on Patents, reported back favorably the bill (H. R. 10041) for the relief of Jacob Surereno and William H. Behrens; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN B. WOLF.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9240) granting a pension to John B. Wolf;

which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HIRAM A. DARNELL.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back the bill (H. R. 268) for the relief of Hiram A. Darnell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID TEED.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back the bill (H. R. 5809) granting a pension to David Teed with an amendment correcting the name from Peed to Teed; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANNA WRIGHT.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported the bill (S. 2210) granting a pension to Anna Wright; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 7763) granting a pension to Belford E. Davis; which was laid on the table.

JOHN A. RANDALL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7576) granting a pension to John A. Randall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1405) granting a pension to Andrew M. Jordon;
A bill (H. R. 6800) for the relief of Elizabeth J. Ray;
A bill (H. R. 3396) granting a pension to Jacob R. Critten;
A bill (H. R. 7538) granting a pension to Catherine Hofferman;
A bill (H. R. 6127) granting a pension to Robert Ellington; and
A bill (H. R. 5614) for the relief of John D. Jones.

CAPT. FRANK BELL.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 10050) to increase the pension of Capt. Frank Bell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY A. PFEIFFER.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8251) granting a pension to Mary A. Pfeiffer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEGAL REPRESENTATIVES OF PETER LYLE.

On motion of Mr. SWOPE, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased; and the same was referred to the Committee on Claims.

EMANUEL MASON.

Mr. WARNER, of Missouri, from the Committee on Claims, reported a bill (H. R. 11037) for the relief of Emanuel Mason; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WINDSOR, AND SOUTH WINDSOR, CONN.

Mr. MCKENNA, from the Committee on Claims, reported back with amendment the bill (H. R. 10675) for the relief of the towns of Windsor and South Windsor, on account of damage done to Bissell's Ferry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HYLAND C. KIRK AND OTHERS.

Mr. SPRINGER. Mr. Speaker, a few days ago the Committee on Claims made a report upon the bill (S. 2560) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher. I desire now to submit the views of the minority of that committee, to be printed, and to accompany the report of the majority.

The SPEAKER. If there be no objection, the views of a minority of the Committee on Claims, submitted at this time by the gentleman from Illinois [Mr. SPRINGER], will be printed as requested.

There being no objection, it was ordered accordingly.

JAMES TRABUE AND OTHERS.

Mr. KLEINER, from the Committee on War Claims, reported back favorably the bill (S. 311) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REAL ESTATE TITLE INSURANCE COMPANY.

Mr. CAMPBELL, of Ohio, from the Committee on the District of Columbia, reported, as a substitute for the bill (H. R. 3690), a bill (H. R. 11038) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 3690) was, by unanimous consent, laid on the table.

MARY L. WILLIAMS.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8029) granting a pension to Mary L. Williams; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The SPEAKER. The call of committees is now concluded.

LEAVE TO PRINT.

Mr. THROCKMORTON, by unanimous consent, obtained leave to print in the RECORD remarks upon the bill (H. R. 7652) to reduce tariff taxes and to modify the taxes in relation to the collection of the revenue.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House now resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

PRIVATE LAND CLAIMS.

The first business on the Private Calendar was the bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico.

Mr. SPRINGER. I ask unanimous consent that this bill, together with the three bills next on the Calendar—H. R. 218, 3216, and 3235—be passed over informally.

There being no objection, it was ordered accordingly.

COLUMBIA BANK IN PENNSYLVANIA.

The next business on the Private Calendar was the bill (H. R. 2140) for the relief of the Columbia Bank in Pennsylvania.

Mr. SPRINGER. This bill has been reported from the Committee on War Claims adversely. I move that it be laid aside to be reported to the House with a recommendation that it lie on the table.

The motion was agreed to.

JAMES T. JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 1773) for the relief of James T. Johnston.

The bill and report were read.

Mr. SPRINGER. The gentleman who reported this bill, Mr. MARTIN, of Alabama, if present, I hope will give some further explanation than that embodied in the report. It does not seem very clear from the reading of the report that this party is entitled to an extension.

Mr. LEHLBACH. The gentleman who made the report is not present this morning.

Mr. SPRINGER. I am informed by a member of the Committee on Patents that Mr. MARTIN is not present. I therefore ask unanimous consent that this bill be laid aside informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

LIEUT. LOUIS F. ELLIS.

The next business on the Private Calendar was the joint resolution (H. Res. 60) granting a medal to Lieut. Louis F. Ellis for heroic conduct in joining the "forlorn-hope storming party" at Port Hudson, June 15, 1863.

Mr. SPRINGER. This, Mr. Chairman, is an adverse report, and I move that the joint resolution be laid aside with the recommendation that it do lie on the table.

The motion was agreed to.

MEDALS OF HONOR TO CERTAIN PENNSYLVANIA SOLDIERS.

The next business on the Private Calendar was the bill (H. R. 4235) directing the Secretary of the Treasury to prepare medals of honor to be bestowed upon certain Pennsylvania volunteer soldiers of the late war.

Mr. SOWDEN. I ask unanimous consent that this bill be laid aside informally, retaining its place on the Calendar.

Mr. CUTCHEON. This is also an adverse report.

Mr. SPRINGER. Yes; but the gentleman from Pennsylvania asks that it be passed over informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

CLAIMS OF CERTAIN STEAMSHIP COMPANIES.

The next business on the Private Calendar was the bill (H. R. 4583) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues.

Mr. BUCHANAN. This bill has been already read in Committee of the Whole, and inasmuch as the amount involved is very considerable and the principle embodied in the bill is of great importance, I will claim the attention of the committee for a short time while I lay before the committee the facts upon which the bill is predicated.

The CHAIRMAN. The gentleman from New Jersey will suspend until the bill is either read or its reading dispensed with by unanimous consent.

Mr. BUCHANAN. It has been read.

The CHAIRMAN. At a former session of the committee.

Mr. NELSON. I would like to have the bill read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to allow and pay, out of any moneys in the Treasury not otherwise appropriated, to the North German Lloyd Steamship Company of Bremen, the Hamburg American Packet Company of Hamburg, and the Norse American Line of Sweden, interest at the rate of 5 per cent. per annum on such moneys as have been exacted from such companies in contravention of treaty provisions, and heretofore refunded under the act of June 19, 1878; such interest to be computed from the date of the respective payments by such companies up to the time of refunding the same under the act aforesaid: *Provided, however*, That such interest shall be accepted by said companies, respectively, in full settlement of all claims on account of said moneys exacted from them in contravention of treaty provisions as above stated.

Mr. BUCHANAN. As I was saying, the amount covered by the bill is very considerable, and the principles involved are of importance. I therefore take the liberty of claiming the attention of the committee for a short time, while I lay before them the facts upon which the bill is predicated.

Allow me to say, in the first place, that this bill was before the Committee on Foreign Relations in the Forty-sixth Congress, and also before the same committee in the Forty-eighth Congress, and in each instance reported favorably. It comes here with a favorable report from the Committee on Claims after, as I believe, a full and exhaustive examination. It provides:

Be it enacted by the Senate and House of Representatives, That the Secretary of the Treasury is hereby authorized to allow and pay, out of any moneys in the Treasury not otherwise appropriated, to the North German Lloyd Steamship Company of Bremen, the Hamburg American Packet Company of Hamburg, and the Norse American line of Sweden, interest at the rate of 5 per centum per annum on such moneys as have been exacted from such companies in contravention of treaty provisions, and heretofore refunded under the act of June 19, 1878; such interest to be computed from the date of the respective payments by such companies up to the time of refunding the same under the act aforesaid: *Provided, however*, That such interest shall be accepted by said companies, respectively, in full settlement of all claims on account of said moneys exacted from them in contravention of treaty provisions as above stated.

For thirty years prior to July, 1862, no tonnage duties were levied by the United States Government upon vessels of foreign countries entering our ports. At that time the United States Government, being in sore need of funds, authorized the imposition of a tonnage act. When the act imposing such duties went into operation the Secretary of the Treasury did not first examine and ascertain what countries were exempt by treaty stipulations from the imposition of tonnage taxes upon their ships, but exacted it upon the tonnage of, I believe, all nations whose vessels entered our ports. It is true that the bill contained the following proviso:

Provided, That nothing in this act contained shall be deemed in any wise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels.

But, as I have said, no inquiry was made as to what tonnage was exempt, and it was levied upon all. Among the lines upon which it was levied were those named in this bill.

Under that imposition, Mr. Chairman, the North German Lloyd Steamship Company paid, at the ports of New York, Baltimore, and New Orleans, as a tonnage tax upon vessels of their lines entering these ports, the sum of $130,785; and the Hamburg-American Packet Company also paid the sum of $130,119, and the Swedish line a much smaller sum. Now the fact was that at the time of the imposition of this tonnage tax and its collection by our Government, by treaty stipulations with the countries owning these lines, that tonnage was exempt from taxation at our hands. But the money was collected by this Government and was turned into the Treasury. The matter thus continued for some time, until the countries in question called the attention of our Government to the fact that their shipping was exempt from the imposition of these duties, when this Government discontinued the collection of the tax.

June 19, 1878, Congress passed an act refunding this tax to these companies. During the consideration of that bill in the Senate, Mr. MORRILL, chairman of the Committee on Finance, addressed a letter to the Secretary of the Treasury, under date of April 8, 1878, submitting to him, among others, the following inquiry:

Again let me ask you whether, if nothing is said in the act as to the payment of interest, you would pay any?

To this the Secretary replied as follows, under date of April 15, 1878:

You further inquire whether if nothing be said in the act about payment of interest this Department would pay interest on the amounts originally exacted. I reply that the question whether interest should be paid on the original claims would depend on the obligations of the Government under the treaty stipulations referred to, as such stipulations are ordinarily construed by the law of nations.

I repeat the last phrase:

As such stipulations are ordinarily construed by the law of nations.

Thereupon the bill was passed. After the bill became a law the then Secretary of the Treasury referred the matter to the Attorney-General of the United States for his opinion: Whether, under the wording of the act, it was the duty of the Treasury Department under that act to allow the interest as well as the principal upon these claims.

To this inquiry the Attorney-General made this reply:

DEPARTMENT OF JUSTICE, *Washington, July* 19, 1878.

SIR: In addition to questions submitted relating to claims by citizens of the Hanseatic republics and subjects of Norway and Sweden for repayment of tonnage tax under the act of June 19, 1878, your letter of the 15th instant inquires whether by virtue of the stipulations of the treaties upon which the claims in question were based, claims for interest on the sums exacted as tonnage tax in contravention of treaty provisions from steamers of the Norse American Line and of the North German Lloyds Line should be paid by the United States, and if such claims for interest are valid and payable whether the Secretary of the Treasury is authorized under the provisions of the act of June 19, 1878, to refund interest on the amounts of tonnage tax so exacted by the United States in contravention of treaty stipulations of the steamers of the lines mentioned.

Provision for the payment of these claims is specific, namely, section 3012 of the Revised Statutes. The question whether interest is payable upon these claims is involved in the question whether such would be the usual course of administration under that section. I understand that interest is not payable, according to the ordinary course of administration, upon the refunding of duties by authority of that section which have been improperly collected. This seems to be a correct construction of the statute as a matter of law, and it being the only practical question involved in the letter, I respectfully reply that the Secretary of the Treasury is not authorized to refund interest in amounts of tonnage tax enacted by the United States in contravention of treaty stipulations.

Whether or not interest should be allowed as a matter of international justice and propriety upon these claims is not a question upon which it is necessary for me to express any opinion. If such claim exists, it must be made to Congress. The only inquiry I have to answer is purely a domestic one, namely, as to the administration of the law as it at present exists.

Very respectfully, your obedient servant,

CHAS. DEVENS, *Attorney-General.*

Hon. JOHN SHERMAN,
Secretary of the Treasury.

As a result of the opinion of the Attorney-General the Secretary of the Treasury declined under this act to allow interest upon these claims. The claims were presented to the Secretary of the Treasury, with interest added at 6 per cent., amounting, in the case of the North German Lloyd Company, to $80,737.50 to August 8, 1878, and the Hamburg Packet Company, to $75,069.27 to July 1, 1878; but as I have said, under the opinion of the Attorney-General, the Secretary of the Treasury refused to allow that portion which was for interest, and the companies accepted the principal, but accepted it under protest. That it was accepted under protest is evident from a letter of Hon. William M. Evarts, then Secretary of State, to Hon. John Sherman, then Secretary of the Treasury, under date of January 31, 1879, in which he says, referring to a communication of the German minister:

The protests referred to therein are already in the possession of the Treasury Department.

That these protests were filed there can be no question.

Thereupon the German minister addressed to Hon. William M. Evarts, Secretary of State, under date of January 5, 1879, a communication calling his attention to the facts that I have recited, and again communicating to him the claim of these steamship companies for interest, together with memoranda of the separate payments of the tax upon which such claims for interest arose, and requested that interest should be paid upon those claims. The Government officials, of course acting upon the interpretation by the Attorney-General, felt themselves without power to allow this claim for interest, and thereupon these companies appealed to Congress for relief, losing no time, but coming at once and presenting their claim, the matter being transmitted to this House by Hon. John Sherman, Secretary of the Treasury, under cover of February 8, 1879.

Mr. HOPKINS. Will the gentleman permit me to ask him a question?

Mr. BUCHANAN. I have my facts arranged in consecutive order and I will try to state them all. If after I am through I have left anything unexplained I will be only too happy to answer any interrogatory.

The result of the appeal to Congress was, as I have stated, in each instance a favorable report by the Committee on Foreign Affairs. The bill was again introduced into the present House, was examined by the Committee on Claims, as I have stated, and is reported here for examination and action by the Committee of the Whole.

In addition to what I have stated, I hold in my hands a copy of a letter addressed by the German minister to the Secretary of State, under the date of February 16, 1886, and which copy comes to me from the Department of State under cover of a communication of March 3, 1886, from that Department. This letter I ask the Clerk to read.

The Clerk read as follows:

[Translation.]

IMPERIAL GERMAN LEGATION,
Washington, February 16, 1886.

Mr. Secretary of State:

In obedience to instructions received from the Imperial Government, I have the honor most respectfully to ask your kind consideration in the following matter:

As you are probably aware, Mr. Secretary of State, from previous negotiations of my predecessor, Mr. Von Schlozer, with the Department of State of the United States, certain German navigation companies, namely: The North German Lloyd of Bremen, the Hamburg American Packet Stock Company, and the Adler Line, which has since been incorporated with the latter, have had refunded to them by a resolution of Congress, dated June 19, 1878, the sums of $130,785.64, $130,119.80, and $8,253.18, which sums had been collected from them as a so-called tonnage tax, in violation of the provisions of the law of December 31, 1862. The said collection was consequently illegal. This restitution, as may be seen by the proceedings of Congress at that time (Report 124, part 2, H. R. Forty-fifth Congress, second session), "refunding tonnage tax," was provided for, on the ground of the treaty concluded in the year 1827 between the United States and the Hanseatic republics, and of the most favored nation clause of said treaty, because Belgium, by her treaty with the United States concluded in 1858, had secured exemption from the tonnage tax for her steamers entering the ports of the United States.

This decision of Congress was adopted in pursuance of the unanimous opinion of the Attorney-General of the United States, of the Secretary of State, and of the Secretary of the Treasury, and the companies interested thought, when they received the moneys refunded to them, that they had a right to expect that interest thereon for the period of thirteen years would be paid them, as is usual in such cases, and as had repeatedly been asked for and obtained by the United States. They were, however, informed, in reply to their representations, that, in the opinion of the disbursing officers of the Treasury Department, the act of June 19, 1878, could, in strictness, be construed as providing for the payment of the principal only.

The Bremen and Hamburg companies thereupon received the payments under protest, declaring through their representatives that they could not forego the payment of the interest, as the tax had been collected on the basis of special instructions from the Secretary of the Treasury, who must have known that its collection was contrary to existing treaties.

Since that time the companies have repeatedly endeavored to obtain the aforesaid interest, without getting a settlement of their claims, although a report of the Committee on Foreign Affairs in the Forty-eighth Congress (Report of Mr. Eaton, H. R. No. 1568) had expressly declared in favor of the justice of the same, adducing in addition to numerous other precedents the presentation of the "Alabama claims," in which case the American side had insisted from the commencement upon the payment of interest.

The Imperial Government having fully informed itself of the situation of this case, I have been authorized and I have the honor, Mr. Secretary of State, to appeal to your kind mediation, so that the said affair may again be submitted to the consideration of the competent authorities.

Requesting you to kindly inform me of the results of your endeavors, I avail myself of this occasion to renew to you the assurances of my distinguished consideration.

H. v. ALVENSLEBEN.

Mr. BUCHANAN. I have also here a copy of a letter from the Treasury Department, of March 4, 1886, forwarded under cover of a communication of the following day from the Secretary of State; and I will ask the Clerk to read the letter.

The Clerk read as follows:

TREASURY DEPARTMENT, *March* 4, 1886.

The honorable the Secretary of State:

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant submitting for the consideration of this Department a translation of a note under date of the 16th ultimo, from the Minister of Germany at this capital, in relation to the claim of certain German steamship companies for the payment of interest on certain moneys which were exacted from said companies in contravention of treaty provisions, and heretofore refunded to them under the act of July 19, 1878.

You request the views of this Department as to the justice of the claims of the German steamship companies.

I have the honor to reply that the companies referred to in the note of the German Minister are, the North German Lloyd, the Hamburg American Packet Company, and the Eagle Line. The amounts paid to these several companies will be found tabulated in the Senate Executive Document No. 30, of the second session of the Forty-eighth Congress, a copy of which was transmitted to the Department of State in a communication from this Department of the 16th of January last, relating to claims for repayment of tonnage duties on French vessels.

I would say in this connection that a special claim for the refund of the tonnage tax paid on a steamship of the Lloyd line, with interest, was presented this Department in 1875, and was rejected solely on the ground of a lack of protest and appeal, and not on the ground that it was not a just claim. In January, 1873, these German steamships were declared exempt by order of this Department from payment of tonnage dues on account of the exaction of such dues being in contravention of treaty stipulations. The sheer inability of this Department to refund tonnage dues illegally exacted in the absence of a proper protest and appeal, led to the passage of the act of July 19, 1878. The justice of the claim to the original sum never was disputed or doubted by this Department. In a communication of the Secretary of the Treasury to the chairman of the Committee on Finance of the Senate under date of April 15, 1878, it was declared that the money (the tonnage exactions), of which refund is demanded, was taken in violation of law and in contravention of "treaty stipulations."

Congress admitted the justice of the original claims by the passage of the act of July 19, 1878. In the letter of this Department above referred to it was said, in response to the question whether interest could be paid on the original claims, that that would depend upon the obligations of this Government under its treaty stipulations with the Hanseatic towns, "as such stipulations are ordinarily construed by the law of nations." It is not for this Department to decide what usage may require in this class of cases; but it is known that this Government demanded interest in the settlement of the Alabama claims and has paid interest on claims of foreign governments when such claims had no basis in justice more clearly evident than those of these German companies. The original moneys were taken and have been long held from the original claimants, simply because the power of this Department to cut off interest was so restricted by the law requiring protest and appeal. The refusal to pay interest in cases of this character might be a detrimental precedent should claims of a similar character arise or be discovered where this Government might be claimant.

Respectfully yours,

C. S. FAIRCHILD,
Acting Secretary.

Mr. BUCHANAN. The committee will notice that in this communication from the Acting Secretary of the Treasury it is expressly stated (and in fact Congress had already adjudged that question by the passage of the refunding act alluded to) that this money was taken in direct contravention of treaty obligations; and he also calls attention to the fact that in similar cases the United States has required not only the refunding of the money but also the interest which had accrued; and he also calls attention to the fact that the refusal to pay interest in cases of this character might be a detrimental precedent for this country in cases arising hereafter. In addition to that I desire to call the attention of the committee to the language of the President of the United States in his last annual message transmitted to Congress. In that message he uses these words:

The claims for interest upon the amount of tonnage dues illegally exacted from certain German steamship lines were favorably reported in both Houses of Congress at the last session, and I trust will receive final and favorable action at an early day.

These claims referred to, and spoken of as having been favorably reported in both Houses at the last session, are the claims embraced in this bill.

It is a fact that before this message was transmitted there had been demands made by the German Government upon our Government for the payment of this interest, and the recommendation is strictly in the line of international comity.

These are the facts in the case as ascertained by your committee, to whom you delegated authority to investigate the matter, and I can best sum them up in the terse words of the gentleman who made the report from the Committee on Foreign Affairs in the Forty-eighth Congress. He says:

From the facts in the case it appears:

1. The United States, by the treaty of 1827 with the Hanseatic republics, engaged not to grant any particular favor to any other nation in respect of commerce and navigation that should not immediately become common to those republics.

2. That by the treaty of 1858 with Belgium the steamships of that country were exempt from payment of tonnage duties in ports of the United States.

3. That by operation of these treaties taken together, the steamships of the Hanseatic ports were also exempt so long as both treaties should remain in force.

4. That, notwithstanding such exemption by treaty and the proviso in the act of 1862 that "nothing in this act contained shall be deemed in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to duty on tonnage of vessels," nevertheless these provisions were totally disregarded by the United States officers, and large sums of money were exacted from companies thus exempt.

5. That such exactions were made in contravention of the treaty stipulations of the United States has been decided by the Attorney-General, by the Secretary of State, and the Secretary of the Treasury, and, lastly, determined by Congress by the act of June 19, 1878, under construction of which the precise sum exacted has been refunded, and no more (although claim was made as for interest), the United States having the uninterrupted use of such moneys for a period varying from three to fifteen years.

6. That such refund was taken under protest, with a distinct declaration on part of claimants that claims for interest would be urged before Congress.

Another fact should be taken into consideration in connection with this case. That is, that during all this time when our Government, in violation of these treaty obligations, was collecting a tonnage tax from the vessels of the German Government, Germany was allowing our vessels to enter her ports without the imposition of a tonnage tax.

Mr. MORROW. I would like to ask the gentleman what evidence he has that the German Government was not exacting a similar tax from our ships at that time? I do not find it in the report.

Mr. BUCHANAN. I did not embody all the evidence in the report. If I had done so, the document would have been too voluminous. That is not the practice. But I can assure the gentleman that the fact is as I have stated.

It has been said that the United States Government never pays interest because it is to be presumed that it is always ready to pay its debts. If any one will serve for a session of Congress upon the Committee on Claims he will be very likely to discover that in some instances at least, that is a very violent presumption. But, however that may be, the proposition does not apply here, because in this case a demand for a refund was made, and the Government of the United States did not comply with that demand, but utterly neglected to do so. Again, whatever may be the rule between the Government and its citizens, this is a case between this Government and the governments of other countries—because those governments have made the case their own. Now, what is the rule of international law upon this subject? I will detain the committee but a few moments while I read one or two authorities upon that point. In Wheaton on International Law, page 341, it is laid down that—

If a nation has taken possession of that which belongs to another [as we did], and if it refuses to pay a debt [as we did] to repair an injury or to give adequate satisfaction for it, the latter may seize something of the former and apply it to its advantage until it obtains payment of what is due, with interest and damages.

And the rule is laid down by Rutherford in these terms:

In estimating the damages which any one has sustained, if such things as he has a perfect right to are unjustly taken from him or withholden or intercepted, we are to consider not only the value of the thing itself, but the value likewise of the fruits or profits that might have arisen from it.

I have other citations which I will not detain the committee by

reading. This claim arises by reason of the operation of a treaty. Mr. Webster, in speaking of a certain treaty, says:

This compact between nations, this treaty, is to be construed and interpreted throughout its whole length and breadth, in its general provisions and in all its details, in every phrase, sentence, word, and syllable in it, by the settled rules of the law of nations.

And I here say that there can be no question that, according to the settled rules of the law of nations, the precedents are in favor of the allowance of interest on a claim like this. We have established precedents ourselves in this respect; and again I will quote from the report:

The practice of the United States in discharging obligations resulting from treaty stipulations has always been in accord with these well-established principles. It has exacted the payment of interest from other nations in all cases where the obligation to make payment resulted from treaty stipulations, and it has acknowledged that obligation in all cases where a like liability was imposed upon it.

The most important and leading cases which have occurred are those which arose between this country and Great Britain—the first under the treaty of 1794, and the other under the first article of the treaty of Ghent. In the latter case the United States claimed compensation for slaves and other property taken away from the country by the British forces at the close of the war in 1815. A difference arose between the two Governments, which was submitted to the arbitrament of the Emperor of Russia, who decided that "the United States of America are entitled to a just indemnification from Great Britain for all private property carried away by the British forces." A joint commission was appointed for the purpose of hearing the claims of individuals under this decision.

At an early stage of the proceedings the question arose as to whether interest was a part of that "just indemnification" which the decision of the Emperor of Russia contemplated. The British commissioner denied the obligation to pay interest. The American commissioner, Langdon Cheves, insisted upon its allowance, and, in the course of his argument upon this question, said:

"Indemnification means a reimbursement of a loss sustained. If the property taken away on the 17th of February, 1815, were returned now uninjured, it would not reimburse the loss sustained by the taking away and consequent detention; it would not be an indemnification. The claimant would still be unindemnified for the loss of the use of his property for ten years, which, considered as money, is nearly equivalent to the original value of the principal thing."

Again, he says:

"If interest be an incident usually attendant on the delay of payment of debts, damages are equally an incident attendant on the withholding an article of property."

In consequence of this disagreement, the commission was broken up; but the claims were subsequently compromised by the payment of $1,204,960, instead of $1,250,000, as claimed by Mr. Cheves; and of the sum paid by Great Britain, $418,000 was expressly for interest.

The propriety of this claim for interest was subsequently submitted to William Wirt, then Attorney-General, for his opinion. Mr. Wirt said:

"I am of the opinion that the just indemnification awarded by the emperor involves not merely the return of the value of the specific property, but a compensation also for the subsequent use and wrongful detention of it in the nature of damages. * * * I am of opinion that the interest, according to the usage of nations, is a necessary part of the just indemnification awarded by the Emperor of Russia." (Opinions Attorneys-General, vol. 2, p. 33.)

An earlier case, in which this principle of interest was involved, arose under the treaty of 1794 between the United States and Great Britain, in which there was a stipulation on the part of the British Government in relation to certain losses and damages sustained by American merchants and other citizens by reason of the illegal or irregular capture of their vessels or other property by British cruisers; and the seventh article provided in substance that "full and complete compensation for the same will be made by the British Government to said claimants."

A joint commission was instituted under this treaty, which sat in London, and by which these claims were adjudicated. Mr. Pinckney and Mr. Gore were commissioners on the part of the United States and Dr. Nicholl and Dr. Swabey on the part of Great Britain; and it is believed that in all instances this commission allowed interest as a part of the damage. In the case of "The Betsey," one of the cases which came before the board, Dr. Nicholl stated the rule of compensation as follows:

"To reimburse the claimants the original cost of their property, and all the expenses they have actually incurred, together with interest on the whole amount, would, I think, be a just and adequate compensation. This, I believe, is the measure of compensation usually made by all belligerent nations, and accepted by all neutral nations, for losses, costs, and damages occasioned by illegal capture." (*Vide* Wheaton's Life of Pinckney, page 198; also page 205; note, page 371.)

By reference to the American State Papers (Foreign Relations, volume 2, pages 119, 120) it will be seen by a report of the Secretary of State of the 16th of February, 1798, laid before the House of Representatives, that interest was awarded and paid on such of these claims as had been submitted to the award of Sir William Scott and Sir John Nicholl, as it was in all cases by the board of commissioners. In consequence of some difference of opinion between the members of this commission, their proceedings were suspended until 1802, when a convention was concluded between the two Governments, and the commission reassembled, and then a question arose as to the allowance of interest on the claims during the suspension. This the American commissioners claimed, and though it was at first resisted by the British commissioners, yet it was finally yielded, and interest was allowed and paid. (See Mr. King's three letters to the Secretary of State, of 25th March, 1803, 23d April, 1803, and 30th April, 1803, American State Papers, Foreign Relations, volume 2, pages 387, 388.)

Another case in which this principle was involved arose under the treaty of the 27th October, 1795, with Spain, by the twenty-first article of which, "in order to terminate all differences on account of the losses sustained by citizens of the United States in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners, to be appointed in the following manner," &c. The commissioners were to be chosen, one by the United States, one by Spain, and the two were to choose a third, and the award of the commissioners, or any two of them, was to be final, and the Spanish Government to pay the amount in specie.

This commission awarded interest as part of the damages. (See American State Papers, volume 2, Foreign Relations, page 283.)

So, in the case of claims of American citizens against Brazil, settled by Mr. Tudor, United States minister, interest was claimed and allowed. (See House Executive Document No. 32, first session Twenty-fifth Congress, page 249.)

Again, in the convention with Mexico of the 11th of April, 1839, by which provision was made by Mexico for the payment of claims of American citizens for injuries to persons and property by the Mexican authorities, a mixed commission was provided for, and this commission allowed interest in all cases. (House Executive Document No. 291, Twenty-seventh Congress, second session.)

So, also, under the treaty with Mexico of February 2, 1848, the board of commissioners for the adjustment of claims under that treaty allowed interest in all cases from the origin of the claim until the day when the commission expired.

So, also, under the convention with Colombia, concluded February 10, 1864, the commission for the adjudication of claims under that treaty allowed interest in all cases as a part of the indemnity.

So, under the recent convention with Venezuela, the United States exacted interest upon the awards of the commission, from the date of the adjournment of the commission until the payment of the awards.

The recent mixed American and Mexican commission allowed interest in all cases from the origin of the claim, and the awards were paid with interest.

The distinguished tribunal at Geneva, under the treaty of Washington, allowed interest on the claims of the United States against Great Britain as being "just and reasonable."

In discussing the measure for determining damages to be awarded against Great Britain by the tribunal at Geneva, the eminent counsel of the United States, Mr. EVARTS, Mr. Cushing, and Mr. Waite, contended as follows:

"The counsel assume that interest will be awarded by the tribunal as an element of the damage. We conceive this to be conformable to public law and to be required by paramount considerations of equity and justice."

The counsel thereupon cited the then recent decision by Sir Edward Thornton, the British minister at Washington, as umpire of a claim on part of the United States against Brazil, which held that the claimants were entitled to interest by the same right that entitled them to reparation—the interest allowed being $45,077, nearly half the total award of $100,740. The counsel for the United States further relied upon the awards under the treaty of Ghent and the Jay treaty, herein elsewhere referred to, as marked precedents for the allowance of interest.

The counsel on behalf of Great Britain, while objecting to the principle urged by the United States as not being applicable to unliquidated claims, nevertheless admitted its reason or justice as to liquidated or ascertained claims in the following words:

"Interest, in the proper sense of that word, can only be allowed where there is a principal debt of liquidated and ascertained amount detained and withheld by the debtor from the creditor after the time when it was absolutely due and ought to have been paid, the fault of the delay in payment resting with the debtor, or where the debtor has wrongfully taken possession of and exercised dominion over the property of a creditor. In the former case, from the time when the debt ought to have been paid, the debtor has had the use of the creditor's money and may justly be presumed to have employed it for his own profit and advantage. He has thus made a gain corresponding with the loss which the creditor has sustained by being deprived, during the same period of time, of the use of his money, and it is evidently just that he should account to the creditor for the interest, which the law takes as the measure of this reciprocal gain and loss. In the latter case, the principal is exactly the same; it is ordinarily to be presumed that the person who has wrongfully taken possession of the property of another has enjoyed the fruits of it; and if instead of this he has destroyed it, or kept it unproductive, it is still just to hold him responsible for interest on its value, because his own acts, after the time when he assumed control over it, are the causes why it has remained unfruitful. In all these cases it is the actual or virtual possession of the money or property belonging to another which is the foundation of the liability of interest. The person liable is either *lucratus* by the detention of what is not his own, or is justly accountable as if it were so."

And in pursuance of the principles thus asserted, the exalted tribunal at Geneva allowed interest on the demands of the United States against Great Britain, in the following words:

"And whereas it is just and reasonable to allow interest at a reasonable rate." (See decision and award of the arbitrators.)

In Judge Hale's report of November, 1873, to the Secretary of State, of claims before the American British mixed commission under article 12 of the treaty of 8th of May, 1871, he says:

"The commission ordinarily allowed interest at the rate of 6 per cent. per annum from the date of the injury to the anticipated date of the final award." (Executive Document, part 1, first session Forty-third Congress. Part 2, Foreign Affairs, p. 21.)

It can hardly be necessary to pursue these precedents further. They sufficiently and clearly show the practice of the Government of the United States with foreign nations or with claimants under treaties.

Nor has the recovery of interest as against foreign powers depended upon arbitration or joint commissions for recognition of the principle. Such claims for interest have been directly and successfully urged by the diplomatic representatives of the United States as a matter of right under principles of established international law.

The cases are innumerable where claims have been enforced in behalf of citizens of the United States against foreign governments, with interest, and where, too, the damages were unliquidated, and rested even in *tort*. These cases may be found stated at length in Senate Executive Document No. 18, second session Thirty-fifth Congress. But confining ourselves rigidly to precedents established by the Government of the United States, like case now presented, we find numerous instances.

The United States presented a claim against Portugal for loss by seizure in 1829, at Lisbon, of specie belonging to James Hall and J. Shepherd, citizens of the former government, which was being shipped contrary to law. Restitution was subsequently made, $17,741.98 being allowed to the United States, of which sum $7,652.98 was expressly allowed as interest.

Claims asserted against Mexico in behalf of Jonas P. Levy for illegal duties exacted in 1843-'46, where $3,675 was recovered, including interest. Case of William B. Hatch for overcharge of tonnage duties, where $277.65 was recovered, with interest.

The case against Brazil of William W. Harper, administrator, for fine paid custom-house at Maranham, interest, &c., where $1,130.40 was recovered. The case of John Devereux, for anchorage and tonnage dues unlawfully imposed on the bark Globe, where, including interest, $196.99 was recovered.

The case of Foster & Elliott, for fine exacted on ship Louisiana, at Rio, in January, 1835, where $577.94 was recovered, including interest. The case of Francis A. Gray, for illegal exaction of fine at Rio in same year, where $1,453.94 was recovered, including interest. The case of Hyman Gratz, president of Pennsylvania Insurance Company, for interest (only) on customs duty illegally exacted and previously refunded by Brazilian Government, $506.65 was allowed and recovered.

The United States claimed certain indemnity from the Government of Brazil in the matter of the brig Caroline, which was paid. Subsequently, on review by this Government, the conclusion was reached that the money had been unjustly demanded and received, and in a letter of Secretary Fish to Señor de Barros, of the Brazilian legation, dated Department of State, June 26, 1874, he says:

"I now have the honor to inform you that the President, after a careful examination of the case, has come to the conclusion that the Government of Brazil is not justly responsible for the damages in this case. It is understood that the Government of His Majesty the Emperor of Brazil is of the same opinion respecting it. Under these circumstances the President regards it as the duty of the United States to repay to Brazil the amount thus received by their minister at Rio, with interest thereon at 6 per cent. per annum. * * * "

Here the sum of $96,405.73 was accordingly paid, covering the amount orig-

inally exacted with 6 per cent. interest thereon, as being a just reparation for moneys wrongfully exacted from a foreign power. (See Foreign Relations United States, second session Forty-third Congress, No. 63, page 95.)

It will thus be seen that no principle is now urged that has not hitherto been repeatedly and successfully enforced by the United States in behalf of its own citizens against foreign Governments.

As to legislative precedents for the payment of interest between this Government and its subjects, I will say in passing I have here a list of one hundred and fifty-two acts of Congress, commencing in 1789, by which such claims have been allowed.

In dealing with this matter we must remember that we are setting a precedent which will be applied in the future to ourselves and our claims against other nations. If we refuse to pay this claim we establish a precedent which in the complications liable in the future to come to all nations may return to plague us.

To sum up what I have to say on this case I again use the words of the report:

The obligations of the United States, construed as they must be in this instance by rules and precedents of an international character, are not and can not be properly discharged without the payment of interest on these claims. This Government must and should uncomplainingly submit to the administration of such rules of international law as it has aided to establish for the determination of rights between itself and other powers. It could not now with propriety and for the purpose of a temporary and pecuniary gain ask other nations to change a rule to which it has long and consistently adhered and by which its citizens have hitherto been repeatedly benefited. As we have said before, the question is one of the highest national importance, as it involves a consideration of national honor, and its determination will sanction a principle to which the United States will henceforth stand committed in the enforcement of its own demands against foreign powers.

Now, if any gentleman wishes to propound any inquiry I will gladly afford any information which I have not already given and which it is in my power to afford. If not, I will ask that the Committee of the Whole adopt the amendment, which I ask the Clerk now to read.

The Clerk read as follows:

In line 4, after the word "pay," insert "to the German minister duly accredited to this Government;" and in line 5, after the word "appropriated," insert "to be by him paid;" so as to read:

"That the Secretary of the Treasury is hereby authorized to allow and pay to the German minister duly accredited to this Government, out of any moneys in the Treasury not otherwise appropriated, to be by him paid to the North German Lloyd Steamship Company," &c.

Mr. BUCHANAN. The sole effect of this amendment is to make these moneys payable by the United States to the German minister. This becomes necessary inasmuch as the German Government has taken this matter in hand.

Mr. WARNER, of Missouri. The object is to enable that Government to make just distribution of the fund.

Mr. BUCHANAN. It is to be paid to the German minister, to be by him applied in discharge of these claims; and the bill provides that this money shall be accepted in satisfaction of all claims under these treaties. Unless some gentleman desires further information, I move the adoption of the amendment.

Mr. WARNER, of Ohio. I desire to make an inquiry. At the time of the payment of the principal some years ago was there not embraced in the receipt a provision similar to that now embraced in this bill that the payment should be in full of all claims?

Mr. BUCHANAN. On the contrary, according to the information of the committee—and there can be no dispute about the fact—that payment was accepted under protest.

Mr. WARNER, of Ohio. One other question. From the gentleman's remarks (to which I listened attentively, though sitting at a distance from him) I did not learn when these dues were collected from these steamship companies—in what year?

Mr. BUCHANAN. Beginning in 1862 and ending in 1875—possibly a little later.

Mr. WARNER, of Ohio. These payments were assumed by our Government to be due under the law at the time they were collected, were they not?

Mr. BUCHANAN. I have already stated that the law which directed the imposition of these tonnage duties provided expressly that such imposition should not be in violation of treaty obligations. The dues were levied under that law, whereas it was afterward discovered that they were in violation of treaty obligations.

Mr. WARNER, of Ohio. Will the gentleman state what adjudication there has been under the law or under the treaty?

Mr. BUCHANAN. Congress, by the refunding act of 1878, passed upon the question and directed the Secretary of the Treasury to refund that amount which he found to have been collected in violation of treaty obligations. Under that act he refunded the principal.

Mr. WARNER, of Ohio. And now this is for the interest. How much does this amount to?

Mr. BUCHANAN. Something over $200,000.

Mr. WARNER, of Ohio. At what rate of interest?

Mr. BUCHANAN. Five per cent. And we must remember that these duties were paid in gold at a time when there was a high premium upon gold; and when they were repaid there was no premium on gold.

Mr. WARNER, of Ohio. That has nothing to do with the question. Gold was gold.

Mr. BUCHANAN. I know it was; and very hard to get.

Mr. WARNER, of Ohio. That does not enter into the question at all. I was about to ask the gentleman further why 5 per cent. is taken as the rate of interest rather than 4 per cent. or any other rate? What particular reason is there for adopting 5 per cent.?

Mr. GUENTHER. Is not the rate our Government always insists upon from other governments 5 per cent.?

Mr. BUCHANAN. Gentlemen ask why 5 per cent. instead of 4? It is taken instead of the usual rate of 6.

A MEMBER. The usual rate between nations is 6, is it not?

Mr. GUENTHER. No; it is 5.

Mr. BLANCHARD. What was the amount of the principal originally returned to these people?

Mr. BUCHANAN. From one steamship a little over $16,000, from another steamship a little over $17,000, and from another steamship a little over $18,000. I can not give the aggregate amount. One line aggregates $130,800; another line, $130,119. I can not give the exact figures, but am nearly accurate.

Mr. BLANCHARD. This bill carries $200,000, about?

Mr. BUCHANAN. This bill carries nothing. It provides simply that the Secretary of the Treasury shall ascertain when these payments were made and compute the interest upon them and return it.

Mr. WARNER, of Ohio. Allow me to ask you how the interest is computed?

Mr. BUCHANAN. At the rate of 5 per cent.

Mr. WARNER, of Ohio. Five per cent. from date, compounded?

Mr. BUCHANAN. I believe it is neither the rule of nations nor of individuals to compound. No compounding is provided for.

Mr. WARNER, of Ohio. I do not know what the rule is.

Mr. BUCHANAN. No; but it has to be done under the Secretary of the Treasury, in whom, perhaps, the gentleman has more faith than he has in the Committee.

Mr. WARNER, of Ohio. I would have more if I knew what the rule is. It is simple interest, I presume.

Mr. BUCHANAN. It is left to the Secretary of the Treasury to compute interest, and the committee had faith enough in him to believe he would compute the interest properly. He certainly will not compound it.

Mr. WARNER, of Ohio. Without prescribing any rules to him?

Mr. BUCHANAN. Certainly not. He knows how to compute.

Mr. RICE. I wish to ask the gentleman from New Jersey this question, whether this is not interest on money that was paid contrary to treaty by these steamship companies during the war, when interest was at a higher rate than 5 per cent., and when the Government had to pay more than 5?

Mr. NELSON. It paid 6.

Mr. BUCHANAN. Yes; the Government paid more than 5 per cent.

Mr. RICE. So the interest is to cover years back, and not for the present?

Mr. BUCHANAN. As I have already stated, this began in 1862.

Mr. WARNER, of Missouri. Let me inquire whether it is not a fact that in considering the matter in committee we took what was less than the average interest prevailing at the time?

Mr. BUCHANAN. We did. We erred, if we erred at all, in favor of the United States.

Mr. McMILLIN. Allow me to ask a question.

Mr. BUCHANAN. With pleasure.

Mr. McMILLIN. If I understand this bill correctly, it provides for interest, and for interest only?

Mr. BUCHANAN. It does.

Mr. McMILLIN. The principal has been already paid?

Mr. BUCHANAN. It has.

Mr. McMILLIN. Now there was property taken from citizens of the United States for the support of the Army, loyal citizens, from the years 1861 to 1864, and I will ask my friend to state whether it has not been the policy of the Government from the first to the last in all those claims up the present time not to allow any interest?

Mr. BUCHANAN. The confusion in the Hall is so great I am unable to hear the gentleman.

Mr. McMILLIN. We have been paying claims since the early part of the war, what are known as quartermaster or Fourth of July claims, and we have paid thousands and tens of thousands of them. Now, is it not a fact that the Government has not in a single instance paid a dollar of interest on any one of the those claims?

Mr. BUCHANAN. I did not say anything in regard to them. This is not a question between the Government and its own citizens, but a question between this Government and other governments, and we are following the precedents we have established. We do not desire to establish any new precedents which will return hereafter to plague us.

Mr. McMILLIN. I will state that the Government has not allowed a dollar of interest to any one of its own citizens upon the claims I have mentioned. I was on the Committee on Claims for two years, and we had thousands of claims before us, and interest was not allowed on a single one of those claims. I undertake to say there is not an allowance of interest on any such claim now upon the Private Calendar.

Even when such claims have been due for years, even in cases of ar-

rears of pension, amounts that the Government admits it has owed the citizen for years, no interest has ever been paid; and I want to know from the gentleman upon what principle he bases an obligation of this character and makes it higher and more binding than that of the Government to its own citizens?

Mr. BUCHANAN. I have already stated twice, in tones the gentleman from Tennessee could not have failed to hear, the reason, and if he can not understand it it is beyond my power to make him understand it. I place it, sir, upon the principle that by the rules of international law we are bound to pay this interest to the citizens of those other Governments.

I also desire to say—although the gentleman lengthened his question into a quite an extended statement—one thing else. I am bound to say that precedent after precedent can be cited in which we have claimed interest from foreign governments, and notably in the case of the Alabama claims, which I cite as an instance in which we have claimed interest. I refer also to the other cases I have already cited.

And in further response to what the gentleman has stated, I have here in my hand, as I have already said, a list of one hundred and fifty-two acts of the Congress of the United States in which interest has been allowed, the most of it to our own citizens.

Mr. McMILLIN. While upon that subject I will ask the gentleman to state whether the Chinese indemnity fund, when paid, was paid with one dollar of interest upon the fund for all the years it was held in our possession?

Mr. BUCHANAN. My acquaintance with the Chinese is not so extensive as that of the gentleman from Tennessee, and I do not know.

Mr. McMILLIN. I inferred from the confidence with which the gentleman was speaking that he knew all about all matters pertaining to our relations with foreign governments.

Mr. BUCHANAN. I have some knowledge, so far as the questions in relation to this tonnage tax upon these steamship companies is concerned; but I do not profess any intimate knowledge of all the affairs of all nations.

Mr. McMILLIN. All I want to get at is what has been the custom of the Government relative to the payment of interest on claims of our own people.

Mr. BUCHANAN. I stated that in my opening remarks on this bill.

Mr. WARNER, of Missouri. Let me ask the gentleman from Tennessee a question. The gentleman talks about the Chinese indemnity fund. Did we not appropriate a part of the interest accruing upon that fund for the payment of the claims of American citizens against the Chinese Government?

Mr. McMILLIN. I have no knowledge of any such payment.

Mr. WARNER, of Missouri. Well, it is so stated in the digest of international law, which you have on your desk, if you choose to examine it.

Mr. McMILLIN. We took a part of the principal of the indemnity fund and paid it to our citizens.

Mr. WARNER, of Missouri. No, sir; we took a part of the interest, as the gentleman will find if he chooses to examine the matter.

Mr. McMILLIN. But another question. I wish to ask the gentleman from New Jersey to state whether, when we returned to Japan the money improperly held by us belonging to that Government, we paid them a cent of interest?

Mr. BUCHANAN. If we did not pay interest upon it, and I believe we did not, we stand disgraced in the eyes of the world for such failure. I wish to call the attention of the gentleman from Tennessee to the fact that in one instance, at least, his knowledge is at fault, and I ask his attention to this. I have in my hand a reference to two acts of Congress, one of July 8, 1870, which directed the Secretary of the Treasury to make proper payment to carry into effect the decree of the district court of the United States for the district of Louisiana, bearing date 4th of June, 1867, in the case of the British brig Volant and her cargo, in which payments were made with interest to each person who had a claim for any part of the value; and another, act of 1870, where, in the case of another British brig, the Dashing Wave, we paid interest upon the amount. To these cases I respectfully ask the attention of the gentleman from Tennessee.

Mr. McMILLIN. That was simply the interest upon a judgment obligation. The payment of interest upon a judgment decree is admitted.

Mr. BUCHANAN. But it has been admitted by a higher tribunal—that is to say, by the Congress of the United States, composed of the Senate, the House of Representatives, and the President—that this money was illegally and improperly exacted from these steamship companies, and this adjudication by a solemn act of Congress is as binding upon the Government as any decree of any of our courts can be.

Mr. McMILLIN. Will the gentleman allow me another question? We have there pending a bill that was fixed for consideration this morning, but was set aside by consent and made a special order for to-morrow—what is called the "Fourth of July claims." Now in that bill——

Mr. BUCHANAN. Oh! I understand what point the gentleman wants to make.

Mr. McMILLIN. Let me come to the point. That embraces——

Mr. BUCHANAN. I understand what you mean. That case is not parallel at all. This is a question of international obligation and rests upon a very different principle——

Mr. McMILLIN. The gentleman is not going to escape in any such manner as that. What I want to know is this——

Mr. BUCHANAN. I did not understand the gentleman's remark because of the confusion in the Hall.

Mr. McMILLIN. I say the gentleman is not going to escape in any such manner as that. I want to ask him a distinct question.

Mr. BUCHANAN. As far as that is concerned, I could have escaped the question by not yielding the floor.

Mr. McMILLIN. Oh, very well; escape if you please. If you feel like it make your escape whenever you like, and I will take the floor in my own right.

Mr. BUCHANAN. I yield to the gentleman from Tennessee. I have no desire to escape anything.

Mr. McMILLIN. The gentleman yielded so grudgingly——

Mr. BUCHANAN. Oh, no; I beg the gentleman's pardon. I always yield willingly to him.

Mr. McMILLIN. What I want to know is this: There are claims in that bill to the number of three hundred due to American citizens—and I love no citizens better—for twenty years and more. Will the gentleman from New Jersey move an amendment to pay interest on all those claims of citizens for property taken for the use of the Army during the war?

Mr. BUCHANAN. I think I have already convinced every member of the committee except the gentleman from Tennessee that this is not a parallel case, and with reference to the question he now asks me, I will say, "Sufficient unto the day is the evil thereof."

Mr. McMILLIN. You decline, then, to answer?

Mr. BUCHANAN. I have answered. Will you move such an amendment?

Mr. McMILLIN. The policy of the Government from the beginning has been to pay no citizens interest on their claims.

Mr. BUCHANAN. That may have been the policy of the Government sometimes as to its own citizens, but not as to other governments.

Mr. McMILLIN. I hold the Government of the United States owes no man on earth a higher obligation than it owes to its own citizens.

Mr. WARNER, of Missouri. And especially those who fought to preserve the Government.

Mr. BUCHANAN. I decline to yield further.

The CHAIRMAN. The gentleman from New Jersey declines to yield. He is entitled to the floor.

Mr. BUCHANAN. I ask for a vote.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from New Jersey [Mr. BUCHANAN].

The amendment was again read.

The CHAIRMAN. The gentleman from New Jersey has five minutes of his time remaining.

Mr. OATES. I confess, Mr. Chairman, I have not been able to obtain a sufficient amount of information to satisfy me how I ought to vote on this bill. I do not know whether, in this case, the steamship companies did as men generally do in their business—account the tonnage dues which they had to pay as a part of their expense, and tax it upon the goods which they exported—or not. If so, then it is like a good many other claims which have been before this House—like, for instance, the claim of a merchant to cotton tax illegally collected from him. In fact, the merchant did not pay it, but the man who produced the cotton paid it.

Now that may be the case here—that the tonnage dues which the steamships had to pay were considered a part of their expenses, and taxed as against the freight which they transported; and in that event in fact the consumer paid it, and not the steamship company. In the absence of information sufficient to satisfy me, and with the knowledge that the gentleman from New York [Mr. COX], who is unfortunately absent on account of sickness, understands thoroughly this bill and this claim, and has expressed a great desire to be present when it was considered, I move, if it is in order, the postponement of the further consideration of this bill until this day two weeks.

Mr. McMILLIN. Move that the bill be laid aside to be reported with the recommendation that its consideration be postponed for two weeks.

Mr. ADAMS, of New York. Unless the gentleman from Alabama has information from the gentleman from New York [Mr. COX] that he wishes to be heard I do not think that is a proper motion.

Mr. OATES. I have had that information indirectly.

Mr. ADAMS, of New York. I have had it neither directly nor indirectly.

Mr. WEAVER, of Iowa. I know that the gentleman from New York has expressed a desire to speak on this bill.

Mr. SPRINGER. The gentleman from New York stated to me that he desired to speak on this bill when it came up.

Mr. ADAMS, of New York. When was that?

Mr. SPRINGER. It was when the bill was reached in committee on a former occasion, I think two weeks ago.

Mr. McMILLIN. It was reached about the close of the day, if my memory serves me.

Mr. OATES. There is another advantage of postponing the consideration. It will afford gentlemen who desire to get at the real facts and merits of the case an opportunity to investigate it.

Mr. WARNER, of Ohio. I hope that will be done. While upon an *ex parte* statement it would seem that this claim had basis for its allowance, that it was proper to make this payment under the rulings and under the comity that exists between nations, yet there seems to be another side to the question; and until the gentleman from New York, who has been referred to and whom I have heard speak of it, shall be present to present the other side, if there be another side, I think the bill had better be postponed.

Mr. MORROW. I desire to offer an amendment.

Mr. OATES. I think it would be well for all gentlemen who have amendments to offer to offer them now and let them be pending.

The CHAIRMAN. Did the Chair understand the gentleman from Alabama to submit a motion to postpone?

Mr. OATES. Yes, sir. I submitted a motion to postpone the consideration of the bill till this day two weeks.

Mr. BUCHANAN. Is that motion debatable?

The CHAIRMAN. The Clerk will report the amendment sent up by the gentleman from California [Mr. MORROW].

The Clerk read as follows:

Add the following proviso to the bill:

Provided further, That the interest therein provided for shall not be paid until satisfactory evidence shall be presented to the Secretary of the Treasury that the country to which the vessels of the companies herein named belonged did not, during the period for which payments were made on which interest is claimed under this act by its laws, enforce tonnage, anchorage, or light-house dues, or equivalent charges on vessels of the United States.

Mr. MORROW. If it is in order I would like to say a word upon that amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. OATES] asks unanimous consent that this bill be postponed until two weeks from to-day.

Mr. BUCHANAN. I object.

Mr. OATES. Then, Mr. Chairman, I move that the bill be reported back to the House with the recommendation that its further consideration be postponed for two weeks.

The question was taken on the motion of Mr. OATES, and there were—ayes 62, noes 71.

Mr. OATES. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint the gentleman from Alabama [Mr. OATES] and the gentleman from New Jersey [Mr. BUCHANAN] to act as tellers.

The House again divided; and the tellers reported—ayes 61, noes 103.

So the motion was not agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from New Jersey [Mr. BUCHANAN].

The question was taken; and the Chair declared that the yeas seemed to have it.

Mr. BUCHANAN. Would it be in order, Mr. Chairman, to withdraw that amendment? I do not care whether it passes or not. It was simply designed to guard the interests of the Government a little better; that is all.

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] asks unanimous consent to withdraw his amendment.

Mr. STORM. I object.

The question was taken, and the amendment was agreed to—ayes 63, noes 17.

The CHAIRMAN. The question now is on the amendment of the gentleman from California [Mr. MORROW], which will be again read.

The amendment was read, as follows:

Add to the bill the following:

"*Provided further*, That the interest herein provided for shall not be paid until satisfactory evidence shall be presented to the Secretary of the Treasury that the countries to which the companies herein named belong did not, during the period for which payments were made on which interest is claimed under this act, by their laws enforce tonnage, anchorage, or light-house dues, or equivalent charges, on vessels of the United States."

Mr. BUCHANAN. I accept that.

The amendment was agreed to.

Mr. BUCHANAN. I move that the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

Mr. SPRINGER. Mr. Chairman, I think there is some misapprehension with regard to these claims, and I desire to explain again very briefly the basis of them. It is simply this: During the war our Government exacted duties from the steamship companies as tonnage dues which afterward were found to have been exacted contrary to existing treaty stipulations. The exaction was made in the ordinary course of business, and our course toward the steamship companies was in good faith and without any desire to oppress or harass the vessels or their owners. When it was discovered, upon careful examination, that those exactions had been illegally made Congress passed a law authorizing the Secretary of the Treasury to refund the duties which had been thus illegally collected, and the Secretary of the Treasury did refund them. This was done four or five years ago. The steamship companies presented bills not only for the dues they had paid, but also for interest thereon from the time of the payment of the dues up to the time of the proposed payment by our Government of the principal. That is, the Government of the United States paid the principal in full at that time, but declined to pay the interest which had accrued.

Mr. MCMILLIN. Will the gentleman inform us upon what principle interest was demanded? How is it that the whole claim was not settled then?

Mr. SPRINGER. It was settled. The law passed at that time authorized the Secretary of the Treasury to refund the duties thus collected but not to pay interest. Nothing was said about interest; the law simply authorized the Secretary to ascertain and refund the amount of the dues illegally collected——

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. SPRINGER] that this discussion is by unanimous consent.

Mr. SPRINGER. I think not.

The CHAIRMAN. The Chair was putting the motion. [Cries of "Vote!" "Vote!"]

Mr. HAMMOND. Will the gentleman from Illinois permit a question?

Mr. SPRINGER. Yes, sir.

Mr. HAMMOND. Is it not a universal rule that the Government does not pay interest on such claims?

Mr. SPRINGER. The Government has not paid interest in many cases to which I could refer, and the reason there was no interest paid in this case was that Congress took the whole subject into consideration and passed an act authorizing the Secretary to refund the duties illegally collected, but saying nothing about interest. Those duties were refunded to the full extent of the illegal exactions made, and the claim is now, and this bill is solely, for interest which the steamship companies think the Government of the United States should pay upon those dues from the time they were collected until the time of their return.

Mr. MCMILLIN. The gentleman from Illinois is the chairman of the Committee on Claims. *I venture to ask him whether it is not the* settled policy of that committee in dealing with all American citizens who have claims against the Government, even if they have been due twenty-five, thirty, or fifty years, not to allow interest?

Mr. SPRINGER. It has been the custom of that committee, so far as I know, to refuse to allow interest upon all claims due by the United States to our own citizens.

Mr. GALLINGER. But has not that committee reported to this House some bills recommending the payment of interest?

Mr. SPRINGER. It is possible that has been done in some cases.

Mr. HOLMAN. The gentleman will allow me to make a suggestion. We have a statute making permanent appropriation for the refund by the Treasury Department of certain duties paid irregularly or improperly. That is a permanent statute making a continuous and indefinite appropriation. Now, I wish to ask my friend whether he knows of any instance in which the Government in that class of cases has ever paid any interest out of that fund.

Mr. SPRINGER. I do not know of any case where the Government has paid interest upon the amount of duties refunded under that law.

Mr. BUCHANAN. We exacted interest from Brazil.

Mr. SPRINGER. I ask the Committee of the Whole to indulge me a moment longer.

The course of our Government toward Japan has been referred to. I was a member of the Committee on Foreign Affairs when that question was investigated and reported upon; and I was one of those who at that time were willing to allow interest; but Congress decided not to do so. During the late war, the Government of the United States, in conjunction with three or four other governments, exacted from the Government of Japan at the cannon's mouth a large sum of money, amounting to $3,000,000, to be paid in silver. That Government paid the money under protest. The amount coming to the Government of the United States, $750,000 in silver, was shipped to this country and turned over to the Secretary of State. That money, silver being then at the premium over gold, was invested by the Secretary of State in 6 per cent. United States bonds. Those bonds were put in the Treasury, and the money received from time to time upon the coupons was invested in other bonds; so that at the time Congress passed the bill to adjust that case the interest which had accumulated amounted alone to over $1,300,000. But the law passed by Congress provided for returning to the Government of Japan only the principal, while the interest was covered into the Treasury of the United States.

Mr. BUCHANAN. You do not justify that, do you?

Mr. SPRINGER. I merely state this as a pertinent fact in connection with the case now before us.

Mr. STEELE. I desire to inquire whether the President or any other officer of the executive department has recommended the payment of this interest?

Mr. BUCHANAN. Let me answer that question. I have already stated in my remarks of to-day that the President in his last annual message recommended this payment; and I read an extract from that message.

Mr. SPRINGER. I deemed it due to the committee to make this statement. I think the proposition now presented is one of doubtful

propriety. I hope we shall settle, and settle definitely, the course which the Government should pursue in cases of this kind.

Mr. GUENTHER. I find in the last annual message of the President of the United States this paragraph:

The claims for interest upon the amount of tonnage dues illegally exacted from certain German steamship lines were favorably reported in both Houses of Congress at the last session, and I trust will receive final and favorable action at an early day.

Now, I want to know whether that language refers to this bill.

Mr. SPRINGER. It does, as I understand.

Mr. GUENTHER. Then the President of the United States has recommended favorable action on this bill.

Mr. HALL. Mr. Chairman, the question whether interest should be allowed on claims of this character is, to my mind, wholly separate and distinct from questions involving merely the obligation which the Government owes to its own citizens. The obligations of our Government to the citizens of the United States are matters resting upon law which Congress itself creates. We by legislation establish for our citizens what those obligations shall be, including the question whether or not interest shall be paid upon claims presented by citizens of the United States to Congress. Claims come here for liquidated and for unliquidated damages; and I believe the rule has universally been to deny interest upon such claims of our own citizens. This has been done in view of the recognized fact that the obligation of the Government to its citizens is solely and exclusively that which the Government establishes by its own conduct and its own legislation.

But the Congress of the United States can not thus legislate upon the relations between the Government of the United States and foreign governments as expressed in treaties. Hence the obligation of the Government with reference to the payment of interest when dependent upon treaty obligations is one which Congress can not ignore. It can not escape the just obligations thus arising.

Mr. SPRINGER. There is no treaty requiring the payment of interest in this case. That is not assumed anywhere.

Mr. BUCHANAN. But international law requires it.

Mr. HALL. In order to understand the proper meaning of a treaty, resort must be had to international law; and it is established, I assert, by a large number of precedents that under the principles of international law interest is a just matter of consideration. This Government has recognized that principle, and has exacted interest under circumstances similar to those here presented.

And the sole question is, what is the recognized usage under international law? The gentleman from New Jersey [Mr. BUCHANAN], who has charge of this bill, has cited and called attention of the committee to innumerable instances in which interest has been allowed; and under that rule, thus recognized universally almost, I can not see how the Government can evade that which has been recognized by the Chief Magistrate of the nation, after investigating and finding out the meaning of the treaties themselves and the rules of international law as applicable to them. I, myself, would hesitate long before I would support a measure allowing interest on private claims of citizens as against the Government of the United States. But this is not a case of that sort.

The gentleman from Indiana [Mr. HOLMAN] called attention to the refunding of sums illegally exacted from importers. That is within the category, namely, a rule established as applicable between the Government and its own citizens importing goods and within the regulations I have suggested.

It seems to me this bill presents a case which stands on its own merits under well-recognized rules and principles, and conforms to precedents in like cases.

Mr. BUCHANAN. In deference to the wishes of gentlemen I now demand the regular order of business.

The CHAIRMAN. The regular order of business is the motion that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 102, noes 18.

Mr. SOWDEN. No quorum has voted.

Mr. STORM. If any arrangement can be made by which we shall have a yea-and-nay vote on this bill in the House I hope the point of no quorum will be withdrawn.

Mr. BUCHANAN. I am willing to agree to that.

Mr. SOWDEN. On that condition I will withdraw the point of no quorum.

Mr. MORRISON. I shall renew it.

Mr. BUCHANAN. We do not object to a vote in the House.

Mr. MORRISON. I will not insist upon it if the understanding is we shall have a vote by yeas and nays in the House.

Mr. BUCHANAN. I have no objection to a vote in the House.

Mr. McMILLIN. The point of no quorum is withdrawn on that understanding.

Mr. HOLMAN. I ask that unanimous consent be granted, so gentlemen will be bound in honor that there shall be a yea-and-nay vote on the bill in the House.

Mr. GUENTHER. With the understanding that that vote shall be taken to-night.

Mr. BUCHANAN. I agree to that, provided the vote is to be taken at once.

Mr. LONG. I ask a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONG. If the committee should rise now, what question would be first in order before the House? Are there not several bills pending which will have to be disposed of before we reach this bill?

The CHAIRMAN. When the committee rises and goes into the House the first business will be the unfinished business coming over from last Friday.

Mr. LONG. I respectfully ask how many cases there are pending?

The CHAIRMAN. The Chair is informed seven bills are pending. Is there objection to the understanding suggested by the gentleman from Indiana?

Mr. DUNN. I hope no one will object.

There was no objection.

The CHAIRMAN. The Chair will announce the vote.

The tellers reported—ayes 102, noes 18.

So the bill was ordered to be reported to the House with the recommendation that it do pass.

Mr. LONG. I move that the committee rise.

The committee divided, and there were—ayes 107, noes 42.

Mr. HOLMAN. There is no quorum, I believe.

The CHAIRMAN. This motion does not require a quorum.

Mr. HOLMAN. Does it not require a quorum to lay aside a bill to be reported to the House?

The CHAIRMAN. The pending motion is that the committee rise.

Mr. SOWDEN. I demand tellers.

Mr. BUCHANAN. I wish to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN. Does it require a quorum for the committee to rise?

The CHAIRMAN. It does not; but the gentleman from Pennsylvania demanded tellers, to which he is entitled if the House sustains the demand.

Tellers were refused.

So the motion of Mr. LONG was agreed to.

The committee accordingly rose; and Mr. DUNN having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration bills upon the Private Calendar, had directed him to report sundry bills with various recommendations.

CHARLES E. CREECY.

The SPEAKER *pro tempore*. Before proceeding to consider the report of the committee made to-day, the Chair will direct the Clerk to report the bills which come over from the preceding session of the committee, being the unfinished business.

The Clerk read as follows:

A bill (H. R. 9930) conferring jurisdiction upon the Court of Claims and Supreme Court of the United States to finally determine the case of Charles E. Creecy, assignee in Congressional case No. 71, reported to the House of Representatives by said Court of Claims under the provisions of the act of Congress approved March 3, 1883.

Mr. SPRINGER. I ask unanimous consent that this bill be passed over informally for the present, retaining its place upon the Calendar. The gentleman from Massachusetts [Mr. COLLINS] has charge of the bill and desires that it shall not be taken up in his absence.

Mr. GILFILLAN. I would like to ask if that will carry the bill over until a week from to-day?

Mr. SPRINGER. That will be the effect.

The SPEAKER *pro tempore*. It will leave it as the unfinished business among the cases reported from the Committee of the Whole House. It will be in order next Friday when the House again comes out of committee.

Mr. GILFILLAN. It will not come up again to-day?

The SPEAKER *pro tempore*. It will not.

Mr. GILFILLAN. Then I have no objection to the request of the gentleman from Illinois.

Mr. O'NEILL, of Missouri. What is the matter with the bill that we can not act upon it now?

Mr. SPRINGER. The gentleman from Massachusetts who has charge of the bill asks that this be done.

There being no objection, the bill was informally passed over.

JABEZ BURCHARD.

The next business on the Private Calendar reported from the Committee of the Whole House was the bill (S. 570) for the relief of Jabez Burchard.

Mr. SPRINGER. Mr. Speaker, this bill was reported from the Committee of the Whole House with the recommendation that it be indefinitely postponed. I ask the House, since the motion to indefinitely postpone is not debatable, to vote down that recommendation of the committee in order that a brief statement may be made in regard to this bill to show why it ought to be passed, as the vote was taken on it evidently under a misapprehension of the facts. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order being demanded, the question is on the motion to indefinitely postpone the bill.

The question was taken; the House divided and there were—ayes 28, noes 5.

Mr. SOWDEN. No quorum has voted.

Mr. TAULBEE. I would like to ask that this bill be reported. I do not think the House understands the pending question.

Mr. SPRINGER. If the House will vote down the recommendation of the Committee of the Whole——

Mr. TAULBEE. I call for the regular order. Is it in order to have the bill reported?

The SPEAKER *pro tempore*. Not at present without unanimous consent; a question is pending, and the House is dividing.

Mr. TAULBEE. I ask unanimous consent that the bill be again reported.

Mr. CALDWELL. I object.

Mr. BURROWS. Let me inquire if the recommendation of the committee is to postpone indefinitely this bill?

The SPEAKER *pro tempore*. That was the recommendation of the committee, and the question is on the motion to postpone indefinitely.

Mr. SPRINGER. The gentleman who had charge of the bill was not here at the time action was taken upon it in committee, and an explanation that should have been made was not made. I hope, therefore, the House will vote down the motion to indefinitely postpone, so that further action can be taken upon the bill. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. SOWDEN and Mr. BURROWS were appointed tellers.

The House again divided; and the tellers reported—ayes 33, noes 39.

So (no further count being demanded) the motion to indefinitely postpone was not agreed to.

Mr. SPRINGER. I now move to postpone further consideration of this bill until next Friday, so that gentlemen may have an opportunity to examine the report and see whether they want to pass the bill or not.

The motion was agreed to.

W. H. POWELL.

The next business reported from the Committee of the Whole was the bill (S. 269) for the relief of W. H. Powell, the question being on the third reading of the bill.

Mr. EDEN. I would like to have the bill read.

The bill was again read at length.

Mr. SPRINGER. Mr. Speaker, I think it due to the House, before the vote is taken, that I should have read from the desk a short extract from the report, showing the items that are covered by the bill.

The Clerk read as follows:

The committee are of the opinion that the claimant is entitled to receive from the Government the sum of $498.54, the amount named in the bill, made up of the following items: For original overpayment, $65.76; the amount received by Government on sale of property, $226.50; the amount paid by Powell, as surviving partner, on the judgment rendered upon the bond, $206.28; and that the judgment in the action in the bond should be satisfied, and Powell & Co., and W. H. Powell, as survivor, and their and each of their sureties, relieved from further liability and obligation, of every kind, in the premises.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWAY A. GRANT.

The next business reported from the Committee of the Whole House was the bill (S. 267) for the relief of Edway A. Grant.

The bill was reported with the recommendation that it be indefinitely postponed.

The bill was read.

The question being taken, the report of the Committee of the Whole House was adopted; and the bill was indefinitely postponed.

FREDERICK W. RUGGLES.

The next business reported from the Committee of the Whole House was the bill (S. 187) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia.

The bill was reported with the recommendation that it be indefinitely postponed.

The bill was read.

The report of the Committee of the Whole House was adopted; and the bill was indefinitely postponed.

SEWELL COULSON AND OTHERS.

The next business reported from the Committee of the Whole House was the bill (S. 249) for the payment of Sewell Coulson, and Porter, Harrison & Fishback, for legal services.

The bill was reported with the recommendation that it be indefinitely postponed.

Mr. JOHNSTON, of Indiana. I ask for the reading of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Sewell Coulson the sum of $3,950, and to Porter, Harrison & Fishback the sum of $2,500, for legal services rendered by them (as recommended and approved by the Judge-Advocate-General and Secretary of War) in defending ex-officers and ex-soldiers for acts done by them in obedience to the orders of a superior officer of the United States Army, in Indiana, during the late war.

The SPEAKER *pro tempore*. The question is upon agreeing to the report of the Committee of the Whole House that the bill be indefinitely postponed.

The question being taken,

The SPEAKER *pro tempore* stated that the "ayes" seemed to have it.

Mr. JOHNSTON, of Indiana. I call for a division.

The House divided; and there were—ayes 45, noes 31.

Mr. JOHNSTON, of Indiana. No quorum.

The SPEAKER *pro tempore*. The Chair appoints as tellers the gentleman from Indiana [Mr. JOHNSTON] and the gentleman from Illinois [Mr. EDEN].

Mr. JOHNSTON, of Indiana. I am willing this case shall be postponed for one week.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. JOHNSTON, of Indiana. I ask unanimous consent.

Mr. MCMILLIN. Let us dispose of it now.

The SPEAKER *pro tempore*. There is objection. The tellers will take their places.

The House again divided; and the tellers reported—ayes 41, noes 75.

Mr. MCMILLIN. No quorum.

The tellers resumed the count.

Mr. MCMILLIN. I have no objection to withdraw the point of no quorum if we can have a yea-and-nay vote.

The tellers reported—ayes 62, noes 101.

Mr. MCMILLIN. I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 32.

Mr. MCMILLIN. Count the other side.

The negative vote was counted; and there were—noes 77.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. MCMILLIN. Will the Chair please state the question?

The SPEAKER *pro tempore*. The question is: Shall the bill be indefinitely postponed?

The question was taken; and there were—yeas 82, nays 102, not voting 134; as follows:

YEAS—82.

Bacon,	Fisher,	McCreary,	Sowden,
Barksdale,	Forney,	McMillin,	Stahlnecker,
Barnes,	Frederick,	McRae,	Storm,
Boyle,	Gay,	Miller,	Swope,
Bragg,	Geddes,	Mills,	Taulbee,
Breckinridge, WCP	Halsell,	Morgan,	Taylor, J. M.
Bynum,	Hammond,	Morrison,	Throckmorton,
Cabell,	Hatch,	Neal,	Tillman,
Caldwell,	Hemphill,	Neece,	Turner,
Campbell, J. E.	Henderson, J. S.	Norwood,	Van Eaton,
Clements,	Holman,	Oates,	Warner, A. J.
Crain,	Johnston, T. D.	O'Neill, J. J.	Weaver, J. B.
Croxton,	Jones, J. H.	Payson,	Wellborn,
Culberson,	King,	Peel,	Wheeler,
Daniel,	Kleiner,	Perry,	Wilkins,
Dargan,	Laffoon,	Pindar,	Winans,
Davidson, R. H. M.	La Follette,	Riggs,	Wise,
Dougherty,	Landes,	Sadler,	Wolford,
Dunn,	Lanham,	Seney,	Worthington.
Eden,	Martin,	Singleton,	
Ermentrout,	McAdoo,	Skinner,	

NAYS—102.

Adams, G. E.	Dorsey,	Johnston, J. T.	Sawyer,
Allen, C. H.	Ely,	Laird,	Sessions,
Anderson, J. A.	Evans,	Lehlbach,	Seymour,
Atkinson,	Everhart,	Lindsley,	Spooner,
Bayne,	Farquhar,	Long,	Springer,
Bliss,	Fleeger,	Lowry,	Stephenson,
Bound,	Ford,	Lyman,	Stewart, J. W.
Boutelle,	Funston,	Markham,	Stone, W. J., Ky.
Brady,	Gallinger,	McKenna,	Strait,
Brown, C. E.	Gilfillan,	McKinley,	Symes,
Brown, W. W.	Goff,	Merriman,	Taylor, I. H.
Buchanan,	Green,	Milliken,	Thomas, J. R.
Buck,	Grosvenor,	Moffatt,	Thompson,
Bunnell,	Grout,	Morrill,	Trigg,
Burleigh,	Guenther,	Negley,	Viele,
Burnes,	Hall,	Nelson,	Wadsworth,
Butterworth,	Harmer,	O'Hara,	Wait,
Campbell, T. J.	Hayden,	Osborne,	Warner, William
Cannon,	Hermann,	Parker,	Weaver, A. J.
Carleton,	Hiestand,	Peters,	Weber,
Caswell,	Hill,	Pettibone,	West,
Cobb,	Hires,	Price,	White, Milo
Conger,	Hitt,	Rice,	Whiting,
Cooper,	Holmes,	Rockwell,	Woodburn.
Curtin,	Hopkins,	Romeis,	
Cutcheon,	Howard,	Rowell.	

NOT VOTING—134.

Adams, J. J.	Baker,	Belmont,	Bland,
Aiken,	Ballentine,	Bennett,	Blount,
Allen, J. M.	Barbour,	Bingham,	Breckinridge, C. R.
Anderson, C. M.	Barry,	Blanchard,	Browne, T. M.

Brumm,	Glass,	Mahoney,	Scott,
Burrows,	Glover,	Matson,	Scranton,
Campbell, Felix	Hale,	Maybury,	Shaw,
Campbell, J. M.	Hanback,	McComas,	Smalls,
Candler,	Harris,	Millard,	Snyder,
Catchings,	Haynes,	Mitchell,	Spriggs,
Clardy,	Heard,	Morrow,	Steele,
Collins,	Henderson, D. B.	Muller,	Stewart, Charles
Compton,	Henderson, T. J.	Murphy,	St. Martin,
Comstock,	Henley,	O'Donnell,	Stone, E. F.
Cowles,	Hepburn,	O'Ferrall,	Stone, W. J., Mo.
Cox, S. S.	Herbert,	O'Neill, Charles	Struble,
Cox, W. R.	Hiscock,	Outhwaite,	Swinburne,
Crisp,	Houk,	Owen,	Tarsney,
Davenport,	Hudd,	Payne,	Taylor, E. B.
Davidson, A. C.	Hutton,	Perkins,	Taylor, Zach.
Davis,	Irion,	Phelps,	Thomas, O. B.
Dawson,	Jackson,	Pidcock,	Townshend,
Dibble,	James,	Plumb,	Tucker,
Dingley,	Johnson, F. A.	Randall,	Van Schaick,
Dockery,	Jones, J. T.	Ranney,	Wade,
Dunham,	Kelley,	Reagan,	Wakefield,
Eldredge,	Ketcham,	Reed,	Wallace,
Ellsberry,	Lawler,	Reese,	Ward, J. H.
Felton,	Le Fevre,	Richardson,	Ward, T. B.
Findlay,	Libbey,	Robertson,	White, A. C.
Foran,	Little,	Rogers,	Willis,
Fuller,	Lore,	Rusk,	Wilson.
Gibson, C. H.	Louttit,	Ryan,	
Gibson, Eustace	Lovering,	Sayers,	

So the report of the Committee of the Whole House, that the bill should be indefinitely postponed, was not agreed to.

Mr. BAYNE. I ask that the reading of the names of members voting be dispensed with.

Mr. STORM. I object.

The following additional pairs were announced:

Mr. GLOVER with Mr. O'NEILL, of Pennsylvania, until Monday next.

Mr. F. CAMPBELL with Mr. BINGHAM, until Monday next.

For the rest of this day:

Mr. MCKINLEY with Mr. BRECKINRIDGE, of Arkansas.

Mr. WILSON with Mr. HENDERSON, of Iowa.

Mr. MURPHY with Mr. HENDERSON, of Illinois.

Mr. DOCKERY with Mr. WADE.

Mr. SAYERS with Mr. BAKER.

Mr. OUTHWAITE with Mr. KELLEY.

Mr. LAWLER with Mr. HOUK.

Mr. SNYDER with Mr. MCCOMAS.

Mr. HEARD with Mr. STRUBLE.

Mr. STONE, of Missouri, with Mr. SWINBURNE.

Mr. ADAMS, of New York, with Mr. DAVIS.

Mr. COX, of North Carolina, with Mr. FELTON.

Mr. DAWSON with Mr. VAN SCHAICK.

Mr. COWLES with Mr. PHELPS.

Mr. GIBSON, of Maryland, with Mr. DUNHAM.

Mr. GIBSON, of West Virginia, with Mr. PAYNE.

Mr. O'FERRALL with Mr. MORROW.

Mr. STEELE with Mr. HERBERT.

The result of the vote was then announced as above stated.

Mr. JOHNSTON, of Indiana. I move now that the bill be engrossed and read a third time, and upon that I demand the previous question.

Mr. BURROWS. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BURROWS. The gentleman now moves the passage of the bill. I submit that, under the action of the House, this bill must stand recommitted to the committee.

Mr. SPRINGER. Under what rule?

Mr. BURROWS. Under Rule XXIII, clause 7, which I ask the Clerk to read.

The Clerk read as follows:

Rule XXIII, clause 7:

Whenever a bill is reported from a Committee of the Whole with an adverse recommendation, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House.

The SPEAKER *pro tempore*. The point of order is well taken, and the bill goes back to the committee.

Mr. BURROWS. Regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the amendment of the House to the bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes.

The message also returned to the House the duplicate engrossed bill (S. 2172), restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes; the Secretary of the Senate having, in accordance with the directions of the Senate, endorsed on the House amendment thereto the action of the Senate, agreeing to the conference asked by the House, on the said amendment.

The message further informed the House that the Senate had passed with an amendment the bill (H. R. 9116) to provide for holding terms of the United States courts at Texarkana, Ark., and for other purposes, asked a conference with the House on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. EDMUNDS, Mr. WILSON of Iowa, and Mr. COKE.

The message further announced that the Senate had passed the bill (S. 995) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; in which the concurrence of the House was requested.

DOCUMENTS RELATING TO AMERICA.

Mr. SINGLETON, by unanimous consent, reported from the Committee on the Library a joint resolution (H. Res. 252) for procuring a descriptive catalogue of certain documents in Europe relating to America; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

Sundry messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, his private secretary, who also announced that the President had approved bills of the following titles:

An act (H. R. 356) granting a pension to Lucinda Barrett;
An act (H. R. 429) granting a pension to Harry McElhinny;
An act (H. R. 1860) granting a pension to Frederick Robertson;
An act (H. R. 7696) granting a pension to George W. Robaugh;
An act (H. R. 6817) granting a pension to Thomas Brown;
An act (H. R. 8280) granting a pension to John Patton;
An act (H. R. 9167) granting a pension to Joseph F. Kirkhart;
An act (H. R. 8830) granting a pension to Aaron Garis;
An act (H. R. 7796) granting a pension to James Long;
An act (H. R. 4265) granting a pension to Josiah Mahoney;
An act (H. R. 4103) granting a pension to M. S. Clay;
An act (H. R. 7616) for the relief of W. D. Havely;
An act (H. R. 6314) to increase the pension of James Carlin;
An act (H. R. 5894) for the relief of Elon A. Marsh and Minard Lefever;
An act (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884;
An act (H. R. 8835) granting a pension to Jacob Case;
An act (H. R. 8836) granting a pension to John Miller;
An act (H. R. 9129) granting a pension to Rebecca Wiswell; and
An act (H. R. 8623) granting a pension to Mary E. Hedrick.

ALBERT H. EMERY.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 929) for the relief of Albert H. Emery.

The SPEAKER *pro tempore*. The question is first upon the amendments reported from the Committee of the Whole.

Mr. SPRINGER. I ask for the reading of the bill and the amendments.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Albert H. Emery, of Stamford, Conn., in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him, and use of all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise, in any way, on account of said machine, the sum of $200,000, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor. Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

The following amendments are reported from the Committee of the Whole:

Strike out "$200,000" and insert "$63,161.62."

Also insert the following:

"Which shall be in full of all claims against the Government on the part of said Emery for this invention."

Mr. SPRINGER and Mr. MCKENNA both rose.

Mr. SPRINGER. Mr. Speaker, the gentleman from South Carolina [Mr. TILLMAN] informs me that he desires to offer an additional amendment.

Mr. MCKENNA. Mr. Speaker, I think I am entitled to be recognized on this bill, as I reported it.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman if he will be patient.

Mr. SPRINGER. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. SPRINGER. For the purpose of making the motion which is necessary to further this bill. The bill was reported——

The SPEAKER *pro tempore*. The Chair decides that the gentleman from California [Mr. MCKENNA] is entitled to be recognized.

Mr. MCKENNA. One moment, Mr. Speaker. The bill was reported from the committee with the recommendation that $200,000 be paid, but the minority of the committee, represented by the gentleman from Virginia and myself, moved to amend by making the sum $65,000, which was adopted. Now, I contend that the movers of that amendment, or substitute, are entitled to make the subsequent motions in regard to this bill.

Mr. LONG. That amendment was accepted.

The SPEAKER *pro tempore*. This bill comes from the Committee of the Whole with amendments. The gentleman from California [Mr. MCKENNA], in charge of the bill, is entitled to recognition.

Mr. MCKENNA. Mr. Speaker, I demand the previous question upon the third reading of the bill.

Mr. HAMMOND. I move that the House take a recess until 7.30 p. m.

The SPEAKER *pro tempore*. The question now is on the motion of the gentleman from California [Mr. MCKENNA].

Mr. SPRINGER. Pending that, the gentleman from South Carolina [Mr. TILLMAN] desires to offer his amendment.

Mr. STORM. Mr. Speaker, I move that the House take a recess until 7.30.

Mr. BROWN, of Pennsylvania. Oh, let us dispose of this bill first.

The question was taken on the motion for a recess, and there were—ayes 29, noes 97.

Mr. STORM. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint the gentleman from Pennsylvania [Mr. STORM] and the gentleman from California [Mr. MCKENNA] to act as tellers.

Mr. MCKENNA. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 46, nays 134, not voting 139; as follows:

YEAS—46.

Allen, J. M.	Forney,	Morgan,	Storm,
Bacon,	Geddes,	Morrill,	Taulbee,
Barnes,	Hammond,	Morrison,	Taylor, J. M.
Boyle,	Henderson, J. S.	Neal,	Turner,
Bynum,	Holman,	Peel,	Van Eaton,
Croxton,	Jones, J. H.	Perry,	Weaver, J. B.
Daniel,	Kleiner,	Pindar,	Wheeler,
Dibble,	Laffoon,	Price,	Willis,
Dougherty,	Landes,	Richardson,	Wise,
Eden,	McCreary,	Riggs,	Worthington.
Ermentrout,	McMillin,	Seney,	
Fisher,	McRae,	Sowden,	

NAYS—134.

Adams, G. E.	Dorsey,	Ketcham,	Singleton,
Allen, C. H.	Dunham,	King,	Skinner,
Anderson, J. A.	Dunn,	La Follette,	Spooner,
Bayne,	Ely,	Laird,	Springer,
Blanchard,	Everhart,	Lanham,	Stahlnecker,
Bliss,	Felton,	Lehlbach,	Stephenson,
Bound,	Fleeger,	Libbey,	Stewart, J. W.
Boutelle,	Foran,	Lindsley,	Stone, W. J., Ky.
Bragg,	Funston,	Long,	Strait,
Breckinridge, WCP	Gallinger,	Lyman,	Swope,
Brown, C. E.	Gilfillan,	Martin,	Tarsney,
Brown, W. W.	Glass,	McKenna,	Taylor, I. H.
Buchanan,	Goff,	Merriman,	Taylor, Zach.
Buck,	Grosvenor,	Mills,	Thomas, J. R.
Bunnell,	Grout,	Mitchell,	Thomas, O. B.
Burleigh,	Guenther,	Moffatt,	Thompson,
Butterworth,	Hall,	Negley,	Throckmorton,
Cabell,	Halsell,	Nelson,	Tillman,
Caldwell,	Harmer,	O'Hara,	Trigg,
Campbell, T. J.	Hatch,	O'Neill, J. J.	Wadsworth,
Cannon,	Hayden,	Osborne,	Wait,
Carleton,	Hemphill,	Owen,	Wallace,
Caswell,	Hermann,	Parker,	Warner, A. J.
Cobb,	Hiestand,	Payson,	Warner, William
Compton,	Hill,	Peters,	Weber,
Conger,	Hires,	Pettibone,	Wellborn,
Cooper,	Hitt,	Plumb,	West,
Culberson,	Holmes,	Reed,	Whiting,
Curtin,	Hopkins,	Rockwell,	Wilkins,
Cutcheon,	Howard,	Romeis,	Winans,
Dargan,	Jackson,	Rowell,	Wolford,
Davidson, A. C.	James,	Sawyer,	Woodburn.
Davidson, R. H. M.	Johnston, J. T.	Sessions,	
Davis,	Johnston, T. D.	Seymour,	

NOT VOTING—138.

Adams, J. J.	Burnes,	Dingley,	Haynes,
Aiken,	Burrows,	Dockery,	Heard,
Anderson, C. M.	Campbell, Felix	Eldredge,	Henderson, D. B.
Atkinson,	Campbell, J. M.	Ellsberry,	Henderson, T. J.
Baker,	Campbell, J. E.	Evans,	Henley,
Ballentine,	Candler,	Farquhar,	Hepburn,
Barbour,	Catchings,	Findlay,	Herbert,
Barksdale,	Clardy,	Ford,	Hiscock,
Barry,	Clements,	Frederick,	Houk,
Belmont,	Collins,	Fuller,	Hudd,
Bennett,	Comstock,	Gay,	Hutton,
Bingham,	Cowles,	Gibson, C. H.	Irion,
Bland,	Cox, S. S.	Gibson, Eustace	Johnson, F. A.
Blount,	Cox, W. R.	Glover,	Jones, J. T.
Brady,	Crain,	Green,	Kelley,
Breckinridge, C. R.	Crisp,	Hale,	Lawler,
Browne, T. M.	Davenport,	Hanback,	Le Fevre,
Brumm,	Dawson,	Harris,	Little,
Lore,	Neece,	Rogers,	Swinburne,
Louttit,	Norwood,	Rusk,	Symes,
Lovering,	Oates,	Ryan,	Taylor, E. B.
Lowry,	O'Donnell,	Sadler,	Townshend,
Mahoney,	O'Ferrall,	Sayers,	Tucker,
Markham,	O'Neill, Charles	Scott,	Van Schaick,
Matson,	Outhwaite,	Scranton,	Viele,
Maybury,	Payne,	Shaw,	Wade,
McAdoo,	Perkins,	Smalls,	Wakefield,
McComas,	Phelps,	Snyder,	Ward, J. H.
McKinley,	Pidcock,	Spriggs,	Ward, T. B.
Millard,	Randall,	Steele,	Weaver, A. J.
Miller,	Ranney,	Stewart, Charles	White, A. C.
Milliken,	Reagan,	St. Martin,	White, Milo
Morrow,	Reese,	Stone, E. F.	Wilson.
Muller,	Rice,	Stone, W. J., Mo.	
Murphy,	Robertson,	Struble,	

So the motion of Mr. STORM for a recess was not agreed to.

The following additional pairs were announced:

Mr. LITTLE with Mr. LANHAM, on this vote.

Mr. CAMPBELL, of Ohio, with Mr. WHITE, of Pennsylvania, for the rest of the day.

Mr. CRAIN with Mr. CATCHINGS, on this vote.

Mr. OATES with Mr. BRADY, for the rest of the day.

Mr. LAFFOON with Mr. MILLARD, for the rest of the day.

The result of the vote was announced as aboved stated.

The SPEAKER *pro tempore* (Mr. DUNN). The question now recurs on the motion of the gentleman from California [Mr. MCKENNA] for the previous question on agreeing to the amendment and ordering the bill to a third reading.

The question being taken, there were—ayes 95, noes none.

Mr. LONG. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WISE. I move that the House now adjourn. [Cries of "Regular order!"]

Mr. BURROWS. Mr. Speaker, the yeas and nays have been ordered.

The SPEAKER *pro tempore*. But the motion to adjourn is always in order.

The question being taken on the motion of Mr. WISE to adjourn, there were—ayes 34, noes 81.

Mr. WISE. I call for tellers.

Tellers were not ordered, only 20 voting in favor thereof.

Mr. STORM. I demand the yeas and nays on the motion to adjourn.

The question being taken on ordering the yeas and nays, there were—ayes 28, noes 108; more than one-fifth voting in the affirmative.

Mr. HENDERSON, of Illinois, and others called for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. STORM and Mr. MCKENNA were appointed.

The SPEAKER *pro tempore*. The question is upon ordering the yeas and nays on the motion of the gentleman from Virginia [Mr. WISE] that the House adjourn.

Mr. LONG (at 4 o'clock and 55 minutes p. m.). I ask unanimous consent that we now take the ordinary recess until half past 7 o'clock this evening.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. LONG] asks unanimous consent that the House now take a recess, in conformity with the standing order of Friday, until half past 7 o'clock. Is there objection? The Chair hears none; and the recess is taken.

EVENING SESSION.

The House reassembled at half past 7 o'clock p. m., and was called to order by Mr. T. O. TOWLES, chief clerk.

The following was read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 4, 1887.

SIR: Hon. H. S. VAN EATON, of Mississippi, is designated to preside at the session of the House this evening as Speaker *pro tempore*.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

Mr. VAN EATON took the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. TAULBEE. I move that the House resolve itself into Committee of the Whole on the Private Calendar for the purpose of carrying out the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON in the chair.

Mr. CONGER. I ask unanimous consent that members be permitted to-night to call up bills as has been the custom on the last two Friday night sessions.

Mr. MORRILL. In addition to that, I ask unanimous consent that all debate on any bill be limited to ten minutes, five minutes on each side.

The CHAIRMAN. The gentleman from Iowa [Mr. CONGER] asks unanimous consent that members be permitted to-night to call up bills according to the custom for several Friday nights past; and pending

that the gentleman from Kansas [Mr. MORRILL] asks unanimous consent that debate be limited on each bill to ten minutes, five minutes for and five minutes against the bill. Is there objection?

Mr. TAULBEE. Yes, sir; I shall object. I am willing that members be permitted to call up bills for consideration, provided that no bill objected to be called up to-night; that if there be objection made to any bill called up it go over without losing its place on the Calendar.

Mr. ROWELL. I will certainly object to that. Last Friday night unanimous consent was given that the same rule which had been followed should be applied to this evening. That was the agreement.

The CHAIRMAN. The Chair is informed there is no agreement if any member objects.

Mr. TAULBEE. I do not recognize any agreement.

Mr. CONGER. There was such an agreement, and gentlemen will see it if they will consult the CONGRESSIONAL RECORD.

The CHAIRMAN. Gentlemen will resume their seats and we will see whether we can agree on an order of business.

Mr. CONGER. On the last Friday evening we were in session before the gentleman from Michigan [Mr. WINANS] made the motion that the committee rise, there were a few gentleman who had not been recognized to call up bills, and it was understood, and the gentleman from Michigan will bear me out there was no opposition to the understanding that the same rule followed on that evening should be followed to-night.

Mr. TAULBEE. I am willing to recognize that agreement if it is understood there shall be excluded from it two bills—one granting a pension to Mrs. Logan and the other granting a pension to Mrs. Frank P. Blair. I do not think we ought to attempt to consider those bills without a quorum. If those bills are excluded from the list I am perfectly willing to have such an understanding.

Several MEMBERS. There is no disposition to take those bills up.

Mr. BRADY. I am willing that we shall proceed under the understanding had at a former meeting, that bills shall be called up under the same rule which was followed at that time. It was understood members should be recognized as they were on that list.

Mr. ROWELL. I wish the understanding of the last Friday night we were in session on pension bills shall be carried out. It was understood just before the adjournment that when we met to-night it should be under the same rule which was then followed. I ask that list be followed in accordance with that understanding.

Mr. TAULBEE. There is no objection with the exceptions I have referred to.

The CHAIRMAN. The Chair is informed there was a list agreed upon at that time. If the gentleman will now state his motion the Chair will put it to the House. The Chair understands the request of the gentleman from Iowa [Mr. CONGER] is that by unanimous consent we shall proceed to consider bills upon the Calendar in the order as they appear upon the list; that is, that they shall be taken up in the order in which they appear on that list. Is that the request?

Mr. CONGER. Yes; that is the request.

Mr. TAULBEE. I object, unless as I have suggested.

The CHAIRMAN. The Chair understands if the two bills indicated are excluded from the agreement the gentleman from Kentucky will not object.

Mr. ROWELL. Then I shall object, as that was no part of the understanding on the previous Friday evening.

The CHAIRMAN. Is there objection to the exceptions proposed by the gentleman from Kentucky?

Mr. ROWELL. Yes; I object.

Mr. ANDERSON, of Kansas. I desire to make a statement. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded.

Mr. ANDERSON, of Kansas. I suggest, by unanimous consent, that bills may be considered under the five-minute rule. That will give sufficient time for debate.

Several MEMBERS. Not under the five-minute rule.

The CHAIRMAN. Is there objection to the understanding that debate shall be limited to five minutes on each side?

Mr. ANDERSON, of Kansas. I did not mean exactly that the debate should be under the five-minute rule, but that no member should be allowed to occupy more than five minutes.

The CHAIRMAN. Is there objection?

Mr. TAULBEE. There is objection until the other question is settled.

Mr. STEELE. I call for the regular order.

Mr. RYAN. I should like to know what the proposition of the gentleman from Kentucky is; I should like to have him state his objection specifically.

Mr. HEPBURN. I call for the regular order.

The CHAIRMAN. The Clerk will read the title of the first bill.

The Clerk read as follows:

A bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. HENDERSON, of Illinois. That is a public bill and not a private bill, and I do not see why it is upon the calendar. It does not come under the rule.

Mr. WINANS. I ask it be passed over.

The CHAIRMAN. If there be no objection, the bill will be passed over.

Mr. TAULBEE. I ask that members present be permitted to call up such bills as they desire to be considered according to the list agreed to the last Friday evening we were in session; provided when a bill is reached on which there is an adverse report from the committee, it shall then require unanimous consent.

Mr. HENDERSON, of Iowa. Let me ask the gentleman from Kentucky what is his purpose? Is it his purpose to exclude the bill granting a pension to Mrs. Logan?

Mr. TAULBEE. It is; and also Mrs. Blair's bill as well.

ANNIE E. GARDINER.

Mr. WHITE, of Pennsylvania. On the last Friday evening when the House was in session for this business I called up a bill which was made a special order for this evening, and was to be the first bill disposed of. [Cries of "Regular order!"]

The CHAIRMAN. The gentleman from Pennsylvania makes the point that this bill is the first bill in order this evening.

Mr. BUCK. I call for the reading of the RECORD to show what that agreement was.

The CHAIRMAN. The Clerk will report the bill called up by the gentleman from Pennsylvania.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie E. Gardiner, widow of John W. T. Gardiner, late a major on the retired-list of the United States Army, and pay her a pension at the rate of —— per month, from and after the passage of this act.

Mr. MORRISON. Let us have the report read.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

That having carefully considered the Senate report, they consider the facts therein stated amply sufficient, unanimously concur therein, and recommend the passage of the bill as amended by the Senate.

[Senate Report No. 1378, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2660) granting a pension to Annie F. Gardiner, have examined the same, and report:

The claimant, Annie E. Gardiner, is the widow of John W. T. Gardiner, late a major, United States Army. He was educated at West Point, and appointed brevet second lieutenant July 1, 1840, and served until retired, November 14, 1861, "for disability resulting from exposure in line of duty." He died September 24, 1879.

His widow applied for a pension November 24, 1879, but it was rejected June 20, 1885, on the ground that as the fatal cause of the soldier's death originated prior to March 4, 1861, during a time of peace, there is no title to pension, the law requiring that it must have originated during a period of war.

It appears that the soldier died of rheumatic gout, and it also appears from the certificates of physicians that he was treated for this disease as early as 1852. There are also further statements, which seem to be reliable, showing the origin of the difficulty prior to the fall and winter of 1848-'49. Dr. J. F. Head, surgeon, United States Army, testifies that he was stationed at Fort Snelling in 1849 with the soldier, and he was under his professional care, and had been subject to attacks of rheumatic gout for a year or two before.

This evidence indicates that the disability was probably contracted during the period of the Mexican war; but, however that may be, it would be difficult to give a reason why a soldier should be pensioned for a disability contracted in time of war and not pensioned for a like disability contracted in the service and line of duty in time of peace. Although the action of the Pension Office was legally correct, there can be no reason why, in the discretion of Congress, this widow should not be relieved from the inequitable operation of the rule, especially in view of the probability, from the sworn testimony, that this case may properly be considered within it.

We are inclined to give this widow the benefit of the doubt, and therefore report back the bill, with a recommendation that it do pass, with an amendment striking out all after the word "Army," in the seventh line, and insert "and pay her a pension at the rate of $25 per month from and after the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. CUTCHEON. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. Under the general order for Friday evening sessions it is provided as follows:

That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions * * * be considered.

I wish to inquire if this is intended to provide that only bills reported from the Committees on Invalid Pensions and Pensions shall be considered?

The CHAIRMAN. That is the order of the House.

Mr. CUTCHEON. Then, under that order could a bill reported simply by a minority of a committee be considered as a bill coming from either of those committees?

The CHAIRMAN. The Chair is of opinion that a bill can not be reported by a minority. It must be by a majority. The minority can file its dissenting views; but under the rules of the House they do not report back bills.

Mr. CUTCHEON. Then under that order, as I understand it, no bill, excepting one reported from the committees named, can be taken up and considered.

Mr. MORRISON. A bill may be on the Calendar reported adversely.

Mr. CUTCHEON. With that understanding I now ask unanimous consent that members present be allowed to call up bills reported by one or the other of those committees.

Mr. MORRISON. I was about to say to the gentleman that an adverse report by a committee, which at the request of any member was placed upon the Calendar, would be the reporting of a bill, and would be entitled, as such, to consideration under the order of the House. I have no objection whatever to your request.

The CHAIRMAN. If it be an adverse report and placed on the Calendar it is subject to be considered under this order.

Mr. CUTCHEON. I ask unanimous consent that bills be called up by members the same as has been done heretofore, preserving the old list.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. TAULBEE. I object. I would be glad to see that agreement carried out provided all adverse cases were omitted from the agreement.

Mr. HENDERSON, of Iowa. Regular order.

Mr. ANDERSON, of Kansas. I would like to ask by way of a parliamentary inquiry, at what point on the Calendar the Clerk is beginning?

The CHAIRMAN. On page 52 of the Calendar, as the Chair is informed.

The Clerk reported the next business on the Calendar to be the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

The bill was read at length.

Mr. WISE. Let us have the report in that case read.

Mr. CURTIN. I assure the House that the bill is all right.

Mr. WISE. I withdraw the demand for the reading of the report.

The CHAIRMAN. The question is, Shall the bill be laid aside and reported to the House favorably?

Mr. WINANS. I object to action upon the bill without having the report read. This bill has been discussed and passed over several times. There are some serious objections to it. This is not the first time it has been before the committee.

The CHAIRMAN. The Clerk will read the report.

Mr. CUTCHEON. I understand that the gentleman reporting the bill is not present. I ask, therefore, that the reading of the report be dispensed with and the bill informally laid aside, not to lose its place on the Calendar.

The motion of Mr. CUTCHEON was agreed to.

Mr. BRADY. I ask unanimous consent that the Clerk announce the titles of bills as they appear on the Calendar, and if no one calls them up for consideration that they be passed over informally, retaining their places on the Calendar.

Mr. TAULBEE. I object, unless those with adverse reports are omitted from that agreement.

Mr. BRADY. I accept that.

Mr. ROWELL. I do not accept it.

Mr. BRADY. It is just a waste of time reading bills, passing them over informally and doing nothing. We had better adjourn than to waste our time in this way.

The next business reported from the Private Calendar was the bill (H. R. 5927) for the relief of Louisa Kearney.

Mr. BRADY. I understand the gentleman reporting that bill is not present. I ask that it be passed over informally retaining, its place on the Calendar.

There was no objection, and it was so ordered.

The Clerk reported the next business on the Private Calendar as the bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, &c.

Mr. SWOPE. I ask to lay that bill aside without losing its place on the Calendar.

There was no objection.

BETSY A. MOWER.

The next business on the Private Calendar was the bill (H. R. 8311) for the relief of Betsy A. Mower.

Mr. IKE H. TAYLOR. I observe that the Clerk has skipped one or two bills preceding that. I hope they will be taken up in their order.

Mr. MORRILL. This is an adverse report, and I move that it be reported to the House with the recommendation that it do lie on the table.

The motion was agreed to.

MATHIAS WONDRAK.

The next business on the Private Calendar was the bill (S. 1384) granting a pension to Mathias Wondrak.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mathias Wondrak, late a private in Company K, Twentieth Regiment United States Infantry, who served eleven years in the United States Army and was honorably discharged for disability incurred in said service, subject to the limitations and provisions of the pension laws.

Mr. WINANS. Does this regular order include the consideration of Senate bills?

The CHAIRMAN. It does.

Mr. WINANS. I do not think they have been taken up regularly.

Mr. PERKINS. If no member asks the consideration of this bill I move that it be laid aside informally.

Mr. TAULBEE. I ask the consideration of the bill, and call for the reading of the report.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1384) granting a pension to Mathias Wondrak, having had the same under consideration, concur in the report of the Senate committee hereto appended, and recommend the passage of the bill.

[Senate Report No. 297, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1384) granting a pension to Mathias Wondrak, having had the same under consideration, submit the following report:

Mathias Wondrak first enlisted in Company D, Fifth Regiment United States Infantry, May 8, 1858, for five years; was honorably discharged May 8, 1863, at expiration of term of service; enlisted a second time August 19, 1863, in Company B, Fourth Regiment Missouri Volunteer Cavalry; was discharged for "disability" from Memphis Hospital July 20, 1865; enlisted a third time February 15, 1868, in Company K, Twentieth Regiment United States Infantry; was discharged April 18, 1869, for "disability" at Baton Rouge, La. Declaration for pension filed January 27, 1874, claimant alleging that he was much exposed to wet and cold; and that about February 8 or 10, 1869, while on guard duty at Baton Rouge, La., he became very wet and took cold, resulting in rheumatism, which has continued until this time, and that in consequence of this rheumatism he was discharged from the service at Baton Rouge, La., April 18, 1869, after being in the hospital there for about six weeks.

Claim rejected on the ground that the alleged disability is not shown to be due to the service.

Communication from Assistant Adjutant-General, dated March 30, 1874, and signed J. B. Martin, Assistant Adjutant-General, shows that Mathias Wondrak was discharged at Baton Rouge, La., April 19, 1869, "by reason of old age and disability arising from long service."

Wondrak's statements as to exposure from 1858 to 1863 are substantiated by affidavit of Owen Pheeny, who served with Wondrak in Company D, Fifth Regiment United States Infantry; also by affidavit of Thomas Macken, late a sergeant in Company I, Twentieth Regiment United States Infantry, who testifies to seeing Wondrak in hospital at Baton Rouge in the spring of 1869; also from surgeon's certificate of disability for discharge dated April 26, 1866, signed by William S. Buchanan, assistant surgeon, United States Army, alleging as reasons for his discharge "old age and general debility;" also from certificates and affidavit of A. C. Girard, assistant surgeon, United States Army, dated at Baton Rouge, La., April 18, 1869, certifying to "chronic bronchitis and general debility, the disability originating in the line of his duty;" also from certificate of Capt. A. A. Harbeck, United States Army dated at Baton Rouge, La., March 30, 1869, assigning as reason for discharge of soldier—

"Unfit for active duty because of disability arising from long service."

Also from report of Examining Surgeon J. L. A. Bowen, dated Washington, August 9, 1875, when soldier was suffering from "chronic rheumatism, heart disease, enlarged veins, and stiffness of joints."

In view of this evidence, the committee believe it their duty to report in favor of this bill, and recommend its passage.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

ORDER OF BUSINESS.

Mr. TAULBEE. I ask unanimous consent that the Chair proceed to recognize gentlemen whose names are on the list, and when they obtain recognition that they be allowed to call up their bills, at which time it will be in order for any one to object to their consideration. My proposition is that gentlemen be recognized to ask unanimous consent.

Mr. BOUTELLE. I should like to know when this list was made.

Mr. TAULBEE. It was made at a former Friday night session, and there was a tacit understanding that the list should be carried over.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. LYMAN. I desire to inquire what this request means.

Mr. TAULBEE. I think I can explain it. At the last Friday night session unanimous consent was had for the Chair to recognize members alternately on each side of the House, and in order to that recognition a list was made. We could not complete that list, and some of the gentlemen who stood here for recognition were deprived of it. It was the tacit understanding at that time that to-night those gentlemen were to be recognized. The proposition I now make is for the purpose of carrying out that understanding. I wish to say further that my understanding in regard to that list is that there are on it many more names on that side of the House than there are names of gentlemen on this side. And I wish further to state that I have no personal interest in this matter, because I am not in the list; but I would like that list to be respected.

Mr. PERKINS. The chairman of the Committee of the Whole was requested two weeks ago to preserve that list.

Mr. LYMAN. The trouble I have is not with the list, but I wish to make this inquiry. When the name is called and a gentleman calls up a bill, is a single objection sufficient to prevent its consideration?

The CHAIRMAN. There is no such agreement.

Mr. TAULBEE. That is the effect of my proposition.

Mr. LYMAN. Then I object to it.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

GEORGE BLISS.

The next business on the Private Calendar was the bill (S. 1783) granting an increase of pension to George Bliss, reported by the Committee on Invalid Pensions with an adverse recommendation.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Bliss, late a private in Company I, Thirty-fourth Regiment Massachusetts Volunteer Infantry, at the rate of $8 per month, in lieu of the pension he is now receiving, to commence from the passage of this act.

Mr. MORRILL. I move that the bill be laid aside to be reported to the House with the recommendation that it be indefinitely postponed.

Mr. STEELE. Let us hear the report.

The CHAIRMAN. The Chair is informed there is an adverse report on this bill.

Mr. STEELE. I should like to hear it.

The report (by Mr. LOVERING) was read, as follows:

That the beneficiary in the bill is now upon the pension-roll at the rate of $4 per month. He applied for an increase, which application was rejected on the ground that he was "in receipt of a pension commensurate with his disability."

Your committee are of opinion that where a board of surgeons of the Pension Department have examined a claimant and fixed the degree of disability and rate for the same, which finding is affirmed by the Department, it would be a manifest injustice to the hundreds of thousands upon the roll under like conditions should the committee undo the proper work of the Department, reverse its findings, and increase the pension of any one claimant, simply because he comes to Congress asking that the same be done.

Your committee therefore are constrained to report back the bill with the recommendation that it do not pass.

The bill was laid aside to be reported to the House with the recommendation that it be postponed indefinitely.

MISS MARGARET STAFFORD WORTH.

The next pension bill on the Private Calendar was the bill (S. 2030) granting a pension to Miss Margaret Stafford Worth.

The bill was read.

Mr. ELDREDGE. As the gentleman from Pennsylvania [Mr. WHITE], who reported this bill from the Committee on Pensions, is not present, I ask that it be laid aside without losing its place on the Calendar.

There was no objection, and it was so ordered.

LUCY A. WASHBURN.

The next pension bill on the Private Calendar was the bill (S. 2218) for the relief of Lucy A. Washburn.

Mr. PERKINS. If no gentleman requests the consideration of this bill, I suggest that it be informally passed over.

Mr. TAULBEE. I request its consideration.

The bill was read, as follows:

Be it enacted, &c., That the name of Lucy A. Washburn, widow of First Lieutenant Lon Washburn, late of Battery I, Sixteenth Regiment New York Artillery, be placed on the pension-roll at the rate of $12 per month.

Mr. WISE. I ask for the reading of the report.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2218) for the relief of Lucy A. Washburn, having had the same under consideration, report back the same, adopting the Senate report as its own, and recommend that the bill do pass.

[Senate Report No. 885, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2218) granting a pension to Lucy A. Washburn, have examined the same, and report:

The claim for pension of Lucy A. Washburn, widow of Lon Washburn, late private of Battery I, Sixteenth New York Artillery, was rejected by the Pension Office, on the ground that there is no record of the incurrence of the soldier's fatal disease in service, or medical treatment for same in service, or from discharge up to a short time prior to his death. The fact of absence of record testimony is one of the most fatal that the applicant for pension has to encounter.

The conclusive evidence in this case is that of his comrades, who testify that with him they were out three days on a scouting expedition; that this soldier led the party; that they were out three days in a continuous rain, part of the time in a swamp; that this man took cold, which resulted speedily in consumption, of which he died, and this they state upon their personal and positive knowledge. And it is in evidence that he was not only sound, but an unusually robust young man when he entered the service. This evidence is from responsible and properly-accredited sources.

The Pension Office has procured from two persons (one a postmaster, who does not give his name) a statement indorsed on the back of an official letter to the effect that the soldier died of "hereditary" consumption, of which others of his family had died. These statements are not in the form of evidence, but briefly and loosely made, and they are the only ones at variance with the testimony that proves the incurrence of the disease and its fatal ending. The cough and its wasting effect are traced from before his discharge to his death.

The committee, after a careful examination of all the evidence, feel justified in reporting the bill favorably, with a recommendation that it do pass.

Mr. TAULBEE. I move to amend the bill by striking out the words "at the rate of $12 per month" and insert in lieu thereof the words "subject to the provisions and limitations of the pension laws."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANN E. LAMBURG.

The next business on the Private Calendar was the bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg.

Mr. SWOPE. I ask that this bill be passed over informally, not losing its place on the Calendar.

There was no objection, and it was so ordered.

MRS. M. C. MILES.

The next business on the Private Calendar was the bill (S. 1627) granting a pension to Mrs. M. C. Miles.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. M. C. Miles, of Lansing, Mich., widow of Marcus H. Miles, late a first lieutenant in the Eleventh Michigan Cavalry.

Mr. TAULBEE. Let the report be read.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1627, report that they have examined the same, and adopt the Senate report, as follows:

[Senate Report No. 784, Forty-ninth Congress, first session.]

The petitioner is the widow of Marcus H. Miles, late a first lieutenant in the Eleventh Michigan Cavalry.

The claimant made application for a pension on the ground that her husband received an injury that resulted in hernia, and which was the cause of his death. The Commissioner of Pensions decided that his death was not a result of his military service. There is no record testimony other than that which identified the soldier in his line of duty.

The surgeon of the Eleventh Michigan Cavalry, Lucius C. Woodman, testifies that he was well acquainted with Marcus H. Miles, and he describes minutely the accident, which occurred from a fall while on a train of cars, and from which it appears that hernia was immediately produced, and for which he was treated then and subsequently by Surgeon Woodman. The colonel of the regiment was present and testifies to all the circumstances and to the subsequent disability of Lieutenant Miles, and to the necessity of placing him on detached service. The Adjutant-General certifies to the presence of these two officers at the time.

The physicians who attended Lieutenant Miles during his disability, and down to the date of his death, agree that he was not able to perform any kind of labor, and that the cause of his death was paralysis of the bladder and suppression of the secretions from the kidneys, owing to nervous prostration and continued irritation from complicated hernia.

The committee report the bill favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT C. KELLEY.

The next business on the Private Calendar was the bill (S. 2286) for the relief of Albert C. Kelley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Albert C. Kelley, late a private in Company B, Fifth Regiment of Michigan Cavalry.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2286, report that they have examined the same, and adopt the Senate report, as follows:

[Senate Report No. 1106, Forty-ninth Congress, first session.]

The claimant was a private in Company B, Fifth Michigan Cavalry. He enlisted August 16, 1862, and was discharged May 15, 1865. His alleged disabilities are deafness, erysipelas, lung disease, and general disability. His application for a pension is rejected on the ground that he was deaf before he entered the service and his inability to prove that the other diseases were contracted while in the Army.

There have been two special examinations in this case, at one of which D. M. Greene testifies that he has known claimant since he was two years old; is his cousin by marriage; that he was a little hard of hearing when he enlisted; it was generally known that he was a little hard of hearing; that when he returned from the service he was much worse—quite deaf; was well and hearty when he enlisted, and could do a good day's work of the hardest kind; does not know whether he was disabled in any other way after his discharge or not.

The Surgeon-General's report says the records show that claimant entered the hospital at Newberne, N. C., March 21, 1865, with erysipelas of head and face; and he traces him to different hospitals; April 18, 1865, with bronchitis; April 26, 1865, with erysipelas, and again with erysipelas, soon after which he was discharged.

Admitting that he was a little hard of hearing when he enlisted, he was enrolled as they found him. He came out of the service quite deaf. There is record evidence as above that he contracted erysipelas and bronchitis in the service, and from the effects of these, according to the report of a special examiner, he appears to be dying at the National Military Home, Hampton, Va.

The committee report the bill with an amendment, striking out all after the word "cavalry," in the seventh line, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MILLARD. I ask unanimous consent that gentlemen may be recognized upon the right and on the left side of the House alternately, to call up bills for consideration in accordance with the list.

Mr. WALLACE. Regular order.

The SPEAKER *pro tempore*. Objection is made. The Clerk will report the next bill.

WILLIAM BARDEN.

The next business on the Private Calendar was the bill (S. 2353) granting a pension to William Barden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William Barden, father of Henry D. Barden, a private of Company E, First Regiment of Wisconsin Cavalry, subject to the provisions and limitations of the pension laws.

The report (by Mr. WINANS) was read, as follows:

The claimant is William Barden, and applied for a pension as dependent father of Henry D. Barden, who was a private in Company E, First Wisconsin Cavalry, and who died of wounds received in battle May 13, 1863. The application was rejected on the ground that the claimant was not dependent upon his son at the time of his death, but was able to, and did, labor for the support of his family.

The soldier's legitimacy and celibacy are properly proven. The dependence of the father is established by the testimony of witnesses who date their knowledge of him from 1856, when he was a poor man.

Dr. Samuel J. Osborn, of Oshkosh, Wis., testifies:

"Claimant, being not of robust health, could not work always at his occupation; that his sons helped him before the war; that he had a troublesome cough, and some other ailments, which affiant can not distinctly remember, except that he could not always follow his trade; that what property he had was spent in caring for his wife, who died of cancer in the breast."

Another witness testifies to his knowledge of claimant since 1856; knows that he was and is now a poor man, temperate and frugal; that he well knew the soldier, and believes he largely assisted in the support of claimant and his family; that he sent home a part of his pay while in the service.

The soldier's letters are produced to show that he recognized his father's dependence, and contributed liberally of his monthly pay.

The aggregate of testimony shows that the father has never been a strong and healthy man, and that he has had a continuous struggle with poverty to the present time.

The bill is reported favorably with a recommendation that it do pass.

Mr. WISE. I must object to that bill, Mr. Speaker. The question involved in it was discussed here the other day in the case of Mr. Tiller, and this case is exactly similar.

Mr. WINANS. Mr. Speaker, it seems to me that this is quite different from the Tiller case. The beneficiary in this case was plainly dependent on his son for his support and is entitled to the relief to be granted by this bill, "subject to the limitations of the pension laws." So far as I have knowledge of the case, it seems to be in all respects a deserving one and certainly quite different from the Tiller case, wherein the soldier was not in the line of duty when captured, nor was the parent dependent at the time of the soldier's death.

The SPEAKER *pro tempore*. The question is, Shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

There was no objection, and it was so ordered.

JOHN REED, SR.

The next business on the Private Calendar was the bill (S. 1626) granting a pension to John Reed, sr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Reed, sr., of North Branch, Mich., dependent father of John Reed, jr., late a private in the Seventh Michigan Cavalry.

Mr. WALLACE. Mr. Speaker, I ask for the reading of the report in that case. I also ask unanimous consent that all the reports may be read in connection with the bills without the necessity of calling for each one.

Mr. ANDERSON, of Kansas, and Mr. BRADY. I object.

Mr. WALLACE. It will not make any difference, because I shall certainly call for the report in every case.

Mr. BRADY. We appropriate millions of dollars here without calling for the reading of the reports, but the reports are called for in every pension case, the object being, obviously, to consume time.

The report (by Mr. WINANS) was read, as follows:

Martha Reed, the mother of John Reed (a private in Company G, Seventh Regiment Michigan Volunteers), was granted a pension commencing the 5th day of December, 1862. She has since died, and the accompanying bill is to grant a pension to John Reed, sr., the aged and dependent father of the soldier above named.

The committee report the bill favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY LATHROP.

Mr. WAIT. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop. I make the request now because I hardly feel well enough to remain here until a late hour.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and restrictions of the pension laws, the name of Mary Lathrop, widow of Henry Brooks, late a private in Company F, Twenty-sixth Regiment Connecticut Volnuteer Infantry.

Mr. WISE. Let us have the report read.

The report (by Mr. LOVERING) was read, as follows:

The claimant was married to Henry Brooks, late private of Company F, Twenty-sixth Regiment Connecticut Volunteers, October 8, 1839. Brooks enlisted August 30, 1862, and was wounded in battle at Port Hudson, May 27, 1863, from the effects of which wound he died July 3, 1863. The claimant was pensioned and continued to draw her pension until January 10, 1877, when she married one Harvey Lathrop, with whom she lived as his wife until his death, January 10, 1879, since which date she has remained a widow.

The evidence before your committee shows that the claimant is now sixty-six years of age, that for several years past she has been a sufferer from palsy and epileptic seizures to such an extent as to render her unable to pursue any calling or perform any labor by which she could obtain a living. Dr. Carleton, who has attended her since 1883, testifies that since his attendance upon her claimant also had a slight apoplectic attack; her walk is very unsteady, and she is gradually growing worse. Her only income is from a trust fund set aside by her last husband, from which she obtains an annual income of $80, the greater portion of which is needed for medicine and medical attendance.

There is no one legally bound to assist her. She has, since the death of Lathrop, been cared for in part by a daughter, who herself is compelled to earn a support for her children by sewing. For a large part of her support she is dependent upon the charity of friends. The excellency of her character and reputation is amply shown.

The provisions of the general pension laws preclude her restoration to the pension-rolls. Congress has on several occasions granted relief in similar cases. From the evidence before your committee it is clear that should the relief asked for in this case be granted, the pension-rolls would not be burdened long with this additional beneficiary.

Believing the claimant worthy of the assistance of the Government for whose preservation her husband laid down his life, your committee report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE HAM.

Mr. RYAN. I ask unanimous consent for the present consideration of the bill (S. 785) granting a pension to George Ham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Ham, late first sergeant of Company D, Second United States Artillery.

Mr. WALLACE. I call for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The facts in this case are set forth in the report of the Senate Committee on Pensions, which is herewith adopted, and the passage of the bill recommended.

The claimant, George Ham, enlisted in Company D, Second United States Artillery, December 29, 1859, and that he was discharged at San José, Cal., February 6, 1867, having re-enlisted February 6, 1864. That he made application for pension in 1882, alleging that he contracted rheumatism at Harrison's Landing, Virginia, in July, 1862. The Commissioner of Pensions rejected the claim on the ground that there has been no disability from alleged cause since date of filing his application. The claimant testifies that since his discharge from the service the disease has been continually growing upon him, and that at times during all this period he was unable to perform manual labor, and now the disease is taking firmer hold upon him, and rendering him more unfit to perform manual labor.

Francis Wathier and William H. Cox, comrades, testify that claimant contracted rheumatism at Harrison's Landing, Virginia, about June 29, 1862; that he was unable to get on his horse without assistance, suffering much until after the battle of Antietam, and still suffering as long as affiants remained in the service, being discharged before claimant.

Claimant testifies that he was ordered to the hospital by the company commander, Emery Upton, while at Camp Upton, Virginia, September, 1862, but had the order countermanded at his own request; that he never was in the hospital; was treated for rheumatism by the assistant surgeon attached to Captain Hexiner's New Jersey Battery, at Bakersville, Md., and at White Oak Church, Va. He testifies further that Dr. George W. Church, who treated him for rheumatism in 1867, is dead. Dr. March was of Albany, N. Y., and he is unable to get his testimony; has not called a physician since for that special ailment, and has not published his ailments to his neighbors. He states that it is impossible for him to furnish further evidence in his claim; that it is impossible to find neighbors who can recollect the extent of his disability.

Dr. Knapp, of Ossawatomie, Kans., superintendent of the State Asylum for the Insane, testifies that he has known claimant for twelve years; that he was employed at the Kansas State Hospital for the Insane from 1874 to 1877; that all the time he complained more or less of rheumatism, having frequently prescribed for him in acute attacks of that disease. From his intimate acquaintance with claimant for twelve years, and daily observation for three years, 1874 to 1877, he would rate his disability to perform manual labor at one-half total. He further states that during the time of claimant's employment he complained more or less of rheumatism affecting intercostal, dorsal, and lumbar muscles, on many occasions being obliged to suspend work for a short time on account of painful respiration or inability to stoop. Claimant is a man of irreproachable character, indomitable courage and energy, but, being uneducated, his only resource is manual labor, of which he has been largely deprived by his rheumatic disability. In affiant's belief he often discharged his duties faithfully while suffering a degree of disability which would have caused the average man to abandon his position.

Henry Parker, a neighbor, testifies that he has known claimant since spring of 1874; knows that he has been frequently sick; has waited on him in his sickness, and understood his sickness was rheumatism; attacks were frequent and severe.

Dr. C. A. Wakefield, examining surgeon, Eureka, Kans., December 6, 1882, says he can find nothing to support claim for chronic rheumatism, but is satisfied claimant suffers from some obscure or rheumatic trouble. Based on claimant's statement alone; thinks his disability to amount to one-half total.

In a petition accompanying this bill, numerously signed by soldiers residing in Greenwood County, Kansas, it is set forth—also verified by indorsement on back of his certificate of honorable discharge—that the claimant was present and participated in sixty-two engagements during the late war; that he is the head of a family consisting of a wife and six children, who are dependent upon him for support; that claimant is now forty-seven years old, very poor, and health failing him rapidly; that he is worthy of attention. The presence of his comrades who testify to the increase of his disability is verified by the report of the Adjutant-General. All witnesses are credible and reliable men. No suspicion of fraud; and in consideration of his long and faithful service the committee recommend the passage of the bill.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with a favorable recommendation.

Mr. WALLACE. I do not see in this report any testimony to show that the bill should be favorably considered. I ask that it be passed over informally.

Mr. RYAN. What is the gentleman's objection to the bill?

Mr. WALLACE. I see no merit in it at all. The report presents no testimony, but simply the man's statement of his own case.

Mr. RYAN. Why, if the gentleman had listened to the reading of the report——

Mr. WALLACE. I tried to do so; I tried to find some testimony in support of the application.

Mr. RYAN. If the gentleman had listened attentively, he would

have heard the testimony of physicians, and the testimony of the man's neighbors, showing his present condition; he would have heard the testimony of the man's comrades showing that, while he was in the service, he suffered from the disease for which he now asks a pension; that he participated in sixty-two engagements during the war, and is a man of irreproachable character.

Mr. WALLACE. He may be; but his comrades do not seem to be such, or the Pension Office would have allowed him a pension. In view of the estimate which the Pension Office evidently placed on their testimony, I do not think this House should go behind the action of that Department. I ask that the bill be passed over informally.

Mr. RYAN. I move, Mr. Chairman, that the bill be laid aside to be reported favorably to the House.

The question being taken, there were—ayes 56, no 1.

Mr. WALLACE. Mr. Chairman, I will not call for a quorum on this question, although I think this bill upon the report as presented has no merit but is a disgrace to the House. I will allow it to pass, because there may be a contingent possibility that this man ought to receive relief in this way Therefore I will not insist on a quorum.

The CHAIRMAN. On the motion of the gentleman from Kansas [Mr. RYAN] to lay the bill aside to be reported favorably to the House the ayes are 56, the noes 1. The motion is adopted.

Mr. WALLACE. I now call for the regular order. If the bill just considered is a specimen of the sort of bills we are to have brought up here upon the call of individual members, I think we had better adhere to the regular order.

Several MEMBERS. Regular order.

The CHAIRMAN. Gentlemen on both sides demand the regular order. The Clerk will read the next bill on the Calendar.

MRS. ELLEN M. BOGGS.

Mr. CURTIN. Mr. Chairman, I am not very well, and I desire to retire from the Hall. I ask unanimous consent for the consideration at the present time of the bill (S. 722) for an increase of pension to Mrs. Ellen M. Boggs.

The CHAIRMAN. The bill indicated by the gentleman from Pennsylvania [Mr. CURTIN] will be read, after which the Chair will ask if there is objection.

Mr. WALLACE. I have been willing to waive the regular order of the evening in the hope that meritorious bills might be presented for consideration. But the first bill brought up is so destitute of merit that if this is to be a type of others——

The CHAIRMAN. Does the gentleman object to the request of the gentleman from Pennsylvania.

Mr. WALLACE. In deference to the gentleman from Pennsylvania I will not urge objection to his proposition.

The CHAIRMAN. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Ellen M. Boggs, widow of William Brenton Boggs, deceased, late a pay-director in the United States Navy, at the rate of $50 per month, in lieu of the amount now received by law.

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. WALLACE. I ask that the report be read.

The CHAIRMAN. The report will be read, the right to object being reserved.

The report (by Mr. HUTTON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs, have had the same under consideration, and concur in the Senate report, hereto attached, and recommend the passage of the bill.

William Brenton Boggs, deceased, was a pay-director in the Navy for many years, his entire period of service covering a quarter of a century. His record as an officer was without a flaw, while his gallantry was conspicuous.

The committee present, and make a part of their report, the following communication from Admiral Porter relating to this case:

OFFICE OF THE ADMIRAL,
Washington, D. C., December 13, 1880.

MY DEAR MADAM: I regret to hear that the letter I wrote you in regard to your late husband's services has been lost, either in the Naval Committee rooms or in the Pension Office. It will, however, make little difference, as I can tell you pretty much what I embodied in my former communication.

During the period I commanded the Mississippi squadron we had a large "wharf-boat," some 600 feet long, as a storehouse for the squadron. This was set on fire one night in the year 1864, by means of a torpedo, and the flames spread so rapidly that it was with the utmost difficulty those on board escaped to the shore. The different pay officers of the station had all their accounts and the public money on board this vessel.

At the time of the fire your late husband, William B. Boggs, occupied the position of fleet paymaster of the Mississippi squadron, and slept on board the vessel to guard the public papers and money. He was the only one during the conflagration who did not leave his post, but forcing his way through the flames he succeeded in securing his books and papers, and then worked his way to the roof of the wharf, whence he jumped overboard and succeeded in saving his most valuable papers.

This was not done until his clothing was burned off and he was nearly scorched to a cinder. I saw him an hour after the accident, and a more dreadful burning I never witnessed.

For many months his life was despaired of, and when he was able to move about he was so marked that his most intimate friends would scarcely know him.

No doubt his death was greatly hastened by the terrible shock his constitution underwent at that time. I am satisfied that the stern bravery shown by Paymaster Boggs on the occasion entitles his widow to a pension as much as if the action had been performed in battle.

It was not the excitement of battle that sustained him, but a heroic effort to preserve the Government accounts, the loss of which would have compelled the payment of large sums of money by the Department to persons who had no real claim for compensation. I look upon this action of Mr. Boggs as one of the most heroic which came under my observation during the war. It was a case where a man battled with the flames with almost a certainty of losing his life. With all due respect for our legislators, I am of the opinion that the widow of Paymaster Boggs is as much entitled to a pension as the widow of any other officer who was disabled during the war.

I remain, very respectfully and truly, yours,

DAVID D. PORTER,
Admiral.

Mrs. WILLIAM B. BOGGS,
Georgetown, D. C.

I omitted to state in the body of this communication what I said in my former one, that I think that Congress should give you an increase of pension to the amount of $50 a month. Thirty dollars per month is what any officer's widow can obtain whose husband has performed ordinary service. That you can claim without going to Congress, and $50 per month should be given for heroic conduct. I think if Congress can be made to understand all the bearings of this matter they will not fail to do justice in the premises.

DAVID D. PORTER.

The death of Pay Director Boggs left the claimant, his widow, in very straitened circumstances, and the committee, believing her condition to be such as to warrant the proposed increase, recommend the passage of the bill as amended, to wit:

Strike out in line 8, after the word "month," the rest of the section, with the proviso, and insert the following: "In lieu of the amount now received by law."

The CHAIRMAN. Is there objection to the consideration of this bill?

Mr. WALLACE. I would like to ask whether it is customary in all cases to give the widows of pay directors in the Navy a pension of $50 a month?

Mr. BRADY. Not in all cases; but a great many pensions of that amount have been granted to the widows of officers of the same rank as this one.

Mr. WALLACE. What pension is the widow now receiving?

Mr. BRADY. Thirty dollars a month.

Mr. WALLACE. That is the extent to which pensions have been allowed in these cases?

Mr. BRADY. That is the extent under the general law; but there are a number of precedents for pensions of $50 in cases of this kind.

Mr. WALLACE. On what particular reasons?

Mr. BRADY. The increased pension is asked in this case on account of the heroic services of this man, as stated by Admiral Porter.

Mr. CURTIN (to Mr. WALLACE). Oh, my dear friend, in this case you should take counsel of your heart, and not of your head.

Mr. STRUBLE. I would like to inquire the rank of this officer.

A MEMBER. Colonel.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. WINANS. I object to the further consideration of the bill. It is likely to give rise to considerable discussion; it certainly can not pass without discussion; and I object to it.

The CHAIRMAN. The gentleman from Michigan [Mr. WINANS] objects.

Mr. WINANS. I insist on the regular order.

RACHEL ANN PIERPONT.

The next business on the Private Calendar was the bill (S. 2452) granting a pension to Rachel Ann Pierpont.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel Ann Pierpont, dependent mother of Thomas W. Bailey, late a private in Company C, Twenty-second Kentucky Infantry.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2452, report that they have examined the same, and adopt the Senate report, as follows:

[Senate Report No. 1110, Forty-ninth Congress, first session.]

The petitioner claims to be the dependent mother of Thomas W. Bailey, a private in Company C, Twenty-second Kentucky Volunteers, who died before the expiration of his term of service, at Vicksburg, Miss., of disease contracted in the line of duty, which is confirmed by the report of the Adjutant-General. The application was rejected by the Pension Office on the ground of her inability to prove her dependence.

The evidence shows that Lott Pierpont, the claimant's second husband, was old and physically disqualified for supporting his family; that this soldier son was not married; that before his enlistment he labored for the support of his mother, and divided his pay with her while in the service. Two comrades testify to their intimacy with the soldier; to their knowledge of his sending his earnings to his mother; to the fact of his death; to their assistance at his burial; to their sending his effects to his mother after his death. This testimony is repeated by different witnesses, and in the opinion of the committee establishes the fact of the mother's dependence.

In her petition to Congress she says she is a widow, seventy-five years old, very poor and in feeble health; that three of her sons were in the service; that two of them died from sickness contracted in the line of duty; that the third, with whom she is now living, is disabled; that it is a financial and physical impossibility for her to comply with the demands of the Pension Commissioner.

Your committee report a bill for her relief, with a recommendation that it do pass.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES S. FURNISS.

The next business on the Private Calendar was the bill (S. 2454) granting a pension to James S. Furniss.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James S. Furniss, late a private in Company E, Seventy-fourth New York Volunteers, who enlisted May 5, 1862, and was discharged May 30, 1865.

Mr. CUTCHEON. I ask for the reading of the report.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2454, report that they have examined the same, and adopt Senate report, as follows:

[Senate Report No. 1117, Forty-ninth Congress, first session.]

The claimant enlisted in the Seventy-fourth Regiment New York Volunteers July 25, 1861; was honorably discharged April 10, 1862; re-enlisted September 5, 1862, and was honorably discharged in May, 1865. His application is for disabilities that include chronic diarrhea, disease of kidneys, and from typhoid fever, hemorrhage of right lung; and his rejection is on the ground of his failure to prove "origin."

The claimant makes a connected statement covering the time from his entering the service until his discharge, giving the dates of his admission to hospital and his transfer from one to another. The Surgeon-General's report corroborates his statement, and names typhoid fever as one of the diseases for which he was treated.

The report of the Adjutant-General verifies his service and his sick-furloughs, but adds, "Nature of sickness not stated; regimental hospital records not on file;" and the report of the Surgeon-General closes with the remark that "the records of the general and field hospital, Third Army Corps, are not on file bearing on this case." The absence of a connected history of treatment from the record is one of the discouragements encountered by nearly every suitor for a pension. While it should be the reliable source of information as to the origin of disease, it furnishes little that is satisfactory, so that the soldier is thrown upon his own resources for such evidences as is exacted by the Pension Bureau.

In this case the files contain the best quality of evidence as to the soldier's soundness and as to his exemplary character prior to enlistment.

Two of his neighbors who knew him before and after his service, who lived near, and were intimate with him—and one of whom is vouched for as entirely reliable—testify as to his broken-down condition immediately after his return; to his kidney disease, chronic diarrhea, and hemorrhages of lung; to his continued suffering and almost total incapacity to perform light labor. Dr. Cramton, of Colchester, Vt., testifies that he commenced treating claimant in 1871; found him in a debilitated condition, suffering with pain and soreness over region of kidneys and liver, torpid condition of liver, and irritation of kidneys; that he is not able to do half the work of an able-bodied man.

The medical board before whom the claimant was ordered to appear by the Commissioner of Pensions report affection of the right lung, severe cough, respiration hurried, diarrhea troublesome. At the date of the examination, April 5, 1882, they say: "He is now entirely incapacitated for manual labor. The disease has been of gradual progress and may have originated from typhoid fever."

The question as to "origin" of disease must be settled on this testimony, which is partly circumstantial. He can not obtain that of comrades, as the Pension Office requires, because, as he says, his regiment was composed of different nationalities, who dispersed to various localities. Furthermore, he was a musician, by reason of which, and his frequent illness, he was separated from intimate association with members of his regiment. It would seem that, inasmuch as he went into the service in a healthy condition, was for months sick and under treatment in hospital, returned to his home in a broken-down condition, and has traced the progress of his disabilities to a period when he is apparently very near the end of his mortal career, the "origin" of his illness must have connection with his service.

So convinced are the committee of this fact that the accompanying bill is reported for his relief, with a recommendation that it do pass.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. O'HARA. I ask, by unanimous consent, to call up for present consideration a bill (H. R. 8486) granting a pension to Rebecca Morris.

Mr. NELSON and others demanded the regular order of business.

MRS. ADALINE P. LOY.

The next business on the Private Calendar was the bill (S. 2479) granting a pension to Mrs. Adaline P. Loy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Adaline P. Loy, widow of Joseph F. Loy, late captain of Company H, Fourth Regiment Wisconsin Volunteers.

Mr. WALLACE. I ask for the reading of the report.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2479, report that they have examined the same, and adopt the Senate report, as follows:

[Senate Report No. 1203, Forty-ninth Congress, first session.]

The claimant in this case is the widow of Joseph F. Loy, late captain of Company H, Fourth Regiment Wisconsin Volunteers. It was rejected by the Pension Office on the ground that the fatal disease of lungs did not originate in the service.

There have been six special examinations in this case. Five out of the six report in favor of allowance. The late Captain Loy was a resident of Green Bay, Wis. A number of the best citizens of that city testify to his prior soundness, to his resignation on account of ill health, and to his coming home sick. To establish the claim it is only necessary to prove the incurrence of disease. On this point the testimony of Gen. Harrison C. Hobart is quoted:

"He was well and intimately acquainted with Captain Loy before and after service; knew him as a brother professional and as a public officer; without hesitation pronounces him as sound, healthy, vigorous at the time he entered the service. 'During the service and at the time of his resignation I was connected with his regiment; met him often, and from personal knowledge state that he was then suffering with a bad cold and hard cough received while in active service under General Butler, in the Department of the Gulf. My attention was particularly called to his condition at that time. This was at Baton Rouge, in the summer of 1862. I was all through the entire campaign with him. After he resigned I remained in service, and subsequently took command of the First Brigade, First Division, Fourteenth Corps, and did not see Captain Loy again until about a year before his death. He was then a sufferer from what looked to me like consumption.'"

General EDWARD S. BRAGG, member of the House of Representatives from the second Wisconsin district, testifies that he knew Captain Loy from 1850, and prior to his enlistment he was a strong six-foot Pennsylvanian:

"I was in a position to know his physical condition in 1860, and I state that it was good. After his return from the Army he claimed to have lost his health in the swamp lands of Louisiana, or, rather, in the northern portion of Louisiana. I saw him in the winter of 1865–'66, at which time his appearance was unhealthy. I do not remember what he complained of, but he attributed his ill health to the campaign in Louisiana."

The committee refer particularly to the testimony of two of Captain Loy's associates in the Army, who knew him intimately. The reputation of all the witnesses, most of whom are personally known to the maker of this report, is of the best, and the evidence is conclusive. It is too voluminous to include in this report, but it is of the same character as the above. Taken in connection with the investigations, five of which support the claim, the committee have no hesitation in reporting the bill favorably, with a recommendation that it pass.

ELENOR C. RANSOM.

Mr. VAN EATON. I ask, by unanimous consent, to make a request. [Laughter.] Inasmuch as I will be sick if I stay here much longer, and as I have never asked to take up a pension bill since I have been in Congress, and never did in my life, I now ask to take up House bill 10795, granting a pension to Elenor C. Ransom.

Mr. NELSON demanded the regular order of business, but afterward withdrew it.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Elenor C. Ransom, of Los Angeles, Cal., who served as a hospital nurse and sanitary agent in the Union Army from February, 1863, to the close of the war, and pay her a pension of $12 a month from and after the passage of this act.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. VAN EATON. None at all. [Laughter and applause.]

Mr. WALLACE. Is there any report?

The CHAIRMAN. Is there objection to laying the bill aside, to be reported to the House with the recommendation that it do pass?

Mr. VAN EATON. There is none. [Laughter.]

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY A. LOGAN.

Mr. CONGER. My name appears next on the list, and I ask to take up the following bill.

The CHAIRMAN. The Clerk will report the bill, after which the Chair will ask for objection.

Mr. WALLACE. The gentleman demanded the regular order awhile ago. The gentleman from Massachusetts asked unanimous consent and the gentleman objected.

Mr. CONGER. I did it because I was first on the list.

The CHAIRMAN. The Clerk will report the bill.

Mr. WALLACE. We will show how much more liberal we are on this side than the gentlemen are on the other side.

Mr. CONGER. I ask for the reading of the bill.

The Clerk read as follows:

A bill (S. 3050) granting a pension to Mrs. Mary A. Logan.

Mr. TAULBEE. I object.

Mr. ANDERSON, of Kansas. Let the bill be read.

Mr. CONGER. Did not the Chair say the bill would be read, after which objections would be received?

The CHAIRMAN. Objection is fatal to it whenever made.

Mr. TAULBEE. I have no objection to the bill and report being printed in the RECORD, nor would I object to the reading of the bill, but it only consumes time unnecessarily.

The CHAIRMAN. Is there objection?

Mr. BOUTELLE. I ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. BOUTELLE. After the Chair has announced the bill will be read and subsequently objection will be received, and the reading of the bill has been commenced, is it in order to interrupt the proceedings until the bill has been read?

The CHAIRMAN. Objection at any time will be fatal. If there be no objection the reading of the bill will be finished. The Chair is informed, however, that the report is not here.

Mr. BOUTELLE. I make the point of order that the reading of the bill having been commenced it should be completed.

The CHAIRMAN. The Chair understands the objection is insisted upon.

Mr. WALLACE. Yes, sir.

Mr. TAULBEE. I demand the regular order.

Mr. BOUTELLE. I make the point of order that the bill should be read before objection can be received, under the statement of the Chair.

The CHAIRMAN. Objection is fatal no matter when made. A call for the regular order is equivalent to an objection.

Mr. CONGER. The Chair said the bill would be read, after which objection would be asked for.

The CHAIRMAN. The Chair thinks the objection can be interposed at any time, such being the practice in the House.

Mr. CUTCHEON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. I make the point of order that it is not in order for the Chair to hear or entertain an objection pending the reading of the bill, because it was ordered by the Chairman that the bill should be read, after which objection would be called for. Now, pending the reading of the bill, I claim it is not in order to interrupt the Clerk and interpose an objection, but that the reading must be completed, and then, in accordance with the statement of the Chair, objection will be called for.

Mr. TAULBEE. On that point of order I desire to say that, if I caught the reading correctly, the bill was read by its title, or rather its title was read, on which I objected, and which objection is insisted upon.

The CHAIRMAN. The Chair recognizes the right of the gentleman from Kentucky to interpose his objection, and demand the regular order. The Chair will again state that such is the practice of the House.

Mr. TAULBEE. I have no objection to the bill and report being printed in the RECORD, if gentlemen desire that.

Mr. ROWELL. I ask unanimous consent that the bill and the report be printed in the RECORD.

The CHAIRMAN. Is there objection to that?

Mr. TAULBEE. None whatever.

Mr. O'HARA. Both reports.

The CHAIRMAN. Without objection the report of the committee and the views of the minority will also be printed in the RECORD.

There was no objection, and it was so ordered.

Mr. CONGER. There have been some affidavits sent to me from the physicians who treated General LOGAN in his last illness, and I ask unanimous consent that they also be printed in the RECORD. They would have been attached to and made a part of the report in the case, but did not arrive in time.

The CHAIRMAN. Is there any objection to the request of the gentleman from Iowa?

Mr. WALLACE. I object.

Mr. CONGER. They would have been printed with the report had they been received in time.

The CHAIRMAN. The Chair understands the gentleman from Iowa to say that they would have formed part of the report if they had been received in time, and again asks if there is objection to printing them in the RECORD with the bill and report of the committee.

Mr. WALLACE. I have no objection to the printing of the report, but to the printing of any further testimony I do object.

Mr. BURROWS. Mr. Chairman, I wish to ask unanimous consent that we may have the poor privilege, at least, of having the bill giving a pension to Mrs. Logan read.

Mr. TAULBEE. I object.

The CHAIRMAN. The bill and report will be printed in the RECORD.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Logan, widow of the late John A. Logan, a major-general of United States volunteers in the late war for the Union, and to pay her a pension from the passage of this act, for and during her natural life, at the rate of $2,000 per annum.

The adverse report (by Mr. TAULBEE) is as follows:

The committee submit herewith lists showing the number and names of major-generals of the regular and volunteer forces commissioned since March 4, 1861, as well as those of rear-admirals of the Navy, as follows:

List of major-generals who were killed or who died during the war of the rebellion.

No.	Names.	Date of death	Remarks.
	KILLED.		
1	Philip Kearney	Sept. 1, 1862	In battle at Chantilly, Va.
2	Isaac L. Stevens	Sept. 1, 1862	Do.
3	Hiram G. Berry	May 3, 1863	In battle at Chancellorsville, Va.
4	John H. Reynolds	July 1, 1863	In battle at Gettysburg, Pa.
5	John Sedgwick	May 9, 1864	In battle at Spottsylvania, Va.
6	James B. McPherson	July 22, 1864	In battle at Atlanta, Ga.
	DIED OF WOUNDS.		
1	Jesse L. Reno	Sept. 14, 1862	Received at South Mountain, Md.
2	Joseph K. F. Mansfield	Sept. 18, 1862	Received at Antietam, Md.
3	Israel B. Richardson	Nov. 3, 1862	Do.
4	Amiel W. Whipple	May 7, 1863	Received at Chancellorsville, Va.
5	George C. Strong	July 30, 1863	Received at Fort Wagner, S. C.
	DIED.		
1	Charles F. Smith	Apr. 25, 1862	At Savannah, Tenn.
2	William Nelson	Sept. 29, 1862	At Louisville, Ky.
3	Ormsby M. Mitchel	Oct. 30, 1862	At Beaufort, S. C.
4	Edwin V. Sumner	Mar. 21, 1863	At Syracuse, N. Y.
5	John Buford	Dec. 16, 1863	At Washington, D. C.
6	David B. Birney	Oct. 18, 1864	At Philadelphia, Pa.

List of major-generals, regular and volunteer, who have died since the close of the rebellion.

No.	Names.	Date of death	Remarks.
1	Charles Griffin	Sept. 15, 1867	
2	Frederick Steele	Jan. 12, 1868	
3	Lovell H. Rousseau	Jan. 7, 1869	
4	John E. Wool	Nov. 10, 1869	
5	Joseph A. Mower	Jan. 6, 1870	
6	George H. Thomas	Mar. 28, 1870	
7	William H. T. Brooks	July 19, 1870	
8	Ethan A. Hitchcock	Aug. 5, 1870	
9	Henry W. Halleck	Jan. 9, 1872	
10	George G. Meade	Nov. 6, 1872	
11	Edward R. S. Canby	Apr. 11, 1873	Killed.
12	George L. Hartsuff	May 16, 1874	
13	John G. Foster	Sept. 2, 1874	
14	Frank P. Blair, jr	July 9, 1875	
15	Alvan C. Gillein	Dec. 2, 1875	
16	Gordon Granger	Jan. 10, 1876	
17	George A. Custer	June 25, 1876	Killed.
18	Giles A. Smith	Nov. 5, 1876	
19	John J. Peck	Apr. 21, 1878	
20	George Cadwalader	Feb. 5, 1879	
21	John A. Dix	Apr. 21, 1879	
22	Joseph Hooker	Oct. 31, 1879	
23	George Sykes	Feb. 8, 1880	
24	Sam'l P. Heintzelman	May 1, 1880	
25	William H. French	May 20, 1881	
26	Ambrose E. Burnside	Sept. 13, 1881	
27	James A. Garfield	Sept. 19, 1881	
28	Judson Kilpatrick	Dec. 2, 1881	
29	Silas Casey	Jan. 22, 1882	
30	Stephen A. Hurlbut	Mar. 28, 1882	
31	C. C. Washburne	May 14, 1882	
32	Gouvern'r K. Warren	Aug. 8, 1882	
33	George W. Morrell	Feb. 11, 1883	
34	Edwin Morgan	Feb. 14, 1883	
35	Napoleon B. Buford	Mar. 28, 1883	
36	Edward O. C. Ord	July 22, 1883	
37	James B. Steedman	Oct. 18, 1883	
38	And'w A. Humphreys	Dec. 27, 1883	
39	Godfrey Weitzel	Mar. 19, 1884	
40	Gersham Mott	Nov. 28, 1884	
41	Irvin McDowell	May 4, 1885	
42	Ulysses S. Grant	July 23, 1885	
43	George B. McClellan	Oct. 29, 1885	
44	David Hunter	Feb. 2, 1886	
45	Winfield S. Hancock	Feb. 9, 1886	
46	John A. Logan	Dec. 26, 1886	
47	William B. Hazen	Jan. 16, 1887	

List showing the number and names of major-generals of the regular and volunteer forces of the United States commissioned since March 4, 1861.

No.	Names.	Date of commission.	Remarks.
	MAJOR-GENERALS U. S. ARMY.		
1	George B. McClellan	May 14, 1861	Died.
2	John C. Fremont	May 14, 1861	
3	Henry W. Halleck	Aug. 19, 1861	Do.
4	John E. Wool	May 16, 1862	Do.
5	Ulysses S. Grant	July 4, 1863	From U. S. volunteers. Died.
6	William T. Sherman	Aug. 12, 1864	From U. S. volunteers.
7	George G. Meade	Aug. 18, 1864	From U. S. volunteers. Died.
8	Philip H. Sheridan	Nov. 8, 1864	From U. S. volunteers.
9	George H. Thomas	Dec. 15, 1864	From U. S. volunteers. Died.
10	Winfield S. Hancock	July 26, 1866	From U. S. volunteers.
11	John M. Schofield	Mar. 4, 1869	Served under commission as major-general of volunteers during the war.
12	Irvin McDowell	Nov. 25, 1862	Served under commission as major-general of volunteers during the war. Died.
13	John Pope	Oct. 26, 1882	Served under commission as major-general of volunteers during the war.
14	Alfred H. Terry	Mar. 3, 1886	Do.
15	Oliver O. Howard	Mar. 19, 1886	Do.
	MAJOR-GENERALS U. S. VOLUNTEERS.		
1	John A. Dix	May 16, 1861	Died.
2	Nathaniel P. Banks	May 16, 1861	
3	Benjamin F. Butler	May 16, 1861	
4	David Hunter	Aug. 13, 1861	Do.
5	Edwin D. Morgan	Sept. 28, 1861	Do.
6	Ethan A. Hitchcock	Feb. 10, 1862	Do.
7	Ulysses S. Grant	Feb. 16, 1862	See, also, U. S. Army.
8	Irvin McDowell	Mar. 14, 1862	Do.
9	Ambrose E. Burnside	Mar. 18, 1862	Died.
10	William S. Rosecrans	Mar. 21, 1862	
11	Don Carlos Buell	Mar. 21, 1862	
12	John Pope	Mar. 21, 1862	See, also, U. S. Army.
13	Samuel R. Curtis	Mar. 21, 1862	
14	Franz Sigel	Mar. 21, 1862	
15	John A. McClernand	Mar. 21, 1862	
16	Charles F. Smith	Mar. 21, 1862	Died.
17	Lewis Wallace	Mar. 21, 1862	
18	Ormsby M. Mitchell	Apr. 11, 1862	Do.
19	Cassius M. Clay	Apr. 11, 1862	
20	George H. Thomas	Apr. 25, 1862	See, also, U. S. Army.
21	George Cadwalader	Apr. 25, 1862	Died.
22	William T. Sherman	May 1, 1862	See, also, U. S. Army.
23	Edward O. C. Ord	May 2, 1862	Died.
24	Edwin V. Sumner	May 5, 1862	Do.
25	Sam. P. Heintzleman	May 5, 1862	Do.
26	Erasmus D. Keyes	May 5, 1862	
27	Joseph Hooker	May 5, 1862	Do.

List showing the number of major-generals, &c.—Continued.

No.	Names.	Date of commission.	Remarks.
28	Silas Casey	May 31, 1862	Died.
29	Fitz-John Porter	July 4, 1862	
30	William B. Franklin	July 4, 1862	
31	Philip Kearney	July 4, 1862	Killed.
32	Darius N. Couch	July 4, 1862	
33	Israel B. Richardson	July 4, 1862	Died of wounds.
34	Henry W. Slocum	July 4, 1862	
35	John J. Peck	July 4, 1862	Died.
36	George W. Morrell	July 4, 1862	Do.
37	John Sedgwick	July 4, 1862	Killed.
38	Alex. McD. McCook	July 17, 1862	
39	William Nelson	July 17, 1862	Died.
40	Thomas L. Crittenden	July 17, 1862	
41	Jos. K. F. Mansfield	July 18, 1862	Died of wounds.
42	Isaac I. Stevens	July 18, 1862	Killed.
43	John G. Foster	July 18, 1862	Died.
44	Jesse L. Reno	July 18, 1862	Died of wounds.
45	John G. Parke	July 18, 1862	
46	Christopher C. Augur	Aug. 9, 1862	
47	Robert C. Schenck	Aug. 30, 1862	
48	Stephen A. Hurlburt	Sept. 17, 1862	Do.
49	Schuyler Hamilton	Sept. 17, 1862	
50	Gordon Granger	Sept. 17, 1862	Do.
51	Charles S. Hamilton	Sept. 19, 1862	
52	Lovell H. Rousseau	Oct. 8, 1862	Do.
53	James B. McPherson	Oct. 8, 1862	Killed.
54	Benjamin M. Prentiss	Nov. 29, 1862	
55	George Stoneman	Nov. 29, 1862	
56	John F. Reynolds	Nov. 29, 1862	Killed.
57	George G. Meade	Nov. 29, 1862	See, also, U. S. Army.
58	Oliver O. Howard	Nov. 29, 1862	Do.
59	Daniel E. Sickles	Nov. 29, 1862	
60	Robert H. Milroy	Nov. 29, 1862	
61	Daniel Butterfield	Nov. 29, 1862	
62	Winfield S. Hancock	Nov. 29, 1862	Do.
63	George Sykes	Nov. 29, 1862	Died.
64	William H. French	Nov. 29, 1862	Do.
65	David S. Stanley	Nov. 29, 1862	
66	James S. Negley	Nov. 29, 1862	
67	John M. Schofield	Nov. 29, 1862	See, also, U. S. Army.
68	John M. Palmer	Nov. 29, 1862	
69	Frederick Steele	Nov. 29, 1862	Died.
70	Abner Doubleday	Nov. 29, 1862	
71	Napoleon J. F. Dana	Nov. 29, 1862	
72	Hiram G. Berry	Nov. 29, 1862	Killed.
73	Richard J. Oglesby	Nov. 29, 1862	
74	John A. Logan	Nov. 29, 1862	Died.
75	James G. Blunt	Nov. 29, 1862	
76	George Hartsuff	Nov. 29, 1862	Do.
77	Napoleon B. Buford	Nov. 29, 1862	Do.
78	C. C. Washburne	Nov. 29, 1862	Do.
79	Francis J. Herron	Nov. 29, 1862	
80	Frank P. Blair, jr	Nov. 29, 1862	Died.
81	Joseph J. Reynolds	Nov. 29, 1862	
82	Philip H. Sheridan	Dec. 31, 1862	See, also, U. S. Army.
83	Julius H. Stahel	Mar. 14, 1863	
84	Carl Schurz	Mar. 14, 1863	
85	John Newton	Mar. 30, 1863	
86	Armiel W. Whipple	May 3, 1863	Died of wounds.
87	Gouvern'r K. Warren	May 3, 1863	Died.
88	David B. Birney	May 20, 1863	Do.
89	William T. H. Brooks	June 10, 1863	Do.
90	Alfred Pleasanton	June 22, 1863	
91	John Buford	July 1, 1863	Do.
92	A. A. Humphreys	July 8, 1863	Do.
93	Quincy A. Gillmore	July 10, 1863	
94	George C. Strong	July 18, 1863	Died of wounds.
95	James A. Garfield	Sept. 19, 1863	Died.
96	William F. Smith	Mar. 9, 1864	
97	James B. Steedman	Apr. 20, 1864	Do.
98	Edward R. S. Canby	May 7, 1864	Killed.
99	Horatio G. Wright	May 12, 1864	
100	Andrew J. Smith	May 12, 1864	
101	Granville M. Dodge	June 7, 1864	
102	John Gibbon	June 7, 1864	
103	Peter J. Osterhaus	July 23, 1864	
104	Joseph A. Mower	Aug. 12, 1864	Died.
105	George Crook	Oct. 21, 1864	
106	Godfrey Weitzel	Nov. 17, 1864	Do.
107	Jacob D. Cox	Dec. 7, 1864	
108	William B. Hazen	Dec. 13, 1864	Do.
109	Alfred H. Terry	Jan. 15, 1865	See, also, U. S. Army.
110	Thomas J. Wood	Jan. 27, 1865	
111	Wesley Merritt	Apr. 1, 1865	
112	Charles Griffin	Apr. 2, 1865	Died.
113	George A. Custer	Apr. 3, 1865	Killed.
114	Henry E. Davies	Apr. 6, 1865	
115	James H. Wilson	Apr. 20, 1865	
116	Francis C. Barlow	May 25, 1865	
117	Gersham Mott	May 26, 1865	Died.
118	Benjamin H. Grierson	May 27, 1865	
119	Judson Kilpatrick	June 18, 1865	Do.
120	Wager Swayne	June 20, 1865	
121	Mortimer D. Leggett	Aug. 21, 1865	
122	William H. Emory	Sept. 25, 1865	
123	Robert B. Potter	Sept. 29, 1865	
124	Nelson A. Miles	Oct. 21, 1865	
125	Alvan C. Gillem	Nov. 3, 1865	Do.
126	Francis Fessenden	Nov. 9, 1865	
127	Giles A. Smith	Nov. 24, 1865	Do.

In the regular force	15
In the volunteer force	127
Total	142
Less those who were appointed in the regular force from the volunteer force, whose names appear twice	11
	131

List of officers of the Navy who have been promoted to rear-admirals under the act of Congress approved July 16, 1862, establishing that grade in the Navy.

Names.	Remarks.	Names.	Remarks.
David G. Farragut	Dead.	Theodomus Bailey	Dead.
Louis M. Goldsborough	Do.	Henry H. Bell	Do.
Samuel F. Du Pont	Do.	Henry K. Thacher	Do.
Andrew H. Foote	Do.	Sylvanus W. Godon	Do.
Charles Stewart	Do.	James S. Palmer	Do.
William B. Shubrick	Do.	William Radford	Living.
Joseph Smith	Do.	Stephen C. Rowan	Do.
George W. Storer	Do.	Thomas T. Cravens	Do.
Frances H. Gregory	Do.	John D. Sloat	Dead.
Elie A. F. Lavallette	Do.	William Mervine	Do.
Silas H. Stringham	Do.	Thomas Crabbe	Do.
Samuel L. Breese	Do.	John B. Montgomery	Do.
Hiram Paulding	Do.	Cornelius K. Stribling	Do.
Charles H. Davis	Do.	Joshua R. Sands	Do.
John A. Dahlgren	Do.	Charles H. Bell	Do.
David D. Porter	Living.	George F. Pearsons	Do.
Charles Wilkes	Dead.	George H. Preble	Dead.
James L. Lardner	Do.	John W. Livingston	Do.
Henry K. Hoff	Do.	David McDougal	Do.
Joseph Lanman	Do.	Thomas H. Patterson	Living.
Frederick Engle	Do.	John C. Howell	Do.
Cadwallder Ringgold	Do.	Daniel Ammen	Do.
Thomas Turner	Do.	Roger N. Stembel	Do.
Charles H. Poor	Do.	Edward T. Nichols	Dead.
John Rodgers	Do.	Robert H. Wyman	Do.
John A. Winslow	Do.	George B. Balch	Living.
Samuel P. Lee	Living.	Thomas H. Stevens	Do.
Oliver S. Glisson	Do.	Charles Boarman	Dead.
Melancton Smith	Do.	John M. B. Clitz	Living.
Charles S. Boggs	Do.	Andrew Bryson	Do.
John DeCamp	Dead.	Donald McN. Fairfax	Do.
Henry Walke	Living.	James H. Spoltz	Dead.
Thornton A. Jenkins	Do.	James W. A. Nicholson	Living.
Levin M. Powell	Dead.	George H. Cooper	Do.
Andrew A. Harwood	Do.	John C. Beaumont	Dead.
William Rogers Taylor	Living.	John C. Marston	Do.
Benjamin F. Sands	Dead.	Hugh Y. Purviance	Do.
Charles Steedman	Living	John C. Febriger	Living.
James Alden	Dead.	Pierce Crosby	Do.
Thomas O. Selfridge	Living	Johnson B. Creighton	Dead.
James F. Schenck	Dead.	Aaron K. Hughes	Living.
Alfred Taylor	Living	Edmund R. Calhoun	Do.
Joseph F. Green	Do.	Charles H. Baldwin	Do.
Augustus L. Case	Do.	Robert W. Shufeldt	Do.
Alexander M. Pennock	Dead.	Alexander C. Rhind	Do.
John L. Worden	Living.	Thomas Pattison	Do.
George F. Emmons	Dead.	Edward Simpson	Do.
Gustavus H. Scott	Do.	William G. Temple	Do.
John J. Almy	Living.	Samuel P. Carter	Do.
James H. Strong	Dead.	Thomas S. Phelps	Do.
Enoch G. Parrott	Do.	Clark H. Wells	Do.
William Reynolds	Do.	Stephen B. Quackenbush	Do.
Fabius Stanly	Living.	Edward Y. McCauley	Do.
William E. Le Roy	Do.	Earl English	Do.
J. R. M. Mullaney	Do.	John H. Upshur	Do.
Chris. R. T. Rodgers	Do.	Francis A. Roe	Do.
Napoleon Collins	Dead.	Samuel R. Franklin	Do.
Reed Worden	Do.	John C. P. de Krafft	Dead.
Stephen D. Frenchard	Do.	Stephen B. Luce	Living.
Alexander Murray	Do.	John Lee Davis	Do.
Augustus H. Kilty	Do.	James E. Jouett	Do.
Theodore P. Greene	Living.	John H. Russell	Do.
Edward Middleton	Dead.	Walter W. Queen	Do.
Edward Donaldson	Living.	Ralph Chandler	Do.

RECAPITULATION.

Dead	68
Living	60
Total	128

Should Congress pass this bill, and by future legislation maintain that fairness and consistency which should characterize all legislation, the widows of each major-general and rear-admiral whose names appear above, and who leave surviving widows, will be given a pension of $2,000 a year.

Of this rank of officers appointed since March 4, 1861, there are: Major-generals, regular Army, 15; volunteer forces, 127 (less 11, explained above); rear-admirals of the Navy, 128; making a total of 259.

The committee, in the absence of data, believe that it is a fair estimate to presume that fully two-thirds of them have left or may leave widows at their death, which, if correctly estimated, would increase our pension-roll $345,000 annually, when perhaps in the majority of cases, as in this case, no relief from financial embarrassment or poverty is afforded, when it is well known that thousands of poor and aged widows of brave and worthy soldiers all over this broad land are denied the pittance of $12 per month because of their inability to connect the death of their husband with their military service, when in this case no sort of claim is advanced that the death of General LOGAN is attributable to his military service.

Prior to July 25, 1866, the rate of pension of the widow of an officer of the Army above the rank of first lieutenant, on account of service rendered prior to March 4, 1861, was one-half of the officer's pay proper; but in no case could the pension exceed the half-pay of a lieutenant-colonel. The rate of pension to widows of naval officers prior to July 25, 1866, was equal to one-half of the officer's pay while performing shore duty.

As no pensions were allowed to widows of Army officers prior to March 4, 1861, unless the death cause originated during a period of war, and the country prior thereto had lost but a few high-grade officers because of casualties of war, there were but few high-grade pensioners on the rolls at the breaking out of the late rebellion.

Title to pension in cases of widows of naval officers was not thus restricted, and consequently a number of such widows were on the rolls at $50 per month in 1861, where deceased husband held no higher rank than that of captain in the Navy, a rank relative to that of colonel in the Army. Half-pay pensions in this class of cases were continued until July 25, 1866, when, under the act of that date, all ante-rebellion pensions were placed on equal footing with those provided for by act of July 14, 1862, fixing the rates of pensions in all cases arising

out of service subsequent to March 4, 1861. That act fixed as the highest rate of pension in rank $30 per month, including lieutenant-colonel, colonel, brigadier-generals, and higher officers in the Army, and captains, commanders, commodores, rear-admirals, &c., in the Navy.

The rates of pensions in rank thus fixed by the act of July 14, 1862, and the act of July 25, 1866, have not been changed by general legislation, with the exception of the rates of pensions to officers, non-commissioned and petty officers of the Navy, or their widows or minor children, on account of service prior to March 4, 1861, which had actually been allowed prior to July 25, 1866, which, under the provisions of the act of June 9, 1880, were restored to the one-half pay basis.

This action was undoubtedly based upon the well-known fact that Navy pensions are paid out of a separate fund, called the Naval pension fund, created by the act of March 2, 1799.

This committee has in a number of cases recommended the increase of the pension of widows of general officers from $30 to $50 per month, and in a few cases has recommended the passage of bills giving an original pension of $50 to the widows of general officers. In all these cases, however, it was alleged that the widow stood in actual need of the increase in order to insure her a comfortable living.

Three special acts have been passed giving the sum named in this bill to widows of general officers; they are the cases of the widows of General Hancock and General Thomas and Admiral Farragut. These officers died while in the service, and had given their whole lives to the service, hence they are not precedents for the passage of this bill.

Following is a list of such high-grade pensions:

List of widows, &c., who were placed upon the pension-rolls by special acts of Congress since March 4, 1861, at $50 per month and upward.

ARMY LIST.

Name.	Rank of deceased officer.	Amount of pension.
Widow of J. P. Plummer	Brigadier-general	$50
Widow of Isaac F. Stevens	do	50
Widow of Hiram G. Berry	Major-general	50
Widow of Edwin D. Baker	do	50
Widow of Pleasant A. Cackleman	Brigadier-general	50
Widow of Israel B. Richardson	Major-general	50
Widow of W. H. L. Wallace	Brigadier-general	50
Widow of A. W. Whipple	Major-general	50
Widow of Edwin V. Sumner	do	50
Widow of Daniel B. Bidwell	Brigadier-general	50
Widow of William W. Morris	Major-general	50
Widow of Charles G. Loven	Brigadier-general	50
Widow of Robert Anderson	do	50
Widow of Alex. B. Dyer	do	50
Mother of James B. McPherson	Major-general	50
Widow of E. R. Canby	do	50
Widow of Lorenzo Thomas	Brigadier-general	50
Widow of James Shields	do	50
Widow of S. P. Heintzelman	Major-general	50
Widow of C. A. Finley	Surgeon-general	50
Widow of Robert B. Mitchell	Brigadier-general	50
Widow of Silas Casey	do	50
Widow of Wm. S. Bliss (daughter of Zachary Taylor).	Lieutenant-colonel	50
Widow of L. H. Rosseau	Brigadier-general	50
Widow of George A. Custer	Major-general	50
Widow of William H. French	do	50
Widow of George D. Ramsay	Brigadier-general	50
Widow of G. K. Warren	Major-general	50
Widow of Frank P. Blair	do	50
Widow of Judson Kilpatrick	do	50
Widow of Michael K. Lawley	Brigadier-general	50
Widow of James B. Steedman	Major-general	50
Widow of —— Mower	do	50
Widow of Joseph K. Barnes	Surgeon-general	50
Widow of E. O. C. Ord	Major-general	50
Widow of Charles H. Crane	Surgeon-general	50
Widow of John G. Foster	Major-general	50
Widow of Amos B. Eaton	Commissary-general subsistence.	50
Widow of Isaac P. Rodman	Brigadier-general	50
Widow of James W. Ripley	do	50
Widow of George H. Thomas	Major-general	*2,000
Widow of Winfield Scott Hancock	do	*2,000
Widow of Thomas T. Thornburgh	Major	50
Widow of Benjamin Alford	Paymaster-general	50
Widow of Henry W. Benham	Brigadier-general	50
Widow of Marcellus M. Crocker	do	50
Widow of —— Miller	do	50
Widow of Ward B. Burnett	do	50
Widow of —— McKean		50
Widow of David B. Birney	Major-general	50
Widow of Godfrey Weitzel	do	50
Widow of James A. Hardee	Inspector-general	50
Widow of Gabriel R. Paul	Brigadier-general	50
Widow of George J. Stannard	Brevet-major general	50
Widow of James A. Mulligan	Colonel	50

NAVY LIST.

Widow of David D. Farragut	Admiral	*$2,000
Widow of William M. Wood	Surgeon-general	50
Widow of William Reynolds	Rear-admiral	50
Widow of Henry K. Hoff	do	50
Widow of James L. Lardner	do	50
Widow of John Rogers	do	50
Widow of James H. Spotts	do	50
Widow of John Gallagher	Captain	50
Widow of William Dulaney	Colonel Marine Corps	50
Widow of Levi Twiggs	Major Marine Corps	50
Widow of David S. McDougal	Rear-admiral	50
Widow of John C. Beaumont	do	50
Widow of Edward Middleton	do	50
Widow of Cornelius K. Shilling	do	50
Widow of Benjamin F. Sands	do	50

List of widows, &c., who were placed upon the pension-rolls, &c.—Continued.

NAVY LIST.

Name.	Rank of deceased officer.	Amount of pension.
Widow of Jacob Zeilin	Brigadier-general Marine Corps.	$50
Widow of William N. Jeffers	Commodore	50
Widow of Joseph Lauman		50
Widow of Kiddey R. Breese	Captain	50
Widow of Simon B. Bissell		50
Widow of Dana Greene	Commander	50
Widow of J. Blakeley Creighton	Rear-admiral	50
Widow of Andrew A. Hanwood	do	50
Widow of Alexander Murray	do	50
Widow of Thos. S. C. Fillebraun	do	50
Widow of T. A. M. Craven	do	50
Widow of Alexander A. Semmes	Commodore	50
Widow of H. C. Blake	do	50

CIVIL LIST.

Widow of Abraham Lincoln		*$5,000
Widow of James K. Polk		*5,000
Widow of John Tyler		*5,000
Widow of James A. Garfield		*5,000
Widow of U. S. Grant		*5,000
Widow of A. B. Meacham, Modoc peace commissioner.		†50

*Per annum. †Per month.

There is no alleged need upon the part of Mrs. Logan; upon the contrary, it is a well known fact that she is in possession of an ample estate, and while the committee entertain the highest regard for Mrs. Logan, both on account of her high character and personal worth, as well as the brave and gallant record of General LOGAN as a soldier, and his useful and spotless record as civilian and statesman, they believe that the passage of this and all similar bills would be in the direction of building up in this country an aristocracy, contrary to the very principles of an equal government for all, for which General LOGAN so gallantly fought in war and so ably contended in time of peace.

This proposition, in our opinion, originated in an emotion arising in a great measure from the sudden and unexpected death of her husband, and is not the deliberate judgment of the people whose servants we are.

The bill as it passed the Senate would continue the pension in case of remarriage, a proposition which is contrary to our whole system of pension laws.

The committee recommend that the bill be postponed indefinitely.

Mr. CONGER presented the following as the views of the minority:

The minority of the Committee on Invalid Pensions, disagreeing with the report of the committee, submit the following:

JOHN A. LOGAN was one of the most distinguished, if not the most distinguished, volunteer general of our late war. His illustrious services are familiar to every citizen of the Republic, and each and all unhesitatingly join in this exalted estimate.

No man gave his country greater measure of service in her hour of supreme peril, and few gave as great. The universal wail of grief that swept the land from boundary to boundary upon the intelligence of his unexpected death but proves how great he was, and how irreparable the loss.

It is true he did not, like Generals Thomas and Hancock, die while yet in military service, but his wounds received and disabilities incurred in time of war, and his continued sufferings therefrom during all the years since, even to the last days of his fatal illness, are facts of such common acceptance as to make it reasonably certain that his death was the direct result of his military service; thus establishing the right of his widow to the same generous consideration as that already accorded to the widows of Admiral Farragut and Generals Thomas and Hancock.

This committee, by a unanimous report made on March 12, 1886, in recommending a pension of $2,000 per annum to the widow of General Hancock, gave emphatic expression to their honest convictions upon these matters, and to what this minority believe to be the real views and wishes of Congress and the country.

We can see no good reasons for a change of conviction or of practice at this time.

This report is so full, so fair, so conclusive, and so pertinent in every particular to the case under consideration that we copy it herewith.

"The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5841) granting a pension to Almira Russell Hancock, having had the same under careful consideration, respectfully submit the following report:

"General Hancock was an illustrious actor in the critical hours and dark days which overshadowed the history of his country. It will never be disputed that he met all the demands of these great and memorable occasions with a patriotic self-consecration and with a matchless soldiership that was fruitful of good fortune to his country. Recorded results of General Hancock's part in preserving the Union adorn our military annals. Gazetted for skill and gallantry on the earlier battlefields upon which he figured, his record at Gettysburg and in the desperate struggles of the Wilderness is an imperishable and priceless remembrance. Believing in the institutions of his country, he defended them with ardent zeal and at the cost of his blood. On great battlefields, where valor met valor, and where the decisive results of war occurred, Hancock was often an eminent figure. There should be no scant gratitude to a soldier who lives in the annals of war for the Union among its most splendid characters.

"His death was a source of universal public grief, as his life had been a public blessing. It was followed by quick testimonials in his honor throughout the land. Every form of popular and official demonstration attested appreciation of an heroic defender of the Republic. Enemies whom he overcame in battle are his eulogists in company with the men he led against them.

"He has passed into history without challenge of his honor and his success, where honor and success can be successfully challenged if there be flaw in either. Soldiers are judges and critics of soldiers. Before the tribunal of soldiers, Hancock's career is already of final record. Of military success he left abundant memorials. Of his magnanimity Americans he defeated in war are cheerful witnesses.

"His services were all that could be demanded of patriotic endeavor and devotion. As a type of American patriotism General Hancock will live in the history of his country and in the hearts of his countrymen regardless of sectional or party divisions.

"Brave in war, 'tender and true' in peace, his sympathies and active benevolence were to the last days of his life freely and almost lavishly expended in behalf of his sick and suffering comrades, their widows and their orphans. No

appeal from them ever fell upon his unlistening ear. The very last effort of his life was the dictation of a letter, which he had not strength to sign, making a strong appeal in behalf of the widow of a deceased officer."

Supplementary to this report are papers which are official statements of General Hancock's services to his country; services which his countrymen recognize as the sufficient and eloquent plea for what General Hancock would have wished Congress to do for his widow.

The nature of the service in which General Hancock was engaged, the constant drain upon his pecuniary resources, made necessary by the position he occupied, and the further tax upon his means by his full-handed generosity to unfortunate comrades, has left his widow in straitened circumstances and to some extent dependent on private liberality. This a grateful country should not permit. This committee can not do better than to quote from the report of the Senate Committee on Pensions of the Forty-eighth Congress, which report was ably drawn by Mr. CULLOM on the bill granting an increase of pension to the widow of General George H. Thomas. This report concludes as follows:

"Although a pension of this amount has only been granted by Congress in one instance, in the case of the widow of Admiral Farragut, excepting the larger pensions to widows of deceased Presidents, the committee believe that the widow of George H. Thomas should receive the greatest possible consideration at the hands of Congress, and that the unusual and exceptional allowance proposed in her case is a fitting and very appropriate recognition of the nation's indebtedness to her most distinguished husband."

Your committee agree fully with the foregoing sentiments, and, considering this one of the exceptional cases in which it becomes their duty to recommend a departure from ordinary precedent and policy, they heartily and unanimously recommend the passage of the bill.

We confess our inability to understand this readiness on the part of the majority of the committee to recognize and reward great merit and eminent service in one faithful officer, and its refusal of like recognition and reward in another of equal merit and equal public service.

Each and every reason adduced for favorable action in the foregoing unanimous report may, with great propriety, be and is hereby reproduced by this minority for similar action in this. In fact, it may be urged with greater force. And we detract nothing from the name or fame of General Hancock when we say that his eminent career was the faithful fulfillment of obligations resulting from his military education and life employment furnished by the Government, while the transcendent achievements of General Logan were the voluntary contributions of his splendid military genius, inspired by convictions of duty and patriotic impulses seldomed equaled and never excelled.

The following is a very brief memorandum of the military history and services of General LOGAN, which is of itself a sufficient warrant for prompt and generous appropriation by Congress for his surviving widow:

The memorandum is as follows:

SERVICE OF JOHN A. LOGAN.

Second lieutenant, Company H, First Illinois Volunteers, Mexican war.
Mustered June 8, 1847.
Acting adjutant and regimental quartermaster, on duty at Santa Fé, N. Mex.
Mustered out October 10, 1848.

REBELLION OF 1861-'65.

Served as a private in Second Michigan Volunteers at the battle of Bull Run, Virginia, July 21, 1861.
Colonel of Thirty-first Illinois Volunteers, August 16, 1861.
First brigade, first division, Army of Tennessee, October 14, 1861.
Belmont, Mo., November 7.
Capture of Fort Henry, Tennessee, February 6, 1862.
Fort Donelson, February 13-15; wounded twice (shoulder and side).
Brigadier-general United States Volunteers, March 5; in command of first brigade, first division, reserve, Army of Tennessee, April, 1862.
Siege of Corinth, Miss., April 30, May 30.
In command of post at Jackson, Tenn., June to November, 1862, and Yocona expedition, December 5-22, 1862.
In command of third division, right wing, Army of Tennessee, November 1, 1862.
Major-general United States Volunteers, November 29, in command of the third division, Seventeenth Army Corps, January 11, 1863.
Operations on Lake Providence Canal, March-April, 1863.
Passage of the Mississippi River, May 1, 1863.
Port Gibson, May 1.
Operations on Bayou Pierre, May 2.
Ingram Heights, May 3.
Raymond, May 12.
Jackson, May 14.
Champion Hills, May 16.
Siege of Vicksburg, May 19 to July 4.
Assault on Vicksburg; struck by spent ball, slight wound in neck; May 19-22.
Fort Hill, June 25.
Military governor of Vicksburg, July to November, 1863.
Commanding Fifteenth Army Corps, December 11, 1863; September 23, 1864; January 25 to May 19, 1865.
Rocky-Faced Ridge, Georgia, May 5-9, 1864.
Snake Creek Gap, May 8.
Sugar Valley, May 10.
Camp Creek Hills, May 13 and 14.
Battle of Resaca, May 13-16.
Battle around Dallas, May 28 to June 4.
Wounded, May 28; arm, between elbow and shoulder.
Big Kenesaw Mountain, June 15.
Little Kenesaw Mountain, June 27-30.
Wounded, June 30.
Nicka Jack Creek and capture Marietta, July 4.
Before Atlanta, July 21 and 22 (Hood's first sortie).
Commanding Army and Department of Tennessee, July 22.
Ezra Chapel, July 28 (Hood's second sortie).
Siege of Atlanta, Ga., July 28 to September 2.
Utoy Creek, August 5 and 6.
Jonesborough, August 31 to September 1.
Fall of Atlanta, September 2.
Campaign of the Carolinas, January to May, 1865.
Combahee River, South Carolina, January 25.
Passage of Salkehatchie, February 3-9.
Congaree, February 15.
Columbia, February 16 and 17.
Lynch's and Black Creeks; Great Pee Dee River, March 5 and 6.
Battle of Bentonville, N. C., March 19-21.
Passage of Neuse River, April 10.
Surrender of Johnston, April 26.
In command of Army of Tennessee, May 19.
Grand review, Washington, D. C., May 24.
Resigned and honorably mustered out, August 17, 1865.
First suffered from rheumatism after exposure during the siege of Fort Donelson, and has periodically suffered from it ever since.

We do not believe that the people of this Government are averse to generous recognition of great public service. On the contrary, their liberal donations for the erection of splendid monuments to their illustrious dead and their generous contributions to the surviving families are incontestable proofs of their wishes in the direction of this legislation.

We believe the surviving soldiers, from private to general, will say amen to this act, knowing that this pittance granted from an overflowing Treasury to the widow of their loved comrade and grand commander in no way interferes with or imperils their rights, but rather emphasizes the willing determination of the Government to be just and generous to all its defenders.

We therefore can not concur in the adverse report of the majority, but, consistent with all former recommendations of this committee, true to our convictions of duty, and responsive to what we believe to be the universal demand of the people, we earnestly recommend the passage of the bill.

E. N. MORRILL.
M. A. HAYNES.
J. E. O'HARA.
JNO. G. SAWYER.
E. H. CONGER.
JAS. A. LOUTTIT.

ORDER OF BUSINESS.

Mr. HALL. Mr. Chairman, I desire to ask unanimous consent to take up and consider the bill (H. R. 10473); and I wish to state that I am in precisely the same condition as the gentleman from Mississippi.

Mr. MORRILL. I object, and demand the regular order.

JOHN G. WARREN.

The next business on the Private Calendar was the bill (S. 2391) granting a pension to John G. Warren.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John G. Warren, late a private in the Eighth Regiment Wisconsin Light Artillery.

The report (by Mr. WINANS) is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2391, report that they have examined the same, and adopt the Senate report, as follows:

[Senate Report No. 1206, Forty-ninth Congress, first session.]

The claimant was a private in Eighth Independent Battery, Wisconsin Light Artillery. His service commenced November 8, 1861, and ended August 10, 1865, and he applied for a pension for disabilities incurred in the service.

There is proof of his soundness when he enlisted. The record report shows that in 1862, from July to October—four months—he was sick in hospital; that in November he was discharged for total disability from chronic dysentery, and that he entered the service again. His comrades give testimony that corresponds with the record.

Junia Hix, of Oshkosh, Wis., testifies to his acquaintance with claimant since 1866; that he leased his farm to him, which he was unable to work; that his health was poor from disease contracted in the service; that he has met claimant each and every year since their acquaintance commenced, and knows he is unable to pursue his daily labors from weakness caused by constant diarrhea and debility; that he knows him to be an honest, upright man. This testimony was given the 9th of January, 1885.

Dr. Smith, of Oshkosh, Wis., testifies that he has doctored claimant at intervals during the past three years; that he is unfit for hard labor; that his affections are chronic and have affected his general health. From the condition he found him in he believes the origin of his troubles dates years back; that he has confidence in his statements.

I. H. Worley swears that he and claimant were brother soldiers. He identifies the times the claimant was ill while in service; testifies to his knowledge of him in the service and ever since, and knows that said Warren is and has been, from the time of his discharge to the present, afflicted with chronic diarrhea, and is now, to all appearance, a sick and enfeebled man. This affidavit is dated August 5, 1884.

A. Morley, a citizen of Oshkosh for thirty years, testifies that he is a near neighbor of claimant's; has known him since 1865, meeting him each and every year since that time; that he has been sick ever since he came out of the Army; that the trouble of which he complains is diarrhea and general disorder of the bowels; that to the knowledge of affiant he contracted his disease while in the Army; that claimant is an upright, truthful man. This affidavit is dated January 3, 1885.

Dr. A. B. Wright, of Oshkosh, testifies that he treated claimant ten years ago for chronic diarrhea and liver complaint; that he can not give a connected consecutive account of his treatment because his books and papers were destroyed by fire; that he knows claimant was a soldier, and that he is an honest, reliable man. Sworn to January 15, 1885.

A. F. St. Sevre Lindsfeld, late surgeon Fifteenth Regiment Wisconsin Volunteers, testifies to his treatment of claimant in August, 1862, for cramp and diarrhea contracted in marshes in extreme hot weather.

There is other testimony from like sources and to the same effect as that transferred to this report. In the opinion of the committee the evidence conforms to the requirements of the Commissioner of Pensions, and furnishes a very satisfactory basis for a favorable decision. It may be added that most of the witnesses who have testified in this case are personally known to the maker of this report to be entitled to the fullest credit. The bill is reported favorably with a recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BETSY A. MOWER.

The next business on the Private Calendar was the bill (H. R. 8311) for the relief of Betsy A. Mower.

Mr. MORRILL. At an earlier hour in the session of this evening that bill was taken up, and an order of the committee made to report it to the House with the recommendation that it do lie on the table.

The CHAIRMAN. Such was the order of the committee, and the bill will be so reported to the House.

JOHN MORAN.

The next business on the Private Calendar was the bill (H. R. 8469) granting a pension to John Moran.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Moran, late of Company H of the One hundred and second New York Volunteers.

The report (by Mr. PINDAR) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8469) granting a pension to John Moran, submit the following report:

The claimant, late of Company H, One hundred and second Regiment New York Volunteers, in his declaration for pension, rejected by the Pension Office, claims disability from a gunshot wound of the left leg, received in the early part of April, 1862, by the accidental discharge of a musket while on camp guard, and heart disease contracted at Kalorama Heights, District of Columbia, from exposures at various times in March and April, 1862. The soldier having been in the service for over six months at the time of the incurrence of his disabilities, no proof of prior soundness by rulings of the Pension Office was necessary in the prosecution of his claim.

The records show the soldier sick in Carver Hospital during the months of April, May, and June, 1862, and discharged from service on May 28, 1862, on surgeon's certificate of disability, with varicose veins of both legs.

Samuel McCoy and Laban Raynor, two comrades, testify that the soldier received a gunshot wound while on guard, in April, 1862, and was taken to the hospital for treatment.

Dr. Charles S. Goodrich, surgeon, testifies that the soldier was under his professional treatment for a gunshot wound of left leg and heart disease for some days prior to being sent to hospital. He is unable to state the circumstances under which the disabilities originated, but remembers distinctly his treatment of soldier, as stated, in service, and afterwards sent him to the hospital.

The board of examining surgeons report the soldier five-eighths disabled.

The testimony of a number witnesses shows clearly that the soldier at enlistment was a sound man, and free from the disabilities for which he claimed pension, and that since his discharge he has suffered continuously from varicose veins, resulting from the gunshot wound of left leg, and heart disease, and thereby largely incapacitated for work. This claim was submitted for admission by the examiner, rating the disabilities of claimant at one-half since date of his discharge from service, but rejected by the reviewer.

Your committee believe this claimant is entitled, from the facts, to the relief asked, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARCEL GAGNON.

The next business on the Private Calendar was the bill (S. 2363) granting a pension to Marcel Gagnon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marcel Gagnon, late of Company A, Hatch's batalion Minnesota Cavalry, at the rate of $10 per month, in lieu of the pension he is now receiving.

The report (by Mr. O'HARA) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2363) granting a pension to Marcel Gagnon, have had the same under consideration, and adopt the following Senate report as their report, and recommend the passage of the bill:

The claimant was a member of Company A, Hatch's Battalion, Minnesota Cavalry, and claims disability resulting from scurvy incurred at Pembina, Dak., in February, 1864. He applied for a pension, proved the incurrence of the disease and resulting disability as alleged, and was allowed a pension of $4 a month. In 1885 he applied for increase, and was rejected.

The proof produced in support of his claim from the record shows that he entered post hospital at Fort Abercrombie, Dak., May 24, 1864, with scorbutus; also that in March he was sick with the same disease. His prior soundness is proved by good witnesses, whose credibility has been certified by the Pension Office.

Hugh Campbell testifies that he saw claimant a few days after his return from the army; that he wanted him to work on affiant's farm, but found him completely prostrated by reason of scurvy, and unable to make any considerable exertion; that he has been continuously disabled and is getting worse. This witness is entirely reliable, as the Pension Office ascertained.

The claimant was examined at three different times, twice by the same medical board. In December, 1881, this board pronounced him half disabled. In March, 1885, it rated his disability total. In February, 1886, another board rated him at six-eighths. It is apparent to the committee from the evidence that the man is not getting what is due to him, as admitted by the medical authorities appointed to investigate his case. They identify scurvy, and rate him higher than he is pensioned, while disinterested and reliable witnesses give evidence to show that he is disabled in the manner alleged and to an extent that has not been recognized.

The bill is reported favorably, with a recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD B. RIANS.

Mr. HENDERSON, of Iowa. Mr. Chairman, I would like to be permitted to make a very brief statement. Some gentlemen have been heard to-night on account of their age, and I would like to be heard on account of my great youth. I wish to ask unanimous consent in behalf of the consideration of a bill which is not for my district, but I have been appealed to by the old governor of my State and former Secretary of the Interior, Governor Kirkwood, to take up the bill and have it considered. I have been here two nights for that purpose, and am at the head of the list for recognition. I therefore ask unanimous consent to take up the bill (S. 2519) granting an increase of pension to Richard B. Rians, and put it upon its passage.

Mr. WALLACE. Let it be read, reserving the right to object.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard B. Rians, late a member of Company D, Thirty-seventh Regiment of Iowa Volunteer Infantry, at the rate of $50 per month, in lieu of the pension he is now receiving, to commence from the date of the passage of this act.

Mr. HENDERSON, of Iowa. The report of the committee recommends the striking out of "fifty dollars" and inserting "twenty-five dollars per month," to which amendment I shall not object.

Mr. TAULBEE. Let the report be read subject to objection.

The report (by Mr. CONGER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2519) granting an increase of pension to Richard B. Rians, have considered the same, and find the facts fully set forth in the report made by the Committee on Pensions of the Senate.

They therefore adopt the same, and recommend the passage of the bill with the following amendment: In the seventh line strike out the word "fifty" and insert "twenty-five."

The claimant was a private in Company D, Thirty-seventh Regiment of Iowa Volunteers. He enlisted September 1, 1862, and was discharged March 1, 1865. He was disabled by sunstroke and resulting hemicrania, with loss of right eye, which disabilities were admitted by the Pension Office, and for which he has been allowed a pension of $12 a month. This result, however, was reached by degrees. He was first pensioned at the rate of $10 per month. His disability was incurred while guarding a provision train from Memphis to La Grange, Tenn., while posted on top of a tin-roofed car, on an intensely hot day. He performed the service, and was thereby incapacitated for further exertion in the Government or any other behalf. In addressing his petition to Congress for more adequate support he says:

"I was sixty-three years of age when I enlisted. At the age of sixteen I served the United States as a soldier in the war of 1812-'14. My father, William Rians, served the country as a soldier in the Revolutionary war, and I had two brothers and a brother-in-law who served in the war of 1812. I had four sons, two sons-in-law, and three step-sons who served the Union in the war of the rebellion. I am nearly eighty-eight years of age, almost blind, and nearly helpless. I am entirely unable to do anything toward my support and need the constant attention and care of another person."

His subsequent application for increase has been disallowed on the ground that there is no increase of disability.

From an examination of the certificates of the examining surgeons the committee are convinced that he is entirely disabled. It is probably true that much of his present helplessness is referable to the infirmities of age, but it is also true that advancing years, with the disabilities that it is admitted were incurred in the service, render him a proper object for commiseration and relief. Old as he was at his enlistment, he passed a good examination, was accepted, and served well.

The committee think that, being old, blind, and otherwise helpless, he is entitled to favor. If any are of the opinion that sustenance and care should be restricted, on economic grounds, to his present supply, it is presumable that in the ordinary course of events he will not long be a Government charge.

In view of his helplessness and past record, and the rarity of this class of cases, the committee feel that it is only just to favor him.

The bill is reported favorably with a recommendation that it do pass.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GENERAL SPEED S. FRY.

Mr. WOLFORD. I ask unanimous consent to take up and pass the bill (H. R. 6732) for the relief of General Speed S. Fry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Speed S. Fry, at the rate of $100 per month, during his natural life.

The report (by Mr. TAULBEE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6732) for the relief of General Speed S. Fry, submit the following report:

Speed S. Fry served as a captain in the war with Mexico, and so distinguished himself in the battle of Buena Vista as to receive favorable mention in the report of General Taylor.

He was mustered into the United States volunteer service on October 28, 1861, as colonel of —— Regiment Kentucky Volunteers, in which capacity he served faithfully until January, 1862, when he was promoted to the rank of brigadier-general of volunteers for gallant and meritorious conduct in the battle of Mill Springs, Kentucky. He served as brigadier-general until the close of the war.

He is now on the pension-roll for deafness.

He is now almost totally deaf, broken down in health, is over seventy years old, and almost penniless.

Your committee are of opinion that the rating of pensions for this class of disability is insufficient, and that General Fry is entitled to a higher rate of pension for the few remaining years of his life than that now received by him. They therefore report back the bill with the recommendation that it be amended by striking out in line 5 of the bill the words "one hundred" and inserting in lieu thereof the word "fifty," and that the bill as so amended do pass.

The CHAIRMAN. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WOLFORD. Mr. Chairman [cries of "Vote!" "Vote!"], I hope gentlemen will hear me for just one minute. If ever there was a case where a man deserved a pension of $100 a month, this is such a case. [Cries of "Vote!"] Now I want to give a very few reasons why I think we should not adopt the amendment of the committee reducing this pension. [Renewed cries of "Vote!" "Vote!"] Very well, as the committee seems unwilling to hear, I will say nothing more, but let the committee vote on the question.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House, with the recommendation that it do pass.

MARY WOOD.

Mr. MORRILL. I desire on behalf of the gentleman from Missouri [Mr. HATCH], who has so often presided over the Committee of the Whole at these Friday night sessions, to ask unanimous consent to take up a bill of his. That gentleman has had no opportunity to call up bills, having been in the Chair. I hope that this courtesy will be extended to him.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7971) granting a pension to Mary Wood.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Mary Wood, of Adair County, Missouri, regimental nurse of the Seventh Missouri Cavalry during the late war, and pay her a pension at the rate of $— per month.

The Committee on Invalid Pensions recommended to amend by filling the blank with the word "twelve;" so that it would read "and pay her a pension at the rate of $12 per month."

Mr. WALLACE. I ask for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7971) granting a pension to Mary Wood, respectfully submit the following report:

Mrs. Wood was an army nurse, and was with the Seventh Missouri Cavalry Volunteers from September, 1861, to November, 1864, and was wounded in the shoulder. Her services and experience are best stated in a memorial to Congress signed by twenty-four of the officers and enlisted men of said regiment, as follows:

KIRKSVILLE, MO., *March* 11, 1886.

To the Forty-ninth Congress of the United States of America:

We, the undersigned officers and members of the Seventh Missouri Cavalry Volunteers, would respectfully represent to your honorable body that one Mrs. Mary Wood, a citizen of Kirksville, Mo., was an army nurse in the aforesaid regiment from September, 1861, to November, 1864, by order of Col. Daniel Huston, jr., of the United States Army. Her husband, David Wood, was a member of Company C, same regiment. She was in the battle of Prairie Grove, and all other engagements in which the regiment took part, and while the invalid part of the regiment was on board of a steamer *en route* for Little Rock, Ark., the steamer was fired on and she was wounded, and the ball still remains in her shoulder, and from this wound she is disqualified from the performance of manual labor. She is poor, and depends upon the labor of herself and invalid husband for support.

We, the aforesaid officers and members of the aforesaid regiment, knowing the foregoing facts to be true, and knowing said Mary Wood, who is sixty-six years of age, to be a woman of good character, would respectfully pray your honorable body to enact some law whereby she may be either placed upon the pension-roll or may gain some relief, or for any other relief which to your honorable body may seem just and proper.

Drs. Burton, Goben, and Grove, the board of examining surgeons at Kirksville, examined Mrs. Wood on April 28, 1886, and report:

"We find a gunshot wound of left shoulder. Ball entered over and probably fractured acromion process, passed down the bicipital groove, and remains embedded in the deltoid muscle, 3 inches from entrance; ball about 32 caliber. One inch atrophy of left shoulder. Motions cramped and impaired one-half. Degree of disability one-half."

Maj. A. H. Linder and Lieut. T. C. Harris, of said regiment, testify April 29, 1886, that the facts above stated in the memorial aforesaid are true.

The fact of the service of claimant, her being wounded while in line of duty, and her present disability therefrom being clearly established, your committee recommend the passage of the bill, with an amendment to insert the word "twelve" after the word "of," in line 7.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN D. FINCHER.

Mr. FUNSTON. I ask unanimous consent to call up the bill (S. 1768) granting a pension to John D. Fincher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John D. Fincher, late of Company H, One hundred and thirty-second Regiment of Pennsylvania Volunteers.

Mr. WALLACE. I call for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1768) granting a pension to John D. Fincher, submit the following report:

A full and complete statement of this case is found in the Senate report hereto attached and made a part of this report:

The claimant was a private in Company H, One hundred and thirty-second Regiment, Pennsylvania Volunteers.

He was discharged on the 24th day of February, 1863. Prior to his discharge he was in the United States general hospital at Philadelphia sixty days, and in his certificate the surgeon says: "The disease was contracted by exposure and fatigue while performing the duties of a soldier." The surgeon adds that he was discharged for "general debility, which will disable him from performing the duties of a soldier for a great length of time."

The report of the Surgeon-General says: "He entered Saint Aloysius Hospital, Washington, D. C., November 15, 1862, with diarrhea;" that he entered general hospital, Race street, Philadelphia, December 18, 1862, with bronchitis, and was discharged from service February 25, 1863.

The Adjutant-General reports him in hospital at Warrenton, Va.; that he was left sick at Warrenton; that muster-out roll of company, dated May 24, 1863, reports him discharged for disability at Race street hospital, as above.

Comrade Francis M. Thomas testifies:

"That he knew said John D. Fincher since early boyhood; that for at least five years prior to his enlistment he had opportunities of seeing him daily, and that he had no reason to doubt his soundness of health; that he was a comrade of his in Company H, One hundred and twenty-third Pennsylvania Volunteers, and that he was taken sick at or near Warrenton, Va., in the fall of 1862, and from there sent to Washington to hospital; that he believes said John D. Fincher still suffers from the effect of his sickness and exposure."

This testimony was given on the 10th of March, 1884.

The claimant alleges that at Warrenton, Va., November 15, 1862, he contracted bilious fever followed by chronic diarrhea and lung trouble.

The examining surgeon identifies chronic diarrhea, but not lung disease; but he says there may be some pleuritic adhesions. The examining board find nothing the matter with him; a circumstance so inconsistent with the whole record of the case as to be inexplicable to the committee. The proof of his former soundness, of his contracting disease, and of its present existence, is so satisfactory as to justify the committee in reporting the bill favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. ANDERSON, of Ohio. I ask unanimous consent to call up for consideration the bill (S. 2111).

Mr. BOUTELLE. I rise to a question of order?

The CHAIRMAN. The gentleman will state it.

Mr. BOUTELLE. I want to ask under what order we are proceeding here.

The CHAIRMAN. We are proceeding by unanimous consent. Does the gentleman from Maine object?

Mr. BOUTELLE. I have risen to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BOUTELLE. My point of order is that in the first place it was understood we were obliged to adhere to the regular order of the Calendar. Then unanimous consent was given that gentlemen should be recognized in accordance with a list prepared somewhere by somebody; and I supposed we were proceeding under that. Now I find we are neither proceeding with bills in their order on the Calendar nor in accordance with the list that has been made out. I should like to know in what order we are proceeding.

The CHAIRMAN. The committee declined to agree to any order, and we have been proceeding in regular order, except when unanimous consent is given to a member to call up a measure. The gentleman from Ohio [Mr. ANDERSON] is now recognized.

Mr. BOUTELLE. Does it depend on the question who shouts the loudest?

The CHAIRMAN. The gentleman from Ohio is recognized. He asks to call up for consideration the bill he has indicated. Is there objection? The Chair hears none, and the Clerk will report the bill.

JACOB SMITH.

The bill (S. 2111) granting a pension to Jacob Smith, called up by Mr. ANDERSON, of Ohio, was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of *Jacob Smith, late of* Company E, Second West Virginia Cavalry.

Mr. WALLACE. I ask that the report be read.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2111) granting a pension to Jacob Smith, late a private in Company E, Second West Virginia Cavalry, having had the same under consideration, make the following report:

The Senate during the first session of this Congress passed a bill placing claimant's name on the pension-roll, subject to the provisions and limitations of the pension laws, and, after careful examination of the Senate report and papers on file in this claim, your committee concur in the Senate report hereunto attached and report the bill back to the House, recommending the passage of the same.

[Senate Report No. 875, Forty-ninth Congress, first session.]

The petitioner was a private in Company E, Sixth West Virginia Cavalry. The report of the Adjutant-General identifies the soldier as in service from the date of his enlistment, October 9, 1862, to the date of his discharge, November 13, 1865, and says:

"Prisoner of war records show him captured at New Creek, Virginia, November 28, 1864; confined at Richmond, Va., December 7, 1864; paroled at Richmond, Va., February 15, 1865. No evidence of disability; no regimental hospital records, Sixth West Virginia Cavalry, on file."

The petitioner claims that he contracted rheumatism while in prison at Richmond, as shown, and on oath he says, "The prison being cold and damp—in fact, constantly wet and very filthy." This statement is so self-evident that it needs no affirmation, and was almost certain to produce the disability claimed.

The examining surgeon certifies to the existence of rheumatism, which he rates at half total. His attending physician testifies to the same facts, and to the good character of the soldier.

From the statements, medical and otherwise, it appears that the man's joints were stiffened, and that there was a creaking sound of the knee-joints.

Over one hundred of his neighbors testify to his poverty and worthiness, and to the fact that some years ago he was run over by a railroad train, which caused the amputation of one of his legs and crushed the remaining foot. While this mischance has no direct bearing upon his claim for a pension, his being stiff and inactive from rheumatism may have been the cause of his misfortune.

Your committee believe the man may properly claim the relief provided for in the bill, and therefore report it favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. GILBERT.

Mr. CONGER. A few moments ago I objected to the consideration of a bill called up by the gentleman from New York [Mr. MILLARD]. I now withdraw my objection.

Mr. MILLARD. I ask unanimous consent to call up the bill I have indicated. I make the request for the reason that the applicant is blind, and her only brother lost his life in the service of his country.

The bill (H. R. 5345) for the relief of Mary J. Gilbert, called up by Mr. MILLARD, was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Gilbert, sister of De Witt Gilbert, late of Company G, Eighty-ninth New York Volunteers.

Mr. TAULBEE. Let the report be read subject to objection.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 5345, beg leave to submit the following report:

Mary J. Gilbert is a sister of the late De Witt Gilbert, of Company G, Eighty-ninth New York Volunteers. Young Gilbert enlisted and was mustered into service the 2d day of October, 1861. The report of the Adjutant-General, dated

March 14, 1882, shows that he was enrolled a private in Company G, Eighty-ninth Regiment New York Volunteers, on the 2d day of October, 1861, at Windsor, N. Y.; that he was wounded in the battle of Antietam, Maryland, September 17, 1862; that he recovered from his wound and returned to his company. Afterward, to wit, September 28, 1864, he died of chronic diarrhea, at Baltimore, Md. He died at West Building hospital. At the time of his death he had risen to the rank of corporal. Young Gilbert at the date of his enlistment had no father, brother, wife, or children, but had a sister, the claimant, and a mother, who were absolutely dependent upon him for support.

On the 12th day of January, 1864, his mother died. May 24, 1880, claimant filed her application for pension. The claim was rejected on the 11th day of October, 1882, and upon the ground that claimant was fifty years old at the time of the filing of her application and, under existing law, was not entitled to a pension. From the affidavit of claimant, Irving D. Knox, and other papers in the case, it appears that claimant was, at the date of her brother's enlistment, service, and death, wholly dependent upon him for support, and in fact supported by him until his death; that she was an invalid, without any property whatsoever, and unable to care for herself.

It also appears, from the affidavit of Dr. I. C. Edson and other papers in the case, that the claimant's health was not only poor, but that she has a disease of the eyes known as amaurosis, which renders her almost blind. She is dependent upon the charity of her friends and neighbors for the necessaries of life. But for the age of claimant she would doubtless have been allowed a pension by the Department. We think this poor woman, whose only brother was wounded in battle, and afterwards died in the service of his country, should be entitled to the small pittance provided for dependent relatives, and accordingly recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. EMILY M. SWIFT.

Mr. CARLETON. I ask unanimous consent to call up for consideration the bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily M. Swift, of Dexter, Mich., dependent mother of James C. Swift, late a lieutenant of Company B, First Regiment Alabama Union Cavalry.

Mr. TAULBEE. Let the report be read subject to objection.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2203, report that they have examined the same, and adopt the Senate report, as follows:

[Senate Report No. 964, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2203) granting a pension to Mrs. Emily M. Swift, have examined the same, and report:

The petitioner applies for a pension as dependent mother of James C. Swift, first lieutenant of Company B, First Alabama Cavalry, and who died at Glendale, Miss., November 3, 1863, of wounds received in battle. The soldier's identity, service, and death are not questioned, and the proof is ample to show that he was the only son of the claimant. The pension is denied by the Pension Office on the ground of non-dependence at the time of his death.

The facts are that the mother was living with her second husband, William Stephens, in the village of Dexter, Washtenaw County, Michigan, when her son enlisted, which was also the home of the latter. It is in evidence that the relations between the husband wife were not pleasant; that the son gave his mother his bounty-money, and afterwards sent her portions of his pay, thus recognizing her dependence upon him independent of the fact that his mother had a husband who was under obligations to support her. It is also in evidence that the husband not only did not maintain her, but that he converted to his own use all the personal property she had; that he treated her with cruelty; that he procured from the estate of the soldier's father money that belonged to the son, converted it to his own use, and that the mother had no benefit from it.

Also that the petitioner has been granted a divorce from her said husband, William Stephens, and that she is now sixty-seven years of age, in poor health, and dependent upon her relatives for support; and that she has resumed the name of Emily M. Swift.

In the opinion of the committee this is a case demanding relief that may properly be given. The bill is therefore reported favorably with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House, with the recommendation that it do pass.

SUSAN A. DUNCAN.

Mr. WARNER, of Missouri. I ask unanimous consent to call up for consideration the bill (S. 2252) granting a pension to Susan A. Duncan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan A. Duncan, widow of Capt. Leroy C. Duncan, late of Company D, Twenty-seventh Regiment Missouri Volunteers.

Mr. WALLACE. I ask for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2252) granting a pension to Susan A. Duncan, submit the following report:

The claimant, Susan A. Duncan, is the widow of Leroy C. Duncan, captain of Company M, Fortieth Enrolled Missouri Militia, who died at Warrensburg, Mo., May 18, 1865, of wounds received on the 7th of the same month, at Kingsville, Johnson County, Missouri, while in an engagement with "bushwhackers." The claim was rejected by the Pension Office, as stated by the Commissioner in his letter to the Senate Committee on Pensions, on the ground that "it was not prosecuted to a successful issue prior to July 4, 1874."

It appears by the report of the Adjutant-General that the soldier was mustered into the service as captain Company D, Johnson County (Missouri) Horse Guards, Twenty-seventh Regiment Mounted Troops, to date from July 4, 1861; mustered out January 27, 1862; then he was commissioned captain Fortieth Enrolled Militia October 30, 1862; was detached for active service as captain Company B, Fifth Provisional Enrolled Militia, May 23, 1863. It was while connected with this organization that he received his death wound, according to the testimony of his comrade, Henry C. Rose, who was wounded at the same time.

It is shown by the report of the Third Auditor that the regiments to which he belonged were "employed in the military service of the United States, and the State paid for the above service, and has been reimbursed by the United States."

In another report from the Third Auditor it is stated that the widow filed a claim for his pay, which was paid.

From the proof contained in the papers accompanying this case it is apparent that the husband was in the service of the United States and that he died from wounds received in action. The bill is reported favorably with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN A. FAGG.

Mr. JOHNSTON, of North Carolina. I call up the bill (H. R. 6188) for the relief of John A. Fagg.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, instructed to place on the pension-roll the name of John A. Fagg, late lieutenant-colonel of —— North Carolina Regiment, in the Mexican war, subject to the provisions and limitations of the pension laws of the United States.

The report (by Mr. JONES, of Alabama) was read, as follows:

The Committee on Pensions, to whom was referred House bill 6188, beg leave to submit the following report:

John A. Fagg was lieutenant-colonel of First Regiment North Carolina Volunteers in the Mexican war, during which he contracted typhoid fever and this resulted in chronic diarrhea, at Buena Vista, Mexico, in 1847.

The committee recommend that his name be placed on the pension-roll, subject to the provisions and limitations of the pension laws of the United States.

The Committee on Pensions recommended an amendment inserting, before the words "North Carolina," the words "the First."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE O'NEAL.

Mr. MARKHAM. I call up the bill (S. 859) granting a pension to Charlotte O'Neal.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Charlotte O'Neal, widow of Col. Richard O'Neal, deceased, late colonel of the Twenty-sixth Regiment Indiana Volunteers, and to pay her a pension at the same rate the widows of colonels of volunteers are now paid.

The report (by Mr. MATSON) was read, as follows:

[To accompany bill S. 859.]

The Committee on Invalid Pensions, to whom was referred Senate bill 859, respectfully report that they concur in the Senate report hereto annexed and adopt the same as their own, and recommend the passage of the bill with the following amendment: Insert the word "lieutenant" before the word "colonel" wherever it occurs in said bill.

The claimant, Charlotte O'Neal, is the widow of Richard O'Neal, late lieutenant-colonel of the Twenty-sixth Regiment Indiana Volunteers. It appears from the evidence in this case that the soldier was the first lieutenant-colonel of the above command; that he resigned and went home by order of Governor O. P. Morton and was put in charge of the United States camps at Indianapolis, Ind., and that while performing the duties of that position he contracted disease, and died in January, 1863. The funeral ceremonies were conducted under a special order of Col. Henry B. Carrington, of the Eighteenth United States Infantry, which is as follows:

[Special Order No. 351.]

HEADQUARTERS UNITED STATES FORCES,
Indianapolis, January 6, 1863.

1. The funeral ceremonies of Lieut. Col. Richard O'Neal will take place from his late residence, on Virginia avenue, this day, at 2 o'clock p. m. The escort will consist of six companies of the Seventy-first Indiana Volunteers, and will form at the late residence of Lieutenant-Colonel O'Neal at half past 1 o'clock p. m. precisely.

2. Other military bodies joining the procession will march directly after the family of the deceased.

3. The late Lieutenant-Colonel O'Neal, having performed faithful service in the field, and having distinguished himself by unremitting devotion to his country's service in charge of the camps near Indianapolis during the last four months, as well as on account of his high character as an officer and gentleman, the commandant of this post will take charge of the funeral ceremonies on the occasion.

By order of Col. Henry B. Carrington, Eighteenth United States Infantry.

LEWIS T. MORRIS,
Lieutenant, United States Infantry, Acting Adjutant.

The widow now asks that a special act be passed, granting her a pension at the same rate allowed to the widows of officers of the same rank. She has not applied at the Pension Office, because the disease from which her husband died was incurred after his formal resignation. Such disease was, however, incurred virtually in the service and while Colonel O'Neal was in charge of the United States camps at Indianapolis.

The Committee on Invalid Pensions recommended the following amendments: In line 6, strike out the word "colonel," and insert in lieu thereof "lieutenant-colonel;" in line 7, the same amendment; in line 9, strike out "colonels" and insert "lieutenant-colonels."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM REDDICK.

Mr. HALL. Mr. Chairman, I call up House bill No. 10473, granting a pension to William Reddick. The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll of the United States the name of William Reddick, corporal in Company B, in the Thirty-third Regiment of Ohio Volunteers, and who was one of the so-called "Mitchell raiders" sent out in 1862, by General O. M. Mitchell, for certain hazardous military purposes, at the rate of $24 per month; and this act shall take effect as of June 2, 1881.

Mr. TAULBEE. Let the report be read.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 1073, have considered the same, and report:

William Reddick was a corporal in Company B, Thirty-third Regiment Ohio Volunteers, and was one of the so-called Mitchell Raiders, whose hazardous service, valiant exploits, and inhuman treatment are fully detailed in Senate Report No. 361 of the Forty-eighth Congress, hereto attached.

The Forty-eighth Congress passed an act placing these so-called Mitchell Raiders, mentioning each one by name, on the pension-roll at $24 per month, which was approved July 7, 1884, and is also appended hereto. William Reddick's name was in some way omitted from this bill, evidently an oversight, as in the whole history of the case his name appeared as one of the leaders and principal men in the party. And your committee believe it was the intention at the time to pension him with the others.

If it was right to pension all the other members of this band, it is certainly wrong to discriminate against William Reddick. The passage of the bill is therefore recommended, after striking out the last line and adding "July 7, 1884."

The principal facts relating to the claim of Wilson W. Brown and others were set forth in detail in a favorable report of the House Committee on Invalid Pensions on House bill 4444, during the Forty-seventh Congress, and also in a report of this committee (Senate Report No. 722, Forty-seventh Congress, first session), as follows:

"The petitioners seeking to be benefited by this bill are known in history as the 'Mitchell Raiders.' In the early part of April, 1862, General Ormsby M. Mitchell had advanced his column as far south as Shelbyville, Tenn. On the west the battle of Shiloh had just determined in favor of the Union arms. At the east McClellan, with his army of the Potomac, was at Yorktown, threatening an advance upon Richmond. Against these two armies of the West and East, the South had concentrated their strength. General Mitchell saw then, as a bloody history so fully demonstrated subsequently, the vital importance of seizing and holding Chattanooga as a strategic point on the great railroad line between the East and the West, which connected the main armies of the rebellion. The capture of Chattanooga, at that crisis of the war, involved also the possession of East Tennessee, and a probable uprising of a strong loyal element there.

The Mitchell Raiders were a body of twenty-one men, under command of one J. J. Andrews, selected by General Mitchell to undertake the desperate enterprise of penetrating nearly 200 miles south into the heart of the enemy's territory, and endeavoring to destroy the wooden bridges on the railroad between Chattanooga and Atlanta. This, Mitchell hoped, would cut off the advance of troops from the south, while he moved down his army and captured Chattanooga. Judge-Advocate-General Joseph Holt did not exaggerate when he said of this expedition that "in the daring of its conception it had the wildness of romance, while in the overwhelming results which it sought to accomplish it was absolutely sublime." The account of the raid, following, is borrowed from another writer, and is correct, according to the evidence of participants:

"The soldiers of this forlorn hope, dressed in citizen's clothes and representing themselves as good secessionists, set out on foot through the enemy's country by twos and threes, and after many adventures, came together at Marietta, a point on the railroad a little north of Atlanta. The plan was to take passage on some north-bound train, and, at an opportune moment, overpower the guard, seize the engine, and drive onward with all speed, burning bridges, and tearing up tracks as they went, and leaving a trail of flame and destruction behind them; to dash clean through Chattanooga, and meet Mitchell as he advanced along the Memphis road. It was early in the morning of April 12, when these adventurous travelers, with tickets for different points to avert suspicion, boarded the train, and finally seated themselves in the same car. At broad daylight the conductor called out, 'Big Shanty; twenty minutes for breakfast,' and at once passengers, engineer, and trainmen all poured into the long eating-room, leaving the engine unguarded, although it was within the lines of a rebel encampment.

"The little band sauntered forward, each falling into his appointed place, when in a twinkling, on a signal given, the passenger coaches were uncoupled, an engineer and firemen of the party sprang into the cab, the valve was pulled open, and the engine, tender, and three cars moved off as the remaining adventurers leaped into the open doors of one of the box cars. A few minutes placed the exulting party beyond what seemed to be the danger of any successful pursuit, for there was no telegraph at Big Shanty, and no other engine at hand. But it was one day too late. General Mitchell had advanced to Huntsville, and his approach was so threatening that all the rolling stock about Chattanooga had been ordered south, and the delay caused by meeting these unscheduled trains was fatal.

"Andrews, representing himself as a confederate officer of high rank, who had impressed the train for the purpose of running powder through to Beauregard at Corinth, excited no suspicion. But while he was losing precious minutes in waiting for the extra trains, and moving them off the track, the conductor at Big Shanty left his coffee and began the pursuit on foot until he reached a hand-car, and soon after, in a swift locomotive, which, by rare good fortune, had come down to the road, on a private track from large iron works, just in the nick of time. Before the raiders found opportunity for any serious work their pursuers were upon them. A desperate chase ensued, until finally, after a run of nearly 100 miles, the captured locomotive, now jaded and shattered, was abandoned, and the captors scattered to the shelter of thick woods.

"The whole party was captured after enduring the sufferings incident to fruitless efforts to escape their pursuit. It is unpleasant to recall the history of the treatment to which these prisoners were subjected. They were denounced as spies. They were chained together by twos by the neck, marched through the streets of Chattanooga amid the angry jeers of an infuriated crowd, and thrust into a kind of dungeon. This apartment was 13 feet square, and of about the same depth. Twenty-one men were confined here for nearly three weeks. Scanty provision was furnished, and no sufficient means afforded for the removal of excrement. If we may credit the statements of survivors of the party, which are as given above, the horrors of this confinement were beyond description.

"When released from the dark and noisome hole, their condition was pitiable, and for hours they were blinded by the light of day. Andrews, the leader, was hung as a spy. The party was removed then to Atlanta, where seven more were tried, convicted, and hanged as spies. One Jacob Parrot was whipped, one hundred lashes being inflicted on his back. For six months some of the survivors, and for eleven months others of them, were in constant apprehension of the same death by hanging as their comrades had suffered. It were better that the story of the sufferings and indignities inflicted on these heroic soldiers were left unrecited, as they were incredibly terrible, as told by the survivors.

"In considering this case the committee think it very clear that this raid was a military expedition. Judges Baxter and Temple, who, it appears, acted as attorneys to defend the men who were hanged, have lately written that they considered that they clearly showed before the court-martial that the expedition was a military one under authority and command of General Mitchell, and that the men were not spies. It is evident that the confederate government so regarded the matter, as the further trial of the survivors was stopped after the execution of Andrews and seven of the party. These soldiers, therefore, who undertook and with marvelous energy essayed the task imposed by their commander, suffered an outrage in being treated as spies and worse, which justifies their appeal for consideration."

All of the persons referred to in the present bill have presented claims to the Pension Bureau, and their present condition is as follows:

Name.	Pension.	Remarks.
Wilson W. Brown	Pensioned at $16	Claim for increase pending.
John R. Porter	Receives no pension	Claim for pension pending.
William Bensinger	Pensioned at $4	Claim for increase pending,
John A. Wilson	...do...	
William Pittenger	Pensioned at $24	
Martin J. Hawkins	Pensioned at $8	Claim for increase pending.
Daniel A. Dorsey	Pensioned at $12	
Elihu Mason	Receives no pension	Claim for pension pending.
Rachel Slavens (widow)	Pensioned at $8*	

*And $2 for each of three children.

A careful examination of the testimony has satisfied the committee that disabilities were contracted by all the survivors, for which they should receive pensions. Most of them are already, as shown above, receiving pensions under the general law, while others have applications pending, which, in our belief, should be granted.

It is unnecessary to dwell upon the details of the extraordinary enterprise in which these men engaged, the dangers they incurred, the sufferings they endured; their coolness, gallantry, fidelity, devotion, and patriotism, or upon its immense importance to the Union cause had it been successful. It is sufficient to say that these men dared and endured everything, and that failure was not their fault.

We recommend the passage of the bill with the following amendment:

Insert in line 4, after the word "twenty," the word "four," so as to read "at the rate of twenty-four dollars per month."

Your committee also recommend the addition of the following as an additional section to the bill:

"SEC. 2. This act shall not be construed to diminish the pension now being paid to any of the persons therein named, nor to deprive them of any increase to which they now are entitled or hereafter may be entitled."

Mr. JACKSON, from the Committee on Pensions, submitted the following views of the minority:

The undersigned, members of the Committee on Pensions, not concurring in the report of the majority upon bill S. 337, increasing the pension of Wilson W. Brown and others, respectfully submit the following views of the minority:

The papers before the committee, consisting of the pension files in the several cases of the respective parties proposed to be pensioned by the present bill, do not disclose anything upon which to rest the highly-drawn picture of the brilliancy and magnitude of the enterprise for the voluntary undertaking of which special honorary pensions should be granted. The extravagant colors in which it has been presented are taken mainly from the account of the undertaking published some years since by Rev. William Pittinger, one of the survivors, whose name is included in the bill under consideration.

The description is exaggerated and inaccurate in many respects. The value and importance of the enterprise, undertaken under the leadership of J. J. Andrews, a spy in General Buell's employ, is greatly overestimated. It was "hardly commendable," in the opinion of very accomplished Union officers of high rank. General Mitchell never even made any report whatever of the operation.

The majority report is inaccurate in the proposition that the parties engaged in this transaction were not "spies" and liable to be treated as such by the enemy. Very high Federal military authority so pronounces them. But without pausing to discuss the inaccuracies of the alleged "facts" and the exaggeration of the performance, and of its possible importance if success had attended it, we think that the reasons presented in the adverse report of the Senate committee at the last session of Congress constitute grave and sufficient objections to the passage of the bill, and we here readopt the same, as follows:

"The wisdom and necessity of the enterprise in which those claiming benefits under this bill were engaged, and the estimation of its importance by Judge Holt, have been criticised in military circles; and the conclusion of the foregoing report, that the expedition was a military one, and that the men were not spies, is open to question; but for the purpose of determining whether it is just or expedient for Congress to pass this bill, both the facts set forth in the report of the House committee, and its conclusions as to the character, importance, and the necessity of the expedition may be assumed.

"Upon such assumption, however, the committee are unable to find sufficient grounds for a report in favor of the passage of the bill, which proposes to grant to each of the survivors of the expedition, and the widow of one who is dead, a uniform pension of $20 per month without reference to the degree of their disability, a provision which is unknown to the *existing law relating to pensions.* The argument in favor of thus discriminating in favor of the beneficiaries in this bill against the soldiers who are pensioned by general act seems to be based upon three considerations, viz, the brilliant services of these soldiers, their extreme suffering, and their imminent danger of death as spies.

"In the opinion of the committee neither of these considerations can justify the passage of the bill, giving to these men an arbitrary rate of pension greater in amount than that allowed to other soldiers.

"Pensions should be granted for disability, and should be proportioned to the disability sustained. It is believed that no other just basis for pensions to soldiers exists. The country gratefully recognizes the patriotism, the heroism, and the brilliant achievements of those who fought its battles, but in granting pensions we must not forget that hundreds of thousands, nay millions, of our volunteer soldiers were patriotic and heroic, and performed deeds of conspicuous courage and gallantry; nor must we forget that such service was due from the soldier in the defense and protection of his Government in return for the protection which the Government afforded to the soldier as its citizen.

"To single out a few from the great body of those who performed patriotic, heroic, and brilliant services in the war, and bestow upon them special pensions therefor, is an unjust discrimination against those equally deserving of praise who pass unnoticed. Nor can such pensions be put upon the ground of extreme suffering, unless we propose in all instances to estimate, in rating the pensions granted by Congress, the physical and mental pain endured by the soldier from any and every cause incident to his service. A great number of soldiers other than these suffered cruel hardships, and, in imminent danger of death, languished in hospitals and in prisons, and no reason exists why these few soldiers should be pensioned for such suffering while the many similarly situated are not pensioned.

"To rate pensions according to the amount of suffering endured, either physical or mental, is manifestly impracticable, even if such causes were admitted to be just ground for pension. Nor does the fear of an ignominious death as a spy seem to the committee to furnish a basis for a pension any more than the fear of death consequent upon battle or other dangerous service. If it be said that the disability of soldiers who suffered such imprisonment and endured such hardships, should be presumed to be the result of such imprisonment and hardships, such considerations would only justify the granting of pensions to the petitioners according to the disability which might be found, upon medical

and other testimony, actually to exist, and not the establishing of a uniform rate of $20 per month for each.

"It is not to be presumed that each of these petitioners is equally disabled. It is possible that some of them may be entitled, under the existing provisions of the general law, to a higher rating even than $20 per month, while it is probable, to say the least, that some of them are not sufficiently disabled to justify such a rating. However that may be, the law provides an equal rule for all.

"The Pension Office is liberal in the administration of the law, and if in particular instances the Commissioner of Pensions fails to rate a pension under the law according to the degree of disability, it will not be questioned that Congress is exceedingly liberal in granting increases in such cases. The committee do not believe it wise or expedient to single out particular soldiers, or particular classes of soldiers, and grant them pensions of greater rates than the pensions granted to others for similar disabilities.

"The petitioners were brave and patriotic; their bravery excites our admiration, and their suffering enlists our sympathy; and while a special compensation for such bravery and such suffering may at first sight seem an act of justice, it needs but a little reflection to see that it is an act of palpable injustice to the thousands of unnoticed and unrewarded soldiers whose bravery and sufferings equally compel our admiration and our sympathy. In view of these considerations, your committee recommend the indefinite postponement of the bill.

"HOWELL E. JACKSON.
"JAS. H. SLATER.
"A. H. COLQUITT."

The Committee on Invalid Pensions recommended an amendment, striking out, in line 11 of the bill, the words "June 2, 1881," and inserting in lieu thereof the words "July 7, 1884."

The amendment was agreed to.

Mr. TAULBEE. Mr. Chairman, I move to strike out the words "July 7, 1884," and insert in lieu thereof the words "from and after the passage of this bill."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WINANS moved that the committee rise, but immediately withdrew the motion.

M. LOUISE BUTLER.

Mr. HAYNES. I call up the bill (S. 773) granting a pension to M. Louise Butler.

The bill was read.

Mr. TAULBEE. I object to the consideration of that bill.

MRS. ANNA ETHERIDGE HOOKS.

Mr. CUTCHEON. Mr. Chairman, I call up the bill (S. 2884) granting a pension to Anna Etheridge Hooks.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Anna Etheridge Hooks, a volunteer nurse in the late war, at the rate of $25 per month.

Mr. CUTCHEON. As the report is somewhat long, I think I can state the merits of the case more briefly.

Several MEMBERS. State it.

Mr. CUTCHEON. This lady was a volunteer nurse in the Army of the Potomac for four years. She went out with the three-months men at the beginning of the war; she was always at the front, and was in twenty-eight battles, because she was always at the field hospital.

She was known, I think, to every member of the old Kearney division, afterward the Birney division; her name then was Anna Etheridge. She was complimented in general orders by General Birney; she was decorated with the Kearney cross in the presence of the entire division; she served to the end of the war, and altogether she has a record such as I think no other woman in America has.

Several MEMBERS. That is enough.

Mr. BROWN, of Pennsylvania. I have a bill for a case almost exactly like that. [Laughter.]

Mr. WALLACE. What is the amount of the pension proposed?

Mr. CUTCHEON. Twenty-five dollars a month. This lady is poor; she has no means, and thousands of men of the old Kearney and Birney division are praying for the passage of this bill.

Mr. BROWN, of Pennsylvania. We will answer their prayers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA MORRIS.

Mr. O'HARA. I ask unanimous consent for the consideration of the bill (H. R. 8486) granting a pension to Rebecca Morris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rebecca Morris, dependent mother of William E. Morris, late a private in Company C, Fifty-fifth Massachusetts Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. O'HARA) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8486) granting a pension to Rebecca Morris, have had the same under consideration, and submit the following report:

Claimant is the dependent mother of William E. Morris, late private Company B, Fifty-fifth Massachusetts Volunteers (colored), who enlisted May 17, 1863; discharged August 29, 1865; died October 27, 1878. Claim rejected on the ground that there is no record of the fatal disease while in the service, no medical evidence showing the existence of same in service or at or after discharge, and the claimant declares her inability to furnish the same.

William H. Furnoh, comrade, testifies that—

"He entered with soldier in Company B, Fifty-fifth Massachusetts Volunteers; had known him many years prior to his enlistment; knew him during service, and also intimately from discharge to death, October 27, 1878. Soldier was a hale, hearty young man when he entered the service; contracted disease of the lungs from exposure at Jacksonville, Fla. Had a severe cough. He remained with the regiment, refusing to go to the hospital, but a great part of the time was excused from duty on account of physical disability.

"At discharge he had lung disease and a bad cough, from which he never recovered. He died from disease contracted in service. His attending physician, Dr. Bayard T. Smith, is now dead. Soldier prior to his enlistment worked in a brick-yard. While in the Army his health broke down; he complained of pain in his side, had a severe cough, and spat up blood. He was in this condition at discharge, and grew worse, and spitting up blood and corruption, with a severe cough. Was never able to work at his old trade; was unable to perform manual labor, became deaf and blind, with fearful discharges from his nostrils and mouth, from which he died."

Edmund H. Anderson testifies—

"That he has known soldier, William Emory Morris—who served as Emory Morris in Company B, Fifty-fifth Massachusetts Volunteers—from the time he was an infant. At enlistment he was a hale, healthy young man, but when he returned from the Army he was suffering from disease of the lungs, and had a severe cough, which he contracted in the service, from which he died."

Dr. Bayard T. Smith, soldier's attending physician, has died since soldier's death. Soldier was never able to perform manual labor after his return from the Army.

Hon. CHARLES B. LORE, member of the present House from Delaware, states that the character of witness, Edmund H. Anderson, is excellent for truth, and he is in every way a reliable man.

The evidence of claimant's dependence on soldier for support is abundant and very strong. Soldier during his lifetime faithfully contributed to his mother's support.

This claimant is at present quite old, and cannot live many more years; is in a condition of abject poverty.

Your committee are of the opinion that this is a worthy case for a mother's pension, and recommend the passage of the bill.

The CHAIRMAN. Is there objection to the consideration of this bill?

There being no objection, the Committee of the Whole proceeded to consider the bill; and it was laid aside to be reported to the House with a recommendation that it do pass.

ORDER OF BUSINESS.

Mr. FARQUHAR obtained the floor.

Mr. WALLACE. I demand the regular order.

Mr. FARQUHAR. I desire to call up the bill (S. 1463) granting arrears of pension to Mary Helena Mahan.

The CHAIRMAN. The gentleman from Louisiana demands the regular order, which is equivalent to an objection.

Mr. ANDERSON, of Kansas. Unanimous consent is the regular order.

Mr. BROWN, of Pennsylvania. I think the gentleman from Louisiana would not object to my bill. I have in my charge the case of another Army nurse.

The CHAIRMAN. Does the gentleman from Louisiana withdraw the demand for the regular order?

Mr. WALLACE. I will withdraw it for the consideration of one more bill, but after that I shall insist on the regular order.

Mr. BROWN, of Pennsylvania. If another bill is to be considered let it be my bill.

The CHAIRMAN. The gentleman from New York [Mr. FARQUHAR] has been recognized.

MARY HELENA MAHAN.

Mr. FARQUHAR. I ask unanimous consent for the consideration of the bill (S. 1463) granting arrears of pension to Mary Helena Mahan.

The bill was read, as follows:

Whereas Mary Helena Mahan, widow of Colonel and Professor Dennis H. Mahan, of the United States Army, was placed on the pension-roll on the 14th day of August, 1882, and from which date payment of said pension was made: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to readjudicate the pension claim of Mary Helena Mahan, widow of Dennis H. Mahan, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880, and to pay, or cause to be paid, to the aforesaid Mary Helena Mahan a pension, at the rate prescribed by law, from the date of death of the said Dennis H. Mahan: *Provided*, That all sums previously paid on account of pension to the said Mary Helena Mahan be deducted.

Mr. FARQUHAR. Mr. Chairman, as the report in this case is quite long, covering four pages of small type, I request, on account of the merits of the case and in order to save time at this late hour, that the report be printed in the RECORD without reading.

Mr. TAULBEE. Are there any amendments proposed to the bill?

Mr. FARQUHAR. None.

Mr. TAULBEE. Then I shall object to the bill.

Mr. FARQUHAR. It simply grants arrears.

Mr. TAULBEE. That is a thing we never do; we never pass bills of that kind.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. TAULBEE. Yes, sir; I object.

Mr. WALLACE. I call for the regular order.

Mr. FARQUHAR. Mr. Chairman, I understand the objections to this bill have reference to the adjudication of arrears. I wish to say that two cases of a like kind have already been passed. One is the case of Professor French; the other that of Professor Agnel. One of these cases was sustained by an opinion of the Attorney-General, and was passed upon by the Pension Department. The other was passed through Congress only a year or two ago.

Now, this case can be adjudicated only by Congress itself. Unfortu-

nately for Mrs. Mahan, who is the widow of one of the noblest men that ever taught the art of war in America, a man who was for years the head of our great Military Academy, who was the teacher of our Grants, our Lees, and numerous distinguished military leaders—this lady unfortunately did not make her application properly for arrears until after July 1, 1880, the limitation of the time designated for the presentation of such applications.

The action proposed in this case is, as I have said, in accordance with what has already been done in two other cases. This is the only remaining case of the kind that can come before any Congress. In consideration of the services of this lady's husband for forty years, the mentor of the Military Academy, and in consideration of the fact that others less deserving have received at the hands of Congress the recognition here proposed, I ask that this bill be laid aside to be reported favorably to the House. I ask this as a matter of bare justice. I have no sentiment in this case. I appeal to the manhood of every member that this old lady shall be treated with as much consideration as other Congresses have extended in other cases less worthy. With this statement I leave the case with the House.

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. TAULBEE. I insist on my objection.

Mr. WHEELER. Let the bill be reported from the Committee of the Whole, and let us have a vote in a full House.

Mr. TAULBEE. No.

The CHAIRMAN. Objection being made to the consideration of the bill, it is not in order.

ORDER OF BUSINESS.

Several members addressed the Chair.

Mr. WALLACE. The regular order is called for.

The CHAIRMAN. The gentleman from Louisiana demands the regular order, which is equivalent to an objection to further requests for unanimous consent.

Mr. ANDERSON, of Kansas. I submit that unanimous consent is the regular order.

The CHAIRMAN. It is until some member objects.

Mr. ANDERSON, of Kansas. Bills have been passed during the whole evening by unanimous consent, and now there are only a few of us left who have not enjoyed that courtesy.

Mr. ROWELL. I want to ask unanimous consent, not to call up a bill but to print some remarks in the RECORD on a pension bill.

Mr. TAULBEE. I object.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois to print some remarks in the RECORD upon a pension bill?

Mr. TAULBEE. Yes, sir; I object unless I know what they are about.

Mr. ROWELL. I can not tell their substance until I have written them.

Mr. WINANS. I move that the committee now rise.

The motion was not agreed to, there being—ayes 9, noes 25.

Mr. WALLACE. I demand the regular order of business.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 6162) granting a pension to Joseph Potter.

Mr. BROWN, of Pennsylvania. There is no one who calls that bill up, and I therefore move it be passed over informally.

The CHAIRMAN. The Chair recognizes the gentleman from Rhode Island [Mr. SPOONER].

Mr. WALLACE. I demand the regular order.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 8828) granting a pension to Giles Wright.

Mr. BROWN, of Pennsylvania. There is no one present to call up that bill, and I move it be passed over informally.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. LITTLE].

Mr. LITTLE. I ask unanimous consent to substitute a Senate bill for that House bill.

The CHAIRMAN. Is there objection?

Mr. PERKINS. No objection.

Mr. WALLACE. I shall call for a quorum.

Mr. TAULBEE. Let us have the House bill read.

The bill was read.

Mr. WALLACE. Has the Senate bill been read?

The CHAIRMAN. It has not.

Mr. WALLACE. What is the Senate bill?

Mr. LITTLE. It is a bill (S. 1838) to increase the pension of George R. Hooper.

Mr. WALLACE. What is the gentleman's request?

Mr. LITTLE. I ask for the consideration of this Senate bill in place of the House bill the title of which has been read. I will state that I was requested by the gentleman from Massachusetts [Mr. LONG], who is necessarily absent this evening, to ask for the consideration of that Senate bill. I hope the House will grant unanimous consent to take it up at this time.

A MEMBER. The Senate bill is not the same as the House bill.

The CHAIRMAN. Is the claimant the same in each case?

Mr. LITTLE. No, sir.

The CHAIRMAN. It will not be in order to call up a Senate bill for a different person.

Mr. BROWN, of Pennsylvania. I move that that bill be passed over.

The CHAIRMAN. If there be no objection the House bill, the title of which was read, will be passed over for the present. The Chair hears no objection, and it is ordered accordingly.

Mr. WALLACE. Is this Senate bill the same as the House bill?

Mr. LITTLE. It is not.

The CHAIRMAN. The Chair has ruled on that motion, and the House bill has been laid aside informally. There being no objection, the Clerk will read the title of the next bill.

The Clerk read as follows:

A bill (H. R. 6823) granting a pension to Peter P. Hoffman.

Mr. WINANS. I move that the committee rise. [Cries of "Oh, no!"]

Mr. CONGER. I ask for a division.

The committee divided, and there were—ayes 19, noes 15.

So the motion was agreed to.

The committee accordingly rose; and Mr. VAN EATON having taken the chair as Speaker *pro tempore*, Mr. RICHARDSON reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration the special business set apart for this evening, and had directed him to report back to the House sundry bills with various recommendations, some with and some without amendments.

Mr. NELSON. I ask, by unanimous consent, the vote be taken on all the bills together; first, on those to which there are no amendments, and then on those to which there are amendments. For instance, that the question on ordering the bills to be engrossed and read a third time shall be put on all the bills to which there is no amendments together and not separately.

The SPEAKER *pro tempore*. The House has heard the motion. Is there objection to it?

There was no objection; and it was ordered accordingly.

BILLS PASSED.

Bills of the following titles, to which there were no amendments, were ordered to be engrossed and read a third time; and being engrossed they were accordingly read the third time, and passed:

A bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop;
A bill (H. R. 10795) granting a pension to Elenor C. Ransom;
A bill (H. R. 8469) granting a pension to John Moran;
A bill (H. R. 5345) for the relief of Mary J. Gilbert; and
A bill (H. R. 8486) granting a pension to Rebecca Morris.

House bills of the following titles, reported from the Committee of the Whole with amendments, were severally considered, the amendments concurred in, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed, namely:

A bill (H. R. 6732) for the relief of General Speed S. Fry;
A bill (H. R. 7971) granting a pension to Mary Wood;
A bill (H. R. 6188) for the relief of John A. Fagg; and
A bill (H. R. 10473) granting a pension to William Reddick.

The bill (H. R. 8311) for the relief of Betsy A. Mower was laid on the table, in accordance with the recommendations of the Committee of the Whole.

Bills of the Senate of the following titles, reported from the Committee of the Whole were severally considered, read the third time, and passed, namely:

A bill (S. 2660) granting a pension to Annie E. Gardiner;
A bill (S. 1384) granting a pension to Mathias Wondrack;
A bill (S. 1627) granting a pension to Mrs. M. C. Miles;
A bill (S. 2286) for the relief of Albert C. Kelley;
A bill (S. 2353) granting a pension to William Barden;
A bill (S. 1626) granting a pension to John Reed, sr.;
A bill (S. 785) granting a pension to George Ham;
A bill (S. 2452) granting a pension to Rachael M. Pierpont;
A bill (S. 2454) granting a pension to James S. Furniss;
A bill (S. 2479) granting a pension to Mrs. Adeline P. Loy;
A bill (S. 2391) granting a pension to John G. Warren;
A bill (S. 2363) granting a pension to Marcel Gagnon;
A bill (S. 1768) granting a pension to John D. Fincher;
A bill (S. 2111) granting a pension to Jacob Smith;
A bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.;
A bill (S. 2252) granting a pension to Susan A. Duncan;
A bill (S. 859) granting a pension to Charlotte O'Neill; and
A bill (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks.

Senate bills of the following titles, reported from the Committee of the Whole with amendments, were considered, the amendments agreed to, and the bills as amended read the third time, and passed, namely:

A bill (S. 2218) for the relief of Lucy A. Washburne; and
A bill (S. 2519) granting an increase of pension to Richard B. Rians.

The bill (S. 1783) granting an increase of pension to George Bliss was indefinitely postponed, in compliance with the recommendation of the Committee of the Whole.

Mr. NELSON moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PERKINS. Mr. Speaker, I think the bill I hold in my hand was passed over by mistake in the regular order while I was otherwise engaged. I ask consent, therefore, that it be taken up now and put upon its passage. It is a bill pensioning James Smithpeter, and I am satisfied there will be no objection to it.

Mr. WALLACE. I think we have passed enough bills to-night.

Mr. PERKINS. This bill was passed over by mistake.

Mr. WALLACE. I must insist upon my objection.

LEAVE TO PRINT.

Mr. ROWELL. I would like to renew my request to be permitted to publish some remarks in the RECORD upon a pension bill, which request was objected to a short time since.

Mr. TAULBEE. I withdraw my objection.

The SPEAKER *pro tempore*. Without objection the gentleman will be permitted to print remarks in the RECORD upon a pension bill.

There was no objection.

And then, on motion of Mr. WINANS (at 10 o'clock and 35 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Two petitions of workingmen of Wood's Run, Pa., for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. BOUND: Petition of citizens of Harrisburg, Pa., favoring the repeal of all laws imposing internal-revenue taxes—to the same committee.

By Mr. C. R. BRECKINRIDGE: Petition of Henry Neal, for pay as messenger to the Speaker's room—to the Committee on Accounts.

By Mr. BUNNELL: Petition of 240 soldiers and citizens of the fifteenth district of Pennsylvania, asking that a law be passed granting each soldier, sailor, and marine a pension of $8 per month in accordance with the service-pension bill, or what is known as the Lovering bill—to the Committee on Invalid Pensions.

Also, resolutions of Tobacco Exchange of New York, favoring repeal of revenue tax on tobacco—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Papers in the claim of W. W. Hull, of Clay County, Florida—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of Tobacco Exchange of New York, for repeal of internal-revenue taxes—to the Committee on Ways and Means.

Also, memorial of National Viticultural Association, for the passage of conference report on House bill 4833—to the same committee.

Also, memorial of Letter Carriers' Association, for the passage of the bill (S. 2076) for eight hours' duty—to the Committee on Labor.

By Mr. FINDLAY: Petition of Freedman's Bank depositors of Baltimore, Md., for relief—to the Committee on Banking and Currency.

By Mr. HAYNES: Petition of Edward B. Holt, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HEARD: Petition of citizens of the sixth district of Missouri, in favor of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. J. S. HENDERSON: Resolutions passed at a meeting of the Western Virginia Tobacco Trade, favoring the repeal of the internal-revenue taxes on tobacco—to the Committee on Ways and Means.

By Mr. HITT: Petition of James D. White and 14 others, ex-soldiers, of Stillman Valley, Ill., for the passage of the bill (S. 1886) relating to pensions and bounties—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Petition of enlisted men of the Signal Corps, praying for the passage of House bill 5190—to the Committee on Military Affairs.

By Mr. LITTLE: Petition of William Arthur and others, for the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. E. King and others, for change contemplated in House bill 5190—to the Committee on Military Affairs.

Also, petition of John Fenton and others, for the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of Thomas D. Worrock, in relation to fortifications—to the Committee on Military Affairs,

By Mr. McKENNA: Petition of E. M. Gibson and others, in favor of House bill 10081—to the Committee on the Militia.

By Mr. MILLARD: Resolution of Post No. 376, Grand Army of the Republic, of New York, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. OATES: Petition of Henry Sterne, of Union Springs, Bullock County, Alabama, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Resolution of the Drug Exchange of Philadelphia, favoring the passage of the James bill to regulate the commercial sales of goods, &c., by samples—to the Committee on Commerce.

By Mr. PARKER: Petition of the Produce Exchange of the city of New York, in favor of coast defenses—to the Committee on Appropriations.

By Mr. SCRANTON: Petition of druggists of Scranton, Pa., for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. SENEY: Memorial of G. E. King and many others, favoring House bill 5190—to the Committee on Military Affairs.

Also, memorial of Letter Carriers' Association, favoring Senate bill 2076—to the Committee on Labor.

By Mr. STAHLNECKER: Petition of the Chamber of Commerce of New York city, favoring the completion of jetties in Charleston (S. C.) Harbor—to the Committee on Rivers and Harbors.

Also, petition of members of New York Produce Exchange, favoring coast defense—to the Committee on Appropriations.

By Mr. STORM: Petition of the Tobacco Exchange of New York, for the repeal of internal tax on tobacco—to the Committee on Ways and Means.

By Mr. VOORHEES: Petition of the mayor and council of Olympia and 47 other citizens, praying for an appropriation of money for the improvement of the harbor of Olympia, Wash.—to the Committee on Commerce.

Also, petition of citizens of Yakima County, Washington Territory, for relief—to the Committee on the Territories.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BRAGG: Of 109 citizens of Ripon, Wis.

By Mr. BUCK: Of 75 citizens of Windsor Locks, Conn.

By Mr. J. E. CAMPBELL: Of 146 citizens of Morrow, Ohio.

By Mr. CASWELL: Of 67 citizens of Elkhorn, Wis.

By Mr. ELDREDGE: Of 26 citizens of Pittsford, Mich.

By Mr. GALLINGER: Of C. P. Hall and 87 others, citizens of Hinsdale, N. H.

By Mr. GOFF: Of 68 citizens of Wellsburg, W. Va.

By Mr. HALE: Of 61 citizens of Salisbury; and of 172 citizens of Brookfield and Avalon, Mo.

By Mr. JACKSON: Of the Presbyterian and United Presbyterian churches of Beaver Falls, Pa.

By Mr. T. D. JOHNSTON: Of 158 citizens of Asheville, N. C.

By Mr. LANHAM: Of 34 citizens of Merkel, Tex.

By Mr. McADOO: Of 172 citizens of Hoboken and Jersey City, N. J.

By Mr. MOFFATT: Of 33 citizens of East Bay, Mich.

By Mr. SHAW: Petition of George W. Townsend, for the adoption of a new educational system.

By Mr. STRAIT: Of 43 citizens of Gumbrota, Minn.

By Mr. WEST: Of 25 citizens of Gloversville, N. Y.

By Mr. MILO WHITE: Of 57 citizens of Chester and Beaver, Minn.

SENATE.

SATURDAY, *February* 5, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT ON THE CONGO COUNTRY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy; which was read, as follows:

NAVY DEPARTMENT, *Washington, February* 1, 1887.

SIR: In compliance with a resolution of the Senate of the 27th ultimo, I have the honor to transmit herewith a copy of a report submitted to the Navy Department by Lieut. E. H. Taunt, United States Navy, after completing a six months' journey on the River Congo, Central Africa. Accompanying the report will be found certain documents, together with samples of materials likely to be used in the region of that river and specimens of the articles used as currency in the different localities specified in the accompanying memorandum.

Should the report be printed, I have the honor to request that one thousand (1,000) copies may be supplied for the use of the Navy Department.

Very respectfully, your obedient servant,

W. C. WHITNEY,
Secretary of the Navy.

Hon. JOHN SHERMAN,
President of the Senate.

The PRESIDENT *pro tempore*. If there be no objection, the following order will be made in respect to the communication:

Ordered, That the letter of the Secretary of the Navy and accompanying documents be printed and referred to the Committee on Foreign Relations, together with the articles, ornaments, and coins accompanying said letter, to be returned to the Secretary of the Navy.

REPORT OF COMMISSIONER OF PATENTS.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Commissioner of Patents for the year 1886; which was referred to the Committee on Patents, and ordered to be printed.

MRS. HENRIETTA M. DRUM HUNT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt, further insisting upon its disagreement to the amendment, and asking for a further conference thereon.

Mr. MITCHELL, of Pennsylvania. I move that the request of the House of Representatives be complied with, and that a committee of conference be appointed on the part of the Senate. I suggest that the same committee be appointed that acted before.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the request of the House of Representatives be complied with, and that a new committee of conference be appointed.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MITCHELL, of Pennsylvania, Mr. BLAIR, and Mr. WHITTHORNE were appointed.

HOUSE BILL REFERRED.

The bill (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short-Line Railroad Company across the Government farm connected with the Naval Acadamy at Annapolis, Md., was read twice by its title, and referred to the Committee on Naval Affairs.

RAILROAD ATTORNEYS—PERSONAL EXPLANATION.

Mr. MORGAN. I desire to state that I was not present yesterday when the vote was taken on what is called the railroad attorneys bill. The Senator from Kentucky [Mr. BECK] had agreed to arrange a pair between the Senator from Indiana [Mr. VOORHEES] and myself, but not having informed him the Senator from Indiana did not know the fact and voted. If I had been here I should have voted "nay" on the passage of that bill.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution adopted by the General Assembly of Ohio; which was referred to the Committee on the Library, and ordered to be printed in the RECORD, as follows:

Joint resolution relative to requesting our Senators and Representatives in Congress to do all possible for the passage of the bill S. 1976.

Whereas there has been introduced in the Senate of the United States a bill (No. 1976) to provide for the survey of certain historic grounds, locations, and military works: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be, and they hereby are, requested to vote for and urge the passage of the same, at the earliest practical moment, and that the governor forward a copy of this resolution to each of our Senators and Representatives in Congress.

JOHN C. ENTREKIN,
Speaker of the House of Representatives.
ROB'T P. KENNEDY,
President of the Senate.

Adopted January 20, 1887.

UNITED STATES OF AMERICA.

OHIO, *Office of the secretary of state:*

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 20th day of January, A. D. 1887, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 20th day of January, A. D. 1887.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, COLUMBUS, OHIO, *January* 24, 1887.

In accordance with the provisions of the foregoing resolutions, the same are hereby respectfully transmitted.

J. B. FORAKER, *Governor.*

The PRESIDENT *pro tempore* presented a petition of 23 citizens of Millersport, Ohio, praying for the passage of the bill to permit a vote on the question of local option in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of W. Stebbins Smith, George W. Thompson, and 112 other citizens of New York, praying for legislation authorizing the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York; which was referred to the Committee on Commerce.

Mr. VEST. I present a petition of members of the Thirty-fourth General Assembly of the State of Missouri, praying for the passage of the so-called Miller bill, and for legislation protecting the cattle interests of Missouri from Texas fever. As the petition is short, I ask that it be printed in the RECORD.

The petition was ordered to be printed in the RECORD, and referred to the Committee on Agriculture and Forestry, as follows:

STATE OF MISSOURI, *City of Jefferson:*

To the Senators and Representatives from Missouri in the Forty-ninth Congress:

We, the undersigned members of the Thirty-fourth General Assembly, of the State of Missouri, do most respectfully petition to use all means at your command to secure the passage of the bill H. R. 10359, second session of Forty-ninth Congress, known as the "Miller bill," or some other law on the same subject.

And further pray that you will lend your aid to enact some law governing the traffic in Southern or Texas cattle, so we will not, during the warm months, be so much exposed to that contagious disease known as Texas or splenic fever.

Benson Bond, Atchison County; George Cobb, Nodaway County; David Hopkins, Jasper County; Frank Dodd, Howard County; William F. Crocke, Iron County; C. F. Chrisman, Platte County; G. W. Johnson, Buchanan County; H. A. Newman, Randolph County; John D. Satterwhite, Saint François County; J. C. O'Dell, Reynolds County; O. M. Coppedge, Maries County; F. W. Guy, Jefferson County; C. L. White, Howell County; W. D. Hoar, Andrew County; M. L. Tribble, Newton County; William A. Fly, Bary County; Jason W. Newell, Dade County; R. C. Carter, Andrew County; R. W. Mueler, Saint Charles County; E. F. Eskew, Butler County; O. F. Arnold, Cooper County; G. W. Crawford, Pettis County; H. A. Schoppenhorst, Warren County; F. M. Coleman, Carter County; Perry Chilton, Shannon County; John W. Drabelle, Saint Louis City; J. J. Russel, Mississippi County; Henry Smith, Kansas City; F. R. Newbery, Madison County; J. G. Ellis, Bolenger County; G. F. Lee, Wayne County; L. B. Paschall, Saint Louis City; V. B. S. Reber, Saint Louis City; J. F. Moore, Webster County; J. H. Babcock, Macon County; J. F. Morton, Ray County; T. F. Frazer, Scott County; W. H. Carter, Montgomery County; Henry S. Shaw, Saint Genevieve County; R. H. Whitelaw, Cape Girardeau County; L. S. Bridges, Pettis County; F. P. Sebree, Saline County; W. H. Miller, Jackson County; R. A. Hicklin, Lafayette County; N. M. Shelton, Schuyler County; W. R. Goodykoontz, Washington County; G. B. Pilant, Ozark County; J. M. Roberts, Sullivan County; S. W. Headley, Green County; G. A. Arbuthnot, Linn County; Coway Jones, Morgan County; W. H. Cock, Henry County; R. M. Bodine, Monroe County; John Ewing, Worth County; Samuel Dial, Taney County; Thomas Shaw, Calaway County; James H. Lacy, Cass County; W. S. Snidow, Hickory County; H. B. Powers, Putnam County; J. H. Fore, Clark County; John W. Booth, Franklin County; W. O. S. Jewett, Shelby County; L. T. Moulton, De Kalb County; Ira B. Warren, Saint Louis County; L. R. Knowles, Holt County; D. R. B. Harlan, Caldwell County; Lucius Salisbury, Chariton County; John T. Daniel, Nodaway County; George T. Collins, Scotland County; W. I. Watson, Knox County; George A. Mahan, Marion County; Daniel H. McIntyre, Cole County; Frank S. Curtis, Saint Louis City; H. C. Garrett, Pemiscot County; J. M. Lewis, Douglas County; A. R. Jackson, Camden County; A. M. Haswell, Green County; M. E. Swift, Mercer County; J. W. Davis, Adair County; W. A. Pierce, Ripley County; J. J. McNatt, McDonald County; Nelson Church, Harrison County; Bery T. Plummer, Christian County; T. J. Taylor, Grundy County; H. C. Timmons, Barton County; D. R. Steel, Monitau County; T. R. R. Ely, Dunklin County; G. A. Purdy, Lawrence County; G. F. Moore, Laclede County; W. F. Cochrane, Osage County; B. Amie, Wright County; H. C. Conner, Johnson County; Joseph Slandlee, Stone County; James Shaw, Saint Louis City; Vernon W. Knapp, Saint Louis City; J. W. Kneisley, Boone County; S. G. Kelley, Johnson County; Z. T. Maxwell, Crawford County; J. H. Dunn, Clay County; Patrick Curran, Saint Louis City; Ed. W. Turner, Clinton County; James Brooks, Carroll County; E. A. Donelan, Buchanan County; W. B. Lewis, Cedar County; H. C. Duffy, Pike County; G. H. Noel, Jackson County; W. F. Collins, Oregon County; William R. Macklin, Saint Louis City; S. J. George, Polk County; John Taggart, senator, fourth district; S. H. Claycomb, senator, twenty-eighth district; J. R. Saltonstall, senator, fifteenth district; F. M. Mansfield, senator, twenty-second district; D. H. Ball, senator, eleventh district; H. W. Johnson, senator, tenth district; J. C. Seaborn, senator, eighteenth district; J. W. Seabree, senator, eighth district; James Hazwell, senator, fourteenth district; W. G. Downing, senator, twelfth district; W. P. Sheldon, senator, twentieth district; W. H. Sears, senator, seventh district; J. M. Proctor, senator, ninth district; A. M. Allen, senator, twenty-seventh district; F. H. Ketcham, senator, thirty-second district; G. W. Davidson, senator, thirty-first district; J. G. Sparks, senator, sixteenth district; Lyman Parcher, senator, first district; J. J. Gideon, senator, nineteenth district.

Mr. CHENEY presented a petition of 264 citizens of Washington, D. C., resident on New York and Indiana avenue, G, D, B, Twenty-fourth and Twenty-sixth streets, praying for the passage of the bill (H. R. 8976) to incorporate the Washington Cable Railway Company; which was referred to the Committee on the District of Columbia.

Mr. INGALLS. I present the petition of a large number of ex-soldiers resident in the State of Indiana, praying for the removal of the limitation in the act granting arrears of pension. I move that the petition lie on the table.

The motion was agreed to.

Mr. RIDDLEBERGER presented a petition of citizens of Virginia, praying for the passage of the Colquitt bill to regulate the granting of liquor licenses in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of 333 citizens of Washington, D. C., residing on Fifth, Sixth, Twelfth, Thirteenth, and Fifteenth streets, praying for the passage of the bill (H. R. 8976) to incorporate the Washington Cable Railway Company; which was referred to the Committee on the District of Columbia.

Mr. MCMILLAN. I present resolutions in the nature of a memorial signed by officers of the State Horticultural Society and other associations in Minnesota, requesting the Senators and Representatives of Minnesota in the National Congress to use their influence and give their votes to secure the passage of the bill known as the Hatch agricultural experiment-station bill. I move that the resolutions lie on the table, as that bill has already passed the Senate.

The motion was agreed to.

Mr. ALLISON. I present a memorial of a commmittee appointed

by an assembly of nearly 300 citizens of the District of Columbia, property owners and residents on the line of Thirteenth street northwest, remonstrating against the location of the track of the proposed cable railway on that street, and giving at length reasons why that should not be done. I move the reference of the memorial to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MAHONE presented a petition of citizens of Washington, D. C., praying that provision be made for placing an ice and patrol boat on the Potomac River; which was referred to the Committee on Commerce.

Mr. EVARTS presented a petition of citizens of Plattsburg, N. Y., praying for the repeal of the law limiting the granting of pension arrearages; which was referred to the Committee on Pensions.

He also presented the petition of Sarah Higgins, widow of John Higgins, late a private in Company G, One hundred and fifty-third Regiment New York Volunteers, praying for the passage of a law extending the time for filing claims for arrears of pension; which was referred to the Committee on Pensions.

Mr. BUTLER presented a memorial of citizens of Georgetown, S. C., remonstrating against the proposed abolition of that place as a customs district; which was referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, presented a petition of 330 property owners and residents of West Washington, D. C., praying for the passage of the bill for the incorporation of the Washington Cable Railway Company; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3214) to provide for paying certain advances made to the United States by the States of Maryland and Virginia, reported it without amendment and submitted a report thereon.

Mr. COCKRELL. The bill (S. 3011) for the relief of Andrew J. Edgerly, was referred to the Committee on Military Affairs and was considered by the committee, and I was directed to make a favorable report. About the same time the bill (H. R. 10353) for the relief of Andrew J. Edgerly, in the exact language of the Senate bill, was passed by the House and came to the Senate and was referred to the Committee on Military Affairs. I now report back the House bill favorably without amendment, and ask that the Senate bill be indefinitely postponed.

The bill (H. R. 10353) for the relief of Andrew J. Edgerly was ordered to be placed on the Calendar; and the bill (S. 3011) for the relief of Andrew J. Edgerly was postponed indefinitely.

MISSISSIPPI RIVER BRIDGE AT DUBUQUE.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3062) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa, reported it without amendment.

Mr. ALLISON. As that is a brief bill, and it is important that it should be passed, I ask unanimous consent that it be considered at this time. It will take but a moment.

The PRESIDENT *pro tempore*. The Senator from Iowa asks the unanimous consent of the Senate to proceed to the consideration of the bill at this time. Is there objection? The Chair hears none.

Mr. ALLISON. I moved the other day when a similar bill was received from the House of Representatives that it lie on the table.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate proceed to the consideration of a House bill, the title of which will be stated, which is on the table.

The CHIEF CLERK. A bill (H. R. 10412) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

That in lieu of the pontoon-bridge authorized by the act of Congress to be constructed over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa, by the East Dubuque Bridge Company, a corporation organized under the laws of the State of Illinois for that purpose, and amendatory of said act, the Dubuque Pontoon Bridge Company, a corporation organized under the laws of the State of Iowa for a like purpose, and now holding the franchise of said East Dubuque Bridge Company in relation to such bridge, may construct and maintain over said river, at the most suitable point between those cities, a high wagon-bridge, for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for such reasonable rates of toll as said cities may prescribe: *Provided*, That the Secretary of War, to whom the plans and specifications for said contemplated high wagon-bridge have been submitted for inspection, shall be of opinion that such high wagon-bridge will be no substantial obstruction to the navigation of said river.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. Now the Senate bill may be indefinitely postponed.

The PRESIDENT *pro tempore*. That course will be pursued.

PUBLIC BUILDING AT CHATTANOOGA, TENN.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

WM. MAHONE,
JUSTIN S. MORRILL,
ISHAM G. HARRIS,
Managers on the part of the Senate.

C. P. SNYDER,
THO. D. JOHNSTON,
W. W. BROWN,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. DAWES. I move to take up the Indian appropriation bill.

The PRESIDENT *pro tempore*. That motion is not in order yet. The morning business is not yet completed.

Mr. DAWES. Of course I propose to yield to morning business.

Mr. SAWYER. I was going to ask unanimous consent to take up the private pension bills, reported favorably, under the eighth rule; and if there is no objection, I make that request.

The PRESIDENT *pro tempore*. The morning business is not yet through, and under the rule that can only be done by unanimous consent. The introduction of bills is the next order.

BILLS INTRODUCED.

Mr. KENNA introduced a bill (S. 3268) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MANDERSON introduced a bill (S. 3269) for the relief of Emma S. Free, widow of the late Maj. Thomas S. Free, of the Tenth United States Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO A BILL.

Mr. WILSON, of Iowa, submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

LEGISLATIVE ASSEMBLY OF WASHINGTON TERRITORY.

Mr. VOORHEES submitted the following resolution; which was read:

Resolved, That the Committee on Territories be discharged from the further consideration of the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory.

Mr. VOORHEES. The resolution may go over until Monday. I give notice that at that time I shall call it up for consideration.

The PRESIDENT *pro tempore*. The resolution will go over and be printed.

WHARTON'S DIGEST OF INTERNATIONAL LAW.

Mr. EVARTS submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 4,000 additional copies of Wharton's Digest of International Law be printed and bound, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 1,000 copies for the use of the Department of State.

INDIAN APPROPRIATION BILL.

Mr. DAWES. I now ask that the Indian appropriation bill may be taken up.

The PRESIDENT *pro tempore*. There being no further morning business, the Senator from Massachusetts moves that the Senate proceed to the consideration of the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes.

Mr. SAWYER. I ask the Senator to yield to me to call up the private pension bills favorably reported.

Mr. DAWES. Let me get the right of way for the appropriation bill, and then I will yield.

Mr. SAWYER. Very well.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Indian appropriation bill is before the Senate.

CONSIDERATION OF PENSION BILLS.

Mr. DAWES. Now, if there is no objection on the part of the Senate, I will yield informally to the Senator from Wisconsin, for the purpose which he has indicated.

Mr. SAWYER. I ask unanimous consent that the Senate proceed to the consideration of the individual pension bills favorably reported, under the eighth rule.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks the unanimous consent of the Senate to proceed to the consideration of pension bills under the eighth rule, for half an hour, as the Chair understands. If there be no objection, that order will be made. The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5345) for the relief of Mary J. Gilbert;
A bill (H. R. 6188) for the relief of John A. Fagg;
A bill (H. R. 6732) for the relief of General Speed S. Fry;
A bill (H. R. 7971) granting a pension to Mary Wood;
A bill (H. R. 8469) granting a pension to John Moran;
A bill (H. R. 8486) granting a pension to Rebecca Morris;
A bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop;
A bill (H. R. 10473) granting a pension to William Reddick; and
A bill (H. R. 10795) granting a pension to Elenor C. Ransom.

The message also announced that the House had passed the following bills:

A bill (S. 785) granting a pension to George Ham;
A bill (S. 859) granting a pension to Charlotte O'Neal;
A bill (S. 1384) granting a pension to Mathias Wondrak;
A bill (S. 1626) granting a pension to John Reed, sr.;
A bill (S. 1627) granting a pension to Mrs. M. C. Miles;
A bill (S. 1768) granting a pension to John D. Fincher;
A bill (S. 2111) granting a pension to Jacob Smith;
A bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.;
A bill (S. 2252) granting a pension to Susan A. Duncan;
A bill (S. 2286) for the relief of Albert C. Kelley;
A bill (S. 2353) granting a pension to William Barden;
A bill (S. 2363) granting a pension to Marcel Gagnon;
A bill (S. 2391) granting a pension to John G. Warren;
A bill (S. 2452) granting a pension to Rachael Ann Pierpont;
A bill (S. 2454) granting a pension to James S. Furniss;
A bill (S. 2479) granting a pension to Mrs. Adaline P. Loy;
A bill (S. 2660) granting a pension to Annie E. Gardiner; and
A bill (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks.

The message further announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 2218) for the relief of Lucy A. Washburn; and
A bill (S. 2519) granting a pension to Richard B. Rians.

JANE BROWN DUNN.

Mr. SAWYER. The first private pension bill on the Calendar is Order of Business 1960, being Senate bill 2629.

The PRESIDENT *pro tempore*. The pension bills will be proceeded with in their order on the Calendar.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2629) granting a pension to Jane Brown Dunn, which had been reported from the Committee on Pensions with an amendment to add to the bill "and to pay her a pension of $12 per month from and after the passage of this act," so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane Brown Dunn, daughter of William H. H. Dunn, late a private in Company A, Sixth Regiment Indiana Volunteers, and Company L, Fourth Indiana Cavalry, and to pay her a pension of $12 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD H. M'WHORTER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1321) granting arrears of pension to Richard H. McWhorter, which had been reported from the Committee on Pensions with an amendment, in line 4, after the words "directed to," to strike out:

Place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard H. McWhorter, late first lieutenant of Company C, Thirteenth Regiment Kentucky Cavalry, and pay him a pension, from and after the date of his disability, in the same manner and to the same extent as would have been done had his application been received and filed in the Pension Office prior to July 1, 1880.

And in lieu thereof to insert:

Readjudicate the pension claim of Richard H. McWhorter, late first lieutenant of Company C, Thirteenth Regiment Kentucky Cavalry Volunteers, as though the application under which a pension was granted had been filed in the Pension Office on the 20th day of April, 1880.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES LUCAS.

The bill (S. 3108) granting a pension to James Lucas was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Lucas, late a private in Company H, One hundred and eleventh Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. THOMAS.

The bill (S. 2670) granting an increase of pension to James H. Thomas was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James H. Thomas, late a private in Company I, Thirty-second Iowa Infantry, at the rate of $12 per month, in lieu of the pension he is now receiving.

Mr. COCKRELL. Let the report in that case be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER, January 18, 1887:

The Committee on Pensions, to whom was referred the bill (S. 2670) granting an increase of pension to James H. Thomas, have examined the same, and report:

The history of this case shows that James H. Thomas was a private in Company I, Thirty-second Iowa Infantry; that he enlisted August 19, 1862; that he was discharged June 2, 1865; that he was pensioned for pulmonary disease, first at the rate of $2 per month, which was increased to $6 per month. The bill for his relief provides for an increase to the rate of $12 per month. There is no question as to the incurrence of lung disease in the service and in the line of duty. All of the medical examinations agree as to the nature of the disease. The board by whom he was examined in April last recommended an increase to $10 per month. He is now over sixty years old, has a quick pulse and rapid respiration, and it is evident that he is totally disqualified for manual labor, and that he has no resources except his pension.

The committee therefore report the bill favorably, with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN H. STUCKER.

The bill (H. R. 7748) granting a pension to John H. Stucker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Stucker, late of Company B, Eighteenth Regiment Missouri Volunteers (Grundy County Battalion Missouri Militia).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARA M. TANNEHILL.

The bill (H. R. 9672) granting a pension to Clara M. Tannehill was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clara M. Tannehill, blind daughter of Martin V. Tannehill, late of Company D, Thirty-fourth Regiment Iowa Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIZZIE BROWN.

The bill (H. R. 7716) granting a pension to Lizzie Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lizzie Brown, the dependent and crippled sister of Webster Brown, late of Compay L, First Maine Heavy Artillery, who was killed in the battle of the Wilderness, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID B. CALDWELL.

The bill (H. R. 7390) granting a pension to David B. Caldwell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David B. Caldwell, late a lieutenant of Company I, Seventy-fifth Regiment of Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH ROGERS.

The bill (S. 3131) granting a pension to Hugh Rogers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hugh Rogers, late a private in the Marine Corps, United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILTON TEETER.

The bill (S. 3106) granting a pension to Milton Teeter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Milton Teeter, late a private in Company I, Sixteenth Regiment New York Heavy Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT BAXTER.

The bill (S. 2935) granting a pension to Robert Baxter was considered as in Committee of the Whole. It proposes to place on the pension-

roll the name of Robert Baxter, late a private of Company D, Seventy-seventh Regiment Enrolled Missouri Militia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WAITIE F. HARRIS.

The bill (H. R. 8258) granting a pension to Waitie F. Harris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Waitie F. Harris, a volunteer nurse in the late war, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ANNA SCHIER.

The bill (H. R. 7983) granting a pension to Mrs. Anna Schier was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anna Schier, widow of Nicholas Schier, formerly a member of Company C, One hundred and twelfth Regiment Pennsylvania Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARGARET CASHIN.

The bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret Cashin, widow of Patrick Cashin, late of Company D, Forty-fourth Ohio Volunteers, and Company M, Eighth Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SOPHIA SPRAIN.

The bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain, late a private in Company D, Fourteenth Wisconsin Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES T. WORNOM.

The bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles T. Wornom, of Atlantic, Iowa, late of Company F, Twelfth Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM B. BARNES.

The bill (H. R. 9250) for the relief of William B. Barnes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William B. Barnes, dependent father of Louis W. Barnes, late of Company I, Sixteenth Regiment of Infantry Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL SCHULTHEIS.

The bill (H. R. 7911) granting a pension to Daniel Schultheis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel Schultheis, late of Company H, Forty-ninth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETH WELDY.

The bill (H. R. 8227) granting a pension to Seth Weldy was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Seth Weldy, late a captain in the Twenty-third Regiment of Infantry, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE P. BOLTON.

The bill (H. R. 9004) for the relief of Caroline P. Bolton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline P. Bolton, mother of Edwin W. Bolton, deceased, late a member of Company I, Twenty-first Regiment Iowa Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIFURS ROBERSON.

The bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll was considered as in Committee of the Whole. It proposes to restore the name of Lifurs Roberson, late of company K, Fifth Tennessee Volunteers in the Mexican war, to the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUKE HOROBIN.

The bill (H. R. 8949) granting a pension to Luke Horobin was announced as next in order on the Calendar.

Mr. SAWYER. I ask that the bill be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

LIVINGSTON CLARK.

The bill (H. R. 7547) granting a pension to Livingston Clark was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Livingston Clark, late of Company G, Twenty-first New York Cavalry, the amount of his pension to be paid to his duly appointed committee or trustee, for his benefit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWEN P. WILSON.

The bill (H. R. 6069) granting a pension to Owen P. Wilson was considered as in Committee of the Whole. It proposes to place the name of Owen P. Wilson, of Edmonson County, Kentucky, dependent father of James R. Wilson, deceased, late a private in Company I, Twenty-seventh Regiment Kentucky Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. A. M'FADDEN.

The bill (H. R. 7699) granting a pension to E. A. McFadden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of E. A. McFadden, late second lieutenant of Company G, Second Regiment Ohio Volunteers, in the Mexican war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH M. KING.

The bill (H. R. 9443) granting a pension to Elizabeth M. King was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth M. King, mother of Dudley King, late a lieutenant of Company C, Eighty-ninth Regiment Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK RICHMOND.

The bill (H. R. 9444) granting a pension to Frederick Richmond was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Richmond, late a private in Company B, Thirty-sixth Regiment Ohio Volunteers, now insane, payment of pension to be made to his legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE C. M'NAIR.

The bill (H. R. 7689) granting a pension to Caroline C. McNair, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline C. McNair, of Canisteo, Steuben County, New York, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. MARIA C. M'PHERSON.

The bill (S. 2421) granting a pension to Mrs. Maria C. McPherson was considered as in Committee of the Whole. It proposes to place on the ponsion-roll the name of Mrs. Maria C. McPherson, widow of Daniel McPherson, late a corporal of Company C, Twenty-fourth Michigan Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HETTIE K. PAINTER.

The bill (S. 2834) granting a pension to Mrs. Hettie K. Painter was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Hettie K. Painter, a volunteer nurse during the late war, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH RANDLES.

The bill (H. R. 7352) granting a pension to Mrs. Sarah Randles was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah Randles, widow of William Randles, late captain of Company I, Ninety-third Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN M. STURTEVANT.

The bill (H. R. 10152) granting a pension to Ellen M. Sturtevant was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen M. Sturtevant, of Keene, New Hamp-

shire, dependent sister of Edward E. Sturtevant, late major Fifth Regiment New Hampshire Volunteers, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY LOUISA SPICER.

The bill (H. R. 5506) granting a pension to Emily Louisa Spicer was considered as in Committee of the Whole. It proposes to increase the pension of Emily Louisa Spicer, widow of Commodore William F. Spicer, late of the United States Navy, at the rate of $50 per month, in lieu of the pension now received by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. YOUNG.

The bill (H. R. 8424) granting a pension to James H. Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James H. Young, late of Company I, Sixth Regiment Kansas Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY LUTHER.

The bill (H. R. 8632) for the relief of Emily Luther was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily Luther, widow of Herbert M. Luther, late sergeant Company G, Eighteenth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BETSEY COONEY.

The bill (H. R. 9426) granting a pension to Betsey Cooney was considered as in Committee of the Whole. It proposes to place on the pension-roll, at $12 per month, the name of Betsey Cooney, sister of Stephen Cooney, late of Company C, Third Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOREN BURRITT.

The bill (H. R. 8002) to increase the pension of Loren Burritt was considered as in Committee of the Whole. It proposes to increase the pension of Loren Burritt, late lieutenant-colonel of the Eighth Regiment United States Colored Troops, to $100 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH O'BRIEN.

The bill (H. R. 9130) granting a pension to Sarah O'Brien was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah O'Brien, widow of Hugh O'Brien, late a private in Company C, One hundred and seventieth New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SELBY.

The bill (H. R. 6026) granting a pension to John Selby was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Selby, dependent father of George Selby, late a private in Company C, Seventy-third Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE L. SHEDD.

The bill (H. R. 10104) granting a pension to Caroline L. Shedd was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Caroline L. Shedd, foster-mother of George C. Shedd, late of Company I, Thirtieth Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH M. J. MEAGHER.

The bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth M. J. Meagher, widow of Thomas Francis Meagher, late a brigadier-general of United States volunteers, at $50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERVA ABBEY.

The bill (10103) granting a pension to Minerva Abbey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Minerva Abbey, the blind daughter of James D. Abbey, deceased, late of Company I, Fifteenth Kansas Cavalry, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANZ ROSSRUCKER.

The bill (H. R. 7732) granting a pension to Franz Rossrucker, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Franz Rossrucker, late a private in Company A, Fifth Wisconsin Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. SUSAN E. BARRY.

The bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Susan E. Barry, late an army nurse, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE E. BABCOCK.

The bill (S. 3135) granting a pension to Catherine E. Babcock was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catherine E. Babcock, widow of Maj. Charles P. Babcock, late of the Second Regiment Michigan Cavalry, at the rate of $40 a month in lieu of the pension she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL TODD.

The bill (H. R. 7335) granting a pension to Michael Todd was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Michael Todd, father of James H. Todd, deceased, late of Company K, Sixty-ninth Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE F. ELLSWORTH.

The bill (S. 3107) granting a pension to Catharine F. Ellsworth was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine F. Ellsworth, widow of Edward A. Ellsworth, late a first lieutenant in the Eleventh Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. BUTLER.

The bill (H. R. 8601) granting a pension to James H. Butler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James H. Butler, formerly captain of Company F, Thirty-second New York Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE WATERS.

The bill (H. R. 325) granting a pension to Catharine Waters was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Waters, mother of Thomas Waters, deceased, late steward of the steamer Benefit, at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NIRIUS CISSELL.

The bill (H. R. 9026) granting a pension to Nirius Cissell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nirius Cissell, late of Company L, Fifth Regiment Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT E. Q. LATHERMON.

The bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Grant E. Q. Lathermon, dependent son of George Lathermon, late a private in Company I, Fifty-second Regiment of Indiana Volunteers, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY COBURN.

The bill (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll was considered as in Committee of the Whole. It proposes to restore to the pension-roll the name of Harvey Coburn, late of Company K, Second Pennsylvania Heavy Artillery (One hundred and twelfth Regiment Pennsylvania Volunteers).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. M'DONALD.

The bill (H. R. 8151) granting a pension to John P. McDonald was considered as in Committee of the Whole. It proposes to place on the

pension-roll the name of John P. McDonald, late of Company E, Second Regiment Colorado Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLEMENTINE HARTINGER.

The bill (H. R. 10025) granting a pension to Clementine Hartinger was considered as in Committee of the Whole. It proposes to restore the name of Clementine Hartinger, dependent mother of W. H. Peters, late of Company C, Twenty-fourth Regiment Iowa Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. OWINGS.

The bill (H. R. 4097) granting a pension to William J. Owings was considered as in Committee of the Whole. The preamble recites that in conformity with an act of Congress approved March 9, 1878, certificate No. 25639, for original-service pension, dated March 6, 1883, was issued to Henry Owings, a private in Captain James Dudley's company of Kentucky militia in the war of 1812; that Henry Owings died December 28, 1881, before the certificate was issued, leaving no estate whatever, and no widow or child under sixteen years of age; that William J. Owings, of Randolph County, Missouri, a son of Henry Owings, had the entire care and support of his father for ten years immediately preceding his death, he being then very old and enfeebled by age, having died in his eighty-fourth year; and that under existing laws no money can be drawn on the pension certificate except an amount sufficient to pay the expenses of the last sickness and burial of the deceased pensioner, a sum wholly inadequate to reimburse William J. Owings for his support of the deceased pensioner in his old age:

Therefore, the bill directs the Commissioner of Pensions to pay to William J. Owings, of Randolph County, Missouri, the amount of pension which had accrued to Henry Owings, deceased, at the time of his death, December 28, 1881, by virtue of certificate No. 25639, for original-service pension, dated March 6, 1883.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MARY GRIMES.

The bill (H. R. 9247) granting a pension to Mary Grimes was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Grimes, the mother of William Grimes, late a private in Company K, Twelfth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALLY W. RICE.

The bill (H. R. 8791) granting a pension to Sally W. Rice was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sally W. Rice, dependent mother of Henry S. Rice, late of Company K, One hundred and forty-first New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILA CLARK.

The bill (H. R. 8847) for the relief of Phila Clark was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Phila Clark, dependent mother of Olin Clark, late of Company C, Eighth New York Heavy Artillery Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET R. JONES.

The bill (H. R. 10082) to increase the pension of Margaret R. Jones was considered as in Committee of the Whole. It proposes to increase the pension of Margaret R. Jones, widow of the late Col. James Hemphill Jones, of the United States Marine Corps, who died on the 17th of April, 1880, from $30 to $40.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH R. LANGDON.

The bill (S. 3220) granting a pension to Hannah R. Langdon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hannah R. Langdon, widow of Henry H. Langdon, late an assistant surgeon in the Seventh Regiment Vermont Volunteers in the war of the rebellion, at the rate of $20 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADAM L. EPLEY.

The bill (S. 2248) for the relief of Adam L. Epley was considered as in Committee of the Whole. It proposes to direct the payment to Adam L. Epley, the son and only heir of John D. Epley, deceased, late a private in Company F, One hundred and fifty-third Regiment Ohio Volunteers, of the arrears of pension due or allowable at the time of his death, and heretofore authorized to be paid John D. Epley, now deceased, under pension-certificate No. 296437.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL SAWYER.

The bill (H. R. 4028) granting a pension to Samuel Sawyer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samuel Sawyer, late of Company G, Thirty-sixth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY ROSCOE.

The bill (H. R. 6523) granting a pension to Henry Roscoe was considered as in Committee of the Whole. It proposes to increase the pension of Henry Roscoe, late first lieutenant of Company C, Fourth Regiment New York Volunteer Infantry, to $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY M'ROBERTSON.

The bill (H. R. 7327) granting a pension to Anthony McRobertson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Anthony McRobertson, late a private in the Seventy-second Regiment of Missouri Enrolled Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY JANE MAGOON.

The (bill H. R. 9862) granting a pension to Mary Jane Magoon was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Jane Magoon, widow of Nathan Magoon, late a private in Company H, Seventh Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. ARABELLA CODDINGTON.

The bill (S. 2374) granting a pension to Mrs. Arabella Coddington, was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, after the word "volunteers," in line 8, to insert "in lieu of the pension she now receives;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $25 per month, the name of Mrs. Arabella Coddington, widow of E. H. Coddington, late captain of Company H, Forty-fifth Regiment of Iowa Infantry Volunteers, in lieu of the pension she now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA HUNTER.

The bill (S. 3218) granting a pension to Maria Hunter was considered as in Committee of the Whole. It proposes to increase the pension of Maria Hunter, widow of David Hunter, late a major-general in the United States Army, to $50 per month, in lieu of that which she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAURA A. WRIGHT.

The bill (S. 3260) granting a pension to Laura A. Wright was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Laura A. Wright, widow of Charles H. Wright, late of Company B, Fourteenth New Hampshire Regiment, in the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. REYNOLDS.

The bill (S. 3146) granting a pension to John W. Reynolds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John W. Reynolds, provost-marshal of the twelfth Ohio district during the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SAWYER subsequently said: In the last pension bill that passed this morning there was an error, owing perhaps to the neglect of the committee. I move to reconsider the vote by which the bill (S. 3146) granting a pension to John W. Reynolds was passed, so as to adopt some amendments that were overlooked, though they are in the report.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin to reconsider the vote by which the bill referred to was passed.

The motion was agreed to.

The PRESIDENT *pro tempore*. The vote ordering the bill to a third reading will also be reconsidered if there be no objection. The Chair hears none. The bill is now open to amendment.

Mr. SAWYER. Now I move to amend the bill, in line 4, after "pension-roll," by striking out "subject to the provisions and limitations of the pension laws," and adding to the bill "and pay him a pension at the rate of $50 per month." Let the bill be read as it will stand if amended.

The Chief Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John W. Reynolds, provost-marshal of the twelfth Ohio district during the late war of the rebellion, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILWAY.

The PRESIDENT *pro tempore*. The Indian appropriation bill will now be proceeded with.

Mr. MCMILLAN. I ask unanimous consent that the pending bill be laid aside informally and that the Senate take up and act upon Order of Business 1913, being the bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota.

Mr. ALLISON. I shall not object to taking up that bill if it does not occupy much time.

Mr. MCMILLAN. It will not take time. It is reported from the Committee on Indian Affairs by the Senator from Massachusetts [Mr. DAWES].

Mr. VEST. The Senator from Minnesota, who is absent [Mr. SABIN], spoke to me about some bill granting the right of way through an Indian reservation which he wished to look into.

Mr. MCMILLAN. My colleague thought at one time of offering a general amendment which would affect this bill, but upon examination of it he found that it had no application to this bill and he authorized me to ask that the bill be passed.

Mr. VEST. I do not know anything about it.

Mr. MCMILLAN. There is no difficulty on that score.

Mr. VEST. I would rather the bill should go over, under the circumstances.

Mr. MCMILLAN. My colleague spoke to me just before he went away, and the Senator from Massachusetts [Mr. DAWES] is aware of the same facts. This is a House bill.

The PRESIDENT *pro tempore*. If objection is made, the bill can not be taken up at this time. There is a pending question before the Senate.

Mr. VEST. I object.

The PRESIDENT *pro tempore*. The Senator from Missouri objects. The Indian appropriation bill is regularly before the Senate.

INDIAN APPROPRIATION BILL.

Mr. ALLISON. I ask now that the Senate proceed with the consideration of the Indian appropriation bill.

The PRESIDENT *pro tempore*. The bill is before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes.

Mr. ALLISON. In the temporary absence of the Senator from Massachusetts [Mr. DAWES], who has charge of the bill, I ask that the formal reading be dispensed with and that the amendments of the Committee on Appropriations be acted on as the reading of the bill progresses.

The PRESIDENT *pro tempore*. If there be no objection that course will be taken.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Fulfilling treaties with Indian tribes," in the appropriations for the Apaches, Kiowas, and Comanches, in section 1, line 166, before the word "hundred," to strike out "seven" and insert "five;" and in the same line, after the word "thousand," to strike out "two hundred;" so as to make the clause read:

For pay of physician and two teachers, $2,500; in all, $49,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the Poncas, in section 1, line 456, before the word "thousand," to strike out "seven" and insert "five;" so as to make the clause read:

For this amount, or so much thereof as may be necessary, to be used at the discretion of the President, to carry on the work of aiding and instructing the Poncas in the arts of civilization, with a view to their self-support, for clothing, and for pay of employés, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 459, to reduce the total amount of the appropriation for the Poncas from $28,000 to $26,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports," in section 1, line 825, before the word "thousand," to strike out "one hundred" and insert "ninety;" so as to make the clause read:

Support of Indians at Fort Peck agency: For this amount, to be expended in such goods, provisions, and other useful articles as the President may, from time to time, determine, in instructing in agricultural and mechanical pursuits, educating children, procuring medicine and medical attendance, care for and support of the aged, sick, and infirm, for the helpless orphans of said Indians, and in any respect to promote their civilization, comfort, and improvement, $90,000.

The amendment was agreed to.

Mr. DAWES. Before the amendment in line 850 is put I send up another amendment in place of it, which I ask may be read.

The SECRETARY. It is proposed to strike out the clause from line 849 to line 853, inclusive, as follows:

For support and civilization of the Navajo Indians, including pay of employés, $25,000, to be taken from the funds now in the Treasury belonging to said Indians.

And in lieu thereof to insert:

For support and civilization of the Navajo Indians, including pay of employés, $5,000.

For expenses of constructing ditches and reservoirs for the Navajo Indians, $7,500, this sum to be taken from the sum now in the Treasury belonging to said Indians.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, line 856, before the word "thousand," to strike out "fifteen" and insert "ten;" and in the same line, after the word "dollars," to strike out "to be expended between the two bands in Washington and Idaho in proportion to the numbers of each;" so as to make the clause read:

For the purchase of agricultural implements and support and civilization of Joseph's band of Nez Percés Indians, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 866, to reduce the appropriation "for support and civilization of Shoshone Indians in Wyoming" from $17,000 to $15,000.

The amendment was agreed to.

The next amendment was, under the head of "general incidental expenses of the Indian service," in section 1, line 912, before the word "thousand," to strike out "five" and insert "four;" so as to make the clause read:

Incidental expenses of Indian service in Montana: For general incidental expenses of the Indian service, including traveling expenses of agents, $4,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the following clause from line 948 to 953, inclusive:

No money hereby appropriated for the payment of agency farmers shall be expended for the payment of any agency farmer hereafter appointed who shall not, at the time of such appointment, have been for at least five years in all previous thereto practically engaged in the occupation of farming.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," in section 1, line 963, after the word "best," to insert "and shall make annually a detailed report thereof to Congress;" so as to make the clause read:

That the Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the act approved March 3, 1883, and which is carried on the books of that Department under the caption of "Indian moneys, proceeds of labor," for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress.

The amendment was agreed to.

The next amendment was, in section 1, line 970, after the word "dollars," to insert "and no person shall be employed as such farmer who has not been for at least five years previous to such employment practically engaged in the occupation of farming;" so as to make the clause read:

To enable the Secretary of the Interior to employ practical farmers, in addition to the agency farmers now employed, at wages not exceeding $75 each per month, to superintend and direct farming among such Indians as are making effort for self-support, $40,000; and no person shall be employed as such farmer who has not been for at least five years previous to such employment practically engaged in the occupation of farming.

The amendment was agreed to.

The next amendment was, in section 1, line 1018, to reduce the appropriation "for survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior," from $25,000 to $20,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1039, after the word "dollars," to strike out "and any unexpended balance for the fiscal year 1887 shall remain available for the ensuing year;" so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $650,000; for the construction and repair

of school buildings, $55,000; and for purchase of horses, cattle and sheep, goats, and swine for schools, $10,000; in all, $715,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 1088, to insert:

For the purchase of additional land for farming purposes for the Carlisle industrial school, being the "Parker farm," so-called, containing about 109 acres, $18,000.

The amendment was agreed to.

The reading of the bill was continued to line 1097.

Mr. DAWES. I offer the following amendment to come in after line 1097:

And the Secretary of the Interior is authorized to purchase for the use of the Indian training school near Salem, Oreg., a tract of land containing 84.92 acres adjoining the farm of said Indian training school, at a sum not exceeding $1,500, payment to be made in labor to be performed by the Indian pupils attending said school.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, after line 1101, to insert:

For the erection of shops and hospital building for the Indian industrial school at Genoa, Nebr., $6,000.

The amendment was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. It is the duty of the Chair, the hour of 2 o'clock having arrived, to lay before the Senate the first special order, being the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. DAWES. I was going to ask the consent of the Senate to take up one or two bills to authorize the construction of railroads through Indian reservations and to pass them at this time. It is quite important to do so.

Mr. MITCHELL, of Oregon. I hope that motion will prevail.

Mr. DAWES. Some of these bills have passed the other branch and work is stopped on the roads because of the want of consent to cross these reservations.

Mr. VEST. I hope that will not be done, but that the Senate will proceed with the special order. It has been here now for some time. I have waited very patiently and have had this bill thrust aside.

Mr. DAWES. What is it?

Mr. VEST. It is the Atlantic and Pacific ship-railway bill. I want the bill taken up and disposed of.

The PRESIDENT *pro tempore*. The special order is before the Senate. Did the Senator from Massachusetts make a motion?

Mr. DAWES. I withdraw it for the purpose suggested by the Senator from Missouri.

Mr. MORRILL. I desire to have the attention of the Senate for a few moments to an important bill reported unanimously by the Committee on Finance, and which I think will excite no discussion, and I hope to pass it in a very few minutes. I move that Senate bill 3114 be taken up for present consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the pending bill be informally laid aside with a view to proceed to the consideration of the bill named by him.

Mr. VEST. I hope not.

Mr. MORRILL. It is the Freedman's Bank bill, and will not take long.

Mr. VEST. That will elicit discussion. I do not know any bill on the Calendar calculated to do so much good as the bill which is the special order. As far as I am concerned, I can not vote to take up now the bill of the Senator from Vermont, because it will lead to discussion.

Mr. MORRILL. Oh, no.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate. The Senator from Vermont moves to proceed to the consideration of the bill (S. 3114) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company. The question is on that motion. [Putting the question.] The noes appear to have it.

Mr. MORRILL. I ask for a division.

The PRESIDENT *pro tempore*. A division is called for.

Mr. MORRILL. I will say that I do not think there will be any discussion in relation to this matter. I shall make a brief statement of the facts which are involved and nothing more. The bill has been carefully considered by the Treasury Department and by the Committee on Finance, and we have got it in as perfect a form as we know how. I do not think it will occupy very much time.

Mr. DAWES. I hope this will not be done. I gave way with matters which I thought were of as much importance as that bill, because the Senator from Missouri appealed to me, as I think he appealed to the Senator from Vermont after that.

Mr. VEST. I do not yield.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont, upon which a division has been asked for.

The question being put, the ayes were 6.

The PRESIDENT *pro tempore*. There is not a sufficient number up. The special order is before the Senate. It will be read at length.

PERSONAL EXPLANATION.

Mr. MCPHERSON. Before considering that matter I ask the Senator from Missouri to permit me to make a personal explanation.

The PRESIDENT *pro tempore*. The Senator from New Jersey rises to a personal explanation.

Mr. MCPHERSON. Several Senators have called my attention this morning to an article in the New York World, in which it appears I am supposed to be quoted as making some statement touching a brother Senator. Were it not for the fact that several Senators have called my attention to it I would not rise now to make any explanation or any statement concerning it; but I think by a careful reading of the article in question it will be found that I am not quoted as making any such a statement as Senators believe that I am. I will read the article.

Senator MCPHERSON, of New Jersey, said this afternoon: "This is a very great triumph for The World."

This appears in quotation marks, as will be observed by a careful reading of the article.

"This is a very great triumph for The World. Its revelations have produced this action to-day. It was very clear to my mind that as soon as Congress comprehended the true nature of the exposures made by The World that very vigorous steps would be taken to bring these Pacific railroads to book."

This statement I did make, and I stand by it and emphasize it now. That appears in quotation marks in the publication in The World. It goes on to say, however, as follows, which is not in quotation marks, and does not quote me as having said it:

It is believed the investigation will lead to such disclosures that Senator STANFORD will be willing to resign his seat in the Senate. He will have to explain his share of the $2,000,000 of illegal expenditures. If it can be shown that he is responsible for the disbursement of any of the lobby money since his election as Senator, he can be proceeded against for expulsion.

It will be noticed that the World does not charge or credit me with having made any such statement whatever, it not appearing in quotation marks as a statement made by me. The high character of the correspondent of the World forbids that he should quote me or any Senator, I believe, as making statements he did not make. Further than that the pleasant relations I have always had with the Senator from California forbid that I should make any statement of the character mentioned here, either upon the floor of the Senate or elsewhere, about matters of which I have no knowledge whatever.

Hence, I make this explanation that there may be no longer any misapprehension touching the subject, for the New York World does not quote me as having made any such statement, as a careful reading of the article will show. I make this explanation because the article in the "World" has been misapprehended by several Senators who have called my attention to it this morning.

WILLIAM KNIGHT AND OTHERS.

Mr. ALDRICH. I am directed by the Committee on Pensions, to whom was referred the bill (S. 1986) granting a pension to William Knight, to report it with an amendment. This is a bill which should have been reported a few days ago and considered this morning with the other pension bills. I ask that it be taken up now.

The PRESIDENT *pro tempore*. By unanimous consent the bill may be considered now.

There being no objection, the bill (S. 1986) granting a pension to William Knight was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to insert, at the end of the bill, "and Jacob Parrott, William Reddick, and John Whollam, late of the Thirty-third Ohio Volunteer Infantry;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the act approved July 7, 1884, entitled "An act granting pensions to Wilson W. Brown and others," the name of William Knight, late of Company E, Twenty-first Ohio Volunteer Infantry, and Jacob Parrott, William Reddick, and John Whollam, late of the Thirty-third Ohio Volunteer Infantry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting pensions to William Knight, Jacob Parrott, William Reddick, and John Whollam."

AMENDMENT TO A BILL.

Mr. GEORGE, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the Agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ATLANTIC AND PACIFC SHIP-RAILWAY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-railway Company, and for other purposes.

Mr. VEST. I ask that the reading of the original bill be dispensed with and that the amendment be read.

The PRESIDENT *pro tempore*. The amendment proposed, in the nature of a substitute, will be read.

The Chief Clerk read as follows:

Whereas the Government of Mexico has granted unto James B. Eads, or to such company as he may organize, a concession containing certain powers, rights, and privileges in the matter of the construction and operation of a ship-railway across the Isthmus of Tehuantepec, with an accessory railway, lines of telegraph, and water approaches, and has authorized said Eads to obtain a charter for said company either in Mexico or elsewhere: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of constructing and operating said ship-railway and its accessories hereinbefore recited, and for the full enjoyment of all the rights, privileges, and concessions contained in the hereinbefore-recited grant, and such others as may be hereafter secured from the Government of Mexico, said James B. Eads, of New York; William Windom, of Minnesota; William Thaw, of Pittsburgh, Pa.; Charles Lockhart, of Pittsburgh, Pa.; James Andrews, of Allegheny, Pa.; John Paton, of New York; Charles J. Clarke, of Pittsburgh, Pa.; William Roseburg, of Pittsburgh, Pa.; George Westinghouse, of Pittsburgh, Pa.; J. H. Oglesby, of New Orleans, La.; John A. Morris, of New York; E. L. Corthell, of New York; John B. McDonald, of Baltimore, Md.; P. S. Ross, of Jersey City, N. J.; C. J. Ryan, of New York; James Richardson, of Saint Louis, Mo.; John Jackson, of Saint Louis, Mo.; I. H. Stauffer, of New Orleans, La.; W. B. Schmidt, of New Orleans, La.; A. Zeigler, of New Orleans, La.; James Lupe, of Saint Louis, Mo.; J. G. Chapman, of Saint Louis, Mo.; A. G. Cochran, of Saint Louis, Mo.; Thomas E. Tutt, of Saint Louis, Mo.; John P. Keiser, of Saint Louis, Mo.; Julius S. Walsh, of Saint Louis, Mo.; G. T. Beauregard, of New Orleans, La.; Joseph L. Harris, of New Orleans, La.; John Poitevent, of Pearlington, Miss.; Lewis Johnson, of New Orleans, La.; S. P. Blanc, of New Orleans, La.; Henry D. Bruns, of New Orleans, La.; E. A. Mexia, of Mexia, Tex.; Alfred Moulton, of New Orleans, La.; J. S. Brown, of Pittsburgh, Pa.; Rittenhouse Moore, of Mobile, Ala.; D. O. Barr, of Pittsburgh, Pa.; George H. Christy, of Pittsburgh, Pa.; A. H. Childs, of Pittsburgh, Pa.; John A. Caughey, of Pittsburgh, Pa.; A. Gibbins, of New York; John A. Ubsdell, of Port Eads, La.; B. D. Wood, of New Orleans, La.; John A. Wood, of Pittsburgh, Pa.; John A. Harper, of Pittsburgh, Pa.; George I. Whitney, of Pittsburgh, Pa.; Martin Van Brocklin, of Oneida, N. Y.; J. W. Warren, of Springfield, Mass.; John Bradley, of New Orleans, La.; William G. Park, of Pittsburgh, Pa.; Charles L. Caldwell, of Pittsburgh, Pa.; Thomas C. Clark, of New York; C. L. C. Dupuy, of New Orleans, La.; Frank Kennedy, of New Orleans, La.; G. B. Lawrason, of New Orleans, La.; Joseph P. Horner, of New Orleans, La.; James McConnell, of New Orleans, La.; John Irwin, jr., of Pittsburgh, Pa.; J. S. McCord, of Pittsburgh, Pa.; William M. Lyon, of Pittsburgh, Pa.; Jesse H. Lippincott, of Pittsburgh, Pa.; Charles E. Donnelly, of Pittsburgh, Pa.; Gilbert T. Rafferty, of Pittsburgh, Pa.; Paul Dunlevy, of Pittsburgh, Pa.; Philip Donohue, of New York; John Johnson, of New Orleans, La.; George P. McBride, of Pittsburgh, Pa.; O. M. Edwards, of Pittsburgh, Pa.; Charles E. Speer, of Pittsburgh, Pa.; Frank Semple, of Pittsburgh, Pa.; Albert B. Miles, of New Orleans, La.; Frank S. Stevens, of Athens, Pa.; S. F. Andrews, of Allegheny, Pa.; D. Leet Wilson, of Pittsburgh, Pa.; D. S. Wilson, of Pittsburgh, Pa.; R. M. Van Arsdale, of New York; John R. Fell, of New Orleans, La.; Charles E. Fenner, of New Orleans, La.; E. B. Kruttschnitt, of New Orleans, La.; E. H. Farrar, of New Orleans, La., with such others as may be associated, and their successors, are hereby created a body corporate and politic in deed and in law under and by the name, style, and title of "The Atlantic and Pacific Ship-Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States of America, and shall generally have and possess all the rights, privileges, and powers usually possessed by similar companies, and may do all lawful things necessary to carry into effect the purposes of this act, and secure the full enjoyment of the powers, privileges, rights, and concessions contained in the grant hereinbefore recited, and any supplementary grant; and said company is hereby authorized and empowered to make and have a common seal, to acquire, hold, transfer, or otherwise dispose of property, real and personal, to issue capital stock and bonds in such amount, which shall not, however, exceed in the aggregate $100,000.000, and to elect such officers, employ such agents and attorneys, establish such offices in such place or places, and impose and collect such tolls, rates, and charges as to it, said company, may seem necessary and proper; and said company is hereby authorized and empowered to make such by-laws, rules, and regulations as it may deem necessary and proper relating to the management of the affairs of the company; the issue and sale of its stock and bonds; the acquisition and disposal of its property, estate, and effects; the imposition and collection of its tolls, rates, and charges; the declaration of dividends on its capital stock; the number and character of its officers, their duties and terms of office; the safety and control of vessels in transit or in the docks, harbors, or works of the company; and relating to all other matters not inconsistent with this act, and connected with the business of said company or involved in carrying out the purposes for which said company is created.

SEC. 2. That said corporation shall exist and continue during the period of ninety-nine years from the date of the passage of this act.

SEC. 3. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed, so far as they affect the corporation hereby created.

Mr. MORRILL. I desire to ask the Senator from Missouri, as this company seems to be authorized to issue a very large amount of capital stock and bonds, whether or not there is any provision in the proposed charter that there shall be any actual capital paid in? Can they issue all, or nearly the whole, of this amount in bonds, making it a rather doubtful speculation? It strikes me that there ought to be a certain amount of capital actually paid in before they are authorized to issue a very large amount of bonds. The public is liable to be swindled.

Mr. VEST. I have no sort of objection to a provision being put in the bill requiring that a certain amount of the capital stock shall be paid in, and I have drawn up an amendment of that sort which I think will meet the views of the Senator from Vermont.

That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in before the expiration of two years next after the passage of this act, or if the work of constructing said railway shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

Mr. MORRILL. But that would be a very feeble limitation, merely providing that 10 per cent. should be paid in on $10,000,000, which would be $1,000,000; and then the company could issue $99,000,000 in bonds. I do not think such a corporation ought to be chartered by the Congress of the United States. I think there ought to be at least an equal amount of capital paid up to the sum of ten millions before such a charter as that is granted. It would be very easy for any band of speculators if they could get hold of this charter to pay in a million dollars, and then issue bonds for three or four times the amount, and recoup the amount they had paid out.

Mr. PLUMB. It would be a question who would buy the bonds. I have not read the terms of the charter and care nothing about it except that some very eminent men in this country are desiring it for the purpose of building a railroad, not on American soil but on Mexican soil. I am willing to give them, as far as my vote goes, whatever inducement can be given by way of chartered privileges to enable them to get together the moeyn to build this railroad and to try this experiment about which so much has been said. I have had my doubts about its being practicable, doubts which, I confess, when I have talked with Mr. Eads he has resolved, but the moment I got away from him they would come back again. Still, it is a very interesting question. It is a new field of investment and one in which Congress is only asked to give a charter. I think that the wise people or the unwise people, as the case may be, with whose money this railroad is to be built if built at all, may be relied on to protect themselves. They are not going to buy bonds because somebody has had them lithographed and signed. They will inquire what is back of them.

It is very likely to happen that whoever puts in a million dollars will take it out, as I am entirely willing he should take it out, in bonds; but do not give the company any authority to levy any exorbitant toll on the commerce of the country which will pass over the railroad. That is where the public may need protection.

Mr. MORRILL. I do not oppose the idea of having this railroad charter granted, and I fully accord with the Senator from Kansas that I have no objection to the company issuing bonds of equal amount with the amount of capital paid in. I would even be more liberal than that. But I do think that there ought to be more capital than the one-hundredth part of the sum allowed actually paid in before they are authorized to issue $99,000,000 of bonds.

Mr. DOLPH. I should like to have the amendment offered by the Senator from Missouri [Mr. VEST] read.

The PRESIDENT *pro tempore*. Will the Senator from Missouri send his amendment to the desk?

Mr. VEST. Yes, sir.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Chief Clerk read as follows:

SEC. —. That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said railway shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

Mr. DOLPH. I do not desire to antagonize the bill, but I call the attention of the Senator from Missouri to what seem to me rather loose provisions in this bill in regard to the issuing of stock and bonds.

If the Senator will refer to the printed copy of the proposed substitute for the bill, at the top of page 5, he will find that among the powers granted to the corporation are—

To issue capital stock and bonds in such amount, which shall not, however, exceed in the aggregate $100,000,000.

Then, further down, in line 89—

To make such by-laws, rules, and regulations as it may deem necessary and proper relating to the management of the affairs of the company; the issue and sale of its stock and bonds.

There is nothing in the bill itself requiring that books shall be opened and that stock shall only be issued on subscriptions to the capital. I would suggest that to this amendment the Senator had better add, "no stock shall be issued except upon subscription for the stock on the books of the company," or something of that kind, to show that the stock is not to be peddled out as the company may be disposed to use it, without reference to any amount paid for it, but that it should be regularly subscribed for.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. VEST] to the amendment.

Mr. VEST. In regard to what is said by the Senator from Vermont, it seems to me that these provisions secure the issue of stock. The provision of the amendment I have offered is that $10,000,000 shall be subscribed out of a possible capital stock of $100,000,000, and upon that $10,000,000 one-tenth, or $1,000,000, shall be paid in money. As the Senator from Kansas [Mr. PLUMB] has stated, it is not supposed anybody will invest in this stock without looking into the details of the enterprise, and if he invests money he will see that it is secure.

The names of the gentlemen who are incorporators in this company are of themselves a sufficient guaranty that this is no wild-goose chase, no project for the purpose of seducing or inducing the unwary to put their money into this enterprise. These men represent a capital of from fifty to one hundred million dollars. One of them alone is worth more than $40,000,000, one of the largest ship-builders in the United States. Four hundred thousand dollars has already been expended upon this enterprise in actual money for the purpose of preventing the concession made by Mexico from terminating by reason of the enterprise not having been commenced within a certain time. There are $400,000 already expended and $10,000,000 to be subscribed, and one million of that is to be paid in. This is an absolute guaranty. Nothing is asked of the Government, not one dollar, no guaranty, nothing but a naked incorporation. If Captain Eads can persuade investors to put their money into this enterprise it is a matter between him and them. The Government in no sort of way is liable.

Mr. DOLPH. I admit that, but that is not the proposition I am driving at.

The incorporation of this company is something valuable in itself, a company which is to transact its entire business outside of the boundaries of the United States, but which is a corporation created by the Congress of the United States, and which may sue and be sued and be impleaded in the courts of the United States.

It is usual in acts of incorporation to provide that the incorporators or others named shall open stock books for the purpose of receiving subscriptions to the capital stock. That is not done in this case. The omission may be intentional or it may be unintentional.

The amendment of the Senator from Missouri would require that $10,000,000 of the stock, that is one-tenth of the stock, should be subscribed, and that $1,000,000, or one-tenth of that subscription to the capital stock of the company, should be paid in within a certain time, or the charter should be forfeited. I have no objection to that. Undoubtedly his amendment would require the subscription of one-tenth the capital stock; but what is to be done with the other $90,000,000 of capital stock is the question I have in view? They may issue stock and bonds amounting in the aggregate to $100,000,000. What is to be done with the balance of the capital stock and bonds amounting to $90,000,000? The bonds may be sold and distributed as they please; for all that is contained in this bill, they may take whatever they can get for them; they may barter them away as they please, so that they secure the construction of the road. But ought the stock to be held in the company's treasury and to be disposed of in the same manner or ought a subscription to the capital stock to be required so that some liability is secured on the part of the stockholder to the company when the stock is issued?

If that is the intention of the bill and it is so understood I am content; but if it is the intention of the bill and the understanding of the Senate that this stock is to be subscribed, and that the people who subscribe it are to bear the usual relation of stockholders to the corporation, it seems to me it ought to be provided that the stock shall be subscribed, and then a contract is made between the stockholders and the company. There is nothing that I see in this bill as now drawn, even with the amendment of the Senator from Missouri, to prevent all the capital stock except $10,000,000 being sold for 10 per cent. on the dollar, or 5 per cent.

The PRESIDING OFFICER (Mr. WILSON, of Iowa, in the chair). The question is on the amendment to the amendment proposed by the Senator from Missouri.

Mr. MORGAN. The suggestion of the Senator from Oregon is, I think, important. There is so far no provision in this bill which would exempt the United States Government from liability some day or other upon this act of incorporation on bonds that might hereafter be issued by this company. There ought to be in this bill an express provision that the United States Government shall not be bound in any way for any bonds or stock or any other transaction of this or any other company that may be authorized to build a railway or canal across the Central American States.

When the Government of the United States authorizes an issue of bonds that is a very high sanction to this company and gives it very great credit with all the people of the world in the sale of its bonds, and it will be understood that we would not do that unless we had perfect confidence in the ability of the company to meet its obligations and perfect confidence in the validity of the bonds and in the manner of their distribution, and the hands into which they should go. I do not wish any act of this kind to be passed here that would open us in any sense to subsequent reclamations or to complaints on the part of any person whatsoever.

This bill is not at all guarded in that particular. I think the Senator from Missouri ought to put in a stipulation to the effect suggested by the Senator from Oregon, and I hope the Senator from Oregon will prepare an amendment to cover his suggestion to this bill on that subject. There ought to be also another provision here that no part of the capital stock paid in shall be at any time withdrawn and returned to the stockholders or in any manner diverted from the proper uses of the incorporation. And there ought to be a provision that every person who violates this provision of the act shall be held guilty of a misdemeanor, and on conviction thereof punished by a fine, whatever the Senate may think proper to impose, and by imprisonment if that should be deemed necessary.

In organizing these great corporations, which must control the commerce of this country very largely, especially between the Atlantic and the Pacific, and which are throwing upon the markets of the world an enormous mass of credit, we can not be too particular to see that what privileges we grant to them are guarded in such a way as that there will be no fraud perpetrated upon anybody; that there will be no opportunity for it.

The Senator from Missouri refers to the character of the gentlemen who are the incorporators. That certainly is very high, and as far as that can go it furnishes a guaranty; but it is our business, I think, to furnish the guaranty in the body of the statute to the stockholders and to all persons interested in this corporation, so that there will be no abuse of its privileges under any circumstances. I do not know whether the Senator from Oregon intends to formulate his amendment or not. The bill having been called up just a moment ago, during my absence from the Chamber, I have not myself undertaken to prepare the amendment he suggests; but I hope that the Senator from Missouri will put it in. I think it would strengthen his bill. Indeed, it would be an advantage to this corporation in its credit with the world if it were seen that Congress is putting in this bill such checks and restrictions upon the use of the power to issue bonds, and also upon the power to issue certificates of capital stock. That would give the world confidence in it.

Now, Mr. President, while I am on my feet I desire to say a few words about this and about other transits across the Isthmus of Darien or across the Central American States and Mexico. I conceive that there can be nothing more important to the people of the United States than enterprises of this character. In fact, in the light of present civilization and in the perfection of engineering and in the accumulations of capital at various centers in this and in other countries, I can not understand how we can be at all reluctant in going, as far as we are permitted to go, into the construction of a ship transit across this isthmus.

The amount of money that the corporations and those who are engaged in this work may make is a matter of inconsiderable importance; and yet if we take the history of the Suez Canal we find that that amount of money is going to be extremely large, and that year by year after this transit is opened through Central America the profits from ships passing through will increase continually, and that of itself would be an important consideration in favor of giving to Americans an opportunity of owning and controling this vast and valuable property. But no matter what may occur in that direction, no matter how much increased or enlarged the value of this franchise may be in time to come, it can bear no comparison with the necessity which rests upon this country of increasing its commercial facilities on the Pacific Ocean and the advantages that must result from that being done.

The remoteness of our coast from Southern California to Alaska from the eastern shores of the United States, in consequence of the intervening continent, is so great that whether we look at it in a military or commercial view we must see that we at this time are laboring under a disadvantage which it should cause us the greatest possible effort and care to overcome. I know that those are to be found—and I expect the world will class me in that company—who would have some doubt or some difficulty of a constitutional character in respect to doing work of this kind through the agencies of corporations that we may create ourselves. It might be said that there was no governmental purpose these corporations, we are creating here, were to perform, and that there was no warrant in the Constitution of the United States, of any express character, or one to be very clearly implied, giving us authority, as a Congress, to empower these corporations to go beyond our own limits and make arrangements under concessions from foreign governments; there to exercise within their borders the powers which we confer upon them, and at the same time that we should keep a certain degree of control over these corporations, so as to hold them amenable to our law, and the officers and agents thereof amenable even to our criminal law, for the protection of all concerned, and especially for the protection of the Government of the United States.

I desire to remark upon that branch of the subject, Mr. President, that while I am a strict constructionist of the Constitution of the United States, and would confine the powers of Congress to those subjects expressed in the body of that instrument or necessarily implied as being a part of the powers granted, I view all of these restrictions placed in the Constitution of the United States as guarantees in favor of American citizens either individually or in their collective capacity as States.

The object of the framers of the Constitution, in this particular, was to place American citizenship upon such a firm foundation of right and so thoroughly guaranteed in the instrument itself as that we should enjoy here the ancient liberties which had come down to us from our fathers without interruption by our own Government. The restraints found in the body of the instrument apply to citizens of the United States. The rights and privileges, very high privileges, which are granted to citizens of the United States, and guaranteed to them under

the Constitution of the United States, are such as are given to no other people in the world. We do not give them to foreign countries or to foreign people. We expressly provide them for our own people and for their posterity.

Now, the Government of the United States being thus guarded and restricted in the exercise of its legislative powers in respect of the citizens and of the States, the next question arises what is this Government in its attitude to others and its relations with the other powers of the earth. We find no abridgment of the dignity, or of the power, or of the sovereignty, or of the supremacy of the United States as a Government when we come to compare its powers and its facilities with those of other nations with whom it must have international intercourse. No such restraint was ever intended to be imposed upon the Government of the United States, and when you take it as a unit in the character in which it operates in connection with the governments of foreign countries, the Government of the United States has as many inherent and essential powers as any government in the world. The Government of Russia, because of its autocratic form of administration and succession, and because it is not under the control or restraint of a parliament elected by the people, is supposed to be of all the nations of the earth the most powerful in its autonomy, the most powerful in respect of its organization. Nevertheless that government has no more power in the family of nations than this Republic, or this democracy, or whatever you please to call it.

The Government of the United States has not yielded to other nations of the earth any part of its powers. It has yielded some of its powers to the people of this country, and to the States of this country, but only to them. So when we come to look abroad beyond our own borders and consider what we may do in connection with or in respect of foreign countries, the Government of the United States is as unrestrained and as unrestricted as any other government in the world.

An ancient traditional policy has come down to us which we have always respected to a certain degree, that we would not intermeddle with the affairs of foreign countries. That is very correct, and yet there is nothing in the Constitution of the United States to prohibit us from doing it, or to restrain us if we saw proper to do it. We have interfered more or less with the affairs of foreign countries.

Another tradition has come down to us, that we are not to be a colonizing country, that we are not to have outlying territory beyond our own borders and beyond the seas that we can bring beneath the control of our flag and under our own Government. That is a mere traditional policy, and I do not conceive that we followed it in a very great degree, but literally and practically did we violate it when we bought Alaska from Russia, for there are some five or six hundred miles of land intervening between the northern border of Washington Territory and the southern border of Alaska. We have recently given to Alaska a form of civil government. It is now a Territory of the United States. How did we manage to do that if we have not overstepped the ancient line of policy which seemed to confine us to operations entirely within our own borders, as they have been enlarged from time to time by purchases and also by conquests?

So we see that the Government of the United States, upon all the precedents that we have seen proper to establish, has conceded to it, I believe by men of all parties and by statesmen of all the decades we have passed through, authority to deal with foreign powers upon the same broad principles and in the same broad way that any other government can, without restraint or restriction; and it is only left to us to determine in this generation whether the matters which are presented to us about which we are to deal and in which foreign governments are concerned, are matters which commend themselves to the wisdom of the American people. That is the only question that is open.

Now, that is precisely the attitude which we occupy toward the question of a water transit or a railway transit for ships from the Carribean Sea out into the Pacific Ocean, across the Central American States, at any point to which we may get the right to go. It is purely a question of policy, and nothing else. The question of power is not concerned in it.

I believe that it would have been wisdom in us, years and years ago, to have established by treaty such relations with some of the Central American States as that we should have had the right as a people, as a nation, to have carried our ships, by canal or otherwise, the best mode of conveyance we could find, across from ocean to ocean. If a policy of that kind could have been adopted twenty or thirty or fifty years ago, if the Government of the United States could have been thoroughly committed to that policy, we would have found ourselves within the last thirty years in possession of the means with which we could have established these transits without ever having felt the loss of the money, without having been embarrassed in the slightest degree by its expenditure.

So now, if we will start in with a policy in regard to this matter, and let it be understood (as was declared by the Senate, as I remember, on resolutions that were reported by the then Senator from Connecticut, Mr. Eaton, when he was chairman of the Committee on Foreign Relations) that whatever transit there is across the isthmus shall be under the control of the American Government—if not absolutely and independently under its control, under its control in connection with the government through which the line of transit shall be established; but that no canal can be built across that isthmus unless the American Government gives its consent to its building.

That is the proposition which was in that resolution, and that is the true proposition of American policy upon this subject. It has been announced by various administrations, and it is a true, a wise, a sound, and an inevitable policy. It is one that we can not abandon without sacrificing our self-respect and without sacrificing into the hands of other nations of the earth the control, more or less, of our commerce in the Pacific Ocean and the protection of our own coasts in the West.

I believe the Senate of the United States is agreed that this policy ought to be adopted. I believe they are thoroughly agreed that whatever canal or railway passes across this isthmus over which ships are to be carried ought to be constructed by the consent of the Government of the United States, and that without such consent it can not be done. If we are agreed, as I hope we are, upon this main, leading proposition, nothing could receive from me a more cordial support than any reasonable enterprise through which this great result is to be accomplished.

If there exists a concession already from the Government of Mexico, I think it ought to be read and put in the RECORD so that we may understand exactly what we are legislating about. In the preamble of the bill it is stated that there is such a concession and that the bill has reference to that concession. If there is such a concession from Mexico to any company that we are about now to incorporate, and if the Government of Mexico and the gentlemen concerned here believe that they can accomplish the great result of the transmission of loaded ships across the Isthmus of Tehuantepec, I shall be rejoiced whenever they accomplish that result, as I think every American ought to be and will be. The men who are going to put their money into the enterprise ought to be the best judges, of course, as to whether the enterprise is going to pay.

I will make one observation on this enterprise, that to my mind it does not meet the whole necessities of the occasion. It may be that it will result only in having a double-track or a four-track railroad across the Isthmus of Tehuantepec. It may turn out that no ships at all can be safely carried across that isthmus. It may turn out that the insurance men are not willing to insure ships across that isthmus. But suppose it does turn out that way, still we have a very short line of railway transit across the Isthmus of Tehuantepec, and that surely would be a great advantage to the people of the United States.

I hope they may do better than that; I hope that they can carry ships of even more than 6,000 tons burden across that railway. I shall cheer them on in every way that I can in their efforts honestly bestowed and energetically bestowed in working out this great proposition, in which they have such entire confidence, for it can not result in harm to this country, and it is bound to result in good. Nevertheless, I do not believe that we can accomplish this American policy in that perfect degree which is necessary for the welfare of the people of the United States, by the mere building of a ship-railway for the transit of ships across the isthmus. I think we shall have to go further than that.

A project has been set on foot, and millions and millions of money have been spent upon it, to build a sea-level canal across the Isthmus of Panama. This country has kept a scrutinizing eye on the progress of that work, and I believe that nobody, except those engaged in its construction, has been satisfied that it ever could be accomplished on the original basis on which it was projected. I think the Government of the United States have been a little derelict, perhaps, in not informing France, if France be the power that is behind the constructors of the Panama Canal, that this Government has an interest in that question which is predominant over that of any other government in the world, and that certain guarantees are necessary to be given in respect of the transit of ships through that canal, which will entirely satisfy the people of the United States that, in peace or in war, their interests in connection with that isthmian transit are to be absolutely protected.

I happened this morning to see a letter from one of our ministers who was on his way to his post in a South American country, in which he remarked upon the recent great congregation of French and British ships on both sides of the Isthmus of Panama. Quite a number of vessels are there now; some of them are very heavy vessels, and the fact is given out to account for their presence that they are there to transfer their crews back and forth from the Atlantic to the Pacific squadron over the railway. It is stated that that is the object of their being present in Panama and on the coast of Panama. I do not intrepret that as being any sort of threat; but I do interpret it in this way, that both of those governments are on the lookout for their interests in that quarter, and it confirms what is stated by this officer; it confirms a belief which I have a long time had, that the islands which lie so conveniently near to the coasts of the isthmus at the mouth of that canal will be taken possession of and fortified by one of those great powers, which one I am not prepared now to determine. I think that it is a race of diligence as to which shall get it.

Mr. HALE. Will the Senator allow me to ask him a question right there?

Mr. MORGAN. Yes, sir.

Mr. HALE. Does the Senator understand that the large ships to which he refers as being there are war ships?

Mr. MORGAN. They are war ships. Some of the heaviest war ships in both navies are there now. My own belief is, and I throw it out for the consideration of the Senate, that those governments are preparing to seize islands in the vicinity of that canal with a view of having an independent right to them, with the power of fortifying them at their will and pleasure.

I advance this suggestion for the purpose of drawing an argument upon it. It may be a fact or it may not be a fact, but what have we got in that section of the world? What foothold have we got there? We have nothing at all except the precarious right that belongs to us, I suppose, under the Clayton-Bulwer treaty; that is the right to enjoy in common with Great Britain a protectorate over that part of the transit which may lie within the borders of the Central American States, not Colombia, where Panama is, but in the Central American States. That vague paper right which has now been upon our treaty-book for a great many years, and which is incapable almost of being expounded, which neither of these great governments understand alike or has ever understood alike—that vague paper right is all that we have got to show for years and years of contention and diplomatic effort in respect of the command and the control of the transit of the isthmus by ships of war or ships of commerce.

The islands lying north of there are in the doubtful or disputed possession of some of the small States of that country, and those great powers have nothing to do but go and establish themselves and raise their flag and have themselves in a position far better suited to offensive or defensive operations than the Island of Cyprus is in respect of the Suez Canal. Yet Great Britain did not leave her last great continental struggle without having drawn into her possession—it is true upon a quasi-lease, a sort of shrewd arrangement which she exercises over the Island of Cyprus—but she did not leave until she got her flag and her foothold planted there, and her naval stations in a position to command the entrance to the Suez Canal.

Mr. HOAR. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Certainly.

Mr. HOAR. This is a very important subject, and I do not think it was expected by the Senate generally that it would be debated considerably to-day, the last day of the week, when the session usually is not very late. The Senator from Alabama is making a statement of extreme interest and importance, and I rise to ask him, the Senate being now rather thin, whether it would be more agreeable to him to finish his remarks to-day or to conclude them on Monday?

Mr. MORGAN. I should much prefer, if the Senate will indulge me, to go on upon Monday, because to-day I am very much out of health; I am not well at all.

Mr. HOAR. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. Pending that motion, the Chair will take occasion to lay before the Senate bills received to-day from the House of Representatives.

Mr. HALE. I give notice that I shall offer an amendment to the bill which has been under consideration. I ask that it be read.

The PRESIDENT *pro tempore*. The amendment intended to be offered by the Senator from Maine will be read.

The Chief Clerk read as follows:

That except the guarantee to the extent of $7,500,000 expressly provided in this bill, the United States shall in no respect whatever be responsible or liable for any debt or obligation of said company, or for any of its transactions.

Mr. HALE. I shall offer that as a separate section.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. MORGAN. I desire to have printed in the RECORD as part of my remarks the concession from Mexico to Mr. Eads and his associates. The Senate will want to see it.

The PRESIDENT *pro tempore*. It will be printed as part of the Senator's remarks.

The concession is as follows:

CONCESSION FROM THE GOVERNMENT OF MEXICO TO JAMES B. EADS AND HIS ASSOCIATES.

ARTICLE 1. The American citizen, James B. Eads, of Saint Louis, State of Missouri, or the company which he may organize, is authorized to construct and to operate for ninety-nine years, counted from the date of the promulgation of this contract, a ship-railway, with its corresponding lines of telegraph, across the Isthmus of Tehuantepec.

ART. 2. The location of the line shall be that which, conformably to surveys made, may be the best for the establishment of communication between the two oceans; two copies of the surveys being presented for the approval of the department of public works, and of these one shall be returned to Eads or the company and the other shall be preserved in the archives of the department. The correctness of the surveys shall be certified by the government engineer, who is to be associated with those of Eads or the company, and whose remuneration (not to exceed $4,000 annually) shall be paid by Eads or the company.

ART. 3. Said Eads, or the company which he may organize, may construct the railway, telegraph, hydraulic works, and other accessory works and connections, as they may deem most convenient, and according as said Eads or said company may determine.

ART. 4. Eads or the company is authorized to construct on the line or near it all the edifices which to them may seem fit for the service of their railway, but they shall in no case construct forts nor any work intended for military uses. They may also make the works or improvements which they think fit, in the rivers or lagoons near the line aforesaid, without impeding the public use of them, and they may regulate, improve, or construct harbors in the Gulf of Mexico and in the Pacific Ocean, as well as all the hydraulic works which Eads or the company may consider necessary for the construction and operation of the railway and telegraph.

ART. 5. To said Eads or said company is granted a right of way of the width of 400 meters (1,312.36 feet) on each side of the road and its water communications, measured from the center line; in town lands this width shall be reduced to 200 meters (656.18 feet) measured in the same manner, while at stations the width shall, in like manner, be increased to 800 meters (2,624.72 feet). The same right being granted should a change be made in the line of the railway or its communications by land or water.

ART. 6. The lands comprised within the said zone, if they are wild and unimproved lands, shall be ceded by the government to Eads or to the company, without any remuneration whatever, and if they are not wild or unimproved they may be purchased by said Eads or the company, according to the laws relative to the taking of property for purposes of public utility; with the understanding that in either case they shall be devoted solely and exclusively to the service of the railway. Nevertheless, if it be possible, and be deemed proper, to establish settlements on any portion of said lands the company may do so, by permission of the executive, provided that it conform to the rules which he shall lay down in pursuance of the laws.

ART. 7. With the approval of the government, and gratuitously, Eads or the company may take from the public lands whatever materials are needed for the construction of the railway and other accessory works.

ART. 8. Eads or the company may take, conformably to the laws of expropriation on account of public utility, the lands and materials for construction belonging to private individuals which may be necessary for the establishment and repairs of the road and its dependencies, stations, and other accessory works, and until such laws be enacted by the Congress of the Union the following rules shall be observed:

1. In case of no agreement being arrived at with the owners of the lands or materials of construction, each party shall appoint an expert appraiser, both of whom shall present to the parties the valuation made, within the period of eight days from the time of their appointment; if the values fixed do not agree, the matter shall be submitted to the judge of the district court for that State within whose jurisdiction the land or materials in question may be situate, in order that he may appoint a third expert, who, within the period of eight days from the time of his appointment, shall give his decision as to what, in justice, should be given as indemnification to the owner of the lands or materials to be occupied or taken. The district judge, taking into account the opinions of the expert and the proofs presented by the parties when giving their decision, shall fix, within three days, the amount of indemnification. The decision of the district judge shall be enforced without other recourse than that of responsibility.

2. Should the owner of the property to be occupied on account of public utility not appoint his expert within eight days after being notified to do so by the district judge, this functionary, on demand of Eads or the company, shall appoint officially an expert to represent the interests of the owner.

3. In every case where it may be necessary to appeal to the district judge, this functionary, should Eads or the company so demand, or should it not be possible for them to fix the amount of land needed, shall begin the proceedings, the judge having taken the opinion of the government engineer, or, in his absence, that of the expert appointed by said judge, shall fix a sum which shall remain as a deposit during the pendency of the proceedings, and shall authorize Eads or the company to make use of or occupy provisionally the materials or lands in question, with the provision that if the final award of the experts be greater or less than the sum deposited by Eads or the company, what is lacking shall be paid or the excess returned.

4. If the ownership of the property to be occupied be doubtful, by reason of litigation or otherwise, the district judge shall assess, as the sum of indemnification, the amount which may be designated by the valuation of the expert appointed by the company, and of the one appointed by the said judge as representative of the legitimate owner of the property in question. The amount finally decided upon shall be deposited, conformably to legal usage, in order that it may be surrendered to him to whom it may belong.

5. In making their valuation the experts shall take into consideration the taxes which the property, of which the expropriation is in question, may pay, as well as the injury or benefit which, from the same cause, may result to the proprietor.

6. If, in making surveys and locations, it should be necessary to fell or to destroy, in whole or in part, trees, maguey plantations, or other obstacles, Eads or the company may do so, being obliged to pay the indemnification designated by the experts as soon as this shall be made known.

ART. 9. Eads or the company are authorized to make a canal of a depth of not less than 25 feet between the Laguna Superior and the Pacific. As compensation for making said canal there will be given to them 168 (41,515 acres) square kilometers of public lands for each foot of depth which is obtained, measured from the surface of the water at mean high tide, making a total of 4,200 square kilometers (1,037,862 acres) for obtaining the total depth of 25 feet.

If said Eads or the company think it necessary to deepen the bar of Coatzacoalcos to the same depth of 25 feet, then a second 4,200 square kilometers (1,037,862 acres) of land will be given them in compensation for this work, in which case a proportionate amount of the whole will be given for each additional foot of depth obtained beyond the present depth on the bar. The said lands may be granted on the Isthmus of Tehuantepec, or in the places which the government may designate, and they will be transferred with the corresponding title of property and previous measurement and location in proportion as the construction of the canal is accomplished, with the understanding that the company shall be obliged to make the river navigable to Minatitlan for vessels drawing at least 20 feet. Eads or the company is accordingly authorized to survey by metes and bounds up to 11,200 square kilometers of land in the place or places which may be designated by the government on the proposal of Eads or the company, all expenses of measurement and establishing the lines being his or the company's, and having the sole right, as compensation for these expenses, to the third part which the law grants to all companies which survey lands.

The lawful time to begin these operations will be after the date at which the government may make said designation.

The vacant lands once surveyed, the corresponding title of property will be issued to the extent of the third part referred to, and the remainder will be reserved, to be applied as soon as the works mentioned in this article are executed, within the period granted for the construction of the railway.

If at the end of said period Eads or the company should not have executed those works, the government may freely dispose of the reserved lands.

If Eads or the company should, in part or entirely, dispose of the lands acquired in virtue of this contract the purchasers, whatever may be their nationality, will not be considered foreigners in the act of acquiring, holding, and disposing of them in their turn, and will be subject to the laws of the republic in everything referring to the rights and obligations inherent to private landed property.

If in this event the purchasers or settlers of such lands should desire to obtain the character and franchises of colonists, the government will grant it according to the laws regulating such matters, provided they ask for it within the first six months of their installation.

ART. 10. During the time of the construction of the railway, telegraph, and other accessory works connected with this enterprise, both buildings and hy-

draulic works, and during the whole period of the concession, Eads or the company may bring and import to the isthmus all kinds of machinery, instruments, coal, and materials, which to Eads or the company may seem necessary for the construction, operation, and maintenance of the works, free of all kinds of duty, upon the following conditions: The rails, sleepers, fish-bars, locomotives, cars, and, in fine, all the articles comprised under the description of permanent way and rolling-stock, according to the decision of the department of public works, may be imported, notice having been previously given in each case to the aforesaid department. Other materials which, in addition to being necessary for the various works and appurtenances of a railway, may be considered as current articles of commerce, such as iron, corrugated zinc, common nails, lumber, paints, &c., will require in each case the previous permission of the aforesaid department, and order of that of finance.

Vessels, passengers, or merchandise, which may come to the isthmus, and which may be in transit, shall be free of all kinds of duties, general as well as local, during the concession, except that of transit, for which they shall pay after the completion of the work, and during the entire period covered by the concession, at the rate of 15 cents per passenger on each passage fare collected by the company; one-half mill on the value of coin, silver or gold in bars or dust, and on that of precious stones, and 10 cents per ton on each ton for which the company collects toll.

Nor can a tax or contribution of any kind, except that of revenue stamps, be levied upon the capital invested in this enterprise, its property, or edifices indispensable for the service of the railway, nor upon its rents or shares; the sums of money which it may be necessary to remit abroad for the purchase of materials needed for the operation and repair of the road after it is built, as well as for the payment of interest and dividends, shall be exempt from export duty, with the obligation of satisfying the federal government, when it may require it, that the appropriation of the amounts for which it may obtain free exportation is lawful.

The enterprise may sell coal from its own stores to vessels in transit that may need it, in case of urgency. The company shall be exempt from all dues on the tow-boats that it may make use of for the service of the railway, and it can charge the owners of the vessels which it may tow conventional or agreed upon rates.

ART. 11. Eads or the company is authorized to collect tolls from each vessel transported over said railway, provided that the maximum toll on each vessel does not exceed a sum equal to $5 per cubic meter for each meter contained in a parallelopipedon of which the dimensions shall be the greatest length and the greatest breadth of the vessel, measured at the surface of the water, and her greatest immersed depth. In the application of this tariff, fractions of cubic meters shall be considered as complete cubic meters.

For each passenger carried across in a vessel a sum not exceeding $15 may be charged.

Silver in bars, or coined; gold in bars, in dust, or coined; jewels and precious stones shall pay, as a maximum rate, 1 per cent. of their value.

If any captain of a vessel, or owner, or conductor of said property shall fail to declare that it is being carried to the agent of Eads or of the company, said Eads or said company shall have the right to exact 10 per cent. of the value of the property, and to seize and detain the vessel, or the property in question, until payment of said 10 per cent. be made.

Eads or the company may also collect wharfage dues and tonnage dues, provided that said dues do not exceed $1 per registered ton, and that the vessels from which these dues be claimed use the ports, wharves, or other hydraulic works of the company; and this sum may be charged for each period of twenty days, or less if the vessel be there only that time, on the condition that the delay be not caused by the enterprise.

These last dues may be collected by said Eads or said company without prejudice to the port charges which the government collects in those ports, as in all others of the republic, on ships not in transit by the isthmus. Eads or the company may collect fees that do not exceed $1 per registered ton on those vessels that draw more than 16 feet and cross the bar at the mouth of the river Coatzacoalcos, or that enter any of the harbors deepened by the enterprise in the Pacific Ocean. The vessels that go in transit by the isthmus will not pay the last-mentioned dues.

ART. 12. The tariff of charges for telegrams shall be: For a message of ten words, not counting date, direction, and signature, sent to a distance not exceeding 100 kilometers, 15 cents; for each additional kilometer, 1 cent additional; for each additional word, a sum not in excess of a twentieth part of that exacted for the ten first words of the message sent the same distance.

ART. 13. The enterprise shall publish and send annually to the department of public works the schedules of tolls adopted by it, and it shall neither reduce nor increase such tolls without previous notice to the public, which notice shall be published fifteen days beforehand in case of a reduction and two months beforehand in case of an increase. All the tolls specified in the aforesaid schedules shall be payable in gold, excepting those payable on Mexican vessels and passengers, which shall be paid in silver dollars of the national mintage, in order that they may enjoy a reduction equivalent to the amount of the exchange on Mexican gold or silver.

ART. 14. For the use of the marine ways which may be constructed said Eads or said company shall have the right to collect such amounts as may be agreed upon between them and the owners of the vessels which may be taken there to be hauled out or repaired. The government can make use of these ways for hauling out and repairing its vessels without any remuneration whatever. This use shall be subject to such rules as may be established by the company and as may be approved by the department of public works.

ART. 15. Said Eads or said company agrees to carry gratuitously, to and from any of the stations of the railway, written and printed matter dispatched from the government offices, also to transport without charge the troops, employés in public service, vessels, and all things belonging to the Mexican Government, in accordance with the orders and regulations that may be issued by the respective departments of state.

There also shall be sent free of charge by the telegraph of the company all telegrams relating to official affairs of the Government of the Mexican Republic.

On the passage of colonists authorized by the department of public works a rebate of one-fourth will be made in the rate of the tariff.

ART. 16. Passage over the railway shall be open for all the vessels of all the nations not at war with Mexico, and the government of the republic binds itself not to close to ocean commerce, during the time of the concession, either of the two terminal ports of the interoceanic ship-railway, one in the Gulf, the other in the Pacific, except in case of war.

The treasury department shall make the regulations which must be observed in reference to the transportation of effects and merchandise over the railway, so as to prevent fraud or abuse which might be committed during their transit through Mexican territory, but these formalities or precautions shall be such as to not tend to delay or embarrass the punctual and rapid dispatch of trains and merchandise, passengers and baggage, yet all without prejudice to the right which the executive reserves to detain vessels in case of fraud.

The passage of ships shall be subject to precisely the following conditions:

1. The passage shall be open at all times to the merchant marine of the world, and for the ships of war and the property and appurtenances of the Mexican Government.

2. The company will not be allowed to transport war vessels, war materials, or troops of any foreign nation without the previous constitutional permission of the Mexican Government.

3. If the company shall voluntarily or maliciously transport arms or munitions of war belonging to any foreign nation, without proper permission from the Government of Mexico, it shall be liable to a fine of from two to ten thousand dollars, and shall, moreover, be responsible for such damages and injuries as may be occasioned by this act, if, by reason thereof, the neutrality laws shall be violated.

ART. 17. The directors, agents, employés, and workmen of the company shall be exempt, during the whole time of the concession, from all military or civil service, and considered as invested with all the exemptions and privileges granted to the employés and workmen of other railways in the Mexican Republic.

ART. 18. The company which, for the objects mentioned in this contract, may be organized by Eads, shall exercise all the rights, powers, and privileges in relation to the issue of bonds or other guarantees, and in every way, that may be granted by any concession which it may obtain in Mexico or elsewhere, provided that it be not in conflict with the provisions of this contract or with the laws of the Mexican United States.

The company may sell and in any manner dispose of and transfer its shares, bonds, and other obligations. The creditors of the company shall have action against its property only, and the bondholders, directors, and employés of the enterprise, shall be exempt from all personal responsibility on account of the debts of the company, except in case of fraud, deception, or bribery.

ART. 19. The concessions contained in the present contract, and the railway, telegraphs, stations, ports, lands, and, in short, all works constructed by virtue of the present contract, can in no wise be sold, mortgaged, or alienated to any foreign government or governments, under penalty of the immediate nullification of the present concession.

ART. 20. Work on the railway shall commence within two years from May 1, 1881, and shall be finished within fourteen years from the same date.

ART. 21. Eads or the company is authorized to build, on the land conceded as a right of way, a railway, broad or narrow gauge, to be operated for the service of the ship-railway, and for the carriage of passengers and freight. Its tariff for these purposes shall be that of other railways of its class in the republic, and for it the government shall pay no subvention whatever. In case that only this auxiliary railway be constructed, and the ship-railway not built, said auxiliary railway shall be in every way subject to those regulations established for the railway actually being built in Tehuantepec, except as regards the enjoyment of a subvention.

ART. 22. Except as regards property in the public lands treated of in article 9 (a concession which is perfect and complete), all the other privileges and concessions spoken of in the present contract shall be enjoyed by Eads or the company, only for the term of ninety-nine years from the date of the promulgation of this contract; this period passed, the Mexican Government may take possession of said railway, with all its works, building equipments, and accessories, each party appointing an expert and these two a third, who shall proceed to make a just valuation of all belonging to the company. The railway, with its works, buildings, material, equipment, and accessories, may be taken by the government for two-thirds of its value payable with the net products of operating, the company being paid interest at 6 per cent. annually on the amount due until payment be made. The improvements in the ports, such as wharves, docks, locks, and light-houses, shall, at the expiration of ninety-nine years, become the property of the nation, no compensation being paid therefor.

ART. 23. The Mexican Government pledges itself to protect Eads or the company during the construction of the works mentioned and in the enjoyment of them when constructed, and to this end shall furnish the proper force by land or sea without any charge to the company.

ART. 24. The obligations contracted by Eads or the company concerning the time of beginning and completing construction fixed by this contract shall be suspended in case of financial crisis, duly verified in the principal exchanges of England and of the United States of the North, and in all fortuitous cases or that of a superior force which may prevent the carrying out of these obligations. Suspension shall last only during the time the impediments last, and there must be presented to the federal executive notice and proofs of the occurrence of a fortuitous case, or one of the superior force of the character mentioned, within three months from the commencement of the impediment. So, also, there must be presented to the federal executive notice and proof that work was resumed immediately on the cessation of the impediment, or at least within two months after its cessation; said presentation of notice and proofs to be made within two months after the two already mentioned, only the time during which the impediment lasted, or at most two months more, shall be credited.

ART. 25. The concessions made by this contract shall be void for any of the following causes:

1. For not commencing or terminating the construction of the railway and its works according to the times fixed by article 20.

2. For alienating, transferring, or mortgaging this concession, or the rights derived from it, or the works executed, to some foreign state or government, or for admitting it as a partner, any stipulation to this effect being also null.

3. For the company, knowingly and intentionally, and not being constrained by superior force, transporting on the railway vessels of war or troops of any foreign nation, without the previous constitutional permission, officially communicated by the government to the enterprise.

The voidance shall be declared administratively by the executive as soon as the same may take place.

ART. 26. In cases of voidance, the company shall lose the concessions granted by this contract, but said company shall preserve its ownership in the edifices it may have constructed, that part of the railway and telegraph it may have built, the materials, machinery, and tools used for operating the same, and the lands it may have acquired. The government of the republic, or the individual or company to whom such right may be conceded, shall have the right to take it all, corresponding payment having been previously made according to the valuation made by experts appointed, one on either part; and they, before beginning to act, shall appoint a third to decide in case of a disagreement.

If the voidance should have been caused by alienation, mortgage, or transfer to a foreign government, or because of its becoming a partner, or because the company, knowingly and intentionally, and not being overcome by superior force, has transported vessels of war or troops belonging to any foreign nation without the previous constitutional consent of Mexico, in addition to the working or the nullity of the act or the voidance of the present contract, the nation shall enter at once into possession of the control of the road, its accessories, and lands, without the company having a right to indemnification of any kind.

ART. 27. The Government of Mexico pledges itself to furnish annually, as a loan which is to be repaid, the amount necessary to make up, as the sixth part of the annual gross proceeds of the entire income of the enterprise, for the working of its railways, telegraphs, and docks, the sum of $1,250,000.

This obligation shall be binding as soon as, after the completion of the ship-railway, it shall have been put in operation, and shall have transported across the isthmus, with entire safety, a vessel weighing, with its cargo, at least 3,000 tons.

The advance or loan which the Government of Mexico binds itself to furnish to the enterprise, in order thereby to guarantee the payment of interest to the capital therein invested, shall only extend to the first fifteen years of the operation of the ship-railway, which period shall be reckoned from the day on which the first vessel weighing at least 3,000 tons shall have been transported across the isthmus, according to the terms of the foregoing paragraph.

The Government of Mexico may, as it may elect, deliver, in cash or in special

bonds issued by it and bearing interest at the rate of 6 per cent. per annum, the amount which it is annually to loan to the enterprise in virtue of the obligation contracted by it. The said bonds, if issued, shall be payable in twenty years from the date of their issue.

The enterprise assigns exclusively, for the purpose of repaying to the Government of Mexico the sums which that government shall have advanced to it in virtue of the provisions of this article, the sixth part of the excess that may at any time accrue in its net revenues from the operation of the ship-railway and of its telegraphs and docks over and above the sum of $3,750,000 in gold in one year.

ART. 28. Eads or the company may grant a reduction amounting to 25 per cent. of the rates authorized by article 11 to the merchandise, passengers, and merchant vessels of the nation, or foreign nations whose governments shall lend it their aid either by means of money or guarantee.

This reduction shall last for a term of thirty years, and in all cases Mexican merchandise and passengers and the national marine shall enjoy the same franchises. The enterprise is also authorized to grant the same reduction to the war marine of said nation or nations, but with the proviso that the transportation of vessels, troops, or munitions of war shall not be understood to have been consented to, in any case, without the express permission of the Government of Mexico officially communicated to the enterprise.

The government granting the aforesaid aid shall have the right to be represented in the board of directors of the company, without any power save that of being present at the examination of the accounts for the purpose of receiving the share of the profits that belongs to them by two-ninths of the whole number of its members, these representatives enjoying the same emoluments and prerogatives as the other directors.

In case that Eads or the company should fail in any of the stipulations contained in the preceding article contracted with any foreign government, that government can only enforce its rights before the Mexican courts of the capital of the republic, in accordance with the laws of Mexico; but in no case can the government which brings suit acquire the ownership of the works or the rights emanating therefrom.

ART. 29. When the advances made to the enterprise by the Government of Mexico and the other governments that aid it shall have been refunded, and the net earnings shall be sufficient to pay a sum equivalent to 10 per cent. in gold on the total indebtedness of the company, represented by the shares and bonds that it may have issued, the directors appointed by the Government of Mexico and by the other governments lending the aforesaid aid shall prepare a schedule of reduced prices, provided the reduction of income that may result will permit the payment of the said 10 per cent.; and if this new schedule shall be approved by the Government of Mexico and the other governments it shall remain in force thereafter, although it may be afterwards increased whenever the net earnings of the enterprise shall prove to be insufficient for the payment of the aforesaid 10 per cent., one-half of the total earnings shall, in all cases, be considered as net profits.

ART. 30. The transit duty mentioned in article 10 shall be collected in Mexican silver dollars, in the form and on the terms that the government shall direct by agreement with the enterprise; and this fund shall be appropriated, so far as may be necessary, to the amortization either of the main share of capital that shall be found chargeable to the government as a part of the deficit referred to in article 27, or of the interest on the bonds therein mentioned, without prejudice to such other means of payment as may be provided for this purpose in the federal budget.

ART. 31. The company may establish its board of directors in any city in the republic or in a foreign country, but, in the latter case, it shall be obliged to keep at this capital an attorney, instructed and paid, for the purpose of maintaining an understanding with the federal government and other authorities, in all matters relating to the execution of the present contract.

ART. 32. The company shall be Mexican, even though some or all of its shareholders be foreigners, and shall be subject exclusively to the jurisdictions of the tribunals of the republic in all matters of which the cause and action may take place within its territory. The company itself, as well as all foreigners and the successors taking part in the enterprise, whether as shareholders, employés, or in any character whatsoever, shall be considered as Mexicans in all things relating to the company, nor can they even allege, with regard to title to property and other matters connected with the company, rights as foreigners, under any pretext whatsoever. They shall have those rights and the means of making them valid which the laws of the republic confer on Mexicans, and consequently not subject to interference on the part of foreign diplomatic agents.

ART. 33. The executive will be represented in the board of directors of the company by two-thirds of the whole number of the directors of the company, those whom it shall appoint in compliance with this provision having the same emoluments and prerogatives as those of the company which the enterprise will pay.

ART. 34. The enterprise shall communicate to the Government of Mexico the text of any contracts that it may conclude with foreign governments.

LUCY A. WASHBURN.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2218) for the relief of Lucy A. Washburn, which were, in line 3, after the word "pension-roll," to insert the words "subject to the limitations and provisions of the pension laws;" and in lines 3 and 4 to strike out the words "at the rate of $12 a month."

The amendments were concurred in.

RICHARD B. RIANS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2519) granting an increase of pension to Richard B. Rians, which was, in line 5, before the word "dollars," to strike out "fifty" and insert "twenty-five."

Mr. WILSON, of Iowa. I move that the Senate non-concur in that amendment, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part on the Senate; and Mr. SAWYER, Mr. BLAIR, and Mr. WILSON of Iowa were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 5345) for the relief of Mary J. Gilbert;
A bill (H. R. 6188) for the relief of John A. Fagg;
A bill (H. R. 6732) for the relief of General Speed S. Fry;
A bill (H. R. 7971) granting a pension to Mary Wood;
A bill (H. R. 8469) granting a pension to John Moran;
A bill (H. R. 8486) granting a pension to Rebecca Morris;
A bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop;
A bill (H. R. 10473) granting a pension to William Reddick; and
A bill (H. R. 10795) granting a pension to Elenor C. Ransom.

FLORIDA LAND GRANT.

Mr. CALL. I ask the Senator from Massachusetts to allow me to move the reference of a joint resolution on the table to the Committee on Public Lands.

Mr. HOAR. I yield for that purpose.

Mr. CALL. I move that the joint resolution (S. R. 99) in relation to the land grant approved May 17, 1856, granting lands to the State of Florida for railroad purposes, be taken from the table and referred to the Committee on Public Lands.

The motion was agreed to.

NATIONAL ACADEMY OF DENTAL SCIENCE.

Mr. CALL. I ask the Senator from Massachusetts if he will not withdraw his motion to allow me to have a vote of the Senate on the bill (S. 2051) to incorporate the National Academy of Dental Science. I will merely state that this is not an association of any kind involving money or property interests, but simply an association of scientists who desire to have an incorporation here in the District of Columbia for the purpose of convenient conference with scientists of the dental profession in all parts of the world, and for the purpose of receiving contributions for the encouragement of their art or profession.

The PRESIDENT *pro tempore*. The Senator from Florida appeals to the Senator from Massachusetts to withdraw his motion to adjourn with a view to allow him to have a certain bill passed.

Mr. HOAR. I think that after Senators have left their seats with the understanding that a motion to adjourn was pending and merely withdrawn for the sake of routine business I hardly ought to yield. I hope the Senator from Florida will defer action on that bill until Monday.

Mr. CALL. Certainly, if the Senator desires.

Mr. HOAR. I understand that it created a good deal of opposition the other day when it came up.

Mr. CALL. I think not. I think but one member of the Senate raised objection to it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, February 7, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 5, 1887.

The House met at 12 o'clock m. Prayer by the Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

VETO MESSAGE—CUDBERT STONE.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I hereby return, without approval, House bill 927, entitled "An act granting a pension to Cudbert Stone."

The report of the committee of the House of Representatives to whom this bill was referred states that the claimant enlisted October 3, 1861, in Company H, Fourteenth Kentucky Volunteers, and was honorably discharged on the 31st day of January, 1865.

That he filed his claim for pension July 20, 1881, more than sixteen years thereafter, alleging that he contracted piles while in the service, from exposure while in the line of duty, and that his claim was rejected in October, 1884, on the ground that the allegation of the claimant shows that his disability originated while undergoing the sentence of a court-martial, and therefore not in the line of duty.

The report of the committee closes with the statement that "in view of the long and faithful service and high character of the claimant, and the well-established facts that claimant was a stout and able-bodied man, free from any and all disease when he enlisted, and that by reason of his faithful service to his country, and the great suffering and hardship through which he passed while in said service, his health was permanently destroyed, the committee earnestly recommend the passage of the bill."

The records of the War Department show that the claimant enlisted October 25, 1861, and that on the muster-in roll of his company, dated December 10, 1861, he is reported as present; that on the roll dated December 31, 1861, he is reported as absent without leave; that on the roll for January and February, 1862, he is reported as deserted; that he is not borne on subsequent rolls until that for November, 1864, when he is reported as gained from desertion. He was mustered out with his company January 31, 1865, and the records offered no evidence of disability; that in his claim for pension, filed in 1881, he alleges that he contracted piles in the winter of 1863.

In a subsequent statement he alleges that this date is erroneous, and that his disability was contracted in October, 1864, and that he believes it was the result of his having diarrhea for about twelve months prior to that date, contracted while he was being carried from place to place as a prisoner, he having been tried by a court-martial in May, 1862, for desertion, and sentenced to imprisonment until the expiration of his term of enlistment.

Thus it quite plainly appears that this claimant spent the most of his term of enlistment in desertion, or in imprisonment as a punishment of that offense. And thus is exhibited the "long and faithful service and the high character of the claimant" mentioned as entitling him to consideration by the committee who reported favorably upon this bill.

I withhold my assent from this bill, because if the facts before me, derived from the Army records and the statements of the claimant, are true the allowance of this claim would, in my opinion, be a travesty upon our whole scheme of pensions and an insult to every decent veteran soldier.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 4, 1887.

On motion of Mr. TAULBEE, the message was referred to the Committee on Invalid Pensions, and ordered to be printed.

VETO MESSAGE—ABRAHAM P. GRIGGS.

The SPEAKER *pro tempore* (Mr. HAMMOND in the chair) also laid before the House the following message from the President of the United States:

To the House of Representatives:

I herewith return, without approval, House bill 8834, entitled "An act granting a pension to Abraham P. Griggs."

The claimant mentioned in this bill enlisted in a New Jersey regiment August 14, 1861, and was discharged for disability November 17, 1863.

He entered hospital January 2, 1863, and was transferred to general hospital at Newark, N. J., March 28, 1863, with "debility."

He was discharged from that hospital and from the service in November, 1863, as above-stated, and the following statement from his certificate of discharge, if trustworthy, sheds some light upon the kind of debility with which he was afflicted:

"This man has been in this hospital for the past eight months. We do not believe him sick, or that he has been sick, but completely worthless. He is obese and a malingerer to such an extent that he is almost an imbecile—worthlessness, obesity, and imbecility and laziness. He is totally unfit for the Invalid Corps or for any other military duty."

I do not regard it all strange that this claimant, encouraged by the ease with which special acts are passed, seeks relief through such means, after his application, filed in the Pension Bureau nearly twenty years after his discharge, had been rejected.

Of the four comrades who make affidavit in support of his claim, two of them are recorded as deserters.

His claim is predicated upon rheumatism. He alleges that after his discharge from his enlistment he was drafted and served in the Third New York Cavalry, but the Adjutant-General reports that his name does not appear on the rolls of the company to which he says he was attached.

The board of United States examining surgeons at Trenton, N. J., report, as the result of an examination as late as May 27, 1885, that they found "no disease of heart or lungs, no thickening or wasting of any of the joints of the body, no evidence of any rheumatic diathesis, no rupture or hemorrhoids, no disease of his spleen or kidney; hands are hard and indicate an ability to work."

I can not think that the official statements referred to, and which militate so strongly against the merits of the claimant, should be impeached or set aside by any of the other testimony which has been brought to my attention.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 4, 1887.

On motion of Mr. TAULBEE the message was referred to the Committee on Invalid Pensions, and ordered to be printed.

VETO MESSAGE—FRANKLIN SWEET.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States:

To the House of Representatives:

I hereby return, without approval, House bill 7540, entitled "An act to increase the pension of Franklin Sweet."

This soldier was pensioned in 1863 as sergeant, though before that time he had been acting as captain, and was in command of his company when he was wounded. He is entitled in equity, and, I think, upon the theory of an act very recently approved, in law, to be treated in regard to his pension as a captain; and the Pension Bureau has, within the last few days, ordered a certificate for pension to issue to him as captain as of the date of his discharge.

I fully approve this action of the bureau, and as this is much more favorable to a deserving soldier than his remedy under this bill, I am not willing that the action so lately and so justly taken in his behalf under the general law, should be superseded by the approval of this act.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 4, 1887.*

Mr. TAULBEE. Mr. Speaker, I ask that the message be laid on the table.

Mr. MILLS. Let it be referred to the Committee on Invalid Pensions.

Mr. SPRINGER. It should be referred. That is the proper course.

Mr. TAULBEE. I do not think anybody will attempt to press the consideration of the bill in view of the facts stated by the President.

Mr. SPRINGER. No; but the law requires it to be acted upon by a yea-and-nay vote in the House.

Mr. MILLS. It would not be respectful to lay it on the table.

Mr. TAULBEE. Then I ask its reference to the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. Without objection the message will be printed and referred as indicated.

There was no objection, and it was so ordered.

VETO MESSAGE—JESSE CAMPBELL.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith, without approval, House bill 8150, entitled "An act granting a pension to Jesse Campbell."

The claim for a pension made by the beneficiary named in this bill to the Pension Bureau, and rejected in 1881, was reopened upon further proof in January, 1887, and the claimant was ordered before a board of examining surgeons, upon which a report has not yet been made.

Inasmuch as the only ground for the rejection of his claim was the non-existence of pensionable disability from the cause he alleged, and in view of the fact that he now alleges a different disability, which the new evidence seems to support, there is no doubt that justice will be done the claimant under the general law.

This bill, if passed, would only place the name of the beneficiary upon the pension-roll, "subject to the restrictions and limitations of the pension laws." Whether any sum was allowed him or not would still depend upon the existence of a disability; and if this is found upon the examination lately ordered, he will undoubtedly be put upon the pension-roll, under existing law, in accordance with his supplementary claim.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 4, 1887.

On motion of Mr. TAULBEE, the message was referred to the Committee on Invalid Pensions, and ordered to be printed.

VETO MESSAGE—ROBERT K. BENNETT.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I hereby return, without approval, House bill 7698, entitled "An act granting a pension to Robert K. Bennett."

The beneficiary named in this bill enlisted in September, 1862, and it appears that very soon after that he was detailed to the cook-shop. This seems to be the only military service he rendered; and on February 7, 1863, five months after enlistment, he was received into the marine hospital at New Orleans for varicocele. He was discharged from the service February 22, 1863, and the cause of discharge is stated to be "varicocele, to which he was subject four years before enlistment."

Seventeen years thereafter, and in June, 1880, this claimant filed an application for pension in the Pension Bureau, alleging that about the 10th day of February, 1863, in unloading a barrel it fell upon him, producing a hernia, shortly after which he was affected by piles.

It will be seen that he fixes this injury as occurring three days after his admission to the hospital, but he might well be honestly mistaken as to this date. If the injury, however, was such as he stated, it is difficult to see why no mention was made of it in the hospital records.

He persisted at all times, as I understand the case, until the rejection of his claim in 1883, that his disability arose from hernia and piles. The reason of this rejection is stated to be that varicocele existed prior to enlistment and that there was no evidence of the existence of piles in the service or at discharge. From a medical examination made in December, 1882, it appears that there was "no evidence or symptoms of disability resulting from piles or hernia."

Subsequent to the rejection of this claim some proof was filed tending to show that the disability was in the right leg, but it is of such a nature in the light of the claimant's own previous allegations that I think the Pension Bureau did entirely right in informing his attorney that the additional evidence did not change the status of the case.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 4, 1887.

On motion of Mr. TAULBEE, the message was referred to the Committee on Invalid Pensions, and ordered to be printed.

VETO MESSAGE—MRS. CATHARINE SATTLER.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

I hereby return, without approval, House bill numbered 6832, entitled "An act granting a pension to Mrs. Catharine Sattler."

The beneficiary named in this bill claims a pension as the surviving widow of Julius Sattler, who enlisted in Company A, Seventh New York Volunteers, and was in the service from March 10, 1864, to March 22, 1865, when he was discharged because of the amputation of his left forearm in consequence of a wound received in the battle of Deep Bottom, Virginia, on the 14th day of August, 1864. He was pensioned in 1865, at the rate of $8 per month, which was afterwards increased to $15 per month, dating from June 6, 1866.

In October, 1867, he was employed as a watchman in the United States bonded warehouse in the city of New York, and on the 31st day of that month he received his monthly pay of $50. He disappeared on that day, and on the 13th day of November, 1867, his body was found in the North River, at the foot of West Thirteenth street, in the city of New York, without his hat, coat, watch, or money.

These facts, with the further statement that he was a strong and healthy man at the time of his death, constitute the case on the part of the widow, who filed her application for a pension July 8, 1884, nearly seventeen years after her husband's death, alleging that she was married to the deceased in 1865, after the amputation of his arm.

Her claim was rejected in November, 1884, upon the ground that the soldier's death was not due to his military service.

This rejection was clearly right, unless the Government is to be held as an insurer against every fatal casualty incurred by those who have served in the Army, without regard to the manner of its occurrence.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 4, 1887.

On motion of Mr. TAULBEE, the message was referred to the Committee on Invalid Pensions, and ordered to be printed.

VETO MESSAGE—JAMES R. BAYLOR.

The SPEAKER *pro tempore* also laid before the House the following message; which was read:

To the House of Representatives:

I herewith return, without approval, House bill 6825, entitled "An act granting a pension to James R. Baylor." The claim of the beneficiary named in this bill is based upon an injury to his left ankle in 1862.

A medical examination in 1877 showed no appearance of there ever having been a fracture of the left ankle, as alleged by the claimant, and it was determined that there was no disability. A later examination in the same year was had with the same result. Still another medical examination was had in June, 1884, which, although nearly agreeing with the previous ones, and giving rise to some suspicion that the claimant was inclined to exaggerate and prevent a free and fair examination, still does not absolutely exclude a very slight disability.

Upon the report of this last examination the case has been reopened for further proof of disability since discharge, which if found will entitle the claimant

to a pension under general laws. On the question to be determined he would have no advantage under a special act, inasmuch as there must be a ratable disability to entitle him to any payment in pursuance of its provisions.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 4, 1887.

On motion of Mr. TAULBEE, the message was referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. REED. Are these messages being referred to the committee that seems to be indicted by them?

Mr. TAULBEE. The committee is not complaining.

DEFICIENCY IN DEPARTMENT OF JUSTICE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Attorney-General of deficiencies in the appropriation for contingent expenses of that Department for the fiscal years 1885 and 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

COAST AND GEODETIC SURVEY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an account of the expenditures of the Coast and Geodetic Survey for the fiscal year ended June 30, 1886; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

UNITED STATES MILITIA FORCE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting an abstract of the militia force of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

STURGEON BAY AND LAKE MICHIGAN SHIP-CANAL.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a resolution of the board of managers of the Lake Carriers' Association of Buffalo, N. Y., favoring the acquisition by the United States of the Sturgeon Bay and Lake Michigan Ship-canal; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORT OF COMMISSIONER OF PATENTS.

The SPEAKER *pro tempore* also laid before the House the annual report of the Commissioner of Patents; which was referred to the Committee on Patents, and ordered to be printed.

DIRECT-TAX ACT OF 1861.

The SPEAKER *pro tempore* also laid before the House the bill (S. 995) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct-tax levied by the act of Congress approved August 5, 1861; which was read twice by its title.

Mr. MILLS. That bill properly goes to the Committee on Ways and Means.

Mr. HEARD. I ask its reference to the Committee on the Judiciary.

Mr. MILLS. It belongs to the Committee on Ways and Means. It deals with taxation.

Mr. HEARD. I suggest that, as I understand, a bill of the same import, or substantially the same, is now being considered by the Committee on the Judiciary. I therefore move that this bill be referred to that committee.

Mr. MORRISON. Is not this a tax bill?

The SPEAKER *pro tempore*. It is.

Mr. MORRISON. I move, then, that it be referred to the Committee on Ways and Means.

The SPEAKER *pro tempore*. The bill will be referred to the Committee on Ways and Means, unless on motion the House shall direct the reference to another committee. The question is on the motion of the gentleman from Missouri [Mr. HEARD], that the bill be referred to the Committee on the Judiciary.

Mr. MILLS. That bill properly belongs to the Committee on Ways and Means and should not be taken from it.

The question being taken on Mr. HEARD'S motion, there were—ayes 46, noes 49.

Mr. GROSVENOR. No quorum.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair appoints as tellers the gentleman from Missouri [Mr. HEARD] and the gentleman from Illinois [Mr. MORRISON].

Before the count by the tellers was completed,

Mr. MORRISON said: I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BURROWS. As I understand, the question is whether the bill shall be referred to the Committee on the Judiciary or the Committee on Ways and Means.

The SPEAKER *pro tempore*. The pending motion is to refer the bill to the Committee on the Judiciary; and on this the yeas and nays have been ordered.

The question was taken; and there were—yeas 134, nays 93, not voting 91; as follows:

YEAS—134.

Adams, G. E.	Everhart,	Lawler,	Rusk,
Allen, C. H.	Farquhar,	Lehlbach,	Ryan,
Baker,	Felton,	Libbey,	Sawyer,
Barbour,	Findlay,	Lindsley,	Scranton,
Bayne,	Funston,	Little,	Sessions,
Belmont,	Gallinger,	Long,	Seymour,
Bound,	Geddes,	Louttit,	Spooner,
Boutelle,	Gilfillan,	Lovering,	Stephenson,
Brady,	Goff,	Markham,	Stewart, J. W.
Brown, C. E.	Grosvenor,	McComas,	Stone, E. F.
Brown, W. W.	Grout,	McKenna,	Stone, W. J., Mo.
Buchanan,	Hale,	McKinley,	Strait,
Buck,	Hall,	Millard,	Struble,
Bunnell,	Harmer,	Milliken,	Taulbee,
Cabell,	Hatch,	Moffatt,	Taylor, I. H.
Campbell, J. M.	Hayden,	Morrill,	Taylor, Zach.
Campbell, J. E.	Haynes,	Morrow,	Thomas, J. R.
Cannon,	Heard,	Nelson,	Tillman,
Carleton,	Hemphill,	Norwood,	Trigg,
Caswell,	Henderson, D. B.	Osborne,	Van Schaick,
Conger,	Henderson, T. J.	Owen,	Wade,
Cooper,	Hepburn,	Parker,	Wadsworth,
Cox, W. R.	Hermann,	Payne,	Wait,
Culberson,	Hiestand,	Perkins,	Warner, William
Cutcheon,	Hires,	Perry,	Weaver, A. J.
Daniel,	Holmes,	Peters,	Weber,
Dargan,	Hopkins,	Pettibone,	West,
Davenport,	Houk,	Phelps,	White, Milo
Davis,	Howard,	Plumb,	Whiting,
Dibble,	James,	Price,	Wilkins,
Dorsey,	Johnston, J. T.	Ranney,	Wilson,
Dunham,	Ketcham,	Robertson,	Woodburn.
Ely,	Laffoon,	Romeis,	
Evans,	La Follette,	Rowell,	

NAYS—93.

Allen, J. M.	Dunn,	Lanham,	Springer,
Anderson, C. M.	Eden,	Lore,	Stewart, Charles
Anderson, J. A.	Eldredge,	Lowry,	Stone, W. J., Ky.
Barksdale,	Ermentrout,	Lyman,	Storm,
Barnes,	Fisher,	Matson,	Swope,
Blanchard,	Forney,	McCreary,	Taylor, J. M.
Bliss,	Frederick,	McRae,	Throckmorton,
Blount,	Gay,	Miller,	Turner,
Boyle,	Gibson, C. H.	Mitchell,	Van Eaton,
Bragg,	Glass,	Morgan,	Viele,
Breckinridge, C. R.	Green,	Morrison,	Wallace,
Breckinridge, WCP	Halsell,	Murphy,	Ward, T. B.
Burnes,	Hammond,	Neal,	Warner, A. J.
Burrows,	Harris,	Neece,	Weaver, J. B.
Clardy,	Henderson, J. S.	Oates,	Wellborn,
Clements,	Herbert,	O'Ferrall,	Wheeler,
Cobb,	Hill,	Richardson,	Willis,
Cowles,	Hitt,	Riggs,	Winans,
Crain,	Holman,	Sadler,	Wise,
Crisp,	Irion,	Sayers,	Wolford.
Croxton,	Johnston, T. D.	Scott,	Worthington.
Davidson, A. C.	Jones, J. H.	Seney,	
Davidson, R. H. M.	Kleiner,	Skinner,	
Dougherty,	Landes,	Sowden,	

NOT VOTING—91.

Adams, J. J.	Curtin,	Le Fevre,	Rice,
Aiken,	Dawson,	Mahoney,	Rockwell,
Atkinson,	Dingley,	Martin,	Rogers,
Bacon,	Dockery,	Maybury,	Shaw,
Ballentine,	Ellsberry,	McAdoo,	Singleton,
Barry,	Fleeger,	McMillin,	Smalls,
Bennett,	Foran,	Merriman,	Snyder,
Bingham,	Ford,	Mills,	Spriggs,
Bland,	Fuller,	Muller,	Stahlnecker,
Browne, T. M.	Gibson, Eustace	Negley,	Steele,
Brumm,	Glover,	O'Donnell,	St. Martin,
Burleigh,	Guenther,	O'Hara,	Swinburne,
Butterworth,	Hanback,	O'Neill, Charles	Symes,
Bynum,	Henley,	O'Neill, J. J.	Tarsney,
Caldwell,	Hiscock,	Outhwaite,	Taylor, E. B.
Campbell, Felix	Hudd,	Payson,	Thomas, O. B.
Campbell, T. J.	Hutton,	Peel	Thompson,
Candler,	Jackson,	Pidcock,	Townshend,
Catchings,	Johnson, F. A.	Pindar,	Tucker,
Collins,	Jones, J. T.	Randall,	Wakefield,
Compton,	Kelley,	Reagan,	Ward, J. H.
Comstock,	King,	Reed,	White, A. C.
Cox, S. S.	Laird,	Reese,	

The following-named members were announced as paired until further notice:

Mr. OWEN with Mr. BYNUM.

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. CANDLER with Mr. ATKINSON.

Mr. FORAN with Mr. FLEEGER.

Mr. PIDCOCK with Mr. WHITE, of Pennsylvania.

Mr. BALLENTINE with Mr. JOHNSON, of New York.

Mr. MAHONEY with Mr. WAKEFIELD.

Mr. REAGAN with Mr. HISCOCK.

Mr. BLAND with Mr. DAVENPORT.

Mr. ROGERS with Mr. O'DONNELL.

The following-named members were announced as paired until Monday next:

Mr. FELIX CAMPBELL with Mr. BINGHAM.

Mr. GLOVER with Mr. O'NEILL, of Pennsylvania.

Mr. TOWNSHEND with Mr. BRUMM.

The following-named members were announced as paired for this day:

Mr. WARD, of Illinois, with Mr. PAYSON.

Mr. MAYBURY with Mr. THOMPSON.
Mr. BENNETT with Mr. BURLEIGH.
Mr. DOCKERY with Mr. WADE.
Mr. MARTIN with Mr. DINGLEY.
Mr. ADAMS, of New York, with Mr. HANBACK.
Mr. ELLSBERRY with Mr. SWINBURNE.
Mr. HUTTON with Mr. THOMAS, of Wisconsin.
Mr. MCMILLIN with Mr. STEELE.
Mr. COLLINS with Mr. FULLER.
Mr. TUCKER with Mr. EZRA B. TAYLOR.
Mr. MILLS with Mr. KELLEY.

The following-named members were announced as paired on this vote:

Mr. COMSTOCK with Mr. REED.
Mr. CALDWELL with Mr. LAIRD.
Mr. SHAW with Mr. ROCKWELL.
Mr. GIBSON, of West Virginia, with Mr. BUTTERWORTH. Mr. BUTTERWORTH, if present, would vote "ay."

The result of the vote was then announced as above recorded.

UNITED STATES COURTS AT TEXARKANA, ARK.

The SPEAKER *pro tempore* laid before the House the bill (H. R. 9116) to provide for holding terms of the United States courts at Texarkana, Ark., and for other purposes, with the amendment of the Senate thereto.

Mr. MCRAE. I move that the House non-concur in the Senate amendment, and agree to the conference asked.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEHLBACH, for three days.
To Mr. HUTTON, indefinitely, on account of sickness.
To Mr. MAYBURY, for to-day, on account of important business.
To Mr. NEGLEY, for two days, on account of important business.
To Mr. BENNETT, for one day, on account of sickness.
To Mr. BYNUM, until next Friday, on account of important business.
To Mr. ELLSBERRY, indefinitely, on account of sickness.
To Mr. ATKINSON, for one week, on account of important business.
To Mr. MARTIN, until Tuesday next.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. THROCKMORTON. Mr. Speaker, I ask unanimous consent to take up and consider at this time the bill (H. R. 2407) to grant the Fort Worth and Denver City Railway Company a right of way through the Indian Territory, and for other purposes. I have been unable to attend the sessions of the House very regularly on account of sickness, and I would regard it as a great favor if the House would allow me to have this bill taken up and considered now.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The Clerk proceeded to read the bill.

Mr. BUCHANAN (before the reading was completed). Mr. Speaker, I shall most certainly object to the passage of that bill this morning; but before I object I would suggest to the gentleman from Texas that the bill be printed in the RECORD in order that members may have an opportunity to see it. I must object to the passage of the bill this morning, though I do not know that I shall object hereafter.

Mr. WELLBORN. This bill conforms to other such bills that have been passed by the House.

Mr. BUCHANAN. I know that; but many of those bills never would have been passed if they had been considered on the merits.

I suggest that by unanimous consent the bill be printed in the RECORD and that the gentleman call it up at some time hereafter.

The SPEAKER *pro tempore*. If objection is made to the present consideration of the bill it is not before the House.

Several members called for the regular order.

Mr. THROCKMORTON. In accordance with the suggestion of the gentleman from New Jersey, I ask that the bill be printed in the RECORD, so that it may be called up on Monday morning.

Mr. BUCHANAN. Not on Monday morning.

The SPEAKER *pro tempore*. Is there objection to printing the bill in the RECORD?. The Chair hears none, and it is so ordered.

The bill is as follows:

A bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Worth and Denver City Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company on Red River, between the mouth of Big Beaver Creek and the mouth of the North Fork of Red River, and running thence by the most practicable route through the Indian Territory to a point on the southern boundary of Kansas, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President the vacancy shall be filled by the district judge of the court held at Wichita, Kans., or the district court for the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Wichita, Kans., or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard *provided for* determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of $50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each ten miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section six of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section three for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Pro-*

vided, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the northern district of Texas and the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Fort Worth and Denver City Railway Company and the nations and tribes through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 50 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Fort Worth and Denver City Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

WAR CLAIMS.

Mr. RICHARDSON. I now call up the special order, being the bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House.

The SPEAKER *pro tempore*. In the opinion of the Chair that request is unnecessary, the bill having been taken out of the Committee of the Whole by the action of the House making it a special order.

Mr. RICHARDSON. I ask unanimous consent to dispense with the reading of the claims recited in the bill.

The SPEAKER *pro tempore*. The gentleman from Tennessee asks unanimous consent to dispense with the reading of the various claims recited in this bill. Is there objection? The Chair hears none.

Mr. WARNER, of Ohio. Is it proposed to dispense entirely with the reading of the bill?

The SPEAKER *pro tempore*. The Chair stated to the House the request to dispense with the reading of the claims recited in the bill; there was no objection. The gentleman from Tennessee [Mr. RICHARDSON] has the floor.

Mr. EDEN. I desire to ask the gentleman before he proceeds whether this bill embraces any claims except those which have been favorably acted on by the accounting officers of the Treasury Department.

Mr. RICHARDSON. Mr. Chairman, this bill includes simply claims which have been allowed by the accounting officers of the Treasury Department. These claims are first examined in the locality where the property was taken, by special agents appointed for that purpose by the Quartermaster-General. They are then examined by the Quartermaster-General in person. Afterward they are further examined by the Third Auditor, and again by the Second Comptroller. So that before being reported here, these claims receive several examinations by the different accounting officers. There is not in the bill a single claim to which that remark does not apply. These are all claims for quartermaster stores, and have been properly examined and audited by the proper officers of the Treasury Department.

Mr. SPRINGER. What is the aggregate amount appropriated by the bill?

Mr. MILLS. I desire to ask when these claims were filed, whether they were all filed before the expiration of the time limited by law?

Mr. RICHARDSON. I will endeavor to answer all these questions satisfactorily.

Of these claims 3 are from the District of Columbia, 1 from the State of Illinois, 7 from the State of Pennsylvania, 15 from Indiana, 56 from the State of Maryland, 36 from West Virginia, 115 from Missouri, 64 from Ohio, 129 from Kentucky, and a small number from Tennessee.

Mr. WARNER, of Ohio. The gentleman does not state the number of claims from Tennessee. I see there are 567.

Mr. EDEN. What is the amount of the claim coming from Illinois?

Mr. RICHARDSON. The amount of these claims in the aggregate is $181,732.57. For a number of years it was usual to pay these claims after they were audited in the Treasury Department without bringing them before Congress. Such, I understand, was the practice until 1875. Since that time they have been transmitted annually at the beginning of each session of Congress by the Secretary of the Treasury to the Speaker of the House, who lays them before Congress; and an appropriation has always been made for these claims after their examination by the Committee on War Claims of the House and the Committee on Claims of the Senate.

Mr. MILLS. Can the gentleman inform us how many more of these claims are now pending in the Department for examination?

Mr. RICHARDSON. I can not; but I can say to the gentleman that according to my information they are being reduced very rapidly.

Mr. GEDDES. They have been reduced to about thirty-five hundred.

Mr. RICHARDSON. The gentleman from Texas [Mr. MILLS] asked me awhile ago when these claims were filed. They were all filed very early after the war, and many of them have been pending in the Department for twenty years. No interest is allowed in any case upon any of these claims.

Mr. EDEN. I observe that there has been inserted in the bill by way of amendment this language, after the clause authorizing and requiring the Secretary of the Treasury to make payment:

> Upon the requisition of the Secretary of War, without further audit, allowance or restatement of the claims by the accounting officers.

I would like to know why that amendment has been put in.

Mr. RICHARDSON. The amendment to which the gentleman from Illinois [Mr. EDEN] calls my attention was inserted upon the recommendation of the Comptroller himself. He drew the amendment and requested the committee to insert it, so that after the appropriation shall have been made by Congress in pursuance of the recommendations of the accounting officers of the Treasury Department, it will not be necessary that the claims be reaudited and re-examined in the Department, which would be merely a repetition of the work it has already done.

The next amendment, which appears in the eighth and ninth lines of the bill, simply directs payment to be made to the legal representatives of the claimant in the event that the claimant has died since the allowance of the claim by the accounting officers. The other amendments are purely clerical. The last one, embraced in section 2 of the bill, is simply to correct an error in the provision made in the bill passed at the last session, to pay the claim of George K. Shearman, of the State of Indiana. In that bill the appropriation read:

> To George K. Shearman, of Harrison County, Indiana, three hundred and fifty-three and five cents,

leaving out, as will be seen, the word "dollars" altogether. This amendment simply adds the word "dollars" to that appropriation.

Those are the only amendments the committee have proposed.

Mr. BLOUNT. I wish to ask the gentleman from Tennessee, with reference to the first amendment to which he has alluded, whether or not in the event it should appear after the passage of this bill that there was any fraud in connection with the auditing or allowance of any of the claims reported in the bill, it would then be possible to suspend their payment until further investigation could be had?

Mr. RICHARDSON. I imagine that if there was any fraud in connection with any of the claims the Third Auditor would not recommend the payment if his attention was called to it.

But I will state to the gentleman from Georgia that it would be simply a repetition if they were to go back to the same clerks, to the same officers who audited them in the first instance, and have the work gone over again.

Mr. GEDDES. The universal practice is, in cases of fraud, not to pay.

Mr. RICHARDSON. Of course, if fraud is discovered they will not be paid.

Mr. BLOUNT. Why is it they should go back after being allowed? Is it not a fact that these claims are first audited, passed upon in the Department, and after that work is done the claims are referred to Congress for appropriation?

Mr. RICHARDSON. That is the case.

Mr. BLOUNT. Then I do not see any occasion for that provision.

Mr. RICHARDSON. I am informed by the Comptroller who drew the amendment that it has been the universal custom to reaudit all claims after they have been passed upon by Congress.

Mr. BLOUNT. And this amendment is simply to avoid that practice in reference to these claims?

Mr. RICHARDSON. That is all.

Mr. WILSON. Will the gentleman permit me to ask him a question?

Mr. RICHARDSON. Certainly.

Mr. WILSON. The gentleman from Tennessee, Mr. Speaker, has explained the various offices through which the claims have to pass before they are transmitted to Congress; but as I understand his statement, the allowance of one of these claims, after all, depends entirely

upon the report made by the special agent of the Quartermaster's Department who may have been selected to take testimony in regard to the claim.

Mr. GEDDES. Not at all.

Mr. RICHARDSON. No, I do not want to be understood that way; because the special agent of the Quartermaster's Department who is sent to the locality where a claim originated frequently makes a favorable report upon that claim which is not allowed in full, and sometimes not at all, by the Quartermaster-General. I know of one instance in which the agent allowed the claim, that is to say reported upon it favorably, and the Department cut down the allowance of the agent; and in some cases they have rejected the allowance.

Mr. WILSON. But the allowance of such claim, after all, depends upon the report of the special agent sent out by the Quartermaster's Department to the locality in which it arose. Now, I would like to ask a further question: Whether the committee in considering these claims has ever given attention to the character of the agents sent out by that Department? And the reason I ask is that I think it will be the experience of every member here who represents districts of country from which these claims come that many claims of that class have been allowed against the Government, where, if the test of loyalty was applied, they would not be entitled to relief, upon a report of an agent of the Quartermaster's Department; while, on the other hand, there are a large number of claims recognized in the locality from which they arise as of the highest merit that have been turned down that never would have been turned down except upon the report of the special agent.

Mr. WARNER, of Ohio. They ought to go into the courts for relief.

Mr. RICHARDSON. Of course the committee could not vouch for the honesty and integrity of the special agents. They must depend upon the judgment of the Department. There were formerly twenty-five of them, but the number has been reduced until now but ten are employed in the field, and, as the Quartermaster-General states to me, and I have no doubt it is true, these ten are selected from the list of agents who have made the best record in the Department.

Mr. SOWDEN. I would like to ask the gentleman from Tennessee a question, with his permission.

Mr. RICHARDSON. Certainly.

Mr. SOWDEN. If, as the gentleman states, it is only a question of the appropriation of moneys to pay these claims, why is not this matter referred at once to the proper Committee on Appropriations?

Mr. RICHARDSON. I can not answer why the House has taken this course in referring the claims as it has done. But it has been the universal practice to refer them to the Committee on War Claims, for the reason, I presume, that they are war claims.

Mr. GEDDES. Will the gentleman from Tennessee allow me to make a statement on that point?

Mr. RICHARDSON. I yield with pleasure to the gentleman from Ohio.

Mr. GEDDES. In the investigation of this class of claims before the Committee on War Claims I am free to say that there has existed some diversity of judgment as to the duty devolving upon the committee, some members of the committee feeling that all we had to do was to take four or five or six hundred claims as they appeared before the committee in bulk, report them to the House, and turn them over for appropriation. That has never been my individual judgment. My construction of that act and the law under which we operate has been that a duty devolved upon the Committee on War Claims to investigate, reconsider, and pass upon the merits of these claims, and if, as stated by the gentleman from Virginia, we discovered that the proof was insufficient on the question of loyalty the committee would feel at liberty to exclude that claim.

Mr. BLOUNT. May I ask the gentleman a question in this connection?

Mr. GEDDES. Yes, sir.

Mr. BLOUNT. I wish to know if under the law the action of the Auditor and the Comptroller making an investigation of these claims is not conclusive, even upon the Secretary?

Mr. GEDDES. That is precisely what I am endeavoring to state as being the judgment of some members of the committee. I have never concurred in that opinion myself, and do not believe that even the Committee on War Claims is concluded by these accounting officers.

Mr. BLOUNT. My object was not to question the opinion of my friend, for which I have great respect, but to ascertain whether or not that is the law, or if it is not true that the Secretary himself can not set aside the conclusions of the Auditor and Comptroller with reference to such claims.

Mr. GEDDES. I do not believe that is the law; and we have not accepted that as the law in our committee.

Now, as a matter of practice, in order that members of the House may understand that these cases come here fully and fairly considered, and that they are not dumped in upon you here and your judgments asked without full consideration in committee, let me say that these claims are first presented to the Quartermaster-General. He sends his agents into the field, who thoroughly investigate them in the locality in which they occur and report for or against a claim. But the Quartermaster-General is not in any way bound by his report, as is shown in the cases before us, which we have gone through again and again. He then passes upon them. If his opinion is adverse to a claim that is the end of it. If his judgment is in favor of a claim it goes to the Third Auditor. He passes upon it. It then goes to the Second Comptroller. He passes upon it. If it passes through all their hands and receives the favorable judgment of each and all, then under this law it comes to the War Claims Committee.

Ordinarily it may be urged with great force that having received the concurrent judgment of all these men, the committee ought to be satisfied with their work and report a bill and dump it in upon the House. But I have said no; we will open these bags; we will take out all these cases, and with the clerical force given us we will go over them. We have done so.

As a matter of practice in the Forty-eighth Congress, when I had the pleasure of being associated with the gentleman from Illinois [Mr. ROWELL], who was on the subcommittee, we traveled over these cases and we found—as the gentleman from West Virginia [Mr. WILSON] has stated his fears on that subject—we found, I think, seven in number whose claims, comparatively speaking, having reference to the class embodied in this bill, aggregated eight or ten thousand dollars—we found in that number of cases we thought proof wholly insufficient on the question of loyalty. My own judgment was that the proof as it was presented clearly established disloyalty, and we excluded them. Our report was approved, and the committee reported to the House the bill with those claims out. They are still out. We traveled over these cases presented in this bill in the same manner and with the same care.

Mr. LONG. All of them or only a part?

Mr. GEDDES. I may say all of them in this sense: There would be a great many cases involving small amounts—$10 or $50. We would not spend much time on a $10 case, but when it came to an $800 or a $1,000 claim we would take time in going over it in order to get at the way in which the investigation had been conducted by the accounting officers of the Department.

Now, this is the situation in regard to this bill. I found one case which on my own individual judgment if I had been the accounting officer, or as a member of the Committee on War Claims, I would have laid it aside. I did not see sufficient proof before me in that case of the loyalty of the party, but I was willing to pass that one claim. I found this action caused great improvement in the bill presented in the Forty-eighth Congress. I think the action of the committee in the preceding Congress in excluding those eight or ten thousand dollar claims had a good effect on the investigation of the accounting officers; and these claims come to us purified by that action of the committee.

Mr. SOWDEN. What was the amount of the claim about which the committee had some doubt as to the loyalty of the claimant?

Mr. GEDDES. I think it amounted to about $1,000. It may have been only $800.

Mr. SOWDEN. Does the gentleman remember the name of the case?

Mr. GEDDES. I do not, but if we should now take that single case out of this class and try to investigate it here we would find doubtless diversity of judgment, great difference of opinion, whether the proof is sufficient as to the question of loyalty. Therefore I am not disposed to resist further to any extent the passage of this bill, and I hope it will pass without amendment.

Mr. FELTON. As I understand, the committee has examined the claims and believes they ought to be paid?

Mr. GEDDES. Yes, sir. We think they ought to be.

Mr. RICHARDSON. I yield to the gentleman from Tennessee [Mr. ZACH. TAYLOR].

Mr. ZACH. TAYLOR. I desire to offer an amendment.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. RICHARDSON] yield for that purpose?

Mr. RICHARDSON. I do not agree to the amendment, but I have yielded that it might be read.

The SPEAKER *pro tempore*. No more amendments than those now pending can be entertained under the rule except by unanimous consent. Is there objection to the gentleman from Tennessee [Mr. ZACH. TAYLOR] offering his amendment?

Mr. EDEN. I object.

Mr. SPRINGER. Will the gentleman from Tennessee [Mr. RICHARDSON] yield to me for a moment?

Mr. RICHARDSON. Yes, sir.

Mr. SPRINGER. I desire at the proper time to offer the following amendment to the first section of this bill—to insert after the words "accounting officers," in the tenth line, these words:

The warrants to be delivered to the payees thereof in person or through the mail.

The object of this amendment is to require the warrants to be delivered to the persons entitled to them or sent to them through the mail. I want to give an instance that occurred two years ago in reference to one of the provisions in the bill similar to this. A constituent of mine was allowed $1,200 in a similar bill. The warrant for that amount was delivered to his attorney in this city. That attorney declined to deliver the warrant to the person entitled to the payment unless he would

give him the sum of $500. After I had written to the Treasury Department and insisted that the claimant was entitled to the warrant, one of the officers in that Department informed me it was the practice of the Department to deliver the warrant to the attorney, and they declined to deliver it to the person entitled to it; and the attorney went West and extorted $500 out of the $1,200 appropriated to my constituent by the bill. I think that is an imposition which Congress should prevent for the future; and with the view of preventing such impositions I shall ask to have these words inserted in the bill.

Mr. GOFF. Was there any contract by which the amount of the fee was determined?

Mr. SPRINGER. There was no contract. This attorney extorted $500 out of the $1,200 before he would deliver the warrant, and the Department declined to interfere. On my request to give the warrant to the claimant the Department declined to do it, and gave it to the attorney.

Mr. RICHARDSON. I yield five minutes to the gentleman from Tennessee [Mr. HOUK].

Mr. HOUK. I wish to ask my colleague [Mr. RICHARDSON] if it is in order to accept the amendment suggested by the gentleman from Illinois [Mr. SPRINGER]. It is eminently right.

Mr. SPRINGER. I send it to the Clerk's desk.

The SPEAKER *pro tempore*. Amendments are not now in order, except by unanimous consent.

Mr. SPRINGER. I ask unanimous consent to offer it now, that it may be considered as pending.

The SPEAKER *pro tempore*. Is there objection?

Mr. RICHARDSON. I agree that it may be considered as pending when the previous question is ordered.

Mr. ZACH. TAYLOR. I object unless I am permitted to offer my amendment.

Mr. RICHARDSON. I am willing the gentleman from Tennessee [Mr. ZACH. TAYLOR] should offer his amendment on the same terms as the gentleman from Illinois [Mr. SPRINGER] offers his.

Mr. EDEN. I object to the amendment being considered as pending until I shall hear it read.

Mr. HOUK. While I have the floor I wish to make two or three remarks in reply to questions which have come from various sources in regard to the method of the investigation of these claims and in reference to the character of these special agents. I know those who have been on duty in my State, and know them to be men of character and, capacity. The only objection either I or my constituents have ever found to them is that they all come from the North, and we fear sometimes they are prejudiced even against Union men living in the South. But there are a dozen gentlemen on this floor who know the agents who have investigated the claims from Tennessee. I will name Mr. Peter Malindy, once marshal, occupying a high position in that State. I name also another gentleman from Iowa, Captain Putnam. Another, who I undertake to say is one of the best men and of the largest capacity in public life almost anywhere, is Hon. G. J. Saunders, from Iowa, whom half-a-dozen gentlemen here well know. So with others. The method of investigation, instead of always taking everything for granted in favor of the claimant, has been to resolve every doubt in favor of the Government. That has been their habit. And gentlemen on this floor who know these men will guarantee their character and reputation.

I think when a claim has run the gauntlet of their investigation, the Quartermaster's investigation, the investigation of the Third Auditor and Comptroller, and has afterward gone through the War Claims Committee, having at its head my distinguished friend from Ohio [Mr. GEDDES], who is the greatest stickler for loyalty when a claim comes up that I ever saw—when a claim has run this gauntlet I think it ought to be allowed by this Congress. I agree with the suggestion of the gentleman from Georgia [Mr. BLOUNT], as I understand it, that under the law as a matter of fact the duty of the War Claims Committee is simply to prepare an appropriation bill for these claims. Still, we have to accept that which they have resolved to do in reversing this law and assuming to decide on the question of the claims themselves; and, as we have been told by the chairman, some of them have been thrown out. After the claims have passed all this investigation I hope the bill will pass.

Mr. RICHARDSON. Mr. Speaker, in regard to the amendment proposed by the gentleman from Illinois [Mr. SPRINGER], I want to say this: If I understand its effect it would be to send the check or draft directly to the claimant. Now, in nearly every case, as I am informed, the claimant has employed an attorney who has done the work, or has done a great deal of work, in preparing and pressing the claim, and, as I understand, the pratice of the Department is this: while the warrant is delivered to the attorney, yet in every solitary case it is made payable to the claimant and never to the attorney, so that the attorney can not collect the money without the consent of the claimant. This being so, I see no necessity for the amendment proposed.

Mr. SPRINGER. In the case to which I have referred the attorney informed the claimant that he had the warrant and that he intended to hold on to it until the payee indorsed it; and that attorney actually compelled the claimant to indorse it or else to go without his money.

Mr. ROWELL. Why did you not arrest him for extortion?

Mr. SPRINGER. Because I was not in the detective business.

Mr. ROWELL. As I understand you, this attorney went to Illinois and made that statement.

Mr. SPRINGER. He did.

Mr. ROWELL. And therefore made himself liable to arrest and imprisonment in that State.

Mr. SPRINGER. He went there, and he got the money, too.

Mr. RICHARDSON. Mr. Speaker, I desire to propose an amendment to the amendment and let it be pending. I propose to add these words: "Except in cases where specific contracts have been made with attorneys."

The SPEAKER *pro tempore*. The Chair has already stated that there are several amendments pending.

Mr. RICHARDSON. I want to make this additional suggestion: There are a number of cases reported from the Court of Claims for quartermaster's stores. These cases have been referred to the Committee on War Claims, and the committee has reported them favorably to the House, and they are now on the Calendar. Our committee did not feel willing to put upon this bill any claim other than those that had been allowed by the accounting officers of the Treasury, and therefore no other kind of claim is in this bill; but the gentleman from Tennessee [Mr. ZACH. TAYLOR] desires to offer an amendment putting those other claims upon the bill, and if the House sees fit to adopt such an amendment I have no objection. I therefore yield to the gentleman from Tennessee [Mr. ZACH. TAYLOR] to offer his amendment, simply to test the sense of the House upon that question.

Mr. SPRINGER. Then does the gentleman from Tennessee [Mr. ZACH. TAYLOR] withdraw his objection to my amendment?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. McCOMAS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McCOMAS. At what stage of this proceeding can I, of my right, offer an amendment?

The SPEAKER *pro tempore*. There are several amendments pending which must first be disposed of. Under the rule only two amendments can be pending at a time. The committee has reported quite a number of amendments which must be disposed of, after which other amendments well be taken in their order. The question is upon the first amendment proposed by the committee. Is there a desire that all the amendments of the committee be voted upon separately?

Mr. RICHARDSON. I ask unanimous consent that the committee amendments be voted upon together.

There was no objection, and it was so ordered.

The amendments reported from the committee were adopted.

Mr. SPRINGER. Now, Mr. Speaker, I propose to amend the first section of the bill by the amendment which I have sent up.

The Clerk read as follows:

After the word "officers," in line 9, insert "the warrants to be delivered to the payee thereof in person or through the mails."

To which it is proposed by the gentleman from Tennessee [Mr. RICHARDSON] to add the following:

"Except in cases where specific contracts have been made with attorneys."

Mr. SPRINGER. I object to the amendment proposed by the chairman of the committee [Mr. RICHARDSON], because the difficulty now is that the attorneys compel the claimants to make contracts to allow the attorneys to draw the money, and such an amendment would annul the provision which I propose to insert.

Mr. TAULBEE. I suggest, as a matter of compromise, that the amendment be modified so as to allow the accounting officers of the Treasury to pay the attorneys a reasonable fee not to exceed 10 per cent.

Mr. SPRINGER. I have no objection to allowing them 10 per cent., but I am satisfied that the accounting officers of the Department would protect the attorneys sufficiently in any case. The amendment I have offered is in exact accordance, I think, with the ruling of the Department at this time, to which ruling the attorneys are objecting, and I want to give that ruling the sanction of law. I think the dealings between the claimant and the attorney can be settled very well by themselves, and certainly it is not the business of Congress to settle disputes between them. Let us give the claimant his money and then let him settle with his attorney himself.

Mr. JOHNSTON, of Indiana. Suppose the man makes a contract for a percentage to be paid to the attorney, and agrees that the attorney shall draw the money, is it the duty of Congress to step in and make a new contract?

Mr. SPRINGER. Suppose that contract calls for 50 per cent.?

Mr. TAULBEE. They usually do call for 40 per cent.

Mr. SPRINGER. Well, suppose the contract calls for 50 per cent., does my friend [Mr. JOHNSTON, of Indiana] suppose that Congress should stand by and let these poor claimants (for they are nearly all poor) be compelled to pay out half their claim simply because an exacting claim agent has obtained such a contract from them?

Mr. JOHNSTON, of Indiana. Is the claimant obliged to employ the attorney?

Mr. SPRINGER. Oh, my friend could continue that line of argu

ment a long time, but I think it is a mere matter of justice to protect these poor claimants.

Mr. LONG. There is no reason why you should insure the attorney.

Mr. SPRINGER. No.

Mr. RICHARDSON. My objection to the amendment of the gentleman from Illinois, as he puts it, is really made in the interest of the claimant himself. Many of these claimants are insolvent, and most of them are poor. Now, if the warrant goes into the hands of the claimants, the attorneys will, of course, seek to get their fees, and the result may be endless litigation; whereas I think we protect both parties when we allow the attorney to take the warrant, but have it made payable directly to the claimant. In that way both parties have a chance to get justice done them, and I really think we had better leave it as it is now under the practice of the Department.

Mr. TAULBEE. If the gentleman from Tennessee [Mr. RICHARDSON] will allow me a moment. I am unable to see the difference between the attorneys' fee in this class of cases, and the attorneys' fee in pension cases. Now, there is a law by which the Pension Bureau can adjust the attorney's fee to an amount not to exceed $25 in any one pension case, and that amount only when the contract is for so much, and I think it would be right and fair, as between these claimants and their attorneys, that the drafts should be severed. Where there is a contract between the claimant and the attorney, and that contract calls for 10 per cent. to be paid to the attorney, I would allow the accounting officers of the Treasury to issue a draft to the attorney for his fee—of course not to exceed a reasonable amount, and in no case to exceed 10 per cent. of the amount allowed the claimant.

I think that would be fair and proper and right. It would be a great hardship for the attorneys who prosecute these claims to completion to be driven to the necessity of going all over the country to collect the fees which they have earned from claimants who in many cases may be insolvent. If the attorneys were required to do that they would frequently be unable to obtain compensation for their services.

On the other hand I believe that if some such amendment as that offered by the gentleman from Illinois [Mr. SPRINGER] be not adopted, the greatest hardship may be experienced by claimants. I have in my possession a letter from a claimant in my part of the country who says that the claim agent in Washington retained his check until he was compelled to indorse it to the agent, who paid him only 60 per cent. of the amount allowed by the Government. I think such a thing as that is a perfect outrage. I have talked to the accounting officers of the Treasury and to the Second Comptroller, who tells me that he has no power whatever to prevent the attorney from collecting the amount stipulated by contract, even 40 per cent. if he chooses to exact that much. I hope the amendment of the gentleman from Illinois will be adopted in some shape; but I would like to see a provision inserted allowing the Department to pay the attorney a reasonable compensation. I believe that would be fair to the attorney.

Mr. LONG. What right has the Government to distribute the money which it says belongs to a claimant?

Mr. TAULBEE. The same right which it exercises in cases of invalid pensions.

Mr. LONG. When the Government has declared that a certain amount of money belongs to the claimant what right has it to step in and say "so much of this shall go to the claimant and so much to the attorney?"

Mr. TAULBEE. I believe that the Government in its administrative capacity has the same right to compel a man who seeks redress at its hands to be just as a court of equity has.

Mr. SPRINGER. One word in reference to the justice of the claim presented on behalf of these attorneys. These cases are adjudicated by the accounting officers of the Department, not in a court. The Government of the United States prosecutes all these cases at its own expense. The agents of the Government go into the different localities and hunt up the proof. In no case do these attorneys render any substantial service to the claimant. Residing here in Washington, they simply go to the Treasury Department, get the warrant, and hold on to it until the claimant is compelled to send them so much money before they will relinquish the warrant.

Mr. TAULBEE. That is measurably true.

Mr. SPRINGER. The experience of every member who hears me has shown it to be true.

I now ask a vote on my amendment. I do not accept the amendment to the amendment, but it can be voted on separately.

Mr. WOLFORD. Mr. Speaker, before the vote is taken on this question, I wish to say only a few words in relation to what seems to me to be one of the most important principles connected with our Government. The long practice of Congress—a reprehensible practice in my judgment—has been to treat the American freeman, whether a soldier or a claimant, not as a freeman but as a ward. It has been assumed that Congress must step in and protect the man who is able to protect himself. Why should it be assumed that the American freeman is not able to protect himself in making his contract with a lawyer or a claim agent? I have no word to say in favor of lawyers or claim agents; but I speak in behalf of the manhood of the American soldier, and the American citizen, and in behalf of the rights of the freemen who govern Congress, who govern the President, who govern every officer in this nation. We profess to believe in the doctrine that the people are the rulers, and that the officers of Government are their servants. But what do we say in practice? Having been for ages in the habit of treating the Indians as wards, and not as freemen, we have gradually extended that idea till we are disposed to treat every American citizen in the same way.

We undertake to say to the soldier who defended the country, who helped to save the life of the nation, "You had sense enough to fight, you had sense enough to do everything necessary to maintain the independence of the country; but now that the war is over, you have lost your manhood, you have lost your capacity to take care of yourself; you sink into insignificance before a powerful usurpation which undertakes to treat you as a ward." I oppose any such idea. The man who furnishes the material for your army, who constitutes the defense of the country in time of war, has certainly sense enough to make a contract for himself. The time will come when the Government of the United States will be ashamed of this departure from principle, of this insult to the manhood of the citizen, by saying, "We will treat the citizen and the soldier as our ward, not as capable of taking care of *himself*."

Why should you undertake to say to a man perfectly capable of making his own contracts that he shall not employ a lawyer or an agent except on certain terms? The Government has been slow, very slow, in making provision to pay for the necessaries furnished to the Army during the war; and now when it comes to make payment it proposes to say to the claimants, "You shall not do as you please in regard to the employment of a lawyer to urge your claim; you have not the power to make a proper contract in that regard."

[Here the hammer fell.]

Mr. RICHARDSON. I hope now we shall have a vote upon the amendments.

The question recurred on the amendment to the amendment of Mr. RICHARDSON, and being put, it was rejected.

The question then recurred on the amendment of Mr. SPRINGER.

Mr. WILSON, of West Virginia. Is that debatable?

Mr. SPRINGER. Has not the previous question been ordered?

Mr. TAULBEE. No, the previous question has not been ordered, and I will yield to the gentleman from West Virginia.

Mr. WILSON, of West Virginia. Mr. Speaker, I think perhaps I ought to add to what I said at a previous stage of the discussion of this matter a word in reference to the agencies through which the original information on which these claims are allowed or disallowed is obtained by the Government, especially in view of some remarks that have since been made. I care not how careful the accounting may be or how many officers these claims pass through, the allowance or disallowance of these claims is after all determined by the report made by the agents sent out by the Quartermaster-General's Department.

As the gentleman from Ohio [Mr. GEDDES] has said, the committee has reversed the action of some of these agents where claims have been allowed, but he has not given a single instance, nor have I ever heard of a single instance, where the Department or the committee has reversed the report of those agents where a claim has been disallowed.

If there is any function which requires a fair mind and judicial temper it is the function of one sent out to inquire first into the merit of these claims. The great mass of claims disallowed by the report of the agents of the Department have never been reconsidered, and the claimants have no recourse.

Now, Mr. Speaker, I know nothing about agents of the Departments of late years. I refer particularly to those sent out just after the war, full of political prejudice, full of sectional prejudice, and at whose hands many honest and meritorious claimants lost all means of redress against the Government.

I wish simply to add I heard last summer in passing through a remote section of my district that an agent of the Quartermaster-General's Department, traveling in that country no doubt at the expense of the Government, settled down at a pleasant summer house and sent across the mountain to a poor claimant who had filed a claim for a horse to come across the mountain and bring his witnesses before this agent for examination. That was a mockery of justice, for the claimant was as able to travel to Washington as across the mountain.

In these cases no fair and open trial, but often secret inquisition, was had as to the loyalty of claimants, and parties have been reported against without their knowing why they were reported against, or upon whose testimony, by men who had the instinct and methods of detectives, not of honest searchers after facts. They were reported against without opportunity for trial, which every claimant against the Government ought to have.

Mr. SPRINGER. I demand the previous question on my amendment.

The previous question was ordered, and under the operation thereof Mr. SPRINGER'S amendment was agreed to.

Mr. TAULBEE. I now yield to the gentleman from Tennessee [Mr. ZACH. TAYLOR].

Mr. ZACH. TAYLOR. I move the following amendment.

The Clerk read as follows:

Insert after line 2234 the following:

"And also for stores and supplies taken by the Army for its use allowed by the Court of Claims under the Bowman act:"

Mary A. Blackwell, of Shelby County, Tennessee	$940 00
Urias Buskirk, of Logan County, West Virginia	672 00
John M. Campbell, of Gibson County, Tennessee	1,046 50
Anna M. Cogswell, of Garland County, Arkansas	3,884 00
Henry Bazsinskey, administrator of Abraham Bazsinskey, deceased, of Warren County, Mississippi	23,648 00
Corporation of the Roman Catholic Clergymen of Maryland	4,035 50
W. H. Cook, sr., of Saint Mary's Parish, Louisiana	2,085 00
Elizabeth P. Dyer, of Fayette County, Tennessee	480 00
Newitt Harris, of Fayette County, Tennessee	600 00
David H. Hildebrand, of Shelby County, Tennessee	1,078 00
Horace P. Hobson, administrator John O. Graves, deceased, of Fayette County, Tennessee	3,231 00
Indiana E. Hughes, administratrix John P. Hughes, deceased, of Shelby County, Tennessee	1,436 00
James P. Jenkins, administrator Thomas C. Jenkins, deceased, of Hardeman County, Tennessee	1,275 00
Sarah McFerrin, administratrix Robert Waters, deceased, of Shelby County, Tennessee	1,752 00
John R. McKennie, administrator David McKennie, deceased, of Hardeman County, Tennessee	1,142 00
Sarah E. Mendenhall, of Shelby County, Tennessee	583 73
John A. Oursler's administrator of Fayette County, Tennessee	2,439 10
Thomas F. Perkins, administrator Eliza M. Dawson, deceased, of Marshall County, Mississippi	19,237 68
John B. Reid, of Fayette County, Tennessee	1,000 00
Robert Smith, of Madison County, Tennessee	510 00
S. H. Brodnax, executor of George T. Taylor, deceased, of Tipton County, Tennessee	1,435 00
James Tucker, of Fayette County, Tennessee	500 00
Robert H. Walton, of Hardeman County, Tennessee	360 00
Americus V. Warr, administrator of Nicholas H. Isbell, deceased, of Fayette County, Tennessee	13,475 15
John R. Watkins, administrator of Matilda W. Anderson, deceased, of Haywood County, Tennessee	2,530 00
Simon Witkowski, of West Carroll Parish, Louisiana	7,200 00
Mrs. Ann Moreau, of Avoyelles Parish, Louisiana	5,595 00
John R. McDowell, administrator of John McDowell, deceased, of Fayette County, Tennessee	15,570 00
John Loague, administrator of Delos A. Horal, of Shelby County, Tennessee	885 00

Mr. BRAGG. I make the point of order against that amendment.

The SPEAKER *pro tempore* (Mr. MCCREARY). The gentleman will state his point of order.

Mr. BRAGG. My point of order is this: that the amendment, in the first place, is not germane to the bill; and the reason upon which I base it is that this is a bill reported to pay the claims allowed by the accounting officers of the Treasury under what is known as the 4th of July act. Certain specific claims that are authorized by that act to be audited by certain specific officers are embodied in this bill. This amendment is a proposition to incorporate in the bill another class of cases that are not within the provisions of that act, and are not reported by the accounting officers of the Treasury.

Second, another point of order. These are cases reported from the Court of Claims and referred to the Committee on War Claims for their consideration, to be reported back by bill to this House, and are still in that committee under consideration.

Mr. HOLMAN. I wish to add to the point of order suggested by the gentleman from Wisconsin that the claims covered by this amendment have not yet been considered in Committee of the Whole; and they are of course subject to that point of order. For, waiving the point of order as to the original bill, the bringing of that bill before the House for consideration would not waive the point as to the other matter brought in and offered as an addition to the bill.

And further, there is no authority of law for this appropriation, while there is for the appropriation covered by the pending bill.

Mr. ZACH. TAYLOR. Mr. Speaker, the point of order of the gentleman from Indiana I will state does not apply here. It was by special agreement provided that the amendment should be offered as though it had been considered in Committee of the Whole.

The other point made by the gentleman from Wisconsin [Mr. BRAGG] is that these cases are not germane to the pending bill. What are the facts?

The claims in the bill are for stores and supplies used by the military authorities. Those cases covered by the amendment are also for stores and supplies used for the same purpose. The point that they have been referred to the Court of Claims and reported back makes no difference whatever. That would have been pertinent under the rules of the last House, but can not be entertained as an objection to the amendment under the present rules. You can add to a bill pending other bills pending on the Calendar, provided that the subjects are germane to each other and of a kindred nature.

Mr. JOHNSTON, of Indiana. Will the gentleman permit a question?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. JOHNSTON, of Indiana. If it is not a fact that this amount is covered by separate bills now pending in this House?

Mr. ZACH. TAYLOR. That is true; but to speak of reaching separate bills on the Calendar, when it is known to be impossible, and that it can not be done, is a denial of justice to the claimants.

Besides, that rule, as far as it prevented the introduction of pending bills by way of an amendment, is no longer in force.

Mr. SPRINGER. Upon the point of order I wish to be heard for a moment, merely to call the attention of the House to the fact that these cases have been reported to the House under the Bowman act. That act does not enter a judgment or find any sum due to the claimants, but simply certifies the facts to Congress. We do not know what character of claims are certified or what the certification is or what recommendation is made with reference to them for the reason that they come to the House under an entirely different rule.

This bill relates to the payment of claims audited under the act of July 4, 1864, claims which have been allowed by the accounting officers of the Treasury Department. This amendment presents a new class of claims of which we know nothing, claims which the Court of Claims have reported upon, and, so far as we are presumed to know, may have reported against them. This bill relates to those certified as due by the accounting officers of the Treasury. The Bowman act gives no authority to the Court of Claims except to report the facts.

Mr. ROWELL. And findings of fact.

Mr. SPRINGER. And findings of fact; and if we examine the findings it may appear that the court held that they ought not to pass at all. They have no place here, and ought not to be permitted to come into this bill.

Mr. ZACH. TAYLOR. I would like to know whether I have the floor or the gentleman from Illinois?

Mr. SPRINGER. I was speaking to the point of order.

Mr. ZACH. TAYLOR. You were discussing the merits of the bill.

Mr. SPRINGER. No; but simply referring to the point of order, and to show that these claims should not go into the pending bill.

Mr. MCCOMAS. If the gentleman from Illinois has concluded I wish to be permitted to say a word upon the point of order.

Mr. ZACH. TAYLOR. I will yield to the gentleman, retaining the floor in my own right.

Mr. MCCOMAS. The only objection that has been really made to the proposition being in order is that it is not germane to the pending bill. It relates to the same subject-matter. This is a bill to pay certain persons money for property taken and used by the Government of the United States, and the amendment is to pay certain additional parties additional sums for other property taken and used by the Government. It has been done heretofore. I desire to refer to the case of Julia Nutt, a case pending in the Senate in the last Congress, where a claim of a similar character, being a finding of the Southern Claims Commission for $80,000, was, upon the motion of a Senator, incorporated into this bill, at the end of the bill, and the only thing done thereafter was what I now propose to do, and what I presume the gentleman from Tennessee who offered the amendment will do, that is, to amend the title of the bill covering the scope of this amendment.

There is no essential or proper difference in this case, which is simply providing to pay a number of people for property taken and used by the Government; and the amendment proposed is to pay certain other people for certain other property taken and used by the Government. The only difference is—and it is not a material difference—that the accounting officers of the Treasury report the claims embodied in the bill, while those covered by the amendment come with a higher sanction, under an act of this Congress sending these claims to the Court of Claims, and there six or seven judges, after a trial of the matter of fact, where the Government is represented by able counsel, examine the claims and have referred the facts to the Committee on War Claims, which now report them to the House and ask that they be paid.

It comes, therefore, with a sanction from the same committee. As the gentlman in charge of this bill has said, as I understood him, the preference of the committee was that the House should decide whether or not these claims should be added. They are war claims of the same character, having exactly the same incidents throughout except as regards the names of the persons and the amounts, and the amendment is therefore germane.

It is not an objection that these claims have been reported by the Committee on War Claims as entitled to be paid. That is no objection under the existing rules of this House. It commends them in fact to the favor of members of this House, and under the rule the point of order can not be made now that the substance of a pending bill shall not be offered as an amendment as in this case, where the amendment is germane in every respect.

Mr. BRAGG. I desire to say a word or two in reply to the gentleman from Maryland [Mr. MCCOMAS]. First, as regards his precedent from the Senate of the United States, there was no point of order made in that case; and if there had been a point of order made in the Senate of the United States its action upon it is no precedent for a ruling here in the consideration of bills under our rules.

The gentleman from Maryland omits to consider the question of order, it seems to me, as it ought to present itself to his mind. This bill is reported under a law not to pay war claims, but under a law to pay claims that have been specifically audited by officers named in the act. Therefore it is a bill for a specific purpose, for the payment of claims audited by specific auditing officers, and no others.

The fact that the claims there asked to be paid are for supplies and these also are for supplies is not pertinent, because the claims for supplies that you seek to add to this bill have never been authorized by

anybody authorized by law to audit them. The Court of Claims is not included in the 4th of July act, and the Court of Claims has no authority to audit. But under the act which gave jurisdiction to the Court of Claims the special authority for consideration was reserved to this House when the court reported the facts after they are found, and its report comes back simply as an affidavit, or stronger than an affidavit, a certificate of the court, and the claim then stands upon the Calendar precisely as all other claims stand, to be determined upon the weight of evidence in support of the claim. Now if these claims have a right to go on this bill because they are for supplies, then every bill reported from the Committee on War Claims has to be added to the bill, for they are all for supplies; they are for wood, for bacon, for the use of farms, for damage done by tramping down strawberry-beds by troops marching over them. And this bill, instead of being a bill as its title defines, strictly within the act, a bill for the payment of claims audited by officers of the Treasury under a certain act of Congress, would be a general bill for taking from the Calendar of the House every claims bill reported by the Committee on War Claims to the House.

The SPEAKER *pro tempore* (Mr. MCCREARY). The Chair is prepared to rule on the point of order. As the Chair understands it, this bill is for a specific purpose. It is for the allowance of certain claims reported by the accounting officers of the United States Treasury Department under the act of July 4, 1864. The gentleman from Tennessee [Mr. ZACH. TAYLOR] seeks by his amendment to attach to the bill claims which have not been reported by the accounting officers of the United States Treasury Department under the act of the 4th of July, 1864. The Chair, therefore, sustains the point of order made by the gentleman from Wisconsin.

Mr. STONE, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

"The Secretary of the Treasury shall in all cases where a contract is shown to exist between the claimant and the attorney issue to the attorney a warrant for the amount of his fee, and to the claimant a warrant for the remainder of the amount of the claim."

Mr. HOLMAN. I suggest to the gentleman from Kentucky that he add to his amendment, after the word "fee," the words "not exceeding, however, 10 per cent. of the amount allowed."

Mr. STONE, of Kentucky. I am willing the gentleman from Indiana should offer that as an amendment, but I am satisfied you can not adopt it without giving to the claimants more trouble in the way of litigation than they have had.

Already they have been kept out of this money twenty years. Now, the Congress of the United States proposes to pass a bill by which they can get the pittances allowed them by the accounting officers. Now, if you put on an amendment saying these attorneys who made a contract for one-third of the amount shall only have 10 per cent. of the amount, you at once get the attorney and the claimant into trouble again.

I believe that the adoption of the amendment I have offered—indeed I know it from my own experience with these claimants—will enhance and advance the interests of the claimants. Only yesterday I received from a citizen of the district that I have the honor to represent a power of attorney granted to an attorney here to sign his name to the warrant by which he could draw the money which was allowed that man under a bill passed in the last session of Congress. He believed the one-third, the amount he had contracted to pay the attorney, was too much; but the attorney had the contract in his hand, and he said, "you will never get any of the money until I get the power of attorney to collect this money."

You can not put on this the amendment requiring that they shall have only 10 per cent. without violating contracts already made in writing between the attorneys and the claimants, and this amendment which I offer is the best solution of the whole question.

Mr. LONG. Why should we want to enforce the attorneys' contracts at all?

Mr. STONE, of Kentucky. It seems to me that under the present ruling, by which the warrants are put into the hands of the attorney, he is able to enforce his demands against the claimant by keeping him out of his money, sometimes for months and months, until the demands of the attorney are met.

Mr. LONG. We have just adopted an amendment covering that point.

Mr. STONE, of Kentucky. I am aware of the amendment that has been adopted, saying that the Secretary of the Treasury shall allow the attorney a reasonable fee.

Mr. LONG. No; that the warrant shall be sent directly to the claimant.

Mr. STONE, of Kentucky. Then if you send it directly to the claimant, you do the attorney injustice, because he has a right to some fee for his services in these cases.

Mr. HOLMAN. Let him look to his client.

Mr. STONE, of Kentucky. My amendment will give the attorney his fee, and will give the claimant his money, and the whole matter will be adjusted within a short time after the bill is passed; but unless you adopt such an amendment you will get these claimants into trouble through some proceeding which will be originated by the attorneys by which the claimants will be kept out of their money indefinitely. If you want to benefit these people, you will adopt some measure by which a warrant will go directly from the Treasury to the claimant without any sort of incumbrance upon it.

Mr. RICHARDSON. I now move the previous question upon the engrossment and third reading of the bill.

Mr. MCCOMAS. Mr. Speaker, I asked leave awhile ago to proffer my amendment, and I have been trying ever since to get an opportunity to do so.

Mr. RICHARDSON. I will yield in order that the amendment may be read.

Mr. MCCOMAS. I propose this amendment:

In line 16, after the words "eighty six," insert "or reported to Congress under the Bowman act by the Court of Claims, and favorably reported to the House by the Committee on War Claims."

Mr. BRAGG. I make the same point of order against that that I made against the other.

Mr. SPRINGER. The gentleman from Tennessee [Mr. RICHARDSON] has not yielded for the amendment of the gentleman from Maryland.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Tennessee to yield.

Mr. RICHARDSON. I yielded to have the amendment read.

Mr. MCCOMAS. I certainly thought I had a distinct understanding with the Chair for some time past that I was to have an opportunity to offer an amendment.

The SPEAKER *pro tempore*. It will make no practical difference, because if the amendment were received the Chair would sustain the point of order.

Mr. MCCOMAS. I did not hear the announcement of the Chair.

The SPEAKER *pro tempore*. The Chair said it would make no practical difference, because the Chair would rule the amendment out on the point of order made by the gentleman from Wisconsin [Mr. BRAGG].

Mr. RICHARDSON. I now demand the previous question.

The previous question was ordered.

Mr. MCCOMAS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MCCOMAS. With all due deference to the Chair, I understood the Chair to say that I could send my amendment to the desk in order that it might be read, but now when I am about to send it to the desk I understand the Chair to rule that it is to be ruled out on a point of order.

The SPEAKER *pro tempore*. The Chair made no ruling. The gentleman from Tennessee [Mr. RICHARDSON] has stated that he did not yield to the gentleman from Maryland to offer his amendment, but merely to have it read. Before that statement, however, the gentleman from Wisconsin [Mr. BRAGG] had raised the point of order, supposing the amendment to be pending; and the Chair simply remarked, by way of cutting off the controversy, that practically it would make no difference, and the Chair understood the gentleman from Maryland to accede to that.

Mr. MCCOMAS. I did not; and now I desire to ask a further question: When does my right arise to offer the amendment?

The SPEAKER *pro tempore*. It will not arise now at all, because the previous question has been ordered.

Mr. RICHARDSON. I have no desire, Mr. Speaker, to cut off the amendment if it is in order, but I understand the Chair to hold that it is not in order. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is upon the amendment which the Clerk will now report.

The Clerk read as follows:

The Secretary of the Treasury shall, in all cases where a contract is shown to exist between the claimant and the attorney, issue to the attorney a warrant for the amount of his fee, and to the claimant a warrant for the remainder of the amount claimed.

Mr. SPRINGER. And a small remainder, too. [Cries of "Vote!" "Vote!"]

The question being taken on agreeing to the amendment, there were—ayes 60, noes 64.

Mr. STONE, of Kentucky. No quorum.

Tellers were ordered; and Mr. RICHARDSON and Mr. STONE, of Kentucky, were appointed.

Before the count by tellers was concluded—

Mr. STONE, of Kentucky, said: Mr. Speaker, it seems that the interests of the claimants are not to be considered in this matter. I withdraw the point that there is no quorum.

The SPEAKER *pro tempore*. The point being withdrawn, the amendment is rejected. The question is now on ordering the bill to be engrossed and read a third time.

Mr. MCCOMAS. I wish to move to recommit the bill.

The SPEAKER *pro tempore*. That motion is not yet in order.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. RICHARDSON. I demand the previous question.

Mr. McCOMAS. I move to recommit the bill with instructions to amend it so as to include the claims reported to Congress under the "Bowman act" by the Court of Claims and favorably reported by the Committee on War Claims to the House.

Mr. BRAGG. I make a point of order on that motion.

Mr. McCOMAS. I believe I have the floor.

Mr. ZACH. TAYLOR. I wish to offer an amendment.

Mr. BRAGG. I make the point of order that this motion to recommit is not debatable.

Mr. McCOMAS. My motion is debatable.

Mr. BRAGG. I have made a point of order.

Mr. McCOMAS. I desire to be heard on the point of order, because I apprehend that the Chair, by reason of my not distinctly getting his attention during the confusion awhile ago, thought that the amendment had been withdrawn. I submit that I am entitled to be heard upon the point of order made against my proposition.

Mr. SPRINGER. But the gentleman from Wisconsin has made the point of order that the question is not debatable.

Mr. RICHARDSON. I demanded the previous question.

Mr. SPRINGER. Pending that demand, debate is not in order upon the point of order.

Mr. McCOMAS. I desire to be heard on the point of order raised upon my motion to recommit. If the gentleman from Illinois [Mr. SPRINGER] would allow me half a minute for every two hours that he consumes I think the Chair would understand my point.

Mr. SPRINGER. I will yield the gentleman all the time I have.

Mr. REED (to Mr. McCOMAS). All right. He yields you all his time. That is unlimited. Now go on. [Laughter.]

Mr. McCOMAS. My proposition is that it is in order to move to recommit this bill, so as to include in it other claims which under existing law are required to be referred to us from Congress to Congress until acted upon. A number of those claims are now on the Calendar, having been certified by the Court of Claims and approved by the Committee on War Claims. They are germane to this bill, standing in the same class with these claims. Hence my motion to recommit, so that these other claims which have thus been reported may be included in the bill. They have been pending just as long; they involve the same subject-matter; they are germane to this bill; they are entitled to equal justice with other claims which have no greater priority and are not presented to the House with so thorough a commendation. I ask that this bill be recommitted with instructions to amend it so as to include those claims which have come to this House from the Court of Claims and have been reported by the Committee on War Claims. I submit that my motion to reconsider is in order. I ask the ruling of the Chair.

Mr. BRAGG. I will now state my point of order, after the gentleman from Maryland [Mr. McCOMAS] has argued it. [Laughter.] If the amendment proposed to be added to this bill by way of recommitment would be out of order if offered as an amendment in the House, the motion to recommit with instructions to incorporate such an amendment in the bill is not in order.

The SPEAKER *pro tempore*. The Chair thinks the point of order well taken.

Mr. RICHARDSON. I demand the previous question on the passage of the bill.

The previous question was ordered; there being—ayes 93, noes 5; and under the operation thereof the bill was passed.

Mr. RICHARDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. BELMONT. In view of the lateness of the hour, I ask unanimous consent that gentlemen who have reports to make from committees may hand them to the Clerk without formal presentation in the House, my object being to call up as soon as possible the diplomatic and consular appropriation bill.

The SPEAKER *pro tempore*. The gentleman from New York asks unanimous consent to dispense with the formal call of committees for reports and to allow gentlemen having reports to hand them to the Clerk. Is there objection? The Chair hears none; and it is so ordered.

The following reports were submitted under the foregoing order:

PUNISHMENT OF CRUELTY TO ANIMALS.

Mr. COLLINS, from the Committee on the Judiciary, reported back favorably the bill (H. R. 10139) for the prevention of and punishment of cruelty to animals; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RECOVERY OF INTERNAL-REVENUE TAXES.

Mr. COLLINS, from the Committee on the Judiciary, also reported back favorably the joint resolution (H. Res. 224) to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid in certain cases; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DESTRUCTION OF OYSTERS.

Mr. CLARDY, from the Committee on Commerce, reported back favorably the bill (H. R. 10436) directing the prosecution of inquiries by the Commissioner of Fish and Fisheries in respect to the destruction of oysters in the natural oyster-beds lying within the waters and jurisdiction of the United States by star-fish, &c., and making an appropriation for such purpose; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRIVATE LIGHTS AND BUOYS.

Mr. CLARDY, from the Committee on Commerce, also reported back favorably the bill (H. R. 995) prohibiting the establishment of private lights and private buoys, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. CLARDY, from the Committee on Commerce, also reported back adversely the bill (H. R. 1144) prohibiting the establishment of private lights and buoys, and authorizing the temporary establishment of lights and buoys, and for other purposes; which was laid upon the table, and the accompanying report ordered to be printed.

J. A. PALMER, LATE INDEX CLERK HOUSE OF REPRESENTATIVES.

Mr. TRIGG, from the Committee on Claims, reported a bill (H. R. 11039) to reimburse John A. Palmer, late index clerk of the House of Representatives; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. BELMONT. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the title of the first bill in order.

The Clerk read as follows:

A bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BELMONT. I move to dispense with the first reading of the bill for information.

There was no objection, and it was ordered accordingly.

Mr. BELMONT. Mr. Chairman, in presenting this bill to the House the Committee on Foreign Affairs has considered it to be its duty to incorporate certain changes in the consular service deemed absolutely necessary, but the committee would not have made these recommendations had it not believed them to be in accordance with the rules of the House.

They are very simple, consisting mainly in transferring certain consuls from one grade to another, and thereby increasing their salaries in accordance with earnest recommendations of the State Department, also by transferring from the feed list of consuls to the salaried list certain other consuls regarded and recommended by the Department and the President as an important reform to be effected.

The House, of course, is informed already as to the provision of law by which consuls who receive a salary of $1,000 and those consuls or other officers who receive fees amounting to $1,000 or less are all entitled to engage in trade. This practice certainly is not beneficial to the service. Secretaries of State one after another have recommended to Congress the abolition of the trading class of consuls.

The Committee on Foreign Affairs has accomplished this result by omitting to appropriate for the seventh or trading class and transferring such consuls to other classes. It will hardly be necessary for me at this time to discuss the point of order which may be raised against such a proceeding. But I will say now that in my judgment the change proposed is undoubtedly within the rule of the House, because the transfer can be made without any change of existing law, there being no law fixing the number of consuls of each class.

The only distinctly organizing law unrepealed we know of is that of 1856, which made an approximate classification of our consular service. The classification, however, was more thoroughly carried out in 1874 on an appropriation bill. Each class was therein designated by the amount of salary received, but no limit as to the number of consulates

in any class was fixed. Therefore, if we increase the number in any one class by a transfer we do not change existing law.

Last year the diplomatic and consular appropriation bill appropriated:

For salaries of diplomatic officers and contingent and miscellaneous expenses of foreign intercourse	$595,245
For salaries, contingent and miscellaneous expenses of consular service (not including compensation, rent, and contingent expenses of officers paid by fees)	760,820
	1,356,065

This year the bill appropriates—

For salaries of diplomatic officers and contingent and miscellaneous expenses of foreign intercourse	$645,745
For salaries and contingent and miscellaneous expenses of consular service (including appropriations for fixed salaries, office-rent, and contingent expenses of officers now paid by fees)	1,035,700
	1,681,445

The apparent increase of this bill over last year amounts to about $325,000. Now, if the House will examine the bill it will at once see that while we increase the salaries of consuls to the extent of $125,000, we turn into the Treasury an amount of fees equaling, if not exceeding, that sum. The transfer of the seventy fee-consuls by this bill to places on the salaried list carries along with it an appropriation of $125,000 for their salaries. By the report of the Fifth Auditor there is returned to the Treasury $153,000 in fees by these officers, of which they retain as compensation at least $120,000. So that the House, in adopting this principle, will not actually increase the amount taken out of the Treasury, but will simply establish a new and better system of Treasury book-keeping.

Moreover, it can not be doubted that this transfer will carry with it a direct increase of revenue to the Treasury in the shape of a closer collection of duties. The State Department has placed this advantage, upon the lowest possible estimate, at $150,000; one estimate laid before the committee putting it considerably higher.

I will illustrate by stating one case: A merchant in Russia had endeavored to obtain from the salaried consul at Odessa an undervaluation of an invoice of wool, and the salaried consul refused to certify the invoice. But a neighboring feed consular officer did certify the invoice, and there was a loss to the Treasury of $20,000 on that one shipment.

The House will perceive, by this illustration alone, how great is the advantage to the Treasury of putting these officials upon salaries. You thereby remove the temptation which undoubtedly exists to-day to favor certain merchants in the matter of invoices, and which, as I have said, is estimated to cost the Treasury at least $150,000 a year.

I think I can say here on behalf of the committee that it has been actuated throughout by a spirit of economy, while at the same time it has had no hesitation in recommending to the House the absolutely necessary increases which have been recommended not only by Secretary Bayard but by numerous other Secretaries of State.

There are changes in the bill with reference to the diplomatic service. There is an increase in the salary of our minister to China. This has more than once before been brought prominently to the attention of Congress. Our relations with China are most important in their nature, certainly quite as much so as our relations with Russia or Germany.

Some gentleman may feel it incumbent upon him to raise the point of order against this proposition to increase the salary of the minister to China, but he will find it difficult, it seems to me, to discover what is existing law upon this question. The only law which has attempted to fix the salaries of diplomatic officials, under a systematic organization, was the law of 1856. If we go back to that law we will discover that the minister to Berlin was paid a salary of $12,000, and not $17,500, as now; so that, if the point of order lies against the increase of the salary of the minister to China, it would lie equally against the recommendation which we have repeated here in regard to the mission to Berlin, and so also as to Russia.

But the fact is, Mr. Chairman, that upon an examination of this bill the House will perceive that it can be easily disposed of within a legislative day, and although it is rather later in the day than I had hoped to bring it before the House, yet, unless I find more disposition to debate the bill than there appears to be at present, I will ask that the committee rise for the purpose of limiting the discussion.

Mr. McCREARY. I am a member of the Committee on Foreign Affairs, and desire to submit some remarks to this House. I am not in favor of the increase of salaries recommended by the bill, and hope that debate will not be limited at this time.

This is a very important bill. It has some sweeping increases in it. It doubles the salary of a number of consuls and increases the salaries of some of our foreign ministers. It proposes an increase of the salaries of a number of consuls from $3,000 to $4,000.

The CHAIRMAN. Does the gentleman from New York yield the floor?

Mr. BELMONT. I was somewhat surprised by the gentleman from Kentucky, a member of the Committee on Foreign Affairs, and I did not yield. Of course, if he desires to oppose the bill I shall see that full time be given to him.

Mr. McCREARY. I do not desire—if the gentleman will allow me to correct him—I do not desire to oppose a diplomatic and consular appropriation bill. But I shall oppose the sweeping increase of salaries of this bill.

Mr. BAYNE. I desire to inquire whether or not all points of order have been reserved?

Mr. BELMONT. They have been.

I regret very much, Mr. Chairman, that my colleague on the committee should consider these changes to be, as he terms them, sweeping, and that he should seek to convey the impression that the salaries of some of the consuls had been doubled, if by that he means that the compensation has been doubled. But the House will certainly sustain the committee when it perceives that the compensation has not been doubled. Where a consul has hitherto received a thousand-dollar salary and has engaged in trade and has obtained by virtue of that privilege compensation of which this Government can obtain no knowledge—when he is put upon a salary of $2,000, as in this bill, and is thereby prohibited by a standing provision of law from engaging in trade, I admit that his salary is doubled, but the amount of compensation he receives by virtue of his position is not doubled.

On the contrary I have no doubt it has been the experience of many members upon the floor, as it has been my own, that the changes proposed in this bill have resulted in correspondence showing that the consuls are not satisfied, for they feel themselves somewhat cut down in many instances; and it is true that the committee has not followed out a very natural impulse, which would have been to compensate these officials completely for whatever may be taken away from them by transferring them from one class to another.

Mr. MILLIKEN. Will the gentleman permit me to ask him a question? Do these consuls receive the compensation of which you speak by engaging in a legitimate business or by taking fees?

Mr. BELMONT. Both. There is a class of consuls, called the seventh class, who receive $1,000 salary. Receiving only that amount, they are therefore enabled, under the law, to engage in trade. What pecuniary advantage they may obtain in this way need not be illegitimate; and as to the amount, it can not be well estimated. But the practice is detrimental to the interests of the Government, and there is no difference of opinion as to that fact.

Mr. MILLIKEN. That is just the question I was about to ask; whether it was detrimental to the interests of the Government.

Mr. BELMONT. It is; and as to the feed consuls, those receiving fees up to the amount of $1,000 are also authorized to engage in trade. The last appropriation act provided that all feed consuls receiving over $1,000 should be estimated for by the Department upon the salaried list. That has been done. The result is before the House. The salaries provided are so adjusted as to as nearly as possible compensate the feed consuls by salaries in amount corresponding to the fees which they have hitherto been enabled to retain.

Mr. MILLIKEN. Will the gentleman permit me a question?

Mr. BELMONT. Yes, sir.

Mr. MILLIKEN. I would like to ask the gentleman from New York if there are not some consuls who receive almost no fees at all and take the position for the advantage it gives them in the way of trade; and if the salaries of those consuls are raised so that they shall not take fees any longer?

Mr. BELMONT. Those consuls are placed on the salaried list for the purpose named by the gentleman; that is to say, in order to prevent them from engaging in trade.

Mr. MILLIKEN. That is done in this bill?

Mr. BELMONT. It is done in this bill. And in answer to my colleague, I would only have to repeat what I have already stated to the House, that where we appropriate $125,000 in salaries there is returned to the Treasury $120,000, besides the indirect advantage of placing men in a position where they will not be tempted to undervalue merchandise; because the man upon fees, if he happens to be one of a group of consuls, for instance, all but himself receiving salaries, the man receiving the fees will certainly obtain the custom of merchants who desire to undervalue.

I do not mean to cast any discredit upon our consular service, because that service is entitled to the respect of the House. But we are compelled to take notice of facts within the knowledge of the Department of State and communicated to us upon this subject.

As to the increase in the diplomatic service of which my colleague on the committee spoke, I will say that as to salaries there are but two propositions for an increase; one being the increase of the salary for our minister to China, and the other for the increase of the salary to our minister to the Argentine Republic; and the last named is only a restoration of the salary established in 1856.

Of course if the House chooses to strike out that proposition on a point of order it has the power to do so, though I think some argument may be made to resist it. But as to the changes in the consular service, I do not think that any gentleman can successfully show that these transfers are properly subject to a point of order.

Mr. RYAN. Will the gentleman allow me a question?

Mr. BELMONT. Yes, sir.

Mr. RYAN. I see you have taken from the fifth class and restored to the fourth class Crefeld, Leipsic, and Nuremberg. Why did you not also restore from the fifth to the fourth class Sonneberg?

Mr. COX, of North Carolina. I suggest that those matters will come up when the bill is being considered by paragraphs.

Mr. RYAN. I simply wanted to ask why the same was not done by Sonneberg as was done in reference to the other places I have named.

Mr. BELMONT. I will say, in answer to the gentleman from Kansas, he will remember that in this reorganization we have taken a very large number of consuls; we have examined each case carefully, separately, and no recommendation has been made in the bill not contained in the estimates which must be in the hands of the gentleman himself. And to take up these questions at this stage of the bill it seems to me would be impracticable, because there are many other cases of a similar nature to those which the gentleman now mentions; and there are even amendments which I myself desire to propose. I would, therefore, prefer that any gentleman having such questions to propound to the committee should reserve them until we reach the respective classes in the reading of the bill.

I will say now that I know of several gentlemen who, actuated by the communications they have received from certain of these officials, desire to offer amendments. It seems to me more in order that we should consider these matters of detail when they are reached. If the House desires to enter into a general discussion on the bill, such a discussion should have a limit, and I therefore renew my motion that the committee rise for the purpose of limiting debate.

Mr. REED. How can we limit debate until we know what the nature of it is?

The question being taken on the motion that the committee rise, there were—ayes 31.

Before the negavite vote was taken—

Mr. BELMONT said: I think in view of the disposition shown by the House it may be as well to let the debate run on during the rest of this day.

The CHAIRMAN [Mr. BLOUNT]. Does the gentleman withdraw his motion?

Mr. BELMONT. I do. I reserve the remainder of my time.

Mr. McCREARY. Mr. Chairman, "public office is a public trust," and I believe that every member of this House should, after a fair and candid examination of every question, follow his own convictions. I regret that I have not been able to agree with a majority of the distinguished gentlemen upon the Committee on Foreign Affairs, as regards this bill, but, following my convictions, I am compelled to dissent from them in so far as they increase salaries and expenses.

The total amount appropriated for the diplomatic and consular service for the last year was $1,356,065. The total amount appropriated by this bill is $1,681,445, a net increase of $325,380. If the same rate of increase of salaries and of expenditures was applied to the twelve other general appropriation bills which must be passed this session, there would be an increase of not less than $60,000,000 in the appropriations this year. I submit in this connection a table showing the amounts appropriated by the consular and diplomatic appropriation acts for the fiscal years 1877 to 1887 inclusive:

1877, Democratic House	$1,188,797 50
1878, Democratic House	1,146,747 50
1879, Democratic House	1,087,535 00
1880, Democratic House	1,097,735 00
1881, Democratic Congress	1,180,335 00
1882, Democratic Congress	1,191,435 00
1883, Republican Congress	1,256,655 00
1884, Republican Congress	1,296,255 00
1885, Democratic House	1,225,140 00
1886, Democratic House	1,242,925 00
1887, Democratic House	1,364,065 00

The bill under consideration seeks to appropriate the largest amount ever appropriated to pay the expenses proper for one year of our diplomatic and consular service.

Among the pledges made by the Democratic party two years ago was the pledge to restore economy and reduce expenditures. That party has been in power now for nearly two years, and we can point with pride to the fact that last year expenditures were decreased $17,000,000.

Mr. REED. Where?

Mr. McCREARY. I do not desire to be interrupted.

Mr. REED. I only wanted to know where those seventeen millions came in.

Mr. McCREARY. We can point to the fact that last year our increase in the revenues was $12,000,000 and that we paid nearly $100,000,000 on the public debt. But, sir, to-day we are confronted with an appropriation bill increasing the expenditures for our diplomatic and consular service one-fourth more than they were last year, and that in the face of the good record made by this House as regards the other appropriation bills passed at this session. Compared with general appropriations made last year, the sundry civil bill decreases expenditures three and a half millions, the Indian appropriation bill decreases expenditures half a million, the agricultural appropriations bill decreases expenditures about $90,000, and the pension bill, the Army bill, and the Military Academy bill are about the same in amount as they were last year.

Mr. Chairman, this is not the proper time to increase the salaries of those who hold positions in our diplomatic and consular service. I have great respect for the gentlemen who are now serving this country as foreign ministers and consuls, and I will try to do them justice. From the days when Benjamin Franklin was a foreign minister many of our ministers abroad have performed distinguished service for our country, and I wish to say here and now that many of our consuls are good men. The necessity for rigid economy was never greater in the history of our country than now. Business in many places is depressed, enterprise is stagnant, thousands of laboring men are out of employment, and the products of agriculture are not yielding renumerative prices. Hard times are oppressing the people and pitiless poverty is pinching the poor.

In strange contrast with the times that surround us are the provisions of this bill. What does this bill do? I listened to my friend from New York [Mr. BELMONT] with interest, but he did not state all that is in this bill. The bill shows that the proposed increase for the diplomatic service for the next fiscal year is $50,500. I will show that it goes further than to simply increase the salaries of two ministers, as has been alleged in this debate.

It increases the salary of the minister to China $5,500; it increases the salary of the minister to the Argentine Republic $2,500; it furnishes secretaries of legation (they have never had them before) to the Argentine Republic, Belgium, Corea, the Netherlands, the Roumanian, Servian, and Greek mission, the Swedish and Norwegian mission, Switzerland and Venezuela—the increased expenditure amounting to $12,000; it increases the salary of the interpreter at the Turkish legation $500; it increases the salary of the interpreter at Siam $300; it furnishes a clerk to the London legation at $1,200; it allows $25,000 for the erection of a legation building in Japan; it allows $3,000 for repairs to the legation in Siam, and it increases the amount allowed as the reward for foreign vessels rescuing American seamen $500; making a total increase for the diplomatic service of $50,500.

The bill also shows that the salaries of the seven consul-generals are each increased one-fourth, although these consul-generals are now receiving $4,000 and $3,000 per annum.

It also doubles the salaries of twenty-three consuls, and increases the salaries of thirty-seven consuls from $2,000 per annum to from $2,500 to $3,000 per annum.

I will not weary the House by reading from the list of consuls whose salaries have been increased, but to support my statements I submit as part of my remarks the following table:

Consular service—increase.

Places.	Present salary.	Proposed salary.	Increase.
CONSULS-GENERAL.			
Kanagawa	$4,000	$5,000	$1,000
Panama	4,000	5,000	1,000
Ecuador	3,000	4,000	1,000
Halifax	3,500	4,000	500
Mexico	2,500	4,000	1,500
St. Petersburg	3,000	4,000	1,000
Matamoros	2,000	3,000	1,000
CONSULS.			
Buenos Ayres	2,500	3,500	1,000
Antwerp	2,500	3,500	1,000
Ningpo	3,000	3,500	500
Havre	3,000	3,500	500
Bradford	3,000	3,500	500
Manchester	3,000	3,500	500
Pernambuco	2,000	3,000	1,000
Apia	2,000	3,000	1,000
Bremen	2,500	3,000	500
Chemnitz	2,000	3,000	1,000
Birmingham	2,500	3,000	500
Cape Town	1,500	3,000	1,500
Nottingham	2,500	3,000	500
Symrna	2,500	3,000	500
Montevideo	2,000	3,000	1,000
Aix la Chapelle	1,500	2,500	1,000
Crefeld	2,000	2,500	500
Leipsic	2,000	2,500	500
Nuremberg	2,000	2,500	500
Cardiff	2,000	2,500	500
Hamilton	2,000	2,500	500
Leeds	2,000	2,500	500
Newcastle-on-Tyne	1,500	2,500	1,000
Tamative	2,000	2,500	500
Paso del Norte	1,500	2,500	1,000
Amsterdam	1,500	2,500	1,000
Rotterdam	2,000	2,500	500
Odessa	2,000	2,500	500
Maracaibo	2,000	2,500	500
Gaboon	1,000	2,000	1,000
Mozambique	1,000	2,000	1,000
St. Paul de Loando	1,000	2,000	1,000
Ghent	1,000	2,000	1,000

Consular service—increase—Continued.

Places.	Present salary.	Proposed salary.	Increase.
CONSULS—continued.			
Bahia	$1,500	$2,000	$500
Rio Grande do Sul	1,000	2,000	1,000
Para	1,500	2,000	500
Talcahuano	1,000	2,000	1,000
Levuka	1,000	2,000	1,000
Algiers	1,000	2,000	1,000
Nantes	1,000	2,000	1,000
Nice	1,500	2,000	500
Stettin	1,000	2,000	1,000
Bombay	1,000	2,000	1,000
Gaspé Basin	1,000	2,000	1,000
Quebec	1,500	2,000	500
Sierra Leone	1,000	2,000	1,000
Turk's Island	1,000	2,000	1,000
Windsor	1,000	2,000	1,000
Cape Haytien	1,000	2,000	1,000
Ruatan and Truxillo	1,000	2,000	1,000
Venice	1,000	2,000	1,000
Guayamas	1,000	2,000	1,000
Nuevo Laredo	1,000	2,000	1,000
Piedras Negras	1,000	2,000	1,000
Zanzibar	1,000	2,000	1,000
Batavia	1,000	2,000	1,000
Santiago	1,000	2,000	1,000
Tahiti	1,000	2,000	1,000
Cadiz	1,500	2,000	500
Christiania	1,000	2,000	1,000
Total	118,000	174,000	56,000

The bill increases the salaries of about one-half of the salaried consuls now in office, and it creates seventy new salaried consuls. At these places consuls who have heretofore been paid by the fees collected by them will, if this bill be passed as reported, be paid out of the Treasury of the United States. I submit in this connection the following table:

Increased salaries of regular consuls	$56,000
New salaried consuls	125,000
Contingent expenses for new salaried consuls	50,000
Increase for clerks at consulates	16,080
Increase interpreters and marshals at consulates	5,000
Consular inspectors	18,000
Publication of consular reports, increase	5,000
Total	275,080

I ask members of the House to recollect that I have already shown that the salaries of the diplomatic service and amounts for legation buildings have been increased $50,500. If, then, the salaries of the consular service are increased $275,080, it makes an aggregate increase in round numbers of $325,000.

Mr. HITT. The gentleman does not mean that the whole of the $275,000 is for the increase of the consular salaries. Of course he understands that it includes the purchase of buildings.

Mr. McCREARY. The purchase of buildings is included, as the gentleman suggests. If the gentleman so desires I will read the items to which I refer.

Mr. HITT. Oh, no. I knew the gentleman wished to be correct in his statement, and I was fearful an erroneous impression might be created.

Mr. McCREARY. Mr. Chairman, I have not had time to examine carefully each proposed increase of salary; I have examined, however, seventeen of those, and to those I wish now to refer. Here are seventeen cases where it is proposed to increase the salaries of consuls. I have here a table, taken from the Fifth Auditor's report, showing the present salary, the proposed salary, the amount of increase, and the fees collected last year. This table shows that at Buenos Ayres the present salary of our consul is $2,500. It is proposed by the committee to increase it to $3,500—an increase of $1,000. Yet the whole amount of fees collected there last year amounted to only $1,863.50. At Cape Town, Africa, the present salary of our consul is $1,500. It is proposed in this bill to double that salary, making it $3,000. Yet there was collected there last year by our consul in fees only the pitiful sum of $325. At Cardiff the present salary is $2,000. It is proposed to increase it to the extent of $500. The amount of fees collected there last year was only $288.

At Odessa—and I am glad now to come to Odessa—the present salary is $2,000. It is proposed by the bill under consideration to increase it to $2,500. The whole amount of fees collected there last year, according to the report of the Fifth Auditor, was only $185. As I understood the remarks of the distinguished gentleman from New York [Mr. BELMONT] he said that a large amount of money was to be saved at Odessa by the change he proposes in this bill.

Mr. BELMONT. Will the gentleman permit me a moment?

Mr. McCREARY. Yes, sir.

Mr. BELMONT. I think it would be a mistake to suppose that the smallness of the fees at any consulate is an indication that the office is not important. There are important consular positions where the fees are very small.

Mr. McCREARY. I do not yield for a speech. I yield for a question.

Mr. BELMONT. Then if the gentleman from Kentucky will permit me I will ask him this question: Does he know that the case which I mentioned of Odessa, where I spoke of the saving to the Treasury, was a case where a consul received fees, possibly small in amount, but because he received fees he undertook to undervalue a shipment to the extent of $20,000, his neighboring American consuls who received salaries having refused to make that undervaluation? I say that by putting a consul in the neighborhood of this consul at Rustchuk, upon a salary, you remove the temptation to undervaluation.

Mr. CURTIN. The cure for that is to get an honest man in the office.

Mr. McCREARY. It appears that this consul at Odessa was receiving part of the fees collected, and according to the statement of my friend, acted badly if not dishonestly. That man, if he acted badly or dishonestly as a feed consul, would do the same if he were a salaried consul, or would be a little more liable to misbehave in that way. Therefore the remedy is to put in a new consul——

Mr. BELMONT. That has been done.

Mr. McCREARY. And a Democrat, if there is not one there now.

Mr. Chairman, I wish also to refer, in this connection, to the proposed increase of the salary of the consul at Gaboon. The present salary is $1,000. It is proposed to double that salary, making it $2,000. Yet the whole amount of fees collected at Gaboon last year was $7.50. At Levuka the present salary is $1,000. It is proposed to double the salary. Yet the whole amount of fees collected at Levuka last year was $2.50. At Talcahuano, in Chili, the present salary is $1,000. The committee proposes to double the salary. Yet the whole amount of fees collected there last year, according to the report of the Fifth Auditor, was $29.50.

At Bombay last year the salary was $1,000. It is proposed here to double it, and pay $2,000; and yet the whole amount collected at Bombay last year was $390. At Gaspé Basin, under the present compensation, the salary of the consul is fixed at $1,000, and it is proposed to double it here, while the amount last year collected was $57. At Sierra Leone the present salary of the consul is $1,000, proposed salary is $2,000, and the fees collected by our consul last year was $97.50.

Mr. REED. Let me ask the gentleman a question?

Mr. McCREARY. Yes, sir.

Mr. REED. At whose recommendation were these changes made?

Mr. McCREARY. The majority of the Committee on Foreign Affairs reported this bill.

Mr. REED. Did they have any recommendation from the Secretary of State; or if not, from whom?

Mr. McCREARY. They had some estimates furnished by the Secretary of State.

Mr. SINGLETON. In almost every case.

Mr. REED. Are these changes made in conformity to the estimates?

Mr. McCREARY. I think some of them are; I do not know about all of them. I know the committee did not comply entirely with the recommendations of the Secretary of State.

Mr. REED. I think if you will give us the benefit of the Secretary's recommendations wherever you know them, it would be a favor to the House.

Mr. McCREARY. There is a Book of Estimates to which I would most respectfully refer the gentleman from Maine.

Mr. REED. I should like to have them in connection with your remarks.

Mr. BELMONT. Will the gentleman permit me to ask him a question?

Mr. McCREARY. Certainly.

Mr. BELMONT. Does not my colleague on the committee know that all of these recommendations were made at the State Department—not only by the present State Department, but by previous State Departments? And does he not also know that the purpose of increasing the salary of these consuls, say for instance, at Gaboon, where the sum was formally $1,000, was not to make up any difference to the consul in the fees of which he is deprived if this bill becomes a law—for he receives a very small amount of fees—but, coming within the $1,000 class, he thereby is enabled to engage in trade? And does not my friend know further, that the reason of the increase is to withdraw him from the $1,000 class, otherwise known as the "trading class?"

Mr. McCREARY. Mr. Chairman, I know that there are many good and well-equipped men who are seeking these places at the present salary, who are willing to take them as they are now paid; and therefore I see no necessity for a change.

Mr. Chairman, I shall not weary this House by reading this list any further. I have a number of other places to which I had intended to refer, where the consuls are receiving but $1,000 per annum, and where it is proposed by this bill to double the salaries, although they are collecting in fees less than $500 per annum, or I may say from $500

down to $2.50 per annum. I present a table to support my statements as regards proposed salaries and fees collected:

Place.	Present salary.	Proposed salary.	Increase.	Fees collected in 1886, as shown by Fifth Auditor's Report.
Buenos Ayres, Argentine Republic	$2,500	$3,500	$1,000	$1,863 50
Pernambuco, Brazil	2,000	3,000	1,000	973 50
Apia, Friendly Islands	2,000	3,000	1,000	209 25
Cape Town, Africa	1,500	3,000	1,500	325 00
Cardiff, Great Britain	2,000	2,500	500	288 00
Tamative, Madagascar	2,000	2,500	500	26 00
Odessa, Russia	2,000	2,500	500	185 00
Gaboon, Africa	1,000	2,000	1,000	7 50
Levuka, Fiji	1,000	2,000	1,000	2 50
Talcahuana, Chili	1,000	2,000	1,000	29 50
Bombay, India	1,000	2,000	1,000	390 00
Gaspé Basin, Canada	1,000	2,000	1,000	57 00
Sierra Leone, Africa	1,000	2,000	1,000	97 50
Santiago, Cape Verde Islands	1,000	2,000	1,000	248 00
Nantes, France	1,000	2,000	1,000	566 50
Venice, Italy	1,000	2,000	1,000	570 50
Algiers, France	1,000	2,000	1,000	467 75
Total	24,000	40,000	16,000	6,307 00

The table shows that we are paying our consuls at the seventeen places named $24,000 per annum, and yet it is now proposed to increase their compensation to $40,000, although the whole amount of money collected for the Government by them in only $6,307. If the bill passes and becomes a law they will receive six times as much in salaries as they now collect.

Mr. Chairman, I understood the distinguished gentleman from New York to say that the substitution of salaried consuls for officials heretofore paid by fees would put into the Treasury $150,000 more than is put in under the present system. I hold in my hand a carefully prepared table, showing the proposed salaries of these new consuls, and the amounts they collected in the way of fees during the last fiscal year. I shall not weary the House by reading it all over, but submit it as a part of my remarks, and it will be printed in the RECORD.

It shows that fifty-one salaried consuls are proposed in this bill in lieu of officials now compensated by fees. It shows also that nineteen salaried consulates are proposed at places where there are now simply consular agents, making in all seventy, and adding up the proposed salaries and all the fees collected, we find that the proposed salaries for the seventy new consuls amount to $125,000. The fees collected last year by these consuls amounted to $140,841. Therefore the fees collected last year only exceed the proposed salaries about $15,000, and if we leave out of this calculation the fees collected at St. Galle, $7,910, and Annaberg, $7,952, there is substantially no difference between the proposed salaries and the fees collected.

Salaried consuls proposed in lieu of certain ones now compensated by fees.

Places.	Proposed salary.	Fees received during fiscal year 1886.
Santos	$2,500	$2,048 66
Barranquilla	2,500	2,963 50
Annaberg	2,500	7,952 50
Dusseldorf	2,500	1,827 50
Mayence	2,550	4,411 50
Brunswick	2,500	5,087 50
Dunfermline	2,500	3,051 50
Hull	2,500	1,273 25
Barracoa	2,500	1,094 50
Cardenas	2,500	1,441 00
St. Galle	2,500	7,710 00
Rheims	2,000	2,645 00
St. Etienne	2,000	2,639 50
Kehl	2,000	2,104 00
Belize	2,000	584 25
Chatham	2,000	2,892 50
Port Stanley and St. Thomas	2,000	3,032 00
Sherbrooke	2,000	4,395 00
Trinidad	2,000	1,777 98
Curaçoa	2,000	1,219 05
Horgen	2,000	2,951 00
Rosario	1,500	592 00
Cognac	1,500	1,887 50
Limoges	1,500	1,027 50
Roubaix	1,500	1,422 50
Rouen	1,500	1,490 00
Breslau	1,500	1,812 50
Belleville	1,500	1,508 00
Coaticook	1,500	661 00
Collingwood	1,500	742 50
Guelph	1,500	2,857 75
Morrisburgh	$1,500	$1,086 50
Newcastle, Australia	1,500	457 50
Port Hope	1,500	1,869 50
Port Rowan	1,500	1,573 50
Sorel	1,500	786 50
St. Christopher	1,500	1,089 00
St. Haycinthe	1,500	1,630 50
Stanbridge	1,500	990 00
Three Rivers	1,500	2,313 00
Wallaceburg	1,500	1,272 50
Woodstock	1,500	1,356 50
Castelmare	1,500	1,690 00
Catania	1,500	1,531 85
Merida	1,500	1,127 50
Moscow	1,500	703 50
Mayaguez	1,500	146 00
San Juan de los Remedios	1,500	436 50
Gothenberg	1,500	1,307 00
Stockholm	1,500	1,241 50
Carthagena	1,500	1,495 25
Totals	92,500	101,147 54

Salaried consulates proposed at places where there are now consular agents.

Places.	Salary for 1886.	Proposed salary.	Fees collected in 1886.
Reichenberg	$1,000 00	$2,500	$4,123 00
Charleroi	1,000 00	2,000	2,237 50
Furth	1,000 00	2,000	3,767 50
Glauchau	1,000 00	2,000	3,010 00
Brockville	250 00	2,000	552 50
London, Ontario	102 33	2,000	1,554 50
Stratford	1,000 00	2,000	3,078 50
Brunn	240 00	1,500	1,240 00
Gera	1,000 00	1,500	2,171 50
Farnham	48 50	1,500	1,048 50
Huddersfield	1,000 00	1,500	4,920 50
Kidderminster	645 00	1,500	1,645 00
Leicester	602 50	1,500	1,602 00
Paris, Canada	308 50	1,500	1,308 50
Point Levi	656 00	1,500	1,656 00
St. Helen's	1,000 00	1,500	2,155 00
Swansea	52 50	1,500	1,052 50
Jerez de la Frontera	382 50	1,500	1,382 50
Chaux-de-Fonds	187 50	1,500	1,187 50
Totals	11,475 33	32,500	39,693 50

I believe whenever you say to those men who are now being paid by fees that they are to receive fixed annual salaries they will become careless about the fees. That is the history of all such officers. Whenever you say to them you shall draw a salary twice as high as you received before, there is danger that they will then become careless and indifferent as regards the amount collected by fees, and the amount received from the seventy consuls will not probably equal what it was at the end of the last fiscal year. We have been going on for many years under the present system. There is no pressing demand for the substitution of salaried consuls for feed consuls, and I do not believe the change will add to the wisdom or efficiency of our consular service.

Mr. BELMONT. Will my friend allow me a question?

Mr. McCREARY. Yes, sir.

Mr. BELMONT. Does the gentleman suppose when he says that by putting feed consuls upon the salaried list no benefit will accrue to the service? Does he suppose that his experience upon that is better than that of every Secretary of State since Monroe? And does he imagine that the House will retrograde in this matter because from year to year consuls have been transferred from the feed to the salaried list? And what the committee now proposes to do is to take a longer step in advance. That is all. It is nothing new.

Mr. McCREARY. I do not propose to put my knowledge against the views of the various Secretaries of State to whom my friend from New York refers. But I am willing to stand with all the members of Congress since Monroe's time who have universally refused to do it.

Mr. LONG. Can you show what connection there is between the salary of the consul and the amount of fees he collects?

Mr. McCREARY. As a general rule if there is much business done there will be good fees. If there is no business of any consequence done the fees will be insignificant, amounting as they do in one case cited to $2.50 per annum.

Mr. Chairman, I am compelled to dissent to one statement made in the report filed by a majority of the committee, and I only refer to it because I fear that some of my colleagues might be misled by it. Near

the close of the report is this statement in reference to the change from the fee system to the salaried system:

Estimated gain to Treasury from increased collections, $150,000.

I do not believe any member of this House or of the committee can show that the gain to the Treasury, if this bill becomes a law, will amount to $150,000.

I have carefully made an estimate, and if you leave out St. Galle and Annaberg the fees amount to about the same as the salaries. I do not see how there can be a gain to the Treasury from increased collections amounting to $150,000 as stated in the report.

Mr. BELMONT. As the gentleman from Kentucky has called for explanations and challenges any member of the committee to give them, it seems to me only proper that at this time an answer should be made. I think my friend is mistaken as to the meaning of that phrase. He clearly is. The Department has made this estimate most carefully, not as to the amount of fees returned or anything of the kind; it is simply an estimated gain to the Treasury by reason of honest invoices. That is what it means.

Mr. McCREARY. The majority report says:

Estimated gain to Treasury, $150,000.

When the gentleman comes to occupy the rest of his time I will be glad if he will show this House in what particulars the gain of $150,000 is made. It would be just as easy to say $300,000.

Mr. BELMONT. Will not my friend be kind enough to read what is said there? It does not say——

Mr. McCREARY. I have read it in full—

Estimated gain to the Treasury from increased collections——

Mr. BELMONT. "Increased collections;" that is to say——

Mr. McCREARY. When the gentleman from New York comes to occupy the rest of his time I want him to show how there will be an increase of collections amounting to $150,000, and give the particular cases.

Mr. BELMONT. If the gentleman will permit me to do so now, I will.

Mr. McCREARY. If the gentleman can give me the particular cases I will hear him now.

Mr. BELMONT. The question only proves——

Mr. McCREARY. I do not want any general answer. I want the places where the increase will occur.

Mr. BELMONT. The question of my friend only proves, I am sorry to say, that he does not understand what this means.

Mr. McCREARY. Mr. Chairman, I decline to be interrupted any further. I shall not go to the distinguished gentleman from New York for information after the speech he made to-day in regard to the pending bill; for I think my friend does not understand it himself.

Mr. BELMONT. I am very sorry——

Mr. McCREARY. I decline to be interrupted any further.

Mr. BELMONT. Very well.

Mr. McCREARY. Mr. Chairman, commerce does not depend on consuls. Our diplomatic and consular system amounts to but little in regard to improving our commerce—only a bubble in the great movement of commerce. What we need in order to make commerce and revive shipping in this country is a fair revenue law. Taxes should be removed from the articles used in the construction of our ships, so as to make it to the interest of our people not to invest alone in untaxed bonds, but to invest also in ocean sailing vessels, which ought to be built as cheap in this country as in any other country in the world.

The gentleman from New York [Mr. BELMONT], in the course of his remarks, said that the increase of the salaries of consuls was made because of a section in the diplomatic and consular bill passed last session. I will read that section, because that is an important point. In the last diplomatic and consular bill, passed at the first session of the Forty-ninth Congress, is the following language:

And in the estimates for the fiscal year ending June 30, 1888, there shall be estimated for specifically, under classified consulates, all consulates and commercial agencies where the fees collected or compensation allowed for the fiscal year ending June 30, 1886, exceeds $1,000.

That clause only refers to the estimates for the fiscal year ending June 30, 1888, but it does not require the substitution of salaried consuls for officers heretofore paid by fees. For the benefit of my friend from New York, who I fear has never seen it, I will read him the law which now regulates the pay of our consuls in the United States, and then he will see that the bill under consideration contains new legislation.

Here is the law under which we pay our consuls and which regulates our consular service so far as payment is concerned. I read from the supplement to the Revised Statutes of the United States, page 401.

And the salaries provided in this act for the officers within named respectively shall be in full of the annual salaries thereof from and after the 1st day of July, 1879, and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. HOLMAN. Is that the act of 1879?

Mr. McCREARY. Yes, the act approved January 27, 1879. That is the law to-day, and any attempt to change that law in this appropriation bill is in violation of the rules of this House.

Mr. Chairman, I see no necessity for the increase of salaries as provided in this bill. I see no necessity for the change that is sought to be made so as to substitute salaried consuls for officials heretofore paid by fees. Where does the demand come from? I hear of no demand coming from those who take an interest in the improvement of our diplomatic and consular service beyond our committee and the Secretary of State. Is it necessary to increase the salaries and make the change in order to find men who will take diplomatic and consular positions? Sir, if I am correctly informed, not less than ten—probably from ten to fifty—patriots are to-day anxious to take each of these places as consuls and consuls-general.

There is probably no member on this floor who can not furnish an intelligent, patriotic, well-equipped gentleman to take any one of these places at the present salary. I hear members on all sides respond that they have constituents who are anxious to accept the places at the present salaries. [Laughter.]

But will any evil consequence follow from not passing the bill as it is reported by the committee? Will any of these consuls who have been feasting and fattening, many of them for years, in good offices resign? That would be a great calamity, Mr. Chairman—to them, if not to the country. But I do not believe they will resign. If they do, however, there will spring up in every part of this great Republic good and worthy men ready to take the places at the salaries now paid.

Mr. BOUTELLE. Or at a liberal discount.

Mr. McCREARY. But, Mr. Chairman, while I am on this subject I may as well read something about the class of gentlemen who have in days gone by represented us so well in the consular service. There was a time only a few years ago when the House of Representatives and the Senate passed a bill which authorized the appointment of two consular inspectors to make the grand circuit and visit all our consuls in Asia, Egypt, South America, and in other countries.

Many gentlemen present are probably well acquainted with one of the gentlemen appointed for that purpose, and will recognize the name of Mr. De B. Randolph Keim. He was appointed by President Grant under an act of Congress to visit the consulates, and he made a report, which I hold in my hand. I may remark in passing that the bill also authorized the appointment of another inspector, and an able and distinguished gentleman of this city, known, I believe, as Dr. Newman, was appointed, and he, too, made the grand march around among our consulates and came back, but, so far as the world knows, he has never yet made a report to tell the country what he discovered.

Mr. CALDWELL. But he got there all the same.

Mr. McCREARY. He certainly had the enjoyment of a trip around the world.

Mr. Chairman, I hold in my hand, as I have said, the only report that was made by these visitors, and that was made by Mr. Keim. I will not weary the House by reading the whole report, but will read simply the concluding remarks of the distinguished gentleman, Mr. Keim, after he had traveled 43,000 miles, and had drawn his salary, amounting to over $5,000.

Mr. ALLEN, of Mississippi. How many pages are there of the report?

Mr. McCREARY. Four hundred and forty-one.

Mr. McCREARY. The concluding passage of the report is as follows:

I have endeavored to point out concisely some of the irregularities and abuses which have made the consular service of the United States so notorious throughout the world. It will have been seen that there was not a single consulate at which a complete set of record-books from the beginning, as required by regulations, was to be found.

The officers, as a rule, at the time of my visit had been obliged to open their books anew, or had had it done by a subordinate. Almost every consulate had some defects in its history, owing to the incompetency, low habits, and vulgarity of some of it officers during the endless round of evils incident to official rotation.

Abuses had been committed in the collection of fees; in the exercise of judicial powers; in the adjustment of the business affairs of American citizens; in the settlement, where permitted, of the estates of intestate American citizens dying abroad; in selling the American flag; in "running out" ships; in discharging seamen; in affording relief or medical attendance to destitute or sick American seamen; in establishing American settlements abroad; in issuing illegal passports; in countenancing shipping-masters; in taxing Chinese emigrants. Indeed, the most important feature of my investigation was the ingenuity displayed by consular officers since the act of 1856, particularly in defrauding the Government and grasping gains from various outside sources besides. If all could be told of the consular service of the United States, as illustrated in the conduct of its officials, the excess of bad over good would be so great that the most cold and indifferent citizen would blush for the name of his country.

Mr. SINGLETON. If such be the state of things, does not the gentleman think it is time we should endeavor to remedy it?

Mr. McCREARY. I do.

Mr. SINGLETON. That is just what we are trying to do.

Mr. McCREARY. But I do not think the proper remedy is to increase the salaries of the men who have been acting in that way.

Mr. SINGLETON. You say that they have acted badly; that they have been driven to resort to all sorts of means to make a living——

Mr. McCREARY. But I do not wish to increase their salaries.

Mr. SINGLETON. We need to get honest men for the offices, and then pay them properly for their services.

Mr. McCREARY. So I think.

Mr. SPRINGER. What is the date of the report to which the gentleman referred?

Mr. McCREARY. The date is 1872.

Mr. Chairman, I do not wish to say anything improper about our

foreign ministers and consuls. As I said before, among them are a great many good men—intelligent, accomplished, able men, who are a benefit to our country, and who are discharging their duties faithfully and properly, and whose accounts come up to the Fifth Auditor in proper shape. But it is well known that among our consuls are some men who are more ornamental than useful. I believe it was a very appreciative poet who said on one occasion—

The violet loves a sunny bank,
The cowslip loves the leas,
A minister loves a glittering rank,
And a consul loves his ease.

Several MEMBERS. His fees! [Laughter.]

Mr. McCREARY. Some points have been referred to by my distinguished friend from New York, to which I desire now to allude specifically. This bill proposes certain specific things which I wish to discuss. In the first place it increases the salary of our minister to China $5,500. There is to-day no greater necessity for the increase of the salary of the minister to China than for the increase of the salary of the minister to Mexico. To-day there are but five hundred or six hundred American citizens in all the Chinese empire. In Mexico there are thousands of American citizens, and we have much trade and business with the citizens of our neighboring republic. Why, then, should we increase the salary of the minister to China and not increase the salary of the minister to Mexico? I do not believe there is any necessity for increasing the salary of our minister to China, and I am opposed to it. As this country has progressed our ministers to the Argentine Republic, to Belgium, to the Netherlands, and to other places named in the bill have gotten along very well without secretaries of legation. They have clerks, and that is enough. Yet this bill allows for secretaries of legation at the places named—an increase of $12,000.

Besides, the bill allows $25,000 for the erection of a legation building in Japan. Shall we now commence to erect gorgeous legation buildings in all foreign countries to which our ministers are sent? If we are to do this, if that is the wisdom of this country, if that is the way to get a wise and efficient diplomatic service, and this House says it shall be done, then, though I oppose it, I would bow my head and submit. Whenever you appropriate $25,000 to erect legation buildings at Japan, you open the door to the erection of legation buildings in every country to which we send a minister. I see no reason why to-day we should commence the erection of a building in Japan to be used as a legation building. We have not in all this world a legation building except, I believe, a common kind of a house at Siam which was given to us; and if I had been here at the time I should have opposed the acceptance of that gift.

This great country, with its millions of population and millions of wealth and millions of surplus in the Treasury, should not be dependent upon the bounty of the Emperor of Japan or the King of Siam for a little ground or a small house as headquarters for our ministers. And now they come to ask us to accept ground from Japan and to appropriate $25,000 to erect a building on that ground. I am opposed to the appropriation of money for the erection of legation buildings abroad for the entertainment of our ministers.

Mr. HOPKINS. Will the gentleman give us the reasons for his opposition?

Mr. McCREARY. For a hundred years distinguished ministers, from Benjamin Franklin to the present, have represented us abroad with ability and credit. It has not been necessary, in carrying out our republican simplicity, to ape the customs of effete aristocracy of any country.

Mr. HOPKINS. Is that the only reason the gentleman can give?

Mr. McCREARY. I think that is sufficient.

Mr. HOPKINS. Then you would have had President Cleveland inaugurated with the same simplicity that attended the inauguration of Jefferson, and would have him receive the same salary?

Several MEMBERS. Yes.

Mr. McCREARY. If Mr. Cleveland had been inaugurated with the same simplicity as was Mr. Jefferson, I should have made no objection.

Mr. HOPKINS. You are dodging the question.

Mr. McCREARY. After the Democratic party had been out of power for twenty-five years and elected a Democratic President, I can see no reason why they should not come here and rejoice that they had driven the Republican party out of power and put a Democratic President in the White House.

Mr. Chairman, I wish to refer to another item in this bill. The item with regard to consular inspectors. I have already adverted to Mr. Keim and Dr. Newman, who were appointed consular inspectors, one of whom made a report and the other did not.

This bill proposes to appropriate $18,000 to pay two other consular inspectors. It authorizes them to make a tour around the earth to visit all our consuls.

Mr. Chairman, I have read with interest Humboldt's Cosmos. In my reading I followed General Grant in his tour around the world with great delight. Last summer I listened to an evangelist and missionary with pleasure as he detailed how he had preached and praised the Lord all over the globe. But these consular inspectors will have to visit more places than were visited by either of the gentlemen to whom I have referred. They will have to leave this country and journey toward the rising sun. They will, perhaps, have to visit the sunny scenes of Italy and the lowlands of Scotland. They will probably pass over the vine-clad valleys of the Rhine. They will visit the republics of Central and South America, whose representative men we are so anxious to have come and meet us in this beautiful Capital city. [Applause.] They will visit hundreds of consuls and listen to the music of many languages. They will hobnob with sovereigns, and perhaps be humbugged by tradesmen. They will, doubtless, ride with titled noblemen, dine with dignified dames, and dance with Persian princesses. [Great laughter.]

They will go, Mr. Chairman, in the discharge of their duty from the ice-clad altitudes of Chimborazo down to the equatorial line, and from the heights of the Andes, near where the yawning chasms of the Cordilleras sparkle with gems and jewels, all round to the smiling vales found in other parts of this world. But at last they will return, realizing, no doubt, as we all realize, that beyond all lands they have visited this great Republic is the grandest and the dearest. [Applause.] And, Mr. Chairman, they are to get for that journey all over the globe $4,000 per annum and expenses paid. [Laughter.] Now, in the light of what has happened in the past, in the light of what is contained in Mr. Keim's report, and what we know about Mr. Newman's grand tour round the world, where is the necessity for appointing two such inspectors at $4,000 a year as recommended by a majority of the committee?

I for one, Mr. Chairman, think the time has come when, instead of increasing appropriations, as this bill does, we should turn our attention to more important matters. We should, in my judgment, give our attention to complying fully and completely with the pledges we made to the people. We should restore economy. We should see that expenses are reduced. We should look to the rebuilding of an adequate and efficient navy. We should foster and encourage labor. We should especially provide for the restoration of our commerce to what it ought to be. And in that view we should begin the long-deferred reform of our tariff legislation.

Those are the questions, Mr. Chairman, we should turn our attention to now, instead of increasing salaries of our diplomatic and consular officers. [Applause.]

Mr. COX, of North Carolina. Mr. Chairman, I have listened with interest to my esteemed friend from Kentucky [Mr. McCREARY], and when discussing a subject with which he is thoroughly informed it would gratify me to follow him. I dislike to differ with him on this bill, but he will pardon me for seeking the most reliable information on so important a matter. When gentlemen were engaged during the past year in canvassing among their constituents they can not claim to be as familiar with our diplomatic and consular service as the able and distinguished Secretary who worthily fills the Department of State, and his corps of assistants, some of whom have devoted the greater part of their lives to this service. I therefore repeat I prefer to look to the State Department for information on the matters now before the committee rather than to the gentleman from Kentucky. I appreciate the force of his eloquence on a constituency not familiar with the duties and responsibilities of our foreign service, and even fear its effects upon this House were we not to be controled by facts rather than appeals to prejudice.

But we are called on to treat of great and important public questions—a branch of the service that relieves the toiling masses of this country from direct taxation, and through import and other duties fills the redundant coffers of an overflowing Treasury. Our diplomatic representatives reside at foreign courts; strictly watch over our relations with other governments, and protect and guard the rights of American citizens who may visit those countries for traffic or pleasure. They are the means of often averting foreign wars as well as giving to our nation valuable information which could not otherwise be secured.

The consular corps of the United States is divided by law into different classes. There are consuls who invariably receive salaries, and others who are paid by fees. Then there are consular agents who receive salaries, while others without exception are compensated by fees, while the vice-consuls receive no fixed salaries, and receive no compensation except in the absence of the chief.

The committee has made no recommendation in regard to the diplomatic service other than as to the minister to China and to the Argentine Republic. The increase of salaries recommended in these instances, in my opinion, must upon a brief examination be made manifest to all.

Some thirty years ago England and France were bombarding the ports of China for the purposes of conquest and to secure commercial intercourse. Up to this time these people had closed their ports and held comparatively little intercourse with the outside world.

Since that time no nation has made greater progress in arts and arms and commerce than these people. Her imports in 1884 amounted in round numbers to about $75,000,000. Her imports of cotton goods alone were about $22,000,000, not including $1,800,000 for raw cotton, besides $4,000,000 for woolen goods. Her exports were chiefly tea, silk, &c. I regret to find that her commerce with this country was not as great as our resources entitled us to expect. Still, it is improving.

China has a population ranging from four hundred to four hundred and fifty million, while her territory embraces about one-ninth of the

habitable globe. The expense of getting to that country and the cost of living when once there are to be taken into consideration in fixing salaries.

A consular officer who for many years lived in China says, substantially, the Chinese are a people punctillious in all that relates to official etiquette and prone to judge of a people by the tone of her representatives. Foreigners have not been slow to appreciate these Oriental characteristics, and by organizing their services on a lavish scale have secured for themselves protection and development for which we ask in vain.

The Chinese soldier, who was once content to confront his enemy with the beating of gongs and the parade of elephants, under the discipline of the finest European officers, has been transformed into a dangerous adversary, as the French learned to their cost in the Tonquin war. This nation, quick to appreciate and apply the missiles of destruction of her more enlightened neighbor, has now the most approved small-arms, with the largest guns frowning from her forts, while her war vessels have not been neglected.

The immigration of large numbers of Chinese to this country, with our efforts to exclude them by force and by treaty, as well as the treatment of our missionaries and traders in that country, have presented some of the most delicate and difficult political questions in our diplomatic intercourse. In our treaties with that nation we have been met with a generous and liberal spirit. We have been prompted by no spirit of aggrandizement, and hence they have felt confident of our disposition to deal fairly by them. It is insisted that it is not unreasonable on the part of this committee to recommend that we should send to China a first-class minister as we do to four of the leading powers upon the continent of Europe.

In regard to the recommendation to increase the salary of the minister to the Argentine Republic my opinion is not so decided. She is one of the sister republics of South America, who, being near our doors, it behooves us to cultivate the most intimate relations with, as well as with all South American republics, and also with Brazil. Her imports amounted in 1884, in round numbers, to $94,000,000, and consisted of foods and drinks, textiles and clothing, wearing apparel, and furniture. Her imports from the United States amounted to only $7,500,000. Indeed, when we see the limited amount of commerce carried on between this country and our South American neighbors we are forcibly impressed by the advantage to be derived from closer social, political, and commercial relations.

The annual trade of the whole South American states amounts to about $1,500,000,000 per annum, from which the United States imports about $85,000,000 and exports not one-third of the amount in return. It is not singular, therefore, that there should be depression at home when our manufactures are accumulating without a market and our grain and food products are confined virtually at home. I therefore do not consider that the committee has been extravagant in recommending an increase of the salary of the minister to the Argentine Republic, which is annually becoming more and more commercially allied to the United States than any other of her neighboring sisters.

One of the most important auxiliaries to our foreign commerce is our consular service. As is stated in Executive Document No. 121, Forty-eighth Congress, first session, "other countries commenced, as we did, by appointing merchants as consuls, generally leaving the nomination for the position to the most prominent merchants where the office was to be established." This system has to a large extent been abandoned by all countries, and entirely by many. Paid consuls have been appointed in their places, who are selected by the governments which appoint them. They should be appointed not only when our country has already established its trade, but a wise and statesmanlike policy would dictate that when there is a prospect of opening our trade they should be sent forward to compete with others by attempting to secure it for their country.

The gentleman has read from a report made to this Government by inspectors appointed under the administration of General Grant, in which one of the inspectors reports the service to be in a most demoralized and deplorable condition, and yet he resists the appointment of inspectors provided for by this bill. If our consuls are to be free from such supervision, what is the remedy for the evils he would have us believe exist?

Mr. McCREARY. Will the gentleman allow me to interrupt him?

Mr. COX, of North Carolina. With pleasure.

Mr. McCREARY. My remedy is to turn out bad men and put in good men.

Mr. COX, of North Carolina. Who shall judge whether they are good or bad men?

Mr. McCREARY. I am not willing to leave it to you.

Mr. COX, of North Carolina. No, I would not be willing to assume the responsibility myself.

Mr. McCREARY. It is a rule of law that no man should be a judge in a case in which he is interested.

Mr. COX, of North Carolina. The gentleman from Kentucky has said he would apply the remedy by turning out bad men and putting good men in office. That is the evil that makes calamity of such long life. Who can say whether a man is a good or bad man when appointed? Shall it be the politician that recommends the appointment, or accommodating neighbors and friends who indorse for him? Experience would teach me to say, the character of the indorsement is not an invariable test of merit. There are motives underneath which need not always be bad.

But if only good men were appointed what is the disadvantage of having them inspected? Temptation might induce even such to occasionally step aside. "Deliver us from temptation" is one of the most wholesome as well as comprehensive invocations that can be offered up. Every branch of the Government at home has its inspector, and experience has shown the necessity for and the wisdom for such appointments. It is true that these duties are presumed to be performed by the consuls-general. But they are often unsatisfactory and ineffective, while the inspectors would be accountable directly to the Secretary of State. Our consuls are distributed all over the civilized world. While exposed to temptations they are without the restraints which the eyes of neighbors at home impose upon those among us.

How long could a man go astray in this country without the detective eye of a newspaper reporter finding it out? Why, then, should my distinguished friend while arraigning our consular service for inefficiency and neglect withhold from the Department the most effective means of detecting and correcting abuses? While I have great respect for the opinion of the gentleman from Kentucky, he will pardon me when I declare I have far more confidence in the recommendations of the distinguished Secretary of State on matters of international polity than I have for those of any one Representative on this floor.

Mr. McCREARY. Will the gentleman permit an interruption?

Mr. COX, of North Carolina. Certainly.

Mr. McCREARY. Have you any confidence in the action of Congress for many years which refused to change the system or increase the salaries?

Mr. COX, of North Carolina. In reply to the gentleman's question I answer that these recommendations have not been made for a great number of years. It is well known to members that this side of the House was not in political accord with the State Department for quite a long time, with the exception of the Forty-seventh Congress. If it had been I have no doubt some of these reforms would have been adopted. From the Forty-fourth Congress up to the beginning of this Congress a rule of the House forbid the increase of salaries, and yet we know changes were made in various instances.

Mr. McCREARY. Why did your committee fail to make the changes last year?

Mr. COX, of North Carolina. We did bring in a bill covering the points, but were unable to get it considered.

Mr. McCREARY. The committee reported a diplomatic and consular bill last year, but they did not make these increases of salaries or adopt the changes which are recommended here in this present bill.

Mr. COX, of North Carolina. They made substantial changes and reported a separate bill which they were unable to get considered. Let me call the gentleman's attention to a recommendation on this subject made by Secretary of State Frelinghuysen, which may be found in Executive Document No. 121, Forty-eighth Congress, first session. In speaking of the salary as opposed to the fee system, on page 7, he says:

> In the opinion of the Department the present system of compensation by fees, either official or unofficial, should be abolished. Whatever money comes into the consul's hands should be turned into the Treasury of the United States, and he should depend for his support entirely upon the salary allowed by Congress.
>
> A consular officer of high grade and much experience in Germany and Russia, in alluding to this branch of the subject, says:
>
> "I think that all consuls should receive a liberal provision, and should be forbidden to increase their income by notarial work or *perquisites of any kind*. Every fee collected by a consul should be credited to the Government."
>
> A consul of some twenty years' experience in Europe recommends a liberal but exactly defined salary and the entire abolition of unofficial fees; every fee to be official and returned to the Treasury.

The old system of requiring the officers of the criminal courts in the States to be dependent upon the fees collected from the criminal has been generally abandoned as being unjust and oppressive, unjust to the officers and oppressive to the litigant, and the same policy will be abandoned when the United States district attorneys and marshals bill can be reached in this House. I welcome this proposition as a measure calculated to ameliorate our consular system in the interest of commercial interchange, and the establishment of those relations that should exist between this Government and her commercial sisters. I can not, therefore, appreciate a policy which would pay its officers a salary at home and make them depend upon fees when serving abroad.

The gentleman from Kentucky has had a great deal to say about the luxury and style in which the representatives of this country abroad indulge. The gentleman does not mean that seriously, and does not expect that it will influence any member who may hear him. That may do from the hustings when it is insisted that a member of Congress subsists magnificently and luxuriously upon his $5,000 per annum; that he rolls in fine carriages and dresses in fine linen, whereas many were seeking to eke out their salaries a few days ago by the employment of a clerk at the expense of the Government! No! Tell it not in Gath; proclaim it not in the streets of Askalon, that this debate has produced no better argument in opposition to the measure proposed by the committee than the one here employed.

For really and in truth, there is no Department of the Government whose officers have fewer advocates on this floor than our poorly-paid consular service. There are exceptions, it is true, but they are such as only prove the rule. The reason is plain. One appointed to go abroad can no longer manipulate primaries and promote the interests of his friends. Out of sight, out of mind, is an old and true adage. A letter from across the water has not near the magnetism of the touch of the elbow.

It is not my purpose, Mr. Chairman, to follow the gentleman in the discussion of the details of this bill. That will be more appropriate when we consider it by sections under the five-minute rule. It may be sufficient to say, generally, that the value of a consul to his government is not to be estimated by the fees he may collect at his office.

At one port a large number of goods may be shipped in small packages, on each of which he collects a fee, while at another goods of twenty times the value may be shipped in bulk, on which but few fees are collected. Not only this, in some of the countries consuls are invested with judicial power, through extraterritorial jurisdiction, and are really clothed with power to try men for capital felonies. Suppose here, at such a place, his fees were but small? Would you regulate his salary in proportion to the amount received? Would you esteem the life and liberty of a citizen of so little value? Most assuredly not.

Now my friend goes on and speaks of our building a house in Japan. He thinks that is a great departure from our usual policy. Why, sir, it is merely a matter of dollars and cents which my friend is so much concerned about; and as he wants to see the expenses reduced, let us see what is said by the Secretary of State in regard to it. The Secretary says:

> The offer by Japan to the United States of a commodious plat of ground for building a legation thereon has been repeatedly brought to the attention of Congress. The scarcity of habitable dwellings or premises for a legation in Japan subjects our Government to the necessity of renting from but one owner, upon such terms as he may dictate.

Now my friend would allow one man to dictate what we should pay.

> Rent has been paid for the past ten years at the rate of $3,400 per annum. Argumentation seems, therefore, unnecessary to prove that the true interests of economy, as well as dignity and convenience, would be subserved by granting the appropriation asked for.

Four per cent. on $25,000 would be $1,000, whereas we now pay a yearly rent of $3,400. That is the gentleman's economy.

Mr. McCREARY. Will the gentleman from North Carolina allow me to interrupt him?

Mr. COX, of North Carolina. Yes, sir.

Mr. McCREARY. If we build legation quarters in Japan, why should we not erect legation quarters in France, England, Russia, Spain, and everywhere else?

Mr. COX, of North Carolina. I am surprised that my friend asks that question, which is one so easy to be answered. It is because we can rent in these countries buildings suitable for legation purposes at a moderate rate.

Mr. McCREARY. What is the rent in England?

Mr. COX, of North Carolina. Not very much.

Mr. McCREARY. I think it is fully as large as it is in Japan.

Mr. COX, of North Carolina. There is no necessity for it in those countries. France and England and Russia have accepted similar plats of ground from Japan and erected buildings thereon, and the gentleman from Kentucky, familiar as he is with our diplomatic service, knows that the condition of things in Oriental countries is totally different from what it is in the countries mentioned. In Japan they have a distinct class of dwellings, different from what we are accustomed to, and their grouping differs from ours, and the same is true as to some other Eastern countries.

Mr. SPRINGER. If the gentleman from North Carolina will permit me I will say also that in those countries of the East portions of territory are set apart for residences of foreign legations, and they are compelled to build their own houses or have no place to live in at all.

Mr. COX, of North Carolina. That is quite true. Now in regard to China, the gentleman finds a great trouble there. I do not see any. I think the recommendation is a very proper one.

We must keep abreast with the progress of the times. We must look at what is going on in other countries and not stand here and be content to declare we represent the greatest nation under the sun, but do nothing to advance its interests. We need enterprise and intelligence to regulate and systematize our foreign policy, as well as our Government at home. No man appreciates the advantages we enjoy more than myself, but I do not want these advantages to be lost by narrowness and neglect.

The gentleman talks about the Democratic party keeping pledges. We must cut down salaries and reduce expenses. What else did we promise to do? We said:

> Unnecessary taxation is unjust taxation. A surplus taxation of more than $100,000,000 has yearly been collected from a suffering people. We denounce the Republican party for having failed to relieve the people from crushing war taxes which have paralyzed business, crippled industry, and deprived labor of employment and of just reward.

Mr. REED. That declaration sounds a little funny now.

Mr. COX, of North Carolina. It sounds very funny after the speech of my friend. It sounds funny to the other side. But the fun will be on our side when the people understand who are responsible for the delay in carrying out this needed reform.

Mr. REED. Will they understand it when you pass this bill?

Mr. COX, of North Carolina. This bill will not affect that. We have other bills before the House which, if you will give us your assistance, will do it.

I say, then, Mr. Chairman, when we look abroad and see the exports of this country reaching nearly $800,000,000 and the imports over $700,000,000, and see the industries in this country crippled and fettered by a narrow, contracted policy, it becomes incumbent upon us to seek new markets and new fields for this great country. In order to do so, we ought to have capable and first-class representatives to aid in this work.

We should remember, furthermore, that while we are finding fault here with the appropriations recommended for the diplomatic service, the responsibility devolves upon us, and I am satisfied that our friends upon the other side are willing that we shall make such provision, within reasonable bounds, as proper for that service. I certainly want nothing more; the committee have recommended nothing more. This bill has received their careful and painful examination and consideration. We desire to rise equal to the necessities of the service without resorting to any appeals to people on the outside for economy sake. Gentlemen of intelligence understand the difference between economy and frugality and parsimony. We have tried not to be parsimonious nor particularly frugal, but we do desire to be economical in its appropriate sense in the administration of the affairs of this Department.

The appropriations are such as the necessities of the service demand. It is very easy to excite prejudice against our foreign service. The gentleman from Kentucky [Mr. McCREARY] says he can find plenty of men willing to fill these places. No doubt of that. No place can be named that you can not find plenty of men who will undertake to fill it. But that is not the question. We desire to apply the old Jeffersonian test of capacity and honesty, and in order to secure the services of such men you must allow them a compensation which will enable them to live.

When I want information on the subject of our foreign relations I seek it at the fountain. I go to the State Department.

Mr. McCREARY. Did the gentleman follow the recommendations of the State Department in the preparation of the bill now under consideration?

Mr. COX, of North Carolina. I followed them as far as the light before me permitted, but not blindly.

Mr. McCREARY. Is it not a fact that a good many recommendations made by the State Department were not indorsed by the committee and were left out of the bill?

Mr. COX, of North Carolina. Unquestionably; and that is the case with every appropriation bill. But I do not say that the bill is any better on that account. Our hesitation sustains my position, that the committee have been careful in examining the recommendations that have been made, and probably they would have gone further but for the difficulties that arise under our rules. Mr. Chairman, I do not believe in a narrow, paring system in regard to the compensation of our public officers. I think they ought to be allowed to live, and I know that the American people do not desire that inadequate salaries shall be paid to faithful public servants. The recommendations here made were really less than the State Department thought necessary. The Department recommended about $1,600,000, and we have, in round numbers, about $1,300,000.

Now, Mr. Chairman, I do not know that it is necessary for me to protract this debate; but I do think that after the State Department has carefully considered all these matters and submitted them to the Committee on Foreign Affairs, and after that committee has given them their careful consideration, they are entitled to the respectful consideration of this House and am confident they will receive it.

Mr. LONG. Will the gentleman from North Carolina permit a suggestion?

Mr. COX, of North Carolina. Yes, sir.

Mr. LONG. The gentleman from Kentucky [Mr. McCREARY] insisted very much upon the fact that there was a proposition to pay $2,000 to consuls in some places where the fees were very small. I wish the gentleman from North Carolina would enlarge somewhat upon a question which must have occurred to the committee—the question of the relation between the importance of the consulship and the amount of the fees. I take it there are many places where there are practically no fees, yet where it is exceedingly important to have competent, intelligent, honest officials, so that the amount of fees is not always a fair test of the importance of the office.

Mr. COX, of North Carolina. The gentleman from Massachusetts [Mr. LONG] probably did not hear what I said on that subject. I spoke of it, and I remarked that in some places the consuls were invested with the power to try men for their lives; and the fees are no test at all.

Mr. SPRINGER. I will ask the gentleman whether it is not true that in the law as it now stands, and in this bill also, the consuls at points in the East where we are compelled to give them judicial powers are now receiving salaries ranging from $3,500 to $5,000 a year? That

being so, the argument that it is necessary now to increase the salary of any consul because he has judicial powers does not apply here.

Mr. COX, of North Carolina. I merely used that by way of illustration of the importance of a consul who might collect but few fees. There are other responsible duties which the consuls may have to perform in places where the fees are no adequate test of the importance of the consulate.

Mr. SPRINGER. I agree with the gentleman from Massachusetts [Mr. LONG] that the amount of the fees is not always a correct test. In many cases it is, but it certainly fails as a test at those points in the Eastern countries where, from the necessities of the case, our consuls are invested with judicial powers.

There the fees would be no measure whatever of the consular duties or of the responsibility or importance of the office.

Mr. BELMONT. Nor would they be where the consul has diplomatic duties, which is the case, not only in eastern countries, but elsewhere—in Ecuador, for instance.

Mr. COX, of North Carolina. I will illustrate by St. Helena. The consul must travel 8,000 miles at a cost of $300 for himself alone. It is a most disagreeable place to live at. Yet the fees are few; but he must look after the interest of our seamen engaged in whale fishing.

Furthermore, Mr. Chairman, the policy of this bill is to Americanize our consular service. That is a very important matter. The effect of doing away with the system of compensation by fees and putting these officers upon salaries will enable us to put Americans in places now filled by foreign merchants who often have no interest in common with our people and country, and therefore are not proper representatives of it.

There is another thing to which I wish to call the attention of the committee. Where one officer is drawing a salary as consul and another adjacent officer is charging fees, it is sometimes the case that the man who has goods to ship will pass by the consul who is receiving a salary and have his goods inspected by the man who is receiving fees, because the latter gives better terms. The invoices are not always honest, and the trader does not expect them to be. That is the reason he prefers the services of this officer who is paid by fees.

Our service should be uniform. All our consuls, so far as practicable, ought to be put on salaries.

In regard to the number of officers to be affected by the change, we propose to put on the salaried list forty consuls whose fees exceed the proposed salaries I believe.

Mr. MCCREARY. Fifty-one.

Mr. COX, of North Carolina. Those are the gentleman's figures, but they do not accord with my recollection. I believe there are forty consulates where the fees now amount to a larger sum than a salary would; and there are thirty others where the pay would not come up to the same standard.

Mr. MCCREARY. Will the gentleman allow me to correct him? I have examined this matter with a good deal of care. There are seventy of these offices in all——

Mr. COX, of North Carolina. Seventy in all.

Mr. MCCREARY. There are fifty-one salaried consuls proposed in lieu of certain officers now compensated by fees, and there are nineteen salaried consuls proposed at places where now there are salaried agents.

Mr. COX, of North Carolina. There is a difference between the gentleman's figures and mine. My recollection accords with the statement I have made.

But, sir, it is conceded that for a person engaged in trade to be made a consul of the United States is worth ordinarily at least $1,000. Such an appointment gives a foreign merchant a great advantage over his rival at the same place—

Mr. LONG. Who may be an American.

Mr. COX, of North Carolina. Who may be an American; and the merchant occupying the consulate position may delay the inspecting or invoicing of his rival's goods or may not make a true inspection or invoice, to his great disadvantage. There are many other reasons in favor of this provision of the bill.

Mr. JAMES. There is great difficulty on that score.

Mr. COX, of North Carolina. It is one of the greatest sources of difficulty to the Treasury Department.

Mr. JAMES. And also to the merchants.

Mr. COX, of North Carolina. Yes, and to the merchants.

In one case which has been referred to by my friend from New York, the chairman of the committee, there was a false certification involving I believe about $20,000. And such things may often occur.

From whom does this recommendation come? From the Committee on Foreign Affairs alone? No; from the Committee on Foreign Affairs, aided and assisted by those who are familiar with our foreign service. Are we to go into our districts throughout the country and ask the people what shall be done with the foreign service when they have sent us here to act intelligently for them, or shall we make beautiful speeches upon the "reforms" we have accomplished by cutting down appropriations recommended by our committees, and tell them how we have decorated our foreign service with all the flaring insignias, the only effect of which would be to mislead?

Mr. SPRINGER. The gentleman will allow me to ask whether there is any provision in the bill requiring our consuls to cover into the Treasury all fees received by them, whether official fees, so called, or extra-official fees?

Mr. COX, of North Carolina. There is no such provision in regard to unofficial fees.

Mr. SPRINGER. We now require the official fees to be returned; why was not a provision inserted requiring the return also of the unofficial fees?

Mr. COX, of North Carolina. That is a difficulty we have been trying to overcome.

Mr. BELMONT. By reason of the fact of being placed on the salaried list, the consuls who are now paid by fees would return their fees to the Treasury. The law would so provide.

Mr. SPRINGER. But certain fees, not regarded as official fees, are incident to the office; for instance, fees for the acknowledgment of deeds or the taking of depositions. Those fees the consul usually pockets, declining to account for them to the United States. I think if these officers are placed on salaries it would be proper to require them to turn over to the Treasury of the United States all fees, from whatever source received.

Mr. COX, of North Carolina. I think so myself; I agree with my friend on that point. But this question of unofficial fees has been a very troublesome one. The question has presented itself to the committee in this way: The unofficial fees are for the acknowledgment of deeds and papers to be used in the courts of law——

Mr. SPRINGER. And the taking of depositions.

Mr. COX, of North Carolina. Yes, and the taking of depositions. Now, if the consul is allowed to charge for such service he attends to those duties. They are not compulsory duties at all. Probably the refusal of the consul to attend to them would put suitors to great inconvenience. They might prefer to pay those unofficial fees rather than not have the service performed. I would myself prefer that fees of every character, if we can reach them, should be turned into the Treasury. I agree with my friend from Illinois that a public officer, whether at home or abroad, should rely upon his salary alone as compensation for his services. That is the reason I object to the present system under which men engaged in trade get the offices and use them as much for their private benefit as for the advantage of the public.

Mr. Chairman, how much time have I?

The CHAIRMAN. Thirty-four minutes.

Mr. COX, of North Carolina. Reserving the residue of my time, I will not further occupy the attention of the Committee of the Whole.

Mr. CANNON obtained the floor but yielded to

Mr. BELMONT, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HAMMOND having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, and had come to no resolution thereon.

RETURN OF A BILL.

Mr. MORRILL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House the bill (S. 2479) granting a pension to Mrs. Adaline P. Loy.

MRS. JULIA A. SLUDER.

On motion of Mr. JOHNSTON, of North Carolina, by unanimous consent, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. 10178) for the relief of Mrs. Julia A. Sluder, executrix of E. Sluder, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Mrs. Julia A. Sluder, executrix of E. Sluder, deceased, $130 out of any moneys in the Treasury not otherwise appropriated.

The report (by Mr. SHAW) was read, as follows:

A transcript from the books of and proceedings of the Treasury Department shows that there is due and owing from the United States to a certain F. M. Whiten for guarding United States prisoners confined in the jail of Buncombe County, in the western district of North Carolina, $130. It also further appears that Whiten assigned this claim to W. T. S. Deaver, who assigned it to E. Sluder (since deceased) for value. But said assignments not being in the prescribed form (Rev. Stat., sec. 3477), the Secretary of the Treasury very properly refused to recognize them; and the present whereabouts of the said Whiten not being known it is impossible to have them corrected.

The money was appropriated for the payment of this claim by the deficiency act of August 4, 1886.

The committee recommend that the bill do pass with the following amendments, namely:

"Strike out after the word 'dollars,' in lines 6 and 7, and add the words 'now standing to the credit of F. M. Whiten on the books of the Treasury Department:' *Provided*, That the said Julia A. Sluder shall first execute a bond with good and sufficient sureties, to be approved by the Secretary of the Treasury, to indemnify the United States against all loss, cost, or damages in the premises."

The amendment of the committee was agreed to, and the bill as

amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

And then, on motion of Mr. EDEN (at 4 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of 200 citizens of Washington County, Kansas, in favor of House bill 1096—to the Committee on Invalid Pensions.

By Mr. BOUND: Resolution of the senate and house of representatives of Pennsylvania, in favor of the passage of the Miller bill for suppressing diseases among cattle—to the Committee on Agriculture.

Also, resolution of the same, in favor of the agricultural experiment-station bill—to the same committee.

By Mr. BUNNELL: Petition of Letter Carriers' National Association, favoring the passage of Senate bill 2076—to the Committee on the Post-Office and Post-Roads.

Also, petition of 128 enlisted men of the Signal Corps, in favor of transferring the Signal Corps to the new department as contemplated by House bill 5190—to the Committee on Military Affairs.

By Mr. COWLES: Petition of citizens of Surry County, North Carolina, asking repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. DOCKERY: Petition of members of the Missouri Legislature, asking the passage of the Miller bill—to the Committee on Agriculture.

By Mr. ERMENTROUT: Memorial of Albert Molheimer and others, committee, asking the pensioning of ex-prisoners of war—to the Committee on Invalid Pensions.

Also, memorial of the Legislature of Pennsylvania, for the passage of the Miller bill—to the Committee on Agriculture.

Also, memorial of the same, for the passage of the experiment-station bill—to the same committee.

By Mr. GOFF: Petition of Andrew D. Coplin, of Harrison County, West Virginia, and of Martha A. Bender, executrix of Jacob Coplin, deceased, for reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HARMER: Resolutions of the Legislature of Pennsylvania, in favor of the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

Also, resolutions of the same, in favor of the experiment-station bill—to the same committee.

By Mr. HEARD: Petition of the Missouri Legislature, in favor of the Miller bill or some similar measure to prevent the spread of diseases among cattle—to the same committee.

By Mr. HIESTAND: Memorial of the Legislature of Pennsylvania, in favor of the Miller pleuro-pneumonia bill—to the same committee.

Also, memorial of the same, in favor of the agricultural experiment-station bill—to the same committee.

By Mr. HITT: Reply of the Secretary of State to committee touching the claim of George H. Owen, consul of Messina—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Petition of Edward Crummey and 40 others, citizens of Poughkeepsie, N. Y., in favor of an international court of arbitration—to the same committee.

By Mr. NELSON: Resolution of the State Horticultural Society of Minnesota, in favor of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. PARKER: Petition asking for a pension to John Shampine, of Brashear Falls, Saint Lawrence County, New York—to the Committee on Invalid Pensions.

Also, remonstrance of the Hamilton-Rowan Club of New York city, against the pending extradition treaty with the British Government—to the Committee on Foreign Affairs.

By Mr. PAYNE: Resolution of Maj. H. Stacy Post, Grand Army of the Republic, of Oswego, N. Y., in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. PERKINS: Resolutions of Parsons Post, No. 64, and Cherokee Post, No. 56, Grand Army of the Republic of Kansas, asking for the passage of the Edmunds-Tucker bill—to the same committee.

By Mr. RIGGS: Petition of Elizabeth Haggard, widow of Robert E. Haggard, late Company F, Sixty-first Regiment Illinois Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. STRAIT: Resolutions touching the Hatch experiment-station bill, and asking for its passage—to the Committee on Agriculture.

By Mr. I. H. TAYLOR: Petition of M. G. Overbaugh and 75 others, praying for the passage of the bill (S. 1636) reducing postage on seeds, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM WARNER: Petition of members of the General Assembly of Missouri, asking for the passage of the Miller bill, or some law on the same subject—to the Committee on Agriculture.

By Mr. WILSON: Petition of F. Nemegyei and 101 others, proprietors and employés of Irondale Furnace and Mines, Taylor County, West Virginia, for repeal of internal-revenue taxes—to the Committee on Ways and Means.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. J. A. ANDERSON: Of 56 citizens of Jamestown, Kans.

By Mr. BACON: Of 101 citizens of Cornwall and of 95 citizens of Spring Valley, N. Y.

By Mr. BLANCHARD: Of 65 citizens of Gibbsland, La.

By Mr. BURROWS: Of citizens of Berrien County, Michigan.

By Mr. FREDERICK: Of 93 citizens of Iowa City, Iowa.

By Mr. FORD: Of 72 citizens of Goshen, Ind.

By Mr. LOWRY: Of 95 citizens of Kendallville, Ind.

By Mr. ROCKWELL: Of 174 citizens of Adams, Mass.

By Mr. SPOONER: Of 37 citizens of Kingston, R. I.

By Mr. SPRINGER: Of 165 citizens of Jacksonville, Ill.

SENATE.

MONDAY, *February* 7, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of FRANCIS B. STOCKBRIDGE, chosen by the Legislature of Michigan a Senator from that State for the term beginning March 4, 1887; which were read.

Mr. HOAR. Those credentials are somewhat unusual in their character, and as it is almost impossible from listening to them to see whether they comply with the usual custom, I move that they be referred to the Committee on Privileges and Elections.

The motion was agreed to.

ABSTRACT OF MILITIA FORCE.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the militia force of the United States; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the secretary of state of the State of Kansas, transmitting a concurrent resolution of the Legislature of Kansas; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

STATE OF KANSAS, SECRETARY'S OFFICE,
Topeka, February 3, 1887.

DEAR SIR: I have the honor to herewith transmit a copy of house concurrent resolution No. 20, signed by the officers of both houses.

I am, sir, your obedient servant,

E. B. ALLEN, *Secretary of State.*

The PRESIDENT OF THE SENATE,
Washington, D. C.

(House Concurrent Resolution No. 20.)

House concurrent resolution No. 20, relating to the organization of the Territory of Oklahoma.

Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators in Congress be, and they are hereby, instructed and our Representatives are requested to use their best efforts to secure the passage of the bill now pending in Congress, and providing for the organization of the Territory of Oklahoma.

Resolved further, That correct copies of this resolution be enrolled, signed by the president of the senate and the speaker of the house, and sent to each of our Senators and Representatives in Congress, to the President of the United States, the Secretary of the Interior, the Commissioner of Indian Affairs, the President of the United States Senate, and the Speaker of the House of Representatives, and that they are requested to lay the same before their respective bodies.

I hereby certify that the above resolution originated in the house January 21, 1887, and passed that body January 22, 1887.

A. W. SMITH, *Speaker of House.*

H. L. MILLARD, *Chief Clerk of House.*

Concurred in by the senate, February 1, 1887.

A. P. RIDDLE, *President of Senate.*

CLIFFORD C. BAKER,
Secretary of Senate.

The PRESIDENT *pro tempore* presented a communication from the secretary of state of Colorado, transmitting a memorial of the General Assembly of Colorado; which was referred to the Committee on Agri-

culture and Forestry, and ordered to be printed in the RECORD, as follows:

OFFICE OF THE SECRETARY OF STATE OF COLORADO,
Denver, Colo., February 2, 1887.

SIR: I have the honor to transmit herewith a copy of a joint memorial passed by the Sixth General Assembly of the State of Colorado.

Respectfully, yours,

JAMES RICE, *Secretary of State.*

Hon. JOHN SHERMAN,
President pro tempore United States Senate, Washington, D. C.

House joint memorial No. 3.

To the Congress of the United States:

Your memorialists, the General Assembly of the State of Colorado, would respectfully represent that—

Whereas contagious pleuro-pneumonia is known to exist in several States of this Union, and the imminent danger of the spread of the same to the large and unprotected cattle herds of the West is viewed with alarm by our citizens, and if this as well as other contagious and infectious diseases among live-stock is not prevented by prompt legislation in Congress and protection given to this vast industry, it is liable to cause great destruction to the live-stock interests of this and adjoining States and Territories. And we further represent and state that owing to the vast area of the plains and our inability to fence and protect our ranges from daily incursions of cattle from one range to another renders it impossible to successfully quarantine against the spread of said disease: Therefore,

Be it resolved, That the Congress of the United States be, and is hereby, requested to pass such a law as will effectually extirpate all contagious diseases of the character mentioned by placing in the hands of competent agents of the General Government full and complete power to act in all matters relating thereto, and that a sufficient appropriation be made, of not less than $1,000,000, to pay all necessary expenses of the same.

T. B. STUART,
Speaker of the House of Representatives,
W. H. MELDRUM,
President of the Senate.
ALVA ADAMS,
Governor.

The PRESIDENT *pro tempore* presented a communication from the secretary of the Territory of New Mexico, transmitting a petition of the Legislative Assembly of that Territory, praying for legislation providing for the settlement of the Mexican and Spanish land grants in New Mexico and the adjoining Territories; which was referred to the Committee on Private Land Claims, and ordered to be printed in the RECORD, as follows:

TERRITORY OF NEW MEXICO, SECRETARY'S OFFICE,
Santa Fé, February 2, 1887.

SIR: I have the honor to inclose copy of a memorial adopted by the Twenty-seventh Legislative Assembly, which I am directed to send you.

Very respectfully,

GEO. W. LANE, *Secretary.*

Hon. JOHN SHERMAN,
President of the United States Senate.

Twenty-seventh Legislative Assembly. Territory of New Mexico. Memorial No. 2.

In the council, by Mr. Burns; read twice and referred to committee on printing January 5. Returned by committee on printing and laid on table for one day, January 13. Read the third time, and passed by a vote of 11, one member absent, January 14.

House of Representatives; read first, second, and third times, and passed unanimously, January 18, 1887.

Memorial to the Senate and House of Representatives of the United States in Congress assembled:

Your memoralists, the Legislative Assembly of the Territory of New Mexico, now in session, assembled in Santa Fé, most earnestly and respectfully memorialize your honorable bodies of the urgent necessity for immediate legislation in reference to the measures necessary for the proper settlement of Mexican and Spanish land grants in New Mexico and the adjoining Territories.

We can urge but little novel in this our memorial beyond that which has been frequently set forth in numerous memorials to your honorable bodies, emanating from the Legislative Assemblies of the Territory during the last twenty-five years. We reiterate the statements made in the memorial of this Assembly of its session of 1871-'72, and can only add that time has amply proved the correctness of the views expressed in that memorial.

Thirty years have elapsed since the ratification of the treaty of Guadalupe Hidalgo, and yet its obligations have not been fulfilled. A mighty tide of emigration has passed over the broad plains and rich mountains of New Mexico, seeking more distant homes toward the setting sun, because of the unsettled state of the land titles of the Territory. Neither the grant-owner nor the settler can have that security in their possessions as would prompt them to that expenditure of labor and capital in improvements which would insure the development and prosperity of the country.

Both the pre-emptioner and the grant-owner make but one demand, which is the establishment of a proper commission or special tribunal for the speedy settlement of the titles in the Territory, under the treaty of Guadalupe Hidalgo, the law of nations, uses and customs of the government from which the claims are derived, and the principles of equity.

We respectfully call your attention to the memorial of this Assembly of 1871-'72, and reiterate the propositions therein contained: Wherefore your memorialists very respectfully ask that an act be passed by this present Congress providing for the establishment of a commission to investigate and decide upon the land-grant matters in New Mexico and such parts of our adjoining Territories as are covered by Spanish and Mexican grants, with a direct appeal to the Supreme Court of the United States, inasmuch as the Territorial courts are even now so overburdened with their ordinary jurisdiction that they could not dispose of the questions within any reasonable time.

And your memoralists, as in duty bound, will ever pray.

Resolved by the senate of the Legislative Assembly of the Territory of New Mexico (the house of representatives concurring therein), That the honorable secretary of the Territory be, and is hereby, required to have 500 certified copies of this memorial printed, and that he send one copy to His Excellency the President of the United States, to the honorable the Secretary of the Interior, to honorable the Commissioner of the General Land Office, to the President of the Senate, to the Speaker of the House of Representatives, to the chairman of the Committee on the Territories, Private Land Claims, Mines, Manufacturing, and Judiciary of the Senate and House of Representatives, and to each and every member of both Houses of Congress, and to the Hon. A. JOSEPH, our Delegate in Congress.

TERRITORY OF NEW MEXICO, *Office of the Secretary:*

I, Geo. W. Lane, secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing memorial of the twenty-seventh session of the Legislative Assembly of the Territory of New Mexico with the enrolled original thereof, on file in my office, and that the same appears to be a true and correct copy thereof.

In witness whereof I have hereunto set my hand and affixed the great seal of the Territory, this 1st day of February, 1887.

[SEAL.] GEO. W. LANE, *Secretary.*

The PRESIDENT *pro tempore* presented resolutions adopted at a meeting of the Mahoning Valley Wool-Growers' Association, of Warren, Ohio, remonstrating against putting wool on the free-list, and in favor of the restoration of the tariff of 1867; which were referred to the Committee on Finance.

Mr. GORMAN presented the petition of A. W. Wayman and other colored citizens, Freedman's Bank depositors of Baltimore, Md., praying for certain legislation for their relief; which was ordered to lie on the table.

Mr. PALMER presented a joint resolution of the senate and house of representatives of the State of Michigan, favoring legislation removing the arrears of pensions limit, and pensioning survivors of rebel prisons, and soldiers and sailors who are disabled and dependent, or who are sixty-two years of age; which was referred to the Committee on Pensions.

He also presented a petition of 226 women, residents of Detroit, Mich., praying for the enactment of such statutes as shall provide for the adequate punishment of crimes against women and girls, and to raise the age of consent; which was referred to the Committee on the Judiciary.

Mr. TELLER. I present two petitions of citizens of this city, praying for the passage of the bill granting a charter to the Washington Cable Company. I present these petitions because requested so to do, without expressing myself any opinion as to the merits of the bill referred to by the petitioners. I move that the petitions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. RIDDLEBERGER. I present a petition of citizens of Virginia, praying for the passage of the Colquitt bill to regulate the granting of certain licenses in the District of Columbia. I desire to say in this connection that I have received quite a severe rebuke from what is called the Temperance Alliance of the State of Virginia, because the Colquitt bill, which was referred to the Committee on the District of Columbia more than a year ago, has not been reported back to the Senate. I am not a member of that committee, and have not been for more than a year. It is a mere question as to whether the committee ought to hold the bill or whether they ought to report it back, in their own judgment.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

Mr. HARRISON presented the petition of John W. Shewmaker and 54 other licensed officers of steam vessels in Indiana, praying for the passage of a bill refunding to them so much of the license fee exacted from them between 1869 and 1883 as was in excess of 50 cents per annum; which was referred to the Committee on Finance.

Mr. CAMERON presented a petition of the auxiliary committee for Pennsylvania of the Consolidated Cattle-Growers' Association of the United States, praying for the passage of the Miller bill for the suppression of pleuro-pneumonia; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Albert Thalheiner and others, a committee appointed by the Ex-Prisoners of War Association, praying for the passage of the bill granting pensions to ex-prisoners of war; which was referred to the Committee on Pensions.

He also presented a petition of druggists of Harrisburg, Pa., and a petition of citizens of Philipsburg, Pa., praying for the repeal of the internal-revenue laws; which were referred to the Committee on Finance.

Mr. HOAR. I present a memorial of the National Board of Trade, signed by Frederick Fraley, president, and Hamilton A. Hill, secretary, which sets forth that there is an almost universal demand for the enactment of a general bankruptcy law from all parts of the United States, reinforced by the petitions and resolutions of nearly all the commercial organizations of the country; and that the memorialists are advised that the bankruptcy law of Great Britain, which went into effect January 1, 1883, has grown greatly in favor with both the creditor and debtor classes of that country, and many of its provisions are almost identical with the bill now pending, which has twice passed the Senate. They therefore pray that Congress may take such action as may secure the enactment of the present bill. As the bill has been reported and is on the Calendar, I move that the memorial lie on the table.

The motion was agreed to.

Mr. EVARTS presented the petition of the Oneida Historical Society of New York, praying Congress to carefully consider the question of publishing Mr. B. F. Stevens's Index to Historical Documents in Europe; which was referred to the Committee on the Library.

Mr. SAWYER presented a petition of 126 citizens of Washington, D. C., residents on Thirteenth street northwest, and a petition of 113 citizens of Washington, D C., residents on Twelfth street northwest, praying for the passage of the bill for the incorporation of the Wash-

ington Cable Railway Company; which were referred to the Committee on the District of Columbia.

Mr. CALL. I present a petition of J. O. Andrews, secretary of the Suwanee and Gulf Railroad Company, of Cedar Keys, Fla., praying that an appropriation be made for a survey of No. 4, or the northwestern channel, touching the north end of the island of Cedar Keys. The petition states the importance of the survey of this channel for the purpose of commerce with Central and South America. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. INGALLS. I present certain petitions of citizens of Washington, D. C., which have been sent to me with the request that they might be presented and referred to the Committee on the District of Columbia, in favor of the Washington Cable Railway Company. I move the reference of the petitions to the Committee on the District of Columbia.

The motion was agreed to.

TERRITORY OF OKLAHOMA.

Mr. PLUMB. I present a memorial of the Legislature of Kansas relating to the organization of the Territory of Oklahoma, which I ask to have read.

The PRESIDENT *pro tempore*. The Chair has this morning presented a similar memorial of the Legislature of Kansas, which has been ordered to be printed in the RECORD.

Mr. PLUMB. I wish to have this memorial read, as I desire to submit some remarks on the subject.

The PRESIDENT *pro tempore*. The memorial will be read.

The Chief Clerk read as follows:

(House Concurrent Resolution No. 20.)

House concurrent resolution No. 20, relating to the organization of the Territory of Oklahoma.

Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators in Congress be, and they are hereby, instructed, and our Representatives are requested to use their best efforts to secure the passage of the bill now pending in Congress and providing for the organization of the Territory of Oklahoma.

Resolved further, That correct copies of this resolution be enrolled, signed by the president of the senate and the speaker of the house, and sent to each of our Senators and Representatives in Congress, to the President of the United States, the Secretary of the Interior, the Commissioner of Indian Affairs, the President of the United States Senate, and the Speaker of the House of Representatives, and that they are requested to lay the same before their respective bodies.

I hereby certify that the above resolution originated in the house January 21, 1887, and passed that body January 22, 1887.

A. W. SMITH, *Speaker of the House.*

H. L. MILLARD,
Chief Clerk of House.

Concurred in by the senate February 1, 1887.

A. P. RIDDLE, *President of Senate.*

CLIFFORD C. BAKER,
Secretary of Senate.

Mr. PLUMB. Mr. President, the resolution which has been read calls for the enactment of legislation which, in my judgment, is in accordance with the highest public policy; but according to the repeated decisions not only of the Executive but of the Attorney-General, and practically of Congress as well, there remains in certain Indian tribes an interest in the lands which are sought to be opened to settlement by the bill which is referred to in the resolution, and which has been referred to in all similar resolutions, and before that interest can be gotten out of the way negotiations of some kind must take place.

In 1885, in the Indian appropriation act of that year, the following provision was inserted:

SEC. 8. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

The act was approved March 3, 1885, and one day later the present administration came into power, and the duty specified in that provision of law devolved upon the present President of the United States. In the following December the Secretary of the Interior reported to Congress in his annual report for the year 1885 the reasons which actuated the President in not carrying out that provision of law. So far as I know those reasons still continue to exist in the Presidential mind. I ask the Secretary to read an extract from the report of the Secretary of the Interior for 1885 in order that the question of responsibility for non-action with reference to the opening of those lands to settlement may be thoroughly understood.

The Chief Clerk read as follows:

By the third article of the treaty of August 16, 1886, (14 Stat., 766), it is stipulated that "in compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede to the United States their entire domain," consisting of 2,169,080 acres, at the rate of 15 cents per acre.

By the the third article of the treaty of August 11, 1886 (*Ibid.*, 786), the Creeks, for the same purpose, ceded to the United States the west half of their entire domain, which cession passed 3,402,430 acres, at the rate of 30 cents per acre. The two cessions combined aggregated 5,571,410 acres. The Indians have been paid therefor according to agreement.

In pursuance of the purpose for which these lands were ceded to the United States, portions on the east and the west thereof have been from time to time set apart for and assigned to certain tribes and bands of friendly Indians for their use and occupancy.

That portion of the land remaining unappropriated to the trust provided for in the treaties lies very nearly in the center of the Indian Territory. It is this unappropriated tract that is commonly called the "Oklahoma country." No agent of the Government resides upon this land, and it is not occupied in any way by any person or persons for any purpose under any authority of this Department.

An organized movement by certain persons was begun and set on foot some years past for the forcible possession of and settlement upon these lands under the plea that they formed a part of the public domain and were subject to entry and settlement under the general land laws of the United States. To prevent such unlawful and unauthorized settlements it became necessary for the Executive to issue the proclamations of April 26, 1879, February 12, 1880, and July 1, 1884, defining the status of those lands, and warning all persons against any attempts to go or settle thereupon. It had also been made necessary to use a part of the military force of the United States to remove intruders who had succeeded in getting into that country.

When I assumed charge of this Department it was alleged that certain individuals, associations of persons, and corporations were in the unauthorized possession of portions of the "Oaklahoma country," and also that certain other persons and associations were preparing to enter, occupy, and settle upon said lands.

The matter was considered; and the President, on the 13th of March, 1885, issued his proclamation, warning all persons then upon the lands, and those intending, preparing, or threatening to enter and settle upon the same, that they would not be permitted to enter upon that territory or to remain thereon if already there.

The parties claiming the right to enter these lands, alleging them to be public lands, argue that the United States must have understood the treaty with the Seminoles and Creeks, while the meaning and intent thereof was freshly in their mind and knowledge, as restoring the lands to the public domain, since by act of Congress of July 27, 1866 (14 Stat., 294)—passed in the same month that the treaties were proclaimed—a right of way with a subsidy of land was granted the Atlantic and Pacific Railroad Company over a route described which passed through the "Oklahoma country." They claim that by authorizing the use of a portion of the land for railroad purposes the United States admitted that they could be used for other than Indian purposes, and that this must have been conceded by the Indians, who failed to object to its appropriation for railroad purposes.

This argument would hardly have been advanced if the advisers of these parties, or the parties themselves, had carefully read the concluding clause of section 2 of the granting act, which is as follows:

"The United States shall extinguish, as rapidly as may be consistent with public policy and the welfare of the Indians, and only by their voluntary cession, the Indian title to all lands falling under the operation of this act and acquired in the donation to the road named in the act."

For the purposes of this act the Indian title to that portion of the "Oklahoma country," through which the railroad was proposed to be run, has not been extinguished. The railroad has not been constructed upon or extended into that territory, and consequently it has not acquired possession nor the right of possession of any portion of those lands under that law.

In the case of the United States *vs.* D. L. Payne, tried in the district court of the United States for the western district of Arkansas, Judge Parker cited the decisions of the Supreme Court in the case of Wilcox *vs.* Jackson (13 Pet., 266), "wherein it is held that whenever a tract of land has been appropriated to the public use it is severed from the mass of the public domain, and subsequent laws of sale are not construed to embrace it, though they do not in terms except it." He also refers to the case of the Leavenworth, Lawrence and Galveston Road *vs.* The United States (2 Otto, 733), which affirms the doctrine in Wilcox *vs.* Jackson, and holds further that "this doctrine applies with more force to Indian than military reservations." Judge Parker then adds:

"I think, therefore, from the authorities I have cited, and from the language of this section, that there is no doubt that this act of Congress has not changed the land in controversy from the condition of a reservation."

Notwithstanding the rulings of the Interior Department, the proclamations of the Executive, and the solemn adjudications of a Federal court of competent jurisdiction over the parties and over the subject-matter, upon a clear statement of facts on both sides of the question, all holding that these lands are not a part of the public domain and are not subject to pre-emption and homestead entry under the general land laws of the United States, but on the contrary that they are a part of the Indian Territory, that they are not unappropriated lands, but lands dedicated to specific purposes, yet it is to be regretted that repeated attempts have been made to make forcible entry and possession upon said lands.

It has become generally known throughout this country that this large tract of land, fertile, well-watered, and with its mild climate, is unoccupied, and that it has continued in this idle condition since the treaties of 1866. It is, therefore, not surprising that a large class of hardy, industrious people, residing in more thickly settled States, are eager to acquire homesteads upon it.

The respectful petitions of many peaceable and law-abiding citizens from numerous localities throughout the country requesting that it be opened to settlement, no less than the threatened unlawful invasion of the land, have had the effect of inducing consideration of the subject by Congress, which, at its last session, enacted the following provision of law, namely:

"That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress." (23 Stat., 384.)

This provision of law refers not only to the lands ceded by the Creeks and Seminoles referred to above, but also to lands ceded by the Cherokees, the status of which is considered herein under the title "The Cherokee Outlet."

The unlawful combinations above referred to have rendered it, in my judgment, unwise to appoint this commission. That which gives security to life and property is the spirit of law. Nothing is more dangerous, more fatal to rights of property and personal safety and public order, than a spirit of lawlessness. The manifestations of the latter danger should be checked at all times, until the rule of law becomes the daily rule of conduct for our people.

The lands reserved for the accommodation of the Indians are undoubtedly much larger in extent than is needed for their wants and accommodation. There can be no harm in recognizing the gradual current slowly tending in the direction of civilized occupation and use of the Indian Territory, as the Indians themselves become consolidated upon fewer residential points; but rapacity and lawlessness will not abide the gradual and gentle method of change, and seek by violence and forcible invasion to displace law and treaty and the sense of obligation to both, and ride roughshod into possession of the lands of the Indian reservations. Will it not be a lesson—valuable there and valuable elsewhere—to show to such transgressors that their way is hard, and that nothing will render the Indian occupation more permanent, or postpone the change in the use of these lands longer, than the attempts to invade and by force to obtain possession and enjoyment of them? The outlaws and depredators who imagine they can override the law and violate treaty obligations with the In-

dians will discover the impossibility of success when they find themselves confronted by the law of the land, strengthened by the civil and military arm, and backed by the moral sentiment of a just people.

Mr. PLUMB. It will be observed by looking at the statute as printed in the report of the Secretary of the Interior the law requiring the President to negotiate with the Indians for the cession of their interest in these lands is still in force, and I do not need to add that it is still disobeyed or rather unobeyed, and that whether the Congress acts first or acts last there can be no settlement according to the decision of the present President of the United States upon the lands mentioned, until after, by negotiation, the Indians have been induced to part with their interest. So finally we come back to the proposition that the President must first do what the law now commands him to do, no matter what else may be done, as a necessary prerequisite before there can ever be a valid and legal settlement made upon the surplus lands of the Indian Territory.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Public Lands, to whom the subject was referred, reported a bill (S. 3270) granting to the city of Colorado Springs, in the State of Colorado, certain lands therein described for water reservoirs; which was read twice by its title.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (S. 871) for the forfeiture of the land granted to the State of Florida for the construction of certain lines of railroad in that State, submitted an adverse report thereon.

Mr. CALL. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. VEST (by request) introduced a bill (S. 3271) extending the charter of "The President and directors of the Firemen's Insurance Company of Washington and Georgetown," in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PALMER introduced a bill (S. 3272) for the relief of J. W. McMillan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a joint resolution (S. R. 102) establishing a national quarantine station near Key West, Fla.; which was read twice by its title.

Mr. CALL. I desire in introducing the joint resolution to say that I introduce it at the request of the board of health of the city of Key West, Fla. I will further remark that it is a matter of very pressing importance that a quarantine station shall be established near Key West, which is now the resort of vessels from all parts of the world, having on board the most contagious forms of disease peculiar to the tropics and to Africa, and that they are now landed in dangerous proximity to the coast of the United States. The joint resolution provides for the establishment of a quarantine station at an island remote from Key West, where it will be entirely safe. I move that the joint resolution be referred to the Committee on Epidemic Diseases.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. CALL submitted an amendment intended to be proposed by him to the river and harbor bill, for a survey of the No. 4, or Northwest Channel, at Cedar Keys, Fla., and for the survey of bar and river at Anclote; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. GIBSON, and Mr. MITCHELL, of Oregon, submitted amendments intended to be proposed by them respectively to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. MORGAN. At the request of the Senator from North Carolina [Mr. VANCE] I submit an amendment to the river and harbor bill. I move its reference to the Committee on Commerce.

The motion was agreed to.

COMPILATION OF VOTES OF THANKS.

Mr. MANDERSON submitted the following resolution; which was read:

Resolved, That the Senate Committee on Printing be, and hereby is, directed to have prepared a compilation of the votes of thanks by the Continental Congress and by the Congress of the United States for military, naval, and civil services, with abstracts of the resolutions, showing what prompted their passage, and to report the same in print before the 10th day of December next; and the expenses for compiling, copying, and indexing the same, not to exceed $500, shall be paid from the contingent fund of the Senate.

Mr. MANDERSON. I ask that the resolution be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The rule requires that such a resolution proposing to appropriate money from the contingent fund shall be referred to the Committee on Contingent Expenses.

Mr. EDMUNDS. But first the Committee on Printing ought to determine whether it is a good thing to do.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

PRINTING OF NAMES OF PETITIONERS.

Mr. MANDERSON. I offer for adoption the following order:

Ordered, That when petitions and memorials are ordered printed in the CONGRESSIONAL RECORD the order shall be deemed to apply to the body of the petition only, and the names attached to said petition or memorial shall not be printed unless specially ordered by the Senate.

That is in the interest of shortening the CONGRESSIONAL RECORD. It seems to me it is a matter that will commend itself to the Senate. Certainly there is no reason why long lists of names should be printed in the RECORD when they appear attached to a petition.

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10178) for the relief of Mrs. Julia A. Sluder, executrix of E. Sluder, deceased; and

A bill (H. R. 10666) for the allowance of certain claims reported allowed by the accounting officers of the United States Treasury Department.

The message also requested the return to the House of the bill (S. 2479) granting a pension to Mrs. Adaline P. Loy.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 129) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States;

A bill (S. 269) for the relief of W. H. Powell;

A bill (S. 388) to grant the right of way through the Fort Bliss Military Reservation to the Rio Grande and El Paso Railroad Company;

A bill (S. 574) for the relief of Robert Strachan;

A bill (S. 1042) to pay B. S. James for transporting the United States mails;

A bill (S. 1368) for the relief of Richard H. Porter, surviving partner and assignee of the late firm of R. H. & James Porter;

A bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes;

A bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado; and

A bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Fla., and the establishment of a signal station.

LEGISLATIVE ASSEMBLY OF WASHINGTON TERRITORY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution submitted February 5 by the Senator from Indiana [Mr. VOORHEES], which comes over under objection.

The resolution was read, as follows:

Resolved, That the Committee on Territories be discharged from the further consideration of the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory.

Mr. VOORHEES. The resolution may go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

MRS. ADALINE P. LOY.

The PRESIDENT *pro tempore* laid before the Senate the request of the House of Representatives for the return of the bill (S. 2479) granting a pension to Adaline P. Loy.

The PRESIDENT *pro tempore*. If there be no objection the request of the House of Representatives will be granted.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further resolutions, the Chair will ask to have read the special order for the day.

The Chief Clerk read the resolution adopted by the Senate February 3, as follows:

Resolved, That on and after Monday, the 7th instant, at the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of House bills and joint resolutions favorably reported on the Calendar, and continue such consideration until 2 o'clock, under the provisions of Rule VIII, as herein modified, until the Calendar of such bills and resolutions has been completed.

The PRESIDENT *pro tempore*. The first House bill on the Calendar will be announced.

Mr. HAWLEY. I move to set aside the order, so that the Senate may proceed to the consideration of Senate bill 662, coupling with it the consideration of the subsequent bill, S. 663, being the well-known bills relating to the manufacture of ordnance, armor, &c., for the Army and Navy, and for coast defenses. I gave notice several days ago that I would make this motion. I am stimulated, pushed forward by the Committee on Coast Defenses, the Military Committee, and the general sentiment, I am happy to believe, of the Senate, and I know of the country.

I am aware that the Senator from Tennessee [Mr. HARRIS] has obtained the adoption of a rule to proceed to the consideration of House bills upon the Calendar, and I am sorry to antagonize it, but I feel it to be my duty to make this motion, and if I shall be set aside or pushed off, I hope it will not be done without the definite ascertainment of some time soon enough when I may be heard.

Mr. HARRIS. I will ask the Senator to suggest any hour after 2 o'clock on any day.

Mr. HAWLEY. I will move to-day at 2 o'clock, then, if the Senate is willing——

Mr. EDMUNDS. Move now. We shall have the unfinished business at 2 o'clock.

Mr. SPOONER and others. Move now.

Mr. HAWLEY. That is the motion I have submitted, to proceed now.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Senate proceed to the consideration of the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare.

Mr. HARRIS. I know that the motion is not debatable, but I ask the consent of the Senate to be allowed to consume about half a minute.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Tennessee will proceed.

Mr. HARRIS. I simply desire to say that if the Senate will proceed, after the routine business of the morning, until 2 o'clock for two or three or three or four mornings at the outside, it can dispose in such manner as it may choose to dispose of the House bills now on the Calendar.

I very much hope that the Senate will take up and consider those bills and joint resolutions which have reached the last stage in legislation, to the exclusion of Senate bills, of which there would be very little hope of consideration in the other House even though they were passed to-day. That is all I care to say.

Mr. HAWLEY. Now, a word only in reply. The class of bills the Senator refers to are those which have passed the other House and have come over here and been favorably reported upon, and are upon the Calendar. I think there is nothing surer, except the adjournment of Congress, than that those bills will be passed before the 4th of March. We always do attend to them. Many of them are matters of mere concurrence, requiring nothing more than the reading to secure their passage. We can do that any morning or any evening.

Mr. HARRIS. Will the Senator allow me to suggest to him the fact that in perhaps a third of the cases the Senate committees have reported amendments, verbal or otherwise, which will have to be acted upon, and wherever a House bill is amended of course it involves the necessity of its going back to the other House?

Mr. HAWLEY. Nevertheless, as a rule, having been passed by the other House and favorably reported by a Senate committee, they are almost certain of passage. But the bills the consideration of which I have moved being of the very highest importance in the judgment of the whole country, have waited long enough and too long. They ought to go to the other House for consideration there. I have the highest hopes that they may pass in some form. I have no doubt that if this Congress can ever be permitted in both Houses to vote directly and squarely on the subject, neither House can be restrained from something in the direction of patriotic and liberal and public-spirited action. I insist on my motion.

Mr. HOAR. I hope the Senator will also give notice that if the matter is not disposed of at 2 o'clock he will ask the Senate to go on after 2.

Mr. HAWLEY. I thank the Senator for the suggestion. I shall continue to press the consideration of the bills until they they are disposed of.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill referred to. [Putting the question.] The Chair is in doubt.

Mr. EDMUNDS. I should like to have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HALE (when Mr. FRYE'S name was called). My colleague [Mr. FRYE] has a general pair with the Senator from Georgia [Mr. BROWN].

The roll-call was concluded.

Mr. DAWES. I am paired with the absent Senator from Texas [Mr. MAXEY].

The result was announced—yeas 32, nays 21; as follows:

YEAS—32.

Blair,	Gorman,	Miller,	Riddleberger,
Cameron,	Hale,	Mitchell of Oreg.,	Sabin,
Conger,	Harrison,	Morgan,	Sawyer,
Cullom,	Hawley,	Morrill,	Sherman,
Dolph,	Hoar,	Palmer,	Spooner,
Edmunds,	McMillan,	Payne,	Teller,
Evarts,	McPherson,	Platt,	Williams,
Farwell,	Manderson,	Plumb,	Wilson of Iowa.

NAYS—21.

Beck,	Coke,	Harris,	Walthall,
Berry,	Eustis,	Jones of Arkansas,	Whitthorne,
Blackburn,	Fair,	Pugh,	Wilson of Md.
Butler,	George,	Ransom,	
Call,	Gibson,	Vest,	
Cockrell,	Hampton,	Voorhees,	

ABSENT—23.

Aldrich,	Cheney,	Jones of Florida,	Saulsbury,
Allison,	Colquitt,	Jones of Nevada,	Sewell,
Bowen,	Dawes,	Kenna,	Stanford,
Brown,	Frye,	Mahone,	Vance,
Camden,	Gray,	Maxey,	Van Wyck.
Chace,	Ingalls,	Mitchell of Pa.,	

So the motion was agreed to.

STEEL FOR ORDNANCE, ETC.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare.

The bill was reported from the Committee on Coast Defenses with amendments.

The first amendment was, in section 1, line 4, after the word "contracts," to insert "with responsible steel-manufacturers;" in line 5, after the word "advertisements," to strike out "with responsible steel-manufacturers," and insert "to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed;" in line 8, after the words "tempered steel," to strike out "for fabrication," and insert "in forms suitable for;" in line 10, after the word "steel," to insert "finished;" in line 12, after the word "specifications," to insert "subject to inspection and tests at each stage of manufacture;" in line 16, after the word "shall," to strike out "certify and guarantee" and insert "contract;" in line 17, after the word "plant," to insert "including the best modern appliances;" and after the word "contract," in line 25, at the end of the section, to add "and that all the forgings shall be manufactured in the United States;" so as to make the section read:

That the Secretary of War be, and hereby is, authorized to make contracts with responsible steel-manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, and tempered steel in forms suitable for heavy ordnance adapted to modern warfare, and steel, finished, for armor and other army purposes, in quantity not to exceed 10,000 gross tons, in quality and dimensions conforming to specifications, subject to inspection and tests at each stage of manufacture, and including all the parts of each caliber specified: *Provided*, That no money shall be expended except for steel accepted and delivered; that each bidder shall contract to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it, in accordance with the contract, and agree in the case of an ordnance contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and that of the largest calibers at the expiration of not more than three years from the date of the acceptance of the contract; and that all the forgings shall be manufactured in the United States.

The amendment was agreed to.

The next amendment was, in section 2, line 5, after the word "for," to strike out "the fabrication of" and insert "finishing and assembling;" in line 6, before the word "guns," to strike out "heaviest;" and in line 7, after the word "warfare," to insert "up to and including the largest approved sizes, and for;" so as to make the section read:

SEC. 2. That the Secretary of War be, and hereby is, authorized to erect at the Watervliet arsenal, West Troy, N. Y., an army gun factory, in accordance with the report of the gun foundry board of December 20, 1884, for finishing and assembling the guns adapted to modern warfare, up to and including the largest approved sizes, and for the manufacture of gun-carriages and ordnance equipment for the Army, at a cost not to exceed $1,000,000.

The amendment was agreed to.

The next amendment was, to add as a new section the following:

SEC. 3. That for the purposes of this act the sum of $8,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available during six years from January 1, 1887.

The amendment was agreed to.

Mr. DOLPH. By direction of the Committee on Coast Defenses, I offer the following amendment to the bill: In section 3, line 1, strike out the words "this act," and insert in lieu thereof the words "the foregoing sections;" so as to read:

That for the purposes of the foregoing sections, the sum of $8,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available during six years from January 1, 1887.

The amendment was agreed to.

Mr. DOLPH. I now move to add the following as a new section:

SEC. 4. That for the purpose of the construction of fortifications and other works of coast defense, in accordance with the recommendations of the Board

on Fortifications or other Defenses, appointed by the President of the United States under the provisions of the act of Congress approved March 3, 1885, $5,000,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

Mr. HALE. I desire to ask the Senator in charge of this bill one question about the provision locating the gun factory at Watervliet. Why is it here?

Mr. HAWLEY. That as it stands in the bill was the general judgment of the gun-foundry board and I think of the fortifications board, the general judgment of Army and Navy officers and boards, &c., who considered this question, perhaps not without exception, but I think overwhelmingly their general judgment was that Watervliet affords the best location. The ground there is abundant, the river communication abundant, a large canal is there, and every imaginable facility and convenience, including, among others of course, a neighborhood capable of furnishing skilled mechanics, easily to be reached from the adjoining parts of New York and of Massachusetts. That is the reason that the committee adopted it.

Mr. HALE. My impression is—and that was the impression of the subcommittee of the Committee on Appropriations on the fortifications bill of last year—that Frankford, near Philadelphia, is a better place, because it is nearer to the supply of steel and has better water communications; but I do not propose to move to amend this bill nor in any way to obstruct its passage. I think it will probably go through, perhaps without objection in this body, and therefore I do not move the amendment I had intended to propose.

Mr. DAWES. One word about this matter of Watervliet. I, of course, shall not antagonize the bill in any respect, but I am not quite certain about the propriety of naming Watervliet. I have no special objection of my own, but the information which I have corresponds with that of the Senator from Maine as to Frankford. If the Senator from Connecticut is confident and certain upon that matter of Watervliet I shall not interpose, but otherwise I should like very much to have the bill conform to an effort that has been made in the committee of conference on the fortification bill to carry out this same measure which the Senator has embodied in this bill, but I do not know that I want to offer any amendment.

Mr. HAWLEY. I hope not.

Mr. MORGAN. I desire to ask the Senator from Connecticut to explain the meaning of the words "for armor and other army purposes," in line 10 of section 1. What is the meaning of the word "armor" in that connection?

Mr. HAWLEY. That has in view, undoubtedly, the turrets and other protections for coast defense.

Mr. MORGAN. Coast defense, I suggest to the Senator from Connecticut, is not entirely an army purpose. The army is not alone engaged in coast defense; and it seems to me that the bill in several particulars is too much restricted. The word "armor" there evidently means, as the Senator suggests, to provide a sort of mail or protection for the turrets that may be erected within the fortress. I suppose that is the meaning of it; but we need armor for other purposes; we need armor for ships, and when works have been established which are capable of producing armor of sufficient weight and size for the purpose of protecting turrets that may be within the fortress, it may be very convenient perhaps to use that same machinery and that same establishment for making armor for ships. So I would suggest to the Senator that the bill would be improved by striking out the word "Army" where it occurs there, and then again, in the second section, striking out, in the third line, the words "an army" and inserting "a;" so as to read "a gun factory."

Mr. HAWLEY. I am unable to hear. What is the first amendment proposed in line 10?

Mr. MORGAN. The first is to strike out the word "army," in line 10 of section 1.

Mr. HAWLEY. I have not the slightest objection to that.

Mr. MORGAN. I move that amendment. I move to strike out, in line 10 of section 1, the word "army" after the word "other;" so as to read:

For armor and other purposes.

The amendment was agreed to.

Mr. HAWLEY. Before the Senator goes further I call his attention to the fact—I do not know but that I was hasty in not attending to that—that the bill next this on the Calendar, which I really called up at the same time, or gave notice that they were to go together—the next bill provides for the navy in language very similar to this for the army.

Mr. MORGAN. Well, we might want to use both of these establishments for the navy, or we might want to use them both for the army. I think it would be too great a restriction to prohibit us from doing so if we saw proper.

I inquire of the Senator, what is the total amount of money appropriated in the two bills?

Mr. HAWLEY. The gun-foundry board—we have not quite come up to its recommendations—recommended contracts that would cost $15,000,000, seven and a half millions for each service. A full and satisfactory plant for what is called a gun factory, which is better understood if I call it a finishing shop, would cost a million dollars in each case. Twice seven and a half million is $15,000,000, and two millions more would make $17,000,000. These two bills appropriate but $16,000,000 in the aggregate. But I do not think that is material, for I believe that the contracts can be made within the appropriation, especially as the Senator will see in lines 11 and 12 that the contract is "not to exceed 10,000 gross tons." If necessary there might be something less than that contracted for in the first instance. If it were not for embarrassment about the bill, I would myself make each bill eight and a half millions, but I am content to take them as they stand. They have been revised and revised and revised and rerevised and carried again and again to the Secretary of War and the Secretary of the Navy and the ordnance officers of both the Army and Navy, and the engineer officers of both, until they have been filed *ad unguem*.

Mr. MORGAN. On the suggestion of the Senator from Connecticut, that another bill is to follow this to provide for the Navy, I will not propose any further amendment to this bill, because I take it for granted that after all——

Mr. HAWLEY. Let us consent that the amendment just made be reconsidered.

Mr. MORGAN. Oh, no.

Mr. TELLER. No; that amendment ought to be left anyway.

Mr. MORGAN. I think so.

Mr. DOLPH. I think the Senator from Alabama is mistaken. This is to authorize the Secretary of War to contract for armor for army purposes. The other is to authorize the Secretary of the Navy to contract for armor for navy purposes. We do not want to authorize the Secretary of War to contract for armor for navy purposes.

Mr. MORGAN. What does the Senator from Oregon understand to be the meaning of "armor" in that connection?

Mr. DOLPH. Armor for the protection of turrets, forts, and guns for shore defense.

Mr. MORGAN. Then let it be so expressed, armor for protection of forts and turrets.

Mr. HAWLEY. It must be so because it is certainly not for field operations, and "armor for army purposes" means distinctly, is so understood by the Department and all the officers, armor for the classes of defense recommended by the fortifications board. Undoubtedly, in placing heavy steel guns hereafter we shall put them in turrets similar to those that were upon our well-known monitors, excepting perhaps that they will be sloping, rounded, conical, rather in the shape of domes to better ward off attacks. They will probably be placed in turrets, but there will be certain other defenses that will be iron clad, of one sort and another, as for example the shelters or pits, if you choose to call them so, the little shelters that must be made along the beach to protect and control the mines or anchored torpedoes.

Mr. MORGAN. I suggest to the Senator, then, to strike out the words "and other army purposes," and say "armor for military purposes."

Mr. HAWLEY. Why does the Senator object to the word "army?"

Mr. MORGAN. Because I think it restricts that establishment to the supply merely of the coast defenses and the army in the field, and we might have a very great need for it in supplying the Navy.

Mr. HAWLEY. Will the Senator allow me to read in the next bill, which is for the Navy, the following very similar language in the first section?

Steel in forms suitable for heavy ordnance adapted to modern warfare—

That is, the gun business—

and steel, finished, for armor, shafting, and other naval purposes.

So that the two bills cover the whole subject.

Mr. HALE. Allow me a moment. There will not, practically, arise the least confusion in the departments whether this word "army" is in or out. With the two bills that will be passed by Congress, one for a distinctive army purpose and the other for a navy purpose, no Secretary, either of War or of the Navy, will seek to interfere with the appropriations in the other bill, or to carry any of the money in his bill into the other department of our military establishment. So I do not think the striking out of the word "army," as suggested by the Senator from Alabama, has harmed the bill in the least.

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate on the amendment.

Mr. MORGAN. I withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment will be considered withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and for other purposes."

Mr. HAWLEY. The addition to the title is to cover the amendment of the Senator from Oregon [Mr. DOLPH].

Mr. HAWLEY. I move now to proceed to the consideration of the twin bill S. 663.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare.

The bill was reported from the Select Committee on Coast Defenses with amendments. The first amendment was, in section 1, line 4, after the word "contracts," to insert "with responsible steel manufacturers;" in line 5, after the word "advertisements," to strike out "with responsible steel manufacturers" and insert "to continue not less than thirty days in newspapers most likely to reach the manufacturers addressed;" in line 8, after the word "steel," to strike out "for the fabrication of" and insert "in forms suitable for;" in line 10, after the word "steel," to insert the word "finished;" in line 13, after the word "specifications," to insert "subject to inspection and tests at each stage of manufacture;" in line 17, after the word "shall," to strike out the words "certify and guarantee" and insert "contract;" in line 18, after the word "plant," to insert "including the best modern appliances;" and after the word "contract," at the end of line 26, to insert "and that all the forgings shall be manufactured in the United States;" so as to make the section read:

That the Secretary of the Navy be, and hereby is, authorized to make contracts with responsible steel manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, and tempered steel, in forms suitable for heavy ordnance adapted to modern warfare, and steel, finished, for armor, shafting, and other naval purposes, in quantity not to exceed 10,000 gross tons, in quality and dimensions conforming to specifications, subject to inspection and test at each stage of manufacture, and in the case of ordnance including all the parts of each caliber specified: *Provided*, That no money shall be expended except in payment for steel accepted and delivered; that each bidder shall contract to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it, in accordance with the contract, and agree in the case of an ordnance contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and that of the largest calibers at the expiration of not more than three years from the date of the acceptance of the contract; and that all the forgings shall be manufactured in the United States.

The amendments was agreed to.

The next amendment was, in section 2, line 5, after the word "for," to strike out "the fabrication of the heaviest" and insert "finishing and assembling;" in line 6, after the word "warfare," to insert "up to and including the largest approved sizes, and for;" so as to make the section read:

SEC. 2. That the Secretary of the Navy be, and hereby is, authorized to erect at the navy-yard, Washington, D. C., a naval gun factory, in accordance with the report of the gun foundry board of December 20, 1884, for finishing and assembling guns adapted to modern warfare, up to and including the largest approved sizes, and for the manufacture of gun-carriages and ordnance equipment for the naval service, at a cost not to exceed $1,000,000.

The amendment was agreed to.

The next amendment was to insert, as an additional section, the following:

SEC. 3. That for the purposes of this act the sum of $8,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available during six years from January 1, 1887.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 10178) for the relief of Mrs. Julia A. Sluder, executrix of E. Sluder, deceased, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 10666) for the allowance of certain claims reported allowed by the accounting officers of the United States Treasury Department was read twice by its title, and referred to the Committee on Claims.

ORDER OF PROCEEDING.

The PRESIDENT *pro tempore*. The first case on the Calendar under the special order will be stated, subject to objection under Rule VIII.

The CHIEF CLERK. A bill (H. R. 7479) to provide a method for settling controversies and differences between railroad corporations engaged in interstate and Territorial transportation of property or passengers and their employés.

Mr. HARRIS. I think the resolution refers to bills on the Calendar under Rule VIII; that is, to begin where the call last left off. The bill announced is on the Calendar under Rule IX.

The PRESIDENT *pro tempore*. The Chair will adopt that construction, although the Chair was at first in doubt whether that was the proper construction of the resolution. The first case on the Calendar under Rule VIII will be read.

Mr. HARRIS. That is my impression of the proper construction of the order. That was the intention.

Mr. HALE. How are we proceeding—under the eighth rule?

The PRESIDENT *pro tempore*. Under the special order, by which House bills only are in order, under Rule VIII.

Mr. HALE. That is the order submitted by the Senator from Tennessee [Mr. HARRIS].

The PRESIDENT *pro tempore*. Yes, sir.

MRS. ARLANTA T. TAYLOR.

The bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor was announced as first in order.

Mr. COCKRELL. That is a pension bill for one of our constituents in Missouri. There is some question about it yet. I ask that it be passed over, retaining its place on the Calendar.

KANSAS LAND-GRANT RAILROADS.

The bill (H. R. 7021) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas, and for the forfeiture of unearned lands, and for other purposes, was announced as next in order.

Mr. HARRIS. I was requested by the Senator from Kansas [Mr. PLUMB], chairman of the Committee on Public Lands, to say that he desired that the bill should not be considered this morning, but wished unanimous consent that it hold its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

PRIVATE LAND CLAIMS.

The bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado was announced as next in order.

Mr. TELLER. Let that pass over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. HARRIS. Does the Senator propose to put it under Rule IX?

Mr. TELLER. I propose to put it over indefinitely if I can. I am opposed to it, and there will be a good deal of discussion on it when it does come up.

Mr. HARRIS. I think that is one of the bills that the Senator from Kansas requested me to call attention to.

Mr. TELLER. I think not. I object to the bill; let it take its course.

The PRESIDENT *pro tempore*. The bill is objected to, and it will be placed under Rule IX.

Mr. RANSOM subsequently said: I desire the attention of the Senator from Colorado [Mr. TELLER] for a moment. That Senator just now objected to the consideration of the bill for the adjustment and settlement of private land claims in the Territories of New Mexico and Arizona and in the State of Colorado. I hope the Senator will not insist upon that objection so as to displace the bill.

Mr. TELLER. I will consent that the bill may stand where it is on the Calendar, simply going over for to-day.

The PRESIDING OFFICER (Mr. MILLER in the chair). The bill will retain its place on the Calendar.

ESTATE OF C. M. BRIGGS.

The bill (H. R. 3828) for the relief of the estate of C. M. Briggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and in lieu of the matter stricken out to insert:

That the Court of Claims is hereby given, subject to the proviso hereinafter mentioned, like jurisdiction to hear and determine the claim of the legal representatives of C. M. Briggs, deceased, for the proceeds of 455 bales of cotton, now in the Treasury of the United States, alleged to have been owned, in whole or in part, by said Briggs, as is given to said court by the acts of March 12, 1863, and July 2, 1864, upon petition to be filed in said court at any time within two years from the passage of this act, any statute of limitations to the contrary notwithstanding: *Provided, however*, That unless the said court shall, on a preliminary inquiry, find that said Briggs was in fact loyal to the United States Government, and that the assignment to him hereinafter mentioned was *bona fide*, the court shall not have jurisdiction of the case, and the same shall, without further proceedings, be dismissed: *And provided further*, That if the court shall find that the alleged assignment from one Morehead to said Briggs, of date of April 18, 1862, under which said Briggs claimed said cotton, was intended only as security to said Briggs for indebtedness, and against contingent liabilities assumed by him for said Morehead, judgment shall be rendered only for such portion of the proceeds of said cotton as shall equal the moneys actually due to said Briggs at the date of said assignment, and such as were afterwards actually paid by said Briggs to or for said Morehead.

Mr. COCKRELL. Let the report in that case be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SPOONER June 21, 1886:

The Committee on Claims, to whom was referred the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased, have had the same under consideration, and respectfully report:

That in April, 1862, Charles S. Morehead, ex-governor of Kentucky, resided at Louisville, in that State, and that C. M. Briggs, the deceased claimant, also resided at Louisville.

Morehead and Briggs had been partners in the practice of the law, and the latter was in August, 1862, largely the creditor of the former, for money loaned, indorsements paid, partnership moneys used by said Morehead beyond his share, moneys advanced in paying indorsements made for Morehead, and the said Briggs was, moreover, contingently liable on indorsements then existing. The amount of the indebtedness is not shown, although it is stated in the affidavits before the committee to have been "many thousands of dollars."

Morehead owned in 1862, and had owned for some time prior thereto, two plantations in the county of Washington, near Egg's Point, Mississippi, on which, in 1862, was a crop of cotton. In this condition of affairs Morehead

executed and delivered, on April 18, 1862, to C. M. Briggs the following instrument:

"For and in consideration of money loaned and advanced heretofore by C. M. Briggs, and further valuable considerations, by way of suretyship for me by said Briggs, I hereby sell and transfer to said C. M. Briggs all of the cotton on my two plantations in Mississippi near Egg's Point and Greenville. Said cotton so sold embraces all that I may have, baled and unbaled, gathered and ungathered. This is intended to cover all cotton that I have now, or may have this year, on said two plantations, supposed to be about 2,000 bales.

"C. S. MOREHEAD."

This paper itself, and the affidavits before the committee, may perhaps be fairly said to leave it an open question whether it was intended as an absolute sale to Briggs of the cotton, free of all equity of redemption in Morehead, or was intended to be a security for advances theretofore made and liabilities theretofore incurred by said Briggs by his indorsements for the benefit of said Morehead, and then existing, out of which the said Briggs was to reimburse himself, rendering, that done, the surplus to Mr. Morehead. The quantity of cotton, the utter indefiniteness as to the amount due from Morehead to Briggs, together with the fact that part of it was only by way of contingent liability, tend very strongly to show that the transfer was for purposes of security; but whether an absolute sale, or as security only, is quite immaterial in the view taken by the committee as to the justice of the claim of Briggs upon the cotton and its proceeds, to the extent at least of the advances made at the date of the instrument, and thereafter paid by Briggs for Morehead.

Ex-Governor Morehead (who died about 1869), the committee is satisfied, so far as it has any information upon the subject, was a disloyal man at the time this instrument was executed, and afterwards. He was arrested by the Government and confined in one of the prisons; but loyal or disloyal, the committee know of no reason why he was not competent in law to own the cotton, and to make a valid assignment of it to Briggs, either absolutely in payment of a debt or by way of security.

The stanch loyalty of Briggs to the Government from the beginning of the war is abundantly vouched by men distinguished for service to the Union. General Rousseau, ex-Attorney-General James Speed, W. D. Gallagher, and Joseph H. Humes, late paymaster United States Army, vouch for his loyalty, and among the papers is found a letter, of date February 20, 1863, to Hon. Salmon P. Chase, Secretary of the Treasury, from George D. Prentice, in which it is stated:

"Mr. Briggs is perfectly reliable, and you may be assured that no trust confided to him will be abused or transcended. He is and always has been a devoted Union man. If any reference be necessary, I would suggest that Hon. J. J. Crittenden and Hon. Henry Grider have known him since boyhood."

The said Briggs made repeated attempts to obtain the cotton, but was prevented by military orders and the then condition of affairs.

On the 7th day of March, 1863, under orders from General Grant, Captain Osband, of the Fourth Illinois, with three steamers, proceeded to Worthington's Landing, directed to capture cotton and forage for the use of the Army, and at such landing he seized 2,180 bales of cotton, the property of divers people, loaded it upon the steamer Empress, and carried it to Memphis, Tenn., where it was by proper authority turned over to Capt. G. L. Fort, assistant quartermaster of the United States, and by him sold, and the net proceeds paid into the public Treasury under the act of March 12, 1863, to be held by the Government in trust for the owners.

In the cotton seized and sold was 455 bales of the cotton grown on the Morehead plantations, and embraced in the bill of sale to Briggs.

Other owners of the cotton taken at the time who have presented their claims have been paid.

Congress, by acts of March 12, 1863, and July 2, 1864, conferred jurisdiction upon the Court of Claims to entertain suits of loyal owners for the proceeds of captured and abandoned property, but the legislation made it a jurisdictional fact that any such suit should be brought within two years.

It is alleged, on behalf of the deceased claimant, and there is an affidavit by him in the papers before the committee, that he did not know until after the expiration of the two years that the cotton had been captured and sold by the United States and the proceeds covered into the Treasury, and therefore that he had a claim against the Government under that act. The statement in the affidavit is believed by the committee, not simply because of the attested character of Mr. Briggs, but from the corroboration found in the public knowledge of the then condition of affairs, which may well have rendered it impossible for Briggs to ascertain what had become of his cotton, and from the further fact that, being a lawyer and a loyal man, it is hardly to be believed that he would have permitted the statute of limitations to bar him had he known of the facts which opened to him the remedy given by the acts of Congress.

In 1868 he presented his claim to Congress, before which it has been since pending. This claim has been repeatedly reported adversely, once by the Judiciary Committee of the Senate, at the first session of the Forty-second Congress; again by the Committee on Claims, at the first session of the Forty-fourth Congress, Report 128, and again by the Committee on Claims, at the first session of the Forty-fourth Congress, Report 372. The bill was reported favorably by the Committee on War Claims of the House of Representatives at the present session of Congress.

The committee can see no good reason why the Congress of the United States should not, under the circumstances, remove the bar of the statute of limitations, and enable the legal representatives of the deceased claimant to establish, if they may be able so to do, the ownership, absolute or qualified, by said Briggs of said cotton, and his consequent interest in the proceeds, his loyalty being made a jurisdictional fact.

This property was not confiscated, and the Supreme Court of the United States has decided that the title was not divested by the seizure, and that the Government holds it, or the proceeds, in trust for loyal claimants.

If Briggs had known the fact and could have established his ownership of the cotton under the acts of Congress of 1863 and 1864, he could have of course recovered the proceeds, or such part thereof as the court found him entitled to. Lapse of time has not, except technically, made any change in the title to the proceeds. If the bill should become a law, and the legal representatives of Briggs shall be able to establish his loyalty, and his absolute ownership of the 455 bales of cotton, of course they will be entitled to recover the entire proceeds of that cotton. If, on the other hand, it should turn out that the transfer to Briggs was colorable, and a makeshift to enable a disloyal man to save to himself, through the use of the name of a loyal friend, his property, that ends the case, and the money remains in the Treasury. If it should be found by the court that Briggs was loyal, that Morehead was indebted to him, and that the assignment of the cotton was as security only, then the judgment should be in favor of the estate of Briggs for so much of the proceeds of the cotton as will pay the debt for which it was security, and the surplus, if any there shall be, will remain in the Treasury.

The committee therefore recommend that the House bill 3828 be amended by striking out all after the enacting clause and inserting in lieu thereof the amendment herewith reported.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HARRISON DEWEY.

The bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, in line 6, after the word "honorable," to strike out "discharge" and insert "muster out;" so as to make the bill read:

Be it enacted, &c., That the Secretary of War be directed to amend the record of the War Department in the case of Harrison Dewey, late second lieutenant of Company E, Second Regiment Vermont Volunteers, so as to grant him an honorable muster-out from said service as of the date of his dismissal as now shown by said record.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RAILROAD RECEIVERS.

Mr. GEORGE. I ask leave to call up a resolution I offered on the 20th of December, 1886, and have it referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Mississippi to refer the resolution?

There being no objection, the resolution was referred to the Committee on the Judiciary, as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the powers of the Federal courts wherein any receiver for a railroad has been appointed to authorize or permit such receiver to disregard or violate the laws of the State wherein such railroad is operated regulating charges for the transportation of persons or property on the same so far as such charges are made for transportation beginning and ending in such State, and also to inquire into the necessity for any legislation on that subject, and that they report by bill or otherwise.

MRS. FANNY S. CONWAY.

The bill (H. R. 914) for the relief of Mrs. Fanny S. Conway was considered as in Committee of the Whole. It provides for the payment to Mrs. Fanny S. Conway, widow of Dr. Ed. Conway, lost in the Grampus in 1843, of $270, being the amount due and unpaid her under act of Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE OVER BAYOU BARNARD.

The bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was in section 1, line 6, after the word "transit," to insert "without tolls;" in line 13, before the word "boats," to strike out "passing;" in line 15, after the word "therefor" to insert "width of spans;" and in the same line, after the word "location," to strike out the word "thereof" and insert "of said bridge;" so as to make the section read:

That it shall be lawful for the board of supervisors of Harrison County, in the State of Mississippi, to construct a bridge across Bayou Barnard at a point in or near the town of Handsborough, in said county, for the transit, without tolls, of persons, animals, and vehicles of all kinds: *Provided*, That the said bridge shall have a draw of not less than 30 feet, and as much more as may be necessary for the passage of steam or sail boats or other water crafts navigating said bayou; and said authorities shall have some person in charge of said draw, so that at all times the same may be opened for the passage of boats without unnecessary delay: *And provided further*, That before any bridge shall be built under this act the plans therefor, width of spans, and the location of said bridge shall be submitted to and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was to insert the following as additional sections:

SEC. 2. That the said board of supervisors shall maintain, at their own expense, from sunset to sunrise, throughout the year, and during heavy fogs, such lights on the bridge as may be required by the Light-House Board for the security of navigation.

SEC. 3. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said bayou is hereby expressly reserved, and all changes or alterations so required shall be made at the expense of the parties owning or controlling said bridge.

SEC. 4. That if the construction of the bridge authorized herein be not commenced and completed within three years from the approval of this act, this act shall be null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WALTHALL. I move that the Senate insist on its amendments

to that bill, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. RANSOM, and Mr. CONGER were appointed.

TEXAS JUDICIAL DISTRICTS.

The bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes, was announced as next in order.

The bill was read.

Mr. VEST. That bill cuts off part of the Indian Territory and annexes it to a judicial district of Texas. I did not know what it was when it was called up. I object to its consideration.

Mr. HARRIS. The objection carries the bill over.

The PRESIDING OFFICER (Mr. MILLER in the chair). The bill will be passed over.

Mr. BERRY. The Senator from Texas [Mr. COKE] is not in, and I ask that it retain its place on the Calendar.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] has objected to the consideration of the bill.

Mr. BERRY. I ask unanimous consent that it retain its place on the Calendar until the Senator from Texas comes in.

The PRESIDING OFFICER. Is there objection?

Mr. COKE. I ask that the bill lie over until my colleague [Mr. MAXEY] returns.

The PRESIDING OFFICER. The bill will be placed under Rule IX, unless there is unanimous consent that it retain its present place. The Chair hears no objection to the suggestion of the Senator from Texas, and it is so ordered.

MAJ. MICHAEL P. SMALL.

The bill (H. R. 4616) for the relief of Maj. Michael P. Small was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the proper accounting officers of the Treasury shall allow to Maj. Michael P. Smith, commissary of subsistence, United States Army, a credit of $3,780.63 in the settlement of his accounts, being the amount of Government funds lost by him through the fraud of his confidential clerk while said Small was on duty as depot and purchasing commissary of subsistence at Chicago, Ill., in 1879-'80: *Provided*, That the Court of Claims shall find the loss of said funds to have been without fault or negligence on the part of said officer; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine such matter, without regard to the limitation imposed by section 1069 of the Revised Statutes, and to render judgment accordingly.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANDERSON. I hope the Senator from Mississippi in charge of the bill will ask for a committee of conference on that bill, so that it may become a law at this session.

Mr. WALTHALL. I was about to make that motion when the Senator made the suggestion. I move that the Senate insist on its amendment and ask for a conference thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. WALTHALL, Mr. COCKRELL, and Mr. MANDERSON were appointed.

TEXAS JUDICIAL DISTRICTS.

Mr. VEST. I rise to make a parliamentary inquiry. What disposition was made of Order of Business 1642, being the bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes?

The PRESIDING OFFICER (Mr. MILLER in the chair). The bill was passed over without prejudice, retaining its place on the Calendar until the absent Senator from Texas [Mr. MAXEY] shall return.

Mr. VEST. Was that by unanimous consent?

The PRESIDING OFFICER. By unanimous consent.

Mr. VEST. I did not so understand. I am opposed to that bill, and I do not want it called up if I can help it. If it is permitted to stand under this order——

The PRESIDING OFFICER. The Chair understood the Senator from Missouri to object to the consideration of the bill. The Chair then stated that it would go under Rule IX. Then the Senator from Texas [Mr. COKE] made a request for unanimous consent that the bill retain its place until his colleague [Mr. MAXEY] should return. That question was put, and no objection being made, it was so ordered. Perhaps the Senator from Missouri did not understand it.

Mr. VEST. I do not wish the bill taken up when I am not in the Senate.

Mr. COKE. It retains its place subject to call, I understand.

The PRESIDING OFFICER. Subject to call under the rule on which we are now acting, but with the statement that it was to lie over until the Senator's colleague should return.

Mr. VEST. I want to be here when the bill is considered. That is all.

ALEXANDER GOBLE.

The bill (H. R. 2176) for the relief of Alexander Goble was considered as in Committee of the Whole. It provides for the payment to Alexander Goble, late a corporal of Company A, One hundred and fifth Regiment Pennsylvania Volunteers, of $190, being bounty-money due Goble from the Government of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. MARK'S PROTESTANT EPISCOPAL CHURCH.

The bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church, in the District of Columbia, was considered as in Committee of the Whole. It provides that a certain piece of land situated in the city of Washington, known as lots 9 and 11 in square 788 of the plan of that city, and occupied by the church known as St. Mark's Protestant Episcopal church, and all the buildings, grounds, and property appurtenant thereto and used in connection therewith, shall be exempt from any and all taxes or assessments, national, municipal, or county; and all taxes, together with the interest and penalties now due and unpaid upon the property, remitted.

Mr. PLATT. Let the report be read, Mr. President.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. VANCE July 12, 1886:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 1993) for the relief of St. Mark's Episcopal church, in the District of Columbia, have had the same under consideration, and report thereon as follows:

They find all the facts in the case stated by the report of the committee of the House of Representatives on the bill, and adopt the same as their report, as follows, to wit:

"The congregation of St. Mark's parish is small, and consists mostly of persons of moderate income—some being poor and none wealthy—and they are illy able to pay the taxes outstanding against their property—the lots referred to in the bill. They now occupy a small wooden building, near and adjoining, for and as their place of worship. The seats now are and will remain free.

"The taxes, penalties, and interest are outstanding and unpaid from 1872 to the present time. The lots were purchased by the vestry of St. Mark's parish in the year 1870, and were purchased for the sole and only purpose of erecting a church thereon. In 1881 they laid the foundation of a church building, covering the whole of said lots, but have not completed said church edifice for the reason that they have been pecuniarily unable to do so. It has, in fact, been with great labor and sacrifice that they have paid the purchase-money for said lots.

"The committee think that said lots having been purchased solely for the purpose of erecting thereon a church for the use of said St. Mark's Episcopal church, and said church having proceeded with said work as rapidly as their pecuniary ability would permit, and not having been utilized by them, or attempted to be, for profit, that the same has been occupied and used by them since their said purchase.

"The committee report the bill back to the House, and ask that the same be passed."

The committee therefore recommend that the bill be passed as amended to correct a clerical error in the number of the square in which said lots are situated.

The PRESIDING OFFICER. There is no amendment in the bill as reported, though the report speaks of an amendment.

Mr. PLATT. Does not the report state what the amendment proposed is?

The PRESIDING OFFICER. It does not.

Mr. MCMILLAN. A mere clerical correction.

The PRESIDING OFFICER. In the number of the lot.

Mr. HARRIS. Does the report recommend that the bill be amended?

The Chief Clerk read:

The committee therefore recommend that the bill be passed as amended to correct a clerical error in the number of the square in which said lots are situated.

Mr. PLATT. In the number of the square.

Mr. HARRIS. And does not specify what the number is?

The PRESIDING OFFICER. It does not.

Mr. HARRIS. I ask, then, that the bill go over for the present, retaining its place on the Calendar, the Senator from North Carolina [Mr. VANCE], who reported it, not being in his seat. He will be able to make the proper amendment.

The PRESIDING OFFICER. It is so ordered.

WILLIAM H. MORHISER.

The bill (H. R. 5877) for the relief of William H. Morhiser was considered as in Committee of the Whole. It appropriates to William H. Morhiser the pay and allowances due him for services to the United States Government for which he has not been paid, namely: first, the pay and allowances of a private of cavalry from November 30, 1863, to January 1, 1865; and second, such additional pay and allowances, as commutation of rations, &c., as were allowed to prisoners of war from July 30, 1864, to January 1, 1865. The bill was reported to the Senate ordered to a third reading, read the third time, and passed.

E. P. M'NEAL.

The bill (H. R. 4839) for the relief of E. P. McNeal was considered as in Committee of the Whole. It provides for the payment to E. P. McNeal, of Hardeman County, Tennessee, of $12,781.81, in full com-

pensation for all property taken from McNeal by the United States Army during the war.

Mr. PLATT. Let the report be read.

The Secretary read the following report, submitted by Mr. DOLPH July 15, 1886:

The Committee on Claims, to whom was referred the bill (H. R. 4839) for the relief of E. P. McNeal, having had the same under consideration, submit the following report:

This claim was favorably reported from the Committee on War Claims (Report No. 443) at the second session of the Forty-fifth Congress; was adversely reported from the same committee at the second session of the Forty-sixth Congress (Report No. 1067); was again adversely reported from the same committee at the first session of the Forty-eighth Congress; was favorably reported from the same committee and passed the House at the present session of Congress. The facts are stated in said House report (No. 443) made at the second session of the Forty-fifth Congress, which is as follows:

[House Report No. 443, Forty-fifth Congress, second session.]

The Committee on War Claims, to whom was referred the petition of E. P. McNeal, having considered the same, submit the following report:

E. P. McNeal resided in Hardeman County, Tennessee, during the war. The claim is for lumber, wood, horses, mules, and farm produce alleged to have been taken and used by the Army in 1862, 1863, and 1864. It was filed in the office of the Quartermaster-General, under the act of July 4, 1864, and finally rejected by him in October, 1874, for the reason, as assigned, that that officer was not convinced that the claimant was loyal. In rejecting the claim the Quartermaster-General expressed a purpose not to reopen it on the additional evidence presented, "in justice to thirteen thousand claimants whose claims are still undecided and who have rights to be heard."

It would certainly be a hardship if the petitioner must be permanently deprived of his rights solely on account of a lack of force in the Quartermaster-General's Office, and the grounds relied upon for bringing the case before Congress appear sufficient.

By joint resolution No 99, first session Thirty-ninth Congress, the provisions of the act of July 4, 1864, were extended to the loyal citizens of the State of Tennessee; McNeal took the oath of allegiance to the Government of the United States in July, 1862, prior to the taking of his property. Under the construction uniformly given to that act, when a person took the oath of allegiance and kept it faithfully he is held loyal thereafter. That question arose in McNeal's case in 1863. On the occupation of that section by the Federal army in 1862, a large quantity of his cotton was seized and sold, and he applied to the Secretary of War for the restoration of the proceeds. The application was referred to Judge-Advocate-General Holt for his opinion, from which the following extracts are taken:

* * * "The sixth section of the act of 17th July, 1862, declares that if any person being engaged in armed rebellion against the Government of the United States, or aiding or abetting such rebellion, shall not within sixty days after public warning and proclamation by the President, cease to aid, countenance, or abet such rebellion, and return to his allegiance to the United States, all the estate and property, moneys, stocks, and credits of such person shall be liable to seizure, &c.

"This must be construed to be a declaration by implication that, if such person does comply with the requirements of the statute, his property of every kind shall be protected from seizure. The exemption for complying with the law must necessarily be held to be as broad and comprehensive as the penalty denounced for a failure to do so. What support, or aid and comfort beyond the contract referred to, had been previously given to the rebellion by the petitioner does not appear; but, whatever it may have been, he, on the 22d of July, 1862, five days after the passage of the law, returned to his allegiance and took the oath which has been already mentioned. This appears to have been done in good faith, and it is not alleged or pretended that he has since violated that oath or been guilty of any disloyal practices. It is quite clear, therefore, that if this cotton or its proceeds can be regarded as his property, it was not liable to seizure under the sixth section of the act of 17th July.

* * * "A great principle of public policy is involved in this case, and no technical objections should be allowed to restrain or embarrass its operations. It was the object of Congress to induce those in rebellion against the Government to lay down their arms and return to their allegiance, and to prevail on them to do so a complete amnesty for the past, with limited exceptions, has been offered by solemn legislative enactment. When the terms thus proposed have been accepted and complied with by a citizen previously in rebellion, good faith, as well as the best interests of the Government, require that the full benefits of this legislation and of this policy shall be secured to him.

"I recommend, therefore, that Brigadier-General Ross be ordered at once to pay over to the petitioner the $10,000, the proceeds of the cotton, and which he now holds awaiting the decision of the War Department upon the question raised."

This decision was approved by Hon. E. M. Stanton, then Secretary of War, in November, 1862, and the proceeds were paid to McNeal accordingly.

The petitioner's loyalty was again passed upon favorably by the accounting officers of the Treasury in November, 1871, and the sum of $1,294.04 was paid him on vouchers for hay, corn, fodder, &c., taken and used by the army in August, September, and October, 1862. These vouchers had been originally filed in the Office of the Quartermaster-General as a part of this claim, and were presented to the Treasury Department for settlement, with the acquiescence of the Quartermaster-General. The proof offered in support of loyalty was the same as now offered, with the exception of such proof as has since been filed. The case was referred by the Treasury Department to the Bureau of Justice in the War Department for opinion as to the sufficiency of the proof of McNeal's loyalty. After considering the effect of the oath of July, 1862, and going over the testimony critically and at length, the opinion concludes:

"There are thus twelve witnesses, unimpeached in their character, who under oath affirm the continued loyalty of the claimant—not as 'reputed,' nor as gathered as hearsay, nor any popular estimate of him, but as a fact within their own knowledge, derived from intimate and long-continued personal intercourse with him, and from constant personal observation of his conduct. Among these are three officers of the Government who, being unassailed, are, by their position as its trusted agents, entitled to its confidence. Not a single witness who has spoken under the sanction of an oath has charged the claimant either with disloyal conversation or with practices of any kind inconsistent with the obligations of allegiance assumed by him in July, 1862. Opposed to this array of testimony is the statement found in the printed voucher and the certificate of Assistant Quartermaster Eddy; but these speak only of reputation and of the sayings of certain 'Union men' not named, not under oath, and not subjected to cross-examination. In response to these, and sufficient to neutralize them, is the certificate of Assistant Quartermaster Clary, stationed at Memphis, Tenn., that the claimant, though originally a secessionist, having, on the occupation of *Bolivar by the* Federal troops, taken the oath of allegiance, the report was that 'he had fulfilled its conditions.' Guided to its conclusion solely by the evidence on file, this bureau can not but regard the claimant's loyalty as established so far as any issue of fact can be settled by human testimony."

This opinion is signed by J. Holt, Judge-Advocate-General. It was concurred in by the accounting officers of the Treasury, and the vouchers were paid as stated.

Since these vouchers were allowed and paid by the Treasury Department, other testimony as to loyalty has been taken, and is now presented.

W. H. Morgan, late assistant adjutant-general and brevet brigadier-general, testifies that he was for some time during the war assistant adjutant-general for the district of West Tennessee; that he was well acquainted with McNeal, and that he was regarded as a Union man by the military authorities after 1862; that as soon as the Federal troops reached his neighborhood he was one of the first to take the oath, and his conduct was such as to gain for him the confidence of the officers. The witness concludes:

"Any one who states that McNeal was disloyal from the first moment he had an opportunity to take the oath must do it from mistaken information or personal motives."

Josiah Deloach, postmaster at Memphis, Tenn., testifies that he has been well and intimately acquainted with McNeal for many years past, and that since he took the oath of allegiance in July, 1862, "he has at all times been loyal to the Government of the United States, and kept his said oath inviolate."

Thomas G. Patrick testifies "that said E. P. McNeal, since he took the amnesty oath, under President Lincoln's proclamation, in July, 1862, has all times been true and loyal to the Government of the United States, and a supporter of the same."

D. J. Benner, chief quartermaster on General Hurlburt's staff, while that officer commanded at Bolivar, and who has been before the committee, testifies:

* * * "The said McNeal had the reputation of being an unqualified Union man, and was so considered by those persons, residents of that section of country, whose loyalty the Government has fully recognized; it was a matter of common report that he took the oath of allegiance at the very earliest opportunity, and that he faithfully lived up to his obligations. I always, while stationed at Bolivar, and when hearing his name mentioned in Memphis, believed him to be a consistent Union man, and have never had any reason since to change that opinion."

If any doubts existed in the minds of any as to McNeal's loyalty upon the settlement of his vouchers by the Treasury Department, it would seem that they ought to be wholly removed by the positive testimony taken subsequently. The committee are of the opinion that the testimony abundantly justifies the conclusion that the petitioner was loyal within the meaning of the act under which he seeks relief.

McNeal owned two plantations, one near Bolivar, and the other some twelve miles distant. These appear to have been in a good state of cultivation, and there is no question as to his ownership of the property. Some twenty-five witnesses testify to the taking of the property by the United States Army, and to quantity or numbers and value. Of these, upwards of twenty made affidavits to the taking and conversion in 1865, when the circumstances relative thereto were probably fresh in memory. The account was made out in July, 1865. The case has been investigated by officers of the Quartermaster-General's Department, and no question has been raised as to the validity of the claim, so far as relates to the property. The witnesses include Pyboss, postmaster at Bolivar; Boyle, an internal revenue officer: Col. D. J. Benner, late an assistant quartermaster; D. E. Coon, late colonel of the Second Iowa Cavalry; and a number of citizens of evident respectability. Colonels Benner and Coon have been before the committee in person. The former testifies that about 10,000 bushels of corn and 80,000 pounds of fodder were taken in 1862 by himself and by an officer acting under him. He also corroborates the taking of the lumber and wood. Colonel Coon testifies to the taking of eight mules and 600 bushels of corn. The amount claimed was $16,642, which is somewhat reduced by throwing out a small portion which was not deemed sufficiently proved, and by substituting prices allowed by the Quartermaster-General at the various dates of the taking of the items charged.

The account is stated as follows:

9,895 bushels of corn, at 50 cents	$4,947 50
790 bushels of corn, at $1	790 00
80,600 pounds of fodder, at 75 cents per cwt	504 50
300 pounds of hay, at $15 per ton	2 25
13,504 feet of lumber, at $15 per 1,000	202 56
865 cords of wood, at $2 per cord	1,730 00
1,000 cords of wood (timber), at $1 per cord	1,000 00
24 mules, at $125 each	3,000 00
1 horse	150 00
2 horses, at $115 each	230 00
Wagon and harness	125 00
Total	12,781 81

The committee recommend the passage of the accompanying bill.

Your committee adopt said report, and recommend the passage of the bill.

Mr. PLATT. The Senator who made that report is not in.

While the bill may be all right, I do not like to vote for it without a little further time to examine it. I therefore ask that the bill may lie over until the Senator from Oregon comes in.

Mr. HARRIS. Retaining its place on the Calendar subject to call.

Mr. PLATT. Certainly.

The PRESIDING OFFICER. That course will be pursued.

FRANCIS H. SHAW.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2995) for the relief of Francis H. Shaw. It is an authority to the Secretary to grant to Francis H. Shaw, late captain of Company C, Fifty-fifth Illinois United States Volunteer Infantry, an honorable discharge and muster out of the service of the United States, but this is not to be held to authorize the payment of any money to Shaw on account of the honorable discharge and muster out.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN MURPHY.

The bill (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy was considered as in Committee of the Whole. It removes the charge of desertion standing against the name of Martin Murphy, late a soldier in Company I, Ninety-first Regiment New York Volunteers, and directs the issue to him of an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOREIGN CONTRACT LABOR.

The bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, was considered as in Committee of the Whole. It proposes to add to the act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia, approved February 26, 1885, and to provide for the enforcement thereof, the following sections:

SEC. 6. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act; and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel; and for that purpose all or any of such commissioners or officers, or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if in such examination there shall be found among such passengers any person included in the prohibition in this act, they shall report the same in writing to the collector of such port, and such persons shall be permitted to land.

SEC. 7. That the Secretary of the Treasury shall establish such regulations and rules, and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

SEC. 8. That all persons included in the prohibition in this act, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State, whose duty it shall be to execute the provisions of this section, and shall be entitled to reasonable compensation therefor, to be fixed by regulation prescribed by the Secretary of the Treasury. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came, and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the time of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessels in which they came; and any vessel refusing to pay such expenses shall not thereafter be permitted to land at or clear from any port of the United States, and such expenses shall be a lien on said vessel. That the necessary expense in the execution of this act for the present fiscal year shall be paid out of any money in the Treasury not otherwise appropriated.

SEC. 9. That all acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 10. That this act shall take effect at the expiration of thirty days after its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSIDERATION OF HOUSE BILLS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 2288) to incorporate the Atlantic and Pacific Railway, and for other purposes.

Mr. HARRIS. I ask the consent of the Senate, with the approval of the Senator from Missouri [Mr. VEST], who has charge of the unfinished business, that we proceed under the present rule for half an hour longer.

The PRESIDING OFFICER. If there be no objection it will be so ordered. The Chair hears none.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 4th instant, approved and signed the following acts:

An act (S. 1532) to regulate commerce;

An act (S. 1813) to amend the law relating to patents, trade-marks, and copyright;

An act (S. 229) to provide for the erection of a public building at Wilmington, N. C.;

An act (S. 2220) granting a pension to James G. Mathes;

An act (S. 2335) for the relief of the heirs of Malitty Rose; and

An act (S. 2369) granting an increase of pension to William H. H. Price.

SAMUEL H. FLEMMING.

The bill (H. R. 3173) for the relief of Samuel H. Flemming was considered as in Committee of the Whole. It provides for the payment to Samuel H. Flemming, of North Carolina, $206.66, for carrying the United States mails in North Carolina in 1870.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KANAWHA AND OHIO RAILROAD COMPANY.

The bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia, was announced as next in order.

The bill was read.

The bill was reported from the Committee on Commerce, with an amendment in line 30, after the word "way" to insert—

Provided, That said Kanawha and Ohio Railroad Company, its successors and assigns, shall pay a reasonable yearly rental for said property, the amount thereof to be ascertained and prescribed by the Secretary of War.

Mr. COCKRELL. I do not see the Senator from West Virginia [Mr. KENNA] who reported the bill, and I see that the Secretary of War suggests certain changes. I ask that the bill go over without prejudice, retaining its place.

Mr. CONGER. The amendment proposed by the committee meets the suggestions, does it not?

Mr. COCKRELL. I can not tell. The Secretary says he recommends them in red ink. There is only one amendment reported. The bill will not lose its place by going over.

The PRESIDING OFFICER. The bill will be passed over without prejudice, retaining its place on the Calendar.

Mr. COCKRELL. The Senator from West Virginia may come in before we get through.

The PRESIDING OFFICER. The bill will be passed over.

EUGENE E. M'LEAN.

The bill (H. R. 9115) for the relief of Eugene E. McLean was considered as in Committee of the Whole. It proposes to remove all political disabilities imposed upon Eugene E. McLean, a citizen of New York, by the fourteenth article of amendments to the Constitution of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present voting in favor thereof.

TRANSFER OF APPROPRIATION.

The bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer certain appropriation was announced as next in order.

Mr. MCMILLAN. That seems to refer to last year's appropriation. Does it apply to this year?

The PRESIDING OFFICER. The bill shows it to be a transfer of an appropriation. The amendment reported by the Committee on Appropriations will be stated.

The amendment of the Committee on Appropriations was to add to the bill:

And the accounting officers of the Treasury are authorized and directed to allow the suspended account of George B. Loring, late Commissioner of Agriculture, the several sums which were expended by him in the purchase of sorghum seed and beet seed, and for labor in the distribution of the same, from October 1, 1884, to September 30, 1885, inclusive, which expenditures were made from the laboratory fund, so called, and which the First Comptroller of the Treasury has decided not to be properly chargeable to said fund, said allowance not to exceed the sum of $20,807.80.

Mr. MORGAN. Let that go over, Mr. President. I object to it.

The PRESIDENT *pro tempore*. The bill is objected to.

Mr. BECK. The Senator from Maine [Mr. HALE] has charge of this bill. Will the Senator from Alabama object to its retaining its place?

Mr. MORGAN. Not at all.

Mr. BECK. Let it go over without prejudice.

The PRESIDING OFFICER. That will be the order.

KANAWHA AND OHIO RAILROAD COMPANY.

Mr. KENNA. I understand that in my temporary absence House bill 2646 was passed over because of my absence. I ask that it be now taken up.

The PRESIDING OFFICER. It will now be taken up if there be no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia.

The PRESIDING OFFICER. The amendment reported from the Committee on Commerce will again be stated.

The CHIEF CLERK. In line 30, after the word "way" the committee report to insert:

Provided, That said Kanawha and Ohio Railroad Company, its successors and assigns, shall pay a reasonable yearly rental for said property, the amount thereof to be ascertained and prescribed by the Secretary of War.

The amendment was agreed to.

Mr. COCKRELL. I desire to call the attention of the Senate to the language of the letter of the Secretary of War:

In response to your request of the 19th ultimo for the views of the Department on H. R. 2646, granting to the Kanawha and Ohio Railway the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia, I beg to advise you that, subject to the few corrections marked in red ink in the bill (herewith returned), there appears to be no objection to its passage on the part of this Department.

Was this one of the corrections?

Mr. KENNA. The corrections suggested by the Secretary of War were recommended to the House Committee, and they were made in the House bill before it came to the Senate. The Senate committee's amendment is an additional correction.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. KENNA. I move that the Senate insist on its amendment and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. CONGER, Mr. MILLER, and Mr. KENNA were appointed.

TEMPORARY APPROPRIATIONS.

The joint resolution (H. Res. 211) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government" was announced as the next business in order.

Mr. DAWES. That might be indefinitely postponed; the occasion for it has passed.

The joint resolution was postponed indefinitely.

BRIDGE ACROSS TRADEWATER RIVER.

The bill (H. R. 9895) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. MARRS.

The bill (H. R. 9183) for the relief of James R. Marrs was considered as in Committee of the Whole. It provides for the payment to James R. Marrs, of Boyd County, Kentucky, of $126, to reimburse him for money paid by him to the Post-Office Department of the United States because of money unlawfully taken from the post-office at Danville, Ky., of which James R. Marrs is postmaster, and for the taking of which he was in no respect blamable or responsible.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY FISK.

The bill (H. R. 3909) for the relief of Harry Fisk was considered as in Committee of the Whole. It is a direction to the Postmaster-General in adjusting the accounts of Harry Fisk, postmaster at Aurora, Ind., to allow him a credit of $283.50 for postal funds stolen from Fisk by burglars, at that post-office, on the night of the 23d of November, 1885, without any negligence or default on the part of the postmaster.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROBATE COURTS IN WYOMING.

The bill (H. R. 3760) to enlarge the jurisdiction of the probate courts in Wyoming Territory was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with an amendment, in section 1, line 7, after the word "dollars," to strike out "exclusive of interest;" so as to read:

That the probate courts of the Territory of Wyoming, in their respective counties, in addition to their probate jurisdiction, be, and they are hereby, authorized to hear and determine all civil causes wherein the damage or debt claimed does not exceed the sum of $500, and such criminal cases arising under laws of the Territory as do not require the intervention of a grand jury.

Mr. MCMILLAN. Has that bill been taken up?

Mr. CULLOM. It is a bill agreed on by the Committee on Territories, an exact copy of the law in two or three other Territories.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Territories.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CULLOM. I move that the Senate insist on its amendment, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. CULLOM, Mr. MANDERSON, and Mr. GRAY were appointed.

J. R. M'GOLDRICK.

The bill (H. R. 960) for the relief of J. R. McGoldrick was considered as in Committee of the Whole. It appropriates $77 to pay J. R. McGoldrick, of Louisiana, in reimbursement of his claim for lost remittance of money-order funds mailed by him, as postmaster at Coushatta, La., on the 28th of September, 1883, and directed to the postmaster at Shreveport, La., and which was robbed or stolen from the mail-pouch in transit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. C. WILKEY.

The bill (H. R. 6046) for the relief of H. C. Wilkey was considered as in Committee of the Whole. It provides for the payment to H. C. Wilkey, late postmaster at Columbus, Ky., of $307.87, and interest thereon from June 8, 1882, for Government money stolen from him by burglars, and which he was required to keep on hand to pay United States postal clerks with, the payment for the loss of which is not provided for in the act of Congress of March 17, 1882.

Mr. PLATT. Is it customary to pay interest on these claims?

Mr. FRYE. No; it is not.

Mr. PLATT. I ask that the bill be read again.

The bill was read.

Mr. PLATT. In line 7, after the word "cents," I move to strike out the words "and interest thereon from June 8, 1882;" so as to read:

Out of any money not otherwise appropriated, the sum of $307.87, for Government money stolen from him by burglars, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time, and passed.

Mr. HARRIS. The Senator from Kentucky [Mr. BECK] is not in his seat, and I will move that the Senate insist upon its amendment and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The PRESIDING OFFICER, by unanimous consent, was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. CONGER, and Mr. BECK were appointed.

JAMES M. HAGAR.

The bill (H. R. 7507) for the relief of James M. Hagar was considered as in Committee of the Whole. It proposes to pay to James M. Hagar, managing owner of the ship Saint James, of Richmond, Me., $1,112.78, being the amount illegally exacted from the ship by the United States consul at Bremerhaven and covered into the Treasury, which sum Hagar is entitled to have refunded to him, as appears by statements of the Secretary of State and Fifth Auditor of the Treasury.

The bill was reported to the Senate without amendment.

Mr. CONGER. In the Calendar the name is printed "James H. Hagar."

Mr. FRYE. It is right in the bill. "James M. Hagar" is right; the bill is right.

The bill was ordered to a third reading, read the third time, and passed.

SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILWAY.

The bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment.

Mr. DAWES. I offer an amendment, to come in after the word "thereof," in line 4 of section 4.

Mr. COCKRELL. What has become of the amendment reported from the Committee on Indian Affairs?

Mr. MCMILLAN. There is an amendment recommended by the committee.

The PRESIDING OFFICER. The amendment reported from the committee will be acted upon before taking up the amendment of the Senator from Massachusetts. The question is on agreeing to the amendment reported from the committee.

Mr. TELLER. What is the amendment?

Mr. HARRIS. Let the amendment be read.

The CHIEF CLERK. In section 4, line 12, the Committee on Indian Affairs report to strike out the word "and" before "construction," and after "construction" to insert the words "and operation;" so as to read:

But no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

Mr. DAWES. The object of the amendment is to enable the Secretary of the Interior to have some control over the operation as well as the construction of the road.

Mr. TELLER. I have not any objection to the United States making any donations to Indians whenever the Government of the United States sees fit. The bill shows that this is not Indian land in any sense of the term. The President of the United States reserves this land. He can to-morrow declare it to be public land again if he sees fit. He reserves it for the use of the Indians. I have not any doubt about his authority to have allowed this railroad to be built across the land without any act of Congress; but they have seen fit to come to Congress, and we provide that the Secretary of the Interior shall fix a price the railroad is to pay, not to the Government, whose land it is, but to the Indians, who have no title whatever in the land.

Mr. DAWES. It is agreed to between the Government and the Indians and the railroad company. All agree to it.

Mr. TELLER. What I contend is that the Indians should have nothing to say about this land. It is Government land.

Mr. COCKRELL. Would not this enactment be a recognition of their title hereafter?

Mr. TELLER. That is the question. The President of the United States can not donate the public domain to an Indian tribe any more than he can to me—not a bit.

Mr. DAWES. Nobody assumes that he can.

Mr. TELLER. Here we provide for payment to Indians who are occupying a piece of ground under an executive order. The executive order gives them no rights whatever. It simply reserves the land from occupation by white men. Now, we say the Indians shall be paid for this land, which they do not own. It seems to me that that provision of the bill ought to be stricken out.

Mr. DAWES. The Indians are entitled to the use of the land so long as the executive order exists. There is no question about that; and if they can be paid a sum for the use of the land I think that the Senator from Colorado need not object to it.

Mr. TELLER. I do not object to the bill. I think that the railroad company should have the right of way over the land. I only object to this loose kind of legislation, for it is certainly loose when a bill is brought in here which recognizes in an Indian tribe something that the Government of the United States has itself to buy when it wants to give a railroad company the privilege of going across it, recognizing a title in the Indians that they do not have. I am not going to object to the bill, because I want this railroad built. It is necessary.

Mr. DAWES. Then let us have the amendment acted on.

Mr. DOLPH. I think this is a matter of more importance than seems to be considered by a majority of the Senate. In the first place, the Government has granted by general act the right of way over the public lands to every railroad company that chooses to comply with the provisions of the act of March 3, 1875. I judge from the letter of the Secretary of the Interior, and I so understand it, that the Government had already extinguished the Indian title to these lands before this reservation was set aside by executive order.

Mr. TELLER. Certainly it had.

Mr. DOLPH. Then the President comes in and sets aside a portion of the public domain for the use of the Indians as a reservation. If it had not been for that order, there is already existing legislation which would grant to the railroad company, by compliance with its conditions, a right of way over those lands.

Now, because of the executive order, and because the President does not choose to modify the executive order in-so-far as to allow the company to locate its line over this land and to file its maps and thereby secure the right of way, the company comes to Congress for leave to deal with the Indians in regard to the reservation. As I understand, there is a provision in the bill to the effect that the company shall pay the Indians for the land—which does not belong to them, but belongs to the Government—as well as to pay for the injury done to the improvements made by the Indians.

I think it is a wrong principle, and, as suggested by the Senator from Missouri [Mr. COCKRELL], it might commit us to the idea, at least as a precedent, that the Indians had a right to the soil, or the power of the President to donate land to Indians at any time. I understand the President could rescind his order at any time, and throw any one of the reservations which have been created by executive order open to settlement without any act of Congress whatever.

Mr. DAWES. There is no doubt about the President's authority to vacate the order by which he established the reservation, and there is no doubt in my mind that he could permit the railroad company to go over the land by excepting from his order so much of the land as would be occupied by the railroad. But the President and those administering Indian affairs decline to do that; and they, with the railroad company and the Indians, have agreed that for the use of this right of way, while the executive order exists, the railroad company shall pay the Indians what the Secretary of the Interior says they ought to pay for the use of the land while the executive order exists. The Senate can decline to grant this right, and the Interior Department will decline to let the railroad go through, and I shall be entirely satisfied.

Mr. TELLER. Has the agreement already been made between the company and the Indians?

Mr. DAWES. But, it seems to me, all at once somebody is straining at a gnat and swallowing a camel. I do not know who it is, but the idea that when the railroad company is perfectly willing to pay the Indians for the use of the land just what the Secretary of the Interior agrees, and they have all three gone into the agreement, and the money is ready, then because perchance in accordance with strict law the Secretary had the power to do it without this proposed act, the Senate may decline to pass the bill if they choose.

Mr. DOLPH. Mr. President——

The PRESIDING OFFICER. The time has expired for the present order. The unfinished business will be laid before the Senate.

Mr. MCMILLAN. I ask unanimous consent that the order be continued until we get through with the pending bill. This is a matter of great public importance. The railroad is to be constructed through a portion of country which very much needs it. It extends from the Red River to Montana. I ask unanimous consent that we may go on with the bill.

Mr. DAWES. There is no dispute about the effect of the proposed law, if this is the convenient way of doing it.

Mr. MCMILLAN. Let us get through with the bill.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the Senate continue the consideration of the bill until it is completed. Is there objection? The Chair hears none.

Mr. SABIN. It was my purpose to offer to the bill an amendment.

Mr. DAWES. Let us dispose of the pending amendment.

Mr. SABIN. One thing I was going to ask is, what is the object of your amendment? To what amendment does the Senator from Massachusetts refer?

Mr. DAWES. The amendment recommended by the Committee on Indian Affairs. Let that be disposed of before you make your suggestion.

Mr. SABIN. I should like to ask the Senator from Massachusetts what is the object of the amendment he has offered?

Mr. DAWES. If the Senator will look at the twelfth line of the fourth section he will see that somebody, in drawing the bill, left out two words which are in all the other bills, namely, the words "and operation." The committee suggested that those words be put in so that the Secretary of the Interior could control the operation as well as the construction of the road while the executive order existed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

Mr. DAWES. Now, in section 4, line 4, after the word "thereof," I move to insert:

And also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

Mr. MCMILLAN. I hope the Senator from Massachusetts will withdraw the amendment.

Mr. DAWES. It is important to put this in to insure the bill becoming a law.

Mr. MCMILLAN. Very well.

Mr. TELLER. Let the amendment go in.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. DAWES].

The amendment was agreed to.

Mr. SABIN. It was my purpose to offer an amendment to the bill limiting the amount of bonds and stock that should be issued upon the road. I find, however, upon examination that that limitation is already placed at $15,000 per mile for bonds, which strikes me as a very reasonable figure. It is not the purpose of the company to issue any stock whatever upon the new road to be constructed under the provisions of the bill, such issue being restricted by their charter. I therefore hope that the bill will be passed at this time without further amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist on its amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. SABIN, and Mr. HAMPTON were appointed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

The PRESIDING OFFICER (Mr. MILLER). The Chair lays before the Senate the unfinished business coming over from Saturday.

Mr. CONGER. Before proceeding with the unfinished business I ask unanimous consent to take up the bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880. The bill has been read and was about to be put on its passage when the Senator from Massachusetts [Mr. HOAR] offered an amendment which should have been offered to some other bill. There is no amendment that I know of to be offered to the bill now.

The PRESIDING OFFICER. The Senator from Michigan asks the unanimous consent of the Senate to take up the bill indicated by him out of its order. Is there objection?

Mr. VEST. I call for the regular order.

Mr. CONGER. I hope the Senator from Missouri will allow this bill to go through. It was under consideration some time ago, and was ready to be passed to a third reading when the Senator from Massachusetts offered an amendment which he supposed should belong to the bill, but on inquiry he found it should be an amendment to another bill. This is a bill which it is very desirable to pass, and is a matter of great necessity to our Western and Southwestern people.

Mr. VEST. I have no objection to the bill; I should like to see the bill pass.

Mr. CONGER. It will take but a moment to dispose of it.

Mr. VEST. However I do not see where is the great necessity for pressing it at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none; and the bill is before the Senate as in Committee of the Whole and open to amendment.

The bill proposes to amend section 5 of the act of June 10, 1880; so as to read:

SEC. 5. That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and merchandise may also be transported under the provisions of this act by express companies on passenger trains, in safes, "pouches," and trunks, which shall be of such size, character, and description, and secured in such manner as shall be from time to time prescribed by the Secretary; and in cases where merchandise shall be imported in boxes or packages too large to be included within the safes, trunks, or "pouches" as prescribed, such merchandise may be transported under the provisions of this act, by such express companies, "corded and sealed," in such manner as shall from time to time be prescribed by the Secretary of the Treasury; "and passengers' baggage and effects arriving at any of the ports specified in section 1 of this act, which shall appear by the manifest of the importing vessel, or other satisfactory evidence, to be destined to any of the ports specified in the seventh section, may also be transported by express companies under the provisions of this act to any of the ports specified in the seventh section thereof, in such manner and under such rules and regulations as the Secretary of the Treasury may prescribe;" and merchandise such as pig-iron, spiegel-iron, scrap-iron, iron ore, railroad-iron, and similar articles commonly transported upon platform or flat cars may be transported under the provisions of this act upon such platform or flat cars; and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad scales may be used for such purposes; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary of the Treasury, and at the expense of the companies, respectively. Such merchandise shall not be unladen or transshipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, "or where the route is bonded for both land and water carriage," or from accidents, or from legal intervention, or when, by reason of the length of the route, the cars, after due inspection by custom officers, shall be considered unsafe or unsuitable to proceed further, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885, the original having been lost or mislaid.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 9116) to provide for holding terms of the United States courts at Texarkana, Ark., and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. ROGERS, and Mr. CASWELL managers at the conference on the part of the House.

PAYMENT OF LABORERS FOR DECORATION DAY, ETC.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days.

The amendments of the House of Representatives were stated as follows:

In line 3, strike out "thirtieth" before the word "day," and after the word "day" strike out the words "of May."

In lines 3 and 4, strike out the words "commonly called Decoration day" and insert "which is celebrated as memorial or decoration day, and the 4th of July."

In line 4, strike out the words "a holiday" and insert the word "holidays;" and amend the title so as to read:

A joint resolution providing for the payment of per diem laborers in Government employ on memorial or decoration day and the 4th day of July of each year as on other days.

The PRESIDING OFFICER. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

COPY OF A BILL.

The PRESIDING OFFICER laid before the Senate the request of the House of Representatives to furnish a duplicate engrossed copy of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

The PRESIDING OFFICER. The request will be granted by unanimous consent, unless there be objection.

STEEL FOR ORDNANCE, ETC.

Mr. DOLPH. Before Senate bill 662 is transmitted to the other House, I desire to move to reconsider the vote by which the bill was passed, for the purpose of making a verbal amendment to the amendment offered by myself, adding the words "is hereby appropriated." I presume it can be done in a moment by unanimous consent.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from Oregon.

Mr. DOLPH. I move to reconsider the vote by which the Senate ordered to engrossment and third reading and passed the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare.

The motion to reconsider was agreed to.

Mr. DOLPH. I now move to reconsider the vote by which the amendment offered by myself to the bill was agreed to.

The motion to reconsider was agreed to.

Mr. DOLPH. I now move to add to the amendment the words "is hereby appropriated."

Mr. BUTLER. I must object to the consideration of either of those bills in the absence of the Senator from Connecticut [Mr. HAWLEY]. I do not know what the amendment is.

Mr. DOLPH. It is simply to add the words "is hereby appropriated," which were omitted in the amendment making an appropriation of $5,000,000. It was a clerical omission. I wish to have the amendment made while the bill is still in the possession of the Senate.

Mr. BUTLER. I do not know what it is, but of course if the Senator states that——

Mr. DOLPH. It is merely to add to the amendment adopted by the Senate on my motion the words "is hereby appropriated."

The PRESIDING OFFICER. The question is on the adoption of the amendment to the amendment proposed by the Senator from Oregon. The amendment as proposed to be amended will be stated.

The CHIEF CLERK. It is proposed to add to the amendment inserted in the bill as section 4 the words "is hereby appropriated;" so as to read:

SEC. 4. That for the purpose of the construction of fortifications and other works of coast defense, in accordance with the recommendations of the Board on Fortifications or other Defenses, appointed by the President of the United States under the provisions of the act of Congress approved March 3, 1885, $5,000,000, to be expended under the direction of the Secretary of War, is hereby appropriated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was ordered to be engrossed for a reading, read the third time, and passed.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

Mr. VEST. I now call for the regular order.

The PRESIDING OFFICER. The unfinished business will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes, the pending question being on the amendment proposed by Mr. VEST to the amendment of the Committee on Commerce, to add as an additional section:

SEC. —. That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said railway shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

Mr. MORGAN. Mr. President, when I yielded the floor on Saturday upon this bill I was about to consider the relations of the United States Government toward the Government of Colombia in respect of the obligations that we are under there to protect the peace in that country. The United States Government was the first in the field in its negotiations with Colombia—New Granada then—in regard to this isthmian transit. We had then the proposition on foot of building a railway across that isthmus, with the assistance of our own people. In the treaty of 1846 was the following provision:

The United States of America and the Republic of New Granada, desiring to make as durable as possible the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points:

First. For the better understanding of the preceding articles, it is and has been stipulated between the high contracting parties, that the citizens, vessels, and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated Isthmus of Panama, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges, and immunities concerning commerce and navigation which are now or may hereafter be enjoyed by Granadian citizens, their vessels, and merchandise; and that this equality of favors shall be made to extend to the passengers, correspondence, and merchandise of the United States in their transit across the said territory, from one sea to the other. The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of produce, manufactures, or merchandise, of lawful commerce belonging to the citizens of the United States.

Other privileges are conferred, which it is not necessary that I should read:

And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and,

in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

Second. The present treaty shall remain in full force and vigor for the term of twenty years from the day of the exchange of the ratifications; and from the same day the treaty that was concluded between the United States and Colombia, on the 13th of October, 1824, shall cease to have effect, notwithstanding what was disposed in the first point of its thirty-first article.

Third. Notwithstanding the foregoing, if neither party notifies to the other its intention of reforming any of, or all, the articles of this treaty twelve months before the expiration of the twenty years stipulated above, the said treaty shall continue binding on both parties beyond the said twenty years, until twelve months from the time that one of the parties notifies its intention of proceeding to a reform.

There is the basis of the peculiar commercial and political relation which we hold to the State of Panama and to the Republic of Colombia in respect of this isthmian transit. There has been a free expression of opinion on various occasions by our Secretaries of State and our Presidents as to the interpretation of the obligations resting upon us and the correlative rights that grow out of this treaty in our favor, and they have been uniformly of this tendency, without undertaking to read the correspondence which sets forth the proposition I am about to state: That this undertaking of the Government of the United States to secure the peace and neutrality of Panama includes the right to enforce the peace in that country, so that there shall be no outrage committed upon the commerce of the people of the United States when in transit across that isthmus; and that this is also a peculiar power given to us, in its nature exclusive because of the fact that we were paid for it, as is expressly in the treaty alleged, by the concessions made to us by the fourth, fifth, and sixth articles of the treaty; that is to say, that Panama or New Granada in negotiating this arrangement with us made a stipulation which gave us peculiar privileges for which we were compensated in the articles numbered 4, 5, and 6.

We have been following up the idea which was conveyed in the original treaty by some assertion on our part from time to time of our exclusive right to secure the occupancy of certain islands in the Bay of Panama whenever we could get the consent of the Government of Panama to our occupancy, because of the fact that those islands would give to us the power to protect the transit; they would enable us, without locating ourselves within the body of the people of Panama, to create such stations and such defenses in the Bay of Panama as might give to us a better opportunity of defending against any aggression which might be made to interrupt the freedom of commerce across the isthmus.

Since that treaty was agreed upon some very important changes have taken place in the Isthmus of Panama. We find that the railway company which was organized there and built its route has transferred its entire interest into the hands of the Panama Canal Company; that we now have no other right of property there than the naked power and duty of protecting the Isthmus of Panama as to the freedom of our own commerce and as to the freedom of commerce of all the rest of the world. In other words, we have not in the Isthmus of Panama to-day any other than a purely political interest; there is no railroad, no canal, no grant of a right to build a railroad or a canal alongside of the one which is being now constructed, and no right to do anything except merely to send our ships of war down there whenever the people of Panama or any other set of people may choose to break the peace and thereby interrupt our commerce and the commerce of the rest of the world crossing that Isthmus. That is where we are left.

The Monroe doctrine, in addition to the rights which are conferred by the treaty of 1846, may be a sufficient foundation, and I believe is a sufficient foundation, for any interference that we might choose to make there with the operations of any company acting under the guarantee of a foreign power and seeking to establish in that isthmus any exclusive or peculiar right of transit. I do not mean merely the right to carry their own ships across or the right to charge their own rates of toll, but I mean a right to make a preference between the ships of one nation and another, for instance, in time of war, so that if we had to go to the Pacific Ocean to defend our possessions we might be compelled to get the consent of the agents or the incorporated company of some foreign power located in Panama before we could have the full power and privilege of exercising our treaty rights in that country.

As our material interests in the Isthmus of Panama dwindle and disappear it seems to me that the assertion of our political interests there ought to become more prominent and decided, because of the fact that they are all we have left. If that canal or that transit is to be of any importance at all to the people and the Government of the United States in the future, it seems to me to be high time that we were having an understanding with the other powers of the earth, particularly with Colombia, as to what rights and privileges we are to enjoy there, and whether, after all, we are to become the protectors of the commerce of the rest of the world in that quarter without any corresponding advantage to ourselves.

I mentioned on Saturday an impression that was resting upon my mind, that the Governments of France and Great Britain would bestir themselves to get advantages in that quarter, knowing that our material interests had disappeared, and that we had nothing now remaining to us except the mere shell of right and privilege conferred by the treaty of 1846, which imposes a great many more duties upon us than it confers benefits. That the Governments of Great Britain and France would naturally seek to establish themselves there, and that the conduct of the Government of Great Britain in reference to the island of Taboga and the other islands in the Bay of Panama heretofore, within the last three or four years, was a sufficient indication to us of a fixed and settled purpose to plant themselves in a position of command on the other side of the isthmus, the Panama side, while they hold a very advantageous position of command on this side, in the island of Jamaica.

The island of Jamaica is almost as near to the Panama Canal as the island of Cyprus is to the Suez Canal. I do not know but that it is quite as near, quite as convenient a place for resort, for fortification, for the accumulation of naval and military stores, for the grouping of armies that might be necessary to enforce British policy in that quarter; and if in addition to this they shall ever acquire in the Bay of Panama the right to establish themselves under the authority of the Government of Colombia, they would have their guns pointing from either direction upon the openings of this canal, and with their immense fleet they would certainly have a very great power to control the destinies of that canal and all persons and governments directly interested in it.

I have never found anything in the history of the policy of the British Government which tends to modify the opinion in my mind that it will always do whatever may be considered necessary for the permanent establishment of its commercial and its maritime power in any part of the world. I do not attribute that sentiment to the people and the Government of Great Britain in derogation of their character in the slightest degree. It is a trait that belongs to their character naturally, and which we ourselves have inherited from them to a large extent; and it is something not to be complained of either, in an international sense. Still we must recognize the fact that in our dealings with these great questions, which so immediately concern our future welfare, we will always expect to find an antagonist in Great Britain, alert, well informed, sedate, resolute—yes, intrepid, and ready to do anything that may be necessary for the establishment and the promotion of British interests.

So I take it, Mr. President, that we have some duties to perform in respect to this matter, and that the time is now perhaps as rife as the time will ever be for the declaration of a firm American policy in respect of this great Mediterranean of ours that lies to the south of us, and its connections, in the future, through the isthmus with the Pacific Ocean. There is no time for faltering, no time for misunderstanding, no time for procrastination or delay; but it is high time that we had announced and established in the face of the world, sedately and justly and honestly a policy that our people are willing and ready to pursue on these questions.

The Clayton-Bulwer treaty, which announced a certain doctrine, was ratified in April, 1850, and in 1853 we ratified with Mexico a treaty which has reference to some of the same subjects that are mentioned in the Clayton-Bulwer treaty. I bring this subject forward and would like to be able to call it to the attention of the Senator from Missouri [Mr. VEST], who is in charge of this bill, for the purpose of getting some explanation about it. I think that our treaty of 1853 with Mexico is probably as much in conflict with the eighth article of the Clayton-Bulwer treaty as anything that has been proposed to be done between this Government and Nicaragua without adverting to exactly what has been proposed to be done; but we understand it, though I believe we are not yet at liberty to state it. This is called the Gadsden treaty. It is a permanent or a perpetual treaty. There is nothing in it to indicate that either government has a right to put an end to it. The rights which are conferred here were intended to be perpetual rights. I will read them:

ARTICLE VIII.

The Mexican Government having on the 5th of February, 1853, authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way—

This is the point in the matter—

nor in the proceeds thereof, be transferred to any foreign government.

The United States, by its agents, shall have the right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of communication; also the effects of the United States Government and its citizens, which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government. Neither passports nor letters of security will be required of persons crossing the isthmus and not remaining in the country.

When the construction of the railroad shall be completed, the Mexican Government agrees to open a port of entry in addition to the port of Vera Cruz, at or near the terminus of said road on the Gulf of Mexico.

The two governments will enter into arrangements for the prompt transit of troops and munitions of the United States, which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

The Mexican Government having agreed to protect with its whole power the prosecution, preservation, and security of the work, the United States may extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law.

That is a very important treaty engagement as I understand it, and the line of transit which is mentioned in the eighth article of the treaty

of 1853 is identical with the one that is in the bill we are now considering. So in that connection it becomes a matter of the greatest moment that we should understand whether the concession which Mexico has made to the Eads Ship-railway Company in any wise conflicts with the rights secured to us under the eighth article of the treaty with Mexico of 1853 and the eighth article of the Clayton-Bulwer treaty. It was for the purpose of enabling the Senate to see the precise bearing of this concession in connection with this treaty that I had it placed in the RECORD, and presently I shall refer to some points in the concession and some in the treaty which I think are entirely in conflict.

But before proceeding to do that I desire to call the attention of the Senate to certain rights that we have in Nicaragua upon this subject of transit which are of later date than the Clayton-Bulwer treaty, and which I suppose were incorporated in this engagement between the United States and Nicaragua in strict compliance with the principles of that treaty, because Great Britain also negotiated with Nicaragua about the same time, or a little before, this treaty was negotiated, one of almost precisely similar import so far as the right of transit and protection is concerned. The fifteenth, sixteenth, and seventeenth articles of the treaty with Nicaragua are very important in connection with the proposition to build any transit-way across the isthmus whether in Panama, or whether in Nicaragua, or whether at Tehuantepec, or elsewhere. I say it is important because, in looking at the eighth article of the Clayton-Bulwer treaty, we see that there is a reference made both to Tehuantepec and Panama, and perhaps I had better read that before I read the articles in the treaty with Nicaragua, of which I have just been speaking. The eighth article of the Clayton-Bulwer treaty is as follows:

ARTICLE VIII.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

I do not suppose that any one will find that the eighth article of this treaty is very easy to be interpreted. Certainly I have not found it easy to understand, but I read it in this way, that the United States and Great Britain will make treaty stipulations in the future, either jointly or separately, but in substance identical with this article, with the Governments of Central America and also with the Government of Colombia, under which a joint protection shall be given to any isthmian transmit by the Governments of the United States and Great Britain and by which it shall be imposed also upon those governments, either by treaty or without a treaty, that the citizens of the United States and of Great Britain shall have rights in that transit equal to those of any other power of the earth, and that their own rights shall be equal to each other, and that other nations who will contribute to the protection which the United States and Great Britain promise that they will give to the isthmian transit, shall also have the benefit of the transit by railway or by canal upon equal terms. That is my understanding of what is meant by that clause in the treaty.

This seems to be a treaty engagement to enforce upon the States of the isthmus the neutrality of any transit across them, and to give them the joint protection of the United States and Great Britain, while admitting to similar rights those countries, and only those, that will give like protection. But for the evident magnanimity of this proposition it might be considered arrogant.

Having read that in connection with the rights that we got from Mexico in 1853, three years later than that treaty, I shall proceed now to read the articles from the Nicaraguan treaty of 1867, which, as I have observed, were intended to carry into effect on our part the principles of the agreement of 1850, called the Clayton-Bulwer treaty.

ARTICLE XIV.

The Republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific Oceans through the territory of that republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both republics and their respective citizens; the Republic of Nicaragua, however, reserving its rights of sovereignty over the same.

ARTICLE XV.

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same. They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

And the Republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific Oceans. At these ports no tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country, intended, *bona fide*, for transit across the said routes of communication, and not consumption within the Republic of Nicaragua. The United States shall also be at liberty, on giving notice to the Government or authorities of Nicaragua, to carry troops and munitions of war in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said Government or authorities, and without any charges or tolls whatever for their transportation on either of said routes; provided said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

And the Republic of Nicaragua concedes the right of the Postmaster-General of the United States to enter into contracts with any individuals or companies to transport the mails of the United States along the said routes of communication, or along any other routes across the isthmus, in its discretion, in closed bags, the contents of which may not be intended for distribution within the said republic, free from the imposition of all taxes or duties by the Government of Nicaragua; but this liberty is not to be construed so as to permit such individuals or companies, by virtue of this right to transport the mails, to carry also passengers or freight.

ARTICLE XVI.

The Republic of Nicaragua agrees that, should it become necessary at any time to employ military forces for the security and protection of persons and property passing over any of the routes aforesaid, it will employ the requisite force for that purpose; but upon failure to do this from any cause whatever, the Government of the United States may, with the consent, or at the request of the Government of Nicaragua, or of the minister thereof at Washington, or of the competent legally appointed local authorities, civil or military, employ such force for this and for no other purpose; and when, in the opinion of the Government of Nicaragua, the necessity ceases, such force shall be immediately withdrawn.

In the exceptional case, however, of unforeseen or imminent danger to the lives or property of citizens of the United States, the forces of said republic are authorized to act for their protection without such consent having been previously obtained.

But no duty or power imposed upon or conceded to the United States by the provisions of this article shall be performed or exercised except by authority and in pursuance of laws of Congress hereafter enacted. It being understood that such laws shall not affect the protection and guarantee of the neutrality of the routes of transit, nor the obligation to withdraw the troops which may be disembarked in Nicaragua directly that, in the judgment of the government of this republic, they should no longer be necessary, nor in any manner bring about new obligations on Nicaragua, nor alter her rights in virtue of the present treaty.

That is as far as it is necessary for me to read now in order to show the point that I make, which is, that in its dealings with Panama, in its dealings with Mexico, in its dealings with Nicaragua, the Government of the United States, both before and since the Clayton-Bulwer treaty, has distinctly asserted its right to enter into separate stipulations for its own accommodation and convenience. In the case of Mexico the right of transmitting our armies and munitions of war across the isthmus; in the case of Nicaragua the right, when there may be an immediate necessity, of going in there with our army and munitions of war and our ships to protect the freedom of the transit and the impartiality of its use; and in the case of Panama or Colombia an express obligation resting upon us that we will, for a consideration expressed in that treaty, protect any transit across the isthmus, whether by railroad or by canal, against local interruption or against foreign interference.

These are the rights and obligations which we have by treaty with these three powers, and I do not understand that there is a nation in the world that pretends to deny to us the full right that is conferred under each and all of these respective treaty engagements.

I mention this because I expect before we have gotten very far with this matter somebody will rise to say (perhaps not here, but elsewhere) that before you can charter a company of Americans to go to Tehuantepec, or to go to Nicaragua, or to go to Panama to construct a canal or a railroad you must first inquire whether the consent of the British Government is to be obtained under the eighth article of the Clayton-Bulwer treaty. I do not know that the British Government would insist upon that, for I have an impression growing out of the history of this matter, as I understand it, that that Government is scarcely willing to press with any emphasis and force the principles and doctrines of the Clayton-Bulwer treaty upon us in so far as it prevents us in any sense from entering this isthmus at any point and with the consent of the local government, and constructing for the benefit of the Government and the people of the United States a line of transit across the isthmus.

Still, in the absence of a distinctive American policy, in the absence of an express, resolute determination on our part to do for our country at the present and for posterity what duty demands of us, and what right and conscience clearly accord to us, we may well halt and hesitate in the advocacy of any proposition that has for its object the final, practical solution of this subject and the dispersion of this cloud of mist and doubt, and disturbance too, which has existed over this country ever since April, 1850, in consequence of the Clayton-Bulwer treaty.

Mr. EUSTIS. Has England ever complained about the Nicaraguan treaty?

Mr. MORGAN. The Senator from Louisiana asks me if England has ever complained about the treaty we made with Nicaragua. Certainly not; and England has negotiated with Nicaragua a treaty almost identical in its provisions so far as the part of it is concerned which I have been just reading, including in that treaty the surrender of the right of dominion over the so-called Mosquito Kingdom at the mouth of the San Juan River.

I believe that the Senator from Missouri has a clear road opened by treaty to the building of the ship-railway which the bill proposes, provided the Eads concession is not of a character to interfere with the treaty rights of the United States; and about that I confess I have some doubt. I will call attention to the sixteenth article of the concession, and let us see how that harmonizes with the treaty with Mexico from which I have been reading. The sixteenth article of the concession is as follows:

ART. 16. Passage over the railway shall be open for all the vessels of all the nations not at war with Mexico, and the government of the republic binds itself not to close to ocean commerce, during the time of the concession, either of the two terminal ports of the interoceanic ship-railway, one in the Gulf, the other in the Pacific, except in case of war.

That exception of case of war is not reserved in the treaty, and that is the very time when it would be supposed that we would have the best right to it.

The treasury department shall make the regulations which must be observed, &c.

That is not a material matter. I now turn to article 25, clause 3, to see how that comports with the treaty:

3. For the company, knowingly and intentionally, and not being constrained by superior force, transporting on the railway vessels of war or troops of any foreign nation, without the previous constitutional permission, officially communicated by the government to the enterprise.

This is one of the causes which would work the forfeiture of the concession. The term "constitutional permission" there I do not quite understand, but I suppose it might include the provisions of a treaty made in conformity with the constitution of the Republic of Mexico.

Now I call attention to article 28 in respect of the question of giving privileges or preferences to the people or the commerce of any other country above that of the United States. This article provides:

ART. 28. Eads or the company may grant a reduction amounting to 25 per cent. of the rates authorized by article 11 to the merchandise, passengers, and merchant vessels of the nation, or foreign nations whose governments shall lend it their aid either by means of money or guarantee.

This reduction shall last for a term of thirty years, and in all cases Mexican merchandise and passengers and the national marine shall enjoy the same franchises. The enterprise is also authorized to grant the same reduction to the war marine of said nation or nations, but with the proviso that the transportation of vessels, troops, or munitions of war shall not be understood to have been consented to, in any case, without the express permission of the Government of Mexico officially communicated to the enterprise.

It seems to me that that is a preference given to those governments that aid in this enterprise which totally overturns the privileges given to us by the treaty of 1853, from which I have just been reading.

Again:

The government granting the aforesaid aid shall have the right to be represented in the board of directors of the company, without any power save that of being present at the examination of the accounts for the purpose of receiving the share of the profits that belongs to them by two-ninths of the whole number of its members, these representatives enjoying the same emoluments and prerogatives as the other directors.

In case that Eads or the company should fail in any of the stipulations contained in the preceding article contracted with any foreign government, that government can only enforce its rights before the Mexican courts of the capital of the republic, in accordance with ths laws of Mexico; but in no case can the government which brings suit acquire the ownership of the works or the rights emanating therefrom.

These provisions seem quite in conflict with our treaty rights with Mexico.

Our rights in Mexico in respect to this matter are treaty rights, to be settled in the courts of diplomacy or at the point of the sword if we disagree materially about them; but this engagement, as I understand it, would remit the United States to the Mexican courts or require us to prosecute our claims there as suitors and not to assert them under the treaty if we should become a party to this concession by adopting it as the basis of this legislation.

Now, Mr. President, in order to avoid these and other troubles of like kind which I find in the reading of this concession, I propose to offer an amendment to this bill which I think covers the ground, though it may not be happily worded for that purpose. I am not quite sure that this amendment goes as far as it should. I think the Senator from Missouri will recognize the importance of it in connection with the points I have just stated of discrepancy between the concession made by Mexico and the obligations this company comes under to that government and our treaty rights under the treaty of 1853. My amendment is as follows:

In granting this act of incorporation to its own citizens and to such other persons as may become their associates and successors, the Government of the United States expressly hereby declares that it reserves to itself the full and unqualified rights and privileges in any railway or canal transit across the Isthmus of Tehuantepec, or in any way connected with or growing out of such lines or means of transit, secured to the United States by article 8 of the treaty with Mexico, concluded December 30, 1853, and proclaimed June 30, 1854; nor does the United States in any manner waive or modify or release any agreement in said treaty that relates to governments or persons that are foreign to Mexico or the United States. And this act shall not be construed as accepting or confirming, or in any way recognizing as being valid, any concession or agreement made by Mexico to James B. Eads, or to any other person which, in any manner, is or may be in conflict with or in derogation of any right of the United States under said treaty.

I think the Senator from Missouri will recognize the necessity for putting that into this bill as a guard against the release of the rights guaranteed to us by Mexico, and which I think are permanent and very valuable rights. Whether Mr. Eads shall ever successfully complete a ship-railway across that isthmus, or whether he shall only succeed in building a railroad under the charter which we grant him and under the concession which Mexico has given him, in either event it is altogether important to us that we should have upon that line of transit all the privileges guaranteed to us in the Gadsden treaty.

I do not know that the Mexican Government has any desire to break away from this treaty, but I could scarcely think of any means which would be more effectual to get rid of it than to make a concession like this to one of our citizens, which stands in the teeth of the treaty and the rights that we have guaranteed to us under that instrument, and by getting us to adopt that concession as a part of this measure, or as a predicate on which this measure is based. After we have thus recognized this concession, Mexico would be able to assert that we knew what our rights were under this treaty, and granted to an American corporation rights in contravention of them, and in the confirmation also of rights granted by the Mexican Government to that same company. They could well insist that we have united with Mexico in the mutual surrender of the stipulations of that treaty in our favor and that the relation hereafter existing between us in respect to the right of transit across the Isthmus of Tehuantepec would be simply that fixed in the concession made to Eads and accepted by our act of incorporation. I do not want to get into that condition in respect of this very important matter, and I repeat that I have some doubt whether or not the amendment I have prepared is altogether sufficient to preserve to us those treaty rights which were guaranteed to us in 1853, by which we made the Gadsden Purchase. It is certainly a matter worthy of attention.

My attention was not so sharply drawn to this matter until I read the concession which the Senator from Missouri handed me on Saturday, and which I put into the RECORD. It is different from that which Mr. Eads handed me, and which I have now, with his compliments written over his own name; and this concession does not appear to be signed, whereas the former concession was signed.

Mr. EDMUNDS. Which do you call "the former?"

Mr. MORGAN. The one Mr. Eads handed me, which differed from this.

Mr. EDMUNDS. That is signed?

Mr. MORGAN. Yes. I will send it to the Senator from Vermont if he desires to look at it. I thought perhaps the agreement had been enlarged by subsequent arrangement between the parties, and that is a matter easy of explanation. I hope it is, and believe it is, but I do not know anything about it. This one is dated December, 1880, signed by Porfirio Diaz and James B. Eads.

Mr. EDMUNDS. But the one in the RECORD is not signed at all.

Mr. MORGAN. Apparently not, if correctly printed.

Mr. EDMUNDS. And has no date.

Mr. MORGAN. And has no date. I dare say the Senator from Missouri will be able to give a full explanation of that. There is one other objection I have to this bill which I think ought to be corrected by its friends. If I understand all the rates of toll, they are very much higher in this concession than I think they ought to be.

ART. 11. Eads or the company is authorized to collect tolls from each vessel transported over said railway, provided that the maximum toll on each vessel does not exceed a sum equal to $5 per cubic meter for each meter contained in a parallelopipedon of which the dimensions shall be the greatest length and the greatest breadth of the vessel, measured at the surface of the water, and her greatest immersed depth. In the application of this tariff, fractions of cubic meters shall be considered as complete cubic meters.

For each passenger carried across in a vessel a sum not exceeding $15 may be charged.

Silver in bars, or coined; gold in bars, in dust, or coined; jewels and precious stones shall pay, as a maximum rate, 1 per cent. of their value.

Which I do not understand; perhaps the Senator from Missouri will be able to explain it. In this same article 11—

If any captain of a vessel, or owner, or conductor of said property shall fail to declare that it is being carried to the agent of Eads or of the company, said Eads or said company shall have the right to exact 10 per cent. of the value of the property, and to seize and detain the vessel, or the property in question, until payment of said 10 per cent. be made.

I do not know what that relates to. It appears to relate to all the commerce carried across this ship-railway.

Eads or the company may also collect wharfage dues and tonnage dues, provided that said dues do not exceed $1 per registered ton, and that the vessels from which these dues be claimed use the ports, wharves, or other hydraulic works of the company; and this sum may be charged for each period of twenty days, or less if the vessel be there only that time, on the condition that the delay be not caused by the enterprise.

I do not know why it should be in this concession that Eads should have the right to collect 10 per centum of the value of property shipped across that transit unless the captain of the vessel, or owner, or conductor declares that it is being carried to the agent of Eads or the company. I could very well understand that in the case of material out of which the ship-railway was to be built there should be a declaration of that character, otherwise 10 per cent. of the value of the property would be charged against the shipper. That would be a rule for the purpose of preventing the evasion of the concession which exempts the property to be used in the building of the railway from any tariff charge.

I merely call the attention of the Senator from Missouri to that clause because I would like to have it explained.

Mr. VEST. Will the Senator let me explain it now?

Mr. MORGAN. Yes, sir.

Mr. VEST. I think I understand it. Article II provides:

Eads or the company is authorized to collect tolls, &c.

* * * * * * *

For each passenger carried across in a vessel a sum not exceeding $15 may be charged.

Silver in bars, or coined; gold in bars, in dust, or coined; jewels and precious stones shall pay, as a maximum rate, 1 per cent. of their value.

If any captain of a vessel, or owner, or conductor of said property shall fail—

That is, if the captain of the vessel itself or an agent who has charge of this property carried in the vessel declares "that it is being carried to the agent of Eads or of the company." That is, he must state that he has this property in charge on the vessel, and if he fails to make that declaration and undertakes to carry it over surreptitiously and to defraud by that means, then the company shall have the right to exact 10 per cent. of the value of the property, and seize and detain the vessel until the payment of the 10 per cent. is made. That is, the penalty in case of concealment to defraud the Government is 10 per cent. A comma should be put after the word "carried," "shall fail to declare that it is being carried," that is, declare it to be carried to Eads or the agents of the company, and then the 10 per cent. penalty is exacted. That is the whole of it.

Mr. MORGAN. I am not disposed to be at all hypercritical about it. It was a matter that struck my attention in reading it. I thought it a peculiar provision as it was punctuated.

I understand also that a discrimination is made between Mexico and its right of transit across this isthmus, and all other countries, including the United States, in this way: The United States, after granting this charter or act of incorporation, will be required to pay all its dues and tolls in gold coin, and the Mexican Government has the right to pay them in silver coin, which is twenty to twenty-five per cent., I believe, discount for American gold. I think that when we are making a concession of this kind, if there is any value to be attached to it at all, there is at least enough value, or ought to be in our estimation, to induce us to demand from the Mexican Government, and from this corporation also, terms of perfect equality between Mexico and the United States in tolls and other charges.

Mexico has the soil and is to have the advantage of this local establishment upon her soil with its increased population and wealth and so on. Mexico is to be very largely benefited by the building of this ship-railway, whereas the United States has only a contingent benefit in it, and one not at all superior to that of any other government in the world. She has no advantage over Great Britain, France, Germany, or any other power in sending her troops or ships or any thing else across that isthmus. Mexico gets all the advantage, and yet when Mexico comes to pay her tolls across this ship-railway she pays in her own silver coin and the United States pays in gold. I do not quite see the advantage that it will be to the Government of the United States to put it in the power of the corporation to make that discrimination between us and Mexico in the transportation of goods, or soldiers, or whatever it may be, across the ship-railway.

I notice also that the Government of Mexico reserves a considerable amount of stock and control of this company, and guarantees upon certain conditions the bonds of the company, and also makes a large grant of public lands for the purpose of cleaning out the harbors at either end of this ship-railway. If the Government of Mexico finds it to her interest to put her credit or her money or her guarantee into this enterprise, and if that is considered all the guarantee the company wants or all the assistance in the way of credit that it wants, I do not quite understand why that company should come here for a charter. We can not enforce any provision of this charter under this concession elsewhere than in the courts of Mexico. Whether we make ourselves parties to it as a Government, or whether our people make themselves parties to it as interested individuals, we must all go alike into the courts of Mexico, as the concession and the charter based upon it provide, and have all the rights that may arise under it settled there by adjudication.

I do not see any corresponding right or benefit coming to the United States, of any pecuniary character, in consideration of this charter that we grant, and really I can not understand, after Mexico becomes the guarantor of the bonds of the company up to $100,000,000 I believe, and after Mexico makes her grant of the right of way and her grant of public lands for cleaning out the harbors at either end of this ship-railway, and after she has reserved to herself the difference in exchange between gold and silver in the payment of her dues, and has reserved to herself the right to forbid at any time the transit of ships of war or troops of any foreign country, including the United States, and of course reserves to herself the right to discriminate between countries in that particular—I do not see where it is that we are getting any advantage under this charter at all; and yet I am willing to vote for it provided it can be put in the body of this charter that the rights that belong to the Government of the United States under the treaty of 1853 are all preserved. If this company, in its dealings with us upon that isthmus, chooses to violate the rights guaranteed to us in the treaty of 1853 we have our clear remedy to demand that Mexico shall comply with it; but to do this we should have it clearly stated that in granting this act of incorporation all our treaty rights are reserved.

I do not know, as I observed before, whether the Government of Great Britain, under the eighth article of the Clayton-Bulwer treaty, is going to interfere or undertake to interfere with the rights claimed under this concession. It is very true that it does not give us any peculiar or exclusive rights. Nevertheless there might be ground of interference. Probably Great Britain would find ground of interference under the eighth article of the Clayton-Bulwer treaty, because she might say to us, "You are empowering your people to go there and to enjoy peculiar and exclusive privileges as a corporation, an artificial person, a body-politic created by the law of the United States, that body which in every sense is peculiarly American, and which carries with it American privilege, power, and right. You are enabling such a body as this to go into the Isthmus of Tehuantepec and to claim for themselves under a concession from Mexico that which perhaps you would not have had the right to claim from Mexico under the eighth article of the Clayton-Bulwer treaty, and we wish to know what your explanation of this is; we want to know whether you are violating the treaty."

I am always at a loss to find any ground relating to the Central American isthmian transit upon which it is not possible that Great Britain may interfere with our rights or our policy under their construction of what we have surrendered of our independence in the Clayton-Bulwer treaty.

The truth, Mr. President, is that so broad is the sweep and purpose apparently of the Clayton-Bulwer treaty, that it seems that we can scarcely do anything in respect of Central America or Mexico or Colombia that we do not come in contact or in conflict with some of its provisions or some of its doctrines, for it is a treaty that is very full of doctrine and very empty of everything else.

However, I am willing to unite hands with the Senator from Missouri and with every Republican and with every Democrat in this body to say to Great Britain, and to those who throw themselves back upon the Clayton-Bulwer treaty as the sole interpreter of our rights, "We have had as much of that as we intend to stand. You designed that treaty for the purpose of committing us to an agreement with you that nullified the Monroe doctrine, and that doctrine is the supreme law of all America."

In 1825, when the Monroe doctrine was proclaimed, the first act of the British Government afterwards was to go to the Belize and convert a privilege to cut logwood into a right of sovereignty in that part of Honduras, and to crown a miserable, filthy, wretched, ignorant Indian as the king of the Belize; and after he had abbreviated his life by the drunken debauchery the British Government empowered him to enjoy, so that within a very few years he had passed away, as he was about to leave this world, he bestowed his royal honors by bequest upon a subaltern of the British Government then in the Belize, and he became king. That, it has always seemed to me, was intended to be a conspicuous affront to that part of the American people, which I believe has embodied nearly the whole of several generations, who have been boasting themselves continually from year to year and from decade to decade that they had great respect for, great reverence for, great determination to support, the famous Monroe doctrine. Great Britain flaunted in our faces the royal pretensions of this dirty sans-culotte, and crowned him king upon American soil as a response to the enunciation of the Monroe doctrine.

After we had conquered Mexico and had signed the treaty of Guadalupe-Hidalgo, it was a very few days—perhaps it was not more than ten or twenty days—until the British flag was floating over the harbor at the mouth of the San Juan River and the protectorate of the British Government over the Mosquito kingdom was proclaimed. The only rivalry between the Mosquito king and the king that was crowned in the Belize was a rivalry of filth and insignificance and dirt and humiliation. Two men were selected, assuming to be the chiefs of their tribes, upon whom royal honor was conferred, and into whose veins, by this royal adoption, royal blood was infused for the purpose of showing the people of the United States that they would have to take at the hands of the British Government whatever of royalty they saw proper to impose on the continent of America, and that it was to be selected from such strains of blood and through such channels as they saw proper to select. A mock and degraded royalty was thus set up as an answer to our declaration of the Monroe doctrine.

When that doctrine was further dishonored by our treaty of 1850, under which we yielded our natural rights in the isthmian transit, in consideration of the dethronement of the Mosquito king, we were confronted at once by the creation of a crown colony in Honduras, based on the divine right of the drunken king of the Balize.

The Mosquito protectorate was organized by an invasion of a pacific country, Nicaragua, and from that time on until the Clayton-Bulwer treaty, Great Britain exercised the rights of sovereign over that Mosquito territory. It had no boundaries, it scarcely had a location upon the surface of the earth, for it was composed mostly of marsh and inhabited by monkeys and mosquitoes. There was nothing of it of any substantial character, except that it included the mouth of the San Juan River. Those wild Indians that hunted about for iguanas and things

of that kind to live upon had no use for a country that was of any value.

The reason was obvious why Great Britain assumed this protectorate. It was that, seeing the power we had acquired by the treaty of Guadalupe-Hidalgo, and that our borders comprised from Southern California to Oregon and Washington Territory, she saw that it was necessary to plant herself at the mouth of the San Juan River, and to hold it, asserting supremacy in that quarter. That right she gave up after a long struggle and after a long time of waiting after the Clayton-Bulwer treaty was signed.

So, Mr. President, I hope that the people of the United States have arrived at that point of determination when they will say to the Government of Great Britain: "Whatever is essential for us to have in the way of a transit across this isthmus for the passage of our armies and our ships, our foreign commerce, and our coastwise trade, that, in natural justice and right, we are entitled to, and will have." When the Almighty planted that ridge of high land, that backbone which connects these two continents, with the seas washing its base on either side, and when afterward, under His beneficent providence, this great people sprang up in the United States of America, and when their rights of commerce and rights of self-defense came to them as a prominent topic of consideration for all the world, the question whether or not that isthmus should be controlled by any power but that of the United States, or without their consent, became to us as delicate and as important a question as if it was made in respect to the peninsula of Florida.

It is not the mere right of occupancy enjoyed by the local populations, it is not the right to the soil, it is not the right to sovereignty over the isthmian States, upon which these matters of our national defense and national commercial power and commercial duty and right are based, or by which they are to be measured, but it is upon the configuration of the continent in which we have indefeasible rights, and upon the seas that wash its shores, and upon the great fact that we have got immense borders on the Pacific Ocean which now we can not reach with ships unless we pass around the Cape, and that our rights and duties rest. Whoever undertakes to get through that peninsula and to convert the connecting canal into a part of the ocean, a part of the high seas, must first ascertain whether it is entirely compatible with our interests and our wishes that this should be done.

We found the continent as it is, and have planted our institutions and shaped our policy according to its shores and seas, mountains, plains, and rivers. Whatever shall revolutionize these natural adjustments to our detriment must be done with our consent or be left undone. This I understand to be an American doctrine.

The change in the geographical situation by the construction of a ship-canal at tide level or with locks across this isthmian country is just as important to us as if the transit between Florida and Cuba was closed, just as important to us as if some restriction should be put upon our passage through the Straits of Magellan. It is the change of the ocean transit, and not the question of the advantage or disadvantage it may be to us, that is the material question. In every respect that is to us one of the most important as well as one of the most dangerous questions that can possibly arise. I deny the right of any government on this earth to change the commercial and military geography of this entire hemisphere without consulting this great people that God has permitted to assemble and to rule in this country now for several centuries.

This is not a right to be decided according to the ordinary rules of property, nor is it a right of that ordinary character which may be disposed of by the local government in combination with other governments of the earth. When a line is cut through that isthmian country, as I have before remarked, it will constitute, as a matter of fact and ought to constitute as a matter of law and of international recognition, a part of the coast line of the United States, and the Government of Nicaragua has no more right to control this coast line of the United States in respect to the advantage it may be to Great Britain or any other power without the consent of the United States than she would have the right to control the coast line between the Cape of Florida and Galveston in Texas.

Now, Mr. President, the Senator from Missouri and the gentlemen who advocate this bill and myself are in harmony upon these topics, and I trust we shall not get out of harmony upon any branch of this subject. When I venture to state the strong conviction that after we have well considered the subject, and after the capitalists of this country have taken it into advisement, the final location of the ship-transit between the Caribbean Sea and the Pacific Ocean will be found through the Lake of Nicaragua. I hope to have the friendly indulgence of the Senator from Missouri. I do not bring this subject forward with a view of disparaging the proposition that is now before the Senate, for I have observed entirely in good faith that if Mr. Eads can succeed in carrying vessels of commerce loaded across his ship-railway from the Atlantic to the Pacific I wish him Godspeed in his effort to do so; and while I do deplore that there is some division of American sentiment which at the present time seems to stand in the way of a united and powerful effort to push forward these enterprises, time will settle that. We can not settle it in the Senate.

The Senate perhaps is not prepared to pronounce a final judgment upon the engineering possibilities or probabilities of Mr. Eads's ship-railway. It is something that is very magnificent in its conception, worthy of a great engineer, and in its execution it will have the support of a man who has proved his ability in many great enterprises. The Senate, I think, could never come to a sedate and satisfactory judgment if it were compelled to choose between these two propositions; but capitalists will weigh these matters down to a very scruple, and they will understand exactly where is the best place to put their money if they undertake to assist the one enterprise or the other. Our duty as legislators is to go as far as we can with propriety in enabling these corporations to get a foothold and to establish themselves if they can.

My reasons for preferring the Nicaragua route are numerous. The first of all is the elevation above the sea. Take the greatest elevation above the level of the sea of Lake Nicaragua, which of course is the highest level upon that canal, and it is 107 feet 6 inches; that of Panama is 108 feet, and that of Tehuantepec is 726 feet. So, when you come to consider merely the rise over the altitude that you have to overcome in passing from sea to sea, you find that the figures are in favor of Panama by an actual, close, instrumental survey. I will remark here that I have never had the pleasure of seeing a close, instrumental survey of the ship-railway. I have no doubt it exists, and I hope the Senator from Missouri will put it in the RECORD, or at least at the disposal of the Senate before we get through with this debate.

Then I prefer the Nicaragua route because of the length of the line. In Panama where you have to cut 128 feet in order to get to the bottom of the prism of your canal, if it is 20 feet deep, passing through these elevations which for about 4½ miles are chiefly rock and very difficult to handle, an immense outlay of money must necessarily take place, and there are other contingencies and conditions connected with the construction of that canal through Panama which have dazed the engineering ability of the world. I think there are very few engineers who have real faith to-day in the ability of M. De Lesseps or any other man to build a sea-level canal through from Panama to Aspinwall and to make it safe and permanent.

But I do not care to comment upon that any more than to say this: Recent official advice, as I am informed, has reached the Government of the United States that in the Panama Canal, as a sort of temporary expedient, as they say, they have found themselves compelled to put in quite a number of locks. That means simply that they have yielded the proposition of a sea-level canal, and that they expect to put locks in it, and when they come to that they have 108 feet to lock over, while the Nicaragua Canal has but 107, not much difference, but still there is a difference in favor of the Nicaragua Canal. Now there are 41.7 miles of canalization in Panama. In Nicaragua there are 38.98 miles. In Tehuantepec there are 40 miles of canalization and 134 miles of railroad.

When I say 40 miles of canalization, I mean that when you start at the harbor on the east, the bar of the river Coatzacoalcos, and ascend it 25 miles, to the average from which this railway takes its departure from the river—your river Coatzacoalcos, which in the dry season goes down very low, and which in the wet season goes up very high and spreads over great marshes—you have got to get 20 feet of water, as that is the draught of the ships you expect to go in.

Gentlemen who profess to be informed about it say that there is almost as much work in the dredging out of that river as there would be in building the canal, and that the difficulty of handling the river, in consequence of its varying depths and floods, is far greater than would be the difficulty of handling any canal. That is to say, at the point where the railroad leaves the canal and at points below that you have got to have a lock, dam, or a wall, so as to raise the vessels to the proper height to get out on the railway and to overcome the shallows on the bars in the river that are shifting with every great rise and fall of the waters.

These streams, like all the other streams in those tropical countries, are liable to sudden and great inundation, and where the inundation pours itself into the channel of transit you must naturally expect that for every flood that comes there will be a residuum of sand-bars and other obstructions and difficulties washing out your works, &c., which you have to repair.

When you have crossed the distance of 134 miles on rail and over an elevation of 726 feet, taking the level of the sea at the lower point, you strike a lagoon on the other side, the name of which I forget, and that is 15 miles from the Pacific. It is shallow, must be dredged, and when you get out to the farther coast you have got, according to Mr. Eads's statement here, a very long jetty to build to get it out into the deep waters of the Pacific Ocean, so that in the comparison of the length of the lines, the elevations to be overcome, and even the number of locks, the advantage is in favor of the Nicaragua Canal. I do not say there are as many as seven locks to be built on the Coatzacoalcos. There are seven locks on the latest survey and location of the Nicaragua Canal, whereas there are twenty-one locks in the survey and location of 1873. The last one was made by Mr. Menoçal. I do not say that there are seven locks to be built on the Coatzacoalcos; and on the lagoon at the further end of this railway, how many I do not know, for, I repeat, I have not seen the surveys, but we know how many are to be built on the Nicaragua Canal, and if Panama has to resort to locks,

as we are informed she is obliged to do, instead of having seven, she will have as many as twenty. There are twenty-one dams on the Panama Canal to dam the river Chagres out of the canal basin, whereas upon the Nicaraguan route there is but one dam, and that is on the San Juan River which raises the general level of the river for nearly 40 miles—one single dam On the eastern division, leading to the Caribbean Sea, the canal is almost a continuous series of estuaries formed by permanent dams.

So, all these comparisons, without going into special details, have satisfied me that whoever wishes to put money into this enterprise, for the sake of economy will find an advantage in putting it in the Nicaragua route, and if we are to have locks on either of the canals, why not as well have them on the Nicaragua Canal as on the others?

I regret that I do not feel warranted in taking time to go over the accurate details of the Survey, and the estimates made by Mr. Menocal. They entitle him to rank as a man of leading ability in his profession, and are worthy of careful examination.

Can any gentleman in the Senate point out upon the map of this world any place besides Nicaragua where a great estuary of water has been collected by the hand of nature and locked up at an elevation of 107 feet over the level of the sea, from which can be distributed the power to carry the largest vessels down to the sea and the power to raise them from the sea? Is there any such place on this earth as Lake Nicaragua for the advantages of canalization and for many other advantages that can be pointed out? Suez has a little lake, a small body of brackish water, as a feeder, but they have had to construct a canal from Cairo to Suez in order to get fresh water to supply the Suez Canal. Then they have had to build immense jetties at the northern end of that canal in order to get the waves of the sea to roll in, and catch them in the lake, so as to furnish a body of water on which ships could be transported.

Here nature in the mountains of Nicaragua has poured into great reservoirs eternal streams of water, clear and bright, not subject to floods, and never an elevation in those lakes of more than 4 feet, and the water never muddy. Nature has poured these waters into these vast basins, and on the eastern side is the River San Juan, a powerful, strong, beautiful current, and but for a few rapids in it a current that might be made easily navigable to vessels drawing 20 feet of water. Indeed, vessels of large draught from the eastern ports have gone from the Caribbean Sea into these lakes on frequent occasions. These steamers traverse the ocean, and draw from 12 to 18 feet of water.

On the east side the rim of the lake stands a little higher, but only a few feet higher, and nothing remains to be done but the cutting of proper canal channels, with proper locks, for a distance of about 17 miles, and you reach the Pacific Ocean with your ship. Lake Nicaragua is a deep, placid, clear body of water, with some local islands and beautiful shores, in a healthy country and a climate that is delightful.

Mr. President, I am informed by some of the most experienced navigators in this country that it is worth to a ship the price of the toll upon her tonnage to cross through these lakes of fresh water and get clear of the barnacles and sea grass after a voyage across the Atlantic or across the Pacific, and that there is no such place of refreshment for a ship, as they term it, as is to be found in this great estuary of water.

The climate is delightful, the health is excellent. A number of statistics are before me from officers of the medical staff of the United States who have been there with parties, and who have examined the statistics in respect to these parties and the people who live there, and the health is excellent in Nicaragua. Men can labor as much in Nicaragua as they can labor in any tropical country in the world, and I might say even more than they can upon the plains of Tehuantepec.

But suppose these advantages are about equal, either the Tehuantepec route or the Nicaragua route very far excels Panama in respect to the health of the laborers and persons who are employed in the transmission of commerce, for the Panama route is a sickly region of the world, infected with yellow fever and various other terrible diseases.

Mr. President, we shall not get possession under this act of Congress, perhaps we shall never get possession of Lake Nicaragua and Lake Managua, one the tributary of the other. We may never enjoy the possession of those lakes in that sense in which I should feel very proud and delighted to enjoy so great an advantage for our country, but it should be said for the sake of truth and for the hope of the future, that there is more military power in the possession of Lake Nicaragua by a country that is able to put fleets into it and sail their fleets up or down either coast, the Pacific or the Atlantic, than there is in any location that man can point out on the face of the earth.

With a naval station at Nicaragua in that lake, with that for your base of supplies, you would be standing in the very key and center of this hemisphere and you would reach your arms across the Pacific and Atlantic almost with supreme command. With the power to pass through that lake and that canal to reach our Western coast, we could double our naval strength whenever we chose to do it on either ocean, and instead of being compelled, as now the necessity seems to stare us in the face, of having a great fleet for the Atlantic and perhaps a greater one for the Pacific, we could with one fleet accomplish the purposes of both.

Look at the moral power, at the commercial command, that the people of the United States would exercise over this hemisphere if they had their footing firmly planted in Lake Nicaragua with a ship-canal leading out to either ocean, a short distance to be overcome by steam within a very few hours. There we should find ourselves on the great lines of travel and in command of the highways of commerce; there we should stand as peacemaker and conservator of commerce and the safeguard of navigators among all the powers of this earth, and there the great power of the American Government and people with their magnificent organization and control through our wise and liberal Government would receive its supreme crown of glory.

In no other place is to be found the splendid center of influence from which would flow out to the world the blessings of peace and prosperity, which are the fruit of our self-government and the rightful inheritance of the people of all nations.

No, sir, the place can not be designated on this earth that is so desirable to the Government and the people of the United States as that, and I scarcely can forbear to criticise any timorous policy which prevents us from enjoying as we have a right to enjoy the benefits of that great situation.

No proposition has ever been presented to the American people, outside of the preservation of their own Constitution in their own country, of the magnificence and importance of this. Standing there facing to the south, the republics of South America would feel in our presence and attitude the benign influence of our protection against wrong and injustice from abroad and would look up to us with even double the reverence that they did when, leaving the Spanish monarchy and scarcely understanding the institutions of republican government, they did us the honor to adopt our Constitution almost in its form of words in all of those governments.

They would yield to us in their commercial strength and power a reward the like of which has never been contemplated by the American merchant or the American statesman; and if I could only persuade myself to the belief that the American people would establish a policy which would put these possessions under our control peacefully and with the consent of our sister republics, as God intended that they should be, I would be willing that very moment, be cheerfully willing to sever my connection with public affairs and retire to the humblest sphere, for I would feel that in contributing what little I might be able to do to the progress and the completion of a design as great and as excellent as this I would be doing far more than I had ever hoped I should be able to do in the maturity of my manhood.

There is nothing that so excites the aspirations of my heart, there is nothing that so commends the approval of my judgment, there is nothing to which my hopes turn with such yearning as to the day when the United States shall be welcomed to the occupancy of this grand naval fortress situated in the midst of the seas and in the midst of the continents of this hemisphere.

I wish to read a few extracts from the writings of a man who, in 1849, laid down the philosophy of this question in a not very extended essay—a man for whom, in his grave, I have the most affectionate reverence, for it was my honor to know him personally, and who, now that he is dead, his memory lives green among all the nations of the earth. The seas scarce ever toss their rolling billows to the sky that they do not proclaim the eulogy of Matthew F. Maury, that great writer on the currents of the ocean, that map-maker of the airs which circle above the waves of the sea. He took in hand this subject in 1849, and I wish to bring to the attention of the Senate a very few extracts—I am sorry they will be so brief—from his writings on this question.

Let us take a view of this railroad—

That is the Panama Railroad then being projected.

Let us take a view of this railroad and our position with regard to it in some of those manifold lights in which the wants of commerce and the great interests of the people of the United States present it. And for this purpose I extract from an article which I have recently written on the subject.

Rightly to do this and properly to estimate the effects which are to arise from uniting the two oceans, it is necessary to pass in review the position in respect both to the Old World and the New, of our Mediterranean, which consists of the Gulf of Mexico, with its archipelago, the Caribbean Sea. The geographical position of this sea and its shores, the size of the rivers which flow into it, the climates and soils of their valleys, and the hand with which nature has strewed the elements of commerce among them, all conspire to make it the most useful to the greatest number of men, and, therefore, the most interesting sea in the world. It is situated midway between the two Americas.

Rivers whose headwaters reach back north and south into the very heart of the country flow into it. A line from the delta of the Orinoco to the east end of Cuba is but a thousand *miles long*; and yet to the west of it lies this magnificent basin of water, locked in by a continent that has on its shores the most fertile valleys of the earth. In the midst of these valleys ships may sail thousands of miles on the largest rivers that bring tribute to the ocean. They contain the elements of dormant wealth, of national power and greatness, which it requires facility of communication with the Pacific to begin to develop, and which, when fully developed, will astonish the world. An era and an epoch in the affairs of nations will date from the opening of this communication. All, and more too, that the Mediterranean is to Europe, Africa, and Asia, this sea is to America and the world.

A sea is important for commerce in proportion to the length of the rivers that empty into it, and to the extent and fertility of the river basins that are drained by it. The quantity and value of the staples that are brought down to market depend upon these. The Red Sea is in a riverless district; few are the people and small the towns along its coast. Its shores are without valleys; not a river empties into it, for there is no basin for it to drain. Commercially speaking, what are its staples in comparison with those of the Mediterranean, which gives outlet to rivers that drain and fertilize basins containing not less than one million and a quarter of square sea miles of fruitful lands? Commercial cities have

never existed on the shores of the Red Sea. Commerce loves the sea, but it depends for life and health on the land. It derives the sustenance from the rivers and the basins which they drain, and increases the opulence of nations in proportion to the facilities of intercourse which these nations have with the outlets of such basins.

The river basins drained into the Gulf and Caribbean Sea greatly exceed in extent of area and capacity for production the river basins of the Mediterranean. The countries in Africa, Asia, and Europe which comprise the river basins of the Mediterranean, are, in superficial extent, but little more than one-fourth the size of those which are drained by this sea in our midst. It is the Mediterranean of the New World, and nature has laid it out on a scale for commerce far more grand than its type in the old; that is about 45° of longitude in length by an average of 7° of latitude in breadth. Ours is broader, but not so long; it is, therefore, more compact; ships can sail to and fro across it in much less time, and gather its articles of commerce at much less cost.

The two seas cover each about the same superficial extent; but from one extreme to the other of that of the Old World the route is tortuous and the voyage long. It can not be accomplished without sailing a distance quite equal to that between Europe and America; whereas from the most remote point in the Caribbean Sea to the farthest port in the gulf a straight line may be drawn on the water, and the distance from one extremity to the other of it will be but little more than 2,000 miles.

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Every one who takes the trouble to examine is struck with the fact that the greatest commercial cities of the world are, and ever have been, those whose merchants have been most advantageously situated with regard to the outlets, natural or artificial, of great river basins and producing regions.

Rightly to perceive how admirably located and arranged for the purposes of commerce are the Gulf and Caribbean Sea, and duly to appreciate the advantages arising therefrom, let us, before comparing the river basins of America with those of Europe and Asia, or before tracing further the effects which the course of the rivers of a country has upon its commerce, take a glance at the geographical position of this our central sea.

Curtained on the east by a chain of fruitful islands, stretching from Trinidad to Cuba, it is on the north and the south and the west land-locked by the continent, which has bent and twisted around this sea so as to fold it within its bottom and hold it midway between the two semi-continents of the New World. In this favored position it receives on one side the mountain streamlets of a sea of islands; on another, all the great rivers of North America; and on the others the intertropical drainage of the entire continent. The Atlantic Ocean circulates through this our Mediterranean. Its office in the economy of the world is most important.

It not only affords an outlet for the great American rivers, but it makes their basins habitable by giving them drainage and by sending far away into the ocean the drift and the overheated waters which the rivers bring down. It also, through its system of cold and warm currents, makes its own shores habitable to man, tempers the climate of Europe, and by its genial warmth makes productive the soil there. The Amazon, rising in the Andes and emptying into the ocean under the line, also finds its way through the magnificent llanos and pampas of the tropics down to the margin of this sea.

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Let us now return to the comparison as to extent of the river basins of the Old World with those under consideration in the New. According to one of the most remarkable works of the age—Professor Johnson's Physical Atlas—the river basins in the Old World contain, in geographical square miles, stated in round numbers, as follows, namely:

	Square miles.
Of Mediterranean, Europe	1,160,000
Of Nile	520,000
Of Euphrates	196,000
Of Indus	312,000
Of Ganges	432,000
Of Irrawaddy	331,000
Of others of India	173,000
Of those of Western Europe, as Rhine, &c	730,000
Total Mediterranean, India, and West Europe	3,854,000

AREA, IN GEOGRAPHICAL SQUARE MILES, OF RIVER BASINS DRAINED INTO THE GULF OF MEXICO AND CARIBBEAN SEA.

	Square miles.
Basin of Mississippi River	982,000
Basins in Florida and Texas (estimated)	520,000
Basins in Mexico and Central America (estimated)	300,000
Basin of Amazon (including basin of Para)	1,796,000
Basin of Orinoco and all others of Caribbean Sea	700,000
Total Gulf and Caribbean Sea	4,298,000
Total Mediterranean, India, and West Europe	3,854,000

Difference—call it nothing, though it measures an area containing nearly half a million of square miles.

There stands this Southern Mediterranean of ours in contrast with the great deltas washed by the waters of all these lakes, rivers, and seas.

The certainty of its future wealth and power, as demonstrated by this master of philosophic science, animates us with hopes and aspirations that seem to lift us into a new existence.

From this statement we are led to the very remarkable conclusion—and it is an important physico-commercial fact—that the area of all the valleys which are drained by the rivers of Europe which empty into the Atlantic, of all the valleys that are drained by the rivers of Asia which empty into the Indian Ocean, and of all the valleys that are drained by the rivers of Africa and Europe which empty into the Mediterranean, does not cover an extent of territory as great as that included in the valleys drained by the American rivers alone which discharge themselves into our central sea. Never was there such a concentration, upon any sea, of commercial resources. Never was there a sea known with such a back country tributary to it.

The produce which comes down the rivers of Europe has, when it arrives on the shores of the Atlantic, to be transported 15,000 or 20,000 miles to be exchanged for that which comes from the river basins of India. From the mouth of the European rivers discharging into the Atlantic Ocean the voyage to the mouth of the Asiatic rivers which run into the Indian Ocean often occupies two hundred days; consequently it requires a ship more than a year to take on board a cargo from the river basins of Europe, go with it to India, exchange it, and return with the proceeds thereof to the place whence she started, so great the distance and so long the period of time which separate these two fountains of commerce.

One ship, therefore, trading between the American system of river basins may fetch and carry, exchange and bring back in the course of one year as many cargoes as ten ships can in the same time convey between the remote basins of the system in the Old World.

The products of the basin of the Mississippi, when they arrive at the Balize, may in twenty or thirty days be landed on the banks of the Orinoco and the Amazon. Thus in our favored position here in the New World we have, at the distance of a few days' sail, an extent of fruitful basins for commercial intercourse which they of the Old World have to compass sea and land and to sail the world around to reach.

On this continent nature has been prodigal of her bounties. Here upon this central sea she has, with lavish hand, grouped and arranged in juxtaposition all those physical circumstances which make nations truly great. Here she has laid the foundations for a commerce the most magnificent the world ever saw. Here she has brought within the distance of a few days the mouths of her two greatest rivers. Here she has placed in close proximity the natural outlets of her grandest river basins. With unheard-of powers of productions, these valleys range through all the producing latitudes of the earth. They embrace every agricultural climate under the sun; they are capable of all variety of productions which the world besides can afford. On their green bosom rests the throne of the vegetable kingdom. Here commerce, too, in time to come, will hold its court.

The Mississippi comes down from the grain-producing regions of the North, bearing vessels deeply laden with produce; freighted with all varieties of the fruits of the temperate zones, they convey to the sea large cargoes of merchandise, gathered from the products of the field, the forest, and the mine. Hills of iron, mountains and valleys filled with coal, are found on its banks. Its waters are mingled in the Gulf with those of the Amazon and the Orinoco, which run between the tropics. From their basins they are ready at the bidding of civilized man to place on this sea, in all variety and abundance, the products of the torrid zone.

Arrived in the Gulf with these goods, the mariner then finds a river in the sea to speed him on with its favoring currents to prosperous voyages. Through the Gulf Stream the productions of this grand system of river basins will be distributed over the world, passing by, and enriching as they go, Norfolk, Philadelphia, New York, and Boston, all the Atlantic slope of the United States, and all the Pacific slope, too.

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In calculating the sources of the national wealth, prosperity, and greatness which are contained for this country in river basins, central sea, mountain ranges, water-courses, and geographical features, the lights of history are of no avail. You may prepare the canvas and make ready the easel, but colors that are bright enough for the features can not be found. The exceeding great resources of our Mediterranean beggars description. We know that other places with the elements of commerce in far more scanty proportions, with facilities less abundant, and obstacles far greater, have grown opulent and obtained renown in the world. While one calls to mind the history of such places, he feels that here is room and scope enough for individual wealth far more dazzling, for national greatness far more imposing, and a renown far more glorious.

From all this one is led to the conclusion that the time is rapidly approaching, if it have not already arrived, when the Atlantic and Pacific must join hands across the Isthmus. I have shown that there is no sea in the world which is possessed of so much importance as this southern sea of ours; that with its succession of harvests there is, from some one or other of its river basins, a crop always on the way to market; that it has for back country a continent at the north and another at the south, and a world both to the east and the west.

I have shown that it is contiguous to the two first, and convenient to them all. The three great outlets of commerce, the delta of the Mississippi, the mouths of the Hudson and the Amazon, are all within 2,000 miles—ten days' sail—of Darien. It is the barrier which separates us from six hundred millions of people—three-fourths of the population of the earth. Break it down, therefore, and this country is placed midway between Europe and Asia; this sea becomes the center of the world and the focus of the world's commerce. Open this as a highway, and you will give vent to commerce, scope to energy, and range to enterprise, which in a few years hence will make gay with steam and canvas parts of the ocean that are now unfrequented and almost unknown. Old channels of trade will be broken up and new ones opened. I greatly desire to see our country the standard-bearer in this great work.

The railroad across the Isthmus of Panama will speedily lead to the construction of a ship-canal between the two oceans, for a railroad can not do the business which commerce will require for it; and by showing to the world how immense this business is, men will come from the four quarters to urge with purse and tongue the construction of a ship-canal.

Owing to the course of the winds, the direction of the currents, and other physical circumstances British merchants are ten days' sail and upward nearer than we are to all the markets of the world, except those of the Caribbean Sea and Gulf of Mexico. They are next door to all the markets of Europe, to Brazil, to Cape Horn, the Cape of Good Hope, and consequently to all ports beyond them they are practically some ten or fifteen days' sail nearer than we are. A vessel from the United States bound for the southern hemisphere first sails nearly an east course until she arrives in the vicinity of the Azores and Canary Islands; she then puts her head south for the first time.

Now, while the American vessel is sailing this route the English vessel that sailed on the same day for the same market has passed those islands and is far on her way. For the reason that the Cape de Verde Islands are some ten or fifteen days nearer to England than to America, England is that much nearer to the southern hemisphere; for vessels generally, whether from the United States or from England, are in the habit of passing by these islands on their way thither. Therefore the Englishman meets the American in all the markets of the world, except those of the Gulf and the Caribbean Sea, with the advantage of ten days and upward.

I have said all that I deem it proper to say on this occasion in respect of this great enterprise, the Nicaraguan Canal. I have said that I favor also the building of a ship-railway canal from the Gulf of Campeachy to the Gulf of Tehuantepec across that isthmus. I am in favor of any and every American enterprise that will concentrate capital and force for the doing of that which is absolutely indispensable under the command of the Almighty, the very Heaven that has poured these blessings upon us.

If we should be, with our capital, our genius, our industry, our courage, our resources of every kind, negligent of the duty of improving the advantages of this great southern Mediterranean of ours, to say nothing of the coast of California, Oregon, and Washington Territory, and the coasts that reach up to Maine along the Atlantic—if we should neglect this great opportunity to do all that we can for the benefit of this great work, I for one should feel that we ought to rest under a very severe condemnation.

It seems that the only possibility now of doing anything is through the instrumentality of corporations to be created by the Government of the United States and the assistance of our enterprising individuals in reaching out to build these great works. Far better would it have

been, and much more would I have preferred it, if the Government of the United States in the exercise of its natural right and duty had gone forward and by an agreement with Nicaragua or with Mexico or with Colombia had built this great work.

There is certainly no power in the world that has the natural right to prevent us from entering into some convenient arrangement with the local authority to build any ship-railway or any canal that we desire to build which may be for our advancement, but I consider that the duty might arise even above that. I believe, and I assert, that it does rise above that, that when even the local authority undertakes to build a canal or a ship-railway without first getting the consent of the United States Government and providing for the protection and the welfare of the American people, that government is violating a duty which we can not overlook.

We must look out for this continent and take care of it. It is in a large sense our inheritance, not in a selfish sense, but in the sense of being trustees for the bestowal of the benefactions of a kind Providence upon the people around us throughout the length and breadth of this great hemisphere.

One observation more must be made, and that will close my remarks. The progress of the western hemisphere has none of those incidents of depression and of controversy leading to bloodshed, to rapine, to all manner of human entanglement and conflict which has beset the whole of Asia and nearly all of Europe and as much of Africa as has been civilized. Read the conflicts of those people back through the ages of history, and you will find that 60 or 70 per cent. of them have been provoked sooner or later by their differences in religion; whereas this people, from Greenland to Patagonia, recognize but one religion, and that the Christian religion.

We have here no Mohammedanism, we have no Chinese paganism, we have no African or Egyptian idolatry, but the great broad foundation of a universal concurrence in that grand idea upon which governments are formed and in respect of which they may be always in harmouy. We rest from Greenland to Patagonia fixed in all of our institutions, governmental and social, upon the basis of an acknowledgment of the Christian religion; so that it seems that a door is open to us for unlimited and unobstructed progress which we have but to enter like honest men and follow up the command which God seems to have rested upon us, that we should go forth as a nation and as a people to bless and prosper mankind.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that he was directed to request the Senate to return to the House of Representatives the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

BILL INTRODUCED.

Mr. SHERMAN introduced a bill (S. 3273) granting a pension to Susan Edson, M. D., an army nurse; which was read twice by its title, and referred to the Committee on Pensions.

ESTATE OF C. M. BRIGGS.

Mr. SPOONER. I move that the Senate insist on its amendment to the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased, and ask for a conference upon the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. DOLPH, and Mr. JONES, of Arkansas, were appointed.

EXECUTIVE BUSINESS.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 57 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 8, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 7th day of February, 1887.

CHIEF JUSTICE OF SUPREME COURT OF ARIZONA.

James H. Wright, of Missouri, to be chief justice of the supreme court of the Territory of Arizona, *vice* Sumner Howard, resigned.

CHIEF JUSTICE SUPREME COURT OF WASHINGTON TERRITORY.

Richard A. Jones, of Oregon, to be chief justice of the supreme court of the Territory of Washington, *vice* Roger S. Green, term expired.

ASSOCIATE JUSTICE SUPREME COURT OF WASHINGTON TERRITORY.

Frank Allyn, of Iowa, to be associate justice of the supreme court of the Territory of Washington, *vice* John P. Hoyt, term expired.

INDIAN AGENT.

J. M. Needham, of Franklin, Ind., to be agent for the Indians of the Lemhi Agency in Idaho, *vice* Robert Woodbridge, to be removed.

CONSUL-GENERAL.

E. C. More, of Missouri, to be consul-general of the United States at the city of Mexico, *vice* James W. Porch, recalled.

CONSUL.

Ernest A. Man, of Osteen, Fla, to be consul of the United States at Gothenberg, *vice* Sidney W. Cooper, deceased.

POSTMASTER.

Charles E. Crandall, to be postmaster at Lyons, in the county of Wayne and State of New York, in the place of George Hartnagel, resigned.

MILITARY PROMOTIONS.

Corps of Engineers.

First Lieut. Walter L. Fisk, to be captain, January 10, 1887, *vice* Adams, promoted.

Second Lieut. Cassius E. Gillette, to be first lieutenant, January 10, 1887, *vice* Fisk, promoted.

Second Lieut. Charles L. Potter, Fifth Cavalry, to be second lieutenant, February 2, 1887, *vice* Gillette, promoted.

First Regiment of Infantry.

Capt. Edward Moale, Third Infantry, to be major, February 1, 1887, *vice* Collins, promoted to the Seventh Infantry.

Third Regiment of Infantry.

First Lieut. John W. Hanny, to be captain, February 1, 1887, *vice* Moale, promoted to the First Infantry.

Second Lieut. Frank B. McCoy, to be first lieutenant, February 1, 1887, *vice* Hannay, promoted.

Seventh Regiment of Infantry.

Maj. Edward Collins, First Infantry, to be lieutenant-colonel, February 1, 1887, *vice* Chipman, retired from active service.

NAVAL PROMOTIONS.

Commander Henry B. Seely, a resident of New York, to be a captain in the Navy from the 13th December, 1886, *vice* Capt. Richard L. Law, retired.

Lieut. Commander Thomas Nelson, a resident of the District of Columbia, to be a commander in the Navy from the 13th December, 1886, subject to the examinations required by law, *vice* Commander H. B. Seely, promoted.

Medical Inspector David Kindleberger, a resident of Ohio, to be a medical director in the Navy, from the 30th January, 1887, *vice* Medical Director J. S. Dungan, retired.

Surg. Benjamin H. Kidder, a resident of Massachusetts, to be a medical inspector in the Navy from the 30th January, 1887, *vice* Medical Inspector D. Kindleberger, promoted.

Passed Assist. Surg. Benjamin F. Rogers, a resident of Pennsylvania, to be a surgeon in the Navy from the 30th January, 1887, *vice* Surg. B. H. Kidder, promoted.

NOMINATIONS WITHDRAWN.

EXECUTIVE MANSION, *February 4*, 1887.

To the Senate of the United States:

I withdraw the nomination which was delivered to the Senate December 14, 1886, of John McCafferty, to be collector of customs for the district of Alaska.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February 5*, 1887.

To the Senate of the United States:

I hereby withdraw the nomination of Thomas T. Tunstall, of Selma, Ala., to be consul of the United States at Asuncion, he having declined the appointment.

GROVER CLEVELAND.

REJECTION.

Executive nomination rejected by the Senate January 26, 1887.

RECORDER OF DEEDS.

The nomination of James C. Matthews, of New York, to be recorder of deeds in the District of Columbia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1887.

JUSTICE OF THE PEACE.

Rutledge Willson, of the District of Columbia, to be a justice of the peace for the District, to be located in Washington.

ASSAYER OF THE MINT.

Joseph R. Ryan, of Nevada, to be assayer of the mint of the United States at Carson, in the State of Nevada.

CLERK OF COURT IN ALASKA.

Henry E. Haydon, of Stillwater, Minn., to be clerk of the district court for the district of Alaska, *vice* Andrew T. Lewis, to be removed.

SURVEYORS OF CUSTOMS.

Robert Brand, of Illinois, to be surveyor of customs for the port of Galena, in the State of Illinois.

Louis J. Weiler, of Indiana, to be surveyor of customs for the port of Michigan City, in the State of Indiana.

UNITED STATES ATTORNEYS.

George A. Allen, of Pennsylvania, to be attorney of the United States for the western district of Pennsylvania.

Daniel N. Lockwood, of New York, to be attorney of the United States for the northern district of New York.

APPRAISERS OF MERCHANDISE.

Francis A. Hoffman, jr., of Illinois, to be appraiser of merchandise in the district of Chicago, in the State of Illinois.

Francis B. Laurenson, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland.

TERRITORIAL JUDGES.

William G. Langford, of Washington Territory, to be associate justice of the supreme court of the Territory of Washington.

James Spencer, of Whitehall, N. Y., to be associate justice of the supreme court of the Territory of Dakota.

RECEIVERS OF PUBLIC MONEYS.

Daniel J. Sullivan, of Prescott, Ariz., to be receiver of public moneys at Prescott, Ariz.

Bishop Gordon, of Redwood Falls, Minn., to be receiver of public moneys at Redwood Falls, Minn.

REGISTERS OF THE LAND OFFICE.

Michael F. Battelle, of Luverne, Minn., to be register of the land office at Fargo, Dak.

Surville J. De Lan, of Denver, Colo., to be register of the land office at Glenwood Springs, Colo.

UNITED STATES CONSULS.

Enoch J. Smithers, of Delaware, formerly consul at Chin-Kiang, to be consul of the United States at Tien-Tsin.

Seth A. Pratt, of North Weymouth, Mass., to be consul of the United States at Zanzibar.

Isaac R. Diller, to be consul of the United States at Florence.

Promotions in the Army.

CORPS OF ENGINEERS.

Capt. Henry M. Adams, to be major, January 10, 1887, *vice* Suter, promoted.

First Lieut. William M. Black, to be captain, December 31, 1886, *vice* Greene, resigned.

Second Lieut. Hiram M. Chittenden, to be first lieutenant, December 31, 1886, *vice* Black, promoted.

Additional Second Lieut. Thomas H. Rees, Corps of Engineers, to be second lieutenant, December 31, 1886.

TWENTIETH REGIMENT OF INFANTRY.

Harry D. Humphrey, of Idaho, to be second lieutenant, January 10, 1887.

ORDNANCE DEPARTMENT.

Second Lieut. William W. Gibson, Third Artillery, to be first lieutenant, January 10, 1887.

MAJOR OF CAVALRY.

William P. Chambliss, Fourth Regiment of Cavalry, to be major of cavalry.

APPOINTMENT IN THE NAVY.

Albion S. Keith, to be an ensign in the Navy, on the retired-list.

POSTMASTERS.

Henry Fox, to be postmaster at Healdsburgh, in the county of Sonoma and State of California.

James M. Miller, to be postmaster at Vacaville, in the county of Solano and State of California.

Edward Ingram, to be postmaster at Monterey, in the county of Monterey and State of California.

P. S. Latch, to be postmaster at Appleton City, in the county of Saint Clair and State of Missouri.

Lewis Brown, to be postmaster at Newport, in the county of Newport and State of Rhode Island.

Edwin Judkins, to be postmaster at Franklin, in the county of Merrimack and State of New Hampshire.

Edwin S. Merrill, to be postmaster at Winchendon, in the county of Worcester and State of Massachusetts.

Buren S. Wasson, to be postmaster at La Porte City, in the county of Black Hawk and State of Iowa.

William J. Coogan, to be postmaster at Pittsfield, in the county of Berkshire and State of Massachusetts.

James R. Hall, to be postmaster at Howard, in the county of Elk and State of Kansas.

Walstine P. Eddy, to be postmaster at Columbus, in the county of Cherokee and State of Kansas.

Henry M. Fitzgerald, to be postmaster at Greenwich, in the county of Fairfield and State of Connecticut.

John Q. A. Shelden, to be postmaster at Manhattan, in the county of Riley and State of Kansas.

Henry F. Libbey, to be postmaster at Pittsfield, in the county of Somerset and State of Maine.

Sidney B. Warner, to be postmaster at East Haddam, in the county of Middlesex and State of Connecticut.

George F. Thorpe, to be postmaster at Westport, in the county of Fairfield and State of Connecticut.

Simeon Mudgett, to be postmaster at Dexter, in the county of Penobscot and State of Maine.

Henry C. Tyler, to be postmaster at Deep River, in the county of Middlesex and State of Connecticut.

William J. Bradbury, to be postmaster at Fairfield, in the county of Somerset and State of Maine.

Bridget Lane, to be postmaster at Summit, in the county of Union and State of New Jersey.

Marshall P. Dowe, to be postmaster at Danielsonville, in the county of Windham and State of Connecticut.

Henry Penniman, to be postmaster at Winthrop, in the county of Kennebec and State of Maine.

Jacob A. Bowles, to be postmaster at Hickory, in the county of Catawba and State of North Carolina.

Eckford Moore, to be postmaster at Trenton, in the county of Mercer and State of New Jersey.

Charles W. Jones, to be postmaster at Griggsville, in the county of Pike and State of Illinois.

Mary Sue Sellers, to be postmaster at Marion, in the county of Marion and State of South Carolina.

John Stuart, to be postmaster at Pipe Stone, in the county of Pipe Stone and State of Minnesota.

James G. Kenney, to be postmaster at Provo City, in the county of Utah and Territory of Utah.

Thomas J. Douglas, 2d, to be postmaster at Bridgton, in the county of Cumberland and State of Maine.

Joshua Goodwin, to be postmaster at South Berwick, in the county of York and State of Maine.

Elias B. Hinckley, to be postmaster at Stonington, in the county of New London and State of Connecticut.

George Paul, to be postmaster at Iowa City, in the county of Johnson and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of George Paul to be postmaster at Iowa City, Iowa, in place of Jacob Ricord, suspended, has considered the same, and report:

That there seems to have been no cause for the suspension of Mr. Ricord other than of a partisan character. He is not charged with anything affecting his integrity as a man or as an officer. Mr. Paul appears to be a person qualified to discharge the duties of the office, and the committee recommend that he be confirmed.

George W. Hess, to be postmaster at Evanston, in the county of Cook and State of Illinois.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of George W. Hess to be postmaster at Evanston, Ill., to succeed John A. Childs, who was suspended during the recess of the Senate, respectfully report:

That it appears that there were no reasons other than those of a political nature for the suspension of John A. Childs, who was a very efficient and competent officer, but, inasmuch as no charges have been made in any way affecting his good name and as he does not seek to retain the office, and because no objection has been made to the nomination of George W. Hess, the Committee recommend that the latter's nomination be confirmed.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 7, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of following titles; when the Speaker signed the same:

A bill (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Fla., and the establishment of a signal station;

A bill (S. 1368) for the relief of Richard H. Porter, surviving partner and assignee of the late firm of R. H. & James Porter;

A bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado;

A bill (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes;

A bill (S. 1042) to pay B. S. James for transporting the United States mails;

A bill (S. 388) to grant the right of way through the Fort Bliss Military Reservation to the Rio Grande and El Paso Railroad Company;

A bill (S. 574) for the relief of Robert Strachan;

A bill (S. 129) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States; and

A bill (S. 269) for the relief of W. H. Powell.

PAYMENT OF JURORS.

The Speaker laid before the House a letter from the Secretary of the Interior, transmitting, with accompanying papers, a draught, and recommending the passage, of a joint resolution to provide for the payment of jurors summoned to condemn site for the Congressional Library; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LOWRY for ten days, on account of important business.

UNITED STATES COURT, DULUTH, MINN.

On motion of Mr. NELSON, by unanimous consent, the House Calendar was discharged from the further consideration of the bill (H. R. 10421) to provide for a term of court at Duluth, Minn.; which was read, as follows:

Be it enacted, &c., That hereafter, and until otherwise provided by law, there shall be held annually, on the second Monday in July, a term of the district court of the United States for the district of Minnesota at the city of Duluth, in said district, said term to be in addition to the terms now required by law to be held at the cities of Saint Paul and Winona, in said district.

The amendment of the Committee on the Judiciary was read, as follows:

In line 8, after the word "district," insert the following:
"And a grand and petit jury shall be summoned to serve at said term of court hereby established."

Mr. SPRINGER. Do I understand this is a report from the Committee on the Judiciary?

Mr. NELSON. It is.

Mr. CASWELL. It is a unanimous report, and there is no reason why it should not pass.

The amendment of the Committee on the Judiciary was agreed to; and the bill as amended was ordered to be engrossed and read a third time, and, being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted on its amendment disagreed to by the House on the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt, agreed to the conference asked by the House thereon, and had appointed Mr. MITCHELL, of Pennsylvania, Mr. BLAIR, and Mr. WHITTHORNE managers on the part of the Senate.

Also, that the Senate non-concurred in the amendment of the House to the bill (S. 2519) granting an increase of pension to Richard B. Rians; and asked a conference with the House thereon, and had appointed Mr. SAWYER, Mr. BLAIR, and Mr. WILSON, of Iowa, managers on the part of the Senate.

Also, that the Senate agreed to the amendments of the House to the bill (S. 2218) for the relief of Lucy A. Washburn.

Also, that the Senate had passed with amendments the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department for the fiscal year ending June 30, 1888; in which the concurrence of the House of Representatives was requested.

Also, that the Senate agreed to the report of the committee of conference on the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885.

The message further announced that the Senate had passed without amendment bills of the House of the following titles, namely:

A bill (H. R. 10412) to authorize the construction of a wagon and foot passenger bridge over the Mississippi River, between the cities of East Dubuque in the State of Illinois, and the city of Dubuque in the State of Iowa;

A bill (H. R. 325) granting a pension to Catharine Waters;

A bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension roll;

A bill (H. R. 4028) granting a pension to Samuel Sawyer;

A bill (H. R. 4097) for the relief of William J. Owings;

A bill (H. R. 5091) to restore the name of Harvey Coburn to the pension roll;

A bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin;

A bill (H. R. 5506) granting a pension to Emily Louisa Spicer;

A bill (H. R. 6026) granting a pension to John Selby;

A bill (H. R. 6069) granting a pension to Owen P. Wilson;

A bill (H. R. 6523) granting a pension to Henry Roscoe;

A bill (H. R. 7327) granting a pension to Anthony McRobertson;

A bill (H. R. 7335) granting a pension to Michael Todd;

A bill (H. R. 7352) granting a pension to Mrs. Sarah Randles;

A bill (H. R. 7390) granting a pension to David B. Caldwell;

A bill (H. R. 7547) granting a pension to Livingston Clark;

A bill (H. R. 7689) granting a pension to Caroline C. McNair;

A bill (H. R. 7699) granting a pension to E. A. McFadden;

A bill (H. R. 7716) granting a pension to Lizzie Brown;

A bill (H. R. 7732) for the relief of Franz Rossrucker;

A bill (H. R. 7748) granting a pension to John H. Stucker;

A bill (H. R. 7911) granting a pension to Daniel Schultheis;

A bill (H. R. 7983) granting a pension to Mrs. Anna Schier;

A bill (H. R. 8002) to increase the pension of Loren Burritt;

A bill (H. R. 8151) granting a pension to John P. McDonald;

A bill (H. R. 8227) granting a pension to Seth Weldy;

A bill (H. R. 8258) granting a pension to Waitie F. Harris;

A bill (H. R. 8424) granting a pension to James H. Young;

A bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher;

A bill (H. R. 8601) granting a pension to James H. Butler;

A bill (H. R. 8632) for the relief of Emily Luther;

A bill (H. R. 8791) granting a pension to Sally W. Rice;

A bill (H. R. 8847) for the relief of Phila Clark;

A bill (H. R. 9004) for the relief of Caroline P. Bolton;

A bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry;

A bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain;

A bill (H. R. 9026) granting a pension to Nirius Cissell;

A bill (H. R. 9130) granting a pension to Sarah O'Brien;

A bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon;

A bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom;

A bill (H. R. 9247) granting a pension to Mary Grimes;

A bill (H. R. 9250) for the relief of William B. Barnes;

A bill (H. R. 9426) granting a pension to Betsy Cooney;

A bill (H. R. 9443) granting a pension to Elizabeth M. King;

A bill (H. R. 9444) granting a pension to Frederick Richmond;

A bill (H. R. 9672) granting a pension to Clara M. Tannehill;

A bill (H. R. 9862) granting a pension to Mary Jane Magoon;

A bill (H. R. 10025) granting a pension to Clementine Hartinger;

A bill (H. R. 10082) to increase the pension of Margaret R. Jones;

A bill (H. R. 10103) granting a pension to Minerva Abbey;

A bill (H. R. 10104) granting a pension to Caroline L. Shedd; and

A bill (H. R. 10152) granting a pension to Ellen M. Sturtevant.

The message further announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 2578) to prohibit members of Congress from acting as attorneys and employés of railroad companies in certain cases;

A bill (S. 1321) granting arrears of pension to Richard H. McWhorter;

A bill (S. 1986) granting pensions to William Knight, Jacob Parrot, William Reddick, and John Whollam;

A bill (S. 2248) for the relief of Adam L. Epley;

A bill (S. 2374) granting a pension to Mrs. Arabella Coddington;

A bill (S. 2421) granting a pension to Mrs. Maria C. McPherson;

A bill (S. 2629) granting a pension to Jane Brown Dunn;

A bill (S. 2670) granting an increase of pension to James H. Thomas;

A bill (S. 2834) granting a pension to Mrs. Hettie K. Painter;

A bill (S. 2935) granting a pension to Robert Baxter;

A bill (S. 3106) granting a pension to Milton Teeter;

A bill (S. 3107) granting a pension to Catharine F. Ellsworth;

A bill (S. 3108) granting a pension to James Lucas;

A bill (S. 3131) granting a pension to Hugh Rogers;

A bill (S. 3135) granting a pension to Catharine E. Babcock;

A bill (S. 3146) granting a pension to John H. Reynolds;

A bill (S. 3218) granting an increase of pension to Maria Hunter;

A bill (S. 3220) granting a pension to Hannah R. Langdon; and

A bill (S. 3260) granting a pension to Laura A. Wright.

ORDER OF BUSINESS.

Mr. WHEELER. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 305) for the erection of a public building at Huntsville, Ala., and that the same be considered in the House.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HIESTAND. I ask for the reading of the report.

The report was read in part.

Mr. HIESTAND. I withdraw the call for the further reading of the report.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COWLES. They have got along so well without this building, as appears from reading the report, for a period of seventy-six years that I think they can get on without it a little longer. I object.

Mr. WHEELER. The gentleman's objection is made too late.

The SPEAKER. The Chair thinks not.

Mr. LONG. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 10132) to allow soldiers and sailors in the United States service who have lost both arms an increased pension.

Mr. COWLES. I withdraw my objection to the consideration of the bill called up by the gentleman from Alabama [Mr. WHEELER].

The SPEAKER. Another matter is now before the House.

The bill H. R. 10132 was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WALLACE and Mr. COWLES called for the regular order.

Mr. LONG. Will the gentleman from North Carolina [Mr. COWLES] permit the reading of the report?

TERMS OF UNITED STATES COURTS AT TEXARKANA.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 9116) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes, Mr. CULBERSON, Mr. ROGERS, and Mr. CASWELL.

OBJECTION WITHDRAWN.

Mr. LONG. The demand for the regular order is withdrawn for the purpose of permitting the report on the bill H. R. 10132 to be read.

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. WALLACE. It is not.

Mr. WHEELER. The gentleman from North Carolina [Mr. COWLES] has withdrawn his objection to the bill which I called up.

The SPEAKER. But the gentleman from Louisiana [Mr. WALLACE] demands the regular order, and insists on it.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order of business is the call of the States and Territories for the introduction and reference of bills and resolutions. Under this call, resolutions and memorials of State and Territorial Legislatures are in order; also resolutions of inquiry addressed to heads of Departments.

Mr. MORROW introduced a bill (H. R. 11040) to increase the naval establishment and protect the harbors of the cities of New York and San Francisco; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE W. BLAKE.

Mr. SYMES introduced a bill (H. R. 11041) granting an increase of pension to George W. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAGON BRIDGE AT CLINTON, IOWA.

Mr. MURPHY introduced a bill (H. R. 11042) to authorize the construction of a wagon bridge over the Mississippi River at Clinton, Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EMERSON F. FALES.

Mr. LYMAN introduced a bill (H. R. 11043) for the relief of Emerson F. Fales, late of Company E, Fourth Maine Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSIDERATION OF BRIDGE BILLS.

Mr. LYMAN also submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved by the House of Representatives, That on the — day of February, 1887, the House take a recess at 5 o'clock p. m. until 7.30 p. m., and that an evening session be held and set apart for the consideration only of House and Senate bills providing for the erection of bridges across navigable rivers reported favorably by the Committee on Commerce.

CONSIDERATION OF SENATE BILL.

Mr. HENDERSON, of Iowa. I submit the resolution which I send to the desk, and ask that it lie over for one day.

The Clerk read as follows:

Resolved, That the Committee of the Whole House be discharged from the further consideration of the bill (S. 3050) granting a pension to Mary A. Logan, and that the same be made a special order for Tuesday, the 15th day of February, 1887, immediately after the reading of the Journal, and that the same will be a continuing order until disposed of.

Mr. TAULBEE. I move to refer that resolution to the Committee on Rules.

Mr. HENDERSON, of Iowa. I make the point of order that the motion of the gentleman from Kentucky is not in order at this stage. This is a privileged matter.

The SPEAKER *pro tempore* (Mr. MCCREARY). The gentleman from Iowa has a right to ask that the resolution lie over for one day under the rules of the House. That disposition of the resolution will be made.

DISTRIBUTION AND DELIVERY OF MAILS.

Mr. MORRILL presented a concurrent resolution of the Legislature of the State of Kansas; which was referred to the Committee on Railways and Canals.

Mr. MORRILL. I ask unanimous consent that the resolution be printed in the RECORD.

There was no objection.

The resolution is as follows:

Whereas the railway-mail facilities of the State of Kansas have failed to keep pace with the rapid development of the State; and

Whereas there are 500 miles of railroad in operation in said State upon which there is no mail service; and

Whereas the car facilities on many of the through lines are insufficient for a proper distribution of the mail; and

Whereas there is not a sufficient number of postal clerks on many of the lines in the State to properly perform the services required of them; and

Whereas the superintendent of the seventh division of the railway-mail service has apparently failed to recognize the growing needs of the State: Therefore,

Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators and Representatives in Congress are hereby respectfully requested to use their utmost endeavors to secure the necessary improvements for the proper distribution and prompt delivery of the mail.

Resolved, That the secretary of state be directed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, this 27th day of January, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

HOME FOR SOLDIERS' MOTHERS, ETC.

Mr. HANBACK introduced a bill (H. R. 11044) to establish a home for mothers, widows, and daughters of soldiers and sailors in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RUTHA A. BENTLEY.

Mr. RYAN introduced a bill (H. R. 11045) to amend a pension to Rutha A. Bentley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE OKLAHOMA BILL.

Mr. PETERS presented a concurrent resolution of the Legislature of the State of Kansas, favoring the passage of the Oklahoma bill; which was read and referred to the Committee on the Territories.

Mr. PETERS. Mr. Speaker, I ask unanimous consent that that resolution be printed in the RECORD.

Mr. MORRISON. I object.

STAR ROUTES AND OTHER POSTAL MATTERS.

Mr. PETERS also offered a resolution requesting the Postmaster-General to furnish the House certain information in regard to star routes and other matters connected with the postal service; which was read and referred to the Committee on the Post-Office and Post-Roads.

Mr. PETERS. I ask unanimous consent that that resolution be printed in the RECORD.

Mr. EDEN. I object.

THOMAS H. FLOURNOY.

Mr. STONE, of Kentucky, introduced a bill (H. R. 11046) for the benefit of Thomas H. Flournoy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL ULLMAN.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 11047) for the benefit of Samuel Ullman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PRESTON.

Mr. TAULBEE introduced a bill (H. R. 11048) for the benefit of William Preston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. VANGENDER.

Mr. TAULBEE also presented a resolution of the Committee on Invalid Pensions, asking that A. Vangender be allowed the sum of $250 for extra compensation as assistant clerk to said committee at the second session of the Forty-ninth Congress; which was referred to the Committee on Accounts.

ESTHER GEARHART.

Mr. TAULBEE also introduced a bill (H. R. 11049) for the relief of the estate of Esther Gearhart; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BUTTER AND OLEOMARGARINE.

Mr. WILLIS introduced a bill (H. R. 11050) to amend the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine;" which was read a first and second time, and ordered to be printed.

Mr. WILLIS. I ask that that bill be referred to the Committee on Ways and Means.

Mr. SPRINGER. It ought to go to the Committee on Agriculture.

Mr. HATCH. I move that it be referred to the Committee on Agriculture.

The question was taken; and the motion of Mr. HATCH was agreed to—ayes 79, noes 57.

SUPPORT FOR SCHOOLS.

Mr. WILLIS offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Committee on Education be discharged from the further consideration of Senate bill 194, entitled a bill to aid in the establishment and temporary support of common schools, and that Wednesday, February 16, 1887, immediately after the reading of the Journal, be set apart for the consideration of the same in the House; no other business to be transacted until the consideration of said bill is concluded. If the consideration of said bill be displaced, then the next day not previously set apart shall be devoted to its consideration, and so on until the same shall be disposed of.

TERM OF COURT, OWENSBOROUGH, KY.

Mr. LAFFOON introduced a bill (H. R. 11051) to provide for a term of court at Owensborough, Ky.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

B. F. ROBINSON.

Mr. McCREARY introduced a bill (H. R. 11052) for the benefit of B. F. Robinson, of Garrard County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. F. PIGG.

Mr. McCREARY also introduced a bill (H. R. 11053) for the benefit of E. F. Pigg, of Madison County, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LYDIA POSEY.

Mr. McCREARY also introduced a bill (H. R. 11054) for the benefit of Lydia Posey, executrix of Thomas B. Posey, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY ANN TRAINOR.

Mr. IRION introduced a bill (H. R. 11055) granting a pension to Mary Ann Trainor; which was read a first and second time, referred to the Committee on Invalid Pensons, and ordered to be printed.

PROTECTION OF FISHERIES.

Mr. DINGLEY (by Mr. REED) introduced a bill (H. R. 11056) to protect the fisheries of the United States; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

EMPLOYÉS IN NAVY-YARDS.

Mr. BOUTELLE introduced the following resolution:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish this House with a list of all persons employed at the several navy-yards of the United States from January 1, 1886, to January 1, 1887, with the purposes for which employed, rates of compensation, and dates of employment; also a list of all persons discharged from the several navy-yards of the United States between the dates of January 1, 1886, and January 1, 1887, with rates of compensation, purposes for which employed, and dates and reasons for their discharge.

The SPEAKER *pro tempore* (Mr. McCREARY). This resolution will be referred to the Committee on Expenditures in the Navy Department.

Mr. BOUTELLE. I suggest that it should go to the Committee on Naval Affairs.

Mr. TAULBEE. I move to amend so as to refer it to the Committee on Reform in the Civil Service.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. I ask that the resolution be again read.

The Clerk again read the resolution.

Mr. RANDALL. I ask that the resolution go to the Committee on Naval Affairs.

Mr. BOUTELLE. Unquestionably it should go there under the rules.

Mr. TAULBEE. After hearing the resolution I withdraw my amendment.

The SPEAKER *pro tempore*. In the absence of objection the resolution will be referred to the Committee on Naval Affairs.

TENNALLYTOWN, D. C.

Mr. COMPTON (by request) introduced a bill (H. R. 11057) to change the name of that portion of the District of Columbia known as Tennallytown to Tenleytown; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

VENEZUELAN CLAIMS.

Mr. RICE introduced the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be requested to furnish this House with copies of the correspondence with claimants against the Government of Venezuela since the passage of the joint resolution of March 3, 1883, relating to the revival of the general stipulations of the treaty of 1866 with that government, and also copies of any correspondence with the Government of Venezuela in respect to the same not heretofore communicated to this House.

REPORT OF GREELY RELIEF EXPEDITION.

Mr. LONG introduced a joint resolution (H. Res. 253) for printing 5,000 copies of Commodore Schley's report of the search for the Greely expedition; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PENSIONS.

Mr. CUTCHEON presented a joint resolution of the Legislature of the State of Michigan relative to pension legislation; which was read, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. CUTCHEON. I ask unanimous consent that this joint resolution be printed in the RECORD.

Mr. TAULBEE. I object.

LENA POLLARD.

Mr. CARLETON introduced a bill (H. R. 11058) to restore to the pension-roll the name of Lena Pollard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 4444, REVISED STATUTES.

Mr. BURROWS introduced a bill (H. R. 11059) to amend section 4444 of the Revised Statutes relative to vessels engaged wholly or in part in the coastwise service; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

PENSIONS.

Mr. TARSNEY presented a joint resolution of the Legislature of the State of Michigan requesting Congress to remove the arrears-of-pension limit, and to pension survivors of rebel prisons and soldiers and sailors who are disabled and dependent, or who are sixty-two years of age; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. TARSNEY. I ask unanimous consent that this joint resolution be printed in the RECORD.

Mr. MORRISON. I object.

ANNE MATTOCKS.

Mr. TARSNEY also introduced a bill (H. R. 11060) granting a pension to Anne Mattocks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF METEOROLOGICAL INSTRUMENTS.

Mr. BARKSDALE introduced a joint resolution (H. Res. 254) to authorize the distribution of meteorological instruments to voluntary observers of the Signal Service for the benefit of the agricultural interests of the country; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

BRIDGE ACROSS TOMBIGBEE RIVER.

Mr. ALLEN, of Mississippi, introduced a bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HAYDEN SORTER.

Mr. HEARD introduced a bill (H. R. 11062) granting a pension to Hayden Sorter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FIREMAN'S INSURANCE COMPANY, DISTRICT OF COLUMBIA.

Mr. HEARD (by request) also introduced a bill (H. R. 11063) extending the charter of "The president and directors of the Fireman's Insurance Company of Washington and Georgetown," in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REORGANIZATION OF THE BUREAU OF STATISTICS.

Mr. HEARD (by request) also introduced a bill (H. R. 11064) for the reorganization of the Bureau of Statistics, Treasury Department; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN BEICHLEY.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 11065) granting a pension to John Beichley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTRA HOURS EXACTED FROM CLERKS.

Mr. LAIRD offered a resolution directing the Committee on Labor to find the facts as to whether extra and unusual hours of labor are exacted from certain clerical employés of the Government without extra compensation, and to report by bill or otherwise; which was referred to the Committee on Labor, and ordered to be printed.

LAURA A. WRIGHT.

Mr. GALLINGER introduced a bill (H. R. 11066) granting a pension to Laura A. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM H. DARLING.

Mr. GALLINGER also introduced a bill (H. R. 11067) granting an increase of pension to Hiram H. Darling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO CERTAIN PERSONS.

Mr. BUCHANAN introduced a bill (H. R. 11068) granting pensions to certain persons; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM GRUFF.

Mr. HIRES introduced a bill (H. R. 11069) granting a pension to William Gruff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER COFFIN.

Mr. BURLEIGH introduced a bill (H. R. 11070) granting a pension to Peter Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELATING TO CLAIMS.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 11071) relating to certain claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGET FREILEWEH.

Mr. LINDSLEY introduced a bill (H. R. 11072) to increase the pension of Bridget Freileweh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH B. THOMSON.

Mr. HISCOCK introduced a bill (H. R. 11073) directing the commissioners of the District of Columbia to execute a deed of quit-claim and release to a portion of an alley in Washington, D. C., to Elizabeth B. Thomson; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HISTORIC GROUNDS.

Mr. OUTHWAITE submitted a joint resolution of the General Assembly of Ohio requesting Senators and Representatives in Congress to vote for and urge the passage of Senate bill 1976 "to provide for the survey of certain historic grounds, locations, and military works;" which was referred to the Committee on Military Affairs, and ordered to be printed.

WAR CLAIMS.

Mr. GEDDES submitted a resolution for session Thursday evening, February 10, to consider claims reported by the Committee on War Claims; which was referred to the Committee on Rules, and ordered to be printed.

STREETS AND AVENUES IN THE DISTRICT.

Mr. ROMEIS introduced a bill (H. R. 11074) directing the commissioners of the District of Columbia to establish streets and avenues in the county of Washington, District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGE T. RUSSELL.

Mr. HERMANN introduced a bill (H. R. 11075) granting a pension to Lieut. George T. Russell, of Douglas County, Oregon, and late of Eighty-seventh Company Veteran Reserve Corps, late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH RUSSELL.

Mr. HERMANN also introduced a bill (H. R. 11076) to pay Joseph Russell, of Coos County, Oregon, $310 for property destroyed by hostile Indians in Oregon in 1855–'56; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXPERIMENT-STATIONS.

Mr. STORM presented a joint resolution of the Legislature of Pennsylvania, requesting her members in Congress to vote for the passage of the bill providing for the establishment of agricultural experiment-stations; which was referred to the Committee on Agriculture, and ordered to be printed.

MILLER BILL.

Mr. STORM also presented a joint resolution of the Legislature of Pennsylvania requesting her members in Congress to vote for the Miller bill; which was referred to the Committee on Agriculture, and ordered to be printed.

GEORGE W. FRY.

Mr. STORM also introduced a bill (H. R. 11077) granting a pension to George W. Fry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS KINDT.

Mr. STORM also introduced a bill (H. R. 11078) granting a pension to Mathias Kindt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN H. MOSS.

Mr. STORM also introduced a bill (H. R. 11079) for the relief of Benjamin H. Moss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL MEMORIAL BRIDGE.

Mr. CURTIN introduced a bill (H. R. 11080) for the erection of a national memorial bridge over the Potomac, from Washington to Arlington; which was read a first and second time, and, on motion of Mr. CURTIN, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AGRICULTURAL EXPERIMENT-STATIONS.

Mr. BOUND presented a joint resolution of the senate and house of representatives of the Commonwealth of Pennsylvania, favoring Senate bill for the establishment of agricultural experiment-stations in the several States and Territories; which was read at length, and referred to the Committee on Agriculture.

AMENDMENT TO LAND LAWS.

Mr. EVERHART introduced a bill (H. R. 11081) to allow persons in the military and naval service of the United States, who have served honorably in any of its wars, to acquire Government lands without residing thereon; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH G. MYERS.

Mr. RICHARDSON introduced a bill (H. R. 11082) for the relief of Joseph G. Myers, of Warren County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS REPORTED BY COURT OF CLAIMS.

Mr. RICHARDSON also introduced a bill (H. R. 11083) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman act;" which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS THE POTOMAC TO ARLINGTON.

Mr. BARBOUR (by request) introduced a bill (H. R. 11084) authorizing the Secretary of War to have an iron bridge constructed across the Potomac River to the Arlington estate; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

G. B. WIBERT.

Mr. BARBOUR (by request) also introduced a bill (H. R. 11085) for the relief of G. B. Wibert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWIN M. LAWTON.

Mr. BARBOUR (by request) also introduced a bill (H. R. 11086) for the allowance of extra compensation for the services of the late Edwin M. Lawton, disbursing clerk of the War Department; which was read a first and second time, referred to the Committee on Expenditures in the War Department, and ordered to be printed.

JANE O'RILEY.

Mr. HUDD introduced a bill (H. R. 11087) granting a pension to Jane O'Riley, widow of Thomas O'Riley, late private Company D, Thirteenth Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY F. HARKINS.

Mr. CASWELL introduced a bill (H. R. 11088) granting a pension to Mary F. Harkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT ABRAHAM LINCOLN.

Mr. GIFFORD presented a resolution of the Legislative Assembly of the Territory of Dakota in relation to Fort Abraham Lincoln; which was read, and referred to the Committee on Military Affairs.

Mr. GIFFORD. I ask that the resolution be printed in the RECORD.

There was no objection.

The resolution is as follows:

Whereas it is reported that the early abandonment of Fort Abraham Lincoln in this Territory is contemplated by the United States Government: Therefore,

Be it resolved by the Legislative Assembly of the Territory of Dakota, That we earnestly protest against any such contemplated action, and do respectfully petition that said fort be maintained and further improved for the following reasons:

Its location at the crossing of the Northern Pacific Railroad over the Missouri River makes it permanently suited for a distributing post for arms and supplies for other posts along the Missouri River and in the country farther west.

Its facilities are the very best for the massing of troops, and for their prompt dispatch, in case of Indian outbreak, riots, or emergency of any kind, to exposed points in every direction.

Its abandonment would necessitate the removal of the bodies of the dead in its cemetery to some other point, many of whom have but recently been brought there from other posts and interred.

Its adequate maintenance is a necessity to the settlers in the adjacent country who are unprotected except by the near presence of United States troops from the depredations of the roving bands of Indians who are continually wandering over the country, or from the horrors of an outbreak of the thousands now massed on the adjoining Sioux Reservation, whose atrocities and massacres are still fresh in the memories of the people, while its abandonment would not only greatly alarm and jeopardize the present scattered settlers and small communities, but would also seriously retard further settlement and development of that section of the country.

Resolved, That we urge upon our Delegate in Congress, Hon. O. S. GIFFORD, to use every effort to secure the object above set forth.

Resolved, That duly certified copies of the foregoing preamble and resolutions be forwarded to Hon. O. S. GIFFORD, the President of the Senate, and the Speaker of the House of Representatives, at Washington, to be laid before both Houses of Congress, and ordered printed and referred to appropriate committees.

UNITED STATES OF AMERICA.

TERRITORY OF DAKOTA, SECRETARY'S OFFICE.

I, M. L. McCormack, secretary of the Territory of Dakota, do hereby certify that I have carefully compared the foregoing copy of house bill No. 50, being a joint resolution protesting against the removal of Fort Abraham Lincoln, approved by the governor January 29, 1887, with the enrolled original now on file in this office, and that the same is a correct transcript therefrom, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the Territory of Dakota, at Bismarck, this 31st day of January, 1887.

[SEAL.] M. L. McCORMACK,
Secretary of Dakota Territory.

MRS. THOMAS S. FREE.

Mr. GIFFORD also introduced a bill (H. R. 11089) granting a pension to Mrs. Thomas S. Free, widow of Thomas S. Free, late major Tenth Regiment Iowa Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. BROWN.

Mr. GIFFORD also introduced a bill (H. R. 11090) granting an increase of pension to James M. Brown, late captain Company K, New Jersey Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call. If there be no objection the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection.

FLORIAN LISCHEWSKY.

Mr. BINGHAM introduced a bill (H. R. 11091) restoring to the pension-rolls the name of Florian Lischewsky, late a private of Company C, Twenty-ninth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH HAGGARD.

Mr. RIGGS introduced a bill (H. R. 11092) granting a pension to Elizabeth Haggard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS S. BATEMAN.

Mr. ROGERS introduced a bill (H. R. 11093) for the relief of Lewis S. Bateman, late a private in Company G, Fourth Regiment Arkansas Cavalry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JESSE ROOD.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 11094) for the removal of the charge of desertion from the record of Jesse Rood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES CHUBBUCK.

Mr. DAVIS introduced a bill (H. R. 11095) granting a pension to Charles Chubbuck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT ON COMMERCE.

Mr. HAMMOND presented the following concurrent resolution; which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 15,000 additional copies of the report on commerce by William F. Switzler, Chief of the Bureau of Statistics, be printed, 10,000 for the use of the House and 5,000 for the use of the Senate.

REPORT ON HENNEPIN CANAL.

Mr. BARKSDALE reported back with a favorable recommendation the following resolution; which was read:

Resolved, That there be printed immediately for the use of the House 1,000 copies, without the maps, of Executive Document No. 79, Forty-ninth Congress, second session, being a letter from the Secretary of War transmitting a report of the Board of Engineers upon the proposed acquisition by the Government of the Illinois and Michigan Canal and construction of the Hennepin Canal.

The report was read, as follows:

The estimated cost is $30. The approximate cost of the amount of printing previously estimated upon, ordered by Congress within the present fiscal year, the Public Printer states to be $136,331.75.

The resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF NAVAL COMMITTEE.

Mr. HERBERT submitted a resolution to set aside Tuesday, February 15, for the consideration of business from the Committee on Naval Affairs; which was referred to the Committee on Rules.

COTTON TAX.

Mr. McRAE introduced a bill (H. R. 11096) to credit and pay to the States all moneys collected as a tax or duty on raw cotton under the act approved July 1, 1862, and the acts amendatory thereof; which was read twice by its title.

Mr. McRAE. Mr. Speaker, in order that this bill may be considered by the same committee and at the same time as the direct tax bill recently passed by the Senate and now before the Judiciary Committee, I move to refer it to that committee.

The motion was agreed to; and the bill was referred to the Committee on the Judiciary, and ordered to be printed.

SARAH SANKS.

Mr. HOLMAN introduced a bill (H. R. 11097) granting a pension to Sarah Sanks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FLETCHER S. DEWEY.

Mr. HOLMAN also introduced a bill (H. R. 11098) granting a pension to Fletcher S. Dewey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BROWN.

Mr. LAWLER introduced a bill (H. R. 11099) granting a pension to Elizabeth Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES G. MINNICK.

Mr. LAWLER also introduced a bill (H. R. 11100) granting a pension to Charles G. Minnick, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

COAST DEFENSES, ETC.

Mr. LAWLER offered the following; which was read and referred to the Committee on Rules:

Whereas on the 13th day of December, 1886, the following preamble and resolution were submitted in the House and referred to the Committee on Appropriations, to wit:

"Whereas the rapidly accumulating surplus in the Treasury, largely in excess of the needs to support the Government and discharge the bonded debt as it is called or may become due, is likely to prove subversive of the commercial interests of the country and detrimental to the welfare of the people in various essentials; and

"Whereas the proper executive officers of the Government represent to the Congress that our coast defenses need to be placed in armament so as to meet the requirements of the advanced arts in modern warfare and afford adequate protection to the large seacoast and lake-board cities, now absolutely exposed to the mercy of a foreign enemy; and

"Whereas, although the *personnel* of our Navy is composed of officers and sailors of the highest excellence and patriotism, unsurpassed in ability by that of any other nation, yet we have no vessels of war worthy the name or capable of competing with the armed cruisers of third or fourth rate powers; and

"Whereas it is estimated that nearly one million of willing workingmen are now unemployed throughout the country and suffering consequent deprivation of the necessaries of life; and

"Whereas the happiness and welfare of the Republic are largely dependent upon the employment and contentment of the laboring classes: Therefore, be it

"*Resolved (as the sense of the House of Representatives of the Forty-ninth Congress of the United States)*, That a large proportion of the surplus in the Treasury should be expended, through liberal appropriations, for repairing and properly equipping our coast defenses, for construction of war ships worthy the name of an American navy, and for such Federal public works as may be needed in various sections of the country, to the end that these surplus moneys may be distributed among the people as wages for their labor to be employed."

And whereas on the 24th day of January, 1887, the following resolution, accompanied by a letter from Admiral Porter, was submitted to the House and referred to the Committee on Naval Affairs, to wit:

"*Resolved*, That the Committee on Naval Affairs be instructed to inquire into and report upon the expediency of immediately appropriating the sum of $50,000,000, to be expended under direction of the Secretary of the Navy, for the construction, equipment, and armament of such new vessels of war as may be deemed necessary by him; such sum to become and remain a permanent appropriation for the specific purpose named, not to be covered back into the Treasury at any time, but to remain available continuously for this purpose until the Congress shall otherwise direct.

"By unanimous consent, a letter from Admiral Porter to Mr. Lawler, in relation to the subject of the resolution, was ordered to be printed with it."

And whereas on the 31st day of January, 1887, the following preambles and resolution were submitted to the House and referred to the Committee on Appropriations, to wit:

"Whereas the belligerent tone of the Canada press and the announcement that Great Britain will shortly dispatch a fleet of war-ships to cruise in the vicinity of our northeastern coast line indicate hostility toward the United States, growing out of our position on the fisheries question; and

"Whereas Admiral Porter has directed special attention of the country to the fact that twenty-seven of our Atlantic, Gulf, and Pacific harbors are absolutely defenseless, eleven of these, to wit, New York, San Francisco, Boston, the lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore, Portland, Me., and the Rhode Island ports of Narragansett Bay are in urgent need of immediate defenses; and

"Whereas it is alleged that Great Britain and Canada are in possession of charts and exemplifications of all our harbors and coast defenses: Therefore,

"*Resolved*, That the President be, and he is hereby, requested as Commander-in-Chief of the Army and Navy to inform the House of Representatives at an early day what steps, if any, are necessary in his judgment to provide for this emergency."

And whereas no report has been made to the House upon either of said preambles and resolutions from said committees, as is required by clause 1, Rule XXIV of the Rules of the House: Therefore,

Be it resolved, That the Committee on Appropriations and Committee on Naval Affairs, be, and are hereby, discharged from the further consideration of said preambles and resolutions.

And whereas due regard for the welfare of the Republic demands that some definite action be taken upon the subject matter contemplated by said resolutions, so that the Congress, if deemed necessary, may take precaution for the public defense under the powers conferred by section 8, Article I of the Constitution of the United States, and in accordance with the prevailing sentiment of the people thereof, as expressed in the public press,

Be it further resolved, That after the call by States for introduction of bills and resolutions shall have this day been fully answered, the House shall immediately thereupon take order for consideration, either in whole or in part, of said preambles and resolutions, and resolve itself into Committee of the Whole on the state of the Union for that specific purpose; that two hours be allowed for debate thereupon, unless sooner concluded, and a vote to be taken at once thereafter by the House upon the adoption of any or all of said resolutions as the House may direct.

Mr. RANDALL. As that preamble contains a reflection upon the Committee on Appropriations, I think it proper to say that that committee have considered the subject, and that the original matter is not within the range of the rule to which reference is there made, but is a demand on the President for certain opinions, and it is quite unnecessary to adopt any resolution of that kind, because the Constitution provides that the President shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.

Mr. THOMAS, of Illinois. On behalf of the Committee on Naval Affairs, I wish to say that the resolution referred to as having been referred to the Committee on Naval Affairs has been considered by that committee and will be reported to the House in due time.

JOHN T. LYNCH.

Mr. BLAND introduced a bill (H. R. 11101) for the relief of John T. Lynch, administrator of David Lynch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIMEON TROW.

Mr. BLAND also introduced a bill (H. R. 11102) for the relief of Simeon Trow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE NEAR MUSSEL SHOALS CANAL.

Mr. WHEELER introduced a bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of Mussel Shoals Canal, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EXTRA COPIES OF PENSION ACT.

Mr. WHEELER also offered the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Public Printer be directed to print 15,000 extra copies of the act granting a pension to the surviving officers and enlisted men of the Army and Navy and the widows of such officers and enlisted men for the use of the House.

WILLIAM E. PARKER.

Mr. CRAIN introduced a bill (H. R. 11104) granting a pension to William E. Parker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CUTHBERTSON SMALL.

Mr. LITTLE introduced a bill (H. R. 11105) for the relief of Cuthbertson Small; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RETAIL LICENSE FOR VENDING OLEOMARGARINE.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 11106) to reduce the retail license charged to venders of oleomargarine and butterine; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FOURTH COLLECTION DISTRICT OF VIRGINIA.

Mr. DAVIS, under authority heretofore granted, submitted the views of the minority of the Committee on Commerce on the bill (H. R. 11025) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia.

CLAIMS AGAINST THE GOVERNMENT.

Mr. SPRINGER. Mr. Speaker, I call up the pending motion to suspend the rules and pass the bill (S. 2643) being an act supplemental to an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883; and I desire to offer an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] calls up the pending motion to suspend the rules to pass the bill he has indicated. The gentleman states that he proposes to modify the bill. A second has been demanded but not ordered.

Mr. BURROWS. We have a morning hour, do we not?

The SPEAKER. Upon the first and third Mondays of the month.

The Clerk will report the amendment proposed by the gentleman from Illinois [Mr. SPRINGER].

The Clerk read as follows:

The Committee on Claims have instructed me to move to suspend the rules and pass the bill (S. 2643) being a bill supplemental to an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, with the following amendments thereto:

Strike out all after the enacting clause of the bill and insert in lieu thereof the following:

"SECTION 1. That whenever any bill or petition shall be introduced in either House of Congress providing for or asking the payment of a private claim against the United States, legal or equitable, or for a grant, gift, or bounty to any person, or for relief of any kind, involving the investigation of facts, the House in which such bill or petition is introduced shall, before final action is taken thereon, refer the same to the Court of Claims, which shall proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' and report to such House the facts bearing upon such claim, grant, gift, bounty, or relief, as required therein and by this act.

"SEC. 2. That hereafter all private claims, demands, or applications for any grant, gift, bounty, or for relief of any kind that may be presented to Congress shall be presented by petition only, which shall set forth the facts upon which such claim is based or such relief is sought, and which shall be signed by the claimant or his agent or attorney, and neither House of Congress shall consider or entertain, for any purpose other than that of referring the same to the Court of Claims, or to some judicial tribunal or commission under existing law, any such claim or demand against the United States which involves the investigation of facts, or any bill or petition for any grant, gift, or bounty to any person, or any relief whatever, involving the investigation of facts, until such facts shall have been investigated by such court, judicial tribunal, or commission, and the findings of fact reported to Congress. And it shall be the duty of the Secretary of the Senate and the Clerk of the House, under such rules as each House may prescribe, to transmit the same to the Court of Claims as herein required.

"SEC. 3. That at the adjournment of this Congress all bills and petitions relating to private claims against the United States, legal or equitable, or for any grant, gift, bounty, or relief of any kind to any person, which may be pending in either House of Congress or before any committee of either House, except such as have been reported upon by the Court of Claims, or the accounting officers of the Treasury Department, shall, by the Secretary of the Senate and the Clerk of the House, respectively, be referred to said court, together with all papers on file relating thereto, as hereinbefore provided; and all such bills, petitions, claims, and demands shall be investigated by the court, as provided by this act and the act of March 3, 1883. The Secretary of the Senate and the Clerk of the House shall enter in the journals of their respective Houses, and in the CONGRESSIONAL RECORD, a statement showing what bills, petitions, or claims have been so transferred.

"SEC. 4. Any person having a claim or demand against the United States which is barred by a statute of limitation, or which is not cognizable by any court authorized to hear and determine the same and to render judgment thereon, may file his petition therefor in the Court of Claims, subject to the provisions of this act and the act to which this is an amendment, and have the facts relating thereto judicially ascertained, and report made to Congress as herein required. But nothing in this act shall be construed as committing the United States to the payment of any claim or demand referred to the Court of Claims or instituted under this act, or the act to which this is an amendment, and no judgment shall be entered thereon by the court.

"SEC. 5. That the Court of Claims is required to promptly consider all matters referred and presented to said court, under such rules and regulations as it may adopt, and subject to the provisions of existing law. And on the first day of each regular session of Congress the clerk of the Court of Claims shall transmit to each House of Congress a full and complete statement of the findings of fact in each case investigated, and not theretofore reported, stating what amount, if anything, is due the claimant or claimants; whether the claim or demand is founded upon any act of Congress, or upon any contract, express or implied; the laches or diligence of the claimant or petitioner in presenting the claim or demand against the United States; and such other findings of fact and conclusions of law as may be required by an act of Congress and as the court shall deem material to enable Congress to pass upon such claim, demand, or petition. That until such claim, demand, or petition is finally investigated and reported upon to Congress by the court, as provided by this act, and the act to which this is an amendment, neither House of Congress shall consider the same, by bill or otherwise, in reference to allowing the same.

"SEC. 6. That it shall be the duty of the Attorney-General, or his assistants under his direction, to appear for the defense and protection of the United States in all cases which may be transmitted to the Court of Claims or instituted under this act, or the act to which this is an amendment. And it shall be the duty of the district attorney of the United States to appear for the Government in all cases where depositions are taken in their respective districts, to be used in the Court of Claims, and to cross-examine witnesses, and to protect the interests of the United States.

"SEC. 7. That reports of the Court of Claims to Congress under this act, and the act to which this is an amendment, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

"SEC. 8. In all cases which may be brought before the Court of Claims, or referred to it under this act, or the act to which this is an amendment, the claimant shall pay all costs in such court which may be incurred by him in the investigation of the facts and in procuring the depositions of witnesses. And the court shall enter judgment against the claimant therefor at the instance of the attorney for the United States or any person entitled thereto."

Mr. RANDALL. Mr. Speaker——

Mr. SPRINGER. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. A second was demanded on the previous day, and pending the vote by tellers the House adjourned. The gentleman from Illinois now asks unanimous consent that a second may be considered as ordered. Is there objection?

Mr. STEELE. We had better have a second.

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] demanded the second before, and the gentleman from Indiana [Mr. STEELE] now renews the demand. The gentleman from Illinois [Mr. SPRINGER] and the gentleman from Tennessee will act as tellers.

Mr. STEELE. I rise to a parliamentary inquiry. The bill presented by the gentleman from Illinois on a former day under this order was not the same as that which he now submits. Can it be changed without unanimous consent?

The SPEAKER. If a second had been ordered the bill, as the Chair has heretofore ruled, could not be changed; but the gentleman having merely submitted his motion, and no second having been ordered, he this morning states that by direction of the committee he makes certain changes in the bill, which the Chair thinks he has a right to do.

The House divided; and the tellers reported—ayes 151, noes 13.

Mr. STEELE. I am willing that a second be considered as ordered, and will not make the point of "no quorum."

The SPEAKER. There is a second; and under the rules thirty minutes are now allowed for debate, fifteen minutes in support of the motion and fifteen minutes against it. The Chair will recognize the gentleman from Illinois [Mr. SPRINGER] to control the time in support of the motion and the gentleman from Tennessee [Mr. MCMILLIN] to control the time in opposition.

Mr. MCMILLIN. Mr. Speaker, it is proper I should state that when I demanded a second at the time this proposition was first presented to the House, I did so because in the bill as then submitted certain classes of claims were discriminated against. That objection having been obviated in the amended bill offered this morning, I do not feel it would be right for me to control the time in opposition to the measure.

The SPEAKER. The Chair will then recognize the gentleman from Pennsylvania [Mr. RANDALL] to control the time in opposition to the motion.

Mr. RANDALL. Mr. Speaker, my opposition to this measure is based on our lack of such information as would advise the House in regard to the effect of the bill if enacted into law. If I correctly understand the bill, the 60,000 claims which were considered by the Southern Claims Commission, 10,000 of which were rejected, and of the remaining 50,000 only 7 per cent. allowed, and also the 40,000 claims which were acted upon by the Quartermaster's Department and the auditing officers of the Treasury Department, would, under the operation of this bill, go before the Court of Claims for report upon the facts on which those claims are based. If we could amend this proposition so as to provide that all claims heretofore acted upon and determined by the Southern Claims Commission, and all claims which have been rejected or passed upon under the act known as the 4th of July act shall be excluded from the operation of the bill, then the limitations of existing law as to claims against the Government would not be destroyed. But, if I understand correctly the effect of the bill in its present form, it would practically authorize the revival of every one of those claims which have heretofore been passed upon and rejected or in part paid.

Mr. SPRINGER. The gentleman does not understand the bill.

Mr. RANDALL. I may not understand it; but I have seen so much of this character of legislation in behalf of claims that I want to understand it, and I want the House to understand it. I at least desire to be exempt from all responsibility in this matter if the effect of this measure should be, as I fear it may be, to take money out of the Treasury improperly in the payment of claims which have already been acted upon by a suitable tribunal provided for that purpose. This is all I care to say on the question.

Mr. REED. Has this bill ever been printed?

Mr. SPRINGER. Not in the shape in which it stands now.

Mr. REED. In other words, we are asked to pass a bill which we have not had an opportunity to examine in print.

Mr. SPRINGER. I think I can make this matter so plain to the gentleman from Maine that he will be willing to vote for the bill upon the reading from the Clerk's desk. It is not in any such shape as to surround it with any mystery whatever.

Mr. ROGERS. There is one question I would like to put to the gentleman from Illinois at the outset—whether the court in adjudicating claims under this bill will do anything more than find the facts and certify them to Congress, and whether Congress will not then be entirely free in determining as to the propriety of an appropriation.

Mr. RANDALL. But the bill gives an opportunity for the reopening of claims which have already been adjusted by the Government.

Mr. ROGERS. I was addressing my question to the gentleman from Illinois [Mr. SPRINGER], who claims to understand the bill.

Mr. RANDALL. And I was making answer to the remark of the gentleman from Arkansas [Mr. ROGERS].

ADDITIONAL COPY OF A BILL.

The SPEAKER. If the gentleman from Illinois [Mr. SPRINGER] will give way for a moment the Chair desires to lay before the House a resolution:

The Clerk read as follows:

Resolved, That the Senate be requested to furnish the House with a duplicate engrossed copy of Senate bill 2225, to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885, the original having been lost or mislaid.

The SPEAKER. The bill referred to in this resolution is embraced in the class of business fixed for to-morrow under the special order. If there be no objection the resolution will be agreed to; and the Clerk will request from the Senate a copy of the bill designated.

There being no objection, the resolution was considered and adopted.

CLAIMS AGAINST THE GOVERNMENT.

Mr. SPRINGER. Mr. Speaker, I shall briefly state what is proposed to be done under the provisions of this bill. And in the first place I wish it to be understood that this bill is as broad as the right of petition. For, sir, every citizen of the United States under the Constitution has the right to petition Congress for relief. Now, what is to be done when that petition comes here? Are we to deny everything, or are we to grant everything which is asked at our hands? Or shall we require the petitioner to go before a court of competent jurisdiction and first have the facts judicially ascertained, and then have those facts reported to us for our action? That is what is proposed by this bill, and that is all there is in it, except as to details how it shall be done.

Then follows this provision, applicable to all cases coming here:

That nothing in this act shall be construed as committing the United States to the payment of any claim or demand referred to the Court of Claims or instituted under this act, or the act to which this is an amendment—

Which is the Bowman act—

and no judgment shall be entered thereon by the court.

It is simply putting the Court of Claims where the Committee of the Whole House on the Private Calendar now is, as the first place where the facts shall be considered and adjudicated. So that when we get a report from that Committee of the Whole House on the Private Calendar, or from this Court of Claims, and the facts judicially ascertained, we will then know what we ought to do.

It requires the Attorney-General shall be present by himself or assistant in the Court of Claims to protect the interests of the United States.

Further, it is provided that no depositions shall be taken in the districts of the United States unless the district attorney shall appear in behalf of the United States to cross-examine witnesses, so that no claim shall be examined and passed upon against the United States upon *ex parte* testimony. The Government of the United States is protected by the district attorney being required to appear and cross-examine witnesses in behalf of the United States.

Mr. BURROWS rose.

Mr. SPRINGER. Wait a moment.

Mr. Speaker, it is required, further, that all of these depositions and all expenses incurred by the claimant shall be at his own cost. So that Congress says to a claimant, prove your case in a judicial way and we will decide whether you are entitled to relief or not.

Mr. BURROWS. What about claims which are barred?

Mr. SPRINGER. All claims barred by the law now are barred so far as entering a judgment but not for a judicial ascertainment of the facts.

Mr. BURROWS. Does not this bill remove the bar?

Mr. SPRINGER. No; this bill does not. To-day a claimant may go to the Court of Claims and have his right for relief here and the case prosecuted to judgment where the law so provides.

Mr. BURROWS. What is the provision about removing the bar which exists under the present law?

Mr. SPRINGER. It removes the statute of limitations as to claims in reference to the finding of facts.

Mr. BROWN, of Pennsylvania. Has the gentleman any objection to an amendment?

Mr. SPRINGER. I have already said, and will again repeat, that this bill, so far as judicial ascertainment of facts is concerned, is as broad as the right of petition. You can not prevent anybody from sending a petition to Congress asking for relief, and then it is for Congress to grant the relief asked for or to deny it. The Bowman act sets forth the provisions in relation to the presentation and preparation of claims.

Mr. BURROWS. Is there any enlargement in this bill of the Bowman act?

Mr. SPRINGER. The Bowman act determines how claims shall be considered.

Mr. ROWELL. Does not this bill open it to a larger adjudication of claims?

Mr. SPRINGER. It does not authorize any final adjudication.

Mr. ROWELL. Does it not allow claims to be again presented?

Mr. SPRINGER. No; it does not except for the ascertainment of the facts. Before we are required to pass upon the merits of a case the claimant is required to prove his case in a court of justice. Nobody

can object to that provision. It enables the petitioners who petition Congress for relief to go to the Court of Claims and prove the facts upon which they ask for relief. There is no prejudice to the Government and no advantage gained by the claimant. Unless he proves his case of course he gets no relief. Who will say any American citizen shall be deprived of a forum in which he may show by competent testimony he has a just claim against the Government? That is all I ask for anybody: That if anybody has a claim against the United States, the United States will open a tribunal where the facts may be presented.

Mr. BROWN, of Pennsylvania. Does not this bill allow him to come in twice?

Mr. SPRINGER. Not at all.

Mr. BROWN, of Pennsylvania. Has the gentleman any objection to permitting an amendment excluding the class of claimants referred to by my colleague [Mr. RANDALL]?

Mr. SPRINGER. I have no objection to excluding any one who has already had a hearing of the facts in his case.

Mr. SENEY. Let me ask the gentleman does this reopen the claims already rejected?

Mr. SPRINGER. It will have the effect I have stated only.

Mr. PERKINS. I would like to ask the gentleman if, under the present law, he knows of any instance where the House, or a committee of the House, has accepted the findings of the Court of Claims upon any matter submitted to it?

Mr. SPRINGER. I do not know of one that has been passed without examination.

Mr. PERKINS. Then I would like to ask how Congress is to get relief under the operation of such a bill as this?

Mr. SPRINGER. The claim is to be sent there in order to have a judicial ascertainment of the facts.

Mr. PERKINS. But if the findings of fact are not accepted after they are made, how does Congress get any relief? Now, my observation is that neither the House nor its committees are disposed to accept the findings of the court.

Mr. SPRINGER. Let me ask, in response to the gentleman: Is it easier for the House to determine the merits of a case when the facts have been ascertained only by *ex parte* evidence? In which way will the interests of the Government be best subserved? If it is easier to determine and to do justice after the judicial ascertainment of the facts, let us have that judicial ascertainment; and I assume that those who are to come after us will be just as jealous of the rights of the Government and as careful guardians of the Treasury as this Congress or its predecessors.

Mr. HEARD. Let me ask the gentleman from Illinois, does this substitute, as proposed, provide that the findings of the Court of Claims shall relate to questions of law as well as questions of fact?

Mr. SPRINGER. The court will take cognizance of the law under which a claim is predicated.

I yield now five minutes to the gentleman from Missouri [Mr. WARNER], a member of the committee.

Mr. STEELE. Before the gentleman yields the floor I would like to ask whether this bill would not send all private pension claims to the Court of Claims, and thereby enable the Government to employ its attorneys against the rights of a claimant, and no provision is made for the employment of counsel for a claimant who is too poor to employ counsel himself?

Mr. WARNER, of Missouri. Mr. Speaker, this bill is in substance the same as that reported from the Committee on Claims at the first session of this Congress, with this, I may say, important exception: That bill referred all private and domestic claims, other than war claims, to the Court of Claims for a finding of fact, and they make report to Congress before such claims could be acted upon.

When the bill now under consideration came over from the Senate it was thought best to enlarge that jurisdiction and to refer all claims against the Government, including war claims, which we are daily considering in this House to the obstruction of other business, simply for a finding of fact and to report that finding of fact back to the House. It simply presents this proposition, whether we are dealing fairly with the claimants, and whether we intend to consider their matters in Congress or simply keep on holding the word of promise to the ear while we continually and persistently break it to their hope.

Mr. ROWELL. Will the gentleman permit me to ask him a question?

Mr. WARNER, of Missouri. I have but five minutes, and must decline interruptions.

There have been sent by this Congress up to date 4,550 bills to the Committee on War Claims. During the Forty-eighth Congress the whole number so referred amounted to 2,149. The Committee on Claims of the present Congress have had 1,800 bills referred to it, while during the last Congress only 913 were referred to that committee.

I have not time, sir, to follow out this table through all the different Congresses, but it has been continually increasing and growing upon us, until to-day I state here, without fear of successful contradiction, that it is only the favored few that receive any consideration at the hands of Congress.

Mr. PETTIBONE. Or ever will.

Mr. WARNER of Missouri. The man who has a member to press his claim in season and out of season, who can get recognition perchance to have it passed by unanimous consent, can get his claim considered; while the hundreds, the thousands, and tens of thousands who have just claims can get no relief or consideration.

Mr. MILLIKEN. Let me ask the gentleman how many of these claims have been considered?

Mr. WARNER, of Missouri. In round numbers 10,000 private bills have been introduced in the Forty-ninth Congress up to this time, and 2,041 have been reported, but only a very small percentage of that number have become laws or ever will become laws.

But let us see a little further, for we might as well look at the question squarely. It becomes alarming as to the time of Congress that is spent in considering these cases. The committees of the House are largely in the dark in arriving at the facts in a given case. But a few weeks since we had an important matter involving an unknown amount; $200,000 was said to be a just amount by one part of the committee, $63,000 said another part of the same committee, and $67,000 reported by another committee. In the absence of a judicial finding of fact, the question as to what amount is just in that case, we were asked to pass on that important case. No member pretended to give, and no member probably knew, the exact facts. Why not, then, refer such claims for judicial ascertainment? Are we afraid to permit claimants to establish the facts of their claims against the Government?

But another matter. In the Forty-seventh Congress the expense of printing bills and reports thereon was $85,438.82. During the Forty-eighth Congress this amounted to $96,336.59, while up to the 28th day of January of this Congress the amount paid for printing bills and the reports thereon had run up to the enormous sum of $159,674.55. Of this amount, Mr. Speaker, the Public Printer estimates that at least two-thirds is chargeable to private bills and reports thereon. The question is then presented, does this House, in the consideration of these bills, propose to undertake the ascertainment of the facts themselves, where, as in the McMinnville case that went out to the country a few days ago, it is a disputed question as to what were the facts in that case, and it will go down to history as a disputed question in just as much doubt as that other question, "who struck Billy Patterson." The question presented to us is, are we doing that justice to the citizens of this Government that the Government of England and every other great government does as a matter of justice to its citizens?

The other great nations go much further than is asked by this bill. In the Brown case (6th Court of Claims Report, 192), Nott, justice, in delivering the opinion of the court, uses this language:

"That the legal redress given to a citizen of the United States against the United States is less than he can have against almost any government in Christendom. The laws of other nations have been produced and proved in this court, and the mortifying fact is judicially established that the government of the United States holds itself of nearly all governments the least amenable to the laws. * * * Of all the Governments of Europe, it is believed that Russia alone does not hold the state amenable in matters of property to the law. Of all the countries whose laws have been examined in this court, Spain only resembles the United States in fettering the judicial proceedings of her courts by restricting and leaving the execution of their decrees dependent upon the legislative will. * * * First in the high civilization that protects the individual and assures his rights stands the great Empire of the German States."

In England, notwithstanding the principle underlying the English constitution that the king can do no wrong, the citizen who has a claim against the government is furnished with a mode of obtaining redress. Mr. Justice Davis, in the O'Keefe case (11 Wall., 183), says:

"The law allows him (the citizen) by petition to inform the king of the nature of his grievance, and as the law presumes that to know of an injury and to redress it are inseparable in the royal breast, it then issues, as of course, in the king's own name, his orders to his judges to do justice to the party aggrieved.

"This valuable privilege, secured to the subject in the time of Edward I, is now crystalized in the common law of England. As the prayer of the petition is grantable *ex debito justitiæ*, it is called a petition of right, and is a judicial proceeding to be tried like suits between subject and subject. It does not exist by virtue of any statute, nor does the recent legislation in England concerning it do more than to regulate the manner of its exercise, and to confer on the petitioner the privilege, not before granted, of instituting his proceeding in any one of the superior courts of common law or equity in Westminster."

This question received consideration of the Committee on Claims in the Thirtieth Congress. Hon. John A. Rockwell, a distinguished member of that committee, in an elaborate report, uses this language:

"The chairman of the committee has obtained from the ministers of several of the leading governments of Europe statements as to the course pursued in claims against the governments of Russia, Austria, and the smaller German States, and in Holland and in other nations. In relation to all mere matters of contract and ordinary trespasses the government is heard in the ordinary tribunals of the country, which are governed precisely by the same rules of law in these cases as between individuals. These governments, although far behind us in civil freedom and constitutional liberty, never shirk from the full and fair investigation of these claims, and always submit to an adverse decision by the courts. It has been left to our own Government to deny to the citizen who has a demand against it the power to try the question before its own courts, and yet has furnished no adequate tribunal for the purpose." (Report No. 498, vol. 3, R. of Com., 1st sess. 48th Cong.)

Had I the time instance after instance could be given where members have been called to vote upon claims involving thousands of dollars proved up, if at all, by *ex parte* affidavits. Are we unwilling to exchange this unsatisfactory and I might say vicious method of a judicial finding of fact in each case? Let me in conclusion call the atten-

tion of the House to a sample of *ex parte* investigation as given by Justice Nott in a foot-note to the case of Brown *vs.* United States, on page 191, 6 Court of Claims Reports.

The learned justice says:

Thus the first case in the first volume of the reports of this court (Gordon's case, 1 C. Cls. R. page 1) discloses these extraordinary facts: There was allowed the claimant for property destroyed by United States troops $8,873, then $100 for an error of calculation in the first award; then $8,997.94 for interest; then $10,004.89 more for interest; then $39,217.50 for property previously found not to have been destroyed by United States troops; and finally $66,519.85 in a revision of the previous awards.

The Forty-first Congress revived this practice in the celebrated Chorpenning case, where the Postmaster-General in an *ex parte* arbitration on *ex parte* testimony awarded the claimant $425,000. It is not generally known that the same claim had been brought by the claimant previously before the Court of Claims, where he demanded but $176,576, and where the suit was dismissed.

Comment is unnecessary.

[Here the hammer fell.]

Mr. RANDALL. I desire to occupy a moment, after which I will yield to any gentleman who desires the floor.

I confess to be sensitive touching what are known as war claims and their passage through this House. Here we have a proposition not printed, and changed since it was formerly before this House for consideration. Is it unnatural that one who has the responsibility of a vote on a measure of this character, so far-reaching, should rise to secure information as to its effect? As I understand it, it does destroy the limitations now in force. It does give a new hearing to many thousands of claims that have been passed upon and rejected by a tribunal authorized by law to have made these investigations. It does open again claims which have been rejected by the proper accounting officers of this Government. And until such claims are excluded from the operation of this proposition, I can not for a moment conscientiously vote for it.

I originally rose rather to suggest to the gentleman having charge of this measure that he should insert a clause that should make it plain; that the quartermaster's claims that have been passed upon shall not be included in the operation of this law; and that claims that have been passed upon by the Southern Claims Commission and rejected, or in part adjudicated by that tribunal—and the average payment, as I remember, of those 50,000 claims was 7 per cent.—shall be excluded from the operation of this measure. I want a clause inserted in this bill which will have that effect, because I believe those claims have been adjudicated by the Government in a manner the claimants were willing to accept.

Mr. SPRINGER. Will the gentleman allow me?

Mr. RANDALL. Yes, sir.

Mr. SPRINGER. I have no objection whatever to the insertion of such a clause. While I believe under the provisions of this act the court would report that such cases were excluded, having been already adjudicated, I ask unanimous consent to insert a clause of the nature indicated.

Mr. RANDALL. As I understood the reading of the bill, it does not give the court any discretion to exclude rejected claims. It provides that the court should entertain those claims, take testimony pro and con, and report them to this House, the effect of which is to renew those claims after the Government has adjudicated them. If the gentleman will amend his bill in these respects he will take away most of the objection which has been raised against it.

Mr. SPRINGER. I ask unanimous consent to make that amendment.

Mr. McCOMAS. I object.

Mr. SPRINGER. I ask unanimous consent to have read for the information of the House the Bowman act, which is not repealed by this bill except in one clause of it.

Mr. RANDALL. I yield five minutes to the gentleman from Wisconsin [Mr. BRAGG].

Mr. STEELE. I think some time should be allowed to this side of the House.

Mr. RANDALL. I did not understand that gentleman there wanted it. I went over and asked the gentleman from Maine [Mr. REED], and he said he did not know if time would be wanted there or not. How much time have I?

The SPEAKER. The gentleman has seven minutes of his time remaining.

Mr. RANDALL. I yield three minutes to the gentleman from Wisconsin [Mr. BRAGG].

Mr. BRAGG. I hope this bill will not pass. It is time that something seeking to become a law of this kind was dead. If we have not been able to kill anything of the kind we have been struggling year after year to kill what are known as war claims growing out of the depredations of troops during the war. They would have died before now if certain gentlemen were not so particularly anxious all the time to have something to say about them.

We had a court, a commission of claims, and gave time for the presentation of claims. That court was extended. It has expired with limitations passed upon all those claims. And yet gentlemen are not content, although the courts have been out of existence now for nearly six years. These claims are being continually revived. And every now and then we have some little paltry bill which is introduced and passed which repeals the statute of limitations on some one case and opens the door to others. So that we drive this pack of hounds—I mean the claim agents who are pressing this bill—away from our door on the principle that a man always drives away a dog proper, by feeding them every time. They do not always get as much as they want. But whenever you give them a little you encourage them to come back for more.

That is what we are doing with this class of claims. We had a bill here the other day which was sought to be attached to the bill reported from the Department authorizing the payment of $5 an acre for chincapin lands on the Maryland Heights. It was proposed to pay those claimants damages done by troops as they came to and fro down the Shenandoah valley into the battle-fields of Pennsylvania. The moment you confer this power on the court the court takes the testimony, and there is no man who has had experience but knows the claimant who is mean enough to come up from the South and pretends he was loyal can furnish witnesses to prove it.

[Here the hammer fell.]

Mr. RANDALL. I yield the balance of my time to the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. I yield to the gentleman from Maine [Mr. REED].

Mr. REED. I have entire sympathy with the purposes of this bill, but I should like to know if it accomplishes what almost everybody thinks it may accomplish. This bill has never been printed. There has been no opportunity of examining it, and I must say I think it unfortunate that it should be brought up in this fashion.

I should like to ask the chairman of the committee how he reconciles the first section with the second. The first section declares that nothing shall be passed upon until it has been referred by the action of Congress to the Court of Claims. The first section refers to a bill. The second section says no claim shall be presented except by petition, and that they shall be referred by the officials, the Clerk of the House and the Secretary of the Senate, under the rules of the Houses, without action by Congress or without action of the House.

In other words, one section proposes a legislative act, and the other section proposes a routine act for the same transaction.

Mr. SPRINGER. The first section requires that no such bill shall be considered by the House for any purpose except for reference, and the second section provides that hereafter claims shall be presented by petition only, and that the Clerk of the House and the Secretary of the Senate, under such rules as each House may prescribe, shall transmit them to the Court of Claims. That duty is merely ministerial.

Mr. REED. But the first section provides for bills.

Mr. SPRINGER. There is no way of preventing a gentleman from introducing a bill of this kind. All he has to do is to say when he introduces the bill that it does not apply to this class of cases, but after it has been referred to the committee they may determine that it does apply to such a case, and then it will be sent back and transmitted to the Court of Claims.

Mr. REED. But if a gentleman introduces a bill under a claim of right, who is to decide that no action is to be taken on it except by reference?

Mr. SPRINGER. The committee to whom it is referred are to decide that.

Mr. REED. And that is to govern in spite of a decision of the House to the contrary?

Mr. SPRINGER. The House must of course be the judge of whether the bill comes under the rule or not.

Mr. REED. In other words, these matters will still be presented, not in the form of petitions, but in the form of bills, and the House will be required to pass upon them in each case the same as before.

Mr. SPRINGER. Our rule now requires that measures relating to rivers and harbors shall be presented through the petition-box, but nevertheless members frequently introduce them in the ordinary way. You can not anticipate the contents of a bill which any gentleman may introduce.

Mr. REED. Well, Mr. Speaker, it is precisely because nobody can understand what this bill means that I regret that it is brought up in this fashion.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] has one minute remaining.

Mr. SPRINGER. I ask unanimous consent now, Mr. Speaker, to have the Bowman act, to which this is supplemental, read. The reading will occupy more than a minute, but I hope that every gentlemen will be willing to have it completed.

Mr. RANDALL. Mr. Speaker, if the reading can not be completed in the remaining minute, I am willing, so far as I am concerned, to consent to any additional time that is needed for the reading, but we do not want reading and debate both.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SPRINGER]?

There was no objection.

Mr. SPRINGER. Now, Mr. Speaker, one word more——

Mr. RANDALL. Oh, no.

Mr. SPRINGER. I merely desire to say, Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] objects.

Mr. SPRINGER. Then, Mr. Speaker, I will ask to have the Bowman act read. I did not think the gentleman from Pennsylvania would be so exacting.

Mr. RANDALL. I have not been exacting, because I have consented to allow all the time that is required for the reading of the act which the gentleman wishes to have read.

The Clerk read as follows:

Be it enacted, &c. [section 1], That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt.

When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt.

When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 3. The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war;

Nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States, and the fact of such loyalty shall be a jurisdictional fact.

And unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

SEC. 5. That the Attorney-General, or his assistants, under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counter-claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses, in like manner as he is now required to defend the United States in said court.

SEC. 6. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. SPRINGER] to suspend the rules and pass the pending bill.

Mr. REED. Mr. Speaker, I suggest to the chairman of the Committee on Claims [Mr. SPRINGER] whether he should not ask unanimous consent of the House to set apart a day for the consideration of this bill.

Mr. SPRINGER. I am willing to do that.

Mr. REED. Suppose you do it, then. I think everybody will agree to that.

Mr. SPRINGER. I will ask unanimous consent that the vote be taken upon this bill to-morrow morning after the reading of the Journal. In the mean time gentlemen will have an opportunity to examine the bill.

Mr. REED. Oh, no. Let us have a day for discussion.

Mr. RANDALL. That can be fixed through the Committee on Rules.

The SPEAKER. The Chair will state that to-morrow, after the reading of the Journal, is set apart for the consideration of bills reported from the Committee on Foreign Affairs.

Mr. SPRINGER. Let it be next Friday then; that is private-bill day.

Mr. REED. Do not propose Friday, because you will meet objections.

Mr. BRUMM. I object to Friday.

Mr. SPRINGER. I see that many gentlemen are not prepared to vote upon this measure, and, if they are willing, I will consent that the matter be referred to the Committee on Rules, with the understanding that that committee will give us a day for the consideration of this bill.

Several MEMBERS. That is right.

Mr. SPRINGER. Then, with the understanding that I shall have leave to introduce a resolution to that effect, I now ask permission to withdraw the bill.

Several MEMBERS. That is right.

Mr. STORM. Mr. Speaker, I desire to make a parliamentary inquiry. If that is done will it require a majority or a two-thirds vote to pass the bill?

The SPEAKER. A majority.

Mr. STORM. Then I object.

Mr. SPRINGER. That will not prevent the proposition being submitted under the rules afterward. I hope my friend will not object.

Mr. O'NEILL, of Missouri. Let us pass the bill and have it amended in the Senate.

Mr. SPRINGER. I will guarantee that all necessary amendments will be made in the Senate.

Mr. RANDALL. The gentleman has no right to make any guarantee for the Senate.

The question being taken on the motion of Mr. SPRINGER to suspend the rules, there were—ayes 76, nays 75; two-thirds not voting in the affirmative.

Mr. ZACH. TAYLOR. I call for the yeas and nays.

Mr. SPRINGER. I hope we shall not consume time by taking the yeas and nays.

The yeas and nays were not ordered, only six voting in favor thereof.

So the motion to suspend the rules and pass the bill was not agreed to.

JUDICIAL DISTRICTS IN MISSOURI.

Mr. BURNES. I move to suspend the rules and pass the bill which I send to the desk, being a substitute for House bill 2929.

The SPEAKER. The bill which the gentleman moves to pass under suspension of the rules has heretofore been read in the hearing of the House. Is the reading again demanded?

Mr. BLAND. I ask to have it read.

The SPEAKER. The Clerk will first read the title of the bill.

The Clerk read as follows:

A bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for times and places for holding such courts, and for other purposes.

The SPEAKER. The substitute will now be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the city of Saint Louis and the following-named counties in the State of Missouri shall constitute the eastern judicial district of Missouri, to wit: Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint François, Saint Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, Saint Charles, Macon, Adair, Audrain, Clarke, Knox, Lewis, Marion, Monroe, Pike, Ralls, Schuyler, Scotland, Shelby, and Randolph. And all the other counties in the State of Missouri shall constitute the western judicial district of Missouri.

SEC. 2. That the eastern judicial district of Missouri is hereby divided into two divisions, which shall be known, respectively, as the northern and eastern divisions of said eastern district. The city of Saint Louis and the counties of Saint Louis, Franklin, Gasconade, Jefferson, Crawford, Washington, Saint François, Saint Genevieve, Dent, Iron, Madison, Perry, Bollinger, Cape Girardeau, Shannon, Reynolds, Wayne, Scott, Carter, Oregon, Ripley, Butler, Stoddard, New Madrid, Mississippi, Dunklin, Pemiscot, Montgomery, Lincoln, Warren, and Saint Charles shall constitute the eastern division of said district, the courts for which are now established and held and shall be continued at the city of Saint Louis. The remaining counties within the eastern district shall constitute the northern division of said district, and the courts therefor shall be held at the city of Hannibal, and shall be styled the district court (or the circuit court, as the case may be) of the United States for the northern division of the eastern district of Missouri. The western judicial district of Missouri shall be divided into four divisions, to be known as the Saint Joseph, the western, the central, and the southern divisions. The counties of Clay, Ray, Carroll, Chariton, Sullivan, Jackson, La Fayette, Saline, Cass, Johnson, Bates, Henry, Vernon, Putnam, Caldwell, Livingston, Grundy, Mercer, Linn, Barton, Jasper, and Saint Clair shall constitute the western division, the courts, circuit and district, for which shall be continued at the city of Kansas. The counties of Atchison, Nodaway, Holt, Andrew, Buchanan, Platte, Clinton, Harrison, Daviess, De Kalb, Gentry, and Worth, shall constitute the Saint Joseph division, and the courts therefor shall be held at the city of Saint Joseph and shall be styled the district court (or the circuit court, as the case may be) of the United States for the Saint Joseph division of the western district of Missouri. The counties of Cedar, Polk, Dallas, Laclede, Pulaski, Dade, Greene, Webster, Wright, Texas, Lawrence, Christian, Douglas, Howell, Newton, Barry, McDonald, Stone, Taney, and Ozark shall constitute the southern division of said western district, the courts for which shall be held at the city of Springfield, and they shall be styled the district court of the United States for the southern division of the western district of Missouri. The remaining counties within the said western district shall constitute the central division of said district, and the courts, circuit and district, therefor shall be continued and held at Jefferson City.

SEC. 3. That there shall be, and there are hereby, established a district and circuit court of the United States in each of the several divisions of the said eastern and western districts herein created, except the southern division of the western district, in which a district court shall be and is hereby created. That in each division there shall be held two terms of the district and circuit courts in each and every year except said southern division of the western district, in which there shall be held two terms of the district court in each and every year. The times of holding said terms of court in the city of St. Louis, the city of Kansas, and the city of Jefferson shall be held at the times now established by law, and in the other divisions herein named the times of holding said terms of court shall be fixed without delay by the judge of the district court of the proper district That the counties of Cedar, Polk, Green, Dade, Lawrence, Newton, McDonald, Barry, and Stone, of the southern division of the western district aforesaid, be, and they are hereby, attached to the western division of the western district for circuit court purposes, and that all other counties in said southern division of the western district be, and they are hereby, attached to the eastern division of the western district for circuit court purposes. The district judges for the eastern and western districts of Missouri, each in the divisions of his proper district, and the circuit judges of the United States for the eighth judicial circuit, are hereby required to hold the courts aforesaid. Juries shall be summoned for the courts hereby created as now provided by law for the summoning of juries in the said districts.

SEC. 4. That hereafter all suits to be brought in the courts of the United States in Missouri, not of a local nature, shall be brought in the division having jurisdiction over the county where the defendants, or either of them, reside or may be found; but if there be more than one defendant, and a part of them reside in different divisions or districts of said State, the plaintiff may sue in either division of either district where one of such defendants resides, and send duplicate writs to the other division or district directed to the marshal of said district, on which said writs shall be indorsed by the plaintiff or his attorney, that the same is a duplicate of the original writ sued out of the court of the proper division and district. Any cause may, by the written consent of both parties or their attorneys of record, be transferred to the court of either division or district without regard to the residence of the defendants, and whether such cause be now pending or be instituted hereafter. All civil causes now pending in any of the courts in said eastern or western district, or any division thereof, against parties residing in some other division hereby created, may remain and be finally disposed of in the court in which they are now pending, respectively, unless the defendants therein shall desire to have the same transferred to the appropriate court of the division in which they reside, in which last event such transfer shall be applied for to the court of the division in which the cause is pending; and when a cause shall be ordered to be transferred, as above provided, to a court in any other division it shall be the duty of the clerk of the court from which the transfer is made to carefully transmit to the clerk of the court to which the transfer is made the entire file of papers of the cause, and all documents and deposits in his court pertaining thereto, together with a certified transcript of the record of all orders; interlocutory decrees, or other entries in the cause; and he shall also certify under seal of the court that the papers sent are all which are on file in said court belonging to the cause, for the performance of which duties said clerk so transmitting and certifying shall receive the same fees as now allowed by law for similar services, to be taxed in the bill of costs and regularly collected with the other costs of the cause; and such transcript, when so certified and received, shall thenceforth constitute a part of the record of the cause in the court to which the transfer shall be made.

SEC. 5. That there shall be appointed a clerk for each of said courts at Hannibal, Saint Joseph, City of Kansas, and Springfield, and each clerk shall be a resident of the division in which the court of which he is clerk is held; he shall keep an office, and the records, files, and documents pertaining to the court of his division, and he shall discharge all the duties and receive the fees required or allowed by law. And the marshals and the district attorneys for the said eastern and western judicial districts shall be the marshal and attorney respectively for the divisions for their respective district, and shall be allowed the same fees and be subject to the same duties and liabilities as may be provided by law; that process issuing out of the courts of either division of said districts shall be directed to the marshal of the district in which the division is located, and may be executed by him or his deputies upon the party or parties against whom issued wherever found within his district; and the marshal of each district shall keep an office and at least one general deputy residing at the place of holding courts in each division, excepting the division in which he may himself reside.

SEC. 6. That all causes and proceedings in law, equity, or bankruptcy now pending in any district or circuit court of the United States in the State of Missouri, where all the defendants (or plaintiffs, where the jurisdiction is derived from the residence of the plaintiffs) shall reside in either of the divisions in which courts are hereby established, shall be transferred to the court of the division in which the defendants (or plaintiffs, where the jurisdiction is derived from their residence) reside; and the transfer may be made in vacation or in term time. If made in vacation, an affidavit of all the parties defendant that they are resident in said division shall be filed, and ten days' notice of the purpose and time of hearing of said motion shall be given the opposite party or his attorney of record; but if made in term time, then on motion and affidavit only. And the said circuit and district courts for said divisions shall have the same powers and jurisdiction, with the same right to parties to prosecute appeals and writs of error thereupon, as now pertain to the district and circuit courts for the said eastern and western judicial districts. All prosecutions for crimes and offenses, now pending in any of the courts of said eastern and western districts, or any division thereof, shall be terminated by final adjudication therein, and all such prosecution hereafter commenced shall be commenced and prosecuted in the division where the offenses were committed.

SEC. 7. That before the judge shall fix the terms of courts at Saint Joseph he shall have satisfactory evidence that the county court of Buchanan County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor, to be used and occupied until the completion of the public building belonging to the United States Government now in process of construction at said city of Saint Joseph, at which time the courts shall be held in said offices established in said public building; and before the judge shall fix the terms of courts at Hannibal he shall have satisfactory evidence that the county court of Marion County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent thereof, to be used and occupied until the completion of the public building belonging to the United States Government now in process of construction at said city of Hannibal, at which time the courts shall be held and said offices established in said public building; and before the court or judge shall fix the terms of said court at Springfield he shall have satisfactory evidence that the county court of Greene County has provided and set apart for the use of said court a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. BLAND. To save time, I ask that a second may be considered as ordered.

The SPEAKER. A second will be considered as ordered if there be no objection. The Chair hears none. There are now thirty minutes for debate—fifteen minutes in favor of the motion, and fifteen against it. The Chair will recognize the gentleman from Missouri [Mr. BURNES] to control the time in support of the motion, and the gentleman from Missouri [Mr. BLAND] to control the time in opposition.

Mr. BURNES. Mr. Speaker, in the State of Missouri there are at present three United States courts—one at Saint Louis, one at Jefferson City, and one at Kansas City. These three courts are on a line through the center of the State—one upon the eastern border, another upon the western border, and another in the center. That great State, embracing more than 70,000 square miles, lies to the right and the left of these courts. In the southwestern portion of the State there is no United States court; in the northeastern portion there is none; in the northwestern portion there is none. We, in support of the bill, think it best for the judges to go to the people at Saint Joseph, Hannibal, and Springfield to perform their judicial labors rather than that the people shall be dragged in many instances 200 miles for the purpose of paying obeisance to the judges, who in spite of their pretenses are servants and not masters of the people. This bill meets the approbation, I believe, of a large majority of the delegation from Missouri, and has also the sanction of the Judiciary Committee. We think that we are asking nothing unreasonable or unusual when we call upon our friends to sustain us in our wish to pass this bill.

Asking only for equality of right and common justice, let me make a comparison: The State of Iowa on the north of us has six United States courts. The State of Ohio, a much smaller State, is divided, I believe, so that there are now several divisions of the United States courts in the two districts of that State.

Mr. SENEY. Six.

Mr. BURNES. I thank my friend from Ohio. We ask for but six in the State of Missouri; no more than Iowa, no more than Ohio, and I believe but little more, if any, than in the adjoining State of Kansas. I see nothing unreasonable in this proposition. It is much more convenient and cheaper for the judges to go to the people than for the people to go to the judges. Besides, their visits to their masters may save them from supercilliousness and prejudice in their conduct. We ask no extraordinary appropriation. The bill does not impose any additional burdens upon the Treasury nor increase the public expenditure; it does not create any additional judgship, but requires those in office to serve the people by going out of their slippers and gowns upon the public highways to be seen. I trust members of the House will agree to give Missouri these ordinary court facilities which are enjoyed by so many of the people of so many of Missouri's sister States. I will reserve the residue of my time.

Mr. CLARDY. I wish to ask my colleague whether the substitute just read changes at all the division of the eastern judicial district, as stated in the original bill.

Mr. BURNES. No, sir; the eastern district remains as in the original bill. The substitute divides the counties in the western district a little differently with regard to the different divisions.

Mr. O'NEILL, of Missouri. Does it leave the eastern district unchanged?

Mr. BURNES. Practically so.

Mr. HEARD. I wish to ask my colleague a question. The original bill affected the status of only two counties embraced in my district—Polk and Dallas. I ask my colleague whether the substitute proposes to affect any other counties in my district.

Mr. HATCH. It does not.

Mr. BURNES. I think it does not.

Mr. HATCH. It does not.

Mr. HEARD. Then I desire to say that I shall vote for the bill. There are twelve counties in my Congressional district, one of which is now in the western judicial district of Missouri, the remaining eleven counties being in what is now the central district. This bill proposes to change two of those eleven counties lying on the southern border of my district, attaching them to the Springfield court. I have had no remonstrance from any of the people of my district against this change, while I have had petitions in favor of the proposition from the two counties sought to be affected by it. I shall therefore vote for the bill.

The SPEAKER. The gentleman from Missouri [Mr. BURNES] has eleven minutes of his time remaining.

Mr. BLAND. I desire to have read the memorial to the Congress of the United States, which I send to the Clerk's desk.

The Clerk read as follows:

To the Congress of the United States:

This memorial of the Bar Association of Jefferson City, Mo., to the Congress of the United States, respectfully represents:

That the bill now pending for the establishment of additional Federal judicial districts in the State of Missouri (H. R. 2929) ought not to become a law for the following reasons:

1. Because there is no necessity for the creation of any new judicial districts in Missouri.

2. Because there is not, has not been for many years past, and can not be for many years to come, any amount of legal business in the Federal courts sufficient to justify the creation of new districts in this State.

3. Because the creation of such new districts would necessitate great additional expenses by requiring the renting of several additional court rooms and clerk's offices and officers attendant upon the court, holding eight additional terms of court each year in the district, and also large additional jury fees and additional expenses for light, fuel, &c.

4. Because the additional expenses imposed upon the district judge in traveling to so many points and remaining at each in order to go through the empty form of holding courts, would seriously diminish the salary, of which many are now complaining as insufficient.

5. Because the reports of the clerks of the circuit and district courts, made to this association, show the following facts:

That the total number of cases brought to the circuit court for the eastern division of the western district of Missouri for the past seven years, ending February 6, 1888, is 709, of which 488 were for the collection of county and township bonds and coupons, a class of litigation which is practically at an end, for the reason that compromises have been effected with most of the counties, leaving 221 cases of a miscellaneous character for the seven years, or about an average of 31 cases a year; that the total number of cases of all grades of offenses, brought to the district court for the eastern division of the western district of Missouri for the past four years is 422, or an average of about 105 a year; that the total number of days the district court was in session at its stated terms in the eastern division of the western district of Missouri for the past four years is 92, or an average of 23 days a year.

The foregoing being the number of cases brought to and the amount of business transacted in the circuit and district courts for the eastern division of the western district of Missouri, while composed of forty-three counties, as it now

is, what necessity, we respectfully ask, can there be for establishing additional courts in the same territory, as proposed by H. R. 2929, introduced by Mr. HATCH?

The foregoing data is furnished from the records of said courts by the clerks thereof.

All of which is respectfully submitted.

By order of the Jefferson City Bar Association.

A. M. HOUGH, *President.*

J. C. FISHER, *Secretary.*

The data herein set forth is correct as appears from the records in this office.

Attest:

H. C. GEISBERG, *Clerk.*

Mr. BLAND. That is the information I find given in that memorial by the clerk of the circuit and district courts of Jefferson City. It shows the facts to be that the total number of cases brought to the circuit court for the eastern division of the western district of Missouri for the past seven years, ending February 6, 1886, is 709, of which 488 were for the collection of county and township bonds and coupons, a class of litigation which is practically at an end, for the reason that compromises have been effected with most of the counties, leaving 221 cases of a miscellaneous character for the seven years, or about an average of 31 cases a year; that the total number of cases of all grades of offenses brought to the district court for the eastern division of the western district of Missouri for the past four years is 422, or an average of about 105 a year; that the total number of days the district court was in session at its stated terms in the eastern division of the western district of Missouri for the past four years is 92, or an average of 23 days a year. This is the exact condition of facts in this case. Every member of the Missouri delegation knows that the case referred to of county and township bonds are out of court to-day. Then what is the necessity except to gratify the ambition of a few aspiring towns and the gentlemen who represent those cities to have court-houses and circuit courts held all over that State. For one, Mr. Speaker, I think it is time for this House and this Congress to call a halt to this character of legislation.

A short time ago, Mr. Speaker, we passed a bill having for its object the curtailing of the jurisdiction of the Federal courts, and that is the demand of the people everywhere except on the part of corporations and monopolies, which ask Congress to extend their jurisdiction and to multiply courts for their own convenience.

It is true this bill does not extend the jurisdiction of a Federal court, but it does enlist new communities and new advocates to maintain their jurisdiction, for every city and every town and every neighborhood that is favored or shall be favored by the location of these courts within their limits will become warm supporters of maintaining their continuance and increasing their jurisdiction instead of diminishing it. So that we are constantly passing bills here for the encouragement of the Federal judiciary in matters over which the States ought to have exclusive jurisdiction. What we ought to do is give these matters now in the Federal courts and over which the Federal courts assume jurisdiction back to the State courts and to the people of the States to be tried in their own counties and local communities and by their own juries.

I fear my friend from the Hannibal district and my colleagues from the Springfield and Saint Joe districts, all thriving and ambitious towns, instead of demanding legislation to reduce and curtail the jurisdiction of those Federal courts, trying to have these courts established in their districts, and when they have accomplished the establishment of these Federal courts in their midst, it may be they will then begin to demand business for these courts in order to have some excuse for continuing them, and that they may be a benefit to those communities. Instead of being strong advocates for the people's rights in curtailing the jurisdiction of these courts, they will be warm advocates to maintain that jurisdiction, and we will find them opponents instead of friends.

Mr. WADE. I should like to ask my colleague whether 75 per cent. of the business done at Jefferson City does not come from the town which asks for a district court at Springfield?

Mr. BLAND. The gentleman represents a flourishing town and I admire his zeal, but I do not think, Mr. Speaker, it is or ought to be the policy of Congress to multiply these courts in order to gratify the ambition of these thriving places or their representatives upon this floor. My colleague is hardly serious in his question, as it is not the fact.

I understand it has been stated that a maiority of the Missouri delegation is in favor of this bill. If I am correctly informed by those who tell me what they shall do in the matter, I believe a majority of the Missouri delegation would like to see this bill defeated. It is useless and unnecessary and it is not a step in the right direction.

I yield now five minutes to my colleague, Mr. STONE.

Mr. STONE, of Missouri. Mr. Speaker, for a great many years there have been two Federal judicial districts in Missouri, known as the eastern and western districts. There are one hundred and fourteen counties in the State, exclusive of the city of Saint Louis, which has a separate government of its own. There are thirty-eight counties and the city of Saint Louis in the eastern district, and seventy-six counties in the western. The courts in the eastern district have always been held at Saint Louis. Up to 1879 the courts for the western district had been held at Jefferson City, the capital of the State.

By an act of Congress passed January 21, 1879, the western district was divided into two nearly equal subdistricts, known as the eastern and western divisions of the western district. By the provisions of that act the courts for the eastern division were continued at Jefferson City, and Kansas City was designated as the place for holding courts in the western division. That gave the State three Federal district courts—one at Saint Louis, on the eastern border, one at Kansas City, on the western border of the State, and one at Jefferson City, about half way between the other two and near the geographical center of the State.

With those three places every section of the State is connected by railroads and water ways. Saint Louis and Kansas City are the great financial and commercial centers of the State, and to a greater or less extent of the adjacent States and Territories. With courts at the two great cities of the State and another at the capital, in the center of the State, it was thought we had courts enough until recently, when various local interests have been agitating an increase in the number. During the last and preceding Congresses, under the spur of local influences, various bills were introduced to establish courts at different places. In the last Congress some of those influences—those representing Hannibal, Saint Joseph, and Springfield—combined, and agreed on a bill establishing courts at those three points. That confederated influence reappears in this Congress, and it has prevailed on the learned Committee of the Judiciary to report favorably the joint bill.

That bill divides the eastern district into two subdivisions, with one court at Saint Louis and another farther up the Mississippi River, at Hannibal. The western district is chopped up into four judicial splinters. Courts are continued at Jefferson City and Kansas City, and established at Saint Joseph and Springfield. Saint Joseph is some 50 or 60 miles up the Missouri River, north of Kansas City. Springfield is southeast from Kansas City about 180 miles.

I am opposed to this bill. The proposed court at Springfield is for the accommodation of what is known as Southwest Missouri. There are some twenty-five or twenty-six counties comprising Southwest Missouri, eight of which are in my district. Those eight counties are northwest from Springfield; and Kansas City, the present place of holding our courts, is still farther northwest. Only nine counties in the proposed district are east of Springfield. On the map they look well enough; but in point of fact they comprise the rough mountain region of Missouri. The population is sparse, and always will be, for the country is incapable of sustaining many people. According to the last census the population of those nine counties ranged from 4,404, the lowest, to 12,209, the highest, giving an average population to the nine counties of 8,434, while the average wealth was $743,860. Of course there has been some growth since then; but it has not been great.

In 1884 the total vote cast in those nine counties was 16,649. By reckoning five of population to every voter there would be now an aggregate population of 83,245, and an average population of 9,249; which would be an average increase since the census was taken of only 815. This covers a territory somewhere from 80 to 100 miles east and west, by about the same distance north and south. The remainder of this proposed Springfield district lies west and north of Springfield, in the general direction of Kansas City.

Now, take the eight counties of Southwest Missouri, embraced in my district, and we find that in 1884 those counties polled 40,232 votes, against 16,649 polled in the nine counties east of Springfield. Calculated on the basis of one vote to five of population, the eight counties I represent have a total population of 201,160, as against 83,245 in the nine counties east of Springfield; and the eight counties in my district have a present assessed valuation of over $40,000,000.

Now, I have compared the eight counties of my district embraced in what is called Southwest Missouri, and which lie on the western border, with the nine counties east of Springfield. But there are eight other counties lying between, including the county of Greene, in which Springfield is located.

In 1884 those eight counties cast an aggregate vote of 26,231, which, on a basis of 1 vote to five people, represent a population of 131,155. If to that we add the 83,245 people in the nine counties east of Springfield, we will have a total population in seventeen counties of 213,400, against 201,160 in the eight southwestern counties in my district, or only an excess of 12,240. In other words, I represent on this floor one-half of the population and wealth of Southwest Missouri.

Again, when this bill was reported from the committee, the clerks of the courts at Kansas City and Jefferson City made a full statement of all suits brought in those courts during the last six years, from which it appears that 216 suits of all kinds were brought from the eight counties in my district, and only 123 from the other seventeen; and 66 of those 123 were from the county of Green alone—being mostly suits against that county on county bonds. So that in the other sixteen counties only 57 suits were brought by or against their citizens in six years—an average of barely more than 3 suits to the county in a period of six years.

Mr. PAYSON. During how many years?

Mr. STONE, of Missouri. Since 1880, for a period of six years. Sir, in these six years, not exceeding three suits to the county have been brought from all of that territory in what is denominated the "Springfield district."

Mr. WADE. You mean in the circuit court?

Mr. STONE, of Missouri. Yes, sir.

Now, this bill proposes to establish only district courts at Springfield, Saint Joseph, and Hannibal. There are to be no circuit courts at those points.

The people in my district, which is the rich, prosperous, populous part of Southwest Missouri—for, as I have already shown, of the twenty-five counties in Southwest Missouri the eight in my district comprise one-half the wealth and population of the whole, and are the counties in which two-thirds of the judicial business of that region originates—object, as they have good reason to object, to have their business cut up in this manner.

As it is now the circuit and district courts are held at the same places and in the same buildings, and in point of economy, dispatch, and convenience suitors will greatly suffer by separating the courts as proposed. A great many cases are certified to the circuit court by reason of the district judge's interest in the cause, his inability to discharge the duties of his office, or something of that kind, or are taken up on *certiorari*, appeals, and writs of error. Our courts are now all together; we are satisfied; and we have a right to object to so hurtful a change in our condition as the pending bill proposes, simply to gratify the ambitions of two or three pretentious towns.

I know nothing about the sentiment in Northern Missouri; but in Southern Missouri, my colleague [Mr. BLAND] and myself, representing fully two-thirds of the people, the wealth, and the business of that section, protest against this measure in behalf of both public and private economy, and of every material interest that should be potent here.

But aside from the view which I have been urging, which is purely local to my section and entirely different from the conditions that generally obtain, I place my opposition to this bill and all similar bills upon higher grounds. I am sure, Mr. Speaker, the high esteem in which I hold my colleagues, who are joined like Siamese twins by this cord which linked them some years ago, would inspire me ordinarily to do any proper thing to advance their interest, and I oppose this bill on their account with some reluctance.

But I oppose the measure on principle, because I am opposed to increasing the number of these Federal courts. I think it would be the part of greater wisdom and better statesmanship to go the other way, and reduce the number and curtail the jurisdiction of these courts. I am not the enemy of the Federal judiciary. Within its proper sphere it is an important and necessary factor in our form of Government. The Federal courts have done and are capable of doing great good.

A long list of great judges could be brought here into this arena—of men whose wisdom, learning, and patriotism have added much to the proudest pages in our history. The judiciary has been the subject of much splendid panegyric. We have been taught that every species of private right—that law and public order—find their greatest security in the the calm, conservative, deliberate judgments of the courts, and that when angry, intemperate partisanship sweeps the law-maker in its current, or when bold executive usurpation menaces the Constitution, and private right or the liberties of the people are in peril from either or both, they take refuge and find security in the sanctuary of the courts.

In all of that there is much of truth, but there may be also something of exaggeration. In recent years the tendency of Federal judicial power has not been altogether for good. The old restraints and limitations of the Constitution, which are no less arbitrary in their application to the judiciary than to other co-ordinate branches of the Government, have ceased to be as sacred in the minds of the judges as they once were. They have broken over here and there, and by a species of easy and generous construction of the Constitution have spread their powers until they assume an almost universal jurisdiction.

The old idea of strict construction is no longer a cardinal doctrine in our Federal courts. The whole tendency is the other way. The ancient constitutional doctrine, that all power not expressly or by necessary implication delegated to the Federal Government, was reserved to the States, is becoming obsolete in practice if not in theory. We are constantly drifting away from the old landmarks. We seem to forget that the Federal Government is the creature of the States. We seem to forget its origin, its constitutional nature, and the purposes of its creation. Sir, the union of the States was intended to be perpetual, and the united Government to be sovereign within the limits of its delegated powers.

But in organizing a common Government the States did not lose their own autonomy, or strip themselves naked of all the high prerogatives of sovereignty. The States, no less than the Federal Government, are supreme within their respective spheres. In dealing with foreign powers, in regulating intercourse between the States, in protecting those great interests which are common to all, the Federal Government is the sovereign.

But within the limits of the State itself—touching the administration of its local affairs—the Federal authority has no lawful right to go. In that field the State is the exclusive sovereign. Under a true construction of the Constitution there is no such thing as universal sovereignty in this country. Like God's eternal planetary systems, whose revolving harmonies are the wonder of the ages, this American republic is a system of sovereignties, each supreme in its own orbit, and held together by the centripetal and centrifugal forces of constitutional law. That is the doctrine of the fathers; that is the rock upon which this Union was built; that is the original and true doctrine, and the one upheld in the golden age of American jurisprudence and statesmanship.

Between the common Government and the States there should be mutual respect, and the rights of each should be observed and enforced. And that was the rule in the good old days when the name of Jefferson was a power in this country, and his interpretation of the Constitution an authority. Then the private citizen saw but little of the Federal Government. He rarely came in contact with it. He loved his flag, and was willing to peril his life for its honor. He loved the Union, for in it he felt there was strength and security. He loved the Constitution, for it was the bond of brotherhood between the States. Beyond the domain of his own State, on land or sea, he felt he was under the eye of Federal power and that its arm was extended to protect him. But at home, while he bowed before the lawful authority of the common government, he felt that his security rested with the sovereign power of his State. But in recent years we have been drifting into other currents of thought and practice. The constellation of State sovereignties is waning, and the star of centralization is rising luminous towards the meridian of universal sovereignty. Federal power has grown enormously in the last quarter of a century. The dignity and importance of State governments are falling away before the ever-increasing augmentation of Federal power.

State Legislatures have been scattered at the point of the bayonet and governors deposed by the President's mandate on his own impeachment. In a multitude of ways—aggressive, startling, offensive—the Federal Government has manifested a lofty contempt of State authority. Thirty years ago a Federal official was a rare bird in country neighborhoods. To-day they swarm like black bats in the ghostly corridors of the Catacombs. They are everywhere—arrogant, obtrusive, and often insolent. The supreme right of suffrage—that highest prerogative of citizenship—must be exercised now under the supervision of a deputy marshal.

The States can not be trusted to enforce the laws and maintain the public peace, nor the people trusted to conduct their own election to choose their own officers. The ballot-box must pass under the espionage of the Federal constabulary, so that the people may not cheat each other or defraud their own Government. Such is the tendency of the times. What have these courts, where we have been taught the Constitution is sure of brave defense, been doing? Have they stood stalwart in the breach, or drifted timidly with the tide? They have done neither. They have been leading the way in all these desperate assaults upon the sovereignity of the States.

I repeat, the old doctrine of strict construction has fallen into disrepute. New and arbitrary rules of construction have been introduced, by which the powers of the courts have been vastly augmented and their jurisdiction enlarged. They are constantly encroaching upon the judiciary of the States. They have multiplied in number and grown in power until they are felt like a living presence in every neighborhood. The volume of their business is increasing enormously—an increase which can not be ascribed altogether to the growth of our industrial and commercial interests—for it consists largely of a character of litigation which in former times was adjudicated almost wholly in the courts of the States.

The State courts are giving way before the march of the Federal judiciary. They are being supplanted. They are treated as inferior tribunals. By mandamus certiorari, changes of venue, the Federal courts are fast absorbing the judicial business of the country. And why not, since they assume a mastery over the courts of the State, and a superior right to direct and control the machinery of local government? Why not, when the very officers of a State court and all the official *personnel* of the State must yield their first obedience to the Federal mandate. Twenty-five years ago a Federal court issued a writ of mandamus to a State officer for the first time in the history of this Government.

Twenty years ago it was held for the first time in the history of this Government, against the dissenting opinions of three of the ablest judges then on the bench, including Chief-Justice Chase, that a United States circuit court had the right by mandamus to compel a State officer to perform an act, which he had been previously forbidden to do by an injunction from a court of the State. And so they have gone on in this direction, step by step, bending the stubborn restraints of the Constitution to suit their lordly will, until to-day they assert the right to control and direct almost at pleasure the executive and judicial officers of a State, and to visit summary punishment for disobedience of their mandates.

Not many months ago the judges of the county court—a court of record—of Cass County, Missouri, were commanded by the United States court to do an act, the ultimate effect of which they believed and decided would be in contravention of the laws of the State, and when they refused to violate the laws they had sworn to observe and enforce, and thus become instruments for oppressing the people whose servants they were, they were arrested, dragged from their homes to the capital of the State, and cast into a common jail. There they counted the

weary hours through weeks and months, holding enforced companionship with pickpockets, garroters, and men on whose souls "was the everlasting stain of blood;" while the governor and the supreme court of the State were within hailing distance, yet powerless to succor, for one little old Federal judge, bigger than all the State, stood in the pathway to rescue.

The prison scene was photographed and reproduced in Harper's Weekly. It is a very suggestive picture—those high officers and honored citizens of the great commonwealth languishing in a common jail—old men with gray beards, recalling the Prisoner of Chillon, gazing through iron gratings at the Capitol within whose walls the laws were made for obeying which they suffered that indignity. Such scenes have become common in Missouri.

The officers of the State in Lafayette, Cass, Saint Clair, and other counties have been arrested, or become fugitives to escape imprisonment, for the grave crime of enforcing the laws of their State. Only last summer one of the judges of the Saint Clair County court, following his own judicial interpretation of the laws of his State, and denying the right of a Federal court to supervise and direct the judicial functions of his court, refused to obey the mandate of a Federal judge. A marshal was sent to arrest him, and he fled to escape imprisonment. For weeks a whole brigade of deputy marshals and hired detectives swarmed throughout that whole region in search of him. His home, where he left his wife and children, was invaded at all hours, both day and night. Vehicles were stopped upon the highways and searched.

A number of citizens who furnished food to the family of the fugitive, and others whose only offense was to express sympathy for the officer and to denounce in private conversation the methods employed by the Federal courts and its officers, were arrested and dragged away to answer for contempt. For months this terrorism is continued. At last the judge surrendered himself, and I suppose is this very hour in a prison cell.

Mr. Speaker, with all these infamous outrages against my own people fresh upon me, I have some right to speak with feeling upon this question.

Early in January I introduced a bill in this House limiting the jurisdiction of Federal courts so that these extraordinary and unconstitutional powers they have been exercising should be forbidden by express enactment; and I mean no offense to the learned Committee on the Judiciary when I say I think they would better subserve a great public demand and the best interests of the country if they should report a bill tending to restrain and restrict these courts, instead of one to increase their number.

This may be old-fogyism, bourbonism, or what you will. But I stand for the old Constitution, as it came fresh from the hands of the great men who fashioned it. I stand for the national sovereignty in national affairs and State sovereignty in local affairs. And I would to God that every Representative in this House would meet me here upon common ground, with greater love for our local governments, and stand in the pathway of centralization and the encroachments of Federal power in whatever form it comes.

But I am free to confess I have little hope of meeting much response from this Congress. I have seen too many such measures go through this House, and I presume the pending bill will march triumphantly along the same pathway. But I shall stand against it, and resist it with such force as I possess, so that my conscience shall stand acquitted though I may wholly fail of achievement.

The SPEAKER. The gentleman from Missouri [Mr. BURNES] has eleven minutes of the time remaining.

Mr. BURNES. I yield one-half of my time to my colleague [Mr. HATCH].

Mr. HATCH. Mr. Speaker, it is only necessary to say in reply to the memorial which has been read at the suggestion of my colleague [Mr. BLAND], and the statement of the clerks of these different courts commented upon by my colleague [Mr. STONE], that the Bar Association of Jefferson City, where that Federal court now exists, have of course naturally protested against and persistently fought this measure for the establishment of a court anywhere else in the State.

They were just as much opposed to establishing a court at Kansas City, and fought it as vigorously. It is simply taking away a part of the bread and butter of the lawyers who signed that memorial, and that is all there is in it. But Jefferson City happens to be in the very heart of the district represented by my distinguished friend and colleague [Mr. BLAND], and of course he is opposed to any more courts in the State of Missouri; and every single one of the clerks of these courts and every one of these local deputy marshals has been deluging Congress since the beginning of the Forty-sixth Congress in order to make some capital against this bill simply in the interests of their own pockets.

But, Mr. Speaker, what are the facts in connection with the matter? We ask the House to divide the eastern district of the State of Missouri and establish a court in it over a stretch of territory extending from the Iowa line to the Arkansas border in that State. That proposition has three several times received the approval of the Judiciary Committee of this House, and in the Forty-seventh Congress when it was reported this statement was given in its support. Now listen a moment:

In relation to the northern division of the eastern district the following facts are collected:

It embraces seventeen counties; contains 9,470 square miles; 3,627,100 acres of improved lands besides 1,537,759 acres of woodland, forest, and other unimproved farm lands, supporting a population of 302,963.

It embraces a region noted for its rich and varied agricultural products, as the following partial tables taken from the census reports of 1880 will show:

	Number of acres.	Production.
		Pounds.
Tobacco	4,533	7,410,006
		Bushels.
Buckwheat	3,415	38,044
Indian corn	1,057,826	39,312,471
Oats	209,452	5,046,084
Rye	17,684	187,937
Wheat	180,238	2,551,120

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Horses	138,820
Mules	27,429
Milch cows	130,462
Other cattle	289,586
Sheep	327,503
Swine	802,075

The magnitude of the territory embraced in the proposed northern division and the necessity of the proposed legislation become the more apparent when compared with the following tables: It contains 9,470 square miles, while the State of Connecticut has 4,990; Delaware, 2,050; Massachusetts, 8,315; New Jersey, 7,815; Rhode Island, 1,250; New Hampshire, 9,305.

It contains 302,993 population, while the State of Delaware has 146,608; Rhode Island, 276,531; Florida, 269,493; Colorado, 194,327; Nevada, 62,266; Oregon, 174,768; and New Hampshire and Vermont but a fraction more, the former having 346,991 and the latter 332,286. It is very much larger in population than any one of the Territories, as will appear by the following table: Dakota, 135,177; Utah, 143,963; Wyoming, 20,789; Washington, 75,116; New Mexico, 119,565; Idaho, 32,610; Montana, 39,159.

The city of Hannibal, where it is proposed that two terms of the circuit and district court of the United States shall be held annually, is the largest city in population, and the commercial emporium of the proposed northern division, and also the center of the railroad system of the northeastern part of the State. It has direct railroad communication with every county seat in the seventeen counties except two, and all of the principal towns. Shelbyville, the county seat of Shelby County, is six miles north of the Hannibal and Saint Joseph Railroad, and Monticello, the county seat of Lewis County, is six miles north of the Quincy, Missouri and Pacific branch of the Wabash. It is situated on the west bank of the Mississippi River, and in addition to railroad facilities has the advantage of steamboat and packet lines.

We insert these facts as illustrative of much that can be said for each division provided for, and will not cumber the report with similar statistics of each one.

This division of the State therefore is larger in territory than five of the States of this Union which are mentioned in this report. It is larger in population than any single Territory of the United States where Federal courts now exist.

Mr. BLAND. And will not the gentleman also admit that only thirty days in the year are required for the transaction of all the judicial business of the district?

Mr. HATCH. No, sir. I am talking of the eastern division of the State, and I say that Judge Treat's court is in session two-thirds or three-fourths of the time; practically in session all the year.

Mr. BLAND. I am not talking of Saint Louis, but of the district proposed to be divided by this bill.

Mr. HATCH. No; I am not talking about Southwest Missouri. We have had enough of that too, and my colleague [Mr. STONE] and my colleague [Mr. WADE] can talk about Southwest Missouri. I am talking about Northeast Missouri, which is larger than five of the States of the Union, and having a larger population than any Territory. And is it to be said that such a country as that, with a railroad through every single county in the division, shall not have a Federal court simply because the bar of Jefferson City and the clerks and deputy marshals want to keep up the fees and make our people travel 150 to 300 miles to court and then travel back to the northeast after being half starved at Jefferson City, which is one of the poorest places in the State to get anything to eat; they are kept there, as I say, on half rations till they have got every dollar taken from them, and are then compelled to walk home. [Laughter.]

Mr. BLAND. I think my colleague [Mr. HATCH] when he comes there always gets something good to eat and always goes away looking fatter and better than when he came. [Laughter.] These attacks upon Jefferson City are made when my time is exhausted and I can not reply.

Mr. HATCH. When time shall gratify the ambition of my friend by putting him in that capacious mansion as governor of the State, I hope he will not only have a good bill of fare at the governor's mansion, but that he will improve it at the hotels. If he does he will have taken one step in the right direction.

[Here the hammer fell.]

Mr. BURNES. This is not a matter concerning which there should be any misunderstanding or any feeling. The issue is simply a plain business proposition involving public convenience. My esteemed friend from the Jefferson City district is not, in his argument quite as fair as is his usual custom, for he takes up the question and considers it as

if the bill proposed to extend the jurisdiction of the United States courts. That question is not involved and has nothing to do with this bill. The distinguished gentleman in his effort merely to discharge his duty to a small portion of his constituents seems to oppose this bill on the ground that he is opposed in general to United States courts; but he has such a court at Jefferson City, and the love of its advantages and conveniences drives the boarding-house keepers in that place to insist upon his denying to others equality of right thereto.

The people of Jefferson City are very charming; but their necessities are numerous and great. The bar association of that place, like the bar, has become a ghastly joke. The bar association of Jefferson City! Will wonders never cease?

Professor Parsons, in Harvard law school, gave his class one morning an illustration of the absolute barrenness of the "absolute rights of persons" as defined by Blackstone, saying that he once read a book entitled Wolves in Iceland, and the first paragraph declared "there are no wolves in Iceland." So of the bar association of Jefferson City, substantially. There is no bar association of Jefferson City—I had almost said there is no bar in Jefferson City.

Jefferson City, it must be stated, is a very small town. If it were not the capital of the State and the site of the penitentiary it would be the solitary and unbroken abode of innocuous desuetude; for business or industrial pursuit there would be as profitless as on a lone rock in the vast center of the great sea.

But there are hash-houses there—and hash-houses; they demand the able and distinguished Representative of that district to protect them from the loss they may sustain if they should lose the patronage of the few witnesses, jurors, and lawyers whom the exigencies of the meager docket, which has been described, require semi-annually to attend.

Of course there is but little business on the docket of the Jefferson City court. Why should there be any? But ask my esteemed colleague, who so ably represents the Kansas City district, as to the business on the docket at Kansas City. You will find in his response that the court is in session almost continually. Ask my other esteemed colleague from Saint Louis [Mr. O'NEILL]—the life and light of the House—as to the volume of business in the court of Saint Louis. You will hear in response that the court is crowded all the year round with lawyers, litigants, jurors, and witnesses, many of whom have to travel several hundred miles from their homes in order to obey the process of the court and discharge their professional or public duties.

But my friend representing the Jefferson City district, whose district lies in that part of Central Missouri south of the Missouri River, was born, Congressionally, to a better estate. It was a sort of "Cæsarian operation" that delivered Cole County into his jurisdiction and made him feel that it was his duty to compel unwilling citizens to sojourn beneath the scrubby oak and dwarfed pine growing doubtfully on the yellow clay of that inhospitable soil. To stop the "hash-house" business of Jefferson City, or in the slightest to diminish it, will create more commotion in that city than ever agitated the Ephesians in their manufacture of wooden gods.

But my distinguished colleague sees no necessity for courts at Saint Joseph, Hannibal, or Springfield. He sees no public demand for them. Of course not; why should he? Jefferson City can not see beyond her municipal limits. The public demand for these courts is not in Jefferson City, nor with the alleged barristers of its bar association. Go to the great communities of the State—to Saint Louis, solid, great, and grand city of the great valley in which the seat of empire and the center of commerce are now recognized throughout the world, if you would learn of the public wants. Go to Kansas City, marvel of progress and incarnate spirit of enterprise, if you would seek more knowledge of Missouri than we or the able and distinguished Representative of that city on this floor can give you. My distinguished colleague [Mr. O'NEILL], representing a city of more than half a million of people, can be depended upon for a knowledge of the popular will.

Mr. O'NEILL, of Missouri. Will the gentleman permit me for a moment?

Mr. BURNES. Yes, sir.

Mr. O'NEILL, of Missouri. Two years ago there was a strong protest from my city against the bill then presented. The present bill, I am informed, has been shorn of many of the features then deemed objectionable. I presume the present bill is not obnoxious to my people, as I have not up to the present hour received a single protest against this bill.

Mr. BURNES. I might add, the gentleman from Saint Louis will be found voting for the bill.

May I not safely conclude that my distinguished and esteemed colleague from the Jefferson City district, in the faithful discharge of his duty to a portion of his forlorn constituents, has found some demand for these courts in the public estimate. Saint Louis is not objecting, and that city represents a large and respectable portion of the State. Kansas City is not objecting, and that city represents a large and respectable portion of the State. Saint Joseph, the third city in the State, and making rapid strides to pre-eminence, and the people all around in the districts of my colleagues from the second and third districts, as well as in my own, are earnestly demanding these courts. Hannibal, the fourth city of the State, and Springfield and the great southwest joining hands in support of this bill ought to inspire some slight belief that the demand was general and popular in Missouri. But poor old Jefferson City, with its "bar association" and its meager court docket, is fighting for its "hash-houses" and contending against equality of right in court business with three great quarters of the State, and while doing so painfully aware that the capital of the State must very soon be removed elsewhere.

If senators and representatives now in session at Jefferson City representing the great communities interested in this bill should come to understand the selfish and unjustifiable wrongs that Jefferson City and its "bar association" would inflict upon them, the capital-removal question would have at once irresistible reinforcements. [Applause.]

Mr. BLAND. The gentleman knows, or ought to know, that the present Legislature has recently voted that proposition down.

Mr. BURNES. Yes; but the General Assembly is still in session.

[Here the hammer fell.]

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BURNES] to suspend the rules and pass the bill.

The question was taken; and there were—ayes 184, noes 3.

Mr. BLAND. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint the gentleman from Missouri, Mr. BLAND, and the gentleman from Missouri, Mr. BURNES, to act as tellers.

The House again divided; and the tellers reported—ayes 184, noes 2.

So (more than two-thirds having voted in the affirmative) the motion was agreed to, and the bill was passed.

UNITED STATES DISTRICT COURTS—JUDGES' SALARIES.

Mr. BAYNE. Mr. Speaker, I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes; and I move to suspend the rules and pass the bill.

The bill was read, as follows:

Be it enacted, &c., That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $5,000 per annum.

SEC. 2. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall be appointed by such court or judge to or employed by such court or judge in any office or duty in any court of which such justice or judge may be a member.

The SPEAKER. Is a second demanded?

Mr. SENEY. I shall ask for the reading of the report.

The SPEAKER. Is a second demanded?

Mr. SENEY. I demand a second.

The SPEAKER. If a second is ordered debate will be in order and the report can be read in the time of some gentleman.

Mr. BAYNE. I ask unanimous consent that a second be considered as ordered.

Mr. OATES. I object.

The SPEAKER. Objection is made. The Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. BAYNE] and the gentleman from Ohio [Mr. SENEY].

The House divided; and there were—ayes 122, noes 52.

The SPEAKER. The ayes have it and there is a second. Under the rules thirty minutes are allowed for debate; fifteen minutes in support of the motion and fifteen minutes in opposition to it.

The Chair will recognize the gentleman from Pennsylvania [Mr. BAYNE] to control the time in support of the motion, and the gentleman from Ohio [Mr. SENEY] to control the time in opposition to it.

Mr. BAYNE. Mr. Speaker, this is a Senate bill which has been passed by the Senate almost unanimously, as I understand, and has been reported to the House by the majority of the Judiciary Committee. Its purpose is to equalize the salaries of the judges of the district courts of the United States. It appears that there is but one such judge who receives a salary of $5,000, the judge for the district of California. The next highest salary paid is to the judge of the district of Louisiana, $4,500 a year. Then come ten judges who are paid $4,000 a year each. Three of these are in New York State, two in Pennsylvania, one in Massachusetts, one in New Jersey, one in Maryland, one in Southern Ohio, and one in Northern Illinois. Then there are forty-four judges who receive $3,500 a year each. The anomaly of the situation is that there are judges in various parts of the country doing infinitely more work than those in other sections, yet receiving a less salary; and, in view of the salaries paid by the States to their judiciary, it seems to be a niggardly policy on the part of the United States to pay the judges of these district courts so meagerly.

Another anomaly of the present situation is that one of the judges of the district of Illinois, for instance, gets a salary of $3,500 a year, while the judge of the other district of Illinois gets $4,000 a year, and yet I am told that the one who gets but $3,500 has more onerous duties to perform than the one who gets $4,000. It is needless for me to say to a body like this that members of the United States judiciary ought to receive at least such a compensation as will enable them to live upon their salaries. It is unfair of this Government to place the judicial positions that are within the gift of the President beyond the reach of all who are not men of means. Now, if a salary of $5,000 a year be al-

lowed it will enable a man, whether he has means or not, to accept such a position and to maintain his family upon his salary; but as it is now, there is no temptation to anybody to accept such a position. On the contrary, there are good reasons why those who are not men of means should decline them, because the salary is insufficient for the support of the judges and their families.

Mr. HENDERSON, of Iowa. And they are not permitted to engage in other business.

Mr. BAYNE. As suggested by my friend from Iowa, they are not permitted to engage in any other business, nor should they engage in any other business; they should receive an adequate salary, on which they could live respectably, and I think that Congress should not hesitate to grant it. I reserve the balance of my time.

The SPEAKER. The gentleman from Pennsylvania has ten minutes of his time remaining.

Mr. SENEY. Mr. Speaker, this bill proposes to make the salaries of the United States district court judges uniform at $5,000 per year. Under the law now in force one of the district judges gets a salary of $5,000 a year; another gets $4,500; ten of them get salaries of $4,000, and forty-five are paid $3,500 each. In view of the fact that these salaries were fixed some seventeen or eighteen years ago, and that the Republican party so long had in their own hands the power to raise them if they saw proper to do so, it seems to me a little strange that it has not been done.

Mr. HENDERSON, of Iowa. Has not the country been growing in business and wealth during these eighteen years?

Mr. SENEY. The country has been growing in business; and the men who now sit on the Federal bench have been growing in years. My information is that the great body of them are now of such age that they may retire now under the law on their salaries; but many of them are looking forward to the passage of this bill in order that they may retire at an increased salary.

Mr. HENDERSON, of Iowa. Only a very small percentage of them.

Mr. SENEY. That is one of the reasons why I am opposed to the increase of these salaries.

Mr. HERBERT. If the gentleman from Ohio will permit me right here——

Mr. SENEY. Certainly.

Mr. HERBERT. I wish to say that the salaries allowed to these judges have been growing more and more valuable all the time. The salary of a judge will purchase to-day about twice as much as it would ten years ago.

Mr. HOPKINS. It costs a judge twice as much to live as it did ten years ago.

Mr. SENEY. I regard the office of a district judge of the United States as one of the most lucrative and desirable in the public service.

Mr. HOLMAN. At the present salary.

Mr. SENEY. At the present salary of $3,500 there is no office in the public service more desirable or lucrative. We hear of very few Federal judges who resign. Occasionally one dies. From these facts it would appear that the men who hold these places are quite content to hold them at the salaries which they are now receiving.

Mr. HENDERSON, of Iowa. Two United States judges in the circuit in which I live—Judge Dillon and Judge McCrary—have resigned.

A MEMBER. To become attorneys for railroad companies.

Mr. STORM. And we can not pass any bill giving such men large enough salaries to induce them to remain on the bench when a railroad company is competing against the Government for their services.

Mr. SENEY. I think that the salaries now received by these judges will compare favorably with the salaries paid to the judges serving under State authority. I think that the average of the salaries paid in the States to *nisi prius* judges is about $3,000, so that the salaries paid to these Federal judges are $500 in excess of that average. I think they are also in excess of the average salaries paid to the governors of the various States. You may go through the entire list, and I think you will find that there are no officers in the public service who get more for the labor they perform than do the district judges of the United States.

Mr. WEAVER, of Iowa. And they have a life tenure.

Mr. SENEY. I am aware that in some districts there is a large amount of business, and the duties imposed upon these judges are onerous and exacting. But I am not informed that the judges in general are overworked. If any of them are not content with the salaries now paid, the plain and easy course is for them to resign their places, and give to others who are willing to fill them the opportunity they have so long been denied. I will undertake to put upon the Federal bench the best legal talent of this country at a salary of $3,500. If any one of the gentlemen now on the district court bench should resign, I am quite sure that many of the best lawyers in any one of the States would be asking at the hands of the present Executive a nomination to the vacant place.

Mr. Speaker, I am opposed to the increase of these salaries because I am unwilling to impose upon the people of this country an additional burden in the shape of taxation. They already bear enough. The party to which I belong stands pledged to the people that taxes shall be reduced; that there shall be no unnecessary increase in the number or salaries of Federal officials.

Mr. Speaker, I reserve the residue of my time.

The SPEAKER. The gentleman has eight minutes remaining.

Mr. BAYNE. I yield five minutes to the gentleman from Wisconsin [Mr. BRAGG].

Mr. BRAGG. Mr. Speaker, I am opposed to putting excessive taxation upon the people, and am in favor of relieving them whenever I can. I have voted repeatedly in this House to consider that question. I believe my distinguished friend from Ohio [Mr. SENEY] had the honor to vote the other way.

I am opposed to raising the salaries of political offices. This is all that our people ask of us. I have the honor to live in a judicial district that has upon its bench, as one of its brightest ornaments, a young man who in the discharge of his official duties as judge of that district sits almost uninterruptedly from the 1st day of January to the 31st day of December in each year.

I am told by the gentleman from Ohio [Mr. SENEY] he can resign if he does not like it. I can say to him if that judge had been permitted to follow his own inclination he would have resigned years ago. But he did not resign, at the request of the bar and those having business in his court, because we assured him the time would come when officers like him, who devoted their time in the discharge of their judicial duties properly, and who did them with credit to the State and bar as he had done, would have their claims heard in Congress, and provision would be made for him.

He lives in the little town of Racine, unable to move to the city where his court is held because he has not the means to buy a home in Milwaukee. And therefore he occupies his own homestead in the little town where he lives, and goes, and comes every morning and evening to attend to the duties he has to discharge.

It may be from time to time during the season there may be two weeks, or three weeks, or four weeks he is not called upon by active business in his own court. Then he is called to go to Chicago to help share the burdens of Judge Blodgett, the judge of that district, who is overloaded, and can not by working every day in the year bring up his calendar. He kindly comes down and shares the labor of his brother judge.

There are two districts where, to my own personal knowledge of the men, they do as much, or more, as any circuit judge in the United States, and I would not cut them down because, forsooth, you may find some other district which has an incompetent judge, or some other district which has not sufficient business to occupy the attention of the judge. If such cases as those present themselves it is the duty of the Judiciary Committee to prepare a bill which will grade the judges, when we find discrimination exists and men are receiving larger salary under this bill than perhaps they ought to receive.

Now, when we have given us a Senate bill, and we have an opportunity to reach those men who earn their money, and more too, men as able as any lawyer at the bar who earns thousands where they get hundreds, I say we ought not to hesitate under any little plea of economy. The people do not want economy in that direction. They want economy, as I have said, in political offices. They do not ask for economy which will deprive them of men on the bench who stand at the head of the bar in the districts over which they preside—men in whom they have confidence—men whom suitors know when their cases are submitted to them they will be fairly tried, justice will be honestly administered, and the law will be the guide and rule of action. Let us remember those men, and let us try to pass this bill notwithstanding the cry of economy.

I will yield now to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Speaker, I am opposed to this bill in part for the reason the gentleman from Wisconsin [Mr. BRAGG] has given why he is in favor of it. If there is a necessity to increase the salarys of any of those judges on account of the large amount of work they have to perform that is an argument simply in favor of a bill grading their salaries and compensating them in accordance with the amount of work they do. But, sir, these instances are but exceptions to the rule. There are some judges, as the gentleman from Wisconsin has stated, who are employed all the year round and who have little or no time for rest or relaxation. That is simply an argument why those particular men should have their salaries increased, but it is not a good reason for increasing the salaries of all the other judges. Many of them are not employed for more than two months in a year, and because one or two or a half dozen judges are employed all the year round is no reason why all the others who are not thus employed should have their salaries increased to $5,000 a year.

Mr. HOPKINS. Can the gentleman state whether any judge included in this bill does not sit more than two months in the year?

Mr. OATES. Take the little State of Nevada with 62,000 people, the judge there does not sit that long. He is a good man, and no doubt could realize three times the amount of his salary at his profession, but he prefers the judgship. There is no hardship forced upon him. I speak of Judge Sabin in illustration, because I am his friend.

Mr. HENDERSON, of Iowa. In my district the judges do not get two months' recreation in a whole year. They have to hold circuit as well as district courts.

Mr. OATES. That is the fault of the circuit judge.

Mr. HENDERSON, of Iowa. But the circuit judge has an empire to preside over.

Mr. OATES. I must decline further interruption, as I have but a moment of time. I agree with the gentleman from Ohio [Mr. SENEY] that the office of United States district judge at a salary of $3,500 a year is a very desirable office. His term is for life or during good behavior, and when he reaches the age of seventy years he can retire and still draw his salary. There is no compulsory service; they can resign if they do not like it.

The general complaint of nearly all officers and employés of the Government is that their salaries are too low. Mr. Speaker, but few die, and none resign on account of the salary being too small. It is said that the best lawyers can not afford to take a district judgeship at $3,500 a year. I know of but few who would refuse it if it were tendered to them. Sir, I do not concur in the opinion of those who hold that the best lawyers make the best judges. Some remarkably successful practitioners have, when elevated to the bench, made very ordinary judges, while many men who were considered quite ordinary lawyers—almost complete failures as practitioners—have greatly distinguished themselves on the bench.

Sir, I deny the assertion that the best lawyers—as the most successful practitioners are always called—make the best judges. A judge who esteems himself wiser in the law than any of the lawyers who practice before him is too dogmatic to hear with patience and duly weigh the arguments adduced on each side of the question to be decided. The ablest advocates are the enthusiasts who see no other than the side of the cause they espouse.

This country is governed by the people, and while the majority of them may go wrong, may be temporarily swayed by false clamor or the want of a clear understanding of the question in hand, yet their institutions which have stood the test of time and met their approval may safely be taken as a clear indication of the popular will. None of the State judges except in New York and some of the old, wealthy, and populous States of the East are paid large salaries.

The salaries of the judges in all the other States—in nine-tenths of the States of the Union—range from $1,600 in Virginia to $4,000 in California, so that the average may be fairly estimated at $3,000 per annum. This, then, may be taken as a fair expression of the general opinion of the American people as to the amount of salary a judge should ordinarily receive. Gentlemen must remember that the salary attached to a judicial office is not the only allurement to the lawyer; the power and honor it confers are much more esteemed than the salary. The State judge holds but for a term of years—usually about six—when he has to run the gauntlet of a re-election, yet in every State, with an annual salary of $3,000, there are always men of fine judicial capacity anxious to obtain a judgeship. How much more acceptable to such aspirants would be a United States district judgeship with its higher salary and life tenure?

The tendency of this bill is to dwarf the judiciary of the States and heighten the desire of mere salary-seekers to obtain these Federal judgeships. What if they do have to work the year round? How many millions of less fortunate men have to do the same thing for less than half the salary a judge receives? The purity, ability, and dignity of our Federal judiciary does not depend upon the amount of salary they receive, but upon their conduct as judges.

The SPEAKER. The time of the gentleman has expired.

Mr. SENEY. I yield two minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, the gentleman from Ohio has very truly said that the salaries of the district judges are already up to the average of the salaries paid by the Government for all other services performed for the people of this country.

Mr. HOLMAN. About the average.

Mr. MCMILLIN. And in verification of that fact I wish to call the attention of the House to this point, that in three States of this Union your governors, who work from one year's end to the other, and when they go out of office at the end of their terms retire to private life without any life pay, such as the judges receive on retirement, yet they receive but $1,000 a year.

Mr. HENDERSON, of Iowa. But the governors work most of the time at politics.

Mr. MCMILLIN. I do not care what he may do while there, that is the compensation he gets; and I ask the gentleman does he claim that there is no politics in the judges?

Mr. HENDERSON, of Iowa. I do, sir; I have never been able to find anything of the kind in a judge.

Mr. MCMILLIN. The gentleman's experience has been different from that of some others. Rhode Island gives her governor $1,000 a year; New Hampshire $1,000, and also Michigan. Oregon and Vermont pay $1,500; Delaware, $2,000; the State of Maine, $2,500; Nebraska, $2,500; West Virginia, $2,700; the nine governors of the Territories get $2,600 each, and out of all of the States and Territories there are only fifteen who pay their governors more than $4,000 a year.

Now if there are particular instances where there are hardships or inequalities of salary owing to an excess of work done by the judges, let us remedy that. But will any man claim that all of the judges do the same amount of work and are entitled to the same salary?

It should not be forgotten also that the retired-pay of a judge is a great deal, while other officials when they retire to private life must support themselves.

Mr. HENDERSON, of Iowa. But they can engage in any kind of private business; there is nothing to prevent it, even while holding office. But with a judge this is very different.

Mr. MCMILLIN. But he has his retired-pay to fall back on.

[Here the hammer fell.]

Mr. SENEY. In the time remaining to me I ask that the report of the minority be read.

The minority report (by Mr. SENEY) was read, as follows:

These bills are substantially alike. They propose to increase the salaries of the United States district court judges to $5,000 per annum. The salaries of these judges, under existing law, are as follows: One (California), $5,000; one (Louisiana), $4,500; ten at $4,000 each, as follows: In New York, three; Pennsylvania, two; Massachusetts, New Jersey, Maryland, Southern Ohio, and Northern Illinois, one each. Forty-four are fixed at $3,500 each. These salaries now aggregate $203,000. Increased, as the bill proposes, they will aggregate $280,000. This increase in the public expenditures ought not, in our opinion, to be made.

We favor a liberal salary to these judges. If those allowed by existing laws are less than they ought to be, cheerfully will we vote for an increase.

Perhaps these salaries ought to be made uniform. It may be wrong to have the salary of one judge at $3,500, of another at $4,000, still another at $4,500, and another at $5,000. The fact that all of these salaries except twelve are fixed at $3,500 each is a strong reason in support of this sum as the proper compensation to be paid. Why twelve of these salaries were fixed at a sum above $3,500 we are unable to state. We have no information as to the reasons for making a difference in the salaries of the twelve judges who receive more than $3,500. The difference, it will be observed, ranges from about 15 to 42 per cent.

Forty-four of these salaries the bill proposes to increase nearly 50 per cent. These salaries were fixed about nineteen years ago. We have reason to believe that the subject at that time was fully considered. That these salaries were then thought to be sufficient we feel bound to presume. If fixed too low, long ago they ought to have been raised. That they were not induces the opinion that the law-making power for many years past was satisfied that they were reasonable, and that more ought not to be paid. If too low now, they were too low when they were fixed, and were too low during all of the time intervening.

Legislation to increase or to equalize the salaries of these judges has not, until a very recent period, been seriously pressed. In the last Congress, bills for that purpose were introduced in the House, but that body closed its labors without giving them consideration. In the Congresses preceding, as far back as 1869, we know of no earnest endeavor to raise these salaries above the amount originally fixed in 1867. The necessity for an increase, if any there be, was as real in the past as it is alleged to be in the present.

To recommend an increase at this time, in the aggregate 38 per cent., in the absence of a single petition or disinterested request, is a responsibility which, with our convictions of duty to both the judges and the people, we are not willing to assume.

We indulge the belief that $3,500 is a liberal salary for a district court judge. It is nearly $300 per month, and more than $11 for each working day in the year. Compared with the salaries of others engaged in the public service, it is all that ought to be paid. The office of district judge at $3,500 per annum is more than a living. This can not be said of every $3,500 Government office. It can not be said of many the salary of which is above $3,500. The position of district judge is by no means the least lucrative or desirable in the Government, State or Federal.

For nearly a hundred years the position has been held by gentlemen distinguished for their integrity, learning, and ability. Few resign. When a vacancy occurs the best talent at the bar offers for the place.

In considering this subject we must not overlook the fact that a judge of the district court holds his office during good behavior. It is a life office at more than a living salary. This is to be said of but few of the many official places in the Government.

There is another consideration to be borne in mind. The Congress in 1869 enacted that a Federal court judge, at the age of seventy years, after ten years of service, might resign, and for the remainder of his life receive the same salary which he received at the time of his resignation. This provision is still in force, and, in our judgment, more than compensates for any supposed inadequacy in salary while in active service.

Still another consideration is worthy of mention. The duties of a district judge, as a rule, are performed in the city where he resides, and for this reason he is at less expense than if he held court at places distant from his home. When official duties are to be performed elsewhere, usually the courtesies known to railroad management come to the relief of the judge and enable him to travel through his district free of expense.

If we increase the salary of the district judge we ought, to be consistent, to increase the salaries of others engaged in the public service. We feel unwilling to increase the compensation of those now holding office unless it be made to appear that what they receive is below what is reasonable, and below what, in justice to those who are not of the office-holding class, ought to be paid.

We find that in twenty of the States the salary of the governor is less than $3,500. A judge in the highest court in twelve of the States is paid less than $3,500. The average salary in courts of last resort in the States is about $4,000; but a district judge is a nisi prius judge. Consider, then, his salary at $3,500, saying nothing about his expectancy, in connection with salaries paid to nisi prius judges in the State courts.

We have not at our command exact information as to the salaries allowed nisi prius judges in the States. The average salary, it is safe to say, is less than $3,000. These judges, in the discharge of their duties, it is believed, do as much, if not more, work each year than is done by a district court judge; that the labor of the State judge is done at more inconvenience and at a greater expense we think there can be no doubt.

Maturely reflecting upon this subject, we are induced to believe that, all things considered, there are few, if any, positions in the public service more desirable for its honors or for its emoluments, present and prospective, than the office of judge of the district court of the United States.

It is suggested that the majority of these judges are now, by reason of age and length of service, entitled to be retired upon their present salaries for the remainder of their lives. If this be true, we ought not, it seems to us, to add their names to the civil pension-roll at salaries far in excess of what they now

receive. We pension our country's defenders, but there are few, however deserving, that are on the rolls at $3,500 per annum.

To our minds there is a moral if not a legal difficulty in the way of increasing the salary of a district court judge. Under the Federal Constitution the salary of these judges can not be diminished during their continuance in office. Under this provision, it is believed, there is the power to increase. Several of the State constitutions provide that the salary of a judge shall be neither increased nor diminished during his official term. These provisions, of course, are not legal objections to increasing the salaries proposed by this bill. They furnish, however, some evidence of the state of the public mind upon this subject. The public judgment, as we believe, rests upon the conviction that one who takes an office by election or appointment, at a specified salary, agrees to do its duties for that salary; and that it is a breach of faith and breach of contract to ask or take more.

The minority of the committee entertain the opinion that an increase in the salaries of the judges of the district courts of the United States, particularly at this time, when the business of the country is seriously depressed, labor scarce, and wages low, is not in the interest of good government; nor will the use of the public revenues for such a purpose satisfy those who believe that the expenses of the public service ought to be kept within economical limits.

GEO. E. SENEY.
JOHN R. EDEN.
WM. C. OATES.
DAVID B. CULBERSON.
R. T. BENNETT.

I concur in this minority report, but not in all the reasoning in its support.

N. J. HAMMOND.

During the reading of the report the hammer fell.

The undersigned can not concur with the majority of the committee in reporting the Senate bill, for the following reasons:

The present salaries of district judges are as follows: District of California, $5,000; eastern district of Louisiana, $4,500; district of Massachusetts, northern, eastern, and southern districts of New York, eastern and western districts of Pennsylvania, $4,000; district of New Jersey, district of Maryland, southern district of Ohio, and northern district of Illinois, $4,000; all other districts, $3,500.

Now, if these salaries were properly graded nineteen years ago, there can be no good reason for the increase of the lower salaries to the maximum salary then allowed without any increase of that maximum salary. If the minimum salaries have been inadequate, upon the gradation then established, the same proportion of increase should be allowed to all.

But it will be found by reference to the report of the Attorney-General for 1885 that there is a singular disproportion between the salaries now allowed and the labor done in the several courts.

There should be a carefully graded bill for these salaries, having regard to the labors of the judge and the different expenses of living in different localities, and the travel required in attendance on courts.

The undersigned is in favor of adequate salaries for judges. That is the best repaid outlay of the money of the people which induces the largest ability to seek the bench and frees judicial life from the cares of family and home, which distract from public duty, and, above all, which will make the judge truly independent of all influences to disturb the balance of his judgment and unfit him to be an impartial arbiter between all men and all interests in society.

The undersigned thinks the bill which equalizes these salaries does more than is just to some and less than is just to others.

For these reasons the undersigned declines to concur in reporting the Senate bill favorably, and reserves the privilege of moving to amend it so as to do justice to all by proportioning salary to labor, and not equalizing rewards between those who have unequal claims.

All of which is respectfully submitted.

J. R. TUCKER.

During the reading of the report the hammer fell.

Mr. SENEY asked and obtained unanimous consent that the remainder of the report be printed as above.

Mr. BAYNE. I now yield two minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the principal arguments urged against this bill concede that there are districts in the United States where the salaries of the judges are too low, and some follow this concession up by the statement that there should be a graduated bill providing for these salaries.

The history of legislation or attempted legislation upon this subject during the past five or six years demonstrates one fact, and that is that no bill increasing the salary of a single judge, or which undertakes to graduate the salaries of the judges, can receive a majority vote of either branch of Congress. There is, therefore, left but one proposition for consideration: whether or not the salaries are too low, and if too low, whether we are willing to increase them to $5,000.

So far as I am personally concerned I should prefer it if it were possible to pass a graduated bill; but it is not certain by any means that a bill of such a character would operate more justly or equitably than this bill, even if it were passed, for the simple reason that a circuit judge may, at any time where the business has accumulated or is urgent in any district court, require any district judge in the circuit to come to such point and assist in the disposing of the business by holding separate courts. Such is now the practice in many circuits, and I apprehend if the subject were carefully examined into it would be found that some of the very judges who, it is said, do but little work in their own districts are doing large amounts of work in other districts.

In this way their work is equalized. However this may be, I have long believed that the salary of most of the judges is too small, and I have grave doubt whether any bill graduating the salaries would operate for any considerable length of time more equitably than the bill under consideration. In a country developing and undergoing changes as rapidly as ours, new inequalities would arise constantly, and the result be as it is now under the present system—complaints and jealousies. The practice in every State in the Union is to give the circuit judges the same salary, while no one pretends that their work is equalized.

No new argument has been adduced against this bill. One intimates that there are practically no Democrats on the bench. It is true. I trust it will not be so always. We have some chances now to get some Democrats appointed, and I hope we shall not throw them away by the adoption of such narrow views and policies as that statement suggests. If we must have Republicans we want the ablest and best we can get, men of ability and courage and standing. It is said the judges never resign. It is a mistake. The circuit in which I live has had three judges to resign in the last ten years, and the Government sustained a severe loss in each instance. I do not know of any money spent so wisely and so economically as that spent in securing brains and integrity for the bench. I know of no duty so grave, so solemn, so important as that which devolves on the conscientious and upright judge.

It is not pretended the work of the judges has not increased and increased largely in the last two decades. I venture the assertion, and it is not without facts to sustain it, that either of the two judges in the State I in part represent does more work annually than the single judge who presided over the court prior to 1861, and which then exercised jurisdiction over a larger territory, did in five years. Why is this so? First, the general development of the State. Second, the introduction of railroads; but more especially because the jurisdiction of these courts has been increased; yes, I suppose, doubled since 1861.

Sir, the history of legislation for a decade or more after 1865 was a constant extension of the jurisdiction of the United States courts. Until recently the uniform practice of the Democratic party was to protest against and antagonize all this character of legislation. But of late we are beginning, I sometimes think, to put the other side on the defensive in this regard. With oleomargarine and pleuro-pneumonia and lottery statutes, indeed with the absorption and usurpation of the entire police powers of the States by Congress, we shall soon need a Federal court for every county, and the nearer you get them to the people in their every-day affairs the more important to have good judges.

But the judges are not responsible for this legislation. Congress is responsible for it. It has imposed the additional work, and I believe it to be its duty to pay salaries commensurate with it. The law prohibits a judge from engaging in the practice of his profession. Most of them know nothing else. Their lives have been devoted to its study. They have no time for other business, however well fitted for it. If they had ample time to engage in other matters, it is wiser and better that they should not.

I do not believe any of the judges can live as becomes their station and educate their children and save anything from their salaries. True, they are retired at seventy years of age on full pay. But what if they do not reach seventy? There is no provision for widows or uneducated children. I am convinced that it is wisdom, justice, and the highest interests of the country to put our judges beyond all anxiety, necessity, or temptation. We shall secure better talent, greater learning, purer courts, greater safety to the citizen, and better protection to property; and I submit if we can do this, the measure is economical also. I therefore support this bill from a sense of duty. I do not believe my constituents will complain; I do not think they will object to pay commensurate with the work done—good substantial pay for good substantial work. "The laborer is worthy of his hire."

Mr. BAYNE. I now yield to the gentleman from Virginia.

Mr. TUCKER. Mr. Speaker, the bill now presented to the House has passed the Senate and was considered by the Judiciary Committee at the last session of Congress and reported favorably. It is due to the committee to say that there was great difference of opinion there about the character of this bill; and I confess that my own judgment was in favor of a bill graduating the salaries according to the necessities of the case growing out of the labor performed by different judges, and the expensiveness of living at the place where the judge was to perform the duties of his office. But that was found to be impossible. I was the only member of the committee who favored such a proposition; and that being out of the case, the question now is, what are we to do?

I feel that there are cases in which judges, district judges, perhaps, are paid enough by thirty-five hundred, four thousand, or four thousand five hundred dollars a year; but there are a large number of cases which have come to my attention where the judges are paid insufficiently at these rates.

Mr. OATES. Let me ask my friend from Virginia if the majority of the judges are not paid enough in his opinion?

Mr. TUCKER. I really do not think so. I think the great defect in our economy is that we start at the wrong point. There never should be economy in commanding the best brains to adjudge cases between man and man. [Applause.] I believe that the judicial brain is the worst paid brain in this country. It is paid less than for most any other purpose; and I favor this bill not because it may be perfect in its provisions, but because it is a move in the right direction. I would rather give a judge a high salary to compensate him for his arduous labors, so as to command the best ability for the bench, than to give high salaries to any other class of people in any other Government employment in this country.

The truth is the men whose brains are intent upon the almighty dollar are paid in this country greatly over the men whose brains can

adjudge causes between man and man, and I am in favor of this bill as the best that can be done.

It will be said it is very expensive. Mr. Speaker, the cost will not be over $50,000, and you pass a bill by a three-fourths vote to spend a million dollars on some job.

Mr. SYMES. Do you not think that judges of the Federal courts, who work the year round, are worth as much as Congressmen, who work only a portion of the year?

Mr. TUCKER. Some of them are worth more than some Congressmen.

[Here the hammer fell.]

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. BAYNE] to suspend the rules and pass the bill.

Mr. DUNN. I move that the House do now adjourn.

The question being taken on the motion to adjourn, it was not agreed to; there being—ayes 32, noes 98.

Mr. SENEY. I call for the yeas and nays.

The yeas and nays were ordered, 45 members voting therefor.

Mr. BURROWS. There seems to be a misunderstanding as to the question on which the yeas and nays are ordered.

The SPEAKER. The Chair understood the gentleman from Ohio [Mr. SENEY] to demand the yeas and nays on the motion to suspend the rules and pass the bill.

Mr. SENEY. Yes, sir; I called for them upon that question.

The question was taken; and there were—yeas 146, nays 110, not voting 62; as follows:

YEAS—146.

Adams, G. E.	Ely,	Libbey,	Rusk,
Allen, C. H.	Ermentrout,	Lindsley,	Ryan,
Baker,	Evans,	Little,	Sawyer,
Barnes,	Everhart,	Louttit,	Scranton,
Bayne,	Felton,	Lyman,	Seymour,
Belmont,	Ford,	Markham,	Snyder,
Bingham,	Funston,	Martin,	Spooner,
Bliss,	Gallinger,	Maybury,	Steele,
Bound,	Gibson, C. H.	McComas,	Stephenson,
Boutelle,	Gilfillan,	McKenna,	Stewart, Charles
Boyle,	Goff,	McKinley,	Stewart, J. W.
Brady,	Grosvenor,	Merriman,	Strait,
Bragg,	Grout,	Millard,	Struble,
Breckinridge, C. R.	Guenther,	Miller,	Swinburne,
Breckinridge, WCP	Hale,	Milliken,	Symes,
Brown, C. E.	Hall,	Moffatt,	Tarsney,
Brown, W. W.	Harmer,	Morgan,	Taylor, E. B.
Buck,	Haynes,	Morrill,	Taylor, I. H.
Burleigh,	Henderson, D. B.	Morrow,	Taylor, Zach.
Burrows,	Henderson, T. J.	Negley,	Thomas, J. R.
Butterworth,	Henley,	Nelson,	Thomas, O. B.
Cannon,	Hepburn,	Norwood,	Thompson,
Carleton,	Hiestand,	O'Hara,	Tillman,
Caswell,	Hiscock,	O'Neill, Charles	Tucker,
Catchings,	Hitt,	O'Neill, J. J.	Van Schaick,
Clardy,	Holmes,	Osborne,	Wadsworth,
Conger,	Hopkins,	Owen,	Wait,
Cooper,	Houk,	Parker,	Ward, J. H.
Crain,	Hudd,	Payne,	Ward, T. B.
Cutcheon,	Irion,	Pettibone,	Warner, William
Dargan,	Jackson,	Phelps,	Weber,
Davenport,	James,	Plumb,	West,
Davis,	Johnson, J. T.	Price,	White, Milo
Dibble,	Jones, J. T.	Ranney,	Whiting,
Dorsey,	La Follette,	Reed,	Woodburn.
Dougherty,	Laird,	Rice,	
Dunham,	Lanham,	Rogers,	

NAYS—110.

Allen, J. M.	Eden,	Matson,	Springer,
Anderson, C. M.	Eldredge,	McCreary,	Stahlnecker,
Anderson, J. A.	Fisher,	McMillin,	Stone, W. J., Ky.
Bacon,	Forney,	McRae,	Stone, W. J., Mo.
Barbour,	Frederick,	Mills,	Storm,
Barry,	Fuller,	Morrison,	Swope,
Bennett,	Gay,	Neal,	Taulbee,
Blanchard,	Geddes,	Neece,	Taylor, J. M.
Bland,	Glass,	Oates,	Throckmorton,
Blount,	Halsell,	O'Ferrall,	Trigg,
Brumm,	Hammond,	Outhwaite,	Turner,
Bunnell,	Harris,	Payson,	Van Eaton,
Burnes,	Hatch,	Peel,	Viele,
Cabell,	Heard,	Perkins,	Wade,
Caldwell,	Hemphill,	Perry,	Wallace,
Clements,	Henderson, J. S.	Peters,	Warner, A. J.
Cobb,	Herbert,	Randall,	Weaver, J. B.
Cowles,	Hill,	Reagan,	Wellborn,
Cox, W. R.	Holman,	Reese,	Wheeler,
Crisp,	Johnston, T. D.	Richardson,	Wilkins,
Croxton,	Jones, J. H.	Riggs,	Willis,
Culberson,	King,	Rowell,	Wilson,
Daniel,	Kleiner,	Sayers,	Winans,
Davidson, A. C.	Laffoon,	Scott,	Wise,
Davidson, R. H. M.	Landes,	Seney,	Wolford,
Dawson,	Lawler,	Shaw,	Worthington.
Dockery,	Le Fevre,	Skinner,	
Dunn,	Lovering,	Sowden,	

NOT VOTING—62.

Adams, J. J.	Campbell, Felix	Cox, S. S.	Gibson, Eustace
Aiken,	Campbell, J. M.	Curtin,	Glover,
Atkinson,	Campbell, J. E.	Dingley,	Green,
Ballentine,	Campbell, T. J.	Ellsberry,	Hanback,
Barksdale,	Candler,	Farquhar,	Hayden,
Browne, T. M.	Collins,	Findlay,	Hermann,
Buchanan,	Compton,	Fleeger,	Hires,
Bynum,	Comstock,	Foran,	Howard,
Hutton,	Mahoney,	Robertson,	St. Martin,
Johnson, F. A.	McAdoo,	Rockwell,	Stone, E. F.
Kelley,	Mitchell,	Romeis,	Townshend,
Ketcham,	Muller,	Sadler,	Wakefield,
Lehlbach,	Murphy,	Sessions,	Weaver, A. J.
Long,	O'Donnell,	Singleton,	White, A. C.
Lore,	Pidcock,	Smalls,	
Lowry,	Pindar,	Spriggs,	

So the rules were not suspended, two-thirds not having voted in the affirmative.

Mr. HAMMOND. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

Mr. ROGERS. I am paired on all political questions with Mr. O'DONNELL, of Michigan; but not regarding this as a political question I voted.

The following pairs were announced:

Until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. TOWNSHEND with Mr. FLEEGER.

Mr. FORAN with Mr. WAKEFIELD.

Mr. BYNUM with Mr. OWEN.

Mr. ROGERS with Mr. O'DONNELL.

Mr. BALLENTINE with Mr. JOHNSON, of New York.

Mr. PIDCOCK with Mr. WHITE, of Pennsylvania.

Mr. CANDLER with Mr. ATKINSON.

For this day:

Mr. CAMPBELL, of Ohio, with Mr. DINGLEY.

Mr. COLLINS with Mr. KELLEY.

Mr. FELIX CAMPBELL with Mr. THOMPSON.

Mr. MURPHY with Mr. HENDERSON, of Illinois.

Mr. MAHONEY with Mr. HANBACK.

Mr. GLOVER with Mr. LEHLBACK.

Mr. HUTTON with Mr. ROCKWELL.

Mr. ADAMS, of New York, with Mr. HIRES.

On this vote:

Mr. LOWRY with Mr. LONG.

Mr. MCADOO with Mr. KETCHAM.

The result of the vote was then announced as above stated.

PUBLIC BUILDING AT AUGUSTA, GA.

Mr. BARNES. Mr. Speaker, I move to suspend the rules so as to discharge the Committee of the Whole House from the further consideration of the bill (S. 712) for the erection of a public building at Augusta, Ga., and pass the same with the amendments reported by the Committee on Public Buildings and Grounds.

The bill, with the amendments, was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, internal-revenue service, and other Government offices, at the city of Augusta, in the State of Georgia. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Georgia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Is a second demanded?

Mr. BARNES. I ask unanimous consent that a second be considered as ordered.

There was no objection.

The motion of Mr. BARNES was then agreed to.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PETERS. I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes.

Mr. PETERS. I ask unanimous consent that the reading of the bill be dispensed with. It is in the usual form.

Mr. BUCHANAN. I object.

The bill was read, as follows:

Be it enacted, &c., That the Chicago, Kansas and Nebraska Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point on the northern line of said Territory at or near the south line of the State of Kansas crossed by the one hundred and first meridian, thence in a southwesterly direction by the most practicable route toward El Paso, N. Mex., and also beginning at a point on the south line of the State of Kansas near the city of Hunnewell, in Sumner County, thence running on the most practicable route to or near Fort Washita, and thence in a southerly direction to the south line of

the Indian Territory in the direction of Galveston, Tex., with the right to construct, use, and maintain such tracks, turnouts, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds hereby granted.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the road-bed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone lines; and when any portion thereof shall cease to be so used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant, such compensation shall be determined by the appraisement of three disinterested referees, to be appointed one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, and one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court for the western district of Arkansas or the district of Kansas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings, within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations. Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court for the western district of Arkansas or the district of Kansas, which courts shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If upon the hearing of said appeal the judgment of the court shall be for a larger sum than the award of the referees, the cost of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Kansas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway and messages on said telegraph and telephone lines until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate at all times the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed: *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said main line and branches may be located, the sum of $50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory, said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of said nations and tribes through whose lands said railway may be located shall, within four months after the filing of maps of definite location as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation or tribe would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior the sum of $15 per annum for each mile of railway it shall construct in the said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him, in accordance with the laws and treaties now in force between the United States and said nations or tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congress shall have the right, so long as said lands are occupied and possessed by said nation or tribe, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed through which said railway shall have been established may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located line through said Territory to be filed in the office of the Secretary of the Interior, and also to be filed in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map showing any portion of said railway company's located line is filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void, and said location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the western district of Arkansas and the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Chicago, Kansas and Nebraska Railway Company and the nation and tribe through whose territory said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nation or tribe and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build at least 50 miles of its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all road and highway crossings and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Chicago, Kansas and Nebraska Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nation any further grant of land, or its occupancy, than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory, shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, alter, or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The SPEAKER. Is a second demanded?

Mr. BUCHANAN. It is.

Mr. PETERS. I ask unanimous consent that a second be considered as ordered?

The SPEAKER. Does the Chair understand the gentleman to move to suspend the rules and pass the bill, or to pass it with the amendments?

Mr. PETERS. With the amendments.

Mr. RANDALL. Let us hear the amendments.

The amendments were read, as follows:

In section 1, line 14, strike out "Hunewell" and insert "Caldwell." Also strike out "Washita," in line 16, and insert "Reno;" and after the words "in the direction of Galveston, Texas," in lines 17 and 18, insert "and also in a southwesterly direction to the southern line of said Territory in the direction of Cisco, in the State of Kansas."

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered.

Mr. RANDALL. I object.

The SPEAKER. Objection is made. The Chair will appoint the gentleman from Kansas [Mr. PETERS] and the gentleman from New Jersey [Mr. BUCHANAN] to act as tellers.

The House divided; and the tellers reported—ayes 159, noes 4.

The SPEAKER. The ayes have it, and there is a second. Under the rules thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to it. [Cries of "Vote! Vote!"]

Mr. PETERS. I reserve my time, Mr. Speaker.

Mr. BUCHANAN. I shall occupy but a few minutes in calling the attention of the House to what seemed to me to be some defects in this bill. In the first place the bill seems to be open to the objection which is sometimes made to bills in chancery, the objection of multifariousness. It seems to give not merely the right of way for a single railroad through the Indian Territory, but as printed it gives a right of way for two railroads within that Territory, and as proposed to be amended it gives a right of way for three railroads.

The starting and the stopping points are not located with the definiteness that ought to be found in a bill of this character. It is true that the location when once made and filed with the Secretary of the Interior can not be changed; but I do not hesitate to say that under the language of this bill we give a roving commission to this company to go almost anywhere they please within the confines of the Indian Territory. During the present Congress we have passed seven or eight bills granting rights of way through that Territory.

We have some ten or twelve more upon the Calendar awaiting action. This is one of a series, the effect of which must necessarily be to destroy the Indian Territory as a reservation to the Indian tribes. Last summer it was my privilege to make a journey through that Territory, and as I rode along in the cars in conversation with the chief of the Creek Nation I asked him why it was that no more improve-

ments were visible along the line of the railroad. He said that ever since the railroad has gone through the Territory our farmers have been compelled to move miles away because of the destruction of their cattle by the cars.

There is in this bill no provision for fencing this railway anywhere along its line from one end to the other. There is no provision by which an Indian farmer whose crops may be destroyed by fire communicated by the locomotives may be recompensed. He is driven to seek his remedy in a United States court in Kansas or in Texas, far from his home, is thus subjected to great expense for witnesses, and is obliged to have his case tried by a strange jury in a strange place.

The provision with reference to the condemnation of improvements is not guarded as it should be. We all understand, I suppose, the peculiar nature of title in the Indian Territory, the fee being in the United States, the collective use in the tribe, and the title to the improvement in the individual farmer. Whilst this bill makes provision for recompense to the tribe—small it is true, but nevertheless something by way of recompense—it provides that for the improvements of the Indian farmer there shall be a condemnation by three persons—appointed how? One by the President of the United States, one by the railroad company, and the third by the chief of the tribe. If the railroad company is to have a representative upon that board, I ask why, in common fairness, the Indian farmer should not have his representative as well? The chief may not be his choice; and we do know that sometimes chiefs are liable to be used for purposes other than proper.

There is another question deeper than all these matters of detail—a question as to the right of the Congress of the United States to grant this right of way through this Territory without the consent of these Indian tribes. I read from a memorial presented to the present Congress by the representatives of the Choctaw and Chickasaw Nations. They say:

Although it is clear that the right of eminent domain over the Indian Territory is vested in the United States, and that this right is incapable of alienation while the Territory remains subject to the jurisdiction of the United States, it is, at the same time, certain that in the treaty of April 28, 1866, the United States gave their implied promise not to exercise that right any further for the benefit of railway corporations. Only in a case where great and urgent public interests require a line of railway between given points through the Indian Territory can the United States be justified in exercising the right of eminent domain in favor of a railway corporation, even in the absence of this implied promise of the treaty of 1866.

I say that if this bill passes without some provision for obtaining the consent of the tribes through whose territory this road is to be extended it will pass in violation of treaty obligations.

I have nothing more to say upon this subject. I have no hope of defeating the passage of the bill. So many bills of this character have already passed without question, so many are pressing behind this, with their great and their allied interests, that I have no doubt this bill will pass, making the way easier for those which are to come after it. But I feel that my duty as a representative of the people would not have been discharged if I had not uttered here my protest against the spoliation of the domain granted to these Indians and the violation of the plighted faith of the United States of America.

Mr. PETERS. Mr. Speaker, this bill, which has been carefully examined by the Committee on Indian Affairs, is identical in form with bills passed by this House in the Forty-eighth Congress, and which received the Executive approval. It has been urged that we shall have an immediate vote upon this measure, and therefore I will not occupy any more time but will call for the vote.

Mr. BUCHANAN. Will the gentleman state why it is that this one railroad company desires three different directions for its tracks through the Territory?

Mr. PETERS. The bill embraces provision for only two different tracks——

Mr. BUCHANAN. Three.

Mr. PETERS. I beg the gentleman's pardon; only two—one directly south through the Territory in the direction of Galveston, Tex.; the other through what is known as "No Man's Land," in the direction of Sisco, Tex.

The question being taken on the motion of Mr. PETERS to suspend the rules and pass the bill with the amendments, there were—ayes 106, noes 36.

Mr. RANDALL. No quorum.

The SPEAKER. The Chair will appoint as tellers——

Mr. PETERS. I demand the yeas and nays.

The SPEAKER (after a count). In the opinion of the Chair, a sufficient number have risen to order the yeas and nays.

Mr. PETERS. I withdraw the demand.

Mr. BUCHANAN. I renew it.

The SPEAKER. In the opinion of the Chair, a sufficient number have risen; and the yeas and nays are ordered.

The question was taken; and there were—yeas 159, nays 44, not voting 115; as follows:

YEAS—159.

Allen, J. M.	Bennett,	Boyle,	Burleigh,
Anderson, J. A.	Blanchard,	Brady,	Burnes,
Baker,	Bland,	Breckinridge, C. R.	Butterworth,
Barksdale,	Bliss,	Breckinridge, W C P	Caldwell,
Barnes,	Blount,	Brown, W. W.	Campbell, T. J.
Bayne,	Boutelle,	Buck,	Cannon,
Carleton,	Heard,	Moffatt,	Stephenson,
Catchings,	Hemphill,	Morgan,	Stewart, Charles
Clardy,	Henderson, J. S.	Morrill,	Stewart, J. W.
Conger,	Henderson, T. J.	Morrison,	Stone, W. J., Mo.
Crain,	Henley,	Neal,	Storm,
Crisp,	Herbert,	Negley,	Strait,
Croxton,	Hiscock,	Nelson,	Struble,
Culberson,	Hitt,	Norwood,	Swinburne,
Cutcheon,	Houk,	Oates,	Swope,
Davidson, R. H. M.	Howard,	O'Ferrall,	Symes,
Dockery,	Hudd,	O'Hara,	Tarsney,
Dorsey,	Irion,	O'Neill, Charles	Taulbee,
Dunham,	Jones, J. H.	O'Neill, J. J.	Taylor, Zach.
Dunn,	Jones, J. T.	Parker,	Thompson,
Ely,	Ketcham,	Payne,	Throckmorton,
Ermentrout,	King,	Peel,	Tillman,
Evans,	Kleiner,	Perkins,	Triggs,
Everhart,	Laffoon,	Perry,	Tucker,
Fisher,	Lanham,	Peters,	Turner,
Ford,	Lyman,	Pettibone,	Van Eaton,
Forney,	Markham,	Plumb,	Van Schaick,
Funston,	Martin,	Price,	Wade,
Gallinger,	Matson,	Reagan,	Wadsworth,
Gay,	Maybury,	Reese,	Ward, J. H.
Gibson, C. H.	McComas,	Richardson,	Warner, William
Grosvenor,	McCreary,	Riggs,	Weaver, J. B.
Guenther,	McKinley,	Rowell,	Weber,
Hale,	McMillin,	Ryan,	Wellborn,
Hall,	McRae,	Sayers,	Wheeler,
Halseli,	Merriman,	Seney,	Willis,
Hammond,	Millard,	Skinner,	Winans,
Harmer,	Miller,	Snyder,	Wolford,
Harris,	Mills,	Springer,	Worthington.
Hatch,	Mitchell,	Steele,	

NAYS—44.

Adams, G. E.	Cox, W. R.	Holman,	Randall,
Bacon,	Davis,	Holmes,	Rice,
Belmont,	Dawson,	Jackson,	Scranton,
Bound,	Dibble,	James,	Sowden,
Bragg,	Eden,	Johnston, J. T.	Spooner,
Buchanan,	Eldredge,	Johnston, T. D.	Stahlnecker,
Bunnell,	Felton,	Landes,	Stone, E. F.
Burrows,	Geddes,	Little,	Taylor, J. M.
Clements,	Glass,	Louttit,	Thomas, J. R.
Cobb,	Hayden,	McKenna,	Whiting,
Cowles,	Hiestand,	Osborne,	Wise.

NOT VOTING—115.

Adams, J. J.	Dingley,	Le Fevre,	Sadler,
Aiken,	Dougherty,	Lehlbach,	Sawyer,
Allen, C. H.	Ellsberry,	Libbey,	Scott,
Anderson, C. M.	Farquhar,	Lindsley,	Sessions,
Atkinson,	Findlay,	Long,	Seymour,
Ballentine,	Fleeger,	Lore,	Shaw,
Barbour,	Foran,	Lovering,	Singleton,
Barry,	Frederick,	Lowry,	Smalls,
Bingham,	Fuller,	Mahoney,	Spriggs,
Browne, T. M.	Gibson, Eustace	McAdoo,	St. Martin,
Brown, C. E.	Gilfillan,	Milliken,	Stone, W. J., Ky.
Brumm,	Glover,	Morrow,	Taylor, E. B.
Bynum,	Goff,	Muller,	Taylor, I. H.
Cabell,	Green,	Murphy,	Thomas, O. B.
Campbell, Felix	Grout,	Neece,	Townsend,
Campbell, J. M.	Hanback,	O'Donnell,	Viele,
Campbell, J. E.	Haynes,	Outhwaite,	Wait,
Candler,	Henderson, D. B.	Owen,	Wakefield,
Caswell,	Hepburn,	Payson,	Wallace,
Collins,	Hermann,	Phelps,	Ward, T. B.
Compton,	Hill,	Pidcock,	Warner, A. J.
Comstock,	Hires,	Pindar,	Weaver, A. J.
Cooper,	Hopkins,	Ranney,	West,
Cox, S. S.	Hutton,	Reed,	White, A. C.
Curtin,	Johnson, F. A.	Robertson,	White, Milo
Daniel,	Kelley,	Rockwell,	Wilkins,
Dargan,	La Follette,	Rogers,	Wilson,
Davenport,	Laird,	Romeis,	Woodburn.
Davidson, A. C.	Lawler,	Rusk,	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

During the roll-call the following additional pairs were announced:

For the rest of the day:

Mr. LOWRY with Mr. LONG.

Mr. ELLSBERRY with Mr. BRUMM.

Mr. GREEN with Mr. ALLEN, of Massachusetts.

Mr. COMSTOCK with Mr. GOFF.

Mr. CABELL with Mr. FULLER.

Mr. WILSON with Mr. HENDERSON, of Iowa.

Mr. PINDAR with Mr. HOPKINS.

Mr. WILKINS with Mr. CASWELL.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, in compliance with the request of the House, furnished a duplicate engrossed copy of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

ENGROSSED BILL MISLAID.

The SPEAKER. An engrossed bill has been mislaid, and the Clerk will read the resolution which is rendered necessary.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House of Representatives a bill of the House (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

The resolution was agreed to.

PUBLIC BUILDING, DETROIT, MICH.

Mr. MAYBURY. I move that the rules be suspended and the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 1131) entitled "An act to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885, and the same be passed, with amendments proposed by the House Committee on Public Buildings and Grounds. This bill amends the bill passed by the last Congress, and increases the limit of that bill by $125,000.

The bill was read, as follows:

Be it enacted &c., That an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885, being chapter 314 of volume 23 of the Statutes of the United States, be amended so that the first section of said act shall read as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a suitable lot of land in the city of Detroit, county of Wayne, and State of Michigan, and cause to be erected on the ground so purchased a building suitable for the accommodation of the courts of the United States, of the custom-house, post-office, pension-office, and other Government offices in that city. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $1,025,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the ownor thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided*, That if the Secretary of the Treasury shall deem it advisable to use for said purpose the site now owned by the United States, upon part of which the post-office and custom-house building now stands, he may do so; and should he further deem said site insufficient, he may enlarge the same by the purchase of additional adjoining ground: *Provided, however*, That if a new site shall be purchased for said building as hereinbefore authorized, it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building, and the approaches thereto, exceeding the portion of said $1,025,000 remaining after the site of said building shall have been paid for; and no plan of said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building: *And provided further*, That nothing herein contained shall be construed in any event to increase the cost of the new site and building, including approaches, when completed, beyond the sum of $1,025,000, as provided in this section."

Mr. COWLES. I move that the House do now adjourn. [Cries of "No!"]

The House divided; and there were—ayes 10, noes 86.

So the House refused to adjourn.

The SPEAKER. Is a second demanded?

Mr. BLAND. There is a misunderstanding as to the amount in the bill. Some say it is a million of dollars and some $1,125,000.

Mr. RANDALL. What is the increase?

Mr. MAYBURY. One hundred and twenty-five thousand dollars, as recommended by the Secretary of the Treasury, who stopped the work in order that the increase might be made by Congress.

The SPEAKER. If no second is demanded the question will be put on the motion of the gentleman from Michigan to suspend the rules and pass the bill as amended by the Committee on Public Buildings and Grounds.

The rules were suspended and the bill was passed (two-thirds voting in favor thereof).

Mr. COWLES moved that the House do now adjourn.

The House divided; and there were—ayes 27, noes 64.

So the House refused to adjourn.

PUBLIC BUILDING, TROY, N. Y.

Mr. BURLEIGH. I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of a bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y., and pass the same.

The bill was read, as follows:

Be it enacted, &c., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Troy, N. Y., be, and the same is hereby, increased to $300,000, and that sum is hereby fixed as the limit of cost for the erection of said building and for the payment for the site thereof; and said additional sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are required to be governed by the limitation hereby prescribed in making plans and contracts for the erection of said building.

The SPEAKER. Is there a second demanded?

Mr. COWLES. I demand a second.

The SPEAKER appointed as tellers Mr. COWLES and Mr. BURLEIGH.

Mr. BURLEIGH. I ask, by unanimous consent, that a second be considered as ordered.

The SPEAKER. Is there objection?

Mr. COWLES. I do not object if it is the distinct understanding after this bill is disposed of the House will adjourn.

The SPEAKER. The Chair can not entertain any such condition.

Mr. RANDALL. I object to any bargain, as the next is a public bill which ought to be considered.

The SPEAKER. The second will be considered as ordered; and under the rule, thirty minutes will be allowed for debate. [Cries of "Vote!"]

The rules were suspended and the bill was passed (two-thirds voting in favor thereof).

And then, on motion of Mr. MCMILLIN (at 5 o'clock and 30 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Concurrent resolution of Kansas Legislature, in favor of the Oklahoma bill—to the Committee on Indian Affairs.

By Mr. BARBOUR: Papers relating to the claim of Duncan James, of Farquier County, and of Bushrod L. Fox, of Loudoun County, Virginia—to the Committee on War Claims.

Also, petition of Duncan James, praying for reference of his claim to the Court of Claims—to the same committee.

By Mr. BARKSDALE: Petition of Thomas H. Beard, of Scott County, Mississippi, for relief—to the same committee.

By Mr. BINGHAM: Resolutions of the Legislature of Pennsylvania, in favor of the agricultural experiment-station bill and of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. BLAND: Petition of Simeon Frow and of John F. Lynch, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. W. W. BROWN: Resolutions of the Legislature of Pennsylvania, favoring the Miller pleuro-pneumonia bill and the agricultural experiment-station bill—to the Committee on Agriculture.

By Mr. BUNNELL: Petition of the Holstein-Freisian Association, of Iowa, asking for the passage of the Miller pleuro-pneumonia bill—to the same committee.

Also, resolutions of the Legislature of Pennsylvania, favoring the agricultural experiment bill, and the Miller pleuro-pneumonia bill—to the same committee.

By Mr. BURLEIGH: Resolutions of the Garry Owen Club, of the Hamilton Rowan Club, and of the Owen Roe Club, of New York city, opposing the so-called extradition treaty with the British Government—to the Committee on Foreign Affairs.

Also, resolution of the Bolten Post, No. 471, Grand Army of the Republic, requesting the passage of the so-called Edmunds-Tucker anti-Mormon bill—to the Committee on the Judiciary.

By Mr. BURROWS: Petition of letter-carriers of Kalamazoo, Mich., for the passage of the eight-hour law, and favoring bill now pending—to the Committee on Labor.

By Mr. CARLETON: Resolution of the Legislature of Michigan relative to pension legislation—to the Committee on Invalid Pensions.

Also, petition of M. J. Matthews, of Detroit, Mich., in favor of the James commercial-travelers bill—to the Committee on Commerce.

Also, resolution of the Engineers' Beneficial Association, of Marine City, Mich., favoring the refunding of license fees to licensed officers of steam vessels—to the Select Committee on Ship-building and Ship-owning Interests.

By Mr. CUTCHEON: Petition of Post 226, Grand Army of the Republic, of Michigan, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. ELDREDGE: Resolution of the Legislature of Michigan, asking arrears of pensions, and that all ex-soldiers at sixty-two be put on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of Herbert Myrick, for the passage of the experiment-station bill—to the Committee on Agriculture.

Also, memorial of E. M. Crawford and others, of New York leaf tobacco trade, in favor of repeal of revenue on tobacco—to the Committee on Ways and Means.

Also, memorial of J. P. Robinson, E. B. Bartlett, and others, asking for the passage of the bill (H. R. 8730) to modify existing revenue laws—to the same committee.

Also, memorial of Oscar O. Freidlander, secretary of the New York Menhaden Oil and Guano Association, for increase of duty on degras and nitrate of soda—to the same committee.

Also, petition of the Crippled Soldiers' Association, in favor of certain pension legislation—to the Committee on Invalid Pensions.

By Mr. EVERHART: Petition of employés in the Signal Corps, asking for the transfer of the Signal Corps to the Agricultural Department—to the Committee on Military Affairs.

Also, resolutions of the General Assembly of Pennsylvania, favoring the Senate agricultural experiment-station bill, and the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. FUNSTON: Resolutions of the Legislature of Kansas, in favor of the organization of the Territory of Oklahoma—to the Committee on the Territories.

By Mr. GALLINGER: Papers in the pension case of Laura A. Wright—to the Committee on Invalid Pensions.

By Mr. J. S. HENDERSON: Paper of Jeremiah P. Robinson and others, of New York, urging the passage of the Hewitt bill (H. R. 8730) to modify existing laws relative to warehouses and the collection of revenue—to the Committee on Ways and Means.

Also, paper of Herbert Myrick, of Springfield, Mass., favoring the agricultural experiment bill—to the Committee on Agriculture.

Also, resolutions of the United States Menhaden Oil and Guano Association, favoring tariff duties of 2 cents per pound on degras and $10 per ton on nitrate of soda—to the Committee on Ways and Means.

By Mr. J. S. HENDERSON: Papers relating to the claim of Frank P. Haywood and of Frank P. Haywood, in behalf of his minor children, of Franklin County, North Carolina—to the Committee on War Claims.

By Mr. T. J. HENDERSON: Petition of George J. Rice and others, citizens of Bureau County, Illinois, praying for the passage of a bill to relieve Jesse Rood, late a private in Company B, Thirteenth Regiment Illinois Volunteers, from the charge of desertion—to the Committee on Military Affairs.

By Mr. HITT: Petition of Peter Horner, of Lanack, Ill., for the passage of House bill 9733—to the Committee on Ways and Means.

By Mr. LAFFOON: Petition of citizens of Owensborough, Ky., relative to a Federal court at that place—to the Committee on the Judiciary.

By Mr. LINDSLEY: Petition in behalf of Bridget Freilewek, of Ulster County, New York—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of the heirs of John Young, of Frederick County, Maryland, asking reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. McCREARY: Petition of Lydia Posey, of Kentucky, for relief—to the same committee.

By Mr. MILLS: Petition of J. J. Paget, of McGregor, Tex., praying for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. MORRILL: Concurrent resolution of the Legislature of Kansas, for the passage of the bill opening Oklahoma to settlement—to the Committee on the Territories.

By Mr. NELSON: Memorial from fishermen of Lake Superior, relative to duty on imported fish—to the Committee on Ways and Means.

By Mr. OSBORNE: Resolutions of the Legislature of Pennsylvania, in favor of the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

Also, resolutions of the same, in favor of the agricultural experiment-station bill—to the same committee.

By Mr. PARKER: Petition of the J. K. Barnes Post, No. 360, Grand Army of the Republic, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, remonstrance of the Owen Roe Club, and of the Garry Owen Club of New York city, against the so-called extradition with the British Government—to the Committee on Foreign Affairs.

Also, resolutions of the Legislature of New York, urging measures to extirpate pleuro-pneumonia—to the Committee on Agriculture.

By Mr. PAYNE: Petition of sundry citizens of Fairbury, Ill., for relief of E. D. Baker, postmaster, for loss by fire—to the Committee on the Post-Office and Post-Roads.

By Mr. PINDAR: Petition of the Owen Roe Club of New York city against the extradition treaty with England—to the Committee on Foreign Affairs.

By Mr. REED: Memorial of Bosworth Post, Grand Army of the Republic, in favor of the Edmunds anti-Mormon bill—to the Committtte on the Judiciary.

By Mr. RIGGS: Papers relating to the pension bill of John Laubscher—to the Committee on Invalid Pensions.

By Mr. RUSK: Petition of E. Walters & Co., and others, of Baltimore, in favor of House bill 9733—to the Committee on Ways and Means.

By Mr. SENEY: Petition of James D. Evans and others, for the repeal of the tobacco tax—to the same committee.

Also, petition of Albert J. Neifer and others, of Wood County, Ohio, for the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

Also, joint resolution of the General Assembly of Ohio, requesting the passage of Senate bill 1976—to the Committee on Military Affairs.

By Mr. SNYDER: Petition of Robert F. Reynolds, of Malden, W. Va., for reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. STAHLNECKER: Petition of a committee of business men of New York city, favoring the passage of the Hewitt bill to modify existing laws in regard to warehousing and the collection of revenue—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of New York State, favoring coast defenses—to the Committee on Appropriations.

By Mr. STEELE: Petition of J. A. Bonham and 40 others, of Hartford City, Ind., and of Amos Bogue and 50 others, of Fairmount, Ind., in favor of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. STORM: Memorial of Mathias Kindt, and of George W. Fry, for pensions—to the Committee on Invalid Pensions.

By Mr. SWINBURNE: Petition of N. G. Lyon Post, No. 43, of M. H. Brackley Post, No. 198, and of Patrick Kane Post, No. 312, Grand Army of the Republic, of New York, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. WADE: Petition of C. B. Holland, of Green County, Missouri, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WADSWORTH: Petition for increase of pension for Mrs. Rhoda Front—to the Committee on Invalid Pensions.

By Mr. WARD: Petition of the Cattle-Growers' Association of the United States, and of the Holstein-Friesian Association of America, in favor of the Miller bill—to the Committee on Agriculture.

By Mr. A. J. WEAVER: Petition of John Beichley, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Petition of citizens of Minnesota, for increase of pension of Alvin Crissey, war of 1812-'14—to the Committee on Pensions.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BAYNE: Of 99 citizens of Emsworth, Pa.

By Mr. BOUTELLE: Of Rev. Daniel Green and 58 others, citizens of Machias, Me.

By Mr. BURNES: Of Rev. G. W. Litts and 35 others, citizens of Balckow, Mo.

By Mr. CARLETON: Of 86 citizens of Port Huron, Mich.

Also, of the Women's Christian Temperance Union of Michigan.

By Mr. CUTCHEON: Of 139 citizens of Big Rapids, Mich.

By Mr. DAVIS: Of T. J. Lothrop and 118 others, citizens of Bristol County, Massachusetts.

By Mr. GUENTHER: Of 108 citizens of Eureka and Rushford, Wis.

By Mr. HOLMES: Of 78 citizens of Clarion, Iowa.

By Mr. HUDD: Of 21 citizens of Green Bay, Wis.

By Mr. McCREARY: Of 21 citizens of Livingston, Ky.

By Mr. PARKER: Of 199 citizens of Lyme and Adams, N. Y.

By Mr. PRICE: Of citizens of New Richmond, Wis.

By Mr. ROMEIS: Of 55 citizens of Sandusky, Ohio.

By Mr. SEYMOUR: Of 34 citizens of Woodbury, Conn.

By Mr. SPOONER: Of 83 citizens of Burrillville, and of citizens of East Providence, R. I.

By Mr. WAIT: Of 55 citizens of Pomfret, Conn.

SENATE.

TUESDAY, *February* 8, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

WASHINGTON CABLE RAILROAD COMPANY.

The PRESIDENT *pro tempore* laid before the Senate a resolution from the House of Representatives; which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 7, 1887.

Resolved, That the Senate be requested to return to the House of Representatives the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

The PRESIDENT *pro tempore*. The request of the House of Representatives will be granted if there be no objection. The Chair hears none, and the bill will be returned to that body.

PETITIONS AND MEMORIALS.

Mr. BLAIR presented a petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars, State of Indiana, in behalf of a membership of 1,800, praying for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in that District; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Texas, praying for the enactment of the educational bill; which was ordered to lie on the table.

Mr. WILLIAMS presented a joint resolution of the Legislature of California; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Assembly joint resolution No. 3, relating to the construction of a breakwater at Port Harford, in the Bay of San Luis Obispo.

Whereas the Government of the United States has caused to be made a survey of a proposed breakwater at Port Harford, in the Bay of San Luis Obispo; and

Whereas the construction of said breakwater is of great importance to the commerce of this State, both as a harbor of refuge and for the accommodation of vessels engaged in the coasting trade on the southern coast of this State: Therefore,

Be it resolved by the assembly of the State of California (the senate concurring), That our Senators and Representatives in Congress are requested to vote for an appropriation for the construction of said breakwater, and to use every effort to procure said appropriation to be made.

Resolved, That the governor be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

Mr. PLUMB presented a petition of B. F. Larned Post, No. 8, Department of Kansas, Grand Army of the Republic, praying for the passage of legislation with reference to the Mormon Church; which was ordered to lie on the table.

Mr. PLUMB. I present the petition of a large number of settlers located in Sherman County, Kansas, one of the frontier counties of that State, praying that some provision may be made to furnish them with seeds. I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MITCHELL, of Pennsylvania. I present sundry petitions of citizens of Washington, D. C., in favor of the Washington Cable Railway Company. I suppose as the bill on that subject is before the Committee on the District of Columbia these petitions should be referred to that committee.

Mr. INGALLS. The bill having been withdrawn by the House of Representatives the petitions might as well lie on the table.

Mr. MITCHELL, of Pennsylvania. Very well.

The PRESIDENT *pro tempore*. If there be no objection the petitions will lie on the table.

Mr. MILLER presented a petition of Alonzo Smith Post, Grand Army of the Republic, of Johnsville, N. Y., praying for the passage of the anti-Mormon bill; which was ordered to lie on the table.

Mr. INGALLS presented resolutions adopted at a meeting of the George Graham Post, No. 92, Grand Army of the Republic, State of Kansas, recommending legislation on the Mormon question; which were ordered to lie on the table.

He also presented a petition of citizens of New Lexington, Ohio, praying for the initiation of negotiations for the acquisition of the Dominion of Canada; which was referred to the Committee on Foreign Relations.

He also presented a concurrent resolution of the Legislature of the State of Kansas, instructing their Senators to support legislation providing for the organization of the Territory of Oklahoma; which was referred to the Committee on Public Lands.

Mr. PALMER presented a petition of 128 citizens of Washington, D. C., residents of S street northwest; a petition of 81 citizens of Washington, D. C., residents of T street northwest; and a petition of 80 citizens of Washington, D. C., residents of K street northwest, praying for the passage of the bill to incorporate the Washington Cable Railway Company; which were ordered to lie on the table.

Mr. CONGER presented a joint resolution of the Legislature of the State of Michigan; which was ordered to lie on the table, and to be printed in the RECORD, as follows:

Joint resolution requesting Congress of the United States to remove the arrears-of-pension limit, and to pension survivors of rebel prisons, and soldiers and sailors who are disabled and dependent or who are sixty-two years of age.

Whereas the arrears-of-pension act passed by the Congress of the United States in the year 1879 provides that all pensions granted on application filed on or after July 1, 1880, shall commence from the date of filing such application; and

Whereas many brave and disabled soldiers were denied arrears under this act, and without any cause for this exclusion; and

Whereas pensions granted should be commensurate with the period of disability, without regard to the time of filing such application: Therefore,

Be it resolved by the senate and house of representatives of the State of Michigan, That the Congress of the United States be requested to repeal so much of the pension laws of 1879 as relates to the arrears limit, and that the act be so amended as to remove the limit altogether; and further, that the laws be so amended as to grant pensions to survivors of rebel prisons, without asking proof that disability was due to imprisonment, and to pension all honorably-discharged soldiers and sailors now disabled and self-dependent, or who are sixty-two years of age, or who may hereafter become disabled and self-dependent or arrive at the age of sixty-two years.

And be it further resolved, That we indorse the recommendations of the national pension committee of the Grand Army of the Republic.

Resolved, That the governor be requested to forward copies of this resolution to our Representatives in the Congress of the United States.

This joint resolution is ordered to take immediate effect.

CHAS. J. MONROE,
President pro tempore of the Senate.
DANIEL P. HARKEY,
Speaker of the House.

Approved February 4, 1887.

C. G. LUCE, *Governor.*

Mr. DAWES presented the petition of A. G. Willard and 18 women of Marlboro', Mass.; the petition of Anthony Doherty and 19 citizens of Fall River, Mass.; the petition of Patrick Quonn and 19 citizens of Cambridgeport, Mass.; and the petition of H. A. Raymond and 20 citizens of Somerville, Mass., representing that they are consumers of oleomargarine in their own homes, and stating that the license tax on oleomargarine is from five to fifty times higher than the license tax on whisky, beer, and tobacco, and praying for a reduction of the same; which were referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL. I present a petition to the Senators and Representatives from Missouri, but intended for Congress, signed by 110 members out of the 140 members of the lower house of the General Assembly of Missouri, and 19 senators out of the 34 senators composing the senate of the General Assembly of Missouri, petitioning for the passage of what is known as the Miller bill, or some other law upon the subject of pleuro-pneumonia, and also praying for legislation for the prevention of the Texas cattle fever. I move that the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HARRIS presented the petition of John T. Robeson, late United States consul at Beirut, praying for refund of money expended for clerk-hire; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 10795) granting a pension to Elenor C. Ransom, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 6312) for the relief of James M. Grigsby, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 6952) granting a pension to Charles Riddle, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6027) granting a pension to William McFadden, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 10473) granting a pension to William Reddick, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1347) granting a pension to William H. Reddick, moved its indefinite postponement; which was agreed to.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, to whom was referred the bill (H. R. 2998) granting a pension to Henry Mericle, reported it without amendment, and submitted a report theron.

He also, from the same committee, to whom was referred the bill (H. R. 8485) granting a pension to Isaac Askie, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5345) for the relief of Mary J. Gilbert, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7996) for the relief of William J. Mulvey, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1173) to correct the record of Captain Edmond G. Fechét, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9446) for the relief of Robert W. Spang, reported it without amendment, and submitted a report thereon.

Mr. CAMERON. I am directed by a majority of the Committee on Military Affairs, to whom were referred the bill (H. R. 506) for the relief of Eleanor T. Brookbanks and others; the bill (H. R. 527) for the relief of William Pike; the bill (H. R. 528) for the relief of Silas Quackenbush; and the bill (H. R. 529) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson, to report them adversely. I do not agree with the majority reports, and therefore beg leave to submit the views of the minority. I ask that the bills be placed on the Calendar.

The PRESIDENT *pro tempore*. The bills will be placed on the Calendar, and the views of the minority will be printed.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 2500) to amend section 3622 of the Revised Statutes of the United States, reported it without amendment.

Mr. MILLER, from the Committee on Finance, to whom was referred the bill (H. R. 1628) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company, of Baltimore, Md., reported it without amendment.

Mr. ALDRICH. I desire to say that a minority of the Committee on Finance dissent from the views expressed in the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond National Cemetery, near Richmond, Va., reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War, reported it without amendment.

He also, from the Committee on Pensions, to whom was referred the

bill (H. R. 9119) granting a pension to Robert Potts, reported it without amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 2835) granting a pension to Miss Juliet G. Howe, reported it with amendment, and submitted a report thereon.

Mr. PAYNE, from the Committee on Foreign Relations, to whom was referred a communication from the Secretary of State transmitting a letter from the Secretary of the Navy in relation to the acceptance by Rear-Admiral Ralph Chandler of a vase tendered him by the Emperor of Austria in acknowledgment of services rendered to His Majesty's corvette Donan, reported adversely thereon; and the committee were discharged from the further consideration of the subject.

Mr. BECK. The Senator from North Carolina [Mr. VANCE] was instructed by the Committee on Finance, to whom was referred the bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased, to report it without amendment, with a written report; and the committee have requested me to offer it during the temporary absence of the Senator from North Carolina.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BECK. The Senator from North Carolina [Mr. VANCE] was also instructed by the Committee on Finance, to whom was referred the bill (S. 415) for the relief of M. B. Pilkinton, executrix of Edward T. Pilkinton, deceased, for internal-revenue stamps lost on tobacco burned in his factory, to report it adversely and move its indefinite postponement.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed.

Mr. GORMAN, from the Committee on Commerce, who were instructed to inquire what legislation by Congress is necessary to provide the means for keeping open the navigation of the Potomac River when obstructed by ice and to report by bill or otherwise, reported an amendment to the District of Columbia appropriation bill, and moved its reference to the Committee on Appropriations and that it be printed; which was agreed to.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3170) to authorize the Secretary of War to exchange guns with the R. E. Lee Volunteer Battery, of Petersburg, Va., reported it with amendments, and submitted a report thereon.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 2140) authorizing the Secretary of the Treasury to establish a subport of entry and a port of call at Port Angeles, Washington Territory, moved its indefinite postponement, which was agreed to; and he reported a bill (S. 3274) to create a port of entry at Port Angeles, in the district of Puget Sound, Washington Territory; which was read twice by its title.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 228) for the relief of James Roach, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Whipple Barracks Military Reservation, in Arizona, reported it without amendment, and submitted a report thereon.

Mr. COKE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States, reported it with an amendment.

Mr. PLUMB, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the agricultural appropriation bill; which was referred to the Committee on Appropriations.

Mr. GEORGE, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss., reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 10658) to change the lines between the eastern and western judicial districts of North Carolina, reported it with an amendment.

Mr. EVARTS, from the Committee on the Judiciary, to whom was referred the bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district, reported it without amendment.

GOVERNMENT GROUND IN NEWPORT, R. I.

Mr. HAWLEY. I report from the Committee on Military Affairs the bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park, which came from the House of Representatives with an amendment, in which the committee recommends concurrence. I ask unanimous consent to have that concurrence adopted by the Senate now.

There being no objection, the Senate proceeded to consider the amendments of the House of Representatives, which were, in line 6, after the word "park," to strike out "during the pleasure of Congress;" and at the end of the bill to insert:

Provided, That such use of said property shall cease and be terminated whenever the Secretary of War shall elect and give notice of such election to the public authorities of said city; and upon such termination the United States may enter and reoccupy the same as upon a lease terminated; but no right or claim to damage by reason of such termination and reoccupation, nor for any cause growing out of any improvement made or other thing done by the said city under the right conferred by this act, shall accrue to said city or to any person against the United States, or any agent or officer thereof;

So as to make the bill read:

Be it enacted, &c., That the Secretary of War is hereby authorized to allow the city of Newport, State of Rhode Island, to use the land belonging to the United States upon which is situated Fort Greene, in said city, as a public park, and under such conditions as the Secretary of War may prescribe: *Provided*, That such use of said property shall cease and be terminated whenever the Secretary of War shall elect and give notice of such election to the public authorities of said city; and upon such termination the United States may enter and reoccupy the same as upon a lease terminated; but no right or claim to damage by reason of such termination and reoccupation, nor for any cause growing out of any improvement made or other thing done by the said city under the right conferred by this act, shall accrue to said city or to any person against the United States, or any agent or officer thereof.

Mr. HAWLEY. The amendments are eminently proper and I ask that the Senate concur in them.

The amendments were concurred in.

BILLS INTRODUCED.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3275) to increase the pension of James Woody; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BOWEN introduced a bill (S. 3276) granting an increase of pension to George W. Blake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3277) for the relief of James Pace; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3278) granting an increase of pension to George W. McAtee; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Maryland, introduced a bill (S. 3279) for the relief of James S. Crawford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 3280) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a joint resolution (S. R. 103) to authorize the Commissioner of the General Land Office to cause 7,500 copies of the map of the United States and Territories to be printed; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 104) for the relief of A. W. Hicks, messenger to House Military Committee, Forty-fifth Congress; which was read twice by its title, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MORRILL introduced a joint resolution (S. R. 105) for the preservation of the official correspondence, documents, and other historical material on file in the various legations and consulates of the United States; which was read the first time by its title.

Mr. MORRILL. I ask that the joint resolution be read at length. It is very brief.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That any and all diplomatic and consular correspondence and accompanying documents, which shall have remained on file in the legations or consulates of any of the diplomatic or consular representatives of the United States, upon any subject which shall have been finally determined and settled for the period of one year, shall be forwarded by the head of any such legation or consulate to the State Department at Washington, D. C., for file and preservation.

SEC. 2. That the Secretary of State is hereby instructed to take the necessary steps to carry this resolution into effect.

Mr. MORRILL. I should like to have the joint resolution lie on the table, and I shall call it up for consideration to-morrow.

The PRESIDENT *pro tempore*. That order will be taken.

Mr. GIBSON introduced a joint resolution (S. R. 106) authorizing the Joint Committee on the Library to purchase a picture of Andrew Jackson on trial before Judge Hall at New Orleans, La., in 1815; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO BILLS.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

SURVEY OF RAILROAD LANDS IN MONTANA.

Mr. VAN WYCK submitted the following resolution; which was read:

Resolved, That the Committee on Appropriations be requested to present and have read in the Senate any communication received from the Commissioner of the General Land Office showing the disposition of moneys appropriated here-

tofore for survey of public lands bearing upon the survey of railroad lands and of lands in the State of Nevada referred to in the debates in the Senate reported in the RECORD of February 2 and 3.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I have none whatever. I have a letter from the Commissioner of the General Land Office; I suppose that is what the Senator refers to. Does the Senator desire to have it read?

Mr. VAN WYCK. In the discussion of the question referred to in the resolution, as recorded in the RECORD of the 2d and 3d of February, appeared a statement which I at the time thought was strange, and I so expressed myself, because I thought the sympathies of the Commissioner of the General Land Office were in the direction of surveys such as we were seeking to have made. Therefore, upon desiring to know from the Commissioner of the General Land Office his attitude in that matter, I was informed that a letter had been written to the Committee on Appropriations fully explaining his position and what he had done in the matter; and I thought the easiest way to get that information before the country was to have the letter produced so that it might be read in the Senate and then go into the RECORD, as the charges had gone out, which were specific charges, that he had neglected his duty in using the money for certain surveys, and it was due to him and due to the public that a statement or explanation of the fact should be made known and appear in the RECORD.

Mr. ALLISON. I was not aware that any charges or statements had been made derogatory to the administration of the Land Office in that particular. I received a letter from the Commissioner of the General Land Office, addressed to me as chairman of the Committee on Appropriations, and if any Senator desires I will very gladly bring it in to-morrow morning and have it spread on the record.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. VAN WYCK. I will not press a vote on the resolution after the statement of the chairman of the committee. The resolution can go over until to-morrow, when the letter can be read.

The PRESIDENT *pro tempore*. The resolution will go over.

Mr. VEST. I want to say a word before the subject is dismissed.

I was very much surprised to receive a letter day before yesterday referring to an amendment which I had offered to the sundry civil bill appropriating $25,000 for the survey of railroad lands in Montana. The writer of the letter seemed to think that the amendment had been offered in the interest of the railroads. Instead of being in the interest of the railroads, it was just exactly what the railroads did not want and what they had been seeking to prevent. Those railroad lands now inside of the railroad grants are not subject to taxation by the Territory of Montana. The amendment was prepared by the Delegate from Montana, and I offered it at his request in order to subject the lands to taxation.

I wish to say further that I was not in the Senate at the time. The Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, raised the point of order on the amendment and it went out. Afterward the Senator from Nebraska (I happened to be absent on committee service) offered the amendment again, and I see from the RECORD it was adopted in a nebulous sort of fashion. I mean by that that it was not specified that $25,000 additional was to be appropriated for the survey of the railroad lands in Montana. It is not specified that the money shall be applied to that purpose, but the Senator from Nebraska said that the intention was that this additional appropriation should go to that purpose, and the chairman of the committee said that he so understood it.

Now, the important point is to know whether the Commissioner of the General Land Office will apply the money to that purpose or not. All that is obligatory upon him in the matter is what was said here in debate, and of course that is not mandatory, and he can follow it or not, as he chooses.

If anything that I can say will have any effect in making that money available for that purpose I want to say it; but I regret very much that the appropriation was not put in such terms that the money would be appropriated for that particular purpose specifically.

Mr. ALLISON. I will say in response to the Senator from Missouri that it is perfectly competent for the Commissioner of the General Land Office or the Secretary of the Interior to assign any money that we may appropriate for the survey of public lands to the survey of these particular lands, and it is a matter of administration. My objection to the amendment, as I stated at the time, was——

The PRESIDENT *pro tempore*. The Chair must remind the Senator from Iowa that there is nothing before the Senate.

Mr. ALLISON. So I understand. I ask unanimous consent just to finish the sentence.

The PRESIDENT *pro tempore*. The Senator from Iowa will proceed, there being no objection.

Mr. ALLISON. I was aware that I was not quite in order, but the Senator from Missouri raised the question, and I desired to respond.

The PRESIDENT *pro tempore*. The Chair will not raise the question of order.

Mr. ALLISON. If we undertake to make special appropriations for particular land surveys we shall be constantly making these special appropriations. I think it is wiser to make general appropriations and let the Land Office under a wise administration of its duties survey the lands which ought to be surveyed.

Mr. VAN WYCK. I think I was misunderstood by the Chair. I do not desire to withdraw the resolution, but only ask that it may go over until to-morrow.

The PRESIDENT *pro tempore*. The resolution goes over until to-morrow.

FORT BROOKE MILITARY RESERVATION.

Mr. CALL. If there is no further routine business I will move that the Senate proceed to the consideration of Senate bill 2814, Order of Business 1665. I desire to ask the indulgence of the Senate that the bill may be considered if it shall provoke no argument or discussion. I wish to state that it relates to the donation of a small piece of land immediately adjacent to the town of Tampa, in Florida, for educational purposes, and that it is very important that the land should be disposed of in some way so that access may be had to it by the people there, and that it may be available for purposes of settlement.

Mr. INGALLS. Is it part of the Fort Brooke Military Reservation?

Mr. CALL. Yes, sir.

Mr. INGALLS. Will not the Senator be good enough to state the facts in connection with it?

Mr. CALL. The only facts that I know of in connection with it are that the town has petitioned for this donation for educational purposes and that there is a scrip location upon it which it has been proposed to settle by some arrangement if it should be approved by the Interior Department. The bill provides for the land being taken up, and an amendment which I propose to offer also provides that the town, with the approval of the Secretary of the Interior, may sell a portion of the reservation and apply it to the compromise settlement of any homestead or other claims which may be alleged to be against it.

Mr. INGALLS. Is the bill before the Senate?

The PRESIDENT *pro tempore*. The Senator from Florida rose to move that the Senate proceed to the consideration of the bill.

Mr. INGALLS. Could we have the bill read for information first?

The PRESIDENT *pro tempore*. The business now in order is House bills under the rule adopted on motion of the Senator from Tennessee [Mr. HARRIS], pending which the Senator from Florida moves that the Senate proceed to the consideration of the bill (S. 2814) to donate to the town of Tampa, Fla., the Fort Brooke Military Reservation for the benefit of free schools, and for other purposes.

Mr. VOORHEES. I desire to call up——

The PRESIDENT *pro tempore*. The motion is not debatable nor amendable. The question is on the motion to proceed to the consideration of the bill. [Putting the question.] The noes appear to have it.

Mr. CALL. I ask for a division.

Mr. HARRIS. I hope the Senator from Florida will not insist on wasting time.

Mr. CALL. I have——

Mr. INGALLS. Is there not a pending order for the consideration of House bills?

The PRESIDENT *pro tempore*. There is a pending order, but the pending order may be set aside, on motion, by the Senate.

Mr. CALL. I shall not press the motion at this time in view of the circumstances.

LEGISLATIVE ASSEMBLY OF WASHINGTON TERRITORY.

Mr. VOORHEES. I do not pretend to know enough about the rules to know exactly where my resolution is, which I offered on Saturday. It went over to Monday, and yesterday it went over until to-day, and it is on the Calendar. It is a resolution to discharge the Committee on Territories from the further consideration of the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory. If it is in order, I ask that the resolution may be taken up and considered at this time.

Mr. HARRISON. I wish to say to my colleague with reference to the resolution, that the Senator from Connecticut [Mr. PLATT] who is not in his seat this morning, was the chairman of the subcommittee of the Committee on Territories having that matter in charge, and he desired to be present when the resolution was considered. I understand that he is detained at home by reason of the sickness of his wife.

Mr. BUTLER. I was on the subcommittee with the Senator from Connecticut [Mr. PLATT]. Of course I do not want anything done in his absence if he will be back in a reasonable time. Will the Senator from Indiana indicate when the Senator from Connecticut will be likely to be in his seat?

Mr. HARRISON. He was in the Senate yesterday and expected the resolution to come up. He said to me then that his wife was ill. He did not know whether he would be in the Senate to-day. His colleague can probably answer for him.

Mr. HAWLEY. Two afternoons after the morning business was over he has gone home because of the illness of his wife, and I do not know

whether he is going to be here this afternoon. I have no doubt his absence is due to the same cause.

Mr. BUTLER. As I am a member of the Committee on Territories, and a member of the subcommittee with the Senator from Connecticut, I should like very much indeed to have the matter disposed of. Therefore, if the Senator from Indiana will permit me, I give notice that the resolution will be called up to-morrow morning if possible. I am very anxious to get rid of it, as far as I am concerned.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for times and places for holding such courts, and for other purposes;

A bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y.; and

A bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas and Nebraska Railway, and for other purposes.

The message further announced that the House had passed the following bills:

A bill (S. 1071) for the relief of Frances W. Dyer; and

A bill (S. 2428) to grant certain seal-rocks to the city and county of San Francisco, State of California, in trust for the people of the United States.

The message also announced that the House had passed the following bills, with amendments; in which it requested the concurrence of the Senate:

A bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885; and

A bill (S. 712) for the erection of a public building at Augusta, Ga.

MAJ. G. W. CANDEE.

The PRESIDENT *pro tempore*. The first House bill in order under the special order will be stated.

The bill (H. R. 633) for the relief of Maj. G. W. Candee was announced as first in order.

Mr. INGALLS. Was there not a House bill reported from the District Committee passed over yesterday to await the arrival of the Senator from North Carolina [Mr. VANCE]? If so, I ask that it may now be taken up.

The PRESIDENT *pro tempore*. There was a bill passed over yesterday, which will be now considered if it is called for.

Mr. INGALLS. The Senator from North Carolina I see is in his seat.

ST. MARK'S PROTESTANT EPISCOPAL CHURCH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church.

The PRESIDENT *pro tempore*. The bill was read yesterday, and also the report of the Committee on the District of Columbia.

Mr. HARRIS. The trouble yesterday grew out of the fact that the printed report showed apparently the necessity of an amendment in the description of a certain lot, and the bill contained no such amendment. The report did not give the information which enabled any member of the committee to supply it. I therefore asked that it go over until the Senator from North Carolina [Mr. VANCE] who reported the bill should be present.

Mr. VANCE. I have not seen the bill since it was reported. I do not know what the objection was.

Mr. HARRIS. I suggest that the bill be informally passed over until the Senator from North Carolina can look at the report.

Mr. VANCE. I have just sent for the papers.

The PRESIDENT *pro tempore*. The bill will be passed over for the present.

MAJ. G. W. CANDEE.

The bill (H. R. 633) for the relief of Maj. G. W. Candee was considered as in Committee of the Whole. It provides for the payment to Maj. G. W. Candee, paymaster United States Army, of $2,650, being the amount stolen from him at Fort Arbuckle, Indian Territory, in the fall of 1869, and restored by him out of private funds; but the Court of Claims is to first find the loss of the funds to have been without fault or negligence on the part of the officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRYOR N. LEA.

The bill (H. R. 79) for the relief of Pryor N. Lea was considered as in Committee of the Whole. It provides for the payment to Pryor N. Lea of $1,919, in full discharge of his claim against the Government of the United States for rescuing three United States soldiers from a sandbar on the Mississippi River on the 1st of January, 1864, and for board, medical aid, and nursing given them while unable to return to their command, and also for board furnished other United States soldiers while guarding these sick soldiers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL CEMETERY NEAR DANVILLE, VA.

The bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery near Danville, Va., was considered as in Committee of the Whole. It makes an appropriation of $10,000 for the purpose of grading and paving Lee street, Danville, Va., along the entire front of the national cemetery, to its intersection with Jefferson street, and Jefferson street to its intersection with Paxton street, and Paxton street to its intersection with Holbrook street. Before any of the money shall be expended the city council of Danville is to pass and enter of record an ordinance pledging the city to keep in good condition and repair the approaches to the national cemetery thus improved by the Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DONATION OF CONDEMNED GUN-CARRIAGES.

The bill (H. R. 1143) authorizing the Secretary of War to deliver to the Somerville Grand Army of the Republic, of Somerville, Mass., four condemned gun-carriages, to be used for monumental purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. R. MARTIN.

The bill (H. R. 707) for the relief of J. R. Martin was considered as in Committee of the Whole. It proposes to direct the Postmaster-General to credit the account of J. R. Martin, late postmaster at Perry, Kans., with the sum of $125.62, on account of moneys received from the sale of postage-stamps and the rent of boxes, and the further sum of $278.35, on account of moneys received from the sale of money-orders; these amounts having been stolen from the safe in the post-office at Perry on the night of December 22, 1883.

The bill was reported to the Senate without amendment.

Mr. SAULSBURY. I desire to inquire if there is a provision there to refund money lost which had been received for the sale of postage-stamps.

The PRESIDENT *pro tempore*. The bill will be again read.

The Chief Clerk read the bill.

Mr. SAULSBURY. It has not been customary in the Committee on Post-Offices and Post-Roads to make any allowance for losses of money arising from the sale of postage-stamps. That is a subject over which the Postmaster-General himself has complete control, and this bill proposes to reverse the practice of Congress in that regard for a number of years. When postage-stamps have been sold the receipts become the money of the postmaster, and he can deposit it in bank if he sees fit. It is different from postal-order money, because the postmaster is compelled to keep the postal-order money on hand to meet the postal orders that come to his office; but if the postmaster fails to take proper precautions to take care of the money arising from sales of postage-stamps, that is his own loss. To that provision of the bill I am opposed. I move to strike out that provision which applies to money from postage-stamps.

Mr. SAWYER. I hope that will not be done. The committee have examined the case very carefully. Frequently they have not reported bills where postal money was lost, but within the last few months they thought they were too severe in that respect, and hence adopted a different rule from that heretofore prevailing. I hope the bill will not be amended.

Mr. SAULSBURY. I have no doubt that the loss has been sustained as represented by the postmaster, but for the twelve years that I have been connected with the Committee on Post-Offices and Post-Roads we have invariably refused to pass bills in that committee to restore the money lost which had been received for postage-stamps for two reasons. First, it removes the precaution from the postmasters to guard well their funds, and if you pass this bill then all the claims that we have rejected in the last ten, fifteen, or twenty years will come up, having as much equity and claim on Congress as this. It will open up all the back cases which have been disposed of, and they will be coming back to Congress for the same relief that is given in this case. I therefore move to strike out that provision relative to postage-stamps.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 5, after the word "sum," it is proposed to strike out "of $125.62, on account of moneys received from the sale of postage-stamps and the rent of boxes and the further sum;" so as to make the bill read:

Be it enacted, &c., That the Postmaster-General of the United States is hereby authorized and directed to credit the account of J. R. Martin, late postmaster at Perry, Kans., with the sum of $278.35, on account of moneys received from the sale of money-orders; the above amount having been stolen from the safe in the post-office at Perry, Kans., on the night of December 22, 1883.

Mr. SAWYER. Before that is voted on I should like to have the

report of the committee read. ["Oh, no!"] I withdraw the request. We have reported no bills from that committee where the Postmaster-General did not say that the loss occurred without any fault or negligence on the part of the postmaster. Of course, it is immaterial to me; but I obeyed the instructions of the committee in reporting the bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware. [Putting the question.] The nays appear to have it.

Mr. SAULSBURY. This is a precedent now which, if set, will come up hereafter to plague us. Innumerable claims of this character have been passed by. The general policy of the Post-Office Department is not to allow them, and the general law provides that it shall not allow them. This is an alteration of the general law on that subject. We have now for the last twelve years to my knowledge, in the Post-Office Committee, refused to depart from the general provisions of the law in that regard. This is to become a precedent not only to bring back all the cases we have passed over where there has been a disallowance for loss of money arising from the sale of postage stamps, but if we pass this bill of one hundred and odd dollars it will cost the Government thousands upon thousands of dollars. Besides, it will tend to remove that precaution from the postmasters which they ought to exercise over their funds.

In reference to postal money-order funds, they are compelled to keep those by them in order to meet the money-orders that come to their offices, but they are not compelled to keep over the money which they have derived from the sale of postage stamps. They can put it in the vaults of a bank. That becomes their own money. It is a very small matter, but it will be a precedent that will cost this Government a large amount of money, not only for the losses that may occur in the future, but in bringing back all the cases which have been heretofore disposed of and refunding losses of this character. I hope, therefore, the bill will not pass.

The PRESIDENT *pro tempore*. Does the Senator object to the consideration of this bill?

Mr. SAULSBURY. I object to it.

The PRESIDENT *pro tempore*. Objection being made, the next case will be reported.

Mr. SAWYER. I move to proceed with the consideration of the bill notwithstanding the objection.

Mr. HARRIS. That is legitimate under the rule.

The PRESIDENT *pro tempore*. The motion is in order. The Senator from Wisconsin moves that the Senate proceed with the consideration of this bill, the objection to the contrary notwithstanding.

The motion was agreed to, and the Senate resumed the consideration of the bill.

Mr. WILSON, of Iowa. Mr. President, this case is not without merit. The committee considered it carefully, and in view of the possible opposition that might be assumed in the Senate that it would be establishing a dangerous precedent, among other documents submitted to the committee was a letter from the assistant attorney-general for the Post-Office Department, and that letter, which briefly condenses the preceding subject-matter that is embraced in the committee's report, is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., March 2, 1886.

SIR: In compliance with your verbal request of this morning, I have the honor to transmit herewith a copy of the report made February 28, 1884, by John M. Crowell, post-office inspector, concerning the burglary of the post-office at Perry, Kans., December 22-23, 1883.

It appears from the records of this office that Joseph R. Martin, who was postmaster at said office at the time of the burglary, made claim for credits of $423.51, on account of money-order funds, and of $96.93 on account of postage-stamps lost by the said burglary.

The amount claimed for stamps was allowed by Postmaster-General Gresham, March 28, 1884, and $145.16 was allowed for the money-order funds. From the memoranda in the case, it appears that the remainder of the amount claimed on account of money-order funds was disallowed, for the reason that Mr. Martin had failed to remit the same to his depository, as required by section 1081, Postal Laws and Regulations of 1879, the failure to so remit being so regarded as having contributed to the loss.

It appears from the records of the Auditor's Office that Mr. Martin had made a remittance December 20, 1883 (two days previous to the burglary), and it is alleged, as a reason for not making remittances on the 21st and 22d of December, that he was ill, which statement seems to be supported by the statement of the inspector.

The disallowance of $298.33 of the amount claimed appears to have been the result of a very strict application of the regulation referred to, and not because of any willful delay or negligence on the part of Mr. Martin.

Very respectfully,

EDWIN E. BRYANT,
Assistant Attorney-General, Post-Office Department.

Hon. WILLIAM WARNER,
House of Representatives.

I submit, Mr. President, that that letter of the Assistant Attorney-General presents a fair case, under the facts of which we may very properly extend the relief proposed by this bill to that postmaster.

The PRESIDENT *pro tempore*. The Chair will put the question again on the amendment proposed by the Senator from Delaware [Mr. SAULSBURY].

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

RE-ARRANGEMENT OF ADJUTANT-GENERAL'S DEPARTMENT.

Mr. SEWELL. I ask to take from the table the bill in relation to the Adjutant-General's Office, for the purpose of reference.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the bill referred to by the Senator from New Jersey, being the bill (H. R. 10804) to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army.

Mr. SEWELL. That bill has been lying on the table. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. SEWELL. I now report the bill favorably from the Committee on Military Affairs, a Senate bill on the same subject in the same terms having been previously reported by the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

FRANCIS M. BELL.

The bill (H. R. 2086) for the relief of Francis M. Bell was considered as in Committee of the Whole. It provides for the payment of whatever claim may be found due and audited by the Auditor of the Treasury for the Post-Office Department in favor of Francis M. Bell, postmaster at Tyrone, Pa., for clerk-hire from April 30, 1877, to June 30, 1878, not exceeding $525.41.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. GOODRICH.

The bill (H. R. 5652) for the relief of James W. Goodrich was considered as in Committee of the Whole. It proposes to pay to James W. Goodrich $403.97, to indemnify him for loss of postal funds sustained by him and caused by the robbery of the post-office in Haverhill, Mass., in February, 1884.

Mr. COCKRELL. I should like to ask the Senator from Wisconsin [Mr. SAWYER], who reported this bill, or the Senator from Iowa [Mr. WILSON], why not put in a clause giving the Postmaster-General authority to pass upon and adjudicate claims for losses of this character, the same as for the other kind of losses in the general bill which we passed some years ago? That would relieve Congress of the labor of considering all these individual cases.

Mr. WILSON, of Iowa. I would say in reply to the Senator from Missouri that it may be very well to pass some general bill of that kind, but such a proposition as an amendment to a private bill of this character would hardly be in place. It is a subject, however, that may very well be considered in the committee, and it is possible that it may conclude to report some general bill under which the Postmaster-General may act.

Mr. COCKRELL. It is perfectly in order upon this bill.

Mr. WILSON, of Iowa. Yes, but it would be very much out of place.

Mr. COCKRELL. It would secure the enactment of it at this session and relieve Congress hereafter.

Mr. WILSON, of Iowa. A general proposition of this kind on a private bill would be hardly germane to it.

Mr. COCKRELL. It has often been done here.

Mr. SAWYER. The committee are considering that subject, and I think they will perhaps report such a bill at this session, and I am decidedly in favor of it, so as to reach these cases.

Mr. COCKRELL. The easiest way is to just put an amendment on one of these bills which has been passed by the House, and then after a conference the matter may be settled.

Mr. SAWYER. I have no objection if the Senator has an amendment prepared.

Mr. COCKRELL. I have sent for a copy of that law, but the page has not got back yet with it.

Mr. WILSON, of Iowa. I think it would be a dangerous proceeding to put an amendment of that kind prepared on the spur of the moment upon a bill of this character, involving as it would such great interests of the Government.

Mr. COCKRELL. It would simply extend the provisions of the existing law to losses of this kind. The other law has been guarded and has been passed upon and acted on for years; and now to simply extend the provisions of that law to this class of cases could, it seems to me, do no possible harm. It would not be enacting a new law, but would be simply making the existing law applicable to this class of cases.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID W. LOW.

The bill (H. R. 5651) for the relief of David W. Low was considered as in Committee of the Whole. It provides for paying to David W. Low $603.90, to indemnify him for loss of postal funds sustained by him and caused by robbery of the post-office in October, 1883.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. There is. The report will be read

The Chief Clerk read the following report submitted by Mr. SAWYER January 12, 1887:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5651) for the relief of David W. Low, have examined the same, and report:

That the committee have examined the proofs in this case and are satisfied that the report of the House committee is correct. It is adopted, and is as follows:

"On the night of October 1, 1883, the office of David W. Low, postmaster at Gloucester, Mass., was entered by burglars, who broke into the safe and took and carried away the following property, namely:

Postage-stamps	$584 42
Money-order funds	659 93
Postal funds	727 36

"The postmaster appears to have used due care in the protection of the property, and the loss was through no fault of his.

"The Postmaster-General, on proof of the facts, has credited the postmaster at Gloucester with the loss of stamps and money-order funds, and certifies that he has not allowed the item for postal funds simply because he has no authority in law to make such allowance.

"In view of the premises, the committee are of opinion that this item should be allowed, and report back the bill with a favorable recommendation."

The bill is herewith reported to the Senate with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYSANDER H. CARROLL.

The bill (H. R. 1455) for the relief of Lysander H. Carroll, was considered as in Committee of the Whole. It appropriates $194.24 to reimburse Lysander H. Carroll, late postmaster at Concord, Merrimack County, New Hampshire, for money received for stamps stolen by burglars from the post-office at that place on the night of September 5, 1883.

Mr. COCKRELL. Let the report in that case be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SAWYER January 12, 1887:

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1455) for the relief of Lysander H. Carroll, have examined the same, and report:

That an examination of this case satisfies the committee that the House report is correct. It is adopted, and is as follows:

The Committee on Claims, to whom House bill 1455 was referred, having considered the same, respectfully report the same back with a recommendation that it do pass.

The accompanying documents are made a part of the report:

POST-OFFICE DEPARTMENT,
OFFICE OF ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., January 29, 1884.

SIR: In reply to your inquiries concerning the burglary of the post-office at Concord, N. H., I have the honor to state:

(1) That this Department has absolutely no means of ascertaining the amount of "postal" funds in the possession of a postmaster at a given date.

(2) From the evidence filed in the case, it appeared that the loss occurred through no fault or negligence of the postmaster; and he was therefore allowed a credit of $86.18 for money-order funds, and $534.11 for postage-stamps lost by the burglary referred to.

(3) There has been no evidence filed to show that the postmaster was guilty of any violation of law or regulation touching the custody of such funds.

(4) All papers filed in the case were transmitted on the 12th instant to Hon. ELI SAULSBURY, of the Senate Committee on Post-Offices and Post-Roads, for consideration in connection with a bill similar to the one inclosed.

Very respectfully,

A. A. FREEMAN,
Assistant Attorney-General, Post-Office Department.

Hon. OSSIAN RAY,
House of Representatives.

CONCORD, N. H., *January* 25, 1886.

SIR: I wish to present, through you, to the House Committee on Claims, a statement relative to my loss by burglars, which occurred September 5, 1883. The Concord post-office is a depository office. A hundred and eighty or more fourth-class postmasters deposit at this office the balance due the Government from them quarterly. The money so received, and when received, is placed in the safe with other postal funds, and deposited in the bank as frequently as the amount is sufficiently large for a deposit. I usually kept my cash deposited up very closely. The safe in the office was purchased and put there by the Post-Office Department, and was placed in the most exposed position, being near the sidewalk, and a gas-jet kept burning during the night within 6 feet of the safe-door. This office is also a paying office of railway postal clerks, who register at this office.

On the last day of August, 1883, I drew my check and took money from the bank sufficient to meet the demands of my monthly pay-roll. Previous to the burglary I had paid all who were on the pay-roll except John E. Skinner, a postal clerk running on the route from Richford, Vt., to Concord, N. H. It being his week off duty, he had not received his pay as usual. The amount, being $75.82, was placed in an envelope and put with the pay-roll, and locked in an iron vault in the safe. This amount, $75.82, was a part of the $194.24 in cash which the burglars took from the safe. Of course it is impossible for me to tell whether the money so stolen was a part of it, postal funds, or money that had been received on deposit from other offices, as my practice was to keep but one package before depositing in the safe-vault. As the $75.82 had been once deposited in the bank and drawn therefrom, it could not possibly be the same money received by me as postal funds.

L. H. CARROLL.

Hon. J. H. GALLINGER,
Washington, D. C.

STATE OF NEW HAMPSHIRE, *Merrimack, ss:*

JANUARY 25, 1886.

Personally appeared the above-named L. H. Carroll, and made oath that the above statement by him subscribed is true.

Before me,

ROBT. A. RAY, *Justice of the Peace.*

The bill is herewith reported to the Senate with a recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK SHUTT.

The bill (H. R. 8297) for the relief of Frank Shutt was considered as in Committee of the Whole. It proposes to pay to Frank Shutt, postmaster at Litchfield, Ill., $193.40, to reimburse him for postal funds stolen out of his safe on the 10th of November, 1885.

Mr. COCKRELL. I would now suggest to Senators on the Post-Office Committee that a new section be added to this bill which shall authorize the Postmaster-General to adjust claims of this character under the law approved March 17, 1882, giving him the same authority in regard to claims of this class that he has over claims of the class specified in that act. That law was well guarded; it has been in operation now nearly five years, and this would simply extend an existing law without any new provisions or new machinery.

Mr. CULLOM. This bill covers a very small sum of money, and I know all about the merits of the case. It is a House bill, and I hope it will not be amended so as to interfere with its passage.

Mr. COCKRELL. The amendment I suggest does not affect the passage of the bill at all. A conference committee will be appointed, and the matter will of course be adjusted at this session, and two or three days can make no difference. Here are five or six cases now that we have had, and we probably shall have every session of Congress increasing numbers of these cases until the committees will be overburdened with them. We passed, in 1882, a general law covering certain claims for losses. Now why not extend it? It does not interfere with the passage of the bill.

Mr. HALE. If you put on this amendment why not have a committee of conference appointed at once?

Mr. COCKRELL. That is what I say. As soon as the amendment is agreed to there can be a committee of conference, and the matter can be adjusted.

Mr. CULLOM. I do not know that I have any objection—certainly not to a general provision of law on the subject—but it occurs to me that that general provision ought to be outside of a private bill like this.

Mr. COCKRELL. It can not make any difference. Some of the most important legislation in the annals of this country has been on bills of that kind.

The PRESIDENT *pro tempore*. The Senator from Missouri will send up his amendment.

Mr. COCKRELL. There is another bill that I can put it on.

Mr. CULLOM. I hope this bill may be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TERRITORY SOUTH OF KANSAS.

The bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas was considered in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That the laws of the United States, except those providing for pre-emption, timber-culture, and desert-land entries of the public lands, are hereby extended over the unorganized territory south of the States of Kansas and Colorado, and between the Indian Territory and the Territory of New Mexico, and north of Texas, known as the public-land strip; and that for the purpose of the execution of said laws said public-land strip is hereby created a land district, and is attached to the judicial district of Kansas; and the subdivisional lines of townships in said public-land strip may be surveyed under current appropriations for the surveying service, the work to be done under the direction and supervision of the Secretary of the Interior. Until the establishment of civil government in said territory, lands therein may be entered for town-site purposes, for the several use and benefit of the occupants of such town-sites, by such trustee or trustees as may be named by the Secretary of the Interior for that purpose, such entries to be made under the provisions of section 2387 of the Revised Statutes, as near as may be; and when such entries shall have been made, the Secretary of the Interior shall provide by regulation for the proper execution of the trust in favor of the inhabitants of the town site, including the survey of the land into lots, according to the spirit and intent of said section 2387 of the Revised Statutes, whereby the same result would be reached as though the entry had been made by a county judge, and the disposal of the lots in such town-site, and the proceeds of the sale thereof, had been prescribed by the legislative authority of a State or Territory: *Provided*, That no more than 320 acres shall be embraced in one town-site entry.

Mr. COCKRELL. The Senator from Kansas [Mr. PLUMB] who reported the bill was here just a moment ago, and I called his attention to it, and he said he was awaiting a report from the Interior Department and desired that the bill should keep its place on the Calendar and not be considered this morning. I therefore make that request.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over without prejudice.

CONNECTICUT PORTS OF ENTRY.

The bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry instead of Middletown, was announced as next in order.

Mr. PLATT. The Senator from Maine [Mr. FRYE] who reported the bill from the Committee on Commerce may as well state the reason why that bill can not be acted on this morning.

Mr. FRYE. The Senator from Connecticut has requested that there be some delay in the consideration of this bill on account of a hearing

which is to be had before the Committee on Commerce by vote of the committee touching this bill. Therefore I ask that it may be passed over without objection.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

MOBILE AND OHIO RAILROAD COMPANY ACCOUNTS.

The joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company was announced as next in order.

Mr. CAMERON. I think that bill had better go over in the absence of the Senator from Georgia [Mr. BROWN].

Mr. WALTHALL. I appeal to the Senator from Pennsylvania to withdraw his objection. The joint resolution has gone through the Senate once; it has been reported upon twice favorably in the Senate and three times in the House of Representatives.

Mr. CAMERON. I withdraw my objection.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The preamble recites that by act of Congress approved February 27, 1875, entitled "An act to provide for settlement with certain railway companies," the Secretary of War and the Attorney-General were authorized to make such abatements in the accounts of the companies named in the act as they might find just; that the Secretary of War and the Attorney-General having determined and agreed upon a basis for such abatements and settlements, it was found that the Mobile and Ohio Railroad Company had so far paid its accounts that the abatements determined upon would not only extinguish the balance claimed against the company, but would also require the return of a portion of the money already paid by it; and that the act not making any appropriation or provision for the return of any money, no settlement was made with the Mobile and Ohio Railroad Company as contemplated by the act, and its accounts still remain unadjusted and unsettled.

The resolution therefore authorizes the Secretary of War and the Attorney-General jointly to adjust and finally settle the accounts of the United States with the Mobile and Ohio Railroad Company for property received from the United States in the years 1865 and 1866, as provided for in the act of Congress approved February 27, 1875.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

SURETIES OF JOHN HOW.

The bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties, was considered as in Committee of the Whole. It proposes to release Samuel T. Glover, James O. Broadhead, and Gerard B. Allen, sureties of the late John How, formerly Indian agent at the Western Shoshone agency, Nevada, on the official bond of How, from any and all liabilities of every kind and nature on or growing out of the bond.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF JOEL C. FRAZIER.

The bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased, was considered as in Committee of the Whole. It provides for the payment of $1,908 to Caleb W. West, administrator *de bonis non* of the estate of Joel C. Frazier, deceased, late of Harrison County, Kentucky, for quartermaster's stores, consisting of horses, wood, &c., taken from Frazier by the military forces of the United States.

The bill was reported to the Senate without amendment, ordered to a *third* reading, read the third time, and passed.

YOUNG WOMAN'S CHRISTIAN HOME.

The bill (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. B. DAWSON.

The bill (H. R. 5326) for the relief of E. B. Dawson was considered as in Committee of the Whole. It proposes to appropriate to E. B. Dawson $66.52, as relief for damages sustained by him through the breaking open of his safe and stealing therefrom the Government money, in April, 1883, while Dawson was postmaster at Boonton, N. J.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS EASTERN BRANCH OF POTOMAC.

The bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. COUSINS.

Mr. HARRIS. Yesterday Order of Business 1717, being the bill (H. R. 4839) for the relief of E. P. McNeal, was informally laid aside because of the absence of a Senator. I now ask that the Senate proceed with its consideration.

Mr. CAMERON. Will not the Senator give way until we take up the next bill on the Calendar?

Mr. HARRIS. If the Senator desires it I will postpone my request until that has been disposed of.

The bill (H. R. 2173) for the relief of George W. Cousins was considered as in Committee of the Whole. It is a direction to the Secretary of War to cause the records to be so amended as to remove the charge of desertion from the record of George W. Cousins, late a private in Company K, One hundred and fourth Regiment Pennsylvania Volunteers, and to grant an honorable discharge to him, with all the pay and emoluments due him at date of expiration of his term of service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. P. M'NEAL.

Mr. HARRIS. I move now to proceed to the consideration of Order of Business 1717, passed over informally yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4839) for the relief of E. P. McNeal.

Mr. HARRIS. The claimant in this case has died within a month or two. I therefore propose, in line 4, after the word "to," where it occurs the second time, to insert "the personal representatives of," and after the word "McNeal," in the same line, to insert "deceased, late of;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the personal representatives of E. P. McNeal, deceased, late of Hardeman County, Tennessee, the sum of $12,781.81, out of any moneys in the Treasury not otherwise appropriated, the same to be in full compensation for all property taken from the said McNeal by the United States Army during the war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read "A bill for the relief of the personal representatives of E. P. McNeal."

Mr. HARRIS. I move that the Senate insist on its amendments and ask for a conference thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DOLPH, Mr. SPOONER, and Mr. HARRIS were appointed.

TRANSFER OF APPROPRIATIONS.

Mr. HALE. I ask now to take up a bill which was passed over informally in my absence yesterday, Order of Business 1866.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer certain appropriations.

The bill was reported from the Committee on Appropriations with an amendment, after the word "eighty-five," in line 8, to insert:

And the accounting officers of the Treasury are authorized and directed to allow the suspended account of George B. Loring, late Commissioner of Agriculture, the several sums which were expended by him in the purchase of sorghum seed and beet seed, and for labor in the distribution of the same, from October 1, 1884, to September 30, 1885, inclusive, which expenditures were made from the laboratory fund, so called, and which the First Comptroller of the Treasury has decided not to be properly chargeable to said fund, said allowance not to exceed the sum of $20,807.80.

So as to make the bill read:

Be it enacted, &c., That the Commissioner of Agriculture be, and is hereby, authorized to transfer from the unexpended balance of the appropriation for a laboratory, Department of Agriculture, 1885, a sum not to exceed $1,800, to the appropriation for purchase and distribution of valuable seeds, 1885; and the accounting officers of the Treasury are authorized and directed to allow the suspended account of George B. Loring, late Commissioner of Agriculture, the several sums which were expended by him in the purchase of sorghum seed and beet seed, and for labor in the distribution of the same, from October 1, 1884, to September 30, 1885, inclusive, which expenditures were made from the laboratory fund, so called, and which the First Comptroller of the Treasury has decided not to be properly chargeable to said fund, said allowance not to exceed the sum of $20,807.80.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HALE. I move that the Senate insist on its amendments and ask for a conference.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HALE, Mr. DAWES, and Mr. GORMAN were appointed.

HENRY A. PAUS.

The next House bill on the Calendar was announced to be the bill (H. R. 1261) for the relief of Henry A. Paus.

Mr. WILSON, of Iowa. I ask that Order of Business 1975, being the bill (S. 1049) for the relief of Clement A. Lounsberry, be taken up. It is a small bill, but it is important to the claimant. It is the next in order on the Calendar.

The PRESIDENT *pro tempore*. That can only be done by unanimous consent. The Senator from Iowa moves to proceed to the consideration of the Senate bill named by him.

Mr. MANDERSON. I hope the Senator from Iowa will let the bill be considered that has been stated by the Secretary. It is now regularly in order.

Mr. HARRIS. I ask the Senator from Iowa if there is a House bill he wants to consider similar to the Senate bill he proposes to take up?

Mr. WILSON, of Iowa. I withdraw the motion until after the pending bill is disposed of.

Mr. CONGER. I was rising to inquire about Order of Business 1975. Is it passed?

Mr. WILSON, of Iowa. That is the bill I just moved to proceed to the consideration of.

Mr. HARRIS. That is a Senate bill.

The bill (H. R. 1261) for the relief of Henry A. Paus was considered as in Committee of the Whole. It is a direction to the Secretary of War to remove the charge of desertion resting upon the military record of Henry A. Paus, late a private in Company K, Nineteenth Regiment Illinois Volunteers, and to issue to Paus an honorable discharge from that organization as of the 20th day of April, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. MARK'S PROTESTANT EPISCOPAL CHURCH.

Mr. VANCE. Order of Business 1696, being House bill 1993, was passed over informally on account of my absence from the Chamber. I ask now that it be taken up and passed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church in the District of Columbia.

Mr. VANCE. I wish to say that the statement in the report that there was an amendment needed is a mistake. The bill was reported, as the RECORD shows, without amendment, as it came from the other House; and it was stopped on its passage before in order to make an inquiry as to the discrepancy between the report and the bill in that respect. I have investigated it, and that is the case. It was not amended in the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The bill has already been read at length.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN NEGOTIATIONS.

Mr. DAWES. I move to take up Order of Business 1637, being the bill (S. 2789) to authorize the Secretary of the Interior to negotiate with the Shoshone and Bannock tribes of Indians for the relinquishment of their title to so much of the lands of the Fort Hall reservation, in Idaho Territory, as is required for the uses and purposes of the Utah and Northern Railway Company and the Oregon Short-Line Railway Company, either separately or conjointly. It will involve no debate, I presume.

The PRESIDENT *pro tempore*. The Senate is acting under a special order which limits consideration to House bills.

Mr. HARRIS. I think we can get through with them to-day.

The PRESIDENT *pro tempore*. The next House bill will be stated.

FARAN & M'LEAN.

The bill (H. R. 1776) for the relief of Faran & McLean was announced as next in order.

Mr. MILLER. Let us have the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report submitted from the Committee on Claims by Mr. SPOONER, January 19, 1887, but before concluding was interrupted by—

Mr. MILLER. I object to the consideration of the bill. It is unnecessary to continue the reading,

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. MORRILL. The last case that has been considered I should like to make an objection to for the present. I want to look at it.

The PRESIDENT *pro tempore*. It has been objected to.

RACHAEL J. FLOYD.

The bill (H. R. 2053) for the relief of Rachael J. Floyd was considered as in Committee of the Whole.

The preamble recites that Frank B. Floyd entered the United States naval service as a machinist December 6, 1873; served on the Intrepid and Alarm; was discharged February 21, 1876; immediately re-enlisted as a machinist; served until he was discharged, May 5, 1879; immediately re-enlisted and served until he died, April 25, 1882; and that the deceased at the time of his death had but one month and fourteen days' additional service to perform in order to complete the term of his last enlistment, and in order to entitle him to the gratuity provided under the act approved June 16, 1880, entitled "An act relating to machinists in the Navy." Therefore the bill provides for the payment to Rachael J. Floyd, widow of the deceased, $510, being the proportion earned during the time served of the gratuity for continuous services of the deceased as a machinist in the Navy provided for under the act of June 16, 1880.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

CONVICT LABOR.

The bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America, was considered as in Committee of the Whole. It declares that it shall not be lawful for any officer, agent, or servant of the Government of the United States to contract with any person or corporation, or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated, to hire or contract out the labor of said criminals, or any part of them, who may hereafter be confined in any prison, jail, or other place of incarceration for violation of any laws of the Government of the United States of America.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. BLAIR January 19, 1887:

The Committee on Education and Labor, to whom was referred House bill 1622, prohibiting the hiring or contracting of convict labor to private individuals, having considered the same, report it favorably, and recommend its passage.

This bill is designed to relieve the law-abiding laborers and producers of this country from the burden of competition with the production now thrown upon the market by combination between private capital, assisted by the State, and cheap labor, made so by its involuntary servitude for crime. It is not aimed at production which may be placed upon the market by virtue of the employment on behalf of the State of criminals whose support would otherwise be wholly charged upon the honest industry of the country.

It is not meant to relieve criminals from hard labor, but to substitute employment by the State itself, with its common interest for all and its responsibility for the humane and reformatory policy toward the criminal classes for the abuses which are invited, and which too often arise from the contract system of which there is such general complaint.

This bill has passed the House of Representatives three times, and the committee feel that public sentiment requires early action by the Senate.

The report of the House committee is appended as a part of the report of your committee.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BLAIR. I ask unanimous consent that the House report be printed in connection with the Senate committee's report, which has been read, and it makes the House report a part of it, but that has not been read.

The PRESIDENT *pro tempore*. If there be no objection it will be so done.

The report of the Committee on Labor of the House of Representatives is as follows:

[House Report No. 217, Forty-ninth Congress, first session.]

The Committee on Labor, to whom was referred House bill 1622, respectfully report:

That the bill is identical with the amended bill as it came from the Committee on Labor of the Forty-eighth Congress; that it was accompanied with a carefully drawn report (Report No. 1064, Forty-eighth Congress, first session), and was placed on the Calendar, but failed to be reached. The same reasons which then called for the enactment of such a law still exist. Your committee therefore unanimously recommend its passage.

The Committee on Labor, to whom was referred House bill 995, respectfully report that the object sought to be accomplished by said bill is the abolition of what is known as the contract convict-labor system, so far as the prisoners of the United States are concerned.

The United States Government does not own or maintain jails and penitentiaries for its criminals, except as noted below, but its prisoners are sent to the jails, penitentiaries, State prisons, or houses of correction belonging to the several States, under different arrangements as to cost of maintenance to the Government.

The exceptions spoken of are as follows: The Government owns a penitentiary in each of the following Territories: Idaho, Montana, Utah, Washington, and Wyoming, and a jail in Western Arkansas and in the District of Columbia. The number of prisoners of the United States confined in the penal institutions of the several States, according to the Department of Justice, is about as follows:

California	25
Connecticut	11
Illinois	138
Indiana	45
Iowa	15
Kansas	10
Kentucky	1
Maine	5
Minnesota	19
Massachusetts	4
Michigan	250
Missouri	16
Nebraska	2
New Hampshire	19
New Jersey	13
New York	319
Ohio	10
Oregon	11

Pennsylvania	50
Rhode Island	3
Tennessee	5
Texas	10
Vermont	4
West Virginia	28
Wisconsin	18
Total	1,021

The system of contracting out the labor of the criminals obtains in most of these States. The State of California, under a provision of its new constitution, prohibits the employment of convict labor under the contract system, and requires the employment of such labor after January 1, 1882, on behalf of the State. The State of Michigan also has the State account system. The State of Maine and the penitentiary in Eastern Pennsylvania have non-contract systems. In the penal institutions of these non-contract States there are about three hundred of the criminals of the United States Government.

In the State of New York, at the last annual election the question of the abolition of the contract system was submitted to the popular vote. The result was as follows: A total of 673,534 votes were cast, with a majority for the abolition of the system of 138,856. This was the largest vote ever cast in the State of New York upon any proposition submitted to the people by nearly 50,000. During the present session of the Legislature of that State the following law has been enacted:

"The superintendent of State prisons, or any other authority of this State, shall not renew or extend any existing or pending contract, or make any new contract for the employment of any convicts in any of the prisons, penitentiaries, or reformatories of this State."

In the penal institutions of the State of New York, as has been stated, are over three hundred of the criminals of the United States Government. Add this number to those now in the prisons of non-contract States, and we have over six hundred, or three-fifths of the United States' prisoners, now serving sentences in the various penal institutions of the country.

At a convention of the National Prison Reform Association, held in New York on February 26, 27, and 28, this year, various schemes of reform were advocated, and the contract system was generally denounced.

Mr. Eugene R. Smith, of the New York Prison Association, said that it would be cheaper for the State of New York to board all of its prisoners at the Fifth Avenue Hotel, if it could insure their reformation, than to maintain the present system.

The advocates of the contract system were unable to refute the statements of those who maintained that under the contract system the reformatory character of the prisons has wholly disappeared, and that by it the tendency is that the convicts are confirmed in their evil ways.

Hon. Charles F. Peck, commissioner of the bureau of labor statistics of the State of New York, in his report of January 10, 1884, says:

"Notwithstanding the fact that this order was made by the Attorney-General of the United States"—

The order sending to the several penal institutions of the State its convicts—"under a law of Congress, I was unable to reconcile the idea that there was not some more potent reason behind all, and pursued the line of inquiry till I discovered the disgraceful fact that both the officials of our State prisons and the county penitentiaries had openly bid for the privilege of maintaining United States convicts free of all expense to the National Government."

And further:

"As the result of the contract between the Erie County penitentiary officials and the Department of Justice at Washington, the State of New York is to-day supporting United States criminals free of all expense to the National Government, and in their inhuman greed to make their penitentiary pay in dollars and cents two convicts are crowded into one cell, and the rights of honest, free laborers outraged."

The evils of the contract system are many, but your committee deem it necessary to only mention the following:

1. The contract system is wholly adverse to reform, and therefore should be abrogated. The prisoners are treated as if they were so many dumb beasts, being driven to their daily tasks by men whose aim is to get a certain amount of work out of them each day.

Dr. Wines says:

"It places for the entire working day all the prisoners contracted for, to a great extent, under the control of men with no official responsibility; men who see in the convict only so much machinery for making money; men whose only, or, at any rate, whose chief recommendation to the positions they hold in the prison is that they are the highest bidders for the human beings hired by them. It introduces into the prisons agents of the contractors, who, for the most part, have not only no interest in aiding reform of the convicts, but are too ready to oppose it, by offering mischievous indulgences to the convicts as an inducement to further industrial efforts."

Dr. Wines says further, to show that no reform is possible under this system:

"In former times, especially conspicuous in New York, was the fact of the establishment in the prisons of a power behind the throne greater than the throne; a power well-nigh omnipotent within its sphere; a power that coerces, bribes, and threatens in pursuit of its selfish ends; a power that makes and unmakes officers, imposes and remits punishment through agents whom it has been able to bend to its will, and even stoops to mean devices to get the poor prisoner who has incurred its wrath into straits and difficulties, that its revenge may be gratified by the sight of his punishment."

2. The contract system works great injury to honest labor in many branches of industry. Investigations by committees of State Legislatures have shown this fact repeatedly. The special committee of the sixty-third General Assembly of Ohio on prison labor in their report say:

"The testimony shows conclusively that the contract system carried on in our penal institutions is directly responsible for a large percentage of the reductions which have taken place in the wages of thousands of mechanics during the past four years. Nearly every manufacturer who testified before your committee attributed a large percentage of the reduction in wages to the system which enabled manufacturers who have prison contracts and who have large forces of convicts at cheap rates to go into the market and undersell them. There is little or no room for doubt as to the evil effect of this system upon the interests of free labor. It not only tends to pauperize honest labor, but it is, in a great measure, responsible for the overcrowded condition of many of our penal institutions."

The result of the investigations by the commissioner of the bureau of labor statistics of the State of New York is:

"The contract system of prison labor is directly responsible, to a great extent, for the reduction of wages and loss of employment suffered by mechanics engaged in the same branches of industry which are carried on under the contract system in the prisons."

In the testimony recently published by the Senate Committee on Education and Labor, taken by said committee last summer, are the statements of men representing various trades and trade organizations, which are unanimously in favor of the abolition of the contract system.

Your committee therefore recommend the passage of the bill (H. R. 995), with amendments as follows:

Insert in section 1, line 5, after the word "corporation," the following words: "Or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated." In line 6 strike out the word "prisoner" and insert the words "said criminals;" and in the same line, after the word "who," strike out the words "are now or."

JOHN R. HARRINGTON.

The bill (H. R. 4594) for the relief of John R. Harrington was announced as next in order.

Mr. COCKRELL. That is adversely reported.

The PRESIDENT *pro tempore*. An adverse report is in the nature of an objection. The bill will be passed over.

IMPORTED MERCHANDISE.

The bill (H. R. 9653) to amend section 3058 of the Revised Statutes, was considered as in Committee of the Whole. It proposes to amend section 3058 of the Revised Statutes so as to read as follows:

SEC. 3058. All merchandise imported into the United States shall, for the purpose of this title, be deemed and held to be the property of the person to whom the merchandise may be consigned; but the holder of any bill of lading consigned to order and properly indorsed shall be deemed the consignee thereof; and in case of the abandonment of any merchandise to the underwriters, the latter may be recognized as the consignee; and, under such regulations as the Secretary of the Treasury may prescribe, merchandise saved from a vessel wrecked or abandoned at sea, or on or along the coasts of the United States, and promptly brought into a port of the United States by or in possession of the salvors of the same, can, for the purpose of its title, be regarded as the property of such salvors, and the valuation thereof and payment of duties thereon can be made accordingly, and with due reference to the condition of the said merchandise as thus saved and the necessities of the case: *Provided, however*, That such bringing in by salvors shall be in good faith and without intent to evade the just payment of duty: *And provided further*, That nothing herein contained shall be so construed as to prejudice in any other respects the right of property, or of or through abandonment or allowance of the owner, or any other person interested in said merchandise.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

The bill (H. R. 7860) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, was considered as in Committee of the Whole.

It proposes to amend the provisions of the act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, so as to allow merchandise liable to specific rates of duty only to be entered for immediate transportation without appraisement to any of the ports mentioned in the seventh section of that act, although the same may not appear by the invoice, bill of lading, or manifest of the importing vessel to be consigned to or destined for either of these ports, when the consignee at the port of first arrival shall make written application therefor to the collector, giving the name of the person at the port of destination to whom he desires the merchandise to be consigned; and whenever such application and entry shall be made, the original invoice presented by the consignee at the port of first arrival shall be forwarded, with a copy of the transportation entry, to the collector at the port of destination; and a copy of such invoice shall be retained on file at the port of first arrival.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEY IN WASHINGTON.

The bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quitclaim and release to a certain alley in Washington to Cornelia P. Randolph and others was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUKE HOROBIN.

The bill (H. R. 8949) granting a pension to Luke Horobin was announced as next in order.

The PRESIDENT *pro tempore*. The Senator from Wisconsin [Mr. SAWYER] was understood to wish this bill to go over. He is not present.

Mr. HARRIS. Let it go over without prejudice.

The PRESIDENT *pro tempore*. That will be the order.

DEPARTMENT OF AGRICULTURE AND LABOR.

The bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department to be known as the Department of Agriculture and Labor, was announced as next in order.

Mr. MILLER. Let that go over without prejudice, not losing its place.

The PRESIDENT *pro tempore*. The bill will go over, retaining its place on the Calendar.

JAMES M. M'KAMEY.

The bill (H. R. 5775) for the relief of James M. McKamey was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, in line 8, after the words "and to," to insert "grant

him an honorable;" in line 9, after the word "discharge," to strike out "him;" in the same line, after the word "therefrom," to strike out "as of the day before the date of his muster as a first lieutenant and recruiting officer for the Eleventh Regiment Tennessee Cavalry, and also to muster him as a lieutenant as aforesaid from the 1st day of October, 1862, and to discharge him from this last service as on the 1st day of November, 1864, that his record may be made consistent with the facts proven;" so as to make the bill read:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion from the record of James M. McKamey, late of Company E, Third Regiment Tennessee Infantry Volunteers, who is reported to have deserted from his command, captured by the enemy at the battle of Richmond, Ky., and to grant him an honorable discharge therefrom.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist on its amendments and ask a conference thereon with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. HAWLEY, and Mr. HAMPTON were appointed.

STEAM-ENGINEERING IN THE DISTRICT.

The bill (H. R. 4308) to regulate steam-engineering in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia, with amendments.

The first amendment was, in section 2, line 4, after the word "practical," to strike out "machinists" and insert "engineers;" and in line 8, after the word "all," to strike out "steam-boiler" and insert "steam-boilers and;" so as to make the section read:

SEC. 2. That all persons applying for such license shall be examined by a board of examiners composed as follows: The boiler-inspector for the District of Columbia and two practical engineers to be appointed by the District commissioners. Said examination shall be conducted in all respects under such rules and regulations as the commissioners of the District of Columbia shall from time to time provide; and all steam-boilers and engines shall be subjected to such tests as the said commissioners may prescribe.

The amendment was agreed to.

The next amendment was, in section 4, line 2, before the word "dollars," to strike out "five" and leave a blank, so as to make the section read:

SEC. 4. That the fee for a license as steam-engineer shall be —— dollars.

Mr. INGALLS. I move to insert "three" in place of "five," reducing the fee for license from $5 to $3.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on the District of Columbia was, in section 6, line 8, after the word "Columbia," to insert:

Provided, That boilers used for steam-heating, where the water returns to the boiler without the use of a pump and injector or inspirator, and which are worked automatically, shall be exempt from the provisions of this section.

So as to make the section read:

SEC. 6. That any owner or lessee of steam boiler or engine, or the secretary of any corporation, who shall knowingly employ a steam-engineer as such who has not been regularly licensed to act as such, shall, on conviction thereof by the police court of the District of Columbia, be fined $50, and in default of payment of such fine shall be confined for a period of one month in the workhouse of the District of Columbia: *Provided*, That boilers used for steam-heating, where the water runs to the boiler without the use of a pump and injector or inspirator, and which are worked automatically, shall be exempt from the provisions of this section.

The amendment was agreed to.

The next amendment was to strike out section 7, in the following words:

SEC. 7. That none other than steam-engineers licensed by said commissioners, or under the laws of the States from which they come, shall be employed in the Executive Departments of the United States in the District of Columbia.

And in lieu thereof to insert:

SEC. 7. That the foregoing section shall not apply to engineers who have been licensed by the United States Government or the laws of any State.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. INGALLS. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. CHENEY, Mr. INGALLS, and Mr. VANCE were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.; and

A bill (S. 305) for the erection of a public building at Huntsville, Ala.

The message also announced that the House had passed a bill (H. R. 10305) to increase the appropriation for the public building at Brooklyn, N. Y.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President *pro tempore:*

A bill (S. 785) granting a pension to George Ham;
A bill (S. 859) granting a pension to Charlotte O'Neal;
A bill (S. 1384) granting a pension to Mathias Wondrak;
A bill (S. 1626) granting a pension to John Reed, sr.;
A bill (S. 2286) for the relief of Albert C. Kelley;
A bill (S. 2353) granting a pension to William Barden;
A bill (S. 2363) granting a pension to Marcel Gagnon;
A bill (S. 2391) granting a pension to John G. Warren;
A bill (S. 2452) granting a pension to Rachel Ann Pierpont;
A bill (S. 1627) granting a pension to Mrs. M. C. Miles;
A bill (S. 1768) granting a pension to John D. Fincher;
A bill (S. 2111) granting a pension to Jacob Smith;
A bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.;
A bill (S. 2218) for the relief of Lucy A. Washburn;
A bill (S. 2252) granting a pension to Susan A. Duncan;
A bill (S. 2454) granting a pension to James S. Furniss;
A bill (S. 2660) granting a pension to Annie E. Gardiner; and
A bill (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks.

THE MACKEREL FISHERY.

Mr. PALMER. I move that the Senate proceed to the consideration of Order of Business 1833, being the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season, which was passed over informally yesterday.

The PRESIDING OFFICER [Mr. INGALLS in the chair]. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, which is the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. HARRIS. I ask the Senator from Missouri [Mr. VEST] in charge of the unfinished business to allow the Senate to proceed with the execution of the order for the consideration of House bills. I am satisfied that within an hour or two that order can be fully executed, and I shall be obliged to the Senator and to the Senate if they will allow us to proceed under the rule.

Mr. VEST. I am very anxious to go on with the unfinished business, but I am notified by several Senators on both sides of the Chamber that they desire to speak on it and are not prepared to-day to do so. To-morrow, as we all know, will be devoted to obituary addresses on the death of General Logan. Therefore if this bill is laid aside now it will not come up until the day after to-morrow. In consideration of these facts I shall make no objection to the unfinished business being laid aside with the understanding that when it is taken up again, which I hope will be the day after to-morrow, I shall ask the Senate to remain in session until it is disposed of, as I think we ought to get through with the bill this week.

Mr. ALLISON. The day after to-morrow the Senator from Kansas [Mr. PLUMB], who is in charge of the Post-Office appropriation bill, desires to call that up.

Mr. VEST. How long will it take?

Mr. ALLISON. I do not think it will take a long while; it may take an hour or two.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. HARRIS] asks unanimous consent that the pending order may be informally laid aside for the purpose of completing the order of the Senate touching the consideration of House bills. Is there objection?

Mr. PALMER. I object for this reason, and the Senator from Tennessee will see the propriety of it: Yesterday, when the bill that I have moved be taken up was reached on the Calendar, being a House bill, it was suggested that it be passed over informally because it was on the list of special orders. To-day I understand that the Senator from Missouri [Mr. VEST] is willing to give way, and in that case it will come up among the special orders. I do not care how it comes up if it only comes up; but it is getting late in the session, and time is important.

Mr. HARRIS. The Senator from Michigan will allow me to suggest

to him that if the request I have made, and which the Senator from Missouri consents to, is agreed to by the Senate, the bill to which he refers is the next thing in order and will come up upon the request that the Senator has already made, and come up immediately.

Mr. PALMER. I was aware of that, but I wished to have it impressed upon the Senate that I so regarded it; and with that understanding I make no objection, but insist upon the motion that I made, that we now proceed to take up Order of Business 1833, being the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season.

Mr. HARRIS. Will the Senator from Michigan allow me to suggest to him that the unfinished business is the order now, and unless we consent that that may be informally laid aside it will be proceeded with unless displaced by motion. He may displace it by a motion if the majority agree with him.

Mr. PALMER. With the understanding that this bill comes up I shall consent to whatever is proposed.

Mr. MORRILL. There is one bill more that is a public bill, Order of Business 2062, a House bill that I should like to have acted on by the Senate at the present time.

The PRESIDING OFFICER. The pending business before the Senate is the request of the Senator from Tennessee [Mr. HARRIS] that the unfinished business be informally laid aside for the purpose of executing the order of the Senate touching House bills. Does the Senator from Vermont object to that?

Mr. MORRILL. I do not, but I ask the Senate to consider this bill.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Tennessee?

Mr. MILLER. I desire to ask for information. If that request is granted do we not go on with the Calendar regularly instead of going back to the special orders? The bill referred to by the Senator from Michigan is a special order, and it is not, therefore, under the ordinary Calendar rule.

Mr. PALMER. Then I ask that my rights be regarded which were observed yesterday by passing over the House bill informally, and I move that that now be taken up. Either horn of the dilemma will suit me if it suits the Senator from New York.

Mr. MILLER. Almost anything will suit the Senator from New York that will defeat the consideration of this bill or that will defeat it after it comes up, if the Senator from Michigan succeeds in getting it up. I am not particular how it is done.

Mr. HARRIS. The House bill mentioned by the Senator from Michigan, though a special order, is within the order under which we are acting, and if the Senate will consent to informally lay aside the unfinished business upon the request of the Senator from Michigan and go back without a motion, there is no question whatever that the Senate proceeds at once to the consideration of his bill.

Mr. PALMER. I withdraw my objection.

Mr. HARRIS. If the Senate will proceed with the execution of that order, it will not be three hours, I do not think it will be one hour, until we have completed the call of every bill on the Calendar.

Mr. PALMER. As I said before, under these circumstances——

Mr. PLATT. Mr. President, I rise to inquire whether the order under which we consider House bills is not a continuing order from day to day before 2 o'clock? I so understand it.

The PRESIDING OFFICER. The Chair so understands.

Mr. PLATT. Then we have twenty-three or twenty-four days of the session remaining, during which I am sure we can act upon the few House bills which remain. I will therefore take the liberty of objecting to the consent to extend the time this morning.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, being the bill (S. 2288) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes.

Mr. FRYE. I move that that be laid aside.

Mr. PALMER. I understand that the Senator from Missouri [Mr. VEST] will give way to the consideration of the bill which I have moved should be taken up, and which, if he withdraws, has the right of the way as a special order.

The PRESIDING OFFICER. A motion to take up another bill, if adopted by the Senate, would displace the unfinished business and throw the bill to the Calendar.

Mr. PALMER. Then I insist on my rights under the special order.

The PRESIDING OFFICER. The unfinished business has priority of the special order, and is now before the Senate.

Mr. VEST. I do not want this bill to lose its place. According to the rules of courtesy that prevail in the Senate I am perfectly willing to let it be laid aside. I am prepared to go on; but five Senators have notified me that they wish to deliver speeches on this question and are not ready to go on to-day. All my brother Senators will see the situation in which I am placed in regard to it. I am willing to let it be laid aside informally so as not to lose its place.

Mr. HALE. I ask that that be done. Under the conditions which have been stated by the Senator from Missouri no one would wish to drive him to complete the bill now.

Mr. VEST. I am ready to go on; but I ask unanimous consent that the bill be laid aside informally without losing its place.

The PRESIDING OFFICER. The Senator from Michigan [Mr. PALMER] objected to that.

Mr. PALMER. I withdraw my objection.

The PRESIDING OFFCER. The Senator from Missouri asks that the unfinished business may be informally laid aside.

Mr. ALLISON. For what purpose?

Mr. HALE. Let the Senator from Michigan make his motion afterward.

Mr. VEST. The Senate may do as it pleases so that my bill does not lose its place. I am acting simply under a sense of courtesy to brother Senators. I am ready to go on.

Mr. SEWELL. I move to amend the motion for the purpose of considering the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains.

The PRESIDING OFFICER. There is no motion pending. The question is whether unanimous consent shall be given to lay aside the unfinished business.

Mr. HALE. I may state what my object is. The Senator from Michigan has been already recognized to make a motion and withdraws it temporarily. I have no doubt under these conditions, if this consent is given to lay aside informally the measure under the charge of the Senator from Missouri, the Chair will recognize the Senator from Michigan, who has already been recognized, as the next moving Senator to bring his bill before the Senate if the Senate chooses to take it up. I do not couple it with any condition that the Senate shall take that bill up, but leave it to the Senator from Michigan, who can make his motion. In that way every right of the Senator from Missouri is preserved.

Mr. VEST. Now, in order to settle the matter, after the statement I have made, I repeat I want to go on with this bill myself; I am ready to do it and anxious to do it, but I ask now unanimous consent to lay aside the pending business informally so as to bring it up to-morrow at 2 o'clock. Let the bill be laid aside informally, not losing its place, and then the Senate can go on with what business it pleases for the rest of the day. I have discharged my duty to Senators who have asked me to lay it aside. If that is refused, I shall ask to go on to-day.

The PRESIDING OFFICER. If unanimous consent should be given to lay aside informally the bill which is the unfinished business, the Senator from Missouri would have the right to call it up at any time; but unanimous consent is undoubtedly in order that it may be laid aside until Thursday at 2 o'clock, if the Senator so desires.

Mr. HARRIS. And be the unfinished business at that time.

The PRESIDING OFFICER. And be the unfinished business at that hour. The Chair will submit any proposition that may be offered to the Senate. The Chair did not understand the Senator from Missouri to ask that the bill might be laid aside informally subject to his call or until an hour at some day in the future.

Mr. VEST. I ask unanimous consent to lay it aside informally until 2 o'clock on Thursday.

The PRESIDING OFFICER. To be the unfinished business at that time?

Mr. VEST. Yes, sir.

The PRESIDING OFFICER. Is there objection to that request? The Chair hears none. The unfinished business is informally laid aside, its consideration to be resumed on Thursday at 2 o'clock.

Mr. PALMER. I now renew my motion that we take up Order of Business 1833, being the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season.

VESSEL FISHERIES OF THE UNITED STATES.

Mr. FRYE. Order of Business 2053, the bill (S. 2287) for securing statistics of the extent and value of the vessel fisheries of the United States, is one of very great importance, and it is very necessary that it should be passed at once so as to secure action in the other House. The Fish Commission here have sent in the bill. The statistics heretofore have been very defective, and collectors have refused to keep them. In view of the fact that there are sixty-seven vessels which have been interfered with on the Canadian coast line beyond the forty already reported by the Secretary of State to the Senate, and of the pending legislation before Congress likely to become a law, it is still more necessary that this bill providing for statistics shall be passed. It will create no discussion, and I ask unanimous consent that it may be taken up and put on its passage.

Mr. PALMER. I ask if it will lead to any discussion?

Mr. FRYE. It will not.

Mr. PALMER. I then shall not object.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent for the present consideration of the bill.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2287) for securing statistics of the extent and value of the vessel fisheries of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISHING RIGHTS OF THE UNITED STATES.

Mr. EDMUNDS. Referring to the fisheries reports of unjustifiable treatment, &c., I have just received from the Commissioner of Fisheries a communication in answer to an application I made to him some time ago for such information as the Fisheries Bureau had received from the owners of vessels on the coast that had not been reported to the State Department as harassed and where probably the owners felt that the amount of damage that an international tribunal would award them would be small; but still they have reported them all, which adds some sixty-seven or more to the list of the State Department. I ask that the letter of the Commissioner of Fisheries, together with the report made to him by one of his officials, and this list, be printed for the use of the Senate and laid on the table.

The PRESIDENT *pro tempore*. If there be no objection the order to print will be made.

THE MACKEREL FISHERY.

Mr. PALMER. I renew my motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season, which had been reported from the Committee on Fisheries with an amendment, in section 1, line 10, after the word "from," to strike out the words "open row-boats of less than 20 feet keel" and insert the word "boats"; so as to make the proviso read:

Provided, however, That nothing in this act shall be held to apply to mackerel caught off-shore with hook and line from boats and landed in said boats.

The amendment was agreed to.

Mr. MILLER. The Senator reporting the bill proposes to offer some other amendments, I understand. If so, I should be glad to have them offered now.

Mr. PALMER. I was about to do that when the Senator from New York arose. In section 1, line 4, I move to strike out the word "March" and insert "July;" so as to read:

That for the period of five years from and after the 1st day of July, 1887, no mackerel, other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Michigan.

The amendment was agreed to.

Mr. PALMER. In section 1, line 10, after the word "caught," I move to strike out the word "off-shore;" so as to read:

That nothing in this act shall be held to apply to mackerel caught with hook and line from boats and landed in said boats.

The amendment was agreed to.

Mr. PALMER. At the end of section 1, I move to add:

Or in traps and weirs connected with the shore.

So as to make the proviso read:

Provided, however, That nothing in this act shall be held to apply to mackerel caught with hook and line from boats and landed in said boats, or in traps and weirs connected with the shore.

The amendment was agreed to.

Mr. HOAR. Before the Senator passes from the first section, in regard to the matter of date, I should like to move to strike out, in line 4, "1887" and insert "1888," so as to leave the period of this year and the next open to the fisheries. There are a great many persons who have large contracts for vessels, and have crews and so on, extending over one year in some cases. I move that amendment.

Mr. FRYE. That has already been done by the amendment which the Senator from Michigan offered.

Mr. HOAR. No; that amendment extended the time to the first of July, 1887. I propose to extend it to the first of July, 1888.

Mr. FRYE. The amendment adopted on motion of the Senator from Michigan takes care of this season.

Mr. HOAR. I know that it takes care of this season, but it does not take care of contracts which may have been made extending into next year.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. PALMER. I hope that amendment will not be agreed to. The committee made this concession because they thought that owing to the late passage of the bill some hardship would be worked upon those who had made preparation to do fishing this year. But that will not apply to those who are notified and who will not make any preparation, if the bill passes, for fishing next year between March and June.

Mr. MILLER. I should like to ask the Senator from Michigan if he does not think it would be doing a little justice to the large number of fishermen who are engaged in mackerel fishing to give the men who have their capital invested, owning the boats, a little more than three months' notice before you destroy their property and their business? That is what the bill proposes to destroy anyhow, and what it will do eventually if it passes. It will give them a day of grace if we put it off a year or two years. Five years would be still better.

Mr. HOAR. I should like to ask the Senator from Michigan to state, when he answers the question, at what time——

Mr. PALMER. Let me answer the Senator from New York.

Mr. HOAR. I want to know at what time in the season, according to the information of the Senator, the right of catching the fish terminates the season.

Mr. PALMER. Of the whole season?

Mr. HOAR. Yes.

Mr. PALMER. About the 1st of December.

Mr. HOAR. No; I refer to the catching of mackerel.

Mr. PALMER. I mean the catching of mackerel. Does the Senator refer to the spring catch?

Mr. HOAR. I refer to the spring catch.

Mr. FRYE. I suggest to the Senator from Michigan that there is no difference between the amendment offered by the Senator from Massachusetts and the amendment already adopted. One extends the time to July 1, which extends it over the season to which he refers.

Mr. MILLER. There is just the difference of a year; that is all.

Mr. HOAR. The Senator from Maine does not understand it.

Mr. PALMER. The Senator from Maine will see that it makes a difference of one year. If it is extended to the month of March, 1888; then it is equivalent to the same thing as extending it to July without changing the year, but if you change it to July, 1888, it extends the time another year.

Mr. FRYE. The bill as amended extends the time to July, 1887; but I understood the Senator from Massachusetts to move to change the date to 1888 instead of 1887.

Mr. HOAR. Exactly.

Mr. FRYE. The Senator from Michigan has already stricken out March and made it July.

Mr. HOAR. That is true.

Mr. FRYE. That covers all the Senator from Massachusetts desires, which is this entire season.

Mr. PALMER. No; the Senator from Massachusetts wants to extend it another year.

Mr. HOAR. No one knows it as well as I do myself, if the Senator will pardon me and will wait a moment. The bill has already been amended by striking out "March" and inserting "July." I propose to amend it further by striking out "1887" and inserting "1888."

Mr. FRYE. That is giving two years.

Mr. HOAR. So there will be practically two years before the bill takes effect.

Mr. FRYE. I am decidedly opposed to that.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. PALMER. I hope the amendment will not be agreed to for this reason: The committee have made the concession which has been offered and accepted because they thought otherwise a hardship would be inflicted upon those who had made preparation for this year.

In answer to the Senator from New York as to whether I think it proper that these men should have notice so that their property can be protected, I will say that the bill was drawn and is being urged by all the mackerel fleet, as far as the Committee on Fisheries know, engaged in the spring catch of mackerel. Their vessels and their equipments have run down in valuation from twenty-five to fifty cents on the dollar, and it is to save them from commercial destruction, and also to see if the fisheries can not be regulated so that the mackerel will not be driven entirely from our coast and our people deprived of the chief food on which they rely, and upon which they lay very great stress, that this bill is being pushed.

Mr. MCPHERSON. Will the Senator from Michigan——

Mr. PALMER. If the Senator from New Jersey will permit me I will say that I think it would be well to have the report of the Committee on Fisheries read, which was unanimous.

Mr. MILLER. That will only take up time.

Mr. PALMER. Did the Senator from New Jersey wish to ask me a question?

Mr. MCPHERSON. If the Senator from Michigan will permit me, I wish to ask him a question. I see the bill proposes that during a certain season of the year, which I presume is the spawning season, there shall be no catch of mackerel, and this restriction is to continue for a period of five years. Let me ask the Senator if the testimony before the committee, of which I understand him to be chairman, was not to the effect that it was impossible under any condition of circumstances to deplete the sea fisheries? Certain years you have a run of fish of a certain kind and character. For instance, along the Atlantic coast one year we have a great run of blue fish. Again, for a year or two there will be scarcely any blue fish. In certain years we have a great run of the menhaden; and then for a year or two we shall see very many less of them. In my opinion, and my opinion is very largely sustained by experts in fishery matters, there is no amount of catch of fish which can be taken from the water by any process, whether it be by seines or otherwise, that can in any sense or form affect the supply of fish. I think that is a reasonable view to take of the question.

I wish to know why in certain seasons of the year when there are in some years extraordinary runs of mackerel at the particular season to

which the bill relates it is necessary to prevent the people of the country from having cheap fish food, as they now have in the absence of any law governing and controling the matter, when it does not and can not in the least particular affect the supply of fish?

Mr. PALMER. Is the Senator through with his question?

Mr. McPHERSON. I suppose it is very well established that not one in a hundred of the germs ever becomes a living fish.

Mr. PALMER. Excuse me. Is the Senator asking me a question or making an argument?

Mr. McPHERSON. I am asking a question, and when I am through with my question I shall be very glad to have the Senator answer me.

Mr. PALMER. I shall try.

Mr. McPHERSON. Will the Senator answer the question I have asked him, and inform me whether it was not stated before the committee that it was impossible to deplete the sea fisheries? If he will answer that question I think he will simply state what ought to be the fate of the bill. Therefore, I will await the Senator's answer.

Mr. PALMER. We know that the first question scientifically, so far as the fish supply is concerned, is not thoroughly understood, and unless scientists are perfectly sure and can demonstrate a fact so that it can not be disproved they are not going to assent to a proposition. The whole theory of the impossibility of the spoliation of the sea has arisen from Professor Huxley's report on the herring fisheries of Great Britain. He spent five years in his investigations, but he did not make a report that is applicable here. He said that nothing that man could do would tend to deplete the sea of fish; but that is not the question here.

We do not contend that there will not be just as many mackerel without this proposed legislation, but we contend that the mackerel will be reduced in quality, that they will be driven off to other feeding-grounds.

It is a well-known fact that the anadromous fishes, those fishes that go into the mouths of rivers to spawn, are protected by State laws. The large schools of fish that come upon our coast every year and feed upon the food that they get near the shore are not protected. The result is that the old and the wise fish that are subjected from year to year to this persecution, which commences at Hatteras and which extends clear to the Bay of Fundy, become wiser, and they are deflected from the ordinary route; they go outside; and the fishermen are catching an unprofitable fish, a fish that is not anything like the mackerel that was caught fifty years ago.

Right here I should like to refer to a table which was prepared by the Boston fish bureau, and which more than anything else it seems to me establishes the fact that the fish are being degraded by the persecution to which they are subjected upon the coast before they reach Nova Scotia. I shall show that it is fairly deducible from the facts I am about to state. According to the report of the Boston fish bureau, in 1819 the catch with the hook and line was 19 per cent. of No. 1 mackerel; in 1829 it was 25 per cent. of No. 1 mackerel.

Mr. MILLER. On what page is the table to which the Senator refers?

Mr. PALMER. It is found on page 59 of the statement made before the Committee on Fisheries. In 1839 it was 30 per cent. In 1859 it was 61 per cent. In 1869 it was 31 per cent. In 1879 it was 6 per cent. I will state right here in parenthesis that the use of the purse-seines commenced in 1873, and from 1875 down to the present time the degradation of the quality of the mackerel on the coast has been so marked as to call for legislative action. From 17 per cent. in 1877 it has gone down to 9 per cent. one year, to 6 per cent. the next year, then to 8 per cent., then to 6 per cent., to 15 per cent., to 14 per cent., to 8 per cent., and to 7 per cent. in 1885, showing a remarkable decrease in a very few years.

I think it is fairly deducible from this table that from some cause or other the larger fish are driven from the coast, and unless some remedy is found the fish eventually will not be worth the catching for anything except for fertilizers; they will be nothing but spikes, as they are called in the market.

There is no doubt in my mind that these fish by the way they are harassed (and I will bring evidence to bear on that point) are being driven off from the coast. The men who have come and asked for this legislation are unanimous upon the subject with the exception of one man. They ask protection from each other. They ask the enactment of a law that shall prevent one from getting the start of the others. If they were perfectly sure of each other's good faith they would all stay at home; but if nine-tenths of the fleet remain at home one-tenth may go South and get in a very large mackerel catch and carry it into New York and get an advantage over their brethren.

There is no restriction to be placed on the catching of mackerel by hook and line. No one is to be damaged at all except the very men who ask for this legislation. They are the men who supply our navies with our sailors. We are now agitated in an attempt to protect them in their rights; and it seems to me that their voice should be heeded in legislation which tends to their prosperity and the prosperity of the fisheries. Unless something of this kind is done, I am perfectly certain that there will be no mackerel fisheries with purse-seines—possibly that would be a blessing—in less than ten years.

I should like to read from some of the testimony presented to the committee. These letters are from men who have pursued fishing or have been connected with it in one way or another all their lives. Here is a note from W. A. Wilcox, manager of the American Fish Bureau. I read an extract from his letter of June 15, 1886:

> From personal conversation with a number of the most reliable masters of vessels engaged, I find they estimate the aggregate amount thrown away by all vessels engaged at from 75,000 to 100,000 barrels.

That is, from 75,000 to 100,000 barrels a year. It shows how the catch has deteriorated. The fish could not be marketed. They are thrown over at sea, the most of them, and that is another crying evil.

Mr. MILLER. Will the Senator allow me to ask him a question?

Mr. PALMER. Yes, sir.

Mr. MILLER. How does this bill prevent the catching of mackerel by purse-seines? How does it enable the fishermen to catch only the good fish and to leave out the poor ones?

Mr. PLATT. It is in order to prevent the glutting of the market.

Mr. PALMER. If the Senator from New York can tell me why they should catch fish when they can not sell them, then I can tell him how it would prevent it. The bill proposes to enact "That for the period of five years from and after the 1st day of July, 1887, no mackerel other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores——"

Mr. MILLER. But if the bill said that no mackerel caught in purse-seines or in any other way except by hook and line should be imported into the United States, I could then understand how the bill would enable the fishermen, or would compel them, to bring in full-sized fish; but it does not undertake to regulate the methods of fishing at all.

Mr. PALMER. If the Senator from New York had allowed me to read a little further he would not have made that remark.

Mr. MILLER. Certainly I should have made the remark.

Mr. PALMER. "*Provided, however*, That nothing in this act shall be held to apply to mackerel caught with hook and line, from boats, and landed in said boats, or in traps and weirs connected with the shore."

Mr. MILLER. We understand what that means. That means fishing within the limit of three miles from the shore.

Mr. PALMER. I think the Senator is mistaken; it is not off-shore, it is outside of the three-mile limit. But it does not refer to anything in particular that the committee or the persons who are urging the bill desired to accomplish; they are perfectly willing to let them fish off-shore, in-shore, up the creeks, anywhere they please, as long as they fish with hook and line.

Mr. MILLER. So long as they do not catch any fish before the 1st day of June. After the 1st day of June they can fish anywhere, with purse-nets, and take any sized fish, as they have been doing for years. Is it not true that that can be done under the bill?

Mr. PALMER. If the Senator will allow me, I will explain why the limit was put at the 1st day of June. There were many who wished to have it put at the 1st of July, but they said they were fearful they could not get it through if that limitation was made, and therefore it was fixed at the 1st of June; but practically it amounts to the same thing, for when the mackerel spawn, between the 1st of June and the 1st of July, they sink out of sight, they do not appear at all; so that practically it is a close season for the females and their progeny up to the 1st of July.

Mr. MILLER. I am very glad to have the Senator make that admission. Then, this proposition is that there shall be no fishing for mackerel except during the spawning season, and you may then catch all you like. That is a new way of regulating fishing. In the internal waters of the United States, by the laws of nearly all the States, fishing for the various kinds of fish like trout, bass, and others is prevented during the spawning season. Now, the Senator tells us the spawning season for mackerel is between the 1st of June and the 1st of July, and that is the time persons are to be allowed to catch them, under the bill.

Mr. PALMER. The Senator is a little too technical. I shall have to go into the history of the mackerel from the time he comes on to our shore at Cape Hatteras, and follow him up through New Jersey up by Block Island until you land him in the Bay of Fundy. When the mackerel comes on to our shores from the Gulf Stream, or from the open sea, or wherever he may come from, which is not already established, he is poor; both the male and female are poor. The reproductive process has commenced and they are poor up to the first of July, when the spawn has been distributed and when they commence to feed upon the red food along the coast in Massachusetts and Maine. Then they soon become fat and a good marketable article. I do not see that the inference which the Senator from New York draws can be fairly deduced from anything in the bill.

Mr. MILLER. If the spawning season begins on the 1st of June and extends until the 1st of July or August, in order to make it safe, why does not the committee provide in the bill that there shall be no fish landed upon our shores from the 1st day of August of each year up to and including certain other months, December or January?

Mr. PALMER. The committee did not provide for it because it was not asked for.

Mr. MILLER. The committee certainly ought to provide for what is just and right without any regard to what the salt-mackerel men may ask.

Mr. MCPHERSON. If the Senator will yield to me a moment, he has described the habits of the mackerel——

Mr. PALMER. Not critically.

Mr. MCPHERSON. He has described the mackerel striking the coast on the south about Cape Hatteras. The Senator well knows that from Cape Hatteras to the northern coast of Maine on almost every rod of territory there are constructed, as a sort of permanent investment by the fishermen, weirs and ponds and places of that kind for the convenience and the profit of the fishermen.

Mr. PALMER. If the Senator will permit me, that is provided for in the amendment.

Mr. MCPHERSON. At certain seasons of the year there is a run of mackerel, at certain seasons there is a run of bass, at a certain other period there is a run of bluefish, and so on. The operation of the bill will be to destroy absolutely the occupation of the fishermen during the months of the year in which the bill provides that no mackerel shall be caught.

Mr. PALMER. If the Secretary will read the amendment which relates to traps and weirs the Senator from New Jersey will see that it will cure the evil of which he speaks. The weirs and nets are specially exempted from the operations of the bill. All the men along the coast of New Jersey, Delaware, and Massachusetts who have weirs or nets connected with the shore are particularly exempted from its operations and will derive increased benefits from this legislation.

Mr. MCPHERSON. Do I understand that the bill has been amended in that particular?

Mr. PALMER. Yes; that is one of the amendments which have been adopted.

Mr. MCPHERSON. I should like to have the amendment read.

The PRESIDING OFFICER. The Secretary will read the amendment which has been agreed to.

The CHIEF CLERK. At the end of the first section, add:

Or in traps and weirs connected with the shore.

So as to read:

Provided, however, That nothing in this act shall be held to apply to mackerel caught with hook and line from boats, and landed inside of boats, or in traps and weirs connected with the shore.

Mr. MCPHERSON. In that respect the bill is bettered by the amendment. There is one other question which I should like to suggest. I have somewhere read a statement made by a certain professor in Scotland who has made quite a study of the fish question, and particularly of the question of the herring upon the coast of Scotland. It is well known that there is not to be found elsewhere on the face of the earth in any water anywhere such a great fishery enterprise as the herring fishery on the coast of Scotland. Some years there is a less run of herring than others. This professor goes on to say that as to the amount of herring caught from the water by all the processes which fishermen can employ, whether it be by nets, by seines, by weirs, by hook and line, or what not (and we know something of the quantity caught), the amount of fish taken on the coast of Scotland was as one to a million compared with the amount of herring consumed by other fishes.

I should like to ask the Senator from Michigan what is the necessity of preventing cheap food-fish being obtained for the people, even during the period proposed in the bill, if it be true that for every fish taken from the water at any season (and it is well known that the herring fishery is prosecuted with more vigor and with more profit during the spawning season than any other) a million are consumed by other voracious fishes? We know that one class of fish lives upon another. Then why, upon the seacoast, with an ocean 3,000 miles wide, is it necessary by any sort of system whatever to prevent the free occupation of the fisherman during any months of the year?

Look at the menhaden fishery. Within a year or two we find that the menhaden have very greatly reduced in numbers, so that in some years it is almost impossible for the men employed in the industry of catching the fish for the oil and the fat, which I understand is made into fertilizers, to find enough menhaden to profitably occupy them. In other years again the menhaden come in immense quantities. I think it safe to say that although legislation has been attempted here and elsewhere to prevent fishing for the menhaden along the coast, for every fish taken from the water by the menhaden industries there are a million of them consumed by other fish. If it be best to prevent fishing near the shore in order that the fish may go back into deeper water and be caught there by bigger fish, then there is some justification for this legislation; if not, there is no justification for it.

The PRESIDING OFFICER. The Secretary will report the pending amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The CHIEF CLERK. In section 1, line 4, it is proposed to strike out "1887" and insert "1888," so as to read:

That for the period of five years from and after the 1st day of July, 1888, no mackerel other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

Mr. FRYE. I ask the Senator from Michigan in charge of the bill to move to reconsider the vote by which the bill was amended by striking out the word "March" and inserting the word "July," in line 4, and then to accept the amendment offered by the Senator from Massachusetts.

Mr. HOAR. That will cover the same thing.

Mr. PALMER. In deference to the wishes of the Senator from Maine, who has a greater interest in this bill possibly than I have, I will move that the vote by which the amendment was agreed to changing "March" to "July," in line 4, be reconsidered.

The PRESIDING OFFICER. That can be done by unanimous consent. There being no objection, it is so ordered.

Mr. PALMER. Now, I withdraw the amendment.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Massachusetts [Mr. HOAR]; which will be read.

The CHIEF CLERK. In section 1, line 4, strike out the words "1887" and insert "1888," so as to read:

That for the period of five years from and after the first day of March, 1888, no mackerel other than what is known as Spanish mackerel, &c.

Mr. SAULSBURY. Mr. President——

Mr. HOAR. Will the Senator from Delaware allow the amendment to be adopted before he proceeds, as the committee agree to it?

Mr. SAULSBURY. I am not certain that I am in favor of the amendment. I am not certain that this proposed legislation is right.

Mr. MILLER. Are you not certain that it is wrong?

Mr. SAULSBURY. During the examination of the fishery question last fall we took considerable testimony before a committee, of which I was a member, on this very subject. I found that the men who own the boats, as a general rule, were in favor of a close time, as they call it, but they stated that their men employed in doing the fishing generally urged that they should send out their boats to the spring fishing. Not willing to lose the time, they urged the owners of vessels to send their vessels down the southern coast in order that they might have employment.

My understanding is that there is a very considerable amount of fresh mackerel consumed in the Eastern cities caught between the months of March and July, which furnish cheap food to a class of people who are not very well able to buy the higher-priced fish. If the bill proposes to restrict that it seems to me that it is wrong. As to whether it affects the mackerel fishery subsequently, the fall fishing for mackerel, I am unable to say.

There are different theories in reference to the mackerel. Some fishermen whose testimony was taken by the committee had an idea that these fish come up from the Gulf along the shore, striking in about Hatteras and going all the way up. There were other persons who had the idea—and I think Professor Baird has that idea—that they come directly into the shore from the sea. If the latter theory is true, then all the argument in reference to diverting the fish is erroneous. If, on the other hand, it is true that the schools of fish come up from toward the Gulf and hug the shore clear up our coast and to Canada, then perhaps the spring fishing does divert to a certain extent the fish from our coast. Which of these theories is correct I am not able to say, but at any rate, if the poor people of the cities are to be deprived of a cheap article of food it seems to me that this proposed legislation is not wise.

As to its effect upon the ultimate catch of the fish I am at a loss to determine, because that depends also upon the theories which are entertained in reference to the habits of these fish. If they make into shore from the sea, striking at Hatteras, striking along the Jersey coast, striking along the coast of Massachusetts and Maine from the sea, then there is no diverting the fish, if that theory be true, simply by fishing down about Hatteras in the spring of the year.

My information is that there are about a hundred vessels that go down from Gloucester and from other points on the New England coast and engage in southern fishing; and that they do not go because the owners of the boats desire that they shall go, but because the men engaged in fishing, the hands who do the catching, do not wish to be lying around Gloucester all the spring waiting for the fall catch, but they desire to be employed. The bill operates to the prejudice of that class of men who are dependent upon their labor in this industry. If it is their wish to go down and fish, and if the poor people of the cities are to be deprived of a cheap food, the bill is contrary in my judgment to what is right. The poor we shall always have with us, and we ought not to legislate against their interests.

I had a good deal of doubt about the justice of this proposed legislation when on the committee last fall, after hearing the testimony of the owners of the boats, for it was the testimony of the owners of boats that we took as a general rule, and not of the men engaged in actual catching, except the captains of the boats. I do not now remember that I heard any expression of opinion from the captains of boats on this subject, but we did hear some opinions adverse to the spring catch by the owners of the boats, and I think very generally the owners of the boats were opposed to that kind of fishing; but I understood distinctly from the owners themselves that they were compelled to engage

in spring fishing because their fishermen were not willing to wait, and they had to send them out to gratify the men actually engaged in the fishing.

If the statement of the Senator from New Jersey [Mr. MCPHERSON] is correct, that it is utterly impossible to diminish by any catch the fish, then all the argument in favor of a close time comes to naught. We have an abundance of fish during certain seasons, it is true, of certain kinds of fish, and at certain other seasons there is not so much. I know that in Delaware Bay, along which I live, in some seasons of the year we have the sea trout, which comes in there in great abundance, and perhaps the next year there will be but few of them, so that it alternates, sometimes a full season of fishing and sometimes a scarcity. It is so I believe with shad, and it is so with herring, and I suppose with every other class of fish.

On the whole, I think I shall vote against the bill.

Mr. MILLER. Mr. President, this is a very ingenious bill. It could have had its birth nowhere except in the fertile mind of a down-east Yankee, and if it is passed into a law it will undoubtedly succeed in accomplishing what it was intended to accomplish, for it is very neatly drawn for that purpose.

The object of the bill is to reduce the catch of mackerel from one-third to one-half of all the mackerel that shall be brought into our American ports during each year. The fishing season begins late in March or early in April and continues uninterruptedly up to the 1st of June, and through June, July, August, September, October, and November, even to December, as the Senator from Michigan says; but during the month of June and a portion of July the fish disappear and the catch is small. Heretofore the principal catch of mackerel has been made off our coast during the months of March, April, and May.

Mackerel fishing has been a very important industry. It has given employment to a very large number of hardy seamen. There are engaged in the business, I think, nearly two hundred vessels, owned largely in Massachusetts and New York, some in New Jersey, and other States. The bill takes off three months of the annual fishing, and three months of the best fishing.

The chairman of the committee, who has made a scientific study of this matter, tells us that the fish first appear off our coast, off the capes, Cape Hatteras, or even further south, opposite Georgia and South Carolina, late in March or early in April, and that from that time on up to the 1st of June they are found going further north, until finally in June they are off Massachusetts and Maine; in other words, that this is a bill to prevent fishing for mackerel save off the coast of Massachusetts and Maine, chiefly off the coast of Maine, for after the first of July the fish are as far north as Maine, and many of them have gone still farther north.

Whether the chairman of the committee took kindly to this measure or not I do not know. It may be that there is some New England blood in his veins, and therefore he took kindly to this proposition of his fatherland. As the State of Michigan does not border upon the Atlantic he has no mackerel fishing off his shores, and he may have been kindly disposed toward New England and been willing to rule out of the fishing business all the Southern States and the States of New Jersey and New York. I will not say as to that, but certainly I was greatly surprised to find that the Senator from Michigan, who usually takes so liberal a view of all these questions, and who desires to legislate in the interests of the people of this country, should have given his sanction to a bill which is simply for the purpose of creating a monopoly in the mackerel fishing off our shores.

This bill is simply in the interest of the men in Massachusetts and Maine who are engaged in the salting of mackerel, and is intended to cut short the fishing which takes place along our shores, and which produces during the months I have spoken of one of the principal food-fishes of this country, being brought into all our ports in enormous quantities, and now by our railroad system distributed all along our coast, even as far west as the Mississippi Valley.

What reason can be given for this bill I do not know. I have waited anxiously for the Senator from Michigan to give us some reason for the bill. He seems to defer those reasons until the opposition to the bill shall be put in, and then I suppose some overpowering and conclusive argument may be produced here which will convince us that we have all been wrong. Certainly, if such reasons are produced by the members of the committee or by any other Senator, and my judgment is convinced, I shall gladly acknowledge my fault and support the bill.

It has been intimated that the fish were not good during the months included in the bill, but the Senator tells us that the spawning season does not begin until June, and he proposes to curtail and stop absolutely the fishing for mackerel until the spawning season begins. I submit to him as an old fisherman and one skilled in the art, and as one knowing the science of the fishes, that it is certainly a very curious provision that he should bring in a bill here regulating fishing which should prevent fish from being caught at any other season of the year save during the spawning season. I shall leave him to explain why he has done this.

Mr. President, this legislation is certainly anomalous. As I said a moment ago, it is in the interest of monopoly. It tends directly to create a monopoly. It proposes to put a fence around the Atlantic Ocean for three months in the year, and say to the poor and hardy fishermen of our coast, "You shall not go out in your boats to catch any mackerel, or if you do catch them you shall not be permitted to land them upon our shores."

Evidently the amendment which the Senator has proposed this morning in allowing these fish to be taken in weirs, nets, and ponds along the shore has been intended to catch the support of the Senators from New Jersey, off which coast much of that kind of fishing is carried on. But if the fishing is injurious, if as he tells us the mackerel are harassed and troubled by the fisherman until at last they are driven away from our coast and we have only the small mackerel of which he complains left, how does he better it by allowing fishing off the shore in weirs and ponds and nets? Will not all the fish be taken, of whatever size they may be? Certainly everything that comes to the net will be taken in, it matters not whether the net is on the shore or off the shore or whether out in the deep sea.

We have allowed American citizens to go out upon our great plains and to fence in the public domain and to drive off and keep off citizens of the United States from settling upon it. We have allowed great corporations to seize upon the public domain, and to-day there remains but little of the public domain which is desirable for settlement and which can be taken under the laws of our Government. We are rapidly making a monopoly of whatever of public land there is left in this country; and now these few men in the States of Maine and Massachusetts who desire to control absolutely the mackerel market of this country and to raise the price of mackerel in our market from 50 to 100 or 200 per cent., as this bill will do if it passes, come here and ask us to put a fence around the Atlantic Ocean and to say to our people, "You shall not fish during March, April, and May."

It seems to me that it ought only to be necessary to read the bill and to call the attention of the Senate to it in order to have it unanimously rejected, for I can not believe that the Senators from any State representing their constituents can for a moment consent to stand here and indorse and advocate a measure which is to make not only mackerel dear in our markets, but which is to make all salt-water fish dear also; for you will find if you go to the great fish markets in New York and other seaports that the price of bluefish, the price of sea-bass, and in fact the prices of nearly all salt-water fish are largely controlled by the amount of fresh mackerel brought into our ports. Mackerel is the principal fish, and if it comes in in greater abundance the price goes down, and that carries with it, of course, the price of all other salt-water fish. If the number that is brought in is decreased necessarily the price of mackerel advances and the price of other salt-water fish advances.

It so happened that about two years ago, I think, a great catch of mackerel was made off our coast. Mr. Blackford, who is one of the fish commissioners of New York, a man who knows as much about the commerce in fish as perhaps any man in the United States, for he has been engaged in it for many years, tells us something about the results which happened upon the price of fish when the great catch was made only a short time ago. Let me read from his testimony which was taken by this committee. Mr. Blackford said:

> As I said when I was before your committee formerly, last year was an exceptional year, there being an enormous catch. The mackerel made their appearance about the 1st of April, and in the sixty days between the 1st of April and the 1st day of June there were some 60,000 barrels landed and distributed, not in New York city alone, but all over the country; that is, within forty-eight hours of New York city by express.

Mr. President, if you will look at the statistics of the mackerel catch of this country you will find that the 60,000 barrels were one-quarter of all the mackerel taken in that entire year. If this bill had been a law those 60,000 barrels of mackerel would not have been taken at all, and they would have been lost to the people, and the result would have been a largely increased price for fish.

Mr. Blackford goes on to say:

> They were sent in large numbers to Chicago, to Cleveland, Saint Louis, and as far south as into Virginia and North Carolina, and I do not know but that a larger quantity were shipped to the State of Massachusetts than any other State; the demand for fresh mackerel there is greater. Those 60,000 barrels do not represent all that were taken in the earlier part of the season. The whole fleet of one hundred and seventy vessels happened to strike the mackerel all at the same time, and New York was the great market. The whole fleet came to New York, with the exception probably of half a dozen vessels that went into Philadelphia or other ports. It glutted all the usual avenues of distribution. They came in such enormous numbers there that they could not be distributed through the usual channels in time to avail ourselves of them before they spoiled. The fact is probably familiar to you that men, women, and children flocked to the docks with their baskets, and it was not a question of price. If they had 5 cents they could fill a basket. If a peddler came here with a wagon he could get his wagon loaded for 25 cents, and in the distribution by rail and express the dealers simply barreled them up and marked the names of reliable dealers in this city and that, and shipped them off for the dealer to take and pay whatever he saw fit. I speak of this in order to show you that during these two months mackerel form a very important factor as a cheap food supply of good quality.

The Senator from Michigan tells us that this is destroying the catch of No. 1 mackerel. Perhaps that may be true, but 90 per cent. of the people of this country do not eat No. 1 mackerel; they do not ask for it in the grocery stores; they can not afford to pay the price for it; the people of this country want cheap food, and under the present system of fishing they are getting it, not only all along our Atlantic coast, but, as I have shown, as far into the interior as the Mississippi Valley itself.

How does this large catch of fish affect the price even of No. 1 mackerel? I might go on and read a long time to show how it reduced the price of a barrel of salt mackerel at that time nearly 50 per cent.

It is not necessary that I should say here that the price of mackerel like the price of other commodities depends upon the supply and demand. The bill proposes to cut off one-half the supply and thereby raise the price of the other half to at least double the present price.

While the catch of mackerel has decreased since purse-seining has been introduced, it does not follow that it should be given up, nor does the bill provide that it shall be given up. If the bill had provided that at no time should any mackerel be landed upon our shores save those taken by hook and line, we could then have understood that the committee and the Senator from Michigan had brought the bill here for the purpose of preserving the species of mackerel and providing that only the large fish should be taken and that the small fish should be left. But it does not do anything of the kind.

Mr. PALMER. Will the Senator from New York permit me to interrupt him?

Mr. MILLER. Certainly.

Mr. PALMER. Is not that essentially the effect of the bill? The Senator seems to be confused on that point.

Mr. MILLER. I do not think I am confused on that point at all, but if I am I am willing to be enlightened.

Mr. PALMER. If the Senator will read the proviso at the end of the first section I think he will be enlightened.

Mr. MILLER. I have read it two or three times, and we all understand it. That permits fishing with hook and line during the three months specified, but after that time is up, for the other nine months in the year, purse fishing goes on uninterruptedly off the coast of Massachusetts and Maine; but it can not take place off the coast of any other of the United States of America, because the fish are not there except during those three months. That is the meat in this little bill.

I say if the committee had come in here with a bill providing that no mackerel should be landed upon our coast at all save mackerel taken by hook and line, it does seem to me the Senator might have stood upon some scientific ground, upon some just ground, and said to the Senate that he was afraid the entire species of mackerel would be blotted out and withdrawn from the sea, and he was doing this to preserve the species. But that is not the case at all. Mackerel can be taken by purse-seine any time after the 1st of June, any time after the fish year given, as high up as Massachusetts or Maine, but not before.

The catch of fish is not falling off at all. The Senator says there have not been as many No. 1 mackerel taken recently as heretofore. Quite likely that is true, but as I have said the masses of our people are not buying No. 1 mackerel; they want cheap mackerel and cheap food of all kinds. I do not know that the entire catch of mackerel is given here. I suppose not, but it is the amount inspected in Massachusetts only that is stated in the report. In 1875 it was 225,000 barrels. The next year it fell to 105,000 barrels. Evidently that was a bad year for mackerel. The next year it went up to 144,000 barrels; and the next year to 155,000 barrels. In 1880 it got up again to 243,000 barrels. The next year it was 256,000 barrels. The next year, another bad year, in 1883, it was 154,000 barrels. The next year it went up to almost its largest point; in 1884 it was 283,000 barrels; and the next year it fell to 215,000 barrels.

There is not anything to show in the statistics of the country (for there are no such statistics) that we are depleting the seas, or that we can in any way destroy or perceptibly affect the supply of food-fish in the sea. What are caught by all the human race constitute a mere nothing in comparison to the vast multitudes that inhabit the sea.

Here is a food suitable to all our people, which costs no man anything to cultivate or raise. It roams at its will through the sea. It costs us nothing and never has cost us anything. We have been appropriating a few thousand dollars from year to year to enable our scientific men to study the habits of sea fish and to see if they can do anything to bring them closer to our shores and to make our fisheries more effective. In the increase of our food-fish in our interior waters they have undoubtedly been very successful, and are doing much to resupply the streams and lakes which were giving out. But thus far they have produced no results whatever upon sea fish. They have been enabled to make some studies which are useful and which I hope will lead to beneficial results, but in regard to mackerel they have not been able even to arrive at any conclusion about their habits. They do not know where they go to nor where they come from. They simply know that during certain months they are off a certain portion of our coast, and that we can then catch them, and that is all they know about them. Let me read from a letter written by Professor Baird on this subject:

UNITED STATES COMMISSION OF FISH AND FISHERIES,
Washington, D. C., February 15, 1886.

DEAR SIR: I have received your letter asking for an opinion as to whether "the preventing of mackerel fishing during the spring months is necessary for the maintenance of an abundant supply of that fish upon our shores."

I have never been convinced that the abundance of mackerel has been in any way affected through the agency of man.

Here comes this committee and it proposes to say that for three months in the year no mackerel whatever shall be landed upon our coast. There can be no possible excuse or demand for such legislation unless it be upon the ground that it is necessary to preserve the fish and to prevent them from being obliterated.

Mr. PALMER. Will the Senator permit me to make a statement?

Mr. MILLER. Certainly.

Mr. PALMER. The Senator seems to have gotten up a fog-bank, and thinks it is a positive clay-bank, and he is pelting that. There is no charge that there has been a diminution in the quantity of mackerel. That is not the charge, although I believe that will follow the purse-seine fishing if kept up for many years, but the charge is in the degradation of the quality.

Mr. MILLER. May I ask the Senator what is the reason for this bill? Why is it brought in here?

Mr. PALMER. In answer I will state that it was brought here at the instance of men who are engaged in the mackerel fishery, who represent 400 vessels and 5,000 seamen, who say that by reason of purse-seine fishing, as they believe, the mackerel fishery has become unprofitable, and that they will sell out at from 25 to 50 cents on the dollar their vessels and all their equipments. They say it is a matter of vital interest to them, and that without some legislation the mackerel fishery of the Northeast will be destroyed entirely, and they will have to go back to the old hook-and-line methods.

The Senator says that what he wants is cheap food for the people. He will have high food for the people without some such enactment, because this matter of purse-seine fishing will cure itself sooner or later. The best thing for him to do is to accept the inevitable. Let these poor and miserable and cheap, and I would say, if I ever used the word, nasty fishes of the spring go, and rely upon the hook and line to supply his constituents, and in the fall get fish that are worthy to eat at a cheaper price than he can get them if the present system is permitted to go on.

Mr. MILLER. The Senator has answered my question as I expected he would. It turns out that this bill is in the interest of the owners of a few fishing vessels, not in the interest of the seamen who go upon them, as the Senator from Delaware [Mr. SAULSBURY] told us was disclosed in the investigation which was had before a committee of which he was a member.

I undertake to say, and I do not think it can be gainsaid or disproved, that this bill is desired simply by a few men who stay upon the land in various towns in Maine and Massachusetts and salt down mackerel. They are men of capital, men of means. It is not asked for by the poor fisherman himself. He does not desire to be deprived of three months of his work in each year. It is not asked for by the ten million or the fifty million people who consume this food.

As to the quality of the fish, I do not care to go into that, but I think when every Senator here can get a good fresh mackerel between the 1st of April and the 1st of June he does not hesitate to eat it. I know I do not. I have no doubt but that the Senator from Michigan, although I know he is very particular in regard to his food, eats fine mackerel between the 1st of April and the 1st of June.

But, as I said a moment ago, even if the object of this bill be what the Senator says it is, it effects that object only for three months. It does not stop purse-seining during nine months in the year. Why not? If it were true or if there were any fair probability that by the continuation of purse-seining all the mackerel would be driven off our coast and this whole fishery disappear and our people leave this food fishery entirely, it might be wise for us to pass a law providing that no mackerel should be landed upon our coast at any time save those taken by hook and line; but this bill does not provide anything of the kind. The Senator from Michigan wants to preserve, to take care of the little fish, the weak fish, and the poor fish during three months in the year, and then he turns them loose to the mercy of those men whom he is representing here, the fishermen of Maine and Massachusetts, and allows them to go out with their purse-seines and surround the whole sea and bring them in, and they bring in large and small then just as much in the months of June and July as they do in the months of April and May, do they not? I ask the chairman of the committee if that is not true? There can be no question about it. This bill, then, is not consistent with itself. It does not undertake to accomplish what the Senator says it is intended for.

Mr. PALMER. The Senator asked me a question. I shall be very glad to answer it.

They do not bring the fish in in the same shape in July and August; they are not brought in salted. It is a fact that the fish caught in July are not fit for salting.

Mr. DAWES. I should like to ask the Senator from New York if he has not overlooked the fact that the fish when they first come upon our shores in March, April, and May are poor, small fish; that they become larger and fatter after that time and more fit for the market; and that the object is to preserve the fish until they become fit for the market and not bring them in as he has described, 60,000 barrels at one time, and allow them to be dumped into the docks and thrown away, more than half of them, because it was impossible to consume them at any price or give them away before they were destroyed. Is not that the object of this bill?

Mr. MILLER. I am trying to get at the object of the bill, and we shall be able to fish it out after awhile, even if we have to do it with

a hook and line. I have been throwing out a purse-seine and got nothing. The reasons were so small that they slipped through the mesh.

Mr. DAWES. I suppose that a man who recognized the fitness of the game law in his own State and in every other State of the Union that prohibits the taking of game during certain months in the year in order to preserve the game, so that it may be fit for market in other months of the year, would be able to guess, without the benefit of a hook and line, what was the purpose of this bill.

Mr. MILLER. If there was anything of that kind in this bill I might perhaps have guessed at it; but there is not. There is nothing in the bill that will accomplish anything which the Senator from Massachusetts has just stated to be the object of the bill. It will not accomplish it at all.

Mr. DAWES. The Senator will allow me to interrupt him again.

I stated to him that during those months the fish were young and poor fish, that they came up better fish in the after months; and the Senator's attempt to show that this is for the benefit of the men who own shipping craft in Maine and Massachusetts shows that he understands that part of it just as little as he does the game laws of his own State. It does not make a particle of difference with the men in Maine and Massachusetts whether they fish down in New Jersey and off Hatteras, or fish in Massachusetts or Maine. They do not go home at nights; they are out on the ocean; and it does not make one particle of difference where they go for the fish. The effect is upon the fish and the fish market in the long run, not upon a man whose business it is to get 60,000 barrels at one haul, and make a lot of money by dumping them around in the different express offices of the country. That is the difference between the Senator and this bill.

Mr. MILLER. If I did not answer all the questions and all the objections of the Senator from Massachusetts, it was because the questions were so long that I forgot most of them before he finished.

I do not suppose the Senator from Massachusetts or the chairman of the Committee on Fisheries will undertake to say that the mackerel grow from a little fish to a big fish between the first day of April and the first day of June. That is absurd. It takes several years to grow a No. 1 mackerel, the kind that the Senator from Michigan uses upon his table. They are not grown in ninety days.

Undoubtedly it is true that the mackerel in the months of April and May are not quite as fat, not quite as oily as they are in September and October, but it is also true that the mackerel during the three months I have mentioned, March, April and May, are perfectly good food, and are eaten by the greatest epicures in this country, with all due deference to the chairman of this committee and to the Senator from Massachusetts.

If by purse-seining they get too many of the small fish, this bill does not prevent it except for three months in the year; as I have said before, it leaves the other nine months unrestricted. Now, if these fish are unfit for food during March, April, and May, why, I ask in the interest of the health of our people, does the Senator from Michigan come in here and permit you to eat those which are taken by the hook and line, or are taken in a pound net, or in a weir off the coast of New Jersey during these three months? Are those fish which come a little closer to shore any better in March, April, and May than the fish taken out in the open sea? I think not. The fact remains simply that the fish in those three months are not as good as they are during the rest of the year, but they are perfectly good food and are eaten by all our people who can get them at a reasonable price.

The Senator from Massachusetts referred to the game laws of my State and of other States. Sir, we do not have any game law in the State of New York which forbids fishing for trout and bass except during the spawning months. We have not got any such law as that, and that is what this bill is. This bill says you shall not begin fishing for mackerel in the high seas until the spawning season begins, and then you may fish all you like. Who ever heard of such a game-preserving law as that is? It is absurd on the face of it; and I say when a law is made with that absurd provision you must go and look at the selfish interests of the men who brought the bill here and who have advocated it before the committee and who have appeared there and made their arguments. The thousands of poor fishermen who go out in these months and partake in this industry have not been here asking for the passage of this bill, but only the capitalists; and they have found that we are catching so many fish under the present system, that we are so reducing the price even of No. 1 mackerel, that they with their capital may no longer find it profitable; but I have no fears in regard to that. This great industry will not be allowed to die and pass away because of its enormous proportions. It does not cost us, as I said a moment ago, anything to grow these fish. Providence takes care of them, or they do themselves, and all we have to do is to catch them and distribute them among our people.

One other point mentioned by the Senator from Massachusetts I desire to refer to, and that is the enormous catch that took place two years ago of 60,000 thousand barrels taken by a fleet of 170 vessels, nearly the whole of which was brought into the port of New York, and from there distributed, as I have shown, all over the country east of the Mississippi River. The Senator dealt, I think, in a little exaggeration, not intentionally, in stating that one-half of them were dumped off the wharves and allowed to go to waste.

Mr. DAWES. I did not say they were dumped off the wharves. They were taken to express offices.

Mr. MILLER. I said one-half. I did not say the whole.

Mr. DAWES. I say the Senator was mistaken when he said I stated that one-half had been dumped off the wharves. I said one-half of them were disposed of in some way; that is, dumped off the wharves, sent to express offices, and thence away off at a distance in such large quantities that they became useless and could not be eaten at all.

Mr. MILLER. The statement of Mr. Blackford does not bear out that statement of the Senator.

Mr. DAWES. The whole statement in the book the gentleman has before him on that subject bears out what I said.

Mr. MILLER. Perhaps it may; I will not undertake to say in regard to that; but I say the statement of Mr. Blackford, who has more information about it than any other man in this country, does not bear out the statement of the Senator; and even if it did it would be no argument at all in favor of this bill, for there is nothing in this bill that will prevent the one hundred and seventy or the four hundred vessels, as I think the Senator from Maine said, engaged in this business from catching, after the 1st day of June, all the mackerel that go to their seines, it may be one hundred and twenty barrels in one haul. There is not anything in the bill to prevent that.

It so happened that two years ago this fishing fleet went south and off our coast it struck the mackerel as they were coming into our shores, and like wise fishermen they filled their nets and filled their ships, and brought them into port, and they brought in 60,000 barrels and they were distributed over the country, and the estimate of Mr. Blackford is that perhaps 6,000 barrels out of them all were wasted because they were spoiled before they could be properly distributed, but that is a thing that never happened before and may never happen again, and there is nothing in this bill to prevent its happening every year.

I was attempting to show that it was impossible for man, in any way, to control the fishes of the sea and their supply, or that we had any exact information regarding them, and therefore that it was worse than folly, that it was criminal on our part to attempt to curtail the supply of food to our people by fencing in the Atlantic Ocean for three months and preventing our fishermen from fishing. I was reading a letter from Professor Baird when I was interrupted. I will go back in the letter.

> I have never been convinced that the abundance of mackerel has been in any way affected through the agency of man. The catch in 1884 and 1885 was far above the average for the past fifty years.

The Senator from Michigan told us that purse-seine fishing began in 1873. Twelve years after it the catch was the largest that had been made within fifty years. Certainly this purse-seine fishing has not diminished the supply of mackerel very much in the high seas during the thirteen or fourteen years it has been in operation. But that does not prove anything positively. The Senator may be right in his prophecy that if purse-seine fishing goes on uninterruptedly for a term of years it will entirely destroy mackerel fishing. My only answer to that is that if it is true he should have brought in another kind of bill, a bill forbidding purse-seine fishing at all. That he has not done. Professor Baird says further:

> It is not impossible, however, that the continuance of the use of the great purse-seines may in time have an appreciable effect in decreasing their numbers. The statistics of the next few years will doubtless enable us to form a definite opinion upon this question.

Would it not be wise to postpone the operations of this bill, not for one year, but for five or ten years, in order that we may get some statistics to show whether it is decreasing it or not? Only three years ago, perhaps four years ago—the Senator from New Jersey will know—the persons engaged in menhaden fishing, a fish which is taken only for oil and fertilizing purposes, came here and demanded an investigation by this body, and asked that we pass laws curtailing menhaden fishing, if not to entirely suspend it for a term of years, upon the ground that the menhaden were entirely disappearing from our coast, and that a great industry was being destroyed. While that investigation was going on, while this body was considering the proposition as to whether it would limit menhaden fishing or not, the menhaden fishing fleet, which was out looking after its freight, was struck by the greatest school of menhaden that had ever been known off our coast, made the largest catch it had ever made, and made the largest profits it had ever made. And then what? Those wise men who had been demanding of Congress that it should stop that kind of fishing came here and humbly prayed us that we would quit our investigation, and not pass any legislation. That is what resulted that year.

Here I show you that in 1885 the largest catch of mackerel was made that had been made in fifty years, and still gentlemen come here demanding that we shall yard up the Atlantic Ocean and prevent mackerel fishing for three months of the year.

Mr. President, I might go on and read the rest of Professor Baird's letter, but I will not encumber the RECORD with it nor detain the Senate by taking the time to read it. I simply wanted to call attention to that one sentence in which Professor Baird says that he is satis-

fied the abundance of mackerel has never in any way been affected by man. I infer that it never can be, and I do not believe that it ever will be.

Now, Mr. President, as to the wisdom of Congress undertaking to control this matter by legislation, undertaking to say that our people shall not go out into the high seas and bring in the treasures of the deep for the use of our citizens, it certainly is a very peculiar kind of legislation. Whether or not it is an infringement of the old doctrine of State rights, I do not know. Whether we can say to the people in the Carolinas that during March, April, and May they shall not go off their shores to catch any fish, or if they do, they must eat them on the high seas, they shall not land them in any port, I leave for the constitutional lawyers from that portion of the country to decide. They can say whether that is an infringement of State rights or not. But, as I said at the beginning, it is an anomalous bill. I have been attempting to find out from the chairman of the committee and from other gentlemen who are behind this bill, what are the bottom reasons that moved it and that have brought it here. We have had all sorts of reasons given, in my judgment, save the true reason.

Mr. PALMER. I think I gave the reason. I have given it two or three times. This bill is being pushed at the instance of the fishermen of the northeast coast of the United States who find mackerel fishing unprofitable, and find that their vessels and all their equipments have run down to twenty-five cents on the dollar. That is a sufficient reason.

Mr. MILLER. That may be sufficient for the Senator from Michigan, but that is not sufficient for me. It is no sufficient reason why I should support this bill. It is a pretty plain reason, and I think we are getting to it very closely now.

Mr. PALMER. It is a much better reason than we had for pushing the oleomargarine bill.

Mr. MILLER. All I can say about that is that the Senator from Michigan was my chief lieutenant in that fight, and made the second speech upon it; and he came into this Chamber, getting up off a sick bed to do it, because his people demanded it and because he believed it was right. Has he anything to retract from his action on that bill?

Mr. PALMER. Nothing at all. I merely want to ask the Senator from New York to regard and observe my consistency and go and do likewise.

Mr. MILLER. I am going and doing likewise, but I am not here to legislate, as I said a moment ago, to put a wall around the Atlantic Ocean and to prevent American citizens from going out into the briny deep and fishing and bringing to our shores their fish and selling them to us at any price they can get. If fish are scarce, the price is high. If sixty thousand barrels come in, the price goes down to almost nothing, and our people are benefited by it.

No, Mr. President, I think the chairman has finally, perhaps, given us the chief reason why this bill is brought here. A few men engaged in the packing of salt mackerel in Massachusetts and Maine are finding that the catch is so enormous that the prices are going down, not only upon mackerel but upon all other sea fish, and it will not do; their profits will disappear, the people will get cheap food and these men will not get so rich. If that is a good reason for passing the bill, let those who believe in it vote for it.

Mr. GRAY. Mr. President, I do not discover anything in this bill that is, in the language of the Senator from New York, at all anomalous; nor do I believe that the committee that reported the bill, of which I happen to be one, have laid themselves open at all in their investigation of the subject and in their presentation of this bill with their approval to the strictures of the Senator from New York that they have presented in its support "every reason except the true one;" or that by advocating this bill they are in favor of monopoly, or are advocating this bill in the interest of any particular class of the citizens of this country.

They may be mistaken, of course, as to the grounds upon which they urge the bill. They may have not got at exactly the truth in regard to the mysterious ways and habits of the fish that swarm the Atlantic Ocean. There was a great deal of testimony on that subject taken before the committee and very patiently listened to, and digested in this report; but whatever the results arrived at by the committee, I am very sure that the object aimed at was an honest one, and that object was to preserve, not for any particular class, not in the interests of any monopoly, but for the great mass of the people of this country, a cheap food product. Certainly it is worthy of the experiment that we should endeavor in the light of the testimony that is presented in this report of the committee to seek some way, some mode by which the diminution of the quantity and the degradation of the quality of this most important food product may be stopped.

It is with that view, and that view alone, notwithstanding the insinuation of the Senator from New York, that this bill is reported back from the committee with a recommendation that it pass with the amendments proposed.

Mr. MILLER. Will the Senator permit me a word?

Mr. GRAY. Certainly.

Mr. MILLER. The Senator states that this bill is brought in here because of the great diminution of the quantity of mackerel. I fail to find any such proof in the testimony submitted by the committee. On the contrary I have read here from Professor Baird a statement showing that the catch of 1885 was the largest of any year for fifty years back.

Mr. GRAY. The evidence taken by this committee and before us to-day shows, if it shows anything, that notwithstanding the improved methods by which fish are taken, notwithstanding the use of purse-seines by which whole schools of fish are taken at one time by a fleet, the catch of fish has not increased in anything like the proportion in which the means of catching them have been improved, but on the contrary there is——

Mr. MILLER. I ask for a reference to the statement showing that the number of fish or the amount of fish caught has decreased.

Mr. GRAY. If the Senator will read the report and if other Senators will read the report—I have not time to refer to it now—he will find and they will find that the proportion of the fish caught is in no wise equal to the improved method of catching them. That is what I mean to say. I do not mean to say that there is an enormous disparity between the actual catch now and the actual catch some twenty or twenty-five years ago; but there has been an enormous improvement in the method of catching these fish by which instead of the old hook-and-line methods they take in a whole school of fish at once, and the degradation in the quality of the fish is established beyond all peradventure, so that the quantity of No. 1 mackerel taken by these fleets ran down from 20, 30, and as high as 35 per cent. to 7 per cent., 8 per cent., and 9 per cent. in the last three or four years.

But, Mr. President, is it not worth while, even if this be a doubtful question, even if there is a difference of opinion—and I admit that there is such a difference among those who are experts in this matter of fishing as to whether anything that man can do can diminish the supply of fish in the Atlantic Ocean—in the face of this difference of opinion is it not worth while to make the experiment for five years as to whether a close season during the period of spawning and up to the time in the summer when the fish drop their spawn will not improve the quality and conserve for the great consuming masses of this country this most important food product of our Atlantic coast? For after all, as I said before, that is the object which this committee have had in view all along in their investigation of this subject and in their approval of this House bill.

I said there was nothing anomalous in this sort of legislation. We are constantly upon the land endeavoring to conserve and protect from destruction the great food supply of the forests and the streams. Our State statute-books are full of enactments that tend to restrict the natural liberty of man in the taking of fish and in the killing of game, in order that the supply may not be recklessly and wantonly destroyed; and it is upon that principle that I am in favor of this bill; and it is upon that principle, as I understand, that this committee have reported this bill favorably that they may in the interests of all endeavor, by the restriction of a few, to preserve a great food supply for the masses of our countrymen.

We heard very fully the constituents of the Senator from New York, who represents a very small portion of this country of ours after all. We heard very fully those gentlemen describe how their interests would be affected by this restriction—I mean the fishmongers of the city of New York. If there is any private interest being advocated upon this floor, as the Senator from New York seems to insinuate, it appears to me it is the interest of those fish merchants in the city of New York and the other large cities of the Atlantic coast that were being advocated by him when he opposed this bill.

Now, sir, special interests must give way. The honest industry of these fish-mongers must be subordinated, I submit, to the interests of the great consuming masses of this country. And if this experiment should turn out to be a failure, I do not think that the price we have had to pay for it will be a very costly one. It is only for five years. I believe that the experiment will result advantageously. I believe that it will vindicate itself and that the restriction of fishing on the Atlantic coast will have the same effect that restrictions upon fishing in our streams in the States by the State Legislatures have had in improving the quality and the quantity of the fish supply to the country at large. It is for this reason that I am willing to vote for this bill, and believe that it ought to pass.

Mr. MILLER. Mr. President, as I have shown conclusively from the evidence taken before this committee, the amount of mackerel in barrels, the catch has never been so great as it has been since purse-seine fishing began, and as Professor Baird says in his letter the catch in 1885 was greater than that for any one of the fifty years previous. Quite likely the quantity of No. 1 mackerel taken may be less proportionately, because by purse-seining all the fish are taken, large and small; but when these enormous percentages were given by the Senator from Massachusetts showing that 50 or 60 per cent. of the catch was No. 1, you will find if you go over the tables that in those days when there was no fishing except with hook and line the number of barrels taken was a mere bagatelle in comparison to the number taken at present.

In 1809 there were only 8,000 barrels taken. In 1814, when we were not permitted to go upon the high seas because a foreign power kept us off, we took 1,300 barrels; in 1819 only 4,300; in 1839 only 74,000 barrels; and so on down. But as I have shown, in the year 1884 we took 283,000 barrels, or rather that amount was inspected in Massachusetts alone, and last year the amount was 215,000.

The Senator from Delaware [Mr. GRAY] has been kind enough to suggest that I am opposing this bill in the interest of the fishmongers of New York city and other Atlantic coast cities. Well, Mr. President, I accept that designation. The Senator in his tone of voice and his manner undertakes to imply that fishmongering or selling fish to the people of this country to eat is not a very reputable business. I do not hesitate to stand here and represent those men, and represent all their customers, which means all the people of this country who eat fish and who can not afford to buy No. 1 mackerel. That is what I stand here for.

Then the Senator asks us to make an experiment for five years; to stop this fishing for three months in the year, for five years, for fear that something may happen. Why, the last day may come before that time, and this whole earth may be rolled away, for ought I know. Many of us have no interest in who shall eat fish five years from now.

I undertake to say that in this testimony and in the testimony of the highest scientific authorities in the world there is not a scintilla of proof to show that man by all his appliances in modern fishing has done anything whatever to diminish the supply of fish in the sea. Why, then, shut our people out from the seas? Here is this food free to us all. Thousands, four, five, six, or ten thousand men are engaged in this industry, and they are bringing food to our people and supplying their wants. Because we find that the interest paid upon the investment in the ships and the interest paid to the fish-houses in Massachusetts and Maine in packing salt mackerel was larger when the catch was only fifty thousand barrels than it is when the catch is two hundred and eighty thousand barrels per year, are we to say to our people, "You shall not have two hundred and eighty thousand barrels of mackerel; you shall only have fifty thousand barrels, and you shall not eat anything but No. 1 mackerel?" Are we here to legislate in that way?

Mr. President, there is no similarity between this proposed law and the game laws which we pass in our several States to control the taking of fish in our inland waters. We all know that in our interior small lakes and rivers it is possible for our large population, if not controlled by law, to take out all the fish that may be found in a certain stream, or pond, or lake; but here we have the testimony, as I said before, of the best scientific authority in the world, saying that up to the present time man has done nothing to diminish the number of fish in the sea.

But the Senator from Michigan and the Senator from Delaware, who are doubtless very fond of good fish upon their tables, have a fear that if we do not stop this purse-seine fishing for three months in the year all the good fish will disappear. Without any testimony, without any proof from any reputable source whatever that that will be the effect, we are asked to shut up the Atlantic Ocean, to say to our people that they shall not catch fish there, or if they do catch fish there, that they shall not bring them to our shores.

Mr. President, I thank the Lord that I am not a constitutional lawyer. I am not disposed to go into the constitutional question and to consider whether we have the power to do this thing or not. I am surprised to find that any of our free-trade friends on the other side of the Chamber are willing to go beyond the men on this side in shutting up our ports to anything. You can catch all the mackerel you choose to catch off shore with a hook and line; that is a home industry; but if you go outside the shore, if you go out into the open sea and take fish during three months in the year, you shall not land them here at all! Would not Senators be satisfied with a duty of 50 or 100 per cent. on fish caught beyond the shore line during those three months? Would they go so far as to make protection absolute by making it prohibition?

Mr. PALMER. Does the Senator mean to convey the idea that fish caught with a hook and line outside of the three-mile limit can not, under this bill, be brought into the country?

Mr. MILLER. Well, I will let the Senator tell what the bill means in regard to that.

Mr. PALMER. The Senator seems to be confused on that. I wish he would read the bill over in the next interval he has.

Mr. MILLER. I have read it so many times that I really do not want to do it again and take up the time of the Senate, but if that is what the Senator from Michigan means, if this is for the protection of a home industry against a foreign article, if he puts it on that basis, perhaps I might support the bill. I am trying to find some proper ground on which we can support the measure. I am surprised that the Senator from Delaware should support a measure which will absolutely close our ports to one of the chief products of the world in the way of food.

Mr. GRAY. I am in favor of cheap food, whether it be fish from the sea or other food product, and I think I have made my position clear enough perhaps, if my position is of any importance at all, that my advocacy of this bill and my reason for voting for it is that a cheap food product may be conserved for all the people of this country. I may be mistaken in the mode which I believe now will be efficient to that end, and the committee may be mistaken; but the committee has presented to the Senate this House bill with the evidence which has been taken in support of it, and asked the Senate to read that evidence and to take that bill, and for a period of five years to make the experiment whether we can not, in the interest of the mass of the people of this country, preserve for them a food product which we have reason to think is rapidly diminishing in quantity and being degraded in quality.

Mr. GEORGE. May I ask the Senator a question?

Mr. GRAY. Certainly.

Mr. GEORGE. Has there been any proof in the case that there is a sensible decline in the supply of mackerel?

Mr. GRAY. I think so. I think the evidence taken before the committee tended to show most unmistakably that there was a very serious decline in the quantity of mackerel taken when you consider the improved appliances now used for catching the fish and, what was more important, and has already been insisted on by the chairman of the committee I think with great force, that the degradation in quality has been more serious still, and though the number of fish taken may not be so very much less now than it was some years ago, yet if you take them pound for pound instead of per capita the diminution in quantity will prove very great.

I do not wish to occupy the attention of the Senate again, except to say what perhaps is plain enough, that, so far as the fishmongers of New York or of any other part of the country are concerned, I think their employment is quite as respectable as that of the Senator from New York or of myself. Anything that I said had nothing to do with the respectability of that calling. I merely contrasted the smallness of their interest in this question with the magnitude of the interest of the great consuming masses of the country, and that was all that I intended to say, and all that I think I did say.

I wish to say one other thing, because it interests the people of my own State, and I think interests the people of the States from Carolina up to the southern line of Massachusetts. The interests or prejudices, or whatever you may choose to call them, of the Senators from those States have been appealed to because the close season that is proposed by this bill is about the time that the fish are found upon the coast from Carolina up to the southern line of Massachusetts. That is about true, but it should be recollected that the boats and the men who take those fish are, after all, the same "Yankee fishermen" that the Senator from New York speaks about. Those great fleets from Gloucester and from Maine sail down the coast in the beginning of the spring to meet these fish off the coast of North Carolina, and follow them all the way up to Massachusetts. So that the fishermen who are principally interested are these same "Yankee fishermen," and it is they whom this bill will principally restrain, because there is an amendment in this bill as brought from the committee which provides that its restrictions shall not apply to mackerel taken by hook and line in boats of any size in the old-fashioned way.

Mr. GEORGE. I desire to ask the Senator another question. Is the Senator to be understood as admitting that this practically prohibits fishing at any time in any waters for mackerel?

Mr. GRAY. I am not able to say in answer to the question of the Senator from Mississippi whether it entirely prohibits it or not or whether at any other time in the year those fish are on that coast. I am inclined to think that is true so far as mackerel are concerned. But what I do mean to say is that the mackerel catch is made in those months when they are on these southern coasts by the very same fishermen that make them in the other seasons of the year. I mean fishermen from Maine and Massachusetts.

So, Mr. President, the people and the fishermen who are particularly affected by this bill are those who live in New England and not those who live upon what we may call our southern coast, for they are fairly protected, as I said, by the amendment of the committee which allows the catching of mackerel by hook and line in boats of any size.

I therefore think that all appeals made by the Senator from New York to the interests, the supposed selfish interests, of the States of North Carolina, Virginia, Maryland, Delaware, and New Jersey fall to the ground as utterly without foundation.

Mr. MILLER. I have made no appeal to the selfish interests of the people of Virginia or the Carolinas. There is nothing in my remarks that warrants the Senator from Delaware in making any such statement here. I do not propose to let that statement go unchallenged.

Mr. HALE. Mr. President, I can see that when a bill of this kind is presented, which apparently interferes with what has been a recognized liberty for years, fishing in the broad Atlantic, Senators may hesitate in giving it their support unless clear and indisputable reasons are submitted for the passage of the bill.

It is not right that it should be presented to the Senate as a bill in the interest of a monopoly and that the opposition to the bill is in the interest of the great public. Precisely the reverse is true. This bill seeks to perpetuate for the people of the United States a great food supply, not for two or three months but for the entire year. For years the supply of mackerel to the people of the United States, consumed

upon their tables throughout the land, has been a considerable part of the every-day consumption of the people. It does not rest with the consumption in March and April and May, but it is a product that is found upon the tables of the people all through the year, and the greater part of the product and the desirable part is the great catch late in the year.

The Senator from New York says that this is a New England measure; that it is simply to help a few Yankee fishermen. Why, sir, the bill was reported in the other House from the Committee on Ways and Means that has but a single member from New England upon it. It was championed there and explained by a member from the State of Arkansas, a member of the illustrious Breckinridge family of Kentucky, who went over the whole provisions of the bill, showing clearly that it was a measure so much in the interest of the people that the House passed it overwhelmingly. It is reported here in this body from a committee that has but one member from New England upon it, the chairman living in Michigan, having no interest whatever in these fisheries.

And, Mr. President, this bill is not opposed by, and the Senator from New York in his opposition does not represent, a fisherman in the United States. There is not a fisherman on the coast of North Carolina, or New Jersey, or Virginia, or Maryland, or New York, or Delaware who opposes this bill. The bill has scrupulously guarded the interests of every fisherman everywhere. There is not a man who goes out from the coasts of the Southern States fishing for these fish, as he has done for years, in his boats, or with traps, or with seines that is not allowed to go on and do as he has done in the past. There is not a man along the coast of the Middle States that is touched; but his rights are on the contrary preserved; nor is there a man in New York or anywhere else affected. The only men—and that has not appeared in the discussion yet except as alluded to by the Senator from Delaware—the only men who are restricted in this case are the New England fishermen that go from Massachusetts and Maine.

Why, sir, every one of these fish that are caught in the months of March, April, and early May and landed, dumped in quantities that can not be consumed into the markets of New York, is caught by these same New England fishermen. The same vessels that are engaged and the same men that catch these fish, taken when they are good to supply the great markets of the country, are the vessels and the men that catch these fish in March and April and May and land them in New York. It is only a restriction upon these men that this bill imposes, and that restriction is imposed upon them because it has been found that their manner of fishing in these months destroys the great good of the mackerel fishery, which is in August, September, October, and November.

Scientific men (as Huxley has discovered, as Professor Baird has discovered, as Professor Collins, who Professor Baird says is the most expert man in all these subjects, has discovered) may discuss as to what the habits of the mackerel may be and their migration, and what effect the coming upon them in spawning time may have, and they may disagree; but one patent fact is that with the immense demand for mackeral, ten times as great as it was fifteen years ago, with the appliances for catching by purse-seines, so that they can catch a thousand where they formerly caught ten, still there is not an increase commensurate with these facilities and with this demand; and all we have been able to do is to barely keep up the supply, or in some abnormal year perhaps increase it. But one fact is plain, and that is, where you take these schools of fish at a time just before the spawning season and you let this fleet of New England fishermen drive into them, as they do, with their purse-seines, landing them by thousands and tens of thousands, whether you diminish the quantity perceptibly or not you do disturb the migration of the fish; you drive them into the outer waters; you drive them, as Professor Collins (who is indorsed by Professor Baird as the most expert man on all these subjects) says, undoubtedly into other feeding-grounds, and the result is that when you come to the good part of the mackerel fishery in which the people of the United States are interested, not the Maine and Massachusetts fishermen alone, then you have got no such product from the fishery as you had years ago, and therefore the fishermen themselves ought to be restricted.

Mr. President, there is only one interest that is opposing this bill. I say again that not a fisherman opposes it, not one upon any coast; they are all cared for. But in March and in April, when this great fleet drives into the schools of fish and lands 60,000 barrels in New York which cannot cake care of 30,000 it may be, a part of which are consumed, then the fishmonger, who is at the bottom of the opposition to this bill, comes in and buys. I have statistics here, which if necessary I will put in before the debate closes. He buys the fish at a cent and a half per pound. The men who are engaged in fishing, who work on these vessels that catch them, do not average $6 a month for their pay; but the fishmongers in New York—three or four there hold control of the market—buy these fish at a nominal rate and retail them out, poor as they are, at 8, 10, 12, and 15 cents per pound, and make that enormous profit, and they form the whole opposition to this bill. I know how it was before the committee. The whole voice that was expressed against it there was expressed by the fishmongers and the men they sent down from New York. It is an attempt to stand in the way of legislation which Congress has adopted for years, which every State has adopted, of having a close time in order to protect the food products.

There never was a time when you attempted in a State to fence round, as the Senator from New York says (using that phrase to prejudice this bill), there never was a time in a State when it was attempted to fence round a lake, or the water of a river, or any water under the jurisdiction of a State, that it was not said it was interfering with the liberty of the citizen, and undoubtedly that raises prejudice; and unless it be shown that it is for the good of the people afterwards in protecting the supply of food, the citizen ought not to be restrained in his liberty. If anything has been shown that has been shown here.

I repeat that the opposition here comes right from the center of New York city, where these fishmongers are. Let anybody examine the document that the Committee on Fisheries has presented to this body, which the chairman holds in his hand, and which every member can get, and he will find that the inspiration of the opposition comes from there and there alone. I for one will not sit here and allow this wise measure to be prejudiced by being placed before the Senate in a wrong manner.

More than one Senator has asked me, "Does not this prohibit the catching of all these fish until they get up to the shore of Maine?" No, sir; not in the least. That is not the theory of it. The Maine fishermen, as I have said, catch these fish at all times, whether good or not, and every fisherman that comes out from the coast below New England is jealously guarded in the provisions of this bill. He will go out and fish and he will catch the larger fish, because in fishing by boat and seine he will get those fish and they will be brought into the market, and Philadelphia and Baltimore and Wilmington and New York and Hartford and the cities along the Sound will get them under these provisions.

Mr. MILLER. Will the Senator permit me to ask a question?

Mr. HALE. Yes.

Mr. MILLER. The Senator has said that this bill does not prohibit the catching of fish until they reach the coast of Maine or Massachusetts. What does the bill do? I would like to have the Senator tell us.

Mr. HALE. The bill leaves all the fishing that the local coasts are engaged in unmolested and protected and guarded. It then provides that at this period when the fish are poor, approaching the spawning season, then outside of our waters (not raising the question of what can be done in the State waters, but dealing with goods imported into the United States as we may deal with any imported product), for the months when the fish are in that condition they shall not be caught. The reasons for this I do not need to repeat, because by so catching them you destroy the great portion of the mackerel fishery, which is the portion that comes later in the year and in which the people of the United States are interested everywhere. The people of New York city and the little neighborhoods around there are interested in the fresh fish that are brought in in those months in great quantities, but the people of the United States are interested, Kansas is interested, Nebraska is interested, Michigan is interested, Iowa is interested in this great food product that is caught later, that is salted, and then finds its way to the table of everybody, and it is the interest of everybody that that should be kept up.

The Senator from New York says it is not everybody that eats No. 1 mackerel. No, sir; but when you destroy the catch of fish that are now produced and that make the supply of No. 1 mackerel small, you bring back the old price at which No. 1 mackerel was put on the table of the inhabitant of Michigan years ago; you apply that same price to No. 1 mackerel which is now paid for No. 3 by the people of the center, the interior of this country, who are eating fish as they always will when they can as a relief to their internal products. They are paying the prices they ought to pay for No. 1 mackerel, under that well-guarded system of fish preservation, for No. 2 and No. 3.

The fish that are brought into New York that the Senator says so much about are a cheap product; they are a poor fish. I know how poor they are, and everybody who has had any comparison knows how poor the fish that is put on your table at the Brunswick or the Fifth Avenue Hotel, or any other hotel there in the months of March and April is, not fit to be eaten compared with the fish that is caught at another time after the spawning season has passed, and when it has become fat. No man who has partaken of the one will buy the other notwithstanding the enormous rates and notwithstanding the enormous profit that the New York fishmonger gets.

I did not mean, for one, that the debate should close without the true attitude of this matter being presented to the Senate. It is a thing in which everybody is interested, Mr. President. It is a restriction upon New England fishermen. It cuts off the work of Massachusetts and Maine fishermen, and is a restriction upon them to which they submit because, as I have said, great gain will come in the increased value of the fish product later in the year.

Mr. SEWELL. Mr. President, to remove the impression created by the chairman of the committee as to this being a unanimous report of the committee, I beg to say that as a member of the committee I dissented from this report entirely.

Mr. PALMER. I will say in explanation that all the members who

were present agreed to it, and I supposed that we had a full meeting. The gentleman did not put in an appearance, I think, at the time of the investigation.

Mr. SEWELL. Perhaps not; but I find my name mentioned in the report of the committee on almost every page as having questioned the witnesses.

Mr. PALMER. That must have been the fault of the stenographer, and not of the chairman.

Mr. SEWELL. Here is a question of my own:

Senator SEWELL. This early fishing, is it entirely for sale of the mackerel as fresh fish, or do they salt them?

Mr. BENJAMIN.—

Who was a prominent witness in regard to this bill——

Mr. HALE. What is Mr. Benjamin's business, may I ask the Senator?

Mr. SEWELL. That I do not know.

Mr. HALE. He is the greatest of the fishmongers of New York city.

Mr. SEWELL. He says:

They do not salt any when they can find a market for it fresh. There are probably seventy-five vessels engaged in the Southern mackerel fishing. Out of these there are probably from fifteen to twenty that salt the fish.

I tried for several years to stop what is occurring to-day, the destruction of food-fishes within the three-mile limits on the shores of the Atlantic by what is known as menhaden fishing. I was met in the committee and by the gentlemen engaged in this fishing—who have their capital invested with over one hundred steamers that occupy the entire coast line of New Jersey during the summer time—with the statement, backed up by the evidence of Professor Baird and Professor Huxley, that man has never been able, up to this time, to decrease the product of fish on the broad seas.

The menhaden come along our coast the same as the mackerel do, only closer in shore, and they are taken, converted into oil and fertilizers, and they damage the food-fishes in that sense that dragging a purse-net so close in to shore, almost at the mouth of our inlets where the ordinary bluefish go to spawn, destroys the beds for the feeding of the bluefish. But the majority of the committee became satisfied that nothing that man could do would decrease the product of fish, and no action was taken.

The mackerel strike Hatteras about the time that the menhaden do, and they follow the shores to the northward, arriving at the northern part of Massachusetts and Maine about the 15th of May or the 1st of June.

The object of this bill is to give time for the mackerel to fatten. The great fishing fleets owned in Massachusetts and in Maine have found it unprofitable to carry on what they have been doing for years since the invention of the purse-seine and its substitution for the hook and line, going to the southward and meeting the mackerel off Hatteras; and the whole intent, or if not the intent the absolute result, of the bill if passed will be to fatten up all the mackerel of the Atlantic Ocean, following the line from Hatteras northward until it arrives at the coast of Maine, where the Maine fleet will be ready to take advantage and catch them all. It is legislating for a monopoly of the very worst kind to the exclusion of the natural rights of the people of the Carolinas, Virginia, Maryland, New Jersey, and New York, prohibiting us from taking advantage of the passage of that school of fish during three months of the year.

Mr. HALE. Let me ask the Senator if he knows of a single craft of the State of New Jersey or of either of the Carolinas or Maryland that is equipped for catching this early catch of fish with modern appliances.

Mr. SEWELL. I merely state from the testimony in the report of the committee that there were seventy-five vessels engaged in bringing mackerel during the three months in which you endeavor to prohibit it, into the port of New York. It is not a question with me where they come from.

Mr. HALE. Does the Senator know of a single vessel in his own State that is engaged in it?

Mr. SEWELL. I do not.

Mr. HALE. Does he not know of hundreds and thousands of coast fishermen who catch these fish in boats and take them into a market, who are beneficially affected by this bill, and who will catch the big fish that ought to be taken into market because they catch with seines and get the big fish?

Mr. SEWELL. It is a time of the year when fish are scarce practically, when fish command a good price. It is a time of the year when people ought not to be prohibited from their natural right simply because you want to gobble the whole catch.

Mr. President, as I said, the result will be that our friends in Massachusetts and Maine, with their usual foresight, will be enabled to take the fish in the best condition, I grant, but will take all of them to the exclusion of the inhabitants of the United States south of that line. It is a monopoly and a monopoly of the worst kind, one that legislation of the United States has never gone into up to this time to exclude any part of its citizens from the natural right to fish on the high seas.

Mr. PALMER. There seem to be some very queer and diverse views entertained in regard to this bill. One gets up and claims that it is a monopoly. The fact is that the men who are claimed to be seeking possession of a monopoly have it now, and I should call it a bill as much for the protection of the fishermen of New Jersey and Delaware as for the protection of the fishermen of the New England coast. This whole mackerel fleet that uses purse-seines is owned upon the New England coast. The bill is a guarantee that each member of their fraternity will observe the obligation that they all profess to be willing to enter into—to not destroy the fish by harassing the schools as they come onto this coast.

We have not claimed in the pushing of this bill that the catch of mackerel was decreasing; but taking this table from the mackerel chart, showing the Massachusetts catch for the past seventy-five years, you will find that it has positively decreased notwithstanding the immense advantages by the purse-seine and the immensely increased demand by the methods of distribution through the railroads and steamboats and the refrigerator cars throughout the country.

Mr. MILLER. Will the Senator permit me now?

Mr. PALMER. Any time.

Mr. MILLER. I know the Senator does not wish to convey a false impression in regard to this matter. He is altogether too fair to do that. The table he is reading from says this is the "total number of barrels of each quality of pickled mackerel inspected in Massachusetts from 1809 to 1885 and the total value of each year's inspection from 1830 to 1885."

Those gentlemen who are telling the Senate that notwithstanding the wonderfully improved methods of fishing the catch has not increased, certainly are making a misleading statement, because this table has nothing whatever to do with the mackerel that is brought into the port of New York or into any of the Atlantic ports which are consumed as fresh fish. In fact nearly the entire catch of the three months of March, April, and May are thus consumed. They are not salted. Some of the testimony given here in this book undertakes to show that the catch in these three months is not salted at all, that it is all distributed over the country as fresh fish. Certainly the Senator will not undertake to base his statement upon that table, because it leaves out all the catch of the three months which is distributed over the country as fresh fish. For instance, in the year 1885, when 60,000 barrels were brought into New York in one day, that table shows nothing of it at all!

Mr. PALMER. If the Senator will permit me, I will state that the only means we have of coming to a conclusion as to the relative catch of mackerel is by this table prepared by the Boston fish bureau, and there it is shown that in 1831 with the hook and line 383,000 barrels of fish were caught, but at no time since then has any such quantity been caught by the fishermen of Massachusetts.

Mr. MILLER. That does not answer my question at all.

Mr. PALMER. I was going to qualify my remark. As a matter of course this does not take into account the amount that has been marketed in New York fresh, nor does it take into account the 100,000 barrels that are thrown overboard to infect the waters and to frighten the schools of mackerel as they come along the shore. And right here I should like to show what is said on that point. Here is a letter from Capt. Joseph Smith, of the schooner Lizzie M. Center. He says:

For the first four or five years the number of vessels engaged early was small.

That is, engaged in purse-seine fishing.

They did not appear to make much impression on the school, as they were very numerous and large, and the vessels did not start before May, but the last eight or nine years the fleet has increased so very much, and starting, say in March, meeting the mackerel off the coast of Virginia, and at times farther south, while they are moving north toward their spawning-grounds, harass and annoy them by their seines and by sailing through the schools frighten the fish, breaking them up and turn the fish off shore in deep water, on the very edge of soundings, and the result, they shun our bays and small banks, where they formerly resorted to deposit their spawn, and pass along to the south of George's Banks, and striking the southern coast of Nova Scotia, deposit their spawn amongst its numerous islands and bays where they have not been molested to any extent in the early part of the season.

I could go on and read much more of that, but I will not take the time of the Senate.

Now from the same letter:

Also, to give you an idea how sensitive large mackerel are and how easily frightened and driven from their grounds, have often seen large bodies of mackerel, when first coming upon them, anywhere from one to fifty schools at one time may be seen from the mast-head, the fleet would in a few hours break up and drive from sight the whole body of fish. They would not be seen on that ground for days after, and probably not again during the season. Again, vessels sailing along leave a narrow strip of boiling and foaming water after them for many minutes. We sailors call it the wake.

He claims that wake in itself being made through the schools of mackerel frightens them off.

This is from Mr. H. S. Fisher, of New York:

The mackerel caught south early in the season are the poorest fish known to the trade, as you and all other dealers know. They are sold fresh, mostly in this market, and controlled by three or four fresh-fish dealers. When the market is overstocked, if the fish are sound they are split and salted. The largest receipts of fresh mackerel ever known here was in the month of April, 1885, and a large part of them were in very poor condition. The good—that is, the sound ones—brought fair prices, but the poor—soft and broken—were sold for any price they could get, even as low as 25 cents a cart-load.

They are called cheap food for the people. I think all such food should be condemned. They lay there by millions on the docks and

were carried away in that promiscuous manner. Here is a letter from J. C. Young, agent of Commercial Wharf Company, Wellfleet, Mass.:

But now, since the vessels go out so early, "say the middle of March," they find the mackerel, break up the schools, drive them from their old spawning grounds, and when caught, put on the market a poor and sickly quality of fish that is ruinous both to the consumer and producer, and is ruining the whole business, "as you well know."

Mr. MILLER. Will the Senator permit me again? I know he will.

Mr. PALMER. Always.

Mr. MILLER. This wonderful witness seems to have found mackerel on the spawning ground.

Mr. PALMER. I have been reading four or five——

Mr. MILLER. This particular one seems to have found them on the spawning ground in the middle of March. What becomes of the theory that they go up the coast of Maine, and perhaps to the Bay of Fundy, and do not spawn till June or July? The witness and the committee disagree on this question. Here the man finds the spawning ground away down South in the middle of March, and says they are frightened away.

Mr. PALMER. I do not know how many explanations I shall have to make to the Senator from New York to give him a clear insight into this mackerel migration. I will say now, and I hope it will be for the last time, that they appear in March off Cape Hatteras; they keep up along the shore harassed and annoyed by those sail vessels till the 1st of July, when they commence to deposit their spawn. The gentleman seems to be a little confused as to what the spawning season is. He thinks it is the last climax of that effort of nature. It is the whole gestative period from the 1st of March to the 1st or last of July, and if he will take into consideration that that time includes about four months, it will save me or other gentlemen a great deal of confusion hereafter in answering ny objection.

Mr. MILLER. The Senator could have saved himself and myself a great deal of trouble if he had drawn this bill so as to cover that period of four or five months.

Mr. PALMER. Is that clear?

Mr. MILLER. Not yet. The first question I asked was, if this wonderful witness found these fish on the spawning-beds, as he tells us, on the 1st of March, and if the Senator tells us they do not spawn until July, must they carry the spawning-bed with them? I think so.

Mr. PALMER. I think I have made it clear that the spawning season is from the 1st of March to the last of July. What was the other question the Senator asked?

Mr. MILLER. I hope the Reporter will get this scientific discussion carefully down, because if the spawning period of mackerel is extended from the 1st of March to the middle of July the scientific world will be surprised, and they will want to have this discussion very carefully reported.

Mr. PALMER. It is getting late and I hope the gentleman will not interrupt any further except as to some point that he has not been informed on. We have here any number of letters and any amount of testimony in regard to the numbers of mackerel thrown away every year. None make it less than 75,000 barrels.

The Senator from New Jersey [Mr. MCPHERSON] spoke of some professor on the coast of Scotland who had given his time and efforts to the herring fishery to determine whether anything man could do could deplete the ocean. I will say that Professor Huxley, if he is the gentleman to whom the Senator refers, does say that nothing man can do in the way of the spoliation of the sea of fish will amount to anything, but Professor Huxley had never seen a purse-seine.

In the testimony before the committee I asked Mr. Blackford, a very intelligent gentleman, the fish commissioner of New York, if the methods were as destructive in the herring fishery, and he said he thought they were. I asked if they had purse-seines. He said he thought not. I do not believe that the purse-seine is used on the British coast; but I think it is fairly deducible from the tables and from the percentages, as shown by the Boston fish bureau, that the tendency of the use of these purse-seines is to break up the schools, frighten the older and wiser fish, the No. 1 mackerel, outside of their ordinary routes, and drive them off onto the banks of Nova Scotia. It is fair to infer that fish have intelligence. The Senator from New York [Mr. MILLER] is too good a sportsman to contend that they have not. They have sufficient, enough to protect themselves, of that instinct of self-preservation.

And right here, it appears in the evidence that codfish on the Banks will go off at the fall of a single barrel on the deck, will some times disappear and be gone for a whole day, that the fishermen on the Banks take the offal 40 or 50 miles out to sea and throw it overboard, rather than to throw it overboard amid the schools of fish. Here are a hundred thousand barrels of dead fish thrown over to frighten these schools away from their ordinary route.

Now these men come to Congress and ask for this act. I think that they are entitled to consideration. It has always been the policy of the Government to lend a willing ear to any of the complaints of the men who have manned our Navy, of the men who fought with Perry on Lake Erie, with McDonough on Lake Champlain, and with old Commodore Hull on the Constitution and on the United States, and in all those naval battles that have given our country its prestige upon the ocean.

I ask that this bill with the amendments made by the committee may pass and that this trial may be made. Its operation is being deferred a year or two. If it is going to work any hardship it can be repealed after there may be a further expression upon the subject.

Mr. FRYE. Mr. President, there is one thing which has been stated here that I wish the Senate to distinctly understand, and that is that there is not one single mackerel fishing vessel with a seine west and south of Massachusetts—not one. There is not one in New Jersey, or New York, or Pennsylvania, and there is not a fisherman outside of Massachusetts and Maine that has the slightest earthly interest in this bill except as it is intended to preserve the fish. That is a queer monopoly that the Senator from New Jersey and the Senator from New York talk about. Here is a fleet of two hundred vessels, every one of them belonging to Massachusetts and Maine, every one of them proposing to make money in the spring fishing, every one of them fitting out to go down to the fishery off Hatteras and go to fishing, and yet, amazing to say, they unite to a man in asking you to pass a bill which shall absolutely prevent them from going down on the coast to fish. Why do they do that? To create a monopoly in their interest; or is it in the interest of the people of the country? Talk about monopoly! There has not been one single man before the Committee on Fisheries, there was not a man before our Committee on Foreign Relations—and we investigated this to a certain extent—who said one single word against the close time of mackerel, except one or two fish-marketmen; and the fish-marketmen of New York have had one fish-marketman here nearly this whole session of Congress, busy to fill the minds of Senators with the idea that this was a monopoly in the interest of Maine and Massachusetts, the Yankees, as the distinguished Senator from New York with good taste said.

Mr. President, what is the fact? The fact is that these mackerel when they come to the coast are as poor as they can be. The fact is that with the mackerel it is just the same as it is with salmon and trout, and every known fish with known habits, that they eat very little indeed while they are bearing spawn. I hope the Senator from New York has finally got it through his head that spawning time is not the time when they deposit their spawn. These mackerel are bearing spawn from the time they approach the coast in the middle of March up to June, and through June when they deposit their spawn no man can take them with a purse-seine because they are out of sight, they are deep down in the water, and the purse-seine only takes them when they are coming up in shoals on top.

It is another fact which I know myself—for I am something of a fisherman—that twenty years ago, before the purse-seines were invented, you could start down on the coast of North Carolina and you could follow these fish away up to the coast of Maine, and there would be dozens and dozens of little boats of 10, 15, 20, and 25 feet keel catching mackerel for market with hook and line. It is a fact to-day that these things are unknown, that these boats have stopped undertaking to fish with hook and line. It is a fact that twenty years ago I have taken mackerel by the score and score right from the wharf with a hook and line, and the whole bay full of them, and now the mackerel in those bays are almost absolutely unknown. It is fact that all along the bays on this coast used to be full of mackerel and that to-day it is an exceptional thing to take a dozen mackerel in a day's fishing with a boat. What has done it? There is where you were hurting the poor men who want to fish. What has done it? The purse-seine.

Mr. MILLER. Will the Senator yield to me?

Mr. FRYE. No; I will not yield to the Senator from New York. He has occupied the floor now about half the time of this discussion, and he is going to reply to me.

Mr. MILLER. I am very much obliged to the Senator.

Mr. FRYE. You are entirely welcome.

I say it is a fact, Mr. President, that these poor men are deprived to-day of the rights which used to exist, and why? Because two or three hundred Maine and Massachusetts fishermen in vessels from 75 to 150 tons each, armed with two great purse-seines that can gather in half an acre of mackerel seen on the top of the water, go down in the middle of March off Cape Hatteras; they put a man at the masthead, and day and night, without any cessation, they pursue these schools of mackerel from the time they come to the shore until they go down into the deep water and drop their spawn.

The mackerel is the most timid fish that swims in the sea, more timid than the trout even, or the salmon, and this process of taking these fish with the great purse-seines by a hundred or two hundred fishermen has not depleted them. Nobody on earth knows whether they are depleted. Professor Baird does not undertake to say whether they are depleted or not. He does not undertake to say whether man can deplete them or not; but they are driven away from the shores and from the fishermen accustomed to fish in boats on the shores. So the evidence before our committee was that the large majority of the mackerel taken were taken from 15 to 20 miles from the shore, where the small boats could not venture and do not venture.

The men interested in the mackerel business believe that if you will put a close time on mackerel, run it up to the first of June when they begin to spawn and go to the bottom and out of the way of the purse-seines, your catch of mackerel will come back to its usual haunts, and

that the people from North Carolina up to the State of Maine can go back to the old way of fishing, where they can go out in their little boats and catch from one hundred to five hundred mackerel in a day and take them ashore and get their pay and have them in the market all up and down.

What is the operation now? These great fleets of vessels go down into the southern waters. They have an immense draught of fish, and they hie away as quickly as they can to the port of New York in order to land them before they spoil. Then they are landed in the great city of New York by millions, and, as the Senator from New York said, they are sold to the fish dealers for 1 cent apiece or 10 cents for twenty-five, and in one single year 35,000 barrels were thrown overboard into the sea as spoiled.

Mr. MILLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Maine yield to the Senator from New York?

Mr. MILLER. The Senator puts words into my mouth that I did not use; and therefore I do not ask his courtesy to correct it at this time.

Mr. FRYE. I will put it into somebody's mouth. Somebody said it. It is the fact, notwithstanding, that the fishermen were compelled to sell their fish for a cent apiece to the fishmongers of New York city or twenty-five for 10 cents. Who was it said that they were sold at 10 cents for twenty-five? The Senator from New York I think said it.

Mr. PALMER. No; I said it.

Mr. HAWLEY. A witness said it.

Mr. MILLER. If the Senator will permit me, what I read was the testimony of what the Senator sees fit to call a fishmonger, Hon. Eugene Blackford, of New York, a distinguished citizen of the State of New York, one of our Fish Commissioners, as he has been for years.

Mr. FRYE. He sells fish, does he not?

Mr. HALE. I understand him to be the principal fish dealer in Fulton Market.

Mr. MILLER. In his own testimony before your committee, which I read here, he said the price at which they were sold was the price at which they were sold by the dealers, not by the fishermen themselves. They were handled by the dealers, the whole of them.

Mr. FRYE. And that same year 30,000 barrels of them were thrown away as absolutely useless. Every year, when sudden luck comes to these fishermen, and they are obliged to hasten to port to get rid of their draughts of mackerel, half of them sometimes are thrown away and wasted.

The trouble is that our fishermen are frightening the mackerel away from their haunts, and that the fishermen on the shores can not get the chance to take one a day with hook and line.

Mr. GRAY. Their rights are saved in the bill by an amendment which has been adopted.

Mr. FRYE. The Senator from Delaware calls my attention to the fact that all the old-fashioned fishing is saved by an amendment to the bill.

There is another thing to which I wish to call attention. The Senator from New York says this is a very strange bill; that if the scientists and learned men in fish want to protect the mackerel why do they allow nets and seines on the shore? It ought to be obvious to a man who knows anything about fishing what it is allowed for. The bill absolutely permits the landing of mackerel during the specified length of time all up and down this coast from seines and nets attached to the shore. What for? To take mackerel? Not at all. They are not placed there to take mackerel. They are placed there to take the other spring fish which come upon the shore, but there will be mackerel that will get into the nets and into the weirs, and we do not wish to compel those fishermen with nets and weirs to throw away mackerel and waste them and make them useless. We were protecting the rights of those poor men on shore, so that if a few mackerel did get into their nets and weirs they could sell them and not be compelled to destroy them. There can be no objection to that. That was suggested by Professor Baid himself, the greatest scientist in fishing there is in this country.

Mr. President, it is an experiment worth trying, to see whether, if you will prevent these fishermen from Maine and Massachusetts from pursuing these methods, the mackerel will not come back to our shores once more and enable the poor men up and down the coast to reap the harvest they used to reap years ago, before seine-fishing was invented. It is an experiment, I admit, but we never shall learn anything or gain anything if we do not make experiments. There is one thing to be observed. Every owner of a fishing vessel who testified in relation to this matter testified that in his opinion the experiment ought to be tried. Every one so testified; there was not an exception.

The Senator from New York says that the poor fishermen will be themselves deprived of work. It is not so. They will not be deprived of work. So careful has the committee been to protect in the bill the rights of the poor men that there is a provision in it which protects the fishermen. What is that? It is a provision extending the time when the bill shall take effect up to 1888, as proposed by the Senator from Massachusetts [Mr. HOAR]. That provision protects the fishermen. I will admit that if the bill went into force to-day it would do harm to fishermen. I admit that all those craft to-day are ready for the ocean and for Hatteras. I admit that their captains and cooks and crews are engaged for a three months' trip to take mackerel, and if the bill took effect to-day they could not change from a mackerel to a cod fisherman in a month's time.

Mr. MILLER. Can they change by next year?

Mr. FRYE. Next year every one of them will have been changed into a cod-fisherman during that time. They will then pursue the cod-fishing occupation.

Mr. MILLER. The codfish will all be destroyed.

Mr. FRYE. I will risk the codfish. I have here a bundle of letters from New York, from Boston, and from Maine touching the matter of close time on mackerel, and there is not a man from New York or anywhere else who says in his letter that you ought not to try the experiment, and every one of them, they being men who have fitted out their vessels for the South, simply asks Congress that it will so amend the bill as to have it take effect next year and not this. That is all they ask. What for? That is in order to give the fishermen time to transfer their vessels from mackerel fishermen to cod and halibut fishermen, and to give them time to fit them for that business. It requires a good deal of time. They want to have time to fit their craft for that business, and then these same fishermen will be pursuing that occupation, instead of murdering the mackerel as they are now doing on the coast from Hatteras up.

Mr. MILLER. Notwithstanding the kind reminder of the Senator from Maine that I had occupied nearly all the time of the Senate on this bill, I have not done it to the exclusion of any Senator who desires to speak, and therefore I will venture even at this late moment to say a few words more regarding to it, unless the Senate want to adjourn.

The Senator from Maine [Mr. HALE] thought it very important to put the bill in a proper light before the Senate. He stated that it was necessary that he should put the bill in a proper light before the Senate in order that there might be no misapprehension of the objects of the bill and the persons it was intended to benefit. He stated that the bill was desired by all the people engaged in the industry of mackerel fishing, and that it was only opposed by the fishmongers of the city of New York. I am entirely willing to take the bill upon that basis.

Mr. EDMUNDS. Will my friend from New York yield to me to move an adjournment?

Mr. HALE. I hope the Senator from Vermont will not make that motion. To-morrow is to be given up to eulogies, and I think we can get through with this bill in half an hour.

Mr. EDMUNDS. It is not possible for us to get through with it this evening. I will move that the Senate proceed to the consideration of executive business.

Mr. HALE. I wish the Senator would not make that motion.

Mr. EDMUNDS. It is perfectly useless to try to finish the bill now. You can not get it through this evening.

Mr. HALE. Then before the motion is put let us have an understanding. I hope the Senator from Michigan in charge of the bill will try to get it up the first thing on Thursday morning before the time comes when the Senator from Missouri [Mr. VEST] will occupy the attention of the Senate with his bill.

Mr. EDMUNDS. To that I agree.

Mr. MILLER. You can not make any agreement certainly; you can make the effort.

Mr. PALMER. I shall certainly make the effort, and I give notice to that effect.

Mr. HALE. Directly after the routine morning business.

Mr. PALMER. Directly after the routine morning business.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Vermont, the Chair will lay before the Senate sundry bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y.; and

A bill (H. R. 10305) to increase the appropriation for the public building at Brooklyn, N. Y.

The bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 8594) to grant the right of way through the Indian Territory to the Chicago, Kansas, and Nebraska Railway, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty con-

cluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881.

The message also announced that the House had passed the bill (S. 2225) to idemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House insisted on its amendment to the bill (S. 2519) granting an increase of pension to Richard B. Rians, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SWOPE, Mr. LOVERING, and Mr. CONGER managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; whereupon they were signed by the President *pro tempore*.

A bill (H. R. 325) granting a pension to Catharine Waters;

A bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension roll;

A bill (H. R. 4028) granting a pension to Samuel Sawyer;

A bill (H. R. 4097) for the relief of William J. Owings;

A bill (H. R. 5091) to restore the name of Harvey Coburn to the pension roll;

A bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin;

A bill (H. R. 5506) granting a pension to Emily Louisa Spicer;

A bill (H. R. 6026) granting a pension to John Selby;

A bill (H. R. 6069) granting a pension to Owen P. Wilson;

A bill (H. R. 6523) granting a pension to Henry Roscoe;

A bill (H. R. 7327) granting a pension to Anthony McRobertson;

A bill (H. R. 7335) granting a pension to Michael Todd;

A bill (H. R. 7352) granting a pension to Mrs. Sarah Randles;

A bill (H. R. 7390) granting a pension to David B. Caldwell;

A bill (H. R. 7547) granting a pension to Livingston Clark;

A bill (H. R. 7689) granting a pension to Caroline C. McNair;

A bill (H. R. 7699) granting a pension to E. A. McFadden;

A bill (H. R. 7716) granting a pension to Lizzie Brown;

A bill (H. R. 7732) for the relief of Franz Rossrucker;

A bill (H. R. 7748) granting a pension to John H. Stucker;

A bill (H. R. 7911) granting a pension to Daniel Schultheis;

A bill (H. R. 7983) granting a pension to Mrs. Anna Schier;

A bill (H. R. 8002) to increase the pension of Loren Burritt;

A bill (H. R. 8151) granting a pension to John P. McDonald;

A bill (H. R. 8227) granting a pension to Seth Weldy;

A bill (H. R. 8258) granting a pension to Waitie F. Harris;

A bill (H. R. 8424) granting a pension to James H. Young;

A bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher;

A bill (H. R. 8601) granting a pension to James H. Butler;

A bill (H. R. 8632) for the relief of Emily Luther;

A bill (H. R. 8791) granting a pension to Sally W. Rice;

A bill (H. R. 8847) for the relief of Phila Clark;

A bill (H. R. 9004) for the relief of Caroline P. Bolton;

A bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry;

A bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain;

A bill (H. R. 9026) granting a pension to Nirius Cissell;

A bill (H. R. 9130) granting a pension to Sarah O'Brien;

A bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon;

A bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom;

A bill (H. R. 9247) granting a pension to Mary Grimes;

A bill (H. R. 9250) for the relief of William B. Barnes;

A bill (H. R. 9426) granting a pension to Betsy Cooney;

A bill (H. R. 9443) granting a pension to Elizabeth M. King;

A bill (H. R. 9444) granting a pension to Frederick Richmond;

A bill (H. R. 9672) granting a pension to Clara M. Tannehill;

A bill (H. R. 9862) granting a pension to Mary Jane Magoon;

A bill (H. R. 10025) granting a pension to Clementine Hartinger;

A bill (H. R. 10082) to increase the pension of Margaret R. Jones,

A bill (H. R. 10103) granting a pension to Minerva Abbey;

A bill (H. R. 10104) granting a pension to Caroline L. Shedd;

A bill (H. R. 10152) granting a pension to Ellen M. Sturtevant; and

A bill (H. R. 10412) to authorize the construction of a high wagon and foot passenger bridge over the Mississippi River, between the city of East Dubuque in the State of Illinois, and the city of Dubuque in the State of Iowa.

AMENDMENT TO A BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 21 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 9, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 8th day of February, 1887.

POSTMASTERS.

William H. Foreman, to be postmaster at Benecia, in the county of Solano and State of California, in the place of Archibald McDonell, deceased.

William B. Brotherton, to be postmaster at Milford, in the county of New Haven and State of Connecticut, in the place of Joseph R. Clark, whose commission expired February 5, 1887.

Theodore F. Rose, to be postmaster at Ivoryton, in the county of Middlesex and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President from and after July 1, 1886.

David Tucker, to be postmaster at Seymour, in the county of New Haven and State of Connecticut, in the place of Samuel H. Canfield, whose commission expired February 5, 1887.

Sylvenus S. Chapman, to be postmaster at Chenoa, in the county of McLean and State of Illinois, in the place of Orville D. Sanborn, whose commission expires February 15, 1887.

Berkley G. Barratt, to be postmaster at Earlville, in the county of La Salle and State of Illinois, in the place of Samuel Lynn, whose commission expired February 5, 1887.

Sanford G. Givan, to be postmaster at Aurora, in the county of Dearborn and State of Indiana, in the place of *Harry Fisk*, whose commission expired February 7, 1887.

Frank A. Millett, to be postmaster at Mechanic's Falls, in the county of Androscoggin and State of Maine, in the place of F. Edwin Dwinal, whose commission expires March 2, 1887.

James F. Lynch, to be postmaster at Watertown, in the county of Middlesex and State of Massachusetts, in the place of Samuel S. Gleason, whose commission expired February 5, 1887.

E. Clifford Nash, to be postmaster at Abington, in the county of Plymouth and State of Massachusetts, in the place of John W. Sproul, whose commission expired January 16, 1887.

Henry S. Noble, to be postmaster at Monroe, in the county of Monroe and State of Michigan, in the place of Otis A. Critchett, whose commission expires March 1, 1887.

Jacob N. Rogers, to be postmaster at Plainwell, in the county of Allegan and State of Michigan, in the place of John Crispe, whose commission expired January 29, 1887.

Eben Akin, jr., to be postmaster at Fair Haven, in the county of Bristol and State of Massachusetts, in the place of Charles H. Morton, whose commission expired February 5, 1887.

Frederick A. Currier, to be postmaster at Fitchburg, in the county of Worcester and State of Massachusetts, in the place of John W. Kimball, whose commission expired February 7, 1887.

William Hilton, to be postmaster at Bradford, in the county of Essex and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President from and after July 1, 1885, and Edward P. Kelley, who was confirmed August 2, 1886, having declined the appointment.

Nathaniel J. Edgerly, to be postmaster at Laconia, in the county of Belknap and State of New Hampshire, in place of Perley Putnam, whose commission expired February 5, 1887.

Chauncey A. Fellows, to be postmaster at Plymouth, in the county of Grafton and State of New Hampshire, in the place of Walter D. Blaisdell, whose commission expired February 5, 1887.

Adam L. Brown, to be postmaster at Bloomfield, in the county of Essex and State of New Jersey, in the place of Horace Dodd, whose commission expired February 5, 1887.

Edward A. Quayle, to be postmaster at Morristown, in the county of Morris and State of New Jersey, in the place of John R. Runyon, whose commission expires February 19, 1887.

Peter N. Cottrell, to be postmaster at Fort Howard, in the county of Brown and State of Wisconsin, in the place of George Richardson, whose commission expired January 29, 1887.

Ezra A. Glover, jr., to be postmaster at New Richmond, in the county of Saint Croix and State of Wisconsin, in the place of George C. Hough, whose commission expires February 12, 1887.

Leollie Simmons, to be postmaster at Buffalo, in the county of Johnson and Territory of Wyoming, in the place of James F. Carwile, resigned.

Patrick Talent, to be postmaster at Butte City, in the county of Silver Bow and Territory of Montana, in the place of W. Egbert Smith, whose commission expires February 12, 1887.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 3, 1887.

TERRITORIAL GOVERNOR.

Louis K. Church, to be governor of Dakota Territory.

UNITED STATES ATTORNEYS.

Gustavus Van Hoorebeke, of Illinois, to be attorney of the United States for the southern district of Illinois.

William A. Walker, of Wisconsin, to be attorney of the United States for the eastern district of Wisconsin.

PENSION AGENT.

W. H. D. Cochrane, of Nashua, N. H., to be pension agent at Concord, N. H.

UNITED STATES CONSUL.

David T. Bunker, of Auburndale, Mass., to be consul of the United States at Demerara.

INDIAN AGENTS.

James McNamara, of Freeport, Ill., to be agent for the Indians of the Colorado River agency in Arizona.

Charles H. Yates, of Ukiah, Cal., to be agent for the Indians of the Round Valley agency in California.

Hugh D. Gallagher, of Greensburg, Ind., to be agent for the Indians of the Pine Ridge agency in Dakota.

William M. Neal, of Franklin, Ind., to be agent for the Indians of the Lemhi agency in Idaho.

Charles H. Grover, of Leavenworth, Kans., to be agent for the Indians of the Pottawatomie and Great Nemaha agency in Kansas.

Dale O. Cowen, of Batavia, Ohio, to be agent for the Indians of the Fort Peck agency in Montana.

Jesse F. Warner, of Homer, Nebr., to be agent for the Indians of the Omaha and Winnebago agency in Nebraska.

Bartholomew Coffee, of Salem, Oreg., to be agent for the Indians of the Umatilla agency in Oregon.

Jason Wheeler, of Albany, Oreg., to be agent for the Indians of the Warm Springs agency in Oregon.

John B. McClane, of Salem, Oreg., to be agent for the Indians of the Grande Ronde agency in Oregon.

Thomas Priestley, of Mineral Point, Wis., to be agent for the Indians of the Yakima agency in Washington Territory.

For promotion in the Revenue Service.

Third Lieut. Howard M. Broadbent, of Pennsylvania, to be a second lieutenant in the Revenue Service, *vice* Graham, deceased.

Postmasters.

William F. Wolfe, to be postmaster at Friend, Saline County, Nebraska.

Frank B. Brown, to be postmaster at Corning, Steuben County, New York.

William H. Greenhow, to be postmaster at Hornellsville, Steuben County, New York.

Charles E. Rose, to be postmaster at Patchogue, Suffolk County, New York.

Michael Tierney, to be postmaster at Salem, Washington County, New York.

Francis B. Willard, to be postmaster at Boonville, Oneida County, New York.

George B. Aten, to be postmaster at Wellsville, Columbiana County, Ohio.

Egbert Green, to be postmaster at Medina, Medina County, Ohio.

Guilford B. Keppel, to be postmaster at Tiffin, Seneca County, Ohio.

Basil Meek, to be postmaster at Fremont, Sandusky County, Ohio.

John R. Meloy, to be postmaster at New Lexington, Perry County, Ohio.

William M. Breslin, to be postmaster at Lebanon, Lebanon County, Pennsylvania.

James W. Verlander, to be postmaster at Huntington, Cabell County, West Virginia.

James M. Holton, to be postmaster at Brighton, Monroe County, New York.

Caleb T. Smith, to be postmaster at Islip, Suffolk County, New York.

Charles S. Ware, to be postmaster at Mount Kisco, Westchester County, New York.

Martin L. Willard, to be postmaster at Antwerp, Jefferson County, New York.

Hiram E. Field, to be postmaster at Columbus Grove, Putnam County, Ohio.

Micajah Hutt, to be postmaster at Haverly, Pike County, Ohio.

George Lower, to be postmaster at Columbiana, Columbiana County, Ohio.

Josephine Doty, to be postmaster at South Oil City, Venango County, Pennsylvania.

John C. Forsyth, to be postmaster at Northumberland, Northumberland County, Pennsylvania.

Ignatius Garner, to be postmaster at Saint Mary's, Elk County, Pennsylvania.

Otis G. Kelts, to be postmaster at Kane, McKean County, Pennsylvania.

Israel P. Loveks, to be postmaster at Tarantum, Allegheny County, Pennsylvania.

Edward H. Mosher, to be postmaster at Blossburgh, Tioga County, Pennsylvania.

John A. Pyle, to be postmaster at Westchester, Chester County, Pennsylvania.

Arthur B. Rowley, to be postmaster at Eldred, McKean County, Pennsylvania.

Andrew H. Simpson, to be postmaster at North Clarendon, Warren County, Pennsylvania.

Joseph R. Naylor, to be postmaster at Wellsburgh, Brooke County, West Virginia.

James B. Ryan, to be postmaster at Saint Clairsville, Belmont County, Ohio.

Rufus Thompson, to be postmaster at Albany, Linn County, Oregon.

Alexander H. Brown, to be postmaster at Weston, Lewis County, West Virginia.

John H. Mills, to be postmaster at Canton, Saint Lawrence County, New York.

Charles P. Van Zandt, to be postmaster at Walden, Orange County, New York.

Tryon Bailey, to be postmaster at Chagrin Falls, Cuyahoga County, Ohio.

George W. Carey, to be postmaster at North Yakima, Yakima County, Territory of Washington.

Foster M. Kinter, to be postmaster at La Moure, La Moure County, Territory of Dakota.

Oscar A. Trovatten, to be postmaster at Park River, Walsh County, Territory of Dakota.

William H. Le Count, to be postmaster at New Rochelle, Westchester County, New York.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 8, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXPENDITURES, SOLDIERS' HOMES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of expenditures for the several branches of the National Home for Disabled Volunteer Soldiers; which was referred to the Committee on Appropriations, and ordered to be printed.

CUSTOM-HOUSE, TOLEDO, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect for completing the approaches and painting the walls and ceiling of the custom-house at Toledo, Ohio; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN APPROPRIATION BILL.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1888, and for other purposes; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also, in accordance with the rule, laid before the House Senate bills; which were referred as follows:

The bill (S. 2578) to prohibit members of Congress from acting as attorneys and employés of railroad companies in certain cases—to the Committee on the Judiciary.

The bill (S. 1321) granting arrears of pension to Richard H. McWhorter—to the Committee on Invalid Pensions.

The bill (S. 1986) granting pensions to William Knight, Jacob Parrot, William Reddick, and John W. Lallam—to the Committee on Invalid Pensions.

The bill (S. 2374) granting a pension to Mrs. Arabella Coddington—to the Committee on Invalid Pensions.

The bill (S. 2421) granting a pension to Mrs. Maria C. McPherson—to the Committee on Invalid Pensions.

The bill (S. 2629) granting a pension to Jane Brown Dunn—to the Committee on Invalid Pensions.

The bill (S. 2670) granting an increase of pension to James H. Thomas—to the Committee on Invalid Pensions.

The bill (S. 2834) granting a pension to Mrs. Hettie K. Painter—to the Committee on Invalid Pensions.

The bill (S. 2935) granting a pension to Robert Baxter—to the Committee on Invalid Pensions.

The bill (S. 3106) granting a pension to Milton Teeter—to the Committee on Invalid Pensions.

The bill (S. 3107) granting a pension to Catharine F. Ellsworth—to the Committee on Invalid Pensions.

The bill (S. 3108) granting a pension to James Lucas—to the Committee on Invalid Pensions.

The bill (S. 3131) granting a pension to Hugh Rogers—to the Committee on Invalid Pensions.

The bill (S. 3146) granting a pension to John W. Reynolds—to the Committee on Invalid Pensions.

The bill (S. 3218) granting an increase of pension to Maria Hunter—to the Committee on Invalid Pensions.

The bill (S. 3220) granting a pension to Hannah R. Langdon—to the Committee on Invalid Pensions.

The bill (S. 3260) granting a pension to Laura A. Wright—to the Committee on Invalid Pensions.

Also the bill (S. 2579) granting an increase of pension to Richard B. Rians, with request for a conference.

The SPEAKER. Without objection the request will be agreed to.

ADAM L. EPLEY.

The SPEAKER also laid before the House for reference the bill (S. 2248) for the relief of Adam L. Epley.

Mr. EZRA B. TAYLOR. I ask unanimous consent that that bill be now put upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAULBEE. I object, and ask its reference to the Committee on Invalid Pensions.

Mr. MATSON. I suggest that this is a claim, not a pension case, and it should go to the Committee on Claims.

The SPEAKER. The Chair will examine the bill. [After a pause.] The bill will be referred to the Committee on Claims.

CATHARINE E. BABCOCK.

The SPEAKER also laid before the House for reference the bill (S. 3135) granting a pension to Catharine E. Babcock.

Mr. STRAIT. That bill, Mr. Speaker, should be referred, I think, to the Committee on Pensions.

The SPEAKER. The beneficiary seems to be the widow of a member of the Second Michigan Cavalry. If it was for service in the late war it should be referred to the Committee on Invalid Pensions.

Mr. STRAIT. I think he was in the regular Army at the time of his death.

The bill was referred to the Committee on Pensions.

ENGROSSED COPY OF A BILL.

The SPEAKER also laid before the House an engrossed copy of the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in 1885, furnished in duplicate by the Senate in obedience to the request of the House; which was referred to the Committee on Foreign Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARNES, for five days, on account of important business.

To Mr. NEGLEY, for three days, on account of important business.

To Mr. O'NEILL, of Pennsylvania, from and including to-day until the 11th instant.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. GALLINGER to withdraw from the files of the House papers filed in support of the pension case of Ellen M. Sturtevant, without leaving copies, a favorable report having been made.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1384) granting a pension to Mathias Wondrak;

A bill (S. 859) granting a pension to Charlotte O'Neal;

A bill (S. 1626) granting a pension to John Reed, sr.;

A bill (S. 785) granting a pension to George Ham;

A bill (S. 1627) granting a pension to Mrs. M. C. Miles;

A bill (S. 1768) granting a pension to John D. Fincher;

A bill (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks;

A bill (S. 2660) granting a pension to Annie E. Gardiner;

A bill (S. 2454) granting a pension to James S. Furniss;

A bill (S. 2452) granting a pension to Rachael Ann Pierpont;

A bill (S. 2391) granting a pension to John G. Warren;

A bill (S. 2363) granting a pension to Marcel Gagnon;

A bill (S. 2353) granting a pension to William Barden;

A bill (S. 2286) granting a pension to Albert C. Kelly;

A bill (S. 2252) granting a pension to Susan A. Duncan;

A bill (S. 2218) for the relief of Lucy A. Washburn;

A bill (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.; and

A bill (S. 2111) granting a pension to Jacob Smith.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on the 30th of May of each year as on other days.

The message also returned to the House of Representatives, in compliance with its request, the bill (S. 2479) granting a pension to Mrs. Adaline P. Loy.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House was requested, the bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey.

The message also announced that the Senate had passed with an amendment the bill (H. R. 3760) to enlarge the jurisdiction of the probate courts in Wyoming Territory, requested a conference with the House of Representatives on the said bill and amendment, and had appointed Mr. CULLOM, Mr. MANDERSON, and Mr. GRAY to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with an amendment the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased, requested a conference with the House of Representatives on the said bill and amendment, and had appointed Mr. SPOONER, Mr. DOLPH, and Mr. JONES, of Arkansas, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with an amendment the bill (H. R. 4616) for the relief of Maj. Michael P. Small, requested a conference with the House of Representatives on said bill and amendment, and had appointed Mr. WALTHALL, Mr. COCKRELL, and Mr. MANDERSON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with an amendment the bill (H. R. 6046) for the relief of H. C. Wilkey, requested a conference with the House of Representatives on said bill and amendment, and had appointed Mr. SAWYER, Mr. CONGER, and Mr. BECK to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railroad Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota, requested a conference with the House of Representatives on said bill and amendments, and had appointed Mr. DAWES, Mr. SABIN, and Mr. HAMPTON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with an amendment the bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha valley, State of West Virginia, requesting a conference with the House of Representatives on said bill and amendment, and had appointed Mr. CONGER, Mr. MILLER, and Mr. KENNA to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard in the State of Mississippi, requested a conference with the House of Representatives on said bill and amendment, and had appointed Mr. VEST, Mr. RANSOM, and Mr. CONGER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and for other purposes; and

A bill (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 914) for the relief of Mrs. Fanny S. Conway;

A bill (H. R. 960) for the relief of J. R. McGoldrick;

A bill (H. R. 2156) for the removal of the charge of desertion from the record of Martin Murphy;

A bill (H. R. 2176) for the relief of Alexander Goble;

A bill (H. R. 2995) for the relief of Francis H. Shaw;

A bill (H. R. 3173) for the relief of Samuel H. Flemming;

A bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 3909) for the relief of Harry Fisk;

A bill (H. R. 5877) for the relief of William H. Morhiser;

A bill (H. R. 7507) for the relief of James M. Hagar;

A bill (H. R. 9115) for the relief of Eugene E. McLean;

A bill (H. R. 9183) for the relief of James R. Marrs;

A bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to

perform labor in the United States, its Territories, and the District of Columbia; and

A bill (H. R. 9895) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railroad Company.

PUBLIC BUILDING AT HOUSTON, TEX.

Mr. STEWART, of Texas. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Texas, and that the same be now considered.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase or condemnation a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, at the city of Houston, in the State of Texas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $75,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The Committee on Public Buildings and Grounds recommended the following amendment:

Add to the bill as follows:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury."

Mr. HOLMAN. I ask to have the report read.

The report (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex., have considered the same, and respectfully report:

Houston is situated at the head of navigation on Buffalo Bayou, and has a population of not less than 35,000.

The railroads entering Houston are as follows: Southern Pacific Railway, Houston and Texas Central, International and Great Northern, Texas and New Orleans, Gulf, Colorado and Santa Fé, Galveston and Houston, Houston and Columbia, Texas Western, Texas Transportation, and Houston East and West Texas. Besides these roads, two others are now being constructed that will soon reach Houston.

The city of Houston is the first and only tidal point touched by the Southern Pacific Railway between the Mississippi River and the Pacific Ocean, and it is the railroad center of the great State of Texas. It is also a city of commercial importance, there being over 700,000 bales of cotton handled in said city every year.

From the fact that so many railroads concenter at Houston, it is a great mail-distributing point, and is the depository of a great number of other post-offices in the State of Texas. At the post-office in Houston, during one quarter, more than 500,000 mail packages of different kinds were received, delivered, and forwarded from said office, and for the same quarter the money-order department of this office received and paid out the sum of $154,121.18.

Your committee are of the opinion that the public building provided for in the bill should be erected, and report the bill to the House with the recommendation that it do pass, with the following amendment to be added to the bill:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury."

Mr. HOLMAN. I believe there is no Federal court at this point?

Mr. STEWART, of Texas. No, sir.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was adopted, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STEWART, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEAL ROCKS, SAN FRANCISCO, CAL.

Mr. FELTON. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That all the right and title of the United States in and to the rocky islets known as the Seal Rocks, and all rights to seals resorting there, situated off Point Lobos, in the city and county of San Francisco, State of California, are hereby granted, subject to the provisions named, in trust to said city and county, upon the following conditions and for the following uses, to wit: Said city and county shall hold said Seal Rocks inalienable for all time, in trust for the people of the United States, and shall commit to the commissioners of Golden Gate Park the custody and care of said Seal Rocks, and shall keep said rocks free from encroachment by man, and shall preserve from molestation the seals and other animals now accustomed to resort there, to the end that said Seal Rocks will continue to be a public preserve and resort for seals: *Provided*, That the United States may at all times control and limit or diminish the number of the seals resorting to said rocks so as to protect the fisheries and fishing industries: *And provided further*, That whenever any of said rocks, or the space occupied by said rocks, shall be required by the United States for the erection or maintenance of any public work, or for any other purpose, then as to the rocks or space so required the provisions of this act shall terminate, and the United States shall be reinvested with the full title, control, and possession thereof. Said city and county shall signify its acceptance of this trust, and thereupon the Commissioner of the General Land Office shall file in his office a plat showing the locus of said Seal Rocks, and said plat shall be the evidence of the extent and position of the premises hereby granted.

SEC. 2. That all acts in conflict with the provisions of this act are hereby declared inapplicable to the premises hereby granted.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I trust there will be a word of explanation. It seems to be a proper measure. As I understand the bill it proposes to put the Seal Rocks under the control of the city of San Francisco.

Mr. FELTON. It simply gives a police regulation of these Seal Rocks; and the bill provides if the United States desires to do so for any purpose whatsoever they can resume the protection of the island. The object of the bill is simply to protect a natural curiosity.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. FELTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, BROOKLYN, N. Y.

Mr. FELIX CAMPBELL. Mr. Speaker, I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. 10305, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Brooklyn, N. Y., be, and the same is hereby, increased to $1,500,000, and that sum is hereby fixed as the limit of cost for the erection of said building, exclusive of cost of site heretofore purchased.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

SEC. 3. That the sum of $1,278,594.12 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. EDEN. I would like to know how much increase this bill proposes. What was the original amount appropriated for this building?

Mr. FELIX CAMPBELL. Eight hundred thousand dollars.

Mr. EDEN. It appears to me, Mr. Speaker, that the Committee on Public Buildings and Grounds might as well waive the useless formality of fixing a limit in these cases of appropriations for public buildings.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FELIX CAMPBELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANCES W. DYER.

Mr. MILLIKEN. Mr. Speaker, I move that the Committee of the Whole be discharged from the further consideration of the bill (S. 1071) for the relief of Mrs. Frances W. Dyer, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $100 to Frances W. Dyer, administratrix of the estate of William P. Dyer, late of Belfast, in the State of Maine, deceased, the same being the amount deposited with the clerk of the United States court for the district of Alabama by said William P. Dyer on his recognizance to appear and answer to a suit for an alleged violation of section 5347 of the Revised Statutes of the United States, in which said suit the entry of *nolle prosequi* was made, and the said sum of $100 was covered into the Treasury of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT HUNTSVILLE, ALA.

Mr. WHEELER. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 305) for the erection of a public building at Huntsville, Ala., and that the bill be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for and cause to be erected a suitable building, with proper fire-proof vaults therein, for the accommodation of the courts of the United States, post-office, land office, internal-revenue offices, and other Government offices at the city of Huntsville, Ala. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $100,000.

Provided, That no money to be appropriated for this purpose shall be available until a valid title to the site of said building shall be vested in the United States, to be approved by the Attorney-General, and until the State of Alabama shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil processes therein. And the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be used and expended in the purchase of said site and toward the construction of said building: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys around the same.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The committee recommended an amendment as follows: After the word "dollars," in line 12 of the printed bill, insert—

nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building.

The amendment was agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the able.

The latter motion was agreed to.

Several members addressed the Chair.

Mr. STORM. Regular order.

The SPEAKER. The regular order is demanded.

Mr. REED. Three public buildings on the other side having got through, the regular order is naturally demanded.

The SPEAKER. The gentleman from Pennsylvania [Mr. STORM] demands the regular order. The regular order is the call of committees for reports.

PUBLIC BUILDING, CHATTANOOGA, TENN.

Mr. SNYDER. Mr. Speaker I desire to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7218) making appropriation for the erection of a public building at Chattanooga, Tenn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate, numbered 1, 2, 3, and 4, and agree to the same.

C. P. SNYDER,
THOMAS D. JOHNSTON,
W. W. BROWN,
Managers on the part of the House.

WILLIAM MAHONE,
JUSTIN S. MORRILL,
ISHAM G. HARRIS,
Managers on the part of the Senate.

The SPEAKER. Is there objection to agreeing to the conference report?

Mr. REED. Where is this public building situated?

The SPEAKER. The Chair does not know.

Mr. REED. On the other side of the grand aisle, is it not?

The SPEAKER. The Clerk will read the statement of the conferees.

The Clerk read as follows:

The managers on the part of the House in the conference upon the disagreeing votes of Senate and House of Representatives upon the bill (H. R. 7218) entitled "An act to amend an act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, present the following statement to accompany the conference report:

The House bill proposed to increase the limit of cost of site and building at Chattanooga, Tenn., to $150,000. The Senate passed the bill amending it, increasing amount to $200,000.

The effect of the conference report is to increase the amount appropriated from $150,000 to $200,000.

C. P. SNYDER.
W. W. BROWN.
THO. D. JOHNSTON.

The conference report was then agreed to.

Mr. SNYDER moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBSIDIARY SILVER COIN.

Mr. JAMES, from the Committee on Coinage, Weights, and Measures, reported a bill (H. R. 11107) to amend the Revised Statutes, sections 3528 and 3529, providing for the issue and redemption of minor coin; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. JAMES, from the Committee on Coinage, Weights, and Measures, also reported a joint resolution (H. Res. 256) providing for the issue of subsidiary silver coin; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OBSTRUCTIONS IN NEW YORK HARBOR.

Mr. CALDWELL, from the Committee on Commerce, reported back the bill (S. 2157) to prevent obstruction and injurious deposits within the harbor of New York and adjacent waters of New York city by dumping or otherwise, and to prevent such offenses, and making other provisions in connection therewith; which was referred to the House Calendar, and the accompanying report ordered to be printed.

BRIDGE ACROSS SAINT LOUIS RIVER.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back with a favorable recommendation the bill (S. 2611) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE BETWEEN OMAHA AND COUNCIL BLUFFS.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, also reported back with an amendment the bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RIGHT OF WAY THROUGH PUBLIC LANDS IN UTAH.

Mr. BRAGG, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 5959) granting a right of way through certain lands of the United States in the Territory of Utah; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. BRAGG, from the Committee on Military Affairs, also reported back adversely the bill (H. R. 10014) making an appropriation for lands, &c., at the Fort Douglas Military Reservation, Utah; which was laid on the table, and the accompanying report ordered to be printed.

ALBERT WELTON.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back adversely the bill (H. R. 6526) for the relief of Albert Welton; which was laid on the table, and the accompanying report ordered to be printed.

MONUMENT AT FORT GREEN, BROOKLYN.

Mr. VIELE, from the Committee on Military Affairs, reported back favorably the bill (H. R. 9249) for the erection and completion of a monument to the memory of the victims of prison ships at Fort Green, Brooklyn; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

COMPENSATION, ETC., OF POSTMASTERS.

Mr. WARD, of Indiana, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for the bill (H. R. 7474) a bill (H. R. 11108) to regulate the classification, compensation, and allowances to postmasters, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill (H. R. 7474) was, by unanimous consent, laid on the table.

UTAH MIDLAND RAILWAY COMPANY.

Mr. PEEL, from the Committee on Indian Affairs, reported, as a substitute for the bill (H. R. 10432) a bill (H. R. 11109) granting right of way to the Utah Midland Railway Company through Uncompahgre reservation, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 10432) was, by unanimous consent, laid on the table.

CREDITORS OF POTTAWATOMIE INDIANS.

Mr. SKINNER, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 10207) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

TRANSFER OF ROOMS IN JACKSON, MISS.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back favorably the joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT KALAMAZOO, MICH.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported, as a substitute for the bill (H. R. 3142) a bill (H. R. 11110) for the erection of a public building at the city of Kalamazoo, Mich.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 3142 was, by unanimous consent, laid on the table.

MRS. S. C. GOODIN.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FREDERICK BISCHER.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 10923) granting a pension to Frederick Bischer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BENJAMIN F. HILLIKER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported a bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LYDIA BURDICK.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension roll; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MOSES WILLIAMS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 9928) granting a pension to Moses Williams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM F. RANDOLPH.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9242) granting a pension to William F. Randolph; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD WILLIS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 6507) granting a pension to Edward Willis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. PIDCOCK, from the Committee on Invalid Pensions, also reported back with adverse recommendation Senate bills of the following titles; which were severally ordered to be referred to the Private Calendar, and, with the accompany reports, printed; namely:

A bill (S. 2267) granting an increase of pension to Laurinda G. Cummings;

A bill (S. 2488) granting a pension to John B. Fuller; and

A bill (S. 2485) granting a pension to Robert Boyd.

PALMER G. WOOD.

Mr. McKENNA, from the Committee on Claims, reported back favorably the bill (H. R. 5918) for the relief of First Lieut. Palmer G. Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. C. BRADFORD.

Mr. McKENNA, from the Committee on Claims, also reported back with favorable recommendation the bill (H. R. 5919) for the relief of A. C. Bradford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. P. SWINEFORD.

Mr. GALLINGER, from the Committee on Claims, reported back with favorable recommendation the bill (H. R. 9766) for the relief of A. P. Swineford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMERICAN FISHERIES.

Mr. FARQUHAR, from the Committee on Printing, reported back a concurrent resolution providing for the printing of additional copies of the report of the Senate Committee on Foreign Relations touching the American fisheries; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORT OF THE COMMISSIONER OF AGRICULTURE FOR 1887.

Mr. BARKSDALE, from the Committee on Printing, also reported back with amendments the joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for the year 1887; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SALARY CIVIL SERVICE COMMISSIONERS.

Mr. MITCHELL, from the Select Committee on Reform in the Civil Service, reported back favorably the bill (H. R. 10222) fixing the salaries of the Civil Service Commissioners at $5,000 per annum; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

QUARANTINE STATION, SHIP ISLAND, MISSISSIPPI.

Mr. IRION, from the Committee on Commerce, reported back favorably the bill (S. 3157) to authorize the removal of the quarantine station from Ship Island, Mississippi; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS, NORTHERN DISTRICT OF IOWA.

Mr. HEPBURN, from the Committee on the Judiciary, reported, as a substitute for H. R. 10823, a bill (H. R. 11112) to fix the times for holding circuit and district courts of the United States in the northern district of Iowa; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CAPRON COLLECTION OF JAPANESE ART WORKS.

Mr. SINGLETON, from the Committee on the Library, reported back favorably the bill (S. 1772) providing for the purchase of the Capron collection of Japanese works of art; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins at one minute before 2 o'clock. The call rests with the Committee on Expenditures in the State Department.

The call proceeded without any measure being called up by the Committees on Expenditures in the State Department, on Expenditures in the Treasury Department, on Expenditures in the War Department, on Expenditures in the Navy Department, and on Expenditures in the Post-Office Department.

The Committee on Expenditures in the Interior Department was called.

Mr. WEAVER, of Iowa. I ask unanimous consent that the Committee on Expenditures in the Interior Department be passed over in this call without prejudice, a matter having been referred to that committee which we have not had time to fully consider.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Committee on Expenditures in the Interior Department be passed over, not to lose its place in this call.

There was no objection.

The Committee on Expenditures in the Department of Justice was called.

Mr. HAMMOND. I am directed by the Committee on Expenditures in the Department of Justice to report a resolution, which I send to the desk.

The SPEAKER. Has the resolution been heretofore reported from the committee?

Mr. HAMMOND. No, sir.

The SPEAKER. The Chair will cause the rule to be read. This is a call of committees for the consideration of measures which have been reported on a previous day.

Mr. HAMMOND. The bill has been heretofore reported, and we desire to have a resolution adopted fixing a day for its consideration.

The SPEAKER. The committee can call up the bill for consideration.

COMPENSATION OF UNITED STATES ATTORNEYS, MARSHALS, ETC.

Mr. HAMMOND. I call up the bill (H. R. 6977) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes.

The SPEAKER. When was the bill reported?

Mr. SPRINGER. During the last session.

Mr. HAMMOND. On the 17th of March, 1886.

The title of the bill was read.

Mr. HAMMOND. I ask whether it would now be in order to move to postpone the consideration of that bill until a fixed day?

The SPEAKER. It would if the House entered upon the consideration of the bill. If the bill is in the House the motion to postpone is in order.

Mr. HAMMOND. The bill is in Committee of the Whole House on the state of the Union, and has been considered in Committee of the Whole.

The SPEAKER. Then a motion to postpone is not in order in the House, because the bill is in Committee of the Whole House on the state of the Union.

Mr. HAMMOND. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. MCMILLIN in the chair).

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill (H. R. 6977) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes.

Mr. HAMMOND. This bill has been considered heretofore for an hour and a quarter, and there was some general debate upon it. The principle of the bill is to have the compensation of United States marshals and attorneys hereafter made by salaries instead of by specific fees. It also affects the fees of United States commissioners. An effort has been made by the bill to classify these officers and fix their fees.

I do not know very much about the details of the bill because I was not present all the while at the time when it was considered in committee, but I call it up now because of the absence of the chairman of the committee, and at the request of the committee. If we undertake to take up this bill by sections and grumble over the specific items of compensation to individual officers throughout the United States, it will be impossible to pass the bill during the two hours allotted to us.

Mr. REED. I suggest to the gentleman from Georgia to save time that he withdraw the bill, because I shall insist on that course being pursued.

Mr. HAMMOND. I do not know that the gentleman from Maine speaks the voice of the House in that particular.

Mr. REED. It requires unanimous consent, and therefore I do speak the voice of the House.

Mr. HAMMOND. What requires unanimous consent?

Mr. REED. That you refrain from reading the bill paragraph by paragraph.

Mr. HAMMOND. I made no such proposition.

Mr. REED. But such must be the case unless unanimous consent is granted, and I do not propose to grant it.

Mr. HAMMOND. I stated if opposition was made upon each individual office and there was no real purpose to adopt this plan of course the bill would be defeated; but if the House is disposed to adopt that plan and is willing to concede that a bill even not perfect—if you please quite imperfect—might be passed and adjusted hereafter by the Senate or in a committee of conference, then we can make some progress with this bill. If we can not do it in that way I concede the two hours will not be perhaps wasted, but will not bear any fruit toward legislation. Gentlemen in that time may give good reasons however for the bill, and if no other good is done it may pave the way for this plan or some better plan in the next Congress. It is certainly true that at present there is great complaint of the fee system in many quarters of the country, perhaps in every quarter, and it is certainly true that some remedy should be applied.

This House has passed a bill very similar to this heretofore. The House has indicated in various reports of its committees in this Congress and in prior Congresses a disposition to have such legislation. Whether we can have it now, of course, will depend on the opposition that this bill will meet.

Mr. REED. If the gentleman will permit me, I made the observations which I did make in the interest of the public business, and in response to what I supposed was the suggestion of the gentleman from Georgia [Mr. HAMMOND]. I made it because I think the Judiciary Committee have matters of importance to present in case this bill should fail. The gentleman from Georgia [Mr. HAMMOND] has already indicated the circumstances under which he thinks it may fail, and I say to him that it seems to me that those circumstances exist, and that, therefore, the wisest course would be to proceed to some of the other valuable measures which the Committee on the Judiciary are doubtless prepared to present.

Mr. HAMMOND. It so happens, Mr. Chairman, that the gentleman from Maine [Mr. REED] does not know what committee is before the House. This bill is not from the Committee on the Judiciary; it is from the Committee on Expenditures in the Department of Justice, and it happens to be the only bill that we have.

Mr. REED. The only bill that the committee have?

Mr. HAMMOND. So far as I am advised.

Mr. REED. Well, Mr. Chairman, I thought we had gone by the Committee on Expenditures in the Department of Justice, and were beginning over again; and seeing the gentleman on his feet who ordinarily represents the Judiciary Committee and, as my friend from Massachusetts [Mr. LONG] suggests, represents it so well, I naturally supposed that the bill came from that committee.

Mr. HAMMOND. Mr. Chairman, to test the sense of the committee on this subject I move that the committee now rise and report the bill to the House with the recommendation that a day be fixed for its consideration.

Mr. ROGERS. I hope the gentleman from Georgia [Mr. HAMMOND] will allow me two or three minutes before that motion is put.

Mr. HAMMOND. Certainly. I yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I have given the subject-matter of this bill and the bill itself most careful consideration, and I should not hesitate to let it come forward now for discussion if I had present the papers and documents that I desire to use in the discussion; but I want to advise the House now that whatever defects may arise under the system by which our courts are at present carried on, this bill is an hundred-fold more inequitable and unjust in almost every provision of it than that system.

Mr. REED. Hear, hear.

Mr. ROGERS. I have undertaken to consult the officers of the Department of Justice in relation to this bill—I do not mean the Attorney-General of the United States, but those officers whose duty it is to audit the accounts of the marshals and district attorneys; I have submitted for their consideration several of the provisions of this bill in order that I might be enabled, in furtherance of what seems to be the desire of many persons, to do something to perfect the bill; but I had rather undertake to make two bills than to perfect this one. It can not be done. It is impossible to take up this bill and examine it without almost impeaching the motives of the committee that reported it, so unjust and inequitable are its provisions.

Mr. REED. Striking out the enacting clause would perfect it. [Laughter.]

Mr. ROGERS. Yes, Mr. Chairman, I adopt the suggestion of the gentleman from Maine [Mr. REED]. Striking out the enacting clause of the bill would perfect it, and that is the only thing that would perfect it, except the adoption of a substitute.

Therefore I do hope that in these closing days of this session of Congress, with so much important legislation demanding the attention of the House, we will not fritter away any of our limited time in the consideration of a measure of this sort, the only offspring of a committee of the Forty-ninth Congress, a measure which this House, when it comes to understand it, must repudiate as utterly spurious and incapable of carrying into effect the purposes for which it is intended. I hope that we shall not consume any time now in considering this bill. I do not know but what, if we had time and the committee would sit down to perfect the bill in the light of the facts as they exist all over the country, I would undertake to support the principle involved in it, though even that is doubtful—exceedingly doubtful. But I do not wish to embark now in that undertaking. I simply want to say, in conclusion, that after a careful, painstaking study of the subject, with the view of correcting the evils in the present system, of which complaint is now made, I am convinced that the existing system is infinitely better than that proposed in this bill, and that the bill ought not to be considered or allowed to consume any of the time or attention of the House to-day.

Mr. SPRINGER. Mr. Chairman, I regret to hear the gentleman from Arkansas [Mr. ROGERS] declaim so violently against the provisions of this bill. He speaks of the accounting officers of the Department of Justice. I happen to know something about those officers as well as the gentleman. During the last Congress I was a member of a committee which reported a bill very similar to this, and that bill was taken by me, in person, to the Department of Justice. Every man in that Department at that time who had anything to do with the auditing of the accounts of these court officers was present; every line of the bill was read and examined in their presence, and, with the amendments which they suggested and which were accepted, the provisions of the bill met their cordial approbation.

Mr. ROGERS. If the gentleman will permit me, I simply want to state that this is not the Springer bill; it is not substantially the Springer bill.

Mr. SPRINGER. It is, except in so far as changing some of the salaries is concerned.

Mr. ROGERS. That is the whole bill.

Mr. SPRINGER. That is a mere matter of detail which can be regulated in the committee when the bill comes up. The smallest question presented in the bill is whether the district attorney in one locality should have more money than the district attorney in another. That is a mere matter of detail.

Mr. REED. The gentleman is correct. The principle is so utterly wrong that these questions of detail sink into insignificance.

Mr. SPRINGER. I know the gentleman from Maine meets the proposition upon the broad ground that fees should be given to officers instead of salaries. That is the ground on which the bill ought to be met—not that of my friends here who think the salaries have not been rightly distributed. The only opposition that can be offered to this bill properly and with consistency is an opposition based upon the claim that the fee system for the payment of marshals and United States attorneys should be perpetuated.

Mr. REED. I think the gentleman from Illinois [Mr. SPRINGER]

misunderstood my remark. I meant that the principle of this bill is so thoroughly bad.

Mr. SPRINGER. I know the gentleman means that. But the principle of this bill was passed upon in the Forty-eighth Congress, when we adopted by an almost unanimous vote—there were only six or seven votes in the negative—an amendment to an appropriation bill embodying this principle; but the Senate rejected that amendment, not because they were opposed to the principle, but because they objected to legislation upon an appropriation bill, and therefore declined to consider it.

We have the testimony of every Attorney-General who has considered this question—especially the Attorney-General under the last administration, Mr. Brewster, and the present Attorney-General—in fact of all the officers in the Department of Justice in this administration as well as the last administration, that the fee system as now practiced for the payment of United States marshals and district attorneys is the worst system of paying public officials that can possibly be devised. It continually offers to our officials a premium to prosecute persons merely for the sake of getting compensation, and not for the purpose of enforcing the law or punishing criminals. This system has caused expenditures in some of the States to be run up to an enormous extent. I refer again to an incident that occurred in the State of Texas a few years ago, when the United States marshal, in order to swell the volume of his fees, caused every voter in one county to be subpœnaed as a witness, and brought 50 or 60 miles to another county to appear in a case on trial in a United States court. The judge in that case testified before the committee of which I was a member that five witnesses would have been sufficient to prove every disputed point in the case.

A MEMBER. Where was that?

Mr. SPRINGER. In Texas. Over two thousand persons were subpœnaed in one case, and brought upon the cars a distance of 40, 50, or 60 miles to testify as witnesses. It also appeared in evidence that in one county in the State of Alabama every male inhabitant over the age of twenty-one years had had his turn at the marshal's mill; had been indicted and taken a long distance for the purpose of being tried, and that not one conviction resulted.

Mr. BUCHANAN. Does the gentleman say that every male inhabitant of the county was indicted?

Mr. SPRINGER. Every male inhabitant above the age of twenty-one years.

Mr. BUCHANAN. Then who composed the grand jury?

Mr. SPRINGER. The grand jury did not sit in that county, but in a remote part of the State, where the United States court was held. It appears in all these cases that these prosecutions, begun for the sake of the fees, are instituted at points as remote as possible from the place where the trials are to be held.

Mr. WARNER, of Missouri. I will ask the gentleman whether it is not a fact that these fees of marshals and United States attorneys have been increased during the last year?

Mr. SPRINGER. I do not know. I presume that if they do their duty they ought to bring a great many prosecutions. But I can cite the fact that in the southern district of Illinois all the expenses of the United States court have decreased under this administration from $75,000 to $50,000, simply because the Attorney-General and the district attorney put a stop to these prosecutions for trivial offenses.

If gentlemen will consider this bill fairly and candidly they will find that it will give proper remuneration to every district attorney and marshal in the United States. It will provide for the proper and vigorous enforcement of the law, but will in no case offer a premium to a public official to use the great power of this Government for judicial oppression and to swell his own emoluments. This system has grown to such an extent that even its friends are compelled to admit, and do admit in every case where the facts are brought to their attention, that the fee system is corrupting in its tendencies and does not result in a vigorous and wholesome enforcement of the laws.

I hope this bill will be put in some position under the rules of the House where it can be considered by sections, and the details of it, to which the gentleman from Arkansas refers, shall be perfected, and the bill passed.

Mr. HAMMOND. I now yield five minutes to the gentleman from Colorado [Mr. SYMES].

Mr. SYMES. Mr. Chairman, the point I desire to make in regard to this bill is that it is one of the most important measures that can be brought to the attention of this House. It proposes to graduate the salaries of all the district attorneys of the United States.

It proposes to establish salaries in lieu of fees for all United States marshals in this country. It proposes also to regulate the summonsing of witnesses.

Sir, it is a bill that this House can not properly consider, after the attention of members has been brought to it, in less than two or three days and do any justice to the subject. And are we asked at this late day of this short session to take up this bill during the second morning hour and supersede with it a system that has somewhat become a growth in this country after an operation of near a hundred years?

Sir, I am not standing here to combat any of the positions or statements of fact on the part of the gentleman from Illinois, or the position assumed by the gentleman from Georgia. I am only standing here, sir, pleading to this House not to make the mistake of attempting to substitute for that old system, although it is very defective, a crude, new measure that may prove to be twenty times worse.

Why, sir, when we come to examine this bill we find that a district attorney in some districts has $5,000 salary while the work that he is called upon to perform is not 25 per cent. of that for which a salary is fixed in another district where the attorney gets half of that sum. So it is also with United States marshals; and so it is also in regard to other crude statements we find in the bill, and what I desire to impress upon the House is that nothing can be done now to perfect a bill of this importance in the short time allotted for this discussion, and to undertake to do so would do injustice and lead to extravagance in regard to these questions pertaining to our judicial system. The only way to arrive at a correct solution is to let the intelligent lawyers of this House put their minds to it and consider the matter in Committee of the Whole for two or three days at least.

Mr. HAMMOND. The objections made to this bill are simply to the details, excepting in the case of the gentleman from Maine [Mr. REED], who has stated in a colloquy on the floor of the House that the "principle of the bill" is not good. As I understand him, he thinks the fee system is better than the salary system; that, therefore, is the issue to be decided upon this motion. If we can set apart a day for the consideration of this bill it can be discussed and fairly considered by paragraphs and adjusted to suit the views of different gentlemen.

I am free to say that I care not one copper about the salary in any district. If we can establish the system of salaries instead of fees, the details of such a system can be arranged in the future. I am willing that my friend from Arkansas [Mr. ROGERS] shall present his own bill in all particulars, or I will take the Springer bill or any bill that the House shall pass which will establish the principle that the fee system shall be abolished and the salary system substituted in lieu thereof.

Do gentlemen know all the evils that grow out of this fee system? I believe I once before stated on this floor as illustrative of this measure what occurred in my own State in a colloquy between myself and a gentleman from Northern Georgia. He was a leading local politician, but his counties had not been voting, as I thought, correctly. I asked him, "Why do you not stir up the people and make them better Democrats?" He said, "What issue shall I present?" Jocosely I remarked, "If you can do no better, crush out the United States court there, which has got some six hundred or eight hundred people waiting until some pay the costs of prosecutions against them," for they do not always punish them, they just let them plead guilty and pay the costs. He said, "You do not know what you are talking about. That United States court is worth more to the section in which I live than any crop we raise. We get 10 cents a mile for coming to attend the court and returning home and $2 a day while we stay, and that pays us a great deal better than anything we can do at home."

That man told the plain truth. Within the past years in the northern district of Georgia over four hundred men pleaded guilty to violations of the internal-revenue laws, and were sent home on their own recognizances. The law was not enforced any further than the collection of the costs. I do not know that gentlemen have been influenced by improper motives. But it is human nature that men shall be influenced to make improper arrests and to prefer improper indictments where their bread depends upon the quantum of litigation. It seems to me we should elevate the standard of those officers. We would make matters much better by selecting men of integrity, pay such salaries as such men should have, and not leave them at liberty to scour the country in order to make their livings by pretended execution of the law. When I speak of the northern district of Georgia I do not mean to say that the officials in that district have been worse than the officers elsewhere. So far as I know they have not. I believe that there are more violations of the internal-revenue laws in the northern district of Georgia by large odds than there ought to be. There ought to be none.

But I have no idea that one man out of five who has been arrested for violation of the internal-revenue system was guilty. I have no idea that one in five was arrested solely because there was a good *prima facie* case against him. Nor is this any worse under one administration than another. It was bad under the old administration; it is as bad, so far as I know, under the new. The same causes will produce like effects always.

All I desire is that the House shall by a vote express whether we intend to change the fee system to the salary system. If we do not of course it is folly to discuss the details of this bill. Whether we do or do not it is folly to pursue it only in this hour and the next. If we intend to make the change we need a day in which to do it. If we do not, let the proposition be made for a day to consider, and let it be voted down, and thus end the battle.

Mr. REED. I do not know that it is possible to get the attention of the House even to a brief statement of the reasons why I regard this bill as vicious in principle. I think it had its origin in one of the most fatal sources of mistake in legislation, namely, the attempt to legislate

on account of certain abuses which have arisen under existing law. Men have been fired by such statements as have been made by the gentleman from Illinois [Mr. SPRINGER] as to transactions in remote counties of Texas and by such exceptional instances as have been illustrated by the gentleman from Georgia, and the House and its members without considering the principles which underlie the proposition have by their eagerness to destroy abuses been led away to destroy also a valuable system.

Now why is it that the United States Government ought to pay fees for work which is done? It is because crimes have their own stimulus, and especially crimes against the United States. They almost all of them involve valuable pecuniary results. Men, therefore, are interested to commit such crimes, and in order to prevent them the United States must make it for the interests of its officials to look them up and to destroy them.

You will say, why is not that the fact with regard to county attorneys and to sheriffs in States? If you will consider a moment you will perceive that the crimes against the State and the crimes against the United States are entirely different in their character. Crimes against the State are crimes which are under the common law, and every lawyer knows that crimes which are punished by the common law have in their punishment and in their detection the support of every individual in the community. The officers of the law are there sustained by a vigorous and healthy sentiment, whereas the crimes against the United States are not those which are universally recognized as moral criminalties.

The whole community is awake to detect murder and to punish theft. But what community ever bestirred itself against frauds on the internal revenue, against moonshine distilleries, against smuggling, against a hundred things which are crimes against the United States? What, then, do you need in order to bring your criminals against the United States laws to detection? You need to have the officials stimulated by a similar self-interest to that which excites and supports and sustains the criminal; and if you should remit them to salaries with the community uninterested, unexcited in the detection of crime, the result would be an increase of evasions of the law, an increase which you could not prevent, and which in their total results would be much more disastrous than the matters which were related by the gentleman from Illinois, even if they were true, which I believe they are not.

And this is not a mere matter of theory. We have got an example in the history of this country. Years ago the merchants of New York, under an excitement very much like that which caused the inception of this legislation, came over here and caused the repeal of the moieties act; took away from the United States officials the pecuniary rewards which they received for smuggling. And what is the result? The undervaluations of importations have been so great and the criminalities have been so astounding that almost every honest American importer has been driven out of the field, and importations are made by the agents of foreign countries that come here and gather their tremendous revenues out of the United States and then go home and live among the communities which they honor by their presence. I say that that answer to the clamor which was made about the abuses of the moieties act has cost the Government of the United States millions on millions, and has driven hundreds of honest men out of the business of importing goods into the country. And now this same class of statesmen propose to destroy the enforcement of the laws of the United States within the realm after having nearly destroyed the enforcement of them upon the borders.

Mr. HOUK. I would like to ask the gentleman from Georgia a question.

Mr. HAMMOND. I will hear the gentleman's question.

Mr. HOUK. I find no provision made in the bill for the western district of Tennessee. How is this?

Mr. HAMMOND. That is provided for in the general clause "all others."

Mr. REED. One other observation I wish to direct to the gentleman from Georgia [Mr. HAMMOND], and that is this: His present motion is not in order until after we have gone through the bill; therefore he will see the hopelessness of undertaking to have this bill considered at this time.

Mr. HAMMOND. I was not aware that the point of order was made.

Mr. REED. No point of order can be made until the proposition is submitted.

Mr. HAMMOND. I yield now to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. The gentleman from Maine [Mr. REED] closed what he had to say in opposition to the principle of this bill by an allusion to the repeal of the moiety act. I do not understand that there is any clamor anywhere for the restoration of that act. Nowhere is there any desire or purpose to restore it, and to my mind, sir, however the gentleman from Maine may reason, the general acquiescence in the wisdom of repealing that law shows that public opinion has settled down in favor of the principle of this bill rather than against it. The gentleman says also that there ought to be a sufficient inducement to execute the law, because otherwise the marshals will fail to do it. I think a regular and good salary will be sufficient inducement, when we consider that marshals, like other officers of the United States, are, practically, removable at the pleasure of the appointing power. They will execute the law in order that they may retain their salaries.

Mr. REED. Do you think that would be sufficient in a "moonshine" district?

Mr. HERBERT. I certainly do.

Mr. REED. Then I must say you have more confidence in some people than I have.

Mr. HERBERT. I have confidence not that everybody will refrain from violating the law, but that the agents of the Government appointed to detect and expose violations of law will do so faithfully.

Mr. REED. And yet those same agents in whom you have so much confidence have betrayed us, according to the gentleman from Illinois [Mr. SPRINGER], into the most terrible excesses.

Mr. SPRINGER. Those were appointed under the former administration.

Mr. REED. Almost all the appointees of the former administration have been retained by the present administration, and therefore have the indorsement of the Democratic party. [Laughter.]

Mr. SPRINGER. The marshals have been changed.

Mr. REED. We are all agreed about the present lot being perfectly good.

Mr. SPRINGER. No, I do not agree to that.

Mr. HERBERT. Mr. Chairman, we have agents of the Post-Office Department, agents of the Internal-Revenue Department, agents of the General Land Office; it is the business of all these different classes of agents to investigate and report offenses against the laws of the United States, and the system has been found to work well. As I before said, when we take into consideration the fact that there exists the power of removal—instantaneous removal—if an officer fails to do his duty, it seems to me that Attorney-General Devens and Attorney-General Brewster and Attorney-General Garland, and, so far as I know, every officer connected with the Department of Justice for the last ten years who has had anything to do with passing upon the accounts of these officials, have not been mistaken in favoring such a change as is proposed by this bill. If there be any one thing in which Congress ought to take the opinion of executive officers as authoritative it is a matter like this. We have not the time, amid all our various duties, to stop to investigate and ascertain the facts for ourselves; but whenever we do, whenever we look into the matter, we find that cases of abuse of the law are not, as the gentleman from Maine [Mr. REED] says they are, exceptional, but that such cases exist in all sections, North and South, East and West. Abuses have been shown under the Republicans and Democrats. It is but natural that the same temptations tend in greater or less degree towards the same results. The law ought to be so framed that there would be no temptation to do wrong.

[Here the hammer fell].

Mr. HAMMOND. I yield now ten minutes to the gentleman from West Virginia, the chairman of the committee reporting this bill. I did not know that he was present when the bill came up.

Mr. GIBSON, of West Virginia. Mr. Chairman, I did not expect to be present when this bill should be before the House at this session, and therefore by an arrangement on the part of the committee the gentleman from Georgia [Mr. HAMMOND] was given charge of it; but I happen to be present to-day, and, feeling a great interest in the subject, I desire to express some opinions with regard to the provisions of this bill.

I do not think that I hazard anything when I say that all the machinery of the Department of Justice connected with the Federal courts has been for years "run" in such a way that instead of promoting justice it has been a means of oppression throughout this country from one end to the other. There is scarcely an abuse in connection with private suits or with corporate suits, where the officials of the Federal courts could get a hold, that has not been practiced, and the people have been ground and taxed by oppressive costs levied for the purpose of accumulating fortunes for the officials connected with those courts. I hazard nothing when I say that there is scarcely a State in this Union where the officials of the Federal courts have not run up the costs of their one or two courts to more than the costs of all the State courts. My statement in relation to this matter is made from investigation, not only in my own State but in other States.

The object of this bill is to remove from the officers of these courts the temptation and the opportunity for corruption and oppression, and at the same time to limit them in their power and direct them in their duties. What State in this Union holds out a reward to those who conduct its prosecutions and fixes their compensation in proportion to the number of prosecutions they bring? What other law in this country sustains or encourages such a system?

The gentleman from Maine talks about smuggling and violations of the revenue laws. Why, surely the gentleman knows that smuggling has no relation to the internal-revenue laws. Surely he knows that those who follow his lead and believe in his theory will understand that this smuggling arises from a high protective-tariff system instead of from internal-revenue laws. Smuggling has existed under every government in the world where there were embargo laws and where there was legislation unfriendly to the importation of foreign goods.

Such things do not arise from internal-revenue systems. If the gentleman had read history, and read it correctly, he would remember that at one time the British Crown itself was threatened by reason of the embargo laws against the introduction of foreign goods; and that without regard to internal laws.

Now, what this bill seeks is that the marshals and other officers, who stand to the Federal courts in the same relation as the sheriffs and other officers do to the State courts, shall be put upon the same footing with State officials, and paid for work done, not pay as a reward for oppression. Does not the gentleman know that under this internal-revenue system, in State after State, blank warrants have been issued, and marshals, furnished with these blank warrants, have gone out, arrested and brought in man after man, thus piling up the costs; passing commissioner after commissioner in order that fees and mileage might be accumulated?

At the last session of this Congress a bill of this kind, in a much more restricted form, passed the House almost unanimously. At this session, this bill having been referred to our committee, we thought, upon investigation and advice from the Departments of the Government, that some of the fees were too small; so that the committee, seeking to act fairly and justly and liberally with officers of the Federal Government, raised the salaries of a great number of these officers in many of the States.

The gentleman talks about the moiety system. Does he not know that the National Government condemned the moiety system, and the very party that inaugurated it repealed the law after having observed its operations, because it induced fraud and corruption and oppression. If the present system is right, if it is right that these inducements should be held out, why was it that the moiety system became so offensive and oppressive that a Congress controlled by the Republican party repealed it? This system as we have it now is but the moiety system to a limited extent, but in a more oppressive form. The men who suffered under the operation of the moiety system were persons of large means who did large business, and were able to fight the exactions imposed upon them and the corruptions connected therewith. Under the present system the poor people at their homes, who are unable to carry on a contest against these wrongs in the Federal courts, must submit to whatever is dictated to them and can not make any resistance whatever.

If the majority of this House prefer to curb our own officers, appointed under our own administration, if we prefer to prevent them from using their offices for political purposes, what possible objection can there be on the part of the minority? Why, Mr. Chairman, I know that in my own State, containing less than 600,000 population, having had during the last ten years an average of only some 500,000, one-sixth to one-tenth of all the prosecutions in the United States were carried on; and during the whole time only 30 gallons of whisky were ever discovered or confiscated. I know that under this system, for the purpose of making fees for officers, our people were dragged from their homes; men, women, and children were arrested without cause; and it was a common sight upon the streets of our capital, where the Federal court was held, that women sat upon the street corners nursing their children while officers of the Federal court were at work for the purpose of making fees out of them. A gentleman, now a member of Congress, who was the district attorney of my State, knows of the wrongs under this system; and his sense of justice, his humane heart, compelled him in one single year, out of a thousand prosecutions and indictments brought before one court, to dismiss over seven hundred as being frivolous, and instituted simply for the purpose of accumulating fees.

Mr. GOFF. The gentleman is mistaken. Those dismissals were not made in a single year, but during a term of years.

Mr. GIBSON, of West Virginia. The gentleman may be correct. I simply take the statement from the records of the Department of Justice and from the records of the Commissioner of Internal Revenue.

Mr. GOFF. I do not know what records the gentleman alludes to, but I am familiar with the facts.

Mr. GIBSON, of West Virginia. But whether those dismissals were made in one year or two years——

Mr. GOFF. They were made during several years.

Mr. GIBSON, of West Virginia. Or whether they were made during several years, I have correctly stated the aggregate amount of dismissals as compared with the aggregate amount of prosecutions. Out of over a thousand prosecutions brought in a single court there were only two-hundred-odd convictions.

The CHAIRMAN. The ten minutes of the gentleman from West Virginia have expired.

Mr. HAMMOND. I yield five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. I do not know, Mr. Chairman, that I shall desire to occupy as much as five minutes' time. I wish to say simply that I hope this bill, or something of the kind, will be enacted into a law.

There is some force in the remarks made by my colleague, Mr. REED, that certain officers need the stimulus of fees in order to cause them to do their duty; but I think there are a great many more instances where the stimulus of fees causes them to go beyond their duties and make themselves, in certain districts, nuisances to the people.

Now, I know of an instance in my own vicinity, and where we are not law-breakers, for we do not need the use of marshals very often, where a poor fellow who had been in two wars fighting for his country, who had fought in the war with Mexico, and had bravely fought for the Union in the late war, when a circus was held attended it, and some one who had a booth asked him to attend to the booth for a few moments while he stepped out somewhere. He was there, perhaps, thirty minutes and sold a few cigars, not knowing the fact that the man who kept the booth and for whom he was doing an act of accommodation had no license to sell, for he knew nothing whatever of the law. But having made the sale the United States marshal and the district attorney came 130 miles from the city of Portland and had a grave trial into the facts of the case, and sentenced the poor fellow to a fine of $150 for that little act; and the only way he could rid himself of the payment of the fine was to pay these fellows their fees and get them out of the way.

I know of another instance, which occurred within three months, where a postmaster had been informed by the Department that he was indebted in the amount of $48. He sent in his accounts showing the Department that that statement against him was not true; and yet, without any notice whatever to him, they went through the accounts the second time, and found that he was indebted, according to their second statement, on this examination, to the Department in the amount of 17 cents; and he was compelled to pay the 17 cents and, in addition, $49 in costs. And why? Because these officers desired their fees, and persecuted him like sleuth-hounds until they secured their compensation.

These are only a few instances, but many others might be cited. I do not believe it is necessary that the officers of the Government should be stimulated by fees to do their duty. Do not officers perform their duty where they are paid salaries quite as well as in those cases where they are paid by fees? In fact they know that the positions they hold depend upon the faithful discharge of their duties, and while I have no doubt that some of them might be derelict, yet I venture to say that the instances are rare where men holding good Government positions with proper salaries are willing to risk the chance of losing the position.

Mr. GOFF. Will the gentleman permit me to ask him a question?

Mr. MILLIKEN. Certainly; several questions.

Mr. GOFF. The suit to which you have referred against this postmaster was a civil suit for the recovery, was it not?

Mr. MILLIKEN. The district attorney was directed by the Department to bring suit.

Mr. GOFF. Could such suit have been instituted except by direction of the Department at Washington?

Mr. MILLIKEN. I do not know, but I presume not.

Mr. GOFF. The point I wish to make is this, that the gentleman should not visit his denunciations upon these officials when they are simply doing their duty—doing that which under the instructions of the Department they are compelled to do in obedience to their oath of office.

Mr. MILLIKEN. I have noticed the Departments have great need for the services of the district attorneys to find out in certain localities what their duty is.

Mr. GOFF. The gentleman is entirely mistaken. The statute compels the head of a Department to institute suits for any balances which may be due the Department, whether they are little or great; and in such cases of course the district attorney is called into requisition in the interest of whatever Department the claim belongs to.

Mr. MILLIKEN. But I notice the district attorney is a very weighty man in the settlement of all of these matters. There seems to be an undue importance attached to his position.

Mr. WARNER, of Missouri. But he can only bring suits under the orders of the Department.

Mr. GOFF. Of course; and he violates his duty if he does not bring suit under the instructions of the Department. This abuse of Government officers is therefore altogether uncalled for.

Mr. SYMES. Except we are led to understand in West Virginia that there is a different state of affairs——

The CHAIRMAN. The hour has expired.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole having had under consideration the bill (H. R. 6977) relating to the duties of United States attorneys, marshals, and commissioners, and for other purposes, had come to no conclusion thereon.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 325) granting a pension to Catherine Waters;

A bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll;

A bill (H. R. 4028) granting a pension to Samuel Sawyer;

A bill (H. R. 4097) for the relief of William J. Owings;

A bill (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll;

A bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin;
A bill (H. R. 5506) granting a pension to Emily Louisa Spicer;
A bill (H. R. 6026) granting a pension to John Selby;
A bill (H. R. 6069) granting a pension to Owen P. Wilson;
A bill (H. R. 6523) granting a pension to Henry Roscoe;
A bill (H. R. 7327) granting a pension to Anthony McRobertson;
A bill (H. R. 7335) granting a pension to Michael Todd;
A bill (H. R. 7352) granting a pension to Mrs. Sarah Randles;
A bill (H. R. 7390) granting a pension to David B. Caldwell;
A bill (H. R. 7547) granting a pension to Livingston Clark;
A bill (H. R. 7689) granting a pension to Caroline C. McNair;
A bill (H. R. 7699) granting a pension to E. A. McFadden;
A bill (H. R. 7716) granting a pension to Lizzie Brown;
A bill (H. R. 7732) for the relief of Franz Rossrucker;
A bill (H. R. 7748) granting a pension to John H. Stucker;
A bill (H. R. 7911) granting a pension to Daniel Schultheis;
A bill (H. R. 7983) granting a pension to Mrs. Anna Schier;
A bill (H. R. 8002) to increase the pension of Loren Burritt;
A bill (H. R. 8151) granting a pension to John P. McDonald;
A bill (H. R. 3227) granting a pension to Seth Weldy;
A bill (H. R. 8258) granting a pension to Waitie F. Harris;
A bill (H. R. 8424) granting a pension to James H. Young;
A bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher;
A bill (H. R. 8601) granting a pension to James H. Butler;
A bill (H. R. 8632) for the relief of Emily Luther;
A bill (H. R. 8791) granting a pension to Sally W. Rice;
A bill (H. R. 8847) for the relief of Phila Clark;
A bill (H. R. 9004) for the relief of Caroline P. Bolton;
A bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry;
A bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain;
A bill (H. R. 9026) granting a pension to Nirius Cissell;
A bill (H. R. 9130) granting a pension to Sarah O'Brien;
A bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon;
A bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom;
A bill (H. R. 9247) granting a pension to Mary Grimes;
A bill (H. R. 9250) for the relief of William B. Barnes;
A bill (H. R. 9426) granting a pension to Betsey Cooney;
A bill (H. R. 9443) granting a pension to Elizabeth M. King;
A bill (H. R. 9444) granting a pension to Frederick Richmond;
A bill (H. R. 9672) granting a pension to Clara M. Tannehill;
A bill (H. R. 9862) granting a pension to Mary Jane Magoon;
A bill (H. R. 10025) granting a pension to Clementine Hartinger;
A bill (H. R. 10082) to increase the pension of Margaret R. Jones;
A bill (H. R. 10103) granting a pension to Minerva Abbey;
A bill (H. R. 10104) granting a pension to Caroline L. Shedd;
A bill (H. R. 10152) granting a pension to Ellen M. Sturtevant;
A bill (H. R. 10412) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa.

COMMITTEE APPOINTMENT.

The Speaker announced the appointment of Mr. RICHARDSON as a member of the Committee on Printing in place of Mr. REID, of North Carolina, resigned.

CONSIDERATION OF CLAIMS BILL.

Mr. SPRINGER, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Friday, February 11, after the morning hour, shall be set apart for the consideration of Senate bill 2643, "supplemental to an act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and judgments against the Government," approved March 3, 1883, and amendments thereto.

ORDER OF BUSINESS.

Mr. BELMONT. I call for the regular order.

The SPEAKER. The regular order is the unfinished business unless the Committee on Foreign Affairs presents some business under the special order for to-day.

Mr. STEELE. I will raise the question of consideration for the purpose of calling up another special order.

Mr. BELMONT. The House has assigned this day to the Committee on Foreign Affairs, and I think I shall be within the rules if I call up for consideration the bill S. 2225.

The SPEAKER. The Chair will state that a House joint resolution relating to the same subject as the Senate bill indicated by the gentleman from New York is in Committee of the Whole House on the state of the Union. But the Senate bill to which the gentleman refers has never been reported back to the House by the Committee on Foreign Affairs.

Mr. BELMONT. The purpose of the Committee on Foreign Affairs was to take up the unfinished business, being the joint resolution (H. Res. 147). The committee has instructed me, as its chairman, to call up the Senate bill in its stead. It was my personal opinion that the better method would have been to discuss the Senate bill.

The SPEAKER. But the Senate bill is still in the Committee on Foreign Affairs. The gentleman from New York has a right to report it now if the committee has agreed to it.

Mr. BELMONT. I desire first to consider the House resolution; and in order to do that I will ask permission to report the Senate bill now.

The SPEAKER. The Committee on Foreign Affairs, under the order of the House, has the right to present any measure for consideration over which that committee has juriadiction.

Mr. BELMONT. Under the authority of the committee, I report back the bill which I send to the desk.

The Clerk read the title of the bill, as follows:

A bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

The bill was referred to the Committee of the Whole House on the state of the Union.

Mr. BELMONT. I now move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. STEELE. I withdraw the question of consideration, because I think that is a bill which ought to be considered.

The SPEAKER. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering measures presented by that committee under the order of the House.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the Chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Mr. BELMONT. As I stated to the House a moment ago, I am instructed by the Committee on Foreign Affairs to ask that the bill the title of which has just been read be amended by substituting the House joint resolution (H. Res. 147).

The Clerk read the proposed amendment, as follows:

Strike out all after the enacting clause and insert as follows:

That the sum of $147,748.74 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to the Chinese Government, in consideration of the losses unhappily sustained by certain Chinese subjects by mob violence at Rock Springs, in the Territory of Wyoming, September 2, 1885; the said sum being intended for distribution among the sufferers and their legal representatives, in the discretion of the Chinese Government.

Mr. BELMONT. I had the honor to introduce this resolution at the last session of Congress, and believe it to be the most direct and creditable way of paying the indemnity. At the same time, to avoid any risk of further delay, I would prefer the adoption of the Senate bill, even in its present form, in order that this whole question might be at once disposed of as speedily as possible without the necessity at this late stage of the session of a disagreement and a conference with the Senate. But under instructions of the committee I now ask the House to consider the joint resolution which we had under consideration in May last.

The Committee on Foreign Affairs unanimously reported this resolution, and it also has in its support a special message of the President, with accompanying documents, which have long been before the House. The committee considered the measure of such importance that it was willing to occupy the only two morning hours allotted to the committee during the last session. The general discussion which followed evidently showed a disposition on the part of the House to adopt the resolution. The debate, however, was, as it seemed at the time, unnecessarily prolonged, the time expired for consideration, and the measure is unfinished business to-day, after a long interval.

The delay is very much to be regretted and the interests of the United States have not been benefited thereby. It has been a matter of surprise that such a measure should have been pending so long in the American Congress. But I think it just to the Committee on Foreign Affairs and to the House itself to say that the press of business, the immense number of measures before the House, both important and unimportant, and the difficulty of obtaining consideration under the rules has in reality been the reason for the delay. The Senate, however, comparatively free of such difficulties, has acted. The Senate bill was passed in June.

I do not know that it is necessary again to state to the House the circumstances attending the lamentable affair for which we are now asked to make reparation. On the 2d of September, 1885, there occurred at Rock Springs, in the Territory of Wyoming, the murder of twenty-eight inoffensive and defenseless Chinamen. The House remembers well that the persons engaged in the destruction of property and in the massacre of these Chinese were, as appears from the evidence, not citizens of the United States. They seem mostly to have been Welshmen and Swedes engaged in work upon the mines. The Chinese themselves were miners, and had lived peaceably alongside of their white competitors for several

years, at the same rate of wages, about $3.50 per day. But there occurred a strike for higher pay. The Chinese refused to join in the strike, and for this reason, and no other, they were attacked, twenty-eight of them were killed, a number of others were wounded, and their property was destroyed. Shortly afterward the scene was visited by the Chinese consul in New York and the Chinese consul in San Francisco, and, together with United States officials, as is stated in the message of the President, an examination was entered into and an estimate was carefully made in regard to the property destroyed. That estimate is contained in the documents before the House, and it foots up over $147,000, the amount stated in the resolution.

That is to say, the House resolution is for the exact amount estimated as the loss of property sustained, that amount being the basis of the claim made by the Chinese minister in Washington. It was upon his representation that the message from the President was sent to the House.

If any additional reasons were required to induce us to take action in this matter they would be found in the conduct of the Chinese authorities since this occurrence, and in the face of our delay in passing this measure of indemnity. I can cite two instances which have been made known through our diplomatic agents. In the Chinese city of Kwai Ping, about 450 miles from Canton, an American Presbyterian mission was established, under the control of Rev. A. A. Fulton.

On the 4th of May, 1886, after the news had been received of the Rock Springs massacre, placards appeared in public places announcing that the "foreign devils" must go and their houses must be destroyed. A few days afterward a mob of Chinese students and lawless soldiers did destroy the buildings of the American mission. When information of this occurrence was given to our minister he at once brought it to the attention of the viceroy in Canton, and the result was that—I quote from the Chinese communication—"the Kwei Ping magistrate has been ordered to immediately investigate and to adjust satisfactorily and to give protection in reference to this affair."

But a more striking instance is that of the American mission at Chungking. By the seventeenth article of the treaty of 1844, guaranteeing protection to Americans in China, it is provided that the local authorities of the two governments shall select in concert the sites for the foregoing public buildings (the habitations and buildings of the Americans), "having due regard to the feelings of the people in the location thereof." Now, these missionaries had not acted in accordance with that provision of the treaty, but had set up their buildings in a locality where they were objectionable to the Chinese. Nevertheless when the buildings were destroyed the Chinese authorities took action similar to their action in the case of Kwei Ping, which I have already cited. In connection with this Chungking case I will ask the Clerk to read a communication addressed to the Secretary of State.

The Clerk read as follows:

No. 272.] LEGATION OF THE UNITED STATES,
Peking, December 17, 1886.

SIR: I have the honor to report that the claims of the American missionaries for losses for acts of violence of a mob at Chang-Kiang have been arranged on the basis stated in my dispatch No. 243, of date November 17, 1886. The amount to be paid in taels, 23,000. The information comes by telegram and we must await the details by mail. It is understood that the missionaries may return to Chang-Kiang, but not immediately.

I have the honor to be, sir, your obedient servant,

CHARLES DENBY.

Hon. THOMAS F. BAYARD,
Secretary of State, Washington, D. C.

Mr. BELMONT. It is not necessary, Mr. Chairman, to refer to the numerous other cases cited in the report where the Chinese Government has paid large indemnities to American citizens. They were fully discussed when this matter was before the House in May last. Nor can I believe that the example which has thus been set by the Chinese Government will have been given in vain; I have no doubt that the House will pass this measure. I shall say nothing more on the subject at present (for I know there are other gentlemen who desire to speak), but will reserve the residue of my time.

Mr. MORROW. Will the gentleman allow me to ask whether, after this bill has been disposed of, it is proposed to bring forward the bill that also came from the Senate providing amendments to the act restricting Chinese immigration.

Mr. BELMONT. It is not. The gentleman, of course, will desire to know the reason.

Mr. MORROW. I do; and I think the House and the country would like to know why you do not propose to place an effective restraint upon the immigration now coming into this country, contrary to the stipulations contained in the existing treaty.

Mr. BELMONT. The members of the committee, when this matter was before the House last session, declared in almost every instance their opinion that the immigration of Chinese coolies should be prohibited; and I believe that is their opinion to-day. I do not know how far it would be proper to declare to the House what negotiations there may be pending on this subject; but there have been communications made to Congress which for a time were secret, but from which the seal of secrecy has now been removed, and to those I can refer as indicating the disposition of the Chinese Government; and I can say that nothing has changed in regard to the statements there made by our late minister to China, Mr. Young. I refer to pages 43, 64, and 65 of Executive Document (confidential), Forty-ninth Congress, first session. We are assured in this correspondence that the Chinese Government does not desire to embarrass the relations with this country by a continuance of the immigration, and that there is a disposition to modify the treaty to bring about results much more effective than can possibly be accomplished by legislation. Having that in view, the committee do not intend to bring up this matter to-day.

Mr. LONG. That has nothing to do with the present bill.

Mr. BELMONT. That has nothing to do with the present bill, excepting it might be said that if Congress should do this act of justice and meet the Chinese Government in this matter in the same spirit in which they have met us it would undoubtedly be much more easy to accomplish what is desired by negotiations, although of course there is no desire to make this a condition-precedent. The gentleman from California [Mr. MORROW] will see at once that should we press the measure in which he is interested it would retard rather than hasten the very purpose of the legislation which he advocates.

Mr. MORROW. I do not so understand.

Mr. BELMONT. I think perhaps the House would desire to hear what this communication is. To save time I will read from it a few lines. Our minister in 1884 said, among other things:

In my dispatches Nos. 376 and 382, dated respectively March 7 and March 14, 1884, I had the honor to point out the difficulties attending the presentation of any grievance to the yamên arising out of the workings of the act governing the emigration of Chinese laborers to the United States. So far as our information went, there was no evidence to show that the Chinese authorities had connived at any evasion of that treaty. I said, also, that such acts would naturally take place in Hong-Kong or Macao.

It was also my duty to show that the policy of the Imperial Government, so far as the emigration of their people was concerned, was a policy of indifference, if not of direct opposition. This was shown, as I explained in my dispatch No. 392, dated March 24, 1884. The Chinese authorities at Canton had gone so far in their restrictions upon emigration as to compel the bankruptcy of one of the most prominent houses in China.

Mr. MORROW. I would like to ask the gentleman what the House is to infer from what he has said respecting an agreement between this Government and China in regard to immigration.

Mr. BELMONT. I would be very carful not to overstep what I consider a proper statement. I can not assure the gentleman that negotiations have been completed, but he must himself know from observation and from the interest he has taken in the question that there is every reason to suppose that negotiations are pending and will be successful.

Mr. MORROW. This has been the promise for years; it has been so ever since this question has been under discussion.

Mr. BELMONT. I think, Mr. Chairman, the House will appreciate the gentleman's remarks. He intimates that there have been assurances and negotiations for some time past without performance. But undoubtedly one of the main difficulties in the way of a modification of the treaty has been the constant legislation, ineffective legislation, upon the subject, and the attempts at legislation in violation of the treaty, which must always receive the veto of the President, and which have for their principal result the embarrassment of the treaty-making power.

Mr. MORROW. The difficulty, Mr. Chairman——

Mr. BELMONT. I do not think I can yield any further. I will reserve the remainder of my time.

Mr. PHELPS. Mr. Chairman, the question connected with the restriction of Chinese immigration in this country has nothing to do with the question of paying indemnity for the wrongs that we did to the Chinese two years ago in the massacre at Rock Springs.

Mr. BELMONT. If my friend will allow me I wish to state that I entirely agree with him on that point. I would not like anything I have stated to create a different impression.

Mr. PHELPS. There could be no connection except in the fact that both happened to concern the unfortunate Chinese race.

I rise to urge the adoption of the amendment which the chairman of the committee has moved to the Senate bill, because I want to pay the Chinese Government the $147,000 appropriated by it, and so to make an end of this matter.

There is only this difference between the method of the House and the method of the Senate. The Senate proposes to leave the amount of damages to be fixed by a commission, appointed by the President, provided the amount does not exceed $150,000; while the House proposes, without further action or parley, to pay the sum of $147,000 and immediately liquidate the damages. I want to pay the $147,000 because the Chinese Government has asked for that sum. The sum represents only the property destroyed. The Chinese Government knows that our Government never likes to pay a claim in full, so it wisely presents its bill only for the property destroyed and says nothing of other items of claim—nothing of twenty-eight men murdered; nothing of fifteen men wounded; nothing of seven hundred Chinese hunted for ten days with club and rifle like rabbits, until they were dispersed into the wilderness and their village was made an ash-heap.

As the claimants are willing to throw murder and arson into the

bargain, we ought to close it without haggling. What ground is there for haggling, when the investigation was carefully made by representatives of the Chinese Government, assisted by agents of the State Department, and when their conclusions have been approved by its Secretary? "Approved?" I think it would be hard for him to do otherwise, with his archives crowded with cases where we made and enforced the standard to be used in the adjustment of similar cases. By that standard the Chinese on this case are entitled to millions.

Recall one of these cases. In the time when Great Britain was at war with China an American citizen, named Edwards, was arrested by mistake as an Englishman, imprisoned from sun-rise to sun-set and then released.

The Chinese Government paid $31,600 for the injury done to his person and to the dignity of the United States. There were seven hundred Chinese who suffered at Rock Springs, all of them more than this man. We hesitate to pay them $200 each. But the Chinese are heathen, and follow the maxims of Confucius; we are Christians, and profess to follow the teachings of its founder. Recall the familiar story of heathen generosity. How China once gave us $700,000 and said, "Take it, and pay the claims of your citizens!" We took it. We paid their claims, with 12 per cent. interest, and there was enough left to return $200,000 to the Chinese Government.

If this seems ancient history, and you fancy their heathen disposition has changed, think of recent incidents just related by the gentleman from New York [Mr. BELMONT]. While this bill was pending, long after this massacre, there was a riot in Chang-Kiang.

The rabble destroyed property belonging to the American Methodist mission. The Chinese Government has already paid them $25,000 for their loss. And also, since our discussion on this bill, a riot under similar circumstances in Shanghai destroyed other missionary property. The Chinese Government has already paid this bill, too, $5,000; and speaking of Shanghai recalls the latest and most touching incident—it was announced last week from the State Department. The poor Chinese of this city heard that Charleston was racked by an earthquake and hurt, though not destroyed. Out of their little savings they sent $1,640, which our consul-general has transmitted as their contribution to the fund which shall help to repay the loss which nature inflicted. But I have not yet heard that any neighboring town has sent any contribution to aid in the reconstruction of the damage at Rock Springs, which was inflicted by Christian ruffians.

When the reciprocity of fair dealing makes such a case against us, I have no heart to speak of the obligations founded in international law.

I do not want even to refer to the treaty where we pledged ourselves that "we would exert all our powers to devise measures for the protection" of Chinese subjects in this country. If that question must be raised, nothing more seems to be needed than to recall the full statement made at the last discussion of this measure by that expert in international law, Mr. RICE, of Massachusetts.

He claimed and proved that the rule in all these cases was that the central government, the treaty-making power, could not relieve itself of the responsibility for the infraction of a treaty by relegating that responsibility to one of its members. All writers from Vattel down assert this as the rule in their text-books. And our Government, acting in unison with all other governments, while never admitting the rule and sometimes while denying it, has in almost every case recognized it in practice.

Notably this was the case where injury was done to the property of American citizens in Canton while Lewis Cass was our Secretary of State. The Chinese Government referred our claimants to that viceroyalty, claiming that its courts and officers were open to our demands. Mr. Cass refused to recognize this solution, and China paid.

Again, when Mr. Webster was Secretary of State the property of Spanish citizens was destroyed in a riot in the streets of New Orleans. Mr. Webster attempted to relegate the claims of her Spanish Majesty to the authorities and courts of Louisiana. Her Spanish Majesty refused to accept the reference, and the United States paid the bill.

But it is not on the ground of legal but of moral obligations that I prefer to rest this claim. I rejoice, however, that all claims unite in enforcing this obligation, and I sincerely hope the House will to-day vote the $147,000, that there may be at least this atonement, and that the fact of the massacre of Rock Springs may be blotted from our memory forever. [Applause.]

Mr. SOWDEN. May I ask the gentleman from New Jersey a question?

Mr. PHELPS. Yes, sir.

Mr. SOWDEN. Was it shown by satisfactory evidence that this property was worth $147,000?

Mr. PHELPS. The investigation was made by the consuls of the Chinese Government of the highest rank, I believe, of New York and San Francisco; and they asked assistance from the State Department. The State Department furnished them with experts to represent our interests. This joint commission carried on the investigation there upon the spot fully and fairly, and their report, as unanimously made, was submitted to the Department of State. This is the report which the Department of State indorsed, recommended to Congress, and is now before this House for its action.

Mr. PHELPS. I yield ten minutes to the gentleman from North Carolina [Mr. COX].

Mr. COX, of North Carolina. Mr. Chairman, while there are differences between members of the committee as to the bill which should be adopted by this House, it is more as to method than as to matter. We all agree that the Chinese Government should be indemnified for the outrage committed on Chinese subjects at the outbreak in Wyoming Territory, where numbers of unoffending Chinamen, within the protection of the treaties and the law, were murdered by a mob. And the threatened outbreak of the same character in Washington Territory, where similar mob violence was prevented only by the law-abiding character of the people of that Territory.

We further agree that this violence arose from race antagonisms. By our treaties with China these people were induced to come among us. By the confidence reposed in our good faith and our professions of the recognition of the principle of equality of all men, the Chinese Government was induced to abandon its traditional doctrine of seclusion, and recognize the great American doctrine of expatriation, and many of her citizens sought a home and asylum among us. Having invited these people to come among us as citizens and sojourners, every principle of honor as well as solemn treaty obligation behooves us to guarantee to them the full protection of the law. So much is agreed upon among the committee, the only divergence being the most speedy and effective means to accomplish this result.

The Senate has passed a bill providing for a commission of United States officers to investigate and ascertain the amount of damage sustained by Chinese citizens who were under the protection of our law in the outbreak and threatened riot to which I have adverted. The Chinese Government insists that the damages resulting from these outrages is $147,748.74. This may be a correct estimate. There is no contention in regard to the amount, but only as to the method of ascertaining the same. The Committee on Foreign Affairs of the House insists that we should pay them the whole amount *in solido* without investigation and further inquiry. This may be the generous and magnanimous method of proceeding, but those who agree with me insist that we should proceed on business principles.

The rule we establish in regard to this case will be a precedent to be insisted on in any future complications that may arise. Not only this, the present session of Congress is nearing its close, and should we pass a bill differing with the one passed by the Senate there is at least danger that no legislation will be completed on this subject during the present Congress. It is some eighteen months since these outrages were perpetrated, which continue as an irritating sore between our Government and that of China, while important treaty negotiations are pending. If we should adopt the Senate bill then our legislation would be complete. On the contrary, if the House adopt one resolution and the Senate another the respective resolutions would have to go to a conference committee, and we will be compelled to wait and see if they can agree. Not only this, we must delegate to six men to do in secret conference the duties devolving upon us.

I insist, Mr. Chairman, that the resolution adopted by the Senate is more in accordance with business principles, such as regulate the affairs of man and man, than that which is proposed by the committee of this House. In obedience to the demand of the Chinese Government, the bill in this House proposes to grant it over $147,000, while the Senate resolution proposes that we shall have an investigation and pay what is found to be proper, not exceeding, however, the sum of $150,000, including all expenses.

I am aware that there is a precedent in favor of the method proposed by the House committee. In the month of August, 1881, the Lopez expedition set out from the United States to aid an attempted insurrection in Cuba. The insurgents were captured and fifty of them shot, many of them being American citizens. As was natural, intense excitement was created in New Orleans and Key West; so much so that it culminated in mob violence against the Spanish subjects in those places who exulted in consequence of the execution of Americans in Cuba.

In New Orleans especially was the feeling intense, and resulted in the plunder of the Spanish consulate, the destruction of a Spanish newspaper, &c. Soon after these events the Spanish minister in Washington made a demand upon the Secretary of State "for just satisfaction in the above-mentioned insults and acts of hostility, with the corresponding indemnification for the damages and injuries inflicted upon Her Catholic Majesty's subjects." On the 14th of October, in the same year, this demand was renewed and persisted in. Mr. Webster, Secretary of State, replied in 1851, that—

> The executive government of the United States regards these outrages not only as unjustifiable, but as disgraceful acts, and as a flagrant breach of duty and propriety, and that it disapproves them as seriously and regrets them as deeply as either Mr. Calderon or his government can possibly do. * * * But the outrage, nevertheless, was one perpetrated by a mob, composed of irresponsible persons, the names of none of whom are known to this Government; * * * that neither any officer or agent of the Government or law, or of the municipal government of the city of New Orleans, took any part in the proceedings, so far as appears, or gave it any degree of countenance whatever. On the contrary, all these officers and agents * * * did all which the suddenness of the occasion would allow to prevent it. * * * The rights of the Spanish consul, a public officer residing here under the protection of the United States Government, are quite different from those of the Spanish subjects, who

have come into the country to mingle with our own citizens, and here to pursue their private business and objects. The former may claim special indemnity; the latter are entitled to such protection as is offered to our own citizens. While, therefore, the losses of individuals, private Spanish subjects, are greatly to be regretted, yet it is understood that many American citizens suffered equal losses from the same cause. And these private individuals, subjects of Her Catholic Majesty, coming voluntarily to reside in the United States, have certainly no cause of complaint if they are protected by the same law and the same administration of law as native-born citizens of this country.

As was remarked by the gentleman of New Jersey [Mr. PHELPS], this statement of the Secretary of State was not satisfactory to the Spanish Government, and, notwithstanding the approval of the President, nothing was done. On the 10th of May, 1852, Senator Mallory, of Florida, introduced a resolution instructing the Committee on Foreign Relations "to have investigations made whether any Spanish subjects, not citizens of the United States, have sustained damage, by loss of property or otherwise, in consequence of public outbreak or violence in the State of Louisiana, * * * and into the propriety of authorizing the President to make indemnity to the Spanish Government for such Spanish subjects for said damages."

In advocacy of this proposition he called attention to the fact that foreign governments do not understand the workings of our political system. They did not understand that, socially and politically, our States are "as distinct as the waves," whilst in our foreign policy we are "one as the sea." In our relations we dealt with Spain as a unit. In our relations with our sister Republic of Mexico we dealt with her as a unit. And as we deal with one state we must deal with another. That is the danger of establishing a precedent in our dealings with China which might be embarrassing in dealing with other nations.

The Senate of the United States seems to have acted wisely in following the precedent to which I have called attention. I think the gentleman from New Jersey will seek in vain for a precedent where any nation has granted the claim of another without ascertaining the facts in the case. If he is successful in his researches it will not be a precedent which it would be judicious for us to follow. In order that this House may fully understand the difference between the Senate resolution and that of the House, I now send to the Clerk's desk the resolution to be read.

The Clerk read as follows:

A bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885.

Be it enacted, &c., That the President of the United States shall ascertain the actual loss and damage inflicted upon the person and property of Chinese subjects by the violence of a mob of lawless and riotous persons, at or near Rock Springs, in Wyoming Territory, on or about the 2d day of September, 1885; and for this purpose he may detail such officers of the United States as he may designate, not exceeding three in number, to investigate and take the testimony of witnesses as to the nature and extent of the damage done to the person and property of Chinese subjects, and, in connection therewith, may consider the testimony already taken and reports made, subject to the cross-examination of the witnesses, if deemed necessary, and such other proof as may be submitted to them by the Government of China. They shall report the estimate of the damages sustained by each person, and the testimony, to the Secretary of State, within six months from the approval of this act, which time may be extended not exceeding six months by the order of the President, and the same shall be examined by the Secretary of State; and thereupon the President shall award to each person so injured the sum that he shall consider to be just in view of the evidence and report so presented to him.

SEC. 2. That the aggregate amount so awarded by the President, not exceeding $150,000, shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to the envoy extraordinary and minister plenipotentiary for China, at Washington, in full satisfaction and discharge of the injuries to person and property inflicted upon subjects of the Chinese Empire; and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be disbursed under the direction of the Secretary of State, to pay the expenses necessarily incurred for traveling or other expenses under the provisions of this act.

I repeat, Mr. Chairman, that this is a business proposition—not a matter of sentiment, not a matter of magnanimity, not a matter of favor. We have invited these Chinese to come among us; they have been outraged while under the protectien of our laws and solemn treaty obligations. Every sense of honor, humanity, and manhood appeals to us for their ready redress. The question is more as to the method than to the matter of the redress. There are two propositions before us.

The proposition of the Senate is business-like, speedy, and certain. The proposition of the House, while liberal and generous, may effect nothing. The examples quoted by my friend from New Jersey [Mr. PHELPS] as to China's course toward us under similar circumstances are not on a parallel with this case. Commissioners were appointed in those cases, and while the damages allowed were excessive the readiness of the Chinese Government to accede to them arose in the first place from her weakness when assailed by England and France, and in the latter cases, no doubt, from our honesty in returning her the amounts in excess of the damages sustained.

Yet I would readily grant the amount asked for in the House resolution rather than have this measure fail.

The Government of China in all of her dealings with us has been liberal and generous. She is now more interested in the acknowledgment of our obligation than in the mere amount of money she may receive or the manner in which it may be granted.

Mr. FELTON. Will the gentleman from North Carolina allow me a question?

Mr. COX, of North Carolina. Certainly.

Mr. FELTON. Is it not a fact that the measure of the Senate, if passed, would be entirely acceptable to the Chinese legation here?

Mr. COX, of North Carolina. I cannot answer as to that, because I have no communication with the Chinese legation in regard to this matter.

Mr. FELTON. Well, I have understood that the Senate bill would be entirely acceptable to the Chinese legation—as much so as the other. The only difference is that one would give them entire justice, while as to the other there might be some possible question.

Mr. COX, of North Carolina. I agree with the gentleman from California.

Mr. BELMONT. Will the gentleman from North Carolina allow me a moment?

Mr. COX, of North Carolina. With pleasure.

Mr. BELMONT. Mr. Chairman, I believe the Senate bill is acceptable, but, as I stated at the outset, I am under instructions to offer the amendment which I have offered. I think, however, that the proposition of my colleague [Mr. COX, of North Carolina] is a very proper and wise one.

Mr. FELTON. My object in asking the question I have asked was simply to bring out, for the benefit of the House, a fact which, if established, would probably influence some gentlemen here in their decision upon this matter.

Mr. PHELPS. Will the gentleman from North Carolina allow me a question?

Mr. COX, of North Carolina. Unquestionably.

Mr. PHELPS. What reason has the gentleman for supposing that the officers of the United States Government who, upon the appointment of the President of the United States, are to make this investigation will make a more thorough investigation than the investigation which was made by the officers of the United States who were appointed by the Secretary of State, or will report a different or a better conclusion?

Mr. COX, of North Carolina. I do not consider that it is material whether they report the same amount or a different amount.

I say that this is a business matter, and here are two different propositions, originating in the Senate and in the House, respectively, as to the method by which it shall be adjusted, one proposing an investigation and the other not. As to the examples which my friend from New Jersey [Mr. PHELPS] has quoted, showing the action of China, I do not think they should control here.

Mr. PHELPS. My friend from North Carolina fails to get my point. I do not urge that there should be any payment without investigation. I claim that an investigation has been made by officers of the United States Government under appointment from the Secretary of State. The amendment which is advocated by the gentleman from North Carolina [Mr. COX] asks for another investigation which shall be made by officers of the United States under the appointment of the President; and my question is, why he supposes that a second investigation made by officers of the Government appointed by the President will be a more valuable or trustworthy investigation than the one which has been made by officers of the United States appointed by the Secretary of State?

Mr. COX, of North Carolina. That is a long question, but——

Mr. PHELPS. But the facts with which it deals are very simple; and the question is simply why one investigation, having its source in the President, is likely to be any better than the other investigation which had its source in the Secretary of State.

Mr. COX, of North Carolina. I am afraid my friend's case must be weak, as he will not permit me to answer him. The officers heretofore appointed were railroad officials who had these Chinese in their employment. Their investigation may have been perfectly fair. If so, this authoritative investigation can avail itself of the facts heretofore ascertained. The advantage will arise from the test of a cross-examination.

Mr. BELMONT. If the gentleman from North Carolina will permit me a moment I will answer the question.

Mr. COX, of North Carolina. Certainly.

Mr BELMONT. I understand the proposition of my colleague is not in reference to the details of the measure, but in order that there should be no further delay in the settlement; and my friend from New Jersey will acknowledge that if we pass this resolution different in form from the Senate bill there is some danger of a failure of legislation at this session.

And, moreover, I remember that my colleague stated in the course of his argument that experts were detailed to examine into the amount of loss at Rock Springs who were officers of the United States. The documents show that they were United States railroad commissioners. Of course their statements are thoroughly to be relied upon. There is no question, therefore, as to the amount, either in the Senate or in the House. The only difference is that under the Senate bill a commission is appointed for this special purpose.

Mr. PHELPS. I would like to ask the gentleman from New York whether the zeal of the officers and the integrity of this investigation have ever been questioned?

Mr. BELMONT. In no respect whatever that I am aware of.

Mr. PHELPS. The gentleman has no reason to suppose that their action, as approved by the Secretary of State, is not correct, and will not be paralleled by any other investigation that may be set on foot.

Mr. McKENNA. A moment there; let me state that it is asserted, and I have it on good authority, that the assessment books of the county in which this property was situated show that there was only $200 worth of property assessed against the Chinese in that vicinity.

Mr. LOUTTIT. That is a fact which I can assert upon my own observation.

Mr. PHELPS. But the gentleman should remember that it is also a fact that the whole amount of property assessed against Mr. Vanderbilt in New York does not much exceed a million of dollars; and yet no one supposes that the assessment book is a good index or represents the value of his fortune, which is generally understood to be vastly beyond that.

Mr. LOUTTIT. Let me ask the gentleman a question.

Mr. PHELPS. I have not the floor.

Mr. LOUTTIT. I only want to ask the gentleman if the assessment book, where the law requires that every citizen shall present to the assessor a statement in detail of his property, is not a fair criterion of the value of the property of that county in which it is situated?

Mr. PHELPS. That would be true if the wealth of the average citizens of the country who are required to make these returns complied with the law and furnished them to the assessors. But it is true, as a matter of fact in all parts of the country, as experience has shown, that correct returns are not made by the whole body of citizens, no matter how stringent the law may be; and hence the assessment books are no criterion by which to determine the question.

Mr. LOUTTIT. But is it not a fact that the assessments dodged, or the assessments not properly made, are by the wealthy and not by those of small means? And further, is it not true that all the assessments in this case were assessments of persons necessarily of small means? And further, let me state to the gentleman that the records of that county show that in the entire county of Sweetwater all the assessments made against the Chinese was $200, and that was on a piece of real estate, with reference to which I am able to testify now from personal knowledge of the fact that it is still there, every part of it, none of it taken away, for I stopped over a day on my way to California to see it. It is the only property in Sweetwater County belonging to these Chinese.

Mr. STEELE. It must have been a very valuable piece of property if a man stops over on his way to California to look at it. [Laughter.]

Mr. COX, of North Carolina. Mr. Chairman, the gentleman from New York is correct in this, that we desired to expedite this matter. The Senate has passed a resolution which if we adopt the matter is at an end so far as legislation is concerned. He is right, furthermore, in stating that the examination which took place was by railroad officers. We propose to have this examination made and the testimony taken by the officers who are appointed for this express purpose alone.

We desire to pay all of our just obligations and appropriately provide for everything that may be found due, but let us ascertain the facts on business principles. I therefore hope the House will vote down the amendment and adopt the Senate resolution.

I yield now the remainder of my time to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. Mr. Chairman, I will ask the attention of the committee but for a very few moments. I would not have taken the floor to discuss the question at all except for the fact that members of the committee have presented the question as coming from the Committee on Foreign Affairs upon the basis of legal liabilities. It has been argued by the gentleman from New Jersey as one of the cases in which this Government was bound by its treaty obligations legally to pay damages.

I desire to say this is not a correct statement of the position of a majority of the committee presenting this bill and report. The payment of this claim is recommended by the President of the United States on the ground of friendly relations and as an act of generosity toward a friendly government. It is distinctly put upon this ground and not as a legal liability. The Secretary of State in his communication to the Chinese minister emphatically denies the legal liability of this Government.

I do not oppose the bill, but join in supporting it. In this connection I want to read an extract from the special message of the President upon the question. It is as follows:

So long as the Chinese minister, under his instructions, makes this the basis of an appeal to the principles and convictions of mankind, no exception can be taken. But when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it becomes necessary to meet his argument and to deny, most emphatically, the conclusions he seeks to draw as to the existence of such a liability, and the right of the Chinese Government to insist upon it.

I draw the attention of the Congress to the latter part of the note of the Secretary of State of February 18, 1886, in reply to the Chinese minister's representations, and to invite especial consideration of the cogent reasons by which he reaches the conclusion that whilst the United States Government is under no obligation, whether by the express terms of its treaties with China or the principles of international law, to indemnify these Chinese subjects for losses caused by such means and under the admitted circumstances, yet that in view of the palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects have incurred by lack of police protection; and considering further the entire absence of provocation or contribution on the part of the victims, the Executive may be induced to bring the matter to the benevolent consideration of the Congress, in order that that body, in its high discretion, may direct the bounty of the Government in aid of innocent and peaceful strangers whose maltreatment has brought discredit upon the country; with the distinct understanding that such action is in no wise to be held as a precedent, is wholly gratuitous, and is resorted to in a spirit of pure generosity toward those who are otherwise helpless.

Now let me say a word in relation to the instance in which the United States indemnified Spanish subjects on account of the riot in 1850 in New Orleans. The Secretary of State, from whose communication I shall append some extracts, states, in response to the Chinese minister, that the case stood upon entirely different ground. The office of the consul, the representative of the Spanish Government, was involved in the riot. The rioters overran and destroyed the property and insulted the flag of Spain, and it was for this assault upon the official representative under the protection of the flag of that government that reparation was made in that case. It is true that in a few instances private claimants were paid for damages caused in that riot also, but payment was recommended then, as now, by the President of the United States upon the distinct denial that there was any legal liability under treaty or international law. But it followed immediately after some kindly acts on the part of the Queen of Spain in pardoning American citizens who had become involved in the violation of the laws of that country in Cuba. It was a friendly act on the part of the United States done under the specific denial of legal liability, just as the President and Secretary of State put this claim. They recommend it to Congress as appealing to humanity and as an act of pure generosity on the part of this Government. I am not willing that it shall pass with the understanding that we base this on a recognized legal liability.

As to the other question as to which bill we should pass I confess that in a matter of this sort I would be willing, as the Committee on Foreign Affairs was willing at the last session, to accept this appraisement of property presented by the Chinese officials.

But the Senate has already passed a bill authorizing not a new commission of citizens, but three officials to be designated by the President of the United States, men already in office, to represent this Government and investigate the facts in regard to the just amount of this claim. And the bill limits the amount to be paid in satisfaction of the claims to $158,000. That bill is already before the House, having passed the Senate.

Now, in order to dispose of this whole matter, when the President has recommended the payment of the claim, when the Secretary of State has urged the payment of it, when the House is willing to vote for the payment of it, is it any great inconvenience to the Chinese Government that we should have an investigation as to the amount? The disposition has already been shown by our Government, and will be shown by the vote of this House if the bill is passed, not to deny or curtail this claim unreasonably. But it is the surest way to a final disposition of the matter, which I have no doubt will be satisfactory to both Governments, and will be the nearest to what is right and proper, to have a further investigation to ascertain accurately the proper amount to be paid.

If we substitute the House bill it appropriates the gross sum of $147,000, the full amount that has been claimed by the agents of the Chinese Government. This is simply granting the entire amount without question. That is not the ordinary way in which we do business with regard to the claims of our own citizens. We do not pay the full amount of claims without question. But in this case I repeat I would not oppose this if we had not the Senate bill here. Suppose we adopt an amendment substituting the provisions of the House bill reported by the committee for the Senate bill, it goes back to the Senate; that body may not concur, and it may go into conference or may be lost by disagreement between the two Houses. But a few weeks of the session remain. This question has been pressing upon us, and it is one which should be finally disposed of. There is no danger that there will not be a full and just allowance made under the Senate bill. To dispose of the whole matter finally in a spirit of generosity toward a friendly people, I think we should pass the Senate bill without any amendment, and get rid of the question.

I would call attention to some extracts from the communication of the Secretary of State to the Chinese minister, as follows:

I venture to say that you labor under a misapprehension in citing as an exception the action of the United States, in 1850, in respect of the violence committed upon the Spanish consulate at New Orleans by a mob of irresponsible persons unknown to the Government, and with which no officer or agent of the United States was allied.

Nothing can be clearer than the enunciation of the doctrine of Government non-liability on that occasion. While denouncing such outrages as disgraceful and in criminal violation of law and order, it was emphatically denied that the acts in question created any obligation on the part of the United States, arising out of the good faith of nations toward each other, for the losses thus occasioned by and to individuals. Neither is there a parity between the Spanish incident of 1850 and the recent riot and massacre of the Chinese at Rock Springs. The essential feature of the first is wholly wanting in the second. The emblem of Spanish nationality had suffered an affront in a city of the United States.

Reverting, however, to your appeal of November 30, which I understand to be a direct application to the sense of equity and justice of the United States for

relief for the unfortunate victims of the carnage and excesses of the mob at Rock Springs, I am compelled to state most distinctly that I should fail in my duty as representing the well-founded principles upon which rests the relation of this Government to its citizens, as well as to those who are not its citizens and yet are permitted to come and go freely within its jurisdiction, did I not deny emphatically all liability to indemnify individuals, of whatever race or country, for loss growing out of violations of our public law, and declare with equal emphasis that just and ample opportunity is given to all who suffer wrong and seek reparation through the channels of justice as conducted by the judicial branch of our Government.

Yet I am frank to say that the circumstances of the case now under consideration contain features which I am disposed to believe may induce the President to recommend to the Congress, not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and pity to an innocent and unfortunate body of men, subjects of a friendly power, who being peaceably employed within our jurisdiction, were so shockingly outraged; that in view of the gross and shameful failure of the police authorities at Rock Springs, in Wyoming Territory, to keep the peace, or even to attempt to keep the peace, or to make proper efforts to uphold the law, or punish the criminals, or make compensation for the loss of property pillaged or destroyed, it may reasonably be a subject for the benevolent consideration of Congress whether with the distinct understanding that no precedent is thereby created, or liable for want of proper enforcement of police jurisdiction in the Territories, they will not, *ex gratia*, grant pecuniary relief to the sufferers in the case now before us to the extent of the value of the property of which they were so outrageously deprived, to the grave discredit of republican institutions.

I trust you will recognize in what I have herein suggested the desire of the United States to carry into effect the "golden rule" recited in the treaty to which you have made reference, and that in such action you will perceive our wish and purpose to confirm and perpetuate the friendship and comity which, I trust, may long exist between our respective countries. You will, I am sure, agree that in good faith, and in compliance with their obligations, the Government of the United States is strenuously asserting its power to secure the protection of your countrymen within its jurisdiction.

I have read these extracts to show more emphatically the ground upon which this Government puts the payment of the claim.

Mr. RICE. Mr. Chairman, it is pleasant to believe that there is no difference of opinion in this House, as there was none in the committee, in regard to the payment of damages to the Chinamen who were so unjustly and outrageously treated on our soil. I am therefore willing to pass over entirely that branch of the subject and leave it where the eloquent gentleman from New Jersey [Mr. PHELPS] left it; for no words need be added by me to his very impressive remarks.

But the question is, what shall we do now in a business way; what is the best method? How does this matter stand before the House? The chairman of the Committee on Foreign Affairs [Mr. BELMONT] called up the Senate bill. He then, under instructions of his committee—instructions voted in my absence—moved as a substitute for the Senate bill the House resolution. Now, if that motion substituting the House resolution for the Senate bill should be voted down, the vote will then come up on the Senate bill; and if we adopt that, the matter, so far as we are concerned, is ended.

Mr. COX, of North Carolina. Then the proper course for those who favor investigation is to vote down the recommendation of the Committee on Foreign Affairs.

Mr. RICE. That is exactly what I have said. I hope that is the course which this House will take. It seems to me to be the true method, the business way, the short course to get at the result. In the first place, the Senate has already acted upon and passed this bill. If we concur in that bill it needs only the signature of the President, and the matter is ended. Secondly, I believe it is the true method when claims for damages are made to investigate those claims, and to pass upon them as they may be proved. That is the course which has been adopted heretofore when we have made claims against China. The awards so generously paid by China, as stated by the gentleman from New Jersey, were the result of investigation by a commission. China did not pay a lump sum. China said, "Let these claims be submitted to a commission, and what that commission finds to be due we will pay." So that in adopting the Senate bill we follow not only what seems to be the true business method, but what the precedents in the case indicate.

There have been some investigations already as to the amount of these damages, not made under any legal authority, as I understand my friend from New Jersey to intimate, but made by representatives of the State Department, in conjunction with the Chinese representatives, soon after the occurrence of the outrages. The Chinese Government said, "Our damages amount to $147,000." The investigations made by the gentlemen sent to the spot indicate that this sum is not very far out of the way.

Now, what has the Senate done? As has already been stated, the Senate has passed a bill saying, "Let the President indicate three officials to examine the testimony which has already been collected, to investigate these claims, and report upon them; and this bill of the Senate appropriates an amount not to exceed $150,000 to pay the awards which shall thus be made." It seems to me, therefore, Mr. Chairman and gentlemen of the House, that the best, the shortest, the true business method, and the method in accordance with the precedents, is to vote down the motion reluctantly made by the gentleman from New York [Mr. BELMONT], made against his own views, and then vote to report favorably to the House the Senate bill, thus ending this disagreeable affair.

I reserve the residue of my time.

Mr. WORTHINGTON. Although the committee by vote directed its chairman to move the House resolution as a substitute for the Senate bill, I believe that thus far only those members of the committee have been heard who are opposed to that action. I desire, in two or three words only—because I do not want to take up the time of the House—to state why the majority of the committee are in favor of substituting the House resolution for the Senate bill.

I have no doubt that the Government of the United States can save from $20,000 to $75,000 by adopting that Senate bill, but it will be saved by a reason which I, as an American, would be ashamed to mention or to urge for the purpose of saving that amount of money. This riot and massacre occurred in September, 1885, nearly eighteen months ago. The testimony as to the damage which was then suffered was taken while the survivors were to a large extent around the spot; so that those who made the investigation were enabled to reach, to a greater extent than can possibly be done now, the facts in the case. We are all familiar with the character of the Chinese. We know that to-day the survivors of that massacre at Rock Springs, those who were in that vicinity immediately after the occurrence, are scattered perhaps in all quarters of the globe. It will be physically impossible for the most careful and thorough commission you may send there, a commission with the very best intentions, to ascertain the actual damage which was suffered, for the simple reason that the witnesses are gone beyond reach and beyond discovery. That is one reason.

Another reason, and I will state it but briefly. The great merit in the passage of this resolution, or in any action of this character which we may take, is to meet in the same courteous, liberal spirit the action that China has taken toward us in repaying damages that our own citizens have suffered. As I have said, eighteen months have already elapsed since this massacre took place. If you adopt the House resolution as a substitute the question will go into conference. If the conferees agree upon that substitute the matter is closed at once, is adjusted forever, and the money passes into the hands of the representatives of the Chinese Government, to be distributed according to the evidence which was taken by the Chinese authorities. But if you adopt the Senate bill it may be twelve months before there is any report from these officers who are to be detailed. According to the bill itself, they are allowed in the first place six months in which to report, and then the time may be further extended by the President. If the House of Representatives is desirous of adopting a policy by which the damages suffered by these unfortunate people may be cut down from $146,000 to $50,000 or $75,000 on account of their inability to prove those damages, and by which payment may be postponed from six to twelve months, then the Senate bill is better than the House bill. But all I have to say with reference to such a course is, that as the action of a Christian nation it would be in most sad contrast with the prompt and liberal course of China when American citizens have been injured by mobs or violence on her soil. [Applause.]

Mr. HENLEY. I would like to ask the gentleman one question with his permission before he takes his seat.

Mr. WORTHINGTON. I will yield for a question and then yield the floor to the gentleman from Virginia [Mr. DANIEL].

Mr. HENLEY. It has been stated here on this floor, apparently with authority, I do not know but that it has been assented to by the chairman of the Committee on Foreign Affairs [Mr. BELMONT], that this Senate bill was entirely acceptable to the Chinese legation?

Mr. WORTHINGTON. I am not in the secrets of the Chinese legation, and am not authorized to say.

Mr. HENLEY. It was stated by the gentleman from California [Mr. FELTON], and as I understood assented to by the chairman of the Committee on Foreign Affairs.

Mr. DANIEL. Mr. Chairman, I propose to summarize in a few moments the considerations which induced me most heartily to approve the passage of the House bill which has been recommended by the Committee on Foreign Affairs as a substitute for the bill of the Senate. What is it, sir, upon which we are called to give our judgment? The facts are these: On the second day of September, 1885, the Chinese village at Rock Springs, in Wyoming Territory, consisting of 764 Chinese miners engaged in a public work for the benefit of our country, was attacked, the men were ruthlessly and savagely assaulted, their houses burned over their heads, and these flying, inoffensive people were shot down like wild animals until twenty-eight were killed outright, fifteen wounded, and the residue scattered to the winds.

On the 12th day of September, while their blood was still fresh, the Secretary of War directed that two officers of the garrison at Fort Douglas should accompany the Chinese consuls stationed at San Francisco and New York, who were proceeding with their interpreter to the scene of the disturbance. This was accordingly done, and there upon the scene an investigation at once took place into the causes and circumstances of the massacre. As to that investigation, the results of which are spread before us in Executive Document No. 102, the President of the United States says in his special message to Congress on the subject:

In the investigation of the Rock Springs outbreak, and the ascertainment of the facts on which the Chinese minister's statements rest, the Chinese representatives were aided by the agents of the United States, and the reports submitted having been thus framed, and recounting facts within the knowledge of witnesses on both sides, possess an impartial truthfulness which could not fail to give them great impressiveness.

The impartial reports thus referred to by the President, and the tes-

timony taken upon the field while the outrage was fresh and while the living witnesses to its horrid details were as yet together and easily accessible, are all here in the documents which accompanied the President's message.

They present to us, fully, the story of the unprovoked and bloody deed; and they embrace an itemized account of the wrongs and injuries done to persons and to property in its committal.

That we should make indemnity for the grievance seems to be the general sense of all. Such is the earnest opinion of the President and the Secretary of State. Such is manifestly the opinion of the Senate, which has passed the bill before us to detail three commissioners to investigate and assess the damage done. And that is the opinion of the Committee on Foreign Affairs, which has reported as substitute for the Senate bill a bill to pay at once to the Chinese Government the sum of $147,748.54, as claimed by the Chinese minister in his correspondence with the Secretary of State.

For my part I am in favor of paying directly and immediately what is claimed.

Here was a case in which the United States was represented by just as fair a commission as we may ever hope to secure in the future. Here was a case in which both American and Chinese witnesses gave in their testimony, while assembled around the scene of the disturbance. Here is testimony which no man has impeached and about which no one can suggest that there was an error.

Following this up comes the message or communication from the Chinese minister presenting this bill for damages, and in respectful terms asking the United States Government to make restitution. "He gives twice who gives quickly." This bill should have been settled long ago, and it is with no pride as an American citizen, that I contemplate the fact that while the Chinese Government has acted towards us always in the utmost spirit of grace and justice, that it has not only liquidated the bills which have been urged against it in the past years by us, but has, even since this transaction, and even while its own claims were being higgled about and delayed, come forward and with grace and generosity and courtesy compensated for damages done to the property of American citizens in that land, we are yet, after eighteen months of delay, still in default of doing as we would be, and as we have been, done by.

Mr. LOUTTIT. Let me ask the gentleman this question: Has any instance gone into record in which the Chinese Government paid to the United States Government an indemnity for an offense committed by a citizen other than its own or under its own control upon any one of our people? I ask him if there is a case similar to the one now before us in which there was a contest between two classes, neither of which were citizens of this country or had declared their intention to become citizens of the United States? Is there a precedent of that character?

Mr. DANIEL. Mr. Chairman, this is not a question of the nationality of the men who committed the offense. America, with its courts and people, is responsible for whatever is done upon our soil. Any one, be he an American citizen or the citizen of another country, is entitled to the protection of our laws, and the nationality of the man has nothing to do with the responsibility upon the part of our Government to preserve order and guard the people under our laws. That is a question which it does not become us to inquire into.

Mr. MCKENNA. Let me suggest to the gentleman a question. If your proposition is true, would it not be true also that if I immediately shot you down the Government of the United States must indemnify your heirs?

Mr. DANIEL. No, sir; not at all.

Mr. MCKENNA. Where is the difference?

Mr. DANIEL. Here is the difference. If any man shoots another in America the law is responsible to see that the crime is avenged. But if you were to shoot me simply and solely because I was a Chinaman, then you would strike every other Chinaman, whether he be in the Flowery Kingdom or elsewhere, in an offense against his people; and if you were to shoot me, not because of a personal offense but because of the fact that I belonged to a certain distinct race or nationality, then you would strike at the whole race nationality, and undoubtedly our Government in all fairness ought to make restitution either to the wronged individual in the case or to the nationality that has been assailed if called upon to do so, and if such were the custom and comity governing between the nations of the wronged and the wrong-doer. China has always thus looked on the matter in dealing with us. Reciprocity is the soul of international law; and shall the Christian refuse to the Pagan what has been demanded and received of him?

Now, Mr. Chairman, as to the mere matter of business involved in this proposition. A commission of three is to be appointed under the Senate bill. Their salaries, clerks, and expenses of other kinds must be audited and paid from the Treasury.

Mr. COX, of North Carolina. Will the gentleman allow me? It is proposed that these commissioners shall be appointed from persons who are already salaried officers of the United States, and would draw no extra pay.

Mr. DANIEL. The gentlemen who get no salary to begin with are usually those who get the most to wind up with. And whether these officers are detailed or not we know they must be subjected to necessary expenses in taking testimony of witnesses now scattered in all quarters of the globe, and we know somebody will have the bill to settle, and that the bill will necessarily be a large one.

Mr. RICE. May I ask the gentleman a question?

Mr. DANIEL. Yes, sir.

Mr. RICE. Does not the Senate bill provide that these officers of the United States thus delegated may consider the testimony already taken and reports made, to which you have referred?

Mr. DANIEL. Certainly; they may consider that testimony and those reports; and I am only asking a privilege to-day for myself which you want to appoint three men to exercise. I have already considered this testimony. It is not assailed or impeached by any man. Why, then, should we employ three agents to consider it again? It was taken before officers of the United States, or under their supervision, and when it could be taken freshly and under circumstances which will never admit of reproduction.

In my judgment if we wish to act according to the dictates of sound economy we will not attempt to make two or three bites at a small cherry, but we will wind up this matter at once gracefully, handsomely, and according to the etiquette of good neighborhood by saying to the Chinese minister: You have presented your bill; you have not asked damages for what you might have asked damages for, the ruthless taking of the lives of your citizens, the shooting them down in cold blood, but you have been content to present a claim simply for the property destroyed made up in driblets of from $25 to $1,000, a carefully itemized account; and as in the general aspect it is a small demand and a righteous one, it does not become a Government and people who have been dealt with so generously as the Chinese Government has dealt with us to subject this matter to the further procrastination that a commission must occasion.

Mr. CURTIN. Let me ask the gentleman one question. Do we owe the money?

Mr. DANIEL. Yes, sir.

Mr. CURTIN. Then why not pay it? There is no reason why we should not pay it. There is every reason why we should. And the sooner we do it the sooner will we respond to the dictates of justice and the sooner wipe away a blot.

Mr. MCCREARY. It is very gratifying to find that all agree that the Chinese who suffered violence at Rock Springs, Wyo., on September 2, 1885, should be indemnified. But I differ with the gentleman from Virginia [Mr. DANIEL], who has just taken his seat, as to the remedy. The Committee on Foreign Affairs recommends payment for the injuries sustained. The President of the United States recommends payment. But we can not afford to establish as a precedent in this country that every time a few unauthorized citizens and lawless men burn a village or drive men out and kill them we will in Congress appropriate money to pay damages. In what I say to-day, while I am in favor of charity and kindness and justice, I do not wish to be understood as taking the position that every time a few lawless men injure persons or commit depredations we will appropriate money to pay for their acts. The President, in his message, takes the proper position. He says:

> So long as the Chinese minister, under his instructions, makes this the basis of an appeal to the principles and convictions of mankind, no exception can be taken. But when he goes further, and, taking as his precedent the action of the Chinese Government in past instances where the lives of American citizens and their property in China have been endangered, argues a reciprocal obligation on the part of the United States to indemnify the Chinese subjects who suffered at Rock Springs, it became necessary to meet his argument and to deny, most emphatically, the conclusions he seeks to draw as to the existence of such a liability, and the right of the Chinese Government to insist upon it.

The United States Government is under no obligation, whether by the express terms of its treaty with China or the principles of international law, to indemnify these Chinese subjects. What the Congress of the United States does in this case is as a matter of charity, as a kindness to those unfortunate people, or, as my friend from Virginia says, as a matter of good neighborhood and kindly feeling.

I am in favor of indemnifying these people, and I am in favor of indemnifying them according to justice and right. I do not know how much they have been injured. Some proof has been taken in an *ex parte* style and sent here, but we do not know with proper certainty the amount that should be paid. The Senate bill provides that a commission of United States officers shall go to Wyoming Territory and investigate, and shall not allow exceeding $150,000. The amendment proposed by the gentleman from New York [Mr. BELMONT] provides for giving $147,000. I am not in favor of the plan proposed in the amendment. I am in favor of adopting the Senate bill and sending commissioners out there to make an investigation. It was an outrage that seven hundred and sixty-four Chinese miners should be driven from their homes and that their houses should be burned before their eyes. It was an outrage that twenty-eight of them should be killed and fifteen wounded. But I say send commissioners, take the evidence, see what has been done, and then when we ascertain the facts make proper indemnity.

What will be the result if we adopt the amendment proposed by the gentleman from New York [Mr. BELMONT], which I do not think he is heartily in favor of?

Mr. BELMONT. Will the gentleman permit me a word?

Mr. McCREARY. Yes, sir.

Mr. BELMONT. I introduced the resolution myself in the last Congress, and I think it a proper way of dealing with the matter if time were sufficient; but, although I introduced that resolution, I yet believe that the speediest method of dealing with the question now is to adopt the Senate bill.

Mr. McCREARY. I agree with the gentleman.

Mr. BELMONT. I submitted my proposition as an amendment, under instructions from the committee, as I have already stated.

Mr. McCREARY. We have little more than three weeks left of this session of Congress. If we to-day pass the amendment, it has to go back to the Senate, and (although these outrages were committed as long ago as the 2d of September, 1885) there is great danger that Congress will again adjourn without anything being done as regards this matter. Therefore, sir, I am in favor of agreeing to the Senate bill. Let us pass that bill and send reliable commissioners out to where the trouble occurred; let them investigate and take proof, and say what amount we shall pay—not to exceed $150,000.

Mr. HERMANN. Will the gentleman permit a question?

Mr. McCREARY. Yes, sir.

Mr. HERMANN. By the first section of the Senate bill it is provided that the President shall ascertain the actual loss and damage inflicted upon the person and property of Chinese subjects, &c., and that for this purpose he may detail such officers of the United States as he may designate, not exceeding three in number, to investigate and take the testimony of witnesses as to the nature and extent of the damage done to the person and property of Chinese subjects. That is, it is provided that the President may designate for this purpose such officers as he may choose. Now, is not the power there given so discretionary that the President may, if he chooses, entirely ignore it and accept the findings already made?

Mr. McCREARY. Mr. Chairman, in response to the gentleman's question I will say that the President's message shows that he is in favor of indemnifying the Chinese, and I am satisfied that if the Senate bill is passed by this House and becomes a law the amount allowed by the United States officers who act as commissioners will be paid without hesitation.

Mr. MORROW. Mr. Chairman, I desire in the few moments I have to call the attention of the committee to one of the features of this bill which appears to me to be involved in the treaty originally negotiated between this Government and China in 1880. The gentleman from Virginia [Mr. DANIEL] was interrogated a moment ago by my colleague [Mr. McKENNA] as to why it is that we propose to indemnify the Chinese Government for assaults upon Chinese subjects when we would not do so upon the demand of any other government for assaults upon other subjects. This condition of affairs grows somewhat out of the terms of the treaty negotiated between this country and China in 1880. For thirty years the people of the Pacific Coast had been protesting against Chinese immigration. The agitation finally resulted in the appointment of a commission to go to China for the express purpose of securing a treaty that would effectually prevent the further immigration of Chinese subjects to this country. The negotiations took form in the treaty known as the treaty of November 17, 1880, the title of which is a "Treaty between the United States and China concerning immigration." The first paragraph reads:

Whereas a treaty between the United States of America and China for the modification of the existing treaties between the two countries, by providing for the future regulation of Chinese immigration into the United States was concluded and signed, &c.

Then it goes on to say:

Whereas the Government of the United States, because of the constantly-increasing immigration of Chinese laborers to the territory of the United States, and the embarrassment consequent upon such immigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit, &c.

In the first section of the treaty the two governments provide that Chinese immigration to this country may be regulated, limited, or suspended; and in section 2 it is provided that "Chinese subjects, whether proceeding to the United States as students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation."

This last provision of this treaty, taken in connection with our supposed duty to other nations, has been construed as the basis upon which this claim is made by China against the United States. Now, I desire to call the attention of this House to the fact that while the expressly declared purpose of this treaty was to stop Chinese immigration, and while there has been an effort on the part of Congress by appropriate legislation to prevent further immigration, the legislation in that direction has practically failed, and the invasion has continued chiefly because China has not aided in carrying out the purpose of the United States in this respect, and this treaty is now relied upon by China to secure a special indemnity which we would not accord to the subjects of any other nation.

Awhile ago I asked the chairman of the Committee on Foreign Affairs what would be done concerning the bill amending the restriction act, and he informed us that the bill for that purpose, which passed the Senate and came over here with this bill, is not to be brought before the House at the present session, on the ground that negotiations are pending for another treaty. Now, I am not going to oppose the indemnification of the Chinese in this case in a proper way, and I prefer the Senate bill for that purpose; but while we are indemnifying the Chinese, I say that the Congress of the United States ought also to consider the fact that the main effect and material provision in this treaty was and is the stoppage of Chinese immigration into this country, which has not been accomplished. If we fail to act upon that important feature of this case Congress will have failed to perform its duty to the people of this country, and I protest against this course.

Mr. COX, of North Carolina. Will the gentleman permit me to inquire whether the investigation of this assault was not made by the officers of the railroad in whose employ the Chinamen were?

Mr. MORROW. Yes, sir.

Mr. COX, of North Carolina. No officer of the United States was engaged in it.

Mr. MORROW. No officer of the United States.

Now, Mr. Chairman, as I have said, I shall favor the bill which has come from the Senate. I believe it is well enough under all the circumstances for this Government to provide for the ascertainment and payment of this claim, but I am equally clear that it is the duty of the President and of the Secretary of State to sanction, and of the Congress of the United States to provide such amendments to the restriction act, as will effectually prevent the further immigration of Chinese laborers into this country. The remedy for this evil rests with us. Let us be just to our own people while we are generous to others.

In conclusion, I desire to say that if the chairman of the Committee on Foreign Affairs will call up the bill to amend the restriction act and aid in passing it through the House at this session, he will have succeeded not only in doing something generous in the matter of indemnifying the Chinese, but he will also aid in doing what is right and just towards the people of the Pacific Coast who are suffering from the effect of this continued Chinese immigration.

Mr. BELMONT. Mr. Chairman, it seems to me the time has arrived when the House should impose a limit to debate on this question. [Cries of "Vote!" "Vote!"] If there is no desire for further discussion I will move that the committee rise and report the bill to the House.

The CHAIRMAN. There is an amendment pending which must first be acted on. The question is on the amendment reported by the Committee on Foreign Affairs as a substitute for the bill of the Senate.

The question being taken, there were—ayes 58, noes 60.

Mr. DANIEL. No quorum.

Tellers were ordered; and Mr. DANIEL and Mr. BELMONT were appointed.

Mr. CLEMENTS. Mr. Chairmain, if that substitute reported by the House committee be voted down will not the question then recur upon the Senate bill?

The CHAIRMAN. It will.

Mr. ANDERSON, of Kansas. I would like to make this inquiry: If the House substitute should be adopted would not the question then go to a committee of conference and would there not be ample time after that for the two Houses to come to an agreement on this question?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. RICE. I desire to ask whether a yea vote on this question is not in favor of the House resolution and a nay vote for the Senate bill.

Several MEMBERS. That is understood.

The committee again divided; and the tellers reported—ayes 101, noes 68.

So the substitute was adopted.

Mr. BELMONT. I move that the committee rise and report the bill to the House as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McMILLIN reported that the Committee of the Whole on the state of the Union having had under consideration the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885, had directed him to report the same back to the House with an amendment in the form of a substitute.

The SPEAKER. The question is first on agreeing to the amendment reported from the Committee of the Whole House on the state of the Union.

The amendment was adopted.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. BELMONT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection, the joint resolution (H. Res. 147) on this same subject, a joint resolution providing indemnity to certain Chinese subjects for losses sustained within the jurisdiction of the United States, will be taken from the Calendar of the Committee of the Whole House on the state of the Union and laid on the table.

There was no objection.

Mr. BELMONT. I have been requested by several gentlemen to ask consent that they may print remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to allowing all members who desire to do so to print remarks in the RECORD on the bill just passed? The Chair hears none, and leave is granted.

SECTION 5418, REVISED STATUTES.

Mr. ELDREDGE, by unanimous consent, introduced a bill (H. R. 11113) to amend section 5418 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendment of the House to the bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park.

The message also returned, in compliance with the request of the House, the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

The message also announced that the Senate had passed with amendments bills of the following titles; upon which a conference with the House was requested, and on which the Senate had appointed conferees as indicated:

A bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer a certain appropriation—Mr. HALE, Mr. DAWES, Mr. GORMAN.

A bill (H. R. 5775) for the relief of James M. McKamey—Mr. MANDERSON, Mr. HAWLEY, and Mr. HAMPTON.

A bill (H. R. 4839) for the relief of E. P. McNeal—Mr. DOLPH, Mr. SPOONER, and Mr. HARRIS.

A bill (H. R. 4308) to regulate steam engineering in the District of Columbia—Mr. CHENEY, Mr. INGALLS, and Mr. VANCE.

The message also announced that the Senate had passed without amendment a joint resolution and bills of the following titles:

A joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company;

A bill (H. R. 79) for the relief of Pryor N. Lea;

A bill (H. R. 633) for the relief of Maj. G. W. Candee;

A bill (H. R. 707) for the relief of J. R. Martin;

A bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased;

A bill (H. R. 1143) authorizing the Secretary of War to deliver to the Somerville Grand Army of the Republic, of Somerville, Mass., four condemned gun-carriages, to be used for monumental purposes;

A bill (H. R. 1261) for the relief of Henry A. Paus;

A bill (H. R. 1455) for the relief of Lysander H. Carroll;

A bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America;

A bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church in the District of Columbia;

A bill (H. R. 2053) for the relief of Rachael J. Floyd;

A bill (H. R. 2086) for the relief of Francis M. Bell;

A bill (H. R. 2173) for the relief of George W. Cousins;

A bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River, at the foot of Pennsylvania avenue, east;

A bill (H. R. 5326) for the relief of E. B. Dawson;

A bill (H. R. 5652) for the relief of James W. Goodrich;

A bill (H. R. 5651) for the relief of David W. Low;

A bill (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, D. C.;

A bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties;

A bill (H. R. 7860) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 8297) for the relief of Frank Shutt;

A bill (H. R. 8893) directing the Commissioner of the District of Columbia to execute a deed of quit claim and release to a certain alley in Washington to Cornelia P. Randolph and others;

A bill (H. R. 9653) to amend section 3058 of the Revised Statutes; and

A bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery near Danville, Va.

IMPORTATION OF OPIUM.

Mr. BELMONT. I yield to my colleague on the committee, the gentleman from North Carolina [Mr. COX].

Mr. COX. I call up from the House Calendar the bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881.

The bill was read, as follows:

Be it enacted, &c., That the importation of opium into any of the ports of the United States by any subject of the Emperor of China is hereby prohibited. Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than $500 nor less than $50, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 2. That every package containing opium, either in whole or in part, imported into the United States by any subject of the Emperor of China, shall be deemed forfeited to the United States; and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations.

SEC. 3. That no citizen of the United States shall import opium into any of the open ports of China, nor transport the same from one open port to any other open port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any citizen of the United States either in whole or in part, and employed by persons not citizens of the United States, take or carry opium into any of such open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them. Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $500 nor less than $50, or by both such punishments, in the discretion of the court. The consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section, subject to the general regulations provided by law. Every package of opium or package containing opium, either in whole or in part, brought, taken or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of the Emperor of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within the Empire of China.

Mr. COX, of North Carolina. This bill, Mr. Speaker, does not interfere between the citizens of the United States and other governments, except with reference to China. By a treaty which was ratified in 1881 it was agreed that in the open ports of China, certain designated ports, they should not permit opium to be carried there by citizens of the United States, nor to be brought here and sold by United States citizens to the subjects of China.

It is well known that one of the greatest social evils, probably, prevailing in China is the traffic in opium. By the treaty of 1841, made by Mr. Reed, it was restricted, and citizens of the United States in China violating the provisions of that treaty were punishable under the laws of China. The Burlingame treaty made no provision in reference to the subject, but there is a treaty which regulates the mode and method of punishment of United States citizens who reside in China and engage in this traffic. Now they are punishable under the laws of the United States, and this is expressly to prevent citizens of the United States in China from engaging in the traffic.

I do not suppose it is necessary to say anything more in regard to the bill.

Mr. Speaker, the bill now presented for consideration is a measure to carry out certain treaty stipulations between the Chinese Government and our own, which was ratified by the President in May, 1881. It relates to what is known as the opium trade, to repress importation into the United States by Chinese subjects, and the importation by citizens of the United States of opium into any of the open ports of China, or transportation from one open port to another, or the buying and sale of opium in any such ports.

By the treaty of 1844 there are five open ports provided for in China, and in these open ports the citizens of the United States have the right to obtain houses and places of business, &c. By the treaty of 1858, the number of these ports was increased, with the power to the citizens of the United States who may be there to reside with their families in the same, and to trade and proceed from one port to another on business or pleasure. They shall not, however, use the privilege thus accorded them to carry on a clandestine or illegal trade along the coast, under such pains and penalties as may be prescribed by law.

Under the treaties extending up to 1858 citizens of the United States violating the laws of China in regard to prohibited traffic were subject to the jurisdiction of the Chinese courts for trial and punishment. The treaty concluded November, 1880, contains the article which I will send to the Clerk's desk to be read.

The Clerk read as follows:

ARTICLE II.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China; to transport it from one open port to any other open port; or to buy and sell opium in any of the open ports of China. This absolute prohibition, which extends to vessels

owned by the citizens or subjects of either power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either power and employed by other persons for the transportatian of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored-nation clause in existing treaties shall not be claimed by the citizens or subjects of either power as against the provisions of this article.

Mr. COX, of North Carolina. The President of the United States in May last communicated to Congress in special message the necessity for some legislation to carry into effect the provisions of this article. There are provisions in this treaty affecting our citizens in China which are provided for under this bill. A recent case has been called to the attention of the State Department by United States minister at Pekin concerning the right of an American citizen to lease to a British merchant a portion of his house for the opium business. The excessive use of opium in China is known to be one of her greatest social evils, a curse and an affliction to her people.

The manifest intent of this treaty is to prevent American citizens in China from engaging in this opium traffic, or in knowingly aiding others to do so. The treaty itself is not self-executing. Appropriate legislation is required to make it effective. The passage of this bill, it is believed, will accomplish the purpose, and if no gentleman desires to be heard on the subject and no further explanation is required, I ask that it may be put upon its passage.

The bill was ordered to a third reading; and being read the third time, was passed.

Mr. COX, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPOINTMENT OF HOUSE CONFEREES.

The SPEAKER announced the appointment of Mr. SWOPE, Mr. LOVERING, and Mr. CONGER as managers at a conference on the disagreeing votes of the two Houses on the bill (S. 2519) granting a pension to Richard B. Rians.

PROTECTION OF SUBMARINE CABLES.

Mr. BELMONT. Mr. Speaker, I call up for consideration House bill 9324, and yield to my colleague from Virginia [Mr. DANIEL].

The bill was read, as follows:

Be it enacted, &c., That this act shall be known as the "submarine cables act of 1886."

SEC. 2. That the provisions of this act shall be held to apply only to cables to which the convention of the 14th of March, 1884, which is hereto annexed and herein referred to as the convention, for the time being applies; and, subject to the provisions of this act, the provisions of the convention shall be of the same force as if they were embodied in this act, and shall be taken to be a part hereof.

SEC. 3. That any person who shall willfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable, in such manner as to interrupt or obstruct, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding two years, and to a fine either in lieu of or in addition to such imprisonment.

SEC. 4. That any person who by culpable negligence shall break or injure a submarine cable in such manner as to interrupt or obstruct in whole or in part telegraphic communication shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding three months, and to a fine not exceeding $500 in lieu of or in addition to such imprisonment.

SEC. 5. That the provisions of this act shall not apply to a person who breaks or injures a cable in an effort to save the life or limb of himself or of any other person, or to save his own or any other vessel: *Provided*, That he takes reasonable precautions to avoid such breaking or injury.

SEC. 6. That the provisions of the Revised Statutes from section 4300 to section 4305, inclusive, for the trial of offenses against the navigation laws of the United States, shall extend to the trial of offenses against the provisions of articles 5 and 6 of the convention; and a person convicted of an offense against the provisions of the said articles shall be liable to a fine not exceeding $500.

SEC. 7. That the penalties provided in this act for the breaking or injury of a submarine cable shall not be a bar to a suit for damages on account of such breaking or injury.

SEC. 8. That the provisions of article 4 of the convention, in so far as they relate to the payment by the owner of a cable of the cost of repairs of another cable broken or injured in the attempt to lay or repair the former cable, shall not apply to that part of the latter cable which is laid in a depth of water exceeding one hundred fathoms.

SEC. 9. That for the purpose of carrying into effect the convention a person commanding a ship of war of the United States or of any foreign state for the time being bound by the convention, or a ship specially commissioned by the Government of the United States or by the government of such foreign state, may exercise and perform the duties vested in and imposed on such officer by the convention.

SEC. 10. That when an offense against this act shall have been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, unless some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

SEC. 11. That any document drawn up in pursuance of article 7 or article 10 of the convention shall be admissible in any proceedings, civil or criminal, as *prima facie* evidence of the facts or matters stated therein.

SEC. 12. That unless the context of this act otherwise requires, the term "vessel" shall be taken to mean every description of vessel used in navigation, in whatever way it is propelled; the term "master" shall be taken to include every person having command or charge of a vessel; and the term "person" to include a body of persons, corporate or unincorporate.

SEC. 13. That the district courts shall have jurisdiction of all suits of a civil nature arising under this act; and from all decrees or judgments in such suits, where the matter in dispute exceeds the sum of $50, exclusive of costs, an appeal shall be allowed to the circuit court next to be held in such district, and such circuit court is required to receive, hear, and determine such appeal.

SUBMARINE CABLES CONVENTION.

Convention for the protection of submarine cables, made on the 14th of March, 1884, between the United States of America; His Majesty the Emperor of Germany, King of Prussia; His Excellency the President of the Argentine Confederation; His Majesty the Emperor of Austria, King of Bohemia, &c., Apostolical King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of Brazil; His Excellency the President of the Republic of Costa Rica; His Majesty the King of Denmark; His Excellency the President of the Dominican Republic; His Majesty the King of Spain; His Excellency the President of the United States of Colombia; His Excellency the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Excellency the President of the Republic of Guatemala; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of the Ottomans; His Majesty the King of the Netherlands, Grand Duke of Luxembourg; His Majesty the Shah of Persia; His Majesty the King of Portugal and the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Excellency the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Sweden and Norway; and His Excellency the President of the Oriental Republic of Uruguay.

The following is an English translation of the convention, with the omission of the formal beginning and end:

ARTICLE I.

The present convention shall be applicable, outside of the territorial waters, to all legally established submarine cables landed in the territories, colonies, or possessions of one or more of the high contracting parties.

ARTICLE II.

The breaking or injury of a submarine cable, done willfully or through culpable negligence, and resulting in the total or partial interruption or embarrassment of telegraphic communication, shall be a punishable offense, but the punishment inflicted shall be no bar to a civil action for damages.

This provision shall not apply to ruptures or injuries when the parties guilty thereof have become so simply with the legitimate object of saving their lives or their vessels, after having taken all necessary precautions to avoid such ruptures or injuries.

ARTICLE III.

The high contracting parties agree to insist, as far as possible, when they shall authorize the landing of a submarine cable, upon suitable conditions of safety, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, by the laying or repairing of that cable, shall cause the breaking or injury of another cable, shall be required to pay the cost of the repairs which such breaking or injury shall have rendered necessary, but such payment shall not bar the enforcement, if there be ground therefor, of Article II of this convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cables must observe the rules concerning signals that have been or shall be adopted, by common consent, by the high contracting parties, with a view to preventing collisions at sea.

When a vessel engaged in repairing a cable carries the said signals, other vessels that see or are able to see those signals shall withdraw or keep at a distance of at least one nautical mile from such vessel, in order not to interfere with its operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless a period of twenty-four hours at most shall be allowed to fishing vessels that perceive or are able to perceive a telegraph ship carrying the said signals, in order that they may be enabled to obey the notice thus given, and no obstacle shall be placed in the way of their operations during such period.

The operations of telegraph ships shall be finished as speedily as possible.

ARTICLE VI.

Vessels that see or are able to see buoys designed to show the position of cables when the latter are being laid are out of order, or are broken, shall keep at a distance of one quarter of a nautical mile at least from such buoys.

Fishing nets and gear shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or any other implement used in fishing, in order to avoid injuring a submarine cable, shall be indemnified by the owner of the cable.

In order to be entitled to such indemnity, one must prepare, whenever possible, immediately after the accident, in proof thereof, a statement supported by the testimony of the men belonging to the crew; and the captain of the vessel must, within twenty-four hours after arriving at the first port of temporary entry, make his declaration to the competent authorities. The latter shall give notice thereof to the consular authorities of the nation to which the owner of the cable belongs.

ARTICLE VIII.

The courts competent to take cognizance of infractions of this convention shall be those of the country to which the vessel on board of which the infraction has been committed belongs.

It is, moreover, understood that, in cases in which the provision contained in the foregoing paragraph can not be carried out, the repression of violations of this convention shall take place, in each of the contracting States, in the case of its subjects or citizens, in accordance with the general rules of penal competence established by the special laws of those States, or by international treaties.

ARTICLE IX.

Prosecutions on account of the infractions contemplated in Articles II, V, and VI of this convention shall be instituted by the State or in its name.

ARTICLE X.

Evidence of violations of this convention may be obtained by all methods of securing proof that are allowed by the laws of the country of the court before which a case has been brought.

When the officers commanding the vessels of war or the vessels specially commissioned for that purpose, of one of the high contracting paties, shall have reason to believe that an infraction of the measures provided for by this convention has been committed by a vessel other than a vessel of war, they may require the captain or master to exhibit the official documents furnishing evidence of the nationality of the said vessel. Summary mention of such exhibition shall at once be made on the documents exhibited.

Reports may, moreover, be prepared by the said officers, whatever may be the nationality of the inculpated vessel. These reports shall be drawn up in the form and in the language in use in the country to which the officer drawing them up belongs; they may be used as evidence in the country in which they shall be invoked, and according to the laws of such country. The accused par-

ties and the witnesses shall have the right to add or to cause to be added thereto, in their own language, any explanations that they may deem proper; these declarations shall be duly signed.

ARTICLE XI.

Proceedings and trial in cases of infractions of the provisions of this convention shall always take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The high contracting parties engage to take or to propose to their respective legislative bodies the measures necessary in order to secure the execution of this convention, and especially in order to cause the punishment, either by fine or imprisonment, or both, of such persons as may violate the provisions of articles II, V, and VI.

ARTICLE XIII.

The high contracting parties shall communicate to each other such laws as may already have been or as may hereafter be enacted in their respective countries, relative to the subject of this convention.

ARTICLE XIV.

States that have not taken part in this convention shall be allowed to adhere thereto, on their requesting to do so. Notice of such adhesion shall be given, diplomatically, to the Government of the French Republic, and by the latter to the other signatory governments.

ARTICLE XV.

It is understood that the stipulations of this convention shall in nowise affect the liberty of action of belligerents.

ARTICLE XVI.

This convention shall take effect on such day as shall be agreed upon by the high contracting parties.

It shall remain in force for five years from that day, and, in case none of the high contracting parties shall have given notice, twelve months previously to the expiration of the said period of five years, of its intention to cause its effects to cease, it shall continue in force for one year, and so on from year to year.

In case one of the signatory powers shall give notice of its desire for the cessation of the effects of the convention, such notice shall be effective as regards that power only.

ARTICLE XVII.

This convention shall be ratified; its ratifications shall be exchanged at Paris as speedily as possible, and within one year at the latest.

In testimony whereof the respective plenipotentiaries have signed it, and have thereunto affixed their seals.

Done in twenty-six copies, at Paris, this 14th day of March, 1884.

ADDITIONAL ARTICLE.

The stipulations of the convention concluded this day for the protection of submarine cables shall be applicable, according to Article I, to the colonies and possessions of Her Britannic Majesty with the exception of those named below, to wit:

Canada, Newfoundland, The Cape Natal, New South Wales, Victoria, Queensland, Tasmania, South Australia, West Australia, New Zealand. Nevertheless, the stipulations of the said convention shall be applicable to one of the above-named colonies or possessions, if, in their [its?] name, a notification to that effect has been addressed by the representative of Her Britannic Majesty at Paris to the Minister of Foreign Affairs of France.

Each of the above-named colonies or possessions that shall have adhered to the said convention shall have the privilege of withdrawing in the same manner as the contracting powers. In case one of the colonies or possessions in question shall desire to withdraw from the convention, a notification to that effect shall be addressed by Her Britannic Majesty's representative at Paris to the Minister of Foreign Affairs of France.

Mr. DANIEL. Mr. Chairman, this bill is one prepared by the State Department for the purpose of carrying out the convention between the United States Government and certain foreign powers—that is to say, between the United States and the Emperor of Germany, the King of Prussia, and various other sovereigns comprising a long list which it is scarcely necessary now to recapitulate. By that convention it was provided that it should be applicable outside of the territorial waters to all legally established submarine cables landed in the territories, colonies, or possessions of one or more of the high contracting parties.

This bill is simply an undertaking on the part of the United States Government to fulfill its part of that convention by providing penalties for infringement upon or injury done to submarine cables when done by vessels or by persons upon vessels which belong to the United States.

The only suggestion which I would have to make in addition to the report of the committee, and the specifications of the bill which speak for themselves, is the addition at the end of the third section of the words "not exceeding five thousand dollars." This section provides for the punishment of any person who willfully violates the provisions of the act.

It is in the following words:

That any person who shall willfully break or injure, or attempt to break or injure, or who shall in any manner procure, counsel, aid, abet, or be accessory to such breaking or injury, or attempt to break or injure, a submarine cable, in such manner as to interrupt or obstruct, in whole or in part, telegraphic communication, shall be guilty of a misdemeanor, and, on conviction thereof, shall be liable to imprisonment for a term not exceeding two years, and to a fine, either in lieu of or in addition to such imprisonment, not exceeding $5,000.

Now, in the bill which was offered to the House I do not see that there is any limitation upon the fine which is to be assessed against the person thus guilty, whereas in the report of the committee in the printed bill these words appear. I presume, therefore, that by some clerical error it was omitted in the text of the bill as originally reported, and I move at the end of the third section to add the words, "not exceeding five thousand dollars."

The SPEAKER. The Clerk will report the amendment proposed by the gentleman from Virginia.

The Clerk read as follows:

At the end of section 3 add, "not exceeding $5,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. DANIEL moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN FISHERIES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives of the United States:

I transmit herewith, in response to a resolution of the House of the 24th ultimo, a report of the Secretary of State, with accompanying copies of correspondence between the Governments of the United States and Great Britain concerning the rights of American fishermen in the waters of British North America, supplemental to the correspondence already communicated to Congress with my message of December 8, 1886.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 8, 1887.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved bills of the following titles:

An act (H. R. 8310) granting a pension to Cyra L. Weston;
An act (H. R. 929) granting a pension to G. W. Fraley;
An act (H. R. 6819) granting a pension to William Conner;
An act (H. R. 5599) granting a pension to Joshua L. Morris;
An act (H. R. 8827) granting a pension to John Buchanan; and
An act (H. R. 8180) to increase the pension of Charles Hahneman.

COMMERCIAL RELATIONS BETWEEN AMERICAN COUNTRIES.

Mr. McCREARY. I call up for consideration the bill (H. R. 7884) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil.

Mr. MILLS. I reserve points of order on that bill.

The SPEAKER. The bill is in the Committee of the Whole House on the state of the Union.

Mr. McCREARY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill, which the Clerk will read.

The Clerk read as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, requested and authorized to invite the several governments of the Republics of Mexico, Central and South America, and the Empire of Brazil to join the United States in a conference to be held at Washington, in the United States, for the purpose of discussing and recommending for adoption to their respective governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and for considering questions relating to the improvement of business intercourse between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the products of each of said countries. The President of the United States shall appoint three commissioners who shall attend said conference on behalf of the United States, and shall report the proceedings thereof to the President, who shall transmit the same to Congress; and the commissioners shall each receive the sum of $1,000 for their services; and the sum of $20,000, or so much thereof as shall be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said compensation and the reasonable expenses of the conference, to be approved by the Secretary of State.

Mr. McCREARY. Mr. Chairman, I had the honor to introduce the bill just read. Encouragement of commerce and promotion of arbitration should be interesting to all.

The object of the bill under consideration is to authorize the President of the United States to invite the several Governments of the Republics of Mexico and of Central and South America and the Empire of Brazil to join the United States in a conference to be held at Washington, in the United States, for the purpose of encouraging reciprocal commercial relations between our country and the countries named, and also to discuss and recommend to the respective governments some plan of arbitration for international disagreements.

Our Republic is at peace with all the world. Its situation, its population, its wealth, its achievements, and its possibilities are such as to justify it in assuming to be one of the leading powers of the world, and certainly the leading republic of this continent. Following its example, the Republics of Mexico and Central and South America threw off the yoke of foreign domination and have established independent, popular governments, fashioned in many respects like ours. In all of the western hemisphere there is no place so appropriate for the delegates from the three Americas to assemble as here at the capital of our great Republic.

The times and the surrounding circumstances are auspicious for a convention of American nations. It has not been long since a national Democratic convention declared "we favor an American continental policy based upon more intimate commercial and political relations with the fifteen sister republics of North, Central, and South America, but entangling alliances with none," and Mr. Jefferson in his inaugural address, at the beginning of the present century, announced the same sentiment when he said "peace, commerce, and honest friendship with all nations, entangling alliances with none."

A few years ago the people of our Republic celebrated the one hundredth anniversary of the Declaration of Independence in the city of Philadelphia, where our independence was declared and where the first constitutional convention was held and where Independence Hall still stands. All believed on that grand occasion that the human mind could scarcely assign a limit to the growth of our Republic, or compute a time-table to estimate its progress if under wise statesmanship, proper economy, and a just administration of the Government its prosperity is continued.

The first century of our Republic was mainly devoted to material development, to the construction of great transportation lines, to inventions of every description, to improvements in science, literature, and art, to the restoration of fraternity and friendship between different sections, to the formation of that Constitution which the great Gladstone termed "the most wonderful work ever prepared by the brain and purpose of man," and to the perfection of that government which Abraham Lincoln called "a government of the people, by the people, and for the people."

It is predicted by many of our wisest men that the second century of our national existence is "destined to be the international era of the Republic, an era of enlarged commercial intercourse with the outside world, and particularly more intimate social and commercial relations between the several sister nations of the three Americas."

The desire for a convention of all the nations of the American continent is not confined to any political party, section, or class. All classes and all the nations concerned seem to indorse the movement with enthusiasm.

I quote only a few utterances of presidents of various republics. The President of Guatemala said to the United States commissioners:

From the very beginning we have embraced with the greatest ardor the plan of the American Congress to send a commission to the Spanish American republics for the purpose of securing more intimate and friendly relations between them all.

Such a noble and elevated purpose can not but have the sincerest sympathy and co-operation from all those who desire the progress of the several nations of the New World, so that in having the honor to receive you and give you a most affectionate welcome, it is gratifying to be able to assure you that you will find on the part of the Government and the people of Guatemala a sincere disposition to aid in the success of your most important mission.

The grand Republic of the United States is the natural market of the different products we export, and they should find in your rich and populous consumers who are able to send us in return the great variety of their agricultural and mechanical products with benefit to the producers and consumers of both countries.

Guatemala has always endeavored to maintain the greatest harmony with the nations which honor us with their friendship, and it has always endeavored very especially to strengthen more and more the cordial relations which have forever existed between this country and the United States.

The President of Venezuela said:

Venezuela and the United States have the same institutions, the same history. The United States produced the immortal George Washington, "the first in the hearts of his countrymen," and Venezuela produced the immortal Bolivar, the father of five republics, freed by the impulse of stupendous efforts. Both of them honored by the recognition of the two confederacies, they are to-day the faithful representatives of the association of our interests and aspirations—equality before the law and the truth of democracy.

With these lofty motives the people of the New World aspire by union to seek the development of their industrial and commercial prosperity and to cement the alliance of views and intents in the reign of equity and the empire of justice.

President Diaz, of Mexico, said, when asked about the practicability of a congress of American nations:

That the suggestion was an old one, and had many times been considered by the Mexican Government, which he believed had always favored it. He recited his recollection of the several attempts made in this direction, beginning with Bolivar's plan of 1824, and the attitude presented on each occasion by the several administrations in his own country, showing great familiarity with the history of the proposition. He said he had always hoped such an international congress would be some time held, as he believed great good could be accomplished if all the American republics would consent to send delegates to meet upon an equal footing and agree upon measures for the common welfare.

The chief object to be discussed at such a gathering would naturally be a method of arbitration by which international differences could be peacefully adjusted, and another, equally important, was to confine American trade, so far as possible, to American nations.

The President of Chili said:

The extraordinary progress of the United States, independent of the advantage gained by the extension of its area, of its geographical position, and the elements which constitute its social organization, is due to the liberal institutions under which the people are governed and by which it has been proven that the free people are those that really prosper, and are the only ones that have peace as the essential condition of material, intellectual, and moral progress.

The South American republics when they made themselves free had in the northern zone an authority they could consult and an example they could follow. If, owing to reasons which are well understood, they could not copy the edifice you have framed, they have always endeavored at least to inspire in their own people the ideas which have enabled you to advance so resolutely on the road of human liberty and progress. If on this road so happily trodden the American constellation has added to its stars, it is also true that the southern star, following with no less certainty in the same heavens, and pursuing the same purpose, shines to-day with greater splendor and shows that we have not been amiss in seeking the path to glory, liberty, and prosperity.

The subject of establishing closer international relations between all the republics of the American continent and also the Empire of Brazil, containing in the aggregate one hundred millions of people, for the purpose of improving the business intercourse between those countries and securing more extensive markets for the products of each is both interesting and important. Sixty years ago this subject was advocated by Henry Clay and other great statesmen, and a conference was suggested between representatives of our Government and other governments, and President John Quincy Adams appointed representatives to the congress held at Panama to consider measures for promoting peace and reciprocal commercial relations between said countries. This conference was beneficial, but at that time our people were looking more to Europe for business and commerce than to the countries south of us, and no action was taken by our Congress. Now our population and wealth make this the foremost republic of the world, and our Government should inaugurate the movement in favor of an American conference.

The present depression of business and low price of farm products are caused, to a considerable extent, by a limited market for our surplus products. Some of the best markets we can look to are not far beyond our southern border. They are nearer to us than to any other great commercial nation. The people of Mexico and of Central and South America produce much that we need, and our abundant agricultural, manufactured, and mineral productions are greatly needed by them. These countries cover an area of 8,118,844 square miles, and have a population of 42,770,374. Their people recognize the superiority of our products and desire more intimate business intercourse with our people, but the great bulk of their commeree and trade is with Europe. The Argentine Republic has from forty-five to sixty steamships running regularly between Buenos Ayres and European ports, and no regular line between that country and the United States, and our commercial facilities with the other republics of Central and South America are about the same.

In 1884 our exports were valued at $733,768,764.

Of this amount we exported but $64,719,000 to Mexico and South and Central America.

Our annual mechanical and agricultural products are valued at $15,000,000,000, while we seldom have sold more than $75,000,000 worth of these products to our nearest neighbors, who buy in Europe at least five times as much as they get here.

The total commerce of the countries named in 1883 was as follows:

Imports	$331,100,599
Exports	391,294,781

Of the $331,100,599 of merchandise sold to those countries, the share of the United States was only $42,598,469; yet we are their closest neighbor.

The disparity of our trade with Peru, Chili, Argentine Republic, and Brazil is both amazing and humiliating.

Last year the imports of merchandise were as follows:

To—	From Great Britain.	From United States.
Peru	$6,235,685	$743,105
Chili	11,060,880	2,211,007
Argentine Republic	29,692,295	4,317,293
Brazil	33,946,215	7,317,293

The following tables exhibit the population of the countries named, and the relations of trade carried on by them with the United States and Great Britain during the last year:

	Argentine Republic.	Brazil.
Population	2,406,000	10,108,291
Exports to Great Britain	$5,793,965	$23,507,165
Imports from Great Britain	29,692,295	33,946,215
Exports to United States	4,328,510	45,263,660
Imports from United States	4,347,293	7,317,293

	Mexico.	Peru.
Population	9,389,461	3,050,000
Exports to Great Britain	$3,502,500	$10,414,170
Imports from Great Britain	5,415,765	6,235,685
Exports to United States	9,267,021	1,764,890
Imports from United States	8,340,784	742,105

Population, relation of trade, &c.—Continued.

	Central America.	Chili.	Colombia.
Population	2,900,000	2,400,396	2,951,323
Exports to Great Britain	$6,526,950	$12,977,465	$2,166,380
Imports from Great Britain	4,624,560	11,060,880	6,107,645
Exports to United States	6,409,001	604,525	2,342,007
Imports from United States	2,762,531	2,211,007	5,583,368

	Venezuela.	Uruguay.	Dominion of Canada.
Population	2,075,242	447,000	4,750,000
Exports to Great Britain	$1,300,565	$3,283,625	$45,558,555
Imports from Great Britain	3,028,680	8,131,640	44,657,095
Exports to United States	6,309,580	2,734,617	39,000,000
Imports from United States	3,043,609	1,682,443	50,000,000

From the report of the commissioners to South and Central America I gather some remarkable facts:

We have more trade with either Belgium, Italy, The Netherlands, Spain, Switzerland, Russia, China, Japan, Australia, than we have with all the Central American States combined. We have nearly as much trade with Greece as we have with Chili. We sell more sewing-machines in Switzerland than we sell in Chili, and Switzerland sells Chili more sewing-machines than she buys of us.

England, France, and Germany have secured a monopoly of the trade of Spanish America, by the establishment of quick, regular, and cheap transportation, and we have lost it by neglect. For example, Bolivia has a foreign trade of over $16,000,000 a year, yet the name of that country does not appear in the tables of our Bureau of Statistics. The chief imports of Bolivia are cotton and woolen goods, agricultural implements, mining machinery, hardware, cutlery, clocks, watches, canned goods, and provisions, a list which could be filled in any commercial city of the United States as cheaply as in Europe, and yet the annual reports of the Treasury Department of the United States do not show a dollar's worth of commerce between the United States and that country.

The most absurd spectacle in the commercial world is our trade with Brazil. We buy nearly all her raw products, while she spends the money we pay for them in England and France. In 1884, of the exports of Brazil, $50,266,000 went to the United States, $29,000,000 to England, and $24,000,000 to France. Of the imports of Brazil in the same year $35,000,000 came from England, $15,000,000 from France, and only $8,000,000 from the United States.

In 1884 the value of manufactured merchandise imported into the several countries of Central and South America was as follows:

Central America:		
Mexico	$30,000,000	
Guatemala	3,500,000	
Honduras	750,000	
Salvador	2,750,000	
Nicaragua	3,250,000	
Costa Rica	2,800,000	
British Honduras	1,250,000	
		$44,300,000
South America:		
French Guiana	1,500,000	
Dutch Guiana	1,700,000	
British Guiana	10,800,000	
Venezuela	16,000,000	
Colombia	13,700,000	
Ecuador	4,375,000	
Bolivia	4,500,000	
Chili	52,600,000	
Peru	7,600,000	
Argentine Republic	84,900,000	
Uruguay	26,000,000	
Paraguay	1,300,000	
Brazil	101,000,000	
		325,975,000
West Indies		117,113,000
Grand total		487,388,000

The exports of the United States, France, and Great Britain to the countries named below in 1883 were as follows:

Countries.	United States.	Great Britain.	France.
Central America	$2,003,407	$4,186,893	$1,392,113
Colombia	6,868,971	6,009,414	5,984,352
Venezuela	2,403,705	3,126,123	1,324,468
Brazil	9,252,094	34,140,119	15,657,473
Uruguay	1,452,812	9,683,712	5,111,211
Argentine Republic	3,543,196	30,695,963	24,956,691
Chili	2,860,496	21,318,312	9,655,555
Peru	493,894	4,811,600	1,760,670
Total	28,878,625	113,972,136	65,843,533

The increase of the imports from Great Britain into the Argentine Republic in 1884 was very large, and reached a total of $38,000,000. There was a corresponding increase in most of the other countries.

The following shows the exports from England, France, and the United States to Mexico, Central and South America, the Spanish West Indies, Hayti, and San Domingo of cotton goods, iron and steel, machines and implements, and hardware and cutlery, the goods in which we excel:

Articles.	England.	France.	United States.
Cotton manufactures	$45,738,000	$6,215,000	$4,563,000
Iron and steel	11,090,000	3,339,000	2,810,000
Machinery, engines, &c.	8,022,000	1,157,000	6,820,000
Hardware and cutlery	3,505,000	114,000	1,254,000
Total principal articles	68,355,000	10,825,000	15,447,000

The consumption of cotton goods in Central and South America and in Mexico amounts to nearly one hundred millions of dollars annually, and although they are so near our cotton fields, England furnishes about 90 per cent. of these goods.

Cotton fabrics constitute the wearing apparel of nearly three-fourths of those people, and they have to import all they use.

England monopolizes this trade because of her cheap transportation facilities, and because her mills furnish goods especially adapted to the wants and tastes of the consumers, which our mills have never attempted to produce.

It is very important that transportation facilities between the United States and her southern neighbors should be improved; for as long as the freight from Liverpool, Hamburg, and Bordeaux is $15 a ton, they can not be induced to pay $40 a ton to bring merchandise from the United States.

There is not a commercial city in these countries where the manufacturers of the United States can not compete with their European rivals in every article we produce for export.

The testimony of the importing merchants of those countries shows that aside from the difference in cost and convenience in transporting, it is to their advantage to buy in the United States, because the quality of our products is superior, and our prices are usually as low as those of Europe. In this connection it may be important to consider whether a common standard of gold and silver coins equal in value, weight, and fineness in all of the countries named, and current in all of them, would help to increase commerce and friendly relations among them. Suggestions made by our commissioners for a common currency were favorably received by all the governments visited, including Chili; all of the Central and South American countries being under a system of silver monometallism.

Our neglect of the republics south of us is only equaled by our ignorance of their resources, condition, and progress. Very few of our people are informed as to the intelligence, enterprise, and civilization of the people of those countries, and very few appreciate the rapid progress they have made in self-government and political reform.

The report of the commissioners shows that the development of the southern half of South America is nearly as rapid as that of the United States. Immigration is flooding in, internal improvements are opening new and fertile fields, and wealth is increasing in a ratio enjoyed by no other section of the globe.

Chili, Uruguay, Paraguay, and the Argentine Republic, almost a *terra incognita* to us, are booming like our Western Territories. In 1876 the imports of the Argentine Republic were valued at $36,000,000; in 1884 they had reached $80,000,000. In 1876 the merchandise brought to that country from England, France, and Germany was valued at only $18,000,000, while in 1884 it was more than $53,000,000. The entire imports from the United States for twenty years were $6,000,000 less than those from the three commercial nations of Europe for the year 1884.

Within the last year the Government of the Argentine Republic has made contracts for $59,000,000 worth of railway improvements, including a line of road northward into Bolivia, and two lines across the continent to Chili, so as to bring the commerce of the Pacific slope into the harbor of Buenos Ayres, instead of taking it around the Straits of Magellan.

In 1874 the foreign commerce of Chili amounted to $42,000,000. In 1884 it reached $132,000,000. From $50,000,000 to $60,000,000 in merchandise is imported into Chili every year, of which England furnishes over $20,000,000, France over $12,000,000, Germany over $8,000,000, and the United States $3,000,000.

Adding the imports of Brazil to those of Uruguay, Chili, and the Argentine Republic it will be found that the aggregate value of manufactured products introduced into those four countries annually reaches the enormous sum of $250,000,000, of which England furnishes nearly one-half, France about $50,000,000, Germany about $35,000,000, and the United States about $17,000,000.

We have no adequate conception of the present magnitude of these markets nor of their prospective value. The manufacturers of the United States can supply almost every article represented in that $250,000,000, with the exception of a few articles of luxury which we

ourselves import. The consumption of cotton goods alone amounts annually to over $65,000,000, and 95 per cent. is supplied by the mills of Manchester.

To properly appreciate how much we need improved commercial relations with the republics of Central and South America and the Empire of Brazil, I present the following exhibit of the international commerce of the world as taken from Mulhall's Dictionary of Statistics:

	1830.	1840.	1850.
United Kingdom	£88,000,000	£113,000,000	£169,000,000
France	37,000,000	66,000,000	75,000,000
Germany	33,000,000	56,000,000	105,000,000
Russia	20,000,000	25,000,000	32,000,000
Austria	16,000,000	22,000,000	29,000,000
Italy	11,000,000	17,000,000	26,000,000
Spain and Portugal	11,000,000	14,000,000	20,000,000
Holland	16,000,000	27,000,000	44,000,000
Belgium	14,000,000	20,000,000	35,000,000
Scandinavia	8,000,000	12,000,000	17,000,000
Europe	254,000,000	372,000,000	552,000,000
United States	25,000,000	43,000,000	64,000,000
North America	14,000,000	22,000,000	38,000,000
British colonies	29,000,000	62,000,000	93,000,000
The world	322,000,000	499,000,000	747,000,000

	1860.	1870.	1880.	*Equal to—
United Kingdom	£318,000,000	£459,000,000	£571,000,000	$2,855,000,000
France	167,000,000	227,000,000	339,000,000	1,695,000,000
Germany	160,000,000	212,000,000	315,000,000	1,575,000,000
Russia	46,000,000	100,000,000	121,000,000	605,000,000
Austria	51,000,000	83,000,000	128,000,000	640,000,000
Italy	46,000,000	74,000,000	96,000,000	480,000,000
Spain and Portugal	30,000,000	41,000,000	54,000,000	270,000,000
Holland	56,000,000	71,000,000	121,000,000	605,000,000
Belgium	48,000,000	64,000,000	116,000,000	580,000,000
Scandinavia	30,000,000	42,000,000	55,000,000	275,000,000
Europe	952,000,000	1,373,000,000	1,916,000,000	9,580,000,000
United States	137,000,000	172,000,000	309,000,000	1,545,000,000
North America	62,000,000	85,000,000	101,000,000	505,000,000
British colonies	190,000,000	241,000,000	362,000,000	1,810,000,000
The world	1,341,000,000	1,871,000,000	2,688,000,000	13,440,000,000

From the same author I present a table showing a comparison of agriculture, manufactures, commerce, and transportation among the leading nations of the world.

	Agriculture.	Manufactures.	Commerce.
United Kingdom	£266,000,000	£818,000,000	£570,000,000
France	444,000,000	494,000,000	340,000,000
Germany	456,000,000	449,000,000	315,000,000
Russia	509,000,000	238,000,000	120,000,000
Austria	322,000,000	210,000,000	128,000,000
Italy	178,000,000	117,000,000	96,000,000
Spain	136,000,000	96,000,000	41,000,000
Portugal	31,000,000	20,000,000	13,000,000
Belgium	45,000,000	92,000,000	116,000,000
Holland	45,000,000	40,000,000	121,000,000
Denmark	37,000,000	16,000,000	19,000,000
Sweden and Norway	71,000,000	37,000,000	36,000,000
Europe	2,540,000,000	2,627,000,000	1,915,000,000
United States	604,000,000	1,112,000,000	313,000,000
Canada	58,000,000	52,000,000	46,000,000
Argentine Republic	42,000,000	11,000,000	21,000,000
Australia	76,000,000	26,000,000	101,000,000
Total	3,320,000,000	3,828,000,000	2,396,000,000

	Transportation.	Total.
United Kingdom	£186,000,000	£1,840,000,000
France	90,000,000	1,368,000,000
Germany	110,000,000	1,330,000,000
Russia	63,000,000	930,000,000
Austria	44,000,000	704,000,000
Italy	18,000,000	409,000,000
Spain	14,000,000	287,000,000
Portugal	3,000,000	67,000,000
Belgium	11,000,000	264,000,000
Holland	6,000,000	212,000,000
Denmark	3,000,000	75,000,000
Sweden and Norway	14,000,000	158,000,000
Europe	562,000,000	7,644,000,000
United States	252,000,000	2,281,000,000
Canada	11,000,000	167,000,000
Argentine Republic	4,000,000	78,000,000
Australia	9,000,000	212,000,000
Total	838,000,000	10,382,000,000

This exhibit furnishes the amazing and marvelous information that the value of the sea-going commerce of the world was in 1830, $1,610,000,000; in 1840 it was $2,495,000,000; in 1850, $3,735,000,000; in 1860, $6,705,000,000; in 1870, $9,354,000,000; and in 1880, $13,440,000,000, and that the foreign commerce of the greatest commercial powers of the world is as follows:

Great Britain	$2,875,000
British colonies	1,810,000
France	1,695,000
Germany	1,575,000
United States	1,545,000

It appears that our Republic, which is but little over a century old, is first in agriculture, first in manufactures, first in transportation, and fourth in commerce. These exhibits point to the grand possibilities of our Republic and demand that our legislation should be responsive to the necessities of the times and keep pace with the grand march of American civilization and American progress.

If we desire to be first in commerce also among the nations of the world, we should make the proper effort. The first goal to be reached lies south of us, and is comprised in the present and future wealth of the republics of Central America and South America and the Empire of Brazil.

The conference is not only for the encouragement of reciprocal commercial relations between our country and the Central and South American countries, but it is also for the purpose of discussing and recommending for adoption to the respective governments some plan of arbitration for the settlement of international disagreements and disputes. One of the most popular and powerful words of modern times is "arbitration." It is beginning to ring throughout the civilized world as the harbinger of better days, when war shall be no more, and when "Peace on earth, good will toward men" shall be the grand benediction of the age.

Our loved and respected late Vice-President, Thomas A. Hendricks, said at the Democratic convention of 1884, in Chicago, as almost a parting valedictory:

> Will nations never desire a more rational umpire of differences than force? * * * Must blood and treasure always flow before international controversies can be settled? * * * The civilization of this age demands that they be referred to the disinterested States for settlement by friendly arbitration. * * * It will be a beautiful spectacle if this Republic, so strong and so secure, shall lead the nations in a movement for permanent peace, and for the relief of the people everywhere, from the maintenance of standing armies and ships of war.

Mr. COX, of North Carolina. May I ask the gentleman a question?

Mr. McCREARY. Yes, sir.

Mr. COX, of North Carolina. Suppose they agree on a plan of arbitration, how is it to be enforced—by force or by what method?

Mr. McCREARY. There is no desire when we seek to cultivate friendly relations with republics to use force. The object of this convention is to bring together delegates from all the republics of Central and South America and the Empire of Brazil, for the purpose of consulting how best to promote commercial relations between this country and those, and how best to agree on such rules of arbitration as will hereafter settle international differences without war.

Hon. John J. Crittenden, of Kentucky, said in the Senate of the United States:

> What a glorious homage would this Republic render to its best principles by accepting the arbitration of a tribunal composed of men distinguished for their talents, knowledge, science, and moral worth. This would tend greatly to the elevation of the age.

Ex-President Grant wrote, November 27, 1884:

> My views on peaceful arbitration in the settlement of international differences instead of the sword have not changed. I look with confidence for an established court, recognized by all nations, having authority to settle differences without resort to arms, thus rendering unnecessary the maintenance of standing armies.

Victor Hugo uttered his grandest peace classic in 1849, when he said:

> A day will come when the only battlefield will be the market open to commerce and the mind opening to new ideas. A day will come when bullets and bombshells will be replaced by votes, by the universal suffrage of nations, by the venerable arbitration of a great sovereign senate, which will be to Europe what the Parliament is to England, what the Diet is to Germany, what the Legislative Assembly is to France. A day will come when a cannon will be exhibited in public museums, just as an instrument of torture is now, and the people will be astonished how such a thing could have been. A day will come when those two immense groups, the United States of America and the united states of Europe shall be seen placed in presence of each other, extending the hand of fellowship across the ocean, exchanging their produce, their industry, their arts, their genius, clearing the earth, peopling the deserts, improving creation under the eye of the Creator, and uniting, for the good of all, these two irresistible and infinite powers—the fraternity of men and the power of God.

These great men are all dead, but it may be truly said "God buries the workman, but carries on his work." Hundreds of utterances could be quoted in favor of arbitration from men who have become distinguished on the bench, at the bar, in the pulpit, and in the army, but I shall give but one more.

At the late world's congress for the reform and codification of the law of nations, at Cologne, David Dudley Field offered the following resolution; which was unanimously adopted:

> *Resolved*, That this conference observes with great satisfaction the increasing frequency with which the nations of the world have recourse to arbitration for

the settlement of their disputes. But while rejoicing over each separate instance of the successful application of this principle, it earnestly hopes that the time is not far distant when all civilized governments will unite to make arbitration a permanent and authoritative part of the law of nations.

To the people of Central and South America, who have so often felt the blighting scourge of war, and whose business has been depressed, enterprise stagnated, and treasuries bankrupted by internal feuds, the subject of settling international disputes by arbitration will be received with great favor.

The bill does not seek to control the conference or determine what it shall do, but simply to bring representative men of each government together, to discuss and recommend for adoption to their respective governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them, and to consider questions relating to the improvement of business intercourse between said countries, and to encourage such reciprocal commercial relations as will be beneficial to all, and secure more extensive markets for the products of each.

While no scheme may be devised by which all and every disagreement and dispute may be submitted to arbitration in such manner as to always avoid international war, it certainly will be in accordance with the civilization and Christianity of this age to seek to establish a plan of arbitration by which questions of difference may be arranged and settled peaceably.

The Amphictyonic council of Greece, composed of delegates from each of its states, and empowered to examine and decide all their disputes, did much to preserve peace between them for many years, and the Achæan league did the same, and was often solicited even by foreign nations to act as arbiter of their disputes.

International congresses are no novelty. The Vienna congress met in 1814. It was an international congress, embracing Great Britain, Austria, France, Portugal, Russia, Spain, Sweden, and Prussia. Its object was a general settlement of international relations between the leading powers of Europe.

The history of the Panama congress commenced in 1821, and was originated by the illustrious Bolivar, President of Colombia, who pressed it on the powers of South America. Peace was the primary idea, and this congress was intended to be "an umpire and conciliator in disputes and differences." Then there was the diplomatic meetings or congresses of Westphalia, of Ryswick, and of Ghent.

In latter years arbitration among nations has become more frequent. We all remember how that group of questions growing out of the Alabama claims was happily disposed of by the tribunal of Geneva.

In 1874 the President of the French Republic as arbitrator settled the Delagoa Bay difficulty between England and Portugal. The dispute between Switzerland and Italy as to the Peschiaso boundary, which caused a war, was settled by the United States minister as arbitrator. The dangerous dispute between China and Japan as to the murder of a Japanese captain by the Chinese on the Island of Formosa was settled in 1875 by arbitration. The Emperor of Russia settled as arbitrator the dispute between Japan and Peru, caused by the seizure in 1872 of a Peruvian bark engaged in the coolie trade.

In 1879 the Italian ambassador at Washington arbitrated successfully between the United States and Spain as to indemnity for damage done to Americans in the civil war in Cuba. I could cite many other cases of successful and beneficial arbitration between nations, but I have said enough on this subject to prove the importance of arbitration to all nations, and particularly to the nations of North, Central, and South America.

While I have great respect for those who advocate a reform of our laws on currency and taxation, I believe that the great questions presented in the bill under consideration should not be delayed, but should receive prompt action, so as to keep pace with the other important subjects referred to.

It is not proposed to intrust to the conference the power to make final and definite treaty arrangements—that would be in opposition to our Constitution; but it is believed that all will be benefited by a conference held under the invitation and auspices of the most prosperous and powerful nation of the American continent, from which assemblage reports of the proceedings shall be made to the respective governments for proper action.

The bill provides that the commissioners shall report the proceedings thereof to the President, who shall transmit the same to Congress, and it is believed that nothing but common good can grow out of such a conference.

At no time since the organization of our Government has there been a deeper conviction of the propriety of connecting in closer relations our Republic and the Republics of Mexico, Central and South America, and the Empire of Brazil.

Whatever tends to bring into kindly accord the interests and aims of our country and those of our neighbors will be beneficial.

The report of the commissioners appointed under the act of 1884 shows that the people of these countries are anxious to encourage more intimate commercial relations with the people of the United States.

They say in their report:

Unless we have been completely misled by the expressions and protestations of the ruling powers of each and every one of the governments we have visited, the only estrangement possible between them and us will flow from our own indifference and neglect. Indeed, we have already lost much that naturally belongs to us from this cause. Every president and cabinet officer, every leading and thoughtful citizen we met, joined in the sentiment of gratified surprise that our country had taken the initiative by this embassy in bringing about more cordial and hearty communication between the various republics and our own. In our effort to reach more intimate relations we have, then, this basis of kindness and desire upon the part of those we seek to reach as a foundation for our action. We shall plant seed in a genial soil beneath a propitious sky.

No time is fixed in the bill for the conference. The President is fully authorized to arrange the conference as his judgment may dictate.

On the 4th of March, 1889, the Constitution of the United States will have completed the first century of its existence. The 12th of October, 1892, will be the four hundredth anniversary of the discovery of America by Columbus. These are great historic anniversaries, of world-wide importance, which will probably be celebrated in a becoming manner. Either of these anniversaries, or any other time selected by the President, will no doubt be agreeable to all concerned. I then confidently ask the passage of this bill. The cost is small indeed compared with the great results that are to flow from the conference. I believe if properly held it will be one of the most important assemblages the world has ever seen; and that its work will live in history and be crowned with the wreath woven for all that promotes liberty, improves republics, and ennobles humanity. [Applause.]

Mr. BELMONT. I regret extremely that I am unable to concur with my associates on the Foreign Affairs Committee who advise the House to accept and pass the bill which requests the President to invite the several governments on this continent therein named to join this Government in a conference, and authorizes the President to appoint three commissioners who shall attend the conference on behalf of this Government, and appropriates $20,000 therefor. The objects and aims of the conference, as vaguely mentioned in the bill, are threefold. One is to discuss and recommend for adoption by this Government, and each of the other governments, some plan of arbitration for the settlement of disagreements and disputes hereafter arising between them. Another is to consider questions relating to the improvements of business intercourse between "said countries." A third is to encourage such peaceful and reciprocal commercial relations as will be beneficial to all, and secure more extensive markets for the surplus products of each of said countries.

If the bill shall become a law this Government will, as befits its dignity and power on this continent, be the initiator of the conference, and will naturally be considered by the participating nations as the one to take the lead in formulating the propositions to be considered by the conference. I have seen no indication that the President has suggested or advised the proposed conference, and if such a conference is to be convened by his invitation, on the request of Congress, then the promoters in Congress should, as it seems to me, define, with reasonable precision, not only the objects to be sought by those representing this Government in the conference but the ways and means by which those objects are to be obtained, including, in the outline, the concessions which our law-making power, as distinct from our treaty-making power, might be willing to make.

If the conference were proposed by other governments, as was the congress in Panama in 1826, or if the President had initiated the conference now proposed, and had asked the sanction of the Senate by the confirmation of commissioners, and of the two Houses by an appropriation of money therefor, then the President could be assumed to be in possession of, or to have formulated, the measures to be proposed at the conference, and the stipulations which, if inserted in a treaty, he would be willing to sign and transmit to the Senate for its action. But, in the present case, the initiation of negotiations to be carried on by the President comes, so far as I am informed, entirely from the House. If the conference should convene under the proposed bill, and the assembled powers were to ask our commissioners for an outline of their plan as regards the three topics, what reply should the President instruct them to make?

ARBITRATION.

The first topic in the bill is arbitration. It proposes that the conference shall discuss, and recommend, "some plan." What plan? Which "disagreements and disputes" are to be submitted to arbitration? What sort of arbitration? Those are problems concerning which the President should, by the bill, be advised, or else most inconvenient consequences might flow from a rejection by the Senate, or Congress, of a plan or system of arbitration which had been adopted by the conference on the initiation and advocacy of our own commissioners.

What is arbitration, as understood in international intercourse? Vattel defines it to be "a reasonable and natural mode of deciding such disputes as do not directly affect the safety of the nation." The exclusion contained in this definition is most important. It is believed that during the century and a quarter which has intervened since this definition was written, no powerful government has consented, or indicated its willingness to consent generally to the reference to an arbitration, either by neutral governments or by commissioners, of any but secondary questions, such as claims for pecuniary compensation for in-

juries, questions of boundary lines, disputes over the interpretation of treaties, and other similar questions. Wars have been prevented by the mediation, or good offices, of some friendly government or governments, but the exercise of mediation, or of good offices, is rather a method of conciliation than of arbitration, which last implies the power of definite and final decision.

The United States, ever since the organization of their National Government, and notably in the treaty of peace of 1783, have frequently used with great success arbitration as a method for the settlement of secondary questions. The plenipotentiaries to the Congress of Paris of 1856, in their twenty-second protocol, express in the names of their Governments the wish that the States, between whom serious difficulties may arise, would, before appealing to arms, have recourse, as far as circumstances will admit, to the good offices of a friendly power. But there again the exceptions "as far as circumstances will admit," and the employment only of good offices (which last is often a simple formality to bring the contending parties together) as distinct from arbitration, which pronounces a real obligatory judgment, are significant.

It may be said that the international tribunal at Geneva was the submission by this Government of a question too important to be called a secondary question, but it is to be remembered that it was by the result of negotiations by the Joint High Commission at Washington that the "three rules" were formulated, which left little to be done at Geneva, excepting to ascertain the facts, apply the rules, and assess the damages. It was the decision of the British Government that war ought not to come out of the "Alabama claims" which led up to the Joint High Commission, which in turn created the tribunal at Geneva.

The bill reported to the House gives no indication of the class of "disagreements and disputes" which this Government will consent to refer to arbitration. Will the United States consent to confer on any tribunal the power to adjudge the cessions of territory by us, or the demolition of our fortifications, and to decree anything and everything to be done by us which, according to the present usages of international law, may be imposed upon a defeated nation by its victors in war? Probably not, and, if not, then precisely what class of questions will the United States say may be referred to arbitration? If arbitration is to be a complete substitute for war, then it would seem essential that the jurisdiction of the arbitrators shall cover all "disagreements and disputes" which may possibly lead to war. When a commotion or insurrection or civil war is, to the great possible injury of a neighboring nation, on the point of breaking out within any one of the nations to participate in the conference, shall the origin of the outbreak, and the claims of the contending parties, be submitted to arbitration, or shall the sphere of arbitration be limited to questions which, according to existing international usage, are capable of constituting legitimate causes of war? Will the United States consent to submit to arbitration a decision of the question whether or not this Government shall make an apology to some other nation?

Assuming the proposed bill to be so enlarged and amended as to declare definitely the class of questions which this Government may declare to the conference that it is willing, in behalf of itself, to submit to arbitration, then what international machinery shall be provided on this continent to ascertain the facts which underlie the dispute, and give judgment? Shall this international organization, for the settlement of "disagreements and disputes," be of a permanent character, with authority to take immediate jurisdiction without waiting until the parties concerned mutually agree to submit to arbitration? Is there to be on this continent a permanent congress of nations, or a new international nation? Are the several independent nations on this continent to form themselves into a federation for the purpose of arbitrating disputes between themselves? If this congress of nations is not to be in perpetual session, then by whom is it to be convened in order to deliver its judgment upon "disagreements and disputes" tending to disturb the peace of the continent? As our own thirty-ninth Government, which is the Federal Government at Washington, clasps and unfolds the thirty-eight State governments in the union of States, and as is intended to settle disputes and prevent war between them, shall there be a new international nation on this continent, with a congress, a court, and an executive, to settle disputes and prevent war between the several nations?

What limitation shall be placed upon the nature of the award and judgment which this international tribunal may make?

And when the proposed bill has been amended so as satisfactorily to answer these questions, then will come the other question, whether the decisions of this new international tribunal on this continent shall have only a moral authority, or provision shall be made for the physical enforcement of the verdict. Is the new contrivance to be, in the first place, an appeal from force to reason, and then, if reason does not prevail, an appeal back again from reason to force? If there is to be armed force behind the decision of this new board of arbitration, how shall this force be maintained, who shall command it, and what shall be the limit of international expenditure therefor?

If it be said that the proposed bill only contemplates an effort to concert measures between the independent governments on this continento exercise a moral authority between nations where "disagreements and disputes" unfortunately arise, and thus settle them in an amicable and satisfactory manner, it may be said that this Government has already given ample indication that such is its wish. But if, on the other hand, a chief object of the proposed bill is to urge the several governments of the Republics of Mexico, Central and South America to agree on "some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them," but which do not directly concern this Government, then it will deserve consideration whether uninvited by those governments or either of them, it will be prudent for this Government to thus attempt to participate in the mutual relations of other independent governments on this continent, and whether, if we do thus endeavor, we shall not thereby enter upon a field of effort from which hitherto our well-established policy and the warning voice of Washington have excluded us.

Arbitration as a means in the affairs of individuals of obviating the necessity of recourse to courts of law, or in the affairs of nations of preventing the arbitrament of the sword, has much to commend it. Courts of conciliaton are scarcely less effective and benevolent than courts of arbitration, whether in individual or international affairs. But before the proposed bill shall become a law ought not Congress to define the circumstances and conditions under which the decision of the arbitrators shall not be binding? Surely an independent government can not be expected to be bound if the arbitrators are incapable (as perhaps this Government had reason to suspect in its latest arbitration of the fishery question); or if the arbitrators acted in bad faith; or if the contending parties have not been misunderstood; or if the award shall have been in excess of the terms of the reference; or if the decision shall have been contrary to natural justice. These questions and others like them will naturally come to the front on the assembling of the proposed conference, and our commissioners will naturally ask for instructions from the President. The law which initiates the Congress should, as it seems to me, clearly intimate to the President its opinion.

In July, 1873, Mr. Gladstone said in the House of Commons that a general and permanent system of arbitration would make 'practical progress, not by attempting permanent international concert, which would then be premature, but by "a steady adherence on the part of those powers who are readily inclined and convinced and persuaded, on the subject to principle, first governing themselves by justice and moderation, and next losing no opportunity of recommending a peaceful settlement of disputes between nations."

IMPROVEMENT OF "BUSINESS INTERCOURSE."

The second topic to be discussed by the conference concerns "the improvement of business intercourse between said countries." And here, again, what is to be accomplished by the President in that direction seems rather vague and difficult to practically deal with. Does the "improvement of business intercourse between said countries" imply and include the improvement of the means of transportation by land and by sea? Does this Government intend to commit that large problem to an international conference, and to hold out the expectation to the governments participating in such conference that this Government will be bound by the result of the deliberations? Or, if not, then should there not be in the bill a limitation and definition of the subjects relating "to the improvement of business intercourse between said countries," concerning which a conference is invited?

MARKETS FOR SURPLUS PRODUCTS.

The third object of the proposed conference is declared in the bill to be the encouragement of "such peaceful and reciprocal commercial relations as will be beneficial to all and secure more extensive markets for the surplus products of each of said countries." It is to be inferred from this language that one of the objects which this Government seeks to promote is the obtaining of "more extensive markets for the surplus products of Mexico, Brazil, and the States of Central and South America." It is not to be assumed that this Government will initiate a conference between themselves and the other Governments on this continent in order to monopolize for ourselves the purchase of "the surplus products of each of said countries." It is not to be assumed that either of those countries will undertake to sell its surplus products to none else but ourselves. The purpose is, on the contrary, declared to be such "reciprocal commercial relations" as will secure more extensive markets for the surplus products of each. Whether or not all who dwell on this western hemisphere, or even we of the United States of America, would be more prosperous and better off if all commercial relations with the eastern hemisphere were prohibited or prevented is of course a very large question.

But so long as the people and the governments on this continent which are at the south of us shall find on the other continent, and not find on this continent, the surplus capital and money which they need, it will not be reasonable for us to hope that Mexico, Brazil, and the Republics of Central and South America will cease to hold commercial intercourse with Europe, or that European holders of the indebtedness of those States will cease to exercise very potential influence in their affairs, and in the end control, it is feared, any conference to be assembled under the proposed bill. There is no danger that the primacy of

the United States of America upon this continent, which comes of their situation, population, wealth, enterprise, energy, and determination to assert their rights, will be questioned or denied.

But it is true, nevertheless, that we seek an outlet for the surplus product of our skill and our prosperous labor, and for that reason we should welcome the enlargement of "such peaceful and reciprocal commercial relations" between us and the Spanish races to the south of us. For the same reason we should encourage similar "peaceful and reciprocal commercial relations" with the five millions and more of people of our own race, speaking our own language, reading our newspapers, and living under laws and political institutions similar to our own. And for the same reason we should encourage "peaceful and reciprocal commercial relations" with the peoples who inhabit the islands of the Gulf of Mexico and the surrounding seas, which islands are now the colonial dependencies of European governments. But the Dominion of Canada to the north of us and the islands of the Gulf to the south of us are excluded from the arrangements contemplated in the proposed bill.

Nothing is now so desirable for our own people as a free and reciprocal interchange of products between ourselves and the people of other nations on this continent. But what now hinders such free interchange so much as our tariff laws? If this Government shall invite Brazil, Mexico, and the republics of Central America and South America to join us in a conference to promote such free and reciprocal interchange of products, what concessions in our tariff schedules is the President to be authorized to instruct our commissioners to propose on our part? The question of our own tariff will naturally and immediately come up for discussion and consideration. Shall, for example, our commissioners be authorized to offer to the Argentine Republic to admit its wool into our ports free of duty?

No one can be more sensible than I am of the great advantages which in our country flow from that free commercial intercourse, unvexed by tariffs or custom-houses, which the Federal Constitution secures. I wish by some possible and wise contrivance, those advantages now enjoyed by and between Maine and California, Florida and Alaska, could be realized by and between every nation and every producer on this hemisphere from Baffin's Bay to Cape Horn. But is this Government now in a condition to successfully ask in a diplomatic way the accomplishment of such a result? To use Mr. Gladstone's language, should we not first of all begin to govern ourselves in tariff matters with "justice and moderation?" And then, too, does opinion in this House tend to tolerate a reform or protective system by treaties? What is to be the fate of the Sandwich Islands treaty and Mexican treaty? Is there not a disposition against the sugar arrangements of the Hawaiian Islands treaty to even sacrifice the great political and naval advantages which that treaty gives to us, situated as these islands are in the track of traffic between California and China, Japan and Australia?

And if we can not successfully compete in our own jurisdiction with foreign manufacturers, excepting by the aid of prohibitory or impending tariff rates, I am at a loss to understand how our commissioners to the proposed conference can convince Mexico or Brazil or the republics of Central and South America that we can, in their jurisdiction, compete successfully against those same manufacturers and offer our products at cheaper prices than European manufacturers can offer similar articles.

So far as this bill endeavors to accomplish an increase of trade by the exchange of products between the people of our own United States and the people living under other governments on this continent (including the colonies hereon possessed by European governments) the object is one which deserves encouragement and success, but it may well be doubted whether such an object can be best promoted by international conferences and treaty stipulations. So far as the welfare of our own Government is concerned, it is to be feared, as I have already said, that the deliberations of an international conference between the representatives of this Government and of other independent governments established and having the seat of authority on this continent, would be in danger of injurious interference, so far as this Government is concerned, by the intrigues of those in Europe who are the holders of so large a part of the indebtedness of Central American or South American States.

It is true that the trade and commercial intercourse now existing between foreign peoples on this continent and other peoples are not altogether carried on with ourselves. The following statements will exhibit the population of the independent states on this continent, including the colonial Dominion of Canada, and the relation of trade carried on by them with the United States to the trade carried on by them with Great Britain, and the vessels in which it is carried on.

Statement exhibiting the population of the independent states on this continent, including the colonial Dominion of Canada, &c.

	Argentine Republic.	Brazil.	Central America.	Chili.	Colombia.
Population	2,406,000	10,108,291	2,900,000	2,400,396	2,951,323
Exports to Great Britain	$5,793,965	$23,507,165	$6,526,950	$12,977,465	$2,166,380
Imports from Great Britain	29,692,295	33,946,215	4,624,560	11,060,880	6,107,645
Exports to United States	4,328,510	45,263,660	6,409,001	604,525	2,342,007
Imports from United States	4,317,293	7,317,293	2,762,531	2,211,007	5,583,368

	Mexico.	Peru.	Venezuela.	Uruguay.	Dominion of Canada.
Population	9,389,461	3,050,000	2,075,245	447,000	4,750,000
Exports to Great Britain	$3,502,500	$10,414,170	$1,300,565	$3,283,625	$45,558,555
Imports from Great Britain	5,415,765	6,235,685	3,028,680	8,131,640	44,727,095
Exports to United States	9,267,021	1,764,890	6,309,580	2,734,617	39,000,000
Imports from United States	8,340,784	742,105	3,043,609	1,682,443	50,000,000

Total values of free and dutiable merchandise imported into the United States from Mexico and Central and South America during the year ending June 30, 1885, with the estimated amounts of duty collected on such imports.

Countries from which imported.	Value of merchandise.			Estimated amounts of duty collected.
	Free of duty.	Dutiable.	Total.	
Argentine Republic	$3,154,337	$1,174,173	$4,328,510	$364,933 28
Chili	399,464	205,061	604,525	68,386 89
Mexico	5,173,441	4,093,580	9,267,021	635,960 72
Central American States	6,149,873	259,142	6,409,015	140,759 88
United States of Colombia	2,335,083	6,994	2,342,077	1,714 68
Venezuela	6,267,887	41,693	6,309,580	20,297 40
Peru	1,749,632	15,258	1,764,890	5,148 06
Brazil	38,136,191	7,127,469	45,263,660	6,607,377 15
Uruguay	2,317,139	417,478	2,734,617	255,480 80
Bolivia, Ecuador, Paraguay, and Patagonia	753,321	280	753,601	140 00
Total	66,436,368	13,341,128	79,777,496	8,100,198 86

	Per cent.
Total value of merchandise free of duty	83.28
Total value of merchandise subject to duty	16.72
Equivalent ad valorem rate of duty on—	
Dutiable merchandise	10.15
Free and dutiable merchandise	60.72

Statement showing the value of imports and exports of merchandise carried in American and foreign vessels, respectively, in the foreign trade of the United States with Mexico, Central America, the West Indies, and South America during the year ending June 30, 1885.

Countries.	Imports.		Exports in American vessels.	Exports in Foreign vessels.	Total.	
	In American vessels.	In Foreign vessels.			In American vessels.	In Foreign vessels.
Mexico*	$3,748,890	$2,841,767	4,799,254	1,560,359	$8,548,144	$4,402,126
Central American States and British Honduras	4,915,347	1,712,028	2,377,733	754,551	7,293,080	2,466,579
THE WEST INDIES.						
Cuba	28,975,822	13,330,271	8,074,752	931,408	37,050,574	14,261,679
British West Indies	2,560,874	7,802,507	2,589,694	4,621,185	5,150,568	12,423,692
Porto Rico	2,590,135	3,514,128	691,113	878,092	3,281,248	4,392,220
Hayti	626,464	1,844,972	1,080,286	2,227,021	1,706,750	4,071,993
San Domingo	1,311,746	149,673	937,566	49,135	2,249,312	198,808
French West Indies	419,654	727,861	752,205	666,768	1,171,859	1,394,629
Dutch West Indies	233,479	153,189	440,463	226,379	673,942	379,568
Danish West Indies	169,275	167,028	435,836	150,323	605,111	317,351
Total	36,887,449	27,689,629	15,001,915	9,750,311	51,889,364	37,439,940
SOUTH AMERICA.						
Brazil	10,108,298	35,155,362	3,681,883	3,635,410	13,790,181	38,790,772
United States of Colombia	774,597	1,567,480	4,917,069	666,300	5,691,666	2,233,780
Venezuela	4,357,892	1,951,688	2,128,394	915,215	6,486,268	2,866,903
Argentine Republic	3,338,446	990,064	2,543,715	2,132,786	5,882,161	3,122,850
Uruguay	496,594	2,238,023	382,402	1,300,041	878,996	3,538,064
Chili	290,342	314,183	1,581,687	629,320	1,872,029	943,503
British Guiana	390,309	531,045	875,886	764,771	1,266,195	1,295,816
Peru	811,245	953,645	511,585	230,520	1,322,830	1,184,165
Dutch Guiana	258,212	7,127	277,364	21,654	535,576	28,781
French Guiana	1,803		81,184	29,660	82,987	29,660
All other South America	558,224	195,377	383,740	44,271	941,964	239,648
Total	21,385,962	43,903,994	17,364,909	10,369,948	38,750,871	54,273,942
Grand total	66,537,648	76,147,418	36,725,728	22,435,169	102,590,850	98,582,587

*In addition to the merchandise stated as imported and exported in vessels, merchandise to the value of $2,676,334 was imported, and merchandise to the value of $1,981,171 was exported "in cars and other land vehicles."

Until there shall be a reform of our own laws of currency and taxation, and a plan adopted that promises permanency, there will be, it is feared, little hope of a successful result of diplomatic negotiations with the neighboring governments on this continent looking to an increase of trade and commercial intercourse by them with ourselves. What reply could our representatives make to-day when asked what our policy about currency and taxation is to be? The theory of our existing tariff legislation is that our own manufacturers can only be saved alive against foreign competition by preventing, through a custom-house tax on nearly every completed manufacture, our own people from buying a similar fabric in a foreign country. That tariff legislation has, it is believed, created the very evil which the proposed bill and one of the proposed joint resolutions would endeavor to remove.

One of the difficulties with which we in the United States have now to contend is that, by reason of our present tariff laws, we can not in our own workshops compete with European manufacturers, notwithstanding the great advantage we have from the efficiency of better paid and better educated labor. So long as such tariff laws shall be maintained, it is not believed that any diplomatic negotiations will enable the United States to do in the Dominion of Canada, or in Mexico, or in Central America, or in South America what we can not do at home—which is to compete with European manufacturers. Freedom to buy in these communities we now have, and we can enlarge its use to any degree, but freedom to sell to those communities we can only enlarge by producing equally good articles which we will sell at least as cheaply as our European competitors.

All schemes whatever for retaining a protective system and gaining foreign markets are impossible of success, no matter how many railways we may build or steamships we may subsidize. It will be seen from the statistics already given that a large part of the products of our neighbors to the south of us are now admitted at our custom-houses free of duty, but the difficulty of increasing the exports of our manufactured products to those countries remains, because our protective tariff inflicts what, owing to the increased cost of manufacture, is in effect an export tax upon our products, which frustrates the efforts of our enterprising and inventive people to have more complete possession of the neighboring markets upon this continent.

The annual report of Secretary Manning to Congress, and his subsequent communications on currency, taxation and tariff reform, together with the recent report of the Bureau of Labor, clearly indicate how and when a removal of the existing business depression is to come. A rehabilitation of silver, and a restoration of the old price of that metal by open mints for all comers bringing gold or silver; free coinage of full legal-tender coins of both metals on an international ratio contemplated by the second section of Mr. BLAND'S law of 1878, and endeavored to be promoted by Secretary Bayard; a sound system of finance; and a wise adaptation of the burden of taxation to the back that must bear it, will do more to open markets for our products in South America than will any diplomatic negotiations to be carried on by the President, and should precede such attempted negotiations.

Mr. MCCREARY. I have promised to give five minutes to the gentleman from New Jersey [Mr. PHELPS] and five minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. BELMONT. I believe I had the floor. This evening is set apart for tributes to the memory of deceased Representatives of the State of New York. We can not get through with the bill before 5 o'clock. I ask general permission that gentlemen have leave to print in the RECORD remarks on this bill.

Mr. MORRISON. I object. I will not object to leave being granted to individual members who desire it, but I object to this wholesale permission.

Mr. DANIEL, and Mr. COX, of North Carolina, asked permission to print remarks in the RECORD upon the pending bill.

There was no objection.

Mr. MCCREARY. I yield five minutes of my time to the gentleman from New Jersey [Mr. PHELPS].

Mr. BELMONT. I believe I have the floor. It appears to me it is about time the committee should rise.

Mr. REED. Let the question be submitted and let the committee dispose of it.

Mr. BELMONT. I withdraw my motion that the committee rise and yield to my colleague on the committee, the gentleman from New Jersey [Mr. PHELPS], five minutes.

Mr. PHELPS. Mr. Chairman, two minutes will be all that I need to congratulate the friends of peace and progress that the same bullet which destroyed the administration did not kill the measure which it inaugurated and was engaged in successfully prosecuting.

Six years ago the administration of President Garfield, eager to obtain these same results, namely, to promote arbitration and to increase commercial intercourse between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil, promulgated this as the best method to accomplish the purpose.

But party spirit ran so high that the great advantages of this conference could not crush out partisan jealousy, and the measure did not receive that universal sympathy and aid which its merits deserved. Now, if we may judge from this report of a Democratic Committee on Foreign Affairs, which is substantially unanimous, and from the different bills developing this same idea which have come from both sides of this House, trooping to our committee-room, both parties recognize its value, and we may expect hereafter the support of the whole people. I gratefully accept the aid of the other side in carrying out this project, and

while I recall regretfully the six years that are past, I am not disposed to repine.

I know that to-day the countries I have mentioned buy three hundred and fifty millions of foreign produce; and I know that we sell them only forty-five. And I know that if the plan so well developed by Secretary Blaine had been at that time completed, those figures would be far different. But, all the same, I look hopefully forward and with this Democratic co-operation shall struggle to carry to an end this measure, which will promote arbitration and increase commercial and friendly intercourse between us and our southern sisters on this western continent. [Applause.]

Mr. MILLS. Will the gentleman answer this question: Why was Canada left out of this happy family?

Mr. PHELPS. For the reason that the gentleman who was then Secretary of State was aware of the fact that this Government could not invite dominions, or colonies, or dependencies of any kind, but must address its invitations to powers which exist in their own autonomy. [Applause.]

Mr. BELMONT. Mr. Chairman, I now yield to my colleague on the committee, the gentleman from North Carolina [Mr. COX].

Mr. COX, of North Carolina, withholds his remarks for revision, [See Appendix.]

ORDER OF BUSINESS.

Mr. BELMONT. Mr. Chairman, I move that the committee now rise.

Mr. McCREARY. Mr. Chairman, I hope that before the committee rises——

The CHAIRMAN. The question is on the motion of the gentleman from New York [Mr. BELMONT] that the committee now rise.

The question was taken; and there were—ayes 45, noes 27.

Mr. STEELE. Let us have tellers.

Tellers were refused, only 14 gentlemen voting in favor thereof.

Mr. McCREARY. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania [Mr. CURTIN] be allowed five minutes.

Mr. BLOUNT. I ask for the regular order. If this matter is to be debated it will extend indefinitely.

The CHAIRMAN. Objection is made, and the committee determines to rise.

Mr. REED. Tellers have been ordered.

The CHAIRMAN. The Chair announced that a sufficient number had not voted to order tellers. Only 14 gentlemen voted in the affirmative.

Several MEMBERS. Regular order.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole had had under consideration the bill (H. R. 7884) authorizing the President of the United States to arrange a conference for the purpose of promoting arbitration and encouraging reciprocal commercial relations between the United States of America and the Republics of Mexico, Central and South America, and the Empire of Brazil, and had come to no resolution thereon.

THE GENERAL LAND OFFICE.

Mr. WEAVER, of Iowa, from the Committee on the Public Lands, by unanimous consent, reported back with a favorable recommendation the bill (S. 2877) to promote the efficiency of the General Land Office; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. VIELE. Mr. Speaker, I move that the House now take a recess until 7.30 p. m., in accordance with the resolution heretofore adopted.

The motion was agreed to; and the House accordingly (at 5 o'clock p. m.) took a recess until 7.30 p. m.

EVENING SESSION.

The House reassembled at half past 7 o'clock p. m., and was called to order by Mr. McMILLIN, as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, *Washington, D. C., February* 8, 1887.

I hereby designate Hon. BENTON McMILLIN, of Tennessee, to preside as Speaker *pro tempore* during this evening's session.

J. G. CARLISLE.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

The SPEAKER *pro tempore*. The Chaplain will offer prayer.

Rev. W. H. MILBURN, Chaplain of the House, offered the following prayer:

Almighty and everlasting God! we devoutly bless Thee for the long line of brave and honest men who through nearly a century have made the Halls of Congress illustrious by their devotion to the highest interests of this Republic! And as we are gathered to-night to commemorate the virtues and the energies of some of the members of this House who have departed from us and passed to the unseen world, we pray that the fire of patriotism may glow in every breast and that every one of us may feel like devoting ourselves to the highest welfare of the land with all our power of brain, thought, influence, and grace! We beseech Thee, O Lord! to bless the men who shall speak to the House to-night concerning our departed friends! As it is said that republics are ungrateful, may we cherish the recollection of those who are gone, and may we ourselves deserve perpetual memory by the singleness and simplicity of our motives, the fullness of our service to the country! We humbly ask through Jesus Christ our Lord. Amen.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House assembles this evening.

The Clerk read as follows:

Resolved, That Tuesday, February 8, 1887, at 7.30 o'clock p. m., be assigned for the consideration of resolutions relating to the late Messrs. Arnot, Beach, and Dowdney, late Representatives in this House from the State of New York.

DEATH OF HON. JOHN ARNOT.

Mr. MILLARD. I submit the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the House has received with profound sorrow the announcement of the death of Hon. John Arnot, late a member of the House of Representatives from the State of New York, and tenders to the family and kindred of the deceased the assurance of sympathy in their sad bereavement.

Resolved, That the business of the House be now suspended that opportunity may be given for fitting tributes to the memory of the deceased and to his eminent public and private virtues.

Resolved, That the Clerk of the House be directed to transmit to the family of the deceased a copy of these resolutions.

ADDRESS OF MR. MILLARD.

Mr. MILLARD. Mr. Speaker, at a meeting of the New York Congressional delegation recently held I was directed by its chairman, Mr. Hewitt, to present to the House at this time the resolutions just read. It now becomes my sad duty to ask for their consideration and to join in paying the last official tribute to the memory of my deceased colleague.

Scenes like this have become so frequent during the present Congress, they seem almost to constitute a part of the regular proceedings of the House. The list of our departed associates is indeed a long one. Of the three hundred and twenty-five Representatives elected to the Forty-ninth Congress who a little more than one year ago appeared and answered to the first roll-call the seats of eleven have been vacated by the hand of death. Eleven of our number have died. With them "life's fitful fever is over." Their work on earth is accomplished, and they have passed beyond the reach of all human praise or blame.

In the death of John Arnot I can not but feel that I have sustained a personal loss. He was not only my colleague, but my neighbor and friend. We entered Congress at the same time, and the Congressional district he represented at the time of his death comprised a portion of the constituency I had the honor to represent in the Forty-eighth Congress. In the few remarks I may be able to offer at this time, I can not hope to do justice to his memory, yet were I to remain silent I should not only do violence to my own feelings, but disappoint many of my constituents who were his admirers and life-long friends.

John Arnot was born at Elmira, N. Y., March 11, 1831. He sprang from good stock, being the second son of the late John Arnot, a native of Perthshire, Scotland. In early life the father left his Scottish home to seek his fortune in the new world, and while a young man came to Elmira, then a small village in the southern tier of New York. He was a man of great business energy and financial ability, and did more to develop the resources of Southern New York and Northern Pennsylvania than any man of his time. The elder Arnot died several years ago leaving surviving him three sons, Stephen T., John, and Matthias. John was educated at a private school, and upon the death of his father became the head of the Chemung Canal Bank, one of the largest banking houses in the southern tier of New York. In early life he married Miss Hulit, daughter of the late Hon. Charles Hulit, a woman of culture and refinement, to whose beauty of character and patient courage he was largely indebted for his success in life.

That the people of the twenty-eighth district of New York in 1882 should select him to represent them in Congress was one of the most natural things in the world. For many years he had been its foremost citizen, popular with all classes, a man of great wealth but with a heart as big as his fortune. No man in all Southern New York was better or more favorably known. For thirty years he had been identified with the growth and prosperity of his beloved city, and there was no spot in all the world he loved so well. It was at Elmira he was born, and it was there all the busy years of his life had been spent. If he had loved her she had honored him in return. For three successive times he had been chosen president of the village, and after it had become a thriving and populous city he was frequently elected to the office of mayor.

John Arnot at the time of his death had entered upon his second term in Congress. So satisfactorily had he performed the duties of his high office and so greatly was he beloved his second nomination and election was practically without opposition. Though residing in a doubtful district, the Republican Congressional convention which met at Ithaca in the autumn of 1884 made him its candidate by unan-

imously indorsing his nomination. He made no claims to statesmanship. He was not a debater or in any sense a parliamentarian. I think his voice was never heard in the discussion of any public question upon this floor. Protracted debate wearied him, and he was always impatient for the call of the previous question. But for all this he was an able man, thoroughly posted upon all important questions, and his vote and influence always to be found on the right side.

John Arnot was a strong partisan, but he never permitted his party obligations to interfere with what he deemed to be a conscientious performance of official duty. Public life in Washington has many temptations, and there are few who have occupied high official positions here that have escaped the charge of corruption or venality in some form or other. Charges of this character are often made against public men without the slightest foundation; but no breath of detraction ever tarnished his good name or dimmed the luster of his public life. The honesty of his vote was never questioned; his integrity was unimpeachable and uncorruptible. As was said of the late lamented Haskel, one of our distinguished associates in the Forty-eighth Congress, "his lips were too white to tell a lie and his hands too pure to accept a bribe."

The twenty-eighth Congressional district of New York is one of the largest and most important in the State, rich in agricultural resources and extensive manufactures. Cornell University is within its boundaries. To fitly represent such a people and such a constituency its representative was required to be not only a man of ability, but he must correctly reflect the views of his district upon all great public questions, such as the tariff and the financial policy of the Government. Upon these questions Mr. Arnot was thoroughly informed and outspoken. Upon all such questions he desired not only to represent the views of his constituency, but to do what he deemed to be for the best interests of the American people. The last time we ever saw him alive was when he came here from a sick bed in Elmira to record his vote against the passage of a measure which in his judgment was hostile to the welfare of millions of our people.

Sir, I have spoken of Mr. Arnot's early life and his valuable public services. I now desire to speak briefly of him as a private citizen. Though he was many years my senior, I knew him intimately. Few public men were more highly esteemed or universally beloved. From his father he had inherited a large fortune, but it was neither his wealth nor his official position that endeared him to the hearts of the people. He was the manliest of men, the most delightful of companions, and the truest of friends. He was everywhere a welcome visitor, and always unassuming and considerate of the rights of others.

It is written, and upon occasions like this often said, and well said, that "an honest man is the noblest work of God." Such a man was our honored and beloved associate. In all the multifarious and complex dealings with his neighbors and fellow-men he was scrupulously honest and upright—his word as good and a little better than his bond.

In the summer of 1882 his name begun to be mentioned in connection with the nomination for Congress in his district, but official position or public life had no charms for him, and it was not until he had been twice put in nomination that he would consent to stand as a candidate. The contest was the hottest ever known in the district. He had for a competitor an able man, one of the best political speakers in the State, and with a splendid record as a soldier in the war of the rebellion; but to defeat such a candidate as John Arnot was an impossibility. There was scarcely a poor man or woman in the district he had not befriended at one time or another. If in destitution or overtaken with sudden misfortune they went to him for assistance, and they never returned empty-handed. How many sad hearts he made glad by his open-handed generosity no one ever knew but himself.

With him it was always more blessed to give than receive. If I were asked to name the chief characteristic of John Arnot, I should unhesitatingly say his unbounded liberality. The history of such a life is written in this one word, the sweetest and best word in all the ancient or modern languages. Why should such a man, so kind, so generous, so noble-hearted, not be permitted to live out the time allotted to men? Why should such a life, so valuable to society and the state, be thus shortened? I confess I am unable to comprehend.

On the 20th of last November, at his home, in Elmira, Mr. Arnot died. He had not been in good health for the past year. In the autumn of 1884 he met with an accident which well nigh proved fatal. From its effects he had never fully recovered. His death, though not wholly unexpected, was a great shock to the people of his district. They knew that he was sorely ill, and had been compelled to leave his official duties here in the middle of the session, but they hoped and prayed for his recovery. They longed to see him upon the street again. Said his distinguished competitor for the election to the Forty-eighth Congress, during his illness, "Although he defeated me for Congress I would take off my shoes and walk to Washington in my bare feet to restore him to health."

Colonel Baxter but expressed the feelings of hundreds of Mr. Arnot's constituents, but it was not to be. No human skill could bring him back to health. As the sun was illumining the eastern horizon on that beautiful November morn the heart of our beloved associate ceased to beat, and he sank to rest surrounded by those he loved best—his family.

In the death of John Arnot Southern New York lost its most valuable citizen, the State and Nation a faithful public servant, and every member of this House a genial and true friend. Greater men have lived and died, but none more justly esteemed or universally loved.

ADDRESS OF MR. HISCOCK.

Mr. HISCOCK. Mr. Speaker, I rise to pay a tribute of respect to John Arnot.

He was one of the most distinguished sons, one of the most influential citizens, of the State of New York.

He entered upon life surrounded by every advantage that may be possessed in this Republic. A member of a wealthy and distinguished family, it was not necessary for him to acquire, but only to utilize the means already at hand for his development. He was not forced to struggle for place and position, but hardly a less difficult task was before him, to hold that to which he was born. I have not said this to detract from his merits, but rather to illustrate them. Too often is it that such early advantages as those of Mr. Arnot are possessed at the expense of the energy, force of character, and personal habits necessary to success, and the development of a worthy character and manhood.

Mr. Arnot did not become weak because action and energy were unnecessary. He was not insensible to the claims of his neighbors, friends, his city, and the State upon him, though the honors they might bestow were unnecessary for his happiness or pleasure. He was ever kind to the poor, though he had never felt the pain of their necessities. He extended a helping hand to those struggling to position, although he had ever possessed it.

In the society and municipal affairs of his native town he always had a deep interest, though little likely to be personally affected by them.

Possessed of the means that would have established him in a broader and more conspicuous field, he chose rather to work out his life problem where it commenced; and in that section of our State—in respect to its area, population, wealth, and education, a State of itself—no man has more impressed himself or been held in higher respect or esteem while living, or, now that he is gone, in kinder and more respectful memory by her people.

He engaged in vast business enterprises (not because accumulation was necessary or for the sake of accumulating), and honesty and conscientiousness marked the transactions of his business career. He was a man of unquestioned integrity. In those official positions to which he was called at home his administration was characterized by a firm and steady purpose to accomplish the greatest possible good for his people. He was a public-spirited citizen, a warm friend, and open-handed in relieving the distressed.

As a Congressman we knew him here, and the highest compliment was paid him by his constituents. Though a member of the Democratic party he was elected from a Republican district, because they knew that party ties would not be strong enough to hold him from faithfully representing them in his votes; that party prejudice nor party necessities would swerve him from faithfully voicing their views and convictions. And, sir, their confidence was not misplaced. He never hesitated to balance the chances or weigh the effect upon himself; of strong convictions, he quickly responded to the expectations of those he represented.

Though belonging to a great political party he was not its slave, and would not surrender at its call his opinions and the interests of his district. But few of his type mark our Congressional history, and I bow my head in honor and reverence to him.

His virtues will long be remembered in Southern New York. He was a worthy representative of a great State, and his duty to her was never obscured, but he honestly, faithfully, and promptly discharged the trusts reposed in him. His associates in this House will remember him as genial and generous, a man of positiveness, always trustworthy and painstaking, and with a thorough comprehension of those questions he was called upon to deal with. We remark his absence, and appreciate that a strong man has gone from us.

ADDRESS OF MR. VAN EATON.

Mr. VAN EATON. Mr. Speaker, my acquaintance with our lost friend and brother began in this way: Soon after my election to the Forty-eighth Congress a valued friend and prominent citizen of Mississippi said to me one day that he had an old friend of his Yale College days, who, like myself, had been elected for a first term, whose acquaintance he thought I would find pleasant, and to whom he gave me a letter of introduction. That letter I handed to John Arnot at the Democratic caucus the Saturday night before the meeting of Congress. Though years had passed since they had met, he was greatly pleased to hear from his old friend, and much interested in all that related to his situation and prospects.

The acquaintance thus begun soon ripened into friendship, and I found him at first what he was ever, warm-hearted, genial, generous, and frank. He was eminently calculated to win and retain friends; he had great positiveness of character, and was very pronounced in his likes and dislikes. He despised shams, show, and pretense, while struggling merit, however lowly, found in him a fast and unfailing friend. His ideal of what man ought to be was very high, and I think it may be truthfully said his daily life and conduct squared fully with

his ideal. While he loathed the arts of the quack, the trickster, and the demagogue, he had infinite faith in his kind and a living trust in the future.

This faith and trust colored all his life, and, coupled with his boundless generosity, made up one of the loveliest characters I have ever known. The needy and the suffering never appealed to him in vain, nor did he wait for appeals; he was ever seeking opportunities of doing good, which he always preferred to do "by stealth." On one occasion I spoke reprovingly to him of his indiscriminate acts of charity, and referred to the danger that much he gave might be unworthily bestowed. His reply was characteristic; it was to the effect that he might make some poor sorrowing sufferer glad, and he would take all the chances in that hope.

All that tended to make men and women better and happier found in him a firm and unwavering friend, not in words and professions, for of these he was chary, but in acts that would be performed and bear fruit while others were hesitating; and to-day while we pause in the great rush of the affairs of every-day life to pay what I am sure is a heartfelt tribute to his memory, the name is legion of those who have abundant cause to mourn his loss and lament the death of him who had been their friend in time of sorest need.

I know it is commonly said epitaphs and tributes of this kind study only to speak well of the dead, but in this case it is simply impossible to speak truthfully without speaking words of praise—words which, to those who did not know the subject of them, would appear extravagant panegyric. The character of our friend, which I am attempting so imperfectly to portray, he maintained in all the relations of life. He did not have one face for the world and another for those where that world was shut out, but he was the same to all.

As a legislator he was ever loyal and fearlessly true to what he believed to be right, and during his term here he made warm friends of his associates, and that without regard to party affiliations. In a word, he was a just, good, true man, and of him as much as of any man any of us have ever met I believe it may be truthfully written that he was

One who loved his fellow-men.

There are others who knew him longer and more intimately than I did, and for them it is more fitting to speak of him and his character more minutely and at greater length than I should do.

I may be permitted to say I loved him. He was my friend, as he was the friend of mankind, and I have sought this opportunity in all humbleness to drop a tear to his memory, to place a modest flower on his bier.

ADDRESS OF MR. FELIX CAMPBELL.

Mr. FELIX CAMPBELL. Mr. Speaker, it is, I think, no small testimonial to the character of a man of whom it can be truthfully said that the tributes to his memory are none the less genuine and sincere than those which greeted his pathway while yet among us. For human nature has a kindlier side when recalling the traits of those who have gone before, and blends with generous intent opinions tempered by the hand of sorrow. Yet I think it will be conceded that the thoughts and feelings associated with the man whose life and character we are considering to-night were as kind and fervent while he was still among us as those which followed him to the grave, and that no more beautiful tribute can be woven to his memory than is comprised in many of the utterances passed upon him before his days were numbered.

Mr. Arnot was a singularly plain man—plain in that he was direct, open, sincere, and without disguise, with an inherent force of character inherited from ancestors who were pioneers in the development of two great States, and whose qualities in no small degree gave vigor to the conservative and steady methods which characterize the soil from which he sprang. Amid the surroundings of his childhood were instilled principles and feelings which remained with him through life—a broad sense of right, marked freedom from prejudice and illiberality of thought, a power of friendship strong in grasp and beautiful in its loyalty, and, above all, a gentleness and serenity of heart which lent sunshine to his presence and welcome to his voice. He was of positive conviction and determined purpose, but with a simplicity of bearing and modesty of expression thoroughly in keeping with a nature foreign alike to obtrusive assertiveness and unseemly ostentation. Indeed, to many minds the simplicity of this character was its chief charm. It was candid in all its attributes and generous to the last.

Charles Lamb once said:

The greatest pleasure I know is to do a good action by stealth and have it found out by accident.

Mr. Arnot had no such thought. He cared not whether his good deeds were known or not; he gave because the giving made the recipient, and therefore himself, happy. His motives were high, and were born of a nature too deeply imbued with the spirit of the golden rule to permit an act in the doing of which was commingled any selfishness. The esteem in which he was held by his neighbors and the confidence which they reposed in him could be illustrated in no better way than in the honors which they thrust upon him.

When the now flourishing city of Elmira was but a village he was its honored head, and subsequently when chartered he was elected mayor, and re-elected so long as he was content to serve the people among whom he had lived all his life, and who looked to him as the sponsor of their trust and rectitude. It is four years since he was nominated for Congress by the Democrats of a district which contained a Republican majority of over 3,000. His personal following was so great that he was elected by a majority equal to that ordinarily given to the Republican candidate. In Congress he so discharged his duties that he was renominated by both of the political parties and re-elected without opposition.

It is unnecessary, I take it, Mr. Speaker, to dwell at length on the estimation in which he was held by his associates on this floor. To his labors here he brought the same direct methods of thought and the same just principles which characterized his business career, and his subsequent administration of the affairs of the city in which he lived. Careful and considerate, he commanded respect for the force and liberality of his views, as he appealed also to the warmer side of human nature by a radiance of heart which never lost its luster. For at least a year before he died his health was poor. He bore suffering with Christian fortitude, and as the shadows closed about him spoke of an abiding confidence in the wisdom of the Supreme Being, to whose summons we must all inevitably bow.

The good which this man did lives after him in the recollection of the many to whom he was a protector and a friend; it is written in the records of the charitable institutions to which he gave unstintingly of his means, and in the activity of the benevolent enterprises which he was pleased to stimulate and promote.

May the gentle and generous influences which his association engendered long survive; and in the heavenly sphere, where contention is no more, may rest and peace and happiness be his for all time.

ADDRESS OF MR. CURTIN.

Mr. CURTIN. Mr. Speaker, "Forgive us our trespasses as we forgive those who trespass against us" might be a rule of action; but "Love thy neighbor as thyself" is a still higher injunction, whether it comes from inspiration or drops from the lips of Divinity. I have never in my life known a man who followed that precept more rigidly than did John Arnot. I would not exalt our friend as a great orator or statesman. His voice was never heard within this Hall during his career except to vote; yet around that man there gathered more affectionate devotion than ever fixed itself upon any man that I have known since my presence in the Congress of the United States.

Mr. Speaker, when a man dies who never fulfilled much of the personal and relative duties of life, who never loved his neighbor as himself, who never gave of his means in open-handed charity, there is little thought of it; and there is just about as much thought of a man of that kind as there ought to be. But when a good man dies there is an aching void in the society in which he lived, in the neighborhood that he served, in the hearts of the friends to whom he was kind, and the poor who were the objects of his benevolence.

I would not speak of John Arnot other than as an honest man, equal to all his trusts—a man who had the confidence of the community in which he lived. When he died all that community was gathered at his funeral, and there was real sorrow, because a true friend of humanity had passed away. The rich who knew that he was an honest man, the poor whom he had sustained and supported, the representatives of the institutions of charity to which he had been liberal all his life followed him to the grave, and there was real sorrow. In that community there is to-day a void.

Mr. Speaker, a statesman may die, and for a time much may be said of him; of his eloquence, of his good works, and the like; but he is soon forgotten. There are plenty of statesmen in this country. I do not know but that there are more than there might be, certainly as many as are useful; and when one after another drops out their places are filled by others quite their peers and equals, and it is not, therefore, that a nation should mourn for the decease of a man. That is of little amount. It is in the course of human affairs, just as we stand constantly in these Halls and in the States.

But the great tribute to the memory of a man is the effect he has on the community in which he lived. I say no man has been in this Congress since my presence here and had the honor of a seat on this floor that had around him more devoted friends than John Arnot. I was so much his friend that I can scarcely speak of him without emotion. I am not equal to it. In all my life, and it is drawing to a close, I never knew a purer man. I never knew a kinder man; I never knew a man more constant in his friendship, more dignified in his resentment of wrong, or more willing to do his duty relative to his family and his community and to the state.

Now, Mr. Speaker, I am not magnifying the man. I have said of him what I believe; and whilst I have had much to do with the affairs of the country, have been with men of all classes in my life, I know full well that of this man I am pronouncing no eulogy beyond that which is proper. I use no language which I do not think belongs to him and to his memory, and I offer to his memory the homage of my gratitude for the life of the man, and with the belief that he is happier now than we are to-day.

Mr. Speaker, we must fulfill our duties, for none can tell when the portals of this Hall will open and the grim monster will come in and seize another victim—to-night, to-morrow, who knows? We should be ready.

Mr. Speaker, all humanity is of one family. It is made up of the living and the dead, and those who go before us cast their benefactions upon us by their good works in life, and it is reserved for us when we are to follow to so dispose of our works to our country and our friends that when we go we too will leave an example to those who may come after us, and whilst that may be forgotten, and our names unknown as members of this august and distinguished body, but when our good names come to those who follow us in the circle of our friends where we live, they will feel the benefactions of a just and upright life. That is all John Arnot did. That, gentlemen, is all you can do. Just do it; your friends will be satisfied; your memory will be cherished, and the Almighty God will bless you.

ADDRESS OF MR. TIMOTHY J. CAMPBELL.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, in accordance with a time-honored custom, this evening has been set apart by the House of Representatives to afford us an opportunity of testifying our regard for the memory of those whom the angel of death has summoned from our midst.

While perhaps there are men more widely known, yet there are few men whose lives, after the last page has been written, will bear as close a scrutiny as that of our friend and colleague, John Arnot, and show so little, if anything, to hide or excuse, so much to commend, reflect upon, and take pattern by. That life was spent in the half century and more of its lively continuance in one spot, Mr. Arnot's birthplace and the scene of his death being almost identical, something that in this shifting, moving, restless country of ours is uncommon and unusual, but the influence of that life was of wide extent, reaching far beyond the confined limits of his city, county, district, and State.

From his earliest childhood Mr. Arnot was one by himself, exhibiting those characteristics that marked his whole career; winning love and consideration in his youth that he held until his latest breath, and that remains and will remain attached to his memory forever. His family, one of the wealthiest and most prominent in the "southern tier" of New York, and, indeed, of the whole State, were identified with the old Whig party. He himself was always a Democrat, there being something in the principles of that party appealing to his generous nature that could never see any difference in his fellow-men, whatever their position or condition in life. He had the pleasurable satisfaction, long before the founder and head of the family died, of seeing them all come to his side in politics, and adopt the principles and sentiments that he had held from boyhood.

It might be said, and with truth, that Mr. Arnot's whole life had been a public one. In youth, after a good common-school education, and a brief season spent at Yale College, where, however, he did not graduate, he was called home in 1852 by his father to assist in the management of a very large estate, his own especial duties being connected with the conduct of the Chemung Canal Bank of Elmira, largely owned by his family. This has always been a strong and influential concern, but Mr. Arnot, by his advent in its management, added to its character an element seldom possessed by great moneyed concerns, that of a generosity toward the business interests of that whole region, a care and consideration for its credit, that in periods of distress and depression carried it into prosperous times with fewer disasters than occurred to any other section anywhere in the land.

It is a matter of record that in the distressful periods of mercantile depression that marked the years of 1857 and 1873, times that have but once or twice been paralleled in the business history of this country, the city of Elmira and the large region depending upon it, or upon which it depended, with the immense interests in coal, iron, and lumber, were entirely free from such disastrous failures as were frequent in other parts of the country.

This favorable state of affairs can be directly traceable to Mr. Arnot and the Chemung Canal Bank. The foundations of the bank were laid deep, and the whole region could and did lean upon it trustingly and confidingly. It is the simple truth that in those troublous times not one single man who went to Mr. Arnot for help was ever turned away empty-handed. His large nature grasped the whole monetary situation, and he was unwilling to have distress fall upon the humblest.

Of course when the tide turned and the sun of prosperity once more shone over the land, Mr. Arnot reaped largely where he had sown so plentifully. He deserved to do so. But not alone in money did the return come to him, and I am inclined to think, knowing what I do of him, that he valued that less than he did the abiding love and affection of the whole community that were equally the result of his thoughtfulness and generosity.

At another time, in indications of distress and unhappiness, Mr. Arnot's position and feelings were no less markedly shown. In those early days of the war, in the midst of distrust, suspicion, and apprehension, his whole personal influence and the monetary influence and assistance of the bank were thrown by him unhesitatingly and firmly on the side of the Union and the Government. Its funds were always ready and available in times of emergency and need in forwarding the means taken for the undivided preservation of the country.

Can it be wondered at, then, that whenever Mr. Arnot came before the people for an elective office he never had any real opposition? He served three terms as president of the board of trustees of the then village of Elmira in 1859, 1860, and 1864, being only twenty-eight years of age when chosen for the first time, and each time his election was practically unanimous. When Elmira was made a city, in 1864, he was elected its first mayor and served in the same capacity in 1870 and 1874. These were the only public offices he held until he was chosen a member of this body in 1882.

That election so peculiarly shows how Mr. Arnot was held in the estimation of his fellow-citizens that I can not help but refer to it particularly. His district was then composed of the counties of Chemung, Steuben, and Allegany. Allegany County, as every one knows, was the birthplace of the Republican party and it could always be counted upon for a majority on that side of at least 2,500. Steuben County sympathized strongly with its neighbor and was good for the same organization by at least 2,000 majority more. Chemung County, although naturally Democratic, was sometimes "mighty uncertain." Our friends, the Republicans, in the canvass had nominated a brilliant young lawyer who had a splendid war record and had made a State reputation by his campaign speeches.

As I have said, the struggle was a bitter one, but the result not, perhaps, astonishing. Mr. Arnot's majority in the district was upwards of 4,000, and he carried every election district in his own county but one, and every county in the district. In the next canvass, although the district was reconstructed, there was no nomination made against him, an event that attracted national attention.

I recall these things to our memories as the best commentary I can make upon the life and character of our friend, as showing that sometimes party ties and party lines are very weak when brought into contact with a strong personality that is backed by personal affection and based on gratitude.

We all know the record that Mr. Arnot made in this assembly. The qualities that bound to him so tenaciously the great body of his constituents endeared him to every member here who came in personal contact with him, and gave him among those who knew him only by reputation a place that it would be an envied pleasure for any one to occupy. He was the intimate and the associate of the best in this House, and therefore of the best in the land, and was speedily recognized as their equal and peer.

It might be expected and it will be found that the kindly feelings of Mr. Arnot, which in large business operations take the name of generosity, were in smaller things exhibited, in a way that we call charitable. His private gifts, from which he could never expect the slightest return, were enormous. It seemed impossible for him to turn any one away unsatisfied who asked for help. The extent of these givings was never in any sort measured until after his death, and the unobtrusiveness with which they were made may somewhat be estimated from an illustration with which I have become acquainted.

A very old and poverty-stricken couple, the husband more than eighty years of age and blind, and the wife closely approaching the same period of life, froze to death within a few days of Mr. Arnot's demise. He by the wayside in the midst of a severe snow-storm, while out seeking something to provide warmth and food, and she while awaiting in her home his return. It was then ascertained for the first time that for years they had been the constant and regular recipients of the bounty of our friend. The hand and good heart that had protected and provided for them had been too suddenly withdrawn. No one can tell into how many households where there was want, sickness, and the disabled distress entered, although it is to be hoped not in such terrible shape as this, when our friend died.

When such a heart as this stops beating is it any wonder that in the community that was blessed by its throbs genuine tears of sorrow flow and a void be made that can never be filled?

Mr. Arnot was too young a man to die, and, as is often the case, his career of usefulness and beauty was too brief. I say career of beauty, for there is nothing more beautiful to me than the life of such a man. Provided with abundant means, unobtrusively but nevertheless just as certainly, with a heart singularly free from envy, hatred, malice, and all uncharitableness, he went about doing good. Where there were tears and sorrow he caused smiles and gladness to come; oftentimes his hand made mourning less grievous, and by his tenderness caused the shadow of death to be less dark and gloomy. If the man who where one blade of grass grew caused two blades there to spring up deserves immortality, what can be said of him who chases away a tear and puts in its place a smile?

Mr. Arnot, springing from the sturdy Scotch stock, was too young to die, and fifteen years too short of the allotted years of man's existence. But a man even of exceptional ruggedness could not well have successfully withstood the physical shock that Mr. Arnot sustained two years ago last October. It will be remembered by the most of us that at that time, in opening the vault of his bank one morning, there was an explosion of gas therefrom, and he was thrown across the room fif-

teen feet or thereabouts, striking against the desk, and at the same time was severely burned about the head, face, and hands.

At this time he was a splendid specimen of physical manhood, but he never recovered from the shock. We who saw him during the first session of this Congress know how earnestly he tried to perform his duties, and know, too, how rapidly his constitution was being undermined. It was no surprise, therefore, although as great a grief when the information was received the latter part of last November that he had passed from among us and was no more.

We and other public bodies with which Mr. Arnot was connected may pass formal resolutions of respect, sympathy, and regret, and the world will wag on its old cold way as though the sod covered all that there was of our friend; there will be disaster and prosperity, shadow and sunshine, clouds and rainbows, as though he had never existed, but in that community where he lived and was loved for many a day and year there will be sincere mourning, and the mention of his name will for many a generation conjure up memories of deeds of kindness and thoughtfulness that mayhap may prompt others following in his footsteps to emulate his example and live the life that he lived. He can not be forgotten, and even if he is, it can not be said of him that he lived in vain, for he was an honorable and honest man.

ADDRESS OF MR. WILKINS.

Mr. WILKINS. Mr. Speaker, John Arnot was my friend. I became acquainted with him early in the first session of the Forty-eighth Congress.

The acquaintance formed thus early in our legislative careers ripened into a warm and generous friendship, which was never interrupted by a hasty word or an unpleasant incident.

And, sir, I can not permit this occasion to pass without joining with his colleagues, who knew him longer and better perhaps, without joining with them in paying a tender tribute to his memory.

His death occurred at his home in Elmira, N. Y., on Saturday morning, November 20, 1886, resulting doubtless from serious injuries he had sustained by an explosion of gas in the vault of the Chemung Canal Bank, of which he was the managing officer.

The injuries he then received proved nearly fatal at the time, but careful nursing and a robust constitution tided him over until the sunset of the year.

He never recovered from the shock he had received. When he returned to his seat in the first session of the Forty-ninth Congress, it was a subject of common remark he was not the same John Arnot as before. At times during this session he would rally and seem to grow stronger, encouraging the hope for his ultimate restoration to health, but for months prior to his death his rapidly failing strength gave unmistakable evidence the end was near.

John Arnot was born March 11, 1831, and was therefore nearly fifty-six years old at the time of his death. Fourteen years less than the three score and ten allotted to man by the psalmist were measured to him.

Cut down in the days of his ripening manhood, who can tell—with his immovable integrity, with his rare fidelity to every public trust, noble minded, true hearted—who can tell what he might not have attained in the councils of the nation had he been spared in the vigor of his manhood.

In his own home city, where he had lived all his life, among those who knew him from infancy to boyhood, from boyhood to manhood, generous, just, and kind-hearted, he could reach no higher place in their hearts.

Respected by all who knew him, venerated as a benefactor by hundreds who have been the recipients of his bounty, none loved him better than those who knew him best. The grief of his people was unmistakable.

Sir, it was not my good fortune to know John Arnot as he was known by his neighbors and friends, who have enjoyed his friendship for years, and the hospitalities of his home; but, sir, the press of the city of Elmira, irrespective of political affiliations, voice the sentiment of his people, before whom passed in review every act of his private life, and who sat in judgment upon every movement in his political career. They feelingly and eloquently bear witness to-day to the uprightness of his life and the sterling integrity of his character.

That his personal and public life merited the confidence of his people is evidenced by the fact that he could at any time have any office within the gift of the people of his city.

Sir, he was thrice elected president of the town of Elmira, and after it became a city he was chosen its first mayor, and was subsequently elected to the same office for two successive terms.

In 1882 he was nominated a candidate for Congress, but declined the proffered honor; a second convention was held a few days before the election. Yielding to the earnest solicitation of friends in all political parties he was again nominated, and notwithstanding a large adverse majority was overwhelming elected. Again in 1884 he was renominated by his party, indorsed by the opposition, and unanimously elected. He served his constituents in Congress with honor and distinction. His judgment was as sound as the impulses of his heart were generous.

John Arnot was a man of great kindness of heart; his charities were boundless. So much was this so that it was a proverb in his city to say, "As generous as John Arnot." And I hesitate to speak of these things, for I knew him so well that I know if he were to be consulted he would much rather this distinguishing virtue should be passed over in silence.

Everybody in want went to him; churches with depleted treasuries, societies, and individuals, and, as my friend from New York [Mr. MILLARD] said, "No deserving person came away empty-handed."

In Washington he was always doing some good and generous thing. I know personally of many of his charities; but no one ever knew half the good he did. Fortunately "his purse was as big as his heart."

He was a safe counselor, an incorruptible public servant, an able, conscientious Representative.

I do not know that I need say more of his public life than that he was faithful to every public trust. His judgment was sound, and his intellectual methods were based upon such personal experience as had brought success.

In his family relations the kindness he manifested everywhere was here amplified. His home was his refuge-place from the storm and worry of life, the abode of mutual self-sacrifice.

He leaves a wife, two sons, and a daughter. May God bless and comfort them in this their great bereavement and teach the children to emulate the virtues of a distinguished father!

The wife loses a faithful, loving husband; the children an affectionate, devoted father. The city of Elmira loses her foremost citizen; the country a safe, able, conscientious, and patriotic Representative.

Mr. MILLARD. I move the adoption of the resolutions.

The resolutions were unanimously agreed to.

EULOGIES ON HON. LEWIS BEACH.

Mr. VIELE. Mr. Speaker, I submit the resolutions I send to the desk.

The Clerk read as follows:

Resolved, That this House has heard with profound sorrow of the death of Lewis Beach, a Representative in Congress from the State of New York.

Resolved, That all other business be suspended in order that fitting tributes of respect may be paid to his memory.

Resolved, That these resolutions be communicated to the family of Mr. Beach.

ADDRESS OF MR. VIELE.

Mr. VIELE. Mr. Speaker, these resolutions are offered for the consideration of the House in pursuance of an honored custom that permits us to perform the sad duty of respect for the memory of our lamented colleague. Mr. Beach was born in the city of New York on the 30th day of March, 1835. In that city his early boyhood was spent, and having accomplished the necessary preliminary education he entered the Yale Law School where he graduated in the year 1856, at the age of twenty-one, was admitted to the bar the same year, and commenced the practice of law in the city of his birth.

In 1861 he removed to the town of Cornwall, Orange County, New York, where he combined with the practice of law the, to him, genial pursuit of farming, following the example of many illustrious men. At the same period he devoted a portion of his time to literary pursuits, contributing many interesting and instructive articles to various periodicals and newspapers. In fact his mind was always active in matters connected with the varied interests of life, and he gave a great deal of time to the study of social problems, especially the laws of sanitation. He subsequently published a history of the town of Cornwall. Having shown a warm interest in public affairs he was elected a supervisor of the town in 1869, and filled other public positions.

In 1880 he was placed on the Presidential electoral ticket, but having received the nomination for Representative in Congress from the district in which he resided he resigned his place on the electoral ticket and was subsequently elected a member of the Forty-seventh Congress and was re-elected to the Forty-eighth and to the Forty-ninth Congresses. It was near the close of the first session of the Forty-ninth Congress that, after having devoted himself with untiring assiduity to his duties, he found his health impaired, and had he yielded in time to the solicitations of his family and friends he could probably, by taking a respite from his arduous labor, have recuperated his energies; but such was his conscientious devotion to his duty that he undertook to fight off the insidious approaches of disease until it was too late for him to rally from its effects. He had barely strength to return to his home when he was overtaken by the dread destroyer.

The peculiarity of Mr. Beach's character, and that which marked his whole career as a member of this House, was his steadfast adherence to his convictions of the right in spite of all opposition, from whatever source it came.

No argument, no inducement could persuade him to swerve for an instant from the course he had marked out for himself to pursue. No Representative could possibly be more devoted to the interests of his constituents.

No member of the House was more industrious and indefatigable in his efforts to fulfill all the duties of his position. The first in his seat and the last to leave it, he followed with assiduity every detail of legislation, scanned every measure, and watched every resolution.

But, above all things, he was almost painfully conscientious in regard to any delays in the transaction of the public business. He felt that those measures that related to the interests of the country at large should at all times take precedence over the claims of private individuals, no matter how just they might be. For his efforts in this respect he acquired the temporary ill-will of many who felt annoyed at the persistency with which he interposed objections to what he regarded as obstructions of the ordinary business of the House. And yet no one for a moment doubted the sincereity of his motives. To those who knew him best he did not hesitate to express the feelings of sorrow and regret at the pain and annoyance he knew that he caused to others by the discharge of what he considered his solemn duty to the country.

He was almost morbidly sensitive in regard to what he considered a loss of time in the transaction of the public business caused by obituary proceedings. He believed that it was the duty of Congress to set apart the Sabbath day for such exercises as being more appropriate to the occasion and as a great advantage to the public business. Having by a careful calculation ascertained that in one session alone nearly a month was lost by the motions and exercises incident to the death of deceased members, he offered a resolution that all such proceedings should take place on the Sabbath, and if his spirit is allowed to know what we are now doing it must rejoice that his death has in no manner impeded the course of legislation.

No man possessed a more kindly disposition, a warmer heart, or a more generous nature. To do an act of kindness was to him a source of the deepest pleasure, and he was always ready to go out of his way to serve another without feeling that he thereby conferred an obligation. He always had a pleasant word for any one, and never spoke a harsh word except in denunciation of an act of wrong or injustice. In his domestic relations he was beloved as a husband and father, and his whole time was divided between his devotion to his family and to his official duties. He knew no pleasure or enjoyment beyond them.

Among his immediate friends and neighbors Mr. Beach was warmly esteemed. The triple life that he led of farmer, lawyer, and legislator brought him into close relation with all classes of people, and all found in him a ready and willing counselor and friend. He possessed an intuitive knowledge of the wants of his constituents, and the humblest among them never sought his advice or assistance in vain. With these brief remarks, Mr. Speaker, I yield to others who may perhaps have known him longer, although I doubt that any more fully appreciated than myself the sterling qualities, both of mind and heart, that he possessed.

ADDRESS OF MR. BACON.

Mr. BACON. Mr. Speaker, I should fail entirely to express the sentiment of the district which Mr. Beach formerly represented in this body did I not take advantage of this opportunity and this time to bear public witness to the feeling of profound grief with which the announcement of Mr. Beach's untimely death was received throughout the whole section of country in which he lived. By his faithful services to the interests of his constituents Mr. Beach had elevated himself from the position of a newcomer in that country, an unknown man, to the place of the most prominent resident of his district.

His people had learned that no claim they could make upon his services was refused, that no man was too humble for him to recognize or help, and no man's position was such that it was possible for him to be awed or in any way disturbed by his denunciations.

It happened to him that he was selected to run upon the Democratic ticket for Representative in Congress from that district at a time when the district was in much disorder and there was no little difficulty in the Democratic party. He was elected, though almost at the time of his election unknown to a large portion of his constituents. By the time he was elected a second time, so faithful had he been to their interests, so attentive to their demands, that it was almost impossible to find a man willing to contest the election with him, and his election therefore from the first was a foregone conclusion.

Again, and contrary to all precedents in my district, contrary to all rules of parties since it has been a district, Mr. Beach was nominated a third time, and elected without serious opposition.

No one, sir, seemed to be in better health, no one in the fullest vigor of life could have rendered more faithful services to his people; and his death came as suddenly upon his constituents as it did unhappily to them.

I was present at his funeral at his modest but exceedingly beautiful home. I saw gathered there men from all portions of his district, men who lived upon the banks of the Hudson where it is almost as wide as a sea, and men who had their homes up in the mountains where the trees bridge across the streams that find their outlet through the capes of the Delaware. I saw there men who were mechanics and men who were merchants. I saw there bankers, brick-makers, and saw there also, above all, and perhaps more numerous than any other class, the veterans of the war, and I saw the evidence on all sides of a deep personal bereavement.

The district has had no more faithful servant; it can have no more beloved one at any time. It is not my place, it is not within my power to tell this House how he performed his public duty in this place. But I can not pass the opportunity of bearing to this House the message of sympathy in the grief which it feels from the persons whom Mr. Beach represented as a member upon this floor.

ADDRESS OF MR. HENDERSON, OF IOWA.

Mr. HENDERSON, of Iowa. Mr. Speaker, it is a sad duty to pay tribute to the memory of a dead colleague. But this duty becomes lighter when one can speak without reserve and with candor touching the merits and the character of the departed Representative.

Though a sad duty on this occasion, still it is mingled with pleasure, since our deceased friend possessed those qualities of head and heart that invite the freest and fullest commendation from those who knew him.

I had the pleasure of knowing well Mr. Lewis Beach, of Cornwall, N. Y. Prior to the Forty-eighth Congress I did not know him personally, but during the long sessions of the Forty-eighth and Forty-ninth Congresses he and I, with our families, lived in the same house; and as members, so to speak, of a common household, and of the two Congresses named, I came to know him intimately.

I knew him as a representative of the people, as a neighbor, and as a friend. As a legislator he had some critics, but no enemies; some whom he annoyed, but none whom he angered. No man, perhaps, in the Forty-eighth and Forty-ninth Congresses interfered more with special legislation than did the deceased; but I am clear that this was always done with a conscientious desire to do what he conceived to be his duty to the people. He was an independent man and fearless, but his highest ambition seemed to be to bravely prevent an unnecessary and unwise expenditure of the public money.

He aspired in a marked degree to represent the agricultural and the laboring interests, and this aspiration had for its foundation sincerity and zeal. Such men are often called demagogues. Those who knew Mr. Beach best will acquit him of being that, and concede him sincerity, zeal, and courage in making the objections which so often thwarted us all in our efforts at legislation in this body.

There were few harder workers in the House of Representatives than Mr. Beach. He was always at his post of duty in the House; and hardly a night was he absent from his desk, working with the greatest patience and industry. He attended to the correspondence with his people, and sought in every way to meet their wishes in the thousand little details which so fully tax the strength and patience of a Representative of the present day.

His nature was kind and his disposition obliging; he was a man of clean purposes, clean thoughts, and clean life. His open nature, his unvarying good temper, his genial manners, made his presence always pleasant and welcome to his friends.

He was a strong partisan, but this was only visible in the field of political conflict, and at moments when brave men should assert their honest political convictions. He never needlessly obtruded his political views upon those differing from him in politics; and in the parlor, in the home, and in all his social relations he dropped the politician and became the genial, companionable gentleman, and the warm-hearted, obliging friend.

Though he was strong in his district, though a potent factor in this House, perhaps the highest compliment that I can pay to his memory is to say that his greatest strength was in his own home. He was fond of pleasure, but he wanted his family to share his pleasure with himself. He was fond of society, but it never had charms or strong attractions for him unless his own family formed a part of the social life. When not absolutely called away by his public duties his evenings were always spent with his family. His workshop was there; the family was his republic; and he sought to make each member of it independent and happy. He who will honestly speak plainly of the simple life of Mr. Beach, bringing out his every-day acts, and opening his whole life as God saw that life, will pay the highest and most eloquent tribute to his memory.

He has been missed by us all; his district will have difficulty in finding a more faithful Representative; and none but the stricken hearts will ever know how irreparable is the loss in his quiet home. An honest, earnest, active, kind, good man left us when Mr. Lewis Beach died.

[Mr. O'NEILL, of Missouri, withholds his remarks for revision. [See Appendix.]

DEATH OF HON. ABRAHAM DOWDNEY ANNOUNCED.

Mr. TIMOTHY J. CAMPBELL. I offer the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That in the death of the Hon. Abraham Dowdney, late a Representative of the twelfth Congressional district of the State of New York, that district and State have lost an able, conscientious and faithful servant and the country a safe, intelligent, and prudent legislator and a public-spirited and patriotic citizen.

Resolved, That the Clerk of the House be directed to transmit a copy of these resolutions to the family of the deceased.

Resolved, That as a further mark of respect the House, at the conclusion of these ceremonies, do adjourn.

ADDRESS OF MR. TIMOTHY J. CAMPBELL.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, the solemn duty of delivering a eulogy on the memory of a beloved friend, the Hon. Abraham

Dowdney, is assigned me this evening. An office which I fear I can not fulfill with full credit to the name of the deceased.

In my humble way, I rise in my place to pay such tribute as I am able to the character of him whom I esteemed in life, and whose name I revere in death.

Since the assembling of the second session of the Forty-ninth Congress the messenger has called our fellow-member of the twelfth district of New York from the bosom of his family. Mr. Abraham Dowdney, whose career will be the subject of my brief remarks, was stricken down without warning or apprehension, on the evening of December 10, while entering the house of his sister in New York city. His death, though very sudden, found him not unprepared. He was identified with the Catholic Church, and devoted himself to his religious duties with characteristic earnestness and zealous devotion. It was only on the day previous to his death that he bade me good-bye on the floor of this House feeling in good health and cheer, and started for his home to attend to private matters needing his attention there.

The next morning I was apprised by telegram of his death. Thus "in the midst of life we are in death," and none of us upon our brief pilgrimage here below can lift the veil which closes out the "unknown realm" where the king and the serf meet upon an equal basis; from whence the Reaper cometh with his scythe to cut down his weeds and his flowers.

But one fact we all know, our hour must come, do what we may to ward off the mysterious touch which stills forever all joys, all sorrows, all strifes, all conflicts, all hopes, and all earthly aspirations. Amid this stern truth we realize a nameless comfort in the thought that everything passes away—the stars, the dust, and the granite rocks; but, as Bulwer beautifully expresses it,

> To rise upon some fairer shore,
> And bright in Heaven's jeweled crown
> To shine forever more.

Mr. Abraham Dowdney was born in Ireland, and came to this country when quite young. After finishing his studies in the public schools of New York he apprenticed himself to a plumber, and mastered his trade at the early age of nineteen years and embarked in business for himself. Impelled by duty to espouse the cause to which he adhered, he left his home and business to face the dangers, trials, and privations of war. Assuming the responsibilities devolving upon a captain, he proved an efficient, brave, and praiseworthy officer. Always scrupulously careful of the feelings of others, even at the sacrifice of his own feelings and interests, he made firm friends wherever fickle fate chanced to cast his lot, irrespective of the congeniality of clime or the people with whom he was thrown in contact.

A few years after his return from the army Mr. Dowdney was married to Miss Mary E. Crimmins, sister of John D. and Thomas E. Crimmins, the well-known contractors in New York city. She died eight years ago, leaving two interesting children; two years later he married Miss Lellie Purcell, daughter of Dr. John Purcell, formerly of the Seventh ward, New York city. The fruit of the second marriage was four boys. The widow and all the children survive him.

Mr. Speaker, it is my privilege and duty as the friend and associate of Mr. Dowdney to say he possessed the keenest sense of honor, which word, in its fullest acceptation, means the reflection of a man's own action shining like the sun in the face of all about him and from thence rebounding upon himself.

Hence, it is my sacred duty to publicly proclaim the virtue of him who in life was the builder of his own name, and who, upon being taken away by relentless death, left behind him a monument of deeds more lofty than the proudest gifts known to the books of heraldry.

In 1881 he was selected to become school trustee in the Nineteenth ward of the city of New York, which position he occupied in so satisfactory a manner as to give unanimous approval; unsought and unsolicited he was prevailed upon to accept the nomination and election to the Forty-ninth Congress.

He was the candidate of all factions, and was selected to harmonize the conflicting elements within his party.

Moulding his opinions into such shape as to give offense to no man, showing in every action the magnanimity of an expansive mind unshadowed by prejudice, guile, or malice, he attained the highest honors it was within the power of his constituents to bestow as an acknowledgment of his worth. The strife and turmoil of public life was uncongenial to him. His delicacy of feeling and extreme modesty suffered at every turn in conflict with selfish politicians who were more wordly wise than he, yet not more ardent in purpose. He therefore declined a renomination to the next Congress, hoping after this session to pursue the even tenor of home life in the midst of a happy family, when, suddenly, in the zenith of his manhood, God saw fit to close his career on earth.

Each man was sent into the world to do his own work; to bear his own burdens; to form his own principles; to maintain the laws of God, and respect the laws of man. Our deceased friend was not only a God-fearing man but a philanthropist. Truth is violated by falsehood, and it may be equally outraged by silence. So the highest praise that can be awarded in this case is simply to say he was an honest, upright, and just man.

Mr. Dowdney's life critically reviewed leaves no trace of uncertainty in the minds of those who knew him. He was prepared to be led by the shadowy hand into the presence of the never-erring Judge.

> All that breathe
> Will share thy destiny. The gay will laugh
> When thou art gone, the solemn brood of care
> Plod on, and each one as before will chase
> His favorite phantom; yet all these shall leave
> Their mirth and their employments, and shall come
> And make their bed with thee. As the long train
> Of ages glide away, the sons of men,
> The youth in life's green spring, and he who goes
> In the full strength of years, matron and maid,
> The speechless babe, and the gray-headed man—
> Shall one by one be gathered to thy side,
> By those, who in their turn shall follow them.

ADDRESS OF MR. VIELE.

Mr. VIELE. Mr. Speaker, the announcement of the sudden death of our lamented friend and associate, Abraham Dowdney, was received with feelings of utter incredulity; and even now it seems almost impossible to fully realize the fact that he has passed forever from the scenes of busy life, in which he took such an active part. He was in the very prime of life, and a wide field of usefulness and honor was opened out for him in the future. He was a type of many of our worthy fellow-citizens, who, born in a foreign land, came to this country in their boyhood, and growing up under the auspices of our free institutions, have given to the home of their adoption a love and allegiance so true and loyal as if it were their birth-place.

His life was one of uninterrupted activity; with earnest and untiring effort he trod the paths that lead through industry to competency, and yet not forgetful of his obligations as a citizen he gave a large portion of his time gratuitously to the duties of an office of the public schools. On the breaking out of the war he organized a company of soldiers, and at a large pecuniary sacrifice left his business and went into the field.

The loyalty to his country thus promptly shown was the key to his whole character, for he was loyal and true in every relation of life. Representing so far as individual possessions are concerned the wealthiest constituents in the United States, his personal feelings were nevertheless absorbed by the interests of the poor.

None among them ever appealed to him in vain. The circumstances which brought him to the House of Representatives were not of his seeking. He accepted the trust as he would perform any other duty, simply because he considered it his duty. He never sought or desired the applause of the multitude, nor did he expect to receive through popular plaudits any return for the services it might be in his power to render to his fellow-citizens. A man of innate modesty of character and demeanor, he felt much more the responsibilities involved in holding a public position than of any honor it might bring to him personally. All who remember him on this floor will recall his earnest attention to every subject under discussion.

His opinions were formed on a careful examination of the questions at issue, and they were generally characteristic of a mind that conscientiously weighed all the facts presented, and decided only after mature deliberation, and when his conclusions were once arrived at they were unalterable. Unobtrusive almost to diffidence, he had no false aspirations or selfish ambition, and yet no Representative possessed a warmer regard or a greater degree of confidence among his constituents than Mr. Dowdney had secured for himself through the sterling traits of character that belonged to him. No one could doubt this who saw the multitude that gathered in the great cathedral of the metropolis on the occasion of his obsequies.

The vast temple was filled with mourners, whose illy suppressed feelings testified to the sincerity of their sorrow. It was indeed an impressive scene. The softened rays of varied light that poured through the limned windows, the solemn requiem from the deep-toned organ, the priests in their robes of sanctity, the long procession of acolytes, the burning tapers, the incense from the golden censers, all gave testimony that the plain and unostentatious man was as much to the church as the highest and most conspicuous in the land. And that church received his remains with the deepest love and veneration, to be cherished and remembered in its daily intercessions so long as prayer shall be offered to the Throne of Grace and Mercy, and so shall we, his friends and associates, keep his memory green.

His generous nature and kindly disposition can not soon be forgotten. He has gone before, but is only waiting for us to follow, waiting where the angels wait, beside the shining river. May we all hope to leave behind us as kindly remembrances, unalloyed save by sorrow and regret.

Mr. WILSON. Mr. Speaker, when these memorial services were appointed by the body, the Hon. Abram S. Hewitt, of New York, was a member of the House. Expecting to withdraw to another field of public labor before the arrival of the day set for these services, he asked and obtained permission to submit in writing at this time some remarks in honor of his late colleagues. Those remarks he has placed in my hands with the request that I should read them for him to-night. It is to me a gratification to comply with this request, not only out of

deference to the wishes of Mr. Hewitt, but because of my very sincere respect for the memory of those whom his remarks commemorate.

ADDRESS OF HON. ABRAM S. HEWITT.

The fact that within a brief period three members of the New York delegation have been stricken down by death, and that they all belonged to the same political party, naturally arrests attention, and appeals to the imagination as something out of the usual course of nature. With the exception of Lewis Beach, no one of these members was a man of conspicuous mark in the House, but they were all greatly respected, and, so far as they were known, beloved by their immediate associates. In regard to Mr. Beach I shall have but little to say, because I am informed that his career and his services will be fully recounted by other members; but I do desire to say in regard to him that he was a thoroughly honest man, who not only had convictions but the courage of his convictions. He had carefully matured his opinions, and with him it was a matter of conscience to adhere to what he regarded as the very truth, without turning aside for expediency or temporary success. It has been thought that his range of statesmanship was too narrow for the broad field of duty spread out before the House, which is to determine the destinies of the country, and to deal with questions of the greatest interest of this and succeeding generations. I think that Mr. Beach, at times, found his principles in conflict with the immediate interests of his constituents. When he was thus embarrassed he never failed to make clear what he regarded as the sound view for the whole country, but he usually cast his vote so as to represent the wishes of the people who sent him here. This conflict of conviction with the duty which a Representative undoubtedly owes to his district often detracted from the weight which his opinions otherwise would have had with the House.

Again, he thought that the rules of the House were sufficient for the conduct of its business, and that the public interests would better be subserved by a rigid maintenance of the rules, with only such exceptions as were made necessary by unforseeable contingencies. His habit of objecting to the suspension of the rules was therefore founded upon an opinion deliberately formed, that in this way he could best serve his people and the country. Through his long term of service he was most diligent in his attendance on the House, and all would admit that he cast his vote and his influence from motives of the highest honor, so as to preserve a conscience void of offense.

The death of Mr. Arnot had been for some time expected by his friends and neighbors. He was a man of very different type from Mr. Beach, not less honorable and conscientious, but more inclined to accommodate himself to surrounding circumstances and the immediate demands of the hour. Although allied with the Democratic party, the tie which bound him to it was not of principle so much as a conviction that in the long run the Federal Government would be more economically and purely administered by the party which had finally given it shape and direction. The condition of his health naturally interfered with his regular attendance in the House, so that he may be said not to have possessed or exercised any substantial influence in reference to legislation. On critical questions dividing the parties he was as apt to be found on the one side as the other, and hence he came to be regarded not so much a partisan as a fair-minded man who could be relied upon to do what was expedient at the moment and trust to the future for a more permanent policy. His popularity in his own district was without limit, and it is a striking evidence of the personal regard in which he was held in this House that his presence at rare intervals diffused a genial sunshine, tending to remove the asperities of party differences and to bring about that era of good feeling which in the main has been so remarkably preserved in the Forty-ninth Congress. The memory of Mr. Arnot, as well as that of Mr. Beach, will therefore long be held in great respect by the members of this House who had learned to know their virtues, and who had found in them only those faults which are incident to the personal character of every member.

I propose to enter into the career of Mr. Dowdney a little more at length, because of the three members he was the least known to his associates in the House, and his modesty had kept him from showing the sterling qualities of mind and heart which made up a manly and admirable character. To me personally he was unknown until after his election to Congress. At first I was disposed to wonder why a man of such quiet and reserved temper and habits should have been selected for a position which requires force, courage, and intellect; but as I came to know him better, I saw that he possessed a solid stratum of sound sense which could be relied upon in every emergency to lead him to a sound decision and to honest action. I think his peculiarities of character were largely due to the influence of a good mother to whom he was passionately attached, and for whom his love and respect increased to the last hour of his life.

Abraham Dowdney was born in Youghal, in Ireland, the native place of his mother, in the year 1840. He was the son of an English sea captain, a man of some means and of great energy of character. His father's family had long lived at Topsham, in England, but his mother continued after her marriage to reside in Ireland, where the family were born. When he had reached the age of eight years his father met with an injury at sea, which resulted in his death within two weeks after being landed at the nearest port in England. There were four children of whom Abraham was the eldest. They remained in England for several months, in order to settle up the modest estate of the father, but when this was accomplished Mrs. Dowdney returned to Ireland, where the family resided until Abraham was thirteen years old. He passed the interval at school, where he seems to have been a diligent student, and to have shown, not only great fondness for books, but a general intelligence which made him a favorite with the officers of the garrison stationed at Youghal, so that they often made a companion of him in their little excursions, and doubtless gave him larger views of the world than he would otherwise have possessed. He lived in a romantic country, the home of the Desmonds, made famous by song and tradition, and filled with the scenes of many a hard-fought conflict. He had a taste for nature, and wandered among the hills at his own free will, developing that honest spirit which never deserted him through his subsequent career.

An illustration of his personal self-reliance is to be found in the fact that, having fallen from a tree and broken his arm, he went directly to the doctor and had it set and properly bound up, and then returned to his home, saying nothing to his mother as to what had happened, so that she first learned of the accident by the inquiries of others who knew how the boy must have suffered. At the age of twelve he calmly signified his intention of going to America to seek his fortune. His mother was quite willing to accommodate herself to his wishes, as she had a brother residing in New York, who was anxious that she should join him with her little family, and especially with the bright and intelligent lad who had not only made himself beloved by his companions but had shown a spirit of self-reliance in action and in argument which gained the respect of those who were older than he was, and who foresaw the success of the career upon which he was about to enter with an honest soul, a clear head, and with hands ready to turn themselves to any work that might come for them to do.

His self-reliance was made manifest even in the embarkation of his family at Liverpool, so that the captain remarked that if he had been twenty years of age he could not have shown more judgment in the management of the troublesome work of getting the family and their possessions on board the ship. On the voyage over, owing to a careless accident, a fire broke out on board the ship, which our little emigrant was the first to discover and to give the alarm. When help ultimately came, he was found stamping "for all he was worth" on a piece of tarpaulin which he had thrown over the flames. The captain and the officers were immensely gratified, praised him highly, and told him that he was, as he had proved himself to be, a brave boy.

This event made such an impression that the officers, when they came to New York on subsequent voyages, were in the habit of calling on the family and of ascertaining how their little protégé was making his way in the world. He was soon apprenticed to a plumber, but after working at the trade for about a year he became dissatisfied and told his mother that he was tired and disgusted with the business. She immediately made arrangements for his release, and for several months he seemed to have passed the time in studying the city and in solidifying his constitution, which doubtless had been weakened by rapid growth, accounting for a spirit of lassitude which induced him to give up his trade. Meanwhile he kept up his reading and employed his active mind in making inventions which may or may not have been of some value.

But the one conclusion at which he arrived was that if he had $300 in cash he could buy a house and lot in Harlem for his mother to live in. He got some employment in a lock factory in Brooklyn, but at last, with that tenacity of purpose which characterized him under all circumstances, he calmly decided to complete his apprenticeship at plumbing, at the old shop and with the old master, because, as he said, he had not finished the contract which he had made. As soon as his time was out, at the early age of seventeen years, he opened a shop for himself and prospered so well that he was able in a short time to furnish a little home in which he installed his mother, so that once more the household was reunited.

At this time, just as his business may be said to have been firmly established, the civil war broke out and appealed to all the enthusiasm and patriotism of his manly nature. He proceeded to raise a company, and was chosen its captain at the age of twenty-one years. He gave two years of diligent and honorable service, when he felt that his duty to his mother and her family required him to return to New York and resume his business. In this he was successful, enlarging it very rapidly by transactions in real estate and in building, which brought him fame as well as profit. He was school-trustee for four years, and for two years was chairman of the local board. In 1884 he was elected to Congress by an overwhelming majority, and thus we came to know him.

This is not the record of a very eventful life. In truth, hundreds of men of equal merit live and die without calling for any special eulogy. But there is enough in this life, simple as it was, for the purpose which we have in view. It was indeed a manly life, He asked and received no favors from fortune. As a boy he early realized that there was work for him to do, and he prepared himself for it as well as he could. He saw that the world was full of opportunity. He did not ask for charity, which now often it is the fashion to miscall justice, but he sought for himself an opportunity for a display of the energy and the

intellect and the ambition that fired his soul. He did not seek success by falsehood, by fraud, or by the betrayal of trusts. He did not think that the accumulated wealth of the world belonged to him, but he did think that its existence offered an opportunity for him to acquire his fair share of it by work and brains. It is curious to observe how easy it seems to have been for him to get the means of livelihood, and to pass from one stage of fortune to another until he had acquired enough for all his wants and of those who were dear to him.

To accomplish this end he did not think it necessary to cause others to refrain from working; but, instead of putting obstacles in the way of honest labor, he was diligent to search out and open for himself and others the pathways of industry so that labor might have its just reward. The equitable distribution of wealth came easy to him, because he recognized the primal law that man must gain his living by the sweat of his brow and that upon himself chiefly depends whether his labors shall be crowned with success or failure. Such a man is in the nature of things a thorough gentleman. He knows no meanness, he seeks no sharp advantage, he strives to help and not to hurt his neighbor, he gives freely of his substance for good works, and he never is in doubt whether a promise once given is to be kept, "for though he promise to his loss he keeps his promise good."

I was very much interested in this simple, straightforward, and manly soul. We parted in the House for the last time with a shake of the hand, during which I said to him, "Dowdney, you are a good friend and a true man." I can add no higher testimony now to the feeling in which I hold his memory, and I can only say, "Good-bye, good friend! You will never be forgotten by those who sounded the length and breadth and depth of your noble soul!"

ADDRESS OF MR. SCRANTON.

Mr. SCRANTON. Sudden death has its terrors for the living, but is merciful to its victims. Such was the mortal end of our associate, Abraham Dowdney; stricken down in the prime of manhood, without warning, at the threshold of one of his family. The startling intelligence sent a shudder through this House on that chill morning early in December, for he had been with us only two days before apparently in robust health. But while his life work was cut off at the untimely age of forty-six years, its record is complete and admirable. The brave, honest, ambitious spirit of the Irish lad who landed on our shores at thirteen years of age developed into the successful business man, the patriotic and useful citizen, the honored Representative of the wealthiest constituency in the country.

Abraham Dowdney was emphatically a self-made man, and in his great success, financially, socially, and politically, illustrated conspicuously the possibilities of achievement to the American citizen. As proud as is the distinction of American citizenship to-day, each succeeding decade will add to its luster. The English-speaking people are to rule the world, and before the next century completes its first half a majority of the English-speaking people on earth will be included in the population of the United States. As great as are the possibilities of the present, as great as they have been in the past, they are to be greater for the American of the future. Whoever does not realize his ambition must look within himself for the controlling cause.

Mr. Dowdney gave to the land of his adoption his entire allegiance, and contributed more than one man's share to the prosperity of its industries and its material advancement. A widowed mother brought him here and carefully watched and trained his boyhood, placing him for several years in the public schools, subsequently apprenticing him to a trade. In his after life he was actively interested in educational matters, officially connected with the public schools of New York, and a patron of parochial schools. He early became master of his trade, was a large employer of workmen, and amassed great wealth.

The outbreak of the rebellion found Dowdney at the age of twenty prosperously started in business. With warm patriotic purpose, common to Irish-American citizens, he abandoned trade and enlisted for the war, organizing a company of which he was elected captain. His noble spirit was manifested in the following lines to his sister on November 20, 1862, from the headquarters of his regiment at Fort Halleck:

> Banish all fear from your mind. Think I am absent engaged in the cause of that country and Government that made a man of me, and which I feel in duty bound to stand by in her need.

Mr. Dowdney was possessed of enlarged and liberal views, and had the courage to enforce his convictions. He was a man of affairs, of keen perception, and excellent judgment. Eminently practical, always successful and influential, he was not charmed by the glamour of Congressional life, and early in his first session determined to leave it. He was of a retiring nature, and consequently well known to but few of our membership. He was a good counselor and a wise legislator, representing an unobtrusive, experienced business element, of which it were better for the country were Congress more largely composed. My committee duties brought me into close personal relations with him, and I am gratified to bear testimony to his worth and purity of character. During our brief acquaintance I conceived a high regard for him, and in his death I mourn the loss of a valued friend.

The legacy of such a life is better than silver and gold; it may well be emulated, not only by the family of boys he has left, but by the youth of the land. It may encourage the toiler in every pursuit to deserve success and to win it.

His last rites were solemnized with all the circumstance of his church in the grand cathedral of his adopted city. We paused at his bier while pleasant memories banished saddened thoughts, and then committed all that was mortal of Abraham Dowdney to the silent tomb. There may it peacefully rest until the end of time.

> We, too, will go over the river of rest,
> As the strong and the lovely before us have gone;
> Our sun will go down in the beautiful west,
> To rise in the glory that circles the Throne.
>
> Until then we are bound by our love and our faith
> To the saints who are walking in Paradise fair;
> They have passed beyond sight at the touching of death,
> But they live, like ourselves, in God's infinite care.

ADDRESS OF MR. WILLIAM S. HOLMAN.

Mr. HOLMAN. Mr. Speaker, I became acquainted with Mr. Beach soon after he entered Congress. He was a modest, unassuming gentleman, and during the earlier period of his Congressional experience not inclined to take a very active part in the current business of the House, but from the beginning he manifested a lively and earnest interest in all matters of legislation, and became at an early day one of the most vigilant and attentive of the members. It was soon apparent that Mr. Beach as a legislator was fully imbued with the principles in government common to the school of Democratic politicians of the earlier period of our political history.

It was apparent that he drew from the teachings of Jefferson his opinions as to the scope and domain of a republic. He believed that a plain and frugal government, securing protection and justice to all men, and leaving all else to the energy and unrestricted enterprise of the people, was the best political system that human intelligence could devise. Mr. Beach was severely consistent in his course as a legislator with this theory. His sympathies were uniformly with the people. He resisted with earnestness and fidelity every encroachment of corporate power or concentrated wealth on individual rights and sought to limit the expenditures of the Government to the actual requirements of the public service, leaving nothing for splendid embellishment or to tempt the cupidity of the unscrupulous.

Mr. Beach was a courteous, cheerful, and pleasant gentleman, devoted to his interesting family, fond of society, and anxious to enjoy friendly and pleasant relations with those around him, and in the main his relations with gentlemen in this Hall and on both sides of the House were cordial and pleasant. Yet these social qualities were made subordinate to his sense of public duty. He believed that any tendency in Congress to loose methods of legislation, especially in appropriations from the public treasury, was fatal to economy in government. He saw that much of our legislation, especially in private bills involving the expenditure of the public money, rested on the courtesy of unanimous consent, in which the objection of a single member seemed to be an act of personal discourtesy to the gentleman moving the measure.

He questioned this method of legislation as a surrender of the duties of the Representative to the demands of kindly relations between gentlemen in daily intercourse with each other, and at a later period in his service in this House sought to restore the methods of actual legislation. It must be admitted that in attempting to carry out his views in this respect Mr. Beach, while arousing antagonism on every hand, bore himself courteously, bravely, and well. No man ever attempted a reform, especially in methods of legislation, however supported by a sense of duty, without encountering unpleasant incidents, and at least, partial disappointments. Yet I am sure that Mr. Beach, who manifestly was never actuated by any other motive than a sense of public duty in his effort to secure legislative reform, when he left this Hall never to return left it with only kindly feelings in his heart toward all the members of this House, and I am sure that all gentlemen here, even those who questioned most his methods of legislative reform, recall to mind Lewis Beach with feelings of kindness, and concede to him integrity of purpose and the honor of a manly effort to carry his views of public duty into effect.

I knew Mr. Beach well during the period of his service in this Hall. He honored me with his confidence and often consulted with me on public measures. I can, therefore, speak with confidence of his character as illustrated by his career in Congress. While he was not a great leader or superior in statemanship he was a valuable member of this House. He was a fearless and manly representative of the people. No temptation could shake his integrity. He was animated by an earnest desire to promote the public good, and the record he made in this Hall will bear, for all time, enduring evidence of the fidelity and singleness of purpose with which he fulfilled the high duties of a representative of the people.

Mr. Speaker, I wish to speak a few words of another distinguished member of this House from the State of New York, John Arnot, jr., to commemorate whose memory also is the duty of this hour.

When Mr. Arnot first came into this Hall on the opening of the Forty-eighth Congress an incident occurred illustrative of his generous and kindly nature. In drawing seats, a subject of great interest to mem-

bers, it was Mr. Arnot's good fortune to draw a seat I had long occupied, favorably located, while I was thrown into the extreme southwest corner of the Hall. Mr. Arnot refused to take my seat and quietly took possession, whether I was willing or not, of the remote seat I had been compelled to select. You, gentlemen, more than those unaccustomed to the Hall, will appreciate the unselfish generosity of this act.

But I soon learned that generous and kindly acts were common to Mr. Arnot. Many I could recall. I will mention one only. A poor boy, feeble and deformed, but bright and intelligent, was occasionally, by the kind permission of the officers of the House, allowed to sell newspapers at the doors and occasionally when it was raining to come inside of the corridors. This poor boy soon attracted the kindly attention of Mr. Arnot, who, learning something of the boy's history, gave him the handsome sum of $50, and laid the foundation of the boy's fortunes; the little fellow when speaking of Mr. Arnot can never keep the tears from his eyes.

Mr. Arnot, long in feeble health, was seldom able to take an active part in the business of the House; but as a good and just man, a kind and generous gentleman, a warm, courteous, and steadfast friend, Mr. Arnot will always be remembered with kindly affection by his associates in Congress.

The other honored citizen of New York, Mr. Dowdney, late a member on this floor, whose death is deplored and whose memory we seek to honor, was less known to me than either of the other gentlemen named. I only knew him as a useful and well-informed member of the House, a pleasant gentleman, faithful to his public duties. Others honored with a more intimate acquaintance with him have spoken his eulogy in fitting words.

ADDRESS OF MR. ADAMS.

Mr. ADAMS, of New York. Mr. Speaker, it is befitting on an occasion like this, devoted to a commemoration of one of our dead colleagues, that those who knew him well should bear some testimony to his life and character.

It is not my purpose to pronounce any extended eulogy over Abraham Dowdney, but, from a knowledge derived from the close social relations of years, to say a few simple words expressive of my love and respect for the man whose tried worth, whose genial character, whose warm heart and generous friendship endeared him to all who knew him living, and forces us out of honest truth to pay tribute to his memory when dead.

Born in Ireland in 1840, coming to this country at the age of thirteen, he was obliged, after a few years attendance at the public schools, to embark on his life's voyage.

It is to be remarked that, with but a scant education, with no social or financial backing, with nothing but the resources of a strong purpose and an honest heart, he quickly won among his equals both name and position.

Though attached to the land of his birth, from which an oppressive and tyrannical policy had driven him, he always displayed the keenest interest in all that affected the honor or welfare of his adopted country.

When the tocsin of war that he believed affected the perpetuity and integrity of his adopted country sounded his ardent spirit led him to enlist in the cause of the Union and against slavery.

But twenty years old, he gave up a business but just established and organized Company C of the One hundred and thirty-second New York Volunteers, and as captain of that company he served with distinction during a period of three years, thus adding another to that list of gallant men who demonstrated at that time that although of foreign birth he could still be a patriotic American citizen, and, if needs be, to prove his patriotism, willingly risk his life.

He gave many evidences of this during the war, but the tenor of his thought may be gleaned from a single letter sent from the headquarters of his regiment at Fort Halleck, to his sister on November 30, 1862:

Banish all fear from your mind. Remember only that I am absent, engaged in the cause of that Government and country that has made a man of me, and in defense of which I feel in duty bound to stand in this her hour of need.

After an honorable discharge from the Army he left the scenes of blood and carnage and returned to the more peaceful and congenial pursuits of life.

As a contractor on a large scale, many of the largest public works in the city of New York bear testimony to his energy, skill, and success.

But not only did he achieve success as a contractor and builder, but as a man of rare financial ability; he made his mark as president of the Bull's Head Bank, which, after an unprecedented career of prosperity, became apparently hopelessly involved, and to extricate which institution from its troubles Mr. Dowdney was selected by the unanimous choice of directors and depositors.

He so managed its affairs as president that after an administration of two years he paid all depositors in full and netted to stockholders a fair proportion of their capital.

Untiring in his energy and desire to serve some good cause, he was scarcely free from his labors as bank president when he assumed the arduous duties of chairman of the board of trustees of the public schools of the Nineteenth ward, which position he held until his death.

Notwithstanding his large business interests, so impressed was he with the advantages of that education which his necessities had deprived him of, that without pay he devoted some of the best years of his life to reforming and elevating that system upon which so much of the honor and continued prosperity of our country depends.

All honor, then, to one who, amid the toils, the cares and the excitements of a season of struggle, would rescue the golden hours of the youth around him from debasing pleasures and more debasing sloth, and enable them to set to the world in a great crises of its moral condition the glorious example of intellectual courage and progress.

Such in brief was the public career of the representative of the twelfth Congressional district when he entered as a member of this House.

Is it to be wondered at that he was selected to represent one of the largest and by far the richest Congressional district of the United States?

Quiet and unobtrusive in his manner, with no ambition to shine as an orator, he came prepared to do his utmost in accomplishing whatever was demanded of him in promoting the glory and welfare of his country.

Though not well known by all the members his record as a member of this House, as observed from his punctual presence at all sessions of the House and committees, is a splendid one.

And though this House lost a most valued member, what a tribulation his death has been to his family and friends. We from New York who enjoyed the benefit of his sound judgment, his close social contact and generous friendship, have indeed a sad duty to perform. Never shall we forget his memory.

His gentle bearing, his warm friendship, his genial smile, and noble heart have produced on all who knew him feelings and memories that will defy the march of time.

Fortunately his life and character need no commemoration of mine, for Abraham Dowdney himself lived long enough to see both crowned with undisputed and unenvied honors.

His sad and sudden death brought to a close a successful life. To-day we bear tribute to the qualities of head and heart which, while living, made him a model husband, father, friend, and colleague, and which, now that he is dead, will cause us to sincerely mourn his loss and treasure his memory as we would the recollection of a beautiful dream.

The life has gone, the breath has fled,
And what has been no more shall be,
The well-known form, the welcome tread,
O where are they? And where is he?

Mr. TIMOTHY J. CAMPBELL. I now move the adoption of the pending resolutions.

The resolutions were unanimously adopted; and in accordance therewith the House (at 9 o'clock and 30 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. BLAND: Petition of Thomas S. Parkes, for relief—to the Committee on War Claims.

By Mr. BUTTERWORTH: Petition of property owners on Meridian Hill, suburb of Washington, D. C., for an appropriation to grade streets, lay sidewalks, &c.—to the Committee on the District of Columbia.

By Mr. CAINE: Petition of citizens of Provo City, Utah County, Utah, asking for the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. CURTIN: Petition of citizens of Curtin County, Pennsylvania, for reduction of revenue taxes—to the Committee on Ways and Means.

By Mr. EDEN: Petition of William Gough, and others, of Bethany, Ill., in favor of the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: Petition of Alfred L. Tyler, Samuel Noble, F. M. Hight, and 95 others, citizens of Calhoun County, Alabama, praying for reduction of internal taxes—to the Committee on Ways and Means.

By Mr. GIBSON: Petition of John A. Harmon, of Putnam County, West Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROSVENOR: Petition of M. B. Cooley and others, of Buchtel, Ohio, in favor of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLARD: Petition of the Sarsfield Club, of the Garryowen Club, and of the Hamilton Rowan Club, of New York city, apposing the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. PARKER: Petition of the Sarsfield Club, of New York city, asking for the rejection of the so-called extradition treaty with Great Britain—to the same committee.

By Mr. PEEL: Petition of Walker, Johnson & Co., of Madison County, Arkansas, to have refunded internal taxes improperly collected—to the Committee on Ways and Means.

By Mr. PERKINS: House concurrent resolution No. 20, of the Legislature of Kansas, asking for the legislation organizing the Territory of Oklahoma—to the Committee on the Territories.

By Mr. PINDAR: Petition of the Sarsfield Club, of New York city, opposing the so-called extradition treaty with the British Government—to the Committee on Foreign Affairs.

By Mr. REED: Memorial of E. G. Parker Post 99, Grand Army of the Republic, of Kittery, Me., in favor of the passage of the Mormon bill—to the Committee on the Judiciary.

By Mr. SPRINGER: Petition of C. D. Timothy, of Springfield, Ill., in favor of House bill 9733—to the Committee on Ways and Means.

By Mr. SWINBURNE: Petition of the Sarsfield Club and of the Garryowen Club, of New York city, opposing the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. J. M. TAYLOR: Petition of John T. Robeson, late United States consul at Beirut, for refund of money expended for clerk-hire—to the Committee on Appropriations.

By Mr. WHEELER: Petition of A. S. Shelton, of Lawrence County, and of Richard M. Skidmore, of Morgan County, Alabama, for relief—to the Committee on War Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. HALL: Of 193 citizens of Washington, Mount Pleasant, and Winfield, Iowa.

By Mr. HIRES: Of 77 citizens of Camden, N. J.

By Mr. LYMAN: Of the Women's Christian Temperance Union of Dow City, Iowa.

By Mr. O'FERRALL: Of 269 citizens of Winchester, Va.

By Mr. PAYSON: Of 110 citizens of Forrest, Ill.

SENATE.

WEDNESDAY, *February* 9, 1887.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

PRAYER.

Blessed be the God and Father of our Lord Jesus Christ, who, according to His abundant mercy, hath begotten in us a living hope by the resurrection of Jesus Christ from the dead to an inheritance incorruptible and undefiled, and that fadeth not away.

Let the words of our lips and the meditation of our hearts be acceptable in Thy sight, O Lord, our strength and our Redeemer. And as we turn away from the open grave with sympathizing hearts may we ever be filled with the spirit of Him who is touched with the feeling of our infirmities, the great Redeemer, the conqueror of death, who liveth and reigneth forever.

Inspire us, we pray Thee, with courage and with faith, as from day to day we meet the responsibilities and trials and temptations incident to this mortal life. Fill us ever with Thy Good Spirit, sanctifying Thy providences, comforting those who are in sorrow, O Thou judge of the widow and Thou father of the fatherless ones, enabling us to meet the duties of each day with courage, with fortitude, with faith, and with patience, so serving our generation that when we shall fall asleep we may enter upon the everlasting rest. Blot out all our transgressions, and grant us grace and peace. Our Father, who art in in heaven, hallowed be Thy name; Thy kingdom come, Thy will be done upon earth as it is in heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil; for Thine is the kingdom, the power, and the glory, for ever and ever. Amen.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

DEATH OF SENATOR LOGAN.

Mr. CULLOM. Mr. President, I ask leave to introduce resolutions at this time.

The PRESIDENT *pro tempore*. The Senator from Illinois presents resolutions, which will be read.

The Chief Clerk read as follows:

Resolved by the Senate, That as an additional mark of respect to the memory of John A. Logan, long a Senator from the State of Illinois, and a distinguished member of this body, business be now suspended, that the friends and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary of the Senate be directed to communicate these resolutions to the House of Representatives and to furnish an engrossed copy of the same to the family of the deceased Senator.

Mr. CULLOM. Mr. President, for the third time within a year we are called upon to raise our voices reverently in speaking of our dead. For the third time within a year death has laid his icy finger on a brother Senator and beckoned him to the unknown realms of eternity.

To-day we lay our tribute of love upon the tomb of Logan.

Suffering from a sense of personal loss too deep to find expression, I despair of being able to render adequate praise to his memory.

But yesterday, as it seems, he stood among us here in the full flush of robust manhood. A giant in strength and endurance, with a will of iron, and a constitution tough as the sturdy oak, he seemed to hold within his grasp more than the three score years and ten alloted to man. No one thought in the same moment of Logan and death—two conquerors who should come face to face, and the weaker yield to the stronger. It seemed as if Logan could not die. Yet, in a moment, in the twinkling of an eye, as it were, "God's finger touched him, and he slept."

Almost without warning he passed from strength to weakness; to death and decay, from life pulsating with vigor to dare and to do. The physician's skill, the loving, agonized, devotion of those most dear, his own invincible will, were alike powerless to resist the approach of the grim destroyer who stole upon him "as a thief in the night," and has given us another striking warning of the fact that "No king nor nation one moment can retard the appointed hour."

John Alexander Logan was born on a farm located in what is now the town of Murphysboro, in Jackson County, Illinois, on February 9, 1826. Had he lived until to-day, sixty-one years—eventful, glorious years—would have rested their burden as a crown upon his head. Life is a crucible into which we are thrown to be tried. How many but prove the presence of alloy so base that refining "seven times" can not purify. But here was a life generous, and noble, an open book from which friend and foe alike might read the character of the man.

General Logan was the eldest of a family of eleven children. His father, Dr. John Logan, was born in the north of Ireland of Scotch ancestry, and came to this country early in this century. He first settled in Maryland and then in Missouri, afterward moving to Illinois and locating in Jackson County. There he met and married Miss Elizabeth Jenkins, who was a native of North Carolina, but came of a Scotch family. Dr. Logan was a man of marked characteristics, and a physician and surgeon of unusual skill.

He was noted for his integrity, his sturdy independence of character, his devotion to his friends, and his recognition of the equality of all men who were honest and upright, without regard to their social position. His wife was a woman of determined courage, strong in her prejudices, who never swerved from the path she had once marked out for herself. The characteristics of the father and mother were conspicuously combined in the son, who owed his success in life largely to the possession of the traits most prominent in the character of both his father and his mother.

The professional services of Dr. Logan were in such demand that he had little time to devote to the care of his farm or the education of his children, but he was an educated and studious man, and gave his children the best educational facilities he could command.

In those days money and schools were scarce in that new country, and the education of the youth was not considered so essential as it is to-day, but Dr. Logan managed to secure the services of a tutor who resided in the family and trained the children in the branches not taught in the schools of that day, including the rudiments of Greek and Latin. While young Logan failed to receive such a classical training as a college gives, he was eager and quick to learn, and made the most of his opportunities.

Reared upon a farm under such circumstances, his character was unconsciously molded and formed by surroundings similar to those which gave to Lincoln that strength and steadfastness which served him so well in later years. The men with whom young Logan came in contact during his boyhood were generally without the refinements of life, but they were rugged, sturdy, and self-reliant, of powerful physique and healthy intellects. His association with these vigorous, hardy, pioneers of civilization imbued the young man with unconquerable energy, indomitable will, and a stern sense of honor which through his manhood to the end of his life made him a master spirit among men.

At the age of sixteen he was sent to Shiloh College and subsequently added to the education obtained there whatever he could glean from the books within his reach. When barely of age he made his entrance into manhood upon the field of battle.

When the Mexican war broke out young Logan plunged into it with all the fire and enthusiasm of his nature, enlisting in the First Illinois Volunteer Infantry. Though then but twenty years of age, he served with distinction, and by the end of the war had become quartermaster of his regiment. This beginning of his career might have been to him an omen of future fame to be won on fields of blood. On returning home he was received as a student in the law office of Alexander M. Jenkins, his mother's brother, but, being an ardent admirer of Stephen A. Douglas, Logan soon became fascinated with political life, and in less than a year was elected clerk of Jackson County.

In 1850 he became a student in the law department of Louisville University, graduating in the spring of 1851, and entering upon the practice of law at Murphysboro in partnership with his uncle. In 1852 he was elected to the State Legislature, and soon afterwards to the office of prosecuting attorney for the judicial district in which he resided. In this position he was called upon to prosecute some remarkable criminal cases, and it is a notable fact that he secured a conviction in all the cases which he prosecuted and tried.

On the 27th of November 1855 he was married to Miss Mary S. Cunning-

ham, a daughter of Capt. J. M. Cunningham, and established his home and law office in Benton, in the adjoining county of Franklin. In 1856 he was again elected to the State Legislature, and it was during the session of 1857 that it became my privilege to become acquainted with this remarkable man, who at that time demonstrated his power as a leader.

In 1858 Mr. Logan was elected to represent his district in Congress, and from the time he took his seat in the House of Representatives his rise was rapid and his public career became known to the country.

He had not been cradled in luxury. Fortune had not been especially kind to him, but he had been bred honest to the core, was incapable of meanness, and among the strong men of that Congress, the young, resolute, courageous Representative from Illinois held his own. He was again elected to Congress in 1860 when Abraham Lincoln was elected President. Logan was elected as a Douglas Democrat, and had advocated the election of Douglas to the Presidency with all his power before the people. When Lincoln was elected and mutterings of rebellion and whisperings of secession were heard, the fire of patriotism began to burn in his breast, and on the floor of the House of Representatives, on the 5th of February, 1861, before the inauguration of President Lincoln, he defined his position upon the burning question of the hour in the following unmistakable terms:

I have been taught—

He said—

that the preservation of this glorious Union, with its broad flag waving over us as the shield of our protection on land and sea, is paramount to all parties and platforms that ever have existed or ever can exist. I would to-day, if I had the power, sink my own party and every other one, with all their platforms, into the vortex of ruin, without heaving a sigh or shedding a tear, to save the Union, or even to stay the revolution where it is.

What a declaration of unselfish patriotism! Placing party and platforms under his feet, he was first of all for the Union and the flag, which were dearer than all else to him. With the flash of the first gun which thundered its doom upon Sumter he was up and in arms. Consecrating all the energy of his ardent nature to the cause of the Union, he left his seat in Congress, saying he could best serve his country in the field. Falling into the ranks of the Union Army he took his part as a civilian volunteer in the first battle of Bull Run.

To describe the part he took in the late war after he raised the Thirty-first Illinois Regiment and took the field would be to recite the history of the war itself—a story impressed as in letters of fire upon the memory of the American people. The record of his bravery at Belmont; of his gallant charge at Fort Donelson, where, as a colonel, he was dangerously wounded; of his service as major-general commanding the Army of the Tennessee; of the memorable siege of Vicksburg, when with the great leader of the Union armies he stood knocking at the door of that invincible stronghold; of his service with the gallant Sherman in his famous "march to the sea"—all are written on the pages of history to lend undying luster to the name of Logan.

It is said that poets are born, not made. So it may be truly said that General Logan was a natural soldier. Every instinct within him was inspired with fervid love of his country. His figure was massive, his shoulders broad, his presence commanding, with his swarthy face and coal-black hair, and "eye like Mars to threaten or command," he was every inch a warrior. The soldiers of the late war believed in him as a leader in the field, and those of that great Union army who survive him mourn his loss to-day as their nearest, most earnest, ablest, and most devoted friend.

During the war General Logan rose by regular promotion through every grade from colonel to the highest rank, save that of lieutenant-general, that the nation could bestow in recognition of his bravery and great capacity as an officer. How appropriately the words which, on April 6, 1870, he pronounced in eulogy of that other great soldier, General George H. Thomas, can now be applied to himself. On that occasion General Logan said of General Thomas, as we can now say of him:

He has gone. Grief sits visibly on every soldier's brow and pervades every loyal heart of the nation. His noble form lies low ready to be committed to its kindred dust. Earth never received into her bosom a manlier form or a nobler breast. The halo of his deeds and brilliancy of his achievements may almost be said to illuminate the grave into which his body descends, and the fragrance of his acts of kindness perfumes his sepulchre. He has gone from our sight, but not from our hearts and our memory; he must live on embalmed by our love and garlanded with our affection, his name growing brighter and brighter as time rolls on. The cold marble bears in mockery a name forgotten but for the letters chiseled on the icy slab. It can not be so with the name of General George Henry Thomas, which is chiseled on the tablets of too many hearts to need the aid of marble or bronze to perpetuate it.

Is it enough to say of General Logan that he was the greatest volunteer general of the Union army? By no means. A quarter of a century and more has passed since that terrible struggle, and civil honors were won by him during that period as rapidly as military ones were won during the war. When gentle peace, which "hath her victories no less renown'd than those of war," returned, he was at once called to again take his place in the councils of the nation. Twice elected to the House of Representatives since the war and three times chosen by the Legislature of his State to represent it in the Senate, it may be truly said that General Logan spent his life in the active service of his country. He was a man of high honor and singular boldness and frankness of character. He made no concealments. He fought always openly and above-board. His integrity was beyond the whisper of suspicion.

He was aggressive and impulsive with the courage of his convictions. Eager to do, tireless in effort, persistent in purpose, by his indomitable will he made each obstacle in his path a stepping-stone to greater things. The more he was antagonized the stronger he became, and, as in battle, he pushed on until his enemies gave way and left him master of the situation. Goethe has said that "he who is firm in will molds the world to himself;" and so it could be said of Logan, who had become recognized as one of the most prominent factors in national affairs.

As a Senator he devoted himself steadfastly to the duties which crowd a Senatorial life, never turning a deaf ear to the appeals of his constituents, or from whatever quarter of the country they came. He was a ready speaker, full of energy and forceful in manner, and when aroused by debate and the importance of the subject he would pour forth thoughts that breathe and words that burn into the ears of his hearers.

Many passages may be selected from General Logan's writings and addresses which exhibit his ardent patriotism and love for the Union. In a letter to his friend, General Haynie, a gallant Union soldier, on December 31, 1861, he said:

I am for the Union, and for maintaining it, if such a thing is possible, and am uncompromisingly opposed to any man or set of men that countenance disunion, with its horrible consequences. There is no sacrifice I would not make for it. I have no opinions that I am so wedded to that I would not modify them in any way, consistent with the honor of my constituents and myself, to give peace to the country.

Again he said, in an address to the people of Chicago on August 10, 1863, while fresh from the field of battle:

I do not propose to discuss party politics or questions with a view to the advancement of any party organization, but desire only to speak to you with reference to the troubles that now environ the country and threaten the perpetuity of the Government. * * * In this war I know no party. * * * Although I have always been a Democrat, and cherish the doctrines of that old and honored party, yet in this contest I was for any man, let him belong to whatever party he might, who was for his country.

Being criticised for being an Abolitionist, General Logan said:

If it makes a man an Abolitionist to love his country, then I love my country, and am willing to live for it and willing to die for it.

General Logan's devotion to his country was the moving impulse of his heart, and he was willing, from the hour in which he saw the danger threatening the perpetuity of the Union, to give his life to save it. When the war was over and the integrity of the Union had been maintained, when he had laid aside his victorious sword, he used the following language in a speech at Louisville, Ky., on July 21, 1865:

Peace has come at last. * * * The dark clouds of war that have been piling in terrific grandeur along the southern horizon for four long years, and ever and anon bursting with fatal and fearful fury upon the land, have at last, Heaven be praised, rolled away. The trumpet clangor and the cannon's roar resound no longer from embattled plains. God grant that they never may again; that it may be as literally true of the soldiers who survive as it is bound to be of those who "sleep their sleep" that they have all "fought their last battle."

Like his great and true friend, General Grant, while General Logan was a great soldier, he did not love war, but with a heart full of human sympathy he loved peace and preferred her victories to those of war. Logan had a tender and sympathetic nature. His heart was full of sorrow for the sick, the wounded, and the dying soldiers who were constantly around him. He regarded the institution of slavery as the cause of the war and all its attendant distress, and in the address at Louisville already referred to he used these graphic words:

Oh, that I had the power to bring together all the slaveholders of the land, and have them look on in solemn silence while the cripples, the widows, and orphans that have been made by this war could pass before them in grand review and tell their tales of misery and woe that slavery has brought upon them. Were their hearts not made of stone they would melt while gazing at such a scene, and with one voice they must cry out: "Let the land be at once rid of the curse that has caused such a dreadful scene as this."

General Logan's earnest feelings in regard to those who fought to preserve the Union are illustrated by a statement made in a speech in the other wing of this Capitol in 1867, when, in speaking on the subject of the reconstruction of the States that had been in rebellion, he said:

God forbid that the day shall ever dawn upon this Republic when the patriots whose patriotism won them crutches and wooden limbs shall have apologies and explanations to make for their public conduct!

Mr. President, I make these few quotations from the many striking passages that illuminate General Logan's addresses in Congress and to the people to show how earnest and undivided was his devotion to his country, his love for his companions in arms, and his opposition to slavery as the cause of the war.

General Logan was the idol of the volunteer soldiers of the late war, and since the war closed no man in the nation has been so universally recognized by them as a friend upon whom they could confidently rely for help as he was. His heart went out to them and theirs to him. On one occasion he said:

My consent can never be commanded to ignore the claims that I feel the gallant dead who fell fighting under our flag have upon my devotion to their fame while I live.

The death of no man since the war has been so sorrowfully mourned by the volunteer soldiery of the Union as has been the death of Gen-

eral Logan. The soldier of that grand army mourns his loss to-day as "one who will not be comforted."

You will call to mind, Mr. President, General Logan's speeches on education, on the needs of the Army, his defense of General Grant, and his arraignment of General Fitz John Porter. These constitute an important part of the records of Senatorial debates, and should be classed among the ablest and most exhaustive speeches ever made in the Senate. As a political leader General Logan was conspicuously successful. He was naturally in the front rank, whether on the field of battle or in political contests. Living in an era when corruption was not uncommon, when strong men of both parties sometimes stood aghast and saw their reputations blasted by public exposure, he remained throughout his long public career above suspicion.

Wealth could not tempt him to soil his spotless name. He never used the opportunities of his official position as a means of obtaining gold. He died as he had lived, a poor man.

Throughout his long and conspicuous public career he came many times before the people, but there never was a ghost of dishonor in his past to rise up and cry upon him shame. May his children "rejoice and be glad" in the example of a father of whom the whole nation could rise up and say, "There was an honest man."

But let us not indulge in adulation. General Logan was not a perfect man. Faults had he, "child of Adam's stem," but they were small, and served by comparison but to enhance his virtues. His prejudices were sometimes narrow, but he was never a hypocrite. He never professed to be what he was not.

He sometimes erred, for he was possessed of like passions with other men. He sometimes alienated a friend, as every strong, independent man must in the course of a public career. He had his bitter enemies, but, in the words of a revered and venerable friend of General Logan's, ex-Senator Simon Cameron, "a man who makes no enemies is never a positive force." Logan was a positive force. He took his position on questions as they came up, and was always ready to defend it with all his power.

Mr. President, few men in American history have left so positive an impress on the public mind and so glorious a record to be known and read of all men as has General Logan. The pen of the historian can not fail to write the name of Logan as one prominently identified with the great movements and measures which have saved the Union and made the nation free and great and glorious within the last thirty years.

Like Lincoln, his heart and hand were ever for the people. He came up from the ranks of the people, believed in the purity and integrity of the masses, and was always ready and eager to speak for them. He was a true republican and believed firmly in republican government. He despised tyranny in all its forms wherever he found it. He was always true to his convictions and to his friends, and no power or influence could induce him to forsake either.

His sturdy character has been so often demonstrated upon this floor and in his work and in his powerful speeches in every part of the country, always showing his most earnest devotion to the Union, his never flagging zeal in behalf of his comrades-in-arms, his love of liberty and human equality, his belief in universal education as in the interest of the happiness of the people and of the perpetuity of republican government, his adherence at all times to his convictions of duty, his unfaltering determination to stand by his friends—that it seems needless for me to dwell upon it longer. In his remarks in this Senate upon an occasion similar to this, in speaking of a once distinguished member of this body, the lamented Chandler, General Logan used the following language:

> 'Tis true the grave in its silence gives forth no voice nor whispers of the morrow, but there is a voice borne upon the lips of the morning zephyrs that lets fall a whisper, quickening the heart with a knowledge that there is an abode beyond the tomb. Sir, our lamps are burning now, some more brightly than others; some shed their light from the mountain's top, others from the lowly vales; but let us so trim them that they may all burn with equal brilliancy when relighted in our mansions beyond the mysterious river.
> I fondly hope, sir, that there we will again meet our departed friend.

Mr. President, he who uttered those tender words, thus giving expression to his faith in the hereafter and to his love of his departed friend, has gone to join him in the mansions beyond the mysterious river, may we not trust in that better land where there is no more pain nor suffering nor sorrow, but in the mansions of eternal bliss.

As time passes and the men who did the most in the late terrible civil war pass rapidly away one by one we have the consolation of knowing that they leave to us a united country, with the Union of the States restored and liberty secured to all the people, to be transmiteed by us to those who come after as a glorious inheritance.

Death is a good Samaritan, throwing the mantle of charity over the faults of men, burying in oblivion the sins of the flesh, and bidding their good deeds "live after them."

And now we stand as at an open grave to say our last farewell. Here was a man who could ill be spared to country, friends, or home. "Our life is scarce the twinkling of a star in God's eternal day," yet we bow in resignation to the divine decree when the summons comes to one weary with the burden of years and with labors ended. But to see the darkness fall at noon-time, the sun go down while we look for a brighter day, is a mystery of Providence too deep for human comprehension.

When death claims the strong and great, those to whom we look for help and strength, we ask why, why was he taken, and can not understand the dealings of an Infinite Wisdom. As the autumn leaves drop and enrich the soil, so are the great men of our nation falling by the way, leaving a golden heritage of honored names and fame to generations yet unborn.

Our friend and brother has crossed to the other shore to join the immortal throng. He has left a desolate hearthstone, a loved companion, prostrate in her grief, refusing to be comforted. His conflicts are over. He is at peace "where the wicked cease from troubling and the weary are at rest."

> In halls of state he stood for many years,
> Like fabled knight, his visage all aglow!
> Receiving, giving sternly, blow for blow!
> Champion of right! But from eternity's far shore
> Thy spirit will return to join the strife no more.
> Rest, soldier-statesman, rest; thy troubled life is o'er.

Mr. MORGAN. Mr. President, this is not an unmeaning ceremonial. The Senate has not paused in its great labors and arrested its important service to the people of the United States for the purpose merely of indulging in passing eulogistic remarks upon the character of our brother who has left us; but we consider that it is due not to him alone but to this whole country that a man who was so marked in his grand individuality and splendid characteristics should be spoken of here, and that we should contribute what we are able to do to enhance the value of his memory for the sake of posterity as well as for the present generation of men.

The pathetic remarks that fell from his lips which were quoted by the Senator from Illinois [Mr. CULLOM] at the time that we were holding obsequies over the departed Senator from Michigan, Mr. Chandler, bring forcibly before my mind, as I have no doubt it does before the mind of the Senate, the question, whence has gone this man so powerfully clothed with every element of strength, goodness and greatness of character? Has the Divine hand that fashioned a man like this and made it possible for him to build himself up through the toils and labors and vicissitudes of life found no use for him in the great economy of His providence, since that sad and startling moment when he was taken, yes, snatched from our midst? I think, sir, of John A. Logan to-day as a powerful factor in the hands of his Creator, still working out diligently and faithfully the good that he seemed so well designed to accomplish. I do not regard him as lost or passed into a mythical land where there is no longer use for the valuable services which he has been so conspicuous in rendering to his race while he lived among us. I think of him as a living, moving energy, still useful in the great purposes of the Divine economy.

I do not come here, Mr. President, to pronounce about a man so sincere as he was any word of eulogy or praise in which there will be a coloring of insincerity. For twenty-five years I was opposed to almost every measure of public policy that he espoused. It so turned out that in the first battle of the war and in the latest battle in which I participated we were confronted with each other. It so turned out that having our political principles cast much in the same mold in early life, we separated, as did the sections of this great country, upon questions that it appears could not be settled or reconciled otherwise than by war.

After we had again come in the presence of each other in this Senate, he, with an absolute sincerity of purpose, which I claim for myself also, took the opposite view from that which I held of most of the great questions that have engaged the attention of this body since that time. But in all that he did and in all that he said John A. Logan was a thoroughly sincere and a resolutely upright man.

The differences of opinion that exist between men in this country, where freedom of speech and of debate are sanctioned and encouraged by the Constitution and by the traditions of our history, develop men who oppose each other with great strength and power frequently, and develop even in ordinary men a strength of will and purpose that is honorable to them and beneficial to the people. Our divisions of sentiment and opinion are altogether natural and indispensable. They merely mean that the questions with which we have to deal are debatable and often doubtful, and that they must finally be settled in this body, as in all other legislative bodies in this country, by the power of a majority, the minority always yielding to the majority as being right in substance and in effect. So that when I controvert with a man of the strength of Logan's will and a man of his ability, his learning, his enterprise, and his genius, for he possessed all in a large degree, I feel that the combats in which we engage are those in which men on either side may be absolutely sincere.

John A. Logan was, more than almost any man in my remembrance, the typical American of the Western States. He was born and reared in the West, that country of marvelous strength, power, and progress. All of his efforts were given to the service first of that particular section and afterwards to the more enlarged service of the general country. But Logan seemed to be the embodiment of the spirit and power of that wonderful West, which has grown and strengthened in our country as no other section of this Union ever has within a given time. The energy of his nature, the fortitude, the persistence, the industry, the courage with which he encountered every question that arose seemed

merely to exemplify the pervading spirit of the western part of the United States, and he will go down to posterity, not because we describe him in our speeches here to-day, but because he has described himself in every act of his life as a man perfectly understood and the recognized exemplar of one of the strongest and most splendid types of American character.

I confess, Mr. President, that I feel a certain joy in the power of our country to develop men like this. I think it is greatly to the credit of the country that a man can be brought from the bosom of the people and lifted into the highest stations of place and power without, in the slightest degree, losing his identity with them; reflecting here upon the floor of the Senate what they feel in their hearts and what they believe and teach in their homes, keeping up a perpetual bond of affectionate union between those highest in authority in this land and those who are in the retirement of private life.

Institutions that can produce men and results like these are worthy of preservation, and no man more regrets than I do that there was ever one moment of time in the history of this country when it seemed to be necessary for the preservation of rights, that a large portion of the people of this country believed to be sacred, that these institutions of ours should have been put under a threat. That time has passed away, and with it all the rancors of the occasion. You can not point out in the history of any race of people that degree of mutual magnanimity and forbearance that has characterized the people of this great country in returning to unite hands and hearts in the maintenance of its institutions, in the elevation of its honor, and in the perfection of its glory.

In these efforts men who thought and felt as I have thought and felt always gladly stretch forth the hand of honest brotherhood to men like John A. Logan. We were never afraid of such men, because they were candid and true. No guile beset that man's life, no evasion, no finesse. No merely political strategy ever characterized his conduct in public life or marred his honor in private life. He was a bold, pronounced, dignified, earnest, manly, firm, generous, true man, and I value the opportunity to express these sentiments about such a man on the floor of the Senate on this solemn occasion.

Passing beyond the events to which I have alluded, where he and I had adverse opinions, and taking this young man in company with thousands of his confrères of like age who were in the army that invaded Mexico, we find there the earliest display of those qualities which continued in unabated vigor and distinctiveness down to the very hour of his death. I have always felt that we had sent out with the army to Mexico the very flower of American chivalry in the persons of those young men who bore our banners in triumph to the halls of the Montezumas. Scarce a man who distinguished himself in that war has not received great honors at the hands of his country and has not proved himself thoroughly worthy of them. We can scarcely recall an individual who had a prominent place in that war—I do not mean official place, but who won his position by dutiful service in that war—who has not received at the hands of the American people a complete recognition of those abilities and courageous manhood which enabled him to go out in this early trial of his life and to prove himself upon those fields as a man of valor and of power.

I believe that no man has died in this country in a half century for whom the people of the United States at large had a more genuine respect or in whom they had greater confidence than in General Logan. The Senate has witnessed, on various occasions, his antagonism even to his best friends, when his convictions led him to separate from them upon political and other questions that have been brought before the Senate. Always courageous, always firm, always true, you knew exactly where to place him; and when his manly form strode across the Senate Chamber and he took his seat among his brethren of this body this country as well as this august tribunal felt that a man had appeared of valor and strength and real ability.

Though perhaps he could not handle the refinements of disquisition and logic with as much skill as some, Logan did not want to use such methods in his argument. He desired to have strong materials out of which to build powerful argumentation. If the facts that appeared before his mind convinced his judgment and his conscience that his course was right, he seldom stopped to see whether the path that he had marked out for himself was one justified by the doctrines of any political party or had been explored by some great man. While I feel that there is great attention always deserving to matters of the kind I have been mentioning, it is nevertheless true that those strong and earnest men who take hold of facts as they arise, and in handling them follow the dictates of judgment and of conscience, oftener meet the approval of the American people than those who refine too much and, from timidity, fail to reach the results that the people themselves have fastened their hearts upon.

I am glad, Mr. President, of the opportunity to render to our late associate what I conceive to be a merited tribute, and to extend my remarks a little further and to say of him that in his domestic relations he was one of the fondest and most lovable of men. In that crucial test of an honest character and of a gentle and forbearing nature, no man excelled John A. Logan. He was a true husband, a true father, a true friend, and when that is said of a man, and you can add to it also that he was a true patriot, a true soldier, and a true statesman, I do not know what else could be grouped into the human character to make it more sublime than that.

Mr. EDMUNDS. Mr. President, I first knew General Logan about twenty years ago. He was then a member of the House of Representatives, and I had just come to the Senate. His fame as a soldier, of course, was well known to me. His personal characteristics I then knew nothing of. I soon met him in committees of conference and otherwise as representing the opinions of the House of Representatives in matters of difference with the Senate, and I was struck, as everybody has been who has known him, with the very extraordinary characteristics that he possessed. They have been stated by his colleague who first addressed you and by my friend on the other side of the Chamber—the characteristic of candor, the characteristic of simplicity of statement, the characteristic of clearness of opinion, the characteristic of that Anglo-Saxon persistence in upholding an opinion once formed that has made our British ancestors and our own people the strongest forces for civilization of which we have any account in the history of the world.

There was no pretense about the man; there was no ambuscade; there was no obscurity. What he was for he understood his reason for being for, stated it briefly and clearly, and stuck to it; and that, as we all know, and as it always ought to be, means in the great majority of instances success, and where success fails it is an instance of honorable defeat.

His industry, Mr. President, which I have so long had opportunity to know and to know intimately, for later when he came to the Senate it was my good fortune to serve with him in one of the committees of the Senate having a very large amount of work to do—his industry, as well as these other characteristics that I have spoken of, was of the greatest. He seemed never to tire, to be ready to stay out and finish the things that were to be done, an example to us all of that fidelity to the administration of public interests, the things to be done and accomplished that I think were extremely conspicuous, and I must say among the living are somewhat rare.

So speaking of him, Mr. President, as a Member of the House of Representatives and as a Senator performing his public duty, I can speak of him with the simplest sincerity and say that he was entitled, in my opinion, to the highest praise for these qualities and these things that he both had and did in performing important public duties.

No more can be said, Mr. President, of any man, whether he have the gifts of eloquence or the boundless resources of learning. He who does his deed of duty in the place where he stands is the best patriot, the best citizen, the best legislator, the best ruler, and the best man. That he did.

For many years General Logan and I have sat here side by side. His temper, like that of some of those who sat very near to him, was not always of the most stolid kind, and he and I, sitting here side by side, very often in our constant conversations and intercourse differed and disagreed; we sometimes got warm and angry; but I think I can say truly that the sun never went down on his wrath toward me or any other man from occasions arising from differences of opinion and warmth of words.

He was the gentlest of hearts, the truest of natures, the highest of spirits, that feels and considers the weaknesses of human nature and who does not let small things stand in the way of his generous friendship and affection for those with whom he is thrown. And so in the midst of a career that had been so honorable in every branch of the public service, and with just ambitions and just powers to a yet longer life of great public usefulness, he disappears from among us—not dead—promoted, as I think, leaving us to mourn, not his departure for his sake but that the value of his conspicuous example, the strength of his conspicuous experience in public affairs, and the wisdom of his counsels have been withdrawn.

And so I mourn him for ourselves, not for himself; and so I look upon an occasion like this not so much—far from it—for the regrets that belong to personal separations as the testimonial that a great body like this should make for ourselves and for our people of a recognition of the merits and of the examples and of the services that are to be not only a memorial but an inspiration to us all and to all our countrymen as to the just recognition and worth of noble deeds and honest desires. And so I lay my small contribution upon his grave in this way.

Mr. MANDERSON. Mr. President, as I stood a few weeks ago by the vault that received within its gloomy walls the honored remains of John Alexander Logan, and heard the impressive words of the solemn ritual for the dead of the Grand Army of the Republic, it seemed to me a most fitting ceremonial. The aged comrade of the order who, in tremulous tones, read the lines that breathe in every word the spirit of fraternity, charity, and loyalty, represented the three hundred and fifty thousand companions in arms, comrades of the illustrious dead, to whom he was endeared by much of self-sacrifice and a devotion to their interests that never knew fatigue. As the clear, well-sustained notes of the bugle hung, as though loth to leave, upon the wintry air,

> And the dingle's hollow throat
> Prolonged the swelling bugle note,

sounding the call "lights out," it was fit finale to the life of activity

and conflict so lately ended. It spoke of rest after fatigue, of the peaceful camp after the wearisome march, of quiet after the din of arms, of sweet sleep after battle. It meant the restful darkness after the wakeful light, the covering of the camp-fire to retain its warmth until the dawn, the promise of the coming day, the resurrection and the life eternal.

The familiar bugle-call brought most vividly to my recollection the first time I met our friend and comrade, nearly twenty-five years ago. The disaster to our arms on dread Chickamauga's bloody day—the only battle approaching defeat that the Army of the Cumberland had ever known—had been redeemed by the glorious and substantial victories of Mission Ridge and Lookout Mountain. These battles had been won with the aid of the Army of the Tennessee, and Sherman, its leader, had come to fight by the side of Thomas, "the Rock of Chickamauga."

With Grant, the great captain, to direct the movements of these most able lieutenants, the victory was assured, and with the capture of the rebel stronghold upon the frowning heights of Mission Ridge and lofty Lookout the Georgia campaign, that ended in the capture of Atlanta and the march to the sea, that "broke the back of the rebellion," became possibilities. The fair fame of our brethren of the Tennessee was familiar to us of the Army of the Cumberland. We had fought by their side at Shiloh. We knew of their high emprise at Corinth, Champion Hills, and Vicksburg. We had heard and read of Sherman, McPherson, and Logan.

I do not disparage the bright fame of either of the first two when I say that the chief interest centered at that time about the name of the third of these famous leaders of the Army of the Tennessee. He was the great volunteer soldier. He came from civil life—was without education in the art of war save that which came from a limited experience during the war with Mexico. He resigned his position as a member of Congress to enter the army of the Union as a private. With burning words of eloquence and lofty patriotism he gathered his neighbors of his Congressional district about his recruiting flag, organized and became the colonel of the Thirty-first Regiment of Illinois Volunteers. The baptism of blood came to him at Belmont, where he led the charging column upon the foe.

At Fort Henry his regiment captured eight of the enemy's guns. At Fort Donelson, while impetuously urging his men to the assault, he was badly wounded in the arm and hip but never flinched, and by his intrepidity kept his men in place until they were reinforced, their commander leaving the field only when faint from loss of blood. His regiment in this bloody fray lost 50 per cent. of its number in killed and wounded. Promoted to be brigadier-general, he returned before full recovery of health and strength, and, at Corinth, General Sherman acknowledged his special obligation to General Logan, and described how gallantly "he held the critical ground on the right against a large force of the enemy."

Advanced to the command of a division he saved the day at Raymond, and the historian wrote of him—

> He was full of zeal and wild with enthusiasm, and to his division belongs the honor of the victory. Fearless as a lion, he was in every part of the field and seemed to infuse every man of his command with a part of his own indomitable energy and fiery valor.

At Jackson and at Champion Hills his splendid division, as usual, immortalized itself. He seemed a born leader, displaying "unflinching endurance, daring bravery, and determined energy." At the siege of Vicksburg, and particularly in the assault after the mine explosion, he was the prominent figure. His division was the first to enter the captured stronghold on that memorable 4th day of July. A witness of the scene wrote:

> The General rode at their head worshiped by his men—a man of iron will and lion-like courage, who seemed under the blasts of war to change into a demi-god.

As a tribute to his gallantry and effective service during the siege, he was made military governor, and in that capacity displayed wonderful executive power in caring for the captured thousands of Pemberton's army and the many other thousands of citizens who were reduced almost to starvation. He brought "order out of chaos, restrained disorder, and treated the conquered with impartial justice."

Having been made major-general of volunteers, he succeeded General Sherman as commander of the Fifteenth Corps.

His parting address to the gallant division he had so frequently led to victory is well worthy of remembrance. He said it "had made for itself a history to be proud of; a history never to be forgotten; for it is written as with a pen of fire dipped in ink of blood in the memories and in the hearts of all." He besought his men in these words: "Remember the glorious cause you are fighting for, remember the bleaching bones of your comrades killed on the bloody fields of Donelson, Corinth, Champion Hills, and Vicksburg, or who perished by disease during the past two years of hardship and exposure, and swear by these imperishable memories never, while life remains, to prove recreant to the trust Heaven has confided to your charge."

This was the meteoric military career of the junior of the three splendid soldiers who came from the great valley they had immortalized by their valor to the central West, to join with Thomas, Schofield, and Hooker in the campaign against Atlanta—"the gate city of the South."

I first saw Logan in front of the confederate position on Kenesaw Mountain, when his corps made that desperate assault upon Little Kenesaw—so fruitless in results, so costly in human life. The sight was an inspiration. Well mounted—"he looked of his horse a part." His swarthy complexion, long black hair, compact figure, stentorian voice, and eyes that seemed to blaze "with the light of battle," made a figure once seen never to be forgotten. In action he was the very spirit of war. His magnificent presence would make a coward fight. He seemed a resistless force.

> The sword
> Of Michael, from the armory of God,
> Was given him, tempered so that neither keen
> Nor solid might resist that edge.

The splendid record of achievements won along the Mississippi was to remain unbroken. His name is written upon every page of the Georgia campaign of over one hundred days of constant fighting. Says one of the historians of the Army of the Cumberland: "As the united armies advanced along the battle line, where for four months the firing never wholly ceased by day or by night, everbody came to know Logan. Brave, vigilant and aggressive, he won universal applause. Prudent for his men and reckless in exposing his own person, he excited general admiration.

When the lines were close his own headquarters were often scarcely out of sight of the pickets, and he generally had a hand in whatever deadly work might spring up along his front.

At Resaca, at Dallas, in front of frowning Kenesaw, at Peach Tree Creek and New Hope Church his corps under his leadership added to its fame. When McPherson was killed Logan assumed temporary command of the Army of the Tennessee, and "wrested victory from the jaws of defeat." We of the Cumberland heard the noise of the cannon and the rattle of the musketry that told of the severe assaults made by the desperate foe on Logan's line. I visited the field the next morning and saw the terrible results of the deadly struggle.

The ground was thickly strewn with the slain, and the face of nature had been changed by the conflict as though

> Men had fought upon the earth and fiends in upper air.

Logan's battle presence here is said to have been sublime. The death of his beloved comrade in arms seemed to transform him into a very Moloch. Bare-headed he rode his lines, encouraging his men by word and deed, his battle-cry, "McPherson and revenge." Sherman's official report of the battle says:

> The brave and gallant General Logan nobly sustained his reputation and that of his veteran army and avenged the death of his comrade and commander.

I would fain speak of Ezra Chapel and Jonesborough, but lack of time forbids.

On September 2 the campaign of constant fighting that began May 2 closed by the occupation of Atlanta, and no one man did more to bring about the glorious result than he whose death we to-day deplore. Of his services during the march from Savannah through the Carolinas I can not take time to speak. He rode at the head of the victorious veterans of the Army of the Tennessee at the Grand Review. Long its leader, he had at last become its commander. No more knightly figure appeared in the marching columns. No braver or truer heart swelled with the lofty emotions of the hour.

Through all of General Logan's military career it is evident that he was far more than a mere soldier. Although terribly at home upon the field of battle it was not love of the life that took him there. His sensitive and sympathetic nature caused him many unhappy hours as he saw the horrors war had wrought. He was no mere seeker for "the bubble reputation." The speeches made and letters written immediately before and during the great struggle for national existence show him to have been imbued with the spirit of loftiest patriotism. In Congress he said:

> I have been taught to believe that the preservation of this glorious Union, with its broad flag waving over us as the shield for our protection on land and on sea, is paramount to all the parties and platforms that ever have existed, or ever can exist. I would to-day, if I had the power, sink my own party and every other one with all their platforms into the vortex of ruin, without heaving a sigh or shedding a tear, to save the Union.

In 1862, when solicited to represent Illinois as Representative at large, he wrote:

> A compliance with your request on my part would be a departure from the settled resolutions with which I resumed my sword in defense and for the perpetuity of a government, the like and blessings of which no other nation or age shall enjoy if once suffered to be weakened or destroyed. In making this reply I feel that it is unnecessary to enlarge as to what were, are, or may hereafter be my political views, but would simply state that politics of every grade and character whatsoever are now ignored by me, since I am convinced that the Constitution and life of this Republic, which I shall never cease to adore, are in danger.
>
> I express all my views in politics when I assert my attachment for the Union. I have no other politics now, and consequently no aspirations for civil place or power. No! I am to-day a soldier of this Republic, so to remain, changeless and immutable, until her last and weakest enemy shall have expired and passed away. Ambitious men who have not a true love for their country at heart may bring forth crude and bootless questions to agitate the pulse of our troubled nation and thwart the preservation of this Union, but of none of such am I. I have entered the field to die if needs be for this Government, and never expect to return to peaceful pursuits until the object of this war has become a fact established.

While deeply in earnest and desirous of serving his country in the largest sphere, it can not be said that he was ambitious. He never sought promotion. It came to him as proper recognition of great fitness and much service.

The trait in his character upon which my thoughts dwell with fondness and emotion was his generous regard for the rights of others. It shone out conspicuously in his treatment of that noble soldier and true patriot, General George H. Thomas, whom all men loved. There was impatience that Thomas did not move to the attack of Hood. The fact that the rain, which froze as it fell, covered the earth with ice upon which man and beast could scarcely stand was really cause sufficient for delay.

Logan was ordered to supersede the great leader of the Cumberland army. He proceeded westward without haste, although the command of that splendid army of veterans was something greatly to be desired. Reaching Louisville and hearing that the thaw had come and Thomas ready to move, he delayed in that city. The glorious news of the great victory at Nashville soon came to him. Logan, with the order assigning him to supreme command in his pocket, telegraphed the glad tidings to Washington and asked that Thomas might remain at the head of the men who had followed him for so many years, and that he might return to the inferior command.

No desire for self-advancement could prompt him to disregard the rights of a comrade. Without a murmur he had before this time seen the command of the Army of the Tennessee pass to another when it seemed matter of right that it should be his as the natural successor of the lamented McPherson. General Hooker, with less of claim, wanted it, and in his grievous disappointment asked to be relieved from duty. Logan did not sulk an instant, but, with unselfish patriotism, went wherever duty called.

It is not my purpose to speak of the great dead in any other capacity than that of a soldier. Let others speak of him as a civilian, lawyer, legislator, statesman, and tell of his merits as citizen, husband, father, and friend. I was his recognized comrade, as was every other man who wore the blue. He never forgot them. They will never forget him. He made it impossible so to do by his devotion to the volunteer soldiers' interests. The statute-books are full of laws for the maimed and disabled, the widowed and the fatherless, that he either originated or actively helped to pass. His life here and in the other House since the war was one of constant devotion to those with whom he had served. It was this strong feeling of comradeship that prompted him to aid materially in the organization of that great order—the Grand Army of the Republic.

He originated the ever-beautiful Memorial Day and constantly urged its observance. It was a revelation to many that this sturdy soldier should have conceived the poetic idea that the graves of the Union dead should receive their yearly tribute of flowers. The thought was born of his love for them. There was much that was refined beneath the bold, frank exterior.

> The bravest are the tenderest,
> The loving are the daring.

A friend who knew him well writes of him:

> His domestic life was an exquisite idyl. It was fragrant with faith and tenderness. It was a poem whose rhythm was never marred.

Our hearts go out in sympathetic love to-day to the lonely woman who was his helpmeet all the days of his manhood life. Her's the desolation of a great loss, but with it the consolation of a great love.

Peace be with her.

Mr. HAMPTON. Mr. President, I understand and appreciate fully the motives which prompt the tender and touching tributes paid here to the memory of our late and distinguished colleague. I sympathize with them as honorable alike to the living and to the dead. It is eminently right and proper that the political associates and the comrades in arms of the dead statesman and soldier should bear grateful testimony to his services and pay homage to his virtues. This is his due; it belongs of right to him, and none are more willing to accord this to him than those who were his political opponents. For one, I join gladly in every mark of respect paid to the memory of General Logan. But, sir, in the few remarks which I shall make on this mournful occasion which recalls a calamity that has filled, not only the Senate, but the whole country with profound sorrow, I must speak from a standpoint different from that occupied by the political friends and the comrades of him who has been stricken down in the prime of manhood, and in the midst of his usefulness so suddenly and so mysteriously. The political school in which my creed was formed inculcated other doctrines than those held by General Logan, and these necessarily not only arrayed me in the ranks of his political opponents, but in those which were opposed to the cause he espoused and so bravely upheld in the late unhappy civil war. As a Democrat, a Southern man, and a confederate soldier, I am called on to speak of him as a Republican in high and deserved honor with his party, as a Northern man who offered his life and gave his blood to prove the sincerity of his convictions, and as a Federal soldier whose fame was as wide-spread as it was fairly achieved.

I therefore leave to others better fitted than myself the grateful duty of portraying his remarkable military career which placed him high in the ranks of successful commanders, and of tracing his no less remarkable political career, which led him up to become an honored and recognized leader of his party. But I may say, in connection with his brilliant military service, and it is due to him that I should say it, that when war was flagrant, and the passions of men were inflamed to their highest pitch, we of the South knew of no act of cruelty, of barbarity, or of inhumanity to stain his record as a brave and honorable soldier.

I shall speak of him as I knew him here, as a Senator and as a man; and while we held opposite opinions on nearly all of the great questions which have divided parties in this country, I hope that I may be able to speak with impartiality and with truth. His ability commanded my admiration; his many high qualities won my personal regard, and every feeling of my heart prompts me to do full justice to his merits. My acquaintance with General Logan began upon my entrance into this body, and by a curious coincidence the first utterances I heard in this Chamber were from him while he was criticising my own State sharply. His language on that occasion, as may readily be supposed, was not calculated to inspire me with friendly feelings toward him, and it created in my mind a prejudice against him which doubtless warped my judgment to some extent. It was in this condition of things that I found myself placed on the Committee on Military Affairs, of which he was a member, and over which he subsequently presided as chairman for years, zealously and efficiently.

Our service together on that committee was continuous from that time until death freed him from earthly labors, and my long association with him there taught me to respect his great ability and to admire the many good and generous traits which marked his character so strongly. Thoroughly familiar with the Army rules and regulations, earnestly desirous of promoting the efficiency of the service, laborious and conscientious in the discharge of his duties, devoted to the old soldiers, he was fully equipped to fill the arduous and responsible position he held. Of ardent temperament and strong will, he was not free from the prejudices which always belong to natures such as his was, but these were rigidly subordinated to his stern sense of justice and of honor. And, sir, I can say truthfully that he frequently tempered justice by mercy, and I acknowledge gratefully that on many occasions the people of the South were the recipients of his kindness. His words in the heat and conflict of debate were sometimes bitter, but his acts, inspired by his generous heart, were generally kinder than his words. By his acts I prefer to judge his character, and by them my estimate of him has been formed.

The characteristics which gave him such marked individuality as chairman of the Military Committee were constantly illustrated on the floor of the Senate. A strong adherent and supporter of his party, he never failed to assert his independence of thought and of action whenever he deemed that his duty demanded this. Frank, fearless, and outspoken, he professed in an eminent degree the courage which springs from sincere convictions, and he had the ability to defend these convictions. While doing this he dealt heavy blows, but they were always delivered in an open, straightforward, manly manner. He never fought in ambush; he asked only an open field and fair play. Possessing as he did so many rare and generous attributes, it is not strange that he found warm friends even among his political opponents, nor is it surprising that he was a tower of strength to his own party.

His services, his talents, commanded the position of a leader, and he filled that position ably. The ancient Romans, Mr. President, regarded courage as among the highest virtues, and the word used by them to express this quality has given to our language its beautiful word "virtue." If the Latin and the English words are synonymous, as they should be, then surely we can ascribe courage and virtue to John A. Logan.

No braver man ever lived, and the Almighty Creator endowed him with many other and great virtues. His work on earth is done, and he is at rest.

> And from heaven of heavens above
> God speaketh with bateless breath:
> "My angel of perfect love
> Is the angel men call Death!"

Mr. ALLISON. Mr. President, whosoever shall hereafter faithfully write the annals of our country's history for the last quarter of a century will have occasion to speak often and in words of high praise the name of General John A. Logan.

His death came suddenly and unexpectedly to us all, as but a few days before he was in his seat, apparently in his usual health. When it came it disclosed not only the warm affection, friendly devotion, and high esteem of his associates in this Chamber, but also the firm and enduring hold he had upon the affections of his countrymen everywhere. In public halls and churches and in other places they assembled to give expression to their grief and sorrow by memorial services and public addresses, recounting the story of his life.

This universal manifestation, spontaneous and sincere, did not come by chance or accident, but because his long public career rendered him worthy of the great honors that were paid to his memory.

Others have spoken of his early history in Mexico, at the bar, and in the State Legislature, all preliminary to larger field, opening up to him in the National Congress and upon the great theater of war. He first appeared in the National Capitol and took a seat in the House of Representatives, to which he had been elected from the State of Illinois in December, 1859. He was elected as a Democrat, and whatever part he took in the public discussions of that session was in the line pursued by the Democratic party. It is not fitting here and now to speak of the momentous questions which then agitated the public mind and sharply divided political parties. He was thrown into the midst of this terrific political conflict which even then threatened the country with war. He arrayed himself on the side of the great leader of one faction of the Democratic party, and in the Presidential struggle of 1860 he espoused the cause of this great leader with all the zeal of his strong personality, and in his own State aimed heavy blows at the Republican party and the Southern wing of his own.

That struggle ended in the election of President Lincoln, which was soon followed by the opening of a struggle of a very different nature. This conflict of arms, though long predicted by many, at last came suddenly upon the country without preparation. It has been said that "once to every man and nation comes the moment to decide in the strife of truth with falsehood for the good or evil side." This supreme moment came then not only to the country, but to the citizen, whatever his station. General Logan did not hesitate, but at once, with his great leader, arrayed himself on the side of his country. So deciding he immediately resigned his seat in Congress, surrendering for the time his political ambition, returned to his native State, and with all the energy and impetuosity of his nature proclaimed his purpose to enter the military service and remain in it until the Union was restored. This among his constituents was a courageous resolve, as from their location and political education they were not easily persuaded to risk all, as he proposed, to save the Union. Such was the force of his character and the persuasiveness of his arguments that in a very few days he found himself at the head of a regiment largely composed of his political associates and friends.

Here began that conspicuous military record which four years later by common consent placed him foremost among the many eminent civilian commanders of that great conflict.

I shall leave others to speak in detail of his military career, but can not refrain from saying that through it all he had the confidence of his military superiors as one fitted to command a great army in battle. Sherman *assigned him to the* supreme command on the battlefield of Atlanta after McPherson was slain; he justified that confidence by leading the army to victory. Later on Grant did not hesitate to select him as the man most likely to achieve a victory at Nashville, when he was growing restless at the delay of General Thomas. Here as everywhere he showed the magnanimity and generosity of the true soldier by not wresting the command from Thomas on the threshold of a great victory.

He not only held throughout the war the undiminished confidence of the great chieftains I have named, but his great qualities as a soldier also secured for him the respect, esteem, and confidence of those serving under him, which he held firmly and unreservedly to the end; and the soldiers who served with him, now grieve because of the loss of a comrade, companion, and friend, and they will repeat to their dying day around their camp fires recounting the stories of the war, "I fought with Logan at Atlanta," or "at Jonesborough," or "at Vicksburg."

General Logan reappeared in this Capitol as a Representative in March, 1867, and from that time until his death, except for a period of two years, he was continuously a member either of the House or of the Senate.

His ability as a popular orator and his great military reputation gave him prominence at once in the House of Representatives. He fully sustained himself in that great popular body by the earnestness of his convictions, by his skill as a debater, and by his knowledge of public affairs. He soon became one of the recognized leaders in the consideration and discussion of the great questions before the House. At that time, and by the vote of his associates in that body, he was chosen to appear here as one of the managers in behalf of the House to conduct the trial of the impeachment of President Johnson.

The questions then prominent were questions growing out of the war, covering the entire range and scope of the powers of the General Government, the reorganization of the Army, the management of the public debt, the reduction of taxes, changes in our tariff and internal-revenue systems, the currency, specie payments, the new amendments to the Constitution, and the restoration of the States deprived of representation because of the rebellion. All these questions and many others were in a brief space of time forced upon Congress for its consideration. General Logan had decided views upon them all, and expressed his views fearlessly and with great force and power.

General Logan was transferred to this Chamber in 1871. He was then in the full vigor of his matured faculties, and brought with him the valuable experience of a long service in the House, and at once took high rank in the Senate, which he maintained undiminished to the end, always taking an active part in the discussion of the great questions constantly appearing here for action. His sympathy with his old comrades and their devotion to his personal fortunes imposed upon him unusual labor in caring for their interests and welfare.

He was assiduous and constant in the advocacy of all the measures which he and they deemed of especial interest to them, whether respecting pensions, bounty, back pay, or the reorganization of the Army itself, and he became their conspicuous advocate and friend. So that for all the years following the war whatever legislation there is upon our statute-books upon these topics bears the impress of his advocacy.

He was a man of tireless activity and industry in the Senate. The Fitz-John Porter case is a conspicuous example of these characteristics. He found time in the midst of the multiplied cares of a seat in this body to write an exhaustive history of the causes which led to the conflict in which he bore so prominent a part.

This brief retrospect discloses that the life of General Logan was one of ceaseless activity and exceptional usefulness to his country.

Few men of this generation in our country have achieved a more illustrious career.

Coming into active political life at the beginning of the great civil war, he has linked his name imperishably with the military achievements that resulted in the restoration of the Union. Coming into the councils of the nation soon after the close of hostilities, he bore an honorable part in the legislation which then seemed necessary for the perpetuation of the Union.

General Logan was not, in the common acceptance of that phrase, an eloquent man; yet he had extraordinary power as a popular orator. There was something inherent in his character and method and in his utterances intensely attractive to large assemblies. Few men in our country could attract larger audiences, or hold them more firmly, or direct them more certainly to the views he expressed. This characteristic was well illustrated in the campaign of 1884, when great multitudes gathered to hear him, and listened with intense interest to every utterance, and were persuaded by his arguments and eloquence.

Mr. President, this body in its organization is perpetual, and unless the Constitution shall be changed will endure as long as the Government remains. It is now the same body it was when organized in 1789. Its members have the longest fixed term known to the Constitution except the tenure of the judges of our courts; yet its membership rapidly changes. When we met in December only six Senators appeared in their seats who were in this Chamber fourteen years ago, when I entered it. One of these was General Logan; and of all the men who have come and gone in these intervening years, none were more conspicuous and none will be more missed by the country and by those of us who still remain.

My service with him began in the other House, in 1867, and since that time we have been associated together continuously upon important committees. So I had opportunity to know him well. Like most of us, he was not free from faults and peculiarities of disposition; his nature was sensitive; he was quick to resent an injury, and as quick to forgive it. He never knowingly did an injustice to his associates, and if he found that he had done so unconsciously, he was swift and ready to make reparation. He was conscientious in the discharge of his public duties.

In his death the nation has lost one of its ablest counselors, his comrades in the army one of their most ardent and devoted supporters, we in this Chamber a valued co-worker and friend.

The arduous labors, the conflicts and struggles incident to high public station with him are ended. Those who survive him here will struggle on for a few brief years at most, and will then like him be gathered to the world beyond, to receive the reward which awaits those who perform faithfully and well all their duties here.

Mr. HAWLEY. Mr. President, a stranger seeing General Logan for the first time and observing him in these Halls a few days ago would perhaps have said that the most prominent feature of his character was his combativeness. He snuffed the battle afar off; he never lagged in the rear of the column; he crowded to the front; he never shirked the combat; he went out to look for it.

He was quick and strong in his likes and his dislikes. He scorned double-dealing and meanness, but I do not think that he hated anybody.

We have seen him in committee and here in this Hall, impetuous, trampling down all obstacles to his cause, and perhaps trampling upon the feelings of his associates. We have seen him then, upon a protest, drop the point of his sword instantly, become gentle, quiet, conciliatory, and evidently full of regret that he had even appeared to be unjust to any one.

He had a matchless courage, as everybody knows, a courage not only upon the battlefield but a high courage and spirit of self-sacrifice in politics. He had a right to suppose from all that was said to him by great multitudes, that he was a fair and honorable candidate for the Presidency, yet he cheerfully accepted a subordinate position upon a Presidential ticket in 1884 in the belief, in which he was strengthened by friends, that his influence and his acquaintance with tens of thousands of soldiers would bring something of strength to his political party.

We remember very well the famous Fitz-John Porter controversy.

He was well aware in what he was doing there, that he was strengthening old animosities and creating new ones; but you know with what a splendid courage he carried himself through, with what power, with what indefatigable industry he accumulated his facts and arguments, and renewed the battle again and again.

I remember with interest that during the controversy over the famous anti-Chinese bill he was absent. He returned after a time, and while he was under no obligation to say anything, he was opposed to the bill, and lest he might be even thought to shirk—no, not that, but because he desired to be sure in whatever was being done—he took an early occasion to rise here and manifest his vigorous and determined opposition to that measure. He knew well what chances he took then of losing political support.

Not a great while ago there arose here a very painful controversy concerning the Senatorial representative from one of our great States. He took his ground firmly; he argued it with all his accustomed vigor and energy. He recognized well that he was creating again enemies and opponents—yes, more than opponents, bitter enemies—in a great State that would be essential to the support of his ambition.

I remember that General Logan was several times much annoyed by a charge that about the time of the breaking out of hostilities, previous to it, he had been concerned in raising troops for the confederate service. It was a charge that had not a shadow of truth in it. He was a Democrat, of course, before the war, and, as he was in everything else, intensely a Democrat, fierce, combative, bitter sometimes; but as the contest drew near the fire of his patriotism blazed up and consumed like flax all obstacles in his way, and he became, as you have learned from some declarations of his made at the time, nothing but a defender of the Union. And not only as a soldier, for he carried with him politically the people of Southern Illinois, many of whom in their political prejudices and convictions were as completely Southerners as the people of Alabama. He swept them along with him by the power and fierce energy of his oratory.

He went into the war. After Vicksburg General Grant said that McPherson and Logan had demonstrated their fitness to become the commanders of independent armies. He had a right to suppose, after the gallant McPherson had fallen, under the very feet of an advancing and temporarily triumphant confederate force, he had a fair right to suppose that he would succeed to that officer's command. He was second in rank. The soldiers desired it. They had seen his great leadership on that battlefield as on many others. Another took the place, an honorable and gallant soldier.

The manly generosity and high courtesy of his bearing when he was ordered to relieve the noble General Thomas have been described today. I do not contrast General Logan's action on that occasion with the conduct of certain others in similar situations, though there were examples of wonderful contrast; but he was as obedient as a child, faithful as ever. His complaints were probably uttered, for he could not disguise himself, but they are not upon record.

He labored under the reproach that he was something of a political soldier in those days, but he did not then disclose the fact that he had received a suggestion he could not disregard, that he should go to Illinois, another battlefield as important as the battlefield of Atlanta.

He came to be the eminent figure among the volunteer soldiers. It is so recorded; it will be so remembered in history. There is no soldier of the old Army, the most captious or the most jealous, who regrets or carps at any of the great honors paid to Logan; for whatever is said of Logan as the chief of volunteers is claimed to be the common glory of them all.

I heard General Grant say once of him in private conversation that he was uneasy in camp but all right when he charged. He sulked in his tent, but it was because it was a tent. When the bugle called him to the saddle he was exultant, happy.

He was classed as a political general. I do not know that it was altogether an unfriendly remark. He was, sir; he had the honor to be a political general. It was a political war, and he was as strong in one field of battle as the other; the political generals did double duty. The anxiety during some of the great days of those four years was not that the soldiers of the Union would be unable to put down the rebellion in due time, but that the voters at the ballot-box might put down the war too early; and some of the political combats won by Logan and others at home were as useful to the cause of the Union as the triumphs of Vicksburg and Gettysburg. Baker, matchless as an orator, chivalrous and lovely in battle, was a political general. Garfield, giving promise of great generalship by an unconquerable industry and energy and a brilliant courage in the face of the enemy's guns—Garfield, obeying what was almost a command, went from the army to Congress. Frank Blair, with the trumpet tones of his voice and the quiver of his uplifted finger, was worth a corps of soldiers in his influence over Missouri, and he was a political general.

Scandal spared General Logan from its insinuations of dishonor in private or public life. Perhaps calumnious mud was thrown at him, but nothing of it is recorded or even retained in the memories of men.

He loved his country. Why, sir, that is true of sixty millions of people, I hope; but he loved it with a devotion immeasurable and unfathomable. He believed in the justice, the equality, and the liberty of its Constitution and its laws. He had no doubt whatever of the wisdom of this great experiment, universal suffrage and all. He was no agnostic; he had a creed and a purpose always, in every contest. He did not assume all knowledge; but what he knew, he knew he knew; and what he believed he was always ready to say. Whatever he wanted, he greatly wanted; he was very much in earnest. He trusted the great jury of twelve million voters and had no doubt about the future prosperity, honor, and glory of the great Republic.

He was an ambitious man, politically; he had a right to be, and he won a high place. He was ambitious of a great place among soldiers, and he won it.

He was generous, he was frank, he was tender. Possibly that will sound strangely to many people who did not know him as we did. He had as tender a heart as entered these doors. He was one of the bravest men physically and morally that ever lived. He was a brilliant and great volunteer soldier. He was an incorruptible citizen and legislator. His patriotism was unsurpassed in enthusiasm, intensity, and faith.

Mr. SPOONER. Mr. President, the busy hand of death beckons us again to the side of a new-made grave. Amid the tears and sobs of this great people, to the music of muffled drums, and under the furled flag which he loved, we tenderly bore John A. Logan to his rest.

It was to be expected that the words of tribute spoken in this Chamber, still so filled with his presence, would come fresh and strong from warm hearts, for his wonderful career was of our own day and generation, and we were his colleagues and friends.

But, sir, no one need fear for Logan the cold analysis of the historian yet to come. How little dependent is this man's fame upon the speech of his contemporaries. It rests upon the solid foundation of glorious deeds and splendid public service. We may well say that he was born for the service of the people, for the active years of his whole life, with hardly an intermission, were spent in the discharge of public duty. That life was an open book, read and known of all men, and biographical details of it are for my purpose, quite unnecessary. It is said that "history is the essence of innumerable biographies." Logan's life is of the essence of our history.

With him love of country was a passion, and with him the union of the States was "the country." He could see, save through the perpetuity of that Union, nothing of any worth in the future of the Republic.

Of strong convictions and prejudices, a stern partisan, reared among those whose predelictions and views of constitutional right were distinctively of the Southern school, the friend and trusted lieutenant of Douglas, it will stand forever to the credit of his clearness of mental vision and of his independence of character, that when the war cloud which had been so long gathering, broke in fury upon the country, he straightway took his rightful place by the side of Abraham Lincoln, under the beautiful flag, which, at the threshold of his manhood, he had followed upon the plains of Mexico.

His star shot into the sky at Belmont, to shine fixed and unobscured forever.

It would be idle for me to recount the battles which he fought and won, the precipitous charges which he led, the marvelous personal magnetism and daring which, communicating itself to a whole army, turned, as by the will power of one man, defeat into victory. It is enough to say of him as a soldier that by common consent he stands forth the ideal volunteer soldier of the war. He was, among a million brave men, original, picturesque, and unique. There was but one John A. Logan. What a pitiful combination of folly and malignity was that which thrust at such a one the charge of disloyalty!

The world loves, and easily remembers, the soldier. Tales of the bivouac, the siege and the charge, of personal daring on the field of battle, have had peculiar fascination for men in every age, and doubtless Logan's chief renown will be as a soldier. He would have it so.

But, great as he was in war, he was great also as an orator of the people, and in the councils of peace. He won as an orator a reputation which, if he had no other claim to be remembered, would keep his name alive and would satisfy any reasonable ambition. His popularity as a speaker was not ephemeral, nor was it peculiar to any section. He was everywhere welcome. Listening thousands hung in rapt interest upon his words. It is not at all difficult to account for his power as a speaker. His evident sincerity and earnestness, his commanding presence, the flash of his eye, the like of which I never saw in any other face, the boldness of his utterance, the impetuous flow of his speech, and the trumpet tones of his voice, gave to him as a popular orator a charm indescribable. No man could catch more quickly than he the spirit of his audience, or more deftly adapt himself to its fancy.

The law of his life was action. He could not rest. It is said of him that as a soldier he was chafing and unhappy unless the army was in motion and the battle near at hand. This characteristic was quite as marked in civil life.

He was a student and a worker, and as the years went on he grew in mental strength and stature and in oratorical power.

As the nominee of his party for the second great office in the gift of the people, he added greatly to his civic fame. The dignity of his bearing, the method and manner of his thought and speech, were every-

where a revelation to those who then heard him for the first time. Other orators have been more finished, but, sir, it is not the language of fulsome eulogy to say that, taking John A. Logan all in all, he was a great orator, and will be known as such.

He possessed, also, indisputable claims to high statesmanship. Look through the statutes and the records of Congress, and you will find there the strong impress of his character and individuality. Many acts of great public consequence he devised and draughted. As a legislator, he was broad-minded and fearless. Neither the love of commendation nor the fear of criticism swerved him in the least from the path blazed out by his convictions. He was ready in debate and a dangerous antagonist on the floor of the Senate.

One cannot fail to notice, looking through the record of his work in the national Senate, everywhere the evidence of service rendered to the soldier, and to the soldier's widow and orphan. Every thought that loving comradeship and appreciation of great service and sacrifice could suggest for the soldier's good, you will find at some time formulated into statute by his faithful hand. He took it upon him as a sacred trust that he should look always to the interest of those who with him had stood in the shock of battle. Well may the surviving soldiers of the Federal Army—now, alas, fast falling by the wayside—as they gather around their camp-fires, weep bitter tears for the loss of Logan.

Though a chieftain of his party, he was not narrow or sectional as a legislator. He met more than half way those who had but lately been his adversaries on the field of battle. No man more desired the restoration of perfect harmony between the sections and the upbuilding of the waste places of the South or gave readier aid to that great consummation. He demanded only in return that every man and woman and child, of whatever condition, class, or degree, should enjoy unobstructed and in the fullest measure, every right given by the Constitution and the laws. With less than this he thought it moral treason to be content.

Logan was a leader by divine right. All the elements combined to make him such. Of resistless energy, iron will, knightly daring, lofty moral courage, quick and acute intelligence, fervent patriotism, unselfish loyalty to principle and friendship, and unswerving honor, it is impossible to conceive of him as other than a great leader in any field of human effort. Scan his eventful life however critically, study the forces which moved him, analyze the characteristics which marked him from his fellows, and you find little indeed of accident or adventitious aid in the achievements which will glorify his name. It is no marvel that he was a great soldier, or that he was an orator of high repute, or that he was conspicuous among the leading statesmen of his day, but that he united in himself all of these is conclusive of his genius.

He was, with all his rugged strength of will and bravery and fortitude, a sensitive man, easily wounded by a personal or party friend. In the retrospect we see now, with unavailing regret, how keenly he may have suffered in spirit from what gave us little thought or concern. Quick to resent what seemed to him a wrong, he was, like all great natures, as quick to forgive and forget. He was magnanimous. No manly man found it difficult to repair, without loss of self-respect, a quarrel with John A. Logan.

He was, in many ways, a proud man. He carried for a quarter of a century upon his body, wounds received in battle. He bore, without complaint, racking pains, born of the privations of the soldier's life, of the pelting storm, the comfortless bed upon the frozen earth, the cold, wearisome march, the sleepless nights and toilsome days. Standing in his place on the 16th of March last, he said:

> I could say—but I dislike to mention myself—that I was entitled to a pension early in the war, and have been ever since the war, but I have never asked for it, and never expect to.

Mr. President, we now know that there were times in his later years when the days were dark, and when the stress of financial embarrassment pressed him hard, but he was too proud and delicate to claim the pension which was his due under the laws which he had been so potential in fashioning and in enacting. I hope if the words I am about to utter are a sin against the proprieties of this occasion that I shall be forgiven; but I do not doubt that as he stood there, announcing to the Senate and to the country his right to a pension, he had abiding faith that should he, in the providence of God, be first called, the people whom he had served so long and so well, would pay, not grudgingly, but as in cheerful payment of a debt of honor, to the womanly woman who in all the years of his growth had kept pace with him, who had been his love, his pride, his companion, that which was his due, but which he had forborne to claim.

That is not a full tribute to the memory of John A. Logan which takes no thought of her whose life has been a part of his life and whose fame is linked inseparably with his fame. What tenderer, sweeter tribute can the American people pay to his memory, than to place above the calamitous vicissitudes of life, the woman who was ever by his side, not alone in the hour of triumph but in the hour of pain and suffering; not alone in this beautiful capital city, but in the rude hospital on the banks of the distant Western river where he lay wounded nigh unto death?

He died in the service of his country, and we know from him—for he "being dead, yet speaketh"—that his strength and vigor were sapped and mined by the privations and the wounds of war.

How difficult it is to think of him as dead!

> Can that man be dead
> Whose spiritual influence is upon his kind?
> He lives in glory; and his speaking dust
> Has more of life than half its breathing moulds.

He will live, sir, in the hearts of men until the history of his time shall have faded utterly away. With each returning May, wherever there is a soldier's grave—and where is there not a soldier's grave?—the people now living and those to come after us will remember the name of Logan, the patriot, soldier, orator, and statesman, and will bring, in honor of his memory, the beautiful flowers of the springtime and the sweet incense of praise and prayer.

Mr. COCKRELL. Mr. President, with profound sorrow and deep grief I join in paying the last official tribute of respect, honor, friendship, and love to the memory of our late distinguished colleague, John Alexander Logan.

For the first time, in March, 1875, I had the pleasure and honor of his personal acquaintance in this Chamber.

For the succeeding two years, and then from March 4, 1879, to the day of his death, I was a member of the Committee on Military Affairs, of which he was the honored chairman. Our official and personal relations at once became, and uninterruptedly continued, most intimate, cordial, and friendly. However widely we may have differed upon many questions, I respected, admired, honored, and loved him for his many noble, manly, generous, magnanimous, and chivalrous qualities of head and heart—the distinguishing attributes of the true soldier and great man among all nations and tongues.

It was my sad privilege on December 26, 1886, at 2.55 p. m., to stand at the foot of his bed, and, powerless for relief, to see him quietly, peacefully, and unconsciously breathe the last breath of his life on earth.

His deathless soul, freed from its earthly body, racked, tortured, and paralyzed by disease and pain, triumphantly passed through the mystic vail intervening between the grievous afflictions and bereavements of earth and the fullness of joy in the presence and the everlasting pleasures at the right hand of our Heavenly Father, and entered upon its glorious unending life upon the beautiful shores of the "bright forever," far, far beyond the touch of disease, suffering, or death.

Now beyond the reach of fulsome praise or eloquent panegyric, we can calmly consider his life, and profit therefrom.

About the year 1823 Dr. John Logan emigrated from Ireland and located in Jackson County, Illinois, and there married Miss Elizabeth Jenkins. Of this union John Alexander Logan was the first born, February 9, 1826, and inherited a robust physical constitution and vigorous mind, the richest inheritance bequeathed by parents to children.

In that section of the then West educational advantages were very limited, and young Logan was taught at home, and attended the common schools of the neighborhood as opportunity offered, and a neighboring academy; and by industry, perseverance, and self-reliance obtained a fair education.

We see him a young man about twenty years old in his native county, without wealth, family distinction, or influential friends to aid him, having only the future and its possibilities before him to inspire and nerve him for the battles of life, *the architect of his own fortune, free* to plan and execute as he would and could. With honesty, determination, and self-reliance he boldly moved forward, conscious that "life gives nothing to mortals without great labor." He enlisted as a private soldier in the First Illinois Regiment for service in the war with Mexico, and became a lieutenant, acting adjutant, and quartermaster, faithfully discharging his duties.

Upon the conclusion of peace he returned home with a broader view of life and laudably increased ambition, and began the study of law in the office of his uncle—Hon. A. M. Jenkins—and in 1849 was elected clerk of the county court of his native county; served as such about one year, then resigned and attended the law school of Louisville University, and graduated therefrom in 1851.

Returning home, he entered upon the practice of law with his uncle, and was elected to the Legislature of Illinois in 1852–'53–'56 and '57, and to the office of prosecuting attorney for the third judicial district in 1853.

In 1855 he was married to Miss Mary Cunningham, a most happy and fortunate union. In 1856 he was Presidential elector, and cast his vote for Buchanan and Breckinridge. In 1858 he was elected a Representative in the Thirty-sixth Congress, and in 1860 was re-elected to the Thirty-seventh Congress, and served his term in the Thirty-sixth Congress from March 4, 1859, to March 3, 1861, and entered upon his term in the Thirty-seventh Congress, and attended the called session in 1861. While attending that session he shouldered his musket as a private soldier in the Second Michigan Volunteers, and marched to and participated in the battle of Bull Run. He then resigned his seat in the Thirty-seventh Congress, entered the Union Army, raised and was appointed colonel of the Thirty-first Regiment Illinois Infantry August 16, 1861, marched to the front in the field, and there continued.

He was promoted to be brigadier-general in March, 1862, and then major-general, and commanded succesively a regiment, brigade, division, an army corps, and the Army of the Tennessee. On August 17, 1865, after full four years' service, he resigned his commission as major-general, and was honorably mustered out. He was then appointed by President Johnson minister to Mexico, and resigned.

Returning to the walks of civil life he resumed the practice of law in his native Illinois. In 1866 he was elected a Representative at large from Illinois to the Fortieth Congress, and re-elected to the Forty-first Congress, serving from March 4, 1867, to March 3, 1871, and was elected to the Senate of the United States for the term beginning March 4, 1871; and was again elected to the Senate for the term beginning March 4, 1879, and re-elected for the succeeding term from March 4, 1885, to March 3, 1891.

In 1884 he was the nominee of the National Republican party for Vice-President.

This bird's-eye view of his life-record and services is just sufficiently distinct and full to enable us to form correct impressions of this great man—our lamented colleague in this Chamber. In all these varied positions of trust and honor he was, and proved himself to be, honest, determined, self-reliant, faithful, and efficient, and the worthy recipient of the friendship and confidence of the people.

For the length of time devoted to his profession he was a good lawyer.

Among all the many great and distinguished volunteer officers during the late war it is no disparagement of any of them to say that General Logan was the greatest and most distinguished. Courageous, fearless, energetic, untiring, generous, and dashing, he was the beau-ideal of the American volunteer soldiery. For four long, weary years, during the greatest military conflict the world has ever beheld, General Logan, as a private soldier, a commander of a regiment, then of a brigade, then of a division, then of an army corps, and then of an army, met and satisfied the highest expectations and demands of the administration, the country, and the people. No man could do more. As a Representative and Senator in the Congress of the United States he was incorruptible, faithful, diligent, and laborious, and was earnest in his convictions and forcible and aggressive in their advocacy.

His repeated re-elections to both the House and Senate by the same constituency attested their continued friendship and confidence, and their approbation of his character and services. In his personal intercourse he was manly, generous, candid, and sincere.

As a husband and father he was devoted, faithful, tender, loving, and warmly appreciative of the boundless love and undying devotion of his noble wife and dutiful children. As a member of the Methodist Episcopal Church he was "not ashamed of the gospel of Christ; for it is the power of God unto salvation to every one that believeth."

The name, the fame, the life, and the illustrious and successful achievements of General Logan are now the common heritage of our great country and people, and will be cherished and remembered by the present and coming generations.

Many poor, worthy, and honorably ambitious young men, just entering the arena of active life, faint, weary, and despondent, will remember the great disadvantages surrounding General Logan when at their age, and then his subsequent illustrious and successful life, attained by his honesty, perseverance, and self-reliance, and made possible to all by our unequaled systems of government—the best ever yet devised by the wisdom of sages or attained by the blood of heroes—and will take fresh courage and worthily imitate the illustrious pattern, and make themselves a blessing and honor to country and people.

The life and achievements of Logan, cast upon the bosom of the public life in the United States, have started waves of influence and power for good which will widen and extend until they break against the shores of eternity in the resurrection morning.

Mr. FRYE. Mr. President, Senators have brought to-day, and will bring, garlands and wreaths with which to decorate the grave of our dead soldier and Senator. I shall content myself with offering a single flower.

Logan was an honest man. I do not mean by that simply that he would not steal, that he would not bear false witness, that he had not an itching palm for a bribe. If this were all, he would not be unlike every man I have been associated with in both Houses of Congress during a sixteen years' service, nor essentially different, in my opinion, from a large majority of his fellow-citizens.

Sir, the press very generally and occasionally an eulogist to-day, in assigning to General Logan this admirable quality of character, have contracted and dwarfed it, have seemed to make money its measure, by producing as evidence in its support the fact that he had served long in public life and died poor. The Senator from Missouri has just said that he was poor, that he was incorruptible. I trust, sir, that the same honesty and incorruptibility may truthfully be ascribed to every Senator within the sound of my voice, to every member of the two Houses. Is there any necessary connection between honesty and poverty? Is the one the logical sequence of the other? Are dishonesty and wealth in copartnership? I have been taught to believe, and do believe, that honesty is the broadest, safest, and surest pathway to prosperity.

I do not regard it as eulogistic of this great man to say that he was honest in that narrow sense. I do not cripple my declaration by any such limitation, nor sustain it by any such questionable testimony. I mean that General Logan had an honest mind, an honest purpose, an honest habit of thinking. I mean that he never played tricks with his mental machinery to serve his own ends and his own purposes. I mean that he never attempted jugglery with it. I mean that he permitted it, in spite of his ambitions, his prejudices, his jealousies, and his passions, to move straight forward in its operations; and that the legitimate results were convictions—convictions followed always by earnest, determined, intense action. In my opinion that largely constituted General Logan's strength in the Senate, in the Army, and with the people.

Let me illustrate by a few brief incidents of his life. He was living in Southern Illinois, where there was little if any anti-slavery sentiment, at a time when slavery was never more firmly established by enactment of law and judicial decision, at the time when it was arrogant and aggressive in its demands. Yet Logan stemmed the current, disregarded his own apparent self-interest, and resisted the demands. He was associated with a party whose shibboleth was State rights, whose overshadowing fear was centralization of power in the National Government; and when that doctrine culminated in secession he dropped it at once forever and tendered his sword so to the threatened and imperiled Republic.

War came on. He believed that war was a serious fact; that it was to be waged for the suppression of rebellion and the restoration of the Union. Hence in every council of war his voice was always for battle, and in every battle he was ever at the front.

Some of the prominent officers were for temporizing, were studying political enigmas, were nursing Presidential aspirations, were casting obstacles in the way of supposed rivals. Logan never swerved to the right nor to the left, but pressed ever straight forward to the goal of ultimate victory.

When in the midst of the war preferment was offered him, aye, more, urged upon him by his friends, he did not hesitate a moment, but with emphasis declared to them that he had enlisted for the war, and that, God helping him, he would fight it out on that line to the end. When he was superseded, as he believed unjustly, as has been well said to-day, he did not sulk in his tent a single hour, but marched straight forward in the line of duty.

When the war was over, the Union was restored and peace was enthroned, and a grateful people showered upon him public honors he exhibited everywhere the same characteristics. Take the case which has been alluded to here to-day of General Porter. Logan believed, whether justly or unjustly is not for me now to say, that this man was jealous of his superiors, that criticisms and complaints subversive of discipline were made by him, that he neglected plain and open duty, that he refused to obey peremptory orders, and that his punishment was just. In this Chamber we listened to his matchless, marvelous, powerful, convincing speech against his restoration; and when his great captain, with a voice infinitely more powerful with this soldier hero than the glittering bribes of gold or of fame, called him to a halt he did not hesitate a moment, but with renewed vigor, with redoubled power, urged his convictions upon the Senate.

We all remember perfectly well that Logan knew his comrades saved the Republic, and in season and, as many thought, out of season he was ready to propose and to advocate any measure for their relief that commended itself to his judgment, not taking for a moment into account any public sentiment that might be hostile.

When his great commander was for a third time urged by his friends for the candidacy by the Republican party for the office of President, and it was apparent to all thinking men that it was to be a struggle fierce, full of intense bitterness, Logan went to the front in that fight utterly regardless of any effect that it might have upon his own political fortunes.

I have seen within a few days ago an item floating in the press that in that ever to be remembered convention, when it was apparent that Mr. Blaine could not be nominated, Senators HALE and FRYE visited General Logan and tendered to him the support of their friends for the nomination if he would accept the candidacy. Of course it was a myth. Senators HALE and FRYE both knew John A. Logan, and had known him for years, and even if they had been vested with the authority, which they were not, they never would have dreamed of undertaking to bribe him from his allegiance. They knew that no gratification of personal ambition (and it is the greatest temptation to a man on earth) would move him from his allegiance to Grant in that fight any more than a summer breeze would stir a mountain from its base.

Sir, when subsequently Logan himself justly had aspirations for the same nomination I sat here in this seat, by the side of that which now is empty, a curious observer, and I dare assert that I never saw him trim his sail in the slightest. I never could perceive that the fact made any change in his thought or word or vote.

About that time the Republican national committee met here in Washington to determine upon the time of holding the convention and to settle upon the basis of representation. Logan was present. A

delegate from one of the Territories raised the question about Territorial representation, and insisted that his Territory must have three delegates in that convention, and that it was the duty of that committee to increase the representation of the Territories generally. As he was closing his speech he turned to Logan and significantly said, "Candidates for the Presidency had better take notice." Logan sprang to his feet in the twinkling of an eye and boldly denounced the whole system of Territorial representation in national conventions as unjustifiable, utterly oblivious of the fact that perhaps he was hazarding that marvelous prize for which he was then contending.

Mr. President, there is not a Senator within the sound of my voice, and there are Senators here who have served in the councils of the nation many years with John A. Logan, who ever knew him to hesitate or waver in or shrink from any expression of opinion as to any subject under consideration, who ever knew him to avoid a vote, who ever suspected him of taking any account whatsoever of what effect his words or his acts would have upon his own personal or political fortunes. There is not a Senator within the sound of my voice who, when Logan had expressed his opinions, the result of his convictions, ever dreamed that he was not entirely, faultlessly sincere in the expression.

Mr. President, Logan was a fearlessly honest man. May our dear Lord give him a blessed rest and a glorious immortality. [Manifestations of applause in the galleries.]

Mr. PLUMB. Mr. President, it is one of the chief excellencies of our institutions that no man, however exalted in station, great in intellect, or rich in graces of character, is indispensable to their security, growth, and permanence. Where rank comes by inheritance, and the essence as well as the symbols of authority is transmitted from generation to generation, a single life often stands as the only barrier against threatened revolution or anarchy.

How different here! Great characters, in whom center the affections of the people and the forces of the state, pass from the current speech of men into the repose of history, while the state itself, dominated by the popular will and secure in the popular affection, gives no pause to its beneficent progress nor relaxes the least of its necessary functions.

Garfield—himself destined to succeed to the station as well as the martyrdom of Lincoln—upon the assassination of his immortal predecessor, gave utterance to a sentiment as significant as it was eloquent: "The President is dead; but, thank God, the Government at Washington still lives."

This consideration by no means implies inadequate appreciation of the illustrious men who have gone from among us. It is rather an added tribute to them that the Government had received no detriment at their hands, but had been so strengthened by their patriotic solicitude, shared by the great average of their fellow-citizens, that it was made capable of passing unharmed through the severest crises.

We do not honor Lincoln less because when his unrivaled authority was paralyzed by death the good ship of state under other control and guided by Providence passed safely through the perils of the time into the serene anchorage of restored peace and prosperity. Grant, the greatest hero in our military annals, breathed out his life amid the mountain pines, and the orderly progress of the great affairs of state, over which he had so faithfully presided, was only temporarily suspended by the universality of public and private sorrow.

Logan has gone from among us to return no more. Another sits in his place. The burden and responsibilities which he bore so well and discharged with so much acceptance have fallen upon other shoulders. The Senate, permanent in its organization, and renewed from time to time, continues its round of duties, sustained against shock and disaster.

Yet Logan will not be forgotten. No individual, no association of men is proof against the salutary teachings of example. Others among us may have excelled our dead friend in many of the qualities which are combined in true statesmanship, but who will deny to him those rare gifts and virtues which make their possessor conspicuous anywhere?

His zeal was restless, his energy intense, his industry tireless, his intellect clear and incisive, his courage unshaken in any and every circumstance, his loyalty to truth and duty undoubted, and his fidelity to friendships, in these days of self-seeking, almost phenomenal. Always impetuous, sometimes impatient in controversy, his nature was ardent without rancor, and in private and social life he was sunny and persuasive.

General Logan's speech was vigorous and forceful. He subordinated the graces of rhetoric to the logical results sought to be compassed. The pith and marrow of his discourse was seldom embellished by fanciful allusions or poetic imagery. His weapons of debate comported with his rugged, practical nature, and challenged the judgment rather than the fancy and the imagination. Beyond all and above all his candor and sincerity were so evident that no one ventured to question them.

He was a zealous friend and a sturdy opponent. His blows were delivered in honorable fashion, and those he received in like manly controversy were accepted in a chivalrous spirit.

It was the crowning felicity of his association with us that, as the most conspicuous of our volunteer soldiery during the war of the rebellion, he became the special champion of the interests of not only his immediate comrades in the field, but of all who had helped to bear the flag of the Union through trials and discouragements to final victory. With what fidelity and energy this sacred trust was discharged the Senate and the country alike bear witness.

It is given to but few to so happily unite in their own experience heroic martial achievements with eminent civic successes. Yet he bore his accumulated honors mildly, and delighted more in the calm content of his home and fireside than in the loud acclaim of men. It will be one of the most grateful remembrances of him who has gone that what he became he owed to his own exertions. No man of his time more strikingly illustrated the beneficence of a Government which, looking for its support and maintenance to people of all conditions, pursuits, and beliefs, offers its honors and its trusts to the competition of all.

Logan fought his own way, won his own victories, made his own fame secure.

Scrutinizing the list of those who, emerging from comparative obscurity, have contributed the noblest service to the Republic and made themselves a record for immortality, the name of Logan will be found written not far below those of Lincoln and of Grant.

Mr. EVARTS. We are collected here to-day, Mr. President, neither to bury nor to praise the soldier and Senator whose life in its full luster and at its zenith was so lately eclipsed before our eyes by the impenetrable veil of death. Not to bury him, for his obsequies have been celebrated with all the observance that admiration of his career, applause for his conduct, reverence for his love and labors for his country, and affection for those humble, common traits that affect as with a touch of kin all who love the character in the home which this our friend manifested in all his life. Not to praise him, for we do not need to display, and we have no power to enhance, his fame.

It is that we and the communities that we may speak for are to associate ourselves and them in this hour to recall our enforcement of his relation to the public life of this country, the benefits that he has conferred, and the power he is yet to exert over them in the future.

It can not, I believe, be doubted that at every stage of General Logan's life he was a capital figure in his own share of public power and influence and in the recognized estimate of his countrymen of that position.

If in the first few months of the opening struggle, after he had taken his position in animating, arousing, confirming the movement of this people to sustain the Government, if in the first battle bullets had taken away his life, Logan would have been a capital figure in the memory of that great scene and on that great theater. If in his military career, commemorated and insisted upon so well, at any pause in his advance he had fallen in this battle or that battle, he would have been a capital figure in that scene and on that theater. And if at the end of the war, when the roll was made up of the heroes, and he then had not moved before this great people in any subsequent career, the angel of death had then taken away his life, he would have been a capital figure in the whole honor of that war.

And, Mr. President, in the great civic labors and dangers that attended the rearrangement of our political and social condition in this country consequent upon the war, if that share and if that part of his career had been the only one to be commemorated, he would have been a capital figure in that. But when these strifes were composed and the country was knit together in allegiance and loyalty to the Government he loved and served, he thenceforward in this Chamber had presented for the record of his life only what should have been manifested and known and observed here, he would have been a capital figure in that single scene and theater.

We therefore must agree in what in his lifetime and so recently now after his death meets a universal concurrence, that he was of the citizen soldiers of this great nation the greatest, and that of that class of citizen soldiers that were numbered among statesmen he was the greatest of statesmen, and we must confess that on this larger area he still remains a capital figure which could be missed from no narrative of any portion of the story of his life.

Mr. President, it has been said by a profound political philosopher applied to a condition of political life not far different from our own, that by whatever path great places are to be gained in public life in the opinion and support of the community, that path will be sought. If it is an honorable path, if it be of uprightness and openness and straightforwardness of conduct and of character that these high places are to be gained, then that path will be trod. And what better encomium upon his own path, what more creditable to our people's estimate and their own approval upon this or that path in public life, than that General Logan by the path that he pursued, never in ambush, never in devious paths, never agitated about his own reputation, and never defaming that of others, led on in a path that brought him up to the highest distinction and has left him this capital figure in the memory of all his countrymen.

In every form of popular influence on the largest scale, near to the topmost of the culminating crown of a people's glory to the fame of one of their citizens, he was before us in the most recent contest for the Presidency. He, at the moment that he died, was held, in the judgment

of his countrymen, among the very foremost for the future contest. And this illustration of his distinction knows no detraction, no disparagement, no flaw touching the very heart and manhood of his life and character.

Let us, then, applaud our people and applaud this great character as being a just answer to much of the contumely and opprobrium that is aimed at the public life of this country. I can find no capital figure in the politics of other nations that more plainly shows that this is a path of honor, and in the sunlight, and arrives at the final glory of its consummation.

Mr. President, for some imperfection of our nature, which we can not lay aside, it is said that the fullness of the heart and of admiration can not show itself.

> Not till the sacred dust of death is shed
> On each dear and reverent head,
> Nor love the living as we love the dead.

If it be so, nevertheless it is a part of our nature that when thus liberated from the threat and fear and competition of the living, nevertheless after this obscurity is removed, it is an honest and not a vague and extravagant judgment that gives prominence to the life and character and removes the shade.

The times are never idle and the busy fingers of the fates are ever weaving as in a tapestry the many threads and colors that make up our several lives, and when this is exposed to critics and to admirers there shall be found few of brighter colors or of nobler pattern than this life of General Logan.

Mr. SABIN. Mr. President, the melancholy event which engages the attention of the Senate on this occasion accords with the course of nature, and must in due time overtake us all.

While no man may hope successfully to contend against like consequence, our interest therein but increases as we near it.

This interest, however, as it concerns another, is chiefly retrospective.

The death of one having occupied so important a place in the service and affections of the public as General Logan naturally leads to a survey of his life, and an inquiry into those personal qualites that molded his being into whatever fullness and roundness of outline it possessed. And I am pleased to find so many members of this body qualified with familiarity with General Logan's public and private life, and knowledge of the mainsprings of his conduct, who are ready to venture into this field of inquiry with a spirit of generous consideration to which his memory is conspicuously entitled.

Hence, I approach with great diffidence so delicate a task, offering as my only excuse my personal admiration, esteem, and love for one of the best of men and noblest of characters. I shall, therefore, attempt to treat the subject more from a personal standpoint and my own impressions and experiences.

The personal and public history of General Logan is of that marked character, and so far-reaching in its proportions, that it is impossible to encompass it within the tribute which the present occasion permits. I leave especially the history of his marked and brilliant military career, his devotion, services, and friendships to his comrades in arms during and since the war; to those who were with him in service during that long and sanguinary struggle, and who know so well how to speak of his labors and his victories.

To follow the career of a life having within its bounds such a range of developments, and marked by so many acts which stand out in bold relief upon the panorama of our national progress, would require a latitude embracing space and time only to be covered through the compilation of volumes.

This session of the Senate has been dedicated to the offering of a tribute to him who but recently sat with us in council, and who, it is entirely within the limits of moderation to say, has left a stamp upon the public affairs of our country during the period of his life which time will not efface while the Republic endures. The name of General John A. Logan is at once a glory to the American people and a natural heritage to future generations. He was a Colossus among the giants of American history. The impress of his individuality and genius must remain upon the institutions for the perpetuity and perfecting of which the lives of Washington, of Hamilton, of Jefferson, of Sumner, of Lincoln, and of Grant were dedicated.

Long before I had personal acquaintance with General Logan his name and fame had become an object of interest and pride to me in common with all other American citizens.

I think it was General Logan's attitude at the outbreak of the rebellion that first directed the attention of the public to him. A Douglas Democrat, he shared the confidence of that great leader.

During the troublesome period intervening the first victory of the Republican party in the election of Lincoln and the bombardment of Sumter Logan found his path of duty in companionship with life-long political associates, struggling in the fruitless endeavor to resist one of the greatest evolutionary movements of a people of which history speaks—a movement characterized by those who participated therein in terms appropriate to mere civil strife, but which in securing for us a more perfect Union may be discovered at this day to have been an evolutionary development of the Constitution.

In those days the mists which lowered in the political sky obscured the vision of our wisest men. But the fall of Sumter, like a fog-horn at sea, determined the course of Logan. For him party machinery had been a means of directing the united efforts of citizens sharing the same views of public polity. To divert the mechanism to other purposes was to release him from party fealty. The Union was to him the paramount good, and party but a means of accomplishing it.

That great chieftain, with palsied speech, and death seeking to arrest his hand, determinedly wrote the imperishable "memoirs," and deliberately recorded the first results of General Logan's example upon the people of Southern Illinois. "As a result of Logan's speech at Springfield," writes General Grant, "every man enlisted for the war." What a glorious tribute did that great man thus render to the noble character whose memory we honor to-day.

Loyalty to the Union left Logan no alternative, and he accepted it with a resoluteness of purpose not afterward shaken.

Logan's life-current flowed a steady, strong stream; and once directed against the forces of disunion nothing could satisfy his ambitious courage but the heat and labor of the day in the forefront of the battle. Here, to the fulness of every patriot's hope, Logan served his country. Here, amid all the horrors of four long years of civil strife, Logan's character received those deep impressions which so intensified his subsequent utterances and lent vehemence to much of his after life.

Comradeship in the perils of battle was ever to him an all-sufficient claim upon his utmost service, and the genius of our institutions so molded his conduct toward all classes of people that his sympathy, with an appreciative comprehension of their situation and wants, secured for him their utmost confidence and esteem as a tribute of the people.

Logan's opportunity for serving his country was not closed at Appomattox.

The restoration of the reign of law in those regions long dominated by the force of arms, the readjustment of those communities in their relations as members of the Union, the formulation of legal enactments demanded by the elevation of the black man into the light and liberty of American citizenship, the whole scheme of national restoration and civil rehabilitation known as "the period of reconstruction," called for ability equal in importance to the demands of civil strife. In this new field was General Logan found the constant, effective, and honored representative of the people, and the sturdy champion of the most effective measures calculated to secure for the entire country the benefits of a restored Union.

For over twenty years the untiring industry and the genius of General Logan as a statesman is to be found on almost every page of the records of the House of Representatives or of this Senate; and it is a fact perhaps not generally known that General Logan originated and introduced more public measures than any other member; and we, his colleagues upon this floor, are familiar with that record, which is destined to grow brighter and more legible with the lapse of time.

Such was the openness and simplicity of his character and the candor of his demeanor that those differing most from him in conviction were the first to yield him that respect and regard due and given only to real nobility of character.

Logan's character presents three distinct aspects—that which relates to his career and services as a soldier, that which considers his eminent ability and services as a statesman, and that which pertains to his whole career, from the growth of the boy to the lamented death of an honored man. It is presented not only to the people of America but to the whole civilized people as a bright example to be held up to the illumination as well as emulation of every youth beginning his struggle with the world.

But who shall be able to do justice within the limits of a few minutes' eulogium to the brilliant record of a soldier who abandoned relations of family, kindred and friends, of party popularity, arraying bitter hostilities to himself, throws his whole energy with all the power of his vigorous young manhood and enthusiasm against the armed enemy of his country. During the storm of misrepresentation which always assails a man of such marked character, the sublime heroism of General Logan's first act in that dreadful ordeal through which our country passed has not yet received that appreciation which time and a considerate people will give it.

The popular idol of his party in a State of supreme importance during that crisis to the Union cause, recently elected after conducting a brilliant campaign by a large majority over his party opponent, with youth and strength, rare intellectual endowment as his heritage, let it be considered for a single moment what would have been the consequence if he with all his power and enthusiastic following had clung to the party of disunion. No man at this day can do more than form a conjecture of the terrible disaster which might have followed such an event.

Happily for the American Union, no such contingency was possible in the character of General Logan. In elevating him to honor and power the constituency then at his back had "builded better than they knew." With a rare self-abnegation and devotion to his country, he resigned political position, and offered his services as a soldier, in any rank, to his imperiled Government. Thousands upon thousands rushed to the defense in that hour of national danger, and every honor is due

them all. While the brilliant military genius of General Logan, confessedly the greatest volunteer soldier of his or any other time, served his country with patriotic force upon the field of battle, yet the influence of his example in its effects upon an element which he undoubtedly turned from service against the Government seems, viewed from a dispassionate standpoint of subsequent developments, almost like a miraculous interposition in the affairs of men.

Others upon this floor have touched in flowery words and beautiful phrases upon these portions of our departed colleague's career, and I will only add the brief and feeling tribute of another to his military genius:

> Closing his career as a soldier at the end of the war in command of that army he loved so well, and whose devotion to him was so enthusiastic and unparalleled, in the temple of fame, in the great galaxy of heroes, pure and bright as the sun, firm and solid as the foundation of freedom, will John A. Logan forever stand. A soldier of transcendent military genius, a fearless, skillful, and accomplished leader, a peer among the commanders of armies, his name will go down to history the synonym of purity, loyalty, and patriotism.

Let me in brief terms refer to those traits of character which must ever be held as shining examples to the youth of the land.

General Logan was born and reared under adverse circumstances of an early Western frontier life. In his day there was none of the educational advantages possessed by the youth of the present time. Born in a cabin, his youth was passed in the hard labors of farm life. The few months of winters' schooling were assiduously utilized by the boy whom nature had marked for a brilliant future. But the ambitious youth was not content with these meager advantages. After the toils of the day were over and when the youths of his age were enjoying the pleasures of a social country existence young Logan was poring over books in his father's cabin and drawing from the fountain of knowledge by the aid of a tallow dip and blazing fire in the old-fashioned log fire-place.

Less than a half century ago the man whose loss is now mourned by the millions of America's freemen might be seen as a boy lying on the floor of his father's cabin, eagerly scanning his books in his thirst for knowledge, illuminated only by a flickering light, and intent upon an education which fitted him for that career he afterwards achieved. No more interesting picture can be placed before the youths of America than that which is thus presented by the ambiguous genius, asserting itself and achieving its destiny through adverse conditions and surroundings.

Fixing a standard of excellence high in the ideas of men, our dead colleague sought to reach the stars through almost insurmountable difficulties. Through a long and useful life he maintained principles which he had cultivated in youth; and amid all the brilliancy of his service in field and forum he left an untainted and unstained private and public character.

What an eulogy is this brief and simple announcement! A man enjoying unlimited opportunities that place and power conferred upon those of such strength of leadership, moving through an orbit of public functions for a whole generation, resisting the blandishments of wealth, faithfully serving his country, and in the end sinking to his rest poor in purse, though enormously rich in all of the virtues which ennoble humanity; indeed, this is a spectacle which must claim the admiration of the pure and the good. General Logan was a pure man and a good man.

A Christian gentleman, a man of temperate, simple, and frugal habits, his private life was spotless. No man living ever dared to approach him with a corrupt proposal.

It was indeed fitting that such qualities should have led the Republican party to honor itself by honoring him with the nomination of Vice-President, a nomination that added great strength to the ticket, and will ever be regarded as a wise and considerate act.

It is a common observation that General Logan was an ardent partisan. If by that expression is meant that he ardently devoted himself to the success of his party, it is doubtless true; but he was not a blind partisan. That he looked to his duty to the country, sufficiently appears from his whole public life. Such partisanship represents the high pride of American citizenship, and by it Logan has been raised to an exalted place in the hearts of the people. It is an open secret, but not a matter of public history, and therefore not generally known, that General Logan left his command in the field at the request of President Lincoln to bear a conspicuous part in the political campaigns during the darkest days of our Republic. In the light of these accusations of partisanship, let me ask you to observe carefully his generous and kindly sentiments in the eloquent appeal to his fellow-citizens in that famous speech at Chicago in 1863:

> Under circumstances of this character, and surrounded by the perils that have heretofore been strangers to us, it behooves every citizen to pause and reflect; to divest himself of all manner of prejudices, and to ask himself without regard to former party associations what duty he owes to himself, to his country, and to future generations. It makes no difference that you may have been a Democrat, a Republican, or an Abolitionist, this Government was established by your fathers for you; it is a sacred trust committed to you; the laws have been enacted by the people for themselves and their protection, and no one can escape the duty he owes to the Government to reverence its Constitution, to yield a respectful obedience to its laws. * * *
>
> May our untarnished escutcheon kiss every breeze that is wafted from the balmy waters of the South to the frozen regions of the North, or that comes from the golden plains of the far West to mingle with those in the East. May it be unfurled in honor and pride upon every ocean where civilization has penetrated, and stand side by side with the banners of the proudest empires of the earth.

An inscrutable Providence has removed a great and good man, and the memories which cluster about his name as a member of this body are so fresh and personal that we can scarcely realize the great loss which this Senate and country has sustained; but his useful life and shining example are left to guide the feet of coming generations.

His form we shall see no more, but his work and his character are ours forever; the body is dead, but the spirit lives—

> For there is no death;
> The stars go down to shine on a fairer shore,
> And bright in heaven's jeweled crown they shine forever more.

More fitting words can not be said of our dear friend and lamented associate than his own touching and eloquent tribute to the memory of the immortal Lincoln:

> Yes, his sun has set forever; loyalty's gentle voice can no longer wake thrills of joy along the tuneless chords of his moldering heart; yet patriots and lovers of liberty who still linger on the shores of time rise and bless his memory; and millions yet unborn will in after-times rise to deplore his death and cherish as a household word his deathless name.

Mr. PALMER. When the news reached me many thousand miles from here that General Logan was dead, I felt that something more than a great man had passed away. I felt that a great impelling force—a bulwark whose resistance had been never overcome—a cohesive power which bound together many atoms which otherwise would have been unrelated had been eclipsed.

Among the many prominent characters that have come before the public gaze in the last twenty-five years he can be assigned to no secondary place. Born in the then far West, where advantages were few, he had developed from within. He had evolved what was involved. All that he appeared to be he was. His nature could not tolerate meretricious aids if proffered. If he had been caught in the eddies and cyclones of the French Revolution he would have been Danton's coadjutor, if not Danton himself; Danton the furious, the generous, the unrestrainable, the untamed. His motto would have been as was that of his prototype, to dare, and by that sign he would have saved his country if human power could have availed. Placed in another environment, inspired by other traditions, his daring was none the less conspicuous, and he was none the less a factor in that memorable conflict which unified his native land.

Born in Switzerland he would have been a Winkelried or Hofer, had the exigencies of the times demanded.

If there is to be a type of the Caucasian race to be known distinctively as the American, it will have as its substructure spiritually the pronounced traits which have made the name of Logan famous—directness of aim, intrepidity of spirit, honesty of purpose, generosity for the vanquished, tenderness for the weak, and catholicity of feeling for all. Some of these qualities were at times obscured in him because of the intensity of his nature, which subordinated all things to the demands of the time and occasion.

He detested pretense. He denuded shams. He projected himself with such force that to me he seemed to have the dual nature of the catapult and the missile which it throws.

Others have spoken of his military career, of how he learned tactics and the manual at the cannon's mouth, of his legislative career with all the honor that attaches thereto; all this has become history. He enjoys the proud distinction, not only of military leadership which he achieved in common with others but of that of a leader and controller of the minds of men.

The spirit, the fire, the intensity, the insight, the fortitude which made him effective at the head of his legions were none the less potent when the sword was turned into the pruning-hook and material force had been supplanted by legislative methods.

My acquaintance with General Logan was confined to the last three years of his life, but I had known him ever since that fateful day when with his leader he was about to move on the enemy's works at Donelson. I had watched him at Vicksburg—on the march to Atlanta. I had followed him to the field, when, recovering from his wounds, he met his corps as it struck the sea on that dramatic march which captured the minds of men by the mystery which hung over it, the uncertainty of its outcome, the brilliancy of its execution, and the plenitude of its results. I heard of him again in the Senate. I saw him in defeat and always without variableness or shadow of turning. His face as a subaltern was as firmly fixed on the objective point as if he had been in command. He was no Achilles furious in action, who could permit his bosom friend and thousands of his fellows to perish that he in his tent might nurse and enjoy his wrath.

He was a partisan; but he was a partisan because he was a patriot. He did not "narrow his mind and give up to party what was meant for mankind," but he stuck to his party because it was his good sword excalibur with which he hoped to hew down giant wrongs and to accomplish great results for his fellow-man.

He was direct; because with the eye of a soldier and not through the lens of the schoolmen he saw the weak spot in the enemy's line and threw all he had and all he hoped for upon the salient point. His pur-

pose did not "lose the name of action" by collateral issues. The side-tracks which divert or distract the philosophic or the less earnest might as well have not existed as far as their effect on him was concerned.

He was honest—not in the vulgar sense that he was unpurchasable with money—that goes without saying—but he had fixed views of right and wrong, and before the tribunal of his conscience he determined his course where the ways divided.

He was intrepid; his temper, iron-like, grew by blows, and in debate, as in the field, opposing forces stimulated and sustained.

He was generous; and although at times his indignation at real or supposed wrongs spurred him to extremity I never knew him to treasure up a hatred.

I was thrown with him during the last Presidential contest for a season in my own State. The canvass was bitter and exhausting. His capacity for work then illustrated was marvelous. The methods by which he reached the hearts of the people were spontaneous, subtle, and effective. His progress was an ovation. He never appeared without evoking the most rapturous applause, and he never disappointed expectation. He carried about him an atmosphere that attracted and cemented men to him. The secret was he was in rapport with the heart of humanity. No man so low but felt he was a brother, no man so high but felt he was his peer.

In the Senate he united the valor of the soldier and the temper of the legislator to the tenderness of the child with its quick resentments quickly set aside.

The last time I saw my friend he was at the head of a cavalcade at one of the fairs of our country. He had been impressed for the occasion and compelled to serve. He was the cynosure of all eyes. The men cheered, the women waved their handkerchiefs, and the children loaded him with flowers. It was as much a triumphal march as ever went up the sacred way with captives from remotest Gaul.

But one short year ago he helped to lay away his leader and friend in his narrow cell mid all the pomp and circumstance which people love to lavish on their heroic dead. Summoned by the same bugle-call to duty upon earth—the trumpet that shall call the one to renewed effort in the great hereafter will rouse the other to share his labors, his joys, and his triumphs. He has fought the good fight; he has finished his course.

If in another age, under other conditions, he had died like Danton, on a scaffold raised by those whom he had helped to save (I can fancy), he would have said, as Danton said to his friend when the mob were howling for his blood, "Heed not that vile canaille, my friend;" and again, as he stepped upon the scaffold, "O my wife, my well beloved;" and I believe the historian would have said of him as of Danton, "No hollow formualist, deceptive and self-deceptive ghastly to the natural sense, was this; but a man—with all his dross he was a man, fiery real from the great fire bosom of nature herself."

If, like Sidney, wounded and dying, he had lain upon the battle-field he would have been equal to the re-enactment of the story which has made Sidney's name a sweet savour unto Christendom.

But Providence had reserved him for a kindlier fate. The hand of affection cooled his brow and his eye had lost its speculation and the ear its sensibility before the tears and moans of those he loved attested to others that the strong man had at last met a power that was silently, speedily, surely bearing him to the dark house and the long sleep.

Amid the many heroic figures which stand out on the luminous background of the past quarter of a century none will be regarded with more affection and interest than that sturdy and intrepid form portrayed in silhouette, clear cut and pronounced in its outlines as in its mental traits.

Happy the State which has borne such a citizen. Thrice happy the people who, appreciating his virtues, shall give him a place in the valhalla of her heroes for the encouragement and inspiration of the youth of the future.

Mr. FARWELL. Mr. President, after the many eloquent words which have been said upon this mournful occasion, I feel that any word which I could say would be idle and vain.

General Logan was the bravest of soldiers, an able statesman, and an honest man.

No higher tribute can be paid to man than this, and this is the offering which I bring. The late President of the United States, General Grant, said to me that he could never forget General Logan's great services to his country. In battle always brave, never faltering, always ready.

He is greatest who serves his country best. And shall we not class him as one of these?

Mr. President, I second the resolutions of my colleague.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were agreed to unanimously.

Mr. CULLOM. I move, as a further mark of respect to the memory of General Logan, that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 10, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 9, 1887.

The House met at 12 o'clock m. Prayer by Rev. Dr. BULLOCK, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

SIGNAL LIGHTS ON VESSELS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the board of supervising inspectors of steam vessels, recommending that section 4234 of the Revised Statutes be amended in respect to signal lights on vessels; which was referred to the Committee on Commerce, and ordered to be printed.

JOHN H. MITCHELL VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of John H. Mitchell against the United States; which was referred to the Committee on War Claims.

JOHN LOAGUE, ADMINISTRATOR, VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of John Loague, administrator, against the United States; which was referred to the Committee on War Claims.

T. J. POWELL, ADMINISTRATOR, VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of T. J. Powell, administrator, against the United States; which was referred to the Committee on War Claims.

JOHN KELLY VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of John Kelly against the United States; which was referred to the Committee on War Claims.

BRIDGE OVER BAYOU BARNARD, MISS.

The SPEAKER also laid before the House the bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi, with the amendments of the Senate thereto.

Mr. VAN EATON. I ask unanimous consent that the amendments of the Senate be concurred in.

The SPEAKER. Let them be read.

The amendments were read, as follows:

In section 1, line 6, after the word "transit," insert "without tolls;" in line 9, before the word "boats," strike out "passing;" in line 11, after the word "therefore," insert "width of spans;" and in the same line, after the word "location," strike out the word "thereof" and insert "of said bridge."

Insert the following as additional sections:

"SEC. 2. That the said board of supervisors shall maintain, at their own expense, from sunset to sunrise, throughout the year, and during heavy fogs, such lights on the bridge as may be required by the Light-House Board for the security of navigation.

"SEC. 3. That the right to alter or amend this act so as to prevent or remove all material obstructions to the navigation of said bayou is hereby expressly reserved, and all changes or alterations so required shall be made at the expense of the parties owning or controling said bridge.

"SEC. 4. That if the construction of the bridge authorized herein be not commenced and completed within three years from the approval of this act, this act shall be null and void."

The Senate amendments were concurred in.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. 2287) for securing statistics of the extent and value of the vessel fisheries of the United States; in which the concurrence of the House was requested.

KANAWHA AND OHIO RAILROAD COMPANY.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its tracks through United States lock and dam property in the Great Kanawha Valley, State of West Virginia.

Mr. SNYDER. I ask unanimous consent that the amendments of the Senate to this bill be non-concurred in; and that the House agree to the request of the Senate for a conference.

The SPEAKER. If there be no objection, that order will be made.

There being no objection, it was ordered accordingly.

The SPEAKER. The Chair will appoint during the day the managers on the part of the House at the conference.

HARRISON DEWEY.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey.

Mr. BRAGG. As the amendments to this bill are merely verbal, I ask unanimous consent that they be concurred in.

The amendments were read, as follows:

In line 6, after the word "honorable," strike out "discharge" and insert "muster-out," so as to make the bill read:

"*Be it enacted, &c.*, That the Secretary of War be directed to amend the record

of the War Department in the case of Harrison Dewey, late second lieutenant of Company E, Second Regiment Vermont Volunteers, so as to grant him an honorable muster-out from said service as of the date of his dismissal as now shown by said record."

There being no objection, the amendments were concurred in.

ESTATE OF C. M. BRIGGS, DECEASED.

The SPEAKER also laid before the House, with the amendment of the Senate, the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased.

Mr. STONE, of Kentucky. I ask unanimous consent that the House non-concur in the amendment, and agree to the request of the Senate for a conference.

Mr. HOLMAN. Let the amendment be reported.

The Clerk read as follows:

Strike out all after the enacting clause and in lieu of the matter stricken out insert:

"That the Court of Claims is hereby given, subject to the proviso hereinafter mentioned, like jurisdiction to hear and determine the claim of the legal representatives of C. M. Briggs, deceased, for the proceeds of 455 bales of cotton, now in the Treasury of the United States, alleged to have been owned, in whole or in part, by said Briggs, as is given to said court by the acts of March 12, 1863, and July 2, 1864, upon petition to be filed in said court at any time within two years from the passage of this act, any statute of limitations to the contrary notwithstanding: *Provided, however*, That unless the said court shall, on a preliminary inquiry, find that said Briggs was in fact loyal to the United States Government, and that the assignment to him hereinafter mentioned was *bona fide*, the court shall not have jurisdiction of the case, and the same shall, without further proceedings, be dismissed: *And provided further*, That if the court shall find that the alleged assignment from one Morehead to said Briggs, of date of April 18, 1862, under which said Briggs claimed said cotton, was intended only as security to said Briggs for indebtedness, and against contingent liabilities assumed by him for said Morehead, judgment shall be rendered only for such portion of the proceeds of said cotton as shall equal the moneys actually due to said Briggs at the date of said assignment, and such as were afterwards actually paid by said Briggs to or for said Morehead."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. STONE] that the amendment be non-concurred in, and the request of the Senate for a conference agreed to?

Mr. SPRINGER. I object. I want this matter to go to the Committee on Claims.

The bill, with the amendment, was referred to the Committee on Claims.

BILLS REFERRED.

The SPEAKER also laid before the House bills of the following titles, returned from the Senate with amendments; which were severally referred as indicated:

The bill (H. R. 3760) to enlarge the jurisdiction of the probate courts in Wyoming Territory—to the Committee on the Territories.

The bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer a certain appropriation—to the Committee on Agriculture.

The bill (H. R. 4308) to regulate steam engineering in the District of Columbia—to the Committee on the District of Columbia.

MAJ. MICHAEL P. SMALL.

The SPEAKER also laid before the House, with the amendment of the Senate, the bill (H. R. 4616) for the relief of Maj. Michael P. Small.

Mr. FINDLAY. I move that the House non-concur in the amendment, and agree to the conference asked by the Senate.

There being no objection, it was ordered accordingly.

E. P. M'NEAL.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 4839) for the relief of E. P. McNeal.

Mr. RICHARDSON. I ask unanimous consent that the amendments to this bill, which are merely formal, be concurred in.

The amendments were read, as follows:

In line 4, after the word "to," where it occurs the second time, insert "the personal representatives of," and after the word "McNeal," in the same line, insert "deceased, late of;" so as to make the bill read:

"*Be it enacted*, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the personal representatives of E. P. McNeal, deceased, late of Hardeman County, Tennessee, the sum of $12,781.81, out of any moneys in the Treasury not otherwise appropriated, the same to be in full compensation for all property taken from the said McNeal by the United States Army during the war."

Mr. RICHARDSON. These amendments are rendered necessary because the claimant has died since the bill passed the House.

There being no objection, the amendments were concurred in.

JAMES M. M'KAMEY.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 5775) for the relief of James M. McKamey.

Mr. HOUK. I ask unanimous consent that the amendments of the Senate be concurred in.

Mr. SPRINGER. Let them be read.

The Clerk read as follows:

In line 8, after the words "and to," insert "grant him an honorable;" in line 9, after the word "discharge," strike out "him;" in the same line, after the word "therefrom," strike out "as of the day before the date of his muster as a first lieutenant and recruiting officer for the Eleventh Regiment Tennessee Cavalry, and also to muster him as a lieutenant as aforesaid from the 1st day of October, 1862, and to discharge him from this last service as on the 1st day of November, 1864, that his record may be made consistent with the facts proven;" so as to make the bill read:

"*Be it enacted*, &c., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion from the record of James M. McKamey, late of Company E, Third Regiment Tennessee Infantry Volunteers, who is reported to have deserted from his command, captured by the enemy at the battle of Richmond, Ky., and to grant him an honorable discharge therefrom."

Mr. SPRINGER. What is the effect of these amendments?

The SPEAKER. The bill as amended will remove the charge of desertion and grant the soldier an honorable discharge.

Mr. SPRINGER. All right.

There being no objection the amendments were concurred in.

H. C. WILKEY.

The SPEAKER also laid before the House, with the amendment of the Senate, the bill (H. R. 6046) for the relief of H. C. Wilkey.

Mr. STONE, of Kentucky. I ask unanimous consent that the Senate amendment be concurred in. It simply strikes out a provision in the House bill which allowed interest on the amount of the claim.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Strike out all after the word "cents," in line 5, down to and including the word "eighty-two," in line 6.

The SPEAKER. The Clerk will read the words stricken out.

The Clerk read as follows:

Strike out the following:

"And interest thereon from June 8, 1882."

Mr. SPRINGER. What is the amount provided in the original bill?

The SPEAKER. The bill will be read.

The Clerk read the original House bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to H. C. Wilkey, late postmaster at Columbus, Ky., out of any money in the Treasury not otherwise appropriated, the sum of $307.87, and interest thereon from June 8, 1882, for Government money stolen from him by burglars, and which he was required to keep on hand to pay United States postal clerks with, the payment for the loss of which is not provided for in the act of Congress of March 17, 1882.

There being no objection the Senate amendment was concurred in.

SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota, returned from the Senate with amendments.

Mr. TOOLE. I move, by unanimous consent, that the Senate amendments be concurred in.

The SPEAKER. The amendments of the Senate will be read.

The Clerk read as follows:

Page 2, line 12, after "thereof," insert:

"And also to ascertain and fix the amount of compensation to be paid to individual members of the tribe by reason of the construction of said road."

Page 2, line 19, strike out "and."

Page 2, line 19, after "construction," insert "and operation."

The Senate amendments were concurred in.

MODERN NAVAL ORDNANCE, ETC.

The SPEAKER laid before the House a bill (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare; which was read a first and second time.

Mr. REED. Mr. Speaker, I ask, by unanimus consent, for the consideration of the bill, the title of which has just been read.

Mr. HOLMAN. I object.

Mr. SPRINGER. I ask the bill be read.

Mr. REED. I ask that it be considered next Monday after the reading of the Journal.

Mr. SPRINGER. Let it be read first.

Mr. REED. I ask for the reading of the bill.

Mr. ROGERS. I desire to know what is the title of the bill?

The SPEAKER. The clerk will read the bill.

Mr. EDEN. I move that it be referred to the Committee on Appropriations.

The SPEAKER. The Chair will first state the gentleman's request.

Mr. MORRISON. Mr. Speaker, under the rules it belongs to the Committee on Appropriations.

The SPEAKER. The Chair thinks so; but the gentleman asks that the bill be considered in the House next Monday.

Mr. EDEN. I object.

Mr. REED. By whom is objection made?

Mr. SPRINGER. I object, then.

Mr. REED. The gentleman from Illinois; I thought so.

The SPEAKER. There are several gentlemen who objected.

Mr. REED. To whom is it referred?

The SPEAKER. To the Committee on Appropriations, unless the House orders otherwise.

Mr. REED. I desire——

Mr. CUTCHEON. Does it not under the rules belong to the Committee on Military Affairs?

Mr. REED. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REED. Is this a bill which the Committee on Appropriations would have the right to report back for immediate consideration?

Mr. SPRINGER. I think points of order should be decided when they arise.

Mr. REED. I want to fix the responsibility of the refusal [cries of "order!"]—I want to fix the responsibility of the refusal to consider this matter.

Mr. RANDALL. Mr. Speaker, debate is not in order.

Mr. REED. I fix the responsibility on the Democratic party of this House.

Mr. SPRINGER. And we will take it here now.

Mr. RANDALL. The Democratic party is not afraid of defeating such a bill of jobs as this.

The SPEAKER. It seems to be partially for the support of the Government, and would go under the rules to the Committee on Appropriations; and that committee would have a right to report at any time under the rules.

Mr. REED. The committee will have the right to report at any time for consideration?

The SPEAKER. It will go to the Committee on Appropriations, which has jurisdiction of the subject under the rules of the House.

Mr. CUTCHEON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. REED. Then the committee have the right to report the bill back for immediate consideration?

The SPEAKER. The same as other appropriation bills.

Mr. REED. They will have a right to do that?

The SPEAKER. They will.

Mr. REED. I wish to know that.

The SPEAKER. The Chair has answered the gentleman's question.

Mr. REED. I want to fix the responsibility for the delay, if there is any.

Mr. RANDALL. There is no difficulty about that. Such a bill ought to have careful consideration.

The SPEAKER. The Chair will suspend all proceedings until order is restored upon the floor. Gentlemen will resume their places. [After a pause.] The gentleman from Michigan will now state his point of order.

Mr. CUTCHEON. Mr. Speaker, under the rules this bill should go to the Committee on Military Affairs under subdivision 11 of Rule XI.

The SPEAKER. The Chair desires to hear the point of order of the gentleman from Michigan, and gentlemen will preserve order.

Mr. CUTCHEON. Under subdivision 11 of Rule XI it is provided that all matters relating—

To the military establishment, and the public defense, including the appropriations for its support and for that of the Military Academy: to the Committee on Military Affairs.

Under subdivision 3 of the same rule it is provided:

That all matters relating to appropriations of the revenue for the support of the Government as herein provided, namely, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions, and for all deficiencies: to the Committee on Appropriations.

My point of order, therefore, is that this bill should first go to the Committee on Military Affairs, in order that that committee may determine the question of policy in regard to the fortifications, and whether it be advisable to make the appropriations or not; and when the report from that committee is submitted to the House it would naturally go to the Committee on Appropriations to appropriate the amount necessary to carry it out. But in the first instance the bill should go to the Committee on Military Affairs.

The SPEAKER. The Chair desires to examine the provisions of the bill. [After a pause.] The Chair does not think that this bill, under the rules of the House, should go to the Committee on Military Affairs. If it goes to any other committee than the Committee on Appropriations it would go to the Committee on Naval Affairs.

Mr. REED. Under the statement of the parliamentary law made by the Speaker, I hope the bill will go to the Committee on Appropriations.

The SPEAKER. The Chair will refer the bill to the Committee on Appropriations under the rule of the House, unless the House by a direct vote orders otherwise.

Mr. RANDALL. What as to the point about reporting at any time?

The SPEAKER. The Chair has had but little time to look at the provisions of the bill. If this is a bill relating to fortifications or providing for the support of any public department of the Government, of course it comes within the rule of the House allowing the committee having jurisdiction of the subject matter to report at any time. If it does not come within the rule the committee will have no such power.

Mr. REED. Mr. Speaker, my object in making the suggestion I have made is very simple. It is to have that bill referred to a committee which can have the right to consider and report it at any time.

The SPEAKER. The Chair understands the gentleman's point.

Mr. REED. So that there may be some responsibility resting somewhere for a failure in the interest of the people to report the bill. The Speaker has expressed the opinion that under the rules of the House the committee will have the right to report the bill at any time. I am content that it should go to that committee.

The SPEAKER. The Chair has expressed an opinion, after a hasty reading of the bill, which may not be warranted by a more careful examination, that it should go to the Committee on Appropriations, and also that it comes within the rules of the House allowing that committee to report at any time.

Mr. REED. The Chair decides that it goes to the Committee on Appropriations.

The SPEAKER. The Chair decides that it goes to the Committee on Appropriations.

Mr. REED. I am content that shall be the course taken with reference to it.

Mr. SPRINGER. I want to say to the gentleman from Maine that so far as the question of responsibility is concerned, this side of the House is ready now and at all times to assume it.

Mr. REED. The gentleman from Illinois is not the spokesman of that side of the House. The gentleman from Pennsylvania [Mr. RANDALL] is, on this subject.

The SPEAKER. The Chair will direct the reference of the bill to the Committee on Appropriations; but if convinced by argument that the reference is erroneous, the Chair will have no hesitancy in correcting the reference.

MANUFACTURE OF HEAVY ORDNANCE, ARMY WARFARE.

The SPEAKER also laid before the House the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare, and for other purposes.

Mr. MCADOO. Mr. Speaker, I make the same point of order with reference to this bill that the gentleman from Michigan made with regard to the preceding bill, that under clause 11 of the eleventh rule, which provides—

That all proposed legislation relating to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy, shall be referred to the Committee on Military Affairs—

that this bill should be so referred.

Mr. REED. I ask that the bill be read for the information of the House.

The bill was read at length.

Mr. REED. I make the same parliamentary inquiry as to this bill that was made with reference to the other; that is to say, if it goes to the Committee on Appropriations, will that committee be at liberty to report at any time?

The SPEAKER. The Chair will state that so much of this bill as relates to the procurement of ordnance—guns—has usually, the Chair thinks, been included in the sundry civil appropriation bill when any appropriation was made for that purpose at all, and the remainder of the bill, providing armor for fortifications, is a subject over which the Committee on Appropriations has jurisdiction by the express terms of the rule of the House. The Chair thinks, therefore, this bill properly belongs to the Committee on Appropriations.

Mr. REED. And they can report at any time for consideration?

The SPEAKER. The Chair has already stated its opinion upon a bill on a somewhat similar subject; but the Chair has also stated that if convinced hereafter, upon a re-examination, that the ruling was incorrect, the Chair will not hesitate to retract it and correct the reference.

Mr. REED. A parliamentary inquiry. Will the Chair inform the House to what committee it can be referred, so that it can be immediately acted upon in committee and presented for consideration to the House?

The SPEAKER. The Chair thinks it should be referred to the Committee on Appropriations under the rules of the House.

Mr. REED. That committee, as I understand the Chair, will have the right to report it immediately for consideration.

The SPEAKER. The Chair has so stated.

Mr. REED. The Chair will pardon me for my persistence in this matter.

The SPEAKER. The Chair has already stated that in his opinion the bill will go to the Committee on Appropriations.

Mr. REED. But the Chair must permit me to explain my point of order. This is a legitimate question for the House to decide, because it may govern the action of the House upon these important measures. If the House desires this bill to be referred to a committee which can report for immediate consideration, that is an important parliamentary fact for the House to be in possession of, and the only person to whom the House can apply for a statement of that fact is its organ the Speaker of the House. Therefore I have asked the Speaker's opinion upon that subject and have been persistent in my inquiry. The Chair will understand therefore why I am persistent, because if the Chair should make a mistake of course it will allow the House an opportunity to rectify its decision as soon as the House gets the chance.

The SPEAKER. The Chair has decided that this bill properly goes to the Committee on Appropriations under the rule of the House, and if this decision is correct it would follow that the committee can report at any time.

Mr. REED. And the House sending it to the Committee on Appropriations gives them that power.

The SPEAKER. The Chair sends it there under the rule of the House, unless the House itself makes some other order.

Mr. REED. Then the Chair's sending it there includes the other question.

Mr. MORRISON. I call for the regular order.

Mr. REED. That is enough.

ADALINE P. LOY.

The SPEAKER also laid before the House the bill (S. 2479) granting a pension to Mrs. Adaline P. Loy, returned by the Senate to the House at its request.

Mr. MORRILL. I ask unanimous consent to reconsider the vote by which this bill passed the House.

The SPEAKER. This is a bill which passed the House, was sent to the Senate, and returned to the House upon request.

Mr. MORRILL. The reason for making the request is that the person to whom the pension is granted by the bill has already received a pension from the Pension Office.

The SPEAKER. If there be no objection, the vote ordering the bill to be read a third time and passed will be reconsidered and the bill will be rejected by the House.

There was no objection.

WASHINGTON CABLE RAILWAY COMPANY, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill H. R. 8976, returned by the Senate with the following message; which was read:

IN THE SENATE OF THE UNITED STATES, *February* 8, 1887

Ordered, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

The SPEAKER. The Chair will also in connection with this message lay before the House the following resolution:

The Clerk read as follows:

Ordered, That the Clerk supply the omission in the engrossment of section 5 by adding after the word "stockholder," in line 4, the following words: "until the stock held by him is fully paid up," and return the said bill to the Senate.

The SPEAKER. The Chair is advised there was an omission in the engrossment of the bill. If there be no objection, the order just read will be made.

There was no objection.

WITHDRAWAL OF PAPERS.

On motion of Mr. BARBOUR, by unanimous consent, leave was given to withdraw from the files of the House, without leaving copies, papers in the case of Thomas W. Tansill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THROCKMORTON, after Saturday, until the end of the session, on account of ill health.

HYLAND C. KIRK AND OTHERS.

The SPEAKER laid before the House a request by Mr. HOWARD, that the bill (S. 2560) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, reported by him on the 26th instant and referred to the Private Calendar, take the place on the said Calendar of the bill (H. R. 7649) of the same title reported on the 9th of April last, which last-named bill was laid upon the table on the 20th instant.

Mr. SPRINGER. I think I must object to this. As I understand, the bill is on the Calendar now at the proper place. I should like to know what the effect of this order would be.

The SPEAKER. The order itself shows what the effect is.

Mr. SPRINGER. The bill was reported and is on the Calendar. I object because I do not see now what the effect of the order is to be.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

RAILWAY THROUGH INDIAN TERRITORY.

Mr. THROCKMORTON. As I am shortly to leave the city on account of ill health, I ask unanimous consent to call up for consideration the bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes. This bill was called up before and ordered to be printed in the RECORD. Objection to its consideration was made at that time by the gentleman from New Jersey [Mr. BUCHANAN]. That gentleman, I understand, has withdrawn his objection. I shall offer an amendment under instructions from the Committee on Indian Affairs. I ask unanimous consent that the bill be taken up and acted on at this time.

Mr. BUCHANAN. I objected the other morning to the consideration of that bill, but I am informed the portion of the Indian Territory through which it is proposed this railway shall pass has been ceded back by the Indians to the United States. I ask the gentleman from Texas whether that is so.

Mr. THROCKMORTON. That is correct.

Mr. BUCHANAN. Then I withdraw my objection.

The proposed amendment was read, as follows:

Amend by striking out of lines 9, 10, and 11 the words "Red River between the mouth of Big Beaver Creek and the mouth of the north fork of Red River," and insert the words "south boundary of said Territory between the west line of Wichita County, Texas, and the one hundredth meridian."

Also insert after the word "Kansas," in line 13 of section 1, the words "west of the west line of Comanche County, Texas."

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian territory, and for other purposes.

Mr. RANDALL. I understand that the bill has been read.

The SPEAKER. The bill was read and printed in the RECORD. The gentleman from New Jersey [Mr. BUCHANAN] objected to its consideration, but he now states that, with the amendment proposed, he will not object. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time and passed.

Mr. THROCKMORTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN A. THOMPSON.

Mr. CUTCHEON. I ask unanimous consent to take up the bill (H. R. 9414) for the relief of John A. Thompson and consider the same.

The SPEAKER. Is there objection?

Mr. CUTCHEON. This is a small matter, involving only about $140.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officer of the Post-Office Department is hereby authorized and directed to place to the credit of John A. Thompson, of Manistee, Mich., in his account as postmaster at said city of Manistee, the sum of $142.30, being the amount of postal funds lost by him by the burglary of his office, vault, and safe, on the 8th day of May, 1886, without fault or neglect on the part of the said postmaster; and the said amount is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be placed to the credit of the Post-Office Department.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPILATION OF PRESIDENTIAL VETOES.

Mr. BARKSDALE, from the Committee on Printing, submitted the following report:

IN THE SENATE OF THE UNITED STATES, *February* 3, 1887.

Resolved by the Senate (the House of Representatives concurring), That the compilation of the veto messages of the Presidents of the United States, made in obedience to a resolution passed by the Senate on the 24th of July, 1886, be printed, and that 3,000 additional copies be printed, of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

The Committee on Printing, to whom was referred the Senate concurrent resolution for printing the compilation of the veto messages of the Presidents of the United States, and also for printing 3,000 additional copies thereof for the use of the Senate and House of Representatives, have considered the same, and respectfully recommend the passage of the resolution.

The estimated cost of printing 1,900 copies of the veto messages is $1,346.75, and for 3,000 additional copies, $1,335. The Public Printer estimates the approximate cost of the amount of printing previously ordered by Congress within the present fiscal year at $136,331.75.

The resolution was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS SMITH.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 2024) for the relief of Thomas Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMERICAN TRUST COMPANY.

Mr. CAMPBELL, of Ohio, from the Committee on the District of Columbia, reported, as a substitute for the bill H. R. 10200, a bill (H. R. 11114) to incorporate the American Trust Company of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 10200) was laid on the table.

ORDER OF BUSINESS.

The SPEAKER (at the conclusion of the call). This completes the call of committees for reports. The hour for consideration of bills begins at five minutes past 1 o'clock. The call rests with the Committee on Expenditures in the Department of Justice.

Mr. HAMMOND. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 6977) relating to the compensation of judges of the United States, attorneys, marshals, and commissioners, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill indicated by the gentleman from Georgia [Mr. HAMMOND].

Mr. REED. Mr. Chairman, I wish to say to the gentleman from Georgia [Mr. HAMMOND] that I purpose to insist upon the point of order which I raised yesterday.

Mr. HAMMOND. I do not know any better time than now to have that point of order disposed of. I moved on yesterday that the committee rise and report to the House a resolution fixing a day for the consideration of this bill. To that motion the gentleman from Maine [Mr. REED] submitted a point of order that it was not in order until after the bill had been read. I am ready to have that point ruled upon by the Chair.

The CHAIRMAN. The motion is in order, if there is no disposition to amend the bill.

Mr. REED. I propose to amend the bill, Mr. Chairman.

The CHAIRMAN. Of course, while there is a purpose to amend the bill members of the committee have the right to do so. The Chair sustains the point of order.

Mr. HAMMOND. Before proceeding farther, the gentleman from Arkansas [Mr. ROGERS] desires two minutes in which to make a statement.

Mr. ROGERS. I rise this morning, Mr. Chairman, for the purpose of making simply a suggestion upon this important subject. As I remarked on yesterday, I have had occasion to give this subject as careful consideration as I could possibly give it and attend to the current business which necessarily devolves upon every member of Congress, and I say now that it is utterly impossible for us to legislate upon this subject without doing three things. First, we have got to study the existing law until we are familiar with every provision of it; secondly, we must investigate the modes of auditing and keeping these accounts in the Department of Justice and in the Treasury Department; and, lastly, we must understand exactly the surroundings and necessities of every United States court in the country.

Now, my suggestion is this: that no bill of this kind can be matured by any committee composed of gentlemen who have to look after the current business that necessarily devolves upon members of this House during the session of Congress, and if we ever effect anything which will carry out the objects and purposes which the committee had in view in framing this bill it must be done by a committee which shall sit during the recess. Except in that way we shall never, in my judgment, obtain anything that will meet the exigencies of the case.

Mr. GIBSON, of West Virginia. Mr. Chairman, in reply to the suggestions of the gentleman from Arkansas, I desire to say that it never was supposed by the committee which reported this bill that it would be found perfect in every detail. We supposed that as a matter of course there would be propositions for amendment; and we understood that almost every member of the House had his pet district attorney, his pet marshal, his pet commissioner, or some other court official for whose compensation he was intensely interested. Hence we expected that members would submit these different propositions to the House for consideration. In preparing this bill, we took the bill which had been passed upon by the last Congress; and we undertook, so far as possible, consistently with the sentiment of Congress, to increase the compensation of these officers. I want to say now, and to put it upon record, that these gentlemen who are opposing this bill have an opportunity to correct its imperfections; and if there has been any injustice done to their pet officers, they can remedy that injustice now. What we desire is to change a system which oppresses the people, and put an honest set of officers in charge of the business connected with the courts of this country.

Mr. ROGERS. Mr. Chairman, I think the House will bear me out in the statement that in all discussions of public questions on this floor I have never engaged in personalities or in imputations on any one's motives. If I were disposed to retaliate, in response to the remark just made in regard to "pet officers," I would turn to this bill for that purpose. But that is aside from the question under consideration. I want to say to my friend that the inequalities of the salaries in this bill are the least objectionable of its features. I am not prepared to say that a fair and just bill based upon the principle sought to be applied here would not be a desirable measure.

Mr. GIBSON, of West Virginia. I wish to ask the gentleman in this connection whether, if he could have had the salaries of his officers in Arkansas fixed to suit himself, there would have been any objection on his part to the consideration of this bill?

Mr. ROGERS. And I answer the question in the negative emphatically. I do not object to consideration now. I say to the gentleman that if he would put the salary of each of the officers referred to at $10,000 I would fight this bill from the first line to the last until it had been amended and put in some proper shape.

Mr. GIBSON, of West Virginia. I will state to the gentleman that that has not been my understanding.

Mr. ROGERS. Well, Mr. Chairman, I am not responsible for the gentleman's "understanding." He asked me that question this morning, and I answered just as I have done now. I do not know where he gets his "understanding." I have no keeper of my conscience or my convictions; therefore I do not know to what authority the gentleman goes to get his "understanding" of my motives or purposes. I do complain, and I have reasons for the complaint; and since the gentleman puts the question I will give him the benefit of some of the reasons why I do complain of the inequalities of this bill. Let me invite attention to them that the House may understand exactly what sort of a measure the gentleman is championing on this floor. I ask the attention of the House to what I am about to say. Before referring to the data which I hold in my hand I wish to state that I have not personally verified all these statements; but they have been prepared by a clerk in the Department of Justice upon an examination of this bill and of the records of the Department, on which, as I understand, the bill has been framed, and I think are in the main correct.

Let us see what is exhibited by this table of the salaries and earnings of these officers of the courts in some of the States and Territories. In the District of Columbia the earnings of the district attorney are more than $20,000—$20,900—while the salary is $5,000. In the district of Western Ohio the earnings of the district attorney amount to $3,900, and the salary is $5,000, just the same amount as is received by the district attorney in this city, who earns more than $20,000. In the district of Northern Georgia the earnings of the district attorney are $6,700, and his salary $4,000. In Maryland the United States district attorney earns $3,400, and the salary is $4,000. In the southern district of Iowa the earnings of this office are $6,700, and the salary $3,000. In Wyoming Territory the district attorney earns $1,000, and his salary is $3,000. In other words, the district attorney in Iowa who earns $6,700 gets $3,000, while the district attorney in Wyoming who earns only $1,000 gets the same compensation, $3,000.

Mr. MILLIKEN. If the gentleman is referring to marshals, does he not know that the marshal in the Territory of Wyoming has to travel a great deal farther and do much more work to earn $1,000 than the corresponding officer in the State of Iowa has to do in making what he earns?

Mr. ROGERS. I would prefer to go on with my argument. I understand there is something in the suggestion just made, but not enough to justify this bill.

Mr. HERMANN. Will the gentleman kindly mention what the figures are in Oregon?

Mr. ROGERS. I will try to do so, if I can put my eye upon them. In Rhode Island the earnings are $1,700, and the salary $2,000; in Nevada the earnings are $1,400, and the salary $2,000.

I will insert the full list as I have it in the RECORD.

The earnings of the district attorneys and salaries proposed.

District.	Salaries.	Earnings.
District of Columbia	$5,000	$20,900
Massachusetts	5,000	5,800
Eastern Pennsylvania	5,000	5,500
Northern Illinois	5,000	4,900
Colorado	5,000	4,400
Western Pennsylvania	5,000	4,300
Western Texas	5,000	4,000
Southern Ohio	5,000	3,900
Northern Georgia	4,000	6,700
Western Arkansas	4,000	6,600
Eastern Missouri	4,000	6,200
Kentucky	4,000	5,700
Southern Illinois	4,000	5,300
Kansas	4,000	4,300
Western Texas	4,000	4,000
Northern Ohio	4,000	3,600
Maryland	4,000	3,400
Southern Iowa	3,000	6,700
Western North Carolina	3,000	6,000
Western New York	3,000	5,600
Middle Tennessee	3,000	5,500
Northern Iowa	3,000	5,400
Middle and Northern Alabama	3,000	5,200
Eastern Tennessee	3,000	5,100
Eastern Virginia	3,000	4,400
South Carolina	3,000	4,300
New Jersey	3,000	3,700
Minnesota	3,000	3,600
Utah	3,000	3,600
Western Missouri	3,000	3,400
Nebraska	3,000	3,200
Indiana	3,000	3,000
Eastern Michigan	3,000	2,900
Southern Alabama	3,000	2,800
Eastern Wisconsin	3,000	2,600
Eastern New York	3,000	2,500
Maine	3,000	2,400
Eastern Texas	3,000	2,200
Northern Texas	3,000	1,900
Idaho	3,000	1,300
Arizona	3,000	1,200
Wyoming Territory	3,000	1,000
Alaska	2,500	1,800
Rhode Island	2,000	1,700
Delaware	2,000	1,607
Southern Mississippi	2,000	1,500
Nevada	2,000	1,400

Now let me turn for a moment to the marshals, so that we may see what sort of equity is done in this bill as to them. In the southern district of New York the marshal earns $6,300 and gets a salary of $6,000. In the northern district of New York the earnings of the marshal are $8,000 and his salary $5,000—$1,000 less than the salary of the corresponding officer in the southern district. In the southern district of Ohio the earnings of the marshal are $4,800 and his salary is $5,000. In Kentucky the marshal earns $7,200 and receives as salary $4,000. In eastern Louisiana the earnings of the marshal are $1,800 and his salary is $4,000. But in the western district of Arkansas, where the gentleman from West Virginia [Mr. GIBSON] suggests I have a "pet," the marshal earns $8,400 and receives as salary $3,000.

Mr. GIBSON, of West Virginia. Is that the darkey in the wood-pile? [Laughter.]

Mr. ROGERS. The wood-pile is full of darkeys. And, sir, one of the "niggers in the wood-pile," just here, is the district attorney of West Virginia—no, of Virginia. The gentleman might investigate that. [Laughter.]

Mr. GIBSON, of West Virginia. I do not know what you refer to.

Mr. ROGERS. I know what I refer to.

Mr. GIBSON, of West Virginia. We will see.

Mr. ROGERS. I mean what I say.

Mr. GIBSON, of West Virginia. I know what he refers to.

Mr. ROGERS. What are the facts?

I will go a little further. In the northern district of Alabama the marshal earns $7,600 and gets $3,000; in Florida he earns $1,500 and gets a salary of $3,000; and so on all through the list from the beginning to the end in reference to these marshals and United States attorneys.

Mr. HERMANN. Will the gentleman refer to my State of Oregon, as he has it now before him?

Mr. ROGERS. Tell me what class it is in; what does he get?

Mr. HERMANN. Three thousand five hundred dollars, I think.

Mr. ROGERS. Who; the marshal or the district attorney?

Mr. HERMANN. The district attorney. He comes in, I think, in the second class.

Mr. ROGERS. There is no class that gets $3,500 salary in the list of district attorneys, and it must be in the $3,000 class.

Mr. HERMANN. Look at that.

Mr. ROGERS. I do not turn to it conveniently at this time, but I will print the list and you can get at it.

The earnings of the marshals and salaries proposed.

District.	Salaries.	Earnings.
Southern New York	$6,000	$6,300
Northern New York	5,000	8,000
District of Columbia	5,000	7,200
Massachusetts	5,000	6,600
Northern Illinois	5,000	5,900
California	5,000	5,400
Eastern Pennsylvania	5,000	5,000
Southern district of Ohio	5,000	4,800
Kentucky	4,000	7,200
Maryland	4,000	5,900
Western Pennsylvania	4,000	5,800
Eastern Missouri	4,000	5,200
Eastern Louisiana	4,000	4,700
Western Texas	4,000	4,000
Eastern Louisiana	4,000	1,800
Northern Alabama	3,000	7,600
Western Arkansas	3,000	8,400
Indiana	3,000	6,900
Oregon	3,000	6,800
Southern Iowa	3,000	6,200
Northern Georgia	3,000	6,100
W. Virginia	3,000	6,000
Southern Illinois	3,000	5,900
Western North Carolina	3,000	5,800
Middle Tennessee	3,000	5,500
Western Missouri	3,000	5,200
South Carolina	3,000	4,800
Eastern Louisiana	3,000	4,700
W. Virginia	3,000	4,500
New Mexico	3,000	4,400
Northern Ohio	3,000	4,300
Maine	3,000	4,200
Western Michigan	3,000	4,000
New Jersey	3,000	3,800
Dakota	3,000	3,700
Northern Texas	3,000	3,500
Western Texas	3,000	3,400
Colorado	3,000	3,200
Northern Florida	3,000	3,100
Eastern North Carolina	3,000	3,000
Vermont	3,000	2,900
Montana	3,000	2,700
Nevada	3,000	2,500
Wyoming	3,000	2,400
Delaware	3,000	2,100
Southern Mississippi	3,000	2,000
Arizona	3,000	1,600
Florida	3,000	1,500

But, Mr. Chairman, my chief objection is not the salaries. I wish to turn to some provisions of the bill which do not have anything to do with salaries of the United States attorneys or marshals. I wish to discuss that. I invite the attention of any gentleman who takes an interest in the correct administration of the law to this point. Let us look at it for a moment:

All money collected by the marshals on process in behalf of the United States or under the laws of any Territory, and all costs for fees, shall be collected by the marshal and paid into court.

"All fees taxed!" Everybody understands seven cases out of ten in many districts where the party is convicted he has nothing from which you could collect costs. Therefore the Government must pay the costs if they are to be paid at all. Let us proceed a little further:

The cost for fees and expenses of marshals taxed against parties other than the United States shall be collected and paid into court; and at the end of each quarter the marshal shall render a return of the money so collected to the Attorney-General with receipts from the clerks of the courts for the sums paid as herein required, which returns shall be verified by the oath of the marshal.

I would like some gentleman to tell me by what authority of law the clerk is required to give a receipt unless ordered by the court. The clerk is not the court at all; he is simply an officer of the court. The judge of the court is the party to receive these funds, and unless he makes an order for the clerk to receive them the clerk has no power to receive and no business with the funds, and it is not right for him to give a receipt for them, for he has not received them.

Mr. HERBERT. If this passes into a law would not the clerk then have the power?

Mr. ROGERS. No, sir; I do not know that he would. I know of no authority in this bill for him to receive the funds.

Mr. HERBERT. You say the bill requires the payment to be made to the clerk.

Mr. ROGERS. No, sir; I did not state any such thing.

Mr. GIBSON, of West Virginia. I hope the gentleman will not consume all the time allowed on this matter.

Mr. ROGERS. I will not consume any more time than is necessary. I said that this bill requires the fees to be paid into court, not to the clerk; but the clerk notwithstanding is required by the bill to receipt for them, although he does not receive the money. He is also required to furnish the marshal with receipts for the sums paid into the court, and over which he has no power or control unless so ordered by the court. And then this bill further provides:

And at the end of each quarter the marshal shall render a return of the moneys so collected to the Attorney-General, with receipts from the clerks of the courts for the sums paid as herein required, which returns shall be verified by the oath of the marshal; and if this statement is not received by the Attorney-General within thirty days from the close of the quarter, no further payments shall be made the marshal on account of salary until such statement is received.

Yes, the marshal's pay is to stop if he does not furnish receipts from the clerk, which money the clerk had no right to receive and no power or control over.

Here is a bill now on its face requiring the money to be paid to the judges of the court, and the law makes the judges the depository of such moneys. It is true that he has it in his power to make an order that the clerk shall receive, receipt for, and deposit the moneys so collected; but in the absence of such order he is himself the depositary. It requires the money to be deposited with the judge, and the marshal is to make return to the Attorney-General of the money so collected and accompany it with receipts from the clerk of the court who has no authority to receive such money; and if such return is not made within thirty days from the close of the quarter, the marshal's salary is withheld. Can gentlemen reconcile that provision of the bill with the purpose they claim to have in view?

But let us go another step:

Upon application to him for service, the marshal, before service is made, shall exact a deposit for the costs thereof in all cases not brought by the United States, except in suits brought under chapter 3 of the Revised Statues.

And, Mr. Chairman, chapter 3 of the Revised Statutes relates to the organization of the two Houses of Congress, and has nothing on the face of the earth to do with the subject embodied in this section of the bill. In other words, here is a bill prepared by a committee of the House, submitted to the House for its consideration and action, that commits the mistake of taking a wrong title or chapter in the Revised Statutes which refers to an entirely different subject from that to which the bill relates. It has no reference, I repeat, to the subject matter of this bill. Does the gentleman deny it?

Mr. SPRINGER. It is possibly a typographic error.

Mr. ROGERS. Yes, sir; worse than a typographic error.

Mr. SPRINGER. That is no objection to the bill, because such an error could be corrected.

Mr. ROGERS. Oh, yes; you can draught the bill in any form you please, and then bring it into the House and try to get it in a proper shape by amendments. But this is your bill as you reported it. If it were mine I would take pleasure in denying its paternity.

Mr. SPRINGER. I think the original bill was correct; and, besides, an error of that kind is not fatal.

Mr. ROGERS. I do not mean to say that the error is fatal; but I am showing that this bill had not the consideration it deserved. But to continue—

Upon application to him for service, the marshal, before service is made, shall exact a deposit for the cost thereof in all cases not brought by the United States,

except in suits brought under chapter 3 of the Revised Statutes for wages of seamen—

That is all right so far as it goes, but let us follow it up with the text—

wherein the costs, if not collectable from the parties to the suits, shall be charged by the marshal, clerk, and district attorney in their accounts against the United States, and shall be adjusted and paid by the accounting officers in the same manner as costs in cases brought by the United States.

Paid to whom? To whom are you going to pay the costs? The bill says to the marshal, the clerk, and the district attorney. Do you propose to pay them fees? The bill provides for salaries. What, then, is the meaning of this provision of the bill? These are cases of suits brought for the wages of seamen, and you propose in those cases that the marshal, district attorney, and the clerk of the court shall be paid fees when they are paid a salary for discharging, as you contend here, all of the duties of the office to which they are elected. Will you say this alludes to deputy marshals? If so, what do you say about the clerks and district attorneys? You couple all together and make no exception, and the clerk and district attorneys and their assistants all get stated sums under this bill, and not fees.

There is no explanation of this thing—none whatever.

But let us proceed a step further.

It shall be the duty of the marshal to scrutinize the bills of the deputies, sheriffs, or constables, or whoever may be employed to serve a process.

What kind of a process—civil or criminal, or both?

And when he finds the same to be correct and in accordance with law he shall pay the same.

What class of cases does that mean? If a criminal case and the costs can not be collected, what is the result? Why, you make the marshal pay, when a previous provision of the bill requires him to pay all costs "taxed against other parties than the United States" into the treasury of the court.

In other words, the costs are taxed against the defendant, and whether collected or not the marshal is charged with them. Then you make him pay the deputies, constables, and sheriffs—presumably out of funds advanced to him by the Government. The result is, if he has collected the costs in criminal cases, he is all right; but if he fails to collect costs taxed in any case he must make it good to the Government or else his salary is stopped.

Such is your bill. Who would want to be a marshal then?

Now I proceed to another section. If the gentleman can explain that section and the objections I have urged against it within the hour, I think he will have his hands full, even if this consideration extended over the next three weeks. It is so framed that no mortal man can amend it, for it does not even show the theory upon which the section itself is framed.

Mr. MILLIKEN. What section do you refer to?

Mr. ROGERS. Section 3.

Mr. GIBSON, of West Virginia. If the gentleman will remember, this is only a proposition for a day to consider.

Mr. ROGERS. The gentleman is worse on the situation to-day than when he framed the bill. I do not understand that there is any such motion pending. The trouble with the gentleman is that he wants to occupy the floor. Now I want to occupy it myself until I satisfy him that the imputations he casts upon me are without foundation.

I turn now to section 4 of the bill, and look at that; and I want to remark here that if it is regarded as a crime for a man to stand up for his friends, I am an avowed criminal. I always stand up for them.

Mr. SPRINGER. Right or wrong?

Mr. ROGERS. No, sir; but I always stand up for my friends in all cases when it is a proper thing to do.

Mr. SPRINGER. But your first statement was too broad.

Mr. ROGERS. No, sir; I think not. If a man is my friend I stick to him until he does something to forfeit my friendship, and then I abandon him unless he corrects it; not before.

Now, I turn to section 4, which provides:

That there may be allowed each United States marshal one clerk and one chief deputy, whose salaries shall be paid as provided in section 2 for the payment of marshals.

I do not discuss the question of how much the salary is. I am discussing now the organization of the court and the necessity for the courts of the country to have assistance for carrying on their works. "One clerk and one chief deputy." I take as an illustration the organization of the court located in my own judicial district. Does my friend from Illinois complain of the expenditure of public money in that district? That is the character of argument I supposed would be adduced upon that subject. But if the money is spent there, and spent properly, where is the responsibility, if responsibility attaches at all, with the court or with Congress? Is the marshal, clerk, or district attorney to blame? If you say the court is too large, whose fault is that? Not theirs.

I state from my personal knowledge that the court is in session almost the entire year from the beginning to the end of it. I state that we are not afflicted with that condition of things of which the gentleman from Virginia and the gentleman from West Virginia and gentlemen from other States complain with regard to the internal-revenue service. That court has to exercise jurisdiction over the five civilized tribes whose territory is infested with criminals from every State of the Union and of the worst class—a Botany Bay as it were, a city of refuge as it were.

This brings me at this point to invite attention to another matter. I remember discussing in the last session of the Forty-eighth Congress the importance of making necessary appropriations for carrying on the Federal courts in that country. I prophesied then what would be the condition of things. I hold in my hand now a letter from the marshal of that district in response to one I had addressed to him, having observed in the newspapers that the court had closed down because there was no money to carry it on, in which he gives me the condition and state of business in that court at this time, and I will give you the benefit of it. He gives me in his letter the names of all defendants in jail, and the charge made against them. For convenience sake I will give you an epitome of what he states. Remember the court is to be adjourned with the business certified to the April term, for the court holds four terms. The grand jury will meet and indict all the parties it can, but there was no money to pay the expenses of the February term, and locked up in that jail are no fewer than eighteen men indicted for murder, one for an unnamable crime, five for assault with intent to kill, eighteen for larceny, ten for introducing and selling liquor, one for violating the internal-revenue law. These men, fifty-four in number, are incarcerated awaiting the action of that court when funds shall be placed at its disposal. Then, in addition, there are on bond and awaiting trial ninety-three; bound over to the grand jury, twenty-eight, making a grand total of one hundred and seventy-five.

That is the condition of things we are compelled to deal with, and it illustrates the importance, the absolute necessity, of considering the organization of every court in this country when you come to provide for the officers to transact the business of those courts.

I am stating this to show the importance of that court, and what is required to run it. I repeat, in my judgment, that is the best organized court in the country. I have stood there and witnessed, myself, while a jury went filing out to consider a case which had been tried, and before they had left the court-house the clerk was calling another case and organizing a jury. The business of that court could not be dispatched on any other principle. It sits from 8 in the morning till 6 in the evening, with a short recess at noon, and often, for three weeks at a time, holds night sessions. That is the nature of the court.

Let me give you another illustration. I witnessed no longer ago than during the past few months seven men indicted for murder in that court and put upon trial at one time. Yet under the provision which the gentleman from West Virginia puts in this bill the marshal is only allowed one clerk and one chief deputy. He is allowed no bailiff, no guard, no anything for the carrying on the business of the court. He has got one chief deputy and one clerk to carry on this entire business.

Why, Mr. Chairman, if time permitted I could go into circumstances which occurred in the prosecution of criminal cases there which would show the necessity of having every movement about that court in handling the criminals safely protected. And this bill makes another limitation.

Mr. SPRINGER. Will the gentleman permit me to state to him that there is no limitation as to bailiffs and guards?

Mr. ROGERS. And there is no provision for them.

Mr. GIBSON, of West Virginia. The gentleman from Arkansas does not understand the bill.

Mr. ROGERS. And you, what do you understand? [Laughter.] I think I do understand the bill. I think I have given it more study than your whole committee combined, and I think I understood more than some of them did before I began. [Laughter.]

Mr. GIBSON, of West Virginia. That is, as it relates to your particular district.

Mr. ROGERS. That is what I represent—my district.

Mr. GIBSON, of West Virginia. I understand that.

Mr. ROGERS. That is what I am elected to represent, and that is what they have continued me to represent in another Congress. [Renewed laughter.]

Mr. GIBSON, of West Virginia. That may be very complimentary to you, but it may not be so to them. [Laughter.]

Mr. ROGERS. I reverse the compliment, and say that the action of your constituents may have been complimentary to them. [Renewed laughter.]

Now, Mr. Chairman, I go a step farther in order that my friend may comprehend exactly how this matter stands. I turn to the ninth section of this bill, in relation to United States commissioners, and as the court appoints commissioners it will not be suggested that any one is my "pet," or that I have any interest here except the correct and proper administration of the law.

Section 9 provides:

That the judges of the circuit and district courts of the United States, and the judges of the Territorial courts, shall divide each district into commissioners' districts, consisting of one or more counties or parishes, and they shall appoint one or more United States commissioners in each commissioner's district, as may be required for the efficient and economical execution of the law.

How are you going to apply a provision of that kind in the Indian

Territory? Are you going all over that country to appoint commissioners in every Cherokee and Creek, Choctaw and Chickasaw "county?" If you do, who is to represent the United States in the prosecutions before such commissioners?

The section proceeds:

Such commissioners shall have jurisdiction only of such offenses as are committed in their respective districts, except in cases of change of venue, or where no qualified commissioner resides in the commissioner's district where the offense was committed, and except, also, in cases of offenses against the postal laws of the United States, in which the jurisdiction shall remain as now provided by law.

Now, Mr. Chairman, the application of the principle of this section of the bill in the Indian Territory would simply turn over that entire Territory to absolute pandemonium. It is near enough to that now, but it would be much worse under the operation of this section. You go away out into the Indian Territory, 100 miles from nowhere, and set up a commissioner to investigate offenses committed there, with sometimes half a dozen charged with murder, and under investigation at once, the accused often wealthy, influential, and surrounded by friends; and your commissioner is to sit there and conduct an investigation of those cases without the assistance of the necessary marshals or other Government officers.

What will they know as to whether the accused is guilty or not guilty, unless there is some person present there to bring out the facts and cite the law?

Then look for a moment at the sixth section of the bill, which provides that deputy marshals shall be appointed in the manner provided in the foregoing section for such localities in the district as the judge of the district or circuit courts may authorize and require for the efficient transaction of the business of the United States courts of such districts in each locality.

Mr. HERBERT. Before my friend passes away from the subject of the commissioners, will he permit a question?

Mr. ROGERS. Certainly.

Mr. HERBERT. Does the gentleman think that local jurisdiction ought to be taken away from the justices of the peace, who are distributed through all the counties of Arkansas, because there may be no lawyer before them to prosecute in criminal cases? I think this bill is defective in many particulars, but the purpose of the provision in regard to marshals is to give local jurisdiction to commissioners to be appointed in the neighborhoods where crimes are committed, just exactly as justices of the peace are appointed throughout the counties of a State. It is proposed to appoint commissioners in the different counties so as to avoid the necessity of carrying men off 100 or 200 or 500 or 600 miles, as is now done in some parts of the country.

Mr. ROGERS. Mr. Chairman, the gentleman from Alabama [Mr. HERBERT] has not enlightened me in the slightest. I knew what the committee were after, and in the main this provision might be applied to large sections of the country; but we are legislating for the whole country and for every district in it, and when we frame general laws they should be as applicable as possible to the whole country; so that the gentleman's question about the justices of the peace in Arkansas has no application to this case.

Mr. HERBERT. Then I understand the gentleman to say that he thinks the purpose is correct.

Mr. ROGERS. I stated in the outset, Mr. Chairman, that I thought I should support the principle upon which the committee have undertaken to frame this bill.

But the defects are so numerous and the provisions of the bill are such that it can not possibly be made applicable to the diversified circumstances of the various localities and districts throughout the United States. That is the purport of the criticism I am making. The operation of the bill in many of the States may work desirable results; but in this instance I think its provisions would be entirely inapplicable. Nor, Mr. Chairman, is it possible to make it applicable in this respect to the Indian country. Why is it not possible?

Mr. SPRINGER. The gentleman is mistaken in supposing that the bill applies to the Indian Territory at all; there are no counties there, and no organized government to which it could apply. A special law which is not interfered with by the bill puts this whole matter in relation to the Indian Territory in the jurisdiction of certain courts of Arkansas and Texas. This bill does not interfere with the existing law on that subject.

Mr. ROGERS. I decline to yield for further interruption. My friend's arguments are as usual loose-jointed. I do not think he has ever studed this bill; and he could not point out, to save his life, any special statute governing the western district of Arkansas with reference to the point under discussion. In that district the court has appointed one commissioner, who was found in the Indian Territory and who has been operating there a long time. That arrangement happens to accommodate one of the principal towns in that Territory where a great many persons are collected together, and where there may be some protection in these cases. But that instance is exceptional.

This bill, however, provides for this system in every county; its operation is not confined to districts in the States alone, but will extend everywhere; and it will certainly apply to all States which have within their limits Indian reservations.

I return to the provisions of the bill:

That deputy marshals shall be appointed in the manner provided in the foregoing section for such localities in the district as the judge of the district or circuit court may authorize and require—

Not localities in the State, but in the district—

for the efficient transaction of the business of the United States courts of such districts in each locality.

No person shall perform the duties of a deputy marshal unless appointed and qualified in the manner herein provided—

That is, he shall be selected to serve processes in that particular district set apart by the judge—

but district or circuit courts may appoint, upon the recommendation of the marshal, any sheriff or constable, holding commissions as such under State authority, to serve the writs or execute the processes issuing out of the courts in such district, after having been duly commissioned a deputy by order of the court.

Would not that be a beautiful position for a district court of the United States to occupy, to select a sheriff of a county or a constable to be sent all over the Indian Territory to execute process there?

In all cases where practicable it shall be the duty of the marshal to send writs and processes of court by mail, directed to the deputy marshal residing in the locality where writs are to be served or processes to be executed, or to the sheriff or constable appointed to serve the same in such locality, whose duty it shall be, after service, to return such writ or process by mail to the marshal.

What is to be done with the prisoner? Is he to be returned by mail?

Mr. RANNEY. Perhaps they arrest him by mail.

Mr. ROGERS. That seems to be the intention. I infer they are going to arrest him by mail, and then transmit him to court by mail.

Mr. STEWART, of Vermont. Or by telephone.

Mr. ROGERS. Yes; that would be quicker by telegraph or telephone. If this provision is intended to be confined to civil matters, why does not the bill say so?

Mr. SPRINGER. It was presumed anybody would know we did not propose to have a prisoner sent by mail; and we did not think it necessary to set that forth in order to enable the gentleman from Arkansas to understand the bill.

Mr. ROGERS. I had not supposed anybody would undertake to frame a bill which would require so foolish a thing to be done.

Mr. SPRINGER. It does not require it.

Mr. ROGERS. It provides for the return of the writ by mail, and that writ is the officer's authority to hold the prisoner. The gentleman has his own idea, and he thinks it is in the bill because he has it in his mind.

Mr. GIBSON, of West Virginia. We did not think it necessary to provide against foolish constructions.

Mr. ROGERS. My young friend from West Virginia [Mr. GIBSON] is almost through with his term of service, but he has not yet learned that he has no right to interrupt me without my permission.

The fees now allowed by law for marshals for serving writs and processes shall hereafter be allowed to the officers serving the same, except for committing and discharging prisoners; and the clause in section 829 of the Revised Statutes prescribing 50 cents for the same is hereby repealed. No fee for serving process shall be paid to a chief deputy.

Let us look at that provision for a moment and see what is its effect. The marshal, who is to receive a salary for the discharge of the entire duties of his office, will, under this bill, be entitled to fees if he serves the writ; and there is no law prohibiting him from making such service; on the contrary, he is compelled to serve it, or have it served, if it is given to him.

At this point, Mr. Chairman, I wish to state another fact. If this bill should go into effect according to its terms as they now stand, these marshals are not restrained from drawing fees. They may draw both salary and fees, because there is no conflict at all between the provision allowing such officer a salary, and the fee bill which fixes the fees allowed under the law.

Gentlemen will say it is repealed by implication. Now the rule of law is that no statute is repealed by implication unless there is an irreconcilable conflict between the two acts. The fact is, by the terms of this bill a marshal can draw his salary, and by the terms of the statute which it does not repeal, he may draw fees in addition; there is nothing here in the pending bill which says that he shall accept what is here provided as in full payment of the duties required of him by law.

Mr. Chairman, there are various other provisions of this bill subject to criticism. I may say, indeed, there is scarcely a section of it, unless it may be two or three provisions toward the close, that is not subject to criticism. I might criticise one section of this bill to show the looseness with which it is drawn. Take, for instance, the eighteenth section. Let us look at it.

That any person who steals, takes away, falsifies, mutilates, or otherwise alters, destroys, or conceals any book, record, or paper by law required to be in the custody of any marshal, clerk, or other official of the United States, or who counsels, aids, or abets such stealing, taking away, altering, falsifying, mutilating, destroying, or concealing of any such book, record, or paper, shall be guilty of a felony, and, on conviction thereof, shall be fined not exceeding $1,000, or imprisoned at labor not exceeding three years, or both, in the discretion of the court.

Why, Mr. Chairman, the taking away of any paper for any purpose is made felony, and according to the strict construction of this language

an attorney of the court taking papers out of the clerk's office for a perfectly proper purpose might be liable under this bill to be convicted of felony. It is not provided that the taking away shall be with intent to do anything improper, but the bare, naked taking away under the provisions of this bill of any paper renders an attorney of the court liable to the conviction of felony.

I do not say, of course, that the courts when they come to construe this language would hold a party to be guilty of committing an offense unless the taking away was with some improper or criminal purpose. But liberty and character are too valuable to be imperiled by such legislation as this.

Now, I was about to say there are various other provisions of the bill which might be severely criticised, but I think I have said enough already to convince this committee that this is not such a bill as can be matured here in full committee in the usual way of amendment.

It is a bill involving the efficient and correct administration of the law in every Federal court throughout the United States. It digs up what has been in vogue ever since the foundation of the Government down to the present hour, and institutes a new order of things which we ought not permit to be done unless it comes from some quarter which understands better than this committee seems to do the use of the English language and the force of existing public law. [Laughter.]

I now yield to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, I desire to let the House know the real situation of this bill. I stated yesterday that unless we could have it reported to the House and a day fixed for its consideration, the further consumption of time was utterly useless. I said to gentlemen on the other side this morning, if you sustained the point of order I would immediately withdraw the bill.

I stated to the gentleman from Arkansas and the chairman of the committee the hour ought not to be consumed if the point of order was sustained. It is not my fault the hour has been consumed, because I have been anxious to make that statement to the House and get rid of it. The bill contains twenty pages and twenty sections. Of course, it would be utterly out of the question to consider that bill in regular order unless a day was set for it. I regret the gentleman from Arkansas has occupied the whole hour, so there could be no vote on that question.

I do not care to enter into the quarrel between him and the chairman of the committee. Who is first and who is last in giving offence is a matter of no concern to me. Being one of that committee I feel it my duty to say there are on it some gentlemen who understand the English language quite as well as the gentleman from Arkansas, and who know something at least of the laws of their country. They must rely on their character as an answer to the argument which he has made when no other answer can be made to it.

I desire to yield the balance of my time to the chairman of my committee.

Mr. GIBSON, of West Virginia. Mr. Speaker, on yesterday, while I was sick and absent from this House, the gentleman from Arkansas [Mr. ROGERS] saw fit in his discussion of this question to raise an issue that it is impossible to take up this bill and examine it without almost impeaching the motives of the committee that reported it, so unjust and involved are its provisions. And, to-day, again, he has seen fit, by inuendo at least, to refer to the fact that one of the officers provided for in this bill is a brother of mine and a district attorney in the State of Virginia. There can be no other construction placed upon such language than that it is a personal implication of the purposes and motives, the character and the honesty of the man who reported the bill. I, for one, Mr. Chairman, do not mean either here or elsewhere to submit tamely to such arrogant and such impudent statements as that.

I want to say to the gentleman from Arkansas that it would have been better befitting him, as a representative of his people, to have accorded to others the same degree of honesty of purpose that he claims for himself.

So far as this committee went in reporting this bill they had before them for their consideration and their action the example of the House of Representatives itself, and the almost unanimous action of this Congress in its last session upon the bill.

The bill is founded upon the Springer bill, which at the last session of the House, as I have said, was almost unanimously reported with propositions reducing salaries much below those embodied in the pending bill.

Mr. MILLIKEN. Will the gentleman permit me just there to make a suggestion?

Mr. GIBSON, of West Virginia. Yes, sir.

Mr. MILLIKEN. Is it not true also that the Springer bill was gone over several times by the Department of Justice?

Mr. GIBSON, of West Virginia. Yes; I was just coming to that.

Mr. MILLIKEN. And that this bill has also been gone over by the present Department of Justice, and is recommended by them?

Mr. GIBSON, of West Virginia. Yes, sir; I was just coming to that point. This bill was founded, as I have said, upon the Springer bill of the last session. We framed the bill and submitted it to the Department of Justice, and the Attorney-General returned it, recommending certain changes, which we followed, and we reported them in the bill to the House, having been indorsed, as I have said, twice before by the whole Congress at the previous session, as well as by the Department of Justice. Now the gentleman from Arkansas who claims to be here as the representative of these officers in his district, boasting of his adherence to their interests, is the only man who rises upon this floor to impugn the motives of the men who reported this bill.

Mr. SPRINGER. Let me interrupt the gentleman for a moment?

Mr. GIBSON, of West Virginia. For the Lord's sake do not interrupt me. Let me proceed, as I have but ten minutes. [Laughter.]

I want to know how the gentleman from Arkansas arrogates to himself not only all the honesty but all the intelligence of this House. He talks here about the "English language," and about people who "considered" the bill. Does he mean to say here that he is the only man who has considered the bill? Does he mean to say that he is the only man who understands grammar and spelling? [Laughter.] Perhaps he came from a community where his superior intelligence may be a little greater than his constituents, and the ignorance of his constituents may account for the uncalled-for reflections made upon me.

He has referred to the fact that I have not been re-elected. Perhaps if I had been a corrupt politician, used "ring" methods, had been a demagogue [laughter], played with my people, I might have been re-elected like the gentleman has been. Why should there be the use of such language as that in a discussion of these questions?

Mr. Chairman, we have simply asked for the correction of a method which we thought had been doing a wrong all over the country. We have only asked for that which the Congress of the United States at its last session approved, and have sought to perfect it as far as possible. We do not claim that the bill is perfect. We admit that it is not perfect. It was not possible for the committee dealing the with officers in every congressional district throughout the land to do full and exact justice to all. We said to all let us consider the matter, give us an opportunity to get the bill before the House, and then offer your amendments to perfect the bill. We only ask you to give a day to consider it. If there is anything wrong in the bill you gentlemen can suggest the remedy and have the power to correct it. The committee has no desire to interpose objections. We want the bill perfected. There is no desire to be arbitrary; but as chairman of this committee I wish to say that it has no idea in the world of submitting to offensive and impudent criticism.

Now, Mr. Chairman, what is this bill and what is it in the bill that is so very wrong and which has been so very harshly criticised? We have sought the advice of the Department of Justice. We followed the opinion of the Congress of the United States exhibited by its almost unanimous vote. We went even further than that, as far as we dared to go, to increase the salaries of all of these officers, and tried to do justice to them all.

I have but one word further now to say, and that is, I am confident that this Congress will not attribute any false or impure motives to the committee that reported this bill such as the gentleman intimates. But I want to say to him now that if he dares to say on this floor that as chairman of this committee one single feature of this bill was formed on account of my brother being a district attorney in the State of Virginia, he slanders me here foully and falsely in the Halls where he knows it can not be resented.

Mr. SPRINGER. I ask the gentleman from West Virginia to yield to me the remainder of his time.

Mr. GIBSON, of West Virginia. I do.

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS. I have no eulogies to offer on my constituency, but if I had time and opportunity I should eulogize the constituency of the gentleman from West Virginia. It will be time enough, Mr. Speaker, to make use of such language as falsehood and slander when I have made some statement warranting it. I said what I did about his brother, provoked to it by that gentleman. I measured my language on yesterday, and I submit that there is nothing in it in which any gentleman can find offense. What I said was this:

> It is impossible to take up this bill and examine it without almost impeaching the motives of the committee that reported it, so unjust and inequitable are its provisions.

That is all that I said. My language was "without almost impeaching" [laughter], and was intended to emphasize the injustice and inequalities in the bill, and not to reflect on the committee at all.

Now let me invite attention to another matter. The gentleman drags his brother in here.

Mr. GIBSON, of West Virgina. You referred to it.

Mr. ROGERS. Let us see how well he has taken care of his brother. The gentleman talks about his brother. I did not impute any improper motive on that score, but I will state just what is the fact: The gentleman's brother gets $3,000 under the bill, and he earns $4,400. He cut him down some. But he talks about my pet, alluding to the district attorney of my district. That gentleman earns nearly $7,000 a year and the gentleman allows him $4,000. So that he does not take care of my "pet" quite as well as he takes care of his brother.

[Here the hammer fell.]

Mr. ROGERS. Let me say only one word more in conclusion. I am not going to discuss this bill, but it is perhaps due the committee to explain.

The CHAIRMAN. That can only be done by unanimous consent. There was no objection.

Mr. ROGERS. The statement I made in my last remarks about the committee was too broad. It was induced by this fact, that one gentleman of the committee had said in my presence he had not given this matter any consideration and had never read the bill. This led me to suppose it had not been considered properly, and into making the statement I did. I now withdraw the remark so far as the committee is concerned.

Mr. SPRINGER. I ask unanimous consent to speak for half a minute.

The CHAIRMAN. The hour for the consideration of measures under the rule has expired.

Mr. RANNEY. As the gentleman from Illinois speaks so rarely we will give consent.

Mr. SPRINGER. Does the Chair not entertain my request for unanimous consent?

The CHAIRMAN. The Chair would be very glad to do so, but under the rules the time for the consideration of bills has expired.

Mr. SPRINGER. Very well, I will ask leave to print.

The committee rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 6977) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes, had come to no resolution thereon.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I desire, from the Committee on Appropriations, to submit an additional report on the legislative appropriation bill. I ask that it be printed.

The SPEAKER. The report will be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 960) for the relief of J. R. McGoldrick;

A bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;

A bill (H. R. 9895) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company;

A bill (H. R. 9183) for the relief of James R. Marrs;

A bill (H. R. 9115) for the relief of Eugene E. McLean;

A bill (H. R. 5877) for the relief of William H. Morhiser;

A bill (H. R. 7507) for the relief of James M. Hagar;

A bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885;

A bill (H. R. 3909) for the relief of Harry Fisk;

A bill (H. R. 3173) for the relief of Samuel H. Flemming;

A bill (H. R. 2995) for the relief of Francis H. Shaw;

A bill (H. R. 914) for the relief of Mrs. Fanny S. Conway;

A bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina; and

A bill (H. R. 2176) for the relief of Alexander Goble.

MAJ. M. P. SMALL.

The SPEAKER announced as the conferees on the part of the House on the bill (H. R. 4616) for the relief of Maj. Michael P. Small, Mr. FINDLAY, Mr. BRAGG, and Mr. LAIRD.

COMMITTEE APPOINTMENT.

The SPEAKER also announced the appointment of Mr. MERRIMAN on the Committee on Naval Affairs, in place of Mr. Hewitt, resigned.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BELMONT. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the consular and diplomatic appropriation bill.

Mr. O'NEILL, of Missouri. Mr. Speaker, in view of the fact that the gentleman from New York can have but an hour to-day for the consular bill, I propose to raise the question of consideration, in order that I may have an opportunity to bring up a report from the Committee on Labor.

The SPEAKER. The only way to prevent the consideration of the consular and diplomatic bill is for the House to refuse to agree to the motion of the gentleman from New York.

Mr. O'NEILL. Very well. My purpose is to call up the letter-carriers' bill.

The question was taken; and the motion of Mr. BELMONT was agreed to—ayes 96, noes 16.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of further considering the consular and diplomatic appropriation bill. The gentleman from Illinois [Mr. CANNON] is entitled to the floor.

Mr. CANNON. I yield fifteen minutes to the gentleman from Delaware [Mr. LORE].

Mr. LORE. Mr. Chairman, if there be one principle that has governed the Appropriation Committee, and, indeed, all the committees that have had appropriations in charge during the Forty-eighth and Forty-ninth Congresses, it has been that there should be no unnecessary accumulation of new offices or increase of salaries. This has pervaded every appropriation bill that has been brought in, and has so prevailed, it occurs to me, in recognition of a fundamental principle which underlies our Government and the uniform policy of the Democratic party.

Mr. BELMONT. Will the gentleman permit me a question?

Mr. LORE. I beg the gentleman's pardon, but I cannot permit myself to be interrupted. I have only fifteen minutes. I should willingly yield for a question if my time were longer.

Now, Mr. Chairman, this bill, as I understand it, makes increases in salaries and in new consulates alone to the amount of $269,880. If there is any necessity for such increase that would be some excuse. I have looked to ascertain whether this increase was made because of any increase in our commerce, and because of the increased labors thereby imposed upon our consuls and diplomatic representatives. When I examine that subject, I find that since 1881 our exports have decreased from $883,549,127 in 1881 to $688,249,798 in 1885; that our imports have decreased from $670,209,448 in 1881 to $587,868,673 in 1885; that the aggregate of exports and imports has decreased from $1,503,758,575 in 1881 to $1,276,118,471 in 1885.

Thus, it appears that there has been a decrease in our exports and imports of $227,640,104. Look now at the other factor, immigration. Between 1881 and 1885, the number of immigrants coming to this country decreased from 669,431 in 1881 to 326,000 in 1885. Thus it will be seen that our commerce has decreased about one-seventh; the immigration to this country has decreased one-half. In support of these statements I give the following tabulated statement of exports, imports, and immigration from 1881 to 1885:

Merchandise, gold and silver.

Year.	Exports.	Imports.	Total.
1881	$833,549,127	$670,209,448	$1,503,758,575
1882	767,981,946	752,843,507	1,520,825,453
1883	795,209,316	687 066,216	1,482,275,532
1884	749,366,428	629,261,860	1,378,628,288
1885	688,249,798	587,868,673	1,276,118,471

Exports decreased in five years	$145,299,329
Imports decreased in five years	82,340,775
Aggregate decrease in five years, or about one-seventh	227,640,104

Immigration.

1881	669,431
1882	788,992
1883	603,322
1884	518,592
1885	326,150
Decrease in five years, over one-half	343,281

So that we are confronted with the fact that, with a commerce decreasing to the amount of one-seventh, and a decrease in the number of people who come to our shores of about one-half, we have an increase in these salaries of from 25 to 50 per cent. Therefore, I say, when I look for a reason for this increase it is not to be found in our commercial needs. I know that the committee have suggested that there are certain reasons——

Mr. BELMONT. If the gentleman would allow an interruption he would have the reasons given.

Mr. LORE. The committee have given their reasons in their report, and I have heard them upon this floor. If I understand them correctly, one reason given is that by this means the revenue may be increased. The committee say that $270,000 will be turned into the Treasury, ($120,000 consular fees, now retained by consuls, and $150,000 from increased collections by honest appraisements and valuation of duties). They imagine that $150,000 will come into the Treasury from fees. It is the common experience, and every lawyer on this floor will bear me out in saying, that whenever you put officers on a salary the fees cease to be collected in the same proportion as before, so that the turning in of fees into the Treasury diminishes immediately and can not be relied on, and the prospective or imaginary revenue that is to come to the Government by the correction of invoices is so purely imaginary that I can not for a moment conceive that this House will be much influenced by that argument.

Another reason given by the committee is that new consulates and

increased salaries will enable us to substitute American for alien and honest for dishonest consuls. This is an appeal to our patriotism by a gross reflection upon the character of our consuls and consular service, which, I hope, has little foundation in fact. As an argument, it is simply meretricious; but I can not see how these salaries, which, they say, do not exceed the fees that are now received by the consuls, are to change the character of the gentlemen who represent us abroad. It is not the amount of compensation, whether by fees or salary, but it is the character of the man that determines the question; and if the man is dishonest, whether he is paid by fee or by salary, will matter little. I feel sure our consular service does not merit this gratuitous attack or reflection at the hands of the committee.

But it is said (and this is the last argument urged by the committee in favor of the bill) that Secretary Monroe advocated the salary system, and that it has been advocated by Secretaries from time to time down to this date. The Secretaries, as a matter of convenience to themselves, may have advocated it, but, as has been well said by the gentleman from Kentucky [Mr. McCREARY], the Congress of the United States, which is the appropriating power, after a careful and thorough examination of the whole field, has as uniformly and as persistently come to the conclusion that it is unwise and unsafe to adopt this policy; and there should be strong reasons to induce Congress to reverse her well-settled policy in this regard. Certainly it is no reason for the creating of seventy new consulates and unreasonable increase of salaries.

These are the arguments and reasons offered by the committee in support of this bill. I submit to the members of this House that they have little basis, in face of the facts which I have stated that our commerce and immigration have decreased so that there must be and is less labor now than heretofore. What is there to justify this increase in salaries and this addition to the consuls? Are their salaries to be increased in order that they may do less work? For decreasing commerce necessarily implies a decrease in the amount of work to be done.

What would any member of this House think of a man engaged in mercantile business who found, year after year, that his business was steadily diminishing, yet who, as his business diminished, increased the number and pay of his clerks, in order that they might sit around, idle beneficiaries of his bounty? We have a dimishing commerce and diminishing demands upon our consular force throughout the world, yet we are asked to place upon the list twelve fourth-class consuls at the rate of $2,500 a year each, sixteen fifth-class consuls at the rate of $2,000 a year each, and forty-two sixth-class consuls at the rate of $1,500 a year each, an aggregate of seventy gentlemen who are thus to be pensioned off upon the Government at a cost of $150,000 a year, besides largely increasing the salaries of many consuls now well paid.

Mr. BELMONT. If the gentleman refuses to be interrupted I do not see why he insists upon misrepresenting the bill.

Mr. LORE. My friend will have plenty of time to reply to anything that I say. I say to him that I am now giving facts and figures, and that I have made no misrepresentations about the bill. If the facts of our diminishing commerce and the diminishing demands upon our consular force are a misrepresentation of the bill that is the fault of the committee who have reported it. I simply give the statistics as they stand uncontroverted in the best authorities.

Mr. BELMONT. I will be content——

Mr. LORE. I beg my friend's pardon. He knows that I have only fifteen minutes.

Now, Mr. Chairman, it may be that the State Department, with a fertility of imagination not founded on fact, thinks that our commerce is to grow again, that the seas are again to be covered with American vessels, and that emigration is again to flood our shores. These "maybes" always have golden wings; they have gilded bodies, and they buzz incessantly in the ear of the sensitive imagination, peopling the fancy with golden fruition and prodigious results, but they never make honey. We want to look at the facts and to stand upon them and not be led astray by sentiment or fancy.

Mr. Chairman, I confess that when this bill came in I was somewhat inclined to believe that it was a huge joke which was about to be perpetrated upon the House, and that we were not to be asked in sober earnest to make this unwarranted increase in new offices and salaries. Perhaps it is a grim legislative joke; it looks so.

Mr. Chairman, who is responsible for this attempt to change our traditional policy and launch upon a sea of adventure? The question has been asked again and again on this floor and no one seems willing to father the child. Have we become so diplomatic that we can not face in a manly way our own work? Does it emanate from the State Department, or is it the work of the Committee on Foreign Affairs bent upon some startling reform of a degenerate service?

I am unwilling to believe that the State Department advocates so radical a change.

The latest utterance of the distinguished head of that Department, sent to the Speaker of this House this session, reads as follows:

DEPARTMENT OF STATE, *Washington, January* 6, 1887.

SIR: In compliance with the requirements of section 194 of the Revised Statutes of the United States, I have the honor to report herewith the names of the clerks and all other persons employed in the Department of State, or in any of its offices during the year 1886, with the time each was actually employed and the sum paid to each; and to state that they have been usefully employed, and that the services of none of them can be dispensed with without detriment to the public service.

In answer to the further inquiry of the statute, namely, "Whether the removal of any individuals and the appointment of others in their stead is required for the better dispatch of business," I may say that, as the clerks of this Department have become trained to a degree of usefulness beyond that which could reasonably be expected from new appointees, I am not at present prepared to recommend any change.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

The list accompanying that letter contains the names and pay of 90 employés of the State Department, nearly all of whom were in the Department under the last administration. So that Department is opposed even to moderate, to say nothing of radical, changes. The present employés have heretofore been there, are there now, and will remain there. No change. Hence, it is just to infer this sweeping change does not emanate from that quarter.

True, there have been more sweeping changes in the ministers to leading foreign countries, removals made; and successors have been selected with marvelous care and judgment out of the great number of distinguished Democrats who were powerful in revolutionizing the country and insuring a Democratic administration.

In this respect no administration has met such signal success. It is only necessary now to go over in memory the list of such appointments, to find that leading Democrats, whose names were household words in the party in all the land, and who were brilliant diplomats and representative men in all respects, to convince one of the extraordinary judgment displayed.

These changes were, however, necessary. It only requires a life of study and duplicity to become an accomplished diplomat, and it is apparent that they should be changed often, while employés in the Departments may not be changed without imperiling the existence of our form of government.

Changes in ministers, not in employés of Departments, therefore, convinces one that the State Department is not in favor of change.

Mr. MILLIKEN rose.

Mr. LORE. Pardon me, I have not time to yield.

True it is that if the people in 1884 had adopted the sentiments of the distinguished head of the State Department, announced in the letter quoted, and by their votes then said in effect that the public servants then in power had become "trained to a degree of usefulness beyond that which could reasonably be expected from new appointees," and that they were not "at present prepared to recommend any change," the country would have been deprived of the benefits of the exalted abilities and services of the distinguished gentleman himself in his brilliant administration of the State Department, a calamity which we can only imagine, as fortunately the change has been effected *Deo gratia* to this extent.

You remember in the last campaign it was popular to advocate a change all along the line. On the stump, from Maine to Florida, the popular sentiment took form in the expression "turn the rascals out." Few men were more vigorous in denouncing fraud and the necessity for change than the distinguished author of the letter quoted. But the change was effected when the big ones went out and men of like caliber took their places, for further change is not recommended. Indeed, we are told that all now in are efficient and useful. Whether these old employés have experienced a change of heart or have been purified by contact with exalted purity and manliness we are not informed. But they have become transformed. I admit generally those now in office have become by their retention purified and are no longer rascals. [Laughter.]

Mr. REED. The admission is very pleasant.

Mr. LORE. There has been a conversion going on in the State Department. A great work has taken place, and they will no longer be considered as rascals. They are now men who can be relied upon in every respect. Their experience demands there should be no change. [Laughter.]

The State Department, therefore, is decidedly against change.

Again, this bill provides for two inspectors, detectives, or spies at an annual salary each of $9,000, including expenses, whose duty it shall be to travel all over the eastern and western continents and all the islands of the sea, wherever a consul, consular agent, or representative of the Government shall be, to watch their movements and report their shortcomings. This surely does not come from the State Department. It is a gross insult to the distinguished head of that Department that the select and honest men by him chosen out of the great number of patriots who are willing to serve their country should be subject to such espionage and indignity. The State Department was not organized to set rogues to catch rogues, but to appoint to represent our country in foreign lands high-toned and honorable men, representative Americans, whose fame, services, and characters are a full guarantee for faithful service. Are we not therefore warranted in saying this bill bears no ear-marks of birth in the State Department? It is too improbable. It must be a joke.

Perhaps the distinguished chairman of Foreign Affairs out of his abundant ability has been giving free reins to an exuberant fancy. It can hardly be the sober product of the matured statesmanship.

If it were meant for earnest I would pronounce it a bill to degrade our national character and ape European manners, in the prosecution of which snobbery would be the rule and flunkeyism the type of American manhood in our intercourse with foreign nations. It must have arisen from misconception in reference to the wishes of the State Department or in some strange misunderstanding.

The CHAIRMAN. The gentleman's time has expired.

Mr. LORE. I ask permission to extend my remarks.

The CHAIRMAN. The Chair hears no objection.

Mr. CANNON. Mr. Chairman, it was my intention to yield for twenty minutes to the gentleman from Mississippi [Mr. ALLEN], but he is not present.

Now, as to many of the increases of this bill I am quite sure I have not the knowledge to say whether they are wise or unwise. I do not know whether the Committee on Foreign Affairs has such knowledge. If these are wise now then most of them would have been wise ten years ago. I hold in my hand a report made by the gentleman from Mississippi [Mr. SINGLETON], from the Committee on Appropriations, reporting the consular and diplomatic appropriation bill for the year 1877, from which report and the bill accompanying it, it appears that for the year 1876 making appropriations for the year 1877, there was proposed a decrease that year in the consular and diplomatic service from the prior year of $435,837.50. The act for the year before carried $1,374,985. The proposed decrease left the service to be provided for at a cost of $939,147.50. It went to the Senate and was amended there, so that the real decrease was $186,187.50.

Now, this bill, as reported from the Committee on Foreign Affairs, provides for a similar service for the next fiscal year at a cost of $492,647.50 over the acts for the year 1877, and at a cost of $742,297.50 over the cost recommended by the Committee on Appropriations and passed in this House for the year 1877.

The gentleman from Mississippi [Mr. SINGLETON], making the report for 1877, used this language: "Many consuls have been thrown into a lower grade, and other reductions have been made. The total change has resulted in reductions in the bill of $435,837.50 from the service for 1876."

I well recollect the debate upon that bill at that time. The gentleman from Illinois, my colleague [Mr. SPRINGER], whose harp now hangs upon the willow, made his reputation in the first instance in the House on that debate, favoring economy and ridiculing the consular and diplomatic service. I well recollect that our representative and minister at Greece was wiped out in that bill. The gentleman from Mississippi [Mr. SINGLETON], who I see not before me, but who is yet a member of the House, and a member of the committee reporting the bill for economy in decreasing the cost of the consular and diplomatic service, made a great reputation. The gentleman from New York [Mr. COX] made a great reputation in the same line, and the gentleman from Pennsylvania [Mr. RANDALL] came with his sledge-hammer licks, pounding down this service at the rate of nearly one-half million of dollars for the year 1877.

Now, Mr. Chairman, it would be interesting to turn back and read those debates, and then read this bill reported by the gentleman from New York [Mr. BELMONT], increasing the service over $742,000 per annum, what my colleague from Illinois and the Committee on Appropriations proposed it should be for the year 1877. All I have got to say is that the gentleman from New York may be wise in the views and opinions he recommends increasing these salaries so largely; but if he is wise, then all those illustrious gentlemen were foolish in 1877.

Mr. BELMONT. Will the gentleman permit me a moment?

Mr. CANNON. Certainly.

Mr. BELMONT. The gentleman said that my colleague, Mr. COX, is on the record, and, he thinks, as being opposed to the increase. I may say that Mr. COX himself made an urgent appeal to the committee to increase an item which we had already reported to the House, and we did increase it in compliance with his request. I have only to say, therefore, in response to the suggestion of the gentleman from Illinois, that the times seem to have changed, and we have endeavored to meet the difference of opinion, and believe we have done so successfully.

Mr. CANNON. Yes, times have changed, the administration has changed, and, strangely enough, the gentleman's colleague from New York appears to have changed also.

In 1877 a Democratic House of Representatives was decreasing, or trying to decrease, this service $435,000 in a single year, under a Republican President. Now a Democratic House of Representatives, under a Democratic President, is trying at one leap to increase this same service more than $742,000 per annum over what your party said was sufficient under a Republican President.

I say again, your party recklessly crippled this service for 1877 for political effect merely, or your President in his message in insisting upon this increase, and you in giving it by the terms of this bill, are guilty of unexampled and vicious extravagance.

Mr. Speaker, I come to criticise for a few minutes a provision of the bill that I believe to be vicious, and at the proper time I shall make the point of order against it, and if that is not sustained shall seek to defeat it in committee and in the House. There is on page 21 of the bill a provision in the following language:

That section 3, chapter 287, of the Supplement to the Revised Statutes be amended as follows:

"After the words 'lower grade,' in the fifth line, insert:

"'Or consolidate any two clerkships of the lower grade.'"

Now, mark you, that looks very harmless; but what does it do? I turn to read the section referred to, as follows:

That whenever in the judgment of the head of any Department the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class, or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of clerks of the lower grade within the limit of the total appropriation for such clerical service.

Now they propose to add, after those words "lower grade," the words I have read in the bill; so that it will provide that—

He may increase the number of the clerks of the lower grade or consolidate any two clerkships of the lower grade.

That amendment, Mr. Chairman, therefore, has a double action. In other words, if this section is in force and this amendment is adopted, all the detailed appropriations for the clerical service in all the departments, detailed at great length and after an examination by committees of the House and Senate, can be thrown into hotch-potch as though they had not been detailed, and you can employ more people at less salary or half the number of people appropriated for double the salary specified.

Mr. SPRINGER. How can you double the salary provided the appropriation for that class of service is limited?

Mr. CANNON. You can double the salary by reducing the number of employés one-half and using the total amount of the appropriation for their payment.

The CHAIRMAN. The Chair desires to state to the gentleman from Illinois that the ten minutes which he yielded to himself have expired.

Mr. CANNON. I think I will yield five minutes more.

Now, I want to give a little history of this section of the supplement to the Revised Statutes which is proposed to be amended here, stating the reason for the enactment of this law, and then the reason of its subsequent repeal, because it is repealed. This bill proposes to amend a law that has no existence in fact. What, then, is the effect of this provision of the bill if it is enacted into law?

When our Democratic friends came into power in the Forty-fourth Congress that was called an economical Congress. They cut down the employés in all the Departments by the hundred. But as the work had to be done, the economical gentleman from Indiana [Mr. HOLMAN] conceived this section of the statute, namely, that he would permit the Secretaries of the different Departments to aggregate the salaries of all the employés appropriated for and employ people at a less salary. And for about eight years that system was followed. So that the service in the Departments was not in conformity with the appropriations. In effect we appropriated a sum in gross for the departmental clerical service, the expenditure of which was left to the discretion of the Secretaries.

To illustrate, you would appropriate for two fourth-class clerks at $1,800 apiece. The aggregate was $3,600, and five people at $700 each and a fraction over, could be employed and paid therefrom. I again say the appropriations as specified were no indication of the service as it in fact was.

In the Forty-seventh Congress the Republicans had a bare majority. Upon investigation we concluded to cut this system up by the roots and to do away with this abuse, for it had grown into a great abuse. And in the first session of the Forty-seventh Congress this provision was enacted, which you will find if you will turn to volume 22, page 255, of the Session Laws:

SEC. 4. That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall, after the 1st day of October next, be employed in any of the Executive Departments, or subordinate bureaus or offices thereof, at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed at the seat of government in any Executive Department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the 1st day of October next section 172 of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employés at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and thereafter all details of civil officers, clerks, or other subordinate employés from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury.

It was thus provided that no person shall be employed in any Department in the city of Washington unless he is specifically appropriated for, and at the rate appropriated for. And the pernicious section

enacted under the lead of the gentleman from Indiana [Mr. HOLMAN] was repealed with all the laws opposed to this legislation of 1882. And that is the status to-day.

And now the Committee on Foreign Affairs reports a bill—to do what? Why, to enable you to take two $1,600 clerks, throw the salaries together, making $3,200, and employ one man at $3,200, when Congress supposed it was appropriating for two at $1,600 each.

[Here the hammer fell.]

Mr. CANNON. I will take five minutes longer now, because the gentleman from Mississippi [Mr. ALLEN] can not conclude to-day in the time I would have yielded him.

Mr. BELMONT. Will the gentleman permit me a remark?

Mr. CANNON. Yes, sir.

Mr. BELMONT. The criticism which the gentleman from Illinois makes is applicable only to a portion of the bill. It is not applicable to that portion which concerns the consular system.

Mr. CANNON. I am not speaking now of the consular system.

Mr. BELMONT. I thought perhaps the House might have misunderstood the gentleman.

Mr. CANNON. Oh, no. I am speaking of that portion of the bill which the Committee on Foreign Relations have reported without ever having the matter committed to them to investigate and report upon.

Mr. BELMONT. Will the gentleman permit me? I will state to the House the committee did report this provision with a great deal of doubt. It was only upon the request of the Assistant Secretary of State, Mr. Porter, who visited the committee and made an earnest appeal. I think that this particular item is certainly amenable to a point of order, and it was not at any time supposed it would go through without the point being made. But I would remind the House again that the provision does not refer in any particular to the consular service or the diplomatic service. It refers only to the clerks in the State Department.

Mr. BUCHANAN. And let me ask whether the bill does not propose to that extent to amend a section which has been repealed and is not now the law?

Mr. CANNON. Certainly. I am stating that. And since the gentleman from New York has stated, for the purpose of absolving his committee from the responsibility of seeking to revive a law in this left-handed manner, that it was done at the request of the Department of State, let me say, when a Department, if that be true, seeks legislation of this kind, it has a tendency to weaken my confidence in its judgment as to some other portions of the bill.

Mr. BELMONT. Will the gentleman permit me again?

Mr. CANNON. Certainly.

Mr. BELMONT. The purpose of this provision is very clear whether it is amenable to a point of order or not. It is simply that the Department might employ a clerk of greater ability and better qualified without asking Congress for any increased appropriation. That is, it gives one clerk the salary now given to two. It is a question whether the House is willing to follow this recommendation, but the committee thought it only right to present it for the consideration of the House.

Mr. CANNON. Now, let us see whether or not it was right to present this provision or right for anybody to ask it. The Department of State has 78 employés, including the Secretary and assistants. There are 9,500 employés in all the Departments in the city of Washington. Now, for the purpose of getting the Foreign Affairs Committee to give one clerk or two clerks not authorized under the law this provision is sought to be enacted, and this law so revived and amended that the Secretaries of the different Departments can consolidate 9,000 places in these Departments and make 4,500 places at double the salaries, or they can make 18,000 places at one-half the salary where Congress in its appropriation only sought to make 9,000 places.

Now that looks to me like pretty serious kind of work. I do not believe the House will do it, or ought to do it.

But this is not all. On page 5 of the bill I find, under the head of "contingent expenses for foreign missions," provision made for "stationery, blanks, record and other books, seals, presses, flags, and signs for the several legations; also for rent, postage, telegrams, furniture, messenger service, clerk-hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate of Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legation;" and what else? Why, in the same connection, immediately following these "contingent expenses of foreign missions," I find this: "And for printing in the Department of State, $105,000."

The Committee on Foreign Affairs had no jurisdiction to report that clause for printing in the Department of State.

Mr. BELMONT. I think that this time my friend is mistaken in his criticism.

Mr. CANNON. I may be.

Mr. BELMONT. I think it is a very important point that the State Department should be furnished with this facility as well as the other Departments. Only within a few days the committee has received some important correspondence which was printed in the Department. While my friend's criticism upon the other section of the bill may be well founded, the committee will defend every other portion of the bill, and I think successfully.

Mr. CANNON. Now, Mr. Chairman, having said that, I will go on to say that the matter of printing in the Department of State was not in the estimates referred to this committee. It is true that it was in the diplomatic bill of last year, but it was not committed to that committee. It was referred to the Committee on Appropriations, the same as the estimates for clerks and contingent expenses of the department here, and was investigated by the Committee on Appropriations. It may be that this is a very proper expenditure to make, but I recollect that the Committee on Appropriations thought it was not, because we already have a great Government printing office here in Washington, and for some years past that committee has not recommended the establishment of branch Government printing offices in the different Departments.

Mr. SPRINGER. Does it not happen sometimes that our consuls and ministers abroad require to have printing done at their posts in connection with the public service, and is not that a part of the contingent expenses of foreign missions?

Mr. CANNON. But this is for printing here in the Department of State.

Mr. SPRINGER. Well, it is all called the Department of State.

Mr. CANNON. And under that clause there has been established a public printing office in the Department of State.

Mr. BELMONT. It has been the practice of the State Department hitherto to have its documents printed in the other Departments, and that is a very detrimental practice, because there are many communications that should be kept secret for a time. For instance, the one to which I referred——

Mr. CANNON. I cannot yield for a speech.

Mr. BELMONT. I am merely giving the reasons for this item; it is intended to secure the secrecy of documents which ought not to be made public, and which, if they are printed and kept secret, can be printed only in the Department.

Mr. SPRINGER. Secrecy can be obtained at the Government Printing Office; I am quite satisfied of that from experience.

Mr. BELMONT. Not successfully.

Mr. SPRINGER. Yes; most successfully.

Mr. CANNON. Mr. Chairman, if I had plenty of time I would not mind being interrupted; but I wish to say now that an investigation by the Committee on Appropriations showed that printing had been done at the Government Printing Office with greater dispatch and secrecy than anywhere else in Washington. It may be, however, that this item was necessary. My point is that the Committee on Foreign Affairs, not content with exercising its own legitimate jurisdiction, proposes in this instance to take the jurisdiction of other committees. I do not know what it will do next year, having made this good start.

Mr. BELMONT. Perhaps the Committee on Appropriations will relieve us altogether.

Mr. CANNON. I do not know but what it could do so with profit.

Mr. BELMONT. May be so.

Mr. CANNON. Now, Mr. Chairman, I will yield to the gentleman from Mississippi [Mr. ALLEN].

Mr. ALLEN, of Mississippi. Mr. Chairman, I believe there is a special order set for 3 o'clock, and it is now within five minutes of that time. When I once get warmed up it will be difficult for me to stop at the end of five minutes, and I know that the House would dislike very much to have me stop. [Laughter.] For that reason, sir, I ask unanimous consent that when this bill comes up again for consideration I be allowed to occupy the time now yielded to me by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I will say to the gentleman that I have about fifteen minutes remaining.

Mr. ALLEN, of Mississippi. Twenty minutes, I think.

The CHAIRMAN. That will be under the control of the gentleman from Illinois [Mr. CANNON] when the committee resumes the consideration of this bill.

Mr. BELMONT. Mr. Chairman, in view of the special order, I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House had had under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, and had come to no resolution thereon.

KANAWHA AND OHIO RAILROAD COMPANY.

The SPEAKER appointed as managers on the part of the House in the conference upon the disagreeing votes of the two Houses upon the bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its tracks through the United States lock-dam property in the great Kanawha valley, West Virginia, Mr. TARSNEY, Mr. CRISP, and Mr. O'NEILL, of Pennsylvania.

THE LATE REPRESENTATIVE PRICE, OF WISCONSIN.

The SPEAKER. The hour of 3 o'clock having arrived, the Clerk will read the order heretofore made.

The Clerk read as follows:

Resolved, That Wednesday, February 9, 1887, at 3 o'clock p. m., be assigned for the consideration of resolutions relative to the late William T. Price, late a Representative from the State of Wisconsin.

Mr. CASWELL. Mr. Speaker, I offer the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That the business of this House be suspended, that appropriate honors may be paid to the memory of Hon. William T. Price, late a Representative in Congress from the State of Wisconsin.

Resolved, That in the death of Mr. Price the country has sustained the loss of a patriotic citizen and a most faithful public servant.

Resolved, That, as a mark of respect to his memory, the House, at the conclusion of these ceremonies, shall adjourn.

Resolved, That the Clerk of the House communicate these resolutions to the Senate.

Mr. CASWELL. Mr. Speaker, while it is a sad occasion that now occupies the attention of the House, it is always a pleasure to speak of the life and character of a just man.

William T. Price, late a member of the House from the eighth Congressional district of the State of Wisconsin, departed this life on Monday, the 6th day of December, 1886, at his home in the State he had so faithfully represented upon this floor. While this sad event had been foreseen for some weeks by his family and friends, no one expected it at so early a day. But we shall not doubt that when the summons came he was prepared for the great journey before him. It was characteristic of him to be ready for whatever emergency awaited him. He had been for many years in public life a servant of the people, passing much time in the discharge of duties away from home and his own business affairs, yet it was his good fortune when the end came to be under his own roof, surrounded by family and friends, so near and dear to him.

The faithful wife, son, and daughter, for whom he had lived an honorable and industrious life, were with him to administer to every want and extend to him that sympathy which one's own alone can give.

The deceased was born in Pennsylvania on the 17th day of June, 1824, and was consequently at the time of his death 63 years of age.

In 1845 he emigrated from his native State to Wisconsin, taking up his residence at Black River Falls, where he continuously resided till his death.

During his whole life he was an active business man, being principally engaged in lumbering and farming.

But his usefulness was not confined to these pursuits. Many other branches of business gained his attention. He did not profess to be learned in the law, but he had a clear comprehension of constitutional government, and this enabled him to serve his people and fill with honor and distinction whatever position they saw fit to assign him.

He was elected four times to the senate of his State, and on one occasion he was chosen president of that body. He was also twice elected to the lower branch of the Legislature.

He was also for a while judge of the probate court, a court which administered most important and sacred trusts.

He was also collector of internal revenue, filling with great credit that most responsible position under the Federal Government. Finally, he was chosen a member of the Forty-eighth, Forty-ninth, and Fiftieth Congresses, increasing his majority at each election; the last exceeding that ever enjoyed by any member from the State of Wisconsin.

During his entire public life, extending through every position, State or Federal, which he held, I venture to say not a blot or stain can be found upon his record which would tarnish his efficient and most honorable service. Every page of that record, every act of his official hand, will bear the closest scrutiny.

As a business man he had few equals. He was an organizer and a projector. He planned and executed in a way that redounded not only to his own profit but to the advantage of his associates as well.

The laboring classes about him found at his hands a share in whatever he enjoyed.

He also enjoyed the confidence of the business men, and for many years was president of the principal bank in his town.

He had a positive nature, as all who have met him will testify. Whatever he believed he believed with all his might, and he had the courage to avow his convictions, as well as the ability to assert them; and yet he was a just man, taking censure himself when deserved as freely as he gave it when occasion required. Those who knew him in public or private life understood him to conceal nothing or take shelter. He struck boldly at the object of his attack. To accomplish his purpose he was wanting neither in zeal nor industry. His true character is well revealed in a paragraph which I take from a speech made by him while a member of the State senate in 1879, just before taking a seat in this House. On that occasion he said:

I did what I could to lift the fallen, the erring, and the weak, and place him on the platform of an independent manhood; that I never stood back for fear of party or shrouded my own convictions in doubt and uncertainty and gloom for fear of hurting a political party. I have an ambition to do my duty as a senator, to do all I can to help every poor, weak, erring brother that needs my help, and to fight every graceless, Godless, soulless scoundrel who would leap to personal aggrandizement upon the fallen fortunes and the wrecked lives of his fellows.

He was a great believer in the cause of temperance, and it may justly be said he was its leader in his State.

He possessed that faculty and good sense which enabled him to eliminate it from politics in his district, so far, at least, as he was concerned. In that way he brought to the cause no enemies or opposition, and it grew in strength till his district contained a greater number of temperance people than any other district in the State.

As a member of the House little need be said. The daily record speaks for him, and speaks better than any words of mine can express. Few measures of public interest failed to receive his attention.

He was a ready debater, and lost no opportunity to express his approval of or dissent from those measures when under consideration. His satire was often felt, if not enjoyed, by those in conflict with him, while his plain expression and great sincerity of purpose always won for him admiration if not approval.

He was an economist, guarding closely the interests of the people, and he did not hesitate, at all times, to condemn any unnecessary use of the public moneys.

In his death the soldier has lost a faithful friend—one who labored constantly to reward them for their patriotic services.

We shall miss him upon this floor; he will be missed by the people of his State; but he has left us here a legacy of good examples, his people at home the record of a pure and upright life, and a service while their representative that does them honor.

His many deeds of charity and kindness among his neighbors and friends will be remembered and cherished by all who knew him, and we trust that he is now serving in a sphere far better than the one he has left behind him.

Mr. THOMAS, of Wisconsin. Mr. Speaker, again we are called upon to halt in our legislative duties to chronicle death's resistless power and remorseless will.

William Thompson Price, a member of this House from the eighth district of the State of Wisconsin, died at his home in Black River Falls on the 6th day of last December. This sad event was a great shock and surprise to the people of Wisconsin and to the members of this House.

It is indeed difficult to understand that this strong man, of iron will, who has been a familiar figure and a great power in his own State for forty years, and who during his terms of service in this House showed such vitality and mental vigor, is no more.

It is among the good impulses of our human nature, cognizant of its own weaknesses and tenderly forgetful of the faults of those who have passed away, to unduly laud the memory of the dead; but, sir, I have the profound satisfaction of knowing that in recalling the incidents of the life of my deceased friend and colleague there is nothing in his career that needs the embellishment of flattery.

Those who knew him best will bear me out in the statement that in simple fidelity to fact and as honest an interpretation of the character and motives of the man as he himself could have made lies his best representation; no one more abhorred praises unfit—no one less needs them—and few could with more safety trust the memory of a long and public life to the scrutiny of mankind.

It is true, sir, that he was a man ambitious in the extreme of place and distinction. Such ambition, however, was not inspired by mere desire of personal elevation. He sought place for the work he could do in it. It might be said that his ambition was animated by an intense conviction that places of high trust afforded him opportunity of working out his own ideas of right and justice.

To such work he bent all the energies of a brilliant mind, an indomitable will, and a tireless purpose.

Often at variance with his friends and his party on important measures, so entirely honest was he in his convictions that more than an ordinary consideration was meted out to him; and still, so uncompromising was he in assertion of those convictions that I think it may be said of him that he made thereby the only enemies he ever had, for in his fearless advocacy of them he was oftentimes regardless whether his methods were gentle or rude, what antagonisms he created along the way, what foes he made, what friends he won or lost, anxious and intent alone upon the success of the principle for which he contended, the work he desired to accomplish, working faithfully even under disadvantages and great discouragements.

As one who knows where there is a task to do,
Man's honest will must Heaven's good grace command.

If obliged to sum up his chief traits in a few words, I should say that he was distinguished as self-reliant, self-asserting, and aggressive; qualities softened, however, by great good sense, and tempered by a desire to be just; that he was independent of thought and prompt of action; that he had great decision of character and an utter disregard of all those arts employed by the demagogue; that he was honest in his convictions and fearless in their assertion. He was a man of versatility, in that he could readily adapt himself to whatever circumstances surrounded him. As an illustration, he was entirely at home in the logger's camp in the pine woods of Northern Wisconsin, and was

equally so in the drawing-rooms of the wealthy, and amidst the elegancies of polite society. He could turn from the perplexities of a large business to the social amenities of friendship and affection without effort. He could be "hail fellow well met," hearty, and unassuming, or stand upon the rostrum an eloquent and persuasive orator. It is not wonderful that such a man should be found popular in public and political life. He was a natural leader of men, and was early pushed forward to the head of the column.

In 1851 he was elected as a Democrat to the assembly of the State of Wisconsin, but upon the formation of the Republican party in 1854 he united with that organization, with which he remained as an ardent worker during the rest of his life.

He was a member of the Wisconsin State senate in 1857, 1870, '71, '78, '80, and '81. In 1882 he was again a member of the assembly. He also held many local offices in his own county, including that of county judge. He was Presidential elector in 1868; he was elected to the Forty-eighth and also to the Forty-ninth Congress, and was re-elected to the Fiftieth Congress by a greatly increased majority, amounting to about 12,500. A splendid triumph; and one the more a compliment from the sad fact that it was won without his leadership, or through any personal effort of his; won by the devotion and work of his people, while he himself lay upon his bed fighting for only a few days more of life—Death his closest comrade.

This grand triumph was, sir, not only due to the great personal regard and appreciation in which he was held as a man by his neighbors, but was in a great measure due to the acceptable manner in which he had performed his duties here.

During his entire service in this House he sought by his watchful care to guard not only the interests of those he immediately represented, but the interests as well of the whole country.

No gentleman on this floor was more careful of, or attentive to, or more conscientious in the performance of his duties than he. He was ready at all times to give his views upon public questions, which he did with that force, terseness, and logic charming to listen to, and which brought the subject under discussion and his views thereon clearly before the House.

In debate his utterance was remarkably rapid. He was probably the most rapid speaker in the House. His voice was most often heard here in behalf of the soldier, for he was pre-eminently the friend and the advocate of the rights of the soldier.

There are no people on the face of the earth so devoted and self-sacrificing as the people of America. No government has been so liberal toward its defenders, or has exhibited so much gratitude for devotion and sacrifice as ours. This sentiment was illustrated in all its highest bearings in the conduct and action of Mr. Price upon this floor. His patriotism, his gratitude, his noble pity prompted him to incessant and earnest work in behalf of the soldier; his voice was heard on all possible occasions in favor of liberal appropriations for the benefit of those brave men who stood in the ranks in defense of their country, and his vote was always given, accompanied by most earnest and eloquent appeals, in behalf of liberal pensions for the widows and orphans of those who had laid down their lives that the country might live.

The rights of the private soldier and those who by the death of the private soldier had been left to the care of the nation, he was the friend, the champion, the protector. Many a soldier suffering from wounds received or disease contracted in the service of his country, and many a poor widow and helpless orphan whose husband and father fell upon the battle-field, have reason to bless his memory for the efforts he made in their behalf; and when he died, none were more sincere mourners than they. It would scarcely be just to his record, or the memory held of him among the people of his own district, and indeed the entire State, not to mention the fact that he was a firm and unyielding advocate of temperance.

A contest into which he entered when the question was new as a governmental problem in his State, and in which he was a pioneer, and to which he brought the whole force of his character—advocating the doctrine of total abstinence and legislative prohibition, uncompromisingly and in the face of stern opposition, in utterance oftentimes bitter as it was fearless—never appearing to realize or care whether his extreme course might not prove disastrous to political ambition. To an ordinary man, under conditions then existing, it might have proved fatal, but so fully did the people know the honesty of his convictions that they were willing to follow in his lead, and twice was he honored by the nomination to Congress of the Prohibition as well as the Republican party.

Mr. Speaker, I have endeavored in this brief delineation of some of the most prominent characteristics of my departed friend and colleague, to show that in them was the active motive power of his life and acts, and that his character in mature life, as in early days, the direction of his purpose, and the secret of his large influence in his State, were the result of the development of these marked, and in some respects peculiar, traits. He was neither marred nor made by circumstances; if he did not create circumstances, he bent them to his will and use, and was always greater than they.

This, to the older residents of Wisconsin, stands proven fact; it was true of him in his early pioneer life; true of him in his successful business position; true of him in his political progress, and true of him in days of declining health, and when the severance of all human ties was made. Everywhere and always he was the self-contained, strong-willed, brave man; not an imitator, but simply himself.

The State of Wisconsin knew him well, believed in him, and delighted to honor him with its highest trusts.

The affection with which she will forever remember him is evidence of his loyal guardianship of those trusts, and his associates of this House will not go from the tribute and ceremony of this hour to soon forget the honor and worth of William Thompson Price.

We pass softly and with reverent tread from contemplation of the character and life of the man of busy habits and public activity to that of the husband and father, within the sacred circle of home life and love. We stand with bowed head and face averted in the presence of grief and anguish, too profound and comfortless for even the tenderest human sympathy to relieve, the broadest philosophy to support; but upon which the sweet and gentle suggestions of Christian faith fall with healing grace.

Coming years may bring to the lonely hearts there some surcease of sorrow, but no compensation for an irreparable loss. They may come laden with this world's comforts and brightened by the hope of future reunion, but between the dark and dawn there lies a wearisome stretch of time, and hearts bereft know best how grievous is the watch.

Out of that home and the light that dwelt there our friend has passed on to know another life and learn the lesson of immortal being. Let us leave him, then, in the presence of that great Mystery, before which we too shall stand some not far distant day, remembering—

* * there is a hope that all men have,
Some mercy for their faults, a grassy place
To rest in, and a flower-strewn gentle grave;
Another hope which purifies our race,
That when that fearful bourne forever past
They may find rest—and rest so long to last.

Mr. PETTIBONE. Mr. Speaker, once more the House of Representatives pauses for a brief space to mark its respect for the character of one, so recently among us in the full vigor of his powers, now, alas, too soon consigned to the long sleep and to the narrow house! That all men must sooner or later pay the debt of nature, that Death, with equal certainty, knocks his imperative summons at the gate of prince as well as peasant, is a part of the common knowledge of us all. And yet the unexpected departure of some men shocks us! And especially is this so when a strong, virile, manly man, one full to overflowing with decision of character, with intense individuality, and the courage of his convictions, like a warrior laying aside his armor forever, passes into the unbroken silence of the unknown!

It is not mere eulogy to say that William T. Price was such a man, nor that to us who so frequently shared his councils and knew his buoyant, hopeful spirit his death comes with a peculiar shock.

I would not, if I could, indulge in overpraise, or say aught of the dead which is unbecoming, because untrue. What I knew of our friend I learned from seeing him on this floor, and from hearing him in this forum. To those who knew him at his home, who are familiar with his life work in Wisconsin, who were long his associates and shared his labors before he came, the representative of his district, to Washington, I leave the duty of portraying the aspirations, the struggles, and the triumphs of his earlier years.

When he came here a member of the Forty-eighth Congress we soon learned that a strong personality had come among us. It was from the first seen that he was no novice in legislative work. He was a man, it was evident, who had opinions of his own, because he had seen, and read, and wrought, and thought. It did not take long to prove that he had a will of his own, and that he respected the convictions of others because he intensely believed in those which to him appeared to be true. His salient traits of character as they revealed themselves to me, from daily contact, as the months wore on, were energy and force of character, as evidenced by his tireless industry, and his close and discriminating attention to all that was done and to most of what was said upon this floor. He was an attentive listener to the debates, and when he addressed the House we knew he always had something to say; and he always said it with the directness and with something of the force of a cannon-ball.

His honesty of purpose was transparent and evident to us all. He was all through an ardent American. He had faith in hard work, in education, and in total abstinence. That he despised shams of every kind he demonstrated alike in public debate and in private conversation. He was urbane and gentle, yet he was firm and positive. His conscientious and high sense of duty shone out as clearly as the light of day. His wit sparkled alike in repartee and anecdote.

He was a believer in the rights of man as man, but he was no leveler or communist. He had acquired a competency for himself and an honorable place among his fellow-men by persistent hard work and perfect sobriety, running through many years. He served his constituents and served his country well and faithfully.

To me he was a noble specimen of the men of brain and brawn who, forty years ago, found the great Northwest an almost unbroken wilderness, and have since transformed it into an empire; and who have planted

and built up those American, Christian Commonwealths, Wisconsin, Iowa, Minnesota, Kansas Nebraska! Surely, a great work in the world! A work which will stand, for it was wrought out in justice and in wisdom, and it has secured forever, let us trust, the liberty, the security, the prosperity, and the happiness of millions now living and of the millions yet to be!

In this great work William T. Price had no common place and no common share. As a farmer who transformed wild acres into fruitful fields, as a lumberman who led his axmen into the wilderness and gave employment to hundreds while he hewed out a competency for himself and family, as a judge of his county where he guarded the rights of the widow and the orphan, as a banker whose integrity was never questioned, as a member of both branches of the Wisconsin Legislature in various intervals of service running through thirty years, as a Presidential elector, as a three times elected representative of his district in Congress we see his life was a most active and honorable one. It was full of stirring incident, of manifold labors, and he has left his work and impress upon his time.

Our friend, we know, "was rich in saving common sense."

What were his private opinions touching man's relations to his Maker I can not undertake to declare, for here, at least, he was reticent on topics of the kind. I judge only from his daily walk and conversation. We saw that all his ends were true. A kinder heart, it seemed to me, never beat. He was clean, he was honest, he was just, he was morally pure.

No further seek his merits to disclose,
Nor draw his frailties from their dread abode,
There they alike in conscious trust repose,
The bosom of his Father and his God.

Honored shade of our late companion, hail! and farewell!

Mr. HUDD. Mr. Speaker, the second session of the Forty-ninth Congress convened under the law of our land December 6, 1886. Under a higher law, a supreme decree that intervened, that has so often intervened in the affairs of life and death in this Congress, our fellow-member for that Congressional session, my colleague in this Hall from the eighth Congressional district in the State of Wisconsin, the able, the fearless, the honest, the genial man, William T. Price, on that same day so set apart for our reassembling, in the early morning hour thereof, was summoned hence.

The previous question of fate had been successful in his case; there was no division of that motion, no tellers allowed, no objection to prevail, for the regular order of our common mortality had been reached for Representative Price; his bill of life passed and gone to that great majority that have crossed over the river of being and doing herein—earth—messaged to the Congress of a hereafter in the republic of the blest.

Our colleague was of that material that he may be said to have had all the human valor and Christian audacity that would rank him with the worthy militant, of whom it was said:

The Knight's bones are dust,
And his good sword rust;
His soul is with the saints, I trust.

William T. Price was born in Huntingdon County, State of Pennsylvania, June, 1824, and had nearly reached the age of sixty-four years at the time of his death; that death occurred at his home in Black River Falls, Jackson County, State of Wisconsin, on Monday morning, December 6, 1886.

Mr. Price came to Wisconsin in the year 1845. For more than forty years he had been a respected, worthy, and honored citizen of Wisconsin while it was both Territory and State. Wisconsin became one of the United States soon after he came within its borders, having passed from a Territorial state in the year 1848. In 1851 William T. Price made his first appearance in a legislative body, and at the age of twenty-seven he occupied a seat in the Wisconsin State Legislature as a member of the assembly thereof; and although one of the youngest and presumably least experienced members thereof, at once took rank in that body with men far his senior in years, and whose experience in other legislative halls would seem to have entitled them to high places and distinguished records.

Once again, in after years, Mr. Price filled a seat in Wisconsin's Legislative Assembly, namely, in 1882—then in the full maturity of his powers intellectually, and when he was then, as often before, a pillar of strength for his party and a legislator for the people who sent him there, and also for the general masses, not being bound merely by his district's lines, always in that State Legislature without peers that could overshadow him. A member of the State senate of Wisconsin during the years 1857, 1870–'71, 1878–'79, 1880, and 1881. The pleasant recollections of some portion of that senatorial career still lingers, must remain while memory holds a seat in the brain of him who now attempts this poor eulogy of his colleague, then and there in the capital city of Wisconsin my more than friend and associate always, and never more so than when that friendship and official association was transferred for both to meet here as colleagues in this capital city of the United States.

The deceased Representative filled the office of county judge of Jackson County, State of Wisconsin, in a court having probate jurisdiction in 1853–'54. He was undersheriff of his county in 1855, and an honest collector of internal revenues in 1863–'65. Chosen a member of the Forty-eighth Congress, he first came to the House of Representatives in December, 1883, and at once was recognized and made himself known and felt as a man of affairs and capacity. Re-elected to the Forty-ninth Congress, Representative Price was, during all the first part of the session thereof, distinguished on the floor as an active and persevering member, with his eye single and voice alert for what he thought the just and the best in legislation. On a return to his constituents and in answer to a third candidacy for Congress, he was at the November election of 1886 again chosen for Representative in and to the Fiftieth Congress from the eighth Congressional district of the State of Wisconsin by a majority of more than twelve thousand of his admiring fellow-citizens voting on that question.

In the exercise of a reasonable economy, strict honesty, and faithful pursuit of his business, that of a lumberman in the State of Wisconsin, the handling and dealing in pine lands and pine logs, the manufacture and sale of same when rendered into the lumber of commerce, made William T. Price a wealthy man; so that, unlike too many of our public men and elected servants of the people who die in office poor, save in honor and reverential memory, he was able to leave a fair fortune for his devoted wife and the mother of his also well-provided-for son and daughter—that son, who is treading so close in his father's foot-steps that we are pleased to have it to say now and here to the promising son who succeeds so illustrious a sire in the self-same legislative body that mourns its dead, we welcome thee for thine own as well as for thy noble father's sake.

William T. Price was not a scholarly man nor even of letters, if to be entitled and so to rank he must have passed the curriculum of the academy or been able to boast of his degree in arts and science from the universities of the land. His early education was that of the common school, and scant-taught hours at that; still, in the years of a busy, bustling, business life, in the woods, along the rushing rivers where he helped run the pine-tree trunks to the marts or mills, on the frontier almost, and for some while after he came West, of an approaching and soon to become enduring civilization that developed those wilds of a Territory into the fair rose, expectancy, beauty, and strength of a great State in our Union, he managed to acquire, the how and when is a mystery now to us all, the intelligence, the learning, the breadth and depth of all subjects that enter into the life of men who assume to control and seek to direct affairs for their fellow-men.

Thus did he become, and he was, the intellectual equal of any man who appeared on the stage when they were called for action, and into which arena he leaped full-capped, as it were, and most completely draped in stature and in mind, already the more than peer of any he in all the land that met him. The wit and power of repartee possessed by William T. Price will long be remembered here by those of us who so often enjoyed its exercise. His had the true Attic flavor about it, while it went straight to the mark, was pungent and exhaustive. It seldom left a sting behind, gross or sensitive as may have been the called-for retort or point inflicted. As an orator and public speaker Mr. Price was *sui generis;* his the very Niagara of vowels and consonants that fell from his lips ofttimes in the wild rush and torrent of invective, argument, pathos and humor, so that, as we have seen here in this Hall, as I have had occasion ofttimes to notice elsewhere, the not usually bewildered shorthand reporters threw their phonography to the winds, and thus say in effect, if not in these words, "Let it run; we can't catch Price's words on the fly." Yet those words, the logic and his conclusions, were nearly always apt and worthy of being received as

In Barnedino's leaves of gold.

It may be asked what, then, was the power in and with this man; so nurtured, so dowered with some if not many imperfections so common to our humanity; what was and is the secret of his success in life? For he was essentially a successful man, if wealth, honor, troops of friends, and all of that can be said to make a man a successful one. It was this; let it be now the open secret of Representative Price's whole life and successful career; let it be known and accepted by all, especially by the young and rising generation of men who would feign press on in his footsteps, to find a like success or further yet, than fate and time allowed the deceased to rise. Know all men, then, that it was the willingness and the ability to always avow and follow his own convictions on any subject or duty. In the better rendition of this truth he came to understand, believe, and declare—

To thine own self be true;
And it must follow, as the night the day,
Thou canst not then be false to any man.

Our late colleague was most true to his own convictions of duty, justice, and the eternal right. Not that he was always right, always logical even, or consistent with the fitness of times and things. Not so, far from it, some of us must say, to be loyal to our own convictions or logical with history and our conceptions of a better political economy we think he went astray upon. Still, it does not lower or change the argument that he so believed, so held was the truth—hence expedient, and so advocated and stood by it, though all the world arose in arms to combat him. He was the hero of his own; and in his own royal claim

of right. These sterling traits in our late colleague were well illustrated in more than one direction and in varied fields of life, legislature, as well as in all his many and successful business pursuits, so that it became a common saying among the rough lumber boys in the Northwest lumber region, where he met and mingled with them in business affairs, "Bill Price and a square deal;" as significant as the maxim that his whole business life well illustrated, "Honesty is the best policy."

I must crave indulgence in this in memoriam to relate, or allude to, one or more incidents, showing that great quality of the dead. In the State that sent him here, as also in many other sections of the Union, has grown a new party, whose fundamental idea is prohibition as to the manufacture and sale of ardent spirits, wine, and beer. Mr. Price became a convert to this idea of prohibition, and that by legal enactment and through constitutional provision thereon. As he often related in my hearing, and as is well known to Wisconsiners as a matter of fact, there was a period when the life of the deceased was clouded and almost overshadowed by the immoderate use of intoxicants; but rising in his might and manhood, he choked a bad habit into a stingless memory, but still carried the recollection of his own near approach to the drunkard's fate in a bitter, unrelenting hate of all alcoholic beverages, forgetting that, in his one personal lapse, he might not be like others who could taste and not perish. This, however, was only one phase of that same trait of which we are now speaking, his conviction and belief carried into practice; it was not, politically, a wise or expedient move for him to make, for his party and his friends were not at that hour in favor of enacting prohibition; still, in the face of that almost apparent speedy end of his own ambition to still continue an elected leader of men, he spoke and acted prohibition on every stump in his district and in every legislative hall that admitted him. I call to my mind a most notable retort of my late friend in this relation:

In discussing this prohibition question in the Legislature of our State it was my lot to be nearly always opposed to the gentleman from Jackson, as Mr. Price was most always hailed, that being the county in the State of Wisconsin in which he resided, though it was in opposition to my own attempt at argument, and the wit of it directed against my own party it is, nevertheless, too good to let pass away without its record. As the orator was in the height of his output, the rapid flow of his three or more words to the second—all will now mentally recall that wonderful flow of sounds—a German member of the same legislative body that Mr. Price was then addressing arose to ask, if not to confuse, the temperance orator, far from being temperate in his choice of words and invective of the beer-makers and the beer-drinkers: "Will my friend from Jackson answer me one question, as he talks so much about the habits of the Germans and what they shall eat and drink? Does my honorable friend know the difference between saur-kraut and whisky on their system?" "Yes," quicker than lightning thundered the speaker, "yes, sir. One is for Dutch Democrats to eat if they like it, and the other to kill them whether or no."

So, too, in the year 1879 the Republican party were, as I remember it—and Mr. Price was nothing if not a partisan on most questions advocated by his party—committed to the immediate resumption of specie payments. Mr. Price did not so hold or believe at that period of time, and in the face of caucus party spur and hope of reward or fear of defeat he voted against specie resumption on the resolution relating thereto in the State senate of Wisconsin.

So again in this body that he entered December, 1883, and was a Representative here until his death, as before narrated. Our deceased brother on more than one occasion fully put himself in antagonism with his party rather than surrender what he honestly conceived was the right of the matter.

Solitary and alone, if I may use the now famous expression of Missouri's great Benton, did William T. Price in this Hall record his vote against pensioning the widow of General Grant, admiring Grant as I know he did from numerous expressions that fell from his lips, as the great soldier of our late war. Yet his convictions of duty said to him, "stay your hand here;" and the "no" that he dared to make audible on that occasion may be regretted by his friends, not sanctioned by the nation that can afford to be just to its heroes and liberally magnanimous to their descendants and dependents; still we may not stain his memory for the act that may not seem patriotic to some, it was no doubt to him as filial and dutiful as though it was his own mother's cause he declared his convictions of the duty of a public servant dealing with the trust funds of the nation.

He has gone beyond your censure, if censure you may have to give; gone beyond our praise, and all will find it now a pleasure to remember him only as the kind, the genial, the sharp, clear-voiced, but full-hearted man, who was our colleague in the Forty-ninth Congress from the State of Wisconsin. *Requiescat in pace*, William T. Price.

Mr. HENDERSON, of Iowa. Mr. Speaker, the fact that William T. Price, after leaving his native State, first made his home in the State of Iowa; the fact that his brother, Hon. Hiram Price, long an honored member of this body, is a citizen of my State; the fact that the name of "Bill Price" is almost like a household word throughout the West, and especially in the States of Wisconsin, Minnesota, and Iowa; the fact that I knew him personally and intimately, and loved him well, according to my knowledge of him, all make me swift to embrace the opportunity to offer a few words to his memory on this sad occasion.

To judge accurately and justly of the deceased we must look at his start in life, and at his surroundings. There are many men in public life who are aided by kind and powerful hands. Many men get seats in this Chamber who have been helped to their places by potent friends. Many men have enjoyed the advantages of colleges, and of tuitors, and of wealth from the time they entered upon the investigations of life. None of these facts were true of the deceased.

BORN ON A FARM.

William T. Price was of good solid Pennsylvania stock. He was born to very little of the good things of life, for in those early days farmers did not have a great deal in the way of luxury, but had to fight bravely even for the necessities of life.

All the education, scholastic, that he had, he gained by a few short terms in the common schools. Yet he was an educated man when we saw him here.

I must differ from his generous, eloquent, and kind colleague [Mr. HUDD] when he says "there is a mystery as to how he got his education." I can tell you how it came to him. It came like the sunlight from Heaven. He was a man with a mind ever thirsting for knowledge, and with a heart always swift to respond to the sufferings of humanity. In the great college which gives the clashing conflict of ideas he found a teacher. His teacher was the brawny hand and the bronze face. His teacher was the mountain and the stream. His teacher was the face of poverty, and also the well-fed, the well-clothed, and the prosperous citizen. It was the widow's sigh and the orphan's tear. And he listened to his teachers, one and all. He had the grasp of mind to comprehend what they said and what they meant.

Mark you, at eighteen he was one of the best debaters in Huntington County, and

A NOTED TEMPERANCE LECTURER,

sent for all round the adjoining country to talk on the temperance question. His lectures were by precept and by example and wholly without cant and sham. Hence his great influence.

And the debating club was the place he loved to be in long before he reached eighteen. I have talked with him about it and we agreed. He admitted

THAT THE DEBATING CLUB,

so much neglected in these latter times, made more public men, more great lawyers, than ever were made in colleges. It was a little debating school in which was forged the sharp blade of the Edinburgh Review. It was there that Jeffreys and his confrères drew their inspiration and there they first laid the foundation of their gigantic power and mighty influence.

So the nation can thank the debating club for the inspiring power of speech and the acumen of William T. Price. He is my authority for saying so.

He landed first in the West from a steamboat at the little town of

FORT MADISON, IOWA.

Marching up the levee he met, by pure accident, a friend of mine, now living in my city, Mr. Henry S. Hetherington, who had known him well in Pennsylvania. According to Mr. Price's statement, he did not have a dollar in his pocket when he touched Iowa. Yet he came up smiling, rich in the confidence of youth, in the confidence of integrity and of manhood. He knew he was entitled to fair, equal destiny in life, and he was prepared to fight his way to it like a man. He landed in Fort Madison, Iowa, and stayed ten days with Mr. Hetherington. He proposed opening a law office. He found there more lawyers in that little town than he had left in a much larger place. He said, "Henry, I am going to shake the dirt of this town off my feet and push for some point where there's more law business and fewer lawyers."

At once he started for

MOUNT PLEASANT, IOWA,

many miles west of Fort Madison. He had 25 cents in his pocket. He did not go on horseback. Nobody offered him a ride. He scorned the stage-coach; he went

ON FOOT AND ALONE,

and opened a law office at Mount Pleasant, Iowa. As he told me "it did not pan out well," and in a few weeks or months he came back and took a steamboat up the Mississippi River.

Mr. Hetherington said, "Where are you going, Bill?" His reply was,

"I DON'T KNOW WHERE I AM GOING;

up the river somewhere; I will stop at some place and try it on." When he reached Black River Falls, Wis., all he had with which to commence the battle of life in the wilds of that State was an ax upon his shoulder. No; not all. He had for a stock in trade, with which Heaven had richly endowed him, the will to work and the ability to execute.

Right here let me call the attention of his old colleagues, Mr. Speaker—though many of these points have been noted—to some of the

PURSUITS THAT MR. PRICE

followed. As I said, he was born upon a farm and followed farming

for years when a boy, and he did so after becoming rich; he worked on a canal; he was a clerk in a store; he practiced law; he cut logs; he was a teamster; he cooked one winter for a logging camp; he ran a stage line; he was a preacher once; operated saw-mills, and was a merchant.

A MEMBER. I did not know that he had been a preacher.

Mr. HENDERSON, of Iowa. You did not know he was a preacher. He was once. I had it from himself and corroborated by others. I will tell you of that once, for it points the character of the man and the greatness of his soul. Once a stranger came into the pinery in which his business was being carried on, and was there trying to make a living. He suddenly disappeared, and as he had not been observing the injunctions of Mr. Price very strictly for a few days—I mean with reference to the temperance question—he, the deceased, became alarmed, lest he had been drinking too much and was drowned. No one was disposed to look for him. The boys said, "Oh, well, let 'im go; he'll turn up, and if he's drowned why he's drowned, and there's an end of it." Mr. Price said, "No, lads; we'll look him up, for he is a stranger and a poor man." He sent out skirmishers all around the vicinity, and went himself. They hunted for a long time, but could not find his body. At last toward evening some one reported that the body was found away down the river. Some of the boys suggested that they would draw cuts to see which should go and bury him. Mr. Price was there, and said: "No; not much. We will all go down. This fellow is entitled to a square deal." These were his exact words. He adapted himself to his audience, and he never failed to carry his audience and carry his point, for he was a born leader of men. They went and found the body, and the boys got a box, put him in, dug a hole in the ground by the banks of the river, lowered the box, and one fellow grabbed his spade and was about to throw in the dirt. "Hold on," said Mr. Price; "not yet. This man is a stranger; he has not a relative or friend near, perhaps not one on earth. I propose to speak a few words at this grave before we cover him up." He took off his hat, and the rough men working with him in the pineries uncovered their heads, and he then and there preached a sermon beside the running waters, under the lofty pines, that a Whitefield or any of the most eloquent divines might well have envied, in language suited to his audience, inspired by the surroundings; and he dedicated to God the place and the clay that was without a friend lying in their midst. When he finished every eye was paying tribute to the eloquent, feeling words of this preacher from the heart.

My friend from Tennessee [Mr. PETTIBONE] did not know about his religion. He said that Mr. Price "was reticent on this point." Away with your doubts about Mr. Price's religion. That man, whose life was godlike, that man who was near his God in season and out of season, by being near sorrow, suffering, and distress, be it in rude speech or rude ways, trust him with his God when he is called. His religion was all right. It was the religion that the Christ exampled and that Price followed wherever the moans of the sufferer appealed for help.

OFFICES OF TRUST.

Now, Mr. Speaker, as to the offices of trust that he held. I am measuring the man according to his opportunities—don't forget this. Nothing can be said here that can soften the sorrows of his relatives and friends; nothing that can be said here will add to the renown of the State that gave him birth or sent him to this Hall. I seek the humble lot of the historian, and aim only to do justice to him. Note how he was trusted. He was a long time at the head of his town council; chairman of the county board of supervisors for a long time. He was president of the Black River Improvement Company; president of his county agricultural society; he was deputy sheriff, county judge, county treasurer, collector of internal revenue, president of a bank, president of a railroad company, two terms a member of the General Assembly of the State, State senator, president of his State senate, Presidential elector in 1868 on the Republican ticket, and three times elected to Congress. How many men in this nation, starting in life in a little cabin in Pennsylvania years ago, can build such a pyramid as William T. Price has built? What a beautiful life! How strong he was! The great, honest, earnest, happy, pushing man of the people is an example for us all. He is a text for youth. Splendid type of a western pioneer!

What, Mr. Speaker, was his general character? Broad, deep, natural, and truthful, and rising, like the lofty trees among which he spent his life, toward the heavens. Some say he was a wit. I knew much of him, and loved to be with him. I never thought he was a wit. I can say that he was a humorist; and I may say, too, that no one who lived since Abraham Lincoln died so strongly resembled him. He was full of stories—stories that set his listeners in a roar of laughter. He loved stories for the fun that was in them, for nothing else, for a pure, clean heart was in his breast.

Wit he did use, but only in self-defense. Humor broke from him as the waters bubble from our Western springs, always refreshing and delighting those who came in contact with him.

HE WAS AN ORATOR.

Yes, that has been claimed. Not an orator according to any of the laws of rhetoric, but he had the oratory of mailed truth, of honesty, of conviction. He said what he believed and he said it like a man and in any presence. He was a good deal as Roderick Dhu was as described by Sir Walter Scott, and who, when accused of having murdered a person in the presence of the king, said:

And heard'st thou why he drew his blade?

And then, after depicting the insult he had received, said:

He rights such wrong where it is given,
If it were in the court of Heaven.

So with William T. Price. He met insult or injury as they deserved to be met and upon the instant of their delivery. I loved the man for the perpendicular character which he possessed, a character which made him, it might be a lion now and an infant a moment later. It was a beautiful character. Kind!

HE WAS A GENEROUS MAN.

My heart warmed last night to the just and generous tributes paid to the memory of Mr. John Arnot, of New York. Here was another Arnot. Generosity was the controlling law of his nature. Not for show. Not for comment. Not for man's eye. When the war broke out he was heavily in debt, having met failure as a merchant in partnership with another. His creditors were suffering, and it was so that he could not himself go into the Army without leaving debts and dishonor behind him. For ten years he toiled and paid off every dollar of the debt, his own and his partner's, with 10 per cent. interest.

During that time his wagon carried flour, pork, vegetables, delicacies for miles around wherever there was a Wisconsin home that had sent out a soldier to protect the country's flag leaving a woman and little children behind. He owned stage lines during the war. He discharged a man once for allowing a soldier to pay for his meals while going over his stage line. The boys home on furloughs with their arms in slings or on sick furlough always had their meals paid for and rode free on his stage lines. He never paid for one that had gold stripes on his pantaloons or wore shoulder straps. He seemed early in the war to conceive a sort of dislike for the shoulder-strap fellows, and that feeling followed him into this body. I understood that and made allowance for it on some occasions when I thought he erred and when I differed from him. But the common soldier could not get a dollar of his money into William T. Price's pocket for riding on his stage lines, and he paid no money for his meals as he went over miles and miles in his coaches.

I have not touched half of the points that I had outlined in my mind, but I have consumed double the time I should on such an occasion. I must close my remarks. But let me say this one word in closing: *Not* one member of the Congresses of which William T. Price was a member has photographed himself on so many hearts as did William T. Price. His monument is written in the hearts of the poor, and on the statutes of the land are monuments that should quicken the ambition of every American citizen. The great secret of his power as a public man lay in his friendship for labor, for the poor, and in keeping close to the great, warm, pulsating heart of the masses of the people.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, in this fitting ceremonial of personal and official respect to the memory of a dead colleague, this pause in the transaction in the public business, we bring into prominence the truth that beneath our partisanship and broader than our differences is our recognition *of the worth of true manhood* and the kinship we hold to our fellow-citizen. In our hearts we feel that striving for a common end—the public good—and working for the same result—the glory of a beloved country—are those who bear the commission of the people, though the differences of view may be great and the collision of opposing beliefs bitter.

It is not at the grave only that we give utterance to this; in the social intercourse which makes many hours pleasant, and in the mutual confidence founded on esteem we attest this pleasant truth. But in scenes like this we make formal and public avowal in the presence of the nation that Democrat and Republican, from whatever section coming, are citizens of a common country, freemen loving liberty, men struggling for lofty ends, and this we avow by the side of an open grave and in the august presence of the dead. To such ends was this colleague devoted; in his own peculiar way, according to the light given to him, in harmony with his training, his past life and his environments, with the power of his will and the force of his nature—these were his objects here; and whether we agree or disagree with the views he uttered or the mode he adopted we reverently lay on his grave the wreath of our respect and appreciation, recalling with a grave and chastened pleasure all that was admirable in his life and agreeable in his association.

Mr. Price was a typical product of our country and times. Active, restless, keen-witted, earnest, self-contained, he had early found a new home in a Western State, and assisted in building that State. While he was a man of marked individuality and decided traits, free from the slightest flavor of imitation, he was yet a typical East-Western man, a man born in an Eastern State, but early transplanted to the West, and giving evidence of his Western life and work.

We are, Mr. Speaker, a nation of emigrants, springing from an ancestry of exiles. We are colonists—not adventurers. We build homes

and found States. For years this House has had in its membership men whose fate it had been to lay the foundation of States, and be fortunate enough to see their work prosper in their hands. This is the peculiarity of our English-speaking race, and this the work we Americans are specially called to do.

Our ancestors began this work on the coast of the Atlantic. Their sons pushed into the interior, their grandsons climbed the Appalachian range and turned their faces to the setting sun, and so the advancing emigration crossed the Mississippi, conquered the continent to the shores of the Pacific, and found no cessation in the work of State building. Farmers as well as lawyers, mechanics and preachers, the sons of toil and the alumni of universities, on terms of absolute equality, accomplished the marvelous labors which have made us a nation of thirty-eight States. In such labors men broaden, grow, develope. He who has to conquer the forest to open his own land, who has to construct his own government to secure protection for life and liberty—he who creates a new home with free institutions with all that is implied in such a phrase unconsciously educates himself to high pursuits and lofty aims. In our generation has been added the indescribable training of a great war.

And so from the new States in that great, imperial Western land, whose hand is outstretched for the scepter of power, and whose fast increasing communities will demand a large share of dominion, representatives have come, educated amidst such labors and developed in such scenes. Not always trained in the learning of the schools, nor familiar with the traditions of the past, but trained in a successful battle with life, conscious of their power to think and act for themselves, and clear in the object they desire to accomplish and as to the means necessary to secure the desired result, they have greatly influenced the legislation of the past twenty years; ever potent in the settlement of the questions the country has had to consider, and their power will constantly increase.

As the questions growing out of the war pass away and new issues arise this fast-growing West will become more potential, will modify our national policy with its views, if it does not, indeed, mold it to its purposes. This is not the time nor fit occasion to forecast what will be the extent of this influence, nor the modifying power of the great and growing South who sees before it a brighter and ampler day. It is only my purpose to emphasize what were the elements and characteristics of our dead colleague that impressed me in our short service together. He represented that West; he shared in its hopes as he had participated in its triumphs.

Entering Congress a stranger to him, rarely agreeing with the views he uttered, widely differing with him on all the great questions of the day, as well as in our past opinions, our personal intercourse never became more than the pleasant interchange of salutations and friendly colloquies. But I soon recognized his power and thought I saw the causes of it, and fell into the habit of listening to him when he spoke and meditating on the reasons which induced his course. He was a valuable representative; watchful, alert, resourceful, somewhat iconoclastic, not overly reverent, always incisive and ever hitting hard, he caused investigation, provoked attention, excited debate, sometimes exposed shams and tore off coverings, and thus prevented careless, if not improper, legislation. In such a body as this such a legislator is often a most useful and always an interesting member; and I doubt not I voice the sentiment of the whole House that he has been missed this session—his absence appreciably felt.

As to the private and personal qualities and ties of Mr. Price, I have nought to add to what has been said by those who knew him better than I, and who speak from a knowledge and affection to which I am a stranger.

It is the common lot of man to be born, to live, to die, to be forgotten. Here and there, scattered very thinly along the pathway of the progress of our race, are a few immortal names, and of these few are only names; rare indeed are they who survive to posterity in the full statue of their real manhood. If this were all, life and toil and sacrifice would indeed be not worth the living and the pain; but this is the very least—the worker may be forgot, the work remains.

The work of our hands lives after us. In the sum of human happiness—in the aggregate of human achievement—in the total of human glory, our labor is counted, our toil forms part, our very tears glisten! This is the sublime truth which gives courage and feeds our love! Obscure though the labor be, the race we love is aided thereby; bitter the sacrifice it is necessary to the glorious consummation.

In the Pacific, the coral laid the foundation, and through the ages, by scarcely perceptible accretions, slowly built the base of islands, working into the imperishable column its own life and tomb, until countless lives and mausoleums pushed the ceaseless work above the restless bosom of the ocean. Then the birds of the air brought from distant lands various seed; the kindly sun gave them life through death, and, invincible to the storms of the sea, the island became beautiful to the eye, the air ladened with the fragrance of sweet flowers and melodious with the carols of birds.

Compared with the innumerable hosts of the sheeted dead of the past and the advancing armies of the future, we are scarcely more than corals, and we build our lives and our tombs into the mighty edifice in process of erection by our race; assured that it will stand unmoved by all storms, crowned with the lustrous radiance of eternal sunshine and filled with choral songs of surpassing melody. But unlike the coral, it is not all of our lives that we thus build into these walls.

Looking beyond the grave I avow the profound conviction of the reality of that other and nobler life to which death is but the opening door. I summon the long and glorious procession of our predecessors in this House to bear testimony to this truth—soldiers, sages, statesmen, patriots, who gave your lives to your country and your race, whose spirits are this day so great a cloud of witnesses, attest the verity of the fortune which awaits us!

He who is the Father of all takes from us our two mites, and in the divine alchemy of His almighty love they become rich unto some good work. Standing by this grave I reverently bow my head in thankfulness that in the divine economy it is to the purity of will, the love of truth, the earnestness of faith—faith in our race, faith in our future, faith in all good, faith in Him who is "the all good" that the true reward is given, not of applause and crowns and fame, but of an approving conscience and a fruitful life.

Mr. WINANS. The gentleman from Missouri [Mr. HATCH], the chairman of the Committee on Agriculture, of which committee Mr. Price was an active and valuable member, intended to submit some remarks upon this occasion, and, as he is unavoidably absent, I ask unanimous consent that he be permitted to print them in the RECORD.

There was no objection.

Mr. CASWELL. Mr. Speaker, there are several other gentlemen who desire to bear testimony to the character and worth of our deceased colleague, and I ask unanimous consent that they also be allowed to submit their remarks through the RECORD.

There was no objection.

The resolutions were then adopted; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BACON: Petition of William H. Wiggins, for relief—to the Committee on Claims.

By Mr. BARBOUR: Petition of Thomas B. Nalle, of Culpeper County, Virginia, for removal of his political disabilities—to the Committee on the Judiciary.

By Mr. BOUTELLE: Petition of the Woman's Indian Association of Bangor, Me., in favor of passage of Senate bills 52, 53, and 54—to the Committee on Indian Affairs.

By Mr. BUNNELL: Resolution of the State Horticultural Association of Pennsylvania, favoring House bill 2933—to the Committee on Agriculture.

By Mr. CROXTON: Petition of John A. M. Whealton, of Accomack County, Virginia, praying that his claim be referred to the Court of Claims—to the Committee on Claims.

By Mr. CUTCHEON: Petition of Post No. 342, Grand Army of the Republic, of Michigan, in favor of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of the conference of the Methodist Episcopal Church, for protection of the Chinese—to the Committee on Foreign Affairs.

By Mr. GLASS: Petition of James Cook, of Gibson County, Tennessee, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. S. HENDERSON: Resolutions of the Merchants' Exchange of Memphis, Tenn., favoring the passage of the bill for the construction of the proposed bridge across the Mississippi River at Memphis—to the Committee on Commerce.

By Mr. HIRES: Petition of Post No. 53, Grand Army of the Republic, of Haddonfield, N. J., praying for the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. HITT: Memorial and resolutions of the General Assembly of Illinois, urging the bill to prevent pleuro-pneumonia—to the Committee on Agriculture.

By Mr. KETCHAM: Petition of Edward Tanner, commander, and Eugene Jackson, adjutant, Post No. 88, Grand Army of the Republic, of New York, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. KING: Petition of J. Walter Blandford, for compensation for services as clerk to the Committee on Levees and Improvement of the Mississippi River—to the Committee on Accounts.

By Mr. McCOMAS: Petition of Jacob Bool, administrator of the estate of Mary C. Kleindeinst, of Rockville, Md., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. NELSON: Petition of S. B. Pinney, relative to the settlement of conflicting claims to land under our settlement laws—to the Committee on the Public Lands.

Also, memorial of the Board of Trade of Minneapolis, Minn., for improvement of various water ways—to the Committee on Rivers and Harbors.

Also, concurrent resolution of the Legislature of Minnesota, in favor of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. CHARLES O'NEILL: Petition of many business men of Philadelphia, asking for the abolition of some of the internal-revenue taxes and the reduction of others—to the Committee on Ways and Means.

By Mr. OSBORNE: Resolutions of the State Horticultural Association of Pennsylvania, indorsing the bill (H. R. 2933) known as the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. PARKER: Petition of Hartwell T. Martyn Post, No. 346, Grand Army of the Republic, of Canton, N. Y., in favor of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Thomas James Post, No. 369, Grand Army of the Republic, of Kansas, favoring the Edmunds-Tucker bill—to the same committee.

Also, petition of Douglas Post, No. 97, Grand Army of the Republic, of Kansas, in favor of the Edmunds-Tucker bill—to the same committee.

By Mr. SENEY: Petition of Felix G. McClelland, of Attica, Seneca County, Ohio, for an extension of letters-patent for an improvement in combined hay-rack and wagon-box—to the Committee on Patents.

Also, petition of O. O. Friedlander, for an increase of duty on "degras"—to the Committee on Ways and Means.

Also, petition of J. A. Underwood, secretary of the Crippled Soldiers' Association, favoring House bills 10036, 10037, and 10038—to the Committee on Invalid Pensions.

Also, petition of S. P. Bladgers, favoring House bill 8730—to the Committee on Ways and Means.

Also, petition of D. Ferry, for repeal of the tobacco tax—to the same committee.

By Mr. J. W. STEWART: Resolution of the American Library Association for free postage on library books—to the Committee on the Post-Office and Post-Roads.

By Mr. SWINBURNE: Petition of the Owen Roe Club, of New York city, opposing the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. J. M. TAYLOR: Petition of A. L. Dunlap, of Gibson County, Tennessee, for compensation for quartermaster's stores taken by the military authorities during the late war—to the Committee on War Claims.

Also, petition of J. G. Dodds, McNairy County, Tennessee, asking reference of his claim to the Court of Claims—to the same committee.

By Mr. ZACH. TAYLOR: Petition of Hiram Howell, of Fayette County, Tennessee, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. TUCKER: Petition of Charles H. Lee, of Virginia, for removal of disability—to the Committee on the Judiciary.

By Mr. WILLIAM WARNER: Petition of R. S. Adkins, presiding justice of the Jackson County (Mo.) court, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Resolutions of the Board of Trade of Minneapolis, Minn., and indorsed by the house of representatives of Minnesota, favoring liberal appropriations for the improvement of various waterways—to the Committee on Rivers and Harbors.

Also, concurrent resolution of the Legislature of Minnesota, favoring the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. WILSON: Petition of George H. Flagg, of Mann P. Nelson, of J. Amos Shepherd, administrator, and of William Nicewarner by Christian Nicewarner, of Jefferson County, West Virginia, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. W. W. BROWN: Of 86 citizens of Kendall Creek, Pa.

By Mr. BUCK: Of 75 citizens of Rocky Hill, Conn.

By Mr. COMSTOCK: Of officers of the Women's Christian Temperance Union of Michigan.

Also, of 128 citizens of Lowell, and of 226 citizens of Ionia, Cascade, and Saugatuck, Mich.

By Mr. FUNSTON: Of 83 citizens of Americus, Kans.

By Mr. J. S. HENDERSON: Paper of Mrs. Victoria Petty, president of the Women's Christian Temperance Union, of Bush Hill, N. C.

By Mr. HITT: Of 34 citizens of Lena, Ill.

By Mr. KLEINER: Of 169 citizens of Grandview, Ind.

By Mr. LINDSLEY: Of 39 citizens of Saugerties, N. Y.

By Mr. SPOONER: Of the school board of Cumberland, R. I.

By Mr. SPRIGGS: Of 41 citizens of Utica, N. Y.

By Mr. A. J. WEAVER: Of 218 citizens of Nebraska City, Nebr.

By Mr. WILKINS: Of 95 citizens of Granville, Ohio.

SENATE.

THURSDAY, *February* 10, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of August 4, 1886, an estimate of the Second Auditor of the amount due the Soldiers' Home on the books of that Department; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department, recommending an appropriation of $9,500 for the completion of the approaches, &c., of the public building at Toledo, Ohio; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department, recommending that the limit of cost for the construction of the court-house, &c., at Jacksonville, Fla., be increased to $250,000; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 3, 1887, a report, with map, in regard to the excavation of a straight channel in the harbor of Sandusky, Ohio, on Lake Erie; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

SENATOR FROM INDIANA.

The PRESIDENT *pro tempore* presented resolutions adopted by a joint convention of the two houses of the General Assembly of the State of Indiana; which were read, as follows:

Resolutions of the joint convention of the houses of the General Assembly of the State of Indiana, contesting the validity of the election of Hon. David Turpie as United States Senator, as declared by Alonzo G. Smith.

Whereas, at the joint convention of the senate and house of representatives of the General Assembly of this State, held in this hall yesterday, February 2, 1887, it was declared by the Hon. Alonzo G. Smith, a member of the senate of said Assembly, that Hon. David Turpie had received the majority of all the votes cast in said convention for a Senator in the Congress of the United States; and

Whereas it was declared by the speaker of the house of representatives, presiding at said joint convention, that there had been no legal election of a United States Senator; and

Whereas it is believed that there were enough illegal votes cast for said Hon. David Turpie at said election in said joint convention to overcome the apparent majority of votes cast for him, and therefore said election was illegal: Therefore,

Resolved, That a committee of five be appointed by the chairman to prepare the proper and necessary proceedings to present to the Senate of the United States the facts showing such illegal votes, to the end that an investigation into the declared election of said Hon. David Turpie to that honorable body may be had; and

Resolved, That this convention recommend to the house of representatives of this General Assembly that an investigation of alleged illegal voting at said joint convention, held on the 2d instant, be instituted, promptly and thoroughly prosecuted with a view to ascertaining whether such illegal votes were or were not cast.

STATE OF INDIANA, *Marion County, ss:*

I, Warren G. Sayre, speaker of the house of representatives and president of the joint convention of the fifty-fifth General Assembly of the State of Indiana, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the joint convention of the two houses of said General Assembly, held on the 3d day of February, 1887.

Witness my hand and seal this 4th day of February, 1887.

WARREN G. SAYRE,
Speaker House of Representatives.

Attest:
W. H. SMITH,
Clerk House of Representatives.

Mr. HOAR. I move that the documeut be referred to the Committee on Privileges and Elections, and printed.

The motion was agreed to.

INDEMNITY TO CHINESE SUBJECTS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885; which was to strike out all after the enacting clause and to insert:

That the sum of $147,748.74 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid to the Chinese Government, in consideration of the losses unhappily sustained by certain Chinese subjects by mob violence at Rock Springs, in the Territory of Wyoming, September 2, 1885; the said sum being intended for distribution among the sufferers and their legal representatives, in the discretion of the Chinese Government.

Mr. EDMUNDS. I have looked at that amendment and compared it with the bill; and as it seems to accomplish the same purpose and perhaps in a simpler way, I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

PUBLIC BUILDING AT DETROIT, MICH.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885. The amendments of the House of Representatives were in line 20, before the word "thousand," to strike out "three hundred" and insert "twenty-five;" so as to read "one million twenty-five thousand dollars;" in line 44, before the word "thousand," to strike out "three hundred" and insert "twenty-five;" so as to read "one million twenty-five thousand dollars;" and in line 52, before the word "thousand," to strike out "three hundred" and insert "twenty-five;" so as to read "one million twenty-five thousand dollars."

Mr. PALMER. I move that the Senate non-concur in the amendments of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MAHONE, Mr. VEST, and Mr. PALMER were appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislative Assembly of the Territory of Idaho, praying that a certain portion of the Cœur d'Alene Indian reservation be restored to the public domain and opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented a joint memorial of the Legislative Assembly of Montana, concerning the Crow Indians; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Legislative Assembly of Montana, concerning the Fort Buford military reservation; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Miami County, Indiana, praying for the passage of the bill (S. 3073) to grant arrears of pensions in certain cases; which was referred to the Committee on Pensions.

He also presented a petition of 96 citizens of Ohio, praying for the passage of the bill to allow the citizens of the District of Columbia the privilege of voting on the question of local option; which was referred to the Committee on the District of Columbia.

Mr. MCPHERSON presented a petition numerously signed by citizens of Morris County, New Jersey, praying for the repeal of all internal-revenue taxes on spirits and tobacco; which was referred to the Committee on Finance.

Mr. CAMERON presented resolutions adopted by the State Horticultural Society of Pennsylvania in favor of the passage of the Hatch experiment-station bill; which were ordered to lie on the table.

He also presented a petition of citizens of Philadelphia, Pa., praying for the repeal of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. VANCE presented a petition of citizens of Surrey County, North Carolina, praying for the repeal of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. EVARTS. I present the petition of the Genesee conference of the Methodist Episcopal Church, praying for the passage of the Chinese outrage-indemnity bill, and further legislation to protect the lives and property of Chinamen in the United States. The indemnity bill has been passed by both Houses, but as the petition prays for legislation in the direction of protecting Chinamen in this country, I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MCMILLAN presented a concurrent resolution of the Legislature of the State of Minnesota, in favor of the bill to extirpate contagious pleuro-pneumonia and other cattle diseases of like character; which was referred to the Committee on Agriculture and Forestry.

Mr. MCMILLAN. I present a memorial of the Board of Trade of Minneapolis, Minn., in favor of an appropriation for the improvement of rivers and harbors in that State, and invoking liberal appropriations for work in the Upper Missouri and Yellowstone Rivers, the Red River of the North, the Minnesota River, the Upper Mississippi, and Saint Croix, and the harbors of Lake Superior, and urging that the work on the great river system be pushed to a speedy conclusion; also favoring the improvement of the Mississippi between the cities of Saint Paul and Minneapolis. I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. WILLIAMS presented a joint resolution of the Legislature of the State of California, favoring an appropriation for the improvement of Humboldt Harbor, California; which was referred to the Committee on Commerce.

Mr. MANDERSON. I present petitions of some 500 citizens, residents of Washington city, D. C., in favor of the Cable Railway. I move their reference to the Committee on the District of Columbia.

Mr. INGALLS. Has the Cable Railway bill been returned from the House of Representatives?

The PRESIDENT *pro tempore*. It has not yet been returned.

Mr. INGALLS. Then I ask that the petitions lie on the table.

The PRESIDENT *pro tempore*. The petitions will lie on the table.

Mr. CULLOM. I present the petition of M. W. Beveridge and 20 other importing houses in Washington, D. C., praying for the passage of a bill to amend the immediate transportation act. I desire to say that this petition, as well as many others which I have presented heretofore from business firms in different parts of the country, refer especially to the bill introduced by the Senator from Missouri [Mr. COCKRELL]. I make this statement hoping that the Committee on Commerce having that bill in charge will give it as early consideration as possible.

I ask that the petition be referred to the Committee on Commerce.

Mr. ALLISON. I think the Senate has passed a bill on that subject.

Mr. CULLOM. Not the bill I refer to. It has passed one, but not covering the particular branch of the subject that is designed by the petitioners to be covered.

Mr. VEST. We have reported three bills from the Committee on Commerce, but the one introduced by my colleague is a very different bill.

Mr. CULLOM. So I stated.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Commerce.

Mr. SPOONER presented the petition of George Harding and others, members of the Wisconsin Short-horn-Breeders' Association, praying for the passage of the Miller pleuro-pneumonia bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of 115 merchants and business firms of Washington, D. C., located on Pennsylvania avenue northwest, Fifteenth street northwest, and F street northwest, praying for the passage of the bill authorizing the construction of a cable railway; which was ordered to lie on the table.

Mr. BUTLER presented resolutions of the Chamber of Commerce of New York; which were read as follows:

Completion of the jetties in Charleston (South Carolina) Harbor.

At the monthly meeting of the Chamber of Commerce, held February 3, 1887, the following resolutions were unanimously adopted:

Resolved, That the Chamber of Commerce of the State of New York heartily indorses the proposal made in Congress for an immediate and liberal appropriation to expedite the completion of the jetties in Charleston Harbor.

Resolved, That the Senators and Representatives from the State of New York be respectfully and urgently requested to give their votes and use their influence for this appropriation, as a wise and economical measure for the Government of the United States, which has already begun the work; as a greatly needed help to the commerce of the Atlantic coast in which New York is so largely interested, and as a kindly and proper recognition of the courage and confidence with which the people of Charleston have met the terrible losses and drawbacks resulting from the earthquake.

JAS. M. BROWN,
President.

A true copy.
[SEAL.]

GEORGE WILSON,
Secretary.

Mr. BUTLER. I move that the resolutions be referred to the Committee on Commerce.

Mr. MCMILLAN. The Senate passed a bill making that appropriation some time ago.

Mr. BUTLER. I am aware of that, but I prefer that the resolutions should go to the Committee on Commerce, to be considered in connection with the present river and harbor bill pending there.

Mr. MCMILLAN. Is there such an amendment proposed to the river and harbor bill?

Mr. BUTLER. Yes, sir.

Mr. MCMILLAN. Very well.

The PRESIDENT *pro tempore*. The resolutions will be referred to the Committee on Commerce.

Mr. MILLER presented a telegraphic memorial of the International Cattle Range Association; which was read, and referred to the Committee on Agriculture and Forestry, as follows:

DENVER, COLO., *February* 9, 1887.

To the United States Senate:

To the end that Congress may fully appreciate the great anxiety of the range cattle industry on the subject to which it refers, your memorialists, members of the International Range Association in convention assembled, would respectfully represent that—

Whereas contagious pleuro-pneumonia is known to exist in several States in this Union, and the imminent danger of the spread of the same to the large and unprotected cattle herds of the West is viewed with alarm by our citizens, and if this, as well as other contagious and infectious diseases among live-stock, is not prevented by prompt legislation in Congress and protection given to this vast industry, it is liable to cause great destruction to the live-stock interests of this and adjoining States and Territories. And we further represent and state that owing to the vast area of the plains and our inability to fence and protect our ranges from daily incursions of cattle from one range to another renders it impossible to successfully quarantine against the spread of said disease: Therefore,

Be it resolved, That the Congress of the United States be, and is hereby, requested to pass such a law as will effectually extirpate all contagious diseases of the character mentioned by placing in the hands of competent agents of the General Government full and complete power to act in all matters relating thereto, and that a sufficient appropriation be made of not less than $1,000,000 to pay all necessary expenses of the same.

Respectfully,

J. C. LEARY,
Secretary International Range Association.

Mr. TELLER presented a telegraphic memorial of the Legislature

of Colorado; which was read, and referred to the Committee on Agriculture and Forestry, as follows:

DENVER, COLO., *February* 2, 1887.

House joint memorial No. 3.

To the Congress of the United States:

Your memorialists, the General Assembly of the State of Colorado, would respectfully present that—

Whereas contagious pleuro-pneumonia is known to exist in several States of this Union, and the imminent danger of the spread of the same to the large and unprotected cattle herds of the West is viewed with alarm by our citizens, and if this as well as other contagious and infectious diseases among live-stock is not prevented by prompt legislation in Congress and protection given to this vast industry it is liable to cause great destruction to the live-stock interests of this and adjoining States and Territories. And we further represent and state that owing to the vast area of the plains and our inability to fence and protect our ranges from daily incursions of cattle from one range to another renders it impossible to successfully quarantine against the spread of said disease: Therefore,

Be it resolved, That the Congress of the United States be, and is hereby, requested to pass such a law as will effectually extirpate all contagious diseases of the character mentioned by placing in the hands of competent agents of the General Government full and complete power to act in all matters relating thereto, and that a sufficient appropriation be made of not less than $1,000,000 to pay all necessary expenses of the same.

T. B. STUART,
Speaker of the House of Representatives.
W. H. MELDRUM,
President of the Senate.

Approved February 2, 1887.

ALVA ADAMS, *Governor.*

Hon. H. M. TELLER,
Senate, Washington.

Mr. EDMUNDS. I present the petition of Thomas J. Deavitt and a large number of other citizens of Vermont, praying for the passage of the bill granting arrears of pension. I believe the committee has been discharged from the consideration of that bill, and I move that the petition lie on the table.

The motion was agreed to.

Mr. WILSON, of Maryland, presented the petition of James S. Crawford, of Maryland, at present residing in the District of Columbia, praying for the passage of a bill for his relief; which was referred to the Committee on Claims.

Mr. DOLPH. I present a petition of the Independent Order of Good Templars of Washington Territory, praying for the passage of the bill (S. 1759) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in that District. This petition is signed by the officers of that organization. I understand the bill is before the Committee on the District of Columbia, and I move that the petition be referred to that committee.

The motion was agreed to.

Mr. DOLPH presented the petition of Mrs. Helen Randolph, widow of John Randolph, late a private in Company G, One hundred and eighty-fifth New York Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa. I present the petition of Samuel M. Clark and other citizens of Iowa, praying for the necessary appropriation to extend the outer wall of the Des Moines Rapids Canal at Keokuk, Iowa, so as to connect it with the pivot-pier of the bridge at that place, and thereby prevent the obstruction of navigation, &c. This petition is addressed to me personally, but is evidently intended for the consideration of the Senate, and I present it and ask that it may be referred, together with certain papers which I desire to go with it, to the Committee on Commerce.

The PRESIDENT *pro tempore*. If there be no objection, the petition will be received, and, together with the accompanying papers, referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, presented eleven petitions of citizens of Washington, D. C., praying for the passage of the bill incorporating the Washington Cable Railway Company; which were ordered to lie on the table.

WRECK OF THE BARK CASHMERE.

Mr. JONES, of Nevada. I present a memorial of Horace F. Cutter, an honored citizen of the Pacific coast, a cultivated gentleman and an altruist of the broadest type, praying that the Government of the United States may make some suitable acknowledgment for the kindness and hospitality displayed by the people of Japan in succoring the surviving members of the shipwrecked crew of the American bark Cashmere, which was wrecked by typhoon in the eastern seas on the 12th of August, 1885.

The memorial is accompanied by a detailed narrative from the San Francisco Morning Call (taken from the statements of the survivors) of the circumstances attending the wreck, and of the hospitalities extended to the suffers by the Japanese peasantry and fishermen dwelling on the island upon which the shipwrecked men were cast.

The petitioner believes that it would be consistent not only with the dictates of humanity, but of good policy, to give these poor people some recognition of their kindness.

It has always been regarded one of the highest duties of a nation to punish any barbarities committed upon its citizens by the people of other countries. It is even a higher obligation to recognize and reward conspicuous instances of humanity and mercy, such as are illustrated by this case. It is the example of acts like this that lifts mankind out of the atmosphere of self, and tends to advance and make universal that spirit of brotherhood which represents the highest human aspirations, and which, as civilization advances and commerce extends, becomes more and more a necessity of society. To my mind, it is not only the duty, but should be the pleasure of a free, powerful, and peace-loving people to become in this respect an examplar to the nations—not only by expressing its gratitude, but on suitable occasions giving substantial recognition for conspicuous acts of humanity. This recognition will be the more gratefully appreciated when, as in this instance, the kindness was extended by those who occupy the humblest walk of life.

But I shall not enlarge upon the subject. The simple and touching story of the memorial itself presents the merits of the case more graphically and vividly than could any words of mine. The memorial and its accompanying narrative are as follows:

MEMORIAL.

To the Senate of the United States:

I respectfully present for the consideration of your honorable body the detailed narrative of the loss of the American bark Cashmere, in September, 1885, some 200 miles off the coast of Japan.

It appears that all the officers having perished, seven of the crew took the only boat, and after several days of suffering, being without food or water, landed on the little island of Tanegashima, inhabited solely by Japanese fishermen and peasants, who hastened to feed and clothe the unfortunates, and then provided a vessel to take them where they could be cared for by an American consul.

In the mean time the other four sailors and a poor lad, the son of the deceased captain, remained on the dismantled vessel, nearly dead with hunger and thirst, having nothing to eat but raw yams and with only vinegar to drink.

The helpless craft having drifted in sight of land, the men managed to construct a raft, and so were enabled to reach the shore. They landed on the same little island which had received their comrades. Again these poor fishermen and peasants, unwearied in their kindness, hurried down to welcome, to clothe, and to feed these famishing strangers, and then took care that they also should be provided with the means of reaching the port where they could receive assistance.

Many years ago an American ship was wrecked on the inhospitable coast of Sumatra. The vessel was plundered by the natives, and the officers and sailors were treated most cruelly. After much suffering they contrived to escape and return home. When the news of their inhuman treatment reached this country public indignation was aroused, a vessel of war was sent out, and the destruction of the offending village by the guns of the Potomac gave a lesson of retribution to the pirates who infested those distant seas which has never been forgotten.

Now, will it not be a proper thing for our Government to order a national vessel, this time on an errand of peace, to visit this little island, and manifest to these kindly-hearted good people, in some suitable manner, that we appreciate their generosity to our distressed fellow-countrymen, and also show to the friendly empire of Japan that we cultivate the trait which in a great nation is so graceful and becoming, that of gratitude?

HORACE F. CUTTER,
San Francisco, Cal.

The narrative accompanying the memorial is as follows:

[From the San Francisco Morning Call, November 25, 1885.]

WRECK OF THE BARK CASHMERE; TRAGIC FATE OF HER OFFICERS; THE SUFFERINGS OF HER CREW; THE KINDNESS OF THE JAPANESE ISLANDERS.

By the barkentine Catherine Sudden and the steamship City of New York, the survivors of the American bark Cashmere have reached this city.

The Cashmere left Philadelphia just seven months ago, her destination being Hiogo, Japan. When her long voyage was nearly finished she was struck by one of those terrible typhoons that are most dreaded by navigators in the North Pacific Ocean. All her officers perished and the vessel itself was nearly demolished. The tale related by those who passed safely through this peril has many remarkable and interesting features. The incident concerning the manner in which the wrecked vessel was kept from sinking to the bottom of the sea is peculiar and altogether novel. No such thing has happened outside of romance before. The narratives of the men are appended.

The names of the three lost officers of the Cashmere were: Capt. A. Nichols, first mate James Allen, second mate Charles Johnson. The five men left upon the ship were the captain's son, Charles R. Nichols, the carpenter, Otto Petersen, and three seamen, Fred. Olsen, John Schmitt, and Theodore Larsen. Those who went away in the boat were Thomas McDermott, Andrew Johnson, Julius Dodler, Theodore Stevenson, and "Alex," a Russian, all seamen, together with the cook and steward, both Chinese.

Just as the men on board the bark Cashmere were beginning to recover their spirits, which had been cast down by the succession of stormy days and miserable nights that attended their voyage since the vessel's departure from Philadelphia on April 24, 1885, they ran into the tail end of a typhoon, when near the coast of Japan, to which country they were going with a cargo of kerosene oil in cans. The gale struck the bark about September 11, and the vessel ran before it for thirty hours. She had diverged from her course on account of it, as she had frequently done before on her long sea journey because of bad weather, and was again speeding on the way to her destination when the barometer ran down to 29. This was an unmistakable indication of a tempest, and in order to avoid its coming fury Captain Nichols ordered sail taken in as the wind increased, until at 4 o'clock on the afternoon of Saturday, September 12, the only canvas flying was a hammock in the mizzen rigging to keep the ship's head to the sea. Shortly after 4 p. m. the threatened typhoon burst in all its violence upon the luckless ship. She was according to an observation taken that morning in latitude 20° 40′ north, longitude 134° east, or about 280 miles southeast of Yokohama. The Cashmere was thrown upon her beam ends by the fury of the blast, and Captain Nichols ordered that the masts be cut away. This was at 15 minutes to 5 o'clock. At 6 o'clock the work had been accomplished, after much difficulty and danger, and the wreckage had been cleared away, but the mainmast had broken off so far down that in falling it tore up a portion of the deck.

Through the big opening thus made the sea began to pour into the hold. The hole was not discovered for many minutes, both on account of the darkness and the deep water which had covered the deck. The gurgle and rush of the sea as it ran below called attention to the unfortunate accident. The chief officer cried out on finding it: "There's a hole in the deck. It's every one for himself now."

The discovery completed the dejection of most of the crew, but the two mates and one of the men, who felt that all hopes were not lost while life remained, procured blankets and other bedding from the cabin and with them endeavored to stop the flow of water into the hold. They stuffed the bedding into the ori-

fice and stood on it to keep it in place. The water continued to rush through and fill the ship, and at every moment it was thought she would go under. The suspense to the men who were waiting for death was agonizing. Stupendous waves kept rolling over the vessel, and the hurricane that was blowing was strong enough to uproot an oak. The sky had rapidly become pitch dark. It was about midnight, the men supposed, when a terrific sea swept over the deck and carried the second mate away. Half an hour later the first mate, who remained standing on the bedding in the hole, was also carried overboard. The seaman who was with them endeavoring to keep the blankets in the rent, knowing that he would share their fate if he remained there, went forward to the forecastle, where four others of the crew had sought safety.

The remaining nine men—there being fifteen in all when the Cashmere began her unhappy voyage—were aft in a protected part of the ship. They included the captain and his son. The Cashmere's rudder had been carried away early in the night, and the captain, with the men who were around him, tried to recover it, but could not succeed. At 3 o'clock on the morning of September 13, Captain Nichols, with his son, concluded to go forward. This was an operation which involved great risk, as to go out on the open part of the deck was like stepping into the trough of the sea. The ocean had lashed itself into increasing wrath, and tumultuous volumes of water poured over the bulwarks with a power no human being could withstand. The surrounding blackness, the rolling and pitching of the bark, and the slippery condition of the deluged deck lent additional insecurity to the short walk from one end of the vessel to the other. Before starting forward the father embraced his son and said: "Charley, my poor boy, I am sorry you came. May God bless you, my boy, whatever may happen." The boy went across the deck first and the captain followed. The former reached the forecastle, but his father was swept overboard. The din of the storm was so great that his cry could scarcely be heard as he was hurled into the sea. No expectation of release from their horrible situation was entertained by the men, and they were surprised when at the glimmer of daylight they found themselves still afloat.

The manner in which the ship was sustained on the surface is one of the most curious things in the annals of the sea. The kerosene, with which the hold was loaded, has a lighter specific gravity than salt water, and on that account the vessel could not sink. The cases kept the ship up just as a life-preserver does a man.

When day broke the sun was not visible, but the dim light that radiated from it enabled the survivors to see only a waste of waters around. The ship was so submerged that the only boat which remained hung on its davits close to the surface.

Some of the men determined to take advantage of the chance for life which this boat might afford them. It was supposed, from observations made before the typhoon was met, that land was not far away. Seven of the men, including the Chinese cook, resolved to leave the hulk. The captain's boy remained with the other four, who thought that to put to sea in an open boat, without food or drinking water, in such weather, was hardly preferable to dying where they were. The boy, like the rest, was totally discouraged. "Father is gone," he said tearfully, "and I wish that I were gone, too. I would as lief die as not."

There were some yams in the forward part of the vessel, but the departing seven took nothing with them. The mountainous sea had abated little. The Chinaman being unable to swim got into the boat with a sailor before it was cut loose.

The others then jumped into the water, taking their chances to reach the boat, and all got aboard. There was great risk in the attempt, the waters were thickly inhabited by sharks.

A couple of pairs of oars and a piece of canvas, which they rigged for a sail, were all that the seven men had to find land with when they departed on Sunday morning. The boat was leaky and two of its occupants were continually engaged in bailing it out. The gale was blowing from the south and east, and the boat with its meager sail rushed along in its path. The men had no idea of where they were going to. On Monday they had a sight of the sun, and it encouraged them a little. The storm subsided and at night the stars came out. They guided themselves by the polar star then. Four of the men were exhausted by the rowing and went to sleep in the bottom of the boat, lying there in the water. About midnight the three who were awake saw a light ahead. They thought it was a steamer's headlight, and as they could not hope to attract her notice, they considered that it was for them a mere will-of-the-wisp. So they refrained from rousing the others, thinking that they would only awaken a delusive hope. Presently they saw another light. A third one gleamed out, and soon the rays from half a hundred more reached their eyes.

They shouted for joy at their coming deliverance, feeling like men who had been raised from the dead. They awoke the sleepers. It was supposed that the lights were those of a fishing fleet. The men took hold of the oars and tried to row toward the beacons, but they were so weak they could hardly paddle. Gradually the lights disappeared, and hope was again deserting them when land loomed upon their sight. By hard exertions they neared the shore, only to hear the warning of the breakers. Not knowing how to avoid this danger that might wreck them again if they tried to land, they remained in the boat all night, and at daybreak renewed their efforts. They pulled for five hours, until they saw a nook which they thought a safe landing place. It proved to be rocky. A breaker capsized the boat and threw them on the beach, bruising and tearing their flesh. The spot proved to be the island of Tanegashima, inhabited solely by Japanese. After resting on the beach and recovering some strength, they crept up a cliff near by and saw a pebbly stream winding along. It was the first fresh water they had seen for a long time. They ran to it and flung themselves in the stream, and luxuriated in the bath.

The salt water had immersed them so long that the change was delightful. Their garments were nothing more than rags, but they drenched and wrung the salt out of them. They then slowly ascended a hill and saw a crowd of Japanese who had evidently witnessed the boatwreck. The natives received the weary mariners kindly and gave them boiled rice and sweet potatoes to eat. The next day they were escorted to the other end of the island, and some officials there, after having their wounds dressed, put them on a steamer bound for Kagoshima, where they were even better treated. They were kept at a hotel and fed on English-cooked food. European clothes were also given them. After eight days they were taken to Kobe, where the United States consul placed them on the barkentine Catherine Sudden, on which they worked their way to San Francisco.

From the story told by Otto Petersen and Fred. Olsen, two of the five men who were left on board, it would seem that they do not attach any particular blame to their shipmates for leaving them, though thinking they were rather impatient and in too much of a hurry to get away. Still it is generally considered that the fact of the entire crew not having embarked proved the salvation of all, since the boat would have been so overloaded as inevitably to have swamped. Nevertheless, it was with a feeling much akin to despair that the five who remained saw what then appeared their only means of rescue taken from them, and for the moment they bitterly blamed their comrades for deserting them.

They had crawled up under the topgallant forecastle, which was the only dry spot in the vessel, and here for a time they all seem to have given away to the gloomiest forebodings, which was but natural when all the horrors of their situation were considered.

The whole ship was flooded with salt water, and if it had been possible to obtain any provisions from the hold they would undoubtedly have been entirely unfit for use.

But nothing was to be found, and for some time after the boat had gone it was believed that there was absolutely no food, and that nothing but a lingering death by thirst or starvation was before them.

Finally, however, as the seas grew less violent, and allowed the castaways to more closely examine their surroundings, a small quantity of yams were found stowed away in the forecastle, which with some little difficulty the sailors obtained. The vegetables were, of course, raw and not specially palatable, but there was no possible way of cooking them, as a fire was utterly out of the question. Even raw, however, they were welcomed with joy by the anxious and already famishing men, who began faintly to hope that their lives might possibly be saved. But though the yams tended to allay the pangs of hunger in a degree at least, the question of water was still unsolved, and the prospect of dying by that most horrible death produced from thirst began to appall them.

They had welcomed the appearance of the sun after the awful gloom and horror of the storm, but as it grew brighter upon the day following the subsidence of the typhoon the sight was less grateful, since already their throats had grown parched and swollen with feverish heat. It was at this time that one of the men noticed a large jug or demijohn floating about in the scuppers, evidently partially filled with some liquid. The sight was hailed with joy, dashed by fears that the jug might not contain water, which, as the event proved, were only too well founded.

One of the men cautiously moved along the slippery and wave-swept deck and secured the floating vessel, which to the deep disappointment of all was found to be partially filled with vinegar.

In the first moment of their disgust it was about to be thrown overboard, but more prudent counsels prevailed, and it was retained on board, though no one then dreamed of drinking it, as it was feared it would increase rather than allay the pangs of thirst. But their sufferings, aggravated by the eating of the raw yams, grew too severe to be borne without some effort to alleviate them, and the despised vinegar was soon eagerly drunk, though in small quantities, as it was most vitally necessary to husband their supply. Drinking it increased to an intense degree their longing for water, but still alleviated in a slight degree their actual sufferings, rendering them devoutly thankful that their first impulse had not been obeyed and the precious liquid thrown away.

For seven days and nights after the departure of the boat the five men remained upon the vessel, cramped and crowded in the narrow space under the forecastle, and suffering intensely from hunger and thirst. The raw yams gave them no satisfaction, and it soon became almost impossible for any of them to retain the vinegar upon their stomachs. All were in a state of hopelessness and despair, while Charley Nichols, the young son of the captain, who remembered his father's tragic death, was sunk in the deepest grief.

After the storm the weather continued fair and the sea grew comparatively calm, which was all that kept the faintest hope alive, as there was not a man but knew that even a moderately rough sea would in a few moments beat their shattered hulk to splinters. Upon the morning of the seventh day the joyful cry of "Land!" burst from the earliest watcher, and his comrades saw that it was indeed true, and that the winds and currents had drifted their helpless craft within sight of the Japanese coast. A number of loose deck planks still remained lashed fast alongside the shattered bulwarks, and there had already been some talk of utilizing them in forming a raft, lest the hulk should go to pieces. Now, with a more definite object in view, there was no longer any hesitation, and with the aid of some pieces of rope and rigging, a number of the planks were speedily lashed together into a small but tolerably strong raft. The few remaining yams were collected, and preparations made for immediate embarkation; but it was finally concluded to stay by the ship another day in the hope that she might drift nearer the shore. Accordingly they remained on board until the next morning, when it was found that they had gained apparently nothing, whereupon, without further delay, they embarked upon the raft. This was upon the morning of the eighth day.

With such rude makeshift oars and paddles as they had been able to secure, efforts were made to propel the raft toward the shore, but with little apparent success. Night closed with the forlorn voyagers still far out at sea. The next morning, however, they found they had drifted considerably nearer, but nevertheless that day also ended with them still out at sea, though now the distance had become much less. Their efforts were redoubled, as it was a beautifully clear moonlight night, and about 10 o'clock they reached the beach.

They found that they had landed upon Tanegashima, the identical small island on the southern coast of Japan on which their comrades in the boat had been cast. The island is thickly inhabited by farmers and fishermen, all of whom, as soon as they became aware of the shipwrecked sailors' arrival, vied with each other in their endeavor to show them kindness, as they had previously done with their seven shipmates. The other sailors, however, had departed for Kobe the day before the last party arrived, whither the latter also repaired in a junk, which sailed ten days later.

At Kobe the American vice-consul treated them very kindly during their stay, finally forwarding them to Yokohama with a letter of introduction to the consul-general, who procured them a chance to work their passage home upon the City of New York.

I move that the memorial and accompanying papers be referred to the Committee on Foreign Relations.

The motion was agreed to.

PUBLIC LAND LAWS.

Mr. DOLPH. I present the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes. We report a disagreement, and in presenting the report, I shall ask for a further conference.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes, having met, after full and free conference, have been unable to agree.

J. N. DOLPH,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

THOS. R. COBB,
W. J. STONE,
H. B. STRAIT,
Managers on the part of the House.

Mr. INGALLS. Before the request of the Senator from Oregon is disposed of, I wish he would be good enough to state the condition of the subject in the conference, and whether the differences are so radi-

cal as to probably present an issue that can not be adjusted at this session of Congress.

My reason for asking is because I receive a great many letters from people interested in the public domain as homestead settlers and pre-emption settlers, and it would concern the public, I am sure, to know whether we are likely to have any such legislation as is proposed by the bill at this session or not.

Mr. DOLPH. The differences between the managers on the part of the Senate and on the part of the House upon this bill have been quite radical, but they are differences that I think may be overcome and upon which an agreement ought to be reached.

There was contained in the first section of the bill as it passed the Senate a provision, in substance—not having the bill before me I can not give it literally—that in all cases where final proof had been made and final receiver's receipts had been issued for pre-emption claims and such claims had been sold to innocent purchasers for valuable consideration, the patent should be issued, notwithstanding any alleged informality in the proofs of the original entryman.

There was also in the eighth section of the bill a provision upon the same subject. These provisions were strenuously objected to by some members of the Senate and by the conferees on the part of the House, and it was alleged that the effect would be to confirm fraudulent claims. The managers on the part of the Senate believe, as a majority of the Senate did, that where such lands after final proof and payment and the issuing of final certificates had passed into the hands of *bona fide* purchasers the title should be confirmed to them.

If I am at liberty to state what the managers on the part of the Senate have been disposed to yield in this controversy, I will state that they have been disposed to yield this provision and permit it to be stricken out, so as to leave the law in that respect precisely as it now stands, and insert in lieu a provision in section 8, as follows: "That nothing in this act shall be construed to impair any existing rights of any *bona fide* purchaser of any such claim under existing law."

The most important point of disagreement, after that one is disposed of, is the provision of the bill as passed by the Senate, that in cases where the Commissioner of the General Land Office shall be convinced that fraud has entered into the final proofs made by an entryman under the homestead or pre-emption law, he shall suspend the issuing of patent and refer the matter to the Attorney-General, who shall cause suit to be instituted in the courts of the United States to set aside and cancel the certificate which has been issued to the entryman under the pre-emption law or homestead law, as the case may be.

The conferees on the part of the other House insist that in all cases the Commissioner of the General Land Office or the Secretary of the Interior shall be the sole absolute judge, and their judgment shall be based upon proceedings instituted by them in the local land offices as to whether an entry is fraudulent, and that they shall have the sole and absolute power of canceling and setting aside the entry and throwing open the land which had been settled upon, improved, and made valuable by the pre-emption and homestead claimant to further settlement under the laws of the United States.

The conferees on the part of the Senate believe that a man who has resided for years upon a piece of public land, who has made such proofs as are required by the laws of the United States, who has paid the amount required to be paid into the Treasury for his land and received his final certificate, who has put his all into his home, should have a right to go to a court and to have there determined the question as to whether the certificate for his entry has been properly issued to him, and as to whether his land shall be taken away from him.

That is, as I understand, at present the radical point of difference between the managers on the part of the two Houses, the Senate conferees insisting that some provision shall be retained in the bill by which a man whose title is attacked in the Land Office shall have a right virtually to appeal from the action of the Interior Department or from the Commissioner of the General Land Office to the courts and to there try the question of his right to the land, the House conferees insisting that the power shall either be left where they claim it now is, or shall be vested in the Commissioner of the General Land Office and the Secretary of the Interior Department to decide finally and conclusively whether such a claimant to the public lands under the laws of the United States is entitled to his land.

Mr. INGALLS. Both Houses of Congress have agreed by very large majorities that the pre-emption, timber-culture, and desert-land acts shall be repealed, to the effect that what remains of the public domain may be left to the operation of the homestead laws for individual settlement. That I believe is the judgment of the country at large, and I am convinced that the Senate conferees will fail in the discharge of a great public duty if they permit adhesion to minor and unimportant details to prevent the accomplishment of this great public work. I therefore hope that the conferees will consider themselves at liberty at least, in case the issue is tendered, to allow the question of remedy for individual rights either to remain as it now is or else to provide hereafter for some method by an amendment of existing laws, so that we may have the main object accomplished before the adjournment of this session of Congress.

Mr. DOLPH. The Senate Committee on Public Lands and the Senate have had the question of the amendment of the public land laws under consideration quite as long as the other branch of Congress. Numerous bills were referred to the Senate Committee on Public Lands. They were carefully considered, and a report was made at an early day at the last session of Congress of a bill which it was supposed would answer the purposes and cover the various questions which it was thought necessary to have legislation upon. That action was afterwards reconsidered by the Senate committee, and after a careful and elaborate consideration, extending through several sessions of the committee, a measure was reported to the Senate embodying the legislation that was thought necessary on the part of the Senate Committee on Public Lands. When the House bill came over the provisions in regard to the repeal of the pre-emption law and the timber-culture act were substantially the provisions of the bill which had passed the Senate a year before, or during the last Congress, but it did not include the various matters on which it was thought by the Senate committee necessary to have legislation. Therefore, the Senate Committee on Public Lands determined to take up the Senate bill and substitute it for the House bill. The Senate bill had been pending on our Calendar for a long time.

These are not unimportant matters. I am in constant receipt of letters from almost every Western State and Territory, and so is every other member of the Committee on Public Lands; and delegations come up to the Capitol and interview the members of the Committee on Public Lands almost daily upon the question of some remedy for the existing evils growing out of the present condition of the public land laws or them anner of their execution. Patents for pre-emption claims have been suspended in nearly all the Western States and Territories. No patents are being issued. Settlers are unable to get their titles. They can get no credit upon their claims. There is actually great suffering for want of action upon their application for title to these lands.

One provision that is objected to in section 8 is the one which provides that if at the end of two years after final proof and the issue of the final certificate of the register and receiver, there is no suggestion of fraud and no contest, a patent shall be issued. Even that is objected to by the managers on the part of the other House. Under the provisions of the bill as it passed the Senate a homestead entryman will be required to reside five years upon his claim. He then must make his final proof. He then gets his final certificate. Then his papers will be hung up for two years in the General Land Office, if they choose to hold them, waiting for somebody to make a suggestion of fraud in the procurement of his title. That will be seven years from the time he goes upon his land. Still the managers on the part of the other House are not satisfied with that provision, a provision which, if there is no suggestion of fraud and no contest, would compel the issuing of a patent after seven years' time.

I think any one who has given this matter attention will see that some general legislation is necessary. As far as I am concerned, I do not care to serve upon the committee of conference, but I do not wish it to be understood that the matters of difference are trivial features at all. I call attention to the fact that the bill as it passed the Senate does not involve a repeal of the desert-land act, but a modification of it only.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate insist upon its disagreement and ask for a further conference.

Mr. PLUMB. Before that motion is put I wish to say a word. I have myself been for many years in favor of the repeal of the pre-emption law, not because that repeal was demanded by any powerful and overwhelming sentiment of the State which I in part represent, but because in the larger view of the situation I believed there ought to be further limitation put upon the acquisition of public land in view of its rapid absorption.

Probably there would be no trouble in agreeing upon a bill for this single purpose. In fact there is little substantial difference between the two Houses on this question.

But since this subject has been under discussion a practice has come into vogue in the administration of the General Land Office of a character which is not only threatening to existing rights under the law, but which is subversive of all rules of procedure by which the rights of property are affected, the rectification of which is of a great deal more consequence than the repeal of the pre-emption law or of the timber-culture law or both together. The proceeding by special agents, by detectives, by private inquiry, by secret inquisition, whereby titles are assumed to be set aside upon *ex parte* hearing, is going on to an extent which is paralyzing to the business of certain sections of the West, and which is practically destroying the right of honest pre-emptors and of honest purchasers—of a kind which, except that it is covered by the cry of fraud which has filled the public press, would be regarded as a shame and a disgrace not to be permitted to continue for one single instant longer. Every agency which cupidity, which hate, which malice and self-seeking and private revenge can suggest in man has been exerted against the honest settlers on the frontier—not, mind you, against the cattle-man, but against the individual entry-man and his honest successor in interest claiming a single quarter section of land.

I will state what recently occurred in a public hearing in a western Territory to illustrate the character of the proceedings that are being carried on under the sanction of the Land Department's present con-

struction of the law, when I say that the witness on the stand, who was the contestant in the pending case for a piece of land which had been valuably improved and was then in the honest *bona fide* occupation of the claimant, admitted that he kept a bawdy house near there and that the special agent at whose instance he had made the contest had solicited him to make such contest and had promised him that if he would make it he should have the land under consideration, and which had been made valuable by the labor of another, as the reward for instituting the contest. That is not one case alone; it is one of hundreds of cases that are taking place all over the frontier.

So far as I am concerned there is no question of public policy involved concerning the public lands that equals in importance the one of providing that titles acquired under the land laws shall not be set aside except by that due process of law which can only be applied by the courts, in which *ex parte* testimony is not heard and in which rich and poor are on an equal footing.

Mr. PLATT. May I ask the Senator from Kansas a question?

Mr. PLUMB. Certainly.

Mr. PLATT. In case a pre-emption entry has been made, and the certificate has been issued and then assigned to a party for value by the person who made the entry, does the Commissioner of the Land Office, when he cancels that entry, allow the assignee to take an appeal?

Mr. PLUMB. I think not. Under the theory upon which the Commissioner proceeds the subsequent purchaser is not a party in interest at all, except he is able to establish the *bona fides* of the original entryman. In other words, he has no right of his own as an innocent purchaser.

Mr. MITCHELL, of Oregon. He is not recognized as having any right.

Mr. PLUMB. He is not recognized as having any right intervening on account of any act or thing that he has himself done or of any right which it is supposed he may have acquired.

Mr. PLATT. These questions affect some other parties than Western people. They affect Eastern people as well. I know a good many Eastern people who have loaned money upon lands of which they supposed the title was perfect, but where an assignment had been made by the man who made the original entry the money was loaned to the assignee. It may be said that the people at the East have no right to loan money, that they are Shylocks and deserve no consideration; but when the Commissioner proceeds to cancel those land entries, it seems to me that at any rate he ought to allow the person who has parted with his money innocently, supposing that there was a good title, to come in and appeal. I understand he does not do it. If that is involved in this question, I hope the members of the conference committee on the part of the Senate will insist.

Mr. CALL. Mr. President, I think it is due to the administration of the Land Department that some reply should be given to the statements which have been made.

The Senator from Oregon [Mr. DOLPH] says that the patents are suspended and scarcely any are being issued. I was present a few days since at a conversation between the Secretary of the Interior and the Committee on Appropriations of this body in which he stated that there were more patents being issued than had been issued under the preceding administration; that the office to the full capacity of its clerks employed for that purpose were constantly engaged in the issuing of patents. I have no doubt that the official evidence of this fact will be presented and furnished to the committee, showing that so far from patents being suspended there are more being issued than under any previous administration.

I am informed by the Commissioner of Public Lands that 3,000 a month are being issued, the full number which the clerical force allowed him by law can examine and certify. If more are not issued it is the fault of Congress and not that of the Commissioner of Public Lands.

If the administration of the Land Department is such as is stated or appears from the facts stated by the Senator from Kansas [Mr. PLUMB], the proper remedy is an impeachment of the officer. It is not just, nor is it creditable to anybody, whether the Senate of the United States or even a justice of the peace, that public officers should be tried and condemned without a chance of being heard and without evidence of the charges made. If the administration permits secret agents to prejudice the title and the rights of parties without their being heard, upon false statements that bad houses of one kind or another are kept or may be kept, or by promises of titles to land to individuals who are favorites, then the persons who permit such officers to conduct such practices in the performance of public duty ought to be tried and impeached, and if the charge is not true they should be heard and an opportunity presented to them to disprove it.

The administration of the Interior Department is in charge of men of high character, who will not permit such injustice to be done, but will promptly dismiss officials who are guilty of such acts. The charge, I am sure, can not be sustained. The Commissioner of Public Lands is not only a man of distinguished ability, but also a man of a high sense of honor, impartiality, and justice.

So far as my own State is concerned, under the administration of the present Commissioner of the General Land Office, more protection has been afforded to the people of the country who are honestly interested in the ownership and occupation of the public land than under the preceding one. It is the fraudulent entries that have been stopped there. I do not know what has happened elsewhere, but in my own State the Commissioner of the General Land Office has endeavored to do his utmost to protect the honest settler.

I introduced a resolution which was referred to the Committee on Public Lands and now stands adversely reported upon the Calendar. The resolution was introduced upon the petition of hundreds of actual settlers—citizens of the United States—from other States who had gone to Florida, and who stated that the public lands of the United States which had been entered under homestead entry by them, high and dry as the top of this Capitol, had, to the extent of many thousands of acres, been located under the swamp and overflowed land grant, and they appealed to me that they might have a hearing before a committee of this body to prove their grievances in that respect, and have such legislation as would prevent it. I introduced the resolution and had it referred to the committee, and the committee reported it adversely, remitting the whole thing to the administration of the Land Office, governed as they are by rules of their own, and perhaps needing some legislation to provide a proper and an adequate remedy. I shall discuss that resolution when it comes up on the Calendar, and I shall show what these citizens of Florida say, and so far as I am concerned they shall have justice and protection in their rights.

I mention this to show that the Committee on Public Lands have not been so anxious, doubtless not from any improper motives, to discredit the Commissioner of the General Land Office and the Interior Department upon this subject as would seem to be indicated by the facts which are now stated. But if there are such grievances, admitting all that has been said by the Senator from Kansas, the proper remedy is for the Committee on Public Lands to introduce some resolution of inquiry, some examination, some method by which the parties subject to this impeachment may be heard, and the facts in their defense may be brought out, and not to condemn them by disparaging statements of which no proof is offered.

The PRESIDENT *pro tempore*. The question is on the motion that the Senate further insist on its amendments and ask for a further conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6712) for the relief of William N. Canady, reported it without amendment, and submitted a report thereon.

Mr. HALE, from the Committee on Naval Affairs, to whom the subject was referred, reported an amendment intended to be proposed to the naval appropriation bill for the purchase by the Secretary of the Navy of the Destroyer, an iron vessel designed and built by Capt. John Ericsson, and moved its reference to the Committee on Appropriations; which was agreed to.

He also, from the Committee on Naval Affairs, to whom was referred the bill (S. 2815) to provide for the retirement of a certain class of officers in the United States Navy, reported it with an amendment.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. 9858) to authorize the Louisiana North and South Railroad Company to construct and maintain a bridge across the Red River in Louisiana, reported it with an amendment.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7971) granting a pension to Mary Wood;
A bill (H. R. 8469) granting a pension to John Moran;
A bill (H. R. 8720) granting a pension to William B. Eve;
A bill (H. R. 6188) for the relief of John A. Fagg;
A bill (H. R. 8818) granting a pension to Frederick Dierking; and
A bill (H. R. 306) granting a pension to George Schneider.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3254) for the improvement and enlargement of the public building at Omaha, Nebr., reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 2992) to make Tampa, Fla., a port of entry, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3191) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, reported it without amendment.

He also, from the Committee on Claims, to whom was referred the bill (S. 1883) to refer the claim of the owners of the property known as Tift's Wharf, at Key West, Fla., to the Court of Claims for adjudication, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition

of John Tyler, praying remuneration for services as private secretary to the President of the United States from 1841 to 1845, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 1461) granting a pension to John W. Reynolds, reported adversely thereon, and moved the indefinite postponement of the bill; which was agreed to.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1581) granting an increase of pension to Gertrude K. Lyford;

A bill (H. R. 8205) granting a pension to J. W. Gooding;

A bill (H. R. 8486) granting a pension to Rebecca Morris;

A bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop;

A bill (H. R. 9863) granting a pension to Mary McCoy;

A bill (H. R. 4535) granting a pension to Adelisa Perry;

A bill (H. R. 5629) granting a pension to Thomas G. Polley; and

A bill (H. R. 7504) granting a pension to Larkin Delph.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (H. R. 9122) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria, reported it with an amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 3188) to authorize the Georgia Pacific Railway Company, of Alabama and Mississippi, to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers in the State of Mississippi, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 3853) to authorize the Talladego and Coosa Valley Railroad Company, of Alabama, to erect a bridge across the Coosa River, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 34) to authorize the East and West Railroad Company, of Alabama, to maintain a bridge across the Coosa River, reported it with amendments.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States, reported it with an amendment.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 902) establishing a subtreasury at Louisville, Ky., to report it adversely, with a written report. At the request of the Senator from Kentucky [Mr. BECK] I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

RIGHT OF WAY ACROSS NAVAL ACADEMY FARM.

Mr. CAMERON. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short-Line Railroad Company across the Government farm connected with the Naval Academy, at Annapolis, Md., to report it favorably without amendment. I ask its immediate consideration.

Mr. INGALLS. Let the bill be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the right of way through the northwest corner of the lands belonging to the United States Government lying and being in Anne Arundel County, in the State of Maryland, known as the Government farm, be, and hereby is, granted to the Annapolis and Baltimore Short-Line Railroad Company for the construction of a railroad between the cities of Annapolis and Baltimore, to be located to the satisfaction of the Secretary of the Navy; and the said right of way hereby granted shall be to the extent of 66 feet in width, with such additional width as may be required for slopes at cuttings and embankments, said line to be located northwest of the hospital buildings, and at least 50 feet from the out-buildings thereof.

SEC. 2. That the right of way and other privileges granted herein under the provisions contained in this act shall become inoperative and null and void unless the said company shall, within the term of two years from the 1st day of June, 1888, have so far advanced the construction of said road as to satisfy the Navy Department that said company is lawfully and successfully established, and that said road will be completed as proposed within a reasonable time, and also unless the said railroad company shall cause to be erected and maintained suitable bridges where roads are crossed, and fences erected and maintained on either side of said railroad.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVIL-SERVICE RULES.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the question of printing the report of the Civil Service Commissioners, in reply to the resolution of the Senate of July 22, 1886, communicating information in relation to the civil-service rules and regulations, and alleged violations of the same, &c., to report that the usual number be printed. I ask that it be so ordered.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, moves that the usual number of the document referred to be printed. The question is on that motion.

The motion was agreed to.

NAVY REGISTER FOR 1887.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a resolution to print additional copies of the Navy Register for 1887, to report it favorably without amendment. I ask its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 1,000 additional copies of the Navy Register for 1887 be printed for the use of the Senate.

ARMY REGISTER FOR 1887.

Mr. MANDERSON. The Committee on Printing, to whom was referred a resolution to print additional copies of the Army Register for 1887, direct me to report it favorably without amendment. I ask its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 1,000 additional copies of the Army Register for 1887 be printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo.

The message also announced that the House had agreed to the resolution of the Senate to print the compilation of the veto messages of the Presidents of the United States.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi;

A bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey;

A bill (H. R. 4839) for the relief of E. P. McNeal;

A bill (H. R. 5775) for the relief of James M. McKamey;

A bill (H. R. 6046) for the relief of H. C. Wilkey; and

A bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota.

The message also returned to the Senate the bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4616) for the relief of Major Michael P. Small, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FINDLAY, Mr. BRAGG, and Mr. LAIRD, the managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock-dam property in the Great Kanawha valley, State of West Virginia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TARSNEY, Mr. CRISP, and Mr. O'NEILL, of Pennsylvania, the managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 9324) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables; and

A bill (H. R. 9414) for the relief of John A. Thompson.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 960) for the relief of J. R. McGoldrick;

A bill (H. R. 9232) to amend an act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia;

A bill (H. R. 9895) to authorize the construction of a bridge across the Tradewater River by the Ohio Valley Railway Company;

A bill (H. R. 9183) for the relief of James R. Marrs;
A bill (H. R. 9115) for the relief of Eugene E. McLean;
A bill (H. R. 5877) for the relief of William H. Morhiser;
A bill (H. R. 7507) for the relief of James M. Hagar;
A bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885;
A bill (H. R. 3909) for the relief of Harry Fisk;
A bill (H. R. 3173) for the relief of Samuel H. Flemming;
A bill (H. R. 2995) for the relief of Francis H. Shaw;
A bill (H. R. 914) for the relief of Mrs. Fanny S. Conway;
A bill (S. 2156) for the relief of John Randolph Hamilton, of the State of North Carolina; and
A bill (H. R. 2176) for the relief of Alexander Goble.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3281) granting an increase of pension to Leopold Mayer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3282) to amend section 4887 of the Revised Statutes of the United States in relation to patents; which was read twice by its title, and referred to the Committee on Patents.

Mr. SABIN introduced a bill (S. 3283) to authorize the Secretary of the Interior to permit improvements on small streams running through Indian reservations to facilitate log driving; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. GIBSON introduced a bill (S. 3284) making an appropriation to establish and maintain lights at Chicot Pass and along Grand Lake, Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3285) making an appropriation to reestablish the light-house at the southwest pass of Vermilion Bay, Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, introduced a joint resolution (S. R. 107) providing for one month's extra pay for certain employés of the Senate and House of Representatives; which was read twice by its title, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. TELLER introduced a joint resolution (S. R. 108) providing for the sale of public documents; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO BILLS.

Mr. MAHONE and Mr. WILSON, of Iowa, submitted amendments intended to be proposed by them respectively to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.; which was ordered to lie on table, and be printed.

Mr. MORGAN submitted two amendments intended to be proposed by him to the bill (S. 3226) to determine the liability of the United States under the law for damages to the property of citizens of the United States sustained in the depredations of Indians; which were referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; which was referred to the Committee on Public Lands, and ordered to be printed.

PRINTING OF MEXICAN PENSION BILL.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed 1,000 additional copies of Public Act 33, "An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes," approved January 29, 1887; said copies to be delivered to the Senate document-room.

REPORT ON INSECTICIDES.

Mr. MANDERSON. By request of the Commissioner of Agriculture I present the following concurrent resolution for reference to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That a report on insecticides by the entomologist of the Department of Agriculture be printed, without illustrations, and that 10,000 additional copies be printed, of which 3,000 copies shall be for the use of the Senate, 6,000 for the use of the House, and 1,000 for the use of the Department of Agriculture.

The resolution was referred to the Committee on Printing.

REPORT OF ENTOMOLOGICAL COMMISSION.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That a second edition of the first report of the United States Entomological Commission relating to the Rocky Mountain locust, be printed, and that 10,000 additional copies be printed, of which 3,000 copies shall be for the use of the Senate, 6,000 for the use of the House, and 1,000 for the use of the Department of Agriculture.

RELATIONS OF LABOR AND CAPITAL.

Mr. BLAIR. I offer the following resolution:

Resolved, That the Committee on Education and Labor be directed to continue, with a view to its completion during the ensuing vacation, the investigation of the relations between labor and capital hitherto authorized and directed by the Senate.

Mr. MORGAN. Let that be printed, and go over.

The PRESIDENT *pro tempore*. The resolution will be printed, and go over.

PUBLIC BUILDING AT HUNTSVILLE, ALA.

Mr. PALMER. Is the morning business through?

The PRESIDENT *pro tempore*. Not yet. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 305) for the erection of a public building at Huntsville, Ala.; which will be read.

The CHIEF CLERK. In line 9, after the word "dollars," the House of Representatives inserted:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building.

The amendment was concurred in.

PUBLIC BUILDING AT HOUSTON, TEX.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.; which was to add to the bill:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury.

The amendment was concurred in.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. I wish to state that to-morrow at 2 o'clock I shall ask the Senate to proceed to the consideration of the Post-Office appropriation bill, and I hope the Senate will consent to remain in session to-morrow until the bill is disposed of.

PUBLIC BUILDING AT AUGUSTA, GA.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 712) for the erection of a public building at Augusta, Ga.; which were, in line 9, after the words "sum of," to strike out "two hundred" and insert "one hundred and fifty;" and in line 9, after the word "dollars," to insert:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, internal-revenue service, and other Government offices, at the city of Augusta, in the State of Georgia. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building; *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Georgia shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendments were concurred in.

SURVEY OF PUBLIC LANDS IN MONTANA.

Mr. ALLISON. The day before yesterday the Senator from Nebraska [Mr. VAN WYCK] submitted a resolution calling upon the Committee on Appropriations to produce and place in the RECORD a certain letter. I find on examination that the letter is a letter addressed to me and not to the Committee on Appropriations. I have here the letter with its inclosure, and in justice to the Commissioner of the General Land Office and to what I said in this Chamber, I ask that the letter be printed in the RECORD.

The PRESIDENT *pro tempore*. The letter will be inserted in the RECORD, if there be no objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 2, 1887.

SIR: The CONGRESSIONAL RECORD of this date reports you as stating in the Senate yesterday as follows:

"No doubt there ought to be a survey of the lands in the land grant not only of the Northern Pacific but of the other railroads; but the general appropriations made for the Land Office are not so used, and I think it would be rather a dangerous precedent to make special appropriations in this way. We made a special appropriation last year for the State of Nevada, and the Commissioner of the General Land Office has not executed it, as I understand. So we do not know what will become of this if this special appropriation is made."

And in reply to an inquiry by Senator TELLER "why has the Commissioner of the General Land Office not executed it?" you replied, "I do not know why."

I am well aware that you would not intentionally give currency to an erroneous statement of fact, and for your information and the information of the Senate I inclose herewith a copy of letter from this office to the surveyor-general for Nevada, dated September 22, 1886, instructing him to enter into contract for the surveys authorized by the special appropriation referred to in yesterday's debate.

It will be perceived that steps were promptly taken by this office to carry the law into effect. Appropriations for surveys are expended through contracts made by the respective surveyors-general. (See U. S. Revised Statutes, sec. 223 and following sections, also sec. 2398.) The instructions to the surveyor-general of Nevada were issued within six weeks from the adjournment of the last session of Congress and immediately after a verified copy of the appropriation act had been received at this office.

Contracts were entered into by the surveyor-general under these instructions and sent up to this office for examination and approval, which were returned for certain corrections and further examination by the present surveyor-general, who is charged with supervising their execution. It is expected the work authorized by the special appropriation will be completed during the current fiscal year.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. WM. B. ALLISON, *United States Senate.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 22, 1886.

SIR: The act approved August 4, 1886, making appropriations for surveys during the current fiscal year, provides as follows:

"For surveying the public lands in the State of Nevada, $30,000." * * *

Minimum rates only of mileage are therein specified, but it is provided that the Commissioner of the General Land Office may allow maximum rates for surveys through lands heavily timbered, mountainous, or covered with dense undergrowth.

In view of the mandatory requirements of the acts making grants to the Union and Central Pacific Railroad Companies, respecting the survey of lands embraced within the limits of said grants, and in further view of the act of July 10, 1886, providing for the taxation of railroad grant lands, I have to advise you of my opinion that such lands should be first surveyed in preference to the survey of other lands.

You are therefore hereby authorized to list and call for bids for the survey of all remaining unsurveyed lands situated on either side of the line of the Central Pacific Railroad within its granted limits in the State of Nevada at rate of mileage not to exceed the maximum allowed by law.

Having listed and advertised said lands as directed, and transmitted a copy of said list and advertisement to this office, you will also prepare and transmit to this office a full list of, and report on, all townships, or parts of townships, remaining unsurveyed in your district, which embrace existing settlements, stating all the data relating to the same which may be on file or of record in your office or otherwise available.

On receipt of said list and report you will be further advised.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

C. C. POWNING, Esq.,
United States Surveyor-General, Reno, Nev.

The PRESIDENT *pro tempore.* The resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] on the 8th instant, which comes over under objection, will now be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Appropriations be requested to present and have read in the Senate any communication received from the Commissioner of the General Land Office showing the disposition of moneys appropriated heretofore for survey of public lands bearing upon the survey of railroad lands and of lands in the State of Nevada referred to in the debates in the Senate reported in the RECORD of February 2 and 3.

Mr. VAN WYCK. By unanimous consent of the Senate I withdraw the resolution, as the letters are to be printed in the RECORD.

The PRESIDENT *pro tempore.* The resolution of the Senator from Nebraska is withdrawn. The morning hour has closed.

THE MACKEREL FISHERY.

Mr. PALMER. I move that the Senate proceed to the consideration of House bill 5538. I ask this courtesy because I think it will expedite the business of the Senate. We were in the midst of the discussion of this bill on Tuesday when the Senate adjourned. All the discussion is fresh in the minds of the Senators who were present, and if this is delayed and any other business intervenes, I think they will vote with less intelligence on the bill than if we proceed with it at once.

The PRESIDENT *pro tempore.* The Senator from Michigan moves that the Senate proceed to the consideration of the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season.

The motion was agreed to.

BRANCH HOME FOR DISABLED SOLDIERS.

Mr. SEWELL. I ask the Senator to allow me to call up an important bill.

Mr. PALMER. I will yield for a short time if it will not lead to debate.

Mr. SEWELL. It is Order of Business 2143, House bill 2075.

The PRESIDENT *pro tempore.* Does the Senator move to postpone the other orders?

Mr. SEWELL. I ask unanimous consent to take up the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SEWELL. The Committee on Military Affairs reported a bill, which is now on the Calendar also, granting $250,000 for this purpose, and with some amendments that are necessary to carry out the provisions of the law if the bill passes, providing that this home located west of the Rocky Mountains, being the only one on the Pacific coast, shall also take in regular soldiers, and providing for the appointment by Congress of another member of the governors' board residing on the Pacific coast, who would have immediate charge of the home if it should be passed. I ask to take up Senate bill 2624 with a view of substituting it for the House bill.

The PRESIDENT *pro tempore.* The Chair does not exactly understand what is desired.

Mr. SEWELL. I desire to strike out all the House bill after the enacting clause and substitute Senate bill 2624.

The PRESIDENT *pro tempore.* The Senator from New Jersey moves an amendment to the pending bill, which will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That the Board of Managers of the National Home for Disabled Volunteer Soldiers are hereby authorized, empowered, and directed to locate, establish, construct, and permanently maintain a branch of said National Home for Disabled Volunteer Soldiers, to be by such board located at such place in the States west of the Rocky Mountains as to said board shall appear most desirable and advantageous; and that the sum of $250,000 be, and the same is hereby, appropriated, out of any money in the United States Treasury not otherwise appropriated, to be paid to the said Board of Managers, and by them expended in carrying out the provisions of this act.

SEC. 2. That all honorably discharged soldiers and sailors who served in the regular and volunteer forces of the United States, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living, shall be entitled to be admitted to said home for disabled volunteer soldiers, subject to like regulations as they are now admitted to existing branches of the National Home for Disabled Volunteer Soldiers.

SEC. 3. That as soon thereafter as practicable from the approval of this act, the said Board of Managers shall secure the necessary lands and commence the erection of suitable buildings for the use of said branch.

SEC. 4. That James A. Wimer, of San Francisco, Cal., be, and he is hereby, appointed a manager of the National Home for Disabled Volunteer Soldiers, to serve until the 2d day of April, 1892; and that hereafter the number of managers of the said Home elected by Congress shall be ten instead of nine, as at present, one of whom shall be a resident of a State or Territory west of the Rocky Mountains.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. SEWELL. I move that the Senate insist on its amendment and ask for a committee of conference with the House of Representatives.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Messrs. SEWELL, HAWLEY, and HAMPTON were appointed.

The bill (S. 2624) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains was postponed indefinitely.

THE MACKEREL FISHERY.

Mr. PALMER. Mr. President, my motion, I think, was carried and I yielded temporarily to the Senator from New Jersey [Mr. SEWELL].

The PRESIDENT *pro tempore.* The bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season is before the Senate as in Committee of the Whole. The Senator from New York [Mr. MILLER] is entitled to the floor.

Mr. MILLER. Mr. President, it took several hours of discussion the other day to get at the purposes and objects of this bill, but I think the discussion finally brought out very clearly to the Senate the objects and merits of this measure.

The Senators from Maine told the Senate that there were none of the citizens of the United States interested in this measure save the few mackerel fishermen in the States of Massachusetts and Maine, and that therefore the Congress of the United States ought to hasten to pass this measure as a measure of relief to the fishermen who had petitioned for it.

It seems that there are about four hundred vessels engaged in mackerel fishing, giving employment to several thousand men, just how many I do not know, perhaps four, five, or six thousand all told—about six thousand the Senator from Maine [Mr. HALE] says.

From the arguments produced here in favor of this bill the Senate might be led to suppose that the bill had been brought here for the purpose of protecting mackerel fishing; that there was great danger of the species being entirely destroyed, and thus one of the chief fish food

products of the country being entirely obliterated; but neither the testimony taken by the committee nor any testimony of any scientific man in the world has been produced here to show that there is the least danger or, in fact, the least probability of any such result ever being produced by the unlimited and unconditioned fishing going on such as has been pursued for the last ten or fifteen years with purse-seines. In short, the best scientific men in the world have agreed that thus far man has been able to produce no appreciable effect upon the fish which swim in the deep sea. Therefore we have no data upon which to base any proposition whatever that if this fishing shall continue unlimited in the future as it has been in the past any such result whatever will be produced.

This being the fact, why is it that the owners of these four hundred vessels who have a large amount of capital invested in this business come here and ask Congress to limit their action and to take out three months of the twelve and absolutely prevent or prohibit purse-seine fishing? They have a monopoly of the business now; it is so conceded by both the Senators from Maine, who have told us that there is not a single vessel owned in any other State of the United States engaged in this industry save in the States of Massachusetts and Maine, and that no one else has any interest in it whatever. Why come here, then, asking a prohibition on the part of Congress? One would suppose that they would be anxious to continue their business during the whole twelve months of every year, and make it as large as possible; and why not? Because they have found that by the improved methods of fishing which are now in use by these fishermen they have so increased the amount of fish brought into our markets that prices have been greatly reduced, and, therefore, the profits of the capital invested in this business have been somewhat decreased. Therefore they come here to ask Congress to legislate against themselves, or, in short, to protect themselves from their own industry. There are so many of them, doubtless, that it is impossible that they should form an association and agree by common consent to give up fishing for three months in the year. Undoubtedly a large number of them would be glad to do that, but no one fisherman and no one firm engaged in this business will consent to abstain from fishing for three months in the year unless all are compelled to do so.

Now, what is the object of a cessation of fishing for three months? It is all folly to come here and tell the people of the United States that the fishermen who control these vessels and who have their capital invested in the business are philanthropists and that they are asking to be curtailed in their own operations simply for the purpose of preserving the mackerel species as a food product for the people of this country. I say it is all folly to come here with any such assumption as that.

We see frequently associations of different industries in this country, in which the capitalists interested in and the proprietors of great industries get together and agree to curtail the production of a particular industry, for what purpose? For the purpose of increasing the price by decreasing the supply. Have we not seen the Bessemer steel manufacturers of this country get together in their associations and agree to close their works for three months or six months?

What for? For the good of humanity? For humanitarian purposes? Not at all; but simply that they might reduce the production of Bessemer steel-rails, and thereby increase the cost; and our friends on the other side of the Chamber have come here and taunted the protectionists of this body with this very charge that the Bessemer-steel manufacturers of this country had done this thing. It has been done by other manufacturing associations, but they have not come here and asked Congress to shut up all the Bessemer steel-rail factories for three months in the year lest there should be a surplus of Bessemer steel.

The cotton manufacturers, who sometimes close down their works for thirty days or six months, have not come here and asked Congress to pass a law that there shall be no manufacturing of cotton goods for three months or six months in the year in order that the amount produced may be reduced and thereby the price increased. But here comes an industry confined, as the Senators from Maine and Massachusetts show, to their own States, having an absolute monopoly, owning every vessel engaged in it, and having all the capital invested in it, and all the men who are employed upon their ships citizens of their own States, and it asks Congress to say that for three months in the year there shall be no fishing with purse-seines by this industry.

Mr. President, as I said before, these fish swim free in the ocean. They cost us no labor and no pains in their growth. They are there free for all our people to take, and they furnish one of the great supplies of food for all our people. The fisheries of every country have been protected, and nations have gone into great and costly wars in order that they might protect their fisheries because they were a source of great profit to the people; but never before in the history of the world has a nation undertaken to say to its own citizens, "You shall not fish upon the high seas for three months in the year," or for any other time.

Now let us see what the value of the catch of mackerel has been in this country for the past few years, and see how greatly it has been reduced in its price to all our people.

In 1863 the value of the mackerel catch as it sold at the high price which then prevailed was $5,935,525; in 1869 the mackerel caught in that year sold for $3,248,315; in 1871 the catch of mackerel inspected in Massachusetts amounted to $2,233,055. The catch that year was 259,000 barrels. Of late the price of mackerel has been greatly reduced in all our markets. The numbers caught and brought to our shores have been so great that, following the ordinary law of political economy, the supply being large, the price has been reduced, and all our people have obtained fish food at very low rates.

In 1883 this large amount of mackerel sold for $1,619,000; in 1884 the catch sold for $1,853,000, and in 1885 for $1,230,000 only.

These figures prove conclusively why this bill is brought here. A very large proportion of the year's catch is made in the months of March, April, and May, and this bill proposes that during those three months there shall be no fishing for mackerel with purse-seines at all. If this bill becomes a law it will reduce the catch of mackerel probably 50 per cent. for the next year, and what will be the result? The 50 per cent. less of fish will sell in our markets for as much money as the large catch of last year did. In other words, the American people will be compelled to pay to the capitalists who control this business in those two States as much money for one-half of the amount of fish-food as they paid for the larger amount last year. That is all there is of this. We are asked here to shut up and control the fish on the high seas for three months in the year in order that the price of fish-food may be advanced from 50 to 100 per cent. That is all this bill is intended for, and it is precisely what the bill will accomplish if it is enacted into a law.

Mr. President, it has been charged here that there has been no opposition to this bill from any source except from the fish-mongers of New York city and other Atlantic cities. I need not say to you or to the Senate that the poor people of this country, the laboring men and the farmers of this country scattered broadcast over the whole land, are not organized in such a way that they can come here to protest against the passage of this bill. Neither need I say to you, sir, that not one-tenth of 1 per cent. of the people of the United States who consume fish as a portion of their daily food have any possible knowledge that any such bill as this is before the United States Senate. You will not be able to make any considerable portion of the people of this country believe for a moment that the Congress of the United States can be brought to the condition where it will say to its own people and to its own citizens that they shall not go on the high seas and fish for this food, which is free to all the world.

We may shut our own people out from these waters for three months, but we can not shut out from these waters the people of our neighboring countries. We can not shut out from them the Canadian fishermen. We may close our own ports to this food-fish and say that our people for three months shall not have it, and that for the remaining nine months of the year they shall pay from 50 to 100 per cent. more for the fish which they consume than they would if this bill should not pass.

It does not seem possible to me that the Congress of the United States should patiently consider such a proposition as this, for not only will this enhance the cost to all our people of mackerel, but it will undoubtedly to a large degree increase the cost of all salt-water fish, of cod-fish, of blue-fish, and of the various varieties which come into our markets. Any one familiar with this subject knows that during all the summer months fresh mackerel are brought into all our ports, and that they to a large extent, if not entirely, control the price of all the fish to be found in our markets. If mackerel are caught in large quantities, of course the price goes down to all the people, and it carries with it the price of other kinds of fish to a certain extent.

I can find nothing in this bill, I say, save the proposition to prohibit the fishing for three months in order that by doing so we may greatly decrease the catch of mackerel and thereby increase the cost or the selling price of that which shall be caught during the other nine months, and that additional cost is to be paid by all the people of our country.

Mr. PALMER. Mr. President, the Senator from New York does credit to his classical education in one respect. If I remember aright, whenever in the Iliad any of the gods or goddesses wanted to do anything that would not bear watching they always surrounded themselves with a fog. That seems—and I do not say it offensively, for possibly the Senator from New York may be a victim of his own hallucination—to be the result of his efforts in this case. We get up and dispel the fog, and in less than fifteen minutes the Senator has got himself, if not the Senate, enveloped in as dense a fog as his side of the question can demand.

What he wants is to obscure the real issue, it seems to me, and that is that the Fisheries Committee and the men who are pushing this bill are philanthropists. No such claim has ever been made. There is no claim of philanthropy about us except on the part of the Fisheries Committee. We have acted judicially in this matter. The men who are pushing this bill have come to Congress and said that their business was languishing; it was in danger of being destroyed unless some protective measure was thrown around it. They asked that the close season be established. They are reaching out in various directions to find some remedy for the evil under which they labor, and it seems to me they make a very good case against the purse-seine fishing and in favor of the close season.

So much for that charge of philanthropy. Now, the Senator gets up and he takes this table, and I know that if he had had time to read it over critically he would not have made such an exhibition as he did in reading these figures this morning. I hope the Senator will not leave until I analyze his remarks.

Mr. MILLER. There is no danger of my leaving.

Mr. PALMER. The Senator gets up and says that in 1863 the price paid for mackerel was $2,878,000, but he says that owing to the purse-seine fishing in 1883 the price had gone down $1,619,000. If he had looked at the question critically he would have seen that the price has been affected more by the degradation of the fish, by the quality running down, than by any other cause. For instance, in 1863 the percentage of No. 1 mackerel was 22 per cent., and in 1883 it was 14 per cent. He will find also that in 1885 215,000 barrels sold for $1,230,000, whereas in 1883 154,000 barrels sold for $1,619,000. There was a larger amount, 215,000 barrels, against 154,000, and the 215,000 brought $1,230,000 and the 154,000 brought $1,619,000; and what was the reason? The reason was that in 1883 the percentage of No. 1 mackerel was 14 per cent., and in 1885 it was 7 per cent. If there is anything in figures, it seems to me that that is very fully proven.

Mr. MILLER. I think the Senator has proved my proposition exactly. They want to reduce the amount of fish caught and therefore increase the price, and that is what they will do if the bill is passed.

Mr. PALMER. That is not the animus of the bill, nor is it fairly inferable, it seems to me, from any of the arguments used or any of the statements made before the committee. It is the running down of the quality that they complain of, and that causes the present state of their business and the present low prices that they receive for mackerel. It seems to me that they are right. The Committee on Fisheries have no interest in the matter, save to see that justice is done to a great and important interest.

Now, who are to be benefited by this bill? Primarily those men whom the Senator from New York calls monopolists. They have the monopoly of the business now. It makes no difference to them whether they take their fish down on the coast of New Jersey or up on the coast of Massachusetts if it is equally profitable; but it makes a great difference if it is not profitable, and if it is the cause of the decrease of the profits in their business. It also is a matter of interest to the people along the shore of Delaware and New Jersey that they shall be disturbed in their fisheries along the borders of their States with hook and line. This is merely a crusade against purse-seine fishing in the spawning season; and, taking all the statements from the different gentlemen who appeared before the committee, it seems to me that the Senate can not come to any other conclusion than that the proper thing to do is to pass the bill.

Mr. MILLER. Will the Senator permit me just one question?

Mr. PALMER. Certainly.

Mr. MILLER. He seemed to make an entirely different statement in regard to the danger of the destruction of this fish as a fish called mackerel. I want to ask the chairman of the committee now, in all seriousness, whether there is a particle of scientific evidence anywhere in the world going to show that it is possible for man with all the modern devices and means of fishing to in any way perceptibly diminish the number of fish in the sea?

Mr. PALMER. "Still harping on my daughter." That they——

Mr. MILLER. I would like a direct answer to that.

Mr. PALMER. I am coming right to it, and I can best illustrate it to the gentleman by a little figure of speech.

The conclusion arrived at by Professor Huxley when he made that investigation in regard to the herring fishery seems to be the bulk of the opposition. Now Professor Baird has said, and the Senator read so on Tuesday, that it might be well to try the experiment; that it is possible that the purse-seine fishing might in time lessen the quantity of mackerel. Professor Goode, the next highest in authority, said that if it did not destroy the mackerel it might defleet them from their ordinary route and course. Captain Collins, possibly the best practical man in the Fish Commission, a man in whom Professor Baird has the highest confidence, believes that it does deflect them from their course. But I was going to answer the gentleman's question by another or rather by a little illustration.

What difference would it make to him if a lot of Apache Indians came to his farm in Herkimer County, New York, and killed his cattle and carried off the beef, or whether they drove the cattle down into Mexico, and over the border; he loses his cattle in either case. In one case the country is not depleted of cattle; there are just as many cattle, but they are not where they are available to him. This is a parallel case. They are driving the old and the wise and the mature mackerel off from our coast, and there is no other conclusion you can come to by looking at these tables. Have I answered the gentleman?

Mr. MILLER. To the satisfaction of the chairman of the committee, I have no doubt, but scarcely to the satisfaction of the Senator from New York.

Mr. PALMER. Is it not satisfactory?

Mr. MILLER. Not entirely. [Laughter.] I am not able to see the wisdom of cutting off fishing entirely for fear that in some future ages, it may be a geological period of a million years more or less, we can not tell when, if this thing be allowed to go on there may be some diminution in the number of fish, or, as the Senator says, we may frighten the wise and old fish away from our shores by the harassing methods of purse-seine fishing.

Mr. PALMER. Will not the Senator allow me to go on? It seems I have pierced his armor, and if he does concede that in course of time the fish in the sea may be affected by this wholesale purse-seine fishing——

Mr. MILLER. No; I do not admit that even in the course of time that may be so. It can not happen.

Mr. PALMER. If the Senator will confine his remarks to questions and not let them elongate into speeches, I shall be willing to answer anything that he propounds, if I can.

Mr. MILLER. I was trying to follow the example of the distinguished chairman of the committee in making my questions as long as he makes his answers to some questions that I have propounded; but I have not succeeded in doing that, and therefore I will come back to the more ordinary and straight Anglo-Saxon style. Why not then, as I have asked before, I now ask the chairman if he fears the driving away of these fish from our shores by frightening the old and wise ones by purse-seine fishing—why not prevent fishing entirely for the other nine months in the year; why allow it to take place only off the coast of Maine and Massachusetts?

Mr. PALMER. I will get the Senator on the general question if he will not go on and make another speech. I will tell you the reason. It is because purse-seine fishing is much more economical than fishing by hook and line; and the regard of the Fisheries Committee and of the fishermen of Massachusetts and Maine for the constituents of the Senator from New York to the extent that they may have cheap food and cheap fish, has merely asked for a three months' close season instead of a six months' close season. It is much more economical to take fish with the purse-seine than with the hook and line. The cheaper fish is caught the cheaper it can be sold. That is the reason that it would be followed.

Another thing, the spawning season is past, and the timidity which we know affects all animals about the reproductive period has disappeared, and the raid made upon these immense schools does not have the same effect upon them that it does about the reproductive period. Is that satisfactory to the Senator from New York?

Mr. MILLER. No, it is not satisfactory at all. I am not able to understand why the Senator desires to stop purse-seine fishing when the fish are off the coast of the Carolinas and Virginia and New York, and he is willing to let it go on during the remainder of the year when the fish are off the coast of Massachusetts and Maine. I do not see why he wants to preserve the fish in every case and prevent their being frightened by these terrible fishermen, and is entirely willing they should carry on their nefarious methods off the coast of Maine and Massachusetts.

Mr. PALMER. I ask the Senator not to make a speech every time he asks a question.

Mr. MILLER. The Senator called it out. He requested to know if I was satisfied. I am not satisfied.

Mr. PALMER. If all the explanation I have made in regard to the damage to the fish during the months from the 1st of March to the 1st of July is not satisfactory to the Senator from New York, though one should rise from the dead he could not be affected. I think I have answered that question fifteen or twenty times. It is not because they appear off the coast of North Carolina, or off Hatteras or New Jersey that the close season is established; it is not because the people of those States are to be discriminated against; but it is because the fish, in the first place, are comparatively good for nothing; and, in the second place, it is the spawning season and the schools are broken up and they are deflected from their proper route and from their feeding grounds.

The Senator from New York says that the object of this bill, the reason that it is pushed at the instance of the fishermen from Maine and Massachusetts, is that as the catch of fish has been increased the price has run down. That is not the fact. The price has not run down, as the tables show, except as the quality has carried it down. You will find the low prices follow the quality rather than the amount.

The gentleman says that it has been the policy of all civilized people in all times to protect their fisheries. That is just what we are trying to do to-day. We are doing what five thousand fishermen along the coast of Massachusetts and Maine ask us to do, who tell us that their equipment and their ships have run down from 100 cents on the dollar to 25 or 50 cents on the dollar, and they ask this relief. It is not going to interfere with any one except the retail dealers or the wholesale dealers in fish in the city of New York, and there is no one that has appeared before the committee to oppose the bill except Mr. Blackford, for whom I have a very high respect, and Mr. Benjamin, who seems to be a very pleasant gentleman, but who is working for his own interest; and right here I would like to read to the Senate what Mr. Blackford, who opposes the enactment of this bill, says on the subject. He is asked this question:

If it drives them off it is just about as bad as if you destroyed them?

Mr. BLACKFORD. Exactly so; but the same argument will apply to fishing at any season of the year. It would apply to your fishing in September and October, and would apply to all other kinds of fish. There is no doubt—any per-

son who goes fishing knows—that if you disturb the fish or break up their schools you are in danger of driving them to seek new feeding-grounds and to seek new spawning-grounds.

The PRESIDING OFFICER (Mr. SEWELL in the chair). It is the duty of the Chair at this time to lay before the Senate the special order, being the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. PALMER. I wish the Senator from New York would listen to this, for he is convicted out of the mouth of his own witness.

Excuse me, Mr. President, I ask that the unfinished business be laid aside informally for a few minutes. I think we have about got to the end of this discussion.

The PRESIDING OFFICER. Is there objection?

Mr. VEST. I can not consent to that, because we have notice that the post-office appropriation bill comes up to-morrow, and it has the right of way. The special order has been dragging for a week, and I think it ought to be disposed of. I know what these few minutes mean. They will turn out to be hours.

Mr. PALMER. I shall be through with my remarks, I will say to the Senator from Missouri, in about two minutes.

Mr. VEST. I take it for granted the Senator from New York [Mr. MILLER] will desire to reply. I have no objection to the Senator from Michigan finishing his remarks.

Mr. HALE. The Senator from Missouri has been very indulgent thus far, and I realize that; but we have been once or twice almost to the point of getting a vote, and he can see if this goes over until to-morrow morning we shall be obliged to make the same effort to get it up after the routine morning business, when fifteen or twenty minutes at the most, I judge, can dispose of the bill now. It will not encroach very much upon the Senator's time. I can see how he is situated. He wants to bring up his bill, but I am satisfied if he will give us a little time we shall be out of his way.

Mr. VEST. I do not want to take the Senator from Michigan off the floor, but when he closes his remarks I shall ask to go on.

Mr. PALMER. I have no feeling in the matter except to expedite the business of the Senate.

The PRESIDING OFFICER. By unanimous consent, the Senator from Michigan will proceed, House bill 5538 being before the Senate.

Mr. PALMER. Mr. Blackford is asked this question:

The CHAIRMAN. It seems to me it would not to the same extent. If you give them three months' relief in this pursuit when they are advancing on a certain line, they would be apt to have their yearly run-ways and they will keep up that line?

Mr. BLACKFORD. Yes, sir; if you catch next year only one half as many fish as you catch this year, the probability is there will be a good many more left.

The CHAIRMAN. Are they not more timid, as all animals are, just about the reproductive time than any other, and would not any infringement upon their routes have a more disastrous effect then than it would have when they were not in the reproductive time?

Mr. BLACKFORD. I am inclined to think so, for the reason that the fish come closer to the shore after the spawning season is over. That of itself would indicate that they are not so shy after spawning as they are before.

I shall not take up the time of the Senate with any more remarks. It seems to me that it is made perfectly plain that a great industry is suffering, that those engaged in it are entitled to relief at the hands of Congress, particularly the fishing interest, the nursery of our Navy. I ask that a vote be taken immediately unless the Senator from New York desires to address the Senate further.

Mr. MILLER. Let us have the pending amendment read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 1, line 4, after the word "eighty," it is proposed to strike out "seven" and insert "eight;" so as to read:

That for the period of five years from and after the 1st day of March, 1888, no mackerel, other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

Mr. MILLER. That is entirely correct. Previous to that amendment being offered, by unanimous consent an amendment was made, striking out, at the beginning of that line, "March" and inserting "July."

Mr. PALMER. That vote was reconsidered, and that motion was withdrawn.

Mr. MILLER. That motion was reconsidered, and I objected to going any further without making a speech, and there has been no vote taken since. That vote has been reconsidered, but the amendment has not been finally passed upon. The question is whether it shall prevail or not. I hope that change will not be agreed to. I hope that the motion made by the Senator from Massachusetts [Mr. HOAR], substituting "July" for "March," will not prevail.

Mr. PALMER. I hope it will not be, but I think the Senator from New York is in error in stating that the amendment was not reconsidered and withdrawn.

Mr. HOAR. My friend will pardon me. My amendment fixing the time for the prohibition to commence at next year was adopted, so that the time is March, 1888. The amendment changing March to July has not been adopted.

Mr. MILLER. "March" has been stricken out, and "July" inserted.

Mr. HOAR. No; that was reconsidered. That is still pending, not adopted.

Mr. MILLER. That is still pending; it has not been agreed to, it seems. There was simply an agreement to reconsider it, and that agreement was by unanimous consent. Now the proposition whether the month shall be March or July is pending before the Senate, and I want to say upon that simply that I do hope the friends of this measure will consent to give these poor fishermen and these poor capitalists who own these four hundred vessels at least two years of time in which to make a change of their industry. It is going to take six thousand people out of employment for three months in the year; and certainly there ought to be a notice of at least two years in order that these men can make up their minds what they are going to do for these months, for I assume that for the following nine months they will get no greater wages from their employers than they are getting now when they are employed twelve months in the year. Certainly we ought to have a little consideration for the six thousand men employed as well as for the four hundred men who own the vessels. This amendment, if retained in the bill, will simply give them two years before this law shall go into effect. Of course, that would be two years of cheap mackerel and of small profits for the owners of the vessels. I understand that.

Mr. HALE. Let the amendment be reported.

Mr. VEST. I gave way to the Senator from Michigan to conclude his remarks with the understanding that he would then ask a vote on the bill and amendments. If there is to be further discussion I shall call for the regular order.

Mr. HALE. We can get this bill out of the way in five minutes. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 4 of section 1, after the word "eighty," it is proposed to strike out "seven" and insert "eight;" so as to read:

That for the period of five years from and after the 1st day of March, 1888, no mackerel other than what is known as Spanish mackerel, &c.

The PRESIDING OFFICER. The question is on the adoption of this amendment.

Mr. MILLER. I do not understand the form of the amendment now. Will the Secretary please state it?

The CHIEF CLERK. In line 4, it is proposed to strike out "seven" and insert "eight."

Mr. MILLER. I do not understand the parliamentary condition of this matter if it is in that shape now. What I supposed we were to take a vote upon was as to whether we are to restore the word "March" where we had already inserted "July." The agreement was to reconsider that vote, and then the matter stopped there.

The PRESIDING OFFICER. For the information of the Senator from New York the Chair will have read what the action of the Senate was.

The Chief Clerk read the following from the RECORD of Wednesday, February 9, page 1614:

Mr. FRYE. I ask the Senator from Michigan in charge of the bill to move to reconsider the vote by which the bill was amended by striking out the word "March" and inserting the word "July," in line 4, and then to accept the amendment offered by the Senator from Massachusetts.

Mr. HOAR. That will cover the same thing.

Mr. PALMER. In deference to the wishes of the Senator from Maine, who has a greater interest in this bill possibly than I have, I will move that the vote by which the amendment was agreed to changing "March" to "July," in line 4, be reconsidered.

The PRESIDING OFFICER. That can be done by unanimous consent. There being no objection, it is so ordered.

Mr. PALMER. Now, I withdraw the amendment.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Massachusetts [Mr HOAR]; which will be read.

The CHIEF CLERK. In section 1, line 4, strike out the words "1887" and insert "1888," so as to read:

"That for the period of five years from and after the 1st day of March, 1888, no mackerel other than what is known as Spanish mackerel, &c."

Mr. HALE. There is no objection to that.

Mr. MILLER. I understood it fully, except that I did not know that the Senator from Michigan had withdrawn that amendment. If I had understood it at the time, I should have objected to the withdrawal, and I renew it now, to substitute the word "July" for "March."

The PRESIDING OFFICER. The Chair will state to the Senator from New York that his motion can be made when the bill is reported to the Senate. The question now is on the amendment of the Senator from Massachusetts [Mr. HOAR] to change "1887" to "1888."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. MILLER. Now I move the amendment to strike out "March" and insert "July."

Mr. HOAR. Let the amendment made by the Committee of the Whole be reported so that there may be no mistake.

The PRESIDING OFFICER. The amendment made in Committee of the Whole will be reported.

The Chief Clerk read as follows:

That for the period of five years from and after the 1st day of March, 1888, no mackerel, other than what is known as Spanish mackerel, caught between the 1st day of March and the 1st day of June, inclusive, of each year, shall be imported into the United States or landed upon its shores.

Mr. HOAR. That is enough.

The PRESIDING OFFICER. The Senator from New York moves,

in line 4 of section 1, to strike out "March" and insert "July." The question is on that amendment.

The amendment was rejected.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. MILLER. I call for the yeas and nays on that question.

The yeas and nays were ordered, and taken.

Mr. EDMUNDS. I am paired generally with the Senator from Tennessee [Mr. HARRIS]. His colleague [Mr. WHITTHORNE] can not advise me how he would vote if present; but I learn from some of his friends that he would probably vote in favor of the bill, as I would. I feel, under the circumstances, justified in voting "yea."

Mr. BERRY. I was requested by the Senator from Tennessee [Mr. WHITTHORNE] to say that he was paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. KENNA. My colleague [Mr. CAMDEN] is paired on all questions, as I before announced, with the Senator from California [Mr. STANFORD].

Mr. COLQUITT. I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. SPOONER. On this question I am paired with the Senator from Tennessee [Mr. WHITTHORNE].

Mr. CONGER. The Senator from Pennsylvania [Mr. MITCHELL] is called to his home by the sudden sickness of his mother, and requested me to make that announcement to the Senate. On political questions he is paired.

The result was announced—yeas 34, nays 11; as follows:

YEAS—34.

Allison,	Dawes,	Hampton,	Payne,
Berry,	Dolph,	Hawley,	Platt,
Bowen,	Edmunds,	Hoar,	Teller,
Cameron,	Fair,	Ingalls,	Vest,
Cheney,	Farwell,	Jones of Arkansas,	Voorhees,
Cockrell,	Frye,	Manderson,	Williams,
Coke,	Gibson,	Mitchell of Oreg.,	Wilson of Iowa.
Conger,	Gray,	Morgan,	
Cullom,	Hale,	Palmer,	

NAYS—11.

Blackburn,	Evarts,	Saulsbury,	Van Wyck,
Call,	Kenna,	Sewell,	Walthall.
Eustis,	Miller,	Vance,	

ABSENT—31.

Aldrich,	George,	Mahone,	Sabin,
Beck,	Gorman,	Maxey,	Sawyer,
Blair,	Harris,	Mitchell of Pa.,	Sherman,
Brown,	Harrison,	Morrill,	Spooner,
Butler,	Jones of Florida,	Plumb,	Stanford,
Camden,	Jones of Nevada,	Pugh,	Whitthorne,
Chace,	McMillan,	Ransom,	Wilson of Md.
Colquitt,	McPherson,	Riddleberger,	

So the bill was passed.

Mr. PALMER. I move that the Senate insist on its amendment and ask for a conference thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. GRAY, and Mr. HALE were appointed.

HOUSE BILLS REFERRED.

The following bills this day received from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 9324) to carry into effect the international convention of the 14th of March, 1884, for the protection of submarine cables—to the Committee on Foreign Relations.

The bill (H. R. 9414) for the relief of John A. Thompson—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 8976) to incorporate the Washington Cable Railway Company of the District of Columbia—to the Committee on the District of Columbia.

The bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, was read twice by its title.

Mr. COKE. The Committee on Indian Affairs have already reported a bill almost exactly like that, and I ask that it go on the Calendar.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The bill will be placed on the Calendar.

EULOGIES ON THE LATE SENATOR LOGAN.

Mr. WILSON, of Iowa, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 20,000 of the eulogies upon General John A. Logan, delivered in the Senate February 9, 1887, be immediately printed for the use of the Senate.

RAILROADS THROUGH THE CŒUR D'ALENE RESERVATION.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. JONES, of Arkansas. I ask consent of the Senate to take up at this time Order of Business 1985, being the bill (S. 3041) granting right of way for a railroad through an Indian reservation and will occupy but a moment. I imagine it will not require a single minute for discussion.

The PRESIDING OFFICER. Is there objection to taking up the bill indicated by the Senator from Arkansas? The Chair hears no objection.

Mr. VEST. I object.

Mr. JONES, of Arkansas. The objection was made after the announcement by the Chair that there was no objection.

The PRESIDING OFFICER. The Chair understood that the Senator from Missouri was not going to object, and therefore announced the decision of the Chair on that basis.

Mr. JONES, of Arkansas. This bill will not occupy more than a minute or two of time; and while it is a matter of local importance only, it is of very great importance to the people interested. There can be no question about it, and no objection to it. I hope the Senator from Missouri will not insist on his objection.

Mr. VEST. If there is to be no debate, and if we can take a vote at once, I shall not object.

Mr. JONES, of Arkansas. I will agree to that.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3041) granting the Spokane and Palouse Railway Company the right of way through the Cœur d'Alene Indian Reservation.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert:

That the right of way is hereby granted to the Spokane and Palouse Railway Company, a corporation organized and existing under the laws of the Territory of Washington, for the extension of its railroad through the lands in Idaho set apart for the use of the Cœur d'Alene Indians by executive order dated ——, commonly known as the Cœur d'Alene reservation, beginning at a point on the westerly line of said reservation where the track of the Spokane and Palouse Railway (said track being from a point at or near the track of the Spokane and Palouse Railway at or near Spangle Station to the city of Wardner, Idaho Territory) would strike said line, running thence in a northeasterly direction by the most practicable route to the northerly line of said reservation.

SEC. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 200 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of its road.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act.

Mr. JONES, of Arkansas. I move to fill the blank, in line 8 of section 1, by inserting the words "November 8, 1873," and I also send up certain amendments which are agreed on by the committee.

The CHIEF CLERK. In line 8 of section 1 it is proposed to fill the blank by inserting "November 8, 1873."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The other amendments referred to by the Senator from Arkansas will be stated.

The CHIEF CLERK. In section 3, line 4, of the committee's amendment, after the word "thereof," it is proposed to insert:

And also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road.

The amendment to the amendment was agreed to.

The CHIEF CLERK. The next amendment is, at the end of section 3 of the committee's amendment, to add:

Provided, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

The amendment to the amendment was agreed to.

The CHIEF CLERK. The next amendment is to add as new sections the following:

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the con-

dition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 7. That this act shall be in force from its passage.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. VEST. Regular order!

Mr. CAMERON. I ask consent of the Senator from Missouri to let me call up Senate bill 3234, Order of Business 2063. It will not take three minutes to pass the bill.

Mr. DOLPH. I hope the Senator from Missouri will yield to the Senator from Arkansas.

Mr. JONES, of Arkansas. I have another bill in my hands in exactly the same words as the bill just passed, except that it provides for a different railroad company across the same reservation to a different point. There can be no objection to it, and it will only take the time necessary to read the bill. It was reported at the same time as the other bill from the Committee on Indian Affairs, and there can be no objection to it from anybody. It is Senate bill 3026, Calendar No. 1986.

The PRESIDING OFFICER. If there be no objection the bill will be taken up.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill (S. 3026) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation.

The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause, and insert:

That the right of way is hereby granted, as hereinafter set forth, to the Washington and Idaho Railroad Company, a corporation organized and existing under the laws of the Territory of Washington, for the extension of its railroad through the lands in Idaho Territory set apart for the use of the Cœur d'Alene Indians by executive order dated ——— —, —, commonly known as the Cœur d'Alene Indian reservation, beginning at a point on the westerly line of said reservation, near the junction of the Washington and Idaho Railroad with the Idaho branch of said road, near Lone Pine, in Washington Territory, and running thence in a northerly direction across the Cœur d'Alene Indian reservation to a point near the mouth of the Saint Joseph's River, on the Cœur d'Alene Lake; thence in a northeasterly direction along the east side of the Cœur d'Alene Lake to the Cœur d'Alene River, and thence in a generally easterly direction, by the Cœur d'Alene Mission, to the east line of the reservation.

SEC. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine-shops, side-tracks, turnouts, and water stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of road.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order across said reservation within two years from the passage of this act.

Mr. JONES, of Arkansas. I move in section 3, line 4, of the amendment, after the word "thereof," to insert:

And also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road.

The amendment to the amendment was agreed to.

Mr. JONES, of Arkansas. At the end of section 3 of the amendment I move to add:

Provided, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

The amendment to the amendment was agreed to.

Mr. JONES, of Arkansas. I move to insert as additional sections what I send to the desk.

The CHIEF CLERK. It is proposed to add as new sections the following:

SEC. 5. That said railway company shall accept this right of way upon the the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 7. That this act shall be in force from its passage.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. There is a blank in lines 8 and 9 of section 1.

Mr. JONES, of Arkansas. I move to strike out the word "dated," in line 8 of section 1, so as to read:

For the extension of its railroad through the lands in Idaho Territory set apart for the use of the Cœur d'Alene Indians by executive order, commonly known as the Cœur d'Alene Indian reservation.

The PRESIDING OFFICER. That change will be made.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO A BILL.

Mr. MORGAN submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

It also announced that the following bills, having been received by the President January 27, 1887, and not having been returned by him to the House in which they originated within the ten days prescribed by the Constitution, they had become laws without his approval, namely:

An act (S. 2098) for the relief of Rosella E. Hibbert; and

An act (S. 2301) granting a pension to Lucy E. Anderson.

ORDER OF BUSINESS.

Mr. CAMERON. Now, I ask the Senate to consider Order of Business 2063, being the bill (S. 3234) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882.

Mr. VEST. Will it lead to any discussion?

Mr. CAMERON. None whatever. If it does I will withdraw it.

Mr. VEST. I will not give way to anybody else.

Mr. INGALLS. I ask the Senator from Missouri whether it is his purpose to go on with the regular order or not?

Mr. VEST. It is my purpose.

Mr. INGALLS. Then the Senator ought to call for it, because many Senators have left the Chamber supposing that bill was to proceed and that the debate would go on; but if it is to be relinquished we all ought to know it so that there may be a chance to get at the Calendar. I hope the Senator from Missouri will either proceed with the discussion of that bill or allow us to have it laid aside until the following day, so that we may go to the Calendar for those bills in which we are concerned.

Mr. CAMERON. I am very much obliged to the Senator from Kansas for his advice to the Senator from Missouri.

Mr. INGALLS. I object to the bill of the Senator from Pennsylvania.

Mr. CAMERON. I know you do, and I thank you for that, too.

The PRESIDING OFFICER. The regular order will be proceeded with.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes, the pending question being on the amendment proposed by Mr. VEST to the amendment of the Committee on Commerce, to add as an additional section:

SEC. —. That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said railway shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

Mr. GIBSON. Mr. President, I feel it to be my duty to make a few remarks in support of the pending measure in charge of the distinguished Senator [Mr. VEST] from the State of Missouri, in which is located the city of Saint Louis, the capital of the Mississippi Valley of the North; while I have the honor in part to represent the State of Louisiana, in which is situated the city of New Orleans, the gate-way of the great valley and the emporium of our Mexican Gulf. There is no portion of the American people, or of the world, having such an abiding interest in the bill before the Senate as the inhabitants of the valley that stretches from the Alleghany to the Rocky Mountains, destined to become the scene of man's greatest achievements.

There have been observations and explorations of ten different routes

across the isthmus which separates North from South America. Geographically, from north toward the south, they are situated in the following order:

1. The Isthmus of Tehuantepec.
2. The Nicaragua route via Lake Nicaragua.
3. The Isthmus of Panama.
4. The San Blas and Chepo route.
5. Caledonian and Morti routes.
6. Caledonian and Sucubti routes.
7. The so-called Du Puydt route.
8. The Cacarica and Luyra route.
9. The Atrato and Fernando route.
10. The Atrato-Napipi route.

Only four of these routes have been commended to the consideration of the people of the United States—the Tehuantepec, the Panama, the Nicaragua, and the Atrato-Napipi routes. We are to consider now the Tehuantepec route.

The pending bill, a copy of which I hold in my hand, recites the fact that the Government of Mexico has granted to James B. Eads, and to such company as he may organize, a concession, containing certain powers, rights, and privileges in the matter of the construction and operation of a ship-railway across the Isthmus of Tehuantepec, with the accessory railway lines, of telegraph and water privileges, and has authorized the said Eads to obtain a charter for said company, either in Mexico or elsewhere; and constitutes James B. Eads and certain persons named therein, and such others as may hereafter be associated with them, a body corporate and politic, in deed and law, under and by the name, style, and title of the Atlantic and Pacific Ship-Railway Company.

That is the whole purpose and effect of this legislation. It grants a charter, and nothing more—not a dollar of money or of credit; not a grant of any kind whatsoever; not even a single privilege to certain citizens of the United States who have embarked with Captain Eads in the enterprise of building a ship-railway across the Isthmus of Tehuantepec; so that it must be plain and placed beyond all dispute that the Government is asked for nothing except this simple act of incorporation, and the only question before us is whether we shall grant it or not.

Now, Mr. President, inasmuch as every one of the competing routes across this narrow Cordilleras range of mountains presents many novel and difficult questions for the solution of which engineering science has been brought to bear, I do not think it would be expedient or proper for me to attempt to explain to the Senate the principles upon which the ship-railway is defended. Indeed, I think I may safely say that whatever may be the preferences of Senators, we shall find ourselves compelled finally to trust largely to the reputation and standing of the particular engineers by whom these several routes are advocated. We are not trained engineers or experts, nor can we become practically acquainted with the topography of the country through which these routes pass, and therefore it would seem the dictate of prudence and of good common sense that the Senate should deal rather with the political and commercial and financial aspects of any proposition submitted to our consideration than with those that relate to the engineering difficulties.

I speak of these problems in engineering science with certain reserve, for while there are things that are manifestly impossible, and others that would seem improbable, there are still others which are involved in doubts that appear to be almost evenly balanced. In the latter category may be classed these four competing routes, but I confess the Tehuantepec route appears the most practicable, and sanctioned by the weight of the highest authorities. All of these enterprises commend themselves to my sense of justice and sympathy. I can not but look back with ever-increasing admiration and wonder upon the sublime faith which led Columbus over the trackless ocean to explore a shorter route to the Indies, under the inspiration of which he became the discoverer of the New World. I have never read the story of William Patterson, who ventured to establish a colony from Scotland on the shores of Darien, in the seventeenth century, and the dazzling visions of wealth and empire that led him and his associates to unexampled disaster, without feeling some sympathy for the fate of the brave adventurer who had already acquired renown enough for one life, by conceiving the plan of a national bank, which, after having been examined and approved by the most eminent statesmen that sat in the Parliament house at Westminster, and by the most eminent merchants on the London exchange, was carried into practical execution with signal success, and the Bank of England stands a monument to his genius.

And should Monsieur De Lesseps, after having performed the most beneficent work and solved the most difficult problem of engineering by building the Suez Canal, succeed in the magnificent enterprise of constructing a sea-level canal across the Panama route, he will be entitled to rank as the first among all the engineers who ever lived, and to be regarded as one of the benefactors of his kind. He will deserve a monument to be erected by the contributions of all the leading nations of the earth, for the accomplishment of so vast an undertaking, and for having dedicated it to the free and equal enjoyment of the people of all nations, with exclusive privileges for none. The neutrality which has been imposed upon the canal at Panama is a most far-sighted act, and will reflect almost as much credit upon the sagacious statesmanship of De Lesseps as the work itself shall upon his genius as an engineer.

The very conception of the enterprise is Napoleonic in its boldness, and for one I trust that success may be his reward. To remove the barrier that separates the modern from the ancient world, an isthmus standing—

> Between two kindred seas
> Which, mounting, view'd each other from afar
> And long'd to meet—

is a task that should commend him to the good opinion of all mankind without reference to nationalities; for an open canal at Panama would benefit the nations of Europe—England, France, Spain, and Germany—quite as much, if not more, than the United States. We have safe transit by rail with our Pacific Coast, while, with the exception of Great Britain, all other European nations—Spain, Germany, Italy—can only reach the Pacific Ocean by way of Cape Horn. The Panama Canal is, in effect, for the benefit of European commerce and trade, affording a shorter route to the coast.

But, Mr. President, the proposition before us is one presented by our own countrymen, by citizens of the United States, among whom are many from my own city and State whom I know personally or by reputation as gentlemen of the very highest respectability and standing, and with the highest sense of responsibility. I see among the incorporators the names of many who are honored in every walk of life. And I must confess that when I notice so many substantial and intelligent citizens of the United States exhibiting such confidence in the enterprise as to lend their names to it, and to embark their fortunes in it, I feel that the Senate of the United States may well dismiss all apprehension as to the feasibility of the plan as well as to its practicability and economy.

Captain Eads is no stranger to the people of the Mississippi Valley. Indeed, sir, his name has become a household word in all lands as the most distinguished engineer that America has produced. The faith that the people of the Mississippi Valley repose in him is not blind, but grows out of the tests which they have seen applied. They saw the genius of Eads convey the railroads in an unbroken and continuous line over the Mississippi River by a bridge which at the time it was built was considered a miracle of engineering skill and audacity. I am not surprised, therefore, to observe that the Senator from Missouri, whose good fortune it is to pass over this bridge whenever he returns to his own home, should be impressed with a sincere regard and admiration for Captain Eads.

But still a greater work than that was reserved for him to accomplish. In spite of the forebodings of the people and of the condemnation of the trained engineers of the Army, with a self-reliance that is always one of the elements of genius, he undertook to give to the people of the great valley a deep and unimpeded entrance into the Mexican Gulf, lifting away the sand-bar from the mouth of the river, by harnessing up its own forces, within the space of a few mouths, that had been accumulating since the birth of the continent; and to-day the people of that valley possess the best harbor on the coast of the United States, and in a few years more, when his plan shall have been applied to the improvement of their great highway, deepening and preserving it, the citizens of Cairo and Saint Louis will enjoy all the advantages of seaports. I think, therefore, that the Senate may pass over, without much discussion, the proposition which is before us, so far as it rests upon the principles of finance or the principles of engineering.

I called attention at the outset of my remarks to the fact that this company was to be incorporated in order to enable them to accept with greater security certain concessions which had been granted by the Government of the Republic of Mexico. It may be well, before proceeding further, to ascertain precisely what these concessions are in substance and effect, and in order to measure and appreciate them fully let us place ourselves in the position of Mexico, and imagine for a moment that the corporation consisted of citizens of Mexico desired to acquire a transit through any portion of our territory, as of Florida, for instance, from one point on the ocean to another.

I observe in looking over the paper containing the concessions that Mexico has granted to Captain Eads, or the company organized by him, first, a right of way across the isthmus, half a mile in width, more or less; secondly, all the materials that may be found upon the lands adjacent thereto, for the construction of these works; thirdly, exemption of the property and capital stock of the company from taxation during the period of the grant, namely, ninety-nine years; fourthly, the right to import upon the isthmus, free of duty, any and all materials necessary for the construction and operation of the railroad and its appurtenances; fifthly, the exemption from all export duty of the silver and bullion used by the company either in payment of dividends to stockholders or debts contracted by the company abroad; sixthly, a subvention of 2,700,000 acres of the public lands.

In my judgment these are important and substantial grants, rights, and privileges, and I may add overtures, made by the Government of Mexico to these citizens of the United States. The proposition is therefore to be commended, not only because it is made to us by our own

citizens for a patriotic and beneficent purpose, but also because they have secured in aid of the enterprise important advantages and valuable grants from the Republic of Mexico. Why should we refuse this act of incorporation? It commits our Government to no responsibility, while it holds out the prospects of vast benefits to be conferred upon the people of our country and upon our whole country as a nation.

I am in favor of this bill, and of the Tehuantepec route because of its geographical proximity to our own country. It comes nearer to being an extension of our own coast line between our Eastern and Western possessions than any other route. A continuation of the Mississippi River in nearly a direct line would cross the isthmus along this route. In point of fact, when completed, the people of the Mississippi Valley will enjoy the benefits of a great highway directly into the Pacific as well as into the Atlantic Ocean. A vessel sailing from New Orleans to San Francisco by the Tehuantepec route will follow a circuit 1,250 miles shorter than by the Nicaragua route, and 2,250 miles shorter than by the Panama route.

Besides, the Tehuantepec route is further removed from that remarkable calm that prevails on the Pacific Ocean in the proximity of the isthmus, where Matthew Maury has related that sailing vessels have been becalmed days, weeks, and months at a time. The shortening of the distance between our emporium on the Gulf of Mexico and our emporium on the Pacific Sea would of itself, in the course of ten years, when you consider the immense commerce—for time is money—save a sum sufficient to pay a dividend upon the cost of the work itself.

I am in favor of this measure because the Tehuantepec route would be more easily defended than any other on the isthmus. Wherever, at any point on the American continent, the infantry of the United States can be assembled, wherever the troops may be dispatched on the mainland, that point will be absolutely defensible against any power in the world. Should we adopt this route a column of musketry could be moved from Texas by railway to the city of Mexico, thence to Vera Cruz, and thence by the projected railway within 109 miles of the Tehuantepec route. Our mounted infantry and horse artillery could be brought into requisition, transferred, and supplied without difficulty. In fact, all the resources of the people of the United States might be concentrated without any difficulty in defense of the Tehuantepec route.

Railways have changed the art of war in many respects, and in none so much as in the facility with which not only troops may be moved, but may be supplied with commissary, and quartermaster, and ordnance stores. When an army has a railway in its rear, its true base is there. If we were called upon to defend the Nicaragua route we would have to move troops 700 miles below the Tehuantepec route, over almost impassable mountains, pestilential swamps, tropical heats, and a country teeming with diseases, and as inaccessible and impenetrable as the jungles of Africa. Else we should be compelled to adopt the alternative of making a contest for our supremacy on the sea, and to maintain a navy equal to that of Great Britain. In matters of this kind it is the part of statesmanship not to appeal to national vanity and to the instinctive heroism of the people, but to their sober common sense, which should weigh the advantages and disadvantages of every transaction in which the national honor and interest were to be involved.

The Senator from Alabama referred to the great inland lake of Nicaragua as affording a rendezvous for fleets. I must confess that I have no knowledge of naval warfare, but it does seem to me that if I were charged with the management or conduct of the American Navy in the administration of the Government, in the event of war with a foreign power, it would require the earnest recommendation of every admiral and every commodore in the service to induce me to issue an order that our Navy should be concentrated in a lake midway between the two oceans, where it might be blockaded and rendered useless or paralyzed. The most difficult task ever imposed upon the commander is to defend a fixed position, while his adversary is left free to avail himself of such movements as may inflict the most damage upon the enemy.

The Tehuantepec route is quite within the Gulf of Mexico. The other routes are beyond it, and commanded and blockaded by British possessions. In the event of a naval contest we could equip and send forth from the ports on the Gulf and concentrate between the straits of Florida and Yucatan a naval force in a very short time, within easy supporting distance, that would fitly embody the whole power of our people on the sea. Cuba must be regarded as part of the mainland, owing to its proximity to our coast and to the fact that it commands both the entrance of the Gulf of Mexico by the straits of Florida and the straits of Yucatan, as well as the mouth of the Mississippi River, standing in respect of our trade and commerce precisely as it would with regard to Great Britain if situated at the mouth of the Suez Canal or in the British Channel. With Cuba in our possession the Tehuantepec route would be as secure from the interference of any European nation as the Mississippi River itself or the harbor of Boston.

I am in favor of this bill and of this route, because it is offered to us by our sister republic, our nearest and our strongest neighbor. The highest considerations of public policy, of humanity and civilization concur in urging us to establish the most cordial relations of friendship and amity with the people of Mexico. They are our neighbors; their government is modeled upon ours; their destiny is inseparably linked with our own. They cherish in the main the same aspirations for freedom and independence of all control upon the part of European nations. We can repose greater confidence in the guarantees and assurances of the Mexican Government than in those which are south of Mexico. She has a population of nine million people, a brave and efficient army, and varied climate, large and undeveloped resources, and a future destiny well calculated to liberalize and elevate her statesmanship and to lead her under the influence of education, moral and material development, into a high rank among the nations of the earth.

The people of Mexico are brave, generous, and magnanimous, and when their Government sees fit to make these liberal and large grants to our fellow-citizens I can not but regard such action as an evidence of good will and a token of friendship for the Government and people of our own country. It would be unwise and impolitic and ungenerous on our part to reject such overtures. Our own Government in the year 1849 offered to the Government of Mexico $15,000,000 for the right of transit through this route which we can secure now without paying a farthing for it. Mr. Webster declared, in his speech delivered in the Senate January 31, 1849, that—

> I do not mean to say, sir, that there may not be several modes of establishing a communication with the Pacific coast that are equally desirable. I am willing to say, on the other hand, that I have regarded the subject of a communication from the Atlantic to the Pacific, by way of Tehuantepec, as preferable on account of its being nearer to our ports on the Gulf; and I will add, that if the proposition for a railroad were now before us, connecting the two oceans by that route, and the project had advanced so far that we could pronounce it to be practicable, I should give it my most hearty support.

Again he said:

> And I repeat again, if there were a proposition now before us for the other route, and if that proposition were in as advanced a state as this, and if we were to have but one, I would give the preference to the route by Tehuantepec.

On the 16th of December, 1879, the House of Representatives appointed a select committee of eleven members to examine into the whole subject of a suitable route for the construction of an inter-oceanic route across the American Isthmus, of which the Senator from Michigan [Mr. CONGER] and the Senator from Maine [Mr. FRYE], both of whom, as we all know, have given particular attention to every subject relating to our commerce, were members. The advocates of all the different plans and routes appeared before that committee, including Admiral Ammen, De Lesseps, and Captain Eads. That committee gave to each and all a patient hearing, and made an exhaustive investigation of the whole subject. They reported in favor of the Tehuantepec route.

I am in favor of this route and measure because it conforms more closely to the traditional policy of our Government and people and to the requirements of the Constitution. We had at the outset the option to follow the example of the mother country and to enter upon a career of conquest by sea and by land, or to confine ourselves to this continent and to the slow and sure development of our own resources, absorbing, as our population increased, territory that was adjacent to us and consolidating and perfecting our institutions.

There can be no doubt that under the Constitution of the United States power was vested in the Federal Government to determine for itself, responsible of course to the people, the measure of its jurisdiction in respect of our relations with foreign nations under the treaty-making power and under the power to regulate commerce with foreign nations.

It is true that among the enumerated powers we do not find that of creating corporations. But we do find there, says Mr. Story, the great powers to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct war, and to raise and support armies and navies.

It was settled upon the celebrated and unanswerable argument of Alexander Hamilton, in February, 1791, that the Government possessed the power under the Constitution to create a corporation necessary and proper in the judgment of Congress to carry into execution any of the enumerated powers. In that argument Mr. Hamilton observed that—

> The fact, for instance, that all the principal commercial nations have made use of trading corporations or companies for the purpose of external commerce is a satisfactory proof that the establishment of them is an incident to the regulation of commerce. This other fact, that banks are a usual instrument in the administration of national finances, and an ordinary and the most effectual instrument of loans, and one which to this country has been found essential, pleads strongly against the supposition that a government clothed with most of the important prerogatives of sovereignty, in relation to its revenues, its debts, its credit, its defense, its trade, its intercourse with foreign nations is forbidden to make use of that instrument as an appendage to its own authority.

Both Story and Kent have approved and strongly re-enforced the position taken by Mr. Hamilton under the sanction of President Washington. Kent says, in Lecture 12, volume 1, page 253:

> The power of creating a corporation, though appertaining to sovereigty, was not a great, substantive, and independant power, but merely a means by which other objects were accomplished. If the end be legitimate and within the scope of the Constitution, all means which are appropriate and plainly adapted to this end and which are not prohibited are lawful; and a corporation was a means not less usual nor of higher dignity nor more requiring a particular specification than other means. A national bank was a convenient, a useful, and essential instrument in the prosecution of the fiscal operations of the Government.

And so when the question was brought before the Supreme Court for adjudication, in the case of McCulloch *vs.* The State of Maryland (U. S. S. C. R., volumes 14–17, page 314), and again in the case of Osborn *et al. vs.* The Bank of the United States (U. S. S. C. R., volumes 22–25, page 741), these views were embodied as the judgment of that court. It was decided that the power of establishing a corporation is not a distinct sovereign power or end of government, but only the means of carrying into effect other powers which are sovereign. Whenever it becomes an appropriate means of exercising any of the powers given by the Constitution to the Government of the Union, it may be exercised by that Government.

The Constitution does not profess to enumerate the means by which the power it confers may be executed. If the means are appropriate the necessity is to be determined by Congress alone. The power of creating a corporation is an incident to the powers expressly given.

Now if it be admitted that Congress may, in its discretion, create corporations for the government of the District of Columbia and of the Territories, or a national bank, or many banks, it surely will not be denied that Congress may create a corporation as one of the instruments to regulate our commerce with foreign nations.

For it can never be forgotten that the Government of the Union as it exists to-day found its origin in the necessities of commerce and trade, and that it was ordained not only to secure the rights and liberties of the people and safety of the States but also to regulate and foster American commerce. We may charter steamship companies, whose steamers may navigate not only the wide ocean but the narrow straits, the rivers and bays of foreign nations, and rest safe in their harbors. We may incorporate canal and railway companies to overcome or remove particular obstacles to the flow of our commerce and trade around our coast lines, or that constitute a permanent barrier separating our possessions on the Atlantic and Gulf of Mexico from those on the Pacific Ocean. Hence, we find the Senator from Vermont [Mr. EDMUNDS], introducing on June 10, 1886, "a bill to incorporate the Maritime Canal Company of Nicaragua." The preamble recites, "Whereas it is deemed desirable for the public interest of the United States that a ship-canal be constructed between the Atlantic and Pacific Oceans on what is known as the Nicaragua route," and so on; that certain persons (whose names are given) and all those persons who are or may be associated with them and their successors "are hereby created a body-corporate under the name and style of the Maritime Canal Company of Nicaragua."

Now, the pending bill follows on the same line of constitutional guarantee for the powers it confers. It creates certain persons (whose names are given) and such others as may be associated with them and their successors a body corporate and politic in deed and in law under and by the name, style, and title of "The Atlantic and Pacific Ship-Railway Company."

The power to incorporate one of these companies would appear to be competent to incorporate the other. They have the same domicile. They are to be composed of citizens of the United States. One is to build a ship railway, the other to construct a canal, both having the same object in view—namely, to facilitate American commerce. One is to pass through the neighboring Republic of Mexico, and the other through the more distant State of Nicaragua. How comes it then that the power to incorporate one of these companies can be easily found in the Constitution, but the power to incorporate the other can not be found?

There is one wide and vital difference in the attitude presented by these two companies. The Tehuantepec Company seeks an act of incorporation in order that it may more securely and certainly enjoy the valuable concessions granted to it already by the Government of Mexico, which I have already described; while the Nicaragua Company comes before us without a grant, without any right, benefit, privilege—not an assurance even of a thing from the feeble and unsteady republics of Nicaragua or Costa Rica.

The Tehuantepec Company is already endowed with valuable rights and franchises, substantial gifts and exemptions, and securities from the neighboring Republic of Mexico, whose authority and independence are wholly indisputed, while the Nicaragua Company would lead us into all sorts of entangling alliances, into disputes and contentions, between that republic and her neighbors, and between all of them and Great Britain, and along a line of transit dominated by the adjacent possessions and naval power of Great Britain.

But I do not propose to examine in detail the special features of difference or resemblance between the two companies. They are matters of mere minutiæ, easily modified and amended in the progress of consideration to conform to the requirements usually impressed upon all corporations for the protection of the stockholders and the public. I am explaining now the constitutional grounds upon which the pending legislation rests.

No statesman has illustrated the amplitude of this power more fully than John C. Calhoun, whom John Quincy Adams characterized as the most philosophical mind of America. In his work on the Constitution and Government of the United States, that profound statesman observes:

> In deciding what powers ought and what ought not to be granted the leading principle undoubtedly was to delegate those only which could be more safely or beneficially exercised for the common good of all the States by the joint or general government of all, than by the separate government of each State; leaving all others to the several States respectively. The object was not to supersede the separate governments of the States, but to establish a joint supplemental government; in order to do that which either could not be done at all or as safely and well done by them as by a joint government of all. This leading principle embraced two great divisions of power, which may be said to comprehend all, or nearly all, the delegated powers, either directly or as a means to carry them into execution. One of them embraces all the powers appertaining to the relations of the States with the rest of the world, called their foreign relations; and the other, of an internal character, embraces such as appertain to the exterior relations of the States with each other.
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> It is clear that both come within the leading principle, as each is of a description which the States, in their separate character, are either incompetent to exercise consistently with their mutual peace, safety, and prosperity. Indeed, so strong and universal has this opinion been, in reference to the powers appertaining to their foreign relations, that, from the Declaration of Independence to the present time, in all the changes through which they have passed, the Union has had exclusive charge of this great division of powers. To the rest of the world the States composing this Union are now, and ever have been, known in no other than their united, confederated character. Abroad—to the rest of the world—they are but one.

If we had adopted the policy which some statesmen have advocated and which some Senators still advocate we might to-day boast of more splendid achievements and of great armies and navies, with colonial empires and dependencies beyond the seas, with conquests on every land under the sun, holding in subjection to our power vast populations wholly unfitted to participate in the responsibilities and strenuous duties of self-government and without representation in either House of Congress. We might perhaps have eclipsed Great Britain, of whom Mr. Webster says:

> For purposes of foreign subjugation Rome in the height of her glory is not to be compared, a power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drum-beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.

But under the lead of the sagacious statesmen who gave direction to the Government of the Union in its infancy a different policy prevailed. Intent upon laying the foundations of our institutions in the rights and liberties of the people and in erecting the surest safeguards for their protection and preservation, they turned their backs upon these dazzling visions of empire and adopted the homely and wise maxim of neutrality and non-interference in the affairs of other nations. George Washington laid it down as fundamental that neutrality was the true policy of the people of the United States, and he persisted in this course even against the appeals of the agents of France, the generous and gallant nation which had assisted us to achieve our independence.

Nothing perhaps in his wonderful career so illustrates the firmness and sagacity of the Father of his Country. At a later period another President, Mr. Monroe, deemed it proper to make the fitting declaration, now known to all nations as the Monroe doctrine, which announces that while we will not intervene in the affairs of Europe or form entangling alliances with other nations or become involved in questions relating to the balance of power on the European continent, we will not permit European nations to suppress the efforts of the people to establish institutions of self-government in the Western World. I will not detain the Senate to relate the circumstances which led to this famous declaration, but I think it proper to quote from the message of President Monroe to Congress at the commencement of the session of 1823–'24, which embodies the declaration I have referred to.

In the message of President Monroe to Congress at the commencement of the session of 1823–'24 the following passage occurs:

> In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparations for defense. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed such unexampled felicity, this whole nation is devoted.
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> We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, in any other light than as the manifestation of an unfriendly disposition toward the United States.

While we may have seemed in certain instances to have recoiled from the assertion of this doctrine, in the main it has been vindicated by every administration of the Government from the time it was announced to the present moment. I may state here that this declaration was submitted some time after it was made to the Mexican Government with the hope that it might receive the sanction of that government, but in this we were disappointed, and yet it can not be forgotten that it was owing to the saving power of this declaration and its reassertion by the American Government that France was induced to withdraw her armies from Mexico and the Mexican people were permitted again to enjoy their independence and ancient rights of local self-government.

Now, sir, in my judgment this Tehuantepec route with the concessions granted by the Mexican Government places in our hands the key of this political policy. It will bring to our co-operation as a firm ally in defense of this policy the strongest nation on this continent with the exception of our own. The Tehuantepec route is wholly within the Republic of Mexico, and the defense of it by the Mexican Government and people would afford to the United States almost a certain guarantee against any interference on the part of Great Britain or any one of the nations of Europe. It is well known to foreign nations that the Monroe doctrine has received the approbation and support of our ablest statesmen, especially of Mr. Calhoun, Mr. Webster, and Mr. Clay, and that it is cherished by the people of the United States. If, therefore, we incorporate this company and place it under the jurisdiction of a neighboring republic with 9,000,000 of people adjoining our own possessions, with institutions similar to our own and aspirations like our own, we should have a powerful ally to join hands with us in the defense and maintenance of our traditional policy. As a matter of course, it would be incumbent upon the Government of the United States to protect any interests in the Tehuantepec route acquired by our citizens as we would protect the rights and interests of American citizens wherever they might be.

But while I do not believe that any interference would be attempted by Great Britain in the event that we should adopt the Nicaragua route, yet we know very well that Great Britain lays claim to certain settlements and colonies along that route or adjacent to it and necessary to its independence, and that certain questions relating to it remain unadjusted, involved in the Clayton-Bulwer treaty. But the Government of Great Britain would be more likely to defer to our views and wishes respecting the route through the Republic of Mexico than she would respecting the route concerning which she has never relinquished her pretensions and over certain countries bordering upon which she claims a certain sovereignty. There is not a pretext upon which any European nation could claim to exercise any control over the transit through the territory of the independent Republic of Mexico.

But it may be said that it would be better for us to bring all disputed points in connection with the routes through Central America to an issue with Great Britain at once, that our wisest policy would be to throw down the gauntlet to the Government of Great Britain and to try conclusions with her on the line of the Nicaragua route.

I would not go out of my way, Mr. President, to pick a quarrel with Great Britain or any other nation in advance of the interests of our people or to provoke prematurely any collision with her or any other nation. We have had in the course of our history a great many perplexing questions to settle with Great Britain. We have some at present pending, and there will probably never be a time when there will not arise difficulties to be adjusted between that government and our own. While I would not unnecessarily provoke a collision or rupture I would not at any time or under any circumstances shrink from the assertion of all of our national rights or from the defense of our honor or the interests of our citizens when invaded by any nation.

But I have been struck by the philosophical observations of Mr. Calhoun upon the Oregon bill when it was before the Senate January 24, 1843, as illustrating, perhaps, more forcibly the wisdom of our traditional policy, which is one of peaceful and powerful development. "Time," he said, "is acting for us, and if we shall have the wisdom to trust to its operation it will assert and maintain our right with resistless force without conquest, a cent of money, or a drop of blood. There is often in the affairs of government more efficiency and wisdom in non-action than in action. All we want to effect our object in this case is a wise and masterly inactivity.

"Our population is rolling towards the shores of the Pacific with an impetus greater than what we realize. It is one of those forward movements which leaves anticipation behind. In the period of thirty-two years which have elapsed since I took my seat in the other House the Indian frontier has receded a thousand miles to the West."

Where is the Indian frontier to-day? It has disappeared. We have no Indian frontier. We are a consolidated Republic from ocean to ocean, and great cities and great commonwealths look out upon the Pacific Sea. We have realized in our day and more than outstripped the prophetic ken of Edmund Burke, who, speaking in the British Parliament in 1775, said:

> Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, while the dispute continues, the exaggeration ends. While we are discussing any given magnitude, they are grown to it. While we speed our time in deliberating on the mode of governing two millions, we shall find we have two millions more to manage. Your children do not grow faster from infancy to manhood than they spread from families to communities, and from villages to nations.

Another British statesman in our own time, not unlike Burke in the comprehensiveness of his genius and matchless eloquence, fills up in glowing colors the magnificent outline portrayed by Burke himself. Mr. Gladstone, in a paper published in the North American Review of September, 1878, says:

> But there is no parallel in all the records of the world to the case of that prolific British mother who has sent forth her innumerable children over all the earth to be the founders of half a dozen empires. She, with her progeny, may almost claim to constitute a kind of universal church in politics. But, among these children, there is one whose place in the world's eye and in history is superlative; it is the American Republic. She is the eldest born. She has, taking the capacity of her land into view as well as its mere measurement, a natural base for the greatest continuous empire ever established by man. And it may be well here to mention, what has not always been sufficiently observed, that the distinction between continuous empire and empire severed and dispersed over sea is vital.
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> The development which the Republic has effected has been unexampled in its rapidity and force. While other countries have doubled, or at most trebled, their population, she has risen, during one single century of freedom, in round numbers, from two millions to forty-five. As to riches, it is reasonable to establish, from the decennial stages of the progress thus far achieved a series for the future, and, reckoning upon this basis, I suppose that the very next census, in the year 1880, will exhibit her to the world as certainly the wealthiest of all the nations. The huge figure of 1,000,000,000, which may be taken roundly as the annual income of the United Kingdom, has been reached at a surprising rate; a rate which may perhaps be best expressed by saying that, if we had started forty or fifty years ago from zero, at the rate of our recent annual increment, we should now have reached our present position.
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> But while we have been advancing with this portentous rapidity America is passing us by in a canter. Yet even now the work of searching the soil and the bowels of the territory, and opening out her enterprise throughout its vast expanse, is in its infancy. The England and America of the present are probably the two strongest nations of the world. But there can hardly be a doubt, as between the America and the England of the future, that the daughter, at some no very distant time, will, whether fairer or less fair, be unquestionably yet stronger than the mother.
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> "O mater forts filiæ fortior."

But, sir, what has been the source of our mighty development? What has given strength and cohesion and growth to the people of this country? Unquestionably a strict observance of the maxims of Washington and of the fathers. We have sought to establish a continental system as opposed to a colonial system; development by accretion and not by colonization; by assimilation and not by distant conquest; by the orderly evolution of the inherent forces and elements of our national life and institutions, and not by the acquisitions of distant lands and people, hanging about us as exotics, appendages, and parasites. We have resisted on all occasions the acquisition of territorial dependencies beyond the borders of the continent.

The Senate rejected the treaty for the purchase of San Domingo and St. Thomas as being a departure from our traditional policy. Mr. Webster declared "we should seek no peculiar advantages, no exclusive control over the Hawiian Government, but be content with its independent existence." And yet even while pursuing this conservative policy it must be confessed that there are epochs in our country's history the contemplation of which in all future time must bring disquiet and regret—must bring pain and shame to the hearts of the lovers of free institutions and of domestic peace and concord. Free from the burdens inherited by the people of modern Europe from mediæval times; from old institutions founded in the denial of right and in the abuse of power; free from the ambition of dynasties, from class distinctions, from large standing armies to protect our independence; from jealous and grasping neighbors, our statesmanship has already found itself incompetent to settle the perplexing questions which have arisen except by an appeal to the sword and by drenching our country in blood.

What wars, what disasters would have befallen us if instead of pursuing the lines laid down by Washington, and Jefferson, and Hamilton, we had embarked on an uncertain and dazzling career of foreign conquest and of bringing into the consideration of our legislation and for the determination by our statesmanship problems growing out of the acquisition of distant possessions, the prizes perhaps of rival and competing parties and of ambitious administrations.

I do not doubt but that in the fullness of time the power of the United States under the peaceful development of their institutions and in obedience to the law of population, the spawning force of our people will carry our supremacy by the consent and at the request of neighboring states over the entire continent. The Articles of Confederation provided for the admission of Canada. Our first Congress was called a Continental Congress, and we can no more turn back the tides of the sea than stay the spread of our people and of our institutions over the entire dominion of North America.

John Quincy Adams gave expression to this opinion in the year 1819:

> Spain had possessions upon our southern and Great Britain upon our northern border. It was impossible that the centuries should elapse without finding them annexed to the United States; not that any spirit of encroachment or ambition on our part renders it necessary, but because it is a physical, moral, and political absurdity that such fragments of territory, with sovereigns at 1,500 miles beyond sea, worthless and burdensome to their owners, should exist permanently contiguous to a great, powerful, enterprising, and rapidly-growing nation. Most of the Spanish territory which had been in our neighborhood had already become our own by the most unexceptionable of all acquisitions—fair purchase for a valuable consideration. This rendered it still more unavoidable that the remainder of the continent should ultimately be ours. But it is very lately that we have distinctly seen this ourselves; very lately that we have avowed the pretension of extending to the South Sea; and until Europe shall find it a settled geographical element that the United States and North America are identical, any effort on our part to reason the world out of a belief that we are ambitious will have no other effect than to convince them that we add to our ambition hypocrisy.

We may therefore content ourselves by legislating not in a spirit of resentment against Great Britain or any other power in the world. Let us remain on the via Apia. Let us await events. Let us develop our resources. Let us discipline ourselves, so that we may prove worthy of these free institutions which were committed to our keeping by our ancestors. Time will conquer all things for us if we shall only show ourselves as patient as we are courageous.

We may dismiss our apprehensions with regard to Great Britain. I

do not believe that any question can be suggested which can not be settled by a firm declaration of our purposes and of our rights whether a controversy shall arise with Great Britain or any other nation. I am not to be moved from my balance and thrown into a chill by fear or into a fever by resentment at the mere mention of the name of England.

It has occurred to me—I do not know that I am entirely correct in this—that some of our friends allow themselves to be swerved from their equilibrium by apprehensions of an invasion of our rights by the British Government. They see in every little difficulty that may occur some design in Great Britain to invade our rights and to destroy our institutions. The apparition of her power and pretensions disturb them whenever any subject arises with which she may have the remotest connection:

> I hear a lion, in the lobby, roar!
> Say, Mr. Speaker, shall we shut the door
> And keep him out; or shall we let him in,
> And see if we can get him out again?

For one, I propose to follow in the beaten track of our traditional policy, and to legislate on all questions that concern the rights or interests of our people without reference to Great Britain or any other power in the world. I know that we have suffered many wrongs from Great Britain, that it cost seven long years of sacrifices of treasure and blood to acquire our independence of her, and that it became necessary to wage a second war of independence to achieve our freedom and rights on the seas. But I believe to-day that we are invincible so long as we adhere to the policy of our ancestors, and that if the time should ever come for us to try conclusions with Great Britain she will understand then, as she has in the past, that, in the language of John C. Calhoun, the United States in respect to foreign nations are "but one."

Mr. HOAR. Mr. President, if the enterprise we are now inaugurating succeed, it will be the most important step which the American people has taken for a generation toward achieving three supreme objects of national desire.

The independence of American manufacture, the development of our vast internal commerce, the raising the United States to the first place among nations of the world in wealth and strength, the extension of our railroad system from the Atlantic to the Pacific, are already accomplished. These are among the glorious results of that wonderful fourteen years of Republican rule, four of them years of war, four of them under a hostile Executive, from which the Republic in coming centuries will date its new birth. Since 1874 there has been no legislation in this country to which both political parties did not agree.

The people who have done these things are not content to rest any longer in a condition of supine and inactive truce. They are looking with eager desire to take their rightful place in the markets of Asia, of South America, and of Mexico. They wish to make the connection between their Atlantic and Pacific States as direct and perfect by sea as it is by land. They wish for a great route of commerce from sea to sea, whose advantages shall primarily belong to them; which shall be theirs under their control; safe from successful rivalry in peace and from hostile interference in war.

To these things the people, strong in their restored union, in their equality, their manufacturing independence, in their wealth, are looking as the three supreme objects of patriotic desire.

Surely, Mr. President, these are objects worthy of the ambition of a great and free people. They are to be pursued under a competition worthy of the rivalry of a great and free people. It is with the same power from whom our ancestors wrested their independence, with whom we had to fight for the privilege of sailing the seas without being molested, from whom it is but lately we have been able to take the control of our own markets, that we are about to enter on a new struggle of which the markets of the world are to be the prize.

She is not without enormous advantages. She is but a little black spot on the map of the world, that you can cover with your thumb nail, shaped something like a little old woman with a hooked nose and flying cap and hair, with her back to Europe and clutching at Ireland with her claws.

She has got the best business stand in the world. She is just off the northern coast of Europe, girdled by the ocean, with a temperate climate, where brain and body can do their best work. Her coast is full of excellent harbors. The unbroken level of her soil is covered by excellent roads and abundant railroads perfectly equipped. Her soil is a rich and luxuriant garden, while beneath it are almost inexhaustible stores of coal and iron. She was until lately the richest country in the world. The race who inhabit her are the best soldiers and sailors, the best governors of themselves, the ablest governors of other men the world ever saw. She has, with Scotland and Wales, an area of 87,000 square miles and a population of 28,000,000 inhabitants.

If you take a map of the entire world, land and water, and observe England and her dependencies, all inhabited by the queen's subjects, the countries which, although nominally having a government of their own, are under her political control, and the countries which she controls commercially, most of which she will defend if they are attacked, although they are politically independent, you would almost say that no spider ever had a fly in its meshes more completely than she seems to have got this planet of ours—land and sea, continents and islands.

Look first at her direct dependencies, all subject to her queen, and see where they are situated.

Dependencies.	Population.	Area in square miles.
Ireland	5,000,000	32,000
Canada and North American possessions	4,500,000	3,470,392
India	253,982,595	1,383,504
Australasia	3,361,455	3,084,268
Hong Kong	160,000	29
British Borneo, Straits Settlements	423,384	1,605
Labuan	6,298	30½
Cape Colony	1,131,648	241,900
Mauritius	360,360	708
Lagos	750,270	75
Gold Coast	400,000	15,000
Ascension	165	35
St. Helena	3,059	47
Gibraltar	18,381	1½
Malta	149,782	117
Cyprus	186,173	3,584
Bermuda	14,888	20
Bahamas	43,521	5,450
Jamaica	585,536	4,362
British Hondurus	27,452	7,562
British Guiana	252,186	109,000
Leeward Islands	119,546	622
Windward Islands	311,413	794
Trinidad	153,128	1,754
Falkland Islands	1,553	6,500

And British Borneo, Singapore, Maldive, Chagos, Saychelles, St. Paul, of which I have not the statistics.

They are all as given in the Statesman's Year Book for 1886, a book compiled from the English official tables:

Population	220,854,583
Add England, Wales, and Scotland	28,700,000
	249,554,588
Area, square miles	8,516,814
Add England, Scotland, and Wales	88,006
	8,604,820

Now take the countries which England politically controls:

	Population.	Area.
Egypt	6,806,000	44,208
British Burmah	3,000,000	190,500
Burmah	6,000,000	250,000
	15,806,000	484,708

Malaya, Beloochistan, Afghanistan, Siam.

Take next the countries which are commercially her dependents:

	Population.	Area.
Turkey	43,464,427	2,406,522
Peru	2,657,863	483,847
Argentine Republic	3,000,000	515,700
	49,121,290	3,406,069

So that you have subject to the English Queen, *or under* her political or commercial control, 314,500,000 people and 12,495,000 square miles of territory.

The United States are about as large as the Roman Empire at its largest. Yet this is four times and a half the area of the United States. It is, I suppose, a third of the population of the world. It would make 1,561 States as large as Massachusetts, and fill them with a people 175 times our number.

Vast as this population seems at present, the law of human growth in populations at peace compels us to expect a vastly larger population in the near future.

England has not only laid her hands on these enormous countries and the men who inhabit them, but the way she has got control of the great highways, the great roads of commerce, is more wonderful still.

There are four great roads by which the commerce of the world must travel from nation to nation. There are two old roads and two new roads. The old roads are down through the South Atlantic. One turns eastward by the Cape of Good Hope into the Indian Ocean. One turns westward to the Pacific around Cape Horn. The two meet at last at Cathay or farthest Ind, girdling the globe with their mighty and beneficent chain. At every station, at every step on both is the power of England planted. Half way down the coast of the eastern hemisphere, where Africa puts out into the Atlantic, are the English West African settlements and her colonies of Sierra Leone and the Gold Coast. Just below the equator is the Ascension Island, an English colony. Five degrees of latitude farther you come to Saint Helena, an English fortress, where the great foe of England died a prisoner and an exile. Then

the Cape itself, a Cape of Good Hope to no commerce but hers, with its excellent harbors of Capetown and Natal, is one of her most prosperous colonies. Thence by successive steps, Mauritius, Seychelles, Chagos, Maldive, Ceylon, all British possessions, India is reached. Every other power must pay tribute to her in peace, and must run the gauntlet of her fortresses and naval stations in war.

Would you go westward through the straits of Magellan or past the stormy Cape Horn? Powers in closest friendship with her hold the continent from the southern line of Brazil, while her own Falkland Islands command and menace the entrance to the strait and the passage round the cape.

But England has not contented herself with the ancient ways. Her commerce is guarded by a far different statesmanship from that which denies appropriations to build a navy, or to pay for carrying mails on its own vessels, or defend its coasts; far different from that which bullies Mexico and cringes before Canada. She already occupies the highways of the future. Commerce hereafter is to seek direct paths though continents must be severed. Here again are two roads, eastward and westward. One through the Mediterranean Sea already cuts Asia and Africa in twain and passes out through the Red Sea to the Indian Ocean. The other, not yet open, is to divide our own continent at Nicaragua or Panama, or, if to-day's work be well done, to cross it at Tehuantepec.

Whoever shall follow either way, except Tehuantepec, must do so at the mercy of England. She holds Gibraltar, the impregnable gateway of the Mediterranean, and half way from Gibraltar to Egypt is her mighty naval station of Malta, which commands both shores of that inland sea. Hugging the Asiatic coast is Cyprus, her new possession, whose purchase was almost the last act of Lord Beaconsfield. Suez itself she has taken from the improvident hands of France, while at the narrow entrance and exit of the Red Sea she holds Aden and Perim and beyond, on the way to India, the Island of Socotra. She commands the great eastern pathway of commerce from Europe to India and China almost as absolutely as the river Thames.

Turning to the westward route, our position on the Gulf of Mexico will secure to our three Southern ports convenient access to the canal wherever it may be. But all other commerce must pass the line of sentinels, which the foresight of England has already armed and stationed at the entrance to the Gulf. The Bermudas, the Bahamas, the Leeward and Windward Islands, Jamaica, and Trinidad form a complete blockade, while British Honduras lies close to the eastern mouth of the proposed canal of Nicaragua.

Of the forty chief West Indian Islands European powers own all but one, the seat of the black republic of Hayti and Saint Domingo. England herself owns thirteen beside the Bahamas and the Bermudas.

If we ever have a contest with her for a canal at Nicaragua or Panama, her island of Jamaica stands guard at the entrance of the Caribbean Sea and the Bay of Honduras.

At the same time she is perfecting her land route through Canada, and is to-day building a strong fortification on Vancouver Island, which is, and can be, meant only as a menace to us.

Now, Mr. President, what does England do all this for? This is not all that she does. She has lately expended five hundred million to build railways in India. On her 1,300 miles of seacoast, as against our 23,000, she expended fifteen million in 1874. The breakwater at Plymouth cost her seven million; Holyhead cost her sixty-four hundred thousand; Portland breakwater, five million. The expenditure on the Mersey at Liverpool must have been more than a hundred million. She pays between fifty and sixty million a year for her navy. It is her policy always to keep a naval force stronger than that of all the rest of Europe combined. She pays between ninety and a hundred million for her army. She pays more than $10,000,000 a year for the army and naval service of her colonial possessions. Now what is all this for? You will say it is partly to maintain her large carrying trade, one-third of that of the whole world. But she supports that carrying trade only by large subsidies.

The income from the English ocean carrying trade to-day, exclusive of government subsidies, is not 3 per cent. of the capital employed. Our free trade friends like to talk of the absence of American ships from the ocean; but no American capitalist would put his money into the risk of the ocean carriage for the return which that business pays to English capital. England, of course, desires to maintain this fleet of ocean steamers as a resource in case of war. But she pays these subsidies and keeps up this great military force, and occupies these ports all over the globe, and keeps these subject nations under her feet for two things:

First. That the world may be the market of England; that English manufacturers may make its goods; and,

Second. That English merchants are to make its exchanges and English bankers settle its accounts. They mean that whatever one nation sells to another England shall charge one commission to the buyer and another commission to the seller for making the exchange.

I do not now propose to discuss the second topic. If we can hold to our manufacturing independence, and get our place in the markets of North and South America we will try conclusions with her as to that. I wish to speak of the other.

Vast as are the odds in favor of England, it is, I believe, no presumption, no idle boast, when we declare that the well-paid labor of America, now forever free, hereafter to wield in its own interest the vast forces of its own government, can succeed in wresting from her her commercial supremacy.

> Here the free spirit of mankind, at length,
> Throws its last fetters off; and who shall place
> A limit to the giant's unchained strength,
> Or curb his swiftness in the forward race?

The wisest brain in England that in our time has busied itself with the political problems of the future has foreseen and declared the issue of this conflict. Mr. Gladstone, in an elaborate article written by him in 1878, makes this prediction about the commercial future of England and the United States:

> It is she alone who at a coming time can and probably will wrest from us that commercial primacy. We have no title. I have no inclination to murmur at the prospect. If she acquires it she will make the acquisition by the right of the strongest; but in this instance the strongest means the best. She will probably become what we are now, the head servant in the great household of the world, the employer of all employed, because her service will be the most and the ablest. We have no more title against her than Venice, or Genoa, or Holland has had against us.

Now, Mr. President, a great American inventor and engineer asks the co-operation of Congress in a plan which, if it succeed, will go far, very far, toward accomplishing the desire of the people. Certainly his proposal may well receive serious consideration. If it be practicable it solves a difficult international problem; it shakes off all the fetters of the Clayton-Bulwer treaty; it brings Asia and South America close to our own Atlantic ports; it brings California and Oregon closer to Europe; it makes a vast saving, and gives a vast advantage to American commerce; it gives us a short sea passage, and with a ship-canal across Florida, a passage in large part inside and land-locked around our whole coast from the Saint Johns to Puget Sound; and it can not fail to draw closely the bonds of intercourse with the neighboring Republic of Mexico.

This is not the proposition of an adventurer. Captain Eads stakes upon this undertaking a fame gained by two of the greatest and most difficult engineering achievements of the age. It has been his wonderful good fortune to render an important service to two of the greatest routes of commerce on the continent. He bridged the Mississippi so that it ceased to be an impediment in the transit of freight and passengers from the East to the vast regions lying westward and southwestward. He compelled the mighty current to clear from its own channel the obstacles which in ages it had itself formed, so that the products of the valley States might thereafter pass southward unobstructed to the Atlantic. The jetties at its mouth have given the Mississippi as another inland sea to the possessions of man. Each of these enterprises was bold and original almost to audacity. Each encountered in its inception the adverse judgment of great scientific authority. Each met a bitterness of hostility which success has hardly silenced. Each stands to-day among those victories of peace, not less renowned than war, which has conferred so much glory upon our own country and our own age.

A very high authority, London Engineering, said of the Saint Louis bridge just before its completion:

> Our present requirement being to select some example of the most highly developed type of bridge-building of the present day, we have no difficulty in passing before ourselves in mental review the different works now in progress throughout the world, and we have still less difficulty in electing as our example the magnificent arched bridge now almost completed by Captain Eads at Saint Louis. In that work the alliance between the theorist and the practical man is complete. The highest powers of modern analysis have been called into requisition for the determination of the strains, the resources of the manufacturer have been taxed to the utmost in production of material and perfection of workmanship, and the ingenuity of the builder has been alike taxed to put the unprecedented mass into place. In short, brain power has been called into action in every department. One long-sighed-for result—the welding of the theoretical and practical man into one homogeneous mass, without which no truly great undertaking could possibly be carried out—has at last been attained.

I well remember when during my early service in the House of Representatives I saw Captain Eads as he left the room of the Committee on Railways and Canals, almost crushed in spirit before a report of that committee, based on the report of nineteen out of the twenty members of the Board of Engineers that the jetty scheme was wholly impracticable. I account it among the chief good fortunes of my life that I had something to do with reversing that verdict. Northern abolitionist as I was, I had some claim to share in his triumph and in that of the chief commercial city of the South when, on the 10th day of July, 1879, Capt. W. R. Brown, United States inspecting officer, telegraphed this certificate to the Secretary of War:

> I certify that on the 8th day of July, 1879, there was a channel at the mouth of South Pass, through the jetties, 30 feet in depth, without regard to width, measured at average flood tide, and extending from a wider and deeper channel in South Pass to deeper water in the Gulf of Mexico.

This is one of the most notable documents in American civil history. It is the official evidence of the removal of the last obstacle to the complete realization of the desire which has possessed the people of the great valley of the West from its earliest settlement, from a time anterior to the formation of the Constitution or the treaty of Independence. This desire was for a free, unobstructed passage to the Gulf of the commerce of the center of the continent. The jealousy of the peo-

ple of that valley and the regions whose waters find their way through it to the Gulf lest the interest of the Atlantic States might lead them to resist the accomplishment of this desire was for generations an important power in our political history. It threatened the Union in the administration of Washington. It forms an important topic in his farewell address. It aided largely in hurling John Quincy Adams from power. It came to an end and disappeared only when the first laden steamship, driving 30 feet of water, passed through the jetties of Captain Eads.

It is now proposed to construct a railway across the Isthmus of Tehuantepec with docks and elevators at each terminus capable of raising laden vessels of the largest size and transporting them from ocean to ocean. The genius of the American engineer is about to make real the prophecy of the greatest English poet of modern times, uttered seventy-five years ago:

> Lo, ships, from seas by nature barred,
> Mount along ways by men prepared,
> Along far-stretching vales, whose streams
> Seek other seas, their canvas gleams;
> And busy towns grow up on coasts
> Thronged yesterday by airy ghosts.

Mr. President, I believe this bill and the scheme which it inaugurates to be practicable. I do not propose, however, to enter upon the discussion of the mechanical part of this question. Science is certainly competent to settle this question in advance. I am willing to take it on the authority of the greatest of American engineers if that stood alone. I am willing to trust the investigation of the capitalists who are behind it, and the evidence of the great engineer, Sir Edward J. Reed, and of numerous American engineers.

It is impossible, within the reasonable limits of these remarks, to cite all the eminent authorities, both practical and scientific, who approve the plan of the ship railway. Many of them are quoted in the report of the Committee on Commerce. Many others have been added since the committee finished its work. At their head is the distinguished name of Sir Edward J. Reed, K. C. B., late chief constructor of the British navy. He is supported by Mr. Barnaby, the present chief constructor of the British navy; by Mr. John, for many years scientific adviser of Lloyds; by Mr. Fowler, lately president of the Institute of Engineers in England; by Mr. Luyster, engineer-in-chief of the Liverpool docks; by Mr. Williams, an eminent civil engineer; by Mr. Clark, chief assistant of Stevenson in building the bridge at the Menai Straits; by Emmerson, Murgatroyd & Co., constructors of the great hydraulic docks at Malta and Bombay; by William Pearce, builder of many of the largest and finest steamers afloat; and by numerous American engineers and constructors, including Hartt, Fernald, Suter, Fuertes, Gillmore, Beauregard, Whitcomb, Barkley, and Corttell. Of all these the testimony is quoted or reported in full by the committee.

There is certainly scarcely any matter in which the experience of mankind is greater than in the capacity of laden ships to bear every kind of strain to which external forces can subject them. The weight of the ship and the additional straining force of wind and wave which the ship encounters at sea and which in this railroad it will escape are capable of exact calculation.

This enterprise is important, as has already been so eloquently urged by my honorable friend from Louisiana [Mr. GIBSON], in its effect to bring so closely together the relations between this country and the neighboring Republic of Mexico.

I wish for one to disclaim what I was sorry to hear the Senator from Alabama [Mr. MORGAN] say on Saturday, any pretension on our part that the treaty of 1853, the Gadsden treaty, is now in force so far as to afford any claim upon our part to enforce an obligation upon Mexico against her will. I think that suggestion will be received with great anxiety by Mexico, and I think it is quite inconsistent with the suggestion which comes from the same quarter, that the Clayton-Bulwer treaty has expired and become ineffective by length of time.

But we get here a strong and substantial power whose neutrality no government can intrude upon without flagrant violation of the law of nations, and without shocking the public opinion of mankind, for the protection of this route of commerce in war and in peace. We can ourselves come to the aid of that power for the protection of this route at each end and along its whole course by routes wholly inland, not liable to be blockaded or interfered with by hostile fleets. The troops which we shall need to defend it in alliance with Mexico can be stationed on land and in a healthy climate.

Compare all this with the condition of the route of the Nicaragua Canal. I conceive the chief objection to the Nicaragua Canal scheme is that it is a source of weakness and not of strength in case of war with our great rival, the only power from whom we have in the near future any possibility of apprehension, unless we are prepared to commit ourselves to the policy of maintaining a navy equal to hers. There is no land access to the Nicaragua Canal when it is built except over mountains nearly impassable and through lands whose climate as well as whose natural condition make the passage of troops impracticable. There is no possibility of maintaining a considerable military force on that spot, and there is no possibility of preventing a blockade by a navy like that of England or even like that of a smaller power except by a naval force sufficient to break that blockade.

The achievement of this enterprise, if it be practicable, relieves us utterly from this necessity. It relieves us from the entanglement of the question growing out of the Clayton-Bulwer treaty.

I am not prepared to accept the guidance of those gentlemen who 2 guidance I accept so cheerfully in many cases, who claim either that the Clayton-Bulwer treaty is not in force, or who claim that being in force it is for the interest of the United States to disregard it. It is said that the route from the Atlantic to the Pacific should become a part of the American coast line, but it is absolutely impossible in the nature of things that a canal either at Nicaragua or Panama can be practically or in effect a part of the coast line of the United States unless we are prepared to conquer and absorb the intervening territory between us and where it lies.

As to the two reasons which are urged here why the Clayton-Bulwer treaty shall no longer be considered in force, to wit, the occupation of a portion of the territory by England at the Balize in violation of that treaty, and the fact that it referred to a particular canal then expected to be built at once, which has fallen through, it is enough to say that those two propositions are encountered by the declaration of the American Government through its Secretary of State long after the agreement was held to be existing. From Clayton himself and his immediate successors, through Mr. Seward down to the time of Mr. Blaine, the American Government has estopped itself from asserting either of those two reasons in any diplomatic discussion.

But I go further. I hold that the theory of the Clayton-Bulwer treaty as applied to the spot where it is proposed to build the Nicaragua Canal is the only theory consistent with the true interests of the United States. Mr. Clayton and General Taylor, in whose administration he was the Secretary of State, came to the conclusion that the defense of that spot as a possession of this country was totally impracticable in time of war, and therefore they desired to remove the isthmus as a barrier between the two oceans, as they would remove a rock or a shoal in mid-ocean, if such existed and were a danger to commerce. Then they proposed to call to the aid of the United States and Great Britain all the civilized maritime nations of the globe to guarantee the neutrality of that transit and a zone on each side, to be called the neutral zone, both on the Pacific and the Atlantic side.

I do not conceive that to be either a violation of the Monroe doctrine or a departure from the true American policy, as it had been declared by every successive administration from Washington down. As late as the time of the death of Mr. Clayton, which took place in 1856, Mr. Seward spoke in this way about the theory upon which the Clayton-Bulwer treaty was founded. I ask the Secretary to read, on the two hundred and ninety-eighth page of the memoir of John M. Clayton, the passage I have marked from the speech of Mr. Seward in eulogy of Mr. Clayton shortly after his death.

The Secretary read as follows:

> A very distinguished French savan (Mons. Ampère) begins his journal as a traveler with an account of his visit at the World's Fair, held, I think, in 1852, in London, and he pronounces that great exhibition of the industry of so many nations as the first universal fact in the history of the human race. He egregiously erred. That great event was neither the most important, nor was it the first, of the universal facts which have transpired in our own day. The first universal fact—a fact indicating an ultimate union of the nations—was the Clayton and Bulwer treaty, that treaty which provided for the opening of passages of communication and connection across the Central American Isthmus to the growing civilization of the western and modern, and the declining civilization of the eastern and ancient world. It was the felicitous good fortune of John M. Clayton, not more than his genius and ability, that enabled him to link his own fame with that great and stupendous transaction, and so to win for himself the eternal gratitude of future generations, not only in his own country, but throughout the great divisions of the earth. Whatever difficulties have hitherto attended the execution of that great treaty, whatever future difficulties may attend it, the treaty itself is the bow of promise of peace, harmony, and concord to all nations, as it is an imperishable monument to the fame of him whose worth we celebrate, and whose loss we deplore.

Mr. HOAR. On a previous page the Secretary will find marked a statement by Mr. Bayard, then a Senator from Delaware, and father of the present Secretary of State.

The Secretary read as follows:

> During the period which he held the position of Secretary of State he negotiated in April, 1850, the treaty with Great Britain commonly called the Clayton-Bulwer treaty. That treaty was ratified by more than three-fourths of the Senate; and I may be permitted to say that had it been carried out according to the plain and obvious import of its language, would have effected all which this country should desire in relation to the territory of Central America, and the safety and security of an interoceanic communication; and if difficulties have since arisen, either from the aggressions of the power with which it was contracted, or a failure on our part to insist in the first instance on its due execution, the fault, if any, rests not with him, as no action of that power contravening its proper construction occurred during the short time which he retained the office of Secretary of State after the ratification of the treaty.

Mr. HOAR. Those two extracts, from speeches made by two of the most distinguished statesmen of their day, one of the North and one of the South, state, as I believe, what was then nearly the unanimous judgment of the American people long after the transactions occurred which have been sometimes set up as indicating that the force of that treaty had expired. The statesmanship of that day was brought to this practical question: Is it better for the United States to have water communication from ocean to ocean, an open sea, as neutral as Boston or New York Harbor, as free from any hostile intrusion against us, to the maintenance of which the whole force of the civilized world

shall be pledged; or is it for the interest of the United States to maintain amid the swamps, the malaria, and tropic heats, and tropic damps of that territory, more than a thousand miles from our southern border, an army, a fortress, and a naval force sufficient to cope with the entire navy of Great Britain? The reasons which operated then seem to me to be in force now; and it is one of the great and principal advantages of the present scheme that it entirely relieves us from the difficulties which the Clayton-Bulwer treaty, considered as in force, would impose upon us on one side, or which if the Clayton-Bulwer treaty be treated as abrogated would press upon us on the other.

Mr. EDMUNDS. With the consent of my friend from Massachusetts, I move that the Senate adjourn.

Mr. VEST. I hope not, Mr. President.

Mr. CULLOM. It is a little early.

Mr. EDMUNDS. No, it is not early. It is half after 4.

Mr. VEST. I want to finish the bill, if possible, to-night.

Mr. EDMUNDS. We can not finish it to-night.

Mr. VEST. We will see whether we can.

Mr. EDMUNDS. We shall see.

Mr. VEST. I hope it will be finished to-night. There will be an appropriation bill to-morrow. I call for the yeas and nays on the motion.

The PRESIDENT *pro tempore*. Pending the motion, the Chair will announce the appointment of a committee of conference on the part of the Senate.

Mr. VEST. Very well.

PUBLIC LAND LAWS.

The PRESIDENT *pro tempore* appointed Mr. DOLPH, Mr. TELLER, and Mr. COCKRELL the conferees on the part of the Senate at the further conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 542) for the relief of William Ervin.

The message also announced that the House had passed the following bills:

A bill (S. 1162) for the erection of a post-office building at Lynn, Mass; and

A bill (S. 2533) for the relief of E. Remington & Sons.

The message further announced that the House had passed the bill (S. 531) to provide for the erection of a public building at Lafayette, Ind., with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes; in which it requested the concurrence of the Senate.

DEATH OF REPRESENTATIVE PRICE.

The message further announced that the House had passed resolutions commemorative of the life and services of Hon. William T. Price, late a Representative in Congress from the State of Wisconsin.

HOUSE BILL REFERRED.

The bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

ADJOURNMENT.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] moves that the Senate adjourn, on which motion the Senator from Missouri [Mr. VEST] asks for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I do not wish to ask too much for myself, but it is half past four, and my honorable friend, I have no doubt, can have some arrangement made by which we can go on with the bill to-morrow.

Mr. VEST. Has not the Senator from Massachusetts concluded?

Mr. HOAR. No, I have not concluded.

Mr. VEST. I beg the Senator's pardon; I thought he had concluded his speech. If the Senator desires, the bill may go over until to-morrow.

Mr. CULLOM. Then ask that the call for the yeas and nays be withdrawn.

Mr. VEST. I withdraw the call for the yeas and nays, with that understanding.

The PRESIDENT *pro tempore*. If there be no objection, the call for the yeas and nays will be withdrawn. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 11, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 10, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had adopted the following resolutions:

Resolved by the Senate, That as an additional mark of respect to the memory of John A. Logan, long a Senator from the State of Illinois, and a distinguished member of this body, business be now suspended, that the friends and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary of the Senate be directed to communicate these resolutions to the House of Representatives and to furnish an engrossed copy of the same to the family of the deceased Senator.

COURT-HOUSE, JACKSONVILLE, FLA.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect, recommending that the limit of cost of the court-house at Jacksonville, Fla., be increased; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

STATISTICS OF VESSEL FISHERIES.

The SPEAKER also laid before the House the bill (S. 2287) for securing statistics of the extent and value of the vessel fisheries of the United States; which was referred to the Committee on American Shipbuilding and Ship-owning Interests.

THE LATE SENATOR LOGAN.

The SPEAKER also laid before the House the resolutions of the Senate in relation to the late Senator Logan, as above set forth in the above message from the Senate; which were ordered to be printed.

Mr. THOMAS, of Illinois. Mr. Speaker, I desire to give notice that on Wednesday next, at 2 o'clock p. m., I shall call up the resolutions in relation to the death of the late Senator Logan, and I now ask unanimous consent that the remainder of that day after 2 o'clock be devoted to their consideration.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

Mr. TUCKER, by unanimous consent, obtained leave of absence indefinitely.

MICAH FRENCH.

Mr. ZACH. TAYLOR asked unanimous consent that the Committee on Pensions have leave to withdraw the report made at the last session on the bill (H. R. 7928) granting a pension to Micah French.

There was no objection, and it was so ordered.

SECTION 5352, REVISED STATUTES.

The SPEAKER. The Chair appoints as one of the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, the gentleman from Georgia [Mr. HAMMOND], in place of the gentleman from Virginia [Mr. TUCKER].

PUBLIC BUILDING, DENVER, COLO.

Mr. SYMES. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo., and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act for the erection of a public building at Denver, Colo.," approved May 8, 1882, be amended by making the limit for said building $575,000, and that sum is hereby fixed as the limit of cost thereof.

SEC. 2. That the Supervising Architect and the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making plans and contracts for the erection of said building.

The SPEAKER. Is there objection?

Mr. WARNER, of Ohio. I think we ought to have some decent and good reason assigned for changing the limit fixed in the original bill. I would like to know what the original limit was, and what the reason is for changing it.

Mr. SYMES. I shall be glad to state the reason, Mr. Speaker. The original limit was $300,000. The ground cost $60,000—that is, the Government paid $60,000 toward its purchase, and the citizens of Denver made up $30,000, so that it actually cost $90,000. That ground if sold at auction in Denver to-day would bring from $150,000 to $175,000. Denver has more than doubled in population since the ground was purchased. The public business of Denver has doubled since that time. The foundation of this building is constructed of brick, against the protest of many of the citizens of Denver. They insisted it ought to be of stone.

The first story of the superstructure, a non-fire-proof building, is brick wall with cheap sandstone facing from the mountains. Many of

the people there protested that it should be granite. This building is surrounded by other buildings, some of them since erected, costing over half a million dollars, and five stories high or more. The Supervising Architect and the Secretary of the Treasury state, as their reason for suspending the work on this building under the $300,000 limit, that the increase will give 24,000 square feet of room, whereas under the present limit there will be but 10,000 square feet; and there will be needed more room than they will now obtain by the increase for the public business. Last year there was paid into the revenue of the United States in the city of Denver nearly $600,000 net. Under the present limit the building would be completed with the brick wall, the brick foundation, and basement wall, and the sandstone facing, and changed to fire-proof; and the principal reason for the change, as the architect says, is that if you do not make this a fire-proof building it is liable to be burned down by the destruction of the adjoining building, an opera-house, which cost $750,000; and by extending the two wings in accordance with the plans now perfected there will be an increase of over 13,000 square feet. The reports of the Senate and House committees show all these facts in detail.

Mr. Speaker, is this a sufficient explanation?

Mr. WARNER, of Ohio. Oh, I see; they do things in a large way out there in Denver. I did not propose to object; but I would like to have the reasons which the gentleman from Colorado [Mr. SYMES] has so eloquently given spread on the record as a justification of the change of limit. [Laughter.]

The SPEAKER. Is there any objection to the present consideration of the bill by the House? The Chair hears none.

The House proceeded to the consideration of the bill; which was ordered to a third reading, was accordingly read the third time, and passed.

Mr. SYMES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT LA FAYETTE, IND.

Mr. WARD, of Indiana. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 531) to provide for the erection of a public building at La Fayette, Ind.; and that the bill be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site and cause to be erected at the city of La Fayette, county of Tippecanoe, in the State of Indiana, a suitable building for the use and accommodation of the post-office and other Government offices in said city, with fire-proof vaults extending to each story, the site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $100,000; and the sum of $75,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and completion of said building: *Provided*, That there shall be an open space of not less than 40 feet upon every side of said building, including streets and alleys; and that no part of said sum shall be expended until a valid title to said site shall be vested in the United States, nor until the State of Indiana shall cede to the United States jurisdiction over the same for all purposes excepting the administration of the criminal laws of said State and the service of any civil process therein, and relinquish and release its right to tax said site and the property thereon belonging to the United States.

The amendments reported by the Committee on Public Buildings and Grounds were read, as follows:

In lines 11 and 12 strike out "one hundred" and insert "fifty," so as to make the limit of cost $50,000.

In line 12 strike out "seventy-five" and insert "fifty," so as to make the amount of appropriation $50,000.

At the end of the bill add the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $50,000 for site and building."

The SPEAKER. Is there any objection to the present consideration of this bill?

Mr. STORM. I ask for the reading of the report, the right to object being reserved.

The report (by Mr. OWEN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 531) providing for the erection of a public building at La Fayette, Ind., report as follows:

Strike out the words "one hundred," in line 11, and insert "fifty."

Strike out the words "seventy-five," in line 12, and insert "fifty."

At the end of the bill, after the words "United States," add the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $50,000 for site and building."

And, thus amended, we recommend the passage of the bill.

Mr. MCMILLIN. Mr. Speaker, let us have some statement showing the necessity for this bill, as the report fails to state the facts of the case.

Mr. WARD, of Indiana. Mr. Speaker, this bill, as amended, provides for an appropriation of only $50,000. La Fayette is a city with a population of 25,000. It is the chief city between Indianapolis and Chicago. It is prosperous in every way. The gross annual receipts of the post-office at that place amount to nearly $25,000. In short, Mr. Speaker and gentlemen, La Fayette is the best city in Indiana. It is better than any in Illinois or in the entire Northwest. It has the best Representative, and withal the most modest, in the Forty-ninth Congress, and this is the first time I have ever asked any personal favor of this House. Now, gentlemen, let this bill go through. [Laughter.] You will all feel better and sleep better if you do. You probably know that my constituents are, and have been for the last four years, grieving on account of my absence from home, in-so-much, indeed, that they have concluded to send another fellow here in my place after the 4th of next March. Then the mourning will be here instead of there, and it will be a great consolation for you to reflect that you granted this my first and last request of a personal nature. [Laughter and applause.]

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill; and the House proceeded to consider the same.

The amendments reported by the Committee on Public Buildings and Grounds were agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. WARD, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MCMILLIN. Now let us have the regular order.

INDEX OF CLAIMS.

Mr. IKE H. TAYLOR, from the Committee on Accounts, submitted the following privileged report; which was read:

The Committee on Accounts, to whom was referred the letter from the Clerk of the House providing for continuing the index of claims referred to the Court of Claims under the Bowman act, to the end of the Forty-ninth Congress, together with the consolidated index of Southern Claims Commission reports, report the same back to the House with the accompanying resolution instructing the Committee on Appropriations to provide in the deficiency bill for the employment of a clerk at the same compensation paid per diem committee clerks, until the first regular meeting of the Fiftieth Congress, to continue the index of claims referred under the Bowman act; to re-examine and compare the manuscript copy of Southern Claims Commission cases with the lists furnished the House of Representatives by the Southern Claims Commission at intervals during the period from 1870 to 1880, and if the printing of the said document is ordered, to insure accuracy, the committee recommend that the said clerk shall carefully compare the proof-sheets with the manuscript copy.

An investigation by the committee develops the fact that the Southern Claims Commission, during its official existence from 1870 to 1880, had before it 22,298 claims, amounting in money value to the very large sum of $60,258,150.44, of which sum $4,636,920.69 was paid by the Government, leaving claims to the amount of $55,621,229.75, now in the files of the House, subject to reference to the Committee on War Claims and the transfer under the so-called Bowman act to the Court of Claims by the said committee.

Such a mass of claims demands a concise and thorough index. The present condition of the Claims Commission's records make necessary an investigation of each of ten reports in order to ascertain the condition of any particular claim. The purpose of the index proposed is to consolidate these ten reports so as to make only one such examination necessary and to complete the history of the work of the Southern Claims Commission.

The committee are of opinion that this work is of great importance, and therefore report the following resolution, and recommend its adoption, namely:

"*Resolved*, That the Committee on Appropriations be instructed to insert in the deficiency bill for the present fiscal year the following paragraph, namely:

"To enable the Clerk of the House to continue and complete the index of claims reported to Congress by the Commissioners of Claims under the act of March 3, 1871, and by the Court of Claims under the so-called 'Bowman act' of March 3, 1883, such sum as may be necessary to pay a clerk from and after March 4, 1887, the same compensation paid per diem committee clerks, such employment to extend beyond December 5, 1887."

The SPEAKER. The question is on the adoption of the resolution reported by the committee.

The resolution was adopted.

Mr. IKE H. TAYLOR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIGHT OF WAY THROUGH PUBLIC LANDS, UTAH.

Mr. PAYSON rose.

The SPEAKER. The gentleman from Tennessee [Mr. MCMILLIN] demanded the regular order of business.

Mr. PAYSON. The gentleman from Tennessee [Mr. MCMILLIN] withdraws his demand for the regular order of business, and desired me to say so.

The SPEAKER. The Chair will then recognize the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, &c., and that the same be passed with the amendments reported from the Committee on the Public Lands.

The SPEAKER. The bill and amendments will be reported.

The bill was read, as follows:

Be it enacted, &c., That a right of way is hereby granted to the Salt Lake and Fort Douglas Railway, a corporation duly organized under the laws of the Territory of Utah, across the Fort Douglas Military Reservation, by a route surveyed

and laid down on a properly certified map, a copy of which is now on file with the Secretary of War, which location has been submitted to and approved by the post commander and the commander of the department. Said right of way hereby granted shall not exceed 100 feet in width through said reservation, except where side-tracts, spurs, turn-tables, or stations are located or to be located; and at such points the right of way shall not exceed 200 feet on each side of the main track, and not exceeding 2,000 feet in length: *Provided*, That an additional right of way is hereby granted for such spurs, sidings, turn-tables, and stations as are deemed necessary from time to time in order to transport the freights and materials to and from and across said reservation; such further locations not now laid down on said map to be made under the direction of the post commander, and to be approved by the Secretary of War: *Provided further*, That the regulations for operating said railroad within the limits of said reservation shall be approved by the Secretary of War: *Provided also*, That the said railway company will do nothing or cause anything to be done that will in any way lessen the quantity of water or render the water impure that flows from Red Butte cañon, upon which the supply of Fort Douglas depends.

The amendments of the committee were read, as follows:

In line 27, after the word "water," insert "except to such extent as may necessarily result from the use for engine purposes;" also by adding the following to the bill:

SEC. 2. That the grant contained in the first section of this act is made upon the express condition that the Salt Lake Rock Company, its successors and assigns, shall first convey to the United States a title in fee-simple, free and clear of all incumbrance, to the approval of the Attorney-General of the United States, of the following lands, water, and water-rights in Salt Lake County, Territory of Utah, to wit: Sections numbered 25 and 35, township numbered 1, range numbered 1 east, and section numbered 19, township numbered 1, range numbered 2 east, with all the water and water rights thereon, excepting and reserving to the said company, its successors and assigns, all stone, brick-clay, and other building materials, and all minerals in and upon said lands, and the right to enter thereon and prospect for, develop, quarry, and remove such stone, brick-clay, and other building materials, and all such minerals, with the right to locate and construct all necessary railroads, wagon-roads, and trails to give the said company the benefit and enjoyment of the rights reserved to it, and its successors and assigns, by this act, and also, in addition thereto, the right of use of so much water as may be necessary for engine purposes; and the said reservations are hereby confirmed as against the United States: *Provided, however*, That the rights reserved shall not be construed in any way whatever to impair, either in quality or purity or in quantity, the water or water-supply in and upon or flowing through and from Red Butte Cañon, except to the extent of the use for engine purposes as hereinbefore provided.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon the perfection of the title to the lands in the second section described in the United States, as therein specified, to pay to the said Salt Lake Rock Company, its successors or assigns, in consideration therefor, the sum of $20,000; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sum of money for the payment of the same.

SEC. 4. That the Salt Lake and Fort Douglas Railway, specified in the first section of this act, its successors and assigns, in accepting the grant to them in such first section made, binds itself, its successors and assigns, to make no higher rate or charge for transportation for the Government than it makes for like service to individuals, and to furnish cars for the transportation of Government supplies and stores required at Fort Douglas, when required so to do, upon reasonable notice from the officer or officers desiring such transportation.

SEC. 5. That the following-described lands in said Salt Lake County, in the Territory of Utah, to wit: Section numbered 24 and the east half of section numbered 26, township numbered 1, range numbered 1 east, and the south half of section numbered 18, the west half of section numbered 20, and the north half of section numbered 30, in township numbered 1, range numbered 2 east, are hereby reserved from sale or other disposition, for the use of the United States, to protect and preserve the water-supply of Fort Douglas, in said county; but there is hereby granted to the Salt Lake Rock Company, its successors and assigns, the same rights and privileges, with the same limitations, in and upon the lands so reserved, as are reserved to such company in the lands specified in the second section of this act.

Amend the title so as to read: "A bill granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes."

Mr. MCADOO. Mr. Speaker, I do not wish to call for the regular order of business against the gentleman from Illinois, but we do not have a copy of this bill upon our desks, and I should like to have some explanation of it.

Mr. PAYSON. I can explain, Mr. Speaker, in one moment what is intended to be accomplished by the provisions of this bill, and I think I can do it to the satisfaction of the gentleman from New Jersey.

The military post of Fort Douglas, situated in Utah Territory, about 4 miles distant from Salt Lake City, comprises an area of 4 square miles. Its entire water supply comes from a creek known as Red Butte Creek, which is situated on the lands secured by this bill.

Mr. MCADOO. I know all about Fort Douglas. I have been there.

Mr. PAYSON. The War Department has been endeavoring for years to secure that water supply for the benefit of the post; indeed, it is an imperative necessity. In the present Congress application came from the railway company for permission to locate the line of their road across the military reservation, subject to the approval of the War Department, in order to reach certain quarries of stone situated in Red Butte Cañon, from which the supply of building stone for use in Salt Lake City has been obtained for many years, and from which the supply demanded by the future growth of the city must be obtained. The same may be said of deposits of brick clay in the same locality.

As I have said, the War Department desired to secure this water supply. The military reservation is between the city of Salt Lake and this cañon, and the character of the country is such that it is absolutely impracticable to build a railroad to reach these quarries without crossing the reservation. The gentlemen interested in the Salt Lake Rock Company above Fort Douglas and the company interested in the railway line have come to an agreement, and the Committee on the Public Lands have reported that the right of way asked for may be properly granted to the railroad company under the bill with the proposed amendments.

The War Department and General Sheridan, as well as the post commander, approve the proposition contained in this bill, namely: That the Salt Lake Rock Company owning the land shall deed to the Government 3,000 acres for the sum of $20,000; and the Government shall grant the right of way across the Fort Douglas Military Reservation to enable the railroad company to reach these stone quarries, provided in carrying out this grant of the right of way it shall not be allowed to interfere with the water supply for Fort Douglas. The Committee on the Public Lands have recommended the passage of this bill, and the Committee on Military Affairs have also recommended its passage. At the last session of Congress leading members of the Committee on Appropriations also recommended its passage. And not only these committees have recommended it, but I understand the Secretary of War and the entire *personnel* of the War Department also approve of the pending measure as it is proposed to be amended.

There was no objection, and the Committee of the Whole House on the State of the Union was discharged from the further consideration of the bill and amendments.

The amendments were concurred in, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title of the bill was amended to read as follows:

A bill granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes.

POST-OFFICE BUILDING, LYNN, MASS.

On motion of Mr. LOVERING, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (S. 1162) for the erection of a post-office building at Lynn, Mass.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States post-office at the city of Lynn, Mass. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys, and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof.

There was no objection, and the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. LOVERING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STORM. I demand the regular order.

Mr. HISCOCK. I wish the gentleman would let me move the consideration of this bill. I ask unanimous consent to put it upon its passage.

Mr. STORM. Is it a public building bill?

Mr. HISCOCK. No, sir.

Mr. STORM. I withdraw the demand.

Mr. SWOPE. I renew it.

The SPEAKER. The Clerk will report the title of the bill called up by the gentleman from New York.

The Clerk read as follows:

A bill (S. 2533) for the relief of E. Remington & Sons.

The SPEAKER. Does the gentleman from Pennsylvania insist upon the demand for the regular order?

Mr. HISCOCK. I hope the gentleman will let me have the consideration of this bill. It will take but a few moments.

Mr. SWOPE. I insist upon the demand.

The SPEAKER. The regular order is the call of committees for reports.

WILLIAM ERVIN.

Mr. RICHARDSON. I submit a privileged report from a committee of conference.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 542) for the relief of William Ervin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendment to the Senate bill.

JAMES D. RICHARDSON,
JAMES T. JOHNSTON,
JOHN J. KLEINER,
Managers on the part of the House.

JOHN C. SPOONER,
J. N. DOLPH,
J. K. JONES,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House have agreed to the foregoing conference report for the reason that not to do so amounts to a denial of justice to the claimant. The bill of the Senate makes an appropriation direct to pay the claim in this case, while the bill as amended by the House refers the claim to the Court of Claims for investigation. The three main witnesses relied upon by claimant to establish his demand are now dead, and their proof can not be had in the Court of Claims. The proof is clear and irrefragable that the cattle were taken by Colonel Jennison's regiment and used for food for the United States Army; that they were worth the sum allowed in the bill of the Senate; that claimant was a loyal man residing in the State of Kansas, and that claimant has not been paid. The chief objection made to the passage of the bill of the Senate when same was under consideration in the House was that the claim was an old one, and its payment had not been pressed. The proof clearly shows that claimant began the prosecution of his claim very early after the close of the war, placing it in the hands of his attorneys in the city of Washington. The letter of these attorneys, dated April 30, on file in the case, shows this fact. The delay should not be considered fatal to the claim, as the claimant resided after the war in the State of Texas, was quite poor, and could not come to Washington to prosecute his claim. The managers, therefore, on the part of the House, recommend concurrence in the conference report.

Mr. SPRINGER. I want to state one fact in connection with this case before action is taken upon it. When it was reported from the Committee of the Whole House, about a week or ten days ago, I had moved in committee to strike out all after the enacting clause of the Senate bill, and to insert a provision referring it to the Court of Claims under the Bowman act to ascertain the facts. That amendment was agreed to, and the bill reported to the House, which adopted the amendment. It went to the Senate in that shape; but the Senate disagreed to the House amendment, and a committee of conference was ordered, which, after considering the matter, now recommend that the House recede from its amendment, the effect of which will pass the bill as it originally came from the Senate, appropriating the full amount to this party without going to the Court of Claims either under the Bowman act or otherwise. The claim is for about $7,000, and originated before the war.

Mr. PERKINS. What has satisfied the conference committee that the claim is right?

Mr. SPRINGER. I was not a member of the conference committee, and cannot answer the question. The gentleman from Tennessee can. It is a claim that originated before the war.

Mr. SAYERS. Originated during the war.

Mr. RICHARDSON. The gentleman from Illinois [Mr. SPRINGER] has stated substantially what appears in the statement accompanying the conference report. The fact is the Senate passed the bill during the first session of the Forty-ninth Congress. A similar bill was pending in the House, and was favorably reported by the Committee on War Claims—unanimously reported. After that report was made the Senate passed this bill, which came before the House for consideration, and, as stated in the report, upon motion of the gentleman from Illinois, all after the enacting clause was stricken out, and there was inserted a provision sending the claim to the Court of Claims. The Committee on War Claims was satisfied with the justice of the claim. The citizen whose property was taken lived in Kansas and lost the cattle for which the claim was made; which were used to feed Colonel Jennison's regiment. He commenced the prosecution of the claim in 1867, and has been endeavoring to secure the settlement of it ever since.

Now, the committee of conference concluded it was wiser and better to take the Senate bill making the appropriation than to have a failure of legislation upon the subject, because they believed that to send the case to the Court of Claims would amount to a failure of legislation and a denial of justice. The three leading witnesses, Colonel Jennison, the captain, and the lieutenant or quartermaster, who testified in the case, are all dead, as I am informed, and hence there are no witnesses to substantiate the claim in the Court of Claims. The committee thought, therefore, as the claim had been fully proven by the testimony of these witnesses, as the man was loyal and lived in a loyal State—Kansas—as he furnished this beef to the army for the use of the soldiers who needed it, that he ought to have compensation. The committee find that a reasonable price is charged for the beef, and they therefore recommend the passage of the bill. I know nothing more of it than that.

Mr. MORRILL. Let me ask the gentleman from Tennessee a question. Did not Colonel Jennison, while living, certify to the fact that this beef was taken by his order and used by the troops?

Mr. RICHARDSON. Yes, sir.

Mr. MORRILL. And certified under oath?

Mr. RICHARDSON. Yes, sir; his deposition is on file before the Committee on War Claims to that effect.

Mr. RANNEY. Let me ask why was it not allowed?

Mr. RICHARDSON. I will yield to the gentleman for a question in a moment. The cause of the delay in the payment of this claim, as I understand it, Mr. Speaker, was because Colonel Jennison—and I did not know the man at all——

Mr. MORRILL. I knew him very well.

Mr. RICHARDSON. Was absent from Kansas for a number of years after the war, in a distant State, possibly California. The gentleman from Kansas will know whether this is true or not.

Mr. MORRILL. I know the facts.

Mr. RICHARDSON. And this claimant, who was very poor, after the war emigrated to Texas, and was unable to procure Colonel Jennison's testimony or the testimony of the other officers, which accounts for the delay.

I now yield to the gentleman from Massachusetts for a question.

Mr. RANNEY. You have already answered the question I desired to ask.

Mr. PERKINS. I have no disposition to oppose the claim, but I will suggest that for years Colonel Jennison was one of the most conspicuous characters in the State of Kansas. He was a member of the Legislature of the State; his whereabouts was known to all Kansas people, and I think to the claim agents here in Washington who were engaged in prosecuting claims against the Government; and the fact that for years the claim was pending, and no effort made by these people to obtain his testimony is a suspicious circumstance to me. I know nothing of the claim itself, not having been on the committee that investigated it; but I call attention to these facts, which I do know, and then if the House is satisfied with the bill, I am content.

Mr. MORRILL. I desire to say in answer to my colleague [Mr. PERKINS] that I was intimately acquainted with Colonel Jennison and also with Lieutenant Tanner, who took this beef; I served in the regiment. The colonel swears that he ordered Lieutenant Tanner to take the beef, and Lieutenant Tanner swears that he took it under the order of Colonel Jennison, not in the field of active operations, but a hundred miles off, near Emporia, in the State of Kansas, and he also swears that the beef was used for the command. Colonel Jennison's affidavit is on file. He was absent from the State of Kansas a number of years afterward, but at the time this claim was first presented, in 1867, they secured his affidavit and filed it. Lieutenant Tanner made a like affidavit, stating that his men took the beef and that it was used for the troops.

Mr. ANDERSON, of Kansas. Having been a member of that regiment, can you testify that you ate any of this particular beef? [Laughter.]

Mr. MORRILL. I can not say as to the particular beef.

Mr. BUCHANAN. But you know that the boys got the beef.

Mr. MORRILL. Yes; I know that they got the beef, and Lieutenant Tanner and Colonel Jennison swear to that fact.

Mr. BUCHANAN. Then let us pay for it.

Mr. RICHARDSON. I move the previous question.

The previous question was ordered.

The conference report was then agreed to.

Mr. RICHARDSON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi;

A bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey;

A bill (H. R. 5775) for the relief of James M. McKamey;

A bill (H. R. 6046) for the relief of H. C. Wilkey; and

A bill (H. R. 4839) for the relief of the personal representatives of E. P. McNeal, deceased.

E. REMINGTON & SONS.

Mr. HISCOCK. Mr. Speaker, the gentleman from Pennsylvania [Mr. SWOPE] has withdrawn his demand for the regular order, and I now ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 2533) for the relief of E. Remington & Sons, and that it be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to adjust the claims of E. Remington & Sons for drawback on arms exported by them in the years 1879 and 1880 without the filing of drawback entries thereof at the time of shipment; and that there shall be allowed and paid to said E. Remington & Sons, out of the appropriation to pay drawbacks made by the act of June 16, 1880, the sum of $5,672.15, or so much thereof as shall be found due, in settlement of such claims, less 10 per cent. thereof, as provided by section 3019 of the Revised Statutes.

Mr. BRECKINRIDGE, of Kentucky. Will the gentleman please explain why this legislation is necessary?

Mr. HISCOCK. I will ask to have read a letter from the Secretary of the Treasury, which explains the matter.

The Clerk read as follows:

TREASURY DEPARTMENT, *April* 4, 1882.

SIR: I have received the letter of Messrs. E. Remington & Sons, which you referred to this Department, under the date of the 31st ultimo, in regard to their claim for drawback on certain arms exported by them.

The reasons why the claim was not paid in the regular manner were, first, that at the time of the exportation it was the rule of this Department that no drawback could be allowed under section 3019 of the Revised Statutes unless the materials entering into the manufacture of the merchandise were imported within three years from the date of exportation of the manufactured article; and, second, that no drawback entries were filed in these particular cases, the

parties alleging, and it is undoubtedly true, that the reason the drawback entries were not filed was that it seemed useless to file such entries in view of the rule, the materials having been imported more than three years. The rule was, however, subsequently revoked by an opinion of the Attorney-General; still, in the absence of the drawback entries, the Department did not feel authorized to waive its general regulations limiting drawback to cases where proper entries had been made.

I am informed that since the passage of the drawback law of 1861 it has been the unvarying rule of this Department to refuse allowance of drawback where entries for exportation were not filed, regardless of the reasons which led to the failure to file such entries. In the case of the Stone and Fleming Manufacturing Company, of the city of New York, a claim for drawback was rejected for the reason that drawback entries were not filed, the clerk of the company who was intrusted with the fees and the duty of making entries having stolen the fees and failed to perform his duty. A bill, H. R. 1982, was introduced in the third session of the Forty-sixth Congress for their relief, and it is understood is now before the Committee on Claims in the United States Senate.

It is suggested that the claim of Messrs. E. Remington & Sons, which is an equitable one, be incorporated in the bill for the relief of the Stone and Fleming Manufacturing Company. Messrs. Remington & Sons have been requested to furnish full details of the claims either to you or to this Department.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. WARNER MILLER, *United States Senate.*

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. Mr. Speaker, I now renew the demand for the regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The regular order is the call of committees for reports.

SECTION 1858 REVISED STATUTES.

Mr. ROGERS, from the Committee on the Judiciary, reported back adversely a bill (H. R. 10217) to amend section 1858 of the Revised Statutes of the United States; which was laid on the table, and the accompanying report ordered to be printed.

LAKE FRONT, CHICAGO, ILL.

Mr. CULBERSON, from the Committee on the Judiciary, reported, as a substitute for joint resolution H. Res. 232, a joint resolution (H. Res. 256) relating to the title of the United States in the Lake front at Chicago, Ill.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original joint resolution, H. Res. 232, was laid on the table.

Mr. BENNETT, from the Committee on the Judiciary, reported back adversely a bill (H. R. 4154) for the erection of a United States prison, and for the imprisonment of United States prisoners, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

Mr. CASWELL submitted the views of the minority; which were ordered to be printed with the report of the committee.

RIGHT OF WAY, CROW RESERVATION, MONTANA.

Mr. PEEL, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 10657) granting to the Rocky Fork and Cooke City Relief Company the right of way through a part of the Crow Indian reservation, in Montana Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, HASTINGS, NEBR.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (S. 1974) providing for the erection of a public building at the city of Hastings, in Nebraska, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ISLAND NEAR AURORA, ILL.

Mr. PAYSON, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane, State of Illinois, a small island in Fox River, located within the limits of said city; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WAGES OF EMPLOYÉS OF GOVERNMENT CONTRACTORS.

Mr. BUCHANAN, from the Committee on Labor, reported back with amendment the bill (H. R. 10508) providing for the payment of weekly wages by Government contractors to their employés; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. NEECE, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; which were referred to the Committee on Pensions:

A bill (H. R. 5137) granting a pension to Mrs. H. S. Gardiner; and

A bill (H. R. 5138) granting a pension to Mrs. W. H. Cross.

ALONZO B. CHATFIELD.

Mr. NEECE, from the Committee on Invalid Pensions, reported as a substitute for H. R. 10235, a bill (H. R. 11115) to increase the pension of Alonzo B. Chatfield; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent, House bill 10235 was laid on the table.

ELLEN SHEA.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 924) granting a pension to Ellen Shea; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ELDREDGE, by unanimous consent, the Committee on Pensions was discharged from the further consideration of bills of the following titles; which were referred to the Committee on Invalid Pensions:

A bill (H. R. 11104) granting a pension to William E. Parker; and

A bill (S. 3135) granting a pension to Catherine E. Babcock.

LIQUOR TRAFFIC IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back with amendments the bill (S. 1380) regulating the sale of distilled and fermented liquors in the District of Columbia; which was referred to the House Calendar, and the accompanying report ordered to be printed.

POLICE FORCE OF THE DISTRICT OF COLUMBIA.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported back favorably the bill (H. R. 10562) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

QUIETING TITLE IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 10991) to quiet title to certain land in the city of Washington, D. C.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MORALS OF MINORS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, also reported back with amendment the bill (H. R. 10759) for the protection of the morals of minors in the District of Columbia; which was referred to the House Calendar, and the accompanying report ordered to be printed.

The SPEAKER *pro tempore*. The call of committees is now completed, but if there be no objection the Chair will recognize for the presentation of reports gentlemen who were not in their seats when their committees were called.

There was no objection.

ROBERT BAXTER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2935) granting a pension to Robert Baxter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour for the consideration of bills called up by committees begins at eighteen minutes after 1 o'clock. The Committee on Expenditures in the Interior Department was passed over on a previous day with the understanding that it should not lose its place. If that committee is now ready to proceed it is entitled to do so.

EFFICIENCY OF GENERAL LAND OFFICE.

Mr. WEAVER, of Iowa. On behalf of the Committee on Expenditures in the Interior Department I call up for present consideration the bill (S. 2877) to promote the efficiency of the General Land Office. I ask that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill, and that it be now considered in the House as in Committee of the Whole.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill in the House as in Committee of the Whole?

Mr. SINGLETON. I ask for the regular order.

The SPEAKER *pro tempore*. The regular order is proceeding.

Mr. ROGERS. Let us know what the bill is before the question is put upon discharging the Committee of the Whole?

The SPEAKER *pro tempore*. The bill will be read.

The Clerk read the bill.

Mr. STORM. As this bill involves an increase of salaries it ought to receive its first consideration in Committee of the Whole.

Mr. WEAVER, of Iowa. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the Chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill (S. 2877) to promote the efficiency of the General Land Office.

Mr. WEAVER, of Iowa. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That there shall be in the General Land Office ten principal clerks, chiefs of divisions, to be appointed by the Secretary of the Interior, who shall receive a salary of $2,000 each per annum.

Mr. WEAVER, of Iowa. Mr. Chairman, it ought not to take more than a few minutes to dispose of this bill. I will explain its nature. At the first session of this Congress in the bill providing for the expenses of the General Land Office these clerks were provided for at a salary of $2,000 each. The bill passed the House, went over to the Senate, and there it was non-concurred in and amended so as to have three principal clerks chiefs of division at a salary of $1,800, and the other seven as fourth-class clerks.

Now, this bill has come from the Senate to the House, passed there unanimously. It is recommended by the present Secretary of the Interior and by the Commissioner of the General Land Office, and has been recommended by the Commissioner of the General Land Office and the Secretary of the Interior from General Williamson's time down to the present.

Mr. DUNHAM. Are these clerks in addition to the present force?

Mr. WEAVER, of Iowa. They are not additional clerks. They are the present clerks allowed by law. But the bill simply fixes their salary at something near that which is allowed to the chiefs of divisions in other Departments of the Government and in the other bureaus of the Interior Department.

I have a statement before me which will give the exact status of this case. I can repeat the substance of it, perhaps, more quickly than I can read it. In all the other Executive Departments of the Government and the other bureaus corresponding to this the chiefs of these divisions receive from $2,250 per annum to $3,500 per annum. This is the only instance in the Departments where an unjust discrimination is made against the chiefs of divisions. And inasmuch as the bill is recommended by the Secretary of the Interior, by the Commissioner of the General Land Office, and has been recommended also by their predecessors, I think we may concede they understand their business fully as well as anybody. I shall now ask for a vote unless some gentleman desires to offer an amendment or desires to be heard.

Mr. STORM. Is there a report?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. STORM. I should like to have the report read.

The report (by Mr. WEAVER, of Iowa) was read, as follows:

They adopt the Senate report and make it their own, which is as follows:

The attention of Congress has been frequently called to the fact that a number of persons employed in the General Land Office, and who act as chiefs of divisions, receive an inadequate salary considering the character and amount of work required of them. It appears from the following statement that the matter has been heretofore presented in the several reports of the Commissioners of the General Land Office. Your committee therefore recommend the passage of the bill, and append the following statement as a part of this report:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., July 17, 1886.

Statement showing recommendations made as to compensation of chiefs of divisions in the General Land Office for the fiscal years 1880 *to* 1885, *inclusive, with remarks of the Commissioners of the General Land Office relative thereto.*

1880.—Recommendations and remarks of Hon. J. A. Williamson, Commissioner: Three chiefs of division, at $3,000; five chiefs, at $2,400; and eight assistant chiefs, at $2,000.

Remarks.—The magnitude, the difficulty, and the national importance of the work can hardly be overstated; and it would seem self-evident that it can not be done, and well done, except by able men, and so far no provision at all commensurate with the magnitude of the interests involved has been made.

1881.—Recommendations and remarks of Hon. N. C. McFarland, Commissioner: Three principal clerks and six chiefs of division, at $2,600 per annum.

Remarks.—"I have sought to name the very lowest figures which, in my judgment, would possibly justify a reasonable expectation of retaining what good and competent men are now employed and thoroughly skilled in the business, and of obtaining from the outside a class of ability which the public have a right to expect will be employed to adjust the vast interests committed to this office."

1882.—Recommendations and remarks of Hon. N. C. McFarland, Commissioner: Three principal clerks and seven chiefs of division, at $2,400,

Remarks.—"The three principal clerks and seven chiefs of division have immediate charge and direction of the varied and important work assigned to their respective divisions. The long service of the gentlemen occupying these posts of trust, the magnitude of the labor performed by them, the importance of the duty, and the ability demanded for its discharge, merit the increased compensation asked for. At present they are paid as ordinary clerks of the fourth class, a rate disproportionate to the class of services absolutely required in these positions."

"The attention of Congress has frequently been called to the inadequate remuneration of the important officers of this bureau, and the amount of compensation now estimated for is believed to be within the most moderate limit and no greater than that allowed in corresponding positions in other Departments of the Government."

1883.—Recommendations and remarks of Hon. N. C. McFarland, Commissioner: Three principal clerks and seven chiefs of division, at $2,000 per annum.

Remarks.—"The compensation provided for clerks and employés of the lower grades is reasonable; but the duties which clerks of higher grades are required to perform call for a degree of intelligence and ability that can not be retained in the service, when secured, at the inadequate compensation provided for. The Government needs the best service it can obtain and is able to pay for it, but the Land Office is often unable to retain valuable clerks. The salaries paid in the Land Office are less than in other bureaus and Departments not requiring as great capacity or ability. A transfer has recently been made from an eighteen-hundred-dollar position in this office, requiring professional skill of a high order, to a similar but not more onerous position in another Department where the pay allowed is $2,500. A skilled assistant, whose services were needed, but who could here be paid but $1,600, received $2,000 by a similar transfer."

1884.—Recommendations and remarks of Hon. N. C. McFarland, Commissioner: Eleven chiefs of division, at $2,500 per annum.

Remarks.—The chiefs of division have, respectively, charge of a particular class of work, and of the clerical force employed upon it. They must know generally the rules of the office and the laws governing the land system, the relations of the classes being so intermixed as frequently to involve nearly the whole of them in the consideration of a single case. No higher service is performed by the subordinate officers of any Department, not excepting the Treasury, where the salaries range from $2,250 to $2,750.

1885.—Recommendations and remarks of Hon. William A. J. Sparks, Commissioner: Two chiefs of division at $2,250, and nine chiefs of division at $2,000 per year.

Remarks.—He reiterates the remarks of his predecessor relative to the increased compensation recommended.

In connection with the above, attention is called to the following statement showing compensation paid to chiefs of divisions in State, Treasury, War, and Post-Office Departments, and in other Bureaus of the Interior Department:

STATE DEPARTMENT.

Six chiefs of division, at $2,100 per annum.

TREASURY DEPARTMENT.

Secretary's office.

Three chiefs of division, at $2,750 per annum.
Seven chiefs of division, at $2,500 per annum.
One chief of division, at $2,000 per annum.
Chief Secret Service Division, at $3,500 per annum.
Chief Internal Revenue Agents, at $12 per day.
Chief Special Agents' Division, at $8 per day.

OTHER BUREAUS.

Six chiefs of division, at $2,500 per annum.
Five chiefs of division, at $2,250 per annum.
Four chiefs of division, at $2,200 per annum.
Eleven chiefs of division, at $2,100 per annum.
Thirty-seven chiefs of division, at $2,000 per annum.

WAR DEPARTMENT.

Secretary's Office.

Three chiefs of division, at $2,000 per annum.

POST-OFFICE DEPARTMENT.

Two chiefs of division, at $2,250 per annum.
Five chiefs of division, at $2,000 per annum.

INTERIOR DEPARTMENT.

Secretary's office.

Eight chiefs of division, at $2,000 per annum.

Other bureaus.

Twenty-one chiefs of divisions, at $2,000 per annum.
Twenty-six principal examiners (chiefs of division), at $2,400 per annum.

It will be seen from the above that the chiefs of division in the other Executive Departments, and in the other bureaus of the Interior Department, range from $2,000 to $3,500 per annum and the General Land Office is the only Bureau in any Government Department in this city where the chiefs of division are not paid in excess of $1,800 per annum. This is a discrimination without a justification.

In December, 1881, and January, 1882, the United States Senate Committee on Public Lands made an exhaustive examination into the condition of the General Land Office and the work performed therein, and submitted a report thereon (Senate Report No. 362, Forty-seventh Congress, first session). As a result thereof, in the first session Forty-eighth Congress a bill (S. 554) "to promote the efficiency of the General Land Office" was introduced and passed by the Senate; it was submitted to the House of Representatives, read twice therein, and referred to the Committee on the Public Lands, but no action was taken on the same by said committee, and the bill failed to become a law.

Among other provisions in said bill was one for ten "chiefs of division" in the General Land Office, to "receive a salary of $2,250 a year each." During the debate in the Senate relative thereto a communication was read from Hon. H. M. TELLER, then Secretary of the Interior (now United States Senator), transmitting copy of a letter dated January 21, 1884, from Hon. N. C. McFarland, Commissioner of the General Land Office, relative to which he states, "with whom I fully concur." In said letter the honorable Commissioner of the General Land Office refers to the fact that "in all other bureaus of the Executive Departments chiefs of division are paid from $2,000 to $2,500 a year," and after specifying some of the bureaus he states, "In no other office or Department are chiefs of divisions required to perform more important duties than in the General Land Office, but in this office the organization established at an early period still remains. Chiefs of division (except of public lands, private land claims, and surveys) are detailed from clerks of the fourth class, and none receive more pay than any other fourth-class clerks, while in other offices chiefs of division are appointed as such and receive a higher rate of compensation than the classified clerks. I inclose herewith a partial list of officers provided for in several bureaus and Departments, showing the discrimination against this office, which appear to me unreasonable and unjust." (See pages 2501 and 2502, CONGRESSIONAL RECORD, Forty-eighth Congress, first session.)

In the bill making appropriations for the expenses of the General Land Office for the fiscal year ending June 30, 1887 (H. R. 8974, Forty-ninth Congress, first session), provision was made for ten principal clerks at $2,000 each, which is the same number provided for in Senate bill 554, first session Forty-eighth Congress, but at a reduced compensation of $250 per year each, yet, notwithstanding the United States Senate in 1884 were willing to provide (and actually did provide, so far as the Senate was concerned) for ten principal clerks in the General Land Office at a salary of $2,250 per year each, they now, in 1886, are not willing to approve of the House bill providing for ten principal clerks at $1,800 per year, and provide for the remainder as clerks of the fourth class.

Precisely the same class of work devolves upon the chiefs of division in the General Land Office now as devolved upon them in 1885; if they were entitled to $2,250 per year, or even $2,000 per year, in 1884, they are unquestionably entitled to an equal compensation now.

Mr. STORM. The gentleman from Iowa says this bill does not increase the number of clerks and officers in the Interior Department?

Mr. WEAVER, of Iowa. It does not.

Mr. STORM. As I understand there is now the same number of clerks. Are those clerks now discharging the duties of chiefs of divisions?

Mr. WEAVER, of Iowa. Three are now paid $1,800 per annum as chiefs of divisions, and the others who discharge those duties are detailed from the fourth-class clerks.

Mr. STORM. Then the bill simply increases the salaries of ten officers from $1,800 to $2,000?

Mr. WEAVER, of Iowa. Yes, sir.

Mr. STEELE. I ask the gentleman from Iowa if one of the purposes of this bill is not to take these men out of the civil-service class?

Mr. WEAVER, of Iowa. It is not.

Mr. MORRISON. They are out already. These are all Democrats.

Mr. WEAVER, of Iowa. The bill fixes the salary at the amount fixed by the House in the bill passed at the first session of this Congress.

Mr. STEELE. But does not the bill have the effect I have stated?

Mr. WEAVER, of Iowa. As a matter of course it has that effect.

Mr. STEELE. I am sure that the gentlemen on the other side do not wish to evade the civil-service law. They all voted for it.

Mr. WEAVER, of Iowa. I believe I have the floor, and I do not yield for a speech. If any gentleman desires to offer an amendment I will yield for that purpose.

Mr. PERKINS. I desire to offer an amendment which I think will greatly promote the efficiency of the General Land Office if accepted.

The Clerk read the proposed amendment, as follows:

Add to the bill these words:

"*Provided*, That the chief of division longest in the public service shall be the Acting Commissioner of the General Land Office, and while so acting shall receive a salary of $3,500 per annum for his services."

Mr. WEAVER, of Iowa. I make the point of order that that is not germane to the bill.

Mr. PERKINS. If I understand the purport of the bill it is to promote the efficiency of the General Land Office; and the object of this amendment is that the work of the Land Department may become efficient in fact. I think the point of order is not well taken.

Mr. WEAVER, of Iowa. The amendment enlarges the scope of the bill and is not germane to its purpose.

Mr. BURROWS. I would ask my friend from Iowa if this bill in any way affects the status of clerks under the civil-service law?

Mr. WEAVER, of Iowa. It makes the salaries of these clerks $2,000.

Mr. BURROWS. Does it subject them to removal?

Mr. WEAVER, of Iowa. No, sir; it makes no change except as to their salaries.

Mr. REED. How are they selected?

Mr. WEAVER, of Iowa. As they have always been.

Mr. BURROWS. Under the operation of this bill can these clerks not be removed and anybody appointed without examination?

Mr. WEAVER, of Iowa. That is the case with every other chief of division in every Department. Of course that would be the effect.

Mr. MORRISON. I wish to suggest that this violation of the civil-service law comes from the Senate.

Mr. BURROWS. It makes no difference where it comes from.

Mr. WEAVER, of Iowa. I would like to have the amendment reported again.

The amendment was again read.

Mr. CUTCHEON. Would not this put out the Commissioner?

Mr. WEAVER, of Iowa. Yes; I think it would.

Mr. BROWN, of Pennsylvania. Yes; it would put out the sparks. [Laughter.]

Mr. WEAVER, of Iowa. The amendment changes the law. It would lead to confusion. I therefore insist upon my point of order.

The CHAIRMAN. The title of the bill is to promote the efficiency of the General Land Office. It changes the position of a few officers there. While the Chair is not absolutely certain on the question, he is inclined to the opinion it is for the committee to determine what will increase the efficiency of the office, and he therefore rules the amendment to be in order.

The question recurred on the amendment.

The committee divided; and there were—ayes 66, noes 82.

Mr. THOMPSON. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. PERKINS, and Mr. WEAVER of Iowa.

The committee again divided; and the tellers reported—ayes 63, noes 101.

So the amendment was rejected.

Mr. WEAVER, of Iowa. I move that the committee rise and report the bill to the House.

Mr. STEELE. I move the committee rise for the purpose of striking out the enacting clause, and on that motion I demand a division.

The committee divided; and there were—ayes 61, noes 80.

Mr. STEELE. No quorum.

The CHAIRMAN appointed as tellers Mr. WEAVER, of Iowa, and Mr. STEELE.

The committee again divided; and the tellers reported—ayes 5, noes 76.

Mr. STEELE. No quorum.

Mr. WEAVER, of Iowa. There is but one course to pursue under the rules.

The CHAIRMAN. The committee finding itself without a quorum, the Clerk will call the roll.

The roll was called; and the following members failed to answer to their names:

Adams, J. J.	Dockery,	Le Fevre,	Reese,
Aiken,	Dougherty,	Lore,	Smalls,
Atkinson,	Dunn,	Louttit,	Spriggs,
Ballentine,	Ellsberry,	Lowry,	Stahlnecker,
Barnes,	Fleeger,	Markham,	Stewart, Charles
Bland,	Foran,	Matson,	Stewart, J. W.
Browne, T. M.	Gibson, Eustace	Merriman,	St. Martin,
Campbell, T. J.	Glover,	Morrill,	Stone, E. F.
Candler,	Hanback,	Neece,	Struble,
Collins,	Hayden,	Negley,	Taulbee,
Compton,	Haynes,	O'Neill, J. J.	Townshend,
Cox, S. S.	Henley,	Perkins,	Tucker,
Crisp,	Hepburn,	Perry,	Ward, T. B.
Curtin,	Hutton,	Peters,	White, Milo
Davis,	Irion,	Pidcock,	Woodburn.
Dawson,	Laird,	Plumb,	

The committee rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having under consideration the bill (S. 2877) to promote the efficiency of the General Land Office, and finding itself without a quorum, had, under the rule, caused the roll to be called, and he now reported the names of the absentees to the House.

The SPEAKER. On the roll-call 254 members answered to their names, and, under the rule, a quorum appearing, the committee will resume its session.

The Committee of the Whole House on the state of the Union resumed its session, Mr. MCMILLIN in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (S. 2877) to promote the efficiency of the General Land Office. The committee was dividing by tellers on the motion to strike out the enacting clause, and the tellers will resume their places.

Mr. BLOUNT. Does the count begin *de novo?*

The CHAIRMAN. It is customary to begin the count anew. The hour for the consideration of bills has expired, and the committee will rise.

The committee rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (S. 2877) to promote the efficiency of the General Land Office, and had come to no resolution thereon.

DIPLOMATIC AND CONSULAR BILLS.

The SPEAKER *pro tempore*. The hour for the consideration of bills has expired.

Mr. BELMONT. I move that the House resolve itself into the Committee of the Whole House on the state of the Union to consider general appropriation bills.

Mr. HOLMAN. I suggest to the gentleman from New York to indicate some time when general debate on the pending appropriation bill will be closed. I would suggest two hours as the time.

Mr. BELMONT. So far as I am concerned, I considered at the outset of the debate we might easily have got through the bill in one legislative day. Now, however, gentlemen who have spoken on the bill have so misunderstood its provisions, I think it absolutely necessary the House should give some attention to it. I demand the previous question on my motion.

Mr. DUNHAM. I ask a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. How much time have gentlemen taken up on this question.

Mr. BELMONT. There has been time enough to give the House false impressions. The increase over last year's appropriation is but a little over $40,000.

Mr. DUNHAM. As I understand, they have already occupied a good part of two days. Now at this stage of the session I do not think the House ought to give any more time to a discussion of this kind.

Mr. HATCH. Will the gentleman from New York submit a proposition to limit debate? Fix some time at which the debate shall close.

Mr. HOLMAN. I trust the gentleman will consent to some limitation. Other bills are pressing.

Mr. HATCH. And if the gentleman does not desire to fix a time, I hope he will permit the House to come to some conclusion as to the proper time to close this debate.

Mr. BELMONT. Mr. Speaker, I will ask that the debate be closed in two hours and a half.

A MEMBER. To be equally divided?

Mr. DUNHAM. I move to amend by making it fifteen minutes.

The SPEAKER *pro tempore*. The Chair will state in answer to the gentleman from Illinois that two hours and thirty minutes have already been consumed in general debate upon the bill.

The gentleman from New York now proposes that the House resolve itself into Committee of the Whole for the further consideration of the appropriation bill, and, pending that, that all general debate be closed in two hours and thirty minutes.

Mr. DUNHAM. I move to strike out "two hours and thirty minutes" and insert "thirty minutes."

The question was taken; and there were—ayes 42, noes 87.

So the amendment was rejected.

Mr. BELMONT. I now call the previous question upon my motion.

The previous question was ordered, under the operation of which the motion to limit debate to two hours and thirty minutes was agreed to.

The motion to go into Committee of the Whole was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives on bills of the following titles, namely:

A bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885;

A bill (S. 712) for the erection of a public building at Augusta, Ga.;

A bill (S. 305) for the erection of a public building at Huntsville, Ala.; and

A bill (S. 93) authorizing the construction of a public building for the post-office in the city of Houston, Tex.

The message further announced that the Senate disagreed to the amendments of the House to the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., asked a conference with the House thereon, and had appointed Mr. MAHONE, Mr. VEST, and Mr. PALMER managers on the part of the Senate.

Also, that the Senate had passed without amendment the bill (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short-Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis, Md.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes;

An act (H. R. 10051) for the erection of a public building at Charleston, S. C.;

An act (H. R. 8923) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880;

An act (H. R. 9644) for the erection of a public building at Jefferson, Tex.;

An act (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes; and

An act (H. R. 9371) for the completion of a public building at Santa Fé, N. Mex.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the diplomatic and consular appropriation bill, upon which the House has limited all general debate to two hours and thirty minutes. The gentleman from Illinois [Mr. CANNON] is entitled to twenty minutes.

Mr. CANNON. I will yield the remainder of my time to the gentleman from Mississippi [Mr. ALLEN], with the request that he yield one minute at the close of his remarks to the gentleman from Alabama.

Mr. ALLEN, of Mississippi, withholds his remarks for revision. [See Appendix.]

Mr. HITT. Mr. Chairman, the gentleman from Mississippi [Mr. ALLEN] has gone to the cloak-room to receive the congratulations of those in this Hall who are pleased with what he has said; but if he went to the place where he would receive the most intelligent and thorough approbation of the practical results of his views, he would seek a gathering of rich men—millionaires of elegant leisure—who would gladly take, unpaid, these offices in the diplomatic service which are now underpaid, and make the whole foreign service of this country simply a corps of rich men, to the exclusion of the great body of your constituents and mine. Every word that the gentleman said was, in its tendency, in favor of the reduction of even that meager payment now allowed to the slender organization which constitutes our foreign service. The duties and surroundings to which you send these officers compel them to expenditure or expose them to contempt. Do you wish them to be objects of derision? If you do not pay them sufficiently to live at least well enough to escape a sneer they will draw on their own means or quit. A man without ample means will not be appointed. That will be the result.

There is not another nation in the world of one-half the weight or importance of ours that has not a foreign service larger than ours, and far better paid in every grade, and—I do not know that I can feel any national pride in saying it—their consular service is proportionally more efficient, far-reaching, and successful.

Now this bill, which has been here denounced as full of extravagances and of multiplication of officers, framed expressly for men seeking gilded rank in the diplomatic service, does what? Increases the pay of two of our ministers—only two, the minister to China and the minister to the Argentine Republic; and the increase amounts to $8,000—not $50,500 of increased diplomatic salaries, as has been said on this floor. There is an increase, as has been said with great emphasis, of more than $50,000 in the diplomatic section of the bill, but that is for other expenditures, and much the largest item is required to build a house in which our minister to Japan shall reside, to cost $25,000. I think that even the constituents of the gentleman from Mississippi [Mr. ALLEN] would deem it economy to build a house for our representative to live in at a cost of $25,000, rather than go on paying rent, as we have paid $34,000 in rent during the last ten years.

Mr. Chairman, it is ordinarily a thankless task to defend the foreign service. The members of that service are not like the postmasters, the collectors of internal revenue, and the other office-holders close at home, who are always at hand, always active among the people, and who can be so useful to the politicians that take care of them and make up in severe virtue and economy of public money by attacking the far-away consuls and ministers.

The longer they are at their posts, the more attentive they are to their duties, the less hold they have upon political support at home. It is a service the functions of which, when properly exercised, are of the highest character. Our ministers abroad are not daily workers, like clerks, employed for so many hours; but their duties of watchfulness, of intelligent vigilance, are of transcendent importance.

I will say but one word more of them. Their highest function, their greatest ambition, their glory and success are always to maintain peace among men. It is a matter of most serious discredit to a minister to have allowed irritation to grow up unnecessarily between peoples where national interests are committed to his charge; and the greatest zeal of every minister we have abroad is directed to promptly smoothing away each difficulty, achieving what are really great and substantial triumphs unheard of by the world. All the peace societies on earth are but second in influence and action weighed beside these active ministers of peace, who constantly penetrate to the heart of every cabinet and clique, and keep silent all the guns of the numberless armies of Europe. We can drop them if we choose; and I believe it would be better to abolish the service than to degrade it.

The consular service is changed much more in this bill, though less comment has been made on that. The largest apparent increase of expenditure in the bill is for consuls; but this does not arise from the creation of new functionaries. You, gentlemen [addressing the Democratic side of the House], came here pledged to reduce extravagance, to cut off useless offices. Here is an opportunity to reduce extravagance, by stopping the payment of over $150,000 in fees to seventy consuls, and fixing their salaries at fair rates, amounting in all to $125,000. This is no favoritism to pets. It is not the consuls who ask to have their pay changed from fees to fixed salaries; it is proposed by the President and Secretary of State, by the men who organize and watch them—the men in the Department, just as the high executive officers of every other great government have long since effected that change from uncertainly-known fees to salaries fixed and known to all the world. The consul prefers the indeterminate fees, the amount of which you can not well find out, which may make his pay three times as great as you would suspect.

I know from experience years ago in the Department of State, and I know from the statement just sent us by Secretary Bayard, that there is not to-day in that Department, as there was not in the days when it was administered by Republican energy and purity, any way to certainly find out all that takes place in a feed consulate. The temptation to irregularity is continual, and irregularities are continually discovered. The people who pay the taxes are entitled to know exactly what a public servant receives; and if the Democratic party has the courage to write down opposite to each officer's name in the public records just how much expense the people must bear to keep that man in office, they do well; even if it does apparently, though not really, increase expenditure, and I for one will support them in that course. The people ought to be able to know exactly what burden the public treasury bears. At present, gentlemen, it is not only impossible for your constituents to know this, but you can not find it out yourselves with all the powers and privileges of members of Congress.

The fee system came with the beginning of our whole consular system, a hundred years ago, when we were very poor and glad to get some merchant at a port where our people traded to perform the duties of consul in return for the fees collected. Gradually the more important posts have been salaried, and the fees required to be turned into the

Treasury. But most of them remain paid in fees—some largely, but most of them very moderately. A great part of our consular force is now paid little more than $50 to each man in fees. But of those who have the fat places the Department has selected seventy and proposed to put them on a salary, with the requirement that the fees be turned into the Treasury. Those fees for these places amount to over $150,000 annually, while the aggregate of the salaries proposed is $125,000. It is a movement in the right direction. It diminishes the vicious fee system of compensation. It will purify the service, improve the revenues of the Government, and promote every national interest.

There is no danger, as my friend from Kentucky [Mr. McCREARY] feared, that there will be loss to the Government in fees. Not at all. No merchant ever made a shipment or refrained from making a shipment on account of the invoice fee. But the loss now to the Government, which ought to have been evident to the gentleman and which experience in the Department would quickly show to any one, is in the revenue collected at the custom-houses. Suppose a feed consul has an office in a city near one where there is a salaried consul. A merchant wants to invoice his goods falsely—to undervalue them when shipped for the United, States so that they may be entered at New York at a low rate and a low tariff duty be paid to the Government on them. I know a case where a merchant with $50,000 worth of goods went to a consul who was salaried, who had no motive to accept a false invoice, and who refused to certify it unless the merchant put up his figures to the true values.

Then the merchant went on to a feed consul, who was very anxious to have that merchant's custom, eager to have him bring all his invoices there to have them certified that he might get the certifying fee, and who at once placed the certificate upon the invoice and signed it, putting an undervaluation on that whole body of goods, so that when they came to the custom-house and the duty was assessed upon them the Government was cheated to the extent of over $15,000. There was the economy of not paying one officer a salary but letting him have fees, and paying the other a salary, which still left him with his manhood. We had a communication not long ago from the Secretary of the Treasury saying that in a country where we have feed consulates with a special kind of fee enormously remunerative, invoices are practically almost worthless to the custom-house officers in determining the real value of imported goods. Put your consuls on salaries and they will be, as they ought to be, watchful experts, sentinels of the Treasury.

This increase of expenditure in the bill which seems so large is apparent, not real. The officers are receiving, many of them, more than the salaries specified in the bill. These increases, too, all along the line, are a complete vindication of the recommendations of the Secretaries of State in the last eight years. They are an answer that is complete to the bitter speeches, the partisan appeals, and the complaints of extravagance with which we were met on this floor for so many years. The increases now proposed are larger than were ever presented under Republican administration.

I speak, not as a partisan, but in the interests of my country and the public service when I say that the recommendations made then stand as wise and just to-day as they were then, whether they come from Republican or Democratic hands.

The cardinal duties of a consul are to defend the rights of American citizens, to promote commerce, and to protect the revenue. Here is a long list of consuls who are now paid $1,000 a year and permitted to trade—that is, the consuls are merchants.

What system is that? The man who is to watch over the revenue is himself the man to be watched—the merchant most interested to cheat the Government. And how is he interested to enlarge and promote commerce? There are abundant instances where consuls in foreign ports, who were themselves the merchants, so used and abused their position and privileges as consuls that the firm to which the consul belonged as a partner succeeded in monopolizing the whole of the trade with this country. Is that promoting commerce—to establish by law an official machinery that will beget such a pernicious and stifling monopoly of trade? That is what we have to-day in all this $1,000 consulates, for our law permits all of that salary to enter into trade. They are to protect the rights of American citizens, yet we make a man consul who is an active merchant, and does the work of consul with his left hand, while with his right he is straining every nerve to make a fortune. Is that the man who will give his time and care to protect an American citizen? Why, the unfortunate American imprisoned or wronged will often have to use management and influence to get an interview with the busy merchant.

Protect the revenue, he himself the maker of the invoices! Promote commerce, he the spy on every other merchant's business, who must show him all his invoices to get them certified! Upon recommendation of the Secretary of State this bill raises the pay of these $1,000 consuls to $1,500 and prohibits their entering into business. It does increase their pay in consideration of this restriction, but I hope respectable and intelligent American citizens can be sent out to these posts who will be altogether consuls and altogether Americans. It enlarges expense, but is it not in fact economy? And all of us Republicans and Democrats ought to wish to take every efficient step to promote the commerce of our country, to protect the revenue of the nation, and to guard inviolate the rights of American citizens everywhere by faithful agents of our Government who give their whole time to their public duty.

Here is also a list of inspectors provided in this bill. As to these officers, and all officers of this kind, I think they are utterly worthless if they are appointed to provide hospitals for political lame ducks. But if they are wisely selected, and they should be chosen with great care, and if they devote themselves zealously and impartially to their public duties, there can be no better addition to the service.

The popular vote has intrusted the executive power to the Democratic party, and they have chosen their men to exercise it. Now, when they ask for the instruments and ask for the amount which I am convinced is no more than is necessary for the full efficiency of a great public service, I think it right to vote them what they ask, and then hold them responsible for the consequences. They will not conduct the public business in the way we would like, nor appoint the men who I think are most worthy, but I honor the courage that proposes to put down in plain figures, which all the country can read, the true amount every office-holder shall receive; to write on the wall, even though it increases an appropriation bill, the salary of every public servant, that every taxpayer may know just where every cent of the public money goes.

I yield now to the gentleman from Georgia [Mr. CLEMENTS].

Mr. CLEMENTS. Mr. Chairman, I shall attempt in the short time I have in the general discussion to confine myself to the questions involved in this bill. I hope not to be drawn aside from those questions by some of the speeches which have preceded upon matters not in the bill further than to allude to their irrelevancy. I can only discuss in the time I have the principal changes and reforms proposed in the bill, which are the transfer of consuls from one class to another, and placing some who now receive fees alone in the classes receiving salaries, and turning fees now retained by them into the public Treasury. The other miscellaneous changes proposed in the bill I have not time to discuss and will not allude to, except the provision as to consular inspectors.

The gentleman from Delaware [Mr. LORE] yesterday, whom I do not see in his seat to-day, discussed the bill under consideration as though it were a question of civil service, or of the distribution of offices in the State Department. He based his complaint against the Secretary of State on the ground that that official, in compliance with law, in a letter to the Speaker of the House, giving his opinion as to whether or not any employés in that Department could be dispensed with and the work of the Department be kept up, advised against the removal of or the diminution of the number of employés. From this the gentleman from Delaware would infer that the Secretary, because he said there were no employés in that Department he could dispense with and carry on the public business, therefore was opposed to any change there, and he was surprised that being opposed to change there he would now be in favor of a change in the diplomatic and consular service. It seems to me the consideration of this bill was simply made an opportunity to criticise the Secretary of State, who merely stated, in accordance with the law, that there were no employés in the State Department which could be dispensed with.

The law did not contemplate that he should constitute himself a partisan in this official communication relating to the force in his Department, to say that the employés should be turned out because they did not belong to the same political party to which he belongs. When the gentleman from Delaware can properly discuss the civil-service law he and I may not be very far apart, for I am not its advocate; but it has nothing to do with the pending measure, and its discussion has no place here upon this bill. Now let us consider some of the objections raised to this measure.

The gentleman from Kentucky [Mr. McCREARY] a few days ago read a list of consulates, with the small fees collected at each. By this he sought to impress the House with the idea that they were unimportant points on account of the small fees collected, although this bill proposes that a fixed salary be provided for each of them larger than the present compensation. I wish to refer to a few of those mentioned by the gentleman on that occasion, and to show that the amount of fees is not a test of the importance of the consulate. For instance, he referred to the post of Odessa, where the fees were about $180 last year. He put that among the unimportant consulates because the fees were so small, and called attention to the fact that this bill proposed to fix an increased salary. Now, what are the facts as to the importance of this post? The figures in the State Department show that for one quarter in 1885, the quarter ending June 30, the amount of shipments from that point to the United States reached $137,000.

The most of that was wool. The tariff on wool of a certain grade is 10 per cent., and on a certain other grade 20 per cent.; so that it is fair to assume that the duty paid to the Government of the United States on the amount of wool shipped from Odessa in that one quarter was not less than $20,000. This Government therefore was interested to the extent of $20,000 at least in one quarter's shipment from that port; and yet the consular fees amounted last year to but about $180. The gentleman from Kentucky, no doubt honest in this matter, but failing to thoroughly investigate the facts bearing upon the question of importance of this and many other ports, and superficially looking only to the amount of fees collected, has placed it before the House as an

unimportant consulate, and asks you to deal with questions vitally affecting the interests of the people in that manner.

What more vitally affects the interests of the people than an honest collection of the revenues due to the Government than to prevent swindling and smuggling and fraud?

The gentleman also referred to Buenos Ayres, which he put in the list as an unimportant post. There it is also proposed to increase the salary. There were exported from this point to the United States for the three months ending June 30, 1885, goods amounting to $1,430,000, or nearly one and a half millions of dollars. And yet the fees were quite small. So I might go through with the seventeen classed by the gentleman as unimportant simply because the fees are small, and with a few exceptions show that the amount of the shipments from those points to this country are quite large, and that the question of fees is no criterion whatever by which to judge of the extent of the business.

Take for instance the shipment of fine wool from Odessa, the quality of which is high and expensive. A cargo of $100,000, upon which the tax due this Government might be $20,000, may be covered by a single invoice, but the consular fees would only amount to $2.50. It is not, then, the amount of the invoice that measures the fees, but the number of invoices. It may be that there are many small shipments and a small cargo, and the aggregate of the fees collected would be quite large, whereas, as in the case I have mentioned, there may be but a single shipment covering an immense value and yet the fee would be only $2.50.

Mr. McCREARY. Let me interrupt the gentleman for a moment. I did not hear his remarks a moment ago with reference to these consulates. I would like him to tell me what the fees are at Gaboon, Africa. It appears to me that last year they were $7.50 and I would like to know the business done there.

Mr. CLEMENTS. If the gentleman had heard my remarks he would have heard me say with reference to these seventeen consulates enumerated by him as unimportant that from nearly all of them, with a few exceptions, there was quite an extensive amount of shipments to this country, and I cited one or two instances in support of my statement. I did not say that there were extensive shipments from all of them. You may take Cape Town and Gaboon, Africa, and Levuka, which places will show very small shipments and of course very small fees.

But there are special reasons why if we have consuls at these places they should be better paid, and not be put in the one-thousand-dollar class. It costs to go from this country to Levuka, in the Fiji Islands, a man and his wife alone, $750. So that to go and return would take $1,500, while the salary is but $1,000. If the office is not a necessary one, if it is not desirable to have a consul there, it should be abolished altogether. But if we do send one we should at least pay his necessary expenses. So also there are a few other places mentioned where the shipments are inconsiderable; but these are places where the country is hoping to build up a large trade, and are exceptional. The gentleman from Delaware, as well as the gentleman from Kentucky, seem to argue that where we have but little trade we ought to have no consul at all, and ought not to try to enlarge the trade.

Among the other places mentioned by the gentleman from Kentucky in his list of seventeen is Cardiff. The consul there collected last year only the very small amount of $288 fees, and therefore it is classed by the gentleman as an unimportant place. The direct trade of that point with the United States in the last year was $3,785,000. The number of American seaman discharged and shipped from that point was more than six hundred last year. It is second only to Liverpool as regards the discharge and shipment of American seamen back to this country. The consul has all this work to deal with without fees. He must hear and settle all disputes and differences between them and the masters of vessels.

Mr. McCREARY. I desire to ask the gentleman a question about Cardiff.

Mr. CLEMENTS. Very well.

Mr. McCREARY. Does he not know that for many years the salary of the consul at Cardiff in Great Britain has been but $2,000? Now, in what respect has there been a change of business so as to make it necessary and proper for us to increase the salary?

Mr. CLEMENTS. I have but little time to discuss these details. It is wholly immaterial whether there has been a change of business there recently or not. Certainly business and commerce and their conducts have undergone many great changes since the present classifications were fixed, and readjustment is necessary. I want to consider the matter as we find it. It matters not what was recommended by the Democratic committee in 1877, which has been adverted to in the debate. That may have been enough or it may not. There may have been some political considerations in fixing it. I have nothing to do with these questions; but whether the salary has been $2,000 heretofore or $3,000, and I am informed it is $3,000——

Mr. BELMONT. The salary is $2,000, and the whole compensation brings it up to $3,000.

Mr. CLEMENTS. I see the salary proposed in the bill is $2,500, and the fees to be turned into the Treasury, so that in this case as in many others, if the gentleman from New York is correct as to the fees here, while there is an increase of $500 in salary, there is really a decrease of compensation by putting the fees in the Treasury. In many cases the bill reduces the compensation of the consuls, and in others increases them. Altogether I believe this bill to be as economical as the present law, and will work important reforms if passed.

I want to ask the gentleman from Mississippi [Mr. ALLEN] and the gentleman from Kentucky [Mr. McCREARY] if their constituents desire that the American seamen who may be thrown out in ports in foreign countries shall be turned loose and not cared for by this Government, or shall fall into the hands of irresponsible and incompetent consuls?

Mr. McCREARY. I desire to answer that question now.

Mr. CLEMENTS. The gentleman from Kentucky has had twice as much time as I will have.

Mr. McCREARY. If the gentleman refuses to let me answer his question, all right.

Mr. CLEMENTS. I repeat, that the gentleman from Kentucky has had twice as much time as I will have. I have heard his questions, but can not yield for a speech from him in my limited time.

Mr. ALLEN, of Mississippi. I desire to make a parliamentary inquiry. Has a gentleman a right to ask a question and then refuse to yield for an answer?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. CLEMENTS. I did not ask the gentlemen to stop in their arguments that I might answer their questions and inject a speech in the midst of theirs, and they have both spoken.

Mr. McCREARY. You should not have asked the question if you did not desire an answer.

Mr. CLEMENTS. I merely asked the question in argument, for you to think of, and to answer if you so desire in your own time.

Tangier and Algiers are places where there are sanitariums where people of foreign countries are taken care of. Afflicted people go there to build up their health. The consuls representing this Government there are the only people to whom our citizens in those places can look for protection. Without them they would often be greatly harassed and dealt with harshly in many ways. Especially would such be the case in the places I have spoken of in Africa. Among the people of the class I have referred to are American citizens who go there for health, and are engaged in business there. Under treaty arrangements with other governments at some of these places we have an arrangement by which when an American citizen dies the consul of the United States acts as administrator and takes charge of his estate; and the legatees or the heirs must depend on this Government to give an honest, efficient administrator. At this time at Levuka, in the Fiji Islands, there are three important estates in the hands of the consul for administration and distribution. At many other places the consuls are judicial officers to decide civil questions, rights of property, of liberty, and even of life. And yet we are asked to judge of the importance of these places only by the small fees that may be received there.

Right here let me read the reasons given by the Secretary of State for the changes asked, with reference to a few of the places designated as unimportant in this debate. He gives reasons in each case. I have not the time to repeat here many, but give a few, as follows. They are given by an honest official under whose charge this whole system is, and who knows best its needs to make it a pure and efficient service:

Cape Town—Consulate: This is the great seaport of South Africa, and is of much importance, in a commercial way, to the United States. The trade with this country is mostly direct, and is rapidly increasing. The port is visited by all United States naval vessels on that station for the purpose of obtaining supplies and refitting. It is also visited by more of our merchant marine than are to be found in all of the other ports of that part of the world combined. The cost of going to and returning from Cape Town is excessive, and the discomforts of life are great in that locality.

Buenos Ayres—Consul: This is one of the most important trade centers in all of South America. Its trade with the United States is large and shows a steady and rapid increase. The present salary does not support the consul, owing to the very large demands made upon him by American traders and visitors.

Apia—Consulate: Apia is the principal island of the Samoan or Friendly and Navigators' Islands. It has a large and profitable trade with San Francisco, which is increasing. The consul is vested with judicial functions. The place is of much political importance to the United States, and should be filled with a man of marked ability, to obtain which the present salary is entirely inadequate.

Cardiff—Consulate: The direct trade betwen this port and the United States is not very great, but it is very important to United States shipping. The usual number of seamen shipped and discharged there is at least 600 per annum. The raising of the agency at Swansea to a consulate, under the act of July 1, 1886, has the same effect as in the case of Leeds. (See Item 28.)

Odessa—Consul: This is the principal port of Russia on the Black Sea, and has an extensive trade, exporting large quantities of wool to the United States. The cost of living in Odessa, as in all cities of Russia, is exceptionally great, while the discomforts of life there are very considerable indeed.

Tamatave is paraded as unimportant simply because the fees are small, yet for the first quarter in 1885 the exports to this country from that point amounted to $117,681.

Talcahuano (a town in Chilli) is a great center for whaling vessels, where relief is dispensed to American seamen, and is also an expensive place to dwell in. From Bombay, for the quarter above named, the exports were $237,000; from Sierra Leone, $75,000; from Venice, a great art center, $74,000. At Nantes and Santiago are sanitariums, where many Americans go; yet all these have been enumerated as unimportant. But I can not go further with details as to particular places.

If a post is not important enough to give an honest, efficient consul

a sufficient salary, it should be abolished, because it is a discredit to the Government to have any other sort. It should not be kept up at all. It is often the case that one who receives now only $1,000, and is permitted to trade, engages in direct trade with this country. He makes his shipments and certifies to his own invoices. Then he sees every other merchant's invoice; he knows who are his competitors, whom they are trading with, and to whom they ship, and he can write to the parties here with whom they do business saying, "These gentlemen ship at such a price; I can ship on better terms." It enables a man holding office under the Government of the United States to use a public office as a prop to support his own monopoly in private business against honorable competition which should be fostered. On this point I wish to have read by the Clerk a letter of the Assistant Secretary of State. I want to show distinctly what this bill proposes to do and some of the reasons assigned by the State Department for what it asks.

The Clerk read as follows:

DEPARTMENT OF STATE, *Washington, February* 5, 1887.

SIR: In connection with the consular and diplomatic appropriation bill, now pending before the House, I have the honor to communicate to you the following statements, based upon said bill, namely:

First. The total increase in salaries at places already provided for by law amounts to $54,000. This includes the raising of twenty-five consulates now receiving salaries of $1,000 and having the right to trade to classes in which the trading privilege is not allowed.

Second. Sixty-eight offices now compensated by fees are provided with salaries, the total thereof being $121,000.

Third. The fees collected at the sixty-eight places above named amount to $144,484 per annum, or an excess of $23,484 over the amount to be appropriated for salaries.

If the pending bill becomes a law we shall have: First, twenty-five officers who now receive $1,000 each per annum, but who can give as much or as little of their time as they please to the Government, placed in a position where they will be required to give all of their attention to the public service, and will not, as at present, be permitted to make the consular service of the United States a simple prop to their private undertakings.

Next we have the long list of officers at present compensated entirely by fees collected and retained by themselves and their principals under existing law. The fees so collected and retained amount to the large sum of more than $125,000 per annum, and yet not one of these officers is restricted as to trade; and as a matter of fact they are generally engaged in some commercial pursuit, often in the only direct trade between their respective ports and the United States. They are generally not citizens of the United States and, owing to the trade advantages flowing from the consular position, may be said to enjoy a sort of monopoly very hurtful to free commercial intercourse and enterprise. Adoption of the present bill will cure all of this, will furnish many offices which can, under existing law, only be filled by citizens of the United States, and will relieve all such of the difficult task of serving two masters, as they now do, namely: First, self-interest, as merchants; and second, the United States, as consuls; which is an end most desirable to attain.

I have the honor to be, sir, your obedient servant,

JAS. D. PORTER, *Assistant Secretary.*

Hon. JUDSON C. CLEMENTS,
House of Representatives.

I will read also a few lines from the President's message upon this subject. In his annual message, in relation to the estimates submitted by the Secretary of State and in pursuance of that clause in the appropriation bill of last year (placed there by the House), requiring him to submit these estimates with a view to readjusting this system of service, the President says:

Pursuant to a provision of the diplomatic and consular appropriation act approved July 1, 1886, the estimates submitted by the Secretary of State for the maintenance of the consular service have been recast, on the basis of salaries for all officers to whom such allowance is deemed advisable. Advantage has been taken of this to redistribute the salaries of the offices now appropriated for in accordance with the work performed, the importance of the representative duties of the incumbent, and the cost of living at each post. The last consideration has been too often lost sight of in the allowances heretofore made.

The compensation which may suffice for the decent maintenance of a worthy and capable officer in a position of onerous and representative trust at a post readily accessible, and where the necessaries of life are abundant and cheap, may prove an inadequate pittance in distant lands, where the better part of a year's pay is consumed in reaching the post of duty, and where the comforts of ordinary civilized existence can only be obtained with difficulty and at exorbitant cost. I trust that, in considering the submitted schedules, no mistaken theory of economy will perpetuate a system which in the past has virtually closed to deserving talent many offices where capacity and attainments of a high order are indispensable, and in not a few instances has brought discredit on our national character and entailed embarrassment and even suffering on those deputed to uphold our dignity and interests abroad.

In connection with this subject I earnestly reiterate the practical necessity of supplying some mode of trustworthy inspection and report of the manner in which the consulates are conducted. In the absence of such reliable information efficiency can scarcely be rewarded or its opposite corrected.

I can show this committee instances of consulates, unimportant according to the standard of the gentleman from Kentucky [Mr. MCCREARY] where the fees are very small, yet where the consuls are authorized to administer estates of American citizens, and where, as a consequence, orphans have been defrauded and wronged. The President says, in effect, that this unwise policy has led to discredit to our national honor and to the injury of individuals as well as of the public service of the United States. I do not believe that the people of Mississippi, or the people of any other State, are unjust in regard to this matter. The gentleman from Mississippi [Mr. ALLEN] is doubtless right when he says that the people of his State are in favor of economy; but I say to him that the people of Mississippi, as well as the people of every other State in this Union, are in favor of honesty and justice, as well as of economy. They are in favor of protecting the lives, liberty, and rights of American citizens abroad as well as at home.

They are in favor of efficient government. They do not demand of us to uphold a system which is discreditable to them and to our national character. There is no constituency that will demand that at the hands of its representative here. The trouble, I fear, with the gentlemen who present this superficial view of the question is that, in looking solely to what the people of a particular district may say, they have not read the estimates of the Secretary of State or the reasons assigned for them. I am afraid they have not gone to the bottom of this question to ascertain whether these consulates, of which they speak, are really important or unimportant. Whenever an increased appropriation is recommended for any purpose it is fashionable on the part of some to cry out, "Economy," and talk about what "the people" said last fall, and what "the people" will do with us. Tell the people the truth about this question of the foreign service of the United States and they will demand at your hands an honest and efficient corps of American, and not foreign, citizens in the service. Many of our consuls are paid only $1,000 a year and are allowed to trade. Suppose you deny them the right to trade, how many of them can afford to go to their points of service and live there on $1,000 a year? You must, then, have inefficient or dishonest men who must violate the law to live, or put rich men only in these offices and exclude the poor.

The gentleman from Kentucky [Mr. MCCREARY] said there was no trouble about finding people to fill these offices. We have one or two consulates now that can not be given away. One of them is at Asuncion, the capital city of Paraguay. Two or three men have been commissioned to go there, but when they found out what it would cost to go, and how small the salary was, they declined. Are we going to adopt the policy of selling out the offices of the United States to the lowest bidder? Is that wise economy? Will that help the poor people of whom the gentleman from Mississippi speaks? Shall we appoint men to these places and require them to pay their necessary expenses of travel and living, which are more than their salaries, and have them resort to that which is contrary to the honor of the country in order to live?

Do you want us to perpetuate these consulates at a thousand dollars a year, and give the consuls permission to trade, and allow them to certify to their own invoices as they do now? That is the present system. That is the system which drives out honest competition by giving the consuls of the United States at such points an insight into the business of rival traders. The consul, of course, sees whom they ship to, and by reason of his position is master of the situation, because he is propped up and sustained by the Government of the United States, and is thus enabled to maintain a monopoly which is against fair competition, against public policy, against common honesty, and detrimental to commerce.

The Secretary of State has given in the Book of Estimates (briefly, as he was compelled to do) the reasons for his recommendations, and the President of the United States has called special attention to the matter and recommended that no idea of mistaken or false economy shall guide the House in dealing with it. That is demanded by a due regard for our national honor. According to the idea of the gentleman from Kentucky, we can find plenty of men to fill all these offices at the present salaries. There is no doubt about that. I have no doubt that there are many in the gentleman's district who would be willing to take his seat, perhaps without any salary at all; but is such an idea in accordance with the spirit of this Government or of our institutions—to confine office-holding to the rich only, or to perpetuate a corrupting fee system antagonistic to fair dealing among business men and an honest public service?

Certainly you can find men all over the country who are willing to take the consulships if they are allowed the privilege of trading with the advantage which their position will give them in building up their own private fortunes at the expense of the Government and its honor, and of the business of other people. Upon that condition you can find plenty of men who will take them and pay their own expenses. But the question is, do you want to perpetuate that policy? Do the people of Mississippi want to fill the offices of this Government by selling them to the lowest bidder? I submit that it is impossible to secure the services of honest, reputable, and efficient men at remote points, when the cost of traveling is greater than the salary unless they have private fortunes, and the only way you can get men to take these appointments will be by giving them the right to trade, to the injury of others and to the inducement of fraud.

Take the case at Odessa, which has been already alluded to, in connection with the shipment of wool. In the shipment of cargoes of fine wool, if the appraisement goes up to a certain point, the duty is 10 per cent., but if it goes a hair's breadth above that, the duty is 20 per cent. How easy it is for the consul in such a case, if he is in concert with a dishonest shipper, or if he is not faithful to the interests of the Government he represents, to vary the appraisement just enough to let the cargo in at 10 per cent. instead of 20 per cent.

On a shipment of $100,000 the difference to this Government in duties would be $10,000. We have already had an illustration of what has occurred in this regard. At Three Rivers, in Canada, where the consul is allowed to retain fees up to the amount of $2,500, those engaged in shipping produce to this country—hay and other products—made an arrangement with him by which, instead of charging $2.50 on the invoice, the amount fixed by law, he would charge himself with

this amount, but in fact would receive only $1.75. He would accept $1.75, while giving a certificate showing that $2.50 had been paid. He did this because he was allowed to retain the fees up to $2,500. If he had been upon a fixed salary there would have been no inducement to do this. Many instances can be shown where shippers pass by salaried consuls, and put themselves to cost and inconvenience to reach a feed consul, where they get more favorable certificates as to their invoices, which practice results in defrauding the Government of its just revenues.

The case is similar to what it was in regard to fourth-class postmasters a few years ago, when those officers were compensated according to the number of stamps they sold. Many of them became peddlers of stamps. The Government did not sell any more in consequence of the fact that they became interested in selling a great many. Their commissions were estimated upon the number of they sold, not the number canceled; and they became competitors, to the injury of one another and not to the benefit of the Government, because it did not sell one more stamp on that account. Those officers were stimulated—to do what? Not to serve the Government, but to use a public office so as to make private gain. Such practices ought not to be encouraged or permitted by law in any branch of the public service.

Now a word in relation to consular inspectors who are specially recommended by the President in the paragraph which I have read from his message. You have inspectors in the internal-revenue service; and in the customs service you have post-office inspectors. Yet when we talk about having inspectors for consulates, the gentleman from Kentucky and others say "appoint honest men; that is the remedy for all these evils." If that is a sufficient remedy, why do you not abolish post-office inspectors, custom-house inspectors, and internal-revenue inspectors, and rely simply upon the appointment of honest men to these different branches of the service? Of course any upright administration will appoint honest men so far as it can, but all men are not honest; all men can not withstand the constant temptations held out by the present law to use their positions for private gain. They do not all withstand these temptations; therefore, whether or not you call it dishonesty on their part, people doing business with the Government are wronged and the Government is discredited. We ought not to uphold this system any longer.

What does it take to change it? The amount of increase of this bill is not large. I do not believe it is one cent above the corresponding benefits in the way of fees and correct appraisements, and consequently increased collections. We propose to put the fees into the Treasury instead of the pockets of the officials. We propose that they shall cease to engage in private business, which is contrary to the efficiency and purity of the service, and repugnant to the interests of the Government which they are called upon as public officers to serve.

The first sentence of the speech of the gentleman from Kentucky [Mr. MCCREARY] is that "public office is a public trust." We have a large number of public officers holding "public trusts," who make more out of the pursuit of private business antagonistic to the nature of the service they are expected to perform for the Government than their salaries or their fees. Yet the gentleman would perpetuate these abuses and allow public trusts to be used, in the language of the Assistant Secretary of State, as simple props to their private undertakings.

Under the system now proposed, these official fees will be required to be turned into the Treasury. They amounted last year to $125,000. This is a set-off in part against the apparent increase; a faithful collection of lawful duties would more than balance the real increase, and the proposed plan would not only be the best, but would be the least expensive, to the Government.

It is said if you put these officers on salaries alone they will lose interest in collecting fees. How do they control the amount of fees they collect? No shipments can be made to this country without invoices, and all invoices must be certified to by the consuls or commercial or consular agents. The amount of exports controls the amount of fees collected.

But the assumption that he will not collect and account for fees because of a fixed salary is a denial of the argument we have heard that we must have honest men and trust to their honor alone. It is a contradiction of that. It is saying they will not be honest when you put them on salaries. Which is the more likely to tempt a man to dishonest practices, merely to withdraw his interest in the fees or to hold before him opportunity to make large emoluments—which will tempt him the stronger? Certainly the latter.

I wish I had time to go further into details on these matters, and call attention to the amount of shipments at particular places enumerated here by the gentlemen as altogether unimportant because the fees are small, but I have not.

The people of the United States are an enterprising and progressive people, and have never confined themselves to this continent. They are to be found everywhere, and in all manner of business enterprise, almost everywhere. They are to be found traveling in every country.

Perhaps the gentleman from Mississippi [Mr. ALLEN] would deny the American people the privilege of going abroad for pleasure. I will therefore say nothing about those who go for pleasure. But there are American citizens almost everywhere in business. Wherever they go, whether for business, for health, or for pleasure, they are liable to need the services of a faithful consul.

In what I have said as to misconduct at particular consulates mentioned, I deem it just to say that none of it refers to the gentlemen representing the Government there at this time.

The fee system is certain to lead to abuses wherever it exists. In the execution of the internal-revenue laws it is exemplified by the multiplication of unfounded, vexatious, and oppressive prosecutions in order to make fees for the officers. If right here at home among our own people and in the face of rigid inspection abuses grow up in consequence of a desire to make fees, how much more must the abuses be at far distant points without these restraints?

It must be a matter of regret to every American that so large a proportion of those in the consular service of the United States are foreigners. It is stated in a recent report made by Consul-General Walker that of the United States consular corps of Great Britain and Ireland there are thirty-four Americans and eighty-two Englishmen. The following table taken from his report is of interest on this point:

No.	Rank.	Nationality.	
		American.	British.
1	Consul-general	1	
1	Vice consul-general	1	
1	Deputy consul-general	1	
20	Consuls	18	2
18	Vice-consuls	3	15
3	Commercial agents	3	
2	Vice commercial agents		2
32	Consular agents	1	31
2	Commissioned consular clerks	2	
30	Consular clerks	1	29
3	Sanitary inspectors		3
3	Rag inspectors	3	
116		34	82

The changes proposed by this bill in this service mean better service at no greater cost than at present. It has been argued as if the changes were in the interest of the consuls, but many of them oppose the changes because they can make more out of their trading privileges and fees than the salaries proposed. The changes are *in the line of* a long-needed reform of abuses, and while under the rules they may be subject to points of order it is of the utmost importance that they should be effected.

We should for many reasons have responsible American officials abroad as well as at home. Our commerce ought to be fostered, American citizens and seamen in foreign countries ought to be protected by Americans. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. STONE, of Missouri. How much time remains.

The CHAIRMAN. Forty-eight minutes.

Mr. STONE, of Missouri. I ask the Chair to notify me when I have occupied twenty-eight minutes.

The CHAIRMAN. The Chair will do so.

Mr. STONE, of Missouri, withholds his remarks for revision. [See Appendix.]

The CHAIRMAN. The twenty-eight minutes have expired.

Mr. STONE, of Missouri. I ask leave to extend my remarks in the RECORD.

There was no objection.

Mr. STONE, of Missouri. I now yield to the gentleman from Kentucky [Mr. MCCREARY] the remainder of my time.

Mr. MCCREARY. How much time have I?

The CHAIRMAN. Twenty-five minutes.

Mr. MCCREARY. Mr. Chairman, I have listened with pleasure to all that has been said on both sides. I desired to dispassionately examine this question and then to cast my vote as seemed best under all the circumstances.

Now, sir, what is involved in the question under discussion to-day? The Committee on Foreign Affairs have reported a bill appropriating money for the consular and diplomatic service. On the face of that bill there is an increase of $325,000. Is it right to make this increase?

Mr. BELMONT. Will my colleague permit me an interruption?

Mr. MCCREARY. I have but a short time, and I would rather not be interrupted.

Mr. BELMONT. Then I cannot correct the gentleman's misunderstanding of the bill.

Mr. MCCREARY. The gentleman will have twenty-four minutes in which to make his speech, and I think it is best that I shall not be interrupted. As I was just saying, the apparent increase in this bill is $325,000 over the amount appropriated last year. The experience of the past is always a good lesson to read, and I hold in my hand a statement of the appropriations that have been made for the diplomatic and consular service for the last ten years. In 1877 a Democratic House appropriated $1,186,797.50; in 1878 a Democratic House appropriated $1,140,747.50; in 1879 a Democratic House appropriated

$1,087,565; and, coming down to 1887, the last year for which an appropriation was made, the amount appropriated is $1,364,065. In the past, then, it has not seemed to be necessary, in order to do justice to our diplomatic and consular service, to appropriate, as this bill proposes, $1,681,445. Therefore I ask this question: Why should we now double the salaries of twenty-three consuls, and increase the salaries of seven consul-generals one-fourth, and why should we increase the salaries of thirty-seven consuls from $2,000 to $2,500 and $3,000?

Mr. BELMONT. We do not do anything of the kind.

Mr. McCREARY. I say you do, and the bill shows it, and the gentleman from New York [Mr. BELMONT] is mistaken.

Mr. BELMONT. I will undertake to prove the contrary.

Mr. McCREARY. The statement of the gentleman from New York [Mr. BELMONT] is on a parity with his deductions in his report, where he says that the estimated gain to the Treasury from increased collections is $150,000. He can not prove that; it can not be proved. I have already presented to this House (and the contrary can not be shown) that this bill does double the salaries of twenty-three consuls, and does increase the salaries of thirty-seven from $2,000 to $2,500 and $3,000. That is what the bill does. Now, I ask the House whether good reasons have been given for this increase.

Mr. McKINLEY. Is there any increase in the number of officers?

Mr. McCREARY. There is no increase in the number of salaried consuls, but feed consuls have been changed to salaried consuls.

Mr. BELMONT. Does the bill——

Mr. McCREARY. I decline to be interrupted.

The CHAIRMAN. The gentleman from Kentucky is entitled to proceed without interruption.

Mr. McCREARY. As the gentleman from New York has twenty-four minutes in which to present his views, it seems to be very fair that he should not interrupt me. Mr. Chairman, for many years the salaries of consuls, as provided in the statutes of the United States, have seemed to be sufficient. Why, then, shall we increase those salaries? Why shall we start an increase of salaries in any respect? I hold that if there is a branch of the public service wherein there should not be an increase of salaries, and wherein no demand is made for any such increase it is our diplomatic and consular service.

As I have before asked, do we find any trouble in getting men to occupy these places? The gentleman from Georgia [Mr. CLEMENTS], who asked me a question and would not allow me to answer it, said that the reason why the committee proposed to increase the salaries of certain consuls is that the places to which they are obliged to go are far distant. But we have always found men who were willing to go there on the present salary. During this administration we have found men who are willing to do so.

This bill shows that the first increase for our diplomatic service is $50,500. In all the speeches which have been made I have heard no good reason for this increase of $50,500 in our diplomatic service. No member has shown, in my judgment, a necessity for increasing the salary of the minister to China from $12,500 to $17,500; and I have heard no member undertake even to explain why we should add $12,000 in this bill in order to provide secretaries of legation to the Argentine Republic, to Belgium, to Corea, the Netherlands, the Roumanian, Servian, and Grecian missions, the Swedish and Norwegian missions, Switzerland, and Venezuela. Gentlemen have been as dumb as death on this subject, so far as I could hear. And no gentleman has yet undertaken to show the necessity for appropriating $25,000 for the erection of a legation building in Japan. Whenever we erect a legation building in Japan we commence the business of erecting legation buildings; and next session we shall be called upon to erect such buildings in England, in France, in Germany, in Italy, and in different parts of the world. I am opposed to the erection of legation buildings in Japan.

But my friend from Georgia referred to seventeen cases of consuls whose salaries it is proposed to double, and some of whom collect only $2.50 in the way of fees. I desired that he should answer me and state what amount was collected at Gaboon, in Africa; yet no answer has been received up to this time. When he said that he wanted to pay various consuls additional sums because some of the countries in which they serve are far distant, I desired to ask him the reason for increasing the salary of the consul at Gaspé Basin, Canada. That consul has been receiving $1,000, and this bill doubles the salary, making it $2,000.

Mr. CLEMENTS. Will the gentleman allow me to make one statement?

Mr. McCREARY. The gentleman would not allow me to interrupt him, but I will treat him more graciously.

Mr. CLEMENTS. I do not wish to interrupt the gentleman further than to say that the State Department asks that the office at Gaspé Basin, Canada, be abolished.

Mr. McCREARY. I have great respect for the distinguished and able gentleman at the head of the State Department, and for the eminent and able Assistant Secretary of State; but this is a day of convictions. We, who are here as representatives of the people, ought to have convictions, and ought to have the manliness and courage to stand by our convictions. Although I entertain great respect for the wisdom and intelligence of these gentlemen, my convictions are against the increase of salaries. I came here pledged to restore economy and reduce expenditures; and I can not get my own consent now to increase the salaries of the men belonging to our diplomatic and consular service.

No good reason has been given here to-day for appropriating $18,000 for inspectors of consulates. I endeavored to show when I was last on the floor that two men had been appointed in years gone by as inspectors of consulates; that one of these, Mr. Keim, made his report, which was very severe indeed upon the consuls, and the other, Dr. Newman, made no report. I believe to-day that the best plan is to appoint honest, faithful, and capable men in the consular service. I have no desire to see a gentleman swing round the world, calling upon our consuls, making each one a visit in order to come back and write another report of the style of that of Mr. Keim. The report of the committee—and I call the attention of my friend from New York to this point—states that this bill will bring to the Treasury from increased collections an estimated gain amounting to $150,000. I have investigated the question carefully and closely; I have here tables prepared from the Fifth Auditor's report; and I am unable to find that there is such a gain as stated by the gentleman.

Mr. BELMONT. Will the gentleman now permit an interruption?

Mr. McCREARY. No, sir; you can make your explanation in your speech. There are fifty-one salaried consuls proposed in this bill, in lieu of officers now compensated by fees. The bill also shows that nineteen salaried consulates are proposed at places where there are now simply consular agents, making in all seventy. Adding on the one hand the proposed salaries, and on the other all the fees collected, we find that the salaries for the seventy new consulates amount to $125,000, and the fees collected last year by the different consuls amounted to $140,000, a difference in round numbers of $15,000. If you take away the fees collected at St. Galle and at Annaberg, the aggregate of the fees collected is about the same as the amount of the proposed salaries. It cannot be shown, according to my examination, that this bill only increases the salaries, as the gentleman from New York said, about $40,000. I think the bill will not bear any such interpretation; the report of the Committee on Foreign Affairs admits an increase of $50,500 under the head of diplomatic expenses, and $56,000 increased salaries of consuls, and $50,000 contingent expenses, and $25,000 for the erection of a legation building in Japan, and $18,000 to pay consular inspectors, and $12,000 to pay secretaries. I submit what I deem the proper showing; and I think it can not be denied, for I have made it with great care.

Proposed increase of this bill:		
Diplomatic service		$50,500
Consular service		275,080
Total increase		325,580
Reductions:		
Legation building in Corea	$5,000	
Consul at Mahe	1,500	
Salary of one consular clerk ($1,200 to $1,000)	200	
Revising consular regulations	3,000	
Total reductions		9,700
Net increase		315,880
Amount in last law		1,364,065
Total amount of pending bill		1,679,945
Deduct amount of fees collected at consulates and consular agencies in 1886 where specific salaries are provided by the bill		140,841
		1,539,104
Deduct amount of law last year		1,364,065
Net increase of this bill over law of last year		175,039

In comparison with the salaries from 1877 down to 1881 you have an increase of nearly $400,000.

I said before there is no demand for this increase. There is no demand comes up from those in office.

It has been alleged here to-day we ought to dignify the consular service; we ought to increase the salaries of consuls to a certain compensation because they are not getting enough to live in the style they ought to live in. If you adopt that as the idea to control us, that because an officer can not live in the style he ought to live in, you shall increase his salary, then, sir, ought not many other salaries to be increased? One of the great beauties of this great Republic is its simplicity. We have no desire to copy after the manners and customs of the aristocracy of Europe. If our people live in simplicity and plainness in this Republic why should those we send abroad as consuls live in more grandeur and style because they are foreign ministers and consuls?

I say men we send abroad should be required to live in the same style we live in over here. There is no demand at present for increase of salaries at any point in my judgment. And when I remember the party to which I belong has pledged itself to restore economy and reduce expenses I am opposed to the increase as presented in this bill.

I now yield for three minutes to the gentleman from New Jersey [Mr. McADOO].

Mr. McADOO. Mr. Chairman, when this bill was up last year for discussion I made some criticism of the manner and style of the con-

sular reports. I wish to say now on examining the reports for last year I find a great improvement in them. They have evidently been carefully edited, and I think the improvement is due not so much to the taste of the consular agents as to the superior editing to which they have been subjected at the Department.

I know of my personal knowledge one consul not far removed from this continent very lately devoted the whole of a state paper to the discussion of his wife's dress and the tremendous success she achieved at a local entertainment in the representation of Columbia. I find, notwithstanding the care taken by the State Department, there are yet a few things in these consular reports which, in my judgment, should be omitted. I find, for instance, our estimable and no doubt our valuable consul at Bordeaux, George Washington Roosevelt, spreads himself in his report on the subject of chestnuts. [Laughter.] Not the chestnuts in Congressional debate beginning: "Mr. Speaker, I am for the people and in favor of the laboring man," or, "I am in favor of the agriculturist," or, as the gentleman from Pennsylvania suggests "the suppression of pleuro-pneumonia," or, "the annihilation of oleomargarine." [Laughter.] But Mr. Roosevelt discusses the chestnut of commerce. He is performing an estimable service to the good housewives of our country, and it will no doubt be taken advantage of by the chincapin gatherers of the district of my friend from Mississippi [Mr. ALLEN] in order to preserve the chestnuts. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELMONT. I do not understand my friend from New Jersey is opposed to this bill.

Mr. MCADOO. No; not generally.

Mr. BELMONT. Now, Mr. Chairman, I desire to say to my colleague on the committee from Kentucky [Mr. MCCREARY], who has furnished a tabulated statement of his views to the House whcih has remained unanswered in the CONGRESSIONAL RECORD for several days for the consideration of members, that while I appreciate the industry and sincerity with which he has approached this question, I can not but believe he has been greatly misled. He has referred to the report of the Fifth Auditor of the Treasury for the last fiscal year as establishing the statements he has put into the RECORD with regard to the compensation paid to and the fees collected by the officers he has named. I will meet him on that ground, and I think I can show conclusively to the House that the gentleman is mistaken both as to his facts and his figures.

The Fifth Auditor's report, it is true, is a very confusing report, and it is natural that a gentleman in looking over its columns should make mistakes in his calculations, and yet it would seem——

Mr. MCCREARY. I am willing to agree that I do make mistakes, but the gentleman will also admit that he makes mistakes.

Mr. BELMONT. I decline to yield. It would seem that there is no room for mistake here; and while I appreciate the trouble of my colleague in the preparation of these tables, still I do think it strange that a member of this committee, a committee which has not only during this session but during the last Congress given its special attention to the diplomatic and consular service, which has reported two bills previously to the House, one for a complete reorganization of the service on a salaried basis, a bill which was certainly before that gentleman for consideration, and to which he agreed, for we made a unanimous report upon the subject——

Mr. MCCREARY. When?

Mr. BELMONT. During the last session.

Mr. MCCREARY. I agreed to the report.

Mr. BELMONT. And I think it very strange, therefore, that this gentleman, a member of the committee, should now furnish the House with a table—I only now speak of the last table published with his remarks in the RECORD of Sunday last, the 6th instant, where he mentions:

Salaried consulates proposed at places where there are now consular agents.

And gives a list of nineteen alleged consular agents (many of them not so) beginning with Reichenberg (which is a feed consulate), and under the head of "salary for 1886" proceeds to state figures, ranging from $48.50 to $1,000, as the "salaries" paid these officers in 1886.

Now, the gentleman from Kentucky is a member of the Committee on Foreign Affairs, and should know, after the attention we have given to this subject, that no consular agent in 1886 received any "salary." Consular agents are paid by fees, which they collect and retain.

Mr. MCCREARY. I am talking of the present.

Mr. BELMONT. But the committee will see that the table is misleading, for it gives a list of "salaries." For instance at Farnham the "salary" is put at $48.50! Who could imagine that such should be the salary of a consul? The gentleman from Kentucky should have put in that column at its head "fees," but he puts "salaries," and the House can therefore see the value of the other tables which have been presented by him.

I have made an estimate of the overstatement in regard to increases. In the first table (and I shall ask permission to insert in the RECORD a tabulated statement covering the entire subject)—in the first table there is an overstatement of $10,400 in the actual increase of compensation proposed by the bill to the consuls enumerated in the table of Mr. MCCREARY, as I will presently show. There is an understatement of $2,758.50 in the amount of fees collected at the consulates enumerated in his second table. In table 3 there is an understatement of $15,114.56 in the consular receipts at the consulates named, and table 4 is incorrect as to facts and figures in nearly every item, the figures being taken from the wrong tables, as I have already stated, and I trust——

Mr. MCCREARY. Let me interrupt the gentleman a moment.

Mr. BELMONT. I decline to yield.

Mr. MCCREARY. I would like to show where the gentleman himself is mistaken.

Mr. BELMONT. I will not yield. And if gentlemen will take the trouble to carefully read these tables in the RECORD to-morrow morning, with the comments and explanations I will make in respect to them, they will only do simple justice to the committee, for the tables will explain why it is that a member of the committee should have come in here——

Mr. MCCREARY. I am perfectly willing they should read them.

Mr. BELMONT. And mislead this House of Representatives.

Mr. MCCREARY. Mr. Chairman, I want to say this——

Mr. BELMONT. I decline to yield.

Mr. MCCREARY. If the gentleman means to say that I purposely misled the House, his statement is not true.

The CHAIRMAN. The gentleman from New York declines to be interrupted.

Mr. BELMONT. I decline to yield to the gentleman. I have no doubt that my colleague on the committee is perfectly sincere, as I stated at the outset, in his criticisms; but he is as mistaken as he may be sincere.

Mr. MCCREARY. I am willing to go to the country on my figures.

Mr. BELMONT. I ask that the tables and explanatory notes I now hand in may be incorporated in the RECORD.

TABLE I.—OVERSTATEMENT OF INCREASE.

[Extracts from table headed "Consular service increase" (CONGRESSIONAL RECORD, page 1417), presented in Mr. MCCREARY's speech.]

Consulates.	Present salary.	Proposed salary.	Increase.
Birmingham	$2,500	$3,000	$500
Bremen	2,500	3,000	500
Chemnitz	2,000	3,000	1,000
Nottingham	2,500	3,000	500
Aix-la-Chapelle	1,500	2,500	1,000
Nuremberg	2,000	2,500	500
Cardiff	2,000	2,500	500
Hamilton	2,000	2,500	500
Leeds	2,000	2,500	500
Quebec	1,500	2,000	500
Cadiz	1,500	2,000	500
Total			6,500

COMMENTS.

This table, as printed in the RECORD, is substantially taken from the committee's report, page 5. With this difference: The explanation given in that report, at page 3, that the apparent increase at many of the consulates changed in grade was only apparent, is not given. In each of the above-enumerated consulates the increase of salaries is in compensation for fees from agencies withdrawn. The details are given in appendix to the Estimates, pages 269, 270, and 271, as follows, and are now put in tabular form for convenience of comparison:

Consuls.	Present compensation including fees from agents.	Proposed salaries with agencies taken away.	Decrease in actual compensation.
Birmingham	$3,300	$3,000	$300
Bremen	3,300	3,000	300
Chemnitz	3,000	3,000	.....
Nottingham	3,300	3,000	300
Aix-la-Chapelle	2,500	2,500	.....
Nuremberg	3,000	2,500	500
Cardiff	3,000	2,500	500
Hamilton	3,000	2,500	500
Leeds	3,000	2,500	500
Quebec	2,500	2,000	500
Cadiz	2,500	2,000	500
Total			3,900

There is thus shown a net decrease of $3,900 in the actual compensation of the consuls named, instead of an increase of $6,500.

TABLE II.—UNDERSTATEMENT OF FEES COLLECTED.

[Extracts from table in the first column of page 1419 of the CONGRESSIONAL RECORD, presented in Mr. MCCREARY's speech.]

Fees collected in 1886, as shown by Fifth Auditor's report.

Pernambuco, Brazil	$973 50
Cape Town, Africa	325 00
Cardiff, Great Britain	288 00
	1,586 50

COMMENTS.

The annual report of the Fifth Auditor to the Secretary of the Treasury for the fiscal year ended June 30, 1886, contains at pages 30 to 35, inclusive, in tabular form, a statement showing the character and amount of fees collected in each consular district during the fiscal year ended June 30, 1886. From that statement it appears that the fees collected at the above-mentioned consulates were as follows:

Fees collected in 1886, as actually shown by Fifth Auditor's report.

Pernambuco, Brazil	$1,604 00
Cape Town, Africa	1,019 50
Cardiff, Great Britain	1,720 50
	4,344 00

There is thus an under-statement in these three items of $2,757.50 in a total footing of $6,307.00 for the whole table.

TABLE III.—UNDERSTATEMENT OF CONSULAR RECEIPTS.

[Extract from table published on first column of page 1419 of the RECORD headed "Salaried consuls proposed in lieu of certain ones now compensated by fees." Presented in Mr. MCCREARY's speech.]

Places.	Proposed salary.	Fees received during fiscal year 1886.
Baranquilla	$2,500	$2,963 50
Dusseldorf	2,500	1,827 50
Brunswick	2,500	5,087 50
Dunfermline	2,500	3,051 50
St. Galle	2,500	7,710 00
Chatham	2,000	2,892 50
Port Stanley and St. Thomas	2,000	3,032 00
Curaçoa	2,000	1,219 05
Cognac	1,500	1,887 50
Rouen	1,500	1,490 00
Belleville	1,500	1,812 50
Coaticook	1,500	661 00
Collingwood	1,500	742 50
Morrisburgh	1,500	1,086 50
Port Hope	1,500	1,869 50
St. Hyacinthe	1,500	1,630 50
Stanbridge	1,500	990 00
Catania	1,500	1,531 85
Merida	1,500	1,127 50
Gothenberg	1,500	1,307 00
Total		43,919 90

COMMENTS.

The report of the Fifth Auditor for the fiscal year ending June 30, 1886, at pages 30 to 35 inclusive, states that the fees collected during that year at the consulates above named were as follows:

Fees collected as per report of Fifth Auditor.

Baranquilla	$3,230 46
Dusseldorf	2,575 00
Brunswick	5,272 00
Dunfermline	3,929 00
St. Galle	7,725 00
Chatham	4,165 00
Port Stanley and St. Thomas	3,204 00
Curaçoa	1,254 00
Cognac	2,915 00
Rouen	4,237 00
Belleville	2,574 00
Coaticook	2,385 50
Collingwood	2,460 50
Morrisburgh	1,492 50
Port Hope	2,297 50
St. Hyacinthe	2,231 25
Stanbridge	2,148 50
Catania	1,654 85
Merida	1,899 40
Gothenberg	1,384 00
	59,034 46

Thus by the report of the Fifth Auditor this is an understatement of $15,114.56 in the consular receipts in the table as published in the speech referred to.

TABLE IV.—CONSULS INSTEAD OF CONSULAR AGENTS.

The following table is published on page 1419 of the CONGRESSIONAL RECORD as part of Mr. MCCREARY'S speech:

Salaried consulates proposed at places where there are now consular agents.

Places.	Salary for 1886.	Proposed salary.	Fees collected in 1886.
Reichenberg	$1,000 00	$2,500	$4,123 00
Charleroi	1,000 00	2,500	2,237 50
Furth	1,000 00	2,000	3,767 50
Glauchau	1,000 00	2,000	3,010 00
Brockville	250 00	2,000	552 50
London, Ontario	102 33	2,000	1,554 50
Stratford	1,000 00	2,000	3,078 50
Brunn	240 00	1,500	1,240 00
Gera	1,000 00	1,500	2,171 50
Farnham	48 50	1,500	1,048 50
Huddersfield	1,000 00	1,500	4,920 50
Kidderminster	645 00	1,500	1,645 00

Salaried consulates proposed at places, &c.—Continued.

Places.	Salary for 1886.	Proposed salary.	Fees collected in 1886.
Leicester	$602 50	$1,500	$1,602 00
Paris, Canada	308 50	1,500	1,308 50
Point Levi	656 00	1,500	1,656 00
St. Helen's	1,000 00	1,500	2,155 00
Swansea	50 50	1,500	1,052 50
Jerez de la Frontera	382 50	1,500	1,382 50
Chaux-de-Fonds	187 50	1,500	1,187 50
Totals	11,475 33	32,500	39,693 50

COMMENTS.

Reichenberg.—A feed consul (Estimates, page 92), not a consular agent. His compensation from fees exceeds $2,500 per annum (Estimates, appendix, page 272). The amount of "salary" stated in the table is $1,000.

Brockville.—An independent commercial agent (Estimates, page 92), not a dependent consular agent. Compensation from fees, $2,000 (Estimates, appendix, page 275). Amount of "salary" stated in table, $250. The fees collected at this agency for seven months only of the fiscal year 1886 were $1,688.50 (Fifth Auditor's Report, page 25). The total amount of fees stated in the table to have been collected during the whole year is $552.50.

London, Ont.—Commercial agent (Estimates, page 92), not a subordinate consular agent. Compensation, fees, $1,544.50 (Fifth Auditor's Report, page 32). "Salary" stated in table, $102.33.

Farnham.—Compensation from fees, $1,000 (Fifth Auditor's Report, page 20). The salary stated in table is $48.50, which is the percentage of his fees paid over by the consular agent to the consul at Saint John's, Quebec, under whom he serves (Fifth Auditor's Report, page 20).

A similar comment applies to Jerez de la Frontera, Swansea, and other agencies enumerated in the table, where the "salaries" paid are stated to be under $1,000. The figures have either been taken from the wrong tabular statement in the Fifth Auditor's report, or from the wrong column in the right tabular statement.

The tabular statements appended to the report of the Fifth Auditor are so constructed that they are difficult to understand. There is Table B, which purports to give a "statement of consular fees, salaries, and expenses" for all the consulates included in Schedule B; there is Table C, which purports to give a "statement of consular fees, salaries, and expenditures" of all consulates included in Schedule C (which is the $1,000 trading class); and then there is Table D, which professes to give a "statement of consular fees, compensation, expenses, and loss by exchange of all consulates and commercial agencies not included in Schedules B or C." In these three tables, wherever a consulate or commercial agency has a subordinate consular agency attached, the fees of the principal office and the additional fees the principal office receives from its agencies are subdivided.

The tables published in the RECORD of the 6th instant give with regard to consulates that have agencies only the fees collected at the main consulate, whereas the percentage of fees received from the subordinate agencies should be added; and with regard to many, if not all, of the agencies, give as their total collections only the percentage of fees which those agencies have paid over to the main consulates, after withholding their own compensation.

But at page 30 to 35 of the report table "I" is published, which gives a consolidated statement in detail of all the fees collected in each district, and it is from that table that the figures contained in the last three statements published on the 6th instant should principally have been drawn, but were not.

RECAPITULATION.

Table I: An over-statement of $10,400 in the actual increase of compensation proposed by the bill in the consulates enumerated.

Table II: An under-statement of $2,758.50 in the amount of fees collected at the consulates enumerated.

Table III: An under-statement of $15,114.56 in the consular receipts at the consulates indicated.

Table IV: Inaccurate as to facts or figures in nearly every item. The figures being taken from either the wrong tabular statement in the Fifth Auditor's report, or from the wrong column of the right statement.

Mr. BELMONT. As to whether or not this is the time for making the increases of salary proposed in the bill is for the House to say. In view of recent events, I think the House will appreciate the fact that in Canada, at least, there is some need of attention to our consular service, and in this bill it will be found that the Canadian service is especially held in view.

Some doubt has been cast by the gentleman from Delaware [Mr. LORE] as to whether or not there was a misunderstanding between the Committee on Foreign Affairs and the State Department. I found it very difficult, as I did in the case of the gentleman from Kentucky, to interrupt him in his remarks, but I did undertake to say that the misunderstanding was confined to Delaware. Upon reading the RECORD this morning I found that this statement was omitted; and I take occasion to repeat that it does not seem strange to me that the gentleman from Delaware should have opposed the recommendations of the Department of State when he also opposed the recommendations of the Navy Department at the time the reorganization bill was before the House, though he himself is a member of the Naval Committee.

I do not care whether our friends upon the other side are interested in our differences of opinion on this side or not, because I believe there will elapse many years before they will obtain any benefit from such differences. We may differ very safely, and even widen our differences if need be; and for my part I have no objection at all to standing among those who desire some improvement in the public service, even though that improvement should involve some increase of expenditure. We do not understand that the changes we propose in the consular service will involve any drain upon the Treasury. We are satisfied from the statements of the Department itself, statements which the Committee on Foreign Affairs, at least, is entitled to repeat to the House, statements to which we can give the greatest confidence—we are satisfied from those statements, as I will show in the RECORD, if the House

permits me to establish it by presenting the figures, that this bill increases the appropriation in actual amount only $196,000; and if we take the very lowest estimate which the Department has made of the increase of revenue that will result through increased collections to the Treasury, the whole bill will simply increase the expenditures for the foreign service of the Government over the appropriation of last year to the amount of $40,900.

As shown in the report, the total increase in the diplomatic service (including the cost of legation buildings for Japan and Siam) is			$50,500
The consular increase is (on the face of the appropriations)		$274,800	
Less fees of consular agencies abolished, as shown in appendix to Estimates	$10,400		
Less fees now retained by officers to be hereafter paid by salaries	120,000		
		130,400	
			144,400
			194,900
From which, if the increase of revenue from closer collection of duties (which at the lowest estimate is placed at $150,000) be still further deducted			$150,000
Leaves the total cost to the Treasury			40,900

My colleague [Mr. MCCREARY] has challenged proof of the saving to the revenue. He has distinctly called my attention to this point, and has proceeded to demonstrate by tables compiled from the Fifth Auditor's report, which have no bearing on the subject, that an increase is impossible. It is not expected that the enhanced revenues will be derived from consular fees, but from the removal of the facilities which the fee system now affords for the undervalution of invoices by importers and consequent loss of duties by the Government. One instance involving $20,000 was mentioned in the debate on Saturday; another case involving $15,000 has been mentioned to-day.

All consuls, commercial agents, and consular agents paid by fees have a maximum, fixed by the Secretary of State, of fees they are allowed to retain. Everything they collect over that they must return to the United States. In Canada there are a hundred or more consular officers paid by fees, who, under ordinary circumstances, would never collect up to their maximum. It makes no difference to these men what kind of returns they make to the United States, because they will never be called upon to account for any surplus collections over their maximum. Consequently to obtain business they cut down the scale of fees prescribed by the United States, in order to get the importers of Canadian produce to deal with them in preference to salaried consuls, who would be compelled to charge and return full fees, and they make false returns to the Government, representing that they have collected the legal fees when they have not.

Thus they double their own receipts, but for every extra dollar they make themselves they take a dollar and a half out of the Treasury of the United States which would otherwise get in there if the importer had to do business with a salaried consul.

The evils of this system were laid before the House to-day by the gentleman from Georgia [Mr. CLEMENTS] in a letter from the consul at Fort Erie. I will ask that the portions I have marked may be printed, without taking up the time of the House by reading them:

No. 20.] UNITED STATES CONSULATE,
Fort Erie, Canada, March 10, 1886.

SIR: On reading your circular bearing date January 26, 1886, on the subject of careless and improper use of the consul seal, and also that of January 28, 1886, as to consular clerks acting as agents of shippers, it occurred to me that these and many other abuses may and do exist because of the great number of inland, commercial, and consular agents depending solely on fees for their compensation, many of these agents not being citizens of the United States, and taking no interest in the service or in the welfare of our Government, and in fact caring for nothing except the amount of fees which they may be able to make.

It is [a] current report here, and I have been so informed by my predecessor, that those agents appoint railroad employés and others as subagents to intercept and get business for them, allowing them a percentage of the fees for the same, and that they supply them with blanks signed and sealed, to be afterwards filled up.

I find affidavits of shippers on record in this office, proving that they obtained their certificates in this way, and showing that in some cases the station agents refused to forward the freight until the shippers consented to take their certificates from them. I think it would be safe to say that hundreds of so-called consular certificates are issued, the shipper or declarant never seeing the consular officer to whom the declaration purports to have been made and whose signature is attached.

The inland agencies are on lines of roads terminating at Fort Erie or Clifton, which are the ports of clearance to the United States of a great bulk of the products of this Province, or at other salaried consulates on the frontier; so that they simply divert business from its natural channels and absorb the revenue which would otherwise accrue to the Government.

This matter of inland agencies has heretofore been under consideration, and I find by the record that in 1868 they were discontinued on investigation by and report of the Commissioner of Customs, that in his opinion "the interior agencies were not necessary, and were an obstruction to business."

When I asked why they were again established after having been thus discontinued, I was answered that continued application was being made, and that as long as a consular agent was allowed $1,000, and a commercial agent $2,500 from the fees, there would be no lack of applicants with memorials numerously signed, urging the great necessity of such agencies.

This system of inland unsalaried agencies leads to continued strife and contest for fees, and tends very much to lower the standing of the officers and the dignity of the office, and to lessen the pride which any man may justly feel as the representative of the Republic in a foreign land.

If an economic view of the subject be taken, very strong reasons will appear why such agencies should be discontinued and the business done by the salaried consuls located at or near the ports of clearance.

In 1870, after the discontinuance of inland agencies, and when the commerce of this province was not near as large as now, and the consul's compensation amounted to $2,000, this office netted to the Government an annual revenue of over $4,000. At that time Port Stanley and St. Thomas and Port Rowan agencies were embraced within this consular district. Now the same extent of territory, including these agencies, is not self-sustaining.

The deficit made good by the Government, and the former revenue accruing to it, constitute a loss of at least $4,500 yearly.

I inclose exhibits 1 and 2, compiled from the report of the Fifth Auditor of the Treasury for the fiscal year ending June 30, 1885, showing salaried and unsalaried consulates and their agencies, the amount of fees collected by each, the compensation of salary, and the rent account and contingent expenses.

Exhibit 1 shows that the fees collected by salaried officers and their agents amounted to $26,750; the salaries to $16,000, and contingent expenses and rent to $2,745.

Exhibit 2 shows that the fees collected by unsalaried officers and their agents amounted to $22,931; the compensation to $20,979, and contingent expenses to $517.65.

Now, all the fees collected by both classes of officers amounted to $49,681. If the business were done by the salaried counsels alone, deducting salaries, rent, and contingent expenses, which amount to the sum of $18,745, there would be returned to the Treasury a balance of $30,936. Allowing a margin for additional expenses because of increased business at the consulates, and for an increase of salary, as recommended by the President and as now being under consideration in the Committee on Foreign Relations, and let that margin be $10,936, the consular service of the province of Ontario alone would yield to the Government an annual revenue of $20,000.

The services would be performed by men having a due sense of their responsibility, feeling it to be their duty and incumbent upon them to perform their official functions in such a manner as to forward the commercial interests of their country, and command for themselves and their Government the respect of the people among whom they may be temporarily domiciled.

Upon receiving your circulars hereinbefore referred to, and upon thought that some legislation relative to the consular service is now under discussion, I deemed the time opportune to communicate to you my observation and views, and I respectfully submit these suggestions for the consideration of the Department.

I am, sir, your obedient servant,

JAMES WHELAN, *Consul.*

HON. JAS. D. PORTER,
Assistant Secretary of State, Washington, D. C.

This matter was also discussed in a report (No. 1938) which was made to the House by the Committee on Foreign Affairs last session, to which the gentleman [Mr. MCCREARY] himself assented.

I will make one extract:

There can be no question that the adoption of the plan proposed (that is, of paying all officers by salaries) would correct many abuses and indirectly benefit the Treasury in various ways. It would remove the temptation which now exists for consular officers to enter into collusion with shippers for the sake of obtaining their custom, and to the detriment of the revenue. It would put an end to a practice which it is believed largely prevails in Canada among consular agents who (knowing they will not collect more than their maximum, and therefore will never be called upon to make good the difference between the face of their returns and their actual collections) charge less than the scale of fees established by law for the certification of invoices, so as to obtain business in competition with other agents, and at the same time enter the proper charges on their returns.

The gain to the Treasury by the abrogation of this system it is believed will be very considerable. In this and in many other ways, it is therefore expected that from an economical point of view the proposed change will be beneficial, and every other consideration renders it most desirable. The system of compensation by fees is demoralizing to the service. Its abolition has been recommended by successive Secretaries of State. The Forty-seventh Congress directed the Department to prepare an estimate of the amount required to put the consular service on a salaried basis, and in accordance with those instructions a report and a proposed bill were drawn up (Executive Document No. 121, Forty-eighth Congress), but no action was had thereon. A change to a system of fixed salaries, as now proposed, was recommended by the present Secretary of State, and is among the reforms of the consular service commended to the attention of Congress by the President, and by the House referred to this committee.

But suppose the increase proposed by the bill were really $196,000, what shall be said when a bill (which I would have voted for had I been present) appropriating $1,500,000 for a public building in the city of Brooklyn went through this House this week with scarcely an objection? What will the country say when it finds a bill like that goes through without debate, while a bill appropriating for our whole diplomatic and consular service, for the establishment of buildings for contingent expenses, in fact for the whole foreign intercourse, scarcely any larger amount, in fact only a little over $1,600,000, has been debated and combated at every opportunity since Saturday last? It was my appreciation of the amounts contained in this bill, and of the purposes of the committee to present only such a measure as the necessities of the service called for, that induced me to ask on Saturday last that we might go on to the reading of the bill after a brief explanation of its provisions. I now move, Mr. Chairman, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

Mr. BELMONT. I move that the House do now adjourn.

PUBLIC BUILDING AT PORTSMOUTH, OHIO.

Mr. THOMPSON. I ask the gentleman to yield to me for a moment.

Mr. BELMONT. I yield to the gentleman from Ohio.

Mr. THOMPSON. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 6976) to erect a public building at Portsmouth, Ohio, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and for other Government uses, at Portsmouth, Ohio. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $60,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $60,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Ohio shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BELMONT. I renew my motion that the House do now adjourn.

Mr. KING. I ask unanimous consent——

Several members called for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR (by request): Petition of the Grand Lodge of the Independent Order of Good Templars, in behalf of Senate bill 1579—to the Committee on the District of Columbia.

By Mr. BUNNELL: Petition of the Legislature of the Territory of New Mexico, asking legislation for the settlement of the Mexican and Spanish land-grants in New Mexico and adjoining Territories—to the Committee on the Public Lands.

Also, memorial and joint resolution of the Legislature of Nevada, relative to the United States Mint at Carson City, Nev.—to the Committee on Coinage, Weights, and Measures.

By Mr. BURLEIGH: Resolution of Wm. M. Collin Post, No. 589, Grand Army of the Republic, of Sandy Hill, N. Y., requesting the passage of the so-called Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, resolution of the Sarsfield Club of New York city, opposing the so-called extradition treaty with the British Government—to the Committee on Foreign Affairs.

By Mr. COMPTON: Memorial of the heirs of the late Wm. J. Hickey, for relief—to the Committee on War Claims.

By Mr. CUTCHEON: Memorial of the Farmers' Institute of Northern Michigan, praying for the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

Also, memorial of Post No. 246 and of Post No. 298, Grand Army of the Republic, Michigan, in favor of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. ELDREDGE: Papers relating to case of R. H. Butler—to the same committee.

By Mr. GIBSON: Petition of F. F. Morris, of Winfield, Putnam County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HISCOCK: Petition of H. S. Beattie, surveyor of the port of New York, in relation to the payment of medical expenses, &c.—to the Committee on Appropriations.

By Mr. JAMES: Petition of Abel Smith Post, No. 1435, of Brooklyn, N. Y., asking for the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. F. A. JOHNSON: Petition of Witherbee, Sherman & Co., and 16 others, citizens of Port Henry, N. Y., for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. LYMAN: Protest of the National Vinegar Makers' Association against the passage of House bill No. 9733—to the same committee.

By Mr. MILLIKEN: Petition of C. M. Jones and other citizens, for a high court of arbitration—to the Committee on Foreign Affairs.

By Mr. O'DONNELL: Joint resolution of the Legislature of Michigan, in favor of repeal of arrears-of-pension act, to give arrears to all pensioners, to grant pensions to survivors of rebel prisons, and to grant pensions to all dependent soldiers who are sixty-two years of age—to the Committee on Invalid Pensions.

Also, petition of J. M. Knapp, of Bellevue; of the Holstein-Friesian Association of America, and resolutions of the Farmers' Institute of Crawford and Newaygo Counties, Michigan, in favor of the Miller bill—to the Committee on Agriculture.

Also, petition of Wolcott Post, of Earl Halbert Post, of Edward Dwight Post, Grand Army of the Republic, of Michigan, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, petition of Thomas Rhead, and of William Allen, and of A. H. Reed, M. D., of Napoleon; of J. W. Dark and others, of Union City; of B. S. Holly and others, citizens of Woodland; of S. J. Cassady, of Coldwater; of Mrs. H. C. Carpenter, of Woodland; and of the officers of the Women's Christian Temperance Union of Charlotte, of Vermontville, of Bronson, of Napoleon, of Albion, of Nashville, and of Quincy, Mich., in favor of the Blair bill—to the Committee on Education.

Also, petition of Knights of Labor of Coldwater and of Island City, Mich., against large pensions to widows of public officers, and against paying public money for funerals and the erection of monuments—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Memorial and resolution of the Legislature of the Territory of New Mexico, relative to settlement of the Mexican and Spanish land grants in New Mexico and adjoining Territories—to the Committee on the Public Lands.

By Mr. PINDAR: Petition of Erastus C. Weaver, of New York, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. REED: Petition of Rev. Henry Blanchard, and other citizens of Maine, in favor of arbitration between nations—to the Committee on Foreign Affairs.

By Mr. SENEY: Protest of the National Vinegar-Makers' Association against the passage of House bill No. 9733—to the Committee on Ways and Means.

Also, memorial of Cincinnati Musicians' Protective Union, respecting foreign musical organization importations—to the same committee.

By Mr. STAHLNECKER: Petition of the Owen Roe Club, of the Hamilton Rowan Club, and of the Sarsfield Club, of New York city, opposing the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. STRAIT: Concurrent resolution of the Legislature of Minnesota, in relation to pleuro-pneumonia—to the Committee on Agriculture.

Also, memorial of the Board of Trade of Minneapolis, Minn., for improvement of certain water ways—to the Committee on Rivers and Harbors.

By Mr. WAKEFIELD: Resolution of the Chamber of Commerce of Saint Paul, Minn., favoring the passage of a bankrupt law—to the Committee on the Judiciary.

Also, resolution of the Minnesota State Horticultural Society, and of the Amber Commercial Association, favoring the Hatch agricultural experiment-station bill—to the Committee on Agriculture.

Also, concurrent resolution of the Legislature of Minnesota, favoring pleuro-pneumonia legislation—to the same committee.

Also, memorial of the Board of Trade of Minneapolis, Minn., invoking liberal appropriations for the rivers and harbors of Minnesota—to the Committee on Rivers and Harbors.

By Mr. MILO WHITE: Paper from the State board of health of Minnesota, relating to pleuro-pneumonia—to the Committee on Agriculture.

By Mr. WILKINS: Petition of A. M. Nichols and 15 others, citizens of Granville, Ohio, for the passage of Senate bill 1636—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON: Petition of Robert W. Waters, for payment of amount due him by District of Columbia, and fradulently paid to other parties—to the Committee on the District of Columbia.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. FISHER: Of 224 citizens of Bay City, Mich.

By Mr. FULLER: Of 46 citizens of West Union, Iowa.

By Mr. GROUT: Of 139 citizens of Warren, Vt.

By Mr. LIBBEY: Of citizens of Franklin, Va.

By Mr. PAYNE: Of 141 citizens of Palmyra, N. Y.

By Mr. RIGGS: Of 126 citizens of Beardstown, Ill.

By Mr. WAKEFIELD: Of 73 citizens of Alton, Freedom, and Clinton, Minn.

By Mr. WARD: Of 148 citizens of La Fayette, Ind.

SENATE.

FRIDAY, *February* 11, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

CONSULAR REPORTS ON EMIGRATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, accompanying reports by consular officers of the United States on the extent and character of the emigration from and immigration into their respective districts.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 10, 1887.

PUBLIC BUILDING AT JEFFERSON CITY, MO.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury transmitting a letter from the Supervising Architect in regard to the necessity for an additional appropriation for the completion of the public building at Jefferson City, Mo.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution adopted by the General Assembly of Ohio; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Joint resolution instructing our Senators and requesting our Representatives in Congress to use all honorable means to secure the passage of S. 3073.

Whereas there is pending in the Congress of the United States a bill "to grant arrears of pensions in certain cases," as follows:

Forty-ninth Congress, second session.

A bill to grant arrears of pensions in certain cases. S. 3073.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all persons on the pension-rolls of the United States who are drawing pensions on account of loss of limb or limbs shall be entitled to receive arrears of pensions from date of discharge or disability, and covering all the time up to the passage of the act or acts authorizing the issuance of their last pension certificate, at the same rate per month to which that certificate entitles them. Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators in Congress are instructed and our Representatives in Congress are requested to use all honorable means to secure the passage of such bill; and that the governor be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

JOHN C. ENTREKIN,
Speaker of the House of Representatives.
S. A. CONRAD,
President pro tempore of the Senate.

Adopted February 2, 1887.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State.

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 2d day of February, A. D. 1887, taken from the original rolls filed in this office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal, at Columbus, the 4th day of February, A. D. 1887.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, COLUMBUS, OHIO, *February* 4, 1887.

In accordance with the provisions of the foregoing resolution, the same is hereby respectfully transmitted.

J. B. FORAKER, *Governor.*

The PRESIDENT *pro tempore* presented the petition of E. W. Ridgway, of Ohio, praying for the refunding of $1,200, with interest from February 1, 1870, paid by him through the negligence of some department of the Government, in connection with a bounty-land warrant; which was referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The Chair presents the petition of John Pope Hodnett, president of the United Labor League of America, praying that his claim for services as counsel to the workingmen of the District of Columbia be referred to the Committee on Education and Labor for a thorough investigation. The petition will be referred to the Committee on Education and Labor.

Mr. BLAIR. Is that a claim?

The PRESIDENT *pro tempore*. A bill on the subject has been referred to the Committee on Claims, and the petitioner presents his petition in respectful form and prays that it be referred to the Committee on Education and Labor. It will be referred to the Committee on Education and Labor for their consideration.

Mr. BLAIR. I do not know whether that is a proper reference of the claim. I should like to know the reason why the Committee on Claims have not considered the bill.

Mr. SPOONER. To relieve the Senator from New Hampshire, I will state that at the proper time and under the proper order of business, I intend, under the instruction of the Committee on Claims, to report back the bill proposing to pay this gentleman, with the recommendation that it be referred to the Committee on Education and Labor.

Mr. HOAR. As the chairman of the Committee on Claims is about to report, recommending what the petition now prays for, under previous instruction of the committee, I move that the petition lie on the table.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made. The Chair was not aware of any intended report from the Committee on Claims on the subject.

The PRESIDENT *pro tempore* presented resolutions adopted by the house of representatives of the State of Kansas; which were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 18.

Resolved by the house of representatives of the State of Kansas (the senate concurring), That our Senators be instructed and our members of Congress be requested, if possible, to have the revenue laws of the United States so amended that before any person can obtain a permit to deal in spirituous or malt liquors, the party applying shall first be authorized to deal in spirituous or malt liquors under the laws of the State in which such person intends to engage in such business; and, further, if any such person shall obtain a tax stamp from any officer of the United States authorized to grant such tax stamps and it shall become known that such person receiving such permit was not authorized under the laws of the State to deal in spirituous or malt liquors, such tax stamp shall be null and void, and that the person or persons so dealing under such fraudulent permit shall be liable in the same manner as if no tax stamp had ever been granted.

Resolved, That the secretary of state is hereby instructed to forward duly authenticated copies of this resolution to each of our Senators and Representatives in Congress, and also one copy to the President of the Senate of the United States, and one to the Speaker of the House of Representatives.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 4th day of February, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. PLUMB presented a memorial of the Legislature of Kansas; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 13.

Be it resolved by the Legislature of the State of Kansas, That we instruct our Senators and request our Representatives in Congress to use all proper and honorable means to put forward United States Senate bill 544, granting the right of way to the Saint Louis, Baxter Springs and Mexican Railway, a corporation created and acting under the laws of the State of Kansas.

Resolved, That the secretary of state be instructed to forward a copy of this resolution to our Senators and Representatives in Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 5th day of February, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. PLUMB presented a memorial of the Legislature of Kansas; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 18.

Resolved by the house of representatives of the State of Kansas (the senate concurring), That our Senators be instructed and our members of Congress be requested, if possible, to have the revenue laws of the United States so amended that before any person can obtain a permit to deal in spirituous or malt liquors, the party applying shall first be authorized to deal in spirituous or malt liquors under the law of the State in which such person intends to engage in such business; and, further, if any such person shall obtain a tax stamp from any officer of the United States authorized to grant such tax stamps, and it shall become known that such person receiving such permit was not authorized under the laws of the State to deal in spirituous or malt liquors, such tax stamp shall be null and void, and that the person or persons so dealing under such fraudulent permit shall be liable in the same manner as if no tax stamp had ever been granted.

Resolved, That the secretary of state is hereby instructed to forward duly authenticated copies of this resolution to each of our Senators and Representatives in Congress, and also one copy to the President of the Senate of the United States, and one to the Speaker of the House of Representatives.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 4th day of February, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. PLUMB presented a memorial of the Legislature of Kansas; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

House concurrent resolution memorializing Congress upon the subject of pensions.

Whereas the arrears-of-pension act of Congress of March 3, 1879, provides that all pensions granted on application filed on or after July 1, 1880, shall commence from that date; and

Whereas many brave and disabled soldiers were denied arrears under this act, and without any cause for this exclusion; and

Whereas pensions granted should be commensurate with the period of disability: Therefore,

It is resolved by the house of representatives of the State of Kansas (the senate concurring therein), That Congress be requested to repeal so much of the act of 1879 as relates to the arrears limit, and the act be so amended as to extend such limit, as follows:

1. To continue pensions to all widows and dependent relatives without demanding proof that the pensioner's death was caused by his service. 2. To pension the dependent parents when the pensioner leaves neither widow or orphan. 3. To pension survivors of rebel prisons without requiring proof that the disability resulted from their imprisonment. 4. To pension all honorably discharged Union soldiers and sailors who are now dependent upon their own labor for support, or who are fifty-five years old.

And it is further resolved, That our Representatives in Congress be, and are hereby, requested to use all proper and honorable means to secure legislation in accordance with the sentiment herein expressed.

And the secretary of state is hereby directed to transmit a certified copy of this resolution to each Senator and Member of the House of Representatives from this State.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 1st day of February, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. PLUMB presented a memorial of the Legislature of Kansas; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 12.

Whereas liberal grants of land have heretofore been made by Congress to aid in the construction of railroads within the State of Kansas; and

Whereas it has been officially reported and is generally believed that in the administration of said grants great injustice has been done to the State and people of Kansas;

That lands within the State have been patented to the railroad companies which lawfully belonged to settlers and citizens of the State;

That lands have been patented to said companies in excess of the amount to which they were lawfully entitled;

That lands have been withdrawn and are now withheld from market for the benefit of said companies, "by order of the Secretary of the Interior," without authority, and in violation of law;

That parts of the lines of definite location of said roads have been abandoned, and the grants floated and made to conform to new and widely different lines, in violation of law;

That the railroad companies have sold lands to citizens of the State who were lawfully entitled to such lands under the homestead and pre-emption laws;

That there have been patented to said companies, lands which lie outside and beyond the limit of the grants;

That indemnity lands have been patented to certain railroad companies, in lieu of lands occupied by homestead and pre-emption settlers, and subsequently the rights of such settlers have been contested, their entries canceled, and their lands patented to said companies without authority, and in violation of law: Now, therefore,

Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein, That our Senators in Congress be instructed and our Representatives requested to support and use their influence in favor of such legislation as will secure a speedy and lawful adjustment of each and all of said grants. Also, that they use their influence before the proper Executive Departments of the Government at Washington in furtherance of such an adjustment, to the end that the rights of the State and citizens of Kansas may be secured and protected.

Resolved, That a certified copy of these resolutions be forwarded by the secretary of state to each of the Kansas Senators and Representatives in Congress, and also a copy each to the Secretary of the Interior and President of the United States.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 5th day of February, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. HALE presented resolutions adopted by the American Library Association, in favor of legislation providing that library books shall be carried as second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SAULSBURY. I present a petition of 81 citizens of Washington, D. C., residents on L, M, and N streets, northwest; a petition of 59 citizens of Washington, D. C., residents on E and F streets, northwest, and New York avenue, northwest; a petition of 63 merchants and residents of Washington, D. C., living on Fourteenth, Fifteenth, and Seventeenth streets, northwest, and sundry other petitions of residents on different streets in this city, in favor of the passage of the bill for the incorporation of the Washington Cable Railroad Company. I move the reference of the petitions to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CULLOM presented the petition of Michael Conner, of Milwaukee, Wis., praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented a petition of 212 citizens of Flora, Ill., praying that the pension laws be so changed as to provide that upon the death of a pensioner the widow and dependent children of the pensioner shall in all cases succeed to the pension, the same as if the pensioner had died of the disease for which he was pensioned; which was referred to the Committee on Pensions.

Mr. SPOONER presented a petition signed by 170 residents and property holders of West Washington, D. C., in favor of the construction of the Washington cable railway; which was referred to the Committee on the District of Columbia.

Mr. BECK presented the petition of John H. Weeks, of Lexington, Ky., praying to have the amount found due him by the Court of Claims provided for in the bill making appropriation to pay the so-called Fourth of July claims; which was referred to the Committee on Claims.

Mr. EVARTS presented a petition of the Grand Lodge of the Independent Order of Good Templars of the State of New York, praying for the passage of the bill (S. 1579) in regard to submitting to a vote of the people of the District of Columbia the question whether intoxicating liquors shall be manufactured and sold in that District; which was referred to the Committee on the District of Columbia.

Mr. CALL presented a petition of the board of health of Monroe County, Florida, praying for the establishment of a national quarantine station at the Dry Tortugas; which was referred to the Committee on Epidemic Diseases.

Mr. SAWYER presented a petition of workingmen of Bay View, Wis., praying for the repeal of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. STANFORD presented a petition of citizens of San Diego, Cal., regarding the ejectment of Charles Hensley and others from Capitan Grand reservation, praying that the order be rescinded and the case examined; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., urging the improvement of Humboldt Bay; which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., favoring legislation for harbor defense and increase of the Navy; which was referred to the Committee on Coast Defenses.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., urging the importance of reciprocity with Spain relative to the raisin trade; which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., favoring appropriations for the maintenance of a branch hydrographic office in that city; which was referred to the Committee on Naval Affairs.

Mr. SABIN presented a concurrent resolution adopted by the Legislature of Minnesota, favoring the passage of the bill to extirpate pleuropneumonia and other contagious cattle diseases; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Board of Trade of the city of Minneapolis, Minn., indorsed by the Legislature of Minnesota, with reference to the improvement of modern routes of transportation; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented six petitions of citizens of Washington, D. C., praying for the passage of the bill to incorporate the Washington Cable Railway Company; which were referred to the Committee on the District of Columbia.

WILLIAM ERVIN.

Mr. SPOONER. I present the report of the committee of conference on the bill (S. 542) for the relief of William Ervin.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 542) for the relief of William Ervin, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House of Representatives recede from its amendment to the Senate bill.

JOHN C. SPOONER,
J. N. DOLPH,
J. K. JONES,
Managers on the part of the Senate.

JAMES D. RICHARDSON,
JAMES T. JOHNSTON,
JOHN J. KLEINER,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The House having receded from its amendment, there is no further action necessary.

Mr. HARRIS. Except the agreement to the report of the committee of conference which disposes of the amendment.

The PRESIDENT *pro tempore*. The Chair announced that the House having receded, no further action was required.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9125) to create a school board for the District of Columbia, and to prescribe its powers and duties, reported it without amendment.

Mr. SPOONER. I am instructed by the Committee on Claims, to whom was referred the bill (S. 2542) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for the workingmen of the District of Columbia for fifteen years last past, to report it with a recommendation that the committee be discharged from its further consideration, and that it it be referred to the Committee on Education and Labor.

Mr. BLAIR. I should like to ask if that is done with any recommendation or after any examination on the part of the Committee on Claims?

Mr. SPOONER. It is done after a hearing by the Committee on Claims of the claimant, who stated, and the committee thought with very great force, that as the subject related to services rendered to the laboring men of this District, the bill came fairly and properly and naturally within the jurisdiction of the committee presided over by the Senator from New Hampshire.

Mr. BLAIR. Is it to be understood that this is not referred to the Committee on Education and Labor with any black eye or subject to any prejudice from the action of the Committee on Claims? I do not like that a claim shall be sent to the committee which I happen to be chairman of, simply to get rid of it.

Mr. SPOONER. The change of reference is recommended because the Committee on Claims thought that the Committee on Education and Labor was the proper committee, and because the claimant preferred that the bill should be considered by that committee, and without any recommendation as to the merits of the bill by the Committee on Claims. If the bill shall receive any black eye it will be placed entirely to the charge of the Committee on Education and Labor.

Mr. BLAIR. I suppose that perhaps it is a case where it is necessary for the claimant to appear before our committee in order to get justice, and we shall consider the claim.

Mr. SPOONER. We are willing that you shall so consider it.

The PRESIDENT *pro tempore*. The report is agreed to.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 644) for the better security of persons and greater facility of transportation on street railroads within the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 536) for the relief of John L. Lake, jr., submitted an adverse report thereon, and moved its indefinite postponement.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be indefinitely postponed.

Mr. GEORGE. I object to that. I wish to have the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 733) for the relief of Edward Fitzgerald, trustee of the Catholic church at Fort Smith, Ark., reported it with an amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 38) for the relief of Alfred Hedberg, reported it with amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes, reported it without amendment, and submitted a report thereon.

BRIG GENERAL ARMSTRONG.

Mr. FRYE. I am instructed by the Committee on Foreign Relations, to whom was referred the message of the President, transmitting a letter from the Secretary of State, relative to the fund for the owners and crew of the brig General Armstrong, to report that no further legislation is necessary, with the reasons of the committee, which I ask to have printed. I suppose the communication would lie on the table, would it not?

The PRESIDENT *pro tempore*. The document will lie on the table, and the report will be printed.

PRESERVATION OF DIPLOMATIC DOCUMENTS.

Mr. MORRILL. I ask for the consideration of the joint resolution (S. R. 105) introduced by me on the 8th of February, and ordered to lie on the table.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the Senate proceed to the consideration of the joint resolution referred to by him.

Mr. HARRIS. Let it be reported for information subject to objection.

The PRESIDENT *pro tempore*. It will be read, subject to objection.

Mr. MORRILL. I will modify it by adding a clause to the first section.

The Chief Clerk read the joint resolution, as follows:

A joint resolution (S. R. 105) for the preservation of the official correspondence, documents, and other historical material on file in the various legations and consulates of the United States.

Resolved, &c., That any and all diplomatic and consular correspondence and accompanying documents which shall have remained on file in the legations or consulates of any of the diplomatic or consular representatives of the United States, upon any subject which shall have been finally determined and settled for the period of one year, shall be forwarded by the head of any such legation or consulate to the State Department at Washington, D. C., for file and preservation.

SEC. 2. That the Secretary of State is hereby instructed to take the necessary steps to carry this resolution into effect.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont will be stated.

Mr. MORRILL. I modify it. I have a right to modify it.

The CHIEF CLERK. At the end of section 1 it is proposed to add:

And the same, at the discretion of the Secretary, shall be filed and preserved.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3286) to increase the naval establishment; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HARRIS. By request of the commissioners of the District of Columbia, I introduce a bill.

The bill (S. 3287) relating to the construction of sewers and laying of water-mains in the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HALE introduced a bill (S. 3288) to provide for the increase of the naval establishment; which was read twice by its title.

Mr. HALE. Let me say that these two bills—the one just introduced by the Senator from Pennsylvania [Mr. CAMERON] and this one by myself—relate to different branches of the naval establishment. They are not in any way the same bill. I move that the bill be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. SAWYER (by request) introduced a bill (S. 3289) to establish a practice for the settlement of claims for pensions and to amend certain sections of the Revised Statutes of the United States relating to pensions, and certain laws relating to pensions enacted since the revision of the statutes, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3290) granting a pension to Sarah R. Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEORGE. At the request of a colleague in the other House, Hon. E. BARKSDALE, I introduce a bill.

The bill (S. 3291) referring the petition and papers in the case of George T. Swan, administrator of the estate of George T. Swan, deceased, in so far as the same relates to cotton seized, to the Court of Claims, was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 3292) in aid of the erection of a monument to the memory of General Joseph Warren, who fell at the battle of Bunker Hill; which was read twice by its title, and referred to the Committee on the Library.

Mr. STANFORD (by request) introduced a bill (S. 3293) to provide mortars and heavy guns for the armament of the forts, coast defenses, and vessels of the United States; which was read twice by its title, and referred to the Committee on Coast Defenses.

Mr. EUSTIS introduced a bill (S. 3294) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DOLPH introduced a bill (S. 3295) to authorize Dalles City to construct a bridge across the Columbia River, in the State of Oregon and Territory of Washington; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. PAYNE submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HARRIS. I offer an amendment intended to be proposed to what is called the Fourth of July claims bill. I move that it be printed, and, with the accompanying documents, referred to the Committee on Claims. I offer the amendment by request. I do not know anything about its merits.

The motion was agreed to.

MASSACRE NEAR FORT PHIL. KEARNEY.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate a copy of the report of Col. Henry B. Carrington, of the massacre of December 21, 1866, near Fort Phil. Kearney, with accompanying list of casualties.

INDIAN OPERATIONS ON THE PLAINS.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate a copy of the history of Indian operations on the plains, furnished by Col. Henry B. Carrington to a special commission which met at Fort McPherson, Nebr., in the spring of 1867.

SURRENDER OF GERONIMO.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate copies of all dispatches of General Miles referring to the surrender of Geronimo, and of all instructions given to and correspondence with General Miles in reference to the same.

RELATIONS OF LABOR AND CAPITAL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution which comes over under objection.

The resolution submitted yesterday by Mr. BLAIR was read, as follows:

Resolved, That the Committee on Education and Labor be directed to continue, with a view to its completion during the ensuing vacation, the investigation of the relations between labor and capital hitherto authorized and directed by the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

WILLIAM WEBSTER.

Mr. PLUMB. I move the consideration of the resolution I introduced on a previous day.

Mr. MORGAN. Several days ago I reported, by direction of the Committee on Foreign Relations, a resolution in respect to the claim of William Webster against the Government of Great Britain. While awaiting the printing of the report, which is somewhat extensive, that resolution went on the Calendar by mistake merely. I desire that it shall have such a place before the Senate as that to-morrow morning I can call it up as business that went over on objection.

The PRESIDENT *pro tempore*. The resolution referred to is on the Calendar subject to motion, but there is another motion pending, submitted by the Senator from Kansas [Mr. PLUMB], so that the motion of the Senator from Alabama is not now in order.

Mr. MORGAN. The only point is that the Chair would lay it before the Senate to-morrow, if it were not on the Calendar. The resolution was placed on the Calendar by mistake.

The PRESIDENT *pro tempore*. The Senator from Alabama can ask for unanimous consent.

Mr. MORGAN. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that to-morrow the resolution referred to shall be laid before the Senate at the end of the call for "concurrent or other resolutions." Is there objection? The Chair hears none, and it is so ordered.

REJECTION OF PENSION CLAIMS.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] moves that the Senate proceed to the consideration of the resolution heretofore submitted by him, calling on the Secretary of the Interior for information concerning the rule whereby applicants for pensions have been denied a hearing for the reason that they had applied to Congress for relief. The resolution will be read subject to objection.

Mr. HARRIS. I appeal to the Senator from Kansas to let us proceed with the special order, the consideration of House bills and joint resolutions on the Calendar.

Mr. PLUMB. I have no reason to suppose that this resolution of inquiry will excite debate. It will be very unusual if it does.

Mr. HARRIS. Is it not a resolution that has caused some hours' debate on previous mornings?

Mr. PLUMB. And for that reason, I presume, it will take no further time. It ought not to have taken any in the first instance.

Mr. HARRIS. Perhaps not, from the standpoint of the Senator, but from the standpoint of others it may possibly lead to the consumption of the entire morning hour.

Mr. PLUMB. I shall be very sorry for that. It will not be my fault if it takes any time except that necessary to read it and vote on it.

The PRESIDENT *pro tempore*. The resolution will be read subject to objection.

The Chief Clerk read the resolution submitted by Mr. PLUMB January 28, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether there is any rule of his Department applied in the Pension Bureau, or any rule of said bureau existing and applied with his knowledge or consent, whereby any applicant for pension is denied a hearing in said bureau concerning his claim by reason of said applicant having petitioned Congress for relief.

Mr. HARRIS. I shall object to the consideration of the resolution until a majority of the Senate decide to consider it.

Mr. PLUMB. I make the point of order that it is not subject to a single objection. I think the present occupant of the chair has ruled that when a resolution has been presented and goes over on objection, it is subject to be called up as a matter of right when the order of resolutions is reached on a subsequent day.

The PRESIDENT *pro tempore*. The Chair will state that the special order made by the Senate on motion of the Senator from Tennessee [Mr. HARRIS] is now before the Senate. Pending the execution of that order it is in order for the Senator from Kansas to move to proceed to the consideration of the resolution.

Mr. PLUMB. I move to proceed to the consideration of the resolution.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the resolution just read.

The motion was agreed to; there being on a division—ayes 36, noes 19.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and the question is on agreeing to the amendment submitted by the Senator from Missouri [Mr. COCKRELL].

Mr. COCKRELL. My recollection is that upon that amendment the yeas and nays were ordered.

The PRESIDENT *pro tempore*. If that is true the Chair will take the question in that way. The Chair is informed that the yeas and nays have been ordered.

Mr. COCKRELL. Let the resolution be read and then the proposed amendment.

The PRESIDENT *pro tempore*. The resolution has been read. The amendment will now be read.

Mr. TELLER. Mr. President——

The CHIEF CLERK. At the end of the resolution add:

And if there be no such rule, then to inform the Senate who wrote the letter of January 27, 1887, touching the pension claim of David C. Canfield, and when such employé was appointed in the Pension Office.

The PRESIDENT *pro tempore*. Does the Senator from Colorado ask for the reading of the original resolution?

Mr. TELLER. No; I only wanted to inquire what the yeas and nays had been called on. I understand that it is on the amendment of the Senator from Missouri.

The PRESIDENT *pro tempore*. It is. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri.

The yeas and nays were taken.

Mr. VAN WYCK (after having voted in the negative). I desire to withdraw my vote. I am paired with the Senator from Delaware [Mr. GRAY].

Mr. COLQUITT. I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. MCPHERSON (after having voted in the affirmative). I desire to withdraw my vote. I am paired with my colleague [Mr. SEWELL] generally on political questions, and this has assumed a political form.

The result was announced—yeas 21, nays 31; as follows:

YEAS—21.

Beck,	Coke,	Morgan,	Walthall,
Berry,	George,	Payne,	Whitthorne,
Blackburn,	Gibson,	Ransom,	Wilson of Md.
Butler,	Harris,	Vance,	
Call,	Kenna,	Vest,	
Cockrell,	Maxey,	Voorhees,	

NAYS—31.

Aldrich,	Dawes,	McMillan,	Sabin,
Allison,	Dolph,	Manderson,	Sawyer,
Blair,	Evarts,	Miller,	Sherman,
Bowen,	Farwell,	Mitchell of Oregon,	Spooner,
Cameron,	Frye,	Morrill,	Teller,
Cheney,	Hale,	Palmer,	Williams,
Conger,	Hawley,	Platt,	Wilson of Iowa.
Cullom,	Hoar,	Plumb,	

ABSENT—24.

Brown,	Fair,	Jones of Arkansas,	Pugh,
Camden,	Gorman,	Jones of Florida,	Riddleberger,
Chace,	Gray,	Jones of Nevada,	Saulsbury,
Colquitt,	Hampton,	McPherson,	Sewell,
Edmunds,	Harrison,	Mahone,	Stanford,
Eustis,	Ingalls,	Mitchell of Pa.,	Van Wyck.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution.

The resolution was agreed to.

DISTRICT GAS SUPPLY.

Mr. SPOONER. Mr. President——

The PRESIDENT *pro tempore*. The first bill on the Calendar under the order adopted on motion of the Senator from Tennessee [Mr. HARRIS] will now be stated.

The CHIEF CLERK. A bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes.

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (S. 2819) relating to the manufacture and sale of gas in the city of Washington, in the District of Columbia, and amendatory of an act entitled "An act regulating gas-works," approved June 23, 1874.

The PRESIDENT *pro tempore*. Pending the consideration of the first House bill on the Calendar under the order, the Senator from Wisconsin moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. HARRIS. I appeal to the Senator from Wisconsin, my colleague upon the Committee on the District of Columbia, to let that bill go over until we get through with the call of the House bills. I do not think it will take more than an hour to complete that call if we proceed at once, and then I shall be very glad to co-operate with him in securing consideration for the bill to which he refers.

Mr. SPOONER. The bill I have moved received at the hands of the Committee on the District of Columbia very careful consideration, and I think should be acted upon by the Senate in time to receive action in the House of Representatives. There is, I understand, but one day more of this session to be devoted to District business in that body, and I am anxious that the bill shall be disposed of here.

The PRESIDENT *pro tempore*. Pending the consideration of the order, the Senator from Wisconsin moves that the Senate proceed to the consideration of the bill indicated by him.

The motion was agreed to; there being on a division—ayes 26, noes 16; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SPOONER. I am instructed by the Committee on the District of Columbia to offer an amendment, which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the bill as new sections the following:

SEC. —. That from and after June 30, 1887, the price of illuminating gas in all parts of the District of Columbia shall be uniform. That the Georgetown Gaslight Company is hereby authorized and empowered to consolidate with the Washington Gaslight Company, by the exchange of the stock of the Georgetown Gaslight Company for the stock of the Washington Gaslight Company on such terms and in such proportions as may be agreed upon between the said companies; and the said Washington Gaslight Company shall continue to be known and styled the Washington Gaslight Company, as heretofore; and for the purpose of carrying out the provisions of this act the Washington Gaslight Company is hereby authorized to issue seven thousand five hundred shares of its capital stock in addition to the amount now authorized by law; and the stock of the Georgetown Gaslight Company so exchanged shall be canceled by the Washington Gaslight Company.

SEC. —. That as soon as the said exchange of stock shall have been made the Georgetown Gaslight Company shall turn over and deliver all its property, books, accounts, claims, and evidences of debt to the Washington Gaslight Company, which latter company shall thereupon become the owner thereof; and the said Washington Gaslight Company shall become liable for and assume all the debts of the Georgetown Gaslight Company. The said Washington Gaslight Company shall thereupon be, and it is hereby, authorized and empowered to extend its mains and pipes across Rock Creek into West Washington and connect them with those of said Georgetown Gaslight Company, and to maintain them, and to manufacture, distribute, and sell gas in West Washington under the same terms and conditions and in the same manner as it is now or may hereafter be authorized by law to do in the city of Washington, and also to exercise the same franchises, rights, and powers, and enjoy the same privileges, in said West Washington as it is by law authorized to exercise in the city of Washington.

SEC. —. That the said corporation known as the Georgetown Gaslight Company, upon the delivery of the said property to the Washington Gaslight Company, shall cease and determine: *Provided*, That nothing in this act shall interfere with any contract or any action at law or suit in equity: *And provided further*, That nothing herein contained shall in any way interfere with or prejudice the franchise, powers, rights, or privileges of the said Washington Gaslight Company now held and exercised by it, the true intent and meaning of this act being to authorize the said Washington Gaslight Company to extend its works and operations so as to supply gas to the people of West Washington upon the same terms and conditions as it does or shall hereafter do to the city of Washington.

Mr. SPOONER. I offer that as an amendment to come in after section 3.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FRYE. Does the price fixed at $1 per thousand feet still remain?

Mr. SPOONER. The price is fixed at $1 per thousand.

Mr. FRYE. Is there any city in the United States where gas is furnished at such a price?

Mr. SPOONER. Yes, sir.

Mr. FRYE. Where?

Mr. SPOONER. At Louisville and the other cities named in the report of the committee. It is furnished in Chicago for a dollar, and it is furnished at Nashville, Tenn., for a dollar. I may say to the Senator from Maine that the committee were not absolutely satisfied upon the investigation they made that $1 would be a fair rate to be allowed to the company. It is very difficult to obtain on an investigation of the kind all the data so necessary to an absolutely accurate conclusion. From all we could learn we thought that, situated as this company is, $1 would be a fair rate and would give the company a fair profit, there being a constantly increasing demand. We have therefore provided in the bill that if at any time the rate of $1 should be found for any reason—changes in the price of coal, for example, caused by strikes or otherwise, or combination affecting prices—to be inadequate to give this corporation 7 per cent. net dividend upon $2,000,000 of capitalization, upon investigation by a board to be appointed by the Secretary of War and adequate proof by the company (which possess, of course, all the information upon the subject), a license may be issued to the company to charge a rate which will give them 7 per cent. We felt that in that way the burden of establishing what is a fair rate would be placed upon the company, where it belongs; and surely no man will claim that the company should have a higher dividend on its stock than 7 per cent. We endeavored by this device to make the rule flexible, and to make it fair to the stockholders of the corporation as well as fair to the public.

Mr. FRYE. I did not notice the provisions to which the Senator refers. That is a saving clause. It struck me if this simply fixed the price at $1 per thousand feet, from an investigation made by the committee, that it was rather a high-handed proceeding on the rights of the corporation; but the provision the Senator refers to may save it.

Mr. SPOONER. It would not be so high-handed a proceeding if it were made $1 and absolutely left at that sum.

I do not think there is a Senator who would not so decide upon a hearing. On investigation, the evidence satisfied us that the cost of manufacturing gas in this city was very much less than the cost stated to us by the company. We find that at the West Point works, owned by the Government, where the demand is limited and the cost is greater, they manufacture and distribute gas at 75 cents per thousand cubic feet.

The statement of an expert, a gentleman commended to the committee by the president of this company, and universally known as a great expert on this subject, Mr. Vanderpoel, satisfied us that they are charging too much. We learned from an address of Mr. Vanderpoel, made to an association of gas experts, that the cost of manufacturing gas, exclusive of the cost of distribution, was only about 39 cents. This was some years ago, and with coal at a much higher price than this company pays or will be likely to pay for it; and that, too, by companies which were subjected more or less to competition, which this company is not. We thought it would be unwise to admit here competition by rival gas companies, to tear up the streets of this city. We thought it would be better to regulate in some fair and flexible way—and this we attempt by this bill—the price of gas, and to leave this corporation where it has its plant and its mains to render service to the public under proper regulations by Congress.

Mr. GORMAN. I should like to inquire of the Senator reporting this bill why the matter to be investigated should be confided to the Secretary of War; why he is to examine into the affairs of this gaslight company, and to decide what is proper to be done hereafter. Is it the intention of the committee to place this matter in the hands of the engineer officers of the Army? Why not leave it in the hands of the Secretary of the Interior to choose the best experts, not connected with the Army, to investigate the subject?

Mr. SPOONER. The Secretary of War is not confined by the bill to army officers in forming the board, but is limited only by the requirement that the experts shall be experts, and shall be entirely competent and disinterested. It was thought that the Secretary of War was the officer who had more time to give such attention as is involved in the duty, a personal examination by him, than perhaps the Secretary of the Interior. My own judgment at first was that it would be better to leave it where it has been hitherto, within the jurisdiction of the Secretary of the Interior, but members of the committee who have had more to do with the Government than I have had and with the administration of the Departments thought it would be better to leave it to the Secretary of War.

Mr. GORMAN. The people of the District of Columbia are governed, as we all know, by a commission which they have no earthly power to control the appointment of; and practically all the main needs of the District are in the hands of army officers, and especially engineer officers. Such a system is unquestionably very unsatisfactory to this people, and, for one, I want to enter my protest against the enlargement of the duties assigned to army officers, honest and capable as they are. It produces constant friction. They give no consideration, or not the proper consideration, to the people of this District. I do not know that there is any government on the face of the earth that is more autocratic and less in the interest of the people than that conducted by army officers when you assign them to the performance of civil duties.

Heretofore the regulation of gas companies and other corporations has naturally and properly belonged to the Interior Department. It is possible that the Secretary of the Interior has no power to make such investigations as are here proposed, under the present regulations; but I for one protest against the enlargement of the powers and duties in solely civil matters entrusted to army officers.

I therefore move to strike out from section 2, and wherever it occurs, the phrase "Secretary of War" and insert "Secretary of the Interior," giving him power to employ experts, the best in the country, to examine this whole question—civilians, and not army officers.

Mr. SPOONER. I have no objection to that amendment.

The PRESIDING OFFICER (Mr. PALMER in the chair). If there be no objection, the amendment will be considered as made.

Mr. GORMAN. Wherever the term occurs strike out "Secretary of War" and insert "Secretary of the Interior."

Mr. SPOONER. Wherever it occurs.

Mr. MORRILL. I do not object to this bill if it is the best bill that can be reported by the Committee on the District of Columbia. My impression, however, is that they are giving us a bill that will inflict on the District the very poorest kind of gas; that is, gas made from naptha, benzine, and oil. I should much have preferred from my experience of gas in this city that we should have provided a higher price for gas that was of the very best quality which can be made solely from coal.

The gas made exclusively from coal is a more expensive article than that made from naphtha, and here I do not know myself what the price of coal is only so far as I pay for it for my own use, but I do know that I have to pay more for coal here than they have to pay even in my State, in Vermont—far away as it is from any coal mining. There is something wrong in the cost of transportation of coal to this city which ought to be remedied, for we are within a reasonable distance of all kinds of coal here, and yet it is one of the dearest places for coal there is in the country. I should have been glad if there had been a provision by which gas made exclusively of coal might be charged at a higher price. I would much prefer it myself to this kind of gas made from naphtha.

Mr. SPOONER. The committee undertook to secure by adequate provisions in this bill the manufacture and supply to the people of this District of gas which shall be all that is desired in the way of illuminating power, and not only that, but susceptible of healthy use by the people.

It appeared to the committee—I shall not take the time of the Senate more than a moment—that of the gas which has been furnished and is being furnished by the Washington Gaslight Company at $1.75 a thousand, about half of it, yes, over half of it, is naphtha gas; and the Government expert, the man whose business it is to look to the interests of the people in that respect, gave it as his opinion to the committee that the gas which the people of this city are constantly breathing is excessively deleterious to the public health.

There was also testimony before the committee that the use of naphtha in the manufacture of gas is not deleterious to the public health, testimony which was entitled to respect at the hands of the committee, and we felt that it could not be reasonably expected of us, none of us being experts in the manufacture of gas, that we should undertake to investigate and decide as to whether the gas made should be in no part naphtha.

Mr. MORRILL. I will say to the Senator from Wisconsin that that was not my objection. My objection to the gas is that if the burners are allowed a little too much force, the room is filled with smoke, destroying the furniture and blackening it.

Mr. SPOONER. We thought the gas should, at any rate, be a healthful gas; and in addition to that it should be of proper illuminating power; and that it should be such that its use would not deface the houses. So we provided, not being able to determine for ourselves upon all that was necessary in that respect, that this board should investigate that question, and that this gas company should conform the gas which it manufactures and furnishes to the people of this District, to the requirements of the board, they having been approved first by the Secretary within whose jurisdiction this matter is left.

It seems to me that after that investigation is made we have just right to suppose the gas which is furnished here will be of proper quality in every way.

The PRESIDING OFFICER. The question is on the amendment of the Committee on the District of Columbia.

The amendment was agreed to.

Mr. SPOONER. The adoption of the amendment proposed by the Senator from Maryland [Mr. GORMAN] makes it necessary in order to preserve the consistency of the bill that a further amendment should be made. I therefore move to strike out from section 3, at the end thereof, the words occurring after the word "session," in line 52.

The PRESIDING OFFICER. The words proposed to be stricken out will be read.

The CHIEF CLERK. In section 3, line 52, after the word "session," it is proposed to strike out:

From and after the passage of this act all statements now required by law to be furnished by said gas company to the Secretary of the Interior shall be furnished to the said Secretary of War, and the inspection of gas and gas-meters in said city shall be under the supervision of said Secretary.

The amendment was agreed to.

Mr. SAULSBURY. In section 1 I see a provision that if consumers other than the Government do not pay for their gas within a certain time they may be charged 25 per cent. extra. In the town in which I live 10 per cent. is added.

Mr. SPOONER. We investigated that matter, and found they have always charged 25 cents, and nearly all, I supposed all, of the cities of the United States charge 25 cents, or rather allow 25 cents discount from the regular price if payment is promptly made. We thought that a man as penalty for negligence might fairly be charged that much additional.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6976) to erect a public building at Portsmouth, Ohio; in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had appointed Mr. HAMMOND as one of the managers on the part of the House at the conference on the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, in place of Mr. TUCKER, excused.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 79) for the relief of Pryor N. Lea;

A bill (H. R. 633) for the relief of Maj. G. W. Candee;

A bill (H. R. 707) for the relief of J. R. Martin;

A bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased;

A bill (H. R. 1143) authorizing the Secretary of War to deliver to the Somerville Grand Army of the Republic, of Somerville, Mass., four condemned gun-carriages, to be used for monumental purposes;

A bill (H. R. 1261) for the relief of Henry A. Paus;

A bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi;

A bill (H. R. 1455) for the relief of Lysander H. Carroll;

A bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America;

A bill (H. R. 1993) for the relief of St. Mark's Protestant Episcopal church in the District of Columbia;

A bill (H. R. 2053) for the relief of Rachael J. Floyd;

A bill (H. R. 2086) for the relief of Francis M. Bell;

A bill (H. R. 2173) for the relief of George W. Cousins;

A bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey;

A bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River, at the foot of Pennsylvania avenue east;

A bill (H. R. 4839) for the relief of the personal representatives of E. P. McNeal, deceased;

A bill (H. R. 5326) for the relief of E. B. Dawson;

A bill (H. R. 5651) for the relief of David W. Low;

A bill (H. R. 5652) for the relief of James W. Goodrich;

A bill (H. R. 5775) for the relief of James M. McKamey;

A bill (H. R. 6046) for the relief of H. C. Wilkey;

A bill (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, D. C.;

A bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties;

A bill (H. R. 7860) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 8297) for the relief of Frank Shutt;

A bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quitclaim and release to a certain alley in Washington to Cornelia P. Randolph and others;

A bill (H. R. 9653) to amend section 3058 of the Revised Statutes;

A bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery near Danville, Va.;

A bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota.

A bill (S. 1071) for the relief of Frances W. Dyer;

A bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park;

A bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States;

A bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881;

A joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on Memorial or Decoration Day and the Fourth of July of each year as on other days; and

A joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

JOSEPH FRANCIS.

Mr. HARRIS. Regular order.

Mr. EVARTS. Mr. President, I ask to call up Calendar No. 1124, which is on the Calendar under the ninth rule, being a joint resolution (H. Res. 125) in recognition of the services of Joseph Francis, reported by the Committee on Commerce here without amendment, having passed the other House. It will be much more convenient to me to have this matter brought up to-day rather than to-morrow if I can find now an opportunity to get it up. I believe it will occupy but little time, and I think it is very proper that it should be disposed of.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from New York to proceed to the consideration of the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Mr. COCKRELL. That will consume all day. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. GEORGE. I should like to have the resolution read.

The PRESIDENT *pro tempore.* The resolution proposed to be taken up will be read for the information of the Senate.

The CHIEF CLERK read the joint resolution, as follows:

Resolved, &c., That in view of the life-long services to humanity and to his country of the now venerable Joseph Francis, in the construction and perfection of life-saving appliances, by which many thousands of lives have been saved, the thanks of Congress be, and are hereby, tendered to Joseph Francis; and that the President of the United States is hereby authorized to cause to be prepared a gold medal, with a suitable inscription, to be presented to Mr. Francis, in recognition of his eminent services.

The Secretary proceeded to call the roll.

Mr. COLQUITT, (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call having been concluded, the result was announced—yeas 30, nays 17; as follows:

YEAS—30.

Aldrich,	Eustis,	Kenna,	Plumb,
Allison,	Evarts,	McPherson,	Ransom,
Blair,	Farwell,	Miller,	Sawyer,
Bowen,	Gibson,	Mitchell of Oregon,	Teller,
Butler,	Gorman,	Morgan,	Vest,
Call,	Hale,	Morrill,	Williams.
Cheney,	Hoar,	Palmer,	
Conger,	Jones of Nevada,	Payne,	

NAYS—17.

Berry,	Dawes,	McMillan,	Whitthorne,
Blackburn,	George,	Maxey,	Wilson of Md.
Cameron,	Hampton,	Saulsbury,	
Cockrell,	Harris,	Sherman,	
Coke,	Jones of Arkansas,	Walthall,	

ABSENT—29.

Beck,	Fair,	Manderson,	Stanford,
Brown,	Frye,	Mitchell of Pa.,	Vance,
Camden,	Gray,	Platt,	Van Wyck,
Chace,	Harrison,	Pugh,	Voorhees,
Colquitt,	Hawley,	Riddleberger,	Wilson of Iowa.
Cullom,	Ingalls,	Sabin,	
Dolph,	Jones of Florida,	Sewell,	
Edmunds,	Mahone,	Spooner,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. The Chair is informed by the Secretary that there is no report.

Mr. HARRIS. Has the resolution been read at length?

The PRESIDENT *pro tempore*. It has been read at length.

Mr. EVARTS. A report was made in this case in the House of Representatives, and I ask that the Secretary read that report.

The Chief Clerk read the following report, submitted by Mr. IRION, from the Committee on Commerce of the House of Representatives, February 16, 1886:

The Committee on Commerce, to whom were referred the memorials of the New York Chamber of Commerce and the American Institute of New York, beg leave to submit the following report:

The joint resolutions offered by the committee propose nothing more than the recognition by the Government of the United States of the eminent services rendered by Mr. Joseph Francis to the cause of humanity by furnishing an avenue of escape from a watery grave to the thousands of unfortunate beings who are yearly cast away on the shores of the oceans and great lakes.

Previous to the invention of the life-saving appliances of Mr. Francis the wreck of a vessel on the storm-swept shores of the sea was certain death to all, or nearly all, on board. In early life his attention was attracted to the great loss of life and property along the Atlantic coast. His heart was moved to sympathy for the large number of helpless beings who were yearly swept away, and his active genius set to work to provide some means by which they might be transported in safety from the vessel to the shore. Encouraged by the partial success of his early efforts, he persevered in making improvement after improvement, until his inventive genius culminated in the construction of the first perfect life-car, in the year 1848. It was not, however, until January, 1850, that he had an opportunity to test the efficiency of his invention. At that time "the British ship Ayrshire, having become disabled, was driven on shore at Squan Beach during a terrific snow-storm. She had two hundred and one persons on board, and after striking the beach lay there stranded, the sea breaking over her and the surf rolling in so high that it was impossible for any boat to reach her."

Through the instrumentality of the mortar and line, a hawser was stretched from the shore to the ship, and along this passway the life-car made frequent trips, until two hundred out of the two hundred and one persons on board were carried over the boiling surf in safety to the land.

This successful experiment brought Mr. Francis and his life-car into prominence before the civilized world. Everywhere, except in his own country, his services in the cause of humanity were fitly recognized; and now, in the eighty-fifth year of his age, as the last honor which is to crown his well-spent life, he asks his own Government to award him a suitable testimonial of his worth and life-long devotion to the welfare of his fellow-man. In this request he is sustained by the American Institute of New York and by the Chamber of Commerce of the State of New York, both of which bodies have memorialized "the Congress of the United States to take such action in recognition of the great services to the country and to humanity of Joseph Francis as in its wisdom it may deem most fitting and proper."

Mr. Francis asks no pension or pecuniary reward, but simply some acknowledgment from the Government of his native country of his honorable life and eminent services in the cause of humanity.

In view of these facts, the Committee on Commerce beg leave to report the accompanying joint resolutions, and recommend their adoption.

Mr. EVARTS. Mr. President, the relations of this valuable citizen to the measures that have been taken for the saving of life and which have been brought by this country into a recognition of an establishment more extensive than anywhere else employed, more useful in its results and more popular in public esteem than any other, which touches the sentiments of the people as well as their duties, do not permit me at this stage of this matter to enter upon any broad encomium on his conduct and his character, or to an enlargement of the public services he has performed and the value which will come from this recognition.

This matter of the services of Mr. Francis was introduced to Congress by a memorial of the Chamber of Commerce of the city of New York and another memorial from the American Institute. No more important bodies, I think, are engaged in the respective matters of commerce and of mechanical invention than these two bodies.

Mr. Francis, a native of Massachusetts, became at the age of eleven years a workman in a boat-building establishment. From the earliest date of his enlistment in mechanical employment he felt a great desire to save from the ruin that attended shipwrecks the lives, the loss of which by mechanical invention and proper energy and courage, as he thought, might be reduced, if not brought within a very narrow compass. Pursuing that purpose as a boy, as a workman, as a foreman, as an inventor, as a manager, and as a persistent skillful mechanic in overcoming all obstacles, as early as the year 1845 in progressive steps he had brought the invention to the complete perfection and practical application that have made the saving of live at shipwrecks now the common rule where before the almost universal rule was the loss of life.

Mr. Francis has never asked or received any pecuniary aid from this Government, nor has he solicited at all the attention of the public at his own home or in this country at large or in Europe, except so far as attraction has been drawn to the reports of his invention and the wonderful results that have followed from it; and now at the age of eighty-six years, still in possession of his faculties, still cherishing that same interest in the life-saving operations of this country that he was the first to start, the first to advance, the first to effect, he desires, and his friends desire that there should be added to the honors which have been conferred upon him by the principal states of Europe in various forms of recognition, that this recognition should be given by the Government of the United States.

I am not aware that any just reason can be given on this floor for not acceding to the purpose and the determination and the enactment that has came to us from the House of Representatives. In our own community of New York and its neighboring cities and shores, if any one should for a moment doubt that Joseph Francis was the originator in design and in invention and in perfection of what now constitutes the main apparatus and practice of saving life, he would be treated as at large on these topics and inattentive to what was known to everybody there.

Mr. COCKRELL. Will it interrupt the Senator to ask him a question?

Mr. EVARTS. No, sir.

Mr. COCKRELL. Did Mr. Francis secure a patent from the Government as the original inventor of the life-saving boats?

Mr. EVARTS. I understand that Mr. Joseph Francis in the successive stages of his progressive inventions has covered and has received by patents all that covers the patentable value of what is now in force.

Mr. MORGAN. If the Senator from New York will indulge me one moment I will submit a letter which the Commissioner of Patents addressed to me on the 20th of December, 1886. I will send it to the desk and have it read if the Senator from New York will allow it to go into the RECORD just now.

Mr. EVARTS. Certainly.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., December 20, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, inclosing copy of a statement furnished by Mr. Joseph Francis, in relation to his inventions in "life-saving apparatus," &c.

A careful examination of the records of this office discloses the following in regard to Mr. Francis's applications, caveats, and patents:

Joseph Francis, of New York, N. Y., was granted United States letters patent for the following inventions:

Portable screw-boat, patented April 23, 1833.

Life and anchor boats, No. 1067, patented January 11, 1839.

Life and other boats, No. 2018, patented March 26, 1841.

Method of building boats, vessels, &c., No. 2293, patented October 11, 1841.

Boats and other vessels of sheet-iron, No. 3974, patented March 26, 1845. (Extended for the term of seven years; expired March 26, 1886.)

Joseph Francis, of New York, N. Y., filed a caveat on February 11, 1850, for life-boat or car, in which he stated "that he has invented, made, and tried, and is about fully effecting certain new and useful improvements in the means of saving lives and property from wrecked ships, and is desirous of legal protection until he can so fully complete the same as to apply for a patent thereon."

Joseph Francis filed an application for patent on April 11, 1851, for a "life-car," which was rejected July 19, 1851, for the following reasons:

"First claim is rejected—see patent, Greene, 1849.

"Second claim rejected on the ground that 'air chambers are at the present day such ordinary devices that their application to any form of boat is not patentable.'

"Last claim likewise can not be allowed."

Mr. D. Ottinger, of Erie, Pa., filed an application on August 3, 1857, for life-car, which was rejected September 25, 1857:

"Your application for a patent for improvement in life-cars or life-boats has been examined upon the substitute specification filed under date of the 24th instant, and the invention therein claimed decided not to be patentable. As furnishing reasons for this decision, you are referred to an application filed by Joseph Francis, and rejected July 19, 1851."

March 10, 1858, upon request of D. Ottinger, an interference was declared between the rejected application of J. Francis of 1851, and the rejected applications of D. Ottinger of 1857. The interference was dissolved August 8, 1860, and both applications rejected for the reasons set forth in the rejections of Francis's application of 1851, and on Francis's patents of 1839 and 1845.

May 11, 1859, D. Ottinger filed another application for surf-car, which was rejected June 16, 1859, as follows:

"The first clause of the claims, the arched deck, has no novelty. See L. Alexander's patent submarine boat of September 3, 1850; G. F. Tewksbury's patent boat of August 7, 1849, and Joseph Francis's patent boat of January 11, 1839.

"As far as the deck of the latter extends, it appears to have the degree of curvature given in your drawings. For the second clause of the claim you are referred to the application of Joseph Francis, rejected in August, 1858—surf-car."

In connection with the foregoing I beg leave to quote the following from a report made by Mr. Frank MacArthur, in March, 1886, in regard to this same matter. A copy of this report was duly transmitted to Senator McPherson:

"Long prior to the proceedings in interference referred to, and long prior to the filing of either of the applications involved therein, patents had been granted to Mr. Francis for life-boats of the same general character. See patent to Francis, January 11, 1839, No. 1067, and patent to Francis, March 26, 1845, No. 2018.

"Neither of these patents was involved in the interference, and that adjudication did not therefore affect in any way the validity of these patents."

Very respectfully,

M. V. MONTGOMERY, *Commissioner.*

Hon. JOHN T. MORGAN,
United States Senate, Washington, D. C.

Mr. COCKRELL. Let me ask the Senator who is the MacArthur referred to who makes a report, an attorney in the case?

Mr. MORGAN. I do not know anything about him at all. I only present the letter I received.

Mr. HARRIS. I did not hear the question of the Senator from Missouri.

Mr. COCKRELL. I asked who MacArthur was who is referred to by Commissioner Montgomery as having made a report to him, and from which he copies?

Mr. EVARTS. An examiner in the Patent Office, an official of the office.

Now, Mr. President, as this topic has been introduced, I will only say a word on the matter of what is called an interference. In 1859, which is about the date of this transaction I believe of a supposed inquiry as to priority in a particular and as I suppose quite immaterial invention, as bearing on the question of the great subject of completed inventions which Mr. Francis had brought to a close, Mr. Francis was abroad in Europe, and I will venture to say that the transaction in the Patent Office is unprecedented.

Mr. Francis on asking for a patent for an improved invention, after the general completion of his discoveries and of their application, is met with the response that there is nothing new patentable in it, because he has already covered it. Mr. Ottinger afterward makes an application, many years after this of Mr. Francis for the final and as I think very material invention, and is met with the same answer, that his proposed patent can not be allowed, because it is covered by the previous patents already granted to Mr. Francis.

There are also some indications that this very special matter had been covered by other inventions, for all this related rather to the convex deck of the life-car, and it was said that this really had been covered by very general inventions and that the patentable part was in what had already been reached and was patentable and valuable by Mr. Francis.

Then, in the absence of Mr. Francis in Europe, there is brought about an interference investigation between two patentees and their claims, both of which had been rejected and both rejected because Mr. Francis's previous inventions had covered both. And how and why and with what motive in the discharge of mere Patent Office obligations there could be an inquiry in an absolutely moot and idle investigation which of two unpatentable improvements was the earlier when both were held to be unpatentable by reason of the previous inventions of Mr. Francis, I can not say. So much for that.

Now, the Chamber of Commerce state—and I will give their words, as they carry more weight than mine would—

Whereas during the whole period of a long and active life Mr. Francis has devoted his talents and his means to the improvement and development of those appliances which have been the means of saving thousands of valuable lives in all parts of the civilized world, receiving in recognition thereof knighthoods, medals, testimonials, and diplomas from all the great nations of the world except his own country: Therefore

Resolved, That the Chamber of Commerce of the State of New York do hereby memorialize the Congress of the United States to take such action in recognition of the great services to the country and to humanity of Joseph Francis as in its wisdom it may deem most fitting and proper.

The American Institute uses this language:

Whereas in view of the eminent and distinguished labors of Mr. Francis in a field which, by the record of its results, has proved so humane in the protection of human life, and for which he has had no compensation commensurate with the benefits bestowed thereby; and now that he has reached the age of four score years and upward, when, if at all, his work should be appreciated and acknowledged by his country, to whose honor and renown he has added a share among the nations of the earth: Therefore,

Be it resolved, That this is the sense of this institute, of which Mr. Francis has been so long an honored and efficient member, that the philanthropic and self-sacrificing services which he has rendered in the interests of humanity by his invaluable inventions, as shown by remarkable results in the use of these inventions for many years past, by which the lives of multitudes of human beings have been saved and preserved from horrible deaths, ought to receive from his countrymen just and suitable recognition and recompense; and to that end

It is further resolved, That in behalf of Mr. Francis the American Institute of the city of New York urge upon, and do hereby memorialize, the Congress of the United States to favorably consider the claims of Mr. Francis for such appropriate action as is due to him from a Republic that never fails to recognize worth and merit in the humblest of its citizens, and to make suitable reward therefor by such other recognition as in its wisdom the honorable Senate and House of Representatives may see fit to bestow.

Few lives have been more beneficent than that of Joseph Francis. Few have been more simple, more honest, more suitable to the dignity of a mechanic and workman and laborer, and few have had any larger sphere of distinction than that which belongs to honest labor intelligently and benevolently applied. When there is added to it so great a fruit of benefit to mankind, it is certainly not to be expected that in the two Houses of Congress there will be a failure to recognize this merit.

I hope, therefore, that the resolution will be passed.

Mr. CAMERON. Mr. President, this is so old a claim that it has become a little musty. I do not think from the examination I have made of the subject that Mr. Francis is the inventor of the life-boat, and that the life-boat was first made by Joseph Ottinger.

Mr. EVARTS. Life-car. Mr. Ottinger says all the difference is between a life-car and a life-boat.

Mr. CAMERON. Mr. Ottinger was the inventor and is so recognized by Congress, but he never got a patent for his invention. He had his boat built, as I understand the story, at a ship-yard in New York in which Mr. Francis was a workman. Mr. Francis afterwards took up this invention and applied for a patent, but he was not recognized, while Ottinger was, by an act of Congress, and was paid $10,000 in recognition of the service which he had rendered humanity in this regard. I do not think Mr. Francis is at all entitled to this recognition.

Mr. MORGAN. Mr. President, the House of Representatives has sent over a resolution here designed to confer a proper honor upon a very worthy man and that will also reflect credit upon the Government of the United States.

Mr. Joseph Francis, as was remarked by the Senator from New York, and as is recognized by the people of New York by the Chamber of Commerce there, has been among the very greatest of the benefactors of the human race in his devotion of all his energies from his very boyhood up now to his eighty-sixth year in providing means to rescue men from ships that are wrecked. He has devoted himself so strenuously to the distribution of his inventions through the world and for the sake of humanity that he has not given much attention to the making of money out of this enterprise, but he has received decorations of honor from various foreign governments and comes home now after long travel, as he hopes, to receive an honest and just recognition from his Government.

It would not be necessary perhaps for Congress to take any action at all upon this matter, but for the fact that his fame has been interrupted by a man who had no right to do anything, a man who has pirated or attempted to pirate his patent. The records of the Patent Office, which have been read here and which are sent to us in a letter addressed to me by Commissioner Montgomery, show conclusively, beyond all dispute whatever, that patent after patent was issued to Mr. Francis years before Mr. Ottinger ever undertook to assert a claim upon this invention.

I wish the Senate would give some attention to the dates in this matter. A patent was granted to Joseph Francis for "Portable screw boat," April 23, 1833; for "Life and anchor boats," No. 1067, January 11, 1839; for "Life and other boats," No. 2018, March 26, 1841; for "Method of building boats, vessels," &c., No. 2293, October 11, 1841; for "Boats and other vessels of sheet-iron," No. 3974, March 26, 1846 (extended for the term of seven years; expired March 26, 1866).

Those are the corrugated iron boats.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Senator from Alabama will suspend. The Chair announces that the hour of 2 o'clock having arrived it is his duty to lay before the Senate the unfinished business, which is the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. MANDERSON. Mr. President——

Mr. HOAR. I believe I have the floor.

Mr. MANDERSON. The Senator from Massachusetts has the floor on this bill, but I ask his consent to allow me to request that a bill be considered, a public building bill, and it is important that it should be passed to-day in order to get consideration by the committee of the other House to-morrow. I ask that the pending business be laid aside informally, and that this bill to which I allude may be considered.

The PRESIDING OFFICER. The Senator from Nebraska asks that the pending business be laid aside informally, and that the Senate proceed to the consideration of the bill sent up by him. The Chair hears no objection.

PUBLIC BUILDING AT OMAHA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3254) for the improvement and enlargement of the public building at Omaha, Nebr.

The Committee on Public Buildings and Grounds reported an amendment, in line 6, after the words "improvement of the," to strike out "public building" and insert "court-house and post-office;" so as to make the bill read:

Be it enacted, &c., That the sum of $100,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the enlargement and improvement of the court-house and post-office at Omaha, Nebr.; such improvement and enlargement of the said building to be made upon plans and specifications approved by the Secretary of the Treasury.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the improvement and enlargement of the court-house and post-office at Omaha, Nebr."

ORDER OF BUSINESS.

Mr. BOWEN. I ask the indulgence of the Senate to call up Order of Business 1995. It is important that the bill should pass to-day. It is the bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah Reservations, in the Territory of Utah, and for other purposes. The railroad is now under construction.

Mr. VEST. I call for the regular order. I gave way yesterday, and did not get it up until 3 o'clock. Now, I want to give notice that I shall ask the Senate to remain in session until we dispose of the unfinished business, Senate bill 2288. The Committee on Appropriations desire to call up to-morrow, provided this bill can be finished to-day, the Post-Office appropriation bill. I understand there are some speeches yet to be made, but we can conclude the unfinished business to-day, provided we go to work at it now, and then we can pass the Post-Office appropriation bill to-morrow, and besides finishing the Post-Office appropriation bill we can finish the rest of the House bills on the Calendar.

Mr. PLUMB. I supposed, of course, that I should have to give way to the Senator from Massachusetts [Mr. HOAR] to enable him to complete his speech begun yesterday; but at the conclusion of that speech, unless there be something which will clearly indicate that the business of the Senate is to be better promoted by letting the Post-Office appropriation bill go over, I shall move at that time to take up the Post-Office appropriation bill; but if the bill under consideration can be disposed of to-day I will yield and not move the Post-Office appropriation bill. Otherwise, I shall do so at the close of the speech of the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair understands the Senator from Massachusetts to object to the present consideration of the bill moved by the Senator from Colorado [Mr. BOWEN].

Mr. VEST. I object.

The PRESIDING OFFICER. If there be no objection, the Senate will proceed to the consideration of the bill moved by the Senator from Colorado.

Mr. GIBSON. The Senator from Missouri has objected.

Mr. VEST. Oh, yes.

The PRESIDING OFFICER. The Chair could not hear it; but the Chair thought from the gentleman's demeanor he did not object. Does the Senator from Colorado make a motion?

Mr. BOWEN. I will not make a motion. I asked unanimous consent.

Mr. GIBSON. I inquire——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Louisiana?

Mr. HOAR. Yes, sir.

Mr. GIBSON. I ask the Senator from Missouri whether he expects to get a vote on this ship-railway bill to-day?

Mr. VEST. I hope to get a vote on it to-day. I have no speech to make myself. I simply want a vote on the bill. I hope we shall get through to-day.

ATLANTIC AND PACIFC SHIP-RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes, the pending question being on the amendment proposed by Mr. VEST to the amendment of the Committee on Commerce, to add as an additional section:

SEC. —. That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said railway shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

Mr. HOAR. Mr. President, when the Senate adjourned yesterday I was endeavoring to show what this plan is to accomplish as compared with Nicaragua or Panama. I had shown that it will draw closer our relations with Mexico, and that the route will be under the protection of a strong and substantial power, upon whose neutrality no government can intrude without flagrant violation of the law of nations and shocking the opinion of mankind; that we can move troops to its protection when called upon by Mexico over a land route with abundant railroad service, by lines easy to be defended (it is within 200 miles of Vera Cruz and 300 of the city of Mexico itself); that the forces that defend it will be stationed in a healthful climate; that it will complete the control of the Gulf of Mexico by these two allied and friendly republics.

I am always sorry when I hear in the Senate, as was heard from the honorable Senator from Alabama the other day, or from any person in public station in this country, anything which indicates a disposition to disregard or undervalue the rights of Mexico. I am sure that no considerable number of American citizens to-day look upon Mexico with any other feeling than that which is due to a cherished sister republic, having the same institutions, the same destiny, the same hopes as we have ourselves. There is no purpose on the part of any considerable number of American citizens, as General Grant well declared before his death, to obtain by encroachment or wrong any portion of her territory. Commercial and business relations, blessing both sides, are all that it is the desire of the people of the United States to cultivate with her.

If she think, as some of us think, that she sustained a great wrong at the hands of the United States more than a generation ago, she will, I am sure, remember that it was the first act of the restored unity of this Republic to enter the emphatic declaration which compelled France to take her tyrannous hands from the throat of that republic and call home her invading army. Certainly if we have been guilty of a wrong toward Mexico, it has been our great good fortune to confer upon her the greatest benefit, in preserving her autonomy and independence, which one nation can ever bestow upon another.

I do not think that any considerable number of persons in the Senate or elsewhere share the opinion of the Senator from Alabama that the Gadsden treaty is now in force. The reading of that treaty shows that it related to a particular proposed plank-road and railroad long since abandoned, and it would be incredible that there should be any proposition on the part of the United States to renew any assertion of right under that treaty.

Mr. President, I was also stating further that this plan saves us the Clayton-Bulwer question. I have read carefully the diplomatic correspondence of Mr. Blaine and his successor and his predecessor.

England certainly claims that the Clayton-Bulwer treaty is in force. She claims that she relinquished her Mosquito protectorate to the demand of the United States that it was in violation of the engagement of that treaty, and that thereupon the Government of the United States expressly declared itself satisfied.

In 1866 Mr. Seward directed Mr. Adams to suggest a negotiation having as a basis the continued existence of that treaty. Mr. Adams reports a discussion with Lord Clarendon on May 29 of that year, in which both parties refer to that treaty as in force, and express their sense of the particular international obligations which it creates.

April 26, 1873, Mr. Fish, then Secretary of State in the administration of General Grant, instructs Mr. Schenck, our minister at St. James, "formally to remonstrate against any trespass by British subjects upon the territory of Guatemala, as an infringement of the Clayton-Bulwer treaty."

Now, if this treaty were in force in 1873, by whom and when was it abrogated? There has been no other public act which bears upon that question except the action of Mr. Secretary Blaine about five years ago, during the administration of President Garfield. The Government of the United States must speak to foreign governments as a unit. It is one and the same. President Cleveland can not say that he differs from President Taylor, or President Grant, or President Garfield. The past declarations of our representatives, including Mr. Blaine, have made it impossible for us with honor to treat the Clayton-Bulwer treaty as annulled. Mr. Blaine's dispatch to Mr. Lowell, dated November 19, 1881, little more than five years ago, and by his express direction communicated to Lord Granville, declares that that treaty is still in force, states to what it binds the United States, what advantages it secures to Great Britain, and directs Mr. Lowell to attempt to obtain certain specified modifications. Ten days after, November 29, Mr. Blaine renews his proposal "to free the treaty of its embarrassing features and leave it as its framers intended, a full and perfect settlement for all time of all possible issues between the United States and Great Britain with regard to Central America."

Now, Mr. President, unless this Government chooses to abandon her ancient policy, her ancient honor, her ancient faith, unless she chooses to imitate Great Britain in declaring that her interest and her desire are the sole rule and law for her public conduct in dealing with other states, we cannot enter upon this great public transaction in Central America in defiance of the obligation of the Clayton-Bulwer treaty. Five years are but as a second, but as a heart beat, but as the pulsation of an artery in this mighty national life of ours; and it does not comport with the honor of a great and free people to assert one thing yesterday and another to-day.

But, Mr. President, I also declared my opinion that the reasons which operated in entering into that treaty are still in force. It is not, in my judgment, for the interest of the United States to elect the armed occupation of this little strip of land in the tropics, whose entrance is commanded and blockaded by Great Britain, to fortify the swamps of Nicaragua, to maintain a navy equal to that of England, instead of the ship-canal and the neutral zone to whose protection the faith, and the power, and the interest of all Christendom shall be pledged.

If we ever meant to violate the last injunction of Washington and "to leave our own to stand on foreign soil," the time to do it was when we were offered St. Thomas and San Domingo. When we rejected the offer of Denmark, pending I think for nearly ten years, the treaty nego-

tiated by the President but not consented to by the Senate—when about the same time we rejected the San Domingo treaty, we forever turned our backs upon the policy of insular annexation and of tropical possession. Without the acquisition of those islands, or one of them, we can never permanently hold a canal at Nicaragua.

It was no temporary, or transient, or shallow feeling that led Seward to hail the Clayton-Bulwer treaty as one of the great steps in the world's history. It was an American policy and an American triumph, declaring forever the indissoluble marriage of commerce and peace.

General Taylor sent a message, which has remained in the secret archives of the Senate until last year its publication was authorized, in which he declares his sense of the transaction in which his administration had just been engaged. I ask the Secretary to read the sentence which I have marked.

The Chief Clerk read as follows:

This treaty has been negotiated in accordance with the general views expressed in my message to Congress in December last. Its object is to establish a commercial alliance with all great maritime states for the protection of a contemplated ship-canal through the territory of Nicaragua to connect the Atlantic and Pacific Oceans, and, at the same time, to insure the same protection to the contemplated railways or canals by the Tehuantepec and Panama routes, as well as to every other interoceanic communication which may be adopted to shorten the transit to or from our Territories on the Pacific.

Let me add to this extract from General Taylor's message a statement of the vote in the Senate upon the question of the Clayton-Bulwer treaty. That treaty was adopted by a vote of 42 to 11 on the 19th day of April, 1850. That was a great period in the history of the Senate. I ask the Secretary to read the list of yeas and nays.

The Chief Clerk read as follows:

Those who voted in the affirmative are—

Messrs. Badger, Baldwin, Bell, Berrien, Butler, Cass, Chase, Clarke, Clay, Cooper, Corwin, Davis of Massachusetts, Dawson, Dayton, Dodge of Wisconsin, Dodge of Iowa, Downs, Felch, Foote, Greene, Hale, Houston, Hunter, Jones, King, Mangum, Mason, Miller, Morton, Norris, Pearce, Pratt, Sebastian, Seward, Shields, Smith, Soulé, Spruance, Sturgeon, Underwood, Wales, and Webster.

Those who voted in the negative are—

Messrs. Atchison, Borland, Bright, Clemens, Davis of Mississipp, Dickinson, Douglas, Turney, Walker, Whitcomb, and Yulee.

Mr. HOAR. It will be seen how the great names of both parties and of all sections of that day were united in support of the policy inaugurated by the Clayton-Bulwer treaty. With the exception of Mr. Douglas and Mr. Jefferson Davis, there is hardly to be found in the negative a name I had almost said even of second-rate importance in the record of that vote.

Mr. President, there is no doubt of the willingness and readiness of Mexico to join in a treaty with the United States that will embody a joint protectorate of this ship-railway and that arrangements can be made in this treaty which will practically give the United States what it wants, a prompt passage of troops for its protection, to say nothing of the movement of war vessels and munitions of war without violating the constitutional provisions of Mexico—such, for instance, as were arranged in our treaty permitting the United States to send its troops into Mexican territory in pursuit of hostile savages.

But, Mr. President, it may be well to spend one moment in recapitulating what I think is familiar to many Senators, the great saving which is to result from the operation of this scheme. I have here a statement prepared by an eminent engineer showing the differences in distance and the amount of tonnage to be accommodated by the establishment of this route. Here are the distances from New York to these various principal commercial ports which are to move the commerce of this country.

Table of comparative distances in statute miles.

	Total distance.	Excess over Tehuantepec route.
	Miles.	*Miles.*
From New York to Hong Kong:		
Via Cape Horn	20,379	8,777
Cape of Good Hope	16,945	5,343
Suez Canal	13,596	1,994
Panama Railroad	12,953	1,351
Isthmus of Tehuantepec	11,602	.....
New York to Yokohama:		
Via Cape Horn	19,802	9,796
Cape of Good Hope	18,085	8,079
Suez Canal	15,527	5,521
Panama Railroad	11,256	1,250
Isthmus of Tehuantepec	10,006	.....
New York to Auckland, New Zealand:		
Via Suez Canal	16,871	7,447
Cape of Good Hope	16,719	7,295
Cape Horn	13,890	4,466
Panama Railroad	10,305	881
Isthmus of Tehuantepec	9,424	.....
New York to Melbourne:		
Via Cape Horn	15,215	4,150
Suez Canal	15,171	4,106
Cape of Good Hope	15,019	3,954
Panama Railroad	11,826	761
Isthmus of Tehuantepec	11,065	.....

Table of comparative distances in statute miles—Continued.

	Total distance.	Excess over Tehuantepec route.
	Miles.	*Miles.*
New York to Honolulu:		
Via Cape Horn	15,826	9,163
Panama Railroad	7,939	1,276
Isthmus of Tehuantepec	6,663	.....
New York to San Francisco:		
Via Cape Horn	15,687	10,797
Panama Railroad	6,063	1,173
Isthmus of Tehuantepec	4,890	.....
Liverpool to Hong Kong:		
Via Cape Horn	20,606	5,353
Panama Railroad	16,471	1,218
Cape of Good Hope	15,722	469
Isthmus of Tehuantepec	15,253	.....
Liverpool to Yokohama:		
Via Cape Horn	19,400	5,945
Cape of Good Hope	17,653	4,198
Panama Railroad	14,540	1,085
Isthmus of Tehuantepec	13,455	.....
Liverpool to Auckland, New Zealand:		
Via Cape of Good Hope	16,221	3,412
Suez Canal	14,645	1,836
Cape Horn	13,897	1,088
Panama Railroad	13,312	503
Isthmus of Tehuantepec	12,809	.....
Liverpool to San Francisco:		
Via Cape Horn	16,552	8,250
Panama Railroad	8,885	609
Isthmus of Tehuantepec	8,276	.....
New Orleans to Hong-Kong:		
Via Cape Horn	20,804	
Cape of Good Hope	17,485	10,531
Suez Canal	15,108	7,212
Panama Railroad	12,308	4,835
Isthmus of Tehuantepec	10,273	2,035
New Orleans to Yokohama:		.....
Via Cape Horn	20,227	
Cape of Good Hope	18,625	11,590
Suez Canal	17,039	9,988
Panama Railroad	10,611	8,402
Isthmus of Tehuantepec	8,637	1,974
New Orleans to Auckland, New Zealand:		
Via Suez Canal	18,381	10,286
Cape of Good Hope	17,259	9,164
Cape Horn	14,314	6,219
Panama Railroad	9,659	1,564
Isthmus of Tehuantepec	8,095	.....
New Orleans to Melbourne:		
Via Suez Canal	16,683	6,947
Cape Horn	15,640	5,904
Cape of Good Hope	15,560	5,824
Panama Railroad	11,181	1,445
Isthmus of Tehuantepec	9,736	.....
New Orleans to Honolulu:		
Via Cape Horn	16,251	10,917
Panama Railroad	7,294	1,960
Isthmus of Tehuantepec	5,334	.....
New Orleans to San Francisco:		
Via Cape Horn	16,112	12,551
Panama Railroad	5,418	1,857
Isthmus of Tehuantepec	3,561	.....
New York to Valparaiso:		
Via Cape Horn	10,051	3,682
Panama Railroad	5,417	.....
Isthmus of Tehuantepec	6,369	.....
New Orleans to Valparaiso:		
Via Cape Horn	10,476	5,436
Panama Railroad	4,772	.....
Isthmus of Tehuantepec	5,040	.....

I have here a table showing the estimated tonnage of various routes between the ports of Great Britain and ports of the United States and the Pacific Ocean which must seek this route of travel and make the saving which I have mentioned if this plan turns out to be successful, which in actual tonnage carried on these routes in 1883 was 4,842,111 tons, and the tonnage this gentleman estimates for 1889 in the ratio of increase which he expects from the natural growth of the world's commerce and new business being developed, amounting to 7,564,597 tons.

I have here further the saving as compared with Nicaragua between our two principal ports of New York and New Orleans and San Francisco. Allowing a merchant ship 200 miles a day, the saving in distance between New York and San Francisco by the way of Panama is 1173 miles, equal to six days, or on the round trip twelve days. As compared with Nicaragua the saving in distance is 882 miles, making a saving of nine days in time on the round trip for a sailing vessel going at the rate of 200 miles a day. Between New Orleans and San Francisco the saving as compared with Panama in the round trip is eighteen days, and as compared with Nicaragua in the round trip is thirteen days. In addition to this it is well known that both the Atlantic and Pacific within the last eight or nine hundred miles of Panama or Nicaragua on each side constitute the portion of the globe where long calms, long periods without wind, are more frequent than perhaps in any other spot on the face of the earth except in certain portions of the Indian

Ocean, so that sailing vessels frequently spend ten, fifteen, or twenty days without any considerable progress.

I omitted to read in its connection a letter from Mr. Webster, written when he was Secretary of State, to the Mexican minister at Washington, in which he declares his opinion that the Tehuantepec route is the route to which the statesmanship of America must look in the future for the solution of the problem of interoceanic communication. I ask the Secretary to read the letter from Mr. Webster.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The Secretary will read the letter.

The Secretary read as follows:

All know that a communication from ocean to ocean, across the isthmus in this direction, for many years has been a matter of anxious consideration. The Governments of the United States and of Mexico long ago expressed their conviction of the importance of this object. Indeed no one can fail to see how exceedingly important this communication would be to the Government of Mexico. It proposes to give her a practical highway from sea to sea. It opens to her a communication on the one side and the other with the eastern and the western world. It gives her access to the markets of all nations, and makes her, in short, a central point of the commerce of modern times. And under the provisions of the treaty, now under consideration, all this is to be done without expense to herself. It is impossible that her enlightened government should not be alive to all these advantages, and should not seize with avidity the first opportunity to avail herself of them in a manner consistent with her own sovereignty and independence. Her known wishes on this point are not of recent date. She entertained the purpose years ago, and regarded it then as an object to be accomplished only by mutual arrangement and negotiation.

The late war between the two governments unhappily precluded, for a time, all such arrangements, but at the moment of returning peace the enterprise was renewed, and the Government of the United States saw with sincere pleasure a new and brighter prospect, not only for the accomplishment of an end desired by all commercial nations, but of the highest degree of utility and importance to Mexico herself. It felt then, and has never ceased to feel, a sincere desire that Mexico, as a neighboring government and a sister republic, should, at as early a day as practicable, avail herself of the obvious and vast benefits of this great work.

Mr. HOAR. The Senator from Alabama in his remarks the other day made some statements in regard to the engineering features of the Nicaragua Canal and the ship-railway. He stated that he had never seen a close instrumental survey of the ship-railway. I understand that a map has been prepared showing the entire route, with a proper and accurate profile; that plans of the harbor works at the extremities have been in the possession of the Commerce Committees of the Senate and the House for more than a year, and that this profile is one such as any legislative body in dealing with the question of a domestic railroad would consider ample for all purposes of its guidance.

The Senator says he prefers the Nicaragua route because of the shortness of the canal, which he gives at $38\frac{99}{100}$ miles, while he estimates for Tehuantepec at 40 miles of canal and 134 miles of railroad. He further states that the Coatzacoalcos River for 25 miles is so shallow, and the shallows are so shifting, that, as gentlemen have informed him, "there is almost as much work in the dredging out of the river as there would be in building the canal."

The distance of the Nicaragua route, as I understand from the best authority, is 169.8 miles—40.3 miles of canal, 73 miles of tortuous river navigation, and 56.5 miles of lake navigation, of which more than 3 miles require a constantly dredged channel.

The reports of the engineers, to which my attention has been called, show that the river at Tehuantepec is broad, deep, and easily navigable; that there is but one point in the river now where there is less than 20 feet of water, and that the river bed is not subject to shifting, but is permanent and stable.

Then, the Senator says, there are to be locks, as I understand. I do not see that the report indicates any locks to be required.

What the Senator speaks of as the necessity for a long jetty on the Pacific shore is met by Mr. Eads's statement that the jetty will be less than three-quarters of a mile in order to get out to water more than 30 feet deep.

I suppose there is nothing upon which the Senate has been called to act as a practical matter in regard to which we have less definite and trustworthy information than in regard to the probable cost of the preparation of the two harbors, I might say almost the creation of the two harbors, at the termini of the Nicaragua canal. There is in that canal one cutting which the Government engineers give the average of about three miles in length; one rock cutting, I suppose, of the average depth of 149½ feet, and another whose maximum depth is 318 feet.

I shall not detain the Senate by entering upon the details of these engineering controversies, a question which manifestly Senators can better deal with by studying the reports of engineers in the seclusion of their own dwellings than in debate here.

Another suggestion made by the Senator from Alabama I think ought not to be made in the Senate of the United States without dissent, though it is one often heard. I do not conceive that there can be found any support in international law, in morals, or in national necessity for the claim that if any South American State, great or small, choose within its own territory, in its own right, and by its own authority, to construct a canal within its own dominions, whether that canal sever the continent and go from sea to sea or not, the United States have any right whatever to interfere with the process. I think such a declaration when seriously made will encounter the remonstrance of mankind, and will excite and alarm the people of the fifteen sister republics of North and South America, with whom it is to our interest to cultivate the most friendly and peaceful relations.

The Monroe doctrine which declares that no European power shall get a new footing here, either by conquest, by negotiation, by protectorate, by guarantee which involves the right to make the guarantee good by the occupation of territory, is a doctrine to which I heartily agree, and which the American people without distinction of party or section will heartily support; but that a great nation has any right because of its own interests, fancied or real, to dictate to a small nation, because it is small and weak, its conduct of its own affairs or its government or management of its own territory and dominion is a pretension which belongs to Great Britain alone, and it is a pretension which she has tried to assert only to her cost when it has been the interest or the duty of the United States to undertake to interfere with it. It does not seem to me that it is becoming the United States to undertake to embark herself in any schemes which are founded upon an assertion of a pretension so preposterous.

Mr. President, this plan of a ship-canal at Tehuantepec solves the greatest of commercial problems and of international difficulties by a method which is peculiarly American. It puts an end to the risk or the opportunity of war by the beneficent faculties of peace. It calls into the service of mankind on a national and gigantic scale the great inventive genius with which as compared with all peoples and all times a benignant Providence has blessed our country and our age. We have thus far failed to call into the national service this wonderful inventive faculty of our people. With the exception of the construction of the Monitor and the famous naval engagement which saved our Atlantic cities from the Merrimac in the late war, I am not aware that any military or naval or national triumph has been accomplished which has been due purely to the genius of the inventors of America; and I confess I hail with peculiar pleasure the fact that from the South, from the West, from the valley of the Mississippi, there comes up this scheme, due to a genius which has already achieved the two greatest engineering triumphs of the age, which promises to confer a new glory on the American character by a triumph on a still larger scale.

Mr. PLUMB. I move that the Senate now proceed to the consideration of the bill (H. R. 10793), being the Post-Office appropriation bill.

Mr. VEST. I ask unanimous consent that we proceed with the unfinished business until we reach a vote to-day.

Mr. MORGAN. I shall object to that, Mr. President.

Mr. PLUMB. I have been informed by the Senator from Alabama [Mr. MORGAN] that for reasons which are conclusive to him he will object to any consent being given to take a vote on the bill under consideration to-day. If unanimous consent could have been had I should have been willing to wait until the Tehuantepec bill was disposed of, but as it is, I feel that my duty would not be discharged if I do not now interpose and ask the Senate to proceed to the consideration of the Post-Office appropriation bill.

Mr. CULLOM. Does the Senator expect to conclude the consideration of the Post-Office appropriation bill to-day?

Mr. PLUMB. I do not see any reason why it should not be finished to-day.

Mr. VEST. Let it be understood that the pending bill shall be simply laid aside temporarily in order to take up the appropriation bill.

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from Kansas is that the pending bill be laid aside temporarily in order to proceed to the consideration of the appropriation bill.

Mr. PLUMB. I make whatever motion may be necessary, and such a one as can be made to enable the bill under consideration to keep its place. I move that the bill be informally laid aside in order that the Post-Office appropriation bill may be proceeded with.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WORTHINGTON, Mr. OWEN, and Mr. MAYBURY managers at the conference on the part of the House.

The message also announced that the House further insisted upon its disagreement to the amendment of the Senate to the bill (H. R. 4616) for the relief of Maj. Michael P. Small, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FINDLAY, Mr. VIELE, and Mr. LAIRD managers at the further conference on the part of the House.

HOUSE BILL REFERRED.

The bill (H. R. 6976) to erect a public building at Portsmouth, Ohio, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

MICHAEL P. SMALL.

Mr. WALTHALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4616) for the relief of Major Michael P. Small, having met, after full and free conference have been unable to agree.

E. C. WALTHALL,
CHARLES F. MANDERSON,
F. M. COCKRELL,
Conferees on the part of the Senate.
JOHN V. L. FINDLAY,
E. S. BRAGG,
JAMES LAIRD,
Conferees on the part of the House.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Mississippi to the fact that there has just been received from the other House the same bill, with a change of conferees on the part of the House.

Mr. WALTHALL. I am aware of that fact, and there is no objection to the further conference asked by the House.

The PRESIDING OFFICER. The Chair lays before the Senate the action of the House of Representatives on the bill.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
February 11, 1887.

Resolved, That the House further insists upon its disagreement to the amendment of the Senate to the bill (H. R. 4616) for the relief of Major Michael P. Small, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. FINDLAY, Mr. VIELE, and Mr. LAIRD be the managers of the said further conference on the part of the House.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. WALTHALL. I see no objection to the further conference asked by the House.

The PRESIDING OFFICER. A further conference will be granted, if there be no objection.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. WALTHALL, Mr. COCKRELL, and Mr. MANDERSON were appointed.

PUBLIC BUILDING AT SCRANTON.

Mr. CAMERON. I ask the consent of the Senator from Kansas and the indulgence of the Senate to call up Senate bill 3234.

Mr. PLUMB. If I could yield to the Senator from Pennsylvania without being similarly solicited by other Senators, and if his bill would occasion no debate, I should not object to doing so.

Mr. CAMERON. If it leads to any debate I shall withdraw the bill. It is a matter in which the people of my State are deeply interested.

Mr. PLUMB. I yield provided it does not lay the foundation for some other request.

Mr. MITCHELL, of Oregon. I should like to say——

The PRESIDING OFFICER (Mr. MANDERSON). The Senator from Pennsylvania has the floor.

Mr. CAMERON. I move that the Senate proceed to the consideration of the bill (S. 3234) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882.

Mr. MITCHELL, of Oregon. Will the Senator from Pennsylvania yield to me for a moment?

Mr. CAMERON. If I yield to you, somebody will stop me.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the amount heretofore fixed as the limit of cost for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa., be, and the same is hereby, increased to $250,000; and that sum is hereby fixed as the limit of cost for the erection of said building.

Mr. MITCHELL, of Oregon. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Oregon?

Mr. CAMERON. I prefer not.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole. The bill was reported from the Committee on Public Buildings and Grounds with an amendment, which will be stated.

The CHIEF CLERK. In line 7, before the word "thousand," strike out "fifty" and insert "twenty-five;" so as to read "$225,000."

The PRESIDING OFFICER. Unless there is objection, the amendment will be considered as agreed to.

Mr. CAMERON. I object to that amendment. I want to strike it out and have the bill left as it was originally referred to the committee, fixing the amount at $250,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the Committee on Public Buildings and Grounds.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD THROUGH CROW RESERVATION.

Mr. MITCHELL, of Oregon. I now appeal to the Senator from Kansas to yield to me to allow a bill to be passed which was reported favorably from the Committee on Indian Affairs, and which is precisely similar to two bills which were passed yesterday. The company is ready and waiting to commence work. It will take but a minute to pass the bill, I think.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. PLUMB. I will yield on that condition.

Mr. MITCHELL, of Oregon. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 2778) to authorize the Billings, Clark's Fork and Cooke City Railroad Company to construct and operate a railway through the Crow Indian Reservation, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the right of way is hereby granted, as hereinafter set forth, to the Billings, Clark's Fork and Cooke City Railroad Company, a corporation organized and existing under the laws of the Territory of Montana, for the extension of its railroad through the lands in Montana Territory set apart for the use of the Crow Indians, commonly known as the Crow Indian Reservation, beginning at a point on the northern line of said reserve at or near where Clark's Fork empties into the Yellowstone River, and thence following in a southerly direction to a point at or near where said Clark's Fork crosses the southern line of the said Crow reserve; also a branch line of railway to be constructed for a distance of 30 miles up the Rocky Fork, and commencing from the point where said Rocky Fork empties into said Clark's Fork; with the right to construct, use, and maintain tracks, turnouts, and sidings.

SEC. 2. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad, as aforesaid; and said company shall also have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of road.

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and material, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, which approval shall be made in writing and be open for the inspection of any party interested therein, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision: *Provided*, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railway company, in such manner as he may prescribe before any right under this act shall accrue to said company.

SEC. 4. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act.

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors and assigns, that they will neither aid, assist, nor advise in any effort looking toward the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land, or its occupancy than is herebefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time, amend, add to, alter, or repeal this act. That this act shall be in force from its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian Reservation."

UTAH MIDLAND RAILWAY COMPANY.

Mr. BOWEN. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BOWEN. In section 3, line 4, after the word "thereof," I move to insert:

And also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road.

The amendment was agreed to.

Mr. BOWEN. In section 2, line 11, after the word "road," I move to strike out the proviso in the following words:

Provided, That before any such lands shall be appropriated by said railway company, the consent of the majority of the male adult Indians occupying the

same shall be obtained in a manner satisfactory to the Secretary of the Interior.

And to insert in lieu thereof:

Provided, That the President of the United States may, in his discretion, require that the consent of the Indians to said right of way shall be obtained by said railroad company, in such manner as he may prescribe, before any right under this act shall accrue to said company.

The amendment was agreed to.

Mr. BOWEN. I move to add as additional sections to the bill the following:

SEC. 5. That said railway company shall accept this right of way upon the expressed condition, binding upon itself, its successors, and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian tribes any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 6. That Congress may at any time amend, add to, alter, or repeal this act.

SEC. 7. That this act shall be in force from its passage.

The amendment was agreed to.

Mr. BOWEN. In section 3, line 3, after the word "way," I move to insert "and materials;" so as to read:

That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way and materials.

The amendment was agreed to

Mr. BOWEN. In section 4, line 4, I move to strike out the words "together with the rolling-stock," and to insert "and right of way hereby granted and all of its real and personal property;" so as to make the proviso read:

Provided, That the company may mortgage said franchise and right of way hereby granted and all of its real and personal property for money to construct and complete said road.

The amendment was agreed to.

Mr. VAN WYCK. I wish to inquire why the bill was reported from the committee without any provisions in the nature of the amendments now proposed by the Senator from Colorado?

Mr. BOWEN. That was the form of the bill agreed upon by the committee.

Mr. VAN WYCK. Can not the Senator explain why it is that they should be given the right to mortgage such property?

Mr. BOWEN. They are to be allowed to mortgage the right of way.

Mr. VAN WYCK. Then I ask if any other advantages are given the railroad company?

Mr. BOWEN. The amendment just agreed to gives the company the right to mortgage all its real and personal property. That, however, is not an essential provision, and I shall not insist on it.

Mr. VAN WYCK. Where was the company organized?

Mr. BOWEN. It was organized under the laws of Colorado.

Mr. VAN WYCK. It may be all right, but why is it proposed to delegate powers to the railroad company which the State of Colorado has not given it?

Mr. BOWEN. I will withdraw so much of my amendment as proposes to insert the words "and all of its real and personal property."

The PRESIDING OFFICER. If there be no objection, the Senate will reconsider the vote by which the amendment was adopted. By consent the amendment will be modified as suggested by the Senator from Colorado.

Mr. BOWEN. In line 4, section 4, I move to add merely the words "and right of way hereby granted;" so as to read:

That the company may mortgage said franchise and right of way hereby granted for money to construct and complete said road.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

Mr. DAWES. I am opposed to the idea of obtaining by consent of the Indians and then mortgaging to somebody else the right of way across the reservation. I suggest to the Senator from Colorado to withdraw that part of the amendment.

Mr. BOWEN. I will state to the Senator from Massachusetts that they can not build the road without mortgaging the right of way.

Mr. DAWES. I should like to discuss the question whether it is exactly fair to get the consent of the Indians to grant the railroad company a right of way over an Indian reservation so that the company may mortgage it to somebody in Wall street.

Mr. BOWEN. I withdraw that part of the amendment then.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. VAN WYCK. I understood the Senator from Colorado to say that the bill came to us with the approbation of the Committee on Indian Affairs.

Mr. BOWEN. This is the bill reported from the committee, but it was my own amendment to it that I offered.

Mr. DAWES. These amendments were never considered in committee.

Mr. BOWEN. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BOWEN. In section 4, line 8, after the word "from" I move to strike out the words—

The date when the consent of the Indians shall be obtained.

And to insert—

The passage of this act, or if the consent of the Indians is required under the terms of the proviso to section 2 of this act, then within three years from the date when such consent shall be obtained.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RAILWAY THROUGH CROW RESERVATION.

Mr. DAWES. I move to reconsider the vote by which the Senate passed the bill (S. 2778) to authorize the Billings, Clark's Fork and Cooke City Railroad Company to construct and operate a railway through the Crow Indian Reservation, and for other purposes. I understand a similar provision is in that bill that it was proposed to incorporate in the bill which has just passed.

The PRESIDING OFFICER. The Senator from Massachusetts enters a motion to reconsider the vote by which the bill was passed.

Mr. DAWES. I was out of the Senate Chamber, but I understand that the same provision is in that bill.

The PRESIDING OFFICER. The motion to reconsider will be entered.

POST-OFFICE APPROPRIATION BILL.

Mr. RANSOM. I ask leave to call up——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. PLUMB. I can not yield further.

The PRESIDING OFFICER. The Senator from Kansas declines to yield, and the post-office appropriation bill will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. PLUMB. I ask consent that the formal reading of the bill may be dispensed with, and that the committee amendments may first be acted upon.

The PRESIDING OFFICER. It will be so ordered, unless there be objection. It is so ordered.

Mr. PLUMB. Before the bill is read, I desire to make some observations in regard to its provisions.

Mr. BECK. I desire to ask whether it was agreed that the amendments of the Committee on Appropriations shall first be acted upon?

Mr. PLUMB. That was agreed to.

The PRESIDING OFFICER. It was so agreed by unanimous consent.

Mr. PLUMB. Mr. President, this bill, with the exception of a single item so far as it appropriates money, is precisely as it came from the House of Representatives; and I believe that the bill as it came from the House is precisely according to the estimates for the various branches of the service made by the Post-Office Department.

So far as the appropriations relate to supplies and things of that kind they are undoubtedly what is fairly required, no more and no less, and they indicate economy and care in administration. I can say for the entire bill, with possibly a single exception, that it is framed on an economical plan, and that the Department in making its estimates has been moved by a desire to save money, and I have no doubt it will, if permitted to go on as now, shortly bring the expenses within the receipts. The bill is not, however, what I think it ought to be for the interests of the service considered without reference to the mere saving of money.

So far as the item for the transportation of mails over railroad routes is concerned, the largest in the bill, it is one which may be larger or smaller without affecting the amount of money to be paid out, because the price to be paid is fixed by law; that is to say, the maximum is fixed. Unless the Postmaster-General interferes by making a reduction in the price, the accounts of the railroad companies are audited and paid upon the basis of the statutory allowance. That is true also of the salaries of postmasters which are provided for by law, and the question as to whether we appropriate a large or a small amount in no way concerns the individual postmaster, for he gets his pay out of the proceeds of his office before he settles with the Government.

When, however, the bill provides for what is called the star-route service the amount of the appropriation does concern the service to be rendered. If the amount is too small, then, of course, the Department must necessarily give an improperly diminished service. Of course, if we give more money than is asked for, the Postmaster-General is under no legal obligation to spend it, and he may therefore contract the service beyond the proper limit and deny to the people of the country the proper postal facilities.

A similar appropriation is that for clerk-hire in post-offices. No money can be spent that is not appropriated, and if an amount was appropriated beyond that which the Postmaster-General thought ought to be spent he need not spend it. So with regard to the appropriation for railway post-office clerks. The whole appropriation is within the discretion of the Postmaster-General except the rate of pay, and I might say that that is also within his discretion, because he need not ap-

point to any except to the minor grades. In fact, he never has appointed any one to the highest grade provided by law. There is, therefore, an entire grade of post-office clerks which is not represented by any appointment.

Mr. GEORGE. And never has been?

Mr. PLUMB. The Senator from Mississippi asks me if there never has been. I say none ever has been made. That results, of course, in a very considerable saving in the expenses of the Department.

These three items, that of star service, that for railway post-office clerks, and for the clerk-hire in post-offices, are, in my judgment, as provided for in this bill, all of them below what the necessities of the service require, but the committee did not think it worth while to increase them because they believed the Postmaster-General would not spend the money, even if we gave it to him. He asked for what he thought the service required, and doubtless for all that he proposed to expend, and the committee were willing under all the circumstances that the appropriation should be made exactly as asked for.

The appropriation for the star service which is, as we all know, the service by horseback and by wagon, as asked for and granted by the bill, is $5,400,000. The amount appropriated for the last year was $5,8 50,000, showing a reduction this year from the appropriation of last year of $450,000. There is a somewhat general impression that as the railroad service is extended the star-route service is contracted, but that is not correct. It operates in that way in some places, and in some places it operates in exactly the reverse way. The extension of the railways into entirely new areas causes an increased necessity for star service, and wherever star service is taken up by the extension of the railway service, a new star service is brought into play, and there is not therefore, as a rule, any diminution in the necessity for the star service by reason of the extension of the railroad service.

During the last few years the population of the United States has been extended into areas which a few years ago were not regarded as habitable. There are organized counties, prosperous towns and all the fabric of social and political organization, hundreds of miles beyond where ten years ago such things were supposed to have been possible, and that process of the extension of settlement into the higher altitudes of Western Kansas, Western Nebraska, Eastern Colorado, Wyoming, Idaho, Montana, and so on, is constantly going on, and with it goes the necessity for the extension of the mail service by railroads where railroads are provided and by what is known as the star-route system where railroads have not been built.

In my judgment, the Post-Office Department fails to appreciate the results of this extension of settlement, the needs and the duties which it imposes upon the Department to give to the active, enterprising, and energetic men who have gone into those great areas those mail facilities which are essential to their existence, the propriety of which has never been questioned and which the Government stands, by its action heretofore, pledged to furnish. The Department has not been, in my judgment, sufficiently considerate of these facts. It learns too late that this growth has taken place, and even after it learns of the growth it does not appreciate its needs; it withholds more than is meet, and we have Scriptural authority for saying that that tends to poverty.

There is not a cabin in all that Western frontier, however humble it may be, the occupant of which does not take at least one newspaper, and usually two or three in addition to the magazines and other publications of a literary character which he has been used to reading in his Eastern home, and which he never gets himself so far away from that he does not desire and does not have if possible.

The men who have gone into that country are naturally an enterprising people. They are of the most intelligent of the American people. If they had been sent there upon some principle of selection having reference to their physical and mental qualifications for the struggle with frontier life they could not have been stronger, or wiser, or better worth for the purpose of laying the foundations of society, organizing and governing new counties and new States, than they are to-day. To such men the mail, not merely the weekly, or the semi-weekly, or the tri-weekly, but the daily mail is as the breath of their nostrils, a necessity, something that they will have if they have to pay for it out of their own meager resources, to the deprivation of the ordinary comforts and conveniences of life.

So it happens that in Western Kansas and Eastern Colorado to-day a large service exists independently of the Post-Office Department, paid for by the settlers themselves, and the Department, looking at the map made for its use a year ago, which shows a great vacant space four, five, or six hundred miles from east to west, and a thousand or twelve hundred miles from north to south, with evidence of settlement, hears with amazement the fact that there are newspapers, county organizations, prosperous towns there, and, doubting, fails to act, and even when convinced gives grudgingly of the required mail service. It is hard to convince those who have never been in that great current of humanity which for years has been flowing westward.

Mr. President, the Post-Office Department is a Department organized to give a certain essential service to the people specially named in the Constitution, and which is as essential to the well-being of the American people as any other form of education is essential to the growth and the prosperity of the country, and between the receipts and outgoes of which there is no necessary connection any more than there is between the receipts and the outgoes of the War or the Navy Department. The first essential is to secure a speedy service, and a service which meets the new and quickened conditions constantly arising and which have been the accompaniment of the progress of the American people across this continent.

To say that because in the judgment of some Postmaster-General, or somebody else having for the time being control over the appropriations, that men have gone too far west, that they have moved too far from existing facilities, and that, therefore, they are to be inadequately supplied, if supplied at all, is opposed to the theory upon which the Department has heretofore been administered, and does violence to popular opinion and enlightened judgment. Yet that is too much the spirit which dominates the Department to-day; not by intention, perhaps, but on account of a lack of appreciation of the situation. New wine has been put into old bottles, or rather the old theories of twenty-five or thirty years ago are being fitted to a new condition of things which has arisen since the war, and which calls day by day for a greater, a more active, a more widespread, and a more frequent service at the hands of the Post-Office Department.

So, every day there are petitions coming here to the members of both Houses of Congress representing the new States and Territories asking for new post-offices, for the establishment of new mail-routes, for the addition of facilities on existing routes, the prayers of which are as daily denied because of this lack of appreciation, accompanied by the desire and determination to bring the expenses of the Post-Office Department within its revenue at the earliest possible moment, practically regardless of consequence.

As I said, it is a saving which is a losing; it is a saving of money to-day to the injury of the revenues of to-morrow, looking at it simply from the post-office standpoint; but more than that, it helps to check national growth and development, and this is fraught with disastrous consequence.

A few days ago I presented to the Senate a memorial adopted by the Legislature of Kansas in regard to the service upon railroads in that State. It set forth that which was in the knowledge of the Legislature, that which was in the knowledge of the newspapers of the State and of all intelligent persons in the West—the neglected condition of the postal service. That evening I noticed in the Evening Star an interview with the Second Assistant Postmaster-General, under whose purview this service is carried on, the following, referring to the memorial and to my statement accompanying it:

That is all politics; nothing else. I presume they want to find something upon which to attack the administration. Now, the figures will show what has been done for Kansas. Within the last few months I have put on 790 miles of new service in Kansas, and there remains under consideration 193 miles. With regard to a portion of the latter, we are waiting for the reports of the railroad officials as to distances. Now, out of a total of 983 miles and a fraction, 790 miles have either been supplied and the mail service in actual operation on the contracts let and everything about ready to go into operation. That shows how rapidly we have kept up with the increasing demand for service.

I might state what does not appear in this statement, that the next day or two after attention was thus publicly called to the matter service was put on two or three more railroads in Kansas. The fact is that during the last calendar year 1,300 miles of railroad were built in Kansas, and never before in the history of that State, or any other, has there been a moment's delay in putting mail service upon railroads as fast as they have been completed. The question of the propriety of doing it, the necessity, the duty of doing it has never before been even discussed, and yet it has taken months of time and hours of discussion and cords of petitions sometimes to get the Department to put service upon new railroads during the last year.

To show that it is not all done now, and to show that it is not a question of politics, I will read some letters I have here which have come to me, not by my solicitation, but in the ordinary course of the correspondence which I have with my constituents about matters which relate to their convenience as concerned in the administration of the Government. Here is a letter which was written to me from Elm Valley, on the line of railroad completed some time since from Salina, on the Kansas Pacific road, in the direction of the western part of the State. The writer says:

[E. L. Williams, dealer in lumber, grain, and coal, McCracken, Rush County, Kansas.]

ELM CITY, KANS., *January* 31, 1887.

DEAR SIR: We have had the good fortune to have a railroad built through this part of the country. The road is an extension of the Topeka, Salina and Western, known this side of Salina (west) as the Kansas and Colorado Railroad. What I wish to get at is to have the mail service put on the road west of Salina. There is no regular mail route west from Salina to this place; therefore, it will not require any change in the service, except to establish a new route over the railroad. We hoped, through your influence, to be able to get our mail over the road soon; that is, if you would have the kindness to attend to the matter for us.

Our mail facilities are very poor, having only a tri-weekly mail, and it is very irregular. Our town is only six weeks old, therefore it has not a very extended acquaintance in Washington, and we will have to depend on a few of our friends there to help us in this mail matter. This town was commenced about December 10, 1886, and has a population of from three to four hundred people. I mention this merely that you may see our great need of better mail facilities, and hope you will kindly have the change made for us or advise us what we should do to get it done.

Very respectfully yours,

E. L. WILLIAMS.

Hon. P. B. PLUMB, *Washington, D. C.*

Mr. BECK. I ask the Senator from Kansas if that evil has not been corrected?

Mr. PLUMB. I have not heard of its having been corrected. It may have been within a few days.

Mr. BECK. What is the name of the place?

Mr. PLUMB. The name of the place is Elm Valley.

Mr. BECK. I shall endeavor to ascertain if it has been.

Mr. PLUMB. I have a letter here from the town of Cedar Vale, in Kansas, written to me by a leading Democrat of that locality, an active, intelligent man who has been esteemed good enough to be elected to the Legislature from a Republican county. It is dated February 5, 1887. The writer says:

CEDAR VALE, KANS., *February* 5, 1887.

MY DEAR SIR: Am glad to see you are stirring the Department up on the inexcusable bad mail service in Kansas. We now have two railroads completed to Cedar Vale, the C. K. and W. from Independence, completed November 1, and the D. M. and A. from Chetopa, completed January 1, and no mail service on either, although have been trying since November 1 last. The mail comes from Grenola by stage, 20 miles north of Cedar Vale. There is certainly no excuse for this. Please call the attention of the Post-Office Department to this.

And oblige, yours, very truly, ELI TITUS.

Senator P. B. PLUMB, *Washington, D. C.*

That I had done a long time ago. It may be a matter of no consequence to the people who live in the phlegmatic section of the country along the middle Atlantic coast that for three or four months after the completion of two railroads to this thriving town the mail is still brought overland by stage from a point on another railroad 20 miles distant.

Here is a letter from the city of Newton, with 8,000 people, in the central part of the State, dated the 7th day of February, from the publisher of a newspaper. He says:

DEAR SENATOR: It is now nearly three months since the Fort Scott and Wichita Railroad was completed and trains running thereon between this city and McPherson—

A town of six or seven thousand people, 30 miles north—

and yet no mail trains are run thereon, but instead the mail is carried over the route as before, every other day in a "buckboard" wagon. The mail messenger comes up here from Eldorado and lies here until 7 p. m., and could just as well distribute mail for the towns between here and McPherson, and those people at three towns given a daily mail, as not. Last week the mail carrier failed to materialize and they had no mail at all along the line. Will you please give this matter attention at once before any further commotion is made over it?

Yours, &c., H. C. ASHBAUGH.

I have here a statement from one of the leading daily papers in the State, the Wichita Eagle——

Mr. BECK. Let me ask the Senator does he propose to finish this bill to-night? The only reason I ask is because if he does I should like to hear all these extracts read in full.

Mr. PLUMB. I do not suppose we shall be able to dispose of it to-night.

Mr. BECK. I want to look into some of the statements the Senator presents. I want to read them all.

Mr. PLUMB. This article is:

AN INTOLERABLE NUISANCE.

The complaints of an inadequate mail service in Kansas are loud and deep. They come up with a long and continuous wail from the southwest, and the correspondent of the Eagle is importuned to lay the facts before the Department. There is no excuse for a great government with hundreds of millions of surplus in the Treasury working its men worse than the slaves in the Siberian mines, and giving to the people who pay the taxes and swell the volume of the Treasury a partial, incomplete, and inadequate mail service. In the R. W. M. service the United States is divided into nine divisions; each division has a superintendent, all under the control of a general superintendent at Washington, D. C. The seventh division is composed of the States of Missouri, Kansas, Arkansas, Texas, Indian Territory, and New Mexico. The superintendent of this division is E. W. Warfield, with headquarters at Saint Louis, Mo. He has had charge of this division about six years. The State of Kansas receives more mail than any other State in this division, but for some reason is not in favor of headquarters at Saint Louis. All the principal mail-routes in Missouri are equipped. They have plenty of car room to work mail in, and plenty of men to do the work. The Post-Office Department do not expect agents on lines as long as 250 to 300 miles to be on duty more than half the time. The other portion of their time is for rest and study. The following is a statement showing the amount of mail carried on the principal routes in Kansas and Missouri; also the dimensions of cars, length of route, and number of accounts to each car.

KANSAS.

Name of route.	Number of pounds mail.	Length of route.	Number of agents.	Time of duty, hours.	Size of car, feet long.
Santa Fé Railroad	30,000	634	2	24	40
Kansas Pacific	6,000	640	2	24	24
Southern Kansas	4,600	337	2	16	21
Kansas City, Fort Scott and Memphis	2,300	487	2	18	25
Central Branch	3,100	293	1	15	22
Lawrence to Burlington	2,700	74	1	7	18

MISSOURI.

Missouri Pacific	29,200	285	4	11	60
Saint Louis and Cairo	15,700	194	4	9	60
Saint Louis and Pacific	4,200	250	2	12	50
Wabash	7,000	276	4	11	55
Hannibal and Saint Joseph	7,400	226	2	11	40

Now, take the Santa Fé for example and see what the men on that route have to do: A car starts out of Kansas City for Pueblo with 15 tons of mail; almost all of that quantity has to be handled letter by letter, paper by paper, during the run of 634 miles. The men are unable to work the amount off before they get to Pueblo. They have positive orders from Mr. Warfield to distribute it while they are lying at Pueblo, and when they ought to be resting and getting ready for the return trip. In the round trip of 1,268 miles they have to separate from thirteen States and two Territories. These trips are frequently made without the men taking one moment of rest only while they sit down to eat a hasty lunch. When a car reaches Kansas City on its return trip it would seem the men ought to be permitted to go home to seek the rest they so much need. But the mail for the State of Kansas has increased so fast in quantity that no matter how expert they are, can they distribute a car-load of mail so that none of it will be carried past its destination.

So these men who have just come in from a 634-mile trip and are so tired that if they sit down a few minutes they will go to sleep are required to take their places in the outgoing car as assistants and render all the aid they can until the train reaches Topeka. In addition to the six hours they have been on duty, this extra work which is required of them adds nearly eight hours more to their labor, making thirty-two hours they have been on duty without rest; and this plan has been in practice on this road for nearly a year.

On Missouri lines they are treated better. It frequently occurs that mail for Kansas and Colorado is brought into Kansas City by the different mail routes from the East unworked. The Colorado mail is loaded on the Kansas Pacific and Santa Fé with the distinct understanding that all of it must be properly distributed before it leaves the car. The Kansas mail must remain at Kansas City until enough men can be found to work it up, as has been the case several times this winter.

The Kansas mail, after lying at Kansas City for several days, has been sent to post-offices in small lots to have it distributed. Topeka, Emporia, Newton, and other places have received this mail. In the course of four or five days delay the Kansas citizen would get his Eastern paper. This delayed mail would collect in such quantities at Kansas City that it would not be disposed of in the manner above, so the Kansas mail agents would be drummed up, no matter if they had just returned from a hard run. These, to the number of eight or ten, would be put in a mail-car with this delayed mail, the car attached to the Missouri Pacific train and sent up to Atchison; and by the time the car returned to Kansas City this mail was expected to be worked for the different lines in Kansas.

Of course this mail has been delayed a long time—some of it a week, perhaps—and the Kansas man grabs it as if it was fresh, and many curse the mail agent because his paper has been so long on the road. But Superintendent Warfield wants to make a reputation for economy at the expense of the people and his men, and the State of Kansas is a good place to put it in practice.

One would suppose that this delayed mail, or a large portion of it, could have been worked on the lines that brought it to Kansas City, but these lines that run east of Kansas City are given to understand that when they have more mail than they can work comfortably they can dump it off when they get to Kansas City, and the Kansas mail agent can sweat over it. When the agents on the lines east of Kansas City arrive at that place they stop work, no matter if their car is half full of unworked mail.

THE NEEDS OF THE SERVICE

in this State are more car room and more help, and these wants have been told to Mr. Warfield repeatedly. How these just causes of complaint are received at headquarters at Saint Louis I would like to report, but as the slaves of the Department already have more grievous burdens than they can bear, I do not care to add to them by giving official superior officers opportunities and an excuse for further oppression, and perhaps secure their discharge.

The blame primarily is with Superintendent Warfield, in his desire to make a record for economy. Also, that his own official head may be more secure, he is taking the life and heart's blood out of as brave and worthy a class of men as ever served in any department of the Government. He is making premature physical wrecks of a noble class of young fellows and depriving the people of what they have a right to demand, a faithful and efficient mail service. This is no figure of rhetoric or extravagance of speech, and the facts I have stated above fully warrant the statement, and will in the judgment of all who are competent to study and examine them.

I am showing, as I think, conclusively, how inadequate is the postal service as put upon the railway trains to perform the ordinary duty of distributing the mail so that the people by whose doors these railroads run may receive the mail from the train.

Here is an article from the Lawrence Journal, another daily paper in the State:

No doubt Kansas is having about the worst mail service ever inflicted upon any State. In particulars not a few, it is worse than it was twenty-five years ago. We know of two copies of the Eagle ordered sent to different towns and but one copy has been received in two weeks. Such shameful neglect is inexcusable. If it is owing to the old rascals "turn 'em out," and never fear fracturing the spinal column of the civil service; if it is owing to the ignorance and inefficiency of the new hands at the bellows, better try again and ship in a few Arapahoe Indians and see what they can do. The fact is, we suppose, the men are worked to death. The Government is too stingy and niggardly to afford anything like the number of men needed to do the work. Men in high places want to make a record for economy, and they work their men like slaves and impair the public service so as to make their ledger show up well to the Department. The present arrangement is an outrage surely.

Mr. President, it is not for any political purpose and not for any purpose of complaint that I call attention to these facts. The State, it is true, has had in some respects an unparalleled growth, and yet it can not be that Nebraska and Dakota and Western Texas and so on have not furnished comparatively the same illustration of the western movement of population, and have not illustrated by hundreds of examples the necessity which exists in Kansas for a prompt and rapid extension of mail facilities and which ought to be heeded, and I object that under any pretense of economy, for any purpose merely of saving money to the Treasury, there shall be withheld from these people that proper postal service which they have a right to expect, and the service which the Department was organized to give them.

The first demand, as I said before, is not that money may be saved, but that it may be judiciously spent; that the service may be what the situation calls for. The mere question of expense is a minor one; and this is not a party question, because the increase of the mail service on the railroads in Kansas means an increase of Democratic employés. I will say to my vigilant friend from Alabama [Mr. MORGAN], who takes

so much interest in the *personnel* of the administration and who is so desirous that all the places may be filled by Democrats, claiming, as he does, that that party possesses especial merit in the way of furnishing competent officeholders, that there has not only not been a single Republican appointed to office in Kansas, under this administration, but I believe there is not more than a handful of all the men who were in office at the time Mr. Cleveland came into the Presidency remaining in office, certainly not in the postal service.

If I were disposed to get up a debate with him about the question of the relative merits and intelligence of Democrats and Republicans I should have something to say about that service and its inefficiency, based upon the fact that these changes have been made; but I do not care if it takes three times as many Democrats as it did Republicans to do the work; I want the work done, and I am willing to vote the money necessary to have it done. The Postmaster-General is recreant in his duty if he does not expose to Congress the necessity for increased force which grows out of this change of administration.

But, Mr. President, it is a fact that the men who are in the postal service in Kansas distributing the mails upon these great through lines are overworked and underpaid as well. They are called upon to do more than physical endurance can accomplish, and the result is that mails are carried hundreds of miles beyond the place where they should be delivered, because the clerks are so overburdened that they can not distribute the mails in time. And it has been because the Department has been unmindful of the fact that each year there is an enormous addition to the weight of the mail, to the number of pieces to be distributed, to the essential requirements of the service, and has been attempting to keep it to the bounds within which they found it, that it has not kept up with the growth of population and with the progress of the times.

Next year we shall have by way of revenue from the postal service $50,000,000, which is an increase of nearly $7,000,000 over last year. The average annual increase of the revenues of the Department during periods when the rates of postage have been untouched is about 8 per cent. But it is a singular fact that for two or three years often the service will go ahead without any very considerable increase and all at once there will be an enormous increase added for a single year, going above the ordinary average rate. That probably may be the case this year, and if it is so, and if we are to have $50,000,000 where we got $43,000,000 last year, what preparation has the Department made for this increase of business by asking for increase of appropriations for this vital portion of the public service?

Mr. President, I have no doubt that notwithstanding the fact that we have given in this bill every dollar that the Postmaster-General has asked for, there will be a deficiency in this service before six months have gone by greater than we know now and that the people who are poorly supplied now will be still more inadequately supplied after six months from now, because the Department has itself voluntarily withheld the opportunity that presented itself to have proper provision made for the wants of the service. There has never been any question about appropriations for this service, so far at least as the Senate is concerned. I see a newspaper of this city is congratulating the Postmaster-General on the fact that he got this year the entire estimate made for his Department.

That reminds me that when the House was Democratic and the administration was Republican, the House always treated the appropriations on the theory that too much was asked for, and it was the hardest work for the Senate to get the House to yield enough to carry on the service in even a moderate way. There was complaint then, but that complaint is very much greater now, because the Department itself is not willing, it does not ask for what it ought to have, but considers more the question of how expenses may be brought within the revenue than it does how there can be given to the country a service which is absolutely essential.

When I say this, I do not speak of it because of any politics there is in it; I do not speak of it for the purpose of complaint; but I speak of it as voicing the sentiment of entire States west of the Mississippi River concerning the serious inconvenience to which the people are subjected, and who have no remedy against this penny-wise and pound-foolish action of the Department, but whose protest ought to be expressed somewhere.

A few days ago a postmaster recently appointed in Kansas sent his resignation to a friend in this city, and it was accompanied by this remarkable statement: He said, "I am now not only spending all my allowance for clerk-hire, but I am spending all my salary besides in employing clerks and $1,100 per annum additional; and myself and my wife are working fourteen hours a day in this post-office. I want the Postmaster-General to do one of two things, either give me adequate clerical force or accept my resignation." The Senator from Maryland [Mr. GORMAN] says he was a Democrat. But even a Democrat can get too much of that, even a Democratic stomach will finally turn on provender of that kind.

So the service of a city of 30,000 people, as vital to them as its commerce and an essential part of its commerce, is paralyzed to-day because the Department fails to take note not merely of the representations of the postmaster himself but of the reports of its own special agents confronting it that this need exists, and this imposition is being practiced upon the postmaster and through him upon the entire community.

I think what we ought to have is a fair, square understanding that the Post-Office Department shall everywhere on the railroads, on the steamboats, on the high seas, on the great prairies, by means of the star-service, be first and always what the necessities of the situation call for, with a thorough reliance upon Congress to give the necessary money to carry it on independent of the question as to whether the revenue meets the expenses.

Congress has cut down twice in the last four years the revenues of the Department in a conspicuous way regardless of the fact that thereby there was to be created a deficiency, but believing that this service ought to be brought year by year nearer to the people whom it is designed to serve, brought to them cheaper, and that as little tax as possible should be put upon the dissemination of intelligence. The Post-Office Department ought to administer the law upon that theory which has been characteristic of the dealings of Congress with the Department from the beginning, and the necessity for which dealing increases year by year.

I now present some additional clippings from the press of my State, showing the condition of affairs there:

[Troy Chief.]

We, in common with many others in Kansas, have growled about the unsatisfactory conduct of mail matters, and especially the carrying of letters and daily papers by the office to which they belong, causing from a half a day to a day's delay in their delivery. The route agents or postal clerks receive most of the blame for this. It has for some time been dawning upon us that much of this blame was undeserved, that the route agents were overworked; and recent interviews with persons from different parts of the State, who are better posted than we are, reveal the fact that the situation is much worse than we had any idea of. The mail facilities for Kansas are shamefully deficient, and the inadequate force of route agents are worked in a manner which renders the lot of a street-car mule a happy one. This imposition upon the route agents seems to be in a great degree chargeable upon certain superintendents of the postal service, and other heartless bosses who are ambitious to build up a reputation for economical management of the service at the expense of the postal clerks; and they are deterred from any protest or complaint by the fear that the result would be their discharge instead of the needed relief.

Take for example the Santa Fé road, carrying the heaviest mails in Kansas. The route agent between Coolidge, on the southwestern line of the State, and Kansas City has a run of 500 miles or over. He is on his feet constantly during that run, except when eating his meals, and by the time he reaches Kansas City is so nearly worn out that he can scarcely stand. But this is not the worst of it. He arrives at Kansas City about 6 o'clock in the evening, but instead of going off to rest, is compelled to turn in and assist the agent on the train which goes out at 10 o'clock in the night, and help him as far as Topeka, where they arrive about 1 o'clock at night, and he gets back to Kansas City about 6 o'clock in the morning, having been on constant duty for more than twenty-four hours. The railroad companies do not furnish sufficient facilities for storing the mail, as one car is not sufficient. In starting out of Kansas City the car is packed full of pouches and sacks, giving barely room for the clerk to stand. The railroad company erected guards to keep the sacks away from the stove and catching fire; but in spite of this, the mail caught fire on several occasions. The last mails in are the sacks of daily papers, which are piled up on the other mail.

All this has to be handled before reaching the first station where there is a post-office, in order not to carry matter by that belongs to such office. The letter pouches are distributed first, and the paper mail is necessarily carried by. We have been told of several postal clerks whose health is not good, who are subjected to this treatment; and of one clerk who, in attempting to pull a letter pouch from a stack of paper sacks piled upon it, was so severely injured in the back by the heavy sacks falling upon him that he has been laid up for some time, unable to go on duty.

We have been told of one agent who, as a rule, was kept on duty constantly for three days and nights before having a lay-off; and often the clerks are so worn out and sleepy that they seem to be mechanically throwing the mail—in a sort of dream.

It will readily be seen that this sort of work will not only break down the strongest man that ever lived but that the public also suffers. This sort of economy the people do not desire. They want sufficient mail facilities and are willing to pay for them. They especially do not ask that poor route agents be murdered by slow degrees in order that some beast on a big salary may build up a reputation for economy.

The cry is growing stronger and more frequent from all parts of Kansas against the inefficient and outrageous mail service of the present administration. A lot of inexperienced men and boys have been installed in the places of experienced route agents and expert mailing-clerks not only, but no attention is paid to the growth of the State and its increasing demands. Daily papers are being forced to employ the express companies. Two hundred copies of last Tuesday's Eagle, which contained a synopsis of the proposed improvements in this city for the coming year, were mailed to Topeka for the members of the Legislature and State officers.

Those papers, Representative Hatfield informs us, have never reached the men for whom they were intended, although letters and telegrams were both sent notifying the parties to whom they were consigned. The failure to deliver those papers is not only an outrage upon us, but an injury to our city in whose interest the papers were sent. In truth that edition was especially gotten out for the purpose of imparting to the representative men of the State some idea of the importance of our city, nine out of ten of whom have never been here. Personally we would not have had the miscarriage for $500.—*Wichita Eagle.*

Mr. President, I will now consent that this bill may go over until to-morrow in order that the Senator from Kentucky and other Senators who may be interested in whatever is to be said upon the other side may have an opportunity to do so, and I certainly do not care how much there may be of it. I shall be glad of any excuses or palliations or defense which can be made. I have served my purpose when I have called the attention of the Senate and the country to the facts, so that wherever the fault may be the remedy may be applied.

Now, Mr. President, one other word about this bill. The first item of appropriation is in lines 8 and 10:

For mail depredations and post-office inspectors, and fees to United States marshals, attorneys, and the necessary incidental expenses connected therewith, $300,000.

That is an increase of $100,000, or 50 per cent. beyond what the appropriation was for last year, and beyond what it has been since 1883, when the amount was raised from $175,000 to $200,000. I do not speak of this by way of criticizing it, but simply to show that for this character of service which was specially asked for by the Postmaster-General in his report for the purpose of giving him the opportunity to make a more complete and thorough inspection of the post-offices of the country, and which involves the employment of a very considerable number of additional inspectors, the committee yielded it as they would have yielded freely to an application for an increase of two or three or four times as much for the star-route service or for any other essential branch of the postal service.

When it comes to stationery for postmasters, wrapping twine, wrapping paper, letter balances, scales, fuel, lights, and things of that kind, the amount is either what it has been heretofore or it is less, showing, as I said in the beginning, that the Department has been economical and quick to avail itself of the declining prices and of all the agencies of competition in cutting down the expense of these necessary items, but items of a character which the increase in their use does not correspond to the increase in business.

Mr. President, I will now ask that the bill be read, if no other Senator desires to make remarks.

The PRESIDING OFFICER. The reading of the appropriation bill will proceed.

The Secretary proceeded to read the bill.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment was, in line 25, after the word "dollars," to insert:

Provided, That no boxes for the collection of mail-matter by carriers shall be placed inside of any building except a public building, or a building which is freely open to the public during business hours, or a railroad station.

The next amendment was, in the appropriations for the "Office of the Superintendent of Foreign Mails," after line 88, to insert:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, $500,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress.

Mr. PLUMB. The amendment need not be acted on now. It will bring up discussion. I wish to have the bill read through and some minor amendments agreed to, and this one laid over for the present.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The amendment will be passed over informally for the present.

The reading of the bill was resumed and concluded.

Mr. PLUMB. I ask consent to go back to line 20, for the purpose of offering two amendments, which I send to the desk.

The PRESIDING OFFICER. The amendments will be received and considered.

The CHIEF CLERK. After line 20 it is proposed to add:

And the Postmaster-General is hereby authorized to rent a suitable building for the use of the branch of the Washington city post-office known as Station C, at a rate not exceeding $1,000 per annum, until further action of Congress.

Mr. PLUMB. I will state that that is necessary for the purpose of enabling the Postmaster-General to keep going the branch post-office in the northwestern part of the city.

The amendment was agreed to.

Mr. PLUMB. I offer the following amendment to come in after the one just adopted:

To pay rent of building for use of the Washington city post-office at a rate not exceeding $5,000 per annum, $5,000.

I will state that the lease of the Seaton building, now occupied by the city post-office, has expired, and the Postmaster-General says it is necessary, in order that he may be able to go on and contract for the coming fiscal year, that such a provision as this should be inserted.

The amendment was agreed to.

Mr. BECK. The amendment from line 89 to line 103 has been passed over informally I understand?

Mr. PLUMB. Yes, sir.

Mr. BECK. Before that is brought up, I desire to say——

Mr. PLUMB. I only desired to get in the two amendments that might be overlooked before considering the one which would lead to discussion. As far as my convenience is concerned, I am willing now to proceed to the consideration of that amendment.

Mr. BECK. I have no doubt about that; but before that is considered I desire to say——

Mr. DAWES. Does the Senator desire to go on now?

Mr. BECK. I have no desire about it. I suppose we might as well let the bill go over until to-morrow.

Mr. PLUMB. If that suits the convenience of the Senator, I have no objection.

Mr. DAWES. I ask that the bill be laid aside informally.

Mr. PLUMB. Before the Senator from Massachusetts is heard I desire to know what condition the bill will be in to-morrow if its consideration is dispensed with now?

The PRESIDING OFFICER. That would depend altogether on what disposition the Senate make of it to-night.

Mr. PLUMB. I wish to have it left as the unfinished business.

Mr. BECK. I would suggest, then, that by unanimous consent it be the unfinished business for to-morrow at 2 o'clock. I do not know how much time gentlemen desire to occupy, but we can finish the bill to-morrow, I think.

Mr. PLUMB. Had we not better say directly after the conclusion of the morning business?

Mr. FRYE. How long will the debate extend?

Mr. PLUMB. Probably not over an hour or two.

Mr. FRYE. I have no desire to discuss it, so far as I am concerned.

Mr. BECK. I should like to finish the bill to-morrow if we can, and if it is taken up after the morning business we can probably do so.

The PRESIDING OFFICER. The Senator from Kentucky asks the unanimous consent of the Senate that the Post-Office appropriation bill may be informally laid aside with the understanding and agreement that it be the unfinished business at 2 o'clock to-morrow. Is there objection?

Mr. EDMUNDS. I object because I want it taken up earlier; immediately after the morning business.

Mr. BECK. Then I will modify the request and say immediately after the ordinary morning business.

Mr. EDMUNDS. That I agree to.

The PRESIDING OFFICER. To which the Senator from Tennessee objects.

Mr. BECK. Then I do not know what else to do.

Mr. PLUMB. I will run the risk of bringing it up to-morrow.

Mr. BECK. Very well.

FORT HALL INDIAN RESERVATION.

Mr. DAWES. I move to proceed to the consideration of Order of Business 1637, Senate bill 2789.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2789) to authorize the Secretary of the Interior to negotiate with the Shoshone and Bannock tribes of Indians for the relinquishment of their title to so much of the lands of the Fort Hall Reservation, in Idaho Territory, as is required for the uses and purposes of the Utah and Northern Railway Company and the Oregon Short-Line Railway Company, either separately or conjointly.

Mr. DAWES. I propose to offer a substitute for it being the House bill, and therefore I move by unanimous consent to dispense with the reading——

The PRESIDING OFFICER. The Chair suggests that the Senator had better move to consider the House bill in lieu of the Senate bill.

Mr. DAWES. The bill has not passed the House, but the bill reported there is the bill which I propose to substitute, in order to have the phraseology precisely alike.

The PRESIDING OFFICER. If there be no objection the substitute proposed by the Senator from Massachusetts will be read in lieu of the original bill.

Mr. EDMUNDS. Subject to call for the original bill being read if desired.

The PRESIDING OFFICER. It will be subject to a call for the reading of the original bill if any Senator desires. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the Secretary of the Interior is hereby authorized to negotiate with the Shoshone and Bannock tribes of Indians, in such manner as he may deem most advisable, and upon just terms of compensation, for a cession to the United States, subject to the provisions of the eleventh article of the treaty of July 3, 1868 (Statutes at Large, volume 15, page 676), of their title to so much of the lands of the Fort Hall Reservation, in the Territory of Idaho, as are required for the purposes of the Utah and Northern Railway Company in the operation of its railroad running north and south through said reservation; that is to say, a right of way not exceeding 200 feet in width, with grounds adjacent thereto for station and depot purposes, not to exceed 20 acres for each station, to the extent of one station and no more for each 10 miles of said road, in addition to such right of way; also for a like cession to the United States of such additional land at Pocatello Station, the junction of the Utah and Northern Railway and the Oregon Short-Line Railway, as shall be demonstrated to the satisfaction of the Secretary of the Interior to be actually necessary to the said Utah and Northern Railway Company and the Oregon Short-Line Railway Company for railway purposes, and in the transaction of their authorized and legitimate business at that point.

SEC. 2. That before such negotiations are had the Utah and Northern Railway Company shall file in the office of the Secretary of the Interior a map, duly certified by the chief engineer and president of said railway company, showing the definite location and line of construction of said north and south road on the Fort Hall Reservation; also plats, duly certified in like manner, showing the surveyed limits and areas, respectively, of grounds adjacent to such right of way, selected by said company for station and depot purposes in connection with said road. The said Utah and Northern Railway Company and the Oregon Short-Line Railway Company shall also, prior to such negotiations, file in the office of the Secretary of the Interior a map, certified by the chief engineers and presidents of said railway companies, respectively, showing, in accordance with the public surveys, the quantity of additional land required at Pocatello Station for the actual and necessary uses of said railway companies, conjointly,

in the proper and legitimate prosecution of their railroad business at that point.

SEC. 3. That the result of such negotiations shall be embodied in a written agreement, to be signed by the requisite number of Indians in conformity with the provisions of the treaty hereinbefore mentioned, which said agreement shall be returned to the Secretary of the Interior, who shall thereupon report his action hereunder to Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 929) for the relief of Albert H. Emery, with an amendment; in which it requested the concurrence of the Senate.

COURTS AT WILMINGTON, N. C.

Mr. RANSOM. I move to take up Order of Business 2153, House bill 1684. It will not take half a minute.

The motion was agreed to; and the bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS IN ARKANSAS.

Mr. BERRY. I move to take up for consideration Calendar number 2151, being House bill 3160.

The motion was agreed to; and the bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to insert as a new section:

SEC. 2. That all crimes and offenses heretofore committed within either of said districts shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

Mr. MCMILLAN. Is that the only amendment reported from the committee?

Mr. BERRY. Yes, sir; it is the only amendment reported from the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BERRY. In line 11 of section 1 I move to strike out the words "Desha, Chicot," after "Phillips;" so as to read:

The eastern division shall consist of the following counties, to wit: Mississippi, Crittenden, Lee, Phillips, Clay, Craighead, Poinsett, Greene, Cross, Saint Francis, and Monroe.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CALIFORNIA LAND SALES.

Mr. DOLPH. I move to take up for present consideration Order of Business 196, Senate bill 994. It will certainly not take long. The Senator from California [Mr. STANFORD] desires to leave soon, I understand, and I have been trying to get it up for the last year, since it has been on the Calendar. I will agree not to occupy more than three minutes myself.

Several SENATORS. What is it about?

Mr. DOLPH. It is granting to the State of California what every other land State has had, 5 per cent. of the net proceeds of the sales of the public lands within her limits. The bill has been three times favorably reported by the Senate Committee on Public Lands, and twice in the other House, at three different sessions of Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of public lands in said State.

The PRESIDING OFFICER. The bill has heretofore been read and considered in Committee of the Whole, and amendments agreed to.

Mr. PLATT. Let us hear the bill read as it has been amended up to the present time.

The PRESIDING OFFICER. The bill as amended will be read.

The Chief Clerk read as follows:

Whereas the States of Ohio, Louisiana, Mississippi, Illinois, Alabama, Missouri, Arkansas, Michigan, Florida, Iowa, Wisconsin, Minnesota, Oregon, Kansas, Nevada, Nebraska, and Colorado, constituting the list of all the public-land States except California, have each received a certain per cent. of the net proceeds of the sales of the public lands situate within their limits, respectively; and

Whereas California is the only public-land State that has not received any per cent. of the net proceeds of the sales of the public lands in said State: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and is hereby, granted to the State of California 5 per cent. of the net proceeds of the sales of the public lands which have been made by the United States since the admission of said State or may hereafter be made in said State to aid in the support of the public or common schools of said State; and the sum of money necessary to pay said 5 per cent. to said State is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DOLPH. I ask to insert the word "cash" before the word "sales" in line 4, according to a suggestion made by a Senator near me, so that it shall only apply to cash sales.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading; and was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. SAULSBURY. I objected to this bill the other day when it came up for consideration, not because of any particular fact that is known to me, but because I intended to vote against it and desired to state very succinctly the reasons why I could not support it. This bill differs from any other bill that has been before the Senate proposing to give 5 per cent. of the proceeds of the public land sales to the States. In reference to the other States that have had any legislation of this kind, there was a contract in the enabling act which gave to the State 5 per cent. of the proceeds of the sales of the public lands. That was the case in Ohio in 1802 or 1803, and it was the first State that had a donation of that kind. Subsequently most of the States that have been admitted into the Union have had in their enabling acts a provision which secured to them 5 per cent. of the proceeds of the sales of the public lands. That provision is not contained in any legislation with reference to California.

Mr. DOLPH. If the Senator will permit me, I will state that there were no grants in the enabling act; indeed, there was no enabling act. The State was admitted in 1850 without any provision, because Congress did not have sufficient information in regard to the public lands there.

Mr. SAULSBURY. That is what I intended to call attention to; that California stands in a very different relation to this question from Ohio, Indiana, Illinois, Iowa, or any other State that has received the 5 per cent. There was nothing in the legislation which admitted California into the Union that pledged the Government to give to her a single dollar of the sales of the public lands; and now California, one of the most prosperous, one of the richest States in the Union, rich in mineral resources, rich in her soil, rich in her commercial advantages, comes here to ask a donation from the public Treasury out of the sales of the public lands in that State of 5 per cent.

There are a number of the States of this Union, all the old States, that have had no donations of that kind. California has had public lands for educational purposes, as well as other Western States. The Eastern or older States had no appropriation of public lands for educational purposes, and they had no proceeds of the sales of public lands donated to them. Now, why should California, one of the most prosperous States of this Union, come here and claim or ask for a donation of 5 per cent. of the sales of public lands within the limits of that State when she is at present one of the richest States in the Federal Union? What justification can there be for it?

In reference to other States, there was a provision in their enabling acts that entitled them to this percentage by virtue of a contract with the Government; but there is nothing of that kind in this case, and therefore I shall vote against the bill; not because if there had been in the enabling act a provision similar to that put in the enabling act of other States she would not be just as much entitled to it, for I would not violate any contract entered into with the State, but I can not consent as a representative from one of the older States of this Union that has had none of the benefaction of the Government that the public Treasury shall now be depleted out of the sales that have been made of the public lands, or which may hereafter be made in that State, because there is nothing binding the Government to make any donation of that kind.

That is all I have to say in reference to it. I shall vote against the bill.

Mr. PLUMB. I want to call the attention of the Senate and of the Senator from Delaware to the third section of the act under which California was admitted into the Union, a consideration of which will show that the United States attached all the conditions to the admission of California, so far as those conditions could be performed by California, as were attached to the admission of all the other land States; but it did not, in consideration of those conditions, give to California what was given to the public land States named in the preamble of this bill. Section 3 of the act of admission, approved September 9, 1850, is as follows:

SEC. 3. *And be it further enacted*, That the said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States, and in no case shall non-resident proprietors who are citizens of the United States be

taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor.

The condition, which was a common one in the admission of all the public-land States, and in consideration of which the United States granted to them 5 per cent. of the proceeds of the sales of public lands within their limits, was that they should never lay any tax upon the public lands of the United States within their limits, and that condition, together with the others which I have read, which are similar to those imposed on the other States, is found in the act admitting California, and California by accepting this is irrevocably bound to observe the same conditions as the other States were; and therefore the United States has already received the same consideration for this grant to California which it received for similar grants made to the other public-land States.

Mr. SAULSBURY. The provision read by the Senator from Kansas is not a condition at all. It was a mere reservation of the rights of the Government; it imposed no duty upon California, but it simply reserved the absolute right of the Government to dispose of its own public land and public waters. There was no condition annexed, no service to be rendered by California, and therefore it was not a condition that attached to this matter. It was a simple reservation of the rights of the Government over its own property and the exclusion of any control over it by the State of California.

At any rate, as a citizen of one of the older States and a Senator of the United States, I can not consent to vote away money out of the public Treasury to a State that does not need it, which has rendered no service for it, which has nothing in her enabling act that would make this a claim on her part.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. SAULSBURY. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Mr. President, the Senator from Delaware takes the ground, as I understand him, that the Government of the United States made reservations in California and in the other land States out of the public land. I think the Senator has got the matter exactly reversed. It was the States who made the reservation for their own benefit, with the consent of Congress, when they were admitted into the Union.

As I understand the history of this country, the State of Delaware never contributed a foot of land outside of her own borders to the public domain; but New York and Virginia, Connecticut and Massachusetts, and other States contributed very large areas to the public domain, as did also North Carolina and Georgia and other Southern States. In the deeds of cession or in the acts of cession which those States made to the United States the lands were conveyed to the Congress of the United States in trust for all the States of the Union then admitted or that might thereafter be admitted. The proceeds of the sales of the public lands went into the Treasury of the United States, first, for the purpose of paying the expenses of the Revolutionary war and bounties to Revolutionary soldiers, and, to some extent, in relieving the States themselves of their indebtedness. New Jersey and Delaware, Rhode Island and Maryland objected seriously to the very large outlying areas which were owned by Virginia, North and South Carolina, and Georgia, and by New York, Massachusetts, and Connecticut; said that those States having those areas should surrender them, must surrender them, into the hands of the general Congress of the United States before they would consent to take any part in the Union. They made it the condition of their uniting in the articles of confederation. So the other States made these cessions to the Congress of the United States, and upon this trust; and the money that was first realized from the sales of the public lands thus granted by the States that had these territories went into the Treasury of the United States, and assisted in paying the Revolutionary war debt of Delaware and the other States of the American Union. In the presence of these facts it will not do to say that the State of Delaware has had no benefit out of the public domain.

There is another proposition connected with this of a good deal of importance, which is that the people who have occupied the public lands of this country have had to encounter all the dangers and troubles and hardships of a pioneer population. The older States were colonized many years ago, and had become settled in respect of their governments and their public institutions of various kinds, their court-houses, schools, and jails, and public roads, and a great many other improvements that they had already received the advantage of before any of these new States were brought into the Union.

So when we come to consider now the question of what a new State shall have, the proper test of comparison is what the other new States have received; for the old States by these concessions received from the new States, from the territory that was thus conceded to the United States Government, very large advantages and benefits; and when you come to compare the real advantages that the new States have received under this 5 per cent. reservation, and the reservation for colleges and public schools, they are a very small item when contrasted with the amount of money that the old States received in paying off the Revolutionary war debt.

When we acquired territory by the Louisiana purchase, and in all the territory that we have acquired from Mexico, the provisions of these acts of Congress were continually extended to this additional territory. Even in the treaty of purchase of the territory of Louisiana, as it was called, a provision was inserted that the States to be formed out of that territory should have the same benefits and privileges in the public lands that the old States had, and that the lands should be held in trust by Congress for the benefit of these States on a footing of equality with the old States of the Union.

I do not see any reason for making an orphan child of California because the Senator from Delaware thinks she is rich. California is a splendid State. She has vast resources of gold and silver, and much more important resources in iron ore that I think will develop into something grand in the near future. It has already encouraged Californians to bid for one of the steamers which the Government advertised recently, and it is to be built in the Bay of San Francisco. In these respects she is rich, but California is almost a timberless country after you get off the mountains. She has to incur enormous expense in raising timber for her own use. Her wheat crop is not a crop of very great profit. I hope it will become so, and I believe it will as soon as they get the Chinese to eating bread instead of rice. I think California then will have a market for all that she can grow at a fair price; but at present she has to ship her wheat around the Horn, as she is very far from market, or else she will have to get it to come in under the short-haul and long-haul law of the Senator from Illinois [Mr. CULLOM], and have a burden placed upon it perhaps that California can not at all bear in shipping her crop.

When you have got through with the wheat crop of California, the next thing is grapes. That is a grand industry, but it lacks a great deal of being a very valuable one now; it is nothing like so profitable as the peach orchards of Delaware. In comparison to their size, Delaware is a richer State to-day, with her seaboard facilities, her proximity to Philadelphia and New York, with her peach orchards, acre by acre, than California is. There is no gronnd of complaint on this point.

The Committee on Public Lands looking over this question could not feel or believe that it was just to the State of California that she should remain in this Union on a footing of difference from the rest of the States. If I understand the object of the Constitution of the United States, it is that the States shall be as nearly equal as possible in all respects, and that the new States shall be as nearly equal to each other in all respects as possible.

We shall bring in Dakota, Washington Territory, Idaho, Montana, New Mexico, and Arizona as States after awhile, and in every one of the enabling acts we shall put a provision entitling them to 5 per cent. of the net proceeds of the sales of public land. There has not been a bill reported for the admission of a new State into the Union in the last four or five years (and there have been several reported here) that has not contained this provision. Therefore I think it would be very unjust and very unwise not to place California on a footing of perfect equality with the other States of the American Union. It must be remembered that at the time of her admission into the Union there was not very much deliberation. There was a good deal of political pressure on that question, and California was willing to struggle into this Union upon almost any terms at all, and I have always believed that the omission to put in the act of admission this reservation to her of the 5 per cent. was an injustice perpetrated against that State merely because of the pressure of politics at that time. I think it is time we corrected it.

The PRESIDENT *pro tempore*. The question is on the passage of the bill, on which the yeas and nays have been ordered.

Mr. GEORGE. I desire to call the attention of the Senate to one point. I understand this bill to be put on the ground that it grants the State of California what was granted to the State of Ohio. The precedent of Ohio was followed in the case of all the other land States. I understand that the bill before us makes an absolute grant of 5 per cent. of the proceeds of the sales of the public lands to the State of California without any condition connected therewith whatever. In all the other States the grant was made of the sixteenth section in each township for the purposes of common schools, but the grant of the 5 per cent. was made in the case of Ohio in these terms:

That one-twentieth part of the net proceeds of the lands lying within the said State sold by Congress from and after the 30th day of June next, after deducting all expenses incident to the same, shall be applied to the laying out and making public roads, leading from the navigable waters emptying into the Atlantic, to the Ohio, to the said State, and through the same, such roads to be laid out under the authority of Congress, with the consent of the several States through which the road shall pass.

That was the trust, for the purpose of making a certain improvement in which all the States were interested. All were interested in having roads over which interstate commerce might pass. This grant was made to the State of Ohio for that purpose after she had received the sixteenth section, as the other new States did, for the purpose of common schools, a matter in which the State might be said to have been wholly interested. That is the difference between the grant in the other States and the grant here. So if the argument of the Senator from Alabama is worth anything (and it is worth a great deal), that all the States should be put on the same footing, a footing of equality,

then the grant in this case ought to be made in trust for the prosecution of such improvements as all the other States are interested in. On that point I might state, as a reason why this grant should not be made at all, that the United States has already given about fifty or sixty million dollars for the purpose, or has loaned the Pacific railroads that money for the purpose of making highways to and in the State of California.

Mr. CALL. Mr. President, I think the true ground on which this bill is justified is that the several States composing the Union were the proprietors of the soil of the new States and were looking upon it in the light of proprietorship. It was a very small donation from the proceeds of the soil of the whole territory constituted into a State, that the United States should give 5 per cent. of the proceeds of the sales of the property or soil on which that State was erected. The motives of public policy which justified this, which was a very correct business transaction, were of course to habilitate the new States, the new political communities, and give them the power to perform the public functions which they were created to perform. Outside the consideration of the exemption of the land from taxation by the State—that is a very strong State-rights view, and very correct, I think—it was an act of sovereign legislation which the State of Delaware and all the States of the old Union derived indisputable profit and benefit from, and as an act of public policy it was an act of sovereign legislation governed by the wisest consideration of public benefit.

Now, Mr. President, I see no reason why the State of California should not have this benefit as well as all the other States, 5 per cent. of the proceeds of the sales of lands within her borders. Nor is there anything in the argument that California has prospered, that she is a rich State. The Pacific Railroad, it is true, is a great highway, but it is private property; and how far the interests of the individuals and the education of the people there, may or may not be a matter for argument—certainly it is of public utility—but that the people should have this benefit, that it should be devoted to the cause of education, that it should be left a trust for this sovereign State to make highways, is proper; and I shall vote for the bill with pleasure.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. STANFORD (when his name was called). I suppose my pair with the Senator from West Virginia [Mr. CAMDEN] will hold on this bill. If he were present, I should vote "yea."

Mr. PLUMB (when Mr. VAN WYCK'S name was called). The Senator from Nebraska [Mr. VAN WYCK] is absent unavoidably, and is paired with the Senator from Delaware [Mr. GRAY]. The Senator from Nebraska would vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY].

The roll-call was concluded.

Mr. FRYE. I will take the liberty of pairing my colleague [Mr. HALE] with the Senator from West Virginia [Mr. CAMDEN], and that will leave the Senator from California [Mr. STANFORD] at liberty to vote.

Mr. STANFORD. With that understanding, I vote "yea."

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. EDMUNDS] generally. How did his colleague [Mr. MORRILL] vote on this proposition?

The PRESIDENT *pro tempore*. He voted in the affirmative.

Mr. HARRIS. I vote "yea."

The result was announced—yeas 41, nays 5; as follows:

YEAS—41.

Allison,	Dawes,	McPherson,	Sherman,
Berry,	Dolph,	Mahone,	Spooner,
Blair,	Eustis,	Morgan,	Stanford,
Bowen,	Evarts,	Morrill,	Walthall.
Call,	Farwell,	Palmer,	Whitthorne,
Cameron,	Frye,	Payne,	Williams,
Cheney,	Gorman,	Platt,	Wilson of Iowa,
Cockrell,	Hampton,	Plumb,	Wilson of Md.
Coke,	Harris,	Pugh,	
Conger,	Jones of Arkansas,	Ransom,	
Cullom,	McMillan,	Sawyer,	

NAYS—5.

George,	Riddleberger,	Saulsbury,	Vance.
Maxey,			

ABSENT—30.

Aldrich,	Edmunds,	Ingalls,	Sabin,
Beck,	Fair,	Jones of Florida,	Sewell,
Blackburn,	Gibson,	Jones of Nevada,	Teller,
Brown,	Gray,	Kenna,	Van Wyck,
Butler,	Hale,	Manderson,	Vest,
Camden,	Harrison,	Miller,	Voorhees.
Chace,	Hawley,	Mitchell of Oreg.,	
Colquitt,	Hoar,	Mitchell of Pa.,	

So the bill was passed.

The preamble was agreed to.

THE R. E. LEE VOLUNTEER BATTERY.

Mr. MAHONE. I move to take up Order of Business 2149, being the bill (S. 3170) to authorize the Secretary of War to exchange guns with the R. E. Lee Volunteer Battery of Petersburg, Va.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments, in line 4, after the word "steel," to insert "or wrought-iron muzzle-loading;" and in line 8, after the word "Virginia," at the end of the bill, to add the following proviso:

Provided, That said brass guns are of the Government model and standard.

So as to make the bill read:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to exchange four three-inch rifled steel or wrought-iron muzzle-loading guns, mounted and otherwise equipped for service, for the four Napoleon twelve-inch brass guns, mounted and otherwise equipped for service, of the R. E. Lee Volunteer Battery, of the city of Petersburg, Va.: *Provided*, That said brass guns are of the Government model and standard.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ILLINOIS JUDICIAL DISTRICTS.

Mr. CULLOM. I move that the Senate proceed to the consideration of Order of Business 2179, being the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

The PRESIDENT *pro tempore*. The Chair is advised that the bill has not yet come from the printer.

Mr. CULLOM. If that is so, I will not call it up.

NAVAL CADET ENGINEERS.

Mr. MCPHERSON. I desire to call up Senate resolution No. 60, Order of Business 1498.

The joint resolution (S. R. 60) for the purpose of temporarily increasing the number of assistant engineers in the United States Navy by restoring certain cadet-engineers named therein to their legal rights and to their proper office and rank in the United States Navy, authorizing and directing the President to appoint such cadet-engineers (graduates) assistant engineers, to commission them as such, and to antedate their commissions, was read by its title.

Mr. PLUMB. The Senator from Maine [Mr. HALE] is interested in that joint resolution I think, adversely.

Mr. MCPHERSON. I think the Senator from Maine is no longer opposed to the joint resolution. He wanted some amendments to it which were admitted, and I understand he withdraws his objection.

Mr. PLUMB. I do not object to it myself.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey to proceed to the consideration of the joint resolution.

The motion was not agreed to.

RAILWAY THROUGH INDIAN TERRITORY.

Mr. DAWES. I move that the Senate proceed to the consideration of the bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes. I want to say that the bill has not been referred, for the reason that the Committee on Indian Affairs have agreed to report precisely the same bill. This bill comes from the House, and I move to put it upon its passage.

Mr. COCKRELL. Has the Committee on Indian Affairs reported?

Mr. DAWES. The Committee on Indian Affairs has decided on the same bill precisely.

Mr. COCKRELL. Why not report it and let it go on the Calendar, so that we may look at it!

Mr. INGALLS. What is the title of the bill?

Mr. CAMERON. Mr. President——

Mr. DAWES. I report it from the committee by their authority.

The PRESIDENT *pro tempore*. Pending this question the Senator from Pennsylvania rose.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. DAWES. Let us pass this bill.

Mr. CAMERON. I withdraw my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to proceed to the consideration of House bill 6393.

Mr. WILSON, of Iowa (at 5 o'clock and 5 minutes p. m.). I move that the Senate adjourn.

Mr. ALLISON. I hope the Senator will allow the bill to pass.

Mr. PLATT. We have got to adjourn some time.

The PRESIDENT *pro tempore*. It is moved that the Senate adjourn.

The question being put, there were on a division—ayes 17, noes 20; no quorum voting.

Mr. INGALLS. I call for the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. BLACKBURN (after having voted in the affirmative). I am paired with the Senator from Nebraska [Mr. MANDERSON]. He is not present, and I withdraw my vote.

Mr. VEST. Before this vote is announced I wish to make a parliamentary inquiry. To-day, when the bill (S. 2288) to incorporate the

Atlantic and Pacific Ship-Railway Company, and for other purposes, was under consideration, the Senator from Kansas [Mr. PLUMB] called up the Post-Office appropriation bill. I then agreed, as I understood it distinctly, that the ship-railway bill should be laid aside temporarily in order to consider the Post-Office appropriation bill. I am informed now by the clerks at the desk that as the Journal stands it appears that the Eads bill is displaced permanently.

The PRESIDENT *pro tempore*. The occupant of the chair was not present at the time referred to. It is the duty of the Chair, however, to announce the vote before any business transpires except by unanimous consent. The Chair will state, by unanimous consent, the condition of business as the Chair understands it. The Chair was not present when the unfinished business was postponed, but understands that it was postponed by a formal vote of the Senate, which would displace the bill that the Senator has in charge.

Mr. VEST. I did not so understand.

The PRESIDENT *pro tempore*. So the Chair is informed; but if there be no objection, the Chair will lay before the Senate the Eads bill, as it is called, as the unfinished business, subject to the decision of the vote now made. ["Agreed!" "Agreed!"]

The result on the motion of Mr. WILSON, of Iowa, was announced—yeas 18, nays 28; as follows:

YEAS—18.

Blair,	George,	Morrill,	Vest,
Conger,	Hampton,	Palmer,	Walthall,
Cullom,	Ingalls,	Platt,	Wilson of Iowa.
Eustis,	McMillan,	Saulsbury,	
Evarts,	Miller,	Sherman,	

NAYS—28.

Aldrich,	Cockrell,	Hoar,	Pugh,
Beck,	Coke,	Jones of Arkansas,	Ransom,
Berry,	Dawes,	Kenna,	Sawyer,
Bowen,	Farwell,	Maxey,	Spooner,
Call,	Frye,	Morgan,	Whitthorne,
Cameron,	Gorman,	Payne,	Williams,
Cheney,	Harris,	Plumb,	Wilson of Md.

ABSENT—30.

Allison,	Edmunds,	Jones of Nevada,	Sewell,
Blackburn,	Fair,	McPherson,	Stanford,
Brown,	Gibson,	Mahone,	Teller,
Butler,	Gray,	Manderson,	Vance,
Camden,	Hale,	Mitchell of Oreg.,	Van Wyck,
Chace,	Harrison,	Mitchell of Pa.,	Voorhees.
Colquitt,	Hawley,	Riddleberger,	
Dolph,	Jones of Florida,	Sabin,	

So the Senate refused to adjourn.

The Chief Clerk proceeded to read House bill 6393.

Mr. PLATT. What is the parliamentary condition of the bill?

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole and open to amendment. It is now being read in the first instance.

Mr. PLATT. Is it a House bill?

The PRESIDENT *pro tempore*. It is a House bill.

Mr. PLATT. Is it being read for the first time to-day?

The PRESIDENT *pro tempore*. In full.

Mr. PLATT. I will take the liberty to object to any further reading to-day.

The PRESIDENT *pro tempore*. The Chair is informed that it was read twice yesterday. The bill came over from the House yesterday and was read the first and second time, and is now open to amendment.

Mr. DAWES. It has been read the first and second times, I will inform the Senator from Connecticut.

Mr. PLATT. It has not been read at length before?

Mr. DAWES. It has not been read at length.

Mr. PLATT. Has it been printed at all?

Mr. DAWES. The bill was printed in the House precisely as it is now, except two or three verbal amendments. It is being read from the engrossed copy of the House in order to read those amendments.

Mr. PLATT. I wish to inquire of the Senator who has it in charge if it is customary in the passage of a bill relating to matters pertaining to a Territory and while the Territory is in a Territorial condition to prescribe what a State may do if one should be erected out of the Territory. I notice that the bill in two or three of its provisions prescribes that when a State shall be carved out of the Territory that State may do certain things.

Mr. DAWES. Will the Senator call attention to it in the bill?

Mr. PLATT. It is in the provision in reference to some reservations of Congress with regard to the management of these roads, and then it goes on to say that whenever a State shall be erected in the Territory the State shall have the same right. I have no objection whatever to the principle which is involved with regard to the regulation of railroads; but it struck me as it was being read that it was quite an unusual thing to do in the passage of a bill to provide that when a State should be erected in the Territory it might do certain things.

When we come to make a State out of that Territory it will be quite time enough then to fix the condition on which the State shall be allowed to come into the Union. I have not objected to it, but I would like to look further into it.

Mr. DAWES. I have no objection if the bill can get through in some reasonable time. Of course I have no desire to hurry it through. It is in exactly the same form as four or five bills that have passed, unless I am very much mistaken, and all the allusion to what a State may do that occurs to me from recollection is that the State may regulate the tolls and tariffs of the road through the State. I do not know but that there is something more.

Mr. CULLOM. Is it in order to move an adjournment now?

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (S. 2553) for the relief of Thomas A. Osborn.

Mr. CULLOM. I move that the Senate adjourn.

Mr. SPOONER. I have the floor.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Wisconsin.

Mr. DAWES. What is the condition of the Indian Territory railroad bill?

The PRESIDENT *pro tempore*. The bill is in process of being read. Pending that the Senator from Wisconsin moves to proceed to the consideration of another bill.

Mr. DAWES. While this is pending?

The PRESIDENT *pro tempore*. Undoubtedly while this is pending. At any stage a motion may be made to proceed to the consideration of another bill?

Mr. DAWES. Then let us make some disposition of this bill which will be satisfactory to the Senator from Connecticut.

Mr. PLATT. All that I ask in regard to the bill is that I may have an opportunity to examine it.

Mr. RIDDLEBERGER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

Mr. DAWES. I suggest to the Senator from Connecticut to let the bill pass, and then he can enter a motion to reconsider it.

Mr. PLATT. I will do that.

Mr. DAWES. Then if there is anything in the bill that ought not to be there of course I shall aid the Senator in taking it out.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

Mr. RIDDLEBERGER. I shall not insist upon my motion, as some Senators wish to pass the bill. After that is disposed of I shall ask the Senate to proceed to the consideration of executive business. I withdraw my motion.

Mr. DAWES. Will the Senator from Wisconsin yield for a moment?

Mr. SPOONER. I yield for that purpose.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin withdraw his motion?

Mr. WILSON, of Iowa (to Mr. SPOONER). Withdraw it, and let us finish this bill.

Mr. SPOONER. Very well.

The PRESIDENT *pro tempore*. The reading of the bill will proceed. The Senator from Wisconsin is understood to withdraw his motion.

The Chief Clerk resumed and concluded the reading of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT. I enter a motion to reconsider the vote by which the bill was passed.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

THOMAS A. OSBORN.

Mr. SPOONER. I move that the Senate proceed to the consideration of bill (S. 2553) for the relief of Thomas A. Osborn. It will take but a moment.

Mr. COCKRELL. Let the bill be read for information.

Mr. RIDDLEBERGER. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

Mr. CAMERON and others. Withdraw the motion.

Mr. RIDDLEBERGER. I will withdraw it again.

The PRESIDENT *pro tempore*. The motion to proceed to the consideration of executive business is withdrawn. The bill moved by the Senator from Wisconsin will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed to pay to Thomas A. Osborn, late United States marshal for the district of Kansas, out of any money in the Treasury not otherwise appropriated, the sum of $8,701.93, on account of the loss of that amount of public funds by the failure of the banking-house of E. H. Gruber & Co., on the 6th day of October, 1866, the loss being without neglect or fault on the part of the said Thomas A. Osborn.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. Let the report be read.

Mr. SPOONER. The judge of the court certified that the marshal was entirely without fault; that so far from having been in the slightest degree negligent, he used extraordinary care.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut call for the reading of the report?

Mr. PLATT. If it is not too long, I should like to have the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SPOONER, July 28, 1886:

The Committee on Claims, to whom was referred the bill (S. 2553) for the relief of Thomas A. Osborn, having considered the same, make the following report:

This case was considered by the Committee on Claims of the House of Representatives during the present session, and a favorable report made thereon. The report was as follows, and is adopted by the committee as its report on said Senate bill 2553:

The Committee on Claims, to which was referred bill (H. R. 9008) for the relief of Thomas A. Osborn, having carefully considered the same, reports:

That the claimant, Thomas A. Osborn, was United States marshal for the district of Kansas in October, 1866, and for over two years prior thereto; that as such marshal certain money of the United States came into his hands to defray United States court expenses for his district; that his office as marshal was in the city of Leavenworth, Kans., in a room immediately over the banking-house of E. H. Gruber & Co.; that the Government furnished no safe or other depository in which the claimant could deposit the public money in his hands.

It had been and was, on the 6th day of October, 1866, the custom of the claimant, on receiving advances from the Government for the court expenses, to deposit the same with the said banking firm of E. H. Gruber & Co.; that the said firm was regarded by the business community of said city as being perfectly safe; the leading and best citizens made their deposits with said bank; that on October 1, 1866, the claimant had a balance in said bank, of funds belonging to the United States, of $2,966.59.; that on said 1st day of October he received from the Treasury of the United States the further sum of $6,596 for the purpose of paying the expenses of the October term of the United States district court, which sum he also deposited in said bank on said 1st day of October, 1866; that on the 6th day of October, 1866, the said banking-house of E. H. Gruber & Co. failed, having at the time of failure the sum of $9,562.59 of the moneys of the United States to the credit of the claimant as United States marshal; that the claimant at once made good said amount to the United States.

The committee is of the opinion that the claimant used due care in handling the said money of the United States, and that the loss was in no way the result of any negligence on his part.

In February, 1867, the late Hon. Mark W. Delahay, then United States district judge for Kansas, made the following statement:

I have been perfectly conversant with Marshal Osborn's manner of doing business since his appointment. I know that he has been doing his banking business through the house of E. H. Gruber & Co. This house I considered one of the safest in the locality until it failed, on the 6th of October, 1866.

I believe that Marshal Osborn has guarded with unusual diligence the interest of the Government, and that he is in no way to blame for the loss which occurred with E. H. Gruber & Co. Many of the best business men in Leavenworth were doing business with said firm at the time of its failure. I had been doing my banking business with said firm for years.

MARK W. DELAHAY,
United States District Judge for Kansas.

The committee concurs in the opinion expressed in the statement just cited. It is shown to the committee by competent evidence that the claimant received from the assignee of said firm of E. H. Gruber & Co. 9 per cent. of said sum of $9,562.59, and no more. The committee is of the opinion from all the facts and circumstances attending the loss that the sum of $8,701.96 should be paid the claimant.

The committee returns bill H. R. 9008 with the recommendation that the same do pass.

The committee therefore report the bill back with the recommendation that the same do pass.

Mr. PLATT. I should like to inquire of the Senator who reported the bill whether it is to be established by the bill as a precedent that whenever an official of the United States has money in his hands which he deposits with private bankers, and they fail without any knowledge on his part that they were going to fail, it is to be the loss of the United States and not of the official? Is there any distinction in this case from what there would be in any case which may arise where an officer of the United States deposits his money with a private bank and the private bank fails? Are we always hereafter to relieve them and say that it is the loss of the United States and not of the official?

Mr. SPOONER. I suppose each case will be decided as it arises upon its peculiar facts. The Senate, more than once at this session, has relieved officials of responsibility for losses of public money where it was perfectly manifest that they were in nowise at fault. There was a case of the kind of a Texas postmaster which the Senate passed within the last forty-eight hours, as I recollect, relieving the postmaster on account of moneys which had been stolen without his fault. It is a little difficult to see the distinction between the two cases where it is conceded that the official in one case is just as much liable as in the other for the public money, it appearing in each case that he is absolutely free from negligence.

Mr. CULLOM. I inquire whether there was any public depository in that section?

Mr. SPOONER. There was no depository there. There was a sort of a national bank there which failed the next day.

Mr. CULLOM. Was this money in a bank which was regarded as reliable?

Mr. SPOONER. It was in a bank which the judge certifies was the bank patronized by the business men of the community, the bank in which he had kept his deposits for years, and he certifies that this marshal had used extraordinary diligence and care in his handling of public money. The committee felt that the officer was entirely exonerated from any negligence, and that this relief should be granted.

Mr. PLATT. Of course, the sympathy of everybody goes out to an officer thus situated, but it is a new rule which is being established by legislation. I have noticed that occasionally a case has been passed this year relieving a postmaster, who, as I understand, is not authorized to deposit his money in a bank but is specially bound to keep it.

Mr. SPOONER. And paymasters have been relieved.

Mr. PLATT. And paymasters; but such has not been the rule of the Government heretofore, and it seems to me we are at this session of Congress establishing a principle which in future will hold it to be the loss of the United States whenever an official has deposited money in a national or private bank and it can not be shown that he had knowledge or ought to have had knowledge that the bank was in a doubtful condition or likely to fail.

Mr. HOAR. Why should it not be the law? He is an agent.

Mr. PLATT. I do not know but that it should be; I will not say that it should not be; I simply say it has not been heretofore, and that we are now establishing, as I understand, a new principle which really will have the force of a new law. If it were so now there would, of course, be no necessity for the passage of this bill. I do not find any fault with it, except I desire that the Senate shall act understandingly in the matter, and hereafter whenever any official deposits any money in a bank which fails it will be the loss of the United States undoubtedly, because it will be bound by these precedents.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. R. JONES.

Mr. SAWYER. I ask unanimous consent to take up Senate bill 603. It is a little relief bill. I presume no one will find any fault with it. It is for payment on account of a registered letter.

Mr. RIDDLEBERGER. I ask the Senate to have an executive session for a few minutes.

Mr. SAWYER. This is for the relief of one of your constituents. It is a Virginia case.

Mr. RIDDLEBERGER. Still, I have other constituents; I have so many of them. However, I acquiesce.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of the bill (S. 603) for the relief of J. R. Jones, late postmaster at Boydton, Va.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post-Offices and Post-Roads with an amendment, in line 6, after the word "dollars," to strike out "collected from him by the Post-Office Department, and which amount is in excess of what he should have paid to said Department," and to insert the words "and fifty-one cents;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. R. Jones, out of any moneys in the Treasury not otherwise appropriated, the sum of $84.51.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN MITCHELL.

Mr. HOAR. Mr. President——

Mr. BECK. If the Senator from Massachusetts will allow me a moment, I only desire to give notice, the Senator from Delaware [Mr. GRAY] being absent, that on next Tuesday at 2 o'clock I shall ask the Senate to consider the bill (S. 31) for the relief of Warren Mitchell. The Senator from Massachusetts knows all about it. I only want to have the bill considered then, and I give notice that I shall, at 2 o'clock on Tuesday, call it up and ask the Senate to give us a vote upon it.

NIGHT INSPECTORS OF CUSTOMS.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (S. 3116) for the relief of night inspectors of the ports of New York and Baltimore.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLUMB. Cannot the bill be amended so as to have these cases reported to Congress and let Congress make the appropriation? I make that suggestion. It seems to me it is putting a large power in the hands of the Secretary of the Treasury.

Mr. COCKRELL. I should like to have such an amendment made, and I should like to know how many hours these men work, and what they call double duty. If the bill proposes to give them double pay for ten or twelve hours work, I am opposed to it. We have prescribed the hours of duty. I am opposed to the way the Departments are doing here, requiring their clerks to work only six hours a day, when Senators work from twelve to sixteen hours; and I do not propose myself to be a party to paying these night inspectors, or any others, for doing four, five, or six hours work.

I move the amendment which the Senator from Kansas suggested, that the Secretary of the Treasury make this examination and report to Congress the facts in the case, the number of persons so employed, and the number of hours during each day or night that they perform service.

The PRESIDENT *pro tempore*. The amendment will be reduced to writing.

Mr. RIDDLEBERGER. Pending that motion to amend I move that the Senate proceed to the consideration of executive business. In substantiation of that motion I will say that it seems to me I can see that there is a disposition to pass all kinds of bills, and we only want in executive session to have a few reports made, for instance, from the Judiciary Committee. Let them go upon the table and lie over for a day, because they are bound to lie over for a day, but I should like to see them reported from the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

Mr. CULLOM. Pending that motion I move that the Senate adjourn.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

Mr. VEST. I ask that the unfinished business be first laid before the Senate.

The PRESIDENT *pro tempore*. The Chair lays before the Senate what, by unanimous consent, is the unfinished business of the day.

The CHIEF CLERK. A bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Illinois [Mr. CULLOM] moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 12, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 11, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORTS BY CONSULAR OFFICERS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, accompanying reports by consular officers of the United States on the extent and character of the emigration from and immigration into their respective districts.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 10, 1887.

PUBLIC BUILDING AT JEFFERSON CITY, MO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending an additional appropriation to complete the public building at Jefferson City, Mo.; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT DETROIT, MICH.

The SPEAKER also laid before the House a bill (S. 1131) with House amendments and the following message from the Senate; which was read:

IN THE SENATE OF THE UNITED STATES, *February* 10, 1887.

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill (S. 1131) to amend an act to provide for the purchase of a site and the erection of a public building thereon, at Detroit, Mich., approved March 2, 1885, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHONE, Mr. VEST, and Mr. PALMER be the conferees on the part of the Senate.

The SPEAKER. If there be no objection the House will insist on its amendments and agree to the conference asked by the Senate.

There was no objection.

The SPEAKER. The Chair appoints as managers of the conference on the part of the House Mr. WORTHINGTON, Mr. OWEN, and Mr. MAYBURY.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CABELL, for three days from Friday, on account of important business.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 79) for the relief of Pryor N. Lea;

A bill (H. R. 633) for the relief of Maj. G. W. Candee;

A bill (H. R. 707) for the relief of J. R. Martin;

A bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased;

A bill (H. R. 1143) authorizing the Secretary of War to deliver to the Somerville Grand Army of the Republic, of Somerville, Mass., four condemned gun-carriages, to be used for monumental purposes;

A bill (H. R. 1261) for the relief of Henry A. Paus;

A bill (H. R. 1455) for the relief of Lysander H. Carroll;

A bill (H. R. 1622) to prohibit the employment of convict labor by any officer of the Government;

A bill (H. R. 1993) for the relief of Saint Mark's Protestant Episcopal Church, in the District of Columbia;

A bill (H. R. 2053) for the relief of Rachael J. Floyd;

A bill (H. R. 2086) for the relief of Francis M. Bell;

A bill (H. R. 2173) for the relief of George W. Cousins;

A bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east;

A bill (H. R. 5326) for the relief of E. B. Dawson;

A bill (H. R. 5651) for the relief of David W. Low;

A bill (H. R. 5652) for the relief of James W. Goodrich;

A bill (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, D. C.;

A bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties;

A bill (H. R. 7860) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 8297) for the relief of Frank Shutt;

A bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quitclaim and release to a certain alley in Washington to Cornelia P. Randolph and others;

A bill (H. R. 9653) to amend section 3058 of the Revised Statutes;

A bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery near Danville, Va.; and

Joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota;

A bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park;

A bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881;

A bill (S. 1071) for the relief of Frances W. Dyer;

A bill (S. 2428) to grant certain seal rocks to the city and county of San Francisco, State of California, in trust for the people of the United States; and

Joint resolution (S. R. 40) providing for the payment of per diem laborers in Government employ on Memorial or Decoration Day and on the 4th day of July of each year as on other days.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with an amendment the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains; upon which a conference with the House of Representatives was requested, and had appointed as conferees on the part of the Senate, Mr. SEWELL, Mr. HAWLEY, and Mr. HAMPTON.

The message also announced that the Senate had passed with amendments the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season, requested a conference in the House of Representatives upon said bill, and had appointed as conferees on the part of the Senate, Mr. PALMER, Mr. GRAY, and Mr. HALE.

The message further announced that the Senate had passed the bill (S. 3026) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation; in which the concurrence of the House was requested.

The message further announced that the Senate had passed the bill (S. 3041) granting to the Spokane and Palouse Railway Company the right of way through the Cœur d'Alene Indian reservation; in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, requested a further conference with the House of Representatives thereon, and had appointed as conferees on the part of the Senate, Mr. DOLPH, Mr. TELLER, and Mr. COCKRELL.

ORDER OF BUSINESS.

Mr. STORM. I call for the regular order.

The SPEAKER. The regular order is called for. This being Fri-

day, the regular order is the call of committees for reports of bills of a private nature.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the formal call of committees be dispensed with for to-day, and that the various committees be permitted to send up to the Clerk such reports as they desire to present.

There was no objection, and it was so ordered.

Under the foregoing order, reports were submitted, and referred as follows:

PORTER ACADEMY, CHARLESTON, S. C.

Mr. DARGAN, from the Committee on Military Affairs, reported back a bill (H. R. 10989) authorizing the Secretary of War to transfer to the trustees of the Porter Academy certain property in the city of Charleston, S. C.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN KELLEY.

Mr. GEDDES, from the Committee on War Claims, reported a bill (H. R. 11117) for the relief of John Kelley; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN LOAGUE, ADMINISTRATOR.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 11118) for the relief of John Loague, administrator; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

T. J. POWELL, ADMINISTRATOR.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 11119) for the relief of T. J. Powell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. MITCHELL.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 11120) for the relief of John H. Mitchell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. REYNOLDS.

Mr. HEISTAND, from the Committee on War Claims, reported a bill (H. R. 11121) for the relief of John R. Reynolds; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN S. ALSUP.

Mr. LYMAN, from the Committee on War Claims, reported with amendment a bill (H. R. 3041) for the relief of John S. Alsup; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK FORD.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back favorably the bill (H. R. 4406) for the relief of Frederick Ford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back adversely a bill (H. R. 7969) granting a pension to Adam Pry; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE H. OWEN.

Mr. HITT, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 9612) for the relief of George H. Owen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REFORM SCHOOL FOR GIRLS, DISTRICT OF COLUMBIA.

Mr. GAY, from the Committee on the District of Columbia, reported back with amendment the bill (H. R. 10824) to incorporate the reform school for girls of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WAR CLAIMS.

Mr. RICHARDSON, from the Committee on War Claims, reported back with amendment the bill (H. R. 11083) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the "Bowman" act; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STREETS AND AVENUES, DISTRICT OF COLUMBIA.

Mr. ROWELL. Mr. Speaker, I ask leave to present a report that is not of a public nature, in order to get the bill upon the Calendar, so that it may be called up Monday.

The SPEAKER. If there be no objection, the gentleman will send up the report.

There was no objection.

Mr. ROWELL, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 11074) directing the Commissioners of the District of Columbia to establish streets and avenues in the county of Washington, D. C., and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. Has the morning hour been dispensed with, Mr. Speaker?

The SPEAKER. It has.

Mr. SPRINGER. Then I call up a bill which comes over from last Friday, the bill (S. 570) for the relief of Jabez Burchard.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired-list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea-pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy; said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

Mr. SPRINGER. I ask permission, before the vote is taken upon ordering this bill to be engrossed and read a third time, to call the attention of the House to the facts of the claim.

Mr. BURROWS. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. I desire to know how that bill has precedence over another bill upon which the yeas and nays were ordered, and also the previous question?

The SPEAKER. It has not. If there be such a bill——

Mr. BURROWS. There is.

The SPEAKER. That bill was not called up, and the attention of the Chair was not directed to it. To what bill does the gentleman from Michigan [Mr. BURROWS] allude?

Mr. BURROWS. It is the fourth bill on the calendar of unfinished business.

The SPEAKER. The Chair thinks, on the statement of the gentleman from Michigan [Mr. BURROWS], that the bill to which he refers has precedence.

Mr. SPRINGER. I will explain the situation.

The SPEAKER. The Chair will hear the gentleman's explanation.

Mr. SPRINGER. That bill was reported from the Committee of the Whole, and pending the motion for the previous question the House adjourned. The bill was reached in order for consideration, and its further consideration was postponed until to-day. Therefore it becomes a special order for to-day.

The SPEAKER. The Chair is informed that the previous question was not ordered on the bill to which the gentleman from Michigan [Mr. BURROWS] alludes. The previous question was demanded, but pending that demand the House adjourned.

Mr. BURROWS. Then I was misinformed.

Mr. TAULBEE. Mr. Speaker, is the previous question ordered on this Burchard bill?

The SPEAKER. It is not.

Mr. TAULBEE. Is it open for debate?

The SPEAKER. It is. The Chair will cause the record to be examined.

Mr. SPRINGER. I ask the attention of the House for a few moments while I explain the pending bill. It is a bill for the relief of Jabez Burchard——

Mr. TAULBEE. Mr. Speaker, will the gentleman allow me to ask what was the recommendation of the Committee of the Whole House in reference to this bill?

Mr. SPRINGER. The Committee of the Whole House reported against the bill, but the recommendation was not concurred in; and then the House postponed its further consideration until to-day. There was a misapprehension with regard to the facts of this case, and I desire now briefly to explain——

Mr. STEELE. Regular order!

The SPEAKER. This is the regular order.

Mr. STEELE. Had not the previous question been ordered on this bill, and was there not a motion to recommit?

The SPEAKER. The previous question had not been ordered on this bill.

Mr. TAULBEE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. I have not examined the record with reference to the action on this bill; but according to the statement of the gentleman from Illinois [Mr. SPRINGER], the House refused to concur in the recommendation made by the Committee of the Whole, which was ad-

verse to the bill. My point of order is that that action sends the bil back to the Committee of the Whole.

Mr. SAYERS. That is so.

Mr. SPRINGER. The proper time to have made that point was when the vote was taken in the House. But I then moved to postpone——

The SPEAKER. As the Chair understands, and as the record shows, the bill was by unanimous consent postponed until to-day, which of course dispensed with the operation of the rule to which the gentleman from Kentucky has referred.

Mr. TAULBEE. I did not know that. As I stated, I had not examined the record.

Mr. STEELE. Would a motion to recommit the bill to the Committee of the Whole House be in order now?

The SPEAKER. It will be in order whenever the gentleman from Indiana [Mr. STEELE] gets the floor to make it; the gentleman from Illinois is now on the floor to discuss the bill. He will proceed.

Mr. SPRINGER. If I had been permitted to proceed, I could have said by this time all I desired to say with reference to this bill. The claimant in this case was an assistant engineer in the naval service, having been, as I understand, appointed in 1865. He served five years continuously, and at intervals during two years, having been during a part of the last two years on leave, by reason of sickness. In 1874 a retiring board was asked to consider his physical condition; and that board reported that he was afflicted with chronic retinitis——

A MEMBER. What is that?

Mr. SPRINGER. Inflammation of the retina of the eye. This disease, according to the report of the board, incapacitated him for service; but they found no record evidence that the disease had been contracted in the line of duty. No proof as to the fact of its having been so contracted was submitted to the board. As soon, however, as the officer was informed of this decision, he appealed to the Secretary of the Navy, who caused the question to be again examined, and it was found that the disease had been contracted on board the monitor Terror, off Key West, in the summer of 1872, and was incident to, or grew directly out of, the service. The claimant also produced the certificate of a prominent physician of Philadelphia to the effect that he had been perfectly sound as to his eyes up to the time when he entered the naval service.

The then Secretary of the Navy, therefore, in view of the fact clearly established before the Navy Department that the disease had been contracted in the naval service, endeavored to have the officer placed upon the retired-list in the position in which he would have been had it been found at the time of his retirement that the disease was incident to the service. An order to that effect was made; and he was placed in a position where he drew 75 per cent. of the sea-pay of his rank. This went on for several months—nearly a year, I believe, when a new Comptroller came in, and, reversing the decision of his predecessor, held that the action placing him in this position where he would be entitled to draw 75 per cent. of his sea-pay did not come within the law. This new Comptroller then began to check against the pay which the officer had received; and this ran on until the President nominated Mr. Burchard to the Senate for transfer from the furlough to the retired pay-list.

The Senate, after examination of the question whether he had rightfully been placed on the retired-list, and was entitled to 75 per cent. of the sea-pay, ratified the recommendation of the Secretary of the Navy; and the nomination of the President was confirmed. This bill is for the purpose of allowing Mr. Burchard his pay on that basis from 1872 to 1874, when he was declared by the action of the President and Senate as rightfully on the retired-list upon 75 per cent. of sea-pay.

Mr. WARNER, of Ohio. What amount of back pay on the retired-list does this bill carry?

Mr. SPRINGER. I think about $2,900 or $3,000.

Mr. WARNER, of Ohio. Is it not $4,000 or $5,000?

Mr. SPRINGER. The gentleman can figure it up for himself; he will find the data set forth in the report.

Mr. TAULBEE. The printed copies of the report are exhausted, and we can not get any.

Mr. SPRINGER. He ought to have received $1,275 per year; and this bill is for the purpose of giving him the amount he should have received from the time of his retirement until the time when the Senate confirmed him as on the retired-list at three-fourths of his sea-pay. The Senate has adjudicated this matter, and found that this man is entitled of right under the law to this pay.

But the Comptroller held that the pay, not having been appropriated for from year to year, must be provided by a special act of Congress. He is here now for the purpose of getting that pay which the President and the Navy Department have held over and over again he is entitled to. It is not a favor on the part of Congress, but simply to correct the record so that he may be entitled to receive this pay, which has been, under the circumstances stated, withheld from him; and on that point I desire to have read a letter received from Admiral Rodney upon this subject.

The Clerk read as follows:

NAVY DEPARTMENT, *Washington, January 27, 1887.*

DEAR SIR: In behalf of Assistant Engineer Jabez Burchard, United States Navy (rank of lieutenant), I point out that, if you can get unanimous consent to make a statement, the bill is, in a nutshell, simply to correct an error in his record. The Navy Department has repeatedly tried to effect this, and, under Secretary Thompson, supposed they had finally done so, but have been overruled by the Comptroller's Office holding that Congress alone can make correction. The officer was seized with the disease of the eyes while actually on sea-service in the fire-room of the monitor Terror, Key West, summer of 1872; and though paid his rightful 75 per cent. line of duty retired-pay for some years, has been reduced to half-pay (only $850 per year), as if disabled while neither on sea nor any other duty, a confessed error of record, and a sum of several thousand dollars, back difference between the two rates, checked against him by the late Comptroller (Upton), who reversed his predecessor's settlement.

Very respectfully,

ROBT. RODNEY,
United States Navy.

Hon. Mr. SPRINGER.

Mr. SPRINGER. It will be seen, Mr. Speaker, that this is not a bill to increase his pay on the retired-list, but to give him that to which the law entitled him from the date of his retirement up to the time he was placed on the retired-list.

Mr. REAGAN. I desire to ask the gentleman if this officer is drawing a pension?

Mr. SPRINGER. No, sir; only his retired-pay as a naval officer. He is nearly blind, and is unable by reason of that misfortune to perform any manual service whatever.

Mr. TAULBEE. May I ask the gentleman a question?

Mr. SPRINGER. Certainly

Mr. TAULBEE. What is the present pay received by this officer?

Mr. SPRINGER. His pay is one-half of his sea-pay—$850.

Mr. MORRISON. That is enough.

Mr. TAULBEE. Does the bill propose to increase that rate of pay, or to rerate his pay as a retired officer?

Mr. SPRINGER. It proposes to give him the rate to which his rank entitled him during this time when it was withheld from him, but does not increase his pay. It only gives him an amount which will make the pay equal to 75 per cent. of the sea-pay for the entire time.

Mr. BURROWS. It is stated that he was retired on one-half pay, but this proposes to retire him on three-quarter pay.

Mr. SPRINGER. No; that is a mistake. He is now retired on three-quarter pay by the President, with the advice and consent of the Senate; and this would bring the rating up to the full time for which he was entitled to that pay.

I yield now to the gentleman from Pennsylvania [Mr. SOWDEN], who reported the bill, five minutes.

Mr. SOWDEN. Mr. Speaker, if there ever was a meritorious bill before this House, the one now under consideration is that bill. Jabez Burchard entered the United States Navy March 14, 1865, as acting third assistant engineer. He served five months on the monitor Naubuc; was detached and ordered to the United States steamer Powhatan. He served a little over two years and six months on this steamer; was detached and granted one month's leave of absence, and was honorably discharged. He re-entered the Navy on September 1, 1870, as second assistant engineer, and was ordered on special duty at League Island, Pennsylvania; detached from there January 11, 1872, and ordered to the United States monitor Terror, at Havana. While attached to this monitor, at Key West, Fla., in July, 1872, he was taken with an affection of the eyes, was examined by a board of medical officers, condemned, and sent home.

After remaining on sick leave for nearly a year, he reported as fit for duty, and was ordered to join the United States steamer Tuscarora, at San Francisco. After joining this ship he was again attacked with affection of the eyes, and was again condemned by a medical survey and sent home, and while there he was ordered before the naval retiring board at Washington for examination, and which made the following report:

NAVAL RETIRING BOARD,
Washington, D. C., October 12, 1874.

SIR: We have examined Jabez Burchard, assistant engineer, United States Navy, and find him affected with chronic retinitis. He had been twice condemned by medical survey of disease for the eyes, and there is no evidence on record that his disability originated in the "line of duty." He is at present unfit for duty, and, in our opinion, is permanently incapacitated to perform the duties appropriate to his commission.

Respectfully, &c.,

GEORGE PECK,
Medical Inspector.

DAVID KINDLEBERGER,
United States Naval Surgeon.

Commodore J. W. NICHOLSON,
President Naval Retiring Board.

Observe the peculiar language of this finding:

He had been twice condemned by medical survey of disease for the eyes, and there is no evidence on record that his disability originated in the line of duty.

It will thus be observed that the board does not find the fact that the disease for which the beneficiary of this bill was condemned was not contracted by him while in the service and in the "line of duty," but simply that there is no evidence of that fact on record. Jabez Burchard had no reason to believe that any such evidence would be required. He, like all others who enter the naval service of the United States, had to undergo the most rigid physical examination, and had he not been physically sound he never would have been accepted into the service.

The presumption was therefore in his favor, and he had a right to suppose that he need submit no evidence to the board on the subject

of his physical condition prior to his re-entering the service. There can be no doubt but that he contracted the disease for which he was condemned as unfit for duty in the "line of duty." Who can gainsay it? The late Secretary of the Navy Robeson believes with us on this subject after carefully reviewing the facts of the case, as the following letter, of date March 1, 1877, clearly shows:

NAVY DEPARTMENT, *Washington, March* 1, 1877.

SIR: Upon a full review of all the facts in the case of Assistant Engineer Jabez Burchard, United States Navy, the Department is of the opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers by section 1588 of the Revised Statutes.

Very respectfully, &c.,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. S. J. W. TABOR,
Fourth Auditor of the Treasury.

Mr. TAULBEE. Would it disturb the gentleman to ask him a question?

Mr. SOWDEN. Certainly not.

Mr. TAULBEE. If this bill is passed, what rate of pay will this officer receive?

Mr. SOWDEN. Seventy-five per cent. of his sea-pay.

Mr. TAULBEE. How much will that be?

Mr. SOWDEN. Twelve hundred and seventy-five dollars per annum.

Mr. TAULBEE. That is what I thought.

Mr. SOWDEN. He should have received it from the very day he was retired under the finding of the naval retiring board. He was entitled to 75 per cent. of the sea-pay to which his grade entitled him under the law. I have a letter before me now from Medical Inspector Kindleberger, who was a member of the naval retiring board in 1874 when Jabez Burchard was examined, and who is still a member of the board. I will send it to the Clerk to have read, so that the House may see what he has to say on this subject now. No; I will read it myself:

UNITED STATES NAVAL HOSPITAL,
Washington, D. C., January 20, 1887.

SIR: On examination of the records of the retiring board in the case of Jabez Burchard, assistant engineer, United States Navy, it appears evidence was not furnished to show that his eye disease originated in line of duty. In view, however, of his service in the Navy for over three years at sea, from March 14, 1865, without treatment for the eyes, on the monitor Naubuc and steamer Powhatan, there seems a fair probability that his affection, which appeared while on duty on the United States monitor Terror, July, 1872, and which I understand has steadily advanced to almost total blindness, originated from the heat of the fire-room and the glare of the coral reefs about Key West.

Very respectfully,

D. KINDLEBERGER,
Medical Inspector, United States Navy.

Surg. Gen. F. M. GUNNELL, *United States Navy,*
Navy Department, Washington, D. C.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SOWDEN. I ask the gentleman to yield me five minutes more.

Mr. SPRINGER. Very well.

Mr. SOWDEN. As stated already, Jabez Burchard never dreamed that it was necessary for him to prove that he contracted his sore eyes in the "line of duty." He relied upon the presumption in his favor. Had the question been raised before the board he could very easily have produced the testimony of the distinguished oculist, Dr. P. D. Keyser, of Philadelphia, who had been treating him for this disease in October, 1873, as also that of Dr. W. T. W. Dickeson, whose evidence was afterward submitted to the Navy Department, and upon which the case was reviewed with the result indicated in Secretary Robeson's letter of March 1, 1877. This is their testimony:

1630 ARCH STREET, PHILADELPHIA, *May* 2, 1876.

Mr. Jabez Burchard, assistant engineer, United States Navy, came to me in October, 1873, suffering from a severe attack of retinitis, which has assumed a chronic form.

This affection of the eyes is the result of his duties on monitor service, the great heat and severe changes of light, &c. I can find no signs of any constitutional (acquired or congenital) disease.

He has been under my treatment up to the present date, and is still and always will be incapacitated for any use of his eyes.

P. D. KEYSER, M. D.,
Surgeon Wills Eye Hospital, Philadelphia.

This is to certify that I am personally acquainted with Dr. P. D. Keyser, and know him to be among the first physicians and oculists in this city.

L. G. WUNDER,
Chief Clerk Philadelphia Post-Office.

I hereby certify that I am acquainted with Dr. P. D. Keyser, a physician in good standing, and, further, that the foregoing is his certificate.

Witness my hand and official seal this 3d day of May, A. D. 1876.

ROBERT R. SMITH,
Magistrate of Court No. 8, Philadelphia.

MEDIA, PA., *May* 4, 1876.

I certify that I have known Jabez Burchard, assistant engineer, United States Navy, since he was a child, and can positively assert that there never was any hereditary disease about him; that he was in a sound physical condition on entering the United States service, and had always good eyesight until sent home from duty on board the monitor Terror.

In his present condition, from chronic retinitis, he is absolutely unable to use his eyes from the painfulness caused by this disease.

WILLIAM T. W. DICKESON, M. D.

DELAWARE COUNTY, *ss:*

On this 4th day of May, A. D. 1876, personally appeared before me, a notary public of the commonwealth of Pennsylvania, residing in said county, William T. W. Dickeson, M. D., who, being duly affirmed according to law, says that the above facts are true as he verily believes.

Affirmed and subscribed before me the day and year above written.

A. P. OTTEY, *Notary Public.*

Can any one have any doubt as to the injustice done Jabez Burchard by the finding of the naval retiring board after hearing this evidence? The Navy Department had none.

Mr. REAGAN. May I ask the gentleman from Pennsylvania a question?

Mr. SOWDEN. Yes, sir.

Mr. REAGAN. I do not know how long this officer was in the service. Will the gentleman state how long it was?

Mr. SOWDEN. In all he was in the naval service a little over seven years.

Mr. HOLMAN. It has been stated that he was but four years in the service.

Mr. SOWDEN. He first entered the naval service in March, 1865, and after serving over three years was honorably discharged. He re-entered the service September 1, 1870, and was examined by the naval retiring board October 12, 1874, so that he was in the service for more than four years from the time he re-entered the Navy.

Mr. REAGAN. I ask the gentleman from Illinois [Mr. SPRINGER] to yield to me for a few moments.

Mr. SPRINGER. I yield to the gentleman three minutes.

Mr. REAGAN. I do not know if the yeas and nays will be called so that I can record my vote against this measure; but I want to make my record consistent on all occasions by voting against every measure which creates a retired-list, because it is un-American, not in conformity with our theory of Government, and creates a privileged class which ought not to be done and which will endanger this Government in the future. It is claimed that this officer served seven years, and it is proposed that he shall go on the retired-list. My understanding of section 1588 of the Revised Statutes is that he should have served forty years——

A MEMBER. Forty-five years.

Mr. REAGAN. Before he can be put on the retired-list. That section provides as follows:

The pay of all officers of the Navy who have been retired, after forty-five years' service after reaching the age of sixteen years, or who have been or may be retired after forty years' service, upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to 75 per cent. of the sea-pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement.

Now, it is not claimed that there was any particular accident connected with the service in which this officer was injured. It may have been a constitutional disease. He may have had a constitutional weakness of the eyes. The blindness may have occurred anywhere else as well as in the service. There is no fact presented to show that this officer's blindness was the result of his service in the Navy. It occurred, it seems, when he was in the service, but no fact is given to show that it was the result of his service, or of any wound, accident, or disease incident to the service.

Mr. BROWN, of Pennsylvania. I rise to a question of order. There is so much confusion in the Hall that we can not hear what the gentleman from Texas is saying.

The SPEAKER *pro tempore*. The House will be in order.

Mr. REAGAN. I had occasion two or three Congresses back to examine this whole matter and to present a report to the House on the subject of a civil-list and a retired-list. It was a thing unknown to this country until within recent years. The whole practice of the Government has been to pay men for their services when in office, and when they go out of office they become citizens like every other person.

It is against the policy of the Government, it is against the principles of the Government, it is against the principles of equality under the Government that we should create a class of persons who are to live by the labor of other persons. It can not be said that if we do not do this we do not provide for those who have been injured in the service. That is not so; we have pension laws which provide for those who have been disabled in the military or in the naval service, and who have been rendered incompetent to earn a living for themselves and to support their families. Those pension laws provide for that contingency. But the object of measures of this kind is to create an aristocratic class who are to live upon the labor of other men. You may walk the streets of this city and find gentlemen much younger than I am, stouter than I am, and worth ten times as much as I am, receiving large pay from the Government on the retired-list. It is an outrage that such things should exist, that the poor and humble should be compelled to labor and pay taxes to enrich those who are so much better off than themselves.

It was a great mistake when provision was first made to retire the Federal judiciary. It was a greater mistake, because more extensive in its operation, when provision was made for retiring officers of the Army and of the Navy and of the revenue marine. In the last Congress—I am not sure how it is in this one—there were bills pending for

the creation of a dozen more classes to go on the retired-list; so that directly if this be continued we will have the English policy of sustaining an aristocracy, who labor not and serve not, at the expense of the country by taxation levied upon those who have to toil for the means of support.

I had not expected to participate in this discussion. My object in rising was simply to enter my protest against this system as I have offered it heretofore against everything tending to establish a retired-list. I have desired to make this protest, as I do not know whether there will be an opportunity of going upon record in a vote by yeas and nays.

Mr. TAULBEE. I think it is perfectly apparent to those who have listened to the remarks of the gentlemen who are championing this bill that they do not understand the bill themselves or that they are attempting to mislead the House with reference to the facts. It will be remembered by those who were listening that in response to a question I asked of the gentleman from Illinois, the chairman of the committee who reported the bill, he stated the present pay of this officer was $850 a year, and if this bill passed his future pay would be $850 a year. When the gentleman from Pennsylvania [Mr. SOWDEN] took the floor I propounded to him the same question, and he answered that the present pay was $850 a year, and that the subsequent pay, if the bill passed, would be $1,275 a year.

Mr. SPRINGER. That is correct. I made the other statement inadvertently, and I wish to correct it.

Mr. TAULBEE. I wish now to say that the effect of this bill is that if it passes it will increase the pay of this retired officer of the Navy; and not only that, but it embodies a principle of legislation upon which this House has seldom or never acted, that is, the rerating of officers upon the retired-list. Further, the bill provides for the payment of this additional back pay "out of any money in the Treasury not otherwise appropriated," not even requiring the accounting officers of the Treasury to charge up this rerating to the naval retired fund. I undertake to say, Mr. Speaker, that there has never been a more iniquitous line of legislation entered upon by this House. Here is a man who is retired after seven years' service, and who is now attempting to procure an increase of his pension from $850 to $1,275 a year.

Mr. SOWDEN. He receives no pension.

Mr. TAULBEE. Well, call it pay as a retired officer if you prefer; I care not by what name it is called. There is no disguising the fact that it is a pension for service in the Navy, or for disabilities incurred therein. Now, Mr. Speaker, let this House understand this bill; let it understand that the bill is not only an innovation upon the regular system of legislation with reference to these retired officers, but also that, as has been well said by the gentleman from Texas [Mr. REAGAN], it is legislation which will encourage an aristocratic class in this country, a class who shall enjoy special favors from Congress, in contravention of the spirit of our institutions and of every sound principle of legislation. This bill does more; it takes money from the earnings of the people instead of from the fund for retired naval officers; it pays to this man, out of the taxes which we all contribute to the Treasury, the difference between the amount to which he was found entitled under the law and the other amount which he asks, but which every officer of this Government who has had anything to do with the question says he is not entitled to.

If gentlemen caught correctly the reading of the report which has been read by the gentleman from Pennsylvania [Mr. SOWDEN], and to which he invited our attention, they have noticed that not one of these statements has even the sanction of being sworn to. They consist of letters written by this man's comrades in the Navy, whose interest in the matter can be readily understood. If we go on piling up these allowances, increasing these rates of pay, giving men the advantage of every claim like this, which they do not even dare to set forth themselves in a sworn statement, where is this to end? When will the tax-ridden people find relief?

Mr. SAYERS. This man served only four years in the Navy.

Mr. TAULBEE. I am reminded by the gentleman from Texas that this officer served only four years. Now I call attention to the fact that if we pass this bill we enter upon a new line of legislation and furnish a precedent for hundreds, yea, possibly for thousands, of similar bills for other naval officers; and if naval officers are entitled to this extra compensation and this special relief by act of Congress, show me, I pray you, the difference in that respect between them and the officers of the Army. And when the officers of the Navy and of the regular Army have received this extraordinary relief at our hands, then the entire volunteer force of this country (to whom we owe as much as to any other class of men) will be equally entitled, according to precedent, to receive such relief upon an equal basis with the regular officers who have had no longer service than the volunteers, and in some cases not so long. For my part, I shall take great pleasure in voting against this bill, and I wish now to announce that when the proper time comes I shall move to recommit the bill to the Committee of the Whole House.

Mr. SPRINGER. I yield five minutes to the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. The gentleman from Kentucky [Mr. TAULBEE] has fallen into an error. He says that this bill would make an innovation on the existing law. I desire to call his attention to the law on this subject. Section 1588 of the Revised Statutes reads as follows:

> The pay of all officers of the Navy who have been retired, after forty-five years' service after reaching the age of sixteen years, or who have been or may be retired, after forty years' service, upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to 75 per cent. of the sea-pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement. The pay of all other officers on the retired-list shall, when not on active duty, be equal to one-half the sea-pay provided by this chapter for the grade or rank held by them respectively at the time of their retirement.

Now, Mr. Speaker, at the time of this man's retirement he was receiving sea-pay at the rate of $1,700 per annum, and, having been discharged on account of sickness, or disease of the eyes contracted in the service and in "the line of duty," as subsequently shown to the satisfaction of the Navy Department by the proper medical testimony, he has brought his case within the provision of the statute under which he is entitled to 75 per cent. of the sea-pay.

Mr. TAULBEE. Will the gentleman allow a question?

Mr. SOWDEN. Certainly.

Mr. TAULBEE. If this officer contracted his disability in the line of duty, and the law provided for his retirement at 75 per cent. of his annual pay in the active service, why is it that he was not given that pay, and is not now receiving it?

Mr. SOWDEN. Because of the mistaken course on the part of the retiring medical board in assuming that he had been accepted into the service with this disease upon him instead of giving him the benefit of the presumption of physical soundness to which he was entitled by reason of the medical examination to which he had been subjected by the United States before he re-entered the Navy. The Government never accepts anybody who is physically incapacitated for duty either in the military or naval service.

Mr. TAULBEE. Will the gentleman please say whether the rule which he has just stated has ever been the rule either in the retirement of Army or Navy officers, or in the adjudication of pensions for soldiers? Is not the burden always put upon the applicant to show affirmatively and conclusively that he was sound at the time of enlistment or muster?

Mr. SOWDEN. This man has taken the burden upon himself and made out his case through the testimony of Drs. Keiser and Dickeson; but the wrong and injustice under which he suffers has not yet been remedied.

Mr. TAULBEE. Then why did not the Department give him relief?

Mr. SOWDEN. The Department now holds that the volunteer soldier who applies for a pension is entitled to the presumption that he was sound at the time of enlistment. It is no longer made incumbent upon him to prove that he was physically sound when he entered the service.

Mr. DOCKERY. Was that true in 1874?

Mr. SOWDEN. That has not been the ruling until recently; but the injustice done in this case has been established, and has been conceded by the Department.

Mr. TAULBEE. If this claimant has made out his case to the satisfaction of the officers of the Department, why is he now coming here to get $1,275 a year?

Mr. SOWDEN. Because he was unjustly deprived of a part of his pay by the decision of the Second Comptroller of the Treasury. Mr. Robeson, when Secretary of the Navy, after a full review of the case, decided that this officer was entitled to 75 per cent. of his sea-pay, because the causes which incapacitated him for active duty were incident to the service.

By reason of the injustice resulting from the decision of the Comptroller, the Secretary of the Navy recommended to the President of the United States the propriety of nominating this officer for the retired-list of the Navy, so that he could lawfully receive 75 per cent. of sea-pay, and upon his nomination by the President to the Senate he was confirmed. But the Comptroller still adhered to his former ruling—holding that because the Naval Retiring Board had not found that the causes which incapacitated this officer for active duty were incident to the service, he was entitled to only one-half of his sea-pay, or $850 per annum, under section 1588 of the Revised Statutes, when in fact he was entitled to $1,275.

Mr. TAULBEE. Will the gentleman explain why this bill provides that the pay under this re-rating, as well as the subsequent pay, shall be paid out of any money in the Treasury not otherwise appropriated?

Mr. SOWDEN. Because having received for several years $1,275 and having been deprived of that pay by the decision of Comptroller Upton, who reversed the decision of his predecessor, there is being checked against his account $425 per annum by the Treasury Department.

Mr. SAYERS. Did not the Court of Claims confirm that decision of the Comptroller?

Mr. SOWDEN. The court held very properly that it could not go back of the finding of the naval retiring board. The case is now pending in the Supreme Court on appeal.

Mr. SAYERS. Here in the report is a statement of the finding of the Court of Claims:

Believing this decision erroneous, Mr. Burchard brought suit in the Court of Claims for the difference between $850 and $1,275 per annum, but the court affirmed the decision of the Comptroller (19 Ct. Cls. Report, 137).

Mr. SOWDEN. That is precisely in accord with the statement I have made. But the Department itself, seeing that a manifest injustice had been done this officer, undertook to reverse its own action and correct the injury done him; but it would seem that the only way in which the wrong can be righted is through the passage of this bill.

The SPEAKER *pro tempore*. The time of the gentleman from Pennsylvania [Mr. SOWDEN] has expired.

Mr. SPRINGER. I wish to say only a few words, and then I shall ask the previous question. This bill does not seek to place an additional officer on the retired-list, as my friend from Texas supposes. The retired-list exists; and this man is on that list. Therefore the case has nothing to do with the principle which my friend from Texas would apply to it.

This gentleman being now on the retired-list, the question is whether he should receive the pay to which the law entitles him in view of the facts as now established, or whether the pay which he is receiving shall be checked against in future as it has been, so as to allow him only 50 per cent. of his sea-pay, on the ground that in the first instance the retiring board held that the disease for which he was retired was not incident to the service.

Mr. STORM. The gentleman will allow me to ask him whether this claim was not reported upon adversely in the Forty-eighth Congress?

Mr. SPRINGER. The gentleman from Pennsylvania has called my attention to a report of that kind made in the Forty-eighth Congress by the gentleman from Ohio [Mr. WARNER], who has stated in the previous debate that he did report against this claim. The report, however, is very brief, setting forth none of the facts, but simply the conclusions of the committee.

I have examined this case very carefully. The question is simply whether this officer should be placed in the same condition with other officers of the Navy whose cases involve similar facts. The statute provides that the officer shall be entitled, when retired, to three-fourths of his sea-pay, if the disease for which he retired was contracted in the service. The retiring board found, in the first instance, that there was no record in the case showing the disease to be incident to the service; and therefore the Comptroller, standing upon that record, refused to allow the officer the pay to which the Secretary of the Navy afterward held he was entitled.

Mr. STEELE. I would like to ask the gentleman this question: Is it not supposable that a man, although he enters the service perfectly sound and well, may contract during the time of his service a disease not incident to the service?

Mr. SPRINGER. It is possible of course.

Mr. STEELE. This retiring board found this officer was not suffering from disease incident to the service.

Mr. SPRINGER. They found there was no record of service.

Mr. STEELE. They did not ask for the record. They found as to the fact.

Mr. SPRINGER. Afterward the Secretary of the Navy caused an examination to be made, and that board found that he contracted this disease in the furnace-room of the ironclad. Mr. Thompson, Secretary of the Navy, also made this recommendation in his letter to the chairman of the Senate Naval Committee:

Under all the circumstances, and considering the probability that Mr. Burchard's disease might have been incident to the service; that the Secretary of the Navy had given him the benefit of this view, and that he had received the difference of pay; that a checkage against his small pay of $500 per annum would be peculiarly hard; that he is nearly blind, and was not charged with or retired for immoral conduct, I consider the case as calling for my favorable action, and his name was submitted to the President for transfer from furlough-pay to the retired-pay list.

This bill simply places him where other officers are now placed whose disease was contracted in the service. It is not to increase the pay of an officer on the retired-list. It only places him where the law places him.

Mr. DUNHAM. Is this man totally blind?

Mr. SPRINGER. He is not totally blind, but the evidence is that he is so blind as to be unfit for any service whatever. I demand the previous question.

Mr. TAULBEE. I desire to move the recommittal of the bill.

The SPEAKER. That cannot be done at this time.

Mr. TAULBEE. When can the motion be made?

The SPEAKER. After the previous question has been ordered on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SPRINGER demanded the previous question on the passage of the bill.

Mr. TAULBEE moved to recommit the bill to the Committee of the Whole House on the Private Calendar.

Mr. SPRINGER. Is that one of the standing committees?

Mr. TAULBEE. Is not that the calendar to which it would have gone under the rule if the motion had not been made to postpone it to this day?

The SPEAKER. There is an express ruling on that subject.

Mr. SPRINGER. I shall regard the vote on postponing as determining the question. I think, however, the gentleman had better take the vote on the passage of the bill.

Mr. TAULBEE. I prefer to take it on my motion to recommit.

The House divided; and there were—ayes 83, noes 57.

Mr. SPRINGER. No quorum has voted.

The SPEAKER appointed as tellers Mr. TAULBEE and Mr. SPRINGER.

The House again divided; and the tellers reported—ayes 88, noes 87.

So the bill was recommitted.

MICHAEL P. SMALL.

Mr. FINDLAY submitted the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4616) for the relief of Michael P. Small, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That your committee of conference have been unable to agree, and would respectfully request a further conference.

JOHN V. L. FINDLAY,
EDWARD S. BRAGG,
JAMES LAIRD,
Conferees on the part of the House.

E. C. WALTHALL,
CHARLES F. MANDERSON,
F. M. COCKRELL,
Conferees on the part of the Senate.

The report was adopted.

Mr. FINDLAY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Does the gentleman ask for a further conference?

Mr. FINDLAY. I do.

There was no objection, and it was ordered accordingly.

The SPEAKER appointed Mr. FINDLAY, Mr. VIELE, and Mr. LAIRD as the conferees on the part of the House.

PHOTOLITHOGRAPHING FOR PATENT OFFICE OFFICIAL GAZETTE.

Mr. MARTIN, by unanimous consent, from the Committee on Patents, reported as follows:

The Clerk read as follows:

The Committee on Patents have had under consideration House resolution No. 100, and report the same back with the following amendment:

"*Resolved*, That the Secretary of the Interior be, and is hereby, directed to inform the House of Representatives what sums have been annually paid for the past five years, and to whom, for photolithographing or otherwise producing plates for the Patent Office Official Gazette, and for photolithographing or otherwise producing copies of drawings of the weekly issues of patents, designs, trade marks, and pending applications, and for the reproduction of exhausted copies; if contracts have been made therefor or advertised to be let to the lowest bidder; also, whether bids have been invited from or permitted to parties for such work outside the city of Washington."

Add to the first clause, after "Washington," the following:

"Also whether any part of said work has been done outside of the city of Washington; and if any parties either in or outside of the city of Washington have ever undertaken or contracted to execute any part of said work, and failed to fulfill their undertakings; and if there ever have been such failing contractors, who they are and the cause of such failure."

Also:

"*Resolved*, That the Public Printer be requested to inform the House of the amounts annually expended for the past five years, and to whom paid, for photolithographing."

After the word "photolithographing," in line 3, add the following:

"Lithographing, engraving, and for all other processes for the production of maps and illustrations for the Government Printing Office, and whether the said photolithographing."

After the word "photolithographing," in line 4, add the following:

"Lithographing, engraving, or other processes, has been advertised to be let, or was let, under competition to the lowest bidder."

So that said resolution may read as follows:

"*Resolved*, That the Secretary of the Interior be, and is hereby, directed to inform the House of Representatives what sums have been annually paid for the past five years, and to whom, for photolithographing or otherwise producing plates for the Patent Office Official Gazette, and for photolithographing or otherwise producing copies of drawings of the weekly issues of patents, designs, trade-marks, and pending applications, and for the reproduction of exhausted copies; if contracts have been made therefor, or advertised to be let to the lowest bidder; also whether bids have been invited from, or permitted to, parties for such work outside the city of Washington; also whether any part of said work has ever been done outside of the city of Washington, and if any parties either in or outside of the city of Washington have ever undertaken or contracted to execute any part of said work, and failed to fulfill their undertakings; and if there ever have been such failing contractors, who they are, and the cause of such failure; and whether there are good and sufficient reasons for confining the performance of said work to the city of Washington; and, if so, state what those reasons are.

"*Also, resolved*, That the Public Printer be requested to inform the House of the amounts annually expended for the past five years, and to whom paid for photolithographing, lithographing, engraving, and for all other processes for the production of maps and illustrations for the Government Printing Office, and whether the said photolithographing, lithographing, engraving, or other processes has been advertised to be let, or was let, under competition to the lowest bidder."

And the committee recommend the passage of the resolution as amended.

The SPEAKER. The question is on the substitute.

The substitute was agreed to; and the resolution as amended saw then adopted.

Mr. MARTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I now renew the motion to go into Committee of the Whole.

Mr. HOLMAN. I trust the gentleman from Illinois will allow the diplomatic and consular bill to be taken up and concluded, so that we may go on with the legislative bill promptly.

Mr. DUNHAM and others. Regular order!

Mr. HOLMAN. I will submit that motion.

Mr. DUNHAM. Let us have the regular order. [Cries of "Regular order!"]

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I wish to know whether it is not in order to move that the House resolve itself into Committee of the Whole for the further consideration of general appropriation bills?

The SPEAKER. Not until the private business has been dispensed with or the pending motion rejected. The effect, the Chair will state, of refusing to agree to the present motion will bring the House to the consideration of bills as on other days.

Mr. HOLMAN. Then I trust the House will vote down the pending motion so that we may go on with the appropriation bills.

The question was taken on the motion of Mr. SPRINGER; and on a division there were—ayes 86, noes 22.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills upon the Private Calendar.

Mr. SPRINGER. I ask unanimous consent that the first four bills on the Calendar be passed over, not to lose their places. This has been done once or twice before.

There was no objection, and it was so ordered.

JAMES J. JOHNSTON.

The next business on the Private Calendar was the bill (H. R. 1773) for the relief of James J. Johnston.

The bill is as follows:

Be it enacted, &c., That the patents granted to James J. Johnston, of Columbiana, Ohio, for improvement in process for evaporating liquids and apparatus for evaporating liquids, reissue numbered 8373 and 8374, divisions A and B, on the 13th day of August, 1878, be, and the same are hereby, referred to the Commissioner of Patents, to hear and determine the propriety of extending the patents for the term of seven years from and after the passage of this act, if in his judgment the patents should be extended; and that the said reissued letters-patent, divisions A and B, shall have the same effect in law as though originally granted for the term of twenty-four years from the day of the passage of this act.

Mr. SPRINGER. I ask to have the report read.

Mr. MARTIN. Mr. Chairman, I desire to make a brief statement.

The CHAIRMAN. The gentleman from Illinois has demanded the reading of the report.

Mr. HOLMAN. I think the report had better be read.

Mr. MARTIN. Before the reading of the report I wanted to make a brief statement for the information of the House, and with a view to causing the attention of the House to be directed more particularly to the report the committee make in this case.

The Committee on Patents have been influenced in recommending an extension of this patent by a consideration of the public welfare. They believed that by having this patent extended they will be doing something in the line of the advancement of the public interests rather than the advancement of any separate individual interest, and for that reason, and believing something of this kind is necessary in order to perfect and complete what appears to be a valuable and very important invention, the committee have seen proper to make the report, which I now ask to have read for the information of the House.

The report (by Mr. MARTIN) was read, as follows:

Mr. Johnston is the inventor of a process and apparatus for combining superheated steam and air with the vapors evolved from hydrocarbon oils, for the production of illuminating gas and the generation of heat to be used in the arts and for general purposes, for which a patent was granted him in 1865, which was subsequently surrendered and a reissue obtained, which was again, on account of imperfections, surrendered, and another reissue was granted on the 13th of August, 1878, in two divisions, A and B.

From the date of his discovery, Mr. Johnston states that he has been indefatigable in testing and perfecting his invention; that he has been entirely successful in accomplishing all that he claims; that he has expended thousands of dollars in money without having received any return, and that he has demonstrated the advantages and economy to the public of his invention.

The extension of this patent does not involve the manufacture of an article to be put up for sale, and upon which the purchaser is obliged to pay a royalty, but it is designed to produce light and heat for general and common use, at a greatly decreased cost to the consumer.

It appears, also, that in his efforts to test and protect his invention, Mr. Johnston has exhausted his means, brought embarrassment upon himself, and this without any lack of diligence on his part, but in the encounter of discouragements such as are common to men who have made discoveries that are valuable to the public. The committee, therefore, in view of the fact that if time is given the inventor can further demonstrate the practicability of economizing the cost of light and heat, and that he may therefore reasonably ask for an extension of his patent to enable him to recover his losses, and to enjoy the credit due to those whose efforts have resulted in a common benefit, favor early action on the bill as amended, and recommend its passage.

Amend the bill (H. R. 1773) as follows: Strike out all that follows after the word "extended," in the twelfth line of the bill, and add the following words, namely: "And the Commissioner of Patents is hereby authorized and empowered to grant an extension of the patents herein described for the period herein named."

Mr. MARTIN. Mr. Chairman, Mr. Johnston, as the report states, is the inventor of a process by means of which he thinks both artificial light and heat can be generated at a greatly reduced cost to the public than we now pay for them. He proposes to experiment further in the line of his discovery, if this extension can be granted to him. I do not propose, nor will I undertake, to explain the methods he pursues in what he claims to accomplish, even if I were able or prepared to do so. But the committee in the investigation of the subject thought it would involve the public in no expenditure of money if the patent was extended, and it would afford facilities for perfecting the discovery. Mr. Johnston proposes to furnish, as I have said, the means of evolving light and heat by a chemical process at a greatly reduced rate. He hopes to be benefited, of course, if the patent is extended, by receiving a reward from his discovery in the sale of rights to towns, cities, villages, and communities wherever they see proper to use it. It is not for the purpose of manufacturing something to put on the market for sale, and, in no point of view that I can conceive of, will the public be injured by this extension.

I hope, therefore, that the report of the committee will be agreed to, the amendments adopted, and the bill passed.

Mr. MCMILLIN. Will the gentleman permit a question? What length of time is it proposed to extend this patent? I failed to hear this part of the bill.

Mr. MARTIN. It is proposed to extend the patent for a period of seven years.

Mr. MCMILLIN. What length of time has he already had the benefit of the patent?

Mr. MARTIN. He has really had no benefit at all. It has been in process of development, or in an experimental stage, all the time. It is one of those scientific discoveries to which I suppose it is necessary to devote a great deal of time for the purpose of perfecting it.

Mr. MCMILLIN. I presume that a portion of the invention has been perfected, else how could he obtain a patent?

Mr. MARTIN. Certainly; the principle of it has been patented; but the mode of carrying it out has not been developed.

Mr. MCMILLIN. What equity, then, is there in his behalf that does not exist in favor of any other patentee who has a meritorious invention?

Mr. MARTIN. There may be none. But in this case there is this inducement, or reason, why it should be extended: that it is a matter of discovery; and though the principle has been patented, the mode of carrying into execution that principle is still a subject of investigation. It has never been worked out and developed, so as to make it a practical success, as far as public use is concerned. What he desires now, having expended large sums of money, having devoted a great length of time to the work, is a further opportunity of perfecting the mode of carrying into execution the principle, so as to derive benefit from the sale of rights, as I have before explained.

Mr. MCMILLIN. In other words, he wants another seven years' lease from the people of the exclusive use of this invention?

Mr. MARTIN. I do not regard it in that light.

Mr. MCMILLIN. I must confess I look with some reluctance on the extension of the life of patents. The patent laws of the United States are already very liberal.

Mr. MARTIN. I would remind the gentleman in this case the public have never had any benefit from the invention at all.

Mr. MCMILLIN. Possibly if the restrictions were taken off the public would get the benefit. If the public has not got the benefit in the time the law has protected the patentee, what assurance is there that it would get the benefit in the seven years of extension?

Mr. MARTIN. If the inventor has not been able to bring his invention to that degree of perfectness that the community can enjoy the benfit of it, it does not appear that doing away with his rights in the matter and turning over the bare principles to the public would be expediting the matter.

Mr. ANDERSON, of Kansas. I desire to be heard on this question.

Mr. MARTIN. I yield the gentleman from Kansas five minutes, and retain the floor, reserving the balance of my time.

Mr. ANDERSON, of Kansas. It appears from the report that this inventor obtained a patent for his invention in 1865—and that was twenty-two years ago—which was subsequently surrendered and a reissue obtained. I am reading from the report:

This reissue on account of imperfections was again surrendered, and another reissue was granted in 1878.

It appears, then, that for twenty-two years this inventor has been protected by patents for the purpose of enabling him either to sell, and have the public benefited by the use of his invention, or else to obtain such control of the process that no other inventor could have any benefit from it. In other words, we have already, as I understand this report,

given to him for twenty-two years the opportunity of perfecting this invention. The patent under which he now holds was issued on the 13th day of August, 1878. Therefore, under the existing very liberal patent law, it has yet some eight years of life; and eight years before the patent expires this patentee comes to Congress and asks not only that his eight years shall continue, but that seven years shall be added to that period. In other words, that his patent shall run for twenty-four years from 1878, as I understand it, he having been protected by patent since 1865.

I suppose these facts to be correct, and only make this statment upon my understanding of this report. Now if this be correct I certainly, for one, am opposed to the extending for seven years more, in addition to the eight years yet to run, a patent which this inventor has really had already for twenty-two years. I am opposed to this upon the general principle of opposition to the extension of any patent, holding, as I do, that the existing law protecting the patentee for seventeen years is not only ample for the inventor but is more than ample, and in the great majority of instances is a sad oppression of the people.

I do not mean that you shall not give patents for a reasonable time, five or seven years; but giving as we now do patents for seventeen years, I, for one, am opposed to the extension of any patent.

In this particular case the reason alleged is that this is not an article which will be put upon the market for sale; meaning thereby, I suppose, that it is not of the nature of a sewing-machine or a reaper or some other article which is manufactured and sold generally through the country. If I understand the case it is claimed that this is a process, far superior to any now in use, by which light and heat will be generated; and under the patent the course of the patentee will be to sell the right to use that process in towns and cities. Suppose, now, that this invention of his, on which he has already had a patent for twenty-two years, should have the value which he claims for it; suppose that he should be able to furnish an illuminating material better and cheaper than gas, as we now have it in cities, and, in addition, that he should be able to furnish heat in cities; and that he should have under this patent an article which all cities would want—who can estimate the value to him and by consequence the amount of money taken from the consumers in these cities by this patent? He has had this process for twenty-two years. He has yet seven or eight years in which to introduce it; and, as I understand it, eight years before the life of his last patent expires—I hope I will be pardoned for the expression—he absolutely has the cheek to come and ask for seven years more on the ground that it is not an article generally to be sold. What is the reason that it is not to be sold? What difference does it make whether you sell the right to use an article in a city to a company or whether you sell it to individuals?

I am frank to say from the reading which I have given to this report, from the facts which it sets forth, and from my present understanding of the case, I am absolutely and organically opposed to the passage of this bill.

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. ANDERSON, of Kansas. With pleasure.

Mr. BUCHANAN. The gentleman says that this man has had a patent for twenty-four years. Will he tell us how that is possible?

Mr. ANDERSON, of Kansas. The report sets forth that he first obtained a patent in 1865 on this general process. That patent was subsequently surrendered and a reissue obtained. On account of imperfections that also was surrendered and another reissue granted on the 13th of August, 1878, which is his present patent.

Mr. BUCHANAN. But does not the gentleman know that no reissue extends the duration of a patent?

Mr. ANDERSON, of Kansas. Very well. Then this patent, having been issued in 1865, has already expired.

Mr. BUCHANAN. If it was issued in 1865 it certainly has. It extends for seventeen years and no more. I thought the gentleman was posted.

Mr. ANDERSON, of Kansas. The gentleman is sufficiently posted to know that you are coming in here with a bill "to extend a patent"—that is the exact phraseology—and if that patent was issued in 1865 it should have expired five years ago. Is not that correct?

Mr. BUCHANAN. I have nothing to do with this bill. I simply desire the House to have the correct information.

Mr. ANDERSON, of Kansas. I am much obliged to the gentleman for his kindness to the House.

Mr. SPRINGER. Mr. Chairman, I am opposed on principle to the extension of patents. In one or two instances since I have been in Congress I have voted to extend a patent; but the rule with me has been to oppose all such extensions, and I do not see that this bill ought to be an exception to the general rule. I think it would be time enough toward the close of the term for which his patent runs for this claimant to come here and ask relief, even if he is entitled to relief. In a recent opinion on a patent case the supreme court of the District of Columbia uses this language:

> The invasion of every department of life by the daily increasing number of unnecessary patents is becoming a serious tax upon the public. The amusing complaint of Sidney Smith of the universality of taxes in England may well be applied here to this grievance. From the safety-pin of the new-born infant to the "casket" that receives the octogenarian, almost everything we use pays tribute to the patentee, and frequently for devices that might well suggest themselves to any quickwitted housewife or intelligent mechanic.
>
> A justice of this court, while recently announcing an opinion overruling an application for a proposed highly important improvement in the method of lengthening and shortening the cords for hanging pictures, read his notes from a patented paper pad, written with a patented pencil, while the ink, pens, penholder, and block of india-rubber before him all bore the mark of patentees. Several articles of his clothing were also patented down to the hem of his garments, which were bound by strips of gutta-percha duly patented. And these probably were but a small part of the articles in the room thus paying a duty to patentees.

Every gentleman here is aware of the fact that patents are too easily and too frequently granted in this country.

Mr. CUTCHEON. The gentleman has given us the text; will he please give us now the application to this case?

Mr. SPRINGER. The application is, that we have more patents granted now than we ought to have, and that when a man has obtained a patent under the law he ought not to come to Congress and ask to have it extended beyond the time which it has to run by law.

Mr. CUTCHEON. That is an argument against the patent law.

Mr. SPRINGER. It is an argument against going beyond the patent law. The law grants too many patents, and we should not be asked to supplement the patents which the law grants by turning Congress into another patent commissioner to grant additional ones.

Mr. CUTCHEON. I agree with that.

Mr. SPRINGER. Yet that is the rule. The cry is still for more. Gentlemen who obtain patents are not satisfied with what the law gives them, but they come in here and seek to have Congress resolve itself into a board of patent examiners to issue more patents.

And, Mr. Chairman, this brings me to a bill which was reported two or three weeks ago (H. R. 9630) conferring jurisdiction upon the Court of Claims to finally determine the claim of Charles E. Creecy, who is the assignee of some patents; which case has been reported by the Committee of the Whole House and will be the first business before the House when this committee rises.

In view of the fact that the previous question is ordered upon the engrossment and third reading of that bill, I want to call the attention of the committee now, before we reach the bill, to the fact that it ought not to pass. I have examined a great many claims involving the right to equitable relief in cases of this kind, and I have never known one that is so devoid of equity as this case upon which we shall soon be called upon to act.

Mr. RANNEY. Can not you go over the rest of the Calendar now? [Laughter.]

Mr. SPRINGER. The gentleman from Massachusetts [Mr. RANNEY] wants to know whether I can not go over the rest of the Calendar. I can not. I am not going to reach the telephone case——

Mr. RANNEY. It is the only chance you will have.

Mr. SPRINGER. Nor the Emery case. I am not going into those cases at this time. But, Mr. Chairman, as I am on the patent-right question, I want to refer to another abuse. This patentee demands that he shall be paid $65,000 royalty on the pavement laid around this Capitol, and the patent consists in the placing of a tar-paper between the concrete matter when it was laid down, so as to make it a pavement in blocks that could be taken up in parts without disturbing the whole surface.

Mr. LEHLBACH. The gentleman will allow me to ask whether the Committee on Patents did not report adversely in that case.

Mr. SPRINGER. I am very glad my friend has called attention to that point. I have in my hand a report from the Committee on Patents, made by the honorable gentleman from Minnesota [Mr. GILFILLAN], on a bill referred to it in this House at the last session. This report of the Committee on Patents was adverse. Afterward another bill was introduced and was referred to the Committee on the Judiciary, who reported in favor of the bill, which went to the Committee of the Whole House, by which it has been reported to the House with a recommendation that it pass. The committee, in reporting favorably, certainly did not have an opportunity to examine the very able and conclusive report of the gentleman from Minnesota in opposition to this patent. In the first place, the supreme court of the District of Columbia held that the patent was void. In the second place, the present claimant acknowledges that he purchased the patent from the widow of the owner for the sum of $10. Upon this slender foundation, the patent having been purchased for $10, the claim is founded by which it is undertaken to mulct the United States in $65,000. If there ever was another case so devoid of law and equity and justice as this I have never heard of it; and I hope that when we reach that case in the House to-day we shall vote against ordering the bill to be engrossed and read a third time, and shall send it to the Committee on Patents, where it belongs.

Mr. SOWDEN. Let us dispose of the bill now before the House.

Mr. SPRINGER. As to the pending bill, I ask the Committee of the Whole to note well the language which I have read from the opinion of the supreme court of the District of Columbia. We already have more patents than we want; and I hope Congress is not going into the business of extending patents before their terms have expired.

I yield to the gentleman from Mississippi [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I do not propose to enter into any

discussion of the bill now under consideration; but as the gentleman from Illinois [Mr. SPRINGER] has called attention to a bill upon which we shall be required to vote when we get back into the House, I desire to supplement with a few words the remarks which he has made, as the bill when it presently comes before the House will not be open to discussion.

That claim underwent a full and thorough examination before the Committee on Patents, which reported unanimously against it. It is an application not very circuitously to appropriate $66,000 out of the Treasury of the United States to pay a claim against the Government which in my opinion has no foundation whatever in merit. I refer to the Creecy case. The claim is based upon the alleged infringement of what is known as the Schillinger patent, which, when considered by the Committee on Patents, underwent as thorough an examination at the hands of the gentleman from Minnesota [Mr. GILFILLAN] as perhaps any claim ever received; and upon this thorough examination, after careful consideration by the committee, the bill was reported adversely.

Now, if gentlemen desire to look into this matter, we are prepared to call their attention to the fact that in the Forty-eighth Congress this claim was referred to the Court of Claims for the purpose of ascertaining the facts of the case. That court not only reported the facts, but also did that for us which it was not asked to do; it gave us its conclusions of the law upon the facts as found. When the claim came before the Committeee on Patents we called for the papers, and they were furnished to us. We went behind the judgment of that court, and brought the evidence before us. It appeared to us that the Court of Claims must have been influenced by a recent decision of Mr. Justice Cox, of this District, in an entirely similar case, whose decree was brought before the Court of Claims; and upon the opinion of Judge Cox, as I have no doubt, that court proceeded to render its findings. But the case was appealed from the decision of Judge Cox and carried before the supreme court of the District of Columbia, a court having special jurisdiction to determine cases of this kind; and by that court the decree of Judge Cox was reversed, the court holding that there was no infringement of this patent.

Mr. BUCHANAN. Did not the court also hold that the Schillinger patent was void?

Mr. MORGAN. No, sir, it did not so hold.

Mr. SPRINGER. Oh, yes, it did.

Mr. BUCHANAN. That was my impression.

Mr. MORGAN. That is a mistake. I hold the opinion in my hand.

Mr. BUCHANAN. I refer to the action of the supreme court of the District of Columbia.

Mr. MORGAN. The supreme court of the District of Columbia did not hold that the Schillinger patent was void.

Mr. BUCHANAN. That is my reading of the decision.

Mr. MORGAN. I have the decision here.

Mr. SPRINGER. The court held that it was void as to the claim in this case.

Mr. MORGAN. They held that there was no infringement in that case; and that and this are identical, I think.

Mr. SPRINGER. That was it.

Mr. MORGAN. The suit was for an infringement; and the decision did not turn upon the validity of the Schillinger patent. But that is not all. The Schillinger patent has recently, and since this case was reported from the supreme court of the District of Columbia, gone before the Supreme Court of the United States and, in an opinion which I hold in my hand, that court, without passing judgment upon the validity of the patent, has held in a case identical with this that there was no infringement.

If the House should now pass the bill which has been reported from the Committee on the Judiciary, it will simply give the claimant a standing in court to which he is not entitled.

The Court of Claims having taken the evidence and rendered its conclusion as to the law of the case, which it had no right to render, this bill confers jurisdiction upon that court and requires it to enter final judgment for $66,239.80 on the finding heretofore made, allowing an appeal within sixty days to the United States, of course to be tried upon the loose record as it now stands in the Court of Claims.

But the point is this; the patent has not been infringed. The facts have all been before the Committee on Patents, and most careful examination has been given to it, and if gentlemen will vote for the bill and pass it, then they will ultimately give $66,000 out of the Treasury to a man who has no more right to it than you or I have, or any one else who is not entitled to it.

As to the question of infringement, every member who sits on this floor can determine for himself in less than twenty-five minutes by first reading the opinion of the Supreme Court of the United States and finding out what the Schillinger patent is, and then by stepping out and examining the pavement for himself.

Mr. GALLINGER. Allow me to interrupt the gentleman from Mississippi.

Mr. MORGAN. Certainly.

Mr. GALLINGER. I would like to inquire of the gentleman whether he is discussing the bill now under consideration or a bill already considered and reported from the Committee of the Whole House on the Private Calendar to the House.

Mr. MORGAN. I am discussing a bill which has been already considered and which has passed beyond the reach of argument in the Committee of the Whole House on the Private Calendar. But, sir, every one here will be called upon to vote upon that bill just as soon as this is disposed of.

Mr. GALLINGER. I do not care to make the point of order; I will say the gentleman is now speaking in reference to a bill already reported to the House and which is on its third reading and engrossment under the operation of the previous question.

Mr. MORGAN. It is just because of the extraordinary situation in which we are placed in reference to that case that I am asking the indulgence of the House. The bill has been reported to the House and members will be called upon to vote upon it as soon as the committee rises, and by that bill in my judgment the Government is to be cheated out of $66,000, because the question was not debated at all when in committee and is not understood by the House.

Mr. GALLINGER. That may be unfortunate, but it occurs to me it is better to confine ourselves to the discussion of the bill under consideration.

Mr. MORGAN. The only excuse I have in presenting the matter to the House at this time is this, and it is also the excuse of the gentleman from Illinois [Mr. SPRINGER], that it is the only means we now have of advising members as to the real character of the bill upon which the House will be called to vote in a few moments. That bill refers the matter to the Court of Claims, and does the unprecedented thing to confer on it jurisdiction not to try the case, but to enter judgment upon a finding heretofore made, with an appropriation to pay it, when the points of the case have already been adjudicated adversely to the claim involved in exactly similar cases in the supreme court of the District of Columbia, and by decision of the Supreme Court of the United States rendered very recently. When you come to vote on the bill pending in the House, if you vote to take out $66,000 from the Treasury and pay it to this claimant, you will be paying money to one who in my opinion has no right to it.

Mr. GILFILLAN. Mr. Chairman, it had not been my purpose to engage in debate on this bill, but inasmuch as the discussion of the pending bill has proceeded in such way as to involve another bill pending before the House upon which we will be soon called upon to vote, and inasmuch as I have some knowledge of the subject embraced in that bill, gained by virtue of my service in the Committee on Patents when the subject-matter was pending before that committee, I am constrained to say a few words in relation to the matter since it has been disposed of in Committee of the Whole and reported to the House, and which has been, as I have said, unexpectedly drawn into this discussion. I refer now to House bill 9930, which has been recommended by the Judiciary Committee of this House, and has passed to its third reading and engrossment.

I apprehend if the Committee of the Whole of this House had carefully examined this matter, or if the Judiciary Committee had had the time and opportunity to examine the matter in the bill which they reported, they would have hesitated, they would have refused to report favorably the bill which they did report, and which has passed, as I have already stated, to engrossment and third reading.

The matter involved in this bill is a claim against the Government amounting originally to $250,000 for an alleged infringement of a patent right. This claim was presented to the Forty-eighth Congress in the form of a petition, and was referred to the Committee on Patents. By that committee it was sent to the Court of Claims under the act of March 3, 1883, commonly called the "Bowman" act, to be found in 22 United States Statutes at Large, page 485, which authorizes either House of Congress or a committee of either House, when any matter or question is pending before the committee involving an examination and determination of questions of fact, to refer such matters to the Court of Claims for them to find and report their conclusions of fact to the committee or House by which the case was transmitted for its consideration. The first section of the act conferring jurisdiction on the Court of Claims is as follows:

SEC. 1. That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, proofs, papers, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found, the court shall not enter judgment thereon, but shall report the same to the committee or House by which the case was transmitted for its consideration.

The Committee on Patents in their report on this matter say:

Prior to the passage of the "Bowman" act the jurisdiction of the Court of Claims extended only to cases of legal rights founded upon any law of Congress or upon any regulation of an Executive Department, or upon any contract, express or implied, and upon claims referred by either House of Congress.

Aside from the foregoing claims there were pending before Congress at every session claims which addressed themselves solely to the discretion and liberality of Congress, in which there was no legal right of recovery, and as to which that discretion and liberality could not constitutionally be conferred upon any other tribunal. To afford assistance and relief to Congress in the investigation of claims and demands of this class against the Government was one of the main objects of the "Bowman" act. When the facts should have been found the court was not

however, authorized by the act to enter judgment, but simply to report the same to the committee or to the House by which the case was transmitted for its consideration. This case, then, is one, or at any rate it has been classed by the claimant and placed upon the footing of one, coming under the "Bowman" act, where no legal claim exists, but which addresses itself to the discretion and liberality of Congress.

We think it can be successfully maintained that the object of the "Bowman" act was simply to afford assistance to the committee or House before which any given case might be pending as to the facts in issue therein, and that upon the coming in of the report of the findings of the Court of Claims it is competent for Congress, and it is its duty, to examine and act upon such findings, and to adopt or reject the same, and to grant or withhold relief, as in its judgment and discretion may seem most conformable to the right and equity of the case. In other words, we are of opinion that such findings are analogous to, and are to be treated substantially as, a court of equity would treat the verdict of a jury upon any issue of fact referred to such jury for its findings; that they are to be considered as simply advisory and not conclusive. We can not approve of the doctrine that Congress by this act intended to oust itself of its jurisdiction to ultimately pass upon all questions of facts in this class of claims, or of its power to allow or reject any claim as in its judgment and discretion might seem proper, or that it could constitutionally do so by attempting to confer such jurisdiction upon any other tribunal.

It must be borne in mind that this act did not authorize or give jurisdiction to the Court of Claims to report or pass upon any question of law whatever. That question was not therefore submitted to them, and could not have been under the act. It was only matters or questions of fact that were so referred.

Now this matter, as I have said, was sent to the Court of Claims. Later, and in February, 1886, they reported their conclusions, not of fact, but partly of fact and partly of law, or mixed questions of both law and fact; and as one of their conclusions of law they held that this patent, known as the Schillinger patent, was valid. Another conclusion of law they reported was that it had been infringed by the Government in the laying of certain pavements around the Capitol in this city. But no facts justifying such conclusions or bearing upon such issues were found or reported.

Now, I submit that these conclusions of law were without authority and not within the jurisdiction of that court; and it seems to me they must have been inadvertently found and reported by the court. Perhaps the findings were drawn up by some attorney interested in the matter, and not sufficiently scrutinized by the court before being reported.

I have said that it was the province of that court, as shown by the law, to report the facts as to what had been done by the Government in the use of this patent; and whether these acts of the Government, as shown by the facts, did or did not constitute an infringement of the patent, was a question of law. The question of infringement was a mixed question involving both law and fact; first the fact must have been found which the Court of Claims was called upon to find and did not find, but they simply failed to find the question of fact and submitted conclusions of law.

Again, it is true that this patent and its validity has been sustained by several decisions of the district and circuit courts. It is true that the supreme court of the District of Columbia in the case of Schillinger *vs.* Cranford did not hold the patent to be void, neither did they hold it to be a valid patent; but they did undertake in the most clear and unmistakably distinct manner to intimate that if the question were a new one before them they would have been compelled to hold that it was void for want of novelty.

Now, then, out of deference to the courts which had previously held on this question, and because it was not necessary to a decision of the question before them, they refrained from so deciding; but I submit that the intimation of the supreme court of the District of Columbia, a court which has exclusive jurisdiction of appeals from the decision of the Commissioner of Patents, is entitled to great weight.

Mr. Chairman, the whole question of infringement was covered by the decision of the supreme court of this district—not in this Creecy case, but in the case of Schillinger *vs.* Cranford, which two cases are as much alike as two peas can be alike. The process used by the Government in laying this pavement is not reported by the Court of Claims; but, going behind their findings to an examination of the evidence, as shown by the record, we find that the process used by the Government in laying the pavement around the Capitol was precisely the same as that used by Cranford for which the infringement suit was brought in the case of Schillinger *vs.* Cranford. In the latter case the decision rendered since the hearing and report of the Court of Claims, and concurred in by three judges of the supreme court of this district, and evincing great research, learning, and ability, covers the whole question of infringement in the case before us, and upon which this claim is made. In the Cranford case the court held there was no infringement. The case was appealable, but no appeal has been taken. The decision was accepted as final, and ought to be decisive against the claimant here.

If the acts of Cranford constituting the alleged infringement of the patent was no infringement, neither was the action of the Government of the United States in this case an infringement. The case of Schillinger *vs.* Cranford is the only one we have directly in point as decisive of the question, and it seems to fully dispose of it.

Now the fact has been alluded to that claimant is only a nominal claimant; that he purchased the right for a mere song. It appears from the petition filed in this matter that the claimant is the owner. The Court of Claims find he is not the owner, though they find an infringement, and report that the Government had infringed upon the patent to the extent in this city of some 236,571 square feet; but they nevertheless are constrained to find that claimant had no title to the damages.

After that, as appears from the supplemental findings of the Court of Claims, the claimant set himself busily at work to procure administration of the estate of the person to whom the claim did belong, if to any one. After the decision and the finding of the Court of Claims had been made, in which they virtually found not him, Creecy, but the estate of one Charles A. Roberts, deceased, entitled to sixty odd thousand dollars damages, I say, the same claimant set himself busily to work to have the widow of the deceased, who was entitled, under the law, to be appointed administratrix, and procured an appraisement of the whole estate, including this claim, to be made under oath, in which this claim was so appraised at the sum of $100, and no more, and purchased the claim of the widow, who had chosen it as her own portion, as she as widow had the right to do under the statutes of Indiana to the extent of $500, purchased it when it constituted her all in this world, at the beggarly pittance of $10, and all this after this finding of the Court of Claims in behalf of the patent.

Now, we submit that this claim went to the legal representatives of the deceased, and not to the widow, if it was of the value now claimed for it, and that this purchase was a mere sham and pretense. If it was worth sixty-odd thousand dollars, the whole of these parties engaged in the appraisal and sale and purchase of it were engaged in a gigantic fraud, and they know it, and the transaction gave them no title. If it was not worth more than $10, it was not worth anything.

According to their pretensions now it was worth $66,239.80, and the Judiciary Committee have reported a bill allowing judgment to be entered for that amount.

Now let me mention another circumstance in relation to this bill, which has been considered by the Committee of the Whole. They have amended it by striking out this limitation of $66,239.80, and leave this man to recover $100,000 or $150,000—we know not how much—according to what the next findings may be. I submit, Mr. Chairman, that if this bill can be examined, if the facts can be inquired into and scrutinized in the light of the decision of the supreme court of this District concurred in by three eminent judges—I submit the proposition that there is not one in ten of the members of this House that will vote to support the bill, and I hope it will be rejected when the final vote is had thereon. The Committee on Patents unanimously rejected this claim in its final action thereon, and I trust that the final action of this House will be such as to fully justify the action of the Committee on Patents.

Mr. CUTCHEON. I do not know anything about this Creecy case except what I have heard here to-day, and do not propose to say anything about it. But I desire to avail myself of this opportunity, while we are discussing the pending bill, to say a few words upon the general question of the extension of patents. I intend to vote against this bill. I believe that this whole class of bills, for the extension of patents, is mischievous and wrong in principle.

In the first place, I do not think that Congress is the proper authority to either grant or extend a patent. I do not think that we have here the technical appliances for investigating the merits of such cases as these so as to act upon them intelligently, as they ought to be acted upon.

Mr. MARTIN. Will the gentleman yield to me for a moment?

Mr. CUTCHEON. Yes, sir.

Mr. MARTIN. If the gentleman from Michigan will permit me, I will call his attention to the fact that Congress does not propose to extend this patent, but the Commissioner of Patents is to be invested with power to extend it.

Mr. CUTCHEON. Then, Mr. Chairman, I have this to say in regard to that phase of the case, that in any case that would be directory only, and if the patent is to be extended in those cases in which the patents ought to be extended, then we ought to provide the machinery by which that extension can be regularly accomplished by law in the Patent Office. If our present law is infirm, if it is not adequate to the cases like the present one, constantly arising, then let us have a law that shall be broad enough, comprehensive enough, so that any patentee, when his patent expires, may go to a proper tribunal, to be known as a court of patent appeals, or something of that kind, lay the equities of his case before that court, have them adjudicated and passed upon, and if the court finds him entitled to an extension of his patent, then let them have authority under the law to grant the extension. But do not let Congress be deluged session after session with this matter of applications for the extension of patents. That is my view of the general question of the extension of patents.

Mr. LONG. The gentleman knows how easy it is to get a general law passed on any subject.

Mr. CUTCHEON. There is another view of this case, Mr. Chairman, to which I desire to allude in a few words. I do not believe that our present patent system ought to be enlarged or extended. I believe, upon the contrary, that if it is to be in any way modified by legisla-

tion, it should be curtailed. The patent law of the United States creates and maintains the only actual, legal monopoly that we have in this country.

There is not a great monopoly to-day existing in this country that is not based upon the patent law. If you take the Western Union Telegraph Company, they maintain their grasp upon the telegraphic system of this country by their ownership of every valuable patent that affects the subject of telegraphy; and every new invention affecting the telegraph that great monopoly at once seizes upon, purchases it, and drives its competitors out of the field.

Then there is the great sewing-machine monopoly, which has burdened this country for the last quarter of a century and more.

I recognize the value of these inventions and the right of property of the inventor in his invention, but I do not believe the system ought to be extended beyond its present scope.

I might refer to other great monopolies. We talk about the railroad monopoly; and yet, to a very great extent, the railroad monopoly is maintained by virtue of the patent laws. There is hardly a thing which enters into the construction of a railroad from the locomotive to the brakes and the wheels, the seats and the cars and the process by which the rail is manufactured—hardly a single thing that enters into the railroad system that is not protected by the patent law.

Mr. BROWN, of Pennsylvania. Will the gentleman permit me a question?

Mr. CUTCHEON. Yes, sir.

Mr. BROWN, of Pennsylvania. How does that create a monopoly?

Mr. CUTCHEON. Because it gives the greater railroad companies facilities which enable them to break down the smaller roads. The stronger and richer roads, by means of their wealth, monopolize these patents.

Mr. BROWN, of Pennsylvania. But the question is, does it prevent the building of other roads?

Mr. CUTCHEON. No; but it prevents free competition. I simply allude to that as one feature of the general case. But the point here is, whether we shall establish a precedent. We have done the like, of course, in other cases; but the question is, whether we shall proceed further in that direction, and shall extend a patent simply because the patentee has failed to realize the profit that he hoped to realize during the regular term of the patent.

I do not believe that principle is a sound one; I do not believe that it is a safe one; I do not believe it is a practice that ought to be carried farther. On the contrary, I believe that if we legislate in either direction we should curtail rather than extend the present patent system. For my own part I shall content myself with voting against the pending bill for these general and public reasons, and not for any reason pertaining to that particular bill.

Mr. BUCHANAN. Mr. Chairman, I desire to occupy but a few moments, and I shall have nothing to say as to the general policy of our patent laws. Undoubtedly, under the operation of that policy American ingenuity has been largely developed, and it is equally beyond question that that policy, wise and beneficent as it was intended to be, has been in some respects grossly abused.

As the Creecy case has been referred to here, I desire to call attention to one or two facts in connection with that case.

First, let me express the hope that whatever discussion may have been had here upon the Creecy case will in no wise prove detrimental to the case that is really before the committee—the Johnston case. I suppose the discussion is to be upon the Creecy case and the vote upon the Johnston case. [Laughter.] Let us keep the distinction clearly in mind.

There is a certain concrete pavement laid down around this Capitol. That pavement was laid under a written contract between the Government and the contractor, and he was paid the price which the Government had agreed to pay for the work, every penny of it. After that pavement has been laid down a gentleman by the name of Creecy comes in and presents a claim against the Government by virtue of an assignment of a patent which it is alleged this pavement infringes. That patent has been before different district courts of the United States, and in some instances it has been declared to be a valid patent.

Not long ago it was before the supreme court of the District of Columbia, and Judge Hagner, of that court, delivered an opinion in which he holds, though not in express terms, that the patent is invalid; first, originally for want of novelty; and, second, as a reissue, because reissued on broader claims than the original. For my own part, I do not hesitate to say that, in my judgment, the patent as originally issued was void for want of novelty, and that as reissued it is void because it includes matter not included in the original patent. The claimant has appealed to different committees of this House. He appealed to the Committee on Patents, and that committee brought in a report unanimously against his claim. He appealed to the Judiciary Committee, and the Judiciary Committee reported the bill which is now before the House awaiting action. Since the report of the Judiciary Committee was made, or about the time it was made, the question came before the Supreme Court of the United States—not this particular case, but a case involving a pavement laid in the same manner as this one around the Capitol—and the Supreme Court of the United States held in that case that a pavement laid in that manner was no infringement of the Creecy patent.

Mr. PLUMB. The supreme court of the District of Columbia, not the Supreme Court of the United States.

Mr. BUCHANAN. Oh, I am aware of what I am saying, and I reaffirm that in December last the Supreme Court of the United States adjudged (as the supreme court of the District of Columbia had done previously) that a pavement laid as the pavement about the Capitol is laid was no infringement of the Creecy patent. Now, that is the bill that is to be voted upon here, a bill which, if it passes this House, will take $60,000 out of the Treasury of the United States for the benefit of a man who was not the patentee, who bought the right for a song, and who, so far as this claim is concerned, has never done a dollars' worth of work for the Government.

Mr. SPRINGER. Now, Mr. Chairman, I ask a vote upon the Johnston case.

Mr. MARTIN. I yield five minutes to the gentleman from Illinois [Mr. PLUMB].

Mr. PLUMB. Mr. Chairman, I desire to add but a single statement to what has been said by the gentleman from New Jersey [Mr. BUCHANAN] in reference to the Creecy case, and that is that seven years had transpired after the pavement was laid before the purchase was made by the gentleman who comes here and makes this claim. Seven years, I say, had elapsed before there was an attempt on the part of Mr. Creecy to obtain this patent from the widow of Roberts. It was not until it had become clear to him that he might possibly get Congress to allow him these damages that he made the purchase of this patent, for which he paid $10. As the matter has been elaborately discussed here, I do not desire to go into the case further than to say that as a member of the Committee on Patents I became perfectly satisfied that no bolder steal was ever presented to any Congress than that which is proposed by this Creecy bill.

I wish now to say a word or two with reference to the question which is immediately before us, the question of extending the Johnston patent. It seems to me it would be unwise on our part to follow the suggestion which has been repeatedly made on this floor, that under no circumstances should a patent be extended. I have heard gentlemen say here that they are opposed on principle to extending any patent. Now I would like to know what kind of a principle it is which should lead any one to declare that a patent should not under any circumstances be extended. I claim that we ought to examine every question coming before us in view of its peculiar and particular merits; and it is impossible for us to say that there is any principle which should keep us from extending any patent.

What are the circumstances of this particular patent? This man Johnston has been for a long time endeavoring to perfect an invention by which light and heat shall be produced at a cheaper rate than heretofore. There is not a man or woman in the United States who is not interested in having Mr. Johnston or any other inventor succeed in such an attempt. Now this man has proceeded with his investigations, but up to this moment, although he has made so much progress that it has become apparent he will succeed in achieving a valuable invention, yet he has never reaped one dollar of advantage from his investigations. Why may not the Congress of the United States sit in judgment upon this case; and if we determine that this man ought to be encouraged to go forward and perfect his invention, which promises to be so valuable to the whole people, why should we not grant the extension asked?

I know nothing particular about this individual, but from what I know of the case I submit that if we desire to encourage the making of useful inventions, if we deem it important to secure to the people the benefit of patents under any circumstances, we may with great propriety in this case do what is asked, and what it seems to me the special circumstances of this case justify.

Mr. MARTIN. Mr. Chairman, if there be no disposition on the part of other gentlemen to discuss this subject further, I wish to submit a few remarks, after which I shall move to lay the bill aside, to be reported favorably to the House. I think that the bringing of this Creecy patent into the discussion has certainly been most unfortunate for the interests of Mr. Johnston, for whose benefit it is proposed to pass the pending bill. Like other gentlemen who have spoken, I feel great opposition to the passage of the Creecy bill, because, after a thorough and exhaustive examination into the merits of that bill, the Committee on Patents resolved—unanimously, if I mistake not—upon an adverse report. But what has that bill to do with the measure now under consideration? That bill does not come before this House with the approval of the Committee on Patents. On the contrary, it came here with their disapproval. If any man can show me that there is any connection between the two cases, or that the disapproval of the Creecy bill should be any reason against the passage of the Johnston bill, I am willing to concede the force of the argument; but such is not the case.

Nor am I willing to admit that the argument made by the gentleman from Illinois [Mr. SPRINGER] in order to persuade the House to vote against this bill is entitled to any weight. The gentleman from Illinois spoke of a man getting up to read from a paper pad which was patented, written upon with a pencil which was patented, and, in fact,

everything connected with it patented. What does that argue? It argues that the gentleman has a better pad to write upon, a better pencil to write with, that everything connected with it is better than it otherwise would be, because inventive genius had been turned in that direction causing better work to be done than could have been done but for the inducements held out to inventors under our patent system. The gentleman from Illinois, in order to make light of patents, alluded to the safety-pin for infants and the burial case for octogenarians. Why, sir, if the safety-pin had been invented some fifty years ago, who knows how much of anxiety and unrest the mother of our distinguished friend would have been saved? [Laughter.] And who can say that if the burial case had not been invented, some coming "Waxem" would ever return to this House saturated with grief from carrying the gentleman from Illinois to his last resting-place.

Everything said by my friend from Illinois on this subject goes to show that there was wisdom in the provision of the Constitution of the United States giving Congress power—

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

That provision is as old as our Government; it is part of the organic law of this country; and the propriety, the wisdom of our patent laws is daily exemplified in the wonderful achievements which our citizens have made in all the useful arts and sciences.

I now come to consider more immediately the pending bill, proposing to extend the patent of Mr. Johnston. My friend from Kansas [Mr. ANDERSON] was mistaken in supposing that by the reissue of the patent in 1878 the term of the patent was extended.

This proposition is merely to give this inventor twenty-four years in all—the seventeen years allowed by statute, and seven years additional. As already stated, it was made to appear to the Committee on Patents that Mr. Johnston had never derived any benefit from his patent. He has spent all his means; he has expended years upon years of hard, diligent labor in order to perfect this invention. All that he asks is that, after these many years of hard work, his patent may be so extended as to enable him to derive some benefit from it. That is the sole and simple proposition. If hardships had grown out of the operation of the patent laws in the case of sewing-machines and other patented articles, I do not think that should justify a gentleman of the ability of my friend from Michigan [Mr. CUTCHEON] in declaring himself opposed to the extension of patents. Nor is there anything in the argument he made that we ought not to extend any patent, but that there should be a court to which all questions of this kind should be remitted. There is no such court, and that is the reason this bill is before us. There is in the bill no proposition that Congress should extend the patent, but merely that the question be referred to the Commissioner of Patents, who shall be authorized and empowered to extend it.

Such are the provisions of the bill. But, Mr. Chairman, I come now to another feature, which I referred to in my opening remarks, and which I wish to dwell upon with peculiar earnestness. It is a fact that this man is not making a sewing-machine which he is selling at a very good price; it is a fact that he is not making a lightning-rod, or a wire fence which he is selling at a large profit; but it is a fact that he is a man who has made a great invention by which he evolves light and heat by chemical process, and by means of such invention he says he will be able to furnish light and heat to the people at greatly reduced rates. As the invention has not been perfected, or put upon the market, he has not derived a dollar of benefit from it. He now feels he is in a condition to present to us something perfect in the way of a machine for the purpose of evolving heat and light, and to make a legitimate profit out of his invention. All we ask is that he may have, not seventeen years in which to do it, but that he shall have seven additional years, in which he may derive something for the thousands of dollars he has spent and the weary years he has devoted to the perfecting of his patent.

I will say one other thing, and then I will consume no more of the time of the House. It is true that where a man has patented an article and put it upon the market it may not be well to extend the duration of his patent. He ought to be content with the profit to be derived from it in the seventeen years granted to him. If he can not perfect it in seventeen years and derive sufficient profit; if he has not been able to present it to the country in a sufficiently perfect form in that time, then I am not in favor of encouraging him. But, sir, when a great invention like this, of such universal benefit throughout the world, a matter of scientific research, is about to be lost because he who has spent his time and exhausted his means upon it is unable to go further, I say then there is presented a case which appeals with great earnestness to every reflecting man upon this floor.

Mr. MCKENNA. I wish to ask the gentleman whether this invention will enable us to have supplied in railway cars throughout the United States such light and heat as will relieve us hereafter from the present danger to human life?

Mr. MARTIN. The intention is that it may be used wherever gas and electricity are now used for such purposes.

Mr. MCKENNA. But that does not answer my question.

Mr. MARTIN. The question has never been propounded to me before, and I do not know that I can answer except generally from the statements made before the committee. But it is to be used for all purposes of lighting and heating.

Mr. MCKENNA. If that question could be answered in the affirmative, that this invention would do away with the danger to human life arising from the present mode of heating railway cars, there would be little objection to granting this application.

Mr. MARTIN. I have presented to the House the case as I understand it.

Mr. ANDERSON, of Kansas. Will the gentleman yield to me for five minutes?

Mr. MARTIN. I will when I have concluded.

Now, Mr. Chairman, I have presented, in my feeble way, the considerations which have influenced me (and the considerations which have influenced the Committee on Patents), to concur in this unanimous report. I will say in vindication of the Committee on Patents that, notwithstanding the great number of bills coming before them; notwithstanding the urgent appeals to report bills for patent extensions, I believe but three have been reported to the House, two of which have already been passed; one in reference to the teaching of chemistry in kindergarten style, and the other for the extension of a patent to a blind man. Now we have this bill, which is the third, for the extension of a patent to enable a man to derive some benefit from the great work of scientific research and the thousands of dollars and the years of weary toil he has spent in discovering his invention.

Mr. CUTCHEON. If I understand the gentleman from Alabama this person took out his patent before he had perfected his invention.

Mr. MARTIN. Yes, sir. When he took out his patent it was not in a perfected condition.

Mr. CUTCHEON. He took it out too soon and has derived no benefit from it.

Mr. MARTIN. No benefit whatever.

Now, Mr. Chairman, I have done my duty. I have presented the reasons which influenced the committee. I have also presented my own reflections on the subject. I am willing now to submit the matter to a vote of the House.

Mr. ANDERSON, of Kansas. The gentleman has yielded to me five minutes.

The CHAIRMAN. How much time does the gentleman yield?

Mr. MARTIN. Five minutes, and I wish to say just so soon as remarks are completed I will move to lay the bill aside to be reported to the House with the recommendation that it do pass.

Mr. ANDERSON, of Kansas. I wish to say in regard to the correction which my friend from Alabama has made of my inference that this patent, having been issued in 1865 and reissued in 1878, ran for seventeen years from the latter date, that the committee of course know more of the details of the patent law than I do.

My impression was based upon this language used in the bill now pending before the House, as follows:

That this case be referred to the Commissioner of Patents to hear and determine the propriety of extending the patents for a term of seven years from and after the passage of this act, if in his judgment the patents should be extended.

This patent was originally issued in 1865, and under the law would have expired in 1882. If it did, then how can this bill "extend" a dead patent? In that event for the last five years there has been no patent, unless, and I ask attention to this point, the patent issued in 1878 does hold good. I asked a gentleman, who is an expert on the patent law, as to that fact, and he replied that so far as he was advised he was unable to say that the courts would not hold the patent issued in 1878 to be still in force. So, Mr. Chairman, one of two things is true: either the original patent, being issued in 1865, must have expired in 1882, and for five years there has been no patent, or else the patent subsequently issued in 1878 is good to-day, and during the past five years there has been a patent. Then the bill proposes that seven years shall be granted from to-day. That would give to this gentleman a patent for twenty-nine years.

Now, I know nothing of the particular case before us. I have no personal feeling in regard to any patent bill; not a bit. My opposition is based upon the broad ground that seventeen years are enough, and I agree with my friend from Michigan [Mr. CUTCHEON] that if the present patent law is imperfect we should amend it. I further agree with him that the imperfection of the present law is that it extends the lifetime of a patent too far. I would rather curtail it. But that has nothing particularly to do with the present case. Here the proposition is whether, in the one case, a patent having expired five years ago, or else in the other a patent which still has eight years to run, shall be extended for seven years longer; and on principle I am opposed to it.

Mr. MARTIN. I move now that the amendment reported from the committee be agreed to.

The amendment was again read.

The amendment was adopted.

The question recurred on laying the bill aside to be reported to the House favorably.

The question was taken; the committee divided, and there were—ayes 52, noes 34.

Mr. ANDERSON, of Kansas. I do not think there has been a quorum, and I would like to have tellers on this motion.

Mr. ANDERSON, of Kansas, and Mr. MARTIN were appointed tellers.

The committee again divided; and the tellers reported—ayes 76, noes 36.

Mr. ANDERSON, of Kansas. If the gentleman from Alabama will allow this to go over, retaining its place on the Calendar until next Friday, I will not insist upon the point.

Mr. MARTIN. I would prefer to dispose of it now.

Mr. ANDERSON, of Kansas. I have no desire to detain the House from the consideration of other business; and if the gentleman will agree to unite with me in a request for the yeas and nays on the passage of the bill in the House I will withdraw the point.

Mr. MARTIN. I will do so.

Mr. ANDERSON, of Kansas. Then I withdraw the point of no quorum.

So (no further count being demanded) the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MCKENNA. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House having had under consideration the bill H. R. 1773, had instructed him to report the same to the House with an amendment and with the recommendation that the bill pass as amended.

ALBERT H. EMERY.

The SPEAKER *pro tempore*. Before proceeding to the consideration of the bill just reported from the committee the bills presented by the committee on a preceding day will be disposed of as the unfinished business. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 929) for the relief of Albert H. Emery, reported from the Committee of the Whole with amendments.

The SPEAKER *pro tempore*. The yeas and nays have been ordered on the demand for the previous question on this bill.

Mr. SPRINGER. At the last meeting of the committee, when the committee rose, I asked unanimous consent that the case known as the Creecy case, which was ahead of this on the Calendar, and which was passed over, not to lose its place, should be taken up and considered to-day. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. It does not lose its place, but will be reached immediately after the pending bill is disposed of.

The question is on the demand for the previous question, on which the yeas and nays are ordered.

Mr. BURROWS. I ask unanimous consent that the order to take the yeas and nays on ordering the previous question be vacated, and that the yeas and nays be taken on the passage of the bill.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Clerk will report the amendments reported from the Committee of the Whole.

The amendments were read.

The bill was ordered to a third reading, and was read the third time; the question being on the passage of the bill.

Mr. HOLMAN. On that the yeas and nays have been ordered by unanimous consent.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Michigan asked unanimous consent to dispense with the call of the yeas and nays on ordering the previous question, with the understanding that there be a yea-and-nay vote on the passage of the bill.

Mr. BURROWS. That was my intention.

The SPEAKER *pro tempore*. And the Chair supposes that after the statement from the gentleman from Michigan, and the consent given, it would be but fair that the yeas and nays should be considered as ordered.

Mr. BURROWS. That was what I intended.

Mr. CUTCHEON. Mr. Speaker, I would ask that so much of the amendment as states the amount carried by the bill be reported.

The Clerk read as follows:

It is proposed to strike out the words "two hundred thousand dollars," in the bill, and insert the words "sixty-three thousand one hundred and sixty-one dollars and sixty-two cents."

The SPEAKER *pro tempore*. The question is on the passage of the bill as amended, and the Clerk will call the roll.

The question was taken; and there were—yeas 156, nays 59, not voting 103; as follows:

YEAS—156.

Adams, G. E.	Boutelle,	Buck,	Carleton,
Adams, J. J.	Brady,	Bunnell,	Caswell,
Baker,	Bragg,	Burrows,	Clardy,
Barksdale,	Breckinridge, WCP	Butterworth,	Conger,
Bayne,	Brown, C. E.	Caldwell,	Cooper,
Bliss,	Brown, W. W.	Campbell, J. M.	Curtin,
Bound,	Buchanan,	Campbell, T. J.	Cutcheon,
Daniel,	Hill,	Moffat,	Shaw,
Dargan,	Hires,	Morrill,	Singleton,
Dibble,	Holmes,	Morrow,	Spooner,
Dockery,	Hopkins,	Murphy,	Steele,
Dunham,	Houk,	Nelson,	Stephenson,
Dunn,	Howard,	Oates,	Stewart, J. W.
Ely,	Hudd,	O'Donnell,	Stone, W. J., Ky.
Evans,	Irion,	O'Hara,	Strait,
Everhart,	James,	O'Neill, Charles	Swinburne,
Farquhar,	Johnston, J. T.	O'Neill, J. J.	Swope,
Felton,	Ketcham,	Osborne,	Tarsney,
Fleeger,	King,	Outhwaite,	Taylor, I. H.
Foran,	Kleiner,	Payne,	Taylor, Zach.
Ford,	Laffoon,	Payson,	Thomas, J. R.
Frederick,	La Follette,	Perkins,	Thomas, O. B.
Funston,	Lawler,	Peters,	Thompson,
Gallinger,	Lehlbach,	Phelps,	Throckmorton,
Gay,	Libbey,	Pindar,	Van Schaick,
Gibson, C. H.	Lindsley,	Plumb,	Wade,
Gilfillan,	Long,	Price,	Wait,
Goff,	Loutit,	Ranney,	Wallace,
Grosvenor,	Lyman,	Reed,	Ward, T. B.
Grout,	Martin,	Richardson,	Warner, William
Guenther,	Matson,	Robertson,	Weber,
Hale,	Maybury,	Rockwell,	West,
Hall,	McAdoo,	Romeis,	White, A. C.
Halsell,	McCreary,	Rowell,	White, Milo
Harmer,	McKenna,	Sawyer,	Whiting,
Haynes,	McKinley,	Scott,	Wilkins,
Henderson, D. B.	Merriman,	Scranton,	Wise,
Hermann,	Millard,	Sessions,	Wolford,
Hiestand,	Mitchell,	Seymour,	Woodburn.

NAYS—59.

Allen, J. M.	Ermentrout,	McRae,	Sowden,
Anderson, C. M.	Forney,	Miller,	Springer,
Anderson, J. A.	Fuller,	Mills,	Stahlnecker,
Bacon,	Geddes,	Morgan,	Stewart, Charles
Boyle,	Glass,	Morrison,	Storm,
Bynum,	Hatch,	Neal,	Taylor, J. M.
Catchings,	Henderson, J. S.	Neece,	Tillman,
Clements,	Herbert,	O'Ferrall,	Turner,
Comstock,	Holman,	Peel,	Viele,
Cowles,	Johnston, T. D.	Perry,	Wadsworth,
Croxton,	Jones, J. H.	Riggs,	Ward, J. H.
Culberson,	Jones, J. T.	Rogers,	Weaver, J. B.
Davidson, A. C.	Landes,	Sadler,	Willis,
Eden,	Lanham,	Sayers,	Worthington.
Eldredge,	McMillin,	Skinner,	

NOT VOTING—103.

Aiken,	Cox, S. S.	Hiscock,	Rice,
Allen, C. H.	Cox, W. R.	Hitt,	Rusk,
Atkinson,	Crain,	Hutton,	Ryan,
Ballentine,	Crisp,	Jackson,	Seney,
Barbour,	Davenport,	Johnson, F. A.	Smalls,
Barnes,	Davidson, R. H. M.	Kelley,	Snyder,
Barry,	Davis,	Laird,	Spriggs,
Belmont,	Dawson,	Le Fevre,	St. Martin,
Bennett,	Dingley,	Little,	Stone, E. F.
Bingham,	Dorsey,	Lore,	Stone, W. J., Mo.
Blanchard,	Dougherty,	Lovering,	Struble,
Bland,	Ellsberry,	Lowry,	Symes,
Blount,	Findlay,	Mahoney,	Taulbee,
Breckinridge, C. R.	Fisher,	Markham,	Taylor, E. B.
Browne, T. M.	Gibson, Eustace	McComas,	Townshend,
Brumm,	Glover,	Milliken,	Trigg,
Burleigh,	Green,	Muller,	Tucker,
Burnes,	Hammond,	Negley,	Van Eaton,
Cabell,	Hanback,	Norwood,	Wakefield,
Campbell, Felix	Harris,	Owen,	Warner, A. J.
Campbell, J. E.	Hayden,	Parker,	Weaver, A. J.
Candler,	Heard,	Pettibone,	Wellborn,
Cannon,	Hemphill,	Pidcock,	Wheeler,
Cobb,	Henderson, T. J.	Randall,	Wilson,
Collins,	Henley,	Reagan,	Winans.
Compton,	Hepburn,	Recse,	

So the bill was passed.

Mr. MCKENNA. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. TOWNSHEND with Mr. HISCOCK.

Mr. CANDLER with Mr. ATKINSON.

Mr. BARNES with Mr. STONE, of Massachusetts.

For this day:

Mr. CABELL with Mr. NEGLEY.

Mr. HAMMOND with Mr. E. B. TAYLOR.

Mr. CAMPBELL, of Ohio, with Mr. KELLEY.

Mr. LOWRY with Mr. HAYDEN.

Mr. GLOVER with Mr. HENDERSON, of Illinois.

Mr. BENNETT with Mr. DAVIS.

Mr. COX, of North Carolina, with Mr. WEAVER, of Nebraska.

Mr. COWLES with Mr. LITTLE.

Mr. BALLENTINE with Mr. STRUBLE.

Mr. HUTTON with Mr. DAVENPORT.

Mr. DAWSON with Mr. BINGHAM.

Mr. DAVIDSON, of Florida, with Mr. HANBACK.

Mr. COMPTON with Mr. ALLEN, of Massachusetts.

Mr. BRECKINRIDGE, of Arkansas, with Mr. NELSON.

Mr. BLOUNT with Mr. RYAN.

Mr. TUCKER with Mr. PARKER.

Mr. ELLSBERRY with Mr. LAIRD.

On this vote:

Mr. BURNES with Mr. MCCOMAS.

The result of the vote was then announced as above stated.

Mr. MCKENNA moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STEELE. I move that the House do now adjourn.

Mr. TAULBEE. Is it the purpose of the gentleman from Indiana to cut off the evening session?

Mr. STEELE. Yes, sir.

Mr. ANDERSON, of Kansas. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The gentleman will state it.

Mr. ANDERSON, of Kansas. I wish to inquire whether a motion to take a recess is of higher privilege than a motion to adjourn.

The SPEAKER *pro tempore*. A motion to adjourn takes precedence.

Mr. ANDERSON, of Kansas. I should otherwise have made the motion for a recess.

The SPEAKER *pro tempore*. If the motion to adjourn is voted down then a motion to take a recess would be in order.

The question being taken on the motion to adjourn, it was not agreed to—ayes 14, noes 105.

The SPEAKER *pro tempore*. The Clerk will report the next bill.

CHARLES E. CREECY.

The Clerk read as follows:

A bill (H. R. 9930) conferring jurisdiction upon the Court of Claims and Supreme Court of the United States to finally determine the case of Charles E. Creecy, assignee in Congressional case No. 71, reported to the House of Representatives by said Court of Claims under the provisions of the act of Congress approved March 3, 1883.

Mr. SPRINGER. I am requested by gentlemen interested in this bill to have it passed over until next week not to lose its place on the Calendar.

Mr. MORGAN. I object. Let us dispose of it now.

Mr. PARKER. I wish to say with reference to this bill that it is in charge, in the House, of the gentleman from Massachusetts [Mr. COLLINS] who is not now here. I am myself opposed to the bill, but I think it would be unjust to the bill to consider it when a gentleman who has made a special study of its subject is not present. I ask that the consideration of the bill be postponed. I think that courtesy should be extended to the gentleman from Massachusetts, who is now absent. If the House sees fit to do otherwise it is their business, not mine.

Mr. SPRINGER. I think the request for postponement is reasonable and ought to be granted, with the understanding that the order for the previous question shall be rescinded.

The SPEAKER *pro tempore*. The previous question having been ordered on the engrossment and third reading, the request that the bill be passed over can only be granted by unanimous consent; and the gentleman from Mississippi [Mr. MORGAN] objects.

Several members called for the regular order.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The question being taken, it was decided in the negative.

Mr. SPRINGER. I move to strike out the enacting clause of the bill.

The motion to strike out the enacting clause was agreed to.

So the bill was rejected.

FREDERICK W. RUGGLES.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (S. 187) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia.

The SPEAKER. This bill is reported from the Committee of the Whole House with the recommendation that it be indefinitely postponed. The question is on agreeing to the report of the committee.

The report of the Committee of the Whole House was agreed to.

Mr. SPRINGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD BYRNE.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 1207) for the relief of Edward Byrne; amended.

Mr. MCMILLIN. I ask to have the amendments reported.

The SPEAKER. The amendments have been agreed to.

Mr. MCMILLIN. If there be no objection I would like to have the bill reported.

The SPEAKER. The gentleman has the right to have the bill reported before he votes on it.

Mr. MCMILLIN. Then let it be read.

The bill as amended was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward Byrne, late a captain in the Tenth Regiment of Cavalry, a first lieutenant of said Tenth Cavalry, in the Army of the United States, to rank as such from the 1st day of July, 1875; and he shall be assigned to the first vacancy occurring in the grade of first lieutenant in said Tenth Cavalry: *Provided*, That he shall receive no pay or allowances for the period he was out of the service.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BRAGG. What is the title of the bill?

The title of the bill was again read.

Mr. BRAGG. I object to the passage of that bill.

Mr. STEELE. The bill had an adverse recommendation.

The SPEAKER. There have been amendments to it.

Mr. STEELE. I move to lay the bill on the table.

Mr. BRAGG. That bill was objected to and a quorum was called, and the House adjourned upon it.

Mr. STEELE. That was on the night assigned to the business of the Committee on Military Affairs.

The SPEAKER. The bill appears to have been referred in the first instance to the Committee on Military Affairs, and to have been reported back from that committee with amendments and referred to the Committee of the Whole House. The Committee of the Whole House was afterwards discharged from the further consideration of the bill. The Chair will cause the record to be examined.

Mr. BRAGG. The bill came up just before we adjourned on the night assigned to the Military Committee for the transaction of its business, a quorum was called, and the House adjourned upon the bill.

The SPEAKER. Still that was an evening for the consideration of bills reported by the Committee on Military Affairs and this bill was considered. The Committee of the Whole House was discharged from the further consideration of it, and it was being considered by the House. Is not that the fact?

Mr. BRAGG. I think not, sir.

The SPEAKER. The Clerk will read from the record the proceedings which took place.

The Clerk read as follows:

EDWARD BYRNE.

Mr. LAIRD. I call up for present consideration the bill (H. R. 1207) for the relief of Edward Byrne.

The SPEAKER *pro tempore*. If there be no objection the Committee of the Whole on the Private Calendar will be discharged from the further consideration of this bill, and it will be considered in the House.

There was no objection.

The bill was read.

Mr. BRAGG. I shall object to the passage of this bill.

Mr. LAIRD. I hope the gentleman will not insist on that objection. This is certainly as just a measure as any of this nature which the House has considered.

Mr. BRAGG. I do not want to discuss the merits of the bill.

The amendments reported by the committee were agreed to.

The question being on ordering the bill as amended to be engrossed and read a third time,

Mr. BRAGG called for a division.

The question being taken, there were—ayes 4, noes 3.

Mr. BRAGG. No quorum.

The SPEAKER *pro tempore*. No quorum having voted, the Chair will appoint tellers.

Mr. BRAGG. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 35 minutes p. m.) the House adjourned.

Mr. BRAGG. I endeavored the best I could to object to that bill from the time it was called up until we got through.

The SPEAKER. The record shows that the Committee of the Whole was discharged from the further consideration of the bill, and that it was brought into the House and considered so far as to agree to amendments to it; which leaves it unfinished business in the class of business to which it belongs. The question is upon ordering the bill to be engrossed and read a third time.

Mr. STEELE. Is it in order to move now to recommit the bill?

The SPEAKER. It is.

Mr. STEELE. Then I make that motion.

The SPEAKER. The gentleman from Indiana [Mr. STEELE] moves to recommit the bill to the Committee of the Whole House on the Private Calendar.

The question being taken,

The SPEAKER declared that the ayes seemed to have it.

Mr. MCMILLIN. I call for a division.

The House divided; and 81 votes were reported in the affirmative.

Mr. MCMILLIN (before the completion of the count). Mr. Speaker, at the request of the gentleman from Wisconsin [Mr. BRAGG] I withdraw the demand for a division.

The motion of Mr. STEELE was agreed to, and the bill was recommitted.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The Speaker laid the message before the House, and it was read, as follows:

To the House of Representatives:

I herewith return without my approval House bill 10457, entitled "An act for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support."

This is the first general bill that has been sanctioned by the Congress since the close of the late civil war, permitting a pension to the soldiers and sailors who served in that war upon the ground of service and present disability alone, and in the entire absence of any injuries received by the casualties or incidents of such service.

While by almost constant legislation since the close of this war there has been compensation awarded for every possible injury received as a result of military service in the Union Army, and while a great number of laws passed for that purpose have been administered with great liberality, and have been supplemented by numerous private acts to reach special cases, there has not, until now, been an avowed departure from the principle thus far adhered to respecting Union soldiers, that the bounty of the Government in the way of pensions is generously bestowed when granted to those who in this military service, and in the line of military duty, have, to a greater or less extent, been disabled.

But it is a mistake to suppose that service pensions, such as are permitted by the second section of the bill under consideration, are new to our legislation. In 1818, thirty-five years after the close of the Revolutionary war, they were granted to the soldiers engaged in that struggle, conditional upon service until the end of the war, or for a term not less than nine months, and requiring every beneficiary under the act to be one "who is, or hereafter by reason of his reduced circumstances in life shall be, in need of assistance from his country for support." Another law of a like character was passed in 1823, requiring service until the close of the Revolutionary war; and still another, passed in 1832, provided for those persons not included in the previous statute, but who served two years at some time during the war, and giving a proportionate sum to those who had served not less than six months.

A service pension law was passed for the benefit of the soldiers of 1812 in the year 1871—fifty-six years after the close of that war—which required only sixty days' service; and another was passed in 1878—sixty-three years after the war—requiring only fourteen days' service.

The service pension bill passed at this session of Congress, thirty-nine years after the close of the Mexican war, for the benefit of the soldiers of that war, requires either some degree of disability or dependency, or that the claimant under its provisions should be sixty-two years of age; and in either case that he should have served sixty days or been actually engaged in a battle.

It will be seen that the bill of 1818, and the Mexican pension bill being thus passed nearer the close of the wars in which its beneficiaries were engaged than the others—one thirty-five years and the other thirty-nine years after the termination of such wars—embraced persons who were quite advanced in age, assumed to be comparatively few in number, and whose circumstances, dependence, and disabilities were clearly defined and could be quite easily fixed.

The other laws referred to, appear to have been passed at a time so remote from the military service of the persons which they embraced, that their extreme age alone was deemed to supply a presumption of dependency and need.

The number of enlistments in the Revolutionary war is stated to be 309,791, and in the war of 1812, 576,622; but it is estimated that on account of repeated re-enlistments the number of individuals engaged in these wars did not exceed one-half of the number represented by these figures. In the war with Mexico the number of enlistments is reported to be 112,230, which represents a greater proportion of individuals engaged than the reported enlistments in the two previous wars.

The number of pensions granted under all laws to soldiers of the Revolution is given at 62,059; to soldiers of the war of 1812 and their widows, 60,178; and to soldiers of the Mexican war and their widows up to June 30, 1885, 7,619. The latter pensions were granted to the soldiers of a war involving much hardship, for disabilities incurred as a result of such service; and it was not till within the last month that the few remaining survivors were awarded a service pension.

The war of the rebellion terminated nearly twenty-two years ago; the number of men furnished for its prosecution is stated to be 2,772,408. No corresponding number of statutes have ever been passed to cover every kind of injury or disability incurred in the military service of any war. Under these statutes 561,576 pensions have been granted from the year 1861 to June 30, 1886, and more than twenty-six hundred pensioners have been added to the rolls by private acts passed to meet cases, many of them of questionable merit, which the general laws did not cover.

On the 1st day of July, 1886, 365,763 pensioners of all classes were upon the pension-rolls, of whom 305,605 were survivors of the war of the rebellion, and their widows and dependents. For the year ending June 30, 1887, $75,000,000 have been appropriated for the payment of pensions, and the amount expended for that purpose from 1861 to July 1, 1886, is $808,624,811.51.

While annually paying out such a vast sum for pensions already granted, it is now proposed, by the bill under consideratien, to award a service pension to the soldiers of all wars in which the United States has been engaged, including of course the war of the rebellion, and to pay those entitled to the benefits of the act the sum of $12 per month.

So far as it relates to the soldiers of the late civil war, the bounty it affords them is given thirteen years earlier than it has been furnished to the soldiers of any other war, and before a large majority of its beneficiaries have advanced in age beyond the strength and vigor of the prime of life.

It exacts only a military or naval service of three months, without any requirement of actual engagement with an enemy in battle, and without a subjection to any of the actual dangers of war.

The pension it awards is allowed to enlisted men who have not suffered the least injury, disability, loss, or damage of any kind, incurred in or in any degree referable to their military service, including those who never reached the front at all and those discharged from rendezvous at the close of the war, if discharged three months after enlistment. Under the last call of the President for troops, in December, 1864, 11,303 men were furnished who were thus discharged.

The section allowing this pension does, however, require, beside a service of three months and an honorable discharge, that those seeking the benefit of the act shall be such as "are now or may hereafter be suffering from mental or physical disability not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support."

It provides further that such persons shall, upon making proof of the fact, "be placed on the list of invalid pensioners of the United States, and be entitled to receive for such total inability to procure their subsistence by daily labor, $12 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefit of this act."

It is manifestly of the utmost importance that statutes which, like pension laws, should be liberally administered as measures of benevolence in behalf of worthy beneficiaries, should admit of no uncertainty as to their general objects and consequences.

Upon a careful consideration of the language of the section of this bill above given, it seems to me to be so uncertain and liable to such conflicting constructions, and to be subject to such unjust and mischievous application, as to alone furnish sufficient ground for disapproving the proposed legislation.

Persons seeking to obtain the pension provided by this section must be now or hereafter—

1. "Suffering from mental or physical disability."
2. Such disability must not be "the result of their own vicious habits or gross carelessness."
3. Such disability must be such as "incapacitates them for the performance of labor in such a degree as to render them unable to earn a support."
4. They must be "dependent upon their daily labor for support."
5. Upon proof of these conditions they shall "be placed on the lists of invalid pensioners of the United States, and be entitled to receive for such total inability to procure their subsistence by daily labor $12 per month."

It is not probable that the words last quoted, "such *total inability* to procure their subsistence by daily labor," at all qualify the conditions prescribed in the preceding language of the section. The "total inability" spoken of must be "such" inability—that is, the inability already described and constituted by the conditions already detailed in the previous parts of the section.

It thus becomes important to consider the meaning and the scope of these last-mentioned conditions.

The mental and physical disability spoken of has a distinct meaning in the practice of the Pension Bureau, and includes every impairment of bodily or mental strength and vigor. For such disabilities there are now paid one hundred and thirty-one different rates of pension, ranging from $1 to $100 per month.

This disability must not be the result of the applicant's "vicious habits or gross carelessness." Practically this provision is not important. The attempt of the Government to escape the payment of a pension on such a plea, would of course, in a very large majority of instances, and regardless of the merits of the case, prove a failure. There would be that strange but nearly universal willingness to help the individual as between him and the public treasury, which goes very far to insure a state of proof in favor of the claimant.

The disability of applicants must be such as to "incapacitate them for the performance of labor in such a degree as to render them unable to earn a support."

It will be observed that there is no limitation or definition of the incapacitating injury or ailment itself. It need only be such a degree of disability from any cause as renders the claimant unable to earn a support by labor. It seems to me that the "support" here mentioned as one which can not be earned, is a complete and entire support, with no diminution on account of the least impairment of physical or mental condition. If it had been intended to embrace only those who by disease or injury were totally unable to labor, it would have been very easy to express that idea, instead of recognizing as is done a "degree" of such inability.

What is a support? Who is to determine whether a man earns it or has it or has it not? Is the Government to enter the homes of claimants for pension, and after an examination of their surroundings and circumstances settle those questions? Shall the Government say to one man that his manner of subsistence by his earnings is a support, and to another that the things his earnings furnish are not a support? Any attempt, however honest, to administer this law in such a manner would necessarily produce more unfairness and unjust discrimination and give more scope for partisan partiality, and would result in more perversion of the Government's benevolent intentions, than the execution of any statute ought to permit.

If in the effort to carry out the proposed law, the degree of disability as related to earnings, be considered for the purpose of discovering if in any way it curtails the support which the applicant if entirely sound would earn, and to which he is entitled, we enter the broad field long occupied by the Pension Bureau, and we recognize as the only difference between the proposed legislation and previous laws passed for the benefit of the surviving soldiers of the civil war, the incurrence in one case of disabilities in military service, and in the other disabilities existing but in no way connected with or resulting from such service.

It must be borne in mind that in no case is there any grading of this proposed pension. Under the operation of the rule first suggested, if there is a lack in any degree, great or small, of the ability to earn such a support as the Government determines the claimant should have, and by the application of the rule secondly suggested, if there is a reduction in any degree of the support which he might earn if sound, he is entitled to a pension of $12.

In the latter case, and under the proviso of the proposed bill, permitting persons now receiving pensions to be admitted to the benefits of the act, I do not see how those now on the pension-roll for disabilities incurred in the service, and which diminish their earning capacity, can be denied the pension provided in this bill.

Of course none will apply who are now receiving $12 or more per month. But on the 30th day of June, 1886, there were on the pension-rolls 202,621 persons who were receiving fifty-eight different rates of pension from $1 to $11.75 per month. Of these, 28,142 were receiving $2 per month; 63,116, $4 per month; 37,254, $6 per month; and 50,274, whose disabilities were rated as total, $8 per month.

As to the meaning of the section of the bill under consideration there appears to have been quite a difference of opinion among its advocates in the Congress. The chairman of the Committee on Pensions in the House of Representatives, who reported the bill, declared that there was in it no provision for pensioning any one who has a less disability than a total inability to labor, and that it was a charity measure. The chairman of the Committee on Pensions in the Senate, having charge of the bill in that body, dissented from the construction of the bill announced in the House of Representatives, and declared that it not only embraced all soldiers totally disabled, but in his judgment all who are disabled to any considerable extent; and such a construction was substantially given to the bill by another distinguished Senator who, as a former Secretary of the Interior, had imposed upon him the duty of executing pension laws and determining their intent and meaning.

Another condition required of claimants under this act is that they shall be "dependent upon their *daily* labor for support."

This language, which may be said to assume that there exists within the reach of the persons mentioned "labor," or the ability in some degree to work, is more aptly used in a statute describing those not wholly deprived of this ability, than in one which deals with those utterly unable to work.

I am of the opinion that it may fairly be contended that under the provisions of this section any soldier, whose faculties of mind or body have become impaired by accident, disease, or age, irrespective of his service in the army as a cause, and who by his labor only is left incapable of gaining the fair support he might with unimpaired powers have provided for himself, and who is not so well endowed with this world's goods as to live without work, may claim to participate in its bounty; that it is not required that he should be without property, but only that labor should be necessary to his support in some degree; nor is it required that he should be now receiving support from others.

Believing this to be the proper interpretation of the bill, I can not but remember that the soldiers of our civil war, in their pay and bounty, received such compensation for military service as has never been received by soldiers before, since mankind first went to war; that never before, on behalf of any soldiery, have so many and such generous laws been passed to relieve against the inci-

dents of war; that statutes have been passed giving them a preference in all public employments; that the really needy and homeless Union soldiers of the rebellion have been, to a large extent, provided for at soldiers' homes, instituted and supported by the Government, where they are maintained together, free from the sense of degradation which attaches to the usual support of charity; and that never before in the history of the country has it been proposed to render Government aid toward the support of any of its soldiers based alone upon a military service so recent, and where age and circumstances appeared so little to demand such aid.

Hitherto such relief has been granted to surviving soldiers few in number, venerable in age, after a long lapse of time since their military service, and as a parting benefaction tendered by a grateful people.

I can n ot believe that the vast peaceful army of Union soldiers, who have contentedly resumed their places in the ordinary avocations of life cherish as sacred the memory of patriotic service, or who having been disabled by the casualties of war justly regard the present pension-roll, on which appear their names, as a roll of honor, desire at this time and in the present exigency, to be confounded with those who through such a bill, as this are willing to be objects of simple charity and to gain a place upon the pension-roll through alleged dependence.

Recent personal observation and experience constrain me to refer to another result which will inevitably follow the passage of this bill. It is sad but nevertheless true, that already in the matter of procuring pensions there exists a widespread disregard of truth and good faith, stimulated by those who as agents undertake to establish claims for pensions, heedlessly entered upon by the expectant beneficiary, and encouraged or at least not condemned by those unwilling to obstruct a neighbor's plans.

In the execution of this proposed law under any interpretation, a wide field of inquiry would be opened for the establishment of facts largely within the knowledge of the claimants alone; and there can be no doubt that the race after the pensions offered by this bill, would not only stimulate weakness and pretended incapacity for labor, but put a further premium on dishonesty and mendacity.

The effect of new invitations to apply for pensions, or of new advantages added to causes for pensions already existing, is sometimes startling.

Thus in March, 1879, large arrearages of pensions were allowed to be added to all claims filed prior to July 1, 1880. For the year from July 1, 1879, to July 1, 1880, there were filed 110,673 claims, though in the year immediately previous there were but 36,832 filed, and in the year following but 18,455.

While cost should not be set against a patriotic duty or the recognition of a right, still, when a measure proposed is based upon generosity or motives of charity, it is not amiss to meditate somewhat upon the expense which it involves. Experience has demonstrated, I believe, that all estimates concerning the probable future cost of a pension list are uncertain and unreliable, and always fall far below actual realization.

The chairman of the House Committee on Pensions calculates that the number of pensioners under this bill would be 33,105, and the increased cost $4,767,120; this is upon the theory that only those who are entirely unable to work would be its beneficiaries. Such was the principle of the Revolutionary pension law of 1818, much more clearly stated, it seems to me, than in this bill. When the law of 1818 was upon its passage in Congress the number of pensioners to be benefited thereby was thought to be 374; but the number of applicants under the act was 22,297, and the number of pensions actually allowed 20,485, costing, it is reported, for the first year, $1,847,900, instead of $40,000, the estimated expense for that period.

A law was passed in 1853 for the benefit of the surviving widows of Revolutionary soldiers who were married after January 1, 1800. It was estimated that they numbered 300 at the time of the passage of the act; but the number of pensions allowed was 3,742, and the amount paid for such pensions during the first year of the operation of the act was $180,000 instead of $24,000 as had been estimated.

I have made no search for other illustrations, and the above being at hand, are given as tending to show that estimates can not be relied upon in such cases.

If none should be pensioned under this bill except those utterly unable to work, I am satisfied that the cost stated in the estimate referred to would be many times multiplied, and with a constant increase from year to year; and if those partially unable to earn their support should be admitted to the privileges of this bill, the probable increase of expense would be almost appalling.

I think it may be said that at the close of the war of the rebellion every Northern State and a great majority of Northern counties and cities, were burdened with taxation on account of the large bounties paid our soldiers; and the bonded debt thereby created still constitutes a large item in the account of the tax-gatherer against the people. Federal taxation, no less borne by the people than that directly levied upon their property, is still maintained at the rate made necessary by the exigencies of war. If this bill should become a law, with its tremendous addition to our pension obligation, I am thoroughly convinced that further efforts to reduce the Federal revenue and restore some part of it to our people, will and perhaps should be seriously questioned.

It has constantly been a cause of pride and congratulation to the American citizen that his country is not put to the charge of maintaining a large standing army in time of peace. Yet we are now living under a war tax which has been tolerated in peaceful times to meet the obligations incurred in war. But for years past, in all parts of the country, the demand for the reduction of the burdens of taxation upon our labor and production has increased in volume and urgency.

I am not willing to approve a measure presenting the objections to which this bill is subject, and which moreover will have the effect of disappointing the expectation of the people and their desire and hope for relief from war taxation in time of peace.

In my last annual message the following language was used:

"Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I cannot rid myself of the conviction that if these ex-soldiers are to be relieved, they and their cause are entitled to the benefit of an enactment under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy, or the tender mercies of social and political influence with their unjust discriminations."

I do not think that the objects, the conditions, and the limitations thus suggested, are contained in the bill under consideration.

I adhere to the sentiments thus heretofore expressed. But the evil threatened by this bill is in my opinion such, that, charged with a great responsibility in behalf of the people, I can not do otherwise than to bring to the consideration of this measure my best efforts of thought and judgment, and perform my constitutional duty in relation thereto, regardless of all consequences, except such as appear to me to be related to the best and highest interests of the country.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 11, 1887.

Mr. MATSON. Mr. Speaker, I move to refer the bill and the accompanying message to the Committee on Invalid Pensions, and in making that motion I think I can promise the House that within the coming week the bill and message will be reported back. I move the previous question.

The previous question was ordered.

The question was taken on the motion to refer the bill and the accompanying message to the Committee on Invalid Pensions, and there were—ayes 137, noes 27.

So the motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House take a recess until half past 7 o'clock this evening for the purpose of considering bills under the special order.

Mr. STEELE. Mr. Speaker, when I moved to adjourn awhile ago, the gentleman from Kentucky [Mr. TAULBEE] asked me a question which I answered under a misapprehension. He asked me if my purpose was to cut off the pension session, and, not understanding him correctly, I answered "yes." My object really was to have the House adjourn so that the message which has just been read might reach here after adjournment, and the bill thereby become a law.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill (H. R. 7508) granting a right of way to the Annapolis and Baltimore Short-Line Railway Company across the Government farm connected with the Naval Academy at Annapolis, Md.; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. SPRINGER. I now renew my motion that the House take a recess until half past 7 o'clock.

The motion was agreed to—ayes 88, noes 37; and the House according (at 4 o'clock and 18 minutes) took a recess until 7.30 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

The Clerk read the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
February 11, 1887.

I hereby designate Hon. BENTON MCMILLIN to preside at this evening's session of the House of Representatives as Speaker *pro tempore*.

J. G. CARLISLE.

J. B. CLARK,
Clerk of House of Representatives.

The SPEAKER *pro tempore*. The Clerk will read the special order under which this session is held.

The order was read, as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills upon the Private Calendar, under the special order for Friday evening sessions.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills upon the Private Calendar under the special order which has been read.

Mr. DOCKERY. I ask unanimous consent that members present be allowed to call up for consideration such bills upon the Calendar under the special order as they may choose to designate, unless in any case there be one objection.

Mr. BRADY. I think, Mr. Chairman, we had better proceed with the regular order for a little while this evening.

The CHAIRMAN. The regular order is demanded. The Clerk will report the first bill upon the Calendar.

The Clerk read as follows:

A bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

Mr. SWOPE. I ask unanimous consent that that bill be passed over informally without losing its place on the Calendar.

There was no objection.

MESSAGE FROM THE SENATE.

The Committee rose informally, and Mr. MCMILLIN having taken the Chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2819) relating to the manufacture and sale of gas in the

city of Washington, in the District of Columbia, and amendatory of an act entitled "An act regulating gas-works," approved June 23, 1874;

A bill (S. 3234) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882;

A bill (H. R. 3254) for the improvement and enlargement of the court-house and post-office at Omaha, Nebr.; and

A joint resolution (S. R. 105) for the preservation of the official correspondence, documents, and other historical material on file in the various legations and consulates of the United States.

The Committee of the Whole House on the Private Calendar resumed its session.

LOUISA KEARNEY.

The first business on the Private Calendar was the bill (H. R. 5927) for the relief of Louisa Kearney.

Mr. BRADY. I ask for the present consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Louisa Kearney, widow of James Kearney, late lieutenant-colonel of Topographical Engineers, United States Army, from $30 per month, as now received, to $50 per month, and to place her name upon the pension-roll at the latter rate, subject to the provisions and limitations of the pension laws, from and after the passage of this act.

Mr. BRADY. I ask for the reading of the report.

The report (by Mr. THOMPSON) was read, as follows:

For the long and faithful service of her late husband, Lieut. Col. James Kearney, of the Topographical Engineers, United States Army, a service covering a period of almost fifty years, and because of her great age, and the fact that she is dependent upon her pension for support, we believe the pension of the beneficiary of this bill, Louisa Kearney, should be increased to $40 per month. We recommend, therefore, that the bill be amended by striking out the word "fifty," where it occurs in the seventh line, and by inserting in lieu thereof the word "forty;" and that, when so amended, the bill do pass.

The amendment reported by the Committee on Pensions was read, as follows:

In line 7, strike out "50" and insert "40," so as to make the pension $40 per month.

Mr. BRADY. I ask that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. MCMILLIN. Did the gentleman from Virginia make this report?

Mr. BRADY. No, sir, I did not; it was made by the gentleman from Ohio [Mr. THOMPSON]. I am, however, prepared to answer any questions which the gentleman from Tennessee may desire to put.

Mr. MCMILLIN. What I wished was a statement of the specific ground on which this relief is proposed to be given.

Mr. BRADY. The husband of this lady was a lieutenant-colonel in the Army, and was fifty years in the service, having served in the war of 1812, the Mexican war, and also at the beginning of the late war. His widow is now eighty years of age, a poor, decrepit woman, who is entirely dependent upon her pension for support. In consideration of her destitute condition, and of the services of her late husband, the committee considered it proper to recommend an increase of her pension to $40 per month.

Mr. MCMILLIN. In view of the great age of this lady, and the prospect that the pension will not be long paid, I shall make no captious objection in this case, though I doubt the propriety of this species of legislation.

Mr. BRADY. The fact that the old lady is not expected to live long was one circumstance which the committee took into view in making the report.

The amendment of the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

ORDER OF BUSINESS.

Mr. GALLINGER. I renew the request that unanimous consent be given to members present to call up for consideration pension bills on the Calendar.

Mr. HOLMES. I object.

MISS MARGARET STAFFORD WORTH.

The next business on the Private Calendar was the bill (S. 2030) granting a pension to Miss Margaret Stafford Worth.

Mr. BUCHANAN. If we are to proceed regularly on the Calendar, I ask unanimous consent that when a bill is reached, if no member calls for its consideration, it be passed over informally, and we proceed to the next bill

Mr. WHITE, of Pennsylvania. I desire that the bill just reached be taken up and passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Miss Margaret Stafford Worth, dependent daughter of Maj. Gen. William J. Worth, and pay her a pension at the rate of $50 per month.

Mr. BROWN, of Pennsylvania. If no one calls for the consideration of this bill, I move that it be passed over informally.

Mr. WHITE, of Pennsylvania. I reported the bill, and have called it up. I desire to have it passed on.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

The Committee on Pensions, to whom was referred the bill (S. 2030) granting a pension to Miss Margaret Stafford Worth, have examined the same, and report: That they concur in the report of the Senate Committee on Pensions, in which House the bill originated, and for the reasons set forth in said report recommend the passage of the bill.

Mr. MCMILLIN. Can we not have read the Senate report which is referred to. The House report, as just read, sheds no light on the case.

Mr. WHITE, of Pennsylvania. If there be any objection whatever to the bill, I ask that the Senate report, with the communications appended, be read.

Mr. FARQUHAR. That may take an hour.

Mr. MCMILLIN. I think the report ought to be read. The pension proposed to be given is extraordinary.

Mr. WHITE, of Pennsylvania. It is not very extraordinary, but it is a little out of the usual course. Nevertheless, the case is as meritorious a one as was ever presented here.

Mr. MCMILLIN. The report will show that, I suppose.

Mr. WHITE, of Pennsylvania. I believe it will.

The Clerk read as follows:

[Senate Report No. 922, Forty-ninth Congress, first session.]

The claimant, Miss Margaret Stafford Worth, is the only surviving unmarried daughter of the distinguished Maj. Gen. William J. Worth. She is now living in the city of Washington, with seven of her father's grandchildren to support, in great poverty and without adequate means of subsistence. She had until now managed to support herself and these children with some assistance, but is now confined to her bed and dangerously ill, so that she will henceforth be dependent on charity. It is a shame that the daughter of one of the most distinguished generals who ever served this Government, and who gave his life to her support, should be reduced to such an extremity in her old age. Congress has granted such relief in many cases of far less merit than this, and your committee think that it would be a fitting tribute to the memory of one of our bravest soldiers.

The following papers show the principal facts of this case, and your committee report back the bill and recommend that it do pass.

The CHAIRMAN. Does any gentleman ask for the reading of the papers which accompany the Senate report?

Mr. MCMILLIN. What has been read sheds no light whatever on the merits of the case.

Mr. WHITE, of Pennsylvania. I ask that the papers accompanying the Senate report be read.

The Clerk proceeded to read the remainder of the report, which is as follows:

[Petition of Margaret S. Worth to the United States Senate and House of Representatives for a pension.]

William Worth, great-grandfather of Maj. Gen. W. J. Worth, United States Army, left Devonshire, England, on account of religious persecution, landed on the New England coast in 1640. Having protected and sheltered a Quaker, he, with two others, took refuge in a small boat, put to sea without chart or compass, and drifted to the island of Nantucket. There they soon became land-owners, and resorted to the sea as a profession. Thomas Worth, his grandson, in time became an owner of ships, and moved to Hudson, N. Y., where he married, and there William J. Worth was born.

At an early age William J. Worth placed himself in the large mercantile house of Starr & Sheldon, in Albany, N. Y., where he served as clerk until, the war of 1812 breaking out, he was offered and accepted the position of private secretary to General Morgan Lewis.

Desiring more active service, he sought and received a commission as lieutenant in the United States Army, serving in every grade and always receiving the commendation of his superior officers and of his countrymen.

At the battle of Lundy's Lane he received a wound from which he never entirely recovered, and twice within your petitioner's memory the opened wound, after exposure in the field, produced inflammation and danger to life.

At the close of the war of 1812, with the brevet rank of major, he was ordered to West Point, where, for nine years, he bent all his energies to raising the standard of the institution to a point never before attained. While at West Point Major Worth married the daughter of Mr. John Stafford, whose ancestors came to America in 1605, a descendant of the family of Stafford of Warwick, England.

Col. Joab Stafford, Mrs. Worth's grandfather, was severely wounded in the Revolutionary war, and his son was in the battles of Crown Point and Bennington.

Major Worth's next post was Fortress Monroe, where he was instructor in artillery. While there he was sent with the Black Hawk expedition to quell the Indian troubles in the Northwest.

From Fortress Monroe he was transferred to the Ordnance Corps, and made inspector, which duty gave him an annual ride over the Alleghanies, at a period when such a journey was attended with peril. He was then ordered to arrange for the transfer of the Cherokee Nation to its new home on the Arkansas River.

In 1837 he was made colonel of the new regiment, the Eighth Infantry.

The Patriot war breaking out on the Canada border, he was instrumental in effecting an amicable settlement of the disturbance.

He was then ordered to Florida, placed in command, conducted the campaigns against the hostile Seminoles, and after many perils, from the climate as well as the military operations, in which he had five engagements with the Indians, he effected a peace, which had until that time been fruitlessly sought by his predecessors, and removed the Indians from the Territory to their new home west of the Arkansas.

While on this duty the little fortune which he had hoped to leave for the support of his family had, by the dishonesty of his attorney, been swept away. After the peace he desired to return to the North and endeavor to reclaim something out of the wreck, but being ordered to Mexico he was prevented from executing his intention, and his family never recovered a cent.

In Mexico he led his division in the battles of Montery, Vera Cruz, Cerro Gordo, the advance on Puebla, Molino del Rey, Chapultepec, Churubusco, the Garita of San Cosme, and was the only general officer who slept within the city gate on that memorable night.

He was the first to land at Vera Cruz and the last to leave Mexican soil.

After the close of the war he was ordered to Texas, where the cholera was raging, and there he died, at the post of duty.

I, Margaret Stafford Worth, the only unmarried daughter, having seven of my father's grandchildren almost entirely dependent upon me for support, petition the gentlemen of the United States Senate and House of Representatives to grant me a pension of $50 a month.

BATTLES IN WHICH GENERAL WORTH WAS ENGAGED.

Chippewa, Niagara, Fort Erie, Lundy's Lane, five battles in Florida, Monterey, Vera Cruz, Cerro Gordo, Puebla, Cherubusco, Chapultepec, Molino del Rey, battles of the City of Mexico, San Antonio, Garita of San Cosme.

Received the thanks of Congress, State of New York, State of Louisiana, State of Texas, State of Florida.

He received a sword from Congress, from the State of New York, the State of Louisiana, city of Hudson.

A monument worthy of the city of New York was erected to his memory by its citizens.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 15, 1886.

Statement of the military service of William J. Worth, late of the United States Army, compiled from the records of this office.

He was appointed first lieutenant Twenty-third Infantry, March 19, 1813; promoted captain, August 19, 1814; retained as captain Second Infantry, May 17, 1815, in the reorganization under the act of March 3, 1815, and as captain of the First Artillery, June 1, 1821, in the reorganization under the act of March 2, 1821; appointed major of ordnance, May 30, 1832, and colonel Eighth Infantry, July 7, 1838.

He was breveted captain July 5, 1814, "for his gallant and distinguished conduct on the said 5th of July in the battle of Chippewa;" major, July 25, 1814, "being the day of the battle of Niagara, in which Captain Worth was distinguished by his gallantry and good conduct;" lieutenant-colonel, July 25, 1824, "for ten years' faithful service in the grade of brevet major;" brigadier-general March 1, 1842, "for gallantry and highly distinguished services as commander of the forces in the war against the Florida Indians," and major-general September 23, 1846, "for gallant and meritorious conduct in the several conflicts at Monterey, Mexico."

On May 2, 1847, he was presented by Congress with a sword of honor "in testimony of the high sense entertained by Congress of his gallantry and good conduct in storming Monterey."

He served in the war of 1812-'15 with Great Britain, as aid-de-camp to Major-General Lewis, from some time in 1813 to April 6, 1814, and as aid-de-camp to Brig.-Gen. Winfield Scott, also acting brigade-major in the campaign on the northern frontier until severely wounded in the battle of Niagara, July 25, 1814; absent wounded to December, 1814; aid-de-camp to Maj.-Gen. Winfield Scott, commanding the tenth military district to April 6, 1815; on leave to August, 1815; with regiment in garrison at Sackett's Harbor, Greenbush, Plattsburg, N. Y., to August, 1819; on recruiting service to March 16, 1820; commandant of cadets and instructor of infantry tactics at the United States Military Academy to December 2, 1828, with regiment at Fort Monroe, Va., and on detached duty at that post as director of the Artillery School of Practice to May, 1832; commanding Fort Monroe Arsenal, Virginia, Frankford Arsenal, Pennsylvania, and Watervliet Arsenal, New York, to June, 1838; commanding his regiment at Madison Barracks, Albany and Ogdensburg, N. Y. (also from January to December, 1839, the Northern Department), to May, 1840; in Wisconsin Territory to July, 1840; *en route* and in the Florida war against the Seminole Indians, being also in command of the district of Tampa from January to May, 1841; of the army of Florida from May, 1841, to July 25, 1842, and of the Ninth Military Department, embracing Florida, to August 22, 1842, and from October 31, 1842, to September 14, 1845; was absent with leave from August 22 to October 30, 1842, to September 26, 1845; commanding the First Brigade of the Army of Occupation in the war with Mexico to April 8, 1846; on leave to May 27, 1846; commanding the First Brigade of the Army of Occupation, to July 27, 1846, the Second Division of that army to February 23, 1847, the First Brigade, First Division of Regulars in the Army of Invasion to April 1, 1847, the First Division to June 21, 1848, being engaged in the battle of Monterey, September 21-23, 1846; siege of Vera Cruz, March 9-29, 1847; battle of Cerro Gordo, April 17, 18, 1847; capture of San Antonio, August 19, 20, 1847; battle of Cherubusco, August 20, 1847; of Molino Del Rey, September 8, 1847; of Tacubaya, September 12, 1847, and of Chapultepec and San Cosme, September 13, 1847; also in the assault and capture of the City of Mexico, September 13, 14, 1847.

He commanded the army in Mexico from June 21 to July 15, 1848, and the eighth and ninth military departments, comprising Texas and New Mexico, from November, 1848, to May 7, 1849, upon which date he died at San Antonio, Tex.

J. C. KELTON,
Acting Adjutant-General.

WASHINGTON, D. C., *April* 22, 1886.

The petitioner, Miss Margaret S. Worth, the daughter of Major-General Worth, who for many years was one of the senior officers of our Army, is now advancing in years, is in failing health, and is no longer able to earn sufficient for her support.

Being now thrown upon her own resources she is at present in almost destitute circumstances.

If Congress, in view of the distinguished services of General Worth, should deem it proper to extend the charity for which Miss Worth petitions they could not find a more worthy object.

P. H. SHERIDAN,
Lieutenant-General.

SAINT LOUIS, *April* 24, 1886.

I commend the foregoing petition to all generous men who love their country and its heroes.

General Worth was one of the most brilliant and conspicuous officers in the war of 1812, Mexican war, and Florida war. He died in the military service on the frontier. I know the petitioner to be his daughter, the only one I believe who never married, who has been toiling for years to support herself and help her sister's children. She is now old and feeble, and it will be a graceful act for Congress to recognize her as the orphan of the nation.

W. T. SHERMAN.

[Office of the Attending Surgeon, U. S. Army, No. 1733 G street northwest.]

WASHINGTON, D. C., *April* 20, 1886.

GENTLEMEN: I have learned with pleasure that a bill has been introduced into the Senate conferring a pension on Miss Margaret S. Worth.

The services of her distinguished father are a part of the history of the country. Miss Worth has been my friend and patient for a long time. I know that her means are narrow and that her health is much impaired. She is suffering under profound nervous exhaustion, from which there is little or no probability of her recovery. Therefore she is not likely to ever be able to carry on the clerical work on which she has depended for a livelihood.

Trusting that Miss Worth's case may receive your favorable action,

I remain your obedient servant,

R. M. O'REILLY, M. D., U. S. A.,
Attending Surgeon.

The COMMITTEE ON PENSIONS,
United States Senate.

WASHINGTON, D. C., *April* 20, 1886.

GENTLEMEN: I desire to state that I have known Miss Margaret Worth, daughter of the late General Worth, United States Army, for some years, and have upon several occasions been called upon to prescribe for her, and know that her present state of health is very precarious; in my opinion, she is physically unfitted to discharge the duties of her office, and that a due regard for her health demands, for some time or permanently, absolution from those duties.

She is of a delicate, nervous organization, and confinement to business has been and must be injurious to her.

In view of the distinguished services of her father and her present enfeebled condition preventing her from earning a proper livelihood, I think the granting of a pension would be most meritorious and deserved.

I am, very respectfully,

D. L. HUNTINGTON,
Surgeon United States Army.

The COMMITTEE ON PENSIONS,
United States Senate.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, April 22, 1886.

I take the liberty of addressing you in advocacy of the application for pension made for Miss Margaret Worth, eldest daughter of the late Maj. Gen. W. J. Worth, United States Army.

I have known Miss Worth over thirty years, and know that her life has been devoted to the care and support of dependent descendants of General Worth, her sisters, nieces, and nephews. For some years she has labored as a clerk in a public office. Her health is now very much impaired, and she is almost incapacitated for further work.

I would most respectfully urge that a pension may be granted her.

I have the honor to be, very truly and respectfully,

R. MURRAY,
Surgeon-General United States Army.

The COMMITTEE ON PENSIONS,
United States Senate.

It seems like presumption in me to bear testimony to the services of Major-General Worth, to whom the Congress of the United States and the Legislatures of four States have voted their thanks and presented swords of honor, and to whose memory the great city of New York has erected a stately monument inscribed with the principal events in his distinguished career; his wounds, his battles, his commands, from the War of 1812, as a mere lad, to his death nearly forty years after from cholera, at his post, as much a martyr to duty as if he had been shot on the field of battle.

His successful termination of the Florida war, as a general-in-chief, his brilliant services, as a general of division, in Mexico, are matters of history; but there were incidents with which history does not deal and which are known to me. He was habitually at the point of danger. This characteristic enabled him to snatch victory from three times his force at Molino del Rey, when a disastrous defeat seemed imminent, from mere force of numbers. He was the first general and one of the first persons in the City of Mexico when the gates of that town were carried by assault, and he was not only the last general, but the last person, in the Army to leave it at the end of the war. There were signs of serious disturbance and riot amongst the "leperos," the lowest order of the inhabitants, and he saw every soldier, woman, and child safely out of the gates before he himself left the city.

If it is possible for any man to establish such a claim on the gratitude of his country as to entitle a daughter to aid in her distress, then General Worth has established such a claim.

HENRY J. HUNT,
Brevet Major-General United States Army.

WASHINGTON, D. C., *April* 7, 1886.

It was not my privilege to know General Worth personally, as he died in the year in which I entered the Army. He died at his post of duty from a disease to the fatal effects of which the requirements of the public service compelled him to expose himself. Every officer who entered the Army about my own time can testify to the marks of high tone and elevated soldierly ideas which were impressed upon our small army by his instruction and his bearing as commandant of cadets, and by his distinguished conduct on many fields of battle in the interest of our country. He was the type of a soldier on which the heroes of the Mexican war, and those of our later struggle, on either side, tried to model themselves. If we were asked to grant a pension to the daughter of Andrew Jackson I do not think there would be a dissenting voice in the nation, and I do not think there ought to be one to granting to the daughter of General Worth, who is in need of a slight tribute, in recognition of the distinguished services of her father.

A. BAIRD,
Brevet Major-General.

WASHINGTON, D. C., *March* 31, 1886.

The honorable COMMITTEE OF PENSIONS, *United States Senate:*

I do not know well enough the pension laws to know whether Miss Worth is under them entitled to any pension arising out of her father's (General Worth) very distinguished and well-known services. I presume it can be granted only by a special law.

When I went to West Point, fifty years ago, as a cadet, no name except General Scott's was more often spoken of by officers of the Army. I grew up in admiration of his eminent qualities and high deeds as a soldier in the war of 1812 on the Niagara frontier, when he excited the admiration of his comrades, many of whom I learned to know.

He served with equal distinction through the war with Mexico, and died full of honors, and left little, I think, to his family except name and reputation. I shall be glad to learn that if Miss Worth, his daughter, needs it, she succeeds in obtaining a pension from the country he served so well in its and in his youth and manhood.

I am, respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, retired, Brevet Major-General U. S. Army.

The late General William Worth was a very distinguished officer in the Army of the United States, as his record will show. His eldest daughter, Miss Margaret Worth, now of this city, who is in feeble health, is applying for a pension, which I sincerely hope may be granted her.

D. H. RUCKER,
Brigadier-General U. S. Army, retired.

WASHINGTON, D. C., *April* 22, 1886.

Mr. CUTCHEON (before the reading was concluded). I ask unanimous consent that the reading of the remainder of the report be dispensed with. We have now got down to the present generation. [Laughter.]

Mr. McMILLIN. It is the present generation we are most interested in.

The CHAIRMAN. Is there objection to dispensing with the further reading of the report?

Mr. McMILLIN. Reserving my right to insist on the reading of the entire report, I suggest that the gentleman from Pennsylvania [Mr. WHITE] allow this bill to be passed over until another meeting. The report is very long.

Mr. WHITE, of Pennsylvania. Mr. Chairman, this bill ought to be acted on by this Congress in some way or other. It has come here from the Senate with the report which has been in part read. The Committee on Pensions, to which the bill was referred, concurred in that report, and reported the bill back to the House with a recommendation that it pass. Of course some part of this report is family history, but notwithstanding that fact it is not to be sneered at by members or anybody else. There is no man in this land who need be ashamed of the family history of a man like General Worth. Though members here have no personal recollection of his services in the war of 1812, many of us can undoubtedly remember the fame that he achieved by his gallantry in Mexico; and if members of the House have not read this report of the Senate committee, it would be just as interesting reading and give them as much information as anything that they could peruse, because if they do not know anything about General Worth and the services which he rendered to his country, it is time that they did know.

Mr. Chairman, this bill has been passed over time and again. It ought to be acted on. I want to know whether the Congress of the United States is going to say to a daughter, and I believe the only remaining daughter, of a man who rendered services like those General Worth did, who gave his life and everything he had for his country, I want to know whether when pensions have been granted to others it is to be denied in this special case?

It has been alleged that this is a special case. It is a special case, and necessarily so. This American Congress has given pensions heretofore to daughters of generals. I know they gave it in no more worthy or meritorious case than this of the daughter of General Worth, who is now supporting her sister's children, the grandchildren of General Worth. She is in penury almost; in fact, is the subject of charity in the city of Washington, the capital of our great nation, and I think this is a special case. It is like all others which come here, as no case comes before Congress unless it is a special case not provided for by general law. If there were a general law to cover it it would not be here.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. WHITE, of Pennsylvania. Certainly.

Mr. McMILLIN. The reason urged by the gentleman from Pennsylvania why the pension should be granted in this case is upon the ground that she is the daughter of General Worth.

Mr. WHITE, of Pennsylvania. Yes.

Mr. McMILLIN. Then does the gentleman propose to grant pensions to all daughters of generals under similar circumstances?

Mr. WHITE, of Pennsylvania. Yes; I would be willing to grant pensions to the daughters of any of our generals under similar circumstances to those of this daughter of General Worth, who is poor and has these grandchildren dependent upon her.

Mr. McMILLIN. I will put a stronger case, the case of a volunteer soldier who gave his life to his country—killed in battle.

Mr. WHITE, of Pennsylvania. I say whenever a volunteer private soldier comes to this Congress, a soldier who entered the war of 1812, served all through that war, remained in the service, fought through the Mexican war, who was in the service of the country until he died; I am here, and hope that Congress will stand by me, to grant a pension to his daughter. I am ready to do it for the daughter of any private soldier who served during all the years that he lived in defense of his country. We have already done it in similar cases, and I say it should be done in this case.

Mr. PERKINS. Will the gentleman please state what precedents he has on the subject.

Mr. WHITE, of Pennsylvania. One case, I believe, was that of the daughter of General Bennett. There have been many such cases, but I do not recall them at this moment.

Mr. JOHNSTON, of Indiana. Was it in the case of a widow of a general?

Mr. WHITE, of Pennsylvania. No; the cases were those of daughters.

Mr. HAYNES. There are such instances as the gentleman from Pennsylvania has referred to. There were two in my State, the daughters of revolutionary generals. One was the daughter of General McNeil, and the other the daughter of General Miller. My recollection is, however, that they were not placed on the pension-roll at $50 a month, but at $20 a month.

Mr. JOHNSTON, of Indiana. I should like to know the ages of these grandchildren.

Mr. WHITE, of Pennsylvania. I really do not know; they live in the city here with Margaret Stafford Worth, who has supported them as long as she could, and who is now herself upon a sick-bed.

Mr. JOHNSTON, of Indiana. Perhaps they may be old enough to support themselves.

Mr. WHITE, of Pennsylvania. I do not know as to that.

Mr. CUTCHEON. Has the gentleman any information about Miss Worth's age?

Mr. WHITE, of Pennsylvania. No; no certain information on that subject, but she must be quite old.

Mr. DOCKERY. Will the gentleman permit me to ask him a question?

Mr. WHITE, of Pennsylvania. Certainly.

Mr. DOCKERY. The only basis upon which this claim stands is the fact that this lady is the daughter of General Worth.

Mr. WHITE, of Pennsylvania. There is no other claim; she is the daughter of General Worth, and supports his grandchildren. She has done as long as she is able, and now in extreme distress she asks for this pension. I think it should be gracefully and honorably granted to her.

Mr. DOCKERY. If we have any such precedents of that kind I believe we ought not to make any more of them.

Mr. PERKINS. It seems to me this bill is understood, and I ask we now vote on it.

Mr. WHITE, of Pennsylvania. I move that the bill be laid aside to be reported to the House with the recommendation it do pass.

Mr. PERKINS. Let us have a vote on it.

Mr. WISE. I will call a quorum.

Mr. WHITE, of Pennsylvania. I have moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. Is there an amendment?

Mr. WHITE, of Pennsylvania. No; there is no amendment.

Mr. JOHNSTON, of Indiana. I move to strike out "$50 a month," and insert "$12 a month," the same as that of a soldier's widow.

Mr. WISE. I wish to say in regard to this bill that I do not mean to be understood I may not eventually support it, but I will not support it until an opportunity is given for investigation. I think it is a departure from precedent, and I am unwilling to enter upon this course without thorough investigation. Who knows investigation will not show this is a case which ought not to pass.

Mr. PERKINS. Let us have a vote on it.

The question recurred on the amendment of Mr. JOHNSTON, of Indiana.

Mr. BRADY. I ask by unanimous consent that the bill be passed over to retain its place upon the Calendar. [Cries "That is right!"]

Mr. McMILLIN. I hope that will be done.

Mr. WISE. To retain its place.

The CHAIRMAN. That follows as a matter of course.

Mr. WHITE, of Pennsylvania. If members will agree to investigate the matter and that it shall be taken up the first bill the next evening session for pension bills, I will not object.

The CHAIRMAN. The committee to-night can not bind the committee next Friday night.

Mr. WHITE, of Pennsylvania. Well, that understanding can be made here to-night, at all events.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ZACH. TAYLOR. I ask unanimous consent to have the entire report printed in the RECORD.

There was no objection.

(The report is printed above.)

JAMES MONOHAN.

The next business on the Private Calendar was the bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, &c.

Mr. SWOPE. I ask unanimous consent that this bill be informally passed over.

There was no objection.

ORDER OF BUSINESS.

Mr. CUTCHEON. Mr. Chairman, there are a very few gentlemen who come here week after week on Friday nights to attend these sessions, and I again renew the request that those gentlemen now present be permitted to call up such bills as they are interested in, by unanimous consent.

Mr. WISE. I call for the regular order.

Mr. TAULBEE. I will ask that gentlemen be recognized for unanimous consent to call up bills.

The CHAIRMAN. The Chair will state that this is identically the

request which has already been made and objected to by the gentleman from Virginia, who demands the regular order.

Mr. WISE. I withdraw the demand for the regular order.

Mr. DOCKERY. Then I again renew my request that gentlemen present be permitted to call up such bills upon the Calendar as come within the rule, one objection to pass them over.

Mr. PERKINS. Is that to follow the list prepared on a former evening?

The CHAIRMAN. The Chair can not state anything about the list at a former evening.

Mr. HOLMES. I do not make objection now; but I think there is objection to this manner of doing business. One night we come and follow the regular order and another night we allow gentlemen to call up bills at their pleasure. We can never rely upon the order in which the business is going to be conducted. I have been here for two weeks upon the old list, and some gentlemen who have come in since that time have had recognition.

The CHAIRMAN. The Chair will state that debate is not in order on this proposition.

Is there objection to the request that gentlemen be permitted to call up bills upon the Calendar, one objection being sufficient to prevent the consideration of a bill?

Mr. WISE. I have no objection to that.

Mr. TAULBEE. Subject to one objection?

The CHAIRMAN. That follows, of course.

Mr. McMILLIN. I suggest that the bills, and if necessary the reports be first read, as we can not understand what the proposition is until it is read.

The CHAIRMAN. The Chair will again ask for objections to the request.

There was no objection, and it was so ordered.

BENJAMIN F. HILLIKER.

The bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker, called up by Mr. MORRILL, was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to increase the pension of Benjamin F. Hilliker, late a private in Company A, Eighth Wisconsin Volunteers, and pay him a pension of $45 per month.

The report (by Mr. MORRILL) was read, as follows:

The petitioner was a private in Company A, Eighth Wisconsin Volunteers. In action at Mechanicsburg, Miss., June 4, 1863, he received a gunshot wound of the head, the ball entering at the base of the mastoid process on the right side, passing through the superior maxillary and passing out at the left nostril, producing anchylosis of the inferior maxillary. The examining surgeon describes the case as follows:

"Ball entering about two inches behind the lobe of the right ear, passing forward and inward, and destroying a section of the jaw (lower) at the angle, and taking the upper portion of the jaw and all the double teeth, and passing out of the left nostril, destroying the septum of the nostril, knocking out several of his teeth, above and below, on the left side; the incisor teeth of lower jaw extending in front of the upper ones, the points of the lower ones being even with the lower part of the nose, and firmly locked there; the right corner of the mouth drawn downward and outward about an inch; the lids of the right eye paralyzed, the eye standing wide open, he being unable to close it, the whole producing the most horrible disfigurement—the whole face being crooked. The nose is flat, in consequence of the destruction of the septum. The sight of the right eye about half destroyed. * * * He has partial paralysis of the right shoulder and arm; about half the time he says it is entirely powerless. The muscles of the shoulder relaxed and powerless."

The wound produced anchylosis of the jaw, and the soldier has during all the years that have since intervened never been able to use his jaws or to take solid food of any kind or in any form. This has produced dyspepsia and piles of a most distressing character. The claimant, in his petition, says:

"The surgeon left me on the field for dead, but I recovered consciousness, and was taken to the hospital, only to live a miserable existence since, being in constant pain from either dyspepsia, neuralgia of right shoulder, or piles; dyspepsia caused from the total loss of use of jaws, for I have never opened them one-sixteenth of an inch since 1863. I have to take my food by sucking it into my mouth by the aid of forcing it with the fingers. Can not partake of any solid food at all; and soup! how I hate the thought of it."

Your committee most heartily recommend the passage of the accompanying bill

Mr. McMILLIN. What is the increase proposed here?

Mr. MORRILL. It increases the pension from thirty to forty-five dollars. This is one of the most distressing cases we have ever had before our committee. For sixteen years this man has not opened his mouth at all.

Mr. McMILLIN. This is a pension for the soldier himself?

Mr. MORRILL. Yes, sir.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. TAULBEE. Will it be in order at this time to withdraw an objection I interposed to a bill called up by the gentleman from New Hampshire last Friday, and let it be considered?

The CHAIRMAN. The Chair will entertain that later on.

MRS. SARAH HAMILTON.

The next business on the Calendar, called up by Mr. HALL, was the bill (S. 2045) granting a pension to Mrs. Sarah Hamilton.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sarah Hamilton, widow of Thomas Hamilton, deceased, late a private in Company G, Thirty-seventh Regiment of Iowa Infantry Volunteers.

The report (by Mr. CONGER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2045) granting a pension to Sarah Hamilton, have examined the same, and, as embodying the substantial facts, copy herein the report of the Senate Committee on Pensions, namely:

"The Committee on Pensions, to whom was referred the bill (S. 2045) granting a pension to Sarah Hamilton, have examined the same, and report that the records in this case show claimant is the widow of Thomas Hamilton, late a private in Company G, Thirty-seventh Regiment Iowa Volunteers, who enlisted September 2, 1862, and was discharged May 24, 1865.

"The soldier was severely injured in February, 1863, but continued in the service until the close of the war. By reason of the injury the soldier was pensioned from May 25, 1865, which pension he continued to draw until the time of his death, although his disabilities continued to increase, and some years before his death, which occurred April 22, 1882, he became totally blind. The pension was not increased, however, although it is shown by certificates that his disabilities continued to increase steadily, and were all certified to, including the blindness, by the examining surgeons of the Pension Office, who describe the blindness and rate him accordingly.

"The widow is now sixty-three years of age, and so poor that she is helped from time to time from the poor fund of the town where she lives.

"Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage."

This soldier's disability, for which he was pensioned, was varicose veins, and Dr. D. W. Robinson, late surgeon of Fortieth Iowa Infantry, who attended soldier in his last illness, makes the following affidavit:

* * * "That I was employed as his family physician most of the time since 1873; that said soldier from this time to his death was disabled with varicose veins; that during this period, say from about 1875 to April, 1882, he was subject to frequent attacks of pain in the head, attended with vertigo; that in 1880 a disease of the eyes presented itself, which proved to be cataract, from which he became totally blind; that from this time his attacks of pain and vertigo became more frequent and severe, with attendant symptoms of cerebral apoplexy; that his death occurred about April 22, 1882, in one of these paroxysms; that, in my judgment, the varicosed condition of the veinous system was primarily and immediately the cause of his disabilities and death." * * *

Evidently the Pension Office did not accept this pathological relation between the disability for which he was pensioned and death; but these facts remain: This husband of this aged widow was a faithful soldier for three years. He incurred a disability in the service, which disabled him for life and disqualified him from earning a competency for his family. He died of disease which might have been the result of his pensioned disability. His widow is old, helpless, and dependent upon the charity of friends and the public. The Government which her husband served, and for which he gave his health and risked his life, can well afford to solve the doubt in favor of this claimant.

Therefore your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALPHEUS R. FRENCH.

The next business on the Calendar, called up by Mr. WHITE, of Minnesota, was the bill (S. 1582) for the relief of Alpheus R. French.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase pension numbered 193391, of Alpheus Robert French, from $17 per month to $50 per month, from and after the passage of this act; it appearing that said pensioner is now seventy-eight years of age and totally disabled for manual labor of any kind by reason thereof, and eight wounds and other disabilities incurred during a long and honorable service in the Army of the United States in the Black Hawk war of 1832, the Florida or Seminole war of 1837, the Mexican war, and the late war.

The report (by Mr. THOMPSON) is as follows:

The Committee on Pensions adopt and make part hereof the report of the Senate Committee on Pensions, being Report No. 767, first session Forty-ninth Congress, and recommend the passage of the bill.

That the records in this case show that claimant joined the First United States Infantry on May 1, 1830, and served an enlistment of five years in Company E, under Captain Gales and Col. Zachary Taylor, and was in the battle of Bad Axe, 1832.

That he re-enlisted May 2, 1835, for three years in the same company and regiment, and was transferred to Capt. Thomas Barker's company (D), and was ordered to Florida during the Seminole war. He was with Col. Zachary Taylor at the battle of Okeechobee.

That he re-enlisted on August 15, 1842, in Lieut. R. Granger's company (H), same regiment, for a period of five years, and during this service arrived at Vera Cruz, Mexico, before the siege or landing of the troops.

That he assisted in organizing the First Minnesota Volunteers in the spring of 1861, and that he also assisted materially in organizing and recruiting the Fourth Minnesota Volunteers the same year, and in December, 1861, was appointed first lieutenant and adjutant of the Fifth Minnesota.

In May, 1862, the brigade to which he was attached was at Pittsburg Landing, also at the siege of Corinth, and in September and October, 1862, was under General Rosecrans at the battles of Iuka and Corinth, Mississippi, October 3 and 4, 1862.

Becoming disabled for service he tendered his resignation, to date March 29, 1863, and upon his health becoming partially restored again accepted a lieutenancy in Company F, of the United States Veteran Reserve Corps, on October 24, 1864, in which he served until mustered out, June 29, 1866.

The affidavits in this case show that the disabilities have continued to increase from time to time until the present, and that now, at the age of seventy-eight years, claimant is confined to his room and bed, requiring the care and attention of another person a large share of the time.

The board of examining surgeons of the Pension Office, in a certificate dated January 10, 1885, describe his disabilities as chronic rheumatism, with enlarged joints and disease of the heart, and rate his disability total.

In view of the facts set forth in this case, the committee believe it to be their duty to report favorably a bill for the relief of this man, who has given the best years of his life to the continued service of his country, and who ought to be taken care of, as he is now no longer able to care for himself.

Taking into consideration all the evidence on file in this case, your committee report in favor of this bill as amended, to wit, by striking out the words "one hundred," in line 7, and inserting in lieu thereof the word "fifty," and, as amended, they recommend the passage of the bill.

Mr. WISE. I must object to that bill.

The CHAIRMAN. The question is shall the bill be laid aside——

Mr. WISE. I understood one objection was to be good under the unanimous consent given to-night.

Mr. TAULBEE. I think that was the understanding.
Mr. WHITE, of Pennsylvania. That was clearly the agreement.
Mr. HOLMES. I think the objection comes too late.
Mr. WISE. I made it as soon as I had an opportunity.
Mr. LONG. I think the gentleman's objection is in time, under the agreement.
Mr. GROUT. That was clearly the understanding.
Mr. HOLMES. I do not see why our time should be taken up by reading these reports, if objection is to be made.
Mr. WISE. How am I to know whether to object or not until I hear the report?
Mr. HOLMES. I make the point of order, at all events. I would like to have the question settled.
Mr. WHITE, of Minnesota. Mr. Chairman, this man served in four wars and received eight wounds. This report shows that he was seventy-eight years old at the time of filing his application, which was two years ago, so that he is now eighty. He has no other means of support for himself and family than the little meager pension of $17. I would like to see a vote upon the bill.
Mr. WISE. I listened to the reading of the report and it is not stated anywhere in that report that the soldier received a solitary wound in the service of the country.
Mr. SPRINGER. The Mexican bill will cover the case if it be as the gentleman from Minnesota stated it.
The CHAIRMAN. The Clerk will report the bill again.
The bill was again read.
Mr. PETTIBONE. That is enough. The bill states that this soldier received eight wounds.
Mr. WISE. It was not so stated in the report. I had not heard the reading of the bill. I withdraw my objection.
The CHAIRMAN. If there be no objection, the bill will be laid aside to be reported to the House with the recommendation that it do pass.
Mr. McMILLIN. If not too late, I wish to make a statement with reference to this bill.
The CHAIRMAN. The Chair will hear the gentleman.
Mr. McMILLIN. This seems to me a very large pension to be given under the circumstances. Do you give $50 a month to every soldier that gets to be eighty years old? That is the point involved here.
Mr. WHITE, of Minnesota. He served for seventeen years.
Mr. McMILLIN. Quite a number of men have served longer than that.
Mr. BRADY. And he was wounded eight times.
Mr. McMILLIN. And I suppose there are men in this House who have been wounded eight times who do not receive that pension. And if the wounds he received many years ago were the cause of the disability now upon him, is there any man who can believe he would live to be eighty years of age? It is well to be practical in these things as in the ordinary affairs of life. I yield to no man in my reverence for the patriotism of our citizens, and I think no man can accuse the country or the Congress of the United States of parsimony in dealing with this matter of pensions. But here is an old gentleman who has attained the great age of eighty years, or as the bill says seventy-eight; the gentleman in charge of it says eighty, and I undertake to say that Congress can not afford to pension every man who has served the Government in its armies at the rate of $50 a month. We might as well begin here and now and act sensibly about these things. I think, Mr. Chairman, that an amendment making the amount $25 a month would be proper.
Mr. O'HARA. Make it $30.
Mr. McMILLIN. I think $25 a month would cover the case.
Mr. PERKINS. I move to amend the amendment by making it $30.
Mr. McMILLIN. I will accept the gentleman's amendment rather than be captious about it.
The CHAIRMAN. The gentleman from Tennessee offers an amendment, modified at the suggestion of the gentleman from Kansas, to make the rate of pension $30 a month.
Mr. WHITE, of Minnesota. I accept the amendment.
The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELLEN M. BOGGS.

Mr. CURTIN. I call up for consideration the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs.
The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Ellen M. Boggs, widow of William Brenton Boggs, deceased, late a pay director in the United States Navy, at the rate of $50 per month, in lieu of the amount now received by law.

Mr. CURTIN. Let the report be read.
The report (by Mr. HUTTON) was read as follows:

The Committee on Pensions, to whom was referred the bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs, have had the same under consideration, and concur in the Senate report, hereto attached, and recommend the passage of the bill.

William Brenton Boggs, deceased, was a pay director in the Navy for many years, his entire period of service covering a quarter of a century. His record as an officer was without a flaw, while his gallantry was conspicuous.

The committee present, and make a part of their report, the following communication from Admiral Porter relating to this case:

OFFICE OF THE ADMIRAL,
Washington, D. C., December 13, 1880.

MY DEAR MADAM: I regret to hear that the letter I wrote you in regard to your late husband's services has been lost, either in the Naval Committee rooms or in the Pension Office. It will, however, make little difference, as I can tell you pretty much what I embodied in my former communication.

During the period I commanded the Mississippi squadron we had a large "wharfboat," some 600 feet long, as a storehouse for the squadron. This was set on fire one night in the year 1864, by means of a torpedo, and the flames spread so rapidly that it was with the utmost difficulty those on board escaped to the shore. The different pay officers of the station had all their accounts and the public money on board this vessel.

At the time of the fire your late husband, William B. Boggs, occupied the position of fleet paymaster of the Mississippi squadron, and slept on board the vessel to guard the public papers and money. He was the only one during the conflagration who did not leave his post, but forcing his way through the flames he succeeded in securing his books and papers, and then worked his way to the roof of the wharf, whence he jumped overboard and succeeded in saving his most valuable papers.

This was not done until his clothing was burned off and he was nearly scorched to a cinder. I saw him an hour after the accident, and a more dreadful burning I never witnessed.

For many months his life was despaired of, and when he was able to move about he was so marked that his most intimate friends would scarcely know him.

No doubt his death was greatly hastened by the terrible shock his constitution underwent at that time. I am satisfied that the stern bravery shown by Paymaster Boggs on the occasion entitles his widow to a pension as much as if the action had been performed in battle.

It was not the excitement of battle that sustained him, but a heroic effort to preserve the Government accounts, the loss of which would have compelled the payment of large sums of money by the Department to persons who had no real claim for compensation. I look upon this action of Mr. Boggs as one of the most heroic which came under my observation during the war. It was a case where a man battled with the flames with almost a certainty of losing his life. With all due respect for our legislators, I am of the opinion that the widow of Paymaster Boggs is as much entitled to a pension as the widow of any other officer who was disabled during the war.

I remain, very respectfully and truly, yours,

DAVID D. PORTER, *Admiral.*

Mrs. WILLIAM B. BOGGS,
Georgetown, D. C.

I omitted to state in the body of this communication what I said in my former one, that I think that Congress should give you an increase of pension to the amount of $50 a month. Thirty dollars per month is what any officer's widow can obtain whose husband has performed ordinary service. That you can claim without going to Congress, and $50 per month should be given for heroic conduct. I think if Congress can be made to understand all the bearings of this matter they will not fail to do justice in the premises.

DAVID D. PORTER.

The death of Pay Director Boggs left the claimant, his widow, in very straitened circumstances, and the committee, believing her condition to be such as to warrant the proposed increase, recommend the passage of the bill as amended, to wit:

Strike out on line 8, after the word "month," the rest of the section, with the proviso, and insert the following: "in lieu of the amount now received by law."

Mr. CURTIN. I ask that the bill be laid aside to be reported to the House with a favorable recommendation.
Mr. WARNER, of Ohio. What is the rate of pension now?
Mr. CURTIN. Thirty dollars a month.
Mr. JOHNSTON, of Indiana. Has it been stated how much pension is given in this case at present?
Mr. TARSNEY. Yes; $30 a month.
Mr. JOHNSTON, of Indiana. And it is proposed to increase it to $50? I object.
Mr. ANDERSON, of Kansas. I ask the gentleman to be satisfied with voting against it. Do not object.
Mr. MORRILL. There are plenty of similar cases in which this pension has been given.
Mr. CURTIN. There could not be a more meritorious case.
The CHAIRMAN. The gentleman from Indiana [Mr. JOHNSTON] objects.
Mr. CURTIN. I would like to say a word anyhow about this case.
The CHAIRMAN. Does the gentleman from Indiana insist on his objection?
Mr. CURTIN. No, he does not. [Laughter.]
The CHAIRMAN. If there be no objection the question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do pass?
The question being taken, it was decided in the affirmative; and the bill was laid aside to be reported to the House with a favorable recommendation.

MRS. LYDIA BURDICK.

Mr. WAIT. I call up for consideration the bill (H. R. 9664) placing the name of Mrs. Lydia Burbdick on the pension-roll.
The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Mrs. Lydia Burdick, widow of Samuel Burdick, late a private in Company A, Eighteenth Regiment Connecticut Volunteers.

The report (by Mr. LOVERING) was read, as follows:

Claimant is the widow of Samuel Burdick, who served as private in Company A, Eighteenth Regiment Connecticut Volunteers, from July 25, 1862, to January 4, 1864, when discharged upon surgeon's certificate of disability setting forth that the soldier was suffering from general debility with incipient tuberculosis contracted since enlistment. He died January 13, 1881, at which time he was a

pensioner, for disease of lungs and kidneys, at the rate of $10 per month. The widow's claim for pension has been rejected upon the ground that the fatal disease, cancer of the stomach, did not result from diseases for which the soldier was pensioned.

Dr. W. S. C. Perkins, who attended the soldier in his last illness, testifies:

"About a year before his death soldier came under affiant's treatment. Was then suffering from consumption and chronic inflammation of the kidneys, and failing rapidly from both causes. A short time before his death a cancer of the stomach appeared which tended to hasten his death. But for the cancer he might have lived a few days longer. Death from bronchitis was sure to come in a short time. There was no *post-mortem* examination held. The certificate of death gave gastric cancer as the cause of death, as the symptoms pertaining to that disease were more prominent at that time."

Dr. H. M. Bishop testified in the invalid claim, under date of December 27, 1878, as follows:

"The disease for which I have treated Samuel Burdick is phthisis pulmonalis. There are areas of consolidation in both lungs, with small vomicæ, and his strength has gradually failed. Whenever active inflammation has supervened around the deposits I have been able thus far to control it in the course of a week or two, but each new attack reduces him more and more. * * * The kidneys and liver have sympathized more or less in the general decay of his system." * * *

It is evident from all the evidence in the case that soldier's health became so much reduced from disease contracted in the service that he was unable to resist the attack of the fatal disease, if cancer of the stomach must be admitted as the efficient factor in the death cause. Whether this is true or not must necessarily remain in doubt, as well as its origin.

The claimant is perfectly helpless, and since the soldier's death has been supported by the Grand Army post at Norwich, Conn., and other private charity. She is now sixty-seven years of age.

Your committee are fully satisfied of the merits of the case, and therefore report favorably on the accompanying bill, and ask that it do pass.

There being no objection the bill was laid aside to be reported to the House with a favorable recommendation.

ALICE KELLEY.

Mr. SWOPE. I call up the bill (S. 2382) granting a pension to Alice Kelley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alice Kelley, a volunteer nurse during the late war, and pay her a pension at the rate of $12 per month.

The report (by Mr. SWOPE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2382) granting a pension to Alice Kelley, submit the following report;

The report of the Senate Committee on Pensions, which is hereto attached, sets forth fully the facts in this case. In addition, your committee annex a complete statement of the case by Mrs. H. A. B. Corts, secretary Army Nurses' Association, and recommend the passage of the bill, amended so as to read "and pay her a pension at the rate of $12 per month."

The claimant, Alice Kelley, was for nearly four years engaged as a nurse in the field hospitals of the Army of the Potomac. During the last year of her service she attended the sick seamen at the navy-yard. For all of this time she never received any compensation whatever from the Government. She was associated with Miss Harriet Fanning Read, a well known army nurse, who says of her:

"Without her companionship I could not have been in the field; she was unfailing in zeal, sympathy, and industry."

She also states:

"She was with me as my personal attendant for three years of the war, receiving no pay from the Government; serving at Harrison's Landing in the summer of 1862; at Sharpsburg, Md., after the battle of Antietam, at Fredericksburg, at Chancellorsville, at second Fredericksburg, and in the campaign of the Peninsula in 1864, rendering also, when in this city, continual services to soldiers and to the sailors of the Washington navy-yard."

The evidence in the papers before your committee shows that this lady was a well-known hospital worker, for a long time attached to the Fifth Corps hospital, nursing the sick and wounded at the front, and remained a constant attendant until the abandonment of the general hospital, or about that time. The severe and arduous labors performed by her have seriously affected her health, and your committee are of the opinion that she is entitled to the same pension which has been accorded to many others who have rendered the same class of service. Since Miss Read's death, who was her firm friend, this poor nurse has been living in this city, an object of charity and supported by persons who are of no kin to her and under no obligation to assist her beyond the common impulse to help a poor, broken down, and helpless woman. She is unable to work, and must continue to subsist on charity, unless the Government, whose brave soldiers she tended so carefully, shall help her. We append the following letter from the kind lady, well known in this city, who has sheltered this deserving old lady for many years from motives of simple charity and humanity:

1235 PENNSYLVANIA AVENUE,
Washington, D. C., May 17, 1886.

To the honorable Pension Committee:

I would most earnestly recommend to your kind consideration the case of Mrs. Alice Kelley, whom I have known most favorably for the last eighteen or twenty years. To my personal knowledge she served as a volunteer nurse in the Union Army throughout the war, rendering most valuable service in camp and hospital as aid to Miss Harriet Fanning Read, who also was a volunteer nurse, and who was well known for her great devotion and able services to the United States Army, of which she formed, as it were, a part, being the niece and adopted daughter of an officer of note, Captain Fanning.

It was through Miss Read that I became acquainted with her worthy aid, Alice Kelley. That estimable lady, Miss Read, was occupying a room in my house at the time of her death, which occurred in the year 1875, since which time Alice Kelley has been suffered to remain in that same room solely out of consideration for her worthiness, lonely, destitute condition, and feeble health, for exposure on the battle-field had deprived her of the strength and ability necessary to the earning of even a subsistence. She had been so devoted in her services to the sick soldiers in the camp as even to take exclusive charge of some of the most malignant cases of small-pox, and all, be it remembered, without even the thought of any compensation. This noble woman is now growing aged, her feebleness is increasing daily; she could not long be a pensioner on the bounty of her country; but if her few remaining years could be made more comfortable by a feeling of independence and the knowledge that at last her services had been recognized by those whom she had served so faithfully and so well in their time of need, then would both justice and charity have been satisfied.

Most respectfully,

MARGUERITE M. DELARUE.

Your committee, after a careful consideration of all the facts, report back the bill with a recommendation that it do pass.

An amendment recommended by the Committee on Invalid Pensions striking out "twenty-five" before the word "dollars," and inserting "twelve" was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY ANN VARS.

Mr. SPOONER. I call up the bill (S. 1570) granting a pension to Mary Ann Vars.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Vars, widow of Frank A. Vars, late master's mate on the United States steamer Reliance.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1570, respectfully report that they have had the same under consideration, and, adopting the accompanying Senate report as their own, report back the bill and recommend its passage.

[Senate Report No. 640, Forty-ninth Congress, first session.]

It appears that Frank A. Vars, husband of the claimant, was appointed by Herman Biggs, assistant quartermaster, U. S. A., as first mate of the propeller Reliance, December 2, 1861. He was afterwards appointed by General Burnside master's mate of the same steamer. He served from December, 1861, until some time about June, 1862, when he was taken sick and was obliged to leave the service, having taken part, in the meantime, in the battles of Roanoke Island and New-Berne.

The evidence seems to be conclusive that Mr. Vars died from the effects of disease contracted in the service of the United States. The claim was rejected by the Pension Office on the technical ground that he was not actually mustered into the Navy of the United States; but as the fact of the service, and of death as the result therefrom, are clearly proven, they seem to furnish good grounds for granting the relief sought, and your committee therefore recommend the passage of the bill.

The following official documents are hereto appended as clearly setting forth the service of Mr. Vars:

QUARTERMASTER'S OFFICE, COAST DIVISION,
New York City, December 2, 1861.

Mr. F. A. Vars is appointed first mate of the propeller Reliance, and will report for duty to Captain Fenner.

HERMAN BIGGS,
Assistant Quartermaster. United States Army.

Reported December 9, 1861. Pay due from said date.

JOHN SHELD, *Clerk.*

HEADQUARTERS COAST DIVISION,
New York, December 5, 1861.

F. A. VARS:

You are hereby informed that you are appointed master's mate of the United States transport vidette Reliance, attached to this division, the appointment to take effect from December 9, 1861, on your taking the inclosed oath before the assistant adjutant-general of this division.

By command of General Burnside.

LEWIS RICHMOND,
Assistant Adjutant-General.

Oath taken before me.

LEWIS RICHMOND,
Assistant Adjutant-General.

STATE OF ——,
County of New York, ss:

George R. Hull, being sworn, says:

I well knew Frank A. Vars, who was a master's mate on United States vidette Reliance; I knew him while in the service, and of his sickness, which originated about June 1, 1862, and was the cause of his leaving the service of the United States. At the time I was master of the United States transport Ocean Bird, and I brought him to New York in that vessel; I was stationed on the North Carolina station; I am every way a disinterested witness; I reside in New York.

GEO. R. HULL,
Late Captain United States Transport Ocean Bird.

Subscribed and sworn to this 12th day of February, A. D. 1870, before me, and I certify that the affiant is respectable, entitled to full credit, and that I am every way disinterested.

[SEAL.]

MICHAEL PHILLIPS,
Notary Public, New York City and County.

STATE OF NEW YORK,
City and County of New York, ss:

I, Charles E. Loew, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, being a court of record, do hereby certify that Michael Phillips, before whom the annexed deposition was taken, was at the time of taking the same a notary public of New York, dwelling in said city and county, duly appointed and sworn and authorized to administer oaths to be used in any court in said State and for general purposes, and that his signature thereto is genuine, as I verily believe.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court and county, the 14th day of February, 1870.

[SEAL.]

CHAS. E. LOEW, *Clerk.*

Mr. MCMILLIN. Mr. Chairman, I wish to ask the gentleman having this bill in charge what was the nature of the service of the mates, as I am not sufficiently familiar with the naval service to be certain about it; could they leave the service at any time they desired?

Mr. SPOONER. I do not so understand it. This man had a regular appointment, which appears among the documents appended to the report.

Mr. MCMILLIN. If he were a mere civil employé——

Mr. SPOONER. He was not.

Mr. MCMILLIN. If he were a mere civil employé, with the right to leave the service at any time he chose, I should very seriously doubt the propriety of this pension, because when men prefer to remain out of that form of service which binds them for a specific term and to take their chances, they have no claim to be treated as if they had been bound.

Mr. LONG. He was regularly enlisted in the naval service.

Mr. McMILLIN. But for what length of time? That is what I am trying to get at. Was there a specified time during which he could not leave the service?

Mr. LONG. Oh, yes. He was in the service regularly.

Mr. McMILLIN. Then why is he not entitled to a pension under the general law?

Mr. SPOONER. He was just as much enlisted in the service as a soldier in the army.

Mr. McMILLIN. Then why, I ask, is he not entitled to a pension under the general law?

Mr. SPOONER. The only reason stated in the report is that it was because, owing to an error, he was not mustered in. The documents bring out that fact very clearly.

Mr. McMILLIN. I should like to have some document read throwing light upon that.

Mr. SPOONER. I will ask the Clerk to read the letter of appointment.

The Clerk read as follows:

HEADQUARTERS COAST DIVISION,
New York, December 5, 1861.

F. A. VARS:

You are hereby informed that you are appointed master's mate of the United States transport vidette Reliance, attached to this division, the appointment to take effect from December 9, 1861, on your taking the inclosed oath before the assistant adjutant-general of this division.

By command of General Burnside.

LEWIS RICHMOND,
Assistant Adjutant-General.

Oath taken before me.

LEWIS RICHMOND,
Assistant Adjutant-General.

Mr. McMILLIN. My attention was diverted from the reading of the report for a moment, and hence I may not have caught it all; but if the report shows the reason why this man was not mustered into the service, I failed to hear it. It may have been his choice not to be mustered. The report, I think, does not negative the idea that he declined to be mustered in. If he did so decline, then he would not be entitled to a pension.

Mr. SPOONER. The whole tenor of the report shows that the fact he was not mustered in was simply owing to a technical accident.

Mr. McMILLIN. But there is nothing to show that that technicality was not his preference. That is the difficulty.

Mr. SPOONER. He acted in this capacity and incurred a fatal disease in the service. The appointment is set out here in full, and, as is shown in the report, it was only on the technical ground of the absence of mustering in that his claim to a pension was rejected.

Mr. McMILLIN. And he was discharged for the disability, was he?

Mr. SPOONER. I so understand it.

Mr. LONG. It appears by the affidavit of the adjutant-general that this man was appointed December 9, 1861. Then comes the affidavit of the captain, who says that he knew him while in the service; knew of his sickness, which originated about June 1, 1862 (nine months after his appointment), and which was the cause of his leaving the service. Then the report says that the claim was rejected by the Pension Office on the technical ground that the man was not actually mustered in; but as the facts are clearly established that he was in the service, that he incurred sickness in the service, and that his death was the result of the sickness so incurred, there seems to be pretty good grounds for a pension.

Mr. McMILLIN. It seems to be established that a letter of appointment was sent and was received by him, and that he did serve, but he never was mustered in, and except one affidavit there is nothing showing that the disability was incurred in the line of duty.

Mr. LONG. The captain swears that he knew him while in the service, and knew of his sickness, which was the cause of his leaving the service.

Mr. McMILLIN. I had not noticed that.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LAWRENCE O'CONNER.

Mr. MURPHY. I call up for consideration the bill (H. R. 10262) granting a pension to Lawrence O'Conner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lawrence O'Conner, father of Richard O'Conner, late of Company I, Twenth-sixth Iowa Volunteers.

The report (by Mr. CONGER) was read, as follows:

Lawrence O'Conner is the father of Richard O'Conner, who was a private in Company I, Twenty-sixth Regiment Iowa Volunteers, enlisting August 12, 1862, and dying in Andersonville prison, Georgia, while a prisoner of war, February 28, 1865. The mother of the soldier died March 9, 1861. The claim of the father for pension was rejected by the Pension Office because he "was physically and financially able to support himself and family at date of soldier's death." But the proof is conclusive that he is now very poor, seventy-seven years old, and physically helpless.

Your committee, therefore, follow their uniform custom in such cases, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

ANNA WRIGHT.

Mr. BUCHANAN. I call up the bill (S. 2210) granting a pension to Anna Wright.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Anna Wright, dependent mother of Silas Wright, late a private in Company A, Twenty-third New Jersey Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2210) granting a pension to Anna Wright, adopt the report of Mr. SEWELL, from the Senate Committee on Pensions, which is as follows, and recommend the passage of the bill:

Silas Wright was a private in Company A, Twenty-third New Jersey Volunteers, and died in hospital at Washington, D. C., on May 24, 1863, from wounds received in action at Salem Heights, Virginia, on May 3, 1863.

The papers in the case show that during his term of service this soldier sent his pay to Anna Wright, his dependent mother and the claimant herein. Mr. George Rigg, for many years the collector of taxes in Burlington, makes return that Mrs. Wright was possessed of no real or personal property.

Margaret Giberson and Rebecca Cooper, neighbors and friends, testify that the household effects of the claimant do not exceed in value $35; also, that of their own personal knowledge the son, Silas Wright, sent money to his mother during the term of his service, until his death. John C. Reed, a comrade in the same company with the said Silas Wright, testifies that he personally knew of the claimant's son sending his pay, when received, to her.

Samuel Minnick, an employer at different times of the claimant's son, makes affidavit that of his own knowledge the son took his wages, when he received them, to his parents or spent them for their benefit. The same witness further testifies that the husband of the claimant was not able to furnish her a comfortable support from 1860 to 1864, inclusive, and still less able since that time to the present, owing to increasing years and infirmities. Charles S. King, an employer of the husband, George Wright, states that for some time the said George Wright was employed by him, receiving about a dollar a day when he was working, but for many years has been incapacitated for work.

Your committee are of the opinion that this claim is a valid one, and that the claimaint, now over seventy-eight years of age, is entitled to a pension. They therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

ELIZABETH FORGEY.

Mr. DOCKERY. I ask the consideration of the bill (S. 1825) granting a pension to Elizabeth Forgey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Forgey, widow of James A. Forgey, late of Company H, Twenty-ninth Regiment of Iowa Volunteers, who was pensioned by special act of Congress approved March 3, 1875.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1825) granting a pension to Elizabeth Forgey, submit the following report:

The claimant in this case is the widow of James A. Forgey, late of Company H, Twenty-ninth Regiment of Iowa Volunteers. By a special act approved March 3, 1875, this soldier was granted a pension for disease contracted in the service. It is clearly shown that the soldier died from the effects of the disease for which he was pensioned. There is no reason why the widow should not be granted the same relief which her husband received.

Your committee therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

JAMES SMITHPETER.

Mr. FUNSTON. I call up for present consideration the bill (H. R. 752) granting a pension to James Smithpeter.

The bill was read, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Smithpeter, late of the East Tennessee Union service.

The Clerk proceeded to read the report. Before the reading was concluded——

Mr. FUNSTON said: I ask that the certificates embodied in the report be omitted, and only the conclusion read.

Mr. WISE. To save further consumption of time, I will say I object to this bill. This is the case of a man who was always going to get into the service, but never did get there.

Mr. PERKINS. I wish the gentleman from Virginia, before objecting, would permit a moment's explanation of the bill.

Mr. WISE. Certainly; if the right to object be reserved.

Mr. TAULBEE. Will the gentleman in charge of the bill [Mr. FUNSTON] allow me one question, which may obviate some trouble? Is he convinced of this man's loyalty?

Mr. FUNSTON. Certainly; for there is every evidence of it that can be necessary to convince any one.

Mr. TAULBEE. I asked the question because I did not hear the whole of the report read.

Mr. PERKINS. I hope the gentleman from Virginia [Mr. WISE], who has made the objection, will give attention to one moment's explanation. I am personally acquainted with this man. I know him to be crippled and disabled, as represented in the report. He was engaged in organizing a company to be mustered into the Thirteenth Tennessee Regiment when he received these wounds or injuries, in consequence of which he could not be mustered into the service. Hence, under the general law, he can not be pensioned; and the only

relief there is for him is by special legislation. Yet he was engaged in organizing a company, in recruiting men for the military service of the United States; and while so engaged he received these injuries from enemies of the Government. Under these circumstances, many of us think he should be pensioned, as others have been pensioned in similar cases.

Mr. WARNER, of Ohio. I hope the rest of the report will be read, so that we may know whether there is any evidence of the facts besides the man's own statement.

Mr. PERKINS. There are a number of affidavits.

Mr. WARNER, of Ohio. We have had thus far only his own affidavit that he was going to do so and so.

The Clerk continued the reading of the report.

Mr. PERKINS (interrupting the reading). The affidavit which the Clerk is now reading is substantially the same as the first affidavit which was read, and there are printed in the record the affidavits of two more persons. In addition to this, I suggested to the parties interested in prosecuting this claim that they had better send to Tennessee and obtain the evidence of the family in which this man was nursed and cared for during the period following the receipt of his injuries. Those affidavits did not come to the committee until after this report was made, but they were received and were delivered to my colleague [Mr. MORRILL], who is on that committee. I think the case is certainly a meritorious one, and there can be no question about the reception of these injuries.

Mr. WISE. As this case stands I shall have to object to it.

The CHAIRMAN. The gentleman from Virginia [Mr. WISE] objects to the further consideration of the bill. It will be passed over informally, retaining its place.

ELIZABETH RICE.

Mr. ELDREDGE. I call up for present consideration the bill (H. R. 2216) for the relief of Mrs. Elizabeth Rice.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Elizabeth Rice, of Canandaigua, Mich.

The report (by Mr. ELDREDGE) was read, as follows:

The bill is to grant a pension to Mrs. Elizabeth Rice, as the dependent mother of Horace F. Rice, late her son, who died in the military service of the United States.

The military service of her son was as follows: In August, 1861, he enlisted in the Seventh Michigan Infantry, a regiment that performed more fighting than any regiment that ever left the State, and served out his time of enlistment, and then re-enlisted as a veteran volunteer, February 19, 1864; was transferred to Veteran Reserve Corps in January, 1865, from which he was discharged on surgeon's certificate of disability June 24, 1865. August 14, 1866, he re-enlisted in Battery B, Fourth United States Artillery, and died July 15, 1867.

His mother made application for a pension August 14, 1877, which claim was rejected upon the grounds that her son was not in the line of duty when he received the injury that caused his death.

The records of the War Department show that he died from compression of brain, the consequence of a fall from his horse, and that he never spoke after the accident occurred, and that he died in the post hospital eight or ten days after the fall.

The proofs show that on the morning of the accident he came off duty as guard; that he had a pass to go to Ogden, and permission from competent military authority to ride a Government horse to Ogden and back, and that while returning to his command the horse became frightened at a drove of steers which he met and threw him off, by which the fatal injury was received.

Your committee are fully of the opinion that this soldier was completely and absolutely in the line of duty when the accident occurred which resulted in his death.

It has been repeatedly decided by the House that a soldier absent from his command upon proper authority and returning to his command within terms and life of his pass, receiving pensionable injuries, was within the line of his duty.

Supposing in this instance, the pass having been for a given time, which relieves a soldier from duty during the period for which it is given, he had returned to his command, and the injury which caused his death had occured in camp, and before the expiration of his pass, would it be claimed by the Pension Department that the injury which caused the death was received while not in the line of duty? The proofs show that the claimant, Mrs. Rice, is quite indigent, and was dependent upon this son for support.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

LIEUT. JAMES MORTON.

Mr. WADSWORTH. I ask the present consideration of the bill (H. R. 942) granting a pension to Lieut. James Morton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lieut. James Morton, of Greenup County, Kentucky, a soldier of the war of 1861.

The amendment reported by the committee was read, as follows:

Strike out, at the end of the bill, the words "Lieut. James Morton, of Greenup County, Kentucky, a soldier of the war of 1861," and insert "James Morton, late lieutenant Company F, Twenty-second Regiment Kentucky Volunteers."

Mr. WADSWORTH. Since this report was made, Lieutenant Morton has died. I therefore move to amend the amendment of the committee so as to make it read, "Penelope Morton, widow of James Morton, late lieutenant, Company F, Twenty-second Regiment Kentucky Volunteers."

Mr. MCMILLIN. The report has not been read; let us hear it.

The report (by Mr. TAULBEE) was read, as follows:

James Morton was mustered into Company F, Twenty-second Kentucky Volunteers, January 10, 1862, and resigned February 18, 1863.

The claim was rejected by the Pension Office on the ground of no record, and that the disability did not make its appearance until after his resignation.

The claimant states: December, 1862, he was detailed for picket duty; that it rained all night, and he became thoroughly wet and chilled, and was forced to march next morning without breakfast, and that night slept on some palings taken from a fence to keep out of the water, and the following morning was chilled through and stiff, and caught a severe cold, which lasted until he arrived home. The alleged rheumatism did not make its appearance until a few days after his arrival home, which was in March, 1863.

Dr. Charles W. Secrest states that he became acquainted with claimant in 1857, and saw him up to his enlistment, and knows that he was an able-bodied man in every respect.

J. W. Fulton states that he was a physician in early life, and knows claimant was a sound man and free from rheumatism at enlistment.

W. J. Worthington, colonel of claimant's regiment, states that he knew claimant well prior to and at enlistment, and there was not a more robust man in the command until claimant contracted rheumatism near Vicksburg by exposure to almost continuous rain and having to lie on the damp ground without shelter, and adds that this claim is certainly a meritorious one.

F. C. Robb, adjutant of claimant's regiment, states that he has known claimant for about twenty-five years, and knows that he was a sound, stout, and healthy man when he entered the service, and believes his (claimant's) rheumatism was the result of exposure to bad weather while in the service.

Thomas Bush, comrade of claimant, states that—

"Claimant was very sick after the charge on Chickasaw Bluffs, and vomited a great deal. They were out in the swamps of Mississippi River without tents, and exposed to bad weather, and believes claimant's rheumatism resulted from said exposure."

John L. Goodman testifies that—

"When the claimant went into service he was uncommonly strong and healthy, and free from any disease; that in the latter part of December, 1862, the men had to lie on the wet ground while the army was moving from the mouth of the Yazoo River to Chickasaw Bayou, and on the day the charge was made claimant complained of sickness and looked sick; that he gave out during the charge and was compelled to lie down on the battlefield, and from that time on complained of being sick, claiming it to have been brought on by exposure and lying on the wet ground."

John Pratt, claimant's comrade, testifies that—

"At the charge on Chickasaw Bluffs claimant was taken sick, and affiant knows that it was in consequence of claimant being exposed to the weather."

A. S. Davis, another of claimant's comrades, testifies substantially as above.

Lieutenant Colonel Worthington states that claimant has never recovered from the rheumatism contracted during service, and is now hopelessly and permanently crippled.

Adjutant Robb states that since claimant came out of service he has been disabled by rheumatism.

J. W. Fulton, who in early life was a physician, states that he has seen the claimant off and on since his discharge, and that he has suffered continuously from rheumatism, first of an inflammatory character, and then chronic.

Dr. Secrest states that he saw the claimant in 1867, and he was then not able to help himself on account of rheumatism. Up to 1881 claimant was one-half disabled, and since that time he has been totally disabled until about six months ago, when claimant was able to go on crutches.

John Moran states that in June or July, 1863, he was working with the claimant, and claimant was then complaining of rheumatism in one of his legs, and had to quit work on account of said disease, and knows claimant has had it every year since.

Matthew P. Stewart states that he was at claimant's house in 1863 and claimant was then complaining of rheumatism, and was suffering from that disease. Affiant boarded with the claimant from 1864 to 1866 and knows claimant suffered from rheumatism more or less during the time he staid with him.

Voluminous testimony from the most influential and upright citizens in Greenup County, Kentucky, and Scioto County, Ohio, testify to claimant being a man of honor, standing high in the estimation of all to whom he is known; that claimant at one time possessed a large property, but has consumed it all on account of his disease, and while it lasted would not appeal to the Government for help, and a consideration of his claim would not only be appreciated by the claimant but by all the old soldiers in his community.

The claimant is well known to the Hon. W. H. WADSWORTH, member of the Forth-ninth Congress, who can say that the claimant is a deserving and reputable citizen.

Your committee, after an examination of the case, find the claim to be a meritorious one. They therefore recommend the passage of the bill, amended by striking out lines 6 and 7 and inserting in lieu thereof the words "of James Morton, late lieutenant Company F, Twenty-second Regiment Kentucky Volunteers.

Mr. WADSWORTH. Here is the affidavit of the attending physician showing the man is dead, which I ask to insert in the RECORD.

The CHAIRMAN. The Chair hears no objection.

The affidavit is as follows:

STATE OF KENTUCKY,
County of Greenup, ss:

In the pension claim No. 463248, of James Morton, late first lieutenant of Company F, Twenty-second Kentucky Infantry Volunteers.

Personally came before me, a justice of the peace in and for the aforesaid county and State, William Fergusson, a citizen of Hood's Run, in the county of Greenup and State of Kentucky, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physican, and that he has been acquainted with said soldier for about four years, and that I did not know James Morton before enlistment. Have known him for four years; have been his family physician for three years, and have lived within 4 miles of him for five years; I know of soldier before enlistment; did not know him while in service; I treated claimant over two years; do not remember the date of first visit. When I first formed the acquaintance of claimant his physical condition was very bad, and remained so until death, with the exception of a few days at a time he would feel a little easier. Chronic rheumatism was my diagnosis in his case, and treated him for same, and from this disease he died September the 16th, 1886.

I conversed with other physicians in regard to his trouble, their diagnosis was the same. Since my first acquaintance with claimant he was never able to perform manual labor of any kind, he was totally disabled. Those that knew him tell me that he was unable to labor for years before.

He further declares that he has been a practioner of medicine for ten years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

WM. FERGUSSON, M. D.

Sworn to and subscribed before me this 18th day of December, A. D. 188–, and I hereby certify that the affiant is a practicing physician in good professional standing; that the contents of the above declaration, &c., were fully made known to him before swearing, including the words erased, and the words added; and that I have no interest, direct or indirect, in the prosecution of this claim.

MARSHAL BAKER,
A Justice of the Peace for Greenup County, Kentucky.

I certify that Marshal Baker, esq., who hath signed his name to the foregoing affidavit, was at the time of so doing justice of the peace in and for said county and State, duly commissioned and sworn; that all his official acts are entitled to full faith and credit, and that his signature thereunto is genuine.

Witness my hand and seal of office, this 18th day of December, 1886.

[SEAL.] GEO. A. CERUM,
Clerk of the Greenup County Court.

Mr. MCMILLIN. I would like to ask the gentleman from Kentucky a question, whether at the time of his discharge he had contracted this disease in the service?

Mr. WADSWORTH. There is evidence that he had contracted this disease in the service, and that because of it he was unable to remain in the service.

Mr. MCMILLIN. It seems the affliction did not occur until after he reached home.

Mr. WADSWORTH. He suffered from rheumatism, which was the result of his exposure, lying in the swamps, which disabled him before he left the Army.

Mr. MCMILLIN. No surgeon of the Army testifies he was sick.

Mr. TAULBEE. His adjutant and captain do so testify.

Mr. WADSWORTH. Colonel Worthington testifies to it. I knew this man for many years as a large and healthy man.

Mr. MCMILLIN. I have no doubt of his healthy condition when he entered the Army.

Mr. WADSWORTH. I am advised it is best to drop out the words "and John, minor child."

Mr. LONG. That provides for leaving the pension to the widow.

Mr. WADSWORTH. Yes.

Mr. MCMILLIN. What is the rate?

Mr. WADSWORTH. It is a widow's pension.

The amendment was agreed to.

Mr. WADSWORTH. I move that the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was ordered accordingly.

Mr. TAULBEE. I move to amend the title to agree with the amendment to the bill.

The CHAIRMAN. That will be done in the House after the bill has passed.

MRS. M. E. WOODS.

On motion of Mr. FREDERICK, by unanimous consent, a bill (S. 2997) granting a pension to Mrs. M. E. Woods was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. M. E. Woods, of Fairfield, Iowa, who served as a hospital nurse and sanitary agent from 1862 to the close of the war of the rebellion, and pay her a pension at the rate of $25 a month.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2997), having given the same due consideration, report that they find the facts very fully set forth in the report of the Senate Committee on Pensions, which they herewith adopt as their own, make part of this report, and recommend the passage of the bill, with the following amendments:

Strike out the word "twenty-five," in the last line, and insert "twelve."

That Mrs. M. E. Woods is shown by the proofs submitted to the committee to have been the agent of the Women's Soldiers' Aid Society of Fairfield, Iowa, an organization devoted to the relief of soldiers of the Union Army, and devoted her entire time to the duties of her position from about the beginning of 1862 until the close of the war of the rebellion; that she acted as nurse in hospitals and in the field, and as sanitary agent in the distribution of stores collected for the use of the soldiers in hospitals and in the field; that it appears from the proofs that she was an exceptionally faithful, efficient, and self-sacrificing worker in the service to which she devoted her time; that this was recognized by the Government by granting to her, in February, 1863, when the order of General Grant practically excluded all persons not in the military service from the lines of the Army, a pass, including transportation, over all railroad and steamboat lines in the Department of the Southwest, in order that she might pursue the work to which she devoted her entire time; that she did all of the service rendered by her without fee or compensation, refusing all pay, and expending of her own personal means whatsoever was necessary to provide for her expenses; that by her unremitting service, her exposure and overtaxing exertions, her health became permanently injured, and for years and is now in a very precarious condition; that she never was the possessor of any considerable estate, and what she had has been greatly reduced within the past few months; that she is now more than seventy-two years of age, in very feeble health, and can at most enjoy such recognition of her patriotic services as this bill proposes but a few years, nor to the extent of her own voluntary contributions of time and money to the service of the country. Hers is a case which in every respect deserves recognition by the Government whose defenders she so devotedly and unselfishly served.

Your committee therefore report the bill with a recommendation that it be passed.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JESSE H. STRICKLAND.

On motion of Mr. JAMES, a bill (S. 1493) for the relief of Jesse H. Strickland was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse H. Strickland, formerly acting colonel of the Eighth Regiment of Tennessee Cavalry, United States Volunteers, and pay him a pension at the rate of $30 per month.

The amendment of the committee was read, as follows:

Strike out all after word "volunteers," in the seventh line, and insert "and for the purpose of prosecuting a claim for pension, and for no other purpose, said Jesse H. Strickland shall be considered as having been duly commissioned and mustered as colonel of said regiment to date from the 30th day of January, A. D. 1863."

Mr. WISE. Let the report be read.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1493) for the relief of Jesse H. Strickland, submit the following report:

The papers filed in this case may be considered as establishing the following facts:

That in January, 1863, Strickland received authority from the Government to recruit and organize a regiment of cavalry of loyal Tennesseeans. That he entered upon that duty and raised the Eighth Tennessee Cavalry (so named), but for some reason, which appears only in his own statement, was not mustered as colonel, although he performed the duties for months, and was recognized as such.

That in September, 1863, he was sick with intermittent fever, and was certified from time to time, from September 4 to September 19, as being unfit for duty, surgeon on last date expressing opinion that he would not be able for duty for several weeks. It is most reasonable to accept the statement that to his sickness and his inability to perform active service his failure to be commissioned was attributable.

Since 1868, as is established by competent medical evidence, he has been more or less disabled by lung trouble, rheumatism, typhoid pneumonia, hemorrhages, and nervous prostration. One other witness places these troubles as far back as 1865, and there is evidence that he was physically sound before entering upon his military duties.

The evidence filed is not such, in the judgment of this committee, as to warrant them in recommending a pension at any arbitrary or fixed rating. We are of opinion, however, that justice would be conserved by giving this claimant a legal standing to prosecute his claim in the Pension Office, and accordingly recommend that the Senate bill pass with the following amendment: Strike out all after word "volunteers," in the seventh line, and insert, "and for the purpose of prosecuting a claim for pension, and for no other purpose, said Jesse H. Strickland shall be considered as having been duly commissioned and mustered as colonel of said regiment, to date from the 30th day of January, A. D. 1863."

Brief of claim for invalid pension of Jesse H. Strickland.

This bill is to authorize the name of Col. Jesse H. Strickland to be placed on the pension-rolls of the Government.

The reason for asking a special act instead of proceeding by claim in the Pension Bureau is this:

During the civil war Mr. Strickland was a resident of the State of Tennessee, and was authorized by President Lincoln, through the War Office, to enlist a regiment of Tennessee troops for the United States service. Under this authority he did so proceed, and enlisted citizens and refugees of his State, in numbers finally aggregating seven or eight hundred men. Many months of time and much money was spent in this work. It was performed under promise of being commissioned as colonel, and the regiment was first designated as the Fifth, but afterward as the Eighth Tennessee Cavalry.

As men were mustered in, companies were formed and officers appointed, captains, majors, and finally a lieutenant-colonel. During all this time Mr. Strickland was regarded as a colonel, so designated in official orders, so obeyed when he was in command. As colonel he was in command of Convalescent Camp, at Camp Nelson, Kentucky, and as such his name was signed and respected in the Quartermaster's and Medical Departments. But, unfortunately for him, before the work was complete and he mustered into service, he was taken sick, and for months was under medical treatment, and from the diseases thus contracted in the line of his duty in the service of the United States he has never recovered.

While thus sick and under medical care, in the fall and winter of 1863, the presence of troops at the front was urgent, so that Andrew Johnson, then military governor of Tennessee, feeling that the public interests must override private rights, consolidated with the Eighth Tennessee Cavalry some two hundred recruits, obtained by S. V. K. Patten, appointed Patten to be colonel, thus completing the regiment, sending it to the field, and depriving the claimant of his right to be mustered as colonel.

Under these circumstances the Pension Office can not have jurisdiction of his pension claim, and he therefore asks pension by a special act of Congress. He herewith submits testimony to show his sickness in the service and continuously ever since. He is also asking of Congress a legal recognition of his right as colonel, and evidence of his service as such has been filed with the proper committee of the House of Representatives.

All of which is respectfully submitted.

DISTRICT OF COLUMBIA,
County of Washington, ss:

In the matter of pension by special act, Jesse H. Strickland, late colonel Eighth Tennessee Cavalry, United States volunteers.

On the 30th day of January, 1863, authority was granted me by President Lincoln to recruit and organize a regiment of cavalry of loyal Tennesseeans for service in the Federal Army, and while recruiting and command of the said organization, and in the line of his duty at Camp Nelson, Kentucky, on or about the 1st of September, 1863, he contracted intermittent fever, and while convalescent went to Murfreesborough, Tenn., and thence to Nashville, Tenn., where he had a relapse of his disease, which terminated in typhoid fever and rheumatism, the former having resulted in lung complaint, hemorrhages, and general debility, and which, with rheumatism, have continually existed from time to time since leaving the service.

The applicant has resided in Tennessee, and is now a resident of Brooklyn, Kings County, New York, where he has resided for the past twenty years. That prior to his entry into the United States service he was a man of good sound physical health, his weight at that time being 175 pounds, and his present weight being 141 pounds. That he is now disabled from obtaining his subsistence by manual labor, by reason of his injuries above described, received in the service of the United States, and he therefore makes this declaration for the purpose of being placed on the pension-rolls of the United States.

JESSE H. STRICKLAND,
Late Colonel Eighth Regiment Tennessee Cavalry, U. S. Vols.

LEXINGTON, *September* 17, 1865.

DOCTOR: This will be handed to you by Colonel Strickland, Eighth Tennessee Cavalry. You will please obtain for him one of the most comfortable rooms in

the hotel, and consider him an out patient, and extend to him your best attention.

Respectfully yours,

ALEX. T. WATSON,
Surgeon U. S. V., Superintendent Hospitals, Central Kentucky.

A. A. Surgeon R. M. LACKY, U. S. A.,
In charge of Post Hospital, Crab Orchard, Ky.

MEDICAL DIRECTOR'S OFFICE,
Louisville, Ky., September 4, 1863.

I certify that I have carefully examined J. H. Strickland, colonel of Eighth East Tennessee Cavalry, and find him suffering from intermittent fever, and he will not be able to rejoin his regiment for duty for some days.

WILLIAM W. GOLDSMITH,
A. A. Surgeon U. S. A., member of the Board of Examiners.

[Indorsements.]

MED. DIRECTOR'S OFFICE, 9TH A. C.,
Lexington, September 9, 1863.

Col. Strickland should rest and take medicine for five or six weeks.

J. E. MACDONAL,
Surg. U. S. V. and Act. Med. Director 9th A. C.

H'DQ'R 9TH A. C., MED. DIR. OFFICE,
Lexington, Ky., Sept. 17, '63.

Colonel Strickland is not yet able, in my opinion, to join his command.

JOHN E. MCDONAL,
Surg. U. S. V. & Act. Med. Dir. 9th A. C.

HICKMAN BRIDGE HOSPITAL,
Camp Nelson, Ky., Sept. 19, 1863.

I have carefully examined Colonel Strickland, of Eighth East Tennessee Cavalry, and find him unfit to perform field duties, because of debility following an attack of fever; and in my opinion it will be several weeks before he will be able for the duties of his corps.

A. C. SWARTZWELDER,
Surg. U. S. V., in charge.

DISTRICT OF COLUMBIA, *ss:*

In the matter of the pension claim of Jesse H. Strickland, late colonel of the Eighth Tennessee Cavalry (Tennessee Volunteers).

Personally came before me, a clerk of the supreme court, in and for aforesaid district, R. J. Meigs, jr., aged fifty-five years, citizen of the city of Washington, D. C., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows: That I am well acquainted with the said Jesse H. Strickland, and was intimately acquainted with him for many years prior to the late civil war; that I knew of my own personal acquaintance that he was, prior to his services in the United States Army, a man of good sound health and constitution, and competent to render good military service in the Army of the United States.

I further declare that I have no interest in said case, and am not concerned in its prosecution.

[SEAL.] R. J. MEIGS, JR.

DISTRICT OF COLUMBIA,
County of Washington, ss:

In the matter of pension claim of Col. Jesse H. Strickland, Eighth Tennessee Cavalry, United States Volunteers.

Personally came before me Francis W. Strickland, a citizen of the town of Brooklyn, county of Kings, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I, Francis W. Strickland, late first lieutenant and commissary of subsistence Eighth Tennessee Cavalry, United States Volunteers, was with the said command at Camp Nelson, Kentucky, on or about May 12, 1863.

On or about November, 1863, on my return through Lexington, Ky., to Cincinnati, on furlough, I met the claimant, and he was suffering from the effects of an attack of typhoid fever and rheumatism and an injury sustained by his horse falling.

Previous to his entering the service he was a robust and healthy man, and ever since his discharge he has been in feeble health, and more or less disabled from the effects of the above diseases.

I have seen the claimant from time to time since his discharge from the military service, and the disability of rheumatism and the results of fever have continued from that time until the present, and he has been unable to perform manual labor.

FRANCIS W. STRICKLAND,
Late First Lieutenant and Commissary Subsistence, Eighth Tennessee Cavalry, United States Volunteers.

DISTRICT OF COLUMBIA,
City of Washington, ss:

In the matter of claim of Jesse H. Strickland, late colonel of Eighth Regiment, Cavalry, Tennessee, United States Volunteers.

Personally came before me, a —— —— in and for aforesaid county and State, Marcus A. O'Brien, citizen of the town of Washington, District of Columbia, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That I have known claimant almost continuously for twenty-one years, from 1865 to the present time, 1885; I knew him to be by both report and official military documents that I have seen in his possession, colonel of the Eighth Regiment Tennessee Cavalry, United States Volunteers; I have seen him many times during the above period, in Nashville and Murfreesborough, Tenn., New York city, and Brooklyn, N. Y., and I have never known him to be a well or sound, healthy man; I know of his having typhoid fever, rheumatism, and lung trouble when I first became acquainted with him.

It has always been my conviction and belief that his broken-down health was caused by exposure and hardships incurred during his military service to the United States.

And I further declare that I have no interest in said case, and am not concerned in its prosecution.

MARCUS A. O'BRIEN.

STATE OF NEW YORK, *County of Kings, ss:*

In the pension claim No. —, of Jesse H. Strickland, late colonel of Eighth Tennessee Cavalry Volunteers.

Personally came before me, James Watt, M. D., a citizen of Brooklyn, in the county of Kings and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said soldier for about fourteen years, and that he has known him intimately, being his family physician for ten years.

1. I did not know the applicant prior to 1872.
2. Did not treat him at any time previous to the above date.
3. First saw him during the year 1872, when I was called to treat him for chronic pneumonia and pulmonary hemorrhages; saw him several times during that year and the following five years for the same cause.
4. The claimant has been unable for the past ten years to perform any manual labor.

He further declares that he has been a practitioner of medicine for twenty years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

JAMES WATT, M. D.

STATE OF NEW YORK, *County of New York, ss:*

In the pension claim No.—, of Jesse H. Strickland, late colonel Eighth Tennessee Cavalry, United States Volunteers.

Personally came before me Walter R. Gillette, a citizen of New York, in the county of New York and State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practical physician, and that he has been acquainted with said soldier for about eighteen years, and that he has known him intimately, having been his family physician for five years. I first became acquainted with Colonel Strickland December 1, 1868, he at that time being an employé of the New York post-office, I being at that time physician and medicl examiner of the same. I first called on him December 1, 1868, and found him in a precarious state of health, suffering with lung trouble and rheumatism. Again, in March, 1869, I treated him for typhoid pneumonia. Again, in December, 1869, for rheumatism. In spring of 1870, hemorrhages and nervous prostration. Again, in the spring of 1871, pleuro-pneumonia. I advised his resigning his position to prolong his life, as I considered him totally unable to perform manual labor.

He further declares that he has been a practitioner of medicine for twenty-two years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

WALTER R. GILLETTE,
149 *West Twenty-third street, New York.*

Mr. JOHNSTON, of Indiana. I wish to state to the committee, Mr. Chairman, that I do not stand as an obstruction, but on the contrary wish to see every soldier entitled to a pension for services rendered obtain it. I wish the committee to understand this, and then if it is disposed to grant this man a pension I am not going to call a quorum. I was a member of the same regiment he claims to be a colonel of. I helped to organize that regiment. I helped to enlist one hundred and fifty who went into the regiment. I went to the regiment at Camp Nelson, in Kentucky, the last of August, 1863. We were there mustered. I went with that regiment through Kentucky and Tennessee. It was the first regiment which ever entered the city of Knoxville. We were in the first Tennessee campaign. We went up to the siege of Knoxville. I staid with the regiment—about seven hundred men in it—until it was finally consolidated with the Tenth Regiment, making one regiment, and I never saw that man until I saw him in this city lobbying me to assist him. He never was with the regiment, never performed any service with the regiment.

Mr. WISE. Let me interrupt the gentleman a moment. I object to this bill. [Laughter.]

The CHAIRMAN. The bill will be passed over.

THOMAS J. HAYS.

On motion of Mr. MCCREARY, by unanimous consent, the bill (H. R. 8798) granting a pension to Thomas J. Hays was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Thomas J. Hays, of Rock Castle County, Kentucky, late a private in Company —, —— Regiment ——, and whose application in the Pension Office is numbered 352426.

Mr. WISE. Read the report.

The report (by Mr. TAULBEE) was read, as follows:

The applicant enlisted July 30, 1861, was discharged October 13, 1864, and filed his claim for pension March 9, 1880, alleging disease of lungs, resulting from a fever which he contracted about December 30, 1861, at Columbia, Ky.

The claim was rejected on the ground that there was no record of the alleged disease of lungs, and the claimant had stated his inability to furnish any medical testimony showing the existence of the same while he was in the service or at the date of his discharge.

The testimony filed in the claim is as follows:

N. B. Price, a comrade, testifies that the claimant was taken sick about December 30, 1861; was sent to a hospital, where he was furloughed and went home; that when he returned, in April, 1862, he complained of "a hurting in his breast, and was never able to do much duty afterward, and has been a weakly man ever since."

James C. Cummins, George W. and Chesley Payne testify substantially to the same.

B. H. and John G. Cummins and Jerome Price testify that the claimant was taken sick in December, 1861, and has been a weakly man since.

Eliza Prewitt and Josiah Cummins testify that the claimant had fever in 1861; afterward complained of his breast, and was treated by Drs. Owens and Turk; that since his discharge he has complained of his back and loins and weakness of nerves.

Dr. S. K. Rhover, assistant surgeon of the claimant's regiment, testifies that he (claimant) had a fever in December, 1861, for which he assisted in treating him until he partially recovered, when he was sent home on furlough; that he also treated him several times subsequently while in the service.

John Sorder testifies that the claimant came home in the spring of 1862; was very weakly; complaining of his back and loins and weakness of nerves, from which he has complained continuously since his discharge.

W. H. Cummins, A. J. Payne, Nehemiah Bloome, and W. L. Payne, neigh-

bors, state that the claimant was at home on furlough in January, 1862, with fever; he complained of his breast, back, and loins, and was treated by Dr. Joplin, who is now dead; that he has continued to complain of these disabilities ever since his discharge.

The examining surgeon who examined the claimant November 14, 1883, states that "he has chronic bronchitis; that he complains of no pain, yet says he has a sense of uneasiness beneath the sternum; some cough exists; the expectoration is of a muco-purulent character; auscultation shows subcrepitant rales to be abundant over most of the left lung; rated at one-half total.

Your committee are of the opinion that the evidence in this case shows clearly that the claimant contracted a fever in 1861; that he had some affection of the chest following his convalescence, and that he has suffered therefrom since the date of his discharge. In view of the honorable term of service rendered by him, and the testimony on file, they believe this to be a meritorious case, and recommend that the bill do pass.

Mr. McCREARY. I move to insert in the blank the words "Company I, Third Regiment Kentucky Volunteers."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN D. SMITH.

Mr. GALLINGER called up the bill (S. 1494) granting an increase of pension to Stephen D. Smith.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen D. Smith, late a private in Company C, Seventh New Hampshire Volunteers, at the rate of $60 per month, in lieu of that which he is now receiving.

The report (by Mr. HAYNES) was read, as follows:

In addition to the Senate report, this committee has before it the affidavits of Doctors Valentine, Manahan, and Asa Wheat; also a statement by claimant. These indicate a diseased condition of stump, with great nervous troubles resulting therefrom. He suffers badly from spasms of what little stump there is, and has severe neuralgic attacks, which the physicians ascribe to his wound. It is clear that he is suffering disabilities far greater than the one for which he was pensioned, namely, loss of leg at hip. His condition very nearly, if not quite, approaches that for which the general law allows $50, and we recommend that the Senate bill be amended to fix his pension at that sum, and that as so amended it do pass.

The claimant, Stephen D. Smith, late private of Company C, Seventh New Hampshire Volunteers, was pensioned June 4, 1872, at the rate of $24 per month, which was increased August 5, 1882, to $37.50. He now asks that this be increased to $72.

This soldier suffered amputation at the hip-joint, which is continually sore, and subjects him to great pain. He also suffers from disease contracted in the service. From the joint effect of these results of his Army life he is unable to perform any labor, and has become a complete physical wreck. A part of the time he is able to move about, but generally is unable to sit up. Much of the time he is obliged to have an attendant besides his wife, who is in attendance upon him continuously.

He is also obliged to employ medical attendance many times a year, and has been compelled to do so ever since his discharge. The disability is practically the same as that for which the general law gives $72 per month. Your committee are not, however, willing to go quite to that extent, but think that an increase to $60 per month would be no more than justice requires.

Your committee therefore report back the bill and recommend that it do pass, with the following amendment: Strike out the words "seventy-two," in the seventh and eighth lines, and insert in lieu thereof the word "sixty."

Mr. WISE. Is it in order to move an amendment to the bill?

The CHAIRMAN. It is.

Mr. WISE. I am willing to vote to give this pensioner what we gave another under similar circumstances to-night.

Mr. LONG. How much?

Mr. WISE. Forty-five dollars. The name I have forgotten; but the statement was that it was an identically similar case with this, as far as helplessness is concerned. I make the motion, therefore, that this pension be fixed at $45 a month.

Mr. GALLINGER. Mr. Chairman, I trust the amendment will not be adopted. This man is now pensioned at the rate of $40 a month, which the general law allows. We have the testimony of the physicians and the neighbors of this man, all of which show that he is completely helpless, and that he is suffering the tortures of the inquisition with a stump which has never healed properly, and from which he suffers the most intense pains, so great indeed that he has been completely wrecked, broken down in health. He comes here requesting a pension of $72 a month. The Senate recommended $60 a month, and our committee, for the purpose of being very conservative, cut down the Senate pension to $50 a month, increasing his present pension only $10. I trust the gentleman from Virginia will allow the bill to go through as the committee recommend.

Mr. WISE. I want to make just one statement in regard to another claimant this evening. We were then told that the applicant was totally disabled; that he could not swallow, and the committee determined that $45 a month was all he should receive.

Mr. GALLINGER. But under the law that claimant was receiving much less than this man is.

Mr. WISE. It seems to me that, their disabilities being exactly the same, they should receive the same amount of pension.

Mr. GALLINGER. But this man suffers the most intense pain from his wound, and he has to employ medical attendance nearly all the time.

Mr. WISE. I will withdraw the amendment.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MOSES WILLIAMS.

The next pension business on the Private Calendar, called up by Mr. TAULBEE, was the bill (H. R. 9928) granting a pension to Moses Williams.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Moses Williams, late a private of the United States Marine Corps.

The report (by Mr. PIDCOCK) was read, as follows:

Williams enlisted in the United States Marine Corps June 24, 1873, and was discharged therefrom May 21, 1874, because of hernia of right side, incurred on the United States steamship St. Lawrence in September, 1873. The records of the Navy Department corroborate fully claimant's allegations as to the incurrence of the disability in line of duty, but the claim for pension has been rejected, because claimant, prior to his service aforesaid, served an enlistment in the confederate forces during the late war.

This action is in accordance with the provisions of section 4716, Revised Statutes, which forbids the payment of pension to any person who aided or abetted the late rebellion against the authority of the United States. On March 3, 1877, Congress, however, passed an act amending such section, so as to remove the disabilities of those referred to in said section who since the termination of the rebellion enlisted in the Army of the United States, and while in such service incurred disability in line of duty.

Under the construction given this act by the Pension Office subsequent service in the Navy, which includes the Marine Corps, and consequent incurrence of disability, do not remove the disability imposed upon those who participated in the rebellion by aforesaid section. This discrimination was evidently not intended by Congress, and until a remedy is applied no relief can be afforded in the case under consideration.

Claimant's disability is serious. A truss, however well adjusted, fails to keep the bowels intact, thus preventing him from performing manual labor to any extent.

Your committee are of opinion that the relief asked for should be granted, and therefore report favorably on the bill and ask that it do pass, amended, however, by striking out the words "in company," in line 6.

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. TAULBEE. Mr. Chairman, on last Friday night the gentleman from New Hampshire [Mr. HAYNES], a member of the committee, came here and remained during the evening session in order that he might call up a bill which he had been managing at that time. I objected. To-night I find that his name is about the foot of the list, and as he will not probably be reached, I ask unanimous consent for him, as well as for myself, in order that justice may be done, that I may be allowed to withdraw my objection and he be recognized to take up that bill. I did not understand the case, when I objected, as fully as I do now.

Mr. BROWN, of Pennsylvania. I suppose we ought to do that, since time enough has been spent by some of us in getting bills through.

Mr. TAULBEE. No time has been lost.

Mr. LONG. We are all waiting patiently to get bills through.

Mr. OUTHWAITE. I object, and call for the regular order.

CHARLES G. PARIS.

The next business on the Calendar, called up by Mr. ANDERSON, of Kansas, was the bill (S. 1673) granting a pension to Charles G. Paris.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles G. Paris, late of Company H, Seventy-ninth Regiment Ohio Infantry Volunteers.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1673) granting a pension to Charles G. Paris, submit the following report:

The report of the Senate Committee on Pensions sets forth the facts in this case, and is hereby adopted, with the recommendation that the bill do pass.

[Senate Report No. 785, Forty-ninth Congress, first session.]

It appears from the records in this case that claimant enlisted and was mustered into the United States service on the 14th day of August, 1862, and was discharged March 24, 1863. Declaration for pension filed June 4, 1880, alleging injuries to eyes. Claim rejected March 2, 1885, on the ground that disability existed prior to enlistment.

Claimant's statement is substantiated by affidavits of commanding officers and his comrades, and the hospital records also show his statement to be correct.

Claimant's statements are further corroborated by the testimony of neighbors that he was free from disease of the eyes when he enlisted, and the fact that he was accepted and mustered into the service further substantiates his statement. Affidavits of neighbors are presented confirming the statement that his eyes were diseased when he returned from the army, and the reports of the special examiners and examining boards are to the effect that claimant now has disease of the eyes.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS M. STRONG.

The next pension business on the Private Calendar called up by Mr. ANDERSON, of Ohio, was the bill (H. R. 6918) to increase the pension of Lewis M. Strong.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lewis M. Strong, late of Company K, Third Regiment Vermont Volunteers, now a pensioner, at the rate of $40 per month.

The report (by Mr. HAYNES) was read, as follows:

Strong was a private in Company K, Third Vermont Regiment. At the battle of the Wilderness, May 5, 1864, he received a gunshot wound in the right knee, producing a comminuted fracture. He was in hospital for ten or eleven months, when, rather than join the Invalid Corps, he returned to his regiment, arriving in time to join in the final assault upon the enemy's works in front of Petersburg, and in a charge made on the 2d day of April, 1865, his left leg was shot away below the knee.

He is pensioned at the rate of $30 a month for loss of left leg, but as his combined disabilities are not sufficient to entitle him to the fifty-dollar grade, the department can not allow his claim for increase.

Dr. Erastus P. Fairbanks expresses the opinion that Strong's wooden leg is decidedly his best leg. The right leg is left with false anchylosis of the joint and a very large bony protuberance upon the external condyle, and tuberosity, causing him great pain, swelling, and suffering whenever he uses it even for an hour or two. Dr. Fairbanks does not believe Strong could walk 2 miles if his life was to pay the forfeit in case of failure.

There is no intermediate grade between his present and the fifty-dollar rating to which the Pension Office has any authority to raise his pension; but your committee think the rating provided in the bill is not more than he is fairly and equitably entitled to, and accordingly recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. S. C. GOODIN.

The next business on the Private Calendar (called up by Mr. CONGER) was the bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Mrs. S. C. Goodin, and pay her a pension as the dependent mother of William W. Goodin, Company F, Eighth Regiment Iowa Cavalry; the pension to date from and after the passage of this act.

The report (by Mr. CONGER) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 10470, having considered the same, report:

Mrs. S. C. Goodin is the dependent mother of William M. Goodin, late a private of Company F, Eighth Regiment Iowa Cavalry Volunteers, who was killed in battle at Powder Springs, June 20, 1864. Mrs. Goodin's claim for pension was rejected by the Pension Office because of non-dependence at time of soldier's death. But the proof is clear and positive that she is in poverty now, and clearly comes within the former recommendations of this committee, and within the provisions of the general bill recently passed by the House of Representatives.

Your committee therefore return the bill, with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DR. SABIN STOCKING.

The next business on the Private Calendar (called up by Mr. SEYMOUR) was the bill (H. R. 9143) granting a pension to Dr. Sabin Stocking.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Dr. Sabin Stocking, who was formerly surgeon of the Seventeenth Regiment Connecticut Volunteers, in the late war, from and after the passage of this act.

Amend the title so as to read: "A bill granting a pension to Sabin Stocking."

The CHAIRMAN. The Chair will state that the report in this case is a very lengthy one and will occupy much time to read.

Mr. SEYMOUR. If the Clerk will read from about the middle of the fourth page, and then the conclusions of the committee, I believe the statements embodied will be satisfactory to the Committee and will obviate the reading of the report.

Mr. LONG. Can not the gentleman state the case briefly?

Mr. SEYMOUR. It is stated there in a very concise way.

The Clerk read as follows.

There are twelve or more affidavits of persons who were acquainted with Surgeon Stocking and who testified to the same general effect, but it is unnecessary to repeat their testimony in this report. They show conclusively that before the war he was sound and well, that during the war he incurred disabilities, and that since the war he has been a physical wreck.

After the testimony, a part of which has been given in this report, had been presented, the Pension Office sent out a special examiner, who cross-examined most of the persons who had given testimony in the case touching their evidence.

When he had substantially concluded his labors he made a report to the Commissioner of Pensions dated June 30, 1883, of which the following is a copy of the closing statement:

"So certain does it appear to me that his claim is meritorious that I submit the case for admission, deeming further inquiry at Bridgeport, Conn., and vicinity, needless."

The same examiner, after additional inquiry in regard to the case, under date of September 24, 1883, made another report on this case, of which the following is an extract:

"I see no reason to change my opinion expressed in my former report to the effect that the claim be allowed. The witnesses described are reliable generally. Claimant was a patriot and did valiant service as surgeon. He has been a total wreck for years from divers afflictions, such as very weak eyesight, rheumatism, malaria, and general unsoundness. It does seem to me he is entitled to something for some of these ills on the ground that they originated in service."

The Pension Office caused Surgeon Stocking to be examined before the board of examining surgeons of the United States on November 15, 1882.

The concluding portion of their report is as follows:

"From the condition and history of the claimant it is our opinion the disability was incurred in the service, as claimed, and that it is not aggravated or protracted by vicious habits. We find the disability as above described to entitle him to seven-ninths total third rating.

"GEORGE C. PARVIS, M. D.,
"H. S. FULLER, M. D.,
"C. W. CHAMBERLAIN, M. D.,
"*Examining Surgeons.*"

After some further testimony in the case he was again ordered before the said board on June 29, 1883. The concluding part of the report of this examination was as follows:

"He has no useful vision left; he can not read. As far as earning a living is concerned he is totally blind. The defective vision is the result of disease; it would result from overheat. It is not necessarily any of it due to old age. Disability five-ninths total third grade. Were he younger he would be rated higher on the whole disability. From the condition and history of the claimant it is our opinion the disability was incurred in the service, as claimed, and that it is not aggravated by vicious habits. We find the disability as above described to entitle him to total third grade."

He was again ordered before said board. In their report of this examination they arrived at precisely the same conclusion as before, and after describing in technical language his eyes, they say that—

"This condition of the eyes is the result of disease rather than old age; it might be caused by sunstroke or overheat."

In this examination they find him entitled to a total third-grade rating. On March 10, 1886, Surgeon Stocking was ordered before a new board of medical examiners. The concluding portion of the report of this examination was as follows:

"He is, in our opinion, entitled to a second-grade rating (for he is unable to perform any manual labor) for the disability caused by nearly complete loss of sight, and no rating for that caused by rheumatism, and no rating caused by paralysis of the right leg, and malarial poisoning.

"EVELYN L. BISSELL, *Secretary.*
"E. T. BRADSTREET, *Treasurer.*"

These reports of special examiners and Government surgeons are all favorable to the claim of Surgeon Stocking. This patriotic man and faithful surgeon has lost his health, and consequently his ability to earn a living, in the service of his country. The evidence adduced in the case justified the special examiners and surgeons appointed by the Government in the conclusions they have reached. It is but just that a man who at fifty-five years of age, and at the height of his success as a physician of extensive practice, gave his services to the Government, and who lost his health, becoming crippled and almost blind in that service, should be compensated for what he has lost, and in his old age made good for the sacrifices he made for his country.

Your committee add their opinion to the opinion of the examiners and surgeons of the Government in favor of this claim, and recommend the passage of the accompanying bill with the following amendments:

Strike out the word "doctor," in the sixth line of the bill; also in the title the word "doctor."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ALMIRA AMBLER.

Mr. BUCK. I call up for consideration the bill (S. 2159) granting a pension to Mrs. Almira Ambler.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Mrs. Almira Ambler, a volunteer nurse in the late war, on the pension-roll, subject to the provisions and limitations of the pension laws, and pay her the sum of $25 per month from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

In line 7, strike out "$25" and insert "$12."

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2159) granting a pension to Almira Ambler, have had the same under consideration, and adopting the Senate report as its own, report the bill back to the House with the following amendment, and recommend its passage:

Strike out the words "twenty-five" in the fifth line of the bill and substitute therefor the word "twelve;" so that it will read as amended, "and pay her the sum of $12 per month," &c.

The Senate report is as follows:

Almira Ambler is the wife of Rev. Edward C. Ambler, who was chaplain of the Sixty-seventh Pennsylvania Volunteers. Both husband and wife are now old, in feeble health, and poor.

Mrs. Ambler, visiting her husband at the camp of the Sixty-seventh Pennsylvania Regiment, in the city of Philadelphia, in the year 1861, found thirteen very sick soldiers; her sympathies being enlisted, she, at the solicitation of the surgeon, undertook to care for them. Quarters were assigned to her, and during that whole fall and winter she spent her whole time in caring for the sick of the regiment, sometimes numbering as many as thirty. In the spring the regiment was ordered to Annapolis, whither she went with it, and there, for the space of nearly three years, spent her whole time in the hospital, nursing the sick and caring for them in every way.

She received no compensation. She expended in her work of love and mercy as much as $500 of her own money. She visited Washington six times and obtained comforts for the sick and wounded, and in every way in which her sympathetic nature could suggest became the benefactor of sick and wounded soldiers.

Her labors were performed under the direction of Dr. Vanderleift, in charge of the hospitals at Annapolis.

Probably no more touching instance of self-denial and sacrifice is to be found among the whole list of noble women who did so much to alleviate the sufferings and preserve the lives of soldiers in hospitals. All this is shown by the unsolicited letters written her by officers and privates to whom she administered.

In view of the precedents which have been established, paying pensions to volunteer nurses, the committee recommend the passage of the bill.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. JULIA DE QUINDRE.

Mr. CUTCHEON. I call up for consideration the bill (S. 2451) for the relief of Mrs. Julia De Quindre.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at $25 per month, the name of Julia De Quindre, for services as nurse during the war of the rebellion, subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendment:

In line 4, strike out "$25" and insert "$12."

The report (by Mr. LOVERING) was read, as follows:

The Senate, at the first session of this Congress, passed a bill granting a pension to claimant for $25 per month.

From an examination of the papers now on file in this case and the nature of the services rendered as a nurse your committee concur in the Senate report, with the following amendment: Strike out the word "twenty-five" and insert the word "twelve" in lieu thereof, and recommend that the bill as so amended do pass.

Mr. MCMILLIN. Are there any facts stated in the Senate report as to the services of this nurse?

The CHAIRMAN. There is a long statement appended to the Senate report.

Mr. CUTCHEON. I will make a brief statement as to this case Mrs. De Quindre is a Detroit lady, now resident in this city. She entered the service of the army in the summer of 1862 as a volunteer nurse, and served from that time till the end of the war, at Chester hospital, Pennsylvania, and at Baltimore, and was for a long time in charge of one of the wards in the Armory Square hospital in this city. She served without pay. When she came here she had a small competence of her own, the whole of which she expended for the benefit of the Union soldiers in the hospital in this city. She is now alone in the world, is without means, and without any relatives on whom she can depend for assistance. The Senate passed the bill allowing a pension of $25. The House committee have cut that down to $12.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. DE MOTTE.

Mr. PETERS. I call up for consideration the bill (S. 791) granting a pension to George W. De Motte.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. De Motte, late of Company K, Fifty-third Illinois Volunteers.

The report (by Mr. LOVERING) was read, as follows:

The committee, after an examination of the papers submitted in this claim, adopt the following Senate report, and recommend the passage of the bill:

[Senate Report No. 599, Forty-ninth Congress, first session.]

The committee, in their investigation of this case, find that the claimant enlisted in Company K, Fifty-third Regiment Illinois Volunteers, March 21, 1864, and that he was discharged July 22, 1865. That he made application for pension August 3, 1877, alleging "disease of lungs and chronic diarrhea, from measles, at Camp Butler, Illinois, in April, 1864."

The claim was rejected by the Commissioner of Pensions, on the ground of there being no record of chronic diarrhea or disease of lungs in service, and no medical or other satisfactory evidence in service or at discharge. The papers in the case, however, exhibit statements and affidavits which collectively tend to weaken the conclusion reached by the Commissioner.

Ira Young and F. M. Young testify to claimant's soundness prior to enlistment.

The claimant testifies—

"That he cannot find any of his commissioned officers; that the regimental surgeon was reported killed in one of Sherman's marches; that he has had no family physician treat him since discharged; they all told him they could do him no good."

J. W. Bollinger testifies—

"That he has known claimant since 1865; has lived near him, and labored with him nearly all the time that the claimant was able to labor. He has been disabled by lung disease and chronic diarrhea more than one-fourth of the time. Has been totally disabled during last year."

C. W. Bollinger corroborates the above fully.

J. K. Tyler testifies—

"That he has known claimant intimately since 1878; that the claimant has been in his employ. He has suffered continually from lung disease and of bowels during that time; has been unable to perform manual labor during that period, frequently confined to house and bed for days at a time."

In response to call for additional testimony, claimant says:

"He was traveling all the time trying to regain his health; that he was treated for his diseases at Camp Butler, Illinois, April and May, 1864, but not by any regimental surgeon; that he has been unable to furnish testimony of his commissioned officers, for the reason that he did not report to them for fear of being sent from his command for treatment; that his physicians assured him that only time and a change of climate could benefit him, and for this reason never employed a physician."

Mr. Hibben, examining surgeon, in his report of examination made January 28, 1880, says disability probably permanent. Finds upon careful physical examination no abnormal condition of the lungs, but for second disability, chronic diarrhea, some little emaciation, tongue healthy, abdomen enlarged, and recommends a rating of three-eighths total, equal to $3 per month. The board of examining surgeons, under date of June 7, 1882, increases rating to one-half total, equal to $4 per month, and the board, under date of September 9, 1885, makes rating at three-fourths total. The medical examinations show clearly the existence of the disability at the present time, and the continuance since discharge is also clearly established, as well as his prior soundness. There is no suggestion of fraud, nor anything to justify the suggestion if it were made.

Your committee are of the opinion that the claimant is entitled to a pension, and recommend the passage of the bill.

Mr. WISE. I must object to the consideration of that bill.

Mr. PETERS. I hope the gentleman from Virginia will listen to a brief statement.

Mr. WISE. I will listen to a statement by the gentleman from Kansas, with the understanding that I do not thereby lose my right to object.

Mr. PETERS. I desire to recapitulate the facts in this case. First, there is the evidence of prior soundness given by witnesses well acquainted with this soldier. In addition to that there is the medical examination which admitted him to the service in March, 1864. Then there is the evidence of comrades showing he contracted this disease; that he had measles in the second month after his enlistment, and that from this disease he contracted lung disease and chronic diarrhea. Then there is the additional evidence of comrades to the date of his discharge in 1865 and down to 1878, showing he was incapacitated by reason of the chronic diarrhea which resulted from the attack of measles, and that he was unable to perform labor half the time.

Then this is re-enforced by the statement of another party who knew him from 1879, and who corroborates the statements of prior witnesses in relation to the disability. This is still further re-enforced by the statement of the examining surgeon who examined him in 1880 and found he had chronic diarrhea, and that he was entitled to a certain rating. This is still further re-enforced by the board of examining surgeons in 1882, who corroborate the results of the examination by the examining surgeon in 1880 and allowed an increased disability. This was further re-enforced by the board of examining surgeons in 1885, who corroborated the reports of 1880 and 1882, and gave him a still increased rating for disability.

Mr. CROXTON. May I ask the gentleman why did he not get his claim through the Pension Office?

Mr. PETERS. Because there was no official record of his having been under medical treatment during the war.

Mr. WISE. The report states this soldier entered the service when the war was nearly over.

Mr. PETERS. Oh, no; he entered the service in March, 1864.

Mr. WISE. And he left in——

Mr. PETERS. In July, 1865, after the war was over.

Mr. WISE. The war was practically ended in April, 1865.

Mr. PETERS. But he entered the service in March, 1864.

Mr. WISE. The report also shows that there is not a particle of medical testimony that he was treated during the time he was in service, and all the medical treatment to which the gentleman refers was at a period of from ten to fifteen years after the termination of the war. There is not a particle of testimony to show any disability during the time of service.

Mr. PETERS. I would like to call the gentleman's attention——

The CHAIRMAN. Does the gentleman from Virginia withdraw his objection?

Mr. WISE. No, sir; I do not.

ANNA M. MARSHALL.

Mr. NEECE. I call up the bill (S. 2393) granting a pension to Anna M. Marshall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Anna M. Marshall, widow of Capt. Patterson S. Marshall, on the pension-roll as a pensioner, at the rate of $12 a month, subject to the provision and limitations of the pension laws.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2393) granting a pension to Anna M. Marshall, having considered the same, and the same having passed the Senate, your committee adopt the Senate report, a copy of which is hereunto attached, and recommend the passage of the bill.

"That the claimant in this case is the widow of Capt. Patterson S. Marshall, who was a citizen of Ohio. It appears from the evidence before the committee that the claimant made application for a pension to the Commissioner of Pensions, who rejected her claim because there was no law authorizing its allowance.

"Patterson S. Marshall was a steamboat captain commanding the steamer Aurora, which was chartered by the Government and used in transporting troops up the Tennessee River, under the direction and command of Major-General Washburn.

"While thus employed in the service of the Government, on or about October 11, 1864, Captain Marshall was ordered by the military commander in charge to land at Eastport, Miss., to disembark troops.

Immediately after landing the boat was fired on by a battery under command of the confederate general, Forrest. During this attack the boat was struck by several shells, one of which struck the steam-pipe, and the vessel was enveloped with hot steam. While standing heroically at his post and obeying military orders, another shell exploded a caisson on board the Aurora, by means of which Captain Marshall was pinned fast to the deck, and in this position was burned to death by the resulting fire.

These facts are proven by the affidavits of the clerk of the boat and by the military officer, both of whom were present.

It is also proven by the affidavits of a captain and assistant quartermaster, to whom Captain Marshall had, until a short time before, been chief clerk, that Captain Marshall was a man of fine business ability, and that his widow was left in straitened circumstances, with the care of a family of small children on her hands.

In view of the fact that Captain Marshall met his death while practically engaged in the military service and while obliged to implicitly obey orders which he may have known to be hazardous in the extreme, the committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT BAXTER.

Mr. LYMAN. I call up the bill (S. 2935) granting a pension to Robert Baxter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert Baxter, late a private in Company D, Seventy-seventh Regiment Enrolled Missouri Militia.

Mr. MORRILL. The report in this case is not printed, but I can state the facts. This man was a member of the Missouri enrolled militia, and, under the law, would have been entitled to a pension if he had perfected his case before the 4th of July, 1874. This he failed to do. The proof before the Pension Office is sufficient to have the case allowed if it had been presented in time. The circumstances were that while in the service and under the command of a United States officer, he was taken with typhoid fever and remained unconscious for some time, and when consciousness was restored his eyesight was gone, so that he has been totally blind ever since. There seems to be no objection to the bill. The committee were unanimous in reporting it favorably, and, as I have said, the claim would have been allowed without doubt in the Pension Office if the case had been perfected in time.

Mr. WARNER, of Missouri. I will add that I personally know of this case and the condition of the claimant. He lives in my county.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JACOB TEITS.

Mr. PIDCOCK. I call up the bill (H. R. 8829) granting a pension to Jacob Teits.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob Teits, late of Company B, Sixth Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The claimant was a member of Company A, One hundred and forty-fourth Regiment Illinois Infantry. He alleges that he and others were detailed to guard prisoners from Alton, Ill., to Richmond, Va., in March, 1865, and while at Cumberland City, Va., he fell from a box-car and thereby ruptured himself on the left side.

The claim was submitted for admission by the examiner in the Pension Office, but rejected by the reviewer on the ground that there is no record, and claimant's inability to furnish satisfactory evidence showing the incurrence of alleged hernia in service.

Claimant's physician and two of his neighbors testify that prior to enlistment he was a sound man and free from any rupture.

James M. Finley, the orderly sergeant of same company, testifies that claimant was detailed by him about the middle of March, 1865, to go to Richmond with prisoners, and while *en route* was injured as alleged. On the day following his return to his regiment Finley took him to the doctor, who, upon examination, pronounced him ruptured. The surgeon who treated claimant in service is dead. Other comrades of claimant's company testify to the receipt of the injury as alleged.

Dr. J. S. Lindaberry testifies that in August, 1865, he treated claimant for malaria and a rupture.

The testimony of neighbors shows that claimant returned home from service ruptured, and that he has been largely incapacitated for work on account of it. The examiner rated his disability one-half to 1884, and total from that time.

The examining surgeon reports that claimant has scrotal hernia of left side; it is reducible, but comes down on the least exertion. He rates the disability three-fourths.

Your committee deem this a meritorious case, and recommend that the bill pass, striking out in line 6, after word "company," the words "B, Sixth Regiment New Jersey Volunteers," and inserting in place thereof "A, One hundred and forty-fourth Regiment Illinois Infantry."

The Committee on Invalid Pensions recommended amendments, as follows:

In lines 6 and 7 of the printed bill, after the word "company," strike out "B Sixth" and insert "A, One hundred and forty-fourth;" also, strike out "New Jersey Volunteers" and insert "Illinois Infantry."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY M. THOMPSON.

Mr. LEHLBACH. I call up the bill (H. R. 8826) granting a pension to Mary M. Thompson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Mary M. Thompson, mother of Charles W. Thompson, late of Company A, Third Regiment of Pennsylvania Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. MCMILLIN. Let us have the report read.

Mr. LEHLBACH. The report is quite long and I can save time by making a statement of the case. The claimant is the mother of a soldier who died in the service. The evidence shows that he contributed to her support while he was in the service, and she is now without any means of support.

Mr. MCMILLIN. How comes it, then, that she does not get a pension under the general law?

Mr. LEHLBACH. I do not know. The Pension Office has rejected the case, but the evidence is as I have stated.

Mr. MCMILLIN. What was the ground of rejection?

Mr. LEHLBACH. The ground was the non-dependence of the mother, but the evidence is that she was dependent on the soldier, and that she is now without means. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

HENRY CANODE.

Mr. OUTHWAITE. I call up the bill (H. R. 1903) granting a pension to Henry Canode.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Henry Canode, late a private in Company K, Seventeenth Regiment Ohio Volunteer Infantry.

The report (by Mr. ELLSBERRY) was read, as follows:

The claimant, Henry Canode, made application for invalid pension, No. 324305, on the ground that on or about the 21st day of July, 1865, he was badly injured in both feet and ankles, by reason of a railroad accident, while on his way home from the United States service. All the testimony on file shows claimant to have been regularly enlisted; served faithfully until discharged on July 20, 1865; and while on his way home, after said discharge, he received the above-described injury. There is no doubt, from the evidence submitted and from all the papers now on file, that claimant did suffer such injury, and is now partially unable to support himself. The claim was rejected by the Department for the reason that the injury was not received strictly while in the service and in the line of duty.

In view of the premises, the committee recommend that House bill 1903 do pass.

Mr. OUTHWAITE. Mr. Chairman, that report is very brief, and does not clearly show all that it ought to show. It states that this injury was received after the discharge of the soldier. It is true that the injury was received after he was discharged, but the facts are these: He was discharged while in one of the Southern States, and he was being conveyed to his home in the State of Ohio with other soldiers when he received this injury. The other men who were with him, and who also were injured, have nearly all been pensioned by special act, and his case was rejected merely upon the technical ground that the injury was received after the date of his discharge. In fact, however, although discharged, he had not been returned to his home by the Government as he ought to have been.

Mr. WISE. Do you say that the other men who were returning home with him at the same time and who also were injured have been pensioned?

Mr. OUTHWAITE. The other soldiers who were traveling with him have been pensioned by special acts, and this bill passed at the last session of the House, but too late to be acted upon by the Senate.

Mr. WISE. How was the injury received; by a railroad accident?

Mr. OUTHWAITE. Yes, sir; by a railroad accident, which occurred to the train on which the soldiers were being conveyed.

Mr. WISE. I think pensions ought not to have been granted to any of these men after their discharge; but as others have received pensions I will not make objection in this case of my friend from Ohio.

Mr. OUTHWAITE. I am obliged to the gentleman.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

WILLIAM H. HEISTER.

Mr. PERKINS. I ask for the present consideration of the bill (H. R. 731) granting a pension to William H. Heister.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Heister, late of Company M, Nineteenth Kansas Cavalry.

The amendments reported by the committee were read, as follows:

In line 6, strike out "Heister" and insert "Hester."

Amend the title so as to read: "A bill granting a pension to William H. Hester."

Mr. PERKINS. As the report in this case is voluminous, I have marked, in a copy which I have, the more important features. I ask the Clerk to read those portions, which I think will give members all the information they require; and then let the whole report be printed in the RECORD.

The Clerk proceeded to read from the report (by Mr. STRUBLE) which is as follows:

William H. Heister (not Heisler) first enlisted in the Union Army under the name of William Hester on August 10, 1862, for three years, in Company C, Sixty-ninth Indiana Volunteers, when, from the evidence in the case bearing upon his age, he was seventeen years old.

A report from the office of the Assistant Adjutant-General, under date of February 13, 1884, shows that he was on the muster-rolls to October 31, 1862; was wounded in battle near Richmond, Ky., August 30, 1862, at which place and date, as shown by said report, his company was in action. On September 2, 1862, same report shows him home on furlough, having been paroled.

Rolls for November and December, 1862, show him to have been discharged by writ of habeas corpus November 20, 1862, at Indianapolis, Ind. Prisoner-of-war records shows him paroled at Richmond, Ky., 1862, date of capture not given. From an examination of claimant held by Special Examiner M. H. Parks, at Eureka Springs, Ark., December 18, 1882, it appears from his evidence that claimant enlisted in the Sixty-ninth Indiana Volunteers some time in August or September, 1862; was wounded and taken prisoner at Richmond, Ky., and having enlisted under age, his father instituted habeas corpus proceedings, which resulted in his discharge.

He enlisted on March 25, 1864, in Company H, One hundredth Indiana Volunteers, as appears from the Assistant Adjutant-General of date April 10, 1882, which report represents him present as to May and June, 1864, same report as to April 30, 1865 (the last role on file). He was transferred (date not given) to Company G, Forty-eighth Indiana Volunteers, and was discharged with his company July 25, 1865.

On October 30, 1868, at Topeka, Kans., he enlisted in Company M, Nineteenth Kansas Cavalry, to serve for six months. The same report from the Assistant Adjutant-General last above named shows him present October 31, 1868, name not borne on returns for December, 1868, or January, 1869; mustered out with company April 18, 1869, at Fort Hays, Kans., as a private.

On August 29, 1881, claimant filed his application for a pension, alleging that at Fort Dodge, Kans., on January 1, 1869, he contracted sore eyes, from which

he never recovered, and which continued to grow worse, causing total blindness. On February 7, 1882, he was examined by the medical examining board in this city (Washington), who, to quote the exact language, reported him "practically totally blind," and that he required the constant aid and assistance of another person.

In an affidavit filed July 14, 1882, claimant alleges that on the 15th day of January, 1869, while in the service and line of duty and while on guard at night (guarding the horses) at Fort Dodge, Kans., there prevailed a very strong bleak wind, which carried with it dust and sand; that he took a severe cold, and the next morning his eyes were badly inflamed; that it was nearly a month before he was able to perform any duty again, and then only on company guard for two hours, but was never thereafter able to go on picket or regimental guard; that his eyes continued to grow worse from that date; that the captain of the company frequently requested affiant to go to the hospital, but he preferred to and was permitted to remain with his company, but was relieved from duty; and that at the expiration of his service he was discharged with the company. From the claimant's evidence, which is satisfactorily corroborated, he became blind in the fall of 1880.

The claimant employed one H. F. Hill, of Eureka Springs, Ark., as his agent to prepare his original application and prosecute his claim; another agent at same place, named Charles H. Miller, also one William F. Burch, a brother-in-law of the claimant, became interested in the prosecution of the claim.

The whole three were a set of scoundrels, and, in 1882, Hill and Miller were both in the penitentiary, having been convicted by the United States district court at Fort Smith, Ark., for fraudulent practices in connection with certain pension cases. It does not clearly appear that Burch, who, in 1882, was a fugitive from justice, was operating with Hill and Miller generally, but he took a hand with them in efforts to supply certain affidavits deemed by them essential to success, and among them, by joint action, as it seems, the affidavits of the captain of the company in which claimant last served (who was at the time dead) and those of two comrades were forged and filed in the cause.

In the course of the progress of the claim suspicion was aroused at the Pension Office that fraud was being attempted, and the case was referred to special examiners in the field, who were directed to make thorough examination, which was done, and the frauds clearly shown. From a careful consideration of all the evidence your committee are confident that the claimant was not a party to the frauds of Hill, Miller, and Burch. The claimant at the time was totally blind, and in very dependent circumstances, with a wife and three children to be supported by friends and charity.

Miller (acting, no doubt, for himself and Hill) procured of claimant a promise to pay him one-third of the amount of pension recovered, and then proceeded to do the business according to methods then in practice by him. That these men kept their villainous schemes to themselves, and did not acquaint claimant with them is evident from a number of points in the evidence, to recite all of which would require much time and space. They procured of claimant the names and last-known addresses of the captain of the company and two comrades, proceeded to draught the necessary affidavits, not disclosing the post-office addresses of the respective witnesses, and, after a time, informed claimant that they had procured them, and handed them to him, and he turned them over to Miller, who finally brought claimant to Washington to have the business completed by an examination, &c.

Later, upon calling upon claimant, who had returned home, for the post-office addresses of the parties whose affidavits had been forged, he replied with frankness, giving the addresses surmised when Hill, Miller, and Burch applied to him, and as to which they later confirmed his impressions. This led at once to the special examinations, not only of such of the three witnesses as were alive, but of a large number of others, and while there are some points as to which conflicts of evidence exist, yet a review and careful analysis of all the evidence has satisfied your committee that when claimant enlisted in the Nineteenth Kansas Cavalry he was free from disease of the eyes; that he incurred disease of the eyes in the service; had sore eyes at discharge, which continued to gradually grow worse, until, in the fall of 1880, he became totally blind.

The claimant enlisted three times as a soldier between the years 1862 and 1869, and while nothing affirmatively appears as to medical examinations upon enlistment the presumption is he was each time carefully examined by competent surgeons. The reports from the Adjutant-General's Office, while exhibiting considerable in his favor, show not the least suspicion of disease to eyes at either enlistment. Men for whom he worked on farms, both immediately before enlistment and after discharge, give clear evidence as to prior soundness and subsequent diseased condition, and in most cases these witnesses are vouched for by the respective special examiners who took evidence in the cause as being of good reputation, while of the claimant himself Special Examiner M. H. Parks declared in his report as follows:

"The claimant is a clear-headed, intelligent man, and the manner in which he told his story and the satisfactory answers he gave to the questions I put to him left the impression that he was telling the truth."

The examination of claimant by Parks was lengthy and thorough and skillfully conducted, and in the opinion of your committee the result justified the impressions of claimant on the part of the examiner as expressed in the above quotation from his report. The claimant in an affidavit filed with the papers declares that he had no knowledge of the attempt of Miller, Hill, and Burch to commit a fraud on the Pension Office.

In conclusion, while the attempt to commit an infamous fraud upon the Pension Office was well calculated to arouse a strong prejudice against claimant, and while some features of the evidence taken in examinations, if credited and not carefully analyzed and compared with other well-sustained proof, may have justified the Pension Department in rejecting the claim and adhering thereto, your committee, notwithstanding an original sense of prejudice, have concluded that the claimant is not chargeable with the attempted frauds, that he is innocent of any complicity therein, and that the evidence as a whole sustains his right to a pension at the hands of Congress.

With the bill amended in its title and the body thereof, changing the name Heister to Hester, the committee recommend that it do pass.

The question being taken on the amendments reported by the committee, they were agreed to.

There being no objection, the bill as amended was laid aside, to be reported to the House with a recommendation that it do pass.

MARIA L. STRONG.

Mr. STAHLNECKER. I ask the consideration of the bill (S. 2708) for the relief of Maria L. Strong.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act there be paid, out of the Navy pension fund, to Maria L. Strong, widow of the late Rear-Admiral James H. Strong, of the United States Navy, the sum of $50 per month during her widowhood, the same to be in lieu of her present pension.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2708) for the relief of Maria L. Strong, have had the same under consideration, and, concurring in the views expressed in the report of the Committee on Pensions, United States Senate, which this committee adopts as its own, return the same with the recommendation that it do pass.

The applicant, Maria L. Strong, is the widow of James H. Strong, who served in the United States Navy from February 2, 1829, to November 28, 1882, when he died. The widow originally filed her claim for a pension in the Pension Office May 19, 1883, basing it upon death from disease which originated in the line of duty during 1875, when he held the rank of rear-admiral. It was allowed at $30, the amount given for that rank, from May 19, 1883.

She now asks to have this increased to $50. It has been usual to allow this amount, and we report back the bill with a recommendation that it do pass.

To the honorable Senate of the United States in Congress assembled:

The petition of Maria L. Strong respectfully shows unto your honorable body that she is the widow of James H. Strong, late rear-admiral in the United States Navy.

That her late husband departed this life on the 28th day of November, 1882, from a disease contracted in the line of duty, and therefore as his widow your petitioner receives now a pension of $30 per month.

Your petitioner finding that this small allowance is insufficient to procure her the comforts of life, respectfully appeals to your honorable body to grant her an increase such as in similar cases has been granted to the widows of other officers whose lives have been shortened by the wear and tear of long and arduous and faithful service to the Government.

Your petitioner respectfully shows to your honorable body that her late husband entered the Navy, as a midshipman, in the month of February, 1829, and that during a career of active service of nearly half a century he performed all his duties well and with distinction.

That his last duty on the active list was in command of the South Atlantic squadron, and the duties upon the coast of Brazil were such as originated the disease from which he soon after died, his constitution being wrecked thereby and his life considerably shortened.

And your petitioner, in view of the premises, considering the long, faithful, and valuable services of her late husband, can only believe that his country will gladly, in the slight manner herein prayed for, give some testimony to its appreciation of his services, and that your honorable body will grant an increase of pension to $50 per month in lieu of that now received by her.

Petitioner files, in support of her request, the record of her late husband, taken from the files of the Navy Department and certified to as correct.

OFFICE OF THE ADMIRAL, *Washington, April* 9, 1884.

SIR: I have the honor to state to you that I have known the late Rear-Admiral Strong ever since boyhood, and have served with him on many occasions.

I beg leave to state that he performed all the duties with which he has been credited by the Navy Department with zeal and fidelity. No officer in the Navy can show a better record of loyalty than Admiral Strong.

I earnestly recommend that his widow may receive all the benefits of the pension law to the highest amount paid—$50 a month.

Her husband lost his health in the performance of his naval duties during the war, and was for seven or eight years a total cripple.

Very respectfully,

DAVID D. PORTER, *Admiral.*

The CHAIRMAN OF THE NAVAL COMMITTEE, *Senate.*

Abstract of service of James H. Strong, lately rear admiral, United States Navy:

1829, February 2, appointed midshipman.
1831, March 18, ordered to the Lexington.
1834, April 29, detached and granted leave.
1835, July 31, ordered to the Constellation.
1836, June 4, promoted to passed midshipman.
1836, September 29, ordered to the receiving-ship New York.
1837, January 28, detached and ordered to the Independence.
1840, April 2, detached and granted leave.
1840, November 20, ordered to the Fulton.
1841, September 8, promoted to lieutenant,
1842, November 17, transferred to the Oregon.
1842, December 20, detached and placed on waiting orders.
1843, February 1, ordered to the Truxton.
1844, January 8, detached and placed on waiting orders.
1845, April 11, ordered to the Columbus.
1847, September 10, placed on waiting orders. (Sick.)
1848, May 12, ordered to receiving-ship at Boston.
1848, July 27, transferred to receiving-ship at New York.
1849, May 24, transferred to the John Adams.
1849, November 9, placed on waiting orders.
1851, January 24, ordered to receiving-ship at New York.
1852, April 9, transferred to the Levant.
1855, May 7, detached and granted leave.
1855, September 15, ordered to receiving-ship at New York.
1856, August 30, transferred to naval rendezvous, New York.
1858, detached and ordered to command the Relief.
1859, January 12, detached and placed on waiting orders.
1861, March 1, ordered to command the Mohawk.
1861, April 24, promoted to commander.
1862, April 11, detached and to command the Flag.
1863, June 20, detached and wait orders.
1863, July 3, to command the Monongahela; took part in the capture of the forts and rebel ironclads in Mobile Bay, August 5th and 14th, 1864, the capture of Fort Esperanza, Texas, and the works at Aransas Pass, Tex.
1865, April 5, detached and placed on waiting orders.
1865, April 14, ordered to duty with Rear-Admiral Gregory.
1865, May 3, to the navy-yard, New York.
1865, August 5, promoted to captain.
1867, January 25, detached from the navy-yard, New York, and to command the Canandaigua, European Station.
1869, February 12, detached and placed on waiting orders.
1869, May 1, to navy-yard, New York.
1870, March 2, promoted to commodore.
1870, April 6, detached and wait orders.
1870, September 13, ordered as light-house inspector, fourth district.
1870, December 12, detached and ordered as light-house inspector of third district.
1873, June 13, detached.
1873, July 24, ordered to command the South Atlantic Station.
1873, September 25, promoted to rear-admiral.
1874, August 1, detached and placed on waiting orders.
1876, April 25, he was placed on the retired-list.
He died at Columbia, S. C., on the 28th November, 1882.

The foregoing abstract of the service of the late Rear-Admiral Charles H. Strong is correct, according to the records of the Navy Department.

By direction of the Secretary of the Navy:

JNO. W. HOGG, *Chief Clerk.*

April 3, 1884.

Mr. JOHNSTON, of Indiana. Mr. Chairman, this is a very ingenious report. Without giving any reasons why this increased pension should be granted the committee content themselves with stating the fact that it has become usual to grant pensions of $50 in these cases. In other words, we are to accept it as an established precedent that when any widow of an officer is drawing a pension of $30 a month it must, upon application, be increased to $50.

I think it is well understood I am opposed to granting these increases. I would not in a case of this kind vote against allowing any woman her $30 a month; but I do think it is time for us to stop and consider what we are doing. This House passes a bill pensioning at $12 a month the dependent fathers or mothers of deceased soldiers, and pensioning at the same rate soldiers of the country who are to-day in poor-houses; and we are notified by the President that the Government is not able to pay those pensions. And while we are denying pensions at the rate of $12 a month to mothers who gave their sons to be sacrificed in the cause of the country, and while we say to those soldiers who are to-day being supported in poor-houses that this Government is not able to pension them, I think it is time that the women of this country who are drawing pensions of $30 a month should be told by Congress that they must be content with this sum so long as the dependent mother of a dead soldier, or so long as a soldier himself, who is in a poor-house, is unable to get relief from the Government.

Now, I am not going to raise the question of a quorum on this bill; I have not done that at any session of this House, but I expect to vote against this bill and others like it, because it is an injustice and a crime to say to men who are entitled to pensions that we are not able to pension them, and then turn round and pension at $50 a month a woman who is now drawing $30 monthly, and whose husband was in the Army a lifetime at big wages, serving during many years of peace, and, if he had lived economically, could have left to his widow a competency.

Mr. STAHLNECKER. May I ask the gentleman from Indiana [Mr. JOHNSTON] whether he voted on the Boggs case which was passed here this evening.

Mr. JOHNSTON, of Indiana. I did.

Mr. STAHLNECKER. May I ask the gentleman which way he voted?

Mr. JOHNSTON, of Indiana. I voted "no." And I made objection to the bill, which objection I never withdrew, though I am not going to raise any controversy with the gentleman from Pennsylvania [Mr. CURTIN], who stepped out there and said that I withdrew the objection.

Mr. TAULBEE. Mr. Chairman, at what stage in the consideration of this bill are objections in order?

The CHAIRMAN. At any stage.

Mr. TAULBEE. Then I shall object to the further consideration of this bill.

Mr. STAHLNECKER. Is objection in order at any stage?

The CHAIRMAN. Yes; at any stage.

Mr. ELDREDGE. I move that the committee rise.

Mr. FUNSTON. I hope the gentleman will allow me to make a statement before that motion is put to the committee.

Mr. PERKINS. Before voting on that I think the gentleman from Virginia [Mr. WISE] will withdraw the objection he made to the bill of my colleague [Mr. FUNSTON].

Mr. FUNSTON. Yes; I hope objection will be withdrawn to the bill (H. R. 752) granting a pension to J. Smithpeter.

The CHAIRMAN. Does the gentleman withdraw his motion that the committee rise?

Mr. ELDREDGE. I do.

The CHAIRMAN. Objection being withdrawn, the Chair will recognize the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. I move to take up the bill (H. R. 10050) to increase the pension of Frank Bell.

The bill and amendment of the committee were read.

Mr. BROWN, of Pennsylvania. I am well acquainted with the facts in this case and will make a brief statement. I know this man who was in my own regiment. He lost a leg in the army and was also shot through the lungs. He receives a pension of $30 a month for the loss of his leg. The laws do not permit him, however, to draw any pension for his other wounds. The other wounds have broken down his health, and destroyed his constitution and left him a wreck. He was one of the bravest men I ever knew. There is nothing but the strict construction of the pension laws standing between him and the amount in this bill. I ask for $10 a month for the worst wound of them all.

Mr. STAHLNECKER. I object.

Mr. WISE. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration the special business set apart for this evening, and had directed him to report back to the House sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker;

A bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll;

A bill (H. R. 10262) granting a pension to Lawrence O'Conner;

A bill (H. R. 6918) to increase the pension of Lewis M. Strong;

A bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin;

A bill (H. R. 8826) granting a pension to Mary M. Thompson; and

A bill (H. R. 1903) granting a pension to Henry Canode.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 5927) for the relief of Louisa Kearney;

A bill (H. R. 8798) granting a pension to Thomas J. Hays;

A bill (H. R. 9928) granting a pension to Moses Williams; and

A bill (H. R. 8829) granting a pension to Jacob Teits.

Amendments to the following bills, and also to the titles of the same, were severally agreed to; and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 942) granting a pension to Lieut. James Morton;

A bill (H. R. 9143) granting a pension to Dr. Sabin Stocking; and

A bill (H. R. 731) granting a pension to William H. Heister.

Senate bills of the following titles, reported from the Committee of the Whole, were severally considered, ordered to a third reading, and being read the third time, were passed; namely:

A bill (S. 2045) granting a pension to Mrs. Sarah Hamilton;

A bill (S. 1570) granting a pension to Mary Ann Vars;

A bill (S. 2210) granting a pension to Anna Wright;

A bill (S. 1825) granting a pension to Elizabeth Forgey;

A bill (S. 2216) for the relief of Mrs. Elizabeth Rice;

A bill (S. 1673) granting a pension to Charles G. Paris;

A bill (S. 2393) granting a pension to Anna M. Marshall; and

A bill (S. 2935) granting a pension to Robert Baxter.

Senate bills of the following titles, reported from the Committee of the Whole with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to a third reading; and being read the third time, were passed; namely:

A bill (S. 1582) for the relief of Alpheus R. French;

A bill (S. 2382) granting a pension to Alice Kelley;

A bill (S. 2997) granting a pension to Mrs. M. E. Woods;

A bill (S. 1494) granting an increase of pension to Stephen D. Smith;

A bill (S. 2159) granting a pension to Mrs. Almira Ambler; and

A bill (S. 2451) for the relief of Mrs. Julia De Quindre.

MRS. ELLEN M. BOGGS.

The bill (S. 722) for an increase of pension to Mrs. Ellen M. Boggs, reported from the Committee of the Whole with amendment, was considered, the amendment agreed to, and the bill as amended ordered to a third reading.

The question recurred upon the passage of the bill.

Mr. JOHNSTON, of Indiana. On that I demand a division.

The House divided; and there were—ayes 15, noes 2.

So the bill was passed.

JAMES SMITHPETER.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent, the gentleman from Virginia having suggested that he will withdraw his objection, that the bill (H. R. 752) granting a pension to James Smithpeter be now put upon its passage.

I ask unanimous consent that the Committee of the Whole be discharged from its further consideration, and that the bill be passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Smithpeter, late of the East Tennessee Union service.

Mr. ELDREDGE. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 3, noes 18.

So the House refused to adjourn.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kansas?

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. MORRILL moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ELDREDGE. I move that the House do now adjourn.

The question being taken, on a division there were—ayes 3, noes 17.

So the House refused to adjourn.

Mr. STAHLNECKER. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of Senate bill 2708 and put it upon its passage. This is the bill for the relief of Mrs. Maria L. Strong.

Mr. WISE. I rise to say to the gentleman from New York that I certainly shall object to that bill, for the present at least. I want time to look into the question more fully.

Mr. STAHLNECKER. I withdraw the bill.

CAPT. FRANK BELL.

Mr. BROWN, of Pennsylvania. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 10050) to increase the pension of Capt. Frank Bell, and put it upon its passage with the amendment recommended by the committee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Frank Bell, late captain of Company I, Forty-second Regiment Pennsylvania Volunteers, to $50 per month, in lieu of the pension now received by him.

The committee recommend to strike out "fifty" and insert "forty," in the sixth line of the bill.

Mr. TAULBEE. Mr. Speaker, this is the kind of bill to which I have been accustomed to object, but having had some personal acquaintance with this claimant, he having been before our committee, and having exhibited the degree of his disability, in view of all of the facts and the laws touching his case I shall not object.

There being no objection, the bill was considered, the amendment agreed to, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARIA L. STRONG.

Mr. STAHLNECKER. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 2708) for the relief of Maria L. Strong, and that it be considered in the House.

Mr. WISE. I withdraw my objection to the consideration of that bill.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York [Mr. STAHLNECKER]?

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act, there be paid, out of the Navy pension fund, to Maria L. Strong, widow of the late Rear-Admiral James H. Strong, of the United States Navy, the sum of $50 per month, during her widowhood, the same to be in lieu of her present pension.

The SPEAKER *pro tempore*. The question is on ordering the bill to a third reading.

Mr. WISE. Would it be in order for me to make one remark? I have withdrawn my objection to the consideration of the bill; but for the reason stated by the gentleman from Indiana [Mr. JOHNSTON], after having heard the veto of the President to-day denying an increase of pensions to those who are paupers, now in the poor-houses, soldiers who served the Union in the war, I shall unquestionably vote against this bill, and believe that this House ought to reject it. That is all I wish to say.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is, Shall the bill pass?

Mr. WISE. I call for a division.

The House divided; and there were—ayes 11, noes 5.

So (further count not being called for) the bill was passed.

Mr. STAHLNECKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WISE. I move that the House do now adjourn.

The motion was not agreed to—there being ayes 6, noes 8.

M. LOUISE BUTLER.

Mr. HAYNES. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (S. 773) granting a pension to M. Louise Butler, and that the same be considered in the House.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. Louise Butler, widow of George Butler, late a major of marines in the service of the United States, and pay her a pension at the rate of $40 per month, said pension to be in lieu of any she may hereafter receive.

Mr. TAULBEE. I desire to state that this is the bill to which I objected last Friday night. I think it proper to state that since I interposed that objection I have examined the case, and believing my objection was wrong, withdraw it.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAYNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. FANNIE CARMAN.

Mr. BUCHANAN. I have an extreme case of a dependent mother which I want to put through to-night. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 4585) granting a pension to Mrs. Fannie Carman, and that it be considered in the House.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to place the name of Mrs. Fannie Carman, mother of Daniel Carman, late of Company H, Fifth Regiment New Jersey Volunteers, on the pension-roll, at the rate of $8 per month, subject to the provisions of the general pension laws, the same to take effect from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

Strike out "$8" and insert "$12."

Mr. BUCHANAN. I know these parties personally, and I know that the mother is dependent. The son died in the Army, and the case is a worthy one.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCHANAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BROWN, of Pennsylvania. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Anna E. Lord, administratrix of Charles H. Lord, asking that the sum of $700 be inserted in the general deficiency bill to pay balance of salary due Charles H. Lord as depositary of public moneys in Arizona—to the Committee on Appropriations.

By Mr. BOUTELLE: Petition of masters and owners of American vessels at Jonesport, and at Addison and Columbia Falls, Me., for repeal of compulsory pilotage laws—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. CARLETON: Resolution of Post No. 304, Grand Army of the Republic, of Michigan, favoring the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. COMSTOCK: Petition of Progressive Assembly, No. 3326, Knights of Labor, of Grand Rapids, Mich., against the payment of high pensions and funeral expenses of public men and officers—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Petition of Post No. 84, Grand Army of the Republic, of Michigan, in favor of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. FINDLAY: Petition of Mrs. Maria L. Stewart, of Baltimore, Md., asking reference of her claim to the Court of Claims—to the Committee on Ways and Means.

By Mr. GROSVENOR: Joint resolution of the Ohio Legislature in favor of Senate bill 3073—to the Committee on Invalid Pensions.

Also, memorial of the American Forestry Congress, in relation to the protection of forests—to the Committee on the Public Lands.

By Mr. D. B. HENDERSON: Paper from the National Vinegar-Maker's Association, protesting against House bill 9733—to the Committee on Ways and Means.

Also, paper from the Women's Christian Temperance Union of Delaware, Iowa, favoring the passage of the Blair educational bill—to the Committee on Education.

By Mr. JAMES: Petition of Winchester Post, No. 197, Grand Army of the Republic, of Brooklyn, N. Y., asking for enactment of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

Also, petition of the Woman's National Indian Association, for the passage of the Sioux bill and of the Mission Indian bill—to the Committee on Indian Affairs.

Also, petition of same, for an appropriation to enable them to aid intelligent young Indian families to erect homes—to the same committee.

By Mr. F. A. JOHNSON: Resolutions of Alfred Meed Post, No. 252, of Ticonderoga, and of McFadden Post, No. 375, Grand Army of the Republic, of Clinton County, New York, regarding the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. KING: Petition of P. C. Robinson and others, Morehouse, La., in favor of the agricultural experiment-station bill—to the Committee on Agriculture.

By Mr. KLEINER: Petition of Fr. Xav. Kümmerle, of Vanderburg County, Indiana, for a pension, &c.—to the Committee on Invalid Pensions.

By Mr. LONG: Memorial of the Boston Marine Society, in favor of the Long bill, requiring vessels of 20 tons and over to have their names painted upon their prows, &c.—to the Select Committee on American Ship-building and Ship-owning Interests.

Mr. LOVERING: Resolution of the city government of Boston, Mass., remonstrating against the proposed reorganization of the navy-yard at Boston as contemplated by General Order No. 356, Navy Department—to the Committee on Naval Affairs.

By Mr. MATSON: Petition of Philip J. Sater and 56 others, citizens of Bartholomew County, Indiana, asking for legislation in relation to pleuro-pneumonia—to the Committee on Agriculture.

By Mr. MILLARD: Resolution of the James Stephens Club of New York city, opposing the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. MORRILL: Concurrent resolutions of the Legislature of Kansas, favoring bill for right of way for Saint Louis, Baxter Springs and Mexican Railroad—to the Committee on Indian Affairs.

Also, concurrent resolution of the Legislature of Kansas, asking for the passage of bill readjusting all land grants—to the Committee on the Public Lands.

Also, concurrent resolution of the same, relating to permits for sale of alcoholic liquors—to the Committee on the Judiciary.

By Mr. OSBORNE: Resolution of the Western and Virginia Leaf-Tobacco Trade, favoring the repeal of the internal-revenue taxes on tobacco—to the Committee on Ways and Means.

By Mr. OUTHWAITE: Petition of B. T. Belt and many others, citizens of the thirteenth district of Ohio, in favor of the passage of a bill intended to confer upon the people of the District of Columbia the right to determine by ballot whether intoxicating liquors shall be manufactured and sold in the District—to the Committee on the District of Columbia.

By Mr. PHELPS: Petition of citizens of Dover, N. J., for the repeal of internal-taxes—to the Committee on Ways and Means.

By Mr. PINDAR: Petition of the James Stephens Club of New York city, opposing the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. PRICE: Petition of Bayfield (Wisconsin) Fishery Association, relating to duties—to the Committee on Ways and Means.

By Mr. SHAW: Memorial of the Legislative Assembly of the Territory of New Mexico, relating to the settlement of the Mexican and Spanish land grants in New Mexico and adjoining Territories—to the Committee on the Public Lands.

By Mr. SPRINGER: Petition of J. F. Merryman, for relief—to the Committee on Agriculture.

By Mr. STAHLNECKER: Petition of James Stephens Club of New York city, opposing the so-called extradition bill—to the Committee on Foreign Affairs.

By Mr. SWINBURNE: Petition of the Hamilton Rowan Club of New York city, opposing the so-called extradition treaty with Great Britain—to the same committee.

By Mr. WADE: Petition of Samuel S. Vinton, of Springfield, and of George B. Ransom, of Jefferson City, Mo., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. COMSTOCK: Of 67 citizens of Grand Rapids, Mich.

By Mr. CONGER: Of 208 citizens of Stuart, Iowa.

By Mr. ELY: Of 35 citizens of Washington, D. C.

By Mr. SPOONER: Of 89 citizens of Providence, R. I.

By Mr. A. J. WARNER: Of 88 citizens of Marietta, Ohio.

By Mr. A. C. WHITE: Of 80 citizens of Dayton, Pa.

SENATE.

SATURDAY, *February* 12, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting reports of engineer officers of an examination made in compliance with the requirements of the river and harbor act of August 5, 1886, with a view of establishing a breakwater at or near Whaler's Point, San Luis Obispo, Cal.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MCPHERSON presented the petition of citizens of Morris County, New Jersey, praying for a reduction of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. KENNA presented a petition of the proprietor, employés, and laborers of the Irondale Furnace and Mines, in the State of West Virginia, praying for the repeal of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. DAWES. I present petitions of a large number of my constituents from Vineyard Haven, Dukes County, Massachusetts, the first being in regard to Sunday mails. I think that should be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. DAWES. The same petitioners also petition in regard to interstate Sunday trains; I think that should go to the Committee on Interstate Commerce.

The PRESIDENT *pro tempore*. If there be no objection that reference will be made.

Mr. DAWES. I present another petition from the same petitioners in regard to Sunday parades. I am uncertain as to what committee has charge of that matter.

The PRESIDENT *pro tempore*. The Chair suggests that it should be referred to the Committee on the District of Columbia.

Mr. INGALLS. What is the petition about?

The PRESIDENT *pro tempore*. It is about Sunday parades.

Mr. INGALLS. Why should that be referred to the Committee on the District of Columbia?

Mr. DAWES. I did not suggest that reference.

The PRESIDENT *pro tempore*. The Chair did not know where else Congress had jurisdiction over the subject.

Mr. INGALLS. I suggest that the Committee on Education and Labor would be more appropriate.

Mr. DAWES. I think the Committee on Military Affairs.

The PRESIDENT *pro tempore*. If there be no objection, the petition will be referred to the Committee on Military Affairs.

Mr. DAWES. I have three other petitions for the same general purpose.

Mr. BLAIR. I will say in regard to all those petitions that similar petitions have been sent to the Committee on Education and Labor. Vast numbers of them have already been presented and referred to that committee.

The PRESIDENT *pro tempore*. That reference will be made, if there be no objection.

Mr. BLAIR. There is no objection to other committees taking their own appropriate jurisdiction.

Mr. DAWES. I present three petitions very numerously signed from that portion of my constituents who reside in Cottage City, Martha's Vineyard, for the same purpose, and I ask the same reference.

The PRESIDENT *pro tempore*. The same reference will be made.

Mr. INGALLS presented resolutions adopted by Grand Army Post, No. 223, Department of Kansas, of Decatur County, Kansas, favoring the passage of the so-called anti-polygamy bill; which were ordered to lie on the table.

Mr. VOORHEES presented the petition of J. A. Patterson and other employés of the Government Printing Office, praying for certain balances of pay due them under the act of April 16, 1880; which was referred to the Committee on Claims.

Mr. VAN WYCK presented a memorial of citizens of Washington, D. C., residents of S street northwest, remonstrating against the passage of the House bill incorporating the Washington cable railroad company; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the general deficiency bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON. I am instructed by the Committee on Naval Affairs to report back the bill (S. 3286) to increase the naval establishment, with amendments, and I ask that it be placed on the Calendar.

I give notice that on Monday, immediately after the morning business, I shall call up the bill for consideration.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLATT. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 6966) to change the time of the meeting of the legislative assembly of Washington Territory, to make a report adverse to the passage of the bill. There is a minority report, which is to be made by the Senator from South Carolina [Mr. BUTLER.]

Mr. BUTLER. I submit the views of the minority on the bill, and ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee, and the views of the minority will be printed with the report.

Mr. HALE. By direction of the Committee on Naval Affairs, I report back the bill (S. 3288) to provide for the increase of the naval establishment, with an amendment. I give notice that I shall call up the bill at an early day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8593) for the repair and preservation of the road, heretofore constructed by the Government, leading from Vicksburg to the national cemetary adjacent thereto, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (H. R. 4476) for the relief of Alexander Worrall, reported it without amendment, and submitted a report thereon.

DISTRICT LIQUOR LICENSES.

Mr. COLQUITT. I crave the attention of the Senator from Kansas [Mr. INGALLS], the chairman of the Committee on the District of Columbia, for a moment. I wish to inquire what action the Committee has taken, or proposes to take, upon the petition of the Women's Christian Temperance Union relating to abuses and violations of law in this District.

Mr. INGALLS. I have been unfortunately detained by other business from the last two meetings of the committee, and I am unable to answer the Senator.

PUBLIC BUILDING AT TROY, N. Y.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y., to report it favorably without amendment. As the committee has already reported favorably a Senate bill on the same subject, I ask that this bill may be put on its passage.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORTSMOUTH, OHIO.

Mr. MAHONE. I am also instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 6976) to erect a public building at Portsmouth, Ohio, to report it favorably without amendment. I ask for the present consideration of the bill.

By unanimous consent the Senate, as in Committeo of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT BROOKLYN, N. Y.

Mr. MAHONE. I am also instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 10305) to increase the appropriation for the public building at Brooklyn, N. Y., to report it favorably without amendment. I ask that the bill be considered at this time.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BATTLE-SWORD OF CAPT. S. C. REID.

Mr. HOAR. I am directed by the Committee on the Library, to whom was referred a message of the President of the United States recommending Congress to make suitable provision for accepting the sword of Capt. Samuel C. Reid, commander of the brig General Armstrong, and providing for a suitable acknowledgment of such gift, to report a joint resolution.

The joint resolution (S. R. 109) authorizing the President of the United States to accept in behalf of the United States the sword of Capt. Samuel Chester Reid, tendered as a gift by his son Samuel C. Reid, was read the first time by its title.

Mr. HOAR. Let the Secretary read the joint resolution in full for the information of the Senate. I think there will be no objection to its present consideration.

The joint resolution was read the second time at length, as follows:

Resolved, &c., That the President be, and he is hereby, authorized to accept in behalf of the United States the sword of the late Capt. Samuel Chester Reid, commanding the United States private-armed brig General Armstrong, tendered him by Samuel C. Reid, son of said officer.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HOAR. I move to add to the joint resolution:

And to make the giver of said sword such acknowledgment as he shall deem suitable for said gift.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3296) to authorize the printing of the eulogies delivered in Congress upon the late John A. Logan; which was read twice by its title, and referred to the Committee on Printing.

Mr. MCPHERSON introduced a bill (S. 3297) for the relief of Michael Gary; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLER introduced a bill (S. 3298) granting a pension to Clara G. Scott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILLIAMS introduced a bill (S. 3299) to amend the act to provide for the resumption of specie payments; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO A BILL.

Mr. MILLER submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

WILLIAM WEBSTER.

The PRESIDENT *pro tempore*. If there are no "concurrent or other resolutions," the Chair, in pursuance of the order of the Senate made yesterday, lays before the Senate as part of the unfinished business of the morning hour the resolution reported by the Senator from Alabama [Mr. MORGAN], from the Committee on Foreign Relations, on the petition of William Webster relative to a claim for indemnity from Great Britain.

Mr. MORGAN. I ask that by unanimous consent that resolution may go over until Monday, retaining its place.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent of the Senate that the resolution be postponed until Monday, retaining it place. If there be no objection, that order will be made.

PUBLIC BUILDING AT LA FAYETTE, IND.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 531) to provide for the erection of a public building at La Fayette, Ind., which were, in lines 11 and 12 strike out "one hundred" and insert "fifty," so as to make the limit of cost $50,000; in line 12 strike out "seventy-five" and insert "fifty," so as to make the amount of appropriation $50,000.

And at the end of the bill to add:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $50,000 for site and building.

Mr. MAHONE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

RAILWAY THROUGH INDIAN TERRITORY.

Mr. PLATT. Yesterday, upon the passage of the bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, I entered a motion to reconsider. The reason why I did so was because I thought there was a passage or two in the bill which might give rise to a belief that Congress thought it could by a bill confer certain rights upon a State government which might hereafter be erected which that government otherwise would not possess. I will read the clause in section 4:

Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which said railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway.

It seemed to me that the use of such language as that in a bill would be an implication of a belief by Congress that unless authorized by Congress a State when it should be formed would not have that power;

but I am informed, and I see, that the object of it was to prevent any claim that any right had become vested in the railroad company to make such charges as they saw fit, by the fact that Congress had simply reserved the right to Congress. In that view of it, although I think the language was not fitly chosen, I will withdraw the motion to reconsider.

The PRESIDENT *pro tempore*. The motion to reconsider is withdrawn, and the bill stands passed.

COMMITTEE ON COMMERCE.

Mr. McMILLAN. I move that the Committee on Commerce have leave to sit during the sessions of the Senate for the remainder of the present session of Congress.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 731) granting a pension to William H. Hester;
A bill (H. R. 752) granting a pension to James Smithpeter;
A bill (H. R. 942) granting a pension to Penelope Morton, widow of Lieut. James Morton;
A bill (H. R. 1903) granting a pension to Henry Canode;
A bill (H. R. 4585) granting a pension to Mrs. Fannie Carman;
A bill (H. R. 5927) for the relief of Louisa Kearney;
A bill (H. R. 6918) to increase the pension of Lewis M. Strong;
A bill (H. R. 8798) granting a pension to Thomas J. Hays;
A bill (H. R. 8826) granting a pension to Mary M. Thompson;
A bill (H. R. 8829) granting a pension to Jacob Teits;
A bill (H. R. 9143) granting a pension to Dr. Sabin Stocking;
A bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll;
A bill (H. R. 9928) granting a pension to Moses Williams;
A bill (H. R. 10050) to increase the pension to Capt. Frank Bell;
A bill (H. R. 10262) granting a pension to Lawrence O'Conner;
A bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin; and
A bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker.

The message also announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

A bill (S. 1494) granting an increase of pension to Stephen D. Smith;
A bill (S. 1582) for the relief of Alpheus R. French;
A bill (S. 2159) granting a pension to Mrs. Almira Ambler;
A bill (S. 2382) granting a pension to Alice Kelley;
A bill (S. 2451) for the relief of Mrs. Julia De Quindre; and
A bill (S. 2997) granting a pension to Mrs. M. E. Woods.

The message further announced that the House of Representatives had passed the following bills:

A bill (S. 722) granting a pension to Mrs. Ellen M. Boggs;
A bill (S. 773) granting a pension to M. Louise Butler;
A bill (S. 1570) granting a pension to Mary Ann Vars;
A bill (S. 1673) granting a pension to Charles G. Paris;
A bill (S. 1825) granting a pension to Elizabeth Forgey;
A bill (S. 2045) granting a pension to Mrs. Sarah Hamilton;
A bill (S. 2210) granting a pension to Anna Wright;
A bill (S. 2216) for the relief of Mrs. Elizabeth Rice;
A bill (S. 2393) granting a pension to Anna M. Marshall;
A bill (S. 2708) for the relief of Maria L. Strong; and
A bill (S. 2935) granting a pension to Robert Baxter.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7508) granting the right of way to the Annapolis and Baltimore Short Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis, Md.; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. EVARTS. I ask the Senate to proceed with the consideration of the joint resolution in recognition of the services of Joseph Francis.

Mr. PLUMB. Has the morning business been concluded?

The PRESIDENT *pro tempore*. It has been concluded.

Mr. PLUMB. I shall be obliged, then, to ask the Senate to proceed with the consideration of the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. The question now is upon the motion of the Senator from New York. After that is acted upon the motion of the Senator from Kansas will be in order. The Senator from New York moves that the Senate proceed to the consideration of the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Mr. CAMERON. I wish to say in connection with that——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. CAMERON. I wish to say that I have a batch of literature which I propose to read to the Senate on that subject.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. COCKRELL. That matter will consume the whole day.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the joint resolution. [Putting the question.] The noes appear to have it. Does the Senator from New York call for a division?

Mr. EVARTS. I only wanted to say about it that it would be concluded very soon,

Mr. RIDDLEBERGER. Pending that motion, I desire to make a motion that the Senate proceed to the consideration of executive business. I have no idea that the Senate will do it, but I wish to have it understood that the State of Virginia is one of the States in which appointments have not been confirmed, and I am doing my duty in asking that the Senate shall proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. PLUMB. I now move that the Senate proceed with the consideration of House bill 10793, being the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator from New York [Mr. EVARTS] call for a division on his motion to proceed to the consideration of the joint resolution?

Mr. EVARTS. I was only going to say that notwithstanding what is suggested, I think the conclusion of the Joseph Francis resolution will be brief. I supposed the appropriation bill would not be pressed in the morning hour. I should be very glad if my friend from Kansas would allow the joint resolution to be proceeded with.

The PRESIDENT *pro tempore*. The Chair will then announce that the motion is lost. The Senator from New York can renew the motion at any time.

Mr. PLUMB. I do not feel that I can afford to yield to that measure. It would undoubtedly take up a couple of hours of time right in the middle of the consideration of the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] moves that the Senate proceed to the consideration of the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

The motion was agreed to.

Mr. RIDDLEBERGER. What has become of my motion?

The PRESIDENT *pro tempore*. The Chair put the question, and the Senate voted in the negative.

Mr. RIDDLEBERGER. I did not so understand it. I ask for the yeas and nays on my motion.

The PRESIDENT *pro tempore*. The Senator can renew the motion if he chooses.

Mr. RIDDLEBERGER. I did not understand the Chair to put the motion.

The PRESIDENT *pro tempore*. The Chair did distinctly put the motion.

Mr. RIDDLEBERGER. I have a purpose in making the motion, and I wish to pursue that purpose.

The PRESIDENT *pro tempore*. The Senator from Virginia renews his motion that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. RIDDLEBERGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. VEST. I am paired upon all questions until Monday morning with the Senator from Connecticut [Mr. HAWLEY]. I do not know how he would vote.

The result was announced—yeas 5, nays 39; as follows:

YEAS—5.

George,	Payne,	Riddleberger,	Sawyer.
Palmer,			

NAYS—39.

Allison,	Colquitt,	Harris,	Platt,
Beck,	Conger,	Ingalls,	Plumb,
Berry,	Cullom,	Kenna,	Sabin,
Blakburn,	Dolph,	McMillan,	Saulsbury,
Blair,	Eustis,	McPherson,	Spooner,
Butler,	Fair,	Manderson,	Teller,
Call,	Farwell,	Maxey,	Vance,
Cameron,	Frye,	Mitchell of Oregon,	Walthall,
Cockrell,	Gorman,	Morgan,	Wilson of Iowa.
Coke,	Hampton,	Morrill,	

ABSENT—32.

Aldrich,	Evarts,	Jones of Florida,	Sherman,
Bowen,	Gibson,	Jones of Nevada,	Stanford,
Brown,	Gray,	Mahone,	Van Wyck,
Camden,	Hale,	Miller,	Vest,
Chace,	Harrison,	Mitchell of Pa.,	Voorhees,
Cheney,	Hawley,	Pugh,	Whitthorne,
Dawes,	Hoar,	Ransom,	Williams,
Edmunds,	Jones of Arkansas,	Sewell,	Wilson of Md.

So the Senate refused to proceed to the consideration of executive business.

ILLINOIS JUDICIAL DISTRICTS.

Mr. CULLOM. I ask the Senator from Kansas to yield to me to enable the Senate to take up House bill 367. It is a matter which interests the people of Illinois, and which I called up yesterday, but the bill was not at that time in possession of the Senate. It will take no

time. There will be no discussion of it. I ask the Senator from Kansas to yield to me for that purpose.

Mr. PLUMB. In view of the disappointment of the Senator from Illinois yesterday evening I will yield to him, but to no one else.

Mr. CULLOM. I ask the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to add as an additional section:

SEC. 11. That all crimes and offenses heretofore committed within the said district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. CULLOM. I move that the Senate insist upon its amendment, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. BECK. Yesterday, when the bill was laid aside, I had risen to make a remark or two in regard to the bill. What is called the subsidy amendment, I believe, has not yet been reached.

The PRESIDENT *pro tempore*. The pending amendment will be stated.

The CHIEF CLERK. The Committee on Appropriations propose, as an amendment, to insert after line 88:

For the transportation of foreign mails by American built and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay, $500,000; and the Postmaster-General is authorized to make, after due advertisement for proposals, such contract or contracts with such American steamships, for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points, as shall be found expedient and desirable to secure the ends above set forth; but every such contract shall be subject to be modified or annulled by act of Congress.

Mr. BECK. Mr. President, I have raised the question of order against this class of subsidy amendments so often and have been so regularly overruled that, if the Chair thinks the pending amendment in order, I shall not make any question about it.

The PRESIDENT *pro tempore*. The Chair would feel bound to follow the decisions of the Senate.

Mr. BECK. I supposed so, and therefore I did not care to make any question of order.

I rose yesterday before this subsidy amendment was reached, not to say anything regarding it at the time, but to say that the Senator from Kansas, who has charge of the bill—I was on the subcommittee with him—seemed to think that there had been undue economy sought after by the Post-Office Department, and he complained of the inefficiency of the service, or rather not having service enough for the wants of the country. One thing, however, I was glad to hear him admit, that this is a clean bill without any sort of jobbery in it, no star-routes, nothing to bring scandal on the administration of the Post-Office Department. This is the first time, as far as I know, that complaints have been made by gentlemen on the other side that the head of the Post-Office Department is too economical. That the Department has been clean, fair, and honest in its administration nobody disputes. The Senate Committee on Appropriations in looking over the bill as carefully as the Senator from Kansas and myself on the sub-committee could, and as the whole committee did, could not find any fault with what had been done in the other House, or any fault with the estimates as presented by the Department.

The Senator from Kansas, notwithstanding his fault-finding, did not venture to suggest any amendment to change the estimates of the Department, which were adopted in the bill as it came from the other House, and as it came from the Committee on Appropriations of the Senate; that at least was a compliment to the wisdom and integrity of the Department in making the estimates which it submitted, and the action of the House of Representatives and of the Committee on Appropriations indorsed this by passing the bill in accordance with the estimates.

I hardly think the criticism of the Senator from Kansas was fair. I have looked over the RECORD this morning, and some of the petitions that were sent to the Senator from Kansas, and I am satisfied they were based on imperfect information. When you come to look at the amount appropriated for the current year you find it is $54,365,863.25, while the amount in this bill, outside of the subsiby clause, is $55,689,650.15, or an increase over the appropriations for the current year of $1,323,786.90. When you analyze the bill carefully it will be found that the increases are such as necessarily come from the growth of business. For example, for compensation to clerks in post-offices for the current year, $5,150,000. In the bill now under consideration we allow $5,450,000, or an increase of $300,000. For miscellaneous items the increase is $15,000. For the free-delivery service we have increased $100,000 and have added $347,500 because of the additional cities that are embraced in the free-delivery system. Small increases are made in regard to mail-bags because of the increase of the railroad service. For inland transportation we have made an increase on the railroad routes of $300,000, and so all along the line. For railway postal clerks there is an increase of $190,000; for railway postal cars an increase of $130,000. For the manufacture of envelopes and wrappers and things of that sort there is an increase of $200,000. For the transportation of the foreign mails there is an increase of $75,000. For the manufacture of postal cards an increase of $12,000 is allowed, and so on—a natural, fair increase, growing out of the increase of business.

When the Senator from Kansas was criticizing the action of the Department in regard to matters that had not been suggested before the committee, as far as I am aware, and as to which there was no suggestion of amendment, he read, among other things, a letter dated February 5, 1887, from Cedar Vale, Kans., signed by Eli Titus, addressed to the Senator from Kansas:

CEDAR VALE, KANS., *February* 5, 1887.

MY DEAR SIR: Am glad to see you are stirring the Department up on the inexcusable bad mail service in Kansas. We now have two railroads completed to Cedar Vale, the C. K. and W. from Independence, completed November 1, and the D. M. and A. from Chetopa, completed January 1, and no mail service on either, although have been trying since November 1 last. The mail comes from Grenola by stage, 20 miles north of Cedar Vale. There is certainly no excuse for this. Please call the attention of the Post-Office Department to this.

And oblige, yours, very truly.

At this point I interrupted the Senator for a moment, and I asked him what that was. He reread it. I telegraphed at once to the Post-Office Department from my seat and received this answer in a few minutes:

POST-OFFICE DEPARTMENT, *February* 11, 1887.

Distance circulars, Chetopa to Cedar Vale, were not received from the railroad company until January 27, and on February 3 the Department ordered that service be established on that line on and after February 21. Service from Chautauqua to Cedar Vale not yet authorized, but under consideration.

WM. F. VILAS.

Hon. J. B. BECK.

The Senator's correspondent says that from the 1st day of November, with a completed railroad, application has been made for service and that there is no attention paid to the wants of that people, while the official statement shows that the railroad company did not furnish even the distance circular until the 27th of January, and on the 3d of February the Department proceeded at once to establish service.

Again, I sent a message saying that there were other complaints from Kansas. I could not even state what they were, but asking, "What about Kansas railways?" In less than half an hour the following dispatch was received, signed by the Postmaster-General:

POST-OFFICE DEPARTMENT, *February* 11, 1887.

An examination in Second Assistant's Office shows that since July 1, 1886—

Seven months ago—

new railroad service has been placed on Kansas routes to the number of thirty new routes, aggregating almost 1,000 miles, and that but five short routes properly to be employed remain without service yet ordered because the information in regard to them is not yet complete. There is no just occasion for any criticism or complaint on this score. About 5,800 miles of railroad routes now in Kansas, and total cost of railroad service is now over $600,000 per year.

WM F. VILAS.

Hon. J. B. BECK.

If the Senator from Kansas proposed to find fault with the Postmaster-General, it was his duty to show that there was wrong done. I think it would have been better for him to have laid those communications before the committee and have given the Post-Office Department a chance to answer them, because the Postmaster-General avows and shows, and it is high evidence of the development of the State of Kansas, that she has in the last seven months added a thousand miles of new railroads in that great and growing State; and the Postmaster-General shows that she has proper service on every line except five short ones, about which the Postmaster-General has not received proper information on which to take definite action. The Postmaster-General is supplying service as rapidly as he can. These telegrams, I think, while they are imperfect and only sent on the spur of the moment, answer, I think, satisfactorily many of the complaints that newspaper editors and other gentlemen have made in regard to the service in that State.

I insist that whatever else may be said about Mr. Vilas, the Postmaster-General is devoting his time anxiously, carefully, and earnestly to give the people good postal service and do it with reasonable economy. I have never heard any well-grounded complaint made against the integrity of the management of the business of that Department. Some of us may find fault in regard to political matters; but as to the business management of the Department, it never was managed with

more efficiency, with more honesty, and with an eye more single to the good of the service, so far as any fact has been brought before the Committee on Appropriations, and I suppose if there had been any well-grounded complaint we should have heard of it either in the subcommittee or the whole committee.

As I said—and that is all I care to say in regard to these preliminary matters—the estimates were so fair, so reasonable, that the House of Representatives accepted them and passed the bill in accordance with them. The Senate Committee on Appropriations reported the House bill just as it came from the House, again indorsing the estimates, and neither in the subcommittee nor in the whole committee, nor any where, has any person in either House been able to find any fault with the management of the Post-Office Department, or with the estimates as made, except by the Senator from Kansas in laying before the Senate without asking to make any amendment, and without calling the attention of the committee to them, letters of people who looking at the subject from their own narrow point of view, feeling that a young town, one which I think the Senator said had grown up in about six weeks—I know how they grow and am glad to see them growing—but people feeling that they are not pushing ahead if they do not get all the mails they want in a day when the proper machinery has to be provided for a whole country, they no doubt become restless and make complaint. But the result at last is that everything has been done that could be done, and whatever is now lacking the Department is endeavoring earnestly and promptly to supply; what is said of Kansas, is equally true of the rest of the country as far as official information can be obtained.

I venture to assert that whenever any complaint is made about the business of the Department and an inquiry is made at the Department, or when any complaint is made in any form in which the Department can be heard in answer to it, the Post-Office Department will show in every case that everything is being done that can be done to furnish an efficient, honest, and cheap service.

I may as well say in regard to the pending amendment—the subsidy amendment——

Mr. PLUMB. Before the Senator passes to that, let me ask him a question. He said, in commending this bill in the beginning of his remarks, that it had no jobbery in it. He and I have been on the subcommittee of the Appropriations Committee which has had charge of the Post-Office appropriation bill for, I think, five years, and I will ask him if there has been any bill during that period of time which came from that subcommittee or from the committee itself making appropriations for the Post-Office Department about which there has been any odor or suggestion of jobbery or corruption, or anything improper?

Mr. BECK. I will say that whenever the committee could discover anything like jobbery I believe we have always endeavored to correct it; but the Senator will recollect I was on the committee with him at the time when we had General Brady and the star-route matters before us.

Mr. PLUMB. That was before my service on the committee.

Mr. BECK. It was not before mine. I was on it then, and a member of the subcommittee having it in charge.

Mr. PLUMB. I am speaking now of the last five years, covering the period of Arthur's administration, as well as the present one so far. I ask if there has been any suggestion of wrong or any improper expenditure of any of the money we have appropriated in the Post-Office appropriation bill during that time.

Mr. BECK. I think since we got out of the star-route abuses there has been none, but I know the struggle we had about that, and we could not get to the bottom of it. The other House tried it as well as the Senate. We summoned the Postmaster-General, we summoned Mr. Brady, we examined them fully. All appeared fair on the face; they said that they were doing the best they could, and it was only when the Postmaster-General threatened to stop the mails because he did not have money enough to keep the services up that we were enabled to get at the bottom of that trouble and found that they were not doing justice to the general service, but were squandering money in useless "expedition," in "increased rates," where there was no use for them, and in a thousand improper ways, with which the country is now perfectly familiar.

From that day to this the service has been improving, but nowhere and under no Postmaster-General has it been more carefully watched than it is by the present Postmaster-General. I know the former Postmasters-General have furnished the Senator from Kansas and myself every facility to ascertain all the facts within the last five years. That they were men of integrity and ability and desirous of aiding the committee in every way I believe; and the Senator from Kansas will agree with me that the present Postmaster-General is doing his duty as earnestly and faithfully as any man who ever was in that great office.

If it is agreeable to the Senator from Kansas, perhaps the Senate would prefer first to have him state the reasons for the passage of the subsidy amendment rather than to hear the objections to it. I am one of those who object to it. The Senator from Kansas, I know, is in favor of it, and I think after stating what I have upon the general subject it would be better for him to state the reasons why this amendment ought to be agreed to, no point of order being raised against it.

Mr. MORGAN. Before the Senator from Kansas takes the floor I desire to offer an amendment, which I send to the desk.

The CHIEF CLERK. In the amendment reported by the Committee on Appropriations, after the word "American," at the end of line 89, it is proposed to strike out the word "built" and insert the words "owned and officered;" so as to read:

For the transportation of foreign mails by American-owned and officered and registered steamships, to secure the greater frequency and regularity in dispatch and a greater speed in the carriage of such mails to Brazil, &c.

And at the close of the committee's amendment add:

Such steamships so owned and officered shall be entitled to be enrolled, registered, and licensed as American ships are while the same are employed in the execution of said contract for the transportation of foreign mails.

Mr. MORGAN. Before the debate arises on that proposition I wish to ask the Senator from Kansas and the Senator from Kentucky also about one feature of the committee's proposition. I premise the question I am going to ask by saying that the only complaint I have heard at all about the mail service is that the clerical force at some of the principal distributing points, particularly in the new parts of the country, is not sufficient to handle the mails. I infer that that grows out of the fact that we have decreased the postage and, thereby, very largely increased the weight and volume of the mail matter. I want to ask whether or not the sum allowed for compensation to clerks in post-offices is enough. It is $5,450,000.

Mr. BECK. We have added $300,000 over the appropriation for the current year.

Mr. MORGAN. Are you still above the estimates?

Mr. BECK. Just up to the estimates.

Mr. MORGAN. Five million three hundred thousand dollars has been estimated for.

Mr. BECK. And that is allowed.

Mr. MORGAN. And is supposed to be enough for that purpose?

Mr. PLUMB. That is what the Postmaster-General says is enough. The Senator from Kentucky says it is an increase of $300,000 over last year. It is exactly what the estimates provided for, and, of course, we assumed that was all that the Postmaster-General could spend if he had the money.

Mr. MORGAN. Is the Senator from Kansas satisfied that that is enough?

Mr. PLUMB. I can not say that I am entirely satisfied on that point; but still that question of what is enough is a compound of two other facts. One is the question from the view of the public as to what is enough; the other is the view of the Postmaster-General of what is enough. My own belief is that if this money were properly distributed it would be ample.

This is the complaint I make against the Department, and I always have—for the abuse exists now probably in no greater degree than it has under preceding administrations—that the clerks in the large post-offices like New York, Buffalo, Cleveland, Pittsburgh, and so on, get from two to three and even four times as much compensation as they do in the second-class offices throughout the country for the rendition of the same services and under the same responsibility. There are a number of employés in the New York post-office as clerks under the postmaster of that city getting four and, I am told, even as high as five thousand dollars a year each, and there are none of the clerks of the lower grades of pay in that office as there are in the second-class offices in the Senator's own State and mine and throughout the country. I think if the services were properly adjusted there is an ample fund provided. In the second-class offices the service is not satisfactory at the present time.

Mr. MORGAN. Is it classified?

Mr. PLUMB. Do you mean under the civil service?

Mr. MORGAN. No; is it classified in respect of the number of clerks of a certain grade that shall be employed in the second-class offices?

Mr. PLUMB. No; it is not classified. The postmasters at different places employ such persons as they see fit out of the lump sum allowed, certifying to the Postmaster-General their list of employés with the salaries, and so on. The Senator from Maine suggests that they seldom pay over $500 for clerks. I think that is pretty low, but the maximum of employés' pay is about $1,200, and it ranges from that down to about $300.

Mr. MORGAN. I was trying to find out, if I could, where the fault is, if there is any fault, in the distribution of these offices and of this labor at the different post-offices. It is apparent, I think, that the trouble is with Congress in not having legislated so as to provide a sufficient number of officers for each second-class office, and having them classified or graded so that each class can receive a certain amount of pay for which we make appropriation. If we leave the matter entirely discretionary with the Postmaster-General, with such a vast multitude of officers as must be employed by the United States, we are to expect, of course, some imperfection in the service. I think therefore that the Committee on Post-Offices and Post-Roads or the Committee on Appropriations, one or the other, ought to take this matter in hand and provide by law how much the post-offices ought to have in the way of service.

Mr. BECK. The difficulty which the Senator will readily comprehend is that in Kansas a thousand miles of additional railroad are to be provided for. Towns grow up almost in a day. Others when they get off the line of railroad fall off. Thirteen thousand miles of new railroad will be finished this year, and every railroad is a post-route as soon as it is finished. So there is a shifting, a changing, and it is very difficult for any committee to lay down any rule to be observed because of the change in the condition of things.

Mr. MORGAN. The committee could certainly rate the post-offices according to the amount of business that had been transacted in each during the past fiscal year so as to designate the number of clerks of certain grades or classes that should be employed and make provision for paying them. The committee can not ascertain this. It must be for the Postmaster-General to do it. I only wonder that he keeps the machinery of this postal system in as good condition as it is with our rapid expansion, the building up of new railways and new towns. In regard to the second class post-offices, it seems to me the trouble we are talking about now is in this very point, that we do not provide by law for the gradation or classification of the employés in second class post-offices and provide that when the income of an office is so many dollars a year it shall be entitled to so many clerks of such and such grades. It is our fault, and not the fault of the Postmaster-General that we do not do this.

I was apprehensive there was not money enough appropriated for this purpose in the bill, but it seems the committee have given $300,000 beyond the appropriation of last year, in accordance with the recommendations of the Postmaster-General, which I hope will be ample.

Mr. BECK. We give him every dollar he asks for everything.

Mr. PLUMB. The Post-Office Department in distributing this money attempts to follow some such rule as the Senator from Alabama has mentioned; that is to say, the proportion between the allowance for clerk-hire and the revenues of the office. Of course it is not arbitrarily fixed. A good deal depends on the equity of the case and the information the Department receives from inspectors and the pressure brought to bear by the postmaster to be affected and his friends. But still there is running through all these allowances more or less of this theory of relation to the receipts of the various post-offices.

Now I ask the attention of the Senator from Kentucky for a moment, in the way of a supplement to what I said yesterday about the condition of the mail service in Kansas, to show that this complaint is not alone from thriving and growing States like Kansas, but to show that the same complaint exists in older communities. I do not mean to say thereby that these States are not also growing, but States in which this charge could not be made for any political purpose. I quote now from the Atlanta Constitution of a recent date:

The Democrats of the South are not, as a general thing, standing around hunting for offices—

Which I am glad to have certified to from high authority—

but if they were, and failed to receive them, they would not on that account desire to destroy the Democratic party. There can be no doubt, however, that some of the Departments, under Mr. Cleveland's administration, call loudly for reform.

It seems to me I have heard that word before in connection with the administration of the Government. There was something about reform during the last election, and a good deal of anticipation was indulged in as to the reform that might be expected to ensue on the election of a Democratic President and the incumbency of a Democratic administration.

There is the Post-Office Department, for instance: such ridiculous management (or mismanagement) of the mails has not been seen in the country for many years. Complaint seems to do no good. The mail delivery appears to be out of gear in every part of the South, particularly in those regions covered by the daily and weekly editions of The Constitution. Whether these irregularities are due to carelessness or inefficiency it is needless to inquire. It is enough to say that they exist and that they ought to be remedied.

In this connection I desire to read the following, from the New York Tribune:

A DEMORALIZED POSTAL SERVICE.

The Boston Globe (Dem.), which did its best to secure a Democratic restoration, now that it has got what it labored for is not happy. It devotes a long leader in its issue of Thursday last to the presentation of facts designed to prove that this reform administration is giving New England a conspicuously wretched postal service. This leader, which is entitled "Important to merchants," begins this way:

"It is hardly possible that the business men of Boston and New England are fully cognizant to the extent to which their interests are jeopardized by the inferior facilities afforded by an important branch of the public service. We refer to the postal Department. A vast proportion of the correspondence between New England and the Southern and Southwestern States is carried on by mail, and thousands of important letters are sent every day between these sections—letters of importance concerning extensive and important trade. It would naturally be supposed that, in the process of transmitting this mail, proper facilities would be provided for carrying it forward in the most expeditious manner. All avoidable delays, it should seem, would be done away with as soon as their habitual occurrence had become known. But such is not the case."

With these salient introductory remarks The Globe proceeds to particularize. And we are bound to say that it makes good its charge. It shows that the mails leave Boston for New York and points in the South and leave New York for Boston and points in New England at hours which preclude the possibility of letters being delivered with anything like reasonable dispatch to New England merchants or the business correspondents of New England merchants. As The Globe figures it the night mails from New York for Boston are delivered just twenty-four hours behind the time when they might be delivered if the postal Department were efficiently conducted. This is certainly a discreditable state of things. Time is money, especially with business men, and yet here we are confronted with the spectacle of an administration which rode into power on the great practical reforms it was going to accomplish, needlessly delaying the mail of Boston merchants twenty-four hours! It is not to be wondered at that The Globe is moved to exclaim, "This is so totally indefensible that it will probably be difficult to convince some of our merchants that the condition of things described exists, but it is all true."

We can scarcely believe that the task of convincing the Boston merchants of the truth of what The Globe alleges will prove "difficult." For they must have learned long ago that the foreign postal service of this reform administration was apparently conducted with a view of affording the greatest inconvenience to the greatest number. Why, then, should they expect a satisfactory domestic service?

I have the best of reasons for saying also that the service in the State of Texas, in the Territory of Montana, in the State of Nebraska, and in other portions of the country is very much in the condition that the State of Kansas was yesterday described to be by me.

Mr. COKE. Will the Senator from Kansas yield to me?

Mr. PLUMB. I yield.

Mr. COKE. The mail service in Texas, especially in the second and third class offices, is very poor. There has never been a time in the history of the State since I have known it when it has been worse, except during the war; and it results from the fact that there is an insufficient force to handle and distribute the mails. There is not a postmaster of the first or second class in the State of Texas, as I believe, who, in his efforts to run his office decently, has not paid from 20 to 30 per cent. of the salary which is allowed to him for his labor for clerk-hire which should be furnished by the Government.

Complaints have been frequently made to the Department, and no relief can be had. There is no relief in this bill, because the increase of $350,000 for clerk-hire was just as stated by the Senator from Kentucky this morning, to be to cover the natural increase of the postal business. If we have not been discriminated against unjustly in Texas—and I do not charge that—if we have received our share of the appropriation of the last fiscal year coming under the head of "clerk-hire," and there is no more appropriated in this bill than is necessary to meet the actual increase of postal business for the next fiscal year, we shall have to suffer under inadequate service for another year.

Mr. PLUMB. I want to say briefly in regard to this matter further that the complaint goes to the misconception which the Department has of the needs of the service and the relation of those needs to the revenues to be derived from a particular portion of the service. Quoting now from the report of the Second Assistant Postmaster-General, who has this matter specially in charge, he says:

During the last fiscal year a careful inspection of the service-

The star-route service—

and a readjustment thereof on a basis of the postal business transacted at the offices supplied has resulted in a very large reduction in the cost.

Nothing could be more vicious or unsound than the proposition to base this service upon the postal business transacted at the various offices. For instance, half a dozen offices having the same revenue and all at different distances from a railroad, the first one we will say 5 miles, the second 10 miles, the next 15 miles, the next 25, the next 30, and the next 40 miles. Each one of these offices yields the same revenue, for example, but it requires a different amount of money to give to each one of these offices the same service; and yet upon the theory of the Department, as stated by the Second Assistant Postmaster-General, that community which happens to be the farthest away must have its postal service reduced in proportion to its distance away from the railroad, and not have a service as compared with other offices, nor in proportion to its needs compared with its business. An office 5 miles from a railroad might have a daily service for one quarter, but a similar office situated 40 miles away could only get weekly service, and it is upon this arbitrary, illogical, and entirely at-large-view of the situation that the service is now carried on, and which has resulted in a saving at the expense of those proper facilities to which these communities are entitled.

Mr. President, I accept the suggestion of the Senator from Kentucky, that I should make a statement of the reasons for the proposed amendment giving to the Postmaster-General half a million dollars for the purpose of establishing a certain postal service by sea.

The subject is not a new one in the Senate or in the country. It was discussed at some length at the last session of Congress. At that time the Post-Office Department was, or was supposed to be, against making any special provision for steamship service. This year, however, the Department is in favor of exactly what the amendment under consideration provides for. I could not, if I were to speak all day, add anything to what the Postmaster-General so distinctly, so ably, so exhaustively presents in his annual report. I indorse every word of it, and I will ask the Secretary to read the report.

The Secretary read as follows:

In the appended report of the foreign mails office a particular statement is given of the quantities of mail matter transported by, and of the payments and rates to, each of the various companies which participated in this service, with much other interesting matter.

Petitions, numerously signed by well-known and enterprising merchants and manufacturers of New York, Philadelphia, Baltimore, New Orleans, Saint Paul, Minneapolis, and other places, have been presented to the Department for the establishment of direct and regular mail communication with the Argentine Re

public, the Republics of Uruguay and Paraguay, and for a semi-monthly service to the Empire of Brazil. These petitions represent that within a few years past the Argentine Republic has increased in population and wealth with greater proportionable rapidity than any other country on the globe; that our manufactures, particularly machinery and coarse cottons, are in demand there, but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines; that our direct monthly mail service to Brazil has increased our exports of manufactures to that empire; and it may be confidently expected further advantageous results would follow the solicited enlargement of mail communication.

No authority of law exists of which the Department can avail itself to meet this request. The statutes now give power to employ only such vessels as may be intending voyages to foreign ports in the course of their trade. It has been a constant study to secure by such means the greatest possible frequency and celerity of dispatch, and every opportunity afforded by the sailing of any vessel promising any such advantage has been promptly seized, so that, at the present time, the Department enjoys the best methods for the transportation of its mails to foreign ports which the existing establishments of lines of ships or the occasional sailings of vessels foreign-bound render possible. No gain in regularity, frequency, security, or speed can be attained unless other ships shall be put upon the seas by private adventure or by foreign powers, or other provision shall be made by the Congress.

The particular application of these petitioners appears to me to be entitled to serious consideration. There is not now direct mail communication between this country and a port south of Rio de Janeiro. To the latter the ships of the United States and Brazil Mail Steamship Company afford but one dispatch a month. To more northern ports of the Brazilian Empire somewhat greater frequency is attained by the occasional use of other vessels; but the sailings of these are not regular, and the gain by their employment is but moderate. It is not to be doubted that the extension of direct service to the southern republics of the continent, and regular semi-monthly service to the Brazilian metropolis, would be valuable and desirable, measured by the principles which should alone govern sound postal administration. The application of the petitioners is entirely distinguishable from the subject which was discussed in the last report, and was thoroughly considered and wisely resolved by the Congress at the last session. The proposal then negatived was to pay all existing American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration. It would have secured no additional advantages to the postal service; but, instead, would have multiplied its cost, with no other tendency than to enable existing carriers to intimidate competition, and thereby restrict the increase of facilities available for the service, as well as for commercial intercourse. It would have been not only an unnecessary but a pernicious bestowal of the public money on one class of carriers.

This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner. The requisite expenditure would be for something worthy of expenditure, and within the general usage and the sound principles of the postal service. It should ever be regarded as wise administration to keep postal facilities rather somewhat in advance than in anything lagging to the rear of all the proper requirements of intercourse excited by the ties of blood or race, popular education and enlightenment, trade and commerce. Upon this footing very many domestic routes are maintained at a cost many times beyond their immediate and direct returns, but undeniably to the great increase of the country's general welfare; and whenever the substantial need of intercourse by the mails arises provision for such communication is promptly made.

These considerations suggest inquiry whether there be the need of such mail communication with the mentioned countries of the southern continent, whether that need be worthy of special effort to meet it, and whether it can be supplied at a cost justifiably adequate to the present and prospective value of the proposed intercourse. The determination of these inquiries rests with the Congress, and the Department is privileged, and by its information able, only to express the general opinion that such service would be highly useful and is fairly demanded by the interests of the country, and its early establishment should be attempted; and I respectfully suggest that you invite the attention of that body to the subject in such terms as shall commend it to careful consideration. Should the recommendation meet with favor in its general aspects, the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise.

There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States. The rapid development and growth of the countries in view, their lack of manufacturing establishments of their own, the desirable character of their products for exchange, and the advantages of extending the fields of enterprise of our citizens, as well as of creating firmer ties between the peoples of our continent, invite the extension and enlargement of our postal facilities by every just, reasonable, and economical method in consonance with sound principles.

Mr. PLUMB. In view of the very exhaustive argument in favor of the amendment which has just been read, I should be disposed to overlook his kick at the action last year, which is contained in the same report, which I will read. It will be observed that he confesses all the way through that he obtained his information from the petitioners, whom he mentions; that they have opened his eyes to a condition of things of which he was not before advised, but, like a sensible man, as he is, he is willing to accept information from whatever source it may come, and to act upon it. As I said, he rather ungraciously kicks back at the proposition of last year designed to accomplish the same thing, in these words:

> The application of the petitioners is entirely distinguishable from the subject which was discussed in the last report, and was thoroughly considered and wisely resolved by the Congress at the last session. The proposal then negatived was to pay all existing American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration. It would have secured no additional advantages to the postal service; but, instead, would have multiplied its cost, with no other tendency than to enable existing carriers to intimidate competition, and thereby restrict the increase of facilities available for the service, as well as for commercial intercourse. It would have been not only an unnecessary but a pernicious bestowal of the public money on one class of carriers.

The proposed appropriation of last year for a similar purpose left, as this proposition does, the whole question in the hands of the Postmaster-General. His discretion was just as wide as the object of the appropriation. He was not absolutely required to do anything, but he was simply authorized to give the money necessary to carry out a purpose expressed by Congress under such terms and conditions and limitations as he himself should deem wise, and he could even refrain from doing anything if he saw fit so to do. The Senator from Kentucky may remember that the question as to whether he should be directly commanded to do certain things was discussed in the committee, and that no point was made over his refusal to carry out the law passed by Congress upon the same general subject, but that it was designed to put, and in the most friendly spirit, the appropriation in the hands of the Postmaster-General, to be expended according to what his wisdom should dictate, and if there was anything in it that savored of combination or of unjust favor it was only because his discretion would be moved in that direction.

The Postmaster-General states the case this year very strongly. He finds that in certain very important portions of South America there is need of postal connection with the United States, and he finds that there are no vessels plying between the ports of the United States and those of these countries, and that therefore there is no adequate means whereby the Department can send the mails to those countries, and he expresses, what is not a new idea, that there is a relation between the postal facilities of the country and its commercial business which can not be ignored; that one is the handmaid of the other, and he sets forth very graphically the fact that the people in this portion of South America thus shut off from direct communication with the United States are very desirous of buying the products of American manufacturers, and that they would do this to a very large extent if there were means whereby these products could be carried to these waiting countries; and he says that the establishment of postal facilities would not only increase the revenues of the Post-Office Department to a material extent, but that the establishment of these facilities would do what the establishment of such facilities have done elsewhere, add to the business of the communities that are brought together by means of this postal service and thereby bring a great incidental advantage.

This proposition leaves the expenditure of all this sum of money under the control and at the discretion unlimited of the Postmaster-General. He is to use it, if he uses it at all, for the accomplishment of certain purposes, and that service he may begin at any port of the United States—it may be from Galveston, it may be from New Orleans, it may be from Mobile, from Pensacola, from Charleston, from Wilmington, from Norfolk, from Baltimore, from Philadelphia, or from New York. He has his choice. Congress does not interpose to give any direction whatever, but he is to establish, if he establishes at all, with the purpose of securing greater efficiency and regularity and dispatch and a greater speed in the carriage of such mails. He is to be the judge of the coming together of these different conditions; he is to determine absolutely whether the expenditure would be required, and upon his determination alone the whole thing is to proceed.

That is in direct line with another appropriation contained in this bill, and which has been found in such bills for years, "for special facilities on certain lines of railroads, $297,000,000," &c. I recall very well when that appropriation was first made. I know very well the idea in mind at the time. It was not merely to establish a service between New York and Boston and the newer portions of the remote Southern States, which did not supply facilities enough to enable the railroads to carry the mails at a proper speed, but it had for its design further the ultimate connection of this country with Cuba by means of a line of railroad extending from New York to Tampa Bay, on the west coast of Florida, and the establishment of a line of steamers thence to Havana, and the law was so amended that the Postmaster-General might contract for so much of that service as lay between Tampa Bay and Havana, not under the burdens of the existing law in regard to foreign mail service, which limited the amount he must pay, but he might bring it under the liberal and comprehensive provision of the law concerning our coastwise service, which put no limit at all upon the amount which might be paid.

As the result of that is that we now have a service which is completed from New York to Havana in sixty-eight hours, and under the operation of which this country has been drawn into close and is daily being drawn into closer commercial and friendly intercourse with the Island of Cuba, and there is carried on this route thus subsidized nearly all the outer-bound mail from the Island of Cuba, and we are beginning to receive the revenue which we have a right to expect from the quickening of the service and the shortening of the time of transit from New York to Havana, we are adding materially to our intercourse with Cuba, and increasing our trade, which will prove to be one of the most beneficent of our acquisitions in recent years.

Looking back over my service in this body I am glad to be able to fairly claim some of the credit in bringing about this great result, and I believe that a similar wisdom of expenditure in the direction indicated by the Postmaster-General, made of wider application, will in due time bring even greater results in other directions. And what is the amount involved?

We appropriate every day for objects of a less commanding public nature much larger sums of money than that proposed. The objection,

therefore, can not be to the amount of money. The amount that we pay to the great railroads of the country is just as much in its nature a subsidy as that which we propose to pay to this steamship line if it shall be established. The Government does not stop to consider whether it can get this service for a less price at the hands of the railroads; but it simply says, under all the circumstances, considering the fact that we want every day a better service, a faster service, a more certain service, that what we give them is a fair compensation for that which we expect in return and which we get. We do not put it up to competition, and we do not higgle about the allowance, but give the service required and the money is forthcoming within the limit of the law.

This amendment is designed simply to apply to the proposed service between this country and South America the same principle which we have applied from the beginning of time with reference to our internal service. Give a handful of Americans in the Argentine Republic, in Uruguay, in Paraguay, and establish communication with their mother country, establish lines of steamers that will carry to them the mails which are necessary to their business and convenience there, and the handful of men will become colonies, and the colonies will become a great people, and there will be a connection, not merely of a commercial character, but a connection by blood, by similarity of institutions, by all that community of interests which binds together remote populations and makes them mutually dependent and mutually helpful.

Mr. President, this is not a new policy. It is a policy which has been adopted by all the great nations of the world; it is a policy which has been applied in the widest possible way and to every portion of the foreign mail service of Great Britain, Germany, and France.

Under this policy applied by those great governments they have taken possession of the world's commerce.

It is useless to say that we can regard all this as of no consequence and as idle. We are competing with these nations for this very trade. It is essential to us that we should have these places brought near to us in order that they may furnish, not only markets for home manufactures directly, but that they may furnish new fields of enterprise for the young and the active of our population, whose horizon is constantly widening, and who are looking now to the tempting fields of South and Central America in the hope of that profit and of that power which is a part of the ambition of every properly constituted American.

We can not either overlook the fact that our neighbor on the south, the Republic of Mexico, is entering into the same field. During the last session of the Mexican Congress a bill was passed making a concession, which has since passed into the hands of an American company, organized under the laws of the State of Connecticut, granting a subsidy of $8,000 a round trip for a steamship line between San Diego in California to a port in Guatemala, both the terminal points being out of the Mexican jurisdiction and off Mexican soil; and this is to continue for twenty years. Other privileges are granted to the steamship line as well. They are not required to carry the Mexican flag nor to use ships with Mexican registers during the first three years. They are permitted to import free of duty during twenty years all articles necessary for the repair or construction of their ships. They are given the preference right to use the Mexican navy-yards for the purposes of repair, construction, and shelter.

Mr. MORGAN. Will the Senator allow me to inquire whether he would like to see that Mexican concession incorporated in our laws?

Mr. PLUMB. If the Senator means to make a play upon the particular terms of it, I might say no.

Mr. MORGAN. No; I make no play.

Mr. PLUMB. But if he means to ask me whether or not there ought to be mails carried on regular lines of American steamships from points on American soil to points in South America and other countries with which we need communication, I answer unhesitatingly yes, no matter what may be necessary to bring it about.

Mr. MORGAN. The statement of the Senator I understood was that the Mexican Government had contracted that for three years the mails might be carried in ships that were not Mexican built. Would the Senator be willing to see that done in regard to American ships?

Mr. PLUMB. No, Mr. President; I would not.

Mr. MORGAN. I would. My amendment is to that effect.

Mr. PLUMB. I understand, and that has been the marvel of my experience with the Senator from Alabama, one of the broadest-gauged members of this body, a man whose horizon embraces the entire world, and one whose State has more of the natural facilities for the manufacture of steamships of modern character and construction than any other State in the Union, and who, if he could only cut himself away from this theory of his about using foreign ships, and give the influence of his vote and his voice to persuade his party to join in the policy which would build up American ship-yards and lead to the construction of American ships by American labor out of American material upon American soil, would make Mobile the great mouth by which the United States should speak to the South American republics and would build up these great manufactories of ships and all other articles whose chief constituent was iron.

Mr. MORGAN. If the Senator will indulge me a moment, I give my thanks for the very high eulogy he has bestowed on me, but I wish to say that I understood him to quote approvingly the statement he made in regard to the progress of Mexico, that she had made contracts giving $8,000 a round trip to a Connecticut company for carrying her mails in ships that were not Mexican, that for three years that company should have the option of carrying in American-built ships. I understood the Senator to quote that approvingly as an evidence of Mexican progress, and I thought I would try to induce the Senator from Kansas to go as far forward as Mexican progress would permit her to go in the direction of neighborhood and good will and right advancement. I commend his own quotation to him as a very wise thing for us to do.

Mr. PLUMB. The circumstances are entirely different. There are not the facilities in Mexico for the immediate manufacturing of ships.

Mr. MORGAN. There is no facility in the United States south of Wilmington, Del., for the manufacture of ships, and I want a chance to buy a few to start the project. If you give us that chance we will commence building our ships right away.

Mr. PLUMB. I do not know what particular argument there is in the fact there is nothing south of Wilmington, Del. I am willing to take in the entire country, that part lying north of Wilmington as well as that south of it, and if the Senator from Alabama will get himself in line with the true American idea there will be manufactories of ships south of Wilmington, and whatever reproach there may be growing out of the fact that the manufacture of ships has heretofore been north of that line will not be permitted longer to exist. Because ships can not be manufactured in Mexico, because Mexico can not wait, or at least she thinks she can not wait longer for the establishment of this line of communication between San Diego and Guatemala, and which takes in all the service of her ports between these two terminal points, she has said to this American company, "You need not carry the American flag for three years; you shall have that time to make the necessary preparations for the acquisition of ships which can carry the Mexican flag." And yet the Senator from Alabama, with all the wise forecast which he has exercised in warning the American people to prepare for the defense of their interests against the aggressiveness of Great Britain, is not willing that adequate means shall be used to that end. He has specially called attention to the British designs upon the commerce of the Pacific Ocean and the preparations therefor made at Vancouver, and deplored the fact that no adequate preparation had been made to meet the new competition which is in the guise of subsidized mail ships, yet is here to say in effect that he is not willing that the American Government shall give compensation to an American ship engaged in carrying American mail, but if anything is to be done it is to be thrown open to the products of foreign workshops, and that only on condition that it shall thus be thrown open is he willing that the American Government shall undertake to provide means of communication between our people and those of South America.

Mr. MORGAN. That is not a fair statement of anything I have ever said in the Senate or any vote I have ever given.

Mr. PLUMB. I do not feel offended at the sight of an American ship. I am not offended at the prospect of our having American ship-yards in which those ships can be made, evidencing the skill of the American people, equal to the best that can be found elsewhere in the world; and I am willing to adopt at least some of the means which have been adopted by other governments so effectively to bring about this most desirable result.

It has been but a few weeks since the British Government had some trouble with steamship lines which before that time had been carrying its own mail from Liverpool to New York. *It has resulted in that* government adopting as a policy the payment of bounty for the manufacture of ships by private parties, the ships to be subject to the inspection of the admiralty, to be made upon plans to be devised by them, the government reserving to itself as the only consideration for the great bounty that it gives the privilege of using the ships in war times at a peace price, that price to be fixed when the bounty is paid. It is thus that that great people, and with the highways and by-ways of the world studded with their forts, covered with their ships and her commercial and military communities, takes a bond of fate against the perils of the future. It is the policy which does not wait until the danger is upon us before preparation is made. It is the policy which sees in British manufacturers of ships and of all other materials the muniments of British power. It is that policy which formulated and acted upon the idea that when we enter that domain in which states struggle for supremacy there are no morals save interest and no principle except power.

Upon that principle the British Government has always acted. It is the secret to-day of her dominating influence in the commerce of the world, and it is because we, busied with the peopling of a continent, withdrawn from participation in international affairs by reason of the overwhelming preponderance of our domestic concerns, have given no attention to these matters heretofore; and when we turn our attention to outward matters we halt, hesitate, and higgle about the expenditure of a few dollars, display irresolution and indifference, lack of knowledge, and end by doing nothing, and so day by day move in a comparatively more narrow round.

It is not thus that we are to reflect the ambitions of our people. It is not thus that we are to answer the demands which republican institutions stimulating individual ambition require to be met.

The PRESIDING OFFICER (Mr. EUSTIS in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay the unfinished business of yesterday before the Senate.

The CHIEF CLERK. A bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. PLUMB. I ask unanimous consent that that be laid aside temporarily or informally, so that the consideration of the Post-Office appropriation bill may go on.

The PRESIDING OFFICER. The Senator from Kansas asks that the unfinished business be informally postponed.

Mr. GIBSON. It will be the unfinished business?

Mr. PLUMB. Yes.

The PRESIDING OFFICER. The Chair hears no objection, and that order will be made. The Post-Office appropriation bill is before the Senate.

Mr. PLUMB. Nothing that can be said at this time can do justice to this great subject. It has been discussed in the Senate before. I had not intended to discuss it at all. I only yielded to the suggestion of the Senator from Kentucky that I should make a statement of that which I believe to be the purpose of the committee, in harmony, as they believed, with the Postmaster-General in regard to this amendment. They were careful to put it in the precise terms which he himself named, and to limit it to the objects which he himself so well expressed, in order that there might not be a shadow of what might be called politics in it, that we might not be seeming to get up an issue with the Administration; but that, throwing aside partisan differences, meeting upon common ground for a common purpose, we should be willing to go hand in hand, even in the limited way which the Postmaster-General has asked and in the narrow pathway which he has marked out, for the accomplishment in some feeble way of the great purpose in view.

I believe if the appropriation is made this year, that next year the Postmaster-General will ask for more. His horizon will widen. He will not only see better the necessities of that Western country whose borders, I think, he never has crossed, but he will know more of the needs of our people in South and Central America, and with increasing knowledge will come a more just appreciation.

When he comes to that, Mr. President, he will not be asked by the Senate whether he be Democrat or whether he be Republican. He will only be asked, What is it you wish to do that will extend the proper postal facilities of the United States to its citizens at home and abroad; and what is it that incidentally you thereby hope or expect to do to build up the commerce, the business interests, and promote the welfare of the American people?

Mr. BECK. Mr. President, the Senator from Kansas began his speech and again at the close of it with still more emphasis announced that this subsidy scheme was in accordance with the views and wishes of the Postmaster-General, and he insisted that the Postmaster-General had advocated it in his last report; therefore he hoped that we would all unite in passing it, because Democrats and Republicans, the Post-Office Department and Congress, were at last in full accord. I insist that his statements and conclusions are wholly unwarranted by the facts.

Mr. President, I do not propose to discuss the merits of this proposition. I argued it elaborately last year. I do not propose to do it again. I know the Senate will vote for the subsidy. Anything in the nature of a subsidy can pass this body, but there is another body, fortunately, differently constituted, which, in my judgment, will never agree to it. I am content to let it pass here and go there.

In committee, out of committee, and everywhere else, I have insisted that a false construction has been placed on the last report of the Postmaster-General. I insist that a fair reading of his report shows that he and the Post-Office Department are as much opposed to this subsidy as they were to that of last year, and as they were to the spending of the subsidy which was forced upon them against their will year before last. The objection has always been because it is not in the interest of the Post-Office Department, but to the injury of the service as a carrier of mails, that this subsidy clause—limited to American-built ships—has been persisted in. We have tried this character of subsidy on the Garrison line; we have tried it on the Brazilian and Roach lines; we have tried it on the Pacific-Mail lines, and it brought neither trade nor business nor anything but scandal to all who were engaged in it. The Postmaster-General, seeking only to exercise his duties in the interest of the people desiring prompt mail facilities, denies emphatically that he intends to give sanction to any such proposition as is again presented.

I said to the committee when this proposition was before us that I opposed it, that the Department opposed it, and if they would call on the Postmaster-General they would find that he was opposed to it. The majority declined to ask him. They saw fit to assume that the language used by him was in accordance with the proposed amendment, which is substantially the same as that of last year, and that assumption is repeated by the Senator from Kansas on this floor. Believing that the assumption was false, for my own information I applied to the Postmaster-General to know whether I was right as to his construction of his report, or whether the gentlemen who desired to insert this subsidy clause were right. This is his answer:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 7, 1887.

MY DEAR SIR: I have the honor to hand you a memorandum of such suggestions in respect to the Senate amendment to the Post-Office appropriation bill as I have been able hurriedly to dictate in the course of the day—

This was the day after the bill was reported—

A fair reading of my two reports, the one for 1885 and the other for 1886, will show, unless I am very greatly mistaken, that the only object or purpose in view, or suggested in the last report, was to obtain the carriage of the mails to the South American republics, with double service to Brazil, at such cheap and economical figures as would be necessary for the purpose; and that no idea of subsidy for the mere creation of a line of trade and travel was proposed. There are companies, nominally or actually of foreign organization, which I believe would compete for this service and furnish it at comparatively cheap figures. I believe, also, that if that competition were admitted—

It is effectually shut off in this amendment:

An American company would secure the service instead of a foreign company; but at fair remuneration, and not as the recipient of a subsidy. I think there is good reason to expect this result, if the opportunity be afforded for it; and that an enlargement of our postal facilities may be secured with no vicious course of subsidy legislation to bring it about. It was in this belief that the suggestion in the last report of 1886 was made.

I can not anticipate what may be said, unfairly perhaps, in criticism of the report, or in support of the assertion that the suggestion for this new service is inconsistent with the position taken in the report of 1885. I think, at least, that I see the distinction; that the distinction itself is clear and substantial, and that the extension of the postal service may be secured usefully and desirably, without the payment of a dollar of subsidy, but only by giving a fair remuneration for a very limited mail carriage at the beginning.

Thanking you, partly in advance, for the interest you have manifested in aid of the Department and for your valuable assistance in representing the Department in the Senate, I have the honor to be,

Very respectfully, your obedient servant,

WM. F. VILAS.

Hon. J. B. BECK, *United States Senate.*

The statements of his object and purpose are so clear and so well put that I propose to read them in order to show that what the Senator from Kansas assumed was a change of front and an abandonment of his former position is not a fair construction of the statements made and of the views presented by the Postmaster-General.

I may as well say now that this subsidy amendment did not originate in the Appropriation Committee, and that it did not come from the Post-Office Committee of this body; it was not even suggested by the Post-Office Department; it came from the Committee on Commerce, and is a legitimate subject, as I said last year, for discussion when we come to consider the commercial relations of the United States with other countries; and only in that aspect is it legitimate, although it has been decided to be in order here. I will now read what the Postmaster-General says his report means. He states it better than I can, and surely he knows what he meant to say better than either the Senator from Kansas or myself. His statement is as follows:

In the Postmaster-General's report for the year 1886, on pages 30 to 32, inclusive, will be found what was said in respect to the establishment of new service to the Argentine Republic and the Republics of Uruguay and Paraguay, and in respect to semi-monthly service to the Empire of Brazil, which were the points mentioned in the petitions referred to in the report. It will be observed that the question of whether there was need of such mail communication sufficient to justify a special effort to secure it, and the question of the cost which might be justifiably authorized, and the present and prospective value of such service were submitted to the Congress.

A general opinion was expressed that such a service would be useful and it is fairly demanded by the interests of the country, and its early establishment should be attempted. It was also indicated that an invitation to provide such service should be "open to fair general competition," and that it should be provided in "a just, reasonable, and economical method, in consonance with sound principles."

The report also carefully distinguishes the proposed service from the controversy of last year—

I may add, of which this is a renewal—

and from the proposal then made; showing "the proposal then negotiated was to pay all existing of American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration. It would have secured no additional advantages to the postal service; but, instead, would have multiplied its cost, with no other tendency than to enable existing carriers to intimidate competition, and thereby restrict the increase of facilities available for the service, as well as for commercial intercourse. It would have been not only an unnecessary but a pernicious bestowal of the public money on one class of carriers."

Attention was called to the fact that the application in the petitions suggests "the augmentation of existing service and the creation of new with the particular States, in both aspects desirable; the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner."

The first point to be observed in the proposed amendment is that it restricts competition to American built and registered steamships. This may be esteemed by the Congress a very desirable object, especially if a bounty is to be given to these ships, instead of merely securing, as the report proposed to do, increased facilities for postal service.

So far as the postal service is concerned, it does not particularly matter in what vessels the mail is transported, provided the regularity, frequency, and celerity desirable be obtained; and it is presumable that if the field of competition were to be enlarged a greater economy could be secured. It was not the object of the report to recommend the payment of any subsidy or bounty for the establishment of a line of ships. The purpose was simply to propose to obtain, at the cheapest practicable cost, the carriage of the mail to the countries mentioned. For the securing of mail carriage primarily and directly the amendment to the bill carries the aspect, at least, of proposing a subsidy to a line of American vessels in which mail carriage would appear to be but one of the objects sought.

This idea of subsidy is carried still further by the proposed amendment in the amount mentioned, of $500,000. It is true there is a limitation imposed besides that the rate shall not exceed $1 per nautical mile for each outward trip. The distance of the Brazilian trip is approximately and roundly 5,000 miles, and to Montevideo and Buenos Ayres but little more than 6,000 miles. The proposed monthly trip to Brazil and Buenos Ayres would therefore be limited by the amendment, in round numbers, to $75,000, and the additional semi-monthly trip to Brazil to $60,000, or the total annual cost to about $135,000, if the service should be such as the report suggested; and the appropriation of $500,000 for the next fiscal year indicates therefore a purpose to provide a sum nearly four times the amount suggested, even at the cost which the amendment limits it to of $1 per nautical mile for each outward trip.

It is the belief of the Department that even that price, of $1 per nautical mile for each outward trip, is at least twice as great as is necessary to secure the service contemplated, provided that competition be left unrestricted. I am strongly of the opinion that the service suggested in the report can be obtained at the annual cost of not exceeding $50,000, if it shall be so limited by the Congress.

The idea of the report was, and my present view is, that because of the distance and the fact that all communication is now lacking with the Argentine Republic and the Republics of Uruguay and Paraguay, sea and inland postage on the mails transported may not be a fair remuneration at present, nor does it appear adequate to secure direct mail carriage. But I do not regard it as requisite, in order to secure this service, that an extravagant bounty should be bestowed on any line of steamships. I think there is reason to believe that with a reasonable and limited mail-pay—strictly that—the service can be obtained.

Unless such service can be obtained for such a price, I do not regard it as desirable to be secured by the payment of a large bounty. Nor was it the purpose of the report to suggest that a subsidy should be provided in any case, under whatever name it might be called. From the standpoint of the postal service, and in my view of the necessity of the case, this amendment appears to be objectionable as indicating a purpose to provide an unnecessary subsidy for the establishment of the new service, both in the amount named and in the limitation upon competition. If the Department were authorized to procure the new service for a moderate cost, proportionable to its value, I believe the service could be obtained and every appearance, as well as the fact, of giving a bounty or subsidy be avoided.

It is true, it may be said, that the sums named in the amendment are outside limitations. But, practically, it is also true, as every one whose observation has been directed to our history must admit, that to name in the act an unnecessary and large sum tends to diminish the ability of the Department to secure the service at the moderate and economical price at which it might otherwise be obtained. If $50,000 a year be sufficient to secure the service, it can not but operate to cripple the power of the Department to obtain it at such a price to fix the appropriation at ten times that sum; because it will be understood by bidders that such is the design of Congress, and they will resort to every means to secure the full amount appropriated, if possible. Besides, such a course of contracting, if once entered upon with any line, will be claimed as a precedent to future Congresses for similar extension to others, however obvious may be the distinction between procuring a new service and paying for one already at the command of the Department.

That is a true exposition of the views of the Postmaster-General. I submit that he is the best judge of what he meant when he wrote the report, which the Senator from Kansas preferred to construe to suit himself, rather than ask the Postmaster-General what he meant by it.

Mr. PLUMB. In that view I admit that, and still I should attach great importance to the view; but the Senator from Kentucky must know, and the Postmaster-General must remember also, that the American people are not in such frequent communication with him that they can get from him always an authoritative exposition of what he meant. Therefore they have got to take what he says according to the ordinary construction of language as they have learned it. I will venture to say that when the Senator from Kentucky himself read that, or when he heard it read, and I think I know just when it was, it did not occur to him just then that it meant what the Postmaster-General says it did, but that he assumed it meant just what I said it did in the remarks I made. I do not believe there is any one who is not in spiritual communication with the Postmaster-General himself who would ever arrive at any other conclusion.

Mr. BECK. I desire to say in justice to myself, as it is assumed by the Senator from Kansas that I gave it the same construction, that in committee and everywhere else I denied that the report of the Postmaster-General was susceptible of any such construction as the Senator seeks to give it. I deny it now, and I insist that the American people will not give that report the construction given to it by the Senator from Kansas; they will give it the construction given it by the Postmaster-General himself.

I ought perhaps to add that whatever may be the difficulty of reaching the Postmaster-General in other regards and concerning other matters the Senator from Kansas knows that the Committee on Appropriations can get him to appear before them at any moment. He never fails to respond promptly whenever they ask him to come, and that committee can always get from him his construction of any communication or report that they may have any doubt about. The fact that the committee never called upon him when members of that committee were insisting that the committee were putting a false construction upon his language, and especially when the Post-Office Committee of this body having the postal service specially in charge sent no such amendment as this to the Appropriation Committee, and were not, perhaps, consulted in regard to it—I insist, when a difference of opinion existed as to the meaning of the Postmaster-General, it would have been the right thing to do if the majority proposed to charge a change of front or a change of feeling on the part of the Postmaster-General to have given him a chance to tell the committee what in fact he did mean. He never had any such opportunity, and it was because he had none, and because I knew from the statements in the committee that the majority proposed to charge that he had changed, and that the amendment was in accordance with his recommendation, and therefore we ought to stand by it, that I called upon him to know what his views were. I have read his response, and am willing to abide by it.

The President of the United States, in his last message, as well as the Postmaster-General, repudiated all idea of having subsidies incorporated into the Post-Office appropriation bill. The President says:

The Postmaster-General calls attention to the existing law for compensating railroads, &c.

The differences which arose during the year with certain of the ocean steamship companies have terminated by the acquiescence of all in the policy of the Government approved by the Congress in the postal appropriation at its last session.

That policy, as approved by Congress at the last session, was to strike out this subsidy, or one almost exactly like it. The President adds:

And the Department now enjoys the utmost service afforded by all vessels which sail from our ports upon either ocean, a service generally adequate to the needs of our intercourse.

He, too, calls attention to the petition which the Postmaster-General refers to, and treats them with the respect to which all petitions of American people are entitled by laying them before Congress and telling Congress what the petitioners demand. The President adds:

I suggest that as distinguished from a grant or subsidy for the mere benefit of any line of trade or travel, whatever outlay may be required to secure additional postal service, necessary and proper and not otherwise attainable, should be regarded as within the limit of legitimate compensation for such service.

Mr. President, that is the language of the President of the United States in his message sent to us within the last two months, and the language of the Postmaster-General following out the views of the President in laying the petition sent to him before the Congress of the United States, said what the Senator from Kansas said was at variance with other parts of his statement. The Postmaster-General said:

The application of the petitioners is entirely distinguishable from the subject which was discussed in the last report, and was thoroughly considered and wisely resolved by the Congress at the last session.

What does that mean? That the action of Congress at the last session in rejecting this subsidy was wisely resolved. The President says so, the Postmaster-General says so, and now are we to be told that the Postmaster-General has changed his mind and that this subsidy is proposed because he approves it and asks for it. The Postmaster-General further says:

The proposal then negatived was to pay all existing American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration.

The Postmaster-General has opposed and resisted in every form every suggestion looking to a subsidy as necessary for the successful operation of his Department. The appropriation for transportation of foreign mails is $375,000 for the concurrent year. In this bill, in lines 83 and 84, we make it $450,000, or an addition of $75,000. I do not know how far that might be applied or used to affect extended South American service, but there is $75,000 more added for the next year than was appropriated for this year, which if it can be applied to the purpose embraced in this proposition for a subsidy more than covers the $50,000, which the Postmaster-General says is all he asks.

There is no disguising the fact that the Committee on Commerce, looking to the commercial relations of the country and desiring to go into this subsidy business, determined to make another test of that pet policy, as they had succeeded in passing it through the Senate before on a Post-Office appropriation bill.

To show that the country is not deceived about this being a mere subsidy I will read an item from the *Bulletin of the American Iron and Steel Association*, which I found on my desk this morning. It understands the meaning of the proposition and, like all the organs of the high protectionists, is delighted with it. It says:

In reporting the Post-Office appropriation bill the Senate committee incorporated the subsidy clause rejected last year by the House. The clause appropriated $500,000 for the transportation of foreign mails by American built and registered steamships, to secure greater frequency and regularity and a greater speed in carrying the mail to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay. Authority is given the Postmaster-General, after due advertisement, to contract with American-built steamships for a term of not less than five years, and at a rate of compensation not exceeding for each outward trip $1 per nautical mile between the terminal points by the most direct and feasible sailing route.

That paper is the chosen organ of the protectionists of Philadelphia, the Bulletin of the American Iron and Steel Association. Of course, it understands, as the country will understand, that this is a subsidy to be given to aid in building up and enriching a few companies who profess to own American-built ships, regardless altogether of the needs of the postal service. The $500,000 proposed to be donated is not wanted by it, and is not asked for by the Department. On the contrary, the message of the President, the report of the Postmaster-General, his communications to me which I have just read, all show that the Post-Office Department need no such sum, and do not want it for any postal purpose. On the contrary, the Postmaster-General insists that it is a limitation upon his power to carry the mails cheaply and rapidly instead of giving any additional facility.

If the Congress of the United States is going into the question whether we ought to subsidize the ships of private citizens in aid of commerce, or whether we ought to take any steps by law to increase our foreign trade, let us meet that great question fairly and discuss it fully as a

separate proposition. I discussed it last year; I am ready to discuss it again. I do not care about reopening that wide field of discussion again on this bill. I desired to confine my remarks solely to the point that this subsidy is not needed and can not be wisely used for the postal service, and however desirable it may be for other purposes, when that question comes up I hope I will, as I have on other occasions, show that it is a bad way to make a beginning to extend trade by taxing our own people in order to give subsidies to a few ship owners who have to-day a monopoly of the coastwise trade. But I shall not go into that subject now. I do not wish to get started in an endless discussion. I know that in the argument I made last year I proposed to speak about three-quarters of an hour, and Senators by their questions kept me on the floor three hours and a half, and for fear that that might happen again, although I think my speech of last session can not be successfully answered—I feel sure that it has not been so far—I shall avoid further discussion and content myself with voting against this subsidy, as I have all others of like character.

Mr. PLUMB withholds his remarks for revision. [See Appendix.]

Mr. BECK. The Senator from Kansas is very free in his suggestions about coaching and subterfuges and other elegant forms of expression, when he speaks of the Postmaster-General and other gentlemen. I desire only to say as to the letter I read from the Postmaster-General that I saw him only for a minute on the subject. I told the Senator from Kansas that I was going to ask him if I was not right in my construction, and he asked me to deliver a message to him, which I did. I never spoke a word more to him. He said, "I will look at this and send you a statement in regard to my meaning." Before I saw him I sent him a message, asking if we should pass the bill as it came from the House. His answer was that the House bill was satisfactory. No suggestion was made by anybody that I know of to modify any opinion or view, nor is there anything in the letter or suggestions sent to me inconsistent with any language in the report. When the Senator from Kansas said that the report of the Postmaster-General last year induced him to believe that he would not have a letter carried on a vessel where there was a bale of goods, or on which commerce of any sort was carried, and that that was his construction of the meaning of that report, his reasoning was just as clear as to the proper construction of that report as it seems to be now as to the proper construction of this last report. I will leave his construction of both to the judgment of the country.

The reports of the Postmaster-General, both for last year and this year, are entirely consistent with each other. The Postmaster-General, like all other intelligent men, desires to see trade and commerce built up; he desires to see the mails of the United States carried wherever they are needed. He advised Congress that there are no mails now carried to Uruguay and Paraguay. He advises us he is anxious to send mails there; that they are growing countries, countries that would furnish us a prosperous trade if we will take pains to foster it, and therefore, he says, we ought to do everything we can to accomplish that result. He said so in his former report; he says it in the last report; and all that the Senator has said to induce us to believe that the Postmaster-General is now in favor of a subsidy is said, I have no doubt, in every report which has been made, and every Democrat on this floor and elsewhere has over and over again repeated it, but it seems the Senator from Kansas can not understand it. The trouble lies perhaps in the Senators own failure to comprehend the true meaning of these reports; they will be comprehended by the country.

Did it follow as a matter of course, or did it follow legitimately because the Postmaster-General desired to see all the facilities given for communication with all the countries of the world, that, therefore, he desires to give a needless subsidy to American-built ships, and insists that we shall not have the mails carried in any ship, unless it is built in the United States? He may have offers from a foreign ship that will make the passage in ten days, when the American ship will take twenty. Is it proper administration of a great department, paid for by the people using the mails, to say to the people of the United States who are interested in having prompt intercourse with foreign countries, "You shall not have your mail carried on a foreign-built ship, even if it goes in ten days to the port of destination; but you must put it upon an American-built ship if it takes her twenty days to do the work; you shall not have anything else;" and, I ask, is there any sense in Congress saying, "Mr. Postmaster-General, you shall not contract to have that service done for our people in anything else but in a ship of that character no matter how worthless she may be as compared with the great ships of other nations that are operating on the great oceans of the globe?"

Mr. PLUMB. Do I understand that he would be in favor of this proposition if we should authorize the contracts to be made with foreign-built ships?

Mr. BECK. I am not in favor of your proposition paying or limiting him to not less than a dollar a mile, even if the provision as to American-built ships was stricken out of it.

Mr. PLUMB. It does not say "not less than a dollar a mile." It says "not more."

Mr. BECK. That was the same clause which was inserted two years ago; and because the discretion was given to the Postmaster-General which he did not deem it wise to execute, the Pacific Mail Steamship Company and the Brazilian line refused to carry our mails, and there was a controversy last year because they said that discretion meant that they ought to have it. They refused to carry the mails altogether, and for several weeks our mails were stopped, and but for the intervention of foreign lines we could not have had the mails carried at all.

The failure of the Postmaster-General to give them all the money he could give was at the bottom of all the controversy of last year. They and their advocates have insisted that the discretion meant that they should have it all and they demanded it all, and the Senator from Kansas and his allies endeavored to censure the Postmaster-General in the arguments they made last year, because he did not give them all the money that was put into his hands and that he was authorized to give. The answer he makes to me to-day, which I have read, is substantially this: "When I know the service is not worth more than $50,000, when ten times that amount is put into my hands, the construction will be sought to be given again that because I have the power to give it Congress meant that these lines should have it;" and we shall have a renewal of the same contest that was made last year and year before last with the steamship lines owing to the use of the same language.

Mr. McPHERSON. Will the Senator from Kentucky permit me to put a question?

Mr. BECK. Certainly.

Mr. McPHERSON. In the exercise of that discretion by the Postmaster-General, have the mails been just as expeditiously and as satisfactorily carried without the payment of a subsidy as they would have been with a subsidy? Were there not American ships ready to carry the mails?

Mr. BECK. The limitation to American ships destroys the usefulness and value of the service.

Mr. McPHERSON. There has been no loss by the exercise of that discretion!

Mr. BECK. None; the reverse has been shown for the last year.

Now, Mr. President, speaking of the Cuban line, this was the condition as I recollect it: We had not only a railway line from Boston through New York, Philadelphia, Baltimore, Washington, and on to Tampa, but we had expedited that line for the purpose of giving all possible fast-mail facilities we could to our own people along the Atlantic seaboard. The crossing of that part of the Gulf enabling us to reach Havana could be done expeditiously provided we could induce our mail carriers to build large, fast-going steamers that could leave Tampa promptly on the arrival of the train and reach Havana within the hours fixed by the Cuban quarantine laws, and leave promptly the same day. They are compelled to land and leave in daylight, I believe; they can not land between dark and daylight; they must go in after the sun rises and leave before the sun goes down to avoid the delays caused by quarantine regulations as to yellow fever. A part of that expedition was for the benefit of the people living in Savannah, in Charleston, and in all the cities along the coast. Before we expedited and improved that service all the return mail for these cities, because of the slowness of the former service, or because of the inefficiency of it, went from Havana by way of New York, and then came along that line from New York through this country again down to Savannah before a man living in Savannah could get letters across from Cuba.

By getting a line of ships to go to Havana and come back rapidly in connection with that railroad, a man in Savannah or Charleston could get his mail direct from Havana without going around by New York and coming back. That was the condition, and we said, having expedited this great line, having given it a large increase of pay in order to take the mail rapidly and make that connection, seeing that we could get a faster line of ships between Tampa and Cuba, which could get there in daylight and leave before the sun went down and bring the mail back to Charleston and Savannah, instead of sending it by ocean to New York and then from New York down to these people, we gave the Postmaster-General authority to do what he pleased, and gave him the money to do it with. Whenever a case of that kind comes up it is only necessary to appeal to the intelligence of men to do what is right and best for the service.

We all voted for it, I suppose; I did, and I think the reasons for so doing were ample; I do not recall them all now; but when I am told that the Postmaster-General shall be confined to a particular class of ships on the ocean, whether they are good or bad, slow or fast, and give them an excuse by using language which indicates that Congress intends that they shall have the $500,000 whether they earn twenty or thirty thousand dollars of it or not, I submit that it is an impolitic provision. I am prepared, as I said, to discuss all the questions relating to the subsidy policy or impolicy, but I do not propose to do it now.

I do not believe in the policy of limiting mail service to American-built ships. I think one of the great troubles we have in this country grows out of the fact that we have treaties with all the nations of the world, Spain perhaps excepted, by which we allow their ships to trade and to bring their cargoes from any part of the world into all our ports upon exactly the same terms that ships built in the United States can bring similar cargoes, and all the other nations of the earth are allowed to buy their ships as cheaply as they can, wherever they please, and we seek to force our people, under pretense of protecting

American industry, to pay $400,000 to get an American-built ship in order to put a little money into somebody's pocket, while by treaty we allow all our foreign competitors to buy equally as good ships for $250,000 or $300,000. We thus handicap our own citizens in their efforts to compete for trade by forcing them to use a dear ship when all others who are competing with them, even for our own carrying trade, by our own treaties are allowed to purchase the cheapest ships they can obtain.

That I think I can show is absolute folly and all pretense that it aids American labor is nonsense. I think I can show that its effect has been to drive our shipping from the seas, to destroy or drive into other occupations the one hundred thousand sailors we had under Democratic low-tariff administrations, and to bring down our earnings from 85 per cent. of the carrying trade to less than 15 per cent. in the last twenty-five years. So far from being injured, England has been built up by our "dog in the manger policy." It is well known that she builds nearly all the ships now used in the world's commerce for private parties. Why? Because she builds them cheaper than anybody else, and private men consult private interest. There are just so many ships needed to do the world's hauling. England gets the money for doing it; it does not make any difference to her whether she gets it from a Frenchman or a German or from us. We are only injuring ourselves by agreeing that they may haul for us in cheap ships while we will not. We are only handicapping ourselves. All these things can be demonstrated to the plainest understanding. Instead of having $25,000,000 a year paid to us, as we had in ante-bellum days of balance of the carrying trade in our favor, we are paying out $160,000,000 annually to-day, of which England is getting $100,000,000, and we are feeding and supporting one hundred thousand of her sailors, all of whom she can turn against us at any moment when trouble comes, while we have none to enable us to defend ourselves against her.

That has been the effect of your miserable policy. Yet we are sometimes blustering here about fighting. We should remember that year after year we have destroyed and degraded American shipping, we have destroyed the occupation of the American sailor, and transferred him over to England, giving her, as I said, $100,000,000 a year as the balance of the carrying trade. Surely under our protective policy we have not been preparing for war in time of peace; nor has our high-protective policy left us after twenty-five years in a very enviable attitude as a commercial people among the nations of the earth.

But these are questions far beyond and outside of the mail service. All the Postmaster-General wants is money, enough money given to carry the mails; and $75,000 more is given for this service than we have for the current year for this character of service. I will only add that I think the Postmaster-General should be allowed to select any ship he likes and to send the mails as speedily as possible. But I am not going to make an argument against the subsidy. I know the Senate will vote for it. I hope the other House will not. That is all I care to say.

Mr. GORMAN. Mr. President, since I have had the honor of being a member of this body, I have uniformly supported all propositions to extend and increase our mail facilities, not only within our own territory, but have earnestly advocated every proposition to increase our facilities and encourage the establishment of new lines to countries south of us, and to pay for that service a fair rate of compensation, provided always that the contracts should be open to competition to all American citizens, and the service should be rendered in vessels of American build and register.

The amendment now pending before the Senate and reported from the Committee on Appropriations, had and has my earnest support. In advocating this measure in committee I supposed that I was in full accord with the Postmaster-General. I never until this moment have doubted that he was earnestly in favor of Congress authorizing him to do that which the committee proposes; and I submit, notwithstanding the statement made by the Senator from Kentucky [Mr. BECK], that there is scarcely an American citizen who read his last annual report who can have had any other idea.

I will read again, notwithstanding the Senator from Kansas has read it, a single paragraph of the able report of the Postmaster-General. After discussing the general question of our foreign mail service, he states:

> Petitions, numerously signed by well known and enterprising merchants and manufacturers of New York, Philadelphia, Baltimore, New Orleans, Saint Paul, Minneapolis, and other places, have been presented to the Department for the establishment of direct and regular mail communication with the Argentine Republic, the Republics of Uruguay and Paraguay, and for a semi-monthly service to the Empire of Brazil. These petitions represent that within a few years past the Argentine Republic has increased in population and wealth with greater proportionable rapidity than any other country on the globe; that our manufactures, particularly machinery and coarse cottons, are in demand there, but our trade is limited by the lack of direct mail facilities and direct passenger and freight lines; that our direct monthly mail service to Brazil has increased our exports of manufactures to that Empire; and it may be confidently expected further advantageous results would follow the solicited enlargement of mail communication.
>
> No authority of law exists of which the Department can avail itself to meet this request.

I hold in my hand a clipping from a newspaper, written, as I am informed, by one of the most distinguished merchants in the city of Baltimore, which was a part of the argument presented to the Postmaster-General to induce him to recommend an appropriation such as the committee present. I ask the Secretary to read this communication.

The Secretary read as follows:

ROOM FOR AMERICAN CAPITAL—BANKS AND COMMERCE IN THE ARGENTINE REPUBLIC.

To the Editor of The Star:

SIR: In talking yesterday with Col. W. P. Tisdel, who has just arrived from the River Plate, some very interesting facts bearing upon the extension of our foreign commerce were developed. But few people are aware of the inviting field for the employment of American capital and the consumption of American manufactured products in the Argentine Republic. This is, perhaps, best indicated by the information given by Colonel Tisdel regarding the banks of that country. The Bank of the Province of Buenos Ayres has a capital of $34,000,000 gold; its deposits average $86,631,982; its operations during 1885 were $956,039,999; its number of depositors, 35,165. The National Bank has a capital of $20,000,000; its deposits in 1885 were $252,269,000; loans, $412,420,000; circulation, $35,000,000; surplus reserve, $5,112,167. The London and River Plate Bank has a capital of $10,000,000; reserve fund, $800,000; the net profits, exclusive of the addition to the reserve fund, in 1885 were $582,214.

The English Bank of the River Plate has a capital of $5,000,000; paid a dividend in 1885 of 7½ per cent. The River Plate Loan and Agency Company has loaned $1,000,000 on real estate and $750,000 on securities. The Bank of Italy and the River Plate has a capital of $1,500,000 and a reserve fund of $200,000. Most of these institutions are of comparatively recent origin, indicating the rapid development of this country. A French bank with a capital of $2,000,000 is about being started. The Carrabassa Bank is a private bank, which does an immense discount business and enjoys a large share of the public confidence. Colonel Tisdel adds that, with all these banking institutions, you can not buy exchange on New York. There is absolutely no banking business done with the United States. Even the drafts of our minister and consuls and the disbursement to our naval force in La Plata waters (the rendezvous of our South Atlantic squadron) have to be drawn through London. What is the reason for this state of things? Here is a republic whose constitution and laws are modeled after our own, with a population of 3,500,000, whose imports are about $100,000,000 annually. This republic has offered $100,000 a year toward establishing an American steamship line to the United States, and our great country meets this with the offer of "sea and inland postage," perhaps $2,000 a year.

Is it any wonder that we have no foreign commerce when we persistently neglect to adopt the successful methods of our competitors for the trade of the world? It is absolutely absurd to expect that trade will come our way when we do not furnish a means of communication. Steam has revolutionized the commerce of the world. Steamship lines build up their respective termini just as railroads do, and until we do as other nations do they will simply get the trade. Thirty-eight steamship lines now ply regularly between the Argentine Republic and all the principal ports of the world except those of the United States. All these, together with the opportunities for the remunerative employment of capital above mentioned, have grown out of the establishment of a few first-class mail steamship lines, which could not and would not have been established but for the liberal compensation paid by their various governments for the conveyance of the mails. Can there be any stronger evidence of both the duty and interest of the United States? Will the present administration, with all the needed means at its command, see this state of things continue?

MERCHANT.

NEW YORK, *February 2.*

Mr. GORMAN. With that condition of affairs, with the natural and anxious desire of our enterprising merchants throughout this country to extend our commercial relations, they presented the facts with great force and power to the Postmaster-General, and his reply was in effect, "Congress has not given me sufficient funds to give you increased mail facilities." "You ought to have them," he practically said, "but I am powerless to give you the facilities you ask." I will use the language of the Postmaster-General:

> The application of the petitioners is entirely distinguishable from the subject which was discussed in the last report, and was thoroughly considered and wisely resolved by the Congress at the last session. The proposal then negatived was to pay all existing American companies for no more and no better service than they now render, and for years had rendered, a compensation much beyond what they had been accustomed to receive, and much beyond the limits of adequate remuneration. It would have secured no additional advantages to the postal service; but, instead, would have *multiplied its cost*, with no other tendency than to enable existing carriers to intimidate competition, and thereby restrict the increase of facilities available for the service, as well as for commercial intercourse. It would have been not only an unnecessary but a pernicious bestowal of the public money on one class of carriers.
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> This application suggests the augmentation of existing service and the creation of new with the particular states, in both aspects desirable.

The Committee on Appropriations, by this amendment, have said to him: "Here is the money; it is at your discretion; you apply it to the purpose of extending our mail facilities with all these countries south of us. There is no subsidy in it unless you make it a subsidy. You have the authority to contract with any existing lines of American ships, or any new line, if you can secure one, or not, as you see proper. If you think the interests of this country demand that you shall withhold the expenditure of every dollar, withhold it; but if, as you have said in your annual report, the public interest would be promoted, then expend it, or any portion of it, up to the limit of $500,000."

Mr. President, I had congratulated myself that I was in accordance with the recommendation of the Post-Office Department. I did not support it merely because I desired to be in accord with the Postmaster-General; I have supported like propositions when my party was not in power. I was perfectly willing to give to a Republican Postmaster-General the same authority that is contained in this amendment. I have not treated it at any time as a party matter, but as an American I have felt humilitated that our carrying trade upon the ocean was not in a condition of which an American could be proud, and I have been anxious to extend it.

Now, as I understand from the communication read by the Senator from Kentucky, the Postmaster-General takes the ground that he would be hampered by this provision because he is restricted to ships of American build.

I confess, Mr. President, my great surprise and disappointment that the Postmaster-General should take the ground he does in the communications read by the Senator from Kentucky [Mr. BECK], for I as a Democrat had found great satisfaction in the fact that within one year after the advent of a Democratic administration we had established a new line of American steamships between Florida and Cuba. Small as the beginning was, I had looked upon it as the commencement of a policy, or rather the re-establishment of the old Democratic idea by which our commerce should be increased and our mails carried to all the countries south of us in vessels sailing under the American flag.

And anxious as I was a year ago, as my friend from Kansas, with whom I differ politically, knows, to authorize the Postmaster-General to contract with the line from Tampa to Cuba, I was not willing to throw the door open, as was finally done by Congress, leaving absolutely at his discretion the amount he would pay, for the reason that in that case there was a monopoly; there it was a subsidy pure and simple, which could only be availed of by one line. All the rest of the ship-owners of the country were necessarily excluded from it. It was a line running in connection with a railroad and owned by a railroad, and nothing but that railroad could put on a line of ships between Tampa and Havana; but, thanks to a Department managed, I will say, economically, we did succeed in making a contract with that line which had a monopoly of that carrying trade, at a fair rate of compensation, and there is not an American to-day who does not feel proud of the result. It has not only increased our mail facilities and increased our commerce, but the Spanish mails—mail to and from Havana to Spain—are passing through our territory and over our railroads.

Mr. President, I understood the Senator from Kansas to intimate that possibly it was undemocratic to advocate a proposition which confines the carrying of this mail and the payment of this amount to American ships. I hold in my hand a communication to Congress—Miscellaneous Document No. 239, Forty-ninth Congress, first session—prepared by the Superintendent of the Foreign Mail Service, in which I find an abstract of all the laws on this subject that have been passed since 1845, and from 1845 to 1860 practically the Democratic party controlled this Government in all its branches. Never at any time, I believe, was it out of power in all at once. There is not an act upon the statute-book, from 1845 to 1862, that does not discriminate in favor of American-built and American-registered vessels in the carrying of the foreign mails of this country.

The Senator from Alabama says that is probably the reason we do not carry more of them now. He and I pride ourselves always, and he among the foremost in this land, in a reference to our carrying trade in the period between those years. There were Democrats then in Congress and in the executive department of the Government whose teachings and example I have always been taught to follow; and this is one of the prominent characteristics of their legislation, giving a preference to American-built ships. They appropriated from 1848 to 1860 inclusive $16,542,722.54 for carrying the foreign mails, of which $16,232,529.19 were paid to American ships, leaving only $310,193.35 which was paid in those thirteen years to vessels of foreign register.

Then, Mr. President, the war came on, and as a matter of necessity our vessels having been driven from the ocean, Congress in 1862 repealed the legislation of 1845 and permitted the Postmaster-General to send the mails by any vessel that left our ports. It was a public necessity. It was not the want of Americanism on the part of the Republican party, but the operations of war made it necessary. They reversed the Democratic policy of promoting the building of ships by making large appropriations for American-built ships to extend our commerce to all parts of the world, and from 1862 down to and including the year 1885 there was paid for foreign mail service $15,642,228.03. In these twenty-three years foreign vessels received $3,187,075.72 more than American-built ships. As late as 1885 we paid to foreign vessels $331,000 in round numbers, and only $49,000 to American-built ships.

Mr. President, we have reached a point in the history of our country when we are beginning to develop the iron and steel ship-building interest. It is a pregnant fact that since the advent of our party into power, and for the first time since the close of the war, the ship-yards not only on the Delaware but in Baltimore and on the Pacific coast are prepared to construct iron and steel vessels for purposes of commerce and of war which will compare favorably with any vessels constructed upon the Clyde. The liberal appropriations that have been and are likely to be made for the construction of war-ships, have, and will so encourage the ship-builders of this country that, in my judgment, all that is necessary to be done by the Government to establish lines of first-class steamers to all the countries south of us, is to say that when any line shall have been properly equipped we will give you the United States mails to carry, and we will apply the same rule in fixing the compensation that we apply to the railroads or to the transportation upon the waters of the United States. That is to say, we will give you fair compensation, taking into consideration speed and regularity of your trips.

Mr. HALE. Mr. President, I do not propose to take up the time at this late hour by any general discussion as to the merits of this proposition, which has been ingrafted on the Post-Office appropriation bill by the Committee on Appropriations. To go into that would be threshing old straw. The whole subject was thoroughly debated in the Senate at the last session, and the Senate took strong ground in favor of this proposition, which seeks, under the form of aid to the postal service, to extend and advance our communication with the sister republics of South America.

Nothing now can be added to the general considerations presented by the Senator from Kansas in favor of this proposition. But I wish to call the attention of the Senator from Kentucky to what must already be plain to his comprehension, that he is engaged in a failing cause. This proposition, which does open and encourage traffic and commerce with our sister republics of America, is growing in importance in the public mind, is gaining more and more recruits in Congress; and whether or not it be turned aside this year as it was turned aside last year by the action of the House of Representatives, sooner or later and at no far distant day it is bound to prevail.

The whole country has seen that those great regions lie open to our commerce; that they need our manufactures; that they furnish products which will be sent to us in exchange; that this commerce will relieve the present necessities of the country in over-production, which has resulted in slack employment of labor, and it is to be carried out in the future, and the Senator from Kentucky can not obstruct it long.

He told us last year that he was against it; that the President was against it; that the Postmaster-General was against it; that the Secretary of the Treasury was against it; that the House of Representatives was against it, and that his party here was against it. But light has dawned in darkened minds upon this proposition. The very intelligent and able exposition of this subject which was deliberately put out by the Postmaster-General in his annual report, and which has been again and again referred to to-day, shows that that official has at last seen light, and that his deliberate utterance is in favor of this general proposition.

The broad and generous ground taken just now by the Senator from Maryland shows that the Senator from Kentucky can not hold his party here in the Senate upon his opposition to this proposition, and if it fails now it will have added strength next year. The Postmaster-General has fallen away from the Senator from Kentucky; part of his own side of the House has fallen away from him; next year the President may fall away. Probably the last body, the last influence, the last power in the Government that will yield will be the body at the other end of the Capitol; but that is a body easily changed in the mutations of our politics, and the people who demand that we shall not go on supinely longer and let the great trade of the Southern republics drift away to European hands will at last be heard, and the Senator from Kentucky will see that his cause is a falling cause, and he, last of all, will be obliged to give it up.

Mr. MORGAN. Mr. President——

Mr. BECK. Will the Senator from Alabama allow me to say a word in answer to the Senator from Maine [Mr. HALE]?

Mr. MORGAN. Yes, sir.

Mr. BECK. Whenever a proper occasion arises (and this is not one, because I feel that I am somewhat charged with the duty of passing the Post-Office appropriation bill as promptly as possible) I shall submit my views upon the questions now suggested.

I have only this remark to make now in regard to what the Senator from Maine has said: I may be engaged in a failing cause, but what I have been insisting upon for years past is that we shall open our markets at least to raw materials for our manufacturers, reduce our tariff taxation, allow our manufacturers to have a fair chance with those of the other nations of the world by making it possible for them to trade with 1,500,000,000 people now on the earth, instead of building a Chinese wall around our country and swapping our manufactures at double prices with fifty-six or sixty millions of our own people. When that cause and these objects that I have always advocated fail it will be a dark day for this Republic.

I will go as far as any man to aid in extending the markets of the country and in keeping the laboring men employed at the best wages, and letting the manufacturers sell their goods in the open markets of the world; but when I see a proposition introduced here to limit even the carrying of our mails, which means the right of men to send and receive their letters from one country to another, to American ships that have to be built at the highest cost, and, perhaps, may be the slowest on the ocean, and $500,000 taken from the tax-payers for that purpose annually, I do not think that I am doing anything that will injure the interests of the great body of the American people by opposing it.

I may be mistaken in all that; but I repeat I am not going to be drawn into an argument now. I argued these questions elaborately last year. I am content to stand upon the argument I then made, at least until it is answered better than it has been. I believe the President, the Postmaster-General, and those of us who are opposed to protective tariffs and subsidies, and who seek to prevent the isolation of this country from the commerce of the world which the system of restriction will necessarily produce, will some of these days see our views carried out; and when we do we will have a prosperous country.

Mr. MORGAN. Mr. President, I was not here last summer when this provision was passed about which a great deal of difficulty has been experienced, and had no opportunity to express my opinions on it

at that time; but I do not regret it because I had done so before in the Senate. In fact ever since I have been in this body this same question has been threshed over year after year and the Senate seem to be no nearer together now than they were ten years ago about it. The difficulty is in an obstinate adherence to certain theories which I think practice has demonstrated are faulty.

The Senator from Maryland said that we are not carrying our foreign mails in American ships. The simple reason for that is that we have not got any American ships to carry them in. We have had the navigation laws all these years ever since the Government was ordained, but they have not produced ships. That policy has been a barren mother. Nothing has come from the navigation laws except the dwindling down of our commercial rating. I do not know how we are ever to improve in that particular until two things occur.

The first is that we have a commerce to export to foreign countries; and the second is that the money-making men of this country—and those who have money-making desires are in a very large majority—shall find it to their interest to invest their means in the building of ships. If the people of the United States who are commercially disposed and disposed to speculate or to make investments of their money found as much profit to-day in building ships as they do in building railroads or in making investments in Alabama iron ore and Alabama lands and the like, the sea would soon be covered with American ships. There would be no trouble about it. So, if we had an overabundant commerce to exchange with foreign countries bringing in return not specie and other kinds of money, but bringing in return that much more valuable traffic the commerce of foreign countries, their products in exchange for ours, we should find that we should have plenty of ships sailing under the American flag. Private enterprise when attracted toward the business of having ships sail across the seas will always find ample opportunity, and their activity will be remarkable when the incentive is produced. That now in a general way is my idea of the reason why we have not got any ships going abroad.

The navigation laws of the United States prevent us from giving home work, home protection, home advantages to ships that our people may go abroad and buy and put under our flag. They prohibit the importation of ships to wear the American flag in the coastwise or in the foreign trade. The result is that no man thinks of investing money in a ship in the United States except for the coastwise trade; or at least it has been a long time since men have thought of investing their money in that direction.

When we come to building an American navy, war-ships, the whole question changes. We must build our war-ships in the United States and build our guns in the United States, for the reason that the United States is the only patron, the only person to whom we can sell such things. After awhile when our establishments grow up we shall build guns as Krupp does for the Chinese, for the Polynesian Islands, and for the South American republics—when we get a start. But that is not the motive now that impels us to build guns in the United States for the service of the United States. The motive that prompts us is that we shall have in time of war, when we most need these agents and facilities, the means of manufacturing such things at home, for a country is at great disadvantage that has to fight a foreign enemy and bring its guns across the sea.

Equally so in respect to our ships of war of every class and character. The Government being the only authority in this country, the only person, I may say, who can patronize a ship-yard for the building of men-of-war, the guns ought to be built here under our supervision and out of our material as far as we can make them; and so with the ships, because of the necessity of having such reliable resources in time of war. That question is by no means similar to the matter of owning or building ships of commerce.

So, then, in voting as I always vote, for the establishment of American machinery, American plant, to make guns and to make ships and every part of a ship, and in voting for the requirement that every ship shall be American in every sense of the word that is made for the Navy of the United States, I by no means commit myself to a mere commercial proposition, but I commit myself to a proposition of necessary self-defense standing on entirely a different footing; and there is no parallel between the two cases.

Here are two parties in the Senate, one adhering to the old navigation laws of the United States, and the other thinking that those laws are an unnecessary and an inconvenient cramp upon the ship-building industry and ship-owning industry of this country; and therefore the American flag is oftentimes excluded from a vessel that ought to be sailing under those colors. These parties antagonize and will not give up anything. From year to year, whether it is for the transportation of commerce or for the transportation of mails, we find this same old wrangle in the Senate of the United States, and no compromise and no concession at all.

It is true that when the Democrats were in power in the Senate my colleague [Mr. PUGH] made a report from the Committee on Post-Offices and Post-Roads, which takes a lower ground than that occupied by the Senator from Kentucky and a higher ground than that which is occupied by the Senator from Kansas. I will read it to show what was then the Democratic interpretation of our duty in respect to this very matter of carrying mails. In a debate that occurred here last year my colleague read this amendment, which he had moved to the Post-Office bill on the occasion to which I have referred:

Mr. PUGH. I offer an amendment from the Committee on Post-Offices and Post-Roads, to come in at the end of section 1.

This was in 1881.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed, at the end of line 197, to add the following:

For additional postal service to foreign countries, $1,000,000, to be expended under the direction of the Postmaster-General, in the establishment of mail steamship lines, equitably distributed among the Atlantic, Mexican, Gulf, and Pacific ports: *Provided*, That the vessels employed for such service shall be owned and manned by American citizens—

Not built—

and that said vessels thus employed shall be iron steamships, accepted by the Secretary of the Navy, after due inspection, as in all respects seaworthy and properly entitled to such service.

There was a million dollars proposed to be appropriated under the direction of the Post-Office Committee of this body when they were Democratic, and when we had a Republican Executive, to be expended under the direction of the Postmaster-General, a broad discretion in the establishment of mail steamship lines to foreign countries, and to be distributed between the different seacoasts of the country, the Pacific, the Gulf, and the Atlantic. I think there has not been a moment of time when the Senate and the House of Representatives also might not have agreed to that proposition but for the obstinate adherence of gentlemen to mere theories. I claim that your theory of the American navigation laws has expelled the American flag from ships, and that instead of gaining ships you are all the time growing less and less in your commercial marine, and I contrast your theory with the experience of this country, and say that the experience has utterly disproved its value, and I propose that we shall try a different theory.

I am not alarmed, after that proposition has been reported by a Democratic committee of this body and voted for by Democrats, at the idea of the subsidy that may be said to be involved in it. There is no subsidy in the expenditure of a million dollars distributed in the discretion of the Postmaster-General over the ports of the three great coasts of the United States. A subsidy means that you will give to a particular enterprise or a particular person or corporation a monopoly, an advantage in doing a certain thing. When you appropriate money at large for the good of the mail service, whether it is foreign or domestic, if it turns out that some men are better prepared to carry the mails than others, the idea of subsidy is not involved in such an appropriation as that by any means.

I noticed to-day that the two Senators, one from Kansas and the other from Kentucky, got into a little disputation about the effect and meaning of an appropriation for carrying the mail between Tampa, in Florida, and Havana, in Cuba, and it turns out that both of these Senators in their desire to benefit the country, which they always have, have plumed themselves upon their own theories. In his anxiety to get mail communication between Tampa and Cuba, which is an important matter, the Senator from Kansas utterly forgot to say a word about American-owned and American-built ships, and the Senator from Kentucky forgot anything about subsidy, and they came together in the enactment of that law, which seems now to be a standing law of the Post-Office Department, which reads as follows:

The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than 200 miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service.

If you will just take that statute and broaden it so as to say that the place of delivery of the mails may be 25,000 miles distant from here, you have just as good a law as this is, as constitutional, as correct, as Democratic, as wise, and there is just as little subsidy in it.

Now, strike out that provision of the statute which I have just read, which confines the operation of this law to places not more than 200 miles from our coast separated by the sea, and let it go to any distance whatsoever, to any country or place whatsoever, and you have got precisely the law that my amendment proposes, except that you confine this mail service between the United States and certain States of South America. I am willing to agree to that also, for I would rather give to the Argentine Republic, and Paraguay, and Uruguay, and to Brazil, the privileges of this legislation than to distribute them at large over the whole of South America or the whole world.

These two Senators, when they forgot their theories and came down to practice, arrived at a perfectly just result, and I propose, so far as the States named in this amendment are concerned, that that same result shall be applied to this case; that is to say, that the Postmaster-General shall have the amount of money which is here appropriated, $500,000, to be by him distributed in carrying the mails from the United States to those countries named in the amendment of the committee; but I would strike out "American-built ships," and I would do it for this reason: The activities of the Southern States are admired and commended by people throughout the length and breadth of this country, and I believe that no compliment has ever been paid to the Southern States that I have so thoroughly enjoyed as the compliment that arises

from the fact that we are now accepted to be a people of good sense and industry.

Mr. CULLOM. A pretty big compliment.

Mr. MORGAN. A large compliment, and I value it very highly. I only wonder at the incapacity of our friends to have seen this many years ago. If they had looked at us then with the same kindly eye that they do now, we should have been seen then to be probably about the wisest and most progressive people in the world.

Mr. MAXEY. Will the Senator from Alabama allow me to emphasize his remark by stating a historical fact? We came out of the war utterly devastated, left entirely to our own exertions, with our institutions broken up; we have not only renewed our former position, but are to-day as prosperous as any people in the world.

Mr. BECK. Their soldiers got no pensions, and they are not beggared either.

Mr. MORGAN. A great many compliments can be bestowed upon us very justly, and they are all true. We came out of the war bereft of everything on earth. We were penniless absolutely, stripped even of meat and bread and clothes; our institutions were broken up; society was devastated by the intrusion of people into it who had no other motive in the world than to wreck it. The governing powers of the people of the Southern States were taxed as they were never taxed in any country before; and the triumph of local government in the Southern States in reorganizing society, re-establishing our industries, bringing down the rates of taxation, lowering salaries, and the complete administration of justice, the restoration of peace and prosperity, including religion, in the South—these triumphs are greater than ever existed in any country in all the annals of history. No man can point back through these annals to any people who have resurrected themselves as we have done with so much of outward oppression and internal discord as have the people of the South.

Now, Mr. President, we have no ship-yards in the South. Very few vessels are built there of any description at all, only a few small schooners and fishing smacks. That is due to two facts. The first is that there has been no encouragement of ship-building anywhere. We have been nursing with our laws and our appropriations and our indulgences and our protections in every way that we could that industry which is perishing even on the coast of Maine, perishing in every direction, and I fear will continue to do so as long as these navigation laws are on the statute-book. As long as we shut out foreign commerce by a high protective tariff, and these navigation laws are on the statute-book, I see very little chance for the restoration of the ship-building interest in the North and Northeast. But we have in the South no ship-yards, certainly none for making iron and steel ships and their machinery. The ship-yards at Wilmington, Del., I believe are the farthest south of any that exist in the American country.

Now, you arrange this provision of the bill to take effect at the beginning of the incoming fiscal year, on the 1st day of July; and let me ask you what chance have we got to build ships between now and then when we have not even a ship-yard or the tools and machinery with which to build a ship? We can not possibly construct in the South an American-built ship between now and the 1st of July. We could hardly get a fair start on it. What, then, is the effect of this proposition? It is, of course, to put the whole of this appropriation in the hands of men who have ship-yards or who own ships of American build. It diverts entirely the appropriations from all the South Atlantic and the Gulf, and there is no chance for us to have a particle of interest in it unless we go and make up companies and buy ships that were built in the United States; and the few that we have got here not engaged in the coastwise trade have been built for special objects and to transact special business and adapted to certain particular localities.

Under this law a Philadelphia, a New York, or a Boston company puts in a bid for carrying the mail. Will they put in that bid to carry the mail from Mobile or from Galveston or from New Orleans or from Pensacola or from Charleston or Savannah? No; they will put in a bid for the purpose of carrying the mails back and forth to their own towns, and when they get these contracts they have just as effectually shut us out from the benefits of the proposed advantage by the interchange of commerce between us and Brazil and the Argentine Republic as if we were excluded under the bill itself. We therefore have no chance.

If the Senators who advocate this measure will give us at least five years beyond that to execute these contracts and put it in the bill that at least one of these lines shall go from the Gulf of Mexico, by the time your law has executed itself at the end of the five years you will find that we are building iron ships and steel ships in the South. We shall then have the incentive for it.

If you sail a ship that is owned in New Orleans out of the port of New Orleans, or from Mobile, when your ship comes home there must be some place of repair, there must be a dry-dock, there must be machinery there for the purpose of repairing the engine and other parts of the vessel, and the companies that might contract to carry the mails in ships that they owned, whether built at home or abroad, would find it necessary to take the initiative at least to the extent of building ship-yards for the repair of ships. A ship-yard for the repair of a ship must be one for its construction. If you have a ship sailing from the port of Mobile to the port of Rio de Janeiro, going and coming, bringing and carrying the commerce of the countries, carrying out our cotton, timber, coal, and iron, and returning loaded with hides and the other rich productions of this South American country, you would find that the people of Mobile would establish there, perhaps in the vicinity of that reservation of the United States called Mount Vernon, on that river where the fresh water is 40 feet deep, a place of repair, and in connection with that a machine-shop, and they would carry their iron and their steel and their coal down from Birmingham; and by the time these five years had expired, instead of buying their ships, then they would be building them at home.

Give us just this chance to have a start in this thing. Let us go into the markets of the world and buy our ships and start this mail line, and you will find plenty of Southern men of enterprise and capital going into the establishment of steamship lines between the Gulf of Mexico and Brazil and the La Plata River.

Who can object to giving us this one opportunity? When the Northern States of this country desired to have a coastwise mail to Cuba they wanted 55 cents, I believe, per mile for the transportation of the mails to Tampa; and then the committee came in here and both sides of the Chamber voted a large appropriation of money, and left it in the discretion of the Postmaster-General to equip a line between Tampa and Havana, and said not one word about there being an American-built or a foreign-built ship on that line. Every one thinks here to-day that that has been a successful line, a prosperous line, and no harm done to the ship-building interests of the United States because the vessels that sail there may be of foreign build. I hear no complaint at all of that law; on the contrary, it has been loudly commended on the floor of the Senate to-day. I take that one enterprise as being an absolutely conclusive example of the proposition I offer, that for the five years the contract you provide in this bill is to run you shall give the Southern States a chance to go out and buy the ships and start the line. That can not hurt you, or break you up in five years; and yet you see how we can establish ourselves in this business, and how by granting us this opportunity you can set on foot this ship-building industry in the South, that gentlemen say is so absolutely essential to the prosperity of the people of the United States as well as to their credit and honor.

That is what we claim under this amendment. To pass the committee's amendment just as it is is to force a discrimination against the South. To pass it as I propose to amend it is to give us an opportunity to enter into this traffic, and I hope the Senators on both sides of the Chamber—as I know there are Senators on both sides of this Chamber who desire the prosperity of the people of the United States as much as I do—will see the necessity of the occasion and will permit this to be amended so that we in the South can have some chance to establish ourselves. As long as we stand here warring upon theories we shall do nothing. When we make the sort of compromise that was made in the bill from which I read, establishing a line between Tampa Bay and Havana, prosperity comes immediately to that part of the country. The mails are transported back and forth from Havana with great rapidity and security, much greater than they have ever been before.

I think, Mr. President, that the reason of the case, the proof of the example I have cited, and every consideration relating to the future prosperity of this country ought to influence the Senate to adopt the amendment which I have had the honor to propose.

ILLINOIS JUDICIAL DISTRICT.

The PRESIDENT *pro tempore* appointed Mr. PUGH, Mr. HOAR, and Mr. WILSON, of Iowa, the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

CO-OPERATION IN THE DISTRICT.

Mr. STANFORD. I want to give notice for the information of the Senate that on Tuesday next, at 1 o'clock, or as soon thereafter as I can be heard, I shall call up the bill (S. 3022) to encourage co-operation and to provide for the formation of associations in the District of Columbia for the purpose of conducting any lawful business and dividing the profits among the members thereof, and submit some remarks thereon.

HOUSE BILLS REFERRED.

The following bills, this day received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 731) granting a pension to William H. Hester;

A bill (H. R. 752) granting a pension to James Smithpeter;

A bill (H. R. 942) granting a pension to Penelope Morton, widow of Lieut. James Morton;

A bill (H. R. 1903) granting a pension to Henry Canode;

A bill (H. R. 4585) granting a pension to Mrs. Fannie Carman;

A bill (H. R. 5927) for the relief of Louisa Kearney;

A bill (H. R. 6918) to increase the pension of Lewis M. Strong;

A bill (H. R. 8798) granting a pension to Thomas J. Hays;

A bill (H. R. 8826) granting a pension to Mary M. Thompson;
A bill (H. R. 8829) granting a pension to Jacob Teits;
A bill (H. R. 9143) granting a pension to Dr. Sabin Stocking;
A bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll;
A bill (H. R. 9928) granting a pension to Moses Williams;
A bill (H. R. 10050) to increase the pension of Capt. Frank Bell;
A bill (H. R. 10262) granting a pension to Lawrence O'Connor;
A bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin; and
A bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker.

AMENDMENT TO A BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

JAMES W. GOODRICH.

Mr. HOAR. I desire to move that a message be sent to the President of the United States requesting him to return an act for the relief of James W. Goodrich. It is an act paying a postmaster for funds of which his post-office was robbed, and it describes the post-office by the name of the wrong town by an accident, so that the act would be entirely futile. It ought to be returned before the President signs the act. The act was sent to the President either yesterday or to-day.

I understand that that bill originated in the House and, therefore, has been sent by the House to the President; and under these circumstances the precedents of Congress are that there shall be a concurrent resolution. I therefore submit the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring,) That the President be requested to return to the House of Representatives the bill (H. R. 5652) for the relief of James W. Goodrich.

The resolution was considered by unanimous consent and agreed to.

MRS. M. E. WOODS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, which was in line 8 to strike out "twenty-five" and insert "twelve."

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] desires a disagreement with a view to a conference.

The amendment was non-concurred in and a conference was ordered to be requested of the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. BLAIR, and Mr. WILSON, of Iowa, were appointed.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888.

Mr. CALL. Mr. President——

Mr. SAULSBURY. If the Senator from Florida will yield, I move that the Senate adjourn.

Mr. PLUMB. I hope we shall have a vote on this bill. I do not think it will take long to dispose of it.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate adjourn.

The motion was not agreed to.

Mr. CALL. Mr. President, I do not propose to detain the Senate any great length of time after the discussion which has been had on this bill to-day.

I was a member of the subcommittee of the Committee on Appropriations on the Post-Office appropriation bill and voted for this amendment. I propose to vote for it in the Senate. I do not, however, think that there is any kind of inconsistency between the report of the Postmaster-General in regard to this matter and his explanation as read by the Senator from Kentucky. When we discuss a proposition we should meet the points that are really involved in it, and not raise new questions that are not connected with it and do not logically relate to it.

The Postmaster-General in his recommendation to Congress contained in his annual report does not anywhere intimate or declare in any form that, as between the question of the purchase of foreign ships and their use for the purposes of mail transportation, he has a preference for the policy of limiting the carriage of the mails and the assistance that the Government may provide to American-built ships. That is the whole question in controversy between his present explanation and his annual report, and it is on this that the whole centention has been made to-day.

Neither is there any inconsistency in a support of this amendment, and agreeing with the declaration of the Senator from Kentucky, while I support this amendment, I would prefer to support an amendment which would permit the American citizen to buy his ship abroad. There is no inconsistency in these propositions. There may be in the opinion of persons like myself a better method of encouraging the construction of American ships. I believe there is. I am prepared to go much farther and much more effectively, in my judgment, in the encouragement of American ship-building than has ever or can ever result from prohibiting the purchase of ships from abroad and limiting the transportation of this country to American-built ships.

If there can be anything done, as in my opinion there can be, to aid and develop American ship-building, it is to be found in a system of bounties to the ship, to the tonnage, open to every American citizen, and in a system which will furnish Government facilities in those sections and portions of the country where they are not now to be found for the construction of such ships, plants in navy-yards, furnished by the Government, and which may be leased to combinations of labor or of capital in the different sections of this country, so that the expenditures of the Government, which are in themselves of great importance, shall not be concentrated in the hands of particular individuals, of capitalists, or of particular localities. A system of this kind will reach the point required, and will develop the American industry of ship-building in the different localities of the country. The navigation laws have failed to develop American ship-building for the foreign trade of the country. What good reason can be given for not trying some other policy—some other means reasonably adapted to attain the object we wish to accomplish?

It is not wise for Senators who insist on resisting this proposition to assume that there may not be a better system of developing American ship-building than that of the navigation laws which have existed so long without producing the desired effect.

But what does the Postmaster-General say? He may not perceive or admit the logical result of his declaration as it impresses me. He may not admit the conclusion which his own premise demands. He says:

This application suggests * * * the purchase of mail facilities which do not exist, and can not be expected soon to exist in the ordinary manner.

What is the purchase of a mail facility? Certainly, if there be anything in the idea of a subsidy, it is a payment as a compensation of something greater than the actual service would itself require. Whatever is intended to develop, to produce, to encourage a future development, whatever is greater than the actual compensation at the moment for the service rendered, whatever is greater than the present need, is in the nature of a subsidy. I have no objection to the use of the term. The purchase of a mail facility is unquestionably a subsidy, unless it be at the lowest possible market price at which it can be obtained, and unless it exists in the ordinary course of business. The Postmaster-General further proceeded to say that these facilities do not exist, that the commerce of the country will be developed, will be created, and that it is a wise consideration that for that further development these mail facilities shall be purchased.

He further says that mail facilities may wisely be created, "purchased" in advance of the necessities of actual business. Considerations of race, blood, and public policy may demand them. And in our domestic mail service these considerations are recognized as a sound and wise policy, and a justification for expenditures beyond the actual necessities of the service at the time. This is nothing but a subsidy; nothing but making the expenditure of the public money the foundation of the mail service. Our whole domestic mail service is a subsidy, as the annual deficiency shows. Why, then, is the policy not equally true for the foreign mail service?

The point of difference—and that is all that is required, that is all that is asked in this amendment—is the purchase of mail facilities beyond the immediate and pressing needs of established business. There is no argument about that; that is a plain proposition; it is a subsidy, an inducement, an encouragement. The Postmaster-General proceeds to say that this is nothing more than is done with numerous domestic lines of mail transportation, beyond what is needed by the business of the moment, in anticipation of greater development and of greater business, and certainly that is true, and there is no distinction in reason or in logic between these two things. If it is good for our domestic relations it certainly is good for our foreign relations.

So, then, we have before us the simple question presented by the Senator from Kentucky: Shall we open this foreign-mail service to vessels constructed abroad—to foreign-built ships? Shall we obtain the best mail service that can be obtained, without reference to where the ship was constructed? Unquestionably, in point of business or commerce or mail facility, the ship that is best adapted to it, that is speediest, and that can be obtained at the cheapest rate is the best, and I should vote for that amendment.

But what then? We know it is impossible in this Senate owing to the division of opinion to obtain the passage of an amendment of that character, and the question then recurs shall we do without this facility because of this divided opinion—erroneous opinion, if you please—or shall we encourage it under the best practical terms, awaiting some future development which will put this upon a higher and a better system of economy—better for the commerce of the country, better for its transportation, better for all its industrial interests? For myself, I do not hesitate, although I perceive that this expenditure will be necessarily expended for the advantage of particular localities, of particular sections, as nearly all the expenditures of the Government are concentrated in a few great cities, or in a small area of the population of this country, an evil which ought to be remedied by some better sys-

tem of economy. A policy that will divide these expenditures between the different ports of the country might easily be devised—a policy that will build ships and establish mail lines from Tampa, or Pensacola, or Jacksonville, or Fernandina, in Florida, or Mobile in Alabama, or New Orleans, as well as from New York and Baltimore and Boston.

Mr. FRYE. I wish to call the attention of the Senator from Florida to the admission which he is making that this may result in a benefit to one locality to the exclusion of others. Now, in one single ship that sailed from New York to Rio Janeiro twenty-six States and Territories had their manufactured goods on board of her. So it is not possible that it shall result in benefit to one locality because the ship sails from that locality.

Mr. CALL. But the expenditures for building the ships were in a particular locality.

Mr. FRYE. That particular expenditure may be.

Mr. CALL. And all other ships will be made there under the present condition of the law, and the money expended there, including this appropriation. I should be very glad to prevent that. I should like to see a ship constructed at Pensacola or at Tampa Bay, or Jacksonville, or Fernandina, contiguous to the iron and coal of Alabama, where it can be done cheaply, and whence it could sail with greater proximity to any of the Central or South American ports than anywhere else, and whence the mail could be carried with greater expedition. I think a policy ought to be adopted that would develop and encourage and produce that result. But what is the first step toward it? That is impossible to do. Now we must make a commencement or it can never be done. We can not advance this object by assuming that foreign trade in American vessels is impossible because we have a tariff system which intervenes difficulties, nor because we have navigation laws which diminish the profits of American commerce in ships owned and manned by American citizens.

Shall we abandon this communication with South America which the Postmaster-General so ably presents as a public necessity of the moment, because we can not accomplish these great desirable ends of public policy, and so desirable particularly to the whole Southern country? Shall we abandon that commercial intercourse which may, as the Senator from Maine has suggested, be of some benefit, which will carry off the productions of the South as well as the North, which will bring the coffee and the products of other countries for the consumption of the South as well as of the North, which will be open to the enterprise of Southern men, and to the capital which may be accumulated in the Southern States? These are advantages that will accrue with American-built ships as well as with foreign-built ships, although there will be disadvantages attending it, although larger benefits would result from the policy of purchasing ships wherever they may be bought cheapest and best. An American-built ship carrying passengers and freight to a foreign port will do anything in the way of encouraging trade that a foreign-built ship owned by Americans could accomplish.

Therefore I have never failed to support the provisions in the Post-Office appropriation bill providing for mail facilities, and I am not frightened away from it by the fact that there is an injustice in it and that the purpose might be accomplished better in a different manner, for this is the whole extent of the argument against it. The proposition is that we must have nothing because we can not get everything.

Mr. President, that is all I propose to say in justification of my vote. While the Postmaster-General's argument, in my judgment, does demonstrate the necessity for this appropriation, it is doubtless not intended by him and does not of necessity impart the idea that he desires to see it done in American ships exclusively, and to be expended for the construction of American ships. In other words, he believes that the mail service would be better promoted, that the development of American ship-building would be better promoted, by encouraging commerce at large, and by the purchase of ships from abroad as well as by constructing them in the United States; but his proposition certainly is that mail facilities with the countries mentioned are desirable, and that we have not now those facilities, and must create them.

As a member of the subcommittee of the Committee on Appropriations having in charge this Post-Office appropriation bill, I desire to say that I do not agree with the criticisms which have been made by the Senator from Kansas on the Postmaster-General. His report is an evidence that he is a man of ability, that he is a man who masters whatever is presented to him, and I venture to say that no more concise, forcible, and clear presentation of that great Department and its operations and its necessities has been made than that which is contained in his annual report at the beginning of this session. It is one of the most important departments, and perhaps the most difficult of the departments to administer.

It has the largest number of officers, it requires the greatest minutiæ of investigation and knowledge of details by the officer in charge, the Postmaster-General. That he may not be able at all times to secure the best mail service in the most remote portions of this country is not to be attributed to him as a serious fault. That there should be somewhere imperfect or disconnected routes, that some time should elapse before they are remedied, is impossible to prevent in a system so wide and so extensive as this. And while I have heard of complaints, while newspaper men here and there may assume that they could administer this Department better than he, that is but the criticism of a single man. There have been complaints of irregularities and failures in my own State, but I have not known of any which when communicated to the Postmaster-General he has not promptly sought to remedy; and I undertake to say that the administration of that Department at the end of his term will have been able, efficient, and economical.

Mr. President, it does not belong to the Committee on Appropriations who have charge of this bill and who are responsible if there be no sufficient and adequate appropriation made for the support of that great establishment to criticise its head. Its efficiency depends upon its employés. It depends upon the remuneration they receive, upon their number, their character, and the capacity they may have, and it depends upon the provisions of law that are reported by the Committee on Appropriations. If they will increase that remuneration, or if they will give to the Postmaster-General an entire discretion in the expenditure of that money, then he may be criticised; but if you limit him, if you limit the salaries, you must take the consequences.

The whole system of appropriations in this Government since I have been a member of the Committee on Appropriations is to regard the heads of Departments as unworthy of trust, to treat the smallest detail with an iron rule, and say, "You shall not exercise any discretion; you are limited to this amount; we will not trust you;" and such is this Post-Office appropriation bill. If this money was given to him and a discretion allowed, holding him responsible for it, then you might perhaps criticise his conduct.

For myself, I shall sustain this amendment, and I desire to be understood as expressing my own judgment of the ability and the efficiency and the economy with which that Department is administered. I do not now speak of the appointments in the Department, but of the personal conduct, ability, and business methods and efficiency of the Postmaster-General.

This is only a question of a proper mail service and the purchase of mail facilities, and ought not to be considered in connection with the tariff, or with the repeal or modification of the navigation laws. It gives the Postmaster-General $500,000 annually and authorizes him to use it in the purchase of mail facilities on condition that the facilities purchased, which must be ships, shall be American ships. Even with those who think foreign ships would be better, there is nothing in their arguments which can support their conclusion that they will not have any suitable mail to South America unless they can get it on foreign ships.

Mr. EUSTIS. Mr. President, I do not intend to discuss this question. I simply desire to state that when this proposition was under consideration at the last session I took occasion in debate to establish that Government aid to steamship lines for the purpose of developing commercial intercourse had been a favorite measure under Democratic administrations, and I regret to hear Democratic Senators endeavoring to apologize for the statesmanship and broad position which our Democratic Postmaster-General has taken in his annual report upon this question with reference to the pending proposition.

When this report appeared, although it may have shocked the sensibilities of the Senator from Kentucky, it was universally accepted in the country as a sign that upon this question our Democratic administration had taken a new departure, and those who favor this proposition indulged in the gratification that they had secured the advocacy of a very influential and powerful convert to what we consider one of the most important principles, with reference to the present and the future, which can guide our legislative action. I felt proud, as a Democratic Senator, that this Democratic administration had announced to the country that they realized the necessity of taking some step forward, some step in advance, in favor of developing American commerce and American shipping. For I believe that whenever this policy shall be established, whenever our repeated efforts in that direction shall bear some fruit, our course and our statesmanship will command the universal commendation and applause of the American people.

There can be no question whatever, I take it, that if we can understand the English language, that if we can understand arguments which are presented, that if we can understand what an individual intends when he follows a certain process of reasoning in order to make certain recommendations, and where that officer is a Cabinet officer, I say there can be no question whatever but what this amendment reported by this committee is responsive to the recommendations made by the Postmaster-General now in office. It is yielding to the demand which has been made, yielding to the pressure which has been brought upon this administration, recognizing the fact which has been heretofore denied that we must find some outlet for our increasing production, and that the great outlet which is open to us and which we can secure beyond peradventure is with the South American states.

I congratulate the Postmaster-General. I think he has exhibited great moral courage, that he has shown that he understands what the people of the United States demand from him and from his office, when in a most elaborate, sound, and logical presentation of this question he has embodied every argument which was used by Senators at the last session of Congress in advocacy of this proposition.

I regret that the Senator from Kentucky [Mr. BECK] is not in his

seat, as I told him that I intended to pay my compliments to him, that he should stand up in the Senate and attempt to wipe out of view the report of a Cabinet officer, and to tell us that it does not mean what it declares.

This is not a question involving a construction of a sentence about which there can be some difference of opinion. This is not a question which involves the ambiguity of a mere phrase. It is a question whether these three pages, written by the Postmaster-General, intended to be a basis for legislation by Congress and so uttered, were seriously or jocosely written; and that is the question that I wanted to propound to the Senator from Kentucky. No private correspondence can destroy the effect or remove the intended purpose of this communication to Congress. The Postmaster-General accepted the responsibility of that recommendation. It is in accord with what we have maintained, and we can only accept it as an utterance of his serious convictions upon one of the most important questions affecting the interests of the American people.

I repeat, in conclusion, and I congratulate my fellow-Democratic Senators upon the fact, that this Democratic Administration is moving in the right direction, that it stands upon a high platform in the developmen of American commerce, and that it is willing to carry out that policy by giving Government aid to establish steamship lines with the South American States.

Mr. MAXEY. Mr. President, since I have been a member of the Senate I have been an earnest advocate of close and liberal commercial relations with Mexico and Central and South America. When we look at our great surroundings there can be no question that there is an absolute necessity for this country to get an outlet for its surplus productions. There is to-day enough capital invested in American manufacturing and there is enough skilled labor adapted to factories to produce in six months all that can be consumed in this country in twelve months. That is a fact. That fact means that those factories must work on half time, or lock-out a portion of the time, or strikes are inevitable, and strikes are going on all over this country. What is the outcome of that? A spirit of unrest running all over this land from one end to the other.

What shall we do? We must find somewhere a market for the American surplus production. We must find somewhere a market which will consume all that can be reasonably produced within twelve months by our factories. Where can we look for that? Only in Mexico and Central and South America. So believing, for the twelve years that I have been a member of the Senate I have been an earnest advocate of the adoption of some policy that will open out the trade of those countries to us.

In 1881 the amendment which was offered by direction of the Committee on Post-Offices and Post-Roads by the Senator from Alabama [Mr. PUGH] met my hearty approbation. I was at that time chairman of the Committee on Post-Offices and Post-Roads. We agreed upon an amendment, which has been read, which provided—

That the vessels employed for such service—

That is, the service from the Atlantic, Gulf, and Pacific ports—

shall be owned and manned by American citizens, and that said vessels thus employed shall be iron steamships, &c.

"Owned and manned by American citizens." To-day I am in favor of the same policy. I advocated it then; I do to-day. I care not where the vessel may be built, whether on the Clyde or here, but I am in favor of restoring the American merchant marine which has been driven away from the high seas so that we have left to us only about 15 per cent. of the carrying trade of all the exports that leave this country for foreign markets.

Something has done that. What is it? If a vessel can be purchased cheaper on the Clyde than it can be in one of our own establishments, let the men who are willing to invest their capital in that vessel go there and buy it, and aid in opening out and restoring the American marine.

I am in favor of the amendment of the Senator from Alabama [Mr. MORGAN], first, because I want to restore American shipping. This is a movement in that direction. I am in favor of close commercial relations and liberal relations with all the countries south of us. I am in favor of reciprocal treaties which will enable this country to compete in the markets of Mexico, of Central and South America with England or any other country on the face of the earth.

You never can do that under your present tariff; it is simply an impossibility. Therefore you must make commercial reciprocal treaties with those countries, and for that reason I have been for years an earnest advocate of such reciprocal treaties. It would be the grandest move forward in statesmanship to combine these two things together. First, capture that trade, open out, begin to establish your steamship lines, let the owners of those lines buy their ships where they please and register them as American vessels, man them by American sailors and sail them under the American flag. Start in that direction. That done, then make your reciprocal treaties and get an outlet for all the vast production that our factories turn out annually over and above that which is necessary for home consumption.

It is the worst of nonsense to build up a Chinese wall around this country and limit the consumption of American manufactured articles to the American people. It is the veriest purblind policy that was ever adopted by any government on the face of the earth. You have got to compete; and as the world advances in enlightenment, as capital increases and seeks investment in factories, and labor seeks to be skilled so as to be employed in those factories, you produce more annually in this country than it is possible to consume. You must have an outlet, and you can not have that outlet when every article that goes into a piece of manufactured goods, the coal, the iron ore, and each raw material all the way along the line is taxed heavily. It is an impossibility for a manufacturer to contend in the markets of the world with countries which have the free-trade system.

Sir, we may as well meet that issue. It has to be met some day. This thing has got to come about. Where you have capital invested in American factories and skilled labor which can produce in six months more than can be consumed in this country in twelve months, what are you going to do the other six months? Shall that capital lie idle? Shall the laborers go out and become tramps? That is the effect; it is inevitable.

The man who loves his country will seek to have all that those men can produce consumed somewhere, and that consumption must come not from Europe, because they will not consume what we raise, but it must come from those countries which lie south of us, and contiguous to us, and which are our natural commercial allies. Yet, owing to the purblind policy of this country, right across the river which separates my State from Mexico, the trade of Mexico has been captured by England and Germany in the very face of the American citizens.

Something is wrong. It results from your protective tariff; and you can only have that (because you cannot get this people at once to do it) by adopting commercial reciprocity treaties with those countries and making them as liberal as possible. When I say that I also say that I am a better friend to the manufacturing people than he who opposes a commercial reciprocal treaty with Mexico and Central and South America.

If the amendment of the Senator from Alabama is adopted, I shall vote for this provision, not so much because of the postal service as that it is a move in a commercial direction. It is the starting point to giving us a trade with the countries lying south of us, which this country must possess if we are to be prosperous as a manufacturing people.

But, sir, I have another object in view. I want to restore American shipping. Whenever the price of ships, and especially of steamships is so high in this country that capital can be better invested in other directions, they will not be bought; but when men can go anywhere and buy their money's worth of ships and open up and secure this trade, which if we adopt the true policy of reciprocal relations will go on ever and ever increasing, we shall have a prosperous country.

For that reason, because I want to restore the American merchant marine and because I want the American flag to cover an American cargo when it crosses the water, I favor the amendment offered by the Senator from Alabama. If that is adopted I shall vote for the amendment reported from the Committee on Appropriations; otherwise I shall not.

Mr. GEORGE. Mr. President, I should like to cast a vote in the American Senate in favor of the extension of American commerce. I think it is a very great crime in the statesmanship of this country that we have adopted such policies as that American commerce with foreign countries is dwindling. It has not reached the magnificent proportion to which it is entitled.

I want to extend American commerce. I think we have the power, if we use it wisely and well, to supply the markets of the world with cheaper and better goods than any other country. But I am not to be charged with being unfriendly to the extension of American commerce because I can not see that that extension will come from the subsidy proposed by the Committee on Appropriations.

I should like to have this proposition answered: When we have a tariff of 46 per cent. on the average, levied, as I understand and as everybody avows, for the purpose of enabling the American manufacturer to compete in American markets at home with foreign manufacturers, how is it possible that this same manufacturer, requiring a protection of 46 per cent. to enable him to compete with the foreign manufacturer at home without any transportation on the sea and selling to his neighbors, can sell his goods in foreign markets against the same foreign competitors? That is the question I should like to have answered.

We are told that the American manufacturer can not sell even to the American people in the home markets without the cost of foreign transportation, that he can not exist unless he has an advantage of 46 per cent. in the way of a tariff. Yet we are told at the same time that the American manufacturer can go out into the markets of the world, dispense with the 46 per cent. protection, and compete favorably and advantageously with the foreign manufacturer. I should like to have that answered; and when that is answered, when I can see that that problem can be worked out under these conditions, I may consider the proposition to subsidize steamships to carry our goods to foreign countries.

The Senator from Louisiana [Mr. EUSTIS] congratulates the country that the Democratic administration has taken a step forward in this

matter. I should like to ask the Senator from Louisiana whether the sugar produced in his State and which, as I understand, can only be produced by a protective duty of about 70 per cent., can be sent to foreign markets and compete with foreign sugar after losing the 70 per cent. advantage.

Is it to be said that we produce so much here that we want to get rid of our surplus? I think I have heard something of that sort said in this debate. Let us see what that means. It is said that we produce more than we consume. Suppose we do, how are we to sell that surplus in foreign markets without the protective tariff and against foreign competition? We can only do it by underselling the very goods which the 46 per cent. has been levied to protect us against in our own market.

If we sell cheaper than that, then one of two things results: either that the 46 per cent. is a fraud on the American consumer, and that the American manufacturer can in fact produce goods and sell them in the home market cheaper than the foreign manufacturer, or it results, as the other alternative, that the American consumer is taxed 46 per cent. on all he consumes in order to enable the American manufacturer to sell his goods to other people cheaper than the cost of manufacture. I am opposed to either proposition. I think the American consumer is entitled to have the products of his own country furnished to him as cheaply as to the people of South America. I am opposed to taxing him 46 per cent. in order that the American manufacturer may sell to the South American consumer at less than the foreign manufacturer can sell in that market. I do not think it is right to make the American people, not only bear the enormous expense of supporting our manufacturers in an exclusively home market, but also to put on their shoulders the additional burden of compelling them to pay in order to enable the American manufacturer to sell to other people goods cheaper than he will sell to them.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment reported by the Committee on Appropriations.

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CALL. I wish to know what amendment we are voting on.

Mr. VEST. I ask that the amendment be read.

Mr. FRYE. It is the free-ship amendment.

Several SENATORS. Let it be read.

The PRESIDENT *pro tempore*. If there be no objection the amendment offered by the Senator from Alabama to the amendment of the committee will be read, although it is now too late, the roll-call having been begun.

Mr. HOAR. The giving consent to that does not give consent to further debate, I suppose.

The PRESIDENT *pro tempore*. The debate is closed. If there be no objection, the amendment will be read pending the roll-call, several Senators having answered to their names.

The CHIEF CLERK. In line 90, in the second line of the proposed amendment, strike out the word "built" and insert the words, "owned and officered;" so as to read:

For the transportation of foreign mails by American owned and officered and registered steamships, to secure the greater frequency and regularity in dispatch, &c.

And at the end of line 103 add:

Such steamships so owned and officered shall be entitled to be enrolled, registered, and licensed as American-built ships are while the same are employed in the execution of said contract for the transportation of foreign mails.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The Secretary resumed the calling of the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I should vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were present, he would vote "yea."

Mr. WHITTHORNE (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea."

The roll-call was concluded:

Mr. CULLOM. As has been announced, the Senator from Rhode Island [Mr. ALDRICH] is paired with the Senator from Tennessee [Mr. WHITTHORNE]. The Senator from Rhode Island would vote against the pending amendment if he were present.

Mr. VEST (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Connecticut [Mr. HAWLEY]. I forgot the pair at the moment.

Mr. CAMERON (after having voted in the negative). I withdraw my vote. I am paired with the Senator from South Carolina [Mr. BUTLER], whom I see is not in his seat. I should vote "nay" if I were not paired.

Mr. PLUMB. The Senator from Nebraska [Mr. VAN WYCK] is absent from the Chamber, and is paired with the Senator from Delaware [Mr. GRAY].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. Were he present, I should vote "nay."

Mr. BECK. And my colleague [Mr. BLACKBURN] would vote "yea."

The result was announced—yeas 19, nays 31; as follows:

YEAS—19.

Beck,	Eustis,	Maxey,	Saulsbury,
Berry,	George,	Morgan,	Vance,
Call,	Hampton,	Payne,	Walthall,
Cockrell,	Kenna,	Pugh,	Wilson of Md.
Coke,	McPherson,	Ransom,	

NAYS—31.

Allison,	Evarts,	McMillan,	Riddleberger,
Blair,	Fair,	Mahone,	Sawyer,
Bowen,	Farwell,	Miller,	Sherman,
Cheney,	Frye,	Mitchell of Oreg.,	Spooner,
Conger,	Gorman,	Morrill,	Teller,
Cullom,	Hale,	Palmer,	Williams,
Dawes,	Hoar,	Platt,	Wilson of Iowa.
Dolph,	Ingalls,	Plumb,	

ABSENT—26.

Aldrich,	Colquitt,	Jones of Arkansas,	Stanford,
Blackburn,	Edmunds,	Jones of Florida,	Van Wyck,
Brown,	Gibson,	Jones of Nevada,	Vest,
Butler,	Gray,	Manderson,	Voorhees,
Camden,	Harris,	Mitchell of Pa.,	Whitthorne.
Cameron,	Harrison,	Sabin,	
Chace,	Hawley,	Sewell,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported from the Committee on Appropriations.

Mr. MORGAN. At the end of line 103, I move to add:

One of the lines of steamships to carry the mails provided for in this act shall be required to sail to and from a seaport of the Gulf of Mexico or the Mississippi River.

The amendment to the amendment was agreed to.

Mr. SAULSBURY. Mr. President, I shall not attempt at this late hour to discuss this question. Propositions of this kind have been before the Senate heretofore and I have voted against them, and I believe in almost every instance I have expressed the grounds of my opposition to such a provision.

But I have heard something here to-day that I can not consent to pass unnoticed. The Senator from Maryland [Mr. GORMAN], the Senator from Louisiana [Mr. EUSTIS], and the Senator from Kansas [Mr. PLUMB] have undertaken in this debate to base their advocacy of this measure upon the recommendations of the Postmaster-General. I have looked over the recommendations of the Postmaster-General as carefully as I could, and I think that no fair construction of the language which he used in his annual report can be made the basis of any such construction as that which is sought to be placed upon it by the Senator from Kansas, the Senator from Maryland, and the Senator from Louisiana.

Turning to the annual report of the Postmaster-General, I find he states that certain petitions had been sent to the Department, and he goes into an analysis of what is set forth in those petitions. After stating what those petitions refer to, he says:

No authority of law exists of which the Department can avail itself to meet this request.

Then he explains that the statute does not give him the authority to comply with the request of the petitioners. He says again:

This application suggests the augmentation of existing service and the creation of new with the particular States, in both aspects desirable.

After presenting what the petitioners have represented to him, he says:

These considerations suggest inquiry whether there be the need of such mail communication with the mentioned countries of the southern continent, whether that need be worthy of special effort to meet it, and whether it can be supplied at a cost justifiably adequate to the present and prospective value of the proposed intercourse. The determination of these inquiries rests with the Congress, and the Department is privileged, and by its information able, only to express the general opinion that such service would be highly useful and is fairly demanded by the interests of the country.

He calls upon the President of the United States to bring these considerations to the attention of Congress, and after doing so he says:

Should the recommendation meet with favor in its general aspects, the Department might be authorized to solicit proposals for the performance of such a service as the Congress should deem desirable, with limitations as to cost prescribed by its judgment of the probable resulting value to the country or otherwise. There is good reason for the expectation that such an invitation, open to fair and general competition, for a service of a sufficient duration to warrant the requisite provision of vessels, would result in proposals that would enable a desirable contract to be made and a system of communication to be established of great and lasting advantage to the United States.

There is nothing to be found in that recommendation or in the suggestion to the President of the United States which justifies the belief that the Postmaster-General desired a subsidy to be given to particular

lines, whether American, English, French, Italian, or any other line. Therefore, when there is an attempt made to put a construction upon his annual report which will commit him to a subsidy to a particular line, whether American or otherwise, he repudiates it, as was done in the letter which he addressed to the Senator from Kentucky. So the attempted construction by the Senator from Louisiana, the attempted justification of the position by the Senator from Maryland in support of this proposition upon the ground that the language of the Postmaster-General justified it and warranted it, is wholly untenable in my opinion.

Mr. EUSTIS. Will the Senator from Delaware allow me to interrupt him?

Mr. SAULSBURY. Yes, sir.

Mr. EUSTIS. I did not state that the report of the Postmaster-General committed him to the favoring of American ships for carrying American mails. What I did state was that his report does commit him unequivocally, in my judgment, to the giving of Government aid to establish lines of steamships between this country and South America.

Mr. SAULSBURY. I may have been mistaken, but I understood the Senator from Louisiana to state distinctly that the report of the Postmaster-General justified the amendment proposed by the committee. That amendment proposes to subsidize a particular line, a particular class of ships.

Mr. EUSTIS. No, sir; the Senator is mistaken. I voted at the last session and I voted just now in favor of the amendment offered by the Senator from Alabama. The question of American ships I had not alluded to, either with regard to my position or the position of the Postmaster-General. The only position of the Postmaster-General that I have alluded to is that Government aid should be given to establish steamship lines to develop American commerce between this country and South America.

Mr. SAULSBURY. I understood the Senator distinctly to avow that the amendment reported by the committee is in harmony with the recommendation of the Postmaster-General. However, I may have misunderstood the Senator from Louisiana. Certainly that was the position of the Senator from Maryland, as well as the Senator from Kansas. Against that construction and in behalf of the Postmaster-General I feel bound to enter my protest, not because I am the especial guardian or keeper of the Postmaster-General. I do not ask of him many favors, nor of any other Department of the Government; but when a Democratic administration is assailed, and unjustly assailed in my judgment, as being inconsistent, I am not willing as a Democrat on this floor to sit here and listen to such an assault.

Mr. EUSTIS. Will the Senator permit me to ask him a question? I praised the administration for its course. Does the Senator from Delaware believe or not that the Postmaster-General's report does or does not commit him to the doctrine of giving Government aid for the purpose of establishing mail lines with South America?

Mr. SAULSBURY. It expressly leaves the matter to the determination of Congress He expressed the opinion that it might be desirable, and said that if the applications were favorably considered by Congress, then the Postmaster-General might, by advertisement for "general competition," contract for the carrying of mails to those ports. However, I have said all I desire to say on that point.

Now, in reference to the question of this appropriation for the carrying of the mails, it is a pretense for carrying the mails. The Postmaster-General sends a communication to a Senator to-day saying that an annual appropriation of $50,000 will accomplish all that he thinks is desirable to accomplish, and yet you propose an annual appropriation of $500,000.

But, Mr. President, it cannot be concealed what the object of this appropriation is. The object is not to facilitate the carrying of the mails. It might incidentally have that effect, but the object is an ulterior one, the promotion of the commerce of the country by a subsidy. It is a question whether, by appropriations of this kind, you can improve the commerce of the country. I hold—I have expressed it before in the Senate—that the subsidizing of lines will not promote the commerce of the country.

You may aid a particular line to run to a foreign country, but the very subsidy you grant instead of promoting the general commerce drives away all competition with the subsidized line, because by virtue of the subsidy which they enjoy they can afford to carry freight at a cheaper rate, and instead of building up general commerce, by subsidizing a particular line you break down competition in the carrying trade and concentrate the whole in the subsidized line. When they have cleared the ocean of competing lines, then your subsidized lines would advance rates and burden by excessive charges the general commerce of the country. Therefore, instead of a benefit to the general commerce of the country, in my judgment, honestly entertained, I believe that the subsidizing of American lines will break down all lines not subsidized.

Mr. President, I am opposed to this appropriation on another ground. I think I have discovered a disposition to use public money in order to dispose of the surplus that is in the Treasury. We see every day attempts to expend money very largely. Why? If there were no surplus in the Treasury, if there was no danger to the high protective tariff which has filled the coffers of the Government to overflowing, many of these appropriations would not be made; but men in favor of a high protective tariff are ready to vote away the public money in order to create a necessity for high protective tariffs. And when a Democratic House of Representatives sends a postal bill here to carry out the wishes of the Department in reference to the postal service of the country, a subsidy is tacked upon it. Why is it? For the purpose of depleting the Treasury of the surplus so as to force a necessity for high protective tariffs.

If there is any sentiment in the country to-day on the part of the American people it is in favor of a reduction of the taxation which is drawing more than a hundred unnecessary millions from the people and putting it in the Treasury to be squandered in useless expenditures or to be hoarded up in the Treasury; keeping the money out of circulation. No, sir; I am in favor now, I was before the Presidential election, of curtailment of the expenses of the Government to an economical administration of the Government, and I want the people of the country to resist the extortions that are made upon them. I want the Treasury not to be depleted and the people deceived by the wasteful extravagance of Congress while they are paying an unnecessary amount into the public Treasury.

Why, sir, to-day the people of this country everywhere, especially in the agricultural portions of the country, are poor. Their crops are not more abundant than formerly, and the prices of their products are much depreciated, and they are scarcely able to meet the expenses of carrying on their business. Yet there is no article which they are compelled to buy upon which they do not have to pay enormous taxes. Every article of clothing that they wear, much that they eat, much that they use in carrying on their business, is taxed enormously. The people all over this country are crying to Congress to relieve them from oppressive taxation; but instead of responding to that just demand on Congress, we are frittering away the public money in useless expenditures very frequently.

What has been done at this session? A few days ago we passed a bill here to take out of the Treasury fifteen or sixteen million dollars and remit it back to the States, received from the direct tax that was levied in 1864. The object was, or at least the effect is, to reduce the surplus in the Treasury and keep up the necessity for taxation. My State paid her portion of that direct tax, every dollar of it, and her people would be willing to have it back, but we more especially desire relief from another quarter. We desire to be relieved from the burden of taxation imposed upon us.

Complaint about the extravagance of this administration was made, I noticed, the other day in a colloquy which took place between the Senator from Connecticut [Mr. PLATT] and the chairman of the Committee on Appropriations [Mr. ALLISON]. An inquiry was made—I have it here—of the chairman of the committee as to the probable expenses of the Government, and he referred to the estimates of the different Departments. I will read the inquiry:

> We have heard a great deal about not raising any more by taxation than was required for the expenditures of the Government economically administered. If we are to take the estimates made by the Departments as the standard of economical administration and appropriate as much as they require, will there be any surplus revenue?

That question was put to the chairman of the Committee on Appropriations. The next day he answered by a detailed statement of the estimates of the various Departments. This Democratic administration will be subject to the charge of extravagance notwithstanding it came here with professions of economy. The Senator from Kansas who has charge of this bill, and who is now urging with all the eloquence and all the vehemence and all the energy that he possesses the passage of this appropriation for the purpose of carrying mails which the Postmaster-General says is ten times more than he needs—the Senator from Kansas——

Mr. PLUMB. Let me ask the Senator a question for the purpose of illustration. Did he not vote for this bill taking $15,000,000 out of the Treasury to pay back the direct tax to the States?

Mr. SAULSBURY. Let me read what the Senator said.

Mr. PLUMB. Will my friend answer my question?

Mr. SAULSBURY. The Senator said:

> Mr. PLUMB. Is not the Senator aware—I think he must be as much as any one on this floor—that in the Executive Departments, where the expenses are let go without much, if any, supervision, and especially without legislative supervision, there is a great tendency to extravagance?

So, Mr. President, the other side of this Chamber, and especially the Senator from Kansas, has been holding up before the country the extravagance of the Democratic administration, and yet, in order that he may be enabled to go out before the country in the next campaign, after Congress has adjourned, and hold up to criticism the extravagance of the Democratic administration, he comes here as other Senators are coming here to increase the expenditures of the Government far beyond what is needed.

I have no doubt the eloquent voice of the Senator from Kansas will be heard in complaint on the hill-tops and in the valleys of Kansas denouncing the extravagance of this administration after he himself, with many of his confrères on the other side of this Chamber are pressing upon the administration appropriations they do not want and com-

pelling extravagance that the Democratic administration does not desire. Here is a notable illustration in the matter under discussion. The Postmaster-General writes to you in his letter read in this debate and says $50,000 is as much as he needs for any such purpose as you propose to give him half a million for.

Mr. PLUMB. Now, will the Senator answer my question? I want to get his status fixed as he can fix it. He has fixed mine. Will he answer me whether he voted for the bill to refund $15,000,000 to the States?

Mr. SAULSBURY. I said in that debate that I should vote for it because there was no possibility of getting anything else, but I said also in that debate that I should prefer rather than see the debts of the Southern States made an excuse for that appropriation that those debts should be forgiven and let the $15,000,000 remain in the Treasury. I think I have answered the Senator's question.

I did not intend until a few moments ago to say a single word on this question. I have been watching with some interest the efforts made to force on the Postmaster-General an annual appropriation of $500,000 which he does not want, and then if he does not expend it to go out as you did two years ago when you appropriated $400,000 for the postal service which he did not want and because he did not use it in the manner you proposed, held him up to criticism before the country.

Mr. President, I will not detain the Senate with any further remarks on this bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations as amended.

Mr. EDMUNDS. Let us have the yeas and nays on it.

The yeas and nays were ordered.

Mr. FRYE. I desire to call the attention of the Senate to the limitation in this proposition:

The carriage of such mails to Brazil, the Argentine Republic, and the Republics of Uruguay and Paraguay.

The amendment which the Committee on Commerce reported and sent to the Committee on Appropriations made this include all the republics of Central and South America, and I would like very much to have the clause amended in this way—

The carriage of such mails to Brazil, the southern and central republics.

So as to include the whole. For instance, take Chili. We formerly had a service between San Francisco and Chili which did an immense business until Great Britain put on a subsidized line and drove ours off. Now, if this should become a law very likely another line might be established between San Francisco and Chili and Peru. The Argentine Republic is in here by name.

Mr. PLUMB. In regard to that, the Committee on Appropriations were so enamored with the views of the Postmaster-General, so desirous of being in perfect harmony with the patriotic purpose which he had expressed, and of aiding him to accomplish the great object which he set forth with so much clearness and so much force in his annual report, that we concluded to take the proposition exactly as he made it, so as to avoid any possibility of an issue with him and to put him in the attitude of having clear and plain sailing in regard to a measure of great importance which he thought ought to be carried out. I think that on the whole that purpose of the committee should not be clogged by anything that may be proposed now by the Committee on Commerce.

Mr. FRYE. I will offer this amendment, to strike out after the word "Brazil," in line 92, the words "the Argentine Republic and the Republics of Uruguay and Paraguay" and insert "the republics of Central and South America."

Mr. EDMUNDS. After "Paraguay" add "and the other South American republics."

Mr. FRYE. I will change it. I will leave those words in, and after "Paraguay" insert "and other Central and South American republics."

Mr. VEST. I wish to make a single remark in reply to the Senator from Maine.

The PRESIDENT *pro tempore*. The amendment of the Senator from Maine will be read.

The CHIEF CLERK. After the word "Paraguay," in line 93, it is proposed to insert "and other Central and South American republics."

Mr. VEST. I do not care to say a word in this general debate. I have expressed my opinion on the subject before, and it is not necessary that I should add anything to what I have already said; but the Senator from Maine states now that we had a large commerce with Chili until the English Government subsidized a mail steamship line, and drove us out of that trade. I have been a member of the Committee on Commerce for seven years, and I have had occasion to examine this question as to our carrying trade repeatedly, both in the committee at large and in subcommittee.

A few years ago it was testified before a subcommittee of the Committee on Commerce, by a Boston merchant, that he and his partner, both for purposes of gain and patriotism, had constructed two vessels and put them in the trade with Chili and Peru. They were built abroad because, as he expressed it, they were not able to build them in this country except by paying $30 more on the ton than they were compelled to pay on the Clyde. Those vessels were put in the trade with Chili and Peru. He took out from Boston a lot of Yankee notions, as they are termed. He found a ready market for them at Lima and in the ports of Chili. Then when he undertook to load his ship to return home he was compelled to load with the productions of the country, and he found that wool and copper were the principal exports from Peru. He loaded his vessel, and then was confronted with the singular proposition that he could not bring that home-bound cargo into the ports of the United States on account of the high protective tariff. The result was that he was forced to take his cargo to England.

It is not the subsidies of the British steamship lines that drive away from us the commerce of these foreign countries; it is the fact that we have by our tariff destroyed all commercial relations with them. It is true that those American merchants could take their vessels and sail them under the British flag and carry that cargo to the English market; but being Americans they were forced away by the tariff imposed, as it is said, for American manufactures. They found that the tariff duty on wool and on copper was so high that they were compelled to sail those vessels, in which was invested American capital, to British ports.

To-day we are the largest manufacturing country in the world. We manufacture almost as much as England and France combined, as the statistics show; and yet we do not export three per cent. of our manufactured goods. We do not export to-day of our manufactured goods three per cent.

Mr. FRYE. We consume them at home.

Mr. VEST. We are forced to rely exclusively on the home market, which is created by the protective tariff. We do not trade with foreign nations, except to sell to them. The principles of common sense and of commercial intercourse are just the same between nations as between individuals.

Mr. DAWES. I should like to ask my friend what the advantage to us would be to bring here things that we can make at home?

Mr. VEST. Then why have commercial intercourse, and why subsidize foreign steamship lines? Why is it that here to-day we hear this clamor for subsidy, for increased mail-pay, as they term it? Why do we want to trade with these countries if we have all that we need at home?

Mr. DAWES. No one has said we get all we want at home; but we get what we have at home, and we propose to have the other besides.

Mr. VEST. And I tell the Senator from Massachusetts we shall never get it under the present conditions.

Mr. DAWES. Very likely; it does not look like it.

Mr. VEST. No; you ought not to have it. Take the merchant of any town in this country who wants to sell all that he has upon his shelves, and when he wants to buy goes to a neighboring town to purchase. He would be a fine specimen of commercial sense and sagacity! What is the good of such a man? And what are we doing to-day? We say to the whole world, "Come and buy;" and when we undertake to buy we close our ports hermetically against foreign products. As I said before, we manufacture as much ——

Mr. DAWES. Will the Senator allow me to put a question?

Mr. VEST. Of course.

Mr. DAWES. Will you be kind enough to tell us, because we all want to know, what the net gain is in going 3,000 miles for a thing we can make at home?

Mr. VEST. Then let us put a Chinese wall around this country.

Mr. DAWES. No; answer that question. What is the net gain?

Mr. VEST. I say that there is no net gain, but a net loss. We are selling to-day to fifty-five million people instead of to one billion five hundred million. Any one who wants an article will not buy it from us. The Senator's proposition is that a market with one billion five hundred million people is not as good a market as one with fifty-five million people. That is a proposition I will not argue upon.

Mr. FRYE. Yet Great Britain, a free-trade country, with every country she trades with, except her own colonies, finds the balance of trade against her.

Mr. VEST. And yet to-day we are talking about the great subsidies of Great Britain having brought her the commercial mastery of the world.

Mr. TELLER. Brought her the carrying trade.

Mr. VEST. The carrying trade of the world, and here we are to-day with virtually no carrying trade at all. Here we have had this splendid navigation system ever since the Government was created, and we have gone down until now, like the Scotchman with his mare, we have got to one straw; and yet when we touch this sacred white elephant of the navigation system the cry is, "Hands off! hands off! You will destroy the carrying trade of the United States!"

Mr. FRYE. Will the Senator allow me a word, because I have kept entirely quiet to-day and refrained under great temptation from making a speech in order to hurry the bill? Does the Senator forget that under absolute protection, called prohibition, we have a coastwise fleet twice as great as Great Britain, greater than Great Britain and France and Germany combined, of over twenty-one thousand ships, two hundred of them iron steamers, and as good as any in the world?

Mr. VEST. Yes, 200 iron steamers. The coastwise trade of the

United States to-day is dependent upon schooners. If we had to make our coastwise trade in iron steam vessels we might maintain it to a certain extent, but still it would decrease on our hands year by year. The very same thing that gave us the mastery over Great Britain from 1830 to 1850 sustains our coastwise trade to-day. It is because we can build wooden vessels cheaper than Great Britain or any nation in the world. From 1830 to 1850 the American merchant marine gained steadily upon Great Britain, and why? Because our wooden clipper vessels mastered the ocean, and we could build them cheaper and make them run faster than any vessels in the world—wooden vessels, I mean. In 1850, after the Great Western came from Liverpool to New York, an iron steamship, after the proposition was demonstrated that steam could be used and iron used upon the ocean, from that very moment England commenced gaining upon the United States; and yet during all these years, from 1830 to 1850, England was paying enormous mail subsidies, paying from three to five million pounds sterling a year, and the United States was paying only a few paltry hundred thousand dollars; and yet we were gaining with subsidies against us.

It shows exactly what I assert to-day, that subsidy is not the remedy. Other conditions supervene, other causes have the effect of taking away from us the carrying trade. Subsidy will not put one pound of freight upon any line between this and any other country. You must make it to the advantage of the merchants, the manufacturers, and the producers of the two countries to trade with each other, and until you do it, until we remove the radical defect which closes our ports against barter and commerce with foreign nations, you may pile subsidies mountain high and you will not remove the evil. You might as well tell me that cuticura would remove an organic disease. It does not touch the cause. If you want commerce with foreign countries, you must have exchange, you must have barter, and until you do no amount of subsidy will effect anything.

Mr. FRYE. Do these South American and Central American republics give and take with Great Britain? Does Germany give and take with Great Britain? Can the Senator name me a country that gives and takes with Great Britain? The duties in these South American republics are three times as high as our duties are to-day.

Mr. VEST. Why is it that when you go to Callao you find that port crowded with British steamers and British vessels? Because those British steamships and vessels are loaded with a return cargo of Chilian and Peruvian productions, because there is commercial reciprocity between the countries. We ought to have that trade, and all the world knows it. Why do we not get it? It goes by our doors.

Mr. TELLER. I should like to ask the Senator a question if he will allow me. Is it not a fact that we buy much more from all the South American countries than we sell to them? The balance of trade is against us from all those countries.

Mr. FRYE. We buy twice as much as England does of Brazil to-day.

Mr. VEST. Why is it then, if that be so, that subsidies must be used in order to create this commercial intercourse between South America and us?

Mr. FRYE. Will the Senator allow me to answer?

Mr. VEST. Certainly.

Mr. FRYE. Because the subsidies which Germany and Great Britain and France give to their steamship lines to those countries enable them to carry the freight to and from Brazil and the South and Central American states 30 per cent. cheaper than we can do it with vessels that are unsubsidized.

Mr. VEST. And during the time we dominated the ocean and when our merchant marine gained steadily upon Great Britain, why was it that this same argument of the Senator did not apply then? Subsidies were against us then. Great Britain was paying out from three to five million pounds sterling, while we were paying out six or seven hundred thousand dollars, and yet we had the carrying trade, and we brought not only the productions of other countries to our doors and to our manufacturers, but we carried abroad our own goods to foreign countries.

Mr. FRYE. How much did we carry abroad thirty years ago?

Mr. VEST. We carried a vast amount; more in proportion to the amount we produced than we do now.

Mr. FRYE. Oh, no.

Mr. VEST. We are to-day the largest manufacturing country in the world, and as I said we do not carry abroad 3 per cent. of our manufactured goods.

Mr. FRYE. Because we use them at home.

Mr. VEST. And we use them at a loss, according to the Senator.

Mr. EDMUNDS. May I ask the Senator a question for information?

Mr. VEST. Certainly.

Mr. EDMUNDS. I am entirely indifferent, as I generally am; but I should like to know what the Senator proposes to do about the restoration of American commerce and markets for American goods? He is not for this, evidently.

Mr. VEST. I am not.

Mr. EDMUNDS. What is he for?

Mr. VEST. If my opinion is worth anything, the Senator from Vermont is certainly welcome to it. In the first place, I would reform our tariff. I would make it to the advantage of these countries to trade with us. I would let raw materials come into this country duty free. I would let articles of necessity come into the country at the lowest possible tariff or duty free. I do not suppose the Senator wants now to go into the tariff discussion on this bill.

Mr. EDMUNDS. Then the medicine for our present sickness is free introduction of all raw material and free introduction of all articles of necessity?

Mr. VEST. I do not say that is all of it. If the Senator proposes now to take up the tariff bill and go through it *seriatim*, it is rather an inopportune moment. I have no objection, however, to going into the discussion. I simply say that so long as we have this war tariff, which virtually closes our ports against the incoming cargoes of productions from other countries, no subsidy will remedy the evil.

Mr. EDMUNDS. But perhaps the tariff in the administration of Washington and Jefferson and Madison and Monroe and John Quincy Adams and so on down to the great era of human rights in Jackson, and still on from that time a little while, was a war tariff; or was it a protective tariff? It was just on exactly the same scale we have it now, and our commerce grew and our ships covered the seas.

Mr. VEST. Yes, Mr. President; and they did it without subsidy.

Mr. EDMUNDS. But they did it with a protective tariff.

Mr. VEST. There is no similarity between the condition of the country at that time and now.

Mr. FRYE. Why did the Senator cite it?

Mr. VEST. The Senator from Missouri has not cited it. The Senator from Missouri has not cited the former tariff in reference to this question. I say now—and it is a fact which can not be argued away, and no system of rhetoric will efface it—we have tried these navigation laws, and what has been the result? The carrying trade has disappeared from the ocean, and you are now forced to resort to subsidies in order to create a commercial intercourse that ought to come to us naturally and inevitably.

Mr. MAXEY. I desire to suggest to the Senator from Missouri, in response to a question asked to-day, that the history of commerce shows that there was more tonnage afloat flying the American flag under the Walker tariff of 1846 to 1850 and between 1850 to 1860 than there is in this day and year of our Lord 1887.

Mr. EDMUNDS. But it existed before and managed to survive for a few years.

Mr. VEST. I did not rise to discuss this question, but simply to disavow as a member of the Committee on Commerce any responsibility for this amendment. I opposed it in the committee, and I oppose it in the Senate. I do not believe it is the remedy for the present condition of affairs in this country. What the Postmaster-General has said can not and will not affect my action or my opinion. He has his responsibility and I have mine. If this entire administration to-morrow should undertake officially and in every other way to advocate this doctrine of subsidies, I would oppose it. I do not believe that it constitutes any remedy for the present disease, and therefore I shall oppose it.

Mr. RIDDLEBERGER. I think it very clear that we shall not get through with this bill this evening, and I move that the Senate now proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

Mr. PLUMB. I insist that we shall vote on the bill.

Mr. RIDDLEBERGER. Relying exactly on that same kind of kindness and courtesy that has heretofore been extended to me, with the distinct understanding that I do not withdraw my motion, I yield for that purpose.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine [Mr. FRYE] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment reported by the Committee on Appropriations as amended, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "nay."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES] is paired with the Senator from Indiana [Mr. HARRISON]. If my colleague were present, he would vote "nay."

Mr. GORMAN (when Mr. MCPHERSON'S name was called). The Senator from New Jersey [Mr. MCPHERSON] requested me to state that he was paired with his colleague [Mr. SEWELL]. On this proposition he would vote "nay" and his colleague "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. He would vote against this amendment. I should vote for it.

Mr. PLATT (when his name was called). My colleague [Mr. HAWLEY] is absent, paired, as I understand, with the Senator from Missouri [Mr. VEST]. If present, my colleague would vote "yea." I vote "yea."

Mr. VANCE (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. GIBSON]. If he were present, he would vote "yea," and I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I should vote "nay."

Mr. HARRIS (when Mr. WHITTHORNE'S name was called). My colleague [Mr. WHITTHORNE] is necessarily absent this evening. He is paired with the Senator from Rhode Island [Mr. ALDRICH]. If my colleague were present, he would vote "nay" on this question.

Mr. CULLOM. The Senator from Rhode Island would vote "yea."

The roll-call was concluded.

Mr. HAMPTON. My colleague [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. BECK. My colleague [Mr. BLACKBURN] is paired with the Senator from Nebraska [Mr. MANDERSON]. My colleague, if present, would vote "nay."

Mr. PLUMB. The Senator from Nebraska [Mr. VAN WYCK] is paired with the Senator from Delaware [Mr. GRAY], and requested me to announce the fact.

Mr. CAMERON (after having voted in the affirmative). I withdraw my vote, being paired with the Senator from South Carolina [Mr. BUTLER].

The result was announced—yeas 36, nays 14; as follows:

YEAS—36.

Allison,	Edmunds,	McMillan,	Plumb,
Blair,	Eustis,	Mahone,	Pugh,
Bowen,	Evarts,	Miller,	Riddleberger,
Call,	Farwell,	Mitchell of Oreg.,	Sawyer,
Cheney,	Frye,	Morgan,	Sherman,
Conger,	Gorman,	Morrill,	Spooner,
Cullom,	Hale,	Palmer,	Teller,
Dawes,	Hoar,	Payne,	Williams,
Dolph,	Ingalls,	Platt,	Wilson of Iowa.

NAYS—14.

Beck,	Fair,	Kenna,	Walthall,
Berry,	George,	Maxey,	Wilson of Md.
Cockrell,	Hampton,	Ransom,	
Coke,	Harris,	Saulsbury,	

ABSENT—26.

Aldrich,	Colquitt,	Jones of Nevada,	Vance,
Blackburn,	Gibson,	McPherson,	Van Wyck,
Brown,	Gray,	Manderson,	Vest,
Butler,	Harrison,	Mitchell of Pa.,	Voorhees,
Camden,	Hawley,	Sabin,	Whitthorne.
Cameron,	Jones of Arkansas,	Sewell,	
Chace,	Jones of Florida,	Stanford,	

So the amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I desire to present for insertion in the RECORD some tables, showing the condition of the appropriations in the bill as well as some comparisons with former years.

The PRESIDENT *pro tempore*. The tables will be inserted in the RECORD, if there be no objection.

The tables are as follows:

POST-OFFICE DEPARTMENT, 1888.

Amount of estimates for 1888	$55,342,150 15
Supplemental estimates for free-delivery service	347,500 00
Total estimates	55,689,650 15
Increase made by Senate committee for transportation of foreign mails in American built and registered steamships	500,000 00
Total as reported to Senate	56,189,650 15
Amount of estimated postal revenues for 1888	50,612,596 46
Amount of act for 1887	54,365,863 25
The bill as reported exceeds the estimates by the addition of amount for transportation of foreign mails in American built and registered steamships	$500,000 00
The bill as reported exceeds the estimated postal revenues for 1888	5,577,053 69
The bill as reported exceeds the act for 1887	1,823,786 90

POST-OFFICE DEPARTMENT.

Comparative statement showing the appropriations for 1887, *the estimates for* 1888, *the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for* 1888.

Object.	Appropriations, 1887.	Estimates, 1888.	House bill, 1888.	Senate committee, 1888.
OFFICE OF THE POSTMASTER-GENERAL.				
Mail depredations and post-office inspectors, fees to United States marshals, attorneys, &c.	$200,000 00	$300,000 00	$300,000 00	$300,000 00
Advertising	20,000 00	20,000 00	20,000 00	20,000 00
Miscellaneous	1,500 00	1,500 00	1,500 00	1,500 00
Total, office of the Postmaster-General	221,500 00	321,500 00	321,500 00	321,500 00
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.				
Compensation to postmasters	11,700,000 00	11,700,000 00	11,700,000 00	11,700,000 00
Compensation to clerks in post-offices	5,150,000 00	5,450,000 00	5,450,000 00	5,450,000 00
Rent, fuel, and light	495,000 00	495,000 00	495,000 00	495,000 00
Office furniture	25,000 00	95,000 00	25,000 00	25 000 00
Miscellaneous and incidental items	70,000 00		70,000 00	70 000 00
Free-delivery service	4,928,531 25	5,175,000 00 *a* 347,500 00	5,522,500 00	5,522,500 00
Stationery in post-offices	55,000 00	50,000 00	50,000 00	50,000 00
Wrapping-twine	80,000 00	80,000 00	80,000 00	80,000 00
Wrapping-paper	30,000 00	30,000 00	30,000 00	30,000 00
Letter-balances, scales, and test-weights	10,000 00	10,000 00	10,000 00	10,000 00
Postmarking and rating stamps and ink and pads	30,000 00	30,000 00	30,000 00	30,000 00
Total, office of First Assistant Postmaster-General	22,573,531 25	23,462,500 00	23,462,500 00	23,462,500 00
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.				
Inland transportation by star routes	5,850,000 00	5,400,000 00	5,400,000 00	5,400,000 00
Inland transportation by steamboat routes	575,300 00	450,000 00	450,000 00	450,000 00
Mail messenger service	900,000 00	900,000 00	900,000 00	900,000 00
Mail bags and mail-bag catchers	260,000 00	275,000 00	275,000 00	275,000 00
Mail locks and keys	20,000 00	23,000 00	23,000 00	23,000 00
Inland transportation, railroad routes	15,595,432 00	15,867,962 00	15,867,962 00	15,867,962 00
Railway post-office car-service	1,808,000 00	1,934,560 00	1,934,560 00	1,934,560 00
Railway post-office clerks	4,800,000 00	4,990,240 62	4,990,240 62	4,990,240 62
Necessary and special facilities on trunk-lines	291,000 00	295,987 53	295,987 53	295,987 53
Miscellaneous items	1,000 00	1,000 00	1,000 00	1,000 00
Total, office of Second Assistant Postmaster-General	30,100,432 00	30,137,750 15	30,137,750 15	30,137,750 15
OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.				
Manufacture of postage-stamps	116,700 00	135,000 00	135,000 00	135,000 00
Expenses of postage-stamp agency	8,100 00	8,100 00	8,100 00	8,100 00
Manufacture of stamped envelopes, newspaper wrappers, and letter sheets	583,500 00	780,000 00	780,000 00	780,000 00
Expenses of stamped envelopes, &c., agency	16,000 00	16,000 00	16,000 00	16,000 00
Manufacture of postal cards	188,600 00	200,000 00	200,000 00	200,000 00
Expenses of postal-card agency	10,300 00	10,300 00	10,300 00	10,300 00
Registered-package, tag, official, and dead-letter envelopes	67,200 00	87,500 00	87,500 00	87,500 00
Ship, steamboat, and way letters	2,000 00	2,500 00	2,500 00	2,500 00
Engraving, printing, and binding drafts and warrants	2,000 00	2,500 00	2,500 00	2,500 00
Miscellaneous items	1,000 00	1,000 00	1,000 00	1,000 00
Total, office of Third Assistant Postmaster-General	995,400 00	1,242,900 00	1,242,900 00	1,242,900 00

a Supplemental estimates.

POST-OFFICE DEPARTMENT.—*Comparative statement showing the appropriations for* 1887, *&c.*—Continued.

Object.	Appropriations, 1887.	Estimates, 1888.	House bill, 1888.	Senate committee, 1888.
OFFICE OF THE SUPERINTENDENT OF FOREIGN MAILS.				
Transportation of foreign mails	$375,000 10	$450,000 00	$450,000 00	$450,000 00
Transportation of foreign mails by American-built and registered steamships				500,000 00
Balance due foreign countries	100,000 00	75,000 00	75,000 00	75,000 00
Total, office Superintendent of Foreign Mails	475,000 00	525,000 00	525,000 00	1,025,000 00
Total, Post-Office Department	54,365,863 25	55,689,650 15	55,689,650 15	56,189,650 15
Estimated amount of postal revenues for 1888, as follows:				
Ordinary revenues				49,962,596 46
Net revenue from money-order business				650,000 00
Total estimated revenues				50,612,596 46

The following is a comparative statement of the receipts and expenditures of the Post-Office Department from July 1, 1879, to June 30, 1886:

Year.	Receipts.			Expenditures.
	Revenue.	Treasury grants.	Total.	
1879	$30,041,982 86	$3,297,965 25	$33,339,948 11	$33,449,899 45
1880	33,315,479 34	3,597,717 20	36,913,196 54	36,542,803 68
1881	36,785,397 97	3,297,921 46	40,083,319 43	39,592,566 22
1882	41,876,410 15	6,595 12	41,883,005 27	40,482,021 23
1883	45,508,692 61	21,416 85	45,530,109 46	43,282,944 43
1884	43,335,958 81	140,690 79	43,466,649 60	47,224,560 27
1885	42,560,843 83	6,066,473 00	48,627,316 83	50,046,235 21
1886	43,948,422 95	8,751,070 73	52,699,493 68	51,004,743 80

Appropriations for the Post-Office Department by the general appropriation bills from fiscal year 1878 *to* 1887, *inclusive.*

FOR MAIL DEPREDATIONS AND POST-OFFICE INSPECTORS.

1878	$135,000 00	1884	$200,000 00
1879	150,000 00	1885	200,000 00
1880	150,000 00	1886	200,000 00
1881	150,000 00	1887	200,000 00
1882	175,000 00	Senate bill for 1883	300,000 00
1883	200,000 00		

FOR ADVERTISING.

1878	$60,000 00	1883	$40,000 00
1879		1884	40,000 00
1880		1885	20,000 00
1881	35,000 00	1886	
1881, deficiency	5,000 00	1887	
1882	35,000 00	Senate bill for 1888	20,000 00

FOR MISCELLANEOUS ITEMS, OFFICE OF POSTMASTER-GENERAL.

1878 to 1882	$1,500 00	1883 to 1887	$1,500 00
1882	2,000 00	Senate bill for 1888	1,500 00

FOR COMPENSATION TO POSTMASTERS.

1878	$7,250,000 00	1883	$8,800,000 00
1878, deficiency	241,921 00	1883, deficiency	1,515,000 00
1878, deficiency	400,000 00	1884	9,250,000 00
1879	7,250,000 00	1884, deficiency	1,700,000 00
1880	7,550,000 00	1884, deficiency	333,840 00
1881	7,500,000 00	1885	11,000,000 00
1881, deficiency	957,149 00	1886	12,300,000 00
1882	7,800,000 00	1887	11,700,000 00
1882, deficiency	1,192,206 00	Senate bill for 1888	11,700,000 00

FOR COMPENSATION TO CLERKS IN POST-OFFICE.

1878	$3,340,000 00	1884	$4,775,000 00
1879	3,465,000 00	1885	4,900,000 00
1880	3,600,000 00	1886	5,150,000 00
1881	3,650,000 00	1887	5,150,000 00
1882	3,850,000 00	Senate bill for 1888	5,450,000 00
1883	4,485,000 00		

FOR RENT, FUEL, AND LIGHT.

1878	$400,000 00	1884	$445,000 00
1879	380,000 00	1885	480,000 00
1880	425,000 00	1886	495,000 00
1881	425,000 00	1887	495,000 00
1882	425,000 00	Senate bill for 1887	495,000 00
1883	450,000 00		

Appropriations for the Post-Office Department, &c.—Continued.

FOR OFFICE FURNITURE.

1878 to 1884	$20,000 00	1886	$30,000 00
1884	25,000 00	1887	25,000 00
1885	40,000 00	Senate bill for 1888	25,000 00

FOR MISCELLANEOUS AND INCIDENTAL EXPENSES.

1878	$80,000 00	1884	$90,000 00
1879	80,000 00	1885	80,000 00
1880	90,000 00	1886	80,000 00
1881	85,000 00	1887	70,000 00
1882	90,000 00	Senate bill for 1888	70,000 00
1883	90,000 00		

FOR STATIONERY IN POST-OFFICES.

1878	$55,000 00	1885	$65,000 00
1879 to 1883	50,000 00	1886	65,000 00
1883	55,000 00	1887	55,000 00
1884	60,000 00	Senate bill for 1888	50,000 00

FOR FREE-DELIVERY SERVICE.

1878	$1,825,000 00	1884	$3,500,000 00
1879	1,875,000 00	1885	4,000,000 00
1880	2,415,000 00	1886	4,485,000 00
1881	3,500,000 00	1887	4,928,531 25
1882	2,625,000 00	Senate bill for 1888	5,522,500 00
1883	3,200,000 00		

FOR WRAPPING-TWINE.

1878	$50,000 00	1884	$55,000 00
1879	45,000 00	1884, deficiency	8,000 00
1880	50,000 00	1885	70,000 00
1881	55,000 00	1885, deficiency	12,000 00
1881, deficiency	30,000 00	1886	85,000 00
1882	55,000 00	1887	80,000 00
1883	55,000 00	Senate bill for 1888	80,000 00

FOR WRAPPING-PAPER.

1878	$22,500 00	1884	$25,000 00
1879	20,000 00	1885	35,000 00
1880	20,000 00	1886	35,000 00
1881	25,000 00	1887	30,000 00
1882	25,000 00	Senate bill for 1888	30,000 00
1883	27,000 00		

FOR LETTER-BALANCES, SCALES, AND TEST-WEIGHTS.

1878	$5,000 00	1884	$20,000 00
1879	3,500 00	1885	25,000 00
1880	6,000 00	1886	20,000 00
1881	8,000 00	1887	10,000 00
1882	10,000 00	Senate bill for 1888	10,000 00
1883	15,000 00		

FOR POST-MARKING AND RATING STAMPS.

1878	$9,000 00	1884	$20,000 00
1879	12,000 00	1885	25,000 00
1880	12,000 00	1886	20,000 00
1881	19,500 00	1887	30,000 00
1882	15,000 00	Senate bill for 1888	30,000 00
1883	15,000 00		

INLAND TRANSPORTATION BY STAR ROUTES.

1878, included also by steamboats	$6,237,993 00	1882	$7,900,000 00
1878, deficiency	500,000 00	1883	7,250,000 00
1879	5,390,673 00	1884	5,250,000 00
1880	5,900,000 00	1885	5,600,000 00
1880, deficiency	1,100,000 00	1886	5,900,000 00
1881	7,375,000 00	1887	5,850,000 00
		Senate bill for 1888	5,400,000 00

Appropriations for the Post-Office Department, &c.—Continued.

INLAND TRANSPORTATION BY STEAMBOAT ROUTES.

1878, included with star-route transportation as above.		1883	$800,000 00
1879	$700,000 00	1884	600,000 00
1880	900,000 00	1885	625,000 00
1881	900,000 00	1886	615,000 00
1882	925,000 00	1887	575,000 00
		Senate bill for 1888	450,000 00

MAIL-MESSENGER SERVICE.

1878	$670,000 00	1884	$865,000 00
1879	675,000 00	1885	975,000 00
1880	675,000 00	1886	975,000 00
1881	725,000 00	1887	900,000 00
1882	775,000 00	Senate bill for 1888	900,000 00
1883	800,000 00		

MAIL BAGS AND MAIL-BAG CATCHERS.

1878	$200,000 00	1884	$220,000 00
1879	185,000 00	1885	250,000 00
1880	185,000 00	1886	275,000 00
1881	185,000 00	1887	260,000 00
1882	200,000 00	Senate bill for 1888	275,000 00
1883	200,000 00		

MAIL LOCKS AND KEYS.

1878	$16,000 00	1884	$20,000 00
1879	15,000 00	1885	25,000 00
1880	15,000 00	1886	20,000 00
1881	100,000 00	1887	20,000 00
1882	25,000 00	Senate bill for 1888	23,000 00
1883	25,000 00		

INLAND TRANSPORTATION BY RAILROAD ROUTES.

1878 included all transportation by railroads	$9,250,000 00	1883, deficiency	$648,992 00
1878, deficiencies	242,000 00	1884	11,700,000 00
1879	9,100,000 00	1884, deficiency	500,000 00
1879, deficiencies	450,000 00	1884, deficiency	346,877 00
1880	9,150,000 00	1884, deficiency	110,274 00
1880, new service	100,000 00	1885	12,750,000 00
1881	9,665,000 00	1885, deficiency	850,000 00
1881, deficiency	57,000 00	1885, deficiency	64,000 00
1882	9,488,282 00	1886	14,010,000 00
1882, deficiency	1,120,000 00	1886, deficiency	415,000 00
1883	11,155,000 00	1887	12,595,000 00
		Senate bill for 1888	15,867,962 00

RAILWAY POST-OFFICE CAR SERVICE.

1880, first specific appropriation	$1,250,000 00	1885	$1,625,000 00
1881	1,366,000 00	1885, deficiency	100,000 00
1882	1,426,000 00	1886	1,765,026 00
1883	1,526,000 00	1887	1,808,000 00
1884	1,575,000 00	Senate bill for 1888	1,934,060 00

RAILWAY POST-OFFICE CLERKS.

1878	$2,485,000 00	1882, deficiency	$65,000 00
1879	2,641,000 00	1883	3,710,000 00
1880	2,770,000 00	1884	3,977,120 00
1880, deficiency	30,000 00	1885	4,300,000 00
1881	3,010,000 00	1886	4,682,300 00
1881, deficiency	53,000 00	1887	5,850,000 00
1882	3,210,000 00	Senate bill for 1888	4,990,240 62

NECESSARY AND SPECIAL FACILITIES ON TRUNK-LINES.

1882	$425,000 00	1886	$266,764 00
1883	600,000 00	1887	291,000 00
1884	185,000 00	Senate bill for 1888	295,987 53
1885	250,000 00		

MISCELLANEOUS ITEMS, OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL.

1882–'87, incl., per year	$1,000 00	Senate bill for 1888	$1,000 00

MANUFACTURE OF ADHESIVE POSTAGE AND OTHER STAMPS.

1878	$150,000 00	1884	$140,000 00
1879	80,000 00	1885	146,000 00
1880	92,000 00	1886	174,000 00
1881	97,000 00	1887	116,700 00
1882	105,000 00	Senate bill for 1888	135,000 00
1883	112,895 00		

EXPENSES OF STAMP AGENCY.

1878	$6,900 00	Senate bill for 1888	$8,100 00
1879 to 1888	8,100 00		

Appropriations for the Post-Office Department, &c.—Continued.

MANUFACTURE OF STAMPED ENVELOPES, NEWSPAPER WRAPPERS, AND LETTER SHEETS.

1878	$600,000 00	1884	$632,000 00
1879	470,000 00	1885	644,000 00
1880	490,000 00	1886	745,000 00
1881	444,020 00	1887	583,500 00
1882	515,000 00	Senate bill for 1888	780,000 00
1883	547,000 00		

EXPENSES OF STAMPED-ENVELOPE AGENCY.

1878	$14,150 00	Senate bill for 1888	$16,000 00
1879 to 1888 ..... per year	16,000 00		

MANUFACTURE OF POSTAL CARDS.

1878	$300,000 00	1884	$253,000 00
1879	170,000 00	1885	232,000 00
1880	200,000 00	1886	239,000 00
1881	237,000 00	1887	188,600 00
1882	296,000 00	Senate bill for 1888	200,000 00
1883	242,000 00		

REGISTERED-PACKAGE, TAG, OFFICIAL, AND DEAD-LETTER ENVELOPES.

1878	$65,000 00	1884	$140,000 00
1879	65,000 00	1885	140,000 00
1880	65,000 00	1886	140,000 00
1881	120,000 00	1887	67,200 00
1882	120,000 00	Senate bill for 1888	87,500 00
1883	110,000 00		

EXPENSES OF POSTAL-CARD AGENCY.

1878	$6,100 00	1887	$10,300 00
1879	6,100 00	Senate bill for 1888	10,300 00
1880 to 1887	7,300 00		

SHIP, STEAMBOAT, AND WAY LETTERS.

1878	$7,500 00	1884	$1,500 00
1879	6,000 00	1885	1,500 00
1880	4,500 00	1886	2,000 00
1881	4,500 00	1887	2,500 00
1882	4,500 00	Senate bill for 1888	2,500 00
1883	1,500 00		

FOR ENGRAVING, PRINTING, AND BINDING DRAFTS AND WARRANTS.

1878 to 1884	$1,500 00	1885	$2,500 00
1884	2,000 00	1886	2,000 00
		1887	2,000 00
		Senate bill for 1888	2,500 00

MISCELLANEOUS ITEMS, OFFICE THIRD ASSISTANT POSTMASTER-GENERAL.

1882 to 1888	$1,000 00	Senate bill for 1888	$1,000 00

FOR TRANSPORTATION OF FOREIGN MAILS.

1878	$240,000 00	1883	$300,000 00
1879	240,000 00	1883, deficiency	13,892 00
1880	260,000 00	1884	350,000 00
1881	225,000 00	1885	425,000 00
1881, deficiency	28,525 00	1886	800,000 00
Indefinite for New Zealand and New South Wales, &c.		1887	375,000 00
		Senate bill for 1888	450,000 00
1882	225,000 00	And additional for transportation by American-built and registered steamships	500,000 00
1882, deficiency	70,000 00		
1882, New Zealand and New South Wales	40,000 00		

FOR BALANCE DUE FOREIGN COUNTRIES.

1878	$50,000 00	1884	$60,000 00
1879	40,000 00	1885	75,000 00
1880	45,000 00	1886	75,000 00
1881	45,000 00	1887	100,000 00
1882	45,000 00	Senate bill for 1888	75,000 00
1883	50,000 00		

STEPHEN D. SMITH.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1494) granting an increase of pension to Stephen D. Smith, which was, in line 7, to strike out "sixty" and insert "fifty."

The amendment was concurred in.

EULOGIES ON THE LATE SENATOR LOGAN.

Mr. MANDERSON. The Committee on Printing, to whom was referred the resolution to print 20,000 copies of the eulogies upon Gen-

eral Logan, have instructed me to report the same with an amendment. I ask its present consideration.

By unanimous consent, the Senate proceeded to consider the following resolution:

Resolved, That 20,000 of the eulogies upon Senator John A. Logan, delivered in the Senate February 9, 1887, be immediately printed for the use of the Senate.

The amendment of the Committee on Printing was, in line 1, to strike out "twenty" and insert "nineteen;" so as to read:

That 19,000 of the eulogies upon Senator John A. Logan, &c.

The amendment was agreed to.

The resolution as amended was agreed to.

RAILWAY THROUGH CROW RESERVATION.

Mr. DAWES. I ask permission to withdraw a motion to reconsider which I entered yesterday on the bill (S. 2778) to authorize the Billings, Clark's Fork and Cooke City Railroad Company to construct and operate a railway through the Crow Indian Reservation, and for other purposes.

The PRESIDENT *pro tempore*. If there be no objection, the motion to reconsider will be withdrawn.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

EXECUTIVE SESSION.

Mr. RIDDLEBERGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, February 14, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1887.

REGISTER OF LAND OFFICE.

Samuel E. Byrne, of Marquette, Mich., to be register of the land office at Marquette, Mich., *vice* Varnum B. Cochran, whose term of office has expired.

INDIAN AGENTS.

George W. Busey, of Urbana, Ill., to be agent for the Indians of the Colorado River agency in Arizona, *vice* James McNamara, who was confirmed during the present session of the Senate, but declines the appointment.

Edwin C. Fields, of Federalsburgh, Md., to be agent for the Indians of the Fort Belknap agency in Montana, *vice* Wyman L. Lincoln, whose term of office will expire February 26, 1887.

POSTMASTERS.

Daniel Bond, to be postmaster at Brownsville, Haywood County, Tennessee, *vice* John Clinton, whose commission expires February 19, 1887.

George W. Dickey, to be postmaster at Houtzdale, Clearfield county, Pennsylvania, *vice* Theodore Van Dusen, resigned.

Cyrus A. Eaton, to be postmaster at Mifflinburg, Union County, Pennsylvania, the office having become Presidential on and after October 1, 1886.

William Himmebright, to be postmaster at Lewisburg, Union County, Pennsylvania, *vice* Alfred S. Sheller, whose commission expired April 26, 1886.

CONFIRMATION.

Executive nomination confirmed by the Senate February 12, 1887.

UNITED STATES CONSUL.

William Reed Lewis, of Pennsylvania, to be consul of the United States at Tangier.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 12, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CHARLES SWEANY.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Second Comptroller in relation to the omission to provide in the deficiency appropriation act of August 4, 1886, for the payment of the award to Charles Sweany for damages resulting from improvement of the Fox and Wisconsin Rivers; which was referred to the Committee on Appropriations, and ordered to be printed.

SHIPLEY C. WARD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General of an appropriation to pay the account of Shipley C. Ward, special United States attorney for the Mission Indians in California; which was referred to the Committee on Appropriations, and ordered to be printed.

SUPPORT OF INSANE UNITED STATES PATIENTS, AUBURN, N. Y.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General for an appropriation to pay the account of the State asylum, Auburn, N. Y., for the care and support of insane patients chargeable to the United States; which was referred to the Committee on Appropriations, and ordered to be printed.

REFUND OF DIRECT TAXES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Commissioner of Internal Revenue, relative to the provisions of the bill (S. 995) to refund direct taxes collected under the act of August 5, 1881; which was referred to the Committee on the Judiciary, and ordered to be printed.

E. J. CONWAY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from Capt. E. J. Conway, United States Army, retired, relative to an alleged unjust discrimination against himself by section 8 of the bill (S. 1490) to amend article 103 of the Rules and Articles of War; which was referred to the Committee on Military Affairs, and ordered to be printed.

MACKEREL.

The SPEAKER also laid before the House the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season, and the amendments of the Senate thereto; which were referred to the Committee on Ways and Means.

BRANCH SOLDIERS' HOME.

The SPEAKER also laid before the House the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled soldiers west of the Rocky Mountains, and the amendments of the Senate thereto; which were referred to the Committee on Military Affairs.

REPEAL OF THE PRE-EMPTION ACT, ETC.

The SPEAKER also laid before the House the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert land, and for other purposes, with the resolution of the Senate further insisting upon its amendments, and asking a further conference.

The SPEAKER. This bill will be laid over to await the report of the House conferees.

RIGHT OF WAY THROUGH CŒUR D'ALENE INDIAN RESERVATION.

The SPEAKER also laid before the House the bill (S. 3026) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation; which was referred to the Committee on Indian Affairs.

SPOKANE AND PALOUSE RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 3041) granting to the Spokane and Palouse Railway Company the right of way through the Cœur d'Alene Indian reservation; which was read a first and second time, and referred to the Committee on Indian Affairs.

PUBLIC BUILDING AT OMAHA, NEBR.

The SPEAKER also laid before the House the bill (S. 3254) for the improvement and enlargement of the court-house and post-office at Omaha, Nebr.; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

PUBLIC BUILDING AT SCRANTON, PA.

The SPEAKER also laid before the House the bill (S. 3234) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

GAS IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 2819) relating to the manufacture and sale of gas in the city of Washington, in the District of Columbia, and amendatory of an act entitled "An act regulating gas-works," approved June 23, 1874; which was read a first and second time, and referred to the Committee on the District of Columbia.

HISTORICAL DOCUMENTS AT THE UNITED STATES LEGATIONS, ETC.

The SPEAKER also laid before the House a joint resolution (S. R. 105) for the preservation of the official correspondence, documents, and other historical material on file in the various legations and consulates

of the United States; which was read a first and second time, and referred to the Committee on Foreign Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insisted upon its amendments, disagreed to by the House, to the bill (H. R. 4616) for the relief of Maj. Michael P. Small, agreed to the further conference requested by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WALTHALL, Mr. COCKRELL, and Mr. MANDERSON.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States.

The message also announced that the Senate had passed, without amendment, the bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 603) for the relief of J. R. Jones, late postmaster at Boydton, Va.;

A bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of public lands in said State;

A bill (S. 2553) for the relief of Thomas A. Osborn;

A bill (S. 2789) to authorize the Secretary of the Interior to negotiate with the Shoshone and Bannock tribes of Indians for the relinquishment of their title to so much of the lands of the Fort Hall Reservation, in Idaho Territory, as is required for the uses and purposes of the Utah and Northern Railway Company and the Oregon Short-Line Railway Company, either separately or conjointly;

A bill (S. 3170) to authorize the Secretary of War to exchange guns with the R. E. Lee Volunteer Battery, of Petersburg, Va.; and

A bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes.

ORDER OF BUSINESS.

Mr. BARKSDALE. I rise to make a privileged report.

Mr. SCOTT. I call for the regular order.

Mr. REED. I desire to ask that the House non-concur in the amendments of the Senate and agree to the conference asked on the bill (H. R. 5538) relating to the importing and landing of mackerel caught during the spawning season.

The SPEAKER. If there be no objection——

Mr. CROXTON. I object to that.

The SPEAKER. The regular order is demanded.

Mr. COLLINS. I rise to make a privileged motion.

Mr. SPRINGER. The regular order at this time is a special order, which I ask the Clerk to read.

The SPEAKER. The Chair understands what is the regular order, but several gentlemen are claiming the floor on privileged matters.

Mr. SPRINGER. Such matters are not in order at this time, as the special order to which I refer provides that "no other business be transacted until the consideration of said bill is concluded."

The SPEAKER. The Chair will have the order read.

The Clerk read as follows:

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill 199, entitled "An act for the retirement and recoinage of the trade-dollar," and that Saturday, February 12, immediately after the reading of the Journal, be set apart for the consideration of the same in the House, no other business to be transacted until the consideration of said bill is concluded.

Mr. HATCH. I rise to a question of order. If the question of consideration should be raised upon the bill referred to in the order just read, and if the House should vote not to consider it, would this day be then taken up with other business?

The SPEAKER. The Chair so supposes. The Chair will state in reference to the point of order raised by the gentleman from Illinois [Mr. SPRINGER] that according to the reading of the order, no other business can be transacted to-day until this bill is disposed of. After it is disposed of, or if it should occupy the day, then on Monday next gentlemen having privileged reports will have opportunity to present them.

Mr. O'NEILL, of Missouri. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. O'NEILL, of Missouri. My point of order is that there has been made by the House a continuing order in favor of "such business as may be presented by the Committee on Labor." That order, after excepting "general appropriation or revenue bills, bills reported from the Committee on the Public Lands, and other prior orders," existing at that time, provides that the order in favor of business of the Committee on Labor shall continue "until the bills presented by said committee shall be disposed of." I submit that this, being a general order applicable under the rules to the business of a committee, takes precedence of a special order with reference to a particular bill. I desire to be heard upon the point of order.

Mr. SCOTT. I thought I had the floor.

The SPEAKER. The gentleman from Pennsylvania [Mr. SCOTT] demanded the regular order; but the gentleman from Missouri makes the point of order that business of the Committee on Labor has priority. The Chair will hear the gentleman from Missouri.

Mr. O'NEILL, of Missouri. Under the head of "special orders" it is stated in the Digest that—

A special order assigning and setting apart a day for the consideration of business of a committee takes precedence of a special order making a particular bill a "continuing order."

The Digest also states that—

Where two special orders are made for the same time, the one first made takes precedence.—*Cong. Globe*, I, 26, page 325. [The other, according to the practice, if made for that day, and "from day to day," will come up as soon as the one first made is disposed of.]

Again, Mr. Speaker, as applicable to this point of order, the Digest states that—

Pending a special order it is not in order to move a suspension of the rules, the special order having been made under a suspension of the rules.

Now, Mr. Speaker, when committees were called for the purpose of moving to suspend the rules, the Committee on Labor, of which I have the honor to be chairman, came before this House with but one request; and that was to give the Committee on Labor a special time for the consideration of their business. The prior orders, together with general appropriation or revenue bills, and bills reported from the Committee on the Public Lands, were exempted from the operation of the order.

After a contest of several hours, the order then proposed was adopted by a two-thirds vote. That order operated as a suspension of the rules by the only process which can suspend them—a two-thirds vote. The resolution of the gentleman from Pennsylvania was referred to the Committee on Rules, and reported back from this privileged committee February 5 and adopted, as the record shows, by the vote of a majority. Can this action set aside the action of this House under a suspension of the rules, requiring a two-thirds vote? Why, sir, under such a system of procedure a special order of this House, made by a two-thirds vote, would become a farce.

Mr. RANDALL. Mr. Speaker, the great object of the House is to expedite the public business. I have no objection to the gentleman stating his point of order, but I do not want him to venture on debate to the extent that he is now going.

The SPEAKER. There is no question before the House except the question of order made by the gentleman from Missouri. The Chair will hear the gentleman briefly upon the point of order.

Mr. O'NEILL, of Missouri. I am confining myself as strictly to the point of order as the importance of the subject will permit, and I desire to show that it is not in order many months afterward, either by a special rule or a plain resolution, even though reported by the Committee on Rules, to interpose to set aside an order made by a committee under a suspension of the rules and by a two-thirds vote of the House; and I think it proper to add that up to this hour the Committee on Labor has never been permitted to occupy one moment of time under that rule.

Mr. RANDALL. But the Speaker can exercise his discretion in regulating the right of debate on a question of order.

Mr. O'NEILL, of Missouri. I insist upon my right to be heard upon the point of order.

The SPEAKER. The Chair has stated that the gentleman can make a brief explanation.

Mr. O'NEILL, of Missouri. I am making it just as briefly as possible.

This case is different from any other question presented to the House. If this principle is carried out, that the Committee on Rules of the House can in this manner set aside a special order, made by a two-thirds vote, then it follows that the Committee on Rules can, by a resolution introduced, at any time absolutely nullify the action of the House. Under the privilege of this committee they can to-morrow, by the introduction of a resolution and its adoption by a bare majority, set aside the whole balance of the session for special legislation, particular jobs, or for any other purpose, and thereby prevent the consideration of any special order or any pending bill, even though a two-thirds vote was necessary to the making of such special order.

I insist that under the rules of the House if the morning hours are dispensed with, no matter on what ground, the next business in order, if I can obtain the floor, is the consideration of reports from the Committee on Labor; and that that order of business takes precedence of any special order even though reported from the Committee on Rules, if adopted subsequent to the time when the House provided for the consideration of labor bills.

Mr. RANDALL. I do not think it necessary to enlighten you, Mr. Speaker, by any remarks on this matter. I ask a decision upon the point of order made by the gentleman from Missouri.

Mr. BELMONT. Mr. Speaker, unless the special order is proceeded with I will call up the diplomatic and consular appropriation bill.

Mr. O'NEILL. Of course the gentleman from New York is kind

enough to antagonize the labor bills, but I hope the House will not concur with him in that view.

The SPEAKER. The House made the special order referred to by the gentleman from Missouri on the 17th day of last May. During the present session the House made the special order now called up by the gentleman from Pennsylvania [Mr. SCOTT]. The special order to which the gentleman from Missouri refers was a continuing order until the Committee on Labor had one day for the consideration of bills reported by it.

Mr. O'NEILL, of Missouri. Will the Speaker allow me. Under the order of May 17 the committee has not had up to this day one moment's recognition on the floor of the House.

The SPEAKER. That does not affect the question of order. After that time, and during the present session, the House, by a direct vote—not the Committee on Rules, but the House itself, by a vote—set apart a particular day for the consideration of this trade-dollar bill, to the exclusion of all other business.

That was undoubtedly a declaration on the part of the majority of the House that on this day the special order, and all special orders heretofore made, should be superseded for the time being by the consideration of this bill.

The Chair overrules the point of order.

Mr. O'NEILL, of Missouri. Then I raise the question of consideration, and hope the House will stand by me.

The SPEAKER. The Clerk will report the bill made a special order for to-day.

The Clerk read as follows:

A bill (S. 199) for the retirement and recoinage of the trade-dollar.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The rule under which we are acting to-day provides as follows:

No other business to be transacted until the consideration of said bill is concluded.

That is different from any other order made in the House within my recollection; and it does not admit of any other business until the consideration of this bill has been completed. You can lay the bill upon the table; you can strike out the enacting clause; you can indefinitely postpone it; but you must consider it to that extent as a compliance with the order.

The SPEAKER. There have been quite a number of orders made containing substantially the same language, and it has been always held to be within the power of the House to consider the order or not. The House never deprives itself of the right to determine whether it will or will not consider a question.

Mr. RANDALL. Regular order.

The SPEAKER. Will the House proceed to the consideration of the special order, the title of which has just been read?

The question was taken; and on a division there were—ayes 104, noes 47.

Mr. O'NEILL, of Missouri. I am afraid there is no quorum.

The SPEAKER. The Chair will appoint tellers.

Mr. O'NEILL, of Missouri. To save trouble, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HATCH. I want to announce to the House—— .

Mr. RANDALL. Regular order! I object to debate.

Mr. HATCH. I shall endeavor to call up—— [Cries of "Regular order!"]

The SPEAKER. Debate is not in order, and the Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 102, not voting 77; as follows:

YEAS—139.

Allen, C. H.	Curtin,	Hitt,	O'Neill, Charles
Anderson, C. M.	Cutcheon,	Hopkins,	Osborne,
Atkinson,	Dargan,	Houk,	Outhwaite,
Baker,	Davenport,	Howard,	Payne,
Barbour,	Davidson, R. H. M.	Hudd,	Payson,
Barksdale,	Davis,	Irion,	Peel,
Barry,	Dibble,	Johnson, F. A.	Perkins,
Belmont,	Dunham,	Johnston, T. D.	Perry,
Bennett,	Dunn,	Jones, J. H.	Phelps,
Blanchard,	Eldredge,	Kelley,	Price,
Bound,	Ermentrout,	King,	Randall,
Boyle,	Evans,	Kleiner,	Reagan,
Bragg,	Everhart,	Laffoon,	Reed,
Breckinridge, WCP	Findlay,	Lanham,	Richardson,
Brown, W. W.	Fleeger,	Lindsley,	Robertson,
Buck,	Ford,	Little,	Rockwell,
Bunnell,	Forney,	Long,	Rogers,
Butterworth,	Gay,	McComas,	Rowell,
Bynum,	Geddes,	McCreary,	Sayers,
Campbell, J. M.	Gibson, C. H.	McMillin,	Scott,
Campbell, J. E.	Green,	Millard,	Scranton,
Cannon,	Halsell,	Mitchell,	Seney,
Caswell,	Hammond,	Moffatt,	Sessions,
Catchings,	Harmer,	Morgan	Seymour,
Cobb,	Hemphill,	Morrill,	Singleton,
Cox, W. R.	Henderson, J. S.	Neal,	Skinner,
Crisp,	Herbert,	Norwood,	Snyder,
Croxton,	Hermann,	Oates,	Sowden,
Culberson,	Hiestand,	O'Ferrall,	Springer,
St. Martin,	Taylor, J. M.	Van Schaick,	White, A. C.
Storm,	Taylor, Zach.	Wallace,	Wilkins,
Strait,	Tillman,	Warner, A. J.	Wilson,
Swinburne,	Trigg,	Weber,	Wise,
Swope,	Turner,	West,	Wolford.
Taylor, E. B.	Van Eaton,	Wheeler,	

NAYS—102.

Adams, G. E.	Ely,	Landes,	Stahlnecker,
Allen, J. M.	Farquhar,	Lawler,	Steele,
Anderson, J. A.	Felton,	Libbey,	Stephenson,
Bacon,	Foran,	Lovering,	Stewart, Charles
Bland,	Fuller,	Lyman,	Stewart, J. W.
Blount,	Funston,	Mahoney,	Stone, W. J., Mo.
Boutelle,	Gallinger,	Martin,	Struble,
Brady,	Gilfillan,	Matson,	Taulbee,
Breckinridge, C. R.	Glass,	McAdoo,	Thomas, J. R.
Brown, C. E.	Goff,	McKenna,	Thomas, O. B.
Buchanan,	Grosvenor,	McKinley,	Thompson,
Burnes,	Grout,	McRae,	Wade,
Burrows,	Guenther,	Milliken,	Wadsworth,
Caldwell,	Hale,	Muller,	Wakefield,
Campbell, T. J.	Hall,	Murphy,	Ward, J. H.
Carleton,	Harris,	Neece,	Ward, T. B.
Clardy,	Hatch,	Nelson,	Warner, William
Clements,	Hayden,	O'Donnell,	Weaver, A. J.
Collins,	Haynes,	O'Neill, J. J.	Weaver, J. B.
Conger,	Heard,	Peters,	Wellborn,
Crain,	Henderson, D. B.	Pettibone,	White, Milo
Davidson, A. C.	Henderson, T. J.	Plumb,	Whiting,
Dingley,	Holman,	Ranney,	Willis,
Dockery,	Holmes,	Romeis,	Worthington.
Dorsey,	Jackson,	Ryan,	
Eden,	Johnston, J. T.	Sadler,	

NOT VOTING—77.

Adams, J. J.	Dougherty,	Lore,	Sawyer,
Aiken,	Ellsberry,	Louttit,	Shaw,
Ballentine,	Fisher,	Lowry,	Smalls,
Barnes,	Frederick,	Markham,	Spooner,
Bayne,	Gibson, Eustace	Maybury,	Spriggs,
Bingham,	Glover,	Merriman,	Stone, E. F.
Bliss,	Hanback,	Miller,	Stone, W. J., Ky.
Browne, T. M.	Henley,	Mills,	Symes,
Brumm,	Hepburn,	Morrison,	Tarsney,
Burleigh,	Hill,	Morrow,	Taylor, I. H.
Cabell,	Hires,	Negley,	Throckmorton,
Campbell, Felix	Hiscock,	O'Hara,	Townshend,
Candler,	Hutton,	Owen,	Tucker,
Compton,	James,	Parker,	Viele,
Comstock,	Jones, J. T.	Pidcock,	Wait,
Cooper,	Ketcham,	Pindar,	Winans,
Cowles,	La Follette,	Reese,	Woodburn.
Cox, S. S.	Laird,	Rice,	
Daniel,	Le Fevre,	Riggs,	
Dawson,	Lehlbach,	Rusk,	

So the motion was agreed to.

During the call of the roll the following pairs were announced until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. CANDLER with Mr. ATKINSON.

Mr. BARNES with Mr. STONE, of Massachusetts.

Mr. TOWNSHEND with Mr. HISCOCK.

For this day:

Mr. FELIX CAMPBELL with Mr. LOUTTIT.

Mr. TUCKER with Mr. PARKER.

Mr. LE FEVRE with Mr. BINGHAM.

Mr. GLOVER with Mr. BAYNE.

Mr. MERRIMAN with Mr. LAIRD.

Mr. BALLENTINE with Mr. MARKHAM.

Mr. DOUGHERTY with Mr. MORROW.

Mr. PIDCOCK with Mr. HANBACK.

Mr. CABELL with Mr. NEGLEY.

Mr. LOWRY with Mr. LEHLBACK.

On this vote:

Mr. ELLSBERRY with Mr. SPOONER.

Mr. TARSNEY with Mr. JAMES.

Mr. ADAMS, of New York, with Mr. HEPBURN.

Mr. HUTTON with Mr. RICE.

Mr. KETCHAM with Mr. DANIEL.

On the trade-dollar bill, Mr. KETCHAM would vote for the bill, and Mr. DANIEL against it.

Mr. ATKINSON. I am paired with Mr. CANDLER, but not regarding this as a political question I have voted.

The vote was then announced as above recorded.

CHARLES E. CREECY.

Mr. SPRINGER, as a privilged question, entered a motion to reconsider the vote by which, on yesterday, the enacting clause was stricken out of the bill (H. R. 9930) conferring jurisdiction upon the Court of Claims and Supreme Court of the United States to finally determine the case of Charles E. Creecy, assignee in Congressional case No. 71, reported to the House of Representatives by said Court of Claims under the provisions of the act of Congress approved March 3, 1883; which motion was passed over for the present.

TRADE-DOLLAR.

The SPEAKER. So the House will proceed to the consideration of the special order, which is Senate bill 199, entitled an act for the retirement and recoinage of the trade-dollar.

Mr. SCOTT rose.

Mr. O'NEILL, of Missouri. Will the gentleman from Pennsylvania pardon me for a moment?

Mr. SCOTT. No; I cannot.

Mr. O'NEILL, of Missouri. I move, then, that the House adjourn.

Mr. RANDALL. The gentleman from Pennsylvania has been recognized.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. SCOTT. I do not desire to occupy the attention of the House any longer on this bill than is necessary. I hope the House will approve my request that debate be limited to two hours, and at the expiration of those two hours the previous question shall be considered as ordered. I ask the division of time be fairly made between the friends and opponents of the measure. I do not propose to object to the offering of any *bona fide* amendment, whether for or against the bill.

Mr. LANHAM. Two hours of debate will be sufficient.

Mr. SCOTT. I do not yield the floor at this time.

The SPEAKER. The gentleman from Pennsylvania asks by unanimous consent the debate on this bill be closed in two hours; at the end of which time he asks the previous question shall be considered as ordered.

Mr. TAULBEE. I will object unless there is an understanding to this effect: That the friends of the bill shall be considered those who are in favor of the bill as it is, and who will support it without amendment; and that those in opposition shall be considered those who are opposed to the bill as it is. If that be the understanding I will not object.

The SPEAKER. Any gentleman opposed to the bill comes under the terms of the understanding as opponents of the bill.

Mr. BLAND. Why not let the debate run until 3 o'clock this afternoon?

Mr. SCOTT. I understand the gentleman from Texas [Mr. LANHAM], who has made a minority report from the Committee on Coinage, Weights, and Measures, represents the element opposed to the bill. Under an arrangement with him this morning we agreed to limit the debate to two hours, one hour on each side, and that is the reason why I have made the motion.

Mr. LANHAM. So far as I am concerned, we do not require longer than two hours.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania for unanimous consent. [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. SCOTT. Mr. Speaker, I do not propose to occupy the time of the House in the discussion of this bill, for I can not but believe that every gentleman on this floor is fully cognizant of everything I could say in regard to it. I will simply refer to a few facts.

The present trade-dollar was authorized by an act in 1873. That act made it a legal tender in sums of $5. From 1873 up the year 1876 there had been coined and paid out 15,631,000 of these dollars. The act of 1876 deprived the coin of its legal-tender quality. But, sir, at the time the legal-tender quality was taken from the trade dollar, the power still was vested in the Secretary of the Treasury of the United States to continue its coinage. Up to 1876 the people of this country who had taken these trade-dollars, and up to which time they had been legal-tender, believed them to be dollars, and they were dollars.

It is hardly to be supposed, sir, that an act of Congress, such as that of 1876, repealing the legal-tender value of this coin, could be known by all of the fifty or sixty millions of people of the country who had been educated to believe that it represented a dollar, and that the Government would not repudiate it in the future.

In 1876 the legal-tender quality, as I have stated, was withdrawn, and from 1876 until the stoppage of the coinage of this dollar was directed by the Secretary of the Treasury, there was a further sum of 20,328,360 coined and put into circulation.

Mr. DANIEL. May I ask the gentleman a question?

Mr. SCOTT. Yes, sir.

Mr. DANIEL. Twenty millions issued after——

Mr. SCOTT. Issued after the act of 1876 which deprived them of their legal-tender quality, after the people of this country had become accustomed to receiving them as dollars, and after the time that the repealing act took effect. In 1878 the standard silver dollar was provided for, and the number of grains in that coin was established at four hundred and twelve and a half grains, yet the Government continued the coinage of the trade-dollar, containing 420 grains of silver, although by act of Congress it was denied its legal-tender quality.

Mr. DANIEL. Will the gentleman allow me another question?

Mr. SCOTT. Certainly.

Mr. DANIEL. Upon what theory is the Government called upon to pay a legal-tender dollar for another dollar that never was a legal-tender dollar. I mean for those twenty millions issued that never were legal tender?

Mr. KELLEY. They were all legal tender to the amount of $5 in one payment.

Mr. SCOTT. If the gentleman from Virginia will tell me how he can distinguish a dollar that was issued prior to 1876 from the dollar that was coined after 1876 then we will make an amendment in that direction.

Mr. DANIEL. I will tell the gentleman how to do it; and I accept the proposition that no trade-dollar issued after the year 1876 shall be redeemed in a legal-tender dollar. The date stamped on the face of the dollar is a sufficient distinction.

Mr. SOWDEN. Will the gentleman from Pennsylvania allow me a question?

Mr. SCOTT. Yes, sir.

Mr. SOWDEN. Does not the gentleman know that there are to-day only between seven and nine millions of these dollars in circulation in the United States and that the greater bulk of these coins have gone abroad to China; so that the whole amount even issued before would not be reached in their redemption now. Some fifteen millions were issued prior to the withdrawal of their legal-tender quality under the joint resolution of Congress.

Mr. SCOTT. Now, Mr. Speaker, I have stated that prior to 1875 fifteen millions of these dollars were coined, and after 1876 $20,328,000 of them were coined. They were issued by the authority of the United States. They have upon their face the stamp of the mint of the United States; each one was stamped a dollar, and the people of this country who took them in payment for their commodities had every right to expect and believe that they were dollars.

The total amount coined was $35,965,924. The official reports of the Treasury Department show that of this total of $35,965,000, $26,929,000 have been exported, leaving in the country $9,036,752.

Mr. LANHAM. Will my colleague allow me to interrupt him?

Mr. SCOTT. Certainly.

Mr. LANHAM. I wish to state that the Director of the Mint estimates only a little over $7,000,000 as being in the country.

Mr. SCOTT. Of this $9,036,000 it is reasonable to suppose that a large proportion has been utilized as bullion. Up to a certain period over $500,000 of them had been recoined in the mints of the country; and at this time the redemption of this coin, if this bill becomes a law, will probably not exceed $7,500,000 even if it be so large a sum.

Mr. BROWN, of Pennsylvania. Will the gentleman permit me a question?

Mr. SCOTT. Certainly.

Mr. BROWN, of Pennsylvania. What assurance have we that the other twenty-three or twenty-four million dollars will not be returned to this country?

Mr. SCOTT. The assurance is this: The original idea of this trade-dollar was that it was simply a dollar to meet the relations of our trade with China. It was hoped that it would be introduced as a substitute for the Mexican dollar, which has always been the standard dollar of China, and when these dollars were coined they were largely exported to China. The custom or habit of the Chinese people is that whenever they get a dollar they put some kind of a stamp upon it, and this bill expressly provides that no dollar defaced or stamped shall be redeemed by the Government. It is a safeguard against the return of the $26,929,000 which we have exported.

Mr. HALL. Will the gentleman allow me a question?

Mr. SCOTT. Certainly.

Mr. HALL. Why should this distinction be made, if the quantity of metal is the same, between those dollars which the Chinese Government have stamped and those held here?

Mr. SCOTT. We want to protect our silver mines in Colorado and our people, and this will protect them. We do not want foreign bullion to come in.

Mr. BLOUNT. Will the gentleman permit me a question?

Mr. SCOTT. Yes, sir.

Mr. BLOUNT. I ask the gentleman if he has any official data of this or any other country showing how many of these trade-dollars have been stamped by the Chinese Government.

Mr. SCOTT. No, sir; but we know what amount went to China and, as I have said, the custom and habit of the Chinese people is as well authenticated in this respect as any statute you have on your books.

Mr. MILLIKEN. Have not any of those trade-dollars that have gone to China come back again?

Mr. SCOTT. Some few.

Mr. BLOUNT. Does the gentleman mean to say that the treatment of the trade-dollar which he has described is the result of Governmental action, or merely of the habits of the people?

Mr. SCOTT. The habits of the people. When a broker gets a dollar he immediately commences to clip off portions of it, and sells so many grains to one Chinaman, and so many to another, and the dollars are largely consumed in that way.

Mr. MILLIKEN. Have those dollars which have come back from China got the Chinese stamp upon them?

Mr. SCOTT. I understand that a great many of them have.

Mr. MILLIKEN. Do you know that they have?

Mr. SCOTT. I have been told so, but I can not state it as an absolute fact within my own knowledge.

Now, Mr. Speaker, there have been several bills introduced in connection with this trade-dollar question, and some of these have, I think, separately passed both Houses; and I do not think there is much division of sentiment in regard to the duty of the Government with respect to the redemption and retirement of this coin. The only differ-

ence of opinion in the Committee of Coinage, Weights and Measures was as to what disposition should be made of them after they shall have been retired.

The majority of the committee have directed me to report favorably the Senate bill which is now on the table, with a simple amendment providing that the time shall be extended for six months from the passage of the act instead of being fixed on the first day of July next. That is the only amendment that the committee have directed me to make. A minority report has been submitted, and the gentleman from Texas [Mr. LANHAM] presented to the House the other day and had placed upon the Journal an amendment which he proposes to offer. I will not now proceed further with this discussion on my part, but I desire to reserve the balance of my time.

Mr. LANHAM. Mr. Speaker, I desire to send to the Clerk's desk and have read an amendment which I propose to offer to this bill, and which I ask to have considered as pending.

The Clerk read as follows:

Strike out all after the enacting clause, in section 1 and 2, and insert:

"That for a period of six months after the passage hereof, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at their face value in payment of all dues to the United States, and shall not be again paid out or in any other manner issued.

"SEC. 2. That the holder of any such trade-dollars during the period aforesaid, on presentation of the same at the office of the Treasurer or any assistant treasurer of the United States, if said coins be not defaced, mutilated, or stamped, may receive in exchange therefor a like amount and value, dollar for dollar, in standard silver dollars, or in subsidiary coins of the United States, at the option of the holder.

"SEC. 3. That the trade-dollars received by, paid to, or deposited with the Treasurer or any treasurer or any national depository of the United States, shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard silver dollars or subsidiary coin, at the discretion of the Secretary of the Treasury."

Strike out the words "section 3" in the Senate bill, and insert "section 4."

Mr. LANHAM. Mr. Speaker, the Committee on Coinage, Weights, and Measures are substantially agreed that it is the duty of the Government to redeem the trade-dollars, they having been issued by governmental authority and subsequently degraded and impaired by act of Congress. There is no disagreement particularly among us so far as that is concerned. We, however, do differ as to the methods of redemption, or rather as to what shall be done with these trade-dollars when they are received at the Mint or at the Treasury offices of the Government.

The amendment which I have sent to the desk presents substantially the views of the minority of the committee on this subject, and has been already printed in the RECORD on a previous day. We believe that in redeeming the trade-dollar that subject ought to be specifically treated upon its own merits and without interfering with any other statute or disturbing the monthly purchase of bullion and its coinage into standard silver dollars as now provided by law. This very amendment has been substantially adopted heretofore, both in the Senate of the United States and in the House of Representatives, at different times. A like provision passed the House at the last Congress almost in the very words of this amendment; and now we are going to ask the House to repeat their former work and redeem these trade-dollars, in keeping with the dignity and the duty of the Government, but not to interfere with the act of 1878 providing for the issuance of the standard silver dollar.

The Senate bill provides that when these trade-dollars shall be received at the coinage mints they shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878. We believe that we ought to redeem the trade-dollars independently, as I have stated, and without any interference with any other statute. This is the logical and proper treatment of the question.

Mr. PARKER. Does the proposition which the gentleman advocates contemplate an increase of the amount of currency to the extent of the trade-dollars redeemed?

Mr. BLAND. That is precisely what it is.

Mr. LANHAM. We propose that the trade-dollars when received by the agents of the Government shall be recoined into standard silver dollars or subsidiary coin, at the option of the Secretary of the Treasury, and that this coinage shall be independent and exclusive of the "not less than two nor more than four million dollars' worth of silver bullion per month" which the Treasury Department under existing law is required to purchase and coin.

Mr. PARKER. Then the effect, as I understand, is to add so much to the currency.

Mr. LANHAM. Yes, sir; it will undoubtedly add to the silver currency of the country to the extent of the trade-dollars recoined.

Mr. PARKER. Then the gentleman proposes by his amendment to add from $8,000,000 to $20,000,000 to the currency?

Mr. LANHAM. It will not be that much, as the amount to be redeemed is estimated by the Director of the Mint to be about $7,000,000.

Mr. BLAND. I hope it will be.

Mr. WEAVER, of Iowa. It would be a good thing if it were.

Mr. TAULBEE. Are we to understand the gentleman from Texas [Mr. LANHAM] as saying that this bill proposes to increase the amount of the currency if we consider trade-dollars as currency?

Mr. LANHAM. I mean to say this: these trade-dollars are now practically dormant bullion; they are not in circulation; their legal-tender quality has been taken away. If they be now redeemed and recoined under this proposition, this new coinage will be independent of the present quantum of silver required to be purchased and coined monthly under existing law. To this extent the silver dollars or subsidiary coin into which these trade-dollars may be recoined would be an addition to the currency.

Mr. TAULBEE. In the bill are trade-dollars treated as coin, as money, or are they treated as bullion? In other words, are they to be purchased at their face value or at their bullion value?

Mr. LANHAM. They may be received in payment of all Government dues; they may be exchanged, dollar for dollar, at the offices of the Treasury; and after being thus received they are not to be reissued or in any manner paid out, but may be recoined into standard silver dollars or subsidiary coin, in the discretion of the Secretary of the Treasury. Any man who holds these trade-dollars may present them at the office of the Treasurer of the United States or any subtreasurer and receive in exchange therefor, dollar for dollar, standard silver dollars or subsidiary coin, at his option.

So that, Mr. Speaker, the question presented as between the bill reported by the majority of the committee and the amendment which we advocate is simply and in the main whether these trade-dollars shall be considered a part of the monthly purchase and coinage of bullion or to be independent and exclusive thereof.

Mr. BLOUNT. I desire to ask the gentleman what is the difference between the proposition embraced in the amendment of the minority of the committee and a proposition providing that trade-dollars shall be legal tender?

Mr. LANHAM. We do not propose to make the trade-dollar a legal tender at all for future circulation.

Mr. BLAND. The proposition of the minority makes the trade-dollars, when recoined, an extra coinage not counted as a part of the monthly silver coinage now required by law.

Mr. LANHAM. Yes, as the gentleman from Missouri [Mr. BLAND] suggests, it is the purpose of the minority of the committee to make this an extra coinage, independent of the "two to four million dollars' worth of silver" now required to be coined monthly.

Mr. BLOUNT. I understand that; but I am asking what would be the difference between that proposition and a proposition to declare the trade-dollars legal tender and thus end all this business?

Mr. LANHAM. The difference would be this: We would then have in circulation one silver dollar, the trade-dollar, containing 420 grains troy, and another silver dollar, the standard dollar, containing 412½ grains. This would be something abnormal in our coinage system. It is, I think, the purpose and policy of the Government to simplify our silver coinage and have only one silver dollar. It is our purpose to eliminate the trade-dollar altogether and at the same time to provide for redeeming the obligation which was assumed by the Government in the issue thereof; in other words, to say to each and every holder of a trade-dollar that he can bring it to the officers of the Government which created it and receive in exchange therefor a standard silver dollar or subsidiary coin, and that no more trade-dollars shall be coined or issued.

Mr. Speaker, inasmuch as I have heretofore discussed this question very fully and given my views upon it at length, I do not desire now to occupy further time, but wish to *distribute the remainder of my* hour among other gentlemen who desire to speak. I will ask what time I have occupied?

The SPEAKER *pro tempore* (Mr. RICHARDSON). Twelve minutes.

Mr. LANHAM. I yield ten minutes to the gentleman from Missouri [Mr. BLAND], the chairman of the committee.

Mr. ROGERS. Before the gentleman from Missouri proceeds I desire to ask, merely for information, whether the difference in value between the legal-tender silver dollar and the trade-dollar will pay the expense of recoinage?

Mr. BLAND. Oh, yes.

The SPEAKER *pro tempore*. What time does the gentleman from Texas yield to the gentleman from Missouri?

Mr. LANHAM. Ten minutes.

Mr. BLAND. Mr. Speaker, my throat is in such condition to-day that I shall not be able to discuss this question as I would be glad to do. The question in relation to this trade-dollar is an important one. The trade-dollar has a peculiar history. The original act of 1873 authorized the coinage of what was called the trade-dollar, containing 420 grains, and made it a legal tender in sums not exceeding $5 in all payments. From 1873 to 1876 some fifteen million of these trade-dollars were coined, and most of them went into circulation. In 1876 Congress passed a resolution taking from the trade-dollar its legal-tender character, but continued the coinage at the discretion of the Secretary of the Treasury. After 1876 the sum of $16,000,000 were coined—after the legal-tender quality had been taken from them.

Mr. LANHAM. Twenty millions of dollars.

Mr. BLAND. I am corrected by the gentleman from Texas, who states that the amount is $20,000,000.

Now we remember, Mr. Speaker, that in 1876 silver had begun to

depreciate as compared with gold. In fact it had depreciated. Silver was ruling at about 47*d.* per ounce, and little more than it is worth to-day. We can see the enormous job in the coinage of the trade-dollar after its legal-tender power was fixed.

We find, Mr. Speaker, they went into circulation and continued for some time. In 1876 and 1878 they passed at par. Finally the banks refused to take them. That was about 1880. They depreciated to bullion value. There was little effort made to redeem them during the time people generally held them. It was only years after they had been thus demonetized they came into the hands of the banks out of the hands of the people, who had taken them at par.

Now, sir, when they are concentrated and held in the hands of banks we find a tremendous pressure for the redemption and recoinage of the trade-dollar. I say the poor people of the country who held the trade-dollars for the last six or seven years waited for Congress to redeem them and Congress refused to do so. Now, whence comes this clamor for the redemption of the trade-dollars? It comes from what point? It comes from a quarter hostile to silver coinage. It comes from those who are opposed to the coinage of silver unless they are to be benefited by it. While they are demanding suspension of silver coinage under the act of 1878 they are quite willing to dump down these trade-dollars under that act.

It may be said, and I appreciate the argument, that when the Government permits, by fraud or otherwise, a coin to go into circulation, it ought to be responsible for its redemption.

Now let the parties who ask for this equity do equity themselves. What is that? The trade-dollars had a legal-tender quality in sums of $5 and no more. They were an independent coinage. They were in circulation in this country as money at par when these banks refused to receive them and thus depreciated them. If they want equity let them come to Congress and say this coin shall be monetized and put into circulation. No extra coinage, because they were coined and in circulation when the banks demonetized them. That is equity. Let us declare them legal tender in sums of $5. Place them where the law places them. Make them legal tender the same as the standard dollars. That would be equity.

These parties do not want them. Standing as they do by their representatives they are unwilling to put them into circulation in this coinage in the monthly purchase of bullion, thus interfering with the law of 1878. I hope the House will vote down that proposition.

I am not here to see any such miserly policy inaugurated, such as telling the people of this country we are unwilling to put money into circulation. I am not a representative of that class. I wish to see gentlemen on the floor of this House go upon the record on that question.

It was asked by gentlemen awhile ago if this would be an extra coinage. In no sense. This would only be to remonetize them under the amendment of my colleague.

Why, Mr. Speaker, with our retiring bank-note circulation even with the recoinage and remonetization of this trade-dollar during the next fiscal year we will not have the same amount of money in circulation as we have to-day. That is the result of the effort of these people who are opposed to putting money into circulation, of the people who are opposed to coining the metal of this country.

Mr. OATES. Will the gentleman yield to me for a moment?

Mr. BLAND. Certainly.

Mr. OATES. What would be the objection to, or what the effect of, a simple statute declaring the trade-dollar a legal tender?

Mr. BLAND. None whatever, except the statement of my colleague that it might be a little anomalous to have one dollar contain 412½ grains, and the other 420 grains. But the substitute accomplishes that precisely. The amount of extra silver will pay the expense of coinage, and it is uniformity of currency that we want and ought to have.

A MEMBER. Would there not be a profit in the coinage?

Mr. BLAND. None of any consequence; there may be some little profit to the Government, not much.

I care nothing for the redemption of the trade-dollar particularly. As I said before, they are in the hands of gentlemen who have bought them at their bullion value.

Mr. SCOTT. No, sir.

Mr. BLAND. They are in the hands of gentlemen who are opposed to silver coinage unless they can reap profits; and if they are to be redeemed, let us compel them as the representatives of this people to do justice to the people of the country, which is to restore them where they were before they were demonetized. We know the policy of the Treasury Department has been and is to-day to coin only two millions of silver a month, the very lowest limit fixed in that act. They never go above that amount, but the quantity runs from two to about two and a quarter millions, and for the last few years they have not been purchasing the amount authorized by law.

I say, therefore, that every man who votes to coin these trade-dollars to apply them as against the purchase of bullion indorses that policy, and it is a virtual instruction to the Secretary of the Treasury not to purchase more than two millions and not to coin more than that. Now I wish to know who will go on record indorsing that policy by voting for this bill. It is to be counted as a part of the monthly purchase of bullion, and we know that they will not purchase more than two millions a month; and I repeat, this bill is an instruction on the part of Congress to the Treasury Department to purchase only that amount and is an indorsement of that policy.

Mr. SOWDEN. May I ask the gentleman a question?

Mr. BLAND. Yes.

Mr. SOWDEN. Would it not be more just to redeem and use the outstanding trade-dollars as a part of the coinage of the two millions a month, rather than purchase two millions of bullion a month from the silver kings of the country and repudiate these coins?

[Here the hammer fell.]

Mr. LANHAM. I yield to my colleague two minutes longer.

Mr. BLAND. No, sir; the silver kings of the country come to the Government and sell the bullion at London and New York prices; but this bill proposes to pay dollar for dollar for the trade-dollar to speculators, and thus allow them a profit of about 20 or 30 cents on the dollar.

A MEMBER. What are the trade-dollars worth?

M. BLAND. They are worth about 75 cents.

Mr. WARNER, of Missouri. I would like to ask my colleague one question.

Mr. BLAND. I yield for a question.

Mr. WARNER, of Missouri. I wish to ask whether or not in justice the trade-dollars ought not to be redeemed at their bullion value?

Mr. BLAND. That can be done to-day. They can take them and get the bullion value for them anywhere just like anyone else who has silver bullion to sell. There is no trouble about that.

But, sir, the one reason why I am willing to vote for the bill making the trade-dollars an extra coinage is simply to authorize the coinage and issue of money that will take the place of retiring national-bank notes. Even if we recoin the whole of the trade-dollars as an extra coinage, and there should be ten or fifteen millions of them, it will not prevent the contraction of the currency under the national banking system.

[Here the hammer fell.]

Mr. LANHAM. I will yield further to my colleague on the committee, if he desires it.

Mr. BLAND. I am not able to go on any further, and therefore submit the question with these remarks.

Mr. LANHAM. I will yield now to my colleague on the committee from California [Mr. FELTON].

Mr. FELTON. Mr. Speaker, I have no desire to attempt to discuss the silver proposition as such. I had supposed, sir, that in the first session of this Congress that question had been so ably and thoroughly discussed as to render it unnecessary to say anything upon it now; and I had further thought that the result of that discussion was to settle the question so far as the policy of this House is concerned upon the main issue, as it is termed, the "silver question." The House decided that it was not in favor of universal coinage; it also decided by a very considerable majority that they were opposed to further restrictions on the issue of the silver dollar at the present time. In other words, that the law as it now is for the coinage of two millions a month should not be disturbed; and what I now desire to say to the friends of the bill, and very briefly, is that if they had looked wisely to their own interests, and while on the justice of this measure they would have disconnected it with any other question of coinage, it also seems to me that the committee of which I have the honor to be a member could have made an amendment in the committee which would have substantially saved all of this discussion in the House.

Sir, the retirement of the trade-dollar is not a question that attaches to the main issue here presented. In my opinion it is a question whether this Government shall do justice or not. Shall she redeem an issue of money which she has given to the people and which went out with or under a redemption law of $5 in amount, and legal tender to that amount, or shall she repudiate that issue? That is the whole question.

Gentlemen have stated the main facts of this case and it is unnecessary to reiterate them. But I do desire to say to the friends of the trade-dollar that if they would accept the amendment offered by the minority of the House committee they will save time and possibly save the passage of their bill, as well as protect the Government from the stigma of repudiating its own issue, which I do not believe this Congress desires to do. I am in favor of the redemption, but I am opposed to and shall oppose any measure that will in any way reduce the present purchase and coinage of silver.

Mr. SYMES. Mr. Speaker, I am for this bill, provided it is modified according to the amendment of the gentleman from Texas [Mr. LANHAM]. I am willing to wipe from the record of the Congress of this country the stain of semi-repudiation that was brought about by the gold-bugs when they passed the act of July, 1876, demonetizing the trade-dollar.

Mr. PARKER. May I ask the gentleman a question?

Mr. SYMES. No, sir; I have but five minutes.

Now, Mr. Speaker, I am only astonished that the gentlemen who are advocating this bill, the distinguished gentlemen from New York [Mr. PARKER] and Pennsylvania [Mr. SCOTT], and others in this House, when I have but five minutes, will not allow me to trace their record on this question. For the last ten years they never waked up to the fact that a dark blot of semi-repudiation had been imposed upon this country, until the bankers and gold-bugs had bought up all these demonetized dollars.

I am a little surprised that these gentlemen who prate of nothing but financial honor, who have rung the changes on that phrase before the people of this country for the last fifteen years upon every occasion, in season and out of season, forgot in 1873, when by a legislative fraud they demonetized standard dollars that were a universal legal tender for any amount in this country, and never thought of the fact from 1873 to 1878, that millions of those standard dollars were in the hands of the people of this country disgraced and demonetized by semi-repudiation. These monometalists and great financiers who claim to have the financial honor of this country in their special charge, never advocated the redemption or remonetization of these standard silver dollars from 1873 to 1878, although they were held by the people of this country no longer a legal tender; but by the act of February 12, 1873, they had become silver bullion.

Mr. Speaker, again in 1877 and 1878, when the distinguished gentleman from Missouri [Mr. BLAND] was advocating the Bland act before this House, the same gentlemen and their representatives and associates who had voted for the act of 1873, demonetizing and disgracing these standard dollars when they were in the hands of the people, opposed their remonetization. And, again, when they passed the act of 1876, demonetizing the trade-dollars, which by the act of 1873 they had made a legal tender to the extent of five dollars, it never seemed to occur to them that they were guilty of two acts of semi-repudiation. And still I find from a pamphlet I have received from the Bankers' Association of New York the men who have fathered this trade-dollar redemption bill in the Senate, and the men who are advocating it in the House to-day, are the same men who are responsible for these financial blots of dishonor that they are apparently now seeking partially to atone for on this floor to-day.

Sir, I am for the passage of this bill although the people of this country have been swindled out of millions, because they have sold these trade-dollars to bankers and brokers. But, sir, I do not expect perfect justice this low down on earth; on account of having stood on the stump and everywhere else in favor of the resumption of specie payments with a contempt I never can express for anything which can look toward semi-repudiation in my country, I am willing at the expense of this swindle to redeem the honor of my country and redeem the trade-dollar, provided we shall not repeal the Bland act or modify it to the extent of $500,000 a month, so as to accomplish indirectly what these gentlemen dare not bring before this House directly.

[Here the hammer fell.]

Mr. SYMES. I ask unanimous consent that members generally may be permitted to print remarks on this question in the RECORD.

Mr. HEARD. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 6976) to erect a public building at Portsmouth, Ohio;

A bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y.; and

A bill (H. R. 10305) to increase the appropriation for the public building at Brooklyn, N. Y.

REDEMPTION OF TRADE-DOLLAR.

Mr. LANHAM. I yield five minutes to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. I send to the Clerk's desk, that it may be pending, an amendment to the substitute of the gentleman from Texas.

Mr. SOWDEN. Let it be read.

The Clerk read the proposed amendment, as follows:

Be it further enacted, That until January 1, 1889, the coins known as trade-dollars, if not defaced, mutilated, or stamped, shall be receivable at their face value for all dues of the Government and exchangeable when presented at the Treasury or subtreasury in New York or at any of the mints for standard dollars; the trade-dollars so received shall be melted down and coined into standard dollars: *Provided*, That the recoinage of trade-dollars under this act shall not be counted as part of the silver bullion required to be purchased and coined into standard dollars, under the act of February 28, 1878.

Mr. WARNER, of Ohio. Mr. Chairman, I voted in the Forty-sixth Congress to redeem the trade-dollar. I deemed it then an act of justice to the people who at that time largely held them. As an act of strict justice it was demanded more strongly then perhaps than now. But the fact that these dollars have in a large measure changed hands since then and are now probably owned for the most part by brokers, bankers, and speculators, who have purchased them at a discount, does not change the other fact that part of them when issued were legal tender for $5 and that all of them bear the stamp of the Government and are issued as "dollars," and as dollars they went into circulation. Our people when they see a coin stamped "a dollar" by the Government of the United States have understood that it was a dollar, and the act of 1876 taking away the legal-tender quality of the trade-dollar without providing for its redemption constitutes, I believe the only act of repudiation which this Government has ever been guilty of.

Therefore, in whosesoever hands these trade-dollars may now be, I shall vote for their redemption. Their original issue was a blunder undoubtedly, and that blunder comes back to plague us now, and these dollars will continue to plague us as long as they are left unredeemed. I say a blunder. I have heretofore on this floor characterized the issue of these trade-dollars as a trick. This coin was, in fact, in the first instance, a kind of "trick" dollar, for I can not believe that those who issued it were so simple-minded as to believe that by putting a few more grains into a coin we could get more per grain for our silver abroad.

It is said they were intended for the foreign trade, but there never was a time when one hundred and sixteen standard dollars would not buy just as much in any country as one hundred and fourteen trade-dollars—that being about the relation of the pure metal in the two coins. Therefore there never was any gain at all in issuing the trade-dollar, but their issue was a part of the scheme to demonetize silver in this country. There can be no doubt about that. Notwithstanding that, however, I want to get them out of the way; but in doing so I, for one, can not consent that the requirement to purchase at least two millions' worth of silver bullion each month shall be encroached upon on any plea whatsoever, or possibility of adverse interpretations of this act. I have, therefore, offered the amendment read at the Clerk's desk, and I say to those who favor the redemption of the trade-dollar that they had better let it stand as an independent measure, and not attempt to couple it with any other proposition, and especially not to interfere with the operation of the coinage act of 1878.

[Here the hammer fell.]

Mr. LANHAM. I now yield five minutes to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. Speaker, there is, in my judgment, a partial element of justice in the pending bill, but there is coupled with it a very much larger element of injustice. If justice were a thing that could be mathematically measured I would say this bill is three-sevenths justice and four-sevenths injustice, for reasons which the facts will develop.

THE ORIGIN OF THE TRADE-DOLLAR.

On the 12th of February, 1873, fourteen years ago this very day, Congress enacted as follows:

The silver coins of the United States shall be a trade-dollar; a quarter dollar or 25-cent piece; a dime or 10-cent piece; and said coins shall be a legal tender at their nominal value for an amount not exceeding $5 in any one payment.

And by the same enactment, under which the trade-dollar was brought into being, it was provided that it should contain 420 grains of silver, Troy. Nothing was said about the old standard silver dollar of 412½ grains. It was simply ignored, and dropped out of coinage. In brief, a new silver dollar, called a trade-dollar, was created by this act, containing 7½ grains more of silver than that "dollar of the fathers," which had been the hard-money currency of the people from the beginning of coinage by the Government to that time.

WHAT WAS DONE UNDER THE ACT OF FEBRUARY 12, 1873.

Under the provisions of the statute above quoted, and between its date and July 22, 1876, the number of trade-dollars coined was $15,631,000; and for convenient reference I will here insert the tabular statement given us in the report of the Director of the Mint, which is as follows:

Number of trade-dollars coined, imported, and exported prior to the joint resolution of July 22, 1876, and since.

	Prior to demonetization, July, 1876.	From July, 1876, to June 30, 1878.	From July 1, 1878, to date. (Proof pieces.)	Total.
Coined	15,631,000	20,328,360	6,564	35,965,924
Imported		2,074,812		2,074,812
Exported	12,580,000	16,424,004		29,004,004
Excess of coinage and imports over exports	3,051,000	5,985,732		9,036,732

RECAPITULATION.

Coinage prior to July 22, 1876	$15,631,000	
Exported prior to July 22, 1876	12,580,000	
Balance not exported		$3,051,000
Coinage since July 22, 1876	20,334,924	
Imported since July 22, 1876	2,074,812	
Total	22,409,736	
Exported since July 22, 1876	16,424,004	
Balance not exported		5,985,732
Total not exported		9,036,732
Minimum remelted at United States mints	500,000	
Probably taken out by Chinese	1,500,000	
		2,000,000
Estimated amount in the country		7,036,73

It will be seen from this table that four-fifths of the trade-dollars coined between February 12, 1873, and July 22, 1876, were exported from the United States immediately, or almost immediately, upon being coined. This fact was not of casual or accidental occurrence. These trade-dollars were originally designed for exportation to China, where silver is the sole standard of value; and while our statute is silent on the subject, it is a notorious fact that while ostensibly they were to be a part of our circulating medium they were really intended for use in the eastern markets—the stamp of our Government being taken there as evidence of their bullion value.

Whatever their design, however, $15,631,000 of them were issued under a declaration of law that they should be "a legal tender at their nominal value for any amount not exceeding $5 in any one payment;" and with this law in force one-fifth of the aggregate amount of trade-dollars issued did enter into our circulation and were taken as sound legal-tender dollars in the business of the country.

REPUDIATION OF THE TRADE-DOLLAR.

On the 22d of July, 1876, Congress passed a joint resolution, which provided as follows:

The trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

This was rank repudiation, not "semi-repudiation," in the mild phrase of condemnation used by the gentleman from Colorado. This was repudiation—pure and simple—the repudiation of a silver dollar by a government which had made it legal-tender money, and which had divested it of its monetary and legal tender quality, and left it a mere naked piece of bullion, stamped, indeed, to show the number of grains of metal in the bullion—but still bullion, and nothing more.

THE FULFILLING OF GOOD FAITH AS TO THE LEGAL-TENDER TRADE-DOLLAR.

Now, as it is a matter of fact that the Government did issue 15,631,000 of trade-dollars with the pledge of its faith that they should be legal-tender money, and did afterward, in July, 1876, repudiate that pledged faith, it is an obvious matter of justice that the legal-tender quality be restored to these 15,631,000 of repudiated dollars. And if this were all that this bill asks, I would heartily support it. Ay, I would go farther than this. As you can not tell from looking at these trade-dollars which bear the stamp "1876" upon them whether they were issued before or after "July 22, 1876," the time when the legal-tender quality was taken away from trade-dollars, I would vote to restore that legal-tender quality to all trade-dollars of the "1876" issue, so as to be sure to keep faith to every dollar that came under the governmental pledge. It is simply a case like that of the confusion of goods, and in which the party who made the confusion must bear the loss.

TRADE-DOLLARS ISSUED AFTER 1876.

But as to the trade-dollars issued since 1876—some $20,334,924 in amount—as to this body of trade-dollars comprising four-fifths of the whole issue, let it be remembered that they were expressly coined, under the act of July 22, 1876, not in any wise as part of our circulating medium, but solely "to meet the export demand for the same," and that no statute at any time gave them a legal-tender quality or contemplated their use as American money. At this late date to make them money when they never were, and never pretended to be, money, and to subject the people to the expense of doing it, is in my judgment repudiation of the rights and interests of the people, and a taking in vain of the name of "public faith," which is invoked for the purpose. To keep promises that were made is to preserve public faith, but to affect the existence of promises that never were made, and to smuggle them in under the plea of good faith in promises that were made is quite another and different thing, and this it is what the pending bill would do.

WHAT SHALL WE DO WITH IT?

Now, then, if gentlemen are seeking to distribute justice, to keep their pledges to the people on the one side and to the money-holders upon the other, let them restore to their statute-books an act which will again make legal tender of those trade-dollars which were legal tender, and let them exclude from coming in under cover of that pretext the holders of twenty millions who have merely speculated upon the statutes and upon the people.

Mr. SOWDEN. Will the gentleman yield for a question?

Mr. DANIEL. Certainly.

Mr. SOWDEN. Did not the people who received those trade-dollars and who now hold them pay the Government for them, at the time of their issuance, 100 cents for every dollar put in circulation?

Mr. DANIEL. They never paid a cent for them—neither 100 cents nor 1 cent. They offered their bullion and had it coined and they have got their bullion still. Wherefore, then, should we pay them the 100 cents?

Now, Mr. Speaker, at the proper time, in order to relieve the embarrassment which the Government has got into upon this question, I am willing to do this: To restore the legal-tender quality to those fifteen millions of trade-dollars for the period of two years, in order to give notice that they must be brought into the Treasury, and then, just as fast as they are brought in, to couple with that provision the amendment which has been offered by the gentleman from Texas [Mr. LANHAM]. Thus they will cease to be dollars, or pretended dollars, of any kind whatever when they reach the Treasury, but, as bullion, they may be received by the Government and issued again into the circulation as the valid, legal money just like the standard silver dollars of this country which are so issued.

These trade-dollars—issued since 1876 and twenty millions in amount, never were, and never ought to be, anything else than stamped bullion. Their holders can get full value for them any day by selling them as bullion; and they never were, and never should be, entitled to get any other value for them.

They have been bought up by their present holders, for the most part, at from 75 to 80 cents on the dollar. They are held in large measure by speculators who bought them in the hope that such an act as this would pass, and they should be content to get back what they paid for them, which they can readily do. They ought not to be permitted to palm them off upon the Government, as they will be able to do if this bill passes without proper amendment, and get from us a dollar of good money for what is only so much bullion of less value than a dollar or a dollar's worth.

They can not be, and ought not to be, "redeemed," for "redemption" is a thing that can not be predicated of them. They never had a promise made upon them, or concerning them, and you might as well speak of saving the soul of a stick as of "redeeming" a thing that never contained an element of pledge or promise. But still they should be dealt with. How?

Let the Government buy them in simply to get rid of them and to put a stop to the clamor arising out of them, paying a small premium over their bullion value to induce the holders to bring them in. And when they are brought in let them be recoined according to the principles of the amendment to the pending bill offered by the gentleman from Texas [Mr. LANHAM]. At the proper time I will offer a substitute to effect this just disposition of the subject. It is the simplest, cheapest, and most effective plan, and should it be adopted it will ere long eradicate this weed of a coin that sprung up in our financial garden and leave our silver currency of standard coin pure and undefiled by its presence. And in this manner will full faith be kept on all sides—faith to the holders of legal-tender trade-dollars in restoring them to dollarhood and converting them into standard dollars, and faith to the people in refusing to pay what we do not owe to the holders of the trade-dollars which never were legal-tenders and never should be. Yes, faith to the people who seem to be the only party to these financial contracts to whom good faith is not preached or practiced; faith to them in refusing to palm off upon them the expense of a needless burden.

Mr. LANHAM. I yield five minutes to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE withholds his remarks for revision. [See Appendix.]

Mr. LANHAM. I now yield five minutes to the gentleman from Michigan [Mr. TARSNEY].

Mr. TARSNEY. Mr. Speaker, it may be deemed presumptuous on my part as a young and humble Representative on this floor to attempt to discuss this important question. But I come here as the representative of a powerful commonwealth that is deeply interested in the monetary system of this country. I stand here in opposition to this bill as it comes to us from the Senate, and I desire briefly to state to the House my reasons.

I believe, and the people who send me here believe, that if there is anything in this land which should be stable, which should lack "elasticity," it is that which measures all our values. When, in 1792, the "fathers" who were here before us established as a standard of value a silver dollar of 412½ grains, including the alloy, and a gold dollar of 25.8 grains, they established a yard-stick of measurement by which every acre of land in our broad country has been measured; by which all our indebtedness, national, state, and municipal, as well as the private indebtedness between individuals, has been regulated and measured, except during the abnormal and unfortunate period of the civil war and the years of depression which followed it.

I desire to call the attention of the House to the fact that when the coinage of this trade-dollar, and I hold one in my hand, was authorized in 1873, it was not for domestic circulation. It was for the purpose of trade and commerce with China and Japan.

Mr. LANHAM. Was anything said in the language of the act to indicate this fact?

Mr. TARSNEY. It is not in the language of the act, but we construe it in reference to the circumstances which surrounded us at that time.

I desire to call the attention of the House to the fact that the silver dollar of 412½ grains had been demonetized at the time this was authorized; that this dollar, as I have said, was not in circulation among our people, but was designed for foreign trade. It contains 6¾ grains of silver more than the standard dollar.

Mr. LANHAM. But what about the legal-tender quality of it?

Mr. TARSNEY. I will answer my friend from Texas, if he will allow me to proceed with my remarks.

Mr. LANHAM. Let me ask the gentleman whether we can make a legal-tender quality for Japan or for China. Have we any such extra territorial power?

Mr. TARSNEY. Unquestionably not; no foreign coin is a legal tender here, and we have no power to give extra territorial effect to our laws; but we can establish our own measure of value, and deal with foreign nations in our exchanges with reference to it.

I say we had no coin in circulation in this country until after the "greenback" dollar came to par with coin, and the greenback dollar came to par only after the passage of the "Bland" act in 1878.

I say to this House now, these people had coined some $35,000,000 of these trade-dollars in all. They were intended, as I have said, for foreign trade, but speculators have got this money back into the country, and now every one of these monetary bucket-shop men are coming here asking Congress to give them a standard dollar for this debased piece which possesses no monetary value.

I say to you, Mr. Speaker, and I maintain, no dollar (irrespective of the material of which that dollar is composed) ever was yet created except by the fiat of law. And when we declared 412½ grains should be a dollar we should stand by it. It is as dishonest to compel the debtor to pay more than he agreed to pay as it is to require the creditor to accept less.

One word more, and I will not longer occupy the attention of the House. My time is so brief I am necessarily hurried. I speak the sentiment of the great commonwealth which sent me here when I say that I simply ask that we may have a stable currency by which our values and property may be regulated. We protest against being compelled to pay by sheer force of law more than we contracted to pay at the time we entered into our contract. We say, "Take thy pound of flesh, but not one drop of blood." I would, sir, had I the power——

The SPEAKER. The gentleman's time has expired.

Mr. TARSNEY. [Cries of "Go on!"] I would, sir, if I had the power call in every gold certificate that is outstanding; I would call in every silver certificate that is outstanding; I would call in every national-bank note that is outstanding, if you please, and in their place, based upon the 25.8 grains of gold and 412 grains of silver, I would issue a United States Treasury note convertible into coin, and I care not whether they be called greenbacks or graybacks. [Laughter.] I would remove from the statute-books of the land that restrictive provision which prevents the officers of the United States Government from receiving it.

The SPEAKER. The gentleman's time has expired.

[Cries of "Go on!"]

Mr. TARSNEY. I would sweep from the statute-books of our land that restrictive provision which prevents the officers of the United States from receiving that Treasury-note dollar for debts due to the Government. I would eliminate from the face of that bill that provision which actually depreciated it, and I would place that Treasury-note currency in the situation where the world could not say this great Republic will longer hishonor its own obligations as it has dishonored it for the last quarter of a century. [Applause.] I thank you. I had some London quotations, but as my time has expired I ask unanimous consent to extend my remarks in the RECORD. [Applause.]

The SPEAKER. The Chair hears no objection.

Mr. LANHAM. I renew the request that members be permitted to print remarks on this bill in the RECORD.

There was no objection, and it was so ordered.

Mr. LANHAM. I now yield the remainder of the time to the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. Mr. Speaker, this is a day of triumphs on the part of the friends of silver money in this country. This bill is a notice that the enemies of silver money are about to give up the fight. We have here a confession, clear and unquestionable, that silver has been degraded by the lawmaker. It is very gratifying to me to witness the contrition embodied in this bill. The assassins of silver money are at the confessional. May the Lord have mercy on their souls!

Silver bullion never retreated from its old and proper value until the lawmakers of the world commenced to discriminate by statute against it. England had attempted by legislation to destroy its value for fifty years, and failed. Silver held its own until she was re-enforced by other nations. The help came first from Germany, but the two nations combined did not succeed in their warfare. Then they secured the assistance of the American Republic in 1873, and that did the work, so far as the work could be done by legislation. From that time to 1878 there was nothing in this country to stay the downward tendency of silver bullion, which the statutes had induced by discriminating in favor of gold.

The creditor nations of the world, who intended to double the value of the promises they held, were having things their own way down to the time when the act of 1878 was passed.

Then commenced a fight for its repeal, which continued until the vote in the first session of the Forty-ninth Congress gave the world notice that the sentiment in favor of that law was on the increase instead of decrease, as they confidently hoped.

When the debate ended and the vote was announced, silver bullion had touched bottom prices. In that debate the prognostications of the monometalists placed silver bullion dangling in the air among the sixties, with the bottom dropping out of things in general, and the glittering gold, which was their all and in all, in full retreat across the ocean.

It did not go. Silver bullion has advanced, and gold is coming to this country much faster than it flies from it.

If you pass this bill, declaring, as it does, that the Congress has not only ceased its discrimination against silver but indicates a purpose to restore to it the "strength of the law," which gold demands and receives at its hands, silver bullion will move on toward a par with gold on the old ratio.

Mr. JAMES. That is a prognostication too, I believe.

Mr. BROWN, of Pennsylvania. That is a prognostication; yes. I am not afraid to put it against any in that line the gentleman himself has so confidently indulged in.

Mr. JAMES. I did not give any prognostications. I was very careful not to make any prognostications.

Mr. BROWN, of Pennsylvania. Very well; if the gentleman now disclaims it I am bound to believe he is correct and that I do him wrong in counting him among the prophets of a year ago. The gentleman from Pennsylvania [Mr. SCOTT], in that memorable discussion, told us that silver was only fit to be used as a subsidiary coin; now he comes and tells us to put back into silver the law that was filched from it by the act of 1876. This is a movement in the right direction. I rejoice at my colleague's second sober thought. It is a good one. He is evidently over the fright he took a year ago at the sight of so many silver dollars. Then he was in the subtraction business. He is now turning his attention to addition. After eleven years of criminal neglect it is at length proposed to add to the silver dollar what the Congress then subtracted from it. It is most gratifying to me that my colleague [Mr. SCOTT] is crying out: "Give us more law for our silver dollars."

Mr. Speaker, neither the Government of the United States nor any other government ever took from money or its promises to pay money any law which it had previously imparted to it without doing a dishonest thing. It is impossible that it could be otherwise. When that quality of law which gives or enhances value is imparted to money it should go with it to the end of its existence; and when you take one iota of law from money somebody as a matter of course must be cheated. Now that was exactly what the act of 1876 did.

The least thing, then, that should be done by the Government of the United States is to put back into the trade-dollar exactly what it took from it by the act of 1876. When the Government has done that it has done the honorable thing. It is under obligation to holders of trade-dollars to go thus far, and there is no demand beyond that which can in justice be made. Practically that is what this bill does, and I give it my hearty support. It is not the part of statesmanship to higgle over the question as to who holds these abandoned dollars. It is a question whether the Congress will longer degrade itself by degrading its money.

[Here the hammer fell.]

Mr. SCOTT. I yield now twenty minutes to my friend from New York [Mr. JAMES], reserving the balance of my time.

Mr. JAMES. Mr. Speaker, I am not going to enter into an argument on the silver question, but there are a few fallacies which have been uttered here during the course of this debate which I would like in the few minutes I shall occupy the floor to undertake to correct.

It has been said, notably by the gentleman from Ohio, that the trade-dollars that are in this country are now in the hands of speculators in New York largely and other large cities. *Such is not the case.* The trade-dollars which went into the hands of the speculators, those who make a business of buying bullion, trade-dollars and other coins, have all been used and have been exported. They did not buy them to hold. There has been constantly going on from this country an export to China of Mexican and trade dollars. They are exported from San Francisco, and it has been going on for years, quite an extensive business.

In 1868 I was at San Francisco and crossed to China, taking with me an amount of money for ordinary expenses, for which I paid at that time a premium of 103, or 3 per cent. over the value of gold. They were sent out there and used in China as a circulating medium. They have no coin in China except the "cash," a little piece of iron of the value of one-tenth of a cent, and the coinage used ordinarily is the Mexican dollar.

The trade-dollar was wisely conceived. It was a wise thing on the part of our Government that that law was passed providing for the trade-dollars. It was passed providing for them entirely with one purpose in view, and that was to meet the demands for silver in China, to send them out in place of the Mexican dollars which were being purchased and sent out there to pay our obligations for merchandise we were purchasing. As I say, the plan was a wise one, and though it has been denounced on this floor repeatedly in the last eight, ten, or a dozen years, I say it was wise in this, that we found a market for our silver, which was being produced in large quantities, and it helped us to pay our obligations with the products of our own country.

When the act was passed taking away from the trade-dollars the legal-tender quality it was because after the demonetization of silver in Germany and its effect the price of silver bullion went so low that it was thought necessary and desirable that the legal-tender clause should be taken away from it. That was done. But subsequently the trou-

ble came which we have upon us now, and which we have had upon us during the years that have intervened; and that grew out of the fact that there was a profit to the man who held the bullion, the mine-owner, a profit in coining that silver bullion into a trade-dollar and selling it to contractors for internal improvements who were paying large sums of money in wages. When gold was at a premium and when greenbacks depreciated in value there was a profit between buying bullion and sending it to the mint to be coined into a trade-dollar and paying it out to laborers when they knew they were paying it in a coin that was not legal-tender. It was taking advantage of the law by the speculators to pay wages to workmen in a coin which was not a legal-tender.

I consider there is no legal obligation upon this Government to redeem these trade-dollars, but there is a moral obligation, and because there is that obligation, because there is a propriety in it, I am desirous of getting rid of these trade-dollars.

I would state further in regard to where these trade-dollars now are, I have here a little book which probably you have seen on your desks. It is prepared by a resident of my own city, and he gives in it responses from a large number of towns and cities in the State of New York, one hundred and forty-eight in number, telling how much is held in each town, how much the bankers hold, and how much individuals hold as correctly as the facts can be ascertained. The reports, I have said, are from one hundred and forty-eight towns and cities, and the amount does not run up to a very large sum total.

The amount held in New York in banks and by individuals is $500,000. It is held by small dealers who could not afford to sell the amounts in their hands out to the brokers. That is the principal reason, and the only reason, why I desire to get rid of these trade-dollars, that we may relieve the small traders in whose hands they are and who have held them for years rather than submit to a sacrifice on them.

I have a letter in my hand from a gentleman residing in the city of New York who is thoroughly familiar with this trade-dollar question, and who is connected with business in the East. He writes me that the amount which is held by merchants on the coast of China, or which is to be seen there in circulation, and in Japan, and at Singapore is insignificant. We have had some fear it might come back here if we passed this bill. But the amount is so small as to be practically insignificant. But there is one thing more to which I want to call attention.

Mr. PLUMB. Will the gentleman yield to me for a question?

Mr. JAMES. I have not time. There is one thing more to which I desire to refer. I wish the House distinctly to understand there is very little prospect, in my judgment, if we adopt the substitute offered by the gentleman from Texas, that there will be any action had during this Congress. This question was up in the Forty-sixth, in the Forty-seventh, and in the Forty-eighth Congresses, and it is now before us in the Forty-ninth. If we adopt the Senate bill, I think this question will be settled. If we adopt the House bill, which is moved as a substitute by the gentleman from Texas, then I fear we will have this whole question over again in the future.

How much time have I remaining?

The SPEAKER. The gentleman has used eight minutes. He has twelve minutes remaining.

Mr. JAMES. I yield three minutes to the gentleman from New York [Mr. PARKER].

Mr. PARKER. I wish to say a few words on this question. It is too late to discuss now the details or the particulars of either the silver question or the trade-dollar question. The question presented to us here is a question of honest or dishonest action toward the men who honestly hold and honestly obtained the trade-dollars within this country; and it seems to me there is no feasible or practicable way to deal with this except to pass to-day the Senate bill and relieve the innocent holders all over the country.

When the trade-dollar became degraded a few men of large wealth undoubtedly grasped the opportunity, bought the dollars, and laid them away. I do not regret that those men have had to wait some time before getting current money again; but during the same time there have been, and there are, many of these dollars held by small traders and dealers all over the country, and those men have to lose also; and therefore these trade-dollars should be redeemed.

Now, Mr. Speaker, the trade-dollar to-day is not currency; it is not used or recognized anywhere as currency. Then what is it? It is not counterfeit. It is in the nature of bullion. We can treat it only as bullion; we can buy it only as bullion, and we can recoin it as from bullion. Gentlemen say they are willing that we shall go on and redeem the trade-dollar, provided we do not disturb the flow of silver that is being bought by the Government. Gentlemen here who represent those who sell silver object to any interference with that industry of selling silver to the United States, and they would rather that this dishonest method of making the people throughout the country hold the trade-dollar should continue than that the selling of silver by the bullion makers should be interfered with. Unless they can continue the business of selling their silver to the Government they say they are opposed to this bill. I regretted very much that my friend from California [Mr. FELTON] should oppose this bill for the reason, if I understood him correctly, that it would interfere with the steady flow of silver into the mints. I think that question should be put aside in this discussion. I think it has no proper place here.

Mr. FELTON. If the gentleman will permit me, that is precisely what I said. I claim that the movers of this bill should have brought in a measure for this purpose without interfering in any way with the general and present laws governing the coinage of silver.

Mr. PARKER. The gentleman from Colorado [Mr. SYMES] took the same ground, but more distinctly; opposing the redemption of these trade-dollars unless opportunity shall be given to keep up the sales of silver.

He referred in a very feeling manner to the blot upon our escutcheon, the stain upon our national name, to wit, the degraded trade-dollar, and then he told us that unless we were willing that his constituents and those he represents shall be still enabled to sell to the Government whatever bullion they produce, for more than it is worth, he was in favor of keeping that blot upon our national escutcheon.

Mr. SYMES. The gentleman is mistaken. Does he not know that the silver-miner can sell his bullion in London or New York for just as much as the Government pays him for it? So the silver-miner does not obtain any advance in price, because the United States purchases $2,000,000 per month at the market price.

Mr. PARKER. The gentleman from Colorado [Mr. SYMES] objected somewhat sharply to my interrupting him a few minutes ago, and I now protest against his seeking to thrust his remarks into my time. To quote your own "halcyon and" (literally) "vociferous" words, "you ought to know better."

The gentleman [Mr. SYMES] reminds me of an oration once made before the New York Legislature by a Cayuga chief, a speech of great brilliancy and eloquence, delivered with much dignity, and translated sentence by sentence. He said: "When our fathers used to come to see yours, we always received whatever we asked for; so that when we went back to our people our hearts were so light that our feet scarcely touched the ground. We went upon wings." After continuing in this lofty strain for some time, he brought out the real purpose of his long and beautiful oration, which was that he wanted us to build his people a plank-road. [Laughter.] There was a great deal of fine oratory, but under it all was the effort to secure a personal and local benefit. So it is with the argument of the gentleman from Colorado [Mr. SYMES]. He shudders, almost, at the blot upon our national escutcheon, but objects to any attempt to remove it unless his people shall be allowed to sell us their silver at what they and we know to be more than its value.

Mr. WARNER, of Ohio. How more than its value? I wish the gentleman would explain that point.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. JAMES. I yield three minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. I think, Mr. Speaker, that under all the circumstances it is the duty of the United States to redeem the trade-dollars which were issued under the authority of this Government, but in doing that it seems to me important that our legislation should not in any manner touch any other question. The bill has passed the Senate, and, as it has been reported to this House by the majority of the Committee on Coinage, Weights, and Measures, does not disturb the silver coinage as it now exists. It provides, in substance, that there shall be no increase or reduction of silver coinage. It properly leaves that question entirely outside; but the amendment of the gentleman from Texas [Mr. LANHAM] would change the silver coinage as provided by the act of 1878.

Whatever may be our views respecting the increase or diminution of silver coinage, it ought to be left a question to be considered by itself, and not be brought in incidentally and indirectly upon a bill of this nature. This bill as passed by the Senate does not affect the question of silver coinage, but leaves the laws on that subject precisely as they now exist; whereas the bill proposed as a substitute would change those laws and increase the silver coinage.

As a matter of fair dealing, therefore, it seems to me proper and just that in a bill of this kind, which proposes simply to authorize the purchase and redemption of the bullion which exists to-day in the form of trade-dollars, we should not undertake to legislate on the silver question, but should allow those dollars to be retired and treated as bullion, as they would be under the existing laws.

More than that, it will be remembered that a bill for the retirement of the trade-dollars passed this House in the Forty-eighth Congress; and while it was pending an amendment precisely similar to that now offered by the gentleman from Texas was adopted. The result was that the bill fell between the two Houses. If there is any desire on the part of this House to redeem these dollars, it should be done as the Senate proposes.

[Here the hammer fell.]

Mr. JAMES. I yield five minutes to the gentleman from Pennsylvania [Mr. EVANS].

Mr. EVANS. Mr. Speaker, the question of the redemption of the trade-dollars was pretty thoroughly discussed in the Forty-eighth and the first session of this Congress.

On three occasions previous to the present I have addressed the House on the subject, and I have at all times, in season and out of season, endeavored to impress my fellow members with the importance of their redemption.

I have nothing new now to offer, and can only hope in the short time allowed to reiterate briefly some of the reasons why I favor this bill. I hope the time has come when a majority of this House will be found voting with me for the redemption of the trade-dollar, notwithstanding the manner of redemption as provided in the bill may not exactly conform to all our ideas.

I do not see how it is possible for any one to think that the National Government should not redeem these coins. The authority to coin them was given by Congress under the act of February 12, 1873, in the following words:

The silver coins of the United States shall be a trade-dollar, a half-dollar or a 50-cent piece, a quarter dollar or a 25-cent piece, a dime or a 10-cent piece; and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

The same act defines the relative proportion of pure silver and alloy in the trade-dollar, and that the devices and legends used shall be the same as on other coins of the United States.

Relying on these pledges of the Government, it became a current coin at home as well as abroad, and debts to the amount of millions were paid by it. Admitting, as asserted, that they were coined for the purpose of promoting trade with China and other Asiatic countries, it was not intended that that should prohibit their circulation at home.

The Mint report of 1873 says:

Having been made a legal tender in limited amounts, it may eventually, if the price of silver relative to gold falls sufficiently, to some extent enter into home circulation.

Indeed, the Government provided for their circulation when it declared them a legal tender; and it was such a recognition as to lead everybody to suppose that this great Government of the United States would not repudiate a currency which it compelled the people to take in the payment of debts.

Secretary Folger, in his annual report of 1883, said:

The reading of the law taught the people that the trade-dollar was a coin of their sovereignty, and for the redemption of which, at an unabated value, their Government was bound.

Strange kind of a policy that would be for a Government to adopt which would compel the people to accept a coin of its own making which it would not itself accept in payment of debts due to it. The act of 1873 provided that no other silver coins should be issued by the mints except those mentioned in the act.

It is well known that from 1873 to 1878 the law was complied with, and no silver dollars of any other denomination were coined by the United States.

After nearly half the whole amount had been coined, and several millions had passed into circulation among our own people, as shown by the statistics of coinage and exports, Congress in 1876, by a joint resolution, declared that hereafter trade-dollars shall not be a legal tender. But mark the fact that the Government continued to coin them, even after the foreign demand had ceased, until $20,000,000 more had been coined.

When Congress took away their legal-tender quality it made no provision for their redemption. The Government certainly has no just right to take away the legal quality of its obligations at will; if so, it can take away with equal justice the legal quality of the present standard silver dollar. The Government has no more right to break its contracts than a private citizen or a corporation. Its agreements with its citizens should be as binding and sacred as its treaties with foreign nations. And if the Government of the United States refuses to redeem the trade-dollar it will be guilty of a great wrong and will be setting a bad example for its citizens. She might with equal justice have said when her bonds were below par that she would not pay them in full because they were in the hands of speculators.

It can not be possible that the Government will repudiate one of its own coins by refusing to receive it in exchange for another of less intrinsic value, but which on account of Congress taking away its life blood, is only worth its weight as bullion. I am informed by a letter received but a few days ago from the Director of the Mint, that the amount to be redeemed under the restrictions of this bill would not probably exceed $7,000,000, and as the Government would have the right to recoin a dollar of 420 grains into a standard dollar of 412½ grains it would sustain no loss; but if the individual holder who took the trade-dollar at par is compelled to sell it as bullion he will lose at least 20 per cent., not counting interest for the length of time he has been obliged to hold it.

It has been claimed by the gentleman from Missouri [Mr. BLAND] and the gentleman from Ohio [Mr. WARNER] that these coins are no longer in the hands of the original holders, but have passed into the hands of speculators. If this be true, let me ask who should be held responsible? Who was it that made speculation possible? Why, the Congress of the United States, when it took away their legal-tender quality. And if it were true that they are in the hands of speculators, it would be no good and sufficient reason why they should not be redeemed.

But we are not willing to admit that they are largely in the hands of speculators even at this late date. A little more than two years ago I made a very thorough investigation as to the number of trade-dollars and the manner in which they were held in my State, Pennsylvania. In order to do this I sent a circular letter to the banks, bankers, trust companies, as well as to private individuals, requesting them to give me the amount of their holdings and the manner in which they were received, whether at par or discount. The result of that investigation was, as heretofore stated by me to the House, as follows:

Held by banks, bankers, and trust companies	$796,749
Held by private individuals and societies	1,641,134
Held at a discount	123,044
Total	2,560,927

You will notice by this inventory that less than 5 per cent. of the whole amount reported were taken at a discount; the remainder, $2,437,883, were taken at their face value, and out of this number $1,641,134 were taken at par by private individuals, benevolent, beneficiary, and religious societies.

The correctness of my investigation was corroborated by the reports of the Comptroller of the Currency and the Director of the Mint, made at the opening of the first session of this Congress. By these reports it is shown at that time there were $1,600,000 held by the banks, and about $5,000,000 still in the hands of the people, seven-tenths of which are held at their face value. The last report of the Comptroller, on October 7, 1886, gives the amount of trade-dollars held by the banks as $1,889,764, a small increase over the previous year.

Last August there were reported to me over $300,000 of these coins held by private individuals in the city of Philadelphia, taken at their face value in the ordinary transactions of business. They were not called for by me, but were reported voluntarily. I made no effort to make further investigation. I am fully convinced that in my State at least a large proportion of the trade-dollars are still in the hands of those who took them at par, most of them tradespeople, who took them of poor and laboring people in exchange for merchandise. And those held by banks in my State were nearly all taken at their face value in the payment of notes or on deposits.

Mr. Cheney of the Garfield National Bank of the city of New York made a similar investigation, and found that out of $1,000,000 reported to him only about 28 per cent. of the whole amount were taken at a discount.

No doubt some of them are in the hands of speculators; so are some of the standard dollars; they are bought and sold every day in the market, but that is no reason why the Government should refuse to take them.

After having declared the trade-dollar a legal-tender Congress surely had no right to take away that quality without at the same time passing a law for its redemption.

No notice whatever was given to the holders that on a certain date Congress would pass a law taking away their legal-tender qualifications.

No time for redemption was given in the act of 1876, but from and after its passage, on the very day it became a law, they ceased to be a legal tender. The Government not only refused to take them, but virtually notified everybody that they were no longer compelled to take them in the payment of debts. This left in the hands of innocent holders many millions of dollars, which they were either forced to sell to speculators at a discount or hold until the present, waiting hopefully for Congress to come to their relief. If this bill should become a law, I believe that very little profit would be realized by the speculators, for the reason that they have in most instances had to carry them a sufficient length of time to lose all in interest that they will gain by redemption.

The act now under consideration, passed by the Senate and slightly amended by the Coinage Committee of the House, is, in my judgment, the very best that could be adopted. It provides:

That for a period of six months from the passage of this act, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at the office of the Treasurer or any assistant treasurer of the United States, in exchange for a like amount, dollar for dollar, of standard silver dollars of the United States.

SEC. 2. That the trade-dollars received by the Treasurer or any assistant treasurer of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints, and shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878, and shall be recoined into standard silver dollars, according to the provisions of said act: *Provided*, That the amount to be so deducted as provided in this section shall not exceed $500,000 in any month.

SEC. 3. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed.

It will be observed that this bill is, to a certain extent, a compromise between the conflicting opinions of the free-coinage and the anti-free-coinage people in Congress.

While it provides that trade-dollars redeemed shall be regarded as bullion and be deducted from the monthly purchase required to be made under the act of February 28, 1878, it also provides that the amount to be deducted shall not exceed $500,000 in any one month. This provision is so drawn that the Treasurer can not exceed $500,000 monthly, but he may, if he thinks best, only deduct $100,000, or even $1,000.

So it would seem to me that the amount deducted from the monthly purchase could not seriously cripple the silver market.

From the opinion of the Director of the Mint and others who seem to be informed on this subject, the amount is not likely to exceed $7,000,000; this amount distributed over several months' purchases would not be likely to affect the London bullion market in the least appreciable degree.

I am one of those who believe that the present coinage of silver is in excess of the demand, and therefore ought to be suspended; but in view of the fact that the trade-dollars were once a legal tender, made so by the act of Congress, and subsequently demonetized by it without making any provision for their redemption, leaving several millions of them in the hands of innocent, honest, trustworthy people, and who, unless some provision is made, and that very soon, will lose not less than 20 per cent., not counting loss of interest, I feel it my duty to vote and work for the passage of this bill. And however much I am opposed to the increase of the present coinage of $2,000,000 a month, I would, if it became absolutely necessary for their redemption, be willing for the Secretary of the Treasury to increase the amount to $2,500,000 per month during the time necessary for their redemption.

I have before said, and I am firmly grounded in that belief, that a great Government like ours can not afford to take the advantage of its people by refusing to take its own coin. I hold that the passage of any law by the Congress of the United States, which demonetizes any of its money without providing for its redemption, is nothing more nor less than repudiation, a disgrace to the American nation and unworthy a great Government like ours, professing to be founded on the broad and munificent principles of equal rights and equal justice to all its citizens.

This bill passed the Senate without a dissenting vote. In that body there were many members in favor of free coinage. If they were willing to vote for this bill I do not see why our friends in this House should not vote for it.

Mr. SCOTT. I yield five minutes to the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM. Mr. Speaker, I do not propose to occupy any more time than may be necessary to explain why I am compelled on this question to part with such excellent company as my friend from Missouri [Mr. BLAND] and my friend from Texas [Mr. LANHAM]. It is well known that I joined them in the minority report in favor of free coinage. I have concurred with the majority of the committee in recommending the passage of this bill as it comes from the Senate with the amendment reported. I am in favor of the passage of the bill in this form, because I believe that if any material amendments are made in this House they will defeat all legislation on this question.

Mr. LANHAM. Does not my friend know that the Senate passed as an amendment to the surplus resolution of last session a proposition in all respects similar to the amendment which I have offered?

Mr. BYNUM. Yes, I know that; and I know that the House refused to concur in that amendment. If that be taken as an expression of the sense of the House, the question has been already settled by this body.

Now, Mr. Speaker, by the act of February 12, 1873, the trade-dollar was made a legal tender in sums not exceeding $5. Under that act there were issued 15,631,000 of these dollars, of which there were exported 12,580,000, leaving in circulation in this country 3,051,000. No one pretends or claims but that when the Government deprived these coins of their legal-tender quality it was an act of repudiation. No one denies that it is but an act of simple justice that the Government should redeem the coins issued under the act of February 12, 1873.

In 1876 a resolution was passed depriving the trade-dollar of its legal-tender quality and providing that the holders of bullion should have the right to continue to have them coined for export. Now, the gentleman from Virginia [Mr. DANIEL] says they were not coined as money, but were simply bullion. I would like to ask the gentleman where there is conferred upon this Government in the Constitution any authority to make and issue coins which shall not be money. Clause 6 of section 8, of Article I of the Constitution, empowers the Federal Government "to coin money."

Mr. DANIEL. The gentleman will allow me to remark I have never said that the Federal Government had the power referred to.

Mr. BYNUM. But the gentleman insists that these dollars were not coined as money, but simply as bullion for export.

Mr. DANIEL. I have not said that the Government had the legal power to do it.

Mr. BYNUM. I affirm that the Congress of the United States has no right to coin anything but money; and when the Government authorized the coinage of these dollars, although under the law they were not declared to be legal tender, the people had the right to presume that when the Government coined a dollar and stamped it as such, it was coined in conformity with the Constitution, and when issued was issued as money. Hence, I believe it simply good faith on the part of the Government that this coinage, now outstanding to the extent of probably $7,000,000, should be redeemed and eliminated.

The only difference between the minority and the majority of the committee on this question is as to whether these trade-dollars when recoined shall be counted as part of the monthly purchase of bullion under our present laws, or whether they shall be in addition to the same.

That is really the only difference. I am willing that these trade-dollars, when redeemed shall be counted as part of the monthly purchase of bullion, because I fear that if they be not thus counted, we shall be unable to pass this bill. I do not wish to be understood as abandoning in the least the principles I held when I advocated, upon this floor, last session, the free coinage of silver.

I am still in favor of free coinage. I am willing, however, for the time, to yield my convictions, and join with those who are extremely timid about increasing our coinage in the passage of this bill, even though the trade-dollar shall, when redeemed, be considered to the extent of $500,000 per month, a part of the monthly purchase of bullion, as required under the present law. It makes but little, if any, difference whether they are or are not so reckoned. The addition of the entire $7,000,000 of trade-dollars outstanding to our coinage would not materially increase our volume of money. I do not regard the amendment as in any wise important, and for fear that its adoption may impair the chances of the passage of the bill shall vote against it. I want to see the trade-dollar taken up. Nothing tends more to discredit our Government, in a small way, than to see a dollar, coined by the Government, containing 420 grains, selling for 71 cents, while creditors are forced to accept those containing 412½ grains at par.

Mr. SCOTT. I yield five minutes to the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Speaker, as a member of the committee which reported this bill I desire to say a few words in reference to it.

A great deal has been said in reference to two kinds of trade-dollars issued by this Government, one of which was issued prior to July 2, 1876, which had the characteristic of legal tender given to it, and the other issued since that time, which did not have that character. And upon that there is an attempt made to draw a great distinction between the two classes of money.

Now, so far as I am able to judge, Mr. Speaker, I do not see why we should redeem one any more than the other; for, after all, the legal-tender quality is no more than the power given by the Government, through legislation, to make a circulating medium of that which otherwise would not be a circulating medium.

But the trade-dollar issued prior to July 2, 1876, had a forcing power about it which the money since that time did not have.

But those coins under the act of Congress were declared to be coins of the United States, and I can not understand how this Government can, as a matter of justice, after it has declared by its act that certain stamped pieces of money shall be coins of the United States, then refuse to receive them at the Treasury, or indeed do anything else than make them good in the hands of the people who have taken them.

It is said this money has gone into the hands of speculators, and that they are going to make profit out of it. The character of the men who hold obligations of the Government can not in any degree affect the character of those obligations when we have issued them, whether they are trade-dollars or any other kind of money. If they are in the the hands of speculators, we put it in the power of those speculators by the trickery of this Government to make money out of them. [Applause.] And I say it does not lie in our mouths to say that we shall so gerrymander the laws as to permit the people of the country to be swindled out of their money. [Applause.]

You allowed these speculators to become possessed of these trade-dollars, and then, when they have become possessed of them, you turn round and debase the obligations which we have issued, and say we will not redeem them because they have been bought up by people to whom you gave the power to get them under acts of Congress. They could get them in no other way.

There is another question, and that is whether these trade-dollars shall be counted as a portion of the bullion the Government is required to coin? My friend from Missouri (Mr. BLAND) gets mad, as he generally does, with the bondholders, and speculators, and money-brokers, and turns to abusing them. [Laughter.]

I say the gentlemen who indulge in that kind of thing ought to be exceedingly grateful to the bondholders and money-brokers for being in this country, as it affords them an opportunity to indulge in this sort of buncombe, which goes out to the country and induces their constituents to believe they are constantly working in the interest of the people. [Laughter and applause.]

What we want to do is what is honest and fair, and that is the only obligation which rests upon us. And whether the money is held by one class of individuals or another is not a matter of concern to us when we come to consider the question whether or not we shall do that which we ought to do if we are honest men.

Now, if we pass this Senate bill—and we will if we desire to do that which is fair and square—it will then become the law, and this question of repudiation will be wiped out; whereas if we attempt to add to it a provision that this shall be accounted as a part of the coinage provided for by the law, we may endanger the whole thing, and instead of doing what we ought to do we will spend our time in making the Treasury do something which it ought not to do.

[Here the hammer fell.]

Mr. SCOTT. I now yield three minutes to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CURTIN. Mr. Speaker, as to the legislation proposed it is not of the slightest consequence where the trade-dollar is held, whether it is in the hands of the masses of the people or in the hands of speculators, or brokers, or money shavers. It is of no consequence whatever where it is. That is not the question presented here. If one man held it all it would be of no consequence to us. It is a mere question whether this Government can afford to impose upon the people of the country with the stamp of the Government a dollar which is not a dollar.

Mr. Speaker, the code of morality which would apply to an individual and not to a nation is a fraud and a delusion. The morality which governs the individual or the community should govern also the nation; and in all that has been elicited in the course of this discussion there is a patent fact arising above all, that our Government did give to the people a spurious coin, and that the people of this country in their faith in the Government accepted it, and that that coin was changed by subsequent legislation.

Now for the individual who held the coin it is one thing, but for this Government in its faith, and the faith of the people in the Government, is quite another thing.

I remember, Mr. Speaker, when the people of this country accepted the greenback because it had upon it the stamp of the Government of the United States. But still, when this Government was in the throes of agony that money was issued; and never let the time come when this great people, through their representatives in Congress, shall, after giving to the country the stamp of the Government upon paper, or upon silver, say that it does not equal what it professes to be. That trade-dollar should be redeemed to save the honor of this great country, and preserve the confidence of the people in the faith and integrity of the Government. [Applause.]

[Here the hammer fell.]

Mr. SCOTT. I now yield three minutes to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL withholds his remarks for revision. [See Appendix.]

Mr. SCOTT. I now yield two minutes to the gentleman from Illinois [Mr. MORRISON].

Mr. MORRISON. I am opposed to the passage of this bill, but not for the same reasons that it is opposed by the gentleman from Texas [Mr. LANHAM], the gentleman from Missouri [Mr. BLAND], and others who object to its being made law in its present form. They favor the redemption of the trade-dollar at par, or dollar for dollar with other silver dollars, but upon such terms as to recoinage that the silver coinage now provided for shall be increased monthly to the extent of the trade-dollars to be redeemed and recoined. The bill as reported from the committee by the gentleman from Pennsylvania [Mr. SCOTT] provides for the redemption or payment of the trade-dollar without increasing the monthly or aggregate amount of silver coinage.

Both would redeem or pay off the trade-dollar by exchanging it, or by receiving it as other silver dollars are received for taxes. I would do neither as to the larger part, much more than one-half of the trade-dollars coined. Whatever our obligations may be as to so much of the trade-dollar coin as was coined while it had the legal-tender quality and was lawful money, we are under no obligation, legal, equitable, or moral, to redeem at par or pay off that part which was coined after the legal-tender character had been taken away from it.

The whole number of trade-dollars coined is 35,995,924, nearly $36,000,000, beginning in 1873. Of this number an amount something more than 15,000,000 were coined in the years 1873, 1874, 1875, and 1876, and were by law made legal tender. Something more than 20,000,000 were afterward coined when the legal-tender quality was denied them by law. These were issued as token-money at the request of the owners of silver bullion for their sole interest and profit free of charge for coinage. They were issued for their accommodation for use in China. They were not intended for use here. The Government denied to them the legal-tender quality, and made no promise in regard to their redemption or otherwise.

In the argument it is said that most of these dollars were exported and are yet abroad. However that may be, this bill will bring them all back again, and instead of redeeming from five to seven millions, as we are told in argument here, we will be compelled to redeem from twenty to thirty millions, most of which, as I have already said, we are under no obligations to pay, and therefore have no right to pay. These dollars, or the 20,000,000 coined since 1876, so far as they are now held by our people, were taken by them, some at one and some at another price or value. Those held abroad have none but bullion value abroad; they will be brought here by foreign owners or imported by speculators and spoilsmen, who will take to themselves millions of speculative profit which this bill will take from the people's Treasury.

We are told that only five, six, or at most seven millions of these dollars will be redeemed under this law. Should the fact turn out to be, as I believe it may, that three or four times this amount will need to be redeemed, the amount wrongfully taken from our people will be at least equal to the whole number of dollars which the friends of this bill say will be presented for redemption or payment. The Government should take at par all issued and made legal tender and pay for the remainder at the highest bullion price of the year when they were coined, which is much above the present price. In that way we might rid ourselves of this vexed question and do full justice to the holders without inflicting upon those we here act for the grievous wrong which this bill will do them.

In what I have now said I but repeat the substance of some remarks on this subject which I submitted when discussing the Treasury surplus at the last session, and will add the official statement of the Director of the Mint, showing the facts as to the issue of this coin or trade-dollar.

Number of trade-dollars coined, imported, and exported prior to the joint resolution of July 22, 1876, and since.

	Prior to demonetization, July, 1876.	From July, 1876, to June 30, 1878.	From July 1, 1878, to date. (Proof pieces.)	Total.
Coined	15,631,000	20,328,360	6,564	35,965,924
Imported		2,074,812		2,074,812
Exported	12,580,000	16,424,004		29,004,004
Excess of coinage and imports over exports	3,051,000	5,985,732		9,036,732

RECAPITULATION.

Coinage prior to July 22, 1876	$15,631,000	
Exported prior to July 22, 1876	12,580,000	
Balance not exported		$3,051,000
Coinage since July 22, 1876	20,334,924	
Imported since July 22, 1876	2,074,812	
Total	22,409,736	
Exported since July 22, 1876	16,424,004	
Balance not exported		5,985,732
Total not exported		9,036,732
Minimum remelted at United States mints	500,000	
Probably taken out by Chinese	1,500,000	
		2,000,000
Estimated amount in the country		7,036,732

Mr. SCOTT. Mr. Speaker, the gentleman from Pennsylvania [Mr. SOWDEN] made an inquiry of the gentleman from Virginia [Mr. DANIEL] in which he asked if the people did not give value received for these trade-dollars, and the gentleman from Virginia replied that the Government did not receive anything for them at all; that they simply coined them. The gentleman from Virginia was correct in his answer. But under the Constitution of our country, Congress may authorize the Government to coin and stamp the value of the coins issued by the Government mints. Every trade-dollar that is now in circulation is stamped as a dollar, and has the impress of the mints of the country upon it as a dollar. If this bill becomes a law it does not take one cent out of your Treasury, but, on the contrary, it puts money into your Treasury.

When you come to talk about the equity of the redemption of these dollars because perhaps a few thousands of them or a few millions of them have gotten into the hands of speculators, you might with as much propriety go back to the period of our civil war, when the Government was selling bonds to speculators, and realizing from sixty to eighty cents of their face value on the dollar for them, and now take the position that those men who bought those bonds at sixty or eighty cents on the dollar ought not to be paid anything more than what the Government realized for them.

Mr. MILLIKEN. Will the gentleman permit me a question?

Mr. SCOTT. Yes, sir.

Mr. MILLIKEN. Did not the Government in those bonds promise to redeem them, and to redeem them in coin; and did it not promise to pay the interest in coin?

Mr. SCOTT. Now, sir, the Government bond bore on its face the assurance that the Government would pay it; and if no legal obligation rested upon us in this matter as a people, is there not an unwritten law and a moral obligation which requires that when the trade-dollar was stamped and issued as a dollar the faith of the Government was behind it; that it should be received by the Government as a dollar, or at least that it should be put on an equality with a coin which subsequently, under the act of 1878, was authorized and contained 7½ grains less silver, and was stamped and made a legal tender of the value of one dollar?

Mr. BURROWS. Will the gentleman yield to me for a question?

Mr. SCOTT. Yes, sir.

Mr. BURROWS. Did the Government ever pay out any of these trade-dollars after the legal-tender quality was taken away?

Mr. SCOTT. Unquestionably the Government received them through

its internal-revenue department while they were a legal tender, and paid them out.

Mr. BURROWS. After that date?

Mr. SCOTT. What date?

Mr. BURROWS. After the repeal of the legal-tender clause?

Mr. SCOTT. I can not say as to that.

Mr. HALL. May I ask the gentleman a question?

Mr. SCOTT. Certainly.

Mr. HALL. Do you hold if in any great contingency it became the policy of this Government to demonetize gold the Government would be under any obligation to pay the holders the depreciation which would follow?

Mr. SCOTT. I cannot be taken off the line of my remarks by such questions, as I have only a few minutes.

The simple question here in dispute is, what disposition shall be made of these dollars after they are redeemed if this bill becomes a law. If it is the pleasure of this House to adopt the amendments which have been offered to it, I shall make no factious opposition. But, sir, the great cry is that the people want more money. There are lying idle in your Treasury vaults to-day, or there were lying idle there on the 20th day of January last, $76,000,000 of standard dollars over and above your outstanding silver certificates. The amendment of the gentleman from Texas again puts a legal-tender value on these dollars and permits them to go into circulation. It is true that after they have once come into the Treasury the law compels their recoinage. But it is not good policy in my judgment for us, when we can require the holders of these dollars at their own expense to surrender them at the treasuries of the United States and there take standard silver dollars for them, to accept any amendment here that can put them into circulation in conflict with our standard dollars.

Another proposition involved in the gentleman's amendment is that they may be used for subsidiary purposes. We have to-day seventy-five millions of subsidiary coin and if the law is as I read it, it is twenty-five millions in excess of the amount authorized. There are to-day twenty-two millions of subsidiary coin lying idle in your Treasury vaults. There were last year thirty-two millions.

Mr. WARNER, of Ohio. How much gold is there? And how much debt could be paid to-morrow?

Mr. SCOTT. Now under this act, if it becomes a law, there will immediately be put into circulation standard dollars to the amount of the trade-dollars redeemed, and if the people want these standard dollars, if that is what they are crying for, there are $7,500,000 more put into circulation. If the trade-dollars redeemed are applied to the bullion fund, as this bill provides, it is saving taxation to the people of this country the equivalent of $7,500,000; which amount would otherwise be lying idle in your Treasury.

Mr. WARNER, of Ohio. The silver coins would buy the bullion. It does not require taxation to purchase the bullion.

The SPEAKER *pro tempore* (Mr. SPRINGER). The time for general debate on this bill is exhausted. The first question is on the amendment reported from the Committee on Coinage, Weights, and Measures.

Mr. BLAND. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLAND. Is the previous question operating on the substitute and the bill both?

The SPEAKER *pro tempore*. Upon the whole subject; and under the operation of the previous question the question is first on the amendment reported from the committee.

Mr. BLAND. How many amendments have been offered this morning?

The SPEAKER *pro tempore*. The first amendment offered is that of the gentleman from Texas [Mr. LANHAM], reported from the Committee on Coinage, Weights, and Measures. The next amendment is that of the gentleman from Ohio [Mr. WARNER], which is offered as an amendment to the substitute proposed by the gentleman from Texas. If the amendment of the gentleman from Ohio [Mr. WARNER] is adopted, then the question will be on agreeing to the substitute as amended. If the substitute is amended, the question will be on adopting that instead of the bill. Otherwise the question will be upon ordering the bill to be read a third time.

Mr. BLAND. I ask to have the amendments read.

The SPEAKER *pro tempore*. The Clerk will report first the first amendment reported from the committee.

The Clerk read as follows:

Strike out in line 3, of section 1, the words "until July 1, 1887," and insert in lieu thereof, "for a period of six months from the passage of this act."

The amendment was agreed to.

The SPEAKER *pro tempore*. The Clerk will now report the amendment submitted by the gentleman from Texas [Mr. LANHAM], and then the amendment of the gentleman from Ohio [Mr. WARNER].

The Clerk read the amendment submitted by Mr. LANHAM, as follows:

Strike out all after the enacting clause, and insert: "That for a period of six months after the passage hereof United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at their face value in payment of all dues to the United States, and shall not be again paid out or in any other manner issued.

SEC. 2. That the holder of any such trade-dollars, during the period aforesaid, on presentation of the same at the office of the Treasurer, or any assistant treasurer of the United States, if said coins be not defaced, mutilated, or stamped, may receive in exchange therefor a like amount and value, dollar for dollar, in standard silver dollars, or in subsidiary coins of the United States, at the option of the holder.

SEC. 3. That the trade-dollars received by, paid to, or deposited with, the Treasurer, or any assistant treasurer or national depositary of the United States, shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard silver dollars or subsidiary coin, at the discretion of the Secretary of the Treasury.

The Clerk read the amendment offered by Mr. WARNER, of Ohio, as follows:

Add after the foregoing amendment the following:

"*Provided*, That the recoinage of trade-dollars recoined under this act shall not be counted as part of the silver bullion required to be purchased and coined into standard dollars as required by the act of February 28, 1878."

Mr. LANHAM. That is the intention of my substitute any way, Mr. Speaker, but I accept the amendment.

Mr. WARNER. I think that would be the effect of the gentleman's substitute, but I want to make it certain.

The SPEAKER *pro tempore*. The amendment of the gentleman from Ohio [Mr. WARNER] having been accepted, the amendment of the gentleman from Texas [Mr. LANHAM] will be considered as standing with that amendment added to it. The question, therefore, is upon agreeing to the amendment of the gentleman from Texas proposed as a substitute for the bill.

The question was taken; and there were—ayes 127, noes 99.

So the amendment was agreed to.

The bill as amended was ordered to a third reading.

Mr. DANIEL. Mr. Speaker, I move to recommit the bill to the committee from which it came, with instructions to report the substitute which I send to the desk.

The substitute proposed by Mr. DANIEL was read, as follows:

SECTION 1. That all trade-dollars issued by the United States under the act of February 12, 1873, and prior to January 1, 1877, shall hereafter, and for a period of one year from the passage of this act, be a legal tender at their nominal value not exceeding $5 in any one payment, and shall be receivable in any amount for all taxes, imposts, or other dues to the United States. Whenever any such trade-dollars as before mentioned shall be received at the Treasury of the United States they shall not be reissued for any purpose whatever.

SEC. 2. That the holder of any such trade-dollars as before mentioned during the period aforesaid on presentation of the same at the office of the Treasurer or any assistant treasurer of the United States, if said coins be not defaced, mutilated, or stamped, may receive in exchange therefor a like amount and value, dollar for dollar, in standard silver dollars, or in subsidiary coins of the United States, at the option of the holder.

SEC. 3. That all such trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depository of the United States shall not be paid or in any other manner issued, but at the expense of the United States shall be transmitted to the coinage mints and recoined into standard silver dollars or subsidiary coin, at the discretion of the Treasurer of the United States.

SEC. 4. This foregoing provision of this act shall not apply to any trade-dollars save those issued prior to January 1, 1877.

SEC. 5. It shall be the duty of the Secretary of the Treasury to purchase when presented at the Treasury all the trade-dollars issued on or after January 1, 1877, and to cause them when so purchased to be recoined into standard silver dollars of 412½ grains: *Provided*, That he shall not pay for such trade-dollars a price exceeding 2 per cent. of their value as silver bullion; *And further provided*, That the purchases of trade-dollars so made shall not be counted as any part of the annual purchases of silver made under existing laws.

Mr. SCOTT. I demand the previous question.

The previous question was ordered.

The question was taken on the motion of Mr. DANIEL to recommit with instructions, and it was declared rejected.

Mr. DANIEL called for a division, but withdrew the call before the count was completed.

The bill as amended was then read the third time, and passed—ayes 174, noes 36.

Mr. SCOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BELMONT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. O'NEILL, of Missouri. On that I raise the question of consideration.

Mr. DINGLEY. I demand the regular order.

Mr. JAMES. I ask unanimous consent that the Committee on Coinage, Weights, and Measures may be permitted to bring up two measures which will not occupy, I think, five minutes each to pass. The first relates to the minor coinage, the second to the subsidiary coinage. Their passage is asked for by the Director of the Mint and the Secretary of the Treasury. They simply change the Revised Statutes in several small particulars. They can be explained in a few moments, and the committee is a unit in regard to them.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from New York [Mr. JAMES] asks unanimous consent that the Committee on Coinage, Weights, and Measures may be permitted to call up the two bills he has indicated for present consideration. Is there objection?

Mr. BELMONT. I find it incumbent on me to insist on my motion.

The SPEAKER *pro tempore*. Objection is made.

Mr. WILLIS. I have a privileged motion. I send to the desk a proposition to change the rules, which I ask may lie over one day.

The SPEAKER *pro tempore*. It is not in order at this time, as the Chair understands, to make a motion to change the rules.

Mr. WILLIS. I am not making a motion, but simply——

The SPEAKER *pro tempore*. The rule provides that propositions for this purpose may be introduced on Monday when the States are called, and referred to the Committee on Rules. The Chair does not understand that the rules allow a proposition of this kind to be introduced at this time.

Mr. WILLIS. The Chair will find that it is in order to give notice of a change of the rules——

The SPEAKER *pro tempore*. The gentleman can ask unanimous consent for the purpose.

Mr. WILLIS. I am not asking any unanimous consent, but as a matter of privilege I propose to introduce a notice of a change of the rules.

The SPEAKER *pro tempore*. The Chair does not understand that there is any rule of the House providing for such a privilege.

Mr. WILLIS. Then I withdraw the proposition until the regular Speaker is in the chair.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. BELMONT] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

Mr. WEAVER, of Nebraska. I rise to a parliamentary inquiry.

Many MEMBERS. Regular order!

Mr. HAMMOND. I desire to inquire what has become of the morning hour. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair will enforce the regular order.

Mr. BELMONT. Mr. Speaker, would it be in order now to move to dispense with the morning hour? If so, I make that motion.

The SPEAKER *pro tempore*. The gentleman from New York moves that the morning hour for reports of committees be dispensed with.

Mr. WEAVER, of Nebraska. I hope that will not be done.

Mr. DINGLEY. Let us have reports from committees.

Mr. WEAVER, of Nebraska. I wish to inquire whether the regular order is not the call of committees for reports.

The SPEAKER *pro tempore*. It is; but the gentleman from New York [Mr. BELMONT] moves to dispense with that order.

The question being taken, there were—ayes 102, noes 87.

So (two-thirds not voting in favor thereof) the motion of Mr. BELMONT, to dispense with the morning hour for the reception of reports from committees, was not agreed to.

The SPEAKER *pro tempore*. The business first in order is the call of committees for reports.

CONSTITUTIONAL CENTENNIAL COMMISSION.

Mr. CULBERSON, from the Committee on the Judiciary, reported back as a substitute for House bill No. 10753, a bill (H. R. 11122) to provide for the appointment of commissioners to represent the Federal Government in the Constitutional Centennial Commission, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CULBERSON. I ask that the original bill for which this is reported as a substitute be laid on the table.

Mr. RANDALL. I object to that.

The SPEAKER *pro tempore*. At the request of the gentleman from Pennsylvania [Mr. RANDALL], the original bill will be referred with the substitute to the Committee of the Whole House on the state of the Union.

BRIDGE AT SIOUX CITY, IOWA.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back favorably the bill (H. R. 10979) to authorize the construction of a bridge across the Missouri River at Sioux City, Iowa; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

LIFE-SAVING STATION, HARBOR OF KEWAUNEE, WIS.

Mr. HUDD, from the Committee on Commerce, reported back favorably a bill (H. R. 10996) providing for the establishment of a life-saving station at the harbor of Kewaunee, Wis.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BILLS AND JOINT RESOLUTION LAID ON THE TABLE.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back adversely the bill (H. R. 6521) for the purchase of property as a site for a building or buildings for the accommodation of the custom-house, appraisers' stores, subtreasury, assay-office, and other Government offices, in the city of New York; the bill (H. R. 7348) to authorize the purchase of appraisers' stores in the city of New York; and joint resolution (H. Res. 240) authorizing the Secretary of the Treasury to ascertain the cost of a site for a custom-house in New York city, N. Y.; which were severally laid on the table.

APPRAISERS' WAREHOUSE, NEW YORK CITY.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported as a substitute for the foregoing a bill (H. R. 11123) for the erection of an appraiser's warehouse at the city of New York, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT HAMILTON, OHIO.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 1812) for the erection of a public building at Hamilton, Ohio; which was laid on the table.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported as a substitute for the foregoing a bill (H. R. 11124) for the erection of a public building at Hamilton, Ohio; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RESTORING PENSIONS IN CERTAIN CASES.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back favorably the bill (S. 2482) to restore pensions in certain cases; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FIREMEN'S INSURANCE COMPANY.

Mr. HEARD, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 11063) extending the charter of the president and directors of the Firemen's Insurance Company of Washington and Georgetown, in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and with the accompanying report ordered to be printed.

COMPENSATION OF PHYSICIANS TO THE POOR IN THE DISTRICT OF COLUMBIA.

Mr. COMPTON, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UNITED STATES MAP, EDITION OF 1886.

Mr. BARKSDALE, from the Committee on Printing, reported back favorably a joint resolution (H. Res. 243) to print additional copies of the United States map of the edition of 1886, prepared by the Committee on the Public Lands; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORT OF HEALTH OFFICER, DISTRICT OF COLUMBIA.

Mr. FARQUHAR, from the Committee on Printing, reported back favorably a joint resolution (S. R. 88) to authorize the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SHIPS' PAPERS.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, reported back favorably the bill (H. R. 10120) to amend section 4322 of the Revised Statutes, requiring copies of temporary documents of vessels to be filed at their home ports; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

VESSEL FISHERIES OF THE UNITED STATES.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, also reported back favorably the bill (S. 2287) for securing statistics of the extent and value of the vessel fisheries of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ABOLITION OF SHIP FEES.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, also reported back favorably the bill (H. R. 10703) to amend an act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CLAIM AGAINST COLOMBIA.

Mr. HAYDEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, &c., That the Secretary of State be requested to inform the House of Representatives, if not incompatible with the public interests, what action, if any, has been taken by the Department of State to protect the interests of American citizens whose property was destroyed by fire caused by insurgents at Aspinwall, United States of Colombia, in April, 1885, and to transmit to the House all correspondence with the Colombian Government relating thereto.

ORDER OF BUSINESS.

Mr. BELMONT. I now renew my motion that the House resolve itself into Committee of the Whole for the further consideration of general appropriation bills.

Mr. WEAVER, of Iowa. I wish to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WEAVER, of Iowa. What about the consideration hour?

Mr. BELMONT. I will ask if my motion is not in order?

The SPEAKER *pro tempore*. The Chair will state, in answer to the gentleman from Iowa, that the regular order would be the consideration of business in the hour; but it is in order to move that the House resolve itself into Committee of the Whole to consider general appropriation or revenue bills.

Mr. WEAVER, of Iowa. It will not take over ten minutes to dispose of the bill which was under consideration in the last hour, the opposition having been withdrawn; and I hope the gentleman from New York will not insist on his motion now.

Mr. BELMONT. I am compelled to insist upon it.

The question was taken; and on a division there were—ayes 82, noes 58.

Mr. REED. No quorum.

Mr. PAYSON. There ought to be a quorum on this vote.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. WEAVER, of Iowa, and Mr. BELMONT were appointed tellers.

The House again divided; and the tellers reported 104, noes 60.

So the motion was agreed to.

MOTION TO RECONSIDER.

Mr. COLLINS. Mr. Speaker, the gentleman from New York yields to me for a moment to enter a privileged motion.

I desire to move now to reconsider the vote by which the bill (H. R. 9930) conferring jurisdiction upon the Court of Claims and Supreme Court of the United States to finally determine the case of Charles E. Creecy, assignee in Congressional case No. 71, reported to the House of Representatives by said Court of Claims under the provisions of the act of Congress approved March 3, 1883, was rejected.

The SPEAKER *pro tempore*. The motion will be considered as pending.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and ten minutes of the time remain for general debate.

Mr. BELMONT. I reserve that time, and ask for the reading of the bill by sections.

The Clerk read as follows:

SCHEDULE A.—SALARIES OF MINISTERS.

Envoys extraordinary and ministers plenipotentiary to France, Germany, China, Great Britain, and Russia, at $17,500 each, $87,500.

Mr. BURNES. I rise to make a point of order against a portion of that paragraph of the bill.

The CHAIRMAN. The gentleman will state it.

Mr. BELMONT. Has not that section been passed over?

The CHAIRMAN. It had been read, and the Clerk had begun to read the next paragraph; but there was a great deal of confusion in the Hall, and the Chair hardly thinks the gentleman from Missouri should be thereby prevented from interposing the point of order.

Mr. BELMONT. I will not insist upon the point.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BURNES. I am not aware of any law authorizing this increase in the salary of the minister to China. I believe it is in conflict with the third section of the twenty-first rule, which I cite in support of the point of order; and I also refer the Chair, so far as this item is concerned, to the Supplement to the Revised Statutes, page 400, where it will be found in a permanent law, that the salary of the minister to China is provided for and made $12,000 per annum.

Mr. BELMONT. Mr. Chairman, whatever may be the result of the discussion on the point of order, I suppose it would be useless for me to ask the gentleman to withdraw the point he makes, although the House is already informed that the interests of the United States are concerned in the recommendation which the Committee on Foreign Affairs has made to increase the salary of the minister to China.

There are obvious reasons of public policy, as well as of international courtesy, why this change should be made. The United States in its diplomatic relations with Eastern nations stands in a different relation from any other great power. We have no military or colonial policy to pursue within their borders. All the other great powers have. This gives to our representatives in those countries an influence which is yearly increasing, which is nowhere so plainly apparent as in China, and which it is greatly to the interest of the United States to encourage and develop.

The United States holds a power in the East which should be efficiently represented. To-day we have, perhaps, the best minister we have ever sent to China. We ask for him, and for the sake of the interests of this country in China, that this mission shall receive a salary at least equal to that of our minister to Russia or to Germany, where our interests are not more important.

But, sir, as to the point of order. I would refer the Chair to the original Rule 63, and the history of the various steps by which that rule has been extended, as well as to the debate which occurred with reference to it, where the Speaker of the House declared on the 17th of January, 1876, that the extension of the rule was for the purpose of increasing salaries.

The original rule, No. 63, read as follows:

63. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law. (House Journal, Twenty-sixth Congress, page 266.)

On the 13th of March, 1838 (Congressional Globe, volume 6, page 235), this rule was amended by adding the following words:

Unless in continuation of appropriations for such public works or objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

On the 17th January, 1876, in a debate on the construction of this rule, the Speaker directed the construction which had been placed upon it to be read by the Clerk, as follows (CONGRESSIONAL RECORD, volume 13, page 445):

It has been decided that under the rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

The history of the present rule, which if interpreted as the gentleman claims, it seems to me, would surrender to the Senate the regulation of all salaries in an appropriation bill, is well known to this House. As for myself, I voted for the change in the rule by which the distribution of appropriations was made to several committees. I so voted not because as a member of the Committee on Foreign Affairs I desired for that committee the disagreeable duty of preparing this bill.

There is no bill which comes before the House so unpopular as this. There is no bill which gives so pleasurable an opportunity to the demagogue, and there is no bill which can be so easily misrepresented. I desire to say on my own behalf and on behalf of the committee which has undertaken this work that we did so believing it to be our duty so to do.

Mr. STEELE. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEELE. Is the gentleman from New York discussing the point of order or the merits of the bill?

Mr. BELMONT. What I am saying is on the point of order, because I think it is important to the House to establish what is the duty of the Committee on Foreign Affairs under the rule. The intention of the change in the rule by which this committee was charged with this particular duty was that it might report a bill that would be of some practical use to and effect upon the special service to which we are appropriating these amounts.

That we have a duty put upon us to report the estimates of the Department of State I can have no question, provided we do so under the rule. If the rule means that there shall be no regulation of amounts of salaries, it simply means that your committee should come in here with a resolution to reappropriate according to last year's appropriation bill. The Chair will find difficulty, it seems to me, in establishing what is existing law in regard to the diplomatic and consular service, because that service stands upon a different footing from any other under the Government. Before 1846 the appropriations were made in lump sums. It was only in 1856 that a regular reorganization was established by law. Then again, if, as was contended the other day, the rule adopted in the appropriation bill of 1879 is the rule to-day—if that be the law which binds us all the changes which have been made since then on appropriation bills are certainly not in accordance with the law.

The Committee of Foreign Affairs has simply followed the course hitherto taken by the Committee on Appropriations, only it has gone further in the same direction. It can hardly be expected that the gentleman from Missouri, who has served and is serving upon the Committee on Appropriations, should be satisfied with this bill. I doubt if it would be possible for a committee which under the new rule is charged with the preparation of a bill and which in the performance of its duty has incorporated certain changes not of law, but changes in the regulation of amounts of salaries—I do not think that a committee pursuing this course could by any possible means satisfy certain gentlemen on the Committee on Appropriations, from which this bill has been taken.

But as the gentleman from Missouri has referred the Chair to certain authorities for its decision I would also refer the Chair to the decision of the Supreme Court in the case of Mitchell against the United States—an appeal from the Court of Claims, 109 U. S. Reports, page 146, decided November 5, 1883. That decision, it seems to me, establishes the fact that appropriations are made for the current year only. There is only one case brought before the Court of Claims and decided according to another theory which has not been reversed by the Supreme

Court, and that is the case of ex-Minister Langston, which was not appealed, or it would probably have suffered the same fate.

In every case of a claim of a diplomatic or consular officer because of the fact that Congress had not appropriated to the full amount of the appropriation of a previous year—in every such case after the decision of the Court of Claims had been in accordance with the theory of the gentleman from Missouri it has been reversed in the Supreme Court. Every one of these decisions which prove that an appropriation is the law so far as a salary is concerned during the continuance of the fiscal year for which the appropriation is made is a re-enforcement of the present position of the Committee on Foreign Affairs; and therefore a regulation by which the salary of the minister to China is put upon the same footing as the salaries of the ministers to London, Paris, Berlin, and St. Petersburg is in order.

Mr. COX, of North Carolina, withholds his remarks for revision. [See Appendix.]

Mr. BURNES. I beg to be indulged a moment while I assure my esteemed friend from New York [Mr. BELMONT] that I think there is no member of the Appropriations Committee who desires to interfere either with his bill or with his admirable management of his bill; but being in opposition to increase of salaries and increase of expenditures, and at the suggestion of other gentlemen who felt that some one must make these points of order, I have simply attempted to discharge the duty imposed on me. This, sir, is purely a question of law, and to that question I shall for a few moments, and a few moments only, strictly confine myself. I beg to read the third section of the rule alluded to:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The existing law I find in the act of January 27, 1879, which fixes the salary of the ministers to China, Japan, Mexico, Brazil, Austria, and Spain at $12,000 each. At the conclusion of that act I find the following:

That the salaries provided in this act for the offices within named, respectively, shall be in full for the annual salaries thereof from and after the 1st day of July, 1879; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

This would seem to make a law establishing these salaries at $12,000. I will not detain you, sir, eminent in parliamentary law as I know you to be, by referring to the history of the one hundred and twentieth rule, which is now the third paragraph of our twenty-first rule. That history would carry us back to 1820 and to 1838, when the rule was amended. But there is a peculiar provision in connection with it to which I wish to call attention. The one hundred and twentieth rule is as follows:

No appropriation shall be reported in such general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

That was the rule from 1838 to 1876, express authority being given to provide for the exigencies of the public service in the several departments of the Government. Prior to 1876 it had been held that salaries could be increased under the one hundred and twentieth rule, and very properly so held; but in the Forty-fourth Congress the rule was changed. It was changed, however, only in the concluding subdivision of the paragraph, not in the first portion of it. It was changed by striking out this provision expressly authorizing such legislation for the exigencies of the departments, and inserting in lieu of it the following:

Nor shall any provision in any such bill, or amendment thereto, changing existing law, be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

That amendment, made in the Forty-fourth Congress, was followed by the rule which I read in the beginning of my remarks, but neither of them affected the first part of the paragraph. That has remained the same from 1820 down to the present moment; it is only the concluding portion that has been from time to time changed, and at no time has there been any pretense that under the first part of the paragraph a salary could be raised. Under Rule CXX salaries were raised, but it was done under the provision contained in the latter part of the paragraph.

Mr. BELMONT. Will the gentleman allow me to interrupt him?

Mr. BURNES. I would rather not at this moment; but if the gentleman desires, I will yield.

Mr. BELMONT. I understand the gentleman to mean that the test of the regularity, under the rule, of a provision in such a bill as this is whether or not it is in accordance with existing law, and I understand that the law upon which he would found an objection is the law of 1879.

Mr. BURNES. Undoubtedly; I rely upon the law of 1879 as the existing statute.

Mr. BELMONT. I shall not interrupt the gentleman further now, but I shall take occasion to express my dissent from that view, on account of the practice of the House since 1879, and also on account of the purpose of that law, which was to shut off claims which might be made, and which were made, for salaries which had not been provided for in appropriation bills. "In full" payment meant that the officer who received a salary under the law of 1879 should not be entitled to come into court with any further claim for an increase of salary.

But since that provision, quoted by the gentleman from Missouri, in the law of 1879, was passed, the rank and title of ten ministers, consuls-general, and consuls have been changed in appropriation bills. The salaries of eighteen diplomatic and consular officers have been increased a total of $33,000; one new secretary of legation has been created, at a cost of $1,800; twenty-four new consulates have been created, at a cost of $40,500.

On the other hand, salaries of only four diplomatic and consular officers have been reduced, a total of $4,000; and four consuls, provided by the act of 1879, have been abolished, at a total saving of $8,000.

The fact that the House has made so many changes since 1879—I have a detailed list of them here but it would take me too long at this time to enumerate them all—clearly shows, I think, that an increase of salary at this time is not different from what it was a year or two ago. If my friend relies simply upon the law of 1879, it seems to me he will not find as much fault with the committee as his remarks would have led me to believe.

Mr. BURNES. Mr. Chairman, I have indulged my friend from New York [Mr. BELMONT] with great pleasure; but I beg to answer his suggestions by a single observation. I am aware of no principle in law which justifies the conclusion that a statute is repealed by its violation. In the Forty-fourth Congress, the amendment then proposed being under consideration, many of the most eminent members of the House expressed themselves freely, fully, and clearly upon the proposition. I cite to you, sir, the thirteenth volume, page 455, of the CONGRESSIONAL RECORD. You will find there that Mr. Garfield, Mr. RANDALL—I speak historically of gentlemen who are now members of the House—Mr. HOLMAN, Mr. HOAR (the present Senator from Massachusetts), and other gentlemen of equal distinction, considered this proposition which had met the approbation of the eminent gentleman from New York [Mr. COX], who reported the amendment to the House.

Not a single one of those gentlemen failed to commit himself to the proposition that under the first portion of the paragraph under consideration there never had been and never could be a salary raised, but that under the concluding portion salaries had been and could be raised. Mr. HOAR, making it clearer perhaps than any of the rest, used the following decisive language, which was not disputed by any one:

Now if we strike out that sentence—

Meaning the concluding portion of Rule CXX as it existed with the amendment of 1838—

it is not in the power of the House to make any appropriation either originally reported or as an amendment to the contingencies for carrying on the several Departments of the Government, unless it is for an expenditure previously authorized by law.

Mr. Chairman, these eminent authorities are before you for your consideration. The rule has been read. The law, fixed and permanent, is before you. If a salary can be raised now on an appropriation bill there is no law to prohibit us from appropriating as we please, in violation of any statute and in violation of any rule of the House. I submit these remarks deferentially, and regret exceedingly that it has been made a part of my duty to occupy the unpleasant position, which I have not occupied before, of objecting to the legislations of a committee of this House.

The CHAIRMAN. This question has been so frequently before the House, and the ruling on the question has been so well settled that the Chair does not think it necessary to occupy time in stating the reasons for his decision. The point of order is sustained.

Mr. COWLES. I send to the desk an amendment which I desire to offer.

Mr. SPRINGER. In view of the decision just made by the Chair, the bill should be amended by striking out "China," in the twelfth line, and inserting it in the sixteenth line.

Mr. BELMONT. I was about to offer that amendment.

The CHAIRMAN. The Clerk will read the amendment sent to the desk by the gentleman from North Carolina [Mr. COWLES].

The Clerk read as follows:

Insert after the word "assembled," in the second line, and before the word "that," in line 3, these words:

That the fees as under existing law allowed, tax collected, and paid, to all and each of the officers hereinafter named, shall be hereafter collected by each of said officers and by him reported to the Secretary of the Treasury, and paid into the Treasury of the United States; and——

Mr. HOLMAN rose.

The CHAIRMAN. Does the gentleman from Indiana raise a point of order on this?

Mr. HOLMAN. It will come in more properly at any rate in a subsequent portion of the bill. The first paragraph has been passed.

The CHAIRMAN. Unless some point of order be made, the Chair will submit the amendment.

Mr. SPRINGER. I make the point of order that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. O'NEILL, of Missouri. Mr. Chairman, has the first paragraph of the bill been passed?

The CHAIRMAN. It has.

Mr. O'NEILL, of Missouri. I understood an amendment was pending to that paragraph.

Mr. HOLMAN. I object to going back.

Mr. O'NEILL, of Missouri. Why, I am playing your hand. I want to do some retrenchment. [Laughter.]

The CHAIRMAN. The gentleman from New York [Mr. BELMONT], who desired to offer an amendment on behalf of the committee, is recognized.

Mr. BELMONT. I move to amend by striking out "China," in line 12, and inserting it in line 16.

The CHAIRMAN. The first part of the gentleman's motion is unnecessary, as the word "China" has been struck out in line 12, under the ruling of the Chair. The gentleman moves to insert that word in line 16.

Mr. BELMONT. It will be necessary to offer another amendment, because the footing of the paragraph should be reduced.

Mr. O'NEILL, of Missouri. I do not want to lose my right to offer an amendment to the first paragraph.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

Mr. RANDALL. I ask for the reading of that amendment.

The Clerk read as follows:

In line 16, insert the word "China."

Mr. O'NEILL, of Missouri. I desire to move an amendment; in line 12 to strike out "$17,500" and insert in lieu thereof "$12,000."

The CHAIRMAN. If there is no objection the Chair will entertain the amendment.

Mr. CLEMENTS. That part of the bill has been passed, and the amendment is not in order.

The CHAIRMAN. The Chair sustains the point of order.

The question then recurred on Mr. BELMONT'S amendment, and it was agreed to.

Mr. O'NEILL, of Missouri. Does the Chair rule my amendment out of order?

The CHAIRMAN. The Chair so ruled.

Mr. BELMONT. I move that the total amount be corrected to agree with the amendments which have been adopted.

The CHAIRMAN. That will be done.

The Clerk read as follows:

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Chili, Turkey, and Peru, at $10,000 each, $40,000.

Mr. BELMONT rose.

Mr. BURNES. The point of order is reserved on this section.

The CHAIRMAN. The gentleman will state it.

Mr. BURNES. My point of order is that the appropriation here increases the salary of the minister to the Argentine Republic from $7,500 a year to $10,000.

Mr. HOLMAN. And I raise an additional point of order.

Mr. BURNES. It also raises the salary of the minister to Turkey. The salary of that minister is provided for on page 38 of the supplement to the Revised Statutes at $7,500. It is here provided for at $10,000.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BELMONT. It will be necessary to go back to line 17 and change the total.

Mr. RANDALL. The clerks will attend to that.

The CHAIRMAN. That has been already done.

Mr. HOLMAN. The clerks always make the necessary changes rendered necessary by the adoption of amendments or the ruling out of items.

Mr. BELMONT. That is all that is necessary then.

The CHAIRMAN. The Clerk will report the next paragraph.

Mr. BELMONT. I did not understand the amendment of the gentleman in regard to Turkey.

Mr. HOLMAN. The salary of the minister to Turkey was $7,500, but last year for the first time in our history the salary was increased to $10,000.

Mr. BELMONT. My friend is mistaken; the increase was not made last year.

Mr. HOLMAN. It was made in the Forty-eighth Congress.

Mr. BURNES. At the second session.

Mr. HOLMAN. At the last session of the Forty-eighth Congress for the first time this salary was increased to $10,000. It was a mere matter of appropriation, and not of law, fixing the salary at that amount.

Mr. BELMONT. It was not increased by the Committee on Foreign Affairs.

Mr. RANDALL. The Committee on Appropriations appropriated $7,500; but they were overruled, and the salary fixed at $10,000.

Mr. BURNES. The motion was made to increase the salary from $7,500 to $10,000, but no gentleman in the House raised the point of order against it, as it was understood at the time the distinguished gentleman from New York [Mr. COX] was to be appointed to that position.

Mr. BELMONT. It is simply a repetition in this bill of the sum appropriated last year. Of course, as the Chair has ruled in favor of the point of order, the committee will not desire to contest the ruling. I only wish to say that it is a repetition of former appropriations, and is not a new provision in this bill.

Mr. CLEMENTS. I desire to submit this proposition, that while the act of 1879 fixed these salaries, yet it is competent for this committee at this time to provide the sum it deems to be necessary for these ministers; in other words, that it is just as competent for this committee to move an amendment as it was competent for that committee to move an amendment to the existing law.

Mr. HOLMAN. There is no change in the law.

Mr. CLEMENTS. The point I present is this: By the appropriation bill in the Forty-eighth Congress, second session, this salary was raised to $10,000. That was a change as to that salary. In 1879 there was also a change of the law in reference to these salaries. It has been regarded as the practice of the House to change these items from year to year on appropriation bills. Is it not as competent for us to do it at this time as it was to make the changes to which I have referred?

Mr. HOLMAN. The question is so well understood I will not detain the Chair longer. But the gentleman is mistaken in reference to his understanding. The practice has always been that where a change has been made in the salary on an appropriation bill it is only regarded as the law for that year, but not as fixing the salary for the time to come. The act of 1879 fixed this salary at $7,500, and the appropriation here of $10,000 is an increase. The fact that last year $10,000 was appropriated does not change the law, which still fixes the salary at $7,500.

Mr. BRAGG. I would like to inquire of the gentleman from Indiana if the appropriation of $10,000 did not change the law so as to make the salary $10,000, how could the minister draw that pay? Again, did not the Comptroller decide that the minister was entitled to draw that pay; and is not that a declaration of fact that the law was changed in that respect? And can there be any such thing as a change of law for a year?

Mr. HOLMAN. Oh, yes.

Mr. BRAGG. Unless you specify that the other law shall be suspended for the time? If you make a new law, with a different provision in it, how are you going to say that the other law to which it applies is dead for a year and then is revived again?

Mr. BUCHANAN. It ceases to operate when the appropriation expires.

Mr. DUNHAM. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DUNHAM. I make the point of order that the Chair is to rule on the point of order raised. This debate is all out of order.

The CHAIRMAN. The Chair desires to hear the statements of fact as bearing upon the point of order.

Mr. CANNON. May I ask the gentleman from Indiana a question?

Mr. HOLMAN. Certainly.

Mr. CANNON. I wish to ask the gentleman whether he does not think it a little cruel to make the point of order upon Turkey, when there are so many expecting to go there?

Mr. HOLMAN. Happily, there is no person there now to take offense; and whoever is appointed hereafter will know exactly what the salary is when he undertakes the duty.

Mr. BELMONT. I would like to ask the gentleman a question. Can there be a change of appropriation without a change of existing law, according to this theory?

Mr. HOLMAN. Yes, sir. That is to say, the appropriation applies for the current year; and if my friend will take the trouble to examine the case of the United States *vs.* Fisher, embodied in 109 United States Reports, he will find the whole subject carefully and fully presented. That was a case where in the Forty-fourth Congress the salary of the chief-justice of Wyoming Territory was reduced from $3,000, which was the sum fixed by the law, to $2,600; and every successive appropriation bill from that time to 1879 contained the usual provision, that the sum herein appropriated is to be received in full for the salary provided for in the bill.

That provision, however, was omitted from the appropriation bill for 1879. The chief-justice brought his action to recover $400 a year, being the difference between the salary fixed by the permanent law and that fixed in the appropriation bills for the years from 1876 or 1877 to 1879, and the supreme court had occasion to pass upon the subject, in which case the opinion is very instructive and interesting.

It is held there that an appropriation of money by act of Congress in such terms as indicates the purpose of Congress to fix the salary for the current year is final and conclusive; that for the time being—that is, for the fiscal year for which the appropriation is made—for the time being the salary fixed by the permanent law is suspended and that fixed by the appropriation bill is final, and that the party could recover from the Government only the sum named in the successive appropriation bills, that being the sum paid, of course. Hence there could be no recovery beyond that amount.

In that case the decision of the Court of Claims was overruled.

Mr. BRAGG. Let me ask the gentleman what language there is in

the last appropriation bill that indicated to the House, or to the country, that you did not intend to pay anybody but Mr. COX the sum of $10,000?

Mr. HOLMAN. Happily in this appropriation bill, in a provision already passed and not subject to the point of order, the usual language is retained:

That the following sums be, and they are hereby, severally appropriated in full compensation for the diplomatic and consular service, &c.

So that in this instance there is no trouble as to the rule to be applied. The law as laid down by the Supreme Court is the language of the appropriation bill, and is the law for the current year, or for the time being; and is a declaration on the part of Congress, clear and distinct, that the amount is to be received in full compensation and not under the previous law; the effect being to suspend the previous law for the time covered by the bill.

Mr. OATES. Let me ask the gentleman a question. An appropriation bill is a law, and unless there is a limitation in the appropriation bill, would it cease to be a law where it had provided for a certain salary?

Mr. HOLMAN. Why, it is necessarily a limitation upon the salary for one year.

Mr. OATES. I know, for one year; but unless it so declares, that the salary shall be so much only for that year, would it not be a law still, so far as fixing the salary is concerned?

Mr. HOLMAN. No, sir; I think not. It can only operate during the current year, unless there is some legal provision, and under our rule it could not operate beyond the year. It would be subject to the point of order, because it would become permanent law. It is the law only for the current year, simply for the appropriation, and that is all.

The Supreme Court say in this decision, in reference to the effect of the statute reducing the amount of the appropriation for the salary below that fixed by the permanent law:

Not only do the words of the statute make the intention of Congress manifest, but that intention is plainly repugnant to the former statute, which fixes the salary of the Chief-Justice at $3,000. It is impossible that both acts should stand. No ingenuity can reconcile them.

That is to say the act fixing a salary at $2,600 and a statute fixing it permanently at $3,000, the former law is not repealed, but for the time being it is suspended.

Mr. OATES. That was an action where a different and smaller amount was appropriated.

Mr. HOLMAN. Yes, sir. The decision proceeds:

The later act must therefore prevail, and the earlier act must for the time covered by the appropriation acts above referred to be considered as suspended.

I am apprehensive the Chair did not in the confusion hear that vigorous language of the Supreme Court. I will repeat it:

The later act must therefore prevail, and the earlier act must for the time covered by the appropriation acts above referred to be considered as suspended.

The CHAIRMAN. The Chair will observe the former rulings by sustaining the point of order and holding the original act creating the salaries as not having been repealed by annual provisions in appropriation bills.

Mr. BELMONT. I move that the committee rise.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

COURT-ROOMS AT JACKSON, MISS.

Mr. BARKSDALE. I ask unanimous consent for the consideration of a matter which will not take five minutes. It involves no appropriation, and is purely a local matter. My request is that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss., and that the same be put upon its passage.

The joint resolution was read, as follows:

Resolved, &c., That the Department of Justice be, and is hereby, authorized and directed to transfer and relinquish to the city of Jackson, State of Mississippi, all the right, title, and claim of the United States to the rooms in what is described as the town-hall building in said city, which have been used for the United States courts and the officials thereof, under a deed executed on the 15th day of February, A. D. 1855, it having been a condition of the deed that the rooms were to be used exclusively for the purposes above specified, and the same having been entirely abandoned by the said courts and the officials thereof, a new building having been erected by the Government for the convenience and occupancy of said United States courts, and the Attorney-General having decided that the aforementioned rooms in the town hall could not be used by the Government, under said deed, for any other purposes than those specified in the grant.

Mr. BRAGG. I should like to know whether the facts set forth in the bill are sustained by proofs.

Mr. BARKSDALE. I will state that this resolution passed the Senate, after consideration, by a unanimous vote, having been unanimously reported by the committee of that body, and that it was unanimously reported by the committee of the House after a due consideration of all the facts upon the report of the Attorney-General; and I personally know that all the facts stated are correct.

Mr. HOLMAN. I hope there will be some further explanation.

Mr. BARKSDALE. The bill explains itself; but the report is very short, and I ask that it be read. I am sure it will satisfy the gentleman from Indiana.

Mr. HOLMAN. Let the report be read.

The report (by Mr. WADE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the joint resolution (H. Res. 97) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by United States courts in the city of Jackson, Miss., to the said city, beg leave respectfully to report that they have duly considered the same, and recommend its passage.

On the 15th of February, 1856, the city of Jackson transferred to the United States Government certain apartments in what is known as the city hall building, for the sum of $20,000. The deed set forth that the Government was to use the rooms "exclusively" for the United States courts and the business appertaining thereto. They were used for that purpose until 1885, a period of twenty-nine years, and were then abandoned by the Government for the occupancy of a new court-house which had been erected under an act of Congress.

In a letter of October 24, 1885, to the Secretary of the Treasury, the Attorney-General states that the limitation prescribed in the deed deprives the Government of the right to use the rooms for any other purpose except the one expressly specified in the deed. In his annual report of December, 1885, the Attorney-General reiterates this opinion, and recommends that the Government make some disposition of its interest in the property. In an official letter of December 28, 1885, the Attorney-General states that the Government, by its long use of the rooms, had been reimbursed for the original outlay. They have been entirely vacant for more than twelve months. The new building affords accommodation not only for the courts, but for all the business of the Government in the city of Jackson.

In consideration of the condition of the sale expressed in the deed, and the abandonment of the apartments by the United States, the city has petitioned for the transfer of the rooms to its possession, as provided in the resolution above mentioned.

For these reasons your committee recommend the passage of the resolution.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Mississippi that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this joint resolution and that it be considered by the House?

Mr. STEELE. This property ought to be sold back to the city.

There being no objection, the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MACKEREL CAUGHT IN SPAWNING SEASON.

Mr. BRECKINRIDGE, of Arkansas. I am instructed by the Committee on Ways and Means to report back the bill (*H. R. 5538*) relating to the importing and landing of mackerel caught during the spawning season, with amendments by the Senate. The committee recommend that the Senate amendments be non-concurred in and a conference asked. I make that motion.

The motion was agreed to.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. BRECKINRIDGE, of Arkansas, Mr. MAYBURY, and Mr. REED.

ISLAND IN FOX RIVER, ILL.

Mr. HOPKINS. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane, and State of Illinois, a small island in Fox River, located within the limits of said city, and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the right, title, and ownership of the city of Aurora, in Kane County, State of Illinois, to the land hereinafter described are hereby confirmed, and all the right, title, and interest of the United States to said land are hereby granted and relinquished to said city of Aurora. Said land hereby granted is described as follows: Island in Fox River, lying and being in the northwest fractional quarter of section numbered 15, in township 38 north, of range 8 east of the third principal meridian, bounded and described as follows, to wit: Beginning at a stone set in the ground at the northwest corner of the northeast fractional quarter of said section 15; thence west, on the north line of said section, 5 chains and 80 links, to a point on the east bank of Fox River; thence south 15 degrees and 15 minutes west, 3 chains and 20 links across the east branch of Fox River to a point on the north end of island and place of beginning; thence south 24 degrees and 15 minutes east, 4 chains and 88 links; thence south 18 degrees and 30 minutes east, 5 chains and 45 links; thence south 12 degrees and 30 minutes east, 1 chain and 44 links; thence south 1 degree and 30 minutes east, 2 chains and 51 links; thence south 15 degrees and 30 minutes west, 92 links; thence north 36 degrees and 45 minutes west, 3 chains and 48 links; thence north 67 degrees and 45 minutes west 1 chain and 32 links; thence north 32 degrees and 30 minutes west, 3 chains and 68 links; thence north 20 degrees and 45 minutes west, 5 chains and 50 links; thence north 12 degrees and 15 minutes east, 2 chains and 40 links; thence north 64 degrees and 30 minutes east, 1 chain and 36 links; thence south 87 degrees and 30 minutes east, 1 chain and 53 links to place of beginning, containing, in all of above description, 5 $\frac{7}{100}$ acres of land; variation 5 degrees east.

SEC. 2. That upon the approval of this act the Commissioner of the General Land Office shall issue a patent for said land to said city of Aurora, and said patent shall inure to said city of Aurora and its successor forever.

Mr. McMILLIN. Let us hear some explanation with reference to this matter.

Mr. HOPKINS. This is an island in the Fox River, within the limits of the city, and containing only five acres of land. It is low, and a part of the year is covered by water. The city in establishing its waterworks erected them on the side of the river, and has two reservoirs on this island and has used the island for that purpose. A year or more ago an enterprising party undertook to get the title of that island away from the city. The Land Department refused to interfere with the city's rights. But because of the importance of the island on account of these reservoirs the citizens of Aurora desired this bill to be passed in order to settle the title.

Mr. McMILLIN. How did the city acquire the title?

Mr. HOPKINS. The city owns the land on the bank of the river, and in consequence claims title to the island. It is not worth a dollar any how.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. HOPKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HERBERT. I give notice that immediately after the House shall have disposed of the consular and diplomatic appropriation bill I shall ask it to consider the naval appropriation bill.

Mr. RANDALL. Is not the legislative bill ahead of that?

Mr. McADOO. I move that the House do now adjourn.

The motion was agreed to; there being—ayes 34, noes 25.

And accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Petition of Daniel Peele, Tishomingo County, and of Mary E. Jones and Rowland D. Sutton, of Alcorn County, Mississippi, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. J. A. ANDERSON: Concurrent resolution by the Legislature of Kansas, favoring Senate bill 544—to the Committee on Indian Affairs.

Also, concurrent resolution of the same, favoring enlargement of conditions of the pension laws—to the Committee on Invalid Pensions.

Also, concurrent resolution of same, for amendment of internal-revenue law—to the Committee on Ways and Means.

By Mr. BOUND: Petition of the American Forestry Congress, in favor of the establishment of a department of forestry, &c.—to the Committee on the Public Lands.

By Mr. COLLINS: Petition of Lizzie E. Robertson, for a pension—to the Committee on Invalid Pensions.

Also, memorial of the National Board of Trade, in favor of a national bankruptcy act—to the Committee on the Judiciary.

By Mr. COWLES: Petition for the repeal of tobacco tax from the Cincinnati Tobacco Association—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Petition of Orin R. McDaniel, to be placed on the muster-roll and be granted a discharge—to the Committee on Military Affairs.

Also, memorial of Rodman M. Price, late purser, for reimbursement of $75,000 paid for the use of the United States—to the Committee on Claims.

By Mr. GAY: Petition of the Lafourche (La.) Industrial Association, for an appropriation to improve Bayou Lafourche—to the Committee on Rivers and Harbors.

By Mr. HALL: Petition of Anna M. Gibson and Mary Simkin, of Salem, Iowa, asking for the passage of the bill (S. 2362) for promotion of peace among nations—to the Committee on Foreign Affairs.

By Mr. J. S. HENDERSON: Memorial of the American Forestry Congress, relative to timber lands, &c.—to the Committee on the Public Lands.

By Mr. J. T. JOHNSTON: Petition of W. M. McGregor and others, of Clay County, Indiana, asking for legislation for certain land claims in New York—to the Committee on Private Land Claims.

By Mr. McKINLEY: Resolution of the General Assembly of Ohio, favoring the bill (S. 3073) granting arrears of pensions in certain cases—to the Committee on Invalid Pensions.

Also, resolutions of the Amateur Sporting Club, of Wellsville, Ohio, in favor of the passage of Senate bill 2436—to the Committee on the Public Lands.

By Mr. MARKHAM: Joint resolution of the Assembly of California, relating to construction of a breakwater at Port Harford, in the Bay of San Luis Obispo, California—to the Committee on Rivers and Harbors.

Also, memorial of the American Forestry Congress, relative to timber lands, &c.—to the Committee on the Public Lands.

By Mr. MORGAN (by request): Petition of Michael F. Woods, of Marshall County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NELSON: Petition of Peter B. Otson and others of Norman County, Minnesota, for relief—to the Committee on the Public Lands.

By Mr. O'DONNELL: Memorial of the American Forestry Congress, relative to timber lands, &c.—to the same committee.

By Mr. O'FERRALL: Petition of T. O. Windham, of Berryville, Clark County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PARKER: Resolutions of the Legislature of New York, in favor of sea-coast defenses and a navy—to the Committee on Appropriations.

Also, petition of the James Stevens Club of New York city, remonstrating against the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. PERKINS: House concurrent resolution No. 13 of the Legislature of Kansas, asking for legislation granting to the Saint Louis, Baxter Springs and Mexican Railroad Company the right of way through Indian Territory—to the Committee on Indian Affairs.

Also, House concurrent resolution No. 18 of the Legislature of Kansas, asking a change in the revenue laws so that no person can obtain a permit to sell intoxicating liquors until he has been first authorized to deal in malt and spirituous liquors by the State in which he desires to conduct or carry on his business—to the Committee on Ways and Means.

Also, resolutions of Coffeyville Post, No. 153, Grand Army of the Republic, of Kansas, asking for the passage of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. PINDAR: Concurrent resolution of the New York Legislature, for coast defenses—to the Committee on Appropriations.

By Mr. SENEY: Joint resolution of the General Assembly of Ohio, favoring the passage of the bill (S. 3073) to grant arrears of pensions in certain cases—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Memorial of the American Forestry Congress relative to timber lands, &c.—to the Committee on the Public Lands.

By Mr. J. M. TAYLOR: Petition of Martha Sanders, widow of William R. Sanders, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. VAN SCHAICK: Petition of workmen of Bay View, Milwaukee County, Wisconsin, for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. WILLIAM WARNER: Petition of Charles N. Wood, of Missouri, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Petition of citizens of Supension Bridge, N. Y., for a public building—to the Committee on Public Buildings and Grounds.

By Mr. WHEELER: Petition of William Gullatt, of Jackson County, and of James H. Livingston, of Lawrence County, Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BAYNE: Of 82 citizens of Tarentum, Pa.

By Mr. GALLINGER: Of Dr. M. H. Merriam and 45 other citizens of Marlborough, N. H.

By Mr. LITTLE: Of A. McElwain and 201 other citizens of Xenia, Ohio.

By Mr. LYMAN: Of 76 citizens of Exira, Iowa.

By Mr. MARKHAM: Of 97 citizens of Santa Barbara, and of 56 citizens of Los Angeles, Cal.

By Mr. O'FERRALL: Of 28 citizens of Winchester, Va.

By Mr. WAIT: Of 33 citizens of Wauregan, Conn.

By Mr. WARD: Of 184 citizens of Anderson and Pendleton, Ind.

SENATE.

MONDAY, *February* 14, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ALBERT H. EMERY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 929) for the relief of Albert H. Emery, which was in line 11, after the words "sum of," to strike out "$200,000" and insert "$63,161.62, which shall be in full of all claims against the Government on the part of said Emery for this invention;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Emery, of Stamford, Conn., in full

settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him, and use of all patterns and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise, in any way, on account of said machine, the sum of $63,161.62, which shall be in full of all claims against the Government on the part of said Emery for this invention, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor. Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

Mr. HOAR. I move that the Senate non-concur in the amendment of the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HOAR, Mr. HAWLEY, and Mr. BUTLER were appointed.

ALLEGED OUTRAGES IN TEXAS.

Mr. COKE. I hold in my hand a memorial to the two Houses of Congress, signed by a large number of citizens of Washington County, Texas, praying that the investigation of the charges made in the memorial recently presented by one Hackworth and others against the civil authorities and the people of that county be carried on at Brenham, in Washington County, that being the place where all the papers, records, books, and witnesses can be found, and where a more thorough investigation can be had than elsewhere.

This memorial meets *seriatim* the charges preferred in the Hackworth memorial. The Hackworth memorial was read at length and spread upon the CONGRESSIONAL RECORD, and I ask that this memorial, with its exhibits, may also be printed in the CONGRESSIONAL RECORD, so that it may go to the country with the other. It is a lengthy paper, and I do not ask that it be read; but I do ask that it be printed in the CONGRESSIONAL RECORD, and be referred to the Committee on Privileges and Elections, to be considered in the investigation now being made under the Hackworth memorial.

The PRESIDENT *pro tempore*. The Senator from Texas presents a memorial, and asks that it be printed in the RECORD.

Mr. TELLER. I did not hear what the Senator said. Is it a resolution of the State Legislature?

Mr. COKE. It is a memorial by the citizens of Washington County, Texas, in answer to the memorial preferred here by one Hackworth and two others, some ten or twelve days ago, which is now being investigated by the Committee on Privileges and Elections. This memorial asks that the investigation be had in Washington County, Texas, as a point where the investigation can be more thorough and complete.

I do not ask that the memorial be read with its exhibits, because it is lengthy; but I do ask that it be printed in the CONGRESSIONAL RECORD, and referred to the Committee on Privileges and Elections.

Mr. INGALLS. Was the original memorial printed in the RECORD?

Mr. COKE. Yes, sir; it was printed at length.

Mr. TELLER. I do not object to the request of the Senator from Texas.

Mr. CULLOM. Is it proposed to print the memorial and all the other papers connected with it? It looks to be a very lengthy document.

The PRESIDENT *pro tempore*. If there be no objection, the request of the Senator from Texas will be granted.

Mr. INGALLS. I want to know before it goes in whether it contains evidence and affidavits. Anything in the nature of a memorial of course should be printed; but if it is accompanied by a vast amount of *ex parte* evidence I object to it.

Mr. ALLISON. Let it be read.

Mr. INGALLS. Let it be read, if necessary. I shall object to the printing of a great mass of *ex parte* testimony bearing upon the subject.

The PRESIDENT *pro tempore*. The Chair did not understand the order to include the exhibits.

Mr. INGALLS. If it is only to print the memorial, I have no objection.

Mr. COKE. It contains a number of affidavits and exhibits attached.

Mr. INGALLS. I object to its being printed without being first examined.

The PRESIDENT *pro tempore*. The Chair did not understand the request of the Senator from Texas as going beyond the printing of the memorial.

Mr. COKE. I shall not ask to have the exhibits printed.

Mr. INGALLS. Very well.

Mr. COKE. I simply ask to have the memorial printed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. TELLER. There is a great list of names here, and it seems to me it is hardly worth while to publish them.

The PRESIDENT *pro tempore*. The names of petitioners are not published in the RECORD under the rule.

Mr. COKE. They are not published under the rule.

The PRESIDENT *pro tempore*. The memorial and accompanying papers *will be referred* to the Committee on Privileges and Elections, and the memorial without the accompanying exhibits will be printed in the RECORD.

The memorial is as follows:

To the Senate and House of Representatives of the United States of America:

At a meeting of citizens of Washington County, Texas, held in the city of Brenham on the 8th day of February, 1887, which meeting was composed of both Republicans and Democrats, the following memorial to your honorable bodies touching the petition of S. A. Hackworth, J. L. Moore, and Carl Schutze, which has lately been referred to the Senate Committee on Privileges and Elections for investigation, was unanimously adopted.

Inasmuch as the Senate has assumed jurisdiction to inquire into the administration of the local affairs of Washington County, Texas, we respectfully request that the committee having charge of said matter be sent to this county, where a full investigation can be had by an examination of all the witnesses, and an inspection of the county records.

The civil authorities of Washington County and its citizens generally are charged with the commission of grave offenses against the penal laws, including murder, election frauds, and other crimes.

Confident that a fair investigation will result in a triumphant vindication of the good name of this county and its civil authorities, and feeling assured that your honorable bodies will not be made the instruments of fastening upon innocent parties the foul aspersions brought against them by disappointed and desperate political adventurers, without a fair opportunity to be heard in their just defense, we submit the following counter-memorial, which we pray may be considered in connection with that of said Hackworth, Moore, and Schutze.

Upon analysis the petition of said parties will be found to consist, for the most part, of vague general charges against parties neither named nor identified, and without specification of times, places, or circumstances, such as to fairly entitle it to consideration at the hands of an intelligent body, or to require the parties supposed to be assailed to answer; but your memorialists earnestly hope and believe that more will not be required of them than to declare, as they do, that such general charges are wholly destitute of truth.

It is not true that there was any conspiracy to hang the negroes, usurp the offices, or to banish citizens from the county.

The remainder of the petition is devoted to: First, alleged personal grievances of the petitioners themselves; second, to alleged offenses against other persons on account of their political sentiments and affiliations; third, to alleged offenses in connection with the election of November 2, 1886; and fourth, to the alleged refusal of the local civil authorities to protect the lives and property of petitioners and others, and their alleged complicity in the crimes and offenses of their party associates. The purpose of this memorial will be to meet these issues.

The matters of personal grievances complained of by said petitioners are, many of them, untrue, and others are grossly exaggerated, and so far as they have any foundation in fact are the direct and legitimate result of the odium in which the parties are held, not because of their political sentiments, but because of their own personal misconduct as individuals.

It is not true that the petitioners are now refugees from their homes on account of political persecutions, as alleged by them.

There has been, for a long time, a strong feeling on the part of the good and law-abiding citizens of Washington County against the petitioners on account of their corrupt political methods, their dishonest administration of the affairs of the county, and their incendiary appeals to race prejudice in order to array the colored voters against the white.

For many years the tax-payers of this county have been plundered by these men and others who have been elected to office by the vote of ignorant colored men.

The petitioner, S. A. Hackworth, was for several years a justice of the peace in said county, and presiding member of the police court, which had the management of the county affairs. This court made improvident and extortionate contracts for the erection of bridges and other works with one M. M. Hackworth, who was the father of said S. A. Hackworth, and perpetrated many other wrongs upon the tax-payers in the illegal and extravagant use and conversion of funds belonging to the county. Reference is made to the report of the grand jury at the February term, 1874, of the district court of Washington County, which is hereto attached and made a part of this memorial (A) to show that the father of Hackworth profited from his son's official position. Indictments were frequently returned against Hackworth, both in the State and Federal courts, but he has always escaped conviction. Certified copies of the records from the courts are attached, which show that these indictments were generally quashed, or dismissed (B).

R. A. Harvin and C. C. Leib, who were both elected, the one as tax-collector and the other as treasurer, on the Republican ticket by the efforts of the petitioners, made default in large sums of money. Both were indicted; the indictments against Harvin were quashed, but Leib was convicted after a change of venue, and is now serving a five years' term in the penitentiary.

Hackworth by vexations and petty prosecutions, extortion in fees, in taking money to suppress prosecutions, and in many other ways while justice of the peace; Schutze by corrupt administration of his office, and oppressive use thereof in prosecutions of petty offenses to extort fees; and Moore by his arbitrary manner and bitter canvasses rendered themselves odious and obnoxious personally to many people.

The good people of Washington County, growing tired of the continuous mismanagement of public affairs, united irrespective of parties, and at the election of 1884 the Republicans were defeated for the county offices by the combined vote of Republicans and Democrats voting a people's ticket. Many colored men voted the people's ticket. Hackworth, Moore, and Schutze conducted a most bitter and outrageous canvass for the county offices in 1886; while Schutze alone was a candidate, Moore and Hackworth, as it is charged, were promised positions as deputies. Schutze made vile and infamous attacks on good citizens through his newspaper, and Hackworth, Moore and other leaders sought to array the negroes against the whites by appealing to caste prejudice and denouncing the white men supporting the people's ticket for denying them social equality. Appeals were made with the bitterness of despair.

Moore had more than ten years previously failed in business as a merchant, at which time he was a Democrat; he entered the Republican party for office, was employed as deputy county clerk, was elected district clerk in 1876, and was sheriff in 1882 and 1883. In 1884 he was defeated, and when the fall of 1886 came on he was without employment, destitute of means, and badly in debt. He had made an improvident purchase of a homestead and was utterly unable to pay a balance of purchase-money thereon.

It is not true, as alleged by him, that he "owned real and personal property in said city of Brenham to the value of $6,000; was comfortably situated, and earning a comfortable living for his family."

He sold his homestead for its full value and removed to Los Angeles, Cal.

Hackworth has been a political agitator and leader of the negroes ever since about 1869; not for their elevation and good, but for his own private ends.

He has always sought to array them against the whites, and held office until he became so offensive personally that he was defeated and his own party dared not put him up again; he has since been an office broker rather than a dealer in real estate. He is now and always has been insolvent. It is not true that he "owned real and personal property in said city of Brenham to the value of $4,000; was comfortably situated, the income from his business securing an assured support for himself and family." The affidavit of the widow of his brother, John M. Hackworth (C), who was postmaster at Brenham, which is attached hereto,

will show that he not only lived upon his brother but seeks to defraud his brother's widow.

Schutze, it is believed, came to Brenham about 1871, as alleged by him. We are informed that he was the keeper of a restaurant in the city of Austin before he came to Brenham. He was there arrested under the charge of swindling, and after several weeks of imprisonment was released after being made to disgorge.

He was elected county attorney of Washington County on the Republican ticket, and was a candidate for re-election, but had become so offensive that he was defeated by his Democratic opponent in 1880.

He became so obnoxious to the colored citizens of the county for his corrupt and oppressive use of his office that his Democratic opponent defeated him in precincts where a large majority of the voters were colored. He is insolvent and worthless. His newspaper, the Staats Zietung, had a precarious existence and was mortgaged for all that it was worth. His habits are low and dissolute. He is a moral leper. It may be true that he left Brenham as alleged by him; but it is denied that he was compelled to leave, and that there was any attack upon him as he was leaving. He was in Brenham long after the election, and on several occasions used insulting language against good citizens who had opposed him during the campaign. He was in Brenham on the day that his petition to Congress was published here.

Certificates of the tax collector of Washington County, attached hereto, show how these parties appeared upon the tax rolls. (D, E, F.)

It will thus be seen that these men were personally odious and offensive, and if they received the indignities which they allege they received, which is denied, it was due to their personal characters, and not to the fact that they were Republicans.

II.

It is not true, as stated or implied in said petition, that the hanging of the parties named therein was done on account of the political affiliation of said parties or "to prevent Republicans from securing their political rights and privileges in said county."

At Flewellen's Store, an election precinct in the Washington justices' precinct, on the night of the election, as the count of the vote was progressing, M. D. Bolton, a white man, about twenty-eight years of age, married, son of the People's candidate for county commissioner in that precinct, was shot down and killed by a colored man named Polk Hill, as he was entering the door of the room. A certified copy of the evidence taken at the coroner's inquest, which is attached hereto (G), will show that Bolton was not disguised, as charged, and while one witness says he had a pistol in his hand, others stated that he was unarmed and came in a quiet manner. No one accompanied Bolton; he lived near by. Every one fled from the scene of murder except one person, who, after Bolton expired (which was almost immediately), went for assistance. At the inquest the next day the ballots were noticed lying scattered on the floor.

The negroes Alfred Jones, Shad Felder, and Stewart Jones, and five others, who were present with arms, were arrested and brought to Brenham and put in jail. Polk Hill, who did the shooting, escaped, but was afterward arrested. There was very great excitement throughout the county over the killing of Bolton, and especially in the Washington precinct, where he lived. It was ascertained that Alfred Jones and Shad Felder had, upon the advice of two white Republicans, gone through the neighborhood on the day of the election and raised an armed squad of negroes to guard the ballot-box, and that Stewart Jones was about to shoot at the other white men present, who were officers of the election, but was prevented.

The commissioner's court of Washington County fearing, on account of the excited condition of affairs arising from the killing of Bolton, that violence would be done to the negroes under arrest, ordered them to be taken to Houston, in Harris County, for safe-keeping, which was done. When Polk Hill was arrested he was taken for safe-keeping to Milam County, where he is now in jail.

After the arrest of the said Polk Hill and his incarceration in the Milam County jail, it was thought by the authorities that it would be safe to bring those in the said Harris County jail back. But soon after they were brought back Alfred Jones, Shad Felder, and Stewart Jones were taken from jail by a mob and hung. It is learned that the jailor, J. F. Estis, was induced to open the outer door, by a ruse (see his affidavit attached hereto, H). He was shoved behind the door, something thrown over his head, and guarded by two men. He recognized no one, but they were disguised, as mobs usually are.

That the prisoners were voluntarily surrendered is false. There is no ku-klux or other secret organization for the perpetration of political or other outrages in Washington County, or in the State of Texas, so far as we know or believe.

Bolton was alone, unarmed, and not disguised at the time he was killed. The killing was an atrocious murder, committed by an ignorant and brutal negro, who if not instigated was made the instrument by white men who were supporting the Republican ticket and were professed Republicans.

That a mob should have hung all the negroes who were present at the polls armed under the circumstances could not have been a great matter of surprise in any State in the Union. That the three negroes were hung to suppress their testimony, as charged, is not true; for the testimony taken at the inquest over Bolton shows that the only witness who testified that Bolton was armed was spared by the mob, although a prisoner in the jail at the time the others were taken out. All of these negroes had been offered bail by the civil authorities. They were told that their cases were bailable, and asked to procure it; but it is said that on the advice of their counsel they refused it.

III.

It is not true as stated in said petition that at the election held November 2, 1886, in Washington County, "a perfect reign of terror existed in said county, caused by armed bands of white ruffians who, by violence and by the destruction of ballot-boxes at Graball, Flewellen's, and Lott's Stores, election precincts, prevented the free and fair expression of suffrage by the citizens of said county, whereby men in whose interest these crimes were committed were declared elected who were not in fact elected, and by the most shameless and unblushing frauds the election was made a farce."

The election held in this county on November 2, 1886, was peaceable and quiet. There were two tickets in the field for county offices, the Republican and the People's ticket, the latter being composed of, and supported by, both Republicans and Democrats. It was an issue of good citizens of both parties on the one hand, who wanted an honest administration of county affairs, and political adventurers on the other, who were making strenuous efforts to recover the control of the county which they had lost two years before.

Interest in the race centered on the office of county judge, the most important office in the county. Lafayette Kirk was the People's candidate, and Carl Schutze, one of the petitioners, was the Republican candidate. Schutze was unpopular with the negroes, but great efforts were made on the part of Moore and Hackworth and other leaders to draw the color line for the negro support, and to attract as great a German vote for Schutze as possible on account of his nationality.

It is denied, however, that the return of the votes cast at all of these precincts would have changed the result as to a single office. Indeed such was the vote at Graball that it may be fairly presumed that the seizure of the box there was done in the interest of Schutze. He was defeated at that box by his Democratic opponent, A. G. Haynes, for county attorney in 1880. Judge Kirk, who was elected county judge in 1884, received 130 votes out of 345 votes cast then. And it appears from the poll-lists and tally-sheets of the election of 1886 that out of a total vote of 341 polled at this precinct 221 had been counted for county judge when the ballot-box was taken, of which Kirk had received 116 and Schutze had received 105.

Ross, the Democratic candidate for governor, had received 40 votes and Cochran, the Republican candidate for the same office, had received 184 votes. About 70 straight Democratic votes for governor were usually polled at this precinct, so the proportion was fair and indicated a majority for Kirk in this box of nearly 20 votes. It is hardly probable that the friends of Kirk, the People's candidate for county judge, would have sought to destroy the ballot-box when he had received a majority of the votes cast thereat, and at a precinct where Schutze was most unpopular among the colored voters.

IV.

It is denied that petitioners made application to the local civil authorities to protect their lives and property or the lives and property of others; and that there was any complicity whatever on the part of the local authorities in the alleged crimes and offenses of their party associates.

There will be found attached hereto the certificate of Hon. I. B. McFarland, (I) judge of the twenty-first judicial district, composed of the counties of Washington, Lee, and Burleson, and whose residence is at Brenham, that no application was made to him by either of the petitioners for protection. Judge McFarland is a Republican. There are also attached similar certificates from J. C. Muse, esq., district attorney, Lafayette Kirk, county judge, B. S. Rogers, county attorney, and N. E. Dever, sheriff. (J, K, L, and M.)

It is learned that a militia company was ordered from the town of Navasota, in Grimes County, to the Washington precinct on the occasion of an alarm a few days after the election, on application to the governor of this State, by a telegram sent in good faith by Mr. J. H. Roberts, a conservative and prudent citizen of that precinct. No such acts as are charged were committed by said State troops.

The election precincts—Graball, Lott's Store, and Flewellen's Store—are from 15 to 20 miles from the county seat at Brenham, and are situated in Washington justice precinct, the old town of Washington, on the Brazos River, giving name to the precinct. Navasota is across the river, in Grimes County, some 6 or 8 miles, and is on the Central Railroad. It is a river country, and has a large negro population; the negroes largely outnumber the whites. During the excitement following the killing of Bolton many rumors were current in the community, and although we believe there was no danger to be apprehended from the negroes, yet we also believe there was a genuine alarm, which caused an appeal from citizens in that community for aid. This was the cause of the militia company being ordered from Navasota, as we believe.

It is further denied that the citizens of the county in any manner terrorized the county, either alone or with said militia company.

A public meeting of the citizens of Washington County was held just after the killing of Bolton, and both by speakers and resolutions denounced and advised against mob violence.

It is not true that the petitioners have been compelled to leave their homes under serious threats of assassination and abandon their property or accept for it such prices as were proffered them.

The petitioner J. L. Moore was compelled to sell on account of the vender's lien on his homestead. He told Mr. A. F. Felder, the gentleman to whom he sold, that he had received no warning to leave, and that he left of his own accord. (See affidavit of A. F. Felder, attached, N.)

A day or two after the hanging of the negroes the petitioners Hackworth and Schutze approached a Democrat, Lewis R. Bryan, who was not, is not, and has never been, a member of the Democratic executive committee, and proposed to leave the county if any one would buy them out. Hackworth wanted for his homestead, the only property he had, $1,000 in cash, the purchaser to pay all taxes, amounting to about $150. The land had been sold for the taxes due thereon, as per statement hereto attached. Schutze desired that his purchaser should pay off the indebtedness on the paper and pay him about $300. A purchaser was found by Mr. Bryan for Hackworth's homestead, but no one could be found to buy out Schutze.

No member or members of the Democratic executive committee escorted Hackworth to the depot to prevent his being mobbed or murdered. No armed bands of ruffians collected in the city for the purpose of murdering him in case he should refuse to obey the demands of the Democratic executive committee, requiring him to leave the county. No such demand was ever made by the Democratic executive committee.

We deprecate and condemn lawlessness in whatever form it may appear; we offer no justification for it; but we deny that the petitioners were compelled to leave this county by any person whomsoever, although it would be unjust to hold a party or any great body of citizens responsible for the acts of a few individuals. How utterly unreliable the testimony of such men must be. That law-abiding citizens, of whatever race, color, or politics, are as safe in this county as anywhere in the United States is a fact that no fair-minded man will question upon a full and fair investigation.

Our citizens feel the gravity of the charge against them, not because of the authors, but because of the dignity that has been lent to them by the United States Senate.

We do not believe that a full investigation of the charges can be had in Washington city, and we earnestly ask (in our right as citizens of the United States) that your committee visit our county, where persons and papers can be easily had the importance of which may only occur pending examination of witnesses.

Respectfully submitted.

BRENHAM, *February* 8, 1887.

SIR: Your committee on memorial respectfully beg to submit herewith a draught of such memorial.

WILLIAM THOMPSON, ESQ.,
Chairman Citizens' Meeting.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Southeastern Indiana Conference of the Methodist Episcopal Church, composed of 116 ministers and representing 30,000 church members, praying for legislation to prevent the persecution of the Chinese, and especially that the Chinese indemnity bill be passed; which was ordered to lie on the table.

Mr. HOAR presented a resolution adopted by the Legislature of the State of Massachusetts; which was read and referred to the Committee on Agriculture and Forestry, as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year 1887.

Resolution concerning the eradication of pleuro-pneumonia among cattle in the United States.

Resolved, That the Senators and Representatives of Massachusetts in the United States Congress are requested to use their best endeavors to secure the enact

ment of a law during the present session for the eradication of pleuro-pneumonia among cattle in the United States.

HOUSE OF REPRESENTATIVES,
February 4, 1887.

Adopted. Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

SENATE, *February 9*, 1887.

Adopted in concurrence.

E. HERBERT CLAPP, *Clerk.*

A true copy. Attest:

EDWARD A. McLAUGHLIN,
Clerk House of Representatives.

Mr. CULLOM presented a resolution adopted by the house of representatives of the Thirty-fifth General Assembly of Illinois; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

House resolution in relation to pensions for soldiers sixty years of age.

Resolved, That all honorably discharged soldiers, who have arrived at the age of sixty years, and who are dependent on manual labor for a livelihood, should be placed on the pension-list of the United States; and that a copy of this resolution be sent to each United States Senator and member of Congress from this State.

Adopted February 4, 1887.

UNITED STATES OF AMERICA, *State of Illinois, ss:*

OFFICE OF SECRETARY.

I, Henry D. Dement, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of a resolution adopted by the house of representatives of the Thirty-fifth General Assembly, now on file in this office.

In witness whereof, I hereto set my hand and affix the great seal of State, at the city of Springfield, this 10th day of February, A. D. 1887.

[SEAL.] HENRY D. DEMENT, *Secretary of State.*

Mr. DAWES presented a resolution adopted by the Legislature of Massachusetts setting forth the pressing need of legislation to eradicate pleuro-pneumonia among the cattle of the United States, and favoring the enactment of laws for that purpose; which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Massachusetts Fish and Game Protective Association, of Boston, favoring legislation for the preservation of game and fish in the Yellowstone Park; which was referred to the Committee on Fish and Fisheries.

Mr. PLUMB presented a petition of the Board of Trade of Socorro, N. Mex., favoring legislation concerning a certain unconfirmed land grant in New Mexico; which was referred to the Committee on Private Land Claims.

Mr. HAMPTON presented a petition of the Grand Lodge of the Independent Order of Good Templars of South Carolina, praying that the question of the manufacture and sale of intoxicating liquors in the District of Columbia may be submitted to a vote of the people of the District; which was referred to the Committee on the District of Columbia.

Mr. TELLER presented a memorial of the Legislature of Colorado; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

House joint memorial No. 1.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled, and to the President of the United States and honorable Secretary of the Interior and Commissioner of Indian Affairs:

Your memorialist, the General Assembly of the State of Colorado, would respectfully represent:

That the remnant of the Southern Ute Indian tribe should, in the interest of humanity, receive early consideration at your hands and be removed to a suitable reservation beyond the boundaries of this State.

Your memorialist sets forth that these Indians continue in their predatory habits, that they continue to commit depredations upon the property and person of adiacent white settlers, insisting from time to time in placing themselves beyond control of their agent by leaving their reservation at will and devoting themselves to murder, intimidation, and theft; the destruction of dwellings, of timber, and grasses by fire; the wanton killing of cattle, and other arbitrary, aggressive, and unlawful acts. Your memorialist would respectfully submit that the continued turbulent and unsettled condition of these Indians is chiefly due to the character of their reservation, being about 90 miles long, only 15 wide, inclosed by populated and well cultivated districts, lying directly across the natural highway of a large and highly prosperous territory and being entirely devoid of game or other natural sources of food supply.

It is hopeless to expect progress or any improvement whatever in the conditions of these Indians upon their present reservation. The mechanical problem presented in irrigation precludes any possibility of advancement towards settled or agricultural methods, and it is respectfully submitted that there has been no such progress, but rather retrogression.

And it is further represented by your memorialist that the retention of the Southern Ute Indians upon their present reservation in La Plata County, in the State of Colorado, is in direct opposition to the declared wish of a majority of the individuals of this tribe.

T. B. STUART,
Speaker of the House of Representatives.
N. H. MELDRUM,
President of the Senate.
ALVA ADAMS,
Governor.

Mr. MAHONE presented petitions of citizens of Bedford, Rockingham, and Fairfax Counties, in the State of Virginia, and a petition of citizens of the District of Columbia, praying that the citizens of the District may be allowed to vote on the question of whether intoxicating liquor may be sold in the District; which were referred to the Committee on the District of Columbia.

Mr. GEORGE. I present a petition from a committee of colored men in Mississippi who say they represent 5,000 people, praying for the appropriation of $100 apiece to enable them to be transported to Liberia. I do not know to what committee the petition should be referred.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Foreign Relations.

Mr. HOAR. Ought it not to go to the Committee on Education and Labor?

Mr. ALLISON. I should think so.

The PRESIDENT *pro tempore*. Usually such petitions have gone to the Committee on Foreign Relations, but if the Senator from Massachusetts moves a reference to the Committee on Education and Labor the Chair will put the motion.

Mr. HOAR. I do not know what this has to do with our foreign relations. It is a request of some American citizens, as I understand, owing to some circumstances in their condition which make them desire to emigrate, to be aided in emigration. It seems to me that belongs to the Committee on Education and Labor, which has charge of all circumstances affecting the condition of the laborers of this country more particularly.

Mr. GEORGE. I do not care to which committee the petition is referred.

Mr. HOAR. I suppose these are laboring men and American citizens?

Mr. GEORGE. I suppose they are laborers.

The PRESIDENT *pro tempore*. The reference will be made to the Committee on Education and Labor, although similar petitions have been referred to the Committee on Foreign Relations.

Mr. GEORGE. I wish to have it go to the appropriate committee that it may have action.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Education and Labor.

Mr. GEORGE. Since some allusion has been made to the circumstances under which these petitioners make their petition, as it is very short, I should like to have the Secretary read the printed part of it.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the petition will be read.

The Chief Clerk read as follows:

To the Senate and House of Representatives in Congress assembled:

The memorial of the undersigned, citizens of the State of Mississippi, respectfully represents:

1. That we are descendants of people torn from Africa and brought to this country where, for two hundred years, their children have contributed by their labor to increase the wealth of every portion of the United States. We greatly desire now to go to the land of our forefathers and make it our home, but have not the means of paying our passage, or providing for our immediate wants on landing in Liberia.

2. Low wages and high rents, and a despair of doing better in the future, compel us to emigrate. The main reason why we should remain here is, that our labor and our votes are needed in this country, a suggestion the force of which we fail to perceive, believing the country can very well dispense even with our presence.

3. The attractions of Liberia are rich virgin lands, freedom from competition with any but our own race, and assurance of superior position. The entire continent of Africa is open to the intelligent and industrial class, and the road to useful employment, as well as to Christian enterprise and an honorable nationality, is wide and inviting.

Your petitioners therefore respectfully and earnestly ask Congress to pass a bill appropriating not exceeding $100 per capita, to be expended under the direction of the American Colonization Society, in paying the expenses of emigrants to Liberia, and the providing there of six months' shelter and support of ourselves and children.

Mr. GEORGE. I desire to call attention to the fact that the body of the petition is in print, and it seems to have emanated from a source from which similar petitions are sent to a good many of these people.

Mr. HOAR. It is impossible to hear the Senator.

Mr. MANDERSON. I present a petition of the executive committee of the national drill and encampment, praying certain action on the part of Congress, and I ask that the petition, with the accompanying exhibits, be printed in the RECORD.

There being no objection, the papers were referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February* 11, 1887.

To the Senate of the United States:

The memorial of the national drill committee of the District of Columbia, most respectfully sets forth:

That, as within the past decade interstate competitive drills of the volunteer soldiers of the United States have been held at different points of this country, always with steadily increasing advantage to the drill, discipline, and *morale* of the militia, and with steadily increasing attention and interest of the general citizenship of the several States;

That, as the idea has frequently been canvassed, and the feeling over the Union has grown that a national competitive drill and encampment at the national capital would not only collect a larger body of representative soldiers of the several States, but would be of more military importance and advantage from the national character the event would necessarily attain amid national surroundings;

Therefore, impressed with the propriety and advantage of these views, some ninety citizens have raised money to the amount of $50,000 to secure payment of all prizes for excellence (to the extent of $26,500 in money, besides stands of colors, flags, trophies, medals of merit, &c., &c.), and all other expenses of the drill, and have completed all preliminary arrangements through an executive committee composed of your memorialists;

And as they have nationalized this event to the fullest extent possible to them by the issue of detailed explanation of all facts to every organized volunteer command in the United States, to which responses have been received, giving reasonable assurance of presence here in May next of, say, one hundred and ninety-three separate organizations, respresenting at least thirty-five different

States (see list herewith submitted, marked appendix A), and that there is every reason to expect that by the closing of entries on April 1, 1887, every State and Territory will be represented by at least one separate command;

Therefore, they further remind your honorable bodies that the volunteer commands, comprising the National Guard of the Union, embrace the most thoroughly representative men of each State and Territory whence they come; that the professions, trades, capital, labor, and all business interests therein are directly connected with, and in the main comprise, them; that they thus aggregate the reliance and reserve power of the entire Union in its military arm, and thus enforce practically our republican theory of a large and well-appointed militia force in lieu of an expensive standing army.

And this fact is not only recognized by the sentiment of our people and by the voice of the press, but is emphasized and encouraged to the greatest extent by the War Department itself.

Your memorialists would state that not only the military portion of the several communities of the States, but equally the citizens and their families, evince deep and growing interest in this convocation, around the Washington Monument and in the camp named "Camp George Washington," of the flower of the American volunteer system; and in the State pride and high emulation that comparison and competition call forth.

That every great railroad line of the country is lending its aid and its influence to assist the grandeur and extent of this occasion; and that it is believed that the North and the South, the East and the West, will be collected here in numbers never before equaled, and under circumstances most conducive to better knowledge of each other, to closer interchange of sentiment, and to broader fraternization.

Therefore your memorialists beg leave to suggest to your honorable bodies that but one thing is needed to complete and round this national drill to the most perfectly successful moral issue and to the highest possible usefulness on its military side. That one thing is such simple recognition by Congress as will nationalize it, as will give it the stamp of governmental countenance, with even the least possible expenditure of public money.

And to this end—having fully completed every detail and having assumed every expense possible to them—your memorialists pray the passage by your honorable body of a joint resolution, authorizing the striking by the United States Mint of one grand medal of honor and not to exceed nineteen lesser medals; the same to be designed under direction of the War Department, at a merely nominal cost in money, and to be presented to the competitors adjudged most worthy of the same by the President of the United States, as Commander-in Chief, or by such representative as he may delegate.

Your memorialists submit herewith, as part of this memorial, exhibits of the purposes and progress of this national drill, marked A, B, and C, respectively. And they will ever pray, &c.

S. E. WHEATLEY, *Chairman.*
ALBERT ORDWAY, *Vice-Chairman.*
CHAS. BRADLEY, *Treasurer.*
A. A. WILSON.
JAMES E. WAUGH.
WILLIAM A. GORDON.
THOS. E. WAGGAMAN.
CHAS. C. DUNCANSON.
G. T. DUNLOP.
JAMES P. WILLETT.
GEO. W. PEARSON.
F. P. MADIGAN.
E. W. FOX.

Attest:
T. C. DE LEON,
Managing Sec'y Drill.

LIST OF COMMANDS CORRESPONDING WITH NATIONAL DRILL COMMITTEE AS TO ENTRY IN MAY DRILL.

Below will be found a full list of commands, including their location and commanding officer, which have corresponded with the national drill committee up to February 1, inst., as to entry in the competitive camp and drill to be held in this city May 23 to 30th next.

Alabama.—Mobile Rifles (infantry), Capt. Murray Wheeler, Mobile; Lomax Rifles (infantry), Capt. F. P. Davis, Mobile; Montgomery Greys (infantry), Capt. H. M. Amerine, Montgomery; True Blues (infantry), Capt. P. R. Bibb, Montgomery; Platoon Light (artillery), Lieut. R. Benz, Mobile; State University Cadets, Col. T. J. McCorvey, Tuscaloosa.

Arizona.—Company F, First Regiment Arizona National Guards (infantry), Capt. R. F. Richardson, Tucson; Tubac Scouts (infantry), Capt. T. Lillie Mercer, Tubac.

Connecticut.—Second Regiment Connecticut National Guards (infantry), Col. W. J. Leavenworth, Wallingford; Company K, First Regiment Connecticut National Guards (infantry), Capt. Samuel O. Prentice, Hartford; Sarsfield Guards (infantry), J. J. Kennedy, secretary, Hartford; New Haven Greys (infantry), Capt. F. T. Lee, New Haven; Hillyer Guards (infantry), Capt. P. H. Smith, Hartford; Company E, Fourth Connecticut National Guards (infantry), Capt. James Sheridan, Bridgeport; Second Gatling Gun Platoon (artillery), Lieut. William H. Sears, New Haven; Second Platoon Battery A (artillery), Lieut. C. F. Reynold, Branford.

Colorado.—Chaffee Light Artillery (artillery), Capt. John A. McBeth, Denver.

District of Columbia.—Battalion Washington Light Infantry, Lieut. Col. W. G. Moore, Washington; Company B, Washington Light Infantry, Capt. Burton L. Ross, Washington; National Rifles, Capt. James F. Oyster, Washington; Washington Continentals, Capt. W. B. Mills, Washington; High School Cadets, Capt. Frederick Sohon, Washington; Corcoran Cadet Corps, Capt. E. C. Edwards, Washington.

Dakota.—Company B, Second Regiment (infantry), Capt. C. T. Jeffers, Sioux Falls; Company A, First Regiment, Dakota National Guards, Capt. F. I. Call, Bismarck.

Florida.—Escambia Rifles (infantry), Capt. W. F. Williams, Pensacola; Perry Guards (infantry), Capt. J. B. Brown, Jacksonville.

Georgia.—First Regiment Georgia Volunteers (infantry), Col. Peter Reilly, Savannah; First Battalion (infantry), Lieut. Col. C. M. Wiley, Macon; Savannah Cadets, Capt. H. M. Branch, Savannah; Atlanta Rifles, Capt. A. C. Sneed, Atlanta; Georgia Military College Cadets, Commander K. G. Matthews, Milledgeville.

Illinois.—First Regiment Illinois National Guards (infantry), Col. F. B. Davis, Chicago; Company H, Sixth Regiment (infantry), Capt. G. C. Rankin, Monmouth; Rockford Rifles (infantry), Capt. T. Lawler, Rockford; Battery D (artillery), Major Edgar P. Tobey, Chicago; Battery A (artillery), Capt. E. Winter, Danville; First Battalion (cavalry) Lieut. Col. M. V. Jacobs, Chicago; Chicago Zouaves (zouaves), Capt. J. T. Ford, Chicago.

Indiana.—Light Infantry (infantry), Capt. J. R. Ross, Indianapolis; Logansport Greys (infantry), Capt. Dudley H. Chase, Logansport; Light Guard (infantry), Capt. W. Shoemaker, Warsaw; Richardson Rifles (infantry), Capt. F. W. Frank, Indianapolis; Light Artillery (artillery), Capt. J. B. Curtis, Indianapolis; Light Artillery (artillery), Capt. F. E. Stevenson, Rockville; Richardson Zouaves (zouaves), Capt. Charles McCare, Indianapolis.

Iowa.—Third Regiment Iowa National Guards (infantry), Col. J. G. Gilchrist, Iowa City; Governor's Greys (infantry), Capt. W. H. Thrift, Dubuque; Muscatine Rifles (infantry), Capt. C. F. Garlock, Muscatine; Governor's Guards (infantry), Capt. W. H. Parker, Des Moines; B Company, Second Regiment (infantry), Capt. E. J. Cameron, Davenport; C Company, Second Regiment (infantry), Capt. W. A. McGraw, Ottumwa; E Company, Second Regiment (infantry), Capt. I. F. Conner, Centreville; D Company, Second Regiment (infantry), Capt. J. W. Moore, Washington; Company D, First Regiment (infantry), Col. J. R. Lincoln, Marshalltown; Company —, Third Regiment (infantry), Capt. J. A. Wasson, Des Moines; Company F, Third Regiment (infantry), Capt. J. N. Martin, Oscaloosa; Company C, Fifth Regiment (infantry), Capt. H. M. Beyers, Glenwood; Company E, Fifth Regiment (infantry), Capt. C. V. Mount, Shenandoah; Second Brigade band, A. R. Dodge, leader, Eldora; State University band, J. H. Sennett, leader, Iowa City; Sixth Regiment band, Iowa City; Decorah Drum Corps, Decorah; Dubuque Drum Corps, F. C. Deggendorf, Dubuque.

Kansas.—Company F, Third Regiment (infantry), Capt. Jacob Amberg, Howard; Light Battery B (artillery), Lieut. Geo. O. Nulph, Topeka.

Kentucky.—Battalion First Regiment Kentucky State Guards (infantry), Maj. W. H. Coen, Louisville; Company D, Third Regiment (infantry), Capt. W. E. Smith, Hopkinsville; Company —, independent (infantry), Capt. W. C. Grinstead, Louisville; Company A, Third Regiment (infantry), Capt. T. J. Smith, Bowling Green; Light Battery A (artillery), Lieut. J. H. Mansir, Louisville.

Louisiana.—Louisiana Rifles (infantry), Capt. C. H. Adams, New Orleans; Crescent Light Guard (infantry), Capt. —. —. Palfrey, New Orleans; Battalion Washington Artillery (artillery), Lieut. Col. J. B. Richardson, New Orleans; Battery B, Louisiana Field (artillery), Capt. W. H. Beanhand, New Orleans; Louisiana Military School (cadets), Baton Rouge.

Maine.—Montgomery Guards (infantry), Capt. John A. Gallagher, Portland; Cadets (infantry), Capt. H. C. Eastman, Portland; Company D, Second Regiment (infantry), Capt. Walter A. Goss, Lewiston.

Maryland.—Indefinite.

Massachusetts.—Emmett Guards, Capt. William Reagan, Worcester; Montgomery Greys, Capt. D. Keefe, Boston; Fifth Regiment Infantry, Lieut. R. B. Edes, I. R. P., Boston.

Michigan.—Fourth Regiment Michigan National Guard (infantry), Col. E. Robinson, Detroit; Jackson Guard (infantry), Capt. F. H. Hatch, Jackson; Grand Rapids Guard (infantry), Capt. W. T. McGurrin, Grand Rapids; Custer Guards (infantry), Capt. Charles S. Robb, Grand Rapids; Detroit City Greys (infantry), Capt. Mort. C. Borgman, Detroit; Company D, Second Regiment (infantry), Capt. A. Trask, Saginaw; Company B, Fourth Regiment (infantry), Capt. J. J. Atkinson, Detroit; Company D, First Regiment (infantry), Capt. J. Gabelein, Jackson; State University (cadets), Col. J. Sumner Rogers, Orchard Lake.

Minnesota.—Light Infantry, Capt. J. L. Amory, Minneapolis; First Regiment Minnesota National Guards (infantry), Col. W. B. Bender, Saint Paul; Company D, First Regiment (infantry), Capt. Ed. S. Bean, Saint Paul; Company K, First Regiment (infantry), Capt. W. G. Bronson, Stillwater; Company A, First Regiment (infantry), Capt. F. S. Barnard, Minneapolis; Company E, Second Regiment (infantry), Capt. A. Wigand, Albert Lea; First City Troop (cavalry), Capt. R. J. Markoe, Saint Paul.

Missisippi.—Vicksburg Southrons (infantry), Capt. C. J. Searle, Vicksburg; Vicksburg Rifles (infantry), Capt. A. F. Piazzi, Vicksburg; Natchez Rifles (infantry), Capt. B. B. Davies, Natchez; Capital City Guard (infantry), Capt. G. S. Green, Jackson; Winona Rifles (infantry), Capt. P. L. Moore, Winona.

Missouri.—Company A, Fifth Regiment (infantry), Capt. W. K. Coffee, Carthage; Company B, Fifth Regiment (infantry), Capt. F. E. Williams, Joplin; Company D, Seventh Regiment (infantry), Lieut. Ad. C. Jones, Kansas City; Company C, Seventh Regiment (infantry), Capt. H. S. Julian, Kansas City; Company D, Second Regiment (infantry), Capt. A. Rodemeyer, Centralia; Company A, Seventh Regiment (infantry), Capt. C. W. Freeman, Kansas City; Company G, First Regiment (infantry), Capt. C. A. Sinclair, Saint Louis; Company A (cavalry), Lieut. E. S. Abadie, Saint Louis; Busch (zouaves), Capt. T. Rosser Roemer, Saint Louis; Chevaliers (zouaves), Capt. James C. Cooke, Saint Louis.

New Hampshire.—Sheridan Guards, Capt. D. F. Shea, Manchester.

New Jersey.—Gatling Gun, Company A (artillery), Capt. J. Madison Drake, Elizabeth; Gatling Gun, Company B (artillery), Capt. R. R. Eckendorf, Camden.

New York.—(Regiments uncertain.) Sixty-ninth Regiment (infantry), Col. James Cavanagh, New York; Eighth Separate Company (infantry), Henry B. Henderson, Rochester; Achelles Corps (infantry), Lieut. Charles G. Arnold, Rochester; Eleventh Separate Company (infantry), Lieut. E. J. Kindler, Mount Vernon; Twenty-seventh Separate Company (infantry), Capt. W. H. Barney, Malone; Rochester Cadets (infantry), secretary, W. W. Clements, Rochester; Twenty-sixth Separate Company (infantry), Capt. Eugene Root, Elmira; Twenty-second Separate Company (infantry), Capt. Robert McEwen, Saratoga Springs; Troy Citizens' Corps (infantry), Lieut. George D. Smith, Troy; Company D, Twenty-second Regiment (infantry), Capt. E. Verdeckberg, Brooklyn; Buffalo Cadets (infantry), T. D. Mancoe, secretary, Buffalo; Veteran Corps, Twenty-second Regiment (infantry), Adj. I. G. McMurray, New York; Second Battery, First Brigade (artillery), Capt. F. P. Earle, New York; Johnstown Zouaves, Capt. F. P. Case, Johnstown.

North Carolina.—Second Regiment North Carolina State Guards (infantry), Col. W. C. Jones, Wilmington; Fayetteville Light Infantry, Capt. W. C. McDuffie, Fayetteville; Company F, Third Regiment (infantry), Capt. W. A. Bobbitt, Oxford; Company E, Fourth Regiment (infantry), Capt. J. R. Robertson, Charlotte; Governor's Guard (infantry), Capt. G. D. Rand, Raleigh.

Ohio.—First Regiment Ohio National Guard (infantry), Col. F. W. Moore, Cincinnati; Second Regiment Ohio National Guards (infantry), Col. James C. Howe, Kenton; Fifth Regiment Ohio National Guards (infantry), Col. Fred H. Flick, Cleveland; Cleveland Greys (infantry), Cleveland; Company K, Seventh Regiment (infantry), Capt. B. M. Clen Dening, Celina; Governor's Guards (infantry), Capt. W. O. Talford, Columbus; Toledo Cadets (infantry), Capt. William V. McMackin, Toledo; Company H, Second Regiment (infantry), Capt. E. S. Bryan, Bloomdale; Company D, Eighth Regiment (infantry), Capt. H. N. Clements, Wooster; Company G, Second Regiment (infantry), Capt. Willis E. Scott, Kenton; Battery B, First Regiment (artillery), Capt. William G. Smith, Cincinnati; Gatling Gun Platoon (artillery), Lieut. C. Elwood, Cincinnati; State University (cadets), Capt. George C. Nimmons, Wooster; Fifth Regiment Drum Corps (band), leader, S. A. Kennedy, Cleveland.

Oregon.—Company G, Oregon State Militia (infantry), Capt. W. L. Dudley, Portland.

Pennsylvania.—First Regiment and First Battalion (infantry) indefinite; Tenth Regiment National Guard Pennsylvania (infantry), Col. A. L. Haskins, Washington; Company C, Eighteenth Regiment (infantry), Capt. E. M. McCombs, Pittsburgh; Company H, Ninth Regiment (infantry), Capt. F. P. Reap, Pittston; Company B, Fencibles (infantry), Capt. W. W. Chew, Philadelphia; Cadet Corps (cadets), Chester.

Rhode Island.—First Battalion Rhode Island Militia (infantry), Lieut. Col. James Moran, Providence; Kentish Guards (infantry), Col. Will. E. Brown, East Greenwich; Company C, First Battalion (infantry), Capt. W. F. Decker, Providence; Company A, Fourth Battalion (infantry), Capt. Bernard Hackett, Providence; Battery A (artillery), Capt. John A. Russell, Providence; First Machine Gun Platoon (artllery), Lieut. William Ely, Providence; C. F. T. Cadets (cadets), Lieut. Edward Gorman, Central Falls; Company B, First Cavalry (cavalry), Capt. A. L. McLaughlin, Providence.

South Carolina.—R. Volunteer Rifle Company (infantry), Capt. L. D. Childs, Columbia; German Fuseliers (infantry), Capt. John H. Ortzen, Charleston.

Tennessee.—Chickasaw Guards (infantry), Capt. S. D. Carnes, Memphis; Porter Rifles (infantry), Capt. George Reyer, Nashville; Hermitage Guards (infantry), Capt. W. M. Browne, Nashville; Merchant's Zouave (zouaves), Capt. J. Kit Deffrey, Memphis; University Corps (cadets), Sewanee.

Texas.—Houston Light Guard (infantry), Capt. F. A. Reichardt, Houston;

Seally Rifles (infantry), Capt. W. Boyd, Galveston; San Antonio Rifles (infantry), Capt. T. J. Badger, San Antonio; Washington Guard (infantry), Capt. W. A. Zeigler, Galveston; Fourth Regiment Band (band), Drum-Major E. A. Peck, Dallas.

Virginia.—Walker Guards (infantry), Capt. F. C. Jones, Richmond; Light Infantry (infantry), Capt. G. A. Mushback, Alexandria; Fredericksburg Guards (infantry), Capt. T. M. McCracken, Fredericksburg; Richmond Greys (infantry), Capt. E. L. Spence, Richmond; St. John's Academy (cadets), Superintendent R. L. Carne, Alexandria; Cadet Corps, Bethel.

Washington Territory.—Seattle Rifles, Capt. Joseph Greene, Seattle.

Wisconsin.—First Regiment Wisconsin National Guard (infantry), Col. S. J. Lewis, Monroe; Company F, Third Regiment (infantry), Capt. V. E. Brewer, Portage; Company E, Second Regiment (infantry), Capt. C. J. Hunter, Fondulac; Company A, First Regiment (infantry), Capt. M. A. Newman, Janesville; Company G, Third Regiment (infantry), Capt. J. D. Womer, Wausau; Company H, First Regiment (infantry), Capt. F. S. Shadel, Monroe; Light Horse Squadron (cavalry), Capt. G. F. Schoeffel, Milwaukee; First Light Battery (artillery), Capt. G. A. Streeter, Milwaukee; American Cadet Band (band), Leader E. J. Becker, Milwaukee.

STANDING COMMITTEES.

Executive.—Hon. S. E. Wheatley (chairman), General Albert Ordway, Capt. James E. Waugh, Hon. A. A. Wilson, William A. Gordon, esq., Thomas E. Waggaman, esq., C. C. Duncanson, esq., George T. Dunlop, esq., Maj. James P. Willett.

Finance.—Thomas E. Waggaman, esq. (chairman), James L. Norris, esq., Charles S. Bradley, esq., M. M. Parker, esq., J. W. Boteler, esq., C. W. Thorn, esq.

Transportation, &c.—George Pearson, esq. (chairman), H. H. Carter, esq., James L. Taylor, esq., James H. Marr, esq., John F. Waggaman, esq., A. M. Lothrop, esq.

Advisory Members.—E. P. Wilson, esq., general passenger agent Chicago and Northwestern Railroad; H. Collbran, esq., general passenger and freight agent Queen and Crescent Railroad; B. W. Wrenn, esq., general passenger and ticket agent Virginia, Tennessee and Georgia Air Line; C. K. Lord, general passenger agent Baltimore and Ohio Railroad; H. W. Fuller, esq., general passenger agent Chesapeake and Ohio Railroad.

Advertising, &c.—Hon. E. W. Fox (chairman), Robert A. Parke, esq., George Gibson, esq., O. G. Staples, esq., John Keyworth, esq., Charles T. Murray, esq.

Rules, judges, prizes.—General Albert Ordway (chairman), Capt. George E. Lemon, Maj. H. L. Cranford, Hon. Jeff. Chandler, Dr. Smith Townshend, Capt. Thomas J. Luttrell.

Grounds, construction, &c.—Hon. A. A. Wilson (chairman), Will Wheatley, esq., P. H. Christman, esq., Maj. J. P. Willett, C. C. Duncanson, esq., Osceola C. Green, esq.

HEADQUARTERS, No. 1300 PENNSYLVANIA AVENUE,
PIEDMONT AIR-LINE BUILDING,
Washington, D. C., December 10, 1886.

The citizens of Washington having subscribed a guarantee fund of $50,000 to insure payment of prizes and expenditures for a national drill and encampment, have organized a committee of representative citizens, of which Hon. Samuel E. Wheatley, commissioner of the District of Columbia, is chairman.

This national drill committee, having completed its organization (as per margin) and arranged preliminaries, now has the pleasure of announcing to the country that the national drill and encampment will be held at Washington city, D. C., commencing on Monday, May 23, and ending with Decoration Day, May 30, 1887.

Entries will be open to regularly organized volunteer militia of the United States for competition as regiments, battalions, or companies, in infantry, artillery, cavalry, and zouave tactics, and also to regularly organized corps of cadets from military or university schools, for the following most varied and doubly largest prizes ever offered, aggregating $26,500, with other souvenir trophies:

I. REGIMENTAL.—For the best regiment of infantry, judged by inspection and review (difference in arms and accouterments allowed for), a magnificent stand of colors (United States flag, regimental flag and guidons), with gold, silver, and bronze medals to the officers.

II. BATTALION.—For the best battalion of infantry, of not less than four companies, judged by inspection and by drill in the Manual of Arms, and in such minor movements in the school of the battalion, as will test marching, wheeling, distances, alignments, &c.—

First prize	$3,000	
Second prize (if more than two compete)	1,500	
		$4,500

III. COMPANY.—For the best company of infantry (either separately entered or belonging to any regiment or battalion entered for the above prizes), to be judged by inspection and by drill in the School of the Soldier, Manual of Arms, and School of the Company—

First prize	5,000	
Second prize	2,500	
Third prize	1,500	
Fourth prize	1,000	
Fifth prize	500	
		10,500

IV. CAVALRY.—For the best company of cavalry, to be judged by inspection and by drill in the School of the Troop, mounted (forage and stabling for horses furnished free of cost)—

First prize	2,000	
Second prize (if more than two compete)	1,500	
		3,500

V. LIGHT ARTILLERY.—For the best platoon, to be judged by inspection and by drill in the Manual of the Piece and in School of the Battery, in mounted drill, horses (and guns, limbers and caissons, if desired) to be furnished free of cost—

First prize	1,500	
Second prize (if more than two compete)	1,000	
		2,500

VI. MACHINE GUNS.—For the best platoon, to be judged by inspection and drill and by target practice (ammunition to be furnished free of cost)—

First prize, silver trophy and	750	
Second prize	500	
		1,250

VII. ZOUAVES.—For the best zouave drill, open to all zouave companies whose officers have commissions from the governor of a State—

First prize	1,000	
Second prize (if more than two compete)	750	
		1,750

VIII. CADET CORPS.—For the best infantry company, from any regularly established military school or university (not under United States control), to be judged by inspection and drill—

First prize	$1,000	
Second prize (if more than two compete)	750	
		$1,750

IX. INDIVIDUAL PRIZES.—For the best drilled soldier in the Manual of Arms, competition restricted to not more than two members of any competing company—

First prize, gold medal and	100	
Second prize, silver medal and	75	
Third prize, bronze medal and	50	
		225

X. RIFLE PRACTICE.—Competition open to any regularly enlisted man or commissioned officer of the volunteer militia, not, however, to exceed two from any one company; to be governed by the rules regulating the annual competitions in the regular Army, as detailed in chapter 3, part 5, "Blunt's Rifle and Carbine Firing." Ten shots each at 200, 300, 500, and 600 yards. Prizes to be awarded on best aggregate scores. Competitors restricted to use of the service Springfield breech-loader used by the regular Army, or to the rifle officially issued to the militia by the State to which competitor belongs—eight prizes—

First prize, gold medal and	100	
Three prizes, silver medal and	75	
Four prizes, bronze medal and	50	
		525
Aggregate money prizes offered		26,500

SOUVENIR MEDALS.—It is the further intent of the committee to bestow medals of merit, in gold, silver, and bronze, according to their grading, upon all commands taking prizes at this national competition.

Comfortable quarters in camp will be furnished all competing commands free of cost.

Acceptance or rejection of any application for entry is a right reserved by the committee at its own discretion.

The object of this national drill is twofold:

First. As an incentive to advancement and proficiency in the science of arms of the citizen soldiery of the Union, through emulation and friendly competition on the common ground of the national capital.

Second. The massing of representative men, comprised in the volunteer organizations, in the fraternal associations of a camp, where they may better appreciate each other and learn mutual reliance should the national reserves ever be called to stand shoulder to shoulder in defense of their common country.

The committee confidently enumerates a few of the unequaled advantages of the national capital for holding this national competition.

Most central in the railroad travel between all sections of the country; having within a radius of 200 miles (less than half a day's travel) an aggregate population of 10,000,000; replete with historic and national associations, and the center of national curiosity; with magnificent public buildings, grand avenues, spacious parks, and splendid residences, which combine to make her the most beautiful city on the continent; with rarest facilities for camp and drill grounds, and perfection of transit from point to point at cheapest rates, Washington offers attractions far beyond all other cities for such convocation of the national guards and of the national public.

The committee assures all comers, civilian as well as military, that the trunk railroad lines and their connections will bring rates for round-trip travel within reach of the most modest purse; that every care will be taken by a specially appointed committee of citizens to furnish detailed and reliable information to visitors as to board, lodging, &c., and to guard them against every species of unfairness and extortion.

SPECIAL DAYS.—It is also the intent of the committee to arrange, during the week's encampment, a series of special days, such as "regimental day," "governor's day," "battalion day," "President's day," "chaplain's day," and to break camp on "memorial day."

Military music, in its most attractive forms, as displayed in different styles by some of the most noted bands and drum corps of the country, will constitute an important feature of this encampment.

The drills will be judged and the programmes (always a point of serious import) will be prepared by competent officers of the United States Army in the different arms of service, specially designated by the War Department for this duty.

Rules in detail to govern the entries of organizations in the above competitions and for the regulation of the encampment will be formulated and promulgated at a date sufficiently early to avoid all misunderstanding.

Commanders of regiments, battalions, and companies of all arms are meanwhile invited to correspond with this committee as to their intent of entering the competition.

By order of the committee.

SAM'L E. WHEATLEY, *Chairman.*
T. C. DE LEON, *Managing Secretary.*

REPORTS OF COMMITTEES.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6663) for the relief of Thomas P. Westmoreland, reported it without amendment.

Mr. PUGH. I am also directed by the same committee, to whom was referred the bill (H. R. 8751) for the relief of Samuel F. Rice, to report it with an amendment. I was requested by the chairman of the Judiciary Committee [Mr. EDMUNDS] to state that he does not join in the report of this case.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 99) in relation to the land-grant act approved May 17, 1856, granting lands to the State of Florida for railroad purposes, reported it adversely; and the joint resolution was postponed indefinitely.

He also, from the same committee, reported a bill (S. 3300) to provide for the judicial determination of the rights of the United States in lands granted to the State of Florida for the purpose of aiding in

the construction of railroads under an act of Congress, approved May 17, 1856, and for other purposes; which was read twice by its title.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1442) providing for the erection of a public building at Portsmouth, Ohio, to report it adversely, and move its indefinite postponement, and to say that a bill covering the same object has passed both Houses of Congress.

The bill was postponed indefinitely.

Mr. MAHONE. The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1846) to amend an act entitled "An act for the erection of a public building at Brooklyn, N. Y.," approved June 12, 1882, report in favor of its indefinite postponement for the same reason as in the other case.

The report was agreed to.

EMILE GUERIN AND CHERI P. MAJOR.

Mr. EUSTIS. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands, to report it favorably without amendment. I ask unanimous consent that the bill may be considered at this time.

Mr. INGALLS. Let it be read at length for information, subject to objection.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks unanimous consent to proceed to the consideration of the bill reported by him at this time. Is there objection?

Mr. CULLOM. I should like to hear it read first.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That all the right, title, claim, and interest of the United States to a certain tract of land on False River, Pointe Coupée Parish, Louisiana, and described on the official maps of the General Land Office of the United States as lot or section No. 69, in township 5 south, range 10 east, southeastern district, west of the Mississippi River, Louisiana, be, and the same are hereby, confirmed to and in Emile Guerin and Cheri P. Major, holding under the original grantee or his assigns, and to and in their successors, transferees, vendees, and assignees: *Provided*, That this act shall have the effect only of a quitclaim of all right, title, and interest of the United States therein, not to affect any valid adverse right or title to said land, nor create any liability on the part of the United States.

Mr. INGALLS. What is the claim of the United States in this land?

Mr. EUSTIS. I will state to the Senator that the United States Government has no interest whatever in this land. It was an original Spanish grant, and under the defective registry laws of Louisiana the original grant has been lost. Those from whom these parties have acquired the land have been in possession for ninety years. In 1814 the Congress of the United States confirmed lands covered by this grant upon the ground that although the original grant was lost, yet the fact that the grant had been made was not disputed. There are no patents that ever have been issued against this land.

Mr. INGALLS. Is this confirmation to the vendors of the present occupants?

Mr. EUSTIS. Those who had the previous title.

Mr. INGALLS. What is the necessity, then, for passing another act?

Mr. EUSTIS. Because this particular section has never been confirmed. All the other sections covered by the grant have been confirmed.

Mr. INGALLS. If the original Spanish concession has been lost, how does it appear that this land was covered by it?

Mr. EUSTIS. How does it appear that it is covered by it?

Mr. INGALLS. I understood the Senator to say that this land was originally contained in a Spanish concession, which had been lost.

Mr. EUSTIS. Yes, the original grant.

Mr. INGALLS. There must be somewhere a record of it.

Mr. HARRIS. This bill was read for information subject to objection. If it is going to lead to debate, I shall object to its consideration in the morning hour.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. EUSTIS. I ask the Senator from Tennessee to withdraw his objection. There will be no debate.

Mr. HARRIS. If the bill can be considered without debate, I shall not object, but I reserve the right to object if it leads to debate.

The PRESIDENT *pro tempore*. Objection being made, the Chair feels bound to rule that the bill goes over.

Mr. EUSTIS. Does the Senator insist on his objection?

Mr. HARRIS. I will withdraw the objection if the bill does not lead to debate.

Mr. INGALLS. I feel that we ought not to be called upon to pass a bill instantaneously when reported, without some consideration. I do not object to the consideration of the bill, but I shall object unless we can have an explanation that will show why the United States ought to confer a title that it is admitted it does not possess.

Mr. EUSTIS. This land was surveyed by the United States——

The PRESIDENT *pro tempore*. The Chair regards the debate in the nature of an objection, and will have to ask Senators to be seated. Reports of committees are still in order.

Mr. EUSTIS. I understood the Senator from Kansas to say he would not object if an explanation could be made.

Mr. INGALLS. The Senator from Tennessee objects to an explanation.

Mr. GIBSON. The Senator from Tennessee withdraws his objection to a brief explanation of the case.

Mr. EUSTIS. This land was surveyed by the United States Government and stands claimed by the legal representatives of Julian Poydras, and no confirmation found. That is shown by the survey. The confirmation has been made by the Congress of the United States with reference to all the lands covered in the grant except this one section. The bill was unanimously reported by the Committee on Private Land Claims——

The PRESIDENT *pro tempore*. The Senator from Louisiana will pause. The Chair will submit the question. The Senator from Louisiana asks unanimous consent to proceed to the consideration of the bill at this time. Is there objection?

Mr. PLUMB. From what committee is it reported?

Mr. EUSTIS. From the Committee on Private Land Claims.

The PRESIDENT *pro tempore*. The Chair hears no objection to the present consideration of the bill.

Mr. EUSTIS. I repeat this was an original Spanish grant. The original title was lost; but in 1814, although these parties had been in possession only a few years, the Congress of the United States confirmed the title to the land, and it is only this section which has never been confirmed. The object of the bill is to remove the cloud upon the title of these parties. The Government of the United States has never made any claim whatever to this land, and can not make any, and does not to-day. The quit-claim of the United States is not giving away an interest in the land, because the Government has none whatever. It is simply to remove the cloud from the private title.

Mr. INGALLS. Will the Senator be good enough to explain what the cloud is? He states that there is no existing title in the United States outstanding, that the land belonged to the grantors of those who are now in possession, and yet we are asked here, upon the report of the committee, without further explanation, to quit-claim or relinquish an interest in the United States to this land which the Senator says does not exist and never did exist.

I know nothing whatever about this matter; but bills that are reported in this way by a committee without an explanation are always a little trifle suspicious, to say the least. I should like to know something about the value of this land, and why it is that after ninety years of adverse and notorious and exclusive possession we are called upon to pass an act of Congress, with all the solemnities, relinquishing the title of the United States to this property.

Mr. EUSTIS. It is asked because the parties who have been in possession have been satisfied with the title which they had; but this particular land has changed hands lately, and the money will not be paid by the purchasers because these purchasers are more particular than the previous purchasers. Therefore they require an act of Congress confirming the grant, which is nothing but what the Government of the United States has done ever since 1814.

I will call the Senator's attention to the fact that in 1814 the Government of the United States would not have confirmed the grant if the Government had had any title or interest in the ground.

Mr. INGALLS. I understand that in the treaty between the United States and France, when we acquired possession of this property, the outstanding Spanish grants, so far as they were valid, were confirmed. If this tract of land was included in any valid Spanish grant existing at the time of the transfer, then, of course, it was confirmed; but I understand the Senator from Louisiana to say that there was never any confirmation of this tract of land at all, and that there is no outstanding claim of the United States Government against it. There is something mysterious about it.

Mr. EUSTIS. There has never been any confirmation of this particular section, but there has been a confirmation of the grant, the original title of which was lost.

Mr. INGALLS. Was this tract of land included in the grant that was confirmed?

Mr. EUSTIS. This section was included in the grant, but it was omitted in the confirmation made in 1814.

Mr. INGALLS. Then it was not confirmed, I understand the Senator to say?

Mr. EUSTIS. It was not confirmed in 1814.

Mr. INGALLS. Then the Senator makes another explanation. In the first place, we are assured that the confirmation was made to this grant in 1814, and now the Senator tells us that, for some reason which is not disclosed, this particular section of land was excluded from the confirmation of the grant, and ninety years afterward we are called upon to pass an act, without explanation, confirming the present occupants of that land in their title which never was in the United States.

Mr. EUSTIS. Here is the statement made in the report of the House Committee on Private Land Claims:

Congress, by act of April 12, 1814, confirmed to the holders the title to part of the land held by virtue of the same grant on which Guerin and Major rely as the basis of their title. They hold the remainder of the land embraced in said grant. This act does for them, as to their part, only what the act of April 12,

1814 (U. S. Stat. at Large, vol. 3, p. 121), did for the holders of the other portion. Their right to ask this is fortified by the fact that their honest, uninterrupted adverse possession of said land has continued for seventy-one years longer than that of those in like case with themselves, who were relieved in 1814.

Mr. INGALLS. Will the Senator state why this land was excluded from the confirmation of the grant in 1814?

Mr. EUSTIS. It may have been some defect in the survey. I can not state what the reason was. It may have been an accident.

The PRESIDENT *pro tempore*. The Chair will again remind Senators that even if unanimous consent is given to take up a bill, under the circumstances, debate is not in order.

Mr. INGALLS. Has the Commissioner of the General Land Office been consulted about the matter?

Mr. EUSTIS. He has.

Mr. INGALLS. I should like to hear his report read.

Mr. EUSTIS. I was going to refer to it.

The PRESIDENT *pro tempore*. The Chair will again ask the attention of the Senators to the fact that even if by unanimous consent a bill is taken up under the circumstances of this case, it is not subject to debate, and the question must be put without debate. The Chair only wishes to enforce the rule. The rule is made very imperative.

Mr. EUSTIS. I will simply ask that the letter of the Commissioner be read for the information of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the letter will be read. The Chair hears none.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 10, 1887.

SIR: Referring to your personal inquiries in relation to the subject-matter of H. R. 6330, Forty-ninth Congress, second session, entitled "An act to confirm to Emile Guerin and Cheri P. Major title to certain lands," I have the honor to inclose herein a photolithographic copy of the plat of survey of township 5 south, range 10 east, southeast district, west of the Mississippi River, Louisiana, and to state that section 69 thereon, which said act proposes to confirm to Guerin and Major, appears to have been surveyed for the legal representatives of Julian Poydras, as a claim for which no confirmation was found.

I have no data by which I can determine who the legal representatives of Poydras are; nor can I determine what title, if any, Poydras had to said lands to be transferred to his representatives; nor am I able to find any evidence on file here showing that Guerin and Major have any interest in the lands mentioned in the act as purchasers of Poydras or his legal representatives, or any other person.

The inclosed plat and a tabular statement prepared by the surveyor-general of Louisiana of surveyed but unconfirmed claims is all the evidence I can find in reference to the matters inquired about.

The tabular statement herein referred to is printed in Senate Executive Document No. 111, Forty-sixth Congress, second session. On page 14 of this executive document you will find section 69 reported as supposed to be possessed or claimed by the legal representatives of Julian Poydras.

Finding no evidence in this office that Guerin and Major have any right or interest in this land, I see no reason why said land should be confirmed to them.

As requested, I return herewith the printed copies left by you, namely: H. R. 6330 and report thereon of the Committee on Private Land Claims, No. 1011, first-session of the present Congress.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. MATT. W. RANSOM,
Chairman Committee on Private Land Claims,
United States Senate.

Mr. INGALLS. If I understood the reading of that letter correctly, the Commissioner of the General Land Office says that the bill ought not to pass. His statement is that there is no evidence whatever showing that the present occupants of the land ever purchased of Poydras, the original grantee under the Spanish concession, to whom the grant was confirmed. If I understood the statement of the Commissioner correctly, he says there is no reason for the passage of this bill; in other words, that it ought not to pass.

Mr. EUSTIS. No; he says the bill ought not to pass because there is no evidence that Guerin and Major have acquired the land.

Mr. INGALLS. They are the beneficiaries of this bill, are they not?

Mr. EUSTIS. Yes. How can there be any evidence——

Mr. INGALLS. Very well; if there is no evidence at all, on what are we acting?

Mr. EUSTIS. How can there be any evidence that these parties have purchased from their vendors? Of course there would be no evidence in the archives of the Land Office? This is a private purchase made from a private individual.

Mr. PLUMB. Why should we not quitclaim to the original grantee from the crown of Spain, and let the title inure then by reason of the covenants of warranty?

Mr. EUSTIS. That has been done with reference to the entire claim. In 1814 Congress confirmed the grant. It seems this particular section was not included in that confirmation. Private owners have been in possession ever since 1790, and this is merely to give a quitclaim so far as the interests of the United States Government are concerned to this particular section, which was included in the grant but which was not included in the confirmation.

Mr. PLUMB. In regard to that point, I can only say that when it comes to a question of this kind in the Public Lands Committee the committee does not feel called upon to deal with the subject of conveyance at all, but treats the title as though it were in the hands of the original grantee, and lets the question of its passing by conveyance out of his hands to be settled in the ordinary way, so as not to run the risk of conveying the land to some one who may have a defective title.

Mr. EUSTIS. All adverse claims are reserved in the bill.

Mr. INGALLS. In view of the statement by the Commissioner of the General Land Office that the bill ought not to be passed, I will enter my objection to its further consideration this morning.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 199) for the retirement and recoinage of the trade-dollar, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5538) relating to the importing and landing of mackerel during the spawning season, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRECKINRIDGE, Mr. MAYBURY, and Mr. REED the managers at the conference on the part of the House.

The message further announced that the House had passed the joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms, which have been occupied by the United States courts, to the city of Jackson, Miss.

The message also announced that the House had passed a bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane, and State of Illinois, a small island in the Fox River, located within the limits of said city; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.;

A bill (S. 305) for the erection of a public building at Huntsville, Ala.;

A bill (S. 542) for the relief of William Ervin;

A bill (S. 712) for the erection of a public building at Augusta, Ga.;

A bill (S. 1162) for the erection of a post-office building at Lynn, Mass.;

A bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo.;

A bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885;

A bill (S. 2533) for the relief of E. Remington & Sons; and

A bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district.

BILLS INTRODUCED.

Mr. MORRILL introduced a bill (S. 3301) to authorize the settlement and adjustment of all claims and demands between the United States and the State of Vermont, &c.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BLACKBURN introduced a bill (S. 3302) for the relief of the sureties on the official bond of Alexander H. Adams, late pension agent at Lexington, Ky.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 3303) for the erection of a national memorial bridge over the Potomac from Washington to Arlington; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MAXEY introduced a bill (S. 3304) to authorize the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indians, respectively, to lease lands within their respective boundaries for mining purposes, and to validate leases heretofore made for said purposes by the proper authorities of any of said nations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MORRILL introduced a joint resolution (S. R. 110) for the issue of subsidiary silver coin; which was read twice by its title, and referred to the Committee on Finance.

Mr. VOORHEES introduced a joint resolution (S. R. 111) to provide for payment of compensation to jurors summoned in condemnation of a site for the Congressional Library; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. PLATT submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAIR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HALE submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

SERVICES OF COUNT PULASKI.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and is hereby, requested, if not incompatible with the public interest, to cause a search to be made of the files and records of the Department of State, the Department of War, and the Department of the Treasury, for information as to the services rendered by Count Casimir Pulaski, a brigadier-general of the Army of the United States in the years 1777, 1778, and 1779, and until he was killed in action, and as to any payment or compensation made to that officer for such services. Also, as to any just and proper indebtedness of the United States to General Pulaski for and on account of his expenses and military supplies furnished for troops of his command; and also, especially as to any record or documentary evidence which may show whether 100,000 gold livres or other sum of money transmitted by the friends of Count Pulaski in Europe for his personal use in the help he was giving to the United States arrived about the time he was killed in battle at Savannah, and whether such funds went into the public Treasury or were used by the authority of the Continental Congress or by authorities in the State of Georgia for the benefit of the United States, and if so used, to what amount and under what circumstances, and that the matters and facts so ascertained be communicated to the Senate.

INDEXES TO REPORTS OF COMMITTEES.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution for the printing of indexes to the compilation of House and Senate reports of committees, to report it favorably without amendment. I ask for its present consideration.

By unanimous consent the Senate proceeded to consider the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed the indexes to the compilation of House and Senate reports of committees provided for in public resolution 24, first session, Forty-ninth Congress.

Mr. COCKRELL. I ask the Senator how many copies will be printed under that; the usual number?

Mr. MANDERSON. No; this is for the purpose of printing indexes of the committee reports under an order of the Senate at the last session. There will be as many indexes published as there are sets of committee reports, and there are as many of these reports as there are committees in both Houses. It is simply for the purpose of amending the resolution heretofore passed by correcting an error.

Mr. COCKRELL. It would be a very important document, and it seems to me there ought to be additional copies printed. The cost will be very little to add a few more copies.

Mr. MANDERSON. I do not think the Senator understands the case exactly. This is not a document that has been printed, but Captain McKee, of the document room, has gathered as many indexes as there are sets of reports of committees, and this is merely to publish the index of all.

Mr. COCKRELL. Not a general index?

Mr. MANDERSON. Oh, no.

The PRESIDENT *pro tempore*. The question is on agreeing to the concurrent resolution.

The resolution was agreed to.

WASHINGTON TERRITORIAL LEGISLATURE.

Mr. BUTLER. I desire to invite the attention of the Senator from Connecticut [Mr. PLATT], the acting chairman of the Committee on Territories, to the majority and minority reports from that committee presented last Saturday on the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory, and to ask him if it will be agreeable to-morrow to call up that bill and have it considered. If anything is to be done by the Senate, it ought to be done promptly in order that the people of the Territory may understand exactly what they have to rely upon. I believe I am correct when I state that the understanding of the committee was that we should all unite in attempting to have early consideration of the bill.

Mr. PLATT. Owing to some confusion in the Chamber I have not been able to hear precisely what the Senator from South Carolina has been saying; but as to the subject of his remarks, the reports alluded to have only just been placed on my table. I had intended, if they had been earlier distributed, to ask to have the matter considered this morning. I am as anxious as he that it shall have early consideration. What was the suggestion of the Senator?

Mr. BUTLER. That the bill be taken up for consideration to-morrow, after the morning business.

Mr. PLATT. I will aid the Senator in that effort.

EXTRA HOURS OF CLERICAL EMPLOYÉS.

Mr. CULLOM. I offer a resolution, and ask for its immediate consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of War be directed to inform the Senate as to what unusual necessity, if any, now exists for requiring a certain part of the clerks in the offices of the Adjutant-General and Surgeon-General to work extra hours.

Mr. COCKRELL. I should like to have that resolution express another inquiry, and that is, the number of hours they work, and what they call extra hours.

Mr. CULLOM. I have no objection to that, but I understand these clerks work the usual hours during the day, and then after night they go back and work two or three hours additional.

Mr. COCKRELL. I should think that when the Adjutant-General's office in the consideration of claims, under the act of June 3, 1884, have only reached those claims which were filed in October, 1884, they ought to work the clerks at night, or make them do more work in the day-time. If they do not work the eight hours which the law prescribes, I want to know the reason why the heads of Departments do not make them work those eight hours. It is an outrage that the public business should be so far behind if the clerks do not work the eight hours which the law requires.

Mr. CULLOM. As I understand, the statute already provides the number of hours that the clerks shall work, and I take it for granted they work that number of hours during the day; but a portion of the clerks in some of the bureaus of the War Department are asked to go to the office after night and work two or three hours additional, while other clerks are not asked to do so, and the clerks who do get no additional compensation. That is my information. All I desire by this resolution is to call out the facts, and if possible have these clerks all treated alike as nearly as possible.

Mr. COCKRELL. I should like the Senator to show me any law fixing the exact number of hours the clerks shall work in the Departments.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HARRIS. Let it go over.

Mr. CAMERON. I object.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

BONDED EXPORT WHISKY.

Mr. DAWES. I desire to make an inquiry, if I may be permitted, of the Committee on Finance. On the 8th of June last the Senate adopted a resolution calling upon the Treasury Department for information with reference to the reimportation of distilled spirits. In response to the resolution the Treasury Department communicated a document of a good deal of importance, which was referred to the Committee on Finance with instructions to examine into it and report to the Senate. I want to make an inquiry of the Committee on Finance if there is a prospect of a report on this subject being brought before the Senate, and in that connection I desire to call the attention of the committee to an article in the New York World on the 2d of this month written from this place, making statements which, if they are founded in fact, make it, as I think, the imperious duty of that committee to make the examinations suggested by that resolution.

I should like to have this communication considered in connection with the instruction of the Senate by the committee, for if it be a fact as stated here that the Government has been wronged by more than a million dollars of taxes justly its due in consequence of some strange system of export and reimportation of the same spirituous liquors, it is quite time that the attention of the Committee on Finance was not only called to it, but that they were induced to try to remedy it.

Mr. MORRILL. I will say that a subcommittee were appointed to examine that subject, and they have not yet reported.

Mr. DAWES. My inquiry was whether there was a prospect of a report before the end of the session.

Mr. MORRILL. I can not say. The committee meet to-morrow morning, and I will call the attention of the committee to the matter again.

Mr. DAWES. In that connection I hope the committee will consider the article to which I have referred.

A. L. CUTTING.

Mr. GIBSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be, and is hereby, requested, if not incompatible with the public interests, to furnish the Senate copies of all correspondence relating to the arrest, trial, and discharge of A. L. Cutting, a citizen of the United States, by the authorities of Mexico.

CORRESPONDENCE WITH MEXICO.

Mr. INGALLS. In that connection I should like to inquire if any answer has yet been received to the resolution of the Senate adopted some time last month calling for the correspondence between the State Department and Minister Jackson in Mexico?

The PRESIDENT *pro tempore*. The Chair is advised that no answer has been sent to the Senate.

WILLIAM WEBSTER.

Mr. CAMERON. On Saturday last I gave notice that to-day I would ask the Senate to take up and consider Order of Business 2195, being the bill (S. 3286) to increase the naval establishment. I now move——

The PRESIDENT *pro tempore*. Before that motion is received, the Chair is required by the rules to lay before the Senate a resolution which comes over by a unanimous order for consideration at this time.

The Secretary read the following resolution, reported by Mr. MORGAN on the 26th of January from the Committee on Foreign Relations:

Resolved by the Senate, That after due examination of the matters presented in the petition of William Webster, and the evidence brought to their attention in support of his claim for indemnity from the British Government for lands in New Zealand, purchased by him in good faith from native chiefs, and duly conveyed to him before the Government of Great Britain acquired the sovereignty over that country by a treaty made with said chiefs, the Senate of the United States consider that said claim for indemnity is founded in justice and deserves the cognizance and support of the Government of the United States. And that said claim, as a claim for money indemnity, was not presented by the United States to Great Britain prior to September, 1858.

Resolved, That the President is requested to take such measures as, in his opinion, may be proper to secure to William Webster a just settlement and final adjustment of his claim against Great Britain, growing out of the loss of the lands and other property in New Zealand of which he has been deprived by the act or consent of the British Government, and to which he had acquired a title under purchases and deeds of conveyance from the native chiefs, prior to February 6, 1840, and prior to any right of Great Britain to said islands.

Mr. MORGAN. On consultation with the Senator from Vermont [Mr. EDMUNDS], who has some remarks to make on this resolution, he and I have united in a request that it may go over until to-morrow, retaining its place.

The PRESIDENT *pro tempore*. The Senator from Alabama asks the unanimous consent of the Senate that this resolution may go over, retaining its place as an objected resolution. If there is no objection that order will be made.

VIRGINIUS INDEMNITY FUND.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

I transmit herewith a report furnished by the Secretary of State in response to a resolution of the Senate of January 31, ultimo, calling for particulars of the investment and distribution of the indemnity received in 1875 from Spain, and known as the "Virginius fund."

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 14, 1887.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. CAMERON. I move now to take up Order of Business 2195, Senate bill 3286.

Mr. HARRIS. Regular order!

The PRESIDENT *pro tempore*. The regular order is the consideration of the House bills on the Calendar, pending which the Senator from Pennsylvania submits his motion.

Mr. CAMERON. I ask for the immediate consideration of the bill I have named.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (S. 3286) to increase the naval establishment.

Mr. CAMERON. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Let the bill which it is proposed to take up be read, so that the Senate may know what it is.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, That the President is hereby authorized to have constructed, by contract, ten protected steel cruisers, with such armament for each as the Navy Department may deem suitable, each of said vessels to have a maximum speed of not less than twenty knots over the measured mile, such speed to be exhibited under such test or tests and conditions as the Navy Department may impose before either of said cruisers shall be accepted by the Government. The cost of all of said cruisers, in the aggregate, complete, exclusive of armament, shall not be more than $15,000,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That in the construction of the aforesaid vessels all of the provisions of the act of August 3d, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, so far as the same relate to vessels constructed under contract.

SEC. 3. That in case either of said vessels, upon the tests or conditions heretofore provided, shall display a speed greater than twenty knots over the measured mile, a bonus shall be paid to the contractor of $200,000 for the first knot in excess of said twenty knots, and of $100,000 for the second knot so in excess, and of $100,000 for each knot beyond; and for the purposes provided in this section the sum of $2,000,000, or so much of the same as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 4. That for the armament of the vessels hereinbefore provided for the sum of $4,800,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDENT *pro tempore*. The motion is that the Senate proceed to the consideration of the bill.

The yeas and nays were taken.

Mr. HARRIS (after having voted in the negative). Being paired with the Senator from Vermont [Mr. EDMUNDS], and not knowing how he would vote on this question, I withdraw my vote.

Mr. JONES, of Arkansas. My colleague [Mr. BERRY] has left the Chamber temporarily, and is paired with the Senator from Indiana [Mr. HARRISON], my pair being transferred to him.

Mr. KENNA. I am paired with the Senator from New York [Mr. MILLER].

The result was announced—yeas 37, nays 17; as follows:

YEAS—37.

Aldrich,	Evarts,	Mahone,	Saulsbury,
Allison,	Farwell,	Manderson,	Sawyer,
Blackburn,	Frye,	Mitchell of Oreg.,	Spooner,
Bowen,	Gibson,	Morgan,	Teller,
Butler,	Gorman,	Morrill,	Whitthorne,
Cameron,	Hale,	Palmer,	Williams,
Conger,	Hampton,	Payne,	Wilson of Iowa.
Cullom,	Hawley,	Platt,	
Dawes,	Hoar,	Riddleberger,	
Eustis,	McMillan,	Sabin,	

NAYS—17.

Beck,	Jones of Arkansas,	Sherman,	Walthall,
Call,	Maxey,	Vance,	Wilson of Md.
Cockrell,	Plumb,	Van Wyck,	
Coke,	Pugh,	Vest,	
George,	Ransom,	Voorhees,	

ABSENT—22.

Berry,	Colquitt,	Harrison,	Miller,
Blair,	Dolph,	Ingalls,	Mitchell of Pa.,
Brown,	Edmunds,	Jones of Florida,	Sewell,
Camden,	Fair,	Jones of Nevada,	Stanford.
Chace,	Gray,	Kenna,	
Cheney,	Harris,	McPherson,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read at length.

Mr. HARRIS. The bill has just been read for information.

The PRESIDENT *pro tempore*. It was read for information, and unless the reading be specially called for it will not be read again.

The bill was reported from the Committee on Naval Affairs with amendments in section 3, line 4, before the word "hundred," to strike out "two" and insert "one;" in line 5, after the word "knots," to strike out "and of $100,000 for the second knot so in excess;" and in line 7, before the word "hundred," to strike out "one" and insert "two;" so as to make the section read:

SEC. 3. That in case either of said vessels, upon the tests and conditions heretofore provided, shall display a speed greater than twenty knots over the measured mile, a bonus shall be paid to the contractor of $100,000 for the first knot in excess of said twenty knots, and of $200,000 for each knot beyond; and for the purposes provided in this section the sum of $2,000,000, or so much of the same as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

Mr. MORGAN. I offer an amendment.

Mr. ALLISON. I think the committee should explain to the Senate about the length of time that it will require to construct these vessels.

Mr. CAMERON. There is no report with this bill. I had intended to make a few remarks, but I do not wish to consume the time of the Senate in the way of remarks.

Mr. CULLOM. We should like to hear the Senator.

Mr. CAMERON. I would rather not take up time.

Mr. VAN WYCK. May I ask the chairman of the Committee on Appropriations if this appropriation will exhaust the surplus, or will it go beyond it?

Mr. CAMERON. It will take from four to five years to expend this money.

Mr. PLUMB. I should like to ask the Senator from Pennsylvania a question. Is it absolutely under the control of the President of the United States to say what kind of vessels we shall have in the Navy?

Mr. CAMERON. It is not.

Mr. PLUMB. I should like to know wherein any power is reserved to Congress.

Mr. CAMERON. These questions come so thick and fast that probably I had better submit my remarks.

Mr. PLUMB. Will the Senator answer that question some time during his remarks?

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] has submitted an amendment which will be read before the Senator from Pennsylvania proceeds.

The CHIEF CLERK. It is proposed to add as a new section the following:

In making proposals for contracts for building the vessels authorized to be constructed under this act, it shall be required that three of such vessels shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith, three of them on or near the coast of the Gulf of Mexico or the waters connecting therewith, and four of them on or near the coast of the Atlantic Ocean or the waters connecting therewith, and at such places on or near such coasts or waters as the Secretary of the Navy shall provide. If it shall appear to the satisfaction of the Secretary of the Navy from the biddings for said contracts when the same are opened and examined by him that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he shall suspend the construction of the vessels herein required to be built on or near said coasts or either of them until further action by Congress, and shall report the reasons for such suspension to Congress with all convenient speed.

Mr. RIDDLEBERGER. I desire to call the attention of the Senate to the fact that this is one of the most important bills of this session, and I have not been able to hear one word of the amendment read.

Mr. CAMERON. I have no objection to the amendment.

Mr. RIDDLEBERGER. It is in consequence of the fact that those who generally attend to the business here are doing all the talking on the floor.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania is entitled to the floor. The Chair will endeavor to maintain order.

Mr. CAMERON. Mr. President, this bill authorizes the President to have constructed by contract ten protected steel cruisers with such armament for each as the Navy Department may deem suitable, each of said vessels to have a maximum speed of not less than twenty knots per hour, and to be constructed in compliance with the terms of the act of August 3, 1886. They must be constructed of steel of American manufacture. The armor used is to be of the best obtainable quality and of domestic manufacture, and is to be accepted only ofter passing such tests as shall be prescribed by the Secretary of the Navy. The engines, boilers, and machinery of all the new vessels provided for in the bill are also to be of domestic manufacture. It is not necessary to further recapitulate the provisions of the act under which these vessels are to be constructed, as the Senate is already familiar with its provisions.

The object of the bill is to provide the United States Navy with ten first-class protected steel cruisers, which shall be, especially in the matter of speed, ahead of all other vessels of a similar character in the world. This important feature is emphasized by offering a liberal bonus to be paid to the contractor in case either or all of these vessels display a speed greater than 20 knots over the measured mile.

After a careful investigation of the subject, aided by the several valuable reports on the question prepared by well-known experts for the Government, the conclusion is reached that the most important object to be obtained is speed. With the guns used in modern warfare the strength of a war vessel must be secondary to its speed. The heavily armored vessels, such as are proposed in the bill introduced by the Senator from Maine [Mr. HALE], are especially adapted for coast and harbor defenses, while the vessels provided for in this bill are solely for ocean service.

The passage of this bill may be looked upon as a matter of economy. Ten vessels of the speed herein provided for will be of more value to our Navy than fifty vessels of a speed of twelve and fourteen knots an hour. Other powers, as will be presently shown, have large numbers of the slower grade of vessels, and to pretend to cope with them numerically would necessitate a much larger outlay. We can arrive at our objective point much sooner by taking the road mapped out by the proposed bill. What we really need are fast cruisers, which, in case of war, could follow up and overtake the fastest merchant steamer which traverses the ocean. We have not to-day a vessel commissioned, nor a vessel in course of construction, that could give chase with the hope of overtaking the first-class merchant vessels engaged in the Atlantic trade.

In the report of the board on fortifications or other defenses appointed by the President of the United States may be found a series of tables running over sixty pages and purporting to give the characteristics of the principal foreign ships of war. These tables are very valuable, and would repay the trouble of a close examination, as they give a very good description, with explanatory remarks, of the principal ironclads of the world. From these tables has been prepared a small table showing the rate of maximum trial speed of the war vessels belonging to the different nations. For the purpose of condensation it has not been thought worth while to deal with fractions smaller than one-half a knot, and therefore the rates of speed have been classified in the column to which they most nearly approximate. For example, 14.6 knots would be classified under 14½ knots, while 14.2 would be classified under 14 knots. From this table it will be seen that the highest rate of speed has been attained by the French cruisers, while England, Italy, Chili, and Japan rank next. Should this bill become a law and the proposed vessels be built, in point of speed the American vessels of war would lead the world.

The table is as follows:

Speed in knots of some of the principal war ships of the world.

MAXIMUM TRIAL SPEED IN KNOTS.

	Under 10.	10.	10½.	11.	11½.	12.	12½.	13.	13½.	14.	14½.
England	63	7	35	8	1	10	14	10	17	12	2
France	9	2	3	10	5	5	5	16	3	8	13
Italy	3	.....	1	1	.....	.....	1	1	1	.....	.....
Russia	14	.....	.....	.....	.....	4	2	8	1	2	1
Germany	12	1	4	2	.....	2	.....	1	.....	20	2
Spain	3	.....	.....	.....	.....	.....	.....	1	1	.....	.....
Austria	3	1	.....	2	1	3	1	.....	4	5	2
Holland*	12	.....	.....	1	.....	1	.....	.....	.....	4	.....
Denmark†	.....	1	.....	.....	.....	.....	2	1	1	.....	2
Norway†	5	.....	.....	.....	.....	2	.....	.....	.....	.....	.....
Sweden†	14	.....	.....	.....	.....	.....	.....	4	.....	.....	.....
Turkey	1	.....	.....	1	1	1	.....	1	1	.....	.....
Greece	2	4	.....	.....	.....	.....	.....	.....	1	.....	.....
Brazil	10	1	.....	1	.....	1	2	2	.....	.....	.....
Argentine Republic	2	.....	.....	.....	.....	1	.....	.....	.....	3	.....
Chili	.....	.....	1	1	1	.....	.....	2	.....	.....	.....
China	12	.....	.....	.....	.....	1	.....	.....	.....	.....	.....
Japan	.....	1	.....	2	.....	.....	1	3	.....	2	.....
Total	165	18	44	29	9	31	28	50	30	56	22

*Large fleet gun-vessel and small boats, number and speed not given.
†Large fleet gun-boats, speed not given.

Speed in knots of some of the principal war ships of the world—Continued.

MAXIMUM TRIAL SPEED IN KNOTS.

	15.	15½.	16.	16½.	17.	17½.	18.	18½.	No speed given.	Total.
England	6	5	21	1	6	6	2	.....	.....	226
France	11	5	6	1	6	.....	8	1	4	121
Italy	4	1	4	1	11	1	2	.....	4	36
Russia	3	1	9	.....	.....	.....	.....	.....	4	49
Germany	5	.....	6	.....	.....	.....	.....	.....	.....	55
Spain	2	4	.....	.....	1	.....	.....	.....	14	26
Austria	.....	.....	.....	.....	.....	.....	.....	.....	7	29
Holland*	3	.....	.....	.....	.....	.....	.....	.....	.....	21
Denmark†	.....	.....	.....	.....	.....	.....	.....	.....	2	9
Norway†	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
Sweden†	.....	.....	.....	.....	.....	.....	.....	.....	1	19
Turkey	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
Greece	.....	.....	.....	.....	.....	.....	.....	.....	1	8
Brazil	.....	1	2	.....	.....	.....	.....	.....	.....	20
Argentine Republic	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
Chili	.....	.....	.....	.....	.....	.....	1	.....	.....	6
China	3	2	1	.....	.....	.....	.....	.....	1	20
Japan	1	.....	.....	.....	1	.....	1	.....	3	15
Total	38	19	49	3	25	7	14	1	41	679

*Large fleet gun-vessel and small boats, number and speed not given.
†Large fleet gun-boats, speed not given.

For the last five or six years we have been incessantly investigating the subject of our Navy. There are numerous reports of one kind and another on this subject. We have now all the information that it is possible to gather, and about the only thing remaining is to appropriate the money and go ahead with the work. Official reports show beyond question that we are able to manufacture our own coast defenses, and the testimony of our leading ship-builders, which has again and again been taken, together with the fact that we are building vessels first-class in every respect excepting speed, removes all doubt as to our ability to produce the best and the fastest cruisers. In this connection attention is called to a brief statement made by Mr. Charles H. Cramp, who has recently been awarded the contracts for some of the ironclads already provided for by Congress, which I find in the New York Herald:

Within the last three years our firm has built the two fastest steam-yachts in the world. I do not say this in self-glorification. It is a well-known fact. The Atalanta and the Peerless are the fastest steam-yachts afloat. Nobody on either side of the ocean disputes that. If the Government of the United States had offered us the same inducement to build cruisers that Jay Gould, and Mr. Harkness, of Cleveland, did to build yachts, we would have built for it the fastest cruisers in the world.

This bill offers that inducement, and faith in the enterprise and ability of Americans prompts the belief that the speed of these vessels will not only equal the maximum speed called for, but eclipse that yet attained by the ship-builders of other countries. If we can build the fastest yachts it is difficult to realize that we can not build the fastest cruisers.

The following is a brief summary of what has been done to the Navy:

In the summer of 1881 a naval advisory board was appointed to state the requirements of a new navy. They reported to the Secretary of the Navy that we needed for the present exigencies of the Navy, thirty-eight unarmored cruisers, estimated to cost $26,000,000, and five rams and twenty-five torpedo-boats, estimated to cost $4,000,000. They stated that heavy ironclads were needed; but they gave no estimate in regard to them, as that subject was not included within their instructions. At its next session Congress authorized the construction of two cruisers; but no contracts had been made for them when, in the spring of 1883, it authorized the construction of four vessels, three of them to be steel cruisers—two of 3,000 tons, and one of 4,500 tons—and one of them a dispatch-boat. The armament was to be from eight to twelve rifle-guns for each ship, of caliber from 6 inches to 8 inches.

The contracts were signed in July, 1883, and the new Navy was begun with the launching of the Dolphin. This vessel was completed in the summer of 1885. The Atlanta, one of the cruisers, was put in commission in the summer of 1886, for a trial trip, and the other two are not yet finished, nearly three years after the passage of the act authorizing their construction. No appropriation for ships was made during the session of 1884, but during the sessions of 1885 and 1886 authority was given for three more cruisers, two gunboats, two large armored iron-clads, one torpedo-boat, and one pneumatic dynamite-gun ship, and for the completion of five large double-turreted monitors, whose construction was commenced, under the name of repairs, during Grant's administration.

These fourteen ships added to the four authorized in 1883 make a total of eighteen modern vessels for which authority has been granted. This is the outcome of more than five years' consideration of the subject, and the practical result to date is two ships in commission, seven (including the five monitors) launched but not finished, five designed but not contracted for, and four not yet designed.

The length of time thus consumed shows how large and complicated is the problem, and how many years must elapse between granting authority for ships and seeing them in commission.

As to the value of the ships thus far acquired the only serious criticism made upon them is in regard to their speed. A cruiser which makes 15 knots an hour, when the fast passenger steamers that would be pressed into service in war make 18 to 19 knots on every voyage, is of somewhat doubtful utility.

In a report recently made by Mr. HERBERT, the chairman of the House Committee on Naval Affairs, he shows that the Navy of the United States, instead of keeping pace with the world, is not equal to our Navy of 1860. Then the fleet of the United States was composed of forty-eight sailing vessels of all classes and thirty-six steamers of all classes, making altogether eighty-four vessels. Our fleet of to-day, as shown by the Navy Register, consists of one first-rate serviceable ship, eleven second-rate ships, nineteen third-rate ships, five fourth-rate ships, and two torpedo rams.

While the United States has been investigating and printing voluminous reports, and wasting millions of dollars in repairing old vessels long since out of date, and appropriating small sums here and there for second-rate ships, at least in point of speed, the other nations of the world have been spending large sums of money in the construction of armored ships for their coast defenses and for attacking the cities on an enemy's coast. England has constructed in the last sixteen years a fleet of powerful ironclads and war ships, costing $120,000,000, and for the year 1885 appropriated $30,000,000, making a total of $150,000,000. Many of these ships cost over $3,000,000 each.

France, in the mean time, has built five ships of a very powerful class, costing $14,000,000, and sixty armored ships, at an expense of $75,000,000, or a total of $89,000,000. Russia has built five armored ships at a cost of $7,025,000, and one, the Peter the Great, cost $2,800,000. Besides, she has built twenty-five armored ships and forty-three unarmored ships and gun-boats at a cost of $35,460,000, or a total of $45,285,000. Italy has built in the Duilo class the most powerful ironclads afloat. Five of this class cost $18,500,000. She has also built ten armored ships at a cost of $9,500,000. That is a total of $28,000,000.

Germany has built five modern war ships of the King Wilhelm class at a cost of $9,330,000; ten armored ships at a cost of $9,450,000; twenty-one armored ships at a cost of $15,167,000; thirty-six unarmored ships at a cost of $12,000,000; or a total cost of $45,947,000. Austria has built thirty-two of the modern class, costing $19,000,000. Turkey has built thirteen armored and five unarmored at a cost of $17,300,000. Add together what these nations have expended for the construction of modern war ships, and it will be seen that this reaches the enormous sum of $394,532,000.

The feature of the vessels provided for in this bill is speed. If we expect to keep pace with the ships built and in course of construction by other nations, speed must be made a specialty. In a lecture delivered in London three weeks ago by W. H. White, director of naval construction and assistant controller of the British navy, on the subject of "Modern war-ships," he thus refers to the recent progress made in the speed of modern ships of war:

> Adverting to the question of speed, which, he said, was admitted to be of primary importance for all classes of ships, he showed how great had been the improvement in this respect in recent years. Fourteen knots an hour on the measured mile was almost a standard speed for large ships from 1859 to 1875. In the smaller classes of unarmored vessels speeds commonly ranged from 8 to 13 knots; and the swiftest cruisers, designed to meet the American Wampanoag class, had speeds of 15 to 16½ knots. At the present time Italian ironclads of 13,800 tons displacement had attained speeds of 18 knots per hour; and in the royal navy armored vessels of 8,000 to 10,000 tons had speeds of 16½ to 17 knots. Cruisers had speeds of 18 to 20 knots, and small torpedo craft of 19 to 25 knots. But still higher speeds were demanded, and would no doubt be attained.

One of the first authorities in the world on the subject thus gives as his opinion that a still greater speed than 20 knots is demanded. In view of this it would be unwise for us to begin to build ships of a lesser speed. Turning from England to France, we learn that the French minister of marine has recently stated publicly that the French ought to build ships with speed enough to prey on British commerce should a war occur between those powers. These facts all point to the one conclusion that the ocean warfare of the future will be largely carried on by these fast cruisers, and unless we want to be entirely behind all other nations, we should at once commence to build at least the ten provided for in this bill.

Mr. HAWLEY. Mr. President, this is a very important bill, indeed, and I wish to ask a question or two concerning it. I perceive that in the second section it is provided:

> That in the construction of the aforesaid vessels all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to material for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, so far as the same relate to vessels constructed under contract.

That saves the trouble of repeating in this bill the specific instructions contained in the act of last August, but I am not willing to adopt all those details as in the act of August last. The Senator from Pennsylvania asks what I object to. I object to this precisely:

> That the armor used in constructing said armored vessels and for completing said monitors shall be of the best obtainable quality and of domestic manufacture, provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality, can be made with responsible parties.

I wish no proviso that will permit the purchase abroad of armor, or of shafting, or of any part thereof, for quite as important as the construction of the vessels is the securing the establishment of a plant in this country that can make vessels. The proviso leaves it perfectly open to go abroad.

Mr. CAMERON. I understand the Senator.

Mr. HAWLEY. No; the Senator does not quite understand all I am going to say, because he has not heard.

Mr. CAMERON. I understand on that point.

Mr. HAWLEY. There is another clause:

> *Provided*, That the Secretary of the Navy may purchase abroad only such shafting as it may be impossible to obtain in the United States in time for use in the construction of the vessels herein provided for.

We can make certain kinds of shafting to very great advantage here. What we want is the very best kind of steel shafting, such as the governments abroad require, such as the British Government requires, of compressed Whitworth forged steel. If we avail ourselves of this proviso here and think it best to contract abroad because nobody is ready to make such shafting at home, we may find ourselves with our vessels nearly ready waiting for the shafts, and Great Britain may conclude to say to Mr. Whitworth: "We will take all the shafting you have on hand: we do not choose to put the United States in a condition to fight us in the next six months." So you will be stopped from finishing your vessels and then have to go back and begin a contract with some great manufacturer in the United States for manufacturing these things.

This is precisely the same point that applies to the armor. There is no difficulty whatever in having the heaviest plates manufactured here of the very best materials if you will offer a reasonable contract to the great manufacturers.

Mr. BUTLER. May I interrupt the Senator for a moment?

Mr. HAWLEY. Certainly.

Mr. BUTLER. There is nothing in this bill or in the act of August last to which the Senator refers which prevents that being done.

Mr. HAWLEY. It does not prevent it being done, but it ought to be made mandatory that it shall be done.

Mr. CAMERON. I agree entirely with the Senator from Connecticut that this work ought to be done in this country, and if he will put his amendment in shape I will accept it.

Mr. HAWLEY. Then allow me to suggest as an amendment to section 2, in its reference to the act of August 3, 1886, providing that it shall in general govern the details, to save repeating them, the addition of the words: "Save that in all their parts they shall be of domestic manufacture."

Mr. CAMERON. Does that cover everything needed or not?

Mr. HAWLEY. That covers the point, I believe.

Mr. HALE. That covers it.

Mr. CAMERON. Very well.

The PRESIDING OFFICER (Mr. DAWES in the chair). The question is on the amendment of the Senator from Connecticut [Mr. HAWLEY].

The amendment was agreed to.

Mr. HAWLEY. Let me ask the Senator's attention to one more suggestion. The first words in section 5 of the act of last year are these:

> That the Secretary of the Navy shall cause one or more of the new vessels hereinbefore provided for to be constructed and one or more of the said monitors to be completed in one or more of the navy-yards of the United States.

There is nothing about that here.

Mr. CAMERON. In the first section of the bill it is provided that the vessels shall be built by contract.

Mr. HAWLEY. That takes it out of that.

Mr. CAMERON. I am willing to accept the amendment of the Senator from Alabama [Mr. MORGAN] also.

Mr. BUTLER. Let that be read again.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be read.

Mr. CAMERON. It is not necessary to read it again. I accept it.

The PRESIDING OFFICER. The Senator from South Carolina calls for the reading.

Mr. PLUMB. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be read.

Mr. RIDDLEBERGER. I ask to have the whole bill reported with the amendment.

The PRESIDING OFFICER. The amendment will be read, and then the bill as it would stand if the amendment were adopted.

Mr. TELLER. Let us have the amendment first.

The SECRETARY. It is proposed to add as a new section:

> SEC. 5. In making proposals for contracts for building the vessels authorized to be constructed under this act, it shall be required that three of such vessels shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith, three of them on or near the coast of the Gulf of Mexico or the waters

connecting therewith, and four of them on or near the coast of the Atlantic Ocean or the waters connecting therewith, and at such places on or near such coasts or waters as the Secretary of the Navy shall provide. If it shall appear to the satisfaction of the Secretary of the Navy from the biddings for said contracts when the same are opened and examined by him that said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean or the Gulf of Mexico, he shall suspend the construction of the vessels herein required to be built on or near said coasts or either of them, until the further action of Congress, and shall report the reasons for such suspension to Congress with all convenient dispatch.

The PRESIDING OFFICER. Does the Senator from Virginia call for the reading of the whole bill?

Mr. RIDDLEBERGER. I am just informed that the aggregate of appropriation is not changed.

Mr. CAMERON. No.

Mr. RIDDLEBERGER. I thought possibly some amendment might have changed the aggregate.

Mr. CAMERON. No; it is not changed.

Mr. RIDDLEBERGER. I withdraw my call for the reading of the bill with that understanding.

Mr. PLUMB. I want to call the attention of the Senator from Pennsylvania to the very remarkable contradiction in terms between the bill and the amendment. The first section of the bill provides in the first line "that the President is hereby authorized to have constructed," &c., and this amendment leaves all that power in the hands of the Secretary of the Navy, and he becomes the medium of communication with Congress and does not act under the direction of the President in determining where these vessels shall be built nor in reporting to Congress in regard to what he is doing, either as a reason for doing or not doing.

It seems to me there ought to be some harmony between the head and the tail of this bill. Either the President ought to have this authority, or somebody else ought to have the authority, to continue through the entire operation.

Mr. HALE. That ought to be changed to conform to the original bill.

Mr. MORGAN. I hardly think the Senator from Kansas will insist on the change, considering the nature of the amendment. Of course when the President authorizes the construction of vessels of war, he does it through the Secretary of the Navy. That is the Cabinet officer who is charged with such business by law. The President is authorized to have the vessels constructed by contract. His order to the Secretary of the Navy is to have the cruisers constructed by contract. When you come to the details of construction, of course the Secretary of the Navy is the proper person to prepare the details.

My amendment relates only to the bids for the ships, and provides that in the event it is found that these vessels can not be built at a fair cost on the Pacific or on the Gulf, then he shall suspend the building of the vessels on those coasts and report to Congress the reasons for suspension.

Mr. PLUMB. I am not very apprehensive that the bill will become a law, so as to make me very particular about its terms; but at all events if it is to receive the sanction of the Senate, it ought to be harmonious in its parts to show that we are properly aware of the terms and of all the proprieties of the situation. It ought to be framed just exactly as though we were legislating with a view to action.

Mr. MORGAN. I think it is harmonious as it is; but nevertheless, if the chairman of the committee prefers the word "President"——

Mr. PLUMB. The Senator's amendment provides for a report by the Secretary of the Navy to Congress, and the President is put in the attitude of putting out contracts and having no concern about them afterward.

Mr. MORGAN. I will modify the amendment by striking out "Secretary of the Navy" and inserting "President."

The PRESIDING OFFICER. The Senator from Alabama modifies his amendment. The question is on the adoption of the amendment as modified.

The amendment was agreed to.

Mr. VAN WYCK. Before the money is all taken out of the Treasury by a few bills and the surplus entirely exhausted, I beg to inquire of the Committee on Naval Affairs if any provision is made in the bill introduced or is proposed to be made for war vessels on the great lakes?

Mr. HALE. The companion bill to this bill reported by the Senator from Pennsylvania was reported by me on the same day, and I gave notice then that I would call it up at an early day, which I propose to do. That bill covers the other features of floating ships or batteries, or rafts for harbor defense and of torpedo-boats for the same purpose, and torpedo appliances, and also makes provision for the building of light-draught gunboats, such as may be used on the Western Lakes. This bill deals only with the cruisers, and, as the Senator from Pennsylvania has said, largely with the view of securing the most rapid war cruisers that sail on the waters of the globe. The feature alluded to by the Senator from Nebraska is found in the bill which I reported, and which will come up at a very early day, whenever the Senate will consent to it.

Mr. BUTLER. The Senator from Maine would be justified in saying that both bills received the unanimous sanction of the Committee on Naval Affairs.

Mr. HALE. Yes, they were considered, and it was thought better to divide the matters and put them into two bills.

Mr. VAN WYCK. How much does the bill the Senator has in charge call for?

Mr. HALE. About fifteen millions. That includes armament.

Mr. VAN WYCK. I was only getting at that with a view of ascertaining whether we can afford to appropriate quite as much as this bill of the Senator from Pennsylvania is advocating does and have anything left for the great lakes. We need protection there evidently as much as upon the coast.

We are now making provision for probably all the surplus and a little beyond, except the amusement part to which my friend from Kansas referred, for he seems to think very much of this is done for amusement. The other part is done considerably to draw money from the Treasury, the depleting process, because we find that within a few days, with scarcely a pause long enough to allow a question as to the amount of these appropriations, we are called upon to appropriate $71,000,000, which is far more, I think, than our surplus, which seems to be a sort of a nightmare, an incubus.

Mr. HAWLEY. Will the Senator be kind enough to specify the items? I do not remember them now.

Mr. VAN WYCK. I will specify. The surplus seems to rest as a sort of incubus or nightmare on statesmen in this body and out of it.

Mr. HALE. Will the Senator allow me to call his attention to one feature?

Mr. VAN WYCK. Certainly.

Mr. HALE. Supposing the bills that were passed the other day from the committee represented by the Senator from Connecticut [Mr. HAWLEY] become laws, and this bill becomes law, and the bill that I have referred to reported by myself becomes a law, and the aggregate is $71,000,000 in all, if the Senator has figured the amount aright, let me call his attention to the fact that it is by no means an appropriation of that amount, or anything like it, for any one year.

It does not exhaust the surplus like an outright appropriation that would be spent in a year when the surplus has accumulated; but these appropriations are made in gross, because it has been learned by the experiments we have passed through that much better and cheaper contracts can be made by the Government if they have at their disposal all the money. These appropriations would run through a period ranging from three to five or six years, and would only interfere with the surplus to that extent.

Mr. VAN WYCK. The surplus is becoming somewhat problematical, because distinguished Senators on this floor have stated that it is extremely doubtful whether there will be any surplus the coming year; and with that fact staring us in the face the greatest amount of liberality in figures is indulged in just at that time.

The Senator from Connecticut [Mr. HAWLEY] secured the passage a few days ago of two bills—twins, I think they were called—evidently appearing about the same time and running their race about the same time; twin bills, twin in point of time and twin in amount, each $8,000,000, and twins for effecting the same object; that was to get some steel manufactories to make steel, and yet not a gun built out of the $16,000,000. True, $1,000,000 were appropriated for a gun factory and the rest for the manufacture of steel, and the manufacturers must have their plant. There was $16,000,000, and not a gun in sight.

Mr. HAWLEY. The Senator will remember that the money is to be given when the steel is produced.

Mr. VAN WYCK. But the gun is not made then.

Mr. HAWLEY. It is if the gun factory goes on.

Mr. VAN WYCK. But the million dollars is appropriated for the gun factory and the other millions for the production of steel; and after we get the steel, and the steel is a success, and the steal out of the Treasury is a success, and the manufacture is made, then they will consider the question of making the gun. It is a steal on the Government, as the Senator from Kansas suggests. [Laughter.]

Mr. RIDDLEBERGER. How do you spell it?

Mr. VAN WYCK. That will be referred to the Civil Service Commission. Sixteen million dollars and not a gun, and the probability is you will not have any when the steel is manufactured. Then we voted $18,000,000 the other day in one fell swoop to repay the States of this Union the war taxes they paid a number of years ago, and now we are to vote $15,000,000 for ten vessels that will sail 20 knots an hour. So far we have $49,000,000. Then $2,000,000 for extra speed and $5,000,000 for the armament of these vessels, and that makes $56,000,000. The Senator from Maine [Mr. HALE] says that his bill calls for $15,000,000 more for torpedo-boats on the lakes, making $71,000,000. That will use up the surplus.

The Senator from Kansas [Mr. PLUMB] says there is no danger of passing these bills. That undoubtedly is so. I presume these bills are not introduced and sought to be passed with any expectation, or hope, or probable desire that they should become laws. But that does not justify the passing of our time and the recklessness which we manifest in dealing with millions and millions which are not now within reach

any more than the gun is within reach that is proposed to be made hereafter.

Thus is the surplus got rid of; but that is not the object. The people of this country are not complaining at the few million dollars surplus in the Treasury to-day, as I have had occasion to state once before, but they complain of the enormous taxation which draws money from their pockets, not over-well filled, and puts it in the Treasury of the United States. The people are asking that the sources shall be dried up; and not that indiscriminately and without any regard to the public interests the Treasury shall be thrown wide open and have the draining process there.

But this is done evidently with another object, that there may be no excuse to stop taxation. When the people of this country are asking to be relieved from taxation they point to the Treasury being full, full to overflowing; so that there may be some relief in internal revenues and customs duties and taxes; and the point is to stop the mouths of the people by taking away, by drying up that argument, so that they can be told "the Treasury is empty, and therefore this taxation must go on." This is the way you propose to drain the Treasury and empty it of its resources.

I desire merely to call the attention of the Senate to this matter. Then we shall be told that we shall not be able to pay the pensions to our disabled and impoverished soldiers because there is no money in the Treasury. Millions of dollars can be paid to men for steel and ships and fortifications, and then the answer will be that pensions can not be paid; we must be niggardly in paying the men who made a bulwark against those who sought to take the national life. The answer to them will be there is no money in the Treasury to pay them. The better way to make provision for the next war, come when it may, would be by a generous liberality, or rather honesty on the part of the Government toward its defenders.

I am admonished by my friend from Kansas that this is principally for amusement; but it is also for the other reasons I have suggested. I think we should pause a moment, and if this surplus is all to be taken from the Treasury we should, at least, make an honest, fair, equitable distribution among the ships, the fortifications, the steel, and the guns, because the residue is not sufficient to go round and be bestowed on all these objects.

Mr. RIDDLEBERGER. Mr. President, I believe I may be classified among those who endeavored to take away what is called the national life. Since the Federal Government has become a nation, I am willing to vote the money that shall make it appear so everywhere. I am a member of the committee referred to by the Senator from Nebraska, and I have been willing to vote, not the money of the State that he represents so much as I have been willing to vote the money of the State I represent, for the national defense.

I think, sir, that it is time to stop this kind of discussion when men shall be called to account on this floor for trying to take the life of the nation when it was not a nation, and when they are willing to recognize to-day the fact that it is a nation, and to protect it as such.

I would not give one Southern man to-day who is in favor of the United States Government for all the brigadier-generals of the Union army who are opposed to it. That is intended not to be personal, but to indicate what the national feeling of the Southern man is.

Every time we suggest from that committee the construction of a navy we are answered that it will take all the surplus in the Treasury. Suppose it shall, what other purpose are you going to give it for? We have tried to give it to the people of this country for educational purposes, and they have refused on the other side of this Capitol to allow us to do it. It is there and we want to give it out for some great public purpose.

I hear that we are receiving insults from a government that never was kindly to us; whose people, with a few exceptions, were never kindly to us. I can see no better use to make of that surplus than to appropriate it for the purpose of constructing a navy which will show that the United States Government is equal on the sea, as we know it is on the land, to any other government in the world.

Seventy-one million dollars is the surplus in the Treasury, we are told. How else do you propose—the Senator will allow me to address myself to him through the President of the Senate—how else do you propose to dispose of that surplus, if it be a surplus? What do you propose to do with it, Mr. President? A committee that has now for three, yes for four, years labored with this question is held here to an accountability by a Senator who has given no reason for anything except that the money comes by and through taxation.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. CAMERON. I move that that be laid aside in order to continue this bill. It will take only a few minutes longer.

Mr. VEST. I hope not. Let us go on with the unfinished business.

Mr. ALLISON. I hope the Senator from Pennsylvania will allow this bill to go over until to-morrow.

Mr. CAMERON. I will not if I can help it. I move that the unfinished business be laid aside temporarily.

The PRESIDING OFFICER. That requires unanimous consent.

Mr. VEST. I object.

Mr. CAMERON. Then I move that the consideration of this naval bill be continued.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to lay aside the pending business.

Mr. HARRIS. That motion is not in order. He may move to postpone the further consideration of the unfinished business.

Mr. CAMERON. That is practically what I did, but the Chair did not put the motion as I made it.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to postpone the consideration of the pending business.

Mr. VEST. That permanently displaces the unfinished business.

Mr. CAMERON. We can take it up right away again.

Mr. HALE. Let the Senator from Pennsylvania embody with his motion an hour when it will take effect—postponement until to-morrow at 2 o'clock.

Mr. CAMERON. That will do; I put it in that form.

The PRESIDING OFFICER. The Senator from Pennsylvania moves to postpone the pending business until to-morrow at 2 o'clock. [Putting the question.] The noes appear to have it.

Mr. CAMERON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HALE. Let the Chair explain what the measure is that is to be laid aside until to-morrow, not that which has been before the Senate for the last hour.

The SECRETARY. A bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

The PRESIDING OFFICER. That is the pending business, and the motion is to postpone this pending business until to-morrow, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague is paired with the Senator from Indiana [Mr. HARRISON].

The roll-call having been concluded, the result was announced—yeas 24, nays 28; as follows:

YEAS—24.

Aldrich,	Dawes,	Mahone,	Riddleberger,
Blackburn,	Farwell,	Manderson,	Sawyer,
Bowen,	Frye,	Miller,	Spooner,
Butler,	Hale,	Morgan,	Teller,
Cameron,	Hawley,	Platt,	Williams,
Cheney,	McMillan,	Pugh,	Wilson of Iowa.

NAYS—28.

Allison,	Cullom,	Ingalls,	Vance,
Beck,	Eustis,	Maxey,	Van Wyck,
Berry,	Fair,	Mitchell of Oreg.,	Vest,
Call,	George,	Payne,	Voorhees,
Cockrell,	Gorman,	Plumb,	Walthall,
Coke,	Hampton,	Ransom,	Whitthorne,
Conger,	Harris,	Saulsbury,	Wilson of Md.

ABSENT—24.

Blair,	Edmunds,	Jones of Arkansas,	Morrill,
Brown,	Evarts,	Jones of Florida,	Palmer,
Camden,	Gibson,	Jones of Nevada,	Sabin,
Chace,	Gray,	Kenna,	Sewell,
Colquitt,	Harrison,	McPherson,	Sherman,
Dolph,	Hoar,	Mitchell of Pa.,	Stanford.

So the motion was not agreed to.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. RIDDLEBERGER. I believe I had the floor on the proposition that has been postponed until to-morrow by the vote just taken of 28 to 24.

The PRESIDING OFFICER. Does the Senator claim the floor on the pending amendment to the bill before the Senate?

Mr. RIDDLEBERGER. I think I will claim the floor, as I have the right to do. I addressed the Chair, and nobody else did.

I desire to say this as my parting salute to the Navy bill, that there is a record which will show that the American Senate preferred to take up the Eads ship-railway bill to doing that which American sentiment demands to-day, to wit, the construction of a navy.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. MORGAN. Mr. President, I should think it to be unjust to the public service to continue the debate on this question any longer if it could be reasonably avoided. My purpose in taking the floor this morning is to try to arrive at something a little more definite about what this plan is, and the reason for our acting upon it under the concession from the Government of Mexico.

When I called the other day upon the Senator from Missouri to put into the RECORD or give me a copy of this concession, the Senator handed me a grant that was not signed, neither had it any date. I now

ask the Senator whether or not that grant is really signed in the original, or whether it was merely a concession that was proposed to be made.

Mr. VEST. I intended to answer fully the question of the Senator from Alabama when I came to discuss the amendment which he had offered; but as I did not do it before I will do it now.

The concession to which he and the Senator from Vermont referred the other day as having been signed by Porfirio Diaz, of Mexico, and Captain Eads, and copies of which had been furnished, was the original concession. After that, from time to time, amendments mere made to that concession. I have those amendments, together with the original concession, now here for the inspection of the Senator if he desires. The paper to which he refers, and which I furnished him, and he put into the RECORD, is the sum and substance, the total of all the concessions and amendments made by Mexico to Captain Eads, and that concession is now in force. The simple reason why it is not signed is that it embodies in a convenient form the original concession and the amendments, and the Senator will at once perceive that the signatures could not be put to it for the reason that the original concession was signed by Colonel Diaz and Captain Eads, and the various amendments were signed by the officers of Mexico, the president of the senate, and the speaker of the house, I believe, and the minister of foreign affairs, and by the president; by different persons from those who signed the original concession, but all of them are equally authoritative and obligatory.

Mr. MORGAN. What I wanted to know was what the original concession was. I wanted to see the paper.

Mr. VEST. The paper which is in the RECORD and which I furnished the Senate.

Mr. MORGAN. That is not signed.

Mr. VEST. I will send for all the papers if the Senator makes any point about that.

Mr. MORGAN. I want to know before I act on a concession from the Government of Mexico what it is. This, as I understand, is a mere compilation or digest made by somebody of the various concessions which have been made by the Government of Mexico to the Eads Ship-Railway Company. Whether it contains everything that is in those concessions or not, I do not know. This is the interpretation put by Mr. Eads, or by whoever made the compilation, upon what the concessions mean. The parts of the concession are arranged here in articles from 1 to 34, and now we are informed by the Senator from Missouri that in this digest is contained the substance of various concessions.

I do not wish to act upon this matter in the dark. I wish to understand our relations with Mexico precisely, for a question has been raised here whether we can afford to adopt this concession and make it a part of the legislation of the United States Government as it is spread out in the RECORD, or as it actually exists. For my part I am not willing to vote for any bill that adopts this concession so as to make it in any sense obligatory upon the United States through its acts of legislation. We should commit ourselves to doctrines or principles and results that I think would be extremely unfortunate if we should adopt the concession without any reservation of the rights of the United States Government in respect to the matters contained in it.

I supposed from the nature of this paper that it was put into the RECORD from the appearance of it here; that instead of its being the original concession, article by article, with the proper arrangement of the different articles, one following upon the other and referring to the other, it was a mere digest prepared by somebody of what he personally concluded or believed was the original concession made by Mexico to Captain Eads.

This question becomes of more importance when we consider the point that I raised the other day—whether or not the eighth article of the Gadsden treaty is now in force as between these two Governments. The Senator from Massachusetts [Mr. HOAR], when he was last on the floor, expressed some regret that I should have a feeling of unkindness toward Mexico to such a degree as to insist upon our rights to what he concludes is an abandoned section of the Gadsden treaty. I confess that I was taken a little surprise when the question was asked whether I had an unkind feeling or sentiment toward Mexico in this matter, for surely in no vote or speech have I ever made in the Senate of the United States an unkind reference to that republic. On the contrary, my opinions and feelings in respect to that republic are very kind.

Mr. VEST. The Senator will permit me to interrupt him. He has intimated, if not said, that the concession from Mexico is simply a digest. Here is the original concession together with the amendments translated by Señor Romero, the Mexican minister at this place, with his certificate:

I have examined the printed English translation of the contract entered into between the Mexican Government and the representative of Mr. James B. Eads, signed at the city of Mexico May 2, 1885—

That is the original concession—

and the manuscript translation of the decree of the Mexican Congress of December 15, of the same year, approving said contract with some modifications and additions, and have carefully compared them with the original Spanish text of said documents hereto attached, and with the slight changes which I have made to the English translation of the same I find that they substantially agree.

M. ROMERO.

WASHINGTON, D. C., *February* 20, 1886.

Here are all these documents at the service of the Senate, and they show the concession to be as printed in the RECORD.

Mr. MORGAN. Shall I take the papers?

Mr. VEST. Certainly; they are at the service of the Senator and the Senate. I hand them to him.

Mr. MORGAN. The original of the first concession is here in the Spanish language, but I make a very poor hand at handling that tongue. There is a translation of the concession made May 2, 1885, signed Carlos Pacheco and E. A. Mexia, who, I suppose, were some committee or commission authorized by the Government of Mexico, General Carlos Pacheco, secretary of state to the department of public works, representing the executive of the Union of the one part, and Citizen Enrique A. Mexia representing James B. Eads of the other part. That consists of thirty-two articles. In this paper that we have here there are thirty-four. The next paper appears to be an act of the Congress of that republic. The next concession, of which there is a translation, seems to consist of sixteen articles, if I read it right, and in the digest which is put into the RECORD there are thirty-four articles. Thirty-two seem to be contained in the first concession signed by Pacheco and Mexia, and then added to them are sixteen other articles, if I get the number right; so that there are fourteen articles of the concession between Mexico and Eads that have not yet been put into the RECORD. Of course I am speaking in haste about it, having now for the first time had an opportunity of seeing the papers.

Now I will ask the Secretary to read this last concession, in order that it may go into the RECORD, the translation of it which I believe Mr. Romero certifies to.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The paper sent up by the Senator from Alabama will be read.

The Secretary read as follows:

[Seal of the department of public works, "colonization, industry, and commerce of Mexico" repeated on each folio].

The President of the Republic has been pleased to address me the following decree:

Porfirio Diaz, Constitutional President of the United Mexican States, to the inhabitants thereof, know ye:

That the Congress of the Union has seen fit to decree as follows:

The Congress of the United Mexican States hereby decrees sole article—the contract is hereby approved which was concluded on the 2d day of May, 1885, by the citizen-general, Carlos Pacheco, secretary of state and of the department of public works as the representative of the federal executive, and Mr. James B. Eads, modifying and amplifying the contract approved by the law of May 28, 1881, for the construction of a railway for the transportation of vessels across the Isthmus of Tehuantepec, with the following modifications:

First. Article 6 is to read as follows:

"The lands comprised within the said zone, and if they are public lands they shall be ceded by the government to Eads or to the company without any remuneration whatever, and if they are not they may be purchased by the aforesaid Eads or the company, according to the laws relative to the taking of property for purposes of public utility; with the understanding that in either case they shall be devoted solely and exclusively to the service of the railway. Nevertheless, if it shall be possible, and be deemed proper to establish settlements on any portion of said lands the company may do so, by permission from the executive, provided that it conform to the rules which he shall lay down in pursuance of the laws."

Second. At the end of divisions 1 and 2 of paragraph 2 of article 10 shall be added the words "and order of that of finance."

Paragraph 3 of the said article 10 shall read as follows:

"Vessels, passengers, and merchandise passing over the railway shall be free, during the whole time for which the concession is made, of duties of all kinds, both general and local, with the exception of the transit duty, for which they shall pay, after the conclusion of the work, and during the entire period of the concession, at the rate of 15 cents per passenger on each passage collected by the company; one-half on the value of silver or gold in bars or in dust, and on that of precious stones, and 10 cents per ton on each ton on which the company collects toll."

Third. Instead of the first paragraph of article 13, the following shall be substituted:

"The enterprise shall publish and send annually to the department of public works the schedules of prices adopted by it, and it shall neither reduce nor increase such prices without previous notice to the public, which notice shall be published fifteen days beforehand in case of a reduction and two months beforehand in case of an increase."

Paragraph 2 of the aforesaid article 13 shall be reconstructed so as to read thus:

"All the prices specified in the aforesaid schedules shall be payable in gold, excepting those payable on Mexican vessels and passengers, which shall be paid in hard dollars of the national (*i. e.*, Mexican) mintage, in order that they may enjoy a reduction equivalent to the amount of the exchange on Mexican gold or silver."

Fourth. Article 14 is to read thus:

"In the dry-docks, that may be constructed by the enterprise, the said Eads or the said company shall have the right to collect such prices as may be agreed upon from the owners of vessels who may desire to take them thither for the purpose of having them careened or repaired. The Government may make use of said docks for careening and repairing vessels belonging to it without paying any remuneration whatever. This use shall be subject to such rules as may be established by the company and as may be approved by the department of public works."

Fifth. As the third division of article 16 the following shall be inserted:

"3. If the company shall voluntarily and maliciously transport arms or munitions of war belonging to any foreign nation, without proper permission from the Government of Mexico, it shall be liable to a fine of from two to ten thousand dollars, and shall, moreover, be responsible for such damages and injuries as may be occasioned by this act, if, by reason thereof, the neutrality laws shall be violated."

Sixth. For the second paragraph of article 18 the following shall be substituted:

"The company may sell and in any manner dispose of and transfer its shares, bonds, and other obligations. The creditors of the company shall have action against its property only, and the bondholders, directors, and employés of the enterprise shall be exempt from all personal responsibility on account of the debts of the company, except in case of fraud, deception, or bribery."

Seventh. In the second paragraph of article 22 the word "may" shall be inserted, the said paragraph consequently reading as follows:

"The railway, with its works, buildings, material, equipments, and appurtenances, may be taken by the Government for two-thirds of its value, payable with the net proceeds of its working, interest being paid to the enterprise at the rate of 6 per cent. per annum on the amount due it, until the final payment shall have been made."

The last paragraph of the aforesaid article 22 is likewise reconstructed, as follows:

"The improvements in the ports, such as wharves, docks, locks, and lighthouses, shall, at the expiration of ninety-nine years, become the property of the nation, no compensation being paid therefor."

Eighth. Article 23 shall be worded as follows:

"The Mexican Government pledges itself to protect Eads or the company in the construction of all the works mentioned and in the enjoyment thereof when they shall be completed, and for this purpose it shall furnish the proper force by land or sea without any charge to the enterprise."

Ninth. In article 25, as a third cause of forfeiture, the following shall be added:

"3. Because the company, knowingly and intentionally, and not being constrained by *vis major*, transports by the railway vessels of war or troops of any foreign nation, without the previous constitutional permission, officially communicated by the government to the enterprise."

Tenth. Paragraph 3 of article 26 is thus reconstructed:

"If the forfeiture shall be caused by alienation, hypothecation, or transfer to a foreign government, or for having received such government as a partner, or because the company, knowingly and intentionally, and not being constrained by *vis major*, shall transport vessels of war or troops belonging to any foreign nation, without the previous constitutional permission of Mexico, in addition to the nullity of the act and the forfeiture of the present contract, the nation shall at once enter upon the ownership of the route, of its accessories, and lands, without the company's having any right to an indemnity of any kind."

Eleventh. For article 27 the following shall be substituted:

"ART. 27. The Government of Mexico pledges itself to furnish annually, as a loan, which is to be repaid, the amount necessary to make up, as the sixth part of the annual gross proceeds of the entire income of the enterprise, for the working of its railways, telegraphs, and docks, the sum of $1,250,000.

"This obligation shall be binding as soon as, after the completion of the ship-railway, it shall have been put in operation, and shall have transported across the isthmus, with entire safety, a vessel weighing, with its cargo, at least 3,000 tons.

"The advance or loan which the Government of Mexico binds itself to furnish to the enterprise, in order thereby to guarantee the payment of interest to the capital therein invested, shall only extend to the first fifteen years of the operation of the ship-railway, which period shall be reckoned from the day on which the first vessel weighing at least 1,000 tons shall have been transported across the isthmus, according to the terms of the foregoing paragraph."

Mr. RIDDLEBERGER. I understood the Secretary to read that the Government of Mexico was binding itself to pay something. Is there anything here to show that?

The PRESIDING OFFICER. The Senator from Alabama has the floor. His attention is called by the Senator from Virginia to the matter being read.

Mr. RIDDLEBERGER. I ask the Senator from Alabama whether there is anything here to show that the Government of Mexico binds itself to anything?

Mr. MORGAN. Yes; I understand that the Government of Mexico binds itself to make a grant of land to this railroad company.

Mr. RIDDLEBERGER. I should like to see the paper.

Mr. MORGAN. It is being read now.

Mr. RIDDLEBERGER. No, sir; the paper that is being read is not one that binds Mexico.

Mr. MORGAN. It is in that paper.

Mr. RIDDLEBERGER. That is only a paper that binds the Government of the United States.

Mr. MORGAN. It is in that paper, Mr. President. If there is any such publication at all, it is in the paper that is being read.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

The Secretary resumed the reading, as follows:

"The Government of Mexico may, as it may elect, deliver, in cash or in special bonds issued by it and bearing interest at the rate of 6 per cent. per annum, the amount which it is annually to loan to the enterprise in virtue of the obligation contracted by it. The said bonds, if issued, shall be payable in twenty years from the date of their issue.

"The enterprise assigns exclusively, for the purpose of repaying to the Government of Mexico the sums which that government shall have advanced to it in virtue of the provisions of this article, the sixth part of the excess that may at any time accrue in its net revenue from the operation of the ship-railway and of its telegraphs and docks over and above the sum of $3,750,000 in gold in one year."

Twelfth. Paragraphs 1 and 2 of article 28 are made to read as follows:

"Eads or the company may grant a reduction amounting to 25 per cent. of the rates authorized by article 11 to the merchandise, passengers, and merchant vessels of the nation, or of foreign nations whose governments shall lend it their aid either by means of money or guarantees.

"This reduction shall last for a term of thirty years, and in all cases Mexican merchandise and passengers and the national marine shall enjoy the same franchises. The enterprise is also authorized to grant the same reduction to the war marine of said nation or nations."

Mr. RIDDLEBERGER. I ask again——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. RIDDLEBERGER. I ask the Chair——

The PRESIDING OFFICER. The Senator from Alabama has the floor, and the paper is being read as part of his remarks.

Mr. RIDDLEBERGER. Did not the Secretary read "said nation or nations?" That bill is a little too broad——

Mr. MORGAN. As I am not in charge——

Mr. RIDDLEBERGER. It is a little too broad read in the way it is when we are asked to pass upon it here to-day.

Mr. MORGAN. As I am not in charge of the bill, but was arguing some reasons why the bill ought to be amended, I will refer the Senator from Virginia to the Senator from Missouri for an answer. I am not prepared to answer that proposition.

Mr. RIDDLEBERGER. My answer to it will be a negative vote.

Mr. VEST. This is not a bill, Mr. President. This is the concession on the part of Mexico to Captain Eads. It is not pending here. It is being read as a part of the remarks of the Senator from Alabama. We are not asked to vote on it. It is merely a concession.

Mr. RIDDLEBERGER. But if it is being read to give the Senator from Alabama an opportunity to make remarks we know that he does not lack much opportunity. He is always ready to make remarks, and he makes them elegantly; they are ready to go into the RECORD without even revision. But when a bill is being read of the language of this that involves a little more, in my judgment, than we seem to comprehend here, I have an apprehension that I ought to call attention to the language of it as the Secretary reads it. "Nation or nations." I am not ready to consider a bill of that sort, because if it is to come here at all in open session it should come in the way that it ought to go under this rule of the American House of Lords, to executive session, that which I despise. We have laid away to-day the very suggestion of an American navy to take up this thing that I know, or think I know, the American people will despise. It is too general in its terms. It is to all intents and purposes an extradition treaty with England, and it is brought here in open session; and yet the fact is admitted by those who bring it here, and the Senator who is a member of that committee says that the Senator from Missouri is the sponsor of the bill.

Mr. MORGAN. The Senator from Virginia is quite mistaken about my being a member of the committee. I am merely trying to find out what is in the bill and upon what it is predicated, and am therefore having a paper read that I think shows what the bill is.

Mr. RIDDLEBERGER. Mr. President——

Mr. MORGAN. I can not yield any longer to the Senator from Virginia to discuss the question of the bill itself, because I have the floor upon it, and the Secretary was reading the matter which I might have read myself just as well.

The PRESIDING OFFICER. The Senator from Alabama has the floor, and if he declines to yield further the reading will be proceeded with.

Mr. RIDDLEBERGER. I beg pardon. I did not understand that the Senator declined to yield. But I never understood the Senator to have the floor when he was sitting down.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. MORGAN. No, sir; I decline to yield any further at present.

The PRESIDING OFFICER. The Chair so understood.

Mr. RIDDLEBERGER. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama declines to yield the floor.

Mr. RIDDLEBERGER. I have interrupted the reading of that bill. The Senator from Alabama does not have the floor and can not have it unless he stands and claims it, and he has disclaimed it by saying that the Senator from Missouri was the sponsor of the bill.

The PRESIDING OFFICER. The Chair will state to the Senator from Virginia that the Senator from Alabama had the floor and sent to the desk of the Secretary to be read a certain paper, which is being read as part of his remarks. He has the floor in his own right and declines to yield.

Mr. RIDDLEBERGER. Does the Chair say that I have not the right to ask the Senator——

The PRESIDING OFFICER. The Senator from Virginia will please suspend his remarks until the Chair has stated the position of affairs. The Senator from Alabama declines to yield further to the Senator from Virginia.

Mr. RIDDLEBERGER. Would the Chair, or the Senator from Alabama either, say that I did not have the right to ask the Senator from Alabama and have an answer as to what is meant by the phrase "all nations" in a paper that he has produced here?

The PRESIDING OFFICER. The Secretary will proceed with the reading of the paper.

The Secretary resumed as follows:

But with the proviso that the transportation of vessels, troops, or munitions of war shall not be understood to have been consented to, in any case, without the express permission of the Government of Mexico officially communicated to the enterprise.

The governments granting the aforesaid aid shall have the right to be represented in the board of directors of the company, without any power save that of being present at the examination of the accounts for the purpose of receiving the share of the profits that belongs to them by two-ninths of the whole number of its members, these representatives enjoying the same emoluments and prerogatives as the other directors.

Thirteenth. For article 29 the following shall be substituted:

"When the advances made to the enterprise by the Government of Mexico and the other governments that aid it shall have been refunded, and the net earnings shall be sufficient to pay a sum equivalent to 10 per cent. in gold of the total indebtedness of the company, represented by the shares and bonds that it may have issued, the directors appointed by the Government of Mexico and by the other governments lending the aforesaid aid shall prepare a schedule of reduced prices, provided that the reduction of income that may result will permit the payment of the said 10 per cent.; and if this new schedule shall be approved by the Government of Mexico and the other governments it shall remain in

force thereafter, although it may be afterward increased whenever the net earnings of the enterprise shall prove to be insufficient for the payment of the aforesaid 10 per cent., one-half of the total earnings shall, in all cases, be considered as net profits.

Mr. RIDDLEBERGER. I ask again whether I understood the Secretary aright. Did he say "shall be approved by the Government of Mexico?"

The PRESIDING OFFICER. The Secretary will read again the part of the document referred to by the Senator from Virginia.

Mr. RIDDLEBERGER. I think it is only a sentence back. I want to know whether we are legislating here with the permission of the Government of Mexico.

The PRESIDING OFFICER. The Secretary will turn to the part mentioned and read it again.

The Secretary read as follows:

And if this new schedule shall be approved by the Government of Mexico and the other governments.

Mr. RIDDLEBERGER. "And if." Is that right?

The Secretary continued to read, as follows:

It shall remain in force thereafter, although it may be afterwards increased whenever the net earnings of the enterprise shall prove to be insufficient for the payment of the aforesaid 10 per cent., one-half of the total earnings shall, in all cases, be considered as net profits.

Mr. RIDDLEBERGER. I ask again, did I understand the Secretary to read, "and the other governments?"

The PRESIDING OFFICER. The part referred to will be again read.

The Secretary again read the last clause of the thirteenth article.

The PRESIDING OFFICER. The reading will be proceeded with.

The Secretary resumed and concluded the reading of the paper, as follows:

Fourteenth. Article 30 is to be reconstructed so as to read as follows:

"The transit duty mentioned in article 10 shall be collected in Mexican hard dollars, in the form and on the terms that the government shall order by agreement with the enterprise; and this fund shall be appropriated, so far as may be necessary, to the amortization either of the main share of capital that shall be found chargeable to the governments as a part of the deficit referred to in article 27, or of the interest on the bonds therein mentioned, without prejudice to such other means of payment as may be provided for this purpose in the federal budget."

Fifteenth. For article 31 the following shall be substituted:

"The company may establish its board of directors in any city in the republic or in a foreign country, but in the latter case it shall be obliged to keep at this capital an attorney, instructed and paid, for the purpose of maintaining an understanding with the federal government and other authorities in all matters relating to the execution of the present contract."

Sixteenth. The enterprise shall communicate to the Government of Mexico the text of any contracts that it may conclude with foreign governments.

IGNACIO POMBO, *Deputy President.*
ROBERTO NUÑEZ, *Deputy Secretary.*
MIGUEL UTRILLA, *Senator President.*
GUILLERMO DE LANDA Y ESCANDON, *Senator Secretary.*

Mr. RIDDLEBERGER. What did I understand that last name to be?

Mr. DOLPH, I ask the Senator from Alabama to yield to me that I may submit a conference report.

Mr. RIDDLEBERGER. I suppose it is perfectly apparent that I am opposed to this bill. I just wanted to know what that name was, and I believe I had the floor for that purpose.

The PRESIDING OFFICER. The Secretary will again read the name referred to.

Mr. RIDDLEBERGER. I wish he would, or the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Missouri will kindly return the paper to the desk.

Mr. RIDDLEBERGER. I want to know whether this is a treaty or a bill.

Mr. VEST. It is a concession from the Government of Mexico to Captain Eads.

Mr. RIDDLEBERGER. And a concession I am not ready to make.

Mr. VEST. What has been read is an act of the Mexican Congress.

The PRESIDING OFFICER. The Secretary will again read the name indicated.

The Secretary read as follows:

Guillermo de Landa y Escandon, senator secretary.

Mr. RIDDLEBERGER. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. DOLPH. I hope the Senator from Alabama will yield to me that I may submit a conference report.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oregon?

Mr. MORGAN. Yes; for a conference report.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. DOLPH. The conference committee on the disagreeing votes of the two Houses on the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, submit a report thereon.

The PRESIDING OFFICER. The report will be read.

Mr. DOLPH. I move that the Senate further insist on its disagreement, and ask for a conference.

Mr. PLUMB. Before the report is read or any motion is made by the committee of conference, I should like to inquire of the Senator from Oregon what has been the occasion for the seemingly great delay which has occurred since the time this matter was before the Senate on a former occasion? At that time we were advised that the bill had been misplaced by the House conferees and steps were taken on behalf of the House to obtain from the Senate a verified copy of the bill in order that the conference might proceed with its work. An important matter as it is and one which has been pending for a long time, I should be glad to have the Senator state what has been the occasion of this somewhat extraordinary delay.

Mr. DOLPH. I think the inquiry is a pertinent one. It was on the 4th of February that the Senate complied with the last request of the House in connection with the bill; that is, to indorse upon the substitute copy of the bill the order appointing conferees on the part of the Senate. I can assure the Senator that it has been no fault of the managers on the part of the Senate. I have been several times over to the other House. I saw two of the managers on the part of the House immediately after that action was taken by the Senate and urged that something be done. This morning the managers on the part of the Senate addressed a communication to the managers on the part of the House, which I will ask to have read, and which will explain the whole matter. I will state that within a few minutes after that letter was delivered to the chairman of the managers on the part of the House, and within the last thirty minutes, the bill was sent over to the clerk of the Committee on Public Lands.

The PRESIDING OFFICER. Does the Senator desire to have the letter first read?

Mr. DOLPH. Yes, sir; before the report.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

SENATE CHAMBER, *Washington, D. C., February* 14, 1887.

GENTLEMEN: On the 4th instant the Senate complied with the last request of the House of Representatives concerning Senate bill 2172, restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company, to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the lands to settlement, and for other purposes, by indorsing the action of the Senate agreeing to the conference asked by the House upon the amendment of the House to said bill on the duplicate and engrossed copy of the said amendment, and returning papers to the House of Representatives.

We suppose that the substitute for the original bill became shortly afterwards complete. Since then we have heard nothing officially or unofficially concerning the matter, although we immediately renewed our request for the possession of the bill to enable us to submit the conference report in the Senate. We can not comprehend the cause of delay, as we do not understand that there is any difference of opinion between the managers on the part of the Senate, and the managers on the part of the House as to what shall be done to secure the submission of the conference report. If there is any difference of opinion upon this point please inform us; if not, kindly send the bill by the clerk of the Committee on Public Lands, or adopt such other method of transmission as you are advised is proper.

Respectfully yours,

J. N. DOLPH,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
T. R. COBB,
H. S. VAN EATON,
L. E. PAYSON,
Managers on the part of the House.

Mr. PLUMB. The reason why this delay is a proper subject of suggestion and inquiry is, that all the time while this is going on the Northern Pacific Railroad Company is constructing additional mileage of road, and thereby earning, to use a phrase commonly in use in regard to such transactions, more land of the United States, and the wise and beneficent purpose of the act of forfeiture is being defeated. I have no doubt by reason of the delay that has occurred, since the last session of Congress to the present moment of time, a million acres of land have, at least measurably if not finally, passed from under the control of the Government of the United States; and whether that land has become the absolute property of the railroad company is one of those things that can not be told perhaps in advance of the decision of the court; but at all events the right of the United States has been qualified thereto. For this reason, as a matter of very great public moment, the question of delay is an exceedingly important one.

The PRESIDING OFFICER. The conference report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, having met, after full and free conference have been unable to agree.

J. N. DOLPH,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.
T. R. COBB,
H. S. VAN EATON,
L. E. PAYSON,
Managers on the part of the House.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate further insist on its disagreement, and ask for a further con-

ference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. DOLPH, Mr. TELLER, and Mr. COCKRELL were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States.

The message also announced that the House had passed a concurrent resolution for the printing of 15,000 additional copies of the Report on Internal Commerce, by William F. Switzler, Chief of the Bureau of Statistics, being part 2 of the Report on Commerce and Navigation; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs;
A bill (S. 773) granting a pension to M. Louise Butler;
A bill (S. 1570) granting a pension to Mary Ann Vars;
A bill (S. 1673) granting a pension to Charles G. Paris;
A bill (S. 1825) granting a pension to Elizabeth Forgey;
A bill (S. 2045) granting a pension to Mrs. Sarah Hamilton;
A bill (S. 2210) granting a pension to Anna Wright;
A bill (S. 2216) for the relief of Mrs. Elizabeth Rice;
A bill (S. 2393) granting a pension to Anna M. Marshall;
A bill (S. 2708) for the relief of Maria L. Strong; and
A bill (S. 2935) granting a pension to Robert Baxter.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

The PRESIDING OFFICER (Mr. MANDERSON). The Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. The reason why I have been so careful to have the concession between the Government of Mexico and Mr. Eads spread upon the record of our debates is that this whole bill is predicated upon that concession. The preamble to the bill recites that—

Whereas the Government of Mexico has granted unto James B. Eads, of Saint Louis, Mo., or to such company as he may organize, a concession containing certain powers, rights, and privileges in the matter of the construction and operation of a ship-railway across the Isthmus of Tehuantepec, with an accessory railway, lines of telegraph, and water approaches, and has authorized said Eads to obtain a charter for said company, either in Mexico or elsewhere: Therefore,

Be it enacted, &c.

Whenever we shall pass this bill upon that predicate we, of course, recognize that concession as being entirely consistent with the rights of the people of the United States and with the wishes and purposes of the Government of the United States.

I have argued before the Senate, much to the surprise, it appears, of the Senator from Massachusetts [Mr. HOAR], that we have certain existing treaty rights with the Government of Mexico which ought to be preserved in the amendment which I have had the honor to present before the Senate. The Senator takes issue with me upon the present existence of those treaty rights. Suppose he is correct in the view that we have no treaty rights under the Gadsden treaty in respect of any isthmian transit across the Isthmus of Tehuantepec, the question immediately arises, would the Government of the United States through its legislative authorities make itself a party to a concession which so radically disposes of our rights in the use of that canal in a great many particulars, and which shuts us out from all access either by treaty or otherwise hereafter, for the purpose of securing any advantages that our very near neighbor may be able to afford to countries very far distant from us and across the seas? The question only becomes so much the more important as the Senator from Massachusetts brings forward arguments of any value to show that these treaty rights are not now subsisting.

Let me call the attention of the Senate to articles 31 and 32 of the concession, and see whether we are willing to enact them in this bill to charter the railroad company. I read articles 31 and 32:

ART. 31. The company may establish its board of directors in any city in the republic or in a foreign country, but, in the latter case, it shall be obliged to keep at this capital an attorney, instructed and paid, for the purpose of maintaining an understanding with the federal government and other authorities, in all matters relating to the execution of the present contract.

ART. 32. The company shall be Mexican, even though some or all of its shareholders be foreigners, and shall be subject exclusively to the jurisdictions of the tribunals of the republic in all matters of which the cause and action may take place within its territory. The company itself, as well as all foreigners and the successors taking part in the enterprise, whether as shareholders, employés, or in any character whatsoever, shall be considered as Mexicans in all things relating to the company, nor can they even allege, with regard to title to property and other matters connected with the company, rights as foreigners, under any pretext whatsoever. They shall have those rights and the means of making them valid which the laws of the republic confer on Mexicans, and consequently not subject to interference on the part of foreign diplomatic agents.

I am glad that the Senator from Massachusetts has returned to the Chamber. When we grant this charter, in the absence of any treaty stipulation whatever, we first make it a Mexican company; we make every man who is connected with it as a stockholder, president, director, or employé, a Mexican citizen for the purposes of this grant. We give exclusive jurisdiction to the Mexican Government of all questions arising in Mexico in respect of this ship-railway, and then we prohibit that any man shall pretend or set up in any respect any right contrary to the Government of Mexico, or any right under this concession through the diplomatic agents of the country to which he may belong. I wish to know if it is possible that Senators intend to transfer Mr. Eads and this board of directors and all the employés, who may be American citizens, of this ship-railway company, and the contractors who may go there to work upon it, to Mexican citizenship by virtue of an act of the Congress of the United States?

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. MORGAN. I prefer that the Senator would not just now. I am asking the Senator a question and I want to get his answer to it.

Mr. HOAR. I was taking the Yankee fashion of answering one question by asking another.

Mr. MORGAN. I know the Yankee fashion, Mr. President.

Mr. HOAR. I will not do it if it is uncomfortable to the Senator, of course.

Mr. MORGAN. I was asking the Senator from Massachusetts and the Senator from Missouri whether in the absence of all treaty engagements between the United States and Mexico about this ship-railway (for I understand it to be the position at least of the Senator from Massachusetts that there are no such engagements existing) they intend to make, in the language of this thirty-second article, the persons concerned in the enterprise Mexican citizens, all the employés Mexican citizens, and intend to prohibit those Americans who may go there thus Mexicanized by an act of Congress from appealing through the diplomatic authorities of our Government against any wrong or injustice that may be done them?

Mr. HOAR. Does the Senator put his question as wanting an answer to it or as not seeking one now?

Mr. MORGAN. I should be very glad to have the answer now.

Mr. HOAR. I will make the answer. I think the United States should do, in this matter of granting an authority to its citizens to build a road in Mexico, exactly what it would permit Mexico to do in granting to her citizens an authority to build a railroad through the United States. I utterly repudiate the notion that the law of nations means one thing for a strong nation and another for a weak nation. When the Government of Mexico grants to American citizens the right to connect the two oceans by a railroad through Mexico, she does exactly what the United States would do if British, or French, or Mexican citizens had furnished the capital to build the Union and Central Pacific Railroads.

Mr. RIDDLEBERGER. I wish to ask the Senator from Massachusetts——

Mr. HOAR. I have the floor.

Mr. RIDDLEBERGER. Will you allow me to ask——

Mr. HOAR. No, sir.

Mr. RIDDLEBERGER. What is meant in the bill by "all other nations?"

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield.

Mr. RIDDLEBERGER. *I see he declines to yield, because the bill* will not bear ventilation.

Mr. HOAR. I am answering the question of one Senator.

Mr. RIDDLEBERGER. I ask what is meant by "all other nations?"

Mr. HOAR. When Mexico undertakes by her own authority to build a railroad on her own territory, or when she undertakes to define the rights that anybody else who undertakes to build that railroad shall have on her territory, does the Senator from Alabama think there is anything except strength which gives the United States a right to dictate to her the terms on which that shall be done?

Mr. MORGAN. I should like to know why it is that men are here asking for this charter. Why do they come to the Government of the United States and ask us to make them the concession of the franchise, the privilege of being an incorporated company? If Mexico is not required to have any comity with us, or accommodation with us, about this matter, why do the people who are about to engage in making this work of engineering improvement come here to ask the authority of the Government of the United States to do it? If Mexico must enjoy her own powers and privileges exclusively within her borders, as I concede she may do, why should they come to the United States to get us to make any concession whatever? When we have granted to this company this act of incorporation upon this concession, we agree that the concession imposes proper limitations upon the corporation that we thus create, one of which I have just referred to, and there are many others quite as important as that.

The Government of Mexico certainly has the right, within her own borders and in the absence of any treaty stipulations, to prescribe to the persons who shall build this work of improvement across the Isthmus of Tehuantepec the terms and conditions upon which they shall build

it; but when those persons come to the United States with this concession and ask us to ratify it and make ourselves a party to it by legislation, we then concede to Mexico by our own act that she may impose these duties upon our citizens when they go there. We confer upon the people engaged in this enterprise for the benefit of Mexico all of the great powers and privileges of this act of incorporation, with the credit that we give to them, and we get nothing out of it at all, except the argument made by the Senator from Massachusetts, that Mexico has a right to regulate her internal affairs in her own way. If she has that right, as I concede, and makes no sort of concession to us, puts nothing into our power, gives us no privileges in respect of this ship-railway—I ask the question again, why are these people here asking for this act of incorporation from the United States? That would be a full answer to the entire bill.

I have gone over this concession heretofore, and I shall not, therefore, return to it for the purpose of stating the various other very important matters, in which we would yield authority and power into the hands of Mexico by our act of Congress that we by no means would yield to her in a treaty; but I believe that it is unnecessary for me to do so just now.

The question recurs, have we no relations with Mexico of a diplomatic character relating to the transit of this isthmus? I maintain that we have. The Senator from Massachusetts said that the argument I made here to sustain the proposition that the eigthh article of the Gadsden treaty was now in force would also maintain the proposition that the Clayton-Bulwer treaty was in force in respect of the rights of isthmian transit that are mentioned in that instrument. Suppose the argument did have that effect, it would certainly be gratifying to the Senator from Massachusetts, who has already announced his partiality for the Clayton-Bulwer treaty; but there is a history connected with this grant. There was a grant existing in Mexico in favor of a citizen of the United States, as I remember, though a resident of Mexico prior to 1853, when the Gadsden treaty was negotiated and ratified. It is very true that the concession which was mentioned in the eighth article of the Gadsden treaty did have reference to the then subsisting agreement or concession on the part of Mexico for the building of a railway across the Isthmus of Tehuantepec.

That instrument of concession has been kept alive in one way and another, as I understand, down to the present time, in favor of different successive persons who have endeavored to build that railway, and Mexico has built as much as 50 miles of that railway. Commencing on either shore, the Bay of Campeachy and the Bay or Gulf of Tehuantepec, Mexico has built about 50 miles, and is progressing now to build a railway. Whenever Mexico completes that railway, whether she does it under the concession to Mr. Eads or to some person else, it will be found that the advantages we gained by the Gadsden treaty, and which are not subject to be terminated on notice but are perpetual in their character, will at once attach to that railway, 50 miles of which are now built.

Those concessions I suppose no one will deny are of the highest value to the people of the United States. They include the transit of our merchandise across the isthmus, and also an acknowledged right on our part to transport our armies and munitions of war to our western possessions across that isthmus; which right, however, is made subject to further agreement between the governments, showing the perpetual character of it. But the duty of Mexico to yield to us this advantage is conceded, while the precise terms of agreement upon which we are to cross with our armies and our munitions of war were left in their details to be arranged by future negotiation between the two governments.

Mr. RIDDLEBERGER. Will the Senator from Alabama allow me to ask him a question, because I want the benefit of the information?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. MORGAN. Yes.

Mr. RIDDLEBERGER. Does the Government that we are legislating for here own any part of the isthmus over which we propose to charter, or to make an agreement with Mexico about, this railroad company?

Mr. MORGAN. This concession relates to the Isthmus of Tehuantepec, which is entirely within Mexico.

Mr. RIDDLEBERGER. And we are legislating here to grant a charter over territory of which we do not own one cubic foot?

Mr. MORGAN. That is very true.

I have observed before, but I will repeat for the sake of emphasis, that the Gadsden treaty is not to be terminated on notice, but it is a treaty perpetual in its character. In the next to the last clause of the eighth article is the following:

> The two governments will enter into arrangements for the proper transit of troops and munitions of the United States which that Government may have occasion to send from one part of its territory to another, lying on opposite sides of the continent.

This concession and the act which we are asked to predicate upon it exclude us from the right, which certainly is admitted in the eighth article of that treaty. It excludes us from the right guaranteed to us under such agreement or arrangement as we may make in the future to transport our armies and our munitions of war across Tehuantepec, and leaves it, according to the terms of the concession upon which this act is to be founded, entirely in the discretion of the Government of Mexico whether we shall pass our troops or our munitions of war across that territory or not. So when we grant this charter here we Mexicanize the people whom we incorporate; we put them entirely subject to Mexican control and Mexican law; we shut out their privilege and their right of making any appeal to the diplomatic agents of this Government for protection or anything of the kind; we surrender the right contained in the Gadsden treaty to carry our armies and munitions of war across that isthmus; and what do we get for this act of incorporation? Nothing at all.

Let me ask, is it the part of wisdom in those who are controling the destinies of this country, if the question is even doubtful whether the eighth article of the Gadsden treaty is still subsisting, for us in advance to surrender it, and then go on to enact a law of this important character, conceding to Mexico these important rights in respect of our commerce and the transport of our munitions of war and our armies in the absence of any treaty stipulations at all?

Sir, there ought to be one of two provisions in the bill, either the one that I propose in the amendment I have offered to the bill, reserving to ourselves whatever rights we have under the Gadsden treaty, or there ought to be a provision that this act of incorporation shall not take effect until the two governments have arranged diplomatically between themselves as to what are their respective rights in the Isthmus of Tehuantepec; for I can conceive of nothing more fatuous, nothing more likely to embroil the two countries, nothing more likely to compromise our rights and our honor, than to be legislating in this very serious way, making concessions and admissions in favor of Mexico as to her rights upon that isthmus, when it appears according to the argument of the Senator from Massachusetts that we have not got any treaty relations with her upon the subject.

Let me ask when these treaty relations expired? When did this right to transport our armies and our munitions of war become defunct? What act has been done by Mexico or by the United States to indicate the belief on the part of either government that this treaty has expired?

Mr. HOAR. If the Senator will permit me, I can answer his proposition.

Mr. MORGAN. Yes, I should be very glad to hear the answer.

Mr. HOAR. The eighth article of the Gadsden Treaty is this:

> The Mexican Government having on the 5th of February, 1853—

Thirty-four years ago—

> authorized the early construction of a plank and railroad across the Isthmus of Tehuantepec, and, to secure the stable benefits of said transit way to the persons and merchandise of the citizens of Mexico and the United States, it is stipulated that neither government will interpose any obstacle to the transit of persons and merchandise of both nations; and at no time shall higher charges be made on the transit of persons and property of citizens of the United States than may be made on the persons and property of other foreign nations, nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

The rights under that treaty expired (to answer the question of the honorable Senator from Alabama) when the transit way and railroad then authorized by the Government of Mexico to be built became dead. It was given up and expired.

Mr. MORGAN. When did it die?

Mr. HOAR. It never lived; it was born dead.

Mr. MORGAN. Then it was a very poor thing——

Mr. HOAR. It died long before it was born.

Mr. MORGAN. I suggest to the Senator, if it was a dead-born child it was a very poor thing about which to be making a treaty.

Mr. HOAR. Certainly, it relates to a particular scheme which failed, and ended, and was given up, and has gone as far into the past as any scheme of the mound-builders who perished before the time of Columbus.

Mr. MORGAN. The Senator from Massachusetts is a very exact historian, and more than that a very thoroughly informed historian, yet that Senator does not seem to know that that same concession in the hands of different persons has been kept alive in Mexico; that Mexico has fallen heir to the property of the company, has created a million dollars of debt upon which she is now paying the interest, and that she is building that road.

Mr. HOAR. When that road is built we shall talk about it. We are talking about a different enterprise.

Mr. MORGAN. No, let us talk about it now. The Senator can not get out of a historical mistake in such a way as that. He talks about a something that was dead about the time the treaty was made, a something that was still-born, a dead-born child that never had any existence, that has been gone from the memory of man as long as the history of the mound-builders; and yet in 1853, a few years after the close of a great war and when we had paid $15,000,000 for a portion of Mexican territory and were knitting up and guaranteeing to ourselves and to Mexico all the rights that had been overlooked in the former treaty, the Trist treaty of Guadaloupe Hidalgo, we find ourselves dealing with this dead-born child, this railway that was of no consideration or consequence at all, these privileges that amounted to nothing in the Senator's opinion, and we find historically that after that treaty had gone

into effect the concession was transferred from person to person until, after a while, the Government of Mexico finding itself involved in debt by the guarantee of the bonds of the corporation agreed to take them up, $1,000,000 for $2,000,000, and to pay 6 per cent. interest upon those bonds, and took all the iron, and all the cross-ties, and all the grading, and have them yet, and have gone on and are still going on to build the road. Now the Senator tells us it is too early to commence talking about this matter, that there is to be a resurrection hereafter when Mexico builds the road, and then will be time enough to take into consideration our rights. If it existed in 1853, and will be resurrected when the road is built, I want to know what has become of it in the meantime.

Mr. HOAR. Will the Senator answer me: does he claim, as a constitutional lawyer or any other kind of a lawyer—everybody knows he is an able, a distinguished, and an eminent one—does he claim that if this ship-railway be built by Captain Eads, it will be the railroad contemplated in the Gadsden treaty, the plank and rail road thought of in 1853, in regard to which particular stipulations were then made?

Mr. MORGAN. The railroad that was predicated by Captain Eads, as I understand it, passes through the elevated ground between the two oceans at a point called El Tarife and runs down a cañon several miles through which this Mexican railroad is constructed. So it will occupy identically the same line, and whether they be the same corporation or not, the rights that we have guaranteed under this treaty of transit across the Isthmus of Tehuantepec would apply according to that extent, to say the least of it, literally and accurately to the Eads ship-railway.

Mr. VEST. Will the Senator allow me to ask him a question?

Mr. MORGAN. Yes.

Mr. VEST. If this contention of his be correct, why is it that in 1857, four years after the Gadsden treaty, the Government of the United States, through its State Department, instructed John Forsyth, of his own State, then our minister to Mexico, to negotiate a new treaty with Mexico for securing this right of transit for other companies besides the company named in the Gadsden treaty? In that correspondence, which I have before me now, Lewis Cass, then Secretary of State, admitted that the Gadsden treaty had terminated as to the right of transit, and instructed Mr. Forsyth to negotiate a new treaty, and told him if he did he would be entitled to the gratitude of the Government of the United States for doing so.

Mr. RIDDLEBERGER. How do you get a treaty in here in the passage of a railroad bill?

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Alabama has the floor.

Mr. MORGAN. No action of an American citizen, even no action of Mr. Cass and the State Department, is to conclude the Congress of the United States and the Mexican Government when we come to act upon what are our subsisting rights. I can show that that is not a correct interpretation of the eighth article of the Gadsden treaty by the language of the instrument itself. It is true that under the first clause of the eighth article the Mexican Government recognized the fact that on the 5th of February, 1853, it had authorized the early construction of a plank and rail road across the Isthmus of Tehuantepec; but the treaty had reference to the benefits which should be enjoyed not simply under that concession, but in the way of transit across that isthmus, whether built by that railroad company or by some other railroad company. Notice the last sentence in the first clause of the eighth article of the Gadsden treaty:

> Nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign government.

Not an interest in the railroad to be built under that concession, but no interest in that transit-way, that right of transit, the way used, should be transferred to a foreign government.

Mr. HOAR. "Said transit-way?"

Mr. MORGAN. Yes; "said transit-way."

Mr. HOAR. A plank and rail road.

Mr. MORGAN. Not a railroad company, a railroad concession, or any corporation that might have been organized under it, but the transit-way, the broadway in respect of which these two governments were stipulating, each as to what the other's rights would be.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him a question, because I do feel some interest in this matter and I want some information?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Virginia?

Mr. MORGAN. Certainly; I will answer the Senator from Virginia if I can.

Mr. RIDDLEBERGER. If this be what the Senator calls a treaty, how does it come here under the guise of a railroad bill or a ship-railroad?

Mr. MORGAN. That question rather stumps me, I confess. I shall not attempt any answer.

Mr. RIDDLEBERGER. I know; but I want the Senator to answer it, because I know he is so much more capable of doing so than I am.

Mr. MORGAN. I prefer to allow the Senator from Missouri to answer that question. He has charge of the bill and is more competent than I am to answer it.

The Senator from Massachusetts has avowed his belief that the Clayton-Bulwer treaty is still in existence. I wish to call his attention to some of the words of that treaty:

> The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal.

The Senator asked me whether the "said right of way" means the right of way granted in that concession, or whether it means the right of way that is granted in the treaty? The Senator will have an opportunity of answering whether "the said ship-canal" which is protected by the treaty of 1850 is a particular ship-canal, as Mr. Frelinghuysen contended it was, or whether it is any ship-canal that was then in contemplation or might thereafter be built. The argument goes just as strongly in one direction as in the other; and when I find that the Senator from Massachusetts with his sagacity and his ability is contending that the Clayton-Bulwer treaty is now in force, notwithstanding it uses the words of definite designation, "the said ship-canal," I think I may take warning by his conclusions and his argument, and say that the eighth article of the treaty with Mexico in regard to the transit across Tehuantepec is in force notwithstanding it said "the way of transit."

What has kept the Clayton-Bulwer treaty alive? I can think of nothing else than the wranglings over its remains that have kept it alive. I have not announced an opinion in this debate that the Clayton-Bulwer treaty was dead, but I have announced the very firm conviction, from which I think I have never swerved since I have had an opportunity of understanding what it meant and its bearings upon our country, that it ought to be abandoned, that it ought to be dispensed with; but I believe that it does exist subject to our right to declare that it has been forfeited or abandoned on the part of the Government of Great Britain.

So the eighth article of the Gadsden treaty exists possibly subject to the right of Mexico to contend that it has been abandoned or forfeited in some way; but Mexico makes no such contention and never has. She has urged no word of complaint against this Tehuantepec route; she has never given us notice that she desires its termination or that she believed in consequence of any condition of affairs since 1853 the treaty has lapsed or become ineffectual.

But the friends of this bill put themselves in a far worse category by the contention that we have no rights under the Gadsden treaty than they would by adopting my amendment, saying that we reserve to ourselves whatever rights we have under that treaty. Why should we abandon them at the demand of Captain Eads? Does he find the diplomatic relations of the United States with Mexico inconvenient to some of his private schemes and plans, and shall he come here and say that we must change our relations with that government and surrender the important vantage-ground that we occupy in respect of it upon his demand for the charter of a railroad company, when he himself has accepted a concession which makes of him and of every man connected with him a Mexican citizen from the moment that he goes there to carry his charter into effect?

Rather than create Mexican corporations and Mexican citizens I prefer to conserve the rights that we have in Mexico. If Mexico complains of any action we take here, she need not accept the corporation; she need not commit herself to accepting this simple shell built up for the purpose of attracting the confidence of the world in the credit of this scheme.

No man can claim on the floor of the Senate any advantage that is to come to the United States Government or to the corporation itself by the granting of this charter except the bare advantage of giving it credit in the markets of the world for the disposal of its bonds. That is all. When you come to the advantages to the United States Government we say we want to carry our commerce, our coastwise trade across the Isthmus of Tehuantepec on terms of equality with Mexico as is provided in the Gadsden treaty. "No," says Mexico, "you can not do that; we charge you the difference between silver dollars and gold dollars on your trade; we pay our freights with silver dollars according to this concession, and when you come to carry your coastwise trade to California you must pay your freights in gold dollars." We go there in time of war with Great Britain or with any other power when our Pacific coast is about to be attacked, and we say to Mexico, we want to send by various lines of transportation our troops as rapidly as possible to San Francisco, to the mouth of the Columbia River, to San Diego, and we wish to avail ourselves of this line across the Isthmus of Tehuantepec to carry our munitions of war and our soldiers across this railway. Mexico in this concession says that Captain Eads and his corporation agree that that shall not be done without the consent of Mexico first had and obtained. I say that under the Gadsden treaty we have the right now, and we have never abandoned it, and I do not propose to abandon it.

Shall we give up that right and put ourselves at the mercy of this very influential gentleman in respect of the right of access to the Pacific coast with our armies and our munitions of war because he may find his interest and his advantage obstructed by the terms and the

provisions of a solemn treaty between the people of the United States and Mexico? Shall we as a Senate vote that there is no such treaty, and having voted that there is no such treaty thereby give emphasis to our concession to Mexican demands by saying "we will grant you as a concession from the Government of the United States all that you demand of Captain Eads as a condition upon which he shall have the privileges that he enjoys at your hands?"

Mr. President, that is going a little too far. I honor Captain Eads, but I am not his worshiper. I respect him, but I am not his follower. I would do him justice and grant him every advantage that the Government of the United States can, but I am not his slave. He, like all other citizens of the United States, must stand out of the way of the great leading policies of this country, and not come into the Senate and ask that we shall make concessions to him and to Mexico which Mexicanize him and destroy our independence of dealing and action in connection with the Mexican Government.

I confess, sir, that I am astonished at the persistence with which this amendment is resisted. I can not conceive how any set of gentlemen can get themselves so involved in devotion to any man as to come before the Senate of the United States and ask that we shall commit ourselves to the terms of a concession like that, as a great government on this continent. Mexico does not ask it. She does not expect it. I am sure of that. The honor of serving in the ranks of Captain Eads is not quite equivalent with me to the duty I feel of trying to protect the rights of American citizens in their transit across the Isthmus of Tehuantepec. It is not quite equivalent with me to a necessity to yield up these important privileges which Mexico has never raised a complaint against, which are pronounced dead by the Senator from Massachusetts and by no person else that I have ever heard speak on the subject.

The Senator from Massachusetts said, in his last debate upon this question:

Mr. President, there is no doubt of the willingness and readiness of Mexico to join in a treaty with the United States that will embody a joint protectorate of this ship-railway, and that arrangements can be made in this treaty which will practically give the United States what it wants, a prompt passage of troops for its protection, to say nothing of the movement of war vessels and munitions of war without violating the constitutional provisions of Mexico—such, for instance, as were arranged in our treaty permitting the United States to send its troops into Mexican territory in pursuit of hostile savages.

Are we to legislate here upon the mere contemplation or expectation or hope that the Mexican Government, after we have passed this bill and confirmed this charter and have committed ourselves to its principles and to its provisions, will then enter into this treaty relation which the Senator from Massachusetts seems to think is so very important? We concur in respect of the importance of these treaty stipulations between ourselves and Mexico; and the Senator felicitates himself that after all, after we have committed ourselves beyond the power of recall and denial, then Mexico will come in and negotiate doubtless a treaty with us of liberality in its terms for the transportation of our troops and munitions of war across the isthmus.

Let me ask, shall we commit our destinies to the mere vague chance that Mexico may hereafter do what the Senator from Massachusetts recognizes is so important to be done, enter into treaty stipulations with us respecting this transit? If I understand the Senator's argument he would not be willing to pass this bill except in virtue of the expectation he has that Mexico would arrange diplomatically with us for the use of this transit for the purposes that are here mentioned, the transportation of troops and munitions of war. Therefore it is an important matter, just as important now in the contemplation of the Senator from Massachusetts as it was in that of the Governments of the United States and Mexico when the treaty of Gadsden was ratified; and yet we are asked to pass this bill in view of the fact and the importance of these concessions to be made by Mexico under the mere expectation or hope that they will hereafter be made. The Senator's argument answers itself, and his objections to my amendment to the bill are overcome by all the Senator has so ably stated upon the floor of the Senate.

It is a matter of no concern to this country or to any person in the world perhaps but to myself that I should make reply also to another observation of the Senator from Massachusetts when he was on the floor recently. He said:

The Senator from Alabama, in his remarks the other day, made some statements in regard to the engineering features of the Nicaragua Canal and the ship-railway. He stated that he had never seen a close instrumental survey of the ship-railway.

I repeat that remark again this morning.

I understand that a map has been prepared showing the entire route, with a proper and accurate profile; that plans of the harbor works at the extremities have been in the possession of the Commerce Committees of the Senate and the House for more than a year, and that this profile is one such as any legislative body in dealing with the question of a domestic railroad would consider ample for all purposes of its guidance.

I think that this company has a right to complain that information has not been given to us in respect to this route, but I have not urged the complaint before the Senate in opposition to this bill because that is a question which the capitalists will concern themselves with when they come to put in their money. My objection to the bill is not that the ship-railway will cost $100,000,000, or that it will not cost more than $20,000,000. With that particular matter I have nothing to do, but still when gentlemen rise on this floor and argue with a great deal of satisfaction to themselves, and with a great deal of confidence, that this railway is capable of being built with a very small expenditure of money, I think I can appeal to several gentlemen in this Chamber to-day who understand the matter of building railways and show that when they want to ascertain what the cost of a railroad will be they do not look at the map to see the line upon which it is laid on the bosom of the earth, and the profile simply, but they want their engineers to go over it and make measurements of the cubic yards of earth to be taken out, the cubic yards of embankments, the amount of rock to be cut away, the expense of grading, of building culverts, bridges, &c., and when they have seen a tabulated statement of the cost of construction by sections they can understand what it means. But to cast your eye over a profile of a route, which is the boasted information that is brought here as having been reached in the Committee on Commerce and perhaps some other committee-rooms of the Senate for some time past, would be, at least to my mind, entirely inexperienced in engineering, very poor information in respect of the cost of such a construction as is proposed.

Opinions are urged here by eminent engineers, some of them from England, in favor of the practicability of this route, and yet opinions stand divided among the great engineers of the earth as to its practicability. Names just as eminent and just as numerous can be quoted against the practicability of building this ship-railway and making it a success as those that can be quoted in favor of it. I shall not seek to go into an examination of those names or of their statements upon this question, for as I look at the question as a mere legislative one the inquiry would not be pertinent. It is not necessary, for I am willing to put it in the power of Captain Eads to get all the money that any capitalist is willing to subscribe to his scheme if he can convince him that it is a practicable scheme.

There is one prospect, however, in which I will say that this railway, upon Captain Ead's concession, never can be of any use to the people of the United States, and that is for the transportation of men-of-war. He admits that the railroad plan which he has laid down, upon the construction of which he has bestowed so much engineering ability and labor, will not transport a vessel of more than 6,000 tons displacement loaded. That admission has been made time and again, and it will be noticed in the reports made upon this bill, or bills like it, that a vessel of 6,000 tons displacement loaded is just as heavy a ship as you can carry across that isthmus. Of what service would that be in transporting one of these heavy cruisers of ours, or a 13,000 ton ship like the Duiloo, and various others in the British, French, Italian, and German navies? It is an impossibility.

I refer to this merely to show that the Government of the United States would have no advantage in this matter except in the transportation of the very lightest class of its ships of war, the wooden ships, and only small ones at that. We should have to go around the Horn with our ships of war to get to California, and yet we are asked to make this concession because it is going to be a very great advantage to our Government. A ship not exceeding 6,000 tons loaded can be trusted upon this railroad. That would exclude all the large steamers that traffic across the ocean. It would exclude many of our coastwise steamers. It would make room only for the small vessels, whether they are steamers or sailing craft, and would cut off perhaps 20 per cent. or it may be 30 per cent. of the tonnage of the American navigators from crossing on this ship-railway. Notwithstanding that and notwithstanding the meager advantages they offer, I am still willing to vote the incorporation and give them a chance to go before the world of capitalists and engage all the money they can find to assist them in their plan, and I will not be heard to raise my voice against it; but when we have to get out of the way with the interests of this whole Government and yield them up to a private contract between Mr. Eads and the Mexican authorities, I do not propose to do it.

When we turn to Nicaragua we find that we have a treaty with that government, made since the Clayton-Bulwer treaty with Great Britain, and made under the express provisions of a clause in that treaty, which I will read:

ARTICLE VIII.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama.

There is an agreement relating to other isthmian transit schemes besides the one to which the Nicaraguan treaty in its beginning evidently alluded and referred. Now, I will read article 6 of the Clayton-Bulwer treaty:

ARTICLE VI.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said

canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations.

There is a positive right given to each of these high contracting parties that they may enter into special treaty stipulations separately with any of the Central American States for the purpose of building a ship-canal across the isthmus, or any other mode of transportation. In pursuance of that express agreement in the sixth article of the Clayton-Bulwer treaty we went on and negotiated with Nicaragua, ratified and proclaimed a treaty which gives to us the precise rights which are contained herein, the explicit right of the perfect enjoyment on terms of equality with the citizens of Nicaragua of a ship-canal across that isthmus.

In connection with the text of the treaty I have been just reading, I will read a further remark of the Senator from Massachusetts. He said:

Another suggestion made by the Senator from Alabama I think ought not to be made in the Senate of the United States without dissent, though it is one often heard. I do not conceive that there can be found any support in international law, in morals, or in national necessity for the claim that if any South American State, great or small, choose within its own territory, in its own right, and by its own authority, to construct a canal within its own dominions, whether that canal sever the continent and go from sea to sea or not, the United States have any right whatever to interfere with the process. I think such a declaration when seriously made will encounter the remonstrance of mankind, and will excite and alarm the people of the fifteen sister republics of North and South America, with whom it is to our interest to cultivate the most friendly and peaceful relations.

Now, Mr. President, does the Senator from Massachusetts intend by that statement that under the influence of the Clayton-Bulwer treaty we have no right to negotiate with Nicaragua for the construction of a canal through that territory? If he does, he violates the very language of the sixth article of the treaty, that which has been adhered to by our people under all circumstances, that by the concession made in the Clayton-Bulwer treaty we had the right to negotiate an arrangement with Nicaragua for going through there with our ships. So that, in what I have advanced here in respect of Nicaragua, I had the right not only to rely upon international law, but upon actual treaty stipulation for all that I claimed that we had a right to do.

It is very true that I gave expression to some sentiments which I by no means modify or recall which reach to this point, that the configuration of this continent laid out by the Almighty hand that created it is not to be interfered with by any power so as to alter the relations of the great seas of this country to each other without the consent of the people of the United States. If we must take the continent as we found it, and we have shaped our policies in respect of the continent as it was constructed, who ever presumes to change the construction of this continent so as to allow the seas to pass through unobstructed and ships to pass upon those seas must first get the consent of the people of the United States to that change of configuration.

That may be considered an immoral doctrine, but, if it is so, it is a doctrine of which the immorality is espoused and loved by at least sixty millions of American people, and I do not believe that, besides the Senator from Massachusetts, I have ever in my life heard of anybody who was willing to say that one of those little Central American States had the right to make such plans and purposes and arrangements in connection with foreign governments as it saw proper, to exclude us from going across the ditch that might be dug across this isthmus, or that, in the absence of such an arrangement, she could make it herself.

Mr. HOAR. To what declaration of the Senator from Massachusetts does the Senator from Alabama refer?

Mr. MORGAN. I just had the honor of reading it to the Senate from the remarks of the Senator from Massachusetts delivered in the Senate a few days ago.

Now, sir, in regard to Nicaragua we stand on the firm basis of natural right; or, if the Senator would like to have it that way, we stand upon the firmer basis of conventional or treaty rights with Nicaragua; or, if it will still suit his taste better, we stand upon the higher and broader basis that we have got the consent of Great Britain that we may do this thing of going through the Isthmus of Nicaragua with our canal or their canal—a canal under the auspices of the American people. There is no lack on our part of authority, human and divine, British and Central American, for going with our canal through the Lake of Nicaragua and floating our ships upon it.

The Senator from Massachusetts further argued that this would be a source of great embarrassment to us in our naval affairs. He seemed to imagine that it would be possible that some American admiral, with his fleet of ironclads, would be blockaded in this lake and left high and dry, closed in by the British power, or whatever power we might be at war with. Did it never occur to the Senator from Massachusetts that it would take two navies to do that of the size of the one which we had in the lake, for, while they would be blockading us on the Caribbean side, we might, perhaps, let loose the dogs of war upon Australia or the British possessions in North America; or, while they would be blockading us upon the other side, we might even take Jamaica, the Bermudas and Bahamas, and the banks of Newfoundland; or, perhaps, we might sail out and enter the Gulf of Saint Lawrence? With your navy concentrated in the vicinity of or in the basin of that lake in Nicaragua, it is obvious to any man, I think, whether he has military views or not, which I do not profess to have, that we are just as strong there with ten ships of war as we should be with twenty ships of war, if we did not have this advantage both in the protection of our Atlantic and our Pacific seaboard.

But I will not detain the Senate by arguing this military question. I have the authority of some of the highest officers of the Navy of the United States in support of the proposition that nothing could be more advantageous to the power of the American people than this fortress in the midst of the seas and of the mountains of Nicaragua, and I will venture to reassert, what I have formerly asserted, that, in my humble judgment, there is not a spot that can be pointed out on the face of this earth that furnishes either the commercial or the military power that would belong to any country which had the capacity to station a navy in and about and in juxtaposition to this canal in the Lake of Nicaragua.

Now, Mr. President, as to the engineering difficulties which the Senator from Massachusetts found in the very elaborate estimates which have been made by Mr. Menocal, I have not a word to say. The location of the Nicaragua Canal as made in 1872 and 1873, as shown in Commander Lull's report, has been changed and modified from the survey made by Mr. Menocal in 1868 in various particulars, and all to the advantage of the canal. He has reduced the distance between Greytown and Brito by this canal from 180.70 miles to 169.08 miles. The differences between the two locations are shown by this table:

Comparison of the dimensions and principal features of the location by the survey of 1872–'73, *with those by the survey of* 1885.

Features compared.	Location of, 1872–'73.	Location of, 1885.
Total distance, Greytown to Brito.....miles...	180.76	169.8
Length of actual canal, or cutting required.....do.....	61.7	40.3
Height of summit level above mean sea-level.....feet...	107	110
Length of summit level.....miles...	102	144.8
Number of dams.....	4	1
Number of locks.....	21	7
Length of lock-chamber.....feet...	400	650
Width of lock-chamber.....do.....	60	65
Number of curves in actual canal.....	26	14
Minimum radius of canal curves.....feet..	2,200	4,000
Length of canal, in curves.....miles...	12.2	10.8
Depth of water in canal.....feet...	26	28 and 30
Width at bottom of channel in that part of river San Juan where dredging is required .....feet...	80	125
Width at bottom of channel in that part of Lake Nicaragua where dredging is required.....feet...	80	150
Width at bottom of channel in rocky cuts.....do.....	72	80
Width at bottom of channel in deep rock cuts.....do.....	72	80
Width at bottom of channel in deep earth cuts.....do.....	50	80
Width at bottom of channel in terminal cuts.....do.....	72	120
Time allowed to pass through locks alone (allowing 30 minutes for old and 45 minutes for new design)...hrs...	10.5	5.3
Turnouts, or basins, 650 feet by 150 feet on the bottom at the extremities of the locks.....	.....	12
Time required for a ship to pass from Greytown to Brito.....hours...	37	30
Estimated cost (computed on same basis).....dollars...	52,577,718	39,040,134
Estimated cost (according to new dimensions and increased prices).....dollars...	.....	51,228,958.75

I can not afford to consume the time of the Senate and to weary its patience by going into any detailed examination of these estimates; but I wish to say now what the Senator from Massachusetts is mistaken about, that the estimates of Mr. Menocal are based upon all the work that is necessary to be done of every kind and character in the harbors of Greytown and Brito, the two harbors on the different sides of the isthmus, and here is a complete estimate on the basis of prices and by sections, commencing with the western and extending to the eastern, of every foot of cubic measurement of earth or rock to be taken out of that canal, together with every expense that can possibly be conceived of in connection with the work; and to show the minuteness and the accuracy of the survey and how perfectly it considered every expense connected with this matter, I will read from section 3:

SECTION 3.

The harbor of Greytown, restoration by diverting Rio San Juan and building artificial harbor.

2,500 piles in crib work, at $8.....	$20,000 00
150,000 cubic feet timber in crib work, at 30 cents.....	45,000 00
30,000 pounds iron bolts, at 12 cents.....	3,600 00
35,000 cubic yards stone in crib work (stone from "divide" cut), at $1.50.....	52,500 00
210,000 cubic yards stone in breakwater (stone from "divide" cut), at $1.50.....	315,000 00
4,080,100 cubic yards dredging in sand, at 25 cents.....	1,020,025 00
A pretty high price for dredging.	
Obstruction in Rio San Juan to divert its flow.....	100,000 00
Piers at entrance to canal.....	100,000 00
Lighting and buoying:	
1 first-order light-house, complete.....	100,000 00
3 range beacon lights.....	1,000 00
1 breakwater beacon light and signal tower.....	7,000 00
2 pier head-lights.....	2,000 00
1 first-class (side channel) Nun buoy.....	200 00
2 second-class (side channel) Nun buoy.....	200 00
2 third-class (side channel) Nun buoy.....	100 00
	1,766,625 00

Making the whole estimate of this exact calculation $1,766,625 for the harbor of Greytown. Now, the estimate for the harbor at Brito was made with quite the same accuracy. Here is the general estimate:

Estimate of cost of Nicaragua Canal, location of 1885, on basis of prices and sections adopted for estimates in 1872-'73.

Notwithstanding the improvement in machinery and various other expedients for digging canals has been so great, Mr. Menocal, in order to be entirely right about it, makes his estimate on the "basis of prices and sections adopted for estimates in 1872-'73," and these are the estimates made by him in 1885:

Western division	$12,878,875 00
Middle division	6,197,851 00
Eastern division	19,963,408 00
Total estimated cost	39,040,134 00
Add 25 per cent. (contingencies)	9,760,033 00
Grand total	48,800,167 00
Estimated cost, location of 1872-'73	65,722,147 00
Estimated cost, location of 1885 (on same basis)	48,800,167 00
Difference in favor of location of 1885	16,921,980 00

There is a survey, there is an exposition of the facts that any engineer can take and work out. Here are the measurements given in this report, the depth and width of the cuts, the height of the dams, the description of the locks, and all that. If there is a word about this report that is not absolutely accurate from the hands of this great American engineer, there are plenty, yes, hundreds, yes, thousands of men in the United States that could and would before this have taken up these estimates and have riddled them. I would like to see an estimate of this kind on the ship-railway; but we have nothing submitted here, except the fact mentioned by the Senator from Massachusetts, that there had been lying back in some committee-room of this Senate a map of the location of that route on the face of the earth and a map of the profile. That is all we know about it. I do not care whether we have a good one or a bad one, if in voting on this you will not ask me to surrender too much. Let the capitalists of this country determine whether they want it or whether they do not want it.

I have a little complaint to make of somebody, and I suppose it is of the Public Printer—I do not know who it is—on account of the delay of this report of Mr. Menocal. It has been now very nearly a year in the hands of the Public Printer, and I had to borrow a copy from a gentleman who got it in advance in order to use it in the Senate of the United States. I think it has been kept back in some very mysterious way.

Whenever in the United States men who have the skill and ability to understand the question take up that survey and consider the geography and topography of that Nicaraguan route, they will come to the conclusion, in my judgment, that, after all, whenever we have ship transit between these oceans it will cross through the Lake of Nicaragua. Mr. Eads's effort, as I have before stated, in respect of crossing on a sea-level canal is a failure, and a confessed failure. They are now preparing, if the evidence brought to the attention of this Government can be relied upon by its officers, to put in locks to overcome 130 feet, or thereabouts, of ascent and descent across the route. Their pretense is that that is a temporary construction, in order that they may have a chance to get the Chagres River out of the way and go on and make their sea-level canal.

Once these locks are put in there and ships are carried through on that system of locks, from that time forward the sea-level canal will be abandoned. They can neither control the waters of the Chagres River when they flow down to the channel of that canal, nor can they in the dry season supply that canal with water from the mountains, for they have not got it. But here nature has made a reservoir in Lake Managua and Lake Nicaragua, which the highest and most terrible tropical rains will not raise more than 4 feet under any circumstances, which never becomes depressed so low that it does not pour a flood through the magnificent channel of the San Juan River, standing there midway between these seas, an invitation to every man in the world, it seems to me, that has any idea of engineering to come and cut the channel out to the sea on either side, and take the waters from the center and lift your ships across that peninsula without damage and without delay.

I close what I have to say, Mr. President, in regard to this measure by thanking the Senate very earnestly for the patience with which they have heard me in the great pressure of public business, and my only apology for consuming so much time is that the subject is one of immense magnitude.

Mr. HOAR. Mr. President, I was so unfortunate as to be out of the Chamber——

Mr. RIDDLEBERGER. I ask the Senator from Massachusetts to allow me to move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I wish only to say a few words, and I should rather say what I have to say now.

I was so unfortunate as to be out of the Chamber during the early part of the remarks of my honorable friend from Alabama; but so far as I have heard them he rests the argument he has made to-day in answer to what I had the honor to submit to the Senate last week, on four principal propositions. First, he thinks, in solving the greatest commercial problem of the age, the problem in which the commercial destiny of this country is involved, upon which depends alike our dignity and rank among nations, our capacity to send the American flag into distant seas, our capacity to keep employed at good and honorable wages the workmen who are to be the support and the rulers of this country, the men upon whose prosperity the Republic must live or bear no life, he can satisfy the American Senate that it is better to select a route for commerce which is to add an average of twelve days, an average of 2,400 miles of distance to be crossed by vessels under sail, and largely through a part of the world's surface where calms prevail through a great part of the year. He proposes to select that route in comparison with the route which is proposed by the great engineer in whose interest and at whose solicitation this bill is proposed.

He proposes also that the United States shall take possession of a tropical territory, that they shall build fortresses and station troops and maintain them both in war and in peace in a tropical region, where malaria is fatal to the life of men born and bred in a northern climate, and in a spot where they are liable to be besieged and hemmed in unless the United States undertake to maintain a naval force equal to that of Great Britain.

He proposes to select for the route of transit a point already blockaded by the row of islands in the possession of our great commercial rival, commanded by Jamaica, and the Bahamas, and the Bermudas, and the Leeward and Windward Islands, commanded by the whole West India group, of which all but one of the forty principal islands are in the possession of the European powers whom we are about to challenge to this great contest for commercial supremacy. That is the proposition which lies at the foundation of the argument of my honorable friend.

Next he asserts—he must assert it in order to have his Nicaraguan scheme adopted by this Government—that a treaty which five years ago the American Government, through its Secretary of State, with the unquestioned approbation of the President, formally asserted to Great Britain was still in force (only in that respect repeating the assertion of Mr. Fish and Mr. Seward), was abrogated by the action of Great Britain thirty years ago. That is the second postulate upon which he undertakes to build up his argument.

His third proposition is that a treaty with Mexico, made in the year 1853, which I now have before me, signed on the 30th day of December in that year, which declared that a certain plank road and railroad which had been authorized by Mexico to be built on the 5th day of February, 1853, and which never has been touched from that day to this, is the same thing with the ship-railway which is proposed to be built across Tehuantepec under the magnificent conception of Captain Eads, and that an agreement between these two countries that we should have certain rights, or rather that we should be protected against certain invidious distinctions in the use of that plank road, is still applicable and gives the United States a foothold on Mexican territory when we are talking about a railroad which is to raise ships of 6,000 tons burden and carry them from sea to sea across the continent in the air. That is the third proposition of my honorable friend.

The fourth—and this statement of my friend's argument is its best refutation—the fourth proposition on which he relies, seems to me, with great respect to him, to be an utter perversion of the time-honored Monroe doctrine to which the American people, without distinction of party, is thoroughly committed. The Monroe doctrine is an assertion of a principle of public law the origin of which is in dispute between the men who write the biography of George Canning and the men who write the biography of John Quincy Adams. Mr. Canning claims, to use his sublime and oft-quoted phrase, that he called the New World into existence to redress the balance of the Old. He asserted that it should be the policy of England from that time forward that the political independence of the nations of the South American continent, strong or weak, should thereafter be respected; that they should not be the objects of the greed, of the ambition, of the lust for territory of any European power, however strong, and to that declaration the American Government not only gave its assent, but claimed that John Quincy Adams, through the medium of William Pinkney, had been the person by whom it had been suggested to the Government of Great Britain.

It was a declaration that henceforth the United States of America, as well as Great Britain, speaking through the mouth of Mr. Canning, were pledged to the doctrine that the weakest State on this continent should not be interfered with either by force or by diplomacy; that no European power should gain a foothold or should seize upon a foot of its territory whether by force or by negotiation, and that no European power should take upon itself any duties or obligations or rights as surety or as guarantor or as protector under a peaceful guise, or should by force and by war gain any rights under which it could in future interfere with the independence of the American republics.

That is the Monroe doctrine; that is the law of nations as it has been declared in regard to the Western hemisphere; and that is the doctrine to which every bayonet, every cannon, every musket, every

life, every soldier, every sailor of the United States is pledged. But this new gloss and perversion which we hear from Senators on the other side of the Chamber, and I am sorry to say on this side of the Chamber, too, that the United States of America has the right to say to a weak South American republic, "You shall not deal with your own territory as you choose; you shall not build a canal or a railroad or a public work in the interest of the commerce which goes from sea to sea, unless the United States shall take upon herself the control, shall dictate the terms, shall manage the future conduct of that enterprise," is a declaration as repugnant to the law of nations, as repugnant to the purpose of George Canning and of John Quincy Adams, and as repugnant to the genius and spirit and honor of the American people as it is to sound morals or sound international law. It is a doctrine which will drive away from our side, which will alarm, which will make enemies of these fifteen South American republics, including our nearest neighbor, the Republic of Mexico, on the North American continent, whom it is our first interest to make our friend.

Now, Mr. President, I do not propose at this late hour of the afternoon to renew the debate. I expressed my views on the general question the other day; but the argument of my honorable friend from Alabama stands on these four pedestals, each one of them rotten, each one of them a pedestal of clay, none of them, it seems to me, capable of bearing the slightest examination, whether we apply to them the illustrations of American history, the doctrines of the law of nations, or the doctrine of sound morals which lies at the bottom of international law as it lies also at the foundation of the historic practice of the American people.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. EDMUNDS. Mr. President, I understand that the amendment of the Senator from Missouri is to take the place of the whole bill. Am I right about that?

Mr. VEST. If that is the amendment the Chair refers to, it is a substitute for the whole bill.

Mr. HOAR. I wish to inquire if the Senator from Alabama has proposed any amendment?

The PRESIDING OFFICER. The Chair is advised that the Senator from Alabama has not submitted an amendment.

Mr. MORGAN. I have not offered it in form. I read it in my remarks, and I said I would offer it.

Mr. HOAR. I should like to have it read, if the Senator from Vermont is willing.

Mr. EDMUNDS. Yes.

Mr. RIDDLEBERGER. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I have the floor.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. EDMUNDS. I do not object to the Senator's motion, but I merely wish to retain the floor on this question.

Mr. RIDDLEBERGER. I move that the Senate proceed to the consideration of executive business.

THE TRADE-DOLLAR.

The PRESIDING OFFICER. Pending that motion, the Chair will lay before the Senate the bill (S. 199) for the retirement and recoinage of the trade-dollar, returned from the House of Representatives with an amendment.

The amendment of the House of Representatives was to strike out all after the enacting clause of the bill, and in lieu thereof to insert a substitute.

Mr. MORRILL. I move that the Senate bill as it comes to us with the amendment be printed and referred to the Committee on Finance.

Mr. BOWEN. What is the motion?

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the bill be printed with the amendment of the House of Representatives, and referred to the Committee on Finance.

Mr. BOWEN. It is not a motion for a conference?

Mr. MORRILL. No.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane and State of Illinois, a small island in Fox River, located within the limits of said city, was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO A BILL.

Mr. CALL submitted an amendment intended to be proposed by him to the bill (S. 3286) to increase the naval establishment; which was ordered to lie on the table and be printed.

SWITZLER'S REPORT ON INTERNAL COMMERCE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 15,000 additional copies be printed of the report on Internal Commerce by William F. Switzler, Chief of the Bureau of Statistics, being Part 2 of the report on Commerce and Navigation, submitted by him on the 20th day of December, 1886; 10,000 for the use of the House, and 5,000 for the use of the Senate.

EXECUTIVE BUSINESS.

Mr. RIDDLEBERGER. The resolution just read being pending, I have an opportunity to say again what I have said before, what I mean to repeat every day, that there lies upon the executive table that which this Senate does not take up, and that which concerns the people of the State which I in part represent. I have asked that the Senate should proceed to the consideration of executive business.

Mr. SAWYER. We are going to do it.

Mr. RIDDLEBERGER. For that motion I could not get a vote that would amount to a quorum. I am speaking now in open session as one of the Senators in this body. I have a right to do it, and I intend to do it.

I am told Senators will not object to the motion, but on Saturday evening, the very last thing I could do, after yielding three or four times to motions to take up bills, there was a Senator on this floor who was courteous enough to move an adjournment while my motion for an executive session was pending. If I am not capable of representing Virginia I do not want to be here, but I mean to represent her.

Now, sir, I have asked that the Senate should proceed to the consideration of executive business. I ask it again, and again I will ask it, and I am not afraid to ask it every day. I am not afraid either to criticise that conduct of the Senate which I know has subordinated that which concerns me and constituents of mine. I have now while this resolution is pending an opportunity of saying for once and for all that the Senate will proceed to the consideration of executive business only when the party whip is lashed around it. As a Republican I speak that. The boast of the Republican party is that it has emancipated the slave, and yet in this body of men that are called statesmen there is more abject slavery under the party lash than there was on the part of the negro of the South to his master.

Mr. President, I have asked only that there shall be a vote on that which is unanimously reported from a committee after weeks of consideration, and I can not get it. I do not care now whether I get it or not. I know there is manhood behind me in Virginia that will sustain me when every day I make the motion. Two years nearly have elapsed—two years since two members of the Republican State central committee of that State appealed to me to make me a better Republican—two years when I could not get a hearing in the Senate in executive session. We are in open session now. I am speaking on the resolution that has been offered, and not on my motion to proceed to the consideration of executive business lest the Chair should call me to order.

I have heard here to-day many things that I could not respond to in the little time that would have been allowed me, and I am here now to say that I characterized this as the American House of Lords. It never went down to my credit or discredit, but I did say it, and I say it again. No man has any right here who would not if he were an Englishman be entitled to be a member of the House of Lords in Great Britain.

This is not less than the second time that I have asked the Senate to go into executive session to pass upon a unanimous report from what is called the Judiciary Committee—God forbid the name—and unless I can get the consent of him who is one of those who come from Vermont I can not have a little place passed upon in a State that is older than his, that has a history; when it would take a man with a magnifying glass to find the history of the other State.

I do ask now, while I am debating this resolution, that the Senate shall consider that it has at least half the right of half a motion to go into executive session.

Mr. MORGAN. Will the Senator yield to me a moment?

Mr. RIDDLEBERGER. If I do not lose the floor. I am afraid of that; I have been frightened for four years.

Mr. MORGAN. I desire to offer an amendment to the pending bill, which I ask may be printed.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be received and printed.

Mr. EDMUNDS. Let us go into executive session.

Mr. RIDDLEBERGER. Will you do it?

Mr. EDMUNDS. Certainly; with pleasure.

Mr. RIDDLEBERGER. When the Senator from Vermont says he is ready to go into executive session, I do not know anything better that I can do than to stop.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened and (at 5 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 15, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of February, 1887.

EXECUTIVE MANSION, *Washington, February* 14, 1887.

I nominate J. M. Needham, of Franklin, Ind., to be agent for the Indians of the Lemhi agency, in Idaho, *vice* William M. Neal, who was confirmed during the present session of the Senate, but declined the appointment.

I withdraw the nomination of Mr. Needham to said office, "*vice* Robert Woodbridge, to be removed," which was sent to the Senate February 5, 1887.

GROVER CLEVELAND.

SURVEYOR OF CUSTOMS.

John Vander Linde, of Missouri, to be surveyor of customs for the port of Saint Joseph, in the State of Missouri, to succeed James Hunter, whose term of office has expired by limitation.

RECEIVER OF PUBLIC MONEYS.

Everett B. Sanders, of Elroy, Wis., to be receiver of public moneys at Wausau, Wis., to take effect January 16, 1887, when his term of office expired.

POSTMASTERS.

Andrew F. Bigelow, to be postmaster at Kewanee, in the county of Henry and State of Illinois, in the place of Norman H. Pratt, whose commission expired January 29, 1887.

Peter Conohy, to be postmaster at Marshall, in the county of Clark and State of Illinois, in the place of De Lance Cole, whose commission expires February 27, 1887.

James M. McConihe, to be postmaster at Princeton, in the county of Bureau and State of Illinois, in the place of James W. Templeton, whose commission expires February 27, 1887.

Mark A. Reno, to be postmaster at Pontiac, in the county of Livingston and State of Illinois, in the place of James H. Gaff, whose commission expires February 24, 1887.

Roy S. Giddings, to be postmaster at Russell, in the county of Russell and State of Kansas, in the place of William E. Banks, resigned.

C. F. Keyner, to be postmaster at Wilson, in the county of Ellsworth and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

James A. Smith, to be postmaster at Glasgow, in the county of Barren and State of Kentucky, in the place of James C. Evans, whose commission expires February 27, 1887.

William P. Lane, to be postmaster at Hagerstown, in the county of Washington and State of Maryland, in the place of William S. Swartz, whose commission expired February 7, 1887.

Frank H. Holbrook, to be postmaster at Muskegon, in the county of Muskegon and State of Michigan, in the place of Luther Whitney, whose commission expired February 7, 1887.

Michael F. Mulcrone, to be postmaster at Saint Ignace, in the county of Mackinac and State of Michigan, in the place of Peter W. Hombach, whose commission expires March 2, 1887.

Hiram W. Hill, to be postmaster at Saint Charles, in the county of Winona and State of Minnesota, in the place of John Pickert, whose commission expired December 20, 1886.

Levi C. Smith, to be postmaster at Schuyler, in the county of Colfax and State of Nebraska, in the place of Joseph F. Woods, whose commission expired February 7, 1887.

Robert S. Perkins, to be postmaster at Tilton, in the county of Belknap and State of New Hampshire, in the place of Daniel E. Hill, resigned.

Waldo B. Tichenor, to be postmaster at Orange, in the county of Essex and State of New Jersey, in the place of Abiel M. Condit, whose commission expired February 5, 1887.

E. Prentiss Bailey, to be postmaster at Utica, in the county of Oneida and State of New York, in the place of Judson T. Stevens, whose commission expired February 5, 1887.

Frank M. Bullis, to be postmaster at Sherburne, in the county of Chenango and State of New York, in the place of Charles A. Fuller, whose commission expired February 12, 1887.

William H. Baldwin, to be postmaster at Watkins, in the county of Schuyler and State of New York, in the place of Levi M. Gano, whose commission expired February 5, 1887.

William M. Ketcham, to be postmaster at Poughkeepsie, in the county of Dutchess and State of New York, in the place of Robert H. Hunter, whose commission expired February 5, 1887.

Albert W. Locklin, to be postmaster at Gloversville, in the county of Fulton and State of New York, in the place of Edward Ward, whose commission expires February 26, 1887.

John H. Mealey, to be postmaster at Greenwich, in the county of Washington and State of New York, in the place of Norman F. Andrews, whose commission expires February 26, 1887.

Benjamin B. Read, to be postmaster at Greene, in the county of Chenango and State of New York, in the place of Charles B. Wheeler, whose commission expired February 12, 1887.

Patrick Reiley, to be postmaster at West Troy, in the county of Albany and State of New York, in the place of William C. Durant, whose commission expired December 20, 1886.

Gustav Dangeleisen, to be postmaster at Bellevue, in the county of Huron and State of Ohio, in the place of Albert B. Smith, whose commission expires February 27, 1887.

Charles E. Shenk, to be postmaster at Delphos, in the county of Van Wert and State of Ohio, in the place of Joseph H. Cowden, whose commission expired February 7, 1887.

Alvin Arnold, to be postmaster at White Haven, in the county of Luzerne and State of Pennsylvania, in the place of Richard Heimbach, whose commission expired January 2, 1887.

George W. Beckwith, to be postmaster at Burlington, in the county of Chittenden and State of Vermont, in the place of Buel J. Derby, whose commission expires February 19, 1887.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 14, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

SECTION 533, REVISED STATUTES.

The SPEAKER laid before the House the bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States, with the Senate amendments thereto.

Mr. DUNN. Mr. Speaker, that is a bill which involves no appropriation. It simply apportions the counties of the eastern district of Arkansas to different courts for the greater convenience of the public. I ask that the amendments of the Senate be concurred in.

Mr. HOLMAN. Let them be read.

The Clerk read as follows:

In line 8, strike out "Desha, Chicot."

At the end of the bill add the following:

SEC. 2. That all crimes and offenses heretofore committed within either of said districts shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

Mr. ROGERS. Is this the House bill?

Mr. DUNN. This is the House bill with the amendments of the Senate striking out Desha and Chico.

Mr. ROGERS. I believe there is no Congressional district affected by the bill except that of my colleague [Mr. DUNN] and my own, and I see no objection to it.

Mr. DUNN. It does nothing but assign certain counties to one court, and certain counties to the other court, so as to prevent the summoning of people from remote points at great expense and inconvenience. For instance, the court sits at Little Rock and at Helena, and, as matters stand now, it sometimes happens that parties living at Helena are summoned to Little Rock, and *vice versa*. The bill creates no office, involves not one dollar of expenditure, and is designed merely to promote the public convenience.

The SPEAKER. If there be no objection, the amendments of the Senate will be concurred in.

There was no objection.

Mr. DUNN moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. R. JONES.

The SPEAKER also laid before the House the bill (S. 603) for the relief of J. R. Jones, late postmaster at Boydton, Va.; which was referred to the Committee on Claims.

PUBLIC LANDS, CALIFORNIA.

The SPEAKER also laid before the House the bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of public lands in said State; which was referred to the Committee on Public Lands.

THOMAS A. OSBORN.

The SPEAKER also laid before the House the bill (S. 2553) for the relief of Thomas A. Osborn; which was referred to the Committee on Claims.

RIGHT OF WAY THROUGH FORT HALL RESERVATION, IDAHO.

The SPEAKER also laid before the House the bill (S. 2789) to authorize the Secretary of the Interior to negotiate with the Shoshone and Bannock tribes of Indians for the relinquishment of their title to so much of the lands of the Fort Hall Reservation in Idaho as is required for the uses and purposes of the Utah and Northern Railway Company and the Oregon Short-Line Railway Company, either partly or conjointly.

Mr. HAILEY. I ask unanimous consent that that bill be now con-

sidered. The Committee on Indian Affairs has reported an exactly similar bill, which is on the Calendar.

Mr. COWLES. I call for the regular order.

The SPEAKER. The regular order is called for. This bill will be referred to the Committee on Indian Affairs.

EXCHANGE OF GUNS.

The SPEAKER also laid before the House the bill (S. 3170) to authorize the Secretary of War to exchange guns with the R. E. Lee Volunteer Battery, of Petersburg, Va.; which was referred to the Committee on Military Affairs.

RIGHT OF WAY THROUGH INDIAN RESERVATION, UTAH.

The SPEAKER also laid before the House the bill (S. 3184) granting to the Utah Midland Railway Company a right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LORE, indefinitely, on account of important business.

To Mr. WALLACE, indefinitely, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (H. R. 3828) for the relief of C. M. Briggs, with the Senate amendments thereto, and it was referred to the Committee on War Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria, requested a conference with the House of Representatives upon said bill, and had appointed as conferees on the part of the Senate, Mr. PUGH, Mr. HOAR, and Mr. WILSON, of Iowa.

The message also announced that the Senate had passed the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, with amendments, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate non-concurred in the amendments of the House to the bill (S. 2997) granting a pension to Mrs. M. E. Wood, requested a conference upon the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate, Mr. BLAIR, Mr. SAWYER, and Mr. WILSON, of Iowa.

The message further announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 531) to provide for the erection of a public building at La Fayette, Ind.; and

A bill (S. 1494) granting an increase of pension to Stephen D. Smith.

The message further announced that the Senate had passed the concurrent resolution requesting the President to return to the House of Representatives the bill (H. R. 5652) for the relief of James W. Goodrich.

The message further announced that the Senate had passed a bill and joint resolution of the following titles:

A bill (S. 2778) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian Reservation;

Joint resolution (S. R. 109) authorizing the President of the United States to accept in behalf of the United States the sword of Capt. Samuel Chester Reid, tendered as a gift by his son Samuel C. Reid.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 542) for the relief of William Ervin;

A bill (S. 2533) for the relief of E. Remington & Sons;

A bill (S. 1162) for the erection of a post-office building at Lynn, Mass.;

A bill (S. 712) for the erection of a public building at Augusta, Ga.;

A bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.;

A bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo.;

A bill (S. 2225) to indemnify certain subjects of the Chinese Empire for losses sustained by the violence of a mob at Rock Springs, in the Territory of Wyoming, in September, 1885; and

A bill (S. 305) for the erection of a public building at Huntsville, Ala.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district.

LEAVE OF ABSENCE.

Mr. ROCKWELL, by unanimous consent, obtained indefinite leave of absence on account of sickness in his family.

SOLDIERS' HOME WEST OF THE ROCKY MOUNTAINS.

Mr. BRAGG. I ask unanimous consent that the amendments of the Senate to the bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains be non-concurred in; and that the request of the Senate for a conference be granted.

The SPEAKER. The gentleman from North Carolina [Mr. COWLES] demanded the regular order. Does he insist upon it?

Mr. COWLES. Yes, sir.

PENSION TO MRS. MARY A. LOGAN.

Mr. HENDERSON, of Iowa. I rise to a privileged matter.

The SPEAKER. The gentleman will state it.

Mr. HENDERSON, of Iowa. I call up the resolution fixing as a special order for to-morrow the bill (S. 3050) granting a pension to Mary A. Logan. I ask that the resolution be read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee of the Whole House be discharged from the further consideration of the bill (S. 3050) granting a pension to Mary A. Logan, and that the same be made a special order for Tuesday, the 15th day of February, 1887, immediately after the reading of the Journal, and that the same be a continuing order until disposed of.

Mr. HENDERSON, of Iowa. Now, Mr. Speaker, the reason why I favor this resolution——

Mr. BRECKINRIDGE, of Kentucky. I rise to a parliamentary inquiry. Is it now in order to consider and debate this resolution?

The SPEAKER. No point of order has been made.

Mr. BRECKINRIDGE, of Kentucky. I make the point of order.

Mr. HENDERSON, of Iowa. Mr. Speaker, it is too late to make the point of order. I have entered upon the discussion of the resolution.

The SPEAKER. The Chair thinks it is not too late; the gentleman from Kentucky [Mr. BRECKINRIDGE] rose in time.

Mr. BRECKINRIDGE, of Kentucky. Yes, as soon as the paper was read I rose to inquire how it came in here, and to make the point of order.

Mr. HENDERSON, of Iowa. What is the point of order?

Mr. BRECKINRIDGE, of Kentucky. That it is not in order to consider this resolution now.

The SPEAKER. This resolution was introduced, the Chair thinks, on last Monday, and has lain over until the present time. The gentleman from Iowa now calls it up and claims that it is a matter of privilege under the rules of the House. The Chair is willing to hear what any gentleman desires to say upon the question of order.

Mr. MCMILLIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCMILLIN. Was not this resolution referred to a committee?

The SPEAKER. It was not referred to any committee.

Mr. HENDERSON, of Iowa. It was ordered to lie over one day. Now, Mr. Speaker, the reason why I am in favor of this resolution——

The SPEAKER. The Chair desires to know, before the gentleman from Iowa proceeds, whether any gentleman wishes to say anything on the question of order.

Mr. BRECKINRIDGE, of Kentucky. I do not.

Mr. HENDERSON of Iowa. I have not heard the point of order stated by the gentleman from Kentucky.

The SPEAKER. The gentleman from Kentucky makes the point of order that it is not in order under the rules to call up this resolution for consideration as a matter of privilege. There is some difficulty in the mind of the Chair on this question of order; but it was decided in the Forty-sixth Congress, and again in the Forty-seventh Congress, that under the rules of the House the introduction of a resolution or motion to amend the rules was a privileged matter, to lie over for one day for consideration, and that it might be called up thereafter, but what should be its privileges when called up was not then decided. Unless the Chair by some argument can be satisfied that those rulings were erroneous the Chair will of course adhere to them.

Mr. RANDALL. Mr. Speaker, without committing myself for or against the bill proposed to be called up under the resolution of the gentleman from Iowa——

Mr. HENDERSON, of Iowa. I do not yield for discussion.

The SPEAKER. But the Chair desires to hear gentlemen upon the point of order.

Mr. HENDERSON, of Iowa. I supposed that the gentleman was about to discuss the merits of the proposition.

Mr. RANDALL. I wish to be heard on the point of order for a moment.

Without disclosing what may be my action upon the bill to which the order of the gentleman refers, I wish to say that the provisions of the rules as they existed in the first session of the Forty-sixth Congress are substantially different, in my judgment, from those existing and

under which the House is operating to-day. At that time there was no absolute rule whereby the right was given, on a motion, to amend the rules. There now exists, however, a distinct rule, and an absolute right provided in the rules themselves for this purpose. I do not want the Chair, in determining the point of order, to lose sight of the fact that the condition of the rules in the first session of the Forty-sixth Congress was different from that which now exists in this respect, and therefore that a decision growing out of those rules should now be conclusive on a question arising under the present rules.

Mr. WILLIS. Mr. Speaker, I have no expectation of throwing very much light upon this question; but as I have given to it some little consideration in connection with another matter within the last few days, I may be pardoned for presenting one or two suggestions which occur to me in this connection.

I take it, sir, that there is no question of order that could be presented to this House which is more important than the one now pending. If decided in the way suggested by the gentleman from Pennsylvania [Mr. RANDALL] it will deprive the House of its right to change the rules, the highest right which it can claim or exercise, a right granted by the Constitution of the United States itself. That Constitution declares that Congress shall have the power to amend its rules. How? The rules provide how they may be amended. In the first place a resolution changing the rules of the House can be presented at the desk and referred, under the rules, to the Committee on Rules. But now suppose a case. Suppose that in this House of three hundred and twenty-five members there were three hundred and twenty-two who desired to consider a change of the rules, and who desired to make what they regarded as necessary amendments to the rules. The Committee on Rules, consisting of five members, opposes the change. Three of that number, a majority, constitute a quorum of the committee, and if we were compelled to rely upon the action of the Committee on Rules in the case supposable we would have the anomalous spectacle presented of three hundred and twenty-two members of this House who would be controled absolutely by the action of three members.

Contemplating such a possibility, it may be, the rules themselves have provided another way by which an amendment can be secured, and that is by an independent motion submitted in the manner prescribed by the rule; a motion which I say, and with great respect to the gentleman from Illinois [Mr. SPRINGER], is always in order as a privileged motion, because it involves the constitutional right of the House itself to change its rules when it desires to do so. And when made, as an independent motion, the rules provide that the maker of it can ask to have it lie over a day. Why? What sense is there in saying that the proposed change or modification of the rule shall lie over a day, except it be to give to the House the power to act upon it when it does so lie over?

Now, the other method by which the rules can be amended is by introducing a notice at the desk and asking that it lie over as I have just suggested, and then call it up, whereupon, under the rules, a motion to refer to the Committee on Rules is in order; and if a majority shall refuse to send it to the Committee on Rules, it is then before the House for its consideration and action. But the gentleman from Pennsylvania says we have changed the rules. In what respect?

Why, as far back as the Forty-third Congress, it was decided that—

A resolution to amend the rules may be read and referred to the Committee on Rules during the first call of the States and Territories in the morning hour of Monday, and thus constitute notice according to the usage of the House.

Not that that was the only notice, but that it was one method of giving the notice to the House of the desire to provide the change.

Again:

Notice of an amendment to the rules is in order as an independent motion, but must lie over one day under clause 1 of Rule XXVIII. (See Journal first session Forty-sixth Congress, page 437.)

And under that it has been decided that it is a privileged question, and may be called up by the mover, subject, under the practice, to a motion to refer to the Committee on Rules; and if not referred is before the House for action.

Now, reasoning from common sense and claiming that the House has the unquestioned constitutional right to amend its rules, the only way provided when the Committee on Rules are unwilling to amend, is by giving the notice suggested and asking to have it lie over a day, then calling it up, as the gentleman from Iowa now calls up his motion, as a privileged matter involving the constitutional right of the House, and the motion to refer to the Committee on Rules being voted down, it is before the House for its action and it may determine whether it will adopt or reject it. The gentleman from Iowa, I understand, now calls up a resolution which was presented on last Monday, which he asked to have lie over, and now calls it up, no motion having been made to refer it to the Committee on Rules, and consequently it is, under the rules of the House, before the House for its adoption or rejection.

Mr. HENDERSON, of Iowa. There are two points that should be considered in this discussion. I believe it is practically admitted that under the rulings of the Forty-sixth and Forty-seventh Congresses no point of order can now lie against the consideration of this resolution at this time.

But I wish to call another matter to the attention of the Speaker. Even if the point of order would lie against this resolution when introduced on Monday upon the call of States and Territories or at any other time as the rules prescribe, still it would not lie against it now in the condition in which we find this resolution. I desire to read from the RECORD, and I think the Speaker will readily see that any objection of this kind now comes too late. Upon the call of States and Territories on Monday last, upon the call of the State of Iowa, I introduced the resolution under consideration. Here is what appears in the RECORD:

Mr. HENDERSON, of Iowa. I submit the resolution which I send to the desk, and ask that it lie over for one day.

The Clerk read as follows:

* * * * * * *

Mr. TAULBEE. I move to refer the resolution to the Committee on Rules.

Mr. HENDERSON, of Iowa. I make the point of order that the motion of the gentleman from Kentucky is not in order at this stage. This is a privileged matter.

The SPEAKER *pro tempore* (Mr. MCCREARY). The gentleman from Iowa has a right to ask that the resolution lie over for one day under the rules of the House. That disposition of the resolution will be made.

Now, sir, granting, for the sake of the argument, that a point of order might lie on the introduction of the resolution, in this case the point was made, was overruled, and an adjudication had upon it, and from that adjudication no appeal was taken at the only time when an appeal could be taken. So now we stand, using the terms of the law, clothed with the advantages of a *res adjudicata* in this case; and I submit, Mr. Speaker, that there is no power now that can defeat the consideration of this resolution, and that the only question that is in order is, first, its consideration, the question as to which may of course be raised as in regard to any other matter before the House.

I believe the proceedings taken were regular under the rules. Under the first clause of Rule XXVIII and under the decisions that have been rendered, notice of an amendment to the rules is in order as an independent motion, but must lie over for one day. But even if the point could have been made at the time when the resolution was introduced, I submit the House is now bound to consider it unless on the raising of the question of consideration another course is decided upon by the House.

The reasons for the rule as regards the privileges of the House have been set forth so clearly by the gentleman from Kentucky [Mr. WILLIS] that I shall not discuss that point at all.

Mr. CRISP. Mr. Speaker, I would not trouble the House or the Speaker by saying anything upon this question but that it seems to me the adoption of the practice now proposed would be utterly destructive of the rights of the minority of the House as they are sought to be protected by the rules. It will be observed that in the rules there are pointed out methods of changing them either as claimed by the gentleman from Kentucky by a report from the Committee on Rules, or by the introduction at the proper time of a resolution and the necessary notice and then action upon it by the House.

The purpose of that, sir, is that the House may always have it in its power to change its rules. But now, without any regard to the merit of the proposition of my friend from Iowa, or of the proposition of my friend from Kentucky, I submit that this resolution is not to change the rules of the House. That is not the purpose of the resolution. But it is to take a particular measure from out of the operation of the rules of the House. You may reply that that is a change; but I submit that it is not a change within the purview of those parts of the rules that permit and allow a change of the rules. A rule is something that operates generally, uniformly. It is for the uniform and ordinary transaction of the business of the House. Shall it be said that a resolution that simply says Senate bill 1 shall be considered to-morrow in the House of Representatives—shall it be said that that may be justly called a change of the rule?

Mr. BURROWS. Will the gentleman allow me a moment?

Mr. CRISP. Certainly.

Mr. BURROWS. I wish to call the gentleman's attention to this ruling on page 454 of the Manual:

A resolution reported from the Committee on Rules fixing a day for the consideration of business reported from a particular committee is in order at any time as a "privileged question," for the reason that the adoption of the resolution would be *pro tanto* a change in the rules.

This decision was made in the first session of the Forty-ninth Congress.

Mr. DINGLEY. The gentleman from Georgia [Mr. CRISP] was himself in the chair.

Mr. CRISP. I concede it has been the practice, during the present Congress at least, upon a report of the Committee on Rules to treat the resolution in that way. But I protest that it is a practice more honored in the breach than the observance. I asked the question the other day, when the Committee on Rules brought in a resolution that a certain bill should be taken from the Committee of the Whole and considered in the House on a certain day, whether it was in order or competent to do that. I admit it was done; but I do not admit it was, to my mind, justly or properly done.

There is a great difference between the change of a rule and taking a particular measure without the operation of the rules. I can conceive

of cases, and I doubt not members around me can, where the taking of a particular measure without the operation of a general rule might and would be denounced as absolutely revolutionary. That thing has occurred in this House. I believe it occurred in the Forty-seventh Congress, when the rules of the House were changed as to a particular measure, and it was denounced as unjust and improper. A change of rules, as suggested by my friend from Alabama [Mr. OATES], applies to all cases pending before the House. The pending resolution is a so-called change of rule that is to apply to one particular bill, and the effect of it is not to change the rule, but to take that case from the operation of the rule.

Mr. BOUTELLE. Is not that a change of the rule?

Mr. CRISP. The rule is not changed. Except as to that particular case the rule remains the same, and the result is, if this practice is permitted, that, as to every measure or any measure which a majority of the House may desire to consider, whether one way or another, in Committee of the Whole or in the House, a majority can change the rule as to that particular bill and let it stand as to all others. Is not that a suspension of the rule as to that particular bill, and not a change of rule? Ordinarily it requires two-thirds to suspend the rules, but under that practice a majority are to have the right to suspend the rule as to a particular bill, and to do it under the claim that it is a change of the rules of the House. I protest against any such doctrine as that.

Mr. HAMMOND. Mr. Speaker, if my memory be not at fault, I opposed the ruling in the Forty-seventh Congress even upon the rules in the form in which they then were. I do not mean by that exception to say that I know that in this particular they have been changed, for I have not examined; but it seems to me that there is very little difficulty in this question, and I desire to submit a few remarks in addition to what has been so well said by my colleague [Mr. CRISP] who has just taken his seat.

Rule XXVIII declares that suspension of the rules may be had by a vote of two-thirds, and that the Speaker shall not entertain a motion to suspend the rules except at a certain time. Now, special orders are made under a suspension of the rules, as I read on page 64 of the Manual. The gentleman from Iowa [Mr. HENDERSON] says that because one day's notice must be given to a proposed change of rule, therefore you may call up as privileged a motion to change a rule if you give one day's notice. I think that is a clear *non sequiter*.

As I understand the prohibition in Rule XXVIII in that particular, it means that, however desirable it may be to charge a rule, no rule shall be changed without one day's notice. Everybody is presumed to know what is in the rule, to act upon it to arrange his business affairs accordingly; and if, when a rule is found to be in the way, three members of the Committee on Rules could step outside and report a resolution to change that rule *eo instanti*, we would never know where we were. Therefore, that part of Rule XXVIII is simply a declaration that, however desirable it may be to change a rule, unless it is done by unanimous consent, one day must intervene between the proposition to make the change and the making of the change. Now, that does not at all affect the point under paragraph 43 of Rule XI, that all legislation as to the rules must be referred to the Committee on Rules.

Mr. LONG. Not all legislation—all action.

Mr. HAMMOND. Yes, all action. Did I misquote it?

Mr. SPRINGER. "Legislation" is right.

Mr. LONG. No; the word is "action."

Mr. SPRINGER. My book says all proposed legislation.

Mr. HAMMOND. I will quote it correctly from the book:

All proposed action touching the rules and joint rules shall be referred to the Committee on Rules.

Therefore, what the gentleman from Iowa [Mr. HENDERSON] contends is not correct—that they can take any comfort from the mere declaration that you can not change the rules without a day's notice. As I have said, it does not follow that, with a day's notice, you may change the rules. If the gentleman's construction in correct, then any member may on Monday introduce a resolution to set a day for any bill he pleases, and may claim that to be privileged question simply because he has asked to set a day for the consideration of the bill.

Now, we have another rule which declares what are privileged questions. That rule says that "questions of privilege shall be first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings."

Mr. WILLIS. Will the gentleman permit me?

Mr. HAMMOND. In a moment. The rule continues: "Second, rights, reputation, and conduct of members individually in their representative capacity only, and shall have precedence of all other questions."

The SPEAKER. Will the gentleman from Georgia allow the Chair to call his attention to the distinction between questions of privilege and privileged questions. The rule which the gentleman has read relates to questions of privilege, which are quite a different thing from privileged questions.

Mr. HAMMOND. I thank the Chair for the correction.

The SPEAKER. For instance, reports from committees of resolutions calling for information present privileged questions, but they are not questions of privilege. The case is the same with motions to adjourn and various questions of that sort.

Mr. HAMMOND. I stand corrected. I simply desired to add to what my friend [Mr. CRISP] has said the proposition I make that Rule XXVIII gives no support to the construction contended for.

Mr. ADAMS, of Illinois. Mr. Speaker, I am inclined to think that if this were an original proposition brought before the House for the first time, the ground taken by the gentleman from Georgia that it amounts to a suspension of the rules would be correct; but his doctrine would surely apply to every motion of similar character which comes from the Committee on Rules—that is, every motion proposing to set aside a day for the consideration of a particular subject which can not be considered under the general rules of the House on the day designated.

Mr. CRISP. I would call that a "special order," and not a change of the rules.

Mr. ADAMS, of Illinois. Then I say a "special order" in that sense of the term is just as much a suspension of the rules, whether it comes from the Committee on Rules or from any other source.

Mr. LONG. And if it is a suspension how do you reach it?

Mr. ADAMS, of Illinois. If the gentleman from Massachusetts will wait a moment I will show him.

I say that the character of the proposition can not be affected by the source from which it comes. Its character depends on the form and effect of the resolution itself. Now, the practice of this House during all this session has been to treat such a resolution when coming from the Committee on Rules as a motion not to suspend, but to change the rules; and by that practice perhaps this House is to be governed.

But, Mr. Speaker, admitting for the moment that this is a motion to suspend the rules, what effect would that have on the status of the resolution presented by the gentleman from Iowa [Mr. HENDERSON]? It is before the House; it must be considered by the House, even though it be, as intimated by the gentleman from Georgia, a motion not to change the rules but to suspend the rules, because the only provision in the rules——

Mr. CRISP. I claim that it is not before the House.

Mr. ADAMS, of Illinois. Allow me to insist that it is before the House, because the motion, if it be called a motion, to suspend the rules was made in an orderly manner, was entertained by the Chair, and the consideration of it was simply laid over for a day. Now the Chair might have decided, if the gentleman then occupying the chair had so believed, that this was a motion not to change, but to suspend the rules, and that he could not admit it at that time, that not being, I believe, the first or third Monday of the month. But the Chair did not so decide. He admitted the resolution; he entertained the motion, and decided that it should be laid over. It is now before the House. The gentleman from Iowa has called it up; he has the floor to discuss it. At the expiration of the time allowed him under the rules I suppose a motion might be made to refer it to any committee whatever; but until that time comes the point of order can not be made upon it, even if it should be decided to be a motion to suspend the rules.

Mr. MILLS. Mr. Speaker, the great inconvenience to result from any proposed construction of the rules is a fair argument against adopting such construction. Now what would be the result in the working of the machinery of this House if we should adopt the construction of the rule as contended for by the gentleman from Iowa? That construction proposes to suspend the methods of transacting business on reports of our committees, and subject the whole machinery of this House at any time to the will of one man.

Now, the gentleman from Iowa has called up a private bill. He calls it up as a question of privilege. He undertakes to force the House, whether willing or unwilling, to test its will as to whether it will pass that bill or not. If one gentleman from Iowa can do this, all the gentlemen from Iowa can do it; and if all the gentlemen from Iowa can do it, every one of the three hundred and twenty-five members of this House can do it. Under such a construction I can come in to-morrow morning and give notice that on some designated day—the day after or two days after—I will call up some private bill affecting the interests of some constituent of mine, and whether this House be willing or not, it is compelled to consider that bill because it is a question of privilege, and I can force its consideration upon the House, though I may be the only man on this floor who is interested in it or believe the House should act on it. I can absolutely ignore the will of the whole body of this House, and by my own individual act compel the House, as it is being compelled now, to hear a question involving perhaps my interest or the execution of my will alone.

Such a rule of procedure revolutionizes the whole working machinery of this House. The House is organized to do its work as examined and reported on by committees and recommended to it for adoption. The House has adopted uniform rules affecting all measures as to when they shall be considered and how they shall be acted on. But here comes in a factor which revolutionizes the whole method of procedure in this House. It is claimed now that one member upon his mere motion can submit a proposition as a matter of privilege, calling it an amendment of the rules, and compel the House, willing or unwilling, to determine that question, ignoring all its other business in order to do it. As soon as that is done another member can get up and repeat the operation,

and this may be extended through the whole time of the session. And if the proposition contended for by the gentleman from Iowa is sound, this House is without a remedy, because the privilege is claimed on the part of the individual member as a constitutional privilege. If the member has this right, he has it by virtue of constitutional guarantee, and if so the House can not take it away from him. Here, therefore, is the great inconvenience——

Mr. WILLIS. Will the gentleman allow me to ask one question?

Mr. MILLS. Certainly.

Mr. WILLIS. Does the gentleman recognize the right of the majority of this House to control its business?

Mr. MILLS. Certainly; and the majority of this House have made rules for the government of the House in the transaction of its business.

Mr. WARNER, of Ohio. The majority must control business under the rules.

Mr. MILLS. Yes, business must be controlled by the methods of procedure which have been adopted by the majority; and these methods, though at all times under the will of the majority, are not under the will of one man.

Mr. HENDERSON, of Iowa. Mr. Speaker, as this is District of Columbia day, in accordance with the suggestion made by the Speaker, and as the questions involved here are vital and important, I will let this matter lie over until after the reading of the Journal to-morrow, which will give ample time.

The SPEAKER. The Chair will state that, under the decisions heretofore made, it has little doubt about the right of a member under Rule XXVIII to give the notice at any time as an independent proposition either in the technical form of a notice or in the form of a resolution. But the question upon which the Chair has grave doubt is as to the status of this matter; that is, whether it is a privileged matter when it is called up. It has been frequently decided, as first stated, that a member has the right to give notice on the floor, but the Chair has great difficulty about the question whether it is privileged after that. That is the question which the Chair desires to examine.

Mr. RANDALL. The Chair, of course, will take into consideration the forty-third clause of Rule XI, which was inserted at the second session of the Forty-sixth Congress. The decision referred to was during the first session of that Congress.

Mr. HENDERSON, of Iowa. We will let this go over until after the reading of the Journal to-morrow morning.

Mr. RANDALL. I will discuss it then; I only want to say now the decision to which reference has been made was based upon the Constitutional right each House has to determine the rules of its own proceedings. It was then contended there was no mode under the rules to execute that constitutional right; but since then there has been a method for that purpose included in the rules of the House.

The SPEAKER. It was at the first session of the Forty-ninth Congress.

Mr. RANDALL. The word "joint" was omitted from the then rule, so that a specific time could be fixed when resolutions could be introduced for reference.

The SPEAKER. The matter will go over until to-morrow morning.

Mr. SPRINGER. Does the gentleman desire to call this up to-morrow morning?

The SPEAKER. The gentleman has given notice that he will call it up to-morrow morning after the reading of the Journal.

Mr. SPRINGER. Before the House passes to the regular order I desire to say just one word.

The SPEAKER. The Chair will hear the gentleman's suggestions in the morning.

Mr. SPRINGER. The Chair, I presume by that time, will be ready to decide upon it. [Laughter.] I hope the Chair will come with a written opinion on the subject so as to cover the point.

The SPEAKER. The matter will go over until to-morrow morning after the reading of the Journal.

PRINTING OF MEXICAN PENSION BILL.

Mr. BARKSDALE, from the Committee on Printing, reported back the following resolution, submitted by Mr. MATSON, January 24, 1887, with a substitute.

Mr. MATSON'S resolution was read, as follows:

Resolved, That 5,000 additional copies of the bill known as the Mexican pension bill, which passed the House on January 17, 1887, be printed for the use of the House.

Resolved, That 5,000 additional copies of House bill 10457 for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support, which also passed the House on January 17, 1887, be printed for the use of the House.

Mr. BARKSDALE. Read the report of the committee.

The Clerk read as follows:

The Committee on Printing, to whom was referred the resolution providing for printing the Mexican pension bill, have amended the same so as to read as follows:

Resolved, That 10,000 additional copies of the Mexican pension bill, which passed the House on January 17, 1887, be printed in law form for the use of the House.

The estimated cost is $38. The Public Printer estimates the approximate cost of the amount of printing previously ordered by Congress within the present fiscal year is $134,648.02.

The committee recommend the passage of the resolution as amended.

Mr. MATSON. I understand the report of the committee provides only for the printing of additional copies of the Mexican pension bill. Copies of the bill vetoed by the President are exhaused.

The SPEAKER. That bill with the President's veto message has been ordered to be reprinted.

Mr. BARKSDALE. Reprinted and referred.

Mr. MATSON. How many copies?

Mr. BARKSDALE. The usual number.

Mr. STEELE. I ask that the resolution shall also provide for the printing of the disability bill.

The SPEAKER. The committee struck out that portion of the resolution.

Mr. STEELE. I ask that the resolution shall also provide for the printing of the bill to which I have referred.

The SPEAKER. The gentleman has a right to move an amendment.

Mr. STEELE. I move then the bill and veto message be printed.

The SPEAKER. How many copies?

Mr. STEELE. Ten thousand copies, I think, will be sufficient.

Mr. BOUTELLE. I move to print the veto message and the text of vetoed bill.

The SPEAKER. The gentleman asks also to include the bill vetoed by the President.

Mr. BARKSDALE. If gentlemen will withdraw their amendments I will submit an independent resolution on that subject for reference to the Committee on Printing.

Mr. STEELE. Let us have the order entered now.

Mr. BARKSDALE. I submit to the gentleman from Indiana the reason why it is necessary. Under the law estimates should accompany the committee's report. Estimates have not been made as to the cost of printing the President's veto message. I ask the gentleman to withdraw his amendment in order that I may introduce that independent resolution.

Mr. STEELE. I insist on my amendment to print 10,000 copies of the text of the bill and the message of the President's veto.

Mr. BARKSDALE. I hope that will not be done.

The question recurred on Mr. STEELE'S amendment.

Mr. BARKSDALE. I call for a division.

Mr. DUNHAM. Did the gentleman call in time?

Mr. FARQUHAR. The call was in time, and I called for a division before the chairman of the committee.

The SPEAKER. The Chair always takes the statements of gentlemen.

Mr. STEELE. In deference to the wishes of gentlemen around me, perhaps I had better accede to the suggestion of the chairman of the Committee on Printing. [Cries of "No! No!"] Very well; then I insist upon the amendment.

The House divided; and there were—ayes 75, noes 38.

So the amendment was adopted.

The amendment reported by the committee was adopted.

The resolution as amended was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

REPORT ON COMMERCE.

Mr. BARKSDALE. I submit another privileged report from the Committee on Printing.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 7, 1887.

Resolved by the House of Representatives (the Senate concurring), That 15,000 additional copies of the report on commerce by William F. Switzler, Chief of the Bureau of Statistics, be printed, 10,000 for the use of the House and 5,000 for the use of the Senate.

The Committee on Printing, to whom was referred the accompanying resolution, report the same back amended so as to read as follows:

Resolved by the House of Representatives (the Senate concurring), That 15,000 additional copies be printed of the reports on internal commerce by William F. Switzler, Chief of the Bureau of Statistics, being part 2 of the report on commerce and navigation submitted by him on the 20th of December, 1886, 10,000 copies for the use of the House and 5,000 for the use of the Senate, and to recommend the passage of the resolution as so amended.

The estimated cost is $8,384.30.

The Public Printer estimates the approximate cost of printing previously ordered by Congress within the present fiscal year at $736,331.75.

The amendment was adopted.

The resolution as amended was agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMPLOYÉS, ETC., AT NAVY-YARDS.

Mr. WISE. Mr. Speaker, I am instructed by the Committee on

Naval Affairs to report back the following resolution of inquiry with an amendment.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to furnish this House with a list of all persons employed at the several navy-yards of the United States from January 1, 1886, to January 1, 1887, with the purposes for which employed, rates of compensation, and dates of employment; also a list of all persons discharged from the several navy-yards of the United States between the dates of January 1, 1886, and January 1, 1887, with rates of compensation, purposes for which employed, and dates and reasons for their discharge.

The Committee on Naval Affairs has considered the resolution referred to it by the House, making certain inquiries concerning the navy-yards of the United States, and recommend its passage with the following amendment:

"Also that the Secretary inform the House whether any, and, if so, what, orders have been issued for the transfer of the plants and materials of certain bureaus at navy-yards to certain other bureaus, and for the disposal of the plants and materials of certain bureaus; and whether it is designed to permanently discontinue the operations of any of the bureaus at any of the navy-yards, and, if so, by what authority and in pursuance of what policy of naval administration."

Mr. MCMILLIN. Before action is taken I would like to know what is the object of this resolution. There is a great deal of information asked for which any member can obtain for himself by a mere inspection of the Blue Book.

Mr. WISE. The gentleman from Maine who introduced the original resolution can answer the inquiry better than I can.

Mr. STORM. Is debate in order?

The SPEAKER. It is, the previous question not having been ordered.

Mr. BOUTELLE. Mr. Speaker, in reply to the inquiry of the gentleman from Tennessee I would say the object of this resolution is to put the House in possession, officially, of the facts connected with the transfer of material and plants, as well as the *personnel* of several of the bureaus of the Navy Department at certain navy-yards to certain other bureaus, so as to enable the House to understand, when acting upon the appropriation bill which will shortly be brought before us, what the policy of the Department is with regard to the great navy-yards of the country. We are advised by the public press, and in various unofficial ways, and also by the publication of official orders which have been issued, that the Navy Department has entered upon a new system of organization at the various navy-yards, or at least at some of them.

Mr. MCMILLIN. What I was trying to get at—I can see that the amendment of the committee looks to that—but there is a great deal of information asked there which I take it is contained in the Blue Book.

Mr. BOUTELLE. I beg the gentleman's pardon; I think not.

Mr. MCMILLIN. It refers to the employés of the Department, and I take it that information is contained in the Blue Book.

Mr. BOUTELLE. Oh, no; none of them are in the Blue Book, except, of course, those that are employed in a certain class or grade.

Mr. MCMILLIN. Certainly, it contains a list of the officers of the Navy.

Mr. BOUTELLE. But not the employés.

Mr. MCMILLIN. And hence this contemplates the obtaining of information that I hold is accessible to anybody who chooses to look for it.

Mr. BOUTELLE. I will state to the gentleman that the Blue Book only gives the names of the employés of the civil establishment. This resolution is directed more particularly to the mechanics and artisans, the men who are employed to carry on the functions of the various mechanical bureaus of the Department. The object is to obtain information as to the number of men employed during the past year, the length of time they were employed, the purposes for which employed, and the transfer of numbers of them from one yard to another in connection with the transfer of various bureaus from one navy-yard to another.

Mr. SAYERS rose.

Mr. WISE. I call for the previous question.

Mr. RANDALL. I move to lay the resolution and amendment on the table.

The question being taken on Mr. RANDALL'S motion, there were—ayes 81. Before the negative vote was counted,

Mr. BOUTELLE said: I ask for the yeas and nays. If we can not get this information we want the country to know why.

The yeas and nays were ordered.

Mr. WEAVER, of Iowa. Let the resolution be reported again.

The SPEAKER. The resolution has been once reported, but if there be no objection it will be again read.

There being no objection, the resolution and amendment were again read.

Mr. REED. I think that is just to the Secretary.

The question was taken; and there were—yeas 124, nays 114, not voting 80; as follows:

YEAS—124.

Allen, J. M.	Blanchard,	Cabell,	Clardy,
Bacon,	Bliss,	Caldwell,	Clements,
Barbour,	Blount,	Campbell, Felix	Cobb,
Barksdale,	Boyle,	Campbell, J. E.	Compton,
Barry,	Bragg,	Campbell, T. J.	Cowles,
Belmont,	Breckinridge, WCP	Carleton,	Cox, W. R.
Bennett,	Bynum,	Catchings,	Crain,
Crisp,	Hemphill,	Miller,	Skinner,
Croxton,	Henderson, J. S.	Mills,	Snyder,
Daniel,	Henley,	Morgan,	Sowden,
Dargan,	Hill,	Morrison,	Spriggs,
Davidson, A. C.	Holman,	Murphy,	Springer,
Davidson, R. H. M.	Howard,	Neal,	St. Martin,
Dawson,	Hutton,	Neece,	Stone, W. J., Ky.
Dibble,	Irion,	O'Ferrall,	Stone, W. J., Mo.
Dockery,	Johnston, T. D.	Outhwaite,	Swope,
Dougherty,	Jones, J. H.	Peel,	Taylor, J. M.
Dunn,	Jones, J. T.	Perry,	Tillman,
Eden,	King,	Pindar,	Turner,
Fisher,	Kleiner,	Randall,	Van Eaton,
Ford,	Landes,	Reagan,	Viele,
Forney,	Lanham,	Richardson,	Ward, J. H.
Frederick,	Le Fevre,	Riggs,	Ward, T. B.
Geddes,	Lovering,	Robertson,	Warner, A. J.
Gibson, C. H.	Mahoney,	Rogers,	Weaver, J. B.
Glass,	Martin,	Sadler,	Wheeler,
Green,	Matson,	Sayers,	Willis,
Halsell,	McAdoo,	Scott,	Wilson,
Harris,	McCreary,	Seney,	Winans,
Hatch,	McMillin,	Seymour,	Wolford,
Heard,	McRae,	Singleton,	Worthington.

NAYS—114.

Adams, G. E.	Fleeger,	Lindsley,	Scranton,
Allen, C. H.	Fuller,	Little,	Sessions,
Anderson, J. A.	Funston,	Long,	Spooner,
Atkinson,	Gallinger,	Louttit,	Steele,
Baker,	Gilfillan,	Lyman,	Stephenson,
Bayne,	Goff,	McKenna,	Stewart, J. W.
Bound,	Grosvenor,	McKinley,	Stone, E. F.
Boutelle,	Grout,	Millard,	Strait,
Brady,	Guenther,	Milliken,	Struble,
Brown, C. E.	Hayden,	Moffatt,	Swinburne,
Brown, W. W.	Haynes,	Morrill,	Taylor, I. H.
Brumm,	Henderson, D. B.	Morrow,	Thomas, J. R.
Bunnell,	Henderson, T. J.	Negley,	Thomas, O. B.
Burrows,	Hepburn,	Nelson,	Thompson,
Campbell, J. M.	Hermann,	Norwood,	Van Schaick,
Cannon,	Hiestand,	O'Hara,	Wade,
Caswell,	Hitt,	Osborne,	Wadsworth,
Conger,	Holmes,	Payson,	Wait,
Cooper,	Hopkins,	Perkins,	Wakefield,
Cutcheon,	Houk,	Peters;	Warner, William
Davenport	Jackson,	Pettibone,	Weaver, A. J.
Davis,	Johnson, F. A.	Plumb,	Weber,
Dingley,	Johnston, J. T.	Price,	West,
Dorsey,	Kelley,	Ranney,	White, A. C.
Dunham,	Ketcham,	Reed,	White, Milo
Ely,	La Follette,	Romeis,	Wise,
Evans,	Lawler,	Rowell,	Woodburn.
Everhart,	Lehlbach,	Ryan,	
Farquhar,	Libbey,	Sawyer,	

NOT VOTING—80.

Adams, J. J.	Eldredge,	Laird,	Rockwell,
Aiken,	Ellsberry,	Lore,	Rusk,
Anderson, C. M.	Ermentrout,	Lowry,	Shaw,
Ballentine,	Felton,	Markham,	Smalls,
Barnes,	Findlay,	Maybury,	Stahlnecker,
Bingham,	Foran,	McComas,	Stewart, Charles
Bland,	Gay,	Merriman,	Storm,
Breckinridge, C. R.	Gibson, Eustace	Mitchell,	Symes,
Browne, T. M.	Glover,	Muller,	Tarsney,
Buchanan,	Hale,	Oates,	Taulbee,
Buck,	Hall,	O'Donnell,	Taylor, E. B.
Burleigh,	Hammond,	O'Neill, Charles	Taylor, Zach.
Burnes,	Hanback,	O'Neill, J. J.	Throckmorton,
Butterworth,	Harmer,	Owen,	Townshend,
Candler,	Herbert,	Parker,	Trigg,
Collins,	Hires,	Payne,	Tucker,
Comstock,	Hiscock,	Phelps,	Wallace,
Cox, S. S.	Hudd,	Pidcock,	Wellborn,
Culberson,	James,	Reese,	Whiting,
Curtin,	Laffoon,	Rice,	Wilkins.

So the resolution and amendment were laid upon the table.

Mr. HEMPHILL. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced:

Until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. TOWNSHEND with Mr. HISCOCK.

Mr. PIDCOCK with Mr. ROCKWELL.

Mr. WELLBORN with Mr. PAYNE.

Mr. BALLENTINE with Mr. O'NEILL, of Pennsylvania.

For this day:

Mr. HAMMOND with Mr. E. B. TAYLOR.

Mr. TUCKER with Mr. PARKER.

Mr. WILKINS with Mr. ZACH. TAYLOR.

Mr. ERMENTROUT with Mr. KELLEY.

Mr. ADAMS, of New York, with Mr. BINGHAM.

Mr. THROCKMORTON with Mr. HIRES.

Mr. WALLACE with Mr. BUCHANAN.

Mr. LOWRY with Mr. LAIRD.

Mr. ELLSBERRY with Mr. HANBACK.

Mr. LAFFOON with Mr. WHITING.

On this vote:

Mr. BUCK with Mr. HERBERT.

Mr. STEWART, of Texas, with Mr. FELTON.

Mr. CANDLER with Mr. MARKHAM.

Mr. OATES with Mr. HARMER.

Mr. BUCK. I withdraw my vote, being paired with the gentleman from Alabama [Mr. HERBERT].

The vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CONSIDERATION OF EDUCATION BILL.

Mr. WILLIS. I give notice of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Education be discharged from the further consideration of the bill (S. 194) entitled "A bill to aid in the establishment and temporary support of common schools," and that Saturday, February 19, 1887, immediately after the reading of the Journal, be set apart for the consideration of the same in the House, no other business to be transacted until the consideration of said bill is concluded; said consideration to continue from day to day until concluded. Should the consideration of said bill be displaced on the day named, the next day shall be set apart for the same purpose, and so on until the bill shall be finally voted on as provided herein.

Mr. WILLIS. I ask that that resolution lie over for one day.

Mr. SPRINGER. I raise the question of order on this resolution; first, that it is not now in order to be introduced not being a privileged question; and, secondly, that if introduced in the call of States it must be referred to the Committee on Rules.

Mr. ADAMS, of Illinois. I desire to make a point of order that may be slightly different; that it is not in order for the Speaker to entertain the resolution, it being a motion to suspend the rules, except on the first and third Mondays of the month.

The SPEAKER. The Chair does not entertain the resolution now for the consideration of the House. If the Chair entertains it at all it would be under the first clause of Rule XXVIII, which the Chair thinks has not been abrogated by the amendment of the rule permitting the introduction of resolutions for amendments of the rules when the States are called.

Mr. SPRINGER. Mr. Speaker——

Mr. HEMPHILL. Mr. Speaker——

Mr. RANDALL. My opinion is that this matter is akin to the one which the Speaker has already under consideration, and which the gentleman from Iowa [Mr. HENDERSON] has allowed to go over; therefore I suggest that this also go over, all rights of all parties being reserved.

The SPEAKER. The Chair thinks there are two distinct questions presented. First, as to the right of a member to give the notice under the first clause of Rule XXVIII, either by the introduction of a resolution or otherwise; and, secondly, the question as to what the privilege of such a notice or resolution may be when it next comes up. The second question the Chair has expressed doubt about in another case, and has asked that it go over until to-morrow.

Mr. HEMPHILL. Let the whole matter go over until to-morrow.

Mr. SPRINGER. I have made the point of order distinctly that that notice cannot be given at this time.

The SPEAKER. The Chair would like to hear the gentleman upon that question.

Mr. RANDALL. He can be heard upon it to-morrow in connection with the other matter, because they are kindred questions.

Mr. SPRINGER. Mr. Speaker, I desire to make my point of order distinctly now, and to reserve any remarks upon it till to-morrow. The point of order which I make is this, that it is not competent, under the clause of the rule to which the Speaker has referred, to give the notice provided for in that clause at this time, because that notice can only be given on Monday, when the States are called for the introduction of bills and resolutions, or on a report of the Committee on Rules after the order has been publicly referred to them in the House. If the Committee on Rules should bring forward an original proposition to amend the rules which had not been refered to the committee, no notice of that proposition would have been given to the House, and then this rule would apply and would require the proposition to lie over one day.

Secondly, I make the point that no such proposition for the amendment of the rules can change the provision of clause 43 of Rule XI, which provides that all proposed action touching the rules and joint rules shall be referred to the Committee on Rules.

The SPEAKER. That is a question not now involved, on the statement made by the Chair.

Mr. SPRINGER. But I make the point that the time to bring in this proposition is when the States are called for the introduction of bills and resolutions, and if the Chair entertains it now, I shall make the further point that it must go to the Committee on Rules.

The SPEAKER. But if the Chair entertains it now, it will not be for consideration, either by reference or otherwise; but merely to lie over.

Mr. SPRINGER. I make the point that it can not be introduced as a question of privilege. There is a place provided by the rules where it can come in, and when the House has provided and prescribed one way of introducing a proposition, all others are excluded. That leaves the business of the House to proceed in a regular manner. Depart from that practice in the manner proposed, and what would be the condition of things?

If this proposition is entertained now, if the House holds that the gentleman from Kentucky [Mr. WILLIS] may introduce his proposition and to-morrow may call it up as a matter of privilege, and have the House adopt it by a majority vote, suppose I, to-day, offer this proposition: That Thursday next, after the morning hour, shall be set apart for the consideration of House bill 1620 to reduce tariff-taxes and to modify the laws in relation to the collection of revenue; that it shall be in order on that day to consider said bill in the House, and after thirty minutes' debate thereon the previous question shall be deemed as ordered on the bill, and the bill shall be put upon its passage, and but one dilatory motion shall be entertained until the question is put on the final passage of the bill. I might introduce that proposition, and other gentlemen might tax their ingenuity in framing similar propositions, and the result would be that the House could be kept occupied from now until the 4th of March in discussing propositions to make bills special orders and to prescribe the manner in which they should be considered.

Now, Mr. Speaker, if there ever was a time when the minority of the House of Representatives should assert its rights to have the rules enforced, this is the time. Such a departure as is here proposed would place the minority entirely at the mercy of the majority upon every bill; the majority would be able, upon one day's notice, to take out of the Committee of the Whole on the state of the Union, or from the Private Calendar, or from the House Calendar, any bill there pending, make it a special order by an iron-clad rule that could not be departed from, and force it to a passage, cutting off all debate and bringing the House to a direct vote. Sir, this proposition is a departure from the method of legislation which we have pursued in this country ever since the House of Representatives was organized, and if it is entertained we may give up all hope of transacting any other business during the remainder of this session, and devote ourselves to fixing special orders which can never be reached for consideration, because all the time will be consumed in making such special orders.

The SPEAKER. But the Chair thinks the question which the gentleman from Illinois is now discussing is not involved in the matter before the Chair. The simple question now before the Chair is, can the gentleman from Kentucky avail himself of the privilege permitted by the first clause of Rule XXVIII and introduce his resolution to lie over? The question is not what may be the effect of that hereafter.

Mr. SPRINGER. I make that point; and I make all other points that can be made against the proposition. [Laughter.]

The SPEAKER. The Chair agrees with the gentleman from Illinois that if the House had provided but one way for the introduction of propositions to change or amend the rules, that would exclude all other methods. But has not the House in fact provided two ways of introducing these resolutions—first under Rule XXVIII, which provides that "no standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor;" and then again by the amendment to clause 1, of Rule XXIV, which provides that—

Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and joint resolutions for printing and reference without debate, on which call, &c.

Previous to the first session of the Forty-ninth Congress the clause of the rule which the Chair has just read provided only for the introduction and reference of bills and joint resolutions, so that by the terms of that clause resolutions to amend the rules of the House were not in order when the States were called. But as early as the Forty-third Congress it was decided by Mr. Speaker Blaine that during the call of States resolutions for the amendment of the rules might be presented and referred—presented for reference only—and that practice has been adhered to consistently since that time.

The Chair thinks, therefore, that the amendment of clause 1 of Rule XXIV does not repeal or rescind the first clause of Rule XXVIII, but that it was cumulative; that it gave to a member not only the right which he previously had to introduce resolutions upon a notice to amend the rules, to lie over one day, but also the additional right by the express terms of the rule to offer such propositions when the States and Territories are called. But if offered during the call of States, they are offered for immediate reference only; whereas if offered under the first clause of Rule XXVIII they are offered to lie over.

Now, the question as to what the status of the gentleman's resolution will be to-morrow or the next day, or any other day when it may be called up, the Chair is not deciding, but is simply deciding that the gentleman has the right to submit the proposition for such action as may be proper under the rules hereafter.

Mr. WILLIS. That is all I desire.

Mr. DINGLEY. I rise to a parliamentary inquiry. Does the Chair rule that a resolution setting apart a particular day for the consideration of a bill is a "rule" within the proper meaning of that term?

The SPEAKER. That is one of the questions which the Chair will consider in connection with this resolution hereafter.

Mr. DINGLEY. If it is not a "rule," then notice of it can not be given.

Mr. MCMILLIN. Mr. Speaker, one point which I desire to reserve

is that this proposition of the gentleman from Kentucky does not involve a change of the rules of the House, but is simply an effort to consider one bill, leaving every rule of the House as it is with regard to all other bills, even bills of a similar class.

The SPEAKER. That point has been made, and is one of the points which the Chair will consider in connection with the question which has gone over until to-morrow morning.

Several MEMBERS. Regular order!

Mr. SPRINGER. I rise to a parliamentary inquiry. Did the Speaker decide that the gentleman from Kentucky might, under clause 1 of Rule XXVIII, give this notice at this time?

The SPEAKER. The Chair did so decide.

Mr. SPRINGER. Then, while protesting against the ruling of the Chair, I desire to send up a resolution to be considered under the same ruling.

Mr. HENDERSON, of Iowa. The State of Illinois is not on call, I believe. I make that point of order.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That Thursday next, after the morning hour, shall be set apart for the consideration of House bill 1620, to reduce tariff-taxes and to modify the laws in relation to the collection of the revenue; that it shall be in order on that day to consider said bill in the House; and after thirty minutes' debate thereon, the previous question shall be deemed as ordered, and the bill shall be put on its passage; and but one dilatory motion shall be entertained until the question is put on the final passage of the bill.

The SPEAKER. This resolution will lie over.

Mr. DINGLEY. I wish to make the point of order that this resolution is not a "rule," and is not a matter of which the gentleman can give notice.

The SPEAKER. That is the same point which was made in the other case, and will come up for determination hereafter.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 722) for increase of pension to Mrs. Ellen M. Boggs;
A bill (S. 773) granting a pension to M. Louise Butler;
A bill (S. 1570) granting a pension to Mary Ann Vars;
A bill (S. 1673) granting a pension to Charles D. Paris;
A bill (S. 1825) granting a pension to Elizabeth Forgey;
A bill (S. 2045) granting a pension to Mrs. Sarah Hamilton;
A bill (S. 2210) granting a pension to Anna Wright;
A bill (S. 2216) for the relief of Mrs. Elizabeth Rice;
A bill (S. 2393) granting a pension to Anna M. Marshall;
A bill (S. 2708) for the relief of Maria L. Strong; and
A bill (S. 2935) granting a pension to Robert Baxter.

CALL OF STATES.

Mr. HEMPHILL. I demand the regular order of business.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials from State and Territorial Legislatures are also in order.

ROBERT SWOOPE.

Mr. WHEELER introduced a bill (H. R. 11125) for the relief of the heirs of Robert Swoope; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROME AND DECATUR RAILROAD COMPANY.

Mr. WHEELER also introduced a bill (H. R. 11126) to grant the right of way over the public lands in Alabama to the Rome and Decatur Railroad Company from Rome, Ga., to Decatur, Ala.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN W. M'KEE.

Mr. WHEELER also introduced a bill (H. R. 11127) for the relief of John W. McKee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN B. LOLLAR.

Mr. MARTIN, of Alabama (by Mr. FORNEY), introduced a bill (H. R. 11128) for the relief of John B. Lollar; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE OVER ARKANSAS RIVER, OPPOSITE FORT SMITH.

Mr. ROGERS submitted memorial of the Legislature of the State of Arkansas, asking Congress to pass an act authorizing the Fort Smith Bridge Company to construct a bridge over the Arkansas River, opposite Fort Smith, Ark.; which was referred to the Committee on Commerce.

TREATY STIPULATIONS WITH CHINA.

Mr. MORROW introduced a bill (H. R. 11129) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, as amended by the act of July 5, 1884; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

BREAKWATER AT PORT HARFORD, CAL.

Mr. MARKHAM (by Mr. MORROW) submitted a joint resolution of the Legislature of the State of California concerning the construction of a breakwater at Port Harford, Cal.; which was referred to the Committee on Rivers and Harbors.

PRIVATE CLAIMS AGAINST THE UNITED STATES.

Mr. SPRINGER introduced a bill (H. R. 11130) relating to private claims or demands against the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES TAYLOR.

Mr. SPRINGER also introduced a bill (H. R. 11131) for the relief of James Taylor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN MARKS.

Mr. LAWLER introduced a bill (H. R. 11132) to remove the charge of desertion from John Marks; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. LAWLER submitted a resolution of the Legislature of Illinois in relation to pensions for soldiers sixty years of age; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. LAWLER. I have a resolution which I ask to introduce, and a short article from the London Times on the same subject, which I ask may be read and published in the RECORD.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The Chair will state that the reading of the resolution is in order, but not the reading of the article.

Mr. LAWLER. I ask the article also be read.

Mr. HEMPHILL. I object.

Objection was subsequently withdrawn, and the article was ordered to be printed in the RECORD.

Mr. LAWLER submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be, and is hereby, requested to inform the House whether the terms of the treaty of Ghent, by which peace was consummated between the United States and Great Britain in December, 1814, and ratified by the Senate in February, 1815, are construed to inhibit the United States from maintaining an effective navy on the Northern lakes bordering the Dominion of Canada; and also whether the construction by Great Britain of the Welland Canal is not in effect a violation of the treaty of Ghent, and in case of war with that country a menace to the safety of our lake-board cities.

The article referred to is as follows:

IN CASE OF WAR—HOW BRITISH GUNBOATS WOULD DEVASTATE OUR LAKE CITIES—AN ENGLISH VIEW OF TWENTY-FIVE YEARS AGO.

[London Times, January 7, 1862.]

Many people may be surprised to learn that, in the event of an American war, the safety of Canada is likely in the first instance to be threatened by water and not by land. Such, however, in some sense, is really the fact, and a glance at any ordinary map of North America will show from what geographical conditions the anomaly arises. The richest and most populous territories of Canada lie on the banks of a mighty river and the shores of vast inland lakes.

It was found, in the campaign of 1813, that these lakes became the scene of the most decisive conflicts, and two victories, which were successively gained by the American flotillas, led, not indeed to the meditated conquest of Canada, but to the temporary ascendancy of our enemies in these internal waters. It was not until we acquired a superiority on Lake Ontario that the Americans relinquished these hopes of Canadian conquest. At the conclusion of the war both belligerents were busily engaged in building ships for future battles, so that great naval arsenals were actually established in the middle of a continent, and at a great distance from the sea. The treaty of peace, however, terminated this rivalry, and a principle, which has vainly been recommended in European negotiations, was practically recognized in the case before us. The two rival powers on the two shores of the lakes, instead of running a race against each other, decided that there should be no race at all.

Instead of building ship against ship and frigate against frigate they agreed to build in time of peace no vessels of war whatever; and at this moment there lies in one of the American harbors an eighty-four-gun ship, which, after being commenced in 1844, was left, in virtue of these stipulations, to remain unfinished up to the present day. In the event, however, of a renewal of such hostilities as were terminated by the treaty of Ghent, there would be a renewal of course of operations on these inland seas; for the command of the water which separates Upper Canada from the Federal territories would be equivalent to a command of the field. It becomes a question, therefore, of great interest to ascertain how this superiority is likely to be determined, and we publish this evening a detailed statement of the various conditions by which the result will be governed. It will be seen that the matter divides itself into two periods, of which the first would be the most critical for England.

Up to the month of April next the lakes may be regarded as inaccessible from the sea, and therefore whatever force is created there must be created on the spot. The Americans would build and launch their gunboats and their rafts, and so could we. Not much could be done, probably, on either side, as all the vessels must be extemporized from materials actually at hand. On both shores there are railways leading up to the water's edge, but the Americans have the advantage in population and resources at the critical points, and Sackett's Harbor, their arsenal on Lake Ontario, is an establishment for which we have no match. Still, timber is plentiful; guns, munitions, and steam machinery could be transported by railway; and so widely has the country been civilized since the last war that some of the most important towns of the Federal States, such as Milwaukee and Chicago, have risen on the shores of these once remote waters, and are, consequently, exposed to the attacks of our squadrons. The risks, therefore, are divided, and the opportunities for inflicting mischief are divided also. It may, perhaps, be admitted that for the next three months the Americans being more numerous and powerful than the Canadians, might succeed in placing on these inland seas a larger flotilla than could

be launched in the same time by the colonists; but it must be remembered that this flotilla must, in any case, be rudely extemporized, and that earthworks, judiciously constructed and well armed, would suffice for the effectual protection of the menaced points against such feeble assailants.

As soon, however, as the Saint Lawrence is opened again there will be an end of our difficulty. We can then pour into the lakes such a fleet of gunboats and other crafts as will give us the complete and immediate command of these waters. Directly the navigation is clear we can send up vessel after vessel without any restrictions, except such as are imposed by the size of the canals. The Americans would have no such resource. They would have no access to the lakes from the sea, and it is impossible that they could construct vessels of any considerable power in the interval that would elapse before the ice broke up. With the opening of spring the lakes would be ours, and if the mastery of these waters is indeed the mastery of all, we may expect the result with perfect satisfaction. On the whole, therefore, the conclusion seems clear that three months hence the field will be all our own, and that in the mean time the Americans, if judiciously encountered, would not be able to do us much harm.—*Buffalo Advertiser*, February 4, 1887.

W. H. H. HARDIN.

Mr. RIGGS introduced a bill (H. R. 11133) for the relief of W. H. H. Hardin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SEWERS AND WATER-MAINS IN THE DISTRICT OF COLUMBIA.

Mr. ROWELL introduced a bill (H. R. 11134) relating to the construction of sewers and laying of water-mains in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DEPENDENT SOLDIERS.

Mr. HITT submitted a resolution of the General Assembly of the State of Illinois, in favor of pensioning dependent soldiers sixty years of age; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. HOPKINS submitted a resolution of the General Assembly of the State of Illinois, in favor of pensioning dependent soldiers sixty years of age; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

SURRENA J. SUMNER.

Mr. LANDES (by request) introduced a bill (H. R. 11135) granting a pension to Surrena J. Sumner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. C. KUCHLING.

Mr. MATSON submitted a joint resolution (H. Res. 257) for the relief of B. C. Kuchling; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

CHARLOTTE H. FENTON.

Mr. HOLMAN introduced a bill (H. R. 11136) for the relief of Charlotte H. Fenton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANN CARR.

Mr. HOLMAN also introduced a bill (H. R. 11137) granting a pension to Ann Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK WEMPE.

Mr. HOLMAN also introduced a bill (H. R. 11138) for the relief of Frank Wempe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY GERBERT.

Mr. STRUBLE introduced a bill (H. R. 11139) for the relief of Henry Gerbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAX ON LIQUOR DEALERS.

Mr. RYAN introduced a bill (H. R. 11140) to amend section 3232 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AUTHORITY TO DEAL IN SPIRITUOUS LIQUORS.

Mr. RYAN also submitted a resolution of the Legislature of the State of Kansas, in regard to authority to deal in spirituous liquors; which was referred to the Committee on Ways and Means.

PENSION LEGISLATION.

Mr. RYAN also submitted resolutions of the Legislature of the State of Kansas, on the subject of pensions; which were referred to the Committee on Invalid Pensions.

FORFEITURE OF LAND GRANTS.

Mr. RYAN also submitted resolutions of the Legislature of the State of Kansas, on the subject of the forfeiture of land grants; which were referred to the Committee on the Public Lands.

LIMITATION OF ARREARS, ETC.

Mr. MORRILL submitted concurrent resolutions of the Legislature of the State of Kansas, asking for the repeal of limitations on arrears of Pensions, and other pension legislation; which were referred to the Committee on Invalid Pensions.

Mr. MORRILL. I ask that these resolutions be printed in the RECORD.

There was no objection.

The resolutions are as follows:

House concurrent resolution memorializing Congress upon the subject of pensions.

Whereas the arrears-of-pension act of Congress of March 8, 1879, provides that all pensions granted on application filed on or after July 1, 1880, shall commence from that date; and

Whereas many brave and disabled soldiers were denied arrears under this act, and without any cause for this exclusion; and

Whereas pensions granted should be commensurate with the period of disability: Therefore,

It is resolved by the house of representatives of the State of Kansas (the senate concurring therein), That Congress be requested to repeal so much of the act of 1879 as relates to the arrears limit, and the act be so amended as to extend such limit as follows: 1. To continue pensions to all widows and dependent relatives without demanding proof that the pensioner's death was caused by his service. 2. To pension the dependent parents when the pensioner leaves neither widow nor orphan. 3. To pension survivors of rebel prisons without requiring proof that the disability resulted from their imprisonment. 4. To pension all honorably discharged Union soldiers and sailors who are now dependent upon their own labor for support or who are 55 years old.

And it is further resolved, That our Representatives in Congress be, and are hereby, requested to use all proper and honorable means to secure legislation in accordance with the sentiment herein expressed.

And the secretary of state is hereby directed to transmit a certified copy of this resolution to each Senator and Member of the House of Representatives from this State.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, this 1st day of February, A. D. 1887.

[SEAL.] E. B. ALLEN,
Secretary of State.

KANSAS ADJUSTMENT BILL.

Mr. ANDERSON, of Kansas, submitted concurrent resolutions of the Legislature of the State of Kansas, urging the passage of the Kansas adjustment bill (H. R. 7021); which were referred to the Committee on the Public Lands.

Mr. ANDERSON, of Kansas. I ask unanimous consent that these resolutions be printed in the RECORD, the document not being long.

There was no objection.

The resolutions are as follows:

House concurrent resolution No. 12.

Whereas liberal grants of land have heretofore been made by Congress to aid in the construction of railroads within the State of Kansas; and

Whereas it has been officially reported, and is generally believed, that in the administration of said grants great injustice has been done to the State and people of Kansas;

That lands within the State have been patented to the railroad companies, which lawfully belonged to settlers and citizens of the State:

That lands have been patented to said companies in excess of the amount to which they were lawfully entitled;

That lands have been withdrawn, and are now withheld from market for the benefit of said companies, "by order of the Secretary of the Interior," without authority, and in violation of law;

That parts of the lines of definite location of said roads have been abandoned, and the grants floated and made to conform to new and widely different lines, in violation of law;

That the railroad companies have sold lands to citizens of the State who were lawfully entitled to such lands under the homestead and pre-emption laws;

That there have been patented to said companies lands which lie outside and beyond the limit of the grants;

That indemnity lands have been patented to certain railroad companies, in lieu of lands occupied by homestead and pre-emption settlers, and subsequently the rights of such settlers have been contested, their entries canceled, and their lands patented to said companies without authority, and in violation of law: Now therefore,

Be it resolved by the house of representatives of the State of Kansas, That our Senators in Congress be instructed, and our Representatives requested, to support and use their influence in favor of such legislation as will secure a speedy and lawful adjustment of each and all of said grants. Also, that they use their influence before the proper executive departments of the Government at Washington, in furtherance of such an adjustment, to the end that the rights of the State and citizens of Kansas may be secured and protected.

Resolved, That a certified copy of these resolutions be forwarded by the secretary of state to each of the Kansas Senators and Representatives in Congress, and also a copy each to the Secretary of the Interior and President of the United States.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 5th day of February, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. FUNSTON submitted a resolution of the Legislature of the State of Kansas, pertaining to grants of land to railroads; which was referred to the Committee on the Public Lands.

SAINT LOUIS, BAXTER SPRINGS AND MEXICAN RAILWAY.

Mr. FUNSTON also submitted a resolution of the Legislature of the State of Kansas, pertaining to the right of way for the Saint Louis, Baxter Springs and Mexican Railway; which was referred to the Committee on the Public Lands.

SALE OF SPIRITUOUS OR MALT LIQUORS.

Mr. FUNSTON also submitted a resolution of the Legislature of the State of Kansas, pertaining to a change in the revenue laws, confining

Government license to sell spirituous or malt liquors to persons authorized by their respective States; which was referred to the Committee on Ways and Means.

Mr. FUNSTON. I ask the reading of the resolution.

The resolution was read at length.

Mr. FUNSTON. I ask that it be printed in the RECORD.

Mr. SOWDEN. I object.

Mr. FUNSTON. May I ask who objected to the request?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania.

ADJUSTMENT OF LAND GRANTS, KANSAS.

Mr. PETERS submitted a concurrent resolution of the Legislature of the State of Kansas, favoring legislation for the adjustment of certain land grants to Kansas; which was referred to the Committee on the Public Lands.

LICENSE TO SELL SPIRITUOUS LIQUORS.

Mr. PETERS also submitted a concurrent resolution of the Legislature of the State of Kansas, asking for a change of the revenue laws so that all persons dealing in liquors under Government license must first get license from the State; which was referred to the Committee on Ways and Means.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. PETERS also submitted a concurrent resolution of the Legislature of the State of Kansas, favoring the passage of the bill (S. 544) granting the right of way through the Indian Territory to the Saint Louis, Baxter Springs and Mexican Railroad; which was referred to the Committee on Indian Affairs.

ARREARS OF PENSION.

Mr. PETERS also submitted a concurrent resolution of the Legislature of the State of Kansas, favoring the repeal of the arrears-of-pension act; which was referred to the Committee on Invalid Pensions.

JAMES H. RHYNES.

Mr. STONE, of Kentucky, introduced a bill (H. R. 11141) for the relief of James H. Rhynes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUBSTITUTE EMPLOYÉS—TREASURY.

Mr. TAULBEE submitted the following resolution:

Whereas on the 24th day of January, 1887, the House of Representatives agreed to the following resolution, namely:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to inform the House whether or not employés in the Treasury Department are permitted to employ substitutes to perform their duties at a less rate of compensation than is paid to such employés, and the number of such substitutes now in such employment, and the rate of compensation paid them, and the salary of their principals. Also, the number of such substitutes on duty during the months of September and October, 1886, and by what authority such employment is had."

And whereas no response to said resolution has been presented to the House: Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to give full and complete answer to said resolution at the earliest practicable moment.

Mr. TAULBEE. I ask unanimous consent that the resolution be printed in the RECORD, and that it lie over until to-morrow.

The SPEAKER *pro tempore*. That order can not be made under this call.

Mr. TAULBEE. Then I ask that the resolution be referred to the Select Committee on Reform in the Civil Service.

The SPEAKER *pro tempore*. That reference will be made.

MATHEW RAY.

Mr. LAFFOON introduced a bill (H. R. 11142) for the relief of Mathew Ray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY A. BRADFORD.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 11143) for the relief of Mary A. Bradford, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MEMBERS OF CONGRESS AS ATTORNEYS, ETC.

Mr. KING introduced a bill (H. R. 11144) to prohibit members of Congress from acting as attorneys or employés in any case in which the Government is interested; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT CARTER.

Mr. KING (by request) also introduced a bill (H. R. 11145) for the relief of Robert Carter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONUMENT TO MAJ. GEN. HENRY KNOX.

Mr. DINGLEY introduced a bill (H. R. 11146) for the erection of a monument to the memory of Maj. Gen. Henry Knox at Thomaston, Me.; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

HEIRS OF J. W. J. MOORE.

Mr. COMPTON introduced a bill (H. R. 11147) for the relief of the heirs of J. W. J. Moore, deceased, of Leonardtown, Md.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ELIZABETH BENNETT.

Mr. COMPTON also introduced a bill (H. R. 11148) granting a pension to Mrs. Elizabeth Bennett, widow of John W. Bennett, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PLEURO-PNEUMONIA.

Mr. ELY presented a resolution of the Commonwealth of Massachusetts concerning the eradication of pleuro-pneumonia among cattle in the United States, and asked that it be read.

The resolution was read, and was referred to the Committee on Agriculture.

STEAMER GEORGE H. PARKER.

Mr. CARLETON introduced a bill (H. R. 11149) to admit to registry the steamer George H. Parker; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REVISION OF PENSION LAWS.

Mr. CUTCHEON introduced a bill (H. R. 11150) to create a commission on revision of the pension laws; which was read twice by its title.

Mr. CUTCHEON. I ask that the bill be read.

The bill was read at length, and was referred to the Committee on Invalid Pensions, and ordered to be printed.

INDEX TO CONGRESSIONAL DIRECTORY.

Mr. CUTCHEON submitted a concurrent resolution providing for a complete alphabetical, topical, and nominal index to the Congressional Directory; which was read a first and second time, and referred to the Committee on Printing.

GEORGE T. SWAN.

Mr. BARKSDALE introduced a bill (H. R. 11151) referring the petition, &c., of George T. Swan, administrator, for cotton seized, to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INSECTS AFFECTING ORANGE CULTURE.

Mr. BARKSDALE introduced a joint resolution (H. Res. 258) to print a revised edition of the report of the Agricultural Department on insects affecting the orange culture; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ROBERT ZAHN.

Mr. CLARDY introduced a bill (H. R. 11152) for the relief of Robert Zahn, late of Company I, Nineteenth Regiment United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW OF JOHN HAYES.

Mr. MCADOO submitted a resolution for the relief of the widow of John Hayes, late an employé of this House; which was referred to the Committee on Accounts.

SEACOAST DEFENSES.

Mr. JAMES presented resolutions of the State of New York upon seacoast defenses; which were referred to the Committee on Appropriations, and ordered to be printed in the RECORD. They are as follows:

STATE OF NEW YORK, IN ASSEMBLY, ALBANY, *February* 3, 1887.

Mr. Crosby offered:

Whereas the progress made by other nations in the means of naval warfare and the failure of the United States to provide proper defensive works, exposes all our principal sea and lake ports to capture even by any third-rate power piratically inclined; and

Whereas the great commercial metropolis of the United States, the city of New York, is in especial danger, on account of its enormous wealth, the excellence of its harbor, and the facilities of approach both by the Sandy Hook entrance and by the entrance at the east end of Long Island Sound: Therefore,

Be it resolved (*if the Senate concur*), That the Legislature of the State of New York earnestly recommends to Congress the adoption of measures necessary in order to protect and fortify the seaports of our country, and for that purpose to make adequate appropriations, so that the work may be begun at the earliest practicable moment.

Resolved, That the attention of Congress is especially invited to the exposed condition of the harbor of New York and to the need of defensive works at the Sandy Hook entrance, and at the entrance at the east end of Long Island Sound.

Resolved, That so much of the late message of the President of the United States and of the annual reports of the Secretary of War and the Secretary of the Navy as relates to the subject of seacoast defense and the rehabilitation of our Navy, meets the hearty concurrence of the Legislature.

Resolved, That the Senators and Members of the House of Representatives from the State of New York be requested to use their influence, and to put forth their earnest efforts toward securing appropriations for the continuance of work at the entrance of the harbor of the port of New York at Sandy Hook and for all other needed means of coast defense.

By order of the assembly.

C. A. CHICKERING, *Clerk*.

IN SENATE, *February* 2, 1887.

Concurred in by order of the senate.

JOHN W. VROOMAN, *Clerk*.

PRINTING OF STORM-TRACK CHARTS.

Mr. VIELE introduced a joint resolution (H. Res. 259) providing for the printing of 4,500 copies of Finley's storm-track charts of the North Atlantic Ocean; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PUBLIC BUILDING AT SUSPENSION BRIDGE, N. Y.

Mr. WEBER introduced a bill (H. R. 11153) providing for the erection of a public building at Suspension Bridge, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SARAH E. BEEMAN.

Mr. DAVENPORT introduced a bill (H. R. 11154) granting a pension to Sarah E. Beeman, widow of Elam C. Beeman, late first lieutenant Company A, First Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN BUCHANAN.

Mr. DAVENPORT also introduced a bill (H. R. 11155) restoring to the pension-roll the name of Susan Buchanan, widow of Jackson Buchanan, Company K, Ninety-eighth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON C. SPRAGUE.

Mr. DAVENPORT also introduced a bill (H. R. 11156) to place on the pension-roll the name of Harrison C. Sprague, Company F, One hundred and seventy-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUFUS LOWE AND C. M. LOFTEN.

Mr. COWLES introduced a bill (H. R. 11157) for the relief of Rufus Lowe and C. M. Loften from prosecution on official bonds; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPEAL OF SPECIAL TAXES UPON TOBACCO.

Mr. SKINNER introduced the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of H. Res. 164, proposing to repeal the taxes, special and otherwise, upon tobacco and upon the sale and manufacture thereof, and that the same be made a special order for Saturday, the 19th day of February, 1887, immediately after the reading of the Journal, and that the same be a continuous order until disposed of.

RECIPROCITY WITH CANADA.

Mr. BUTTERWORTH introduced a bill (H. R. 11158) to provide for full reciprocity between the United States and the Dominion of Canada; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SURVEYS OF HISTORICAL AND MILITARY GROUNDS.

Mr. ROMEIS presented a joint resolution of the Legislature of Ohio, requesting the Senators and Representatives of that State to favor the passage of the bill to provide for the survey of certain historical grounds, locations, and military works; which was referred to the Committee on Military Affairs.

SUSAN EDSON.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 11159) granting a pension to Susan Edson, M. D., army nurse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM P. EDWARDS.

Mr. COOPER introduced a bill (H. R. 11160) granting a pension to Hiram P. Edwards, late of Company I, Fourth United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Mr. LITTLE introduced the following concurrent resolution; which was read for information, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD:

Resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of both Houses deeming the same necessary), That the following be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, to wit:

The Senate of the United States shall be composed of two Senators from each State, chosen for six years by the electors thereof qualified to vote for Representatives in Congress; and each Senator shall have one vote: *Provided*, The first election of Senators in a newly admitted State shall be for such terms, respectively, not exceeding six years, as may be provided by law, and a vacancy in the office of Senator from any State shall be filled by election, for the unexpired term, at the first general election therein occurring more than thirty days after the vacancy happens; but the executive authority thereof may fill the vacancy by temporary appointment pending an election.

MRS. CLARISSA MUNSON.

Mr. McKINLEY introduced a bill (H. R. 11162) granting arrears of pension to Mrs. Clarissa Munson, widow of Elisha Y. Munson, for his services for ninety days in the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

VIOLA COX.

Mr. McKINLEY also introduced a bill (H. R. 11163) granting a pension to Mrs. Viola Cox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARK F. JONES.

Mr. HERMANN introduced a bill (H. R. 11164) authorizing the Secretary of War to remove the charge of desertion against Mark F. Jones, of Roseburg, Oreg., late of Company E, First Regiment Michigan Engineers and Mechanics, and that a certificate of discharge be issued; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIFE-SAVING STATION, YAQUINA BAY, OREGON.

Mr. HERMANN also introduced a bill (H. R. 11165) making an appropriation for the establishment of a life-saving station and providing for a life-saving crew at Yaquina Bay, in the State of Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY CUMMINGS.

Mr. HERMANN also introduced a bill (H. R. 11166) to pay Henry Cummings, of Gilliam County, Oregon, $564 for transporting the United States mails in the State of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VITZ SCHUTZ.

Mr. HERMANN also introduced a bill (H. R. 11167) for the relief of Vitz Schutz, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

P. B. SINNOTT.

Mr. HERMANN also introduced a bill (H. R. 11168) for the relief of P. B. Sinnott, late Indian agent at Grande Ronde agency, State of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY AND CATHARINE M'CUSKER.

Mr. BINGHAM (by Mr. EVANS) introduced a bill (H. R. 11169) granting a pension to Mary McCusker and Catharine McCusker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA G. M'GRATH.

Mr. BINGHAM (by Mr. EVANS) also introduced a bill (H. R. 11170) granting an increase of pension to Eliza G. McGrath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON'S FIRST BATTLE-GROUND.

Mr. BOYLE introduced a bill (H. R. 11171) providing for the erection of a monument on the site of Fort Necessity, in Fayette County, Pennsylvania, Washington's first battle-ground; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ENOCH PIERCE.

Mr. BOYLE also introduced a bill (H. R. 11172) for the relief of Enoch Pierce, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES DEITER.

Mr. SOWDEN introduced a bill (H. R. 11173) granting a pension to Charles Deiter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK H. ISHAM AND WILLIAM E. MALLORY.

Mr. SPOONER introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Appropriations provide in the deficiency appropriation bill for the payment to Frank H. Isham of the sum of $380 for services in the document-room from the close of the last session to the close of the present session of Congress, and for the payment to William E. Mallory of the sum of $200 for services in the document-room from the close of the last session to the beginning of the present session of Congress.

ALEXANDRIA AND WASHINGTON RAILROAD.

Mr. HEMPHILL (by request) introduced a bill (H. R. 11174) to authorize the District of Columbia to become purchasers at the sale of the Alexandria and Washington Railroad; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RUDOLPH LOBSIGER.

Mr. DIBBLE introduced a joint resolution (H. Res. 260) referring the claims of Rudolph Lobsiger, set forth in his memorial to Congress, to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COLEMAN CARDEN.

Mr. NEAL introduced a bill (H. R. 11175) for the relief of Coleman Carden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA ANN CORDER.

Mr. NEAL also introduced a bill (H. R. 11176) for the relief of Julia Ann Corder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES BAUM.

Mr. HOUK introduced a bill (H. R. 11177) for the relief of Charles Baum, of Knoxville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE T. ABBOTT.

Mr. GROUT introduced a bill (H. R. 11178) granting a pension to George T. Abbott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAINT VINCENT'S ORPHAN ASYLUM.

Mr. BARBOUR (by request) introduced a bill (H. R. 11179) for the relief of Saint Vincent's Orphan Asylum, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TUNIS COVERT.

Mr. WILSON introduced a bill (H. R. 11180) for the relief of Tunis Covert; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGES ACROSS GREAT KANAWHA RIVER.

Mr. SNYDER introduced a bill (H. R. 11181) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARTHA M. GATES.

Mr. VAN SCHAICK introduced a bill (H. R. 11182) granting a pension to Martha M. Gates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORIAL LAWS, ETC.

Mr. BEAN introduced a bill (H. R. 11183) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit territorial indebtedness, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced disagreement to amendment of House to a bill (S. 929) for the relief of Albert H. Emery, and asked for a conference, and had appointed as members of said conference Mr. HOAR, Mr. HAWLEY, and Mr. BUTLER.

It further announced the passage of concurrent resolution providing for the printing of the indices and the compilation of House and Senate reports of committees provided for in public resolution 24, first session, Forty-ninth Congress.

SIOUX RESERVATION.

Mr. GIFFORD presented a joint resolution and memorial of the Legislative Assembly of the Territory of Dakota, praying for the passage of the Dawes bill (S. 54) for opening a portion of the great Sioux reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GIFFORD. I ask, by unanimous consent, that that joint resolution and memorial be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The paper is as follows:

[Seventeenth session of the Legislative Assembly of the Territory of Dakota.]

Joint resolution and memorial for the passage of the Dawes bill, opening a portion of the Sioux Indian reservation.

A joint resolution and memorial to the Congress of the United States praying the passage of what is known as the Dawes bill, which provides for opening a portion of the Sioux Indian reservation in Dakota.

To the honorable the Congress of the United States:

The Legislative Assembly of the Territory of Dakota respectfully represent:

That the people of this Territory most earnestly desire and petition the passage of the bill known as the Dawes bill, now pending in the House of Representatives of the United States, providing for the opening of a portion of the Sioux Indian reservation in the Territory of Dakota.

That we believe such an act would result in justice to all persons; and the following are among some of the reasons therefor:

That this reservation separates the eastern portion of the Territory, with its large population, but without coal or wood, from the western or Black Hills part, which is supplied with wood and coal; that the opening of a portion of this reservation would give a more direct and much shorter route between the peopled eastern part of the Territory and the forest and coal-fields of the Black Hills and Montana, thereby, as we believe, give us cheaper fuel, which our people very much need.

That this reservation is composed almost entirely of prairie land, the wild grasses of which mature early in the crop season, and is allowed to burn off early every year, tending much toward the scarcity of rainfall and increase of hot winds, which have so often proved disastrous to our agricultural interests in the eastern portion of the Territory, and particularly to that part lying near the reservation.

That we believe the Indian now occupying this reservation would be bettered in his condition by a proper and judicious use of the revenue to be derived from these lands.

UNITED STATES OF AMERICA.

TERRITORY OF DAKOTA, *Secretary's Office:*

I, M. L. McCormack, secretary of the Territory of Dakota, do hereby certify that I have carefully compared the foregoing copy of a joint resolution and memorial for the passage of the Dawes bill, opening a portion of the Sioux Indian reservation, with the enrolled original now on file in this office, and that the same is a correct transcript therefrom, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the Territory of Dakota, at Bismarck, this 5th day of February, 1887.

[SEAL.] M. L. McCORMACK,
Secretary of Dakota Territory.

OPENING OF CŒUR D'ALENE INDIAN RESERVATION.

Mr. HAILEY presented a memorial of the Legislative Assembly of Idaho, praying Congress to open up to settlement a part of the Cœur d'Alene Indian reservation, Idaho; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ADDITIONAL MEMBERS OF IDAHO LEGISLATIVE ASSEMBLY.

Mr. HAILEY also presented a memorial of the fourteenth Legislative Assembly of Idaho, praying Congress to allow an additional member to each branch of the Legislative Assembly of Idaho Territory; which was referred to the Committee on the Territories.

Mr. HAILEY. I ask, by unanimous consent, that it be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

House joint memorial No. 3.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the council and House of Representatives of the fourteenth session of the Legislative Assembly of the Territory, respectfully represent:

That the best interests of government in this Territory would be subserved by so amending the law of Congress which prescribes the number of members of the Territorial Legislature, that each branch of the Legislative Assembly of this Territory may be composed of an odd number of members.

That the rapid settlement of new country now taking place, the great annual increase in our agricultural and mineral wealth, and a proper protection and encouragement of the Territory's every industry demand that the biennial session of sixty days allotted by Congress be entirely devoted to the people's interest and not wasted in the attempt to secure political advantages in the organization of either body as is so frequently the case.

That the House of Representatives of the tenth session of the Idaho Legislative Assembly remained in a "deadlock" for twenty-three days over its election of permanent officers, necessitating thereby the too hasty enactment of laws and the useless expenditure of thousands of dollars of the public money.

That in the council of the twelfth session a "deadlock" occurred and six days elapsed before an organization could be perfected:

That ten days were spent in effecting the organization of the present session owing to the fact that the House of Representatives is composed of an equal number of the two political parties.

Your memorialists would therefore pray that Part 10, section I, chapter 329, Supplement Revised Statutes of the United States be so amended that the council of this Territory shall be composed of thirteen members, and the House of Representatives shall be composed of twenty-five members. And your memorialists will ever pray.

That the secretary of the Territory be, and is hereby, instructed to transmit certified copies of this memorial immediately upon its adoption, to the Secretary of the Interior and to our Delegate in Congress, the Hon. JOHN HAILEY.

Passed the house of representatives January 26, A. D. 1887.

WM. B. THEWS,
Speaker of the House of Representatives.

Passed the council January 26, A. D. 1887.

ALEXANDER E. MAYHEW,
President of the Council.

OFFICE OF CHIEF CLERK, HOUSE OF REPRESENTATIVES.

I do hereby certify that the within memorial originated in the house of representatives of the fourteenth session, and is entitled "House joint memorial No. 3."

Attest my hand this 31st day of January, A. D. 1887.

B. N. HILLARD, *Chief Clerk.*

TERRITORIAL SECRETARY'S OFFICE, IDAHO, BOISE CITY.

I, Edward J. Curtis, secretary of Idaho, do hereby certify that the foregoing house joint memorial No. 3 passed the Legislative Assembly on the 26th day of January, 1887, and is now on file in my office.

In witness whereof I have hereunto set my hand and affixed the seal of the Territory this 1st day of February, A. D. 1887.

[SEAL.] E. J. CURTIS, *Secretary.*

CROW INDIANS.

Mr. TOOLE presented a memorial of the Legislative Assembly of the Territory of Montana, concerning the Crow Indians; which was referred to the Committee on Indian Affairs.

Mr. TOOLE. I ask, by unanimous consent, that the memorial be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

House joint memorial concerning the Crow Indians.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the council and house of representatives, composing the Legislative Assembly of the Territory of Montana, respectfully represent to your honorable bodies that the honorable commissioners, J. V. Wright, J. W. Daniels, and C. F. Larabee, appointed by the honorable Secretary of the Interior to negotiate and treat with the various tribes of Indians of Northern

Montana, under the provisions of an act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1887, and for other purposes," approved May 15, 1886, have, as your memorialists believe, performed their duties with much success, and are about to depart from Montana.

That, as your memorialists believe, it was the intent of said act to include the Crow Indians "situated south of the Yellowstone River, in Montana," among the tribes to be treated with by said commissioners on the subjects mentioned therein, but by a strict construction thereof said commission feel unauthorized to treat with said tribe.

That by the allotment of lands in severalty to the said Crow Indians a large tract of their reservation lying west of the Big Horn River, comprising agricultural, grazing, and mineral lands, is wholly unnecessary for the use of said tribe, and should be opened to settlement by citizens of the United States.

Wherefore your memorialists urgently pray that your honorable bodies enact such measure as necessary to enable said commissioners to treat and negotiate with the said Crow Indians before leaving Montana.

And your memorialists, as in duty bound, will ever pray.

F. H. ARMSTRONG,
Speaker of the House.
R. O. HICKMAN,
President of the Council.

SALARIES OF TERRITORIAL GOVERNORS' SECRETARIES, ETC.

Mr. JOSEPH introduced a bill (H. R. 11184) to amend section 1882 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

RELIEF OF LABORING CLASSES.

Mr. VOORHEES (by request) introduced a bill (H. R. 11185) to relieve the laboring classes and to improve their condition permanently; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

SPECULATION IN COAL LANDS OF THE UNITED STATES.

Mr. VOORHEES (by request) also introduced a bill (H. R. 11186) to prevent speculation in the coal lands of the United States; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

H. C. DAVIS.

Mr. VOORHEES also introduced a bill (H. R. 11187) for the relief of H. C. Davis, son of Lewis Davis, for building a fort in Washington Territory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASSOCIATE JUSTICE SUPREME COURT OF WASHINGTON TERRITORY.

Mr. VOORHEES also introduced a bill (H. R. 11188) to provide for one additional associate justice of the supreme court of Washington Territory, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

The SPEAKER *pro tempore*. The Chair has now gone through the call of States and Territories; but, if there be no objection, the Chair will recognize gentlemen who were not in their seats when their States were called.

Mr. BARBOUR. I demand the regular order of business.

The SPEAKER *pro tempore*. Does the gentleman insist on his demand for the regular order of business?

Mr. BARBOUR. Yes, I insist on the regular order of business.

OKLAHOMA.

Mr. WEAVER, of Iowa. I desire to introduce a resolution and to have it lie over.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That Friday, February 18, 1887, immediately after the reading of the Journal, shall be set apart for the consideration of the bill (H. R. 7217) for the organization of the Territory of Oklahoma; and the consideration of said bill shall continue from day to day, and no other business shall be transacted until said bill be disposed of. That the said bill shall be considered in the House as in the Committee of the Whole.

The SPEAKER *pro tempore*. The resolution will lie over one day.

Mr. BARBOUR. I demand the regular order of business.

Mr. LONG. I reserve all questions of order.

The SPEAKER *pro tempore*. The regular order is a bill coming from the Committee on the District of Columbia.

INDIAN APPROPRIATION BILL.

Mr. PEEL. I am instructed by the Committee on Indian Affairs to report back the amendments of the Senate to the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1888, and for other purposes, and to move that they be non-concurred in, and a conference be requested on the disagreeing votes of the two Houses.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. BARBOUR. I renew the demand for the regular order.

The SPEAKER *pro tempore*. There are gentlemen seeking to introduce bills who were not in their seats when their States were called. Does the gentleman desire to cut them off from that privilege?

Mr. BARBOUR. So much time has been taken up this morning that I think the Committee on the District of Columbia should be entitled at least to the remainder of the day.

Mr. HENLEY. I give the gentleman notice that by calling a quorum and other motions he will probably lose more time by refusing to permit a few gentlemen to be recognized than he will gain by insisting upon the demand.

Mr. BARBOUR. I shall not insist.

IMPROVING HUMBOLDT BAR.

Mr. HENLEY submitted a resolution of the Legislature of the State of California, relative to the matter of securing an appropriation for the purpose of improving Humboldt Bar; which was referred to the Committee on Rivers and Harbors.

SALE OR GIFT OF INTOXICATING LIQUORS, DISTRICT OF COLUMBIA.

Mr. SESSIONS introduced a bill (H. R. 11189) to prevent the selling or giving away of intoxicating liquors in the District of Columbia except for medicinal purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

COAST DEFENSES.

Mr. JOHNSON, of New York, submitted resolutions of the State of New York favoring coast defenses; which were referred to the Committee on Appropriations.

Mr. JOHNSON, of New York. I ask unanimous consent that the resolutions be printed in the RECORD.

There was no objection.

The resolutions are as follows:

STATE OF NEW YORK, IN ASSEMBLY,
Albany, February 3, 1887.

Mr. Crosby offered:

Whereas the progress made by other nations in the means of naval warfare and the failure of the United States to provide proper defensive works exposes all our principal sea and lake ports to capture even by any third-rate power piratically inclined; and

Whereas the great commercial metropolis of the United States, the city of New York, is in especial danger, on account of its enormous wealth, the excellence of its harbor, and the facilities of approach both by the Sandy Hook entrance and by the entrance at the east end of Long Island Sound: Therefore,

Be it resolved (if the senate concur), That the Legislature of the State of New York earnestly recommends to Congress the adoption of measures necessary in order to protect and fortify the seaports of our country, and for that purpose to make adequate appropriations, so that the work may be begun at the earliest practicable moment.

Resolved, That the attention of Congress is especially invited to the exposed condition of the harbor of New York and to the need of defensive works at the Sandy Hook entrance and at the entrance at the east end of Long Island Sound.

Resolved, That so much of the late message of the President of the United States, and of the annual reports of the Secretary of War and the Secretary of the Navy, as relates to the subject of seacoast defense and the rehabilitation of our Navy, meets the hearty concurrence of the Legislature.

Resolved, That the Senators and Members of the House of Representatives from the State of New York be requested to use their influence and to put forth their earnest efforts toward securing appropriations for the continuance of work at the entrance of the harbor of the port of New York at Sandy Hook and for all other needed means of coast defense.

By order of the assembly,

C. A. CHICKERING, *Clerk.*

IN SENATE, *February 2, 1887.*

Concurred in by order of the senate.

JOHN W. VROOMAN, *Clerk.*

MRS. DELILA WHIPPS.

Mr. STRAIT introduced a bill (H. R. 11190) for the relief of Mrs. Delila Whipps, widow of Lloyd Whipps; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order of business is the consideration of bills reported from the Committee on the District of Columbia.

Mr. BARBOUR. I move that the House now resolve itself into Committee of the Whole to consider the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CRISP in the chair.

TAXATION OF LOUISE HOME.

Mr. BARBOUR. I ask now to call up the bill (S. 1429) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes.

The bill is as follows:

Be it enacted, &c., That all property held as endowment fund by the trustees of the Louise Home, in the city of Washington, D. C., for the purpose of revenue to support said institution, shall be, and the same is hereby, declared exempt from all taxation and assessments by the municipal authorities or by the United States so long as the same shall be so held; and all taxes and assessments made or imposed upon any of the property of said trustees subsequent to the 21st day of November, 1869, whether real, personal, or mixed, be, and the same are hereby, released: *Provided*, That real estate heretofore purchased by said trustees in the management of the endowment fund shall be exempt from taxation only while so held, and not to exceed five years from the passage of this act.

Mr. ROWELL. I move that this bill be laid aside to be reported to the House with a favorable recommendation.

Mr. ADAMS, of Illinois. This, Mr. Chairman, is the same question that was up before, whether property held as an investment by a char-

itable institution shall be exempt from taxation by law in the District of Columbia.

The House will remember that it is at least an unusual thing. The House will remember that in almost all of the States property held for the actual purposes of a charitable organization is ordinarily exempt from taxation, but that held by such organizations as an investment fund is not so exempt, and I know of no reason why any other rule should be applied in the District of Columbia. Indeed, Mr. Chairman, I think we should be all the more careful when we are relieving certain property in this District from taxation, and thereby imposing additional burdens upon other property-owners, for the reason that they have no right to be heard in their own behalf. I believe that, if this becomes a general rule, all charitable organizations will be induced to invest their endowment funds here instead of elsewhere, and the result will be that a very great bulk of property will be held in the dead hands of charitable organizations and free from tax.

I say nothing against this magnificent charity. We should go to the extent of giving it all the privileges that a proper regard for the welfare of the citizens generally, founded upon public policy, would permit us to go, but no further. We should not make this an exception to the general rule, which ought to prevail here as it prevails in the States of the Union, that that property and that only which is held by churches or charitable organizations for the actual purposes of charity should be exempt from taxation, while that property which is held for purposes of profit, however charitable the purposes to which the proceeds of that fund shall be applied, is to be compelled to pay and should be subjected to the same rule of taxation as is the case with reference to all other property.

Mr. BARBOUR. It seems to me that this is a very plain question. It was considered in the other bill which was pending before the House on the last District day.

As the gentleman from Illinois says, the question really is confined to the endowment fund, Congress having heretofore relieved this Louise Home from taxation. It seems Mr. Corcoran donated so much real estate and so much money, estimated in the report at $200,000 real estate and upward of $300,000 in money. The money had to be donated for an endowment fund, and had to be invested as an endowment fund. In making this investment the money was loaned by the trustees upon mortgages secured upon real estate; but owing to the difficulty of making collections, the parties not being able to pay the mortgages, the trustees of this endowment fund had to buy in the property in order to save the debt. Now I cannot see for myself why an endowment fund set apart for this charity, for those old ladies who have been reduced to indigence and poverty, why this fund should be reduced or crippled by the assessment of it for taxation.

I understand also that in making that investment for this charity the trustees lost a considerable amount of money; and I understand also that a good deal of money, as set out in the report, was lost by the charges made for the special improvements in that part of the city where the Louise Home is located.

This is nothing but a charity, a charity which is open, as I understand, to the women of the country from every section of the United States.

Mr. BUTTERWORTH. I understand that not to be the case.

Mr. BARBOUR. I heard that stated here the other day informally in a private conversation, and I asked Mr. Corcoran himself what were the facts. He said the very first three persons admitted into that asylum were two from Boston and the other from Pennsylvania. I know very little personally about this matter, but it strikes me if the property of this institution, dedicated as it is to this great charitable purpose, if the real property and other property should be exempt from taxation the endowment fund ought to be treated in the same way.

Mr. BUTTERWORTH. Are the nature and character of the charities set out in the report?

Mr. BARBOUR. Yes, sir; and the legislation in regard to it. Congress in 1869 chartered this corporation, and in 1879 exempted its property from taxation.

Mr. BROWN, of Pennsylvania. Then that has been already done.

Mr. BARBOUR. That has been done; but what they want now is that the endowment fund should not be curtailed by taxation.

Mr. WADSWORTH. Would it not be better to have the report read?

Mr. ROWELL. The report is somewhat lengthy.

Mr. BARBOUR. The taxation that would be realized by this bill amounts, I think, to $4,200 with interest at 10 per cent.

Mr. ADAMS, of Illinois. In all that the gentleman from Virginia has said in favor of this institution, I heartily concur. But why should we infer, because of the merit of the institution, that we have the right, for the benefit of that institution, to impose an additional tax upon every property-holder in this District? Yet every one will see on a moment's consideration that that is the effect of this bill; and that it is simply to support this institution to a larger extent by taxation than it would be supported if this bill did not pass.

Now we pay money out of the general Treasury, and we also collect money from the pockets of the property-holders of the District for public purposes. If this is a worthy object, and I certainly agree that it is, I am willing, if it is necessary, to vote to pay this additional money out of the Treasury of the United States rather than vote to pay it out of the pockets of the tax-payers of the District who have no representative on the floor of this House.

Mr. HEMPHILL. This bill proposes to exempt from taxation certain investment property devoted to the maintenance of the Louise Home. The gentleman who has last addressed the committee says he is willing to vote certain sums of money out of the public treasury, if necessary, for this purpose.

Mr. ADAMS, of Illinois. What I said was that it would be more just for us, representing the people of the United States, to vote to pay the money of the people of the United States for such a purpose than to vote to pay for it the money of those who have no representative on this floor.

Mr. HEMPHILL. I understand we all represent the good people of the District of Columbia, and that we have as much right to legislate for them as for anybody else. And it must be manifest to the members of this House that if there was any disposition on the part of anybody in the District of Columbia to oppose this bill they would have entered some protest or made some objection to the committee which has had it in charge. The bill has passed the Senate, having been reported favorably by the committee of the Senate. It has been to the committee of the House, and is reported favorably by that committee; and so far as I know not a single person in this District has made the slightest objection to this. And I do not see well how any person in the District of Columbia, who has any sense of propriety, would object to exempting this property from taxation.

Mr. DINGLEY. May I ask the gentleman a question?

Mr. HEMPHILL. Yes, sir.

Mr. DINGLEY. Is it not true that the benefits of this institution inure almost entirely to the people of this District?

Mr. HEMPHILL. I am not able to say where these good ladies come from. There are over forty of them in that institution who are not now able to make a living for themselves; they are people who have been in better circumstances in former years, but the tide of life has turned against them and they are too old to work, too honest to steal, and too proud to beg; and it is simply a question whether the Congress of the United States will give any recognition whatever to an institution which has so much of humanity in it.

Mr. BROWN, of Pennsylvania. Congress has already exempted the property held by the institution from taxation.

Mr. HEMPHILL. Yes; Congress exempted the real estate from taxation by the charter of the institution. This bill has reference to the endowment fund, which yields $15,000, as I am told, devoted to the support of forty or fifty ladies, and as a mere matter of money calculation it is cheaper to exempt this property from taxation and allow these people to have it than it is to take charge of them and support them at any other of the institutions in this District. As is well known, all or most of the charitable institutions of the District are not only exempt from taxation, but Congress annually makes appropriations in aid of their support. This institution does not ask for anything except to be exempted from taxation.

It may be said properly too and truthfully that this building was erected by private munificence. And not only was the building erected, but the paving of the streets, the water-works, the sewers, gas, and everything of that kind were all provided by this institution out of its own private funds.

The District commissioners afterward changed the level of Massachusetts avenue and the streets around there and put this institution to an expense of between $12,000 and $15,000, every cent of which was paid out of the funds of the institution. All that has ever been paid back was the pittance of $400; whereas private owners and other institutions in that portion of the city have been reimbursed for the damages that they have suffered, and the actual expense they have incurred has been refunded to them.

Mr. REED. Do you think that their having suffered damage for another cause is a reason for passing this bill?

Mr. HEMPHILL. I think this about it, that it shows a generous and humane disposition upon the part of the managers of this institution to pay out of their own funds that which they might have had a right to compel the tax-payers of this District to pay, and if they have been fair and honest in dealing with the tax-payers, and have pocketed a loss of between $12,000 and $15,000, it seems to me that a spirit of kindness, justice, and reciprocity should induce the tax-payers of the District to exempt them from this taxation.

Mr. LONG. Why should there not be a general law applying to all charitable institutions?

Mr. HEMPHILL. I do not see any objection to that if anybody had introduced such a measure, but it would be very unfortunate for this bill if it should be slaughtered now at the end of a session of Congress simply because a general bill has not been introduced. So far as I am concerned, I am in favor of putting everybody on the same level in this matter.

Mr. BROWN, of Pennsylvania. Is there a like law anywhere?

Mr. HOLMES. Is there any law of this kind for the exemption of the personal property of any charitable institution?

Mr. HEMPHILL. I do not know, of course, about the laws of all the States in the Union; but if you wish to do a matter of justice, I do not think that you need any precedent.

Mr. HOLMES. I mean so far as Federal legislation is concerned.

Mr. HEMPHILL. I do not know about that. Now, Mr. Chairman, I think the House understands the question, and, unless further discussion is desired, I would like to have a vote.

Mr. ANDERSON, of Kansas. Mr. Chairman, if I understand this bill (and if I do not I hope the gentleman will correct me), it proposes that in the event of this endowment fund being invested in other real estate, such real estate shall hereafter be exempt from taxation.

Mr. HEMPHILL. No, sir. It simply proposes to exempt the endowment fund. There is a provision at the end of the bill that certain real estate which the institution was compelled to buy in shall be exempt from taxation, provided it is disposed of within five years; otherwise, it is to be subject to taxation. The fact is that they had to buy in certain real estate upon which they had a claim, and certain taxes will soon fall due upon that real estate, if they have not already accrued, and this bill proposes to exempt that property from taxation, if disposed of within five years, with the provision that after that period it shall go back into the taxable property of the District.

Mr. ANDERSON, of Kansas. In what form of property is the endowment fund invested?

Mr. HEMPHILL. In personal property, so far as I know. I know that about $100,000 of it is invested in the bonds or stock of the District of Columbia, and the result of the present system is that the District is taxing its own obligations which are held by a charitable institution and devoted to charitable purposes.

Mr. ANDERSON, of Kansas. The mortgages of course draw interest.

Mr. HEMPHILL. I presume so.

Mr. ANDERSON, of Kansas. Well, Mr. Chairman, this strikes me a good deal like some of the patent-extension bills that are brought in here. They are ostensibly for the benefit of some blind man or some poor woman, and while we suppose that we are legislating for some such person, we find instead that we are actually extending a patent. Here is a charitable institution, and a very noble one—an institution which none of us would in any possible way seek to hamper—but it is not the charitable institution that is legislated for in this bill. What the bill proposes is that certain capital owned in this District shall be exempt from taxation. That capital, to be sure, was generously given by Mr. Corcoran, but does the fact that he dedicated it to a charitable purpose put this capital in any different position from other capital invested in the District, say in banking? Dollars are dollars, real estate is real estate; and upon the broad principle I object, so far as I am concerned, and shall vote against this bill which proposes to exempt this capital from bearing its share of the public burdens.

I do not believe it is right. We have already exempted the real estate—the lots and the house—constituting the Louise Home. That is analogous to exempting a church edifice and lot. But this bill goes farther. It says that this endowment fund of $300,000 or perhaps half a million dollars, shall be exempt.

Mr. LONG. What is the difference between a fund and a building, as far as concerns the benefit to the objects of this charity?

Mr. ANDERSON, of Kansas. Well, what is the difference between $100,000 put in a fund and called a "charity," and $100,000 put in a bank.

Mr. LONG. One is for charity, and the other is not.

Mr. ANDERSON, of Kansas. Both of them ought to be taxed. If the gentleman from Massachusetts [Mr. LONG] sees fit to give a million dollars to the Louise Home, it is his right to do so; but when he has done that, I can not for my life see why the million dollars ought not to pay its share of taxes just as much as the little lot which some exceedingly poor man holds in this city for the purpose of having a home and sustaining his family. I do not want to be led, under this guise of charity, to do an injustice to men who are just as poor, just as needy as the inmates of this Louise Home; and I do not propose that we shall in this way exempt from taxation half a million or a million of dollars. Where a large sum of money like this is invested in this District anywhere, I think it ought to pay its share of taxation.

Mr. LONG. Then you think a church building ought to be taxed?

Mr. ANDERSON, of Kansas. Yes, I do, so far as I am concerned; but this House will not do that; it is ready to exempt any piece of property that is used for a church or a charity. I do not believe that is right. For my part I think these things ought all to pay their share of taxation.

In regard to this question of exempting an endowment fund, suppose this fund were $100,000,000; the principle of exempting it would be just the same as it is now; yet if that were the proposition—to exempt $100,000,000 in this District from taxation—I fancy it would cause some gentlemen to pause. I think the line ought to be drawn somewhere, and, so far as my vote is concerned, I shall draw it by voting against this bill.

Mr. HEMPHILL. I think this question is thoroughly understood. Every man here knows the facts of the case. I ask for a vote on the motion that the bill be laid aside to be reported favorably to the House.

The question being taken, there were—ayes 55, noes 43.

Mr. GUENTHER. No quorum.

Mr. ANDERSON, of Kansas. I think we had better have tellers.

The CHAIRMAN. The point of "no quorum" being made the Chair will appoint tellers.

Mr. ROWELL. Let me suggest that the point of "no quorum" be withdrawn, and that we have a vote in the House.

Mr. ANDERSON, of Kansas. That will suit me just as well, if it be agreed to. Will gentlemen give us the yeas and nays in the House?

Mr. ROWELL. We will give you a vote in the House.

Mr. ANDERSON, of Kansas. Will you give us the yeas and nays?

The CHAIRMAN. The Chair understands the gentleman from Kansas to withdraw the point.

Mr. ANDERSON, of Kansas. I withdraw it.

The CHAIRMAN. The point of no quorum being withdrawn——

Mr. GUENTHER. I do not withdraw the point. If we may have a yea-and-nay vote in the House——

The CHAIRMAN. The Chair understood the point was not insisted upon.

Mr. GUENTHER. I insist upon it.

Tellers were ordered; and Mr. BARBOUR and Mr. GUENTHER were appointed.

Mr. HEMPHILL. I make the point that the gentleman from Wisconsin [Mr. GUENTHER] did not raise the question in time.

The CHAIRMAN. He made the point at the same time as the gentleman from Kansas [Mr. ANDERSON]. The tellers will take their places.

The committee again divided; and the tellers reported—ayes 114, noes 51.

So the bill was laid aside to be reported to the House with a recommendation that it do pass.

CHITTENDEN BROTHERS.

Mr. BARBOUR. I call up the bill (S. 938) for the relief of Chittenden Brothers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized to pay to Chittenden Brothers, contractors, out of any unexpended balance of money appropriated for the construction of a dam at Great Falls, Maryland, for increasing the water supply of the District of Columbia, $15,000 for money expended in the construction of coffer-dams, pumping, and other auxiliary work over and above that contemplated in the amendment to the contract with said Chittenden Brothers, dated March 4, 1884, and which additional work was rendered necessary by the peculiar formation of the bed of the river, which could not be anticipated by the Government engineers or the contractors at the time of entering into the contract.

Mr. HEMPHILL. Mr. Speaker——

Mr. GUENTHER. I ask for the reading of the report.

The CHAIRMAN. The Chair will state that the clerks have not yet been able to find the original Senate bill.

Mr. HEMPHILL. The printed bill is exactly the same; there are no amendments.

Mr. WARNER, of Ohio. I desire to inquire whether the sum proposed to be appropriated in this bill is in excess of the orginal contract, and, if so, I would like to know the reason for paying that excess.

Mr. HEMPHILL. Mr. Chairman, can we now go on with the consideration of the bill?

The CHAIRMAN. That can be done if there be no objection.

Mr. GUENTHER. Can we not have the report read?

The CHAIRMAN. The gentleman can, when recognized, have it read as a part of his remarks. At present the gentleman from South Carolina [Mr. HEMPHILL] is entitled to the floor.

Mr. HEMPHILL. I can state to the gentleman from Wisconsin, if he will listen, and to the House, the facts connected with this case. This is a bill for the relief of Chittenden Brothers. They entered into a contract to construct a bridge across the Potomac River at what is called the Great Falls.

Mr. ROWELL. A dam.

Mr. HEMPHILL. Yes, a dam; and $145,000 was appropriated by Congress for that purpose. At the time the appropriation was made and the engineers made their estimate it was thought there was not sufficient money to construct a dam of masonry across the whole river, and it was provided in the contract a portion of the dam should be constructed of wood and rip-rap work. Afterward it was ascertained the appropriation was sufficient, and after the Chittenden Brothers entered upon the construction of the work the contract was changed by the engineers, and they were allowed to go on with the construction of the whole of the dam of masonry. It was unfortunately in a portion of the river where the bottom was filled with seams. It was impossible to estimate what the exact cost would be. When they undertook to pump the water out in order to lay the foundation of the dam they found the expense exceeded what they expected it would be by about $40,000.

These gentlemen have lost in clear money about $25,000. If this bill is passed it will not call for an appropriation to be made by Congress. It will give them $15,000 in part compensation for the loss they have sustained. That loss was through no fault of their own and

no fault of the engineers, but it was owing to the impossibility of ascertaining the character of the bottom of the river upon which the dam was to be built.

The total appropriation made by Congress was $145,000 and some cents. If this is allowed there will be still $10,000 of the original appropriation left in the Treasury of the United States.

The committee is of opinion, and so was the Senate committee and the Senate itself, that this was a moderate and modest demand on the part of these gentlemen.

As a matter of strict law they have not the right to come to Congress for anything, but as a matter of justice they have some claim on the House, and inasmuch as the appropriation made by Congress has not been expended and these gentlemen have done good work and have sustained a loss for which they are not responsible, and neither is the Engineer Corps of the Government responsible, we think they should be reimbursed for a portion of the loss they have sustained.

Mr. GUENTHER. Does the engineer recommend this?

Mr. HEMPHILL. The engineer who had charge of it makes no recommendation one way or the other. He says the work is good work, and that the Chittenden Brothers did what they could to sustain themselves against loss. That loss was due to a defect in the bottom of the river, composed of seamy rock, so that it was impossible to get the water out to give satisfactory investigation beforehand.

Mr. KING. Did they not investigate the matter beforehand to satisfy them?

Mr. HEMPHILL. Yes, sir; the engineers of the Government made the best investigations they could, and upon that investigation the contract was based, but it turned out that investigation was unsatisfactory, and what they supposed was level bottom turned out to be just the contrary.

Mr. KING. That was bad for the engineers.

Mr. DUNHAM. Is the committee satisfied this loss took place?

Mr. HEMPHILL. I do not think there is any doubt these men lost that money.

Mr. DUNHAM. How did they reach that exact amount?

Mr. HEMPHILL. The Senate committee reported that as the amount which they lost.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BENNETT, as the Speaker *pro tempore*, having taken the chair, a message from the Senate was received, by Mr. SYMPSON, one of its clerks, announcing that body further insisted on its amendment to the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, to restore the same to settlement, and for other purposes; and asked for a conference, and had appointed Mr. DOLPH, Mr. TELLER, and Mr. COCKRELL as conferees on their part.

CHITTENDEN BROTHERS.

The Committee of the Whole resumed its session.

Mr. HEMPHILL. I will state further——

Mr. MORROW. I would like to ask the gentleman a question. Is this work completed, and is it satisfactory to the Government engineers?

Mr. HEMPHILL. Yes, sir; it is reported to be good work.

In addition to what I have already stated, Mr. Chairman, if these gentlemen had been permitted to carry out the original contract with the Government, while we can not, of course, say they would have sustained no loss, yet they themselves think it would have been comparatively small if they had sustained any; in all probability they would not have sustained any. But the Government engineers changed the contract subsequent to its execution.

Mr. WARNER, of Ohio. That is a different question.

Mr. HEMPHILL. And that change caused considerable delay in the progress of the work; for by it they were thrown to work in a season of the year when the river was very high, when the floods were unusual, and they sustained much heavier losses.

Mr. KING. That is a much better reason than you gave before for the bill.

Mr. WARNER, of Ohio. I understand the gentleman from South Carolina to say that the Government engineers changed the plan.

Mr. HEMPHILL. Yes, sir.

Mr. WARNER, of Ohio. After the work had been begun?

Mr. HEMPHILL. Changed the plan of work.

Mr. WARNER, of Ohio. Had the Government engineers the right to change the plan after the contract had been signed?

Mr. HEMPHILL. Yes, sir.

Mr. WARNER, of Ohio. Then it seems to me the whole question comes back simply to this: These contractors entered into a contract with the Government to do a certain work of a certain character at a certain price. They did not take the statement of the Government engineers, but they made the bid with their eyes open.

They examined the work to be done, no doubt, and if not it is their own fault. They find now when the work is done that the pay was too little. But that is often the case with contractors. It is no unusual thing, for we have heard the same claim often on this floor. But put it the other way: Suppose they had found it easier and less expensive than they had anticipated, and made $25,000; would they have come back and given to the Government a part of the profit? I apprehend not. When men take contracts to do jobs it is supposed, if they are of lawful age, that they know what they are doing; and if they lose by the operation it is their misfortune, while if they make more than they anticipated it is their good fortune. But these contractors have no claim upon the Government, although they may have performed the work well. They may not have managed the work well and wisely, or they may have done so. That we do not know.

They have been paid in accordance with the contract, and there is no recommendation here from the Government engineer. He would have had no right to make it anyway. They have been paid all the Government agreed to pay, and they have not made any money by their contract, and that is the end of it.

Mr. GUENTHER. Let me ask the gentleman from South Carolina a question?

Mr. HEMPHILL. Yes, sir.

Mr. GUENTHER. The gentleman says these contractors lost $25,000?

Mr. HEMPHILL. Yes, sir.

Mr. GUENTHER. And you appropriate $15,000 to pay them?

Mr. HEMPHILL. Yes, sir.

Mr. GUENTHER. What guarantee have you, then, that they will not come into the next Congress and make a claim for the payment of the $10,000 additional?

Mr. HEMPHILL. Of course I can not guarantee what they will do hereafter. It is a question that has nothing to do with the case any more than the "flowers that bloom in the spring." [Laughter.]

Mr. GUENTHER. You might incorporate such a provision in the bill that this should be a final payment.

Mr. HEMPHILL. Now, Mr. Chairman, we do not claim that this is a matter of legal right, but they have an equitable claim. We do not say that they have the right to come and ask reimbursement for their loss or payment in addition to what they agreed to take. But I do say that where these parties have taken due care to ascertain the probable expense of the work, and were deceived by the reports submitted to them as to the bottom of the river, just as the Government engineers were deceived by the bottom of the river, then I say it is simply a question of justice as to whether or not they shall stand the entire loss or the Government shall come in and help them to bear it.

Mr. WARNER, of Ohio. It is a risk which every contractor runs. I have myself made contracts where I have lost by them.

Mr. GUENTHER. It seems to be the rule in this District. I know of no cases where such parties have not come in and asked for additional payment.

Mr. ROWELL. Will my colleague yield to me for a moment?

Mr. HEMPHILL. Certainly.

Mr. ROWELL. Mr. Chairman, the trouble with the gentleman from Ohio [Mr. WARNER] is that he has not got at the facts of the case. The Government engineers furnished a survey of the bottom of the river and upon the basis of that survey the contract was made. These parties had a right to assume that the survey was correct. After they came to do the work they found that the Government survey did not give them the correct bottom of the river at all, and this extra cost to them grows out of the failure on the part of the engineer to give them a correct delineation of the bottom of the river on which to base their calculation.

Now it may be said that it was impossible for the Government engineer to ascertain——

Mr. KING. Will the gentleman allow me a question?

Mr. ROWELL. Yes, sir.

Mr. KING. Was that admitted by the United States engineers?

Mr. ROWELL. It was admitted before the committee. It was admitted by the engineer, but claimed by him that it was not possible to ascertain the exact condition of the bottom of the river until they went to work and found that it differed from the bottom everywhere else; and there was no expectation of finding these fissures.

Now I undertake to say that in equity and ordinarily in law, where a contract is made without a full knowledge of the facts, a knowledge that ought to have been furnished by the party to be bound, and not furnished, then there is a legal right to recovery.

Mr. WARNER, of Ohio. Was it the duty of the contractor to examine for himself, and did he not examine for himself?

Mr. ROWELL. When the Government makes a survey of a place where a dam is to be built, and that survey is handed to contractors and they make their bid with reference to it, and it turns out through no fault of theirs and possibly through no fault of the engineer that both parties were mistaken, it is the highest equity to provide relief against the losses growing out of that mistake.

Mr. WARNER, of Ohio. Did not the contractor take all those chances when he made his bid? Of course he did. He has lost perhaps; that is his misfortune, but it does not create an equity in his favor.

Mr. ROWELL. The gentleman may insist on taking his pound of

flesh, and justify his vote upon that ground. I can not take the pound of flesh because I have robbed somebody in a contract.

Mr. WARNER, of Ohio. It is the Government that is concerned here, not a private party.

Mr. ROWELL. I would not ask from a private party a penny that I would not ask from the Government under similar circumstances. What is just for me is just for the United States.

Mr. McMILLIN. On what principle, then, is it, while you say it would be robbery not to pay these claimants $15,000 you yet propose to rob them of the other $10,000?

Mr. ROWELL. I was willing to pay $20,000. The contractors are willing to take $15,000, because they can sustain a loss of $10,000 and yet not break up; because $15,000 will save them from absolute bankruptcy.

Mr. McMILLIN. I did not understand how refusing the $15,000 was robbery, while refusing the other $10,000, which you say is due them, is not.

Mr. ROWELL. We allow the Government and the contractors to share the loss that has been sustained.

Mr. McMILLIN. Then upon your theory you make the Government only partially robbers?

Mr. CONGER. May I ask the gentleman a question?

Mr. ROWELL. Yes, sir.

Mr. CONGER. Is it not true these contractors had the right to rely on the testimony given them by Government engineers?

Mr. ROWELL. I think they had.

Mr. CONGER. Then the Government ought to stand by them.

Mr. KING. Did they not make any special examination themselves before taking the contract?

Mr. ROWELL. Yes, sir.

Mr. KING. How is it then they did not discover these fissures?

Mr. ROWELL. Because the bottom of the river was of such a character that neither the Government engineer nor the contractors discovered these fissures.

Mr. McMILLIN. Then the Government could not have furnished the information, but you say the Government is at fault.

Mr. ROWELL. If the Government had had this information and neglected to furnish it the recourse of these parties would not have been in Congress but in the Court of Claims.

Mr. HEMPHILL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

"*Provided*, That the amount herein appropriated shall be in full of all claims against the Government under the contract with the Chittenden Brothers to construct said dam."

The CHAIRMAN. The question is on the amendment.

Mr. HALL. I propose to address myself to the merits of the question rather than to this amendment. I understand the Government desired to have constructed for itself a public improvement, and before it asked bids it sought to furnish a detailed description of the character of the work, which involved a statement as to the condition of the bed of the river, the essential and necessary foundation for this public improvement. In all classes of large public improvements the Government uniformly attempts to furnish the information upon which bids may be received, and does not require the private individuals to make expensive surveys and investigations which they could not afford to do. In this case it proved, after the contract had been made, after the work had been practically undertaken, that there was a condition of things which neither the Government, on the one hand, nor the contractors, on the other, had any earthly reason to suppose existed, and which, if known, would have been a material factor and element on both the side of the Government and on the side of the bidders in fixing the price of that work. That contingency turns out to consist of fissures in the rock, owing to the fact that the stratification of this region instead of being horizontal is vertical, so that having constructed the dams and necessary works it was found absolutely impossible to remove the water and enable the work to go on. Now, as I understand, there is strictly no legal remedy, although Chancellor Walworth, in the early equity history of New York, has in two decisions announced that where a contingency of this kind does occur it is a case for equitable interference; those decisions, however, have not been generally followed in later years.

But for legislative interference and for extending a just and equitable remedy upon the part of the Government to a contractor who, in good faith, has gone on and acted upon the information which the Government itself has furnished, this does seem to me to present a fair case, and I can not conceive how any gentleman who will give it proper consideration can find any reason for not extending this relief to these contractors.

The question was taken on the amendment offered by Mr. HEMPHILL, and it was agreed to.

Mr. HEMPHILL. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question was taken, and the Chairmain declared that the ayes seemed to have it.

Mr. KING and Mr. WARNER, of Ohio, asked for a division.

The House divided; and there were—ayes 67, noes 37.

Mr. WARNER, of Ohio. I demand tellers. No quorum has voted.

The Chairman appointed Mr. HEMPHILL and Mr. WARNER, of Ohio, to act as tellers.

The House again divided; and the tellers reported—ayes 97, noes 33.

Mr. WARNER, of Ohio (before the report of the tellers). I withdraw the point of no quorum, and will ask a vote by yeas and nays in the House.

The tellers reported—ayes 97, noes 33.

The CHAIRMAN. The point of no quorum being withdrawn, the ayes have it——

Mr. KING. No quorum, Mr. Chairman.

Mr. HEMPHILL. Too late.

Mr. KING. No; I made the point before the ruling was made. I was standing in the middle aisle.

The CHAIRMAN. The Chair will accept the statement of the gentleman from Louisiana, and the tellers will resume their places.

The tellers resumed their places and, at the conclusion of the count, reported—ayes 119, noes 46.

So the bill was laid aside to be reported to the House with a recommendation that it do pass.

ST. DOMINICK'S CHURCH, DISTRICT OF COLUMBIA.

Mr. BARBOUR. I call up House bill (H. R. 10799) for the relief of St. Dominick's church in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to remit all taxes, penalties, and interest heretofore assessed and now due and unpaid on all that portion of square numbered 466, in the city of Washington, D. C., which is exclusively used for religious and educational purposes.

The report (by Mr. BARBOUR) was read, as follows:

It appears to the satisfaction of the committee that under existing laws, as now interpreted by the proper authorities, only one lot of the property mentioned in the bill is subject to taxation, and that is the parsonage lot. They have asked the opinion of the district commissioners, who say in reply:

"It appears to the satisfaction of the commissioners that the property in question has never been used for purposes of revenue, but solely and entirely for educational and religious use," and they "think the property should be exempted, and so recommend."

Your committee therefore report a substitute for the bill, carefully guarded in its terms, but securing the relief asked for in the original bill, and recommend that the same do pass.

Mr. BARBOUR. I move that the bill be laid aside, to be reported to the House, with the recommendation that it do pass.

Mr. McMILLIN. I would ask the gentleman from Virginia [Mr. BARBOUR] to state the nature of the school-building upon the school premises which is to be exempted from taxation.

Mr. BRADY. It is a Sunday school.

Mr. BARBOUR. The exemption is recommended by the commissioners.

Mr. McMILLIN. Is there no revenue derived from it in any way?

Mr. BRADY. None whatever.

Mr. ROWELL. This simply takes in a play-ground which has not heretofore been exempt. That is the object of the bill.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

TITLE TO LOT 13, SQUARE 691, WASHINGTON.

Mr. BARBOUR. I call up the bill (H. R. 10991) to quiet the title to certain lands in the city of Washington, in the District of Columbia.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to quitclaim and release unto the heirs and assigns of James S. Magee, deceased, their heirs and assigns, all the right, title, and interest of the United States of America in and to lot numbered 13, in square numbered 691, in the city of Washington and District of Columbia, as the same is laid down upon the original plat or plan of said city: *Provided*, That this act shall not render the United States liable for any costs, expenses, or damages in relation to the lot hereby authorized and directed to be quitclaimed, released, and conveyed.

Mr. HEMPHILL. This bill simply proposes to give the parties named a quitclaim title, so far as the United States is concerned. About fifty years ago, or perhaps longer, the lands were forfeited to the United States. The present holders, or those from whom they claim, have paid taxes upon the property for the past thirty or thirty-five years, but still there is some cloud resting upon the title owing to the fact that away back there was a tax sale and a forfeiture of the land. Unless some further explanation is desired, I move to lay the bill aside, to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

WINDSOR HOTEL COMPANY, WASHINGTON.

Mr. BARBOUR. I call up the bill (S. 2761) to charter the Windsor Hotel Company.

The bill was read, as follows:

Be it enacted, &c., That John W. Thompson, E. Kurtz Johnson, Owen G. Staples, James Elverson, and William W. Dudley, all of Washington, D. C., and their associates, successors, and assigns, be, and are hereby, created a body corporate under the name of the Windsor Hotel Company of the District of Columbia, with the power to acquire and hold real estate and build thereon a building or buildings for the purpose of a public hotel, of such style and character as shall comply with the building regulations of the District of Columbia.

SEC. 2. That the capital stock of said company shall be $2,000,000; and that the

stock shall be divided into shares of $100 each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct. Said company shall require the subscribers to the capital stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment) and in such amounts as the board of directors may deem proper and necessary in the purchase of real estate and the construction of the buildings; and if any stockholder shall refuse or neglect to pay any installment as required by a resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment, under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable: *Provided*, That until the full amount of the par value of the shares of stock in said corporation shall have been paid in money, the subscribers to said shares shall be personally liable to an amount equal to par value of the stock subscribed for; but such liability shall cease whenever he shall have paid in full the amount so subscribed for.

SEC. 3. That the said corporation shall have the right to issue bonds, secured by mortgage of its franchise and property, real and personal; and said bonds to be issued shall not exceed $1,500,000, nor shall they exceed three-fourths of the capital stock actually paid in money at any time.

SEC. 4. That within ninety days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient and accessible place in the District of Columbia, during ordinary business hours, not less than thirty days, unless the whole stock shall sooner be subscribed for. Public notice shall be given, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay at the time of subscribing ten per centum of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the ten per centum at the time of subscribing except lawful money or certified checks from any national banking-house; and when the books of subscription to the capital stock of said company shall be closed, the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within thirty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter, for the choice of directors, of which public notice shall be given for three days in two daily papers published in the city of Washington, and by personal notice mailed to the address of each stockholder; and in all meetings of the stockholders each share shall entitle the holder to one vote given in person or by proxy.

SEC. 5. That the government and direction of the affairs of the company shall be vested in the board of directors, whose number shall not be less than five, and who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places; and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall also be president of the company. They shall also choose a vice-president, a secretary, and a treasurer. The treasurer shall give a bond, with surety, to said company, for the faithful discharge of his trust, in such sum as the said directors may require. In case of a vacancy in the board of directors by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 6. That the directors shall have power to make such by-laws as they shall deem needful regarding the management and disposition of the property and estate of the company, not contrary to the laws of the United States and the ordinances of the District of Columbia.

SEC. 7. That there shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place and under such conditions and notice as the by-laws and the laws in force in the District of Columbia may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 8. If the construction of said hotel shall not be commenced two years from the passage of this bill, and be completed five years from the same date, the privileges herein granted shall cease and determine. And Congress reserves the right to alter, amend, or repeal this act at any time.

Mr. HOPKINS. Mr. Chairman, I move to amend, in section 1, line 7, by striking out the word "Windsor" and inserting in lieu thereof the word "Winthrop." I make this motion because there is already a hotel called "Windsor" in the city of Washington, and I see no more propriety or justice in inserting the name of Windsor in this act than there would be in inserting the name "Willard" or "Ebbitt" or "Arlington." After a person has expended a large amount of money in establishing a hotel and obtaining custom for it under a certain name, so that the name has a financial value, I do not think it is proper that that name should be stolen, either by act of Congress or by any other means.

This new company, Mr. Chairman, will succeed as well under the name "Winthrop" as under the name "Windsor." If it is desirable to have a popular name, I would suggest that it might be well to insert the word "Smith" instead of "Windsor," as this might induce all the Smiths who come here to Washington from different parts of the country to patronize this hotel.

Mr. CANNON. Where is the present Windsor Hotel?

Mr. HOPKINS. I am surprised at the ignorance displayed by my colleague [Mr. CANNON]. I do not see why the name "Winthrop" will not answer the purposes of these corporators just as will "Windsor."

Mr. BARBOUR. I presume there would be no objection to the change.

Mr. SPRINGER. I hope my colleague [Mr. HOPKINS] will withdraw this amendment. It is esteemed in this country as a sort of "inalienable" right that a person shall be called by the name which he selects for himself.

Mr. HOPKINS. I understand that the amendment is acceptable to the committee.

Mr. HEARD. I believe the amendment has not been read. Let the gentleman send it to the desk.

The Clerk read as follows:

In line 7 of section 1 strike out the word "Windsor" and insert "Winthrop;" so as to read "Winthrop Hotel Company."

Mr. HEARD. I hope the amendment will not be accepted by the committee. It seems to me the objection raised by the gentleman from Illinois to the name proposed for this company is a trivial one. The committee which considered the bill has heard no complaint from the proprietors of the present Windsor Hotel in regard to the name selected. I apprehend that the amendment suggested will not be seriously insisted upon. I hope at any rate it will not be adopted.

Mr. HOPKINS. I see no reason why this amendment should not be agreed to. The name "Winthrop" sounds as well as "Windsor;" and I am sure this company will succeed as well under the name "Winthrop" as it ought to under the name "Windsor." I hope there is no intention to rob the proprietors of the present Windsor Hotel of the patronage they have secured for themselves.

Mr. CUTCHEON. I would like to know from gentlemen on the committee whether we are to imitate the "effete aristocracies and monarchies of Europe" by naming even our hotels after——

Mr. SPRINGER. Oh, give us a rest. [Laughter.]

Mr. WARNER, of Ohio. I wish to ask the gentleman in charge of the bill whether we have not on the statute-books a general law permitting the organization of such corporations as this; and, if so, why is a special act deemed necessary?

Mr. NELSON. I want to ask a question.

Mr. HEARD. Let us have one question disposed of at a time.

Mr. WARNER, of Ohio. I have asked my question, and I await the gentleman's answer.

Mr. HEARD. The same question was put to the chairman of the District Committee in the Senate, and he answered very correctly that the reason for this special act of incorporation is that the general incorporation act of this District does not authorize the organization of hotel companies. Therefore this company could not be organized under the general law.

Mr. WARNER, of Ohio. Does the general act exclude hotel companies?

Mr. HEARD. It does not embrace them.

Mr. WARNER, of Ohio. Does it specify what companies may be organized under the general act?

Mr. HEARD. It does, and hotel companies are omitted. It has been settled definitely that a hotel company can not be incorporated under the general law. If that reason were not sufficient, there is another—that under the general incorporation act of the District a company can be incorporated for the term of twenty years only. [Cries of "Vote!" "Vote!"]

Mr. NELSON. I desire to ask the gentleman from Missouri [Mr. HEARD] a question.

The CHAIRMAN. Does the gentleman from Missouri yield?

Mr. HEARD. I do not. I ask for a vote.

Mr. HOPKINS. As I understand, the question is on my amendment. There is one other suggestion I desire to make. If there is nothing sinister in the assumption of the name Windsor, why should it be insisted upon? I see in the list of corporators the name of the proprietor of Willard's Hotel, a rival of the Windsor already in existence.

Mr. ANDERSON, of Kansas. Where is the present Windsor Hotel?

Mr. HOPKINS. I insist that the proprietor of Willard's Hotel and his associates ought not, under the guise of an act of Congress, to rob this Windsor Hotel of the patronage which it has secured for itself. I ask the adoption of my amendment.

Mr. NELSON. I desire to know whether this charter contains any provision that the charges shall be reasonable. [Laughter.]

Mr. HEARD. I do not know of any such provision. I ask for a vote.

Mr. WEAVER, of Nebraska. I move to amend the amendment so as to make the name of this hotel the "Wind Hotel." [Laughter.]

The amendment to the amendment was not agreed to.

The question recurred on Mr. HOPKIN'S amendment.

Mr. HOPKINS demanded a division.

The committee divided; and there were—ayes 51, noes 41.

So the amendment was agreed to.

Mr. HOLMAN. There seems to be no provision in this bill in regard to the liability of stockholders for debts which may be contracted by this company.

Mr. HEARD. I can refer the gentleman, with pleasure, to the provision by which they are liable individually. In line 18, section 2, it is provided:

That until the full amount of the par value of the shares of stock in said corporation shall have been paid in money, the subscribers to said shares shall be personally liable to an amount equal to par value of the stock subscribed for; but such liability shall cease whenever he shall have paid in full the amount so subscribed for.

Mr. HOLMAN. I am greatly surprised that the gentleman from Missouri regards that as an individual liability clause. It is an exemption, an express exemption, from individual liability when the stockholders have paid for their stock.

Mr. HEARD. Does the gentleman want to make them liable beyond that?

Mr. HOLMAN. I want to make them liable as partners, and the gentleman departs from the teachings of his party when he proposes to incorporate a company for a purely private purpose in which individual liability of stockholders is not provided for.

Mr. SPRINGER. You could never form a corporation in the world under such circumstances.

Mr. HEARD. He says it is a tradition of the Democratic party.

Mr. HATCH. It does not exist anywhere. Let the gentleman state where there is such a provision.

Mr. SPRINGER. What is the amendment pending?

The CHAIRMAN. There is no amendment pending.

Mr. HOLMAN. I will move the following as an independent section:

The Clerk read as follows:

The stockholders shall jointly and severally be liable for all the debts of said company.

Mr. HOLMAN. I know of no reason why corporations of this class, partnerships in fact, and their stockholders should be exempt from the payment of the debts they may contract. If the object is to incorporate this company so as to relieve these parties interested, the stockholders, from personal liability for debts contracted by the company it is the use of legislative power for an improper purpose.

Mr. HEARD. Let me ask the gentleman a question.

Mr. HOLMAN. Certainly.

Mr. HEARD. Does the gentleman know of any act of incorporation in this district of any company for doing business in which there is included any such provision as that which he has offered?

Mr. SPRINGER. Or anywhere else.

Mr. HEARD. Or anywhere else, for that matter.

Mr. HOLMAN. Oh, yes; I doubt whether any State of the Union would permit a purely private enterprise to be incorporated, such as carrying on a hotel in such manner as to enable the stockholders to escape all personal liability by the mere form of the act of incorporation.

Gentlemen talk a great deal about monopolies, favoritism to capital, and the oppression of labor, and yet propose to pass a bill granting to aggregated capital, to be enjoyed in a purely private business, the shelter of an act of incorporation which may deprive even laboring men and all other creditors of any recourse for their just demands except the property invested.

What is the object of this measure? If it is not for the express purpose of enabling a body of gentlemen, undoubtedly of ample means, to organize into a company, invest their capital as far as they may think proper, and escape all liability whatever, excepting to the extent of the capital they put into the business, what else is it? Why should not the people have the benefit of individual liability against the members of this company as well as against a partnership? There is no provision here to require report to the public as to the solvency of this aggregation of capital. There is no provision requiring any publication as to the condition of their affairs. They are to have all the benefits of a corporation, and none of its burdens. There is no way in which the public can know whether the corporation is responsible and solvent or not. You completely and absolutely exempt the stockholders of this corporation from any liability whatever. The artificial person is alone responsible.

Mr. HAMMOND. Will the gentleman from Indiana yield to me?

Mr. HOLMAN. Yes, sir.

Mr. HAMMOND. Do you mean to say if a man subscribes for one share of stock in this corporation he should be made liable for all the debts of the corporation?

Mr. HOLMAN. Yes; that is exactly what I mean, and no other rule is just as to a purely private corporation. It is a mere partnership, and should be so treated.

Mr. HAMMOND. Do you know of any such corporation on earth?

Mr. HOLMAN. I have answered the same question before. I ask whether this is not a mere partnership? Is it anything more than a partnership? The business proposed does not require on public grounds any act of incorporation. It is not for the purpose of encouraging trade or commerce or manufactures in which multitudes of men must engage. I admit some States of the Union, including my own State——

Mr. BARBOUR. Let me interrupt the gentleman.

Mr. HOLMAN. In a moment. Some States have gone to the extent of holding individual stockholders liable to creditors only to the extent of their stock and as much more. But for what purpose? For the encouragement of commerce, manufacturing industries, the carrying trade, and other public objects. But here is in fact a mere partnership to carry on a private business, and it is proposed to exempt the stockholders from all burdens and responsibilities falling upon other citizens by placing them under the shelter of corporate powers.

Mr. BARBOUR. Allow me to interrupt the gentleman from Indiana to make a suggestion.

Mr. HOLMAN. Certainly.

Mr. BARBOUR. As this is the only day set apart for the consideration of District business by the House, and as there are a great many bills of far more public importance to be considered before the adjournment of this Congress, I would ask, with the consent of the House, that this bill, which is a private bill, be laid aside and be reported to the House with the recommendation that it lie on the table.

Mr. OWENS. It will take but a moment to dispose of it.

Mr. HEARD. Mr. Chairman, I desire to most respectfully remonstrate against the course suggested by the chairman of the committee.

Mr. BARBOUR. Suppose it goes over until next Friday, private bill day.

Mr. GALLINGER. Let us take a vote on it now. [Cries of "Vote! Vote!"]

Mr. BARBOUR. I must insist upon my motion, the gentleman from Indiana having yielded me the floor.

Mr. HEARD. I hope the proposition will be voted down.

The CHAIRMAN. The first question will be on the amendment of the gentleman from Indiana.

Mr. HOLMAN. I yield to the gentleman from Virginia for a request.

Mr. BARBOUR. My motion is that the bill be laid aside to be reported to the House with the recommendation that it be laid upon the table. I interrupted the gentleman from Indiana with his consent to make this motion with a view of economizing the time left us for the consideration of District bills. I ask permission, therefore, to be allowed to submit that motion.

Mr. HEARD. Against which I repeat I most respectfully protest in the name of the friends of this bill.

The CHAIRMAN. In the judgment of the Chair a motion of that character would require unanimous consent pending the consideration of amendments, the bill having been under consideration and amendments submitted.

Mr. OWEN. If this is out of order let us vote on the bill.

Mr. BARBOUR. May not the motion be made to refer it to the House with the understanding that it be laid on the table?

The CHAIRMAN. The motion of the gentleman could not be made until the amendment offered by the gentleman from Indiana is disposed of except by unanimous consent.

Mr. SPRINGER. Well, we do not consent; let us take a vote therefore upon the amendment.

Mr. HOLMAN. The amendment being still before the committee, I desire to be heard further.

I am surprised, sir, at the sentiments I hear expressed around me in regard to the question of individual liability of the stockholders of corporations. Gentlemen certainly know that the crying evil of this period is the extraordinary advantage that is being given to the wealth of the country by special legislation. The ingenious method of modern times of centralizing wealth through corporate franchises is a leading source of the power of capital. The drift of our legislation is for the benefit of capital; and this measure, although of comparatively little moment, is of the same character of legislation that enables capital everywhere, in a large degree, to control the country. Our legislation ought not to be framed in the interest of capital; yet all of the tendencies of our legislation is to secure to wealth, concentrated wealth, privileges and advantages which are not accorded to any other interest.

You free it from liability; you exempt the owners of vast investments in corporate wealth from all individual liability without any public reason, and you do it at the peril of every creditor of every corporation. If the investment of the capitalist in a corporation is fortunate he reaps the benefit; if the corporation fails multitudes must suffer. You have no safeguard as far as the public interests are concerned in this bill. You have no safeguards for the laboring people who may be employed by this corporation.

You leave them at the mercy of the corporation, with no means of knowing the state of its affairs. I insist, at least, that if the House will not adopt the just proposition that in corporations of this kind, organized for private purposes only, the stockholders shall be personally liable for the debts contracted by it, that gentlemen will at least go to the extent of saying that the persons who shall labor for this corporation, the wealth of whose stockholders is to be protected under this shield of corporate franchise, shall at least have the privilege of holding the stockholders liable for the payment for their labor.

Mr. McADOO. Let me ask the gentleman from Indiana a question. Could not the gentlemen named as incorporators in this bill get together under the general laws of the District and start a hotel?

Mr. HOLMAN. I have not examined the general laws.

Mr. HEARD. They can not do it.

Mr. HOLMAN. It seems there is not a large body of men connected with the proposed corporation; and I would like to ask this question of the gentleman from Missouri: How it happens that he desires to exempt four or five respectable gentlemen, men of means undoubtedly, ample fortunes, why he wishes to exempt them from such personal liability?

Mr. HEARD. I will answer the gentleman, as he asks me a question.

Mr. HOLMAN. In a moment. And why can not these four or five gentlemen, like any other four or five citizens, put together their means, erect this hotel, and carry it on without any embarrassment

whatever? This is not an act for the encouragement of a great industry or commerce or manufacturing industries, but for the prosecution of business such as belongs to private partnerships and nothing else. Why are corporate franchises necessary? He would not shield these gentlemen from proper liability?

Mr. HEARD. Let me answer your question.

Mr. HOLMAN. If my friend regards it as a question.

Mr. HEARD. You said you would like to have me answer it.

Mr. HOLMAN. Very well.

Mr. HEARD. The gentleman wants to know why I desire to shield these four or five individuals, their assignees and successors, &c., from liability in this extraordinary way. There is no member on this floor who knows better perhaps than the gentleman from Indiana knows, or ought to know, that instead of there being extraordinary exemptions in this bill there are extraordinary restrictions, and that the bill provides a liability here not ordinarily found in organizations of this character.

And the gentleman has put into his speech an amount of buncombe unusual even for the gentleman from Indiana. He talks about the bill exempting this property from what was due to the laborers who labored on the building. The gentleman knows the mechanic-lien laws of the District protect the laborers. But the fact is just this: Here is a proposition on the part of enterprising people to organize under a charter a joint-stock company to do business as a corporation, because a corporation will not die, individuals will die. They propose to form a partnership requiring the investment of large sums of money, because without this charter at the death of the partners the interest of the property might be sacrificed. The object is what always prompts the formation of joint-stock companies.

Now, the restriction in this charter is that these stockholders shall be liable to the full amount; that they shall be individually liable for every dollar of stock subscribed until every dollar shall be paid up.

Mr. HOLMAN. And then the liability ceases?

Mr. HEARD. Most assuredly it does in any corporation on earth, unless there is a double-liability clause.

Mr. MCADOO. May I ask the gentleman a question?

Mr. HEARD. Yes, sir.

Mr. MCADOO. I understand there is a general law in the District under which corporations can be formed, but hotels are left out. Why did not the gentleman from Missouri or his committee frame an amendment to that general law providing for hotels, in which event a private bill like this would be unnecessary?

Mr. HEARD. I will say to the gentleman from New Jersey, who is always very courteous and never very prolix in putting his questions, that this is a Senate bill. It came to us with the sanction of that body after the Senate had incorporated into the body of the bill several restrictions which we thought good, and the bill we offered to the House as the work of the Senate has our unqualified approbation.

Mr. MCADOO. Was there not a House bill also?

Mr. HEARD. There was; but we thought it was not so good as this one, for the reason that important amendments had been made in the Senate to the bill of that body. The Senator from Rhode Island [Mr. CHACE] offered an amendment, which was adopted, providing for the personal liability, the very clause to which the gentleman from Indiana has addressed his remarks, requiring that the stockholder should be personally liable for all obligations of the company to the full amount of the par value of his stock. Then the Senator from my own State offered an amendment, which was adopted, requiring the company to go to work within two years and finish in five or the privilege will cease.

Another provision was inserted about bonding and mortgaging. It is provided that at no time shall the mortgage on the buildings of the company exceed three-fourths of the cash paid in.

The bill is well guarded, and if gentlemen desire that this city shall have a good hotel, let them vote for it.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. BARBOUR. Have I the floor?

Mr. HOLMAN. I yield to the gentleman from Virginia [Mr. BARBOUR].

Mr. BARBOUR. I move that the committee rise, that we may dispose of some of the work which has been acted upon in Committee of the Whole.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union having had under consideration sundry bills presented by the Committee on the District of Columbia, had directed him to report them back with various recommendations.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes.

Mr. BARBOUR. As so much of the time of the House has been taken up to-day with the opposition to the various bills called up, and as there are a great many far more important bills in charge of the District Committee which have not yet been considered—I hold in my hand a list of some eighteen or twenty, besides some important bills from the Senate—I desire to submit to the consideration of the House the propriety of giving to this committee another day. I therefore send to the desk a resolution providing for the assignment of another day to the Committee on the District of Columbia.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the consideration of the resolution he has sent up, which the Clerk will read.

Mr. MORRISON. I object.

Mr. BARBOUR. I ask the Chair if the resolution I have just submitted is out of order?

The SPEAKER. The Chair holds this can only be done by unanimous consent. It is not a matter which has been referred to the committee by the House.

Mr. BARBOUR. Then I submit a motion that the House take a recess till half past 7 o'clock to-night, the evening session to be for the consideration of District business.

The SPEAKER. The gentleman from Virginia moves that the House do now take a recess till half past 7 o'clock to-night, and gives notice that he desires the evening session shall be for business of the Committee on the District of Columbia exclusively.

Mr. DUNN. Will it be understood that nothing else shall be done?

The SPEAKER. The Chair supposes that would be the understanding. It would not be strictly in order to make the motion in that form. The Chair, therefore, stated the gentleman's motion in the way he did. The Chair understands that would be the only business to be transacted. The Chair will also state that the evening session would only be a continuation of the present legislative day, and this day is set apart under the rules for the consideration of the business of the Committee on the District of Columbia.

The question being taken on Mr. BARBOUR'S motion, there were—ayes 70, noes 21.

So (further count not being called for) the motion was agreed to; and accordingly (at 4 o'clock and 48 minutes p. m.) the House took a recess until 7.30 p. m.

EVENING SESSION.

The House reassembled at half past 7 o'clock p. m., and was called to order by Mr. T. O. TOWLES, Chief Clerk.

The following was read:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 14, 1887.

SIR: Hon. B. J. HALL is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

Mr. HALL took the chair as Speaker *pro tempore.*

LEAVE TO PRINT.

Mr. MCRAE, by unanimous consent, obtained leave to print in the RECORD remarks on the bill (H. R. 11096) to credit and pay to the States all moneys collected as a tax or duty on raw cotton, under the act approved July 1, 1862, and the acts amendatory thereto.

SECTION 685 REVISED DISTRICT STATUTES.

Mr. HEMPHILL. I call up from the House Calendar for present consideration the bill (H. R. 8586) to amend section 685 of the Revised Statutes relating to the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That section numbered 685 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended by adding at the end thereof the following clause:

"But in case such party has left the District of Columbia, or can not be found, said summons may be served by delivering the same to some person of proper age upon the premises described in said summons, or, in the absence of such person, by affixing a copy of said summons to a conspicuous part of the premises where it may be conveniently read."

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRESERVATION OF ORDER—NATIONAL GUARD DRILL.

Mr. BARBOUR. I call up from the House Calendar for present consideration the bill (H. R. 10513) to provide for the maintenance of order in the District of Columbia during the National Guard competition and parades.

The bill was read, as follows:

Be it enacted, &c., That the sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated and out of the revenues of the District of Columbia, in equal parts, for the compensation and equipment of special police officers to be employed by the commissioners of the said District, at not exceeding $2 per day each, during the National Guard competition and parades to take place in said District in the month of May, 1887.

Mr. BARBOUR. As this bill makes an appropriation, it ought under the rules to be first considered in the Committee of the Whole, but I will ask unanimous consent that it be considered in the House.

The SPEAKER *pro tempore*. The bill is upon the House Calendar, and the Chair understands that its consideration in the Committee of the Whole is not necessary unless the point of order be made.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARS OF TAXES.

Mr. BARBOUR. The next bill that I call up for consideration is on the House Calendar, a bill (H. R. 9469) relating to arrears of taxes in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That the rate of interest to be collected on all general taxes in arrears on the 1st day of July, 1886, and on all special assessments due the District of Columbia, shall be 6 per cent. per annum, in lieu of the rate and penalties now fixed by law: *Provided*, That all general taxes so in arrears shall be rated according to the value of real estate as assessed by the board of assessors in the year 1883: *And provided further*, That this act shall only apply to taxes and assessments paid within twelve months from the approval of this act.

The amendment reported by the Committee on the District of Columbia was read, as follows:

Strike out, at the end of the bill, the following:
Provided, That all general taxes so in arrears shall be rated according to the value of real estate as assessed by the board of assessors in the year 1883: *And provided further*, That this act shall only apply to taxes and assessments paid within twelve months from the approval of this act.

Mr. ANDERSON, of Kansas. I would like to hear some explanation of this bill. What is the present rate of interest?

A MEMBER. Ten per cent.

Mr. BARBOUR. The object of the bill, as I understand, is to allow people who are in arrears for taxes to come forward and discharge those taxes by the payment of the amount of the tax with 6 per cent. interest, instead of 10 per cent., which has been heretofore required by law. The proposition is recommended by the District Commissioners in order to expedite the collection of arrears of taxes.

Mr. ROWELL. It applies only to arrears.

The amendment reported by the committee was agreed to.

Mr. HEMPHILL. I offer the following amendment, suggested by the commissioners of the District of Columbia:

Add to the bill these words:
Provided, That this act shall only apply to taxes and assessments paid on or before the 30th day of November, 1887.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALES OF PROPERTY FOR OVERDUE TAXES.

Mr. BARBOUR. I will next ask the House to take up the bill (H. R. 9064) now on the House Calendar, being the bill prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia shall prepare a list of all taxes on real property in said District subject to taxation upon which said taxes are levied and in arrears on the 1st day of July, 1886, and each year thereafter, including all taxes due to the late corporations of Washington city, Georgetown, the levy court of the county of Washington, and the District of Columbia; and said commissioners shall publish the same, with a notice of sale, in a pamphlet, of which not less than 5,000 copies shall be printed for distribution to tax-payers applying therefor. Said commissioners shall, on the 1st Tuesday in September, 1886, and of each year thereafter, give notice, by advertising twice a week for three successive weeks in the regular issue of two daily newspapers published in said District, that said pamphlet has been printed, and that a copy thereof will be delivered to any tax-payer applying therefor at the office of said commissioners, and that if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold, under the direction of said commissioners, at public auction, at the office of the collector of taxes of the District of Columbia, commencing three weeks after the first publication of said notice and continuing on each following day, Sundays and legal holidays excepted, until all such delinquent property is sold.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

The amendments proposed by the committee were read, as follows:

In lines 6 and 7, section 1, strike out "86," and insert "87."
In lines 14 and 15, of the same section, strike out "86," and insert "87."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELEVATORS IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. I next call up from the House Calendar the bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to make and publish such orders as may be necessary to regulate the construction, repair, and operation of all elevators within the District of Columbia, and prescribe such means of security as may be found necessary to protect life and limb.

SEC. 2. That any person or persons, or corporation, who shall neglect or refuse to comply with the orders made pursuant to this act, shall, upon conviction thereof in the police court of the District of Columbia, on information filed in the name of the District of Columbia, be fined not less than $10 nor more than $100 for each offense.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STREET RAILWAYS.

Mr. BARBOUR. I next call up from the House Calendar the bill (H. R. 10899) to regulate the construction of street railroads and of the pavements between and adjacent thereto, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia are hereby authorized and empowered to make and enforce orders prescribing the grade and the form and character of rails that shall be laid upon the public streets, highways, and public places within the District of Columbia, and to prescribe the materials and character of the pavement or roadway, and of any repairs to the same, that shall be laid or made, and the manner of laying and making the same between the tracks and rails and for a space of 2 feet exterior and adjacent to the outer rails of any street-railroad.

SEC. 2. That the cost of any work ordered under the provisions of section 1 of this act shall be borne by the company owning or controlling said railroad.

SEC. 3. That if any street-railway shall neglect or refuse to comply with the orders of the commissioners as provided for in this act, the work required shall be done by the District of Columbia, at the cost of such company, to be collected as prescribed in section 5 of an act of Congress entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878.

SEC. 4. That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. ANDERSON, of Kansas. I wish to inquire of the chairman of the committee whether this bill applies to the rails which have already been laid in the streets of this city.

Mr. BARBOUR. As I understand, it does.

Mr. ANDERSON, of Kansas. There is no question about that?

Mr. HEARD. It applies to repairs and renewals.

Mr. ANDERSON, of Kansas. As I understand, the commissioners under this bill can, if they want to, order this company here to lay decent rails.

Mr. BARBOUR. Yes.

Mr. ANDERSON, of Kansas. That is all I wanted to know.

Mr. HEARD. I desire to state what was the understanding in the committee when this bill was under consideration, and the explanation as made to our committee by Major Ludlow, the engineer commissioner of the District. The understanding was, upon the explanation of Major Ludlow, that this bill did not authorize the commissioners to require a reconstruction of roads already existing, but that it applied only to the question of the construction of new road and the repairs of the old. That is the understanding, I am sure, with which the committee acted in reporting this bill; for we put to the commissioner questions which evoked from him the declaration that that was the extent to which the commissioners proposed to have it go—that they might be enabled in the direction of the repairs of roads already laid to compel the companies to conform in the repaired and renewed sections of their roads to such form of rail or such material as the commissioners might require. I am sure I shall be borne out by every member of the committee in saying that this bill, according to the theory of the commissioners, was not designed to authorize them to require the reconstruction of existing roads but to apply only to the matter of repairs as they may become necessary.

Mr. MORRILL. That is as far as we ought to go.

Mr. BARBOUR. I presume the language of this bill will speak for itself. Gentlemen may get up here and talk about what was said before the committee; but the language of the bill ought to be so plain as to speak for itself, without requiring a construction to be given to it by any gentleman who may happen to belong to the committee.

Mr. BUTTERWORTH. I was about to ask my friend whether the plain, literal construction of the language did not authorize the commissioners to require the reconstruction of existing roads.

Mr. BARBOUR. That is a matter which every member must construe for himself. As I understand, the rails now laid upon the present street railroads were adopted, according to the existing law, by and with the advice of the Secretary of the Interior, who has the power under the law as it stands to decide as to the quality and character of the rails. The present bill is one proceeding from the District commissioners, especially the engineer commissioner. It is thought proper that the control of this subject should be in the hands of the District

officials. In regard to the taking up of the present rails, which have been laid down under the law as it has existed, I am not entirely clear. I should think we would have to leave that matter under the terms of the law as it now stands, unless some gentleman moves an amendment to provide otherwise.

It seems to me it would be rather hard if these people, who have invested their capital in these enterprises and put down rails which were satisfactory to the Secretary of the Interior, the umpire selected by law, should be compelled to take up their rails before they are worn out and supplant them by something which may be considered better. But, after all, the public convenience is superior to any private interests.

Mr. SPRINGER. Allow me to propose an amendment which I will read and which, I think, will be acceptable to gentlemen of the committee. If there is any objection to it, I will not press it:

SEC. —. Any city railway company operating lines of street cars in the District of Columbia may substitute for the horse cars now in use any improved methods of motive power which may be approved by the commissioners of the District of Columbia.

Mr. ROWELL. The gentleman had better not press that, because whenever any substitution of that kind is made, further limitations and regulations will be required.

Mr. BARBOUR. I object to the amendment. I am a horse-car railroad man myself.

Mr. ANDERSON, of Kansas. Do I understand the gentleman from Illinois——

Mr. ROWELL. If you will let me state it I will tell you what it is. This bill changes the present law in one or two particulars. The present law authorizes the District commissioners to determine what kind of stone pavement shall be laid down between the railway tracks. This law fixes what kind of pavement there shall be between the tracks so they can provide any kind of pavement other than stone.

The present law directs the Secretary of the Interior to fix what sort of rails shall be used in relaying railway tracks. That takes that power from the Secretary of the Interior and puts it in the hands of the District commissioners.

I take it under the law, when they are required to take up the present rails, that in the removal of the track they may be required to put down such rails as the District commissioners shall determine. In other words, the purpose of the bill is to put this city along side the advancement of the time and get the best rail.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBDIVISION OF LAND IN THE DISTRICT.

Mr. ROWELL. I move that the House Calendar be discharged from the further consideration of the bill (H. R. 10897) to regulate the subdivision of land in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to make and publish such orders as may be necessary to regulate the platting and subdividing of all lands and grounds in the District of Columbia; and no such plat of subdivision made in pursuance of such orders shall be admitted to record in the office of the surveyor of said District without an order to that effect indorsed thereon by the engineer commissioner of said District.

SEC. 2. That all spaces on any duly recorded plat of land thereon designated as streets, avenues, or alleys shall thereupon become public ways, provided they are made in conformity with the provisions of section 1 of this act, and as such be under the protection of the laws and ordinances in force applicable to public roads out of said city.

SEC. 3. That if by the extension of any of the present streets or avenues, or the opening of any public way, it becomes necessary to traverse any grounds now used as a cemetery or place of burial, the commissioners are hereby empowered to secure a right of way through the same by stipulation with the proprietors thereof, or by condemnation, as in other cases now by law provided for.

SEC. 4. That the orders of the commissioners made pursuant to this act shall have the force and effect of law thirty days subsequent to the day of publication; and all laws and provisions of laws inconsistent herewith are hereby repealed.

The amendment of the Committee on the District of Columbia was read, as follows:

In line 5 strike out "orders" and insert "general rules."

Mr. BUTTERWORTH. I desire to have the changes in that bill explained. I believe it should be considered in the Committee of the Whole House on the state of the Union.

Mr. ROWELL. I will explain it in a moment. At present anybody owning land outside of the boundary line of the city of Washington may make any subdivision he pleases, and file it without anybody's consent for record, and it thereby becomes a subdivision for taxing purposes without anybody's control of that kind of subdivision.

This bill provides that hereafter anybody making any subdivision of land and desiring to file it for record, to become a part of the records of the District of Columbia, must do it in pursuance of general rules made with reference thereto, and a plat must be submitted for approval before it can be filed. It is in accordance with the laws in almost every city with reference to additions to a city.

That is all there is of that portion of the bill. There is another——

Mr. BUTTERWORTH. Right there, if my friend will allow me, do I understand if John Smith owns fifty acres, or any other number of acres, of land outside the city limits he must divide that in accordance with the views of the engineer commissioner of this city, and make it conform to such rules as may be prescribed?

Mr. ROWELL. Yes, sir.

Mr. BUTTERWORTH. In the whole matter of subdivision?

Mr. ROWELL. If he divides his land up into building lots, platting it for streets or platting it for an addition to the city, it must be platted in accordance with rules.

A MEMBER. General rules.

Mr. ROWELL. General rules prescribed. It amounts to this: My brother from Ohio [Mr. BUTTERWORTH] lives out here in Le Droit Park, and for lack of just such a law there is not a street or alley in Le Droit Park which corresponds with any street or alley in the city.

Mr. BROWN, of Pennsylvania. Or to anything else. [Laughter.]

Mr. ROWELL. Any one who lives there, wishing to make an extension of the city beyond its present limits, comes in contact immediately with some of these additions or subdivisions laid out, not in line with the present streets or avenues, but entirely out of harmony with the city of Washington. The result is, any attempt to extend any street beyond the present boundary runs crossways and cuts off little corners and makes the cost of such extension double, treble, and quadruple what it otherwise would be.

Mr. BUTTERWORTH. I agree with the gentleman as to the desirability of there being some system, but I thought it possible this might go further than our friend intended. It authorizes the commissioners—and if I am not correct my friend will correct me—to say how land shall be divided, how the lines shall be run—the width of streets, I do not object to that—and so on. As I have already said, this goes further than the city council of any city has assumed to go or was ever authorized to go.

Mr. ROWELL. It does not prevent a man from subdividing his own property. He can do that at his pleasure; but it does prevent him from recording such subdivision as a part of the general plan of the city.

Mr. BUTTERWORTH. But not only that, here is a point: If it pleases the engineer commissioner, or any other board charged with the duty, to insist upon a particular character of subdivision, even though it conform to the general character of the rules laid down, it might prevent altogether or seriously impair the subdivision of a man's property in such way as would be beneficial to himself if it did not prevent the subdivision altogether.

Mr. ROWELL. It does not prevent subdivision. It prevents the recording of such subdivision as a part of the city proper. It prevents getting it on record. That is all.

But to illustrate the point a little further, let me give you an example. There is a law making adjacent property taxable for laying down water-mains. A man has a lot which he can cut off by running a line around it, separating it from the rest of the property in the block, and by this arrangement, cutting off this piece of property from the adjacent lots, he is enabled to escape altogether the tax for laying down the mains.

Again, there are many subdivisions in little small angling lots, outside but following that subdivision of record, and by cutting up the property in such manner it makes each of the little lots so cut up taxable at a much less value than it would bring if properly divided and in conformity to the general plan of the streets of the city, and reduces, as such, the tax of the District and city.

I have a bill on the Calendar myself that goes further than this. It provides for the making of a map of all of this outside country, laying down streets and avenues such as they shall be when extended, and the submission of that map to the approval of Congress; and when approved it shall be the map to control all subsequent divisions or additions to the city. This bill is not designed to go so far as that, but te make general rules for the purpose of keeping such subdivisions off the record. A man may make as many subdivisions of his property as h-pleases in the absence of any authority of law outside of the city limo its to prevent it but he can not get it on the record. He can divide his property as he chooses and sell it.

Mr. BUTTERWORTH. That is true, but if John Brown—and I abandon John Smith for the present [laughter]—if John Brown subdivides his property anywhere about the city those who purchase lots designated by numbers in such subdivision would naturally go to the records for the purpose of tracing the question of title. But if it pleases the engineer, or anybody who may have control of the matter, to say that a subdivision shall not be recorded, that subdivision may stay off the record for all time, unless some other engineer or some other commission having control of the matter shall permit it to go on. If for any reason such subdivision is not permitted to go on record, by which the owner may desire to sell lots, having reference to the recorded plat in the matter of conveying title, he would be prevented from disposing of his own property.

Mr. ROWELL. That is the effect of the bill.

Mr. BUTTERWORTH. If that be the case it is a grave objection to the bill.

Mr. FELTON. Let me ask the gentleman from Illinois this ques-

tion: Does not this assume to take charge of the property of private individuals outside of the city limits?

Mr. ROWELL. Yes, for this purpose; that is to say, they can not record such subdivisions. It does nothing more than that.

Mr. FELTON. It is a most extraordinary provision.

Mr. ROWELL. I do not know of a city that permits an addition to be laid out and the dedication of streets that do not conform to the plan of the city to be filed of record without first submitting it to the city council.

Mr. BUTTERWORTH. If there is such a rule established by any city in this country I would like to know where it is.

Mr. ROWELL. I know numbers of them.

Mr. FELTON. Do you mean to say that they undertake to direct how property outside of the limits shall be laid out?

Mr. ROWELL. The general incorporation act of the State of Illinois provides exactly that.

Mr. MILLS. If you do not make this provision as to these subdivisions, and the people go on and lay off their lots and build on them, and you start to prolong the streets you will have to run across lots and buy them up at fabulous prices hereafter.

Mr. ROWELL. Certainly.

Mr. MILLS. And therefore you want to make the people conform the plats to the prolongation of the streets?

Mr. ROWELL. My friend from Texas has stated exactly what the object is.

Mr. BUTTERWORTH. But that is a provision which should precede the adoption of such a bill as this. You have no right in anticipation of such a thing to say that people shall not divide their property as they please, but shall wait the convenient pleasure of any board to determine how that may be done, however wise the board may be.

Mr. GROUT. The gentleman from Ohio says the "convenient pleasure" of any board. He will remember that these are the commissioners of the District, who are the sovereign authority in the District of Columbia and can do no wrong. If they can do wrong and do it they are subject to impeachment, and that is sufficient answer to the gentleman's argument.

Mr. BUTTERWORH. But this is a question of conferring upon the commissioners a power which is designated here, and not whether they would exercise it wisely or not.

Mr. CANNON. I want to see if I understand this proposition. This bill provides as I understand it, before the owner of property adjacent to the city or in addition thereto can divide it and designate it as streets must first have the permission of the commissioners.

Mr. ROWELL. No, sir; the bill does not provide any such thing. It requires that the commissioners shall make general rules in regard to the way in which the property shall be subdivided and that no plat that does not conform to those general rules shall be filed for record; that a man making a plat must submit it to the District engineer for his judgment as to whether it conforms to the general rule.

Mr. CANNON. Suppose the District engineer, if such a thing is supposable, was gobbled by opposing interests, or suppose it does not suit him to approve of the plat for some personal reason on account of the color of the man's hair or otherwise, what then?

Mr. HEMPHILL. If there is any force in that supposition, why do you give the commissioners the right to say what sort of buildings shall be constructed? No man has a right in the city to put up a building unless it is approved by the District engineer.

Mr. ANDERSON, of Kansas. But that is in the city.

Mr. HEMPHILL. The principle is the same. This simply provides that the commissioners shall lay down a general plan, and when a person has a plan for subdividing his lots it shall be submitted to the commissioners that it may be seen whether it conforms to the general plan or not. The Le Droit Park has been spoken of. In regard to that it has been stated publicly, and the information was given to the committee by the commissioners, that the people who are laying out these lots were asked, "Why do you lay them out in this way? It does not conform to the plans of the city." And they said, "We lay them out that we may get money out of the public for them hereafter." The question, then, is whether general rules shall be followed or whether people shall be allowed to lay out their lots and then come back upon the city to get pay for changes that may hereafter be made.

Mr. BUTTERWORTH. I agree as to the propriety of having general rules and having the District of Columbia platted, if you please. But I question the propriety of giving this authority to the engineer commissioner to disapprove of a plat on the ground that probably it may not agree with what may be done hereafter.

Mr. HEMPHILL. This bill provides that the commissioners shall lay down general rules. When they have done that, then if a man divides his land the commissioners shall decide whether his plat conforms to those general rules or not. That is the whole object of the bill as far as that part of it is concerned.

Mr. BUTTERWORTH. Let me ask one other question. It is the furthest possible from my desire to interfere with the progress of this matter; but I wish to ask this question: Suppose in any direction from this Capitol a man has a piece of property that he desires to subdivide; suppose streets have not reached that locality and there is no plat indicating where they will run; is it to be said under those circumstances that he can not proceed to sell his lots or have his plat recorded?

Mr. HEMPHILL. The general rules provided in this bill do not cover that kind of case. But suppose the general rule says that the street shall be in a straight line; then the man must know perfectly well when he subdivides his land that he must do it so that his lots will face the street in straight lines. Or if the rule says the street shall run at a particular angle he can go to the commissioners' office and see what that angle is and conform his subdivision to the general rule.

Mr. BUTTERWORTH. But if there are no streets in the locality the man comes with his plat and he has to get the approval of the commissioners. I can not see that great hardship might not be worked against the property holder, and that he might not be discriminated against.

Mr. HEMPHILL. If the law requires the commissioners to have a general rule regulating the general subdivision of property, and there is no such rule, it is clear they must make a general rule covering the District of Columbia; and when they have done that the question simply is as to subdivisions of land being made to conform to those rules.

Mr. BARBOUR. If I understand the objection of the gentleman from Ohio [Mr. BUTTERWORTH] it applies to cases where the parties have already laid out the subdivisions of their land.

Mr. BUTTERWORTH. Oh, no. I understand the bill does not touch them; it is not retroactive.

Mr. BARBOUR. Well, if it does not touch those cases, what objection can there be to the provisions of the bill where parties have full notice of this law? In that case what objection can be made to the enactment of the provisions of this bill?

Mr. BUTTERWORTH. If this bill does not permit of discrimination I do not want to interfere with its passage.

Mr. PERKINS. If I understand this bill correctly it amounts to this: If in consequence of the topography of the country, the location of the land, or any other cause, the owner when he desires to plat it can not conform to the general rules, in that case the engineer may approve his plat. There is nothing to prevent the engineer approving his plans under such circumstances.

Mr. BUTTERWORTH. Then it gives the engineer commissioner full discretion in the matter, and a very remarkable discretion, in my judgment.

Mr. HEMPHILL. There must be remarkable powers vested somewhere in a city if there is to be a general plan.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment.

The amendment was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STREETS AND AVENUES IN THE DISTRICT OF COLUMBIA.

Mr. ROWELL. I call up for present consideration the bill (H. R. 11074) directing the commissioners of the District of Columbia to establish streets and avenues in the county of Washington, District of Columbia, and for other purposes. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. BUTTERWORTH. I rise to a parliamentary inquiry. If the bill be considered in the House as in Committee of the Whole, do we proceed then to consider the bill by sections under the five-minute rule?

The SPEAKER *pro tempore*. The Chair understands we do not.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, directed to have surveyed and platted that portion of the county of Washington, District of Columbia, bounded by Boundary street, Rock Creek, Piney Branch, Spring road and Rock Creek Church road, the Soldiers' Home Park, and Lincoln avenue, and to delineate and establish upon the ground, by suitable bench-marks, the streets and avenues in general conformity with the project and map submitted by said commissioners in Public Document No. —, United States Senate, second session of the Forty-ninth Congress, and to have accurate plats thereof duly recorded in the records of the surveyor's office for said District: *Provided*, That in the final platting and delineation as herein directed the commissioners shall exercise due and careful discretion in establishing the exact details of location and grades of the several streets and avenues, in order that the requisite modification of the public ways, as herein provided for, shall ultimately be effected at the least practicable cost to the District and disturbance of existing property lines and constructions needful to secure general conformity with said plan; and no existing or future subdivision of land within the area herein named, not in conformity with the said plan as finally platted and recorded, shall be legal: *Provided*, That before the plats and locations in this section shall be recorded upon the books of the surveyor of the District, the final platting and maps shall be submitted to Congress for approval, in December, 1887: *And provided further*, That the area designated in this section be extended to include the area bounded by Brentwood road, Queen's Chapel road, Bunker Hill road, and Boundary street.

SEC. 2. That the sum of $6,000 be, and the same is hereby, appropriated to defray the expenses of carrying out the foregoing provisions of this act.

SEC. 3. That all laws or parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. ROWELL] asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill, and that it be now considered in the House. Is there objection? The Chair hears none.

Mr. ROWELL. There are two amendments which I desire to offer. The first is to insert "forty-four" in the blank in line "11;" and the second is to strike out, in line 23, the words "existing or."

The SPEAKER *pro tempore*. Unless there is a demand for a separate vote, these amendments will be considered in gross.

The amendments were agreed to.

Mr. ROWELL. Mr. Speaker, just one word. At the last session of this Congress a resolution was adopted by the Senate directing the District commissioners to offer some plan for the further extension of the city of Washington. In accordance with that plan a map, not made upon the ground, but a general map, has been prepared, covering this section of the country. The proposition of this bill is that the District commissioners shall proceed upon the ground to lay out the proposed extensions of streets and avenues as they may be demanded by the future growth of the city, to establish the width, the direction, and the grade thereof, to make a complete map, and to submit that map to the approval of Congress. It is not proposed to locate, establish, and make any street for present opening, but to make a map, which, when approved by Congress, shall control the future extensions of the streets. The bill makes an appropriation which is necessary to carry out its provisions, because the present force of engineers in the city are now fully employed, and additional force will be required. The necessity for the bill arises from the rapidly extending area of the city. The matter is to be kept entirely within the control of Congress. I can see no objection to the passage of the bill. I am ready to answer any question which may be put.

Mr. BUTTERWORTH. I have no objection to the bill, but I wish to offer an amendment to which I think there can be no opposition, as it will secure some information which I believe will be valuable to Congress. With the consent of the gentleman from Illinois, I will read the amendment. It is to add to the bill the following:

And the commissioners shall prepare, and, in December, A. D. 1887, submit to Congress a detailed statement showing—

First, what streets, avenues, and roads, including Boundary street, shown on the plat of the city of Washington, and within the limits of the same, and dedicated to public use remain unopened and unimproved, and what necessity exists, if any, for opening and improving the same.

Second. What streets, avenues, and roads within the city limits and now open to public use are not paved, and the estimated cost of improving the same with asphalt or other suitable paving material; and

Third. What unpaved streets, avenues, and roads or parts of same should be first paved, and the character and estimated cost of such improvement.

Mr. ROWELL. I have no objection to that amendment. Let it come in at the end of the bill.

Mr. BUTTERWORTH. Yes, sir; as a fourth section.

The SPEAKER *pro tempore*. If there be no objection, the amendment offered by the gentleman from Ohio [Mr. BUTTERWORTH], and assented to by the Committee on the District of Columbia, will be adopted.

There being no objection, it was ordered accordingly.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY RAILWAY.

Mr. BARBOUR. I call up from the House Calendar for present consideration the bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting material to fill about the base of the Washington Monument.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia are hereby authorized to issue permit for the laying of a temporary railway track, in such streets or avenues as in their judgment shall best subserve the purpose and interfere least with the public use of the same, to such persons as shall be awarded the contract to fill about the base of the Washington Monument, in pursuance of the advertisement of the officer in charge of the construction and under the provisions of the act of August 4, 1886, making appropriation for that work.

Mr. ANDERSON, of Kansas. I would like to know whether this bill requires that after the work contemplated shall have been completed these tramways shall be taken away?

Mr. BARBOUR. I understand that the object of the bill is to give the commissioners of the District of Columbia full discretion as to this matter. In view of the fact that it is supposed the lake is having some injurious effect upon the monument, they want to fill it up, and they propose to get the earth for this purpose upon the most advantageous terms by going on some cheap land where they can lay a tramway for the purpose of removing the earth from that point to this lake. All that the bill asks is that the District commissioners shall be invested with authority for this purpose. Of course, after the work is done, the tramway will be taken up.

Mr. ANDERSON, of Kansas. That is all I wanted to know. The bill itself seems to be all right.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL SAFE-DEPOSIT COMPANY.

Mr. BARBOUR. There are some bills on the Private Calendar which I would ask unanimous consent to have considered in the House. They have reference to the enlargement of the powers of some safe-deposit companies in order to enable them to discharge certain fiduciary duties.

The SPEAKER *pro tempore*. When the gentleman indicates the numbers and titles of the bills the Chair will put the question on discharging the Committee of the Whole.

Mr. BARBOUR. I will call up the bill (H. R. 2589) to amend an act entitled "An act to incorporate the National Safe-Deposit Company, of Washington, in the District of Columbia," approved January 22, 1867.

The bill was read, as follows:

Be it enacted, &c., That the name of the National Safe-Deposit Company be, and is hereby, changed to the National Safe-Deposit and Trust Company of Washington, in the District of Columbia.

SEC. 2. That the said National Safe-Deposit and Trust Company be, and they are hereby, authorized to accept and execute trusts of any and every description which may be committed or transferred, with their consent, to them, by any person or persons whomsoever, bodies corporate or politic, or by any court in the District of Columbia or in any one of the United States, and to accept the office and appointment of executors or administrators of any kind or nature whenever such appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of the District of Columbia or of the United States; and that in all cases where application shall be made to any court of the District of Columbia for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minor, or committee of a lunatic, it shall be and may be lawful for such court, if it shall think fit, to appoint the National Safe-Deposit and Trust Company of Washington, in the District of Columbia, with their assent, such receiver, trustee, administrator, assignee, guardian, or committee; and the accounts of the said company as such receiver, trustee, administrator, assignee, guardian, or committee shall be regularly settled and adjusted before the proper tribunal; and upon such settlement and adjustment all proper, legal, and customary charges, costs, and expenses shall be allowed to said company for their care and management of the trusts and estate aforesaid; and the said company, as such receiver, trustee, administrator, assignee, guardian, or committee shall be subject to all orders or decrees made by the proper tribunal under the laws of the United States.

SEC. 3. That when any court shall appoint the said company a receiver, trustee, administrator, executor, assignee, guardian, or committee, or shall order the deposit of money or other valuables of any kind with said company, the capital stock as paid in, and all property owned by said company, shall be taken and considered as the security required by law for the faithful performance of their duties, and shall be absolutely liable in case of any default whatever; *Provided*, That the said court may and shall, if deemed necessary, require further additional security, and may from time to time appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which such investments are made and the security afforded to those by or for whom its engagements are held; and the expenses of such investigation shall be defrayed by the said company; and the court may also, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

SEC. 4. That the company may also pay interest upon deposits at such rate as may be agreed upon with the depositors, not exceeding, however, the rate of 3 per cent. per annum.

SEC. 5. That the stockholders of said company shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of said company, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such stock.

SEC. 6. That the said company be, and is hereby, authorized to increase its capital stock to an amount not exceeding $500,000; and before said company shall proceed to do any business under this act, one-half of said capital stock, namely, $250,000, shall be fully paid up.

SEC. 7. That each director and officer, when appointed or elected, shall take an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of said company, and will not knowingly violate or willingly permit to be violated any of the provisions of this act.

SEC. 8. That in case of the violation of any order of court or the breach of any trust on the part of the company, the officers of the company guilty of such violation of order of court or breach of trust shall be liable to process of attachment for contempt or such breach of trust in the same manner and to the same extent as would apply to individual executors, administrators, guardians, and other trustees in like cases.

The amendments reported by the committee were read, as follows:

After the word "guardian," in line 14, of section 2, insert "of the estate."

After the word "committee," in line 15, of section 2, insert "of the estate."

After the word "court," in line 16, of section 2, insert "without prejudice to preferences established by existing law."

In line 5, section 3, strike out the words "is paid in" and insert "subscribed for or taken."

In line 11, section 3, after the word "time," insert "and at least once during every year shall."

In line 17, after the word "company," strike out "or" and insert "and;" and after the word "may," insert "also."

Strike out section 4.

At the end of section 6, strike out "and no certificate of stock shall be issued until the same be fully paid for."

Insert as section 7 the following:

"That the stock of said company shall be transferable only on the books of the company."

Change the numbers of the sections to conform to the foregoing amendments.

The SPEAKER *pro tempore*. Is there objection to discharging the Committee of the Whole House on the state of the Union from the further consideration of this bill, and considering it in the House?

Mr. ANDERSON, of Kansas. I would like to hear the report read.

Mr. BARBOUR. It might save time if the gentleman would listen to a statement, instead of insisting on the reading of the report.

Mr. ANDERSON, of Kansas. Very well. I have no desire that time shall be consumed unnecessarily.

Mr. BARBOUR. Mr. Speaker, there is now a chartered institution in the city of Washington known as the National Safe Deposit Company, which takes charge of valuable articles of personal property. It owns a large amount of real estate, is rather a wealthy corporation I understand, and is composed of very responsible gentlemen. They ask that Congress invest their corporation with authority to do what I believe is done in most of the large cities of the country by companies of this kind, to execute trusts, to act as administrators, and perform such fiduciary duties as may be assigned to them by the courts. I understand that powers of this character are exercised by similar corporations in Philadelphia, Baltimore, New York, and other leading cities of the country.

It is supposed that the substitution of a reliable, responsible concern like this company to administer estates would be better than the old system of leaving such matters entirely in the hands of private individuals. The lawyers in Philadelphia and Baltimore approve of this system, I believe. I have not definite information in regard to New York, but I have heard the system has been in successful operation there. The courts, before allowing companies to assume duties of this kind, institute an examination and see that the affairs of the company are faithfully conducted and are in proper shape. The whole matter is within the power of the court. I can not see any objection to this proposition. I understand that here in the District of Columbia, which is a sort of national "stamping ground," there are people who are very anxious that some such authority as this should be given.

In the absence of corporations here with these powers a number of prominent gentlemen talk of going to Philadelphia, Baltimore, or elsewhere to have their trusts administered and their estates passed upon. I think that is all. I am ready to answer any questions that gentleman wish to ask.

The SPEAKER *pro tempore*. Is there any objection to discharging the committee from the further consideration of the bill, and considering it in the House?

Mr. LYMAN. I see this bill provides for this company being appointed as guardians and trustees of estates of minors.

Mr. BARBOUR. Yes; at the discretion of the court.

Mr. LYMAN. I find no provision for security.

Mr. BARBOUR. The bill provides for ample security.

Mr. ROWELL. It requires them in addition to their stock to give ample security to the court.

Mr. LYMAN. Does the gentleman say the bill requires that?

Mr. ROWELL. It does.

Mr. WARNER, of Ohio. If I heard the reading of the bill correctly, I understand the liability of these stockholders is simply to the amount of their stock, and not beyond that.

Mr. BARBOUR. And such other security in the discretion of the court as shall be required.

Mr. WARNER, of Ohio. The bill provides for important trusts, and then limits the liability, if I understand the reading correctly, to the face value of the stock of the several stockholders pro rata, and not even for the full value of the stock. If there be a loss and half of the stockholders are bankrupt, the other half are only responsible pro rata, not to the full extent of their stock. I do not think that is the way trust companies are generally constituted. There certainly should be a liability beyond that where power is given to accept the trust provided in this bill. If I am mistaken, I trust the chairman of the committee will correct me.

Mr. BARBOUR. In reply to the gentleman, I will read the language of the bill.

That when any court shall appoint the said company a receiver, trustee, administrator, executor, assignee, guardian, or committee, or shall order the deposit of money or other valuables of any kind with said company, the capital stock as paid in, and all property owned by said company, shall be taken and considered as the security required by law for the faithful performance of their duties, and shall be absolutely liable in case of any default whatever:

Mr. WARNER, of Ohio. The capital is liable.

Mr. BARBOUR. And the real estate. The bill goes on as follows:

Provided, That the said court may and shall, if deemed necessary, require further additional security, and may from time to time appoint suitable persons to investigate the affairs and management of said company, who shall report to said court the manner in which such investments are made and the security afforded to those by or for whom its engagements are held; and the expenses of such investigation shall be defrayed by the said company; and the court may also, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

Mr. WARNER, of Ohio. Does the bill reserve to Congress the right to alter or amend this charter?

Mr. BARBOUR. It does not; but there is no difficulty as to that.

Mr. WARNER, of Ohio. I think it would be better to include it in the bill.

Mr. BARBOUR. I am willing to accept such an amendment.

Mr. WARNER, of Ohio. I move then the following provision to the last section.

Mr. BUTTERWORTH. It is not understood by that we have gone over the entire bill?

Mr. WARNER, of Ohio. It is proposed as an additional section.

The Clerk read as follows:

That Congress shall have the right to alter, amend, and repeal this act.

Mr. SPRINGER. That is right.

The amendment was agreed to.

Mr. BUTTERWORTH. I observe by the terms of this bill this trust company is authorized to deal in real estate or anything else.

Mr. BARBOUR. No.

Mr. BUTTERWORTH. Let us see whether the language is broad enough to authorize the construction I have put upon it.

Section 2 provides—

That the said National Safe-Deposit and Trust Company be, and they are hereby, authorized to accept and execute trusts of any and every description which may be committed or transferred, with their consent, to them by any person or persons whomsoever, bodies corporate or politic, or by any court in the District of Columbia or in any one of the United States, and to accept the office and appointment of executors or administrators of any kind or nature whenever such appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of the District of Columbia or of the United States; and that in all cases where application shall be made to any court of the District of Columbia for the appointment of any receiver, trustee, administrator, executor, assignee, guardian of any minor, or committee of a lunatic, it shall and may be lawful for such court, if it shall think fit, to appoint the National and Safe-Deposit and Trust Company of Washington, in the District of Columbia, with their assent, such receiver, trustee, administrator, assignee, guardian, or committee; and the accounts of the said company as such receiver, trustee, administrator, assignee, guardian, or committee shall be regularly settled and adjusted before the proper tribunal; and upon such settlement and adjustment all proper, legal, and customary charges, costs, and expenses shall be allowed to said company for their care and management of the trusts and estate aforesaid; and the said company, as such receiver, trustee, administrator, assignee, guardian, or committee, shall be subject to all orders or decrees made by the proper tribunal under the laws of the United States.

Mr. BARBOUR. I do not see there is any power conferred there authorizing them to deal in real estate.

Mr. BUTTERWORTH. Let me ask the gentleman a question. Does the gentleman mean to say that in executing these trusts this corporation is not authorized to deal in real estate or anything under that language? What is to prevent a deposit of a million of dollars in trusts with this company to deal in real estate?

Mr. BARBOUR. It is not intended they shall have the power to buy and sell for the purpose of speculating in real estate.

Mr. TOWNSHEND. No; that ought not to be done.

Mr. BARBOUR. But simply for the purpose of executing their trusts and settling up estates.

Mr. BUTTERWORTH. The language used in the bill seems to me to be broad enough to permit the company to handle and deal in real estate.

Mr. BARBOUR. I do not so understand it, but am willing to accept any amendment which will prohibit this company from speculating in real estate.

Mr. BUTTERWORTH. I have read simply the language which, in my judgment, permits the company to do that very thing.

Mr. BARBOUR. Where is it?

Mr. BUTTERWORTH. It will be found on page 2, section 2, of the bill.

Now, it seems to me that authorizes, with all due deference to my brother, the organization of a company or any association of persons in New York or elsewhere to utilize this corporation in the city of Washington for the purpose of engaging in real-estate speculations in the District of Columbia. If I am wrong I beg the lawyers present to correct me.

Mr. BARBOUR. If the gentleman from Ohio thinks it necessary to incorporate an amendment, suppose he offers one inserting, after the words "business of banking," the words "or of buying or selling real estate."

Mr. BUTTERWORTH. That would hardly meet the question, for they would have to sell real estate, for instance, in winding up an estate.

Mr. BARBOUR. But buying and selling for speculative purposes. You might insert "or dealing in real estate."

Mr. BUTTERWORTH. I will prepare an amendment.

Mr. ANDERSON, of Kansas. Mr. Speaker, I know nothing in the world about this Safe-Deposit Company. I do not know anybody in it; indeed, I only knew that there was such an institution in the city, because I happened to see its sign somewhere.

Mr. BARBOUR. There are several of them.

Mr. FELTON. Three, I believe.

Mr. ANDERSON, of Kansas. Hence, this question comes to me as an entirely unprejudiced man. I have heard nothing for it; I have heard nothing against it, except what has been said on this floor. The abstract proposition presented to-night is to take a corporation, of how many incorporators I do not know; there may be three or there may be fifty——

Mr. FELTON. That does not matter.

Mr. ANDERSON, of Kansas. It does matter with me. This is a proposition to take a corporation, of how many we do not know, a perfectly soulless, bowelless body, a figment of law—— [Laughter.]

Mr. CASWELL. That is the condition of all corporations.

Mr. ANDERSON, of Kansas. Now, if my friends will allow me to proceed. Yes, it is true; that is the condition of all corporations, especially railroad corporations.

Mr. CASWELL. Do not go for the railroads now.

Mr. FELTON. I thought you said you were an unprejudiced man. [Laughter.]

Mr. ANDERSON, of Kansas. I am entirely so.

Here comes a corporation which to-day is engaged in the business of receiving and preserving such property as is ordinarily placed with a safe-deposit company, plate, jewels, bonds, &c., I suppose, and it is proposed to set this corporation up in the general business of acting as executor and guardian for any one who wishes to employ it in that capacity. That is one proposition here presented.

It is proposed too that they may accept any kind of trust which is confided to them, no matter what, from any sort of person, no matter whom, whether real person or one of those "cussednesses" of law called corporations [laughter], and coming to me as a perfectly unprejudiced man [renewed laughter] is this proposition: By a solemn act of Congress to create, or at least to take what has been already created, a mere corporation, which has no liability except for the face of its stock, provided it has ever been paid up—and there have been corporations in the United States where the stock never was paid up I suppose gentlemen will admit—and take that body and give to it powers which seem to me extraordinary, to say the least. If any one wishes to make a will and appoint this corporation its executor, I suppose it can accept that trust already under its present organization without any additional law.

Mr. HEARD. This does not interfere with that.

Mr. ANDERSON, of Kansas. I supposed not, nor does it confer that power. And so, too. if anybody wishes to make a deposit of bonds or plate or coin they can do it without additional law.

Mr. HEARD. Yes, they could do that under their present organization.

Mr. ANDERSON, of Kansas. And if anybody wishes to put a hundred thousand or a million of dollars into their hands to invest in real estate they could accept that, and make the purchase or investments just as they are and without additional law to permit it. If these men wanted to go into the banking business I have no doubt they could do so under their charters, though that, of course, would depend on the act of incorporation. But whether they could or not, virtually they have at present the ordinary common-law powers, and in the exercise of the ordinary rights of individuals the power to act as guardians or executors or to accept trusts.

Now, it is proposed here to give what seems to me powers beyond all reason, and my opposition to it comes from this proposition: I think we are running wild in the matter of corporations. I am opposed to them where the work can be done without corporations. When you enter upon some great enterprise, when you go to build a line of railway you need the combination of individuals known as a corporation.

There are other great works where this figment is this proper party, and I am ready to accept them where there is necessity for it; but I can not for the life of me see the necessity for this corporation or of this bill. I see no necessity for setting them up, advertising them, backing them up with an act of Congress to act as general executors and custodians of trust funds and enable them to go into any sort of speculative business, accept trusts from all parts of the country which may be confided to them; and I am frank to say that there will be needed a quorum to pass this bill.

A MEMBER. That ends it.

Mr. BUTTERWORTH. I only want to say that I think the addition of the words the gentleman from Virginia [Mr. BARBOUR] suggests at line 8 would obviate my objection:

That nothing herein contained shall authorize the said company to engage in the business of banking or real estate.

And I want to say to my friend from Kansas [Mr. ANDERSON] that in this matter I dissent from him, although we usually agree.

Mr. ANDERSON, of Kansas. Except as to corporations.

Mr. BUTTERWORTH. My friend generally gets right on those also. But if there is any crying need in the country it is that estates of every character shall be administered safely so far as those interested in the estate are concerned. And I think it is the experience of all the lawyers here that an estate suffers sometimes very much from bad management and very large fees; and it not unfrequently happens—in fact, it very frequently happens—that the widows and the orphan children are left comparatively penniless because of the great attrition in winding up an estate.

Now, this company or corporation—and I do not know what there is so offensive in the name of corporation—this corporation is authorized, upon giving ample security, to wind up such an estate if appointed by the court to do it; and there are cases when it is of the first importance to have some such provision. For instance, my friend before me [Mr. WARNER, of Ohio] may die in Ohio leaving an estate here——

Mr. WARNER, of Ohio. Not much probability of that.

Mr. BUTTERWORTH. Still he may, and in that case it might be desirable not to have his estate run the gantlet of charges on all sides by administrators and lawyers. And sometimes lawyers are not sufficiently careful to charge reasonable fees. They usually do, but in some cases they do not.

Mr. JOHNSTON, of Indiana. May I ask the gentleman a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. JOHNSTON, of Indiana. Does this bill authorize this corporation to settle estates without employing lawyers or charging lawyers' fees?

Mr. BUTTERWORTH. Not at all. But when this corporation has charge of the business, being appointed by the court, the winding up of an estate will cost less; in my judgment it will not exceed a third of what it would if the estate were administered in the old way.

And, besides, it it sometimes necessary to leave this city to find an administrator to wind up an estate. Certainly if my friend had an estate to be settled here he would much prefer that his children should have the business done certainly and promptly by getting the bulk of his estate rather than have it frittered away by putting it in the hands of others in whom he could have no confidence.

Mr. JOHNSTON, of Indiana. I have no objection to organizing this corporation. I am not like my friend from Kansas [Mr. ANDERSON] in his opposition to corporations generally; but I do have an objection to putting the estates of this country into the hands of a corporation.

The gentleman from Ohio [Mr. BUTTERWORTH] says an estate will be settled up more speedily in this way. Let us see whether it will or not. Is there anything in this act to compel the corporation to settle the estate sooner than an ordinary administrator would settle it? Upon the other hand, in this bill this corporation is authorized to pay interest upon deposits, and if you put $10,000 in the hands of that corporation, as long as they can prolong the settlement they have the use of the money without interest.

Mr. HEMPHILL. If the gentleman will allow me, I will state to him that that has been stricken out of the bill by an amendment.

Mr. BROWN, of Pennsylvania. That duck is already dead.

Mr. JOHNSTON, of Indiana. I am talking about the bill as I have it before me. Now, then, if this is a corporation that is to use money, what will they do with the money when they get it into their possession?

Mr. HEMPHILL. They have to invest it under the orders of the court. They have to do just as any administrator or executor would do.

Mr. JOHNSTON, of Indiana. Let me refer to another point. Where you have an individual administrator, he is acting under the authority of the court, and he may be imprisoned for contempt of court. But here the very act that you seek to complain of may not be done by an officer of the corporation. The bill says the officers of the corporation shall be held responsible, and the act violating the order of the court may be done by a clerk who is not an officer of the corporation.

Mr. BARBOUR. Yes, he is.

Mr. JOHNSTON, of Indiana. I think an ordinary clerk is not.

Mr. BARBOUR. The word "agent" may be put in, and that will obviate the gentleman's objection.

Mr. JOHNSTON, of Indiana. He is not an officer of the corporation in the legal acceptation of the term. He is not a director; he is simply a clerk hired, and receives his per diem.

I can see no necessity for this. Suppose there comes an occasion when there is required to be a guardian of the person as well as a guardian of the estate of the individual; are you going to have two guardians, a guardian of the person and a guardian of the estate?

Mr. ROWELL. We do that frequently.

Mr. JOHNSTON, of Indiana. Well, why the necessity of giving this authority to the court so that it may put all of the business into the hands of a few favored friends who are this corporation? That is all there is of it. You give the court the power to take all the business here and turn it over into the hands of a corporation that you create, and if the judge is disposed to be corrupt, he may become a party in interest with the corporation and turn over all the business to it. It is a dangerous policy, and while I am not particularly opposed to corporations, I am opposed to giving them such powers as these.

Mr. BARBOUR. I think the gentleman is mistaken as to the scope of the bill. It is intended to apply where a testator chooses to select this trust company as his executor, or where it is appointed to execute the trust of a will, or where an individual may appoint the company to act in a fiduciary capacity, because some people may prefer to take a corporation rather than an individual. And of course the court may appoint the company trustee.

Mr. JOHNSTON, of Indiana. Let us see about that. This bill provides:

That the said National Safe-Deposit and Trust Company be, and they are hereby, authorized to accept and execute trusts of any and every description which may be committed or transferred, with their consent, to them, by any person or persons whomsoever, bodies corporate or politic, or by any court in the District of Columbia or in any one of the United States, and to accept the office and appointment of executors or administrators of any kind or nature whenever such appointment is conferred or made by any person or persons, or by any orphans' court or other court, either of the District of Columbia or of the United States.

This corporation may be appointed as trustee by an individual, but the individual would have a right to make such appointment without this act. If an individual wants to designate this corporation to take

charge of his estate he can do so; but this bill gives the court the absolute power to appoint the corporation as guardian or trusteee.

Mr. BRADY. A corporation of this character is more safe, I think, than any individual.

Mr. JOHNSTON, of Indiana. Well, I have no doubt you think so. A great many men think corporations are better than individuals, but I do not think so. I think this is granting too much power. I think it is going too far to say that we will create a corporation which by the appointment of the court may have control of all the estates the court chooses to hand over to it.

Mr. ANDERSON, of Kansas. Mr. Chairman, I would like to say a word in reply to my friend from Ohio [Mr. BUTTERWORTH] in regard to the difference between corporations and individuals as trustees of estates. If I believed that estates would be better cared for by a corporation than by individuals, so far as that particular feature in this bill is concerned, my objection to it would be removed; but look at the difference between the two.

Mr. BUTTERWORTH. If my friend will indulge me for a moment, of course this bill does not devolve upon the court the duty of appointing this trust company the trustee of any estate. Estates are not to be administered by this corporation unless the court, where it has authority to choose a trustee or administrator, deems this the best choice to make.

Mr. ANDERSON, of Kansas. Of course not.

Mr. BUTTERWORTH. And I apprehend that the company would be called upon in such cases only when it was clear that the best interests of the estate required it.

Mr. ANDERSON, of Kansas. That is, when the court thought they required it.

Of course I do not assume that any bill would be brought in here to create a corporation that any court must appoint as trustee or executor. But take the case suggested by my friend [Mr. BUTTERWORTH] where the court chooses to appoint this corporation trustee of an estate. The stockholders are liable to the amount of their stock, and no more.

Mr. HEMPHILL and Mr. BUTTERWORTH. A hundred per cent. more.

Mr. ANDERSON, of Kansas. What is the capital stock of the company?

Mr. HEMPHILL. I think the amount is $200,000.

Mr. ANDERSON, of Kansas. Then they are liable for $400,000 worth of property.

Mr. HEMPHILL. And the court may require them to give additional security.

Mr. ANDERSON, of Kansas. I understand that from the bill. Now, say that this corporation is acting as guardian for several different estates, it is acting as trustee for a very broad and varied range of trusts—in other words, it is doing an enormous business, that it has the indorsement of this act of Congress, that the gentlemen acting as directors are well known, wealthy gentlemen of character, and that for years the corporation runs on prosperously; then say that the present directors and stockholders die, and that after awhile it gets into the hands of men who are not responsible——

Mr. HEMPHILL. Just say that the whole thing goes to the devil!

Mr. ANDERSON, of Kansas. Well, say that the same thing happens to it that has happened to several other corporations in this country, namely, that it becomes a "snide."

Mr. HEARD. Does not the same risk apply to individuals?

Mr. ANDERSON, of Kansas. No; I will show you the difference; but first let me finish what I have to say on this point. These stockholders are to be liable to double the amount of their stock, and the corporation as a whole is liable to double the amount of its capital stock. The liability for any particular stockholder may be ten thousand, or twenty thousand, or perhaps fifty thousand dollars.

Now, take the same individual, who is probably worth half a million, an old citizen, a man of the highest sense of honor, who would no more betray a trust than he would cut off his right hand; a man who would sedulously use every effort to care in the best manner for any estate of which he might be trustee; a man who rather than have his honor tarnished would make good in full any loss which it might suffer in his hands—what have you as security in such a case as that? First, you have the bond that he gives. Then you have what is far better, his word, his character, his reputation. Does any one doubt that you have there a larger and better security than you would have in any corporation? What have you in the corporation? You have now simply the security of double the amount of the capital stock, and what have you twenty years hence, when it may have become a fraud? You have at best simply the security of double the amount of the stock and whatever real estate the corporation may happen to own. At present they do own certain property, certain real estate, but after a time they may have disposed of it.

Mr. BUTTERWORTH. Will my friend permit me——

Mr. ANDERSON, of Kansas. One moment please. Now the difference between the two is that there you have a perfectly bowelless thing, with no more sense of honor and no more soul in it than a last year's bird's nest. [Laughter.]

Mr. BUTTERWORTH. Well, but my friend——

Mr. ANDERSON. Wait a moment. I have the floor. Now there is precisely the difference between the two cases. I do not know any of the gentlemen who are stockholders in this corporation, but I have no doubt that among them there are men whose very names, whose very character, whose very standing in the community, whose individual wealth would constitute ample security for any trust which they might undertake in their individual capacity. But when you come to deal with this corporation you have not that security; you have nothing of the kind. That is the reason why I make a very broad distinction between an individual as a trustee or executor and a corporation, a thing which you can not punish, which you can not put in prison, with which you can do nothing except denounce it after it has swindled you.

Mr. BUTTERWORTH. My friend, in putting his case, has overlooked the fact that this bill requires a visitation from the court each year to inquire into the condition of the corporation and its ability to respond to all its obligations; and just how these six individuals, each of them with "a soul," and with bowels of compassion, and all the fine qualities described by the gentleman from Kansas—just how they are to lose all these qualities when they come together in the company I can not understand.

The court authorizes and requires a visitation and inquiry. Not only that. The history of Philadelphia and other cities where trusts are administered in this manner proves that my friend is under a misapprehension—that where millions have been lost by administrations otherwise conducted not a nickel has been lost by administrations intrusted to the hands of these companies.

Mr. ANDERSON, of Kansas. I ask unanimous consent that this bill be passed over, not to lose its place on the Calendar.

Mr. BARBOUR. Passed over till when?

Mr. HEARD. This is the last day of this Congress when it can be considered.

Several MEMBERS. Regular order!

Mr. HEMPHILL. I call for the previous question on agreeing to the amendments.

Mr. HEARD (to Mr. ANDERSON, of Kansas). Are you going to call a quorum on us?

Mr. ANDERSON, of Kansas. Certainly.

Mr. BUTTERWORTH. I suggest that by unanimous consent the vote be taken on this bill in a full House to-morrow. Why not?

Mr. ANDERSON, of Kansas. What is the question before the House?

The SPEAKER *pro tempore*. On ordering the previous question upon agreeing to the amendments.

The question being taken, there were—ayes 19, noes 8.

Mr. ANDERSON, of Kansas. I make the point that no quorum has voted. Now, Mr. Speaker, I ask unanimous consent that this bill be passed over informally, not to lose its place on the Calendar. I do not wish to interfere with other measures which the committee may desire to get through this evening; but I have strong convictions about this bill.

Mr. PERKINS. Perhaps my colleague [Mr. ANDERSON, of Kansas] will agree that the previous question be ordered on this bill——

Mr. MORRISON. Oh, no.

Mr. PERKINS. And that it be passed over, to be voted on in a full House.

Mr. ANDERSON, of Kansas. My friend knows quite well that when the previous question has been ordered the vote must be taken by the House.

Mr. PERKINS. But not this evening. I mean that the bill be laid aside to go over until we have a full House.

Mr. ANDERSON, of Kansas. I prefer not to agree to that arrangement.

Mr. BARBOUR. Why can not the gentleman agree to accept the judgment of the House this evening? If he has anything worthy of consideration, why not submit the question to the arbitrament of the members present?

Mr. ANDERSON, of Kansas. Very few members are now present.

Mr. FELTON. What is the question before the House?

The SPEAKER *pro tempore*. The Chair is waiting to hear whether gentlemen can arrange this matter; if not, the Chair will appoint tellers.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the bill be passed over for the present.

Mr. HEMPHILL. I suggest that it be passed over by unanimous consent.

Mr. ANDERSON, of Kansas. Passed over informally, not to lose its present status.

The SPEAKER *pro tempore*. Is there objection to the request that the bill be passed over, not to lose its present status on the Calendar? The Chair hears no objection, and it is so ordered.

COMPILATION OF DISTRICT LAWS.

Mr. BARBOUR. I now call up the bill (H. R. 10758) to provide for the compilation of the laws relating to and in force in the District of Columbia, and for the appointment of a reporter for the supreme court

of the said District. This bill is in the Committee of the Whole House on the State of the Union. I ask that the Committee of the Whole be discharged from its further consideration, and that it be now considered in the House.

The SPEAKER *pro tempore*. If there be no objection, that order will be made.

Mr. GUENTHER. Can not the bill be read before that question is decided?

The SPEAKER *pro tempore*. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That the supreme court of the District of Columbia be, and is hereby, authorized and directed to appoint three persons learned in the law, as commissioners to compile, arrange, and classify all statutes and parts of statutes in force in and relating to the said District at the time the said commissioners shall make their report; and the said court shall have power to fill any vacancies occurring in said commission.

SEC. 2. That each of the said commissioners shall receive for his services the sum of —— dollars, to be paid upon the completion of the work, which sums, together with the reasonable costs incurred by the commission for clerical assistance and incidental expenses, not exceeding the sum of $1,000, shall be paid by the Secretary of the Treasury out of any money not otherwise appropriated.

SEC. 3. That the said commissioners shall report such compilation to the next session of Congress.

SEC. 4. That the supreme court of the District of Columbia shall have authority, and is hereby directed, to appoint, during its pleasure, a reporter for the use of said court.

SEC. 5. That said reporter shall cause the opinions and decisions of said court to be printed and published once in each year, and oftener when required by the court, and deliver ten copies of the volumes of said reports to the clerk of said court, for the use of said court.

SEC. 6. That said reporter shall be entitled to receive from the Secretary of the Treasury a salary at the rate of $1,500 a year, to be paid by the Secretary of the Treasury from any moneys not otherwise appropriated, in monthly instalments; and an additional sum of —— dollars for each volume printed, published, and delivered by the said reporter for the use of the court, and the said reporter shall have the privilege of sale of the said published reports at a price to be fixed by the said court.

The amendments proposed by the Committee on the District of Columbia were read.

The SPEAKER *pro tempore*. Is there objection to discharging the Committee of the Whole from the further consideration of this bill? The Chair hears none.

Mr. HEMPHILL. On behalf of the Committee on the District of Columbia I offer a substitute for the pending bill, which I ask the Clerk to read.

The Clerk read as follows:

A bill to secure to the District of Columbia a compilation of the laws in force therein on the 4th day of March, 1887, to provide for the appointment of a reporter for the supreme court of said District, and for other purposes.

Be it enacted, &c., That the supreme court of the District of Columbia be, and is hereby, authorized and directed to appoint three persons learned in the law as commissioners to compile, arrange and classify all statutes and parts of statutes in force in the said District on the 4th day of March, 1887, and relating to all such matters as would properly come within the scope of a civil code; and the said court shall have power to fill any vacancies occurring in said commission.

SEC. 2. That each of the said commissioners shall receive for his services the sum of $1,500, to be paid upon the completion of the work, which sums, together with the reasonable costs incurred by the commission for clerical assistance and incidental expenses, not exceeding the sum of $1,000, shall be paid by the Secretary of the Treasury out of any moneys not otherwise appropriated.

SEC. 3. That the said commissioners shall report such compilation to the next session of Congress.

SEC. 4. That the justices of the supreme court of the District of Columbia be, and are hereby, authorized and directed to examine certain manuscript volumes prepared by Josiah Quincy Kern, upon submission of the same to them at as early a date as practicable after the passage of this act; and if, after such examination, the justices of said court or a majority of them shall be of the opinion that the volumes so submitted and examined comprise a complete and satisfactory revision and consolidation of all statutes and parts of statutes relating to municipal affairs in the District of Columbia in force on the 4th day of March, 1887, and of all orders, rules, regulations, and ordinances relating to said affairs made in pursuance of law and having the force and effect of law at the said date, they shall so report to the commissioners of said District, who shall thereupon purchase the said volumes from the said Josiah Quincy Kern, at a compensation not to exceed $5,000.

SEC. 5. That the justices of the supreme court of the District of Columbia be, and are hereby, authorized and directed to examine or cause to be examined, a certain manuscript volume prepared by Josiah Quincy Kern, upon submission of the same to the chief-justice of said court at as early a date as practicable after the passage of this act; and if after such examination the justices of said court, or a majority of them, shall be of the opinion that the volume so submitted and examined comprises a complete and satisfactory revision and consolidation of the criminal laws in force in the District of Columbia on the 4th day of March, 1887, they shall so report to the commissioners of said District who shall thereupon purchase the said volume from the said Josiah Quincy Kern at a compensation not to exceed $1,000.

SEC. 6. That the commissioners of the District of Columbia shall report to Congress on the first day of its next regular session the action taken by them under the provisions of the fourth and fifth sections of this act, and may make such recommendations as to them shall seem advisable in relation to any further action respecting the manuscript volumes hereinbefore mentioned.

SEC. 7. That for the purposes of the fourth and fifth sections of this act there is hereby appropriated $6,000, or so much thereof as may be necessary, to enable the commissioners of the District of Columbia to make either or both of the payments provided for in said sections, one-half of any such payment to be made out of any money in the Treasury of the United States not otherwise appropriated, and the other half out of the revenues of the District of Columbia.

SEC. 8. That the supreme court of the District of Columbia shall have authority, and is hereby directed, to appoint during its pleasure a reporter for said court.

SEC. 9. That said reporter shall cause the opinions and decisions of said court to be printed and published once in each year, and oftener when required by the court, and deliver ten copies of each volume of said reports to the clerk of said court for the use of said court.

SEC. 10. That the said reporter shall be entitled to receive from the Secretary of the Treasury a salary at the rate of $1,500 a year, to be paid by the Secretary of the Treasury from any moneys not otherwise appropriated, in monthly instalments; and the said reporter shall have the privilege of sale of the said published reports, at a price to be fixed by the said court.

Mr. DOCKERY. I desire to ask the gentleman in charge of this bill when the compilation of the laws of the District of Columbia was last made? This seems to provide a salary of $1,500 a year to make the compilation.

Mr. HEMPHILL. I do not remember when the last one was made. None of those made have ever given satisfaction.

I move to amend the third section by inserting the words "or cause to be examined," after the word "examine," so that the supreme court shall examine or cause to be examined this book.

Mr. TOWNSHEND. Has this book been submitted to the authorities of the District?

Mr. HEMPHILL. They report they have examined with care the compilation of municipal laws made by Mr. Kern, and they think it has been accurately and carefully done, and that it is a creditable work.

Mr. TOWNSHEND. It is a complete revision.

Mr. HEMPHILL. It is a complete revision of the municipal laws of the District. Nothing is to be paid unless it is found to be a perfect compilation.

Mr. TOWNSHEND. I understand heretofore there has not been any full and complete revision of the laws.

Mr. HEMPHILL. There has not been.

The amendment was agreed to; and the substitute as amended was agreed to. The bill as amended was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GIRLS' REFORM SCHOOL.

Mr. GAY. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 10824) to incorporate the reform school for girls of the District of Columbia.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, &c., That Samuel S. Shellabarger, Augustus S. Worthington, Adoniram J. Huntington, William C. Dodge, Mills Dean, Owen G. Staples, James E. Fitch, Thomas P. Morgan, and Alexander Graham Bell, and their successors, be, and they are hereby, created a body corporate to be known as the Board of Trustees of the Girls' Reform School of the District of Columbia.

SEC. 2. That said corporation is hereby authorized and empowered to establish and maintain a reform school for girls at any place within the District of Columbia, and for that purpose may take and receive, by gift, grant, or devise, such real estate and personal property as may be necessary for the purposes of said corporation: *Provided*, That at the dissolution of said corporation, or if it should cease for the space of six months to maintain a reform school for girls, all the property, real and personal, of said corporation shall vest in the District of Columbia.

SEC. 3. That the said board of trustees shall have the same power and authority in relation to girls as the board of trustees of the reform school of the District of Columbia now possess in relation to boys.

SEC. 4. That said board of trustees shall have authority to appoint such officers, agents, teachers, and other employés as may be necessary, and fix the rate of compensation of the same, subject to the approval of the commissioners of the District of Columbia.

SEC. 5. That the said board of trustees shall have authority to make such by-laws and rules and regulations as shall be necessary for the government of the officers, teachers ,employés, and inmates of the school, and from time to time alter, amend, and change the same.

SEC. 6. That all the sections of the act of May 3, 1876, entitled "An act revising and amending the various acts establishing and relating to the reform school of the District of Columbia," not inconsistent with the provisions of this act, are hereby made applicable to the reform school for girls of the District of Columbia, except the word "girls" shall be understood wherever the word "boys" occurs in said act, and the words "eighteen years" wherever the words "sixteen years" occur.

SEC. 7. That within thirty days after this act is passed said trustees shall meet and organize by electing a president; and they shall draw lots and decide the length of service of said trustees. Three of said trustees shall serve for one year, three for two years, and three for three years, and their successors in office shall be appointed in like manner as the trustees of the reform school of the District of Columbia are now appointed.

SEC. 8. That Congress shall have the right to alter, amend, or repeal this act at any time.

The amendment of the Committee of the District of Columbia was read, as follows:

After section 6, at the end of line 9, page 3, add as follows: "The attendants to be employed and the work and occupation to be enforced shall be suitable to girls."

Mr. GAY. Mr. Speaker, this bill is for the purpose of incorporating in the District of Columbia a reform school for girls upon exactly the same principles and under the same general management as applicable to females as the reform school which, for fifteen years, has been carried on for boys in the District. I would be glad to have a letter read if further information is required. [Cries of "No!" "Vote!"] I ask, then, the question be put.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPENSATION OF PHYSICIANS TO THE POOR.

Mr. COMPTON. I move the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia.

The motion was agreed to; and the bill was read, as follows:

Whereas the present compensation of the physicians to the poor in the District of Columbia is entirely inadequate and insufficient for the services required and rendered: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation of the physicians to the poor in the District of Columbia be, and the same is hereby, fixed at $600 per annum each, to date from January 1, 1887.

Mr. COMPTON. I move to strike out "$600 per annum" and insert "$50 per month so long as employed."

Mr. DOCKERY. I would like to have a brief explanation of this bill, as to the number of these physicians, and what they now receive.

Mr. COMPTON. I can not answer as to the number, but as to the present compensation, it is $40 per month, and they are required to go whenever called upon. They are the hardest worked gentlemen in the District, professionally, and receive only $40 a month.

This bill proposes to give them $50 a month, which is little enough, it strikes me.

Mr. DOCKERY. They are employed under authority of law now?

Mr. COMPTON. Yes, sir.

Mr. O'NEILL, of Missouri. How many of them?

Mr. COMPTON. There are eleven, as I understand.

The amendment of Mr. COMPTON was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. COMPTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FIREMEN'S INSURANCE COMPANY, WASHINGTON.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 11063) extending the charter of "The President and Directors of the Firemen's Insurance Company of Washington and Georgetown," in the District of Columbia; and yield to my colleague from Missouri, it being a bill in which he takes an interest.

Mr. HEARD. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill, and put it upon its passage in the House.

There was no objection.

The bill is as follows:

Be it enacted, &c., That the charter of "The President and Directors of the Firemen's Insurance Company of Washington and Georgetown," in the District of Columbia, granted by act of Congress approved March 3, 1837, and which by act of Congress approved February 7, 1857, was extended until the 1st day of June, 1888, be, and the same is hereby, extended and continued until the 1st day of June, 1908, with the same rights and powers and with like duties, obligations, and responsibilities as are now by law held and exercised by and imposed upon said corporation.

Mr. HEARD. This is simply a bill providing for the renewal of a charter of a fire-insurance company which has been engaged in business in this city for about fifty years. The charter was originally granted in 1837, and was extended by an act approved in 1857. It will expire by limitation in 1888 unless it be renewed.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF MINORS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, I call up the bill (H. R. 11116) for the protection of minors in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That the traffic with minors in alcoholic liquor, billiard-playing, pool-playing, pool-selling, and gambling, in the District of Columbia, shall be and is prohibited, as follows: It shall be unlawful for any person or persons, whether as principals, agents, servants, or employés, to sell to any minor any wine or beer or any other alcoholic liquor, whether for the minor's own use or not, and whether the minor be the messenger or agent of another person or not. It shall be unlawful for any person or persons, whether as principals, agents, servants, or employés, to sell any wine or beer or any other alcoholic liquor to any other person for the use then and there of any minor. It shall be unlawful for any person or persons, whether as principals, agents, servants, employés, or visitors, to give any wine or beer or any alcoholic liquor to any minor, in any public drinking-place. The penalty for a violation of this section in any of its provisions shall be, for the first offense, a fine of not less than $25 nor more than $50, or imprisonment for not less than ten nor more than sixty days, or both, and for every subsequent offense a fine of not less than $50 nor more than $100, or imprisonment for not less than thirty nor more than ninety days in the work-house, or both, and the revocation by the court of the liquor license pertaining to the premises where the offense was committed, which liquor license every court having jurisdiction of the offense is hereby authorized to revoke and annul in such cases.

SEC. 2. That it shall be unlawful for any person or persons, whether as principals, agents, servants, or employés, to sell, give, or pay to any minor any pool or pool-ticket, whether directly or indirectly, and whether for the minor's use or benefit or not, and whether the minor be the messenger or agent of another person or not. It shall be unlawful for the proprietor or manager of, or any one who is permanently or temporarily in charge of, or has any authority whatever over or attends any public billiard-table or public pool-table, or its appurtenances, to permit any minor to use or handle any of them. It shall be unlawful for the proprietor or manager of, or any one who is permanently or temporarily in charge of, or has any authority over, or is an employé or servant in any room or hall where pools are sold or paid, or where the game of pool is played, or where there is betting or gambling, either usually or for the time being, to knowingly permit any minor to be in such room or hall. The penalty for a violation of this section in any of its provisions shall be, for the first offense, a fine of not less than $25 nor more than $50, or imprisonment for not less than ten nor more than sixty days, or both, and for every subsequent offense a fine of not less than $50 nor more than $100, or imprisonment for not less than thirty nor more than ninety days in the workhouse, or both, and the revocation by the court of the license of every pool-table on the premises where the offense may be committed, which license every court having jurisdiction of the offense is hereby authorized to revoke and annul in such cases.

SEC. 3. That it shall be unlawful for any minor, whether as principal, agent, servant, or employé, to buy or receive as a gift, except from a parent or guardian, any wine or beer or any alcoholic liquor in any public drinking-place, or at any public pleasure-resort or public entertainment, at which wine or beer or any other alcoholic liquor is usually served or sold, is being served or sold. It shall be unlawful for any minor, whether as principal, agent, servant, or employé, to buy or to collect any pool or pool-ticket anywhere, or to play the game of pool in any public room or hall, or to make any bet, lay any wager, or gamble in any room or hall where betting or gambling is usual or common, or to be in any pool-room where pools are sold or paid or where the game of pool is played, or any gambling-place. The penalty for a violation of any provision of this section shall be a fine of not less than $1 nor more than $25, or imprisonment for not less than one nor more than sixty days, or both.

Mr. HEMPHILL. I ask unanimous consent that the committee be discharged from the further consideration of this bill.

The SPEAKER *pro tempore*. The Chair will state that this bill is on the House Calendar, and will be considered in the House.

Mr. HEMPHILL. Unless some gentleman desires information upon this subject, I shall ask immediate action upon the bill.

Mr. MILLS. It strikes me as being a very severe measure and should be considered with a great deal of care.

Mr. GUENTHER. It ought to be considered by sections in committee.

Mr. BARBOUR. If there is opposition to the bill I will move that it be passed over informally.

Mr. BROWN, of Pennsylvania. Oh! there will be no trouble about passing this bill.

Mr. BRADY. Yes; there will be.

Mr. MILLS. The age should be fixed at least, say at eighteen years.

Mr. GUENTHER. I do not object to any measure for the protection of the morals of minors; but this I think is an illy-matured bill.

Mr. COMPTON. Mr. Speaker——

Mr. HEMPHILL. If the gentleman from Maryland wants the floor I will yield to him.

Mr. COMPTON. I want to move to strike out the enacting clause.

Mr. HEMPHILL. I can not agree to yield for that purpose.

Now, if the penalties provided in this bill are thought to be too severe, they can be amended, and if desired we can limit the age to eighteen, or whatever the House may see proper. But there are some statistics which have been furnished and published, and which may have reached the eye of some of the members present, and if they be correct they present a very extraordinary condition of affairs. I can not vouch for their accuracy, though I understand they are prepared by responsible persons. For instance, it is seen from these statistics that the number of drinking saloons has increased 40 per cent. within five years. The number of pool tables has increased 40 per cent. within the same length of time, while the population has increased 15 per cent., and whereas in the majority of the States the number of minors arrested for criminal offenses ranges from five to twelve out of the thousand population, in this District it reaches twenty-six out of the thousand. If, therefore, these statistics are correct, there can be no reasonable doubt that there should be some law adequate for the protection of the moral of minors in the District. There is no law now.

Mr. GUENTHER. Oh, yes; there is a law. There is a law prohibiting the sale of liquors to minors, and the judge sentences people under it frequently. It is a law passed under the old corporation of Washington, which is still in force.

Mr. HEMPHILL. There may be some restriction upon the sale of liquors to minors, but the protection of the morals of minors is without law, and it is only a question of giving the people of the District something like a just and proper law upon this subject. I do not want anything extreme, or to enact any very harsh measure, but I think there should be some restriction.

Mr. DOCKERY. What age do you fix in the bill?

Mr. HEMPHILL. This relates to minors; all persons under legal age.

Mr. DOCKERY. What is the penalty fixed for a violation of the law as far as selling liquor to minors is prohibited?

Mr. ROWELL. It provides a fine and imprisonment.

Mr. HEMPHILL. The penalty for a violation is, for the first offense, a fine of no less than $25 nor more than $50, or imprisonment for not less than ten nor more than sixty days, or both; and this is increased for subsequent offenses.

Mr. MILLS. I would suggest to the gentleman from South Carolina that as to the offense of selling alcohol liquors to minors there should be some amendment fixing the age. I do not care to make any change as far as gambling with or in the presence of minors is concerned.

Mr. O'NEILL, of Missouri. This is not gambling; it is playing pool.

Mr. MILLS. Well, as far as the sale of alcoholic liquors is concerned, I would put the age at eighteen.

This has reference to any selling to them whether by retail or wholesale. Suppose a young man goes to a grocery and buys a bottle of claret for his dinner; the man who sells it is subject to a fine or imprisonment or both.

Mr. JOHNSTON, of Indiana. Is it in order to offer an amendment to the bill?

The SPEAKER *pro tempore*. Does the gentleman from South Carolina [Mr. HEMPHILL] yield the floor for the purpose of an amendment being offered?

Mr. HEMPHILL. Yes, sir.

Mr. JOHNSTON, of Indiana. Then I move to amend the bill by striking out in the third line of section 3 the words "except from a parent or guardian."

The section as it now stands reads as follows:

That it shall be unlawful for any minor, whether as principal, agent, servant, or employé, to buy, or receive as a gift, except from a parent or guardian, any wine or beer or any alcoholic liquor in any public drinking-place, or at any public pleasure resort or public entertainment, at which wine or beer or any other alcoholic liquor is usually served or sold, is being served or sold.

Now, sir, I move to strike out the words "except from a parent or guardian," because I do not believe that a parent or guardian has any more right to make a drunkard of his child or his ward than anybody else has.

Mr. GUENTHER. It is not necessarily making a drunkard of a boy for his father to give him a glass of beer.

Mr. JOHNSTON, of Indiana. But he must not take him to a saloon to give it to him.

Mr. BRADY. This is very important legislation, and I give notice that I shall require a quorum before this bill can pass.

Mr. BARBOUR. Since a quorum is to be insisted upon I ask unanimous consent that the bill be passed over without losing its place on the Calendar.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BARBOUR. I now ask that the House proceed to the consideration of the bills that were reported from the Committee of the Whole at the prior session of this House.

The SPEAKER *pro tempore*. The gentleman from Virginia asks that the unfinished business be now proceeded with. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes.

Mr. BROWN, of Pennsylvania. I give notice that you can not pass that bill without a quorum.

Mr. BARBOUR. Let the title of the next bill be read.

The Clerk read as follows:

A bill (S. 938) for the relief of Chittenden Brothers.

Mr. EDEN. I think that can not be passed to-night without a quorum.

RELIEF OF ST. DOMINIC'S CHURCH.

Mr. BARBOUR. Let the title of the next bill be reported.

The title of the next bill reported from the Committee of the Whole was read, as follows:

A bill (H. R. 10799) far the relief of St. Dominic's church, in the District of Columbia.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUIETING TITLE TO LAND.

The title of the next bill reported from the Committee of the Whole was read, as follows:

A bill (H. R. 10991) to quiet title to certain land in the city of Washington, District of Columbia.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BARBOUR. As gentlemen have interposed objections to the passage of the two bills relating to the Louise Home and to Chittenden Brothers, I ask that the previous question be ordered upon them, and that they go over for consideration in a full House.

Mr. ANDERSON, of Kansas. Of what bills does the gentleman speak?

The SPEAKER *pro tempore*. The Clerk will again report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 1129) to exempt from taxation all property held by trustees of the Louise Home, and for other purposes.

Mr. ANDERSON, of Kansas. What is the motion?

The SPEAKER *pro tempore*. The question is on the third reading of the bill.

Mr. ANDERSON, of Kansas. I ask unanimous consent that this bill be laid aside; otherwise I shall raise the question of a quorum.

The question being taken on the third reading of the bill,

The SPEAKER *pro tempore* stated that the "ayes" seemed to have it.

Mr. ANDERSON, of Kansas. I call for a division.

The House divided; and there were—ayes 26, noes 7.

Mr. ANDERSON, of Kansas, and Mr. LEHLBACH. No quorum.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will appoint tellers.

Mr. BUTTERWORTH. There is scarcely any use in appointing tellers, as there is manifestly no quorum here.

Mr. BARBOUR. I ask unanimous consent that those two bills lie over.

Mr. DOCKERY. Till when?

Mr. BARBOUR. For future consideration.

There was no objection.

INCREASE OF DISTRICT POLICE FORCE.

Mr. ROWELL. I call up for consideration the bill (H. R. 10562) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883; and I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill, and that it be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, is hereby amended so as to authorize the commissioners of said District to increase said force to thirty sergeants and three hnndred privates, as they may deem necessary, provided that twenty-five of the increase in the number of privates hereby authorized shall be appointed to first class and twenty-five to second class; and a sum sufficient for the compensation, for the fiscal year ending June 30, 1888, of the increase of the force herein authorized, at the rates now paid to like grades on said force, and their equipment, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of the revenues of the District of Columbia, in equal parts.

Mr. DOCKERY. I should like to hear some explanation of this increase.

Mr. ROWELL. The explanation is that there has been no increase for several years of the police force of the District. The city has largely increased in population and there is not police force enough to cover the city.

Mr. DOCKERY. What increase is made?

Mr. ROWELL. The bill itself states what the increase is. There is an increase of fifty privates and a corresponding increase in the number of sergeants.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STEAM ENGINEERING IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back the bill (H. R. 4308) to regulate steam engineering in the District of Columbia, and moved that the amendments of the Senate be concurred in.

The amendments were read, as follows:

Page 1, line 6, strike out "machinists" and insert "engineers."
Page 1, lines 9 and 10, strike out "steam-boiler" and insert "steam-boilers."
Page 1, line 17, strike out "five" and insert "three."
Page 2, at the end of line 8, insert:
"*Provided*, That boilers used for steam-heating, where the water returns to the boiler without the use of a pump, injector, or inspirator, and which are worked automatically, shall be exempt from the provisions of this section."
Page 2, strike out section 7.
Page 2, after section 7, insert:
"SEC. 7. That the foregoing section shall not apply to engineers who have been licensed by the United States Government, or the laws of any State."

The amendments were concurred in.

Mr. HEMPHILL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BARBOUR. I believe that the committee will not trouble the House with any more business to-night.

Mr. LITTLE. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 1926) for the payment of the funeral expenses of Lieut. John G. Kyle, and that the same be put upon its passage.

Mr. MILLS. Mr. Speaker, I do not think that the House has ever disregarded the order made for these evening sessions confining them exclusively to the business designated and I trust it will not be done now.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. LITTLE] asks unanimous consent.

Mr. MILLS. I must insist that the faith of the House shall be kept unbroken. It was understood that this evening session was to be solely for District business.

Mr. RANDALL. And the Speaker so stated.

The SPEAKER *pro tempore*. The Chair is advised that this is a general session without any limitation.

Several MEMBERS. No, No.

The SPEAKER *pro tempore*. The Chair will cause the Journal to be examined.

Mr. RANDALL. I will insist upon a quorum. That will settle it.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio [Mr. LITTLE]?

Mr. DOCKERY. I object.

The SPEAKER *pro tempore*. Objection is made.

Mr. MILLS. I move that the House adjourn.

The motion was agreed to; and the House accordingly (at 10 o'clock and 15 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND: Petition of the Board of Trade of Socorro, N. Mex., in regard to an unconfirmed land grant in said Territory—to the Committee on the Public Lands.

Also, resolution of the New York Board of Trade and Transportation, in regard to an appropriation for the manufacture of heavy ordnance and for coast defenses—to the Committee on Appropriations.

By Mr. BOYLE: Memorial of Fort Necessity Lodge, No. 254, Independent Order of Odd Fellows, of Pennsylvania, in favor of an appropriation to erect a monument on the site of Fort Necessity, in Fayette County, Pennsylvania, Washington's first battle ground—to the Committee on Military Affairs.

By Mr. BUNNELL: Petition of the Board of Trade of Socorro, N. Mex., asking legislation to settle title to lands in said Territory—to the Committee on the Public Lands.

By Mr. BURLEIGH: Resolution of the James Stephens Club, of New York city, opposing the so-called extradition treaty with the British Government—to the Committee on Foreign Affairs.

By Mr. CARLETON: Petition of the Board of Trade of Socorro, N. Mex., relative to land-grant titles—to the Committee on the Public Lands.

By Mr. CLARDY: Petition of Robert Zahn for an invalid pension—to the Committee on Invalid Pensions.

By Mr. COLLINS: Resolutions of the Legislature of Massachusetts for the enactment of a law for the eradication of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. DARGAN: Memorial of citizens of South Carolina, protesting against the abolition of the customs district of Georgetown, S. C.—to the Committee on Ways and Means.

By Mr. DIBBLE: Petition of the executive committee of the Grand Lodge of Good Templars of South Carolina in favor of the bill (S. 1579) concerning the manufacture and sale of liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DINGLEY: Petition of Weld Sargent Post, Grand Army of the Republic, at Boothbay, Me., for the passage of the anti-Mormon bill—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Petition of the Board of Trade of Socorro, N. Mex., for the settlement of land-grant titles—to the Committee on the Public Lands.

Also, memorial of the New York Board of Trade, for building ordnance and seacoast defenses—to the Committee on Appropriations.

By Mr. FREDERICK: Petition of A. F. Foster and others, and of Abner Branson and others, citizens of Iowa, in favor of international arbitration—to the Committee on Foreign Affairs.

By Mr. GIFFORD: Petition of John F. Reynolds, Post No. 44, Grand Army of the Republic of Dakota, praying for the passage of amendments to the present pension laws—to the Committee on Invalid Pensions.

By Mr. GILFILLAN: Memorial of the Legislature of Minnesota, for the improvement of certain waterways of the Northwest—to the Committee on Rivers and Harbors.

Also, memorial of the same for the relief of Capt. Anson Northrup—to the Committee on War Claims.

By Mr. GROSVENOR: Petition of the Board of Trade of Socorro, N. Mex., relative to titles to certain land grants—to the Committee on Public Lands.

By Mr. D. B. HENDERSON: Petition of the Women's Christian Temperance Union, of Union, Iowa, urging the passage of Senate bill 2362—to the Committee on Foreign Affairs.

By Mr. J. S. HENDERSON: Petition of the Board of Trade of Socorro, N. Mex., for relief from an unconfirmed land grant—to the Committee on Public Lands.

Also, resolution of the Board of Trade and Transportation, favoring an appropriation of $10,400,000 for sea-coast defenses—to the Committee on Appropriations.

By Mr. HOLMAN: Petition of Frank Wempe, to be relieved of the charge of desertion—to the Committee on Military Affairs.

Also, petition and accompanying papers of Mrs. Charlotte H. Fenton, of Covington, Ky., praying for compensation for services rendered by her husband, Capt. William Fenton—to the Committee on War Claims.

By Mr. IRION: Papers relating to the claim of Thomas C. Anderson, administrator of the succession of Mary T. Hardy, deceased, of Saint Landry, Louisiana—to the Committee on War Claims.

By Mr. JOSEPH: Petition of citizens of Socorro, N. Mex., requesting the appointment of a commission to investigate land grants in New Mexico—to the Committee on the Public Lands.

By Mr. LYMAN: Petition of the Board of Trade of Socorro, N. Mex., asking a settlement of a land grant near said city—to the same committee.

Also, resolutions of the New York Board of Trade and Transportation, in favor of the passage of the bill providing for seacoast defenses—to the Committee on Appropriations.

By Mr. MORRISON: Resolution of the Illinois General Assembly, for pension of soldiers over sixty years of age—to the Committee on Invalid Pensions.

Also, memorial of executive committee National Drill and Encampment—to the Committee on Military Affairs.

By Mr. NEECE: Resolution of the house of representatives of Illinois, relative to pension legislation—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of the Board of Trade of Socorro, N. Mex., relative to titles to certain land grants—to the Committee on the Public Lands.

By Mr. OSBORNE: Petition of the Board of Trade of Socorro, N. Mex.—to the same committee.

Also, petition of the New York Board of Trade and Transportation, relating to coast defenses—to the Committee on Appropriations.

Also, petition of R. McDaniel, late of Company F, First Regiment Mounted Rifles, for muster and discharge—to the Committee on Military Affairs.

By Mr. PARKER: Petition of the Board of Trade of Socorro, N. Mex., in favor of a bill establishing the Socorro land grant—to the Committee on the Public Lands.

Also, resolutions of the New York Board of Trade and Transportation, in favor of seacoast defenses—to the Committee on Appropriations.

By Mr. PAYSON: Resolutions of the house of representatives of the State of Illinois, for pensioning all honorably discharged soldiers of the Union Army who are sixty years of age and dependent, &c.—to the Committee on Invalid Pensions.

By Mr. PEEL: Petition of the Board of Trade of Socorro, N. Mex., relative to titles to certain land grants—to the Committee on the Public Lands.

By Mr. PERKINS: House concurrent resolution of the Legislature of Kansas, asking for legislation readjusting the grants of lands heretofore made to railroad corporations—to the same committee.

Also, concurrent resolution of the same, for legislation in behalf of the Union soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. PLUMB: Resolutions of the house of representatives of Illinois, asking that pensions be granted to all honorably discharged and dependent soldiers sixty years of age and over—to the same committee.

By Mr. RANDALL: Petition of the Board of Trade of Sorocco, N. Mex., to settle unconfirmed land grant—to the Committee on the Public Lands.

By Mr. REED: Petition of Thompson Post, of Cornish, and of George F. Shepley Post, Grand Army of the Republic, of Gray, Me., in favor of the Edmunds-Tucker anti-Mormon bill—to the Committee on the Judiciary.

By Mr. RIGGS: Papers to accompany bill for the relief of W. H. H. Hardin—to the Committee on Military Affairs.

Also, resolution of the General Assembly of Illinois, in favor of pensioning all honorably discharged soldiers who are above sixty years of age and dependent—to the Committee on Invalid Pensions.

By Mr. SENEY: Petition of M. W. Browne, for legislation to settle land titles in New Mexico—to the Committee on the Public Lands.

By Mr. SOWDEN: Petition of Charles Deiter, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Petition of the Board of Trade of Socorro, N. Mex., relative to titles to certain land grants—to the Committee on the Public Lands.

By Mr. STAHLNECKER: Petition of the New York Board of Trade and Transportation, in favor of seacoast defenses—to the Committee on Appropriations.

Also, petition of the Board of Trade of Socorro, N. Mex., relative to certain land-grant titles—to the Committee on the Public Lands.

Also, memorial of the Legislative Assembly of New Mexico, for the settlement of the Mexican and Spanish land grants in New Mexico and adjoining Territories—to the same committee.

By Mr. STRAIT: Memorial of the Legislature of Minnesota, for the relief of Capt. Anson Northrup—to the Committee on War Claims.

By Mr. I. H. TAYLOR: Petition of M. H. Foland and others, praying for the passage of the bill (H. R. 4203) for the relief Charles White—to the Committee on Invalid Pensions.

By Mr. TRIGG: Petition of W. A. French and others, relating to sale and manufacture of spirituous liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. VAN SCHAICK: Petition of Martha M. Gates, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. VOORHEES: Petition of citizens of Whatcom County, Washington Territory, praying for an appropriation for the improvement of the Nooksachk River in said Territory—to the Committee on Rivers and Harbors.

Also, petition of the executive committee of the Grand Lodge of Good Templars of Washington Territory, praying for the favorable consideration of Senate bill 1579—to the Committee on the District of Columbia.

By Mr. WARD: House resolution of the General Assembly of Illinois, relative to pensions—to the Committee on Invalid Pensions.

By Mr. WINANS: Petition of the executive committee of the Grand Lodge of Good Templars of Michigan, for the passage of Senate bill 1599—to the Committee on the District of Columbia.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. J. M. CAMPBELL: Citizens of Berlin, Pa.

By Mr. CUTCHEON: Of 20 citizens of Onekama, Mich.

By Mr. FLEEGER: Of 98 citizens of G ıy's Mills, Pa.

By Mr. GIBSON: Of citizens of Kent County, Maryland.

By Mr. GROUT: Of the Congregational and Baptist churches of Brattleborough, Vt.

By Mr. JAMES: Of George Washington Lodge, No. 61, Loyal Orange Institution, of Troy, N. Y.

By Mr. KETCHAM: Of 81 citizens of Claverack, N. Y.

By Mr. MITCHELL: Of 41 citizens of Branford, Conn.

By Mr. ROMEIS: Of 67 citizens of Brandon, Ohio.

By Mr. CHARLES STEWART: Of sundry citizens of Grimes County, Texas.

SENATE.

TUESDAY, *February* 15, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

GOVERNMENT BUILDINGS AND WHARF AT SITKA.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury transmitting a letter from the Supervising Architect of that Department relative to an appropriation for Government buildings and wharf at Sitka, in Alaska; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a petition of 26 citizens of Missouri praying for legislation in behalf of alleged heirs to certain property in New York. The petition will lie on the table for the present, as the Chair is not advised of any committee that has charge of such a matter.

Mr. ALLISON presented a petition of druggists of Clinton, Lyons, and De Witt, in the State of Iowa, praying for the repeal of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. HARRISON presented the petition of William E. Yost and 23 other citizens and live-stock raisers of Indiana praying for the passage of what is known as the Miller bill, for the suppression of pleuro-pneumonia; which was referred to the Committee on Agriculture and Forestry.

Mr. HAWLEY presented the petition of Patrick O'Farrell and 25 other residents of Washington, D. C., praying for the passage of the bill authorizing the construction of a cable street railway in Washington; which was referred to the Committee on the District of Columbia.

Mr. MAHONE presented the petition of Charles H. Lee, of Loudoun County, Virginia, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented the petition of David L. Pool, of Lexington, Va., praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. HALE presented resolutions adopted by the Merchants' Exchange and Board of Trade of Portland, Me., favoring such measures of legislation "as will place our seaboard cities in a proper condition of defense to impart a confidence to the people of continued tranquility;" which were ordered to lie on the table.

Mr. PLUMB presented the petition of John Dunnell, of Butler County, Kansas, praying to be allowed a pension on account of the services of his father who was a soldier in the Revolutionary war; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes, reported it with amendments.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11111) granting an increase of pension to Benjamin F. Hilliker;

A bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin;

A bill (H. R. 9664) placing the name of Mrs. Lydia Burdick on the pension-roll;

A bill (H. R. 9170) for the relief of Green Fields;

A bill (H. R. 9401) granting an increase of pension to H. H. Dodd;

A bill (H. R. 4745) granting a pension to William S. Bewley;

A bill (H. R. 10262) granting a pension to Lawrence O'Conner;

A bill (H. R. 8829) granting a pension to Jacob Teits;

A bill (H. R. 731) granting a pension to William H. Heister;

A bill (H. R. 8067) to pension Andrew J. Vanorder;

A bill (H. R. 8384) for the relief of Mahala Brown; and

A bill (H. R. 6732) for the relief of General Speed S. Fry.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8798) granting a pension to Thomas J. Hays;

A bill (H. R. 9928) granting a pension to Moses Williams;

A bill (H. R. 10050) to increase the pension of Capt. Frank Bell;

A bill (H. R. 7221) granting a pension to Thomas B. Walsh;

A bill (H. R. 8826) granting a pension to Mary M. Thompson;

A bill (H. R. 6918) to increase the pension of Lewis M. Strong;

A bill (H. R. 942) granting a pension to Penelope Morton, widow of Lieut. James Morton;

A bill (H. R. 1903) granting a pension to Henry Canode; and

A bill (H. R. 5927) for the relief of Louisa Kearney.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the petition of Louise Paul, praying for an increase of pension, submitted a report thereon accompanied by a bill (S. 3305) granting a pension to Louise Paul; which was read twice by its title.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 329) for the removal of the charge of desertion against the record of John S. Prall, has instructed me to report it back to the Senate. The report in this case was made in the House of Representatives on the 15th of April, 1886, and a general act for the removal of charges of desertion was enacted on the 17th of May, 1886. This case comes clearly under the provisions of the general law, and the committee ask to be discharged from the further consideration of the bill, and that the claimant be remitted to the Secretary of War for the correction of his record.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill be postponed indefinitely, which is the usual order in such cases. That order will be made if there be no objection.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8591) directing the Secretary of War to cause the name of Fred. B. Barnes to be entered as a private on the muster-roll of Company I, Seventh Tennessee Cavalry, and for other purposes;

A bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers;

A bill (H. R. 9905) for the relief of William C. Spencer;

A bill (H. R. 6937) for the relief of George D. Paul;

A bill (H. R. 1710) for the relief of T. J. Payne;

A bill (H. R. 3365) for the relief of the heirs or legal representatives of Samuel H. Moer;

A bill (H. R. 5935) to remove the charge of desertion against William Figley; and

A bill (H. R. 5056) for the relief George Lemon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9860) to correct the record of the military service of James W. Kingon, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL. I am also directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 1657) for the relief of Patrick S. Doig, to report it adversely, and to recommend that the bill be indefinitely postponed. It may be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3192) to remove the charge of desertion against Alfred G. Romine, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10790) authorizing the President to return the Twiggs sword, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2844) for the relief of Delphine P. Baker, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 19) for the relief of Silas D. Baldwin, reported adversely thereon, and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 3147) to establish range-lights on or near the north training wall, Oakland Harbor, California, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2965) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, reported it with an amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2923) to provide for the sale of certain portions of the Fort Leavenworth Military Reservation, reported it with an amendment, and submitted a report thereon.

COMMITTEE ON FINANCE.

Mr. MORRILL. I am directed by the Committee on Finance to ask leave for that committee to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. If there be no objection, the Committee on Finance will have leave to sit during the sessions of the Senate. The Chair hears no objection, and it is so ordered.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 215) to provide for printing the Third Annual Report of the Bureau of Animal Industry, to report it favorably without amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

Resolved, &c., That there be printed 35,000 of the Third Annual Report of the Bureau of Animal Industry for the year 1886, of which 10,000 copies shall be for the use of the members of the Senate, and 20,000 copies for the use of the members of the House of Representatives, and 5,000 copies for the use of the Department of Agriculture; the illustrations to be executed under the supervision of the Public Printer, in accordance with the directions of the Joint Committee on Printing, the work to be subject to the approval of the Commissioner of Agriculture.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE TRADE-DOLLAR.

Mr. JONES, of Nevada. I am instructed by the Committee on Finance, to whom was referred the amendment of the House of Representatives to the bill (S. 199) for the retirement and recoinage of the trade-dollar, to report it back and recommend non-concurrence in the amendment of the House, and to ask for a committee of conference.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate non-concur in the amendment of the House of Representatives, and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. JONES, of Nevada, Mr. MORRILL, and Mr. BECK were appointed.

JUDICIAL DISTRICTS IN MISSOURI.

Mr. VEST. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes, to report it favorably with amendments. I ask for the immediate consideration of the bill. It has been amended, and I wish to have a committee of conference appointed upon it at once. It is a local matter.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. If there be no objection the amendments of the Committee on the Judiciary will be acted upon as the reading of the bill proceeds.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on the Judiciary was, in section 2, line 16, after the word "Hannibal," to strike out the words:

And shall be styled the district court (or the circuit court, as the case may be) of the United States for the northern division of the eastern district of Missouri.

The amendment was agreed to.

The next amendment was, in section 2, line 31, after the words "Saint Joseph," to strike out the words:

And shall be styled the district court (or the circuit court, as the case may be) of the United States for the Saint Joseph division of the western district of Missouri.

The amendment was agreed to.

The next amendment was, in section 2, line 39, after the word "Springfield," to strike out the words:

And they shall be styled the district court of the United States for the southern division of the western district of Missouri.

The amendment was agreed to.

The next amendment was, in section 3, line 14, after the words "shall be," to strike out the words:

Fixed without delay by the judge of the district court of the proper district.

And insert:

At the city of Hannibal on the first Mondays in May and November; at the city of Saint Joseph on the first Mondays of April and October; at the city of Springfield on the first Mondays of February and August.

So as to read:

The times of holding said terms of court in the city of Saint Louis, the city of Kansas, and the city of Jefferson shall be held at the times now established by law, and in the other divisions herein named the times of holding said terms of court shall be at the city of Hannibal on the first Mondays in May and November; at the city of Saint Joseph on the first Mondays of April and October; at the city of Springfield on the first Mondays of February and August.

The amendment was agreed to.

The next amendment was, in section 3, line 19, after the word "purposes," to insert "as to all civil causes and proceedings," and in line 22, after the word "purposes," to insert "as to all civil causes and proceedings;" so as to read:

That the counties of Cedar, Polk, Green, Dade, Lawrence, Newton, McDonald, Barry, and Stone, of the southern division of the western district aforesaid, be, and they are hereby, attached to the western division of the western district for circuit-court purposes as to all civil causes and proceedings; and that all other counties in said southern division of the western district be, and they are hereby, attached to the central division of the western district for circuit-court purposes as to all civil causes and proceedings.

The amendment was agreed to.

The next amendment was to add to section 3:

And whenever the circuit and district courts in either of said districts or divisions shall be held at the same time and place, jurors shall not be summoned for each of said courts, but for both said courts, and they shall act accordingly as grand and petit jurors for both said courts.

The amendment was agreed to.

The next amendment was, in line 4, section 4, after the word "reside," to strike out the words "or may be found;" so as to read:

That hereafter all suits to be brought in the courts of the United States in Missouri, not of a local nature, shall be brought in the division having jurisdiction over the county where the defendants or either of them reside; but if there be more than one defendant, and a part of them reside in different divisions or districts of said State, the plaintiff may sue in either division of either district where one of such defendants resides, and send duplicate writs to the other division or district, directed to the marshal of said district, on which said writs shall be indorsed, by the plaintiff or his attorney, that the same is a duplicate of the original writ sued out of the court of the proper division and district.

The amendment was agreed to.

The next amendment was, in section 6, line 1, after the word "all," to insert "civil;" and in line 6, after the word "established," to strike out "shall" and insert "may, in the discretion of the court;" so as to read:

That all civil causes and proceedings in law, equity, or bankruptcy now pending in any district or circuit court of the United States in the State of Missouri, where all the defendants (or plaintiffs, where the jurisdiction is derived from the residence of the plaintiffs) shall reside in either of the divisions in which courts are hereby established, may, in the discretion of the court, be transferred to the court of the division in which the defendants (or plaintiffs, where the jurisdiction is derived from their residence) reside, and the transfer may be made in vacation or in term-time.

The amendment was agreed to.

The next amendment was, in section 6, line 19, after the word "districts," to strike out all down to and including the word "committed," in line 25; as follows:

All prosecutions for crimes and offenses, now pending in any of the courts in said eastern and western district, or any division thereof, shall be terminated by final adjudication therein, and all such prosecution hereafter commenced shall be commenced and prosecuted in the division where the offenses were committed.

And in lieu thereof to insert:

All crimes and offenses heretofore committed within either of said districts shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

The amendment was agreed to

The next amendment was, in section 7, line 1, after the word "shall," to strike out "fix" and insert "hold;" in line 11, after the word "shall," to strike out "fix" and insert "hold;" and in line 20, after the word "shall," to strike out "fix" and insert "hold;" so as to make the section read:

That before the judge shall hold the terms of courts at Saint Joseph he shall have satisfactory evidence that the county court of Buchanan County has provided and set apart for the use of said courts a court-room, clerk's office, mar-

shal's office, and attorney's office, free of expense to the United States for rent therefor, to be used and occupied until the completion of the public building belonging to the United States Government now in process of construction at said city of Saint Joseph, at which time the courts shall be held and said offices established in said public building; and before the judge shall hold the terms of court at Hannibal he shall have satisfactory evidence that the county court of Marion County has provided and set apart for the use of said courts a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor, to be used and occupied until the completion of the public building belonging to the United States Government now in process of construction at said city of Hannibal, at which time the courts shall be held and said offices established in said public building; and before the court or judge shall hold the terms of said court at Springfield he shall have satisfactory evidence that the county court of Greene County has provided and set apart for the use of said court a court-room, clerk's office, marshal's office, and attorney's office, free of expense to the United States for rent therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. VEST. I move that the Senate insist upon its amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. WILSON of Iowa, and Mr. EVARTS were appointed.

ORDER OF BUSINESS.

Mr. GEORGE. I ask unanimous consent to consider and pass a bill reported by the Committee on the Judiciary of the same nature as the one just passed, only a great deal shorter. It is Order of Business 2154, being the bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss.

The PRESIDENT *pro tempore*. Does the Senator report the bill from the Committee on the Judiciary?

Mr. GEORGE. I reported it on the 8th of February.

The PRESIDENT *pro tempore*. The bill being on the Calendar, a motion to take it up is not now in order except by unanimous consent.

Mr. GEORGE. I ask unanimous consent.

Mr. BUTLER. I do not know that I shall object, but——

The PRESIDENT *pro tempore*. Does the Senator rise to morning business?

Mr. BUTLER. No, sir; I rose to make a proposition.

Mr. HARRISON. There is morning business yet to be transacted, and I suggest that we finish the morning business before we take up bills on the Calendar.

The PRESIDENT *pro tempore*. Morning business has precedence under the rule. If there are no further reports of standing and select committees the introduction of bills and joint resolutions is the next business in order.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 3306) for the relief of St. Vincent's Orphan Asylum, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 3307) granting a pension to Robert A. Bride or McBride; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3308) for the relief of John S. Anderson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM (by request) introduced a bill (S. 3309) for the relief of N. J. Smith, chief eastern band Cherokees of North Carolina; which was read twice by its title.

Mr. CULLOM. I am also requested to move that the bill be referred to the Committee on Appropriations.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VAN WYCK (by request) submitted an amendment intended to be proposed to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

J. E. MACKLIN.

On motion of Mr. HARRISON, it was

Ordered, That the Committee on Military Affairs be discharged from the further consideration of the case of J. E. Macklin, and that he have leave to withdraw his papers from the files of the Senate, no adverse report having been made thereon.

ALLEGED OUTRAGES IN TEXAS.

Mr. HOAR. I offer the following resolution, and ask for its adoption:

Resolved, That the Committee on Privileges and Elections, or the subcommittee of said committee who were authorized to inquire into certain alleged transactions in the State of Texas, be further authorized and directed, with the powers heretofore conferred upon them, to inquire whether there has been any attempt by the United States district attorney for the western district of Texas, or by the marshal of said district, or any of his deputies, to interfere with or obstruct said investigation, or to obstruct or intimidate witnesses for whom subpœnas have been issued by the authority of the Senate to appear before said committee and to report the facts and what action ought to be taken by the Senate in the premises.

Mr. COKE. I ask that the resolution go over.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

SENATE CHAMBER CEILING.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Architect of the Capitol be directed to examine the glass panels in the ceiling of the Senate Chamber, and have such repairs as may be necessary made without delay.

COMPLIANCE WITH PACIFIC RAILROAD FUNDING ACT.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was read:

Whereas it is provided in section 11 of the act known as the "Pacific railroad funding act," approved May 7, A. D. 1878, and more commonly called "the Thurman funding act," as follows: "That if either of said railroad companies shall fail to perform all and singular the requirements of this act and of the acts hereinbefore mentioned, and of any other act relating to said company, to be by it performed, for the period of six months next after such performance may be due, such failure shall operate as a forfeiture of all the rights, privileges, grants, and franchises derived or obtained by it from the United States; and it shall be the duty of the Attorney-General to cause such forfeiture to be judicially enforced:" Therefore,

Resolved, That the Attorney-General be, and he hereby is, directed to advise the Senate at his earliest practicable convenience whether the Union Pacific and Central Pacific Railroad Companies, or either of them, have for the period of six months or longer next after such performance was due, in any manner, and if so in what manner, and when, and to what extent, failed to perform any of the requirements of said act, or of the acts of which it is amendatory, or to which it is supplemental, or of any act relating to such companies or either of them, and if so what requirements; and if there has been any such failure upon the part of said companies or either of them for the period of six months or longer, whether any proceedings, and if so their nature and when commenced, have been instituted by the Attorney-General for the purpose of judicially enforcing a forfeiture as required by the eleventh section of such act, of all the rights, privileges, grants, and franchises derived or obtained from the United States by such company or companies so in default.

Mr. MITCHELL, of Oregon. I move that the resolution be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

EXTRA HOURS OF CLERICAL EMPLOYÉS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution submitted yesterday by the Senator from Illinois [Mr. CULLOM], which comes over under objection.

The resolution was read, as follows:

Resolved, That the Secretary of War be directed to inform the Senate as to what unusual necessity, if any, now exists for requiring a certain part of the clerks in the offices of the Adjutant-General and Surgeon-General to work extra hours.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

WILLIAM WEBSTER.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution reported by the Senator from Alabama [Mr. MORGAN], from the Committee on Foreign Relations, on the petition of William Webster, relative to a claim for indemnity from Great Britain, which comes over by unanimous consent to be laid before the Senate this morning.

Mr. MORGAN. By consent of the Senator from Vermont [Mr. EDMUNDS] and myself, members of the committee who are investigating a new point raised in the matter, we both consent to ask that the resolution may go over without prejudice.

The PRESIDENT *pro tempore*. There being no objection, the resolution goes over until to-morrow without prejudice.

ALPHEUS R. FRENCH.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1582) for the relief of Alpheus R. French, which was to strike out "fifty" and insert "thirty" before the word "dollars."

Mr. SAWYER. I move that the Senate non-concur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. BLAIR, and Mr. SABIN were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8586) to amend section 685 of the Revised Statutes relating to the District of Columbia;

A bill (H. R. 9064) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes;

A bill (H. R. 9469) relating to arrears of taxes in the District of Columbia;

A bill (H. R. 10513) to provide for the maintenance of order in the District of Columbia during the National Guard competition and parades;

A bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia;

A bill (H. R. 10562) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883;

A bill (H. R. 10758) to secure for the District of Columbia a compilation of the laws in force therein on the 4th day of March, 1887, to provide for the appointment of a reporter for the supreme court of said district, and for other purposes;

A bill (H. R. 10799) for the relief of St. Dominick's church, in the District of Columbia;

A bill (H. R. 10824) to incorporate the reform school for girls of the District of Columbia;

A bill (H. R. 10897) to regulate the subdivision of land within the District of Columbia;

A bill (H. R. 10899) to regulate the construction of street railroads and of the pavements between and adjacent thereto, and for other purposes;

A bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes;

A bill (H. R. 10991) to quiet title to certain land in the city of Washington, D. C.;

A bill (H. R. 11063) extending the charter of "The President and Directors of the Firemen's Insurance Company of Washington and Georgetown," in the District of Columbia; and

A bill (H. R. 11074) directing the commissioners of the District of Columbia to establish streets and avenues in the county of Washington, District of Columbia, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4308) to regulate steam-engineering in the District of Columbia.

The message also anounced that the House had passed the bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting material to fill about the base of the Washington Monument.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States;

A bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A bill (H. R. 6976) to erect a public building at Portsmouth, Ohio;

A bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y.; and

A bill (H. R. 10305) to increase the appropriation for a public building at Brooklyn, N. Y.

ORDER OF BUSINESS.

Mr. CAMERON. I move that the Senate proceed to the consideration of the bill (S. 3286) to increase the naval establishment.

The PRESIDENT *pro tempore.* The morning business having closed, the Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. BUTLER. I shall move to substitute——

The PRESIDENT *pro tempore.* It is not——

Mr. BUTLER. It is not debatable; I am aware of that; but I have a right to make a motion that House bill 6966 be substituted for the bill moved by the Senator from Pennsylvania. I am in favor of his bill, but it was understood yesterday between the Senator from Connecticut [Mr. PLATT] and myself that House bill 6966 should be taken up and considered this morning. I am satisfied it will require a very short time, and I therefore move that the Senate proceed to its consideration.

The PRESIDENT *pro tempore.* That motion is not now in order. Pending a motion to take up a particular bill, it is not in order to move to amend it by taking up some other bill. After the bill moved by the Senator from Pennsylvania is taken up for consideration it will then be in order to move to proceed to the consideration of any other bill.

Mr. INGALLS. Before the Chair rules on that proposition, I should like to have his interpretation of the second clause of Rule IX, which appears on page 142 of the Manual. I should favor the motion of the Senator from Pennsylvania, but it appears to me that before the arrival of 2 o'clock it is in order, a motion to proceed to the consideration of one bill being pending, to move to proceed to the consideration of another bill, without debate.

The PRESIDENT *pro tempore.* The Chair is of opinion that under the second clause of Rule IX, such a motion is very clearly not in order. The clause of Rule IX referred to reads as follows:

> Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

The proposition of the Senator from South Carolina is in the nature of an amendment to the motion of the Senator from Pennsylvania.

Mr. BUTLER. Precisely. I entirely concur with the ruling of the Chair. I think, however, in case the Senate decides to take up the bill moved by the Senator from Pennsylvania, it will then be competent for me to move to substitute House bill 6966 for the bill which the Senator from Pennsylvania has in charge.

The PRESIDENT *pro tempore.* Certainly, after the motion of the Senator from Pennsylvania is agreed to it will be in order to move to take up any other bill.

Mr. HARRIS. This is a motion to take up a bill. What is the regular order if that motion should fail?

The PRESIDENT *pro tempore.* The regular order would be the call of House bills under the Harris rule, as it is commonly known.

Mr. HARRIS. I ask for the yeas and nays upon the motion to take up any bill to the exclusion of the regular order.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of the bill (S. 3286) to increase the naval establishment, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. VANCE (when his name was called). On this question I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present I should vote "nay."

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote, and therefore I abstain from voting.

Mr. COLQUITT. I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. HARRIS (after having voted in the negative). I wish to inquire if the Senator from Vermont [Mr. EDMUNDS] is recorded as voting on this question.

The PRESIDENT *pro tempore.* He is not recorded as voting.

Mr. HARRIS. I ask his colleague [Mr. MORRILL] if he knows how the Senator from Vermont [Mr. EDMUNDS] would vote on this question.

Mr. MORRILL. I presume he would vote "yea." I certainly have voted "yea."

Mr. HARRIS. In view of that statement, I withdraw my vote, being paired with the Senator from Vermont [Mr. EDMUNDS].

The result was announced—yeas 39, nays 15; as follows:

YEAS—39.

Allison,	Eustis,	Ingalls,	Ransom,
Blair,	Evarts,	McMillan,	Sawyer,
Bowen,	Fair,	Mahone,	Sherman,
Butler,	Farwell,	Miller,	Spooner,
Cameron,	Frye,	Mitchell of Oreg.,	Stanford,
Cheney,	Gibson,	Morgan,	Teller,
Conger,	Gorman,	Morrill,	Whitthorne,
Cullom,	Hale,	Payne,	Williams,
Dawes,	Harrison,	Platt,	Wilson of Iowa,
Dolph,	Hawley,	Plumb,	

NAYS—15.

Beck,	Coke,	Maxey,	Voorhees,
Berry,	George,	Pugh,	Walthall,
Call,	Hampton,	Saulsbury,	Wilson of Md.
Cockrell,	Jones of Arkansas,	Vest,	

ABSENT—22.

Aldrich,	Edmunds,	Kenna,	Sabin,
Blackburn,	Gray,	McPherson,	Sewell,
Brown,	Harris,	Manderson,	Vance,
Camden,	Hoar,	Mitchell of Pa.,	Van Wyck.
Chace,	Jones of Florida,	Palmer,	
Colquitt,	Jones of Nevada,	Riddleberger,	

So the motion was agreed to.

Mr. BUTLER. I voted for the consideration of the bill just taken up, but I move now that the further consideration of the bill just taken up by the Senate be postponed, and that the Senate proceed to the consideration of House bill 6966.

Mr. BECK. I object.

Mr. BUTLER. It is the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory. As I said yesterday, it is a matter of the very last consequence to the people of that Territory that this bill be acted upon as early as possible. It involves——

The PRESIDENT *pro tempore.* The Chair must remind the Senator that debate is not in order.

Mr. BUTLER. I ask unanimous consent simply to make a statement.

The PRESIDENT *pro tempore.* If there be no objection, the Senator will proceed.

Mr. VAN WYCK. I trust there may be order in the Hall that we may hear what the Senator from South Carolina is saying.

The PRESIDENT *pro tempore*. The Senate will please come to order. Senators will resume their seats.

Mr. BUTLER. It involves a matter of some $300,000 to the people of that Territory this year. Under an act of the Territorial Legislature of Washington, known as the gross-earnings act——

Mr. CAMERON. Is that bill before the Senate?

The PRESIDENT *pro tempore*. The bill is not before the Senate; but the Senator from South Carolina, by unanimous consent, is discussing his motion.

Mr. HARRIS. The Senator from South Carolina moved to postpone the naval bill, and that motion would be debatable.

The PRESIDENT *pro tempore*. That motion is debatable, but the motion put by him is not, in that form. The Senator has unanimous consent to make a statement.

Mr. BUTLER. I was proceeding to say that under the provisions of an act of the Territorial Legislature of Washington Territory known as the gross-earnings act, the railroads of that Territory are exempt from taxation upon all their property. Within the last year or so there have been 12,000,000 acres of land withdrawn by the Northern Pacific Railroad Company that are not taxed at all. If under the act of July 10 of the last session of Congress the Territorial Legislature of Washington could meet within a reasonable time and repeal that law, it would pay into the Territorial treasury some $337,000. Under what is known as the gross-earnings act passed, as I stated, in 1883, they have never paid certainly more than $75,000.

Now, I submit that as an act of common justice to those people, the tax-payers of that Territory, this Senate ought to act upon this bill. The House of Representatives passed the bill on the 1st of last May. It was referred to the Committee on Territories on the 3d of that month, and there it has slept since. That committee has now reported adversely, with the views of the minority. I simply appeal to the Senate, as an act of common justice to the tax-payers of the Territory, that this railroad company and other railroad companies should be required to pay their proportionate share of the taxes for the support of the government of the Territory.

That is all that is involved in the bill. The bill simply provides that the Legislature shall meet, as I propose to amend it, on the first Monday in March next so as to enable the Legislature to repeal that gross-earnings act and subject to taxation the property of the railroads that run through the Territory.

I will state for the information of the Senate that, with the exception of Washington Territory, the railroad property is taxed in every Territory and State through which the Northern Pacific Railroad runs.

Mr. PLATT. The lands are not.

Mr. BUTLER. The lands are taxed; at least that is my information.

Mr. PLUMB. Has not the governor of the Territory authority to convene the Legislature?

Mr. BUTLER. He has authority to convene the Legislature in special sessions, but this does not involve the necessity of a special session. It simply changes the time of the biennial session.

Mr. PLUMB. There is a remedy in the hands of the governor.

Mr. BUTLER. There is a remedy if the people of the Territory are subjected to the additional expense of an extra session; but why do that when Congress has the power under this bill to enable that Legislature to meet not quite ten months in advance of the time now provided by law.

I will state further, while I am on my feet, that the delegates elected to the present Legislature were elected on the first Tuesday after the first Monday in November last. That Legislature does not assemble until the first Monday in December of this year, thirteen months after the election, and I am informed that the Legislature was elected with the distinct understanding that this very oppressive and unjust, and I was about to say iniquitous, law should be repealed. They are committed to its repeal. As I stated awhile ago, I think I shall be able to demonstrate when the time comes that it will make a difference of $337,000 to the people of that Territory if we can get that act repealed.

Mr. VAN WYCK. May I ask the Senator, has the bill passed the House?

Mr. BUTLER. I stated awhile ago that it passed the House on the first of last May.

Mr. VAN WYCK. The bill only requires to go through the Senate, then?

Mr. BUTLER. It only requires the concurrence of the Senate. Now, I ask that the bill be taken up and considered, and that the further consideration of the bill in charge of the Senator from Pennsylvania be postponed, and upon that I ask for the yeas and nays.

Mr. BECK. Before the yeas and nays were called on the motion of the Senator from Pennsylvania [Mr. CAMERON] I rose to make a remark, but being out of order then, I gave way. I only rise now to say that I have been voting with the Senator from Tennessee [Mr. HARRIS] continuously to preserve the morning hour in order that we might pass the House bills which are now before the Senate and do something, and not because I was seeking to oppose any bill any gentleman desires to call up. The bill of the Senator from Pennsylvania will come up at 2 o'clock anyhow. The bill of the Senator from South Carolina will be reached in its place if we go on with the Calendar. I want to reserve the morning hour for House bills on the Calendar, and my vote "nay" does not indicate opposition to any particular measure, but only a desire on my part to clear the Calendar of House bills.

Mr. BUTLER. I have been as earnest as the Senator from Kentucky to adhere to that.

Mr. PLUMB. Is this debate in order?

The PRESIDENT *pro tempore*. On the motion to postpone the pending bill debate is in order. The Senator from South Carolina now makes that motion.

Mr. BUTLER. I have been as anxious as any Senator to adhere to the Harris rule, as it is called, but it has not been certainly more than half an hour since the Senate, in the face of that rule, has passed a long bill here in regard to courts in Missouri, and I heard not one single objection to the consideration of that bill. Now, here is a bill, as I have stated again and again, of the very first consequence to the people of Washington Territory, and yet I have not been able to get the Senate to consider it even. I submit that it is an act of injustice to the people of that Territory. They are entitled to be heard and have this bill considered in their interest. I therefore insist on my motion.

Mr. PLATT. Mr. President, I dislike to detain the Senate from the discussion of the bill which has just been taken up with reference to the increase of our Navy, and therefore I will simply at this time say this: There is no disposition on the part of the majority of the Committee on Territories to postpone the consideration of the bill mentioned by the Senator from South Carolina. The majority of the committee have reported adversely to it in the belief that the tax-payers of Washington Territory do not want at the present time its legislature to convene in the month of March. I will not reply at length to what has been said by the Senator from South Carolina; I simply leave the matter upon the statement I have just made. The majority of the committee has no desire to delay the bill, and if it were not for the importance of the bill which has been taken up, I should be very glad to have it considered this morning, but I must vote against taking it up now.

Mr. BUTLER. I understood that the Senator from Connecticut agreed yesterday, and it is so announced in the RECORD, to assist me in getting up this bill to-day. While the majority of the Committee on Territories perhaps have not a disposition to postpone it, they have certainly shown no inclination whatever to expedite its consideration.

Mr. PLATT. I will meet that when it comes. When the vote came up on the question of whether this measure of great public importance should be taken up or not, I was bound to vote in favor of that.

Mr. BUTLER. I call for the yeas and nays on my motion.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The motion is to postpone the pending bill and take up the bill referred to by the Senator from South Carolina.

The yeas and nays were taken.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. HARRIS. I am paired with the Senator from Vermont [Mr. EDMUNDS], and not knowing how he would vote on this question if present, I withhold my vote.

The result was announced—yeas 20, nays 37; as follows:

YEAS—20.

Beck,	Coke,	Hampton,	Van Wyck,
Berry,	Eustis,	Jones of Arkansas,	Vest,
Butler,	Fair,	Maxey,	Voorhees,
Call,	George,	Saulsbury,	Whitthorne,
Cockrell,	Gibson,	Vance,	Wilson of Md.

NAYS—37.

Aldrich,	Farwell,	Miller,	Sherman,
Allison,	Frye,	Mitchell of Oreg.,	Spooner,
Blair,	Gorman,	Morgan,	Stanford,
Bowen,	Hale,	Morrill,	Teller,
Cameron,	Harrison,	Payne,	Walthall,
Cheney,	Hawley,	Platt,	Williams,
Conger,	Hoar,	Plumb,	Wilson of Iowa.
Cullom,	Ingalls,	Pugh,	
Dolph,	McMillan,	Ransom,	
Evarts,	Mahone,	Riddleberger,	

ABSENT—19.

Blackburn,	Dawes,	Jones of Nevada,	Palmer,
Brown,	Edmunds,	Kenna,	Sabin,
Camden,	Gray,	McPherson,	Sawyer,
Chace,	Harris,	Manderson,	Sewell.
Colquitt,	Jones of Florida,	Mitchell of Pa.,	

So the motion was not agreed to.

INCREASE OF NAVAL ESTABLISHMENT.

The PRESIDENT *pro tempore*. The bill (S. 3286) to increase the naval establishment is before the Senate as in Committee of the Whole.

Mr. HALE. I believe all the amendments that were offered yesterday were disposed of.

The PRESIDENT *pro tempore*. No amendment is pending.

Mr. HALE. I do not wish to delay the passage of the bill, but I

offer an amendment to strike out all of section 3 down to and including the word "beyond" in line 7, and to insert:

The contract for the construction of said vessels shall contain provisions to the effect that the contractor guarantees that when completed and tested for speed under conditions to be prescribed by the Navy Department, the vessels shall exhibit a maximum speed of at least twenty knots per hour, and for every quarter knot of speed so exhibited above said guarantee the contractor shall receive a premium over and above his contract price of $50,000, and for every quarter knot that said vessel fails of reaching said guaranteed speed there shall be deducted from the contract price the sum of $50,000.

Mr. VAN WYCK. Then I understand the amendment of the Senator from Maine practically ignores the main feature of the bill as offered by the Senator from Pennsylvania. As I read his remarks, the great point of this bill is to fix to a certainty that these cruisers shall make 20 knots an hour; and now another member of the Committee on Naval Affairs, the Senator from Maine, now opens the door to escape from that which was to be the main feature of the bill, by providing that the speed may be less than 20 knots an hour and saying what shall be the forfeiture or upon what terms they may make less than 20 knots an hour.

I should like to ask my friend from Maine or the Senator from Pennsylvania how many war vessels to-day in the world are making 20 knots an hour.

Mr. CAMERON. I believe there is but one.

Mr. HALE. When the Senator from Nebraska is through I will answer what he says.

Mr. VAN WYCK. I will pause, then, in my remarks, and let the Senator from Maine take the floor. I prefer to have that question answered before I proceed.

Mr. HALE. The object of this amendment is very plain to anybody who has heard it read. To obtain a speed of 20 knots, sea miles, per hour, would be a great feat in naval construction. It is believed that it can be done. The committee believes that it can be done. The committee believes that American ingenuity and skill, when encouraged as they will be by the passage of this bill and the chance to build these vessels, will produce that almost wonder in naval architecture, a vessel that will make 20 knots an hour. But it has not been done in many cases up to the present time. The Thompsons, ship contractors and builders, have built for the Spanish navy a ship that makes under the severest tests 20 knots per hour. That is more than 22 land miles. The war ship that can do that can overtake nine-tenths and perhaps, ninety-one one-hundredths of all the commercial ships that sail upon the seas. But to obtain that requires the best appliances of skill, that no accident shall happen on the trial, and that there shall be favoring conditions.

Without this amendment the contractor who honestly enters into the contract and strives to attain this maximum speed with the bonus that is offered for the speed above, might find himself a quarter of a knot below 20 knots, with the whole ship thrown upon his hands. The danger is that under these conditions and risks no contractor will dare to enter upon the enterprise. His peril is so great for losing a quarter of a knot an hour that he may not dare to build the ship, and so the whole enterprise is "turned awry," and nothing can be done.

On further consultation with ship-builders and the Department officers, it was deemed advisable to introduce the feature embodied in my amendment; and that is this: Twenty knots per hour is the desideratum. We hope and believe it can be obtained. If the contractor can go a knot beyond he shall have $50,000 for every quarter of a knot, and we can well afford to pay that. Twenty-one knots an hour will give us ships that the world can not equal, and hardly approach. If, on the other hand, he fails in a little and only produces a ship that will make 19¾ knots, which is an amazingly fast ship, he shall forfeit $50,000 of his contract. If he fails in a half knot he shall forfeit $50,000 more. If he produces a 19-knot ship he forfeits $200,000. The ship will cost, we will say, $1,300,000. If he furnishes a 19-knot ship, faster than four-fifths or nine-tenths of the war ships of the globe, he only gets $1,100,000; if he furnishes an 18-knot ship he only gets $900,000 for a ship that, if built as an 18-knot ship, he would get $1,000,000 for; and we could afford to take it. If he furnishes a 17-knot ship, then he only gets $700,000.

The penalty is so tremendous, is so dissuasive of anything like carelessness or lack of earnest endeavor that I believe—and that is my motive in offering the amendment—that it is a safe, practical measure to embody upon this bill. It does not involve the abandonment of the 20-knot speed; but it does encourage contractors and stimulate them to enter upon this great work in a contract with the Government that shall not be their ruin if they fail in a quarter of a knot.

That is why I offer the amendment. I offer it as a practical measure, because I believe it will help the movement; and I do not think it will result, I am sure it will not, in our getting anything but fast ships.

Mr. VAN WYCK. There was so much noise in the Chamber that at this distance I did not catch the Senator's remarks at first in reply to the question as to how many war ships in the world sailed at twenty knots an hour. I did not understand what he said as to that point.

Mr. HALE. I think at present there is but one ship that upon tests and trial and use afterwards has demonstrated clearly a speed of 20 knots an hour. That, as I have said, is a ship that was made by the Thompsons, the great builders, for the Spanish Government. But the Senator understands that year by year the rate of speed attainable by built and used ships has been growing. Fourteen knots was a high rate of speed a few years ago. Then 16 knots; then they crept up to 18; and now the naval architects of the world are striving to reach this maximum of 20 knots per hour. I think it will be done.

Mr. VAN WYCK. We were admonished yesterday that this committee had been a long time wrestling with this question, and that the Congress and the people of the United States had been some twenty years in a wrestle with this question, and the maturity of their judgment and the wisdom of the committee was expressed in this bill—this bill which provided for a speed of 20 knots an hour. That was the able speech of the Senator from Pennsylvania [Mr. CAMERON] who proposed the bill. He said:

A cruiser which makes 15 knots an hour, when the fast passenger steamers that would be pressed into service in war make 18 to 19 knots on every voyage, is of somewhat doubtful utility.

Again:

One of the first authorities in the world on the subject thus gives as his opinion that a still greater speed than 20 knots is demanded. In view of this it would be unwise for us to begin to build ships of a lesser speed.

And the next day comes an amendment from a distinguished Senator, a member of that committee, substantially authorizing the building of vessels at a lesser speed. There is the attitude. The Senator from Pennsylvania tells us that we must not commence to build vessels to have a lesser speed than 20 knots an hour, and the Senator from Maine ingeniously proposes his amendment because some ship-builder suggested it, and therefore it is that he proposes to hedge in this matter, or so that the committee may hedge, or the Navy Department or the contractors may hedge against the Government and against the people, and by his amendment he admits that we shall have to probably commence building vessels which will have a speed of less than 20 knots an hour.

We have the record presented by the Senator from Pennsylvania in his speech of yesterday from the navies of the world, and his arraignment of the people of the United States and this Government that we have no Navy. We have heard that not only in this year but in previous years in the way of denunciation. The record submitted by the Senator from Pennsylvania in this usual arraignment of the people of the United States because we have no Navy, presents the navies of the world, with the speed of their war vessels and their number, and we find that in this record there is recorded but one vessel in the navies of the world that makes 18½ knots an hour. The vessel floating to-day anywhere in the waters of the world that makes 20 knots an hour has not found a place in the catalogue of the navies in it. The highest record is 18½ knots an hour, and there seems to be but one, and that belongs to France. France is the only nation, and she has only one war vessel that seems, according to the statement of the Senator from Pennsylvania, to make 18½ knots an hour.

Mr. President, it would seem perfectly idle to introduce a bill providing that ten vessels shall be built with a speed of 20 knots an hour, when, with all the skill, all the ability, all the expenditure of money by millions, as appears by the Senator's speech, by all the nations of the earth, among all their navies, grand and expensive as they are, they have only one vessel that makes 18½ knots an hour. Now, we propose to do an impossibility, to build ten steamers that will make 20 knots an hour; and that beautiful picture was shown us yesterday, and it went upon the wires throughout the length and breadth of this land, and I suppose was cabled to the nations of the earth, who thought they had navies—that ten vessels are to be built here which will make 20 knots an hour.

The committee evidently ascertained their mistake in this bill and in that declaration, and now this morning the committee come and say they really think after all it may be impossible to construct a vessel making 20 knots an hour. After they had promised the people of this country and proclaimed it to the nations of the earth that we can build vessels making 20 knots an hour, now they come in with a confession that after all that thing is of very doubtful result, and therefore this amendment is made, and you provide that they may make 18 or 17 or whatever number of knots it may be after we have been amused, as the Senator from Kansas said yesterday, with the declaration of our ability to build war ships making 20 knots an hour, and the same committee actually come into the Senate and admit that after all that is probably an impossibility.

I desire, as I said yesterday, to call attention to this bill and kindred bills. We had, as I said yesterday, twin bills passed a few days ago, and I think the Senator from Maine characterized his bill for some protection of the great lakes as a companion to this bill—a companion because I suppose it appropriates about the same amount of money, $15,000,000.

So, Mr. President, it does seem there should be a little hedging and that we should go slow ourselves. It is not necessary that we should make 20 knots an hour in the hasty consideration and passage of this bill. We had better go a little slow ourselves when the committee

doubt the correctness of their own bill and of their own conditions. I did intend to ask this committee where was to be the remedy if these ships were found not to make 20 knots an hour; but the matter was evidently anticipated by the committee, because they provide this as the penalty. The rate of speed, I think, was fixed for the Dolphin. How many knots an hour was the Dolphin to make? Will my friends on the committee tell me?

Mr. HALE. Fourteen.

Mr. VAN WYCK. She was to make 14 knots; and how many knots did she make when she was tested? Can my friend from South Carolina tell me?

Mr. BUTLER. I do not remember.

Mr. VAN WYCK. The Dolphin was made at one of the best yards in the United States by one of the best ship-builders in the United States. We have no better to-day, my friend from Maine will admit. She was to make 14 knots an hour, and when she came to the actual test in service she failed to make it, and the Navy Department was embroiled and the ship-builder was annoyed and the nation was agitated over the Dolphin, and we heard nothing but the Dolphin for a long time.

Now we start with this bill. The committee have practically admitted that no vessels here can be built to make 20 knots an hour. What next? We are told we must have them. What are these vessels for? To catch fast-going passenger vessels that make 18 knots an hour. And yet we are told that if the result is less than 20 knots there shall be an easy escape for the contractor, and no certainty or guarantee that the nation will be provided with vessels of the speed of which we boast. Therefore we come to the conclusion to which I called attention yesterday, practically this bill will give no vessel at 20 knots an hour or near it. John Roach's ship-yard, it seems, could not get 14. The ingenuity of the world furnishes about that quota, not rising beyond 18½ knots.

There is some other purpose. I trust we shall stop here long enough and that the American people will stop long enough to see where there is amusement in this matter. It is not practical. It is conceded already before the passage of the bill that there will be no 20 knots an hour. Therefore it is to deplete the Treasury, as I said before, and it is well to repeat it—to deplete the Treasury. It is a sudden thought, or we certainly should not have spent nearly two years in this Congress; and now when we are only within about two weeks of the end of it, we propose twin bills and companion bills for the purpose of depleting the Treasury, and have actually succeeded in proposing to get out over $70,000,000.

The surplus in the Treasury, as I have stated, is so exasperating, is so annoying to the people, that these gentlemen must commence—and I want to call the attention of this committee and the Senate and the people of this country to the fact that the principal object in these twin bills, in my judgment, without, of course, any reflection upon this committee or any member of the Senate—that the object of these twin bills and of the companion bills is to deplete or seem to empty the Treasury so that there may be no excuse for withdrawing taxes which are weighing heavily upon the people; that then there will be an argument that the revenues will not be sufficient; there will be an argument that oppressive tariff duties must be retained, because they will say the Treasury is in the way of depletion.

Mr. HALE. Mr. President, I have no sense of humiliation over having learned something over night. I acknowledge that the feature to which I have adverted of the danger if the rigid test of the bill was passed of preventing contractors from entering into these contracts is much stronger to-day than it was yesterday. Thinking it over, talking it over with an honest purpose of getting good, fast, swift ships built, I have offered this amendment as a practical means. I think it will commend itself to the good sense of the Senate. The Senate will not desire to enter upon this great enterprise under impracticable conditions.

As I have said, this amendment does not prevent the 20-knot ship being produced. I hope and believe it will be produced, and the penalty is so great for every lapse from that, for ever quarter of a knot below 20 that is not reached by the contractor, that he, earnestly striving day and night to save that penalty, will try to build his ship to run 20 knots.

I wish the Senator from Nebraska could realize that it is possible for a bill to be reported here from a committee without a sinister object, that there is some earnestness in the desire of the committee that fathers this bill to increase the national security and to contribute to the national defense, and that in considering that question, one of the questions which are now uppermost with the American public and which interest the citizen as well in the West as in the East, that this is not brought here as a trick to prevent the reduction of taxation, but that it has its root in a sincere purpose to do for the American people, for their protection and security, what should be done and what they desire to have done. There is no purpose to divert any wise or sound measure in any other direction in the way of reducing taxation; and I do not propose to take up any more time of the Senate, because the hour is so rapidly passing away. We do not want to get in the position we were at 2 o'clock yesterday of antagonizing another bill that the Senate wants to pass. So I will take no more time.

Mr. WHITTHORNE. Mr. President, I am induced by the remarks of the Senator from Nebraska to ask the indulgence of the Senate while I state the reasons which govern me in supporting this and its companion measure.

Premising that a false impression is made when it is assumed that $30,000,000 is immediately taken out of the Treasury for the purpose of building these cruisers, and other vessels of war, I wish to say that it will take possibly five or six years. That number of years will be consumed in exhausting this appropriation. In other words it will practically amount to an appropriation of about five or six million dollars per annum, supposing both bills to pass—a trifling sum in my judgment, in view of what I believe is demanded alike by the honor and the interest of the Government of the United States.

The same impression, false in character, prevails as to the measure passed the other day contemplating fortifications and the building of ordnance plant. I am, for one, free to say that I do not share much of the fancy for fortifications. I believe that our coast, our commerce, all that we may hold dear, can better be protected by an efficient navy than by any system of land fortifications, and I believe that the people of this country realize the necessity and the duty of the hour to be to commence the work of providing an efficient navy.

What was the idea in the committee as to the pending bill for cruisers? What office will they perform? These are to be swift vessels to overtake an adversary's commerce; and when you look to the condition of the marine vessels of the nations of the earth it is well to see what is their rate of speed. If you are building a cruiser to overtake them you are not to measure it by what is to be accomplished in the rate of speed by war vessels alone.

If the heavy-armored vessels of any foreign country are to be brought in attack against our shores, I venture the judgment that with a fleet of fast cruisers on our part, that shall act as the cavalry of the sea, these heavy-armored vessels never will reach the coast of the United States, or, reaching it, will not be in a condition to harm any of its citizens. They will be compelled to pause in mid-ocean by the attack of your cavalry and to defend and fight for their own life and strength. These great engines of war are armor-clad steam vessels, and when they come to assail your coasts, if you have an active cavalry with modern guns to attack them they will be delayed in their passage, and every hour's delay is the exhaustion of their means of attack, and when they reach your coast they will be almost powerless, and if that cavalry is there to surround them it will make them inefficient in their attacks.

I have some such idea as that, and it is with that view I have supported this original bill.

For one, I am frank to say that I wish my friend from Maine would in his amendment put the measure down and make it impossible for the Government to accept any vessel of a less rate of speed than 19 knots an hour. Our object, or at least mine, in supporting this bill was to secure that which is to give the dominion of the seas to the nation that has the speed. I voted for this original bill simply and solely with the idea of giving a bounty to the inventors, the contractors, the ship-builders of this country who will enable, in that great struggle for the dominion of the seas, the Government of the United States by an accomplished rate of speed to secure it. It is with that view that I was in favor of the original bill, and I should be glad if my friend from Maine in his amendment would make it impossible for the Secretary of the Navy or the Government of the United States to accept any vessel of less than 19 knots, leaving all claims of contractors to be settled in the future on their equity. Here is due notice to contractors: "Here is the speed we want: if you reach it we will pay for it." Fix no graded standard for them afterward to appeal to our sympathies.

Mr. INGALLS. Mr. President, I think if the rule that the Senator from Tennessee proposes were to be laid down by Congress we should have no ships. We are dealing confessedly with a subject of the first importance and ought, therefore, to act with deliberation.

We labor under the misfortune of not being able to read in the text of the bill the amendments that have already been made, and have only heard from the desk the amendment proposed by the Senator from Maine.

The difficulty which troubles me in this matter is that yesterday we were told that this bill represented the deliberate and final thought of the Committee on Naval Affairs with regard to the course that the Government ought to pursue in connection with this great subject, and to-day we are told by a member of that committee that the bill, as it came before us yesterday, is wholly impracticable.

Now, as the Senator from Maine suggests, it is no discredit to a Senator to admit that he has learned something over night, but the inference is irresistible that, if a Senator who has had this matter in charge has learned something over night and to-day says that that is impracticable which yesterday he urged upon the attention of the Senate, the summit of human wisdom on this subject may not yet have been reached, and that perhaps it might be advisable to take another night over it.

Now the Senator from Tennessee suggests that he desires to have a standard of speed set up by Congress that shall exclude any vessel which performs less than 19 knots an hour, so that the contractor may

have due notice in advance and be definitely advised that if upon trial, after the expenditure of a million or a million and a half of dollars, the vessel does not reach that maximum speed, she is to be rejected. The somewhat celebrated contention in the case of the Dolphin is fresh in our mind; and, if I remember, it was one of the allegations by the Navy Department against that vessel that she did not reach the rate of speed which the contract called for and which the law required. What was the reply to that? The contractor said this vessel has been constructed upon plans and specifications that were prepared by the Navy Department and approved by the naval board of constructors; therefore, the only question is not whether the maximum rate of speed has been attained, but whether the Dolphin was constructed in accordance with the plans and specifications prepared by the Navy Department. Am I not right? Yes.

Here in this bill the committee propose to declare that no vessel shall be accepted unless it reaches a maximum speed of 20 knots an hour, and that these vessels are to be constructed, if we provide the money for them, in accordance with the provisions of the act of 1886. Under that act, if I have read it aright, the contractor has nothing whatever to do with the plans. He merely takes up the plans that are furnished to him by the Navy Department, and proceeds to construct the ship, and when she is launched and sent out upon her trial trip if she does not make the required maximum of 19 or 20 knots an hour you propose to say that she shall not be accepted.

Mr. HALE. Will the Senator allow me right there——

Mr. INGALLS. Yes, sir.

Mr. HALE. With his usual acumen the Senator has discovered what must necessarily follow if this amendment of mine should be adopted. I have already, in the bill which I have, upon lines 9 and 10, of section 1, marked as the next amendment which accompanies this the striking out of these words:

Before either of said cruisers shall be accepted by the Government.

The Senator is right. If the amendment be adopted, that clause of course should be struck out as not being harmonious, and if it will not in any way interrupt the Senator I would like here to refer to what he was saying about these plans and specifications.

There he has struck what is one of the practical difficulties in this movement toward building up or habilitating our Navy and constructing new ships. The contractor is all the time under disability in building from plans that are sent to him, which are rigid in every detail and nature, made in the Navy Department. That can only be cured by good, broad, wise, generous administration. I can only illustrate it by saying what I would do if I were at the head of the Navy Department. Before making plans and specifications, which are given to the contractor, I would call before me the great ship-builders and naval architects, if we have them in the country, outside of the Navy Department, and before establishing my plans and laying down my lines that should be followed, I would get the benefit of their ingenuity, of every device that they have in their minds as to proportions, as to lines, as to location of machinery, and before I put out the proposals that American ship-builders have got to act upon I would know whether these American ship-builders believe that under certain plans, which they have helped to suggest, and which my judgment would approve, these ships could be built; because so long as the plans are made without reference to the practical suggestions of the builders who are to execute the contracts, just so long the trouble will arise that arose in the case of the Dolphin and other naval structures. That, as I have said—and I ask pardon of the Senator from Kansas for using so much of his time—is the remedy. It is in wise administration.

Mr. INGALLS. Mr. President, the interesting statement of the Senator from Maine has been no intrusion on my time, because I am sure all desire the same end, and that is the construction and maintenance of an adequate navy at the least possible expense to the Government; but what he has said is an apt illustration of my proposition, that we had better make haste slowly in this matter. *Festina lente* should be the rule of our conduct, because he admits, after what I have said, and it was undoubtedly in his mind before, that there is still another amendment that must inevitably be made to this bill before it can be enacted, that is, that we shall strike from it that fundamental provision on which the Senator from Tennessee insisted, and that is that unless these vessels when constructed reach the standard of speed prescribed by the bill they shall not be accepted by the Government. That represents as radical a distinction in the opinions of this committee upon a question of vital moment as could possibly be conceived.

Now, Mr. President, the suggestion made by the Senator from Maine as to what he would do in this matter appears to be also open to criticism, from the fact that he suggests as an alternative a method which never has been adopted before, and which can not possibly be applied with force and effectiveness in this matter.

I had the good fortune not long since to converse with an officer high in the naval service, and to talk with him about this very subject, and he said that it was impossible to solve upon paper the problem of speed and of perform ance in naval construction. Given the elements of the problem to con truct a vessel of so many thousand tons burden that shall make so many knots an hour under so many revolutions of the propeller, with an engine of so many horse-power, and he said to me that no engineer and no builder could make plans that would reach the result which was required to be attained with any certainty within a margin of from 10 to 20 per cent.; and he stated, what was more singular still to me, that two vessels might be constructed from the same plan, by the same constructor, and under essentially the same conditions, and that they never would be equal to each other either in speed or in performance.

Mr. HALE. Very likely.

Mr. INGALLS. That there was an undefinable margin of friction, the unknown quantity as we might say in an algebraic problem, which can not be computed, and which therefore must be rejected in the solution of this problem where specific results are required to be attained.

If this is the case, if we are attempting to solve that problem and declare that we will not accept a ship constructed in accordance with the plans and specifications of the Navy Department unless it reaches the specific speed that has been agreed upon, then of course we are going to have no ships at all, because no contractor will undertake to spend millions in armor and in labor and in material if a problem confessedly so abstruse and uncertain as this is is to be laid before him, and he is the person who is required scientifically to solve it, and therefore the Senator from Maine does well in proposing to amend the bill by striking out this provision in section 1.

Mr. BUTLER. Mr. President——

Mr. INGALLS. Not now; but in a moment I shall yield. There were some other matters to which I desired to call the attention of the Senate in connection with this bill, but as I have said now all I desired to submit upon this particular point, I will yield to the Senator from South Carolina.

Mr. BUTLER. I shall not detain the Senate.

The PRESIDING OFFICER (Mr. FRYE in the chair). The hour of 2 o'clock has arrived, and it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. CAMERON. I move that that be laid aside.

Mr. INGALLS. Ask unanimous consent.

Mr. CAMERON. I am afraid I can not get it.

Mr. VEST. I call for the regular order.

The PRESIDING OFFICER. The regular order has been laid before the Senate.

Mr. CAMERON. I move that it be laid aside until to-morrow.

Mr. VEST. We have only some fourteen or fifteen working days of the session left, and we must dispose of the regular order at some time. I ask the Senate to continue its consideration to-day until it is concluded. I hope the motion of the Senator from Pennsylvania will not prevail.

Mr. CAMERON. I make my motion.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the consideration of the unfinished business be postponed until 2 o'clock to-morrow.

Mr. HALE. I think if the Senator will modify that and move to postpone it for an hour that without any doubt the naval bill will be out of the way. I think there will be no further discussion of consequence.

Mr. VEST. It is simply impossible to dispose of the naval bill in an hour. I know myself a number of Senators who propose to speak upon it, and it is out of the question to talk about expending $15,000,000 presently and twenty-odd million dollars probably in a bill like that at this stage of the session, as you can dispose of an ordinary bill for a bridge across a river.

Mr. HALE. What is the belief of the Senator from Missouri about the Senate disposing of his bill this afternoon?

Mr. VEST. I know no reason in the world why it can not be disposed of. If we consider that bill for an hour each day and then put it off, it will take a long time. I do not want to speak on it. I simply want a vote. I shall be compelled to leave the city in a day or two on absolutely imperative business.

Mr. HALE. I am very anxious, as is the Senator from Pennsylvania, to dispose of the naval bill, but I see the difficulty the Senator from Missouri is laboring under. He has been very indulgent in other matters. I think under the circumstances I would allow the naval bill to go over until to-morrow morning after the routine business, and then let us take it up and insist on its holding its way until it is finished.

Mr. BUTLER. I hope the Senator from Pennsylvania will adopt that suggestion.

Mr. CAMERON. As the Committee on Naval Affairs do not seem disposed to have their bill acted on, I shall adopt the suggestion.

Mr. BUTLER. As the Senator well knows, I am very earnestly in favor of the bill and of its passage.

The PRESIDING OFFICER. Debate is proceeding by unanimous consent.

Mr. HALE. It is a pretty good discussion. It will do good.

Mr. BUTLER. I think, in common fairness to the Senator from Missouri, who has had the Eads bill on his hands for the last ten days or two weeks, we ought to allow him to finish it to-day if possible, so that I hope the Senator from Pennsylvania will adopt the suggestion of the Senator from Maine.

Mr. CAMERON. I will adopt the suggestion of the members of the Naval Committee, and let the bill go over until to-morrow. I withdraw my motion.

Mr. HARRIS. The Senator from Pennsylvania says he will adopt the suggestion made by the Senator from South Carolina, or the Senator from Maine. I simply desire to say that that must not be construed to imply unanimous consent to the taking up of the bill of the Senator from Pennsylvania after the routine of business to-morrow morning.

Mr. EDMUNDS. No unanimous consent for anything hereafter.

Mr. HALE. It depends on the will of the Senate.

Mr. HARRIS. If a majority of the Senate propose to take it up, they can do so to-morrow morning, but it can only be done in that way.

Mr. BECK. I gave notice that I would call up a bill of considerable importance, though a private bill, at 2 o'clock to-day, the bill (S. 31) for the relief of Warren Mitchell; but the condition of things is such that there is no chance for that to-day. I give notice again, however, that I will endeavor to get it up on Thursday at 2 o'clock. I hope these important measures will be out of the way by that time.

Mr. BUTLER. If the Senator from Missouri will permit me to make a suggestion to him, I would suggest that we agree if possible to take a vote on this Eads railway bill at 5 o'clock to-day.

Mr. EDMUNDS. No agreement about it or anything else during the rest of the session.

Mr. EVARTS. I ask that an order be now considered from the Committee on Privileges and Elections, which I hold in my hand.

Mr. BUTLER. I object to anything that requires unanimous consent.

Mr. EVARTS. It is merely for printing.

Mr. EDMUNDS (to Mr. EVARTS). You can offer it as a resolution and have it come up to-morrow.

Mr. EVARTS. I want it passed to-day. It has relation only to printing the testimony that we are taking from day to day.

Mr. BUTLER. I understand; but the Senator from Vermont [Mr. EDMUNDS] has served notice on the Senate that nothing goes through by unanimous consent, and I am simply acting on what he has said. I object to the consideration of this matter.

Mr. BLAIR. I ask unanimous consent——

Mr. BUTLER. I object.

Mr. BLAIR. To introduce a bill. This is morning business.

Mr. BUTLER. I object.

The PRESIDING OFFICER. The regular order is before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate to request the President of the United States to return to the House the bill (H. R. 5652) for the relief of James W. Goodrich.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1888, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PEEL, Mr. SKINNER, and Mr. PERKINS managers at the conference on the part of the House.

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1888, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. DAWES, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DAWES, Mr. PLUMB, and Mr. CALL the managers on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 8586) to amend section 685 of the Revised Statutes, relating to the District of Columbia;

A bill (H. R. 9064) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes;

A bill (H. R. 9469) relating to arrears of taxes in the District of Columbia;

A bill (H. R. 10513) to provide for the maintenance of order in the District of Columbia during the national guard competition and parades;

A bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia;

A bill (H. R. 10562) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883;

A bill (H. R. 10758) to secure for the District of Columbia a compilation of the laws in force therein on the 4th day of March, 1887, to provide for the appointment of a reporter for the supreme court of said District, and for other purposes;

A bill (H. R. 10824) to incorporate the reform school for girls of the District of Columbia;

A bill (H. R. 10897) to regulate the subdivision of land within the District of Columbia;

A bill (H. R. 10899) to regulate the construction of street railroads and of the pavements between and adjacent thereto, and for other purposes;

A bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes;

A bill (H. R. 10991) to quiet title to certain lands in the city of Washington, D. C.;

A bill (H. R. 11063) extending the charter of "the president and directors of the Firemen's Insurance Company of Washington and Georgetown," in the District of Columbia; and

A bill (H. R. 11074) directing the commissioners of the District of Columbia to establish streets and avenues in the county of Washington, District of Columbia.

The bill (H. R. 10799) for the relief of St. Dominick's church, in the District of Columbia, was read twice by its title.

The PRESIDING OFFICER (Mr. FRYE in the chair). This bill will lie on the table by request.

MAIL MESSENGERS.

Mr. CONGER. A conference committee was appointed on the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service, of which the Senator from Rhode Island [Mr. CHACE] was a member, but his sickness prevents his attendance. The House conferees are anxious to meet, and I move that the Senator from Wisconsin [Mr. SAWYER] be placed on that conference committee in the place of the Senator from Rhode Island, who is unwell.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senator from Wisconsin [Mr. SAWYER] take the place of the Senator from Rhode Island [Mr. CHACE] on the committee of conference named by him in view of the inability of the Senator from Rhode Island to attend. Is there objection? The Chair hears none, and the order is made.

AMENDMENTS TO BILLS.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the bill (H. R. 10666) for the allowance of certain claims reported allowed by the accounting officers of the United States Treasury Department; which was referred to the Committee on Claims, and ordered to be printed.

Mr. EVARTS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ARMY HOSPITAL STEWARDS.

Mr. MANDERSON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1119) providing for the appointment of hospital stewards in the Army, as amended by the House of Representatives, to report it with the recommendation that the Senate concur in the House amendments. I move that the Senate concur in the House amendments.

Mr. HOAR. I ask the Senator to let that stand over.

Mr. MANDERSON. Very well.

Mr. ALLISON. And let the amendments be printed.

The PRESIDING OFFICER. That order will be made.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes.

Mr. VAN WYCK. I desire to offer an amendment to the bill now under consideration, and I hope the friends of the bill will not object to it.

The PRESIDING OFFICER (Mr. FRYE in the chair). The amendment is not in order now.

Mr. EDMUNDS. Let the pending amendment be reported.

Mr. VAN WYCK. I presume it is in order to offer an amendment and have it printed, to come up in its order.

Mr. INGALLS. By unanimous consent.

The PRESIDING OFFICER. It may be done without objection. The question is on the amendment offered by the Senator from Alabama [Mr. MORGAN], which will be read on the request of the Senator from Vermont [Mr. EDMUNDS].

Mr. MORGAN. I desire to modify the language of that amendment. I will say that I accept as a substitute for my amendment one prepared by the Senator from Missouri [Mr. VEST], which I will offer as mine.

Mr. EDMUNDS. Let it be read.

The PRESIDING OFFICER. The Senator from Alabama modifies his amendment, which will be read.

The SECRETARY. It is proposed to add to section 1 the following proviso:

Provided, however, That nothing in this act contained shall be considered as a waiver of any rights which the United States may now have under any treaty heretofore made with Mexico.

The PRESIDING OFFICER. The question is on this amendment.

The amendment was agreed to.

Mr. VAN WYCK. If in order now, I offer my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Nebraska will be read.

Mr. EDMUNDS. I believe I had the floor yesterday, but I do not object to the amendment being received.

The Secretary read the amendment of Mr. VAN WYCK as follows:

That no certificate for stock shall be issued until the same shall be fully paid for in money at the par value of said stock and the money deposited in the treasury of said company, and said company is hereby prohibited from returning or repaying any part of the money so paid. No bond shall be issued until the full amount of stock authorized has been subscribed and 50 per cent. of that full amount paid in money into the treasury of said company.

Mr. EDMUNDS. Mr. President, if I may have the attention of my friend from Nebraska for a moment, I ask him to look at the amendment pending from the Senator from Missouri to take the place of the whole bill, being all that the promoters of this scheme think it fit to ask for now, and he will see that this corporation being created by this amendment, which is the only thing that is asked for, does not have any stock. It is not a corporation having any capital stock at all, and therefore an amendment which provides that the capital stock must be paid in, or any part of it, would be inofficious, as the lawyers say about wills; that is to say, it would have no application at all.

This is the most singular corporation, I suppose——

Mr. VAN WYCK. Is there no provision for stock or bonds either?

Mr. EDMUNDS. There is a provision for bonds in a certain way that I shall come to presently. I wish the Senator from Nebraska would get a copy of this proposed bill, proposed by the Senator from Missouri, and just look at it and see whether it is not perfectly unique in the whole history of Congressional or State legislation, unless it may be a corporation to establish a burial ground or something of that sort in some State:

That for the purpose of constructing and operating said ship-railway and its accessories hereinbefore recited—

Referred to in the preamble under the Mexican concession—

and for the full enjoyment of all the rights, privileges, and concessions contained in the hereinbefore recited grant, and such others as may be hereafter secured from the Government of Mexico—

Whatever they may be, Eads and his associates—

and their successors, are hereby created a body corporate and politic in deed and in law under and by the name, style, and title of "The Atlantic and Pacific Ship-Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States of America—

No matter where the jurisdiction may lie—

and shall generally have and possess all the rights, privileges, and powers usually possessed by similar companies, and may do all lawful things necessary to carry into effect the purposes of this act, and secure the full enjoyment of the powers, privileges, rights, and concessions contained in the grant herein before recited, and any supplementary grant; and said company is hereby authorized and empowered to make and have a common seal, to acquire, hold, transfer, or otherwise dispose of property, real and personal—

Without any limit as to the amount—

to issue capital stock and bonds in such amount, which shall not, however, exceed in the aggregate $100,000,000, and to elect such officers, employ such agents and attorneys, establish such offices in such place or places, and impose and collect such tolls, rates, and charges as to it, said company, may seem necessary and proper; and said company is hereby authorized and empowered to make such by-laws, rules, and regulations as it may deem necessary and proper—

Not as shall be necessary, but as the corporation may deem in their judgment necessary—

relating to the management of the affairs of the company; the issue and sale of its stock and bonds; the acquisition and disposal of its property, estate, and effects; the imposition and collection of its tolls, rates, and charges; the declaration of dividends on its capital stock; the number and character of its officers, their duties and terms of office; the safety and control of vessels in transit or in the docks, harbors, or works of the company; and relating to all other matters not inconsistent with this act, and connected with the business of said company or involved in carrying out the purposes for which said company is created.

There is the corporation. I stated to my friend from Nebraska that it had not any capital stock, although the phrase "capital stock" is used in it; but the amount of capital stock that is to exist, how it is to be issued, the quantum of its shares, and every other thing connected with it are left entirely to the discretion of Eads and his associates.

Mr. VAN WYCK. Left in a most dangerous form, I would say to the Senator from Vermont—left entirely to the by-laws to be framed by the directors of this corporation.

Mr. EDMUNDS. Yes, that is precisely what it is.

Mr. VAN WYCK. The more necessity for some restraint about it.

Mr. EDMUNDS. I know; but the restraint my friend has provided is a restraint which will be utterly ineffectual; and the point I wish to call the attention of the Senate to is in respect of this corporation created by this act that I do not believe in the statute-books of any civilized country on this globe can be found to exist a business corporation with that kind of performance in respect of its creation and of its powers. As they would say in Ireland, it would be a kiting corporation, where the kite raises the wind instead of the wind raising the kite, as an Irish lawyer once said to an English judge who went over there.

I repeat, Mr. President, and I ask Senators to think of it in respect of voting for this measure, however much they may be desirous of making an incorporation which shall be authorized to do that thing, there is no precedent for it that I know of, safe or unsafe, in the legislation of any State, and certainly none in the legislation of Congress, because we never passed an act of incorporation except for local purposes, with definite provisions, in the District of Columbia and in the Territories, excepting the Bank of the United States and the Union Pacific and its associated railroads. Here you have a corporation which is created and left to itself to do whatever it may or will do for the objects that it deems to be suitable to attain the ends that it may have in view. That is the nature of this corporation; and if it were proposed to be incorporated in the District of Columbia for any business whatever, I do not believe in its present form, or anything like its present form, it could get on the yeas and nays the vote of a single Senator in this body.

There is not even left in the bill the power of Congress to alter, amend, or repeal it. It is a perpetual grant, without the power of repeal on the part of Congress or any other dominion that all legislative bodies now that represent the people assert over every corporation which it creates. That is what it is.

But where do we get the power to create a corporation of this kind even with a definite and stated capital stock, definite and stated powers, and a definite and stated reservation of the right to repeal? Under what clause of the Constitution of the United States does the Senator from Missouri undertake to defend or maintain the power of Congress to enact this bill in the form that he has it, amended in the way that I have suggested that it might be amended to come somewhere within the range of State acts of incorporation?

The question of the power of Congress to establish corporations was elaborately and exhaustively discussed and decided in the case of the Bank of the United States, which was chartered by Congress to carry on or to assist in carrying on the fiscal operations of the Government. The only ground that the Supreme Court of the United States could find, and the only ground that they state or that anybody hinted at in the course of the discussions, was that it was to aid the Government of the United States as an incidental power to execute some one or more of the powers that the Constitution had reposed in the Congress of the United States in carrying on the operations of the Government.

Does this bill provide for assisting the Government of the United States, or does it have any reference to any act or thing that the Government of the United States may gain or do in carrying on its operations? Far from it. The concession, as it is called, and which I will assume for the purposes of what I have to say, is a constitutional concession by the Government of Mexico, although I do not know it. The concession provides in explicit terms that any and every incorporation that Eads and his associates may get there or elsewhere, as the phrase is in the concession, shall be purely and exclusively a Mexican corporation; that it shall be under the dominion of the Mexican Government; that it shall be a part of the municipal exertion of Mexican power, and nothing else. Now, let us see if I am right about that:

ART. 32. The company shall be Mexican, even though some or all of its shareholders be foreigners, and shall be subject exclusively to the jurisdictions of the tribunals of the republic in all matters of which the cause and action may take place within its territory. The company itself, as well as all foreigners and the successors taking part in the enterprise, whether as shareholders, employés, or in any character whatsoever, shall be considered as Mexicans in all things relating to the company, nor can they even allege, with regard to title to property and other matters connected with the company, rights as foreigners, under any pretext whatsoever. They shall have those rights and the means of making them valid which the laws of the republic confer on Mexicans, and consequently not subject to interference on the part of foreign diplomatic agents.

ART. 33. The executive will be represented in the board of directors of the company by two-thirds of the whole number of the directors of the company, those whom it shall appoint in compliance with this provision having the same emoluments and prerogatives as those of the company which the enterprise will pay.

Then follows another article on the subject of what the company may do.

I have now shown you that this company, wherever organized, wherever incorporated, is to be purely a Mexican company, for Mexican purposes just as much as if it were incorporated in the Republic of Mexico or in some one of its States, and just as much as if every one of its shareholders and bondholders was a citizen of that republic or of the Mexican State in which it might be incorporated. That is the nature

of the corporation which the Congress of the United States is asked to create. Where do we get the power to do it?

As I said a little while ago, the utmost that could be maintained in respect of the power of Congress to create corporations out of the District of Columbia and the Territories was the decision of the Supreme Court of the United States in McCulloch *vs.* Maryland, where they held that the incorporation of a bank of the United States could be upheld upon the ground that it was created, by the terms of its charter, to be the fiscal agent of the Government of the United States, and therefore in the exercise of the incidental power of raising and supporting armies, of borrowing money, the transmission of exchanges to foreign agents, and all that sort of thing, it was within the incidental power of Congress to create a corporation to assist it, to be a means through which and by which the Congress and the law should carry on the operations of the Government of the United States.

This incorporation does not propose that the United States of America shall have anything to do with it except to give it a send-off, except to do exactly the same thing as if Congress to-day were asked by an additional section in this bill to create a bank in the city of Chihuahua, or in the city of Tehuantepec, in the Republic of Mexico, to create a manufacturing corporation there, to create any corporation of any kind which under the laws of Mexico was to exist there, and to be there, and to be a Mexican corporation wherever created. Where does the Congress of the United States get that power? I should be glad to hear my friend from Missouri, whose knowledge of constitutional law and of all other law I know is complete, answer me that question. But, of course, it can not be done.

Now, what sort of a corporation is this which is to be created? What are its powers? What is it to do? One of the things that the United States are asked to do in creating this being is to provide that the being of its creation shall, as I have said, be a Mexican citizen and subject to all intents and purposes whatever, and, secondly, that it shall never have any relations with the Government of the United States.

Article 15 of the concession refers to carriage for the Mexican Government, which I shall not take the time of the Senate to read because I want to get on. Then:

ART. 16. Passage over the railway shall be open for all the vessels of all the nations not at war with Mexico, and the government of the republic binds itself not to close to ocean commerce, during the time of the concession, either of the two terminal ports of the interoceanic ship-railway, one in the Gulf, the other in the Pacific, except in case of war.

Then it makes a subdivision of heads:

The passage of ships shall be subject to precisely the following conditions:

1. The passage shall be open at all times to the merchant marine of the world, and for the ships of war and the property and appurtenances of the Mexican Government.

2. The company will not be allowed to transport war vessels, war materials, or troops of any foreign nation without the previous constitutional permission of the Mexican Government.

* * * * * * *

ART. 18. The company which, for the objects mentioned in this contract, may be organized by Eads—

Which is this company mentioned in the scheme of my friend from Missouri—

ART. 18. The company which, for the objects mentioned in this contract, may be organized by Eads, shall exercise all the rights, powers, and privileges in relation to the issue of bonds or other guarantees, and in every way, that may be granted by any concession which it may obtain in Mexico or elsewhere, provided that it be not in conflict with the provisions of this contract or with the laws of the Mexican United States.

ART. 19. The concessions contained in the present contract, and the railway, telegraphs, stations, ports, lands, and, in short, all works constructed by virtue of the present contract, can in no wise be sold, mortgaged, or alienated to any foreign government or governments, under penalty of the immediate nullification of the present concession.

* * * * * * *

ART. 21. Eads or the company is authorized to build, on the land conceded as a right of way, a railway, broad or narrow gauge, to be operated for the service of the ship-railway, and for the carriage of passengers and freight. Its tariff for these purposes shall be that of other railways of its class in the republic, and for it the government shall pay no subvention whatever. In case that only this auxiliary railway be constructed, and the ship-railway not built, said auxiliary railway shall be in every way subject to those regulations established for the railway actually being built in Tehuantepec, except as regards the enjoyment of a subvention.

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ART. 25. The concessions made by this contract shall be void for any of the following causes:

1. For not commencing or terminating the construction of the railway and its works according to the times fixed by article 20.

2. For alienating, transferring, or mortgaging this concession, or the rights derived from it, or the works executed, to some foreign state or government, or for admitting it as a partner, any stipulation to this effect being also null.

And so on. So, Mr. President, taking this concession to be genuine and constitutional according to the laws of the Republic of Mexico and its respective States, you have got in every aspect a purely Mexican corporation for Mexican purposes, with no international right of any sort of control or interest, or incidental solicitude even, of the Government that is now asked to create this corporation.

You have got it, first, in the express and literal and careful terms of the article that I read in regard to what the corporation should be, and what all its stockholders should be, if it should have any stock, which is not provided in this bill, except just as much as the directors choose to have; they may have a dollar or a million dollars, or any other number that they may like, and so on. You have got, second, the careful provisions of the Mexican Government, if it did it, that in no respect whatever should any foreign government have or exercise any control or interest in respect of the title, the property, the lien, the loan, or the operations of this company.

Therefore it stands on all-fours, as I said before, with a case where we should be coolly asked by somebody to charter a bank to carry on operations in the city of Mexico, or in the city of Tehuantepec, or in the city of Chihuahua, or anywhere else in that republic, or to charter a manufacturing corporation to saw out lumber in the city of Ottawa, in the Province of Ontario, in the Dominion of Canada. That is what it is on its face. It is what it is impossible, as I think, to deny in the clear, definite, and explicit statement in the amendment of my friend from Missouri, which is the bill we are to consider, taken in connection with the concession to which it refers and for which this corporation is created, as is stated in the preamble. Now, can we do that? If we can I should be glad to know how.

I am not indifferent, Mr. President, far from it, to the desirability to the people of the United States and to the good neighborhood of the world of having some means of transit across the Isthmus of Tehuantepec; but the interest I have in that is not so great, as nobody's ought to be, as to compel me to fly in the face of the Constitution of my country and to undertake to do a thing which on the face of it is so entirely outside of the power of Congress, and still more to undertake to do a thing in creating a corporation of this kind in the way, even if we had the power, that this is proposed to be done, which I repeat I believe has no precedent in the history of the legislation of any State in this country or any civilized State in any other in respect of its want of securities, in its want of regulation, in its want of limitation, in its want of the power to alter, amend, or repeal.

What, then, are we to do about the Isthmus of Tehuantepec? It is not within our territory. Mexico has made no treaty with us or any other country, so far as I know, upon this subject save one, that of 1853, which related to a passenger railway, possibly a canal—I have forgotten which—but the canal part of it has been demonstrated really to be impracticable by the report of Commander Shufeldt on that subject made about fifteen years ago. He shows, although he was eager to find a way for a canal there and enthusiastic upon the subject, that the thing is really impracticable. You can not get the water at the summit level of 754 feet above the sea without, if it were possible to get it at all, an expense so enormously disproportionate to the end to be reached, and so inadequate to the supply of a canal that would carry the ships of the world across it, as to make it really entirely out of the question.

At the distance of 27 miles, if I remember the distance *rightly*, from the summit level at Tarifa, the only way of getting water would be from the head waters from one of the branches of the Coatzacoalcos River, and according to his statement (and I have it here) at the point where at this distance of twenty-five or thirty miles the dam was to be made and the feeder started there would be only 4 feet of elevation above the summit of the canal, which, of course, must feed the summit level. If you can once feed the summit level of a canal you can feed the lower parts, because the canal itself feeds the lower locks, as we all understand. That river is in a country that for half the year has no rain and for the other half has a torrent, it is true enough; and that country which for half the year has no rain is expected in the six months of the dry season to furnish in a feeding canal 27 miles long, with only 4 feet of head, from the little tributaries of this river, enough water to supply a canal that is to carry the *really* serious and important commerce of the world. So that practically the canal matter is entirely out of the question.

Now, it is proposed to build a ship-railway there. I wish the Mexicans could do it. I wish the Americans could do it under some treaty with Mexico which should authorize us to do the same thing in respect of it that the State of Nicaragua is willing and anxious that the United States shall do in respect of a canal to be built there. But Mexico has made no such proposition. So far as we know, she is not willing to make any such proposition. She proposes to be the supreme, controlling, and exclusive power within her own territory of what goes on within it in every work of internal improvement. So you are to have a ship-railway under this kind of a charter.

What kind of a ship-railway are you to have? The summit level, as I said, is 754 feet above the seas. For the first 30 or 40 miles on the Gulf of Mexico side it is a low, flat country, just as feverish and just as malarious as my eloquent friend from Massachusetts depicted the shores of Nicaragua and Panama to be the other day. If I had his gift of speech and dialect I should be not happy, but it would be my duty, to describe the horrors of the fever season on the northern shore of Tehuantepec, at the mouth of the Coatzacoalcos and of the 30 or 40 miles of low flats that lie between the sea and the elevated table-lands on the north side. But I have not. I pass it.

Mr. HOAR. Will the Senator allow me to ask him if he has any information which supports the suggestion that that is an unhealthy region?

Mr. EDMUNDS. I have the same information precisely, I think, that the Senator from Massachusetts has——

Mr. HOAR. My information is very strong——

Mr. EDMUNDS. Please let me answer the question. I have the same information, I suppose, precisely that the Senator from Massachusetts has in regard to the general condition of the whole coast of the Gulf of Mexico beginning where the Isthmus of Tehuantepec begins, which is said to be the first northern or western part of the isthmus, going the whole distance east along the Gulf side of the coast, and that is its physical and geographical condition of a low, flat, tropical or subtropical country that is filled up with swamps, with the most fertile of lands where you can get out of the swamps, and all of the attendants that belong to the deposits of rivers that come down into a lowland in a tropical country. That is the extent of my information. Now, I will listen to my friend.

Mr. HOAR. My information is directly to the contrary, that the character of the country at Tehuantepec partakes of the character of the country northerly along the Gulf, and that it is as healthy as Galveston or as the settled parts of Texas.

Mr. EDMUNDS. My information is that there is no difference whatever between the healthfulness of the coast which lies between the sandy and not the swampy lands of the alluvial regions of the Gulf of Mexico for the whole distance eastward from where those alluvial regions begin and a little to the west of the Isthmus of Tehauntepec all the way around until you strike the mountain shores to the eastward of where the Panama Railway and French canal, that is not to be, now exist.

But then, to come to the other part of it, for that is merely incidental here, you are to have a ship-railway which is to carry a ship, according to this concession, of 3,000 tons, including its cargo. That is the highest that is provided for in the concession. That is to say, you are to be able to carry over a railroad 3,000 tons of freight in the form of a ship and the things that it contains. That being done, Eads has accomplished the object that entitles him to the concession of lands, &c., that the Government of Mexico say shall be given to him in that case.

How much of a vessel is that, Mr. President? (Mr. FRYE in the chair). You live near the coast of the Atlantic and know something about ships. How much of a ship and how much of a cargo would you have if you hoisted out, as I have no doubt Eads could do and as everybody can do, into a dry-dock at Boston, the modern Athens—if you hoisted out a ship in Boston into a dry-dock that could be adjusted on scales, as it could beyond all question. There are some people I think in Vermont who could make the scales, and would be glad to do it if paid for it. You weigh it and you have got weighed up exactly the ship and all that is in it, 3,000 tons. How much cargo have you got there? Not more than 1,500 tons, probably less. If it were a sailing vessel it would be probably a little more. If it were a steamer with its engines and its boilers filled and with its coal and all the other things that belong to a steamship, it would be much less than 1,500 tons of cargo. But suppose you have got that.

The divide at Tarifa of 754 feet—if I am correct in my recollection of the figures—above the sea is not midway in the 140 or 150 miles across that isthmus, but it is more than two-thirds of the way over to the Pacific shore. You have therefore got a comparatively easy grade, a comparatively slight incline going from the Gulf of Mexico to the southward or southwestward, or whatever the direction may be, until you get to the crest of the Cordilleras. Then you pitch down suddenly to the sea on the other side and to the narrow strip of alluvial and bottom lands that lie along that ocean.

Think, Mr. President, of one single mass of even 3,000 tons in weight, 300 feet long, I will assume, or 350 feet—whatever may be the length of a ship that would, with all its cargo, if hoisted out weigh just 3,000 tons—two or three hundred feet in length—rigid, sitting in a bowl of water, if you please, but that bowl of water must be on something that is rigid under it, on a railway track and descending a grade of even 20 feet to the mile. How are you going to manage that? Would it not be a little dangerous? What insurance company could you get to take a risk, unless it were a risk of 75 or 100 per cent. on the entire value of the whole thing, either to carry that thing down or to carry it up a grade of that kind?

What are you to do with the change of direction on a rigid and unbendable ship 250 or 300 or 400 feet long? Captain Eads very wisely proposes as the only possible way for that, not to change your direction by a curve, as railway trains do, with only 60 feet or so of a car, and with adjustable trucks under it that have a certain movement of difference of direction when they are pressed from the body of the car above them; and within certain very narrow limits that must be, or otherwise you would go to destruction immediately. He agrees, if I correctly understand it, that the only way to change that direction is to go in straight lines to a point where you must change your direction and then roll your concern on a turn-table, as it might be called, a side-table, a switch-table, and then make a right-angled movement far enough to accomplish your change of direction, and then begin again. There is reason in that; I do not dispute it. It is the only possible way, obviously and of course.

Now, think of the amount of machinery, the amount of danger, the amount of critical adjustment every moment to take such a vast weight as that in one immovable body, even in straight lines, up and down grades, or even along a level on a track, and then to move it to the right or left as occasion may require (and it would require it very often, I suspect, to get through the pass of the Cordilleras there), and see how you would come out.

Suppose another thing. Suppose it should happen, as it sometimes has happened in the history of human experience, that your train should get off the track, or that your track should break down, or some part of it should break down. In the case of a railway train on land, with the cars and locomotives that are now in use, you have small sections. You are able to build a side-track around it if you have a bad smash, to put up a temporary bridge on one side or the other with a curve and go around the disaster, if you can not rectify it immediately. You can not do that with a railway that carries a ship of 3,000 tons or of 1,000 tons in a lump across a continent or across a State or across a level plain of 10 miles. You can not build your curve around it to have your next ship that is behind go around and pass the obstruction until your 3,000-ton ship is jacked up and got on to the track again and starts forward on its career. It is totally impossible, as everybody knows.

I do not pretend to be an engineer, but I claim, as all Americans do, to have some share of common-sense and to know something of the ordinary events of the physics of this world that we see in our daily life everywhere. In my opinion it is totally out of the question, as a practical, continuous, and mercantile contrivance, to carry solid bodies of any kind of the weight and construction that ships are over any kind of a railway for any considerable distance. You would fail much more often than you would succeed, and failing you necessarily blockade the whole line until you can repair that disaster on the spot; and you can not build a side-track around it to get by with the rest of your ships. But that is apart from what I had any disposition to say.

What I wished to say was that while I am desirous to help in every way that I can constitutionally our sister Republic of Mexico—that has not asked us except in the matter of 1853, which is quite apart from what I wish to say, and so I leave it out—to help our sister Republic of Mexico to get every possible good means of transportation across that isthmus, and to help her in every other way that we can, although she has not asked it, I should not be willing to volunteer it, as I was not in respect of the Topolovampo railroad, from Austin or somewhere in Texas, across Mexico to a port far to the westward of the western part of her Pacific coast possessions.

But what I wished to say was that the bill as it stands is in my opinion as clear a case of usurpation of power on the part of Congress to create a corporation such as is described in the bill of my friend from Missouri as he has amended it, and as is described in this concession by the Government of Mexico, as it is possible to imagine; and, secondly, that the creation of the corporation itself, if we had the constitutional power, is one that is perfectly unique in the audacity of its conferring powers upon a corporation without any limitation except the will of that corporation itself, without any security, without any power of control; although my friend from Missouri may answer me, and very effectually, by saying we have no business to have any power of control; it is a Mexican corporation, and therefore we have no right to have any provision that we may even repeal this charter; we are merely creating an artificial citizen of the Republic of Mexico, which is rather an extraordinary business for the Congress of the United States to be engaged in, I submit.

The discussion which has taken place on this bill in regard to the canal at Nicaragua I do not now propose to go into. I prefer, for myself, to deal with the subject of this proposed act of incorporation for this ship-railway company as if for the time being there were no Isthmus of Nicaragua, as if for the time being there were no Lake of Panama at the summit level of 120 feet only above the two oceans, and as if there were no Isthmus of Panama whatever. If we had the constitutional power, and under constitutional regulations and under Congressional control, for the public purposes of the United States, that Congress could regulate, it was proposed to create a corporation to do this thing in this foreign country of our sister republic with her consent, granting us to have the power to have some interest and some voice in what of our citizens and what of our ships should pass, I should be for it; but this concession contains no such thing. It denies every such thing. The concession, as I said before, as it stands is, in my opinion, entirely beyond the constitutional power of Congress to enact.

Mr. HOAR. I wish to ask the Senator from Vermont, before he sits down, with reference to his constitutional argument—I thought I would not interrupt him at the time he was making it—whether he denies or seriously doubts the right of Congress to charter a railroad, say from the Atlantic Ocean to Chicago, which shall pass through the States and not through the Territories, entirely through the territory of States, a part of the Union? Does he conceive that such an institution is a proper instrument to promote commerce among the States or with foreign nations?

Mr. EDMUNDS. Instead of denying it I assert it, and I have asserted it on all proper occasions for twenty years in this body and elsewhere. The Constitution of the United States declares that Congress may regulate commerce among the several States; that it may establish post-roads; that it may raise and support armies, and I suppose transport them by any means that it pleases; that it may regulate commerce with foreign nations; but I never heard of a clause in the Constitution

which says that we can regulate the internal commerce of Mexico, or regulate commerce, or do any other thing in a foreign nation. If it was to provide for carrying a railway from the southernmost point in Texas to the borders of Her Majesty's Dominions for the purpose of regulating commerce with foreign nations, to say nothing about the intervening States, I should say we had the constitutional right to do it; but to establish a local and territorial corporation within the body of a foreign and independent state that is to have no power and do nothing that that state shall not give it the power and the right to do, I deny.

Mr. HOAR. I should like the indulgence of the Senate for only two or three minutes to refer to the constitutional proposition of the honorable Senator from Vermont, though I am taking more share in this debate than is quite becoming, I am afraid.

The Senator stated in his argument, as I understood him, that the power of the United States, at any rate that all previous exertion of the power of the United States in creating corporations, was limited either to the Territories or the District of Columbia, where our jurisdiction is complete, or to corporations like the Bank of the United States, or the more recently established national banks, which were fiscal agencies or performed some other of the direct functions of the Government, and he proceeded to argue what of course can not be successfully disputed, that the proposed corporation was neither of these.

But now I understand the Senator further to concede that in the States, where the United States has no complete and unbounded jurisdiction, as it has over the Territories or the District of Columbia, it may charter corporations beginning and ending in the State territory, if the effect of creating those corporations be to promote commerce among the States or with foreign nations. If that be true, suppose a foreign nation to be so situated with reference to this country that the direct effect of constructing a public way in the territory of that foreign nation be the promotion of commerce among the States, Congress gets the power to do that thing from its general power to promote the general welfare and to regulate commerce, which every Senator who shares the constitutional opinion of the Senator from Vermont I suppose interprets as meaning to promote the interests of commerce.

In a hundred ways during the last twenty years that Senator and those who agree with him have asserted in debate, whether it be to raise taxes, to create corporations, to confer authority upon individuals, or to exert the direct and immediate functions of Government by the officers of Government, that Congress has power to do what it thinks will promote that end without limit, except the limits provided in regard to the invasion of individual right and the other constitutional restraints which do not present themselves here.

If Congress may lawfully make a railroad beginning in Vermont and ending in Vermont in order that there may be unrestricted commerce between New Hampshire and New York, or in order that the foreign commerce coming in at the port of Portsmouth, in New Hampshire, may pass in the freest manner across Vermont and New Hampshire to New York, why, if the territory of Mexico be so situated that the natural and convenient route of commerce from our great Atlantic to our great Pacific coast leads through that territory, may not Congress in its discretion incorporate a company who shall have, with the leave of that foreign country, the right to aid in the transportation of freight and the conduct of commerce across that territory from Maine or from New York to San Francisco or to Portland, in Oregon?

How does it happen that the mere fact that the situation of this railroad is to be in another territory makes it any the less within the constitutional power of Congress than it is to give a subsidy to an ocean steamship which is to plow the high seas from a port in the United States to a port in South America or in Europe? It is not the situation of the work; it is not the location of the carrier; it is not the position of the railroad, or the steamboat, or the sailing vessel, whether within our territory or on the high seas or within foreign territory; it is the accomplishment of the constitutional duty of Congress to provide, under the Constitution, for the interests of American citizens in dealing with foreign nations, or in commercial dealings among the citizens of the several States.

Then the Senator says that this corporation under the concession of the Mexican Government is to be made for all purposes of its conduct in Mexico a Mexican corporation. That does not in the least affect the constitutional power of Congress. If authorizing an American citizen or an American corporation to go to Mexico and to acquire certain rights as against Mexico, and take upon itself certain obligations of submission to Mexican jurisdiction and Mexican courts, be a convenient, proper, and fitting instrument for the promotion of commerce among American States or between American States and foreign countries, it is within the constitutional power and the constitutional duty of this country to do it.

Of course Mexico does not mean that by granting this concession to an American corporation she is to put herself into the power of the United States by creating international obligations. She says, and she says very properly—she says what would be the first thing sought by the honorable Senator from Vermont himself if England were seeking to build a railroad across the State of Maine, or to open a canal there, and we thought it to our interest to permit her to do it—that the person in dealing with Mexican soil, in dealing with Mexican citizens, in dealing with the Mexican Government, shall be entirely subject to the control of the Mexican law. It does not hurt the United States any. We are not putting ourself into the Mexican power.

This gentleman simply asks to be clothed by Congress with the powers of corporate succession as distinguished from individual relations, which, of course, must terminate with the death of any one of the copartners—to be clothed with the perpetuity and the impersonality of the corporate character in order that he may go to Mexico, and getting there no power over Mexico except such as her own citizens have as against her, build a railroad at his own risk, which, if it succeed, shall be an important factor in connecting the American States and in bringing the seaports of the Atlantic and the Gulf of Mexico in possession of a vast advantage in dealing with Japan, with Asia, with China, with Australia, and with South America, as compared with any foreign government.

Mr. EDMUNDS. My friend from Massachusetts, with the astuteness that characterizes him always, and intending to be fair, has stated a series of connected propositions that he says I have been in favor of, about three of which I have been in favor of as constitutional propositions, and the other two I have not. I have never maintained the power of Congress to establish a corporation other than for the purposes of the District of Columbia (which is a full State power and complete sovereign power), the Territories, and the objects that the Constitution of the United States has committed to the Government of the United States. I have voted for subsidies, though not very often (and I begin to think I was mistaken that I did not do it more often), to steamship companies to promote American lines for the benefit of American trade, for carrying American mails to foreign countries. I did not do it on the ground the Senator speaks of as applied to corporations and other acts of specific legislation, because of the general welfare clause in the Constitution except in respect of appropriations of money. The appropriation of money in the Constitution is given to Congress, and in specific terms to pay the debts and liabilities of the United States and to promote the general welfare. I may not quote it with absolute verbal accuracy, but that is the substance of it.

There is a specific power conferred upon Congress to be the master of the purse of the people of the United States, and therefore whenever I think it will promote the general welfare I am ready to vote the money of the people of the United States, of which so long as I am a Senator I am one of the trustees bound to follow the law of my creation under the Constitution in exercising my judgment about spending money. But when it comes to creating the charter of a corporation, that is not a subsidy, that is not granting money.

I admit that you may grant to Mr. Eads to-day, in the constitutional sense, $100,000,000, if you want to, by name and in person. Whether you speak of it as gratitude for what he has done or has failed to do for the United States, or what he expects to do, or because you wish him to go to the other side of the globe and stay there, or any other reason, that is appropriating money which the Constitution gives Congress the power to do whenever it thinks the public welfare will be promoted by it. But appropriating money is one thing and creating an artificial being with powers under the Constitution of the United States is another thing; and the Supreme Court, as I said, speaking through Mr. Chief-Justice Marshall, more than half a century ago, only found themselves able, and with great stress and difficulty even at that, to support the constitutionality of the charter of a bank that was to be the fiscal agent of the United States, the creature of the United States, under the control of the United States, and in substance and effect managed by the United States for its fiscal and war purposes, upon the ground that it was incidental to the power to do the things that the Constitution had conferred upon Congress the authority to do.

Now, when you come to the regulation of commerce clause, upon which alone I suppose my distinguished friend stands, he says that I have admitted you may pass a law of Congress providing for a railway corporation entirely within the State of Vermont. I have not admitted or said any such thing. I do not know but that I would admit it. What I said was that I admitted to Congress the power to provide for chartering a corporation to build a railroad from the southern border of Texas to the Canada line in order to promote commerce with—not in, but with—a foreign nation.

My learned and distinguished friend has omitted to remember at this moment the change of phraseology on that very regulation of commerce clause of the Constitution. Congress shall have power to regulate commerce among the several States, which means in and between them as related to each other, but "with foreign nations," which means, as our fathers who knew something about the course of political powers and events, and something about the use of language, changing the phraseology intentionally, changed it on purpose to exclude the idea that we were to have anything to do with the internal commerce or the internal operations in any foreign State unless we got it by treaty, which related to our public powers. It was with them; it was among us. They were external. We only stand on the outside and treat them as a single unit of power who are to regulate their own affairs in their own way within their borders, and we deal with them as separate and independent communities, having no right to enter into them for

any purpose whatever except by relations that may be created by treaty or something of that kind.

Therefore, Mr. President, this case is exactly as if the Congress of the United States were asked to-day to establish a manufacturing corporation on the theory that it would promote the general welfare (and I rather think it might) in the city of London, in England, that you and I and my friend from Massachusetts—and we three, I suppose, would have capital enough to do it; if not we could call in some of the other Senators about us—a corporation for making Bessemer steel to be established in the city of London or its suburbs. I will say nothing about a concession for the moment. Does anybody suppose we would have a right to do it? Of course, everybody would say "no" at once.

Mr. HOAR. Suppose it was a corporation to repair American ships that happened to be over there? What would the Senator say to that?

Mr. EDMUNDS. I should say "yes," for the fun of it, just now, but not as a corporation to repair foreign ships.

Mr. HOAR. No, American ships.

Mr. EDMUNDS. Here is a corporation that is to be created in Mexico, to be a Mexican being, for Mexican purposes and nothing else, with a majority of its directors and managers the appointees of the Government of Mexico. If the bill provided that we might establish a corporation which, with the leave of the Government of Mexico, might locate itself at Vera Cruz for the purpose of repairing American ships of war and the vessels of American commerce belonging to American citizens, I do not say whether we could do it or not; I should rather incline to think that we might. But to establish a corporation in the city of London, or in the city of Mexico, to carry on a local business operation, although it has other——

Mr. HOAR. Now, will my friend allow me——

Mr. EDMUNDS. I ask my friend to wait just one minute.

Mr. HOAR. I will wait two, if the Senator wishes.

Mr. EDMUNDS. I will ask you to wait just three, if you will possess your soul in patience.

I will ask my friend from Massachusetts again, what would he say to providing for a corporation in the city of London to carry on the manufacture of Bessemer steel because we think it would be for the public interest and general welfare of the people of the United States that we should be higher up in the art of the manufacture of Bessemer steel? We could build railroads here that should be interstate commerce, a national line, from New York to San Francisco. He would of course say "no," I take it. So there is no getting away from the proposition by suggesting things that do not exist.

This proposition is simply to create an internal Mexican railway corporation that might just as well, for all the purposes of our constitutional power, run from the City of Chihuahua to the City of Mexico entirely inland, as from one coast to the other, because its powers under this Mexican concession, its powers under this proposed grant of my friend from Missouri would be precisely the same in either case.

The mere fact that this railway would be capable of promoting commerce between the several States would equally apply to every corporation that might be created in a State. We might be asked to-morrow to create a corporation within the State of Massachusetts to do this thing, that thing, or the other, which we thought would promote the general welfare. It would increase commerce. We might take possession of the magnificent Atlantic mills at Lawrence, and say we will promote the general welfare, and we will regulate and promote commerce between the States by turning that into a corporation of the United States, in order that its fabrics may go to every foreign country and be carried over every State in this Union, to the great benefit and advantage of them all, as I have no doubt it would be as far as the fabrics are concerned, for they are very good.

No, Mr. President, it is idle to attempt to escape from the thing that we must face in passing the bill as it stands, and that is that we are passing a bill which is absolutely unique, the first one of its kind, and which does not give to the United States, or profess to give, any authority, or control, or benefit, or advantage whatsoever. On the face of its preamble it declares that it is to be that kind of a corporation and for that purpose, that the Mexican Republic if it had the power, which I very much doubt, under their constitution for the State of Oaxaca has the control of those things, but I leave all that aside—a corporation that the Mexican Republic is to take possession of and is to have as its citizen, as its agent, and nothing else. If we have the constitutional power to do that, we have the constitutional power to do anything.

Mr. HOAR. I think when my honorable friend (on whose unfailing sweetness and courtesy I thought I could rely to permit me to ask him a question while he was speaking, but I found I was mistaken) shall have thought over the concessions he has made in the course of his two speeches, by to-morrow morning he will come to the conclusion that whether this bill be accepted or not it is entirely within the constitutional power of the Government.

In the first place, he concedes that we might give Captain Eads $100,000,000 out of the Treasury to go and build this railroad—that is the first proposition—on the ground that thereby the general welfare, which we have a right to spend money to promote, would be promoted. I think he will on reflection see that if we can do that, we can create a corporation whose object shall be carrying American ships across Mexico under our power to promote the interests of commerce with foreign nations and among the States.

The Senator also admits that Congress has the power, if it be a suitable method of promoting the interest of commerce among the States or with foreign nations, to authorize the building of a ship-canal across the State of Florida, although Florida itself may have no interest therein, or although it may take jurisdiction over that corporation.

If we can do that, can we not create a corporation whose function it shall be to remove a rock in the high seas which is an obstruction and a danger to American commerce? If we can take the rock at Hell Gate out of Long Island Sound because that rock is an obstruction to commerce among the States or with foreign nations—if we can create a corporation to do that thing, can we not create a corporation whose function it shall be to remove a rock in the high seas which is a danger to our commerce coastwise or with the Pacific or with foreign nations? If we can create a corporation who can do that, can we not create a corporation who can dig out the Isthmus of Nicaragua or Panama or Tehuantepec, which is an obstruction to our commerce among the States and with foreign nations, although that obstruction be entirely situated within the limits of the Republic of Nicaragua, or Guatemala, or Mexico?

My learned friend admitted further that we might lawfully create a corporation whose function it should be to go to England, and on English soil, and under English laws, and subject to the sovereign of England, create a corporation whose function it should be to repair American ships, whether belonging to the Government or to private persons, if in that way our foreign commerce would most conveniently and advantageously be served.

If you can plant on either side on the coast of the Isthmus of Tehuantepec a corporation, as the Senator agreed, subject wholly to Mexico, under Mexican authority, who shall repair your ships that put into those ports out of repair, by what earthly process of logic does the Senator say that you can not make a corporation which will take up those ships and carry them across the continent from sea to sea and deposit them in water at the other side?

It is the general function of promoting commerce with foreign nations or among the several States with which Congress is clothed. If as incident to its power to establish a sound currency it may establish a national banking system and create corporations, if it be the most convenient and appropriate method, of which Congress is the sole judge, of performing that function, if the creating a corporation to aid American ships in their transit from sea to sea on foreign soil be in the judgment of Congress an appropropriate method of accomplishing our function of promoting the interests of commerce with foreign nations or among the States, the constitutional power of Congress is precisely the same.

Mr. MORGAN. Mr. President, the controversy which is raging on the other side of the Chamber about the constitutionality of this bill is in a family that I am not a member of. Both those Senators in their interpretations of the Constitution rank with that class of politicians who used to be called Federalists, while I belong in the Democratic family and believe in what is called the Jeffersonian construction of that instrument.

I stated when I first opened the debate on my part that I felt this was a constitutional measure because it related entirely to the operations of a corporation beyond our borders. The limitations of the Constitution of the United States affect the people and the States of this country and all the provisions put in that instrument in restraint of the powers of Congress relate to the dealings of Congress with our own people and our own States. When we come to look at the Government of the United States in respect of its relations to foreign countries, it is a unit representing both States and people, and there is no abridgment of its powers beyond our own borders.

I think any one will look in vain to the Constitution of the United States for any word or sentence or idea that restricts the powers of the Government of the United States in its dealings with foreign countries below themselves or any other countries in the world. So I conclude that when we organize a corporation, it may be for the benefit of the whole people of the United States, we have the authority to do so, finding no controversy with any State or with any citizen of the United States in the powers we seek to confer upon it. What we have to do in a foreign country, or in respect of a foreign country, is to get the consent of that country that our corporation shall have some powers within its domain.

I believe the consent of the Government of Mexico has been obtained to the operation of a corporation created under the laws of the United States to build a canal or a ship-railway across the Isthmus of Tehuantepec. That guarantee is given to us in the eighth article of the Gadsden treaty, to which I have frequently adverted in this debate. The Government of Mexico has gone on from time to time continuously and persistently to keep that grant in operation in the hands of different persons, different corporations, one failing, another succeeded, and, after all, the Government of Mexico became the final successor and assumed the rights of property and the duty which it had devolved on other grantees in concession to build a railway across the Isthmus of Tehuantepec. So that whenever we pass this act of incorporation, in-

stead of making ourselves parties to the concession on which it is based, we find ourselves related to it by the terms of that treaty, and they regulate what our rights are upon this railroad.

I believe the Government of Mexico, in view of the history of her own operations and transactions in perpetuating this isthmian railway-transit through Tehuantepec, would never presume to deny that the rights of the Government of the United States arising under the eighth article of the Gadsden treaty apply to this corporation, and of course as far as they do apply they would break down any provision in the concession that might operate in derogation of our rights.

In support of that I wish to submit and put in the RECORD a memorandum showing completely, I believe—but perhaps there may be some omission in it—the conduct of the Mexican Government in relation to the right of transit and the building of lines of transit across the Isthmus of Tehuantepec.

The Mexican Government has made the following grants for the Tehuantepec interoceanic communication:

First. The first concession made by the Mexican Government for the construction of an interoceanic railway through the Isthmus of Tehuantepec seems to have been made March 1, 1842, to Mr. José Garay.

Second. As the road was not built in compliance with the above grant, the Mexican Government signed a contract for the same purpose February 5, 1853, with Messrs. A. G. Sloo and associates, forming what was called the Mixed Company. That is the company that is referred to in the eighth article of the Gadsden treaty. That eighth article refers to the grant made February 5, 1853. It does not mention Messrs. Sloo & Co., but merely mentions the grant and the date of it, thereby showing that it was not the grantees to whom the concession was made that were the persons in respect of whom these rights of the United States were to attach or not to attach, according to their ability to build the road or not to build it, but that it was the grant embodied in the concession of that date, describing it by its character rather than by the individuals who were concerned in executing it.

Third. The road not having been constructed by the latter company, the Mexican Government made a new contract December 7, 1857, with the Louisiana Tehuantepec Company. Article 17 thereof bound the company to pay $600,000 with interest to Mr. Francisco J. Falconet, who had loaned that amount to the Sloo Company to allow it to comply with the provisions of article 14 of the contract of February 5, 1853, the government remaining free from all liability on this point. Observe the connection reserved by the Government of Mexico between the Sloo Company and this Louisiana Tehuantepec Company. The time fixed in this contract was extended by decrees of March 28, 1859, and October 25, 1860. As the road was not constructed, the contract was declared forfeited October 15, 1866—forfeited by the government, of course.

Fourth. This same decree authorized the Tehuantepec Transit Company to build a railroad through the Isthmus. Article XXXII of the same bound the company to assume all the responsibility arising out of the amount due Mr. Francisco J. Falconet for his loans to the Sloo Company. Thus connecting the transaction back with Sloo.

Fifth. The Mexican Government made another concession (October 6, 1867) to the La Sere Company for the opening of an interoceanic communication through the Tehuantepec Isthmus, which was amended by a decree of January 2, 1869.

By decree of December 20, 1870, the same company was authorized to establish a navigable canal between the Pacific Ocean and the Gulf of Mexico.

On the 22d of May, 1872, the grants of January 2, 1869, and of December 20, 1870, to construct and work a railroad and a navigable canal through the Tehuantepec Isthmus were revalidated and a provision made that the time fixed in the former would begin to be reckoned from the 2d of January, 1872.

On the 17th of January, 1874, an extension of a year was granted to the latter company.

On the 14th of December, 1874, a subsidy of $7,500 was granted for each kilometer of road built and approved in conformity with the decree of January 2, 1869, and other modifications and extensions of time of preceding concessions were granted.

Sixth. On the 2d of June, 1879, Mr. Edward Learned, or the company to be organized by him, was authorized to build a railroad through the Tehuantepec Isthmus. This grant was declared forfeited by the Mexican Government, who assumed the construction of the work, making an arrangement with the Learned Company for the payments of the amounts spent by the latter.

Seventh. Mr. James B. Eads made a contract with the Mexican Government in 1880 for the construction of a ship-railway through the isthmus, which contract was amended May 2, 1885.

That is the history of the railway and canal grant, as far as I have been able to obtain it, made across this Isthmus of Tehuantepec, and it shows that the Government of Mexico has persistently prosecuted the work from the date of the treaty of 1853 down to this very day, never abandoning it, sometimes assuming it as a government enterprise, always making a relation between the debts contracted by the previous companies and assumed by the successor companies, and thereby maintaining in continuous operation the grant itself and the means itself by which the grant was to be executed in the building of a railway or a canal.

Mexico can never deny that she has maintained continuously the grant that was described in the eighth article of the Gadsden treaty as a subsisting and operative grant, and that she has committed herself to it by concession after concession and by the government itself assuming to do the work. So I hold that when Mr. Eads builds his ship-railway there, it will be a ship-railway within the meaning of the Gadsden treaty of 1853, and that all the treaty rights and stipulations which are reserved by the amendment of the Senate adopted this morning to this bill will be found to be in full force and effect in respect of Mr. Eads's railway.

Having said this much I will yield the floor to the Senator from Missouri with one single remark; that is, that I propose before we get through with this bill to strike out the preamble in order that it shall not be said by the Mexican Government that we have amended or modified our treaty relations with Mexico by any legislative act adopting the Eads concession as a part of our legislation.

Mr. VEST. Mr. President, as a matter of course in the discussion of this question I was not unaware that the constitutional question presented by the Senator from Vermont would be raised, and I had prepared myself at one time, anticipating such a discussion several months ago, with the authorities in regard to the power of Congress to incorporate a company to operate outside of the territory of the United States; but I assume that that question has been settled by the decisions of the courts of the United States, and it is not necessary to enter into any elaborate argument of it.

Corporations are simply means and instrumentalities. If the power exists in the General Government to do any act, if a general power is invested in the Government to perform any function for the benefit of the people at large, then the Government can use any instrumentality it pleases for the purpose of carrying out and effectuating that purpose. True, the Supreme Court of the United States decided in regard to the old United States Bank and the national banking system as it now exists, that they were fiscal agents of the Government; but that acknowledges the whole argument, because the power to regulate finance being vested in the Government of the United States, the minor, the implied power must go with the general grant that Congress may use such agencies as it sees proper or finds necessary to carry out the general grants of power. In the case of the States freight-tax case, decided by the Supreme Court of the United States in 15 Wallace, 275, Mr. Justice Strong, in delivering the opinion of the court, said:

> Beyond all question the transportation of freight, or of the subjects of commerce for the purposes of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer, or from the place of production to the market, was not contemplated, for without that there would be no consummated trade, either with foreign nations or among the States.

If it is once conceded, as it must be *ex necessitate*, that the power to regulate commerce among the States gives the power to use such instrumentalities including the agencies of corporations as may be necessary for that regulation, then the clause that gives Congress power to regulate commerce with foreign nations inevitably implies the same minor, subsidary power, the use of corporations created by Congress for the purpose of carrying out the general power in regard to commerce with foreign nations. Mr. Story sums up the whole thing in his Commentaries, volume 2, page 7, in the following language:

> Many like powers—

He says, in speaking of the clause in regard to commerce among the States—

> have been applied in the regulation of foreign commerce. The commercial system of the United States has also been employed sometimes for the purpose of revenue; sometimes for the purpose of prohibition; sometimes for the purpose of retaliation and commercial reciprocity; sometimes to lay embargoes; sometimes to encourage domestic navigation and the shipping and mercantile interest by bounties, by discriminating duties, and by special preferences and privileges; and sometimes to regulate intercourse with a view to mere political objects, such as to repel aggressions, increase the pressure of war, or vindicate the rights of neutral sovereignty. In all these cases the right and duty have been conceded to the National Government by the unequivocal voice of the people.

Mr. Jefferson used the embargo in the last term of his occupancy of the Presidential chair in order to prevent a war with Great Britain. Unfortunately it failed and the war of 1812 was precipitated upon the country. But Mr. Jefferson claimed the right to use the embargo under the commercial clause of the Constitution in order to prevent hostilities with a foreign power. It is not necessary to go as far as that in order to find this power now in the clause which gives to the Congress of the United States the authority to regulate commerce with foreign nations. But for the purposes of this argument I had supposed that question settled by very high authority, authority equal to possibly that of the Supreme Court of the United States. While I was entirely prepared for the attack made by the distinguished Senator from Ver-

mont on this bill to-day, because he is an open and undisguised enemy of the Tehuantepec ship-railway, and it is an open secret that the Senator from Vermont is the especial advocate of the Nicaragua scheme—he believes the Nicaragua scheme is feasible and that the Tehuantepec ship-railway is not feasible——

Mr. EDMUNDS. If my friend will permit me——

Mr. VEST. Certainly.

Mr. EDMUNDS. It is not an open secret, it is an open fact that I believe in the Nicaragua scheme.

Mr. VEST. I accept the amendment with the greatest pleasure. It is an open fact that the Senator from Vermont is the enemy of the Tehuantepec ship-railway and does not believe it feasible, and he has stated so over and over again. Every obstacle put in the way of the enterprise is augmented and magnified by his imagination. Every fact stated and every doubt suggested in order to throw obstacles in the way of Captain Eads is used by that Senator, while every obstacle in the way of the Nicaragua scheme with him dwindles into insignificance.

The Senator says he is not here to discuss engineering difficulties, and yet, whilst he knows that Captain Eads relies upon the feasibility of his enterprise to get capital in order to build this ship-railway, the Senator from Vermont manages to throw in every damaging circumstance he can possibly find in all the partisan reports, in all the partisan literature that has been sent broadcast over this country against Captain Eads and the Tehuantepec ship-railway, but at the same time the Senator disavows any intention on his part to prevent the construction of this railway between the seas.

I was prepared for the Senator's opposition, for I knew it existed. I was not exactly prepared for his constitutional argument, for I hold in my hand his report on the Nicaraguan incorporation act, in which he uses this language, a report made unanimously from the Committee on Foreign Relations, and signed "Geo. F. Edmunds, for the committee:"

> The committee is of opinion that the instance must be rare and exceptional when it should recommend Congress to pass any act of incorporation other than for local purposes within the District of Columbia or in some Territory, but it thinks that for great national objects and for specific purposes, affecting the welfare of the people of all the States, that Congress may rightfully and properly create a corporation to effectuate the same public objects that Congress might by law provide for being done by the Government itself.

Mr. EDMUNDS. That is it exactly

Mr. VEST. That is all that I ever asked.

Mr. EDMUNDS. That is not what your bill is.

Mr. VEST. That is all that the bill before the Senate now asks. It is simply an act of incorporation, and, as the Senator from Alabama in front of me [Mr. MORGAN] very correctly observed, after that corporation is created, what it does with Mexico, what concession it receives from Mexico, is a question between that corporation and the Mexican Government.

Why, sir, the States create the corporations every day, and those corporations come to Congress and ask for the power to build bridges over rivers of the United States where Congress has the exclusive national jurisdiction. The existence of the corporation emanates from a State, but its right to operate in the national domains comes from Congress. So the life is breathed into this corporation by the Congress of the United States, and its power and authority upon foreign soil must necessarily come from the foreign power and nowhere else.

This Congress, as a matter of course, has no extra-territorial jurisdiction. All we can do is to put the stamp of our sovereignty upon our own citizens, and it is for us to say what powers and rights those citizens may have in a corporate capacity, and we crystallize those powers in an act that comes from Congress itself; but when that corporation after being created goes into a foreign jurisdiction, then the United States is powerless to control it; and the government that would permit a foreign corporation to come on its soil and be anything else than its subject ought to be blotted from the map of the earth. Why, sir, what would be the indignation of the distinguished Senator from Vermont if a Mexican corporation should come here, or a lot of Mexican citizens should ask for a concession from the Government of the United States upon our territory and say at the same time that they did not propose for jurisdictional purposes to be citizens of the United States? I can imagine the indignation of my friend from Vermont, and how he would "thunder in the index" of the Senate at such a monstrous proposition. What, foreigners come here and put their persons on our soil and breathe our air and use our rivers, and yet not be subject to our laws as our own citizens are. Oh, Mr. President, then we should hear a very different argument from that we have heard to-day. But Mexico, according to the Senator, must permit a lot of American gentlemen to go upon its soil, take a concession from it, and when Mexico says to them "For all the purposes of jurisdiction you are citizens of Mexico as to this end and this purpose," then the Senator says that is a monstrous proposition, and a unique one.

Mr. EDMUNDS. If my friend will pardon me—I do not wish to interrupt him—I desire to say a word.

Mr. VEST. Certainly; I yield.

Mr. EDMUNDS. He entirely misunderstands and misstates my position. I am not complaining of the action of the Government of Mexico; but that being its action, defended by the Senator from Missouri, I say it is not within the competence of the United States on such terms and with such a concession to create a corporation to do this Mexican work. That is my proposition.

Mr. VEST. What have we to do with the concession of Mexico? It does not bind this Government. There is not a single clause of that concession that affects the rights of the Government of the United States. It is a contract between this corporation which we create and the Government of Mexico. There is nothing in this whole concession binding on our Government. There is a simple preamble here reciting that such a concession exists as an inducement for the creation of the corporation, pointing out the subject-matter on which the corporation is to operate; but there is nothing whatever in the concession that binds this Government. The whole question here in the beginning is, Have we the right to create this corporation? and the Senator from Vermont says that we have, but he proceeds further to say that because we are creating a corporation to take this concession from the Government of Mexico therefore it is unconstitutional here.

We can give, he says, $100,000,000 to Captain Eads; we can take it out of the money in the Treasury. I deny it. I belong to a school in politics that admits no such power under the Constitution of the United States. Congress has no right to take the money of the people out of the Treasury and give it to any object of charity it pleases, whether personal or general, either under the general-welfare clause or under any other clause. But here is no such proposition as that. It is proposed here simply to create a corporation for a great international object, the very same object except in a different locality for which the Senator from Vermont has reported a corporation in the Nicaragua bill now on our table.

Mr. MAXEY. I would like the Senator to state the clause of the Constitution under which Congress has the power to incorporate this company as proposed by this bill.

Mr. VEST. I have no doubt we have that power under the commercial clause of the Constitution authorizing us to regulate commerce with foreign nations. I have no doubt that power exists. Then you have it under the general clause of the Constitution which says all the powers that are necessary to carry out the preceding grants shall be given, or words to that effect.

Mr. GEORGE. Under the commercial clause of the Constitution giving power to regulate commerce with foreign nations, has Congress the right to charter a railroad company or a canal company? Is that the position of the Senator? Then, under the same clause of the Constitution, under the power to regulate commerce among the States, Congress, doing what the Senator from Vermont said and what the Senator from Massachusetts said Congress could do, might charter a railroad company in the States to build and operate a railroad in a State.

Mr. EDMUNDS. If my friend from Missouri will pardon me a moment, I will say that my friend from Mississippi has apparently overstated my proposition. I have not admitted or said, so far as I know, that Congress has power to charter a railroad within a State and in a State alone. What I said was that Congress, I thought, had power to charter a railroad company to build a railroad from the border of Mexico to Canada—to illustrate, a national road, to govern commerce between and across many States.

Mr. GEORGE. I accept that amendment, but I do not see any substantial difference in the view that the Senator from Missouri and I take between the power of Congress to incorporate a railroad company running between several States, as the Senator from Vermont says, and one to operate solely within a State. Does the Senator from Missouri think Congress can create a corporation to build a railroad from Washington city to New Orleans, passing through several States?

Mr. VEST. All I have to say in regard to that is that Congress has done it. Congress did it in the construction of the railroads to run across the continent.

Mr. EDMUNDS. From the Missouri River to the Pacific Ocean.

Mr. VEST. They did do it, and I hold in my hand the decision of the Supreme Court of the United States in the case of the Union Pacific Railroad Company, 91 United States Reports, affirming the legality of that act.

Mr. GEORGE. But the grant, the charter to the Pacific railroads was confined to the Territories.

Mr. VEST. The grant was from the Missouri River to the Pacific Ocean, without reference to whether it ran through Territories or States, and the Supreme Court in this case that I have before me gave their reasons for the legality of it:

> Although this road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier. There was a vast unpeopled territory lying between the Missouri and Sacramento Rivers, which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction, the agricultural and mineral resources of this territory could be developed, settlements made where settlements would be possible, and thereby the wealth and power of the United States largely increased.

I say, as a matter of course, that Congress has no right to incorporate a railroad or canal company within the domain or limits of a single State; but when there are several States, if Congress comes to the conclusion that it is necessary to build a railroad or a canal across this continent and through States under the exercise of its power under the

commercial clause it has the authority. We have just passed a bill here to regulate freights upon railroads, the interstate-commerce bill, that received the ardent support of my friend from Mississippi. What is the difference, let me ask him, between regulating the freights and saying how the business of the railroad shall be done and giving an act of incorporation to individuals to build such a road? There is no difference in the power. It comes from the same grant in the Constitution.

I want to call attention again to this report made by the Senator from Vermont. The Senator from Vermont and the Senator from Alabama have both been vastly exercised about the concession to Captain Eads and his associates from the Government of Mexico. It would seem to me a perfectly legitimate and conclusive argument upon this branch of the subject to say simply that the Government of the United States is not bound to the extent of one single dollar in any event in regard to this concession or in regard to this interoceanic ship-railway. I accepted an amendment, in fact drew it myself, which provides that in no contingency shall this Government, directly or indirectly, become liable for one single cent; and I drew another amendment, which the Senator from Alabama offered and in which I concurred, that no treaty rights of the United States shall be affected by the construction of this railway or by this incorporation. How, then, is it possible that the Government of the United States can lose anything in any event under this concession, or if this act shall be passed by Congress?

But is it not remarkable that whilst the Senator from Vermont criticises every line and syllable in this concession from Mexico, he reports in favor of a bill, and the Committee on Foreign Relations report unanimously in favor of it, giving an act of incorporation to the Maritime Canal of Nicaragua without any concession at all?

Mr. MORGAN. A treaty covers it.

Mr. VEST. There is no treaty. That treaty failed of confirmation by the Senate of the United States. If it was so, why should this report say "under any concessions or authority that the Republic of Nicaragua may concede to them?"

It seems to the committee—

Says this report, after deciding in favor of the constitutionality of the incorporation—

It seems to the committee, therefore, that the least the United States can do is to authorize a corporation, composed, as it is believed the names mentioned in the bill do, of highly respectable and responsible citizens of the United States, to be a corporation for the purpose of building this canal under any concessions or authority that the Republic of Nicaragua may concede to them. It will be noticed that the bill, as proposed to be amended, provides rigorous security for the due administration of the affairs of the corporation and for the prevention of the diversion of its funds to other purposes than those intended by the act, and that it also provides for the complete authority of Congress to amend or repeal it as the public good may require. It will also be observed that the bill as amended does not draw into question the existence or extent of any supposed treaty obligation of the United States with any power.

Looking, therefore, to the large benefits, not only the United States and the Republic of Nicaragua and her sister republics, but also to the commerce and intercommunication of the whole sisterhood of civilized governments on the globe, the committee recommends the passage of the bill, with the amendments proposed, in the hope that the resources and enterprise of private citizens of our country may be enabled to accomplish this great work even if our Government itself is not yet ready to undertake it.

Mr. GEORGE. Where is the office of this company to be?

Mr. VEST. There is a provision in this concession that they may have an office in New York.

Mr. GEORGE. Where is it to exercise its powers?

Mr. VEST. It proposes to exercise its powers in the United States and in Mexico, as a matter of course, to construct the ship-railway. The Maritime Nicaragua Company will exercise their powers in the United States and have an office in New York, and they also propose to construct a canal in Nicaragua.

Mr. GEORGE. What powers are to be exercised in this country?

Mr. VEST. The power to open books, take stock, pass by-laws, and the general powers of a corporation.

Mr. GEORGE. It has no other?

Mr. VEST. I take it for granted that the main object for all practical purposes of this association is to secure the carrying out of its legitmate results, to raise money, and that is to be raised in the United States. It has already raised and spent $400,000, and is prepared to raise in this country $30,000,000 more by and among the incorporators, some of the wealthiest men in the United States and the largest shipbuilder engaged in that kind of business possibly in the world; and yet the Senator asks me what it proposes to do in this country. It proposes to raise this money here; it proposes to get the means with which to build this ship-railway in the interest of the commerce of the world, and particularly in the interest of the commerce of the people of the United States.

Mr. HOAR. I should like to ask the Senator a question if he will yield.

Mr. VEST. Certainly.

Mr. HOAR. I ask whether there is any objection to putting into this bill, as the Senator has drawn it, a minimum capital stock? I see that the bill as it is drawn, says the capital stock shall not "exceed in the aggregate $100,000,000," but it does not have any limit at the other end. It seems to me there should be some sum, $1,000,000, $2,000,000, or any other sum which is to be paid in; or if the capital stock were $20,000,000, as in the Nicaragua bill, that 10 per cent. should be required to be paid in.

Mr. VEST. I have no objection in the world to such a provision. I did not, to be frank about it, draw this bill. It was sent to me by Captain Eads, and I introduced it at the time, supposing there would be no sort of opposition to it. Captain Eads has been before the Commerce Committee for a number of years asking for a guarantee of $7,500,000. Mexico gave a guarantee of a portion of that amount on her own account. But there was so much opposition to that proposition that finally he withdrew it altogether, and comes here simply asking for a naked act of incorporation, with the express provision that this Government shall not be bound to the extent of one single cent, directly or indirectly; and yet obstacles spring up on every hand in front of this plain proposition; and it is urged here now most eloquently and vehemently that this American citizen, who is, to say the least, an engineer of eminence and a citizen of high repute, shall not be permitted to take the carrying out of this grand enterprise without any risk to this Government at all.

The Senator from Vermont was most facetious in criticising the bill before the Senate as a unique bill; and yet what is the difference between that and the bill which he reported from the Committee on Foreign Relations in regard to the Maritime Canal Company of Nicaragua, which provides that—

Frederick Billings—

And some five or six gentlemen—

and all those persons who are or may be associated with them, and their successors, are hereby created a body corporate under the name and style of the "Maritime Canal Company of Nicaragua," by which name said company may sue or be sued, may defend and be defended, in all courts of law and equity within the United States, may have a common seal, and generally may have and possess the rights and privileges usually possessed by similar companies—

And yet when the Senator came to that provision in the Tehuantepec ship-railway bill he tore passion into tatters, and his judicial and legal acumen was utterly shocked and horrified at giving any such power to any corporation! Here it is found in the bill he reported himself—

usually possessed by similar companies, and may receive, purchase, hold, and convey such real estate and personal estate as may be necessary to carry into effect the purposes of this act, and may do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits, and grants contained in any canal concession made or to be made to them, or those to whom they may succeed, by the Republics of Nicaragua or Costa Rica, or both; and the principal office of said corporation shall be in the city of New York, and all legal process may be served upon said company by service upon the person who may at the time be in charge of said office, or upon the attorney of said company, whose name and address shall be certified by the president of the company; and such certificate shall be filed in the office of the Secretary of State of the United States.

The Senator talks about a unique act of incorporation. Look at this. Here is this act of incorporation without a scintilla or sight of a concession from Nicaragua at all, not even a right of way or anything, and it provides that under any concession that may be granted hereafter this corporation shall exist. Suppose Nicaragua should hereafter demand absolute control over the canal when constructed, we bind ourselves to that in advance.

Mr. MORGAN. Will the Senator allow me to interrupt him and call his attention to articles 14 to 18 inclusive of the treaty of 1867 between the United States and Nicaragua, which is available for the building of a ship-canal across Nicaragua, and asserts the rights of citizens of the United States in connection with it, gives the guarantee of this Government of neutrality and protection to that line. The difference in the two cases, if the Senator will allow me to observe it, is this: That this has no concession. Of course there is no concession, but there is a treaty right, whereas I contend that our rights under the scheme of Mr. Eads are also regulated by treaty; but I do not think the Senator from Missouri believes that. In his estimate of it, without any treaty relation, it depends entirely on a concession, which is very objectionable, I think, especially if we undertake to protect it, but the Nicaragua canal depends upon a treaty agreement between the two countries and without any concession to modify that in any form.

Mr. VEST. Irrespective of any opinion I entertain about the Gadsden treaty, the Senator from Alabama has most vigorously and eloquently argued for five or six hours that the Gadsden treaty gave to the citizens of the United States all the rights the citizens of Mexico had in transit over that isthmus.

Mr. MORGAN. I have no doubt of it.

Mr. VEST. Very good. If that is so they are fully protected in the case of the construction of the Tehuantepec Canal. If the Gadsden treaty has any effect, that is an absolute protection as to the transit of American citizens.

Mr. MORGAN. Not if we give it away by adopting the concession.

Mr. VEST. It is said that there are treaty stipulations with Nicaragua. I have heard, it has been whispered—I do not say where—but it has been in the press of the country that the State Department is being urged now to conclude a treaty with Nicaragua with reference to this canal. I have heard, it has been published in the papers of the country, that Nicaragua demanded a loan of $4,000,000 from the people of the United States before they would give the right of transit by way of that canal.

Mr. MORGAN. Will the Senator allow me to inquire whether he has ever read the treaty of 1867 with Nicaragua?

Mr. VEST. As a matter of course that treaty was gone over and was in print before us here in a debate in which the Senator and myself participated.

Mr. MORGAN. It is still in full force and gives every right that I spoke of.

Mr. VEST. And yet we know that there is no concession to-day in existence from Nicaragua to any corporation; and it is worth while to inquire here what is the purpose of passing this Nicaragua act of incorporation at this time. What is to become of a concession if hereafter made? What is to be the result of it? Is this company to be incorporated now in order to receive a concession that we must afterward buy? Is this act of incorporation now proposed in this Congress in order that the corporators may negotiate for themselves a right of concession from Nicaragua, in order that we hereafter may negotiate with them for that thing?

What is that concession that is mentioned in this act? What is it to be? I want to ask the Senator from Alabama if he has the treaty to which he refers, why does he refer at all to a concession to be afterward obtained from Nicaragua? What is the use of giving a concession if he has everything by treaty stipulation? Does he not know from a public document laid but a few days ago on our tables here that Nicaragua and Costa Rica are engaged in a controversy in regard to the occupation of the San Juan River, and that a few weeks ago they agreed to leave it to the President of the United States to act as umpire between them? Costa Rica comes in now and demands one-ninth of the proceeds of the tolls on this canal that is to be constructed, this canal *in nubibus* resting upon this magnificent lake of Nicaragua.

When the company is created and the canal constructed, Costa Rica steps in and says: "I want one-ninth of the proceeds of this canal, or you shall not have the privilege of putting a dam upon the San Juan River," as long as from here to the Treasury Department, 51 feet high; and yet gentlemen talk about engineering difficulties at Tehuantepec! There is no concession, there is a disputed boundary line between Costa Rica and Nicaragua to-day, and yet the sensibility of the Senator from Vermont, so anxious to protect the people of the United States, so hypercritical as to the concession made to Captain Eads is lacerated at the idea of such a unique bill as that before us now, and he himself reports a bill to give an act of incorporation to five or six gentlemen who propose to construct a canal at Nicaragua without having any concession or knowing what its terms will be, with a disputed boundary line and the President of the United States to-day solicited to act as umpire between these rival South American states. What is the nature of that proposition?

Then let us weigh the sincerity of the Senator from Vermont when he attacks this concession made by Mexico, a neighboring sister republic to the United States. Does not every man know that a canal at Nicaragua means an enormous navy competent to meet on the ocean the navy of our rival, Great Britain? Do we not know that to-day, according to Admiral Porter, we have but one single vessel that can go to sea in the event of war, the Dolphin? On the very day after that martial debate here, when we pelted Great Britain with epithets and undertook to clean out the British Channel, the Admiral of the United States, Porter, came out in a public letter and said that if we went to war we had but one vessel that could steam out of any port and last a minute on the bosom of the ocean.

What would be the result if we went into the Nicaragua scheme to-day? As the Senator from Massachusetts has so well said, with the islands outside on the Caribbean Sea in the possession and ownership of Great Britain, it would mean that we must immediately build and put afloat a navy, a permanent navy equal to the great emergency that would then come upon us. We should be compelled to construct absolutely, to build and make a harbor at Greytown upon the Caribbean Sea, and a harbor at Brito upon the Pacific Ocean, dig them out, scoop them out of rock and sand, and build them from the beginning, from the foundation stone up. After we have done that and constructed this canal we enter the waters of Lake Nicaragua with its enormous embankment of 51 feet high, extending a distance equal to from here to the Treasury Department of the United States, with a lock, one single lock, a lift-lock of 53 feet with a gate 88 feet high.

After we have accomplished all this we must then put afloat and wait for a conflict with the navies of the world such a navy as we never had and as exists alone to-day in imagination. The construction of that canal, Mr. McFarland, an engineer officer of the United States, says, would cost at least $140,000,000. The construction of the canal is simply the beginning of the expense. We could not reach it with land forces. We should have to march down the isthmus, obtain the consent of Mexico to pass by Tehuantepec, and on down to Nicaragua, 750 miles below, and there our troops would be in a tropical climate filled with tropical fevers, far from home, without any base of supplies.

We are told by the Senator from Vermont that this proposition of Eads is a unique proposition, unheard of and unknown before in the annals of America. The Senator from Alabama asked what the United States got, and the Senator from Vermont repeated the question. I believe this ship-railway can be built, but I am not here to discuss that question, because that is between the capitalists and Captain Eads, and we are not asked to put a dollar into it. If it is built, it is a continuation of the coast line of the United States. Tehuantepec is at the upper extremity, or 1,500 miles of isthmus.

It is exclusively upon the soil of Mexico, a sister republic, which, without using the phrase of "manifest destiny," is bound to come under the dominant sentiments and institutions of the people of the United States. I have no doubt—I may not live to see it, and no man here present may live to see it—the time will come as certainly as this Government continues to exist that Mexico will become a component part of the territory of the United States. When the strain comes upon our institutions that will come when we must have more territory in order to escape from great and manifest evils, then the people of the United States will look for more territory, and they must inevitably look in the direction of Mexico and no where else.

Mr. MORGAN. Is that part of this plan?

Mr. VEST. The Senator asks me if that is part of this plan. I am speaking for myself. No man is responsible for my utterances. I only give my own opinion. But I say now emphatically and distinctly that there is a vast difference between Nicaragua and Mexico geographically, as to the people, as to the institutions, as to the interests involved. If we construct the Nicaragua Canal, it means that we seek Nicaragua for better or worse; we are to protect her territory; we are to become the sponsors for her and for her institutions and for her interests. Mexico is allied to us by vicinity and with the finest climate and soil upon the face of the globe. It is only necessary to infuse into her people the business enterprise and activity of her neighbor on the north to make it the ideal republic of the world.

Mr. President, I could weary the Senate and myself by reading the opinions of distinguished engineers as to the feasibility and practicability of the Tehuantepec ship-railway. I do not think it pertinent to this discussion. I have all the statements here at hand and could read them *ad nauseam* to the Senate. The best engineering talent in the world says that this project is entirely feasible. But it is not logical to bring that into this discussion, for the simple reason that we are not asked to believe that this ship-railway is practicable and feasible. All we are asked to do is to give this incorporation and risk the capital of this country and the world as to whether it will be invested in it or not.

But I can not forbear noticing what has been said in regard to a portion of this route across the Tehuantepec Isthmus. It was said here by the Senator from Vermont and the Senator from Alabama that the river was simply a part of the canalization that was necessary, and the Senator from Vermont declared that it was a swampy river, shallow in depth, that it would have to be dredged out and kept in that condition in order to be safe for navigation. I have in my hands, amongst a number of other works, Williams' Isthmus of Tehuantepec, and this is the standard authority of the survey of that isthmus, and I may state parenthetically that I have here also at the command of the Senator from Alabama and the Senator from Vermont the profile and instrumental survey made lately of that isthmus, within the last two years. That survey and those profiles have been in the committee-rooms of the Committee on Commerce of the House of Representatives and the Senate for more than a year, entirely accessible and open to the inspection of any one. The survey of Williams, which is the standard authority on that subject—it has nothing to do with the ship-railway, which was not then thought of—says in regard to the Coatzacoalcos River, what I shall read. The Coatzacoalcos River, permit me to say, has a bar at the mouth, which can be removed, as Captain Eads says, by the jetty system, and there is now 15 feet of water at low tide on that bar; but crossing the bar the ship would enter then into the Coatzacoalcos River proper, and would go up to Minatitlan, which is from 20 to 25 miles above the mouth of the river, where the works for the elevation and taking of ships out of the water are to be constructed. Williams says:

> As soon as the bar is crossed, and the ascent of the river commenced, it widens and deepens, and at 7 miles from the Gulf the lead shows a depth of 40 feet, which is preserved for some distance. The least depth in the channel below Minatitlan is 12 feet, and this may be carried nearly to the island of Tacamichapa. The superior advantages offered by this stream as a safe and convenient harbor for ships early attracted the attention of the Spanish conquerors. Cortes, in his official dispatches to the Emperor Charles V, speaks of the importance of this river as furnishing the best harbor to be found on the Gulf coast of Mexico. In giving the results of a survey of the river, made by his order, he says: "They found two fathoms and a half of water at its entrance, in the shallowest part, and ascending 12 leagues, the least they found was 5 or 6 fathoms."
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> These soundings were made in the year 1520, and give about the same depth over the bar at the mouth of the river which we now find. This is an important fact, as proving that the material of which the bar is formed does not change its position, and giving promise that any work for deepening the channel at this point will afford permanent results.

But the Senator from Vermont draws a graphic picture of a 3,000-ton ship passing over the Tarifa Heights and then plunging down a precipitous descent to the laguna upon the banks of the Pacific Ocean. From this same authority I read a description of that portion of this

route, after crossing over what is called the three divisions and going down toward the Pacific Ocean:

By a narrow opening or gap in these mountains, we descend suddenly from the elevated table-lands to the Pacific plains, which form the third or southern division. These plains average about 20 miles in breadth, from the base of the mountains to the Pacific coast, and descend on the meridians to the lagoons, at an inclination varying from 10 to 15 feet in the mile; thus forming, as it were, an immense inclined plane, with its side next the mountains, about 250 feet above the Pacific. Under these circumstances they present a remarkably smooth, even surface, with a uniform gentle slope toward the sea. In some instances there are occasional isolated hills, which, rising abruptly, form a prominent feature in the topography of this part of the country. The plains are traversed by eight rivers, which discharge the drainage of the southern slope into the sea. Seven of these rivers empty into the lagoons, which are connected with the sea by a narrow outlet, called the Boca Barra; the eighth, or Tehuantepec River, comes from a northwesterly direction, and passing through the city of the same name, discharges itself directly into the sea at the Bay of Ventosa.

This is the precipitous descent so graphically described by the Senator from Vermont, while this engineer whose survey is considered the highest authority in regard to the typography of that country asserts that it is a remarkably favorable survey running down to the laguna. I may be permitted to say here that it is within engineering possibilities that the laguna may not be used at all, that the survey may not go out to the ocean itself, but to an arm of the ocean extending a number of miles further, to secure deep water in the vicinity of the entrance.

I am not disposed, however, to go into these details. So much has been said about them that I can not resist the temptation of saying a few words in regard to the surveying difficulties that are met by the Nicaragua Canal. According to a published statement it appears that the Nicaragua Canal has a width at the surface of the water for 7 miles of its length of 80 feet, and its depth for 46 miles is 28 feet, and the locks have a depth of only 29 feet. Its water width is 80 feet; its depth for 46 miles—I think the statement of the Senator's own engineer, Menoçal, is 28 feet—with a depth to the locks, of which they are seven, according to the Senator from Alabama, of 29 feet.

The Senator from Alabama ridiculed the idea that the war vessels of the United States in any contingency could pass over the Tehuantepec ship-railway. He said that the largest tonnage of any ship to be passed over it is 6,000 tons and that we have not got a war vessel that does not weight more. The largest war vessel of the United States, I believe, is the Chicago, 6,800 tons, 800 more than the 6,000 tons which are to be given to the ships transported by Captain Eads. Since the Senator made this statement I have taken the pains to find out what the tonnage of our war vessels is. With a width of 80 feet, a depth of 28 feet in the main for 46 miles on the Nicaragua route and only 29 feet depth of the locks, let us see how the war vessels of the world would pass through that.

I have the nationality, name of vessel, width of beam, and draft. The Italia, width of beam 72 feet 9 inches. That would give it 3 inches to spare in going through the Nicaragua Canal.

Mr. EDMUNDS. What country is that?

Mr. VEST. Italian; taken from the records of our Navy Department. That vessel has a draft of 31 feet 2 inches. Italy also has the Lepanto; and this is instructive reading in two or three aspects to the Congress of the United States. We are in the habit of hearing of Italy as the land of maccaroni and lazzaroni, but it seems she has a better navy than the United States has. The Lepanto has 72 feet 9 inches width of beam and a draft of 31 feet 2 inches; the Duilio has 64 feet 9 inches width of beam and 26 feet 7 inches draft; the Andrea Doria, 65 feet 4 inches width of beam with a draft of 27 feet 2 inches; the Sardinia, 75 feet 6 inches width of beam and 28 feet 6 inches draft; the Sicilia has 76 feet 6 inches width of beam and a draft of 28 feet 6 inches; the Sardegna, 76 feet 2 inches width of beam, with a draft of 29 feet.

Now we come to our great commercial rival, England, because I say, Mr. President, if we build a navy on that account (and if we build the Nicaragua canal we shall need one from the beginning) we must build one equal to that of England. That canal without a navy would be an elephant on our hands, more disastrous than any elephant ever heard of in this or any other country. We at least must have a navy composed of vessels as large as these foreign war vessels, in order to compete with them and protect our own property. The Sultan, belonging to Great Britain, has a width of beam of 59 feet ½ inch, with 27 feet 11 inches draught. The Inflexible has a width of beam of 75 feet, and a draught of 26 feet 4 inches. The Dreadnaught has a width of beam of 63 feet 10 inches, with a draught of 26 feet 9 inches. The Camperdon, 68 feet 6 inches width of beam, with a draught of 27 feet 3 inches.

Now we come to Austria with the Tegethoff, width of beam 62 feet 9 inches and her draught 26 feet 6 inches.

These are some of the war vessels of the world with which we are to come in conflict in the event of a difficulty between the United States and the governments to which they belong.

Mr. EDMUNDS. They could not get through that canal very well.

Mr. VEST. No, but what sort of ships could we pass through the canal? I believe it has been suggested here in debate that the only thing to do is to take them into Lake Nicaragua, and there have a grand naval spectacular performance for the edification of the people of the whole world; but to get at them for the purposes of protecting the canal or the commerce of the United States would be as impossible as for me to carry off this Capitol on my shoulders. With 7 miles cut through rock, according to the engineer's report, with a deeper cutting than any known in order to make this canal, how long would any war vessel of the dimensions which I have read here to-day live in such a canal as that? How could it get through it? It is simply impossible.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. I never undertake to interrupt unless I get leave. May I ask my friend what would be the weight of these war vessels that he has named with their armament, &c., if they were laid up on one of Fairbank's scales that are made at Saint Johnsbury, Vt.?

Mr. VEST. I do not know what their weight would be.

Mr. EDMUNDS. Would it not be 10,000 tons?

Mr. VEST. I know that the weight of the Chicago, the largest vessel we have, with all her armament upon her, is 6,800 tons.

Mr. EDMUNDS. These great one would be 10,000 tons.

Mr. VEST. Captain Eads proposes to take a vessel of 6,000 tons from the Gulf to the ocean. The Mexican concession says 3,000 tons, but Captain Eads is willing to guarantee 6,000 to anybody who will put confidence in the enterprise. It is not a question between the Government of the United States and the Senator from Vermont and Captain Eads, but between the capitalists, who are willing or not willing to put money into the project. Captain Eads is willing to say that he can take a vessel over with 3,000 tons, and if Mexico is willing to accept that it is a question between Mexico and Captain Eads and nobody else.

The Senator from Alabama's description of the Nicaragua route is so different from the published reports of Menoçal and other engineers, that I am constrained to notice it. He says that the San Juan River can easily be made navigable for vessels drawing 20 feet of water. This conflicts with the fact that the Nicaraguan Government has for several years attempted, but in vain, to obtain plans and make contracts for improving this river so that boats drawing 4 feet of water might navigate it without danger of being wrecked on the rapids.

The Senator says that there are no obstructions at Nicaragua in the shape of heavy cuttings, whereas the engineer, in his statements, gives one rock cutting nearly 3 miles in length whose average depth is 149½ feet and maximum depth 218 feet, and another whose maximum depth is 318 feet—considerably deeper than the depth of the greatest cut at Panama, if the Senator's statement that it is 218 feet is correct.

It seems to have been assumed all along by the advocates of the Nicaragua canal that all the engineering difficulties lie in the way of the ship-railway, and that canal building for ocean vessels on the Nicaraguan Isthmus is a very easy and inexpensive work. After carefully comparing the statements of the engineers, I am rather inclined to believe that the greater difficulties lie in the path of the canal, for in addition to these which I have just mentioned are several others of still greater importance.

The canal will require 7 miles of rock-cutting at an expense so great that the engineer, in order to get his estimates down to a low limit, was obliged to make this rough, rocky, and dangerous trough only 80 feet wide at the surface of the water; that is about the width of the Erie Canal, which varies from 72 to 100 feet. Through this narrow trough, and through the scant amount of water it contains, he proposes to push a vessel 52 feet wide at 5 miles an hour. Why, sir, such a vessel at that rate of speed, could it by any expenditure of power be obtained, would not go 100 yards without taking a sheer and running into the rocky side of the canal and to certain destruction. The size of this ditch cut in the rock is only about two-thirds that of the Suez Canal, which is so congested with ships getting aground against the the sandy banks and obstructing the channel that it can, with the greatest difficulty, accommodate a traffic of less than 6,000,000 tons.

I find that the size of the canal designed at Nicaragua is not one-half as large as the proposed enlargement of the Suez Canal, and yet the advocates of the Nicaragua Canal assert that it will accommodate easily 12,000,000 tons; while at Suez it is necessary to make one twice as large to accommodate 6,000,000 tons.

Then, I am not so sure that the harbors at Nicaragua can be deepened and improved as easily as has been stated. The naval engineer who made the plans seems to have done all he could to whittle down estimates, and in this has admirably succeeded. But when his estimates for improving the Greytown harbor on the Caribbean Sea is $1,766,625 and that of the Army Engineer, Colonel McFarland, who has much larger experience in such works, is $7,733,375, it may not be audacious for us to question the estimate of this young naval engineer. Bearing on this question I find the following very forcible remarks in one of the discussions on the canal:

The question of successfully improving the harbor at Greytown is one of vital importance to the canal. The problem to be solved is how to restore and maintain a harbor that has been completely ruined and practically obliterated by forces it is well-nigh beyond the power of man to control. Natural causes have diverted from their former channel the waters of the lower San Juan and turned them into the Colorado River, which debouches into the sea through Costa Rica. When it is borne in mind that our engineers have failed to deepen the channel into a single harbor along the whole sweep of our Atlantic and Gulf coasts, except the mouth of the Mississippi, the folly is apparent of intrusting to an amateur the design and estimates for a work as difficult as that at Greytown.

But, Mr. President, I do not wish to weary the Senate with these estimates. I have only been induced to go into this matter at all by the attacks made on the Tehuantepec ship-railway, when I repeat that the only question is between the capitalists who are willing to put their capital into it and the projector of the enterprise.

I am not here as a militiaman in the service and at the use of Captain Eads, as the Senator from Alabama intimated. I know Captain Eads; I know what he has done as an engineer; I know to what respect his opinions are entitled. I confess that I am unable now to pass or give an opinion as to the engineering difficulties of this route which would be worth anything to the Senate or to any other body. I am not a practical engineer; but I say when we are offered a chance for an isthmian transit which is simply the continuation of the coast line of the United States, without one single dollar, without the possibility of one cent's loss to the people of the United States, it would be a fatuity beyond my imagination if we rejected that chance.

Why, Mr. President, what has been the result of the construction of the Suez Canal? It has brought Liverpool 2,500 miles nearer to the Indian possessions of England. I was struck the other day with a statement which I saw in the English journals officially that England to-day has constructed 15,000 miles of railway in her Indian possessions and then the construction of the Suez Canal has given her 2,500 miles nearer transit between Liverpool and India, where she pays her laborers 8 cents a day to raise wheat. Why should we not provide for shortening our route between our Atlantic and Pacific possessions? To-day we are passing wheat either around the cape 16,000 miles or across the continent 500 miles farther than by the Isthmus of Tehuantepec. Tehuantepec is 750 miles nearer to New York than Nicaragua, 1,250 miles nearer than Panama. I am taking but one side; but when you double it, it makes a difference between Tehuantepec and Nicaragua of over 1,500 miles, and nearly 2,500 miles difference between Panama and Tehuantepec.

In addition to this, when it comes to the question of strategy and military defense, look at the difference. The Nicaragua canal would necessitate a standing army and a standing navy in order to protect it—simply to protect it in the event of a war with a foreign nation, and the canal under our protection. What would be the result? Our men would have to be carried in the face of the navies of the world to Nicaragua, or pass by land through Mexico, across and along the isthmus; but in the event of the Tehuantepec ship-railway being constructed, it could be defended by troops marched directly through Mexican territory. What on the other hand would be our position? Mexico to-day is building five railroads, one of them running south to Tehuantepec, and now in process of construction. Mexico holds out her hand to-day, begging us to go into this project and exercise a joint protectorate over it. The land forces of the United States could be sent in a few days to protect this ship-railway if it should be built.

Here is this great Mediterranean Sea of ours, which Commodore Maury told us was the Mediterranean of the whole world, with two straits only through which war vessels could come to attack this railway; one the Strait of Florida, the other the Strait of Yucatan; and with a comparatively small navy we could protect ourselves on the Gulf portion of this ship-railway against the naval forces of the entire earth.

Without expending a dollar we have a chance to construct this ship-railway. I know, Mr. President, when this project was first presented to me, with all my admiration of Captain Eads and my belief of his engineering skill and power, I received it with some degree of incredulity; but when I reflected upon the fact that I received with some incredulity his judgment and his propositions to throw a bridge of 525 feet span across the Mississippi River at Saint Louis, when I reflected that I had received with more incredulity his proposition to deepen the mouth of the Mississippi River, and when he told me that he could construct this ship-railway beyond a doubt and was willing to put his life and fortune upon it, I was willing to accept his assurance. I believe to-day if he lives he will construct it by voluntary contributions upon the part of the people of the United States and the world.

Have we any doubt that Mexico would make with us the proper treaty stipulation to pass our munitions of war and our armies across her domain? We have now upon our statute book a treaty with Mexico that permits our troops to cross her frontier to pursue hostile Indians. Mexico knows full well her relations to the United States. Mexico to-day is anxious to induce American capital to engage in enterprises in that country. Under a beneficent and statesmanlike rule the old prejudices growing out of the war of 1846 has passed away. An American sentiment is growing there rapidly and vigorously among all the educated classes. Who doubts that Mexico would give us any treaty stipulation necessary?

As a matter of course it was imperative that Mexico, in granting this concession, should protect her own territory and her own self-respect. She was bound to see that this corporation should be Mexican—Mexican in what? As to its right to the soil of Mexico alone. She gave to this company 2,700,000 acres of public land, she exempts it from taxation, except revenue stamps, which the constitution of Mexico does not permit to be taken off in favor of any one. The constitution of Mexico provides that no munitions of war or armies belonging to any foreign nation shall cross her soil without what is called a constitutional concession to that effect. Who doubts, after the Gadsden treaty and with the change in public sentiment among the educated classes in Mexico which we know exists to-day, that a treaty could be at any time brought about between the two countries that would give us all that we ask?

I have no more to say in regard to this discussion than this: I have no doubt Eads is entitled to a place by the side of the great discoverers and inventors of the world. If Columbus had gone to Ferdinand and Isabella after all the long years of his hard exertions and of weary and incessant delay, and said to them, "Your majesties, I ask not one dollar from your treasury, I ask not one favor or gift; I ask from you simply the poor privilege of sailing to discover an unknown world and a passage to the East Indies under your flag and that alone," what would have been thought of those sovereigns if they had turned him away and said "no"?

To-day this man, ridiculed, slandered, outraged as he has been by those who are unworthy to touch his shoes in point of talent and genius, besmeared with all sorts of filth and slander—this man now, after engineering achievements which have commanded the admiration of the whole civilized world, comes and asks from this Congress simply the poor privilege of attempting to secure for us a transit which was the dream of Cortez, which has been within the mind of every American statesman worthy of the name, and to give it to us without money and without price.

Mr. GEORGE. Mr. President, I am very anxious to reach a proper conclusion on this bill. I have reflected about it and given it as much attention as I could. I shall vote for the bill, but I desire to say that I do not place the constitutional power of Congress to pass it on the simple ground taken by the Senator from Massachusetts and by the Senator from Missouri. I regard the bill as simply giving to a foreign corporation, essentially foreign in all respects—the work it is to do is foreign, and the right to do that work comes from a foreign government—I therefore regard this bill as nothing more than giving the rights of hospitality to a foreign corporation within the jurisdiction of the United States.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

Mr. VEST. I hope that amendment will not be adopted. The provisions of this amendment, as I recollect them, are very extraordinary.

The PRESIDENT *pro tempore*. Will the Senator from Nebraska indicate where he wishes his amendment to be inserted?

Mr. VAN WYCK. At the end of the second section.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. At the end of section 2 it is proposed to add:

That no certificate for stock shall be issued until the same shall be fully paid for in money at the par value of said stock, and the money deposited in the treasury of said company; and said company is hereby prohibited from returning or repaying any part of the money so paid.

Mr. VAN WYCK. I ask to modify the second part by substituting what will now be read.

The Secretary read as follows:

No bonds in excess of the amount of capital paid and received shall be authorized or issued until such paid capital shall amount to the sum of $10,000,000, and no bonds shall be issued or disposed of at less than par value.

Mr. VAN WYCK. I have been waiting for as many days as this bill has been under discussion supposing the projectors of it would make some suggestion in the way of protection or security for persons, at least as to the amount of stock to be issued and the mode of its issuance, and also as to the amount of bonds to be issued and the security to the bondholders; but from the committee and the projectors of the bill has come not even a suggestion, and as the bill stands as reported from the committee, unless something shall be added by the Senate there is no restraint or protection. There is a simple clause that they may issue stock and bonds not to exceed $100,000,000, without any suggestion as to the amount of stock which shall form a part of that $100,000,000, or the number of shares of stock that shall be subscribed, or how much shall be paid thereon.

Now, is it possible, no matter whether it be a foreign corporation or for foreign purposes, that at this age of the world, with all the experiences in our own history and the experiences of other nations, we shall incorporate, set on foot and give life to a creation and impose no sort of conditions upon it? It is a startling proposition. What objection the Senator from Missouri may have to my amendment as now proposed I fail to see.

There was, at one time, a suggestion made, but not in the shape of a proposition from the committee, that they might subscribe for $10,000,000, I think, and pay 10 per cent. upon it, and that upon the payment of a million dollars they could proceed *ad libitum*, according to their own will, to issue stock and bonds for $99,000,000. But there is not even such a provision as that in the bill, it seems. There is no requirement anywhere, either in letter or in spirit, although it has been conceded here in this Senate Chamber, that the great injury to our prosperity to-day has been the allowance of watered stocks and bonds until the whole nation is incumbered with a mortgage, without any consideration, of nearly $4,000,000,000. Yet it is proposed to do even

worse than that in this bill, and to pass it without a requirement that any portion of this money shall be paid in cash into the treasury of the company.

It is all idle to talk as gentlemen have talked, which is undoubtedly true, of the great excellence and high moral character of the incorporators and the great wealth of some of them. The same could be said of all the projectors of railroads in this country. The same could be said of the organizers of the Union Pacific Railroad Company when they came here and Congress bestowed liberally in bonds and money, and yet those men conducted the enterprise in such a way as to bring about scandal and credit mobiliers, and finally by their own unrestrained issue of stocks and bonds they brought disaster to the company.

We are told to-day in the Senate Chamber that with a hundred million dollars indebtedness of these railroad companies we must be tender and careful through our laws, because otherwise the whole hundred millions will be lost to the nation. Yet those were men of character, they were men of moral excellence, they were men of genius, they were men of property. So with all the corporation system of this country which has entailed this enormous debt, upon which interest is extracted from the people by extortionate and oppressive railroad charges. We not only have all that before us in the history of our own country, but we have the history of France in her Mississippi scheme and others, and the history of England in her South Sea scheme and bubble, when her nobility, when her ministers, her chancellors of the exchequer and the treasury were all engaged in such projects.

There is no question of the genius of these gentlemen and the esteem in which they are held; but shall we not protect commerce, and shall we not protect innocent persons who may be disposed to enter into this enterprise by inserting a provision in the bill to restrict the amount of stock which may be issued or the cash which may be paid upon it, or to restrict the amount of bonds to be issued and state the condition upon which they shall be issued?

Mr. CALL obtained the floor.

Mr. VEST. Will the Senator from Florida allow me to have an amendment read which may or may not meet the views of the Senator from Nebraska, but which I think is a sufficient protection?

Mr. CALL. Certainly.

The PRESIDENT *pro tempore*. The Senator from Missouri submits an amendment, which will be read for information.

The Secretary read as follows:

SEC. 2. That the incorporators herein named, or as many as they may choose from their number by a majority vote, shall have power to open books of subscription to the capital stock of said company at such places, within the United States or elsewhere, as they may elect, and receive all subscriptions to said stock. When not less than $5,000,000 of said stock has been subscribed and 10 per cent. thereof paid in in cash, the said incorporators, or a majority of them, so authorized, shall call a meeting of the stockholders, to be held either in the city of New York, or in Washington, D. C. At least thirty days' notice of said meeting shall be given by mailing to each stockholder a written or printed circular calling his attention to the same, and by publication in at least two of the daily newspapers having general circulation in the city where the meeting is to be held. The stockholders present at said meeting, either personally or by proxy, shall elect a board of directors, who shall serve for such time as may be determined by a majority of the votes cast at said meeting, and who shall have such powers as are conferred by the by-laws. The stockholders shall also at said meeting adopt by-laws covering any or all of the matters mentioned in connection with by-laws in section 1 of this act; and any of said by-laws may be altered, amended, added to, or repealed, at any time thereafter as, in the opinion of the stockholders, the interests of the company may require.

At said first meeting of the stockholders it shall be the duty of the incorporators to deliver to the stockholders all moneys, stock-books, stock-certificates, property and effects held by them and belonging to said company; and thereafter all power vested in said incorporators, as such, shall cease and the stockholders and their successors shall thereafter constitute the corporation hereby created.

Mr. VAN WYCK. Let me ask the Senator from Missouri where does that appear in the bill?

Mr. VEST. It is an amendment that I offer.

Mr. VAN WYCK. At best that calls for the payment of $500,000. It is open to precisely the same objections that I have stated. That starts the corporation on its high road, having paid in only $500,000. That is the only modification, as I understand by the amendment, of the original proposition which we have been considering for a week or more.

Mr. VEST. There are very few corporations with a capital of 50 per cent. paid in.

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. CALL] has the floor.

Mr. BLAIR. I ask the Senator from Florida to yield to me that I may make an announcement to the Senate.

Mr. CALL. Certainly.

Mr. BLAIR. I desire to state that to-morrow afternoon at 3 o'clock I shall ask the Senate to consider resolutions of respect to the memory of the late Senator Pike.

Mr. CALL. Mr. President, we have had a great deal of discussion here in regard to the power of Congress to make this incorporation, but it seems to me very clear that the only question in this matter is what we can do within our own territory. Manifestly there is no power in this Government to enact any law which is to operate beyond the territory of the United States. The authority and jurisdiction which it has over its own citizens exercised in a foreign country must be by the consent of that country alone.

What does this act of incorporation propose? It proposes simply to give the right of succession in the United States, the right to own property, and to contract and be contracted with. Beyond all doubt that is competent to be done here.

This question can not be tried by the objects it has in view or by the effect it may have upon property in a foreign country. We here simply give the power of succession, the power to contract and be contracted with, the power to own real and personal estate, and that is confined to our own country; but those rights of property which are acquired abroad are represented by persons who are and always will be within the power and jurisdiction of this Government. To my mind that settles the question, the domicile of the corporation being within our control. What other rights it may acquire abroad are matters that do not concern and can not be affected by the act of incorporation now asked to be passed.

But, Mr. President, it seems to me that we are doing great discredit to the intelligence and power and wealth of this people in neglecting to take advantage of any of the transits across the isthmus that may be practicable. Certainly there is no question that the necessities of the world demand not only that we should encourage, but that we should by actual appropriation of money, by acts of public policy create this transit. I should greatly prefer that the Government of the United States undertake this work, and by its own sovereign power carry it into effect and establish a transit there either of its own authority or in concert with Mexico or with the other nations of the world; but now when the private enterprise of our citizens and the sagacity of great commercial men are applying to us for an ordinary exercise of the powers of legislation, that they may be associated together here in our own country, that the money they may contribute may be under their control in a convenient manner, that the right of succession may be given to them, it seems to me that there can be no possible reasonable objection to granting this act of incorporation.

There is another view to be taken of the matter. I sympathize very much with the idea of the Senator from Nebraska [Mr. VAN WYCK] that the commerce of the world should not be taxed for the fictitious and pretended use of money which is not used, that there should not be a false capitalization of any enterprise; and it derives great force from the fact that there are but one or two practicable transits across the isthmus. If the ideas of this great engineer shall be realized and this enterprise shall be effected it will be an actual power of taxation upon commerce as great as is possessed by any nation over its own property and its own people.

In that point of view under ordinary circumstances I *should support* any amendment looking to the condition that there should be no greater capitalization than the actual and reasonable and proper cost of the great enterprise that is attempted. Whether it should be done by requiring the stock to be paid in advance would be another question. At present, under the circumstances in which this enterprise comes to us, I am opposed to embarrassing it with any other considerations than are absolutely necessary for the protection of the country and for the success of the enterprise itself.

Looking to the eventualities of this great enterprise, a corporation like the East India corporation to be created here and which may grow to be a vast power, it being a transit which it may be necessary for the interests of commerce in this country to be controlled by the Congress of the United States, I submit to the Senator from Missouri whether it would not be wise to add these amendments to the act of incorporation:

SEC. —. The power to alter, amend, or repeal this act of incorporation is hereby reserved to the United States.

SEC. —. The Government of the United States shall have the right at any time to acquire the ownership and control of the property of this corporation at such price as shall be ascertained by a fair appraisement of its value by appraisers, one of whom shall be appointed by the United States and the other by the said corporation, and a third who shall be selected by the two appointed persons.

To my mind these are proper conditions which should be attached to a corporation which has such great possible and even probable eventualities, and I shall submit them to the action of the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

Mr. VAN WYCK. Is not the suggestion of amendment proposed by the Senator from Missouri as a substitute first in order?

The PRESIDENT *pro tempore*. It is not now in order.

Mr. VAN WYCK. I should like to say in this connection, since the committee have shown the necessity of a little attention to the matter, that the proposition of the committee provides for a subscription of $5,000,000, and 10 per cent. paid, which would be $500,000; that is, the incorporators named are to meet together, not in Mexico, but they are to meet in New York or Washington.

I will say to my friend from Florida [Mr. CALL] that this is an American corporation, and whatever neglect there may be will be chargeable to the American Congress. Whatever scandal may grow out of this transaction will be chargeable to the American nation. The amendment provides that the corporators named shall meet in New York or Washington, not on the soil of Mexico; that there shall be $5,000,000 subscribed, and there shall be 10 per cent., or $500,000, paid in; and

when that is done they are to give notice that there will be a meeting of the stockholders when they will turn over everything to the stockholders. The act of incorporation is to secure the stock, and the cash paid goes to the stockholders, and then they are to have the power to make by-laws.

I apprehend we have a right to look upon this as we look upon other incorporations. We have a right to adjudge to them the same high qualities, the same excellence, the same genius as other men, and also it becomes our duty to charge up against them the same passions and avarice and propensity to enrich themselves as other high-toned gentlemen who have gone into corporations have shown themselves to possess. I take them in both aspects. We can not discharge our duty unless we give them credit for excellence and charge them with the infirmities of mankind.

The amendment proposes that it shall all be turned over to the stockholders. That is to be the end of it. They may go in and make their by-laws then, as all other honorable corporations, just as your Pacific railroad companies have done, just as your Wabash system did, just as your great railroad systems in this country have done, in whose hands honorable, high-toned, money-making men—call them ingenious men, thrifty men—have gone in and made their by-laws, controlled by what? Not entirely by patriotism.

The gentlemen who propose to put their money in this scheme do it not so much on account of high patriotism to benefit the great American nation. We were amused with those stories, you remember. We were amused with that when we organized the Pacific railroad companies, and you remember how in both Chambers of Congress and throughout the whole country those patriotic men were lauded who were going to pay out their own private fortunes for the purpose of developing the country; and what then? We have learned about that.

We have a right to say the same precisely of these men. Captain Eads and his associates are not doing this for the benefit of mankind and the American Republic—not at all. They are doing this to accomplish good in that direction, but the greater good is to make a successful venture for themselves. That is all there is about it in that sense. We take the experience of the past and we know that to be the case. It has been so on our own soil, and I have said it was so on French soil and on English soil. Mankind is the same all over the world.

I supposed we had learned one lesson in this country, that organized capital, that genius banded together, needed some restraining power, and it would seem impossible with all the experience of the past before us that we should suffer such a bill to pass.

The only requirement is that when $500,000 shall be paid into the hands of the stockholders then they shall make by-laws. What then? What is to prevent the issue of stocks and bonds as other high-toned corporations have done, and what is to prevent the issuing of stocks and bonds principally to the projectors of this enterprise? There is nothing in the bill to prevent it.

I supposed we had reached at last a point where we could regulate that. We sought to apply such a restriction in the Senate to railroad corporations, as we all remember, railroad corporations that had been created by States; and when they undertook to invade and enter and lay their tracks through Indian Territory we have sought to apply such provisions to them.

We create here a new charter. We set it afloat, parade it as an American charter; and yet with all the experience of the world and our own experience are we to open the door for these men, if they are so inclined at any time and ambition or greed or avarice shall happen to control them, as it has controlled good men all over the world, and give them the same opportunity to do what was done in France, what was done in England, what has been done in the Republic of America?

If the proposition I submit is not correct, then adopt some proposition that will be some protection, so that in the future we shall not be compelled to bear the scandals which have attached to some of our legislation in the past and to some of the highest toned business men I suppose that the Republic of America ever produced.

Mr. HOAR. I give notice of a proposed amendment to the amendment of the Senator from Missouri when that shall be offered. I understand the amendment of the Senator from Missouri is not yet pending.

The PRESIDENT *pro tempore*. It is not yet in order.

Mr. HOAR. I give notice of an amendment now which I hope he will accept. In the seventh line of his amendment, after the provision that subscriptions to the stock shall be opened, is this provision:

When not less than $5,000,000 of said stock has been subscribed and 10 per cent. thereof paid in in cash.

I propose to strike out the words "when not less than $5,000,000 of said stock has been subscribed and," and to insert:

When the Secretary of the Interior shall have certified that not less than $5,000,000 has been subscribed to said stock by responsible persons, and when,

So as to read:

When the Secretary of the Interior shall have certified that not less than $5,000,000 has been subscribed to said stock by responsible persons, and when 10 per cent. of the same shall have been paid in in cash.

The effect of that amendment will be to require *bona fide* and responsible subscriptions for the $5,000,000—persons certified to be responsible by a high public officer.

Mr. MORGAN. Will the Senator inform the Senate why he puts in the Secretary of the Interior?

Mr. HOAR. Let me finish my statement, and then I will answer the question with great pleasure.

That stands, as I understand, in law as a fund. If it is not paid in, any creditor would have the right to compel its payment by a process in equity. The obligation is a fund for the debts of the company.

Mr. EDMUNDS. That is, if you can find the stockholders.

Mr. HOAR. Yes; if you can find the stockholders.

Mr. MORGAN. Will the Senator from Massachusetts explain why he wants the Secretary of the Interior put in and the Government of the United States committed to it?

Mr. HOAR. The Secretary of the Interior is the officer of the Government to whom such duties are commonly committed. He is the officer of the Government to whom the superintendence of railroads, so far as the Government has any interest in them, is confided. He has the railroad auditor of accounts, the Government directors of railroads, under his control and in his Department, and he seems to be the natural person to deal with a railroad question.

Mr. MORGAN. I have not observed any feature of this bill heretofore that connected the Government of the United States with it. I thought it was a private enterprise, and I can not understand why the Senator should desire to connect the Government of the United States with this private corporation.

Mr. HOAR. There is not a State in the Union which, in exercising the superintending power over corporations, whether they are merely joint-stock companies for purely private business, for owning and renting real estate, or for manufacturing, that does not have its commissioner of corporations, or its State treasurer, or some other public officer certify to the lawful organization of the corporation, whether it is a private or a public corporation. If we wish to make provision that there shall be such a subscription it is proper to have some public officer charged with the duty of seeing that it is a *bona fide* subscription, and that the subscribers are responsible persons. I trust the honorable Senator from Missouri will accept the amendment.

Mr. VEST. I personally have not the slightest objection to the amendment.

I wish to make a remark in reply to the Senator from Nebraska [Mr. VAN WYCK]. I do not ask for Captain Eads any immunity from the ordinary suspicion and from the ordinary restriction which attends every man who engages in an enterprise of this sort. All I ask for him is that he be treated fairly and liberally, because he is, as all the world knows, surrounded with great difficulties in this enterprise, and he is asking very little from the Government except this incorporation. That is all that he asks.

The Senator from Nebraska proposes to put the most extraordinary restrictions upon this stock and the amount of payment. He asks for a payment of 50 per cent., which is unheard of as to an enterprise of this sort. In the Nicaragua incorporation bill (and we will all concede to the Senator from Vermont that he is not in the habit of drawing any loose provisions in the bills that he controls) we have this provision:

That if stock to the amount of $10,000,000 shall not be subscribed—

This is an amendment of the committee—

That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said canal shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

In the amendment which I have offered it is provided, in the first place, that this $5,000,000 of stock shall be subscribed and 10 per cent. paid in, which it is true is only $500,000. That is the initiative. Now, I propose, and I read it for information, to offer an amendment which is identical almost with that which we find in the Nicaragua bill, with the exception of the term of years:

SEC. —. That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said railway shall not be actually commenced before, and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

With the exception of four years instead of two, this is identical with the provision in the maritime Nicaragua Canal bill, and I submit that that is enough.

Captain Eads ought not to be dealt with as an adventurer, as a mere speculator. He is putting the reputation of his whole life in this enterprise. He is sixty-two years old. His character is certainly worth something to him. A man who stands as he does before the world today is putting his whole private fortune in this thing, and he is doing what to a man of a high sense of honor and of a sensitive disposition is more than fortune, he is inducing his friends, the people who have stood by him through all his wonderful career, to put their money in

on the faith of his participation in this enterprise. All I ask for him is that he shall be treated liberally, and in that broad, catholic spirit which is worthy of a great government in dealing with a distinguished citizen.

Mr. EDMUNDS. My distinguished friend from Missouri is handy and happy in calling attention to the bill reported from the Committee on Foreign Relations as containing some clauses that he thinks, being forced to it, he would put into this bill, and one is the clause in respect of the paying in the subscriptions and paying in of money to the stock, actual money, which he has stated very fairly, being the ninth section of the bill reported from the Committee on Foreign Relations. What does he say to the sixth section?

That no part of the capital stock paid in—

As required by the ninth section—

shall be at any time withdrawn or returned to the stockholders or in any manner diverted from the proper uses of the corporation.

A penalty follows, which I need not read, for anybody who takes part in that sort of thing.

What does he say to the tenth section, reported from the Committee on Foreign Relations?

SEC. 10. That nothing in this act contained shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever, other than in respect of the payment of tolls as provided in section 8 of this act.

What does he say to the eleventh section as it is reported?

SEC. 11. That Congress shall at all times have the power to alter, amend, or repeal this act when in its judgment the public good may require.

What does he say to the distinction between the Nicaragua bill and this where the Nicaragua bill provides for treaty arrangements between the two governments, and the co-operation of the two governments in the construction of the work and their joint, effectual, influential management of it through the corporation? There is the difference between this scheme, supposing it were possible of accomplishment, as a matter of mere business, and the bill reported by the Committee on Foreign Relations.

Mr. VEST. There are a great many things in the Nicaragua bill which could not by any possibility be put in the Tehuantepec bill, for the reason that we have a concession, and the gentlemen in the Nicaragua scheme have none. They are to take whatever concession is hereafter given them by Nicaragua. Here is a concession by which Mexico has given to Captain Eads certain privileges and demanded of him in return certain specific obligations. He had to take that concession or nothing. He got the best he could, and he is bound by that concession.

Mexico, in addition to 2,700,000 acres of land and exemption from taxation, is also loaning $1,250,000 a year to this enterprise out of her treasury, and the United States is not paying a dollar. There is a provision here that Mexican goods and vessels, &c., shall pass over the route at 25 per cent. less than those of other nations, and the same terms can be made with any other nation that extends aid to this enterprise, but the United States gives no aid. Not a dollar is asked from this Government. As a matter of course no such provision as that could be put in this bill.

But in regard to the specific clauses spoken of by the Senator from Vermont I have drawn an amendment which I propose to offer at the proper time, but all these objections are made in advance. I shall propose to add to the bill:

SEC. —. That nothing contained in this act shall be so construed as to involve the United States in any pecuniary obligations whatever other than the payment of tolls as hereinbefore provided for.

I propose at the proper time to offer that, so that there will be no obligation at all on this Government to pay a dollar.

The Senator from Vermont asks me in regard to other provisions which I shall attempt to notice. He refers to section 11 of the Nicaragua bill, which reads:

That Congress shall at all times have the power to alter, amend, or repeal this act when in its judgment the public good may require.

I have simply to say that I have an amendment drawn with those identical words in, with the provision that any equitable right of this company shall be considered. I put that clause in for the reason that these bonds are to be sold in the markets of the world, and foreigners do not understand such a provision in a charter given by the United States Congress as we would probably understand it. Capital is timid. There are great difficulties as an engineering project in the way of this enterprise. If we put in an additional provision that this act may be repealed at any time by the Congress of the United States, foreign capitalists might not feel inclined to put a million dollars upon a hazard of that sort, while they might be willing to risk Captain Eads, his integrity, his genius as an engineer. I submit that this Government and the stockholders would be just as well protected with the amendment as I have drawn it as with that which is found in the Nicaragua bill now spoken of by the Senator from Vermont.

Mr. EDMUNDS. Will my friend allow me right on that point he is speaking about?

Mr. VEST. Certainly.

Mr. EDMUNDS. The Nicaragua Canal gentlemen, who I suppose are quite as respectable as Mr. Eads, and more numerous than he is, because there are more of them than one man, had their bill introduced with the equitable clause that the Senator refers to in it. The Committee on Foreign Relations, unanimously I think, all of them believing that the Nicaragua Canal was the thing for the safety, and welfare, and promotion of the interests of the United States and of the Central American republics in the commerce of the world, &c., in spite of our good wishes to those people, thought it necessary to the public interest to strike out their provision, which the Senator now wants to have in his repeal clause, "but not in violation of the rights of the company considered in equity," and to leave every corporation that is created by the United States wherever it may have the power, or not have the power, whatever it does, subject to the absolute and unqualified legislative jurisdiction of Congress.

Now, the Senator is not content to take what the friends of the Nicaragua Canal scheme and the friends of the people who wish to engage in that enterprise thought it necessary to impose upon them, but asks that there shall be applied to the legislative power of Congress a limitation, to be determined by a court as between private persons, which I think my friend would not submit to in Missouri for a moment if it were proposed to his Legislature for any corporation whatever.

Mr. VEST. I have stated what I thought would be the effect, and that is the only reason why I should wish to put in that clause. As a matter of course it is within the sound judgment of the Senate to determine upon it.

Mr. FRYE. Had we not better adjourn?

Mr. VEST. I am anxious to close this debate. I will stop speaking if it will facilitate matters. I just want to say that in section 6 of the Nicaragua bill there is nothing to which I object at all as to withdrawing any portion of the capital stock, &c. I have no disposition to divert any assets of this company to anything but the legitimate purposes for which the work is commenced.

Mr. INGALLS. I move that the Senate adjourn.

Mr. VEST. I hope not.

Mr. INGALLS. I supposed there was no possibility of finishing the bill to-night.

Mr. VEST. I think we can get a vote.

Mr. INGALLS. If it is the desire to proceed I have no wish contrary to the desire of the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Kansas insist on his motion?

Mr. INGALLS. I withdraw the motion.

Mr. VEST. I wish to make a single remark. I am not in the habit of asking any personal favors of the Senate, but I am so situated that I am compelled to ask the Senate if possible to conclude this bill to-day and let it go through the Senate in some shape. It has been here now two weeks obstructing other business, and we can dispose of it in a very few minutes, I think. If an adjournment is taken it will have to be discussed over again, and new amendments will be suggested and the debate may be interminable.

Mr. VAN WYCK. With all due deference to my friend from Missouri, I suggest that after, as my friend seems to forget, a week or two was passed in a general discussion of the bill as to the great extent and power of England and other nations of the earth, when we reach the point of maturing the proper details we are met with objection. Amendments are proposed here which are not understood, because my friend from Missouri did not understand fully the last amended portion which was read. I had changed the position, asking for 50 per cent. to be paid upon the stock before the bonds should be issued, but I did require in one proposition that certificates of stock should not be issued until the stock was fully paid up. If we were organizing a railroad corporation here we would insist on putting such a clause in.

That has been the source, as I stated before, of much of our financial trouble to-day. There is no reason why we should organize a corporation and allow certificates of stock to be issued until the stock is fully paid. The sentiment of my friend from Missouri, which might be assented to by all here, as to the liberality which should be extended to Captain Eads, is quite another matter. Captain Eads is not this whole corporation. Other men will take hold of this enterprise after awhile, as they have taken hold of all other corporations that have been organized. They do it for their own interest, and it is our duty to protect ourselves and protect innocent purchasers of the stock.

I apprehend that it could not be justified that stock should anywhere, by any concern, be issued until the full amount is paid before the certificates are issued. My proposition is, that up to the extent of $10,000,000 contributed, an equal amount of stock and bonds may be issued *pari passu*. It is not until $10,000,000 of bonds are paid up that the corporation may issue bonds in excess of the stock. That is the proposition. Who is to object to it? Captain Eads himself ought not to object to it? It is not Captain Eads's private fortune, for he has no $100,000,000 to construct this work.

Before this is through it will be a stock operation, and gambling stock operators will be interested in this matter. You leave it in the power of the stockholders without any restraint or check whatever when you require $5,000,000 to be subscribed and 10 per cent. paid. Your very bill authorizes the stockholders to decide that no more money need be paid on the stock than 10 per cent. When that is done and they have the power to do it, it is their interest to do it, and there is no restraint

on them, according to the proposition of the Senator from Missouri and the Senator from Massachusetts—you leave the power with them after they have paid the 10 per cent. on $5,000,000—they may pass a by-law saying that no further payment need be required on that stock, and as soon as they issue stock beyond $5,000,000 they leave it with the stockholders to say that only 5 per cent. or even less may be paid. I ask the Senator from Massachusetts if he considers at this day, with all the experience we have had in such matters, that it is safe to intrust this power to any man, no matter how great he may be?

Mr. HOAR. I will answer the question. I do not wish to detain the Senate more than a moment. If I can have its attention one moment I shall be pleased.

I have given as much study to this matter of restraining corporations as I have to any legislative matter, and I am quite of the opinion in regard to domestic corporations, like banks, like home railroads, which are in danger of being hawked about in the stock market, and where widows and trustees with small credit may take their bonds in small amounts as an investment, that a very stringent provision that the debt shall not exceed the capital stock ought to be put in; but I think this is an exception.

I think that a $50,000,000 enterprise, which must of necessity get all its credit from large bankers and brokers and investors who invest by the million and who will, with the aid of legal counsel, look clear to the bottom of the whole thing before they pay out their money, may be made an exception to this general policy that I have spoken of. I do not think any innocent or ignorant *bona fide* person will ever be in the slightest danger of being wronged one cent, and I think it may be desirable, and desired by the capitalists who furnish the money, to do it in the form of a bonded indebtedness rather than in the form of becoming stockholders where all their interests are subject to a vote of a majority of their associates, and they can not tell whom they will be in the future.

So, then, if we secure the genuineness of this operation by an actual payment of $500,000 and by a subscription of $5,000,000 from responsible persons, whose responsibility is certified to by the Secretary of the Interior, which subscription becomes a trust fund, according to the decisions of the courts, just as much as though they had paid out money left to those persons to be called in by trustees, it becomes a trust fund for all the creditors of this road. I think that that is a reasonable and sufficient security for the public and for every person.

Mr. VAN WYCK. Allow me to ask the Senator if he thinks this enterprise is entitled to more liberality than the construction of the Pacific Railroad?

Mr. HOAR. It is a very different enterprise.

Mr. VAN WYCK. But does he think this should receive any more consideration than a project like the Pacific Railroad? Does he not know now the danger of loss that there has been and is to-day and will be in the future from the fact that Congress either neglected or were careless in the protection of the public when they organized the Pacific railroad companies? The people of Massachusetts know how that is.

Mr. SHERMAN (Mr. HARRISON in the chair). Mr. President, I have expressed my purpose to vote for the incorporation of a company to try the experiment of building this Eads enterprise across the Isthmus of Tehuantepec. I do it with as much cheerfulness as I shall vote for the Nicaragua project; but, in my judgment, for the benefit of the project itself there ought to be a good many provisions inserted that are inserted in regard to every corporation created by Congress, and those provisions ought not to be inserted at this late hour of the day without some study and consideration. I therefore respectfully submit to the Senator from Missouri whether it would not be better to have this bill recommitted.

I do not desire to delay it a day or an hour, but in my judgment there ought to be provisions for organizing these incorporators, providing for their meeting, for the opening of books and fixing the amount of the capital stock to be subscribed, the manner of subscription, the amount to be paid, how it shall be paid. These are matters which ought to be fixed by the law itself, and not by the power of the corporation to create by-laws. Then there ought to be a provision in regard to the issue of bonds, whether they should be mortgage-bonds, their rights and liens, &c.

It seems to me that this may be better done by recommitting the bill to the same committee that reported it and is in favor of it, with a view to proposing these amendments. Then if the bill is reported back to-morrow morning, it would be better to have the amendments pass under the eye and scrutiny of a committee. I undertook, while in the chair, to write one or two provisions that I supposed everybody would be in favor of, but I did not like to do it in the hurry of this late hour. I submit to the Senator from Missouri himself whether it would not be better to let the bill stand over, without formal recommittal, with a view to having these amendments prepared.

Mr. VEST. I have a number of amendments, but the bill was attacked so vigorously——

Mr. SHERMAN. Let it go over until Thursday morning.

Mr. VEST. The amendments can be read. I intended to offer them to meet these objections.

The SECRETARY. It is proposed to insert as additional sections the following:

SEC. —. That Congress shall at all times have the power to alter, amend, or repeal this act when in its judgment the public good may require, but not in violation of the rights of the company considered in equity.

SEC. —. That the United States shall be entitled to such a representation on the board of directors of said company, not, however, in any event exceeding two-ninths of its members, as may be provided for in any treaty hereafter made between the United States and Mexico.

SEC. —. That the principal office of the company shall be located and maintained either in New York city or Washington, D. C., as said company may elect. Said election shall be made by the company within six months next after the passage of this act, and notice thereof shall be published in a daily newspaper in each of said cities at least once a week for four consecutive weeks immediately following the date at which said election is made.

SEC. —. That the United States shall, upon payment of three-fourths of the customary rates, and having first obtained the consent of the Government of Mexico, as provided in said concession, enjoy the use of said railway for the transportation of troops, munitions of war, mails, and property.

Mr. SHERMAN. Let the amendments be printed and the bill go over until Thursday morning. I think it would be very unwise for this corporation not to have these provisions carefully framed, because wise and prudent men would want to know exactly the nature of their rights, the right to their stock, its value fixed by law, not fixed by mere by-laws which can be changed from day to day.

It seems to me, if I was about to invest money in this enterprise I should want all these provisions, whatever they are, laid out in the law with the certain probability that Congress would not do any unwise thing to jeopardize or lessen the rights I had acquired by subscription either to bonds or stock. It seems to me that the Senator from Missouri and the Senator from Massachusetts, who are familiar with corporation legislation, could prepare amendments that would be acceded to by every one, and there would be then no further difficulty in passing the bill. To attempt to frame these amendments to-night at 6 o'clock I think is an impracticable task.

Mr. HOAR. I understand that to-morrow is set apart for another duty. If the bill goes over until Thursday with all the rights then that it has now, I think it can be finished in half an hour on that day.

Mr. RIDDLEBERGER. I should like to know what rights it has. I have not heard of its having any rights. There are other bills before the Senate.

Mr. HOAR. It is a special order.

Mr. RIDDLEBERGER. There are Senators who do not intend to concede that it has any rights, and we do not concede anything and do not acquiesce in anything except to finish business as speedily as we can. I do not believe, for one, the bill ought to pass the Senate in the form that it is, because I look upon it not as a bill but as a treaty, a treaty that I never intend, for one, to acquiesce in or concur in.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The question is on the amendment proposed by the Senator from Nebraska.

Mr. VEST. If we can not get through with this bill to-night, with the understanding that it remains the special order and comes up on Thursday as the unfinished business, I have no objection to an adjournment.

The PRESIDING OFFICER. The Chair understands that it is the unfinished business.

Mr. CAMERON. I give notice that I shall call up the bill to increase the naval establishment immediately after the morning business is concluded to-morrow.

Mr. BUTLER. Before an adjournment is had, I should like to ask my friend from Vermont [Mr. EDMUNDS] if we can not have an agreement about a vote on this bill. I suggest to my friend from Missouri [Mr. VEST] that we agree to take the vote some time to-morrow.

Mr. VEST. To-morrow is to be devoted to eulogies.

Several SENATORS. After 3 o'clock.

Mr. VEST. If the bill can be taken up to-morrow——

Mr. BUTLER. Let us agree to vote at half past 2.

Mr. VEST. If we take the bill up to-morrow at 1 o'clock——

Mr. CAMERON. I shall object to that.

Mr. VEST. I have no objection to the bill going over until Thursday if it can be understood that it shall be taken up then at 2 o'clock and finished.

The PRESIDING OFFICER. Does the Senator from Missouri ask unanimous consent that the bill go over until Thursday and be the unfinished business at 2 o'clock on that day?

Mr. VEST. Yes, sir; and that we then sit the bill out then.

Mr. GIBSON. The understanding being that the bill is to be voted upon on that day.

The PRESIDING OFFICER. Is there objection?

Mr. RIDDLEBERGER. Unanimous consent is asked. Does that imply that we agree to take the bill up on Thursday?

The PRESIDING OFFICER. Unanimous consent of the Senate to take it up at that time would, of course, involve taking it up.

Mr. RIDDLEBERGER. I do not consent to this under any circumstances.

Mr. BUTLER. It does not require any unanimous consent.

Mr. RIDDLEBERGER. I shall not object to the bill being taken up, with the understanding that it does not imply that I agree to this bill under any circumstances.

Mr. VEST. Nobody asks the Senator to agree to it.
Mr. INGALLS. I move that the Senate do now adjourn.
Mr. VEST. Let us have the understanding first.
Mr. INGALLS. It is understood.
The PRESIDING OFFICER. The Chair hears no objection to the proposition of the Senator from Missouri that this bill be the unfinished business at 2 o'clock on Thursday.
Mr. GIBSON. And be then finished.
The PRESIDING OFFICER. The Senator from Kansas [Mr. INGALLS] moves that the Senate do now adjourn.
The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 16, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 15, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.
On motion of Mr. PAYSON, by unanimous consent the reading of so much of the Journal of the proceedings of yesterday as relates to the introduction of bills and resolutions was dispensed with. The remainder of the Journal was read and approved.

GOVERNMENT BUILDINGS AT SITKA, ALASKA.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending a renewal of the appropriation for Government buildings and wharf at Sitka, Alaska; which was referred to the Committee on Appropriations, and ordered to be printed.

S. M. SMITH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in relation to the account of S. M. Smith, clerk of the circuit court at Columbia County, Wisconsin, for fees in Fox and Wisconsin River damage cases; which was referred to the Committee on Appropriations, and ordered to be printed.

STANDARD UNDERGROUND CABLE COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers upon the claim of the Standard Underground Cable Company of Pittsburgh, Pa., for cables laid in the District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

UNLAWFUL INCLOSURE OF PUBLIC LANDS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a resolution of the House, an opinion of the Attorney-General relative to the unlawful inclosure of areas of public lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

EMPLOYÉS IN THE GEOLOGICAL SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House calling for a list of employés in the Geological Survey appointed under civil-service rules and employés not so appointed; which was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

EXPENSES OF UNITED STATES MARSHALS.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a letter from the United States marshal of Alaska, and recommending that provision be made for payment of expenses of United States marshals for the fiscal year of 1886 and prior years; which was referred to the Committee on Appropriations, and ordered to be printed.

THOMAS D. MEARES, ADMINISTRATOR, VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting findings of fact by the court in the case of Thomas D. Meares, administrator, against the United States; which was referred to the Committee on War Claims.

MRS. M. E. WOOD.

The SPEAKER also laid before the House the bill (S. 2997) granting a pension to Mrs. M. E. Wood, which bill had been returned from the Senate with the message that the Senate disagreed to the amendment of the House and asked a conference on the disagreeing votes of the two Houses.
Mr. CONGER. I ask that the House insist on its amendment and agree to the conference asked by the Senate.
The motion was agreed to.

LAND GRANT TO NORTHERN PACIFIC RAILROAD COMPANY.

The SPEAKER also laid before the House the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, said bill having been returned from the Senate with a message that the Senate further insist on its disagreement to the amendment of the House and ask for further conference on the disagreeing votes of the two Houses.
Mr. COBB. I move the House insist on its amendment and agree to the further conference asked for by the Senate.
The SPEAKER. If there be no objection that order will be made.
There was no objection; and it was ordered accordingly.

JUDICIAL DISTRICTS IN ILLINOIS.

The SPEAKER also laid before the House the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria, said bill having been returned with an amendment.
Mr. WORTHINGTON. The amendment of the Senate is merely formal, providing that all offenses heretofore committed shall be determined and tried under the laws as they were at the time of the commission of the offense. I ask unanimous consent that the amendment be concurred in.
There was no objection; and it was ordered accordingly.
Mr. WORTHINGTON moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER also laid before the House, with the amendments of the Senate, the bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888; which, with the amendments, was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SWORD OF CAPT. SAMUEL CHESTER REID.

The SPEAKER also laid before the House the joint resolution (S. R. 109) authorizing the President of the United States to accept in behalf of the United States the sword of Capt. Samuel Chester Reid, tendered as a gift by his son, Samuel C. Reid; which was read twice, and referred to the Committee on Naval Affairs.

BILLINGS, CLARK'S FORK AND COOKE CITY RAILROAD.

The SPEAKER also laid before the House the bill (S. 2778) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian Reservation.
Mr. PEEL. The Committee on Indian Affairs of this House has reported favorably a bill substantially the same as this. I therefore ask unanimous consent that the Senate bill be considered at the present time.
Mr. WAKEFIELD. I must object.
The bill was read twice, and referred to the Committee on Indian Affairs.

ALFRED H. EMERY.

The SPEAKER also laid before the House the bill (S. 929) for the relief of Alfred H. Emery, said bill having been returned from the Senate with a message that the Senate disagreed to the amendment of the House and asked a conference on the disagreeing votes of the two Houses.
Mr. MCKENNA. I move that the House insist on its amendment and agree to the conference.
The motion was agreed to.
The SPEAKER. The Chair will appoint during the day the managers on the part of the House.

JAMES W. GOODRICH.

The SPEAKER also laid before the House the following concurrent resolution, adopted by the Senate on the 12th instant:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the House of Representatives the bill (H. R. 5652) for the relief of James W. Goodrich.

The SPEAKER. If there be no objection this resolution will be adopted. The Chair hears none, and it is so ordered.

INDEXES OF CONGRESSIONAL REPORTS.

The SPEAKER also laid before the House the following concurrent resolution, adopted by the Senate on the 14th instant; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed the indexes to the compilation of House and Senate reports of committees provided for in Public Resolution No. 24, first session Forty-ninth Congress.

LEAVE OF ABSENCE.

Mr. SCRANTON, by unanimous consent, obtained leave of absence for three days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. MCRAE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:
A bill (H. R. 3160) to amend section 553 of the Revised Statutes; and

A bill (H. R. 6393) to authorize the Fort Worth and Denver City Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 10305) to increase the appropriation for the public building at Brooklyn, N. Y.;

A bill (H. R. 6976) to erect a public building at Portsmouth, Ohio; and

A bill (H. R. 7775) to increase the appropriation for the erection of a public building at Troy, N. Y.

INDIAN APPROPRIATION BILL.

The SPEAKER announced as managers at the conference to be held on the disagreeing votes of the two Houses on House bill 10394, the Indian appropriation bill, Mr. PEEL, Mr. SKINNER, and Mr. PERKINS.

PENSION TO MRS. MARY A. LOGAN.

Mr. MORRISON. I demand the regular order.

Mr. HENDERSON, of Iowa. Mr. Speaker, according to the understanding on yesterday morning I now ask to call up for further consideration the resolution to make Senate bill No. 3050, granting a pension to Mrs. Mary A. Logan, a special order for to-day.

The SPEAKER. The gentleman from Iowa calls up the resolution to which he has referred, and against which the point of order has been made.

Mr. HAMMOND. Which is still pending?

The SPEAKER. It is.

Mr. HENDERSON, of Iowa. I understand that there are several gentlemen who desire to discuss the question of order, and I will withhold any remarks I may have until gentlemen have been heard.

The SPEAKER. If no gentleman desires to discuss the point of order the Chair will rule upon the question.

Mr. HAMMOND. Mr. Speaker, just as I rose to discuss this question on yesterday I received a notice to retire for a conference committee, and was in some confusion as to the history connected with this matter. That is my excuse this morning for obtruding for a few moments further remarks upon the subject.

I have gotten now the history of the rule, so far as to fix the dates, and of certain rulings on the subject. I would be glad to have the Clerk read the paper which I send to the desk.

The Clerk read as follows:

No rule or order shall be changed, &c., without one day's notice. (Adopted November 13, 1794.)

Amended March 13, 1822, by adding that no rule should be suspended except by a two-thirds vote.

Amended April 26, 1828, by adding that order of business shall not be changed except by two-thirds vote.

Mr. Blaine's decision that amendments to rules could be referred on call of States and Territories. (Second session Forty-third Congress.)

Mr. RANDALL'S decision that resolution to amend rules was in order as an independent motion. (First session Forty-sixth Congress, May 28, 1879.)

Mr. Keifer's decision that proposition to amend rules was in order as privileged question for introduction, subject to motion to refer to Committee on Rules. (First session Forty-seventh Congress.)

Mr. CARLISLE'S decision that same was in order as privileged question as notice. (First session Forty-eighth Congress, January 23 and 24.)

Mr. HAMMOND. It will be seen that this Rule XXVIII originated as far back as 1794, when there was no Committee on Rules of the House. At that time another part of the old Rule CXLV, of which this rule was a portion, required notice to be given even of the introduction of bills. No bill could be acted upon in the House without this notice. There were various arrangements for giving notice as to the time when a matter was to be called up, because there were no committees to which such matters were referred prior to taking them up for action in the House. I allude to that only to emphasize what I said on yesterday, that this part of the rule had no force except as a limitation upon the time when matters could be considered.

The first thing which gentlemen seem to regard as an innovation upon the rule was when Mr. Speaker Blaine decided that a proposed amendment to the rules could come in on Monday on the call of States. But they went to the Committee on Rules. So Mr. RANDALL'S decision in the Forty-sixth Congress simply was that a motion to amend the rules was admissible as an independent proposition. That did not touch the question whether it was privileged when it came back or when anybody undertook to call it up for action. So also Mr. Keifer's decision was on a proposition to amend the rules, holding that it was in order as a privileged question to give notice for introduction of proposed amendments subject to a motion for reference to the Committee on Rules. In other words, he held that a member might introduce the motion; that it was his right under the first clause of Rule XXVIII, which provided that no rule should be changed without a day's notice to introduce his motion by way of notice.

Mr. WILLIS. Will the gentleman not state whether he did not also decide in that connection further that if the House refused upon that motion to refer the proposition to the Committee on Rules it was then before the House for action?

Mr. HAMMOND. Perhaps he did. I do not remember, however. Mr. CARLISLE'S decision that the motion was in order as a privileged question as a notice simply applies to what I have already said in connection with Mr. Keifer's decision.

The point that was made with force by Mr. CRISP, of Georgia, on yesterday, that this was not a change of the rule, was considered in the Forty-seventh Congress, in the course of the debate upon which Mr. CARLISLE, Mr. BLACKBURN, and others participated. On the vote on that proposition the parties were evenly divided. There were three or four votes, and the Republicans all voted one way and the Democrats the other. But that was not this question. That was upon a motion to change the rules which had been regularly reported by the Committee on Rules. Mr. Kasson introduced the motion, which went to the Committee on Rules, and they reported it back. The question presented there was whether the Committee on Rules could rightfully report a rule which selected a particular bill and declared what certain votes might be had and what certain others might not be had on that bill.

In that gentlemen differed. But now we come down to this question, which is, when a gentleman has introduced as a matter of privilege a proposed change of the rules and given his one day's notice whether he can call it up as a privileged question. On that point we have another piece of very interesting history to which we desire to call the attention of the House. On the 18th of July, 1882, Mr. Pound, a Republican, called up what was known as the Pound rule, and he insisted that, having introduced it and given notice on a previous day, he had a right to call it up as a privileged question for discussion on that day. That was opposed by different members; and as I am very hoarse I will ask the Clerk to read the parts marked in the RECORD of that day's proceedings.

The Clerk read as follows:

AMENDMENT OF RULES—ORDER OF BUSINESS.

Mr. POUND. As a question of privilege, under Rule XXVIII, and in pursuance of a notice given on yesterday, I desire to call up and move the adoption of the resolution which I ask the Clerk to read. Before the Clerk proceeds to read I ask the House to be in order and listen to the resolution, as the reports of the press were very misleading.

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Mr. BURROWS, of Michigan. If the gentleman from Illinois [Mr. TOWNSHEND] will yield to me I will cite a rule under which I think the point of order should be made. Rule XI provides that "all proposed legislation shall be referred to the committees named in the preceding rule;" and clause 41 of that rule provides that "all proposed action touching the rules and joint rules shall be referred to the Committee on Rules." Now, this is proposed action in regard to the rules of the House, and the rule I have quoted is imperative that it shall be referred to the Committee on Rules.

The SPEAKER. The Chair will call attention to the first paragraph or clause of Rule XXVIII, which the Clerk will read.

The Clerk read as follows:

"No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed, preference being given on the first Monday to individuals and on the third Monday to committees, and during the last six days of a session."

Mr. REED. I desire to suggest that the point of order shall be open to discussion, for if we are going to establish as a precedent, among other things, that any member may offer an amendment to the rules and it will come up as a privileged question the next day, without consideration by any committee of the House, it seems to me that we will establish a precedent that will be very troublesome indeed.

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Mr. REED. I apprehend that the two rules are perfectly consistent, and they do not seem to me to need any such interpretation as will allow any member to present a proposition for a change of the rules to come up as a privileged question after one day's notice. The two rules are perfectly consistent with each other and not at all consistent with the idea that any member can present a new rule to be acted on the next day. If that should be held to be the correct construction of the rules it would certainly lead to very singular results.

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Mr. BURROWS, of Michigan. I take it that Rule XXVIII, which was read by the Clerk, is simply a general proposition or rule that "no standing rule or order of the House shall be rescinded or changed without one day's notice." As the gentleman from Maine [Mr. REED] has said, I do not believe it confers upon any member of this House the right to give notice that on the following day he will move to change the rules, and then the question must come up as a privileged question. The paragraph of Rule XI which I have cited is imperative that "all proposed action touching the rules and joint rules shall be referred to the Committee on Rules." This is proposed action in regard to the rules and orders of the House, and Rule XI sends it to the Committee on Rules. Any other interpretation would do away with the necessity for any Committee on Rules at all. We might abolish that committee at once, and then any one who desires to amend the rules could give notice to-day of a proposition to that effect, or any half a dozen members could give notice to-day of such propositions, and they would come up to-morrow morning as questions of privilege, and their consideration might occupy the entire session of the day and even more.

Mr. KASSON. It is evidently in order to move to refer this proposition to the Committee on Rules. That committee having the right to report at any time, I make the motion to refer it to the Committee on Rules.

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Mr. HAMMOND, of Georgia. Rule XI implies that all such propositions as these should be referred to the Committee on Rules. The only doubt that could be raised in that connection is the fact that Rule XXVIII says that "no standing rule of order of the House shall be rescinded or changed without one day's notice of the motion therefor."

Now, let us take Rule XI by itself. The gentleman may propose and have referred an amendment of the rules. The Committee on Rules may meet and report it back favorably within an hour, and it may be passed upon to the exclusion of all other business to-day. Rule XXVIII simply amends Rule XI in that particular by providing that while all matters in relation to a change of the rules must be referred to the Committee on Rules, and while the Committee on Rules may report at any time and have the privilege of the floor at any time, there shall be no consideration of their report until one day's notice has been given to the House.

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Mr. POUND. Mr. Speaker, inasmuch as this is a new departure in the practice of the House, and there seems to be a disposition to discuss the point of order at great length, and inasmuch as the time of the House is precious, I will assent to the motion that the resolution be referred to the Committee on Rules, hoping, but I fear hoping in vain, that it may be reported back at an early day. I will make that motion myself.

Mr. HAMMOND. It will be seen that though this rule has been of force since 1794 the direct question now before this House, whether after a resolution has been merely introduced it may be called up as a privileged question at the pleasure of the introducer, had never been before then before the House; and then the argument from both sides of the House was so strong against its being privileged that the gentleman who introduced it voluntarily abandoned his effort to call it up as a privileged question, calling it a "new departure." Again, for nearly one hundred years that rule has stood. Through all those years members were anxious in every possible way to urge their measures before the House, and yet nobody can show where such an effort ever succeeded. There are very few instances in which it was even tried. Perhaps the one I have referred to is the only one, and there the House peremptorily refused by acceding to the request to let it go to the Committee on Rules because it could not be then considered.

We should have no regard in this discussion to the immediate bill that the gentleman from Iowa [Mr. HENDERSON] seeks to bring up, namely, that pensioning Mrs. Logan. No particular measure should influence any gentleman's view upon a question of construction of the rules. The whole question, when the rules are under construction, should be, what is the law of the case without regard to the interests of anybody? These rules give us logical, regular procedure. In many particulars they are disagreeable. They prevent each of us from getting up measures which we would like to get up. But, on the other hand, if we enforce not our rules we would have nothing but chaos in the business of this House.

I do not care to take up further time in argument. I felt that the blunder which I made yesterday in speaking of that debate as occurring in the Forty-seventh Congress ought to be corrected. I felt that in the interest of business and good order the real facts ought to be presented. I take it for granted the Speaker himself has thoroughly examined this matter; and after the debate, with such light thrown upon his mind as may be produced by debate, we shall have a decision which will meet the approbation of the House. It is a great mistake to suppose that because at particular times the harness seems to fit too tightly we had better kick out of the harness entirely. We may break the machinery and destroy its usefulness.

Mr. DIBBLE. One of the questions which has been discussed in relation to the point of order now pending is whether a resolution of the kind that is offered involves a change of the rules. Rule XXVIII makes a distinction between a change of the rules and a suspension of the rules. It uses three words, the word "rescind," the word "change," and the word "suspend." Under the rules of the House a suspension requires no previous notice, but it requires a two-thirds vote; whereas a change of the rule requires one day's notice under Rule XXVIII, the rules themselves marking the distinction between a suspension and a change.

Now, what is a change of the rules? Is it requisite in order that it should be a change of the rules that it should apply to a whole class of subjects, that it should embrace the whole time of legislation? Not at all. Why, in the rules themselves specific days are set apart for specific purposes—the first Monday of the month, for example—and if it is competent to set apart a single Monday out of a month, and that is a rule, it is competent to set apart a Thursday or any other day of the week as well as a Monday; so that the fact of setting apart a specific day is not repugnant to the idea that it involves a change of the rule.

Nor, Mr. Speaker, is it a change of the rules because it sets apart a time for one proposition rather than for a class of propositions. The change of the rules does not depend upon what is going to be considered, but it depends on the displacement, the superseding of what is the regular order under the rules of the House. If a day is taken up by a single proposition that under the regular rules of the House would not be so occupied, it is as much a change as if that day had been taken up by a whole class of propositions, because if that single order had not been specially set for that day the rules of the House in their ordinary currency would prevail; and the disturbance of that regular routine is a change, and makes no difference whether it is one proposition or a class of propositions which causes the change.

It was ruled by the gentleman from Georgia [Mr. CRISP] upon an occasion when he was in the chair, at the first session of this Congress, that a proposition to set apart a single day for the consideration of a certain class of business was a proposition to change the rules, because the adoption of the resolution would be, *pro tanto*, a change of the rules. What is the meaning of that ruling? If the setting apart of a particular day for a certain class of business would be a change of the rule, what difference is there between that and the case of a proposition to change the order for that day? One may embrace a larger scope of business, but if one is, *pro tanto*, a change of the rule, upon the same reasoning the other must be a change of the rule also.

Another point. It is contended here that the reference of a proposition for a change in the rules to the Committee on Rules is peremptory—that the rule directing such reference is mandatory—because the word used is "shall," because it says that "all proposed action touching the rules and orders of the House shall be referred to the Committee on Rules." Why, Mr. Speaker, the same expression exactly is used as to all references of business to the several committees of the House. In the beginning of Rule XI it is distinctly provided that "all proposed legislation shall be referred to the committees named." The word used is the same in both cases—the word "shall;" and yet it is the common practice when a bill is introduced on the call of States and its regular reference, according to the opinion of the Chair, would be to a certain committee, for the House, on motion made for the purpose, to refer the bill to another committee by a majority vote.

This, I say, is the common practice of the House, although the word "shall" is used in relation to all references to committees, just as it is used in relation to references to the Committee on Rules; and when a proposition to change the rules is submitted, the ordinary reference of which would be to the Committee on Rules, it would be perfectly competent, following out the analogy, for any member of the House to move, and for the House to resolve, that such proposition touching the rules should be referred to some committee other than the Committee on Rules.

Suppose, for instance, the proposition were to strike out from the rules of the House the provision which assigns one Monday in every month to the business of the District of Columbia. That would certainly involve a change in the rules. Now, suppose that proposition were brought up here, would not the Chair hold that it would be perfectly competent for the House, on motion, to refer the proposition to the Committee on the District of Columbia rather than to the Committee on Rules? Therefore it will be seen that there is no peculiar virtue in the Committee on Rules more than in any other committee of this House, although, in fact, business of a certain character is directed by the rules to be referred to that committee.

Mr. Speaker, there is another matter to which I desire to call your attention and the attention of the House in connection with this general question. It has been held, time and again, that a report of the Committee on Rules establishing a special order for a given day is a privileged report. Where does it get its privilege? I fail to find in the rules of the House any express grant of such privilege to the Committee on Rules. There is to be found in the rules a provision that the Committee on Ways and Means shall have the privilege of reporting revenue bills at any time, and there is a like provision with reference to the Committee on Appropriations as to reporting general appropriation bills, and with reference to the Committee on Rivers and Harbors in relation to the river and harbor bill, and so on. But not only is there no such privilege expressly granted to the Committee on Rules but up to a recent Congress there was no regular standing Committee on Rules.

What, then, gives its privilege to the report of the committee? It is not given expressly by the rules; it is not due to any peculiar personal prerogative of the members of that committee, who are only the equals of the other members of the House. Therefore the privilege must be given because, in the nature of things, it inheres in the subject-matter of the resolution. Only upon that ground can the uniform course of decision and practice be justified. Now, if in the very subject-matter of a resolution of that character there inheres this privilege, then the privilege as to that matter must be in all its phases regulated only by the provision that it shall not be sprung upon the House unawares, but that at least one day's notice of it must be given.

I think, Mr. Speaker, and I submit, that the case of the consideration of a Presidential veto is analogous. It was decided in the first session of this Congress (on the 29th of July last), and it has been the uniform decision of this House, that a motion to discharge a committee from the consideration of a measure under the Presidential veto and to consider it in the House is in order as privileged matter.

Why, Mr. Speaker? Because the constitutional privilege applies to it. Now, what does the Constitution provide? It says that after the veto has been received the House in which the measure originated shall proceed to consider and determine the question. Does that mean proceed immediately? Does that give the question its privilege? Not at all; because it has frequently happened—it was done here two or three days ago—that a veto, instead of being considered immediately, has been referred to a committee. That is the course which has been taken with veto after veto. Consequently the privilege does not arise from any requirement of the Constitution for immediate consideration. Vetoes are referred to committees just as a proposition to change the rules is referred. It goes to the committee with its privilege. It has been held that you can move to discharge the committee; and it is a privileged motion which the House is to decide by its vote—that you can call up the vetoed measure and discharge the committee without waiting for their report.

I submit that the case here is exactly analogous. This is a matter of the rules. The rules are under that constitutional protection which says that a majority of the House shall constitute a quorum to do business. In doing business is involved the order in which the House shall transact its business. I would call the attention of the Chair and the House to the further fact that in the section of the Constitution in which

it is provided that each House may determine the rules of its proceedings, that case is stated in distinction from action of the House, which requires a two-third vote. We find stated succinctly in one section that "each House may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member," showing the consistency with the Constitution of that rule of theHouse which provides that a majority of the members shall decide all questions as to the priority of business, but without debate. This is really, Mr. Speaker, a question as to the priority of business; because such a question may not mean simply the business of to-day; the rule certainly does not say so; but it may include the priority of the business of to-morrow as well. It is, as I said, a constitutional power of the highest order.

Now, Mr. Speaker, this power to determine the rules of its proceedings is a power which the House can not exercise in such a way as to preclude the House from exercising it *de novo* at its will by the voice of its majority. Suppose that on the first day of the session of this House a majority should determine a set of rules for the House, and should lay down as one of them that "no rule herein adopted shall ever be set aside except by the unanimous consent of the House." Would that rule bind the House forever? Would there be no way for the House to get out of that iron-bound position? Has not this House, assembled here to-day with its full powers, the same functions which it had at the beginning of the session when it adopted these rules? Has it not the same constitutional vigor? And is not the constitutional privilege in any question of doubt to be supported rather than abridged by intendment? If there is any doubt whatever on this question as to the power of the House it should be construed liberally, not strictly, because a liberal construction tends toward giving to the House complete exercise of those powers which the Constitution has granted to it.

Again, Mr. Speaker, there was an instance the other day where the House had adopted an order involving a sweeping change of its rules. It was an order that the trade-dollar bill should be the special order for a certain day; that that day should be set apart for its consideration after the reading of the Journal; that no other business should be transacted until that question of the trade-dollar had been considered and disposed of. There was the order. Yet it was held by the Chair that, notwithstanding the order, it was competent for the House, then and there, upon the question of consideration, to determine at the time and for itself, and notwithstanding its past action, whether it would then consider the trade-dollar bill or not. The Chair ruled without hesitation that although the order stated this particular bill should be considered to the exclusion of all other business, the House had not parted with its power to decide at the time what should be its order of business. The same ruling, carried out to its legitimate consequences, would give the House at any time, as a privileged question, control over the changes of its rules in other instances as well as in that. Therefore, Mr. Speaker, it seems to me the point of order against the proposition now before the House is not well taken.

Mr. BRUMM. Mr. Speaker, there is no question that this House, under the Constitution, is a law unto itself with reference to its own government. There is no doubt that the rule of law, that "acts of Parliament derogatory from the powers of subsequent Parliaments bind not," is also applicable to this House. That being the case, the House is certainly always master of the situation. The proposition now before the House, therefore, is not as to whether a majority of this House can change the rules or not, but it is rather a question as to whether the proposition before the House is a proposition to change a rule or a proposition to violate a rule; in other words, whether it is a proposition to change a rule or a motion to suspend the operation of a rule.

The motion is that a day be set apart for a certain specific purpose; and that motion being carried, it would not change a rule, but would violate a rule. Therefore, in my judgment, this should be considered as a motion in the nature of a suspension of a rule; and if that is its nature it will require a two-thirds vote to adopt it.

So far as I am concerned it is immaterial as to the precedents which have been established. It is practically a matter of constitutional right. If it is a proposition to change a rule the majority of the House can do it. If it is a proposition to suspend the operation of the rules—and I say a proposition to do a specific act outside the regular order is a proposition to suspend the rules—it will require a two-thirds vote.

Mr. WILLIS. Mr. Speaker, if this were an original question the position taken by the gentleman from Pennsylvania [Mr. BRUMM] would be tenable; but we have not one but a hundred decisions on that branch of the proposition in the Forty-eighth and Forty-ninth Congresses. Where the point of order was directly made we have decisions from the Chair sustaining the Committee on Rules in bringing in a motion fixing a special day for the consideration of this bill. And the very fact the Committee on Rules brings in a proposition involves the idea it is a change of the rules, because unless it were a change of the rules they have no right to the floor. They come upon the floor of this House under the constitutional right given in section 1, clause 5, of the Constitution to amend the rules, and unless they come amending the rules they do not come at all.

Now, as has been mentioned by the gentleman from South Carolina [Mr. DIBBLE], only two days ago this question upon that branch of the proposition was directly before the Speaker and before this House. There the Committee on Rules had adopted a resolution discharging the Committee of the Whole House from the further consideration of a Senate bill in regard to the trade-dollar and devoted the entire day of Saturday to the consideration of that bill. When that resolution was up the gentleman from Missouri [Mr. O'NEILL] made the point of order; and what was it? It was that prior to this day the House, by a two-thirds vote suspending the rules, had given the Committee on Labor the right to call up its bill at any time. The Speaker decided, although by a two-thirds vote the House had by prior order given the Committee on Labor the right to call up its bills at any time, yet acting on this change of rules made at a later day the majority of the House had set apart Saturday and gave it to the committee wanting to consider the Senate bill concerning the redemption of the trade-dollar.

Not only then but in innumerable instances has this question been before the House. On the 19th of July, 1876, the gentleman from Illinois [Mr. MORRISON] presented a resolution "that Tuesday next, after 5 o'clock p. m., the day should be exclusively set apart for the consideration of bills for the construction of bridges," and the gentleman from Pennsylvania [Mr. BAYNE], following the line of argument made by his colleague to-day [Mr. BRUMM], protested against it as not a change of the rules. The gentleman from New York [Mr. HISCOCK] and the gentleman from Illinois [Mr. MORRISON] took issue, and the question was there decided it was a change of the rules, and that the Committee on Rules had the right to report the resolution setting apart that day for the consideration of these measures.

So I dismiss that part of it and accept the argument of the gentleman from Georgia [Mr. HAMMOND], that *pro tanto* this is a change of the rules, and being a change of the rules, it comes within the twenty-eighth rule on notice of one day to call the matter up.

Gentlemen say it will be extremely inconvenient if we do this thing. One moment on that. If the argument of inconvenience is to rule this House, I stand in my place to declare any member on this floor can nullify the whole system of rules by simply uttering "I object" from day to day. We have a rule which, in Committee of the Whole House, authorizes the amendment of any appropriation bill, and the gentleman from Pennsylvania, or any other gentleman on this floor, under that rule, can offer ten thousand amendments and keep this House from now until next Christmas.

But will it be said because that inconvenience will result in the overthrow of the order of business of this House it is not a binding rule? Certainly not. There in black and white is the rule, and, however absurd the result which follows from it, it stands there a binding rule of the House.

Mr. BRUMM. Could not that objection be overcome by not allowing one objection, but requiring a majority vote at all times?

Mr. WILLIS. So long as it is a rule it is binding upon the House.

Now I come directly to what seems the only point in this case, and that is whether there is only one way by which this House can amend its rules. I claim under the rules, and under the decisions, there are two ways, and one of these ways is through the Committee on Rules, and the other way is by giving notice at the desk as a privileged matter and calling that up for the operation and action of the House on the following day.

Now, what sense, what meaning, has the presentation of a notice of a change of the rule except it be to give the House the right to vote directly upon that proposition which they may not desire to send to the Committee on Rules? The Speaker of the House is its mouth-piece, and when a resolution is presented providing for a change in the rules he directs its reference to the Committee on Rules, not by virtue of any power inherent in himself but simply as the mouth-piece of the House. But the House could direct otherwise. Now, when a resolution fixing a day for the consideration of a special bill is presented, and a motion is made in this body that it be referred to the Committee on Rules, and the House by an overwhelming vote, say by the entire body of three hundred and twenty-five members, declares that it shall not be so referred, where is that resolution? Where, I ask? The vote is taken and three hundred and twenty-five members, when the motion to refer the resolution to the Committee on Rules is considered, vote "no;" where does that leave the resolution?

Mr. SPRINGER. It remains on the table and will never be acted upon until so referred.

Mr. WILLIS. The gentleman says it remains on the table. Now, in answer to that I say the Speaker already, by permitting this notice, has declared this to be a privileged question, privileged not to be laid upon the table but for consideration. What sense would there be in the character of privilege which the gentleman from Illinois suggests that it may be presented to be laid upon the table?

It is privileged either for reference or consideration, privileged by reason of this constitutional declaration, and privileged by the notice given; and as soon as the time fixed by the rule expires I claim that privilege continues and attaches to its consideration; and we can, when a vote declares that it shall not be sent to the Committee on Rules, it

being before the House, take such action with reference to it as we see proper. Any other rule would be an abdication by Congress of its high constitutional functions. If that is not the case, what results?

As I said on yesterday, three men, constituting the majority of the Committee on Rules, may hold Congress by the throat and you can not overthrow the will of such an oligarchy by all the power that you possess. That is the necessary and logical result of the theory advanced by gentlemen. Is that admitted as a correct doctrine? Is that either Democratic or Republican doctrine? Are we forced to such a strained construction of the Constitution?

There may be three hundred and twenty-two members on this floor who desire a change of the rules, and yet, if through the Committee on Rules we can only make that change, then the whole of this overwhelming majority could be defeated.

I submit, therefore, that this is a constitutional privilege; that having given this notice, it is the right of this House now to act upon it; and, Mr. Speaker, if there is the slightest doubt in the mind of the Chair as to whether this is a constitutional right plainly defined, I would most earnestly request that the House be permitted to decide upon its own prerogative.

Mr. DINGLEY. Mr. Speaker, the question presented by the point of order is one of so much importance that in undertaking to decide upon it we should act without reference to any particular measure which we may desire to bring up or allow the consideration of any such preference to influence our vote. We are deciding a principle, or rule of action, affecting not simply the particular measure we may desire to bring up but also all other measures that may be in future brought up for consideration by the House.

It seems to me, Mr. Speaker, that the fundamental difficulty under which we labor in this matter, and which it is claimed will result in anarchy in this House, lies in undertaking to consider a resolution setting apart a special and different time from that provided by the rules of the House, and a different manner for the consideration of a particular measure, as a rule within the meaning of that term as used in parliamentary language.

A rule is understood to be by all writers upon parliamentary law an established and regular form of procedure for the transaction of parliamentary business, or of a particular class of parliamentary business. That is a rule. Tested by that, a particular proposition or resolution proposing to take out of the operation of the rules the consideration of one particular measure to be considered at a different time and in a different manner from other business of that class, is not a rule but a special order, which, under the rules of the House, requires the concurrence of two-thirds of the House on a motion to suspend the rules. Any other conclusion than that must lead us into irretrievable confusion.

The gentleman from Georgia [Mr. HAMMOND] has undertaken to save us from this trouble by claiming that under the provision of our rules which allows an individual member to propose a notice of a change of rule and bring it up as a privileged question, while he may introduce such a resolution as a privileged matter it can not be brought up for consideration as a question of privilege. For myself I fail to see where the line of distinction between the privilege in this case is to come in. It seems to me if you allow that this is a rule, that then all the rest follows. But more than that: If the Committee on Rules of this House may report at any time a special resolution, which is a special order, simply setting apart a particular day for the consideration of a bill and providing that that bill shall be considered in a different way from what the rules of the House provide, then I want to ask you, Mr. Speaker, why, the moment that report is made, some member upon the floor may not at once rise and move, if he can obtain the floor, and if the motion for the previous question be lost, to amend the report by providing that some other committee instead of the committee reported by the Committee on Rules may have the day, or some other time be set for consideration?

Mr. WILLIS. That very thing was done in the last session.

Mr. DINGLEY. Precisely. And I do wish to say the moment you hold that a special order of this kind is a rule within the meaning of parliamentary law you rush at once, even if you deny the second proposition, into that disorder of which gentlemen have spoken, every member of this House, if recognized, being permitted to rise and move to amend that order, although reported by the Committee on Rules.

Now, it appears to me, for the orderly conduct of the business of this House, a special order of that kind, setting aside the rules of the House for the consideration of a particular matter, should not be held to be a rule but a special order requiring a two-thirds vote to secure its adoption, and that only rules applying either to all bills, or all bills of a class, should be allowed to come in in this way. Unless we commence right at that point upon the principle that it is only rules of this House that can be brought in and adopted by a majority we should at once secure all the anarchy and disorder which it seems to me would inevitably flow from any such proposition as that.

Mr. SPRINGER. I do not know that I can add much to what I said yesterday on this point of order. I only wish to say one word. It is this: The argument that this is not a change of the rule does not apply in this case. The only proposition now pending is whether the Speaker, having decided that notice might be given on yesterday of the introduction of the proposition, the only question remaining to be decided is whether under clause 43 of Rule XI this proposition must now be referred to the Committee on Rules. That clause is as follows:

All proposed action touching the rules and joint rules shall be referred to the Committee on Rules.

There can be no question but this is a proposition touching the rules. It may not be a change of the rules. It may be a suspension or it may be an exception to the rules. But it certainly touches the rules of the House, and if it touches the rules of the House, which it certainly does, I insist that under this clause before it can be acted upon by the House it must be referred to the Committee on Rules. The other question having been determined, that alone remains for the Speaker to decide to-day.

After the committee shall have reported upon the proposition then a gentleman may make the point that was referred to by the gentleman from Georgia [Mr. CRISP] yesterday, and that has just been discussed by the gentleman from Maine [Mr. DINGLEY], as to whether it changes the rules or suspends them. But now the only question before the House is as to whether it must be referred to the Committee on Rules before this House can act upon it; and upon that point I fully concur in what was said by the gentleman from Georgia and in what was read from the RECORD as having been said by the gentleman *from Maine* [Mr. REED] and the gentleman from Michigan [Mr. BURROWS].

The SPEAKER. The Chair has already decided in accordance with the practice which has prevailed in the House for a great many years, and in accordance, also, with several previous decisions on the subject, that a gentleman upon the floor has the right, under clause 1 of Rule XXVIII, at any time when the House was not engaged in the consideration of other matters, to give notice of a motion to amend the rules, and that this might be in the technical form of a notice or in the form of a resolution, the latter having precisely the same effect as a notice, and that it would lie over under the rule. This is the whole right conferred upon such propositions by clause 1 of Rule XXVIII; and it will be observed that even this right is not given in express terms, but exists only by implication. The rule reads:

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor.

Under that it has been held that inasmuch as this was the only method by which a proposition to amend the rules of the House could be introduced, it conferred upon a member the right to give the notice and have it lie over one day.

Since that time, however, at the beginning of the present session of Congress, clause 1 of Rule XXIV was so amended as to include simple resolutions of the House among the others which might be introduced on Monday on the call of States and Territories; and it was contended yesterday that this abrogated or rescinded clause 1 of Rule XXIV. But the Chair decided then, and the Chair still thinks decided correctly, that this amendment to the rule at the beginning of the Forty-ninth Congress, instead of abrogating or rescinding clause 1 of Rule XXIV, was cumulative and provided an additional method for the introduction of such propositions. Instead of taking away the method already provided for it added another.

But the question now presented is quite a different one. All the right conferred by implication by clause 1 of Rule XXVIII has been exercised in the case now before the Chair; and if the proposition hereafter has any further privilege it must be found *either in some other* rule of the House or in the nature of the subject to which the proposition relates. No other rule of the House conferring such a privilege has been cited in debate, and the Chair is not aware of the existence of any. But it is said by gentlemen on the floor that inasmuch as the House has the power, under the Constitution, to make rules for the Government of its own proceedings, propositions to make or to amend these rules must be privileged for the same reason that propositions in relation to the right of a member to a seat on the floor and propositions relating to bills disapproved and returned by the President are privileged. The power of the House to make rules is conferred by the Constitution in the following terms:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

This power is plenary, and the Chair thinks that the power of the House to make rules prescribing the methods which shall be pursued in changing its rules is just as absolute as its power to make rules to govern its proceedings in ordinary matters of legislation. To hold that the House may make rules binding upon its presiding officer and binding upon itself for the government of its proceedings in ordinary matters of legislation, but can not make rules prescribing the methods by which it shall change its rules, would certainly result in a very great and material abridgment of the power conferred by the Constitution. The House has made rules not only for the government of its proceedings in matters of legislation but also for the government of its proceedings when it comes to change its own rules or to consider propositions to change its rules.

It is provided, first, in Rule XXVIII that such a proposition may be introduced by notice, and secondly, in the amendment to clause 1 of Rule XXIV that it may be introduced upon the call of the States and Terri-

tories on Mondays. It is provided in clause 43 of Rule XI that "all proposed action"—there is no exception made—"touching the rules and joint rules shall be referred to the Committee on Rules." It may be not improper to repeat here that clause 1 of Rule XXVIII, as has been already stated by the gentleman from Georgia [Mr. HAMMOND], has been in operation more than eighty years, and the Chair has not been able to find a single instance where it has been decided that a proposition brought before the House under that clause had any further privilege; but in every case, so far as the Chair has been able to find a decision upon the subject, it has been held that when the proposition came before the House it was here subject to all the other rules of the House. And it may also be remarked that for a long time after the organization of Congress bills could be introduced only upon notice, but it was never decided, or even contended, that when so introduced they became privileged. The giving of the notice was a matter of right, but it conferred no privilege upon the bill itself when introduced.

During the first session of the Forty-eighth Congress the present occupant of the chair had occasion to decide this very question, and the Clerk will read what then occurred. The Chair will first state, however, that on the 23d of January, 1885, Mr. Valentine, then a Representative from the State of Nebraska, introduced a resolution providing that on and after a certain day the House should meet at a certain hour, and that it should be the duty of the Speaker to recognize gentlemen upon the floor for the presentation of matters for consideration, which should be considered unless objected to by a certain number of members. On the next day the gentleman called up his resolution, as the gentleman from Iowa [Mr. HENDERSON] has now called up the resolution upon which the point of order is made; and the Clerk will read from the Journal what took place.

The Clerk read as follows:

Mr. VALENTINE, as a privileged question, called up the following resolution submitted by him on yesterday:

"*Resolved*, That on and after Monday next the regular meetings of the House during the present session shall be at 11 o'clock each day; that it shall be in order each day for one hour immediately after the reading of the Journal for the Speaker to recognize such member as he may choose, alternating sides of the House and members, for the purpose of asking unanimous consent for the immediate consideration of such business as such member may select; but if, after the reading of the bill or resolution, ten members object to present consideration, the same shall not be considered: *Provided*, That if consideration be had, five minutes shall be given for debate for and five minutes against such measure, if asked by any member."

Mr. RANDALL made the point of order that under clause 43 of Rule XI the said resolution must be referred to the Committee on Rules; pending which Mr. Valentine made the further point of order that the said question of order submitted by Mr. RANDALL could not now be entertained, but should have been made on yesterday when the resolution was presented.

After debate on said point of order, the Speaker sustained the first and overruled the second point of order, on the ground that the resolution having been presented under authority of, and in conformity with, clause 1 of Rule XXVIII, was before the House, subject to all other rules touching its consideration, and that, as the resolution was not presented on yesterday for immediate consideration, the point of order as to such consideration by the Committee on Rules would be in order at any time before such consideration had been entered upon.

The said resolution must therefore be referred, under clause 43 of Rule XI, to the Committee on Rules.

The SPEAKER. On the 23d of January, when the resolution was first introduced, certain proceedings occurred which the Clerk will now read from the RECORD.

The Clerk read as follows:

Mr. MILLS. Mr. Speaker, I make the point of order that that would change a rule of the House.

Mr. MCMILLIN. I demand the regular order.

The SPEAKER. The regular order has been demanded heretofore, but the gentleman from Nebraska stated that he rose to a privileged question.

Several MEMBERS. That is not a privileged question.

Mr. VALENTINE. I admit that it is not privileged for consideration at this time, but must, under the rule, lie over until to-morrow.

The SPEAKER. The Chair thinks that so far as regards the mere introduction of the resolution, either for the purpose of having it lie over one day, or for the purpose of having it referred to the Committee on Rules, it is privileged; but not beyond that.

Mr. VALENTINE. That is all that I ask for it.

The SPEAKER. The Chair will also ask the Clerk to read the ruling made on the next day.

The SPEAKER. Rule XXVIII of the House provides that—

"No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor," &c.

The Chair supposes that this notice might be given in two ways. A member might rise in his place and state that on the next day, or upon some succeeding day, he would propose to amend the rules in a certain way; or he might accomplish the same purpose by presenting to the House a proposition to amend the rules in a particular way. And the Chair supposes that the question as to whether or not the point of order can now be made that this proposition must have its first consideration in the Committee on Rules depends upon the same consideration, no matter in which one of those methods the notice might have been originally given.

Suppose a gentleman had risen on the floor yesterday and simply given notice under this rule that on to-day he would propose a motion to amend the rules, stating the character of the amendment, of course no question could then have been made that it must have its first consideration in the Committee on Rules. So it was on yesterday when the gentleman from Nebraska presented his proposition. It was a mere notice to the House under Rule XXVIII of a proposition to amend its rules, and the Chair thinks that the point of order, if it can be made at all, can properly be made to-day when the subject actually comes before the House.

The next question is, whether these rules provide two different methods for their own amendment; that is to say, whether they provide two different methods for bringing before the House for actual consideration a proposition to amend the rules. The Chair thinks not. The Chair thinks the two rules are not at all inconsistent with each other, but they very well stand together.

A proposition to amend the rules can not be considered by the House at all until there has been one day's notice given, either on the floor, as suggested by the Chair, or by the presentation of the proposition itself; but the giving of that notice in either form does not seem to dispense with the forty-third clause of Rule XI, which provides expressly that it shall be referred to the Committee on Rules. If the Committee on Rules should make a report to the House of a proposition to amend the standing rules or orders of this body which had not been referred to them more than one day before the report was made, the Chair would have no hesitation in saying that the report must lie one day on the table before it could be considered. But when a proposition to amend the rules has been made in the House and referred to the Committee on Rules one day before it is reported on, the Chair would have no hesitation in holding that it would then come up for consideration, because all the requirements of both these rules of the House in such a case have been complied with.

The Chair thinks that whatever may be the power of the House itself over its own rules, he is bound by all of them as they stand for the time being, and that this point of order can be made now and is well taken.

The SPEAKER. The Chair has reviewed not only that decision and the grounds upon which it was based but all the other decisions which were accessible, and still adheres to that interpretation of the rules. The Chair thinks that no matter how the proposition may in the first instance be introduced, it must go to the Committee on Rules under the forty-third clause of Rule XI. The point of order is therefore sustained.

Mr. WILLIS. With a view to economy of time in another matter, I trust I may be permitted to ask a parliamentery question; and that is whether it would be in order pending this matter to move to refer it to the Committee on Rules with instructions? I make this inquiry in the interest of economy of time.

The SPEAKER. The Chair has always held that it is not competent to move instructions upon the reference of a matter which has not been reported by a committee. Matters reported to the House by a committee can be recommitted with or without instructions under the rules of the House.

Mr. HENDERSON, of Iowa. There is a question I would like to ask: Does this refer the resolution with regard to the Logan bill to the Committee on Rules?

The SPEAKER. It does.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order being demanded, the first business in order is the call of committees for reports.

POLYGAMY.

Mr. HAMMOND. Allow me to interrupt the call of committees by a privileged report, which I send to the desk.

The SPEAKER. A conference report?

Mr. HAMMOND. Yes, sir.

The SPEAKER. That is in order.

The Clerk proceeded to read the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. HAMMOND. Mr. Speaker, the recommendation of the conference committee is in the form of a long bill. I suggest it is not necessary now to read that bill or the explanatory statement which is submitted in accordance with the rule. I ask that the report and the explanatory statement be printed in the RECORD of to-morrow morning; and I give notice that I shall call the matter up on Thursday next.

Mr. EDEN. Let the bill be printed in the form in which it is to be presented to the House for action.

Mr. HAMMOND. That is the form in which it will be printed in the RECORD; so that every gentleman will see the exact shape in which it is presented for action.

The SPEAKER. The gentleman from Georgia asks that the conference report and the accompanying statement made by the managers on the part of the House be printed in the RECORD; and he gives notice that he will call up the subject on Thursday next. Is there objection to printing in the RECORD as requested? The Chair hears none; and it is so ordered.

The report and accompanying statement are as follows:

The committees of conference on the disagreeing votes of the two Houses on the amendment of the House to Senate bill No. 10, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882," respectfully report:

That, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the bill be amended as follows:

In place of the part of the bill proposed by the House of Representatives to be stricken out, and in place of the words proposed by the House of Representatives to be inserted, the following words be substituted, and that so amended, the bill pass:

SEC. 1. That in any proceeding or examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabita-

tion, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear by oath or affirmation, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness fee shall be paid to such witness so attached: *Provided*, That the person so attached may at any time secure his or her discharge from custody by executing a recognizance, with sufficient surety, conditioned for the appearance of such person at the proper time, as a witness in the cause or proceeding wherein the attachment may be issued.

SEC. 3. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

SEC. 5. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

SEC. 6. That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecutions for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

SEC. 7. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

SEC. 8. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

SEC. 9. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full names of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be *prima facie* evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

SEC. 10. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

SEC. 11. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

SEC. 12. That the laws enacted by the Legislative Assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons, and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid, except as a member of a county court; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory respectively.

SEC. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Asembly of the Territory of Utah," or in violation of section 1890 of the Revised Statutes of the United States; and all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be: *Provided*, That no building, or the grounds appurtenant thereto, which is held and occupied exclusively for purposes of the worship of God, or parsonage connected therewith, or burial ground, shall be forfeited.

SEC. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of or belonging to any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatever.

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the state of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or association, or to pass any law for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to carry into effect the provisions of the preceding section, and pay the debts and to dispose of the property and assets of said corporation according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

SEC. 17. That the acts of the Legislative Assembly of the Territory of Utah, incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called general assembly of the state of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section 13 of this act and in section 26 of this act, to the respective trustees mentioned in section 26 of this act; and for the purposes of this section said court shall have all the powers of a court of equity.

SEC. 18. (*a*) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, unless she shall have lawfully released her right thereto.

(*b*) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

(*c*) If a husband seized of an estate of inheritance in lands exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(*d*) When a person seized of an estate of inheritance in lands shall have executed a mortgage, or other conveyance in the nature of mortgage, of such estate, before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged or so conveyed, as against every person except the mortgagee or grantee in such conveyance and those claiming under him.

(*e*) Where a husband shall purchase lands during coverture, and shall at the same time execute a mortgage, or other conveyance in the nature of mortgage, of his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or grantee in such conveyance or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to her dower in such lands as against all other persons.

(*f*) Where in such case the mortgagee, or such grantee or those claiming under him shall, after the death of the husband of such widow, cause the land mortgaged or so conveyed to be sold, either under a power of sale contained in the mortgage or such conveyance, or by virtue of the decree of a court, if any surplus shall remain after payment of the moneys due on such mortgage or such conveyance, and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life as her dower.

(*g*) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(*h*) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

SEC. 19. That hereafter the judge of probate in each county within the Territory of Utah provided for by the existing laws thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and so much of the laws of said Territory as provide for the election of such judge by the Legislative Assembly are hereby disapproved and annulled.

SEC. 20. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

SEC. 21. That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.

SEC. 22. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the board of commissioners mentioned in section 9 of the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," in said Territory, forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said Legislative Assembly, and to the number of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

SEC. 23. That the provisions of section 9 of said act approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provisions and laws therein referred to, to be made and enacted by the Legislative Assembly of said Territory of Utah, shall have been made and enacted by said assembly and shall have been approved by Congress.

SEC. 24. That every male person twenty-one years of age resident in the Ter-

ritory of Utah shall, as a condition-precedent to his right to register or vote at any election in said Territory, take and subscribe an oath or affirmation, before the registration officer of his voting precinct, that he is over twenty-one years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one month immediately preceding the date thereof, and that he is a native born (or naturalized, as the case may be) citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes. Such registration officer is authorized to administer said oath or affirmation; and all such oaths or affirmations shall be by him delivered to the clerk of the probate court of the proper county, and shall be deemed public records therein. But if any election shall occur in said Territory before the next revision of the registration lists as required by law, the said oath or affirmation shall be administered by the presiding judge of the election precinct on or before the day of election. As a condition-precedent to the right to hold office in or under said Territory, the officer, before entering on the duties of his office, shall take and subscribe an oath or affirmation declaring his full name, with his age, place of business, his status, whether married or single, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes; which oath or affirmation shall be recorded in the proper office and indorsed on the commission or certificate of appointment. All grand and petit jurors in said Territory shall take the same oath or affirmation, to be administered, in writing or orally, in the proper court. No person shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office of trust or emolument in said Territory who shall not have taken the oath or affirmation aforesaid. No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid approved March 22, 1882, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory.

SEC. 25. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished; and it shall be the duty of the supreme court of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties heretofore imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the district and other schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties, the average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called *gentiles*, the number of children of Mormon parents and the number of children of so-called gentile parents, and their respective average attendance at school; all of which statistics and information shall be annually reported to Congress, through the governor of said Territory and the Department of the Interior.

SEC. 26. That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

SEC. 27. That all laws passed by the so-called state of Deseret and by the Legislative Assembly of the Territory of Utah for the organization of the militia thereof or for the creation of the Navoo Legion are hereby annulled and declared of no effect; and the militia of Utah shall be organized and subjected in all respects to the laws of the United States regulating the militia in the Territories: *Provided, however*, That all general officers of the militia shall be appointed by the governor of the Territory, by and with the advice and consent of the council thereof. The Legislative Assembly of Utah shall have power to pass laws for organizing the militia thereof, subject to the approval of Congress.

All of which is respectfully submitted.

N. J. HAMMOND,
E. B. TAYLOR,
Managers on the part of the House.

GEO. F. EDMUNDS,
JOHN J. INGALLS,
JAMES L. PUGH,
Managers on the part of the Senate.

DETAILED STATEMENT OF CONFEREES OF HOUSE.

The House conferees on the committee on the disagreeing votes of the two Houses on the Senate bill No. 10, being an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, beg leave to submit the following detailed statement, showing the effect of such amendments as have been agreed to, with conference report herewith submitted. The House struck out all of the Senate bill after the enacting clause and substituted its own bill, and on that vote the conference was had.

The bill as agreed upon by the conference committee differs somewhat in form from either the Senate or the House bills. It contains certain verbal changes which need not be explained. The material changes from the House bill are as follows:

In section 2, line 7, before the word "oath," the word "the," and in line 8 the words "of at least two credible persons in writing" have been stricken out, it being thought best to leave to the court the quantum of evidence necessary to show the unwillingness of a witness to appear. In that section we also left out in lines 15 and 16 the words "before any commissioner, judge, justice, or court of the United States," because as the witness was arrested for immediate attendance on the court, it was thought best that he should enter into recognizance before that court for his appearance.

To the ninth section of the House bill we added the provision of the Senate as to unlawful sexual intercourse between two married persons. This the House bill had not provided for.

Section 11 of the House bill was left out, because it was deemed unnecessary.

Section 13 of the House bill was left out, because, this being only an amendment to a former statute, section 13 was unnecessary.

Section 16 of the House bill has been amended by requiring the surplus of the property of the corporations therein mentioned, not provided for in the bill, or decreed to those entitled thereto by the courts, shall be used for school purposes in said Territory.

Section 17 of the House bill has been left out as unnecessary, the law now controlling writs of error from the supreme court in the cases of bigamy or polygamy or of any offense under the act March 22, 1882, is not affected by this act.

Section 18 of the House bill has been changed by leaving out to all religious societies, sects, or congregations so much real property for the erection or use of houses of worship, and for such parsonages as shall be necessary for their convenience and use, the title to be in trustees named by them.

Section 21 of House bill, annulling legislation as to water, timber, or herd rights has been left out because the conference committee did not know the full possible effect of that section, and because it is believed that existing law furnishes an adequate remedy for any illegal act done in the premises.

In section 22, House bill, the conference committee in section 1, which defines the terms "lawful wife," believe it best to leave that matter to the courts. Sections 26 and 27 of the House bill were so amended as to strike out all the authority therein granted as to the appointment of officers in said Territory except that the President of the United States, by and with the consent of the Senate, is required to appoint a probate judge in each county.

N. J. HAMMOND.
E. B. TAYLOR.

CASES REMOVED FROM STATE COURTS.

Mr. TUCKER (by Mr. HAMMOND), from the Committee on the Judiciary, reported back adversely the bill (H. R. 10994) to authorize appeals from the orders of the circuit courts of the United States on motions to remand in cases removed from the State courts; which was laid on the table, and the accompanying report ordered to be printed.

SECTION 3242 REVISED STATUTES.

Mr. EDEN, from the Committee on the Judiciary, reported back adversely the bill (H. R. 10251) to amend section 3242 of the Revised Statutes, relating to the internal-revenue laws; which was laid on the table, and the accompanying report ordered to be printed.

NATIONAL INDUSTRIAL EXHIBITION.

Mr. IRION, from the Committee on Commerce, reported, as a substitute for H. R. 10750, a bill (H. R. 11191) to encourage the holding of a national industrial exhibition of the arts, mechanics, and products of the colored race throughout the United States of America, to be held in the year 1888; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

House bill 10750 was, by unanimous consent, laid on the table.

CHARGE FOR PASSPORTS.

Mr. HITT, from the Committee on Foreign Affairs, reported back favorably the bill (S. 3014) to fix the charge for passports at $1; which was referred to the House Calendar, and the accompanying report ordered to be printed.

A. F. SAINT SURE LINDEFELT.

Mr. BRAGG, from the Committee on Military Affairs, reported, as a substitute for H. R. 8282, a bill (H. R. 11192) for the relief of A. F. Saint Sure Lindefelt; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

House bill 8282 was, by unanimous consent, laid on the table.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, reported back adversely the resolution in relation to United States cavalry firing upon certain persons in the Indian Territory; which was laid on the table.

FORT SNELLING RESERVATION.

Mr. BRAGG, from the Committee on Military Affairs, also reported back adversely the bill (H. R. 10296) ceding to the State of Minnesota the right of possession and occupancy of a tract of land within the military reservation of Fort Snelling, for the purpose of erecting and maintaining a soldiers' home; which was laid on the table.

CAMP DOUGLAS.

Mr. BRAGG, from the Committee on Military Affairs, also reported back adversely the bill (H. R. 5183) granting a portion of the military reservation of Camp Douglas, near Salt Lake City, Territory of Utah, for cemetery purposes; which was laid on the table.

ARMS, ETC., LOANED TO THE STATE OF OREGON.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8291) to credit the Territory of Washington on the books of the Ordnance Department the sum of $12,387.57 for arms and cartridges loaned the State of Oregon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back adversely the bill (H. R. 8541) for the relief of Joseph Demars; which was laid on the table.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back adversely the bill (H. R. 2712) for the relief of Hector F. Phelps; which was laid on the table.

JOHN JORDAN.

On motion of Mr. HERBERT, the Committee on Naval Affairs was discharged from the further consideration of the bill (H. R. 10159) for the relief of John Jordan; and it was referred to the Committee on War Claims.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. THOMAS, of Illinois, from the Committee on Naval Affairs, reported back bills of the following titles; which were laid on the table, namely:

A bill (H. R. 3249) to provide for the construction of a steam cruising vessel of war, of 20 knots speed, by Charles G. Lundborg, of New York;

A bill (H. R. 9890) to provide for the construction of steel-clad rams without guns;

A bill (H. R. 10393) for the construction of two composite steam vessels for the training service of the United States Navy;

A bill (H. R. 10546) for the purchase of John Ericsson's Destroyer and ten enlarged steel vessels of the same type, for defending the harbors of the United States;

A bill (H. R. 10760) to provide for the construction of a steam cruising vessel of war of 20 knots speed;

A bill (H. R. 10810) to further increase the naval establishment;

A bill (H. R. 10902) to increase the naval establishment;

House Miscellaneous Document 91, relating to the construction, equipment, and armament of vessels;

House resolution in relation to an immediate appropriation of $50,000,000, to be expended under the direction of the Secretary of the Navy, for the construction, equipment, and armament of such new vessels of war as may be deemed necessary by him; and

A memorial of Stewart Sanderson relative to marine rams.

Mr. THOMAS, of Illinois, from the Committee on Naval Affairs, also reported, in the nature of a substitute for the foregoing, a bill (H. R. 11193) to increase the naval establishment; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

POST-OFFICE BUILDING AT JERSEY CITY, N. J.

Mr. SNYDER, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 6826) making an appropriation for extending and repairing the post-office building at Jersey City, N. J.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT SCRANTON, PA.

Mr. BROWN, of Pennsylvania, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 3234) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE W. KINCAID.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2424) granting an increase of pension to George W. Kincaid; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. JANE BROWN DUNN.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2629) granting a pension to Jane Brown Dunn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY JANE CASE.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8737) granting a pension to Mrs. Mary Jane Case; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN E. ALGER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 368) for the relief of Susan E. Alger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA SHREEVE.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10706) granting a pension to Eliza Shreeve; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HUGH ROGERS.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 3131) granting a pension to Hugh Rogers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE M. LEE.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2790) granting a pension to Catherine M. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA HUNTER.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3218) granting an increase of pension to Maria Hunter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ARABELLA CODDINGTON.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2374) granting a pension to Mrs. Arabella Coddington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABBIE R. BROWN.

Mr. HAYNES, from the Committee on Invalid Pensions, reported the bill (H. R. 11149) granting a pension to Abbie R. Brown; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH C. GRINDLE.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 11005) granting a pension to Elizabeth C. Grindle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAURA A. WRIGHT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 3260) granting a pension to Laura A. Wright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH R. LANGDON.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 3220) granting a pension to Hannah R. Langdon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely Senate bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (S. 3135) granting a pension to Catherine E. Babcock; and

A bill (S. 3146) granting a pension to John W. Reynolds.

MILTON TEETER.

Mr. WINANS, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3106) granting a pension to Milton Teeter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE F. ELLSWORTH.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 3107) granting a pension to Catharine F. Ellsworth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARIA C. M'PHERSON.

Mr. WINANS, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2421) granting a pension to Maria C. McPherson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN NIGHTINGALE.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7225) granting a pension to Ellen Nightingale; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARTHA F. WOODRUM.

Mr. LOUTTIT, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 864) to grant a pension to Mrs. Martha Woodrum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN K. LE BARON.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (H. R. 10258) for the relief of John K. Le Baron; which was referred to the Committee of the Whole House on

the Private Calendar, and, with the accompanying report, ordered to be printed.

RODERICK M'INTOSH.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with amendments the bill (H. R. 8419) to provide for the payment of the claim of Capt. Roderick McIntosh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

P. DORAN.

Mr. HOWARD, from the Committee on Claims, reported back favorably a memorial of P. Doran; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

ADVERSE REPORT.

Mr. LYMAN, from the Committee on War Claims, reported back adversely the bill (H. R. 6462) for the relief of Warren Mitchell; which was ordered to be laid on the table, and the accompanying report printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. This completes the call of committees for reports. If there be no objection the Chair will recognize gentlemen who were not in their seats when their committees were called.

There was no objection.

MARTHA GRAY.

Mr. NEECE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 10380) for the relief of Martha Gray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY SMITH.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 10089) granting a pension to Henry Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. M'CALEB.

Mr. NEECE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5938) for the relief of Sarah E. McCaleb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY ANN DOUGHERTY.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 2868) granting a pension to Mary Ann Dougherty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CRUISE OF REVENUE STEAMER CORWIN.

Mr. FARQUHAR, from the Committee on Printing, reported back with a favorable recommendation a concurrent resolution for printing additional copies of reports of Captain Healy upon cruise of revenue steamer Corwin in the Arctic Ocean for the years 1884 and 1885; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union.

ORDER OF BUSINESS.

Mr. BELMONT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. COBB. Before that motion is entertained I desire to present a privileged report, the report of a committee of conference.

Mr. BELMONT. Is it in order to raise the question of consideration on the report made by the gentleman from Indiana?

The SPEAKER *pro tempore* (Mr. CRISP). It is. The gentleman from Indiana [Mr. COBB] has the right to present the report of the conference committee and the House can then determine whether it will proceed to its consideration or not.

Mr. WEAVER, of Iowa. I trust the hour for the consideration of bills will not be set aside.

The SPEAKER *pro tempore*. The Clerk will read the report presented by the gentleman from Indiana.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, having met, after full and free conference have been unable to agree.

THOMAS R. COBB,
W. J. STONE,
H. B. STRAIT,
Managers on the part of the House.

J. N. DOLPH,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. COBB. I desire in submitting this report to say——

Mr. SPRINGER. I understand the gentleman from New York [Mr. BELMONT] has raised the question of consideration.

The SPEAKER *pro tempore*. The Chair was waiting to hear what motion the gentleman from Indiana was to submit.

Mr. COBB. I desire to make no motion, but I desire for a few moments to discuss the contents of the report.

The SPEAKER *pro tempore*. But the question of consideration has been raised.

Mr. SPRINGER. I presume that will not be urged; there is not to be debate.

Mr. BELMONT. There will be debate if the consideration of the report is entered upon. It is inevitable.

Mr. WEAVER, of Iowa. I rise to a question of order. Is it competent on a motion that the House resolve itself into Committee of the Whole House on the state of the Union to set aside the rule providing that there shall be a consideration hour?

The SPEAKER *pro tempore*. The question now before the House is whether the House shall proceed with the consideration of the conference report presented by the gentleman from Indiana.

Mr. BLOUNT. I would suggest on the question of order raised by the gentleman from Iowa that it has been ruled on several occasions that the motion to go into Committee of the Whole House on the state of the Union is in order after the call of committees for reports has been completed.

The SPEAKER *pro tempore*. The question is, Will the House proceed to the consideration of the conference report?

The question being taken, there were—ayes 32, noes 42.

Mr. COBB. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Indiana [Mr. COBB] and the gentleman from New York [Mr. BELMONT].

The House again divided; and there were—ayes 31, noes 36.

Mr. COBB. I withdraw the point as to a quorum, and I withdraw the report for the present.

Mr. BELMONT. I renew my motion that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair, and resumed consideration of the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BELMONT. I desire to ask if the word "Turkey" has been inserted in line 26.

The CHAIRMAN. It has not. No motion was made for that purpose.

Mr. BELMONT. I move, then, to amend by inserting the words "Turkey, and the Argentine Republic" in line 26. That is in accordance with the amendments under the point of order made the last time the bill was under consideration.

The Clerk read the proposed amendment, as follows:

In line 25, after the word "the," insert "Argentine Republic," and in line 26, after the word "Colombia," insert "and Turkey;" so that it will read:

"Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, United States of Colombia, and Turkey, at $7,500 each, $22,500."

The amendment was agreed to.

The Clerk read the following paragraph:

Ministers resident and consuls-general in Bolivia, Corea, Denmark, Hayti, Liberia, Persia, Portugal, Siam, and Switzerland, at $5,000 each, $45,000 (and the minister resident and consul-general in Hayti shall also be accredited as chargé d'affaires to San Domingo).

Mr. BURNES. The law fixes the salary of the minister to Liberia at $4,000. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following paragraph:

Agent and consul-general at Cairo, $5,000.

Mr. BURNES. The law provides a salary of $4,000. I make the point of order.

Mr. BELMONT. I shall not oppose the point of order which has already been sustained by the Chair, but I desire to say this is simply a repetition of a salary appropriated for several years past.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following paragraph:

Chargés d'affaires *ad interim* and diplomatic officers abroad, $20,000.

Mr. BELMONT. It will be necessary at this point to insert Liberia, which was stricken out in a former paragraph.

The CHAIRMAN. In the absence of objection that amendment will be made.

There was no objection.

The CHAIRMAN. The gentleman from New York will please send up his amendment in writing.

Mr. BELMONT. The fact is this amendment will produce a new

class of office, a minister at $4,000. There is no such thing at present. Therefore I am at a loss to know where this amendment should be inserted; there is no paragraph in the bill where it would properly come in.

The CHAIRMAN. The Chair understood the gentleman to offer his amendment at line 45.

Mr. BELMONT. I offer, then, this amendment:

After line 45 insert the words "minister to Liberia, $4,000."

I ask the Chair to submit that motion.

The CHAIRMAN. The Chair has already submitted it and it has been agreed to.

Mr. BURNES. I submit the proposition, somewhat hesitatingly, with regard to the point of order upon the paragraph contained in lines 44 and 45. The amount provided for in the statute does not authorize an appropriation of $20,000; but the current law does authorize that amount, the appropriation being $20,000. Prior to the first session of this Congress the appropriation was $12,000. This is an increase over former appropriations, except that of the first session of this Congress, of $8,000.

Mr. BELMONT. Mr. Chairman, there is some limit to the propriety of points of order, it seems to me, and in this case I think the gentleman from Missouri is mistaken. If the Clerk will read the section of the law upon which the appropriation is founded I think the gentleman may be induced to withdraw his point of order. If he does not withdraw it I desire to say to some of my friends on this side of the House that they should remember there is a distinction between affirmative legislation and negative legislation, and while certain gentlemen have been most successful hitherto in negative legislation (and no one more than I appreciates the great service they have rendered the party by opposing unwise appropriations) it does seem to me that we are no longer a party of opposition, and that we must undertake some affirmative legislation.

I agree, of course, that a check should be placed upon unwise expenditure, and I know of no more proper and effective method than that which has been pursued by the President of the United States in his recent veto message upon the dependent pension bill, for which I did not vote. The provision under consideration is made in direct pursuance of a recommendation received from the State Department. It is an appropriation in which the money is to be expended only in case of necessity.

Mr. BURNES. Mr. Chairman, if the gentleman will yield to me a moment I think I can perhaps facilitate business.

Mr. BELMONT. I would rather not yield at this moment, but if the gentleman particularly desires it I will do so.

Mr. BURNES. Mr. Chairman, I am inclined to believe that the point of order can not be sustained against this proposition, and therefore I withdraw the point and move to amend the paragraph by striking out the word "twenty," in line 45, and inserting "twelve."

Mr. BELMONT. Mr. Chairman, I hope that the House will not adopt that amendment. If it does we shall have simply a repetition of what has occurred in previous years—a deficiency. The committee last year induced the House to appropriate this amount, simply to avoid a deficiency, and, for the first time in many years, there is no deficiency. Shall we cut this item down now simply that we may be able to say that we appropriated $12,000, whereas in reality we needed $20,000, and must hereafter appropriate to make up that amount? If that is to be the policy of the House, I am very much mistaken in having opposed the amendment of the gentleman from Missouri [Mr. BURNES].

Mr. BURNES. Mr. Chairman, before this vote is taken I beg the indulgence of the committee for a moment, so that all may understand the proposition, so far at least as my objection to it is concerned. What is the appropriation for? It is for the payment of chargés d'affaires *ad interim*. Who are they and what are they? We have a minister at a foreign court who receives a full and adequate salary. That minister has ordinarily a secretary, called the secretary of legation, whose salary is provided by law, and who receives his salary.

But, when the minister goes away from home he leaves the secretary as his chargé d'affaires, and then the secretary becomes entitled to higher pay, and this sum is appropriated to pay for the service thus rendered in the absence of the minister. Now, the minister, in his absence, draws the full salary of his office, and the chargé d'affaires draws an additional salary; so that we are paying two individuals for the same service at the same time. I wish to add further that in the Forty-eighth Congress we had practically come to the conclusion that this whole appropriation ought to be abolished and that the practice ought to be ignored; but, as there were occasions when probably some appropriation under this head might be needed, we finally concluded to compromise rather than to abolish the appropriation entirely, and determined to make the appropriation $12,000, although the judgment of probably a majority of the House was in favor of entirely abolishing it, inasmuch as it ignored a proposition of legislation and of government, which ought always to be recognized, namely, that no two persons should receive pay for doing the same work at the same time.

Mr. BELMONT. I think my friend is mistaken. The chargé d'affaires, in the absence of the minister, is not entitled to his pay as secretary of legation, but he is entitled to 50 per cent. of the minister's pay. The reason this appropriation is put at $20,000 is because it is utterly impossible to determine in advance what vacancies may occur in the missions by reason either of absence or death. For instance, the missions to Turkey, to Vienna, and to Berlin are temporarily vacant to-day, and other missions may become vacant, and when that occurs the secretary of legation is required to perform the duties of the minister.

But during that time he receives no salary as secretary of legation. If only a few vacancies should occur a smaller appropriation might be sufficient; but it may be that more vacancies will occur, and in that case there should be a sufficient fund at the disposal of the Department. So much of the fund as may not be used will be turned into the Treasury. I do not see that anything further need be said unless it be proper that the section of the Revised Statutes relating to this subject be read. I ask the Clerk to read it.

The Clerk read as follows:

SEC. 1685. For such time as any secretary of legation shall be lawfully authorized to act as chargé d'affaires *ad interim* at the post to which he shall have been appointed he shall be entitled to receive compensation at the rate allowed by law for a chargé d'affaires at such post; but he shall not be entitled to receive, for such time, the compensation allowed for his services as secretary of legation.

[Here the hammer fell.]

Mr. COX, of North Carolina. I move to strike out the last word. I fully concur with my friend from New York that this is an appropriation of great importance, and should not be stricken out, for good and cogent reasons. Under the law as it now stands our ministers abroad are entitled to a leave of absence each year. In their absence some one must discharge their duties. Their responsibility devolves upon the secretary of legation. This appropriation is necessary to provide for the meager salary of the secretary, who only receives half the amount of his chief during the latter's absence. Not only so, but it is often the case that we have no ministers at foreign courts, and the duties must devolve on secretaries of legation. As my friend has remarked, such is the case at the present time in Turkey, and I will add has also been the case for two years at Austria.

This is no new appropriation, but has been provided for in similar bills for many years. Surely it can not be the purpose of a Democratic House, through a narrow and contracted policy of economy, to impair the efficiency of the foreign service when we have the control of this Government for the first time in the last twenty-five years. It is not economy to run the Government on such a narrow schedule. We have been so long in opposition, it seems to be difficult for many to realize the importance of our foreign service or to appreciate its importance and responsibilities. Some deference should be shown to the recommendations made by the Department when under the control of such an able, capable, and efficient Secretary as is now at its head. It is a cheap reputation which secures success at the expense of the public good.

Mr. HITT. Mr. Chairman, I move as an amendment to the amendment to strike out the last two words. The proposed amendment in the amount granted to pay secretaries of legation during the time when they are serving as acting ministers is a change in what is in fact a special contingent fund, controlled largely by the discretion of the Secretary of State; for a minister can not absent himself from his post, leaving a secretary to act in his stead, unless by authority of the head of the service. If you distrust the Secretary of State, if you think the Department of State will give to a minister permission to absent himself from his post for the mere purpose of putting money into the hands of a subordinate, then you should limit this appropriation with great strictness. But in the history of this country I have never known a Secretary of State who had so little of the confidence of the country and who was so feeble in purpose that the Congress would not believe him desirous of success, faithful to his trust and himself, and earnestly seeking to have an honorable and vigorous administration of his own Department.

As to the duplication of salaries to which reference has been made by the gentleman from Missouri [Mr. BURNES], that may sometimes take place. Often it does not. I have known the mission to Russia to be vacant for a year—filled temporarily by a man at half the minister's salary, acting as chargé *ad interim*. The case is the same to-day, as the gentleman from New York [Mr. BELMONT] has stated, in regard to Turkey, where the minister's place is vacant and the salary stopped, while the pay of the secretary of legation as secretary is also stopped, and he is being paid, as you may say, half rate as minister while doing the work of minister. One fact might be stated which does not occur from an inspection of the legislation which has been read.

The duties of a secretary, when acting as chargé, if he is a man of self-respect, if he is a man who properly appreciates the responsibilities and duties with which he is charged, involve necessarily larger expenditure than he incurs when he is merely a subordinate. Unless he would do that for which his countrymen would despise him, because he would show an exceptional penuriousness that would make those about him sneer at our country belittled by its representative, he is constrained to expend more than he would ordinarily as a mere secretary of legation. It may be that the $12,000 indicated by the amendment is sufficient to pay the amount that would accrue as pay of chargés at all the lega-

tions during the coming year, though it is expected that it will be more, and may be near $20,000. An administration, vigilantly and honestly guarded by an able head, may keep the expenditure within that limit of $12,000; but if so, and we should have appropriated $20,000, the $8,000 will simply be turned back into the Treasury. We ought to appropriate the $20,000 asked for, and if it is not rightly expended we know whom to hold responsible for the extravagance.

Mr. ALLEN, of Mississippi. Mr. Chairman, I avail myself of this opportunity to dissent from some of the views entertained by my distinguished friend from Illinois [Mr. HITT] with reference to our diplomatic service. When speaking on this bill some days ago, he said it would be better to abolish our diplomatic service than to humiliate the officials engaged in it; and that my position was in the interest of the rich men, and among them my speech would be most loudly applauded, or words to that effect.

Now, Mr. Chairman, I have never been accused of any such selfishness as would make me desire to turn all the offices of this country over to the rich. I have great regard for the poor, for I was once poor myself. [Laughter.] But, sir, I do here and now wish to emphasize my protest against the position taken by the gentleman from Illinois and others in support of this bill that large salaries must be paid to our ministers abroad to enable them to fulfill the social requirements of these positions as they might be fulfilled by rich people or the representatives of other governments. In other words, they want Congress to appropriate money to enable them to put on rich men's airs.

The rich can spend their money as they please, but I deny that it is the duty of Congress or of the people of this country to pay salaries to their officials to enable them to live in extravagance simply because rich people of the representatives of other governments do so. I think, sir, that one of the great evils of the times in which we live is the idea entertained by a great many people, especially officials, that a person, because he holds a public position, must have such salary as will enable him, in sustaining the dignity of that position, to spend money like the rich.

I think, sir, that many of the diplomatic positions might be either abolished entirely or consolidated without serious detriment to the public service. The gentleman talks about the mission of our foreign ministers being a mission of peace. I do not think, sir, that the peace of this country is seriously threatened from any source, and less abroad than at home. The best peace measures we can adopt is to strengthen our Government in the hearts and affections of our own people; and the best way to do this is to show them by our acts that the Government is run with special reference to their interest, and not in the special interest of the office-holding class. Engraft this upon their understanding, and you will have done more toward keeping the peace than your diplomatic corps is likely to accomplish.

The CHAIRMAN. The gentleman's time has expired.

Mr. BELMONT. I move to strike out the last word.

The CHAIRMAN. That is the question pending.

Mr. HITT. I withdraw the *pro forma* amendment which I submitted.

Mr. BELMONT. I renew it. Mr. Chairman, I do not feel called upon to answer the gentleman from Mississippi [Mr. ALLEN]. I only ask the Clerk to read the passage I have marked to show him this is no new question. He may or may not care what might be the recommendation of the present Secretary of State, but this Secretary of State whose report I ask to have read was Edward Livingston, Secretary of State to President Andrew Jackson in 1833.

The Clerk read as follows:

Ministers are considered as favorites, selected to enjoy the pleasures of foreign travel at the expense of the people, their places as sinecures, and their residence abroad is a continued scene of luxurious enjoyment. Their exertions, embarrassments, their laborious intercourse with the governments to which they are sent, their anxious care to avoid anything that might, on the one hand, give just cause of offense, or to neglect or to abandon the rights of their country or its citizens, on the other, are all unknown at home.

Even the merit of their correspondence, from which, at least, the reward of honor might be derived, is hid in the archives of the Department and rarely sees the light; and, except in the instances of a successful negotiation for claims, a minister returns to his country, after years of the most laborious exertion of the highest talent, with an injured, if not a broken fortune, his countrymen ignorant of his exertions, and undervaluing them, perhaps, if known. On the whole there is scarcely an office of which the duties properly performed are more arduous, more responsible, and less fairly appreciated than that of minister to a country with which we have important commercial relations. Yet there is some reason to believe that appointments to them are sometimes eagerly sought from the same false ideas of the nature of the employment. To these mistaken ideas, more or less prevalent, may be traced many of the evils which have operated and still operate injuriously upon the interests and reputation of the country.

At home the head of every subordinate bureau attached to any of the Departments has an office and a messenger, and clerks, and fire, and stationery, and lights, and every convenience for carrying on the business entrusted to him. This is as it should be. But to represent the dignity of the country, and on scant salary to transact its most important concerns abroad, we send a man whom we provide with none of these necessaries for the transaction of his business, we force him to do all the drudgery of the office with his own hands, and either to live in some obscure place, where his countrymen blush to find him fixed, when, after some difficulty, they have discovered his tavern residence; or, at the expense of his own fortune, to provide what is necessary for the interest and dignity of the Government. The usual answer to these representations is that, notwithstanding all these inconveniences, candidates are always found eagerly seeking these appointments.

But it must be remarked that these candidates are of two kinds. First, men of wealth, who are willing to purchase the honor of the station at the expense of their private fortunes. But although these are not always the fittest, in other respects, for the place they are sometimes selected, and their appointment is popular, because there seems to be no objection to a minister's keeping up a decent appearance, provided he does it at his own expense. Secondly, there are others who seek these appointments because they make false calculations on the consequences. They resolve to be very economical, to live within their income, and to be drawn into no extravagance. But, on arriving at their place of destination, they find that expenses which might, with prudence, have been avoided here, are inevitable abroad. Civilities are received which must be returned; strangers are introduced who must be entertained; their countrymen call on them and must be treated hospitably.

In short, they find themselves obliged to live as others do, or to forego all the advantages which social intercourse would give them in the business of their mission. The consequence is, that all our ministers return with impaired fortunes, however firm their resolutions have been to avoid unnecessary expense. It is possible there may be exceptions; but they are certainly very rare. If the mission is useful it ought to be supported at the public, not at private, expense; and the representatives of a great nation ought not be obliged to employ, in devising parsimonious expedients for their support, that time and those talents which ought to be occupied in the service of their country.

[Here the hammer fell.]

Mr. ALLEN, of Mississippi. Mr. Chairman, I see the committee is still meeting the opponents of the increase in this appropriation with the views of the Secretary of State. A great deal has been said in this debate about his opinions and recommendations. Now, the Secretary of State is no doubt a highly respectable gentleman. I have nothing to say against him, but so far as I know or am informed, in the discharge of the duties which devolve upon him in his exalted position, he has exhibited no such superior ability as, in my opinion, would require me to surrender my own conviction of public duty to follow his recommendation.

Mr. NELSON. This is the Secretary of State to Andrew Jackson—not the present Secretary of State.

Mr. ALLEN, of Mississippi. I do not care what Secretary of State advises the support of official dignity at public expense, I do not believe in it. My opinion is that a man's dignity is not measured by the money he has or spends. The lavish expenditure of money by public officials may procure for them in some quarters a sort of prestige they could not otherwise acquire, but the true dignity pertaining to official station can not be purchased with money, but must have for its basis those traits of head and heart that result in duty well performed and make the world respect and honor good and great men wherever found.

Mr. BELMONT. Would you apply that to members of Congress?

Mr. ALLEN, of Mississippi. To the great majority I would; others, I am sorry to say, must depend for their dignity and position on their money. Away, sir, with this idea that the dignity of a position is measured or determined by the amount of money its occupant expends! That is one of the false ideas that I wish to combat in the consideration of this and all other bills in this House.

Mr. Chairman, the gentlemen have had a good deal to say about the salaries paid by other nations to their diplomatic corps and of the vast sums of money lavished upon them by their governments to support their official dignity. And these same gentlemen insist that we must appropriate sufficient sums of money to enable our representatives abroad to live in something of the same style as the diplomats of other nations. Why should the American people want to imitate or pattern after any other people on God's green earth?

An American citizen, as the representative of this Government, need not ape or imitate anybody. The fact that he represents this Government, that is the admiration of the outside world and the pride and glory of every American, with proper conduct on his part and reasonable expenditures, is enough to support the dignity of any of our representatives abroad.

These governments to which the gentlemen refer us are founded upon theories altogether different from ours. Their rulers are born to official station and inherit their right to rule, and the official classes are supposed to be better than the people they rule and represent. But, sir, it is our pride that we do not do things in this country like other nations. Our office-holders are public servants, and because men reach high and honorable positions they are no better by reason of that than the people from whom they come and by whose grace they hold their positions.

Mr. Chairman, of all the disgusting things to me in our American system this tendency to ape and imitate the nobility and aristocracy and snobbery of other countries is the one with which I have the least patience. This disposition on the part of some of our people, which I am sorry to say seems to be growing in some quarters as individual wealth increases, is far more threatening and dangerous to our best interest and future welfare than any possible want of dignity that is likely to afflict our representatives abroad by reason of not having princely salaries from the Government. I wish, Mr. Chairman, I had more time to devote to this particular phase of this discussion. This effort to pattern after foreigners is, in my judgment, the worm in our chestnut.

[Here the hammer fell.]

Mr. BELMONT. I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Missouri [Mr. BURNES].

Mr. HOLMAN. Let the amendment be again reported.

The amendment was again read.

The question was taken; the committee divided, and there were—ayes 28, noes 76.

So the amendment was rejected.

The Clerk read as follows:

SALARIES SECRETARIES OF LEGATIONS.

Secretaries of the legations in Berlin, China, Japan, London, Paris, and St. Petersburg, at $2,625 each, $15,750.

Mr. BURNES. Mr. Chairman, I make the point of order that the salary of the secretary of legation in China is provided for in the present bill at $2,625, while in a subsequent paragraph of the bill the salary of the interpreter is fixed at $3,000, thus dividing the salary fixed by law for the two offices, which may be held by one person, into two parts. The law provided that the office of secretary may be held by an interpreter and limited the salary for the service at $5,000. Now, by the division which this bill proposes the salary, in place of being $5,000 for the two, is fixed at $5,625. The aggregate appropriation is $625 more than the law authorizes.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. BELMONT. Mr. Chairman, the office to which the gentleman from Missouri refers is, I suppose, fixed under the law of 1856, and this provision here is simply a repetition of what has occurred in diplomatic and consular bills for several years passed.

As to the salary of the interpreter, I will ask the Clerk to read this letter, addressed to me by Mr. COX, of New York, during the last month.

The Clerk proceeded to read the communication.

The CHAIRMAN (interrupting the reading). The Chair does not think that this bears on the point of order.

Mr. BELMONT. It appears to me that it does.

Mr. BURNES. I do not think the gentleman from New York has understood the proposition.

Mr. BELMONT. I understood it perfectly.

Mr. BURNES. The letter the gentleman sent up to be read has reference to the interpreter at Constantinople, not to the interpreter and secretary of legation in China.

Mr. BELMONT. My object was to impress upon the House the necessity for these interpreters in the East, and I know of no better testimony than that of our late minister to Turkey.

The CHAIRMAN. The gentleman from New York must confine himself to the discussion of the question of order.

Mr. BELMONT. I ask for a decision of the Chair.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following paragraph:

Second secretaries of the legations in China and Japan, who shall be American students of the language of the court and country to which they are appointed respectively, and shall be allowed and required, under the direction of the Secretary of State, to devote their time to the acquisition of such language, at $1,800 each, $3,600.

Mr. HOLMAN. This, I believe, is a new provision.

Mr. BELMONT. It is not a new provision.

Mr. HOLMAN. I make the point of order on it.

Mr. BELMONT. It was contained in last year's appropriation bill.

Mr. HOLMAN. That is true, but it is not provided for by law. I find that in the former legislation, where the salaries were fixed and which went into the Revised Statutes of the United States, there are three second secretaries provided for—in France, Germany, and Great Britain; those are the only ones. And in the act of 1879 the same are provided for:

For the salaries of second secretaries of legation in Great Britain, France, and Germany.

In the act of 1879, as well as in the act of 1856, there are only three second secretaries provided for. I concede it may be that in the last appropriation bill provision was made for second secretaries of the legations in China and Japan, but that does not change the law.

The point I make is that there is no law authorizing this expenditure, no law creating these offices of second secretaries at Japan and China. It has been so repeatedly held that an appropriation bill does not change the law if it is simply the current appropriation from year to year that it is hardly necessary to discuss that subject. I content myself with sending to the Chair the two statutes showing that no such officers are provided for by either of the statutes which are recognized as the basis of the consular system.

Mr. BELMONT. I think the House should be made aware of the result of the strict application of this rule. If it is to be followed all the way through, I admit, that many offices which have been created since 1879, for which salaries are here simply repeated, will be either abolished or greatly reduced in compensation.

I have a list here of offices, some of them created since 1879, and appropriations made for them in certain cases by the committee of which the gentleman from Indiana [Mr. HOLMAN] is a member. In case the rule is applied all the way through and the bill is made to conform to the act of 1879, Ecuador would have to be changed from a consul-generalship at $3,000 to a consulate at $1,000, Panama from a consul-generalship at $4,000 to a consulate at $3,000, St. Petersburg from $3,000 to $2,000, Mexico from $2,500 to $2,000. And the following consulates must be reduced in rank and amount: Hong-Kong from $5,000 to $4,000, Belfast from $3,000 to $2,500, Leith from $2,500 to $2,000, Smyrna from $2,500 to $2,000, Jerusalem from $2,000 to $1,500, Palermo from $2,000 to $1,500, Apia from $2,000 to $1,000, Southampton from $1,500 to $1,000, and Ceylon from $1,500 to $1,000, while the following consulates to which consuls have been appointed by the President and confirmed by the Senate would have to be abolished altogether, not being provided for in the act of 1879: Nottingham, $2,500; Sydney, $2,000; Maracaibo, $2,000; Sagua la Grande, $2,000; Crefeld, $2,000; Tegucigalpa, $2,000; San José, $2,000; Managua, $2,000; San Juan del Norte, $2,000; San Salvador $2,000; Manila, $2,000; Amherstburg, $1,500; Antigua, $1,500; St. Stephens, $1,500; Malta, $1,500; Guadeloupe, $1,500; Aix la Chapelle, $1,500; Paso del Norte, $1,500; Puerto Cabello, $1,500; Para, $1,500; Sivas, $1,500; Mozambique, $1,000; Nuevo Laredo, $1,000, and Piedras Negras, $1,000.

In other portions of the bill the House, to maintain consistency and to conform to the act of 1879, ought to strike out the appropriation for the secretary of legation to Turkey. The envoys extraordinary to Central America and to Colombia should each be ministers resident; instead of ministers resident and consuls-general to Portugal, Denmark, and Switzerland there should only be a chargé d'affaires to each of those countries; instead of a minister resident and consul-general at Siam there should only be a consul, at $3,000 instead of $5,000; and the minister resident and consul-general to Lisbon, at $5,000, should be a consul simply at $2,000.

I desire to say, Mr. Chairman, that the application of this rule must prove to the House that much necessary legislation is utterly impossible while it is maintained, and there must be with a view to that legislation some change in the rules of the House. I offered on the 14th of June last an amendment to cover just the difficulty. I proposed to amend section 4 of Rule XXIII by inserting, after the word "harbors," in line 4, the sentence which I have italicized:

In Committees of the Whole House business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, bills for the improvement of rivers and harbors, *and bills for the reorganization of, or retrenchment of expenditure in, any branch of the legislative, executive, or judicial departments of the Government*, which shall have precedence, &c.

I merely call attention to this proposed change in the belief that when Congress reassembles this matter of rules will force itself upon the attention of members. And I do not know any better illustration of the necessity for a change than the manner in which it is found possible for a few gentlemen to destroy the whole work of a committee, as we see here to-day. So far as I am concerned in representing that committee, I shall take occasion to offer the amendments to the bill, as the occasion arises, in conformity with the points of order raised and decided.

Mr. CLEMENTS. I desire to submit to the Chair that this paragraph is not subject to the point of order made by the gentleman from Indiana. It is true no such clause is to be found in the act of 1856 nor in the act of 1879, but it is the creation of a new office on an appropriation bill since that time. It can not be said there has been no legislation on any other appropriation bill since 1879. The distinction is this: It is not the increase of a salary that was fixed by that act, but it is the creation of a new office with a salary attached to it on an appropriation bill since that time.

It does not undertake to change the salary that was fixed by that law. The legislative clause in the appropriation bill of 1879 designated the amount of the salaries for different officials and declared that those should be their fixed salaries from that time forward, but it did not say anything about second secretaries of legation at China and Japan, and it does not prohibit any such office from being established. Therefore this is equivalent to a legislative clause, and entitled to the same respect when it came into the bill last year or the year before as the legislative clause in the act of 1879. It is the establishment of these offices with salaries fixed, and is not in violation of any provision of the law of 1879.

Mr. HOLMAN. I think my friend misapprehends the rule. It has to be shown affimatively that there is a law creating the office or authorizing the expenditure to make it in order on an appropriation bill. My friend takes the reverse on that proposition as true—that if there is nothing in the law prohibiting the creation of the office or the increase of the salary then it is in order.

Mr. CLEMENTS. But the office was established in the bill of last year.

Mr. HOLMAN. It was established before that. I think it was first provided for in the appropriation bill of 1884–'85, and it has been in the appropriation bills ever since. But, Mr. Chairman, I am not quite certain whether I ought to press this point of order, and I wish to call the attention of the gentleman from Missouri [Mr. BURNES] (who has studied this question much more closely than I have) to this suggestion. The purpose apparently in view is to educate young men from time to time at each of these missions and to enable them to familiarize themselves with the language and manners of the country.

It had occurred to me that there were no real duties to perform, and that the only benefit of a public character that could result from these appropriations would be the affording to a few young men connected with the diplomatic service an opportunity to become acquainted with the customs, the system of government, and the language of the countries to which they might severally be accredited.

Our relations with China and Japan being now so close, the inter-

course between those nations and our own being so great and so constant, so many of our merchants going to locate and remain in the leading cities of those countries, it seemed to me scarcely possible that the facilities offered in this way to a few young men could be of any public importance; and it was upon that ground that I submitted the point of order, but I am not certain that it may be possible that in this instance the offices were properly provided for in the appropriation bill, and I feel inclined on that account not to press the point of order.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. HOLMAN. Yes, sir.

Mr. ALLEN, of Mississippi. I renew it. I remember, Mr. Chairmain, that when the present rules of the House were under discussion the gentleman from Indiana [Mr. HOLMAN] offered an amendment which I thought most appropriate in view of the fact that an administration has just come into power that had been chosen partly, at least, upon the idea that the number and the salaries of officers were too great. The rule being that new legislation upon appropriation bills was prohibited, the amendment of the gentleman from Indiana [Mr. HOLMAN] was a proposition to exempt the Committee on Appropriations from the operation of that rule in cases where offices were sought to be abolished or salaries reduced.

I remember distinctly, sir, that that amendment impressed me very forcibly, and that I voted for it and thought it ought to have been adopted by the House, especially in view of the circumstances under which the Democratic party had come into power and into control of the national administration. That amendment was voted down; and, sir, if we can not reduce the number of offices, or reduce the salaries of those who are in office, I, for one, propose to enforce the rule as it stands in cases where an attempt is made to increase the number of offices or the salaries of those who are in office.

On Saturday last, in discussing a point of order, my distinguished friend from North Carolina [Mr. COX], for whom I have the very highest regard, stated that in some previous remarks which I had made upon this bill I had attacked his State, because I spoke of the chincapin and huckleberry pickers and tar-boilers of North Carolina. Mr. Chairman, I did not intend to attack the State of the gentleman. Far be it from me to do so, for there are associated in my mind with the name of North Carolina and with the name of North Carolinians many pleasant and hallowed recollections. The gentleman can not raise a controversy with me by praising his State; it is a grand State. But, sir, I did not understand that in speaking of the poverty of some of the people living in that State I was making an attack upon the State or upon those people. Why, sir, it is no crime in my State to be poor, and I trust that it is no crime in North Carolina either.

But yesterday I saw in the public press a statement that there were people living in North Carolina, right under the nose of the grand jury, and living there for thirty years, in the most abject poverty, who had never been indicted for it. Sir, in the remarks of mine to which the gentleman referred there was no reflection upon his State. We have, sir, many poor people in Mississippi, and some of them the best people in the world at that. I simply spoke of the burdens of the people that we represent upon this floor, and gentlemen mistook my meaning if they understood me to argue that all the officials of this Government should be brought on a par with those people in the matter of compensation or income. The idea I intended to convey was that when we vote away money that is given in part by such people we should only take what is reasonably necessary.

[Here the hammer fell].

The CHAIRMAN. The Chair is ready to state his decision. This question has been so frequently ruled upon heretofore, and uniformly one way, that the Chair conforms, without hesitation, to the previous rulings, and sustains the point of order.

The Clerk read as follows:

Secretaries of the legations in Austria, Brazil, Italy, Mexico, Spain, and Turkey, at $1,800 each, $10,800.

Mr. BURNES. Mr. Chairman, the secretary of legation at Constantinople, as fixed in this bill, is $1,800. Under section 1675 of the Revised Statutes the salary should be 15 per cent. of that of the minister, which would be less than $1,500.

Mr. BELMONT. I do not desire to contest the ruling of the Chair on the point of order; but I have only to say that this item is a repetition of the appropriations hitherto made for a number of years.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Secretaries of the legations in the Argentine Republic, Belgium, Chili, Corea, Netherlands, Roumania, Servia, and Greece, Peru, Sweden and Norway, Switzerland, and Venezuela, at $1,500 each, $15,000.

Mr. McCREARY. I raise a point of order on this section; and in support of the point I will read the third subsection of Rule XXI:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The paragraph just read by the Clerk is new legislation, never embraced heretofore in the diplomatic and consular appropriation bill. There is no law justifying this provision.

Mr. BELMONT. Under the present ruling of the Chair I do not dispute the correctness of the view suggested by my colleague on the committee, the gentleman from Kentucky [Mr. McCREARY]. These are new provisions with the exception of Chili and Peru. Their purpose, I think, might as well be stated to the House. At the outset of this discussion the gentleman from Missouri spoke of cases where there were vacancies in the office of minister and the duties were performed by the secretary of legation. The idea contemplated by the paragraph now under consideration is that each of these ministers should be provided with a secretary of legation, so that in case of a vacancy in the office of minister, caused either by death or leave of absence, there might be some established means of diplomatic communication. An incident lately occurred in which, very much to the detriment of our interests, there was no secretary of legation to perform the duties after the minister had returned home. In that case the diplomatic correspondence was carried on by courtesy through the English minister. I refer to the case of Persia. It is certainly very unfortunate for this country if we are compelled to seek the assistance of diplomatic agents of a foreign power in order to carry on our correspondence. The purpose of the legislation proposed in this paragraph, although it may be amenable to the point of order which the gentleman from Kentucky has raised, is to avoid such an unfortunate condition of affairs with reference to the interests of this country. I will not detain the House longer on this question.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read the next paragraph.

The Clerk read as follows:

SALARIES INTERPRETERS TO LEGATIONS.

Interpreter to the legation in Turkey, $3,000; interpreter to the legation in China, $3,000; interpreter to the legation in Japan, $2,500; interpreter to the legation and consulate-general in Persia, $1,000; interpreter to the legation and consulate-general in Corea, $1,000; interpreter to the legation and consulate-general in Bangkok, Siam, $800; $11,300. But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer.

Mr. BURNES. I make the point of order that in this paragraph there is, in violation of the law of 1879, an increase in the appropriation for the interpreter to the legation at Bangkok, Siam. The appropriation should be $500 instead of $800. In the same paragraph there is an increase for the interpreter to the legation in Turkey; but this increase being authorized by the law of 1879, no point of order can be made against it.

Mr. BELMONT. I think the gentleman who raises this point of order should at least consider the reason for the increase.

Mr. HOLMAN. I suggest that the point of order might apply to the entire provision. I believe this is an office created by an appropriation bill.

Mr. BELMONT. Do I understand the gentleman to say that the point of order applies in the case of Turkey?

Mr. HOLMAN. The interpreter to the legation in Turkey is expressly provided for by law at $3,000, but the provision in reference to Siam is not in the former law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

CLERK-HIRE AT LEGATIONS.

Clerks at the legations in London and Spain, each at $1,200, $2,400.

Mr. BURNES. I make the point of order that the provision for a clerk for the legation in London is new legislation, and is not authorized by law.

Mr. HOLMAN. This is its first appearance.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

CONTINGENT EXPENSES FOREIGN MISSIONS.

For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk-hire, compensation of cavasses, guards, dragomans, and porters, includlng compensation of interpreter, guards, and Arabic clerk at the consulate of Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, $105,000.

Mr. BURNES. I make a point of order against the paragraph just read. I wish to call particular attention to the law on this subject, to be found in section 1748 of the Revised Statutes. Whatever authority there may be for this appropriation rests upon that section, which defines the objects for which these appropriations may be made. Let me read the section:

The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of their business.

Of course, sir, so far as concerns an appropriation for any one of the items here enumerated, the point of order can not be sustained; but I wish to call attention to the items of expenditure which this bill pro-

poses to authorize, when there is no law sanctioning such expenditure. But I must say some of them seem to me to be extraordinary. Let me read it:

For the purpose of enabling the President to provide, at the public expense, all such stationery, blanks, record and other books, seals, presses, flags, and signs as he shall think necessary for the several legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate of Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, $105,000.

I should say by subsequent legislation appropriation for rent and postage is authorized, but all the other items are unauthorized and are most extraordinary.

But when you take the provision as an entirety, I beg to submit to my learned friend he might as well have made this appropriation of $105,000 by saying $105,000, to be expended by the Secretary of State for the general welfare. [Laughter.]

So far as it relates to "telegrams, furniture, messenger service, clerk-hire, compensation of cavasses, guards, dragomans, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate of Tangier, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of legations, and for printing in the Department of State, $105,000," that all of this appropriation can be expended for the sole item of printing in the Department of State. Every dollar of this appropriation can be expended by the dispatch agents at London, New York, and San Francisco. Every dollar can be expended for the compensation of interpreter, guards, and Arabic clerk at the consulate of Tangier.

This is not an appropriation. This is simply a fund given to a high official to expend at his pleasure. I have as much respect for that distinguished gentleman as any member on the floor ought to have, but I will never consent, so far as I am concerned, to an indiscriminate appropriation of money to be used according to the sweet will of any official, be he high or low.

I would call attention in connection with this proposition to the printing in the Department of State. Will my friend from New York, when he comes to reply—and I see he is anxious to do so—will he tell me whether or not the Secretary of State already under current law has not found it necessary, in view of the fact the common, plain printing office was insufficient to do the work of his Department, although competent for the printing of the representatives of the people, although competent for the confidential printing of the Senate, although competent for the printing of the two bodies of Congress—I trust the gentleman from New York will answer me whether, notwithstanding all this, the Secretary of State has not found it necessary to establish a printing office in the Department of State, a special printing office of his own, with all necessary appointments, for the purpose of doing the printing which he does not trust to the common printing office, whether such an office has not been provided?

I have no doubt the Secretary of State will expend the money honestly, but the representatives of the people can never afford to stand up and say they will authorize any man to expend the people's money for a purpose for which no previous law has been enacted.

[Here the hammer fell.]

Mr. HOLMAN. Does the gentleman apply his point of order after the word "signs," in line 92?

Mr. BURNES. I apply it to all after the word "postage," in line 94.

Mr. BELMONT. The gentleman from Missouri has said this is an extraordinary provision, and he has read the items with great impressiveness, and yet it is nothing more than a simple repetition of last year's appropriation. There is absolutely nothing new in this paragraph. It provides for the contingent expenses of foreign missions, and that is all. An appropriation has been annually made for this purpose for many years, even before my distinguished friend from Missouri was a member of the House.

Out of the appropriation rent has been paid, and postage and telegrams, and it has been used for other purposes.

Why, last year, for the first time, a detailed statement was given in the bill of the purposes to which this contingent fund might be applied, to meet the views of the First Comptroller of the Treasury, who objected to an appropriation in bulk, and at his suggestion the list of objects to which the contingent fund had hitherto been applied was set out in the bill.

As far as the printing in the State Department is concerned, a great deal of the printing for that Department is done at the public printing office, but it seems to me there is no reason why the Government should not provide the necessary facilities to do this printing in the Department, for the purpose of keeping certain communications secret for a time. There have been communications sent to the present Committee on Foreign Affairs upon an important question now pending, and their printing, as well as the printing of certain important dispatches, was performed in the State Department, where it ought to have been done.

This is last year's provision, a very useful one; and so far from giving the Secretary of State any latitude in this respect, it is enough to say that he has always had greater latitude until last year, when these items were enumerated, and which we now simply repeat in this bill. There is nothing new, or extraordinary, or strange about it.

Mr. HOLMAN. Mr. Chairman, I wish to have the ear of the gentleman from New York for a moment, and I hope the Chair will observe the point to which I ask to call his attention. All of the provisions of this bill, under the rules of the House, relate to the foreign service of the Government. The contingencies of the State Department stand upon a separate footing altogether, just as those of the other Departments stand, as my friend well knows, and yet, strangely enough, under the rules of this House, in a bill having relation to the foreign service of the Government, a portion of the contingencies of the State Department are provided for. I trust my friend from New York will explain how that occurs.

The matter, of course, went with the estimates to the Committee on Appropriations, and of course the Committee on Appropriations considered the subject of the proposed contingency of establishing a printing office for the first time in our history in the State Department. It underwent a very careful examination, and the proper committee of the House determined, upon such investigation, that there was no necessity for the establishment of that new printing office; and the result was that the legislative, executive, and judicial appropriation bill was reported to the House with that provision omitted. Could any member of the House, whether he belongs to the Appropriations Committee or not, be held responsible for letting a provision like this go through—such an extraordinary provision; for who would have thought of looking in such a place for it?

Would he not have looked in any other bill and expected to find such a provision rather than in this bill? The result is that $105,000 is proposed to be appropriated by the bill, and can be expended, all of it, right here in the State Department.

Mr. REED. It can not be expended but once.

The CHAIRMAN. The committee will informally rise.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CLEMENTS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. Res. 215) to provide for printing the third annual report of the Bureau of Animal Industry.

The message further announced that the Senate disagreed to the amendments of the House of Representatives to bills of the following titles, and requested a conference with the House on the disagreeing votes thereon, and had appointed managers on the part of the Senate as follows, namely:

On the bill (S. 199) for the retirement and recoinage of the trade-dollar—Mr. JONES of Nevada, Mr. MORRILL, and Mr. BECK; and

On the bill (S. 1582) for the relief of Alpheus R. French—Mr. SAWYER, Mr. BLAIR, and Mr. SABIN.

The message further announced that the Senate had passed with amendments the bill (H. R. 2929) to divide the State of Missouri into two judicial districts, &c., and requested a conference with the House thereon, and had appointed Mr. VEST, Mr. WILSON of Iowa, and Mr. EVARTS as managers on the part of the Senate.

The message also announced that the Senate insisted upon its amendments disagreed to by the House of Representatives to the bill H. R. 10394 (the Indian appropriation bill), and had appointed Mr. DAWES, Mr. PLUMB, and Mr. CALL managers on the part of the Senate.

The Committee of the Whole resumed its session.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HOLMAN. One word further, Mr. Chairman. The Chair will observe that the Revised Statutes are lying before him and that chapter 3 of this bill and the section to which the gentleman from Missouri called attention has the following title: "Provisions common to diplomatic and consular officers."

I submit to the Chair that this appropriation stands upon a somewhat different footing from the ordinary appropriation for contingencies, inasmuch as the permanent law has expressed the purpose for which the President may expend money in the nature of contingencies. It may be used for many of the purposes named here; for instance, for stationery, blanks, record and other books, seals, presses, flags, and signs. That would terminate the provision of the general statute. There is no expenditure of money for the other purposes enumerated.

But the gentleman from Missouri, in view of the fact, I presume, that there have been appropriations made by way of contingencies for rent and postage heretofore, does not make the point of order upon these two items, but simply upon the residue of the paragraph, which is not enumerated in the law; and while the most of these might be contingencies for the foreign service under ordinary circumstances, they can not be contingencies under the present rules of the House, so established by legislation as to justify an appropriation of money. In other words, the affirmative law excludes the attempt to appropriate beyond the purposes enumerated under the general law. This is more apparent when you come to consider that not only are the contingencies here for the foreign service beyond that authorized by law but they are contingencies for the State Department at home, with which this bill has nothing to do.

Mr. BELMONT. The gentleman from Indiana states that under these contingencies we may provide for rent and postage; but he denies——

Mr. HOLMAN. What I said was that the point of order was not made on those two items.

Mr. BELMONT. But the gentleman denies that the necessities of foreign intercourse include telegrams.

Mr. HOLMAN. The gentleman mistakes my statement. I deny that the law authorizes any such expenditure.

Mr. BELMONT. Where does the law authorize postage and exclude telegrams?

Mr. HOLMAN. Does the gentleman not concede those are not embraced in the law?

Mr. BELMONT. The gentleman from Missouri [Mr. BURNES] was so kind as not to include rent and postage in his point of order.

Mr. HOLMAN. The gentleman from Missouri did not make the point of order on those items, because they have been provided for from time to time.

Mr. BELMONT. Then it simply depends on the good will of the gentleman from Missouri what items shall be included. It seems to me if this—I was about to say absurd and narrow rule—is to be applied at all it should be applied in full. It should not depend on the kindness of the gentleman from Missouri that rent should be provided for our foreign service or postage while he stops at telegrams. And I submit to the Chair if the view of the gentleman from Indiana is correct we should strike out the provision for rent, the provision for postage, and all the rest. I think we ought to be consistent in this matter.

Mr. HOLMAN. How about the printing?

Mr. BELMONT. As to the printing, I suggest that is only for our foreign intercourse. It is only the printing of dispatches which require secrecy.

Mr. HOLMAN. May I ask how the gentleman from New York came to take the contingencies of the State Department under his charge?

Mr. BELMONT. I will answer the gentleman in this way. I think it is notorious—and certainly the course of this bill has proved it—that the Committee on Appropriations as now constituted is hostile in every sense to our foreign service. I do not know but some gentlemen believe we might get along without foreign service.

Mr. HOLMAN. We might get along very well without our diplomatic establishment, but our consular system ought to be encouraged in the highest degree.

Mr. BELMONT. The gentleman from Indiana acknowledges that he is in favor of getting along, as he says, without the diplomatic service, although the greatest authority on international law, Mr. Wheaton, says that "international assent to the system for a long period of time has given to the custom the force of an obligation upon all civilized powers, and it can not be abandoned without the assent of nations."

Mr. WILSON. May I ask the gentleman from New York why he interprets the action of two gentlemen who are members of the Committee on Appropriations as the action of the committee?

Mr. BELMONT. I have only heard from those two gentlemen.

Mr. WILSON. They speak so far as regards this bill as members of the House, not as members of the committee.

Mr. BELMONT. I am glad to hear that statement. As to the necessity of diplomatic service——

[Here the hammer fell.]

Mr. BELMONT. I move to strike out the last word.

The CHAIRMAN. The Chair desires the debate to be confined to the question of order.

Mr. BELMONT. The gentleman from Indiana asked me why the Committee on Foreign Affairs undertook the management of this provision. I reply, it must be known to the House how hopeless it is to establish through the Committee on Appropriations anything useful to our diplomatic service.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Mr. BURNES. Before the Chair makes his ruling I desire to make a correction. I find the law does not include rent and postage for the missions abroad, but it includes rent and postage for the consulates abroad. Therefore rent and postage for these missions are not allowed under existing law.

Mr. BELMONT. I would like to ask if under the rules of the House it is possible to practically abolish a mission for which an appropriation has been made by refusing to appropriate for rent? I mean to say that the purpose of the gentleman seems to be, while he can not abolish a mission or refuse to appropriate the salary, to withdraw the appropriations for purposes necessary to keep up the mission.

Mr. BURNES. That is the fault of the law, not of the member who makes the point of order.

The CHAIRMAN. The Chair is not responsible for any consequence of the rule. He has simply to decide the questions of order submitted to him. It is conceded there is no authority of law for an appropriation covering these items. The Chair, therefore, sustains the point of order.

Mr. REED. How much is left of the section? Will the Chair cause the Clerk to read the section as it now is, that the committee may know what is left? As I understand, there is not even postage left.

The CHAIRMAN. The Chair has ruled out the matter on which the point of order was made. If any correction is necessary it can be made by amendment.

Mr. BRAGG. I call the attention of the committee to the fact that unless there is a change made in the amount appropriated at the end of the paragraph the whole $105,000 are left for three or four things at the head of the paragraph after the bulk of it has been stricken out. Certainly if there is any sense in striking out any portion of this paragraph the sum appropriated should be reduced pro rata.

The CHAIRMAN. The Chair, in deciding on a point of order, has nothing to do with the consistency of what is left.

Mr. BELMONT. May I ask what is the effect of the ruling on this paragraph? I trust the whole section will be stricken out if we are to go on in this way.

The CHAIRMAN. Only the portion is stricken out which was covered by the point of order.

Mr. BELMONT. How much is that?

The CHAIRMAN. All after the word "business," in line 94, down to the word "State," in line 101. Unless there is further amendment to be offered the Clerk will read the next paragraph.

Mr. BURNES. In view of the fact that the bulk of the paragraph is out, $105,000 having been appropriated in all, I move that for the few remaining items the amount be decreased to the amount usual in such cases, $75,000.

The question was taken on the motion; and there were—ayes 19, noes 53.

Mr. NELSON. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will designate the gentleman from Minnesota [Mr. NELSON] and the gentleman from Missouri [Mr. BURNES] to act as tellers.

Mr. NELSON. I make that point, Mr. Chairman, simply because when I make a point of order I do not want the Chair to snub me, and if I can not be recognized on that I propose to make up for it in this way.

The CHAIRMAN. The gentleman's reference to the Chair is mistaken. The Chair had no such intention. All in favor of the amendment will pass between the tellers.

Mr. NELSON (before the count was completed). I withdraw the point of no quorum.

The CHAIRMAN. The point of no quorum is withdrawn. The Chair wishes to say to the gentleman from Minnesota [Mr. NELSON] that if there was any seeming want of courtesy toward him it was due to inadvertence, and the Chair regrets it very much.

Mr. NELSON. I accept the statement of the Chair, and am very glad to hear that.

The amendment was disagreed to.

The Clerk read as follows:

Erection of buildings for legation, court-house, and jail at Tokio, Japan, upon ground offered to the United States by the Government of Japan, $25,000.

Mr. COX, of North Carolina. Mr. Chairman, I wish to call the attention of gentlemen to the correspondence of the State Department on this subject. In December, 1884, the United States minister, Mr. Hubbard, said that—

His Imperial Japanese Majesty's Government desired, in token of their friendship for the United States, to make a gift in perpetuity to the United States of America of 5 acres, or more, in land, for legation purposes, in the central part of this city (Tokio), and near to the new imperial palace now being erected. The estimated value of the land proposed to be given is $25,000, or more. The location will be all that could be desired.

In a second dispatch, he further says that—

Five of the foreign powers, to wit, Great Britain, Germany, Italy, Russia, and China, now own and occupy legation buildings and grounds in Tokio, and Austria-Hungary holds a grant of ground therein, and will, it is understood, erect legation buildings thereon in the ensuing year, and I have no doubt the other foreign powers will, at no distant day, own legation grounds and buildings in this city. I do not doubt that it will be a wise economy, and greatly promote our commercial interests as well, to accept the generous offer of this government.

In a communication of the 2d of October, 1885, Mr. Hubbard further says:

This offer of the Japanese Government is still a standing offer, and awaits the action of our Government. * * * It may be well to remark in this connection that all the other treaty powers have accepted, long ago, similar gifts of land from Japan, and have erected legation court-houses, jails, and residences for their ministers and staffs.

And Mr. Secretary Bayard requests us to take such action as may secure this donation to us. I will remind the gentleman that we have paid within the last ten years $34,000 for rent for suitable accommodations for our legation purposes. Whereas if we should now erect such a building as is provided for by this bill we would save in a like period at least $14,000.

Pretermitting, therefore, all respect we may have for the high authority of those who make these recommendations, I submit to the gentleman as a mere business proposition that he should not oppose the appropriation or raise a point of order against it.

Mr. McCREARY. I have already raised the point of order.

Mr. COX, of North Carolina. I did not so understand you, and trust that you will withdraw it. Indeed I do not consider it subject to the point.

Mr. HOLMAN. There is no law authorizing the expenditure.

Mr. COX, of North Carolina. No; nor is there any law required. It is simply a temporary appropriation for a permanent purpose. There is no law for or against it, but it is a matter addressed to the wise discretion of this House, which should be accepted when it is remembered that it is the only means for securing a suitable plat for the purposes indicated.

Mr. TAULBEE. Mr. Chairman, in response to what has been said by the gentleman from North Carolina [Mr. COX], I wish to inquire of him if it is the policy of this Government to accept donations from foreign powers by which, as a matter of course, we are to be brought under obligations to them.

So far as I am concerned, I am opposed to any such policy, and I am opposed to a bill which tolerates any such proposition as that. If this Government wants a site for a legation in Japan, or in any other country, whether it costs $25,000 or $100,000, this Government is able to pay for it, and I am very glad that my colleague on the committtee raised this point of order.

Mr. BELMONT. Mr. Chairman, I shall not resist the point of order, but I think that the question of the gentleman from Kentucky [Mr. TAULBEE] should be answered. There is a precedent in the case of Tangier, where the United States accepted a gift of consular premises from the Emperor of Morocco in 1822, and has since made appropriation for their repair.

The CHAIRMAN. Debate upon the merits of the proposition is not in order. The question is to be disposed of on a point of order. The Chair sustains the point of order.

The Clerk read as follows:

Repairing and improvement of the legation premises at Bangkok, Siam, the same, with the ground on which it stands, being the gift of the King of Siam, $3,000.

Mr. McCREARY. I raise the point of order on that paragraph that it is in contravention of clause 3 of Rule XXI.

The point of order was sustained.

The Clerk read as follows:

For expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck, $4,500.

Mr. BURNES. Mr. Chairman, the amount authorized by the statute for this purpose is $4,000. The object is simply to enable the Secretary to give a little more expensive gifts by way of recognition of heroic deeds. I make the point of order upon the paragraph.

Mr. BELMONT. Mr. Chairman, this restores the appropriation that was made from 1882 to 1886, inclusive.

The CHAIRMAN. The gentleman from Missouri will please send to the Clerk's desk the statute to which he refers.

Mr. BURNES (after a pause). I withdraw the point of order.

The Clerk read as follows:

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $15,000, or so much thereof as may be necessary.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $50,000, or so much thereof as may be necessary.

Mr. BURNES. The committee, I trust, will recognize the distinction which I make when I call attention to the fact that the paragraph just read embraces a cumulative or duplicating appropriation, and further, is subject to a point of order, there being no law authorizing it. It will be observed that in the paragraph appropriating $15,000 this appropriation is stated to be "pursuant to the requirement of section 291 of the Revised Statutes." That section has been considered in this House upon several occasions, and it has been appropriately denominated a section authorizing a fund for a secret service. Now, the subsequent section appropriates $50,000 for the same purpose, under section 291. In order that the House may have the whole facts, I desire to make an explanation, and I am not here to defeat legislation of any character, but simply to give the facts.

At the first session of the Forty-eighth Congress the House determined not to appropriate for this secret service, the appropriation for that purpose being refused by a vote of the House or the committee. At the second session of that Congress it was believed that, as great changes were made in the foreign service, large expenditures would follow for those changes, and that consequently the President ought to have some fund from which he could defray those expenses. Therefore, in the second session of the Forty-eighth Congress, when the committee was not restricted as under the present rules, but was authorized to legislate, this section was adopted, "to enable the President to meet unforeseen emergencies arising in the diplomatic and consular service," but everything relating to the appropriation of $15,000 was left out of the bill.

Now, the present bill appropriates not only the $15,000 for the secret service but the $50,000 which in the second session of the Forty-eighth Congress was intended to stand in lieu of the other provision for meeting the expenses that might attend these unforeseen emergencies in the service. I submit, therefore, that, on a point of order, this paragraph should go out; and I put it simply on the ground of its being cumulative.

Mr. BELMONT. Mr. Chairman, these two provisions were contained in last year's appropriation bill. I remember well that the gentleman from Missouri [Mr. BURNES], when he had this bill in charge, found great objection to what he called the "secret-service fund;" and at that time a provision of this sort was excluded in the House. The Senate, however, being, as usual, compelled to correct such unfortunate mistakes as are sometimes made on this bill in the House, restored the provision; but in order that this prejudice against what is called a "secret-service fund" should be overcome the second provision was adopted in the House under the direction of my friend from Missouri.

Both sections are founded upon section 291 of the Revised Statutes. They are not cumulative in the least degree. The first section provides for what is known as the "neutrality fund." It is a necessary fund, and has been appropriated year after year, excepting the year when this bill was in charge of the gentleman from Missouri. It is necessary that our neutrality should be observed; and there has never been any question as to the usefulness of the fund. As showing that this provision is in order, I will simply refer the Chair to section 291 of the Revised Statutes. The succeeding paragraph of the bill is also founded upon that statute in this sense, that the expenditure is made upon the voucher of the President; but the purpose of the fund, as can be at once understood by reading the paragraph, is a different one. The provisions are not cumulative, and they are authorized by existing law.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

SALARIES CONSULAR SERVICE—CLASS 1.

Consuls-general at Havana, London, Paris, and Rio de Janeiro, at $6,000 each, $24,000.

Mr. BELMONT. I move to amend by striking out in line 170 the words "Class one." Their insertion is a clerical error, there being no longer any consuls at $4,000 coming within that class.

The amendment was agreed to.

The Clerk read as follows:

Consuls-general at Calcutta, Kanagawa, Panama, and Shanghai, at $5,000 each, $20,000.

Mr. BURNES. The law provides that the salary at Kanagawa shall be $4,000 and at Panama $3,000. I make a point of order on this paragraph.

The CHAIRMAN. In view of the discussion upon the point of order in the general debate, the Chair was troubled somewhat as to the rule relating to the schedules containing the salaries of consuls and changing their classification. Observing what had been the practice on the legislative, executive, and judicial appropriation bill, where classifications somewhat similar to these are frequently rearranged, the Chair thought the analogy indicated that the same practice which had been so often applied in that bill to the classes embraced therein might be applied here. It was a very important question; and the Chair felt bound to recur to the original rule with its various amendments in order that he might ascertain, if possible, whether there was not some more certain way of reaching the truth than by analogy. The Chair therefore begs the attention of the committee in the first place to the rule in the Twenty-fifth Congress, which had obtained from 1820. The Chair will cause that rule to be read.

The Clerk read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law.

The CHAIRMAN. In the Congressional Globe, second session Twenty-fifth Congress, volume 6, page 235, will be found the record of an amendment to this rule with the debate thereon. The Clerk will read from the proceedings of March 13, 1838, as embraced in that volume.

The Clerk read as follows:

Mr. Cambreling asked the House to take up the proposed amendment of Mr. Briggs to the sixty-third rule of the House, which was to add thereto the following:

"Unless in continuation of appropriations for such public works or objects as are already in progress, and for the usual contingencies for carrying on the several Departments of the Government."

The motion of Mr. Cambreling being agreed to,

Mr. Phillips moved to strike out the word "usual," which was accepted by Mr. Briggs as a modification, and the amendment of the rule was agreed to by two-thirds.

The CHAIRMAN. This rule was changed in the Forty-fourth Congress, and the Chair will cause the Clerk to read it as it was proposed by Mr. COX.

The Clerk read as follows:

AMENDMENT OF RULES—APPROPRIATION BILLS.

Mr. COX. The Committee on the Rules have directed me to report, in response to a resolution of the House, the following amendment to the rules:

"That Rule No. 120 be so amended that all after the word 'progress' be stricken out and there be added the following:

"'Nor shall any provision in any such bill or amendment thereto, changing existing law, be in order except as, being germane to the subject-matter of the bill, shall retrench expenditures.'"

If there be no objection to this rule, I will call the previous question.

Mr. KASSON. Is this reported for immediate action?

Mr. COX. It is presented as the report of the Committee on the Rules.

Mr. KASSON. I object to its being acted on without debate and consideration of the clauses to which the proposition refers.

Mr. HOAR. I rise to a question of order. I raise the question whether this is in obedience to any resolution of the House.

Mr. COX. I will say to the gentleman that a resolution embracing a proposition of this kind was sent by the House to the Committee on the Rules.

Mr. HOAR. I think we are entitled to have that point determined by the Chair.

The SPEAKER. According to the understanding of the Chair, the Journal shows that an amendment of this kind was offered by the gentleman from Indiana [Mr. HOLMAN] and referred to the Committee on the Rules with a direction to report at an early day. This report is a response to that reference.

Mr. BURCHARD, of Illinois. I would like to have Rule CXX read as it now stands.

The Clerk read as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."

Mr. COX. Now I ask the Clerk to read the paragraph which in the Digest immediately follows this rule, and gives an interpretation to a portion of the rule which the committee have thought proper to strike out.

The SPEAKER. The Clerk will read from the Digest the construction which has been placed on this by previous Speakers of the House.

The Clerk read as follows:

"It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose."

The CHAIRMAN. It appears the provisions for contingencies for carrying on the several Departments of the Government up to that time had been one under which salaries had been increased. That provision was expressly repealed. There was left, therefore, only "works or objects in progress," which perhaps related to public buildings, with the qualification added by the amendment of Mr. COX, of New York, just cited, permitting legislation when germane which should retrench expenditures.

In the Forty-sixth Congress that rule was amended, and it appears as modified in the following language:

The Clerk read as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

The CHAIRMAN. At the beginning of this Congress that rule was changed, and now reads in this form.

The Clerk read as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriation for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The CHAIRMAN. This rule, therefore, leaves the question clear that there can not be any legislation proposed to an appropriation bill except as it relates to such public works and objects as are already in progress. And the consideration of the clause for carrying on the contingencies of the several departments of the Government, and the fact that it relates to salaries, discloses the purpose of the House to exclude from the appropriation bills any proposition increasing or reducing salaries at all. Whatever "works in progress" may mean, it certainly does not mean anything relating to salaries of Government officials.

Therefore, the Chair sustains the point of order, and will exclude all propositions increasing salaries of persons in the consular and diplomatic service when the question is raised.

Mr. COX, of North Carolina. I submit, Mr. Chairman, that under the rulings of the Chair a vast number of changes must be made from page 8 down to the middle of page 17; and therefore I would suggest to the Chairman and to gentlemen on the other side who have called attention to the necessity for these changes whether it would not be better to read over the changes already made in order that the bill may be made to conform to them.

Mr. BELMONT. I think we can easily arrive at the result the gentleman seeks by reading the bill by sections and making the amendments which are necessary.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Consuls-general at Berlin, Ecuador, Halifax, Honolulu, Mexico, Montreal, and St. Petersburg, at $4,000 each, $28,000.

Mr. BELMONT. I move to strike out, in line 179, the word "Ecuador" and insert it in line 182, changing the footing accordingly.

Mr. BURNES. I trust the gentleman will yield to me for an observation. I would suggest that in striking out a word he also name the line in which it will be placed subsequently.

The CHAIRMAN. The Chair would suggest that the regular way would be to strike out, when you reach the point where it is, and insert it afterward by amendment where it ought to be.

The gentleman from New York moves to strike out the word "Ecuador" in line 179.

Mr. BELMONT. And also the word "Halifax."

Mr. McCREARY. And "Mexico," in line 180.

Mr. BURNES. And "St. Petersburg," in the same line.

Mr. BELMONT. I do not know that my friends need be so anxious about the proposition to amend the bill. I can take care of it myself. If the Chair will recognize me in this matter I can perfect the bill as we go along without any confusion.

The CHAIRMAN. The gentleman from New York has charge of the bill, and the Chair will certainly recognize him for the necessary amendments which the ruling will necessitate.

Mr. BELMONT. Then I move to strike out, as I have said, "Ecuador" and "Halifax," in line 179.

The amendment was agreed to.

Mr. BELMONT. I now move to strike out "Mexico" and "St. Petersburg," in line 180.

The amendment was agreed to.

The Clerk read as follows:

Consuls-general at Constantinople, Frankfort, Matamoras, Rome, and Vienna, at $3,000 each, $15,000.

Mr. BELMONT. I move to insert——

Mr. HOLMAN. I make the point of order here.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. The point of order is made now for the purpose of avoiding waiving it if this paragraph shall be passed over. I wish to make this suggestion, therefore, to the gentleman from New York to enable him to proceed with the bill without interruption: That it be understood the point of order is pending upon the increases in all these consulates, and the gentleman can then go on and perfect the bill and the point of order be reserved to be determined hereafter.

Mr. BELMONT. I am perfectly aware of the increases here, and have no desire to avoid the point of order.

The CHAIRMAN. The Chair understands, then, the point of order is withheld.

Mr. HOLMAN. I reserve the point of order with the understanding that it may be made upon all the increases in these consulates.

Mr. BELMONT. I move to insert in line 182 the word "Ecuador."

The amendment was agreed to.

Mr. BELMONT. Also, in line 183, to insert the words "St. Petersburg."

Mr. BURNES. I make the point of order that St. Petersburg is limited by law to $2,000.

Mr. BELMONT. It should go in line 183.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BURNES. On page 398 of the Supplement to the Revised Statutes it is provided that the salaries of the consuls-general at St. Petersburg and Mexico shall be fixed at $2,000. This is the law of 1879.

Mr. REED. Would it not be a good idea to refer this bill back to the committee to perfect it?

Mr. BELMONT. There is no difficulty about perfecting the bill here.

I accept the amendment of the gentleman from Missouri as suggested by his point of order, and ask that the words "St. Petersburg" be inserted in their proper place.

The CHAIRMAN. The gentleman, then, withdraws his amendment?

Mr. BELMONT. I do.

I move that the word "Matamoras" be stricken out of lines 182 and 183.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. ALLEN, of Mississippi. I wish to call the attention of the committee to the paragraph just read providing for the salaries of the consuls-general at Constantinople, Frankfort, Matamoras, Rome, and Vienna, at $3,000 each, $15,000. Now, Matamoras is stricken out, and $15,000 is left in.

Mr. BELMONT. The clerk makes the necessary corrections in the footing.

Mr. MILLIKEN. I suppose it was left in to be divided among the others. [Laughter.]

The Clerk read as follows:

Consul at Liverpool, $6,000.
Consul at Hong-Kong, $5,000.

Mr. BURNES. I see we must assist our friend occasionally. The law provides that the salary at Hong-Kong shall be $4,000. I make

the point of order, therefore, upon the provision in the bill which fixes that salary at $5,000, and refer to the Supplement of the Revised Statutes, to which I have already called the attention of the Chair.

Mr. BELMONT. The gentleman is correct as to Hong-Kong.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk as read as follows:

Class 2, at $3,500 per annum:
Argentine Republic; Consul at Buenos Ayres.

Mr. BELMONT. I move that the words "Buenos Ayres," in line 190, be stricken out.

Mr. Chairman, when we come to the classification of these consulates it will greatly facilitate the committee to make the transfer from one class to another. For instance, the "words Buenos Ayres" should be stricken out here and put in their proper place in alphabetical order. It belongs properly to class 4.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. HOLMAN. That is all right.

The CHAIRMAN. The Chair would suggest to the gentleman from New York that it is likely to result in confusion if the clerks are not allowed to proceed in the usual way to make these amendments.

Mr. REED. Would it be in order to move that this bill be referred to a committee on revision?

The CHAIRMAN. It would not.

Mr. REED. We could have the assistance of the gentleman from Missouri in perfecting it.

The CHAIRMAN. The gentleman from Maine is not in order. The gentleman from New York [Mr. BELMONT] has the floor.

Mr. BELMONT. What I suggested just now seems to be perfectly satisfactory to the gentleman from Indiana. It appears to me the Clerk will have no difficulty in making those transfers.

The CHAIRMAN. The Chair will say in reference to various suggestions that have been made that it will be impossible for the clerks to keep the record correctly unless the paragraphs are read in consecutive order.

Mr. BELMONT. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 189 and 190, strike out "Argentine Republic; Consul at Buenos Ayres," and insert those words in class 4, after line 228.

The CHAIRMAN. The class to which the amendment proposes to transfer those words has not yet been reached.

Mr. BELMONT. This method would very easily carry out the purpose of the committee.

Mr. REED. Such is the very complicated nature of these amendments that I think it would be well for the committee from time to time to rise and report progress, that the House may be advised what is being done. I merely make the suggestion.

Mr. BELMONT. The gentleman from Maine need not worry himself about it.

Mr. REED. I do not.

The CHAIRMAN. The Chair desires to say again it is not in order to amend a paragraph until it has been reached. The Chair also makes this statement because he is informed by the clerks that the usual method of proceeding must be observed in order to keep the record correct.

Mr. BELMONT. Then I move to strike out the words "Argentine Republic: Consul at Buenos Ayres."

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

Mr. REED. The amendment is a proposition to strike out. I hope the Chairman will explain where that leaves the bill. This is getting somewhat complicated.

Mr. BELMONT. I do not think it is necessary to give any explanation.

The question being taken, the Chairman stated that the "ayes" seemed to have it.

Mr. REED. I call for a division.

The committee again divided; and the tellers reported—ayes 38, noes 41.

So (further count not being called for) the amendment was disagreed to.

Mr. HOLMAN. I believe this proposition has been negatived?

The CHAIRMAN. It has.

Mr. HOLMAN. I suppose it was understood by the Chair the point of order was regarded as pending to all these propositions; but as a matter of convenience the gentleman from New York [Mr. BELMONT] was to make the motions as to these consulates in the order in which they occurred. The point of order was reserved.

The CHAIRMAN. The Chair did not so understand. The bill is being considered by paragraphs as they are reached. There is nothing pending, and the Clerk will read.

Mr. HOLMAN. I think the point of order should be considered as pending.

Several members called for the regular order.

Mr. BELMONT. I do not want to take any advantage. The point of order should be considered as pending, and I think my friend from Indiana is perfectly correct. There is only the difficulty raised by the gentleman from Maine.

Mr. REED. Precisely. The gentleman from New York declines to explain, and leaves the House in absolute darkness.

Mr. BELMONT. The gentleman from Maine is only repeating what I have seen here so often, and asks for an explanation for what must be clear to him.

Mr. REED. The gentleman from New York never saw this until the consideration of this bill has been reached.

Mr. BELMONT. I quite understand the gentleman's purpose to confuse an already rather confused matter. But I do not think he needs any explanation from me about it.

Mr. REED. I think the gentleman is prevented by something more than his will from giving explanations.

Mr. BELMONT. I do not think it necessary to explain what must be clear to him and to this House.

The CHAIRMAN. The Clerk will read.

The Clerk read the following paragraph:

Belgium: Consul at Antwerp.

Mr. BURNES. I make the point of order. The bill provides a salary for this consul of $3,500 when the law provides a salary of $2,500.

Mr. BELMONT. I move to amend.

The CHAIRMAN. The point of order is raised. Is there any question on the part of the gentleman from New York as to the law?

Mr. BELMONT. No, sir.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HOLMAN. I ask unanimous consent that the point of order shall be considered as applying to all these increases.

Mr. REED. I want to understand how this matter is. Do I understand the Committee on Foreign Affairs are to move to strike out, and if that fails, the gentlemen representing the Committee on Appropriations are to throw out the item on a point of order? Is that the request of the gentleman from Indiana? This seems to be a double-action method of economy.

Mr. HOLMAN. It is a very safe action.

The CHAIRMAN. The Chair will submit the request of the gentleman from Indiana. He asks unanimous consent that the point of order shall be considered as pending on all increases of salary in the bill.

Mr. DIBBLE. I object.

Mr. HOLMAN. I call for the regular order.

Mr. BELMONT. I desire to submit the motions in every case in conformity with the rulings of the Chair. The Chair has in every instance ruled against every increase of salary; and unless gentlemen should, as the gentleman from Maine has sought to do, endeavor to confuse this matter further——

Mr. REED. That is not necessary after the gentleman from New York has explained it.

Mr. BELMONT. I propose to submit the motion in every case as it is reached in accordance with the rulings of the Chair.

The CHAIRMAN. Has the gentleman an amendment to offer now?

Mr. BELMONT. I move that "Antwerp" be stricken out.

The CHAIRMAN. That has already gone out on a point of order.

Mr. REED. Where does that leave Antwerp?

Mr. BELMONT. It is to be inserted further on.

Mr. REED. Oh, it is to be put in by and by.

Mr. BELMONT. Exactly.

The Clerk read as follows:

Consuls at Amoy, Canton, Chin-Kiang, Foo-Chow Hankow, Ningpo, and Tien-Tsin.

Mr. BELMONT. I move to strike out Ningpo, in line 195.

The amendment was agreed to.

The Clerk read as follows:

France: Consul at Havre.

Mr. BURNES. I make the point of order on that.

Mr. BELMONT. I move to strike it out.

Mr. LONG. I understand that the point of order has been reserved upon all these items.

The CHAIRMAN. Objection was made to the request for that understanding.

Mr. BURNES. This goes out on the point of order. If the gentleman wishes to insert it at some other place that is another matter.

Mr. BELMONT. That should be done.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Great Britain: Consuls at Bradford and Manchester.

Mr. BURNES and Mr. HOLMAN made the point of order; which was sustained.

The Clerk read as follows:

Brazil: Consul at Pernambuco.

Mr. HOLMAN. I make the point of order.

Mr. McCREARY. I move to strike out the last word.

Mr. HOLMAN. The point of order is reserved, however.

Mr. McCREARY. I reserve the point of order as to the salary allowed the consul at Pernambuco. Mr. Chairman, when this bill was being discussed by the gentleman from New York [Mr. BELMONT] on the 10th instant he filed at the close of his remarks certain tables and comments without reading them, by which he undertook to show that the tables which I had previously submitted were erroneous. I desire to say that after the most careful investigation I am satisfied that the tables submitted by me are correct. Table No. 1 presented by me is an exact copy of the table contained in the report accompanying the bill, and can not be disputed. The criticism of the gentleman from New York [Mr. BELMONT] of table 2 is wholly untenable.

In estimating fees collected at certain consulates he counted the whole amount collected in certain consular districts instead of confining himself to the amounts collected by each consul. For instance, the fees collected by the consul at Cardiff in 1886, as shown on page 17 of the Fifth Auditor's Report, and as stated by me, amounted to $288. The fees collected in the consular district of Cardiff, as stated by the gentleman from New York [Mr. BELMONT], shown on page 31 of the Fifth Auditor's Report of 1886, amounted to $1,720.50; but they were derived as follows: Cardiff, $288; Llanelly, $105; Newport, $275; Swansea, $1,052.50.

These items make a total of $1,720. Thus the gentleman counts not only the fees collected by the consul but also those collected by the three consular agents.

The bill increases the salary of the consul at Cardiff from $2,000 to $2,500, and provides for the first time a consul at Swansea, with a salary of $1,500. There is nothing in the bill or report to indicate that the consular agencies at Llanelly and Newport are abolished.

Mr. BELMONT. Mr. Chairman, my colleague on the committee is perfectly correct in saying that I took my statement from pages 31 to 35 of the Fifth Auditor's report, and that was the proper thing to do in making the estimate. My colleague simply took, in the case of Cardiff, the amount of fees collected by that office, but the consular officer over a consular district is entitled to a portion of the fees of the feed consuls under him; and therefore in making the estimate for consulates the committee and the State Department adopted this course.

Mr. McCREARY. I can not yield any further, Mr. Chairman. I would not say anything at this time; but the tables and the comments which the gentleman put into the RECORD without reading seemed to demand that I should make an explanation. I hold in my hand the annual report of the Fifth Auditor to the Secretary of the Treasury for the fiscal year ending June 30, 1886, and I have examined every one of the consulates referred to by the gentleman from New York, and I find the same mistake made by him all the way through. He counts in his tables the amounts collected by the consul and by the consular agents of the district, when I simply referred to the fees collected by the consul.

Mr. BELMONT. Will the gentleman permit me?

Mr. McCREARY. I can not yield now.

As to table 3 he makes the same mistake. The amount of fees given in the table as collected in 1886 was taken from the Fifth Auditor's report of the fees collected in each of the consulates named. In refutation of this, the gentleman from New York stated the fees collected in the consular districts controlled by particular consuls named. In the Dusseldorf district, for instance, there was collected $2,575, but only $1,827.50 of this sum was collected at the Dusseldorf consulate; and the consul being a feed consul, that sum represented his annual compensation under the fee system. This bill gives him a specific salary of $2,500.

The balance of the fees were collected by an agent at Essen, who was compensated out of his collections. The interests of commerce demand the continuance of this agent at Essen, and there is nothing in the bill to indicate that he will be discontinued. In the Barranquilla district the gentleman from New York makes the same mistake, and counts the fees of the whole consular district instead of the fees of the consul at Barranquilla. The same mistake is made by him as regards every place named in his table.

On page 20 of the report Reichenberg is shown to be a consular agency with compensation in 1886 of $1,000 against fees collected amounting to $4,123. That it has been made a fee consulate since the fiscal year 1886 does not appear from the last report of the Auditor, nor was the contrary stated in the table which is criticised.

[Here the hammer fell.]

Mr. BELMONT. Mr. Chairman, I move to strike out the last word. I think this House will do well to examine, if it has opportunity, into this table.

I desire to explain to the House that in estimating the salaries, in order to reach a proper equalization, when you place a feed consul in the salaried class you must take the amount of fees collected in the district. My colleague on the committee [Mr. McCREARY] does not seem to appreciate the point that the consul receives not only the fees coming directly to him, but also a part of the fees from the subagents or officers under him. They send a part of their fees to the Treasury; but a portion goes to the consul himself. Take the case of Prague and Reichenberg. Under the proposed bill the consul at Prague receives a salary of $2,500. But the moment you put the present feed consul at Reichenberg upon a salary you withdraw so much from the salaried consul. My friend from Wisconsin [Mr. BRAGG] understands this case perfectly well; and I have no doubt there are other gentlemen on the floor who have had communications from these consuls. It seems to me my friend from Kentucky should go a step further in his examination of this report of the Fifth Auditor. He would not then say I had made a mistake any more than he would say that the Department, in making these estimates based upon that very principle, had made a mistake.

Mr. McCREARY. Mr. Chairman, I go by the Fifth Auditor's report.

Mr. BELMONT. What page? There are so many tables and so many pages that an examination is very confusing. The gentleman I think has got the wrong tables.

Mr. McCREARY. If the gentleman from New York will look at page 31 of the Fifth Auditor's report he will find a statement showing the character and amount of fees collected in consular districts during the fiscal year ending June 30, 1886. He takes his statement from that portion of the report in order to show the whole amount collected in that consular district.

Mr. BELMONT. That is right.

Mr. McCREARY. In doing so he commits an error. When I had the honor to address the House I referred simply to the fees collected by each consul, not the fees collected in each consular district.

Mr. BELMONT. But you do not estimate the full amount of fees collected.

Mr. McCREARY. If the gentleman will take, for instance, Cape Town, on page 17 of the Fifth Auditor's report, it will serve as an illustration of what I am saying. The gentleman in his table fixes the amount collected at Cape Town at $1,019.50.

Mr. BELMONT. That is right.

Mr. McCREARY. That is the amount collected in the entire consular district. I said in my remarks that the amount collected at Cape Town was $325. I now read from a statement of the consular fees collected in 1886, as shown by the Fifth Auditor's report:

Cape Town	$325 00
East London	65 00
Port Elizabeth	582 00
Port Natal	47 50
Total	1,019 50

The error which the gentleman commits is in adding together the amounts collected in the entire consular district, when I referred only to the fees collected by the consul at Cape Town.

The gentleman from New York [Mr. BELMONT] made the same mistake in fixing the fees collected at Pernambuco. The Fifth Auditor's Report for 1886 shows that the fees collected by the consul at Pernambuco for the fiscal year ending June 30, 1886, were $973.50, but the gentleman from New York alleges that the fees amounted to $1,604, which he obtains as follows:

Pernambuco	$973 50
Beara	452 50
Macao	74 50
Natal	103 50
Total	1,604 00

In thus counting the fees of the whole consular district he makes a mistake and does me injustice, for I alleged that the consul at Pernambuco collected, in fees, $973.50, yet the bill proposes to increase his salary from $2,000 to $3,000.

The gentleman in his remarks undertook to show that my conclusions were erroneous, and I am therefore compelled to refer to these matters.

Now, I call his attention to other mistakes made by him. In his speech of February 10, published on page 1729 of the RECORD, he says: "Fees now retained by officers, to be hereafter paid by salaries, $120,000." In the report accompanying the bill under consideration written by him, page 5, he says that the fees collected by the officers whose positions it is now proposed to fill by salaried consuls amounted during the last fiscal year to $153,000. Here is a difference of $33,000 between his speech and his report.

Mr. BELMONT. The gentleman does not understand me.

Mr. McCREARY. Mr. BELMONT, in his printed report accompanying this bill, says:

The total consular increase		$274,880
From this again should be deducted, on any fair computation, proportion of fees now collected and retained for salaries, rent, and other expenses of consular officers hereafter to be paid by fees	$120,000	
Estimated gain to Treasury from increased collections	150,000	
		270,000
Leaving net cost of consular changes proposed		4,880
Diplomatic service increase		50,500
		55,380

In his speech, page 1729 of the RECORD, he submits the following table:

As shown in the report, the total increase in the dipomatic service (including the cost of legation buildings for Japan and Siam) is			$50,500
The consular increase is (on the face of the appropriations)	$274,800		
Less fees of consular agencies abolished, as shown in appendix to estimates	$10,400		
Less fees now retained by officers to be hereafter paid by salaries	120,000		
		130,400	
			144,400
			194,900
From which, if the increase of revenue from closer collection of duties (which at the lowest estimate is placed at $150,000) be still further deducted			150,000
Leaves the total cost to the Treasury			40,900

I do not admit that the conclusions in these tables of the gentleman are correct. His item of $150,000 "estimated gain to the Treasury from increased collections" is a mistake and without foundation. I submit his tables simply to show that there is a difference of $14,480 between the total increase as presented in his report and as presented in his speech.

[Here the hammer fell.]

Mr. BELMONT. I move to strike out the last word. I do not desire to detain the committee. If my colleague felt compelled to justify his first tables I do not think it should have led him to the conclusion that I had made a mistake.

Mr. McCREARY. I only refer to it to show you that you do sometimes make a mistake.

Mr. BELMONT. There is no mistake made by me. I took the whole amount of fees collected by a consul because the gentleman from Kentucky was using those fees as a measure of the importance of the position; but he simply took the fees to which the main office was entitled, without reference to consular agents within the jurisdiction of that office, which should be taken into consideration when measuring the importance of the consulate by the fees collected. It was for that reason I said the gentleman from Kentucky was mistaken and had consulted the wrong tables.

As to the estimates presented in the report of the committee, reference to that report will show that the estimated net increase for the consular service was a little over $4,000, and for the whole bill about $54,000. The difference between that amount and the sum of $40,000 which I mentioned in debate is explained by the fact that in the discussion I deducted the decrease of actual compensation of consuls by the abolition of offices, and this deduction was not specifically set out in the report, though it was incidentally referred to. It is quite true the report states the amount of fees returned to the Treasury from feed officers is $153,000. Of this $153,000 the consuls retained $120,000. They did not turn in the full amount, but only retained $120,000.

I have no doubt my colleague will persist in his opinion, but I merely wish the House to understand the method the committee have pursued and the manner in which the estimates have been made at the Department of State, and the basis upon which my tables printed in the RECORD rests.

My colleague is mistaken in taking a table which shows the amount received by virtue of fees alone, and does not take into consideration the agencies which contribute to the amounts consuls retain.

Mr. HOLMAN. What per cent. do those above a thousand dollars get?

The CHAIRMAN. The gentleman's time has expired.

Mr. McCREARY. It is so clear to my mind I will not say more. I insist upon my point of order as to Pernambuco. Three thousand dollars is appropriated in the bill when the law only authorizes $2,000.

Mr. BELMONT. In view of the lateness of the hour I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, had according to order, had under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, and had come to no resolution thereon.

PUBLIC BUILDING AT BINGHAMTON, N. Y.

On motion of Mr. MILLARD, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from the further consideration of a bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y.; which was read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, in the city of Binghamton, in the State of New York, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, internal-revenue offices, and United States courts, and for other Government uses. The site and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $150,000; and the site purchased shall have the building unexposed to danger from fire in adjacent buildings by an open space of at least 50 feet, including streets and alleys; and for the purposes herein mentioned the sum of $150,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of New York shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The report (by Mr. WILKINS) was read as follows:

The Committee on Public Buildings and Grounds, to whom was referred House bill 10731, beg leave to submit the following report:

Binghamton, N. Y., is the county seat of Broome County, and is a rapidly growing and prosperous city. The census of 1880 showed the population to be 17,315. The census taken in the latter part of 1885 or the first of 1886 showed the population to be between 22,000 and 23,000. Its present population is fully 25,000. The city is situated at the mouth of the Chenango and Susquehanna Rivers, midway between New York city and Buffalo, a distance of 482 miles. Binghamton is the center of several railroads. The railroads entering the city are the New York, Lake Erie and Western; the Delaware, Lackawanna and Western, which is a competing line with the Erie from New York city to the West; the Albany and Susquehanna; the Syracuse and Binghamton; and the Chenango Valley Railroad. The city has many large manufacturing industries, comprising almost every variety of production, including large iron and steel works, the manufacture of engines and boilers, boots and shoes, cigars, agricultural implements, &c.

More than 90,000,000 cigars were manufactured in 1886, and between 3,000 and 4,000 men and women are employed in this one industry. The Government is compelled to rent inadequate quarters for its post-office and internal-revenue offices. The lease for the present post-office is a ten-year lease, which will expire one year from the 1st of next October. The office employs 10 clerks and 8 letter-carriers. The present quarters are entirely too small, and no other building at all suitable for the purpose can be obtained. Suitable accommodations for the office will require the payment of an annual rent of not less than $2,000 or $2,500. The receipts of the post-office last year were $46,984.23, nearly $12,000 more than the receipts of the post-office at the city of Auburn. During the year 1886 the carriers handled more than 2,500,000 pieces of mail.

The United States revenue offices of the seventh division of the twenty-first district are located at Binghamton. This division consists of the counties of Broome, Chenango, Delaware, Otsego, and Tioga. The total collections of revenue for the year 1885 in this division were $252,819.23; for the year 1886, $310,-254.40, of which sum $266,979.17 was collected at Binghamton. A bill passed the House at the last session establishing a United States court at Binghamton. The general term of the supreme court of the sixth judicial district, comprising ten counties in the southern and central part of the State, has been held at Binghamton for many years. Its law library, consisting of many thousand volumes, including the State and United States reports, is located at Binghamton.

From the annual report of the Postmaster-General, showing the receipts of more than seventy-five post-offices where there are Government buildings, it appears that the annual postal revenue of nearly one-half of these offices is less than that of the post-office at Binghamton. The importance of the city, its rapid growth and prosperity, the accommodation of the post-office and United States internal-revenue offices, all require the erection of a suitable Government building at Binghamton.

Your committee therefore recommend the passage of bill H. R. No. 10731, which accompanies this report.

The SPEAKER. There is a clerical error which should be corrected. "Have" should be "leave."

There was no objection, and the correction was made.

Mr. MILLS. It seems to me the amount in the bill is large considering no court is held there.

Mr. MILLARD. The House has passed a bill establishing a court.

Mr. HISCOCK. And one of the reasons why a court is not held there is because there is no accommodation. The court now has power to assign a term for that place.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MILLARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had appointed Mr. SAWYER (in place of Mr. CHACE, excused) as a member of the committee of conference on the part of the Senate upon the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service.

ORDER OF BUSINESS.

Mr. WISE. I demand the regular order.

Mr. WILLIS. I have a privileged motion I desire to submit.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. I desire to call up the notice which I gave on yesterday with reference to the bill (S. 194) to aid in establishment and temporary support of common schools, and ask that it be referred to the Committee on Rules.

The SPEAKER. That will be done.

Mr. ELY. I ask unanimous consent———

The SPEAKER. The regular order has been demanded, and the Chair will proceed to execute the order of the House.

JUDICIAL DISTRICTS, MISSOURI.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and the western districts thereof into divisions, establishing district and circuit courts of the United States therein, &c.

Mr. BURNES. I ask unanimous consent that the House non-concur

in the Senate amendments, and agree to the conference requested by the Senate.

There was no objection, and it was so ordered.

The SPEAKER announced as conferees on the part of the House Mr. BURNES, Mr. CULBERSON, and Mr. WADE.

MRS. M. E. WOODS.

The SPEAKER announced as managers on the part of the House at a conference on the disagreeing votes of the two Houses on the bill (S. 2997) granting a pension to Mrs. M. E. Woods, Mr. LOVERING, Mr. PINDAR, and Mr. CONGER.

ENROLLED BILLS SIGNED.

The Committee on Enrolled Bills reported that they had examined and found duly enrolled bills of the following titles, reported severally as follows, when the Speaker signed the same, namely:

By Mr. MCRAE, the bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts and to provide for holding terms of court in the northern district at the city of Peoria;

By Mr. FISHER, the bill (H. R. 4308) to regulate steam engineering in the District of Columbia; and

By Mr. NEECE, the bill (S. 531) to provide for the erection of a public building at Lafayette, Ind.

And then, on motion of Mr. MILLS (at 5 o'clock and 5 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of John Shelton, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CONGER: Petition of Monthly Meeting of Friends of Linden, Iowa, for the early passage of the bill (S. 355) providing for a tribunal of national arbitration—to the Committee on Foreign Affairs.

Also, petition of the Women's Christian Temperance Union of Iowa, for the passage of the bill (S. 2362) to promote the political and commercial prosperity of nations—to the same committee.

Also, the petition of the Women's Christian Temperance Union, of Polk City, Iowa, for the early passage of the bill (S. 2362) to promote the political and commercial relations of the American nations—to the same committee.

By Mr. DORSEY: Resolutions from the Fine Stock Association of Nebraska, favoring the Miller bill for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. GALLINGER: Resolutions of Admiral Farragut Post, No. 52, Grand Army of the Republic, of Enfield, N. H., condemning the President's veto of the so-called dependent pension bill—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition of settlers upon the portion of the Great Sioux Reservation in Dakota, known as the Crow Creek Reservation, that relief be granted by the speedy consideration of the bill (S. 52) for the opening to settlement of a portion of the Great Sioux Reservation in Dakota—to the Committee on Indian Affairs.

By Mr. HAYNES: Memorial of Admiral Farragut Post, No. 52, Grand Army of the Republic, of Enfield, N. H., resolutions in favor of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. D. B. HENDERSON: Petition of the Women's Christian Temperance Union of Delaware and of Greely, Iowa, urging the passage of Senate bill 2362—to the Committee on Foreign Affairs.

By Mr. MILLARD: Resolution of the Geraldine Club, of New York city, opposing the so-called extradition treaty with Great Britain—to the same committee.

By Mr. OSBORNE: Memorial of the American Forestry Congress, relative to timber lands, &c.—to the Committee on the Public Lands.

By Mr. OUTHWAITE: Petition of William M. Bowen and 107 others, citizens and voters of Hocking County, Ohio, in favor of the passage of an act repealing the limitation on the payment of arrearages of pensions—to the Committee on Invalid Pensions.

By Mr. SENEY: Memorial of the American Forestry Congress—to the Committee on the Public Lands.

By Mr. STAHLNECKER: Petition of the Geraldine Club, of New York city, opposing the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. STRUBLE: Petition of Mrs. F. E. Fuller and Mrs. W. H. Perkins, president and vice-president of the Women's Christian Temperance Union of Scranton city, and of Mrs. Mary D. Clark and Mrs. Fidelia Clarke, president and vice-president of the Women's Christian Temperance Union of Plymouth County, Iowa, for the passage of the bill (S. 2362) to promote the political and commercial prosperity of the American nations—to the same committee.

By Mr. ZACH. TAYLOR: Petition of Wilkin Thomas, of Shelby County, Tennessee, asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. TOWNSHEND: Resolution of the house of representatives of Illinois, in favor of the bill to pension indigent soldiers over sixty years of age—to the Committee on Invalid Pensions.

By Mr. VAN EATON: Papers relating to deficiency in the appropriation for a road to the national cemetery at Natchez, Miss.—to the Committee on Appropriations.

By Mr. WHEELER: Petition of Joseph B. Johnston, of Madison County, Alabama, for relief—to the Committee on War Claims.

By Mr. WILSON: Petition of Richard Jackson, of Charlestown, Jefferson County, West Virginia, for an invalid pension—to the Committee on Invalid Pensions.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. C. H. ALLEN: Of 75 citizens of Berlin, Mass.

By Mr. ATKINSON: Of 100 citizens of Port Royal, Pa.

By Mr. W. W. BROWN: Of 164 citizens of Hill's Grove, Pa.

By Mr. COMSTOCK: Of 140 citizens of Grand Haven, Mich.

By Mr. FORNEY: Of T. J. Walker and 31 others, citizens of Atalla, Ala.

By Mr. GEDDES: Of 200 citizens of Norwalk, Ohio.

By Mr. HAYNES: Of 210 citizens of Rochester, and Stratham, N. H.

By Mr. PRICE: Of 95 citizens of Hudson, Wis.

SENATE.

WEDNESDAY, *February* 16, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM INDIANA.

The PRESIDENT *pro tempore*. The Chair presents what purport to be the credentials of Hon. David Turpie, elected a Senator from the State of Indiana for six years from the 4th of March next, which will be read.

The Chief Clerk read as follows:

THE STATE OF INDIANA, EXECUTIVE DEPARTMENT.

In pursuance to the provisions of section 18 of the Revised Statutes of the United States, I, Isaac P. Gray, governor of the State of Indiana, do hereby certify that the Legislature of said State assembled in joint assembly at 12 o'clock meridian on Wednesday, the 2d day of February, 1887, pursuant to adjournment, to elect a Senator in Congress, to serve for a term of six years, commencing on the 4th day of March, 1887; that the Hon. David Turpie, of the State of Indiana, received 76 votes, being a majority of the votes of all the members of said joint assembly, and a majority of all the members elected to said Legislature, all the members elected to said Legislature being present and voting; and the said David Turpie was declared duly elected Senator in Congress, to represent the State of Indiana in Congress for the said term of six years, commencing on the 4th day of March, 1887.

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the State, at the city of Indianapolis, this 9th day of February, in the year of our Lord, 1887, the seventy-first year of the State, and of the independence of the United States the one hundredth and eleventh.

ISAAC P. GRAY,
Governor of Indiana.

The above and foregoing is the certificate, and the signature thereto attached the genuine signature of Isaac P. Gray, governor.

CHARLES F. GRIFFIN,
Secretary of State.

To Hon. JOHN SHERMAN,
President of the Senate of the United States of America.

Mr. HOAR. I move that that paper be referred to the Committee on Privileges and Elections.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the council and house of representatives of the Territory of Idaho praying for the appointment of an additional justice in Idaho; which was referred to the Committee on the Judiciary, and ordered to be printed.

He also presented a letter from the secretary of the Territory of Arizona, transmitting a petition of the Legislative Assembly of Arizona in reference to the Navajo Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also presented a memorial of the council and house of representatives of Montana, remonstrating against the abolition of the office of surveyor-general in the Territories; which was referred to the Committee on Appropriations.

He also presented the memorial of Joseph C. Straughan, United States surveyor-general Idaho Territory, remonstrating against the abolition of the office of surveyor-general in States and Territories containing deposits of the precious metals; which was referred to the Committee on Appropriations.

Mr. FRYE presented the petition of C. C. Tilley and other residents of Lewiston, Me., in favor of an international court of arbitration; which was referred to the Committee on Foreign Relations.

Mr. HARRISON presented the petition of Theo. D. Kanouse and others, constituting the executive committee of the Grand Lodge of the Independent Order of Good Templars of Dakota, praying favorable con-

sideration of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be manufactured or sold in that District; which was referred to the Committee on the District of Columbia.

Mr. CHENEY presented resolutions adopted by the Admiral Farragut Post, No. 52, Grand Army of the Republic, Department of New Hampshire, in favor of the passage of the so-called dependent relatives pension bill over the President's veto; which were referred to the Committee on Pensions.

He also presented resolutions adopted by the Merrimack County (New Hampshire) Pomona Grange of Patrons of Husbandry, in favor of the passage of the bill to create a department of agriculture and labor; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2319) granting a pension to Mrs. Margaret B. Todd, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3190) granting a pension to Robert H. Sturgess; and

A bill (S. 1246) for the relief of W. A. Lemaster.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1753) for the relief of Mathew H. Fulton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3266) for the relief of Lacon R. Tillman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 947) for the relief of the American Grocer Association of the City of New York, reported it with an amendment.

Mr. MCMILLAN. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, to report it with an amendment in the nature of a substitute, accompanied by a written report. I ask that the amendment and the report be printed. I desire also to give notice that I shall ask the Senate, after the conclusion of the morning business to-morrow, to take up and pass the bill.

The PRESIDENT *pro tempore*. The report and the proposed substitute will be printed, and the bill will be placed on the Calendar.

Mr. ALDRICH, from the Committee on Pensions, to whom was referred the bill (S. 159) granting an increase of pension to Abby J. Slocum, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1336) granting a pension to Jennie H. Cogill, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2445) granting a pension to Charles W. Holland, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2564) granting a pension to Eleanor S. Lawson, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 752) granting a pension to James Smithpeter, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9143) granting a pension to Dr. Sabin Stocking, reported it without amendment, and submitted a report thereon.

Mr. COKE, from the Committee on Revolutionary Claims, to whom was referred the bill (H. R. 3642) for the relief of the heirs of Jacob Cramer, reported it without amendment.

BILLS INTRODUCED.

Mr. BLAIR introduced a bill (S. 3310) to regulate the compensation of watchmen in the Executive Departments of the Government; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Education and Labor.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3311) granting a pension to James Noyes;

A bill (S. 3312) granting a pension to Mrs. Isabel George;

A bill (S. 3313) granting a pension to Walter E. Jaquith;

A bill (S. 3314) granting a pension to Mrs. Catharine Tate;

A bill (S. 3315) granting a pension to F. N. Gray; and

A bill (S. 3316) granting a pension to Anderson G. Pittman.

AMENDMENT TO A BILL.

Mr. COKE submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

NEW EDITION OF SENATE MANUAL.

Mr. FRYE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be prepared, under the direction of the Committee on Rules, a new edition of the Senate Manual; and that 1,000 copies of the same be printed and bound for the use of the Senate.

PRINTING OF TESTIMONY.

Mr. EVARTS submitted the following resolution; which was considered by unanimous consent and agreed to:

Ordered, That there be printed for the use of the Committee on Privileges and Elections the testimony taken by that committee in the investigation ordered by the Senate into the charges contained in the memorial of S. A. Hackworth, and others.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNES, Mr. CULBERSON, and Mr. WADE managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 2997) granting a pension to Mrs. M. E. Woods, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOVERING, Mr. PINDAR, and Mr. CONGER managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria;

A bill (H. R. 4308) to regulate steam engineering in the District of Columbia; and

A bill (S. 531) to provide for the erection of a public building at La Fayette, Ind.

ALLEGED OUTRAGES IN TEXAS.

Mr. CAMERON. I ask the Senate to proceed to the consideration of the bill (S. 3286) to increase the naval establishment.

Mr. HOAR. The resolution offered by me yesterday, which went over, should first be laid before the Senate.

The PRESIDENT *pro tempore*. The Chair recognized the Senator from Pennsylvania, but the resolution submitted by the Senator from Massachusetts [Mr. HOAR] yesterday, which comes over under objection, is in order and takes precedence. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Privileges and Elections, or the subcommittee of said committee who were authorized to inquire into certain alleged transactions in the State of Texas, be further authorized and directed, with the powers heretofore conferred upon them, to inquire whether there has been any attempt by the United States district attorney for the western district of Texas, or by the marshal of said district, or any of his deputies, to interfere with or obstruct said investigation, or to obstruct or intimidate witnesses for whom subpœnas have been issued by the authority of the Senate to appear before said committee and to report the facts and what action ought to be taken by the Senate in the premises.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. COKE. I propose an amendment to the resolution.

The PRESIDENT *pro tempore*. The Senator from Texas offers an amendment, which will be reported.

The CHIEF CLERK. It is proposed to add to the resolution the following proviso:

Provided, That before said investigation commences said officers shall have notice of the same, and the right to have witnesses summoned in their defense.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. HOAR. I suppose there is no doubt that any committee of the Senate authorized to investigate a question affecting an individual would give that individual notice of the same, and an opportunity to summon witnesses if they were needed. It seems to me such an amendment is almost an affront to a committee. I hope the amendment will be voted down.

Mr. COKE. I am not opposed to the investigation proposed in the resolution, although I can say to the Senator from Massachusetts and to the Senate that the information upon which it is based is absolutely false.

Mr. HOAR. The Senator will permit me to state that it is in part a

telegram from the district attorney himself sent to the Attorney-General.

Mr. COKE. I have no objection to the investigation, but I do desire, in justice to the parties to be investigated, that they shall be notified of it and have an opportunity to summon witnesses in their defense, as is provided in the amendment which I have offered.

The simple truth of this matter is that on last Monday week the first Federal grand jury that has been convened in that judicial district, since the alleged disturbance in Washington County, met, and the district attorney and the court determined to investigate the charges that had been made in the public press. Out of some twenty-five witnesses summoned for the prosecution here it happened that five were taken to Austin by legal process to testify before the grand jury. They left Brenham in the morning and reached Austin, and the district attorney and the court were apprised there of the fact that they had been summoned to Washington. They were immediately discharged and returned that evening to Brenham, and are now here.

That is the whole of it. That is the basis of this resolution. It is extremely unjust, Mr. President, to these gentlemen to be thus arraigned before the Senate of the United States, and it is at least as little as ought to be granted that they should have process for witnesses in their defense and that they should have notice of this investigation.

I hope that the amendment will be adopted.

Mr. HOAR. The marshal who summoned these witnesses reports that after they were summoned to appear before the Senate committee they were summoned by a United States officer to appear at Austin, Tex., before the grand jury, some two months having expired since these alleged outrages and no action having been taken, although the district attorney was informed of them within a few days by an express complaint. The marshal who summoned them applied to the deputy of our Sergeant-at-Arms to find out the names of the other witnesses he was going to summon. Those persons then having been summoned, and saying that they were under a prior obligation to appear before the Senate committee, that officer seized them and took them to Austin—arrested them, as I am instructed. The witnesses who had reached Washington were summoned here to go to Texas forthwith—two of them, the petitioners.

Day before yesterday the Attorney-General of the United States, Mr. Garland, inclosed to me for my information a telegram from the district attorney desiring him to have the witnesses who were summoned here held to appear in Texas. That may have been perfectly legitimate and proper and well intentioned, but it looks on its face like an attempt to intimidate and frighten these gentlemen. At any rate, that is the information which I have, and it is impossible for me to believe that the Senator from Texas is right when he thinks it is false, especially as the Senator thought the information on which the original resolution was based to be false.

But, Mr. President, no committee of which I am a member, or of which any member of this body is a member, on either side, in my judgment, would even make an investigation as to the personal conduct of anybody without giving the person accused notice and an opportunity to bring evidence in his defense, and to attach such a proviso as this to a resolution was never heard of before.

I move to lay the amendment on the table.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. The motion to lay on the table is not debatable.

Mr. MAXEY. I know it is not debatable, but I ask the Senator from Massachusetts to withdraw it for a moment.

Mr. HOAR. Of course I will withhold the motion if the Senator from Texas desires to speak.

Mr. MAXEY. The officers complained of in the resolution, the United States attorney and the marshal, are esteemed in the State of Texas to be worthy and upright men. I believe them to be so. I never heard of a charge against either of those men, political or personal, until now, and these charges are, in my judgment, without the slightest foundation in fact. I court a thorough investigation. All I want is that these gentlemen have reasonable notice of the nature and character of the charges, so as to prepare their defense.

I believe it important, and in accordance with the principles of eternal justice, that the amendment offered by my colleague should be adopted. The Senator from Massachusetts does not gainsay the proposition that these gentlemen should be informed of the charge whereof they stand accused to the end that they may prepare themselves to meet the charge; but he insists that the committee will not refuse to give this notice, and that therefore the amendment of my colleague is not necessary.

Mr. President, when a grave charge has been brought against a public officer in the Senate of the United States that officer has a right to the necessary process that he may be enabled to defend his character. He has a right upon every principle of justice and every principle of law, biblical law, common law, civil law, and every other law, to be heard.

All that my colleague asks is that the other side shall be heard. We have the *ex parte* statement of self-constituted accusers, but we have not heard what these gentlemen have to say. I venture to assert that when they have the opportunity of meeting these charges they will come out without a stain upon their character. I, therefore, think the amendment offered by my colleague ought to be adopted.

Mr. COKE. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts further withdraw his motion to lay the amendment on the table?

Mr. HOAR. I wish to send up two telegrams to be read, and then I will withdraw it so as to allow the Senator from Texas to proceed.

Mr. COKE. The amendment is necessary, Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Texas yield to allow the telegrams which have been sent to the desk to be read?

Mr. COKE. Certainly.

The PRESIDENT *pro tempore*. The telegrams will be read.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, February* 14, 1887.

SIR: The Attorney-General directs me to send you for your information the accompanying copy of a telegram just received from Mr. Kleberg, attorney of the United States for the western district of Texas, in relation to the Washington County outrages.

Very respectfully,

CECIL CLAY, *Chief Clerk.*

Hon. GEORGE F. HOAR,
Chairman of the Committee on Privileges and Elections,
United States Senate.

[Telegram.]

AUSTIN, TEX., *February* 14, 1887.

Have chairman committee on Washington County outrages wire me names of important Government witnesses who refuse to return to Texas, and hold them until subpœnaed.

RUD. KLEBERG,
United States Attorney.

Hon. A. H. GARLAND,
Attorney-General United States, Washington, D. C.

Mr. COKE. That telegram was sent by the district attorney for the purpose of compelling the attendance of all the witnesses who are here before the grand jury at Austin. It is an act of duty on the part of the district attorney which he is performing actively and energetically, and yet it is made here a ground of complaint against him.

Now, sir, the reason why I offered the amendment and why in my judgment it ought to be adopted is that the Committee on Privileges and Elections are already examining witnesses with reference to the alleged outrages in Washington County, Texas. Those witnesses should not be examined as to the charges contained in the resolution until the parties have been notified and have had an opportunity to have witnesses summoned in their defense. It is to prevent that, and to give to these gentlemen an opportunity to defend themselves, that I offered the amendment.

So far as Mr. Rankin, the marshal, and Mr. Kleberg, the district attorney, are concerned there are no better men in Texas or in Massachusetts than they are. They are as far from trying to intimidate witnesses or to obstruct the Senate in its investigation as the Senator from Massachusetts would be.

I have no objection to the proposed investigation into the conduct of these gentlemen. I know that they are right and have done right. I know that nothing can be brought against them. I do claim, however, Mr. President, that the Senate should adopt the amendment that I have proposed in order that the justice may be done them of allowing a defense against the charges before they are investigated and reported to the Senate.

Mr. HOAR. The Senator now observes that he moves this amendment in order to prevent the Committee on Privileges and Elections or their subcommittee from committing a gross injustice by condemning a man without a hearing. No such order by the Senate in advance to a committee, not to do a great injustice, was ever heard of in practice.

Whether this be, as it seems to me, an attempt to intimidate these witnesses from testifying by holding out to them such penalties as that community I am afraid know too well how to inflict upon people, or whether it be in the course of duty, the committee will ascertain after hearing the parties.

I renew my motion to lay the amendment on the table.

Mr. COKE. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. COKE. The resolution of the Senator from Massachusetts makes new parties to an investigation already proceeding. The object of my amendment is to prevent any investigation under the resolution now proceeding before the Committee on Privileges and Elections until the gentlemen have had an opportunity to be notified and to produce their witnesses.

I ask for the yeas and nays on the amendment.

Mr. EUSTIS. I suggest to the Senator from Massachusetts that he strike out the following words from the resolution:

Or the subcommittee of said committee.

The subcommittee investigating the subject of outrages in Texas will have a great number of witnesses to examine. This matter is entirely different; it affects the official conduct of United States officers, and I do not think that additional duty ought to be imposed upon the subcommittee. We ought not to be called upon to investigate everything that is occurring or that has occurred in Texas.

Mr. HOAR. The committee may make changes in the subcommittee from time to time as may be convenient.

Mr. EUSTIS. This is a suggestion by a vote of the Senate that the subcommittee now acting shall take up this matter.

Mr. HOAR. If the Senator will pardon me, he will see, I think, that there is nothing in his suggestion. Under the original resolution of the Senate any subcommittee that the committee appoint are armed with the power of the full committee, so that it may not be necessary when you are merely taking testimony that the whole nine should be present. That subcommittee may be changed from time to time. If the Senator from Louisiana should happen to be called away he could call in the Senator from Alabama [Mr. PUGH] or some other member to act upon the subcommittee. The resolution simply uses this language in order that it may not compel the whole nine to be constantly present. It is the usual form of the Senate in ordering such investigations.

Mr. EUSTIS. I understand that the committee can appoint a subcommittee; of course it has the power to do that. But if the resolution is adopted as it is worded, the subcommittee now in existence may be called upon to go into this investigation at once and so confuse the investigation which is now pending with the one which is proposed, whereas they ought to be, in my judgment, entirely distinct.

Mr. HOAR. I have no doubt the committee will so treat the subject.

Mr. EUSTIS. Therefore the objection made by the Senator from Texas [Mr. COKE] would be obviated in that sense, and the subcommittee now in existence would not have the power to at once engage in the investigation in regard to these Federal officials.

Mr. HOAR. I adhere to my motion to lay the amendment on the table.

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from Massachusetts moves that the amendment proposed by the Senator from Texas lie on the table.

Mr. COKE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES] who is temporarily out of the Chamber. If he were present, I should vote "yea."

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). As was stated by the Senator from Indiana, my colleague [Mr. JONES, of Arkansas], is paired with him. If my colleague were present, he would vote "nay."

Mr. CULLOM (when the name of Mr. MITCHELL, of Pennsylvania, was called). The Senator from Pennsylvania [Mr. MITCHELL] is paired with the Senator from North Carolina [Mr. RANSOM] on this question.

Mr. RANSOM (when his name was called). I am paired with the Senator from Pennsylvania [Mr. MITCHELL]. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. ALLISON (after having voted in the affirmative). I am paired with the Senator from Missouri [Mr. COCKRELL], and therefore withdraw my vote. I should vote "yea" if he were present.

The result was announced—yeas 30, nays 22; as follows:

YEAS—30.

Aldrich,	Edmunds,	Jones of Nevada,	Sherman,
Blair,	Evarts,	McMillan,	Spooner,
Bowen,	Farwell,	Manderson,	Teller,
Cameron,	Frye,	Mitchell of Oreg.,	Van Wyck,
Cheney,	Hale,	Morrill,	Williams,
Conger,	Hawley,	Palmer,	Wilson of Iowa.
Cullom,	Hoar,	Platt,	
Dolph,	Ingalls,	Sawyer,	

NAYS—22.

Beck,	Eustis,	Maxey,	Voorhees,
Berry,	George,	Morgan,	Walthall,
Blackburn,	Gorman,	Payne,	Whitthorne,
Butler,	Hampton,	Saulsbury,	Wilson of Md.
Call,	Harris,	Vance,	
Coke,	Kenna,	Vest,	

ABSENT—24.

Allison,	Dawes,	Jones of Florida,	Pugh,
Brown,	Fair,	McPherson,	Ransom,
Camden,	Gibson,	Mahone,	Riddleberger,
Chace,	Gray,	Miller,	Sabin,
Cockrell,	Harrison,	Mitchell of Pa.,	Sewell,
Colquitt,	Jones of Arkansas,	Plumb,	Stanford.

So the amendment of Mr. COKE was laid on the table.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution.

Mr. COKE. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Missouri [Mr. COCKRELL]. I should vote "yea" if he were present.

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired on all questions with the Senator from California [Mr. STANFORD].

Mr. COLQUITT (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

Mr. HARRISON (when his name was called). I announce again my pair with the Senator from Arkansas [Mr. JONES]. If he were present, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. VEST (after having voted in the negative). I withdraw my vote. I am paired with the Senator from Kansas [Mr. PLUMB]. I should vote "nay" if he were present.

Mr. MORGAN. I am paired with the Senator from Massachusetts [Mr. DAWES]. If he were present, I should vote "nay" and he would vote "yea."

The result was announced—yeas 30, nays 19; as follows:

YEAS—30.

Aldrich,	Edmunds,	Jones of Nevada,	Sawyer,
Blair,	Evarts,	McMillan,	Sherman,
Bowen,	Farwell,	Manderson,	Spooner,
Cameron,	Frye,	Miller,	Teller,
Cheney,	Hale,	Mitchell of Oreg.,	Van Wyck,
Conger,	Hawley,	Morrill,	Wilson of Iowa.
Cullom,	Hoar,	Palmer,	
Dolph,	Ingalls,	Platt,	

NAYS—19.

Beck,	Coke,	Harris,	Vance,
Berry,	Eustis,	Kenna,	Walthall,
Blackburn,	George,	Maxey,	Whitthorne,
Butler,	Gorman,	Payne,	Wilson of Md.
Call,	Hampton,	Saulsbury,	

ABSENT—27.

Allison,	Fair,	Mahone,	Sabin,
Brown,	Gibson,	Mitchell of Pa.,	Sewell,
Camden,	Gray,	Morgan,	Stanford,
Chace,	Harrison,	Plumb,	Vest,
Cockrell,	Jones of Arkansas,	Pugh,	Voorhees,
Colquitt,	Jones of Florida,	Ransom,	Williams.
Dawes,	McPherson,	Riddleberger,	

So the resolution was agreed to.

ORDER OF BUSINESS.

Mr. CAMERON. I move that the Senate proceed to the consideration of the bill (S. 3286) to increase the naval establishment.

The motion was agreed to.

Mr. CALL. I ask the Senator from Pennsylvania to allow me to call up——

Mr. CAMERON. If the Senator from Florida will wait a few minutes I will give way, but I prefer to have the bill started and get it under way.

The PRESIDENT *pro tempore*. The bill is now under consideration, and the pending question is on the amendment of the Senator from Maine [Mr. HALE].

Mr. STANFORD. Mr. President——

Mr. CAMERON. I will say the same to the Senator from California. I ask him to wait a few minutes until we get the bill fairly started.

The PRESIDENT *pro tempore*. The Senator from California addresses the Chair.

CO-OPERATION IN THE DISTRICT.

Mr. STANFORD. I ask that the bill (S. 3022) to encourage co-operation and to provide for the formation of associations in the District of Columbia for the purpose of conducting any lawful business and dividing the profits among the members thereof be taken from the table with a view to its reference to the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill is before the Senate.

Mr. STANFORD. Mr. President, the bill which I have introduced (S. 3022) provides for the association and organization of individuals with or without capital. It gives no exclusive privileges, and is intended only to aid the natural right of association.

In a large sense, civilization itself rests and advances on the great principles of co-operation. The industries, the thoughts, the great ideas which produce vast and beneficial results, find their full development in association. Thus the discoveries in art and in science are distributed or availed of; and they inure to the benefit of the whole community—often to the whole civilized world.

So the organization of individuals for a common purpose gives the strength, the capacity, of the ablest to all in the association. The weakest, and the one of the least capacity, is brought up in advantages to the level of the best. The result of this association is to bring the individuals of the association closer to the entire fruits of their united industries. With a greater intelligence, and with a better understanding of the principles of co-operation, the adoption of them in practice will, in time, I imagine, cause most of the industries of the country to be carried on by these co-operative associations. The co-operation of individuals in kindred pursuits would have the effect of furnishing, from their variety of labor, continuous employment. Thus a combination of men could even do farming—rendering for hire their services to the farmers—and might find that continuity of labor so important to the

laborer and conducive to the maximum power of production which arises from constant employment.

A country's prosperity must always mainly depend upon its power of production. This is to be brought about by the most intelligent direction and application of labor. Abundant illustrations might be given to show that the value of the labor of an individual, like the wealth of the country, will depend upon the power of production. The most notable example of this is to be found in the production of wheat in Egypt, in India, and in America. Wheat is raised in all these countries to compete in the same market—England. The compensation to the laborer on the banks of the Nile is a red radish; in India, about five cents a day. In my own State, California, the harvester receives $2.00 per day—forty times as much as his competitor receives in India. Now, these comparatively high wages could not be paid except upon a comparatively large production. The man in California receives forty times as much for a day's labor as a man in India; or the wages of one man in California equal those of forty men in India. And yet he competes successfully because he avails himself of the genius of inventors—cuts and threshes and puts into a sack a hundred pounds of wheat for a cent and a half.

And so in every other field of labor the compensation will always be in proportion to the production. The earth yields abundantly, through labor, to supply the wants of mankind. Her yield of supplies for the necessaries, the comforts, the elegancies, and the splendors of life are only measured by the amount of intelligent labor that is applied to the cultivation of the soil, to the working of mines, of quarries, and of forests and their products; and if there is want among the provident and industrious it must be for the lack of the intelligent direction and application of labor. How far these wants may be supplied by legislation is a problem; but I believe much aid may be given.

In the history of nations, want of the commonest necessaries has been the rule. Hitherto governments have been founded in force, maintained in force, and the principal thought has been to increase the force, or to so organize it as to preserve the government. Hence the large standing armies of Europe to-day. The theory of our Government is that it was instituted for the benefit of the people; that there are inalienable rights—rights which are superior to constitutions and laws, securing the individual in his rights of liberty, property, and the pursuit of happiness, even to the extent of commanding the support of every other citizen in the whole country. These great principles, securing the freedom and the rights of the individual, insure to us forever a free government so long as the intelligence of the people is adequate in appreciating the principles upon which their government is founded. Hence we need no great standing armies to overawe and menace the people; and our time and thoughts can be directed to their general development and to improvement in their condition.

It is in the hope of strengthening and developing the intelligence and the productive power of the individual without capital, or with but little, that I have introduced this bill, believing it to be one great step toward attaining the highest possibility of abundance of the necessaries and comforts of life for every industrious and provident individual.

I believe that co-operation will bring out the highest capacities of those engaged in it. It will impart to each individual the stimulus of knowing that he or she may enjoy the full fruits of his or her skill and energy in their calling. In those countries where there is the most intelligence there is the greatest use made of labor-aiding machinery; and where this labor-aiding machinery is used most, as in our own country, there the compensation of the laborer is the largest. Even in Europe those countries that make most use of labor-aiding machinery have the best compensation for their labor.

Occasionally there is evidence of apprehension that labor-aiding machinery may deprive the laborer of the demand for his services; but any apprehension of that kind must readily disappear with the reflection that the wants of humanity are as boundless as the intelligence and capacity to conceive. With the ignorance of the Digger Indian there are few wants; no intelligence to conceive, and the demand for the labor supply of others is of the most limited kind. The more intelligent the people the greater are their wants, and with those increased wants the greater the demand for labor; and, in the universality of labor, the greater the capacity of individuals and communities to make exchange of their productions.

I have the hope and the faith that the principles of our Government, of our great bill of rights, as set forth in the Declaration of Independence, will yet pervade the whole civilized world; and as these ideas are adopted, and as they expand into the control of governments, so will disappear great standing armies; non-producers will be changed into fruitful producers, adding to the comforts and happiness of humanity. Then the principal attention of the governments will be directed toward developing the arts of peace and making humanity more happy.

In proposing the passage of a law of this kind, there is in it only an extension to persons without capital of the provisions that have existed heretofore in the laws provided for the association of those with capital. There is no invasion of the principles of association which have, happily, done so much in the development of the resources of our country and proved such a stimulus to its industry.

The principle of co-operation of individuals is a most democratic one. It enables the requisite combination of numbers and capital to engage in and develop every enterprise of promise, however large. It is the absolute protection of the people against the possible monopoly of the few, and renders offensive monopoly, and a burdensome one, impossible. The only possible monopoly with these laws in existence is one of beneficence, and to the extent that the wants and conditions of the people can be better supplied than by any other means. So far, only, can there be a monopoly in our country under these laws of co-operation.

One of the great advantages of association of this kind is that in case of disagreement, death, or failure of individuals, the organization goes on; and in this respect it is freed from the disadvantages of an ordinary partnership. Besides, the diverse capacities of the different individuals, whatever they may be, unite to make up a great whole of strength and of large capacity.

One of the difficulties in the employment of women arises from their domestic duties; but co-operation would provide for a general utilization of their capacities and permit the prosecution of their business without harm, because of the temporary incapacity of the individual to prosecute her calling. And if this co operation shall relieve them of the temporary incapacity arising from the duties incident to motherhood, then their capacity for production may be utilized to the greatest extent.

Very many of the industries would be open to and managed as well by women in their co-operative capacity as by men. The moral influences of co-operation are very great. All in the organization are interested in the welfare and good conduct of every other member. All the good influences of the whole are brought to bear in favor of the individual, and all the individual members unite to make the whole most powerful for the accomplishment of results.

Mr. President, I ask that the bill be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. That order will be made.

INCREASE OF NAVAL ESTABLISHMENT.

The PRESIDENT *pro tempore*. The bill (S. 3286) to increase the naval establishment is before the Senate as in Committee of the Whole, the pending question being on the amendment proposed by the Senator from Maine [Mr. HALE].

Mr. MAXEY. Mr. President, there is not, to-day, one single seaport from Portland, Me., to Brazos Santiago, from Sitka to San Diego, defensible. There is absolute necessity, in my judgment, for the defense of our seaports.

I am not only in favor of building naval vessels adapted to the defense of our seaports as well as for war on the high seas, but for the establishment of seacoast batteries, for torpedoes, for every instrumentality necessary to place every seaport in the United States in a defensible condition.

I know this will cost money, and much of it; but if there be any truth on earth in the old maxim "in time of peace prepare for war," we are in a condition now to apply that maxim and to place our seaboard in comparative safety against the attack of any nation of the earth in the event of war.

We have an overflowing Treasury; all efforts to stop the inflow by tax reduction have so far proven futile, and we are asked to waste money day after day in useless expenditures—monuments, statues, every conceivable thing in which money can be thrown away. We have got in the habit of throwing it away to get it out of the Treasury and into circulation among the people. It is but a few days ago that we voted 5 per cent. of the net proceeds of the sales of public lands in the State of California that have been accumulating there ever since that State was admitted into the Union, which has no more right to that amount than have all the rest of the States of the Union, because the land belonged to the United States, all the States having like interest.

In every way that can be conceived of we are wasting money. Here is a purpose, a wise purpose, a purpose to defend this country from any attacks that may be made from any quarter whatever, and the amount is not appalling to me. Wasteful, useless extravagance is appalling to me, and ought to be to every one, but money, however great the amount, wisely and economically expended in providing for the common defense has no terrors for me.

Mr. President, the great trouble with some public men is that they ask the question of themselves, not is the measure right, but will it be popular? The question for us to-day is, Is it right to place the seaports of the United States in a defensible condition? We can get up an army in sixty days without any difficulty with the splendid volunteer companies we have all over the country. We have an intelligent and enlightened people, and there is no difficulty whatever in improvising armies on short notice, but you can not improvise ships on short notice, you can not erect the necessary fortifications and batteries on the seacoast on short notice.

These things require time; and now with an overflowing Treasury, when there is a necessity for getting the surplus money in the Treasury out into circulation among the people for wise purposes, and when tax reduction is successfully resisted, there never was a better time, in my judgment, to begin the establishment of a navy.

What nation ever became a first-class power without a navy? It is true that by unwise laws, which appear to be impregnably fortified on the statute books, the merchant marine of this country has been driven from the high seas, and that there is but little necessity for the protection of the merchant marine by a navy because of this fact; but it is to be hoped that the time will come when the American flag will again float over American ships, and then there will be a need for a navy to protect that commerce upon the high seas. Sooner or later the eyes of the people will be opened, the scales will fall from their eyes, and protection will be a thing of the past; and when that happy day comes, and navigation laws enacted abreast with the spirit of the age, the American merchant will come back and come to stay.

But there is now a present pressing and immediate necessity for seacoast-defense, for a torpedo system, and for naval vessels which can act in concert with them for the protection of our seaports.

Is it for the defense of the dwellers on the seacoasts alone that I speak thus? At every seaport in the country is the wealth not only of the seaboard but of all that vast country back of it. The cotton of Texas, the wheat of the West, the grain of the West and Southwest, the wool, the pork, the beef, all these find their way to the seaboard, and there they are exposed to attack, in warehouses near the wharves, in the situation most exposed to attack, and in the event of an attack by a foreign foe upon our seaports, not only does the wealth of the cities themselves go down but also the accumulated products of the interior States. It is humiliating that a great country like this, which holds herself not only abreast of but the foremost of the nations of the earth, should be subjected to the risk of the destruction of her principal cities by a third-class power, because they have a navy and we have none.

I shall, therefore, vote for the measure, and vote for it with great pleasure.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The question is on the amendment of the Senator from Maine [Mr. HALE].

The amendment was agreed to.

Mr. HALE. I offer another amendment. In lines 9 and 10 of section 1, to strike out the words "before either of said cruisers shall be accepted by the Government;" so as to read:

That the President is hereby authorized to have constructed, by contract, ten protected steel cruisers, with such armament for each as the Navy Department may deem suitable, each of said vessels to have a maximum speed of not less than 20 knots over the measured mile, such speed to be exhibited under such test or tests and conditions as the Navy Department may impose.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. ALLISON. I move to amend, after line 14 of section 1, by inserting:

to be available during five years from March 4, 1887.

So as to read:

The cost of all said cruisers, in the aggregate, complete, exclusive of armament, shall not be more than $15,000,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available during five years from March 4, 1887.

Mr. HALE. That is right.

The amendment was agreed to.

Mr. ALLISON. Now, I offer the same amendment in section 4, to add to it:

To be available during five years from March 4, 1887.

So as to read:

SEC. 4. That for the armament of the vessels hereinbefore provided for the sum of $4,800,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available for five years from March 4, 1887.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill.

Mr. VEST. Is that the bill of the Senator from Maine?

Mr. HALE. No; when this bill is finished I propose to take up the other bill covering the other branch of the subject.

Mr. VAN WYCK. I should like to inquire the condition of the bill. The Senator from Pennsylvania reported the bill which is now under consideration. The Senator from Maine amended it by making reductions of so much for every quarter knot under 20 knots, and there is no limit down to 15, 16, or 17 knots an hour. The Senator from Tennessee [Mr. WHITTHORNE] said he desired 19 knots an hour, but I understand the bill as now perfected by the amendments fixes no limit as to the number of knots per hour.

Mr. CAMERON. Except the penalty. That is the only limit.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

KANAWHA AND OHIO RAILROAD COMPANY.

Mr. KENNA submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2646) granting to the Ohio Central Railroad Company the right to lay its track through United States lock and dam property in the great Kanawha Valley, State of West Virginia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In line 2 of the Senate amendment, after the word "shall," insert the following: "If the Secretary of War, in his discretion, require it;" and the Senate agree to the same.

O. D. CONGER,
JOHN E. KENNA,
WARNER MILLER,
Managers on the part of the Senate.
TIMOTHY E. TARSNEY,
CHARLES F. CRISP,
Managers on the part of the House.

The report was concurred in.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HALE. I move that the Senate proceed to consider Senate bill 3288.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3288) to provide for the increase of the naval establishment.

The bill was read, as follows:

Be it enacted, &c., That for the purpose of increasing the naval establishment of the United States, the sums of money hereinafter named are hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the President, in the exercise of his discretion, upon plans and specifications to be furnished by the Navy Department.

For the construction of heavily armored vessels or armored floating batteries or rams, to be used for coast and harbor defense, $10,000,000.

For the construction of light-draught gunboats, suitable for interior water ways and canal service, $1,200,000; said gunboats to be completed and tested within twelve months from the date of the signing of any contract for their construction.

For the construction of torpedo-boats of the highest attainable speed and efficiency, $600,000; said torpedo-boats to be completed and tested within twelve months from the signing of any contract for their construction.

For torpedoes and torpedo appliances, to be operated from naval vessels, floating batteries, or rams, $600,000.

The bill was reported from the Committee on Naval Affairs with an amendment, to add the following as a new section:

SEC. 2. That for the armament of the vessels hereinbefore provided for the sum of $3,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. HALE. To follow out the action of the Senate on the other bill just passed, I offer the following amendment as a new section:

SEC. 3. That the material used in all the naval structures provided for in this bill, and the armament for the same, shall be furnished and manufactured in the United States, and all contracts made for their construction shall be under the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment."

The amendment was agreed to.

Mr. ALLISON. I offer the same amendment I offered to the other bill.

Mr. HALE. I have no objection to that.

The PRESIDENT *pro tempore*. The Senator from Iowa submits an amendment, which will be read.

Mr. HALE. Let it be as a new section covering the whole bill.

Mr. ALLISON. It is.

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa will be read.

The CHIEF CLERK. It is proposed to add as a new section to the bill:

SEC. —. That the appropriations made by this act shall be available during five years from March 4, 1887.

The amendment was agreed to.

Mr. BUTLER. I move to amend in line 9 of section 1, after the word "vessels," by inserting the words "for sea-service;" so as to read:

For the construction of heavily armored vessels for sea-service or armored floating batteries or rams, to be used for coast and harbor defense, ten millions of dollars.

Mr. HALE. I can not consent to that. I see what the Senator is seeking to accomplish. While I might favor by itself a measure such as he seeks to accomplish, it is not incorporated in this bill.

The essential feature of the large appropriation in this bill is for coast defense, for armored vessels, or for batteries or rams or torpedo-boats, and I do not propose that the Secretary of the Navy shall go to work constructing the great heavily armored ships that cost from five to eight million dollars. I want him limited to such vessels and other structures as can be used for harbor defense. Under this bill any vessel or any other structure may be made that can be used from one harbor to another, but I am not willing to change the purpose of this bill by leaving it in such a way that the entire appropriation might be exhausted for one or two great ships to go to sea. That is why I oppose the amendment.

Mr. BUTLER. Mr. President, we have heard so much about coast defenses and defenses for the harbors that it seems to me the Senate and Congress of the United States are in danger of going too far on that subject. I am willing to go as far as any Senator on this floor to provide the necessary defenses for the harbors of our coast, but I do submit to my friend from Maine and to the Senate that the Government of the United States would be put in a very awkward predicament

if in case of trouble we should be confronted by a large and powerful navy of armored war-ships owned by a foreign government.

It is very well to have the fast cruisers we have provided for; it is very well to have a certain number of rams, or floating-batteries, or monitors, or torpedoes, or destroyers, or whatever you choose to call them, for coast defense; but this Government certainly is not going to leave itself in a position simply to defend its coast without any power whatever of meeting an enemy on the high seas. That is exactly the condition in which this bill and the bill we have just passed leave us.

I agree entirely with Admiral Porter, Admiral Rodgers, and other distinguished officers of the Navy that the Government ought to have perhaps seventy or eighty thousand tons of vessels of the class we have provided for in the bill we have just passed; but I am certainly misinformed if those gentlemen are not equally anxious that the Navy should be provided with from six to a dozen heavily armored war-ships of the most improved plan.

I know perfectly well that it has been said that a great many of the ships built by England, and Italy, and France, and Germany, and Russia have become obsolete, but it seems to me that this Government ought to be up to the position taken by foreign governments in the construction of naval vessels.

For myself, I do not attach so much importance to what is commonly called sea-coast defense. It has been stated again and again that we must expend $200,000,000 for the erection of permanent forts of steel or of masonry. Why, sir, the experience in the last civil war demonstrated beyond peradventure that there is not a harbor, or an inlet, or a creek, or a bay on any coast of the United States that can not be reasonably protected within thirty days after the troops are posted there. We are talking about building permanent fortifications and rams and floating batteries, without a single gun to put on them. There is not a gun to-day in the possession of the Government of the United States that any ordnance officer would advise to be erected upon any fort that might be built, unless it be one of those which have been recently built in the navy-yard at Washington. I undertake to say with some little experience, not in the fabrication of guns but in the use of them, that they can manufacture as good cannon in the navy-yard here as can be made in the world; and I believe that the 10, 8, and 6 inch guns that are being made there now, and some of them completed, will compare favorably with those of any other nation on the face of the earth. I would prefer, if I had my way, that a large sum of money, much larger even than that we have provided for, should be appropriated for the fabrication of improved artillery.

The coast defenses will take care of themselves, and any officer can erect earthworks upon any of the harbors except, perhaps, the Narrows of New York and some other places, within thirty days, certainly within two months, erect forts practically impregnable to the highest-power guns known to mankind. The experience in the last war demonstrates and proves that. There was Fort Sumter, that was practically untenable long before it was knocked down. There was Battery Weitzel, and there were other outworks on the seacoast of my State that were actually strengthened by bombardment. I am, therefore, opposed to appropriating so much money for what are called sea-coast defenses, and not one dollar for the building of ships of war to go upon the high seas to meet an enemy wherever he may present himself.

Mr. President, what would be thought of a general charged with the conduct of military operations who would fortify himself, without any preparation to mobilize his forces to meet an enemy in the field? That is practically what is proposed here. An adversary with whom we may have trouble is going to do exactly the opposite of what we designate. One of the first principles of naval warfare and tactics is to do exactly the opposite of what your enemy wants you to do. If a fleet were present off the coast of New York, or of Delaware, or of South Carolina, we have not a vessel to go 10 miles from the shore to meet him. We have already provided for the completion, I believe, of four monitors; we have provided for the building of quite a number of fast cruisers, and I am quite willing that a certain proportion of this money shall be appropriated to building floating batteries or rams or armored vessels for coast defense exclusively; but I do insist that whilst we are preparing to build a navy we ought at least to make some provision of war vessels, strictly speaking, to operate upon the high seas.

Mr. President, as I have stated, we have made reasonably fair progress in the building of what are known as cruisers to run down an enemy's commerce. I confess that that is not a very high order of naval warfare, rather a kind of bushwhacking arrangement. My friend from Tennessee [Mr. WHITTHORNE] stated yesterday that we should prepare this cavalry of the seas. A government would be in a bad condition that had nothing but cavalry to go on the high seas. The general would be in a bad way on land that had nothing but cavalry with which to meet his enemy. Hence it is that I have offered this amendment, leaving it distinctly with the President and the Secretary of the Navy to appropriate a part of this money in the building of the most improved war ships that modern science has invented, and we shall never have a navy until we do it.

My friend from Pennsylvania [Mr. CAMERON] suggests that this would involve an increase of the appropriation. I am quite willing to do it; I am willing to double it for that purpose. But we can never have a navy worthy of the name, in my opinion, until we have prepared not less than ten of the very best war ships that modern science and modern talent and modern methods have suggested.

I want, while we are preparing ourselves for the future, to do so upon a basis which will at least command the respect of the civilized nations of the earth. The mere erection of floating batteries is not enough, and about them I confess very frankly I have not a very high opinion, because they, too, were tested in the late war, and were not found to be very efficient even for seacoast defense. Rams served a certain purpose; the monitors served a certain purpose; but in discussing any future naval controversy that we may have it will not be safe to compare this Government in that controversy with the controversy that the United States Government had with the seceding States. The navy then was improvised, and in the then situation and condition of things it was a very strong one; but it must not be forgotten that the confederate government not only had no ships, but had no facilities or means for procuring or providing them, and therefore a wooden gunboat or a wooden frigate or a wooden steamship was about as good, practically, as an improved ironclad; but when we come in conflict with any of the great nations of the world with the improvements in naval construction, we shall find a very different condition of things.

I saw at Newport two years ago the best ships of the American Navy, seven of them; and whilst there one of the British ships of war, the Southampton, I think, came into the port. The committee of which I was a member inspected her from top to bottom, and I was informed by the admiral that that was only one of the second-class war ships of Great Britain; and yet, sir, that admiral would have wanted just about one hour to place himself in position in the open sea to sink every ship that the American Navy had there. We at least ought to have some vessels that would bear a fair comparison with the second-class ships of Great Britain.

Whilst I am in favor of this bill, I submit that my amendment ought to be adopted, because under it the Secretary of the Navy might be justified and authorized in expending a part of this money in building at least one of the best war ships that can be built in this country.

Mr. COKE. How long is the life of an iron or a steel-clad ship?

Mr. BUTLER. I suppose that the life of an iron or steel-clad ship would depend very much upon circumstances. I am not prepared now to state definitely how long the oldest of the ironclads of Great Britain have been in existence, but if a wooden ship would last as long as some of the wooden ships of the American Navy have lasted, I do not see why an iron ship should not live quite as long.

Mr. FRYE. A wooden ship outlasts an iron ship.

Mr. BUTLER. I am advised by Senators who are better informed than I am that a wooden ship would outlast an iron ship. I am not prepared to answer definitely what is the life of an iron ship, because it is comparatively a modern invention. I suppose it is impossible to determine as yet; certainly the iron vessels have not worn out so far.

Mr. HALE. Mr. President, the Senator from South Carolina desires that the United States shall have as a part of its naval establishment a fleet of great armored ships, such as certain European powers have spent in the last fifteen years hundreds of millions of dollars for.

The history of the building and the trial and the use of these great, enormous naval ships is a most interesting history to read; it is a history of experiment; it is a history of lavish expenditure; it is a history of scores of vessels being built, tested, and tried, and abandoned as useless. The monitor pattern was tried, and exhausted millions upon millions of dollars. The entire belted ship was tried; the partially belted ship was tried; armor from 8 inches to 16 inches, and even greater, has been tried; and while this has been going on from time to time and this money has been expended the United States has waited and watched these experiments and saved its money. Undoubtedly to-day England and France and Italy and Germany and Russia, and Spain to some extent, have these great modern ships, such as the Senator from South Carolina desires, better than any they have produced heretofore, and very efficient ships. If the world shall ever see a great naval conflict that shall in its proportions and in its influences bear some relation to the great naval battles of the years past—to the Nile, Trafalgar, and other great sea fights—these vessels undoubtedly will be found the most efficient, the most destructive, the most death-dealing; and I do not say that in a proper place, upon a bill covering such a feature as the Senator from South Carolina desires, I would not support a proposition to build perhaps half a dozen such ships as he wants; but half a dozen such ships as the Senator desires, which shall put our navy in what he terms a respectable attitude compared with other great powers, would cost from thirty to fifty million dollars. These great structures have cost and are costing from five to eight million dollars each.

Already in the bill passed by Congress last year, which is now the law of the land, we have provided for the building of two heavily armed ships, and the Secretary of the Navy has that authority and to the extent of the limitations fixed in the act of Congress of August 3, 1886, he may go on and try and build such structures as these.

Mr. BUTLER. May I interrupt my friend for a moment?

Mr. HALE. Certainly.

Mr. BUTLER. Is it at all certain that the experiments which this bill contemplates in the way of floating batteries, rams, and armored

vessels for coast defense, may not turn out to be ineffectual in the progress of science and the improvement of naval construction; and if his argument is good in regard to the larger war ships, it ought to be equally good as applicable to the very ships he provides for in the bill.

Mr. HALE. I was coming directly to that.

Mr. BUTLER. If the Senator will permit me a moment further, I wish to put the question to him, and to all Senators who think as he does, whether it is not to be regarded as rather a humiliating position for the Government of the United States, one of the great nations of the earth, to depend upon the experience or the experiments of other nations for information in the construction of war ships. I submit that this Government is just as able, just as well qualified, just as competent, just as much in duty to its citizens bound to expend a reasonable amount of money by way of experiment, because as he stated awhile ago there is no doubt about the fact that some of these large ships have been found to be ineffectual. I want, for one, to put this Government upon terms of equality, at least, with the other nations of the earth, if we are going into the matter of building a navy, or to abandon the effort. I therefore would like to submit the question to the Senator from Maine, if he does not concur in the opinion that this Government ought to spend a reasonable amount of money by way of experiment.

Mr. HALE. I am first for security, safety, defense at home. After that has been secured, as I have said, I may be willing to join the Senator in favoring measures that shall build up for the United States some of these great heavily armored, plated ships. As I said before, the bill of last year provides for two of them, and the Secretary of the Navy has gone to work upon them, and in time we shall have those two. At the proper time we may add to that number and expend the money and so put ourselves on some equality with the other nations of the world in reference to our naval armament.

But the distinctive feature of this bill is the protection and defense of our great cities, our coast-line, the Atlantic, the Gulf, and the Pacific; and the structures provided for in this bill, I may say in answer to one of the questions urged by the Senator from South Carolina, do not involve the risk of spending money for nothing, that is involved in the more elaborate structures that he desires. These are more simple; the laws and rules applicable to them are better understood. A floating battery armed with heavy guns and enabled by its machinery to attain a high rate of speed, lying low in the water, is a simple construction that may be made this year as well as another year, and will cost very little money compared with the great ships that the Senator from South Carolina desires.

There is another feature in this bill. I do not profess any great knowledge on this subject. Indeed, I think investigation into this subject tends to teach a man that he really does not know very much about it. There is not much knowledge that can be demonstrated in it. But I have great faith in another feature that is in this bill for harbor defense, and that is the ram; somebody has called the ram a fort built on the ocean. It is simple in its construction. It is inexpensive. You need propulsion, power; and when you drive against any ship, I do not care what it is, of the best of the navies of the Old World, when you drive the prow of the ram into that ship you sink that ship. A ram is not exposed largely. She cannot be reached. She drives out day or night unnoticed, and if she strikes the hostile force she sinks it. Her construction is cheap. I know that certain minds of the country that have turned their attention largely to this subject, some very bright and intelligent men who have been studying and making experiments, believe that for harbor defense the ram is the best that is provided for in this bill. Then the torpedo-boat, with all modern appliances, and the torpedoes and other appliances may be very destructive as worked from naval ships. All of these come strictly within the domain that I seek to confine this bill to, and that is defense, not aggression, not craft that shall sail out upon the waters of the globe and offer battle with the navies of other powers, but for our protection at home.

As I said once before, I am for that first, and after that for a great armament of armored ships. We are proceeding this year and in the legislation of the years past carrying out these two features. The fast cruisers shall ply upon the sea at swift rates, making it dangerous as a preventive for other nations to engage in war with us, because their commerce would be our prey; and then at home, if a fleet should be brought here for the purpose of bombarding our great cities and laying them under contribution, that we shall have here such enginery, such naval structures as shall be able to meet them and beat them off and scatter them and make it unsafe for them here.

Mr. BUTLER. Just there again, may I ask the Senator from Maine how far he supposes one of the structures provided for in this bill would pursue a hostile navy?

Mr. HALE. I do not want to pursue her under this. If we drive the hostile navy off we have accomplished the purpose of this bill.

Mr. BUTLER. With the present high-power guns in the British navy, and the Italian navy, and the French navy, they could lie off the city of New York 10 or 12 miles and bombard certainly the city of Brooklyn.

Mr. HALE. I expect that everything which is built under this bill will be able to operate in water from six, eight to ten miles within reach of the guns.

Mr. BUTLER. Experience heretofore has been that a floating battery can not get outside the harbor.

Mr. HALE. That depends on how it is made. It has to be made for this very purpose, and I put into the bill the words that the Senator requires, "heavily armored vessels," so that the Secretary is given the discretion as to the kind of a naval structure he shall make. It may include a vessel for harbor defense. But I ask the Senate now in its action not to amend this bill so as to extend its scope, because if you do that you must add to the appropriations. Two ships such as the Senator from South Carolina desires would exhaust every dollar that is provided for in the bill; one ship of the greatest, heaviest, and most formidable kind would almost exhaust it, and if the amendment of the Senator from South Carolina carries, he must certainly follow it by moving that ten or fifteen millions more be added to the amount of the appropriation here, and I do not desire that this amount provided for in this bill shall be taken up in that way.

I have a large mass of figures, statistics, that I have had arranged and prepared and have studied upon this subject, showing what other nations have done in just this line; but I see that it is nearly 2 o'clock, and I believe the Senate wants to pass the bill, and I refrain from taking any more time.

Mr. INGALLS. Mr. President, I believe that I am within the bounds of strict historical accuracy when I say that there is no great war-ship belonging to any of the principal naval powers of this earth—England, France, Spain, or Italy—which has been constructed ten years that is not to-day antiquated and practically worthless. The struggle has been, in the first place, to cover a ship with an armor that no projectile could penetrate, and then to invent a gun that would throw a projectile which no armor could resist. And so the contest has been going on between guns and armor until to-day the 110-ton gun which is now mounted on the English ship will penetrate 35 inches of solid armor, and the result is that the ship must be loaded beyond the possibility of flotation in order to offer any security whatever against existing projectiles.

We have had, Mr. President, for many years this clamor for the appropriation of enormous sums for the construction of a navy for seacoast defenses; but I think the students of naval science and of gunnery for the last fifteen years will be satisfied that it has been the part of wisdom in the United States Government to allow these powers to try these costly and futile experiments, while we have been enabled to save our money and avail ourselves of the results of their experience.

The bill before us is vague in the extreme. The second paragraph provides:

> For the construction of heavily armored vessels or armored floating batteries or rams, to be used for coast and harbor defense, $10,000,000.

How many are to be constructed or under what plans they are to be constructed the bill makes no statement of. But I wish respectfully to submit, as we are dealing with the problem of seacoast defense at this time, that that problem never can be solved by the construction of a navy. At the mouth of the Gulf of Mexico four foreign powers have naval stations, Great Britain, France, Spain, and Denmark, and such is the curvature of our coast from the northernmost line of Maine to Galveston, on the Gulf of Mexico, that there is not a single one of our harbors or seaports or great commercial cities that can not be reached in four days from the naval station of England in the Windward Islands. They can assemble their fleet and can reach any port upon our coast from Portland, around by New York, Boston, Baltimore, Philadelphia, and Charleston, to Galveston within four days; and therefore we can not defend our seacoast by a navy unless we have one of sufficient magnitude at every vulnerable point strong enough to resist any force that can be assembled to assault it.

So I do not agree with the theory of the Committee on Naval Affairs that this problem of seacoast defense is to be solved by the construction of an extensive navy, especially in view of the fact that, with the new invention of dynamite shells to be thrown from mortar-like guns so that they will describe a peripheric curve in the atmosphere and fall upon the deck of any battery or ship that may be constructed, armor in the immediate future is to be rendered practically worthless.

I hope, therefore, that the Senator from Maine will confine himself and confine the efforts of the Senate in these matters, not to the construction of these great, unwieldy, useless floating batteries that must be confined to harbors, and that, there, will be practically useless for the purposes of defense, but to what he has expressed to be his opinion, the construction of a swift force of naval structures that shall prey upon commerce, as he describes it, in case of a foreign war, and defend our seaports against the similar force of rams, &c., that can be brought against it.

We have been appropriating money in the last few days, so far as the Senate is concerned, like wealthy men who care not how they give, millions upon millions, not for tribute, but for defense. I hope that we may pause in our headlong career long enough to have some definite, palpable, and tangible information either from the Senator from Maine, or from the Senator from Iowa, who is the great financial authority of this body, how much money there is in the Treasury, and how far this will affect the surplus about which there is so much agitation; and I shall be glad now before being called upon to vote these fifteen or

eighteen millions in addition to what we have already appropriated for fortifications and for swift cruisers, if the Senator from Iowa would state how long this fountain of Pactolus will afford the golden stream that will be necessary to meet the appropriations that we are making by unnumbered millions. If the Senator from Iowa has studied that matter, I wish he would enlighten us now.

Mr. ALLISON. Mr. President, I have watched, as undoubtedly the Senator from Kansas has, the progress of the appropriations respecting coast defenses and the improvement of our naval establishment and so on; and we have in the Senate voted to appropriate, as the Senator from Kansas says, with some degree of liberality to these objects; but I think not in such a way as to alarm the country in any sense or so as to intimate that we are extravagant in these appropriations.

The difficulty with these appropriations has been, as the Senator from Kansas knows, that for many years we have practically made no progress either in the matter of guns, or fortifications, or a naval establishment. Efforts have been made in prior years for that purpose, but they have met with severe opposition not only in this Chamber but elsewhere; and I think it is a source of congratulation to the Senate and to the country that those who sit on the opposite side of this Chamber have at this period in our history come and associated themselves with us in practical unanimity with reference to the necessity of something in the way of fortifying our coast, and in the re-establishment and rejuvenation of our Navy.

I have looked at these bills with some care, and although they are drawn, necessarily perhaps, so that great and most extraordinary discretion is left in the hands of the President of the United States and his subordinate, the Secretary of the Navy, yet I do not see how it is possible to throw around the President or the Secretary of the Navy stringent rules and requirements with reference to the expenditure of this money.

These bills, as I understand them, are bills in sequence as it were. In the first place the Committee on Coast Defenses have brought in bills looking to the establishment of manufactories in our own country that will have the ability to manufacture the armor, and the guns, and the ships that are proposed in these several bills. Why is this? It is impossible, as we know, either in this Chamber or the other Chamber to secure the passage of bills looking to the importation of ships already built or to the importation of the large amount of material that enters into the construction of ships. Therefore the first appropriation in the aggregate, if I am correct—and if I am incorrect the Senator from Connecticut [Mr. HAWLEY] will correct me—in the two bills that were passed by this body a few days ago, provided for the expenditure ultimately of $21,000,000; but in the nature of these expenditures they can not be made within five years. So then that is an appropriation substantially of about $4,000,000 per annum for the next five years looking to the establishment of manufactories that will be able to produce the steel ingots which are necessary to the production of this armor and these heavy guns.

Then we have provided for two gun factories, one a naval establishment and the other an establishment for our Army, these gun factories to take the raw material which is supposed to be fabricated by these immense steel establishments and convert them into guns. That is my understanding. So I say to the Senator from Kansas that in my judgment it will not be possible in the next fiscal year under the first two bills, the bills reported by the Committee on Coast Defenses, to expend more than $4,000,000.

Mr. INGALLS. Will the Senator allow me right there?

Mr. ALLISON. Certainly.

Mr. INGALLS. Take this bill before us now. Should it pass Congress at this session with the second clause unamended providing for the construction of heavily armored vessels or armored floating batteries and rams to be used for coast and harbor defense, $10,000,000, is not that amount specifically appropriated and withdrawn from the Treasury as a charge upon the existing resources?

Mr. ALLISON. I will answer that.

Mr. INGALLS. I am not talking about annual expenditure; that is another proposition. The Senator says the expenditure will necessarily be distributed over a number of years. My point is that this is a direct, specific appropriation of so much money, that is a charge upon the resources of the Treasury no matter when it is met.

Mr. ALLISON. The money appropriated in this bill is not segregated from the vast volume that is in the Treasury, and not one dollar of it can be used until a contract is made by the President of the United States for its expenditure.

Mr. BUTLER. I beg to say to the Senator from Iowa that the point made by the Senator from Kansas is met by the very amendment the Senator from Iowa offered to this bill.

Mr. ALLISON. I am coming to that. What is this appropriation? Take the first item. It is "for the construction of heavily armored vessels or armored floating batteries or rams." Although the words "heavily armored" are not included in the second designation, I have no doubt that that is the intent and purpose, because if we are to build either floating batteries or rams in order to successfully defend our harbors they must be heavily armored. Now, I venture the statement that under the bill honestly administered it is not possible to expend one single dollar of that $10,000,000 in the next fiscal year.

Why? Because we have provided in this bill that all the materials that go into these heavy floating batteries shall be constructed of American material and be of American manufacture, and there is not a manufactory of steel in the United States to-day that can construct a steel plate which will be sufficient to cover these steel batteries here suggested and proposed. Therefore the bills that have been proposed by the Committee on Coast Defenses must first come into play, whereby we shall have the immense steel plants which will enable us, in our own country, to fabricate the great steel ingots from which these plates are rolled.

Mr. HAWLEY. May I interpose a word of explanation in the same line? Sixteen million dollars of the $21,000,000 appropriated is to be given to the rough parts of steel for guns and armor as delivered; and the preliminary work of preparing the plant is such that it is not expected that any considerable quantity can be delivered under a year and a half, so that $16,000,000 of that will not begin to go out until a year and a half after the passage of the bill, probably.

Mr. ALLISON. So that although this appears to be an appropriation in the present, it is really an appropriation for the future.

Now, why is it that it seems to be wise and necessary to make these appropriations at this time? It is because American manufacturers, as I understand (and I am merely repeating now what has been repeated often before in this Chamber and in the documents that lie upon our tables), will not invest the money necessary to constitute the plant which will enable them to produce this immense steel armor and these ingots for great guns, unless they shall have contracts that will extend forward one, two, three, four, or five years.

So really these appropriations, although they are apparently appropriations for the current fiscal year, yet are appropriations which in their intent and purpose are appropriations which are to extend over three, four, and five years. I have here now the two bills. The amount appropriated in the bill which we passed this morning reported from the Naval Committee by the Senator from Pennsylvania [Mr. CAMERON] appropriates, as I have it, $19,800,000 in its totality. This bill appropriates $14,500,000. I believe that a fair, reasonable, prudent expenditure of this money will require five years of time before it shall be withdrawn from the Treasury, and it was for that reason that I offered the amendment I did offer.

I offered the amendment providing that this money should be available for a period of five years. If that amendment had not been adopted, under the existing state of the law every dollar of this money would be covered into the Treasury at the end of two years from the date of this appropriation. It will be an average expenditure of only $7,000,000, in round numbers, and then add the average expenditure of four or five million dollars under the bills proposed by the Coast Defenses Committee, and you have an annual expenditure under all these appropriations of only $12,000,000, having a double purpose of re-establishing our navy upon the ocean if that shall be the effect, and also contributing somewhat to our coast defense, whereby the great cities of our country will, in some measure at least, feel themselves more securely protected.

I do not believe, in further answer to the Senator from Kansas, that under these bills, taking them one and all, there will be expended to exceed $10,000,000 in the next fiscal year.

It might as well be said that we were making extravagant appropriations if the Committee on Appropriations were to come in here with a sundry civil bill covering five years of time and $100,000,000 of money. Why, gentlemen would say, how extravagant the Senate has become; here is a sundry civil bill that used to embrace $20,000,000, but this year we find it embracing $100,000,000, and therefore the Senate is trying to get rid of the surplus! No such motive, as I understand, is covered in this bill. It is for the purpose of making expenditures which both sides of the Chamber believe are necessary for the protection of our commerce on the ocean and for the defense of our harbors. Whatever portion of these appropriations is not expended, will not, in my judgment, materially affect the question of the surplus, so-called, which is now in the Treasury.

I will say to the Senator from Kansas, as I said the other day, that on the first day of July of this year we shall have paid every dollar of debt that we can pay. We shall still have in the Treasury, with all these expenditures made during the next fiscal year, from $50,000,000 to $60,000,000 more money than we can use unless we buy up the unmatured bonds of the United States.

So then, as far as these bills have gone, in my judgment they do not materially affect the question of what shall be done in the future with the surplus in the Treasury, and the Senator from Kansas will bear in mind that each day and each year that we progress there will be pouring into the Treasury money from which these expenditures will be made, because this is not only a constantly recurring expenditure, but we have a constantly recurring income at the rate of $1,000,000 per day, so that this bill of itself would only take fifteen days of the income of the United States upon the present basis of income.

Then, Mr. President, whilst I think these bills might more carefully scrutinize the expenditure of the money, yet in their very nature we are obliged to impose upon the President a very large discretion in this expenditure, to trust to the officers of the Navy, to those who have given their lives to the study of this question, its expenditure in an honest and fair way.

I think—and I will say it now, because I may not have an opportunity again—one of the difficulties in our pathway is that these naval officers and the Department of the Navy constantly insist that they shall make the plans for our vessels. My opinion is that we should secure better vessels if we put the responsibility of making plans both for hulls and engines upon the constructors of the vessels, and say to them, "You produce us a vessel that will go 19 or 20 knots an hour with a certain amount of power and a certain space for armament, and then we will pay you the contract price." But we seem to have proceeded upon another plan and scheme in these bills, and I am not sufficiently familiar with our duty in that respect to propose amendments to them.

So, Mr. President, I think with reference to these appropriations thus far they do not materially affect the question of what is known as the surplus in the Treasury.

Mr. BUTLER. Mr. President, I will not detain the Senate more than a few minutes, and simply to say a few words not in reply to what has fallen from the Senator from Iowa, but in confirmation of what he has stated.

Whilst I vote for this bill and other bills looking to the establishment of a navy for the United States Government, the question of the surplus in the Treasury is not one of the elements in the consideration at all. It is perhaps fortunate that we have plenty of money; but I do not hesitate to say if it is established—and nobody seems to doubt that that fact is established—that we are in need of a better navy, I should vote for that appropriation if there was not a dollar of surplus in the Treasury. If every single dollar provided for in these various bills were necessary to be raised by taxation, I should vote for them. I do not know in any part of this country anywhere, North, South, East, or West, where there is a question about our requiring a better navy.

Two or three years ago when I had the honor to serve on a committee with the Senator from Connecticut [Mr. HAWLEY] he well remembers the absence of information not only in Congress but all over the United States as to the capacity of this country to produce steel. My friend remembers perfectly well that was the condition of things; and it was only after a very searching and thorough investigation on the part of that committee that we arrived at the fact that this country was quite competent and capable of producing as fine steel as can be produced in the world. I think one of the results of that inquiry established that fact.

Now, sir, as that Senator said so pointedly and truthfully the other day, it will be impossible for this Government to put itself in a condition of defense unless the Congress of the United States places at the disposal of the Executive Department money enough to justify men in this country in preparing the plant for the manufacture of steel. No sensible business man is going to put up a large expensive plant unless he can see far enough ahead of him in regard to his financial arrangements as to justify such an expenditure. Therefore, I think that it is of the very greatest possible consequence, whether we have a surplus in the Treasury or not, that this money should be appropriated in order to enable this country to put itself in a condition of defense against all the world. As to the amount of money to be expended, that is another question. My own opinion is that these appropriations are not too large. The money is not to be taken out of the Treasury in one year, or in two years, or perhaps in five years; but Congress in appropriating these large sums, if it should do so, advertises to the world that the Government of the United States is going forward in a careful, painstaking, business-like way to prepare for the construction of a respectable navy. I therefore repeat that the question of the surplus in the Treasury was not an element in my mind in the consideration of these bills; and I say that if there was not a dollar of surplus I should vote for them when it is established, as I have no doubt it is, that we require these ships. So it is not a matter of great consequence to me whether there is a surplus in the Treasury or not. If we need the money this Congress ought to appropriate it.

Mr. DOLPH. Mr. President, I do not propose at this time to enter at length into the discussion of the subject of coast defenses, although this bill provides in part for a system of defense recommended by the board on fortifications and other defenses; and a general discussion of the subject would be pertinent, but I feel that after the remarks which have been made by the Senator from South Carolina [Mr. BUTLER] something ought to be said in regard to the urgency and importance of defending our coasts.

I think the Senator is mistaken in his views as to the necessity and urgency of fortifications and in regard to the necessity of suitable foundations to receive the guns when they are made. It ought not to be necessary at this late day when the question of the importance of fortifying our coast has been urged upon the attention of Congress from year to year by the Secretaries of War in their annual reports, has been thoroughly examined and reported upon by committees of both Houses of Congress, has been examined and reported upon by boards which have been created by acts of Congress——

Mr. BUTLER. Will the Senator permit me to interrupt him just there?

Mr. DOLPH. Certainly.

Mr. BUTLER. Does the Senator from Oregon understand me as being opposed to fortifying our sea-coast?

Mr. DOLPH. I will say to the Senator that I understood him to state in substance that he thought it was unnecessary to make these large appropriations for fortifications on our sea-coast; that we could improvise, in case of war, sufficient foundation for large guns if we had them. That I think is probably a correct statement.

Mr. BUTLER. That was my proposition.

Mr. DOLPH. It would seem to be unnecessary after all the examinations and reports we have had on this subject, after the recommendations we have had from our committees, and from those in authority, and when almost the entire press of the country is urging upon our attention the importance of defending our coast, for me to urge its importance upon the Senate of the United States.

All our commercial cities upon both sea-coasts, the Atlantic and Pacific, upon the great lakes, and upon Puget Sound, are to-day exposed to destruction or equally ruinous tribute in case of a foreign war. We have not a single seaboard town upon either coast but what could be captured by a gunboat of a third-rate power. We have not a single fortified port upon either coast into which our shipping engaged in coastwise and foreign commerce could repair for safety in case of war. The board on fortifications and other defenses enumerated twenty-seven seaboard cities at which, in their opinion, defenses were most urgently needed, and they did not include in that enumeration a large number upon both coasts and not a single city upon the great lakes or upon Puget Sound.

Mr. Tilden, in his memorable letter to the Speaker of the House of Representatives concerning sea-coast defenses, estimated that twelve seaport cities upon the Atlantic and Pacific coasts contained a population of 5,000,000 souls and destructible property of the value of $5,000,000,000, and in a recent article by Captain Greene on our sea-coast defenses, in Scribner's Monthly for January, he estimates that fifteen of our cities contain destructible property of the assessed value of $4,000,000,000.

Now, for the protection of all this vast amount of property, as has been stated here we have not a single war ship, we have not a single fort that is of any value as a defense, we have not a single gun for our fortifications. All the great powers of Europe are fortifying their coasts and by forts and turrets protected by the most approved armor, and are creating navies of modern war ships armed with the most powerful guns that have yet been made.

Mr. BUTLER. Right there may I ask the Senator another question? If we had those forts and not a single gun in position would the Government of the United States——

Mr. DOLPH. I will get through in a few moments. I promise not to enter into a lengthy discussion. I will come to that directly.

Mr. BUTLER. I have no objection to the Senator proceeding as long as he pleases, but if it is disagreeable to interrupt him I will not do so.

Mr. DOLPH. Wait and see if I do not come to the point suggested. A war cloud hangs constantly over Europe, and every now and then we have complications with foreign countries that remind us that we can not always hope that the peace we have so long enjoyed will continue forever. Great Britain to-day possesses a fleet of gunboats which I have seen estimated somewhere at one hundred and eleven that upon a few hours' warning could be sent up the river Saint Lawrence and by the canal around the Saint Lawrence Rapids and by the Welland Canal to the great lakes to destroy our great cities and our extensive commerce there.

As has been said, Great Britain from her fortified harbors and naval stations at Halifax and Bermuda could in a few hours send her great war ships, armed with forged steel breech-loading rifles, throwing projectiles weighing a ton or more a distance of ten miles and upward, to destroy the principal cities along our Atlantic seacoast; and at Victoria on Vancouver Island she keeps constantly from one to three war ships convenient to the commercial cities along the Sound and upon the Columbia River, and within forty-eight hours to the wealthy and populous city of San Francisco. She has recently ordered, as has been stated in the public press of this country, twenty Armstrong 80-ton guns for her fortifications at Vancouver Island, to frown on our defenseless coast just across the straits of Juan de Fuca, and she has notified the Canadian Pacific Railroad Company to be ready to transport them with other war material across the continent in April next.

Even Chili possesses a war vessel that could anchor outside the Golden Gate at San Francisco and destroy the city, or, ignoring what we call forts there, our structures of brick and mortar and sand, armed with antiquated smooth bore cast-iron guns, insufficiently mounted and out of repair, steam unharmed up to the wharves of the city and under penalty of destruction lay the city under tribute, to be paid out of the

private funds in her banks or out of the public funds in the subtreasury there. I clipped, a few days ago,——

Mr. MAXEY. I suggest to the Senator from Oregon in connection with his argument respecting the exposed condition of our seaboard that the cotton, the grain, all the products of the interior which are found in the great cities of New York and so on, are in warehouses near the wharves, and therefore in the most exposed condition to an attack by a naval vessel of any other portion of these seaports, and the destruction of them would be the destruction of a vast amount of property owned by people far in the interior and removed from the seaboard.

Mr. DOLPH. I called attention to that matter in some remarks I made on the fortification bill when it was under discussion at the last session. The accumulations of all our manufacturing and agricultural products are in the seaports and subject to capture and destruction, and the capture or destruction of one of these seaports would derange all our internal commerce.

But to return to San Francisco. I clipped from a San Francisco paper a few days since an imaginary description of an attack on San Francisco by two of the armored vessels of Great Britain. I ask that it be read. It will be interesting at this time as something that is quite possible if not probable.

The Chief Clerk read as follows:

Lieutenant Greble, of the artillery, pictured an attack on San Francisco by two British ironclads, the Benbow and the Collingwood. The Benbow has two 16-inch 110-ton breech-loading rifles and ten 6-inch breech-loaders in broadside. The Collingwood has four 12-inch breech-loaders and six 6-inch breech-loading rifles in broadside. Both command a range of some eight to nine miles. The commanding officer demands the surrender of the city. The demand is refused. Twenty-four hours are allowed for the departure of the women and the children; then the two ships take up a position inside the bar, south of Point Lobos, within seven miles of the city hall. "Suddenly a roar is heard, followed by another and another; soon the screech of the shells is followed by the crash of falling buildings; fire breaks out in a hundred different places; the fire department is helpless; the socialist and anarchist revel in the wholesale destruction, and strip and burn the buildings which the shells have spared; the whole city is on fire; men are looking out to save themselves, leaving their property to the mercy of Providence. San Francisco, the pride of the Golden State, is destroyed, and the enemy has a foothold on American soil which it will cost many lives to recover. A city with 233,000 inhabitants, $245,000,000 of property, 800 steamers or sailing vessels in its harbor, and vast interests of various kinds is dead, or so stricken that it will take years and years to nurse it back to its present prosperity.

Mr. DOLPH. Do Senators like the picture? As I have said, the realization is possible, and I might say I think truly probable. What is true of San Francisco is true of every commercial city along our entire sea-coasts and upon the great lakes.

The truth is that to-day the United States is under heavy bonds to keep the peace with all the world. The defenseless condition of our coasts and our unprotected commerce guarantees that in our intercourse with other nations we will observe the rules of courtesy and international law; nay, more, they place us at a humiliating disadvantage in any such controversy. In any such controversy we must be constantly reminded that discretion is the better part of valor. I say this without underrating our power and our resources and the courage and the patriotism of our people.

It has been said, and I repeat it, that with our great resources and our means of internal commerce and the patriotism and the courage of our people we could hurl the combined armies of the world from our shores; but in the mean time, in a contest with a great naval power, our great commercial cities would be exposed to destruction, our commerce would be swept from the face of the seas, our internal commerce would be deranged, and every industry of the country would be paralyzed. Such a condition of affairs is not creditable to the American Congress. To allow it longer to continue is criminal.

I do not understand that there is anything in our relations with foreign countries at this time to make the question of coast defenses more urgent than it has been heretofore. It has for years been urged upon our attention. I do not fear a rupture with Great Britain. If the friendship of the two nations is not sufficient to prevent war and compel a resort to arbitration in case of national differences, if war or peace with Great Britain depends as it does with other nations upon motives of self-interest, still there is no danger of war with Great Britain. She is under as heavy bonds to keep the peace with us as we are with her, and while we might not be able to meet her in a naval conflict upon the great seas with her great iron ships, as was intimated by the Senator from South Carolina [Mr. BUTLER], we would soon be able to provide vessels of speed and power enough to sweep her commerce from the seas; and we could, with but a few hours' warning, occupy her possessions upon this continent with an invincible army. We would come out of the struggle able to make her pay for the cost of the war and for the damages she had done; we would come out with the vigor of youth in a condition to rapidly recuperate from our losses, while she would come out of the conflict with great loss to her commerce and the loss of her possessions upon the American continent.

We have provided, so far as the Senate could do it, for securing metal for the construction of guns and for their manufacture. One of the bills for that purpose reported from the Committee on Coast Defenses by the Senator from Connecticut [Mr. HAWLEY] as it passed the Senate, contained an appropriation for the purpose of providing foundations. I will read that provision. It is as follows:

SEC. 4. That for the purpose of construction of fortifications and other works of coast defense, in accordance with the recommendations of the board on fortifications and other defenses, appointed by the President of the United States under the provisions of the act of Congress approved March 3, 1885, $5,000,000, to be expended under the direction of the Secretary of War, is hereby appropriated.

This sum might be used, should the bill pass the House, for the floating batteries and for torpedo boats, the construction of which is authorized by this bill. It might be used, and probably would be used, by the Secretary of War for foundations for guns when they are made.

I should like to say to the Senator from South Carolina, were he in his seat, that in the opinion of experts it will take quite as long to provide the foundations for the batteries of great guns necessary for the defense of our coasts at it will to provide the steel for their manufacture and to manfacture them. The idea that batteries of guns weighing one hundred tons and over can be placed upon a sand-heap or in a sand-pit and there operated is not warranted by the investigations which we have made and the recommendations which we have had. The emplacements for guns and other structures for forts must be of solid masonry, able to withstand the great strain and weight of the guns. At the mouth of the Mississippi River we must adopt floating batteries for defense, because suitable foundations can not there be obtained on account of the sandy condition of the soil. So at San Francisco Bay we must have for a complete defense floating batteries to go out and meet the enemy at sea, for, as I have said before, the city of San Francisco may be shelled from the sea.

This bill proposes an appropriation for the construction of floating batteries. By floating batteries is not meant great ships of war suitable for sea-service, but vessels of less draught and less speed and less capacity for storage, more heavily armed and carrying heavier batteries than any ships of war of other nations that can be sent against them. The object of having them of light draught is so that when pursued by a superior force they may get nearer to the shore than the enemy can safely go and escape destruction. The object in providing for them heavier arms and heavier batteries than any ships likely to be sent against them is obvious; it is that they may be able to successfully meet any and all enemies. They ought to be confined to the ports for the protection of which they are designed. Two batteries of this character are recommended for the Mississippi River and three for San Francisco Harbor.

As has been well said by the Senator from Kansas [Mr. INGALLS], it is impracticable to defend our coasts by great war-ships alone. The board on fortifications and other defenses reported that twenty-seven ports urgently needed to be defended at the present time. Suppose Great Britain should send ten or fifteen of her great war ships to attack our coasts, and we had ten war vessels able to cope with them. Suppose those ten vessels were stationed at the port of New York. How would we know that the attack was to be made on New York? Suppose the attack was made on Baltimore, or Charleston, or Portland, Me. It can be seen at once that it would be impracticable to defend against an attack at an unexpected point by so small a number of ships. In order to effectually defend our coast by a navy alone we must have a fleet for every principal port upon both coasts equal to any probable fleet of the enemy that could be sent to attack any one of them.

For one, I am not in favor of entering upon the work of the construction of great armored ships until we have provided fortifications and other defenses for the protection of our coasts. I would rather see the money expended for this purpose and in providing cruisers of great speed, sufficiently armed, to prey upon the commerce of our enemies in case of war—commerce-destroyers, if you choose to call them such.

Mr. President, I do not care to extend my remarks. I think the importance of the coast defenses was underrated by the Senator from South Carolina. We have already, so far as the Senate may do it, taken steps to secure guns. We have already, so far as the Senate can do it, taken steps for an appropriation to secure the foundations. This bill is simply a supplement to the bills which passed the Senate after having been reported from the Committee on Coast Defenses, and I hope it will be passed without the amendment of the Senator from South Carolina.

I should like to submit a letter from the Chief of Engineers, which was sent to me by the Secretary of War with his indorsement at a time when I had offered an amendment for an appropriation of $10,000,000 to the fortification appropriation bill of last session, showing his recommendation for the expenditure of that appropriation if made. I submit it without reading as part of my remarks, and ask that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Chair hears no objection, and the letter will be printed in the RECORD.

The letter referred to is as follows:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., May 22, 1886.

SIR: I have the honor to state the objects to which the sum mentioned in Senator DOLPH's proposed amendment to the House bill for fortifications should, in my opinion, be devoted; and beg leave to suggest that a copy of this communication be sent to Senator DOLPH.

Assuming that the armor for the defenses will be provided in another bill,

which has been reported in the Senate, I think that the whole of the money designated to be appropriated in the amendment to the fortification bill should be devoted to masonry and earthworks to receive the armor and guns, as follows:

For New York	$3,300,000
For San Francisco	3,000,000
For Boston	1,200,000
For the lake ports	900,000
For Hampton Roads	900,000
For New Orleans	700,000
	10,000,000

The appropriation should not be limited to the end of the fiscal year June 30, 1887, but should endure until expended, because it will require time to make preparations for these constructions.

Should it be necessary to divide the sum proposed between armor and the constructions in earth and masonry, it is recommended that the division be nearly equal. In this case, however, the money should be devoted to a less number of ports.

Respectfully submitted.

JOHN NEWTON,
Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

Mr. VEST. Mr. President, the Senator from Oregon [Mr. DOLPH] has drawn a very lurid and deplorable picture of the condition of our ships and of the lamentable condition of our Navy; but the question before the American people to-day, in view of all these declarations and all the excoriations administered to Congress from time to time by the public press, is, whose fault is it that this condition of affairs is now upon us? It is customary in the public press to deplore the inefficiency of Congress and to deprecate the fact that Congress is not willing, with an overflowing Treasury, to appropriate money for the purpose of defending our seaboard and building ships suitable to cope with those of foreign nations in a naval war.

The Senator from Kansas [Mr. INGALLS] has congratulated the country that we have economized in the way of large guns and armored vessels until other nations have blazed the pathway and have invented engines of war and floating armaments of which we can now take advantage by reason of their prowess. It may be thrashing old straw, but I want to remind the Senate and the country to-day that there is not in the history of the civilized world a page of maladministration equal to that of the Navy Department of the United States since 1865. It is not the fault of Congress that our shores to-day are defenseless and that we have no ships upon the ocean. It is not the fault of Congress that Admiral Porter of the United States Navy, our highest naval authority, says that we have to-day but one single war vessel that can go to sea safely, and that is the Dolphin. It is not the fault of Congress that to-day our seaboard cities could be powdered to ashes by the armored vessels of foreign nations, even those of Chili and of Italy.

So far from having been economical in naval expenditures, we have expended since 1865, after the close of the war up to the last year, $419,512,058.17 for naval purposes. I have here a tabular statement from the Navy Department, year by year, of this enormous expenditure. It is as follows:

Year.	Amount.	Year.	Amount.
1866	$43,285,662 00	1877	$14,958,035 61
1867	31,074,965 90	1878	17,664,958 25
1868	26,270,426 39	1879	14,827,854 14
1869	19,862,613 29	1880	13,536,521 28
1870	22,206,591 64	1881	15,686,671 66
1871	19,867,529 36	1882	15,024,316 33
1872	21,729,924 53	1883	15,291,169 33
1873	23,730,815 89	1884	17,293,167 47
1874	30,859,347 46	1885	16,021,461 52
1875	21,400,055 43		
1876	18,919,970 69	Total	419,512,058 17

I know that the stereotyped reply will be made in answer to these statistics, "Oh, yes; we were compelled to keep up a navy of officers and men," the fact being that we have had here upon the streets of Washington, year after year for twenty years, naval lamp-posts, commanders and captains and lieutenants, without a ship and without a sailor and without a gun, this enormous naval establishment of men and officers with no navy and with no place for them to go, many of whom never saw salt water, except at a watering place, for years at a time.

If a British minister were compelled to stand with his budget in the Parliament of Great Britain and make such an exhibit as the Navy Department of the United States has made from 1865 to 1885 he would be pursued out of his place by the execrations of the whole English people. I repeat there is not a more shameful page of maladministration in the history of the civilized world. Here is a letter from the present Secretary of the Navy, dated May 25, 1886, which is without a parallel in the history of the administration of any Department of this or any other civilized government:

NAVY DEPARTMENT, *Washington, May* 25, 1886.

SIR: Replying to your telegram of this date I have to say that there were three hundred and twenty vessels of all classes on the Navy list in January, 1866, including those being built, laid up at the several stations, and those in commission for service. During the previous year (1865) three hundred and forty-nine vessels were disposed of by sale, and twenty-six lost or transferred from the Navy to owners or to other branches of the Government.

There are at present on the list eighty-seven vessels of all classes, including those being built, laid up, and those in commission for service, and of these only thirty-seven are considered serviceable.

Very respectfully,

W. C. WHITNEY, *Secretary of the Navy.*

Hon. A. M. DOCKERY,
House of Representatives.

Out of eighty-seven upon the roster of the Navy Department there are thirty-seven only that could go to sea at all.

Mr. PAYNE. Does that include everything?

Mr. VEST. It includes everything. The whole naval force of the Government to-day, out of eighty-seven vessels on the roster, is thirty-seven fit for duty. To recapitulate, in 1866 the Navy consisted of three hundred and twenty vessels. Notwithstanding a total expenditure of $419,512,058.17, of which $90,000,000 was expended for the construction and repair of vessels, there are to-day out of eighty-seven vessels only thirty-seven that are fit for service on the ocean. I say that exhibit is without any parallel in the history of maladministration.

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. VEST. Certainly.

Mr. GEORGE. Has the Senator figures showing the expenditures on account of the Navy from the inauguration of the Government down to the close of the war?

Mr. VEST. No; I have only the annual expenditure from 1866 to 1885.

Mr. GEORGE. I desire to say, if the Senator will allow me, that some two or three years ago, when these matters were under discussion, the Senator from Kentucky [Mr. BECK], not now in his seat, made a statement of this sort, which, so far as I remember, was unchallenged, that since the war a larger sum had been spent for naval purposes in the United States than had been spent from the inauguration of George Washington down to the end of the war, or the beginning of the war, I have forgotten which.

Mr. VEST. I have no doubt that is the case. I have not the slightest doubt of it, because $420,000,000, without going into the figures, I have no sort of question would exceed the whole amount expended from the beginning of Washington's administration to the commencement of the war. Four hundred and twenty million dollars have been spent, and to-day we have but one single vessel that could last a half hour upon the ocean in a naval conflict with the most inferior naval power of the world, and out of eighty-seven vessels upon the naval roster there are fifty of them that can not go to sea at all.

I said some two years ago, I believe, upon this floor, in a debate with the Senator from Maine [Mr. HALE], who has charge of this bill, that if he would then bring in a bill to appropriate $50,000,000 for our seaboard defenses and for five armor-clad vessels to defend our ports, I would vote for it. Yet, after all these intervening months, when this lamentable condition of affairs has existed for twenty years, on February 12 last, these two bills are reported from the Naval Committee and brought before the Senate. I do not attribute any sinister design to the committee, but why is it that almost at the close of the session we are now confronted with an expenditure for fortifications and a Navy of $71,000,000, originating in the Senate, and these bills are to be thrust upon the House of Representatives in the very last throes and agonies of an expiring session.

The Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations, informs us that even *with these expenditures* there will be $50,000,000 or $60,000,000 of surplus in the Treasury in the next year, which we can only apply to the purchase of bonds at an enormous premium. That is just exactly what the people of the United States complain of to-day; it is that we are now making hot haste to spend in every conceivable form the surplus in the Treasury and not taking one dollar of taxation off the people of the United States. It would seem to a man not suspicious that there is a deliberate attempt here to spend in every sort of fashion in these last days of the session millions upon millions of dollars in order that we afterwards may be confronted with a proposition that there is no necessity for reducing taxes.

The Senator from Kansas [Mr. INGALLS] alluded to the hot haste with which we were now expending millions of dollars upon every conceivable scheme and project. With the spirit of expenditure now abroad in this Chamber we would put an Aladdin's lamp in the hands of a receiver if this session could last two weeks longer.

The Senator from Iowa says that this money is not to be expended in a single year. No; it is like the $77,000,000 to be expended under the Blair bill. The money is appropriated to be paid out of the Treasury in annual installments. What business man would enter into obligations to expend $10,000 or $20,000 in the next two or three years, and not calculate that amount of expenditure in his business and make provision for it? When we appropriate this $71,000,000 to be expended *in futuro*, as we appropriated $77,000,000 under the Blair bill, what is the effect and result of it? It is that we must prepare our finances to meet these expenditures hereafter, and those appropriations must enter into the financial exhibits and calculations of the Government.

Mr. EDMUNDS. But, Mr. President, if my friend will pardon me——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. EDMUNDS. There is this difference to be suggested, that, differing from a personal obligation of a man who enters into contracts, &c., which he can not recede from without the consent of the other side, all these appropriations are of course subject to be stopped by Congress whenever the public exigency requires it.

Mr. VEST. Oh, yes; but we understand, those of us who have been here even an inconsiderable time, that whenever such an act of appropriation is once passed through Congress we then invariably, when we attempt to curtail the expenditure, are met with the cry, "Oh, you pledged the public credit, and these States or these recipients of the bounty of the Government have anticipated it and made arrangements to receive it." We ought not as wise statesman, we ought not as trustees for the people, to incur these liabilities with the idea that hereafter Congress may be called upon to go back upon its own action, to repeal its own laws. We should look this thing in the face now, squarely and emphatically. If we propose now, in the last days of the session, to incur liabilities to the extent of $71,000,000, all I ask is that we may know more in regard to the details of that expenditure, that we may ascertain exactly how this money is to be expended. Although I am a member of the Democratic party, no provision in this or any other bill that gives unlimited discretion to the President or the head of a department will induce me at this time to enter upon the expenditure of this amount of money for any purpose whatever.

These bills ought to have been brought here before. The country has been in this deplorable condition for twenty years; and yet the party which had control of the Government for the largest portion of that time, nearly all the time control of both branches of Congress and the Executive, have allowed this condition of things to go on with an expenditure of $420,000,000, and now, knowing that the other branch of Congress is in possession of the Democratic party, they come here with this appropriation to be thrust upon the other House, and if it be there rejected, then to say to the country, "We attempted to provide a Navy, but we were prevented by the House of Representatives from doing so."

Mr. HALE. Mr. President, the Senator from Missouri has made this same speech about the extravagance of the Navy Department in years past, every year since I have been a member of the body.

Mr. VEST. Yes; and I intend to make it.

Mr. HALE. And I have endeavored to answer it, to my best power and purpose. I shall not go much into that now.

The Senator says that the Republican party is responsible because the Navy has not been rebuilt, and that it has been in power and ought to have done it. Of those twenty years the Republican party has only had the power for eight years. During all the rest of the time, under Republican administrations, under advice and suggestions from Republican Secretaries of the Navy, under special messages sent in by the Presidents of the United States, the Republicans of the Senate and the Republicans of the House have endeavored to rebuild the American Navy. Measure after measure has been reported here setting this project afloat, trying to build new ships under the rules of construction of modern ingenuity and modern device, and ever and always the Senators upon that side of the Chamber, with hardly an exception, and the overwhelming force of the Democratic House of Representatives at the other end of the Capitol, have thrown themselves crosswise and athwart that enterprise and have prevented it. The spectacle is witnessed to-day that notwithstanding the Republican party has lost control of the administration of the Government, yet, for patriotic purposes and for the national security and defense, it is in favor of voting liberally, and perhaps lavishly, sums of money for this purpose, lodging the power in a Democratic administration, giving it to a Democratic President and a Democratic Secretary of the Navy, in opposition to the attitude of the Senator and his party in the years past; and the criticism now comes up that it is not guarded enough, and we are taunted because this has come in too late when we are proffering to the Democratic administration large sums of money, millions upon millions, to protect the country and secure its safety and prosperity.

Mr. VEST. If the Senator will permit me, do I understand him to say that from 1865 to 1885 his party only controlled the Government for eight years?

Mr. HALE. It only controlled the entire power of the Government for eight years of that time.

Mr. VEST. With the exception of two years the Senate has been all that time under the control of the Republican party, and never in that time has there been a day when the Senator from Maine could not have introduced this identical bill at any period of the session.

Mr. HALE. During all this time, excepting the years I have stated, appropriations originated in the House of Representatives, and upon every bill that has been brought from the House of Representatives relating to the naval establishment the Senate has put on propositions to secure the defense and safety of the country by additional appropriations for building up the naval establishment and providing for the fortifications of the country. Last year, upon the subject of fortifications, the Senate passed a bill, which it has passed again this year, providing for a plant that should be able to create forgings and armored plate, and the House of Representatives entombed it. They never even gave it decent consideration; and the bill to-day is in conflict before a conference committee of the two Houses. There never has been a time, excepting the years I have excepted, when the Republican party was able to pass any of these projects. Now, as I have said, it comes forward with the power in the hands of gentlemen upon the other side, and it is criticised.

I wish to say one word more. I am not going to take up time, for I wish to get the bill through if I can before 3 o'clock. This old story about the extravagance of the Navy Department in years past has been gone over again and again. The $420,000,000 which the Senator says have been expended in twenty years have gone to maintain the naval establishment. Out of that not more than $60,000,000 have been appropriated for repairs and construction. It is a smaller sum than any other nation which begins to approach this in magnitude has spent in these years past. The Senator might as well arraign us for extravagance in expending during those years $500,000,000 for the Army when we have not to-day so big an army as we had twenty years ago. He might as well arraign a man for expending money in extravagance when using it in household expenses. You can not maintain a government, you can not keep up the *personnel*, you can not keep up the yards and docks, you can not keep up all the bureaus of the Department, without expending every year from $10,000,000 or $15,000,000 to $20,000,000 or $25,000,000, and that should not be charged to the naval establishment so far as its ships go, any more than it should be charged to the Army. That is the answer to the Senator from Missouri.

Mr. VEST. Will the Senator permit me? It is well enough to be accurate to a slight extent as we go on.

Mr. HALE. I thought so when the Senator was talking.

Mr. VEST. I have before me now a statement from the Secretary of the Navy in which he states that over $90,000,000 have been expended for the repair and construction of vessels during the twenty years from 1865 to 1885. I recollect very well that the Senator from Maine made the statement in debate before in regard to this very subject, some two sessions ago, that only about one-twentieth part of this expenditure had been for ships and repairs; but, the truth is, not more than one-fifth has been expended upon ships and repairs, as shown by the report of the Navy Department.

Mr. HALE. Taking the Senator's figures, how much does it amount to per year? Less than $4,000,000 a year upon old wooden ships, decayed, going to pieces, which had to be rebuilt—which had to be kept afloat. The Democratic House would not let us build new ships, and we did not want the American flag to go off the seas, we did not want the waters of the globe to be unvexed by an American naval ship, and we had to repair what we had and rebuild what we had and put the money into these old hulks. It is a masterpiece of good management that so many of these ships have been kept afloat as they have been in years past, instead of mismanagement. I shall not take any more time.

Mr. HAWLEY. One or two statements have been made in the course of the debate that are somewhat calculated to mislead perhaps. The Senator from Kansas [Mr. INGALLS], for example, remarked that of the vessels in Europe constructed ten years and more than ten years ago all were antiquated and of no possible use now. That is a great mistake. There is no fighting ship of any grade that is absolutely worthless, and certainly all the leading navies of Europe have many ships built six, eight, ten, fifteen, or even twenty years ago which are exceedingly powerful, and will altogether overpass anything we can offer against them, either in the way of ship or coast defenses.

I wish to correct a misapprehension under which some gentlemen labor; it is this, that those who insist that there must be an extensive manufacture of powerful steel guns of the best modern description think our old cast-iron guns are useless and are to be thrown away; that we depreciate their value. Not at all, sir. They were good in their day; they are good of their kind now; they are valuable for harbors of shallow draught. So the old-fashioned 10-inch Columbiads will be a very powerful gun still against one of the lighter unarmored vessels. Many of our harbors can be defended with old converted rifles and old smoothbores. But those are not the places where an enemy would care to come. What are we to do in from 18 to 30 feet of water against the powerful ironclads and the magnificent modern rifles? It is against those we are to defend, and we are not seeking in these bills to defend against them on the open sea in the waters of the Atlantic, or to contest there on the sea with them, but to defend the points at which they will aim, and that is to be done to the very best advantage by heavy floating batteries and by the rams from which I think the Senator from Maine does not expect too much. I believe they would be among the most formidable vessels—highly armored, some of them well plated in front, and without a single gun, or torpedo, or Gatling gun even for defense, nothing but boats moving at the rate of 12 or 15 miles an hour, and weighing, if you please, not more than 1,000 tons each, if built of steel.

Let me correct another misapprehension. The Senator from South Carolina [Mr. BUTLER] said that in six months or three months or in one month, with no strong defenses anywhere at the entrance of the harbors, innumerable ready hands would pile up sand and drift. The

modern rifle will go through from 30 to 70 feet of sand. He says truly we have not the guns to defend them. That is true, but the first bill we have passed here is one that will start the work; it will make a beginning in the work of manufacturing the best modern guns of all descriptions.

The casual expression was used here, and has been used often in the newspapers, that some of the modern vessels with magnificent rifles and long range, could stand off and shell some of our cities at a distance of eight or ten miles. That is a wide misapprehension. There is no ship floating in the world that can afford to put her guns at an elevation of more than ten or twelve degrees, and they do not get their greatest range under an elevation of twenty-nine degrees. If they put it at much greater elevation the recoil in firing off the gun would smash any ship that was ever built. They have to make the upper deck as strong as they make the sides to defend against the great shock. The armored batteries proposed by the bill, while they are not expected to travel rapidly about the harbor, taking position according to the necessity of circumstances, can be built so broad and so strong, with so much displacement over so wide a space that they can make a considerable elevation, and they are superior, except in speed, to any of the fighting ships abroad.

I think these two bills of the Senator from Pennsylvania and the Senator from Maine are proceeding in precisely the right direction, and we shall find if we pass these bills the War and the Navy Departments ready with innumerable plans upon paper adapted to the best modern ideas for proceeding to expend this money honestly and faithfully I have no doubt, as I am bound to believe. I, with the greatest cheerfulness, welcome the opportunity of placing this money in the hands of the Democratic Administration, because during the fourteen years since I first entered Congress I have heard every successive Republican Secretary of the Navy denounced and villified beyond human endurance for doing it, and year after year the Republicans never failed to challenge investigation, invited it, and threw open the door and opened the books and dared men to put their hands on corruption. We have had the investigations, and they have resulted in nothing; they have blown by in thin air; no crime or shame has been cast by any one of them. It has been impossible to devote any considerable sum of money to the building of new ships, and we have taken the old ones.

I welcome the patriotic language of the Senator from South Carolina. It is the beginning of a new day in the history of the country. I rejoice to hear him say that if there were not a single dollar left in the Treasury he would be willing to vote these bills and impose new taxation in order to meet them. It is the first good opportunity we have had during eight of the ten years, including this current year in the Congress just about to expire. During eight of those ten years the House of Representatives has been in the control of the Democratic party. It might have originated scores of measures for the good of the country. It has never, however, passed over to us so much as the sketch of a tariff bill. It takes these bills and others of the sort and puts them in the Tomb of the Capulets. It buries them under a complication of rules and a complication of malignant hatreds and oppositions that render it almost hopeless to expect that these or any other bills shall go through so long as the country permits the House of Representatives to be Democratic. That is the substantial trouble with us, that there is a spirit of determined obstruction and opposition elsewhere than in this body. Here, I am happy to say, there is scarcely a voice raised against anything like a reasonable, even if it be a very liberal, proposition to defend the country.

Mr. BLAIR. Mr. President——

Mr. HALE. I, of course, do not want to interfere with the Senator from New Hampshire, but I think we may have a vote and get this bill out of the way in three minutes.

Mr. CALL. I have an amendment that I desire to propose.

Mr. BLAIR. If there are to be amendments offered discussion will follow.

Mr. HALE. Then I give notice that I shall try to call the bill up to-morrow, after the routine morning business.

DEATH OF SENATOR PIKE.

Mr. BLAIR. I submit a series of resolutions, and ask that they be now considered.

The PRESIDENT *pro tempore*. The Senator from New Hampshire submits for adoption a series of resolutions, which will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Senate has learned with deep regret of the decease of Austin F. Pike, late a member of this body from the State of New Hampshire.

Resolved, That the business of the Senate be now suspended that appropriate tribute may be paid to the high character and distinguished public services of the deceased Senator.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect to the memory of the deceased, the Senate do now adjourn.

Mr. BLAIR. Mr. President, once more the Senate is reminded that the great startling fact in life is death.

I have moved this resolution of respect for the dead and of condolence to the living because the nation has lost a patriot and a statesman; the community a citizen wise, trusted, and efficient; the family a model in all the domestic relations, whose loss is crushing as it is irreparable, and the Senate a member faithful, able, and beloved.

The late Senator Pike was a man of great natural powers, the architect of his own fortunes, who from an humble though honorable beginning made his way by constant progression to the highest and most responsible stations in life.

Few men did more of hard honest work than he, both in the preparation of his vigorous mind for the chosen arena whereon his youthful ambition determined to fight out the great combat to come, and also in the stern struggle of more than forty years which constituted his active professional, business, and public career.

Eminent in many things and with versatile qualifications for the service of society, he was pre-eminently a great lawyer and always devoted himself to his profession in marked preference to other pursuits.

In its active practice he found an opportunity for study and discipline which largely made up for the deprivation of that more liberal and broader preparatory education upon which he entered, but the completion of which circumstances denied to him.

Perhaps the bar of New Hampshire never has been surpassed in ability and high professional character.

From the organization of her government until the present time, with less than 10,000 square miles of territory, and even now not more than 400,000 people within her jurisdiction, she has constantly exhibited a wonderful galaxy of bright particular stars in that profession which has written almost every line in the legislation of freedom everywhere, and in this country, at least, has ever been true to the cause of the oppressed against arbitrary power. Her Sullivans, for three generations the great masters of forensic disputation which they elevated by the highest forms of logic and eloquence; Jeremiah Mason, the profoundest American master of the common law, and by the Great Expounder of the Constitution himself admitted to be the most formidable antagonist he had ever met; the two Websters, Daniel and his brother Ezekiel, unequaled, perhaps, save by each other, and certainly unsurpassed in the profession to which they belonged; Jeremiah Smith, the great chief-justice of our early history, whose name will live always in the memory of the profession and no less in the affectionate regard of the people of our State; Ichabod Bartlett, quick-witted, brilliant, versatile, yet profound; Noyes and Thompson, the tutors of Webster, whose high character and attainments were the models in the effort to imitate and equal which he necessarily became great; the Bells, who by families and generations were pre-eminent in every branch of law, in literature, and in statesmanship; and in later times, within my own memory, a plenitude of illustrious names of whom the time would fail me to speak, whom I saw and heard and revered in my younger years, and whose high character and surpassing abilities have grown in my estimation as larger experience and wider observation of men have forced comparison between them and others who in all parts of the country, on the bench and at the bar, have worthily upheld the dignity and administered the high trusts of the profession of law.

It was when a mere boy toiling on a hard hillisde farm, yet full of suppressed and dreamy aspirations, that on one occasion when called from my labor to that most picturesque and beautiful of American villages, Plymouth, N. H., which rests like a crown of peace on the banks of the Pemigewassett, that I timidly entered the old court-house and there first saw among his brethren at the bar, Hon. Austin F. Pike, whose decease is the mournful occasion of these commemorative ceremonies.

In those days the courts were schools of instruction. Every trial, even if the subject in controversy was trifling in character or in value, was fully attended by the people. It was a favorite saying of Chief-Justice Bell that there are no small cases. This is true. Every trial is a contest between principles which has for its object the discovery of truth and the administration of justice. Nothing is the law but the right, and a decision which involves but a penny or the slightest wrong to the person may become the precedent which controls millions or upon which may depend the liberties and lives of unnumbered citizens in future times.

In the absence of lectures, entertainments, and diversions, the people thronged to these judicial contests, and there, at least far more than at the present day, they learned the laws of the land. To my youthful imagination those lawyers and judges seemed a higher order of beings, and never since, even after I became an humble member of the fraternity, have I been able to divest myself of a feeling of deep reverence for the bench as a seat of judgment and as the highest earthly personification of the work of the great Lawgiver and Administrator of justice to the universe, while every member of the court who does his duty seems to me to be clothed with a direct authority in the discharge of the highest functions assigned to men.

Thus, nearly forty years ago, I first saw Mr. Pike engaged in the active duties of his profession. He was then a young man of medium height, of well-knit though rather delicate frame for one reared upon a New Hampshire farm, with a fine head, an intellectual but resolute expression of countenance, and an appearance of steady activity, both of body and mind, which made progress continually like the advance of time.

Ten years afterwards I made his acquaintance and have known him well during the lifetime of a generation, and until my entrance upon public life, with the exception of a few years' interruption by the war, in constant observation of and frequent association with him in the practice of the profession.

Mr. Pike was born in Hebron, Grafton County, New Hampshire, October 16, 1819. His father was Uriah Pike and his mother was Mary Page. The town is one of those places among our mountains which language cannot describe in their full and everlasting beauty, but which no child who is born there can ever forget or cease to love any more than he can become indifferent to the mother who bore him.

The parents were hardy, intelligent, upright and industrious farmers, with several children, living upon one of those hard old farms which seemed to be the natural scene of toil, yet so located amid the eternal beauties of the heavens and of the earth, and so tempering the rough struggle upon their rocky bosoms for existence, that happy is the child who is born to tug thereon for nutrition both of body and mind.

Young Austin was a studious, thoughtful boy, who worked wearily on with the rest through the years of childhood and early youth to assist in the joint effort of the family to obtain a livelihood. Up to the age of fifteen years he had no advantages in the way of education in books, save in the common district schools of the town.

Subsequently he attended a year each the academies at Plymouth, N. H., and Newbury, Vt. I have heard him describe the great difficulty with which by manual labor and by teaching school in the winter he defrayed his expenses by his own work. By great effort he prepared himself for college, but when ready to enter the Sophomore class his health broke down in consequence of the severe strain, and his dream of a liberal education vanished away. No one, unless he has experienced the same disappointment, knows how life is ever after a desolation. Speaking of his early struggles for intellectual discipline and advancement, he said, not long before his death: "To aid in obtaining the little education I got, my parents were able to afford me little more than my board and clothes, but I always had their hearty good wishes, their constant and tender encouragement." Parents and children like these have made their State and their country illustrious, and while they survive the empire of free institutions is secure.

At the age of twenty-two years he entered the office of Hon. George W. Nesmith, of Franklin, N. H., as a student of the law, and in that prosperous and influential town he dwelt the remainder of his life.

Judge Nesmith was the early and life-long personal friend of Mr. Webster, his most wise, sagacious counsellor, beloved and trusted by him until his death.

An able and learned lawyer, a highly cultivated and liberally educated gentleman, he was and is the very model of an honest man. His love of justice is the strongest element in a character of exceptional symmetry and strength. Beloved and trusted as no other man has been in our State for more than two whole generations of active life, Mr. Nesmith still survives to mourn for and to eulogize the man who forty-two years ago began the study of his profession under the care of so fit a master.

He was quick to observe and to commend the diligence, intelligence, and perseverance of the young man who thus entered upon active life. In three years Mr. Pike was admitted to the bar. He at once exhibited the qualities of an active, studious, diligent, and faithful practitioner and gave evidence of the prominence which he afterwards attained. He became a partner with Judge Nesmith, his instructor in the law, and afterwards the senior member of a firm with Hon. Daniel Barnard, now attorney-general, and when that firm dissolved, with Hon. Isaac N. Blodgett, now of the supreme court of the State. Continuing the active practice of his beloved pursuit when health and duty would permit, in the later part of his life, he associated with himself his son-in-law, Frank N. Parsons, esq., who, when health failed, assisted him greatly to carry the heavy burdens of professional and public life.

He was wedded to the law. It was impossible for him to be divorced from it. He loved it and its practice with a love that never faltered and a devotion which never wavered. I never knew a more diligent and assiduous student and practitioner of the profession.

He was early active in political life. He represented the town of Franklin in the Legislature of 1850, 1851, and 1852; and again in 1865 and 1866, during which last two sessions he was speaker of the house. He was a member of the State senate in 1857 and 1858, and was president of that body the latter year. Three years he was chairman of the Republican State committee, and he was a delegate to the memorable first Republican national convention which nominated General Frémont for the Presidency. He represented the second Congressional district in the Forty-third Congress, and in 1883, after one of the most extraordinary struggles known in American political life, all the conflicting and embittered elements of his party harmonized in his election to the Senate of the United States. He took his seat in this body December 3 of that year. His term would have expired March 3, 1889.

Political parties, and the country also, might oftener than they do feel grateful to that man who, by his admitted strength, elevation, and conspicuous fitness of character, presents to them a suitable candidate for harmonious and successful concentration in times of factional bitterness and distraction.

In private business affairs he was very successful, and he held many important positions of personal trust.

Mr. Pike was twice married. His first wife was Mrs. Elizabeth Farley, of Andover, Mass., step-daughter of ex-Governor Berry, the war governor of New Hampshire, who still survives rich in the love and honor of his fellow-citizens, and especially of the surviving soldiers of the State. This lady died in 1848, after only two years of married life.

In the year 1850 was consecrated his marriage with Miss Caroline White, daughter of Thomas R. White, esq., of Franklin. Of this union were born three children, now surviving. Edward E. Pike, who resides in Hebron amid the scenes of his father's nativity and to which he retained a never-failing attachment; Mrs. Parsons, the wife of his law partner, and Miss Leila F. Pike, who resides with her mother in the home of their bereavement.

I will say nothing of the sacred and tender relations of his domestic life except that they were of the most fortunate character. To those who have known the strength of mind and the loveliness of the nature of Mrs. Pike during their residence in the capital of the country or during these many years of happy wedded life in the State which they both honored even as it delighted to honor them, words of commendation or even of officious sympathy are as needless as they would be unavailing to her in the impenetrable gloom that has fallen upon her life—a gloom which defies all earthly consolation and which nothing can illumine save the light of love shining from the benignant countenance of her covenant God. She knows her refuge and her strength, and rests secure within that fortress which is higher than us all.

Mr. Pike's service in the Senate was performed under many disadvantages by reason of the brevity of its duration and the physical weakness and suffering of which he was the victim during almost its entire period. But it is still true that the public records bear testimony to a degree of fidelity, industry, and capacity which would have been honorable to any man in good health and in complete command of all his powers.

We know that nowhere else does real ability count for so little as during the early years of membership in this body; nowhere else does long service merely count for so much. But during the brief service of Mr. Pike he demonstrated that there were few, if any, stronger members of the legal profession in the Senate, which certainly contains some members unsurpassed in legal ability and that exalted personal worth which is the indispensable accompaniment of supreme legal power—for conscience is as essential as intellect to the great lawyer—than was my quiet, unpretentious colleague who gave his rare and full-ripened mind to the difficult and vexatious work of the Committee on the District of Columbia and of the Committee on Claims.

The high appreciation in which he was held by the Senate was demonstrated by his appointment to the chairmanship of the last named committee, on its reorganization two years after his service began.

If Mr. Pike could have lived and could have been possessed of the full measure of his real powers until the close even of a single term, I believe that he would have written a conspicuously honorable record for himself and for his State in the annals of the Senate.

As it is, we have reason to be proud of the much that he did and that it was done so faithfully and so well under circumstances when most men would have done little or nothing at all. That which might have been is not undone because of any fault of his, but by reason of obstacles beyond the force of human endeavor, the supreme decrees of fate.

In the summer season of 1885 a mountain shower poured down its flood, which ran violently through the street in front of the premises of Mr. Pike, in the village of Franklin. From the impulse to put his own hand to the work which was so natural to him, he hastened to turn the stream into a safer channel. The sudden and violent exertion either occasioned a new hurt or developed a latent weakness of the heart, and perhaps of surrounding organs, from which he never recovered.

That terrible form of disease known as angina pectoris (heart agony), of which died the lamented Sumner, and many other distinguished men, fastened its unrelenting clutch upon the issues of life, and for him in this world there never more was hope. Everything that mortal skill on the part of physicians, or endurance on the part of the patient, or anxious, loving assiduity on the part of friends, or devout reliance upon a benignant Providence could accomplish was done, but without avail. All the while declining, ofttime in the throes of most excrutiating torture, he labored on, smiling at pain and impending death. With him duty was the supreme consideration, and during his last session here—the first of the Forty-ninth Congress—he often seemed to me to be digging his grave with one hand while he wrought with patient industry and perfect nerve for his fellow-men with the other. He seemed superior to the uttermost pangs of disease and to the most terrible afflictions of fate. His soul power was certainly wonderful, and sometimes it awed me with a sense of the preternatural and sublime.

I never admitted to him any but cheerful anticipations, but it was easy to see that the hard sense which erred not when he judged the case of others was true in its teachings to himself. He may at times have hoped that he was deceived, but he never really believed it. He expected to die, to die instantly and without the slightest warning; yet

still he worked and labored on. All must remember how for the last few weeks he was with us in the spring of 1886, his face whitened and his step faltered and his voice grew weak, and the appeal of unspeakable agony looked forth from his deep dark eyes. He was entering the valley of the shadow of death.

I can never forget the time when he came to my desk and putting his hand on my shoulder said:

"BLAIR, I'm going home. Brother GEORGE has kindly agreed to pair with me, and we leave to you to say when it shall be done. I'm going to the mountains; perhaps it will do me good."

I bade him good-by, and God speed. He replied to me cordially; gently we pressed each others hands. He passed wearily through the door and I never saw his living form again. And so the stricken Senator and his noble wife left the city for that peaceful village in the North hoping against hope for respite, not for full restoration. The sweet and invigorating influences of his native climate, the new leaf and the song of birds in the spring time, the thrill of renewed intercourse with old friends and with familiar associations seemed for a while to really strengthen him, and from time to time I heard of his supposed improvement until I flattered myself that his life might be spared even for years.

Exacting engagements prevented my visiting him, when suddenly, while in a distant State, I read in the telegraphic column the news of his instantaneous death.

Walking in the fields with a friend, he raised his arm and, pointing to a monument, he said, "The boundary is there." Instantly he had passed beyond the boundary of life and was in the unmeasured realms of eternity.

O, tell us men, angels, gods, what was it that happened then? But he was ready, and sleeps in the hope of a joyful resurrection.

Senator Pike died at his home in Franklin, N. H., on the 8th day of October, 1886. He was buried with the highest honors of the nation and of the State amid the lamentations of the people among whom he had lived and by whom he was loved so well, on the banks of the Merrimack, just where the cold and dancing waters of the Pennigewassett unite with those of the peaceful Winnepisaukee to form that wonderful stream which, while like all things of beauty it is a joy forever, is also, by its perpetual and blessed industry in the service of mankind, an appropriate type of his laborious and useful life.

In conclusion, I may briefly say of our departed friend that in the practice of his profession he was able, faithful, and successful. He was true to his client and true to the court. He had in a high degree the qualifications of a great judge, but though often proposed for judicial station he remained at the bar from choice. In political life he was broad, statesmanlike, and patriotic, free from partisan bitterness and the petty planning and plotting for personal or party advantage which are sometimes developed in the practical working of our form of government. He saw things in their larger relations and loved every inch of the national soil, and every citizen of the United States.

As a husband and father he was pure and affectionate, a very model in domestic life. In private intercourse few men were more pleasant or instructive, and young men invariably found in him a wise and sympathetic adviser and friend. He never forgot the intense struggle by which his own career had become victory, and he was full of suggestion, encouragement, and hope for those whose success depended on the same hard conditions upon which his own had been achieved.

He was a strong and trusted factor in all the affairs of the community and of the State, and has gone to his grave amid the sorrow and benediction of that people who knew him longest and therefore loved him best.

The nation has need of such men always and never more than now. His death at the opening of what I believe would have been a long and most valuable public service had his life and health been spared, is an affliction to the whole country, and the Senate may well pause even in the rapidly waning hours of the session to pay to his memory this tribute of honor and of love.

Mr. EDMUNDS. Mr. President, there is nothing that I can add to what my distinguished friend from New Hampshire has said of Senator Pike; and to all that he has said of him, from my knowledge of that gentleman, I most cordially agree.

Senator Pike was an illustration, a type, an example of that New England rural life which has made New England society in respect of its order, its liberty, its observance of law, what it is. He was a man of the people. No college or university education gave him the lead above his fellow-men, but the common school and the common rural life of a well-ordered and self-respecting farming and rural community made him what he was by nature and by education, and gave him the just force that he had in all the public affairs to which he was called; not the brilliant orator, not the ambitious politician, not the amazing and scheming statesman looking sometimes for impossibilities and visionary things, but the sober, well-ordered, straightforward representative of a people of whom he was one, of which he was a pure example, and of which he was of course a true representative.

When that same perpetual fountain that made him such as he was and what he was shall have extended to every part of the continent that the United States has to do with, and every other part of it I may say, there will be of course precisely the same result—communities industrious, intelligent, moral, religious, self-respecting, and respecting every other body and people. So I think that to commemorate in this sad, but in one sense glad, way his life and services, is to pay a tribute to that pure republicanism and that pure democracy out of which I think alone can a republic subsist, of which he gives us such an example.

When I stood on a mellow afternoon of a brown October day at the side of the open grave that was to receive his body, I could not help thinking of what I am now saying, what a type and example he was, merely that, and that is ever so much, of that system of social order, and of social government, and of social law which appeared in all the communities where he was born, and where he lived, and where he died, an example that might be imitated everywhere as the best possible for human government on the earth. The pure democracy of the town meetings that he attended, the common school education of every one of the boys and girls of the communities in which he and his father had lived, the diversification of employment, the farmer supporting the manufacturer, the manufacturer finding a market for the farmer, every operation of social industry, every operation common to all of social education and progress, every sect of religious society, every liberty of opinion, every equal respect for law, existed as a type and an example and as a progress in that community. If it were so everywhere, the number of laws we should be asked to pass would be small indeed.

So, Mr. President, as I say, I can add nothing to what my friend from New Hampshire has stated of this man. A true, earnest, faithful, patient, industrious representative of the body of a people whom he did represent has left us, and so I speak not as regret and sorrow for him, but only as regret and sorrow for ourselves that he has gone from us.

But words, like tears, on such occasions are almost idle; we do not know what tears or words mean; but we have faith, as my friend from New Hampshire has said, that there is something in the hereafter that will open our eyes to wider and better possibilities.

Mr. DOLPH. Mr. President, it was but a few months since that upon the far-off Pacific a people mourned for one they had delighted to honor, and in this Chamber we were assembled in sadness and sorrow to pay the last tribute of respect to the memory of one of our number who had been called to go the way of all the earth. Since then once and again the great enemy of the human race has sent his unerring darts into our midst and stricken down the representative of a State.

Following with startling suddenness the death of him we mourn today came the announcement of the death of the patriot, soldier, and statesman, Logan, and again the land was filled with mourning and this Chamber was the scene of the outward demonstration of a grief which could find no adequate expression in words.

Human aid and human solace terminate at the grave or we would have gladly borne him upward upon a nation's outstretched hands. We would have accompanied him, and with the blessings of millions and the prayers of millions commended him to the divine favor.

The personal relations between Senator Pike and myself were of the most pleasant character. Entering the Senate at the same time, belonging to the same political party, elected under similar circumstances, of the same profession, and both being upon the Committee on Claims, where we were frequently thrown together, our acquaintance soon ripened into a personal friendship, which was strengthened by an additional bond of sympathy when, upon his return to the capital at the opening of the Forty-ninth Congress, I learned that his health was so impaired that his death might be expected at any moment.

I shall not attempt to give a biographical sketch of Senator Pike. That duty has already been ably and well performed by another. His biography is a repetition of the history of a majority of the eminent men of this country. It is the oft-told story of persevering industry overcoming all obstacles and securing for its possessor professional eminence and political honors.

Of his record in this body I can speak, because I had an opportunity to know what it was. With his work as a member of the Committee on Claims I was especially familiar. To that committee he proved to be a valuable acquisition. His legal acquirements, his experience, and his industry enabled him soon to master the questions of national and international law which are involved in the consideration of many of the claims before Congress, and gave him great facility in sifting the truth from the *ex parte* and often unsatisfactory testimony submitted in support of such claims.

His reports from that committee bear the evidence of painstaking care, indefatigable industry, and ripe legal learning. As a member of the Committee on the District of Columbia, also, his learning and his experience as a lawyer were especially valuable. Many of the important measures reported from that committee during the Forty-eighth Congress were reported by him.

In the Senate he was always earnest, diligent, unobtrusive, independent, tenacious of his own opinion, and devoted to duty. His work was without ostentation, not calculated for show, but was of practical value to the Senate and to the country.

Such men are not always estimated at their true worth. Earnest,

faithful, practical, honest work is quite as necessary, not only in this body but everywhere, and quite as valuable to the nation and the world as genius. But, in my judgment, politics was not his true field of usefulness. His qualifications, his habits, and his tastes, better fitted him for another calling, that in which by diligent attention and unremitting application he had arisen to eminence—the profession of the law.

The halls of justice, largely removed from the influence of public opinion, where the unbiased mind can sift truth from error in accordance with just and fixed rules, indifferent to results, was the field in which he was best calculated to succeed. We all know with what fortitude, notwithstanding the critical condition of his health, he assumed the arduous duties of the chairmanship of the Committee on Claims at the opening of the Forty-ninth Congress. He only left his post when, late in the session, his physicians prescribed for him absolute rest.

Even then, that his work might be completed as far as possible, he sought and obtained the consent of the Senate to take up for consideration, before his departure, the bills reported by him from the Committee on Claims. He left this Chamber for the quiet of his New Hampshire home, no doubt with the consciousness that he left it forever, and all of us, I think, who were acquainted with the circumstances of his case, believed it more than probable that he would never return.

It is to human ambition and the restless activity it produces that the world is chiefly indebted for its progress.

Man is placed upon the earth for action. Toil is decreed as the lot of every son of Adam. Every one has duties to perform in the world in securing the comfort and happiness of his fellow-men and exalting the destinies of the race; but as we approach the close of life by a wise provision of nature there is less of activity and more of contemplation, the soul gradually begins to relax its hold upon those things which in early years absorbed our attention and called forth our energies, from the struggles and contentions of life, and is attracted nearer to the author of its being.

Such, it appeared to me, was the case with our lamented brother when he left the National Capitol last spring. He seemed to be aware that the activities of his useful life were drawing to a close, and looking backward without regret and forward without fear, he calmly set his house in order for the expected summons which was to call him from the scenes of earth's activities.

We can not, if we would, draw aside the veil and follow him into the sacred precincts of his New Hampshire home, and picture the alternate hopes and fears, the constant solicitude, the fearful apprehension of the wife and the daughter, the fortitude and serenity of the husband and father, and at last the not unlooked-for but sudden coming of the grim messenger.

How impressive the lesson of this hour! As it is with our brother, so will it shortly be with us all.

Nature on every side with ten thousand voices proclaims in unison with the revealed word that "it is appointed unto man once to die." The decree is universal and irrevocable. Neither talent nor station will exempt us; worldly things can not aid us; human love can not succor us.

> The boast of heraldry, the pomp of power,
> And all that beauty, all that wealth e'er gave,
> Await alike the inevitable hour.
> The paths of glory lead but to the grave.

Many of us are in the afternoon of life and are descending into the shadows of the evening, a few more years—possibly days—of toil, of struggle, and vicissitude and our labors will have been ended and "Life's fitful dream" will be over.

The angel of death appears to be constantly hovering over the National Capitol, his darts fly swift and thick into the ranks of the national representatives. Since the adjournment of the Forty-eighth Congress we have been called to mourn the death of the Presiding Officer of this body and three of our number, and nine times has the fell destroyer entered the House of Representatives and stricken a member from its rolls. We do well to pause to-day in the midst of the activities and contentions of life to contemplate death. It becomes us to come to such contemplation with subdued voices and bated breath as if in the immediate presence of the "insatiable archer."

I never look upon the face of the dead or sit in the house of mourning or stand by the open grave, but the thought "what shadows we are, and what shadows we pursue," comes to me with overwhelming force. How transitory, how unsatisfactory are the prizes for which men so earnestly strive. Empty are the rewards of ambition—wealth, power, renown, what are they when a man stands face to face with death? Baubles, which amuse for a season, as children are amused by toys.

How at that time the tired and unsatisfied spirit turns from all these things which excite our passionate ambition, and from the unceasing turmoil, the restless strife, the desperate struggle for existence, the clashing of interests and purposes, the discontent and miseries of the race, to seek something more satisfying and more enduring.

> What is life? A bubble floating on that silent, rapid stream;
> Few, too few, its progress noting, till it bursts and ends the dream.

If the soul is not immortal, then indeed is death, which rends asunder earthly ties, strips us of our earthly possessions and sends us naked out of the world as we came into it, a great calamity. But is the grave the end of man? "Shall we go hence, and be no more seen?" No; we may be comforted with the reflection that "Death is nothing but the middle point between two lives, between this and another."

Faith looks beyond the grave and inspires within us a hope of immortality. The word of God proclaims that "Blessed are the dead which die in the Lord: they rest from their labors, and their works do follow them;" "For we know that if our earthly house of this tabernacle shall fail, we have a building of God, a house not made with hands, eternal in the heavens."

Our own intuitive consciousness and the almost universal belief of mankind are in accord with the Scriptures in asserting that the soul of man shall survive the tomb. The poet has given expression to this consciousness of immortality in the following lines:

> Oh! listen, man!
> A voice within us speaks that startling word,
> "Man, thou shalt never die!" Celestial voices
> Hymn it into our souls: according harps
> By angel-fingers touched, when the mild stars
> Of morning sang together, sound forth still
> The song of our great immortality;
> Thick clustering orbs, and this our fair domain,
> The tall dark mountains, and the deep-toned seas,
> Join in this solemn universal song.
> Oh! listen ye our spirits! drink it in
> From all the air! 'Tis in the gentle moonlight;
> 'Tis floating 'midst day's setting glories; Night,
> Wrapped in her sable robe, with silent step
> Comes to our bed, and breathes it in our ears:
> Night and the dawn, bright day and thoughtful eve,
> All time, all bounds, the limitless expanse,
> As one vast mystic instrument, are touched
> By an unseen living hand, and conscious chords
> Quiver with joy in this great jubilee.
> The dying hear it; and as sounds of earth
> Grow dull and distant, wake their passing souls
> To mingle in this heavenly harmony!

Mr. MANDERSON. Mr. President, I can not, without doing violence to my sense of the proprieties befitting this solemn occasion, sit by the side of this vacant chair without offering my slight tribute to the memory of the genial man who was my nearest neighbor from the time we entered the Senate together, nearly four years ago.

He left his seat in this body during the busiest days of the last session of Congress, and his parting words will ever live in my memory. He told me of the severe illness at his home prior to his return to his official duties, and of his apparently fruitless efforts to regain his health.

He spoke of the wearing work incident to his position as chairman of the Committee on Claims, and how much his inability to respond to the numerous demands made upon him harassed him. His conscientious devotion to duty showed itself in his strongly expressed regret that he must leave the only place where it could be performed, in pursuit of what he feared was the unattainable. I urged him to leave, saying that in the more healthful air of his native State he would probably recover and soon be himself. He said he must go home for rest and quiet, but had little hope for recovery. Reaching out his hand to grasp mine, his final words to me were "Good-bye, brother." It was with him the usual form of expression. The fraternal word came naturally to his kindly lips and was expressive of his generous nature.

During the Forty-eighth Congress I was a member of the Claims Committee with Senator Pike and know with what painstaking industry he did the work that devolved upon him. He handled the law and the facts incident to each case referred to him with the skill and analytical power of an experienced and thoroughly trained lawyer, impressing his fellows with the assurance that when he came to make his report it could be relied upon, and as a rule his conclusions could be safely followed.

His was a most kindly nature, leading him to aid the claimant whenever it was possible to do so without doing violence to his sense of right.

His opinion once formed, he was tenacious of it; not lacking in that element of conviction that must lie at the base of intelligent and conscientious action.

He had all an honest man's hatred of shams, and the only evidence of irritation I have ever seen exhibited by him, was when some proof of insincerity was apparent.

I came to have a very great respect for the quiet and unobtrusive man, who frequently gave in undertone to me, his neighbor, argument and reason for the faith within him that would, if spoken aloud, have commanded the attention of the "listening Senate."

Evil could never have been attractive to such a man as Senator Pike. He seemed to feel with Marcus Aurelius, "Whatever one may do or say, it is necessary that I should be a good man. As the emerald might say, 'Whatever one may say or do, I must remain an emerald and retain my color.'"

Those who knew him in the domestic circle and in his professional life have spoken of the many evidences showing him to have been truly good. I will not speak of him except as I knew him here during the brief time we were thrown so closely together, and my only desire in speaking at all comes from my high respect for the qualities that remain to me as a fragrant memory.

> Only the actions of the just
> Smell sweet and blossom in the dust.

The final end of all to our deceased friend came in such form that we might wish our death to be like his. Much of opportunity for preparation for the dread summons, a gradual weakening of the physical and mental powers, and then "the end all here."

Shelley well describes it:

> First our pleasures die—and then
> Our hopes and then our fears—and when
> These are dead, the debt is due,
> Dust claims dust—and we die too.

But unlike the author of Queen Mab, who saw nothing beyond the grave, and to whom death was an eternal sleep, our friend believed, with all the strength of an earnest, honest nature, in the soul's immortality.

The "pleasing hope, the fond desire," the trusting belief, helped him through all his life and permitted him to look upon death as

> The great world's altar stairs
> That slope through darkness unto God.

Mr. JONES, of Arkansas. Mr. President, upon occasions like this,

> When thoughts
> Of the last bitter hour come like a blight
> * * and sad images
> Of the stern agony and shrouded pall
> And breathless darkness and the narrow home
> Make us to shudder and grow sick at heart—

All human ambition sinks into insignificance, the rivalries and resentments of active life are forgotten, and our thoughts turn to the question of the patriarch, "If a man die shall he live again?"

The one characteristic that distinguishes us from all the rest of animate creation is our belief in and our hope of immortality. And if after having implanted within us—

> This pleasing hope, this fond desire,
> This longing after immortality,
> This secret dread and inward horror
> Of falling into naught—

We are indeed to come—

> To be a brother to the insensible rock,
> And to the sluggish clod which the rude swain
> Turns with his shovel, and treads upon—

Then the implanting this aspiration in our hearts and minds was a cruel mockery. If indeed this is the end it were better that we had been as the ox.

But in the language of the great Apostle to Agrippa, "Why should it be thought a thing incredible with you, that God should raise the dead?" In all ages among those created in God's own image this hope has been universal. Our bat-like inability to see what a bright light reveals does not prove that it does not exist. A wider and clearer vision will reveal to us that what to us seems "disorder is order not understood." Such are the paradoxes of nature that in our weakness the brightest light serves but to blind us, and darkness may serve to widen our comprehension and reveal glories never dreamed of before.

> Mysterious night, when our first parent knew
> Thee from report Divine, and heard thy name
> Did he not tremble for this lonely frame,
> This glorious canopy of light and blue?
> Yet 'neath a curtain of translucent dew,
> Bathed in the rays of the great setting flame
> Hesperus with the host of Heaven came,
> And, lo! Creation widened in man's view.
>
> Who could have thought such darkness lay concealed
> Within thy beams, O sun! or who could find
> Whilst fly, and leaf, and insect stood revealed,
> That to such countless orbs thou mad'st us blind!
> Why do we then shun death with anxious strife?
> If light can thus deceive, wherefore not life?

The ages have given no higher or nobler expression to the hope of that hereafter which is hidden from us now by life and no expression of a firmer trust in Him who watches the sparrow's fall than the triumphant words of the patriarch:

> I know that my Redeemer liveth, and that he shall stand at the latter day upon the earth:
> And though, after my skin, worms destroy this body, yet in my flesh shall I see God:
> Whom I shall see for myself, and mine eyes shall behold, and not another.

If, in the great beyond, in that existence which I like to think of as "the sweet bye-and-bye," the eternal I Am shall judge us by our actions here, by our dealings with our fellow-men, Mr. Pike will have nothing to fear.

My acquaintance with him began with this Congress. While we came from widely separated sections of our common country and differed on many questions of governmental policy, I had been a member of his committee but a very short time before his gentle manners, his uniformly courteous demeanor, and his constant and delicate attentions to the wishes and feelings of others, had attached me warmly to him.

In the discharge of the trying duties of chairman of the Committee on Claims I never saw him exhibit the least impatience or heard him turn away a claimant except with kindness.

A devotion to duty was a strong characteristic of the man, and he remained at his post of duty during the last session of the Senate long after the increasing heat admonished him that his health required that he should seek the rest and invigoration which he could find alone in his New England home.

Fully conscious of his condition he looked calmly and fearlessly forward, and seemed to desire nothing so much as to be found in the discharge of his duty when the expected summons came.

Surrounded by the hills he loved so well, near the beautiful village where his home was, he sleeps his last sleep; and I as his friend lay this last tribute upon his grave.

Mr. GEORGE. Mr. President, I have not that facility of speech nor that acquaintance with elegant phraseology which will enable me to pay a beautiful or elegant tribute to the memory of our lamented friend Austin F. Pike; but I can pay to him, which if he could take note of these proceedings he would greatly prefer, an honest, sincere, and willing one.

Mr. President, I have not had a very long acquaintance with the deceased Senator. I can only speak of him as I knew, whilst we were both members of this body.

I knew nothing of his early history, and have not learned anything of it except what I have heard his colleague in this body say to-day in the elegant and forcible address which he has just made. I can therefore add nothing to what has been said as to the events of his life.

We were both at the same time members of the Committee on Claims. Mr. Pike first impressed me as a kind-hearted, polite, and generous man who felt kindly to his fellow-men and desired the happiness and comfort of those by whom he was surrounded. His gentle manner, his kind disposition soon won my respect and then my confidence and affection. I never knew a man who on so short an acquaintance so completely captivated both my head and heart.

Observing, Mr. President, Mr. Pike and his services in this Chamber, I will say that the discharge of his duties as he performed them required a high order of talent, a clear head, and a sound judgment. Observing the discharge of his duties as a member of the same committee, I discovered that he was an able, a well-trained, and a well-read lawyer. I found also that he had a very high capacity of grasping the truth from conflicting and contradictory evidence. I found also that he was careful and painstaking in preparation and investigation, and conscientious in the discharge of his duties as a member of that committee. I think that after his service for a very short term upon that committee he succeeded in winning not only the respect and kind feeling of every member of it, but also gained their entire faith and confidence in the correctness and integrity of his conclusions.

Mr. Pike, as I saw him and knew him, could not be classed with that very few who are considered by the world as the great Senators of this body. He belonged, though, to a class of Senators upon whose fidelity to duty, whose patience and care in investigating questions coming before the committees to which they belonged, depend in a very large degree the successful legislation of this body.

I remember to have noticed Mr. Pike's career as a member of this body with a little more than the interest which a mere stranger of an opposite political party would be supposed to feel for one with whom he is brought in contact. Mr. Pike came to the Senate from the Northeast, from a State bordering on Canada; I came from the Southeast, from the Gulf, and yet in the social intercourse, and the Senatorial and official intercourse which I had with him as a member of this body and as a member of the committee to which I have alluded, I never felt but that he might have come from Mississippi or I from New Hampshire.

I regarded him in his political affiliations as a firm, a conscientious, and consistent Republican; but he was singularly exempt from the bitterness of partisanship and from that asperity which grows out of political contests. I felt toward him something in this way, that, except upon pure party questions, I had as soon consult him and confide in his judgment and advice as that of any member of this body.

I have stated my impressions of Mr. Pike. I will not moralize upon this occasion or upon the event which we are now observing. I will only add that as far as my observation extended—and it was long enough and careful enough to let me understand him—I regarded him as an honest, an able, a diligent, and a patriotic Senator. If I were to talk longer I could not say more in his praise than I have. I regard his death as a loss to the Senate and to the country, and I feel that it was a personal loss to myself.

Mr. EVARTS. Mr. President, the usage of the Senate, by which when death shall have set its seal upon the life of any of our associates, we are gathered as it were around the new-made grave to express with respect and affection the feelings and views which we entertain of our departed friends, however frequently it may engage our attention should never be permitted, and is never permitted, to become common-place or to cease to be impressive. It is impossible that an association that has been attended with personal regard and personal esteem for departed associates can be suffered to end without some proper recall to our minds of what it is about him that has endeared him to us, and to us what our relation is to that common and solemn fate that has severed him from us as it shall sever all of us sooner or later from our associates.

I had not the good fortune to be personally acquainted with Mr. Pike until I met him on the floor of the Senate on my access to the place which I occupy and have filled now for almost two years; but I had known of him as a lawyer and as a citizen of the State of New Hampshire; and as my summer home on the banks of that beautiful river that divides Vermont from New Hampshire has made me, as it were, a part of that community, it was not as a stranger that I met him, or as a stranger that he was so good as to meet me. And thus this brief period of less than two years of our association in the Senate seemed to start at once upon a familiar and recognized footing.

We New Englanders, from the narrowness of our territory, and from the greatness even, as we look at it, of our combined States, being so small as compared with some of the single States of the Union, are apt to feel a closer association and to pass over the boundaries of the States more readily than those who are more completely satisfied in the greatness and distinction of their individual State.

Mr. President, when we say that Mr. Pike was born and lived and was reared and died in the ordinary condition of New England life, with the value of those common possessions that we all there enjoy and that by him they were worthily lived up to, we speak of a life that has, from beginning to end, found nothing about it that was not in its circumstances and in its traits that which we might claim as the proper outgrowth of the institutions in which we have been reared and in which he lived to the end of his life. And when I thus speak of these circumstances and conditions of the life of our deceased friend and of the lives of the survivors that I see about me representing those States of New England, I do not speak of it as at all of an inferior condition of life. If admitted the brilliancy, if admitted the distinction that belong to more conspicuous communities are wanting, it does not lack any of the essential and substantial qualities of manhood and of patriotism and all that share in the greatness of American institutions and American prosperity and American fame, which after all find their basis in the individual qualities of the common people of the United States.

Nor, Mr. President, is it an insignificant course of life to have begun only with the same start with all one's neighbors, and they with us enjoying the same advantages, and that one should come as Mr. Pike came to do, step by step through an honorable profession to the possession of the confidence of his neighbors, and then to a share in the political life of his own State, and finally by the general consent and approval of his fellow-citizens to receive this crowning distinction of being a member of this Senate. It is not by fortune, nor is it by any incongruity that this life has thus grown up and thus been graced and honored. While it can not come to all, yet it can come to none but by qualities of mind, by labors of life, and by the heartfelt affection and respect of a community that thus his life is to be filled out.

Nor, Mr. President, is it a rightful view of a life that was circumscribed in early years, as that of Mr. Pike was, to speak of those circumstances as in our American system of society a disadvantage—as thereby having missed some of the opportunities of education and to have been required from the outset to be frugal, and careful, and industrious. It is from these beginnings and by these trainings that character and life are filled out; and it would be nearer the truih to say that when affluence and all the opportunities which life can furnish to the rich are provided for the young career in public life, in public service, in public distinction, all these can less easily be attained. How many are there of these who fall by the way? How often have the harder course of industry in early life and the frugal virtues that are thus required led to success in reaching the goal, while many have fallen by the way under these affluent and brilliant circumstances who might have triumphed but for these disadvantages?

That Mr. Pike was a distinguished lawyer there is no doubt; and that he earned from the beginning and enjoyed up to his death complete possession of the confidence of the community in that profession there is no doubt. And when we add the fact that in this second and, if you please, larger arena of political distinction his course was of the same manly nature, how can we fail to recognize that he is entitled in the fullest sense to all the honor and to all the respect that we can pay him? And when our meed is given that here he was without any reproach, and that he was the equal of all in the soundness of his judgment, in the purity of his conduct, and in the respect and esteem of his associates, we pronounce a credit to a life that needs no greater distinction.

Mr. PALMER. Mr. President, one week ago we met to pay our last tribute to a colleague who for many years had been brought out in bold relief by the calcium light of continuous high position. We spoke then not in terms of adulation or extravagant eulogy. His services were great, his life was pure, his aspirations lofty.

To-day we meet again to pay deference to friendship, to merit, and to death, and lay our last offerings upon the tomb of another who has been called from earth.

These men represent two types who, each walking well the path he trod, met finally here and then went onward to a common lot.

On one were focalized the rays from a million firesides. His lot had thrown him amid stirring events, and the elements in him had made him the point of the wedge which split opposing forces. The other reached the same goal by less brilliant but not less meritorious methods.

It is not given to all nor is the theater presented to achieve the double distinction of military and forensic success; yet in all that composite growth we call society the less brilliant is often as deserving and no less hardly won than the other. Each man was a type of different forces which, uniting, blending, and modifying each other, have harmoniously worked for the welfare of their country and mankind. General Logan was a tornado modified, regulated, and guided by the civilization of the church, the school-house, and the town meeting. Senator Pike, a product of that civilization, was the steady and conservative force born of two hundred and fifty years of love of liberty, of frugal living, of prevision of and provision for the future. The rigid exactions of his conditions and traditions have for their result the survival of the fittest in such men as he.

Born in a State fruitful in great men, he became early identified with the beautiful valley of the Merrimac, immortal in history and resonant with song.

He sprang from that stock which for two and a half centuries had battled with adverse circumstance. He drew nourishment from a soil which had been ground out by frost and tempest and sunshine from under the feet of the years. He came, possibly, of a blood which had consecrated the turf of Fort Erie and which gave its name to the lone sentinel which keeps its watch over the foot-hills of the Rocky Mountains. He came of that stock which overwhelmed Baum at Bennington and harried Burgoyne to his final discomfiture at Saratoga. He came from that stock which poured its resistless stream through the gorges of the Alleghanies, carrying with it a new civilization of which the corner-stone was the equal rights of man.

His lot was cast mid less exciting scenes than his clansmen who went forth to new enterprise and new homes; but the part assigned to him in the parent hive was just as essential and contributed just as much to that great result which we call country. In looking over a sketch of his life, I find he was painstaking, truth-loving, and never-tiring in the part assigned him.

Living in the same town where he commenced his career, he passed through the usual gradations of public trust—always one step farther on, till he reached the highest honor his State could confer, without a stain upon his character, and, I believe, without a blemish on his soul.

To me, Mr. President, such a life as this is the poetry of sustained effort. Many men have done brilliant things, like Alvarado or Alonzo de Ojeda. In those cases the glamor and the romance attaches to the act, and not to the individual. But when a man for fifty years goes out and in before his neighbors in a town where he is known to all, and we find him always advancing in places of trust, with intermissions, perhaps, but never retrograding in the public esteem, we may safely say that this man is an entity, that he has integrity of mind and heart, that he is a solid fact, that he has filled his place, that the world has been better for his having lived. His life is a compound and a crystallization of a thousand efforts, a thousand aspirations, a thousand defeats, blending and transmuting all things into an ultimate and entire success.

Such a character, I believe, was Senator Pike's.

We entered the Senate together, and possibly there arose between us a community of feeling born of that coincidence. I often talked with him. I observed his industry, his painstaking methods. The conscientious habits of a lifetime followed him here and attended him in any task assigned or assumed.

As I look back upon our intercourse I believe the night which has since overtaken him was then casting its shadow across his pathway, and that he recognized the portent.

I handed him one day a metrical version of an old Scandinavian myth, which told of a city with fair towers and crennellated battlements wherein no one ever died. He read it with great interest and found consolation, it seemed to me, in the fact that endless living did not and could not satisfy the cravings of the human heart; that even there

> One and another who had been concealing
> The pain of life's long thrall,
> Forsook their pleasant places and came stealing
> Outside the city wall;
>
> Craving with wish that brooked no more denying,
> So long had it been crossed,
> The blessed possibility of dying,
> The treasure they had lost.
>
> Daily the stream of rest-seeking mortals
> Swelled to a broader tide.
> Till none were left within the city's portals,
> And graves grew green outside.

Addison tells a story of a dweller in Bagdad, who having a vision saw a bridge projected from a cloud on the hillside to a mist on a corresponding acclivity. Beneath flowed a deep, dark, and turbulent stream. The bridge rested on an hundred arches; the first seventy were firm and intact; the last thirty were crumbling and unsafe. An innumerable multitude was continually emerging from the cloud and struggled and jostled each other on the bridge. In the bridge were numberless

traps, and through them the wayfarers kept falling to disappear in the stream beneath. A few kept on till they reached the last thirty arches, and with trembling step faltered along amid the crumbling stone, only prolonging by their utmost efforts the inevitable plunge into the tide beneath.

This was a picture of human life.

"Alas," said the beholder, "how is man given away to misery and mortality; tortured in life and swallowed up in death."

The good genius who had attended the dreamer told him to turn his eyes down the stream and there where the cloud had lifted he beheld innumerable islands decked "in living green." Their like "the eye of man had not seen, nor the heart of man conceived." Moving about in radiant apparel amid fountains and flowers, under translucent foliage which transmitted the light but intercepted the heat, he recognized many of those whom he had seen upon the bridge.

The good genius said these islands, more in number than the sands upon the shore, are the abode of good men after death. Is death to be feared that will convey thee to so happy an existence? Think not man was made in vain who has such an eternity reserved for him.

It is a pleasant thought to me, Mr. President, and a consolation when I mourn our colleagues who have joined the many whose memories are dear to me that they have gone as pioneers to that undiscovered country and that when we fall through the bridge or slip from the broken arches into the stream beneath to reappear, with God's help, on the islands of the blessed we shall not be received as strangers, but as longed-for and expected guests.

Mr. CHENEY. Mr. President, it is with a saddened heart and under some embarrassment that I rise in this distinguished presence to add a closing word expressive of my regard for the late honored Senator from New Hampshire, whose loss from this deliberative body we all so deeply deplore. The State which he so ably represented, and the sister States which recognized his eminent worth, are sorrowful over the Providence that has taken away from us a full rounded manhood, so nearly complete in its human attributes as was that of the late Hon. Austin F. Pike. The sudden termination of an uninterrupted friendship of over thirty-five years is a personal loss that I sincerely mourn.

My colleague and others have made full reference to his early life, and I will speak of him only after he had struggled successfully with his many adversities and entered upon the active duties of his profession. The venerable Judge Nesmith, the warm friend and peer of the late Daniel Webster, was quick to perceive the well-balanced mind of his young law sudent. With a large and lucrative practice already established he clearly saw the importance of securing efficient aid in caring for its rapid extension. After Mr. Pike's admission to the bar, at the age of twenty-six, he became the partner of Judge Nesmith and so continued for a period of years. The law firm of Nesmith & Pike was justly regarded as among the most eminent in the State, and a young man was deemed fortunate who could gain admission into this office for legal training and study.

Through a brother of mine, the late Charles G. Cheney, esq., of Peterboro', N. H., a law student in this office, it was my privilege to learn of the rare combination of manly qualities Mr. Pike possessed, among which was the tender care he had for his students, his desire to excite an interest in their studies, and his solicitude for their advancement. His successful life, his recognition by his fellow-citizens, and final election to this honorable membership, found quick response from me in words of congratulations.

In political life he never occupied any doubtful position, but was always a gallant and conservative leader, unyielding only as impelled by the sound reasoning of a clear brain and an honest heart. Before he was elected a member of the Forty-third Congress he had respectively filled the offices of the speaker of the house of representatives and the president of the senate in the New Hampshire Legislature. Prior to his election to the United States Senate he had been offered the position of judge in our supreme judicial court, but declined to accept this honor.

Rarely does it occur in human existence where the exit from the finite to the infinite leaves impress of honors so complete and of a life so useful. His earthly record revealed the wise purpose of human existence, and the divinity in man was made manifest by the void left in the aching hearts of weeping friends. The culmination of life's possessions had been reached when—

* * * his great Creator drew
His spirit, as the sun the morning dew.

So sudden was his death that his life had passed away without even the ministering hands of his wife and family. We approach tenderly and solemnly into the presence of the inanimate forms of our friends, but are comforted with the hope that the spirit, although not visible, is yet near. We offer our words of sympathy to the hearts most sadly bereft, ourselves remembering "how brittle is the thread of life," and as we linger by the shore of the "shadowy river" a sublime faith in our Heavenly Father lifts the dark cloud, and with clearer vision we see the "beckoning hand" urging us on to the final reunion in the heavenly home.

Mr. President, I move the adoption of the resolutions introduced by my colleague.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were adopted unanimously; and (at 4 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 17, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 16, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty God, as the Members of this House have now gathered to pay the last tribute of respect and affection to the memory of a man who for so many years filled a large place in the public eye both in the field and in the Senate, and wrought with such indomitable energy and courage, whose hand was ever unstained by pelf, we pray Thee to impress upon us all the shortness and uncertainty of human life, and the fleeting nature of earthly honors and dignities! Help us to see that a man's true rewards in life are found in his own soul, self-enfolding the large results of experience, magnanimity, courage, heroism, purity of purpose; and that thus, and thus alone, we can attain glory, honor, immortality, eternal life. So teach us to number our days that we may apply our hearts unto wisdom. We pray through Jesus Christ, our Lord, Amen.

The Journal of yesterday's proceedings was read and approved.

SUBSTITUTE EMPLOYÉS, TREASURY DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House in regard to the employment of substitutes in that Department; also transmitting to the House the number of such substitutes, their compensation, &c.

Mr. TAULBEE. I ask that this communication be printed in the RECORD, and referred to the Committee on Reform in the Civil Service.

Mr. WARNER, of Ohio. What is the document referred to?

The SPEAKER. The Clerk will report the title of it.

The title was again read.

The SPEAKER. Is there objection to printing the communication in the RECORD?

Mr. COX, of North Carolina. I object.

Mr. TAULBEE. Then I ask for the reading of the communication.

The SPEAKER. The gentleman has the right to have it read before it is referred.

The communication was read at length.

The SPEAKER. The communication and accompanying documents will be referred to the Select Committee on Reform in the Civil Service.

Mr. TAULBEE. Mr. Speaker, I wish to move, in connection with that reference, that the committee be instructed to report back, by bill or otherwise, within one week.

The SPEAKER. That motion would require unanimous consent.

Mr. TAULBEE. Then I ask unanimous consent to submit the motion.

Mr. STORM. I object.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. What procedure is necessary to give the House the benefit of the facts in the case for which the House has been laboring for more than a year?

The SPEAKER. The Select Committee on Reform in the Civil Service can report its conclusions.

Mr. TAULBEE. But I undertake to say that this letter does not contain the facts called for by the resolution.

Mr. MILLS. It is not debatable.

The SPEAKER. It will be referred to the Committee for such action as it may see proper to recommend to the House.

DEFICIENCIES FOR ALLOWED ACCOUNTS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a letter from the Fourth Auditor transmitting supplementary estimates for deficiencies in appropriations required to pay adjusted and allowed accounts under exhausted appropriations for the present fiscal year and prior years; which was read, referred to the Committee on Appropriations, and ordered to be printed.

MOUTH OF COLUMBIA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with inclosures, a letter from the Chief of Engineers, recommending the acquisition of land for use in connection with the improvement of Yaquina Bay and the mouth of Columbia River, Oregon; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LUCIUS J. SEALS VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting the finding of fact in the case of Lucius J. Seals against the United States; which was referred to the Committee on War Claims.

REDEMPTION OF TRADE-DOLLARS.

The SPEAKER also laid before the House the bill S. 199, with House amendments disagreed to by the Senate, accompanied by the following message; which was read:

IN THE SENATE OF THE UNITED STATES, *February* 15, 1887.

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill (S. 199) for the retirement and recoinage of the trade-dollar, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. JONES of Nevada, Mr. MORRILL, and Mr. BECK be the conferees on the part of the Senate.

Mr. LANHAM. I move that the House insist on its amendments, and agree to the conference requested by the Senate.

The SPEAKER. If there be no objection that order will be made.

There was no objection.

ALPHEUS R. FRENCH.

The SPEAKER also laid before the House the bill S. 1582, with House amendment, disagreed to by the Senate, accompanied by the following message; which was read:

IN THE SENATE OF THE UNITED STATES, *February* 15, 1887.

Resolved, That the Senate disagree to the amendment of the House of Representatives to the bill (S. 1582) for the relief of Alpheus R. French, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. SAWYER, Mr. BLAIR, and Mr. SABIN be the conferees on the part of the Senate.

Mr. NELSON. I move that the House insist on its amendment, and agree to the conference requested by the Senate.

There was no objection, and it was so ordered.

WITHDRAWAL OF PAPERS.

On motion of Mr. GROUT, by unanimous consent leave was given to withdraw from the files of the House the testimony in support of House bill granting a pension to Mary J. Partridge without leaving copies, no adverse report having been made thereon.

NORTHERN PACIFIC LAND FORFEITURE.

The SPEAKER. Yesterday morning the Chair laid before the House a message from the Senate informing the House that that body had insisted on its disagreement to its amendment to what is known as the Northern Pacific Railway bill and requested a conference. Upon motion of the gentleman from Indiana [Mr. COBB] the request was agreed to. The Chair finds, upon examination of the records, that this action was premature, as the conferees on the part of the House had not yet made a report on the subject referred to. If there be no objection, this order will be rescinded to be renewed hereafter when the report comes in.

There was no objection.

EULOGIES ON HON. WILLIAM T. PRICE.

Mr. CASWELL, by unanimous consent introduced a joint resolution (H. Res. 261) for the printing of certain eulogies delivered in Congress on the late Hon. William T. Price; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. As a portion of this day is set apart for eulogies, I demand that the regular order shall begin now.

RIGHTS OF AMERICAN FISHERMEN.

Mr. BELMONT. I desire to make a privileged report from the Committee on Foreign Affairs. I am instructed to report back the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes, with an amendment in the nature of a substitute, and to move that the report be reprinted and recommitted.

The SPEAKER. The gentleman from New York asks to have the bill and amendment and accompanying report printed and recommitted, the committee having leave to report at any time. In the absence of objection that order will be made.

Mr. BELMONT. I am instructed by the Committee on Foreign Affairs to give notice to the House that this, which is a privileged matter, will be called up for consideration by the committee on Wednesday next immediately after the reading of the Journal.

Mr. RICE, by unanimous consent obtained leave to file the views of the minority, to be printed with the report.

VENEZUELA CLAIMS.

Mr. RICE. I desire to make a privileged report from the Committee on Foreign Affairs. I am instructed by that committee to report back with a favorable recommendation the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of State be requested to furnish this House with copies of the correspondence with claimants against the Government of Venezuela since the passage of the joint resolution of March 3, 1883, relating to the revival of the general stipulations of the treaty of 1866 with that government. And also copies of any correspondence with the Government of Venezuela in respect to the same not heretofore communicated to this House.

The resolution was adopted.

Mr. RICE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROPERTY OF AMERICANS DESTROYED AT ASPINWALL.

Mr. RICE. I present another privileged report from the Committee on Foreign Affairs.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 12, 1887.

Resolved, That the Secretary of State be requested to inform the House of Representatives, if not incompatible with the public interests, what action, if any, has been taken by the Department of State to protect the interests of American citizens whose property was destroyed by fire caused by insurgents at Aspinwall, in the United States of Colombia, in 1885, and to transmit to this House all correspondence with the Colombian Government relating thereto.

The resolution was agreed to.

Mr. RICE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RICHARD B. RIANS.

Mr. SWOPE. Mr. Speaker, I desire to present a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2519) granting an increase of pension to Richard B. Rians, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives, and agree to the same with amendments as follows: In lieu of the words "twenty-five" insert "thirty-five;" and that the House agree to the same.

JOHN A. SWOPE,
E. H. CONGER,
Managers on the part of the House.

PHILETUS SAWYER,
JAMES F. WILSON,
Managers on the part of the Senate.

Mr. SWOPE. Mr. Speaker, I move that the report of the committee of conference be adopted.

The motion was agreed to.

Mr. SWOPE moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

ORGANIZATION OF THE TERRITORY OF ALASKA.

Mr. HILL, from the Committee on the Territories, reported back with a favorable recommendation the bill (H. R. 8757) for the organization of the Territory of Alaska, and to provide for the establishment of a civil government therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SCHOOL DISTRICT NO. 7, YAKIMA COUNTY, WASHINGTON TERRITORY.

Mr. PERRY, from the Committee on the Territories, reported back with a favorable recommendation the bill (H. R. 7857) to validate an act of the Legislative Assembly of Washington Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADAM L. EPLEY.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 1924) for the relief of Adam L. Epley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS A. OSBORN.

Mr. WARNER, of Missouri, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 2553) for the relief of Thomas A. Osborn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THE BATTLE OF BENNINGTON.

Mr. SINGLETON, from the Committee on the Library, reported, as a substitute for H. R. 10208, a bill (H. R. 11195) relative to the Revolutionary battle of Bennington; which was referred to the Committee of

the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The original bill (H. R.10208) was laid on the table.

Mr. NEGLEY, from the Committee on Military Affairs, reported, as a substitute for H. R. 9990, a bill (H. R. 11196) granting right of way and other privileges to the Hampton and Old Point Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 9990) was laid on the table.

ESTATE OF C. M. BRIGGS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased, with a recommendation that the amendment of the Senate thereto be non-concurred in, and that the conference asked by the Senate be agreed to.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SWORD OF CAPT. SAMUEL C. REID.

Mr. THOMAS, of Illinois, from the Committee on Naval Affairs, reported back with a favorable recommendation the joint resolution (H. Res. 109) authorizing the President of the United States to accept the battle-sword of Capt. Samuel Chester Reid, late of the private armed brig General Armstrong; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES WOODY.

Mr. ZACH. TAYLOR, from the Committee on Pensions, reported back with an amendment the bill (H. R. 10335) to increase the pension of James Woody; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. WINANS, by unanimous consent obtained leave for Elias Shaffer to withdraw certain papers filed in support of his application for increase of pension.

LEWIS ROBACKER.

Mr. STORM, by unanimous consent, introduced a bill (H. R. 11197) granting a pension to Lewis Robacker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order being called for, the hour for the consideration of bills called up by committees begins at 12 o'clock and 33 minutes p. m. The call rests with the Committee on Expenditures in the Interior Department.

EMPLOYÉS IN GENERAL LAND OFFICE.

Mr. WEAVER, of Iowa. I move that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the bill (S. 2877) to promote the efficiency of the General Land Office.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the further consideration of the bill (S. 2877) to promote the efficiency of the General Land Office. The pending question is on the motion to report the bill back to the House with a recommendation that the enacting clause be struck out.

Mr. WEAVER, of Iowa. On that question the vote was taken, and the negative side was in the majority. The point of no quorum was made; but I understand that the gentleman who made that point withdraws it.

The CHAIRMAN. Is the point that no quorum voted withdrawn?

Mr. STEELE. It is.

The CHAIRMAN. No further count being insisted upon, the noes have it; and the motion is not agreed to.

Mr. WEAVER, of Iowa. I now move that the committee rise and report the bill back to the House with a favorable recommendation.

The question being taken, there were—ayes 68, noes 33.

Mr. GOFF. No quorum.

Tellers were ordered; and Mr. WEAVER, of Iowa, and Mr. GOFF were appointed.

The tellers proceeded to make the count.

During the count, the following proceedings took place:

Mr. DUNHAM. Mr. Chairman, there appearing to be no quorum, I submit that it is the duty of the Chair to order the roll to be called.

Mr. WEAVER, of Iowa. Members are voting very well.

The CHAIRMAN. The tellers have not made their report.

Mr. STEELE. Do not the rules require that the roll shall be called?

Mr. WEAVER, of Iowa. Not until we make our report. Members are voting very well.

The CHAIRMAN. The Chair can not decide whether a quorum has voted or not until there is a final report.

Mr. GOFF. A "final report" has been made; the last two members who voted were reported to the Chair.

Mr. WEAVER, of Iowa. It takes two to make a "final report."

Mr. STEELE. I move a call of the House.

The CHAIRMAN. The Chair will state that it is customary to continue the count by tellers as long as members manifest a disposition to vote.

Mr. STEELE. I move a call of the House.

The CHAIRMAN. That motion is not in order; the tellers have not made their report.

Mr. STEELE. Then I move that the committee rise.

The CHAIRMAN. That motion is not in order pending the division now being taken upon the proposition that the committee rise and report the bill.

Mr. STEELE. Then I move to lay the bill on the table.

The CHAIRMAN. That motion is not in order.

Mr. STEELE. Must we wait all day for a quorum? I will inquire of the Chair how long we must wait for a quorum?

The CHAIRMAN. The rule fixes no time, but as long as members continue voting it is not usual for the Chair to order a call of the roll.

Mr. WEAVER, of Iowa. A quorum has now voted.

Mr. GOFF. "It takes two to make a final report." [Laughter.]

The CHAIRMAN. On this question the tellers report ayes 131, noes 33. The ayes have it; and the committee determines to rise and report the bill favorably to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (S. 2877) to promote the efficiency of the General Land Office, had directed him to report the same back with a recommendation that it do pass.

Mr. WEAVER, of Iowa. I call for the previous question on the third reading of the Senate bill.

Mr. PERKINS. I move that the House take a recess until 2 o'clock this afternoon.

The SPEAKER. The first question is upon the motion that the House take a recess.

The question being taken, there were—ayes 23, noes 94.

Mr. PERKINS. No quorum.

Tellers were ordered; and Mr. PERKINS, and Mr. WEAVER of Iowa were appointed.

The tellers proceeded to make the count.

Mr. DUNHAM. I ask unanimous consent to have published in the RECORD a resolution of the Illinois Legislature.

Objection was made.

Mr. PERKINS (during the count). Mr. Speaker, I understand there are eleven minutes remaining to this committee. I ask that those eleven minutes be given to the next succeeding committee, and that we now proceed with business.

Mr. WEAVER, of Iowa. I prefer that the vote continue; I trust that we may have a quorum.

The SPEAKER (at 1 o'clock and 33 minutes p. m.). The hour for the consideration of bills called up by committees has expired.

NORTHERN PACIFIC RAILROAD COMPANY.

Mr. COBB submitted the following privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes, having met, after full and free conference have been unable to agree.

T. R. COBB,
H. S. VAN EATON,
L. E. PAYSON,
Managers on the part of the House.

J. N. DOLPH,
H. M. TELLER,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. COBB. Mr. Speaker, perhaps it will be well for me to make a statement to the House in regard to the conference report.

It will be remembered by the House we passed a bill during the last session forfeiting all the Northern Pacific land grant west of Bismarck. About that time the Senate passed this bill. It came over to the House and was referred to the Committee on the Public Lands. The committeee struck out all after the enacting clause of the Senate bill and inserted the bill which had passed the House.

Now, the difference between the two bills I will state briefly. The House bill, as I have said, forfeits all of the grant west of Bismarck, amounting to about 36,000,000 of acres. The Senate bill, which was amended by the House, forfeited that portion of the grant west of the Cascade Mountains, or so much of that portion not covered by the road at the passage of the bill; in other words, all not coterminous with the completed road at the date of the passage of the bill. And it pretends to forfeit that portion of the grant from Wallula Junction down

to Portland. That is the portion of the grant which the company never intends to earn in any form, a line running south of the Columbia River. This grant is north of the Columbia River, and if they should construct a road so as to earn, so to speak, that portion of the grant north of the Columbia River from Wallula Junction down to Portland, they would have two roads, one on each side of the Columbia River, running parallel with each other from a given point to another given point. That is the Senate bill.

Therefore it does not, in point of fact, forfeit any land except that portion of the Cascade branch west of the Cascade Mountains, which amounts to about three and a half millions of acres.

The committee of conference insists that bill ought not to pass.

There are other provisions which I might call attention to for a moment. It confirms to the purchasers of the company or to those who may have contracts with it, or those who may have in possession lands which were originally granted by the bill creating the corporation—it confirms to parties now claiming them in any way the possession of such lands east of Wallula Junction to the extent of the entire purchase by companies or individuals. West of that this bill of the Senate proposes the title from the railroad company to the purchaser shall vest in the purchaser to the extent of 320 acres to each individual. We believe, perhaps, that is wrong. But, however that may be, the question at issue is whether this Congress will forfeit three and a half millions of mountainous land and leave thirty-two millions unforfeited, which in justice should be forfeited, and which this House declared by more than four to one should be forfeited.

Mr. WEAVER, of Iowa. Does not the Senate bill confirm 32,000,000 acres to the railroad company?

Mr. COBB. That is the end of this grant if the Senate bill should pass.

The report was adopted.

Mr. COBB. I move the House insist and ask for a further conference.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. COBB, Mr. VAN EATON, and Mr. PAYSON.

WIDOW OF JOHN A. LOGAN.

Mr. STEELE, by unanimous consent, presented the following; which was ordered to be printed in the RECORD:

Engrossed joint resolution No. 3.

Whereas General John A. Logan was one of the most distinguished volunteer soldiers in the late war for the preservation of the Union, and rendered signal service to the Republic both in war and in peace: Therefore,

Resolved by the General Assembly of the State of Indiana, That our Senators be instructed and our Representatives be requested to support and do all that they honorably can to secure the passage of the bill now pending in Congress to grant a pension to the widow of John A. Logan.

Resolved, That the secretary of the senate be hereby instructed to forward to each of our Senators and Representatives a copy of this resolution.

I, Webster Dixon, principal secretary of the senate of the State of Indiana, do hereby certify that the foregoing is a true and complete copy of joint resolution No. 3 as adopted by the senate and house of representatives of the State of Indiana January 13, 1887.

WEBSTER DIXON.
Principal Secretary Senate.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. I demand the regular order.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole for the further consideration of bills under the special order, the object being to reach the pleuro-pneumonia bill.

The question was taken; and on a division there were—ayes 66, noes 26.

Mr. WARNER, of Ohio. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. WARNER, of Ohio, and Mr. HATCH were appointed tellers.

Mr. HATCH. Mr. Speaker, I would be under obligations if the Chair would appoint somebody else to act as teller. I do not care to act as a teller when the point is made that no quorum has voted on a proposition to take up and consider a public proposition of importance like this. If the gentleman from Ohio wants to delay the business of the House and the country he has it in his power to do so by such motions.

Mr. WARNER, of Ohio. I think we have much more important business for consideration than this.

Mr. HATCH. Yes; provided somebody brings it up. No business has been called up, but still the gentleman seeks to delay this bill by such objections.

Mr. WARNER, of Ohio. This is worse than no business.

Mr. HATCH. I withdraw the motion.

The SPEAKER. The regular order is the unfinished business, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3) to prevent the claim of the war taxes under the act of March 5, 1861, and acts amendatory thereof, by the United States as a set-off against States having claims against the General Government.

Mr. HAMMOND. Mr. Speaker, when this bill was before the House the gentleman from Massachusetts [Mr. RANNEY] had the floor for thirty minutes. If he desires to go on now it is proper that he should have the floor for that purpose. If not, I do not see any good reason for taking up the bill in the sixteen minutes remaining of the time of the House until it begins the execution of the order heretofore made for the eulogies.

Mr. WARNER, of Ohio. As the hour of 2 o'clock is set apart for eulogies, I move that the House take a recess until that time.

Mr. DINGLEY. I ask the gentleman to waive the motion for a moment while I suggest a matter on which I desire to ask unanimous consent, and to which I think there will be no objection.

Mr. HAMMOND. I demand the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Ohio.

The motion was agreed to; there being on a division—ayes 41, noes 19; and accordingly (at 1 o'clock and 45 minutes p. m.) the House took a recess until 2 o'clock p. m.

The recess having expired, the House at 2 o'clock resumed its session.

MESSAGE FROM THE PRESIDENT.

A message from the President in writing was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message announced the approval of House bills of the following titles, namely:

A bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dak.; and

A bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota.

DEATH OF SENATOR LOGAN.

Mr. THOMAS, of Illinois. Mr. Speaker, I now call up the resolutions of respect for the memory of the late Senator Logan passed by the Senate and transmitted to the House.

The resolutions were read, as follows:

Resolved by the Senate, That as an additional mark of respect to the memory of John A. Logan, long a Senator from the State of Illinois, and a distinguished member of this body, business be now suspended, that the friends and associates of the deceased may pay fitting tribute to his public and private virtues.

Resolved, That the Secretary of the Senate be directed to communicate these resolutions to the House of Representatives and to furnish an engrossed copy of the same to the family of the deceased Senator.

Mr. THOMAS, of Illinois. I now submit for present consideration the resolutions I send to the desk.

The Clerk read as follows:

Resolved, That this House has heard with profound sorrow of the death of John A. Logan, late a Senator from the State of Illinois.

Resolved, That the business of this House be suspended that appropriate honors may be paid to the memory of the deceased.

Resolved, That the Clerk of the House be directed to transmit to the family of the deceased a copy of these resolutions.

Resolved, That as an additional mark of respect to the memory of the deceased this House do now adjourn.

Mr. THOMAS, of Illinois. There are a number of gentlemen who have expressed a desire to speak or to print remarks upon this occasion, and in their behalf I ask unanimous consent that permission be given generally to print, and also to extend remarks which may be delivered on this subject in the RECORD.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

Mr. THOMAS, of Illinois. Mr. Speaker, Logan is dead, and we, his friends, comrades, colleagues, and admirers, have gathered here to-day to bear testimony to his worth; to stop for a few moments beside the new-made grave, as it were, and cover with flowers his last resting place. Nations have stood with uncovered heads in respectful honor of men whose works and deeds have been as nothing compared to Logan's.

For almost thirty years his official acts and personal doings have formed a considerable portion of the woof and warp of our country's history, and for the last twenty-five years there has scarcely been a day, and along the whole line hardly a point, where the form, the voice, the footprints of Logan could not be seen, heard, and recognized.

That Logan was a self-made man is, in a certain sense, true; but if by the term "self-made" any one understands or intends to convey the idea that he was born within the dark, cheerless, comfortless valley of poverty, ignorance, and lowly social position, he was not self-made. His father, Dr. John Logan, was a polished, cultivated, educated physician, surgeon, and gentleman of large means for the day and frontier country in which he lived. He occupied the highest social position, and was frequently honored by his people by elections to the State Legislature and other official positions. General Logan's mother belonged to one of the best families of the South, being a sister of Lieutenant-Governor and Judge Jenkins, formerly of Virginia, recently of Illinois.

While the old home was not a palace, it was comfortable, ample in size for the family, friends, and belated traveler passing that way. It was the rendezvous for the gentry, the politicians, and the best people of that country, who always found a welcome around the bountiful and hospitable board of Dr. Logan. Amid such scenes and surroundings, John Alexander Logan was born and reared. Schools and colleges

were few and far between in Southern Illinois in those early days, and therefore an education was difficult to obtain. In educating and preparing himself for the conspicuons positions, both civil and military, occupied for so many years by him, he was indeed self-made.

Logan was a born warrior, full to overflowing with military genius, spirit, courage, and dash. His military record in the Mexican war was creditable and honorable for one of his years, but it was during the war of the rebellion that his military ardor and genius blazed forth in peerless splendor and glory. As colonel of the Thirty-first Illinois Regiment, he was almost worshiped by his officers and men; as the commander of a brigade, division, corps, and army, he was the central sun of all his command, and stood in their estimation as the invincible commander, the irresistible leader.

At the battles of Fort Donelson, Champion Hills, Vicksburg, Raymond, Resaca, Kenesaw Mountain, Peachtree Creek, Decatur, Atlanta, and Jonesboro' he led his forces always to victory. He was the most magnetic, romantically dashing soldier I ever saw upon the battlefield. Who of those who witnessed it can ever forget the picturesque splendor of his appearance and bearing as he dashed down the line as the new commander of the Army of the Tennessee, just after McPherson fell on that terrible 22d day of July, 1864.

The impetuous Hood had launched his forces upon our lines with the fury and power of an Alpine avalanche; McPherson the chivalrous had fallen; a half-defined panic seized our men, and they began falling back, steadily, almost doggedly, at first; but with fast-expiring courage and rapidly increasing speed they shrunk before the eager onslaught of the enemy. Just then Logan came tearing down the line at full speed. He was superbly mounted upon a powerful black stallion, a genuine charger, a war horse indeed; his long black hair floated out like a banner, his fearless eagle eyes were two flaming orbs, his face was as dark as the front of a storm cloud, and his voice was like the battle-blast of a bugle. Instantly the retreating, half panic-stricken soldiers changed front, reformed their line of battle, fixed bayonets, and followed Logan in an irresistible charge against the enemy, driving them in confusion from the field.

At the battle of Raymond it became necessary to change the position of a battery of artillery on the field. In moving to the new position the battery had to pass over a portion of the field where quite a number of the dead of both armies lay. Logan halted the battery, and while in full sight of the enemy and under fire, dismounted and helped with his own hands to tenderly remove the dead bodies, both Federal and confederate, from the road where the cannon had to pass.

Such chivalry, such magnanimity, such tenderness in the fire, shot, storm, and very hell of battle, has never been surpassed, nor equaled since the days of Bayard, Sidney, and De La Hay, of each of whom, and Logan, it could be truthfully said, "He was without fear and without reproach." Since the war he has been, and ever will be, regarded as the ideal volunteer soldier by his old comrades wherever dispersed.

Logan was a born leader in civil, as well as in military life. As a *nisi prius* lawyer he stood in the front rank of the profession, even before he entered Congress the first time. As a member of the Illinois Legislature he was chairman of the judiciary committee of the house.

In Congress, both in the House and Senate, his position and works have been so important and conspicuous for almost a quarter of a century that the country and the whole civilized world must be familiar with them.

He was a partisan, both in religion and politics. While not a conspicuous member of the church, he had a firm hold on his religious opinions, and believed with all his heart in the Christian religion and the doctrines and creed of the Methodist Episcopal Church. Nothing would stir his wrath more quickly or effectually than a sneer or gibe at the Christian religion.

And so in politics. While originally a Democrat, when brought face to face with and being compelled to choose between a National Government or a confederation of States, he at once unhesitatingly chose the National Government, rejecting the idea that this Government was a confederation of sovereign States, and at once became a Republican of the most pronounced type. He had the courage of his convictions and believed with all his soul in republicanism and in the idea that "this is a Government of the people, by the people, for the people." While greatly maligned and much abused and misrepresented by his political opponents, he was honored and beloved by his old neighbors and friends without regard to politics.

Few men have held so many hearts in the hollow of their hand as did John A. Logan. He was the most conspicuous political figure in the West, if not in the country; and in Illinois the vacancy caused by his death can never be filled.

His smile will ne'er again cheer comrade's heart,
Nor voice fall sweetly on the eager ear
Of listening multitudes. The nobler part
Is his. With boundless trust, faith pure and clear,
He rests within the bosom of his Lord.

Farewell to thee, or to that part which dies;
But to thy name and bright imperishable fame
We can not say farewell. Within our hearts their lies
A memory of thy glorious deeds and name
Which alone with death can die.

Mr. HENDERSON, of Illinois. Mr. Speaker, I am deeply sensible that no words of mine can add to the name and fame of General John A. Logan; and yet, coming as I do from the State in which he had his birth, and which at the time of his death he so ably represented in het Senate, and having for so many years had the honor of his acquaintance and friendship, I can not, in justice to my own feelings, permit this occasion to pass without paying some tribute, however humble it may be, to his memory. My first acquaintance with John A. Logan began in 1840, when we were yet but boys. His father, Dr. John Logan, whom I well remember, and mine, were in that year members of our State Legislature, and we accompanied them to Springfield, the then new capital of our State, where we first met and formed an acquaintance which a little later became intimate, and finally ripened into a friendship which continued uninterrupted and unbroken to the day of his death.

I remember John A. Logan as a member of our State Legislature in 1853, and again in 1857, when he was a member of the house and I a member of the senate. He was then an intense, an ardent Democrat, and I was first a Whig and then a Republican. But, however we differed politically, our personal intercourse was always pleasant and friendly; and no man could know Logan without respecting him for the strength of his character and for his frankness and his manliness.

In 1853 he must have been, if not the youngest, among the youngest members of the State Legislature, and yet he was a leading, prominent member of the house of representatives; took an active part in all the proceedings, and exhibited at that early day the same characteristics which in the last twenty-six or seven years of his life made him one among the most conspicuous figures in our national affairs; that is, he was earnest, enthusiastic, fearless. He had opinions and the courage of his convictions, and he maintained them with an ability which I know made his then political friends regard him as one of the most promising young men of the State.

Logan was a member of the Thirty-sixth and also of the Thirty-seventh Congress. But in 1861, before the expiration of his second term, he resigned his seat in Congress, went home to Illinois, raised a regiment, and entered into the military service of his country for the preservation of the Union. He served in the Thirty-sixth and in the Thirty-seventh Congress with ability and distinction. The distinguished member (Judge KELLEY) who sits before me served with him in the Thirty-seventh Congress, and can speak more accurately of his public service at that time than I can. But in 1861, in the last month of that memorable Congress which closed with the inauguration of Abraham Lincoln as President, Logan uttered these patriotic words:

I have been taught that the preservation of this glorious Union, with its broad flag waving over us as the shield of our protection on land and sea, is paramount to all parties and platforms that ever have existed or ever can exist. I would to-day, if I had the power, sink my own party and every other one with all their platforms into the vortex of ruin, without heaving a sigh or shedding a tear, to save the Union, or even to stay the revolution where it is.

This was the language of sublime patriotism, and if Logan had uttered no other words but these in that Congress they would of themselves have entitled him to the highest distinction as a noble citizen and a true patriot.

I was, Mr. Speaker, of Southern birth, and I loved my native land as a man ought to love it. But I loved this great Republic better if possible than I loved my own life; and knowing John A. Logan as well as I did, with his strong political and party prejudices, I can never forget how my heart warmed towards him when I heard of the noble, patriotic stand he had taken for the Union and for the flag of his country. Up to that time we had been politically opposed to each other. But from that on until I stood by his bedside, on that sad and deeply distressing 26th day of December, and saw him pass away, I never ceased to love and honor him.

I shall not attempt on this occasion to follow General Logan at length in all his brilliant and wonderful career after he entered the Union Army in 1861. Nor is it necessary for me to do so, for his military service at least is well known to all persons who admire great deeds and love and honor the glory of their countrymen. The story of the many memorable marches, battles, and campaigns in which Logan participated and won a glorious distinction and a name that will live forever fill the brightest pages of his country's history, and will be repeated by the children of the Republic, I trust, when all who now live shall have passed away.

Logan was in the meridian of life when he entered the army in 1861. He had served with some distinction as a soldier in the war with Mexico, and was not therefore altogether without experience in military life, and at once on again entering the military service of his country, animated as he was by the loftiest patriotism, he displayed such marked ability and such high soldierly qualities that his fame was assured in the very first battles in which he participated. We can not well think of Belmont, of Henry, and of Donelson without associating the name of Logan with them. At Donelson really the first great victory of the war was won; and Illinois certainly had her full share of the glory of that victory. Every patriot in the land, and especially every citizen of Illinois, should ever feel a just degree of pride in remembering the names of Grant, and Wallace, and McClernand, and Logan, and Oglesby, and Morrison, and Ransom with all the other brave and gallant sol-

diers of Illinois who helped to fight the battle and win the victory at Donelson.

Well might the governor of Massachusetts congratulate the governor of Illinois on the gallantry of her troops in giving to the country the first great victory of the war. And, Mr. Speaker, Logan was a conspicuous figure in the battle of Donelson; and it was there he shed his first blood in defense of the Union and the flag of his country. But at Corinth, at Port Gibson, Raymond, Jackson, Champion Hills, and Vicksburg, at Rocky Faced Ridge, at Resaca, and all the memorable battles of the Atlanta campaign; on the march from Atlanta to the sea, and up through the Carolinas to Bentonville, N. C., where I believe he fought his last battle of the war for the Union; and wherever this brave, gallant, patriotic soldier went at the head of his command, he upheld and defended the flag of his country, with a heroism and a patriotism absolutely sublime.

At Goldsborough, N. C., I met General Logan for the first time during the war; I called on him at his headquarters, and received from him a cordial and pleasant greeting. But I was strongly impressed with the wonderful change which I found in him since I had last seen him. He was changed in his manner. He had none of the rollicking air of his earlier years. He had manifestly grown with his great opportunities. The great responsibilities which had rested upon him, first as commander of a regiment, then of a brigade, then of a division, and finally of an army corps, in the field, and engaged in active military operations, had developed in him a higher, better, and nobler manhood. The fearful scenes through which he had passed had given him more sober views of life. There was nothing of profanity or frivolty in his conversation. He spoke of the wonderful War through which we had been passing, and which, as Richmond was then in our occupation, he fondly hoped would soon be over. He expressed the belief that we would emerge from under the dark cloud of war stronger and better as a nation and a people than ever before.

It was a pleasure to me to hear him speak so hopefully of the future of our country, for in the courage of his great soul he saw no serious obstacles in the way of our future national greatness and glory. There was no pride, no pomp, no ostentation in his manner; and I was deeply gratified to see that he bore the high rank and distinguished honors, which he had fairly won by his own gallantry, with becoming modesty. And I can say to-day, Mr. Speaker, that I left his headquarters at that time with a feeling of pride in John A. Logan as a citizen of the State of Illinois, which has never diminished in all the years that have followed.

Mr. Speaker, Logan was a great soldier. He was not only a soldier of great courage, but he had great ability to command men; and he fairly won for himself every promotion he received, from the beginning to the end of the war, by his valor, his ability, and his patriotism. He richly deserves the reputation so universally accorded to him of being the great volunteer general of the Union Army. And from the time he drew his sword in defense of the Union until he sheathed it at the close of the war, when peace was restored and the Union saved, there was no stain, no dishonor upon it. He served honorably and faithfully in whatever capacity he was placed, and by his soldierly bearing in every battle he fought he inspired in his men a confidence and courage which repelled all thought of defeat. How many old soldiers I have heard say to me, "We always felt safer and better when we knew Logan was near."

Was ever any general more beloved, more idolized by his men than was Logan? And did ever any general love and honor the soldiers who fought under him, and I may say all soldiers who followed the flag in defense of the Union, than did John A. Logan? I think I can safely say No! in answer to both these questions. He was at all times and under all circumstances the soldier's friend. He was their friend during the war, whether in the camp, on the march, or on the battlefield. And ever since the war he has been their friend. In his active military service, marching and moving from State to State, none knew better than he how much of suffering, how much of exposure and hardship soldiers had to endure in fighting the battles of their country. He knew how they had impaired health and periled life itself to save the Republic, and at all times and on all occasions, when proper to do so, he insisted that justice should be done the soldier, and I believe that his death produced a more profound sorrow in the hearts of the old soldiers of the country than that of any other man who has died since the war, unless it may have been the death of that great soldier, General Grant.

But it is not for the military service of General Logan alone, glorious as that has been, that we should honor his name. I have spoken of his service in civil life before the war. But since the war he has represented the State of Illinois in Congress, either as a member of the House or the Senate, continuously from 1866 to the day of his death, with an intermission of two years, and always with great ability and fidelity. No man has ever been more faithful to public duty than John A. Logan. He has been true to every trust confided to him, and is entitled to quite as much distinction for his energy and industry, his integrity and ability in the councils of the nation since the war as he was for his heroic courage, his gallantry, and his patriotism in the military service during the war. John A. Logan was one of the most untiring, energetic, industrious, fearless men I have ever known in public life. I have often wondered how he accomplished so much work as he did, for but few, if any, of our public men have taken a more active part in all our important national legislation in the last twenty years than Logan. And yet he loved his friends devotedly, and when I have called upon him I found him generally surrounded by a house full of acquaintances and friends; and when he found time or opportunity to prepare himself so well as he did for his public duties was to me a mystery.

But Logan was in many respects a remarkable man. He never shirked either duty or danger. He never approached public questions or public duties limpingly or haltingly. On the contrary, he met them boldly and without hesitation. He was as quick to form an opinion as he was frank to express and bold to defend it after it was formed. He was a man of positive character and convictions, and always asserted himself in whatever position he was placed, if it was in the performance of a public duty; but it was without arrogance or an assumption of self-importance. It has been said that he was ambitious to be President, and if he was it was an honorable ambition, and many of us who knew him best and honored him for his great deeds believed that his distinguished services both in civil and military life fairly entitled him to that honor. But he was manly and honorable in his ambition, and was never a trimmer nor time-server; he never dodged or tried to dodge any question nor avoid any responsibility for fear it might affect his Presidential aspirations. He was always a true man, and you knew exactly where to find him and what to depend upon.

It has been said that Logan was not without his faults, and so he was not. If he had been he would not have been human. But he had as few of them as most of men. Some say that he was impatient at opposition, and that this was a weakness of his character. I know, Mr. Speaker, he was sometimes impatient at opposition; but I have attributed it to the earnestness of his nature, the absolute honesty of his convictions, and a strong belief that he was in the right, and it was difficult for him to understand why others could not see the matter in the same strong light in which he saw it. And this impatience of opposition was not always an evidence of weakness, but often of strength of character. Whatever faults, however, General Logan may have had, he certainly had great virtues, and many noble qualities both of head and heart. He was a loving, devoted husband, a kind, affectionate father, a generous, true friend, and an honest, manly man.

But he has left us. This man of wonderful activity, of untiring energy and industry, of earnest patriotism, of heroic courage and distinguished ability—this illustrious citizen, soldier, and Senator has gone out from among us to return no more forever. He has left us, as many of us who knew him best and loved him most believed, before he had reached the zenith of his usefulness, and when we hoped higher honors were yet in store for him.

Mr. Speaker, I stood at the bedside of John A. Logan when he was dying and saw him pass peacefully away. And the scene, one of the most affecting and I may say deeply distressing I ever witnessed, can never be obliterated from my memory. To see this strong man, this friend and brother, this distinguished and much-beloved citizen and Senator of my own State, struggling with that enemy of our race to whom we must all sooner or later surrender, and to witness the deep anguish, the bitter grief of his heart-broken wife and children, filled my heart with an inexpressible sadness, with a depth of sorrow never felt before in the death of any public man, however distinguished. And to-day my heart, and I trust all our hearts, go out in tenderest sympathy for that noble woman, his grief-stricken widow, and her children, who sit under the shadow of a great sorrow.

Mr. Speaker, we shall miss Logan in the councils of the nation. We shall miss him in the State which gave him birth, and where he filled a large place in the hearts and affections of the people. General Logan has been greatly beloved and honored by the State of Illinois, and in return he has shed honor and renown upon the State by faithful and honorable service, and by the luster of his great deeds. And to-day we deplore his death and mourn his loss as a calamity to the State and to the entire country. But he leaves behind him a brilliant record, a noble example, and a name and fame which will live forever.

Mr. McKINLEY. Mr. Speaker, a great citizen who filled high public stations for more than a quarter of a century has passed away, and the House of Representatives turns aside from its usual public duties that it may place in its permanent and official records a tribute to his memory and manifest in some degree its appreciation of his lofty character and illustrious services.

General Logan was a conspicuous figure in war, and scarcely less conspicuous in peace. Whether on the field of arms or in the forum where ideas clash, General Logan was ever at the front.

Mr. Speaker, he was a leader of men, having convictions, with the courage to utter and enforce them in any place and to defend them against any adversary. He was never long in the rear among the followers. Starting there, his resolute and resistless spirit soon impressed itself upon his fellows, and he was quickly advanced to his true and

rightful rank of leadership. Without the aid of fortune, without the help of influential friends, he won his successive stations of honor by the force of his own integrity and industry, his own high character and indomitable will.

And it may be said of him that he justly represents one of the best types of American manhood, and illustrates in his life the outcome and the possibilities of the American youth under the generous influences of our free institutions.

Participating in two wars, the records of both attest his courage and devotion, his valor and his sacrifices for the country which he loved so well, and to which he more than once dedicated everything he possessed, even life itself. Reared a Democrat, he turned away from many of the old party leaders when the trying crisis came which was to determine whether the Union was to be saved or to be severed. He joined his old friend and party leader, Stephen A. Douglas, with all the ardor of his strong nature, and the safety and preservation of the Union became the overshadowing and absorbing purpose of his life. His creed was his country. Patriotism was the sole plank in his platform. Everything must yield to this thought; every other consideration must be subordinated to it, and he threw the whole force of his great character at the very outset into the struggle for national life. To him no sacrifice was too great, no undertaking too difficult, no charge too desperate, no exposure too severe, no siege too hazardous. He commanded, Mr. Speaker, on the battle line, and never ordered his men to go where he would not lead. His skirmishers were never so close to the enemy's guns as to keep him away. He was every inch a soldier, dashing and fearless, often exposing himself unnecessarily against the earnest protests of his commanders and his comrades.

Wherever the fire was the hottest, wherever the line was most exposed, wherever the danger was most imminent John A. Logan was always to be found. He seemed the very incarnation of soldierly valor and vigor. Belmont and Donelson, Champion Hills and Vicksburg, Missionary Ridge and Lookout Mountain tell the story of his lofty courage, of his martial qualities, of his genius to command and of his matchless heroism, as these great battles tell to all mankind the dreadful cost of liberty and the price of nationality.

Great and commanding, however, Mr. Speaker, as were his services in war the true eulogist of General Logan can never pass unnoticed the important services rendered immediately preceding his enlistment and afterward in arousing an intense, a deep, a profound love for country and a strong and lasting sentiment for the cause of the Union not only in his own State, but in every one of the Northern States; and the full measure and influence of his prompt action and courageous stand at that time never can be estimated. His patriotic words penetrated the hearts and the homes of the people of twenty-two States. They increased enlistment. They swelled the muster-rolls of States. They moved the indifferent to prompt action, they drew the doubting into the ranks of the country's defenders.

His first election to Congress was in the year made memorable by the debate between Lincoln and Douglas. In the presidential contest of 1860 following he was the enthusiastic friend and supporter of Douglas. But the moment secession was initiated and the Union threatened he was among the first to tender his sword and his services to Abraham Lincoln and to throw the weight of his great character and resolute soûl on the side represented by the political rival of his old friend. He resigned his seat in Congress to raise a regiment, and it is a noteworthy fact that in the Congressional district which he represented more soldiers were sent to the front according to its population than in any other Congressional district in the United States. It is a further significant fact, that in 1860 when he ran for Congress as a Democratic candidate, in what was known as the old ninth Congressional district, he received a majority of over 13,000; and six years afterwards, when at the conclusion of the war he ran as a candidate of the Republican party in the State of Illinois as Representative to Congress at large, the same old Ninth district that had given him a Democratic majority of 13,000 in 1860 gave him a Republican majority of over 3,000 in 1866. Whatever else these facts may teach, Mr. Speaker, they clearly show one thing, that John A. Logan's old constituency approved of his course, was proud of his illustrious services, and followed the flag which he bore, which was the flag of the stars.

His service in this House and in the Senate almost uninterruptedly since 1867 was marked by great industry, by rugged honesty, by devotion to the interests of the country and to the whole country, to the rights of the citizen, and especially by a devotion to the interests of his late comrades in arms.

He was a strong and forcible debater. He was a most thorough master of the subjects he discussed, and an intense believer in the policy and principles he advocated. In popular discussion upon the hustings he had no superiors, and but few equals. He seized the hearts and the consciences of men, and moved great multitudes with that fury of enthusiasm with which he had moved his soldiers in the field.

Mr. Speaker, it is high tribute to any man, it is high tribute to John A. Logan, to say that in the House of Representatives where sat Thaddeus Stevens, Robert C. Schenck, James G. Blaine, and James A. Garfield, Henry Winter Davis, and William D. Kelley, he stood equal in favor and in power in party control. And it is equally high tribute to him to say that in the Senate of the United States, where sat Charles Sumner and Oliver P. Morton, Hannibal Hamlin and Zachariah Chandler, John Sherman and George F. Edmunds, Roscoe Conkling and Justin Morrill, he firmly divided with them the power and responsibility of Republican leadership. No higher eulogy could be bestowed upon any man, no more honorable distinction could be coveted.

It has been said here to-day, Mr. Speaker, that John A. Logan was a partisan, that he was a party man. So he was. He believed in the Republican party; but while he believed in the Republican party, its purposes and aspirations, he was no blind follower of party caucuses or of partisan administrations. The world knows how Logan loved his old commander, General Grant. He loved him with a simple faith; he had been his friend in all his active years; he had presented his name for the first time to the Republican National Convention in 1868, as the candidate of the then dominant party for the Presidency of the United States, and he had stood by him and supported him with his utmost energy in every subsequent contest that he made for that great office. But, loving Grant, he had yet the independence and the courage to dissent from his judgment and his policies on more than one memorable occasion, and I recall one such occasion now, Mr. Speaker, which can not be remembered by any of us without enhancing our admiration for the dead Senator.

It was when the contest between President Grant and Charles Sumner was at its height; it was when the party caucus had decreed that the veteran statesman of Massachusetts, the apostle of freedom, must be deposed from the chairmanship of the Committee on Foreign Relations of the Senate, a position he had so long and with such marked distinction filled, a position for which he was eminently qualified by education, ability, and experience. John A. Logan was one of four Republican Senators who uttered earnest and emphatic protest against that action, and his grand utterances on that occasion should be remembered, for they are worthy of the hero of a hundred battles. Here are his words:

> Twelve years ago, when I came to Congress, I differed with the Senator from Massachusetts in my political opinions. I had always recognized him as a man of great ability, as a man of sterling integrity and worth. Yet I had no sympathy whatever with his political views. But I was attracted toward him in my sympathies and feelings because of the fact that I stood many times in this Chamber and saw him stand like a Roman senator and hurl away the curs of slavery as they snapped and snarled at him. I many times saw him disperse them in debate on the floor of the Senate. I learned then to admire him, although I did not fully agree with him. He then, sir, led the army of liberty in this country. He was its leader in the Senate, its leader everywhere; as its orator, as its advocate, as the man who advanced opinions, as the man who went far in advance and beckoned to others to come forward with him and give liberty to all the people of this country. During the terrible war through which we have passed he was one of the great leaders in the Senate. Through all our trials and difficulties, through our misfortunes and our triumphs, he stood at the head of the men in favor of liberty in the land. When this administration came into power he still, as the great debater, as the great statesman in the land, stood at the head of all.

So General Logan spoke of Charles Sumner; and, so feeling, he could not consent to witness the humiliation of him who had stood on the advanced outpost of liberty and aroused public thought and quickened public conscience in favor of freedom for all men. His sense of justice was very strong and very deep; his convictions of fair play were of the kind that made him the prompt and ready defender of those who were to be dealt with unfairly. He was always an open adversary; he never fought under concealment; he never fought in darkness or in ambush; he was always direct in his methods, whether in war or in peace, and "the path of his thought was straight like that of the swift cannon-ball, shattering that it may reach, and shattering what it reaches."

Mr. Speaker, he was not only quick to defend Charles Sumner, but he was as prompt to defend his old comrade and leader, General Grant, when a little later he was unjustly (as Logan believed) attacked in the Senate, and the warp and woof of the thought of his defense both of Sumner and of Grant is exactly the same. He puts the defense of both upon the ground of what they have done for their country. In defense of General Grant he opened with this simple but pathetic inquiry: "What has the tanner from Galena done?" And then, answering his own question, he said:

> He has written his history in deeds which will live so long as pens are dipped in ink, so long as men read, and so long as history is written.
> The history of that man is worth something. It is valuable. It is not a history of glittering generalities and declamation in speeches, but it is a history of great deeds and great things accomplished for this country.

He reviewed his brilliant achievements at the head of the Western army, and said:

> General Grant was then brought to the Army of the Potomac. He made a success, he won the battle, victory perched on our banner, we succeeded, slavery was abolished, and our country saved.

The man who had done all that, Logan declared, was worthy to be commended, not condemned. Then he made a most telling appeal to his associates to stand by the great captain who, at the head of a million of men, had made perpetual the best government in the world.

Mr. Speaker, General Logan's military career, standing alone, would have given him a high place in history and a secure one in the hearts of his countrymen. General Logan's legislative career, standing alone, would have given him an enduring reputation, associating his name with some of the most important legislation of the time and the century.

But united, they present a combination of forces and of qualities, they present a success in both careers almost unrivaled in the history of men. He lived during a period of very great activities and forces, and he impressed himself upon his age and time. To me the dominant and controlling force in his life was his intense patriotism.

It stamped all of his acts and utterances and was the chief inspiration of the great work he wrought. His book, recently published, is a masterful appeal to the patriotism of the people. His death, so sudden and unlooked for, was a shock to his countrymen and caused universal sorrow among all classes in every part of the Union. No class so deeply mourned his taking away as the great volunteer army and their surviving families and friends. They were closely related to him. They regarded him as their never-failing friend. He had been the first commander-in-chief of the Grand Army of the Republic, and to him this mighty soldier organization, numbering more than four hundred thousand, was indebted for much of its efficiency in the field of charity.

He was the idol of the army in which he served—the ideal citizen volunteer of the Republic, the pride of all of the armies, and affectionately beloved by all who loved the Union.

Honored and respected by his commanders, held in affectionate regard by the rank and file, who found in him a heroic leader and devoted friend. He advocated the most generous bounties and pensions, and much of this character of legislation was constructed by his hand. So in sympathy was he with the brave men who risked all for country that he demanded for them the most generous treatment. I heard him declare last summer, to an audience of 10,000 people, gathered from all sections of the country, at the annual encampment of the Grand Army of the Republic at San Francisco, that he believed that the Government should grant from its overflowing treasury and boundless resources a pension to every Union soldier who was incapable of taking care of himself, asserting with all the fervor of his patriotic soul that the Government was unworthy of itself and of the blood and treasure it cost to save it which would permit any of its defenders to become inmates of the poorhouses of the land, or be the objects of private charity.

Mr. Speaker, the old soldiers will miss him. The old oak around which their hearts were entwined, to which their hopes clung, has fallen. The old veterans have lost their sturdy friend. The Congress of the United States has lost one of its ablest counselors, the Republican party one of its confessed leaders, the country one of its noble defenders.

Mr. RANDALL. Mr. Speaker, I sincerely sympathize with the State of Illinois and the entire country in the loss to the public councils of General John A. Logan, whose valor and skill upon the battlefield were supplemented and rounded out by a career of great usefulness in the House of Representatives and in the Senate of the United States.

He was a child of the people, and he received at their hands almost every honor that could be appropriately bestowed. He was a fair and complete illustration of the justice and the resulting strength of our form of government, in this, that it gives to the worthy and industrious citizen an opportunity to reach the highest positions known to the laws.

The records of our public men are the indications of the destiny of our country, either for weal or woe. They represent the moral height to which the people grew in their time. They are examples for the study of the generations which are to follow them.

Therefore, when a man like John A. Logan passes off the scene, it is our grateful duty to recall every act of his which, whether in the field or in the forum, was characterized by deep conviction and by undoubted moral and personal courage.

The full story of his life will be told in truthful and loving words by the members of the Illinois delegation and by his political friends on this floor; but I can not refrain from expressing this brief tribute of my respect to the memory of a public man who deserved so well of his country.

Mr. CANNON. Mr. Speaker, whoever pays a proper tribute to the memory of General Logan must write the history of the country during the late war and the years succeeding.

With Lincoln, Grant, Sherman, and Thomas he was a factor—and not the least in the settlement of those questions which determine the fate of a nation, ay, of a civilization.

Southern Illinois was mainly peopled by immigrants from the Southern States. It was natural that they should bring with them the sentiments of the section from which they came. The prevailing sentiment was one of sympathy with the South and its institutions.

Logan was born and nurtured in Southern Illinois, and it was natural that he should be affected by the sentiments and prejudices of his surroundings.

In early manhood he became a leader among his fellows. He was a soldier in the Mexican war; later a member of the Illinois Legislature. In 1860, at the age of thirty-four, he was elected for a second term to the National House of Representatives as a Democrat.

The greatest popular leader in the ranks of the Democratic party for a generation immediately preceding the war was Stephen A. Douglas. Logan was his admirer, supporter, and trusted friend; he gave him most earnest support in the contest in 1860 for the Presidency. The session of Congress immediately preceding the inauguration of Lincoln was one of the most eventful and, it then appeared, most disastrous in the history of the country. The secession of one or more Southern States was of almost weekly occurrence. Fear, uncertainty, and panic were abroad in the land. There seemed to be no thoroughfare leading to the preservation of the Union.

An effort by force to preserve the Constitution and enforce the laws, seemed certain to not only involve the United States in a war with the seceding States, but also to light the fires of civil warfare throughout the North. Especially was the danger imminent in the West, and more especially in Southern Illinois and Indiana.

It was even suggested by the mayor of New York that that metropolis should secede and form an independent city.

The blood of the people had not cooled between the time of choosing Presidential electors in the fall of 1860 and the inauguration of Lincoln on the 4th of March, 1861.

Many Democratic partisans claimed that the Union was destroyed by the secession of States; that there was no power under the Constitution to preserve the unity of the Republic by force, and even if such power existed, it would be wicked to use it. Some Republicans pronounced in favor of allowing "the wayward sisters to depart in peace."

The people were anxiously asking what will Douglas do, and what will be the position of Logan? Many Democrats expected them to take grounds against Lincoln's administration, and against the use of force in preserving the Union. Douglas, just before his death, made that series of most effective speeches—the last one in Chicago—in which he gave President Lincoln and the Government his hearty and unreserved support. Logan, with entire devotion to the country, united with him. To them there were only two parties, one for, and the other against, the preservation of the Union.

When Douglas died Logan took his place as a leader, entered the army, and did not lay down his arms until the war closed. At the commencement of the war, through the efforts of Douglas and Logan, the North was saved from the ravages of civil warfare within its borders.

Logan is universally acknowledged to have been the greatest volunteer general of the late war. In effectiveness of service to the Republic history will accord him an equal meed of praise with any officer, either regular or volunteer, in the late war. The regular Army is trained in the profession of arms; it is set apart from the mass of the people; its methods are arbitrary; in the very nature of its constitution it is without entire sympathy with the people. It is the element of force, to be set in motion after all other agencies have failed.

Our people boast that our principal reliance is upon a citizen soldiery for the defense of the Republic. Such an army, a block of the people, called from the ordinary avocations of life, retains the hopes, fears, prejudices, and sentiments of the people at large, from which it is taken. With such an army public opinion is all-powerful.

Logan not only proved a great general in the field, but by placing his fingers upon his own pulse was enabled to count the heart-beats of the whole people.

The people recognized that he was one of them. They gave him their confidence; to confidence they added respect, and to respect love. These he retained until his death.

He was a friend of the people, and the people were his friends. Logan was criticised for his devotion to the well-being of his companions in arms. He felt that the country could not give them too high a meed of praise. He was convinced that the liberty of the citizen—his security in the rights of property—in short, the very existence of the Republic itself, was owing principally to the sacrifices, the bravery, the patriotism of the soldiers of the late war. He believed that gratitude and a sound public policy alike demanded that the United States should be liberal in contributing to the support of those who were disabled in the line of duty, and in caring for those who are now disabled and dependent.

Time, no doubt, will demonstrate that in this policy he was correct.

After the close of the war he was twice elected to Congress as Representative at Large, and three times as Senator from the State of Illinois. Nature made him a leader, and he did lead—in civil as well as in military life.

His death is the nation's loss. His record is the nation's inheritance. He molded events in great crises. His achievements are examples of the value of ability when coupled with convictions. Whatever he did he did with all his might. His life will be a healthy incentive to action to the millions who are to follow after him.

Logan dead will be a potent factor for good when those people who drift without convictions, priding themselves upon their culture in lieu thereof, are dead and forgotten.

Mr. BUTTERWORTH. Mr. Speaker, the time accorded me—ten minutes—is much too brief to enable me to even glance at the history which records the grand achievements of the illustrious dead in honor of whose memory we are met. John A. Logan sleeps with his fathers. The final audit of his life's account has been made up.

The record discloses nothing that invokes the charity and shield of

the maxim which constrains us to "speak nothing but good of the dead." No friend of the deceased need with pen or speech paint an ideal man and call it Logan. His name and fame will stand the test of searching scrutiny conducted in the light of truth. That Logan was a leader among men is conceded. That he occupied a position of commanding influence among his associates in public life and in private station can not be questioned. To what he owed his position as a leader, what elements in his make-up gave him commanding influence, may not be so generally recognized.

He was a strong man morally and mentally. Not intellectually great nor yet equipped with that rich store of mental furnishing supplied by the schools which enables some of lighter mental caliber to pass current before the world as profound thinkers, "men of pith and moment." Logan was born and reared on the frontier.

The strong qualities that made him a man of mark, a citizen of controlling influence, were inherent, were God-given, not acquired.

They were not the result of training in the schools, nor yet due to an overmastering intellect. If upon these arsenals alone he had been compelled to rely to equip himself for the contests in which he was to engage, he might never have risen above the dreary level of plodding mediocrity.

Along the highway of his public career, as in the walks of private life, he daily met men who were in the matter of sheer intellectual endowments his superiors, but such men too often present what Logan did not, a mere accumulation of intellectual power, uncoupled, and seemingly not capable, by reason of some lack, of being coupled to useful purpose or great employment. As has been said, in the inventory of his mental outfit there could not be found that wide range of learning gathered in the schools which men on every side of him could boast.

In fact he was constantly criticised by gentlemen the thin and wasted soil of whose intellects had in the schools been cultivated to exhaustion and were of depth so shallow that an idea that had strength and vigor enough to require a tap root would sicken and die, and where only the pinks and pansies that tend merely to grace and beautify the field of thought and action could be sprouted.

Let it not be inferred that he despised or was indifferent to ripe learning. Far from it. In just appreciation of its advantages Logan gave to his children the opportunities of collegiate training which the hard lines of the frontiersman denied to their father. I only meant to say he held in merited contempt mere pedantic criticism from that—

> Set of dull, conceited hashes
> Who confuse their brains in college classes,
> Go in sterks and come out asses,
> Plain truth to speak,
> And hope to climb the steep Parnassus
> By dint o' Greek.

In judging of men he was accustomed to scratch through the veneering that studied polish may put on, and ascertain the true quality of the family timber.

No, sir, Logan could not justly claim great intellectual superiority. He had not the grace and accuracy of diction which may be acquired in the halls of learning.

What made this man a leader of men? What gave him influential prominence throughout the country? It was, I submit, due in the main to the inherent qualities of heart he possessed; his uncompromising devotion to what he conceived to be duty. With him, between right and wrong there was no middle ground. Between right and wrong there could not consistently with the high obligations of duty be any compromise. In him there was found coupled with the unselfish and unequaled zeal of a Covenanter Calvinist, if you please, the chivalric bearing of a cavalier.

He was of the material of which martyrs are made. If a sense of duty required, he would have suffered at the stake with John Rogers. And by the same token he might not have been seriously troubled at the taking off of Servetus. John A. Logan's highest ambition was to be right. His stubborn and inflexible will anchored him immovably to his convictions. Hence he never drifted and never wavered.

It was never necessary to run the courses and measure the distances of his political career in order to fix his position. Once establish the base-line of right and you could find Logan.

To what, to him, was duty he was as constant as a fixed star to its course in the heavens.

Up to 1861 he was a Democrat in the strictest partisan sense. The Democratic party was the agency through which all great good to our country was to be worked out.

The party horizon came down all around him—he could not or did not appear to see beyond it. Then came a time when that too narrow range of vision was extended. The veil that obscured the more enlarged view of portentous events was lifted by the conflict of 1861.

Logan stood for the first time to contemplate what stubborn adherence to party lines meant. He saw portending in the near future a Constitution overthrown and defied, the Union dismembered, a Government *disrupted and* destroyed.

From that moment love of party was swallowed up in love of country. His duty to him at least was clear. The integrity of the Union, the supremacy of the Constitution, the acknowledged sovereignty of the flag were henceforth to him above all else. With what uncompromising zeal, unselfish devotion, and undaunted heroism he served the cause of his country in the field and in the councils of the nation is known to all his countrymen. In that service, as in all else, Logan refused to surrender his convictions for one moment. His stubborn adherence to his own judgment sometimes made him a disagreeable disputant. He would be inclined to consider the soundness of his judgment and weigh correctness of his conclusions unless the integrity of one or both was called in question. That done, with him discussion was at an end; thereafter his yielding in any degree was impossible, as he deemed the slightest concession might be construed into admitting a trace of excuse for asserting that any motive other than the highest good controlled his action.

The Calvinistic faith of his mother, the stern integrity of his father blending in the son fitted him for a leader, and made him a man whose influence could not but be healthful. He would have been Moreau at Hohenlinden, but was incapable of being Moreau at Dresden. He would have led at Malvern Hill, and marched toward the sound of the cannon and the rising dust of battle at Bull Run.

He was ambitious to be President, but in the pursuit of that worthy ambition he never practised the small arts of the demagogue nor resorted to the tricks which mere political expediency suggest. Such an example and illustration of worthy political ambition may not be without its use at this time.

These, in my judgment, are the crowning glories of Logan's character: That in all his course he sought "to walk in the light." Inflexible adherence to duty, as that duty was revealed to him. Incorruptible integrity in every field of action, and in every employment. Unselfish devotion to country and friends.

These attributes of his character shine more resplendent now that he walks no more among us.

He seemed not to have lived the time allotted to man. But if his last ambition was not gratified, it can truly be said that his fondest hopes were realized in having lived to see the supremacy of the flag established and recognized throughout all our borders, the Union restored, and the Republic he so loved and served occupying the proud position of "first among the nations of the earth."

Mr. HENDERSON, of Iowa. Mr. Speaker, the nation lingers by the grave of Logan! His funeral sermon has been preached in the presence of the people and by his coffin, but that was not enough for his memory. Every church, every post of the Grand Army of the Republic, the United States Senate, the House of Representatives, nearly every home and every heart in this great land have offered tributes to the memory of this mighty fallen chief.

Weeks have passed since the bells of the nation tolled him to rest, and yet the people remain uncovered.

It is no common man whose fall shocks sixty millions of people.

I come to the sad duty of this hour not to speak for others, but to render the heart offerings of a comrade and a friend.

A GREAT SOLDIER.

We first naturally think of General Logan as a soldier. So strong was he at every post of duty that history must hesitate to pronounce upon him as the greater soldier or the greater statesman.

Though not trained to arms, he was a great soldier. The volunteers with one voice claim this. The leading generals of the country, those schooled for war, admit it.

He fought as one who ever kept in mind the great cause that called him to the field.

If true of any man, it can be said that danger and death had no terrors for Logan.

Restless when the enemy was afar, he became eager and fired by the approach of battle and a consuming whirlwind when the charge was sounded.

His presence drove fear from the hearts of the soldiery. He was inspiring, fearless, conquering.

The tumult of battle and the roar of cannon made him the imperial personification of a great fighter.

In thinking of Logan as a soldier, forget not his greatest attribute. Not for ambition did he draw his sword, but for his country and all his countrymen.

A GREAT STATESMAN.

But few men combine the qualities of a great soldier and a great statesman—Logan was both. The courage and wisdom needed for a great statesman are of a higher order than the courage and wisdom needed by a great commander. It requires a higher, mightier courage to face and control a sweeping Niagara of popular thought than it does to face death or command an army of men. Logan was one of the few men of his time who combined both essentials for these high trusts. Most statesmen, like some generals, follow their forces. The great statesman, like the great general, must lead. On any field Logan was "a born leader of men." On both fields he kept close to the people. He was earnest, approachable, courtly, chivalrous. He was intellectual, thoughtful, studious, and independent. He was tenacious, stubborn, untiring, honest. He would strike back if attacked, and strike at once,

and his blow would be remembered. He was sensitive as a child, but generous as a mother. He was eloquent and profound. His range of vision and sweep of thought took in the whole country. He was a strong partisan, but a stronger American. He had peers as a statesman, but not one that could look down upon him.

A MAN OF THE PEOPLE.

He was a man of the people in an eminent degree. His devotion to them was as sincere as was their love for him. He was too big a man to be cramped or disturbed by the arbitrary laws of society, as made up of the rich and those who talk of the "family" and "blood;" but he was most at home with those of simple manners, free from the conventionalities that grow like weeds about the homes of wealth.

Seldom did wealth support the career of Logan. It was the people who followed him from obscurity to the Senate.

But few men come out of the trying, cruel, searching conflict of a national campaign stronger than when they enter it. This John A. Logan did in 1884. When nominated, his party knew him to be strong with the people, but the great strength and popularity that he developed was a surprise to his party. In the moment of his defeat he was greater than he who wore the laurel.

It was in the country at large as in my own State in 1884. His passage through Iowa was a triumphal march, and his pathway could be traced by the surging, shouting masses of the people.

The historians will tell of General Logan and of Senator Logan, but the living will remember him as the "Black Eagle," "Black Jack," and "Honest John."

He was an open, honest, brave, powerful tribune of the people. He was one of the great commoners of his time.

THE SOLDIER'S FRIEND.

He was a warm, true friend of the old soldier. No soldier from any part of the Union with a just claim for help ever appealed to him in vain. He knew, and never forgot, what they had done and suffered for the country. The fact that the money centers, most benefited by his comrades' blood, were daily turning a colder face and a tighter hand to the old veterans, enraged him. God grant that his holy indignation may survive him! He resolved all doubts in favor of the soldier, and entertained no doubts for the helpless ones that the dead comrade left with his country.

As a powerful, kind, untiring friend of his old comrades he had no equal, and no man can wear his mantle.

You need not seek a burial spot for John A. Logan. He is buried in and can not be removed from the warm, loving hearts of his old comrades in arms.

Mr. HOLMAN. Mr. Speaker, the pen of history can only do justice to so great a record as that which John A. Logan has bequeathed to his country. We can pay on an occasion like this only a brief tribute to his memory. Other gentlemen have spoken not only of the public record in civil life but of the great military career of this distinguished citizen in very fitting language. I can not permit this occasion to pass without at least adding a word to the record of this memorial service in honor of the dead statesman and military chieftain.

John A. Logan came into this Hall as a member of the House at one of the most anxious periods of our history, the beginning of the Thirty-sixth Congress. It was a period of disquietude, a vague and undefined belief was stealing into the minds of all men that the tremendous issue which for half a century statesmanship had held suspended was demanding a decision in a voice too loud and imperative to admit denial. The hour of revolution was at hand! While not taking an active part in current business of the House, John A. Logan displayed from the beginning qualities and powers that gave promise of the great career in civil and military life which he was destined to complete. The State of Illinois was then represented in the House and Senate by an unusually able body of men. Stephen A. Douglas and Lyman Trumbull were Senators; Washburn, afterwards so distinguished in this House and later as our minister to France during the war between France and Germany; Lovejoy, the greatest of the anti-slavery leaders of the Northwest. McClernand, Farnsworth, Fouke, Kellogg Morris, and Robinson, were his colleagues in the House—a very strong body of men. All of them were either then men of national reputation or afterwards achieved distinction in civil or military life. McClernand, Farnsworth, and Fouke won distinction in the Union Army; and yet with such colleagues John A. Logan was a striking feature of the House from the time he took the seat where my friend [Mr. EDEN] now sits. His manly deportment, the fire and vigor of his occasional remarks, the resoluteness of his purpose as expressed in every gesture of his hand and tone of voice, commanded attention and gave promise of a great career if the occasion should arise, and of honorable distinction under any conditions of human life.

John A. Logan entered this Hall in the flower and vigor of youth, in a house composed largely of young men, but four of whom, two from the South and two from the northern section of the Union still retain seats on this floor, he was a prominent actor in the House from the beginning, he was the highest type of a strong, positive, rugged, fearless, man, whose opinions were absolute convictions, controlling and mastering. As a politician and partisan he neither gave nor asked quarter. He had been educated in a school of politics where devotion to the Union of the States and the Constitution of the United States was paramount to all else; and impressed with the belief that the Union could only be maintained by guaranteeing to every State of the Union the absolute and exclusive right to control its own domestic institutions, he resented with fiery indignation any intermeddling of the citizens of one State with the local institutions of another, and saw in the ascendency of his own political party the only safety for the Union of the States. To him the Union of the States was the fortress of free institutions, and at every hazard it must be maintained.

He never hesitated in the expression of his political opinions, and they were not modified during his service in the Thirty-sixth Congress or the short called session of the Thirty-seventh Congress, which met on the 4th day of July, 1861, and yet, I think, it was manifest when Congress met in the month of December, 1860, that if what all men feared, and yet no man expressed, should fall upon the country, the horrors of civil war, that the force of opinion which had committed him, in common with the great party of the North with which he was then identified, to the policy I have mentioned would impel him, if war only could maintain the Union, to accept the appeal to arms without hesitation whatever might be the result. If the Union could not be maintained by the sweet influences of peace, it must be maintained by war.

He would have preserved the Union by compromise, by concessions—he indorsed cordially, as I believe, not simply by his vote, but cordially and earnestly, the declaration submitted to the House by John J. Crittenden on the 22d day of July, 1861, declaring the objects of the war, and did not modify his views upon that subject during that session of Congress, and before the next session he had entered upon his great career in the Union Army. But "war legislates" and remolds and revolutionizes public opinion. Great public disorders which shake the foundations of government have a mighty mastery over the opinions of men. I am satisfied that General Logan did not at any time hesitate in his devotion to the Union, hostile as he was to the principles of the great party which obtained control of the Government in 1860. No matter what party was in power, he was for the Union.

A meeting was held in this Capitol in the month of December, 1860. Most of the Democrats of the Senate and House from the northern section of the Union were present, to discuss the pending perils of the country. John A. Logan and, I think, all of his colleagues were present. Opinions were freely expressed. When it came to the question of what should be done in the event that the Union should be threatened, and the calamity of war came upon us, one of the most outspoken champions of the Union was John A. Logan. He did not hesitate in the declaration of his opinion. In any emergency, whatever should be the result to the institutions of the States, the Union must be maintained. Yet he spoke as a Democrat, with no attempt to conceal his hostility to the party soon to enter upon the control of the Government.

When at a subsequent period he became convinced that the Union could not be restored with African slavery, that its continued existence would be ultimately fatal to our free institutions, he freely avowed his opinions. He returned to this House after the close of the war firmly impressed with the belief that every vestige of slavery should be wiped out and that the policy of the party which controlled the Government during the war could alone secure the peace and safely of the Union, and with unfaltering fidelity adhered to the fortunes of that party up to the hour of his death.

I believe General Logan, while a member of the House, and before he resigned his seat here to take command in the Army, did not make a definite expression of opinion on the questions of the pending war. Perhaps no opportunity occurred when his views could be definitely expressed; but I think I am justified in saying that General Logan fully accepted the views of his political friends of the North, and stood by them while he remained a member of the House and before entering the Army, and that the school of politics in which he was educated and the principles of public policy he had adopted led him and them to but one result—the Union must be maintained, if not by peace, by the dread alternative of war.

General Logan and all of his Democratic colleagues of the Thirty-sixth Congress were devoted friends of Stephen A. Douglas. They accepted his political views without question. They stood by him without faltering. They had come into the House through that great contest, to which reference has been made, between the two great leaders, Douglas and Lincoln. When war became inevitable it is well known that Mr. Douglas promptly gave assurance to his great and successful rival then President of the United States that in a war for the Union the administration should have his undivided support. It was also in perfect harmony with General Logan's opinions and character, and his devotion to that great statesman, that he should espouse with his whole soul the cause of the Union. General Logan was a man in many respects of the same type with Mr. Douglas; both were devoted friends of their country, firm, confident, and fearless. When war was inevitable, the declaration of Mr. Douglas of his purpose to stand by the Union at every hazard thrilled the country and animated his friends. General Logan and most of his immediate associates adopted at an early moment the same patriotic policy.

I have not spoken of the military career of General Logan. It has been well presented by others—his associates in arms. It is of itself a great and commanding record. I have only referred to General Logan in his earlier relations to public life. While it may not be claimed perhaps that in intellectual power and attainments he is to be classed as one of the great statesmen of our country, yet there were qualities of true greatness in General Logan that can not be questioned, his achievements, both in civil and military affairs, make him a great character in our history. The rugged, fearless, positiveness of his character, his indomitable strength of will, his manly integrity, made him a great man. He had the qualities that gather large bodies of men around a leader. His friendships were strong and warm. He did not shrink from his enemies. No man ever had more devoted friends, or those who would make greater sacrifices to advance his interests.

In the judgment of the present generation General Logan has made a great record both in civil and military life, in statesmanship as well as in the field, that judgment, we may confidently believe, will be confirmed by impartial history. He will occupy a large space in the history of our country. To the generations that are coming he will be a grand type of American manhood. His name, a synonym of patriotism and honor—

> One of the few, the immortal names,
> That were not born to die.

Mr. SPRINGER. Mr. Speaker, in the language of the resolution now pending, the ordinary business of legislation is suspended that the friends and associates of the deceased Senator, John A. Logan, may pay fitting tribute to his public and private virtues. In the brief time allowed it will be impossible to even allude to the many important acts of his busy and eventful life. Much has been said in the press, in the Senate Chamber, and in public meetings held all over the country since his death in refer ence to his character and public services. I feel that I can scarcely add anything of interest on this occasion.

I saw him for the first time in January, 1857, just thirty years ago. He was then a member of the house of representatives of the State of Illinois, and I was a student at Illinois College, at Jacksonville. I had visited Springfield to witness the inauguration of Gov. William H. Bissell. When I entered the legislative hall, the youthful and impetuous Logan was speaking. He at once arrested my attention. I have never forgotten the scene. There was great interest manifested, and party spirit ran high. He seemed to move upon his political foes as if charging an enemy upon a field of battle. His speech occupied two days in delivery, and in severity of language and vehemence of manner excelled, perhaps, all other efforts of his life. He was one of the leaders of the Democratic party in the Legislature and had been selected by his friends as the orator for the occasion.

Governor Bissell had been a prominent Democrat, but had differed with his party on the Kansas and Nebraska bills: he became the candidate of the Republicans for governor, and was elected. He was a man of great ability, and his candidacy had resulted in a political campaign of unprecedented acrimony and bitter invectives. The heated discussions before the people were carried into the Legislature. When the motion was made to print 20,000 copies of Governor Bissell's message, Logan moved to amend so as to provide for printing but half the usual number. The debate lasted more than a week, and was one of the most memorable ever witnessed in the State, which is noted for great political contests.

The body was Democratic, and Logan's motion prevailed. From that time forward his reputation as a party leader was established. During the thirty years which have elapsed he has occupied a prominent position in State and national affairs. He passed at once from the arena of State politics to the councils of the nation. He was elected a Representative in Congress from the ninth Congressional district in 1858, receiving 15,878 votes while his opponent, David L. Phillips, received but 2,796. The political contest of that year, 1858, was one memorable in the history of Illinois, and provoked the liveliest interest throughout the whole country.

It was during this campaign that the joint debates between Abraham Lincoln and Stephen A. Douglas occurred, the result of which was the re-election of Douglas to the Senate and the election of Lincoln in 1860 to the Presidency of the United States. In this great contest Logan was a conspicuous figure and one of the staunchest supporters of Senator Douglas. In 1860 Logan was a candidate for re-election and his growing popularity was evinced by the increased vote he received, namely, 20,863, while his opponent received but 5,207 votes. He resigned his seat in Congress in 1861, and entered the army as colonel of an Illinois regiment.

By regular promotions for gallant and meritorious conduct he reached the rank of major-general. His military record is one of the most brilliant of the late war. Had he been educated at West Point and thus relieved from the prejudice which existed in the regular Army against volunteer generals, there is little doubt that he would have risen to the chief command of the Army. But he did not need the training and learning of West Point to make him a soldier. He was a born soldier. His practical training as a soldier in the Mexican war, and his careful study of military history and the science of war had peculiarly fitted him for a great military leader. He could not only command men, but he could obey the commands of his superiors. He believed in military discipline.

When General Sherman denied him the command of the Army of the Tennessee before Atlanta, a position which his skill and bravery had won for him, he cheerfully submitted and urged his friends to make no complaints or protests. I can not follow him in all his battles during the long and eventful war. Suffice it to say that he shrank from no hardship, he feared no danger, he faltered in nothing. Beloved by his men, and respected by his fellow-officers, he won the admiration of the people, and his memory will be cherished by his countrymen for all time to come.

He was a careful student of military history. Those whose pleasure it was to converse with him were struck with his wonderful fund of information in regard to the events of the war. He could readily point out the positions of the opposing forces in every battle during the late war. He could give the numbers and regiments engaged in every important battle, and indicate the casulties on either side. He frequently conversed after the close of the war with the leaders in the confederate army, and notably with General Longstreet, with whom he was on intimate and friendly terms. The last book he ever read was the Memoirs of General Lee. Much of these Memoirs was read to General Logan by his secretary during his last illness. He never failed to detect an error and point it out at the time. He read military history with the liveliest interest. In his investigation of the Fitz-John Porter case he carefully read and reread every scrap of testimony, every report, and all contemporaneous history, in order to completely master the subject.

After the close of the war he was again re-elected as a Representative in Congress, serving in the Fortieth and Forty-first Congresses. He was three times elected United States Senator from the State of Illinois, and had served not quite two years of his last term when he died. His career as a statesman is scarcely less brilliant than that as a soldier. His was a busy life. Whether in war or in peace, he was always doing something. His energy and power of endurance were wonderful. The amount of mental labor which he performed was enough to wreck the stoutest physique. In his Congressional duties he was untiring and ever vigilant. His correspondence was enormous, but he managed to give attention to every demand upon him.

The soldiers of the late war had in Senator Logan a most faithful and devoted friend. They never appealed to him in vain. They seemed to look to him for all general and special legislation in their behalf. In his death they lost their ablest advocate and truest friend.

I leave to others more in sympathy with his political views than myself to speak more at length and more appropriately of his public record. I desire to refer briefly to his private virtues.

He was a most devoted husband and father. His home was his place of greatest happiness. He was kind to his wife, indulgent to his children, and devoted to them all. His domestic life was a model of simplicity. Freed from the cares of official duties, he hastened to his home, always to receive the greetings of a beloved wife and happy children. His greatest enjoyment was at his own fireside, surrounded by his family. Here he lost all of the cares of the world, laid aside all the vexations of political contests, shut out the pomp and circumstance of official station, and gave himself up to domestic affairs. He spent his evenings at home. He rarely visited the clubs or places of public amusement. His family, his library, and fireside were more attractive to him than the pleasures of the outside world.

General Logan's devotion to his mother and family was a marked characteristic. Inheriting his father's warm heart and dauntless courage and his mother's unbending dignity, singleness of purpose, and untiring energy, he was the embodiment of the finest qualities that go to make up a truly noble character and one worthy of emulation. His father had so high an opinion of his genius and ability that he said in his will that he left "John nothing, as he knew he would succeed in life and carve out his own fortune." And right well did he fulfill the predictions of his father. His powers of endurance were marvelous; his sympathies easily touched.

Once during Grant's administration among the numbers calling one morning for help from General Logan to procure situations, &c., was a little boy about fourteen years old. Upon General Logan saying to him, "My boy, what can I do for you?" he replied, "General, I am a soldier's orphan, and I wish to get an appointment either as midshipman at Annapolis or a cadet at West Point." The general inquired, "Who have you to indorse you? I know nothing about you." The boy answered, "I have only my father's record in the war and my widowed and good mother. But, general, if you will do this I will surely prove worthy. I am going to succeed or die."

The general told the boy to meet him at the White House the following morning, and it is needless to add the boy got his appointment, and is now an officer in the Army. The boy's vim and honesty won the general's confidence and sympathy.

Again, one morning a young girl presented herself with the numbers that came every morning during General Logan's whole official life. She said: "General, I come to you without one single thing to support my statements, and depending solely upon your kindness and sympathy; but I am desperate. My mother is dying of consumption; she formerly

worked in the Printing and Engraving Bureau for the support of herself, my little brother, and myself; but she has been lying for weeks near death, and we have pawned almost everything to get her medicine and food. I must do something, frail as I am, and I beg you to help me. I could not see my mother die and not have made this effort to help her. She could even die contented could she know that I had something to do to earn something for brother and myself."

The general's great eyes filled with tears, and he told her to go to the Printing Office the following morning and he hoped he could get the Public Printer to give her work. It was done, and that frail girl has ever since earned an honest living for that brother and herself, having laid away that sainted mother soon after obtaining her position. Among the first floral tributes laid upon Logan's bier bore the modest card of that grateful girl, who feels that in Logan's death the best friend of the unfortunate had gone to his reward. Aggressive, intense, and relentless in the discharge of every duty, justice was so ground in his nature that it could not be warped by partisanship. His magnanimity was one of the finest traits in his character—ever ready to forgive and even forget an injury. Trustful and sincere in all his friendships he was frequently called upon to regret the bad faith of those he trusted. In such cases he grieved as if death instead of treachery had robbed him of his friend.

There was nothing honorable he would not do to serve those who had befriended him. But when those whom he had befriended turned upon him or betrayed him his mortification knew no bounds. Nothing seemed so base to him as ingratitude. This he felt as "the most unkindest cut of all." It was to him "more strong than traitors' arms," and "quite vanquished him." Always true to others, he expected and exacted fidelity in return.

Much has been said in reference to General Logan's courage. His courage was never questioned. It was prompted by honor and principle, and not born of brute force, as exemplified in the correspondence and his conduct when challenged to fight a duel by a member of this House a few years ago. He did not feel called upon to accept the challenge in order to prove his courage; but, regarding the code duello as a relic of barbarism, he treated the challenge with deserved contempt.

He was sensitive to public criticisms. His last days were rendered unhappy and his ailments undoubtedly aggravated by newspaper assaults upon his motives and official conduct.

When one reads the eulogies pronounced upon his life and character by his colleagues in the Senate, it is almost incredible that such a man as Logan had been so recently subjected to such cruel assaults as were from day to day published by newspapers having large circulation and great powers for inflicting wrong and blasting reputations.

In the Senate, on the 9th instant, his colleagues, who are best able to speak of his true character and worth, bore testimony to his public and private virtues.

Senator CULLOM, of Illinois, said:

Mr. President, few men in American history have left so positive an impress on the public mind and so glorious a record to be known and read of all men as has General Logan. The pen of the historian can not fail to write the name of Logan as one prominently identified with the great movements and measures which have saved the Union and made the nation free and great and glorious within the last thirty years.

Like Lincoln, his heart and hands were ever for the people. He came up from the ranks of the people, believed in the purity and integrity of the masses, and was always ready and eager to speak for them. He was a true republican and believed firmly in republican government. He despised tyranny in all its forms wherever he found it. He was always true to his convictions and to his friends, and no power or influence could induce him to forsake either.

Senator MORGAN, of Alabama, said:

He was a true husband, a true father, a true friend, and when that is said of a man, and you can add to it also that he was a true patriot, a true soldier, and a true statesman, I do not know what else could be grouped into the human character to make it more sublime than that.

Senator EDMUNDS, of Vermont, said:

His was the gentlest of hearts, the truest of natures, the highest of spirits, that feels and considers the weaknesses of human nature and who does not let small things stand in the way of his generous friendship and affection for those with whom he is thrown. And so in the midst of a career that had been so honorable in every branch of the public service, and with just ambitions and just powers to a yet longer life of great public usefulness, he disappears from among us—not dead—promoted, as I think, leaving us to mourn, not his departure for his sake, but that the value of his conspicuous example, the strength of his conspicuous experience in public affairs, and the wisdom of his counsels have been withdrawn.

Senator MANDERSON, of Nebraska, said:

He originated the ever-beautiful Memorial Day and constantly urged its observance. It was a revelation to many that this sturdy soldier should have conceived the poetic idea that the graves of the Union dead should receive their yearly tribute of flowers. The thought was born of his love for them. There was much that was refined beneath the bold, frank exterior.

The bravest are the tenderest,
The loving are the daring.

A friend who knew him well writes of him:

"His domestic life was an exquisite idyl. It was fragrant with faith and tenderness. It was a poem whose rhythm was never marred."

Senator ALLISON, of Iowa, said:

He never knowingly did an injustice to his associates, and if he found that he had done so unconsciously, he was swift and ready to make reparation. He was conscientious in the discharge of his public duties.

In his death the nation has lost one of its ablest counselors; his comrades in the army one of their most ardent and devoted supporters; we in this Chamber a valued co-worker and friend.

Senator HAWLEY, of Connecticut, said:

He was generous, he was frank, he was tender. Possibly that will sound strangely to many people who did not know him as we did. He had as tender a heart as entered these doors. He was one of the bravest men physically and morally that ever lived. He was a brilliant and great volunteer soldier. He was an incorruptible citizen and legislator. His patriotism was unsurpassed in enthusiasm, intensity, and faith.

Senator SPOONER, of Wisconsin, said:

He will live, sir, in the hearts of men until the history of his time shall have faded utterly away. With each returning May, wherever there is a soldier's grave—and where is there not a soldier's grave?—the people now living and those to come after us will remember the name of Logan, the patriot, soldier, orator, and statesman, and will bring, in honor of his memory, the beautiful flowers of the springtime and the sweet incense of praise and prayer.

Senator COCKRELL, of Missouri, said:

As a husband and father he was devoted, faithful, tender, loving, and warmly appreciative of the boundless love and undying devotion of his noble wife and dutiful children. As a member of the Methodist Episcopal Church he was "not ashamed of the gospel of Christ; for it is the power of God unto salvation to every one that believeth."

The name, the fame, the life, and the illustrious and successful achievements of General Logan are now the common heritage of our great country and people, and will be cherished and remembered by the present and coming generations.

Senator FRYE, of Maine, said:

Mr. President, there is not a Senator within the sound of my voice, and there are Senators here who have served in the councils of the nation many years with John A. Logan, who ever knew him to hesitate or waver in or shrink from any expression of opinion as to any subject under consideration, who ever knew him to avoid a vote, who ever suspected him of taking any account whatsoever of what effect his words or his acts would have upon his own personal or political fortunes. There is not a Senator within the sound of my voice who, when Logan had expressed his opinions, the result of his convictions, ever dreamed that he was not entirely, faultlessly sincere in the expression.

Senator PLUMB, of Kansas, said:

Logan fought his own way, won his own victories, made his own fame secure.

Scrutinizing the list of those who, emerging from comparative obscurity, have contributed the noblest service to the Republic and made themselves a record for immortality, the name of Logan will be found written not far below those of Lincoln and of Grant.

Senator SABIN, of Minnesota, said:

An inscrutible Providence has removed a great and good man, and the memories which cluster about his name as a member of this body are so fresh and personal that we can scarcely realize the great loss which this Senate and country has sustained; but his useful life and shining example are left to guide the feet of coming generations.

Senator PALMER, of Michigan, said:

Amid the many heroic figures which stand out on the luminous background of the past quarter of a century none will be regarded with more affection and interest than that sturdy and intrepid form portrayed in silhouette, clear cut and pronounced in its outlines as in its mental traits.

Happy the State which has borne such a citizen. Thrice happy the people who, appreciating his virtues, shall give him a place in the valhalla of her heroes for the encouragement and inspiration of the youth of the future.

Senator FARWELL, of Illinois, said:

General Logan was the bravest of soldiers, an able statesman, and an honest man.

No higher tribute can be paid to man than this, and this is the offering which I bring. The late President of the United States, General Grant, said to me that he could never forget General Logan's great services to his country. In battle always brave, never faltering, always ready.

He is greatest who serves his country best. And shall we not class him as one of these?

Such are the tributes paid Senator Logan by those who knew him best. Such testimonials coming from honorable Senators representing all sections and political parties, will form the aggregate judgment of his times and fix the estimate in which he will be held by future generations.

One would have supposed that a Senator from a great State, who had been prominently before the public for thirty years, and whose character, as set forth by his Senatorial colleagues and associates, was well known to the country would have been free from the ordinary abuse and reckless denunciation which is so frequently heaped upon those who are less known and less appreciated. But not so.

In this land of ours which boasts the freedom of the press as one of the chief characteristics of our free institutions there are those who, for the sake of publishing sensational matter, or to gratify disappointed ambition, or revenge imaginary neglect are ready to assassinate the characters of the purest and the best of our public men. But such assaults only serve to attract attention to the baseness of their authors, and can no more damage the character of a man like Logan than they could fix a stigma upon Lincoln or upon Washington, the father of his country.

Mr. Speaker, nothing can be said to add to the fame or greatness of our departed friend. His work is done. His race is run. He sleeps the sleep that knows no waking. But his works will live after him. Adown the pathway of time coming generations will read of his deeds of courage, of his devotion to the public weal, of his love for his mother, his wife, his children, and country, and wonder as the years glide by whether they will ever behold his like again.

Mr. ADAMS, of Illinois. Logan will be regarded as the most striking figure of our civil war. He was the greatest of the Union volunteers.

As such he will stand in history. As such he will be eulogized to-day. His eulogy perhaps would come more fittingly from his comrades in arms, of whom there are many in this House. But his fame belongs to all of us; and each of us who knew him, either in the Army or in civil life, may well desire to pay a tribute to his memory.

It might not be appropriate for me to attempt to analyze his character as a military commander. That he was great in tactics or strategy, I know too little of tactics and strategy to say, and it may be that his military career does not afford material enough to enable even a military critic to judge whether he would have been a great commander in the sense in which Cromwell and Napoleon were great. His military fame will rest and rest securely on other grounds.

He was the loved and trusted volunteer leader of volunteers. The citizen soldiers of the Northwest, enlisted in a war for the preservation of the Union, were ready to follow him to the death, because they knew that his courage, like theirs, was neither contempt of life nor disregard of danger, nor thirst for mere military glory. It was the courage of patriotism, not less ardent because thoughtful, which places the life of the citizen at the service of the State in peace as well as in war, and regards military service only as a part of that larger service which the citizen owes at all times to the Republic which shelters him and his children.

Macaulay, speaking of the famous army of the Long Parliament, says:

> These persons, sober, moral, diligent, and accustomed to reflect, had been induced to take up arms, not by the pressure of want, not by the love of novelty and license, not by the arts of recruiting officers, but by religious and political zeal, mingled with the desire of distinction and promotion. The boast of the soldiers was, as we find it recorded in their solemn resolutions, that they had not been forced into the service, nor had enlisted chiefly for the sake of lucre; that they were no janizaries, but free-born Englishman, who had, of their own accord, put their lives in jeopardy for the liberty and religion of England, and whose right and duty it was to watch over the welfare of the nation which they had saved.

Such, in the main, were the volunteers of our civil war, and such, in a high degree, were the regiments of the Northwestern States, who made up the famous Fifteenth Corps. They were more effective, perhaps, as a military force under the command of Logan than they would have been under a merely professional soldier. They recognized in him not merely an accomplished commander, but a fellow-citizen and a friend, whose hopes, feelings, and purposes accorded with their own. As they knew that he would spare neither them nor himself in the service of the Union, so they knew that he would expose them to no unnecessary danger, or sacrifice their lives to his own military ambition. Therefore it was that after his troops had come to understand his character as a commander, a regiment under his lead seemed sometimes to become a brigade, a brigade seemed to have the strength of a division, and wheresoever Logan thought it his duty to lead, fifteen thousand thinking bayonets were ready to follow.

History will take no leaf from the laurels which Logan won in the civil war, because he was reluctant to believe that civil war was necessary. No man can impugn his patriotism because at the time when others were preparing for the conflict which they saw was inevitable Logan still hoped against hope that some form of compromise might yet take away the bitter cup from the lips of the nation.

Wendell Phillips said, in April, 1861:

> Civil war is a momentous evil. It needs the soundest, most solemn justification. I rejoice before God to-day for every word that I have spoken counseling peace, but I rejoice also with an especially profound gratitude that now, the first time in my anti-slavery life, I speak under the Stars and Stripes, and welcome the tread of Massachusetts men marshaled for war.

It was not given to all in those dark days to look through the rising clouds of civil war and see in the clear light beyond the slaves enfranchised and the Union stronger than before by the removal of the great cause of difference between the sections.

It was not given to Logan to see this. To him also civil war was a momentous evil, and he did not see in civil war, as Wendell Phillips did, a possible solution of the slavery question. Till the clash of arms actually came, till the exultation and humiliation of a great battle had inflamed all hearts, he thought he saw only a minority of secessionists at the South and a minority of abolitionists at the North striving to kindle their own frenzy in the hearts of the great majority of Union-loving men in both sections of the country.

> You gallant Union men at the South—

Said he—

> who are standing against a fierce and bitter storm, if nothing be done to calm it, and you are hurled over the precipice into the deep, yawning gulf of disunion, for your heroic stand in this fearful crisis history will immortalize your names, and your children will read with illuminated faces the faithful sketch of your patriotic devotion to your country.

Perhaps we must admit that, for months after the fall of Fort Sumter, Logan doubted whether the Union could be restored by force of arms. He had said so in Congress:

> The enforcement of the law at the point of the bayonet will not cement this Union again, it will not make us friends, nor will it settle the slavery question.

He probably did not believe that the North would endure the sacrifices of a long war; nor did he believe that the rebellion would yield without a desperate struggle.

To him, therefore, the actual clash of arms between the Union and the rebel forces seemed to mark the beginning of an eternal estrangement between the North and South, which time would only embitter. Influenced as he was by forebodings, felt at the same time by thousands of others in all sections of the country, it was not to be expected that he should have given a cordial support to the war policy of the Lincoln administration.

But the time came when Logan's attitude toward the administration of Mr. Lincoln and his war policy changed as if in the twinkling of an eye. It was by no elaborate course of reasoning; it was by a sudden flash of insight that he saw that the war was inevitable, and that the North was resolved. He saw, he understood, he obeyed, as unhesitatingly as did the apostle to the Gentiles when he beheld the great light that shone on the way to Damascus and heard the voice crying "Saul! Saul!"

He stood one morning in Washington and saw the regiments from the Northwestern States, his own section of the country, march by him on their way to the front to take part in the impending battle of Bull Run. The sight struck home upon his heart and his understanding like a revelation from Heaven. The volunteers of Wisconsin and Minnesota made him think, perhaps, of the volunteers of Illinois, then far to the front in the Mississippi Valley. Perhaps he thought of the Mexican war, and the gallant part which his own State had borne in it; of Shields at Cerro Gordo; of Bissell and Hardin, and the steady valor of the Illinois line when they faced an enemy for the first time on the plateau of Buena Vista.

In these raw troops now marching by, fresh from the farms of Wisconsin and the lumber camps of Minnesota, he saw the loyal North in arms resolved to maintain the Union, and he now knew, for the first time, that the only way to enduring peace must he hewed with the sword.

He saw his own duty also. He could thank God, as Wendell Phillips had, for every word he had spoken counseling peace, but his heart told him that henceforth the only place of honor and duty for him, the only place where his spirit could be at peace with itself, would be in the camp, or on the march, or in the line of battle with the volunteers of Illinois.

He did not hesitate. To restore the Union. He put upon the hazard not only life and fortune as others did, but what was perhaps far more to him, his darling popularity.

He went into his district. He made as brave a charge upon the prejudices of Southern Illinois as he ever made upon the confederate lines. He made his people see what he had seen on that July morning in Washington, that the safety of the great Republic, the freedom and happiness of millions yet unborn, in the South as well as in the North, must be sought by the dreadful path of civil war.

Thus the first service which Logan rendered in the war for the Union was a victory won by his eloquent tongue before he had drawn his sword.

> The very men—

Said General Grant—

> who at first made it necessary to guard the roads of Southern Illinois became the defenders of the Union. His district, which at first had promised to give such trouble to the Government, filled every call made upon it for troops without resorting to the draft. That Congressional district stands credited at the War Department to-day with furnishing more men for the army than it was called upon to supply.

I shall not try to recount Logan's military services in the Union cause during the next four years. There are many others in this House more competent than I to recall the history of those stirring events, of which they were themselves a part. Let me, however, speak of that one of his many victories, the glory of which, brighter and more enduring than mere military renown, he does not share with any man, or regiment, or army corps. It was the victory which he won over his own feeling of disappointment and personal wrong when the command of the Army of the Tennessee was taken from him. He had served with that army from Belmont to the Atlanta campaign. He had risen through all grades from colonel to corps commander. He had taken command of the army, as General Grant reminds us, in the midst of a hotly contested battle. His glance, his voice, his magnificent bearing had infused courage and discipline into dispirited and retreating troops.

Under the influence of his personal presence they became steady in an instant. A few minutes more and they were moving to victory like one of Cromwell's brigades, with the precision of machines, and the wild fanaticism of crusaders. At Logan's call they pressed forward to avenge McPherson's death with such impetuous fury that eight thousand of the enemy's dead and wounded were left upon the field. Logan had fairly won the right to command the Army of the Tennessee. When this command, so fairly won, so eagerly desired, was taken from him, merely because he had received his military training at the rude hands of actual war, and not amid the sheltered walks and trim lawns of a military academy, his patriotism faltered indeed, but it did not fail. He was tempted to resign from the Army. What West Point graduat could have blamed him if he had done so? But he was true to himself and to the Union he had sworn to defend. Perhaps he remembered the words he had spoken in 1862:

> I have entered the field to die if need be for the Government, and never expect to return to peaceful pursuits till the object of this war of preservation has been accomplished.

He returned to the command of his army corps. By his indefatigable zeal in a subordinate position, he gave a living example of that doctrine of military fidelity which, many years afterward, he was to urge so eloquently in the Senate, that neither personal dislike nor personal disappointment could excuse a subordinate officer either for disobeying orders or for slackness in obeying them.

Of Logan as a legislator I have no time to speak. Faithful as he was to all his public duties, it is not as a legislator that he will be remembered. He accomplished much in Congress; but if he had accomplished more, his fame would still rest on his military record; and his military record, for this generation at least, is written not only in the annals of the campaigns in which he took part but in the hearts of tens of thousands of surviving volunteers of the war who have so long looked up to him as the bright exemplar of their own patriotism, the record of which they will hand down as an honored heritage to their children and their children's children.

One trait of Logan's character has attracted the attention of all who met him in public or private life. He was a sincere and devoted friend of his friends, and he was not the secret enemy of any man. Open, straightforward sincerity in word and action was such a prominent characteristic of his demeanor toward friend and enemy alike that we may not unfairly apply to him the description which Clarendon gives of the great Duke of Buckingham:

> His kindness and affection to his friends was so vehement that it was as so many marriages for better and worse, and so many leagues offensive and defensive, as if he thought himself obliged to love all his friends and to make war upon all they were angry with, let the cause be what it would. And it can not be denied that he was an enemy in the same excess, and prosecuted those he looked upon as his enemies with the utmost rigor and animosity, and was not easily induced to a reconciliation. And yet there are some examples of his receding in that particular. And in the highest passion he was so far from stooping to any dissimulation whereby his displeasure might be concealed and covered till he had attained his revenge (the low method of courts), that he never endeavored to do any man an ill office before he first told him what he was to expect from him, and reproached him with the injuries he had done, with so much generosity, that the person found it in his power to receive further satisfaction in the way he would choose for himself.

When a great man dies in the maturity of his intellectual powers, before he has even reached the threshold of old age, we are apt to deplore not merely our loss, but his own. We are apt to regret as a loss to him as well as to ourselves the many years of usefulness and comparative comfort which he might yet have enjoyed. The feeling is not always a reasonable one. Who can tell whether Logan's old age would have been a happy one? Some men there are, like Washington at Mount Vernon, like Jefferson at Monticello, who, after a life of active participation in public affairs, can quietly withdraw from the current of events, and spend their declining years in private life, watching the gradual decay of bodily strength and mental vigor with the same calm resignation, and even with the same sober happiness, with which they watch the lengthening shadows at the close of a summer day. Such an old age is not the common lot of public men. It is possible only to a few. We can not be sure that it would have been Logan's lot, had he been spared to live out his three score years and ten.

His life almost from boyhood had been one of political activity. Would he have been content, like Washington, to resign life's active duties at the inexorable bidding of advancing age? He was not sure even of bodily health. The fatigues, the wounds, the exposures of the war had begun already to tell upon his constitution. For him, perhaps, it is better as it is. His death is our loss rather than his own. Better, perhaps, for this keen, ambitious spirit to pass from life in the full maturity of his mental powers; his career not yet completed; the last and brightest goal of his ambition still before his eyes and almost within his reach.

Mr. ROGERS. Mr. Speaker, integrity is the basic principle of all moral character—integrity in its broadest sense, integrity of thought, integrity of word, integrity of deed.

Laborious industry is the indispensable condition of all success which is honestly achieved.

No less an important element in human greatness is courage.

Not merely that valor which asserts itself in the presence of danger, nor that fortitude which enables us to suffer and endure, nor that resolution which falters not at difficulties, nor yet that heroism which despises danger and overrides what to the more discreet and timid seems insurmountable barriers, but rather that rarest of all virtues among men, that moral courage which prompts the upright man to sacrifice public favor, to accept defeat, to undergo humiliation, and even public censure if necessary, in obedience to the dictates of conscience and in the discharge of public duty.

My personal relations with General Logan was limited to a passing acquaintance and a few meetings on matters of public business. But I am persuaded from all I knew of him that he possessed all the qualities I have mentioned and to a pre-eminent degree.

At a time when others holding similar positions of honor and trust lived sumptuously and grew rich General Logan kept his frugal and simple ways, and finally died comparatively poor.

In high stations of public trust, when others were falling on all sides entangled in the meshes of public scandals and besmirched by improper connection with corrupt legislation and doubtful enterprises, General Logan steered clear of all questionable transactions, and finally bequeathed to his family that which is better than riches, the splendid legacy of a good name.

That he was indefatigably industrious, zealous, and scrupulously faithful in the discharge of every public duty those who knew him best cheerfully attest, and this I believe to have been the key to his great success.

Few men are born great. The truest, the safest, the wisest are the plodders. I do not believe General Logan was either brilliant or in any sense what the world calls a genius. But he was more; he was a great worker, an honest thinker, and a courageous actor. No man ever doubted his courage, moral or physical. His public record will show separations from his party and friends on many public questions and a dogged pertinacity in the maintenance of his convictions against all odds, and even in defiance of public opinion.

He was by nature self-reliant, but circumstances had wrought no small work in the formation of his character. He had grown up and lived his whole life in the great West, that part of our country the wonderful development of which can scarcely be comprehended, a development which it required courage, industry, endurance, patience, and self-reliance to work out.

General Logan was a prominent actor amid all the busy struggles and changeful stages through which this great section passed from its infancy until his death. He had imbibed its vigorous spirit in his youth, and it was his strength and his support while he lived. He reflected its great energies and marvelous resources in his simple, industrious, and abstemious habits, his powerful frame, his great endurance, and determined resolution.

That great section of our country gives to history no better specimen of its productions than General Logan. Open, frank, without finesse, his methods were direct, and his purposes unconcealed. He was ambitious, but it was a laudable ambition guided by patriotism and inspired by a desire to benefit his fellow-men and promote the welfare of his country. I knew nothing personally of his domestic relations.

Of the story of his early love, his marriage, and the beautiful domestic life that followed, others have spoken and are better qualified to speak. I have ventured to speak only of his personal characteristics and his private and public worth. All understand his public services, extending through a long, eventful, and honorable public life.

These belong to history and are the proud heritage of his country which he served and honored and which in turn honored him.

It is difficult to determine whether his greatest achievements were in war or in peace. They were great in both. His long and honorable career is a tribute to our institutions and an honor to our marvelous civilization. His life furnishes a bright example for the ambitious youth of the Republic. He went out from among us in the prime of his usefulness and in the zenith of his influence and power.

In the great State of Illinois his place will not be easily filled. In the councils of his party he will be missed. In the Senate of the United States he will be long remembered. In the hearts of the citizen soldiery of the Union he is already enshrined.

Mr. Speaker, I esteem it a privilege, as it is a pleasure, to unite in paying this last tribute of respect to his memory.

Mr. ROWELL. Mr. Speaker, with no hope of adding anything to what has already been said in the way of correctly delineating the character of General Logan, I am still unwilling to let this occasion pass without paying my tribute to his memory. It was my fortune to serve under him during the war of the rebellion for more than a year, and in the same army—the Army of the Tennessee—for a much longer period.

In that fiery furnace of war, which tries the metal of which men are made, I learned to believe in him; not alone in his wonderful leadership as a soldier, but as one who loved his country above all other earthly things; who knew no divided allegiance, and who counted no sacrifice too great when made in defense of the flag which typified American liberty and unity.

Since the return of peace I have been one of those who believed in him as a political leader—as safe in council as he was heroic in war. The ways of Providence are mysterious; we submit to them because we must. Believing in a higher wisdom than that of men, we are ready to say it is best when our cherished hopes are crushed, our most earnest purposes thwarted.

I have felt that the annals of Illinois and her connection with the grandest and saddest periods of our national history would not be complete until the greatest of our volunteer soldiers should be called to the chief magistracy of the nation, and so complete in that great office the triumvirate, Lincoln, Grant, Logan—each with his own peculiar greatness—Illinois's contribution to the world's great names "that were not born to die."

It has seemed to me that the grand army of volunteers would never be fully honored and rewarded until the whole nation should do them homage by electing to the Presidency their recognized chieftain. But Providence has ordered otherwise, and we bow in humble submission, still protesting that one page of our history remains incomplete and must ever so remain.

From early manhood Logan was inspired by honorable ambition to deserve, and to take by so deserving, high rank among men.

For more than thirty years his name has been a part of the public history of his native State and for nearly as long of the nation. He has received honors, military and civic, above most men, but for all the honors conferred upon him by a grateful and appreciative people, he has returned to them more than measure for measure, many fold, in faithful and efficient service. We are and must ever remain his debtor, not more for what he has accomplished than for the beneficent influence of his example which remains for the living and for other generations.

General Logan was a man of convictions. He had no half beliefs. With untiring industry he sought for knowledge, and was content with nothing less than all that could be known about the great questions upon which he was called to act. Having reached a conclusion, it became to him truth itself, it possessed him and impelled to action. No man ever walked in the pathway pointed out by his own logic more firmly than he, regardless of consequences to himself.

With unbounded faith in popular government and in the wisdom which abides in the sober second thought of the people he had a profound contempt for the spirit of demagogy which trims for every passing breeze and seeks to make personal capital out of the ebullitions of passion, the temporary crazes which affect our poor human nature. Double dealing was impossible to him. He had no thoughts which he feared to utter, no purposes he cared to conceal.

He was ever ready to give and take hard blows in open and honorable contest. He never fought in ambush, nor sought success by concealment of his purpose where fairness demanded openness and candor.

A faithful friend and an uncompromising foe, he attracted strong friendships and invited bitter enmities. Hot and hasty in temper, he would always go more than half way in reconciliation. A strong partisan by nature, yet he would not remain silent when he thought his party associates were going wrong. A native of Illinois and loving his native State and her people with a passionate love, yet in public life he was an American citizen, too large a man to be hemmed in by State lines either in thought or service.

Among the soldiers of the "Grand Army" he was "Comrade" Logan. It was a comradeship of personal regard, of strong and endearing friendship, born amidst scenes of danger and death, made sacred by the memory of the fallen, and cemented by his ever-watchful care of their interests in all his public life.

For four long, eventful years he had been to them the ideal leader nearest to the rank and file. In all those years, to him and to them, there never was but one ending possible. And that ending, the supremacy of national authority over all the United States, an undivided nation, freedom's heritage and home.

There has ever been an abiding faith among his comrades that whatever others might do he would never apologize for the part that he and they took in that great struggle, and he never did. But they knew he was as generous as he was brave, and they have held up his hands with ready sympathy and hearty support in all his efforts to help rebuild the places laid waste by war, to restore everywhere a love for the Union, to secure to all the people the fruits of peaceful and honest industry, and the individual rights which belong to every citizen of the Republic.

To his soldiers his death is a personal bereavement which others can not fully appreciate. I can not dwell upon it. I dare not attempt to lift the veil which shuts out the public from this personal sorrow. Their leader in life, his death makes no vacancy for other leadership.

Dead! No longer standing in the Senate a representative of all that was best and bravest, a voice comes from his tomb, the voice of command, always with them, bidding them to remain faithful sentinels on the watch-towers of American liberty.

The death of General Logan is especially mourned by Western soldiers. The young men of the great West who sprung to arms at the first note of impending war formed the nucleus of that great division of the Army known as "the Army of the Tennessee." That army was almost exclusively composed of the men of '61 and '62 from the West and Northwest. It was the army that won the victories which made Grant commander-in-chief and Sherman his chief lieutenant. With that army the knightly McPherson won his triumphs and rode to his death.

With that army was all of General Logan's service from the beginning to the end of the war. The injustice which kept him from being its commander after McPherson fell gave him also the opportunity of showing to the country how great he could be in unselfish patriotism.

At Belmont and at Fort Donelson he gave token of the future great commander. But it was in that remarkable campaign in the rear of Vicksburg, when Grant cut loose from his base, and by a series of brilliant battles and victories, equal to any Napoleon ever won, forced Pemberton within the works at Vicksburg and finally compelled his surrender, that General Logan became the idol of his men and proved himself worthy to stand with Sherman and McPherson, safe on any field and equal to great occasions.

Thenceforth where Logan led his soldiers followed with implicit faith. Remembering Raymond and Champion Hills, from that time on they followed Logan into battle with full faith in a victorious ending. The war over, he remained their leader still.

I speak as a member of that old Army of the Tennessee—glorying in its volunteer hero; rejoicing in all his successes in the field, at home, in this House, and in yonder Senate Chamber; mourning his too early death.

While Logan has been the leader of his party in Illinois for many years he has never been a party dictator. He never resorted to the petty ways of the mere politician. Believing in the righteousness of his cause, he was always ready to give a reason for the faith that was in him. He knew his position, feared no rivalries, and trusted the people. Ability, integrity, courage of conviction, and indomitable will made of him a leader worthy of a great party. Let others speak of his failings and foibles if they will. For me they are buried in his grave, and Logan, the hero and the statesman, only remains.

Pure in public and private life, honest in thought as well as deed, he has left to mankind an example worthy of emulation; to the nation, his untarnished name and fame—best of legacies.

The Christian gentleman, the stalwart man, the tender husband, and the loving father has gone from our midst forever. His spirit has crossed the dark river to the presence of the Omnipotent in whom he trusted. His work is ended.

Be it ours to emulate his patriotism, to be watchful guardians of his good name and fame, and to cherish that Union of States and that universal liberty for which he died.

Mr. DANIEL. Mr. Speaker, in the full vigor of his life, in the rounded fame of achievement, and in the high career of his distinguished office John A. Logan has heard the Master's call.

Yonder, in the Senate Chamber, we saw him when here we met in December last, stout of heart, and stout of frame a—figure militant, foremost in the lists, his eye kindling with the fire of exultant life; and now he lies with folded hands across his breast, and his white face turned heavenward awaiting the opening of the mystery "when this corruptible shall put on incorruption, and this mortal shall put on immortality."

I envy not the feelings of the man who does not "mourn with those who mourn" the strong man stricken in his prime, the fearless chief, the father, the husband, the statesman, the friend, whose life was to so many the source of pride and joy and satisfaction. And with those who knew him best and loved him most, I bow my head beside the bier of Logan.

It is not for me to assume that I am the person to attempt critical analysis of his character or the recital of his achievements, nor do I conceive indeed that the time has yet arrived when calm-browed history may assign to him the exact place to which he was entitled in the ranks of America's great men.

Descended through both ancestral lines of Scotch-Irish stock, he inherited the frank, ardent, pertinacious, and courageous elements of character which have made that sturdy strain, wherever planted, foremost in adventurous enterprise and hardy undertaking. A partisan by nature, and living in times and situations that made partisans of the coldest bosoms, we can not yet behold him in an atmosphere calm enough and clear enough to draw his lineaments with precision. But through the smoke of conflict and the haze of passion, there was that in Logan so distinctive that his commanding features will never be mistaken for anothers; and there were elements of his character and of his performances which made him worthy the respect and admiration of all, whether they be counted as his friends or foes.

Born myself under and following a different star from that which guided his footsteps, and living my life in opposition to most of the ideas which he pressed to the front with all the ardor and vigor of his dauntless nature, my standpoint has not been such as to make me the suitable eulogist of his deeds or render me capable of becoming his impartial judge. But whatsoever may be the standpoint from which we contemplate his remarkable career we can not look upon him otherwise than as a man singled out from his fellows by conspicuous traits, and by those traits which are universally acknowledged and honored as chiefest among manly virtues.

As said of him in the Senate Chamber by one who confronted him in the first and last battle which he fought, he was marked by "grand individuality and striking characteristics." And by another not less his opponent in the forum and the field: "No braver man ever lived, and the Almighty Creator endowed him with many other and great virtues."

No glint is given as in these words alone of his long, varied, and brilliant services; but they constitute an epitaph chiseled by the hand of truth upon the marble tablet of enduring memory, and they will live as the unaffected tribute of sterling men to one who was himself a sterling man and leader of men.

The reason that Logan's name is so universally honored lies in the fact that he lived his life in the light, and had no cause to fear the light. In his character and in his record there are no dark mysterious phases. In an era fertile in the production of distinguished men, and that brought men to the front according to the strength that was in them, he stands upon a pedestal high and erect, a clear cut, magnificent individuality, purely American in its type, heroic in its mold, marked by the masculine lines of power in thought and power in action, bespeaking the will to do, eloquent of the soul to dare.

Did he accomplish much? Yes; he possessed a robust mind, he knew that a straight line was the shortest distance between two points, and he went that line, "horse, foot, and dragoons," from purpose to object. He was a tireless worker, difficulties and dangers did not deter him, and he has left behind him lasting memorials of his work with sword and tongue and pen.

Was he a great orator? Yes; not in the grace of classic art, not in the polish of rounded period, but in the earnestness of his utterances, the cogency of his thought, and in the power to persuade.

Was he a great soldier? Yes; great in the personal prowess of the brave knight who faces those not less brave with valor that does not hesitate or flinch from the encounter, and great in abilities to inspire, marshal, and lead hosts to battle.

Was he beloved by his soldiers? Yes; he was thoughtful of them, he was reckless of himself, and he fought in front of them.

Was he a great political leader? Yes; he believed in his own side, and espoused it with enthusiasm; he stood up to it with fidelity whether it won or lost; he never took two sides at the same time, or wabbled between them; he was strong in council; steady in the conflict, and powerful before the people.

Was he respected by his opponents? Yes; even though they thought that he was severe in his judgments and bitter in his expressions, they sincerely respected him, because they realized that in him was the upright, fearless spirit that said its say and did its deed, and left to God the consequence. They respected him because he was candid and outspoken, and did not wreathe his sword in myrtle boughs. They respected him because they knew he did not carry political hostility into private relations; because he was often kind and generous to his political opponents, as I personally know and am pleased to testify, and because he never prostituted his public place to private gain.

So high is honesty among the virtues that it condones all errors of judgment. So splendid is courage that when it stands by honor's side it makes the man seem god-like.

The man who has been laid by loving hands to his final rest was honest and he was brave, and mankind will honor his name and memory.

Mr. Speaker and Representatives, those of us whose middle life is abreast of the living day have witnessed scenes as stirring as ever blotted history with blood, and as decisive as any that ever turned its currents. We have seen brothers fall by brother's hand, States upset with anarchy, the flames leap over lovely fields and stately cities. Then out of chaos and misery and death and ruin we have looked up again to the boundless heavens where the sun shone new risen.

Down in Richmond by the James we have seen the men of Boston wreathing with garlands the statue of Stonewall Jackson. Away in the Shenandoah Valley, where tongues of fire once licked the clouds, we have seen Federal soldiers amidst the Confederate graves upon the heights of Winchester, strewing them with flowers, and on bended knees offering prayers for peaceful home and happy country. Amid such scenes as these the people of the land have felt their hearts new opened; and I thank God that the miracles of war which American courage accomplished, and the miracles of material progress which have filled the wilderness with happy and industrious populations, are now to be crowned with that miracle of divine love working through the hearts of men that makes us feel the tie that binds to common humanity and common country.

With humble spirit I commune with you to-day who pronounce blessings upon the dust of him who was a chief amongst your chieftains, and who won by his valorous hand and upright heart the honors paid him by the people.

If errors he committed, may the good God forgive them. His virtues they were many and they were great. May they live forever, the well-spring of pride and inspiration to all his countrymen. To his memory, honor. To his ashes, peace.

Mr. McCOMAS. Mr. Speaker, on the last evening he was in the Senate Chamber I conversed with John A. Logan.

His business with the world was done.

I recall his face now, a noble image of the intrinsic Logan, as we here to-day speak of his pilgrimage through life.

Sixty years of life, a brief section of swift-flowing time, but in it for true, hard labor and valor of action there has been none truer or braver than he.

A farmer boy, at school in Southern Illinois; before manhood, a soldier in our battles with far off Mexico eager for glory, winning honors. A lawyer, a prosecuting attorney, and yielding to his bent for politics, a member, a leader in the Illinois Legislature.

At thirty-two, a Democratic member of this House, elected and re-elected as a Representative of the States-rights party. In his place here, true to it, until convinced that loyalty to party was disloyalty to the Union, when he closed his desk, left his seat, though not mustered in, fell in line with a regiment marching over the Potomac yonder, and fought for the Union in the first battle as a private soldier.

Then, doing manifold victorious battle as he went along, he emerged at the triumphant close of war from among a million volunteers the foremost, the ideal volunteer soldier.

In the whirlwind of the passing time we saw him at Donelson charging at the head of his decimated regiment and grievously wounded.

At the close of the siege of Vicksburg we heard his Great Captain declare that Major-General Logan was fitted to command an independent army.

Before Atlanta, when McPherson fell in the early morning light, we beheld astride his black horse Black Jack Logan, leading an army to victory, pointing the way from Atlanta to the sea.

At the grand review on yonder Avenue we saw him commanding the Army of the Tennessee.

While his hand was still familiar with the sword-hilt, while the habits of the camp were still visible in his port and swarthy face, he was returned to his seat in this Chamber, a man who knew in every fiber, who, with heroic daring, had laid it to heart, that it is good to fight on the right side.

On this floor, and in the Senate, whither he was soon called, and twice returned, his first care was for the Union volunteers, their widows and orphans. The wounds on his own body, the grievous pain he endured with proud reticence for a quarter of a century, only served to remind him of those who with him, or like him, suffered, hungry or athirst, in heat or snow, the marches without rest, the nights without sleep, the fevers or pestilence gathering over an army in slumber, or the night-watches in rain that froze as it fell, as well as the wounds in battle.

He was thus the nearest, best friend of the volunteer, the peer of the highest officer, a brother to the humblest soldier, the sponsor of the Grand Army of the Republic, the founder of "Memorial Day."

Faults and prejudices he had, but he was always loyal to truth and duty.

Frank, impetuous, decisive, honest, he advocated his convictions with a scorn of personal consequence, in peace as in war, whether as a manager of the impeachment of President Johnson, defending Senator Payne, condemning General Porter, legislating for the reconstruction, or laboring for the education of an enfranchised race.

The manliest of men, a marvelous leader of the people, a famous, popular orator, a great general, a statesman.

Unsullied he bore his crowding honors worthily in public life, and rejoiced in the sweet contentment of an almost ideal home life.

The friend of Lincoln and Grant, with their greater names posterity will associate Logan's heroic face, painted now, as on the azure of eternity, serene, victorious.

God grant that the light he leaves behind him may illumine the path of those who may serve our country in her need for generations to come.

Mr. WEAVER, of Nebraska. John A. Logan dead; no, not dead!

> There is no Death! What seems so is transition;
> This life of mortal breath
> Is but a suburb of the life elysian,
> Whose portal we call Death.

The noble traits of character of John A. Logan have been indelibly stamped upon the hearts of the American people.

His whole life as warrior and statesman was dedicated to giving full force and significance to that affirmation of the Declaration of Independence, "That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

When that mighty effort for the destruction of constitutional liberty had well nigh sapped the foundations of this Republic; when weak and wavering men, to avoid the terrible consequences of war, were willing to make concessions looking to the separation of this Union, then it was that John A. Logan, rising above all considerations of party policy, inspired by a patriotism and love of country as fervent as that which moved the heart of William Wallace to strike mightily for freedom when he believed that the tyrant had invaded the dignity of his home and that black treachery was torturing away the freedom of his countrymen, then it was, I say, that this great warrior and statesman breathed upon the discontented and wavering elements of his own party utterances of such pure and patriotic devotion to his whole united country as will make his memory as lasting and imperishable as the Republic itself.

The noble traits of his character in his devotion to his country were made more conspicuous because of his life-long affiliation with a party that was now engaged in a war for the destruction of the Union and a dedication of one part thereof to human slavery.

Before the bugle blast of war had called any of our country's defenders to the field, but when every movement of the discontented elements attested to the fearful truth that civil war with all its dire consequences was about to test the national bond, upon this floor, in February, 1861, John A Logan said:

> I have been taught that the preservation of this glorious Union, with its broad flag waving over us as the shield of our protection on land and sea, is paramount to all parties and platforms that ever have existed or ever can exist. I would to-day, if I had the power, sink my own party, and every other one, with all their platforms, into the vortex of ruin, without heaving a sigh or shedding a tear, to save the Union or even to stay the revolution where it is.

This was but a patriotic declaration before the clash of arms, but in confirmation of his entire consecration and devotion to the preservation

of the Union we have only to let impartial history bear witness. Not content to serve his country in the Halls of Congress, away from the exposure and danger of shot and shell, this brave man rushed into the thickest of battle.

Where Logan went victory perched upon the Stars and Stripes. He was the inspiration, and his soldiers followed him into battle with a spirit of confidence and determination that knows no defeat.

From whatever cause that may be assigned by the faithful chronicler of events, yet no one will ever attempt to gainsay that where John A. Logan went there was victory, there was fighting. He was one whose presence meant a contest, a struggle to the death. Let Belmont, and Donelson, and Vicksburg, and Corinth, and Champion Hills, and other battlefields attest to the truthfulness of this allegation.

In that contest for the preservation of the nation—for right against wrong, for freedom against slavery, for all that was good and pure and noble against all that was wicked and wrong and oppressive, wherein from the beginning of the contest to the close more than two and one-half millions of citizen soldiers placed their lives upon the altar of their country in that contest—we do know that John A. Logan was the greatest volunteer soldier, the greatest commander taken from civil life. He was the recognized leader of that great army of volunteer soldiers, and from the close of the war has been the defender and champion of the cause of the common soldier in the Congress of the United States.

The defenders of our common country whose valor has been attested upon a hundred battlefields have lost their greatest friend, and our country has lost a great warrior and pure statesman.

John A. Logan has been in the public service, almost continuously, for more than thirty years, and during all these years of faithful service his conduct has been so pure that not even a suggestion of corruption was ever associated with his name.

His mission in life was not a struggle for the accumulation of gold; he sought not to pacify his conscience with the gilded bubble of wealth; he neglected not the elements of intellectual and moral greatness for the sordid and perishable things of time. His whole life was dedicated to his country, to human rights, to making more firm and lasting the foundations of this Republic. He has woven his name in history with illustrious and praiseworthy deeds.

Oh, that we had more Logans in the public service! More whose every thought and every effort were given to the discharge of public duty; more who sought no opportunity from public position to secure ill-gotten gains to the detriment of the general public; more who come to high public place because the public demand their service and not because the place is made the subject of barter or to serve some special interest.

Mr. CUTCHEON. Mr. Speaker, when on the 26th day of December last the intelligence was flashed across the land and under the seas that John A. Logan was dead, to millions of men it came with a sense of personal loss and bereavement.

There were men among us of greater learning than he, men more famous in statecraft, more profound in the law, more eloquent as orators, and some few greater as soldiers; but I greatly doubt whether among the sixty millions of people in this Republic there was one other man whose death would have touched the hearts of so many persons with a feeling of individual loss as did the death of Logan.

This is a phenomenon worthy of our study. Here was a man who was neither learned, nor polished, nor rich, nor aristocratic; but he had made himself felt across this great continent and his name familiar among all English-speaking people.

Whatever other traits he may have possessed or may have lacked, he was a forceful man. Wherever he came throughout his whole life men became conscious that a new force had entered into the problem to be solved, a force that was positive and could not be ignored.

His was a masterful nature that bent circumstances to his will, and brought men around him to work with him and for him. It is given to but few men in a generation to become so positive a force among his fellow-man as Logan was.

I said "as Logan was;" I might have said as Logan is; for character does not die with the mortal frame, and his character, his influence, and his achievements have entered into the forces that are developing our national and individual life.

There seems to be an epoch in the formative stage of all new states favorable to the growth of strong men.

I was struck recently, in reading the life of Abraham Lincoln, with the remarkable group of men that sprung up in the early history of Illinois.

When the seat of government was first removed to Springfield there were found at that young capital at one time Lincoln, whose name stands second to none in American history; Douglas, the Little Giant, Lincoln's great competitor for the Presidency; Davis, justice of the Supreme Court, Senator and acting Vice-President; Browning, Senator and Cabinet officer; Trumbull, Senator and jurist; Baker, Senator and general; and *Shields, general* and three times Senator from as many different Commonwealths.

It was while all these men were still upon the stage, and, in fact, in the very prime of their early manhood, that Logan first appeared in political life, in 1852, as a member of the Illinois Legislature.

He was an admirer and became a follower of Stephen A. Douglas. I am impressed with the belief that in many respects his character was more largely formed upon that of Douglas than of any other man. They had the same strong, dominant will, the same courage and fearlessness in following out a conviction, the same pugnacity and persistence in fighting their contests to the finish. They were alike exceedingly forceful among men, and natural leaders. Under the influence of the example of such men as I have named Logan began the career which was to be so potential for his country and for humanity.

A character is the product of all the forces that enter into it, and the first great formative force is heredity. Logan was of Scotch-Irish descent, a very sturdy and very vigorous stock, which has given us some of the strongest men that have blessed our country.

The next great mold of character is the influences of childhood and youth. Logan was born upon a farm in the comparative isolation of a newly settled region. His mother was of Scotch descent and possessed those strong traits for which that people are distinguished.

The men around him were of the large, strong, generous type that develops upon the frontier, and he inevitably partook of the spirit of the boundless prairie and the freedom that has never felt the fetters and constraints of aggregated humanity in cities.

Just as he was emerging from youth came the war with Mexico, and a combination of patriotism with the spirit of adventure drew him into the ranks of the army in that struggle. It was a mere episode in his life, but it was an index to the character of the coming man.

Then came the study of the law, and at the age of twenty-six we find him in the Legislature of his State, from which Lincoln had but four years before graduated into the halls of Congress.

After being again elected to the Legislature in 1856, Logan, in 1858, was himself elected to Congress, at the age of thirty-two, where he commenced that public career which only ended when, on the day after the last Christmas-tide, he laid all his honors and burdens down.

Meanwhile a new force and influence had come into his life. In 1855 he had married that devoted woman who thenceforth and throughout his life became his helper and his good genius. We may not speak more of her here. What his life would have been had he never met Mary A. Cunningham it would be impossible to guess, but it is safe to say that it would have been less useful and less illustrious than it was.

It was here in Washington that his real career began and his real character shone forth. The nation was already entering the penumbra of the dread eclipse of war.

The chill and shadow of the coming event was already upon the hearts of the people.

Born, as he was, in Southern Illinois, a promontory, as it were, of the free States projecting far down into the gulf of slavery, and peopled largely with settlers from the adjacent slave States, his whole political education was in sympathy with Southern views, and it was natural, almost inevitable, that he should ally himself with the party which had been the champion of Southern institutions. The great contest of 1858 between Lincoln and Douglas had been already fought, and the same political wave that carried Douglas back into the Senate swept Logan into the House.

While serving his first term here the whole country was startled and shocked by John Brown's raid upon *Harper's Ferry. It was a declaration* of war by one man. It was a small affair in itself—just a fanatical old man and a few devoted followers hurling themselves to death upon the jagged rocks of a continent of wrong, but it was the flash of the meteor bursting from obscurity, lurid for a moment, then plunging down to darkness and deeper night; it was the low grumble and jar of the earthquake which tells that the "sure and firm-set earth" is swimming beneath our feet.

Old John Brown was summarily tried, convicted, and hanged, but his scaffold became the scene of exaltation of a grand self-immolation for the uplifting of lowliest man.

> John Brown's body lay moldering in the ground,
> But his soul went marching on.

It marched to the South and it marched to the North, and everywhere it was a gleaming sword summoning the nation to the death-struggle of Freedom and Slavery.

We said that the only question was between Union and disunion, but we knew in our hearts that the issue was broader than that—that the real issue was freedom or slavery, and the hour had come for the nation to choose.

> Once to every man and nation comes the moment to decide,
> In the strife of Truth with Falsehood, for the good or evil side;
> Some great cause, God's new Messiah offering each the bloom or blight,
> Parts the goats upon the left hand, and the sheep upon the right;
> And the choice goes by forever 'twixt that darkness and that light.

Perhaps few men were ever more strongly attached to a party than Logan was to his, but when it came to a question between party and country he knew no such thing as party allegiance.

The first shot that cleft the stillness of Charleston Harbor as it boomed across the bay against Sumter, severed the last tie that bound him to a party he had loved and labored for until he had reached one-half the allotted age of man. In the fierce heat of his patriotism everything that might hold him back from supreme devotion to his country was burned away—utterly consumed.

He at once resigned his seat in Congress, and returned to his State, that those who had looked to him as their political oracle might hear his rallying voice, and be held firmly to the cause of the Union. With all the force and intensity of his nature he summoned his old political friends to the standard of his country, and a short time saw him at the head of a volunteer regiment, the Thirty-first Illinois.

It is no part of my purpose to follow him through the annals of the war. It is a splendid record of patriotism, devotion, courage, and magnificent leadership.

Belmont, Donelson, Corinth, Champion Hills, Jackson, Raymond, and Vicksburg witnessed his valor and took reflected luster from the gleam of his sword.

Resaca, Kenesaw, Atlanta, and Jonesboro' are linked with his fame, and in large part owe their glory to his prowess.

He never elbowed his way to promotion, but promotion came to him almost of necessity.

The eagle of the colonel gave way to the star on his shoulders after Donelson, and that again was replaced by the double stars of the major-general, and these were but imperfect indices of his growth.

As a soldier he was the very impersonation of intense energy. Men followed him because they had no choice but follow him.

He was first of all intensely patriotic; he was as brave as patriotic, and as magnanimous as he was brave.

He possessed the confidence of his superiors, and the enthusiastic love of his soldiers.

Of his return to Congress after the war and his career here for almost twenty years, I have not time to speak. Others have done that far better than I could. But during the four years that I knew him here it seemed to me that his life as a Senator and statesman was but the projecture into another sphere of the traits that made him the splendid soldier that he was—intense patriotism, unlimited courage, strong virile force, honesty that was unassailable, devotion to duty that took little account of consequences to self.

My acquaintance with General Logan began almost immediately on my arrival at the capital. The first business brought before the committee on which I had the honor to serve was the case of Fitz John Porter; and in that connection I was at once brought into contact with General Logan. I was deeply impressed with the earnestness of his conviction and the intensity of his feelings, and his utter loathing of what he believed to be a betrayal of trust. As he would speak of it his indignation would flame up, his form would seem to dilate, and his eye would flash as if with the old light of battle, and I could imagine how he would have ridden down the line as he did at Peach Tree Creek, with his black hair streaming on the wind and his battle-blade flashing before his rushing battalions.

Does any one doubt that Logan was great? No one but a great man can fill a continent with his name, can hold a great commonwealth in his grasp, can bind unknown millions to him who have never seen his face, so that his loss shall seem to each a personal bereavement. This Logan did. But he is discharged the service of this life—mustered out for promotion.

Mr. Speaker, the devoted patriot, the brave soldier, the courageous statesman, the unsoiled Senator, the devoted husband and father, the soldier's friend, the peerless volunteer—he shall walk with us here no more.

The tender flowers we laid upon his coffin on that last, sad day of the old year have long since withered, and their fragrance passed away. Neither their loveliness nor their perfume had power to hold him back from the dissolution of mortality nor from the corruption of the grave.

And so with our eulogies to-day. They will fade with the passing hour. "The world will little note nor long remember what we say here, but it can never forget what he did here."

If his fame depended upon this fleeting breath of eulogy it would not be worth the having. His name may save our words from utter oblivion, but all our praise will not prolong his memory by a single day. His fame rests securely in the nation that he loved and helped to save, in the millions of hearts that he taught the priceless lesson of patriotism, in the thousands of homes that he made brighter and happier by his life.

His voice is silent in your council hall
Forever; and whatever tempest lower,
Forever silent. Even if they broke
In thunder, silent; yet remember all
He spoke among you, and the man who spoke.
Who never sold the truth to serve the hour,
Nor paltered with eternal God for power.

Mr. WILSON. I can not speak of General Logan with the kindling glow of personal friendship, or even of political sympathy, that has been the inspiration of many tributes to-day. I knew him but slightly in the occasional contact of public life, and not at all in the intimate relations of private life. To me he was only what what he was to the great body of his countrymen—a fellow-citizen, a distinguished fellow-citizen, who, in all the period covered by my memory of political affairs, has been a positive figure in the arena of American politics. To give a sketch of his life, however brief, would be to tread a path many times trodden already, and I possess no fund of personal reminiscences from which, on an occasion like this, a speaker may appropriately fill in the soft and delicate traits of character, unseen in its general outline.

I must, therefore, speak of General Logan, simply as the clear-cut and distinct figure that has so long been familiar to the American people, for I think no one will deny that he stood out with an individuality all his own, even in that small class of public men to whom public service is a steady and unbroken career, and not, as it is to most of us, merely a parenthesis in some other calling. What was the trait in General Logan's character that drew and fastened to him as a permanent possession the favor of his fellow-citizens?

Not a broad and thoughtful statesmanship, for while there is a growing conviction that in this respect he was underrated, still he was not prominent as the author of public policies or of great party measures; not a great power in Congressional debate, nor in magnetic oratory before the people, although he was strong in both; not the unquestioned integrity that passed with clean hands through all the temptations and opportunities of place and power, for this was shared by many others among his colleagues both living and dead; not party leadership or ardent party zeal that loved the fray and was happiest when in the thickest of the fight. Concede to him all these traits, some in the fullest, all in a respectable measure, and we must still look beyond them for the chief source of General Logan's hold upon the favor of his countrymen, the warm attachment of friends, the hearty respect of enemies.

The cap-stone and crowning virtue of his character was its brave and transparent singleness. Men saw his robust virtues and admired them; they likewise saw his faults and forgot them, because he wore them both upon his breast. They believed him to be just what he seemed to be, nothing more and nothing less. He did not walk the stage in the mask of an actor.

And thus, Mr. Speaker, he had grown upon his countrymen as one who might fitly use as his own the words which Homer puts in the mouth of the hero of his Iliad.

For I hate with perfect hatred,
Hate him like the gates of hell,
Who within him one thought harbors
While his lips another tell.

This rare and noble virtue was the key to General Logan's hold on public favor, and his ever-widening popularity.

But, Mr. Speaker, General Logan was not only, and perhaps not chiefly, known as a civilian and Senator. When the seed of discord planted, or, rather should I say, consciously and helplessly left in our Federal Constitution by its framers, had, before the lapse of a single century of national existence, under the forcing heat of the slavery struggle, burst into the blood-red flower of civil war, General Logan was among the first, and most eager, to take part in the conflict. Of all the men that went forth from this Capitol, to range themselves on the one or the other side in that Titanic struggle, of all the men that entered either army from civil life, he came back bringing the greenest laurels and having achieved the most unfading glory, and, in the more than twenty years that have since elapsed, the luster of that martial glory added much to his power and influence in the councils of his party and of his country.

Mr. Speaker, it is a noteworthy fact that in the memorial services, one week ago in the Senate, no heartier tributes were offered than those which came from men who had met him, not only in the hot contests of partisan strife, but in the fiercer combats of real war. They were sincere tributes of manly men to a manly man. Ah, Mr. Speaker, we glory in our material greatness, our unequaled empire, with its sixty millions of freemen, our growth in wealth, the dazzling sweep of mechanical invention, our cities, and railroads, and telegraphs; but, sir, let us remember that after all the man is greater than all these, the man is more than the city, more than the railroad or steam-engine, more than the electric telegraph.

No prouder boast was ever made than that of the old Ithacan, when he said that his little island was "a rough, wild, nurse land, but its crops were men."

Was there anything in his life more manly and more pathetic than the prayer that mingled so often with the dying breath and dying thoughts of the successful warrior, when at Mount McGregor, he, too, surrendered to a warrior stronger than himself that prayer for the complete return of harmony and good feeling among his once divided countrymen? When after centuries of stubborn contest the strife between the two orders at Rome had finally ceased, the strife that so often threatened to dissolve the state and quench forever its rising star; and plebeian and patrician, turning from the bitterness of the past and remembering only its glories, joined in the career of greatness that has as yet no counterpart in history, the old warrior Camillus vowed a temple to Concord, and a later generation of Romans built that temple, whose remains are yet seen in the forum.

Mr. Speaker, was not the dying prayer of General Grant such an inspiration, such an injunction, such a vow? And will not some generation yet to come, it may be sooner than we expect, a generation freer from the passions and prejudices of the strife than we dare to be, build a temple to Concord, and in it place the marble statues of Grant and Lee, of Stonewall Jackson and Thomas, of Hancock and Stuart, of Hood, and Logan, and others not named, some yet among the living? Then, when future generations of American citizens shall view that temple, though they may possess a higher civilization than we enjoy, a greater material prosperity, and a wealth and invention beyond the vista of our imagination, yet, if they are worthy of the heritage we transmit to them, and equal to the responsibilities and duties which are theirs, they will stand uncovered in that presence and exclaim: "We have much that our fathers had not, we know much that our fathers knew not, but in this august company who can deny that their crops were men."

Mr. RICE. Mr. Speaker, I bring a tribute from Massachusetts and place it reverently on the grave of Logan. He had not, I believe, a drop of our blood in his veins; I do not know that he was ever within our borders excepting once or twice briefly in transit. His manners, his method of thought and speech, his political ideas, were not always by any means in accord with ours, yet I venture to say this soldier and statesman of the West, at the time of his death, held the first place in the hearts of the soldiers and common people of Massachusetts, who are her chiefest pride.

Few men in this age and country combined in so marked degree the characteristics which go to make up personal popularity. His massive frame, his glowing eye, his splendid strength, his undaunted courage would have made a hero of him at any time in any land. He would have "held the bridge" with Horatius, "in the brave days of old;" he would have led, amid clashing swords and spears, the wild warriors who came down from the north to the sack of Rome; he would have couched lance in battle or in tourney with the toughest of Froissart's knights. As a patriot soldier he was bravest among the brave. At Belmont, at Donelson, at Vicksburg, at Atlanta, he led where any dared to follow. He never dodged a bullet or turned his face from the front. Had he been called to do it, he would have scaled Wagner by the side of Shaw, or have kept his saddle, as Lowell did in the valley, after his death wound, to lead one more charge against the breaking but still stubborn foe.

To these splendid physical traits he added a self-culture, a coolness of judgment, and a power and quickness of comprehension which made him a consummate general. At the first signal from Manassas he marched out of Washington as a common soldier with a musket on his shoulder. Four years later, the war all over, he rode back in triumph a major-general at the head of the proud Army of the Tennessee. Had this been all when he died a grateful nation would have kept vigil at his bier, for a mighty man had fallen; the beauty of the land lay dead in her high places.

But this was not all. By the sword peace had been won, but peace as well as war was to have work and triumphs for Logan. For more than twenty years he served in Congress, making his way by force of will, by clearness of judgment, by appreciation of popular instincts, and by honesty of purpose and action in such a degree that at his death his fame as a Senator was scarcely eclipsed by his old fame as a soldier.

Logan was born poor and died poor. Perhaps he never knew the grinding poverty through which Lincoln and Webster and Garfield passed, but he had to make his own way in the world and earn his own bread. He was not much versed in the learning of the schools, but he learned readily with his eyes and ears, and few men in the Senate knew how to use the English language more correctly and effectively. Had he been born rich, had he been trained in the curriculum of the universities, he could never have been Logan. Not down from the heights, but up through tribulation and toil and suffering come the leaders of a free people, the founders, the guardians, the saviors of free institutions. Wealth is a good thing; we all want it; education a better; all should seek it. But wealth and education in these days have their dangers. The gilded youth who dawdle out their little lives in the clubs and streets of city life either die unknown and unseen or are rudely jostled when they come in contact with the actualities of life. Let them take thought lest they be handicapped by what ought to help. Only hard work of hand and of head will make Logans. Unless a halt is soon called in wasteful extravagance, in servile imitation of foreign customs, in selfish living, the time will come when it will be easier for a camel to go through a needle's eye than for a rich man to find a seat in the high places of popular confidence and trust. Logan—the poor man, the hard-working man—was full of popular sympathies. As a general he always cared for his soldiers; as a legislator the humblest and poorest were the ones he strove first to serve. He never cringed to the wealthy and powerful that thrift might follow fawning. He was a true gentleman, not polished in the ways of the courtier, or refined in the finesses of social life. Had he lived in the days of chivalry he would not very much have graced his lady's bower, or have sung very softly troubadour lays under her lattice, but he would have leaped into the lions' den or the raging whirlpool to win and wear her glove; he would have faced any odds in defence of her honor. Bluff, hearty, honest, he never sought to conceal, and he could not deceive.

Logan was a manly man. He knew his own merits, and that they were not always fully recognized and rewarded; but he accepted what came to him, not always, perhaps, quite patiently, but with no abatement of patriotic ardor and effort. "Greater is he who ruleth his own spirit than he who taketh a city." This fiery, passionate man could control himself. He could watch and direct the movements of a great army, forgetting none of the duties of a general, while his blood was boiling with the excitement of a common soldier in the fierce joy of battle. He could and repeatedly did accept the second place when he felt that the first was his by right.

All his life he was a public man. From law, from all private business, he turned away. He was not ashamed to seek and hold office. In youth, clerk of courts, member of the Legislature, member of Congress, the army, and then he was legislator and statesman to the end. He did not consider it a mean ambition to strive to gain favor and distinction in the public service. I do not believe that he was ashamed when called a politician, or that he thought it a thing for which to apologize that he sought to be true to his friends and to help those to offices for which they were fitted who had helped him to rise. I presume he felt that a man who is willing to do honest work has as good a right to seek it in public service as elsewhere, and that he deserves credit rather than ridicule and hostile criticism for being willing to accept and perform the duties of public office.

He gave his whole life to these duties; not its dregs, not what was left after he had achieved success in a profession, or a fortune in trade, but accepted as long as he should live comparative poverty, hard work, obloquy, the abuse of rivals, and the misrepresentations of those who were incapable of comprehending his character and his aims for the privilege of serving his country in the manner he had chosen. I declare his life to have been quite as worthy and honorable as that of the men who follow their own selfish pursuits and sneer at politics and politicians while they busily ply their muck-rakes to make their piles of dirty wealth a little larger. All honor and praise to the man who is ready to give to his country a life of hard and honest work, and is not ashamed to be pointed at as an office-holder and politician for so doing. Let the young men of the country be encouraged by the example of Logan and learn that there is no higher ambition than to fill worthily positions of public trust.

Logan was a strong man. He never counted his friends or his foes. He knew his own position, and if he could not win others to it he was ready to defend it alone.

He is dead—dead in the maturity of his strength and the plenitude of his powers—but his example lives. He has won a high place in our national Pantheon; his name will live in history; his memory is a precious legacy to those whom he has left behind him. Is this all? Has the strong man utterly passed away? Stands he no longer as a tower of strength for refuge and defense? Not so. It can not be. The bugle-call should not sound "lights out" at his tomb. His light is not out; though invisible to us, it still shines. Somewhere in the infinite realm of immortal life the great spirit still lives, clad in the panoply of a rich and well-improved earthly experience, ready for such service at any time and anywhere as opportunity shall offer and Omnipotence appoint.

Mr. CASWELL. Mr. Speaker, again it has become our duty, as it is our pleasure, to add a tribute of respect to the memory of a great public servant—one whose name has long been engraven upon the history of this country. We have put aside the business of the day that we may bear testimony to his great worth and excellence.

John A. Logan was neighbor to the people of my State. He was loved and esteemed by them as if he had been one of their number. His great public service had brought him in contact with them, and, in fact, with the people every where in the Northwest, where he spent the most of his life. He had learned their wishes, and had responded in a way that met their approval. In one sense we are but creatures of the present hour; it is but a question of time for most men to pass away even from the memory of their contemporaries, but such was not the destiny of John A. Logan. He lived for a better purpose, and he will live on, while millions pass behind the veil to be heard of no more.

God gave Logan a talent and force of character seldom found among men.

Born in humble life, he passed through the school of experience on his upward journey. He thus learned to feel the great wants and necessities so essential to the happiness of the common people. His self-education taught him lessons not easily forgotten. The life he led in his early days gave him much of his strength and popularity among his fellows.

Every country must have its leaders. The cares of state rest upon official heads, but principle and sentiment are nursed and crystallized by those unburdened with official work or cares of state.

A country like this, where gather people from every nation of the

globe, uniting under one flag, with one object in view, which is the formation of a government for their mutual protection, must have leaders—men who advise, direct, and command for the common good.

Logan was a natural leader, both as a soldier and as a statesman. He had few equals in either sphere, and still less in the two combined. It is difficult to determine in which character he excelled most. But in either he served his country nobly and well.

As a soldier he was fearless, and he was as gallant as he was brave, as generous as he was firm.

In the House of Representatives, and afterwards in the Senate, he was the author and advocate of measures of great national interest. He took front rank as a legislator, always advocating whatever he believed to be right and for the interest of the people. If he erred, it was an error of the head and not of the heart.

When the late war broke out he was not politically identified with the administration then in power. He was not in harmony with the party that had its conduct and responsibility. But his love for the old flag that had once led him to victory, his devotion and loyalty to the country that had given him birth, lifted him far above party, its ties or prejudice. It was enough for him that his country was in peril. Whatever party could suppress the rebellion was the party of John A. Logan.

The memories of his youth when he marched with the old flag to the capital of Mexico revived his love and devotion for his country, and again he was found in the front ranks of our Army. He went not as a stranger to battle but with a practical experience that well fitted him for the occasion. We had generals, trained in the arts of war, men of experience, educated for the purpose, men with commissions and arms already in line. But these were not sufficient. Our country called for volunteers. With them and the millions behind them, everthing was possible; without them, nothing. General Logan was the representative of that element. He was early in the field. Thousands followed him, and the Union Army was swollen to enormous proportions. These were the soldiery that saved the Union; without them it could never have been saved. It matters little whether Logan was always right or seldom wrong, the ends which he accomplished hide from view the manner in which they were accomplished. His military career was a success, and history will record him as a great leader of men.

When the war was over he turned again to the pursuits of civil life, but could not long remain a student of his own affairs. He saw before him a disordered Government and a suffering people, a people who had claims upon the country they had saved. He obeyed the summons that sent him to the national capitol. Here he made a record of which we are proud, a record that places him beside the great commanders whose names will be fostered and revered by generations yet to come.

As an orator General Logan had few superiors. His force and logic gave emphasis to his easy flow of language, and he carried conviction with marvelous success. He was industrious, a close student, and deep thinker. Fearlessly he approached his subject and pressed it upon his hearers with great force and eloquence.

For many years he has been the acknowledged friend of the Union soldier. The man who had spent his vigor and was wasting away or who was wounded or maimed found in him a most earnest advocate. He treated them as the wards of the nation. His sympathetic heart felt the sacrifice they had made that our country might live. He believed in them and in their patriotism when they risked their lives and went to the field. He would have placed the strong arm of the Government about them and stayed them up in their declining years. For these men his liberality had no limit.

The year which has just passed has laid to rest some of the grandest men of our time. The angel of death has selected from the wisest and the best. Among them no one will be mourned more than the man of whom we speak to-day. He was known and read of by all men, by the young and the old. In every State, in every city and town the name of John A. Logan is dear to those who love their country and its defenders.

His death carries sorrow and grief into the homes of the millions, and they join us to-day in these words of praise.

His great service as a soldier in two wars, his distinguished ability as a statesman, his power and eloquence upon the rostrum, his devotion to the poor and the suffering have made him conspicuous and dear to the American people, and he will be remembered and loved by them as the great soldier statesman by generations yet to come.

Mr. O'HARA. Mr. Speaker, the man who so conducts the order of his life that when the summons come, bidding him join the majority beyond, and leave vacant his chair at the family board, the social circle, or the nation's council where he was wont to be met, as to leave behind him indelibly impressed upon his age marks or traits of character worthy of emulation, that man has not lived in vain; the world and his fellows are benefited by his being, and such a life may fitly be said to be like unto "a tree planted by the rivers of water that bringeth forth his fruit in his season, whose leaves shall not wither," and whom no evil can befall, whether he be alive or dead.

Sir, when the history of our times shall come to be written by the just and impartial historian the order of a life as I have just described will be accredited to the late General John A. Logan.

To-day the House of Representatives pauses and for the time being sets aside the work of legislation that must for weal or woe affect the living, and with bowed heads and hearts filled with sympathy face the stern realities of death, and recognize that a great light has gone out from among the nation's counsellors, no more to raise his voice in defense of right, or lift an arm to strike a blow in behalf of justice and protection to the weak and humble poor, who from every city, village, and hamlet in the land bewail his loss, and join with us at this hour in placing to his memory from the storehouse of thought ointments of sweet-smelling savor, mingled with fragrant flowers, plucked from the garden of kindness, sown by the noble deeds of him whom they called friend. Sir, my acquaintance with the late Senator Logan was not such an one as would entitle me to speak of his many great and noble qualities as father, husband, or friend, or soldier. This I leave for those who enjoyed a place in his social circle, and whose contact with him in everyday life gave them the opportunities to speak as they have of him in that regard.

Hence in the brief remarks that I shall submit I will speak of the illustrious dead from that portion of his life that shines forth with such effulgency as to strike the admiration of all, whether friend or foe. Sir, if there was any one trait of that strong character that appeared stronger than the other it was his great love for his country and the deep and abiding faith that his country was destined by God himself to be that country in which liberty in its broadest and most comprehensive term should find its greatest fulfillment. It was, sir, this love of country that made him search after truth, and when found, according to the lights before him he disregarded party tenets or dictation; yea, even the counsel of friends if they in the least appeared to jar with what his reason and his heart suggested to be for the interest of his whole country. He may be charged by those who are accustomed blindly to follow leadership or to look only upon the surface for results of being sometimes harsh and impetuous with those who did not agree with him. Yet, sir, such, if they would delve deep for causes and effects, will find that such a nature as his, accustomed to reach results by direct reasoning with truth, avoiding ingenious methods, could have no patience nor tolerance for that sophistry which would endeavor to make the worst appear the better reason; and having himself a strong and determined will, abject submission to the will or dictation of others when in conflict with what he believed right could not be understood or appreciated by him.

No greater example of love for one's country can be found than Logan's patriotic act when he exchanged a seat upon this floor for a common soldier's lot amid the stern realities and severity of camp life when the well-being of his country was threatened, the Union endangered, and sound to arms for the right was heard all over the land. How well he kept that pledge he then made let the answer be given by the fifty-two well-fought battles in which he was successfully engaged from July 21, 1861, to April 26, 1865. Deeds like these will live in song and story and be recounted when and wherever the bards or historians gather to recite noble deeds for the emulation of the youth of this or any other land. Next to General Logan's great love for his country was his love and veneration for his comrades in arms, a love and veneration so pure and holy that it blessed both him that gave and him that received, so that when the dread summon came that bade that noble soul sunder the golden chord of life and leave its cerements of clay, to put off mortality and put on immortality, every one of his late comrades in arms felt that not only their great volunteer leader had crossed the river invisible to mortal view, but also that a friend, an advocate, and, yea, almost a father, had been taken from them.

> Can storied urn, or animated bust,
> Back to its mansion call the fleeting breath?
> Can honor's voice provoke the silent dust,
> Or flatt'ry soothe the dull cold ear of death?

Mr. Speaker, this ceremony is not solely in honor of the dead, for neither "storied urn nor animated bust;" but, sir, it is that the lesson of this noble life, ended so suddenly, yet filled with honor and usefulness, may be emphasized and adorned as far as we are able to emphasize and adorn it; that the same love of country, love for one's fellow, may be held up as a noble example to those who may come after us, and that posterity may know that the American Republic has and can produce heroes equal to if not surpassing in valor, fidelity, and patriotism the fabled heroes of ancient Greece or Rome. With full measure the lesson comes to us that—

> The boast of heraldry, the pomp of power,
> And all that beauty, all that wealth, e'er gave,
> Await alike the inevitable hour;
> The paths of glory lead but to the grave.

Mr. GOFF. Mr. Speaker, we honor ourselves in honoring the memory of John A. Logan. Nothing that we can say or do to-day can add to nor detract from the renown of our distinguished dead, for it is no less than fame proclaims it, and it could be no greater than it is. Those who knew him well will cherish their recollections of him through life, and the nation in whose interests he lived, for whose supremacy he con-

tended, will, in chiseled marble and enduring bronze, cause him to speak with lips that will move not, yet talk, to those who loved him in life, who sincerely mourn him in death, and to millions innumerable of those who, coming with the generations yet unborn, will honor his patriotism, his honesty, his sterling worth, and will worship at the shrine of human liberty, at which he knelt with all the earnestness of his grand manhood.

Mr. Speaker, General Logan was the idol of the citizen soldiery of the war for the Union, and he was worthy of their admiration, for he was as grand as his cause and as true as steel. It is not disparagement to our grand galaxy of volunteer heroes to say that among the many he was the one. As the magnificent image of the Christ-God, in the great cathedral of Monreale, dominates the immensity of the building, as Pallas ruled supreme in the Parthenon, and Zeus in his Olympian temple, so does the name of Logan alone transcendental stand among that throng of heroes, dominating as with a single impulse the hearts of those who, neglecting all pursuits, abandoning all professions, leaving home, wife, children, all, of every creed and all parties, marched under the banner of the Union "into the very jaws of death" and tasted of the bitter dregs of the cup of sorrow and of pain in order that republican institutions might not perish from the face of the earth.

General Logan lived in an eventful period and died in the fullness of his glory. He was an active participant in the memorable struggles that will render the ninteenth century famous in battle and in history. He was no laggard in the strife, but he was always to the front with the banner in his hands. He was determined in his purposes, sincere in his convictions, and grand in his achievements. Contending for republican government, he lived to see the Constitution of his country cleansed of impurities and firmly established on the eternal principles of truth and justice. He was a devotee at the shrine of human liberty, and he lived to see all men free. He believed in the education of the people, and he lived to see his country blessed with the grandest system of free universal education that a propitious Providence has ever permitted the children of men to enjoy. With all the earnestness of his impulsive nature did he love the starry banner of our independence, the emblem of our nation's power, and he lived to see it typify, at last, all that is great in human action, all that is grand in human thought.

It is not laudation for us to say that in all these stirring scenes and wonderful changes he played a leader's part and that he stamped his strong individuality on these pages, so grandly written in the book of our history. It is but common justice for us to concede it.

He is dead; he has gone. It seems but yesterday that he was here, that we welcomed him with the cordial greeting he always received, and to which he was always entitled, and now the places that have known him so long and so well will see him not again forever, and yet he will live here for all time. He will be with us, Mr. Speaker, while we tarry, and he will stay after we have gone. His is one of those illustrious lives that death can not destroy.

Loving husband, kind father, honored statesman, grand soldier, true friend, honest man, may your sleep in the quiet city of the dead be the rest of those who,

> Sustained and soothed
> By an unfaltering trust, approach their grave,
> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams,

and may the boundless mercy of the lowly Nazarene, who gave us the precepts of your true and Christian life, and who, as the Christ King, washed all your sins away, save you to the eternal glories of the heavenly kingdom; that such a life and such a death as yours proclaim must be.

Mr. OSBORNE. Mr. Speaker, we come to pay tribute to the memory of John A. Logan, whose name has rung through the world and won its meed of praise.

Living men may contemplate his character and draw from it lessons of purest virtue and loftiest patriotism. His whole career was a bright example of unselfish devotion to duty.

Indeed the Republic drew profit from his life. In centuries to come, amid the grandeur of its power and the unclouded splendor of its renown, the historian of our country will point to Logan as one who did much in his day to save the Republic from death.

Sounding words can not tell the strength of mind, the physical courage, the daring and fortitude that made up his character. When he led our flag to victory and gave to glory and to fame the fields on which armies struggled, when amid the carnage of the hour he rode along his line, suffering with pain from bleeding wounds, inspiring his troops with his own brave spirit, until like a restless wave they swept away every obstacle, the selfish and ungenerous may have spoken unkindly of him, but now that he is beyond the reach of ambition the man does not live who would have the name of John A. Logan forgotten. His is a name that the world will not willingly let die. He needs no splendid arches of victory, no monumental pile pointing toward heaven and covered all over with the story of his deeds to perpetuate his memory, for he is enshrined in the hearts of the people, there to remain as long as a sentiment of justice is felt or a cord of sympathetic virtue vibrates in a human heart.

Mr. PAYSON. Mr. Speaker, death with equal pace knocks at the palaces of the rich and the cabins of the poor.

So often, and oh! how sadly, has this Congress been reminded of the uncertainty of human life in the removal of members; and how many conspicuous in national affairs have been taken in a few brief months!

Chief among them all was he whose death has occasioned this meeting. It is held not as an exhibition of personal grief or sadness, but as a formal recognition of, and a sincere tribute to, honest worth, to duty well performed; due in justice to his memory; coming from those who knew him in his public career, the record of which will prove an incentive to emulation to those who are left and are yet to come.

The time, therefore, taken in the pause in the hurry and bustle of the business of legislation, in stating estimates of the character and eulogies—considerate always, if not tender and loving—of departed brothers is not unprofitably spent.

Mr. Speaker, General Logan was my friend, and I perform a sad duty to the memory of one whose good will and confidence was so prized in his lifetime by me when I attempt to add a single leaf to the garland of tribute which shall be rendered to him and his memory this day.

I am aware too, sir, that nothing that we say or do here will add to the sense of the appreciation of the American people of General Logan, of his excellent character, his splendid record as a husband and father, a citizen, a soldier, a statesman, a friend.

The task of giving the details of his wonderful military career I leave to those who know from personal experience its history and its success.

The fortune of assignment in these ceremonies absolve me from the propriety of reciting the successes of his civil life, as these have been so well stated by those who have preceded me, and further reference would be only repetition. And so I speak of him as my friend; as I knew him; as he impressed himself upon me; as a man whose life was devoted to the public good, as it was spent almost wholly in the public service.

His chief characteristic to me was his earnestness in whatever he was engaged. His devotion to his friends was conspicuous for its intensity. His love for the soldiers of the civil war—his companions in arms—was best evidenced by his labors for their interests and by their affection for him. His affection for his State was as that of the Roman for "the city of seven hills." Duty, honor, and integrity were active principles in his daily life, and he squared his conduct by their requirements. In his affections he was generous and ardent; his bravery, his courage was always conspicuous; true in his nature and of gentle heart, and magnanimous in all his dealings.

Patriotism with him was more than a sentiment; it was a deep-seated principle.

Love of country, its institutions, its Constitution, and its laws, was his inspiration from the days of his early manhood.

To insincerity he was a stranger; to him conviction carried with it the sense of duty to follow it; and with his bravery, his frankness, no one was ever in ignorance as to his position on any question. To such a degree was this carried that at times his position in his party was hazarded by fearless assertion of his ideas of right as opposed to those of mere temporary policy or expediency.

His support of friend or measure was never half-hearted or grudging, and his opposition was always earnest, vigorous, and determined.

He was generous to a fault; though of strong will, sometimes regarded as stubborn and imperious, yet this grew out of the intensity of his nature, and was always subordinated to his keen sense of right.

General Logan was a born leader. He was endowed by nature with all the attributes and qualities for such a position, believing that his party was right because its principles and policy were so largely shaped by him, with his energy and dash, his vigor and earnestness, his intellectual power and breadth of mind vested him with the right, as well as the ability, to command the following which he had in our State as well as in national affairs.

He had the aggressiveness which always comes from a true courage.

Not gifted with the arts of the mere rhetorician, yet the masses of the people were always deeply moved and largely controlled by his earnest appeals; he had an eloquence which always accompanies intense convictions, and which always made itself felt where smoother phrases would have failed.

His intensity and devotion to his own party, leading to his vigorous assaults upon the other, made him often the target of calumny, but all shafts of slander fell idle and harmless, injuring only the originators.

He was above them all; the slanders of political campaigns ended with them; no friend was ever weakened by them; he rested then, as now, above them all, "in the eternal sunshine of a perpetual fame."

He was ambitious; he was stimulated by the success which he attained, because deserved, to reach the highest position of honor and trust in the nation; and his friends cherished the confident hope that, had his life been spared, he would have attained that.

His life was a success. Born of the common people, without early advantages of education or scholarly association, earning successive promotions by the favor of the people, with their confidences and trusts he reached the Senate of the United States, the highest point in political preferment in the nation but one.

He died the deserved possessor of these honors and left his family that best of heritage, a reputation untarnished, an integrity unimpaired, and a feeling on the part of the whole people that the loss in his death was one common to all.

Of him it may be truly said:

Divinely gifted man,
Whose life in low estate began,
And on a simple village green,

Who breaks his birth's invidious bars,
And grasps the skirts of happy chance
And breasts the blows of circumstance,
And grapples with his evil stars;

Who makes by force his merit known,
And lives to clutch the golden keys
To mold a mighty State's decrees,
And shape the whisper of the throne;

And moving up from high to higher,
Becomes, on fortune's crowning slope,
The pillar of of a people's hope,
The center of a world's desire.

Mr. BRADY. Mr. Speaker, the heart that would not be sad and the eye that would not be dim while memory in its many forms clusters around the dead patriot, soldier, and statesman in whose honor the nation's Representatives are to-day assembled must be hard and dry indeed.

Amid grief so deep and so universal no words of mine can fitly portray the sorrow of the volunteer soldiers of the war for the maintenance of the Union over the irreparable loss of their grand chieftain. The heart speaks loudest when the lips will not move.

John A. Logan was regarded as national property. His genius, his virtues, his great services in peace and in war, were esteemed a part of the inheritance of the whole people. Bold and direct in his opinions and actions, however they were sustained or combated, he was nevertheless admired by all for his great abilities as he was honored and respected for his purity of character. His fame was national, and his loss has been felt as national. The whole country, not only his State which loved and honored him, mourns over his sad death. The evidences of genuine sorrow in all sections of our country, when his demise was announced, indicates a strong national sympathy, a bond of union which political differences can not weaken, much less destroy.

General Logan was at the top among the great heroes of the Union during and since the war; he won immortality on the field and in the forum; he had impressed himself upon the age, and he is missed as a shining light extinguished in the darkest hour of the night.

Mr. Speaker, "the chevalier of the army of the West, without stain and without reproach, John A. Logan, was the son of an Irish rebel of '98." It has been said that he was of Scotch ancestry, but this is a mistake. General Logan himself, at the reception given in his honor by the citizens of Virginia City, Nev., on his return from the last national encampment of the Grand Army of the Republic held at San Francisco, in answer to a question in relation to his ancestry, publicly declared that there was not a drop of Indian blood in his veins, that his father was a pure Irishman, and that although his mother was born in the State of North Carolina, her father and mother were both pure Irish. Dr. John Logan, General Logan's father, was very active as the associate in Ireland of Wolfe Tone and other Irish rebels in the organization of the United Irishmen of '98, and on account of this activity he was forced to leave the land of his forefathers and come to this country. Dr. Logan and the other Irish rebels of '98 were inspired by the noble deeds of patriotic Irishmen in our Revolutionary war.

The fame and the glory of their countrymen, Jeremiah O'Brien and General Sullivan, Commodore Barry and General Pickens, General Stark and the Rutledges, Charles Carroll, of Carrollton, and Anthony Wayne, Sergeant Jasper and General Richard Montgomery, General Knox and Charles Thompson, and many others, was upon the lips and deep in the hearts of the '98 men at home, and the Irish blood, so freely shed in America's battles for liberty, had taken root upon Irish soil. And so it was that John A. Logan inherited from his Irish father that love for the Union, patriotism, and devotion to civil liberty which made him famous among Americans, and which, at the outbreak of the recent war, naturally led him to declare for "the preservation of this glorious Union," and impelled him to shoulder his musket and to fight for "Liberty and Union" to the finish.

I shall not recount the splendid story of his life. His deeds in war and in peace have gained for him imperishable renown.

I, myself, the son of an Irishman, may be pardoned for refering to General Logan's ancestry, and to the part the race from which he descended took, not only in our Revolutionary struggle, but also in our late terrible conflict for the Union. As Andrew Jackson fought at New Orleans, McDonough at Lake Champlain, Shields and Rielly in the Mexican war, so did the Irish regiments, the Irish brigade, and the Irish legion, perform deeds of valor unsurpassed in the recent war. Who among the surviving veterans of the Union can ever forget Logan and Phil. Sheridan, Harney and Mulligan, Phil. Kearney and Hayes, Baker, French, McCall, Corcoran, Meagher, and thousands of other gallant Irish and Irish-American soldiers who fought and died that the nation might live. Alas, John A. Logan, the foremost general of volunteers, is dead. I think I can hear some comrade say, "Would that he had fallen on the battlefield with the flag he loved so well waving over him, and the shout of triumph ringing in his ears." No; his task at the close of the war was only half finished. He has since bravely fought on other battlefields, and in the press of the continued conflict he conquered peace, prosperity, and happiness for his country. His journey from the cradle to the grave is done.

Brave, gallant, honest, noble-hearted Logan tenderly loved the boys in blue. Beloved leader, faithful, steadfast friend, they will never forget you. Veterans of the Union Army, and old soldiers of the Mexican War, it is manly to weep and to mourn over the grave of General Logan, for you have lost your most devoted, your most powerful friend and advocate in the councils of the nation.

He it was that originated the beautiful memorial services over the graves of the soldier dead. Crippled veterans and stalwart soldiers, aged mothers—ye, whose sons were sacrified upon the country's battlefields—broken-hearted widows, comrades of the Grand Army and Loyal Legion, sons and daughters of the Boys in Blue, upon each observance of that day gather the most beautiful, the most fragrant flowers of May and deck the grave of John A. Logan.

Mr. HITT. Mr. Speaker, the death of General Logan has suddenly removed the greatest of the volunteers who survived. The shock of surprise and sorrow was scarcely greater here, where we suddenly missed him from each day's action, than it was throughout the whole country, so closely was he knit to the hearts of tens of thousands who watched from day to day all that he did—and he did more than other men all the time. His abrupt taking off in the midst of greatest activity was something akin to falling in battle; for there was no sign of coming age or decaying strength in his thick jet-black hair, his keen eye, and his powerful frame that stood four-square to all the winds that blow. He was, as he looked, a hearty man, of sturdy, tenacious, Scotch-Irish stock. He drew his blood from positive, independent characters, both father and mother.

The surroundings in which his youth was passed tested and developed these qualities. He was of a good family. The people and events where he lived were much like those around Lincoln, and the two men had many qualities in common, owing largely to their similar surroundings. One was an aversion to all affectations. Directness and simplicity in action, directness in expression marked both these men. In all their utterances quotations, however pretty and tempting, rarely had a place; and in their action, from first to last in their long careers, each step was determined by an independent and singularly clear judgment. Discipline of mind had been attained, not in the great academies, but in the intensity of application to affairs, to the problems of daily existence that from the beginning insured success in the constant struggles of life. They were hard students, learning the lesson of each day perfectly to apply it at once to action.

Logan commenced his life in the fashion so common to ambitious young men in our country—studying law and soon striking off into politics. Within a year from the time he commenced studying law he was so practical a politician, and so successful, that he was elected county clerk. Still working at the law, studying for awhile in the Louisville University, and still diverging into politics with each opportunity, he reached the Legislature when just past his twenty-fifth year, and then for awhile became prosecuting attorney. There are several gentlemen on this floor who can remember well the reputation he so rapidly gained as a dashing, aggressive criminal lawyer—the untiring energy with which he tried a case. He soon became one of the Democratic leaders in the Legislature, and, still a young man, in 1859, came to this body.

I vividly remember him at that time when, I believe, he was the youngest member of the Illinois delegation, full of strength and youth, and of a hearty defiant nature, always ready for work, quick to help in a measure with all his might, and prompt to meet blow for blow with all his zeal and force in every contest. Logan did not then take as wide views of public questions as in after life, but what he saw he saw in complete clearness, and in his devotion to his political views, accepting all their consequences with a boldness and sincerity that looked like audacity. He had both moral and physical courage, and he quickly showed it after he came here in that stormy Congress. It was a turbulent time, foreshadowing the bloodier strife soon to come. He was an intense partisan, a Democrat of the strongest partisanship in that angry time. Suddenly when the attack was made upon his country and the Union was in danger, he changed squarely.

Think how much such a strong nature had to give up and overcome in his own heart when he abandoned his party and rushed in with those whom he had not only opposed, but really had often detested. And this he did, not by halves, but throwing away everything at once, devoting his whole being to his country. It was a noble and exalted patriotism in a soul, tried and purified by a great inward struggle, and then grandly consecrated to his country. In that memorable hour

there were many instances of men who developed great qualities before unknown to themselves. It is profitable now, in these prosaic days of politics, that run on lower lines and colder questions when some of the chief party differences are matters of calculation, to refresh our spirits by recurring to that heroic epoch when the shock of conflicting motives liberated the electricity of life and revealed the recesses of men's better natures.

Then he became altogether a soldier. He had a natural aptitude for fighting. When hardly more than a boy he had had a dash of military life in the Mexican war, where he acquitted himself well, and, short as was the time he served, rose rapidly to honor and rank. In the greater war that followed he was utterly absorbed and devoted to the cause for which he fought. He had no other thought. He quit his seat in Congress and went out as a citizen volunteer to share in the fight and the disaster of Bull Run. He hurried home and raised a regiment and plunged into the struggle. From the first fight at Belmont he was in the clang of arms, through marches, skirmishes, sieges, battles; advancing, retreating; defending, attacking, as perfect a type of the great and successful soldier as ever lived. His strong frame and undaunted spirit were not subdued or broken by exposure, exhaustion, or the wounds five times received in battle. Pressing on continuously and upward, he rose higher in command with each battle and campaign until he ran the whole scale of military glory which he had begun a citizen without uniform, and from which he emerged a corps commander.

His soldiers admired him with an enthusiasm that grew with the war and his glory. They followed him with trusting confidence and they loved him, then and always after. His warm heart answered in generous sympathy this affectionate admiration from his thousands of soldiers, and this was why he never for a moment forgot them or their interests in all his public life through the more than twenty years that have passed since the war. All the world knows with what eloquence he pleaded their cause on this floor and in the Senate. Patiently and persistently he contended for them in a hundred parliamentary struggles over bills which concerned them. He pressed with passionate earnestness the claims of the broken soldier, and the debt owing to him by that nation which was so rapidly forgetting him in its hurry to greatness and riches. And when their Senator comrade died the soldiers lost a friend whose devotion to them nothing but death could diminish. There has been sorrow in the countless homes of soldiers, especially in the Northwest.

Every member from that region who sits about me has been touched by the letters we constantly receive from constituents referring to the loss of Logan. Their sorrow is akin to the anguish felt in his own family, by that silent fireside, where the honored lady who shared his labors and his triumphs now weeps through desolate days and nights for the beloved husband so suddenly stricken down.

He was a plain and approachable man. The soldier class respected him as a great captain, and they loved him because of his simple way of life. Poor in purse but rich in manly qualities, they felt that he was like unto them; that they could go near him as a comrade; that he understood their troubles; that he appreciated their services and their sacrifices; that their story never grew old to him though the war was over long ago.

He was as bold and successful a manager in politics as in war. His political campaigns were always aggressive. He had strong beliefs. His principles were clear to his own mind, and he pressed them with vehement eloquence, meeting controversy half way by fearless attack. When assailed he always turned his defense into a fierce assault. He was a most effective stump orator. As early as 1858, in that famous campaign, led, on either side, by Lincoln and Douglas, and so fruitful of great consequences, he was one of the best speakers in the State. His voice was so powerful then, and for ten years afterwards, that it reached the farthest limits of the enormous gatherings that always assembled when the people heard that Logan was to speak. His positive and direct style and vigorous, plain reasoning went straight to men's minds. He had a rollicking humor at times, and often, especially in his speeches during and after the war, a fiery rush of passionate appeal that swept great audiences into stormy enthusiasm.

In counsel with his party he inspired confidence by his own confidence, and also by his caution and his boldness combined. He knew Illinois politics even to the details of each county, and gradually became the leading spirit in the Republican party there, whom all consulted. The success that followed him like destiny through so many struggles confirmed his supremacy. When he died he was the representative Republican of that great State.

There was one specially manly trait in his character which all the politicians in Illinois knew full well, his devotion to the interests of a friend. No matter whether he was present to push his cause or not Logan did not forget him. He was not vindictive enough to remember his anger long after a contest with an opponent, but he was careful, even tenacious, in remembering a friend who had done or suffered for him, and never failed to watch over all that concerned him.

The minor features and details in the long story of his life and its work will gradually lose some of their interest as those who have known him pass away with advancing time. But there are some immense facts which will last in history and preserve his name through many centuries, keeping it fresh in the knowledge of men.

First. The great service he rendered to his country as a soldier in the most critical period in the life of the Republic.

Second. His incessant labors as a legislator for over thirty years in behalf of every measure that he believed to be for the elevation of all the people. He made a mistake sometimes, but as soon as he discovered it he promptly changed and frankly avowed it. His whole life was progress. He wanted to see the children of the poorest man educated. He encouraged love of country and care for those who suffered for it. He strove to build up and develop every interest and every industry that would tend to make the lives of men comfortable, intelligent, and happy. He gave in his own life an example of spotless integrity as a public man. He was full of ambition, but nothing in it was sordid or venal. His ambitions were all noble. He gave the best years of his life to the cause of free government and human liberty.

Looking back to-day over his splendid career, cut off when he was in his highest usefulness, every one feels the great loss the nation suffered on the day when that incompleted life was abruptly terminated. There seemed many years before him still to serve the country he loved so well with his great powers matured by long and varied experience.

But it is over. His work is done. The story of Logan's life will illumine the brightest pages of our history, and the fruits of his incessant labors, all devoted to his country and his fellow men, and known to all the world, will preserve his name and perpetuate his influence beyond his life through all the long hereafter.

Mr. COX, of North Carolina. Mr. Speaker and Representatives, it gives me pleasure to unite with you in this Hall to do honor to the memory of the distinguished soldier and statesman who was recently stricken down in the pride of manhood and in the midst of usefulness. I discharge this duty the more cheerfully as it is a manifestation of that broad and comprehensive patriotism which underlies the American character, and, in the presence of misfortune, unites us as one. We are all citizens of a great and glorious country, having common hopes and aspirations. And while it is still in early manhood and with material resources by no means developed, far surpasses in its accomplishments all similar creations of the past. We should and do appreciate the blessings and unusual advantages we here enjoy, and it is the inspiration arising from the freedom of our institutions and the progress of our people that made possible the successful career of John A. Logan.

Seldom in history do we behold illustrious examples of success achieved through individual efforts in more than one special calling, and thus is made more emphatic the blended triumphs we in him behold. Without the heritage of fortune or the prestige of an illustrious name, John A. Logan sprang from the loins of the people; he claimed leadership among men, and by industry, integrity, and high resolves the ranks were open to him; he marched to the front, and held his position until the last dread summons came. A man of strong purpose, unyielding disposition, and fearless in the assertion of his convictions, he was an adversary not willingly to be encountered. He was too much of a partisan to suffer the betrayal of his party into the hands of those who would seek its advancement by questionable means and ambiguous methods. When he believed it necessary to assert the right and expose the wrong, his blows fell as unrelentingly on the head of a party friend as on that of a political adversary. To maintain a political leadership under such circumstances required commanding talents and distinguished virtues.

By the adjustment of his garments to suit the popular eye, by the adaptation of his language to catch the popular ear, and by graces of manner to win the multitude Cicero succeeded in securing applause for beautiful orations; but the impression was transient. Not so with Demosthenes, the Athenian. He labored under a natural impediment of speech which welling thoughts commanded to be overcome; and when he arose to address an audience they bent upon his words, their passions were aroused, and they cried out, "We will march against Philip; we will conquer or die." While I do not compare the subject of these ceremonies as a debater to this matchless orator, yet there was a resemblance between them. Logan was without the adventitious aid of a polished education by which to express his thoughts, yet he drove directly to his subject, and never despaired so long as there was hope of success. Upon the battlefield, as in the forum, there was similarity of action.

A volunteer soldier, he looked not so much to the method as to the object to be accomplished. He wielded not the high-tempered scimitar of a Saladin, but rather the trenchant, two-edged sword of Richard the Lion-Hearted. That one of his ardent, sanguine temperament should have presented only the dark side of his political shield to the Southern people after the close of our unrelenting and protracted civil war was not unnatural. It was felt by us in the South that he did not appreciate the sincerity and magnanimity of our professions of patriotism, which we knew were honorable and patriotic. Between those who dared and suffered upon the ensanguined field there was no

estrangement, no personal bitterness. Too many were the deeds of fraternal kindness rendered upon battle-fields and in prisons, by those on either side, ever to be forgotten.

I well remember that amid the terrible carnage at Chancellorsville, when the woods were fired by the discharge of artillery, as the wounded Federal soldiers were in danger of being subjected to the most agonizing death by burning, others saw as well as myself men from the confederate picket-line rush out under the fire of the foe and rake away the combustible leaves from around those disabled by their own shot. I also remember soon after the close of this bloody drama, when the "pestilence that walketh in darkness and the destruction that wasteth at noonday" was desolating some of the fairest cities of the South, the generous people of the North promptly brought material aid and ministering hands to alleviate, if not to stay, the terrible scourge.

Between such soldiers and such people there could be no enduring enmity. The grand soldier of the South made possible the grand soldier of the North, and their achievements are the common heritage of our common country. In this contest brother was often arrayed against brother. They spoke a common language and were of a common origin. The mistakes of the earlier part of the war as to each other's courage had been dissipated upon many bloody fields. They knew that this war was not of their own seeking, and being over, desired to return to their father's house, there to remain in peace. It was natural, therefore, they should view with resentment the acts or declaration of any public man seeming to question their good faith or impugn their motives.

The strong character and vehement nature of General Logan were such as made him prefer to accomplish his ends by force rather than through the suggestions of clemency. This was the side of his character which was presented to the Southern people, who, while they had confidence in his integrity and believed that as a public man he would fulfill every promise with the utmost fidelity, yet it inculcated feelings of resentment in the minds of those who had not been brought into contact with him.

In writing and speaking he was not always considerate of the feelings of those to whom he was opposed in the war. Yet while they would have preferred to applaud his magnanimity toward the vanquished, they are not strenuous to condemn the natural impulses of his ardent nature.

By his maternal side he was descended from a strong and patriotic family of my own State, and in appearance and manner partook of their hardy and impassioned nature. Whether following the fortunes of his great leader, Stephen A. Douglas, before the war, or battling for the cause of the Union, or as a stalwart Republican in later days, he was always a fearless and vigorous fighter. Many people had emigrated from the South to Southern Illinois who during the early stages of the war bitterly opposed the coercive measures of the North. In their ranks were found many who had been the most active and zealous political friends of General Logan. The sacrifices which at the call of his country sundered these ties of friendship left their ineffaceable impress on his character. He burned his ships behind him and turned his face toward those who shared his fortune upon the tented field.

In public life he was recognized as the great advocate and friend of the Union soldier, and his efforts in their behalf apotheosized him as their great political leader. My personal acquaintance with him was limited, and I speak only from impressions entertained by those among whom I live. From Southern Representatives with whom he served in Congress I have heard of his liberality, sincerity, and honesty in dealing with Southern men and measures, and I was gratified to know of this phase of his character. "Passing away" is the superscription written above the heads of all those who once wore the blue and the gray. In a few years the long roll will be beaten to summons hence all the survivors of this grand martial array.

When they are gone the flowers will bloom as sweetly, the sun shine as brightly, the silent watchers of the night move on as serenely, and the world prove as joyous as it was in their youth. Why, then, dwell upon the past, with its hardships and resentments, when our hopes and fears are now mainly with the future?

In conclusion I place this garland upon the tomb of General Logan, and will add this, though he walked amid temptations his character was stainless, and that while he served his country faithfully he died poor. It is pleasing to reflect that in the hearts and abundance of his appreciative countrymen his family are not forgotten.

Mr. SYMES. Mr. Speaker, I do not rise at this time to pronounce any formal or extended eulogy on the life, public services, and private virtues of John A. Logan. The time allotted for the delivery of eulogies in this Hall by his colleagues in Congress is so limited, and so many gentleman have spoken and so many still desire to speak, that further elaborate discourse at this time would be inappropriate.

But, Mr. Speaker, extended eulogies in this place are unnecessary to perpetuate the national name and fame of John A. Logan. Others may die while members of this National Legislature whose services to their constituents and their country may better be preserved and maintained in the future by the speeches of colleagues and the records of these bodies than otherwise. It is not so, sir, with the fame and renown and virtures of the great man we mourn to-day.

Mr. Speaker, we, his colleagues, can do but little toward upholding or perpetuating the fame or glory of him whose reputation for exalted patriotism, untarnished honor, unswerving courage, and for all the public and private virtues have already become watchwords with the great mass of the American people.

Mr. Speaker, the story of John A. Logan's life will be told and dwelt upon, and told again, on all fitting occasions in the future all over this country. They will be specially recited in orations delivered before the associations of the Grand Army of the Republic, which he founded and loved so much. His comrades of the Grand Army, all of whom acknowledge him as their greatest and most valued friend, will memorialize his name and recite his virtues in fraternity and loyalty so long as a sufficient number of them remain on earth to pay honor to those who have gone before. The great body of the American people who recognized John A. Logan as their statesman, champion, and friend will perpetuate his name and virtues in bronze and marble long after his contemporary colleagues, comrades, and friends shall have followed him to the grave.

And, Mr. Speaker, when some future Homer shall write the epic poem of the nineteenth century and give a narrative of the heroic period of the American Republic, John A. Logan will appear as one of the heroic characters in that drama.

Mr. Speaker, I knew General Logan perhaps more intimately than any of the members of this House outside of his colleagues from the State of Illinois. I have known him well for over twenty years. I knew him in the Army before that, when I served in the Army of the Tennessee in the Atlanta campaign. He has done me many favors. He has several times visited me at my own home. I have conversed with him alone many summer evenings, in the cool air of Colorado, upon the topics he had most at heart in this life, until I not only admired and honored him, for every American did that, but I learned to love him. Loving him as I did, I consider it one of the happiest privileges of my life to have spent the last night on earth by the bedside of my great and dear friend, assisting what little I could to smooth his last journey over the dark river from the known to the unknown.

Mr. Speaker, if proving more than equal to the greatest emergencies that can arise in life; if succeeding to the command of a great army when its commander had fallen on the field and it was in confusion and suffering reverses, and by the very force of his genius and personal valor turning defeat into victory; if, when the passions of thousands of men were raging to and fro in the balance, throwing himself into the midst of these turbulent masses and by the power of his unconquerable spirit in action controlling and guiding them into the paths of right and duty are the acts that characterize greatness, John A. Logan was a great man.

Mr. Speaker, I have seen John A. Logan under the most trying circumstances in which it pleases Providence to place poor mortal man. I have seen him upon the dreadful field of conflict, where the groans of the wounded and dying, the thunder of artillery, the crash of rifled cannon balls through the trees of the forest, the whiz of musket bullets, and the loud yells of the apparently, and for the time being, victorious enemy made it seem a pandemonium indeed, his piercing black eye penetrating the field of carnage, his streaming black hair waving in the very wind of bursting shells with a coolness and personal gallantry that made him seem more than mortal, that brought order out of chaos and wrested victory from defeat.

Sir, I have seen him again and watched him grappling with his political enemies on the field of debate upon this floor in 1868, when the old charges were made and reiterated that he had sympathized with armed movements against his country in her time of need, and he threw these charges back into the teeth of those who made them with such patriotic indignation and eloquent invective that he silenced his opponents and came out of the debate triumphant.

Mr. Speaker, I have seen him again in the social intimacy of his own and of my own home, where neither war nor debate excited his manly serenity, telling anecdotes for the amusement of all around the domestic circle; and a nobler, kinder hearted, more patriotic, courageous, or honorable man than John A. Logan never lived. He was one of the greatest statesmen and the greatest citizen soldier of Americas.

Mr. Speaker, many have denied that John A. Logan was a great man. Some because in the heat of debate he sometimes articulated language which was not perfect, when tested by the strict rules of verbal criticism. Others said he was not great because he was not learned and accomplished in belles-lettres, and others because he was unlearned in the arts and sciences.

Mr. Speaker, great acquirements, learning, and accomplishments in such things never made a great man. If, while General Logan was battling to overcome the hardships of pioneer life his time had been spent poring over books in Eastern colleges; if, when the war with Mexico broke out and he was twenty years of age his own taste or ambition or that of his parents had sent him to seats of learning in Germany, to be filled with all the knowledge that books and professors could impart, instead of going to the battlefields of his country; if, during the years intervening between the Mexican war and 1858, when he was elected a member of this House from Southern Illinois, his time had been divided between reading polite literature, traveling in

Europe, visiting art galleries, and mixing in the highest society, and the remainder of it only devoted to the profession of the law in some large city, it is certain he never would have rendered the great services to his country in her time of need which his countrymen now universally acknowledge; and he never would have died universally mourned as the champion and friend of the American people. He never would have passed down to history as one of the great statesmen and the greatest American citizen-soldier of his time. As that brilliant orator and statesman from Virginia, John Randolph, of Roanoke, once said in this House:

The talent for government lies in two things, sagacity to perceive and the decision to act. Genuine statesmen were never made by such training. * * * Let a house be on fire and you will soon see in that confusion who has the talent to command. * * * Who believes that Washington could write as good a book or report as Jefferson, or make as able a speech as Hamilton? Who is there that believes that Cromwell would have made as good a judge as Lord Hale? No, Mr. Speaker, these learned and accomplished men find their proper place under those who are fitted to command and to command them among the rest. * * * Great logicians and great scholars are for that very reason unfit to be rulers. Would Hannibal have crossed the Alps where there were no roads, with elephants, in the face of the war-like hardy mountaineers, and have carried terror to the very gates of Rome if his youth had been spent in poring over books? "Are you not ashamed," said a philosopher, to one who was born to rule, "Are you not ashamed to play so well upon the flute?" There is much which becomes a secondary man to know, much that it is necessary for him to know, that a first-rate man ought to be ashamed to know. No head was ever clear and sound that was stuffed with book-learning. * * * After all, the chief must draw upon his subalterns for much that he does not know and can not perform himself

Mr. Speaker, the eloquent statesman and orator of Virginia has here shown in a strong light the reasons why John A. Logan was a great man, notwithstanding he was not a learned and accomplished man in the common acceptation of the term.

In his domestic relations General Logan was one of the happiest and most fortunate of men. In the early days of his manhood, I may truly say in the beautiful language of another:

He found in the wilderness of this world one without whose participation his bliss would have been joyless; but in whose sympathy even his sorrows could find a charm; whose smile has cheered his toil; whose love has pillowed up all his misfortunes; and whose angel spirit has guided him through darkness and danger and despair amid the world's frowns and the friend's perfidy and been more than friend and world and all to him.

The influence of this beautiful domestic relation over him was great. That influence modified his stern and ardent nature in many of the other relations of life. I attribute to this influence somewhat the reason that during his bitterest, and what may have been said his most ambitious, contests in life, he never lost sight of the domestic, social, and other interests of the American people at the moment of his greatest triumphs. For home, after all, is where those delicate feelings are to be cherished which give to society its most attractive charms; and here must those affections take root which spread their tendrils abroad and embrace the whole family of man.

We are told of Agamemnon, who sacrificed his daughter to war-like ambition; of Virginius, who with his own hands could slay a daughter to produce a political revolution; of Cato, who divorced or took back his wife as public affairs seemed to require; but the age in which these men were considered great was not characterized by the purity of conjugal relations and those domestic ties of social intercourse which lie at the very foundation of our Government by the people. In these ancient heroes there may be much to admire, but little that we can love. For, as has been said:

What more dreary than the prospects of a man who knows not the endearments of domestic life. He may have all the sterner virtues. He may have power. He may be tricked out with all the magnificence of wealth, elevated by the dignity of office, or respected for genius and learning; but what is all this worth? What is his greatness? It is like the chilling grandeur of his own marble monument. Travelers look with awe and pass it by in silence, for it contains no record of these acts of private kindness and domestic virtues upon which men love to dwell.

Mr. Speaker, if John A. Logan's life had been without the influence of these domestic charms he would not be so universally regretted by all the American people; and American history will point to this portion of his life as one of the bright examples to be followed by those Americans who wish to be universally admired and mourned by the people of their country.

Mr. Speaker, John A. Logan was a great orator. His speech was very eloquent. This distinction has often been denied to him. It has been said that his rhythm was not finished and harmonious; that his rhetoric would not stand the test of literary criticism; that some of his strong and rugged apostrophes and illustrations did not suit the taste of the accomplished schools of oratory or eloquence. In a certain sense this may be true. But, Mr. Speaker, the true object of eloquence is to persuade, and of oratory to produce conviction. When we test the speeches of John A. Logan, delivered on public and important occasions, by their results, we can not deny to him the distinction of being a great orator and an eloquent man.

Mr. Speaker, as has been said by Webster:

True eloquence indeed does not consist in speech. It can not be brought from far. Labor and learning may toil for it, but they will toil for it in vain. It must exist *in the man, in the subject*, and in the occasion. * * * The graces taught in the schools, the costly ornaments and studied contrivances of speech shock and disgust men when their own lives and the fate of their wives, their children, and their country hang on the decision of the hour. Then words have lost their power, rhetoric is vain, and all elaborate oratory contemptible. * * * Then patriotism is eloquent; then self-devotion is eloquent. The clear conception outrunning the deductions of logic, the high purpose, the firm resolve, the dauntless spirit speaking on the tongue, beaming from the eye, informing every feature and urging the whole man onward, right onward, to his object. This is eloquence; or rather, it is something greater and higher than all eloquence; it is action, noble, sublime, God-like action.

Mr. Speaker, are not these words of one of the great masters, whose eloquence and oratory adorned and influenced both Houses of Congress for so many years, specially applicable to the oratory of John A. Logan? Have we a man in this generation who, at critical periods in our country's history, at times, sir, when the fate of our country was at stake and "the die seemed to spin somewhat doubtful," threw himself into the breach with a more dauntless spirit, with a more firm resolve speaking on his tongue or beaming from his eye and urging him on with a more sublime and God-like action than John A. Logan? It is matter of history that at such times he changed the opinions and convictions of thousands of men by the power of his oratory.

Mr. Speaker, ask that greatest chieftain and man of his time, U. S. Grant, whether Logan was an orator, and he would tell you that in 1861, when he, Grant, was organizing the new recruits of Illinois into regiments at the State rendezvous, and on account of a misunderstanding with them about the term of enlistment a large number of them were threatening to go back home when asked to swear in for three years, and were in a state of mutiny, he applied to Logan for advice as to how to control them. Logan said, speak to them, reason with them, and appeal to them. The great silent commander replied: "I can not speak to them, I never made a speech in my life; won't you speak to them?" "Certainly," said Logan. The recruits were collected together on the parade ground, and Logan appealed to their patriotism, their courage, their pride, and manhood and duty to their country in such an eloquent and impetuous manner that the cheer soon rang out, and the cry of "Union and freedom" floated upon the evening air, and those, a short time before, mutinous recruits all enlisted for three years or during the war, and this was the result of the oratory of John A. Logan.

Mr. Speaker, many said Logan was ambitious; that he sought the highest prize in the gift of the American people. And why should he not? Had not he who had done so much to preserve the Union of this Republic and its free institutions; who had spilled his blood upon her battlefields and spent over two-thirds of his manhood days in her service a right to aspire to the Chief Magistracy? Yes, Mr. Speaker, Logan was ambitious. But who will say that his ambition ever caused him to swerve one iota from his convictions of duty and his principles under any circumstances whatever.

The contemporaries of the great triumvirate of eloquence and statesmanship, Webster, Clay, and Calhoun, often charged each of them with deviating from some of their former convictions to avoid opposition from the people in their ambition for the coveted prize.

Mr. Speaker, here is where John A. Logan's character and convictions stand forth in bold relief in the political history of this country. For, whatever may have been charged against other aspirants for the Presidency, whether occupying seats in the Congress, or if out of Congress writing speeches and letters on every promising occasion, no one would presume to intimate that Logan ever evaded any public question, ever avoided even expressing his convictions boldly in debate upon any pending measure, or that he ever tried to ride upon the crest of the popular wave or trimmed his sails to a temporary or other breeze to aid in sailing into the Chief Magistrate's harbor.

Mr. Speaker, he has passed away, and we poor mortals can do nothing more than mourn his loss and revere and keep the memory of his many virtues for our own bright example. No American has died in this generation who will be so universally missed by all classes and conditions of men as John A. Logan. The Grand Army of the Republic soldiers will miss him when endeavoring to obtain their rights. The statesmen will miss his cool and unfaltering intrepidity in the support of measures for the good of our country. The great mass of the people will miss and mourn him when their rights require courageous defense.

Mr. LAWLER. Mr. Speaker, the eloquent tributes to the memory of General Logan recently pronounced in the higher branch of Congress, as well as similar eulogies delivered to-day by my respected colleagues of the House of Representatives, admonish me that no words of mine can add to the measure of profound grief expressed for the loss of so true, tried, and honored citizen of the American Republic. But, sir, I would be derelict to the constituency which I have the honor to represent, recusant to the impulses of my own heart, and unmindful of the many acts of disinterested kindness received from the late distinguished Senator from Illinois, did I fail to testify my brief but humble appreciation of his worth, not only as a statesman and wise counselor, but as a man among men.

I have not awaited the hour of his death to praise John A. Logan, for it was my fortune to know him, perhaps not intimately in the social sense, but measurably as we were brought into contact and collision in the various political conflicts in Illinois. He was a foeman worthy of the foeman's steel, but withal generous and considerate in the hour of victory, submitting to defeat without murmur or complaint. My respect for John A. Logan augmented into admiration when the grand

spectacle was presented of his graceful submission to the will of the majority expressed adversely to his election to the Vice-Presidency in November, 1884.

What most commanded my respect for General Logan, and doubtless the respect of others, was his entire freedom from pride of place, and kindness with which the humblest and plainest citizen was uniformly received by him, and not only by him but by his good wife, his helpmeet and staff, and by every member of the Logan household.

His methods were the very essence of plainness and unostentation, and as we all know from personal experience that public men are importuned frequently beyond the pale of endurance, yet rarely, if ever, did General Logan, impetuous as was his nature, permit himself to manifest impatience or annoyance when thus besieged. There were none so poor, so lowly, or so obscure but who could find their way freely to his presence.

Ingratitude, that superabundant vice of political life, from the stings of which but few, if any, public men are free, gave General Logan the greatest pain. Himself a grateful man, never forgetting a kindness and holding himself always on the alert to repay a hundred fold, he was keenly sensitive to ingratitude from persons he had befriended, and he befriended many. Those who are familiar with political events in the State of Illinois and elsewhere will doubtless recall many pronounced instances wherein General Logan was made to suffer grievously at the hands of pretended friends, who should have been the very last on earth to turn against him. Even when this wrong was laid upon his very threshold, he magnanimously held his peace.

In General Logan's composition, as it seemed to me, the qualities of physical and moral courage were happily blended. His integrity of purpose could not be successfully questioned, and I have noticed that he vastly preferred to perform acts of kindness even to enemies than to punish them. His sense of justice was acute to a degree, and the realization that he had been unwittingly unjust wounded him greatly. It frequently requires great courage to remedy an injustice, but General Logan never shrank from or avoided what he conceived to be his duty in this regard.

I have often instituted a comparison in my own mind of like traits of character possessed by General Logan with some of those of Samuel Adams, of Revolutionary fame. I can well imagine that had Logan been a member of the Continental Congress, when that body declared the colonies free and independent of England's domination, he would have boldly proclaimed with Samuel Adams:

> I should advise persisting in our struggle for liberty, though it were revealed from Heaven that nine hundred and ninety-nine were to perish and only one of a thousand were to survive and retain his liberty! One such freeman must possess more virtue and enjoy more happiness than a thousand slaves; and let him propagate his like, and transmit to them what he hath so nobly preserved.

Like Samuel Adams, John A. Logan combined in a remarkable manner those qualities of firmness and aggressiveness that qualify a man to be the asserter of the rights of the people. Like Samuel Adams, he was superior to pecuniary considerations, and proved his cause by the virtue of his conduct. Like Samuel Adams, the service he rendered his country in the national councils was not by brilliancy of talent or profoundness of learning, but through resolute decision, unceasing watchfulness, and heroic perseverance.

General Logan's military achievements are written in living light upon the pages of history. I was not a soldier, for it must be remembered the various pursuits and necessities of life do not permit all to follow to the tented field; but when a mere youth, serving apprenticeship at the trade of ship-carpenter and working at repairs upon the Federal gunboats at Cairo and Mound City, my eyes were eagerly strained toward the Federal lines where Grant, Logan, Mulligan, Morrison, Henderson, Rowell, Black, Thomas, Plumb, Carr, and other loyal sons of Illinois, heading their columns of brave men were upholding the cause of the Union at the peril of their lives.

From my own personal knowledge I am enabled to state that General Logan deeply sympathized with the efforts made, not only at the present period, but in days gone by, to free Ireland from the yoke of oppression, to secure equal application of British laws and afford that land a benign and friendly government, rather than afflict her with the curse of landlordism and visit endless outrages upon the Irish people without even the pretense of remedy or the confession of injustice. It was but natural that the Irish blood coursing in his veins should find outlet in sympathy for his kindred; but, apart from this, had he derived the source of life from any other nationality, his generous heart would have gone out to the weak and oppressed, vainly appealing to tyrants for home rule, and surcease from persecution from absentees who, owning the fruitful lands of the Irish isle, lived riot elsewhere upon the sweat and toil of its wretched and dependent farm-peasantry.

John A. Logan was not the man to learn without emotion and indignation of women and children starving at the wayside of Irish roads, evicted from their humble homes, their cow and pig, their beds and bedding, seized by the constabulary on warrants of distress for rent they could not pay because of failure of the crops. He drew broadly the line of demarkation between free America, where the honest settler is provided, through humane laws, with a homestead on the public domain, and the endless horrors of tenant life in Ireland, to which the English Government persistently closes its eyes and denies every reasonable proposition of amelioration.

General Logan entertained the profoundest admiration for the patriot Robert Emmett, and I have heard him say that it was a marvel how a youth of but eighteen years could have so stirred Ireland to the very core by the enthusiasm of his eloquence; Emmett, who at the early age of twenty-three, a martyr to the cause of Irish independence, met no mercy at the hands of the English Government and perished on the scaffold, convicted of high treason, notwithstanding the nobility of his demeanor at the mockery-trial, and which evoked the pitying admiration of even those who clamored for his execution for the alleged benefit of example.

Does any one in this age suppose that the blood of Robert Emmett or the suicide of Theobald Wolf Tone to escape the scaffold have been forgotten and yielded no harvest? England may have ignored the eloquence of Richard Lalor Shiel, of Waterford, vindicating in the House of Commons the Irish people from the aspersions of Lord Lyndhurst, but General Logan admired Shiel's impassioned appeal for justice to Irishmen and memorized the closing words of his peroration:

> The blood of England, Scotland, and of Ireland flowed in the same stream and drenched the same field. When the chill morning dawned their dead lay cold and stark together; in the same deep pit their bodies were deposited; the green corn of spring is now breaking from their commingled dust; the dew falls from Heaven upon their union in the grave. Partaking in every peril, in the glory shall we not be permitted to participate! And shall we be told, as a requital, that we are estranged from the country for whose salvation our life-blood was poured out!

When Logan died Ireland lost a firm friend and warm sympathizer. A great American has fallen in the very plenitude of his usefulness, and the Republic mourns the loss, as it has mourned the loss of other patriots gone before. The earth that entertained him at his birth, fed and all along his life sustained him in the performance of his duty, now that he has been abdicated by the rest of nature, like a gentle mother, embraces John Alexander Logan within her lap, and protects his mortal remains until the hope of resurrection shall be realized and the divine promise of a life beyond the grave fully redeemed. "The body returns," saith the Scripture, "to the earth from whence it came, and the soul to God that gave it."

His death was tranquil, surrounded by family and friends, and loving hands bore his body to the tomb. For this great boon we should be thankful. His widow and children know that the nation shares its deep grief with them, and to that extent only we can give them earthly consolation. Our friend died as he had lived, honored and respected, not alone by the people within the broad boundaries of the American Republic, but by man and woman in all lands where liberty or the hope of liberty throbs within their bosoms.

Mr. PERKINS. Mr. Speaker, "dust to dust and ashes to ashes" is decreed to all. Yet notwithstanding this common mortality, it has, since the morning stars first sang together, been the habit of our race to pay tribute to the honorable and chivalric dead, and with profound respect and sincere sorrow do we pause in the busy activities of life, suspend the business of this Chamber, and in saddened cadences laurel with rhetorical offerings the grave of one the world respected, the nation honored, the people loved, and patriots mourn, General John A. Logan.

It was in this Chamber that John Alexander Logan first became known to the people of this country, and it was from this Chamber that he went as a volunteer to fight in the first battle of Bull Run, as it was from this Chamber that he went to the capital of his native State and tendered his services to its governor that he might be enrolled as a defender of his country against the war of treason and rebellion just precipitated upon it by his late political associates. It required indomitable courage, sincere patriotism, and intense unselfish love of country to prompt to all this. But these were the distinguishing characteristics of this son of Illinois, and how we from the prairies of the Great West recall the sensations of that day.

How our hope was enkindled, our patriotism encouraged, our enthusiam strengthened, our spirits revived, and our cheeks made to glow with new faith and animation, as we learned that John A. Logan was strong enough to strike down the prejudices that surrounded him, the traditions that hampered him, the political affiliations that had dominated him, and with a mailed hand and matchless eloquence declare for his country, her institutions, and her people.

That period of strife is only recalled that we may speak of the grand achievements of this illustrious man.

From his first enlistment until the last gun was fired he was the incarnation of war. War to him was a terrible, a cruel reality, but that lives might be spared, peace secured, and tranquility restored, he would make war with the heaviest guns, the strongest battalions, the best equipped divisions, and prosecute it with all the energy and earnestness that could be given to human organizations. Time will not permit me to speak of his military record and achievements as I would like, and yet it is a story known to all.

But when the belching of cannon ceased, when victory crowned our arms, and peace was restored to our bleeding country, it saw General John A. Logan crowned by the plaudits of the people the greatest vol-

unteer soldier of the Republic. He did not get at all times that recognition from his superiors in authority that he thought his distinguished services deserved; but he never sheathed his sword in discontent, he never refused in a spirit of insubordination to execute the orders of his superiors, and he never in the face of the enemy refused to give battle, or to contribute by his heroic presence and splendid bearing to the cause of his imperiled country, and the success of the Union arms.

In every council his voice was for battle, and in every battle his strong arm, brave deeds, and impetuous words were for victory.

Many there are in this House who will recall that day in front of Atlanta when the impetuous Hood hurled his gallant forces against the Union lines. No more memorable contest occurred during the war. McPherson had fallen and Logan was in command of the Army of the Tennessee, and against his command came the almost irresistible legions of Hood, determined to break the Union lines and to crown their efforts with a victory that would carry consternation to the Union forces and give hope and relief to the beleagured city of Atlanta.

Never did men fight with more gallantry, and never were men repulsed with more daring and heroism than was witnessed that day on that now historic field in the State of Georgia.

On both sides of their rifle-pits our boys struggled for the victory, and hatless, fearless, impetuous, and invincible, their beloved commander shared with them the danger, and by his magnetic presence and intrepid bearing was to them "an inspiration, a prophecy, and a success."

But it has been said that Logan was a political soldier. Is that to his detriment? Is it not rather to his credit? Shall it ever be the settled policy of this Republic that no man shall be honored with military rank at a time of war and of great national peril, except those who have been trained to the profession of arms and educated at the military schools of the country?

As was so well said in the Senate Chamber last week by the distinguished Senator from Connecticut:

> He was classed as a political general. I do not know that it was altogether an unfriendly remark. He was, sir; he had the honor to be a political general. It was a political war, and he was as strong in one field of battle as the other. The political generals did double duty. The anxiety during some of the great days of those four years was not that the soldiers of the Union would be unable to put down the rebellion in due time, but that the voters at the ballot-box might put down the war too early; and some of the political combats won by Logan and others at home were as useful to the cause of the Union as the triumphs of Vicksburg and Gettysburg. Baker, matchless as an orator, chivalrous and lovely in battle, was a political general. Garfield, giving promise of great generalship by an unconquerable industry and energy, and a brilliant courage in the face of the enemy's guns—Garfield, obeying what was almost a command, went from the Army to Congress. Frank Blair, with the trumpet tones of his voice and the quiver of his uplifted finger, was worth a corps of soldiers in his influence over Missouri, and he was a political general.

At the close of the war when the armies of the Republic were disbanded and martial strife had ceased, General Logan returned to his home. But there was no repose for him. By divine right he was a leader of men. At the forum, in the council chamber, and upon the hustings it was his imperial right to lead as well as upon the field of conflict and carnage, and after a short respite from public duties he was returned to this Chamber as the representative at large from the State of Illinois, and from that time on until the day of his death he was one of the most distinguished figures in our political history.

At all times aggressive and impulsive, he had the courage of his convictions. It can not be said that his character was without fault or criticism, but let it be recorded to his eternal honor that under all circumstances and to all classes he was an honest man. Sincere in his convictions, he despised shams and false pretense, and the glamour of hypocritical professions never deceived or captivated him.

Persistent in purpose and tireless in endeavor, by his indomitable will he overcame obstacles, converted embarrassments into opportunities, and made barriers but stepping-stones to greater things.

He was the first commander of the Grand Army of the Republic, and was the first to suggest the beautiful custom of strewing with the fragrant flowers of spring the graves of our heroic dead. Every man who wore the blue was his comrade. For them his labors were incessant, and the statute-books of this nation attest his constant devotion to their best interests, and to the best interests of those that were widowed or made fatherless by that merciless contest. He could never forget those who shared with him the weary march, the bivouac fires, the evening meal, the sanguinary engagements, and the glorious accomplishments that finally brought victory to our banners and peace and prosperity to our borders. For them, in his judgment, the coffers of the nation should be opened, and for them his heart ever warmed in fraternity, charity, and loyalty.

Mr. Speaker, few men in American history have left such an impress of their individuality upon the public mind and such a brilliant record of grand and glorious achievements as General John A. Logan.

Coming from the ranks of the people, he believed in the good sense and honesty of the masses, and his heart and hand were ever for their good. He was a firm Republican and believed in the genius and institutions of our republican Government, and tyranny in all forms and in all countries found an inveterate hater in him.

As citizen, as lawyer, as soldier, as legislator, as statesman and orator, as husband, father, and friend, we honor him, and his glory is a part of the resplendent and imperishable history of our country.

On the last day of the old year, with muffled drums and drooping flags, General John A. Logan was laid to rest. It was a raw, cloudy, December day, and the snow lay white on the country hills and crunched under the feet of the walkers in the streets of the city. A dull, gray sky hung overhead and at times the winter rain poured in freezing torrents upon the ground. All nature seemed touched with sympathy at the nation's loss, and joined in the tears and sobs of the mourning multitude. He had died the Sunday before, and how fitting that this closing scene in the soldier's life should come with the close of the year. John A. Logan and the old year went out together. That dark but handsome face, that manly bearing, will be seen no more on this side the "dark river" to whose cold tide we are all hastening.

But his memory will endure as long as the English language, and the remembrance of his great deeds will be as imperishable. Honest, incorruptible, and true, tender as a woman, brave as a lion, trusting as a child, his life passed to its ending without stain and without reproach.

In that beautiful home overlooking our capital city, where he hoped to spend so many happy hours, sits the widow in weeds and mourning.

A vacant chair, an empty uniform, medals of honor, and souvenirs of affection tell of the loved one who was, but comes no more.

In her desolation how vividly is recalled her constant devotion to the dead we honor. At home, abroad, in the field, in the forum, here, everywhere, she was his encouragement and almost constant companion, and the story of her services in the rude hospital on the banks of the Cumberland, in nursing back to life him who lay bleeding and exhausted from wounds and exposure received and endured on the field of Donelson, is a grand tribute to this truly American woman.

And with her tears and sobs are mingling to-day the tears and lamentations of hundred and thousands of the comrades of the late war, who, appreciating the services of General Logan in their behalf, mourn his death as a personal bereavement, and a loss to the country that is irreparable. And when the voice that called him hence shall summon those from whom it gave him grief to part, may they join him in the world of rest and peace—

> Where no storms ever beat on the glittering strands,
> And the years of eternity roll.

Mr. PETTIBONE. Mr. Speaker, in one of his most brilliant lectures delivered during the time of our civil war at the University of Cambridge, Goldwin Smith, speaking of that splendid Puritan corps known as the Ironsides, which Oliver Cromwell organized and disciplined, uses in substance this language: "That splendid yeomanry, with high hopes and convictions of their own, who conquered for English liberty at Naseby, at Worcester, and at Marston Moor, in their native England, are now seen no more. Here they have left a great, perhaps a fatal, gap in the ranks of freedom." "But," he adds with something of pride and enthusiasm, "under Grant and Sherman they still conquer for the good old cause."

And what, sir, is that good old cause? Do we not know that it is the cause of Liberty against Slavery? That it is the cause of freedom against privileged usurpation?

"That splendid yeomanry" which the historian thus eulogizes, transferred over sea, became the fathers and founders of this great Republic of the West. The heart and core, as we know, came from England. It was reinforced from Scotland and from Ireland. In later years it has welcomed German and Scandinavian auxiliaries. When the time came to sever the political connection between the colonies and Great Britain, a hundred years ago, it was the yeomanry, informed and instructed by Franklin, and Samuel Adams, and Thomas Jefferson, and led and disciplined by Greene, and Wayne, and Washington, who won the independence of these States and established this Union.

And when, in 1861, the storm of civil war "blackened all our horizon," it was the yeomanry, we know, who furnished the volunteer soldiers who filled the ranks of the Union Army, and in the most desperate of campaigns, in the direst civil war of all time, by their persistence, and steadiness, and valor, carried the starry flag to victory and saved to the cause of civil liberty and forthcoming generations this land of our love and devotion, and by universal consent first of these volunteers was John Alexander Logan! To-day we pause in this forum from our accustomed work, where he was once a living force and where his resonant voice was, in former years, wont to be heard, to do honor to his memory and to mark our estimate of the powers and merits of this man.

It is difficult for me, as I doubt not it is to all his old comrades, to think of Logan dead. He had so much virility, so much of real manliness, such pluck and brave persistence, that he seemed to be endowed with a kind of perennial youth. And so I doubt not he will always seem—for his fame will not die—to those multitudes who in the long years to come shall read the deeds of this splendid gentleman and stout soldier of the Union.

By the common consent of all his old comrades, and by the acquiescence of all who were not his comrades, and never saw him with the blaze of battle in his eyes, he was the typical and ideal volunteer sol-

dier of the Union army during those four tremendous years when the stern question was, should the Republic live or die.

Mr. Speaker, John A. Logan believed with the faith which makes heroes and martyrs that in the maintenance of the Union, in the integrity of its territory, and in the complete ascendancy of its Constitution and laws were bound up, not alone the interests and welfare of one part of the nation, but the rights of all American citizens, the birthright of untold millions yet unborn, the triumph of republican liberty throughout the world, and, as a necessary sequence, the best results and fairest fruits of Christian civilization.

He believed, as did the Union volunteers, in the rights of all men, because they are men, and not "dumb, driven cattle;" and he knew, and his comrades knew, that the victory ought to be, and, in the providence of Him who raises up and pulls down nations at his will, would be, the victory of North and of South alike; that it would, in its final beneficent results, be the common heritage and common glory of their own, and of the children and children's children of those then "wearing the gray," who were arrayed in civil strife against them, but for whose manly courage and stalwart energy in a most mistaken cause they felt a stern respect and admiration like that which, in the great Russian campaign, the Cossacks of the Don felt for Marat, the great cavalry leader of France!

In this faith, when the day of wordy debate was past, when patchwork compromises would no longer do, when the dread question was put, Shall slavery or freedom be master on this continent? Logan made his decision. We all know his antecedents. We all know how loth he was to take up arms against his brethren. His mother was born at Nashville, almost in sight of the Hermitage. But the decision had to be made. He resigned his seat on this floor. He spoke with a tongue of fire to the yeomanry of his district and his State. He rallied around him a regiment. With his thousand comrades in arms he swore to maintain, to preserve, and to protect the Constitution of the United States, and he went forth to the dangers of uncertain war animated by the very spirit in which the angel of freedom speaks in the magnificent language of Whittier:

> Then Freedom sternly said, "I shun
> No strife nor pang beneath the sun
> When human rights are staked and won.
>
> I knelt with Zisco's hunted flock,
> I watched in Toussiant's cell of rock,
> I walked with Sidney to the block.
>
> The Moor of Marston felt my tread,
> Through Jersey snows the march I led,
> My voice Magenta's charges sped."

It was to maintain, not to disintegrate; to preserve, not to destroy, that Logan donned his country's uniform of blue. With reluctance, and almost with heart break he took up the gage of battle. He knew what war is. He knew its horrors, and all its blighting curses. But he was a man of the people. He was simply and always one of the plain people on whom Abraham Lincoln always relied.

Always affable, always approachable, careless of mere form for form's sake he would brook no disobedience of orders or dereliction of duty. His courage, which rose highest when dangers multiplied, was known to the humblest soldier in his command, and in the old Army of the Tennessee he was more to us than a Chevalier Bayard, for we always felt that in Logan we had not only a gallant and splendid general, but we had a comrade and a friend, tender and helpful, and true as well as brave and daring. Around the camp fire we called him "Johnny," or "Black Jack." But it was by way of endearment—as an expression of attachment and confidence.

He was ever king of hearts. His comrades loved him because they could not help it. And, sir, ever since the war-drum has ceased to beat he has been enshrined in the very hearts of the old soldiers of the Union. We loved him as we really loved no other great soldier of the war, and we know how he loved the boys in blue in return.

On the 3d of July, 1863, at Vicksburg, between the lines, it was my fortune, as it was of thousands of others, to see the meeting of Grant and Pemberton when the terms of the famous surrender were agreed to. Accompanying his great commander was Logan, then in the prime and very flower of his magnificent manhood. His long, black hair, how it shone in that sunlight!

I seem to see him to-day as he then stood on that open ground in the clear *light of* that hot July sun. His every unconscious pose and movement seemed instinct with his character and heroic purpose. And so, sir, he will ever stand out in the clear perspective of history. As he stood that day, out against a background of clear blue sky, the observed of all who saw that scene, so forever—fit comrade of his chieftan Grant—

> Let his great example stand
> Colossal, seen of every land,
> To keep the soldier firm, the statesman pure,
> Till through all lands and through all human story,
> The path of duty be the way to glory.

Mr. HAYNES. Mr. Speaker, if I were asked what element in General Logan's character I most admired, I should answer his constancy and his consistency. It was his high distinction to be generally recognized an the most illustrious example the war produced of the citizen soldier as distinguished from the professional; and when the great citizen armies disbanded and turned their faces so joyfully to their homes and the pursuits of peace, he maintained an equal distinction as the soldier's friend in the legislative councils of the nation. To the day of his death his course was such as commended him to his old comrades as a champion who never swerved and never weakened in defense of their rights and their interests. As a soldier he won by bravery and skill the plaudits not alone of those whose cause was his cause, but of those against whom his efforts were directed.

There is in the hearts of brave men who with their lives in their hands battle for their convictions a chord which vibrates with admiration and respect, and even with a sort of affection, for those among their opponents who deal the hardest blows in honorable warfare. Such a man was Logan the soldier, and it is a matter of common knowledge and observation with those of us who wore the Union blue that our regard for the manly, soldierly qualities of our fallen chief was shared in an almost equal degree by those who wore the confederate gray.

As he commanded the admiration of his comrades in war, in peace he won their love and their affection. On the battlefield he was their trusted leader. In the council halls he was their steadfast champion and friend. As a Senator he came to be recognized as the great pillar of strength upon which they confidently leaned, and it was a confidence which never was misplaced. Probably no one man had so great a part—certainly not a greater—in shaping, directing, and urging the legislation of the past twenty years in the special interest and for the relief of the soldiers of the Union and their dependents.

In the first years of returning peace to stand by the soldiers was only to float with the popular tide. The national heart was overflowing with gratitude toward those who with songs and hosannas brought the wayward sisters back to their seats by the national altar. Those were the days when the pulse was still beating with the exhilaration of close contact with mighty deeds and great achievements. It was not in the course of nature that the open generosity which characterized those years should long continue. It could not be otherwise than that gradually selfish considerations should assert themselves; that we should with greater pertinacity dwell upon the cost, and more frequently insist that "we can not afford it."

With the growth of that sentiment which now stands appalled at the magnitude of our pension-list and which shudders at every effort to extend it, General Logan's devotion to the soldiers' interest asserted itself in renewed efforts in their behalf. Oftener than otherwise the pencil of the venomous cartoonist when using him as a subject cartooned his efforts in behalf of the soldiers. But it was by this sign that a million men hailed Logan as a worthy leader, stood by him, swore by him, and attached themselves to him by bonds of affection which gave him a personal following such as but few of our public men have ever been able to boast.

When the tidings of his unexpected death was flashed over the country it brought mourning to the humble home of many a soldier to whom Logan was known only by name and by reputation. A million of these, who never met him, who never saw him, felt that they had suffered a personal loss which could never be replaced. It is a proud record that Logan has left as a soldier. It will be quoted that after a long public career he leaves a name unstained even by a suspicion of dishonor. But there will be no prouder monument to his memory than the love and affection which so long as life shall last will dwell in the hearts of those who were his comrades in the war which assured the perpetuity of the Union and the grandeur of our common country.

Mr. BUCHANAN. Mr. Speaker, it did not seem like Logan to die. That well-knit frame, piercing eye, and elastic step, all spoke of life and vigor, and added years of activity. But even as we looked with admiration upon his strength and vitality, the conquerer came, strength became weakness, and life was death.

> Ah, well, the years sweep swiftly on;
> Death's sickle does not, may not, rest,
> And shall not spare the brave, the best,
> For any prayer, for any moan.

And to-day we cease for a little while from our wonted labor, and sinking all that would separate us, stand animated by one thought and one fraternal feeling before the tomb wherein lies all that is mortal of a brother who has preceded us by but a few short days, God alone knows how few, to the other shore.

Others have spoken of his early life and its trials and triumphs, of his deeds of valor as the citizen soldier, and his long and brilliant career as a statesman. Mine the lot for a few brief minutes to speak of him as an orator and a scholar. To those whose fortune it was to hear him in debate or upon the platform it is not necessary to say that Logan was an orator in the highest and best sense of the term.

He did not use the tricks or cultivate the cheap devices of the mere declaimer. Life was too earnest for him, and his time too short for this. He had the best of all attributes of the orator, an intense conviction of the truth of his utterances, and an earnestness of manner born of that conviction. He spoke because he had something to say, and which he believed needed to be said. What he believed he be-

lieved with all the intense earnestness of his nature, and he uttered it with equal intensity and earnestness. However much a listener might differ from him in sentiment, that hearer always felt that Logan was sincere.

This it was which gave him such power as an orator. This it was which enchained the attention of his fellow Senators and thronged the halls where he spoke. The world will always listen to an earnest and sincere man. Rhetoric and grace and sweetness, rounded period, and swelling peroration, all these please the ear, but Logan hurled rugged truth, in impassioned utterance, at the mind and conscience of his hearers. He did not stop to parley, but thundered out his thought and moved straight upon the enemy's works. A debate was with him no dress-parade, but a battle as real and earnest for the time being as any he had helped to win as a soldier beneath his country's flag.

And yet when the occasion came he could be gentle as a child and tender as a woman. Let a comrade fall by the way and no tenderer or kinder voice spoke his virtues than the voice of Logan.

Less than one year ago, standing beside the tomb of his great leader, Grant, he uttered these words:

Friends, this noble man's work needs no monument, no written scroll, in order that it may be perpetuated. It is higher than the dome of St. Paul's, loftier than St. Peter's, it rears itself above the Pyramids, it soars beyond the highest mountain tops, and it is written in letters of the sunbeam across the blue arch that forever looks down upon the busy tribes of men.

Logan was a scholar. Born far from the culture of city and school, reared amid the surroundings of a new home in the then far West, he heard in his boyhood days the ruder forms of speech often incident to the frontier. Later he profited by the culture of the schools, yet sometimes when warmed in debate or carried away by his earnestness, he would momentarily forget that culture and relapse to the speech he learned in his boyhood days.

This was not often nor to any great extent, but slight as it was it was eagerly seized upon by those who would rather wound a proud and sensitive spirit than miss an item, and it was sent out to the world as his habitual custom. This was cruel and unjust. I personally know that it caused many a pang not only to his heart but to the heart of his noble and loving wife.

Logan was a scholar. Go to the library in yonder lonely home. Look over the volumes which fill its shelves. The best thought of ancient and modern times is there. The treasures of Greek and Roman stand side by side with the gems of German, French, and English literature. His books were read, studied, mastered. No idle ornaments these. Daily companions of the master were they. No delight so keen after his years of activity in camp and field as to sit surrounded by these mighty minds and hold deep converse with them, and as the years rolled by their influence was shown more and more with each successive utterance, until his great "oration at the tomb of Grant" showed how ripe a scholar he had become.

Human utterances pass away with the occasion and are forgotten. Here and there one survives and passes into the world's treasure-house of thought. That oration of his will live. It contains the seeds of immortality. None but the mind of a scholar could have conceived it, and wrought it into form with its wealth of illustration and allusion. As he calls upon the Pyramids of Egypt, the Tombs of Mexico, the Sculptures of Yucatan, and the Mounds of North America as mute witnesses of man's yearning after immortality, we think with what a wealth of effort these material structures were wrought, and forget the years of patient thought and unwearied study which qualify a mind to give to the world an immortal thought.

That patient thought, that unwearied study was his. Shall his work survive the coming centuries? The pyramid builder moldered into dust almost ere history began, and his work yet stands. So, too, the child rescued from "the marshes of the Nile" has left his impress on thirty centuries of mind and thought. A yearning for immortality, a desire to leave an impress upon the thought of his age, seems to have been upon Logan as he penned that oration, and it will take its place among the works the world will not let die.

But time hastens, and no word more may be allowed me. That busy brain is stilled, but somewhere in the broad universe of God that spirit lives. One famous to-day, standing by the open grave of a beloved brother, could only grope in the dark for some faint glimmerings from the other shore. George Eliot, as her mighty brain turned to things celestial, could only breath a despairing wish to join the "choir invisible," but to the clearer faith of Logan the life beyond was real, and in that faith he crossed the river. The battle is over and the soldier is at rest. God be thanked for his life. God be praised for such rest.

Mr. WARD, of Illinois. Mr. Speaker, where duty and veneration combine, even funereal sadness is made lighter and less sad. In common with the Senate, this House owes to the nation and to mankind the duty of recording its estimate of a departed public servant. As a fellow-citizen of the same city and State it becomes my duty to speak of the merits of our departed Logan. His demise leaves a felt vacancy in the Senate Chamber, where the drapery of sorrow woefully speaks the loss to that body.

Not less significant were the nation-wide acknowledgments of that loss echoed back to these Halls in the chimes of funeral bells across this continent. The North tolled their bereavement; the South rang out the same sad dirge, and the clanging was repeated from East and West. Such a man's death is the nation's loss, and each citizen singly deplores it. The bank of human friendship is invincible in its strength of deposit; but its great assets were lessened when John A. Logan was removed to a higher sphere.

There is an immortality beyond this life. The power of a great mind, the success of a superior human intellect, can not be buried in death, and Logan will live forever in memory's world. Upon our own and the actions of coming generations his living influence is and will be shown. The tracery of his character has become interwoven with the nature of this generation, and can not die while our Republic exists. His stern personality has stamped itself upon much of our abler legislation.

As we look upon his desk at the other end of the Capitol; as they wait in vain his coming to the Senate Chamber; as we tearfully acknowledge that at his family gathering "there is one vacant chair," we are forced to say Logan is dead; but other proofs bid us declare the influence of his life still burns and beats in the pulses of his surviving fellow-citizens.

As a private soldier in the United States Army in the war with Mexico; as one of that army's best staff officers; as a colonel, and finally major-general, in his country's cause for the suppression of the rebellion, the same marked characteristics governed General Logan—a stern sense of duty that would admit of neither compromise nor hesitation in performance.

At the beginning of the war the Republican idea in full had not been completely developed. It was an evolution from the conflict of two antagonistic opinions. An idea in government had yet to be worked out. The idea of Hamilton and the idea of Jefferson, formulated, as each believed, in the Constitution, were never appreciated by the people of the different sections of this Union—that of a centralized Government supported by independent local commonwealths called States. The problems of States-rights and National Government were involved and had to be satisfactorily adjusted.

In that adjustment General Logan could see that it was Union or no Union, fragmentary existence or a great nationality, and his sword flashed quick for Union, and flashed in triumph for the great and grand cause. The end which he sought was an undivided Union and universal freedom. He threw himself far into the battle, and never saw the rear until peace smiled over the Union restored and freedom re-established.

If we scan the whole life of John A. Logan—his mature years—those years which other men devote to the business of acquiring fortune, he consecrated to his country on bloody fields and in legislative halls, in the dual service of soldier and statesman. In a long career of usefulness and distinction in civil life, he most efficiently aided in those measures of reform legislation that do credit to this country. At the close of the war, worn and torn by the strain of battle, without stopping for rest, he threw all his strength into the breach the war had made between the sections to heal it by his statesmanship, and when death closed his eyes he was a poor man.

His civil services began in 1849 as clerk of his county court; he served his people in the Illinois Legislature in 1852, 1853, 1856, and 1857, and served in the Thirty-sixth, Thirty-seventh, Fortieth, and Forty-first Congresses, and in the United States Senate from 1871 to 1877. Again he obeyed the people's call and was returned to the United States Senate in 1879, and was re-elected in 1885, where he was found busy when the great summons came, "Cease from labor."

It would appear difficult to add to this lifetime of public service. When the boy had barely merged into the man he left home and its comforts, profession and its ambition, to enter the United States Army as a private in the war with Mexico. Again with his loyal fellow-citizens he volunteered to defend his country against internal enemies. He served throughout that war, starting in as colonel, coming out as major-general. His work was done amid the smoke and iron hail of Belmont, Donelson, Shiloh, Vicksburg, Lookout Mountain, Atlanta, and in the march to the sea.

By the brilliancy of his movements, by the chivalry of his conduct, he unconsciously made himself the idol of American soldiery. The peer of the highest, the friend of the humblest in the land, John A. Logan was a model American citizen. He was a statesman whose purity of character prevented his being a mere politician. Firm in his political convictions, as he was in all his opinions after due consideration, he was also as invincible a warrior in the arena of politics as when a soldier in the field of actual war, and as cowardice was impossible to him in the latter, so neither was he unjust or malicious in debate.

Successful or defeated, he came out of his public contests without the shadow of malice or revenge. In private life his character was as unspotted as in public. His integrity was never impugned, his motives never questioned, or his conduct charged with darkness. The graceful symmetry of his daily life left not a single angle upon which could hang the frosty breath of slander. The shafts of envious or malicious traducement struck harmlessly against that character or fell broken from its adamantine surface.

Viewing such a character in all its rounded grandeur, I may close my remarks by holding that character up as a picture-lesson to the young men of our country.

Mr. GALLINGER. Mr Speaker, when a few weeks ago, in the solitude of my own home, bowed down by a great personal sorrow, the news of the death of John A. Logan flashed over the wires, I could not but feel that another personal grief had come to my heart. For every man in this nation who loves liberty and loyalty and law loved him in whose memory these words of eulogy are being spoken to-day.

It was not my good fortune to intimately know General Logan, yet when I came to Washington in December, 1885, it was my privilege to bring a letter of introduction from one of his warmest personal friends, and I shall never forget the warmth of the greeting then received, or the kind request, frequently afterward repeated as we casually met, to visit him at his home. That pleasure was still in anticipation when death so suddenly removed the noble man and brave soldier, and carried to that household the darkness of desolation and the overwhelming grief of crushed and bleeding hearts.

But it was not necessary for one to personally know him to gain a knowledge of his character and attributes. His record is written on every page of the history of his country, especially since the troublous times commencing in 1860. When the nation needed brave men to defend it Logan threw all his energy, strength, and heroism into the scale and came out of that terrible struggle with a record for bravery and military skill equal at least to that of any man who fought on either side. Rapidly rising from a private to major-general, he was the pride and glory of the men whom he commanded.

His battles were nearly all victories, and in them he was a conspicuous figure, inspiring his men by deeds of daring unexcelled in the military history of the world. What wonder that he was the idol of the veterans of our late war! What wonder that the common soldier, recalling the events of that great conflict, turned to John A. Logan as his best friend! What wonder that wherever soldiers congregated—around the camp-fire and at their reunions—the mention of Logan's name was always greeted with manifestations of delight! And surely this record alone—the love and honor of the men who left home and loved ones to do brave battle for the Constitution and the Union—is enough to immortalize the memory of one of the greatest generals of modern times.

But Logan was not only a great soldier—he was equally a great civil leader. Examine the long record of his public life, and not a blot is on the page. Earnest, aggressive, and eloquent, his words always reflected honest convictions and high purposes. The arts of the demagogue were unknown to him, the tricks of the mere politician were antagonistic to his ideas of public duty. As so many have testified to-day, he loved truth for truth's sake, and despised pretense and shams of every kind. Loyal to his country, he was equally loyal to his convictions on all public matters, and wherever the finger of duty beckoned he followed fearlessly and triumphantly.

In every department of life—whether as soldier, legislator, counselor, or friend—in the Army, in the Senate, or anywhere among his fellow-men, he was the circle of profound respect and loving admiration, while in the sacred precincts of his own home he was the light, the joy, and the inspiration, and the deep and overwhelming grief that to-day sweeps over the heart of the loving companion of his life-work is, after all, the most eloquent tribute that can be paid to his memory.

Logan was a great man in the best meaning of that word. He was both physically and intellectually strong. He towered above the masses as some great tree towers above its fellows.

In my own State, on a lofty mountain peak, is the perfect face of a man, formed by the rocks without the aid of human intelligence or human effort. Tourists from distant lands come to gaze upon "the great stone face," and go away with feelings of awe and admiration. It is a grand face—grand in its dignity and its impressiveness—a face that haunts one in after years, and tells the story of nature's grandeur and glory. And so, too, there are men who tower to the mountain tops of human experience and acquirement, and look down upon their fellows in the valleys below. Such a man was Logan—a great, strong, noble soul—a natural leader of men, and utterly incapable of the petty meannesses that mar so many lives.

But, notwithstanding his greatness, for him "life's fitful fever" has ended. His ambitions, struggles, anxieties, disappointments, and triumphs are all equally at rest. Were it not for the greatness of his achievements it might be said that—

> Wealth and glory, and place and power,
> What are they worth to me or you?
> For the lease of life runs out in an hour,
> And Death stands ready to claim his due.
> Sounding honors or heaps of gold,
> Where are they all when all is told?

But for a man like Logan, who left a legacy of good deeds and honorable ambition, death only emphasizes the greatness of his life and adds increased luster to his name. And so long as humanity honors real worth and noble endeavor, the name of John A. Logan will be a cherished memory in the heart of every true citizen of the Republic.

Mr. PLUMB. Mr. Speaker, the stream of human life flows on ceaselessly, its tide never ebbs, the springs that support it are as unfailing as that great fountain of purity and love which constitutes the soul of the Universe, the Infinite Father of us all. To us who are but infinitesimal drops in the eddying flood of humanity the death knell of our fellows brings fitting occasions on which to fathom, if possible, the deep meaning and the true object of the miracle of our existence.

The fell destroyer comes to all ranks and conditions and hurls his fatal shafts at loved ones in the humble cottage and in the lordly mansion. No position or place can enable us to elude his summons when the appointed hour has fully come.

Since the commencement of the present Congress twelve members in both branches have joined the "silent majority," and it is that we who remain may pay proper tribute to the memory of the last of these, General John A. Logan, United States Senator from Illinois, that this hour is set apart.

Mr. Speaker, it is but a few weeks since Senator Logan sat in his honored seat in the other end of the Capitol in his accustomed health and in the full possession of that mental vigor with which he was so richly endowed; but, alas, he can never again occupy that seat; the funeral cortege has followed his mortal remains to the grave, and the nation is in mourning. From the sparkling waters of the Aroostook to the murky Rio Grande Del Norte, from the everglades of Florida to beyond the Olympic Mountains to far-off Alaska, there is no city or town, and scarce a rural neighborhood, where the thoughts and emotions of people have not been profoundly moved by the event we are here to contemplate.

Representatives, I appeal to you, what better use can we who for the present are intrusted with official power make of the present occasion than to seek here and now most earnestly for the secret of the dead Senator's stronghold on the confidence and affection of the American people? This seeking can not be successful without a broader view than any single life can furnish.

General Logan lived in a period of our national history replete with remarkable events—a period in which men in public life encountered those crucial tests that not only developed characters, but decided whether they were to live in the hearts of their countrymen as benefactors of the race, or, on the contrary, to be either entirely forgotten, or remembered only to be execrated. In the brief time allotted me I will only allude to a few of these tests as applied to General Logan, and these only to show that had he failed to perceive the right, or lacked the courage of his convictions, the name that is now on the lips of all would not be known to-day, nor his memory fondly cherished by sixty millions of people.

Returning from the Mexican war, in which it was but natural that one full of intellect, courage, ambition, and physical strength, as was young Logan, should enlist, we find him entering at once into politics, an active member of the dominant party, receiving promotion at its hands, first to the Legislature of his State, and then to Congress—ready and anxious to enter upon any work which promised to him political success.

At the period of which I am now speaking the storm which had been gathering for a quarter of a century was ready to burst upon the country. Lincoln, who up to this time was opposed by Logan, had been inaugurated President. The slave power thus beaten at the polls and defeated in its avowed purpose of extending the curse of slavery to every acre of our territorial domain, to the end that their darling institution might be made the corner-stone of the Republic, had already begun to move in open rebellion.

The great political party from which Logan had received recognition and place, although stunned and shocked by the proposed rebellion, was still the champion of slavery; the infamous doctrine of secession for the sake of slavery had no defender outside of the party of which he was a member, and it was under such conditions that the real qualities of John Alexander Logan were first put to the crucial test that was to settle his political career.

The shock of the rebellion revealed young Logan to himself; it found him a politician, it made him a statesman. The new light that shone upon him "was above the brightness of the sun," and in it he saw as never before the fell purpose of the "Great Conspiracy" and the dire consequences of its success. His eagle eye scanned the conflict as if it were a raging battle, and his mind was made up. To him liberty and union were one and inseparable, and on their perpetuity must advancing civilization depend; without them, he could see no hope for "liberty enlightening the world."

Mr. Speaker, it is easy for us now to look back upon this trying hour and in the light of history see that it was easy to ignore party and stand by the flag; but, sir, I can well understand that to cut loose once and forever from the ties that had bound young Logan (then but about thirty-two years of age) to his political associates, and to consecrate himself from that hour to the flag and to freedom, was to try him as by fire. The occasion was just such a one as was in its nature calculated to call into exercise those qualities of mind and heart that have made Senator Logan a conspicuous figure in our national history. It was his ability to perceive what duty demanded and courage to do it that made him

what he was. This, sir, is the key-note to his character, this the secret of his power, this the pathway that led him to renown. Having chosen the true path in that trying hour, let us see how faithfully he followed it.

He knew full well that crushing the rebellion meant the emancipation of the negro and his elevation to citizenship, but he felt that it was right, and he dared to enlist all his powers to accomplish that end. He knew that rebellion such as that waged for the preservation of human slavery by a government based solely on the idea of man's right to freedom was a crime, and he never failed to denounce it as such. He knew that the true patriot would give his life, if need be, to his country; and without hesitation or delay he entered the service, was a true and gallant soldier, an able and successful commander, always ready to lead his men where duty called, whether to shelter and rest or to fighting and fatigue. Logan never turned his back on the foe in the fight, upon an opponent in debate, nor upon a friend anywhere. In all these things he was right, and dared to stand there because it was right.

When the rebellion had been crushed, and Logan was once more in his place in the councils of the nation, he met each question that arose in the trying work of reconstruction in the same way that he decided to change his political course—by choosing what was right, and going straight forward to accomplish it.

He was the soldiers' true friend, because he knew that the nation owes to the army of the Union a debt that it can never pay. With him it was no sham affection, it was a comrade's love for comrades, and in every speech and vote in Congress, and elsewhere, he never failed to make his regard for the members of the Grand Army effective for their good. For the soldier, whether officer or private, who through either cowardice or insubordination failed to obey the orders of his superiors, he had nothing but earnest condemnation which no influence could induce him to withhold.

He was for protection for the sake of protection, and because the principle is a right one it had his support.

He was for giving national aid to the cause of common-school education, believing that illiteracy is the natural enemy of free institutions and that its obliteration at whatever cost would be a saving of money to the nation. He believed that the enfranchised negro by being educated would better discharge his duties as a citizen, and with it would vindicate his right to a recognition as a peer among his fellow-men. It was by his especial championship that the bill now before this House to aid the common schools in the States and Territories was amended by an appropriation of $2,000,000 for the erection of school-houses wherever the colored people are too poor to erect them, so that all may secure the priceless boon of a common-school education.

His firm adherence to the right went with him into social and family life, and in these relations won for him the highest meed of praise. He knew full well that the heart of a true woman naturally furnishes to man a rich soil, which needs only his cultivation to insure ample returns in all that is needed to make home happy, and all this he enjoyed in abundant measure, an example to which all good citizens can point without exciting in any the blush of shame.

Mr. Speaker, if my time would permit I would touch briefly upon more of the acts of the great soldier and statesman that go to show that he owed his proud position as a public man to his fearlessness in doing whatever he thought to be right, but I must forbear.

Sir, the State which I have the honor in part to represent on this floor has furnished her full quota of the illustrious men who have been great actors in the period in our national history to which I have before referred. That grandest of Presidents (Lincoln) and that greatest of captains (Grant) both matured their manhood as citizens of Illinois, but Logan, worthy to have been the Chief Magistrate of the nation, the great volunteer general of the war, whose name and memory will be linked with Lincoln and Grant as long as history shall be read, Illinois proudly claims as her son.

Whatever may be the conclusion of the philosopher or the faith of the Christian as to the life to come, we can never again look upon the manly form of John Alexander Logan. His voice, so often raised in defense of the integrity of the Union and of universal freedom, will never more be heard in this Capitol; the people of the United States who have so often been moved by his earnest appeal will never greet him again with their hearty cheers; the veterans of the Union Army who loved him so well can never again rend the air with their shouts at his appearance; but he can not be forgotten.

Let monuments be erected to his memory, let orator and poet chronicle his worthy deeds; but when the marble no longer depicts to our eyes his manly figure, when eloquence and song can no longer charm us with the recital of his noble qualities, coming generations will speak of his worth and be influenced by his example.

Mr. JACKSON. Mr. Speaker, I regard it as eminently fit and appropriate that Congress should in this formal manner place upon its records the testimony of the living to the worth, virtue, and high character of the man who was so recently one of its most distinguished members. But John A. Logan, to whose memory this House has ceased its ordinary business and strives to pay a sincere and heartfelt tribute, was much more than a distinguished Representative or Senator in Congress.

He was a man who in a life half a score years shorter than the Psalmist's alloted time, demeaned himself so well as citizen, as volunteer soldier, as commander of regiment, brigade, division, corps, and army, as legislator in these Halls that I am at a loss to say in which position he did most to gain that pre-eminence he so justly holds in the hearts of his countrymen.

His was an active life that from early manhood down to within a few days of his death scarce knew a day's repose. Endowed with a strong constitution and unusual vigor of body and mind, he might, so far as we can judge, with ordinary labor in the usual walks of life have lived to a good old age.

But he had a brain and will that would not endure rest and quiet, and he literally "wore his life away" as a prominent actor in the stirring, eventful, and, I may say in part, fearful and terrible times in which his lot was cast. It was his fortune to live in an age in which the greatest events of modern times have transpired. We do not, perhaps, fully realize that we have ourselves been eye-witnesses and, in part, humble participants of the most important part of our country's history. No matter how grand or glorious a future lies before us, to the generations yet to come, the history of our country for the past thirty years must for all time be the most interesting and important to the student and patriot. During all this time the record of the life and services of John A. Logan is so blended with the history of our country that they are inseparable.

It is not that in every quality of mind or capacity for service he excelled each and all of his associates, but it is because in every position he has occupied, from the lowest to the highest, he has acquitted himself as one of the best representative citizens of his age. Since the death of Grant, the great chieftain whose soul went up to God from Mount McGregor, no citizen of the United States was so well known as Logan. His name was in very truth a household word throughout the land. His every act was open to inspection and criticism. How honestly, how wisely, how modestly he has borne himself in every condition and under every circumstance let history answer; yea, more, let those who were from time to time his opponents be his judges and his reputation is safe.

He will be remembered as a progressive statesman, who was prompt to recognize the high responsibilities and duties that came in his day upon this nation. He strove to garner the fruits of the war, that coming generations might enjoy the benefits of the heroic sacrifices that were made to save the Government. He was a sincere advocate of the rights of labor, a friend of law and order, and consistently demanded the protection of all American industries from foreign pauper competition.

Of his success as a leader in times of peace and in the broad field of true politics I leave others to speak more at length.

As has already been well said here to-day, he sat in this hall with Thaddeus Stevens, James G. Blaine, and James A. Garfield, and was accounted their equal in party control; that in the Senate of the United States he divided leadership with Charles Sumner, Oliver P. Morton, Roscoe Conkling, and John Sherman, and but few men have ever lived in our country who had so many enthusiastic, devoted followers who hoped to see him the Chief Magistrate.

It was my fortune to serve for four years as a soldier in the Army of the Tennessee, of which General Logan was from the first a prominent leader, and at last its commander, and I know I speak the general sentiment of the soldiers of that army when I join in deep sorrow and with full and overflowing heart to pay a tribute of honor, friendship, and love to his memory. The Army of the Tennessee was successively commanded by Grant, Sherman, McPherson, Howard, and Logan. It has always been the boast of those who served in it that it never had a commander that was not a success and never had one removed except to be given a higher command. Yet it was as a subordinate and later as a successor to such distinguished and never-to-be-forgotten men that Logan won and maintained the high place he holds in the confidence and esteem of the soldiers of that army.

Long before he became its commander he was as well known to the men of the Army of the Tennessee as either Grant, Sherman, or McPherson. I do not mean to say he was superior to either of them. But he was a real soldier, a man of immense force and power, who had the confidence of the army, and I can recall more than one occasion when his presence on the field under fire was, in my judgment, worth "more than a thousand men." There is, perhaps, no soldier who served in that army but who can recall incidents of the camp, the march, and the field in which Logan was prominent and with which he will always associate his name.

It would be a pleasure to here recount the battles, marches, and campaigns in which he took a prominent part, but time will not permit. To do so would be but to repeat the greater part of the story of the four years' gallant and heroic service of the Army of the Tennessee. That story is a well known part of our country's glorious history. It embraces Belmont and Donelson, Shiloh, Corinth, and Vicksburg, Lookout Mountain, and Missionary Ridge. It includes the terrible cam-

paign from Chattanooga to Atlanta, with its weeks of unceasing battle, described by a private soldier in a letter to his wife as "the battle of May and June," the March to the sea, with Savannah, Bentonville, and Raleigh.

But the four long years of war ended. "Glad was our army that morning" when we heard the joyful news that Johnston had surrendered. Peace had come at last and visions of home and loved ones were before us.

Soon the grand review followed at Washington, where the veteran armies of the Union were accorded a triumph unequaled in history. Then the Army of the Tennessee, under the command of General Logan, moved to Louisville, Ky., preliminary to its muster out of service. I hold in my possession now, as one of the most valued mementoes of the war, the order from General Logan directing me to proceed with my regiment to the State where it was organized, to muster it out of service and send the men to their homes.

It is the wonder of the world that immense armies of veteran soldiers like we had at the close of the civil war could be disbanded at once, and that men inured to long service in the field would make peaceable, industrious citizens. But it should be remembered that Logan and the soldiers he commanded entered the Army not for military glory, nor for love of the profession of arms. The alarm of war found them citizens busily engaged in the employments that many years of peace made possible in our beloved country. The threatenings of wicked men to destroy the Government had so long fallen unheeded upon their ears that some said this people lack the courage and the manhood to resent an insult or defend the heritage of their fathers.

But when the first blow was struck by traitor hands, and the Chief Magistrate called the citizens to arms, how changed? Then it was that the farmer boys left their homes, the mechanic his shop, the student his books, organized themselves into companies and regiments, tendered their services as soldiers to their country, and marched to the front with an enthusiasm and a determination that astonished the world. Nor was it an enthusiasm of the hour, to be chilled by the first reverse or defeat. It was a settled determination, born of the belief that they were right and their enemies were wrong. It was a firm conviction that underlying the contest was a great moral principle, and, appealing to the god of battles for his support, they went forth to fight for their country as their highest duty.

No wonder that such soldiers as these, when the rebellion was destroyed and the Government was saved with the blot of slavery effaced, laid down their arms, went to their homes, and became the best of citizens.

We yet see how uncomplainingly many of these men bear the twinge and pain of wounds received in battle, which each year grow more severe, and pass their declining days with broken health and suffering with diseases contracted in their severe service.

It has been said here to-day, as it is often said elsewhere, that Logan was the highest type of this class of volunteer soldiers; that he was the personification of that host of patriotic young men who left homes and pleasant vocations at the call of their country. I think there is much truth in this, and that it is one of the highest honors that can be accorded to him. But I think there is too much weight given to the idea that he attained his popularity among soldiers because he was a volunteer officer as distinguished from officers who had been educated at West Point.

The Army of the Tennessee had for commanders Grant, Sherman, and McPherson, all regulars, and the surviving soldiers of that army, much as they love and cherish the memory of Logan, would not ask me to say here to-day that as a soldier and commander in the field he stood higher in their esteem than either of the three others I have named.

I consider that Logan's conduct and services since the war had much to do in giving him the pre-eminent place he undoubtedly holds to-day in the hearts of the surviving soldiers of the Republic. After the war he remained in full sympathy with them and has represented them earnestly and fully in Congress and wherever they needed a spokesman or friend.

He took great interest in all associations of soldiers; was an active member of the Grand Army of the Republic, and was justly esteemed as a represenative both in public and private life of that fraternity, charity, and loyalty on which the order is founded. He died from the effects of wounds received in battle and from disease contracted by exposure in the service. In this respect he is a representative of that vast host of soldiers who came home disabled and broken in health, whose lives are shortened by the service they gave their country.

How it must have grieved the generous, noble heart of Logan to see such men as these neglected by the Government they had saved and denied the assistance that just laws would have given them.

Not for himself did he demand additional laws to do justice to the soldiers of the country, for he denied himself a pension he so justly deserved and could have readily obtained, only that he might better serve his more unfortunate comrades.

When he died the disabled soldier and his dependent relatives lost not only their best but ablest friend. But he is gone from earth, and his body is laid to rest among his kindred in the land that gave him birth. A nation mourns his death. He has joined that grand army of patriots whose lives went out in the shock of battle or wasted away in hospital or prison pen. Henceforth he stands as a representative of the fallen.

On Fame's eternal camping ground
Their silent tents are spread,
And Glory guards with solemn sound
The bivouac of the dead.

He died not of age or lingering decay. "His eye was not dim, nor his natural force abated." Within a few days of his death he was engaged in active work. We can recall his appearance almost like those who fell in the field, whose lives went out in their young manhood. It is a pleasing thought that we always recollect those who went to the army and came not back again as young and full of hope and high resolve. They are our "immortals." They never grow old. To their friends and kindred the fallen are ever young, and in memory live on in perpetual youth.

Such be the recollection of him we mourn to-day.

Logan was honored in his death by municipal and civil organizations, by army societies, and Grand Army posts as few men have ever been. From all over this broad land came resolutions of sincere condolence to the afflicted family.

Each year hereafter on memorial day, in every cemetery, churchyard, and God's acre throughout our country, where a soldier's grave is made green, there will be a wreath for him. In every neighborhood where they meet to "bedeck the soldiers' graves with flowers and bedew them with tears," when they give a double portion to the little mound that represents those who sleep in distant or unknown graves, some one "most loving of them all" will strew the flowers in memory of the man who instituted this beautiful ceremony.

The credit of inaugurating this custom is all due to John A. Logan, who, as commander of the Grand Army, issued this beautiful and now historic order:

The 30th of May, 1868, is designated for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village, and hamlet churchyard in the land. In this observance no form of ceremony is presented, but posts and comrades will, in their own way, arrange such fitting services and testimonials of respect as circumstances will permit.

We are organized, comrades, as our regulations tell us, for the purpose, among other things, "of preserving and strengthening those kind and fraternal feelings which have bound together the soldiers, sailors, and marines who united to suppress the late rebellion."

What can aid more to assure this result than cherishing tenderly the memory of our heroic dead, who made their breasts a barricade between our country and its foes? Their soldier lives were the reveille of freedom to a race in chains, and their death the tattoo of rebellion's tyranny in arms. We should guard their graves with sacred vigilance. All that the consecrated wealth of the nation can add to their adornment and security is but a fitting tribute to the memory of her slain defenders. Let no wanton foot tread rudely on such hallowed grounds. Let pleasant paths invite the going and coming of reverent visitors and fond mourners. Let no vandalism of avarice or neglect, no ravages of time testify to the present or coming generations that we have forgotten as a people the cost of a free and undivided Republic.

If other eyes grow dull, and other hands slack, and other hearts cold in the solemn trust, ours shall keep it warm as long as the light and warmth of life remain to us.

Let us then, at the time appointed, gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of springtime; let us raise above them the dear old flag they saved from dishonor; let us in this solemn presence renew our pledges to aid and assist those whom they have left among us, a sacred charge upon the nation's gratitude—the soldiers' and sailors' widows and orphans.

It is the purpose of the commander-in-chief to inaugurate this observance with the hope that it will be kept up from year to year while a survivor of the war remains to honor the memory of his departed comrades. He earnestly desires the press to lend its friendly aid in bringing it to the notice of comrades in all parts of the country in time for simultaneous compliance therewith.

Give him the honor he so feelingly, so eloquently claimed for his comrades, and let us be proud we are such a nation and have such examples among our people as the life and services of John A. Logan.

Others have spoken of his domestic life better than I can do. He was a kind father, a loving husband, and a sincere Christian; a man whose pure and exemplary conduct in private added additional luster to his distinguished public record. But his course on earth is finished; all we can say of him now is:

Close his eyes, his work is done;
What to him is friend or foeman,
Rise of moon or set of sun,
Hand of man, or kiss of woman?
Leave him to God's watching eye,
Trust him to the hand that made him;
Mortal love weeps idly by,
Christ alone has power to aid him.

Mr. ANDERSON, of Ohio. Mr. Speaker, why is the gavel silent on the desk, the labors of this House suspended, and debate stilled in these Halls, and this presence in attendance? A great man has fallen, John A. Logan has been called to rest, and we are met to review his life's work and recount his virtues.

General Logan was a true type of the struggling, courageous, frontiersman of the West. Endowed with a splendid physique, courage, energy, and a strong will, he was well equipped for the boisterous voyage of life on which he was launched. He was a typical American. A self-made man, he started a poor boy and lived and died a poor man.

He imbibed from the wide-stretching prairies surrounding his humble home broad views and the true idea of freedom. He was a man possessed of profound convictions and of unbending will if he believed he was in the right. All his personal and intellectual qualties were positive.

In debate he was direct, intense, fearless. Bold in the assertion of his convictions, impetuous in their vindication, he scorned evasion and despised hypocrisy.

In the performance of duty he took no account of results and feared no consequences. He was familiar with all the weapons of debate, and he at times wielded the gentle power of persuasion, the convincing force of logic, and the strong blows of ridicule, often sweeping before him in a tempestuous outburst of eloquence all opposition to the high resolves and earnest convictions of his mighty soul.

If he lost anything by neglected education his great genius supplied the defect. He always had his armor on, and Logan, either in the forum or on the battlefield, was ever ready for the rencounter.

He was the advocate of liberty and the devoted friend of the human race. He loved his friends with unswerving fidelity and never deserted them. He was a friend of truth, and hated treason whether against his country or his friend.

He sought to preserve the Union and maintain the Constitution; he was the advocate of the universal freedom of man. He labored to restore peace and amity between the sections of our country, and performed his full share in healing the animosities engendered by the war. He sought to cherish industry and protect labor. He encouraged the settlement of our vast domain and the development of our resources. He came from the humbler class and his sympathies were always with the poor and the sons of toil. He was from them and one of them.

Along the highway over which our country and people have journeyed during the past quarter of a century John A. Logan may be seen and traced. If he was your antagonist, he was an open one, scorning to attack by stealth or fight from ambush. He struck his blows in front and in daylight. Ready to forgive and forget a slight or insult done him, he was as eager to repair an injury done another.

Wherever he was found he was stolid, sincere, intense, firm, honest, and courageous. If he was a brilliant figure in the political arena, he was none the less so in the military. It mattered little to Logan whether on the field of battle or in the Halls of Congress; whether conducting his troops at the assault of Donelson or maintaining a debate in the Senate of the United States; whether managing a great Presidential campaign, or leading his army through Georgia; whether caressing his loved ones at home, or enduring the privations of army life; whether trudging along the ranks as a private soldier, or riding his charger at the head of his army.

When our civil war burst like a terrible tempest upon the nation Logan buckled on his sword, rushed to battle and never halted until slavery was dead, freedom reigned triumphant, and the union of all the States secured. As resistless against the foe as an avalanche rushing headlong from Alpine heights to desolate the plains below he combined the desperation of Charles XII with the generosity of a Cæsar.

See General Logan and his troops storming the battlements at Vicksburg, first to break down the enemy's stronghold and lead the advance into the captured city; and as long as the "King of Rivers" flows by those bluffs will the heroism of Logan and his men be remembered. The memorable assault he led at Kenesaw will be remembered while that mountain stands on its foundations of granite. But he appeared most conspicuous on July 22, 1864, in front of Atlanta. The confederate General Hood made a desperate assault on the Union forces to free himself from the iron grasp of Sherman. In this engagement the army of the Tennessee was driven back, and General McPherson, its commander, fell.

Logan at once assumed command. He found the troops fatigued and dispirited, the enemy enthusiastic and exultant in their temporary victory.

> Cannon to right of them,
> Cannon to left of them,
> Cannon in front of them,
> Volley'd and thunder'd.

Logan appeared upon the scene. He aroused the energies of his men for battle, cheered the despondent, and rallied the faltering. With head uncovered, his long black hair flying over his shoulders as he galloped his foaming charger along the line, he looked the impersonation of Mars. His voice was heard above the din and clangor of battle shouting to his men, "Be brave and fear not; let your watchword be McPherson and revenge."

His troops caught the spirit of their commander, and hope and confidence assumed sway; they sprang into the conflict, rushed upon the enemy, and in an hour's time regained all that had been lost and turned threatened defeat into a glorious victory. It was this Ajax of the Army of the North who saved that day. The heroic deeds of General Logan in this battle will not be forgotten while the name of Atlanta is spoken by the children of men.

Although he had not the benefit of a military education, yet he rose to the highest rank ever held by a volunteer officer in our country, and he is justly entitled to the name of being the greatest general of the volunteer army of the Union. He served his country because he loved it.

During his military life he suffered much and endured much, was torn and mangled by shot received in action, yet he declined to receive a pension to which he was justly entitled. His services were not rendered for bounty, nor was his patriotism to be measured by dollars and cents. That his life was shortened by his exposures, sufferings, and wounds there is no room to doubt, but a mighty, patriotic people will cheerfully give to his disconsolate widow that pension which her husband declined while alive.

Mr. Speaker, although I had but a limited acquaintance with this great chieftain, yet I knew him as I saw him at the head of his troops in Tennessee and Georgia, and as I read him in the history of the times. He was the idol of the volunteer soldier, who loved him for his untiring devotion to their cause in peace as much as for his leadership in war.

Logan had a heart that never ceased to beat in sympathy and respect for the soldier that fought by his side, and to those heroic men who battled against him he held out the hand of a generous foe.

In peace he had no fortune but his genius, courage, and faith; in war, no friend but his valor and sword; yet we see him measuring arms with men of experience, rank, and power, and write his name high on the escutcheon of fame, leaving the world better for having lived in it.

He is dead; dead to his State, but he lives to the nation; dead to the family, but he lives to every lover of freedom on the globe.

Where he will be buried is not yet determined. A dozen cities ask for the honor of giving a resting-place to his ashes; and I venture to express the wish that one place suggested for interment may be adopted, that is Arlington. The place is so fitting, the surroundings so much in harmony with his great life.

In sight of the sacred urn at Mount Vernon an army of his dead comrades bivouacked around him, overlooking the capital of that nation he labored so much in peace to build up and suffered so hard in war to maintain. There may he rest in peace, where the vine and the wild rose will entwine their garlands over his grave; where the gentle evening breeze, through the sad pines, may sigh a dirge to him, and the historic Potomac murmur a requiem as it hurries on to the sea.

This great man will not be forgotten. His name and deeds are enrolled in the history of his age and he lives in the affections of a patriotic people. He will be remembered while liberty has a shrine and freedom a votary. His name will be cherished until the clouds forget to replenish the springs, the fountains to gush, or the rills to sing.

In ages hence his lofty deeds will "be acted o'er in the nations yet unborn and accents yet unknown."

Mr. Speaker, from the tears which this day fall on the bier of Logan the patriot, warrior, and statesman, there springs a rainbow spanning our heavens giving hope and promise of the immortality of the Republic.

Mr. THOMAS, of Illinois. I move the adoption of the resolutions.

The SPEAKER *pro tempore* (Mr. DUNHAM). The question is on the adoption of the resolutions.

The resolutions were adopted unanimously; and in accordance therewith the House (at 6 o'clock and 10 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. FINDLAY: Memorial of the Charles A. Vogler Company and others, of Baltimore, praying for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. FORAN: Petition of Charles Stoughton, relative to the improvement of Harlem River—to the Committee on Rivers and Harbors.

By Mr. FORNEY: Papers relating to the claim of William H. Wortham, of Madison County, Alabama—to the Committee on War Claims.

By Mr. GROUT: Petition of 67 citizens of Townshend, Vt., praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy—to the Committee on Education.

By Mr. HALL: Petition of Mrs. Rowena Sharp and Augusta Rogers, of Mount Pleasant, Iowa, favoring the passage of the bill (S. 2362) to promote peace between nations—to the Committee on Foreign Affairs.

By Mr. JAMES: Petition of the Owen Roe, Sarsfield, Garry Owen, Garaldine, Hamilton Rowan, and James Stephens clubs, of New York city, declaring against the ratification of the new extradition treaty with Great Britain—to the same committee.

By Mr. F. A. JOHNSON: Petition of Hastings Post, No. 513, Grand Army of the Republic, of Horicon, N. Y., in favor of the passage of the Edmunds-Tucker Mormon bill—to the Committee on the Judiciary.

By Mr. KING: Petition of citizens of Louisiana, for national aid to education—to the Committee on Education.

By Mr. LONG: Petition of S. Hopkins Emery, relating to the Yellow Stone Park—to the Committee on the Public Lands.

By Mr. LYMAN: Petition of the Women's Christian Temperance Union of Vail, and of Dunlop, Iowa, for the passage of the bill (S. 2362) to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. NEAL: Petition of William Robinson, of Monroe County, Tennessee, to have his claim referred to the Court of Claims—to the Committee on War Claims.

By Mr. PARKER: Petition of the Geraldine Club, of New York city, against the so-called British extradition treaty—to the Committee on Foreign Affairs.

By Mr. PETERS: Affidavit of Thomas C. Copeland, favoring bill for relief of W. R. Copeland—to the Committee on War Claims.

By Mr. PRICE: Petition of the Hudson (Wis.) Rod and Gun Club and Game Protective Association, urging the passage of Senate bill 2436—to the Committee on the Public Lands.

By Mr. RICHARDSON: Petition of the administrator of the estate of Luckett Davis, deceased, late of Rutherford County, Tennessee, for reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTSON: Petition of Nancy Alvey, of Litchfield, Ky., for a widow's pension—to the Committee on Invalid Pensions.

By Mr. ST. MARTIN: Papers relating to the claim of Emily V. Glover, of Orleans Parish, and of Isaac Bloone, of New Orleans, La.—to the Committee on War Claims.

By Mr. SWINBURNE: Petition of the Geraldine Club of New York city, against the so-called extradition treaty with Great Britain—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *February* 17, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ANNUAL CONSULAR REPORTS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State accompanying the annual reports of the consuls of the United States on the trade and industries of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 16, 1887.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with section 194 of the Revised Statutes, a list of clerks and other persons employed in the Treasury Department. The communication will be printed, and the accompanying list will be referred to the Committee on Printing to ascertain whether it will be necessary to print it.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, recommending an increase of the appropriation for furniture and repairs of certain public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, relative to the necessity for the establishment of an additional pension agency; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the governor of Washington Territory with a memorial as to the payment of $4,168.77, expended during the anti-Chinese disturbances in Seattle; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the president of the Mississippi River Commission relative to the improvement of that river; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a petition of the common council of Plaquemine, and one from citizens of the town of Plaquemine and Iberville Parish, Louisiana, praying that part of the money appropriated for the improvement of the Mississippi River be expended at those places for the protection of the bank; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislature of Wisconsin; which was ordered to lie on the table, and be printed in the RECORD, as follows:

Memorial to Congress asking an annual appropriation for the support of agricultural experiment-stations.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Wisconsin, respectfully represent:

That the interest of agriculture would be greatly promoted by the establishment of agricultural experiment-stations in connection with the agricultural schools founded under the act of 1862 providing for the endowment of agricultural colleges: Therefore,

Resolved, That it is the sense of this Legislature that the bill now pending before the House of Representatives, and known as Senate bill 372, appropriating $15,000 annually to the agricultural colleges of the several States and Territories for the establishment and maintenance of agricultural experiment-stations should become a law.

Resolved, That duly authenticated copies of this memorial and resolution be transmitted to the President of the Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in the Congress of the United States.

GEO. W. RYLAND,
President of the Senate.
T. B. MILLS,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss.:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 14th day of February, in the year of our Lord 1887.

[SEAL.]

ERNST G. TIMME,
Secretary of State.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of Wisconsin; which, on motion of Mr. SAWYER, was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

Memorial to Congress to pay all unappealed awards and judgments growing out of damages caused by the Fox and Wisconsin River improvement.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas by an act of Congress of the United States entitled, "An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin," approved March 3, 1875, by which, among other things, it is provided that in case any land or other property was then or should thereafter be flowed or injured by means of any part of said works of improvement theretofore or thereafter constructed, for which compensation was then or should thereafter become legally owing, the amount of such compensation should be ascertained in the manner provided by the laws of the State of Wisconsin; and

Whereas the Supreme Court of the United States and the supreme court of the State of Wisconsin have by their decisions established the liability of the Government of the United States in such cases; and

Whereas a large number of farmers and other parties owning property adjacent to the waters of the Fox and Wisconsin Rivers, who were damaged on account of such improvements, having caused their damages to be assessed prior to March 1, A. D. 1886; and

Whereas the Congress of the United States recognizing the liability of the United States and the justness of the claims of respective parties above referred to, passed an act August 4, 1886, appropriating sufficient money to pay the awards and judgments then existing in full; and

Whereas other owners of lands which have been damaged by reason of the Fox and Wisconsin Rivers improvement have caused their damages to be assessed as provided by law, and which still remain unpaid: Therefore,

The Legislature of the State of Wisconsin respectfully memorialize your honorable body that you make an appropriation to pay all unappealed awards and judgments which are now or may hereafter be reported to you by the Attorney-General of the United States, growing out of damages caused by the Fox and Wisconsin Rivers improvement.

Resolved, That a duly authenticated copy of this memorial and resolution be transmitted to the President of the Senate and Speaker of the House with the request that they lay them before their respective Houses, and also a copy to each of our Senators and Representatives in Congress.

GEO. W. RYLAND,
President of the Senate.
T. B. MILLS,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 14th day of February, in the year of our Lord 1887.

[SEAL.]

ERNST G. TIMME,
Secretary of State.

The PRESIDENT *pro tempore* presented a letter from the secretary of the Territory of Arizona, transmitting a memorial of the Legislative Assembly of Arizona; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

MEMORIAL.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Fourteenth Legislative Assembly of the Territory of Arizona, beg leave to represent to your honorable bodies:

That the greater part of the public lands of this Territory are desert lands, which, in their present condition, are of no benefit to the National Government, the Territory, nor the settler.

That there is every probability that water necessary for irrigation could be procured by means of artesian wells, and that thus large tracts of these lands

could be made useful, enriching the Territory and furnishing desirable homes for thousands of citizens; that the cost of sinking artesian wells is very great, and the inducements now held out are not sufficient to invite private capital to try the experiment. That Congress has refused or neglected to make any appropriations in this direction for our benefit, and that the Territory, knowing its needs and wants, can better judge what laws are necessary to place these lands in the hands of *bona fide* settlers; wherefore your petitioners respectfully ask that a bill be passed by your honorable body ceding these lands to the Territory of Arizona in such way that the Territory may be enabled to offer them to *bona fide* settlers who shall cause artesian water to flow thereon.

Resolved, That our delegate to Congress be, and he is hereby, instructed to use all honorable means to bring this subject to the earnest and favorable consideration of Congress.

And be it further resolved, That the secretary of the Territory be, and he is hereby, requested to cause to be prepared three copies of this memorial and transmit the same, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

SAM F. WEBB,
Speaker of the House of Representatives.
A. CORNWALL,
President of the Council.

Transmitted to the Governor *February* 8, 1887.
Approved *February* 8, 1887.

C. MEYER ZULICK, *Governor.*

Mr. HOAR. I present resolutions of the Massachusetts Legislature in favor of coast defenses and the building of a navy. I suppose the resolutions should be read; they are very brief.

The resolutions were read, and ordered to lie on the table, as follows:

COMMONWEALTH OF MASSACHUSETTS, 1887.

Resolutions in favor of coast defenses and the building of a navy.

Whereas the people of this Commonwealth, realizing the defenseless condition of the seaport cities and towns, not only of this State but of the whole country; and realizing, further, the incalculable loss that would befall these cities in the event of a war with a foreign power; and

Whereas the navy of the country is totally inadequate, in such an event, to render substantial aid, either in the defense of our cities and harbors or in protecting our commerce upon the high seas; and

Whereas this condition of our defenses assumes importance to Massachusetts, from the fact that the capitol of the State, together with its archives, are on the seaboard and liable to bombardment and destruction: Therefore,

Resolved, That the Senate and House of Representatives of the Commonwealth of Massachusetts in general court assembled do most respectfully and earnestly urge upon Congress the appropriation of liberal sums for the purpose of coast defenses and for the building of a navy that will command the confidence of our own people and the respect of other nations.

Resolved, That a copy of these resolutions be transmitted to the Senators and Representatives in Congress from this Commonwealth.

HOUSE OF REPRESENTATIVES, *February* 14, 1887.

Adopted. Sent up for concurrence.

EDWARD A. McLAUGHLIN, *Clerk.*

SENATE, *February* 14, 1887.

Adopted in concurrence.

E. HERBERT CLAPP, *Clerk.*

A true copy. Attest:

EDWARD A. McLAUGHLIN,
Clerk House of Representatives.

Mr. HOAR presented the petition of Justin Winsor, librarian of Harvard University, and other citizens of Massachusetts, praying for a modification of paragraphs 660 and 759 of the existing tariff relating to the importation of books, maps, and charts for scientific institutions; which was referred to the Committee on Finance.

Mr. WILSON, of Iowa. I present the petition of Joseph Battey and 83 other citizens of Iowa, praying for the enactment of legislation to provide in some way for a convention of American nations, the object of which shall be to discuss and agree upon a permanent high court of arbitration in which the civilized world may be represented, and to which may be referred those disputes that have usually led to war. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. WILSON, of Iowa, presented 15 petitions signed by 2,591 business men and other residents of Washington, D. C., praying for the passage of the bill to incorporate the Washington Cable Railway Company; which were referred to the Committee on the District of Columbia.

He also presented nine petitions of citizens of Washington, D. C., praying for the passage of the bill to incorporate the Washington Cable Railway Company; which were referred to the Committee on the District of Columbia.

Mr. WILLIAMS presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against any reduction of the duty on raisins; which was referred to the Committee on Finance.

Mr. MITCHELL, of Oregon. I present the petition of Charles W. Denton, of Oregon, with accompanying affidavits, praying for a reconsideration of the bill for his relief. I move that all the papers relating to the case be withdrawn from the files of the Senate, and that they be referred, together with this petition, to the Committee on Claims.

The motion was agreed to.

Mr. PALMER presented a petition of the Grand Lodge of Good Templars of Michigan, representing 7,000 citizens, praying for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in the District; which was referred to the Committee on the District of Columbia.

He also presented the petition of the Board of Trade of the city of Socorro, N. Mex., praying for the appointment of a court or commission to adjust the title to the unconfirmed land grant on which the city stands; which was referred to the Committee on Private Land Claims.

Mr. CAMERON presented resolutions adopted by the New York Board of Trade and Transportation, favoring the passage of a substitute for the fortification appropriation bill now being considered by a conference committee; which were ordered to lie on the table.

Mr. PLUMB presented two petitions of Grand Army posts of Kansas, praying for the passage of the dependent relatives pension bill over the President's veto; which were ordered to lie on the table.

Mr. MILLER presented a petition of J. E. Purvis Post, Grand Army of the Republic, of Livingston Manor, N. Y., praying for the passage of the anti-Mormon bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MILLER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 3025) to extirpate contagious pleuropneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes, reported it with amendments.

Mr. MORGAN, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 3317) to enable Indian tribes to bring suits in the tribal name in the courts of the United States in certain cases; which was read twice by its title.

He also, from the same committee, to whom the subject was referred, reported an amendment intended to be proposed to the bill (S. 3226) to determine the liability of the United States under the law for damages to the property of citizens of the United States sustained in the depredations of Indians; which was ordered to be printed.

Mr. MAXEY, from the Committee on Indian Affairs, to whom was referred the bill (S. 3304) to authorize the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Nations of Indians, respectively, to lease lands within their respective boundaries for mining purposes, and to validate leases heretofore made for said purposes by the proper authorities of any of said nations, reported it with amendments, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 2629) for the relief of William M. Morrison, reported it without amendment.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the petition of George N. Quintard and George E. Weed, assignees of John Roach, praying compensation for work done by order of the Navy Department under a public exigency requiring an increase of dimensions of the iron frame or hull of the monitor Puritan, and for the care, towage, wharfage, &c., of the Roanoke, submitted a report thereon, accompanied by a bill (S. 3318) for the relief of George N. Quintard and George E. Weed, assignees of John Roach; which was read twice by its title.

Mr. WHITTHORNE. I desire to say that I do not concur as a member of the Committee on Claims in that report.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar and the report will be printed.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3280) to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8978) authorizing the construction of a bridge over the Tennessee River at or near Sheffield, Ala., and for other purposes, reported it without amendment.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 3057) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812, reported it with an amendment, and submitted a report thereon.

REPORT ON EUROPEAN RAILWAYS.

Mr. CULLOM. Some time last year the Select Committee on Interstate Commerce asked Mr. Simon Sterne, of New York, who was then going abroad, to make an investigation of the relation of the governments of Europe to the railways of those countries; which he has done, and he has made his report to the Secretary of State. The select committee instructed me to ask the Senate to print the document as a separate document, so that it may be in a form where we can look at it hereafter, as I think it contains valuable information relating to the subject that we have had under discussion.

The PRESIDENT *pro tempore*. The Senator from Illinois, from the Select Committee on Interstate Commerce, reports in favor of printing the report, the title of which will be stated.

The CHIEF CLERK. A report to Hon. Thomas F. Bayard, Secretary of State, on the relations of the governments of the nations of Western Europe to the railways, by Simon Sterne.

The PRESIDENT *pro tempore*. If there be no objection, the order to print will be made.

RICHARD B. RIANS.

Mr. SAWYER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2519) granting an increase of pension to Richard B. Rians, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives and agree to the same with an amendment as follows: In lieu of the word "twenty-five," insert "thirty-five;" and that the House agree to the same.

PHILETUS SAWYER,
JAMES F. WILSON,
Managers on the part of the Senate.
JNO. A. SWOPE,
E. H. CONGER,
Managers on the part of the House.

The report was concurred in.

POLYGAMY AND AFFAIRS IN UTAH.

Mr. EDMUNDS. I ask unanimous consent to have printed in bill form, for the convenience of Senators, the bill as agreed upon by the House and Senate conferees respecting bigamy, polygamy, and other things, inasmuch as if the matter should come over from the House of Representatives to-day, I should ask the Senate to go on immediately with it to-morrow morning, and I thought it would be a convenience instead of reading it in the RECORD, where it has been printed, that it be printed in bill form, so that every Senator could have it on his desk. I ask unanimous consent that it be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the unanimous consent of the Senate that the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," be printed in bill form as agreed upon by the committee of conference.

Mr. INGALLS. I suggest that it be printed so as to show the amendments made by the Senate and the bill as finally agreed upon by the committee of conference, so that we may know exactly what the change in the status of the bill has been between the two Houses and in the committee of conference.

Mr. EDMUNDS. That would be extremely difficult, because the House amendment was one entire amendment, which struck out the whole of the Senate bill and inserted the body of the bill of their own, which contained, to be sure, about nine-tenths of the Senate bill in word and in form, but it was a total bill. I think if it be printed in the form I suggest that Senators who have the old Senate bill before them will see exactly where the differences are, which are very few indeed.

Mr. INGALLS. The differences between the House and the Senate were so radical that I think it is of great importance that they should appear, if possible, in print.

Mr. EDMUNDS. It can be done this way (unless there is a sufficient print now, and that may not be necessary), to print the Senate bill as it passed the Senate and the House amendment as it passed the House, and then the print I suggest in addition.

Mr. INGALLS. Very well.

Mr. EDMUNDS. That will meet the Senator's point.

Mr. INGALLS. Let the bill be printed in that way.

The PRESIDENT *pro tempore*. If there be no objection, the several bills will be printed as requested.

BILLS INTRODUCED.

Mr. MAHONE introduced a bill (S. 3319) granting right of way and other privileges to the Hampton and Old Point Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WHITTHORNE introduced a bill (S. 3320) to create a naval reserve of auxiliary cruisers, officers, and men from the mercantile marine of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MILLER (by request) introduced a bill (S. 3321) to authorize and to appropriate money to pay the cost of drilling wells over 3,000 feet deep in every State and in seven Territories, and to give all profits and the valuable minerals found in such wells for school purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Education and Labor.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MAHONE submitted an amendment intended to be proposed by him to the river and harbor bill; which was ordered to be printed, and, with the accompanying petition, to lie on the table.

WITHDRAWAL OF PAPERS.

On motion of Mr. HARRIS, it was

Ordered, That W. G. Ford, administrator of the estate of John G. Robinson, have leave to withdraw the papers in respect to said claim from the files of the Senate, on the condition imposed by the rules.

REPORTS OF BUREAU OF ETHNOLOGY.

Mr. BOWEN submitted the following concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 6,000 copies of any matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians: *Provided*, That the authorization shall apply only to matter now on hand or collected during the fiscal year ending June 30, 1888; the same to be issued in parts, and the whole to form an annual volume of bulletins; 2,500 copies of which shall be for the use of the House of Representatives, 1,000 copies for the use of the Senate, and 2,500 copies for the use of the Bureau of Ethnology.

SEC. 2. The sum of $3,000, or so much thereof as may be necessary, for the printing and binding of the aforesaid annual bulletins is hereby appropriated out of any money in the Treasury not otherwise appropriated.

PRINTING OF "FLAGS OF ALL NATIONS."

Mr. MANDERSON submitted the following concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate, (the House concurring), That the "Flags of all Nations," prepared by order of the Secretary of the Navy by the Bureau of Navigation, be printed, and that 3,000 additional copies be printed, of which 800 copies shall be for the use of the Senate, 1,200 copies for the use of the House of Representatives, and 1,000 copies for the use of the Navy Department, for issue to vessels of the Navy, and for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes.

CLAIMS AGAINST FOREIGN GOVERNMENTS.

Mr. MORGAN submitted the following resolution, which was read:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the matters presented in the message of the President of February 14, 1887, relating to an agreement concluded between the minister of the United States at Madrid and the Spanish minister of state for the settlement of claims growing out of occurrences at Santiago de Cuba in regard to the persons of the officers and crew and passengers of the steamer Virginius; and also inquire into the matters presented in the message of the President of January 29, 1887, relating to awards made by the arbitrator in the cases of Antonio Pelletier and A. H. Lazare against the Republic of Hayti, under an agreement made between the Secretary of State of the United States and the minister plenipotentiary for the Republic of Hayti, dated 24th May, 1884.

And that said committee inquire and report whether the United States has any and what power or rightful authority to interfere in any way by legislation to control or dispose of the matters in dispute or in question between the parties interested in said agreements respectively.

2. That said committee further consider and report what action is required, in their opinion, to be taken by the Senate or by Congress in each of said matters in the event that the Senate or Congress shall decide that the United States have any duty to perform in respect thereof, and that said committee have leave also to report by resolution or bill such measures as will carry into effect the conclusions at which they shall arrive.

Mr. COCKRELL. Let that resolution be printed and lie on the table until to-morrow.

The PRESIDENT *pro tempore*. It will be printed and lie on the table.

REPORT ON INTERNATIONAL SHEEP AND WOOL SHOW.

Mr. HAWLEY submitted the following concurrent resolution; which was read:

Resolved by the Senate (the House of Representatives concurring), That there be printed, to correct an error in Public Resolution No. 28, approved August 4, 1886, 2,000 additional copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia, Pa., in September, 1880.

Mr. HAWLEY. I ask consent to have the concurrent resolution passed. The printing resolution specified a number of copies for the House of Representatives and the Senate, &c., and at the end the number given was not as great as the number of those specified. It is a mere verbal correction, and I ask that the resolution be adopted.

The concurrent resolution was considered by unanimous consent, and agreed to.

HOURS OF SESSION.

Mr. CALL. I offer the following resolution, and ask for its immediate consideration:

Resolved, That for the remainder of the session the Senate will convene at 11 o'clock a. m. and, with a recess of one hour, will continue in session until 9 o'clock p. m.

Mr. INGALLS. Let that lie over under the rule.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over.

SAINT DOMINIC'S CHURCH.

Mr. VANCE. There is lying on the table a bill (H. R. 10799) for the relief of Saint Dominic's Church, in the District of Columbia.. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

DEPENDENT RELATIVES PENSION ACT.

Mr. HOAR. I move to reconsider the vote by which the petitions presented by the Senator from Kansas [Mr. PLUMB] praying for the passage of the dependent relatives pension act over the veto of the President were laid upon the table. I wish merely to say a word upon the subject.

The PRESIDENT *pro tempore*. The Senator from Massachusetts submits a motion to reconsider the vote indicated by him. The Senator from Massachusetts has the floor upon the motion to reconsider.

Mr. HOAR. The Senator from Kansas just now presented two petitions of certain Grand Army posts, praying for the passage of what is known as the dependent relatives' pension bill over the veto of the

President, and I wish to take this opportunity, while that subject is before the Senate, to call the attention of the country to one single fact alone in connection with the chief argument which is brought against that bill, and that is the alleged extravagant expenditure for this particular object which it will occasion.

I have obtained from the treasurer of the State of Massachusetts a statement of the State aid paid by that State to soldiers and their families during the last twenty years, by years. This State aid is paid out under the most careful supervision of very careful and economic officers. I have never heard a claim in any quarter of Massachusetts that there were any recipients of that bounty from the State of Massachusetts who were not persons in actual need, and a need caused by the loss of health or of the life of the head of the family in the service of the country. It does not include bounties, it does not include gratuities, it does not include anything except the simple provision for the need of soldiers and soldiers' widows and households occasioned by the war, and a need not supplied by the existing pension lists of the nation. I should like to have the statement read by the Secretary.

The PRESIDENT *pro tempore*. The statement will be read, there being no objection.

The Chief Clerk read as follows:

State aid paid to soldiers and their families by Massachusetts.

Year.	Paid by the Commonwealth.	Paid by cities and towns.
1861	$454,972 15	
1862	1,826,259 18	
1863	2,342,602 83	
1864	2,241,245 59	
1865	1,389,253 33	
1866	1,200,168 08	
1867	851,694 37	
1868	637,149 44	
1869	615,502 72	
1870	589,690 85	
1871	523,856 83	
1872	493,385 12	
1873	463,036 38	
1874	436,281 22	
1875	411,602 33	
1876	388,849 60	
1877	369,737 01	
1878	368,024 76	
1879	358,916 51	$32,000 00
1880	406,260 94	88,813 78
1881	411,976 90	85,108 11
1882	396,095 04	78,916 01
1883	363,998 14	72,694 44
1884	356,335 23	71,992 70
1885	363,442 47	75,427 72

Paid by the Commonwealth during war (to 1866)		$8,254,333 08
Paid by the Commonwealth since 1865	$10,006,013 94	
Paid by cities and towns since 1865	504,952 76	
		10,510,966 70
Total paid in Massachusetts		18,765,299 78
Estimated for year 1886		375,000 00

Mr. HOAR. It will be seen that the State of Massachusetts, which is less than one-thirtieth in population of the people of this country, a State where opportunities for employment, opportunities for assistance from neighbors and friends are certainly as good and probably better than in nearly every other American State, has paid out upwards of $19,000,000 in the necessary economic supplementing, for the needs of soldiers and their widows, of the provisions of the national acts. That would make a sum, if carried out through the country in the same proportion, of at least $600,000,000. It seems to me that that table is the most emphatic answer to the claim on the part of the Executive that the increase of the national burden $75,000,000 or $100,000,000 of the present pension list is extravagant or unnecessary.

I now move that the petitions lie on the table.

The PRESIDENT *pro tempore*. The motion to reconsider is withdrawn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2519) granting an increase of pension to Richard B. Rians.

The message also announced that the House further insisted upon its amendment to the bill (S. 2172) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound and to restore the same to settlement, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COBB, Mr. VAN EATON, and Mr. PAYSON managers at the conference on the part of the House.

ORDER OF BUSINESS.

Mr. HALE. I move that the Senate proceed to the consideration of the bill (S. 3288) to provide for the increase of the naval establishment.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. MCMILLAN. I desire to make a statement to the Senate. Yesterday morning I gave notice to the Senate that I should move to take up for consideration the river and harbor bill immediately after the conclusion of the morning business this morning. The Senator from Maine has moved now to take up the naval establishment bill. The report of the Committee on Commerce, to accompany the river and harbor bill, has not been returned from the Printing Office, and without the presence of the report I shall not insist upon taking up the bill; I am not prepared of course to go on with it. I wish to give notice now, in view of the fact that unanimous consent was given to take up the bill in regard to the Eads ship-railway and this naval bill to-day, and owing to the absence of the report, that I shall call up the river and harbor bill to-morrow morning immediately after the close of the morning business.

Mr. CALL. I ask the Senator from Maine to allow me to call up a Senate bill. It is very important that it should go to the House without delay. It is a bill to establish a port of entry at Tampa. It will not provoke any discussion, and it is a matter of great public importance.

Mr. HALE. I have been appealed to by so many Senators to give way that I have been obliged to say no to every one. The naval bill is nearly completed; it was almost passed last evening; and if we can go on with it now it can be ended very quickly, and then the business appropriate to the morning hour, or whatever may be called up from the Calendar, will naturally come up. I shall not be in the way of anybody more than a very few minutes.

Mr. ALLISON. Before we pass from the river and harbor bill, I wish to make a suggestion to the chairman of the Committee on Commerce. This bill, I see, is reported back with a single amendment in the nature of a substitute, but this amendment embraces nearly all, if not all, the items in the original bill. I think if the Senator from Minnesota would have a print of this bill made, which would show the alterations and changes made in the House text, it would be of great convenience to Senators. I have endeavored to make those alterations appear on my bill, but I find it a matter of some moment. I think if the Secretary could do it, it would greatly facilitate the consideration of the bill.

Mr. MCMILLAN. In reply to the Senator from Iowa, I desire to say to him and to the Senate that a bill in that shape has already been prepared and will be laid on the tables of Senators to-day.

Mr. ALLISON. I am glad of it.

INCREASE OF NAVAL ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3288) to provide for the increase of the naval establishment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER].

Mr. HALE. The Senator from South Carolina is absent from the Chamber, and desired me for him to withdraw the amendment, saying that he did not wish in any way to oppose or obstruct the passage of the bill.

The PRESIDENT *pro tempore*. The amendment being withdrawn, the bill will be reported to the Senate, if no further amendment be proposed.

Mr. CALL. I offer an amendment, which I ask may be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. —. That the President of the United States shall establish at Pensacola, Fla., and Norfolk, Va., and at the Brooklyn navy-yard, and at the Mare Island navy-yard, in California, plants of the requisite machinery and implements for the construction of the steam vessels provided for in this act, which shall be leased, on reasonable terms, to be fixed by the President of the United States, to persons whose contracts shall be approved by the President of the United States for the construction of such vessels. That one or more of the vessels provided for in this act shall be constructed at each of the navy-yards provided for in this act. That $1,000,000 be, and the same is hereby, appropriated for the purchase and erection of the plants and implements for the construction of such vessels.

Mr. CALL. Mr. President, this bill, like all the other bills which have preceded it from the Committee on Naval Affairs, of which there have been several, providing for the construction of naval vessels during my term of service, is subject to this objection: Although the present Secretary of the Navy and the President of the United States are given by the bills the control of this money to a certain extent, still in the condition of business in the country these expenditures are necessarily confined to a very small area of the country; in fact they will benefit but very few persons of large means concentrated in particular localities. If this bill shall be approved and become a law, it might properly be said to be a bill for the benefit of a few individuals rather than a bill to construct naval ships.

The discretion which is given is very large. We have no information and nothing upon which to predicate an intelligent vote as to what kind of naval defense is best to be adopted at this time, as to what

character of armored vessels shall be built and will be most available for the defense of the country.

The Committee on Naval Affairs has not given us any information on this subject. The Senate might properly have expected some intelligible information from them on a subject of national importance, but we have not a word from them or from the Senator reporting the bill, and this same performance has been repeated every session since I have been here.

The suggestion that has been made, I believe in the New York Herald, of a mixed commission of civilians of scientific attainments and practical knowledge and naval officers who can take into consideration this subject and report to Congress the best and the most approved method of defense, I have no doubt would elicit general approval throughout the country.

There is no indisposition in any portion of the country to expend or to support a policy of expenditure of liberal amounts of money for a proper and approved method of defense of our coasts; but the question is, who can intelligently vote what that shall be? This bill gives an absolute discretion as to the character of armored vessels or coast batteries, with the amount of money that shall be expended, to the Secretary of the Navy. While I am in favor of very large discretion to executive officers, and a strict responsibility on their part, I think there is, perhaps, some force in the objection that we should have some intelligent idea of what is required before voting these large sums of money for this purpose.

But whatever method shall be adopted, whether we shall vote now, as I am not unwilling to do, this sum of money to be expended in the discretion of the Secretary of the Navy, thinking as I do, that a far better method can be devised, and that it is subject to the objection that the entire expenditure of this money must be in the present state of business in our country in the hands of a few or for the benefit of a few individuals and a few localities, I shall offer an amendment to the bill. I have no idea that it will receive any consideration or approval—all the expenditures proposed by the committee seem to have been more in the interest of a few individuals of large means than for the public service. When they realize the idea that the expenditures of the Government should be made for the public good, we may hope to have bills which will meet the approval of both Houses of Congress and of the people. This policy divorces the favorable opinion of the country in its widespread and distant regions from the support of a proper policy of naval defense; but if plants were established in the different localities where vessels might be built in the different navy-yards, either under the contract system or under the Government, it would not only benefit those particular regions by the expenditure of the money, but it would also bring to the support of the Government in this policy the favorable opinion of the people in those localities, and it would no doubt enlist a degree of talent and of ability and interest in the development of a proper system throughout the whole extent of this country which would be advantageous to the public service. I am opposed to this constant neglect of the people and the constant favor shown to those who control large means and great establishments. Let us do something to give the people of moderate means a chance to take hold of these works.

For that reason, Mr. President, I think it would be a wise policy for the Government to establish the proper plants in different localities at the different navy-yards which could be used for that purpose. Take, for instance, Pensacola, in Florida, which has the finest harbor of any port upon the Gulf, which is in more immediate contiguity to inexhaustible sources of iron capable of being made into the finest steel—in Alabama, and where every facility of nature and of art can easily and cheaply be concentrated for the construction of these vessels. Why should it not be done there? Is the absence of money, the plant, the capital, an objection? Would it not be wise in the Government to give an opportunity for that large body of the citizens of the United States who have not money, whose resources are limited, to combine and exhibit their skill and their capacity in the construction of these vessels? I can see no objection to a wise public policy which will allow the Government to afford that assistance which it can easily give and economically give, towards the construction of these vessels in these different localities; and for the purpose of having a vote upon it, and in order that the great expenditures of this Government may be distributed and dispersed throughout the country with some degree of fairness, I have offered this amendment to this bill. I am prepared, Mr. President, for an ungracious reception of this amendment. I realize how little sympathy exists with some members of this body for the ideas that prompt it. Nevertheless I am confident that this system will have to be adopted before any adequate system shall be adopted.

Mr. HALE. I hope this amendment will be voted down. It complicates the bill very greatly, changes its whole purpose and sentiment. I move to lay the amendment on the table.

The PRESIDENT *pro tempore*. The Senator from Maine moves to lay the amendment on the table.

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments, made as in Committee of the Whole, were concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, shall the bill pass?

Mr. VEST. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present, I do not know how he would vote, but I should vote "nay."

The roll-call was concluded.

Mr. BERRY. I am paired with the Senator from Colorado [Mr. TELLER]. If he were present, I should vote "nay."

Mr. COCKRELL. I am paired with the Senator from South Carolina [Mr. BUTLER]. If he were present, he would vote "yea" and I should vote "nay."

The result was announced—yeas 46, nays 7; as follows:

YEAS—46.

Aldrich,	Dolph,	Ingalls,	Platt,
Allison,	Eustis,	Jones of Nevada,	Pugh,
Blackburn,	Evarts,	Kenna,	Sawyer,
Blair,	Farwell,	McMillan,	Sherman,
Bowen,	Frye,	Manderson,	Spooner,
Brown,	George,	Maxey,	Walthall,
Call,	Gorman,	Miller,	Whitthorne,
Cameron,	Hale,	Mitchell of Oreg.,	Williams,
Cheney,	Hampton,	Morgan,	Wilson of Iowa,
Conger,	Harrison,	Morrill,	Wilson of Md.
Cullom,	Hawley,	Palmer,	
Dawes,	Hoar,	Payne,	

NAYS—7.

Coke,	Plumb,	Van Wyck,	Voorhees.
Jones of Arkansas,	Vance,	Vest,	

ABSENT—23.

Beck,	Colquitt,	Jones of Florida,	Sabin,
Berry,	Edmunds,	McPherson,	Saulsbury,
Butler,	Fair,	Mahone,	Sewell,
Camden,	Gibson,	Mitchell of Pa.,	Stanford,
Chace,	Gray,	Ransom,	Teller.
Cockrell,	Harris,	Riddleberger,	

So the bill was passed.

DISTRICT SUITS BY FOREIGN EXECUTORS.

Mr. HARRIS. Regular order.

The PRESIDENT *pro tempore*. The first House bill on the Calendar will be stated.

The bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes, was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to consider it.

It provides that any person or persons to whom letters testamentary or of administration have been or hereafter may be granted by the proper authority, in any of the United States or the Territories thereof, may maintain any suit or action and prosecute and recover any claim in the District of Columbia, in the same manner as if the letters testamentary or of administration had been granted to such person or persons by the proper authority in the District; and the letters testamentary or of administration, or a copy thereof, certified under the seal of the authority granting the same, shall be sufficient evidence to prove the granting thereof, and that the person or persons, as the case may be, hath or have administration. The supreme court of the District of Columbia may, upon petition of any one interested, require from such person or persons the security now required by law in like case from a resident administrator or executor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY NEAL.

The bill (H. R. 8597) for the relief of Henry Neal was considered as in Committee of the Whole. It provides for the payment to Henry Neal of $120, as compensation for services rendered by him as an employé of the House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TEXAS JUDICIAL DISTRICTS.

Mr. MAXEY. Order of Business 1642, being the bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes, was informally passed over. I ask that it be now called up.

The PRESIDENT *pro tempore*. Would it not be better to go through first with the call?

Mr. MAXEY. Very well.

Mr. PLATT. Was not that a bill passed over without prejudice until the Senator from Texas should return?

The PRESIDENT *pro tempore*. But the Chair suggested that on account of the time consumed in going back it would be better to continue the call and then go back to the bill alluded to by the Senator from Texas, to which suggestion he yielded.

STABLE FOR HOUSE OFFICES.

The bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives was announced as next in order.

Mr. HALE. I ask that that bill go over to the other part of the Calendar.

The PRESIDENT *pro tempore*. Being objected to, the bill will be placed on the Calendar under the ninth rule.

COURTS AT MISSISSIPPI CITY.

The bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss., was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and to insert:

That a term of the circuit and district courts of the United States for the southern district of Mississippi shall be held at Mississippi City, in said district, on the third Monday in February and on the third Monday in August in each year; and the clerks of said courts shall each appoint a deputy clerk to reside at said Mississippi City, who shall have the powers that may by law be exercised by his principal; and the marshal of said district shall appoint a deputy marshal to reside at said Mississippi City, and who shall have the powers of the other deputy marshals in said district.

Mr. GEORGE. I offer an amendment, and I will explain that the bill as it passed the House provided for a separate division of certain counties; the Judiciary Committee at that time were opposed to a separate division, and struck that out and provided for courts to be held at Mississippi City simply. Since that time the Judiciary Committee have changed their policy on that subject and agreed to several bills which provide for separate divisions. I have prepared an amendment which is an exact copy of one bill reported by the Committee on the Judiciary in another case, with some verbal amendments, and I offer that as a substitute for the committee's amendment. I send it to the desk. The Senate will notice that section 6 has been added in pursuance of a policy recently adopted by the Judiciary Committee.

The PRESIDENT *pro tempore*. The Senator from Mississippi offers an amendment, which will be read.

The CHIEF CLERK. In lieu of the amendment reported by the Committee on the Judiciary, it is proposed to insert:

That the counties of Hancock, Harrison, Jackson, Marion, Perry, and Green, being a part of the southern judicial district of Mississippi, shall be known as the southern division of said district; and circuit and district courts for the transaction of business pertaining to the persons and property in said southern division shall be held at Mississippi City on the third Mondays of February and August in each year.

SEC. 2. That the said courts to be held at Mississippi City as provided in section 1 of this act shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised or which may hereafter be granted to or exercised by the circuit and district courts in said district now held at Jackson; and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said division; and all laws touching the removal of causes from State courts to United States courts shall apply to said courts hereby established; but all crimes and offenses heretofore committed within said southern district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. That it shall be the duty of the clerks of the courts now held at Jackson, on demand of either party to any suit now pending in either of said courts, and properly belonging to the court at Mississippi City, to make out and certify a copy of the record and proceedings in such suit, and to transmit the same to the deputy clerk of the proper court at Mississippi City, who shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fees for such transcript shall be paid by the party applying for the same.

SEC. 4. That the marshal and clerks of said southern district of Mississippi shall appoint deputies, who shall reside at Mississippi City, and act as marshal and clerks of said courts in place of their principals.

SEC. 5. That the United States shall not be at any expense in providing for a building or room for the holding of said courts in Mississippi City.

SEC. 6. That the grand and petit jurors empaneled in either of said courts shall act as grand and petit jurors for the other court held at the same term and place.

Mr. INGALLS. This bill was referred originally to the Committee on the Judiciary, by whom it was considered with great deliberation. I do not violate confidence in saying that it was a subject of very considerable discussion in the committee, and that its members were not united even in the amendment that was reported; and now amid unparalleled confusion in this Chamber that renders it impossible to hear what is read from the Secretary's desk, the Senator from Mississippi proposes a fundamental and radical change in the entire proposition. I do not think it is just or fair, and I shall take the liberty of objecting to the consideration of the bill further at this time.

The PRESIDENT *pro tempore*. Objection being made, the next bill in order will be stated.

Mr. GEORGE. I move that the bill be taken up and considered notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the Senate proceed to the consideration of this bill, the objection to the contrary notwithstanding. The question is on that motion.

The motion was not agreed to; there being on a division—ayes 20, noes 22.

STABLE FOR HOUSE OFFICES.

Mr. HALE. I have examined the bill to which I just now objected and wish to withdraw my objection. It is House bill 10091, No. 2062 in the Order of Business.

The PRESIDENT *pro tempore*. If there be no objection the bill will be again reported. It has been read at length.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives.

The bill was reported from the Committee on Public Buildings and Grounds with amendments; in line 3, before the word "thousand," to strike out "four" and insert "six;" after the word "thousand," in the same line, to insert "five hundred;" in line 6, after the word "under," to strike out "Edward Clark" and insert "the;" and in line 8, after the word "stable," to insert "carpenter shop."

The amendments were agreed to.

Mr. HALE. I think the bill had better be read now as it stands amended.

The PRESIDENT *pro tempore*. It will be read at length.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That the sum of $6,500, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available, to be expended under the Architect of the Capitol, for the construction of a brick stable, carpenter shop, and wagon-sheds necessary, and fence inclosing the same, for the post-office and other offices of the House of Representatives, to be erected on the lot on the east side of Third street, between Maryland avenue and B street southwest, in the city of Washington, now occupied by and the property of the United States.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read "A bill for the construction of a building for stable and carpenter shop for the accommodation of the offices of the House of Representatives."

ADDITIONAL JUDGE IN NEW MEXICO.

The bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. PLATT. I should like to have the last section of that bill read once more.

The Chief Clerk read as follows:

SEC. 6. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not passed.

The bill was passed.

BRIDGE AT CHATTANOOGA, TENN.

The bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 3, after the word "that," to strike out "any corporation existing or which may be organized," and insert "the Memphis and Charleston Railroad Company, organized," and after the word "passengers," at the end of line 12, to insert:

For reasonable rates or tolls, to be fixed by said company; and the Secretary of War shall have the right, from time to time, to revise, prescribe, and determine such rates or tolls.

So as to make the section read:

That the Memphis and Charleston Railroad Company, organized under the laws of the State of Tennessee, be, and is hereby, authorized to construct and maintain a bridge, and approaches thereto, over the Tennessee River at or near Chattanooga, in the county of Hamilton, in said State. Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for reasonable rates or tolls, to be fixed by said company; and the Secretary of War shall have the right, from time to time, to revise, prescribe, and determine such rates or tolls.

The amendment was agreed to.

The next amendment was, at the end of section 2, to insert:

That the bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States, or for through railway passengers or freight passing over said bridge, than the rate per mile for their transmission over the railroads leading to said bridge; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. That the said bridge shall be so constructed, either by draw, span, or otherwise, that a free and unobstructed passage may be secured to all water-craft navigating said river at the point aforesaid: *Provided*, That if said bridge authorized to be constructed under this act shall be constructed as a draw-bridge, the draw shall be opened promptly upon reasonable signals for the passage of boats or vessels; and said corporation shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Secretary of War shall prescribe.

The amendment was agreed to.

The next amendment was to strike out section 5 in the following words:

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved.

And in lieu thereof to insert:

SEC. 5. That the right to alter, amend, or repeal this act, so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of the said bridge is hereby expressly reserved; and any alterations or changes that may be required by Congress in the bridge constructed under this act shall be made by the corporation owning or controlling the same, at his own expense. Furthermore, if the construction of said bridge shall not be commenced within two and completed within four years after the passage of this act, all privileges conferred hereby and this act shall become null and void.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. I move that the Senate insist on its amendments to the bill and ask a conference with the House of Representatives on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

Mr. PLATT. Since a conference committee is to be appointed on the bill I wish to call the attention of the Senator who reported it to this clause in the bill:

Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for reasonable rates or tolls, to be fixed by said company; and the Secretary of War shall have the right, from time to time, to revise, prescribe, and determine such rates or tolls.

I have no doubt Congress may do it, but I have very great doubts whether Congress can delegate to the Secretary of War the right to fix tolls on a bridge for foot passengers and wagons. I merely call the attention of the Senator to it.

Mr. CONGER. I think a provision has been put in many bills giving the Secretary of War the right to decide questions arising between one railroad company having a bridge and other railroads about their approaches. It has been put in many other bills for the security of the public against tolls that might be unreasonable and extortionate. So far it has worked very well.

Mr. PLATT. I sympathize with the object of it but I do not believe Congress has any such power. I do not believe it can delegate any such authority to the Secretary of War.

The PRESIDENT *pro tempore*. The Chair will appoint as the conferees on the part of the Senate Mr. CONGER, Mr. HARRIS, and Mr. PLATT.

WILLIAM E. BOND.

The bill (H. R. 1741) for the relief of William E. Bond was considered as in Committee of the Whole. It proposes to pay to William E. Bond, late internal-revenue collector for the first district of North Carolina, $398.50, being the sum paid into the Treasury by him in excess of the taxes actually collected by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLLECTION DISTRICTS OF MIAMI AND SANDUSKY.

The bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio, was considered as in Committee of the Whole.

Mr. CONGER. I inquire of the Chair if he understands that the description of the Miami district takes in a part of the territory of the district of Detroit?

The PRESIDENT *pro tempore*. It does not change the western boundary. It is only as to the jurisdiction about the islands.

Mr. CONGER. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PACIFIC RAILROAD ACCOUNTS.

The joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States was announced as next in order.

Mr. GORMAN. At the request of the Senator from New Jersey [Mr. MCPHERSON], who is absent to-day, I ask that that joint resolution may go over without prejudice.

Mr. HOAR. There is no occasion to insert the words "without prejudice." I suppose I am stating nothing that it is improper to state when I say that that resolution has been placed upon an order of business agreed on, and it will never be convenient to discuss it under the five-minute rule. It may go over generally. I have an understanding with the Senator from New Jersey that it shall not be taken up until his return.

The PRESIDENT *pro tempore*. The resolution goes over under objection.

RAILROAD ACROSS FORT MEADE MILITARY RESERVATION.

The bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military Reservation was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MANDERSON. This bill having passed, the Senate bill of like title might as well be indefinitely postponed. It is Order of Business 1970.

The bill (S. 2921) to authorize the Fremont, Elkhorn and Missouri Valley Railroad Company to build its road across the Fort Meade Military Reservation was indefinitely postponed.

PROMOTION IN MEDICAL DEPARTMENT OF ARMY.

The bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MANDERSON. There is a Senate bill covering the identical ground, similar in terms. I move that it be indefinitely postponed. It is the bill (S. 2139) to establish the order of promotion in the Medical Department of the Army.

The motion was agreed to.

ANDREW J. EDGERLY.

The bill (H. R. 10353) for the relief of Andrew J. Edgerly was considered as in Committee of the Whole. It is a direction to the Secretary of War to so amend the military record of Andrew J. Edgerly, late a first lieutenant of the Fourth Regiment New Hampshire Volunteers, as to grant to him an honorable discharge as of March 10, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELENOR C. RANSOM.

The bill (H. R. 10795) granting a pension to Elenor C. Ransom was considered as in Committee of the Whole. It proposes to place on the pension-roll, at $12 a month, the name of Mrs. Elenor C. Ransom, of Los Angeles, Cal., who served as a hospital nurse and sanitary agent in the Union Army from February, 1863, to the close of the war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. GRIGSBY.

The bill (H. R. 6312) for the relief of James M. Grigsby was considered as in Committee of the Whole. It proposes to authorize the Postmaster-General to adjust and settle the claim of James M. Grigsby, late postmaster at Montague, Tex., for money-order funds lost in transit through the mails, notwithstanding the provisions of the act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES RIDDLE.

The bill (H. R. 6952) granting a pension to Charles Riddle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charles Riddle, father of Milton Riddle, deceased, late of Company G, Eighteenth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'FADDEN.

The bill (H. R. 6027) granting a pension to William McFadden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William McFadden.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM REDDICK.

The bill (H. R. 10473) granting a pension to William Reddick was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of William Reddick, corporal in Company B, Thirty-third Regiment Ohio Volunteers, who was one of the so-called "Mitchell raiders," sent out in 1862 by General O. M. Mitchell for certain hazardous military purposes, at the rate of $24 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY MERICLE.

The bill (H. R. 2998) granting a pension to Henry Mericle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Henry Mericle, late a private in Company D, Sixth Regiment New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC ASKIE.

The bill (H. R. 8485) granting a pension to Isaac Askie was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Askie, late a private in Company C, Thirty-seventh United States Colored Troops.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY J. GILBERT.

The bill (H. R. 5345) for the relief of Mary J. Gilbert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary J. Gilbert, sister of De Witt Gilbert, late of Company G, Eighty-ninth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. MULVEY.

The bill (H. R. 7996) for the relief of William J. Mulvey was considered as in Committee of the Whole.

It proposes to authorize the President to revoke so much of general orders No. 46, headquarters Department of West Virginia, of April 4, 1865, as relates to and directs the dismissal from the Army, with loss of all pay and allowances, of Second Lieut. William J. Mulvey, of Company D, Second Regiment West Virginia Veteran Volunteers, and to grant him an honorable discharge of that date.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. EDMOND G. FECHÉT.

The bill (H. R. 1173) to correct the record of Capt. Edmond G. Fechét was considered as in Committee of the Whole. In order to correct the record of Capt. Edmond G. Fechét, of the Eighth Regiment of Cavalry, United States Army, and fix his relative rank as provided in section 1219 of the Revised Statutes, the President is authorized to commisson Fechét a captain in the Eighth Regiment of Cavalry, to date from the 23d of May, 1870, that being the date his present commission as captain would have been dated had not an error been made in the first arrangement of the lieutenants of the regiment; but the issuing of such commission shall not entitle Fechét to any extra pay or compensation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT W. SPANG.

The bill (H. R. 9446) for the relief of Robert W. Spang was considered as in Committee of the Whole. It is a direction to the Secretary of War to remove from the rolls and records in the office of the Adjutant-General of the Army the charge of desertion against Private Robert W. Spang, late of Company B, Ninety-third Pennsylvania Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF PROCEEDING.

The PRESIDENT *pro tempore*. The next four cases on the Calendar being adversely reported will be considered as objected to.

Mr. HARRIS. Adverse reports do not come within the rule under which we are acting.

The PRESIDENT *pro tempore*. The bills will retain their places on this Calendar, being merely passed over informally.

Mr. HARRIS. They do not fall under the rule under which we are acting, and therefore they hold their places on the Calendar.

RELIEF OF CERTAIN INSURANCE COMPANIES.

The bill (H. R. 1628) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company, of Baltimore, Md., was announced as next in order.

Mr. MORRILL. I think that had better go over; it will take up all the time of the morning.

Mr. MILLER. I hope the Senator will not object. There is a report in the case which will satisfy the Senate if it is read. I do not care to discuss the bill. It is reported favorably from the Finance Committee, and we can have a vote in five minutes.

Mr. ALDRICH. I am now engaged in preparing the views of the minority on that bill. It can not be considered under this rule, and I shall object.

The PRESIDENT *pro tempore*. The bill goes over under objection.

Mr. MILLER. This bill was reported February 8. If the minority of the committee had any views to present, they could have presented them by this time. This bill is reported favorably by the committee; and if bills so reported to be considered under this rule are to be objected to by one Senator simply because he desires to defeat a bill in the Senate after having failed to defeat it in committee, I want to say that I may be considered as objecting to all other bills being taken up except by a vote of the Senate.

Mr. HARRIS. The question is not debatable.

The PRESIDENT *pro tempore*. Objection being made, under the rule the bill goes over.

Mr. MILLER. *Let this* bill retain its place. I will not undertake to stop the passage of bills of other Senators; but if this bill is to be taken out of its place on this Calendar, I shall move now to take it up most certainly.

The PRESIDENT *pro tempore*. If there be no objection, the bill will retain its place on the Calendar. The Chair hears no objection to that suggestion.

Mr. MILLER. And I give notice that at the first opportunity under this rule again I shall move to take up that bill.

Mr. ALDRICH. And I give notice that I shall object, if here, to the passage of the bill in the public interest, and I desire to be present when the bill is considered. I shall be absent from my seat for the next two days.

Mr. MILLER. If the Senator is to be away the next two days, perhaps he will consent to take up the bill now and take all the time he wants to discuss it. I shall not consent to the bill being laid over two days.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MILLER. I make it in order by moving to take the bill up. If the Senator wants a day or two, I am ready to proceed to the discussion of the bill at once.

Mr. ALDRICH. I cannot control the action of the Senator from New York.

The PRESIDENT *pro tempore*. The bill has been passed over without prejudice, and the next case will be stated.

Mr. MILLER. I have already given notice that I shall move to take up the bill at the first opportunity, whether the Senator from Rhode Island is present or not.

GRAVELED ROAD TO RICHMOND NATIONAL CEMETERY.

The bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond National Cemetery, near Richmond, Va., was considered as in Committee of the Whole.

Mr. HARRIS. I ask the attention of the Senator who reported that bill. It reads: "That the sum of twenty-five thousand be, and the same is hereby, appropriated." Does it mean "twenty-five thousand dollars?"

Mr. HAMPTON. Twenty-five thousand dollars.

Mr. HARRIS. It had better be amended.

The PRESIDENT *pro tempore*. It is moved to insert the word "dollars" after the words "twenty-five thousand."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDNANCE ACCOUNTS OF DAKOTA TERRITORY.

The bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance stores issued to said Territory, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

RETURN OF BOXES IN TREASURY.

The bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT POTTS.

The bill (H. R. 9119) granting a pension to Robert Potts was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Potts, formerly a member of Company F, Third New Jersey Volunteers, for rheumatism and resulting disease of heart.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF EDWIN T. PILKENTON.

The bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased, was considered as in Committee of the Whole. It provides for the payment to the estate of Edwin T. Pilkenton, deceased, of $2,684.96, or so much thereof as the Secretary shall find was actually lost, in full satisfaction for his claim for that amount of internal-revenue tobacco-stamps which were destroyed by fire in the burning of his tobacco factory on the 3d of May, 1869, in Manchester, Va.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN H. M'CHESNEY.

The bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service, was considered as in Committee of the Whole.

Mr. PLATT. Let the preamble be read.

The Chief Clerk read the preamble, as follows:

Whereas Martin H. McChesney, late a captain in Second Regiment New York Volunteer Mounted Rifles, was by an order from the War Department erroneously and improperly dismissed from the service of the Government for absence without leave, when the said McChesney was, and had been for many months prior thereto, a prisoner of war in the hands of the enemy; and

Whereas by reason of his erroneous and improper dismissal as aforesaid the said McChesney is, under the rulings and decisions of the accounting officers of Government, deprived of certain pay and allowances to which he would otherwise have been entitled by reason of his services: Therefore.

Mr. PLATT. How long does that give pay from? I should like a little explanation of it more than appears in the preamble of the bill.

The PRESIDENT *pro tempore*. Does the Senator desire that the report be read?

Mr. PLATT. If there is a report, I wish that the report may be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. WALTHALL February 8, 1887:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5289) affirming the action of the President of the United States annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States and honorably discharging said McChesney from said service, having considered the same, report as follows:

Your committee, on the facts set forth in the following report, prepared by Mr. BRAGG, from the House Committee on Military Affairs, recommend that the bill pass.

Following that report the order of restoration therein referred to is presented:

It appears from the report of the Adjutant-General of the Army, which is hereto attached and made a part of this report, that Martin H. McChesney was a captain in Company E, Second New York Mounted Rifles, and was dismissed the service for "absence without leave" November 30, 1864, to take effect as of October 31, 1864.

It also appears that Captain McChesney was, when reported "absent without leave" and dismissed therefor, in fact a prisoner of war; that he subsequently made his escape and reported on March 18, 1865; and thereupon his case was reconsidered; and upon proof presented the order dismissing him was revoked, and in lieu thereof he was honorably discharged to take effect March 18, 1865.

The committee are unable to see or learn any good cause for question as to the pay and allowances which it is proper this officer should receive, but as it appears from the recital of the bill that some objection has been raised by the accounting officers, perhaps growing out of a question as to the regularity of the order of restoration and the right of pay under it, the committee deem it not only wise, but a matter of duty, to assist him in getting what is his due by legislation.

The bill, however, recites his discharge as of May 11, 1865, and if passed in this form would give pay and allowances to that date, when in fact the honorable discharge was made to take effect March 18, 1865, the date of his report.

The committee therefore report the bill back with an amendment, striking out the words "May 11" where the words occur, in the fifth and sixth lines of the second page of the bill, and inserting in place thereof the words "March 18," and when so amended recommend the bill do pass.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 20, 1886.

SIR: I have the honor to return herewith a bill (H. R. 5289), Forty-ninth Congress, first session) to affirm the action of the President in revoking an order dismissing Capt. Martin H. McChesney, Second New York Mounted Rifles Volunteers, and honorably discharging him from service, submitted to the Department by the Hon. E. S. BRAGG, chairman Committee on Military Affairs, House of Representatives, and to report as follows:

The records of this office show that Martin H. McChesney was mustered into service as captain Company E, Second New York Mounted Rifles Volunteers, with company, to date January 29, 1864, to serve three years.

Muster-roll of company from February 29 to September 1, 1864, (six-months' muster), reports him "Absent; sent to the hospital on or about May 22, 1864," and roll for September and October, 1864, "Missing since May 22, 1864; supposed to be a prisoner; error in last roll." Regimental return for May, 1864, is not on file. Return for June reports him "Absent without leave since May 21," and for July "Absent without leave, May 21; reported to be in Libby Prison."

On October 19, 1864, the commanding general Ninth Army Corps (General Parke) requested that Captain McChesney, who had been reported absent without leave since (time unknown), be returned for duty with his regiment in the field, his services being absolutely necessary on account of the small number of officers present for duty with the regiment.

Upon the receipt of that request at this office, Captain McChesney was on October 31, 1864, published officially for absence without leave, and cited to appear before the military commission, then in session in this city, and make defense to the charge against him. Having failed to appear, he was dismissed the service, to date October 31, 1864, for absence without leave, in special orders from this Department, dated November 30, 1864.

On March 18, 1865, he reported, by letter from this city, to the commissary-general of prisoners as follows: "I have the honor to submit to you the following statement, which I certify upon my honor to be true and correct: I was taken prisoner May 25, 1864, near Bowling Green, Va., and have been held as a prisoner by the rebel government until I made my escape and reported to General Sherman at Columbia, S. C., February 16, 1865. I left General Sherman at Fayetteville, N. C., March 12, 1865, with orders to report to you at Washington." He submitted with his report several letters from officers certifying that they had been prisoners of war with him.

March 20, 1865, the commissary-general of prisoners referred the report to the Adjutant-General, with the statement that "there is no record in this office of the imprisonment of Captain McChesney, but the within papers seem to establish his case." And on March 23, 1865, the papers were referred to the military commission, before which he had been previously cited to appear, for a rehearing, with remark that, "This being a peculiar case, should be very carefully considered." Captain McChesney was notified of the reference, and informed that he could appear before the commission and make defense should he deem it necessary.

The military commission, after mature deliberation, decided that the defense of the accused was satisfactory, and recommended his restoration to service.

The proceedings and report of the commission were, on April 24, 1865, referred to the commanding general Ninth Army Corps (General Parke) for remarks previous to final action by this Department, and returned May 3, 1865, with the statement that, "As the charge against the party in question arose from my request that he be returned to duty with his command, I would respectfully recommend, in view of the facts in the case, that he be restored to the service." Thereupon, by special orders dated May 11, 1865, from this office, the dismissal of Captain McChesney was revoked, and he was honorably discharged the service to date March 18, 1865, the date he reported as an escaped prisoner of war to the commissary-general of prisoners in this city.

I am, sir, very respectfully, your obedient servant,

J. C. KELTON,
Assistant Adjutant-General.

The SECRETARY OF WAR.

[Special Orders No. 222.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 11, 1865.

[Extract.]

* * * * * * *

52. By direction of the President, on the report of a board of officers, convened by Special Orders No. 53, series of 1863, from this office, so much of Special Orders No. 424, paragraph 16, November 30, 1864, from this office, as dismissed Capt. Martin H. McChesney, Second New York Mounted Rifles, to date October 31, 1864, is hereby revoked, and he is honorably discharged the service of the United States, to date March 18, 1865, the date at which he reported as an escaped prisoner of war to the Adjutant-General of the Army. He will receive no final payments until he has satisfied the Pay Department that he is not indebted to the Government.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
February 7, 1887.

A true copy:

J. C. KELTON,
Assistant Adjutant-General.

Mr. PLATT. It seems to be all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to.

RIGHT OF WAY ACROSS WHIPPLE BARRACKS RESERVATION.

The bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Whipple Barracks Military Reservation, in Arizona, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES ROACH.

The bill (H. R. 228) for the relief of James Roach was announced as next in order.

Mr. HAWLEY. Let that lie over without objection for a moment. I wish to get the report to recall my recollection of the facts. The bill was unanimously reported from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The bill will be passed over.

COURTS AT VICKSBURG.

The bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss., was considered as in Committee of the Whole.

Mr. CULLOM. I would inquire of the Senator from Mississippi if this is the bill that was up awhile ago?

Mr. GEORGE. Oh, no.

Mr. CULLOM. There was objection to that, and I did not know whether this was the same bill or not.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on the Judiciary will be read.

The first amendment of the Committee on the Judiciary was, in section 2, line 6, after the word "Jackson," to strike out:

And for the purpose of exercising the jurisdiction herein conferred the said western division shall be a separate judicial district.

So as to make the section read:

SEC. 2. That the said courts to be held at Vicksburg, as provided in section 1 of this act, shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the circuit and district courts in said district now held at Jackson; and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said division; and all laws touching the removal of causes from State courts to United States courts shall apply to said court hereby established; but all crimes and offenses heretofore committed within said southern district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

The amendment was agreed to.

The next amendment was in section 3, line 6, before the word "clerk" to insert "deputy;" in the same line before the word "court" to strike out "said" and insert "the proper;" so as to make the clause read:

SEC. 3. That it shall be the duty of the clerks of the courts now held at Jackson, on demand of either party to any suit now pending in either of said courts and properly belonging to the court at Vicksburg, to make out and certify a copy of the record and proceedings in such suit, and to transmit the same to the deputy clerk of the proper court at Vicksburg, who shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fees for such transcript shall be paid by the party applying for the same.

The amendment was agreed to.

The next amendment was in section 4, line 1, after the words "marshal and," to strike out "clerk" and insert "clerks;" and in line 3,

after the word "said," to strike out "court" and insert "courts in place of their principals;" so as to make the section read:

SEC. 4. That the marshal and clerks of said southern district of Mississippi shall appoint deputies, who shall reside at Vicksburg and act as marshal and clerk of said courts in place of their principals.

The amendment was agreed to.

Mr. CONGER. I noticed in the reading of this bill that it is provided that these four counties shall be a judicial district. Is that still in the bill?

Mr. GEORGE. I do not hear the Senator.

Mr. CONGER. I notice in the words of the bill that it is provided that these four counties shall be a judicial district.

Mr. GEORGE. That is stricken out.

Mr. CONGER. What is it entitled now?

Mr. GEORGE. A division of the district.

Mr. INGALLS. I have been out of the Chamber on other business for a few moments, and I will inquire of the Senator from Mississippi whether any amendments have been proposed other than those which were reported by the Committee on the Judiciary?

Mr. GEORGE. None.

Mr. INGALLS. I have no objection to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GEORGE. I move that the Senate insist on its amendments and ask for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PUGH, Mr. WILSON, of Iowa, and Mr. GEORGE were appointed.

JAMES ROACH.

Mr. HAWLEY. I ask that the Senate go back to the previous Order of Business 2152.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 228) for the relief of James Roach. It proposes to remove from the records the charge of desertion now uncanceled and standing against James Roach, late a private in Company E, Seventeenth Regiment Connecticut Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTH CAROLINA JUDICIAL DISTRICTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10658) to change the lines between the eastern and western judicial districts of North Carolina.

The bill was reported from the Committee on the Judiciary with an amendment to add to the bill:

But all crimes and offenses heretofore committed in said western district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

So as to make the bill read:

Be it enacted, &c., That the counties of Chatham, Durham, and Orange, now constituting a part of the western judicial district of North Carolina, shall be, and are hereby, transferred to and made part of the eastern judicial district of North Carolina; but all crimes and offenses heretofore committed in said western district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GEORGE. I move that the Senate insist on its amendment in this case and ask for a conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. GEORGE, Mr. WILSON, of Iowa, and Mr. HOAR were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate the bill (H. R. 5652) for the relief of James W. Goodrich, which bill was returned by the President of the United States to the House of Representatives in compliance with a resolution of the two Houses.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 215) to provide for printing the third annual report of the Bureau of Animal Industry; and it was thereupon signed by the President *pro tempore*.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia, having been received by the President February 1, 1887, and not having been returned to the House of Congress in which it originated within the ten days prescribed by the Constitution it had become a law without his approval.

The message also announced that the President had on the 16th instant approved and signed the act (S. 1536) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes.

MRS. ARLANTA T. TAYLOR.

The PRESIDENT *pro tempore*. The morning hour having expired——

Mr. COCKRELL. I ask that Order of Business 1415, being the bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor, which I requested to lie over a day or two when this call was made, be now passed.

The PRESIDENT *pro tempore*. The Senator from Missouri asks for the consideration of House bill 7310. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor. It proposes to place on the pension-roll the name of Arlanta T. Taylor, widow of John T. Taylor, who was a private in Company B, First Engineers Missouri Volunteers.

The bill was ordered to a third reading, read the third time, and passed.

ADELICA PERRY.

Mr. HOAR. I desire to ask the Senator from Missouri [Mr. VEST] to allow the Senate to take up and pass Order of Business 2176, House bill 4535. It is a pension bill and requires an amendment of a single letter in the name of the pensioner. It will have to go back to the House of Representatives to make that amendment, and it is so late in the session that it may be lost.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of the bill referred to by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4535) granting a pension to Adelisa Perry.

It proposes to place on the pension-roll, at $12 per month, the name of Adelisa Perry, of Worcester, Mass., who served as a nurse during the war of the rebellion, and is now incapacitated from earning a livelihood by sickness induced by that service.

Mr. HOAR. I ask that the letter "s" in the name "Adelisa" be stricken out, and the letter "c" inserted. It is thought best that that change should be made.

Mr. PLATT. Is that necessary?

Mr. HOAR. It is thought better to make the change.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Adelica Perry."

AMENDMENT TO A BILL.

Mr. SAWYER submitted an amendment intended to be proposed by him to the river and harbor bill; which was referred to the Committee on Commerce, and ordered to be printed.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

The PRESIDENT *pro tempore*. The unfinished business is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes, the pending question being on the amendment proposed by Mr. VAN WYCK to add at the end of section 2 of the amendment of Mr. VEST:

That no certificate for stock shall be issued until the same shall be fully paid for in money of the par value of said stock, and the money deposited in the treasury of said company; and said company is hereby prohibited from returning or repaying any part of the money so paid.

No bonds in excess of the amount of capital paid and received shall be authorized or issued until such paid capital shall amount to the sum of $10,000,000, and no bonds shall be issued or disposed of at less than par value.

Mr. VEST. Since this bill was last under consideration in the Senate I have redraughted the amendment which I offered by way of substitute, and have endeavored to obviate a good many of the objections made to the bill in the debate. I ask consent to modify the proposition which I submitted as a substitute for the original bill as I have redrawn it, and I ask that it be read for information. That takes the place of all the amendments I have offered. I have endeavored to in-

corporate in this special substitute many of the provisions that were suggested by different Senators in the debate the other day.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska withdraw his amendment to enable the Senator from Missouri to present his?

Mr. VAN WYCK. The amendment of the Senator from Missouri can be read for information. I do not desire to withdraw my amendment so that it will lose its place.

The PRESIDENT *pro tempore*. The amendment now submitted would not be in order until the amendment to the amendment of the Senator from Nebraska should be disposed of.

Mr. VAN WYCK. Then I withdraw mine for that purpose, but I shall renew it immediately after this is read.

The PRESIDENT *pro tempore*. The Senator from Missouri moves an amendment as a substitute for the amendment first offered by him, which will be read.

The Chief Clerk read the proposed substitute, as follows:

Whereas the Government of Mexico has granted unto James B. Eads, or to such company as he may organize, a concession containing certain powers, rights, and privileges in the matter of the construction and operation of a ship-railway across the Isthmus of Tehuantepec, with an accessory railway, lines of telegraph, and water approaches, and has authorized said Eads to obtain a charter for said company either in Mexico or elsewhere: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of constructing and operating said ship-railway and its accessories hereinbefore recited, and for the full enjoyment of all the rights, privileges, and concessions contained in the hereinbefore-recited grant, and such others as may be hereafter secured from the Government of Mexico, said James B. Eads, of New York; William Windom, of Minnesota: William Thaw, of Pittsburgh, Pa.; Charles Lockhart, of Pittsburgh, Pa.; James Andrews, of Allegheny, Pa.; John Paton, of New York; Charles J. Clarke, of Pittsburgh, Pa.; William Roseburg, of Pittsburgh, Pa.; George Westinghouse, of Pittsburgh, Pa.; J. H. Oglesby, of New Orleans, La.; John A. Morris, of New York; E. L. Corthell, of New York; John B. McDonald, of Baltimore, Md.; P. S. Ross, of Jersey City, N. J.; C. J. Ryan, of New York; James Richardson, of Saint Louis, Mo.; John Jackson, of Saint Louis, Mo.; I. H. Stauffer, of New Orleans, La.; W. B. Schmidt, of New Orleans, La.; A. Zeigler, of New Orleans, La.; James Lupe, of Saint Louis, Mo.; J. G. Chapman, of Saint Louis, Mo.; A. G. Cochran, of Saint Louis, Mo.; Thomas E. Tutt, of Saint Louis, Mo.; John P. Keiser, of Saint Louis, Mo.; Julius S. Walsh, of Saint Louis, Mo.; G. T. Beauregard, of New Orleans, La.; Joseph L. Harris, of New Orleans, La.; John Poitevent, of Pearlington, Miss.; Lewis Johnson, of New Orleans, La.: S. P. Blanc, of New Orleans, La.; Henry D. Bruns, of New Orleans, La.; E. A. Mexia, of Mexia, Tex.; Alfred Moulton, of New Orleans, La.; J. S. Brown, of Pittsburgh, Pa.; Rittenhouse Moore, of Mobile, Ala.; D. O. Barr, of Pittsburgh, Pa.; George H. Christy, of Pittsburgh, Pa.; A. H. Childs, of Pittsburgh, Pa.; John A. Caughey, of Pittsburgh, Pa.; A. Gibbins, of New York; John A. Ubsdell, of Port Eads, La.; B. D. Wood, of New Orleans, La.; John A. Wood, of Pittsburgh, Pa.; John A. Harper, of Pittsburgh, Pa.; George I. Whitney, of Pittsburgh, Pa.; Martin Van Brocklin, of Oneida, N. Y.; J. W. Warren, of Springfield, Mass.; John Bradley, of New Orleans, La.; William G. Park, of Pittsburgh, Pa.; Charles L. Caldwell, of Pittsburgh, Pa.; Thomas C. Clark, of New York; C. L. C. Dupuy, of New Orleans, La.; Frank Kennedy, of New Orleans, La.; G. B. Lawrason, of New Orleans, La.; Joseph P. Horner, of New Orleans, La.; James McConnell, of New Orleans, La.; John Irwin, jr., of Pittsburgh, Pa.; J. S. McCord, of Pittsburgh, Pa.; William M. Lyon, of Pittsburgh, Pa.; Jesse H. Lippincott, of Pittsburgh, Pa.; Charles E. Donnelly, of Pittsburgh, Pa.; Gilbert T. Rafferty, of Pittsburgh, Pa.; Paul Dunlevy, of Pittsburgh, Pa.; Philip Donohue, of New York; John Johnson, of New Orleans, La.; George P. McBride, of Pittsburgh, Pa.; O. M. Edwards, of Pittsburgh, Pa.; Charles E. Speer, of Pittsburgh, Pa.; Frank Semple, of Pittsburgh, Pa.; Albert B. Miles, of New Orleans, La.; Frank S. Stephens, of Athens, Pa.; S. F. Andrews, of Allegheny, Pa.; D. Leet Wilson, of Pittsburgh, Pa.; D. S. Wilson, of Pittsburgh, Pa.; R. M. Van Arsdale, of New York; John R. Fell, of New Orleans, La.; Charles E. Fenner, of New Orleans, La.; E. B. Kruttschnitt, of New Orleans, La.; E. H. Farrar, of New Orleans, La., with such others as may be associated, and their successors, are hereby created a body corporate and politic in deed and in law under and by the name, style, and title of "The Atlantic and Pacific Ship-Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity within the United States of America, and shall generally have and possess all the rights, privileges, and powers usually possessed by similar companies, and may do all lawful things necessary to carry into effect the purposes of this act, and secure the full enjoyment of the powers, privileges, rights, and concessions contained in the grant hereinbefore recited, and any supplementary grant; and said company is hereby authorized and empowered to make and have a common seal, to acquire, hold, transfer, or otherwise dispose of property, real and personal, to issue capital stock and bonds in such amount, which shall not, however, exceed in the aggregate $100,000,000, and to elect such officers, employ such agents and attorneys, establish such offices in such place or places, and impose and collect such tolls, rates, and charges as to it, said company, may seem necessary and proper; and said company is hereby authorized and empowered to make such by-laws, rules, and regulations as it may deem necessary and proper relating to the management of the affairs of the company; the issue and sale of its stock and bonds; the acquisition and disposal of its property, estate, and effects; the imposition and collection of its tolls, rates, and charges; the declaration of dividends on its capital stock; the number and character of its officers, their duties and terms of office; the safety and control of vessels in transit or in the docks, harbors, or works of the company; and relating to all other matters not inconsistent with this act, and connected with the business of said company or involved in carrying out the purposes for which said company is created.

SEC. 2. That the incorporators herein named or as many as they may choose from their number by a majority vote, shall have power to open books of subscription to the capital stock of said company, at such places within the United States or elsewhere as they may elect, and receive all subscriptions to said stock. When the Secretary of the Interior shall have certified that not less than $5,000,000 has been subscribed to said stock by responsible persons, and when 10 per cent. thereof shall have been paid in in cash, the said incorporators, or a majority of them, shall call a meeting of the stockholders, to be held either in the city of New York or in Washington, D. C. At least thirty days' notice of said meeting shall be given by mailing to each stockholder a written or printed circular calling his attention to the same, and by publication in at least two of the daily newspapers having general circulation in the city where the meeting is to be held. The stockholders present at said meeting, either personally or by proxy, shall elect a board of directors, who shall serve for such time as may be determined by a majority of the votes cast at said meeting, and who shall have such powers as are conferred by the by-laws. The stockholders shall also at said meeting adopt by-laws covering any or all of the matters mentioned in connection with by-laws in section 1 of this act, and any of said by-laws may be altered, amended, added to, or repealed at any time thereafter, as in the opinion of the stockholders the interests of the company may require. But no such amendment shall be made except by a majority vote of all the stockholders, either personally or by proxy, and at a meeting called for the purpose. At least twenty days' notice of any such meeting shall be published in a newspaper of general circulation in the city where the principal office of the company is located. At said first meeting of the stockholders it shall be the duty of the incorporators to deliver to the stockholders all moneys, stock-books, stock-certificates, property, and effects held by them and belonging to said company; and thereafter all power vested in said incorporators as such shall cease, and the stockholders and their successors shall thereafter constitute the corporation hereby created.

SEC. 3. That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said railway shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

SEC. 4. That the principal office of the company shall be located and maintained either in New York city or Washington, D. C., as said company may elect. Said election shall be made by the company within six months next after the passage of this act, and notice thereof shall be published in a daily newspaper published in each of said cities at least once a week for four consecutive weeks, immediately following the date at which said election is made.

All meetings of the stockholders shall be held at said principal office of the company, and at least one such meeting shall be held in each year.

SEC. 5. That the United States shall, upon payment of three-fourths of the customary rates, and having first obtained the consent of the Government of Mexico as provided in said concession, enjoy the use of said railway for the transportation of troops, munitions of war, mails, and property: *Provided, however*, That nothing in this act contained shall be considered as a waiver of any rights which the United States may now have under any treaty heretofore made with Mexico.

SEC. 6. That the United States shall be entitled to such a representation on the board of directors of said company, not, however, in any event exceeding two-ninths of its members, as may be provided for in any treaty hereafter made between the United States and Mexico.

SEC. 7. That nothing contained in this act shall be so construed as to involve the United States in any pecuniary obligations whatever other than the payment of tolls as hereinbefore provided for.

SEC. 8. That said corporation shall exist and continue during the period of ninety-nine years from the date of the passage of this act.

SEC. 9. That all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed, so far as they affect the corporation hereby created.

SEC. 10. That Congress shall at all times have the power to alter, amend, or repeal this act when in its judgment the public good may require, but not in violation of the rights of the company considered in equity.

Mr. MORRILL. I am anxious that this bill should be put in such shape as will enable me to give it my support. I notice that the Senator from Missouri in his proposed substitute still retains the provision of his original amendment by which the capital stock and bonds of the proposed corporation are to be $100,000,000, and that his subsequent amendment merely provides that there shall be $5,000,000 of stock subscribed for and 10 per cent. thereon paid in, that is to say, $500,000. It seems to me that that is inadequate to make this a *bona fide* buiness corporation, one that will receive the confidence of the community.

It is evidently a vast and magnificent project on the part of Captain Eads. I do not underrate his capacity as an engineer; he has succeeded in two other unique and original experiments; but this is an experiment that he has never tried. The question is, therefore, to say the very least, problematical as to his success. The chances may be certainly not more than one in two that it can succeed. I hope it will succeed. It will be a credit to the engineer and to American enterprise if it shall succeed in carrying vessels across the continent from one shore to the other elevated in some places 500 or more feet, and carrying them safely.

It is possible that this company may linger along and be delayed in its practical operations, so that the original incorporators, the names mentioned in the bill, may drop out one after another, and it may be left in the hands of managers who will only have an interest personal to themselves in disposing of bonds and making what profit they can out of them. It seems to me that the power to create $95,000,000 of bonds ought not to receive the gild of Congress unless there is a fair prospect that there will be some return to the investors. I am quite ready and willing to allow men of means to subscribe to this enterprise, but I do not wish to have it left in such shape that in a few years hence these bonds will be peddled out and distributed over the country into the hands of parties who are ignorant perhaps of the subject, and will be subjected therefore to a considerable loss.

It seems to me that it would be better for the corporation, that it would indicate a greater degree of confidence in the success of the enterprise, if a larger sum was first to be paid in as capital before they are allowed to issue this enormous amount of bonds. If there shall be any amendment made by which this matter can be properly regulated, I shall certainly vote for the bill; but if it should not be so amended, I do not see how it is possible for me to support it.

Mr. VAN WYCK. I desire to renew the amendment which I withdrew temporarily that the Senator from Missouri might submit his perfected substitute. I, therefore, offer the amendment to this substitute as it was pending previously.

Mr. MORGAN. I suggest to the Senator from Nebraska that the amendment which is now proposed by the Senator from Missouri is entirely new as I understand it. It is a new bill practically, I suppose, taking the text of the original amendment the Senator offered which has been under discussion now for a long time, and the better plan would be to take up that amendment of the Senator from Mis-

souri and see whether we agree to its different provisions as we go along. I think that is the best plan.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Chair may be in error, but he supposes that the Senator from Missouri has a right to modify his original amendment, and that therefore no vote as to the substitution of the amendment now proposed for the one originally offered is necessary.

Mr. MORGAN. I thought some vote had been taken on the amendment.

The PRESIDING OFFICER. The amendment now offered by the Senator from Missouri is the pending amendment to the bill.

Mr. VEST. That is right. I have modified my original amendment.

The PRESIDING OFFICER. Now the Senator from Nebraska [Mr. VAN WYCK] proposes to amend the pending amendment.

Mr. MORGAN. Where does that amendment come in?

Mr. VAN WYCK. At the end of the second section as it was previously.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. At the end of section 2 it is proposed to add:

That no certificate for stock shall be issued till the same shall be fully paid for in money at the par value of said stock, and the money deposited in the treasury of said company; and said company is hereby prohibited from returning or repaying any part of the money so paid. No bonds in excess of the amount of capital paid and received shall be authorized or issued until such paid capital shall amount to the sum of $10,000,000, and no bonds shall be issued or disposed of at less than par value.

Mr. VAN WYCK. Mr. President, I have heard no reason stated why this amendment should not be adopted, except the statement by the Senator from Missouri [Mr. VEST] that we should deal with great liberality toward Captain Eads. That I do not understand to be the question here. The Senator from Massachusetts [Mr. HOAR] suggested the same reason as the only answer to the proposition, that this was a great project and that Captain Eads was a distinguished engineer. Certainly; grant both; is that a sufficient reason why guards and protections should not be thrown around this project? Admit all that may be said in eulogy of Captain Eads, and I have no disposition to deny it, where is the certainty that Captain Eads is to be connected with this project even during his natural life? Where is the guaranty of the life of Captain Eads, that it will be one year, or two years, or five years? If Captain Eads draws out from this enterprise or departs this natural life, this creature into which we breathe the breath of life lives on. If it is a monstrosity, if it is a wrong, then it will be little shield or protection to the American Congress that it did what could not be tolerated or even excused only by way of eulogy or recognition of the virtues of Captain Eads.

This corporation which we propose to create for good or for evil has precisely the same human excellences and the same human infirmities that attach to all creatures and corporations of this kind. Every one created in the history of this nation and of other nations has first been founded upon the pretext which has been alleged here, the great excellence of the incorporators.

I called the attention the other day of my friend from Massachusetts [Mr. HOAR], who I regret is not in his seat at this moment, to the experience of another great enterprise, the Pacific railroad companies, when they were organized; and the argument then made of the excellence, the virtue, the integrity, and the patriotism of the incorporators of the project was louder than this in favor of Captain Eads. We were admonished then, you will remember, that it was a project to save the national life; that it was to bind the Atlantic and Pacific together; and that those patriotic men, those philanthropic men who were the corporators were willing to come in and invest their private fortunes to build a road connecting the two oceans. What then? The Senator from Massachusetts himself was an active investigator on a committee in the other House which we remember exposed the credit mobilier frauds, and the very men, some of them from Massachusetts, who were so full of philanthropy and patriotism to serve their country, were the men who were deepest, I believe, or as deep as others, in the credit mobilier frauds that brought a scandal upon Congress and brought a scandal upon the United States.

Mr. DAWES. If the Senator will allow me——

Mr. VAN WYCK. In a moment. Then Congress in its weak way endeavored to protect what was left by providing that they should issue no more stock and bonds except in payment of debts for bonds previously issued; but every organization, every party having control of the Pacific railroads violated the law of 1873 which Congress passed, and they heaped credit mobilier upon credit mobilier until they nearly wrecked the whole concern, and almost destroyed the security of the debt due to the Government. Now I will listen to the Senator from Massachusetts.

Mr. DAWES. It was a quaint saying of Mr. Lincoln, but it had a good deal of philosophy in it, that you never could burn gunpowder more than once. I do not know to whom from Massachusetts the Senator alludes, but I suppose I can imagine. There were men in Massachusetts to whom the country is indebted for the Union Pacific Railroad and upon whom at one time there was heaped scandal, but that powder was burnt a good many years ago. The time has come when the smoke of it has passed away, and the men who sacrificed their fortunes and staked everything they had in the service of their country in that great work as much as any soldier in the field are coming to be understood and to receive that meed of commendation from the country which their great undertaking and sacrifice merited. I have no doubt the Senator can parade here very much of violent and condemnatory language heaped upon those men, but, as I have said, that time has passed, and the sober, second, honest, clear judgment of the American people has erected a monument upon the highest point on that railroad to the memory of the men who were maligned in that day by those who are not worthy to unloose the latchets of their shoes.

Mr. VAN WYCK. I wish the other Senator from Massachusetts were here.

Mr. DAWES. I wish he were, too.

Mr. VAN WYCK. I would refer to him as to the truthfulness of the concluding sentence uttered by the Senator from Massachusetts, that he is not worthy to unloose the shoe-latchet of those men, because his colleague was a Representative in the other House, and he signed a report which said all that I have said, and more, in regard to the promoters of stocks and bonds of the Union Pacific Railroad. I commend the report of his colleague to him.

Mr. DAWES. I had no doubt that the Senator had in his mind what has been paraded at least a hundred times on this and the other floor, the language of my colleague, not in the shape of a report, but in an argument that he made in another case. But if there is any word of it that reflects upon the integrity of Massachusetts men, to whom my friend alluded just now, and in whose behalf I speak, not the other men connected with railroad frauds—if there is a word of it that by just interpretation can reflect upon the honor of those men, if my colleague were here at this moment he would be swift to disabuse the mind of my friend from Nebraska of any such conclusion as that.

Mr. VAN WYCK. My memory may be at fault; but the Senator from Massachusetts probably can tell me whether that Congress passed any resolution condemnatory of some persons connected with the Union Pacific Railroad and the credit mobilier in the House of Representatives. My friend will very probably remember. Did that body pass some resolutions condemnatory?

Mr. DAWES. Has the Senator forgotten so soon the purport of all this thing? I have not attempted to gainsay the fact that at the time and in the excitement there was scandal heaped upon Massachusetts men. I undertook only to say that that day had passed, and that a clearer judgment of the actions and motives of men had brought the conclusion that, instead of condemning those men, a monument to their memory had been erected which will abide long after I and some others of us shall have been forgotten.

Mr. VAN WYCK. If I recollect aright, Massachusetts did as much to heap this reproach upon Massachusetts men as any of the States of this Union. My memory, I think, is not at fault there, that Massachusetts did this towards Massachusetts men.

Mr. DAWES. If the Senator will indulge me a moment more, my colleague is now in his seat. My colleague has been invoked by the Senator from Nebraska in a way which I did not think was entirely justifiable, putting an interpretation upon words of my colleague that I did not think was just.

Mr. HOAR. I have just this instant come to my seat. I do not know what has been going on.

Mr. DAWES. I ought to say that my colleague was not in his seat when the statement was made, and that was the reason why I ventured to interrupt the Senator from Nebraska. My colleague can take care of himself here and anywhere else. I interposed only because my colleague was accidentally out of his seat and the Senator from Nebraska was invoking words of my colleague that he had used on another occasion, to heap obloquy upon honorable men in Massachusetts in a way that I did not think if my colleague were here he would justify. If the Senator from Nebraska wants to repeat his statement, my colleague is here and my colleague can speak.

Mr. VAN WYCK. Massachusetts is always very sensitive, and properly so, undoubtedly. There is no occasion for this parade, which the Senator speaks about, on the part of Massachusetts, that I can understand.

Mr. DAWES. If the Senator expected that he could villify Massachusetts, or anybody in Massachusetts who has earned an honorable name in the world, and that any Massachusetts man would sit here in silence under that which he calls a parade of his own, he was quite mistaken.

Mr. VAN WYCK. Suppose I should happen by any way to have said that Massachusetts——

The PRESIDING OFFICER. The Chair sees no objection to the colloquy, but for a Senator on rising to address the Chair would look a little more formal.

Mr. VAN WYCK. Mr. President, suppose allusion had been made at some time that Massachusetts men were engaged in the slave trade and had ships fitted out and were actually engaged in selling human beings, would anybody suppose that that was a reproach upon Massachusetts which should call Massachusetts to its feet on this floor to talk about a parade?

Mr. DAWES. Will the Senator allow me to interrupt him?

Mr. VAN WYCK. Certainly.

Mr. DAWES. Does the Senator from Nebraska think he is going to escape under a pretense of general remarks when he called Massachusetts by name and men in Massachusetts by name? The Senator's memory fails him worse than I supposed it would.

Mr. VAN WYCK. My memory may have been again at fault, but will the Senator please state what Massachusetts name I mentioned?

Mr. DAWES. The Senator said Massachusetts furnished the men connected with the Union Pacific Railroad. He described Massachusetts men, located in Massachusetts. The men connected with that railroad in Massachusetts stand out in history, and will there stand when men will be searching as with a lighted candle for the graves of the men who now or then vilified them.

Mr. VAN WYCK. Will the Senator from Massachusetts please answer my question before he retires from the Chamber? What Massachusetts name did I mention? The Senator has gone, like the last faint memory of a dream. When the Senator from Massachusetts talks about a parade and about gunpowder he ought to be willing to stay at least until the reverberation of his echo had ceased in the Chamber. He said I had mentioned a Massachusetts man by name, and I asked him whose name I had mentioned. The Senator gives a parting shot and departs from the scene.

I was speaking as I had a right to do, and as I propose to do long enough to call the attention of the Senate and the American people and the world to the fact, because the world is to be laid under contribution in buying the stocks and bonds of this project. I care not how excellent and how grand may be the head of the scheme, I shall call attention to it long enough to emphasize the fact that here is a charter of incorporation as dangerous or more than any which has been heretofore organized by the American Congress. I said I found no answer to the proposition of this measure from the Senator from Missouri, except the grandeur and excellence of the attributes which I acknowledged of Captain Eads, and then I said I found no answer from the Senator from Massachusetts except the same. Then I was continuing the suggestion which I made to that Senator a few evenings ago, that here was the Pacific Railroad, a scheme as grand as this project, and that at the time of its organization the excellence of the men who were connected with it was extolled, as is done here. It was said to be a project to connect the Atlantic with the Pacific; a project to bind this Union together in iron bands so that no rebellion in the future would ever disturb it. All that was said of the Union Pacific.

We started the corporation on its road, and I said when it was finished, or before, it was found that that grand corporation under the lead of men who were willing to invest their private fortunes for the salva tion of the Republic, was what? By an examination made in the other House it was found that there were frauds, frauds that would put to blush the projectors of other schemes in other portions of the world, frauds of such a nature as called for a resolution from the House of Representatives in denunciation of them, and that was not by any means brought about by the excitement of the period to which my friend refers.

Then I further said that Congress in 1873 provided that such things should not happen again in the future, and enacted a law that the corporation should issue no stocks or bonds in the future except for the payment of debts for bonds previously issued, but that law was persistently violated by every crowd that controled the Union Pacific, and they bade you defiance, they bade the laws of the American Congress defiance, they bade your courts defiance, they bade your executive departments defiance, for this monster railroad corporation seized them all by the throat.

Your executive departments knew that the Union Pacific Railroad were violating the statute of 1873. They knew it was being violated when they saw Jay Gould and his crowd actually steal, filch, plunder by corporate power the means which you had given them, and put in their own pockets from $10,000,000 to $15,000,000. When they obtained the Kansas Pacific the stock and bonds cost them but a trifle, and by their own schemes they raised the Union Pacific stock until it was 120 in the market, and you knew it. Every legislator knew it; every branch of the executive department knew it. Then they proposed what? They proposed to consolidate the bankrupt Kansas Pacific with the Union Pacific, which had some life then with its stocks up to 120, and your Congress, your executive department, the whole Government sat still and saw them perpetrate that fraud. It was a fraud in the perpetration of which they violated every trust.

That was done by men who if their names appeared in a charter here to-day you would say were respectable men. Certainly they were honorable men in their way; they were men of responsibility certainly; and yet what was done? My friend from Massachusetts [Mr. DAWES] said that that is burnt powder. From those transactions Massachusetts is suffering to-day. Although the road has been robbed, the road has been bankrupted, the Government has a claim of from $50,000,000 to $100,000,000 against it, yet we have been asked here by Massachusetts men—and if the powder was burnt once the roar of it still echoes in Massachusetts and in the pockets of Massachusetts widows and orphans—we have been asked to do what? That the Government shall deal tenderly with this great corporation; that the Government debt is in peril; that we must let it rest for a time. We are told to remember that Massachusetts has innocent widows and orphans who have invested in the stock of the road, and we desire to protect it. That has been said within the last year on the floor of the Senate; and said, too, by a Senator from Massachusetts.

It is idle, then, for a Senator from Massachusetts now to talk about this being like burnt powder and a parade. You have the experience in Massachusetts yet. To-day you state that the present president of the Union Pacific Railroad Company honestly and innocently told the investors in Massachusetts that it was safe to invest in the road, and therefore Massachusetts widows and orphans invested, and they were innocent *bona fide* investors, and we have been appealed to to do no act that will have a tendency to affect their securities or cause them any loss. There is the end of your great corporation.

Now, have we not had warning enough with other corporations of the world? Do we propose to repeat this sort of thing, so that in years to come men may rise on this floor, as in the other House, and proclaim the great wrong and injustice done to them because we did not protect them from the corporations which we created?

I merely allude to this matter to show the necessity of doing something in that direction on the pending bill, and I referred to those as familiar illustrations.

One provision of my amendment is that there shall be no certificate of stock issued until the capital stock is fully paid. Who will antagonize that proposition? Will you tell me there is to be no limit in the bill except $100,000,000? There is nothing said as to what amount shall be in stock, or how much shall be in bonds. That is the point where fraudulent transactions have occurred in the past, and we know it.

At the risk of my friend parading or burning powder over again, I will say to him what he knows, that we have to-day saddled upon this country nearly $4,000,000,000, a sum greater than the national debt, for which there is no more consideration than the paper and the ink and the pen with which stock certificates or bonds were signed.

What right has a corporation to pay up 10 per cent. on its stock and then issue a certificate for full-paid stock? Will any gentleman in this Chamber tell me by what right the corporators can pay 10 per cent. out of their pocket and then put back 100 cents, as they propose to do in this and other corporations. If they do not propose to do it, why is the proposition now made by the committee that there shall be $5,000,000 of stocks and bonds subscribed out of $100,000,000, and 10 per cent. of that paid in, requiring only $500,000 in cash? That is all that is to be paid by the stockholders to set afloat this magnificent corporation, and what then?

The Senator from Massachusetts [Mr. HOAR] has proposed by an amendment that the Secretary of the Interior shall certify that these are reponsible parties. It would be imposing a great labor upon the Secretary of the Interior to require him to certify to the responsibility of parties who are strangers to him and who live throughout the whole length and breadth of this Republic, from New York to New Orleans. Yet the Secretary of the Interior is to be charged with the very delicate and difficult and laborious duty of certifying to the responsibility of these gentlemen.

After 10 per cent., or $500,000, has been paid in, what is to be done then? The incorporators are then to call the stockholders together and the stockholders are to regulate the whole matter by by-laws. You do not want anything better for any other corporation. That is what they have all had. By-laws are to regulate this matter. There is nothing to prohibit the stockholders from dividing up even the $500,000 among themselves when they get together; and if they provide by the by-laws that 5 per cent. shall be required, that settles the matter, and then they can proceed to issue bonds *ad libitum* up to $100-000,000.

I supposed we had had quite enough of such transactions in the history of this country. Of course, we do not expect to stop them altogether, but as I said before I propose to stay long enough to emphasize the character of this transaction. The Senator from Louisiana [Mr. EUSTIS] is an advocate of this bill I suppose, with this proposition in it, and he knows, for Louisiana suffered from just such a thing as this incorporating a railroad company, giving it a large grant of land, and the only thing that the company did for ten years was to issue bonds. I refer to the Backbone road, about which so much has been said here. They were not required even to pay any money, but to issue bonds, and that is all the railroad company did for ten or twelve years, and it scattered them broadcast throughout the country. Is there any reason why a corporation should be created and we should put into it the breath of life, giving it the power to issue a certificate for a hundred dollars' worth of stock when they do not pretend to pay more than $10 upon it, thus legalizing that which we have looked upon as a fraud? I trust the American Senate will hesitate some time before it does such a thing as that. Why do gentlemen hesitate? If it is expected that these men will pay dollar for dollar for their stock, then why do Senators hesitate and say they shall only pay 10 per cent. of the amount of $5,000,000, or $500,000 only, and then they are to be without any restraint?

My amendment goes on further and provides that up to $10,000,000 of subscriptions paid up they may issue an equal amount of stock; that

they shall not be allowed to issue stock in excess of the amount they pay up until they have paid up $10,000,000, and then they may issue in excess of the amount, because that is supposed to be a guarantee that the project is carried on in good faith. That is all we have to do with this matter. If the project is in good faith, then make the restriction in the act of incorporation itself so as to protect innocent people if the project fails. Then if the motives of the projectors fail, it will not be in their power to entail upon this nation and upon the world all the injurious consequences which have resulted from the organization of corporations without a proper protection in the body of the charter to persons investing in the enterprise.

Mr. CALL. Mr. President, I shall be very glad to support the bill and the pending amendment. I have the highest confidence in Captain Eads and I have entire faith in his successfully doing this great work. I think that is a conclusion which may be reasonably predicated upon the evidences which have been presented to us. Captain Eads has already accomplished works of so great importance and so far beyond the accepted opinions of engineering science that it is a reasonable conclusion that this great work can be successfully accomplished by him. He has also presented for our consideration propositions so well established that the conclusions which they demand may be said to have the certainty of a demonstration.

I should be willing and I would prefer to vote any amount of money that may be reasonably required to test and demonstrate the merits of this proposition, and have the Government of the United States either separately under proper treaty arrangements or by concert with Mexico, at the public cost, in the most economical and proper way, provide for the construction of this railway across the Isthmus of Tehuantepec. I think it is discreditable to the intelligence, the wealth, and the capacity of this great country and of the legislative and executive power of the country that the Government has not long before this time made some adequate provision for the construction of this transit on the most approved plan that modern science would indicate across the Isthmus of Tehuantepec. The labor that it would employ and compensate, the opening that it would afford for the enterprise and talent of our American people, the cheap transportation it would give to the productions of California and the people of the Pacific Ocean, the country it will open to the occupation of our people, all these considerations require that this great work should be performed by the Government and kept under the control of the Government.

But the question before us is in regard to the propriety of establishing this corporation without proper limitations, without proper restraints. I think the substitute offered by the Senator from Missouri scarcely goes as far as is necessary to furnish a reasonable protection to the people of this country. The great trouble of this country which threatens property and accumulation of every kind and promotes a spirit of discontent is the enormous imposition upon the labor of the country fraudulently made by the issue of stocks and securities of corporate bodies which have no honest basis, which are mere frauds, which pretend to represent money that has never been used, but which are nevertheless a power of taxation upon the labor of the country, and which take from the wages of every man, woman, and child in this country a large proportion of their labor for nothing, and legalize it, and permit it, having no sympathy on the part of those who represent the people, plundering them to the extent of hundreds of millions a year, and producing to that extent want and poverty and beggary among the people of the country. This is the great public evil that threatens the rights of property, and even the existence of the Republic in its present form, and which, if not corrected by wise and timely legislation, will correct itself perhaps unwisely, and to the great injury of the country.

Mr. President, this corporation may produce these same results, and I think it may be avoided and leave still a margin large enough for the speculative profits of those who may wish to engage in this enterprise.

I shall offer some amendments to the bill which I think the public interests require.

First, that the Government of the United States shall have the power to alter, amend, or repeal this charter, a power which I believe should be reserved in all charters of incorporation, whether they are important or unimportant.

Second, that there shall be no amount of stock or bonds issued greater than the actual and reasonable cost of the construction of this highway.

Third, that the Government of the United States shall be authorized to acquire the ownership of this property under proper treaty regulations, first obtaining the consent of the Government of Mexico.

I should be glad to see even this act of incorporation passed with these amendments to it. I esteem it a pleasure to be able to contribute something toward the success of Captain Eads or to afford the opportunity to him to test this great enterprise of his. I can not see that there is any occasion for this prolonged debate and discussion as to the respective merits of the Nicaragua scheme and this one. They are both required if they are practicable, and it does not matter a great deal whether the cost is $100,000,000 or $200,000,000; if that can be accomplished and the rates of trade and transportation be adjusted to some scale of interest upon the money actually and properly expended, it will be productive of benefit to every man, woman, and child in the country. But if they are allowed to be merely and purely speculative schemes to tax the productions of the country without limit, and unreasonably and without competition, it will not be a public benefit, but it will be an injury to the people of the country.

In my judgment, if this great work is to be accomplished by private enterprise it is important for its success that these limitations should be imposed upon it. The people who, after all that may be said about capitalists, have to furnish the money and the labor to accomplish it will have greater confidence in it if it shall be required to be conducted honestly, and with no greater burden of debt than is necessary for its construction.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. VAN WYCK] to the substitute offered by the Senator from Missouri [Mr. VEST].

Mr. GEORGE. I should like to have both amendments read.

The PRESIDING OFFICER. The substitute is very lengthy. It was read at length when it was offered. It is a substitute for the original bill.

Mr. PLATT. Has it been printed at all?

Mr. MORGAN. It just came in.

The PRESIDING OFFICER. It has just been offered.

Mr. PLATT. I think it had better be read again.

The PRESIDING OFFICER. The substitute will be read. The clerks suggest whether it is necessary to read the names of the incorporators.

Mr. VEST and others. Oh, no.

Mr. HARRISON. I thought an order was taken yesterday directing the printing of all the pending amendments.

Mr. VEST. This amendment was not offered until this morning.

The PRESIDING OFFICER. The amendments were printed as directed. The Senator from Missouri has to-day offered a substitute for the substitute heretofore offered by him for the original bill, which he had a right to do, and which takes the place of the substitute formerly offered by him.

Mr. PLATT. Is it a substitute for the entire bill?

The PRESIDING OFFICER. It is a substitute for the entire bill.

Mr. PLATT. I think it had better be read.

The PRESIDING OFFICER. The substitute will be read. The Secretary will omit reading the names of the incorporators, which constitute a considerable portion of the bill.

The Chief Clerk read the substitute, as directed.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska will now be read.

The CHIEF CLERK. At the end of section 2 of the substitute it is proposed to add:

That no certificates for stock shall be issued till the same shall be fully paid for in money, at the par value of said stock, and the money deposited in the treasury of said company; and said company is hereby prohibited from returning or repaying any part of the money so paid. No bonds in excess of the amount of capital paid and received shall be authorized or issued until such paid capital shall amount to the sum of $10,000,000; and no bonds shall be issued or disposed of at less than par value.

Mr. HOAR. I stated to the Senator from Missouri the other day, and I also stated to some of the gentlemen who are interested in this bill, that I thought it was liable to some criticism in not sufficiently protecting the public against possible stock manipulating. I should like to have the Senator from Nebraska hear what I say. I do not think, from what I know of these corporators or from what I know of the persons who are likely to be associated with them in this scheme, that there is any practical danger from them in that direction; but it is important that the legislative precedents should be preserved. I had myself suggested some provisions which I thought ought to be added to the bill before it should become a law.

I think the amendment proposed by the Senator from Nebraska is too harsh, and I am led to that opinion by my experience of the corporation law of Massachusetts. I suppose that is the strictest corporation law in this country. The State of Massachusetts has imposed upon all corporations very stringent securities against bogus stock or bogus bonds, and against transactions of the kind which have occurred in this country on a pretty large scale. But it is not reasonable to require that no certificates for stock shall be issued until the whole is paid in in money at par. I think the honorable Senator from Nebraska will see that himself. In the origin of such an enterprise there must be negotiations to see whether the thing will go through before the stock is taken up. Before men are willing to pay $15,000,000 or $20,000,000 capital to the stock of a corporation they must know whether the corporation will be able to effect necessary loans. They must at least enter upon negotiations, and in many respects there will be causes of delay; and they may have to see whether the Mexican Government would extend the concession for a further period of time.

It seems to me, therefore, that it will be safe to follow what has been found perfectly safe in the experience of Massachusetts, by providing that no certificate of stock shall be issued until at least 10 per cent. thereof shall be fully paid for in money at par, and the money on deposit in the treasury of the company. That will enable the company to do all things in the nature of preliminaries.

Then further I suggest that we provide that said stock shall not be assignable, so that it will only vest in the original corporators, until the whole of the same shall have been so paid in. I wish to propose that amendment to the amendment of the Senator from Nebraska, and then leave it as it stands, "and said company is hereby prohibited from returning or repaying any part of the money so paid."

I propose, then, to limit the amount of bonds in excess of the amount of capital paid and received to $5,000,000 instead of $10,000,000, as is fixed in the amendment of the Senator from Nebraska. Five million dollars is a vast sum of money. This is an enterprise which is not to be conducted, as has been already said with great force, in this country. It is an attempt to build something in Mexico, and the money has to be raised from the great bankers and capitalists of this and foreign countries in great masses, masses of $5,000,000 or $10,000,000 at a time. It is not a case where the widow or the trustee invests a small saving, as in the case of our domestic corporations, which sell their bonds in little amounts of $50 or $100 apiece. Practically everybody who loans a dollar to this Mexican concern will have the ablest counsel who will look clear through to the bottom, read the act of incorporation and the by-laws and all the proceedings, as men do who are securing the safety of great transactions involving millions. It seems to me if we require $5,000,000 instead of $10,000,000, that is as much as is reasonable; and certainly the payment of $5,000,000 in cash into the treasury of this company will be a pretty good security that it is a *bona fide* transaction.

In the case of the Union Pacific Railroad Congress provided that the capital stock of that road should be an amount not exceeding, I think, $50,000,000; I do not know but that it was $100,000,000 in the beginning; at any rate it was some large sum; but it provided no minimum whatever. It was drawn just as this bill was drawn, as I called the attention of the Senator from Missouri the other day. There was no security against having a corporation without a capital stock of more than $500 and raising by debt $27,500,000 from the people of the United States in bonds.

The Union Pacific act contained a provision that the capital stock should be paid in in full in cash, but in point of fact that provision was evaded by the notorious credit mobilier scheme, under which the whole capital of that corporation was paid in in road building at about 40 cents on the dollar, and that was all; and the subscriptions which were made were made by clerks and such persons. One gentleman who was having a salary of about $500 a year subscribed, I think, for several million dollars of stock. He merely drew his check, and it was immediately paid back to him as the payment for the construction of part of the road which the principal whom he represented had paid. This provision, I suggest, is a perfect security against that.

I think also that this corporation having first got stock equal to the amount of whatever bonds are issued in its treasury up to $5,000,000, it is not reasonable to say that the bonds shall not be issued at less than par. In the case of a stringency in the money market which may come within the several years it will take to complete the road, you have either got to put the bonds at a great rate of interest, which is a constant inconvenience and hardship—at 6, 8, 10, or 12 per cent., when the usual rate of interest is 4 or 5 per cent.—or you have got to allow for the present stringency of the money market by selling the bonds at less than par. If you have a regulation such as the Senator from Nebraska provides, with my proposed amendment, that these men shall issue no bonds beyond the amount of their stock until they have manifested their credit and confidence in the scheme by paying in the vast sum of $5,000,000, which under no circumstances is to be taken out of the treasury to be paid to any of them again, it seems to me that is a reasonable security.

We do not want to hamper this gentleman who is putting at stake, as has been so well said, his whole private fortune, and putting at stake the fame which he has gained by his vast engineering successes, by imposing unreasonable or improper conditions. I therefore move to amend—and I hope the Senator from Nebraska will see that this amendment leaves the whole strength and vigor of his amendment untouched—by inserting after the word "till" the words "at least 10 per cent.;" so as to read:

That no certificate for stock shall be issued till at least 10 per cent. of the same shall be fully paid for in money, at the par value of said stock, and the money deposited in the treasury of said company.

Then after the words "said company" I move to insert:

And said stock shall not be assignable until the whole of the same shall have been paid in.

That will prevent any subscription of bogus stock which has not been actually paid for in cash. Then I leave the rest of the amendment until you get down to the word "ten" before "million," where I propose to substitute "five."

Mr. VAN WYCK. I am not disposed to antagonize the suggestions of the Senator from Massachusetts, because I think he feels about this matter as I do, but in order that the sense of the Senate may be taken upon it I wish he would let his amendment be formally acted upon.

Mr. HOAR. I move the amendments.

The PRESIDING OFFICER. Does the Chair understand the Senator from Nebraska to accept the amendments of the Senator from Massachusetts?

Mr. VAN WYCK. No; I prefer that he should offer his amendments to my proposition. I do not wish to say anything in opposition to them.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts to the amendment of the Senator from Nebraska will be stated.

Mr. HOAR. It is to perfect the amendment.

The CHIEF CLERK. In line 1 of Mr. VAN WYCK's amendment, after the word "till," insert the words "at least 10 per cent. of;" in line 4, after the word "company," insert the words "and said stock shall not be assignable until the whole of the same shall have been so paid in;" and in line 8, before the word "million," strike out the word "ten" and insert "five;" so as to read:

That no certificates for stock shall be issued till at least 10 per cent. of the same shall be fully paid for in money, at the par value of said stock, and the money deposited in the treasury of said company; and said stock shall not be assignable until the whole of the same shall have been so paid in; and said company is hereby prohibited from returning or repaying any part of the money so paid. No bonds in excess of the amount of capital paid and received shall be authorized or issued until such paid capital shall amount to the sum of $5,000,000; and no bonds shall be issued or disposed of at less than par value.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts to the amendment offered by the Senator from Nebraska.

Mr. VEST. I have no sort of objection to the amendment of the Senator from Massachusetts, if that will put the bill on its passage. All I want is to get the bill through in some shape or other. Therefore, I am very willing to accept the amendment as prepared by the Senator from Massachusetts.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Nebraska as amended.

Mr. HOAR. I understand the Senator from Nebraska offered his amendment as an additional section.

The PRESIDING OFFICER. It is offered as an addition to section 2.

Mr. VEST. I understand that the amendment of the Senator from Massachusetts took the place of that offered by the Senator from Nebraska.

Mr. HOAR. No, my amendment amended the amendment of the Senator from Nebraska. Now the Senator from Nebraska moves that, and I hope it will be adopted.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the substitute offered by the Senator from Missouri [Mr. VEST].

Mr. HOAR. I wish to be indulged in one observation, which will take but a moment. I had an errand at the other end of the Capitol in regard to a matter of public business, and was absent from my seat during the remarks of the Senator from Nebraska. I returned just as he and my colleague were concluding a colloquy. What had been said before my coming back to the Senate I do not know, but I inferred from an observation of my colleague, and from the answer to it of the Senator from Nebraska that some attack, or criticism, or condemnation of a very eminent citizen of Massachusetts, now gone to his grave, had been made by the Senator from Nebraska; and that a report which it was my duty to make in the House of Representatives in regard to the transaction known as the credit mobilier had been cited by him in support of his attack.

Mr. VAN WYCK. I desire at this point to say, so that it may go into the Senator's remarks where it belongs, that the RECORD I think will show that while I spoke of the credit mobilier and denounced it, I made no allusion to any individual to whom that remark can apply. I say that, because the Senator from Massachusetts was not present when my remarks were made. The Senator's colleague did say that, and then I desired to know from him what name I had mentioned, and he failed to answer. I desire to say that it was not my intention, and I do not think the RECORD will show that I did it, to make any allusion by name to any one. I spoke of the system, and said what had been done.

Mr. HOAR. The judgment which I expressed in that report must stand. I have had no occasion, on reflection, to change it, and the transaction there narrated must stand as a warning to all future legislators to be careful that they never again expose the American people to the danger then incurred.

Having said that, I wish to say of the gentlemen who were responsible in whole or in part, especially of one of them, that if he did anything which can not be vindicated in the cold judgment of posterity it was the case of a plain, simple man, unaccustomed to the refinements of business, not seeing transactions in their large legal relations, intent upon a great national and patriotic enterprise, looking at nothing else, blinded to the proper relation of everything except as it affected the attainment of that great object, an object not personal nor selfish, but purely patriotic, and that in spite of what his friends, his State and the Republic had to regret in his relation to that particular transaction, he went to an honored grave with the respect, the affection

and the confidence of all men who knew him, of all parties, classes, conditions in life, and that the judgment of posterity, I think, will be that the monument which stands on the great dividing summit between the Atlantic and Pacific valleys carved with his name is a deserved honor and a deserved tribute of public gratitude and respect.

Mr. VAN WYCK. I only desire to say that there was nothing directly or indirectly in the suggestion I made except an allusion to the system generally. I referred to no individual connected with it; that was farthest from my thoughts; and I think it probably would not have entered any man's mind in this body listening to those suggestions unless the mind of the senior Senator from Massachusetts, who seemed to get somewhat nervous and fidgity on that occasion, and therefore insisted on putting his own construction on my language, I suppose because it disturbed him.

I esteem just as highly as the Senator does the individuals to whom he refers, for I knew them personally, and I would be the last man, I think the Senator knows, who would undertake to cast a reflection anywhere, particularly after the actors are gone where their actions could not be righted. I pointed, as I had a right to point, to the experience of the American nation, and I had a right to point to it as an example to the American people that we should shun in the future.

Nothing stronger was said by myself than the remarks which the Senator himself made when he showed the manner in which the stock was subscribed to the credit mobilier, and when the men guilty of such frauds actually paid the money back and accepted a check for millions when they knew the giver was not worth as many dollars. Knowing that, I put in this amendment that the stockholders should be deprived of the power to pay back any money that was ever paid in.

I have said this merely in justice to myself and in justice to those for whom I still have a kindly feeling, the great men connected with that great railway.

Mr. CALL. I offer the following amendment——

Mr. VEST. Will the Senator permit me to make an inquiry of the Senator from Massachusetts?

Mr. CALL. Certainly.

Mr. VEST. I wish to ask the Senator from Massachusetts in regard to the construction of his amendment:

The said stock shall not be assignable until the whole of the same shall be so paid in.

Does that refer to the whole $100,000,000?

Mr. HOAR. No; there is not any whole $100,000,000 of stock. The stock is not to exceed $100,000,000. Originally there was no limit. Now you have said they shall not issue bonds beyond the amount of the stock till up to $5,000,000. The directors of the company fix the amount of stock, whether $5,000,000 or $10,000,000. When stock is subscribed up to the $5,000,000, 10 per cent. of it must be actually paid in. Beyond that it can not be assignable until the whole is paid in.

Mr. VEST. This language is a little nebulous. It says "and said stock shall not be assignable." If it should say "the said stock so subscribed shall not be assignable" I should not object to it.

Mr. HOAR. Very well. I will consent to that change.

The PRESIDING OFFICER. If there be no objection, the amendment will be so modified.

Mr. GEORGE. I ask the Senator from Massachusetts, am I to understand that all the stock issued beyond the $5,000,000 is outside of the limitation prescribed in the amendment?

Mr. HOAR. I understand that when they have paid $5,000,000 in full in cash, and when they have paid 10 per cent. on any amount of stock that they issue, they can go on so far as to organize the company and do their preliminary work; but they can not issue more bonds than the amount of stock actually paid in until they have actually paid in $5,000,000 in stock. When they have paid $5,000,000 in stock, I understand they may issue $5,000,000 bonds, if they can get anybody to lend them the money.

Mr. GEORGE. What about the stock after the $5,000,000? Can they issue any amount of stock and put it on the market?

Mr. HOAR. "No certificate;" that applies to all stock, whatever amount they fix, whether five millions, or ten millions, or twenty millions—

No certificate for stock shall be issued till at least 10 per cent. of the same shall be fully paid for in money, * * * and said stock shall not be assignable.

So nobody can have it but the first owner until it is all paid up, whether three hundred million, if they see fit, or one hundred million.

Mr. CALL. I offer my amendment to come in as an additional section.

That the capital stock and bonded debt shall not exceed the actual and reasonable cost of the construction of such railway, and the rates charged on freight and transportation shall not be any greater than is necessary to pay a reasonable interest on the amount expended in the construction of said railway and for the necessary repairs and operations and improvements.

Mr. VEST. I hope the Senator will not insist on that. I am willing to take almost any amendment to get rid of this bill; but it is impossible for Congress to interpose at this time and say in the beginning of a novel enterprise, into which the United States does not put a dollar, what the charges that shall be made for transportation shall be. That is a question which Mexico has dealt with in the concession.

Mr. HOAR. It also enters into the question of the actual and legal validity of the bonds issued. Suppose a *bona fide* holder in Europe takes $10,000,000 of these bonds, and in order to make them good for anything he has to prove that they were within the limit? Nobody would take the bonds with that amendment in the bill.

Mr. VEST. Exactly; it leaves the whole question in such a condition that nobody who ought not to be put into a lunatic asylum *eo instanti* would put one dollar in this enterprise. How is it to be proved in New York or in any money market that no more bonds have been issued than the actual construction of the railway required? How can you fix now what is a reasonable rate of transportation when here is a concession from Mexico which fixes the maximum of charges to be made upon this road?

I beg the Senator from Florida not to press this amendment. Give Captain Eads at least a living chance in this matter—a man who has taken the chances he has. If capitalists are willing, after examining this matter, to put their money into it, let them do it without being obstructed by suggestions made here hurriedly to-day.

Mr. CALL. I do not think there is any soundness in the objections which have been made to the amendment.

In the first place, this is a very unnatural act of incorporation. We are legislating here, creating a corporate body to control and regulate property under the jurisdiction of another government. Of course that is anomalous. Our legislation is entirely void, extra-territorial. We know it can have no operation. We are making a corporation like the East India Company, but unlike it in one respect. It is like it in this respect, that it is to act in foreign jurisdictions and over property in another and different country. We are here now endeavoring to provide such regulations as will enable this power to be exercised without detriment to the people of this country.

Now what is the way to do that? This is a railway that is proposed to transport ships bearing productions for the consumption of this country. This is a railway that is proposed to be built with the money of the people of the United States. It will affect every person in it. But when we legislate here we do it upon the assumption that we are to have some control over this property, located, as it is, in a foreign country. What is the object of this incorporation here but to give assurance to the world that this great country has some superintending power, some interest in it? There is no other object. This corporation had better be in Mexico unless we are to regulate it and make some provision not only for the protection of those who control and direct it, but also for the people who invest their money in its stock and bonds, and for the people who will consume the products which it will bring to market, and who will ultimately pay both its cost of construction and all other charges which it may impose, and whose money will be lost should it prove a failure.

Mr. President, in whatever form the power to affect this railway and its franchises exists, when we create a corporate body for that purpose it is our duty to impose the proper limitations upon it. Will any one say that a corporation shall be permitted to increase its bonded indebtedness and its capital stock beyond the money actually used in the construction of the work, two, three, four, or five times; to plunder the people of the country by the exercise of a power of taxation based upon nothing, for money never used? Why, sir, this country rests now under an annual indebtedness of $400,000,000, which is taking from every poor man in this country the proceeds of his labor, owing to improvident legislation; and here is another scheme to bring about the same results, and one which I think will be an injury to Captain Eads and to this great work. Every corporation should be limited in the amount of debt which it can create, and all its franchises should be held subject to the will of the people. If this project should be successful, as I think it will be, we shall have given an unlimited power of taxation, of oppressing and burdening the people and the commerce of the world. Far better would it be to pay $100,000,000 out of the Treasury.

As to the objection that has been made, "how will a man know whether bonds have been issued in excess of the actual and reasonable cost," it is the business of the corporation, it is the business of legislation here to see that that information is furnished to the public; and if you can not create corporations without giving them the power to tax the people for money not used and not expended, you had better not create them at all. What use will this railway be if it is to tax at enormous rates the through freight and transportation of the productions of this country? What value will it be if this stock and these bonds are to be issued for twice the cost of construction and sold in this country to widows and orphans, as the phrase is so often used, as investors, or to honest poor people who may be induced to put their small savings in by the expectations of important results from it? I do not see any force in the objection that it is not the duty of the legislator to provide in creating a corporation that these results will not come upon the people.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. GEORGE. What has become of the amendment offered by the Senator from Nebraska [Mr. VAN WYCK] which was amended by the Senator from Massachusetts [Mr. HOAR]?

The PRESIDING OFFICER. The Chair understood the amendment of the Senator from Nebraska as modified by the amendment of the Senator from Massachusetts was adopted, and by common consent was afterwards modified by inserting a word.

Mr. MORGAN. I move to strike out "Secretary of the Interior" where it occurs, I think in line 6 of section 3, and insert "president of the company."

The PRESIDING OFFICER. The amendment will be stated.

Mr. VEST. I have no objection to it.

The PRESIDING OFFICER. If there be no objection the amendment will be made. Will the Senator from Alabama call the attention of the Secretary to the precise point where the amendment is to be made? It will be read so that there may be nó mistake about it.

The CHIEF CLERK. In section 2, line 6, it is proposed to strike out the words "Secretary of the Interior" and insert "president of the company;" so as to read:

When the president of the company shall certify that not less than $5,000,000 has been subscribed to said stock by responsible persons, &c.

Mr. GEORGE. I desire to ask the Senator from Missouri whether, as the bill now stands after that amendment, any act is required to be performed by any officer of the Government of the United States in reference to this company?

Mr. VEST. None at all; no act by any official of the United States.

Mr. CALL. I offer an amendment to insert additional sections, which I send to the desk to be read.

The CHIEF CLERK. It is proposed to add as new sections the following:

SEC. —. That the power to alter, amend, or repeal this act of incorporation is hereby reserved to the United States.

SEC. —. That the Government of the United States shall have the right at any time to acquire the ownership and control of the property of this corporation, at such price as shall be ascertained by a fair appraisement of its value by appraisers, one of whom shall be appointed by the United States and the other by the said corporation, and a third who shall be selected by the two appointed persons: *Provided*, That the Government of Mexico shall first consent by treaty with the United States of America to the purchase of the property of said corporation in Mexico.

Mr. PLATT. Is that amendment divisible?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. PLATT. Then I wish the question might be first taken on the first section of the amendment.

The PRESIDING OFFICER. As a division of the question has been called for, the question then will be first on the adoption of the first section of the amendment of the Senator from Florida [Mr. CALL] to the substitute offered by the Senator from Missouri [Mr. VEST].

The Chief Clerk read the first section of the amendment, as follows:

SEC. —. That the power to alter, amend, or repeal this act of incorporation is hereby reserved to the United States.

Mr. MORGAN. I understand that is in the bill now.

Mr. VEST. It is in the bill, but with the condition that it shall not interfere with the equitable rights of the company.

Mr. PLATT. Do I understand that it is or is not in the bill now?

The PRESIDING OFFICER. The Secretary will report the provision in the substitute on that subject.

The Chief Clerk read as follows:

That Congress shall at all times have the power to alter, amend, or repeal this act when in its judgment the public good may require, but not in violation of the rights of the company considered in equity.

Mr. VEST. The latter clause of the amendment might be stricken out.

The PRESIDING OFFICER. Does the Senator from Florida modify his amendment?

Mr. CALL. I modify it and strike out that clause.

The PRESIDING OFFICER. The amendment as modified will be read.

The CHIEF CLERK. In line 3 of section 10, after the word "require," it is proposed to strike out "but not in violation of the rights of the company considered in equity;" so as to read:

That Congress shall at all times have the power to alter, amend, or repeal this act when in its judgment the public good may require.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The question now recurs on the remaining amendment of the Senator from Florida [Mr. CALL], which will be read.

The CHIEF CLERK. It is proposed to insert, as an additional section, the following:

SEC. —. That the Government of the United States shall have the right at any time to acquire the ownership and control of the property of this corporation, at such price as shall be ascertained by a fair appraisement of its value by appraisers, one of whom shall be appointed by the United States and the other by the said corporation, and a third, who shall be selected by the two appointed persons: *Provided*, That the Republic of Mexico shall first consent by treaty with the United States of America to the purchase of the property of said corporation in Mexico.

Mr. MAXEY. The Senator from Missouri was asked in what grant of power on the face of the Constitution he found the authority to pass this bill; and he referred to the commerce clause of the Constitution, which grants to Congress power to regulate commerce with foreign nations, among the States, and with the Indian tribes. I have not been able to satisfy myself that the power exists there. I do not concede that point.

It occurs to me that we are creating a corporation to transact business in a foreign country having no connection whatever with the business of transportation in the United States. It is absolutely extra-territorial. The country over which the proposed railroad, if built, will pass is not under the control or jurisdiction of the United States Government in any form whatever.

Now, suppose you create this corporation and a controversy should arise between it and persons within the country where it is proposed to run its road. The courts there would have jurisdiction of the cause of action and no other court as far as I know. Now, suppose this corporation were to bring suit, in my judgment a plea in abatement that this corporation is not a person created by the law of the country where the road runs, but by a foreign country, that this corporation is not recognized by the laws of that country, and that really it has no existence in point of law there would be held good.

So I am not able to see on what authority of the Constitution under any clause whatever we have this power.

Various cases have been enumerated by Mr. Justice Story in his commentaries on the Constitution, where power has been held to exist by implication. In every one of those cases the Supreme Court has gone to the clause giving the authority from which the incident follows. I know of but one single instance in the entire range of the decisions of the Supreme Court of the United States where that is not done, and that is in the last decision affirming the constitutionality of the greenback law, where it is conceded that there is no one power of the Constitution where this authority can be located, but out of various streams of power flowing into one common general stream there can be found enough to locate the power. That always appeared to me to be one of the wildest and most inconclusive decisions; and no wonder that it has been received as it has been.

It occurs to me that we ought to look well to what we are doing. The Senator from Massachusetts puts an amendment on requiring that $500,000 of stock shall be taken *bona fide*, and I believe the Secretary of the Interior is to determine upon that. Now, I remember very well that we have gotten ourselves into difficulty time and again by a sort of quasi-recognition of the existence of corporations by Congress. For instance, in the case of the New Orleans exposition we appointed commissioners, and they invited foreign governments to be represented, and it was thought foreign countries would have a right to suppose that the Government of the United States recognized that and indorsed it, and in point of fact we lost about a million and a half dollars by it.

I have just learned that the clause about the Secretary of the Interior has been stricken out. Certainly I know of no clause in the Constitution where this power can be properly lodged. Congress has the power to regulate commerce with foreign nations, the widest stretch of power we possess. Can Congress under that clause of the Constitution build a railroad entirely beyond the limits of the United States, and having built that railroad claim that that aids in the regulation of commerce when Congress has no power on earth over that railroad when built? The answer seems to me to be conclusive.

Whilst I have the greatest desire to aid in this great measure—for I regard it as such—I do not see how we can pass this bill. I admit that the United States Government has the right to purchase the right of way and get the jurisdiction over that right of way across the Isthmus of Tehuantepec. I have no doubt about that. The case of the American Insurance Company *vs.* Canter, in 1st Peters, settled the question conclusively that Congress has the right to acquire territory by the war-making power or the treaty-making power, and we have to-day the Territory of Alaska entirely disconnected with any territory belonging to the United States. If under the provision for the common defense we found it to our interest to purchase the right of way and to acquire jurisdiction of the right of way in that territory, then we could make an appropriation and build that railroad to be under the control and jurisdiction of the United States, and any cause of action arising on it would be triable in our own courts; but that is not the proposition here. We incorporate a company which does not do one thing effective within the limits of the United States, but is to build a railroad over which when built we have no control whatever. Therefore I can not see what authority we have for the passage of this bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on the adoption of the substitute of the Senator from Missouri [Mr. VEST] as amended.

Mr. MORRILL. Mr. President, as the bill now stands bonds may be issued bearing any rate of interest, 6, 10, or 20 per cent., and may be sold at 90 per cent of the par value or 50 per cent. I think in order to guard against anything of that kind my friend from Missouri will accept an amendment that I propose to come in on page 3, after line 43, of the substitute which he proposes.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to insert the following proviso on page 3, after line 43:

Provided, That the rate of interest on all bonds issued shall be fixed at the rate of 6 per cent. per annum; and no bonds shall be sold or disposed of without the payment of not less than 90 per cent. of their face value.

Mr. HOAR. It seems to me that it is exceedingly unreasonable to say to a corporation which is to pursue its business in a foreign country, largely to depend on foreign capital, that there shall be arbitrarily fixed a rate of interest at which they shall issue all their bonds, especially that you shall compel them to do what we have said expressly the United States of America shall not do on its bonds. We have said that the bonds of the United States shall pay not more than 3 per cent. per annum. Why should this company be compelled to fix this arbitrary rate?

Mr. MORRILL. If this money is to be raised, it is to be raised in the United States.

Mr. HOAR. Oh, no.

Mr. MORRILL. Unquestionably the expectation is that it will be raised nowhere else. I desire, therefore, that this corporation shall be a real one, a *bona fide* one, and one that will deceive nobody. It strikes me, therefore, that 6 per cent. interest, with the privilege of selling their bonds at 90 per cent. of the face, is sufficient latitude for the disposal of the bonds.

I have no disposition to hamper this company, and I hope it will be successful; but I do think that we ought to guard our people somewhat from subscriptions to these bonds that may be disposed of in all parts of our country, at any rate at a time when they may not be worth anything. I hope that time never will arrive, but I think it ought to be guarded against by some provision of this kind.

Mr. GEORGE. Will the Senator from Vermont accept 8 per cent. instead of 6.

Mr. MORRILL. Yes; I have no objection to that. I modify the amendment so as to make the rate 8 per cent.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. VEST. The bill will be defeated by this sort of amendments. The Senator from Vermont says all this money is to be raised in the United States. On the other hand, the larger portion of it in all probability will not be raised in the United States. It is not expected that the bonds will become a public loan and go around this country to Mr. Smith and Mr. Jones. We know that the character of this enterprise will not induce that sort of investment. The money put into this enterprise will come from capitalists who we know will scan with critical acumen every provision of the act, and not a dollar will be put in until it has passed through the hands of the most eminent legal counsel, and then will be put in on the responsibility of men whose whole lives have been devoted to this sort of investments of money. It is not true that this money is to be raised in this country. This is a most extraordinary provision fixing the rate of per cent. upon the bonds of the company for the company itself, and yet this Government does not give it one dollar. We are here spending three weeks in all sorts of constitutional discussions and in the most hypercritical amendments, as if this money was to come out of the Treasury of the United States directly.

Here is an enterprise that was rejected in the first place as utterly impracticable, the idea of elevating a ship for 600 or nearly 750 feet, and passing it 140 miles from ocean to ocean. It was said to be utterly impracticable, the dream of a visionary, of an engineering enthusiast, whilst admitting on all hands that the enterprise itself if successful, would achieve results of the most illimitable importance to this country and the commerce of the world. We are not investing a single dollar; and now a provision is put in that in no contingency, directly or indirectly, shall this Government be responsible for one cent, advertising to the whole world the fact that if they put their money in they put it on their own judgment. We are now a paternal Government and take possession of the judgment of all the people of the United States and say to them, "You are incapable of investing your own money, and we will take care that you are not robbed by these enterprising men."

Mr. GEORGE. I should like to know the purpose and the object of acquiring the charter of this company from the Government of the United States when it is known that we can confer no right or power on this company to do the work, but that power and that right must come from a foreign government. Why is it now that an act of incorporation is sought for from the United States instead of from Mexico, where the corporation is to have its life and being? I should like to know that. What reason is there for it? There must be some.

Mr. VEST. For the simple reason which I suppose is patent to everybody that these gentlemen who are engaged in this enterprise are American citizens; that there is not one of them who does not desire, besides his own personal interest, the welfare and glory of our common country. That, it seems to me, is answer enough.

Mr. GEORGE. How would the Senator like if a lot of Mexican gentlemen and capitalists proposed to cut a canal across the peninsula of Florida, that they should get a charter from the Mexican Government instead of from our Government?

Mr. VEST. If they received an incorporation from that government, no intelligent or honest man could object to it. They are Mexican citizens; and where would they go for an incorporation except to their own government? When they sought a field of operations they might find it in the United States or England or Asia, or anywhere else; but the vitality of their legal existence must come from their own government. It is too plain, it seems to me, to be denied.

Mr. GEORGE. Is not the Senator perfectly aware that no corporation created by one government can exercise any function within any other country without the consent of the government in whose jurisdiction they operate?

Mr. VEST. I apprehend that; and any tyro in the law that would deny such a proposition ought to be put out of a lawyer's office. Who holds that we have any extra-territorial authority? We are not giving these people permission by force of any charter that we grant them to do anything in Mexico. When they go to Mexico they become subject to her laws, as every foreigner who comes to the United States becomes subject to our laws.

As I said the other day, the corporations that come here every day for bridge charters do not get their vitality from the United States, but they get it from the States; and when they come here to get leave to put up a bridge structure across a national stream under the jurisdiction of this Government, they get that power from the Congress of the United States, and no Legislature of a State can give it to them. Captain Eads could have gone to a State but for the fact that in the laws of all the States the amount of capital in the first place is circumscribed, and then in nearly all of them, I believe in every one I have examined, the incorporators are required to be citizens of that State. Here is a great national object, affecting the commerce of the whole world in regard to which the United States Government must act as an entirety, not by States, but as the Government of the whole Union under the commerce clause of the Constitution, which gives us the power to regulate commerce with foreign nations.

For these reasons they come here for this act of incorporation, and for none other.

Mr. SHERMAN (Mr. DOLPH in the chair). Mr. President, the Senator from Missouri has acceded to all those reasonable conditions and limitations which are necessary to protect the *life of a corporation*, to make it a real corporation, to guard its stockholders against an excessive issue of stock and an excessive issue of bonds. This bill now contains all the ordinary limitations that are imposed upon corporations created by the laws of the United States. I am not disposed to cripple these corporators, who are about to undertake a great enterprise like this, by any unreasonable limitations such as the one now proposed.

To provide, in the first place, for the sale of these bonds at 80 per cent. or 90 per cent. of their par value is an impeachment of the credit of the company. It is assumed or presumed that they will raise money upon bonds. These bonds will not all be sold for money. The great body of them in the ordinary course of business would not be sold for money at all. They would be sold in exchange for labor or commodities or in the payment of contractors. For instance, this great corporation when it comes to buy iron in large quantities will pay for it in bonds.

Now, to fix a minimum price upon these bonds, a limited price, would only be to embarrass the company in undertaking this enterprise. The truth is, if we intend to assist by giving corporate authority to an association of Americans and other citizens to build this great work, we ought to give them as wide a margin and as liberal a leeway as possible. They will have a great undertaking to execute. There will be times of deep depression in the course of such an enterprise; there always are. To say that they shall not use their bonds except at a certain price would be to cripple them and probably break them at a time when they must have the means even at a sacrifice to carry on the enterprise.

I sympathize a good deal therefore with the Senator from Missouri in his struggle over this bill. It seems to me now, since he has himself proposed all these essential conditions that are necessary to protect the people of the United States, limiting the amount of bonds and the amount of stock, and containing provisions which will guard the organization of this corporation by requiring the corporators to meet, and all those essential conditions that the Committee on Foreign Relations thought necessary to put into the Nicaragua Canal bill, he has gone far enough; but to say that these bonds shall be sold at par, or that the stock shall be subscribed and paid for at par before any work is done, or before any bonds can be issued, or to provide for the sale of bonds at not less than 80 or 90 per cent., will only hamper the enterprise. Suppose a time should come in the progress of the work when there may be a panic or a financial crisis; the company may have in its treasury these bonds, and it may not be able to pay its debts because it can not sell its bonds upon the terms imposed by this act of incorporation. There was a time when the State of Ohio was so crippled in her financial condition that she sold her bonds at 50 cents on the dollar in order to maintain the public credit of the State.

It has always been one of the proudest boasts of the people of that State that, although at one time when they were in debt and involved in their system of public improvements and their credit ran down, they actually did sell their bonds, bearing 6 per cent. interest, at 50 cents

on the dollar. Our Government sold its bonds in the midst of the civil war at 40 cents on the dollar in gold. Suppose there had been some rule established then by Congress that the Government should not make this sacrifice in order to carry on our war, what would have been the result of such a proposition as that? If this company is to be organized, give it all the powers of a corporation, the power to use their stock, and all their bonds, and all their credit, and all their means in order to maintain the enterprise and carry it to successful execution.

I therefore would not limit in any respect the price at which they should sell their securities. As a matter of course the owners of the stock have the deepest interest in obtaining the highest price for their securities, because their fortunes are involved in getting as much as possible for these bonds. The provision requiring that they must be sold at 80 cents on the dollar would probably induce bankers to demand at once at the commencement the bonds at 80 cents on the dollar. It might prevent the corporation we have chartered for a great purpose from getting more than 80 cents on the dollar for their bonds.

It seems to me that is not the way to deal with this corporation. If we are to grant the stockholders corporate powers to aid them in this enterprise in a foreign country, we ought to give them full and absolute power of disposition to the extent of the stock and bonds which we think sufficient to build the railway, and make no stipulation that may hereafter embarrass, curtail, bankrupt, or destroy them, with ample means in their hands to carry on their enterprise.

It appears to be the general sense of the Senate that we should create this corporation without any liability on the part of the Government. Having protected our own citizens and required the regular orderly mode of creating a corporation so that every man knows precisely how much stock he gets, then I would leave it to deal with the people at large and get money where they can, not only in this country but in foreign countries. The probability is that these securities will travel all over the world, just as the securities of all great corporations are sold all over the world.

Mr. HOAR. I should like to ask the Senator a question, as he is a man of experience. I ask whether the requiring in the present condition of the money market the corporation to put 8 per cent. as the rate of interest would not materially injure its credit?

Mr. SHERMAN. Undoubtedly it would. A corporation that was expected in the outset to raise money at 8 per cent. would be considered a bankrupt corporation, because now no one would begin a great enterprise on the basis of a higher rate of interest than 4 or 5 per cent. Nearly all the great corporations of our country are now borrowing money at 4 per cent., and nearly all the bonds bearing more than 4 per cent. issued by any great corporation of this country are now sold above par. Take the Baltimore and Ohio Railroad Company and the other competing railroad companies, none of which have undertaken a work of greater magnitude than this. Suppose they in the beginning of their operations had been cabined and abridged in the use of their credit in times of necessity, they could not have executed the magnificent lines of railroads that now carry our vast internal commerce.

I am therefore willing to let these corporations have this act of incorporation; and I say Godspeed to Captain Eads, and everybody else who may aid in this enterprise. Do not, after granting them this naked power, which is a convenience to them, a means by which they can organize their company and sell their bonds in foreign markets, cripple them by paper restrictions which will limit their credit, impair their strength, and perhaps at a critical moment bankrupt the corporation and defeat the great and beneficent object they seek to accomplish.

It is sometimes asked, why not compel them to take a Mexican charter? The Senator from Mississippi makes the inquiry, why should the United States step in and help this enterprise? Does he not know that all the great corporations in Europe, every one of them, including the Bank of England, has power to deal in all the countries of the world? And it is necessary for a corporation like this undertaking a great enterprise in Mexico, not only to deal with Mexico but with all the commercial nations of the world, because these bonds will go everywhere wherever money is cheapest and most abundant. When the Senator says they ought to take a Mexican charter he only shows that he does not appreciate the enormous advantage, the enormous power which the Government of the United States exercises in the money markets of the world compared with that of Mexico. Mexico has gone through many serious embarrassments. She has become almost bankrupt at times. The advantages of an American incorporation when such an enterprise as this is to be undertaken are very great.

Take the Nicaragua Canal. Suppose that enterprise depended only on the act of the Government of Nicaragua, a country of but a few hundred thousand inhabitants, a country the value of whose property is not equal to that of any of the States of our Union. Does not any one see that a corporation authorized and organized by that government alone would have insufficient credit in the money markets of the world—no such credit as would justify an undertaking costing the sum of $100,000,000, a sum greater probably than the value of all the property in Nicaragua? Take even Mexico, while it is now in a flourishing condition, more hopeful than ever in all its history, and while it has a more stable government now than ever before, yet the strength and credit of this government compared with ours would not justify a corporation authorized only by a concession from it to undertake so great a work. They have less population, less extent of territory, less wealth, less pretensions to credit and stability. A corporation granted by Mexico would be somewhat weakened by the former financial history of Mexico in many important crises. Therefore business men would not invest their property in a corporation dependent alone on the power and will of Mexico, while on the other hand the United States now is recognized in all the world as a stable Government, a powerful Government, now of 60,000,000 people, perhaps the richest in the world.

Congress grants to its own citizens this corporate authority, and that corporation goes into the markets of the world with an established credit, first because it is authorized by the United States, which will protect the corporation in the exercise of the powers conferred upon it; next, because it is composed of American citizens of known and established wealth and credit. They subscribe money to these bonds and to this stock. That at once gives it a status and a place on the lists of all the commercial countries of the world. It is an American security, not a Mexican security. It therefore has great advantages.

But still, even in this corporation, backed by this corporate authority and by the supposed strength and wealth of our people and of these corporators, there may be times in its history when it will be extremely difficult for it to raise money upon its bonds or its stock. Would you then cripple it from using what it had at such rates as the law of necessity compelled? Certainly not. Therefore, I am perfectly willing to leave to these corporators the management of their own affairs, of their bonds and their stock, protecting them in their organization, limiting them in their powers if you please, but then leave them to dispose of the bonds and stock by their own selected agents in order to accomplish the purpose of the corporation, knowing that they are more deeply interested in success than anybody else.

If they should issue bonds and stock recklessly and without consideration, then they would lose all which is involved in this enterprise—the enterprise would fail. It is only by maintaining the credit of the organization, giving them full power to use all their means to carry this work into successful execution, that they may accomplish it. If they do accomplish it they will accomplish one of the great feats of modern times.

Therefore, for one, I will not vote for even so plausible a proposition as this, because you can not say—my friend from Vermont who is a cautious and careful man, just in all things, can not say—what time will bring forth; he can not say that an exigency may not arise when these men will be compelled to sacrifice their bonds in order to preserve their existence, carry on their work, and pay their debts; and he ought not to cripple them, and we ought not to cripple this corporation by a condition which in time of exigency would bankrupt them because they are not enabled by the terms of this charter to use the means at their command. I shall vote against the amendment.

Mr. MORRILL. Mr. President, I would by no means cripple this incorporation, and I do not intend to vote for anything that I think will cripple the people of this country.

Evidently this corporation is to be gilded by being incorporated by the Congress of the United States. If we can afford to gild them with our authority, we ought to give them something on which the public confidence may rest with entire security. The idea that Mexico has any capital to invest in this, or that any foreign country, our rivals, will invest in any project of ours of this sort, is about as wild as it would be to undertake to catch larks at noonday.

Mr. President, perhaps I accepted the suggestion of the Senator from Mississippi too hastily. I will modify my amendment so that it shall read "not exceeding 8 per cent." in the rate of interest. The Senator from Ohio was mistaken in supposing that it was 80 per cent. of the face value of the bonds that I provided for in the event of a sale of bonds.

Even by the Senator from Ohio it is admitted that there may be times of depression when this company may be under the necessity of disposing of the bonds or stock at less than par value. I do not want to witness what the French people have witnessed—a general distribution of the bonds all over the country at any rate, put at such a vast discount that they will tempt ignorant people to subscribe for them.

I therefore think it is no more than just and proper that we should fix the rate at which they may dispose of the bonds so that it can not be at a greater discount than 10 per cent. discount from the face value. It strikes me that this will strengthen the incorporation. If I thought otherwise I should not introduce the amendment. I believe that it is a just and proper one, and I shall certainly abide by the vote of the Senate on it, and I shall ask a vote by yeas and nays.

Mr. HALE. Mr. President, the Senator from Ohio has presented this subject in a new and rather startling way. He is either more unwary or franker than the advocates of the proposition who have spoken before, for he tells us plainly that as a Mexican corporation, as an enterprise depending upon the power, or the solvency, or the financial soundness of Mexico, it would be good for nothing and that it needs the sustaining and upholding hand of this great, rich people to make it good for anything. I am very glad that the Senator from Ohio with his keen insight into any measure involving large financial transactions and with

the care that he invaribly bestows upon the interests of the United States on all subjects, has told us plainly what this means. He says that in order to float the obligations of this corporation, which it has been held heretofore is purely foreign in its liabilities, in its obligations, and in its work, it needs an incorporating act of the United States Congress so that it shall be considered, not a Mexican enterprise, but an American enterprise, and in this view, in which I fully coincide with him as to the results, which I for one thank him for shadowing forth here, I offer an amendment to the amendment offered by the Senator from Vermont.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Chief Clerk read as follows:

That the United States shall in no respect whatever be responsible or liable for any debt or obligation of said company or for any of its transactions.

Mr. VEST. That is in already.

Mr. HALE. It is difficult to know just now, with the many amendments that have been offered, with the change in the text, whether this be in the substitute as proposed. If the Senator from Missouri can show me or can have read from the desk that this proposition in terms is in, that will answer my purpose; but it was not contained in the original proposition, nor in any amendment that I have heard read.

Mr. VEST. Let it be read from the substitute I have offered.

The PRESIDING OFFICER. It will be read when found.

The Chief Clerk read as follows:

SEC. 7. That nothing contained in this act shall be so construed as to involve the United States in any pecuniary obligations whatever other than the payment of tolls as hereinbefore provided for.

Mr. HALE. I do not like that phraseology so well as mine, but it is near enough to it, so that it will cover the purpose, and I withdraw my amendment.

Mr. HOAR. I wish to say one word only in regard to the amendment of the Senator from Vermont. I have no doubt that the Senator from Vermont is a man of excellent credit in his town and neighborhood. I am not a possessor of much property, but I think I have some credit in mine. If any Senator in this body, the Senator from Ohio, the occupant of the chair [Mr. DOLPH], the Senator from Vermont, or the Senator from California or anywhere else, should take his bond and go to the banks or careful people in his own city and put on to them, in this stage of the money market, a bond in which he promised to pay at a future time with interest at the rate of 8 per cent., the people would turn their backs on the bond and say "that is a confession that he is bankrupt." The Senator from Vermont never dreamed of putting that into the Nicaragua bill, and it is intended to give this thing a black eye and nothing else.

Mr. MORRILL. The Senator from Massachusetts will understand that the amendment does not fix the rate at 8 per cent.; it may be 4 per cent.

Mr. HOAR. But as you offered it——

Mr. MORRILL. I accepted the amendment of the Senator from Mississippi, and have said that it shall be not exceeding 8 per cent.

Mr. HOAR. As the Senator offered the amendment first he had it 6 per cent.—the current rate of interest being a little less than 3 for our bonds, almost down to 2—without any "not less." Then he put it not less than 8. Now he suggests this other change. The Senator will not say that it ever entered into his head to offer that as a proposition for amendment to the Nicaragua Canal bill.

Mr. MORRILL. The Nicaragua bill is not before us.

Mr. HOAR. I know; but if it had been the Senator will not say he ever thought of making such an amendment to that.

Mr. GEORGE. I will not detain the Senate long.

The Senator from Ohio did not understand the object of my asking the question about the necessity or propriety of having a charter from the United States. He admitted, as I expected he would admit, that it was necessary in order to give the company credit with which to raise money upon the mere fact that this corporation was chartered by the United States. If that be so, that being the sole object of it (and there can be no other), then is it not the duty of the Congress of the United States, when it grants the charter for the purpose of enabling this company to raise money, to make such provisions in reference to the raising of money as will be safe to the investors?

I cannot exactly understand the position taken by the Senator from Ohio, and also by the Senator from Massachusetts. On one part of this case, they come before us and say that if the company was to put out its bonds at 8 per cent., if the richest man in the Senate or the richest man in this country was to put out his bonds at 8 per cent., it would be a confession of bankruptcy and nobody would loan him any money. They say that the money ought to be obtained by this corporation at much less than 8 per cent.; and yet at the same time when they make this statement they complain that the maximum of 8 per cent. prescribed in the amendment offered by the Senator from Vermont is an undue restriction upon the power of the company to sell its bonds at any rate of interest it may see proper—50 per cent., or 50 per cent. discount. I can not understand how these two positions can stand together. They seem to me to be inconsistent and antagonistic.

Now, Mr. President, I wish to make another suggestion. Of course I know nothing about finance, and I speak with very great diffidence on any subject of that sort. The Senator from Ohio probably knows more about it, I will state candidly and frankly, than anybody in the Senate; we all acknowledge that. But I submit to him and to the Senate that it would not add to the credit of these bonds if the investors who bought them knew by the charter after having bought their bonds at a fair price, that similar bonds to any amount whatever could be put out on the market at any price and at any rate of interest, thereby destroying the value of their security. Is it not a very plain proposition? If a corporation came to you, Mr. President, and said "I have got so many bonds I want to sell at par, at 8 per cent. interest, or 6 per cent. interest," would it not be a consideration in your determining whether you would buy those bonds or not, to know that no other bonds could be issued by that corporation unless they got the same amount of money for the same nominal amount of bonds that you paid for them? It seems to me instead of being a restriction on the credit of the company it is a very great aid to it. It must be upon the faith and confidence that bonds will not be kited in the market at any rate of interest and at any rate of discount.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. CALL. Mr. President, we are told that this corporation proposes to issue bonds; bonds that are to have their credit in Europe because they are issued here. What are these bonds? What credit are they to have in Europe? They are bonds upon property over which this country has no jurisdiction. They are bonds that European capitalists are supposed to invest in, but it is the money of the poor man that supports these securities, the accumulations of labor that are gathered together in the course of business by capitalists. They will say, "Here is a bond issued by a corporation of the United States, whose courts have no jurisdiction to enforce it in their territory, the property which is responsible being beyond their means of control, which they can not make good in any shape or in any form." This will not constitute a basis for credit. The credit of this corporation must depend on its business management, on the sound business principles on which it is based; and this will chiefly rest on the conditions and limitations which you create here. Investors in Europe or America will be unwilling to trust their money to a corporation which may issue an unlimited amount of bonds.

Why, Mr. President, that is impossible. That can give no security for them. The corporation is of necessity intra-territorial. The Senator from Missouri says a tyro in the law knows that, but yet this corporation is predicated upon the idea that it will have the credit of the courts of the United States and the process of the United States to hold the property of the corporation amenable for the bonds. That is all the bond is. Only a pledge of the property of the corporation, and this will not be subject to our power.

This corporation is intra-territorial. It can have nothing whatever but the money paid by the people of the United States or by people in Europe who may purchase the bonds and stock. That is all the property it can have subject to the power of this Government or the courts here. Therefore it is no more than any other corporation. It has no connection with the Mexican enterprise as a matter of law and can not have any. It is simply an act of incorporation enabling these persons to subscribe for stock, to have succession, to own property within the United States or elsewhere if other countries shall see fit to permit them, but it is here that they have jurisdiction over the property that may be acquired here.

Now what is the proposition? That we shall have no regard for the people of the United States and their interests who shall invest this money, that this corporation may issue $1,000,000,000 of bogus stock and never do anything whatever in the construction of the work, that the amount of indebtedness which they may be permitted to create on the people of this country who may be induced to put their labor in it shall not be secured. In other words, the Senate say "we care not for the people of the country, we care only for the rich, the capitalist, the managers, to protect them," and not the investors—the men who pay their money.

Mr. MAXEY. I would ask the Senator from Florida in connection with his argument to consider this suggestion:

Suppose this company were to give a mortgage, as is very common, upon the road, road-bed, and franchises, where and how does he propose to foreclose that mortgage?

Mr. CALL. This Government can have nothing to do with it; it is in a foreign country. Therefore I say that while I am entirely in favor of giving Captain Eads any and every encouragement, while I am willing to vote, and think the only proper way is to vote money out of the Treasury of the United States to conduct this work under the control and direction of the Government of the United States—while that is my preference and my idea and I am willing to vote for a corporation to enable them to collect money here, to issue bonds and stock and have the power of succession to manage their affairs, I am not willing to turn over the people of the United States to them without any protection. I am not willing to permit the corporation to issue stocks and bonds without limit and sell them without regard to the construction of the work or its cost, and I am surprised that such a proposition

should be made after the trouble we have had in this country from this cause, and the serious dangers that now menace us from the power of taxation of the people given to corporations, without limiting and restraining them in their exercise of it.

Mr. MORRILL. Mr. President, a single word more. I confess that the prompting of this amendment was the practice of De Lesseps in relation to his canal. I understand that De Lesseps has flooded France with bonds. If this company is organized, a year after it begins to issue bonds the payment of interest will become due and it will have no other means of making payments of the accruing interest on the bonds than that pursued by De Lesseps, which was to issue new bonds at 75 cents on the dollar for the payment of the interest on the previous bonds. I do not desire to see that practice permitted by anything that we shall do here, and therefore I propose the amendment which I have offered.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Vermont [Mr. MORRILL], on which he called for the yeas and nays as the Chair understood.

Mr. MORRILL. Yes, sir; I desire the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLQUITT (when his name was called). I am generally paired with the Senator from Rhode Island [Mr. CHACE]. He is now paired with the Senator from Nevada [Mr. FAIR]. So I vote "nay."

Mr. CULLOM (when Mr. HALE'S name was called). The Senator from Maine [Mr. HALE] is paired with the Senator from South Carolina [Mr. BUTLER]. If the Senator from Maine were present, he would vote "yea" on this amendment, and "nay" against the bill finally.

Mr. MAXEY (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]. If he were present, I should vote "yea."

Mr. PAYNE (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, I would vote "nay."

Mr. COKE (when Mr. VOORHEES'S name was called). The Senator from Indiana [Mr. VOORHEES] on this question is paired with me. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. BOWEN. My colleague [Mr. TELLER] is paired with the Senator from Arkansas [Mr. BERRY].

Mr. BLACKBURN. The Senator from Illinois [Mr. CULLOM] has transferred the pair between the Senator from Nebraska [Mr. MANDERSON] and myself to the Senator from Delaware [Mr. GRAY]. I therefore vote "nay."

The result was announced—yeas 10, nays 42; as follows:

YEAS—10.

Berry,	George,	Morrill,	Wilson of Iowa.
Call,	Jones of Arkansas,	Platt,	
Edmunds,	McMillan,	Van Wyck,	

NAYS—42.

Allison,	Dawes,	Hoar,	Saulsbury,
Beck,	Dolph,	Ingalls,	Sawyer,
Blackburn,	Eustis,	Jones of Nevada,	Sherman,
Blair,	Evarts,	Kenna,	Spooner,
Bowen,	Farwell,	Miller,	Vance,
Brown,	Frye,	Mitchell of Oreg.,	Vest,
Cheney,	Gibson,	Morgan,	Walthall,
Cockrell,	Gorman,	Palmer,	Whitthorne,
Colquitt,	Hampton,	Plumb,	Williams.
Conger,	Harris,	Pugh,	
Cullom,	Harrison,	Ransom,	

ABSENT—24.

Aldrich,	Fair,	Mahone,	Sabin,
Butler,	Gray,	Manderson,	Sewell,
Camden,	Hale,	Maxey,	Stanford,
Cameron,	Hawley,	Mitchell of Pa.,	Teller,
Chace,	Jones of Florida,	Payne,	Voorhees,
Coke,	McPherson,	Riddleberger,	Wilson of Md.

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the adoption of the substitute offered by the Senator from Missouri [Mr. VEST] as amended.

The substitute was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. EDMUNDS. I merely wish to say that while I am entirely glad and willing that anybody who wishes to try that experiment may. As I said on a former occasion, I am not able to see how this bill under this concession can possibly be constitutional, and I therefore ask for the yeas and nays on its passage.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER]. Not knowing how he would vote I withhold my vote.

Mr. MAXEY (when his name was called). I am paired with the Senator from Maryland [Mr. WILSON]; otherwise I would vote "nay."

Mr. PAYNE (when his name was called). I am paired on this question with the Senator from Connecticut [Mr. HAWLEY].

The roll-call was concluded.

Mr. CULLOM. The Senator from Maine [Mr. HALE] is paired with the Senator from South Carolina [Mr. BUTLER]. If the Senator from Maine were here he would vote against the bill, and the Senator from South Carolina would vote for it.

Mr. BLACKBURN. I am informed that my pair has been transferred to the Senator from Delaware [Mr. GRAY]. I vote "yea."

The result was announced—yeas 46, nays 7; as follows:

YEAS—46.

Allison,	Cullom,	Harrison,	Pugh,
Beck,	Dawes,	Hoar,	Ransom,
Blackburn,	Dolph,	Ingalls,	Saulsbury,
Blair,	Eustis,	Jones of Nevada,	Sawyer,
Bowen,	Evarts,	Kenna,	Sherman,
Brown,	Farwell,	McMillan,	Spooner,
Cameron,	Frye,	Mahone,	Vest,
Cheney,	George,	Miller,	Walthall,
Cockrell,	Gibson,	Mitchell of Oreg.,	Whitthorne,
Coke,	Gorman,	Morgan,	Williams.
Colquitt,	Hampton,	Palmer,	
Conger,	Harris,	Plumb,	

NAYS—7.

Edmunds,	Morrill,	Vance,	Wilson of Iowa.
Jones of Arkansas,	Platt,	Van Wyck,	

ABSENT—23.

Aldrich,	Fair,	Manderson,	Sewell,
Berry,	Gray,	Maxey,	Stanford,
Butler,	Hale,	Mitchell of Pa.,	Teller,
Call,	Hawley,	Payne,	Voorhees,
Camden,	Jones of Florida,	Riddleberger,	Wilson of Md.
Chace,	McPherson,	Sabin,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes in reference to bigamy, and for other purposes," approved March 22, 1882.

The message further announced that the House insisted upon its amendment to the bill (S. 199) for the retirement and recoinage of the trade-dollar, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. LANHAM, and Mr. FELTON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1494) granting an increase of pension to Stephen D. Smith;

A bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting material to fill about the base of the Washington Monument;

A joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Mississippi.

NICARAGUA MARITIME CANAL.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the Order of Business 1905, being the bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Vermont.

The motion was agreed to.

The PRESIDENT *pro tempore.* The bill is before the Senate.

JAMES W. GOODRICH.

Mr. HOAR. I ask unanimous consent to correct a mistake in a bill which has been returned to the two Houses by the President for that purpose. In authorizing the payment to a postmaster of certain moneys which he had been charged with in his accounts, of which his post-office was robbed, there is an error in the name of the town. I ask unanimous consent that the vote of the Senate passing that bill and the vote ordering it to a third reading be reconsidered, and that it may be corrected by striking out the word "Haverhill" and substituting the word "Amesbury."

The PRESIDENT *pro tempore*. The Secretary advises the Chair that the Senate is not in possession of the enrolled bill.

Mr. HOAR. The bill has been sent to the President, and sent back by him to the House, and sent by the House of Representatives to us. So I suppose we may reconsider.

The PRESIDENT *pro tempore*. Has the Senator the action of the House?

Mr. HOAR. I have it in my hand——

Mr. EDMUNDS. Has it been sent to the Senate?

Mr. HOAR. The bill was a House bill. It was passed by the Senate without amendment with this mistake in it, as it was originally introduced in the House. Upon the mistake being discovered the Senate passed a concurrent resolution requesting the President to return the bill to the House of Representatives. I consulted the Clerk of the House and the clerks here, and understood that to be the proper course. Thereupon the two Houses requested the President to return the bill to the House of Representatives, which he has done. The House of Representatives then has transmitted the bill to us.

The PRESIDENT *pro tempore*. What is the Senator's motion?

Mr. HOAR. My request now is that the Senate give unanimous consent to reconsider the vote passing the bill to be enacted and the vote passing the bill to a third reading, and that it be amended by striking out the word "Haverhill" and inserting the word "Amesbury."

Mr. EDMUNDS. Now I ask that the message of the House sending the bill here be read.

The PRESIDENT *pro tempore*. The message of the House will be read.

The Chief Clerk read as follows:

Ordered, That the Clerk of the House be directed to return to the Senate the bill (H. R. 5652) for the relief of James W. Goodrich, and the message of the President accompanying the same.

Mr. EDMUNDS. Has the House acted, it being a House bill, in correcting the error?

Mr. HOAR. We must act first, because we passed the House bill. It is now returned to us by the House as a bill passed by the House; the Senate reconsiders its concurrence with that, and amends it, and sends it back amended.

Mr. EDMUNDS. I think that is right. I have no objection.

The PRESIDENT *pro tempore*. Unanimous consent is asked that the vote ordering this bill to a third reading and to its passage be reconsidered. If there be no objection, that reconsideration will be agreed to.

Mr. HOAR. My request was for unanimous consent that the two votes passing the bill to be enacted and passing it to a third reading be reconsidered.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

Mr. HOAR. Now let the bill be read. It is but three or four lines.

The bill was read.

Mr. HOAR. I now move to amend by striking out the word "Haverhill" and inserting "Amesbury."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

NORTH CAROLINA JUDICIAL DISTRICTS.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. RANSOM. I ask the Senator from Pennsylvania to give way for a moment.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania withdraw his motion?

Mr. CAMERON. He does for the present.

Mr. RANSOM. I ask the Senate to reconsider the vote by which the Senate passed this morning, when I happened to be out of the Chamber, House bill 10658, Order of Business 2155.

Mr. EDMUNDS. What is the title?

Mr. RANSOM. It is the bill (H. R. 10658) to change the lines between the eastern and western judicial districts of North Carolina.

Mr. EDMUNDS. I am in favor of reconsidering that.

The PRESIDENT *pro tempore*. Does the Senator move to reconsider the vote?

Mr. RANSOM. Yes, sir. I move to reconsider the vote.

The motion was agreed to.

Mr. EDMUNDS. The question now is on the passage of the bill, I suppose.

Mr. RANSOM. I want to move an amendment.

Mr. HARRIS. The Senator had better move to reconsider the vote by which the bill was ordered to a third reading, and then an amendment will be in order.

Mr. RANSOM. I make that motion.

The motion was agreed to.

Mr. RANSOM. Now, I move to strike out the word "and," in the third line, before the word "Orange," and after "Orange" to insert "Moore and Person." That adds two more counties to the eastern district.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. Line 3, strike out "and," and after the word "Orange" insert the words "Moore and Person;" so as to read:

That the counties of Chatham, Durham, Orange, Moore, and Person, now constituting a part of the western judicial district of North Carolina, shall be, and are hereby, transferred to and made part of the eastern judicial district of North Carolina.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina [Mr. RANSOM].

Mr. EDMUNDS. This is really a matter that deserves the serious attention of the Senate. When this bill was in the Committee on the Judiciary the only ground that was suggested for the change of these counties from one district of North Carolina to another was the fact, as stated, and the only fact stated, that the fees of the marshal and the district attorney and the clerk in the western district had gotten up to the maximum allowed by law and beyond it, and that they paid money into the Treasury, and that the state of business in the eastern district was so small that the marshal and the district attorney and the clerk there did not get as much as they would like to get, and this change in the lines of these districts was for the sole purpose, as stated to us, and the only purpose as stated to us, of putting more emoluments into the pockets of one set of officers and taking from the Treasury of the United States and possibly from other officers emoluments that they would otherwise get. I therefore opposed this bill in the Committee on the Judiciary, but it saw fit to recommend it, undoubtedly upon high grounds of public interest, &c., and without regard to the interests of suitors at all, but in order to put more money into the pockets of the officers in the eastern district and take from the Treasury some of that which the western officers now put in.

That was the whole of the case as it was stated to the Committee on the Judiciary, and therefore, as the bill is now open to amendment, and is amended for aught I care, I do not care how many more counties you put in in order to get the fees over and make it just as they like. I want to take the yeas and nays of this body on the question of whether that sort of legislation is what you like.

The PRESIDENT *pro tempore*. On this amendment the yeas and nays are demanded.

Mr. EDMUNDS. Not on the amendment. The Senate may put all the counties in any district it pleases.

The amendment was agreed to.

Mr. EDMUNDS. Now, on the third reading of the bill, I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The question is on ordering the amendment to be engrossed and the bill to be read a third time. On that question the yeas and nays were called for.

The yeas and nays were ordered.

Mr. RANSOM. I did not have the pleasure of being before the Judiciary Committee when this bill was considered. I have simply this to say to the Senate, and I would not say it but for a suggestion from a friend, that if anybody will take the map and look at these counties and see where the business of the eastern district is done and where the business of the western district is done, he will be satisfied at once that these counties should be put within the eastern district. All the counties named in the bill are within 50 miles of the capital of the State, the point in the eastern district at which most of the business is administered.

Mr. EDMUNDS. I have to reply that it is not a long while ago since the question of the adjustment of the lines between these districts was before the Committee on the Judiciary, and according to what was then represented to us by the Senators and Representatives and other people of consequence in the State of North Carolina, this division was the right one, and there has not come to that committee from any judge or marshal or citizen any statement that the convenience of suitors requires that the lines of these districts should be changed. The only suggestion made by anybody was that it happened that the business in the western district of North Carolina was such that there was a surplus to put into the Treasury of the United States in the way of fees, and in the eastern district it was not that way, and therefore money was to be put over into the pockets of people in the eastern side and taken out of the Treasury that was now turned in by the people of the western side. That is the whole case.

The PRESIDENT *pro tempore*. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER]. I do know how he would vote if he were here.

Mr. CULLOM (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

The roll-call having been concluded, the result was announced—yeas 32, nays 8; as follows:

YEAS—32.

Blackburn,	Conger,	Harris,	Sherman,
Bowen,	Dolph,	Jones of Arkansas,	Spooner,
Brown,	Eustis,	Kenna,	Vance,
Call,	Farwell,	Maxey,	Van Wyck,
Cameron,	George,	Palmer,	Vest,
Cockrell,	Gibson,	Ransom,	Walthall,
Coke,	Gorman,	Saulsbury,	Whitthorne,
Colquitt,	Hampton,	Sawyer,	Williams.

NAYS—8.

Blair,	Frye,	Ingalls,	Plumb,
Edmunds,	Harrison,	Platt,	Wilson of Iowa.

ABSENT—36.

Aldrich,	Dawes,	McMillan,	Payne,
Allison,	Evarts,	McPherson,	Pugh,
Beck,	Fair,	Mahone,	Riddleberger,
Berry,	Gray,	Manderson,	Sabin,
Butler,	Hale,	Miller,	Sewell,
Camden,	Hawley,	Mitchell of Oreg.,	Stanford,
Chace,	Hoar,	Mitchell of Pa.,	Teller,
Cheney,	Jones of Florida,	Morgan,	Voorhees,
Cullom,	Jones of Nevada,	Morrill,	Wilson of Md.

So the amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JUDICIAL DISTRICTS IN MISSOURI.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same.

G. G. VEST,
WM. M. EVARTS,
JAMES F. WILSON,
Managers on the part of the Senate.

JAMES N. BURNES,
D. B. CULBERSON,
W. H. WADE,
Managers on the part of the House.

The PRESIDENT *pro tempore*. No further action by the Senate is required. The bill is passed, the House having receded.

ORDER OF BUSINESS.

Mr. CALL. I move that the Senate proceed to the consideration of the bill (S. 2992) to make Tampa, Fla., a port of entry.

Mr. CAMERON rose.

Mr. CALL. I ask the Senator from Pennsylvania to indulge me, and let this bill be considered.

Mr. EDMUNDS. I must insist on going on with the Nicaragua bill if we are to proceed with any legislative business.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate proceed to the consideration of the bill named by him.

Mr. EDMUNDS. I ask for the yeas and nays on the motion.

Mr. CALL. I ask unanimous consent to appeal to the Senator from Vermont. This bill is greatly needed and is of pressing public interest to Tampa. There is a line of steamers waiting there now, detained with freight, because of the absence of a port of entry. The bill has been recommended by the Committee on Commerce, and there is no kind of objection to it. I suppose it will pass without any discussion. It is necessary that it should be acted upon without delay, in order that it may go to the other House.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate proceed to the consideration of the bill (S. 2992) to make Tampa, Fla., a port of entry.

Mr. INGALLS. Does that displace the unfinished business?

The PRESIDENT *pro tempore*. If the motion is agreed to, and the Senate adjourns pending the consideration of the bill, it would displace the unfinished business.

Mr. EDMUNDS. It displaces the Nicaragua bill.

Mr. CALL. It will not take more than a moment to dispose of the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Florida to proceed to the consideration of the bill.

Mr. EDMUNDS. I ask for the yeas and nays on the motion.

Mr. MCMILLAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 18, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 17, 1887.

The House met at 12 o'clock m. Prayer by Rev. J. J. BULLOCK, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had adopted resolutions expressive of the regret of that body at the death of the late Senator Pike.

The message also announced that the Senate had passed the bill (S. 3286) to increase the naval establishment; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through the United States lock and dam property in the Great Kanawha Valley, State of West Virginia.

VETO MESSAGE—DISTRIBUTION OF SEEDS.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

I return without my approval House bill No. 10203, entitled "An act to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor."

It is represented that a long-continued and extensive drought has existed in certain portions of the State of Texas, resulting in a failure of crops and consequent distress and destitution.

Though there has been some difference in statements concerning the extent of the people's needs in the localities thus affected, there seems to be no doubt that there has existed a condition calling for relief; and I am willing to believe that, notwithstanding the aid already furnished, a donation of seed grain to the farmers located in this region to enable them to put in new crops would serve to avert a continuance or return of an unfortunate blight.

And yet I feel obliged to withhold my approval of the plan as proposed by this bill to indulge a benevolent and charitable sentiment through the appropriation of public funds for that purpose.

I can find no warrant for such an appropriation in the Constitution; and I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit. A prevalent tendency to disregard the limited mission of this power and duty should, I think, be steadfastly resisted, to the end that the lesson should be constantly enforced that, though the people support the Government, the Government should not support the people.

The friendliness and charity of our countrymen can always be relied upon to relieve their fellow-citizens in misfortune. This has been repeatedly and quite lately demonstrated. Federal aid in such cases encourages the expectation of paternal care on the part of the Government and weakens the sturdiness of our national character, while it prevents the indulgence among our people of that kindly sentiment and conduct which strengthens the bonds of a common brotherhood.

It is within my personal knowledge that individual aid has to some extent already been extended to the sufferers mentioned in this bill. The failure of the proposed appropriation of $10,000 additional to meet their remaining wants will not necessarily result in continued distress if the emergency is fully made known to the people of the country.

It is here suggested that the Commissioner of Agriculture is annually directed to expend a large sum of money for the purchase, propagation, and distribution of seeds and other things of this description, two-thirds of which are, upon the request of Senators, Representatives, and Delegates in Congress, supplied to them for distribution among their constituents. The appropriation of the current year for this purpose is $100,000, and it will probably be no less in the appropriation for the ensuing year. I understand that a large quantity of grain is furnished for such distribution, and it is supposed that this free apportionment among their neighbors is a privilege which may be waived by our Senators and Representatives. If sufficient of them should request the Commissioner of Agriculture to send their shares of the grain thus allowed them to the suffering farmers of Texas they might be enabled to sow their crops, the constituents for whom in theory this grain is intended could well bear the temporary deprivation, and the donors would experience the satisfaction attending deeds of charity.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, February 16, 1887.

Mr. LANHAM. I move that the bill and accompanying message be referred to the Committee on Agriculture. But before that motion is put I desire to say one word.

The SPEAKER. The motion to refer is not debatable.

Mr. LANHAM. I am aware of that, but I crave the indulgence of the House for just a moment.

Mr. Speaker, inasmuch as I introduced this bill I am unwilling to let this occasion pass without saying a word in vindication of the action of Congress in passing the measure. In the first place, it follows the precedents which have been heretofore established in 1875 and 1883, when bills of a similar character and almost in the same language were passed by Congress and became laws.

If the organization of the Bureau of Agriculture be constitutional; if agricultural seeds have been and are now being distributed through the same for the declared object of promoting agriculture, and such distribution has warrant in the Constitution; if the agricultural interests of this country are continental in their extent and character, and the vast majority of the people be dependent upon and sustained thereby; if the farm be the storehouse and granary from which the world is filled, and if the burdens of government fall more heavily upon the agricultural classes than all others, then I respectfully submit that the wants and necessities of agriculture ought to be considered as equal in rank and dignity to "the public service or benefit."

The encouragement of agriculture in a large part of the country—more than thirty counties—where by the act of God and through no fault of a people industrious and energetic the rain has been withheld and consequent want and suffering obtain, it does not seem to me would operate an irreparable lesion of the Constitution if that which the Government is accustomed to do generally were in a measure specially concentrated in the particular locality where the necessity is the greatest. This was not designed as an independent and disconnected appropriation of the public money, but, on the contrary, was considered incident as a part and parcel of legislative authority which meets annual recognition and approval. I place the proposition not upon the idea of a charitable donation but the advancement and conservation of agriculture, in keeping with existing usage and author-

ized practice of the Government. I now move that the bill and message be referred to the Committee on Agriculture.

The SPEAKER. The gentleman from Texas [Mr. LANHAM] moves that the bill and accompanying message be referred to the Committee on Agriculture.

Mr. WEAVER, of Iowa. Let us dispose of it now.

Mr. HAMMOND. I desire to move that we now vote on the bill.

The SPEAKER. If the House does not refer the bill it is before the House for disposal at this time. The question is on referring the bill and message to the Committee on Agriculture.

Mr. HATCH. I think we should dispose of this matter now.

The question being taken, the Speaker stated that the "noes" seemed to have it.

Mr. LANHAM. I call for a division.

Mr. BURROWS. Is it not the practice to refer a veto message?

The SPEAKER. There is no settled practice as to that.

Mr. BURROWS. It has been the practice recently.

The House again divided; and there were—ayes 57, noes 74.

So (further count not being called for) the House refused to refer the bill and message.

The SPEAKER. The question is, Will the House on reconsideration pass the bill? Upon this question the Constitution requires the yeas and nays to be taken.

Mr. HATCH. I simply desire to state in reply to the gentleman from Texas [Mr. LANHAM], for the information of the House, that when this bill was reported it was not reported with the unanimous consent or approbation or indorsement of the Committee on Agriculture. It was reported by a majority vote of that committee.

Mr. WEAVER, of Iowa. I rise to a question of order. Is this question debatable?

The SPEAKER. It is. The previous question has not been ordered.

Mr. WEAVER, of Iowa. I call for the previous question.

Mr. HATCH. I have the floor. As the House will remember, the bill was taken up by unanimous consent and passed the House, and I believe passed the Senate without a division. I simply desire to make this statement in justice to the committee that reported the bill. I now demand the previous question.

Mr. CLARDY. I wish to ask my colleague [Mr. HATCH] whether he was with the minority or the majority in the committee?

Mr. HATCH. I was with the minority, and declined to vote for the bill.

Mr. CLARDY. But you made no objection to its coming before the House.

Mr. HATCH. No; I made no objection to its consideration by the House.

The previous question was ordered.

The question was taken on the passage of the bill; and there were—yeas 83, nays 159, not voting 76, as follows:

YEAS—83.

Anderson, J. A.	Funston,	Lindsley,	Ryan,
Baker,	Gallinger,	Louttit,	Sayers,
Boutelle,	Gay,	Lyman,	Sessions,
Brady,	Geddes,	Martin,	Smalls,
Brown, C. E.	Gilfillan,	McKenna,	Stephenson,
Brown, W. W.	Goff,	McKinley,	Strait,
Buchanan,	Grosvenor,	Millard,	Swinburne,
Burleigh,	Hale,	Morrow,	Symes,
Campbell, J. E.	Harmer,	Neal,	Taylor, Zach.
Cannon,	Henderson, D. B.	Neece,	Thomas, O. B.
Caswell,	Hermann,	Nelson,	Wade,
Clardy,	Hires,	O'Donnell,	Wadsworth,
Conger,	Hitt,	O'Hara,	Warner, William
Culberson,	Holmes,	O'Neill, Charles	Weaver, A. J.
Cutcheon,	Houk,	Payson,	Weaver, J. B.
Dorsey,	Jackson,	Perkins,	Weber,
Evans,	Johnston, J. T.	Peters,	West,
Findlay,	Kleiner,	Plumb,	White, A. C.
Fisher,	Laird,	Price,	Wolford,
Fleeger,	Lanham,	Reed,	Woodburn.
Fuller,	Libbey,	Rowell,	

NAYS—159.

Adams, G. E.	Carleton,	Everhart,	Hudd,
Adams, J. J.	Catchings,	Farquhar,	James,
Allen, C. H.	Clements,	Felton,	Johnson, F. A.
Atkinson,	Cobb,	Ford,	Johnston, T. D.
Bacon,	Collins,	Forney,	Jones, J. H.
Ballentine,	Compton,	Frederick,	Jones, J. T.
Barbour,	Cooper,	Gibson, C. H.	Kelley,
Bayne,	Cowles,	Glass,	Ketcham,
Belmont,	Cox, W. R.	Green,	Laffoon,
Bennett,	Crisp,	Guenther,	Landes,
Blanchard,	Croxton,	Hall,	Lawler,
Bliss,	Curtin,	Halsell,	Le Fevre,
Blount,	Daniel,	Hammond,	Lehlbach,
Bound,	Dargan,	Harris,	Long,
Boyle,	Davidson, A. C.	Hatch,	Matson,
Bragg,	Davidson, R. H. M.	Hayden,	Maybury,
Breckinridge, WCP	Dibble,	Hemphill,	McAdoo,
Buck,	Dingley,	Henderson, J. S.	McCreary,
Bunnell,	Dockery,	Herbert,	McMillin,
Burrows,	Dougherty,	Hiestand,	McRae,
Bynum,	Dunn,	Hill,	Merriman,
Cabell,	Eden,	Hiscock,	Miller,
Caldwell,	Eldridge,	Holman,	Mills,
Campbell, Felix	Ely,	Hopkins,	Mitchell,
Campbell, J. M.	Ermentrout,	Howard,	Morgan,
Morrison,	Robertson,	St. Martin,	Viele,
Muller,	Rogers,	Stone, E. F.	Wait,
Murphy,	Rusk,	Stone, W. J., Ky.	Wakefield,
Norwood,	Sadler,	Stone, W. J., Mo.	Ward, J. H.
Oates,	Seney,	Storm,	Ward, T. B.
Osborne,	Seymour,	Swope,	Warner, A. J.
Outhwaite,	Shaw,	Tarsney,	Wheeler,
Peel,	Singleton,	Taylor, J. M.	White, Milo
Perry,	Snyder,	Thomas, J. R.	Whiting,
Randall,	Spooner,	Thompson,	Willis,
Ranney,	Springer,	Tillman,	Wilson,
Reagan,	Stahlnecker,	Townshend,	Winans,
Rice,	Steele,	Trigg,	Wise,
Richardson,	Stewart, Charles	Turner,	Worthington.
Riggs,	Stewart, J. W.	Van Eaton,	

NOT VOTING—76.

Aiken,	Davis,	Lore,	Reese,
Allen, J. M.	Dawson,	Lovering,	Rockwell,
Anderson, C. M.	Dunham,	Lowry,	Romeis,
Barksdale,	Ellsberry,	Mahoney,	Sawyer,
Barnes,	Foran,	Markham,	Scott,
Barry,	Gibson, Eustace	McComas,	Scranton,
Bingham,	Glover,	Milliken,	Skinner,
Bland,	Grout,	Moffatt,	Sowden,
Breckinridge, C. R.	Hanback,	Morrill,	Spriggs,
Browne, T. M.	Haynes,	Negley,	Struble,
Brumm,	Heard,	O'Ferrall,	Taulbee,
Burnes,	Henderson, T. J.	O'Neill, J. J.	Taylor, E. B.
Butterworth,	Henley,	Owen,	Taylor, I. H.
Campbell, T. J.	Hepburn,	Parker,	Throckmorton,
Candler,	Hutton,	Payne,	Tucker,
Comstock,	Irion,	Pettibone,	Van Schaick,
Cox, S. S.	King,	Phelps,	Wallace,
Crain,	La Follette,	Pidcock,	Wellborn,
Davenport,	Little,	Pindar,	Wilkins.

So the bill was not passed.

Mr. BRUMM. Mr. Speaker, I was unavoidably absent from the Hall when my name was called. Had I been present I should have voted "aye."

The following named members were announced as paired until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. THROCKMORTON with Mr. DAVENPORT.

Mr. WELLBORN with Mr. PAYNE.

Mr. PIDCOCK with Mr. ROCKWELL.

The following were announced as paired for this day:

Mr. REESE with Mr. MCCOMAS.

Mr. TUCKER with Mr. PARKER.

Mr. MORRILL with Mr. FORAN.

Mr. CRAIN with Mr. HENDERSON, of Illinois.

Mr. PINDAR with Mr. PHELPS.

Mr. SCOTT with Mr. SCRANTON.

Mr. CANDLER with Mr. BINGHAM.

Mr. WALLACE with Mr. NEGLEY.

Mr. STAHLNECKER with Mr. HANBACK.

Mr. LOWRY with Mr. DAVENPORT.

The following were announced as paired on this vote:

Mr. WILKINS with Mr. LITTLE.

Mr. BRUMM with Mr. BLAND.

Mr. SOWDEN with Mr. STRUBLE.

The SPEAKER. On this question the yeas are 83 and the nays 159. The noes have it; and the House upon reconsideration refuses to pass the bill.

ANNUAL REPORTS OF UNITED STATES CONSULS.

The SPEAKER also laid before the House the following message from the President; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, accompanying the annual reports of the consuls of the United States on the trade and industries of foreign countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 16, 1887.

JAMES W. GOODRICH.

The SPEAKER also laid before the House the following message from the President; which was read:

To the House of Representatives:

In compliance with the resolution of the Senate of the 12th instant, the House concurring, I return herewith the bill (H. R. 5652) for the relief of James W. Goodrich.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 15, 1887.

The SPEAKER. The Chair will state that the concurrent resolution requesting the President to return this bill originated in the Senate, and, if there be no objection, the Clerk will be directed to return the bill to the Senate.

There was no objection, and it was so ordered.

APPROPRIATIONS FOR MINT AND ASSAY OFFICES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Director of the Mint in relation to appropriations for the Mint and Assay Office for the fiscal year ending June 30, 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT FUND, INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting a statement of expenditures from the contingent fund of that Department for the fiscal year ending June 30, 1886; which was referred to the Committee on Contingent Expenses in the Interior Department.

CHINESE DISTURBANCE AT SEATTLE, WASH.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a letter from the governor of Washington Territory, with inclosed memorial, and recommending that the commissioners of King County, in that Territory, be reimbursed for expenses of suppressing violence during the Chinese disturbance at Seattle; which was referred to the Committee on Claims, and ordered to be printed.

FURNITURE OF PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending additional appropriations for furniture and repairs of furniture in certain public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

WITNESS CLAIMS IN KENTUCKY.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a letter from A. J. Gross, United States marshal for Kentucky, showing outstanding witness claims in that district for the fiscal year 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRIBUTION OF PUBLIC DOCUMENTS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting a report of the receipt and distribution of public documents on behalf of the Government by the Department of the Interior; which was referred to the Committee on the Library, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KELLEY, for Friday and Saturday next.

To Mr. NEGLEY, for three days, on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 215) to provide for printing the third annual report of the Bureau of Animal Industry.

POLYGAMY.

Mr. HAMMOND. I now call the report of the committee of conference on Senate bill No. 10, the bill known as "the Mormon bill."

Mr. BELMONT. I raise the question of consideration against that bill, my purpose being to call up the diplomatic and consular appropriation bill after the morning hour.

Mr. GROSVENOR. I rise to a question of privilege.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND], as a matter of privilege, calls for consideration the conference report on Senate bill No. 10, commonly known as "the Mormon bill." This is a matter privileged under the rules over all other business, being so highly privileged that such a report may be made even during the pendency of a motion to adjourn. Against this the gentleman from New York [Mr. BELMONT] raises the question of consideration. The question is, Will the House now consider the conference report called up by the gentleman from Georgia?

Mr. SINGLETON. I hope that committees which have not heretofore been called will be accorded the morning hour.

Several MEMBERS. Regular order!

The SPEAKER. The committees will be called after this privileged question is disposed of, unless prevented by the introduction of some other privileged question.

Mr. ANDERSON, of Kansas. Will the Chair cause the Clerk to read the title of the bill to which the conference report relates?

The Clerk read as follows:

A bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

The SPEAKER. The question is, Will the House now proceed to the consideration of the conference report?

The question being taken, there were—ayes 103, noes 68.

Mr. HILL. I call for the yeas and nays.

The yeas and nays were not ordered, only 12 voting in favor thereof.

So the House decided to consider the conference report.

The report and accompanying statement were read, as follows:

The committees of conference on the disagreeing votes of the two Houses on the amendment of the House to Senate bill No. 10, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882," respectfully report:

That, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the bill be amended as follows:

In place of the part of the bill proposed by the House of Representatives to be stricken out, and in place of the words proposed by the House of Representatives to be inserted, the following words be substituted, and that so amended the bill pass:

SECTION 1. That in any proceeding or examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear by oath or affirmation, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness fee shall be paid to such witness so attached: *Provided*, That the person so attached may at any time secure his or her discharge from custody by executing a recognizance, with sufficient surety, conditioned for the appearance of such person at the proper time, as a witness in the cause or proceeding wherein the attachment may be issued.

SEC. 3. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

SEC. 5. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

SEC. 6. That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecutions for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

SEC. 7. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

SEC. 8. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

SEC. 9. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subject of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full names of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be *prima facie* evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

SEC. 10. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

SEC. 11. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

SEC. 12. That the laws enacted by the Legislative Assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons, and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid, except as a member of a county court; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory respectively.

SEC. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or in violation of section 1890 of the Revised

Statutes of the United States; and all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be: *Provided*, That no building, or the grounds appurtenant thereto, which is held and occupied exclusively for purposes of the worship of God, or parsonage connected therewith, or burial ground, shall be forfeited.

SEC. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of or belonging to any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatever.

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the state of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or association, or to pass any law for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to carry into effect the provisions of the preceding section, and pay the debts and to dispose of the property and assets of said corporation according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

SEC. 17. That the acts of the Legislative Assembly of the Territory of Utah, incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called general assembly of the state of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section 13 of this act and in section 26 of this act, to the respective trustees mentioned in section 26 of this act; and for the purposes of this section said court shall have all the powers of a court of equity.

SEC. 18. (*a*) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, unless she shall have lawfully released her right thereto.

(*b*) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

(*c*) If a husband seized of an estate of inheritance in lands exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(*d*) When a person seized of an estate of inheritance in lands shall have executed a mortgage, or other conveyance in the nature of mortgage, of such estate, before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged or so conveyed as against every person except the mortgagee or grantee in such conveyance and those claiming under him.

(*e*) Where a husband shall purchase lands during coverture, and shall at the same time execute a mortgage, or other conveyance in the nature of mortgage, of his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or grantee in such conveyance or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to her dower in such lands as against all other persons.

(*f*) Where in such case the mortgagee, or such grantee or those claiming under him shall, after the death of the husband of such widow, cause the land mortgaged or so conveyed to be sold, either under a power of sale contained in the mortgage or such conveyance, or by virtue of the decree of a court, if any surplus shall remain after payment of the moneys due on such mortgage or such conveyance, and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life as her dower.

(*g*) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(*h*) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

SEC. 19. That hereafter the judge of probate in each county within the Territory of Utah provided for by the existing laws thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and so much of the laws of said Territory as provide for the election of such judge by the Legislative Assembly are hereby disapproved and annulled.

SEC. 20. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

SEC. 21. That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.

SEC. 22. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the board of commissioners mentioned in section 9 of the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," in said Territory, forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said Legislative Assembly, and to the number of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

SEC. 23. That the provisions of section 9 of said act approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provisions and laws therein referred to, to be made and enacted by the Legislative Assembly of said Territory of Utah, shall have been made and enacted by said Assembly and shall have been approved by Congress.

SEC. 24. That every male person twenty-one years of age resident in the Territory of Utah shall, as a condition-precedent to his right to register or vote at any election in said Territory, take and subscribe an oath or affirmation, before the registration officer of his voting precinct, that he is over twenty-one years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one month immediately preceding the date thereof, and that he is a native born (or naturalized, as the case may be) citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes. Such registration officer is authorized to administer said oath or affirmation; and all such oaths or affirmations shall be by him delivered to the clerk of the probate court of the proper county, and shall be deemed public records therein. But if any election shall occur in said Territory before the next revision of the registration lists as required by law, the said oath or affirmation shall be administered by the presiding judge of the election precinct on or before the day of election. As a condition-precedent to the right to hold office in or under said Territory, the officer, before entering on the duties of his office, shall take and subscribe an oath or affirmation declaring his full name, with his age, place of business, his status, whether married or single, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes; which oath or affirmation shall be recorded in the proper office and indorsed on the commission or certificate of appointment. All grand and petit jurors in said Territory shall take the same oath or affirmation, to be administered, in writing or orally, in the proper court. No person shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office of trust or emolument in said Territory who shall not have taken the oath or affirmation aforesaid. No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid approved March 22, 1882, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory.

SEC. 25. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished; and it shall be the duty of the supreme court of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties heretofore imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the district and other schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties, the average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called gentiles, the number of children of Mormon parents and the number of children of so-called gentile parents, and their respective average attendance at school; all of which statistics and information shall be annually reported to Congress, through the governor of said Territory and the Department of the Interior.

SEC. 26. That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

SEC. 27. That all laws passed by the so-called state of Deseret and by the Legislative Assembly of the Territory of Utah for the organization of the militia thereof or for the creation of the Navoo Legion are hereby annulled and declared of no effect; and the militia of Utah shall be organized and subjected in all respects to the laws of the United States regulating the militia in the Territories: *Provided, however*, That all general officers of the militia shall be appointed by the governor of the Territory, by and with the advice and consent of the council thereof. The Legislative Assembly of Utah shall have power to pass laws for organizing the militia thereof, subject to the approval of Congress.

All of which is respectfully submitted.

N. J. HAMMOND,
E. B. TAYLOR,
Managers on the part of the House.
GEO. F. EDMUNDS,
JOHN J. INGALLS,
JAMES L. PUGH,
Managers on the part of the Senate.

DETAILED STATEMENT OF CONFEREES OF HOUSE.

The House conferees on the committee on the disagreeing votes of the two Houses on the Senate bill 10, being an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, beg leave to submit the following detailed statement, showing the effect of such amendments as have been agreed to, with conference report herewith submitted. The House struck out all of the Senate bill after the enacting clause and substituted its own bill, and on that vote the conference was had.

The bill as agreed upon by the conference committee differs somewhat in form from either the Senate or the House bills. It contains certain verbal changes which need not be explained. The material changes from the House bill are as follows:

In section 2, line 7, before the word "oath," the word "the," and in line 8 the words "of at least two credible persons in writing" have been stricken out, it being thought best to leave to the court the quantum of evidence necessary to show the unwillingness of a witness to appear. In that section we also left out in lines 15 and 16 the words "before any commissioner, judge, justice, or court of the United States," because as the witness was arrested for immediate attendance on the court, it was thought best that he should enter into recognizance before that court for his appearance.

To the ninth section of the House bill we added the provision of the Senate as to unlawful sexual intercourse between two married persons. This the House bill had not provided for.

Section 11 of the House bill was left out, because it was deemed unnecessary.

Section 13 of the House bill was left out, because, this being only an amendment to a former statute, section 13 was unnecessary.

Section 16 of the House bill has been amended by requiring the surplus of the property of the corporations therein mentioned, not provided for in the bill, or decreed to those entitled thereto by the courts, shall be used for school purposes in said Territory.

Section 17 of the House bill has been left out as unnecessary, the law now controlling writs of error from the Supreme Court in the cases of bigamy or polygamy or of any offense under the act March 22, 1882, is not affected by this act.

Section 18 of the House bill has been changed by leaving out to all religious societies, sects, or congregations so much real property for the erection or use of houses of worship, and for such parsonages as shall be necessary for their convenience and use, the title to be in trustees named by them.

Section 21 of House bill, annulling legislation as to water, timber, or herd rights, has been left out because the conference committee did not know the full possible effect of that section, and because it is believed that existing law furnishes an adequate remedy for any illegal act done in the premises.

In section 22, House bill, the conference committee in section 1, which defines the terms "lawful wife," believe it best to leave that matter to the courts. Sections 26 and 27 of the House bill were so amended as to strike out all the authority therein granted as to the appointment of officers in said Territory except that the President of the United States, by and with the consent of the Senate, is required to appoint a probate judge in each county.

N. J. HAMMOND.
E. B. TAYLOR.

Mr. HAMMOND (during the reading of the report). Mr. Speaker, with a view of obviating the necessity of reading this long bill, unanimous consent was given on the day before yesterday that the report, bill, and accompanying statement be printed in the RECORD. They were printed yesterday.

A MEMBER. No one read them.

Mr. HAMMOND. I think it might be well now that the House by unanimous consent dispense with the further reading of this report, inasmuch as the question will be upon agreeing to the substitute as a whole, and not upon any particular item of the bill.

The SPEAKER *pro tempore* (Mr. CRISP). Is there objection to dispensing with the further reading of the report?

Mr. REAGAN. I have not had time to read the report as printed in the RECORD. I desire to hear it read.

The reading was resumed and concluded.

Mr. HAMMOND. Mr. Speaker, it is the desire to get a vote upon this report within an hour, and, therefore, at the end of one hour I shall call the previous question. I yield thirty minutes to the gentleman from North Carolina [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, it is hardly worth while for me to try to fasten the attention of this House upon the wrongful invasion made upon the individual consciences of the people of Utah by the provisions of the measure now under consideration.

It may not be amiss to call the attention of this House to an instance of the intolerance of public clamor against the demands and rights of conscience. When Cromwell made his wicked invasion upon Ireland, during which he dispatched to John Bradshaw, president of the council of state, that at Tredah he refused quarter and knocked above two thousand people on the head, women and children; he sat down before the town of Ross, on the Barrow, and demanded the surrender of that place. The citizens of that devoted town, through Lucas Taaff, wrote him a dutiful letter, in which they said they were willing to surrender if their liberty of conscience were respected. But that "God-intoxicated" man [laughter] said: "As for that which you mention concerning liberty of conscience, I meddle not with any man's conscience; but if by liberty of conscience you mean liberty to exercise the mass, that will not be allowed where the Parliament of England have powers." [Laughter]. And unconsciously, Mr. Speaker, this House, which is always just [laughter], is to-day stimulated by a feeling akin to that. [Laughter.]

Let me subject this bill as reported from the Committee on the Judiciary to a strict and legal analysis. I beg gentlemen to hear me—to hear me not for my cause, but the cause of right and justice and conscience. Some one has said, Thank God, there is no tyranny of ideas. [Applause.]

The first section of this bill makes the wife a competent witness against the husband in the trial of any indictment in Utah for bigamy, polygamy, or unlawful cohabitation, but it does not compel her to testify. In almost every State of this Union, and I speak subject to correction, although I have made a careful scrutiny into the subject-matter in which a wife is made a competent witness against her husband in any trial at law on the criminal side of the docket, it is provided in terms that the refusal of the wife to testify shall not be taken to the prejudice of the defendant, and the court shall in terms instruct the jury to make no inference of guilt from such refusal to the hurt or damage of the defendant.

No such terms are employed in this act, but such refusal on the part of the wife to testify may, under the terms of this act, be tortured by the prosecuting officer of the Government, and it may be urged as proof of guilt of the accused, or as a pregnant circumstance of suspicion.

The next section of the bill as it came from the committee invests the officers of the Territory with powers—and I have weighed the words—such as no judicial officer ever possessed at common law. Hear it:

That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court—

Attention!—

an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear—

How?

by oath or affirmation, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness fee shall be paid to such witness so attached.

Here is the most offensive part of this section:

That the person so attached may at any time secure his or her discharge from custody by executing a recognizance, with sufficient surety, conditioned for the appearance of such person at the proper time as a witness in the cause or proceeding wherein the attachment may be issued.

In other words, the judge, the commissioner, the justice of the peace may issue the attachment for contempt in the first instance without other proof than the mere statement or the word of some splay-footed deputy or professional witness [laughter], and upon such statement a warrant of attachment goes out, and when the party is arrested it is not competent for him to give bond for his appearance to answer such attachment before a judge, if the commissioner issued the attachment, or before a justice of the peace if the judge issues the attachment, or before a judge if the justice of the peace issues the attachment. To make the slavery complete, the officer who issues the warrant of attachment and he alone can deliver a citizen from this "durance vile."

Educated after the old-fashioned methods of the fathers, and with reverence for the common law as the most splendid achievement of the human intellect in the way of judicature, and the liberty of the citizen as one of the three favorite estates of the law, I have come to regard the principle of this question as settled. I do not believe this House will give its sanction to this section in its present shape—a shape in which if a commissioner or justice of the peace issue the warrant of attachment for contempt, no judge in the Territory of Utah can take recognizance and deliver the citizen from his bonds. I address it to the conscience of this body, and I have great respect for the conscience of this House [laughter]; very great respect. [Renewed laughter.]

They say that in the heat of one of the monetary panics in the city of New York a few years ago a certain gentleman who was interested in the subsidence, and the quick subsidence, of the panic employed divers and sundry vehicular conveyances to drive up and down, hither and thither, through the crowd who were standing and surging along in the neighborhood of the financial establishment waiting to get their money. It was a good way to command silence.

In 1846 Congress passed this act, and I have no doubt that it is entirely familiar to the mind of the member from Georgia who has charge of this conference report:

Any judge of the United States on the application of a district attorney, and on being satisfied by proof that the testimony of any person is competent and will be necessary on the trial of any criminal proceeding in which the United States are parties or are interested, may compel such person to give recognizance, with or without sureties, at his discretion, to appear to testify therein; and for that purpose may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or any other officer authorized to execute process in behalf of the United States, to arrest and bring before him such person. If the person so arrested neglects or refuses to give recognizance in the manner required the judge may issue a warrant of commitment against him, and the officer shall convey him to the prison mentioned therein.

Here in 1846 the Congress intrusted this extraordinary power of issuing a warrant of attachment against a recusant witness to the judge, and to the judge of the court alone; and not only that, sir, but they fixed about it all the safeguards in favor of the personal liberty of the citizen—that is, that due proof should be made of the recusancy of the witness before the warrant of attachment should issue, and that the power to issue such extraordinary process should be intrusted to the judge of the court alone.

It may be said that the Territorial courts are not courts of the United States within the meaning of the statutes applicable to the latter. That, as a proposition of law, is in general correct. But this act of 1846 was drawn after the decisions in 1 Peters, United States Supreme Court Reports, January term, 1828, and elsewhere, in which it was held that Territorial courts were not courts of the United States within the meaning of the statutes, and it was drawn with reference to this decision. And you will observe that the language of the act is guarded and aptly chosen to meet these decisions: "Any judge of the United States," whether in a Territory, or in a State of the Union, or in the District of Columbia.

So that there stands now upon the statute-books ample, complete, and plenary power in the courts to arrest a recusant witness and bring him before the court.

Mr. STEWART, of Vermont. That is if you can catch him.

Mr. BENNETT. You have to do that either way. The man will run as fast under one statute as the other, will he not?

Mr. STEWART, of Vermont. Yes; but you catch him before he runs in the one case; in the other you give him full latitude.

Mr. BENNETT. Now my friend, I have great respect for you. I bow to you with the same deference that the Mussulman bows toward Mecca or the heathen to his god [laughter] on all matters of law and opinion. I look upon you as the impersonation of the law, and I say that in all candor. Now listen and mark the obvious misapprehension of the existing law by the member from Vermont [Mr. STEWART]. I read the law again at the risk of fatiguing the House by the repetition:

Any judge of the United States—

That is in any part of the United States—

on the application of a district attorney, and on being satisfied by proof that the testimony of any person is competent * * * may compel such person to give recognizance with or without surety.

That is to say, he may catch him right then and there. It is not necessary to bait him or to take him to a lick-log. [Laughter.] He may catch him instantly and of a heap.

The member from Vermont [Mr. STEWART] shakes me when he challenges any statement of law I may make. [Laughter.]

John Randolph said many years ago that one of the dangers to free government in this country lay in the fact that the people would surrender some precious principle of liberty under temporary excitement; their heads and hands would become fevered. Gentlemen know that the violations of law of the class aimed at in this bill occurring in the Territory of Utah will remedy themselves inevitably and unerringly under the existing law, which is just as severe as any in the codes of modern times. Society in Utah is undergoing certain processes which work changes for the better of themselves.

"Great ideas and reforms travel slowly, sometimes noiselessly, like the feet of the gods shod in wool."

Society there is flushing itself.

Lest I may be misapprehended in respect of the law as stated a while ago, I beg to say that this question, this proposition that the statutes of the United States do not in general apply to the courts of the Territories has been three times decided by the Supreme Court of the United States. This section 881, Revised Statutes, was drawn with express reference to the first decisions made in these cases.

The next section of this conference report is as absolutely void, when tried by any just judicial standard, as would be the mandate of the gentleman who presides over this House if he ordered a member to fall down and worship him. Give me your ears! [Renewed laughter.]

SEC. 8. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory possessed and exercised by sheriffs, constables, and their deputies as peace officers—

Listen, gentlemen—

and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace.

I appeal to all gentlemen upon this floor who have presided in courts or administered justice, who have held the scales as between man and man, to give me their attention.

And each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace, and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

At common law a sheriff could arrest any one who committed a breach of the peace "*super visum*," that is, in his sight; but his power extended no further than securing the safe custody of such offender until he could be brought before a judicial tribunal to have his case investigated.

The marshal of said Territory of Utah makes the arrest of any man in Utah who is guilty of a breach of the peace in his presence, and instead of securing the prisoner until a judicial tribunal can investigate and dispose of the case he thrusts him into jail, there to remain until the next term of the court having jurisdiction of the case, or until he gives recognizances to keep the peace. Dante says, in his celebrated work, there is an inscription over the front door of hell—and this House is interested in that [laughter]—"All hope abandon ye who enter here." The marshal and his deputies lay their beak and claw upon the citizen who has the misfortune to commit the slightest breach of the peace within their sight, and instead of carrying him before a judge or an officer with judicial functions they put him in the depths of the jail devoted to thieves, offenders, and malefactors of all sorts. I suspect, though I speak subject to correction in this, that the officers appointed by the General Government to administer the law in Utah are convened to convict and ordered to proceed. [Laughter.]

The section further provides—

They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

These same gentlemen, clothed with the majesty of the United States statute, "uncrowned kings of the Territory"—

Marauding chiefs, whose sole delight
The midnight raid, the morning fight.

I have seen them, and my people have bled at heart from the outrages which were committed by them in our midst. They were for the most part ruthless, unsympathetic, the adversaries of the people among whom they plied their trade. Every man from the South who was there during the days "born of the eclipse of principle and rigged with curses dark" will remember the ominous tread of the marshal and his deputy. The State represented by the member from Georgia [Mr. HAMMOND], who leads this measure, for whom I have the greatest personal regard, a regard bordering on affection, has bled at the hands of these people.

There is no statute in the Territory of Utah which gives to any peace officer of said Territory power over the citizen as great or substantially like that given to the marshal of said Territory and his deputies by the terms of the eighth section of this bill. The section of the "compiled laws" of Utah, referred to by the member from Georgia [Mr. HAMMOND] as section 1072 thereof, was enacted February 18, 1852, and is part of an act entitled "An act for the regulation of attorneys." The said act contains several sections. The first one provides that any person may act as his own counsel. The second section provides that counsel shall not use improper language in courts, and may be fined or imprisoned. This section was repealed February 20, 1874; and the last section is as follows:

It shall be the duty of the executive officers of all courts in this Territory to arrest without process and put in safe-keeping all persons, whether counsel or other officers of courts or persons within the hearing of such courts, who shall in any way behave indecently or riotously, or use indecent, riotous, or exciting language, subject to the release or action of the court in which such arrest is made, and such executive officers may call for such assistance as may be necessary in making such arrest and for the safe-keeping of such person or persons so offending.

The committee say in their report:

Section 17 of the House bill has been left out as unnecessary; the law now controlling writs of error from the Supreme Court in the cases of bigamy or polygamy, or of any offense under the act March 22, 1882, is not affected by this act.

Now, let us see what that section provides and let us speak by the record. Section 17 of the House bill provides:

A writ of error from the Supreme Court of the United States to the supreme court of the said Territory shall lie in all criminal cases where the accused shall have been sentenced to capital punishment, or convicted of bigamy, polygamy, or unlawful cohabitation, or of any offense under the act entitled "An act to amend section 5352 of the Revised Statutes of the United States."

That is section 17 of the bill as reported by the Judiciary Committee of this House; and the conference committee say that a writ of error is completely provided for by the existing law.

I speak upon my responsibility as a lawyer—and it is a great responsibility. In the case of Cannon against the United States (116 Wallace, page 55) it was decided that sexual intercourse was not essential to make criminal cohabitation.

A writ of error in Snow's case (118 of United States Reports) was dismissed for want of jurisdiction by the Supreme Court of the United States on the ground that a writ of error was not provided for in case of unlawful cohabitation. Yet the committee say that that section was left out because the writ of error was provided for in all cases under the act of 1882, known as the Edmunds act. These are the graver and more objectionable provisions of the report as it comes from the committee of conference. There is one other. Section 5 provides:

SEC. 5. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

That offense was committed at common law where "a man and woman not being married to each other lewdly and lasciviously bedded and cohabitated together," and that matter has been left to the determination of the local authorities in every Territory of this Union. Perhaps it may afford some degree of satisfaction to gentlemen here and hereafter to know that in this District of two hundred and odd thousand inhabitants such an offense is not recognized by the legal tribunal, but is still left to be corrected by the ecclesiastical courts alone.

Ah! bless my life, how unmindful we are of the wrongs and injuries and sufferings of other people a long way off! The policy of governments is no more shaped or determined by the humanities. "Thou shalt love thy neighbor as thyself" to the average man in so far as he attempts to interweave that precious commandment into the policy of his government is a dead letter. This is a thrifty and a prosperous people, distinguished by all those attributes which make an industrious and upright community, and this great body, representing a Government as powerful in the affections of the people as any upon this planet, ought to leave the present stringent law to be tested by the great touchstone, time, which was recognized by the ancients as the discoverer of all things, before it lays its beak and claw more heavily on the citizens.

[Here the hammer fell.]

Mr. HAMMOND. I yield five minutes to the gentleman from Illinois [Mr. EDEN].

Mr. EDEN. Inasmuch as I supported the bill that was reported by the House Judiciary Committee, and do not approve of some of the pro-

visions of this bill, I have sought the occasion for a very few remarks, and I do not know that I shall refer to any but the eighth section. As probably some gentlemen did not hear it read I will read it:

SEC. 8. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

The bill as it passed the House contained a clause in this section that gave to marshals and their deputies the power of arrest for offenses committed in their view, but provided that the marshal or his deputy making the arrest should take the offender before a court for examination. This section makes the marshal, or any deputy of the marshal, judge and jury to determine whether a person has committed an offense in the Territory of Utah, and clothes him with the power, without any investigation whatever, to commit that person to jail, where he must remain until his case is investigated by the grand jury or brought before the proper court for final trial.

Now, Mr. Speaker, I do not think that in order to deal with this crime of polygamy (which we all wish to see suppressed) it is necessary to give the marshals and their deputies such power as is here given to trample upon the rights of the people of the Territory of Utah or of any other Territory; and I wish to call attention to the fact, and to repeat it, that this section is not the same as the bill which was reported by the Judiciary Committee and passed by the House. There was no objection to that bill, because the officer making the arrest had to take the prisoner before an examining court and give him a hearing before he could be committed to jail or required to give bail. It is not necessary to discuss that proposition now.

I simply want to call the attention of the House to it, so that when gentlemen vote for this bill they may know that they are setting a precedent in the Territory of Utah which may be used in a way that we do not desire to see it used in the future. The second section, to which the gentleman from North Carolina [Mr. BENNETT] called attention, has not the same safeguard thrown about it which the bill had that was reported to the House by the Judiciary Committee and passed by the House. That is the section that gives the power to justices, judges, &c., to cause witnesses to be arrested for contempt who are not in contempt. The bill, as it passed the House, required an affidavit to be made by two persons before the court should be authorized to issue an attachment for a witness who had not been subpœnaed.

[Here the hammer fell.]

Mr. HAMMOND. Mr. Speaker, since this bill passed by so overwhelming a majority that only eight stood up on the call for the yeas and nays, and since, in conference, it had been stripped of several of its harshest provisions, I supposed that it ought to be submitted to the House without debate. But, in deference to the gentleman from North Carolina [Mr. BENNETT] (who before occupied the floor by the grace of the House for nearly two hours in opposition to the bill), I determined to allow him thirty minutes to speak against it, and that speech compels from me a few minutes of reply. The gentleman from North Carolina [Mr. BENNETT] and the gentleman from Illinois [Mr. EDEN] have both attacked section 2 of this bill because the conferees agreed to strike out the words "by two witnesses." That is the only objection made to the section by the gentleman from Illinois [Mr. EDEN].

In every other court an attachment issues when it is made to appear to the court that a party is in contempt, and no law prescribes the quantum of evidence that the judge shall have; but, because in some cases it was impossible to induce witnesses to come voluntarily and impossible to carry out the law of the land in some instances without making witnesses give recognizance in advance for their appearance, the Committee on the Judiciary reported section 2, declaring that the judge might issue in the beginning an attachment for the arrest of a witness provided he was satisfied by the oath of two persons that the witness would not otherwise appear. Now, it certainly makes very little difference whether we say that or say that it shall be made to appear by oath or affirmation.

If the witnesses are such wicked persons as the gentleman from North Carolina [Mr. BENNETT] suggests, there is no security in acting upon the oath of two any more than upon the oath of one. At last the whole question, in these courts as in every other court, must be submitted to the judgment of the judge, and if he be satisfied by evidence under oath he must act. I think the fundamental error—I say it with deference to my friend from North Carolina [Mr. BENNETT]—the fundamental error in his attack is in the presumption that courts will do wrong and that witnesses will swear to lies. I submit that no legislative body can legislate upon any other presumption than the legal presumption that all officers will do their duty and all witnesses will swear to the truth.

One other comment is made by the gentleman from North Carolina [Mr. BENNETT] upon that section, namely, that as reported originally in the House bill the recognizance for the appearance of an arrested witness might be given before any other magistrate or other officer, but as it now stands he must go before the magistrate ordering his arrest. The gentleman fails to notice the point that this applies only in cases where it is necessary to compel the "immediate attendance" of a witness and the court is satisfied by proof under oath or affirmation that he will not come. Then an attachment may be issued to compel his "immediate attendance." When he comes, there is the court; the court tells him when he will be needed again; the court takes his recognizance. Suppose, on the other hand, he should be allowed to stop at a magistrate's office and give bond for his appearance, how will the magistrate know how to take the bond? When is the witness to appear? How will the court know that a bond has been given in proper terms? The whole purpose is that if a witness is needed immediately he shall be brought immediately before the court, and then, if the cause is continued or laid over for a day, the court will take his recognizance for his appearance when required.

While I am replying to both these gentlemen I may remark they both took exception also to section 8, which allows the marshals and deputy marshals of the United States to exercise the same rights that sheriffs, constables, and their deputies exercise as police officers within the Territories. Now, that has been the law under the Territorial code since 1876, how much longer I do not know. But this section gives to marshals and deputy marshals of the United States the powers which section 1072 of the code of Utah gives to every peace officer in that Territory as to arrest and detention in certain cases without process.

It is true that that law has not been enacted by the Congress of the United States; but all the Territorial laws of the United States are passed subject to the approval of Congress, and Congress may at any moment annul any one of them. Therefore, by silence, at least since 1876, Congress has unanimously approved that section of the laws of Utah.

Besides, sir, what are these arrests there? They are arrests for crimes of a grave character committed in the "view" or presence of the officer. No right existing under any other law is taken away. The gentleman from North Carolina spoke as though this were the only law—he virtually said that when a man enters prison upon the arrest of a marshal because he has been guilty of insurrection, or riot, or affray, he is like one in hell, never to return. What is the fact? The right of habeas corpus is undisturbed; all the other statutes for the protection of liberty are in full force. This simply declares that United States marshals and deputies may exercise the like right that has been exercised in that Territory by its own officers year after year without objection on the part of anybody—a right under laws passed by the people of that Territory themselves for the preservation of the good order and decency of society.

Mr. BENNETT. Will the gentleman——

Mr. HAMMOND. I beg pardon. I have given away all but twenty-five minutes of my time, and I can not yield.

Mr. BENNETT. May I humbly ask a question?

Mr. HAMMOND. I can not yield.

Mr. BENNETT. I will state——

Mr. HAMMOND. I can not yield.

Mr. BENNETT. I do not find such a provision as the gentleman mentions in the law.

Mr. HAMMOND. The other section objected to was, both in the House bill and the Senate bill, the same except as pointed out by the gentleman from Illinois [Mr. EDEN]. I have shown reasons for the change. It was proper to omit the language referred to.

The gentleman from North Carolina [Mr. BENNETT] rather objected to the fact that we declared section 17 of the House bill no longer necessary in our estimation, and that it did not repeal the existing law as to appeals from the Territorial court to the Supreme Court of the United States. The gentleman said that is not correct; and by way of proving his decision cited the decision of the Supreme Court as to illegal cohabitation between the sexes. We admit that in the House bill we did undertake to give in reference to that offense the same right of appeal as was given in regard to the other two crimes under the act of 1882; but while some conferees elsewhere insisted that we ought to strike out the whole matter of appeal, we simply said, "No; we will not ask for any greater right of appeal than now exists; we will leave the laws as to appeal where they now are." That is the effect of leaving out section 17 of House bill. Was it unreasonable for the House conferees to yield in that particular? Let me submit a few reasons to satisfy the judgment of gentlemen of the House, as I think they ought to do, because they satisfied ours.

All other crimes are tried in the Territorial courts and in the district courts of the United States in the States without the right of appeal to the Supreme Court. Why should the Mormon have his crimes dignified—adorned, if you please—with the grand right of appeal to the Supreme Court, when every other man, in the case of every other crime, however grave, must submit to the finding of the court below? Was this case as to the right of appeal ever different? It was so as to the Mormon in the beginning, because this country was so tender of doing anything contrary to any man's religion, so tender of appearing to prosecute, and at the same time persecute, a weak people, that Congress determined the penalty for these crimes should not be enforced against those people until they had had authority and privilege and time to exercise the

right of appeal. But after the Supreme Court had determined the constitutional question, when these crimes had been passed upon and the law laid down, the conferees thought it not unreasonable to say that the Mormons should have no privilege over anybody else *in futuro* more than the law already gave them.

Those are the only objections which have been made to this bill on this floor to-day. I admit there are things in it which do not meet my hearty concurrence. All legislation upon grave matters like this, affecting not only the criminal laws but the policy of the country, must necessarily be, in large measure, a matter of agreement and concord. We must yield something and others must yield something in order to come to agreement. The House passed a bill to take all the property of these great corporations mentioned in the bill and submit the whole matter to a court, allowing the court to divide up the property among those who might establish their claims, but making no disposition of the residuum. That being complained of as a harsh measure against the Church of the Latter-Day Saints, this agreed bill says that the property shall first be distributed by giving to each church, each special congregation, each special sect, all the property that is necessary or convenient for its public worship, for burial grounds, and for parsons' residences. In other words, it gives to every Mormon church and congregation exactly the property rights that are given to the gentiles, of whatever denomination, in that Territory or in the States.

Mr. ROGERS. Will the gentleman allow me to ask this one question? Is the right of appeal touching those property rights preserved now as it was originally in the bill?

Mr. HAMMOND. Certainly, under the general law. If a man's property is of value sufficient he can go to the Supreme Court, just as you or I can go if our property rights are up to the amount giving the Supreme Court jurisdiction. Where the amount is too small suitors have to stop below, as you and I stop below.

The Senate bill provided that the President of the United States should appoint fourteen persons to act with thirteen commissioners of the church allotted to govern the church corporation property as if the majority of stockholders were on the United States side. That has been abandoned by the Senate conferees. It has been said we declare that the court shall vest this church property in each congregation in trustees named by the congregation. But they hold their property just like trustees of your church or my church will hold theirs; just so much as is necessary and convenient for the purposes which I have named. I submit that, as other congregations have no more, the Mormons ought not to have any more.

Mr. DIBBLE. Is the surplus distributed among the corporators?

Mr. HAMMOND. It is provided that if there be a residuum after the trustees have taken their rights, and if there be a residuum which can not find any other place to vest than in the pocket of proper claimants it should go into the general school fund of the Territory.

These are the main features of the bill. But I deem it proper to make one other remark lest gentlemen might be misled by what has been published. It went out through the press dispatches that we made in this bill a test oath which required men to make oath that they did not believe in polygamy before they could register or vote.

There is nothing of the kind in the bill. The act of 1882 made it a condition-precedent to the right to register and vote that a certain state of things exist. Under that commissioners made a condition-precedent the taking of an oath prescribed by them. The Supreme Court decided those oaths not to be constitutional because the commission had no right to prescribe them, but that the statutory qualifications were conditions-precedent to the right to vote. The conferees agreed that it was better to put in the statute what the oath should be, and this bill requires that it shall be taken only as a condition-precedent to the right of voting. He shall take the oath that he comes within the rule laid down by the act of 1882, just as in our statutes a man can not vote unless he is of a certain age, unless he lived in a county a certain time, unless he is a citizen of the United States, &c., and the managers of the State elections may demand of him to make oath to these qualifications before he registers or votes.

We thought it safe that the statute should prescribe the form of that oath.

It is due to truth and candor to say the oath in this bill does have an additional feature which is not in the act of 1882. That feature is that a person taking the oath must swear that he has not aided or abetted in the commission of any of the peculiar crimes under consideration. It may not be wise. But if one can become a voter who avoids the commission of those crimes merely, the policy of exclusion would be evaded by allowing him to become an office-holder as well as a voter, notwithstanding he was aiding and abetting others to violate the laws.

I care not to reply to what has been said about the "reconstruction laws" and test oaths in the past, or to what else was done after the war. No man can draw anything so strongly denunciatory in reference to that character of legislation which will not call forth from me a hearty amen. But I do not think there is any parallelism between the two cases.

Nor do I think I need reply to the suggestion of my friend from North Carolina [Mr. BENNETT] when he said no "temporary" power or "temporary" excitement should cause us to do violence to our consciences or to our duty as to these people. I do not know what he calls "temporary." This was a crying evil prior to 1862. The official *imprimatur* was put on the statutes in that year with a view to break up polygamy. It has been followed ever since. Additional steps have been taken. This additional step is taken because the sense of the American people is against that practice; because the civilization of this age is against that practice. When the Mormons desire that Congress shall cease to legislate, let them cease violating the law of the land and the civilization of the century.

I now demand the previous question on the adoption of the report.

Mr. BENNETT. I ask my friend from Georgia, as he is a scientific lawyer, to correct the statement he made a while ago.

Mr. HAMMOND. I declined to yield to the gentleman for that purpose and I decline again.

Mr. BENNETT. There is no such law in Utah, Mr. Speaker.

The question recurred on the demand for the previous question.

The House divided; and there were—ayes 82, noes 27.

Mr. EZRA B. TAYLOR demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 202, nays 40, not voting 76; as follows:

YEAS—202.

Adams, G. E.	Eldredge,	Landes,	Sessions,
Adams, J. J.	Ely,	Lanham,	Seymour,
Allen, C. H.	Farquhar,	Lehlbach,	Shaw,
Allen, J. M.	Fisher,	Lindsley,	Singleton,
Anderson, J. A.	Fleeger,	Little,	Smalls,
Atkinson,	Forney,	Louttit,	Sowden,
Baker,	Fuller,	Lyman,	Spooner,
Ballentine,	Funston,	Mahoney,	Springer,
Barksdale,	Gallinger,	Matson,	Stahlnecker,
Barry,	Gay,	Maybury,	Steele,
Bayne,	Geddes,	McComas,	Stephenson,
Belmont,	Gibson, C. H.	McCreary,	Stewart, J. W.
Bingham,	Gilfillan,	McKenna,	Stone, E. F.
Blanchard,	Glass,	McKinley,	Stone, W. J., Ky.
Bliss,	Goff,	McMillin,	Storm,
Blount,	Grosvenor,	McRae,	Strait,
Bound,	Grout,	Merriman,	Struble,
Boutelle,	Guenther,	Millard,	Swope,
Breckinridge, C. R.	Halsell,	Moffatt,	Symes,
Brown, C. E.	Hammond,	Morgan,	Taylor, E. B.
Brown, W. W.	Harmer,	Morrison,	Taylor, I. H.
Buchanan,	Harris,	Morrow,	Taylor, J. M.
Buck,	Hatch,	Muller,	Thomas, J. R.
Bunnell,	Hayden,	Neal,	Thomas, O. B.
Burleigh,	Haynes,	Nelson,	Thompson,
Burrows,	Heard,	Oates,	Townshend,
Butterworth,	Hemphill,	O'Donnell,	Van Eaton,
Bynum,	Henderson, J. S.	O'Ferrall,	Van Schaick,
Caldwell,	Henderson, T. J.	O'Neill, Charles	Viele,
Campbell, J. M.	Henley,	Osborne,	Wade,
Campbell, J. E.	Hepburn,	Owen,	Wadsworth,
Cannon,	Hermann,	Parker,	Wait,
Caswell,	Hiestand,	Peel,	Wakefield,
Catchings,	Hires,	Perkins,	Ward, J. H.
Clements,	Hiscock,	Peters,	Warner, William
Cobb,	Hitt,	Pettibone,	Weaver, A. J.
Comstock,	Holman,	Plumb,	Weaver, J. B.
Conger,	Holmes,	Price,	Weber,
Cooper,	Hopkins,	Randall,	West,
Cox, W. R.	Houk,	Reed,	Wheeler,
Crisp,	Howard,	Reese,	White, A. C.
Croxton,	Hutton,	Richardson,	White, Milo
Cutcheon,	Jackson,	Riggs,	Whiting,
Davidson, A. C.	James,	Robertson,	Wilkins,
Davidson, R. H. M.	Johnson, F. A.	Rogers,	Willis,
Davis,	Johnston, J. T.	Romeis,	Winans,
Dawson,	Johnston, T. D.	Rowell,	Wolford,
Dingley,	Jones, J. T.	Ryan,	Woodburn,
Dockery,	Laffoon,	Sawyer,	Worthington.
Dorsey,	La Follette,	Sayers,	
Dunham,	Laird,	Seney,	

NAYS—40.

Barbour,	Daniel,	Jones, J. H.	Perry,
Bennett,	Dargan,	Kleiner,	Reagan,
Bragg,	Dibble,	Le Fevre,	Skinner,
Cabell,	Eden,	Martin,	Stone, W. J., Mo.
Campbell, T. J.	Foran,	Mills,	Tarsney,
Carleton,	Frederick,	Mitchell,	Tillman,
Clardy,	Hale,	Neece,	Turner,
Collins,	Hall,	O'Hara,	Ward, T. B.
Compton,	Hill,	O'Neill, J. J.	Warner, A. J.
Culberson,	Irion,	Outhwaite,	Wilson.

NOT VOTING—76.

Aiken,	Dunn,	Libbey,	Rice,
Anderson, C. M.	Ellsberry,	Long,	Rockwell,
Bacon,	Ermentrout,	Lore,	Rusk,
Barnes,	Evans,	Lovering,	Sadler,
Bland,	Everhart,	Lowry,	Scott,
Boyle,	Felton,	Markham,	Scranton,
Brady,	Findlay,	McAdoo,	Snyder,
Breckinridge, WCP	Ford,	Miller,	Spriggs,
Browne, T. M.	Gibson, Eustace	Milliken,	Stewart, Charles
Brumm,	Glover,	Morrill,	St. Martin,
Burnes,	Green,	Murphy,	Swinburne,
Campbell, Felix	Hanback,	Negley,	Taulbee,
Candler,	Henderson, D. B.	Norwood,	Taylor, Zach.
Cowles,	Herbert,	Payne,	Throckmorton,
Cox, S. S.	Hudd,	Payson,	Trigg,
Crain,	Kelley,	Phelps,	Tucker,
Curtin,	Ketcham,	Pidcock,	Wallace,
Davenport,	King,	Pindar,	Wellborn,
Dougherty,	Lawler,	Ranney,	Wise.

So the conference report was adopted.

On motion of Mr. HAMMOND, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. DUNN with Mr. EVANS, for this day.

Mr. SNYDER with Mr. WAIT, for to-day.

Mr. STEWART, of Texas, with Mr. MARKHAM, on this vote.

Mr. LORE with Mr. MILLIKEN, on this vote.

Mr. SOWDEN with Mr. STRUBLE, on this vote.

Mr. LOVERING with Mr. HENDERSON, of Iowa, for this day.

Mr. ERMENTROUT with Mr. KELLEY.

Mr. COWLES with Mr. MORRILL, for to-day.

The result of the vote was then announced as above recorded.

Mr. HAMMOND moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS, MISSOURI.

Mr. BURNES. I desire to submit a privileged report from a conference committee.

Mr. GROSVENOR. I wish to call up a privileged motion. I move that the House proceed to consider the veto message of the President on House bill No. 5394.

The SPEAKER. The gentleman from Missouri submits a privileged motion, which will be disposed of.

Mr. PARKER. Mr. Speaker, in reference to the last vote taken I am announced as being paired with Mr. TUCKER, of Virginia. I wish to state in this connection that knowing he would vote in the affirmative, I have considered that I consulted his wishes by voting as I did.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and the western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate and agree to the same.

JAMES N. BURNES,
D. B. CULBERSON,
W. H. WADE,
Managers on the part of the House.

G. G. VEST,
WM. M. EVARTS,
JAMES F. WILSON,
Managers on the part of the Senate.

The managers on the part of the House submit the following statement to accompany the report:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes, respectfully state that the effect of the action agreed upon by the conference committee and submitted in the accompanying report will be to pass the bill as it was amended by the Senate.

Mr. BURNES. I demand the previous question upon the adoption of the report.

The previous question was ordered, and under the operation thereof the report was adopted.

Mr. BURNES moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. BENNETT to extend his remarks in the RECORD on the bill (S. 10) in reference to bigamy.

ORDER OF BUSINESS.

Mr. GROSVENOR. I now call up the President's message vetoing House bill 5394, and ask its present consideration.

Mr. O'NEILL, of Missouri. I raise the question of consideration.

The SPEAKER. As soon as the Clerk reads the title of the bill.

The Clerk read as follows:

A bill (H. R. 5394) granting a pension to Sallie Ann Bradley.

Mr. O'NEILL, of Missouri. I raise the question of consideration for the purpose of calling up the labor bills.

Mr. GROSVENOR. This is a vetoed pension case, and I hope the House will proceed to consider it.

The SPEAKER. The question is, Will the House now proceed to consider the message and bill?

The question was taken; and on a division there were—ayes 80, noes 85.

Mr. GROSVENOR. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 142, not voting 66; as follows:

YEAS—110.

Adams, G. E.	Funston,	Lyman,	Steele,
Allen, C. H.	Gallinger,	McComas,	Stephenson,
Anderson, J. A.	Geddes,	McKenna,	Stewart, J. W.
Atkinson,	Goff,	McKinley,	Strait,
Baker,	Grosvenor,	Millard,	Struble,
Bayne,	Grout,	Milliken,	Swinburne,
Bound,	Guenther,	Moffatt,	Taylor, E. B.
Boutelle,	Hayden,	Morrow,	Taylor, I. H.
Brady,	Haynes,	Nelson,	Thomas, J. R.
Brown, C. E.	Henderson, T. J.	O'Donnell,	Thomas, O. B.
Brown, W. W.	Hepburn,	O'Hara,	Thompson,
Buck,	Hermann,	Osborne,	Townshend,
Bunnell,	Hiestand,	Owen,	Van Schaick,
Burleigh,	Hiscock,	Payson,	Wade,
Burrows,	Hitt,	Perkins,	Wadsworth,
Campbell, J. E.	Holmes,	Peters,	Wait,
Cannon,	Hopkins,	Pettibone,	Wakefield,
Caswell,	Jackson,	Plumb,	Warner, William
Conger,	Johnson, F. A.	Price,	Weaver, A. J.
Cooper,	Johnston, J. T.	Reed,	Weber,
Cutcheon,	La Follette,	Rice,	West,
Davis,	Laird,	Romeis,	White, A. C.
Dorsey,	Lehlbach,	Rowell,	White, Milo
Dunham,	Libbey,	Ryan,	Whiting,
Everhart,	Lindsley,	Sawyer,	Wolford,
Felton,	Little,	Sessions,	Woodburn.
Fleeger,	Long,	Smalls,	
Fuller,	Louttit,	Spooner,	

NAYS—142.

Adams, J. J.	Dargan,	Hutton,	Rusk,
Allen, J. M.	Davidson, A. C.	Irion,	Sadler,
Bacon,	Davidson, R. H. M.	James,	Sayers,
Ballentine,	Dawson,	Johnston, T. D.	Seney,
Barksdale,	Dibble,	Jones, J. H.	Seymour,
Barnes,	Dockery,	Jones, J. T.	Shaw,
Barry,	Dougherty,	Kleiner,	Singleton,
Belmont,	Eden,	Laffoon,	Skinner,
Bennett,	Eldredge,	Landes,	Sowden,
Bingham,	Ely,	Lanham,	Spriggs,
Blanchard,	Ermentrout,	Mahoney,	Springer,
Blount,	Farquhar,	Martin,	St. Martin,
Boyle,	Findlay,	Matson,	Stone, W. J., Ky.
Bragg,	Fisher,	McCreary,	Stone, W. J., Mo.
Breckinridge, C. R.	Foran,	McMillin,	Storm,
Breckinridge, WCP	Forney,	McRae,	Swope,
Brumm,	Frederick,	Miller,	Tarsney,
Buchanan,	Gibson, C. H.	Mills,	Taulbee,
Burnes,	Gilfillan,	Morgan,	Taylor, J. M.
Bynum,	Glass,	Muller,	Tillman,
Cabell,	Glover,	Neal,	Trigg,
Caldwell,	Green,	Neece,	Turner,
Campbell, J. M.	Hale,	Oates,	Van Eaton,
Campbell, T. J.	Hall,	O'Ferrall,	Viele,
Carleton,	Halsell,	O'Neill, Charles	Ward, J. H.
Catchings,	Hammond,	O'Neill, J. J.	Ward, T. B.
Clardy,	Harmer,	Outhwaite,	Warner, A. J.
Clements,	Harris,	Peel,	Wheeler,
Compton,	Hatch,	Perry,	Wilkins,
Comstock,	Heard,	Randall,	Willis,
Cox, W. R.	Hemphill,	Reagan,	Wilson,
Crisp,	Henderson, J. S.	Reese,	Winans,
Croxton,	Herbert,	Richardson,	Wise,
Culberson,	Hill,	Riggs,	Worthington.
Curtin,	Holman,	Robertson,	
Daniel,	Howard,	Rogers,	

NOT VOTING—66.

Aiken,	Ellsberry,	Lovering,	Ranney,
Anderson, C. M.	Evans,	Lowry,	Rockwell,
Barbour,	Ford,	Markham,	Scott,
Bland,	Gay,	Maybury,	Scranton,
Bliss,	Gibson, Eustace	McAdoo,	Snyder,
Browne, T. M.	Hanback,	Merriman,	Stahlnecker,
Butterworth,	Henderson, D. B.	Mitchell,	Stewart, Charles
Campbell, Felix	Henley,	Morrill,	Stone, E. F.
Candler,	Hires,	Morrison,	Symes,
Cobb,	Houk,	Murphy,	Taylor, Zach.
Collins,	Hudd,	Negley,	Throckmorton,
Cowles,	Kelley,	Norwood,	Tucker,
Cox, S. S.	Ketcham,	Parker,	Wallace,
Crain,	King,	Payne,	Weaver, J. B.
Davenport,	Lawler,	Phelps,	Wellborn.
Dingley,	Le Fevre,	Pidcock,	
Dunn,	Lore,	Pindar,	

So the House refused to consider the bill and message.

Mr. EDEN. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following additional pair was announced:

Mr. STAHLNECKER with Mr. SYMES, for the rest of the day.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. I move to dispense with the morning hour for the call of committees for reports.

Mr. BELMONT addressed the Chair.

The SPEAKER *pro tempore* (Mr. MCMILLIN). For what purpose does the gentleman from New York rise?

Mr. BELMONT. I desire to know what is the regular order.

The SPEAKER *pro tempore*. The call of committees for reports.

Mr. BELMONT. I ask for the regular order.

Mr. O'NEILL, of Missouri. I have moved to dispense with the regular order.

Mr. HAMMOND. Let that motion be voted down.

The question being taken on the motion of Mr. O'NEILL, of Missouri,

The SPEAKER *pro tempore* stated that in the opinion of the Chair two-thirds had not voted in the affirmative.

Mr. O'NEILL, of Missouri. I am willing that there should be unanimous consent that reports may be handed in at the Clerk's desk.

Several members called for the regular order.

The question being taken, there were—ayes 73, noes 60.

So (two-thirds not having voted in the affirmative) the hour for the call of committees was not dispensed with.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.;

A bill (S. 1494) granting an increase of pension to Stephen D. Smith; and

A bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting material to fill about the base of the Washington Monument.

AMENDMENT OF RULES.

Mr. ANDERSON, of Kansas. As a privileged matter I present the resolution which I send to the desk, and ask that it be referred to the Committee on Rules.

The resolution was read, as follows:

Resolved, That during the remainder of this session the regular hour of meeting shall be 11 o'clock a. m.; and that immediately after the disposition of business on the Speaker's table one hour each day, or so much thereof as may be needed, is hereby set apart to requests by members for unanimous consent for the consideration of bills upon the Calendar; and that three minutes shall be allowed for explanation of and three minutes for opposition to each such request before its submission to the House.

The resolution was referred to the Committee on Rules.

REDEMPTION OF THE TRADE-DOLLAR.

The SPEAKER appointed as the conferees on the disagreeing votes of the two Houses on the bill (S. 199) for the retirement and recoinage of the trade-dollar Mr. SCOTT, Mr. LANHAM, and Mr. FELTON.

CHANGE OF REFERENCE.

Mr. BURNES, from the Committee on Appropriations, reported back a resolution for the relief of Henry Brock, and moved that the Committee on Appropriations be discharged from the further consideration of the same and that it be referred to the Committee on Claims.

The motion was agreed to.

SUPREME COURT OF DAKOTA.

Mr. CASWELL, from the Committee on the Judiciary, reported, as a substitute H. R. 2821, a bill (H. R. 11198) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 2821 was laid on the table.

THOMAS B. NALLE.

Mr. HAMMOND, from the Committee on the Judiciary, reported a bill (H. R. 11199) for the relief of Thomas B. Nalle; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

CHARLES H. LEE.

Mr. HAMMOND, from the Committee on the Judiciary, also reported a bill (H. R. 11200) for the relief of Charles H. Lee; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRENCH SPOLIATION CLAIMS.

Mr. HAMMOND, from the Committee on the Judiciary, also reported a bill (H. R. 11201) to allow an appeal from the Court of Claims tc the Supreme Court in certain French spoliation claims; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JUDICIAL DISTRICTS IN GEORGIA.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 9146) to transfer certain counties from the southern judicial district to the northern district in the State of Georgia, and to divide the northern district in said State into two, to be known as the western and eastern divisions of said district, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TAMPA A PORT OF ENTRY.

Mr. O'FERRALL, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 4441) to make Tampa, Fla., a port of entry; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC LANDS IN CALIFORNIA.

Mr. HENLEY, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of lands in said State; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EXEMPLIFICATION OF LAND PATENTS.

Mr. MCRAE, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (S. 1962) to amend section 461 of the Revised Statutes of the United States regulating fees for exemplification of land patents, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JEFFERSONVILLE DEPOT, INDIANA.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 7014) authorizing and directing the Secretary of the Treasury to purchase certain real estate lying immediately opposite the Jeffersonville depot of the United States quartermaster's department at Jeffersonville, Ind., and to have erected thereon a building to be occupied by the military storekeeper on duty at said depot, the costs of said grounds and building not to exceed $18,000; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HENRY B. SHAW.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 10925) granting an increase of pension to Henry B. Shaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WARREN MITCHELL.

Mr. RICHARDSON presented the views of the minority of the Committee on War Claims on the bill (H. R. 6462) for the relief of Warren Mitchell; which were ordered to be printed with the report of the committee.

SEARCH FOR THE GREELY EXPEDITION.

Mr. RICHARDSON, from the Committee on Printing, also, reported back with a favorable recommendation the joint resolution (H. Res. 253) for printing 5,000 copies of Commander Schley's report of his search for the Greely expedition; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees for reports is now completed.

Mr. O'NEILL, of Missouri. I move to dispense with the morning hour, with the view, if it is dispensed with, of moving to take up business reported from Committee on Labor.

Mr. OATES. Regular order.

The SPEAKER. There is no provision in the rules for dispensing with the hour for the consideration of bills, and the only way in which that hour can be disposed of is by going into Committee of the Whole on the state of the Union to consider general appropriation bills or revenue bills.

Mr. RANDALL. If the gentleman from New York [Mr. BELMONT] does not wish to resume the consideration of the consular and diplomatic bill I desire to report the sundry civil appropriation bill.

Mr. O'NEILL, of Missouri. Mr. Speaker, I desire to call up——

Mr. BELMONT. Mr. Speaker——

Mr. O'NEILL, of Missouri. I have the floor, I believe.

The SPEAKER. The Chair has ruled that there is no provision in the rules for dispensing with the hour for the consideration of bills.

Mr. O'NEILL, of Missouri. I move to call up Senate bill 2076.

Mr. BELMONT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills, my purpose being to ask the House to proceed with the consideration of the consular and diplomatic bill.

REIMBURSEMENT OF MIAMI INDIANS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendment the bill (H. R. 469) to reimburse the Miami Indians of Indiana for moneys improperly taken from them; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. O'NEILL, of Missouri. My motion is pending, I believe.

The SPEAKER. The motion made by the gentleman from New York [Mr. BELMONT] has priority under the order of the House.

Mr. O'NEILL, of Missouri. Then my motion can not be reached unless that is voted down?

The SPEAKER. It can not.

Mr. RANDALL. I hope we shall not vote it down, but go on with the regular business of the House.

Mr. O'NEILL, of Missouri. We have not considered a labor bill this session.

The SPEAKER. The motion is not debatable.

Mr. OATES. Mr. Speaker, I believe it is usual to allow gentlemen to file reports who have failed to present them during the call?

The SPEAKER. It is.

Mr. OATES. I desire to present two reports from the Committee on the Judiciary.

PREVENTION OF FOREST FIRES.

Mr. OATES, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 5556) to define and punish the offense of setting fire to and burning woods, grass, or forests on lands belonging to the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. OATES, from the Committee on the Judiciary, also reported back adversely the bill (H. R. 10995) to prevent unauthorized persons from wearing badges, buttons, decorations, or devices indicating enlistment or commission and muster into the military or naval service of the United States during the war of the rebellion.

Mr. BRAGG. I ask that that bill go upon the House Calendar.

There was no objection, and it was so ordered.

ORDER OF BUSINESS

Mr. BELMONT. Now, Mr. Speaker, I renew my motion——

Mr. SINGLETON. Mr. Speaker, the consular and diplomatic bill has occupied three or four days, and I think it is time that the House should proceed to some other business.

The SPEAKER. These motions are not debatable. The question is on the motion of the gentleman from New York [Mr. BELMONT] that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The question was taken; and there were—ayes 116, noes 27.

Mr. O'NEILL, of Missouri. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Missouri [Mr. O'NEILL] and the gentleman from New York [Mr. BELMONT].

The House again divided; and the tellers reported—ayes 127, noes 53.

Mr. O'NEILL, of Missouri. I demand the yeas and nays.

Mr. CRAIN. Mr. Speaker, I desire to state to the House, if it be in order——

Several MEMBERS. Regular order!

Mr. CRAIN. Then, Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CRAIN. My point is that if the House will take up the letter-carrier's bill I will call the previous question upon it and will make no speech on my side. [Laughter and renewed cries of "Regular order!"]

The question was taken on ordering the yeas and nays, and they were refused—only 16 members voting in favor thereof.

The motion of Mr. BELMONT was then agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of further considering the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes.

Mr. BELMONT. Mr. Chairman, in proceeding to the consideration of this bill I desire to ask consent that we take it up at the point reached when the bill was last under consideration and substitute what I hold in my hand, the provisions of this substitute being in accordance with the rulings of the Chair. The attempt at reclassification which had been made being subject to a point of order, this has been deemed the speediest and most satisfactory way to reach a conclusion upon the bill, and I trust that no objection will be made.

Mr. MCCREARY. Mr. Chairman, I understand that the substitute which the gentleman desires to submit conforms to existing law and that the increases of salary proposed in the bill originally reported by the Committee on Foreign Affairs have all been stricken out. I hope, therefore, that this substitute will now be taken up and considered.

Mr. BELMONT. Mr. Chairman, the purpose of the substitute is to conform to the rulings of the Chair on points of order. The substitute covers only that portion of the bill which has not yet been read.

Mr. MCCREARY. Let the substitute be read.

Mr. SEYMOUR. I desire to inquire whether this leaves the bill in the same parliamentary position as before?

Mr. BELMONT. It does.

The CHAIRMAN. The Chair desires to call attention to the fact that when the committee last rose a point of order was pending with reference to the consul at Callao.

Mr. MCCREARY. I made a point of order upon the provision with reference to the consul at Pernambuco. I understand this matter is embraced in the substitute, and I will withdraw the point of order for the present.

Mr. BELMONT. Yes; that comes in under class 3.

The CHAIRMAN. As the Chair understands, the point or order was upon the provision for the consul at Callao, in line 201.

Mr. BELMONT. The gentleman from Kentucky made a point of order upon Pernambuco, which point he now withdraws. That was the last point of order.

Mr. MCCREARY. I withdraw it, because a provision on that subject is embraced in the substitute.

Mr. BELMONT. Reference to the RECORD will show that the last point of order was, as I have stated, upon the provision for the consul at Pernambuco.

The CHAIRMAN. The Chair understood from the Clerk that the last line read was with reference to the consul at Callao, and that there was a point of order made upon that; but upon the statement of the gentleman from New York and the gentleman from Kentucky the Chair will consider that as a misunderstanding and will regard the point of order as withdrawn.

Mr. BELMONT. I now ask consent that this proposed substitute be read, with the view that it shall take the place of the remainder of the bill.

The Clerk proceeded to read the following:

Strike out all from line 202 to 392, inclusive, and insert the following:

CLASS III.—At $3,000 per annum:

CHILI.

Consul at Valparaiso.

CHINA.

Consul at Ningpo.

FRANCE.

Consul at Havre.

GREAT BRITAIN AND BRITISH DOMINIONS.

Consuls at Belfast, Bradford, Demerara, Glasgow, Manchester, Ottawa, and Singapore.

JAPAN.

Consuls at Nagasaki, and Osaka and Hiogo.

MEXICO.

Consul at Vera Cruz.

SPANISH DOMINIONS.

Consul at Matanzas (Cuba).

UNITED STATES OF COLOMBIA.

Consul at Colon (Aspinwall).

CLASS IV.—At $2,500 per annum:

ARGENTINE REPUBLIC.

Consul at Buenos Ayres.

BELGIUM.

Consuls at Antwerp and Brussels.

DANISH DOMINIONS.

Consul at St. Thomas.

FRANCE.

Consuls at Bordeaux, Lyons, and Marseilles.

GERMANY.

Consuls at Bremen, Dresden, and Hamburg.

GREECE.

Consul at Athens.

GREAT BRITAIN AND BRITISH DOMINIONS.

Consuls at Birmingham, Dundee, Leith, Nottingham, Tunstall, and Victoria (British Columbia).

SPANISH DOMINIONS.

Consuls at Cienfuegos and Santiago de Cuba.

TURKISH DOMINIONS.

Consul at Smyrna.

CLASS V.—At $2,000 per annum:

AUSTRIA-HUNGARY.

Consuls at Trieste and Prague.

BARBARY STATES.

Consul at Tangier.

BRAZIL.

Consul at Pernambuco.

COSTA RICA.

Consul at San José.

FRIENDLY AND NAVIGATOR'S ISLANDS.

Consul at Apia.

GERMANY.

Consuls at Barmen, Chemnitz, Cologne, Crefeld, Leipsic, Nuremberg, and Sonneberg.

GREAT BRITAIN AND BRITISH DOMINIONS.

Consuls at Cardiff, Cork, Dublin, Hamilton (Canada), Kingston (Jamaica), Leeds, Nassau (New Providence), Port Louis (Mauritius), St. John (New Brunswick), Sydney (New South Wales), and Toronto (Canada).

HONDURAS.

Consul at Tegucigalpa.

ITALY.

Consul at Palermo.

MADAGASCAR.

Consul at Tamative.

MEXICO.

Consul at Acapulco.

NETHERLANDS.

Consul at Rotterdam.

NICARAGUA.

Consuls at Managua and San Juan del Norte.

RUSSIA.

Consul at Odessa.

SALVADOR.

Consul at San Salvador.

SPAIN AND SPANISH DOMINIONS.

Consuls at Manila (Philippine Islands), San Juan (Porto Rico), and Sagua la Grande (Cuba).

SWITZERLAND.

Consuls at Basle and Zurich.

TURKISH DOMINIONS.

Consuls at Beirut and Jerusalem.

URUGUAY.

Consul at Montevideo.

VENEZUELA.

Consul at Maracaibo.

CLASS VI.—At $1,500 per annum:

BRAZIL.

Consuls at Bahia and Para.

BELGIUM.

Consul at Liege and Verviers

DENMARK.

Consul at Copenhagen.

FRANCE AND FRENCH DOMINIONS.

Consuls at Guadeloupe, Martinique, and Nice.

GERMANY.

Consuls at Aix la Chapelle, Mannheim, Munich, and Stuttgart.

GREAT BRITAIN AND BRITISH DOMINIONS.

Consuls at Amherstburg (Canada), Antigua (West Indies), Auckland (New Zealand), Barbadoes, Bermuda, Bristol, Cape Town, Ceylon (India), Charlottetown (Prince Edward Island), Clifton (Canada), Fort Erie (Canada), Goderich (Canada), Gibraltar, Kingston (Canada), Malta, Newcastle-on-Tyne, Quebec, Pictou (Canada), Port Sarnia (Canada), Port Stanley (Falkland Islands), Prescott (Canada), Southampton, St. Helena, St. John's (Canada), St. Stephen (Canada), Windsor (Canada), and Winnipeg (Manitoba).

ITALY.

Consuls at Florence, Genoa, Leghorn, Messina, Milan, and Naples.

MEXICO.

Consuls at Paso del Norte and Tampico.

NETHERLANDS.

Consul at Amsterdam.

PARAGUAY.

Consul at Asuncion.

PORTUGUESE DOMINIONS.

Consuls at Fayal (Azores) and Funchal (Madeira).

SAN DOMINGO.

Consul at San Domingo.

SPAIN.

Consuls at Barcelona, Cadiz, and Malaga.

SWITZERLAND.

Consul at Geneva.

TURKEY.

Consul at Sivas.

VENEZUELA.

Consuls at Laguayra and Puerto Cabello.

SCHEDULE C.

CLASS VII.—At $1,000 per annum.

AFRICA.

Commercial agent at Gaboon; commercial agent at St. Paul de Loando (east coast).

BELGIUM.

Consul at Ghent.

BRAZIL.

Consul at Rio Grande do Sul.

CHILI.

Consul at Talcahuano.

FIJI.

Commercial agent at Levuka.

FRANCE AND FRENCH DOMINIONS.

Consuls at Algiers and Nantes.

GERMANY.

Consul at Stettin.

GREAT BRITAIN AND BRITISH DOMINIONS.

Consuls at Bombay (India), Gaspe Basin (Canada), Sierra Leone (West Africa), Turk's Island, and Windsor (Nova Scotia).

HAYTI.

Consul at Cape Haytien.

HONDURAS.

Consul at Ruatan and Truxillo (to reside at Utilla).

ITALY.

Consul at Venice.

MEXICO.

Consuls at Guaymas, Nuevo Laredo, and Piedras Negras.

MUSCAT.

Consul at Zanzibar.

NETHERLANDS.

Consul at Batavia.

PORTUGUESE DOMINIONS.

Consul at Santiago (Cape Verde Islands).

SOCIETY ISLANDS.

Consul at Tahiti.

SWEDEN AND NORWAY.

Consul at Christiania.

CONSULAR CLERKS.

Seven consular clerks, at $1,200 per annum each, $8,400.

Six consular clerks, at $1,000 per annum each, $6,000.

CONSULAR OFFICERS NOT CITIZENS.

For salaries of consular officers not citizens of the United States, $6,000.

ALLOWANCE FOR CLERKS AT CONSULATES.

For allowance for clerks at consulates, $56,400, the sum to be allowed at each consulate not to exceed the rate herein specified, as follows:

To the consuls-general at Havana and Shanghai and to the consul at Liverpool, at $2,000 each, $6,000.

To the consuls-general at London, Paris, and Rio de Janeiro, at $1,600 each, $4,800.

To the consuls-general at Berlin, Frankfort, Kanagawa, Montreal, and Vienna, and to the consuls at Antwerp, Bremen, Chemnitz, Crefeld, Hamburg, Havre, Hong-Kong, Lyons, and Manchester, at $1,200 each, $16,800.

To the consuls at Bradford, Birmingham, and Marseilles, at $960 each, $2,880.

To the consuls-general at Calcutta, Melbourne, and Port au Prince, and the consuls at Bordeaux, Colon, Dresden, Ecuador, Glasgow, Leipsic, Maracaibo, Nuremburg, Panama, Sheffield, Singapore, Sonneberg, and Tunstall, at $800 each, $12,800.

To the consuls-general at Halifax and Matamoras, and to the consuls at Barmen, Beirut, Belfast, Dundee, Leith, Paso del Norte, Piedras Negras, and Victoria, at $640 each, $6,400.

To the consuls-general at Berne and Mexico and to the consuls at Aix la Chapelle, Demerara, Florence, Genoa, Malaga, Mannheim, Milan, Naples, Nuevo Laredo, Prague, Stuttgart, and Zurich, at $480 each, $6,720.

For an additional allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk-hire, no greater portion of this sum than $400 to be allowed to any one consulate in any one fiscal year, $10,000: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated: *And provided further*, That out of the amount hereby appropriated the Secretary of State may make such allowance as may to him seem proper to any interpreter for clerical services, in addition to his pay as interpreter.

INTERPRETERS, GUARDS, AND MARSHALS TO CONSULATES.

Interpreters to be employed at consulates in China and Japan, to be expended under the direction of the Secretary of State, $15,000.

Interpreters and guards at the consulates at Beirut, Cairo, Constantinople, Jerusalem, and Smyrna, in the Turkish dominions, and at Zanzibar, $5,000.

Marshals for the consular courts in Japan, China, and Turkey, $9,000.

BOAT-HIRE.

Boat for official use of United States consul at Osaka and Hiogo, and for pay of boat's crew, $500.

Boat for official use of the United States consul at Hong-Kong, and for pay of boat's crew, $500.

EXCHANGE.

Actual cost and expense of making exchange of money to and from the several consulates and consulates-general, $4,000.

EXPENSES OF PRISONS FOR AMERICAN CONVICTS.

For the expense of a prison and prison-keeper at the consulate-general in Bangkok, Siam, $1,000.

Actual expense of renting a prison at Shanghai for American convicts in China, $750, and for the wages of a keeper of such prison, $800, $1,550.

Actual expense of renting a prison in Kanagawa for American convicts in Japan, $750, and for the wages of a keeper of such prison, $800, $1,550.

For the purpose of paying for the keeping and feeding of prisoners in China, Japan, Siam, and Turkey, $9,000: *Provided*, That no more than 75 cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping or feeding; this is not to be understood as covering cost of medical attendance and medicines when required by such prisoners: *And provided further*, That no allowance shall be made for the keeping and feeding of any prisoner who is able to pay, or does pay, the above sum of 75 cents per day; and the consular officer shall certify to the fact of inability in every case.

Rent of prisons for American convicts in Turkey, and for wages of keepers of the same, $1,500.

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief and protection of American seamen in foreign countries, or so much thereof as may be necessary, $50,000.

FOREIGN HOSPITALS AT PANAMA.

Annual contributions toward the support of foreign hospitals at Panama, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals, $500.

PUBLICATION OF CONSULAR AND COMMERCIAL REPORTS.

Preparation, printing, publication, and distribution, by the Department of State, of the consular and other commercial reports, including circular letters to chambers of commerce, $25,000.

CONTINGENT EXPENSES UNITED STATES CONSULATES.

Expense of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular clerks, Chinese writers, and such other miscellaneous expenses as the President may think necessary for the several consulates and commercial agencies in the transaction of their business, $150,000.

When the paragraph relating to allowance for clerks at consulates was read,

Mr. McCREARY said: In order to conform to existing law that appropriation ought to be $50,320 instead of $56,400.

Mr. BELMONT. The point of order, of course, does not apply to the allowance for clerks. I do not understand that it is necessary to make a reduction in that particular, because the law does not fix the amount.

The CHAIRMAN. The Chair can only decide the question of order when it is raised. As the Chair understands, this proposed substitute is being now read with the view of asking consent that it may be offered in lieu of the remaining portion of the original bill.

Mr. McCREARY. I supposed the substitution had been agreed to; and therefore I desired to make a point of order on this as new legislation.

Mr. BELMONT. I ask the ruling of the Chair upon the point. I will only say that the allowance for clerks is in a lump sum, and varies from year to year.

The CHAIRMAN. The Chair desires to make a statement. This substitute is now being read merely with the view of asking unanimous consent that it be offered in lieu of the remainder of the bill. Perhaps it would facilitate matters to reserve points of order on the substitute until the Committee of the Whole shall determine whether it will permit the consideration of this substitute at all.

The Clerk proceeded with the reading, during which,

Mr. McCREARY and Mr. HOLMAN desired to reserve points of order on paragraphs as read.

The CHAIRMAN. The Chair understands that this substitute is now being read merely for information, and all points of order are reserved.

The Clerk concluded the reading of the proposed substitute.

Mr. BELMONT. I ask, by unanimous consent, this be substituted——

Mr. HOLMAN. Subject to points of order?

Mr. BELMONT. Yes.

The CHAIRMAN. There is no objection.

The Clerk proceeded to read.

Class third, at $3,000 per annum——

Mr. BELMONT. It is not necessary to read the bill.

Mr. HOLMAN. The substitute goes to what line?

The CHAIRMAN. The Chair understands it is by unanimous consent offered as a whole, subject to points of order.

Mr. BELMONT. Unanimous consent has been granted.

The CHAIRMAN. The Chair did not understand what the gentleman said.

Mr. BELMONT. I understand unanimous consent has been given for substitution, subject to points of order.

Mr. HOLMAN. Down to what point has he made the bill to correspond to the bill of last year?

Mr. BELMONT. Down to the point of allowance for consular clerks.

Mr. HOLMAN. I wish to call the attention of the Chair to the Revised Statutes.

The CHAIRMAN. Call attention to line 401.

Mr. BELMONT. We have agreed to a substitute for part of the original bill.

Mr. HOLMAN. I have the original bill.

Mr. BELMONT. From line 394 the lines are as in the original bill.

The CHAIRMAN. Let us understand that.

Mr. BELMONT. I ask down to that point the bill be considered as read. It has been read once. I move to dispense with the reading of the bill down to that point.

The CHAIRMAN. There has been no understanding except as to points of order.

Mr. CLEMENTS. It is to be understood no points of order can be made back of that.

The CHAIRMAN. No; that portion of the bill has been passed.

Mr. BELMONT. That is all right.

Mr. HOLMAN. My point of order is as follows. The act of 1879 contains the following provision:

For allowance for clerks at consulates, $42,600

Then there is an enumeration of the clerks to be employed at Havana, Liverpool, and other points, and what their salaries shall be. The paragraph closes as follows:

Provided, That the total sum expended in any one year shall not exceed the amounts herein appropriated.

Thus, the Chair will perceive by the language here, this is intended to be a permanent law; that the total sum expended in any one year shall not exceed the sum herein appropriated. The statutes fix each consulate at which a clerk may be employed, and it also fixes the salaries, amounting in the aggregate to $42,600. It concludes with the language I have already read, "that the total sum expended in any one year shall not exceed the sum of $42,600." I make the point of order, therefore, Mr. Chairman, that by existing law the number of consular clerks is specifically fixed, and the salaries also are fixed, and that the aggregate of these salaries can not exceed $42,600. I will only add there is a large increase in the number of consular clerks in this bill.

Mr. BELMONT. I only desire to say that this has always been held in the nature of a contingent fund. But I do not care to pursue the argument after the ruling on the question of salaries. I ask for a decision.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BELMONT. I move to strike out the appropriation in the bill and insert $42,600.

There was no objection, and it was ordered accordingly.

Mr. McCREARY. I make the point of order on Havana.

Mr. HOLMAN. The gentleman from Kentucky and the gentleman from New York will listen for a moment. The point of order necessarily strikes out the language contained in this bill and substitutes therefor the language of the act of 1879, which gives in detail the consular clerks to be employed. It substitutes that for the language of the bill down to line 434.

The CHAIRMAN. An amendment has been offered by the gentleman from New York and agreed to.

Mr. BELMONT. In view of the suggestion of the gentleman from Indiana, I withdraw my amendment. I think we can get along better by substituting the language of the act of 1879.

The CHAIRMAN. The amendment has been agreed to, and without objection that can not be done.

Mr. McCREARY. The House has stricken out the sum of $56,400 originally placed in the bill and has inserted the amount fixed by the permanent law—that is to say, $42,600. Now, in order to make the bill conform to the action of the committee, we should strike out "$2,000" for Havana, and insert "$1,600," and strike out "$2,000" for Shanghai——

Mr. HOLMAN. But my friend will observe that these differences run all through the section.

Mr. McCREARY. There are only two other changes to make, Antwerp and Ecuador.

Mr. HOLMAN. There are several to make; Milan and Aix la Chapelle, for instance; and the best way will be simply to insert in place of this the old law, which is specific in regard to all of these places.

Mr. BELMONT. The suggestion of the gentleman from Indiana is the most practical method, it seems to me, of correcting this section, and I hope it will be adopted.

Mr. HOLMAN. That makes it perfectly clear. It simply substitutes the permanent law for the bill down to line 434.

Mr. McCREARY. It amounts to the same, for if it is understood that the $42,600 of former appropriations is to be the sum provided by this bill for all of these clerks; it is understood that it is to be in accordance with the old law. But I have no objection to the gentleman's suggestion.

Mr. BELMONT. The only way is to follow the wording of the old law.

Mr. HOLMAN. That is the amendment which naturally follows from the point of order.

The CHAIRMAN. The conversation on the floor between gentlemen does not enlighten the clerks at the desk as to what is required to perfect the bill. Gentlemen will please submit their amendments in writing.

Mr. CLEMENTS. I desire to ask unanimous consent, in order to make this section conform to the old law, that all after the words "forty-two thousand six hundred," to be inserted in lines 402 and 403, be stricken out, and the balance of the statute as appears in the act of 1879 be substituted. That will designate the particular places where the clerks are to be employed, the compensation they are to receive, and the language will be in accordance with the ruling of the Chair on the point of order.

The CHAIRMAN. The gentleman will please reduce the amendment to writing, as the clerks have not been able to get the suggestion as stated on the floor.

Mr. HOLMAN. Mr. Chairman, I send to the desk what I understand to be the language to come in here.

The CHAIRMAN. The gentleman from Georgia has sent an amendment to the desk, and the Chair will cause the one amendment to be reported before entertaining another.

Mr. HOLMAN. It is the same amendment the gentleman referred to. I have the language of the statute before me.

The CHAIRMAN. The Clerk does not get the amendment from the mere statement of it on the floor, and of course the record can not be kept right at the desk unless the amendments are sent up in their regular order to be acted upon.

The Clerk will read the amendment proposed by the gentleman from Georgia.

The Clerk read as follows:

For allowance for clerks at consulates, $42,600, as follows:

For the consul-general at Havana and the consul at Liverpool, each a sum not exceeding the rate of $3,000 for any one year; and to the consuls-general at London, Paris, and Shanghai, each a sum not exceeding the rate of $2,000 for any one year; to the consuls-general at Berlin, Vienna, Frankfort, and Montreal, and to the consuls at Hamburg, Bremen, Leipsic, Lyons, Manchester, Hong-Kong, Ottawa, Belfast, Birmingham, Bradford, Chemnitz, Sheffield, Sonneberg, Dresden, Havre, Marseilles, Rio de Janeiro, Nuremberg, Leith, Singapore, Stuttgart, Mannheim, and Tunstall, each a sum not exceeding $1,500 for any one year: *Provided*, That the total sum expended in any one year shall not exceed the amount herein appropriated.

Mr. HOLMAN. That is proposed to be in lieu of the language of the bill; and I wish to make a suggestion to the gentleman from Georgia. The gentlemen will see that that covers the whole bill from line 401 down to 434, so it ought to be offered as a substitute for those provisions of the bill.

Mr. CLEMENTS. That was my intention in offering it.

The amendment was agreed to.

Mr. McCREARY. I desire to raise the point of order on this language, page 19:

Interpreters to be employed at consulates in China and Japan, to be expended under the direction of the Secretary of State, $15,000.

It ought to be $12,000. That is an increase of $3,000, and I make the point of order against it.

Mr. BELMONT. The increase is of the same nature as those heretofore referred to. These funds have been generally considered as con-

tingent funds, and under the ruling I have no objection to its being stricken out if the Chair thinks it out of order.

The CHAIRMAN. The gentleman from Kentucky will please refer the Chair to the statute to which he refers.

Mr. McCREARY. Perhaps the shortest way to reach the reduction will be to make a motion that "fifteen" be stricken out and "twelve" inserted, so it will read "twelve thousand dollars."

The CHAIRMAN. Is there objection to the amendment?

Mr. REED. I object. I think we ought either to have a statute or a vote.

Mr. BELMONT. I think we ought to have a ruling on the point of order. I have no doubt that a vote of the House would sustain the increase.

The CHAIRMAN. The Chair overrules the point of order. That concludes the substitute.

Mr. HOLMAN. Mr. Chairman, from the reading of the substitute I was not able to gather whether the language embodied in the bill with reference to the consolidation of clerks had been stricken out.

Mr. BELMONT. It is not in the bill.

Mr. HOLMAN. In order that there may be no misapprehension in regard to this let me say that I have reference to the following language:

That section 3, chapter 287, of the Supplement to the Revised Statutes be amended as follows: After the words "lower grade," in the fifth line, insert "or consolidate any two clerkships of the lower grade."

I wish to ascertain whether that language is or is not in the substitute.

Mr. BELMONT. I have already said that that is not in the substitute.

The CHAIRMAN. If there are no further questions of order, the question is now on agreeing to the substitute which has been read.

The substitute was agreed to.

Mr. BELMONT. I move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, had directed him to report the same back with sundry amendments.

Mr. BELMONT. I move the previous question on the amendments and ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. The question is on the amendments. Is a separate vote demanded on any amendment?

Mr. REED. What are the amendments?

The SPEAKER. The Clerk had better report them.

Mr. BELMONT. I do not understand that any one has asked for the reading of the amendments.

The SPEAKER. The gentleman from Maine [Mr. REED] inquired what the amendments were.

Mr. REED. I think it would be well either to have them read or that some explanation be given that we may know what the bill in its present form means.

Mr. BELMONT. The explanation is that the amendment in the nature of a substitute to conform to the ruling of the Chair has been adopted.

The SPEAKER. The gentleman can only make a statement by unanimous consent.

Several members called for the regular order.

The Clerk proceeded to read the substitute.

Mr. REED (interrupting the reading). Is this a substitute for the whole bill?

The SPEAKER. The Chair understands that it is a substitute for only a part of it.

Mr. BELMONT. If I may be permitted to give an explanation——

The SPEAKER. The regular order has been demanded.

Mr. TOWNSHEND. If it be in order to ask a question it should be in order to answer it.

Several members called for the regular order.

Mr. REED. I am sorry the Democratic side does not want the bill explained.

The Clerk resumed the reading of the substitute. Before the reading was concluded,

Mr. REED withdrew the request for the reading.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not the question will be taken on the amendments in gross.

The amendments reported by the Committee of the Whole were adopted; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. REED. I want to say a word as to that. I have no desire to inflict upon the House the reading of these amendments. But I desire to call attention to the fact that by reason of the points of order which have been made there have been very many consuls and others deprived in this bill of their salaries. Am I correct in that?

Mr. BELMONT. They have had their salaries reduced.

Mr. REED. And, as I understand, deprived of them in some instances.

Mr. BELMONT. No; in no instance has any one been deprived of a salary.

Mr. REED. I understand points of order were made with regard to some salaries, and that those points of order struck out the paragraphs which gave those salaries, and nothing has been substituted for them.

Mr. BELMONT. They were substituted for in every case. But the gentleman from Maine is correct in saying that there have been reductions, reductions under the points of order. The House has now bound itself by rules such that either a change in the rules is absolutely necessary or else it will be incumbent upon the Senate to constantly correct the failure to make the proper appropriations in the House, which is hardly fair to the Senate, besides being a surrender to the Senate of the regulation of amounts in appropriation bills.

Mr. MILLS. But I ask the gentleman, do you not appropriate according to existing law?

Mr. RANDALL. I want to say to the gentleman from Maine that, so far as I understand this bill now, it makes exactly the same appropriations for consular and diplomatic service as regards salaries as were made by the Forty-seventh Congress.

Mr. REED. I do not understand it so. There are reductions that go back to seventeen hundred and something.

Mr. RANDALL. If that be so I was not present when that was done.

Mr. REED. And I object to the Senate being saddled with the making of these necesssry appropriations. It has been the custom, I am aware, and it is a custom I have adverted to several times, and I want to call attention to it again, so that the gentleman from Pennsylvania [Mr. RANDALL], for instance, may not forget it.

Mr. RANDALL. Oh, I shall not forget it.

Mr. BELMONT. I move the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof the bill was passed.

Mr. BELMONT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I rise to make a privileged report from the Committee on Appropriations. I am instructed to report back the sundry civil appropriation bill with Senate amendments and the recommendations of the Committee on Appropriations with regard thereto. And I ask that the amendments may be considered in the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to consider the amendments in the House.

Mr. HISCOCK. I think we had better go into Committee of the Whole.

Mr. RANDALL. I will say to the gentleman from New York that there is really no division in the committee, practically, as to these amendments.

Mr. HISCOCK. The difference is that in the House the previous question may be called. There is no intention of obstructing the amendments, but I think the bill should go into Committee of the Whole.

Mr. RANDALL. I have no wish to call the previous question.

The SPEAKER. Objection is made to the request of the gentleman from Pennsylvania.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the consideration of the sundry civil appropriation bill. The Clerk will read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1888, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows: They recommend concurrence in the amendments of the Senate numbered 3, 4, 39, 154, 158, 172, 189, 193, 205, 206, 207, 208, 212, 218, 219, 220, 221, 229, 232, 255, 256, and 257. They recommend non-concurrence in the amendments numbered 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 155, 156, 157, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 175, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 191, 192, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 209, 210, 211, 213, 214, 215, 216, 217, 222, 223, 224, 225, 226, 227, 228, 230, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 258, 259, 260, 261, and 262.

They recommend concurrence in the amendment numbered 55, with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

"For post-office, custom-house, and court-house at Wilmington, N. C.: For purchase of site and commencing the erection of building, $50,000.

"For court-house and post-office at Jefferson, Tex.: For purchase of site and commencing the erection of building, $25,000.

"For post-office at Houston, Tex.: For purchase of site and commencing the erection of building, $25,000."

They recommend concurrence in the amendment numbered 58, with an amendment as follows: On page 9 of the bill, after line 2, insert the following:

"Lighting the Statue of Liberty in New York Harbor: For building for engines and boilers, $10,000; incandescent-light plant, $2,500; dynamos, lamps, and lens for torch, $4,000; removing present machinery to new building, additional houses for side lamps, putting grounds in order, fencing, and incidentals, $3,000; in all, $19,500."

They recommend concurrence in the amendment numbered 179, with an amendment as follows: After the matter proposed by said amendment insert the following:

"Elevator for the House wing of the Capitol: For the construction of an elevator, for the use of the public, in the House wing of the Capitol, to be located at the south end of the western corridor, and to run from the basement to the upper story, $12,000; and the Architect is directed to have the same completed for use by December 1, 1887."

They recommend concurrence in the amendment numbered 231, with an amendment as follows: After the matter proposed by said amendment insert the following:

"That the Secretary of War be, and he is hereby, directed to ascertain and report to Congress, at its next session, whether the graves of any soldiers, Union or confederate, who were killed in battle or who died in prison or hospital are not embraced in any national, city, town, or village cemetery or are unprotected by inclosures or unmarked by headstones, and, if there be any such graves, what amount of money would be necessary to properly fence and permanently mark the same."

Mr. RANDALL. Now, Mr. Chairman, I am ready to answer any question which any gentleman may desire to put touching these appropriations.

Mr. REED. I understand from the reading that the committee concur in but four of the Senate amendments with amendments.

Mr. RANDALL. The gentleman is mistaken.

Mr. REED. Will the chairman of the committee be good enough to tell us how many of the Senate amendments are concurred in?

Mr. RANDALL. Four with amendments, and twenty-two, I think, without amendments. The balance we non-concur in, but in a majority of cases the controversy is as to the amount of money to be appropriated.

Mr. REED. How many of the Senate amendments are there that are not concurred in?

Mr. RANDALL. Two hundred and thirty-six.

Mr. REED. Two hundred and thirty-six that are not concurred in, twenty-two that are concurred in, and four that are concurred in with amendments.

Mr. RANDALL. Yes. In some instances the difference is radical; in others the controversy is merely as to the amount.

Mr. REED. Will the gentleman tell us what are the matters of radical controversy?

Mr. RANDALL. There is the Coast Survey, the Seamen's Retreat at New York, which involves the purchase of property costing over $250,000, and the Yellowstone Park.

Mr. ADAMS, of Illinois. What is the controversy in reference to the Yellowstone Park?

Mr. RANDALL. It is as to whether the park shall continue as now, under the control of the military, or whether we shall go back to the former practice and have it under civil control.

Mr. REED. What are the nature of the difficulties as to the Coast Survey?

Mr. RANDALL. The same exactly as existed between the two Houses last year when the House receded.

Mr. REED. It is a question of the extent of the application of the services of the Coast Survey, is it?

Mr. RANDALL. It is a question as to the number of employés, and also as to the amounts to be expended in the Coast Survey service.

Mr. REED. The House having cut down what was granted last year.

Mr. RANDALL. The committee first, and the House subsequently, have agreed to exactly the same appropriations as those of last year, but they are varied in some degree as to the service, by reason of the completion of work which was provided for last year, and the commencement this year of work not entered upon before.

Mr. REED. What is the difference of amount involved?

Mr. RANDALL. I will have to wait to have that figured out.

Mr. WARNER, of Ohio. While the Clerk is making that calculation I will ask the chairman of the committee whether there is any controversy over the Geological Survey.

Mr. RANDALL. There is controversy over the Geological Survey upon the question of compelling the estimates to be itemized in the future. The Senate have added language which the Committee on Appropriations fear will not meet the object the House had in view in inserting the paragraph heretofore inserted.

Mr. BROWN, of Pennsylvania. May I be permitted a question?

Mr. RANDALL. I am now able to state, in reply to the gentleman from Maine [Mr. REED], that the difference in the Coast Survey is $135,000, as I learn from the clerk of the committee, who has computed it.

Mr. BROWN, of Pennsylvania. Will there be any controversy over a Senate amendment where the appropriation only reaches the amount of the previous limit?

Mr. RANDALL. We have in no instance, I think, unless it be in the case of Houston, made any appropriation in this bill in excess of the limit. The Senate did, I think, in one instance, perhaps two, raise the limit of appropriation for a public building; and in that we have non-concurred.

Mr. BROWN, of Pennsylvania. Where they have not raised the limit there is no controversy?

Mr. RANDALL. There is in some instances; but that is a matter which is to be adjusted between the two Houses after conference and upon further information from the Supervising Architect. I know what the gentleman refers to—the public building at Williamsport. We have non-concurred as to that; but there is no doubt it will be satisfactorily adjusted.

Mr. BURROWS. Mr. Chairman, the reading of this report does not convey much information to the House as to the character of the amendments. I shall have to insist that the amendments be read.

Mr. RANDALL. Let the Clerk read.

The first amendment was read, as follows:

On page 1, after line 5, insert:

"For court-house at Aberdeen, Miss.: For heating apparatus complete, $5,000."

Mr. RANDALL. I wish to make a statement which will cover all these cases as to the heating apparatus of public buildings. There are two branches to the controversy. The estimates from the Supervising Architect on these matters did not come to the House before the 20th of December last, and as this bill was passed in the House on the 19th of that month the estimates had not been examined or even received by the committee at that time, the bill having been passed, as will be observed, at a much earlier day in the session than usual.

The second point in controversy, as to the heating apparatus of these public buildings, is in regard to the amounts to be appropriated. We want to have further examination in order to ascertain exactly the amount necessary in each case. Therefore we have recommended non-currence in the Senate amendments as to the heating apparatus in these various public buildings.

Mr. REED. Have not these amendments been referred to the committee for the express purpose of having them make an examination and report to the House?

Mr. RANDALL. Yes, sir; and we recommend non-concurrence because we think that in almost every case the work can be done for less money than the Senate has proposed.

Mr. REED. Is that the case with regard to the amendment now under consideration?

Mr. RANDALL. We think it is.

Mr. REED. Then why not non-concur with an amendment fixing the amount which the committee deem proper?

Mr. RANDALL. Because we prefer to leave that question to a conference between the two Houses.

Mr. REED. And take it away from the House?

Mr. RANDALL. No, sir; not take it away from the House, because the House can reject the conference report if it does not like it.

Mr. REED. Ought we not to have the benefit of the committee's opinion as to the amount which should be granted, for instance, in this particular case?

Mr. RANDALL. We think there should be a less sum appropriated than the Senate has proposed; as to how much less we are not positive, because we want to hear from the Senate the reasons which induced them to make the amount $5,000, while we think it ought to be only three or four thousand dollars.

Mr. REED. If the committee think it ought to be "three or four thousand dollars" we ought to have the benefit of the opinion of our committee on that subject.

Mr. RANDALL. The gentleman and the House have our recommendation. Mr. Chairman, I move non-concurrence in this amendment.

The motion was agreed to.

The next amendment was read, as follows:

On page 1, after line 5, insert:

"For post-office and court-house at Augusta, Me.: For heating apparatus complete, $8,560."

Mr. RANDALL. I move non-concurrence.

Mr. REED. This is a matter in reference to which, perhaps, I have some reason to ask why this amendment should be non-concurred in.

Mr. RANDALL. For the reason that the sum proposed is, we think, larger than is necessary for the object in view.

Mr. REED. What sum does the committee think sufficient?

Mr. RANDALL. We think a much less sum will be sufficient; but we prefer not to name a definite sum until we know the reasons which prompted the Senate in fixing the amount so high.

Mr. REED. I hope the gentleman from Pennsylvania, before he asks for a vote on this question, will give us some of the reasons for the

belief on the part of the committee that this amount is too high. What is the report of the Architect?

Mr. RANDALL. I will make a statement as to all these matters. Outside of the recent estimate to which I have heretofore referred we have had many estimates from the Department in relation to heating apparatus for public buildings. A careful examination has induced us to believe that, without damage to the public interests, a much less sum may be appropriated in these cases than the Architect has recommended. As to these matters, therefore, which did not come under the consideration of the committee originally before the passage of the bill in the House, we are guided by the same rule on which we acted in regard to cases that we thoroughly investigated.

Mr. REED. I hope the chairman of the Committee on Appropriations will give the House some reasons why he considers the amount too large.

Mr. RANDALL. I was willing——

Mr. REED. We are to vote on it, and we ought to have something to guide us beside these generalizations.

Mr. RANDALL. I ask for a vote.

Mr. REED. I move to concur in the Senate amendment.

Mr. RANDALL. That is the first question to be put.

The committee divided; and there were—ayes 68, noes 79.

So the amendment was non-concurred in.

The third amendment was read, as follows:

For purchase of ground on which to erect a public building in Camden, N. J., $40,000.

The CHAIRMAN. The committee recommend concurrence.

Mr. REED. That is to be concurred in. I hope the gentleman will give us a reason for it.

Mr. RANDALL. There is a law for it; that is the reason.

Mr. REED. What is the law?

Mr. RANDALL. It authorizes the construction of a public building at Camden, N. J.

Mr. REED. Is there a law for appropriating $40,000 for the purchase of that ground?

Mr. RANDALL. No, there is not.

Mr. REED. Why is it then the sum here for Camden, N. J., is so large while the amount for Augusta, Me., is so small?

Mr. RANDALL. Because we are advised by gentlemen from New Jersey who represent the city of Camden that amount is necessary for the purchase of a site.

Mr. REED. This then is under the advice of gentlemen from New Jersey.

Mr. RANDALL. I so understand.

Mr. REED. Was the advice of the gentleman who represents Augusta asked?

Mr. RANDALL. He did not come to us.

Mr. REED. Then the advice is taken only of those who go to the committee.

Mr. RANDALL. Yes; the industrious always fare the best. [Laughter.]

Mr. REED. When it is asked here on the floor there seems to be a difference then?

Mr. BURROWS. Ask, and thou shalt receive. [Laughter.]

Mr. REED. But when it is asked on the floor it is not given.

Mr. RANDALL. We have done by the bill the best we could.

Mr. REED. But does not the gentleman intend to give us any reason?

Mr. RANDALL. I gave you a reason and a fact, both.

The amendment was concurred in.

The fourth amendment was read, as follows:

For custom-house at Charleston, S. C.: For taking down stone and brick work on east and west porticos, restoring broken balustrade and other broken stone-work, and rebuilding the same, including the replacing of slating, $11,500; for other exterior repairs, $500; in all, $12,000.

The CHAIRMAN. The committee recommend concurrence.

The amendment was concurred in.

The fifth amendment was read, as follows:

For custom-house and post-office at Chicago, Ill.: For furnishing and putting in place iron tie-rods to strengthen the building, $35,000; for balance for repairing stone-work, $35,000; for ventilation of building, $9,000; and for necessary painting to interior of building, $5,000; in all, $84,000.

The CHAIRMAN. The committee recommend non-concurrence.

Mr. ADAMS, of Illinois. I move to concur, and I wait for information.

Mr. RANDALL. Last year they asked for $94,000 and received $50,000. This year in addition they asked $167,400, and the Senate has only given $84,000 and has designated how that money shall be expended. Under that there is provided about $84,000, but the question is as to some other items.

Mr. ADAMS, of Illinois. I understand the gentleman from Pennsylvania moves non-concurrence in the appropriation of $84,000 when he says there is not the slighest controversy.

Mr. RANDALL. There is a controversy, because, as we have heard, certainly every one of the members from Illinois think $84,000 ought to be increased.

Mr. ADAMS, of Illinois. I ask the gentleman from Pennsylvania whether his intention is to endeavor to get it increased?

Mr. RANDALL. I do not know. I am not bound to say what my intentions are. I can say my judgment is the amount will not be less than $84,000.

Mr. ADAMS, of Illinois. The only difference between this amendment and the one which we have passed and in which concurrence was moved is that is to restore a building partially torn down and this is to prevent a building from falling down.

Mr. RANDALL. There were reasons which must strike everybody in view of what has occurred at Charleston, S. C., why we should give that appropriation.

Mr. ADAMS, of Illinois. I wish to say, for the first part of the appropriation provided in this amendment, I know it is an imperative necessity, and it ought not to escape the attention of the conference committee, if it goes to conference.

Mr. RANDALL. I have no desire to delay the House. I move to non-concur.

Mr. TOWNSHEND. I desire to say in this connection, Mr. Chairman, that I feel confident myself the amount appropriated by the Senate is inadequate to make the building as secure as necessary and also to improve its sanitary and other conditions. But I have been content to allow the question to go to the committee of conference in the hope that the amount would be increased rather than diminished.

Mr. ADAMS, of Illinois. I wish to ask, as a parliamentary inquiry, whether it is possible, where the Senate has made an amendment to the bill inserting $84,000, to increase that amount in conference?

The CHAIRMAN. The Chair thinks it is.

Mr. ADAMS, of Illinois. Then I withdraw the motion.

So the amendment was non-concurred in.

The sixth amendment was read, as follows:

For court-house and post-office at Clarksburg, W. Va.: For heating apparatus complete, $5,940.

Mr. RANDALL. The committee recommend non-concurrence.

Mr. GOFF. Mr. Chairman——

Mr. RANDALL. If there be no objection I suggest that the Clerk read right along with the amendments.

Mr. REED. He is reading right along. But the gentleman from West Virginia wants to address the House.

Mr. RANDALL. And when we reach an amendment where the recommendation of the committee is objected to that then the reading be suspended until that question is considered. Otherwise, where objection is not made or a separate voted emanded, it shall be considered that the recommendations of the committee are acceded to.

Mr. REED. It is understood that the Clerk will read the recommendations of the committee.

The CHAIRMAN. The Chair understands that to be part of the request of the gentleman from Pennsylvania; and unless objection be made that request will be considered as agreed to. Is there objection?

There was no objection.

Mr. GOFF. I have no objection to the request of the gentleman from Pennsylvania; but I want to ask the attention of the chairman of the Committee on Appropriations to this particular item. I want to ask the chairman of the committee if the amount appropriated in this amendment of the Senate is not exactly the amount recommended by the Treasury Department for this purpose?

Mr. RANDALL. Yes, sir.

Mr. GOFF. Then why do the committee recommend non-concurrence in the amendment?

Mr. RANDALL. Because we think the Department has recommended too much.

Mr. REED. Do they recommend too much in this case?

Mr. RANDALL. The committee think so.

Mr. REED. Does the Committee on Appropriations inform the House that too much has been requested in this case?

Mr. RANDALL. I have already answered that question.

Mr. REED. The gentleman from Pennsylvania undoubtedly thinks he has answered it.

Mr. RANDALL. I thought I had. The gentleman from West Virginia asked the question and I answered it.

Mr. REED. It does not strike me that way.

Mr. RANDALL. I would not strike the gentleman under any circumstances.

Mr. REED. You do frequently. [Laughter.]

What I want to know is whether the committee have any information to give to the House tending to show that this amount is excessive.

Mr. RANDALL. The committee have experience that the recommendations of the Department in these particulars have in times past been excessive; and further by experience have discovered that where they reduced the amount the work has been done for the amount given.

Mr. REED. Then the gentleman's objection is not derived from information as to this particular case, but is a general proposition. Is that your idea?

Mr. RANDALL. That is your idea.

Mr. REED. Well, is it yours?

Mr. RANDALL. I can not say that it is. I think we are well advised about everything we have done in this bill.

Mr. REED. But the House wants to be advised. We have to vote upon it; and if the chairman of the committee says that he can not give us the information, who, then, will inform us?

Mr. RANDALL. The gentleman knows that the House can reverse the action of the committee if they see proper.

Mr. REED. But they may not want to reverse it if they have the information on which the committee acted. It is important that they should have the information in order to enable them to act. Now, the gentleman from Pennsylvania can either give or refuse the information. I am asking him for the facts upon which the committee bases its recommendation, and he refuses to give them; and I call attention to the fact that he refuses us the information.

Mr. RANDALL. I am not uneasy about refusing it.

Mr. REED. No; not the least in the world. With your large majority back of you you are uneasy about nothing.

Mr. RANDALL. Nor do I get worried or uneasy about such mannerisms as the gentleman assumes.

Mr. REED. The object I have is to discover what the facts are on which to base our action; and the gentleman from Pennsylvania, in response to direct inquiries, has repeatedly refused information, either because he has not the information or will not give it.

Mr. RANDALL. Now, the facts are these: that this report comes practically with the unanimous vote of the committee.

Mr. REED. But the House wants to know it all the same.

Mr. RANDALL. Of course; and we have examined and have determined not to recommend the amount; and I have told you over and over again the reasons. We think the amount placed in the bill by the Senate is too large. I do not see how a more specific answer could be given.

Mr. REED. But what is the reason in this particular instance?

Mr. RANDALL. The same as in all of these instances; there are plenty of them.

Mr. REED. But what is the reason in this instance? We have to pass on each amendment.

A MEMBER. Find out.

Mr. REED. I am trying to find out.

Mr. CANNON rose.

Mr. RANDALL. I refer the gentleman to my colleague on the committee on that side of the House.

Mr. CANNON. While I am one of the minority members of the committee, I am not a member of the subcommittee which prepared this bill. The gentleman from Kansas [Mr. RYAN], not now in his seat, is a member of that subcommittee. What investigation the subcommittee gave touching these items I know not. So far as the full committee is concerned, if any investigation was made by it I am not aware. I apprehend the fact to be that the committee has not made the inquiry, and certainly, so far as I am concerned, I have made no inquiry, nor has any been made in my hearing specifically as to how much ought to be given to finish this building. Whether other members of the committee have made that inquiry I can not say.

Mr. RANDALL. Now, I want to say a word to the gentleman from West Virginia [Mr. GOFF]. If I remember aright there is not any estimate for some of these appropriations at all. They have been arbitrarily inserted by the Senate, and we have non-concurred in them.

Mr. GOFF. I desire to state that in this particular instance, this building being in process of construction, the amount of money necessary has been ascertained by an agent of the Department sent for that purpose, or rather authorized and directed by the Architect for that purpose; and his report is approved by the Architect and confirmed by the Secretary of the Treasury, and it is requested that this specific amount be appropriated. Now, why should it not be done?

Mr. RANDALL. The estimate about this post-office has never been received by either House, so far as I know.

Mr. GOFF. It has been received by the Committee on Appropriations in the Senate, and I understood the chairman of the House committee to say a moment ago it had been received there.

Mr. RANDALL. I am not certain about that; but I know that there are some appropriations that have been put in here arbitrarily.

Mr. GOFF. This is not one of them. It is only a matter of $6,000. I move to concur in the amendment of the Senate.

The question being taken, the Chairman stated that the "noes" seemed to have it.

Mr. GOFF. I call for a division.

The committee again divided; and there were—ayes 55, noes 67.

Mr. GOFF. No quorum.

Mr. RANDALL. Does the gentleman make the point of no quorum?

Mr. REED. We may as well have a vote; if we can not get any information we can vote. Perhaps the gentleman from Pennsylvania may be better up in his lesson to-morrow.

Mr. RANDALL. By whom was the point of no quorum made?

The CHAIRMAN. By the gentleman from West Virginia.

Mr. RANDALL. I do not want to inconvenience any of the members of the House, and I move that the committee rise.

Mr. REED. Very well; if we can not get information we may go.

Mr. RANDALL. You will have time to find it out.

Mr. REED. I was in hopes of finding it out through the gentleman from Pennsylvania; but after an experience of years I am afraid I shall give up that hope.

Mr. RANDALL. I think the gentleman had better give up.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration amendments of the Senate to the bill (H. R. 10072) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

Mr. EDEN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. A. ANDERSON: Petition of Post No. 132, Grand Army of the Republic, of Junction City, Kans., for the Mormon bill—to the Committee on the Judiciary.

By Mr. BLOUNT: Petition of John William Stallings, executor of John Wertley Stallings; of Watson Bush, administrator of Jackson Bush; of William H. Parker; of Thomas G. Verdine; of Levi N. Middlebrook; of Jordan Lyon; of John A. Butts, administrator of James Trice; of J. A. Butts, administrator of William B. Trice; of William P. Parsons, administrator of Pinkney Parsons; of J. L. Winfield, executor of O. S. Woodward; of M. J. Parks, executor of Gabriel Parks; of Thomas G. Scott, administrator of Early Cleveland; of William C. Battle; of Benjamin C. Haygood, agent of Benjamin Haygood; of J. W. Howe, administrator of Hiram Howe; of Larkin Farley, administrator of Matthew T. Farley; of G. H. Elliott; of J. W. Reeves, executor of Benjamin F. Reeves; of A. J. Wellmaker, administrator of Mary Wellmaker; of William S. Middlebrook, for Joseph M. Middlebook; of R. W. Bladock; of C. M. Stafford, administrator of A. W. Stafford; of F. F. Matthews; of Alvis Stafford; and of Wilkins W. Jackson, citizens of Georgia, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BRADY: Petition of Indiana E. Haddon, of Sussex County, Virginia, for relief for property destroyed during the late war, with other papers—to the same committee.

By Mr. CONGER: Petition of the Women's Christian Temperance Union of Redfield and of Donley, Iowa, for the passage of the (bill S. 2362) to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. CRAIN: Petition of W. E. Parker, for a pension—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Memorial of Post No. 126, Grand Army of the Republic, of Belding, Mich., in favor of the passage of the Edmunds-Tucker anti-polygamy bill—to the Committee on the Judiciary.

By Mr. R. H. M. DAVIDSON: Petition of C. S. Young and 30 others, citizens of Hernando County, Florida, for the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. DINGLEY: Petition of E. A. Pendleton and 100 others, of Knox County, Maine, for the passage of the bill providing for the insertion of a provision in contracts for Government buildings looking to weekly payment of workmen—to the Committee on Labor.

By Mr. ELDREDGE: Petition of David Becker Post, Grand Army of the Republic, of Ogden, Mich., praying for the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. FORD: Joint resolution of the Indiana Legislature, favoring the bill to pension Mrs. General Logan—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Daniel Shuban and 107 others, citizens of Mitchell County, Iowa, opposing any change in the oleomargarine law, and recommending the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. GROUT: Affidavit of Dr. William F. Eddy, relative to House bill granting increase of pension to G. T. Abbott—to the Committee on Invalid Pensions.

By Mr. GUENTHER: Memorial of the Legislature of Wisconsin, asking an annual appropriation for the support of agricultural experiment stations—to the Committee on Agriculture.

Also, memorial of the same, to pay all unappealed awards and judgments growing out of damages caused by the Fox and Wisconsin River improvement—to the Committee on Appropriations.

Also, memorial of the Chamber of Commerce of Milwaukee, Wis., recommending the passage of a bill making an appropriation for a new public building in said city—to the Committee on Public Buildings and Grounds.

Also, petition of the North American Turner Bund, protesting against the passage of the bill (H. R. 10426) relative to the naturalization of aliens—to the Committee on the Judiciary.

By Mr. HALL: Petition of the Salem (Iowa) Quarterly Meeting of Friends, favoring the bill (S. 2362) to promote peace among nations—to the Committee on Foreign Affairs.

Also, petition of Mrs. Mary E. McMillan and Nancy A. Mills, of Brighton, Iowa, in favor of Senate bill 2362—to the same committee.

By Mr. HENLEY: Petition of citizens of Red Bluff, Cal., for the improvement of the Sacramento River—to the Committee on Rivers and Harbors.

Also, petition of citizens of California, protesting against extending patent of David E. Garver—to the Committee on Patents.

Also, petition of C. Landram and others, of J. H. Warren and others, of M. J. Blackwell and others, and of H. T. Shepard and others, citizens of California, for the forfeiture of land grants to the Southern Pacific Railroad Company—to the Committee on the Public Lands.

By Mr. HOUK: Petition of W. H. Jolly, of Grainger County, and of William T. Johnson, of Roane County, Tennessee, asking reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HOWARD: Petition of citizens of Washington, Ind., asking for the repeal of the proviso in the pension law of June 30, 1880—to the Committee on Invalid Pensions.

By Mr. F. A. JOHNSON: Petition of Angell Post, No. 411, Grand Army of the Republic, of Mooers, Clinton County, New York, favoring the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. McKINLEY: Petition of the Board of Trade of Socorro, N. Mex., relative to land-grant titles—to the Committee on the Public Lands.

By Mr. MARKHAM: Petition of A. R. Staley, of Fresno County, California, praying that the war claim of Stephen Staley, deceased, late of Jefferson County, West Virginia, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Memorial of the Board of Trade of San Francisco, Cal., protesting against the reduction of the duty on raisins—to the Committee on Ways and Means.

By Mr. O'DONNELL: Petition of Worth Post, Grand Army of the Republic, of Tekonsha, Mich., in favor of the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. RIGGS: Petition of Henry C. Wells, of Quincy, Ill., for bounty to certain soldiers—to the Committee on War Claims.

By Mr. SHAW: Petition of the Board of Trade of Socorro, N. Mex., relative to a certain unconfirmed land grant—to the Committee on the Public Lands.

By Mr. SPRINGER: House resolution of the General Assembly of Illinois, relative to pensioning dependent soldiers—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition of the Linnæan Society, of New York, in favor of Senate bill 2436—to the Committee on the Public Lands.

By Mr. STEELE: Petition of Branson Weaver, and 40 others, of Murray, Wells County, Indiana, favoring the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. STEPHENSON: Memorial of the Legislature of Wisconsin, to pay all appealed awards growing out of damages caused by the Fox and Wisconsin River improvements—to the Committee on Appropriations.

Also, memorial of the same, asking for an annual appropriation for the support of agricultural experiment stations—to the Committee on Agriculture.

By Mr. SWINBURNE: Resolutions of the Legislature of New York, for seacoast defenses—to the Committee on Appropriations.

By Mr. VAN SCHAICK: Memorial of the Legislature of Wisconsin, relative to the payment of judgments in cases of damage growing out of the improvement of the Fox and Wisconsin Rivers—to the same committee.

Also, memorial of the same, for the passage of the bill establishing agricultural stations—to the Committee on Agriculture.

Also, memorial of the Chamber of Commerce of Milwaukee, Wis., showing the urgent necessity for a public building in said city, and urging the early passage of Senate bill for said purpose—to the Committee on Public Buildings and Grounds.

By Mr. VOORHEES: Communication of a committee of the Bar Association of King County, Washington Territory, asking for the passage of a bill providing for the establishment of a new district in said Territory, and the appointment of an additional judge therein—to the Committee on Territories.

By Mr. WILLIS: Papers in the case of Finger & Brothers—to the Committee on Claims.

Also, papers in the case of Thomas P. Myrick—to the Committee on Invalid Pensions.

Also, papers in the case of Max Von Eik—to the Committee on Military Affairs.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. W. W. BROWN: Of 37 citizens of Sullivan County, Pennsylvania.

By Mr. COMSTOCK: Of 95 citizens of Dorr, Mich.

By Mr. GIBSON: Of the Women's Christian Temperance Union of West Virginia.

By Mr. GROUT: Of 37 citizens of Dummerston, Vt.

By Mr. MARKHAM: Of 64 citizens of Lanyooc, Cal.

By Mr. MORRISON: Of 156 citizens of Oakdale, Ill.

By Mr. PINDAR: Of 59 citizens of Jefferson, N. Y.

By Mr. SYMES: Of 167 citizens of Montrose, Colo.

By Mr. TOWNSHEND: Of citizens of Enfield, Ill., and of Monticello, Ind.

SENATE.

FRIDAY, *February* 18, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of the Commissioner of Pensions for an additional appropriation of $31,000 for clerk-hire and contingent expenses at pension agencies for the fiscal year ending June 30, 1888, made necessary by the passage of the act pensioning soldiers of the Mexican war; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department, asking that a deficiency appropriation of $1,000 be made for plans of public buildings for the fiscal year ending June 30, 1887, and that an additional appropriation of $4,000 be made for plans of public buildings for the fiscal year ending June 30, 1888, instead of $2,500, as in the estimates already submitted; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CREDENTIALS.

Mr. EVARTS presented the credentials of FRANK HISCOCK, chosen by the Legislature of New York a Senator from that State for the term beginning March 4, 1887; which were read, and ordered to be placed on file.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the Legislature of the State of Maine, in regard to trade relations with the Dominion of Canada; which were read, and referred to the Committee on Foreign Relations, as follows:

State of Maine—Resolves in relation to our trade relations with the Dominion of Canada.

That whereas the Dominion Government has placed such interpretation upon existing treaties, and has recently enacted legislation in support of the same, as greatly abridge the just rights and privileges of American fishermen in Canadian waters, and said interpretation and legislation having received the sanction of the Imperial Government; and

Whereas the course pursued by the officials of the Dominion of Canada during the past year, in their treatment of American fishing vessels entering within its jurisdiction, has been in direct violation of the principles of comity and good neighborhood that ought to exist in respect to nations having friendly commercial intercourse each with the other; and

Whereas the protection of our fishing industry is of paramount importance to the people of Maine: Therefore,

Resolved, That if the Canadian Government shall continue the same vindictive and aggressive line of policy that has marked her course for the year last past, the Legislature of Maine, now in session, favors the enactment of such laws, and the adoption of such rules and regulations, on the part of our Government, and the strict enforcement of the same as shall place their fishermen coming within the jurisdiction of the United States under the same interdictions as regards rights and privileges of harbor, the purchase of supplies and bait, and trade and traffic of whatever sort or character, as our fishermen are subjected to by the established rules and regulations and recently enacted laws of the Dominion Government, and that for the further protection of our fishing industry an increased duty be levied upon the fish which Canada sends to the United States, to such extent, if need be, as to practically exclude her fishermen from the advantages of our markets.

Resolved, That a copy of this preamble and resolutions be forwarded to our Senators and Representatives in Congress and by them laid before their respective bodies.

IN HOUSE OF REPRESENTATIVES, *February* 14, 1887.

Read and passed finally.

CHARLES E. LITTLEFIELD, *Speaker*.

IN SENATE, *February* 15, 1887.

Read and passed finally.

SEBASTIAN S. MARBLE, *President*.

FEBRUARY 15, 1887.

Approved.

JOSEPH R. BODWELL, *Governor*.

A true copy. Attest:

ORAMANDAL SMITH, *Secretary of State*.

The PRESIDENT *pro tempore* presented a petition of 48 ex-soldiers of Leesburg, Ohio, praying for the passage of the dependent relatives pension bill over the President's veto; which was ordered to lie on the table.

Mr. GORMAN presented the petition of the Charles A. Vogeler Company and sundry others, citizens of Baltimore, Md., praying for a reduction of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. McMILLAN presented a resolution of the Legislature of Minnesota, favoring legislation granting compensation to Capt. Anson Northup, of Minnesota, for services rendered by him to the Government; which was referred to the Committee on Military Affairs.

Mr. MILLER presented the petition of John J. Schmidt, of Utica, N. Y., praying for the passage of a bill removing the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

Mr. BUTLER presented the petition of Gilbert Colden Tracy, of New York, praying for payment of certain claims based upon accounts or vouchers on file in the War Department; which was referred to the Committee on Claims.

Mr. STANFORD presented resolutions adopted by the Chamber of Commerce and Produce Exchange of San Francisco, Cal., favoring the passage of the bill authorizing the construction of two iron-clad rams for the defense of the ports of New York and San Francisco; which were referred to the Committee on Coast Defenses.

He also presented a petition of the Board of Trade of Socorro, N. Mex., praying for legislation confirming a certain land grant in that Territory so as to secure titles; which was referred to the Committee on Public lands.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the petition of John W. Shewmaker and 54 other licensed officers of steam vessels of the State of Indiana, praying Congress to pass a bill refunding to them so much of the license fee exacted from them between 1869 and 1883 as was in excess of 50 cents per annum, asked that the committee be discharged from the further consideration of the petition, and that it be referred to the Committee on Claims; which was agreed to.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (H. R. 821) for the relief of Samuel M. Gaines, reported it without amendment, and submitted a report thereon.

Mr. WILSON, of Iowa. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 3110) for the relief of the heirs or legal representatives of A. C. Gibbs and of B. F. Dowell, attorneys at law, for defending Lieut. George A. Goodale, commanding Fort Klamath, Oregon, under charges of false imprisonment and loss of property in two cases, to report it adversely, to submit a report thereon, and to move that the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. If there be no objection the bill will be indefinitely postponed.

Mr. DOLPH. That bill was introduced I think by my colleague [Mr. MITCHELL, of Oregon]. He is not present, and I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection the bill will be placed on the Calendar with the adverse report of the committee.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2765) to increase the pension of James Mans, reported it without amendment, and submitted a report thereon.

Mr. KENNA. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 3268) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia, to report it favorably with an amendment. I ask for its immediate consideration.

Mr. EDMUNDS. That ought to take its place on the Calendar with the others, to be dealt with fairly.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on tho Calendar.

Mr. EDMUNDS subsequently said: I wish to withdraw the objection I made to the bill reported by the Senator from West Virginia [Mr. KENNA] on the subject of the division between the Norfolk and the Newport News customs offices in Virginia, which I am told makes a very great confusion of commerce every moment of time, and therefore, under the circumstances I withdraw the objections that I made.

Mr. MAHONE. I hope now that the request of the Senator from West Virginia to proceed to the consideration of the bill will be acceded to.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks the unanimous consent of the Senate to proceed to the consideration of the bill reported by him. Is there objection?

Mr. HARRIS. Let it go on the Calendar, Mr. President.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9469) relating to the arrears of taxes in the District of Columbia, reported it without amendment.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (S. 440) confirming titles to certain lands in the State of Florida, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes, reported it without amendment.

Mr. VANCE. I am further instructed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 10799) for the relief of St. Dominic's church, in the District of Columbia, to report it favorably without amendment. I ask unanimous consent that it may be considered now and disposed of.

Mr. HARRIS. Let it go on the Calendar, to be reached in order.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane, and State of Illinois, a small island in Fox River located within the limits of said city, reported it without amendment.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 11074) directing the commissioners of the District of Columbia to establish streets and avenues in the county of Washington, District of Columbia, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 8586) to amend section 685 of the Revised Statutes relating to the District of Columbia, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 3079) authorizing the Secretary of War to procure and present suitable medals to the survivors of the "forlorn-hope storming party" of Port Hudson, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian Reservation, in Montana Territory, reported it with amendments.

GEORGE M. WESTON.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Bathsheba H. Weston, the widow of George M. Weston, late Librarian of the Senate, the sum of $1,110, being an amount equal to six months' salary at the rate allowed by law to said Librarian, said sum to be considered as including funeral expenses and all other allowances.

RAILWAY THROUGH CROW RESERVATION.

Mr. SABIN. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (S. 3225) to authorize the Stillwater and Cooke City Railway Company to construct and operate a railway through the Crow Indian Reserve, and for other purposes, to report it with an amendment. I ask for its consideration at this time.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to proceed to the consideration of the bill reported by him.

Mr. HARRIS. To which I object.

Mr. SABIN. I also submit another amendment intended to be proposed to the bill reported by me, and I wish to take the bill up for remarks on the amendment which I offer.

The PRESIDENT *pro tempore*. When the bill comes up the amendments will be in order.

Mr. SABIN. I wish to be heard upon this amendment at this time, and I appeal to the Senator from Tennessee to give me a few minutes' time to be heard upon the amendment that it may go with the bill, covering the same ground and in which many parties are interested.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to make a statement in regard to the bill at this time.

Mr. HARRIS. I wish to give notice that I shall object to the consideration of any bill out of order during the morning hour, without regard to what it may be.

Mr. McMILLAN. The Senator from Tennessee will permit me to suggest that my colleague does not ask for action upon the bill at this time, as I understand him, but he wishes to submit some remarks in connection with the amendment which he has submitted.

Mr. HARRIS. Of course I shall not object to the Senator submitting remarks if he desires to do so.

Mr. McMILLAN. That is his purpose, I understand.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Minnesota will be allowed to proceed.

Mr. SABIN. Mr. President, the privileges sought to be conferred by the bill now under consideration are in perfect harmony with the policy which has long obtained in national legislation, and the propriety of granting them under proper restrictions can not be questioned.

Surrounded, as the various Indian reservations are, on all sides by vast communities of our own people, they are naturally found barring the way of commerce along many of its most natural and advantageous routes.

These commercial routes may be utilized under judicious regulations without serious impairment of the beneficial use of the reservations by the beneficiaries—the Indian wards of the nation.

The previous policy of the Government in matters of this kind would be satisfied by such restrictions as are calculated to protect the Indian from any undue encroachment upon his rights, but in my judgment the time has arrived when Congress should have a care not only for the Indian but the white man, whose property is and must be of equal concern to the nation.

No road will ever be run through any reservation under the authority of this proposed law except for the purpose of reaching communities of our own citizens, and with them establishing the relation of common carriers.

Heretofore it has been the policy of Congress to encourage the establishment of railway communications by munificent grants of public domain and loan of credit, without pausing long to inquire what, if any, restraints were required to secure for the future a faithful employment of the vast privileges and wealth so conferred upon the recipients of its bounty.

National necessities, arising out of an imperiled Union, and vast natural barriers, which deterred the employment of private capital were found, and to this day are esteemed to have been of sufficient magnitude to warrant Congress in adopting that broad public policy which has resulted in binding together the Union with trans-continental lines of railway, at whatever cost.

But to-day we are brought face to face with questions that have heretofore been held in abeyance—questions arising out of the authority of Congress to regulate commerce between the several States. In my opinion the extraordinary situation of the nation which justified our previous policy no longer exists, and further grants of privileges to corporations as common carriers should be considered in the light of their relations to these new questions now pressing upon the attention of Congress.

The authority sought to be conferred by this bill will, in the nature of things, be chiefly available to corporations organized under the laws of the States and Territories, and consequently any regulation by Congress of their use of these privileges must be sought by means of conditions imposed upon the exercise of the grant, rather than by direct legislation seeking to affect their chartered rights under State laws.

The amendment which I propose is as follows:

Provided, That no railway shall be constructed within or through any Indian reservation or other lands mentioned in this act until the estimated actual cost of its construction and equipment for successful operation, in cash, shall have been first submitted to any interstate-commerce commission created by Congress, or in case no such commission exists, then to the Secretary of the Interior, and by said commission or secretary approved, as a fair and reasonable sum required therefor; and if any railway corporation entering upon said lands and thereon constructing and equipping for operation a railway shall pay or promise to pay for such construction or equipment a sum, either in cash or other property at its cash value, or in its capital stock or bonds, or other evidences of indebtedness, at their par value, an amount in excess of the cost so estimated and approved, or in excess of such further sum as may be approved by said commission or secretary as necessary to be expended in good faith for said construction and equipment for successful operation, then the right of said corporation, its successors and assigns, and all others claiming by, through, or under them or either of them under this act shall cease and determine without any further act or ceremony whatever, and all rights, privileges, and property of said corporations within said lands or reservations, from whatever source obtained, shall become forfeited to the United States, and the circuit or district court of the United States for the judicial district in which said lands or any of them may lie shall have jurisdiction on complaint of the United States to award the possession of said lands so occupied, and the said rights, privileges, and property to the United States, and to oust the said corporations, their successors and assigns, and all others claiming by, through, or under them therefrom.

It will be observed that the whole scope of the proposed amendment is to prevent a fictitious capitalization of roads availing themselves of this law as far as can be done in an enactment of this character.

The same reasons which justify Congress in imposing these conditions upon this proposed grant justify similar restrictions upon all other portions of every road; but inasmuch as Congress may not in the exercise of its authority, especially in this bill, reach other roads, there seems to be no reason why the attitude of Congress upon this question should not be made known by this or some other proper amendment.

What, then, are the reasons that justify this amendment? Or, in other words, why should Congress interfere, wherever its authority can be exercised, to prevent a corporation, being a common carrier, from issuing any amount of stock or bonds its owners may desire?

The answer is found in the experience our people have had in the railroad transportation.

The owners of the road have a right to impose such charges as will bring to them a fair return on their investment. The stock and bonds form the basis for this estimate, and if inflated the criterion of what is a reasonable rate for transportation is destroyed.

According to a recent writer the capital ostensibly invested in railroads in the United States on January 1, 1884, was about $8,400,000,000, at the rate of $60,000 per mile (Hadley R., Trans., chapter 1, page 259).

These estimates accord with the conclusion of other investigations. Substantially one-half of this vast amount is fictitious.

Authorities agree that $30,000 per mile, or less, will cover the average cost of all the railroads in the country, including equipment.

The system of Granger roads in the Northwest has, according to my information, been built at a cost of not over $15,000 per mile.

The Manitoba Road is expending its bonds for the construction of new roads at the rate of $15,000 per mile of single track, although it is capitalized on a basis of from $35,000 to $40,000 per mile. Its net earnings per mile in 1884 were $3,228.78, paying nearly 10 per cent. on its total capitalization, and over 20 per cent. on its actual cost.

The net earnings per mile of the Chicago, Milwaukee and Saint Paul road for the same year were $2,010.75, enabling it to pay all interest on its $100,000,000 bonded indebtedness at rates at from 5 to 7 per cent., and also declare a dividend of 7 per cent. on all its common and preferred stock, amounting to about $48,000,000; making its aggregate earnings for 1884, according to Poor's Manual, $9,611,369.85 on a capitalization of $150,000,000, or a real value of less than half that sum.

The various reorganizations of the Northern Pacific has enlarged its capitalization to the sum of $150,000,000 on an aggregate mileage of 2,546 miles, or about $60,000 per mile.

The great stretches of country through which its mileages extend and which furnishes no local traffic, has reduced its net receipts per mile to the sum of $2,546.84 for the year 1884.

No sufficient data are within my reach to justify decided opinion as to the actual cost of this road. Considering the mountainous ranges it has surmounted it may be safely assumed that the relative cost to capitalization is somewhat greater than in the Granger roads. In the case of this road it is not probable that the net earnings for 1884 of about 4 per cent. on its total stock and bonded indebtedness represents more than 7 per cent. of its actual cost.

Mr. Hudson estimates that of the $126,000,000 of the Wabash system one-half is water, and that $19,000,000 of the $46,000,000 of the Chicago and Northwestern road is fictitious.

The same writer estimates the actual cash investments in trans-Mississippi roads to be less than one-third of the actual capitalization.

Passing to the leading trunk lines of the East the figures are equally startling, but so well known that I do not feel warranted in rehearsing them in detail.

Mr. Hudson estimates that of a total capitalization of $1,466,000,000 of fifteen leading lines east of the Mississippi $596,000,000 is water—capitalization created out of nothing. If his estimate had been confined to those main trunk lines over which the commerce of the West passes to Eastern and foreign markets, the ratio of fiction to reality would doubtless surpass the trans-Mississippi's.

Without pausing to make further survey of the arithmetic of this problem we may safely conclude that the privileges to be granted by this bill will be made for extending into new fields similar methods of railway management, and thereby bring under this iniquitous dominion those vast regions in the West yet to be furnished with railway facilities.

Is it not the duty of Congress to exert its utmost to save the people from this bondage?

The consequences of this excessive capitalization of railway enterprises are varied and of the most vital importance to the poople.

The necessity for paying a fair return on the aggregate capital stock and bonded indebtedness of a railway requires the levying of rates based on the necessities of the corporations rather than upon the real value of the property employed and the services performed, and fictitious capitalization is thus made the basis of regulating tariffs.

The man who honestly puts his money into a road gets, as a rule, little or no return therefor, without his neighbor, the holder of the watered stock or fictitious capitalization, gets an equal sum. Moreover, exorbitant returns from actual investments breeds competing lines, and the traffic which one road could handle is divided among two or more.

To support these two competitors the traffic is charged, ostensibly, "with what it will bear," but in reality what it will not bear; this results in a consequent reduction of business which must still be divided among the various competitors, thus leading to the pernicious practice of rate cutting, and finally partitioning of business, and re-establishment of excessive rates—for in such a contest a road honestly capitalized can always win against an adversary with a fictitious capital, until the latter, thereby driven into insolvency, runs wild, and becomes in its turn a fatal foe to the honest road.

This is well illustrated by the overcapitalization of the Buffalo and West Shore, whereby it was so weakened that a few months of war waged against it by the New York Central sent it into bankruptcy.

This plethory of railway facilities, itself the result of excessive capitalization, naturally leads to the combined railway operation known

as the "railway pool," by which competing roads make an arbitrary division among themselves of either the business or the proceeds of the business.

This pooling agreement, as I am given to understand, is but a modern formation of those numberless gambling contracts which is uniformly declared to be illegal, and to enforce which the parties are left to their resources. But, independent of its illegality, its consequences are disastrous to the public interests and sufficient of themselves to spur every competent authority to the most energetic efforts to remove its chief cause, namely, the fictitious capitalization of railway property.

A railway pool has a tendency to deprive the public of the benefits of improvements in railway service beneficial to the public, although the roads themselves may lessen the expense of their business by adopting improved methods as they become known; but improvements of mere convenience to the public, not lessening he cost of railway service, need not be adopted by a road that is assured of its share of the business—thus mean and insufficient accommodations for the public are the natural consequences.

The concerted action of members of the pool may practically destroy all the advantages of enterprise, in developing new methods of business, as is well illustrated in the dressed meat traffic, where a rate 70 per cent. higher than the live-stock rate was imposed for the double purpose of using old cattle cars and perpetuating the burden of transporting waste material.

A pool once established enables managers of roads to "bear" the stock market through secret cutting rates by which railway wars are instituted and the market value of their stocks greatly impaired, to the loss of innocent holders.

The natural advantages of a given road, the benefits of which should be shared by the community tributary to and supporting it are, by pooling agreements, deflected to other communities and roads less favorably situated, and thus not only the patrons of the road but the value of its stock, and possibly its bonds, are sacrificed to competing lines.

The history of railroad business furnishes instances where stockholders have successfully appealed to the courts for protection against a diversion of the earnings of their road to other corporations less favorably situated, by virtue of pooling agreements.

Uniformity in the course of trade is at the mercy of pooling roads, as was well illustrated some years since when the rate of 15 cents on wheat from Chicago was, on the institution of the original trunk line pool, raised to 45 cents.

When it is remembered, also, that pooling contracts affect only traffic at competitive points, leaving local non-competitive traffic to be burdened at the mercy of each road as occasion may require, to enable it to make up losses incurred elsewhere, including sacrifices on its legitimate business at competitive points, the resulting discrimination between persons and places is astounding.

Railway officials and others have defined the purpose of pooling agreements to be the suppression of railway wars and the securing of uniform rates, but its history shows the object to be suppression of competition for competitive traffic and the maintenance of arbitrary rates.

Such agreements are brought into being by railway wars among roads that must maintain unjust rates to support fictitious capitalization, and it often happens that large shippers, to relieve themselves from extortionate charges, direct their entire shipments over the line of some one member of a pool, thus exciting the suspicion of the other members, who in turn resort to secret rate cutting for protection, thus gradually involving themselves in renewed controversy.

These considerations are not new, nor do I urge them as novel propositions, but as recognized facts pertinent to the consideration of the amendment under discussion.

It is not too much to say that if the railroads of the country were not compelled to realize out of their business sufficient to pay a reasonable return on more than the property actually invested in their business, Congress would not be called upon to consider the present interstate-commerce bill—the long and short haul—and pooling questions would not be the pressing vital questions of public concern they are found to be.

If it be urged that this amendment will deter the construction of new roads in the West, I have to say that there is an abundance of capital ready to seek an honest investment wherever a road can be supported by the business naturally tributary thereto; and such capital is much more likely to seek investment when it is secure of all its legitimate returns than when its rights are exposed to destruction of the manipulation of scheming railway projectors, whose only expectation is to exchange their experience for others' money.

This amendment indeed falls far short of accomplishing all that in my judgment is desired but it furnishes an opportunity for the Senate to array itself against the most radical railway management, and give the people some assurance that this branch of the National Legislature sympathizes with their wrongs, and is ready as opportunity may offer to protect them against further encroachments from arbitrary and grasping corporate management.

The PRESIDENT *pro tempore*. The bill, with the amendment, will be placed on the Calendar.

BILLS INTRODUCED.

Mr. EDMUNDS I rise to a privileged question, to submit a conference report, but as it will take some time to read it, if there is further ordinary morning business I will yield to that.

Mr. MILLER introduced a bill (S. 3322) granting a pension to Jane E. Letts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 3323) granting a pension to Patrick Flaherty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 3324) extending the land laws of the United States over the lands formerly included in the Arredondo grant, and to confirm titles to lands therein; which was read twice by its title.

Mr. CALL. I move that the bill, with the accompanying papers, be referred to the Committee on Public Lands.

Mr. EDMUNDS. It ought to be referred to the Committee on Private Land Claims. The Arredondo grant is an old private-land claim.

Mr. PLUMB. The Senator from Vermont is perhaps mistaken, though I do not care anything about the reference. The Arredondo grant disappeared on the issuance of scrip, under a decision of the Supreme Court, and never had a location and a place practically. The lands covered by it became public lands under the decision of the Supreme Court, as I said, by reason of the scrip issue.

Mr. EDMUNDS. The point is to pay the old Arredondo claimants on account of their private-land claims.

Mr. PLUMB. I do not understand that to be the case. They have already had their certificates. I suppose the bill has reference to land embraced within the limits of the former Arredondo grant.

Mr. EDMUNDS. If that is correct the bill ought to go to the Committee on Public Lands, but I thought it was a revival or survival of the fittest in providing for the old claimants some further relief. How is it, I ask the Senator from Florida?

Mr. CALL. The Senator from Kansas is right in his statement.

Mr. EDMUNDS. Then the bill ought to go to the Committee on Public Lands.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. GORMAN introduced a bill (S. 3325) for the relief of Henrietta V. Minnix; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. GIBSON (by request) introduced a bill (S. 3326) for the relief of the heirs of Mrs. Anna Holmes Bernard, of the parish of East Baton Rouge, Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. STANFORD introduced a bill (S. 3327) to authorize an additional appointment on the retired-list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. SAWYER (by request) submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR EXPENDITURES.

Mr. DOLPH submitted the following resolution; which was referred to the Committee on Commerce, and ordered to be printed:

Resolved That the Committee on Commerce be, and they are hereby, authorized to sit, by subcommittee or otherwise, during the recess of Congress at such places in the United States as they may deem proper; and that they be, and they are hereby, authorized to inquire into the laws and regulations governing the expenditure of moneys appropriated for the improvement of rivers and harbors, and the supervision and auditing of the accounts for such expenditure, and the manner in which such expenditures are made, and the accounts therefor audited, and the character, importance, and condition of the works in progress for the improvement of rivers and harbors, and all matters connected with the subject of the improvement of the water ways of the country, with power to administer oaths and take testimony, to employ a stenographer and a clerk, and to appoint a sergeant-at-arms from the messengers of the Senate; and that the actual necessary expenses of the said committee, properly incurred in the execution of this resolution, shall be paid out of the contingent fund of the Senate in the usual manner, upon the order of the chairman of the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia.

ORDER OF BUSINESS.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida rise to morning business?

Mr. CALL. I ask for the consideration of the resolution offered by me yesterday, which went over under the rule on objection.

The PRESIDENT *pro tempore*. It is not now in order, there being a conference report pending.

Mr. EDMUNDS. I have a conference report to submit, and it is important that it shall be disposed of to-day. At the suggestion of my friend from Iowa [Mr. ALLISON] I yield for the purpose of allowing the Chair to lay before the Senate the diplomatic and consular appropriation bill, in order that it may be printed and referred.

HOUSE BILL REFERRED.

The bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

POLYGAMY AND AFFAIRS IN UTAH.

Mr. EDMUNDS. I now submit the report from the conference committee.

The PRESIDENT *pro tempore*. The report will be read at length.

The Chief Clerk read as follows:

The committees of conference on the disagreeing votes of the two Houses on the amendment of the House to Senate bill No. 10, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882," respectfully report:

That, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the bill be amended as follows:

In place of the part of the bill proposed by the House of Representatives to be stricken out, and in place of the words proposed by the House of Representatives to be inserted, the following words be substituted, and that so amended, the bill pass:

SEC. 1. That in any proceeding or examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear by oath or affirmation, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness-fee shall be paid to such witness so attached: *Provided*, That the person so attached may at any time secure his or her discharge from custody by executing a recognizance, with sufficient surety, conditioned for the appearance of such person at the proper time, as a witness in the cause or proceeding wherein the attachment may be issued.

SEC. 3. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

SEC. 5. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

SEC. 6. That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecutions for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

SEC. 7. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

SEC. 8. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

SEC. 9. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection, as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be *prima facie* evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall willfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

SEC. 10. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

SEC. 11. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

SEC. 12. That the laws enacted by the Legislative Assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons, and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction, other than in respect of the matters aforesaid, except as a member of a county court; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory respectively.

SEC. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or in violation of section 1890 of the Revised Statutes of the United States; and all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be: *Provided*, That no building or the grounds appurtenant thereto, which is held and occupied exclusively for purposes of the worship of God, or parsonage connected therewith, or burial ground, shall be forfeited.

SEC. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of or belonging to any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatever.

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the state of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or association, or to pass any law for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to carry into effect the provisions of the preceding section, and pay the debts and to dispose of the property and assets of said corporation according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

SEC. 17. That the acts of the Legislative Assembly of the Territory of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called general assembly of the state of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section 13 of this act and in section 26 of this act, to the respective trustees mentioned in section 26 of this act; and for the purposes of this section said court shall have all the powers of a court of equity.

SEC. 18. (*a*) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, unless she shall have lawfully released her right thereto.

(*b*) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

(*c*) If a husband seized of an estate of inheritance in lands exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(*d*) When a person seized of an estate of inheritance in lands shall have executed a mortgage, or other conveyance in the nature of mortgage, of such estate, before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged or so conveyed, as against every person except the mortgagee or grantee in such conveyance and those claiming under him.

(*e*) Where a husband shall purchase lands during coverture, and shall at the same time execute a mortgage, or other conveyance in the nature of mortgage, of his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or grantee in such conveyance or those claiming under him, although she shall

not have united in such mortgage; but she shall be entitled to her dower in such lands as against all other persons.

(*f*) Where in such case the mortgagee, or such grantee or those claiming under him, shall, after the death of the husband of such widow, cause the land mortgaged or so conveyed to be sold, either under a power of sale contained in the mortgage or such conveyance or by virtue of the decree of a court, if any surplus shall remain after payment of the moneys due on such mortgage or such conveyance, and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life, as her dower.

(*g*) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(*h*) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

SEC. 19. That hereafter the judge of probate in each county within the Territory of Utah provided for by the existing laws thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and so much of the laws of said Territory as provide for the election of such judge by the Legislative Assembly are hereby disapproved and annulled.

SEC. 20. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

SEC. 21. That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.

SEC. 22. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the board of commissioners mentioned in section 9 of the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," in said Territory, forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide as nearly as may be for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said Legislative Assembly, and to the number of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

SEC. 23. That the provisions of section 9 of said act approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provisions and laws therein referred to be made and enacted by the Legislative Assembly of said Territory of Utah shall have been made and enacted by said Assembly and shall have been approved by Congress.

SEC. 24. That every male person twenty-one years of age, resident in the Territory of Utah shall, as a condition precedent to his right to register or vote at any election in said Territory, take and subscribe an oath or affirmation, before the registration officer of his voting precinct, that he is over twenty-one years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one month immediately preceding the date thereof, and that he is a native-born (or naturalized, as the case may be) citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress, approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes. Such registration officer is authorized to administer said oath or affirmation; and all such oaths or affirmations shall be by him delivered to the clerk of the probate court of the proper county, and shall be deemed public records therein. But if any election shall occur in said Territory before the next revision of the registration lists as required by law, the said oath or affirmation shall be administered by the presiding judge of the election precinct on or before the day of election. As a condition precedent to the right to hold office in or under said Territory, the officer, before entering on the duties of his office, shall take and subscribe an oath or affirmation declaring his full name, with his age, place of business, his status, whether married or single, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress, approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes; which oath or affirmation shall be recorded in the proper office and indorsed on the commission or certificate of appointment. All grand and petit jurors in said Territory shall take the same oath or affirmation, to be administered, in writing or orally, in the proper court. No person shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office of trust or emolument in said Territory, who shall not have taken the oath or affirmation aforesaid. No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid, approved March 22, 1882, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory.

SEC. 25. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished; and it shall be the duty of the supreme court of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties heretofore imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the district and other schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties, the average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called gentiles, the number of children of Mormon parents and the number of children of so-called gentile parents, and their respective average attendance at school; all of which statistics and information shall be annually reported to Congress through the governor of said Territory and the Department of the Interior.

SEC. 26. That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

SEC. 27. That all laws passed by the so-called state of Deseret and by the Legislative Assembly of the Territory of Utah for the organization of the militia thereof or for the creation of the Nauvoo Legion are hereby annulled and declared of no effect; and the militia of Utah shall be organized and subjected in all respects to the laws of the United States regulating the militia in the Territories: *Provided, however*, That all general officers of the militia shall be appointed by the governor of the Territory, by and with the advice and consent of the council thereof. The Legislative Assembly of Utah shall have power to pass laws for organizing the militia thereof, subject to the approval of Congress.

All of which is respectfully submitted.

GEO. F. EDMUNDS,
JOHN J. INGALLS,
JAMES L. PUGH,
Managers on the part of the Senate.

N. J. HAMMOND,
E. B. TAYLOR,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference.

Mr. VEST. I should like to make an inquiry of the Senator from Vermont [Mr. EDMUNDS], who has the bill in charge. I see in the fourth section:

> If any person related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, &c.

What is that degree of relationship under the civil law?

Mr. EDMUNDS. First cousin; and that section, like almost all of them in fact, is in the precise form it passed the Senate.

Mr. VEST. That excludes the consanguinity of first cousins?

Mr. EDMUNDS. It does not include, but excludes them.

Mr. VEST. It excludes them?

Mr. EDMUNDS. Yes, sir.

Mr. VEST. Mr. President, as a matter of course this bill will become a law, but I can not vote for it. I am well aware what the public sentiment of the country is, but that makes no sort of impression on me with my convictions as a legislator, nor will any amount of criticism on my action. I can not vote for this bill, because in my judgment it violates the fundamental principles of the Constitution of the United States and the rights of property. Two of the provisions of this bill provide that proceedings shall be had to annul corporations existing in the Territory of Utah. One of them is the Immigration Society, so-called, and the other is the Mormon Church.

I do not propose to discuss that question. The point to which I direct attention now, and on which I base my action, is that the portion of these sections affecting these corporations provides for settling up the business of the corporations after they are declared not to exist any longer, and for paying what is left into the Treasury of the United States, to be applied to the common-school fund of the Territory. As a lawyer I can not vote for any such enactment as that. My understanding of the rule that governs the dissolution of corporations, of these artificial personages created under statute, is that after the chancellor shall have settled up the business of the corporation, then the funds shall be paid back to the persons who contributed them for the purposes of the corporation. The assets, after paying the debts, which as a matter of course are to be paid first, are to be paid back to the persons who contributed or to their heirs or representatives. Under this bill this amount of money, after paying the debts of these corporations, is paid into the Treasury of the United States, and then to be applied to common-school purposes in the Territory.

What right has the Government of the United States to declare these funds to be escheated and to apply them to common-school purposes any more than it would have to apply them to works of internal improvement? It is naked, simple, bold confiscation, and nothing else. It is taking the money subscribed, I care not for what purpose, by individuals, and applying it in the discretion of Congress to an object which was not contemplated by the corporators. We might just as well in any of the Territories, after settling up the debts of any *de facto* corporation, take the money that is left after paying the debts and say it shall go to the improvement of the roads in the Territory; or, as the Senator from South Carolina [Mr. BUTLER] suggests, why could not that be done in reference to any other ecclesiastical corporation in this country?

It is no answer to tell me that this is the Mormon Church, and that this great vice or crime of polygamy is in existence there. This bigotry may go to the extent of saying that the Baptist Church, or the Presbyterian Church, or the Catholic Church is amenable to just such legislation. I recollect very well in this country when a storm was raised which threatened to destroy the Roman Catholic Church with all its rights of property, and it was preached even from the pulpit and pro-

claimed from the hustings that that church, in all its strength and breadth of doctrine and diffusion, was opposed to a republican form of government, that it should be abolished, and it was openly proclaimed that its property ought to be confiscated to the Treasury of the United States just as is done under this proposed law with the property of the Mormon Church.

All history shows that the tendency of this legislation is in one single direction, and one alone. It is to destroy liberty of conscience, and in this case to destroy the rights of property without any due process of law at all, in my judgment.

But, Mr. President, there is another feature of this bill—I shall not undertake to cover it section by section—that I can not support. It is the test oath put to voters in that Territory and to persons who are elected to office. I know something about test oaths. I went through an era of proscription and disfranchisement on account of them, and I do not propose to support any such legislation.

If these Mormons are the fanatics that they are proclaimed to be; if they are now in rebellion secretly, if not openly, against the Government of the United States on account of polygamy, or on account of any religious tenet or belief, there is not one of them that will not commit perjury in order to vote and in order to carry out his treasonable purpose against the Government. If they are what they are denounced to be, these test oaths will do no good; they will merely add perjury to their other crimes.

But the whole spirit of this test-oath legislation is wrong; it is contrary to the principles and spirit of our republican institutions; and whenever the time comes in the Territories or States of this Union that test oaths are necessary to preserve republican institutions, then republicanism is at an end, and our institutions and everything will tumble to their destruction.

But I am only giving reasons why I shall not vote for this bill, and I ask for the yeas and nays on the adoption of the conference report.

Mr. EDMUNDS. I second the demand for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. It is due to my friend from Missouri that I should say a single word in answer to what he has stated.

In the first place, he is mistaken as to what the bill as agreed upon by the managers of the conference and as it passed the Senate is in regard to property. As applied to the church there, the only provision is section 13 of the original Senate bill and section 13 of the rearranged bill reported by the managers in the same words, which provides for the forfeiture to the United States of property acquired in violation of preceding acts of Congress.

Mr. BUTLER. On what page?

Mr. EDMUNDS. It is page 38 of the print that I have. That is just as it passed the Senate, and it does not undertake to do anything except to forfeit to the United States, as we forfeit other property, that of distillers and other people who violate the laws of the United States by force of a pre-existent law. That is all.

Then as to this church, so tender was the Senate before and so tender are the conferees now to guard this church against forfeiting property that it has acquired for church purposes, burial-grounds, and parsonages, in the face of a prohibitory act of Congress, that it is said this forfeiture shall not touch that. What more can be asked by the Mormon Church or its friends than that, I should be glad to know, in the way of tenderness?

Now we turn to the Immigrant Fund Society. My friend says that after paying the debts of the corporation the United States seizes the property and turns it over to the common schools of the Territory. I think my distinguished friend is clearly mistaken. On page 40, section 16, is the clause to which he alludes, which provides that proceedings shall be taken to wind up the affairs of this corporation, to "pay the debts and to dispose of the property and assets of said corporation according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States."

That is to say, after the last debt has been paid, after the last stockholder has been found, after the last donor or contributor has been hunted up who can show that on the principles of equity and law he is entitled to recall his fund after he has got it, the residue only shall be turned over to the use of the common schools. That is derelict property for which no lawful or equitable claimant can be found, and the statement of it is enough to answer the objection.

Now, as to test oaths. The Constitution of the United States, when it was first formed, had test oaths carefully incorporated in it, and every one of us has been obliged to take that test oath to this day before he could take part in governing the people of the United States. The President of the United States, and every other officer of the United States, and every officer of a State is compelled by that Constitution, and always has been, to take a test oath which in substance and effect is exactly like this one that the House of Representatives has incorporated in this bill, and that is that they will support and obey and uphold and defend the Constitution and the laws of the United States. So we are not without good precedents for that, and that is all that this oath requires.

Mr. HOAR. I wish to ask a question of the Senator from Vermont; not to remove any difficulty in my own mind, but one which I understand has prevailed pretty extensively.

Does this bill anywhere, as the Senator from Vermont understands it, either in prescribing an oath or in prescribing a qualification or a disqualification for office or the exercise of any civil right, attack a mere opinion, separated from any criminal act or any purpose to do or abet any criminal act?

Mr. EDMUNDS. Not in the slightest degree; not in any respect. The most astute and ingenious sophist can not find anywhere in this section about oaths any hint of such a thing. It was carefully excluded just as the former law excluded it.

Mr. HOAR. A remonstrance has been addressed to me against this action, based upon a belief which I supposed to be entirely erroneous, but I think it is proper that the public uneasiness in that respect should be removed by the chairman of the committee.

Mr. EDMUNDS. That remonstrance was addressed to a great many of us before the remonstrants knew what the provision was. They thought it was one thing while we intended it to be and made it quite another thing.

Mr. VEST. I shall not waste any time in debating the proposition that there is no distinction between our oath to support the Constitution of the United States and the oath incorporated in this bill.

The President of the United States and each member of Congress swears to support the Constitution of the United States; but who ever heard before that that was a test oath? A test oath, as we understand it, and as it must be understood, is one that tests the conscience of the party as to a particular act or belief, and unless he can swear that he has not done a certain thing, and that he will not do a certain thing, he can not stand that test, and he is excluded from voting or from office.

Now to draw any parallel between the ordinary official oath taken by the officers of the United States and that in these sections is simply, in my judgment, absurd. Here is a long oath; look at the provision:

No person who shall have been convicted of any crime under this act, or under the act of Congress aforesaid, approved March 22, 1882, or who shall be a polygamist, or who shall associate or cohabit polygamously with persons of the other sex, shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory.

As to the oath, it is required—

That every male person twenty-one years of age resident in the Territory of Utah shall, as a condition precedent to his right to register or vote at any election in said Territory, take and subscribe an oath or affirmation, before the registration officer of his voting precinct, that he is over twenty-one years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one month immediately preceding the date thereof, and that he is a native-born (or naturalized, as the case may be) citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes. Such registration officer is authorized to administer said oath or affirmation; and all such oaths or affirmations shall be by him delivered to the clerk of the probate court of the proper county, and shall be deemed public records therein. But if any election shall occur in said Territory before the next revision of the registration lists as required by law, the said oath or affirmation shall be administered by the presiding judge of the election precinct on or before the day of election. As a condition precedent to the right to hold office in or under said Territory, the officer, before entering on the duties of his office, shall take and subscribe an oath or affirmation declaring his full name, with his age, place of business, his status, whether married or single, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes; which oath or affirmation shall be recorded in the proper office and indorsed on the commission or certificate of appointment. All grand and petit jurors in said Territory shall take the same oath or affirmation, to be administered, in writing or orally, in the proper court. No person shall be entitled to vote in any election in said Territory, or be capable of jury service, or hold any office of trust or emolument in said Territory who shall not have taken the oath or affirmation aforesaid.

It is idle to put this upon the same footing with the ordinary official oath of the country. It is a special test oath in its spirit and intendment, and it is nothing but a test oath within the ordinary meaning of that term.

The Senator from Vermont says I am mistaken in regard to the provisions of the bill. That is not wonderful. I have been engaged, like other Senators, very assiduously in these last days of the session, and this conference report, I believe, was printed this morning for the first time.

Mr. EDMUNDS. It was printed in the RECORD three or four days ago.

Mr. VEST. I am not able to read the RECORD; I have not seen this report till a short time ago. This bill came to me in print for the first time this morning, and I have been glancing over it and attempting to

follow the Secretary as he read it, but I do not think I am mistaken as to the provision of which I spoke.

The Senator from Vermont says that the property of the immigration society is to be disposed of according to law after paying its debts, &c.; that that means that the general equitable rule shall prevail, which pays back the money or present originally made to the parties who originally invested money in the corporation as stockholders, and that is the meaning of the term "according to law;" and then, after paying all persons who come forward and make claim, if any amount shall be left, what is done with it? It is taken and placed in the custody of the United States and applied to the specific purpose of common school education in the Territory of Utah.

I would like the Senator from Vermont to point me in the laws administering upon the estates of corporations when they are wound up one single analogy to this legislation anywhere. Who ever heard before of a chancellor, after he had paid the debts of a corporation, after he had paid all the corporators or stockholders who could be found, then undertaking to say what should be done with the surplus, applying it to common school education or to improvement purposes or to any other purposes? Why, sir, if it does not belong to that corporation or to the parties who paid their money into it, then that court would be not a court of equitable jurisdiction, but a court to commit outrages upon individual and personal rights. Here, for instance, after paying the debts of the corporation there are ten or twenty thousand dollars left. What would the law do with it? I am certain that my friend from Vermont would say that any chancellor would put that money in the hands of the stockholders pro rata according to their rights as proved before him. But here, by this bill, this money is taken without any sort of claim under heaven except pure, naked power, diverted from the objects of the original corporation, put into the Treasury of the United States and disposed of as Congress may see proper. I can not vote for the bill.

Mr. INGALLS. Mr. President, the instincts of my nature are such that as one of the conferees upon this bill I was led to act with the greatest deliberation in every particular in which I supposed that its terms might in any way whatever trench upon the liberty of conscience and the absolute and unrestrained freedom of personal belief.

Mr. EDMUNDS. Or opinion.

Mr. INGALLS. Yes; as the Senator from Vermont suggests, or of opinion; because, claiming for myself the widest liberty to question, to doubt, or to believe as my reason and my impulses direct, I should be the last to refuse that same right to any other person or any other sect, no matter where it might be or what its claims might be for consideration either by Congress or by contrast with the tenets or doctrines of any other organization.

I understand that the provision of the Constitution which the Senator from Missouri considers to be in some way or other infringed by the terms of this bill is that which is found in the following language:

> But no religious test shall ever be required as a qualification to any office or public trust under the United States.

It is unnecessary for me to say that I have as much respect for the sincere convictions of a Mormon as I have for those of an Episcopalian, a Catholic, a Congregationalist, a Baptist, or a Methodist. All religious belief honestly entertained is respectable. It may be erroneous; my judgment may disapprove and condemn it; but any religious faith is entitled to respect if honestly entertained. It is not the Mormon religion with which we are dealing in this measure, but the practice of polygamy, which is one of the doctrines of a portion of that church; and if I supposed or believed, or if I could be made to perceive now, that there was anywhere in the text of this bill latent even, concealed, any purpose or intent to interfere with the religious belief of even the humblest member if the Mormon Church, any attempt to interfere with opinions entertained upon religious questions, I would disavow it; I would retract so far as I might my concurrence with the conference report. But I do not so understand it.

It is not my belief that by any of the provisions of the oath which these people are required to take they are in any manner compelled to abandon their religious opinions concerning any doctrine on which individuals in the Christian world disagree; and I should be glad if the Senator from Missouri, with whom I sympathize in many of the views he has expressed, would point out to the Senate wherein the oath that is prescribed in this bill imposes any religious test which would be obnoxious or inimical to the provision of the Constitution to which I have referred.

Sir, test oaths are not so uncommon as the Senator from Missouri would have us suppose. As the Senator from Vermont has said, no man can enter on the discharge of the high duties he performs here without taking a test oath; an oath that attests the fealty of him who takes it to the Constitution and the laws of his country. No man can be admitted to citizenship, having been a foreigner, unless he takes a test oath, and by that test oath renounces the political allegiance that has hitherto controlled him, and declares that he will thereafter bear himself as a faithful and loyal citizen of this Republic, bear true and loyal allegiance to the Constitution and the laws of the country of which he is hereafter to be a citizen.

Therefore I do not think the report of the conference committee is open to the objections which the Senator from Missouri has offered, and if in any line or syllable it imposes any religious test as a preliminary qualification for exercising political rights, for voting, for serving upon juries, or for discharging the duties of any civil office, I am opposed to it.

Now, one word further about the escheat of the surplus property of these corporations. We have dissolved the corporation known as the Mormon Church or the Church of Jesus Christ of Latter Day Saints, and none of its property has been forfeited. I was opposed to any attempt to forfeit it. In the bill that came from the House of Representatives there was a provision to limit the holdings in real estate of these churches, both in the quantity of land they should occupy and the value of the houses of worship in which they should conduct religious exercises. I was opposed to it, and as the bill now stands all the churches organized under that corporation hold whatever of real estate they have hitherto acquired and are entitled to retain whatever structures for religious worship have been erected thereon. Neither is there any limitation imposed in this bill upon subsequent acquisition for religious purposes.

But, sir, with regard to the perpetual immigration fund the condition is somewhat different. As the Senator from Vermont has said, both these corporations were organized in violation of previous statutes of the United States. Therefore they are outside the protection of law, and we might properly have gone much further in dealing with their assets. But we have provided in winding up these corporations the courts shall administer their estates upon the broadest and most liberal principles of equity; that all just claims and demands outstanding shall be satisfied, and as to the residue, not required for the payment of debts, nor for the satisfaction of outstanding liabilities, for which no owner can be found who can call for a segregation of his contribution to that fund, that this remainder shall escheat to the United States, and be devoted under the direction of the Secretary of the Interior to the beneficent purpose of supporting the common schools in that Territory.

Mr. President, the Senator from Missouri objects and says this residue should be distributed to those from whose contributions it has been accumulated. So far as any individual contribution is concerned that right is established already by the bill. But with regard to those minute contributions, those that have been dropped, it may be, into the plate which is passed around in the assembly or the congregation, private charities, the widow's mite, things given in secret by those who did not let their right hand know what the left hand did, what is to be said about them? How can the Senator from Missouri allege that this bill is amenable to the objection that he has made when we provide that all these recognizable outstanding claims shall be satisfied, and that only with regard to this undistinguishable residue, made up of those contributions whose origin can not be ascertained, contributions such as I have described, it shall not remain as a fund to be held by the clerk of the court, the subject of trouble and expense hereafter for masters in chancery to deal with, subject to peculation, diminution, and loss, but be taken, as this bill provides, and devoted to that purpose which everybody admits to be sacred—the education of the young in the Territory.

I therefore think, Mr. President, that the bill as amended by the House and agreed to in conference is more liberal, humane, just, and generous in its provisions than the measure as passed originally by the Senate.

Mr. BUTLER. If it will not disturb the Senator just there, I should like to call his attention to page 46, line 12, and ask him to explain what is the meaning of the expression:

> His status, whether single or married, and, if married, the name of his lawful wife.

What does that language mean—"status?" Social, political?

Mr. INGALLS. It means his status as defined by the following phrase, his social status.

Mr. EDMUNDS. As to marriage.

Mr. INGALLS. His status whether single or married. Of course the whole paragraph is to be taken together, and the status, as I understand it and as I believe the courts would interpret it, is the status that is defined by the language in the following clause.

Mr. BUTLER. "His status, whether single or married, and, if married, the name of his lawful wife." It seems to me that is pretty broad language. I do not see how a man could explain what "status" would mean under that provision.

Mr. INGALLS. It seems to me there can be no ambiguity about it. Under the ordinary laws of construction and interpretation that would be construed in connection with the context, and as I understand the word "status" applies to his relation as affected by his marriage, his social status, which I believe to have been the understanding of those who agreed to the bill in its present shape.

Mr. BUTLER. Is he to be the judge of his own social status? The very difficulty the Senator has in explaining it shows the ambiguity of it. I confess I do not understand the bearing of it.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

Mr. CALL. I can not let the report be adopted without expressing my disapproval, and the reasons for that disapproval.

This bill, in my opinion, is an anomaly on the statute-book of this country. It is the second step towards the establishment of religious persecution and intolerance. It is but a thin disguise for the acute lawyers who have prepared this bill to assert that it is no violation of the Constitution of the United States or of the principles of civil liberty or religious tolerance upon which this Government is founded.

Mr. President, every law has a policy, has a spirit. It is not to be determined by the letter of the law as it is sought to be justified here, and that is the very first thing a student of the law learns; and it is strange that in the Senate of the United States the very original and first principles of the profession in the interpretation of law which have been handed down for hundreds of years should be boldly violated and the Senate should declare to the professional opinion of the world that the cardinal principles of the profession have no force or effect. Why, sir, the great commentator upon law, when he teaches the student of the laws of England the manner of interpretation, cites the instance of the law in Venice, which said that he who lets blood in the streets of Venice shall be punished with death, and the example of the man who, falling in the streets with sudden illness, had his blood let by a surgeon, violating the letter of the law; but the commentator declares that the law was not violated, because its spirit must determine its interpretation. It was not violated, because the spirit and the purpose of the law was to prevent the unlawful shedding of blood.

The acute sophists who have written this bill do no credit to the intelligence of the age or the faculty of reason when they declare in this bill that it is not violative of the Constitution, that it is not a law "respecting an establishment of religion," that it is not an intolerant proscription of religion, that it is not an unjust denial and discrimination between different citizens in their political rights, because the language of the bill carefully avoids the open statement of any or all these things.

If the effect of a law—if its object and effect—accomplishes these results, then it is equally liable to the inhibition of the organic law, and of an honest and wise public policy, as if it reached these results by the use of plain and direct language.

Now, take this act presented to the Senate, and I venture to assert that before any tribunal, impartial and rational, it can not be justified in any single provision. What shall we say of a law that undertakes to punish acts which a particular religion or sect of men worshiping God are prone to commit, violations of the law which may, as this bill assumes, be the result of their religious belief, and that imposes penalties not demanded by the universal good of the people, but because they are committed by that particular sect of men, and imposes penalties in excess of those that are imposed for the rest of the community for the purpose of affecting that form of religious belief, with the effect by accumulated penalties of forcing that people to abandon that form of religious belief. Suppose you select some one act which your law makes a crime, which is prevalent among that people, but not peculiar to them, but which with them is a religious belief, and you impose on that act committed by them extraordinary penalties. You make the methods of trial partial, oppressive, and cruel. You make the processes of summons and arrest revoltingly harsh and arbitrary. You confiscate their church property. You interfere between parents and their children in their education, and yet you ask honorable men to believe that you think this is not legislating against a particular form of religion.

Is that lawful? Can you extinguish by such legislation as that a form of religious belief, and yet put up the alleged plea that the letter of the law is complied with, that the Constitution is not violated? We punish all men alike, but we accumulate on that particular sect and the offenses they choose to commit penalty after penalty for the purpose of affecting that form of religious belief. Why, Mr. President, the subterfuge is unworthy of reasonable men, and can have no place in logic or in reason. "The letter of the law killeth, but the spirit maketh alive," said a great lawyer and an inspired man many centuries since, and from that day to this the intelligence of every age has sanctioned it—that to carry out the spirit and purpose of the law is to kill it, and to carry into effect its letter is to keep it alive. That when the letter of the law defeats its spirit and purpose you sustain the law by defeating its spirit and purpose and adhering to the letter. Who believes this, Mr. President? No intelligent person. Yet the Senate Committee on the Judiciary so declare, and this bill so declares.

Take this bill, which is the re-establishment of the inquisition of old, which is religious persecution, which is a law respecting their establishment of religion, because these men have a form of belief and a practice which we disapprove. It is as much the establishment of a particular religion by law as if it declared it in particular terms. In in its first provision the bill provides that—

The lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

The PRESIDENT *pro tempore*. The Senator from Florida will pause. It is the duty of the Chair at 2 o'clock to lay before the Senate the unfinished business.

The CHIEF CLERK. A bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua.

Mr. EDMUNDS. It is my duty to insist upon the privileged question that is before the Senate.

The PRESIDENT *pro tempore*. The Chair having performed his duty, he is of opinion that the conference report is a privileged question.

Mr. HARRIS. It clearly has the right of way, I should think.

The PRESIDENT *pro tempore*. The unfinished business will be laid aside informally, with a view to proceed with the conference report.

Mr. MCMILLAN. I desire to call up the river and harbor bill, in pursuance of the notice which I gave two days ago.

Mr. EDMUNDS. You can not get it until we finish this business. You can move it after we have finished the conference report.

Mr. MCMILLAN. At the conclusion of the consideration of the conference report I shall ask that the river and harbor bill be proceeded with.

The PRESIDENT *pro tempore*. The Senator from Minnesota can not take the floor from the Senator from Florida.

Mr. MCMILLAN. I shall seek the floor for the purpose of having the unfinished business laid aside when this matter is disposed of, so as to take up the river and harbor bill.

The PRESIDENT *pro tempore*. The conference report on Senate bill No. 10 is before the Senate.

Mr. CALL. The provision of the bill which I have read is entirely harmless and is properly guarded; there can be no objection to it; but take that, the most innocent one in the bill, what is the object of this provision in the bill, it being an act to amend section 5352 of the Revised Statutes in reference to bigamy? The object of the provision is as much as if it were in direct terms directed against the Mormon Church, the Mormon religion, not the practice of polygamy, not unlawful intercourse between the sexes everywhere this country has jurisdiction, but the spirit, the purpose, the effect of this legislation is to destroy the Mormon form of religious belief. Who can deny it? Can we, by a form of words, suppress the truth? Can we enact the grave farce here that we are by a particular form of words seeking to do one thing and not another when the real object we have in view and the necessary effect of an enactment is evidently to affect the Mormon Church, the Mormon people, the Mormon religion? Can we avoid the truth that this will be a "law respecting an establishment of religion," when its object and effect is to "affect this establishment of religion" by declaring that it is a law relating to bigamy or polygamy, and that it is not "respecting a religious establishment," but can a law relate to and affect a particular offense.

We find another provision in the second section that any person may be attached, taken into possession, arrested and deprived of his liberty upon the suggestion under oath of anybody that he believes that such person will not obey the process of the court. Who will undertake to say that this is a provision justified by the course of legal experience in this country by the practice of the courts? Admit, if you please, which I do not, that it is not a violation of the right to personal liberty guaranteed in the Constitution, the right to be free except under due and proper process of law, admit for argument's sake that it is process of law, what is the purpose, the effect, the spirit of this legislation, but to affect the Mormon people, the Mormon religion, and to say that they can not be trusted to obey the law; that they, differing from other sects and other people, must be punished in a particular way? If we should disguise the fact and enact a falsehood known to every one here to be false, is it any the less a falsehood because you disguise and suppress it by the form of language which you use?

This provision is intended to suppress the Mormon religion, the Mormon people. Will you tell the people of this country that you will dare by any form of words to make a law the effect of which shall be that the Methodist, or the Baptist, or Presbyterian, or Episcopal, or Catholic people of this country shall be subject to arrest and imprisonment without hearing or trial on the affidavit of any person that they believe they will not obey the process of the court, because they are Methodists, or Baptists, or Catholics; that they are not to be trusted because of their faith, their form of religion? But yet that is what this section of this law declares as plainly as if it did so in direct terms. That is the effect and the purpose of this law, although the truth is sought to be evaded and suppressed by the language used. This and all other sections of the bill are framed on the theory that language, words, are only intended to deceive, and the faculty of reason is only right when it avoids the truth.

Again, when we come to the third section, we find:

That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

Mr. President, why this unusual punishment? Why these specifications? Every one knows. Why disguise the fact? We have had petitions, and arguments, and discussions here time and again that this form of religious belief, Mormonism, is unfriendly to the Republic; that it is treason, and that it should be suppressed, and this law is to be passed in pursuance of a public clamor of that character. Again:

SEC. 5. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

Why this discrimination? Shall it be said that it is for respect to the marriage relation that this discrimination between the unmarried and married person and this smaller punishment is affixed, that it does not relate to Mormon practices and to polygamy? The bill is a bill to amend an act to suppress polygamy, and what polygamy? Not polygamy everywhere, adulterous relations everywhere, but in the Territory of Utah, among the Mormon people, where that form of polygamy exists which they profess to believe, and which they practice to some extent; that form of religious belief that maintains that the patriarchs were religious, that the old testament religion was a religion, that David and Solomon and many others, notwithstanding their polygamy, were religious men, and that the practice of it did not place them beyond the pale of human sympathy and of the divine forbearance.

Let us go further, and we find in the eighth section that it applies to the Territory of Utah, and provides:

That the marshal of said territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States or of said Territory, possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections.

Without process of law, without inquisition by any tribunal, without any kind of complaint, the marshal may seize and arrest any one, this section seeking to vitalize and protect him with an old and obsolete custom of law made for arbitrary governments and kingly power. These marshals have the power to arrest any man without cause, upon their own motion; to quell anything that they may see fit to interpret as a riot or a tumult; to use any degree of violence; in short, to slay and murder an unoffending and submissive people at will.

I have seen printed and circulated among Senators a sworn statement of a brutal murder committed by these marshals and these deputies under such a provision as this, which incites them to violence upon these people. Wrong they may be, but unoffending, industrious people in many respects; and they have made a distinguished success in that most important matter of the comfortable subsistence of the poor people whom they have carried into their once desert country, which they have made by their labor to blossom like a rose.

I am not the advocate of polygamy or improper relations between the sexes, but I am not afraid to condemn the spirit of persecution which will gloss over the faults of our own civilization, and from that spirit of fanatical cruelty which has shed so much blood and inflicted so many tortures make victims of better men and better women than many of those whom our harsh and cruel laws have forced into worse practices.

I condemn their polygamy, but I believe that the religion of Christ and not that cruel persecution which subverts it and applies tyranny and the terrors of the law to the suppression of religious belief is the proper remedy for it. I take no part in this revival of the fires of religious persecution. Suppose the Mormons have been themselves bigoted, vindictive, cruel, and bloodthirsty, as is charged by their enemies, of which I know nothing, is that a reason why we should imitate them, and go back from the religious tolerance and freedom of modern times to the superstitions and the intolerance which sought to impress forms of religious opinion, not by the persuasion of argument and reason but by the arm of the law, by the sword, the halter, the dungeon, and the torture? But, to the disgrace of our times, this is the character of the bill which the Senate will pass.

Then, again, we have a provision here in relation to the ceremony of marriage, all directed to the practices of that peculiar sect, to that form of religious belief; and then, not stopping there, the bill proceeds to visit its terrors upon the unfortunate children who are brought into the world by divine providence without any of the faults of their mothers or their fathers imputed to them. The poor innocent child the Senator from Vermont in his Christian charity finds a place to persecute and oppress in this bill.

Sir, in my judgment it is a disgrace to civilization as it is a reproach to the religion of Christ, a barbarism condemned by every principle of humanity and justice, a cruelty without excuse or palliation. A man and a woman join themselves together in a union approved by their church and their religion, by the permission and under the divine economies which the King of Kings has ordained, and which the Judiciary Committees of the Senate and the House, and all others whose fanatical judgment arraigns the divine order, can not unmake. Children are born to them. They have their right and title to a part in this world suited to their faculties and capacities, and neither the devisers of this bill nor all mankind can deprive them of that right; but this law seeks to visit on their innocent heads disgrace and beggary, want and starvation, because their parents innocently, as they thought, and with the sanction of the divine providence brought them into the world. Mr. President, this is a shocking and cruel barbarity, an insult to the religion of Christ, and a disgrace to the civilization of the age.

SEC. 11. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

What Christianity and what civilization can justify this harsh and cruel provision? What has the poor child done that the Senator from Vermont should deprive it of subsistence, of the means of going through the world with credit to himself or herself? Why should it be persecuted with the terrors of this law because the father and mother believed improperly; believed, if you please, barbarously, that a certain form of relation between the sexes was legitimate and of divine permission; believed a doctrine, if you please, pernicious to society, that by proper means, by free discussion, by the moral suasion of the religion of Christ, should be eradicated and exterminated? What if they did, shall the poor child be the victim?

Mr. President, the Spanish inquisition, which was not the fault of the church but of the ambitious men who sought to use its spiritual powers for their political ends, was not more cruel when it burned those who did not accept its doctrines and its theories as of divine origin than is this provision of the bill, taking the poor illegitimate children whom Almighty God has permitted to come into this world, in fault, if you please, of their ancesters, but without fault of themselves, and branding them and depriving them of all subsistence and help and comfort.

What should the father of an illegitimate child do in the theory of this bill? Abandon his offspring and commit a thousand times fouler crime by abandoning his parental feelings and leaving the offspring that he has begotten to starvation and misery; that is the wicked and cruel command of this bill; that is the morality it enjoins. Let the child born of innocent purposes and under a form of religious belief be an outcast from human sympathy because we deny the right of the Divine Ruler of the Universe to establish an order of nature which allows children to enter the world otherwise than as we think proper, and notwithstanding the fault of their parents endows them with the faculties which command success.

The Divine Law-giver said, "Let little children come unto me," and He blessed them, and His followers have established charities for them, and even the "foundlings" have their guardians and their friends in the gentle hearts of Christian men and women. But the insane fanaticism of this bill seeks to place a curse and a stigma on them and deprive them of their natural protectors and of natural love and affection.

Sir, the bill is barbarous and inhuman in every light. Be as strong an anti-polygamist as you please, you can not be a follower of the divine religion of Christ and maintain a doctrine, a principle, a provision of law that has this effect. It is an insult to Christ's precepts and religion, and a deadly assault on all the beautiful charities and humanities that have grown up under it. As false to human nature and the conditions of life as it is to the divine economy that governs the world. I visited some years since the foundation of a beautiful charity of the Roman Catholic Church in Montreal, the Sisterhood of the Grey Nuns, I believe is the name, where all the foundlings of Canada are received, educated, and cared for and started in life. What a contrast with this law!

Shall we be told that the laws of society have thus harshly discriminated against illegitimate children for the public good? It was a barbarous provision that the woman, the victim of society and of your laws, should be punished only because excluded by law and custom from the employments of business, in order to support life in herself and those dependent on her. She had become the victim of the passions, the faults, and the wrong doing of men. Although in this very act she had, under the divine economy, contributed to the world a never-ending and divinely-endowed intelligence, the highest form of creation known to this world, an unmerciful cruelty that a son of New England, in "The Scarlet Letter," had so exposed to the censure of the civilized and humane judgment of the Christian world, that it was not to have been thought that a son of New England would advocate the re-enactment in the laws of the present time. It is a far greater wrong that you should punish the innocent child, who under the divine economies of life has been permitted to come into the world, and who may be the equal of the Senator from Vermont or any one else, who may be a great power for all the higher and better interests of the world, because Almighty God, who judges not as man judges, does not give a patent to any particular people, nor to an outwardly decorous and careful observance in life to own the best things of the world.

Such a poor child has a title and a right to make a man of himself, but this bill denies it. This bill says the father must be guilty of a worse crime than the indiscretion and the wrong, and for what? To destroy the Mormon religion. He must abandon his offspring. He must abandon the woman who has trusted his manhood and his fidelity to his promises. He must purchase immunity from punishment and political right and public office by leaving them to sorrow, starvation, and misery.

Mr. President, no language can express the wickedness and moral enormity of this bill. It requires a man to become a fiend in human form in order to be a citizen of the United States.

Mr. President, I have read of a wiser lawmaker than the Senate Committee on the Judiciary; of a divine lawgiver who, when a person taken in the commission of this offense was brought before him for a sentence, wrote upon the ground, "Let him who is without sin amongst you cast the first stone;" and the listening multitude, convicted in their consciences, departed without casting a stone at the poor creature; a Divine lawmaker whose sentence was, "Hath no man condemned thee? Then do I not condemn thee. Go and sin no more."

I understand that to be the law of Christ and the Christian religion, and not this harsh method of punishment. For one I accept it as the efficacious method, discussion, free opinion, the ministers of Christ, the spiritual power of the church, and not the terrors of an arbitrary and cruel law disregarding His divine maxim. These are the great agents for the extermination of Mormonism or any other form of improper religious belief, not "laws respecting an establishment of religion," however artful and cunning their phraseology to conceal their real purpose and effect.

Then we come to what? To the escheat of the property of this corporation under the plea that it is in violation of a statute of the United States. Was it intended to prevent the Catholic Church, the Protestant Church, the Episcopal Church, the great society of Methodists and Baptists—with their evangelization, with their active and patriotic work—was it intended to limit and prevent them from accumulating the means to accomplish their great work? We know, for the bill declares it is to extirpate that form of religious belief which belongs to the Mormons, that religious belief which prompts, as we think, to pernicous practices. We undertake to declare that the Mormon religion is a criminal religion; that it teaches practices that are pernicious to society; that it believes doctrines contrary to the theory of the Christion religion; that its acceptance of the habits and customs of the old patriarchal days is a sin of the worst character against society. Admit, as I do, all these propositions, it none the less establishes the force of the observation that this is an attack upon the Mormon religion because of these alleged practices.

The Constitution of the United States provides that property in any person, natural or artificial, it makes no difference, shall not be taken away from him without just compensation. It is intended to provide that it shall not be taken except for public purposes for public necessities. What is the escheat of this corporation? Defend it as you may by the technical letter of the law, that it is a corporation in violation of an antecedent act of Congress, that its property is accumulated in violation of the law—admit that to be true, and that Congress may by virtue of its sovereign power forfeit it, is it the custom of the Congress of the United States to forfeit the property of persons or of corporations when they are not needed for the public use?

We know it is not. Is it within the letter of the law that you may even confiscate the property of this corporation? I gravely doubt whether it is in the power of Congress to affix that penalty upon any corporation for any violation of law. It may dissolve the corporation, it may terminate its natural life if it fails to answer any purpose of public utility, but it can not appropriate the property of the individuals who compose a corporation without judicial process, of appropriation and condemnation for the public use, without any necessity for use for the public good, and without compensation to the owners of it. It would seem as if there could be no doubt upon that subject.

Then we come to the provision that no person shall exercise political privileges without taking an oath. Let us see what that oath is. We are told that it is a test oath, and that it is a test oath just as the oath to support the Constitution of the United States is a test oath; just as the oath to forswear allegiance to a foreign government is a test oath. The proposition can not be maintained. There is no ground of reason upon which you can place the two propositions. The one is contradictory to the other. Now, let us see what that oath is:

SEC. 24. That every male person twenty-one years of age resident in the Territory of Utah shall, as a condition-precedent to his right to register or vote at any election in said Territory, take and subscribe an oath or affirmation, before the registration officer of his voting precinct, that he is over twenty-one years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one month immediately preceding the date thereof, and that he is a native-born (or naturalized, as the case may be), citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, "his status, whether single or married, and, if married, the name of his lawful wife"—

Why *is that provided*? Was there ever such a qualification prescribed for voting before?—

and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes. Such registration officer is authorized to administer said oath or affirmation; and all such oaths or affirmations shall be by him delivered to the clerk of the probate court of the proper county, and shall be deemed public records therein.

There is no religious test in that oath except in this, that the oath is designed to affect the Mormon religion. The oath has the effect of affecting the Mormon religion; not the Catholic religion, the Protestant religion, the Episcopal, Methodist, or Baptist, but, as is intended, its purpose and effect is upon the Mormon religion. You say that to the man who believes the Mormon faith, that polygamy is true, that polygamy is a divine institution, and the effect of this act is to prevent him from voting; but it is a test, and a religious test—and is both intended to have and does have this effect, namely, to exclude Mormons from the suffrage and from holding office.

Has anybody ever heard of such an oath as a test for holding office? Are Senators required to come here as the Pharisee and swear, "I thank thee, Lord, I am not like other men, nor like this publican and sinner, but I am pure and holy?" Is it the test for office or the suffrage that a man has not violated the law? When the Constitution of the United States requires an oath to support and defend the Constitution and its principles does it mean that a man shall swear that he has never violated the law, or that he never will violate the law in any respect, nor aid, abet, or encourage any one who does?

Mr. President, that is not the oath prescribed for the Constitution of the United States. It requires no oath of personal holiness; it requires no oath that a man has never sinned; it does not command that he shall say, "I am the Pharisee who is better than other men, and you the publican and sinner who confess your sins with humility, are the bad man who can exercise no public privileges." Who ever heard of that? What place is there in this oath for repentance and faith—for the rehabilitation of the fallen man and woman? No, sir; it is an attack upon the religion of Christ, a fanatical attack upon it; and every preacher and every Christian in this country should frown upon it with indignation.

The oath to support and defend the Constitution of the United States is an oath to defend against any violation of its organic principles—to defend against "laws respecting an establishment of religion;" against laws discriminating against the equality of political right; against the deprival of political right except under conviction for crime; to defend against partial trials by prejudiced juries and judges; against cruel and unusual punishments; against disqualifications from holding office except under conviction for crime. The test oath required of the Mormon under the bill before he can either vote or hold office is that he will not defend against these things; that he will support and maintain and obey laws respecting an establishment of religion, and taking property without compensation, and depriving of personal liberty without proof or trial, and requiring an oath of future personal purity as we understand it, and relations with only one woman as the qualifications for suffrage; an oath of obedience to a law the purpose, spirit, and effect of which is the subversion of the Mormon religion, which he believes, professes, and practices. And yet we are told that these oaths are the same.

Establish this bill as the law, and the principles of this legislation and the religion of Christ is no longer the controlling and dominating influence of the country and the pervading spirit of its laws. The iron rule of persecution and fanaticism will have been substituted instead of the benign influence of the preachers of Christ and the principles of the Christian religion.

Sir, I would not give the beneficial effects of a single Baptist, or Methodist minister, or Protestant, or Catholic priest, one single good man of any denomination, and his example and his preaching for a thousand years of such legislation as this bill contains. You can not subvert the religion of Jesus Christ by such legislation as this, much as you may seek to do it, much as you may attack it in the artful and indirect methods of this bill.

You talk about a test oath. Who does not know that when you are required to swear to support and defend the Constitution, it is its principles of civil liberty, its form of government, its popular principles as the basis of the government; it does not mean that the man shall swear he has never committed sin, or that he will never violate the law; that he is personally pure, or that he will continue to be so.

Mr. GEORGE. Will the Senator allow me to correct him there?

Mr. CALL. Certainly.

Mr. GEORGE. There is nothing in the oath which relates to past conduct. The oath is wholly promissory, relating to the future conduct of the parties, and there is nothing of expurgation in the oath as supposed by the Senator. The man does not swear he has not done so and so, but he swears he will not do so and so.

Mr. CALL. I believe the Senator is correct on that point, but how does that help him? A man comes up and swears, "I will always be good; I will never violate the law; I am a holy man; I am not subject to temptations as other men are. Behold me, the good and pure man." I do not know anywhere in the religion of Christ where any such person as that is presented. I understand that men are creatures subject to temptation, and that the divine power of the gospel is to rehabilitate

them, and that does not require of any man to take an oath that he never will sin, that he never will violate the law. If he does, it is a piece of arrant hypocrisy. He can not do it.

It is the divine power that will prevent him from doing it and not his own self-will in declaring that he will not. He may say he will try not to do it, but you make him swear that he will not. What is that done for? It is to catch him; it is to hound him with some corrupt, barbarous, vile creature of the law, who for the purpose of money-making will blackmail the man and catch him in his oath. It is to disqualify him for the suffrage or for holding office. Why? Not because of any hostility to this particular man, but to affect the Mormon establishment of religion.

Can any one doubt or deny this? Is not the conclusion a clear and a necessary one?

But then we go on a little further. We find here a provision that no woman shall vote in the Territory of Utah. Twenty Senators voted here the other day, who will vote for this bill, to submit an amendment of the Constitution to the people of the United States as to whether there should be discrimination against women in reference to their right to vote. Many of those Senators have already delivered speeches on this floor in favor of granting the right of suffrage to women. Why deny it to women in Utah? What is the object of that provision in the bill?

The women of Utah are Mormons; the women of Utah believe that the divine economy of the Old Testament is still in force. They have been deluded; they have been brought from a life of poverty, shame, and horrible beastly suffering by these deluded people into this new world, and have been furnished homes and subsistence and education; and while they are far below the moral and religious standard of our Christian belief and our Christian churches, they believe that that is better than a life of shame and beastly suffering in the Old World. They believe that the Divine Providence has permitted this; and that is to be the reason why Mormons, worshiping God falsely as Mohammedans do, the bill says they shall not vote. It does not say it in words, and the Senator from Massachusetts asks the question, which is a subterfuge, what part of the bill attacks opinion?

Every line and every word in it attack the right to free opinion, the right of belief, by accumulating penalties upon penalties for practices which are made violations of the law, and which are peculiar to those people and the outgrowth of their religious system. It is a bill to suppress a form of religious belief, a bill to make a law respecting an establishment of religion, and to destroy that establishment of religion by pains and penalties and disfranchisements and confiscation of property. Every word, sentence, and line in it proclaim this to be the truth.

Mr. President, I know very well that we have commenced the era of religious persecution. This bill will bear its fruits. Violence between the professors of different creeds will be the result of this intolerant legislation. The persecutions of the Old World were commenced precisely in this way. It has been the great and powerful effort of wise men in all ages to prescribe a rule of religious tolerance, the religious tolerance which the Divine Master, Christ himself, taught; to let freedom of opinion and discussion prevail, and punish only the offenses against the law, not cruelly to prescribe laws, but to make laws regulating the practice of men and of women equally applicable to all religions, and to all people of all sects and all places, based upon some universal ideas of right and wrong, and not accumulating penalties in particular localities as against particular religionists for the faults which they may be supposed to be guilty of.

Mr. President, I shall vote against agreeing to the conference report.

I have no sympathy with the social relations, the polygamous features of the Mormon Church. The freedom and independence and adaptation to the arts and professions of life which our monogamous system gives to women, their emancipation from the barbarous restraints and inequality which the customs and laws of former times imposed upon them constitute the joy and brightness of our civilization; but much as I regret the polygamous principle and teaching of the Mormon religion, I dislike fanaticism and hypocrisy and cruelty more.

I can see that the order of nature and Providence which has permitted this form of belief and practice to exist is not unaccompanied by some good results. I can recognize the fact that a great industrial community has arisen in Utah; that they have made a garden where once there was a sterile desert; that hundreds of thousands of human beings are there earning a comfortable subsistence; that railroads and all the inventions of modern comfort and improvement are to be found there; that some of the worst vices of our social system have been eradicated or avoided; that the social evil has been successfully prevented, if all accounts are true.

I can recognize the fact that the States can easily prevent the spread of Mormonism and the proselyting of our people by them. I can see that if the Government will station an armed force through the Mormon territory and afford protection to all women and children who desire to abandon the Mormon practices and the polygamous life, if the Government will furnish them subsistence and will uphold the hands of the Christian women, ministers, and priests who are seeking to establish industrial homes to receive, support, and educate these women and children, and with these measures leave them to the ordinary laws which are made for the public generally, the principles of our religion and our civilization will find a way to assert their power over them and withdraw them from the hurtful belief and practices of their strange religion.

Mr. BUTLER. Mr. President, before the vote is taken I should be very glad if the Senator from Vermont would explain some of the provisions of the bill. Like the Senator from Missouri [Mr. VEST], I have had very little time to consider it, and there are some things in it which I can not support. I should be very glad indeed to vote for any measure which would result in exterminating the evil and crime of polygamy, not only in Utah Territory, but in every other part of the United States; but in doing that I can not violate what I believe to be the best principles of the Constitution of the United States; and I think the bill does violate those principles.

I can quite well appreciate and sympathize with the difficulties which the committees of both Houses of Congress have had to encounter in dealing with this question. I am satisfied that they have been very grave, and that they have struggled with them to the very best of their ability; but it does seem to me that the provisions of this measure which have been pointed out by the Senator from Missouri and the Senator from Florida are so clearly a violation of the principles of the Constitution regarding private and personal right of religious opinion and of the rights of property that I can not sustain it.

There are very summary measures authorized to be instituted by the Attorney-General of the United States for the purpose of disposing of certain corporations described in the bill. For instance, there is an emigration society specified. There is nothing upon the face of the act itself which indicates that that is a Mormon institution. The bill goes to the extent of absolutely prohibiting the Territorial Legislature of Utah at any time from granting authority to anybody, whether Christian, Mormon, or otherwise, from organizing an emigration society in that Territory. I see by section 1850 of the Revised Statutes that—

All laws passed by the Legislative Assembly and governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

That law was passed in 1850, and Congress has approved either in fact or constructively every act passed by the Territorial Legislature of Utah which this measure seeks to annul and disapprove. We have acquiesced in it for thirty-six years, and now we come in and in this summary manner take charge of the property of those institutions, declare that a certain proportion shall escheat to the Government, all that is ascertained after paying the debts and winding up the affairs of the corporation according to law. We take that property and summarily cause it to escheat to the Government, in utter disregard, as I submit, of the rights of the corporators, if there are any corporators. My friend from Alabama [Mr. MORGAN] says there are none.

Mr. MORGAN. There are no stockholders.

Mr. BUTLER. How did it come into existence if there were no corporators?

Mr. MORGAN. Like any other church.

Mr. BUTLER. Nothing is said about the church in the provision relating to this Perpetual Emigrating Fund Company. The bill says:

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the state of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved.

Then the provision goes on:

And it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or association, or to pass any law for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

I submit that under such a provision of law, if adopted by Congress, you, Mr. President, and the Senator from Alabama, or myself, or any other citizen of this country, would be absolutely prohibited from going into that Territory and organizing an emigration society.

I would very much prefer, if it were practicable—and I do not see why it is not practicable—that the Territorial government of the Territory of Utah should be abolished entirely, root and branch, and that we should govern it as we are governing the District of Columbia, by three commissioners or five commissioners. As extreme and as extraordinary as that method would be of getting rid of the evil of polygamy, I would infinitely prefer it to the bill which we are now considering in this conference report. I can see no reason why the Judiciary Committee of this body and of the other House might not have framed a bill abolishing entirely the Territorial government of Utah, substituting a government by a commission such as we have in the District of Columbia. There can be no question about the jurisdiction of Congress over the Territory; and it seems to me some measure of that kind might be framed which would be effectual in accomplishing the purpose which both committees of Congress unquestionably have in view, and which Congress itself has, of ridding the country of the crime and evil of polygamy and at the same time not doing violence to the principles of the Constitution of the country and to what I consider the dearest rights of the American citizen.

For these reasons, sir, while I disclaim all sympathy with or toleration, if you choose, for the institution of polygamy in any form, I can not support the conference report intended to get rid of it in the Territory of Utah.

Mr. HOAR. Mr. President, I have given sometimes somewhat reluctantly my assent to the policy of this bill and to most of its provisions; but I regard, for reasons which I have already stated, the abolition of the right of suffrage by women as not merely unjustifiable but as tyrannical. I think the Senators who have had the conduct of this bill have taken an advantage which they had no right to take to strike out something they did not like, although twenty-four Senators in this body have recently recorded their opinion in its favor, by the use of the power which the public disapprobation of polygamy put into their hands for an entirely different purpose. I voted against the bill for that reason before, and I shall vote against this conference report, which is in fact a bill not merely dealing with the matters in dispute, but the original bill in a new draught, for the same reason.

The other provisions of the bill, as being the policy which the best judgment of the Senate has been able to agree on for the extirpation of this foul blot on our civilization, I expect to support when I have an opportunity to deal with them separately, although some of them march clear up to the boundary line which divides reasonable police legislation aimed at crime and evil from legislation which interferes with the great principles and safeguards of personal liberty. I am not prepared to go quite so far in that line.

Mr. BLAIR. Mr. President, if this bill were consistent with itself, and if, in depriving women of the right of suffrage for the ostensible purpose of striking at the crime of polygamy, it proceeded further to disfranchise men who are far more to blame for the crime than are the women, I would find no fault with a provision depriving guilty persons of both sexes of suffrage in the Territory, in order that this great public evil, this infringement upon a violation of the fundamental conditions of our civilization, might be extirpated.

I had an objection to the former bill very serious in my own mind in addition to the provision violative of the right of suffrage, which is one that should be exercised, as I think, without reference to distinction of sex, and that was the power conferred by the bill to violate the ordinary common-law principle by compelling the real wife to testify against the husband without her consent. That has been obviated in the present bill, and, as it will pass under any circumstances, having made my protest against the bill as in violation of the fundamental right of suffrage, I think I shall not vote at all.

Mr. DOLPH. Mr. President, I have the same objection to the bill as the Senator from Massachusetts [Mr. HOAR] and the Senator from New Hampshire [Mr. BLAIR]. My sentiments on the question of woman suffrage are well known. If I could vote on the question of the disfranchisement of women in Utah separately I should vote against it; but under the circumstances, as the bill will pass, I am disposed to vote for the bill and not to record myself against the provisions of the bill which I think are proper and right for the sake of a sentiment, or for the purpose of emphasizing my opinions in regard to one point on which the majority is against me.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). On this question and all others I am paired with the Senator from Colorado [Mr. TELLER], who is absent.

Mr. VEST (when his name was called). I have a general pair with the Senator from Kansas [Mr. PLUMB]. I suppose if he were here he would vote for this report. I should vote against it.

The roll-call having been concluded, the result was announced—yeas 37, nays 13; as follows:

YEAS—37.

Allison,	Evarts,	McMillan,	Pugh,
Bowen,	Farwell,	McPherson,	Sabin,
Cameron,	Frye,	Mahone,	Sawyer,
Cheney,	George,	Manderson,	Spooner,
Cockrell,	Hale,	Maxey,	Walthall,
Colquitt,	Harrison,	Miller,	Williams,
Conger,	Hawley,	Mitchell of Oreg.,	Wilson of Iowa.
Cullom,	Ingalls,	Morgan,	
Dolph,	Jones of Arkansas,	Morrill,	
Edmunds,	Jones of Nevada,	Platt,	

NAYS—13.

Blackburn,	Coke,	Harris,	Ransom,
Brown,	Gibson,	Hoar,	Vance,
Butler,	Hampton,	Kenna,	Whitthorne.
Call,			

ABSENT—26.

Aldrich,	Eustis,	Payne,	Teller,
Beck,	Fair,	Plumb,	Van Wyck,
Berry,	Gorman,	Riddleberger,	Vest,
Blair,	Gray,	Saulsbury,	Voorhees,
Camden,	Jones of Florida,	Sewell,	Wilson of Md.
Chace,	Mitchell of Pa.,	Sherman,	
Dawes,	Palmer,	Stanford,	

So the report of the committee of conference was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its amendment to the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district.

AMENDMENT TO A BILL.

Mr. RANSOM submitted an amendment intended to be proposed by him to the bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee on Claims.

WASHINGTON TERRITORIAL LEGISLATURE.

Mr. BUTLER. I offer a resolution which I send to the desk.

Mr. McMILLAN. Is it morning business?

Mr. BUTLER. It is simply a resolution.

The Chief Clerk read the resolution, as follows:

Resolved, That it is expedient for the Senate to consider without further delay House bill 6966, to change the time of meeting of the Legislative Assembly of Washington Territory.

Mr. EDMUNDS. I object.

The PRESIDING OFFICER (Mr. CULLOM in the chair). Objection being made, the resolution goes over under the rule.

ORDER OF BUSINESS.

Mr. McMILLAN. I move that the Senate proceed to the consideration of House bill 10419, being the river and harbor bill.

The PRESIDING OFFICER. The Chair understands that the bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua is the unfinished business. The Senator from Minnesota moves that the bill be postponed.

Mr. McMILLAN. Let it he laid aside informally.

Mr. HARRIS. I suggest to the Senator from Minnesota that he ask unanimous consent.

Mr. McMILLAN. I ask unanimous consent to lay aside informally the pending business and take up the river and harbor bill.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that the unfinished business be informally laid aside and that the river and harbor bill be taken up. The Chair hears no objection.

Mr. EDMUNDS. I consent to that on account of the fact that the judgment of gentlemen about the order of business has been such as to give appropriation bills the right of way against everything but conference reports. Therefore I am bound to yield.

Mr. GEORGE. I ask the Senator from Minnesota to give way to enable me to make a request of the Senate that will take but a minute or two, but it is of some importance to me.

Mr. McMILLAN. I will hear the request, of course.

COURTS AT MISSISSIPPI CITY.

Mr. GEORGE. Mr. President, yesterday when we reached on the Calendar the bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss., it was objected to by the Senator from Kansas [Mr. INGALLS], and went over from the Calendar under Rule VIII to the Calendar under Rule IX. I have consulted with the Senator from Kansas, on whose objection that action was predicated, and I also have consulted with the Senator from Vermont [Mr. EDMUNDS], the chairman of the Judiciary Committee, and I learn from them that neither one of them will oppose the request I now make that the bill be restored to the Calendar under Rule VIII, where it formerly was. I ask unanimous consent that that be done.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent that the bill referred to by him be restored to the position on the Calendar occupied by it yesterday. The Chair hears no objection, and it is so ordered.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. McMILLAN. I suppose the first or formal reading of the bill may be dispensed with, and we can proceed with the consideration of the amendment of the committee.

Mr. INGALLS. I think we had better go through with the bill in the ordinary way.

Mr. HALE and Mr. HOAR. The regular process.

Mr. INGALLS. We have had no opportunity of looking at it yet. I ask that it may go through the next process. I wish to accommodate the Senator from Massachusetts and the Senator from Maine in my terminology.

Mr. HOAR. I wanted to prevent my honorable friend from masquerading; that was all.

The PRESIDING OFFICER. The Senator from Kansas asks that the reading of the bill be proceeded with without interruption by amendments. The reading will proceed.

Mr. FRYE. Is there any necessity for reading the House bill? The bill reported by the Committee on Commerce is an amendment to the House bill, a substitute for it, and it is not necessary, I take it, to read all the items that are stricken out, which is the whole bill.

Mr. McMILLAN. I will state for the information of the Senator from Kansas and of the Senate that a print of the bill as it came from the House, with the specific changes made by the Committee on Commerce of the Senate, has been laid upon the desk of each Senator, and that can be referred to as the reading proceeds, if the Senator from Kansas will consent to waive the first reading and let us proceed to the consideration of the bill. However, let the proceeding go on.

The PRESIDING OFFICER. The Secretary will proceed to read the bill as reported from the Committee on Commerce.

Mr. INGALLS. What is the order of the Chair?

The PRESIDING OFFICER. The Chair instructs the Secretary to proceed with the reading of the bill as reported by the Committee on Commerce.

Mr. FRYE. The Senator from Kansas does not desire, when this report from the Committee on Commerce is practically a motion to strike out all after the enacting clause and insert new matter, that the whole bill shall be read through and that then each item shall be read through again, the place of which is to be taken by the report of the committee?

Mr. INGALLS. I am entirely willing that the bill should be read as reported from the Committee on Commerce. I do not ask for the reading of the House bill.

The PRESIDING OFFICER. The Chair does not so understand the Senator from Kansas, but he simply desired that the bill be read as agreed to by the Committee on Commerce of the Senate.

Mr. HARRIS. Is it understood that the amendments reported by the Committee on Commerce shall be acted upon on this first reading?

Mr. INGALLS. It is all one amendment, as I understand.

Mr. HARRIS. If I understand it was one amendment by the committee, but the committee has subsequently amended its original report. Is that true?

Mr. McMILLAN. The committee have a very few amendments to submit as we proceed.

Mr. INGALLS. But as the bill now stands is it not one entire amendment?

Mr. McMILLAN. Yes, sir. There may be some amendments to be proposed by the committee as we proceed with the reading of the amendment reported, if the Senate has no objection.

Mr. INGALLS. One thing further. This being one amendment, it will be necessary, as I understand, if I may be permitted to masquerade a little further in this matter, to object to each paragraph as we proceed, or else it will be regarded as agreed to; and I wish to save all points of order upon every appropriation if it may be necessary to ask for information.

Mr. HALE. If it is one amendment, as it is, to be technical no rights are lost by not objecting until the entire amendment is read. It is but one amendment. The substitute offered by the committee is a single amendment to the original bill brought here from the House. I understand that all rights of objection or of moving amendments are reserved until the reading of the bill is completed. We have not got to object as we go along.

Mr. INGALLS. Very well.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill as reported by the Committee on Commerce.

The Secretary began to read the bill.

TERMS OF COURT AT TEXARKANA.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9116) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes.

Mr. COKE. I ask the Senator from Minnesota to allow me to make a conference report?

Mr. McMILLAN. I prefer that we proceed with the reading of the river and harbor bill until we get through with it.

Mr. BERRY. It is simply a conference report.

Mr. HARRIS. That is a privileged question.

Mr. McMILLAN. Let us get on with the river and harbor bill.

Mr. COKE. Does the Senator decline to yield to a conference report?

Mr. McMILLAN. For the present.

The PRESIDING OFFICER. The Chair thinks a Senator has a right to interrupt the reading to present a conference report.

Mr. HOAR. I understand that under the rules a Senator has a right to take another Senator off his feet who is making a speech, to make a conference report. The question whether the Senate will consider it after it is received is another matter.

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that a Senator has a right to submit a conference report at any time.

Mr. COKE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9116) to provide for the holding terms of United States courts at Texarkana, Ark., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

"That terms of the circuit and district courts of the United States for the eastern judicial district for the State of Arkansas shall be held twice in each year at the city of Texarkana, in said eastern judicial district, commencing on the second Mondays in January and July, to be known as the Texarkana division of said district.

"SEC. 2. That all process, civil and criminal, against persons residing in the counties of Columbia, Howard, Hempstead, La Fayette, Little River, Miller, Nevada, Ouachita, Pike, and Sevier shall be made returnable to said courts, respectively, at said city of Texarkana: *Provided*, That all crimes and offenses heretofore committed within the division created by this act shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

"SEC. 3. That the clerk of the courts for said district shall appoint a deputy for the said division, who shall keep an office open at all times in the city of Texarkana, and shall there keep the records, files, and documents pertaining to the courts authorized by this act."

And the Senate agree to the same.

JAMES F. WILSON,
RICHARD COKE,
Managers on the part of the Senate.

D. B. CULBERSON,
JNO. H. ROGERS,
L. B. CASWELL,
Managers on the part of the House.

The PRESIDING OFFICER. Will the Senate agree to the report of the committee of conference?

The report was concurred in.

RETURN OF A BILL.

On motion of Mr. SAWYER, it was

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3107) granting a pension to Catharine F. Ellsworth.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes; and

A bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The bill was reported from the Committee on Commerce with an amendment to strike out all after the first clause of the bill in the following words:

Be it enacted, &c., That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named:

And in lieu of the matter stricken out to insert:

Improving harbor at Rockland, Me.: Continuing improvement, $25,000.

Improving breakwater at the mouth of Saco River, Maine: Continuing improvement and repairs, $6,000.

For commencing the construction of a breakwater from Mount Desert to Porcupine Island, $50,000.

Improving harbor at Portland, Me.: Continuing improvement, $25,000.

Improving the channel in Back Cove, Portland Harbor, Maine: Continuing improvement, $25,000.

Improving harbor at York, Me.: Continuing improvement, $7,000.

Improving harbor at Portsmouth, N. H.: Continuing improvement, $10,000.

Improving Little Harbor, New Hampshire: Continuing improvement, $10,000.

Improving harbor at Burlington, Vt.: Continuing improvement, $12,500.

Improving the channel between the islands of North Hero and South Hero, Lake Champlain, Vermont, $10,000.

Improving harbor at Boston, Mass.: Continuing improvement, $50,000.

Improving harbor at Lynn, Mass.: Continuing improvement, $6,000.

Improving harbor at Nantucket, Mass.: Continuing improvement, $20,000.

Improving harbor at Newburyport, Mass.: Continuing improvement, $20,000.

Improving harbor at Plymouth, Mass.: Continuing improvement, $10,000.

Improving harbor at Provincetown, Mass.: Continuing improvement, $15,000; of which sum $5,000 shall be used to strengthen Long Point Breakwater.

Improving harbor at Scituate, Mass.: Continuing improvement, $10,000.

Improving harbor at Wareham, Mass.: To complete improvement, $4,050.

Improving Hyannis Harbor, Massachusetts, $5,000.

Improving harbor at Sandy Bay, Mass.: Continuing improvement, $50,000.

Improving harbor at Block Island, R. I.: Continuing improvement, $10,000; of which sum $6,000 are for inner harbor, and $4,000 for breakwater: *Provided*, That the wharf on the land side of the inner harbor be turned over to the town of New Shoram, for the public use of said town; but no tolls or charges shall ever be exacted for the use of said wharf by public vessels of the United States or for freight carried on such vessels.

Improving harbor at Newport, R. I.: Continuing improvement, $7,500.

Improving harbor at Bridgeport, Conn.: Continuing improvement, $6,500.

Improving harbor at Black Rock, Conn.: Continuing improvement, $5,000.

Improving breakwater at New Haven, Conn.: Continuing improvement, $100,000.

Improving harbor at New Haven, Conn.: Continuing improvement, $10,000.

Improving harbor at New London, Conn.: Continuing improvement, $1,000.

Improving harbor at Norwalk, Conn.: Continuing improvement, $1,500.
Improving harbor at Stonington, Conn.: Continuing improvement, $8,000.
Improving harbor at Milford, Conn.: Continuing improvement, $5,000.
Improving harbor at Buffalo, N. Y.: Continuing improvement, and repairs on the outer breakwater, $250,000.
Improving Buttermilk Channel, New York: Continuing improvement, $25,000.
Improving breakwater at Rouse's Point, N. Y.: Continuing improvement, $7,500.
Improving harbor at Dunkirk, N. Y.: Continuing improvement, $10,000.
Improving harbor at Canarsie Bay, New York: Continuing improvement, $5,000.
Improving harbor at Charlotte, N. Y.: Continuing improvement and repairs, $35,000.
Improving harbor at Wilson, N. Y.: Continuing improvement, $2,500.
Improving harbor at Olcott, N. Y.: Continuing improvement, $2,500.
Improving harbor at Flushing Bay, New York: Continuing improvement, $7,500.
Improving Tonawanda Harbor, New York, and for the purpose of straightening and obtaining a 16-foot channel in the Niagara River between Lake Erie and Tonawanda, $10,000.
Improving channel at Gowanus Bay, New York: Continuing improvement, $20,000.
Improving harbor at Great Sodus Bay, New York: Continuing improvement, $6,000.
Improving harbor at Greenport, N. Y.: Continuing improvement, $2,500.
Improving harbor at Little Sodus Bay, New York: Continuing improvement, $4,000.
Improving harbor at Oak Orchard, N. Y.: Continuing improvement, $3,000.
Improving harbor at Ogdensburg, N. Y.: Continuing improvement, $5,000; to be used in excavating at the lower harbor up stream.
Improving harbor at Oswego, N. Y.: Extending improvement, $25,000.
Improving harbor at Rondout, N. Y.: Continuing improvement, $1,500.
Improving harbor at Sheepshead Bay, New York: Continuing improvement, $2,500.
Improving harbor at Plattsburg, N. Y.: Continuing improvement, $2,500.
Improving harbor at Glen Cove, N. Y., $10,000.
Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: Continuing improvement, $15,000.
Improving harbor at Raritan Bay, New Jersey: Continuing improvement, $20,000.
Improving harbor at Erie, Pa.: Continuing improvement, $12,000.
For the preservation and protection of the peninsula of Presque Isle, Erie Harbor, Pennsylvania, as recommended by the Chief of Engineers, January 13, 1885, and in accordance with such plans as the Secretary of War may prescribe, $100,000.
Improving ice-harbor at Marcus Hook, Pa.: Continuing improvement, $7,500.
Improving Delaware Breakwater, Delaware: Continuing improvement, $50,000.
Improving ice-harbor at New Castle, Del.: Continuing improvement, $10,000.
Improving harbor at Wilmington, Del.: Continuing improvement, $15,000.
Improving harbor at Baltimore, Md.: Completing the channel to 400 feet and commencing the additional width of 600 feet, in accordance with the plans of the United States engineers, $200,000.
Improving harbor at Breton Bay, Md.: Continuing improvement, $2,500.
For continuing the improvement of the Potomac River in the vicinity of Washington, with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War and in accordance with existing plans, $200,000: *Provided*, That no part of the sum hereby appropriated shall be expended upon or with reference to any place in respect of which the title of the United States is in doubt, or in respect to which any claim adverse to the United States has been made.
Improving harbor at Norfolk, Va.: Continuing improvement, $25,000.
Improving approach to Norfolk Harbor and the United States navy-yard at Norfolk, Va.: Continuing improvement by widening the channel of Elizabeth River toward the port-warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, including the shoals at Sewell's Point, $100,000.
Improving harbor at Beaufort, N. C.: Continuing improvement, $10,000.
Improving the inland water way between New Berne and Beaufort, N. C., $10,000.
Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, $150,000.
Improving harbor at Georgetown, S. C.: Continuing improvement, $4,000.
Improving harbor at Brunswick, Ga.: Continuing improvement, $18,000.
Improving Cumberland Sound, Georgia and Florida: Continuing improvement, $75,000.
Improving harbor at Savannah, Ga.: Continuing improvement, $65,000.
Improving harbor at Apalachicola, Fla.: Continuing improvement, $10,000.
Improving harbor at Cedar Keys, Fla.: Continuing improvement, $3,500.
Improving harbor at Pensacola, Fla.: Continuing improvement, $7,500.
Improving harbor at Tampa Bay, Fla.: Continuing improvement, $10,000.
Improving harbor at Mobile, Ala.: Continuing improvement, $35,000.
Improving harbor at Biloxi Bay, Miss.: Continuing improvement, $9,000; which sum, together with the money on hand heretofore appropriated for the roadstead, is hereby directed to be used in deepening the channel from Mississippi Sound to the wharves at Biloxi.
Improving Aransas Pass and Bay up to Rockport and Corpus Christi, Tex.: Continuing improvement, $75,000.
Improving Brazos Santiago Harbor, Texas: Continuing improvement, $25,000.
Improving of entrance to Galveston Harbor, Texas; Continuing improvement, $200,000.
Improving Pass Cavallo, Texas: Continuing improvement, $25,000.
Improving Sabine Pass and Blue Buck Bar, Texas: Continuing improvement, $145,000.
Improving harbor at Ashtabula, Ohio: Continuing improvement, $12,500.
Improving harbor at mouth of Black River, Ohio: Continuing improvement, $2,500.
Improving harbor at Cleveland, Ohio, on the last plan projected, $25,000.
Improving harbor at Fairport, Ohio: Continuing improvement, $15,000; of which $5,000 may be expended in deepening the river.
Improving harbor at Huron, Ohio: Continuing improvement, $3,000.
Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $15,000.
Improving harbor at Port Clinton, Ohio: Continuing improvement, $5,000.
Improving harbor at Sandusky, Ohio: Continuing improvement by a straight channel from Sandusky City to the entrance of Sandusky Bay, $30,000; of which $5,000 may be used in improving the old channel.
Improving harbor at Toledo, Ohio: Continuing improvement of the Maumee River or Straight Channel, $60,000; also $5,000 to be used in clearing the old channel.
Improving harbor at Michigan City, Ind.: Continuing improvement, $30,000; of which sum $1,500 are to be used on the inner harbor.
Improving harbor at Calumet, Ill.: Continuing improvement, $3,000.
Improving harbor at Chicago, Ill.: Continuing improvement, $60,000.
Improving harbor at Waukegan, Ill.: Continuing improvement, $10,000.
Improving harbor at Charlevoix and entrance to Pine Lake, Michigan: Continuing improvement, $7,500.
Improving harbor at Cheboygan, Mich.: Continuing improvement, $5,000.
Improving harbor at Frankfort, Mich., by extension of piers and repairs: Continuing improvement, $6,000.
Improving harbor at Grand Haven, Mich.: Continuing improvement, $15,000.
Improving harbor of refuge at Grand Marais, Mich.: Continuing improvement, $35,000.
Improving harbor at Ludington, Mich.: Continuing improvement, $30,000.
Improving harbor at Manistee, Mich.: Continuing improvement, $7,500.
Improving harbor at Monroe, Mich.: Continuing improvement, $1,000.
Improving harbor at Muskegon, Mich.: Continuing improvement, $7,500.
Improving harbor at Ontonagon, Mich.: Continuing improvement, $6,000.
Improving harbor at Pentwater, Mich.: Continuing improvement, $4,000.
Improving harbor at Portage Lake, Michigan: Continuing improvement, $15,000.
Improving and repairing harbor of refuge at Sand Beach, Michigan: Continuing improvement, $40,000.
Improving harbor at Saint Joseph, Mich.: Continuing improvement, $10,000; of which $5,000 shall be used to improve Benton Harbor Channel.
Improving harbor at South Haven, Mich.: Continuing improvement, $5,000.
Improving harbor at White River, Michigan: Continuing improvement, $6,000.
Improving harbor at Marquette, Mich.: Continuing improvements and repairs, $25,000.
For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal, and the Lake Superior Ship-Canal, Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, $350,000: *Provided*, That no part of said sum shall be expended until a full and absolute conveyance of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to or connected with said works, or either of them, has been made to the United States by the owner or owners thereof, and the Attorney-General shall have certified to the Secretary of War that the title is perfect.
Improving harbor at Ahnapee, Wis.: Continuing improvement, $5,000; and so much of the act of August 5, 1886, for the improvement of rivers and harbors, as relates to the harbor of Ahnapee, is hereby amended by striking out the words "but no part of said sum is to be expended until the wharfage over the Government pier at that port shall be made free."
Improving harbor at Green Bay, Wis.: Continuing improvement, $3,500.
Improving harbor at Kenosha, Wis.: Continuing improvement, $5,000.
Improving harbor at Kewaunee, Wis.: Continuing improvement, $7,500.
Improving harbor at Manitowoc, Wis.: Continuing improvement, $4,000.
Improving harbor at Menomonee, Wis.: Completing improvement, $9,000.
Improving harbor of refuge at Milwaukee, Wis.: Continuing improvement on bay and harbor, $80,000.
Improving harbor at Oconto, Wis.: Continuing improvement, $5,000.
Improving harbor at Port Washington, Wis.: Continuing improvement, $2,000.
Improving harbor at Racine, Wis.: Continuing improvement, $3,000.
Improving harbor at Sturgeon Bay, Wisconsin: Continuing improvement, $3,500.
Improving harbor at Superior Bay and Saint Louis Bay, Wisconsin: Continuing improvement, $12,500.
Improving harbor at Sheboygan, Wis.: Continuing improvement, $7,500.
Improving the harbor at Ashland, Wis.? Continuing improvement, $10,000.
Improving harbor at Duluth, Minn.: Continuing improvements, $50,000; of which sum one-half is to be used in deepening and enlarging the basin between Minnesota and Rice's Points, and the other half is to be used in dredging and deepening the channel on the west side of Rice's Point, and from thence to Grassy Point, on the north side of Saint Louis Bay, along such dock-line as may be established by the corporate authorities of Duluth, with the approval of the Secretary of War.
Improving harbor at Grand Marias, Minn.: Continuing improvement, $10,000.
Improving harbor and bay at Humboldt, Cal.: Continuing improvement, $100,000: *Provided*, That no part of said sum shall be expended until the 12 acres of land necessary to said improvement shall have been conveyed to the United States free of expense, and such conveyance has been approved by the Secretary of War, after the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.
Improving harbor at Oakland, Cal.: Continuing improvement, $62,500.
Improving harbor at Red Wood, Cal.: Continuing improvement, $2,000.
Improving harbor at Wilmington, Cal.: Continuing improvement, $50,000.
Improving harbor at San Luis Obispo, Cal.: Constructing a breakwater, extending in a southeasterly direction, commencing at Whaler's Point, $25,000.
Improving harbor at Yaquina Bay, Oregon: Continuing improvement, $80,000.
Improvement of the harbor at entrance of Coos Bay, Oregon, $25,000.
Improving Lubec Channel, Maine: Continuing improvement, $10,000.
Improving Penobscot River, Maine: Continuing improvement, by widening the channel opposite Bangor and removing obstructions near Crosby's Narrows, $10,000.
Improving Saco River, Maine: Continuing improvement, $5,000.
Improving Narragaugus River, Maine: Continuing improvement, $10,000.
Improving Cocheco River, New Hampshire: To complete improvement, $9,000.
Improving Pawtucket River, Rhode Island: Continuing improvement, $20,000.
Improving Providence River and Naragansett Bay, Rhode Island: Continuing improvement, $25,000.
Improving Green Jacket Shoal, Rhode Island: Continuing improvement, $15,000.
Improving Pawcatuck River, Rhode Island: Continuing improvement, $10,000.
Improving Connecticut River below Hartford, Conn.: Continuing improvement, $10,000.
Improving Housatonic River, Connecticut, $5,000.
Improving Thames River, Connecticut: Continuing improvement, $25,000.
Improving Hell Gate, New York: Continuing improvement, $100,000.
Improving East Chester Creek, New York: Continuing improvement, $2,500.
Improving Hudson River, New York: Continuing improvement, $20,000; of which $15,000 may be used for removing the rock in the channel at Van Wie's Point.
Improving Newtown Creek and Bay, New York: Continuing improvement, $10,000; of which $2,500 to be expended on west branch, between Maspeth avenue and Dual Bridge, at Grand street and Metropolitan avenue; $2,500 to be expended on main branch, between Easterly Grand Street Bridge to Metropolitan avenue; and balance on lower end, from Maspeth avenue to the mouth of the creek.
Improving Narrows at Lake Champlain, New York, from Benson, Vt., to canal locks at Whitehall, N. Y., $15,000; of which $2,000 may be used to remove Ferris Rock, Lake Champlain.
Improving Maurice River, New Jersey: Continuing improvement, $5,000.
Improving Passaic River, New Jersey: Continuing improvement, $20,000; of which $2,000 are to be used above Newark.
Improving Raritan River, New Jersey: Continuing improvement, $30,000.
Improving Shrewsbury River, New Jersey: Continuing Improvement, $5,000.
Improving South River, New Jersey: Continuing improvement, $2,500.
Improving Allegheny River, Pennsylvania: Continuing improvement, $15,000.
Improving Schuylkill River, Pennsylvania: Continuing improvement, $10,000.

Improving Delaware River, Pennsylvania and New Jersey: Continuing improvement from Trenton to its mouth, $125,000; of which $6,000 shall be expended on said river and its tributaries above Bridesburg.

The Secretary of War is hereby authorized and directed to appoint a board of engineers to examine and survey the Delaware River in front of Philadelphia, Pa., with a view to removing Smith and Windmill Islands, together with adjacent shoals, and to report, with the estimate of cost and necessity for such improvement in the interest of navigation; the cost of said examination and survey to be paid out of the sum appropriated by section 5 of this act.

Improving Herr's Island Dam, Pennsylvania: Continuing improvement, $28,000; and the Secretary of War is hereby authorized to purchase the lands required for said dam and its appurtenances, or at his discretion, to cause suit to be instituted for the condemnation of such lands as may be necessary therefor.

Improving Monongahela River, Pennsylvania and West Virginia: To complete improvement, $30,000.

Improving Saint Jones River, Delaware: Continuing improvement, $5,000.

Improving Duck Creek, Delaware: Continuing improvement, $3,000.

Improving Misspillion Creek, Delaware: Continuing improvement, $3,500.

Improving Choptank River, Maryland: Continuing improvement, $2,500.

Improving Corsica Creek, Maryland: Continuing improvement, $2,500.

Improving Susquehanna River, Maryland and Pennsylvania: Continuing improvement, $10,000; to be expended above the Baltimore, Philadelphia and Wilmington Railroad bridge.

Improving, by dredging and otherwise, the inland water way from Chincoteague Bay, Virginia, to Delaware Bay at or near Lewes, Del., to be used from Chincoteague Bay to Indian River Bay: Continuing improvement, $25,000.

Improving Appomattox River, Virginia: Continuing improvement, $16,000; and the Chief of Engineers is directed to cause to be examined and surveyed and the cost estimated for diverting the water of the river above the harbor at Petersburg to the old north channel, and report upon the same.

Improving Chickahominy River, Virginia: Continuing improvement, $2,000.

Improving James River, Virginia: Continuing improvement below Richmond, $100,000.

Improving Mattaponi River, Virginia: Continuing improvement, $2,000.

Improving New River, Virginia: Continuing improvement between the lead mines, in Wythe County, and the mouth of Wilson's Creek, in Grayson County, $5,000.

Improving Pamunky River, Virginia: Continuing improvement, $2,000.

Improving Rappahannock River, Virginia: Continuing improvement, $7,500.

Improving Staunton River, Virginia: Continuing improvement, $5,000; one-half to be expended on said stream between the mouth of Pig River and the crossing of the Midland Railroad.

Improving York River, Virginia: Continuing improvement, $12,500.

Improving Dan River, Virginia and North Carolina: Continuing improvement from Danville, Va., to Madison, N. C., $1,500.

Improving Nansemond River, Virginia: Continuing improvement by the construction of a dike, $10,000.

Improving Big Sandy River, West Virginia and Kentucky: Continuing improvement, $16,000; of which sum $2,500 are to be expended on Tug Fork, in West Virginia, and $2,500 on Lavisa Fork, in Kentucky.

Improving Great Kanawha River, West Virginia: Continuing improvement, $175,000.

Improving Guyandotte River, West Virginia: Continuing improvement, $2,000.

Improving Elk River, West Virginia: Continuing improvement, $3,000.

Improving Little Kanawha River, West Virginia: Continuing improvement, $7,500. But no toll shall be collected by any person or corporation for this improved navigation; and such right, if any exist, shall be relinquished, in a manner satisfactory to the Secretary of War, before the expenditure of any of the money herein appropriated for this work.

Improving Cape Fear River, North Carolina: Continuing improvement, $140,000; of which sum $15,000 are to be expended between Wilmington and Fayetteville.

Improving Contentnia Creek, North Carolina: Continuing improvement, $7,500.

Improving Currituck Sound, Coanjok Bay, and North River Bar, North Carolina: Continuing improvement, $7,500.

Improving Neuse River, North Carolina: Continuing improvement, $12,000.

Improving New River, North Carolina: Continuing improvement, $2,500.

Improving Pamlico and Tar Rivers, North Carolina: Continuing improvement, $3,000.

Improving Trent River, North Carolina: Continuing improvement, $3,000.

Improving Meherrin River, North Carolina: Continuing improvement, $2,000.

Improving Edisto River, South Carolina: Continuing improvement, $2,500.

Improving Great Pedee River, South Carolina: Continuing improvement, $10,000.

Improving Salkahatchee River, South Carolina: Continuing improvement, $2,000.

Improving Santee River, South Carolina: Continuing improvement, $10,000.

Improving Waccamaw River, South Carolina: Continuing improvement, $12,000.

Improving Wappoo Cut, South Carolina: Continuing improvement, $2,500.

Improving Wateree River, South Carolina: Continuing improvement, $6,000.

Improving Congaree River, South Carolina: Continuing improvement, $7,500.

Improving Altamaha River, Georgia: Continuing improvement, $10,000.

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, $10,000.

Improving Coosa River, Georgia and Alabama: Continuing improvement, $30,000.

The Secretary of War is hereby authorized and directed to cause a survey to be made for the location of a channel in and along the Coosa River, in Alabama, from the rapids at Wetumpka to connect with the improvements already completed on said river above the Ten Islands, and to direct the engineer making the survey to report as to the most feasible, economical, and suitable plan of making such improvement, with the estimate of cost and the necessity for such improvement in the interests of navigation; the cost of said examination and survey to be paid out of the sum appropriated by section 5 of this act.

Improving Flint River, Georgia: Continuing improvement, $10,000; of which sum $3,000 are to be expended between Albany and Montezuma, and $7,000 below Albany.

Improving Ocmulgee River, Georgia: Continuing improvement, $4,000.

Improving Oconee River, Georgia: Continuing improvement, $4,500.

Improving Savannah River, below Augusta, Ga.: To complete improvement, $21,000.

Improving Apalachicola River, Florida: Continuing improvement, $1,000.

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $7,500; of which sum $2,500 to be expended below Geneva, and $5,000 to be expended between Geneva and Newton, Ala.

Improving Conecuh-Escambia River, Florida and Alabama: Continuing improvement, $5,000; no part of which is to be used above Indian Creek.

Improving La Grange Bayou, Florida: Continuing improvement, $1,000.

Improving Manatee River, Florida: Continuing improvement, $5,000.

Improving channel over the bar at the mouth of Saint John's River, Florida: Continuing improvement, $125,000.

Improving Suwanee River, Florida: Continuing improvement, $2,500.

Improving Withlacoochee River, Florida: Continuing improvement, $2,500.

Improving Alabama River, Alabama: Continuing improvement, $10,000.

Improving Black Warrior River, Alabama, from Tuscaloosa to Daniel's Creek: Continuing improvement, $50,000.

Improving Tallapoosa River, Alabama: Continuing improvement, $4,000.

Improving Warrior River, Alabama: Continuing improvement from Tuscaloosa to Demopolis, $9,000.

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement, $9,000; to be expended below Vienna, $6,000; and between Vienna and Fulton, $3,000.

Improving Big Sunflower River, Mississippi: Continuing improvement, $3,000; of which $1,000 to be expended between Woodburn and Lehartan.

Improving Noxubee River, Mississippi: Continuing improvement, $2,500.

Improving Pascagoula River, Mississippi: Continuing improvement, including bar at the mouth, and from there to the mills at Moss Point, $16,500.

Improving Pearl River, Mississippi: Continuing improvement, $10,000; of which $1,250 are to be expended between Edinburg and Carthage, $1,250 between Carthage and Jackson, and the remainder below Jackson, including bar at the mouth of East Pearl River.

Improving Steele's Bayou, Mississippi, including Washington Bayou: Continuing improvement, $2,000.

Improving Tallahatchee River, Mississippi: Continuing improvement, $2,500.

Improving Tchula Lake, Mississippi: Continuing improvement, $1,000.

Improving Yallabusha River, Mississippi: Continuing improvement, $1,250.

Improving Yazoo River, Mississippi: Continuing improvement, $5,000.

Improving Bayou Pierre, Mississippi: Continuing improvement, $3,750.

Improving Amite River, Louisiana: Continuing improvement, $1,500.

Improving Bœuf River, Louisiana: Continuing improvement, $2,500.

Improving Bayou Bartholomew, Louisiana: Continuing improvement, $1,500.

Improving Bayou Courtableau, Louisiana: Continuing improvement, $2,500.

Improving Bayou D'Arbonne, Louisiana: Continuing improvement, $1,500.

Improving Bayou Terre Bonne, Louisiana: To complete improvement, $3,000.

Improving Tensas River and Bayou Macon, Louisiana: Continuing improvement, $2,500.

Improving Red River, Louisiana: Continuing improvement from Fulton, Ark., to the Atchafalaya River, Louisiana, including completing the work at Alexandria, $45,000; of which sum $20,000, or so much thereof as may be necessary, shall be used in continuing a through survey of the river from Fulton, Ark., to the Atchafalaya River.

Improving Tchefuncte River and Bogue Falia, Louisiana: Continuing improvement, $1,500.

Improving Tickfaw River, Louisiana: Continuing improvement, $1,000; to be expended on its navigable tributaries.

Improving Ouachita River, Louisiana and Arkansas, and Black River, Louisiana: Continuing improvement, $7,500.

Improving mouth of Brazos River, Texas: Continuing improvement, $25,000.

Improving Buffalo Bayou, Texas: Continuing improvement, $25,000.

Improving Arkansas River: Continuing improvement, $125,000: *Provided*, That the Secretary of War shall expend the appropriation under this head with reference to the final improvement of this river as contemplated in the report of the Chief of Engineers for the year ending July 1, 1885, and as authorized in the bill for the improvement of rivers and harbors approved August 5, 1886, and in House Executive Document No. 90, Forty-ninth Congress, first session, said methods to be applied, as the Secretary of War may direct, at such points between Wichita, Kans., and the navigable mouth of the Arkansas River, at its junction with the Mississippi River, as he may deem for the best interests of commerce. And all moneys now to the credit of different sections of the Arkansas River, other than appropriations for the operating of snag-boats, shall be available for use under this head; and in future the engineer in charge of this work and the Secretary of War shall make report upon the progress and needs of this work under this head, instead of reporting upon disconnected projects, as heretofore. Nothing herein contained shall be understood to prevent the Secretary of War from applying any part or all of the funds previously appropriated for use at Fort Smith, Dardanelle, in Pine Bluff Reach, or from expending not exceeding $4,000 to remove the bar in front of Van Buren, or from allotting not exceeding $8,000 as a contingent fund for expenditure in Pine Bluff Reach.

Improving Saint Francis River, Arkansas: Continuing improvement, $2,000.

Improving White River, Arkansas: Continuing improvement, $5,000.

For removing snags, wrecks, and other obstructions in the Arkansas River, $15,000.

Improving Black River, Arkansas and Missouri, $2,500.

Improving Big Hatchee River, Tennessee: Continuing improvement, $2,000.

Improving Caney Fork River, Tennessee: Continuing improvement, $1,500.

Improving Clinch River, Tennessee: Continuing improvement, $2,500.

Improving Cumberland River, Tennessee and Kentucky, below Nashville: Continuing improvement, $5,000.

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, $100,000; with a view to secure a uniform depth in the channel of 4 feet, commencing with the lock at or near the lower island at Nashville.

Improving French Broad River, Tennessee: Continuing improvement, $5,000.

Improving Hiawassee River, Tennessee: Continuing improvement, $1,000.

Improving South Forked Deer River, Tennessee: Continuing improvement, $2,000.

Improving Tennessee River, Tennessee, above Chattanooga: Continuing improvement, $2,500.

Improving Tennessee River at Big Mussel Shoals, Little Mussel Shoals, Elk River Shoals, and Colbert Shoals, Alabama: To complete improvement at those localities, $125,000.

Improving South Fork of Cumberland River, Kentucky: Continuing improvement, $2,500.

Improving Kentucky River, Kentucky: Continuing improvement, $100,000.

Improving Tradewater River, Kentucky: Continuing improvement, $2,000.

Improving the falls of the Ohio River, at Louisville, Ky.: Continuing improvement, according to the last plan of the engineer in charge, $75,000.

For the purchase of the improvements known as the Green and Barren River improvements, $150,000: *Provided*, That no part of said sum shall be expended until a full and absolute conveyance of said improvements, together with rights of way, easements, piers, docks, and appurtenances of every nature belonging to or connected with said improvements, by the owner or owners thereof, and the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

Improving Muskingum River, Ohio: Continuing improvement, $50,000; and so much of the act of August 5, 1886, as provides that said act should not take effect until "any balance of money appropriated by said State for the improvement of said river, and which is not expended on the 15th day of July, 1886," should be transferred to the United States, is hereby repealed; and so much of the sum of $20,000 appropriated for the improvement of said river in said act as is unexpended is hereby made available for the care, protection, and improvement of the locks and dams and other property on said river.

Improving Detroit River, Michigan: Continuing improvement, $35,000.

Improving Saint Clair Ship-Canal, Michigan: Continuing improvement, $18,750.

Improving Saint Mary's River, Michigan: Continuing improvement on new lock, dam, and approaches, $100,000.

Improving Saint Clair River, Michigan: Continuing improvement by removing Middle Ground, in the river opposite Port Huron, $15,000.

Improving Hay Lake Channel, Michigan: Continuing improvement, $100,000.

Improving Saginaw River, Michigan: Continuing improvement, $25,000; of which $12,500 are to be used opposite Bay City, including the channel in front of West Bay City.

Improving Chippewa River, Wisconsin: Continuing improvement from the Dalles Dam to its mouth, $7,500.

Improving Fox River, Wisconsin: Continuing improvement below Montello, $50,000; of which $5,000, or so much as may be necessary, may be expended in dredging the south channel at the outlet of Lake Winnebago.

Improving Saint Croix River, Wisconsin and Minnesota: Continuing improvement, $10,000.

Improving Wabash River, Indiana and Illinois: Continuing work on lock and dams at Grand Rapids, and on the river from Grand Rapids to its mouth, $25,000; and the further sum of $9,500, $7,000 of which is to be used at or near Grayville, and $2,500 on the river above Vincennes.

Improving White River, Indiana: Continuing improvement, $5,000; no part of which is to be expended until the bridges are so changed as not to obstruct navigation.

Improving Calumet River, Illinois and Indiana: Continuing improvement, $12,500; of which sum $4,500 are to be expended between the Forks and one-half mile east of Hammond, Ind.: *Provided, however*, That no part of said sum, nor any sum heretofore appropriated, except the said $4,500 for the river above the Forks, and $11,250 appropriated by the river and harbor act of August 5, 1886, to be used between the Forks and one-half mile east of Hammond, Ind., shall be expended until the entire right of way as set forth in Senate Executive Document No. 9, second session Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property owners, to the satisfaction of the Secretary of War; and if any of the owners of real estate required to be taken or that is damaged for the purpose of straightening or widening that portion of the Calumet River for which the appropriation herein is now made, can not be induced to convey to the United States such real estate so required, and release their claim for damages caused by said improvement, or should the owner or owners be incapable of conveying and releasing, or should his or her name or residence be unknown, or he or she be a non-resident of the State of Illinois, it shall then be the duty of the United States attorney for the northern district of Illinois to immediately file a petition in any court having jurisdiction thereof, in the manner and as authorized by the laws of the State of Illinois in such cases, for the purpose of ascertaining the just compensation to be paid to the respective owners of the land taken or damaged: *Provided, however*, That the other owners of property and parties interested in said improvement shall first execute a bond to the United States, to be approved by the Secretary of War, for the payment of the costs of such proceedings, and to pay any judgment that may be rendered therein; and on failure to do so the proceedings shall be dismissed.

Improving Illinois River, Illinois: Continuing improvement, $115,000.

And for the purpose of making and maintaining a continuous water way from the waters of Lake Michigan to the Mississippi River, to be not less than 160 feet in width and 7 feet in depth at low-water mark, the Secretary of War is hereby authorized and directed to cause a survey to be made of the Illinois and Des Plaines Rivers from the city of La Salle to Lake Joliet, with a view to the improvement of said rivers by a system of locks and dams, of such height and dimensions as will maintain a water way of the depth and width aforesaid between said places, and of a capacity for steamboats equal to that now furnished by the locks and dams now constructed and being constructed on the Illinois River.

And the said Secretary of War is also authorized and directed to cause to be surveyed and located a canal of the width and depth hereinbefore mentioned from Lake Joliet to the waters of Lake Michigan at or near the city of Chicago, with locks of the same size as those on the Illinois River; that is, 350 feet in length and 75 feet in width. And in the survey and location of said canal it is hereby provided that the Illinois and Michigan Canal, or so much or such parts thereof as may be deemed advisable, may be included in the location and construction of the same, it being the intention to have said canal constructed on the shortest and best line from Lake Joliet to such point on Lake Michigan as may be determined upon by the said Secretary of War, having due regard to the cost of construction.

And the said Secretary of War is also further authorized and directed to cause to be located, on such line as he may approve, from the Illinois River at or near the town of Hennepin to the Mississippi River at or above the mouth of Rock River, a canal, to be constructed 80 feet wide at the water-line and to have a depth of not less than 7 feet of water, with locks 170 feet long and 30 feet wide, and also a necessary feeder for said canal; said canal to be known as the Illinois and Mississippi Canal.

The Secretary of War shall cause to be made and submitted to Congress detailed plans for the construction of said canals and feeder, and for the improvement of the Illinois and Des Plaines Rivers from La Salle to Lake Joliet, together with estimates of the cost of such construction and improvement.

And for the purpose of making said surveys and locating said canals and feeder, in addition to any unexpended balance which may remain of the amount appropriated in the river and harbor act approved August 5, 1886, for defraying the expenses of the board of engineers therein authorized and directed to report upon the acquisition and improvement of the Illinois and Michigan Canal and the construction of the Hennepin Canal, which may be used for that purpose, the further sum of $50,000, or so much thereof as may be necessary, is hereby appropriated: *Provided, however*, That no work shall be done and no part of the money hereby appropriated expended until the State of Illinois shall, by proper and sufficient legislation, cede to the United States all right, title, and interest which the State may have to any locks, dams, or other improvements now existing on the Illinois River, and to so much or such parts of the Illinois and Michigan Canal as lie between Lake Joliet and the City of Chicago, which may be required in the location and construction of the canal herein provided for from Lake Joliet to Lake Michigan.

Improving Gasconade River, Missouri: Continuing improvement, $2,500.

Improving Osage River, Missouri: Continuing improvement by snagging and removing obstructions, $2,500.

Improving Black River, Arkansas and Missouri, up to Poplar Bluff, Mo.: Continuing improvement, $5,000.

Improving Little River, Missouri and Arkansas, from Hornersville to the junction of Little River with Saint Francis River, $5,000.

Improving Saint Francis River, Missouri and Arkansas, from Greenville to the Arkansas State line, $5,000.

Improving Red River of the North, Minnesota: Continuing improvement, $10,000.

Improving Yellowstone River, Montana and Dakota: Continuing improvement, $12,500.

Improving *Mokelumne* River, California, by removing obstructions, $1,500.

Improving San Joaquin River and Stockton and Mormon Sloughs, California: Continuing improvement, $10,000.

Improving Sacramento and Feather Rivers, California: Continuing improvement, $10,000; and the Secretary of War is hereby authorized to use for snagging and dredging operations only $30,000 of the money heretofore appropriated for improving said river, in addition to the amount authorized by the act of August 5, 1886, for improvement of rivers and harbors.

Improving canal around the Cascades of Columbia River, Oregon: Continuing improvement, $150,000.

Improving the Upper Columbia River, including Snake River, Oregon and Washington Territory: Continuing improvement, $5,000.

The Secretary of War is authorized and directed to appoint a board of three engineers from the United States Army whose duty it shall be to thoroughly examine the obstructions to navigation in the Columbia River at The Dalles and Celilo Falls, and at Three and Ten Mile Rapids, and to report to the Secretary of War, on or before the first Monday in December next, as to the feasibility and advisability of overcoming such obstructions by means of a boat-railway at the Dalles and Celilo Falls, and by widening, to a navigable status for large-tonnage river-boats, the channel of said river at Three and Ten Mile Rapids, accompanied by careful and detailed plans, with estimates of the cost and a statement as to the usefulness of such improvements to navigation and of their relations and value to commerce; and said board shall also report, at the same time, as to any other plan or project for overcoming said obstructions at said points, whereby said obstructions to navigation may be removed, which in the judgment of said board may be deemed either more desirable than the above or worthy of consideration by the Secretary of War and Congress, and shall report detailed plans, with estimates of the cost of such proposed improvement or improvements, and as to their relations to commerce and usefulness to navigation; and said board shall report which of said projects is by it deemed most advisable. And the Secretary of War shall transmit said report to Congress, at its next session, with his own views and those of the Chief of Engineers of the United States Army thereon; and the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated to defray the cost of making said examination and survey and the expenses of said board.

Improving the mouth of the Columbia River, Oregon, $300,000.

Improving Lower Willamette River, and Columbia River below Portland, Oreg.: Continuing improvement, $80,000; of which $5,000 is to be used on the river in front of Portland.

Improving the Upper Willamette River above Portland, Oreg.: Continuing improvement, $7,500.

Improving Coquille River, Oregon: Continuing improvement, $12,500.

Improving Umpqua River, Oregon: Continuing improvement, $5,000.

Improving Chehalis River, Washington Territory: Continuing improvement, $2,000.

Improving Cowlitz River, Washington Territory: Continuing improvement, $2,000.

Improving Skagit, Steilaquamish, Nootsack, Snohomish, and Snoqualmie Rivers, Washington Territory: Continuing improvement, $10,000.

Improving Missouri River from its mouth to Sioux City: Continuing improvement, $300,000; of which sum $5,000 may be used between the southern limits of Saint Joseph and the head of Lake Contrary, if in the judgment of the Commission it be necessary,

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, under the direction of the Secretary of War, $50,000.

For removing obstructions in the Missouri River, $11,000.

Improving the Ohio River: Continuing improvement, $175,000; of which sum $25,000 shall be used in enlarging the canal basin near the locks at Louisville, Ky., as recommended in the Engineer's Report for 1885, at page 1804; also a sum not exceeding $20,000 may be used for the improvement of Davis Island Dam, if necessary; also $25,000 in removing the rock obstruction at the mouth of Licking River; also $7,500 of said Ohio River appropriation may be expended in constructing an ice-pier, pursuant to the present or prospective plans of the Chief of Engineers, at or near Portsmouth, Ohio: *Provided*, That the Secretary of War is hereby authorized and directed to obtain, if he can do so without cost to the United States, a perpetual lease or conveyance of the riparian rights of the property owners at said locality, in the event said ice-pier shall be located where there is no improved landing-place: *And provided further*, That at said locality, if there is an improved landing, he shall first obtain a relinquishment of wharfage rights and dues in favor of water-craft seeking protection from damage by ice; and no part of this appropriation shall be used for such purpose until the foregoing conditions are complied with.

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, $20,000; to be expended in care and maintenance of dams built, increasing the lift of the Pokegama Reservoir, in survey of Sandy Lake and River, and in securing the title, for reservoir purposes, to the low lands below the Pokegama Reservoir.

For operating snag-boat on Upper Mississippi River, $10,000.

Improving Mississippi River between Aitken and Grand Rapids: Continuing improvement, $7,500.

Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, $150,000.

Improving Mississippi River at Des Moines Rapids Canal, under the modified project, $15,000; and the sum of $20,000, together with the sums heretofore appropriated for that purpose, to be used in the construction of a pier connecting the outer wall of said canal with the pivot-pier of the bridge at Keokuk, Iowa, in accordance with the report and plans of Captain McKenzie, Corps of Engineers, United States Army, submitted March, 1882.

Improving Mississippi River from Des Moines Rapids to mouth of Illinois River, including Quincy, Hamburg Bay, Quincy Bay, and the removal of the bar at the mouth of Whipple Creek: Continuing improvement, $66,000.

Improving Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, $150,000; of which $12,500, or so much thereof as may be necessary, to be expended in extending the work for the protection of the eastwardly bank of the Mississippi River at Cairo, and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down stream, and $12,500 for continuing improvement at Cape Girardeau, Mo., and Montona Point, Illinois: *Provided*, That the Secretary of War, in his discretion, may use not to exceed $25,000 of said sum of $150,000 to correct the current of the river and improve the channel at Saint Louis.

Improving Mississippi River from Head of the Passes to the mouth of the Ohio River: Continuing improvement, $1,500,000; which sum shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, and recommendations of the Mississippi River Commission, and for the salaries and traveling expenses of the members thereof: *Provided*, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if, in their judgment, it should be done as part of their plan to afford ease and safety to the navigation and commerce of the river and to deepen the channel: *And provided further*, That no work of bank protection or revetment shall be executed in said reaches or elsewhere unless, in the judgment of the commission, the completion of the permeable contracting works, and the establishment of a uniform width of the high-water channel, will not secure the desired stability of the river banks: *Provided, however*, That nothing herein contained shall prevent the construction of revetment works where the banks are caving at Greenville Reach, Delta Point, in front of the cities of Vicksburg, Mem-

phis, Hickman, Columbus, and Plaquemine: *And provided further*, That contraction works shall be built at the same time in the wide portions of the river immediately above the said revetment works. Of the amount herein appropriated for the Lower Mississippi, $75,000 are to be expended in continuing the work in progress at New Orleans; $100,000 for the rectification of the Red and Atchafalaya Rivers by preventing further enlargement of the latter stream and restricting its outlet capacity, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi; $50,000 in improving navigation in the Greenville Reach by preventing the bank at Greenville from further caving; $50,000 for improving the river at Vicksburg, and $25,000 in completing the work on the river at Memphis; also $50,000 for work on the river at Hickman, $25,000 for work on the river at Columbus, Ky., and $40,000 for work on the river at Plaquemine, La.

For examinations and surveys at South Pass, Mississippi River, pursuant to the act of March 3, 1875, $10,000.

For survey of the Mississippi River from the Head of the Passes to its headwaters: Continuing survey, $25,000.

For gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of February 21, 1871, $5,000.

For continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, $35,000.

For gauging the waters in the Columbia River, $1,000.

SEC. 2. That the Secretary of War is hereby directed, at his discretion, to cause examinations or surveys, or both, to be made, and the cost of improvements to be estimated, at the following localities, to wit:

Kennebec River, Maine, to complete survey from Augusta to Bath, inclusive.

Saint George's River and harbor at Thomaston, Me.

Cheat River, West Virginia and Pennsylvania.

Belfast Harbor, Maine.

Appoquinimink Creek, Delaware.

Peekskill Harbor, New York, with a view to a channel through the shoals sufficient for the needs of commerce.

Mississippi River between Saint Paul and Saint Anthony Falls, to ascertain the most practicable method of permanently improving it, and the cost of the same.

Red River of the North, and the lakes tributary to the said river, with a view to retaining the waters by means of dams.

Minnesota River from its mouth to Mankato, to ascertain the best method of making navigable this river, and the cost of the same.

Resurvey of mouth of the Au Sable River, Michigan, with a view to a 12-foot channel.

White River, Arkansas, at Newport.

Crystal River, Florida.

The Ohio River at Owensborough, Ky., with a view to prevent the caving of the bank at that place.

La Trapp River, Maryland.

Acquia Creek, Virginia.

Flint River Shoals, above Albany, Ga.

Homosassa River, Florida.

Saint John's River, Florida, from its mouth to its headwaters.

Indian River, Florida.

Entrance at Mosquito Inlet, Florida, up to the town of New Smyrna.

Entrance to Jupiter Inlet, Florida.

The channel between Tampa Bay and Old Tampa Bay, with a view to creating an 18-foot channel on the two bars.

Levisa Fork River, Kentucky, from its junction with Big Sandy to Piketon.

Resurvey and re-estimate of the cost of procuring the sites and constructing ice-harbors at the mouth of Willow River, in Kentucky, and at the mouth of Crawford Creek, in the State of Ohio, near Cincinnati.

Black River, Saint Clair County, Michigan, from its mouth to the Grand Trunk Iron Bridge, with a view to obtaining 15 feet of water.

Troutburg Harbor, New York.

Charles River from Boston to Watertown, Mass.

Entrance of Salt Pond, near Point Judith, Rhode Island, with a view to establishing a harbor of refuge.

Fishing-Place Cove, near Seaconnet Point, Rhode Island, with a view to constructing a breakwater.

Mouth of Double Bayou, in Galveston Bay, Texas.

Ship Island Harbor, Mississippi, with a view to obtaining an 18-foot channel as near to the shore as practicable.

Wappinger's Creek, New York, from Wappinger's Falls to its mouth.

Willamette River from Oswego to Oregon City.

Cœur d'Alene River, Idaho Territory, at its mouth.

Saint Joseph River, Idaho Territory, at its mouth.

Bayou Manchac, Louisiana.

Bayou La Fourche, Louisiana.

Bayou Black, Louisiana.

Calcasieu Pass, Louisiana.

Calcasieu River, Louisiana.

Sabine River, Louisiana and Texas.

Vineyard Haven Harbor and its vicinity, Massachusetts.

Mouth of the Guadaloupe River, Texas.

Glen Haven Harbor, Michigan, with a view to a breakwater.

Grand River, Michigan, with a view to making a 12-foot channel from its mouth to Grand Rapids.

Black River, Michigan, from its mouth to the upper railroad bridge, with a view to making a 15-foot channel.

Saint Joseph River, Michigan, from its mouth to Berrien Springs.

To procure a straight channel between Bar Point Light-house and Bois Blanc Island, at the mouth of the Detroit River.

Cohasset Harbor, Massachusetts

Waymouth River, Massachusetts.

Alloway Creek, New Jersey.

Northeast River, Maryland.

Elk River, Maryland.

Mouth of the Sciota River, with a view to an ice-harbor.

SEC. 3. The Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land or material needed to enable him to prosecute such works for the improvements of rivers and harbors; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted: *Provided, however*, That when the owner of such land or material shall fix a price for the same which in the opinion of the Secretary of War shall be reasonable, he may purchase the same at such price without further delay.

SEC. 4. It shall be the duty of the Secretary of War to apply the moneys herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract, and for the prompt payment of all liabilities incurred in the prosecution thereof for labor and material.

SEC. 5. For examinations, surveys, and contingencies, and for incidental repairs, for which there is no special appropriation, for rivers and harbors, $100,000: *Provided*, That no survey shall be made of any harbors or rivers until the Chief of Engineers shall have directed a preliminary examination of the same by the local engineer in charge of the district, or an engineer detailed for the purpose; and such local or detailed engineer shall report to said Chief of Engineers whether, in his opinion, said harbor or river is worthy of improvement, and shall state in such report fully and particularly the facts and reasons on which he bases such opinion, including the present and prospective demands of commerce; and it shall be the duty of the Chief of Engineers to direct the making of such survey if, in his opinion, the harbor or river proposed to be surveyed be worthy of improvement by the General Government; and he shall report to the Secretary of War the facts, and what public necessity or convenience may be subserved thereby, together with the full reports of the local engineer. Said reports of preliminary examinations and surveys shall be made to the House of Representatives, and are hereby ordered to be printed when so made.

Mr. MCMILLAN. I am instructed by the Committee on Commerce to offer some amendments to the amendment just read. In line 211 of the reported amendment "improving of entrance to Galveston Harbor, Texas," I move, after the word "hundred," to insert "and twenty-five;" so as to read "$225,000."

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 211 of the committee's amendment, after the word "hundred," it is proposed to insert "and twenty-five;" so as to make the item read:

Improving of entrance to Galveston Harbor, Texas: Continuing improvement, $225,000.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In line 223, "for improving harbor at Cleveland, Ohio," I move to strike out "twenty-five" and insert "fifty."

Mr. EDMUNDS. How is that? Have we gone through the amendment reported by the committee in print?

The PRESIDENT *pro tempore*. All that has been read is one single amendment in the nature of a substitute, and now the committee are proposing amendments to the amendment. This amendment to the amendment will be stated.

The SECRETARY. In line 223 of the committee's amendment it is proposed to strike out "twenty-five," before "thousand," and insert "fifty;" so as to make the item read:

Improving harbor at Cleveland, Ohio, on the last plan projected, $50,000.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In line 280 I move to strike out "forty" and insert "fifty;" so as to make the item read:

Improving and repairing harbor of refuge at Sand Beach, Mich.: Continuing improvement, $50,000.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In line 392, "improving Pawtucket River, Rhode Island," after the word "twenty" I move to add "five;" so as to make the amount of the appropriation $25,000.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. In line 392 of the committee's amendment it is proposed to insert the word "five" after the word "twenty;" so as to read:

Improving Pawtucket River, Rhode Island: Continuing improvement, $25,000.

Mr. EDMUNDS. Does the committee recommend any reduction?

The amendment to the amendment was agreed to.

Mr. MCMILLAN. After line 793, I move to insert:

Improving Saint Joseph River, Michigan, from its mouth to Berrien Spring, $2,000.

Mr. EDMUNDS. Is there an estimate for that?

Mr. MCMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. After the word "improvement," in line 1091, I move to strike out "one hundred and fifty" and insert "two hundred;" so as to make the item read:

Improving the Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River: Continuing improvement, $200,000.

Mr. EDMUNDS. I should like to hear that explained and why we are to protect the Illinois shore.

Mr. MCMILLAN. That is all embraced in the recommendation of the board of engineers.

Mr. CULLOM. I can give some information on that subject. Where the Mississippi River runs between those two States, on the Missouri side the shore is rocky pretty much all the way. On the Illinois side it is alluvial soil, and it is constantly going into the river, so that it needs protection.

Mr. EDMUNDS. Who owns the land along there?

Mr. CULLOM. It is owned by various people.

Mr. EDMUNDS. Then the point of this is to protect the property of private land owners from its being eaten up by this river.

Mr. CULLOM. This is just what has been done every year for fifty years or more I expect. It is not so much for the protection of the property as it is to protect and secure the channel in some particular place. In this river at those places where the soil is alluvial and where

the river is bending, crooked, the channel would not remain in the same location a year at a time scarcely anywhere along there. The purpose is to protect the river and not the holders of land.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. HOAR. The Senator from Vermont has made a very important statement to the Senate, and I should like to have him state the authority on which he makes it. He states that this is not to protect the channel of the river, but to protect private owners of land. If the Senator makes the statement on authority we are entitled to know it. Of course we do not want to do such a thing, and I should like to have him state his knowledge on that subject.

Mr. EDMUNDS. I did not happen to make that statement, in the first place, and in the next place, whatever statement I did make I made on my own authority, which is sufficient authority for me.

The statement that I made was before the explanation of the Senator from Illinois, that this appeared to be really—I am not using my language, but the substance of it—for the protection of the Illinois shore opposite the mouth of the Missouri River. Then I made an inquiry about that point, and said that it appeared then to be for the protection of these land-owners who owned the land. After that the Senator from Illinois said it was to protect the river against the land, and not the land against the river. Whether that meant that the land was likely to overcome the river, and that the river needed to be protected from the incursions of the land, was not very clearly stated.

But, speaking seriously, it really comes back, as my friend from Massachusetts must know, and does know, to the question whether, on the idea that it is for the interest of navigation to keep channels in particular places, the whole of the shores (wherever they are exposed from want of rocky margins) of the river system of the United States are to be kept from being encroached upon by the floods and the water and the eating up of rivers. If you apply it to the Illinois River or the Missouri River or the Mississippi River or any other river you must fairly on principle apply it to all.

Of course I would admit, taking the delta of the Mississippi, where there are a dozen mouths, that in order to get water enough in one place to carry a ship, if it is necessary to stop some of the others, it would be a perfectly proper exertion of power. When it comes to the fact, as I am informed and believe it to be the fact, that in the great mass of the instances of the changing of the line of a stream by the erosion of its banks, a powerful stream like the Mississippi, the expenditure is not for navigation so much as it is to prevent the destruction of private property along its shores, and that is a sort of thing I do not like to vote for.

Mr. HOAR. The Senator from Vermont made the unqualified assertion, in the first place, that this was to protect private property on the banks. It seemed to me, of course, that it would be a great wrong for the committee to come in here and ask to have an appropriation made for that purpose—that the committee had either been very reckless or were endeavoring to mislead the Senate. Now he says that he said it on his own knowledge, and no other; that he said it before he had made any inquiry of the Senator from Illinois; and that is a specimen of the style in which members deal with this river and harbor bill—wild, unqualified, reckless assertions, founded on nothing and made before inquiry.

Mr. EDMUNDS. I am much obliged to my friend from Massachuseets for his opinion about my assertion, and it is as good for him as my opinion for myself, and no better. The assertion that I made was almost a literal repetition of the very language of this amendment of the committee, "the protection of the Illinois shore opposite the mouth of the Missouri River"—not the protection of the river, the keeping of its channel within bounds so that ships could pass upon it, but it is to protect the shore; and my expression therefore was almost a literal repetition of the very language of the bill; and that is what I believe it is still.

Mr. CULLOM. While the language is as the Senator from Vermont states, I take it that he and every other Senator knows or believes that the purpose of the appropriation is to protect the channel of the river so that steamboats and their officers going up and down that river may know from one day to another where the channel of the river is. I happen to know myself that there are places between Saint Louis and Cairo on the Illinois side of the river, and there may be one or two on the other side, where it is absolutely necessary that the Government should give protection to the channel in order to keep the river anywhere within the bounds of where it is now.

The improvement is not, as has been said, for the purpose of protecting the men who own the land or of protecting the land from invasion, as the Senator from Vermont indicates that my language in the first instance conveyed; but it is for the purpose of protecting the channel of the river with a view to the protection of the commerce that goes up and down it.

Mr. MCMILLAN. I also, in accordance with the amendment already made——

The PRESIDENT *pro tempore*. This amendment to the amendment has not yet been acted on. The question is on agreeing to it.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. I now move to change the amount in line 1102 so as to correspond with the amendment just made. It is a proviso, and refers to the amount appropriated in the first clause of the item.

Mr. EDMUNDS. Let us hear it read.

The SECRETARY. In line 1102 it is proposed to strike out "one hundred and fifty" and insert "two hundred;" so as to read:

Provided, That the Secretary of War, in his discretion, may use not to exceed $25,000 of said sum of $200,000 to correct the current of the river and improve the channel at Saint Louis.

Mr. MCMILLAN. That is to conform the amount named in the proviso to the amount of the appropriation.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. Now I refer back to line 352, and move to strike out the words "by the corporate authorities of Duluth," after "established;" so as to read:

Improving harbor at Duluth, Minn.: Continuing improvements, $50,000; of which sum one-half is to be used in deepening and enlarging the basin between Minnesota and Rice's Points, and the other half is to be used in dredging and deepening the channel on the west side of Rice's Point, and from thence to Grassy Point, on the north side of Saint Louis Bay, along such dock-line as may be established, with the approval of the Secretary of War.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. Now, in section 2, which provides merely for surveys, after line 29, I move to insert:

West Neck River, Princess Anne County, Virginia.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In line 45 of the same section I move to strike out the words "River, in," and insert "Run, at Covington," so as to read:

Resurvey and re-estimate of the cost of procuring the sites and constructing ice-harbors at the mouth of Willow Run, at Covington, Ky.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In the same line I move to strike out "Crawford" and insert "Crawfish;" so as to read "Crawfish Creek." This is a mere matter of the correction of a name.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. At the end of line 84 of section 2 I move to insert:

With a view to making a 20-foot channel.

Mr. EDMUNDS. I should like to hear that explained.

Mr. MCMILLAN. It is for a survey.

Mr. EDMUNDS. I know it; but where is the place and what is the idea?

Mr. MCMILLAN. As I propose to amend it the clause will read:

To procure a straight channel between Bar Point light-house and Bois Blanc Island, at the mouth of the Detroit River, with a view to making a 20-foot channel.

Mr. EDMUNDS. How is it now?

Mr. MCMILLAN. It is merely providing that the Chief of Engineers shall direct a survey of this locality with a view to making an improvement in the stream.

Mr. EDMUNDS. It does not seem to read so in the paragraph. It is "to procure a straight channel."

Mr. MCMILLAN. The first clause of section 2 will explain:

That the Secretary of War is hereby directed, at his discretion, to cause examinations, &c.

Mr. EDMUNDS. No objection.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In line 86 of section 2 I move to strike out "Waymouth River" and insert what I send to the desk.

The Chief Clerk read as follows:

Monatiquot and Weymouth, Fore River.

The amendment to the amendment was agreed to.

Mr. HOAR. Before the Senator passes from that section I should like to call his attention to one line. In line 51 the description is:

Charles River, from Boston to Watertown, Mass.

That would do very well for the old Boston, and I suppose that is what it means; but Boston now includes Brighton. I think it would be better to say, "Charles River, from its mouth to Watertown, Mass."

That is what is meant, I suppose.

Mr. MCMILLAN. The clause is now in the language of the House bill. We made no change.

Mr. HOAR. I ask that that amendment be made so as to make the item read:

Charles River, from its mouth to Watertown, Mass.

Mr. MCMILLAN. Striking out "Boston?"

Mr. HOAR. Yes, sir.

Mr. MCMILLAN. In line 51 of section 2 I move to amend by striking out "Boston" and inserting "its mouth;" so as to read:

Charles River, from its mouth to Watertown, Mass.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. After line 71 of the same section I move to insert:

Bayou Teche and Bayou Vermillion, Louisiana.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. I move to strike out lines 80 and 81 of section 2.

The PRESIDENT *pro tempore*. The lines proposed to be stricken out will be read.

The SECRETARY. It is proposed to strike out lines 80 and 81 of section 2, as follows:

Saint Joseph River, Michigan, from its mouth to Berrien Springs.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. These are all the committee amendments.

Mr. JONES, of Arkansas. I move to amend, on page 69, line 696, by striking out "twenty-five" and inserting "fifty." I hope there will be no objection to this amendment.

Mr. MCMILLAN. What is the Senator's motion?

Mr. JONES, of Arkansas. I move to strike out "twenty-five," in line 696, on page 69, and insert "fifty."

Mr. MCMILLAN. The Senate Committee on Commerce increased that item as it is contained in the House bill $25,000. The improvement of the Arkansas River was formerly conducted in three separate reaches, and separate appropriations were made for each division. The Engineer Corps have now adopted a plan by which the whole river within the points mentioned constitutes one improvement, and the House of Representatives appropriated $100,000 for it. We increased that amount $25,000, and the committee all thought that was as much of an increase as should be made. Of course the improvement now can be conducted without interruption. I hope the amendment will not be adopted.

Mr. JONES, of Arkansas. What has been stated by the chairman of the committee is true, but there are some other facts also true in this connection.

The House of Representatives recommended an appropriation of $100,000 for that reach of the Arkansas River extending from Wichita, Kans., to Fort Gibson. There was no appropriation and no estimate made for the river from Fort Gibson to Little Rock, a very much longer line than the one for which the estimate was made.

After that estimate was sent into the House of Representatives the Engineer Department submitted an additional estimate for that reach of the river not estimated for at first. They estimated that it would require $1,300,000 to improve the river, and said that $200,000 could be made available in the ensuing fiscal year for which this bill provides.

I believe the practice of the committee has been to give 25 per cent. of what has been asked for as a rule. The major part of this river which is now put together and all to be treated as one, was not estimated for in the House of Representatives, and there was no appropriation made for it at all. The truth is it would be a reasonable appropriation to double this sum in consideration of the fact that the whole length of river provided for in the Senate amendment is more than double what was provided for in the House bill. This comes clearly within the rule of the committee; and I confess I am somewhat astonished that a member of the Committee on Commerce should object to the reasonable appropriation of $150,000 for this immense line of river.

I hope the Senate will adopt the amendment I have offered.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas to the amendment of the Committee on Commerce.

Mr. MCMILLAN. In addition to the amount appropriated, there is $75,000 of the former appropriation still unexpended.

The question being put, there were on a division—ayes 16, noes 18; not a quorum voting.

Mr. BERRY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES, of Arkansas. Just as the vote was being submitted to the Senate the chairman of the committee stated that there was an appropriation which had been previously made, and which could be used in connection with this. He did not make the additional statement that that was for a part of the river that has not come into this discussion at all.

As the river has been heretofore treated there have been three reaches, one from Wichita to Fort Gibson, one from Fort Gibson to Little Rock, and another from Little Rock to the mouth. Estimates have been made and the river has been worked on from Little Rock to the mouth. For that $100,000 was formerly appropriated, and $76,000 of that remains unexpended, and of course will be available. At this session of Congress the engineers estimated $250,000 for the reach from Wichita to Fort Gibson. One hundred thousand dollars was appropriated for that by the House of Representatives in this bill, but there was not a dollar appropriated by the House of Representatives for more than half the river extending from Fort Gibson to Little Rock. Now we ask that the bill be amended in such a way as to include all three of these reaches in one work, to be estimated for and controlled together. If $100,000 was a reasonable appropriation from Wichita to Fort Gibson, a quarter of a million dollars would be a reasonable appropriation for the river from Fort Gibson to Little Rock, and we ask only an addition of $50,000 where the Engineer Department estimated that $200,000 could be made available.

There is a misapprehension, it seems to me, on the part of gentlemen who refuse us this appropriation of $50,000 only for about half the river, whereas $176,000 is for the other half. It is an improper distribution of the money if the river were to be treated separately, but it is all put together. We ask for only the sum of $150,000 in this bill for the improvement of three times as much of the river as the House provided $100,000 for in the original bill.

Mr. MCMILLAN. I desire to call the attention of the Senate and of the Senator from Arkansas to the provision in this item of appropriation itself. The provision is:

And all moneys now to the credit of different sections of the Arkansas River, other than appropriations for the operating of snag-boats, shall be available for use under this head; and in future the engineer in charge of this work and the Secretary of War shall make report upon the progress and needs of this work under this head, instead of reporting upon disconnected projects, as heretofore.

This applies all the appropriations made upon the various stretches of this river to the improvement under this plan, and in addition to the amount on hand we have appropriated here $125,000. An increase of $25,000 over the appropriation made by the other House is certainly as much as can be fairly asked in this instance. I hope the Senate will vote down the amendment.

Mr. BERRY. Mr. President, the chairman of the committee will bear in mind that since the appropriation was made by the House of Representatives of $100,000 an estimate has been made by the proper engineer officers for $1,300,000, and the committee have only allowed $125,000 of that $1,300,000.

The distance from Wichita to the mouth of the Arkansas River is about 1,000 miles in round numbers, and yet for rivers of less importance five times this appropriation has been allowed in the bill and not one word of complaint made by the committee.

There is no river in this country outside of the Mississippi River that is more important than the Arkansas River from its source to its mouth, and the committee of that additional estimate of $1,300,000 have only allowed us $125,000. We simply ask that they give us $50,000 for the middle reach where $100,000 had been given for the upper reach from Wichita to Fort Gibson. We think it is just and fair; we think it modest; we think it far less than many other rivers of less importance receive.

I hope the amendment will be adopted.

Mr. MCMILLAN. From the statement in the report of the engineers appended to the report of the committee it appears that the amount which is estimated as necessary for the completion of this project is $1,696,900. That is for the completion of the project; but the amount that can be profitably expended in the fiscal year ending June 30, 1888, is $250,000. This is the expenditure for this year.

Mr. JONES, of Arkansas. I should like the chairman of the committee to state, which he ought in fairness to do, that that $250,000 was not an estimate made for the whole river but for only a section of it.

Mr. PLUMB. I hope the Senate will grant this small increase asked by the Senator from Arkansas. This river affects the great wheat-growing part of the West. By reason of the passage of the interstate commerce bill our great water ways assume a very great importance as compared with what has been done heretofore with regard to transportation in that section of the country; and it would be, I think, an unwise expenditure of public money to put a small sum upon this important stream and deny to it that which would put it to some extent in a navigable condition. I therefore hope that this amendment will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas [Mr. JONES] to the amendment of the Committee on Commerce, upon which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. VAN WYCK. I am paired with the Senator from Delaware [Mr. GRAY]. I do not know how he would vote if he were present.

Mr. BERRY. I will take the responsibility of saying that the Senator from Delaware would vote for this amendment if he were here.

Mr. VAN WYCK. Then I vote "yea."

The result was announced—yeas 36, nays 14; as follows:

YEAS—36.

Beck,	Cullom,	Jones of Arkansas,	Plumb,
Berry,	Dawes,	McPherson,	Pugh,
Blackburn,	Eustis,	Manderson,	Sabin,
Bowen,	Evarts,	Maxey,	Spooner,
Brown,	George,	Mitchell of Oreg.,	Vance,
Butler,	Hampton,	Morgan,	Van Wyck,
Call,	Harris,	Morrill,	Walthall,
Cheney,	Harrison,	Payne,	Williams,
Cockrell,	Ingalls,	Platt,	Wilson of Iowa.

NAYS—14.

Cameron,	Farwell,	Kenna,	Sherman,
Coke,	Frye,	McMillan,	Vest.
Conger,	Gibson,	Palmer,	
Dolph,	Hawley,	Sawyer,	

ABSENT—26.

Aldrich,	Fair,	Mahone,	Stanford,
Allison,	Gorman,	Miller,	Teller,
Blair,	Gray,	Mitchell of Pa.,	Voorhees,
Camden,	Hale,	Ransom,	Whitthorne,
Chace,	Hoar,	Riddleberger,	Wilson of Md.
Colquitt,	Jones of Florida,	Saulsbury,	
Edmunds,	Jones of Nevada,	Sewell,	

So the amendment to the amendment was agreed to.

Mr. BUTLER. I move to amend in section 1, line 179, on page 48, by striking out the word "one" and inserting "four," and after the word "dollars," in line 180, by inserting:

To be made immediately available on the approval of this act.

The Senate with great unanimity a short time ago passed a bill appropriating $300,000 for the improvement of Charleston Harbor, and it went to the House of Representatives. I have assurances, which I think can be relied on, that there is no possible chance of that bill passing the House, and as this amendment of mine will make the bill now before the Senate substantially as that bill was, I trust the Senate will adopt it without hesitation.

Mr. DOLPH. It is impossible to hear what is being said.

The PRESIDENT *pro tempore*. The Senate will please come to order. The amendment of the Senator from South Carolina will be stated.

The CHIEF CLERK. In section 1, line 179, before the word "hundred," it is proposed to strike out "one" and insert "four," and after the word "dollars," in line 180, to insert "to be made immediately available on the approval of this act;" so as to make the item read:

Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, $450,000, to be made immediately available on the approval of this act.

Mr. EDMUNDS. You do not need that clause. This is not a fiscal-year appropriation.

Mr. CONGER. There is no limitation of time as to money under this act.

Mr. BUTLER. Then I withdraw that part of the amendment.

Mr. DOLPH. I should like to have the Senator from South Carolina restate what he said in regard to the bill which has already passed the Senate.

Mr. BUTLER. I stated that I had assurances, which I thought could be confidently relied on, that there is no possible chance of that bill going through the other branch of Congress.

Mr. CULLOM. What was it?

Mr. BUTLER. The special bill we passed appropriating $300,000 for this improvement.

Mr. EDMUNDS. You intend this to take the place of that appropriation?

Mr. BUTLER. Practically.

Mr. EDMUNDS. And not to duplicate it?

Mr. BUTLER. Of course not. If this amendment prevails of course I shall ask the Representative from that district not to insist on the passage of that bill.

Mr. FRYE. This matter was considered by the Committee on Commerce. If that bill which passed the Senate had also passed the House and become a law the committee would not have appropriated anything for Charleston Harbor in this bill. That bill was for $300,000. It seemed to be the judgment of the committee that $300,000 was enough, even under the adverse circumstances Charleston is laboring under, and it was agreed in committee that no objection would be made on the floor of the Senate to an amendment offered by the Senator from South Carolina which should not increase this item beyond $300,000; and, therefore, I am obliged to move an amendment to the Senator's amendment——

Mr. EDMUNDS. That is not in order.

Mr. BUTLER. The Senator will permit me a moment. My reason for moving to strike out "one" and insert "four" was this: The Senate having passed a bill appropriating $300,000, and the House having incorporated in the river and harbor bill $150,000, I assumed that the two Houses would be willing to give $400,000; consequently I moved the amendment which I have offered and which is now pending. I of course shall make no opposition to the amendment proposed by the Senator from Maine, but I should very much——

Mr. CULLOM. The Senator had better change it himself, as it is not in order for the Senator from Maine to offer an amendment to it.

Mr. MCMILLAN. The Senator from South Carolina had better accept the suggestion of the Senator from Maine.

Mr. BUTLER. I accept that, then.

Mr. MCMILLAN. With the understanding that if that bill passes the other House, this appropriation is not to remain.

Mr. BUTLER. Then the amendment will be to strike out "one" and insert "three"——

Mr. HARRISON. Allow me a moment. I suggest, to avoid the duplication of appropriations, that if this amendment now proposed is adopted the Senator ask the recall of the other bill from the House of Representatives.

Mr. BUTLER. I will do that, of course. The amendment will be now in line 179 to strike out "one" and insert "three," and in line 180 to strike out "and fifty;" so as to make the item read:

Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvement, $300,000.

The amendment to the amendment was agreed to.

Mr. BUTLER. Now, one word further. I offered an amendment that this appropriation be made available immediately on the passage of this act. I am assured by Senators who are more familiar with this bill than I am that it can be made available without any such provision.

Mr. EDMUNDS. Certainly. If the Senator will read the title and enacting clause and opening phrase of the act he will see that it is not or any fiscal year. It is a subject to which attention will be called by and by before this bill passes, in view of the accumulation of millions upon millions of these appropriations not yet expended.

Mr. BUTLER. Then I shall not insist on the amendment.

Mr. EDMUNDS. We appropriated last August $18,000,000, probably not more than 25 per cent. of which has yet been expended, so that there are fourteen or fifteen million now available for all these works except the Green River purchase and the Portage Lake purchase and two or three other things that are rather business enterprises than improvements in public works, still ready to go on for a full year yet if this bill should not pass at all.

Mr. BUTLER. I do not know what the order will be, but I should like to pass such an order as will recall the bill for $300,000 from the House of Representatives.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent at this time to move to recall from the House of Representatives the bill referred to by him. If there be no objection, that order will be made.

Mr. HARRISON. On page 50, line 244, before the word "thousand," I move to strike out "thirty" and insert "fifty," and in line 245, before the word "thousand," to strike out "one" and insert "three;" so as to read:

Improving harbor at Michigan City, Ind.: Continuing improvement, $50,000; of which sum $3,500 are to be used on the inner harbor.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Indiana [Mr. HARRISON] to the amendment reported from the Committee on Commerce.

Mr. HARRISON. This is an appropriation for Michigan City Harbor. It is the only lake harbor in Indiana and is one of some consequence and importance to our people. It furnishes the entrance of a very large lumber trade.

It will be noticed by an examination of the report of the committee that the estimate of the engineer for the expenditure this year is $250,000, and yet the committee have given us but $30,000. I find on examining some of the items of appropriation near this one that the appropriations approximate something like one-quarter of the estimates, whereas in this case it is about one-eighth.

The work to be done here is the construction of some piers and breakwaters. Every one knows that unless the appropriation is sufficient to have some part of the work put into such shape as to be preserved, the expenditure of these driblets from year to year increases very much the ultimate cost of the work. The smaller appropriation is for completing the dredging of the harbor, the estimate for which was $3,125, which the engineer says will complete it.

The appropriations for our State are very small in the bill. We are making a very limited demand for any aid, and it seems to me that it would be wise policy to increase the appropriation $20,000 so that the engineer may have something like a quarter of the amount asked for in order to progress with the work.

Mr. MCMILLAN. The estimate made by the local engineer is as the Senator from Indiana has stated it. The Chief of Engineers, however, puts the estimates for the amount that can be profitably expended during the fiscal year at $150,000. This appropriation remains as it came from the other House. No amendment was offered. The attention of the committee was not called to the matter nor was any necessity for an increase suggested.

Mr. HARRISON. That is true, and grew partly out of the fact that while the committee was considering the bill, necessarily under some pressure, I was kindly advised by the chairman that I could be heard, but it happened that at that time I was so engaged that I could not appear before the committee, and that evening I think the bill was reported.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I notice among many other very interesting operations in this bill, aside from the ordinary appropriations of money for rivers that have been heard of, that the other House has provided, on page 39, that

Officers having charge of works for the improvement of rivers and harbors, with the approval of the Secretary of War, may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land or material needed to enable them to prosecute such works; such proceedings to be prosecuted in accordance with the laws relating to suits for the condemnation of property of the States wherein the proceedings may be instituted.

That is all well enough except "material;" it should not be in the House bill. But when you come to the Senate amendment, which reproduces all that, there is this added, which, so far as I know, is somewhat unique, and I should say rather dangerous; so I am going to take the opinion of the Senate, or call its attention to the subject, and then let the friends of the bill do what they have the power to do, and my duty will have been done.

Provided, however, That when the owner of such land or material shall fix a price for the same which in the opinion of the Secretary of War shall be reasonable, he may purchase the same at such price without further delay.

That puts it in the power of the Secretary of War by private contract and arrangement to spend the whole of the money that is necessary to be used for the purpose of obtaining property, not only land locations for these public works, if there be any private property in land to be bought for public works, but to buy every stick of timber, every rod of stone, and every other species of material, in his private discretion, at a private price, agreed upon with a private proprietor. It overthrows the whole system, so far as I understand it, of the purchase of supplies of any other kind for the use of the Government, for wherever that is provided for there is always the provision, a standing one, that they shall be bought after due advertisement, and bought of the lowest bidder, except in some case of extreme emergency where the proper officer is authorized to purchase enough to meet that extreme emergency in open market. I rather think it is a duty to move to strike out the proviso.

The PRESIDENT *pro tempore*. The Senator from Vermont moves an amendment to the amendment, which will be stated.

The CHIEF CLERK. On page 92, line 9, after the word "instituted," strike out down to and including the word "delay," in line 12, as follows:

Provided, however, That when the owner of such land or material shall fix a price for the same which in the opinion of the Secretary of War shall be reasonable, he may purchase the same at such price without further delay.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont to the amendment reported by the committee.

Mr. KENNA. I have no disposition to antagonize the Senator from Vermont. As far as I understand that provision, it was inserted by the committee and reported, because in a large number of instances there have been unseemly and unnecessary delays in the prosecution of public works for want of some sort of authority somewhere to proceed in a way that would be recognized as reasonable and proper in almost any relation which the Government may bear to its own enterprises or to the people. I know of one or two instances in my own State where for several months delay was necessary in order to invoke the action of Congress about something in regard to which there was no possibility of a difference or difficulty in Congress.

I have no particular interest in this clause, and I only make that suggestion because I believe that to have been the sentiment of those who engrafted the provision in the bill.

Mr. DOLPH. In answer to the suggestion made by the Senator from Vermont, I will state that section 4 provides that—

It shall be the duty of the Secretary of War to apply the money herein appropriated for improvements, other than surveys and estimates, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe.

That is the usual provision, I think, that has been placed in all river and harbor bills since I have been in the Senate. When the work is carried on by the Secretary of War without contract—suppose for instance, he requires stone for a jetty—I think it is the custom now for him to purchase the stone at private contract.

Mr. EDMUNDS. Oh, no.

Mr. DOLPH. Works are being carried on to my certain knowledge of that character, where the stone is purchased from quarries and is not furnished to the work by contract. Suppose that an owner of a quarry, the only quarry within any reasonable distance of the work, refuses to sell the material at a reasonable rate, then, I think, the Secretary of War ought to have authority to go into the courts and condemn so much of the property as is necessary for the public use, and when he has done that, having the advantage to compel a favorable contract, I think we ought to permit him, and throw the responsibility upon him of purchasing the material at a reasonable rate. If he should recommend in any individual case to Congress that he have authority to purchase the material, we would act on his judgment, and authorize him to make the contract.

Mr. HOAR. I wish to suggest that the section as it now stands without some modification would seem to authorize the Secretary of War to purchase, for instance, all the stone needed for the great breakwater at Sandy Bay, a work which is to cost several million dollars, by private contract of one contractor, when there are a vast number of quarries which would be glad to compete with each other. It seems to me there ought to be some modification.

Mr. KENNA. We can not hear on this side of the Chamber.

Mr. HOAR. I said that the bill as it stands, if I understand it, would authorize the Secretary of War to purchase of one man all the stone which was necessary for a breakwater, for instance, the great harbor of refuge which is to be constructed at Sandy Bay, off Cape Ann, Mass., a work which is to cost several millions. This would authorize the Secretary of War to contract for all that granite from one quarry, when undoubtedly there are a great many who would be very glad to compete. It seems to me that if we are in any case to require advertisement and competition in Government contracts, that case everybody would agree is one.

Certainly there ought to be some modification in the line of the suggestion of the Senator from Vermont, where the Government wants some rights upon land between high and low water mark, where the property exists. Whether the Secretary of War ought to be compelled to condemn that and wait for the report of a jury, is another question; but it sems to me, certainly so far as material is concerned, so far as the stone is concerned, this amendment ought to be made.

Mr. MCMILLAN. It is due, perhaps, to myself and the Senate to say that the committee were not unanimous in regard to this section. For myself, I think the entire section should be stricken from the bill. I do not believe that the Secretary of War should have general authority to enter into any of the tribunals of this country for the purpose of condemning the private property of the citizen when it comes in the way of an improvement which is authorized by Congress. Generally it has been the custom of Congress, whenever an improvement directed by them required the taking of private property, to insert a specific authority to the Secretary of War to do so, and that is done in some cases in this bill.

This section confers general authority on the Secretary of War in any case where in the construction of an improvement which may be generally directed in the bill in his opinion it becomes necessary to take private property to go into court and condemn it. I think Congress should authorize specifically this condemnation of property. The rights of the citizen are too sacred to be disposed of in this general way. For that reason I was opposed to this section and thought it ought to be stricken out altogether, but of course in reporting the bill I obeyed the direction of the committee.

Mr. KENNA. There are two considerations which are suggested by the observations which have been made on this section. The Senator from Minnesota who has just addressed the Senate seems to object to the idea of conferring on the Secretary of War power to proceed——

Mr. MCMILLAN. Generally.

Mr. KENNA. Without specific authority from Congress in the particular case, as I understand him, and he seems to insist that there should be a sort of reservation in Congress in every particular case throughout the country, involved as it necessarily is involved in the vast system of improvements of rivers and harbors all over the country, Congress to act in each particular instance.

It is a fact familiar to all of us that there has been no instance in which the War Department, charged with the prosecution of these works, improving the rivers and harbors of the country, has asked for the power which this section confers generally, where Congress has not responded. We do not confer on the War Department the power to proceed indiscriminately to condemn this or that piece of property or this or that material. We simply confer by this section the power to proceed to condemnation without further action of Congress in cases in which Congress has provided that he may so proceed.

It seems to me that when we determine that a river shall be improved, and that certain proprietory rights shall be vested in the United States which may be essential to that improvement, we ought not to necessitate delay such as may be incident to an appeal to Congress for specific action in the particular case, which we have never declined to confer in any case.

I can not see that the section as it stands, broadly as it is drawn, can do any harm in that direction. We only confer on the War Department power to proceed in condemnation or by agreement to carry out precisely the behest of Congress.

Mr. CONGER. I think there is no danger in the adoption of this proposition, though we have laws upon our statute-book which make it not only unlawful but criminal for any officer to incur any expense or make any obligation for the United States without the authority of law. If there has been an appropriation for an improvement which would embrace this class of property to be condemned under the authority of law, the money could be used for that purpose in the discretion of the Secretary of War. If there has been no appropriation the Secretary of War would violate not only his duty but he would violate several provisions of the statutes which make it punishable for an officer to incur any obligation or to make any obligation against the United States or to expend any money that is not appropriated.

I do not see any particular danger in this section of the bill. I know many cases where a work has had to be delayed for a whole year by the unexpected claim of ownership of a point of land or a little portion of land that it was made necessary for the Government to own before a lock could be built, or before a river could be improved, or before a wing-dam could be fastened to the shore.

I think under the general law, in regard to the expenditure of money by an officer or incurring an obligation for the United States to anybody without authority of law, he would have power under this section if the money had been appropriated for it; but the law is equally specific that he is forbidden to incur an obligation or to expend any money without authority of law.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Committee on Commerce.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I move to perfect the proviso before it is stricken out by striking out the words "or material," in line 10.

Mr. EDMUNDS. My amendment is in the second degree. It is an amendment to an amendment already.

Mr. HOAR. If it is in the fiftieth degree and perfecting the thing proposed to be stricken out, I have a right to move it.

Mr. EDMUNDS. I do not think so.

Mr. HOAR. The Senator is unduly excited. I do think so.

The PRESIDENT *pro tempore*. The Chair thinks by the practice of the Senate it might be considered as a motion to perfect the text and not as an amendment in the third degree.

Mr. EDMUNDS. All right; I do not care anything about it.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts will be stated.

The CHIEF CLERK. In section 3, after the word "land," at the end of line 9, it is proposed to strike out "or material;" so as to make the proviso read:

Provided, however, That when the owner of such land shall fix a price for the same which in the opinion of the Secretary of War shall be reasonable, he may purchase the same at such price without further delay.

The amendment of Mr. HOAR was agreed to.

The PRESIDENT *pro tempore*. The question recurs on striking out the proviso as amended.

Mr. HOAR. I suppose, though it is not strictly in order now, that the words "or material" should be stricken out in line 4 of the third section.

Mr. MITCHELL, of Oregon. I do not think those words should be stricken out. That is a different matter entirely.

Mr. EDMUNDS. I think we had better stick to the pending question, and get a vote on striking out the proviso.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont to the amendment of the Committee on Commerce, upon which the yeas and nays have been ordered.

Mr. MITCHELL, of Oregon. I hope this section will not be stricken out.

Mr. EDMUNDS. I do not propose to strike out the section, but only the proviso.

Mr. PLATT. Let the amendment be read.

The PRESIDENT *pro tempore*. The proviso proposed to be stricken out will be read.

The CHIEF CLERK. After the word "instituted," in section 3, line 9, it is proposed to strike out:

Provided, however, That when the owner of such land shall fix a price for the same which in the opinion of the Secretary of War shall be reasonable, he may purchase the same at such price without further delay.

Mr. MITCHELL, of Oregon. I was under a misapprehension as to the character of the amendment moved by the Senator from Vermont. I thought he proposed to strike out the whole of the third section. I understand, however, he proposes simply to strike out the proviso. I do not think the proviso ought to be stricken out, at least so far as it relates to the purchasing of land. The word "material" has been stricken out of the proviso, I understand. It seems to me that the Secretary of War ought to have the power in a case which in his judgment is regarded as a reasonable bid, if a reasonable offer is made from a person owning land that is required for an improvement, to purchase the land without going through the delay of proceedings for condemnation.

It is placing considerable power in the hands of the Secretary of War, but we have to trust somebody, and I think we may trust the Secretary of War in a matter of that kind. The delay, as we all know, of the proceeding in court to condemn property is considerable, extending over months very frequently, and it may have the effect to throw an important improvement over for a year.

The PRESIDENT *pro tempore*. The Secretary will call the roll on the question of agreeing to the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] to strike out the proviso reported by the Committee on Commerce as amended on motion of the Senator from Massachusetts [Mr. HOAR].

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired generally with the Senator from Colorado [Mr. TELLER]. Not knowing how he would vote, I withhold my vote.

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

The roll-call having been concluded, the result was announced—yeas 17, nays 37; as follows:

YEAS—17.

Allison,	Edmunds,	Ingalls,	Sherman,
Cameron,	Evarts,	McMillan,	Wilson of Iowa.
Cheney,	Hale,	Morrill,	
Cullom,	Harrison,	Platt,	
Dawes,	Hawley,	Plumb,	

NAYS—37.

Blackburn,	Butler,	Coke,	Farwell,
Bowen,	Call,	Conger,	Frye,
Brown,	Cockrell,	Dolph,	Gibson,
Gorman,	Manderson,	Pugh,	Walthall,
Hampton,	Maxey,	Ransom,	Whitthorne,
Harris,	Miller,	Sabin,	Williams,
Hoar,	Mitchell of Oreg.,	Saulsbury,	Wilson of Md.
Jones of Arkansas,	Morgan,	Sawyer,	
Jones of Nevada,	Palmer,	Vance,	
Kenna,	Payne,	Vest,	

ABSENT—22.

Aldrich,	Colquitt,	McPherson,	Stanford,
Beck,	Eustis,	Mahone,	Teller,
Berry,	Fair,	Mitchell of Pa.,	Van Wyck,
Blair,	George,	Riddleberger,	Voorhees.
Camden,	Gray,	Sewell,	
Chace,	Jones of Florida,	Spooner,	

So the amendment to the amendment was rejected.

Mr. HALE. In section 3, line 4, after the word "land," I move to strike out the words "or material;" so as to make the section read:

The Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land needed to enable him to prosecute such works for the improvements of rivers and harbors.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Maine [Mr. HALE] to the amendment reported by the Committee on Commerce.

Mr. HALE. I do not know of any legislation heretofore that has authorized the Government by process of condemnation, which is sometimes severe and hard, to acquire anything besides land. I do not think it has ever gone beyond that. Some hardship has arisen, as I know and probably every Senator knows, where the condemnation statutes have been put in force to acquire land alone; but if the vast additional power to acquire material, which would embrace every kind of personal property needed to be used in these improvements, be given to the Government, then it seems to me greater hardship might occur. It would involve everything needed for these works—gravel, stone, timber, and I do not know but the machinery necessary, if the Government did the work. If the Government did the work itself, I do not know why they might not condemn a tug or a dredge boat, or any piece of property of that kind, or tons of iron, as the Senator from Indiana [Mr. HARRISON] suggests, or whatever might be needed.

We ought to pause and think twice before we go any further in that direction, in my judgment. The law is ample now. The Secretary of War, or whoever may be the officer of the Government intrusted with these public works, has the power to issue proposals for bids upon advertisement. He has the competition and the market, and an opportunity to get for the Government a good contract; but this provision enables him to strike at any man's personal property that is needed, and the decision as to what is needed must rest in the department executing the law, and take it without that process of competition and bidding. Therefore, I hope these words "or material" will be stricken out.

Mr. HOAR. Before the Senator sits down I want to ask him to accept an amendment to his amendment, to strike out the word "material" and insert the word "earth." In the legislation of my own State and of his State, I am very sure, and all the States pretty much, the builders of railroads are authorized to go out of the location to get a gravel bank or something of that sort necessary for the construction of the work. In these river and harbor improvements, which are often done of course on the seashore, where there may not be a great deal of suitable material, there may be a gravel-bed which the owner would hold at an enormous price if the Government had no right to get it except by contract and he had no competition.

Mr. DOLPH. Make it "stone."

Mr. HARRIS. We hear nothing of the private conference that is going on on the other side of the Chamber.

Mr. HOAR. I think the Senator from Maine is quite right, but I suggest that he modify his amendment by striking out the word "material" and inserting the word "earth."

Mr. CONGER. I think it would make it more explicit to say "the earth." [Laughter.]

Mr. HALE. If the word "earth" were used, without the definite article suggested by the Senator from Michigan, I do not think many cases would arise of hardship and grievance, and, therefore, I will modify my amendment, and will move to strike out "material" and insert the word "earth."

Mr. DOLPH. The section as it now stands, including "material," only includes it for the purpose of condemnation. When the Secretary of War under this section shall proceed to condemn material, he must report his proceedings to Congress for the necessary appropriation. In all the laws for the condemnation of property that I have ever examined or been familiar with, the party after having brought his suit and submitted to the jury what the value of the material is, may still abandon his proceeding and not take the property if the jury has assessed the damages too large.

Let me suppose a case. Suppose that in the improvement at Sandy Hook bar there is a man who has a stone quarry of common stone near the place where the work is being carried on which intrinsically is not very valuable, say 50 cents a ton. Suppose there is not another quarry within a hundred miles of that place where the stone can be procured.

If you compel the Secretary of War to advertise for material, then the gentleman owning the stone quarry very near the work has the advantage of his position, and you allow him to blackmail the Government and get his own price for the material.

Mr. HALE. Will the Senator allow me to ask him a question?

Mr. DOLPH. Certainly.

Mr. HALE. Does not the Senator from Oregon himself think that if a man has taken just such a piece of land or stone as he describes, has developed it, has brought it into shape as a quarry, and is making it his business to furnish granite or stone for the market, he ought to be protected in that, and that the Government ought not to have the right to condemn it?

Mr. DOLPH. No——

Mr. HALE. Then why will it not apply to the iron mine, or the copper mine, or anything else that is native to the earth and that has to be produced by human skill and industry?

Mr. DOLPH. I will answer the Senator's question if he will permit me. In the first place, we do not use copper and iron for the purpose of making great jetties like those we would make at Sandy Hook bar and at the mouth of the Columbia River; we use brush and timber and stone. We do not want gravel, and we do not want earth; we want stone; but when you come to what iron you want and what machinery you want, you may procure it by advertisement, because it is a marketable commodity, and when it is advertised for there are hundreds of people in the United States who can supply it. Now let us take the case of a man who has a stone quarry. The Senator asks ought he not to have the advantage of the position of his quarry? Certainly; but ought he to say to the Government, "Because it will cost you a dollar a ton to bring it a hundred miles, therefore I will charge you a dollar a ton, notwithstanding it may not be worth more than 25 cents in the quarry?" I say no; what it will cost the Government to bring it a hundred miles from some other quarry ought not to be the price to be fixed upon, and if the Secretary of War can not agree with the man who owns the quarry, he ought to be allowed to go into court and let a jury decide between them, and not be at the mercy of the man who owns the quarry as to the price he shall pay, but go into court and let that be decided.

That is all that is proposed here. With the word "material" stricken out of the proviso, it would only allow the Secretary of War in such a case, if a man had a convenient quarry and the stone could be procured from that quarry at much less cost by the Government than from a quarry at a distance, if the man who owned the quarry near the work was disposed to take advantage of the necessity of the Government and insist on the price that it would cost the Government to bring it from the further quarry, to go into court and let the court say, through the medium of a jury, how much the Government shall pay for the material, and not be at the mercy of the owner of the quarry. That is all there is in this.

As I said, under all the laws I have ever known, if the jury said it was worth 25 cents a ton, or if a piece of land was worth a thousand dollars, if the Government did not choose to buy at that price it could still back out, and refuse to pay the money, and go to the other quarry.

This power of condemnation ought to be, in the hands of the Secretary of War, a leverage to guard against imposition in the purchase of material of this kind. I think it is sufficiently understood why it should not apply to iron, engines, and tools. They are marketable commodities, something that can be obtained at any time by advertisement; but stone can not always be obtained in all parts of the country. I think this is a very proper provision, and the word "material" should not be stricken out.

Mr. PLUMB. I move that the Senate adjourn.

Mr. McMILLAN. I hope not.

Mr. HARRIS. We can finish the bill in a little while.

Mr. PLUMB. I think a little reflection will be of advantage to the Senate in the matter of time.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Kansas moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 19, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 18, 1887.

The House met at 12 o'clock m. Prayer by Rev. J. J. BULLOCK, D. D., of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

OPINIONS OF ATTORNEYS-GENERAL.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting an estimate from the Attorney-General for publishing volumes 17 and 18 of the opinions of the Attorneys-General; which was referred to the Committee on Appropriations and ordered to be printed.

DEFICIENCY FOR PLANS FOR PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, inclosing a letter from the Supervising Architect and submitting estimate of a deficiency appropriation for plans for public buildings for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL ESTABLISHMENT.

The SPEAKER also laid before the House the bill (S. 3286) to increase the naval establishment; which was read twice by its title, and referred to the Committee on Naval Affairs.

THE LATE SENATOR PIKE.

The SPEAKER also laid before the House the following Senate resolutions; which were read:

Resolved, That the Senate has learned with deep regret of the decease of Austin F. Pike, late a member of this body from the State of New Hampshire.

Resolved, That the business of the Senate be now suspended that an appropriate tribute may be paid to the high character and distinguished public services of the deceased Senator.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That as an additional mark of respect the Senate do now adjourn.

Mr. HAYNES. I desire to give notice that on Tuesday next, at 3 o'clock, I will call up the resolutions in relation to the death of the late Senator Pike.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CROXTON, until Friday, February 25, on account of important business.

To Mr. BRUMM, indefinitely, on account of sickness in his family.

To Mr. OUTHWAITE, for two days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. ROWELL asked and obtained leave for John A. Lynch to withdraw from the files, without leaving copies, papers in the Committee on Claims of the Forty-seventh Congress and not acted upon.

ORDER OF BUSINESS.

Mr. WARNER, of Missouri. Mr. Speaker——

Mr. GILFILLAN. Mr. Speaker——

Mr. STORM. I demand the regular order.

MICHAEL P. SMALL.

Mr. FINDLAY, from the committee of conference on the bill (H. R. 4616) for the relief of Michael P. Small, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4616) for the relief of Michael P. Small have been unable to agree.

E. C. WALTHALL,
CHARLES F. MANDERSON,
F. M. COCKRELL,
Conferees on the part of the Senate.

JOHN V. L. FINDLAY,
J. LAIRD,
EGBERT L. VIELE,
Conferees on the part of the House.

The report was accepted, and the committee was discharged.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2519) granting an increase of pension to Richard B. Rians.

It further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2288) to incorporate the Atlantic and Pacific Ship-railway Company, and for other purposes; and

A bill (S. 3288) to provide for the increase of the naval establishment.

It further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, providing for printing 2,000 additional copies of the report of the Commissioner of Agriculture on the International Sheep and Wool Show, held in Philadelphia, Pa., in September, 1880.

It further announced that the Senate had passed with amendments the bill (H. R. 10658) to provide for terms of the United States district court at Raleigh, N. C., and change the lines between the eastern and western districts, requested a conference with the House of Representatives on the bill and the amendments thereto, and had appointed Mr. GEORGE, Mr. WILSON of Iowa, and Mr. HOAR as conferees on the part of the Senate.

It further announced that the Senate had passed the bill (H. R. 5652) for the relief of James W. Goodrich with an amendment; in which the concurrence of the House was requested.

It further announced that the Senate had passed the bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives, with amendments; in which the concurrence of the House was requested.

It further announced that the Senate had passed with amendments the bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.; upon which a conference with the House was requested, and had appointed as conferees on the part of the Senate Mr. CONGER, Mr. HARRIS, and Mr. PLATT.

It further announced that the Senate had passed with amendments the bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss., requested a conference with the House on the bill and amendments, and had appointed as conferees on the part of the Senate Mr. PUGH, Mr. WILSON, of Iowa, and Mr. GEORGE.

It further announced that the Senate had passed with amendments, in which concurrence of the House was requested, the bill (H. R. 4535) granting a pension to Adelisa Perry, and the bill (H. R. 7209) to authorize the construction of a gravel road to the Richmond national cemetery, near Richmond, Va.

It further announced that the Senate had passed bills of the following titles:

A bill (H. R. 228) for the relief of James Roach;

A bill (H. R. 1173) to correct the record of Capt. Edmond G. Fechét;

A bill (H. R. 1741) for the relief of William E. Bond;

A bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War;

A bill (H. R. 2517) for the relief of the estate of Edwin P. Pilkinton, deceased;

A bill (H. R. 2998) granting a pension to Henry Mericle;

A bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service;

A bill (H. R. 5345) for the relief of Mary J. Gilbert;

A bill (H. R. 6027) granting a pension to William McFadden;

A bill (H. R. 6312) for the relief James M. Grigsby;

A bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio;

A bill (H. R. 6952) granting a pension to Charles Riddle;

A bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor;

A bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army;

A bill (H. R. 7996) for the relief of William J. Mulvey;

A bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes;

A bill (H. R. 8485) granting a pension to Isaac Askie;

A bill (H. R. 8597) for the relief of Henry Neal;

A bill (H. R. 9119) granting a pension to Robert Potts;

A bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Whipple Barracks Military Reservation in Arizona;

A bill (H. R. 9446) for the relief of Robert W. Spang;

A bill (H. R. 9642) to provide an additional associate justice of the supreme court of the Territory of New Mexico;

A bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its railroad across the Fort Meade Military Reservation;

A bill (H. R. 10353) for the relief of Andrew J. Edgerly;

A bill (H. R. 10473) granting a pension to William Reddick; and

A bill (H. R. 10795) granting a pension to Elenor C. Ransom.

KANAWHA AND OHIO RAILROAD COMPANY.

Mr. TARSNEY. Mr. Speaker, I desire to present a privileged report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through the United States lock and dam property in the Great Kanawha valley, State of West Virginia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 2 of the Senate amendment, after the word "shall," insert the following: "If the Secretary of War in his discretion require it;" and the Senate agree to the same.

TIMOTHY E. TARSNEY,
CHARLES F. CRISP,
CHARLES O'NEILL,
Managers on the part of the House.

O. D. CONGER,
J. E. KENNA,
W. MILLER,
Managers on the part of the Senate.

The explanatory statement of the House conferees was read, as follows:

The managers on the part of the House in the conference upon the disagreeing votes of the Senate and House of Representatives upon H. R. 2646 present the following statement in explanation of the conference report:

The bill as passed by the House granted to the Kanawha and Ohio Railroad Company the privilege to lay its track over certain property owned by the United States in the Kanawha Valley. The Senate passed the bill with an amendment providing that said railroad company should be required to pay rent for the property, if in the discretion of the Secretary of War it was deemed advisable. The effect of the action of the conference committee is to require said Kanawha and Ohio Railroad Company to pay rent for the Government property occupied by its track, if it should be required so to do by the Secretary of War.

TIMOTHY E. TARSNEY.
CHARLES F. CRISP.

Mr. TARSNEY. I move the adoption of the conference report.

The motion was agreed to.

UNITED STATES COURT, EASTERN DISTRICT OF MICHIGAN.

Mr. ROGERS. I send to the desk a conference report, and ask that it be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

JOHN H. ROGERS,
A. A. RANNEY,
Managers on the part of the House.

JAMES F. WILSON,
JOHN J. INGALLS,
J. Z. GEORGE,
Managers on the part of the Senate.

The following explanatory statement of the House conferees was read:

In compliance with the second paragraph of Rule XXIX of the rules and practice of the House of Representatives the conferees on the part of the House of Representatives make the following statement in relation to the action of the conference on Senate bill 1458:

The House amended said bill by striking out the words "Bay City," in line 3 of said bill, and inserted in lieu thereof the words "East Saginaw." The conferees on the part of the House of Representatives recommend that the House recede from that amendment, the effect of which is to leave the Senate bill as it originally came from the Senate.

JOHN H. ROGERS,
A. A. RANNEY.

FEBRUARY 16, 1887.

Mr. ROGERS. Mr. Speaker, by arrangement with the gentleman from Massachusetts [Mr. COLLINS], who did not sign the conference report, I have agreed to yield to him fifteen minutes for the discussion of this matter, after which fifteen minutes will be occupied in favor of the report, when the previous question will be called. I now yield fifteen minutes to the gentleman from Massachusetts [Mr. COLLINS].

Mr. COLLINS. I yield my time to the gentleman from Michigan [Mr. TARSNEY].

Mr. TARSNEY. Mr. Speaker, I thank the gentleman from Massachusetts for the courtesy extended to me in yielding me this brief time in order that I may present to the House my reasons for asking that the report of the majority of our conferees be non-concurred in.

It will be remembered that on the 14th of last month this bill as it came from the Senate was brought before the House, and by four decisive votes declared that the United States court, to be located in the Saginaw Valley, in the State of Michigan, should be located in the city of East Saginaw and not at Bay City, the place designated in the Senate bill. Let me cite the facts in regard to the action of the House, for I shall not attempt to argue this case again: First, when the bill came before the House I had no right to offer an amendment, but the House voted down the motion for the previous question and gave me the opportunity. Again, on a vote upon a division, the House sustained me in supporting that amendment. The yeas and nays were called upon the amendment on the motion of the gentleman from Arkansas [Mr. ROGERS], and the House, by a yea-and-nay vote, substituted East Saginaw for Bay City. And then, when the distinguished gentleman from Ohio [Mr. EZRA B. TAYLOR], a member of the Judiciary Committee, moved to recommit the bill to that committee, the House by another decisive vote declared that it should not be recommitted. Thus the House said that this court should be located in the Saginaw Valley and in the city of East Saginaw.

Following that came the appointment of conferees. I had assumed, in my youth and simplicity and my ignorance of the rules of this House, that when upon an important measure of this kind the House had declared its pleasure it was the duty of the conferees appointed by the Speaker to carry out in conference the express will of the House as it appeared in the record. Indeed, sir, such was the information given to me by some of the best parliamentarians on this floor. I consulted officers of this House in relation to the matter. I discovered that it was my privilege and my right to recommend to the Speaker of the House the names of conferees who would support the action of the House. I did it; and upon my recommendation—perhaps not upon it alone—but I did recommend the names of two gentlemen to act upon that committee of conference. One of them [Mr. COLLINS] sits here at this moment dissenting from the action of his colleagues. The other—and I hope he is here, for I want him to listen to what I say—had led me to believe, assured me, that he was in favor of my city; and I, sir, in reliance upon the assurance from that gentleman, whose name is now appended to that report, went to you, Mr. Speaker, and solicited his appointment upon that conference. Much to my surprise, when that conference had met, I found that, instead of the gentleman doing

as I supposed he had agreed to do—aye, as he did agree to do—he refused, and did not agree with the action of this House.

Mr. REED. Who is the patriot?

Mr. TARSNEY. You ask "who the patriot is." He is the distinguished (?) gentleman from Massachusetts, Judge RANNEY, if you want to know "who the patriot is."

I stand here now in open and manly opposition to that conference report, and say to this House that if I am to be here the victim of misplaced confidence, well and good; but it is not I alone, it is that great constituency that sent me here that will be the sufferers by the mistake that I have made.

I am not here to argue this case over again, for the facts are before this House. The commercial importance of our city, its superior advantages over the other, are too well known to members of the House to require repetition at my hands. I assume, Mr. Speaker, that the people of our own State know more about the wants and interests of its commercial business than gentlemen residing a thousand miles away. I hold in my hand a communication received by me a few moments ago from the representative of my city in the State Legislature. I send this dispatch to the Clerk's desk to be read.

The Clerk read as follows:

LANSING, MICH., *February* 18, 1887.

Hon. T. E. TARSNEY:

Bill giving United States exclusive jurisdiction over site for United States court, &c., at East Saginaw has passed house by strong unanimous vote, and given immediate effect.

WM. S. LINTON.

Mr. TARSNEY. Mr. Speaker, only yesterday the Legislature of my State, having in view the interests of that great Commonwealth, by an almost unanimous vote in its house of representatives, declared upon this question. They granted and passed, as I say, by a unanimous vote, a bill guaranteeing to the Government of the United States the exclusive jurisdiction over such territory as may hereafter be selected for the site of this court in the city of East Saginaw. This was done in accordance with the terms of the bill.

I offer this simply as one of the reasons for urging that the conference report be non-concurred in; and I ask this House, in its spirit of fairness, in its spirit of decency, to enter its protest against such conduct as has been displayed in connection with this matter.

Mr. Speaker, whatever time I may have remaining I desire to reserve for the present.

The SPEAKER. The gentleman has six minutes of his time remaining.

Mr. ROGERS. I yield five minutes to the gentleman from Massachusetts [Mr. RANNEY].

Mr. RANNEY. Mr. Speaker, the gentleman from Michigan [Mr. TARSNEY], in his zeal upon this subject, seems to have forgotten himself. He seems to suppose that a gentleman appointed upon a conference committee of this House is appointed there for no other purpose than to do his bidding. As for myself, sir, when I am appointed upon a conference committee I go in to do my duty, as I understand it, acting under my obligations to this House; and I do not feel bound to follow the behests of any gentleman when his wishes conflict. Even if he did, as he says, suggest and procure my appointment, I owe my allegiance to the House of Representatives and to my own conviction of duty, and not to the gentleman from Michigan.

He, in his remarks here to-day, only illustrates what he did on the floor of the House when this bill was up for consideration. He moved to amend the bill by substituting "East Saginaw" for "Bay City," in one line and one section of the bill, and left the bill with Bay City in all the rest of it as it read originally. It was just about as incongruous and senseless in its construction after he had secured his amendment of it as his remarks are here and now. [Laughter.] He does not seem to know whether he stands on his head or his heels, and it does not make much difference, by the way, for half the time he is on one and half the time on the other, and works equally well in either position. [Laughter.]

When this bill first came from the committee and was before the House for action, it is true that I was inclined to believe that the court should be held at East Saginaw instead of Bay City, and I so expressed myself to several gentlemen; but I felt bound to, and did, upon mature consideration, follow my committee in my vote, as they had decided otherwise. I was put on this conference committee with my position in that regard being well known, having taken pains myself to make it known, the gentleman from Arkansas [Mr. ROGERS] having leave to communicate it to the Speaker, and of which leave, as I am informed, he availed himself. When I was appointed and went upon the committee I went there fully impressed with the duty imposed upon me, and determined to do that duty as best I could, and not as the personal servant of any one gentleman.

Now, Mr. Speaker, how did this matter stand before the conference committee? In the first section of the Senate bill Bay City was named as the place at which the court was to be held, and the provision in the other sections as to the marshal, district attorney, the records, &c., juries and the summoning of them, and the renting of rooms and fitting up of the same, all conformed and applied to Bay City. The gentleman from Michigan secured an amendment to the first section alone to the effect that the court should be held at East Saginaw, leaving the rest of the bill as it was. [Laughter.] The court at East Saginaw, and the court-house, the marshal and district attorney, and the juries, &c., at Bay City! [Renewed laughter.] The bill as amended came before the conference committee with the House and Senate agreeing on Bay City for everything except as to the place of holding court. As amended in the House the court was to be held at East Saginaw and everything else was to be at Bay City. That was the form in which the gentleman from Michigan had got the bill through the House. [Laughter.]

The House and Senate agreed upon Bay City as to a part, and that was fixed, and the conference committee had but one duty, and that was to settle the disagreement as to where the court should be held. [Great laughter.] For one, as I understand the rules of the House and parliamentary law, the conference committee had only to settle the point of disagreement between the two Houses. Now, the two Houses disagreed only as to the place where the court should be held. They had agreed as to all the rest of it, and fixed upon Bay City as to that. It occurred to a majority of the committee, therefore, that the best way to settle the disagreement was for the House to recede and have the court held where the court-house, the witnesses, the officers, and jurors were to be. [Great laughter.] In other words, I repeat, the House and the Senate had agreed as to the rest, and there was no difference upon that part of the bill. The disagreement was solely as to the place of holding the court, and for one I preferred to obey the rules and the parliamentary law rather than to follow any erroneous understanding which the gentleman from Michigan might have had when he contrived, as he says, to get me appointed on the committee, thinking I would serve his purpose. I went on the committee not to serve him, not to be false to my duty to the House, but rather to be true to, and act in accordance with, the dictates of my judgment, and I concluded to leave the bill with some sense in it, however little the gentleman from Michigan might have.

Mr. TARSNEY. I like a good thing—if I do not get too much of it. Now, let me call your attention, Mr. Speaker, and the attention of gentlemen of this House to the situation. The words "Bay City" appeared in that bill, according to my recollection, seven times. The vital point in the bill was the appearance of the words "Bay City," where they designated the place where the court should be held. These are the words that the House struck out, substituting for them "East Saginaw;" and I supposed gentlemen would yield to the merely formal amendments and allow the correction to be made in other parts of the bill.

When the bill went to the conference committee those eminent (?) parliamentarians might have done this, if I am correctly informed. If they had desired to carry out the will and wishes of the House, although by the strict rule of the House they were confined to a consideration of the disagreeing vote on the one amendment, they might immediately have come back to this House, their coconferees of the other body returning to the Senate, and asked a further conference on the bill and amendments. Why did you not do it? You have professed all the time to be in favor of locating this court in East Saginaw. I reserve the balance of my time.

Mr. ROGERS. I now yield five minutes, or as much of that time as he desires, to the gentleman from Michigan [Mr. FISHER], the representative from Bay City.

Mr. FISHER. I regret very much the imbroglio and the words which have occurred between the gentleman from my own State [Mr. TARSNEY] and the gentleman from Massachusetts [Mr. RANNEY]. This conference report now presents to the House a bill which has been several times reported with a unanimously favorable report by the Committee on the Judiciary. This measure was first introduced in the Forty-first Congress and was fully considered before the Judiciary Committee of the House at that time, and after a long and strong contest between these two cities before that committee the decision was given in favor of Bay City. Again in the Forty-fourth Congress the same measure passed. In the Forty-eighth it received a favorable report from the Committee on the Judiciary. In the Forty-ninth it received a favorable report, and never in any one instance has there been a minority report in favor of East Saginaw.

All the object that my colleague [Mr. TARSNEY] desires to accomplish here is merely the defeat of this measure. The adoption of this report will locate the court at Bay City, and the gentleman admits that his own people, his own constituency, will be benefited by the court being established in that locality.

Much has been said about the railroad communication and the relative commercial importance of the two cities. So far as the population is concerned, Mr. Speaker, there is but very little difference. At the last census, taken in 1884, the difference was in favor of Bay City by something less than 1,000. In the matter of railroad communication the two cities are on an equal footing. The same roads that go to East Saginaw go to Bay City. At the present time the time-table gives an early train between the two cities, leaving some time between 5 and 6 o'clock in the morning, and an hourly train from that time until 9 or 10 o'clock in the evening. Therefore, so far as railroad communication is concerned, it is equal as regards the two cities.

But the main point in this matter is that we are at the head of deep

water. Bay City is the *entrée* port of the Saginaw River, and it is there the marine and admiralty business will be best accommodated, and the necessity for a district court grows out of the needs of the admiralty business.

Mr. BLOUNT. May I interrupt the gentleman by inquiring what he has to say about the action of the Legislature?

Mr. FISHER. I was not aware there was any action of the Legislature till I learned it this morning.

Mr. O'DONNELL. Do the resolutions of the Legislature indicate any place that they prefer for the location of the court?

Mr. FISHER. I do not know. I have not seen them.

Now, I ask, Mr. Speaker, that this measure be considered upon its merits. And I ask that, with six unanimous reports of six different Judiciary Committees of this House in favor of this measure, this report of the conference committee be adopted on its merits and that the question shall not be decided on any sentimentality.

Mr. COLLINS. I do not believe the House ought to be asked to decide a question of this importance to that community in the eastern part of Michigan upon the mere quibble of attorneys or parliamentarians or upon any balancing of the intellectual qualities of my colleague [Mr. RANNEY] and the gentleman from Michigan [Mr. TARSNEY]. It may be true that the gentleman from Michigan has not as much sense as the gentleman from Massachusetts; and it may be possible that the gentleman from Massachusetts has not as much principle as the gentleman from Michigan. But that is nothing to this House.

The point made by the gentleman from Michigan against my colleague was not that he had gone on the conference committee agreeing to do the bidding of the gentleman from Michigan, but that he went on the committee pretending to be for East Saginaw and immediately abandoned that position in favor of Bay City. If I could "tell the secrets of my prison-house" I should be very strongly inclined to agree with the gentleman from Michigan. But it is not proper, I suppose, according to strict parliamentary usage that we should tell all that takes place in committee.

Let us come down to the question that this House is called upon to decide—to the merits, as the other gentleman from Michigan [Mr. FISHER] says; that is, whether the public convenience will best be served by establishing and holding a term of the United States court at East Saginaw or at Bay City.

The other branch of this Congress, without any deliberation or any discussion, decided originally that the court should be at Bay City. After a full and free discussion this House solemnly decided that the court should be held at East Saginaw as the place on the whole best calculated to serve the suitors, the witnesses, the jurors, and the interests of the public generally.

Mr. WEAVER, of Iowa. And did it on a yea-and-nay vote, too.

Mr. COLLINS. They did it on a yea-and-nay vote, and they emphasized it by another vote; and yet, because the mere omission to insert "East Saginaw" everywhere that "Bay City" occurs in the bill happened in this House, my colleague [Mr. RANNEY], with a spirit and an insulting manner, which I might say at another time and under other circumstances was worthy of a pettifogger, says the gentleman from Michigan did not know what he was talking about. Mr. Speaker, the railroad center, the center of population, and the center of business for the future is East Saginaw, and not Bay City, and I ask this House to adhere to its judgment deliberately and solemnly given the other day, and to insist that that judgment shall stand.

Mr. ROGERS. Mr. Speaker, in view of the attack just made upon my colleague upon the conference committee [Mr. RANNEY] I think he ought to have an opportunity to respond, and I now yield him three minutes.

Mr. RANNEY. Mr. Speaker, I am sorry my esteemed friend [Mr. COLLINS] has felt it his duty to come to the relief or the re-enforcement of the gentleman from Michigan. I wish to say to him that I never have pretended anything. I have stated what is the fact to him and to others, namely, that when this matter was heard before the Judiciary Committee it was heard before a subcommittee of which I was not a member. What little I heard of it, however, inclined me to believe that the court should be held at East Saginaw; but inasmuch as I did not serve on the subcommittee and was not present in the whole committee when they passed upon the question I had not fully examined it, and, therefore, I deferred to the judgment of the majority, and when the bill came up in this House I voted with the committee against the amendment of the gentleman from Michigan [Mr. TARSNEY] and in favor of Bay City. If there was a yea-and-nay vote, as I think there was, my vote is on record, and as I vote I generally conclude. Therefore if gentlemen supposed that they had got a member on the conference committee who was going back on his vote or on the committee, or if any gentleman says that I ever pretended I would do that, he is grossly mistaken.

Mr. TARSNEY. If the gentleman says that he did not make me believe that he was going to do it——

Mr. RANNEY. It is impossible, Mr. Chairman, for me to say what the gentleman has been made to believe. I should hate to be accountable by word or act for any belief he may entertain or for any opinion he may have formed if his opinions generally are as hastily formed and as imprudently uttered as they have been on this floor to-day. I have had but one conviction in this matter; and I say again to this House that I was put upon the conference committee not by any solicitation of mine, but after I had distinctly told the gentleman from Michigan [Mr. TARSNEY] who now arraigns me that I did not wish to go upon that committee and that I ought not to go upon it. I told that to the gentleman from Arkansas [Mr. ROGERS] likewise, and he asked me if he should so state to the Speaker, and I told him that I wished he would. Yet I was put upon the committee, and, having been put upon it, I say again that I did my duty, placed the House in a position of decency, and left the bill as it should be left and as alone it could be left, if it was to be congruous, by voting to recede from the amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. ROGERS. Mr. Speaker, I embrace the first moment to express my regret that any sort of ill-feeling should have sprung up out of this matter, but at the same time I congratulate myself that, as I understand what has been said, there has been no sort of reflection upon my consistency in this matter. It is due to myself, and I think it is due to the gentleman from Massachusetts [Mr. RANNEY], that I should say that, at his request, I did communicate to the Speaker of the House his belief that he ought not to be placed upon the committee of conference. Why he was put upon that committee the Speaker of course best understands, and I have no doubt that it was done in direct conformity with the established practice of the House.

Now, Mr. Speaker, what is the reason upon which the Judiciary Committee of the House and the Judiciary Committee of the Senate both base their report in favor of Bay City? I said upon a former occasion, and permit me now to repeat it as distinctly as I can, that there are three great classes of business to be attended to by this court. The first is the prosecution of criminal cases against persons who trespass upon the public lands. The second is the business connected with the commercial interests of that part of the Saginaw Valley. The court established at either of these towns would be able to attend, with perfect facility, to both of these classes of public business.

But the class of business of paramount consideration and which, as I think, I may state exercised a controlling influence upon the judgment of the Judiciary Committee in both Houses was the admiralty business. Bay City is practically upon a great arm of the sea—almost upon the coast of the sea—only 3 miles from the sea. At that place every ship, whether from foreign countries or from domestic ports, can go. The numerous entries and the vast tonnage of all that great lake are tributary to Bay City. The admiralty business belongs to Bay City, because the ships can always get there; and it is the last port from which a writ from the Federal court in the admiralty interest can be served. It is upon this ground mainly that the judgment of the committees of both Houses of Congress has been invoked in favor of Bay City.

Between these two cities, only 13 miles apart, the river becomes narrow and the tonnage receipts and entry reports show that a large number of vessels never reach Saginaw at all.

Mr. TARSNEY. The gentleman forgets that every vessel which goes to Bay City can reach Saginaw.

Mr. ROGERS. I hope my friend will not interrupt me. I state, Mr. Speaker, not what I know personally, but I state the result of the proof before the Judiciary Committee; and I had the honor to be a member of the subcommittee. That is my conviction, sitting as a juror to determine between these two points.

Now between these two cities, at one of which I say a large portion of the entries are not made, there is railroad communication every hour in the day, there being one road on each side of the river; so that there can be half hourly communication between these two points throughout the twenty-four hours. Hence, so far as concerns every interest except the admiralty business, either city would subserve all proper purposes, if the court were located at it. But as to the admiralty business, the highest interests of the Government are concerned; and as a business proposition the duty of Congress is to locate this court at Bay City, where this business can be done cheaply and properly.

That much, Mr. Speaker, I say with the utmost good feeling for the whole State of Michigan and with the warmest personal regard for both these gentlemen who represent the conflicting districts. And when I have said this much as the solemn judgment of every member except one of the Judiciary Committee of this House, it does occur to me that unless some better reasons than those which have been heretofore assigned can be given this difficulty ought to be settled here and now in favor of the city where the admiralty business can be transacted.

One other observation, Mr. Speaker, and I am done. East Saginaw is not a county seat at all; Bay City is. The population of these two cities is about the same. Each of them is important in respect to both commercial and manufacturing interests; but the growth of Bay City over Saginaw in the last three decades is marked and distinctive, showing, as I believe, from the census reports as quoted in the debates on this subject, that Bay City is to be the future metropolis of the Saginaw Valley.

Mr. COLLINS. The gentleman is speaking of percentage of growth, not present population.

Mr. ROGERS. I mean percentage of growth. The population of

the two cities is now about the same, Bay City having a majority of probably about 300. In 1860 the population of Bay City was only 700. At that time the population of East Saginaw was 3,000. In 1884 the population of Bay City was 29,415 and that of East Saginaw 29,100. This shows the rapid increase in favor of Bay City over East Saginaw, so far as population and commercial importance are concerned.

One other observation. Bay City is, perhaps, the largest salt-producing city in the world, supplying, practically, the American continent with her salt. Large quantities of this product go by sea, and by railroad communication when reached, from Bay City to all parts of the country.

Mr. Speaker, having said this much, I invoke the solemn judgment of the House—not upon the personal controversies between the gentlemen representing the two districts, or between the gentlemen representing the East Saginaw district [Mr. TARSNEY] and the gentleman from Massachusetts [Mr. RANNEY]—but I invoke the solemn judgment of the House upon the action of the Judiciary Committee and of the conference committee, the latter of which has done the only thing which, under parliamentary law, it had the power and the right to do.

I now demand the previous question on the adoption of the report.

The previous question was ordered.

The question having been put on agreeing to the report of the conference committee,

The SPEAKER said: The Chair is unable to decide.

Mr. TARSNEY. I call for the yeas and nays.

The yeas and nays were ordered—64 voting in favor thereof.

The question was taken; and there were—yeas 126, nays 116, not voting 76; as follows:

YEAS—126.

Adams, G. E.	Findlay,	King,	Rogers,
Allen, C. H.	Fisher,	Kleiner,	Rowell,
Atkinson,	Fleeger,	La Follette,	Sadler,
Baker,	Forney,	Laird,	Sessions,
Bayne,	Frederick,	Landes,	Shaw,
Bennett,	Fuller,	Lanham,	Singleton,
Blount,	Gallinger,	Lindsley,	Smalls,
Bound,	Gilfillan,	Little,	Spooner,
Boutelle,	Goff,	Lyman,	Steele,
Breckinridge, C. R.	Grosvenor,	Matson,	Stewart, J. W.
Breckinridge, WCP	Grout,	McKinley,	Stone, E. F.
Brown, C. E.	Halsell,	McMillin,	Stone, W. J., Ky.
Brown, W. W.	Hammond,	McRae,	Strait,
Buck,	Hatch,	Millard,	Struble,
Bunnell,	Hayden,	Milliken,	Swope,
Burrows,	Hemphill,	Moffatt,	Taylor, E. B.
Campbell, J. M.	Henderson, J. S.	Morrill,	Taylor, I. H.
Cannon,	Henderson, T. J.	Morrison,	Thomas, J. R.
Caswell,	Hepburn,	Neal,	Thomas, O. B.
Clements,	Hiestand,	Neece,	Turner,
Conger,	Hires,	O'Donnell,	Wadsworth,
Cooper,	Hitt,	Osborne,	Wait,
Cowles,	Holman,	Owen,	Wakefield,
Culberson,	Holmes,	Payne,	Ward, T. B.
Cutcheon,	Hopkins,	Perkins,	Warner, A. J.
Davidson, R. H. M.	Houk,	Plumb,	Weber,
Dingley,	Howard,	Price,	Wheeler,
Dunham,	Hutton,	Ranney,	White, Milo,
Dunn,	Johnson, F. A.	Reed,	Winans,
Eden,	Johnston, J. T.	Reese,	Wolford.
Ely,	Johnston, T. D.	Rice,	
Everhart,	Jones, J. H.	Richardson,	

NAYS—116.

Adams, J. J.	Dargan,	Jones, J. T.	Seymour,
Allen, J. M.	Davis,	Laffoon,	Skinner,
Anderson, C. M.	Dibble,	Lawler,	Snyder,
Anderson, J. A.	Dockery,	Le Fevre,	Sowden,
Bacon,	Dorsey,	Lehlbach,	Springer,
Ballentine,	Dougherty,	Libbey,	Stahlnecker,
Barksdale,	Eldredge,	Louttit,	Stephenson,
Barry,	Farquhar,	Mahoney,	St. Martin,
Bingham,	Felton,	Martin,	Stone, W. J., Mo.
Blanchard,	Foran,	McAdoo,	Storm,
Bliss,	Ford,	Merriman,	Swinburne,
Boyle,	Funston,	Morgan,	Tarsney,
Brady,	Gay,	Nelson,	Taulbee,
Buchanan,	Gibson, C. H.	Norwood,	Taylor, J. M.
Burleigh,	Glass,	Oates,	Taylor, Zach.
Bynum,	Green,	O'Hara,	Tillman,
Cabell,	Hale,	O'Neill, Charles	Townshend,
Caldwell,	Hall,	O'Neill, J. J.	Trigg,
Campbell, Felix	Hanback,	Peel,	Van Schaick,
Carleton,	Harmer,	Perry,	Viele,
Catchings,	Harris,	Peters,	Ward, J. H.
Clardy,	Haynes,	Pettibone,	Warner, William
Collins,	Herbert,	Randall,	Weaver, A. J.
Compton,	Hermann,	Reagan,	Weaver, J. B.
Comstock,	Hill,	Riggs,	White, A. C.
Cox, W. R.	Hudd,	Robertson,	Wilkins,
Crain,	Irion,	Ryan,	Willis,
Crisp,	Jackson,	Sayers,	Wilson,
Daniel,	James,	Scranton,	Worthington.

NOT VOTING—76.

Aiken,	Campbell, J. E.	Ellsberry,	Hiscock,
Barbour,	Campbell, T. J.	Ermentrout,	Kelley,
Barnes,	Candler,	Evans,	Ketcham,
Belmont,	Cobb,	Geddes,	Long,
Bland,	Cox, S. S.	Gibson, Eustace	Lore,
Bragg,	Croxton,	Glover,	Lovering,
Browne, T. M.	Curtin,	Guenther,	Lowry,
Brumm,	Davenport,	Heard,	Markham,
Burnes,	Davidson, A. C.	Henderson, D. B.	Maybury,
Butterworth,	Dawson,	Henley,	McComas,
McCreary,	Outhwaite,	Scott,	Wallace,
McKenna,	Parker,	Seney,	Wellborn,
Miller,	Payson,	Spriggs,	West,
Mills,	Phelps,	Stewart, Charles	Whiting,
Mitchell,	Pidcock,	Symes,	Wise,
Morrow,	Pindar,	Thompson,	Woodburn.
Muller,	Rockwell,	Throckmorton,	
Murphy,	Romeis,	Tucker,	
Negley,	Rusk,	Van Eaton,	
O'Ferrall,	Sawyer,	Wade,	

So the conference report was adopted.

Mr. EDEN. I ask, by unanimous consent, that the reading of the names be dispensed with.

Mr. TOWNSHEND. I object.

The reading of the names was concluded.

Mr. HISCOCK. I understand, Mr. Speaker, that Mr. MAYBURY desires to pair with me. He is unable to be here. I withdraw my vote and pair with him.

Mr. PETTIBONE. I desire to record my vote.

The SPEAKER. How?

Mr. PETTIBONE. In the negative.

The SPEAKER. The gentleman's vote is not recorded.

Mr. PETTIBONE. I was in the Hall and did not hear my name called, although I was listening.

The SPEAKER. How does the gentleman vote?

Mr. PETTIBONE. I vote no.

Mr. DINGLEY. I was in my seat and did not hear my name called.

The SPEAKER. Call the gentleman again.

Mr. DINGLEY. I vote "yea."

The pairs were then announced, as follows:

Until further notice:

Mr. COX, of New York, with Mr. BROWNE, of Indiana.

Mr. GLOVER with Mr. BRUMM.

Mr. PIDCOCK with Mr. ROCKWELL.

Mr. THROCKMORTON with Mr. DAVENPORT.

For this day:

Mr. TUCKER with Mr. PARKER.

Mr. LOVERING with Mr. EVANS.

Mr. CROXTON with Mr. PHELPS.

Mr. SCOTT with Mr. HENDERSON, of Iowa.

Mr. BLAND with Mr. NEGLEY.

Mr. WELLBORN with Mr. GUENTHER.

On this vote:

Mr. STEWART, of Texas, with Mr. KELLEY.

Mr. WISE with Mr. MORRILL.

Mr. MAYBURY with Mr. HISCOCK.

Mr. SENEY with Mr. BUTTERWORTH.

The vote was then announced as above recorded.

Mr. ROGERS moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I desire to test the sense of the House between private and public business.

Mr. TOWNSHEND. Allow me to make a report from the Committee on Appropriations.

Mr. RANDALL. From what committee?

Mr. TOWNSHEND. I am authorized to report two bills from the Committee on Appropriations.

Mr. RANDALL. Pension appropriation bill?

Mr. TOWNSHEND. Yes, sir.

Mr. RANDALL. I yield for that purpose.

INVALID PENSION APPROPRIATION BILL.

Mr. TOWNSHEND. I am directed by the Committee on Appropriations to report back the amendments of the Senate to the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes, and move non-concurrence and ask for a conference.

Mr. SPRINGER. Read the Senate amendments.

Mr. STEELE. I move to concur in the Senate amendments.

Mr. MCMILLIN. I should like to have the bill read or a statement made explaining the amendments of the Senate.

The SPEAKER. The House will be in order.

Mr. TOWNSHEND. I can state in a moment the grounds of difference between the two Houses.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

Page 2, line 9, strike out "15," and insert "20;" so it will read:
"For rents, $20,000."
Page 2, line 9, after "Treasury," insert "where practicable;" so it will read:
"And the Secretary of the Treasury, where practicable, shall cause suitable rooms," &c.

Mr. TOWNSHEND. The House made an appropriation of $15,000 for rents for pension agents. The Senate increased the amount to $20,000. The committee recommend non-concurrence so the matter may

be fully investigated in order to see whether the amount voted by the House is not sufficient.

The Committee on Appropriations also recommend non-concurrence in some language placed in the bill by the Senate. The bill as it went from the House required pension agents to establish their offices in public buildings in the cities where public buildings are located. The House bill in this regard was peremptory. The Senate inserted the words "where practicable," leaving it discretionary. In that amendment the committee recommend non-concurrence.

Mr. BUCHANAN. Why not concur in the Senate amendments?

Mr. TOWNSHEND. Because we think it is best the matter should be referred to a conference committee. I move non-concurrence and a conference be asked with the Senate.

The motion was agreed to.

MEXICAN WAR PENSION APPROPRIATION BILL.

Mr. TOWNSHEND, from the Committee on Appropriations, also reported a bill (H. R. 11202) making appropriations to pay pensions to the soldiers and sailors of the Mexican war, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

SIMMONS W. HARDEN.

Mr. WEAVER, of Nebraska. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WEAVER, of Nebraska. I call up for consideration at this time the bill (H. R. 1406) granting a pension to Simmons W. Harden, which was returned by the President with his veto.

Mr. RANDALL. I think we had better go on with the appropriation bills.

The SPEAKER. The question is whether the House will, on reconsideration, agree to pass the bill notwithstanding the objections of the President. On this the Constitution requires a yea-and-nay vote.

Mr. WEAVER, of Nebraska. How much time have I?

Mr. SPRINGER. The point of consideration is raised.

The SPEAKER. The Chair did not hear it.

Mr. SPRINGER. I stated it as soon as the Chair put the question.

The SPEAKER. The Chair did not hear the gentleman.

Mr. WEAVER, of Nebraska. Is the question of consideration raised?

The SPEAKER. It is.

Mr. TOWNSHEND. With what bills?

Mr. RANDALL. With the appropriation bills.

The SPEAKER. Any gentleman has the right to raise the question of consideration.

Mr. TOWNSHEND. What I desire to know is whether the appropriation bill will come up if this is voted down?

Mr. SPRINGER. This is private-bill day.

The SPEAKER. If the House dispenses with private business today it will then proceed with the public business as on other days.

The question is, Will the House now proceed to consider the bill and message?

The question was taken; and on a division there were—ayes 75, noes 81.

Mr. WEAVER, of Nebraska. I call for the yeas and nays.

Mr. RANDALL. I ask unanimous consent to take a vote directly without debate on the pension bill. It will take the same length of time as would be taken up by this roll-call, and then we can proceed without delay with the public business.

Mr. WEAVER, of Nebraska. Without debate?

Mr. SPRINGER. The report of the committee can be read, but no debate.

Mr. RANDALL. I suggest that by unanimous consent there be a vote taken directly on the passage of the bill.

Mr. WEAVER, of Nebraska. Without debate?

Mr. RANDALL. Without debate.

Mr. SPRINGER. Let the report be read.

Mr. RANDALL. I have no objection to that.

Mr. WEAVER, of Nebraska. This is a unanimous report from the Committee on Invalid Pensions.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BURROWS. It is understood that the report is to be read.

Mr. WEAVER, of Nebraska. That is the understanding.

Mr. BURROWS. And the veto message?

Mr. WEAVER, of Nebraska. Yes, sir.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that the vote be taken now directly upon the question of passing the bill over the veto, the reading of the report to precede the vote?

There was no objection.

Mr. WEAVER, of Nebraska. I now ask for the reading of the report.

Mr. WOLFORD. Would it be in order to have the veto message read?

The SPEAKER. It will be read.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the veto message of the President of the United States on the bill (H. R. 1406) granting a pension to Simmons W. Harden, submit the following report:

The objections of the President are set forth in his message (Executive Document No. 252), which is as follows:

To the House of Representatives:

I hereby return, without approval, bill No. 1406, which originated in the House of Representatives, and is entitled "An act granting a pension to Simmons W. Harden."

The claimant mentioned in this bill enlisted as a private December 30, 1863, and was discharged May 17, 1865.

He filed an application for pension in 1866, in which he alleged that he was injured in the left side by a fall from a wagon while in the service.

In 1880 he filed another application, in which he claimed that he was afflicted with an enlargement of the lungs and heart from overexertion at a review. His record in the Army makes no mention of either of these troubles, but does show that he had at some time during his service dyspepsia and intermittent fever.

The fact that fourteen years elapsed after he claimed to have been injured by a fall from a wagon before he discovered that enlargement of the lungs and heart was his real difficulty is calculated to at least raise a doubt as to the validity of his claim.

The evidence as to his condition at the time of enlistment, as well as since, seems quite contradictory and unsatisfactory. The committee to which the bill was referred report that "the only question in the case is as to his condition at time of enlistment, and the evidence is so flatly contradictory on that point that it is impossible to decide that question."

Notwithstanding this declaration it is proposed to allow him a pension of $16 a month, though he has survived all his ailments long enough to reach the age of seventy-two years.

I think, upon the case presented, the action of the Pension Bureau overruling his claim should not be reversed.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1886.

It appears from the papers submitted to your committee that Simmons W. Harden enlisted in Company L, First Iowa Cavalry, December 30, 1863, and was discharged May 17, 1865. On the 23d day of July, 1866, he filed an application for a pension, alleging "that on the 25th day of March, 1864, while dipping water from the Mississippi River for the use of the company he was standing on the spoke of the wagon wheel and fell on his right side on the tire of the wheel. It was a cold day—as fast as water was spilled on the wheels it froze, causing him to slip. He was so disabled that he was sent to the post hospital at Davenport, March 30, 1864, where he remained eleven days. He was then sent to his company and detailed as cook, which duty he performed until he was discharged, with the exception of the time from March 1, 1865, to May 16, 1865, during which time he was in Overton hospital, Memphis, receiving treatment for this injury." Subsequently, in June, 1880, he filed a supplemental declaration, alleging that at Little Rock, Ark., on the 24th day of June, 1864, his company was dismounted and marched on double quick two miles, causing him to become overheated, and resulting in enlargement of the heart, producing organic heart trouble, pain and palpitation of the heart, fullness in the cardiac region, excessive and great nervousness, and frequent unconsciousness.

The following is a complete summary of the evidence on file in the case:

Dr. D. C. Hastings testifies that he was personally acquainted with claimant from 1855 till enlistment, and that he was during all that time free from disease.

A. D. Hastings testifies that he knew claimant for the seven years prior to enlistment, and that he was sound.

E. A. Harden testifies to prior acquaintance with claimant, and to his soundness at enlistment.

W. H. Keeling testifies that he became acquainted with him in 1861, and in the winter of 1861 and 1862 he employed him to take recruits from Quasqueton to Dubuque when the railroads were blocked with snow, and from the nature of the service knows that he must have been a stout, healthy man. He met him again in 1863, and saw nothing to lead him to suppose he was not a sound man.

David Swartz and Felix Kitch testify as to his soundness at time of enlistment, and that on March 25, 1864, while standing on the hub of the wheel of a wagon, while getting water for his company, he fell, striking on the top of the wheel, causing severe injury; also that at Little Rock, Ark., June 24, 1864, he became overcome with heat from marching two miles on double quick, injuring him so as to unfit him for duty, and rendering it necessary to send him to the hospital. Subsequently, in answer to an office letter, this witness says he knows positively that claimant was so overcome with heat that he fell in a fit, and was thereafter unfit for duty; that he, witness, and another comrade caught him as he fell; that afterwards he complained of his lungs, was unable to wear a belt, and was detailed as cook. C. S. Newell, another comrade, testifies to claimant's being overcome with heat as claimed.

George M. Minkler testifies that in December, 1863, we enlisted together, in the First Iowa Cavalry; had known him for several years, and his health was good, and he could do any kind of manual labor. I never knew him to suffer from sickness until the 24th of June, 1864. At that time we were marching from Fort Cotton to the arsenal grounds, 2 miles east of the fort, at Little Rock, and when we formed into line he was suddenly taken sick and almost fainted. David Swartiel and I caught him in our arms and had to hold him up. We requested him to go to hospital, and, if I remember right, we accompanied him to the hospital. I thought at the time that he had a sunstroke. He was on the sick list a long time, and was cupped and blistered several times. From that time he was never fit to do a soldier's duty. He could not ride on horseback nor wear a belt. He was detailed to do light work, cooking for the mess, &c.

R. W. Bodell testifies that he went with claimant to enlist; that both were stripped naked and passed as sound, which he believes they both were at that time.

William Miller, another comrade, testifies that he knew claimant intimately from 1856, living within 40 rods of him, and boarding for a long time at his house; knew him to perform all kinds of hard labor; the country was new at that time, and he did a great amount of chopping and logging; knew him to be sick in service; visited him in hospital in Memphis; would not be positive what he was treated for, but think it was some kind of heart disease.

J. M. Simerol, lieutenant of the company, testifies as to the incurrence of sunstroke, and his subsequent unfitness for general duty; that he remained with the company and did such light duty as he was able to do until March 1, 1865, when he was sent to hospital, and remained until May 17, when he was discharged.

A. G. Hastings testifies that claimant was an able-bodied man at time of enlistment, and that since his discharge he has been unable to perform manual labor, and that he is now wholly disabled from earning his support.

Dr. D. C. Hastings testifies to treatment for heart disease from soon after discharge until 1867.

Dr. E. M. Wilson testifies that he is well acquainted with claimant, and that he has suffered with heart disease ever since discharge.

Emily Summers and Emerson Harding testify that claimant was absolutely free from any heart disease at time of enlistment and has been affected ever since discharge with that disability.

Thomas Lore testifies that claimant has been unable to perform any manual labor since 1870.

H. B. Grable testifies that he has known claimant since 1872, and that he has been unable to perform any manual labor.

A. G. Hastings, E. A. Harden, Felix Kilet, and G. G. Newell testify that claimant has been unable to do any manual labor since discharge on account of heart disease. The examining surgeon at Independence, Iowa, reported June 30, 1867, that he is three-fourths disabled from heart disease.

The examining surgeon at Falls City, Nebr., reported September, 1881, that he was one-half disabled from same disability. A subsequent examination at Pawnee recommended a third of a third-grade pension for same cause. The adverse testimony is as follows:

E. W. Hastings testifies that claimant was troubled in breathing when overworked before he enlisted.

H. G. Chamberlain testifies that he had heard that claimant had heart disease before enlistment, but that his memory is not clear in the matter.

A. P. Bunhus testifies that claimant was sound at enlistment, and he did not hear him complain of heart disease until 1867.

W. F. Wallace testifies that he did not consider him fit for service at enlistment, and that he never performed much duty. (Special examiner says this witness is unreliable.)

Hugh Henry testifies that claimant complained before enlistment of his heart fluttering when he overworked; that he had seen him frequently when he would be short of breath after getting excited.

The special examiner in the case reports that he is reliably informed that Dr. Hasting's reputation is not good.

The special examiner closes his report as follows: "From the evidence before me, and the impressions I have formed of the honesty and reliability of the claimant and his witnesses, I am of the opinion that the claim is meritorious."

From the evidence submitted it would seem to be clearly proven that this man, nearly fifty years of age when he enlisted, was at that time able to do all kinds of hard manual labor; that he received an injury and a sunstroke in the service, and was ever after unable to labor for his subsistence; that the disability has continued ever since, and that he is now, at the age of seventy-two years, destitute and dependent on friends for support. That he was suffering at discharge, and has suffered ever since, from heart disease is well established. It would seem that a pension can only be denied him on the theory that the disease existed at the time of enlistment.

The act of March 3, 1885, provides "that all applicants for pensions shall be presumed to have had no disability at the time of enlistment, but such presumption may be rebutted." This, in the judgment of your committee, has not been done. Only three witnesses testify on this point, and they say that when overworked or excited he was short of breath. How many members of this body could work earnestly at hard manual labor for an hour without being affected in the same way? Nearly a dozen witnesses testify positively that he was not only able, but did perform the most arduous labor prior to enlistment. When the Government accepted this man its chosen agent stripped him, and giving him a thorough examination pronounced him sound. After seventeen months of service they discharged him, broken down and unable to earn a livelihood, and now, after waiting twenty years, he is denied the pittance which would enable him to eke out a scanty subsistence upon the petty evidence that when he overworked or got excited he seemed troubled with shortness of breath. It is contemptible for a rich and powerful Government to interpose such a trivial plea to avoid the payment of a small pension to a man who cheerfully offered his life in its defense.

Your committee therefore recommend the passage of the bill, the President's veto to the contrary notwithstanding.

[H. R. 1406, Forty-ninth Congress, first session.]

An act granting a pension to Simmons W. Harden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Simmons W. Harden, late a private in Company L, First Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $16 per month.

Mr. WEAVER, of Nebraska. The House will remark [cries of "Regular order!"] that this is reported by a unanimous committee.

Mr. RANDALL. I understood there was to be no debate.

Mr. WEAVER, of Nebraska. I only wish it to be understood that both sides concur in this. [Cries of "Regular order!"]

Mr. SPRINGER. The understanding was that the report should be read, but no debate.

Mr. WEAVER, of Nebraska. I am not going to debate it; I only want to say that both sides concur in this report.

Mr. BURROWS. I suppose it will be in order to ask for the reading of the views of the minority?

Mr. WEAVER, of Nebraska. There is no minority report.

Mr. BURROWS. This, then, is a unanimous report from the committee?

Mr. WEAVER, of Nebraska. Yes, sir; it is unanimous.

Mr. SPRINGER. Is there anything further you want to get into the RECORD? [Laughter.]

Mr. BURROWS. I demand the regular order. [Laughter.]

The SPEAKER *pro tempore* (Mr. HATCH in the chair). Debate is not in order.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. Was there not some understanding or consent unanimously given that there should be no debate?

The SPEAKER *pro tempore*. The Chair is trying to get order on the floor so as to state the question.

The question is, Shall the bill be passed, the objections of the President to the contrary notwithstanding; and on this the Constitution requires that the vote shall be taken by yeas and nays.

The Clerk will call the roll.

The question was taken; and there were—yeas 141, nays 98, not voting 79; as follows:

YEAS—141.

Adams, G. E.	Frederick,	Lindsley,	Springer,
Adams, J. J.	Fuller,	Little,	Steele,
Allen, C. H.	Funston,	Lyman,	Stephenson,
Anderson, J. A.	Gallinger,	McComas,	Stewart, J. W.
Atkinson,	Geddes,	McKenna,	Stone, E. F.
Baker,	Gilfillan,	McKinley,	Stone, W. J., Mo
Bayne,	Goff,	Millard,	Strait,
Bingham,	Grosvenor,	Milliken,	Struble,
Bound,	Grout,	Moffatt,	Symes,
Boutelle,	Hanback,	Morrill,	Tarsney,
Brady,	Harmer,	Morrow,	Taulbee,
Brown, C. E.	Hayden,	Nelson,	Taylor, E. B.
Brown, W. W.	Haynes,	O'Donnell,	Taylor, I. H.
Buchanan,	Henderson, T. J.	O'Hara,	Taylor, Zach.
Buck,	Hepburn,	O'Neill, Charles	Thomas, J. R.
Bunnell,	Hermann,	O'Neill, J. J.	Thomas, O. B.
Burrows,	Hiestand,	Osborne,	Townshend,
Butterworth,	Hires,	Payne,	Van Schaick,
Bynum,	Hiscock,	Payson,	Wade,
Campbell, J. M.	Hitt,	Perkins,	Wadsworth,
Campbell, J. E.	Holman,	Peters,	Wait,
Cannon,	Holmes,	Pettibone,	Wakefield,
Carleton,	Hopkins,	Plumb,	Warner, A. J.
Caswell,	Houk,	Price,	Warner, William
Cooper,	Howard,	Ranney,	Weaver, A. J.
Cutcheon,	Jackson,	Reed,	Weaver, J. B.
Davis,	James,	Rice,	Weber,
Dingley,	Johnston, J. T.	Romeis,	West,
Dorsey,	Ketcham,	Rowell,	White, A. C.
Dunham,	Kleiner,	Ryan,	White, Milo
Ely,	La Follette,	Scranton,	Whiting,
Everhart,	Laird,	Seney,	Wilkins,
Farquhar,	Lawler,	Sessions,	Wolford.
Felton,	Le Fevre,	Smalls,	
Fleeger,	Lehlbach,	Spooner,	
Foran,	Libbey,	Spriggs,	

NAYS—98.

Anderson, C. M.	Dargan,	Jones, J. H.	Richardson,
Bacon,	Davidson, A. C	Jones, J. T.	Rogers,
Ballentine,	Davidson, R. H. M.	King,	Sayers,
Barksdale,	Dawson,	Laffoon,	Seymour,
Barry,	Dibble,	Landes,	Shaw,
Bennett,	Dockery,	Lanham,	Singleton,
Blanchard,	Dougherty,	Mahoney,	Skinner,
Blount,	Dunn,	McCreary,	Sowden,
Boyle,	Eden,	McMillin,	Stahlnecker,
Bragg,	Forney,	McRae,	Stewart, Charles
Breckinridge, C. R.	Gibson, C. H.	Miller,	St. Martin,
Breckinridge, WCP	Glass,	Mills,	Storm,
Burnes,	Green,	Mitchell,	Swope,
Cabell,	Hall,	Morgan,	Taylor, J. M.
Caldwell,	Halsell,	Morrison,	Tillman,
Campbell, Felix	Hammond,	Muller,	Turner,
Campbell, T. J.	Harris,	Neal,	Van Eaton,
Catchings,	Hatch,	Norwood,	Viele,
Clements,	Heard,	Oates,	Ward, J. H.
Cobb,	Hemphill,	Peel,	Ward, T. B.
Cowles,	Henderson, J. S.	Perry,	Wheeler,
Cox, W. R.	Herbert,	Pindar,	Wilson,
Culberson,	Hill,	Randall,	Winans.
Curtin,	Hutton,	Reagan,	
Daniel,	Johnston, T. D.	Reese,	

NOT VOTING—79.

Aiken.	Davenport,	Lore,	Robertson,
Allen, J. M.	Eldredge,	Louttit,	Rockwell,
Barbour,	Ellsberry,	Lovering,	Rusk,
Barnes,	Ermentrout,	Lowry,	Sadler,
Belmont,	Evans,	Markham,	Sawyer,
Bland,	Findlay,	Martin,	Scott,
Bliss,	Fisher,	Matson,	Snyder,
Browne, T. M.	Ford,	Maybury,	Stone, W. J., Ky.
Brumm,	Gay,	McAdoo,	Swinburne.
Burleigh,	Gibson, Eustace	Merriman,	Thompson,
Candler,	Glover,	Murphy,	Throckmorton,
Clardy,	Guenther,	Neece,	Trigg,
Collins,	Hale,	Negley,	Tucker,
Compton,	Henderson, D. B.	O'Ferrall,	Wallace,
Comstock,	Henley,	Outhwaite,	Wellborn,
Conger,	Hudd,	Owen,	Willis,
Cox, S. S.	Irion,	Parker,	Wise,
Crain,	Johnson, F. A.	Phelps,	Woodburn,
Crisp,	Kelley,	Pidcock,	Worthington.
Croxton,	Long,	Riggs,	

So (two-thirds not having voted in the affirmative) the bill was not passed.

Mr. TAULBEE. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following additional pairs were announced:

On this vote:

Mr. NEECE with Mr. KELLEY.

Mr. RIGGS with Mr. WORTHINGTON.

Mr. ALLEN, of Mississippi, with Mr. MARKHAM.

The result of the vote was then announced as above stated.

Mr. WEAVER, of Nebraska. I ask unanimous consent to have printed in the RECORD some remarks on the bill just voted upon.

Mr. HALL. I object.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the morning hour for the call of committees be dispensed with.

Mr. GROSVENOR. I rise to a question of privilege.

Mr. BAKER. I also desire to present a question of privilege.

The SPEAKER *pro tempore*). The gentleman from Ohio [Mr. GROSVENOR] will state his question.

Mr. GROSVENOR. I call up the message from the President returning without his approval the bill (H. R. 5394) granting a pension to Sally Ann Bradley. I desire its immediate consideration.

Mr. RANDALL. I hope the gentleman from Ohio will not insist upon that. There was at least a fair understanding, as I thought, that if the vote was allowed to be taken directly on the pension bill, which has just been disposed of, an opportunity would be given to me to move to dispense with private business to-day so that the House might proceed with the consideration of the amendments to the sundry civil bill. I further want to impress upon the mind of the gentleman from Ohio, whom I know to be always reasonable, that the bill I desire to reach should be disposed of at the earliest practicable moment.

Mr. GROSVENOR. I have no knowledge that there was any arrangement by which I was precluded from calling up this bill. I do not want to inject this bill into the proceedings of the House so as to disturb the progress of business; but I object to the refusal of the House to consider a bill which I regard as being all one way on its merits. Now, with the understanding, so far as the gentleman from Pennsylvania [Mr. RANDALL] is concerned, that it is agreed that at the proper time I may have the consideration of this bill I will withdraw the demand at this time. But I want to say now that I will inject this bill constantly hereafter into the proceedings of the House until it is treated respectfully and has a hearing.

Mr. RANDALL. As the gentleman is aware, I have nothing to do with the consideration of pension bills. That belongs to a committee of which I am not a member.

Mr. GROSVENOR. I repeat that I had no knowledge of any arrangement by which but one of these pension bills was to be called up for consideration to-day.

Mr. RANDALL. I do not say there was any absolute binding agreement, but I think that was the understanding.

Mr. GROSVENOR. I am willing that the sense of the House shall be tested as to what shall be done next.

The SPEAKER *pro tempore*. Does the gentleman from Ohio withdraw his proposition?

Mr. GROSVENOR. I do.

AMENDMENT OF RULES.

Mr. BAKER. I desire to present a privileged resolution, and after it is read I will ask unanimous consent that the last portion of the resolution be immediately considered. It relates to the bills reported by the Committee on the Territories, and proposes to fix a day for the hearing of the three bills now on the Calendar for the admission of Dakota, Washington, and Montana.

Mr. RANDALL. I desire to reach the consideration of the amendments to the sundry civil appropriation bill. I object.

Mr. BAKER. Under the rules the resolution I present must go to the Committee on Rules if the House refuses to adopt the last resolution, which requires the committee to report back the resolution in two days.

Mr. RANDALL. I give notice that that will be objected to.

Mr. HISCOCK. The gentleman from New York has the right to have the resolution read for reference.

The SPEAKER *pro tempore*. The Chair has entertained the proposition. The gentleman has the right to present a resolution for a change of the rules for reference to the Committee on Rules after one day's notice. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the Senate of the United States, on the 5th day of February, 1886, passed the act entitled "An act to provide for the admission of Dakota into the Union and for the organization of the Territory of Lincoln," the favorable report upon which was submitted by Mr. HARRISON, from the Committee on the Territories, January 11, 1886; and

Whereas the Democratic majority of the Committee on the Territories of the House, through Mr. SPRINGER, submitted on the 25th day of May, 1886, a report adverse to said Senate bill, in which it is claimed that said Territory does not possess the area, the population, nor the legal right to be admitted into the Union other than as one State, and concluding with the further statement "your committee are therefore of the opinion that the people of the southern half of Dakota are not entitled to admission into the Union on an equal footing with the original States, and therefore recommend that the Senate bill admitting the proposed State into the Union and organizing a Territorial government for the northern half of that Territory should not pass;" and

Whereas the Republican minority of said committee united in a report dissenting from the conclusions of the majority, and advised the immediate admission of Dakota into the Union under the aforesaid Senate bill, which said minority report concludes with the following words: "We believe it is the constitutional right of the State of Dakota to be admitted under the bill which has come to this House from the Senate"——

Mr. HAMMOND (interrupting the reading). I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. I want to know whether a speech like that can be read under the privilege of introducing a resolution for a change of the rules? I object to the reading.

Mr. BAKER. What the Clerk is now reading is the preamble.

Mr. SPRINGER. If debate is to be permitted I should have the privilege of being heard.

The SPEAKER *pro tempore*. There is no debate. The Clerk will proceed with the reading.

The Clerk continued to read, as follows:

"It will be observed that the majority report has not one suggestion of relief for that great and growing State, only flat rejection, denial of the right of citizenship and representation on the floor of Congress, refusal of the constitutional right to have guaranteed under them a republican form of government to the end that the 'Union' may be made more perfect, justice established, domestic tranquility insured, the common defense provided for, the general welfare promoted, and the blessings of liberty secured to them and their posterity in accordance with the corner-stone upon which our fathers builded the Federal Constitution in 1787. The undersigned, in conclusion, respectfully but earnestly urge the passage of the Senate bill 967 for the reasons stated, and that the State of Dakota be immediately admitted into the Union;" and

Whereas the population of the State of Dakota is upward of 263,465, and of the proposed Territory of Lincoln upward of 152,199, as appears by the census taken in the summer of 1885; while the area of the State is 77,000 square miles, and of the proposed new Territory is about 73,000 square miles, and at the present time the population of said State and proposed Territory is believed to have nearly doubled since the census of 1885.

Mr. RANDALL. I object to the further reading. It can only be allowed by a vote of the House. [Cries of "Regular order!"]

Mr. WARNER, of Ohio. I make the point of order that that is not a resolution for an amendment to the rules.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania objects to the further reading.

Mr. HISCOCK. It will be over in a moment.

The SPEAKER *pro tempore*. The Clerk will read the rule.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. RANDALL. Let us have a vote of the House.

The SPEAKER *pro tempore*. This resolution is not introduced for present consideration, and no vote of the House can be taken on the resolution at this time. It is simply introduced——

Mr. REED. One word.

The SPEAKER *pro tempore*. The Chair desires to complete his statement.

Mr. REED. If the Chair is to render a decision I want to be heard before that decision is given.

The SPEAKER *pro tempore*. The Chair is not rendering a decision; he is simply making an explanation. The resolution is introduced to the House as a notice—one day's notice of reference to the Committee on Rules to-morrow.

Mr. REED. If it is a notice to the House the resolution ought to be read. There can not be any doubt about that.

Mr. WARNER, of Ohio. But, Mr. Speaker, I submit that it is not notice to the House. It is a speech shoved in here under pretense of a matter of privilege. [Cries of "Regular order!"] Then I rise to a point of order.

The SPEAKER *pro tempore*. There is one point of order now pending. The Chair will hear the gentleman from Pennsylvania [Mr. RANDALL] on his point of order.

Mr. RANDALL. My point is that it is a violation of the rule just read to have the reading of that paper continue after I have objected, unless the House so orders.

Mr. REED. But this is an entirely different thing. This is a notice to the House, and of course it must be read to the House. How otherwise can the House have notice?

Mr. SPRINGER. Mr. Speaker, I make the point of order that the matter embraced in the proposition shows upon its face that it is not a question of privilege.

The SPEAKER *pro tempore*. The question is not debatable.

Mr. WARNER, of Ohio. I raise the point of order and ask the Chair to decide it.

The SPEAKER *pro tempore*. There is a point of order made by the gentleman from Pennsylvania [Mr. RANDALL] pending, and the Chair will now put the question to the House, under the rule which has just been read, Shall the further reading of the resolution be continued?

Mr. CUTCHEON. I raise the point of order, Mr. Speaker, that the point of the gentleman from Pennsylvania [Mr. RANDALL] comes too late, after the reading has been entered upon.

The SPEAKER *pro tempore*. The rule permits it at any time. The Chair overrules that point of order.

Mr. HISCOCK. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HISCOCK. This was offered as a privileged resolution, and it was accepted as such, and the reading entered upon; now I submit that the point of order of the gentleman from Pennsylvania [Mr. RANDALL] comes altogether too late, when the resolution has been nearly completed.

The SPEAKER *pro tempore*. The Chair will cause the rule to be again read.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. BAKER. Mr. Speaker, I desire to be heard for a moment.

Mr. HISCOCK. That rule refers to the time when the reading begins.

Mr. CUTCHEON. That is the point I made.

Mr. RANDALL. This forces another matter upon the House under the guise of a privileged question.

Mr. HISCOCK. Allow me to suggest to the gentleman from Pennsylvania [Mr. RANDALL] what he desires and what we desire is to save time and to get at his appropriation bills. We do not care to have them fail and an extra session forced upon the country. [Laughter.]

The SPEAKER *pro tempore*. Debate is not in order. [Cries of "Vote!" "Vote!"]

Mr. STEELE. I make the point of order that this is a resolution——

The SPEAKER *pro tempore*. There is one point of order already pending. The Chair sustains the point of order made by the gentleman from Pennsylvania [Mr. RANDALL], and will now put the question to the House.

Mr. BAKER. Mr. Speaker, I desire to raise the point of order that this paper is a matter purely of privilege; that it states in the preamble matters of record referring to the records; that the last resolution is one of instructions to the committee, requiring them to report within two days; and that, for these reasons, we are entitled to have the paper read in order that the privileged resolution may be properly presented to the mind of the House.

The SPEAKER *pro tempore*. The Chair has nothing to do with the contents of the paper.

Mr. RANDALL. Under the plausible statement of the gentleman from New York [Mr. BAKER] that he rose to a question of privilege, there has been injected into the proceedings here that which appears not to be a question of privilege.

The SPEAKER *pro tempore*. That is not for the Chair to decide. The question now before the House is, Shall the resolutions be read further?

The question was taken; and there were—ayes 92, noes 113.

Mr. BAKER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 123, not voting 83; as follows:

YEAS—112.

Adams, G. E.	Fleeger,	Lehlbach,	Romeis,
Allen, C. H.	Fuller,	Libbey,	Rowell,
Anderson, J. A.	Funston,	Lindsley,	Ryan,
Atkinson,	Gallinger,	Little,	Sawyer,
Bayne,	Gilfillan,	Long,	Sessions,
Bingham,	Goff,	Louttit,	Smalls,
Bound,	Grosvenor,	McComas,	Steele,
Boutelle,	Grout,	McKenna,	Stephenson,
Brady,	Harmer,	McKinley,	Stewart, J. W.
Brown, C. E.	Hayden,	Millard,	Strait,
Brown, W. W.	Haynes,	Milliken,	Struble,
Buchanan,	Henderson, T. J.	Moffatt,	Swinburne,
Buck,	Hepburn,	Morrill,	Symes,
Bunnell,	Hermann,	Morrow,	Taylor, E. B.
Burrows,	Hiestand,	Nelson,	Taylor, Zach.
Campbell, J. M.	Hires,	O'Donnell,	Thomas, J. R.
Cannon,	Hiscock,	O'Neill, Charles	Thomas, O. B.
Caswell,	Hitt,	Osborne,	Van Schaick,
Conger,	Holmes,	Owen,	Wadsworth,
Cooper,	Hopkins,	Payne,	Wait,
Cutcheon,	Houk,	Payson,	Wakefield,
Davis,	Jackson,	Perkins,	Warner, William
Dingley,	James,	Peters,	Weaver, A. J.
Dorsey,	Johnson, F. A.	Pettibone,	Weber,
Dunham,	Johnston, J. T.	Plumb,	West,
Ely,	Kleiner,	Price,	White, A. C.
Everhart,	La Follette,	Reed,	White, Milo
Farquhar,	Laird,	Rice,	Whiting.

NAYS—123.

Bacon,	Davidson, R. H. M.	Laffoon,	Singleton,
Ballentine,	Dibble,	Landes,	Snyder,
Barnes,	Dockery,	Lanham,	Sowden,
Barry,	Dougherty,	Lawler,	Spriggs,
Bennett,	Dunn,	Le Fevre,	Springer,
Blanchard,	Eden,	McAdoo,	Stahlnecker,
Bliss,	Eldredge,	McCreary,	St. Martin,
Blount,	Foran,	McMillin,	Stone, W. J., Ky.
Boyle,	Gay,	McRae,	Stone, W. J., Mo.
Breckinridge, C. R.	Geddes,	Merriman,	Storm,
Breckinridge, WCP	Gibson, C. H.	Miller,	Swope,
Burnes,	Glass,	Morgan,	Taulbee,
Bynum,	Green,	Morrison,	Taylor, J. M.
Cabell,	Hall,	Muller,	Tillman,
Caldwell,	Halsell,	Neal,	Townshend,
Campbell, J. E.	Hammond,	Neece,	Turner,
Campbell, T. J.	Harris,	Norwood,	Van Eaton,
Carleton,	Hatch,	Oates,	Viele,
Catchings,	Heard,	Peel,	Ward, J. H.
Clements,	Hemphill,	Perry,	Ward, T. B.
Cobb,	Henderson, J. S.	Pindar,	Warner, A. J.
Compton,	Henley,	Randall,	Weaver, J. B.
Comstock,	Hill,	Reagan,	Wheeler,
Cowles,	Holman,	Reese,	Wilkins,
Cox, W. R.	Howard,	Richardson,	Willis,
Crain,	Hudd,	Rogers,	Wilson,
Crisp,	Hutton,	Rusk,	Winans,
Culberson,	Irion,	Sayers,	Wise,
Daniel,	Jones, J. H.	Seney,	Wolford,
Dargan,	Jones, J. T.	Seymour,	Worthington.
Davidson, A. C.	King,	Shaw,	

NOT VOTING—83.

Adams, J. J.	Davenport,	Lore,	Riggs,
Aiken,	Dawson,	Lovering,	Robertson,
Allen, J. M.	Ellsberry,	Lowry,	Rockwell,
Anderson, C. M.	Ermentrout,	Lyman,	Sadler,
Baker,	Evans,	Mahoney,	Scott,
Barbour,	Felton,	Markham,	Scranton,
Barksdale,	Findlay,	Martin,	Skinner,
Belmont,	Fisher,	Matson,	Spooner,
Bland,	Ford,	Maybury,	Stewart, Charles
Bragg,	Forney,	Mills,	Stone, E. F.
Browne, T. M.	Frederick,	Mitchell,	Tarsney,
Brumm,	Gibson, Eustace	Murphy,	Taylor, I. H.
Burleigh,	Glover,	Negley,	Thompson,
Butterworth,	Guenther,	O'Ferrall,	Throckmorton,
Campbell, Felix	Hale,	O'Hara,	Trigg,
Candler,	Hanback,	O'Neill, J. J.	Tucker,
Clardy,	Henderson, D. B.	Outhwaite,	Wade,
Collins,	Herbert,	Parker,	Wallace,
Cox, S. S.	Johnston, T. D.	Phelps,	Wellborn,
Croxton,	Kelley,	Pidcock,	Woodburn.
Curtin,	Ketcham,	Ranney,	

The following additional pairs were announced, all for the remainder of the day:

Mr. FORNEY with Mr. BUTTERWORTH.

Mr. O'NEILL, of Missouri, with Mr. KELLEY.

Mr. SKINNER with Mr. THOMPSON.

Mr. FELIX CAMPBELL with Mr. HANBACK.

Mr. SADLER with Mr. BAKER.

The SPEAKER *pro tempore*. On this question the yeas are 112, the nays 123. The question is determined in the negative; and the paper of the gentleman from New York [Mr. BAKER] will lie over under the rule.

Mr. BAKER. I desire to ask a question for information.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAKER. I desire to know whether the resolutions by themselves may be read and referred to the Committee on Rules or whether they should all lie over and be acted on to-morrow.

The SPEAKER *pro tempore*. The paper will lie over one day under the rule, to come up to-morrow for reference to the Committee on Rules.

ORDER OF BUSINESS.

Mr. RANDALL. I now move to dispense with the morning hour for reports of a private nature from committees.

Mr. SPRINGER. I ask unanimous consent that those gentlemen who have reports may hand them to the Clerk.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] accept that modification of his motion?

Mr. RANDALL. I have no objection to that proposition, provided the privilege be limited to reports of a private nature.

The SPEAKER *pro tempore*. If there be no objection the morning hour for reports from committees will be dispensed with and leave will be granted to file with the Clerk, during the day, reports of a private nature.

There being no objection, it was ordered accordingly.

Under the leave granted, the following reports were filed:

RUFUS LOWE AND C. M. LOFTIN.

Mr. BENNETT, from the Committee on the Judiciary, reported back favorably the bill (H. R. 11157) for the relief of Rufus Lowe and C. M. Loftin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH FORT RILEY MILITARY RESERVATION.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back favorably the bill (H. R. 10831) to authorize the Kansas Valley Railroad Company to construct and operate a railroad through the Fort Riley Military Reservation, in Kansas, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMOS SHIREY.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, reported back favorably the bill (H. R. 6268) to remove the charge of desertion from the military record of Amos Shirey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. HETTIE K. PAINTER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2834) granting a pension to Mrs. Hettie K. Painter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. V. HOLLYFIELD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (S. 376) granting a pension to L. V. Hollyfield; which was laid on the table, the accompanying report ordered to be printed, and referred to the Committee of the Whole House on the Private Calendar.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3523) for the relief of Sarah E. Starling;
A bill (H. R. 4105) granting a pension to James V. Bodine;
A bill (H. R. 734) granting a pension to Oxley Johnson;
A bill (H. R. 7527) granting a pension to Aaron Sternes;
A bill (H. R. 677) granting a pension to Annie M. Broderick;
A bill (H. R. 7325) for the relief of Henry W. Goodnight;
A bill (H. R. 6633) for the relief of Philip Kincheloe;
A bill (H. R. 676) granting a pension to T. N. McClure; and
A bill (H. R. 3526) for the relief of Catharine Mehan.

PROTESTANT EPISCOPAL HIGH SCHOOL, VIRGINIA.

Mr. RICHARDSON, from the Committee on War Claims, reported the bill (H. R. 2580) for the relief of the trustees of the Protestant Episcopal Seminary and High School in Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS AT TEXARKANA, ARK.

Mr. CULBERSON. I send to the desk a conference report. There will be no debate upon it. I ask that the report be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9116) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

"That terms of the circuit and district courts of the United States for the eastern judicial district of the State of Arkansas shall be held twice each year at the city of Texarkana, in said eastern judicial district, commencing on the second Monday in January and July, to be known as the Texarkana division of said district.

"SEC. 2. That all process, civil and criminal, against persons residing in the counties of Columbia, Howard, Hempstead, Lafayette, Little River, Miller, Nevada, Ouachita, Pike, and Sevier shall be made returnable to said courts respectively at said city of Texarkana: *Provided*, That all crimes and offenses heretofore committed within the division created by this act shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

"SEC. 3. That the clerk of the courts for said district shall appoint a deputy for the said division, who shall keep an office open at all times in the city of Texarkana, and shall there keep the records, files, and documents pertaining to the courts authorized by this act."

And the Senate agree to the same.

D. B. CULBERSON,
JOHN H. ROGERS,
L. B. CASWELL,
Managers on the part of the House.
JAMES F. WILSON,
RICHARD COKE,
Managers on the part of the Senate.

The explanatory statement of the House conferees was read, as follows:

Detailed statement to accompany House bill 9116, being a bill to provide for holding terms of the United States courts at Texarkana, in the State of Arkansas, and for other purposes.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9116) to provide for holding terms of the United States courts at Texarkana, Ark., and for other purposes, submit that the effect of the recommendation and action agreed upon by the conference committee and herewith reported will be to pass the bill as it originally passed the House with the following formal amendment:

"*Provided*, That all crimes and offenses heretofore committed within the division created by this act shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed."

Mr. CULBERSON. I ask the previous question on agreeing to the report.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. CULBERSON moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I now move——

Mr. THOMAS, of Illinois. I desire to make a report.

The SPEAKER *pro tempore*. A conference report?

Mr. THOMAS, of Illinois. It is a report which I desire to present under the agreement.

The SPEAKER *pro tempore*. The gentleman will hand it to the Clerk.

Mr. SAYERS. On behalf of the minority of the Committee on Naval Affairs I ask leave to file a minority report on the bill which the gentleman from Illinois [Mr. THOMAS] proposes to report.

The SPEAKER *pro tempore*. If there be no objection leave will be granted.

Mr. RANDALL. It is understood that this privilege of filing reports is limited to reports of a private nature. I object to reports on public business.

Mr. GEDDES. I ask unanimous consent to present a report. It is a public bill and is important.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania is on the floor to submit a motion. The Chair can not recognize any gentleman unless the gentleman from Pennsylvania yields the floor.

Mr. RANDALL. I move to dispense with private business for the rest of the day.

Mr. SPRINGER. I ask unanimous consent that on next Tuesday there be a recess at 5 o'clock until 7½ o'clock, the evening session to be devoted exclusively to bills on the Private Calendar to which there may be no objection. If this be agreed to we can waive the consideration of private business to-day.

Mr. DUNHAM. What are you going to do with the pension bills to-night?

Mr. SPRINGER. This has nothing to do with that.

Mr. HALL. I trust that the House will not dispense with the consideration of the Private Calendar to-day.

The SPEAKER *pro tempore*. The Chair will state that the motion of the gentleman from Pennsylvania [Mr. RANDALL] is not debatable.

Mr. HALL. I ask unanimous consent to call the attention of the House for one moment to the condition of the Private Calendar.

Mr. DUNHAM. We all understand that pretty well on this side of the House.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. HALL] asks unanimous consent to make a statement for a moment. The Chair hears no objection.

Mr. HALL. I simply want to call the attention of the House to the fact that the legislation of the House itself upon the Private Calendar has received no consideration. [Cries of "Regular order!"]

Mr. RICHARDSON. I rise to a parliamentary inquiry. I wish to ask whether it is in order to submit a report of a public character?

The SPEAKER *pro tempore*. It is not at this time.

Mr. RICHARDSON. Then I object to the presentation of the report which the gentleman from Ohio [Mr. GEDDES] asked to submit.

The SPEAKER *pro tempore*. That report has not been introduced.

Mr. RANDALL. I objected to public business being reported.

Mr. HALL. I was granted unanimous consent to make a statement for one minute, and I claim that the demand for the regular order will not take from me that right.

The SPEAKER *pro tempore*. The gentleman will proceed.

Mr. HALL. Mr. Speaker, nearly every Friday and Friday evening have been, on motion of somebody, devoted to Senate bills almost exclusively, and but one day has been devoted to bills which originated in this House. I think it is due to this House that it should not abandon the purpose for which the Committee on Claims was created or the Committee of the Whole House on the Private Calendar, but that the business for which they were set apart should be respected so far as to agree to their consideration on the days which have been designated therefor.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. RICHARDSON. I wish to inquire whether, under the order made awhile ago, it is in order for any gentleman to submit a report of a public nature?

The SPEAKER *pro tempore*. It would not be at this time.

Mr. RICHARDSON. I understand the gentleman from Ohio [Mr. GEDDES] has offered a report of that character, and I object to its being received.

The SPEAKER *pro tempore*. The Chair is not aware of any report of such a character as the gentleman has stated. If any has been offered it can not be received.

Mr. RICHARDSON. I ask that it shall not go of record.

The SPEAKER *pro tempore*. It will not go of record, objection being made.

Mr. BUCHANAN. Let me inquire whether it does not require a two-thirds vote to dispense with the private business, this being Friday?

The SPEAKER *pro tempore*. It has been decided over and over again that a motion to dispense with the private business for this day, not involving any change of the rules of the House, does not require a two-thirds vote.

The question was put on Mr. RANDALL'S motion, and it was decided in the negative.

Mr. RANDALL. I ask for a division of the House.

The House divided; and there were—ayes 89, noes 85.

Mr. WEAVER, of Nebraska. I demand tellers.

Tellers were ordered; and Mr. WEAVER, of Nebraska, and Mr. RANDALL were appointed.

Mr. RICHARDSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. RICHARDSON. Does it not require a two-thirds vote to dispense with the private business for this day?

The SPEAKER *pro tempore*. It has been repeatedly decided that it does not. The Chair has already decided the question.

The House again divided; and the tellers reported there were—ayes 91, noes 87.

So Mr. RANDALL'S motion was agreed to; and private business was dispensed with for to-day.

The SPEAKER *pro tempore*. The private business for to-day is dispensed with.

Mr. HALL. I rise for the purpose of asking by unanimous consent—— [Cries of "Regular order!"]

The SPEAKER. The regular order has been demanded, and it is insisted upon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union to further consider the amendments of the sundry civil appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

It was unanimously agreed yesterday before the adjournment that as each amendment was reached the amendment and the recommendation of the committee should be read and the recommendation of the committee should be considered as agreed to unless objection was made.

The Clerk read the sixth amendment, as follows:

For court-house and post-office at Clarksburg, W. Va.: For heating apparatus complete, $5,940.

The CHAIRMAN. The recommendation of the committee is to non-concur.

Mr. GOFF. I objected yesterday to non-concurrence and moved the amendment be concurred in.

The CHAIRMAN. The gentleman is correct.

Mr. GOFF. I move to concur in the Senate amendment. I would like to ask the chairman of the Committee on Appropriations whether in his remarks yesterday preceding the rising of the committee he did not intimate he was in doubt whether or not this specific appropriation had been recommended by the Department?

Mr. RANDALL. In the early part of the discussion I said in general terms I believed these general items were embraced in an estimate sent in subsequent to the passage of the bill by the House. Afterward I had cause to inquire, and now doubt whether this estimate came to the House. I am quite certain it had not up to the passage of the bill come to the Committee on Appropriations of this House.

Mr. GOFF. Still the gentleman does not answer my question.

Mr. RANDALL. I think I do.

Mr. GOFF. I ask whether or not, subsequent to the passage of the sundry civil appropriation bill by the House, the Secretary of the Treasury did not recommend this specific appropriation for this purpose?

Mr. RANDALL. So far as my knowledge enables me to answer, the Secretary of the Treasury has never submitted any estimate to this House as required by the law and by the rules of the House. The Supervising Architect, I am advised, did write a letter addressed to the chairman of the Senate Committee on Appropriations.

Mr. GOFF. I desire to call the attention of the chairman of the committee to the following letter of the Secretary of the Treasury.

The letter is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 8, 1887.

The honorable the House of Representatives:

I transmit herewith copy of a letter from the Supervising Architect of this Department recommending an appropriation of $34,500 for the extension of the post-office, &c., building at Newark, N. J., and calling attention to the necessity for appropriations for heating apparatus in certain public buildings at the cities therein mentioned.

Respectfully yours,

D. MANNING.

Now the exhibit that accompanies the letter is as follows:

JANUARY 7, 1887.

To the Hon. SECRETARY OF THE TREASURY—

But I do not know whether it is necessary to read it, as it relates to a number of recommendations. I only refer to it as conclusive of the statement I made awhile ago of this recommendation having been submitted.

Mr. RANDALL. Is yours in it?

Mr. GOFF. Yes, sir.

Mr. RANDALL. What reference was made in the House of that letter?

Mr. GOFF. It is not, of course, my business what reference the House chooses to make of it, but there is the communication.

Mr. RANDALL. It is important, for this reason, to know whether it was sent to the Committee on Appropriations or to the Committee on Public Buildings and Grounds with a view to extending the limit.

Mr. GOFF. I have no knowledge of the fact, but my understanding is that it went, of course, to the Committee on Appropriations.

Mr. RANDALL. I do not think so; but the indorsement will tell.

Mr. GOFF. A copy of the letter went also to the Senate, and was there referred by the Presiding Officer to the Committee on Appropriations of that body.

Mr. RANDALL. But the indorsement will show what was done with it in the House.

Mr. GOFF. I have not the original paper.

Mr. RANDALL. The RECORD of the 8th of January will show.

Mr. GOFF. Let me read from this communication:

I have to state that the following special appropriations for heating apparatus should be made for the public buildings hereinafter mentioned, no provision having been made in the original estimates of the cost of the buildings for the heating apparatus: Augusta, Me., $8,500; Clarksburg, W. Va., $6,000; Leavenworth, Kans., $12,000; Peoria, Ill., $13,000; Terre Haute, Ind., $10,000.

Very respectfully, &c.,

M. E. BELL, *Supervising Architect.*

Now, the exhibit accompanying the letter of the Secretary, in accordance with the law in such cases made and provided, did reach the House, and I am informed was appropriately referred.

It also reached the Senate, and was there referred to and considered by the Committee on Appropriations, who make the recommendation embodied in this amendment to the bill.

Now, I wish to state that this estimate was reached in the manner usual in all such questions: the cubic feet of space was ascertained, and a calculation of 2 cents per cubic foot gives us this amount recommended in this estimate of the Supervising Architect.

The Supervising Architect has been, I claim, unusually particular, for in all of these cases, and here is a long list of these buildings, he has had the area calculated and has ascertained the exact number of cubic feet, and then has made the calculation according to the rule existing among all architects; and I submit it is not economy, it is not reform to refuse to make an appropriation for the heating or the completion of these buildings belonging to the Government or to pare them down for the mere purpose of securing a cheaper article. If the Government of the United States is to complete the buildings they should be completed in a first-class manner, and we ought, here in the House, to place such confidence in the Supervising Architect and in the Secretary of the Treasury as to accept his recommendations, more especially when we ascertain that he has given us in detail and in full *minutiæ* all the items upon which the estimates are based. Therefore I insist, Mr. Chairman, upon my motion to concur.

Mr. RANDALL. Mr. Chairman, I am now able to say that the paper to which the gentleman from West Virginia refers, and of which he has read a copy, went to the Committee on Public Buildings and Grounds and not to the Committee on Appropriations.

Mr. GOFF. That may be so in the House, but not in the Senate.

Mr. RANDALL. Well, it confirms me in the position I took, that this communication did not go to the Committee on Appropriations of the House, according to the best of my recollection. The facts now show my memory to have been correct.

The ground upon which I ask a non-concurrence is a belief on the part of a majority of the committee that this work can be done for a less sum than the amount indicated by the Senate. That is the ground on which we ask that it shall go into a conference.

Mr. MILLIKEN. I wish to say a word. I desire to say that I was not present on yesterday when this matter came up in regard to Augusta; but I presume the gentleman knows that in a climate 44 degrees north of the equator a heating apparatus is necessary; and I did not suppose it was necessary to inform him of that fact.

Mr. RANDALL. I did not say it was not necessary; but the gentleman who represented the district to the best of my recollection never spoke to me on the subject.

Mr. MILLIKEN. That is absolutely true, because I did not deem it necessary. But the gentleman must know that a heating apparatus is required for that building.

Mr. RANDALL. Well, we are going to give the heating apparatus to Augusta.

Mr. MILLIKEN. That is all right if you do so.

Mr. GOFF. I want to ask the chairman of the Committee on Appropriations a question relative to the remark he made a moment ago that the recommendations of the Secretary were excessive. I ask the gentleman if we are to understand by that that we can not rely upon the estimates made by the Supervising Architect and approved by the Secretary of the Treasury——

Mr. RANDALL. If the gentleman wants a direct answer touching that from me as an individual I will give it very quickly.

Mr. GOFF. Let me complete my statement. They have given us in detail the reasons why they suggest this amount. Now, then, if we are to complete the building according to the estimate of the Department, according to the recommendation of the Secretary, we ought to vote these amounts. And that is not only applicable to this specific matter that I am speaking of but it embraces more than twenty other public buildings throughout this nation, including a great number of the States. Other gentlemen are interested in this matter. The whole country is interested in completing these buildings at an early day and in a proper manner; and I insist when the Senate has had the manliness and the independence to do the fair thing and the proper thing we here should treat them in a fair and a proper manner and not endeavor to

pare down these appropriations and by any such false claim to economy or skin-deep reform repudiate their action.

Mr. RANDALL. The gentleman from West Virginia has asked me a question which I propose as an individual to answer. I say that experience has shown me that the estimates of the Supervising Architect should not control me in my action as a member of this House in the appropriation of money.

I have heard a great deal about this matter of economy. It is a twice-told story. Every time any one wants to impress an exhibition of zeal on his constituents or on his State or upon the country he comes here and seeks to reflect upon the Committee on Appropriations. Now, I am ready as one of that committee to bear all such criticisms and still to continue in the path marked out by the committee. I ask this House, therefore, to confirm the action of the Committee on Appropriations in these particulars. It is true that there are twenty-six public buildings as to which the committee recommends non-concurrence in these amendments; but it is not the purpose of the Committee on Appropriations or of any of its members to exclude from the public buildings in question the necessary heating apparatus. Still it is the purpose of the committee to exercise their judgment in conference against excessive appropriations in this connection.

The CHAIRMAN. The question is on the motion of the gentleman from West Virginia to concur.

The question being taken,

The CHAIRMAN stated that the "ayes" seemed to have it.

Mr. RANDALL. I call for a division.

The committee divided; and there were—ayes 85, noes 94.

Mr. GOFF. I call for tellers.

Tellers were ordered.

The CHAIRMAN. The Chair appoints as tellers the gentleman from West Virginia [Mr. GOFF] and the gentleman from Pennsylvania [Mr. RANDALL].

The committee again divided; and the tellers reported—ayes 101, noes 103.

So the motion of Mr. GOFF was not agreed to.

The seventh amendment was read and non-concurred in.

The eighth amendment was read, as follows:

For court-house and post-office at Concord, N. H.: For approaches and heating apparatus complete: Strike out "$15,000" and insert "$21,236."

Mr. GALLINGER. Mr. Chairman, what is the proposition of the committee with regard to that amendment?

The CHAIRMAN. The committee recommend non-concurrence.

Mr. GALLINGER. Mr. Chairman, when this matter was before the House a few weeks ago, when the original bill was under discussion, I took occasion to call the attention of the House to the fact that the committee had allowed a much less amount than had been recommended by the Supervising Architect and the Secretary of the Treasury. Now, sir, it may be that the amount recommended would be a proper amount for the latitude of Philadelphia, but I wish this House to understand that at Concord, N. H., we live in a cold climate, and I do not want the Democratic postmaster there, the Democratic collector of internal revenue, the Democratic judge and marshal of the United States court, to be frozen to death because of any mistaken idea of economy on the part of the Committee on Appropriations. [Laughter.]

I make this suggestion, Mr. Chairman, not as a partisan, but as a humanitarian; and, with the view of getting a sufficient amount of money appropriated to put proper heating apparatus in that building, I now move to concur in the recommendation of the Senate. And, Mr. Chairman, I desire to say further that I have no doubt that a heating apparatus can be put into the building for the amount recommended by the House Committee on Appropriations, but, in my judgment, when we are constructing these public buildings and putting heating apparatus in them it is real economy to provide apparatus that will do the work properly instead of taking inferior apparatus that will be insufficient for the purpose for which it is designed. Therefore I move to concur in the Senate amendment.

Mr. RANDALL. I have only to say, Mr. Chairman, that when the question was before the House on a former occasion the gentleman from New Hampshire [Mr. GALLINGER] made, in substance, the same motion that he makes now, and it was voted down, and I hope it will be voted down again.

The vote was taken on the motion of Mr. GALLINGER to concur in the Senate amendment, and it was rejected—ayes 85, noes 97.

Mr. RANDALL. Mr. Chairman, there are twenty-one other amendments of like character as the one just voted upon, and if the House will consent I would like to have them disposed of by a single vote. They are all for heating apparatus and for approaches to public buildings. If I can have the consent which I ask I will indicate the amendments by their numbers.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] asks unanimous consent that the amendments to which he refers be disposed of by one vote. Is there objection?

Mr. BAYNE. Do those amendments refer to heating apparatus?

Mr. RANDALL. Heating apparatus and approaches to public buildings.

There was no objection.

Mr. RANDALL. Now, Mr. Chairman, I send the numbers of the amendments to the desk to be read.

The Clerk read the numbers, as follows:

Nos. 9, 10, 15, 16, 19, 20, 23, 27, 30, 31, 33, 34, 38, 41, 42, 46, 48, 49, 50, 51, and 52.

The CHAIRMAN. What is the recommendation of the committee as to these amendments?

Mr. RANDALL. The committee recommend non-concurrence.

Mr. WORTHINGTON. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. RANDALL] what is the object of refusing to concur in the amendment (No. 34) appropriating $12,340 for the court-house at Peoria, Ill.? The Government is under very heavy expense there both for the internal-revenue office and for the post-office.

Mr. RANDALL. That is like the other cases, and due provision will be made for a heating apparatus.

Mr. GOFF. He wants to get a cheaper one.

Mr. RANDALL. Well, that is cheap talk. [Laughter.]

Mr. GOFF. Yes; there is a good deal of cheap talk here.

Mr. WORTHINGTON. I call the attention of the gentleman from Pennsylvania [Mr. RANDALL] to the fact that the estimate in this case is based upon a regular calculation, and I remind him that they require a good deal of heat out in that cold country.

Mr. RANDALL. That case is exactly like other cases in the bill, and a sufficient amount will be agreed upon in the conference.

Mr. LYMAN. Mr. Chairman, amendment No. 9 is a similar case, an appropriation of $11,000 for heating apparatus for the Federal building at Council Bluffs. On the 17th of December last the Secretary of the Treasury recommended this appropriation. Yesterday, on learning that the Committee on Appropriations of this House had concluded to recommended non-concurrence in the Senate amendment, I sent a dispatch from here to the Supervising Architect of the Treasury, asking him if an appropriation of less than $11,000 would not answer for that building, and I have received a reply to that dispatch, which I ask the Clerk to read.

Mr. RANDALL. I have always supposed, Mr. Chairman, that the heating apparatus of a building was part of the building itself, but the decision has been——

Mr. LYMAN. I believe I have the floor, Mr. Chairman.

Mr. RANDALL. I thought the gentleman had concluded.

Mr. LYMAN. I have sent to the desk a dispatch to be read.

The Clerk read as follows:

TREASURY DEPARTMENT, *February* 17, 1887.

To Hon. J. LYMAN:

It is estimated that an appropriation of not less than $11,000 should be made to permit action upon proposals to be invited for supply of a suitable steam-heating apparatus for Federal building at Council Bluffs, Iowa.

THOS. D. FISTER,
Assistant Auditor.

Mr. LYMAN. I move that the House concur in the amendment of the Senate.

Mr. RANDALL. I thought it had been agreed that the vote be taken in gross on the amendments indicated. If so, it will not be possible to take a vote on any item separately.

The CHAIRMAN. The Chair begs to remind the gentleman from Iowa [Mr. LYMAN] that by unanimous request it was agreed that a vote be taken on these twenty-one amendments in gross.

Mr. LYMAN. I have no objection to that. I move that all the Senate amendments be concurred in.

Mr. LONG. Mr. Chairman, I think one word ought to be said with reference to the position of, I may say, a majority of the members of the Committee on Appropriations with reference to this class of items, numbering, I believe, some twenty-three or twenty-four. It was distinctly understood, I believe, that these appropriations for heating apparatus ought to be made. As to that there was no question; but there was some question as to the amounts proper to be appropriated in the different cases. If the committee had recommended concurrence in each of these items, and the House had adopted that recommendation, the matter would have been settled without further question or consideration. On the other hand, if the House should adopt the recommendation of the committee for non-concurrence, there will be an opportunity for a committee of conference to investigate, if they think proper, each case, to ascertain whether there have been any errors, and whether there is an opportunity in any instance to reduce the amount. There was no question, I believe, in the minds of the committee with regard to the necessity of appropriations for heating apparatus; but it was thought by some that there might possibly be a question as to the amount to be appropriated, and in deference to this opinion of some members of the committee our recommendation was made.

Mr. GOFF. Upon that point, the difference in the committee as to the amount to be appropriated, I would like to know whether there was any evidence of any character or any communication from any department other than the letter of the Secretary of the Treasury giving the estimates of the Supervising Architect?

Mr. LONG. I know of no other evidence except such as came in that way.

Mr. GOFF. Then I do not see why there need be any difficulty about the matter.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa [Mr. LYMAN] that the House concur in the various amendments which have been indicated.

The question being taken, there were—ayes 72, noes 96.

So the amendments were non-concurred in.

The eleventh, twelfth, thirteenth, fourteenth, seventeenth, eighteenth, and twenty-first amendments were read; and, no separate vote being called for, the recommendation of the Committee on Appropriations in favor of non-concurrence was agreed to.

The twenty-second amendment was read, as follows:

Insert the following:

"For construction of public building at La Crosse, Wis., in addition to the $100,000 heretofore appropriated for the purpose, $50,000."

The committee recommended non-concurrence.

Mr. THOMAS, of Wisconsin. Do I understand that the Committee on Appropriations recommend non-concurrence in this amendment?

The CHAIRMAN. That is what the Chair understands.

Mr. THOMAS, of Wisconsin. I wish to call the attention of the chairman of the Committee on Appropriations to this particular item, not, however, with any expectation of changing the action proposed, as I see it can not be done. [Laughter.] The city of La Crosse has over 24,000 inhabitants. It has no public building. The Supervising Architect says that the sum of $100,000 heretofore appropriated for the erection of a public building in that city is insufficient for the purchase of the ground and the construction of the building. Hence he declines to proceed in this matter until there is a larger appropriation. The gross postal receipts in that city are annually over $28,000; the net receipts over $20,000. There is a land office there, with a register, receiver, and clerk. The place is also a port of entry. There are many public offices there connected with business of the Government; yet there is no public building of any kind. A public building is needed—more needed than in many cases in which ample appropriations have already been made. A special bill providing for an increased appropriation for the public building at that city has passed the Senate and has been for some time in this House on the Calendar; but I have had no opportunity to bring it to the attention of the House. The appropriation for this purpose has, therefore, been put in this bill. It is certainly a very wise and just appropriation, and one which is greatly needed.

Mr. RANDALL. I am not here to controvert any of the statements of the gentleman from Wisconsin [Mr. THOMAS]. But we find that the law has in this case fixed a limit of $100,000, and the rules do not permit us on a general appropriation bill to make any appropriation in excess of the amount authorized by law. That is the reason we have recommended non-concurrence.

The amendment was non-concurred in.

The twenty-fourth, twenty-fifth, twenty-sixth, twenty-eighth, twenty-ninth, thirty-fifth, and thirty-sixth amendments were read; and, no separate vote being demanded, the recommendation of the Committee on Appropriations in favor of non-concurrence was agreed to.

The thirty-seventh amendment was read, as follows:

In the appropriation for court-house and post-office at Pittsburgh, Pa., strike out "fifty" and insert "two hundred;" so as to make the paragraph read:

"For court-house and post-office at Pittsburgh, Pa.: For continuation of building, $200,000."

The Committee on Appropriations recommended non-concurrence.

Mr. BAYNE. Mr. Chairman, from the nature of many of the amendments and from the motion of the chairman of the committee to non-concur I infer that the committee will not refuse to consider proper appropriations in cases of this kind.

Mr. RANDALL. The only question in this case was how much should be given; and the point involved, as the gentleman knows, is as to the character and extent of the existing contracts.

Mr. BAYNE. I do not wish to make opposition to the action of the Committee on Appropriations, but I do desire to state that the appropriation already made for this building has been wholly earned and is in excess of appropriation to the extent of $40,000; so that unless $200,000 is apppropriated they will not have sufficient money for the next fiscal year. That is the opinion of the local architect and also of the Supervising Architect.

I simply desire to press upon the committee without delaying the progress of this bill that it will be necessary to give the full amount of the estimate, or nearly that amount, to carry on the operations during the next fiscal year on that building.

Mr. RANDALL. Some contracts have been made which seem to bind the Government to the extent stated by the gentleman, but the Committee on Appropriations desire to examine the matter fully and carefully. Of course I do not think there is any purpose on the part of the committee not to give on that building what is required for the fiscal year ending June 30, 1888.

Mr. BAYNE. Was not evidence given by the Supervising Architect before the Committee on Appropriations?

Mr. RANDALL. Yes, sir; and, speaking for myself, it was not satisfactory, although I fear it is bound by the existing condition of things.

Mr. BAYNE. That evidence I understand shows there is on hand $143,000, and that about $180,000 is earned or contracted for.

Mr. RANDALL. That is my recollection, but I would not like to say absolutely it is so.

The amendment was non-concurred in.

The thirty-ninth amendment was read, as follows:

In line 143, after the word "limit," insert "including heating apparatus and approaches;" so it will read:

"For post-office at Troy, N.Y.: For completion of building under present limit, including heating apparatus and approaches, $100,000."

The CHAIRMAN. The committee recommend concurrence.

Mr. RANDALL. While I have not the authority of the committee to report any amendment to the Senate amendment, yet I have seen one or two of the members of the committee, and I think when it comes to be read and understood the amendment to the amendment will be agreed to.

The Clerk read as follows:

That the House concur in amendment 39, with an amendment as follows: On page 8 of the bill, in line 23, after the word "Louisana," insert the words "at Chico Pass, and to mark the navigable channel along Grand Lake, Louisiana."

Mr. RANDALL. It is to establish two lights.

Mr. GAY. It may be five.

Mr. LONG. How will the bill then read? It appears you have not quite the right place.

Mr. RANDALL. It is the only place where I could put it, as it would not do to put it where there is non-concurrence in the Senate amendments.

Mr. RANDALL'S amendment to the amendment was concurred in; and the amendment as amended was agreed to.

The fortieth amendment was non-concurred in.

The forty-first and forty-second amendments were non-concurred in.

The forty-third amendment was read, as follows:

For the building known as the old custom-house building at Saint Louis, Mo.: For necessary repairs and alterations, $80,000.

The CHAIRMAN. The committee recommend non-concurrence.

Mr. O'NEILL, of Missouri. Mr. Chairman, the interior of this building gave way last year when under repair. The restoration involves considerable expense, and it is intended in repairing it to provide sufficient room to accommodate those branches of the service which at present are occupying rented buildings at an annual cost to the Government of nearly $16,000. The assay office is now located in the building, and the commercial interests of Saint Louis require a branch post-office in this building.

Mr. RANDALL. There will be no trouble about that amendment.

Mr. O'NEILL, of Missouri. That being the understanding, I will not ask for a vote of concurrence, and will not further detain the committee.

The amendment was non-concurred in.

The forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, and fifty-second amendments were non-concurred in.

The fifty-third amendment was read, as follows:

For court-house and post-office at Williamsport, Pa.: For completion of building under present limit, including heating apparatus and approaches, $125,000.

The CHAIRMAN. The committee recommend non-concurrence.

Mr. BROWN, of Pennsylvania. This case comes under the rule laid down by the gentleman from Pennsylvania [Mr. RANDALL] when we were at No. 3. This appropriation was left out by the House committee at the time the bill was reported to the House, because at that time the lands were not condemned. Since that time the land has been condemned; but there is no proposition here to appropriate beyond the limit already authorized.

Mr. RANDALL. Will the gentleman allow me a moment? Has the site been condemned?

Mr. BROWN, of Pennsylvania. The site has been condemned since the action of the House upon it when it was up for consideration before; and I understood the gentleman at that time to say that that was the only objection against making the appropriation.

Mr. RANDALL. It was at that time. I would like to ask also whether the dedication has been made by the Legislature?

Mr. BROWN, of Pennsylvania. It has been.

Mr. RANDALL. I have no doubt if the gentleman will allow this to go into conference it will be taken care of.

Mr. BROWN, of Pennsylvania. With that assurance I am willing to let it go.

So the amendment was non-concurred in.

The fifty-fourth amendment was non-concurred in.

The fifty-fifth amendment was read, as follows:

For court-house and post-office at Fort Scott, Kans.: For completion of building under present limit, $40,000.

The committee recommend concurrence, with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment insert the following:

"For post-office, custom-house, and court-house at Wilmington, N. C.: For purchase of site and commencing the erection of building, $50,000.

"For court-house and post-office at Jefferson, Tex.: For purchase of site and commencing the erection of building, $25,000.

"For post-office at Houston, Tex.: For purchase of site and commencing the erection of building, $25,000."

The amendment was agreed to.

The fifty-sixth and fifty-seventh amendments were non-concurred in.

The fifty-eighth amendment was read, as follows:

Bureau of Engraving and Printing and quartermaster's corral, Washington, D. C.: For the construction of new sewers to connect with the city sewer, for the proper drainage of the buildings of said bureau and the Quartermaster's Department, in square 232 in said city, $2,443.30, the work to be done under the direction of the commissioners of the District of Columbia; and the provision of the sundry civil act of August 4, 1886, appropriating $1,200 for a new sewer for the Bureau of Engraving and Printing is hereby repealed.

The committee recommend concurrence, with an amendment as follows:

Lighting the Statue of Liberty in New York Harbor: For building for engines and boilers, $10,000; incandescent-light plant, $2,500; dynamos, lamps, and lens for torch, $4,000; removing present machinery to new building, additional houses for side lamps, putting grounds in order, fencing, and incidentals, $3,000; in all, $19,500.

The amendment was agreed to.

Amendments numbered 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, and 74 were non-concurred in.

Mr. RANDALL. Amendments numbered 75 to and including 151 relate to the Coast Survey. The committee recommend non-concurrence in all of them; and I ask unanimous consent that a single vote be taken upon these amendments.

Mr. BURROWS. For the present I will have to object to that.

Mr. RANDALL. I do not suppose it is in order in the committee, but I would like to test the sense of the House as to whether they would not allow us to sit a little later, say until 6 o'clock, on this bill, and then dispense with the evening session.

Mr. ANDERSON, of Kansas. What is the proposition?

Mr. RANDALL. That the House shall sit, say, until 6 o'clock.

Mr. ANDERSON, of Kansas. And then take the recess for the evening session?

Mr. RANDALL. No. If we sit until 6 o'clock a good many of us would not feel like coming back.

Mr. BUCHANAN. But some of us would.

Mr. ANDERSON, of Kansas. I could not agree to dispense with the evening session.

The CHAIRMAN. The Chair begs to state that such an order could not be made under any circumstances in the committee.

Mr. RANDALL. I was aware of that, but I thought I would test the sense of the committee upon the proposition.

Mr. BURROWS. I have looked over the bill and noticed the amendments to which the gentleman from Pennsylvania referred in his request a moment ago. I therefore withdraw my objection.

So (there being no further objection) amendments numbered 75 to 151, inclusive, were non-concurred in.

Mr. BUCHANAN. I would like to ask the gentleman from Pennsylvania whether a formal vote on non-concurrence will be taken as prejudicing these items in conference?

Mr. RANDALL. The House practically has always had to give this up; but I hope it will have more effect in the future than in the past in resisting such appropriations.

Mr. BUCHANAN. But my query is this: The motion is to nonconcur; now, whether that motion, being formally agreed to, will operate to the prejudice of these items in the conference?

Mr. RANDALL. Undoubtedly not. The Senate in all human probability will insist, and it will be a question as between the conferees.

Mr. BUCHANAN. Some ought to be agreed to.

Mr. RANDALL. No doubt some will be agreed to.

Mr. BUCHANAN. With the understanding that this does not prejudice the matters in conference, I make no objection.

Amendment numbered 152 was non-concurred in.

Amendment numbered 153 was non-concurred in.

Amendment numbered 154 was concurred in.

Amendments numbered 155, 156, and 157 were non-concurred in.

Amendment numbered 158 was concurred in.

Amendments numbered 159 and 160 were non-concurred in.

Amendment numbered 161 was read, as follows:

Insert after the twelve hundred and forty-sixth line of the bill, as follows: "And the President is further authorized to use of the same unexpended balance a sum not exceeding $10,000 for the purpose of investigating the merits of the method practiced in Mexico and Brazil for preventing yellow fever by inoculation."

The committee recommended non-concurrence.

Mr. DAVIS. I move to concur in that amendment.

This amendment explicitly authorizes the President to use a sum not exceeding $10,000 for investigating the method of inoculation for the prevention of yellow fever. Now, the paragraph which passed the House, and which is the existing law——

Mr. RANDALL. I reserve the point of order upon the amendment if it is to be discussed here on a motion to concur.

Mr. DAVIS. Will the gentleman not listen for a moment——

Mr. RANDALL. I only want to reserve my right.

Mr. DAVIS. I was about to say that this amendment was proposed to the paragraph when the bill was first considered by the House and was ruled out of order as new legislation. Coming to us in the form of a Senate amendment, I assume that it is properly before the House, and that the point of order can not now be sustained. The original paragraph gives the President power to expend the appropriation only in the event of a threatened or actual epidemic of cholera or yellow fever. This language can not be construed as giving the President power to prosecute this investigation in the absence of a threatened or actual epidemic of either of these diseases. It would certainly be at the best a strained and an unusual interpretation which would confer such authority. It can not be expected that the President will exercise doubtful powers, and it must be evident to the House that he will not order the investigation unless the amendment, which explicitly authorizes him to do so, be adopted.

Mr. RANDALL. What is the motion of the gentleman from Massachusetts?

The CHAIRMAN. The Chair understood the gentleman from Massachusetts to move to concur.

Mr. RANDALL. I hope that will not be done. The law as it now exists, I am inclined to think, gives this discretion already to the President of the United States such as is provided for by the operation of the Senate amendment. If it does not already give that discretion, then the amendment would have been, if offered in the House, subject to a point of order.

Mr. REAGAN. I think the gentleman from Pennsylvania [Mr. RANDALL] is too strict in the construction he gives to the part of the paragraph which precedes the amendment. I may as well read it in order that its effect may be seen.

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved August 4, 1886, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

That has a particular object. The amendment is for an entirely different purpose. It reads as follows:

And the President is further authorized to use of the same unexpended balance a sum not exceeding $10,000 for the purpose of investigating the merits of the method practiced in Mexico and Brazil for preventing yellow fever by inoculation.

This, you see, does not depend upon any existing or threatened epidemic, but is for an independent investigation into a theory which has attracted a great deal of attention. The Committee on Commerce reported to the House a bill to authorize the President to appoint persons and appropriate money for the purposes of securing an investigation of this theory of preventing yellow fever by inoculation. We have not been able to secure the consideration of that bill by the House. An effort was made to get an amendment on this bill in the House, but it was ruled out of order, properly, of course, as new matter. The amendment has now been put on this bill in the Senate, and it is for a totally different purpose from that of the first part of the section referred to by the gentleman from Pennsylvania, as will be seen by the reading.

We had at one time during this session the subject learnedly discussed on this floor, but not as extensively discussed as the importance of the subject deserved. I have neither the information nor the disposition to go into a discussion of the merits of this theory of preventing yellow fever by inoculation. But some of the most learned physicians of Mexico and Brazil, the United States and France, believe that yellow fever, like small-pox, can be mitigated and its evils prevented by inoculation. Now, here is a proposition to expend not exceeding $10,000 of an unexpended balance appropriated for a kindred purpose, to enable the President to have an investigation of this subject made. The appropriation is not sufficient, in my judgment, in amount, but it may enable the President to obtain very important information on this subject.

Any one who has ever lived in the region where the desolation of yellow fever was witnessed, who has seen whole families swept out of existence, fathers and mothers taken from their children, children taken from their parents, cities and towns almost destroyed by that terrible epidemic, can not but feel that if its ravages can be mitigated or prevented, no greater blessing could be conferred upon humanity.

In addition to the miseries and loss of life produced by this disease, the injury it has inflicted on the commerce of this country by the diverting of trade, by the establishment of quarantine, is almost beyond calculation. The whole country from Norfolk to the Rio Grande, and from San Francisco south is especially subject to its ravages.

[Here the hammer fell.]

Mr. REAGAN. I should like a few moments more.

Mr. ROGERS was recognized, and yielded his time to Mr. REAGAN.

Mr. REAGAN. Not only that, but its ravages have been experienced in the city of New York and in the city of Boston. The expenditure proposed is small. The proposition rests upon a theory which has the support of some of the most learned scientists and physicians of Mexico, of Brazil, of the United States, and of France. It seems to me that humanity itself appeals to this House to allow this small sum to be expended in order to ascertain whether that theory can be practically carried out, so as to mitigate or prevent the ravages of yellow fever.

I trust the House will concur in the amendment of the Senate, as it is not probable that at this period of the session we can get up the House bill and have it acted upon as a separate measure.

Mr. RANDALL. When this was up before I said that the impression on my mind was that the law already gave the President discretion to the extent that it would be given by the insertion of this amendment. It will be remembered that the amendment was ruled out in the House

on a point of order. The Senate has now inserted it again, but the Committee on Appropriations are bound by the action of the House. If this amendment goes into the bill it will be a change of existing law, and that is the principal ground upon which the committee have recommended non-concurrence. I am entirely content myself to see this work undertaken, because I believe that if we can prevent the spread of yellow fever it is most desirable that it should be done.

Mr. REAGAN. There is no point of order made upon the amendment and no point of order can be made upon it.

Mr. RANDALL. There is no point of order made upon it now, but there was a point made upon it when it was originally offered as an amendment to this bill.

Mr. HERBERT. If the gentleman has no other reason than that I hope that he will withdraw his objection to the amendment.

Mr. RANDALL. I have not made any point against it.

Mr. CANNON. I wish to ask the gentleman from Texas [Mr. REAGAN] a question. He says that he has refrained from pushing the bill reported by the Committee on Commerce which makes substantially the same provision as this amendment. Now, I wish to ask him if it is not true that it is sought to put legislation touching this matter into this appropriation bill so as to avoid the danger of a veto of a separate bill on the ground that it would be an instance of the "support of the people by the Government?"

Mr. REAGAN. I do not know, Mr. Chairman, that I clearly understand the gentleman's question. This provision is sought to be put here to enable the President to have the theory to which I have referred investigated. I do not know what connection it has with a veto or with the absence of a veto.

Mr. CANNON. If it was in a separate bill the President could veto it.

Mr. REAGAN. Of course; but certainly there is no purpose on my part to seek to control the President's veto power. I am simply seeking to obtain a provision for what seems to be a matter of great importance in the interest of humanity. [Cries of "Vote!" "Vote!"]

The motion of Mr. DAVIS to concur in the Senate amendment was greed to.

Amendments numbered 162, 163, and 164 were read; and, no separate vote being demanded, the recommendation of the Committee on Appropriations in favor of non-concurrence was agreed to.

Amendment numbered 165 was read, as follows:

(165) French spoliation claims: To enable the Secretary of State to complete the search now being made in France for records and other documents affecting the rights or claims of American citizens under the act of Congress approved January 20, 1885, entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801," and to make a similar search in Spain or elsewhere, and to procure such records and documents as already have been found and that may hereafter be found, or certified copies or abstracts thereof, $5,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State, and to be immediately available.

Mr. ADAMS, of Illinois. Mr. Chairman, I move to concur in that amendment, but I am perfectly willing to withdraw the motion if a reason is given for non-concurring. The amount proposed to be appropriated is only $5,000, and the object is very important.

Mr. RANDALL. I can only say that there is no law authorizing any such expenditure. Furthermore, the Government of the United States has already sent a gentleman to the countries named, I think—certainly to France—Mr. Broadhead, a former member of this House, who, as the committee are advised, made diligent search in the direction indicated in the amendment. In addition to that we have our regular diplomatic and consular officers, and this seemed to the committee like a proposition to send somebody else abroad to go over the same ground already trodden by Mr. Broadhead.

Mr. ADAMS, of Illinois. Then I infer that the objection of the committee is not to the amount, but to the purpose of this appropriation.

Mr. RANDALL. I think that is so.

Mr. ADAMS, of Illinois. Mr. Chairman, we have already passed a bill giving these French spoliation claimants the right to go to the Court of Claims. The long time that has elapsed since the claims originated of course casts a cloud over the evidence, and in many cases the claimants find it very difficult to trace the facts upon which their claims were founded. Considering the long delay that has taken place in settling these claims, I think it is eminently proper that the Government should aid the claimants in getting access to public records in other countries. I know of the search that was made by Mr. Broadhead. I believe that search was authorized by the House of Representatives, and, from the wording of this amendment, I infer that it is designed to carry out the same purpose. Now, why the Committee on Appropriations should say that this work, already partially performed, shall not be completed, I am unable to see. The gentleman from Pennsylvania [Mr. RANDALL] says that there is no law for this. Why should there be? The appeal to the existence or non-existence of a statute might be a good appeal under the rules of the House, but I think we ought to consider this matter on its merits as it comes from the Senate.

Mr. RANDALL. I am willing to vote upon it on its merits.

Mr. ADAMS, of Illinois. Well, I ask for a vote.

The question was taken on the motion of Mr. ADAMS to concur in the amendment; and there were—ayes 17, noes 87.

So the motion was rejected, and the amendment was non-concurred in.

Amendments numbered 166 to 171 (in which the Committee on Appropriations recommended non-concurrence), amendment numbered 172 (in which the committee recommended concurrence), and amendments numbered 173 to 178 (in which the committee recommended non-concurrence) were read; and, no separate vote being demanded, the recommendation of the committee was agreed to.

Amendment numbered 179 was read, as follows:

Insert the following:

"Elevator for Senate wing of the Capitol: For the construction of an elevator in the south end of the eastern corridor of the Senate wing of the Capitol, $15,000; and the Architect of the Capitol is directed to have the same completed for use by December 1, 1887."

The Committee on Appropriations recommended that the Senate amendment be concurred in, with the following amendment:

After the matter proposed by said amendment insert the following:

"Elevator for the House wing of the Capitol: For the construction of an elevator for the use of the public in the House wing of the Capitol, to be located at the south end of the western corridor, and to run from the basement to the upper story, $12,000; and the Architect is directed to have the same completed for use by December 1, 1887.

The amendment proposed by the Committee on Appropriations was agreed to, and the amendment of the Senate as amended was concurred in.

Amendment No. 180, in which the Committee on Appropriations recommended non-concurrence, was read and non-concurred in.

Amendment 181 was read, as follows:

Insert the following:

"That all the public lands in the Territory of Wyoming lying in the counties of Johnson and Crook, in said Territory, shall constitute a new land district, to be called the Buffalo district.

"That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, or during the recess thereof and until the next session after such appointment, a register and a receiver for said district, who shall be required to reside in the town of Buffalo, Wyo., until such time as the President may, in his discretion, remove the site of said land office from said town; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said Territory."

The Committee on Appropriations recommended non-concurrence.

Mr. SPRINGER. Mr. Chairman, it seems to me that in this matter the Senate has forgotten one of its rules, this evidently being legislation upon an appropriation bill. I hope the committee representing the House will insist on non-concurrence and will inform that honorable body, the Senate, that we have adopted a rule which prohibits legislation upon appropriation bills.

Mr. BUCHANAN. I would like to ask the gentleman how far the rules of the House govern the action of the Senate.

Mr. SPRINGER. Well, we want to govern our own action by them.

The amendment was non-concurred in.

Amendments numbered 182 to 188 (in which the Committee on Appropriations recommended non-concurrence), amendment numbered 189 (in which the committee recommended concurrence), amendments numbered 190 to 192 (in which the Committee on Appropriations recommended non-concurrence), amendment numbered 193 (in which the committee recommended concurrence), amendments numbered 194 to 196 (in which the committee recommended non-concurrence), were severally read; and, no separate vote being demanded, the recommendations of the committee were agreed to.

Amendment No. 197 was read, as follows:

Insert the following:

"Education in Alaska: For the education of the children of school age in the Territory of Alaska, without reference to race, $25,000."

The Committee on Appropriations recommended non-concurrence.

Mr. McCOMAS. I move to concur in this amendment.

Mr. RANDALL. If there is to be debate on this question I move that the committee rise.

Mr. McCOMAS. I do not expect to occupy much time, but I have no objection to yielding with the understanding that I shall be entitled to the floor when this question again comes up.

The motion of Mr. RANDALL, that the committee rise, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the amendments of the Senate to the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico; when the Speaker signed the same.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes; when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House adjourn.

Mr. BURROWS. Oh, no; this is the night for pension business.

Mr. ANDERSON, of Kansas. If the gentleman from Pennsylvania proposes to press the motion to adjourn I ask for the yeas and nays.

The SPEAKER. The gentleman from Pennsylvania moves that the House adjourn; and on this question the gentleman from Kansas calls for the yeas and nays.

Mr. RANDALL. I do not wish to detain the House by a yea-and-nay vote. I withdraw the motion.

Mr. EDEN. I demand the regular order.

The SPEAKER. The regular order is the unfinished business——

Mr. WARNER, of Missouri. I move that the House take a recess until half past 7 o'clock for the purpose of transacting business at the evening session under the standing order.

Mr. SPRINGER. I would like to ask unanimous consent for a session on Thursday evening next for the consideration of private bills.

The SPEAKER. The regular order has been demanded.

The question being taken on the motion of Mr. WARNER, of Missouri, it was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House took a recess until half past 7 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 7 o'clock and 30 minutes p. m., was called to order by Mr. MCMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
February 18, 1887.

I hereby designate Hon. BENTON MCMILLIN to preside at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk of the House of Representatives.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, requested the return of bills of the following titles, namely:

A bill (S. 2944) making appropriations for the jetties in Charleston Harbor; and

A bill (S. 3107) granting a pension to Catharine F. Ellsworth.

The message also announced the adoption by the Senate of the conference reports on the disagreeing votes of the two Houses on bills of the following titles, namely:

A bill (S. 10) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes; and

A bill (H. R. 9116) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes.

The message further announced that the Senate had passed without amendment the bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes.

ORDER OF BUSINESS.

Mr. WINANS. I move that the House resolve itself into Committee of the Whole House for the consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills upon the Private Calendar under the special order of the House; and the Clerk will report the first bill.

Mr. LONG. I ask unanimous consent that we may proceed to-night in the manner of the preceding Friday evening.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that members present may be recognized to call up such bills upon the Calendar under the special order as they may designate. Is there objection?

Mr. WINANS. Mr. Chairman, I think we had better have the regular order. If it should happen that all the pension bills on our Private Calendar could not receive the consideration of this Congress it certainly ought not to be those which are first in order on the Calendar and have been there a long time. It is a good rule and a just one that "first come first served," and I think no one can object to that principle in connection with this business. And we ought to remember, sir, that all favoritism is at the expense of some presumably deserving person. I hope we may have the regular order of proceeding this evening and that we may proceed without further delay.

Mr. DOCKERY. I would like to ask the gentleman if he would not consent to make this order—that members present may call up the bills they designate subject to one objection?

Mr. WINANS. I prefer the regular order.

Mr. LONG. I want to suggest to the gentleman that his objection would be well founded if we had not been proceeding heretofore for some time in this manner. Many of us have been here night after night waiting our turn; and it is the natural order of procedure to permit gentlemen to call up bills in this way. It is a hardship upon some of us who have been here constantly every night not to be able to reach bills or a bill in which we may feel a special interest.

Mr. WINANS. For the very reason the gentleman suggests I think we ought to proceed in the regular order. Many deserving persons are at the head of the list, and have been set aside evening after evening, and I shall insist upon proceeding in the regular order.

Mr. FARQUHAR. I believe I have never undertaken to interfere in any way with the special rule providing for these sessions; but considering that this is near the end of the session, and also the further fact that the bills are well known on their merits to those persons who are present, I think it would be no injustice to any claimant upon the Calendar whose bill is not called up if the friends of these other claimants in this House who have attended regularly these Friday night sessions in the interest of their bills should have the privilege of specifying those they wish taken up for consideration.

Therefore I say it is unfair to the members of this House who have attended every night during the last session and this clear through, whether they had bills on the Calendar or not, to set them aside by simply one objector calling for the regular order; and I hope this House when in session will proceed as on last Friday, which was certainly satisfactory and successful in doing justice to all of the bills brought up.

Mr. PETERS. There is still another suggestion. A large number of these bills on the Calendar of the House are House bills, and the probability is that they will not be reached in the Senate even if they are passed here. But each member calling up such bills as he chooses can select the Senate bills, and that will pass them so far as Congress is concerned, and then they can be sent to the President.

Mr. DOCKERY. There is yet another suggestion. A number of bills at the head of the Calendar have been objected to and simply allowed to retain their places.

Mr. MATSON. I demand the regular order.

Mr. BRADY. I have a unanimous request to submit: That the members of the Committee on Invalid Pensions and of the Committee on Pensions present be allowed to call up bills by unanimous consent, one bill each, that they have reported. I think it but fair that these two committees should be accorded that privilege.

Mr. FELTON. I object to the members of the committees having privileges over other members.

The CHAIRMAN. The Chair will state that although debate is not in order, gentlemen have been indulged in these suggestions with a view if possible of making some satisfactory arrangement; but the gentleman from Michigan demands the regular order, which cuts off all requests for unanimous consent, and the gentleman from Indiana [Mr. MATSON] supplements that demand by also calling for the regular order, which is the consideration of the first bill upon the Calendar.

Mr. ROWELL. Would it be in order to ask unanimous consent that when a bill is reached upon the Calendar, if nobody calls it up, it shall be considered as passed over informally?

Mr. DOCKERY. Mr. Chairman, I understand the gentleman from Indiana will not insist upon the demand for the regular order, but will yield for a request for unanimous consent.

Mr. MATSON. I will hear the request. I understood that the gentleman proposed to call up bills out of their regular order, and if objected to by one or more members, any bill so called up shall then be laid aside, its consideration being prevented by such objection.

Mr. DOCKERY. That was my request.

The CHAIRMAN. The gentleman from Michigan [Mr. WINANS] objected to that proposition when it was presented formerly.

Mr. WINANS. I prefer to have the regular order. I hope it will be allowed for this evening, anyway.

The CHAIRMAN. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

Mr. SWOPE. I ask unanimous consent that this bill be passed over informally.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (S. 2030) granting a pension to Miss Margaret Stafford Worth.

Mr. LONG. I ask that that bill be passed over informally.

There was no objection, and it was so ordered.

JAMES MONOHAN.

The next business on the Private Calendar was the bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers.

Mr. BINGHAM. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers, and to pay said child, or to his guardian, the remaining pension that he would have received had his name not been stricken from the roll.

Mr. WISE. I ask for the reading of the report.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4678) granting a pension to James Monohan, respectfully report:

James Monohan is the son of Richard Monohan, who enlisted in Company

A, One hundred and eighty-sixth Pennsylvania Volunteers January 16, 1864; was discharged August 15, 1865, and died June 12, 1871.

Pension was allowed this claimant, but his name was dropped from the rolls on the ground that the death cause of the soldier was not due to his service. We quote the following evidence in reference to that point:

Dr. Pfeiffer, late assistant surgeon One hundred and eighty-sixth Regiment, testifies:

"The soldier was attended by him at various times during the latter part of 1864 for rheumatism, intermittent fever, and incipient consumption. It is supposed that camp and guard duty had a severe effect on his somewhat weak constitution and finally developed consumption, of which he died."

D. S. Bossler, late lieutenant Company A, testifies:

"About March, 1864, at Camp Provost, Philadelphia, the soldier, from exposure on guard duty in stormy weather, contracted a fever and other diseases, and was unfitted for active duty. He also had cold and inflammation of the eyes. About January, 1865, he was relieved from duty and detailed as regimental tailor by reason of his weak and broken-down constitution."

Dr. Robert Burns testifies:

"He saw the soldier two or three times in May, 1871, in a very reduced state, beyond the reach of medical improvement, also at his house June 1, 1871, visited him three times until his death. Disease was pulmonary consumption induced by lingering illness contracted in service; that he died June 12, 1871, of said disease. While under his treatment he was in a hopeless state, suffering from destroying oppressions and unable to take any nourishment; that while he was in the army he had intermittent fever, followed by pneumonia, from which time his constitution was broken down. He was well acquainted with soldier for twenty years prior to death, and saw him often after his discharge, and soldier never regained his former health. His physical powers seemed to be broken up. Notwithstanding this he continued to work to keep a home for his child and a sister. He was a temperate and worthy man, and the benevolence of the Government would be well bestowed on his son. He saw soldier occasionally from the date of his discharge to date of death, and during all of the time he was in a sure decline with consumption of the lungs. He had a cough and expectoration, and gradual loss of flesh and strength from discharge to death."

Your committee have examined this case with great care and have been unable to see why the name of James Monohan was dropped from the pension-roll. In their opinion the father, Richard Monohan, died of disease contracted in the service. The evidence seems to them entirely satisfactory as to this point, and they therefore recommend with unanimity and very heartily the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

The next business on the Private Calendar was the bill (S. 1902) granting a pension to Mrs. Ann E. Lamburg.

Mr. SWOPE. I ask that that bill be passed over informally.

There was no objection, and it was so ordered.

Mr. ANDERSON, of Kansas. I ask unanimous consent that when a bill is read, unless some member asks for its consideration, it be passed over informally.

Mr. WINANS. I object.

JOSEPH POTTER.

The next business on the Private Calendar was the bill (H. R. 6162) granting a pension to Joseph Potter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Potter, of Rahway, N. J., late a corporal in Captain Martin's Battery of New Jersey Volunteers.

The Committee on Invalid Pensions recommended the following amendment:

In line 6, after the word "Joseph," insert the letter "M," and amend the title so as to read:

"A bill granting a pension to Joseph M. Potter."

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6162) granting a pension to Joseph Potter, submit the following report:

The claimant claims pension for rheumatism contracted in July, 1863, after the battle of Gettysburg, Pa., on the march from Gettysburg to Warrenton, Va. The claim was submitted by the examiner in the Pension Office for admission for chronic rheumatism, but rejected by the reviewer on the ground that the alleged rheumatism existed prior to enlistment.

The claimant testifies that about three years prior to enlistment he had an attack of rheumatism which lasted for a short time only, and he was sound at enlistment.

Dr. Warren C. Westlake testifies that claimant was in good, sound physical health and free from chronic rheumatism at the time of enlistment.

U. M. Osborn, postmaster at Rahway, N. J., testifies that for a year or more prior to enlistment he was intimately acquainted with claimant, and that at that time he was in good, sound physical health, and never knew of his being afflicted with rheumatism until his return from the army.

Dunham R. Parker, William A. Hall, Alfred E. Jewell, Joseph W. Martin, James E. Tier, John H. Lufberry, all neighbors and intimately acquainted with claimant for two years or more prior to enlistment, testify separately that during this period he was in good, sound physical health, and of their own knowledge was free from rheumatism. Capt. Thomas B. Bunting, late of Company K, Sixth New York Battery, and Capt. Walter M. Bramhall, of the same battery, each testify that at enlistment and up until the time claimant contracted his rheumatism, as alleged, he was in good, sound physical health.

The witnesses who testify as to claimant's soundness at enlistment and for two years prior thereto, are represented to be the most reliable men in the neighborhood in which he lives, some of them even testifying that they never knew claimant to have suffered from rheumatism until after his discharge from service, and there is no testimony on file showing anything to the contrary except the honest and frank admission by the claimant that he did have a slight attack of what he thought was rheumatism some three years or more prior to his enlistment.

Captain Martin again testifies that on the march from Gettysburg to Warrenton, Va., as stated, in consequence of exposure, and becoming wet by rain and from sleeping on the ground, the claimant contracted rheumatism and became lame and stiff and unable to do duty, being compelled to go to hospital. The records show treatment in hospital.

Dr. Westlake testifies that since discharge claimant has been suffering, and still is suffering, from chronic rheumatism, being thereby rendered unable to perform manual labor, except of a very light character, and sometimes he is totally unable to do any labor whatever. Claimant is a temperate man, his disease not being aggravated nor prolonged by intemperance or other bad habits.

Dr. John J. Daly testifies that he has known claimant ten years, and has been his family physician for four years; have knowledge of his having rheumatism, and of late the disease has been very severe in its character; the larger and smaller joints are thickened, enlarged, and distorted. I have reason to believe his disease was contracted in the line of duty from statements made by my preceptor, Dr. Samuel Abernethy, now dead, who knew him prior to enlistment. The testimony of several neighbors shows that claimant has suffered continually since discharge from rheumatism, and unable to perform but little light work.

The claimant has been examined twice, and both boards of surgeons rate his disability total.

From the positive evidence of soundness at the time of enlistment, and from the fact that the examiner submitted this case for admission, your committee feel it is a meritorious one, and that if the claimant suffered from a slight attack of rheumatism over three years prior to enlistment, yet at that time he was a sound man, and therefore recommend the bill pass, after amending the title, and in line 6, after the word "Joseph," inserting the letter "M.," so that it shall read "Joseph M. Potter."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GILES WRIGHT.

The next business on the Private Calendar was the bill (H. R. 8828) granting a pension to Giles Wright.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Giles Wright, late of Company M, Third Regiment New Jersey Cavalry.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8828) granting a pension to Giles Wright, submit the following report:

Giles Wright, the claimant, late a member of Company M, Third New Jersey Cavalry, in his declaration for pension alleges disability from injuries to head and hip and otherwise, received on or about November 16, 1864, at Sandy Hook, Md., by a horse falling upon him while taking him from the stable. The Pension Office rejected the claim on the ground that there is no record of the alleged injuries. The claimant is shown to have been a sound man at enlistment.

Jonathan Stires, a comrade, testifies that he saw Wright, the claimant, a very short time after he was injured at the time alleged. He was there for a short time after claimant received his injuries and then went to the regiment, and did not see claimant again until after his discharge.

John Dougherty, another comrade, testifies that he saw the claimant at the time of receiving his injuries at the time alleged, and knows that he was injured so that he was not able to do any duty from that time until discharge.

The claimant states that after his injury he was treated by Dr. John Reed, at Knoxville, Md., a citizen physician, whose testimony he can not obtain.

The records of the regiment do not appear to be on file in the office of the Surgeon-General.

The claimant on his return from the service was ill from the effects of his injuries, and has been since discharge a constant sufferer and very largely incapacitated for work, at times being laid up for a considerable length of time, and unable to do any manual labor whatever. He was treated for the first six months after discharge by Dr. Edward Hawk, now dead, and afterward by Dr. Studiford, also now deceased, without any favorable results.

The examining surgeon rates his disability total, third grade, at $18 per month. He reports the claimant 5 feet 4½ inches high, weighing 120 pounds; light complexion; age, 44 years; pulse, 76; respiration, 18. He says he finds he has an indentation of the skull about a quarter of an inch in depth, extending from the puncture of the lambdoidal suture and sagittal suture, along the latter about 2 inches. He finds deformity of the left hip, causing him to turn his foot inward, and closes by saying that the claimant is badly crippled, walking very lame, and often has attacks of vertigo.

Your committee are of the opinion that claimant's disabilities were incurred in the service, and recommend that the bill pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PETER P. HOFFMAN.

The next business on the Private Calendar was the bill (H. R. 6823) granting a pension to Peter P. Hoffman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter P. Hoffman, late a private in Company H, Second Regiment New Jersey Cavalry Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6823) granting a pension to Peter P. Hoffman, submit the following report:

The claimant was a member of Company H, Second New Jersey Cavalry, and claims disability resulting from sickness with pleurisy in side at Natchez, Miss., in February, 1865.

The claim was submitted for admission by the examiner in the Pension Office June 30, 1885, and July 6, 1885, rejected by the legal reviewer on the ground that there is no record of alleged rheumatism from pleurisy.

The Surgeon-General reports the records of the division and corps to which this regiment was attached at the date in question are not on file.

Dr. J. S. Lindaberry and several others testify that claimant lived near by them prior to enlistment into service, and was at that time a sound man, free from rheumatism.

Dr. W. C. Alpaugh also testifies he was at that time a sound man.

Peter K. Walker and Daniel Groendyke, two comrades, testify that about December 15, 1864, at Memphis, Tenn., claimant contracted camp diarrhea and rheumatism, and in February following was sick with pleurisy at Natchez, Miss., and unable to do duty for four weeks.

Dr. J. Lindaberry testifies that he treated claimant in the latter part of 1865 for chronic muscular rheumatism; that he has been better and worse at times, and unfitted for continuous labor. He is a temperate man, and a member of the Methodist Church.

Dr. W. C. Alpaugh testifies to treating the claimant since the spring of 1883, for chronic rheumatism and chronic diarrhea, which completely disqualify him for work—manual labor. When he works for an hour or two he suffers intensely with sciatica and lumbago. He must be careful what he eats, else he suffers from diarrhea, which is certainly chronic in character.

Dr. H. H. Miller testifies that May 24, 1884, he was summoned to see claimant, and found, on examination, he was suffering to an alarming extent with pleurisy, and that he treated him daily for two weeks, when he recovered.

The testimony of neighbors show conclusively that claimant has suffered from rheumatism and diarrhea since his discharge from service to such an extent as not to be able to perform continuous labor, and frequently laid up from his disabilities for a considerable part of his time.

The board of surgeons rate his disability for rheumatism total; for pleurisy one-quarter, and for chronic diarrhea one-half, or one and three-quarters total in all.

Your committee, believing this a meritorious case, recommend the passage of the bill.

Mr. WARD, of Indiana. The report in this case, which has just been read, contains a remarkable statement made in the interest of the soldier which is calculated to cast suspicion on the claim. It is said, "He is a temperate man and a member of the Methodist Church." It would have been quite different if it had been said he was a temperate man and a Hard-Shell Baptist. I think it is a doubtful case, but I will offer no objection.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE E. PRATT.

The next business on the Private Calendar was the bill (S. 1326) granting a pension to Caroline E. Pratt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline E. Pratt, widow of the late James A. Pratt, of the Fifty-third Regiment Massachusetts Volunteers.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 1326, beg leave to submit the following report:

That they have examined Senate bill 1326 and the evidence pertaining to the same; that they adopt Senate report thereon, which report is in words and figures as follows:

"The husband of the petitioner was James A. Pratt, major of the Fifty-third Regiment Massachusetts Volunteers. It is in evidence that he was a sound man before he entered the service; that about December 1, 1862, while in the line of his duty he took cold, from which chronic laryngitis ensued, and which resulted in his death. The application for pension was disallowed on the ground that the throat affection was cancerous. On this point Dr. McCallister, who attended the patient in hospital at Boston, Mass., testifies that he treated him from his discharge in September, 1863, until he entered the hospital in 1870, for inflammation of the throat, and that the officer's death resulted directly from this disease, contracted as aforesaid. He testifies that he is informed that objection is made to granting a pension on the ground that death resulted from cancer. Affiant treated him for more than three years, and made frequent examinations of the throat, and, in his opinion, it was the beginning of a severe case of laryngitis, and if there was a cancerous formation it was caused by the inflammation of the throat, which accompanied and was the result of the cold contracted in the service.

"There is voluminous and corroborative testimony of accredited physicians on this subject, convincing to the committee that the officer died of disease contracted in the service as claimed.

"The bill is therefore reported favorably, with the recommendation that it do pass."

The committee therefore recommend the passage of the same.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NANCY C. SMITH.

The next business on the Private Calendar was the bill (S. 1170) granting a pension to Nancy C. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy C. Smith, widow of Jeptha N. Smith.

The report (by Mr. NEECE) was read, as follows:

That they have examined Senate bill No. 1170, and the evidence pertaining thereto; that they hereby adopt Senate report thereon, which report is in words and figures as follows:

"The applicant in this case claims that her husband, Jeptha V. Smith, was a soldier in the war of 1812; that he first served in Capt. Benjamin Henry's company, Georgia militia, and subsequently in James Merriwether's company, and that he was honorably discharged. There is no record testimony in support of the claim; but Nathan H. Phillips, who was a member of Henry's company, and to whom a pension was granted, testifies that he distinctly remembers Jeptha V. Smith as a member of Captain Henry's company, and that at a later period he served in the company of Captain Thomas, and that he was regularly discharged in February or March, 1815. The affiant swears positively to his intimate acquaintance with Jeptha V. Smith, and that he was the husband of the applicant.

"Jordan Smith, a member of Captain Thomas's company, and a pensioner under act of February 14, 1871, testifies that Jeptha V. Smith was a member of same company with affiant, and served the full term, which was about four months.

"William Hightower, a soldier in the Georgia militia, and a pensioner, testifies that he was well acquainted with Jeptha V. Smith, husband of Nancy C. Smith; that claimant's husband was in the service; that they did not belong to the same regiment, but that he frequently saw him, and that he belonged to a musket regiment.

"The parol testimony is not specific as to dates, nor is there any proof that the soldier was mustered in or mustered out, but the recollection of these three is positive and corroborative as to the fact that the husband of the claimant was their comrade in arms in the war of 1812. The application is rejected by the Commissioner of Pensions in consequence of the absence of record testimony. It is apparent that the muster-rolls of that period are defective, and the committee do not feel justified in ignoring the competent proof of the associates of the husband of the claimant. The claimant is very aged and needy.

"In view of these facts we recommend the passage of the bill."

The committee therefore recommend the passage of the bill.

Mr. PETERS. I would like to inquire how this case comes from the Committee on Invalid Pensions. It is the case of a pension for the widow of a soldier of the war of 1812.

Mr. WINANS. I will state, in answer to the gentleman from Kansas, that the bill having been referred to the Committee on Invalid Pensions, our committee had jurisdiction of it. The Committee on Invalid Pensions accordingly inquired into the facts and reported the bill favorably.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN DUFFY.

The next business on the Private Calendar was the bill (S. 1930) granting a pension to John Duffy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Duffy, late of Company L, First Ohio Light Artillery.

The report (by Mr. NEECE) was read, as follows:

That they have examined Senate bill 1930, and the evidence in relation thereto; that they hereby adopt Senate report thereon, which report is in words and figures as follows:

"The petitioner made application for a pension for injury to right foot and result of measles, the 30th of June, 1880, and was rejected on the ground that the disability of the foot existed before enlistment, and that the measles produced no permanent injury.

"The hospital surgeon, who examined him for discharge, says:

"'The right foot is entirely disabled by ancient injury, and should call for severe censure on recruiting officer.'

"He enlisted in Ohio Light Artillery in October, 1861, and was discharged in August, 1862.

"The examining surgeon reports serious and permanent injury to right foot, which he rates at one-fourth disability. He does not think there exists any other ratable injury. There is evidence showing that the man was sound before he enlisted, and there are witnesses who testify to seeing the accident by which the foot was hurt.

"Your committee, without attempting to account for the contradictory statements of the medical men, are satisfied that the man was disabled in the service, and should have a pension rated upon his inability to labor.

"This bill is reported favorably, with a recommendation that it do pass."

The committee therefore recommend the passage of said bill.

Mr. WISE. I must object to that bill. Judging from the report I think the weight of the testimony is decidedly against the applicant.

Mr. NEECE. I do not know very much about the case myself, but upon an examination of the evidence our committee were of opinion that the claim ought to pass.

Mr. WISE. I must object to the bill.

The CHAIRMAN. The question is shall this bill be laid aside to be reported to the House with the recommendation that it do pass?

Mr. WISE. I object.

The CHAIRMAN. We are not proceeding under unanimous consent. The bill must take the regular course.

Mr. NEECE. I ask unanimous consent that it be passed over, retaining its place on the Calendar.

Mr. HALL. Let us vote upon it now.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY PARROTT.

The next business on the Private Calendar was the bill (H. R. 7952) granting a pension to Mary Parrott.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Mary Parrott, dependent mother of Charles A. Parrott, late a private in Company C, Twelfth Massachusetts Volunteer Militia, subject to the provisions and limitations of the pension laws.

The report (by Mr. LOVERING) was read, as follows:

Mary Parrott is the mother of Charles A. Parrott, late private in Company C, Twelfth Massachusetts Volunteers. He was killed in action at Fredericksburg, Va., December 13, 1862.

She applied for a pension as dependent mother, June 22, 1880, which was rejected February 8, 1884, on the ground "that it does not appear from the evidence on file that the claimant was dependent on the soldier at date of his death, and she has declared her inability to furnish further evidence showing the fact."

The evidence of employers show that claimant's husband was unable from his earnings to furnish her an adequate support, and the letters of the soldier filed in the case show that he sent his mother money to aid in the support of the family.

Edward T. Babier, of Lynn, Mass., testifies:

"Claimant's husband was in my employ from 1858 to 1862, inclusive; paid him for his services as leather cutter the sum of $4 per week when so employed, which was nearly all the time aforementioned. He was not an able-bodied man, and that was the reason his wages were so small, which were insufficient for the support of his family."

William B. Cushing, July 12, 1883, testifies:

"Claimant's husband has been employed by me for the past thirteen years. During this time his physical ability has been such that his average wages have not been over $3.50 per week. Other men will earn from $12 to $15 per week. Claimant has been compelled to work in my employ to help support himself."

There are eight letters of soldier to his mother filed with the papers in the claim, in each one of which he sends inclosed various sums of money varying from $10 to $20, or notifies her of money sent for her use, and asks if it has been received.

The mother is old and poor, and the husband, though still living, is unable through his infirmities to furnish her a support. They have no property in the world, except an undivided half of an old house in which they live, and which was inherited by claimant in 1874, and it merely furnishes a roof over their heads.

Your committee are of opinion that the question of partial dependence at the time of soldier's death is sufficiently shown by soldier's letters, in which he incloses substantial aid, and also by the evidence of credible witnesses as to the inability of claimant's husband to properly maintain her at that time. They therefore believe that for the loss of her son, the natural support and prop of her old age, the Government should afford her the aid asked for in the bill in her few remaining days.

They therefore report back the accompanying bill, and recommend its passage.

The bill was laid aside to be reported to the House, with the recommendation that it do pass.

MARY CORBETT.

The next business on the Private Calendar was the bill (H. R. 9213) granting a pension to Mary Corbett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Corbett, widow of Alfred Corbett, late a private in Company F, Fifteenth Maine Volunteers

The report (by Mr. LOVERING) was read, as follows:

Mary J. Corbett is the widow of Alfred Corbett, late member of Company F, Fifteenth Maine Volunteers. He was pensioned for effects of intermittent fever and chills by certificate 75055, but his pension being reduced to $4 per month, the expense and loss of time in traveling quite a distance to collect it he thought fully balanced the time and expense lost in its collection, so he was dropped from the roll by reason of allowing the pension to remain unclaimed three years, and he never applied to be reinstated, although his disabilities increased with advancing years, being always troubled with dizzy spells, which he always said came from a sunstroke in the army. He was a carpenter by trade and pursued that occupation ever after his return, as the evidence shows, except when obliged to lay by from time to time by reason of his disabilities.

While at work upon a building he was suddenly seized with one of his dizzy spells and fell, incurring injuries which resulted in his death. His widow filed a declaration for pension, alleging "that the dizziness which caused the soldier to fall was the result of his exposure while in the Army." Her claim was rejected because of "no medical evidence of continuance of disability for which pensioned and widow's inability to furnish same."

The evidence in the case all goes to show that soldier was a sound man at enlistment; that he was discharged and pensioned for disabilities which ever after affected him, one of the phases of which was vertigo.

The only medical evidence of existence of vertigo is that of Dr. Charles Jordan, of Wakefield, Mass., who testifies:

"That he has been the soldier's family physician for the last ten years (since 1873).

"Soldier's trouble was giddiness, supposed to have been caused by sunstroke while in the Army; that soldier was killed by a falling building (frame); and the soldier stated after he received the fall which caused his death that "he was dizzy, which caused him to fall."

As to incurrence of disability, James N. Whitmore, major of the Fifteenth Maine Regiment, testifies:

"On or about June 20, 1865, said Corbett was detailed to superintend the running of a ferry on the Wacamen River, near Georgetown, S. C. It being a hand ferry and worked by boat and lines, it necessitated much exposure night and day, the duties being no less arduous night than day, the frequently swift currents of the river requiring excessive physical effort and constant exposure to sun and wet and the miasma from the swamps of the rice district; that soldier here contracted a congestion of the brain, which ever after rendered him unfit for military duty, and in opinion of affiant he has never recovered from its effect, which disability was contracted in line of duty."

It is abundantly shown by affidavits of men with whom he worked, as well as by neighbors and friends, that he continuously suffered from dizziness; especially was this so if he looked up suddenly, a vertigo immediately ensued, as was the case at the time of the fall which resulted in his death. His service in the Army was fifteen days short of four years. In that time he did good service, as did also his two sons. His widow is old and poor.

Your committee are of the opinion that her inability to furnish medical evidence of continuance should not operate as a bar to her claim, when the fact of continuance is well established by the evidence of employers and neighbors. They therefore report back the accompanying bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. MYKINS.

The next business on the Private Calendar was the bill (S. 158) granting a pension to Mary A. Mykins, reported adversely from the Committee on Invalid Pensions.

The bill was indefinitely postponed.

WALTER A. DONALDSON.

The next business on the Private Calendar was the bill (S. 1459) granting an increase of pension to Walter A. Donaldson, reported adversely from the Committee on Invalid Pensions.

The bill was indefinitely postponed.

RICHARD FOREMAN.

The next business on the Private Calendar was the bill (H. R. 9248) to increase the pension of Richard Foreman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Richard Foreman, late a private in Company D of the One hundred and fifty-first Regiment New York Volunteers, a pension at the rate of —— dollars per month, instead of the pension he is now receiving.

The report (by Mr. SAWYER) was read, as follows:

That it appears from the papers in the Pension Office that Richard Foreman, the claimant, enlisted in Company D, One hundred and fifty-first Regiment New York Volunteers, August 27, 1862, and was discharged September 11, 1865; that he applied for a pension in the year 1865; he applied for a pension on the ground that on the 9th day of July, 1864, he "received the following wound by a shell, which completely severed the leg about 2 inches below the knee joint;" that he was taken to hospital at Frederick City, Md., and was transferred thence to Central Park Hospital December 21, 1864, and from thence to David's Island, August 12, 1865.

He was also wounded in the left hand and had a fracture of the third finger of the right hand.

That he was granted a pension for the loss of a leg, which has been increased by the general laws, so that he is now receiving a pension at the rate of $24 per month.

There is no evidence either from the office of the Adjutant-General or Surgeon-General as to the wounds in the hand or finger, although it appears from the affidavit of the claimant that he was thus wounded. For these wounds in the hands he had made an application for increase of pension, which was rejected on the ground that there was no record evidence of their existence.

The claimant is receiving the rate of pension allowed by the act increasing the pensions of soldiers and sailors who have lost an arm or leg, approved March 3, 1883, namely, $24 per month.

The claimant asks that his pension be increased to the same amount it would be if the amputation were above the knee, for the reason that the disability under which he is suffering is equal to an amputation above the knee.

The examining board, composed of three members, April 15, 1885, made the following report:

There is but 2 inches of tibia left. In consequence it is impossible to fit an artificial limb to leg below knee without too great pressure on bony points.

The limb would be much better for adjustment of an artificial leg if it had been amputated above the knee. The parts where bearing of artificial leg comes are red and tender.

The claimant states under oath that his leg is in such condition that he can not wear an artificial leg, and that his health is such that he can not submit to another amputation.

The committee therefore think that the claimant is entitled to as high rate of pension as he would receive if the leg were amputated above the knee, and therefore recommend that the bill be amended by striking therefrom all after the word "volunteers," in the sixth line, and adding thereto the words "and to pay him a pension at and after the same rate as though his leg were amputated above the knee," and that the bill as amended do pass.

The Committee on Invalid Pensions recommended an amendment striking out, at the end of the bill, the words, "a pension at the rate of —— dollars per month instead of the pension he is now receiving," and inserting in lieu thereof the words "and to pay him a pension at and after the same rate as though his leg was amputated above the knee."

The amendment was agreed to.

Mr. WISE. Mr. Chairman, I wish to inquire of some gentleman on the Pensions Committee what the regular rate of pension is for such a disability?

Mr. WINANS. I think it is $45.

Mr. WOLFORD. In certain cases it may be $45; but generally it is $36.

Mr. WISE. Is this soldier receiving the same pension as other soldiers similarly disabled?

Mr. WINANS. He is.

Mr. WISE. Then I object to this increase.

Mr. WEAVER, of Iowa. The testimony shows that this case is an unusual one.

Mr. WISE. I withdraw the objection.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY TARBELL.

The next business on the Private Calendar was the bill (H. R. 6656) for the relief of Mary Tarbell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Tarbell, widow of William H. Tarbell, late a lieutenant of Company D, Seventy-sixth Regiment of New York Volunteers, and pay her a pension at the rate of $18 per month, to date from January 5, 1874, the day of the death of said William H. Tarbell.

The report (by Mr. SAWYER) was read, as follows:

That the claimant, Mary Tarbell, is the widow of William H. Tarbell, late a lieutenant in Company D, Seventy-sixth New York Volunteers.

The soldier enlisted as a private in said company September 14, 1861, was wounded at the battle of Gettysburg, was discharged September 5, 1864, and died January 5, 1874.

In his certificate of discharge, of date of September 5, 1864, the nature and extent of his wound and cause of discharge are stated as follows:

"Incapable of performing the duties of a soldier because of a gunshot fracture of left thigh, with 2½ inches shortening of limb and thigh, and impaired power and motion."

For this disability he was pensioned, and in December, 1866, when examined for an increase of pension, Dr. Gazlay, the examining surgeon of the office, in his certificate states as follows:

"A ball had entered the left thigh, about 5 inches above the knee, producing a comminuted fracture of the femur. A number of pieces of bone have been removed; the wound is still discharging; the bone between the fracture and knee considerably enlarged; shortened about 2 inches; partial anchylosis of knee-joint. The shortening of limb and stiffness of knee are permanent, and on account of the extensive disease of bone I think it is doubtful whether he can be cured without amputation."

His last examination was in September, 1873, and the examining surgeon in his certificate states as follows:

"Tarbell was pensioned for a gunshot wound through the left thigh, fracturing the bone, and has continued to discharge from the wound until this time. The disability is permanent in its present form.

The soldier being a poor man, in January, 1874, went out into the woods with his brother-in-law to cut and draw home their winter's supply of wood, and was killed by the falling of a tree they were cutting down.

A bill was introduced into the last Congress in her favor. The bill passed the House, but failed to pass the Senate.

The Committee on Invalid Pensions, in their report, make a full statement of the manner of his death, and this report is hereby made a part of our report:

"It appears that William H. Tarbell was first sergeant (commissioned lieutenant) of Company D, Seventy-sixth Regiment New York Volunteers, and while engaged in the battle of Gettysburg, July 1, 1863, received a gunshot wound by a rifle ball in the upper part of the left thigh, fracturing the bone very badly, from which he never (only partially) recovered, leaving the bone weak, with 4 inches shortening; with continued necrosis of bone, and exhausting purulent discharges; with a sinus extending from the seat of the wound to the knee; with knee-joint stiff, leaving him with great disability. He was drawing at the

date of his death a pension of $18 per month. He was killed on the 5th day of January, 1874, while at work in the forest cutting wood for his family's use, under circumstances which render it morally certain that his death resulted from wounds received in the service, when without such wounds he would have escaped unharmed.

"The widow made her application for pension, but it was denied, presumably on the ground that his death did not result from said wounds. Cause of rection not stated. Her petition is signed by a large number of citizens of McGrawville, N. Y.

"The evidence in the case is strong and direct.

"H. C. Hendrick, late surgeon of the One hundred and fifty-seventh New York Volunteers, testifies:

"'That he was well acquainted with Tarbell from the summer of 1865 to the time of his death; that he was said Tarbell's surgical adviser, and had full knowledge of the extent of his disabilities, resulting from a wound said to have been received at the battle of Gettysburg, in July, 1863, by a rifle ball, causing an extensive fracture at the upper third of the left thigh; that in healing the bone was shortened four or more inches; that the leg was weak; that he had constant necrosis of the bone; that there were extensive discharges of pus from various points of the diseased thigh; that there was one sinus from near the seat of the wound, discharging under the knee; that so extensive were the purulent discharges that said Tarbell was ordinarily under the necessity of changing the dressing upon his limb several times a day; also, that the knee was stiff, result of contraction of tendons and changes of tissues; that he was very lame; that said Tarbell could not step backward; often spoken of by himself that to move in a rear direction he must first turn himself around and move with a forward step; that he could not leap or jump, only with one foot, alighting on the same; that these disabilities existed at the time of his death; that the extent of the disease of the bone was such, and the consequent disability, that Tarbell had meditated having the leg amputated, and had several times consulted deponent in relation thereto; further, that in the situation in which Tarbell was placed at the time of the accident, as described by Waldo V. Shearer, who was with him, and precisely similarly situated, and who, with the full use of his limbs and with the utmost effort, barely escaped uninjured, it is the opinion of deponent that Tarbell, with his disabilities, could not have possibly extricated himself, and that in this view his death was the result of his wounds, received in the army.'

"Waldo V. Shearer, the witness alluded to in the foregoing affidavit, swears:

"'That he was with Tarbell on the day of his death in the woods cutting timber; that they were felling a large, tall tree, and in falling the body of the tree split upward a distance of about 19 feet, forming a high spur-stump, upon which the falling tree poised itself and shot backward like an arrow with great velocity, striking said Tarbell, bearing him to the ground and crushing his head, and killing him instantly. That when said tree began to fall, deponent and said Tarbell went back to the rear of the tree to a supposed place of safety, a distance of 30 feet, and were there standing side by side at the moment the danger was discovered. That deponent having the full use of his bodily powers did, only with great effort, succeed in extricating himself from his perilous situation and escaped unharmed. Tarbell did not, and could not do so, on account of his extreme lameness, but made due effort to escape by the same means and in the same direction as deponent.

"'Deponent says he had been with Tarbell daily for a month previous to his death, laboring in the same woods, and that they rode to and from the forest on account of Tarbell's lameness; that Tarbell was very lame from his wound, and that the leg was made shorter than the other, and weak, and the knee stiff; that it discharged very copiously every day, and that Tarbell always carried in his pockets extra dressings for his leg; that the discharge was so copious that he had often to dress his limb while in the woods, and that he usually dressed the wound three or four times in twenty-four hours; Tarbell could not walk backward, or leap, or jump only upon one foot, and having a full knowledge of the situation and Tarbell's lameness, does not think it possible for him to have escaped unharmed.'

"These affidavits point directly and conclusively to the fact that Tarbell was seriously disabled by wounds received in the service. Had he had perfect use of his limbs, as did his companion, Shearer, he would have probably escaped, but his powers of locomotion being restricted by his wounds, he became the victim of the accident. The committee have no doubt that his wound was the indirect cause of death, and that the widow should be pensioned. It is therefore recommended that the bill do pass."

The soldier is shown to have been a man of good character, of temperate habits, and a careful, cautious man.

The claimant is shown to be a poor, worthy Christian woman. Her claim for a pension was rejected at the office because the falling of the tree was not due to the disability for which the soldier was pensioned.

Your committee have no doubt but that the soldier's disability rendered him unable to protect himself by escaping from the falling tree, and thereby contributed to his death; and we therefore recommend that the bill do pass, after being amended by striking out all after the word "volunteers," in the eighth line thereof.

The Committee on Invalid Pensions recommended an amendment striking out at the end of the bill the words "and pay her a pension at the rate of $18 per month, to date from January 5, 1874, the day of the death of William H. Tarbell."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

COL. JAMES H. BLOOD.

The next business on the Private Calendar was the bill (S. 2263) granting a pension to Col. James H. Blood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Col. James H. Blood, late colonel of the Sixth Regiment Missouri Infantry, and pay him a pension of $70 per month from and after the passage of this act, to be in lieu of the pension now received.

The amendment reported by the committee was read, as follows:

In line 6 strike out "seventy" and insert "thirty."

The report (by Mr. SAWYER) was read, as follows:

That from an examination of the papers on file in the Pension Office in this case, and from the report made in the Senate thereon, and the affidavit and petion therein set forth, which said report is adopted as part of this report, it appears that Colonel Blood was a brave, patriotic officer; that he has been and still is suffering severely from disabilities contracted while in the army; that the evidence *shows that said* disabilities are constantly increasing and rendering said soldier more and more unable to perform any labor necessary for his support; that although his application for increase of pension at the department is still pending and undetermined, still the nature and extent of the disabilities under which the soldier is now suffering are so clearly set forth and established in the evidence, and the fact that he is now in Europe for the benefit of his health, and is supported by his friends, and the difficulty in his returning to this country for further medical examination before the examining boards of the Pension Department, would serve to justify the committee in reporting favorably upon this case.

The committee therefore recommend that the bill do pass, after the same shall have been amended by striking out the word "seventy," in the sixth line, and inserting in lieu thereof the word "thirty."

The claima t, James H. Blood, was a lieutenant-colonel in the Sixth Missouri Volunteers. The main facts upon which the relief asked for in the present bill is claimed are particularly set forth in the following petition and affidavit:

Petition in favor of Col. James H. Blood, praying for a pension for total disability.

James H. Blood, then a resident of the city of Saint Louis, State of Missouri, raised the Sixth Regiment of Missouri Volunteer Infantry, largely at his personal expense, for which he has received no remuneration, and was mustered into the military service of the United States with said regiment as lieutenant-colonel thereof about June 1, 1861, it being the first three-year regiment mustered in from the State of Missouri.

The regiment was assigned to the First Brigade of the Second Division of the Fifteenth Army Corps, and he served with it until his disabilities compelled him to resign in the spring of 1864, having in the mean time been promoted to the colonelcy of the regiment.

In the fall of 1861, while on a night scout after a band of bushwhackers or guerrillas in Southeast Missouri, he was felled from his horse by a severe blow on the back of his head, from the effects of which he has never recovered, having received severe mental as well as physical injury.

In 1862, while encamped near Memphis, Tenn., on returning from a reconnaissance, by the falling of his horse he was thrown violently forward against the pommel of his saddle, resulting in severe injury to the prostate gland and adjoining organs, causing severe stricture, from which he has continuously suffered since.

In the battle at Chickasaw Bayou, near Vicksburg, Miss., while leading the charge of the Second Division of the Fifteenth Army Corps, he was struck by a musket ball in left chest. The immediate result of this wound was the partial paralysis of the left arm, but the ultimate result was disastrous, causing atrophy of the heart, and all the muscles, bones, &c., of the left thorax, causing a shrinkage of the side affected over 3 inches, so that the slightest excitement or exercise tending to accelerate the movement of the blood and action of the heart causes excrutiating pain and complete prostration, wholly incapacitating him from any physical or mental labor, and compelling him to wholly abstain from the usual avocations in order to insure relief from continuous suffering and prostration.

It is further represented that on his resigning from the military service of the United States Colonel Blood had no intention of making any claim for a pension, believing that he had sufficient to keep him from want during his life; but in 1876 he was reduced to poverty, and has since been dependent upon his relatives and friends for support. It was not until 1881 that he was prevailed upon to make an application, which was filed in September, 1882.

After waiting until August, 1885, and despairing of getting any action on his claim, he sailed for Europe, hoping thereby to relieve in some measure his sufferings. He still remained abroad, unable to return in the present state of his health, which is continually on the decline. He is now under the care of physicians, and requires the constant attendance of some person, as he frequently falls senseless, and often remains so for hours at a time. His physicians claim that his heart is so affected that death is probable in any of these attacks of insensibility and prostration.

Finally, in October, 1885, a certificate was issued in his favor by the Pension Bureau at the rate of $15 per month, a sum wholly disproportioned to the extent of his injuries; for to those who have known him for years past it is self-evident that if he is entitled to any pension at all he is entitled to what he claims, a pension for total prostration, disability, helplessness, and necessity of constant attendance.

DISTRICT OF COLUMBIA, *ss:*

Frank M. Fogg, being duly sworn, deposes and says that he is a resident of Lansing, Mich., and has been an editor and publisher for eight years past; that he first became acquainted with Col. James H. Blood in 1877; that in 1878 the said Colonel Blood, upon the advice and with the assistance of ex-Governor Coburn, of Maine, purchased a third interest in the Greenback Labor Chronicle, which deponent was then publishing in Auburn, Me.; that during the time said Colonel Blood was in business with deponent he was unable to perform any manual labor, but was only able to perform light clerical work; that he often complained of pains in his head, which he claimed were caused by a blow on the head received during a skirmish in the service, and from which he did not regain consciousness for nine hours; that he suffered with stricture of the bladder, which he said was caused by an injury received in the Army, to such an extent that is was often necessary to use a catheter before he could get relief of the bladder; that he also suffered severely from a wound in the left shoulder near the collar bone, which he said was received while leading a charge of his division in the battle of Chickasaw Bayou, and this wound caused a partial paralysis of the left arm, and to such an extent that he had but little use of that arm, and that wound so affected his side that it caused a contraction of the muscles, and consequent contraction of the ribs, to such an extent that the left side of his body was much smaller than the right side.

And deponent further says that said Colonel Blood often had fainting spells and was entirely prostrated and helpless for several hours at a time; that deponent first knew of this in February or March, 1879, while riding with said Colonel Blood in a sleigh from Auburn to Augusta, Me.; that when within a few miles of Augusta Colonel Blood partially fainted, and remained in an almost helpless condition for two days; that knowing the causes of his condition deponent then and several times thereafter advised Colonel Blood to apply for a pension; that Colonel Blood refused to do so, saying he knew he was entitled to receive a pension, but he would not apply for a pension so long as he could live without it. That his condition continued to grow worse; that in October, 1880, Colonel Blood was obliged to give up business entirely; that he was unable to do anything.

In 1882 Colonel Blood attempted to take charge of a bakery in New York; that he there performed light duties for a few weeks, and was then obliged to give up all attempts to work in any way on account of frequent attacks of fainting spells and utter prostration whenever he attempted the least exertion, and from that time Colonel Blood lived with his brothers until last June, when he visited deponent in Lansing, Mich.; that he was then unable to travel without an attendant, and was a great part of the time under treatment and care of physicians; that he left deponent in August, 1885, intending to go to Europe for his health by advice of his physicians; that after arriving in New York he was prostrated from the exertion of the journey and was confined in bed for about a month; that he afterward sailed for Europe, where he is now, living on the charity of his friends.

Deponent says that he has been in frequent communication with Colonel Blood since he has been in Europe, and from recent letters learns that his condition or health has not been in the least improved, and that whatever change has taken place has been for the worse, and that at present, on account of continued helplessness, he is not able to return to this country.

And deponent further says that he has no interest whatever in the claim of Colonel Blood for a pension other than a friend who knows the claimant to be a man of strict integrity, sobriety, and honor, and entitled to a pension, not only for total disability, but for utter helplessness.

FRANK M. FOGG.

Subscribed and sworn to before me this 4th day of May, 1886.
[SEAL.] WILLIAM TWOMBLY,
Notary Public in and for the District of Columbia.

Among other things, it appears from the affidavit of Mr. Fogg that Colonel Blood is now absent in a foreign country on expense, and obliged to be at the further expense of an attendant there. The committee recommend the passage of the bill, which seems to be a small provision for his absolute necessities, and not likely to be wanted long.

The enforced absence of Colonel Blood from the country compels application for special legislation to secure relief. The very high testimonials of Generals Sherman and Smith and others attest the gallantry and patriotism of Colonel Blood, and his invaluable and disinterested service to the country.

Mr. WISE. I shall object to this case.

The CHAIRMAN. The first question is on agreeing to the amendment reported by the committee. The Chair will state to the gentleman from Virginia [Mr. WISE] that we are not proceeding now under unanimous consent——

Mr. WISE. I understand that; but I give notice that this case shall not pass if my opposition can avail to prevent it.

The CHAIRMAN. The Chair will have to put the question in the usual way unless the bill be passed over by unanimous consent. The first question is on the amendment.

The amendment was adopted.

The CHAIRMAN. The question is now, Shall the bill as amended be laid aside to be reported to the House with a recommendation that it do pass?

Mr. WISE. Now, Mr. Chairman, I want to make a statement in regard to this bill, and a very brief one. Every particle of the testimony in this case comes from the claimant himself; for those affidavits which have been read are made upon information furnished by him. He is traveling in Europe; and it seems to me that before this House should vote to increase his pension beyond the present amount, he should come to this country, come back from his pleasure trip, and be subjected to the same examination and the same tests to which every other claimant must submit. Open the door so that a man may go to Europe and send his petition to this Congress for an increase of pension! We had better give everybody applying for a pension all that he asks. I here give notice that so far as this case is concerned, if it is pressed to a vote I shall insist upon a quorum.

Mr. LONG (to Mr. WISE). Why not ask that the bill be passed over?

Mr. WISE. Mr. Chairman, I do not want to obstruct the consideration of cases which I believe to be meritorious; I have no such intention; in no case will I call for a quorum where I believe the claim has merit. I ask the committee to allow this bill to be passed over.

Mr. WOLFORD. I hope the gentleman from Virginia [Mr. WISE] will withdraw that request. I know he is a reasonable man; and I believe he will not insist on his opposition when he hears a few facts. I wish to say that there never was a case of total disability more strongly established than this. My distinguished friend from Virginia, a very clear-minded man, is in this case proceeding upon a wrong proposition. There never was a better case than this. I voted against the amendment proposing to reduce the amount because I believed that even the sum named in the original bill was not enough. Now, let me state the facts just as they appear, and I ask my distinguished friend from Virginia to listen and reflect.

This man is now drawing a pension of $15 a month. He was knocked in the head, was fallen upon by a horse, was shot in the arm, and from these injuries he is totally disabled, as appears by the testimony, not of himself, but of others.

Mr. WISE. Will my friend from Kentucky allow me to interrupt him for a moment.

Mr. WOLFORD. Yes, sir.

Mr. WISE. I do not wish to disturb the gentleman at all, but he will permit me to say that for such injuries as have been properly proved this man has been granted a pension after an examination by the Pension Bureau.

Mr. WOLFORD. That is exactly what I understand. This is the proposition to which I want your attention——

Mr. WISE. The proposition is now for an increase.

Mr. WOLFORD. But for such injuries as I have described Colonel Blood has been allowed only $15 a month. I want to call attention to the facts; they do not rest upon his testimony. It is not by his testimony it has been proved that he was knocked in the head, that he was fallen upon by a horse, that he was shot and wounded in the arm. I know, and my friend from Virginia knows, for he has been in the army, and has seen many other men who were in the army, that the effects of injuries of this kind increase as years advance. The doctors swear that this man is so affected by his injuries that he can not come back. He did not go to Europe upon a "pleasure trip." According to the testimony, which he does not make, he attempted to make a living. He did not claim a pension at the start, because his patriotism forbade his doing so. He did not claim a pension until he had lost his property and become disabled. He tried to make a living in New York. Then, subsisting upon the bounty of his friends, he went to Europe, not on a "pleasure trip;" that is not the proof.

Mr. HOPKINS. Will my friend permit me to ask a question?

Mr. WOLFORD. Yes, sir.

Mr. HOPKINS. Who is this man Blood?

Mr. WOLFORD. He was lieutenant-colonel in a Missouri regiment.

Mr. BRADY. Is he the husband of Victoria Woodhull? [Laughter.]

Mr. WOLFORD. I do not know anything about whose husband he is.

Mr. BRADY. I understand that he is.

Mr. WOLFORD. I do not care whose husband he may be. [Laughter.] I do not care what may be said of him in regard to such things as that. He was disabled in the cause of his country. The proof is clear that he went abroad for his health, and having done so he is disabled to such an extent that he can not come back, and can not be examined. Surely there is no prejudice to be invoked against him in the pure mind of my friend because he may be the husband of one woman or another. [Laughter.] If he were the husband of a dozen women the mind of my distinguished friend would not say that he should not have justice done him.

It matters not what may be the character of his wife; it matters not what may be the nature of his sentiments. Having fought for his country, having done all that he could to maintain its honor and dignity and glory, though he may disagree with you and me upon many questions, he has done his duty. And now he is abroad, not able to get here. That is the proof. On that proposition he can not be examined. A man wounded in the army gradually grows weaker and weaker. He grows more and more feeble. I say upon such a proposition as that I hope my friend will not call a quorum or in any other way object to this man receiving a pension. [Cries of "Vote!" "Vote!"]

I have said all I want to say. Being wholly disabled, wholly incompetent to make a living, now in a foreign land, shall this wounded soldier be left to die there among strangers? Shall it be said to our dishonor, that proud America will allow one of its private soldiers to die in a foreign land in poverty and want, when, under every law, he is entitled to a pension at our hands? [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on passing the bill over.

Mr. WINANS. I hope we will take a vote on this bill, as the House understands the matter as well as it ever will.

Mr. WISE. I move that the bill be laid aside to be reported to the House with the recommendation that it do not pass.

The motion was agreed to.

CLARA B. DAVIDSON.

The next business on the Private Calendar was the bill (S. 2321) granting an increase of pension to Clara B. Davidson.

Mr. MORRILL. That bill passed the House several weeks ago, and ought to be taken off the Calendar.

The CHAIRMAN. It will be taken from the Calendar.

THOMAS WEEKLY.

The next business on the Private Calendar was the bill (H. R. 8437) granting a pension to Thomas Weekly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Weekley, late of Company E, Fourteenth Regiment West Virginia Volunteers.

The report (by Mr. O'HARA) was read, as follows:

Soldier enlisted November 3, 1862; discharged June 27, 1865; filed claim for a pension October 13, 1873, alleging that while engaged in procuring timber for a block-house at Piedmont, W. Va., June 1, 1863, and holding the end of a log on the side of a hill, his hand-spike slipped—he fell with his face against the log, his chin and lower jaw were bruised, his upper teeth and part of the lower teeth were mashed out, and his back and breast were seriously injured.

Claim rejected on the ground that there is no record evidence of the alleged injury, and claimant can not furnish the testimony of any officers or comrades who have personal knowledge that he was injured in the line of duty in the service.

The evidence of claimant's health and soundness at the time of his enlistment is full and not questioned by the Pension Office.

Comrades Andrew Liestin and Elijah Hissen testified that it is their personal knowledge that claimant lost his teeth and received an injury to left breast while on detached service in falling and delivering logs for a block-house built to guard bridge No. 21 on Potomac River, near New Creek, W. Va., and that after receiving said injuries he was sent back for treatment, and that the injury was received in June, 1863; and the said comrade Elijah Hissen further testified that claimant was at the time with Sergeant Freeborn and Private David Fields, who were subsequently reported killed at the battle of Cloud Mountain, and that claimant was treated in hospital by Surgeon Morse, who died in the service.

Asst. Surg. J. H. Bromfield has no recollection of treating soldier in the service. From a private record in his possession it appears that soldier was given a surgeon's certificate on account of chronic rheumatism and loss of teeth. To the best of his recollection this was in May or June, 1865.

A number of neighbors testified that when soldier returned home from his regiment his teeth were all gone; he complained of pain and weakness of side and back.

The record of Adjutant-General's Office shows him absent working on block-house at Bloomington, Va., May 1863; also shows him absent sick in hospital at Parkersburg, Va., and Cumberland, Md., August 31, 1863. Regimental hospital records not on file.

The Saint Paul board of examining surgeons report as follows:

"Man has not a vestige of a tooth or root in his head. The spines of lower dorsal vertebræ project more than normal, and curve toward left. Complains

of pain on pressure. Seem thicker than the line above and below. No evidence of any injury to chest, by inspection, auscutation, or percussion, or in left side; at times has difficulty in passing water; and rate him three-fourths total for injury to back."

The evidence shows that soldier was healthy and sound at the date of his enlistment; that he received some injuries while working on the block-house while on detached duty; that he was treated in the hospital; that he returned home after his services in an enfeebled condition, and has continued in that condition more or less ever since.

In view of all the testimony, your committee are of the opinion that the soldier received the injuries for which he claims a pension while in the service of the United States and in the line of duty, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MISSOURI ANDERSON.

The next business on the Private Calendar was the bill (H. R. 5171) granting a pension to Missouri Anderson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Missouri Anderson, widow of Reuben W. Anderson, late of Company A, Tenth Regiment Kentucky Volunteers.

The report (by Mr. NEECE) was read, as follows:

Reuben W. Anderson, of Company A, Tenth Regiment, Kentucky Cavalry, enlisted December 20, 1863, and was dischargd June 26, 1865, and died April 4, 1870. He was married to the claimant in November, 1865. The claimant has two children by the deceased soldier, who are both under sixteen years of age. She is very poor and without means to support herself and children.

The evidence is as follows:

The Adjutant-General's report shows the soldier was admitted to the hospital at Paducah, Ky., March 18, 1864; July 11, 1864, admitted to hospital at Camp Nelson, and returned to duty October 19, 1864. He entered Post Hospital, Paducah, Ky., March 27, 1865; entered Joe Holt Hospital, Jeffersonville, Ind., May 22, 1865, as convalescent, and was mustered out of service at Louisville, Ky., June 26, 1865. Several comrades testify soldier was sound at enlistment; that about August, 1864, his eyes began to get sore from the effects of a long and rapid march while in pursuit of the rebel General Morgan through Kentucky; that his eyes continued bad, and he became nearly blind. His habits were good.

Maj. J. Johnson testifies that about April 4, 1870, said soldier had been at work; was cutting a tree with an ax; that when the tree fell it took with it another tree which was turned up by the roots, and the body of this last tree fell on and across said soldier and killed him; that affiant saw him after he was killed, and from the place where he had been chopping and the place where he was found he must have been trying to escape, and, as he supposed, from the effects of vision and not being able to distinguish objects clearly, instead of getting out of the way of danger ran into danger by the falling of the other tree. Deponent witnessed the body while under the tree and was the second person to him after the accident.

The soldier, in his life-time, in an address to the public, stated that he had lost his eye-sight in the service of his country, and that he did not wish to become a burden to the public; appealed to the public to buy the poetry that he had composed that he might maintain his family.

The Pension Office rejected this claim November 7, 1874, on the ground that "the cause of soldier's death was not the result of his military service," and then adds, under date of October 20, 1875, "Inform the claimant that the claim can not be allowed under the general pension law. Her only recourse is to Congress for a special act."

Your committee are of the opinion that the soldier lost his eye-sight from his army service, and that it was owing to the loss of sight that the tree fell on him and caused his death; that this claim is a meritorious one, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY KAYLOR.

The next business on the Private Calendar was the bill (H. R. 6423) for the relief of Mary Kaylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Kaylor, widow of John Kaylor, deceased, late of Company C, Fourth Illinois Infantry.

The report (by Mr. NEECE) was read, as follows:

John Kaylor enlisted September 10, 1861, in Company C, Fourth Illinois Cavalry, and was discharged November 3, 1864.

He filed his application for a pension February 3, 1876, for wound over the left temple and injuries to his kidneys and groin, which he alleges was caused by his military service. Said soldier died before completing his claim, on January 21, 1879, and his widow, Mary Kaylor, the claimant, asked for a pension on the ground that said soldier died from injuries received in the service. Her claim was rejected in the Pension Office on the ground that there was no record of the alleged injury and the inability to furnish any medical evidence to show the existence in the service or at date of discharge.

The Adjutant-General's report shows the soldier sick in hospital November and December, 1862, but fails to show the cause of his sickness. One of the officers of the company swears that he had the fever. Said Adjutant-General's report shows that he was taken a prisoner December 20, 1862, and returned to his company February, 1864, and that he remained with his company until he was mustered out of the service.

The evidence of his officers shows that he was not fit for service after he returned, and that after his return to his company in 1864 he was thrown from his horse and badly injured by a cut in his head.

Several witnesses testify that he was a sound, able-bodied man at enlistment, and that when he returned from the army he was broken down in health, was suffering from an injury in the head, and was ruptured in the groin, and complained of injuries and misery in his kidneys.

Two comrades swear they saw him thrown from his horse while in the service, and that he received the injury to his head in the fall.

It appears that one of the physicians who treated the soldier after his return from the army is dead, and the one that treated him at the time of his death was a traveling doctor, and that he left the country shortly after the death of the soldier, and no one knew where he went to.

Several witnesses testify that this soldier came home from the army with the injury to his head, and that he was ruptured and that he suffered continuously from his kidneys, and that he gradually grew worse to his death; that prior to his death his disease assumed the form of dropsy, which caused his death; that he was very poor, left no minor children, and his widow is over sixty years of age, and very poor and needy.

Your committee are of the opinion that the cause of the soldier's death is fairly traced to his army service, and therefore recommend the passage of the bill.

Mr. MILLS. There seems to be no evidence to show why this application was not made before. This soldier died some ten years ago. How does it happen the application was not made before this?

Mr. NEECE. The report states the facts, and I can not say why the report was not made before. This man died in 1879.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY LAFNER.

The next business on the Private Calendar was the bill (S. 2308) granting a pension to Henry Lafner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Lafner, formerly a private in Company A, One hundred and eighty-first Regiment Ohio Infantry Volunteers.

The report (by Mr. NEECE) was read, as follows:

That they have had under consideration the bill with the foregoing title (No. 2308), and adopt the Senate report, which is in the words and figures following, to wit:

"The petitioner was a private in Company A, One hundred and eighty-first Regiment Ohio Volunteers. He made application for a pension, alleging total blindness in both eyes, the result of exposure in the service, which was rejected on the ground of insufficiency of testimony.

"In reference to this case, the captain of the company says:

"'He was quite a boy, and did his duty as a good soldier. I have since learned that he was blind; in fact he was led into my office, and I know he is blind. He stated that it was caused by exposure in the service. I know he was subjected to a great deal of hardship and exposure.'

"In an affidavit, the captain testifies to his activity and efficiency as a soldier, notwithstanding his youth; that during the winter of 1864-'65 and the spring of 1865, in consequence of exposure and unusual bad weather, he contracted a cold, which affected his eyes, causing inflammation and a blood-shot appearance, and symptoms of granulation, which continued until after discharge and return to Ohio.

"Fred. McDonough, who also was in command of the company, testifies that the soldier was thoroughly examined; that he passed a good *examination*; that he was a faithful, active soldier, and that the command experienced great hardships and exposures during the winter of 1864-'65 and the early spring following.

"The certificate of an examining surgeon pronounces him totally blind. In his petition the soldier says that his peculiar disability prevents him from prosecuting his claim with any hope of success in procuring such testimony as is required to complete his case, and he appeals to Congress for the relief which he can not hope to obtain but by the passage of a special bill. The committee regard this as a very hard case, in which there is no appearance of fraud, and in reference to which the witnesses are evidently convinced of more than they can certify under oath. There is evidence to show that the inflammation commenced before he was discharged. No proof has been offered disparaging his reputation or questioning his claim. It is a case of sad necessity, to which relief can only be extended by Congress, which, in the opinion of the committee, may properly be done. The bill is reported with an amendment changing the name 'Lafuer' to 'Lafner' wherever it occurs, with a recommendation that it do pass."

We therefore recommend the passage of the bill.

Mr. COX, of North Carolina. How long was this man in the service?

Mr. NEECE. He was a private in Company A, One hundred and eighty-first Regiment.

Mr. EDEN. Does the Senate report show when this blindness occurred?

Mr. NEECE. It does.

Mr. EDEN. If the report states when he became blind I did not see it.

Mr. NEECE. The report states all the facts.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE FAULK.

The next business on the Private Calendar was the bill (S. 2147) granting a pension to George Faulk.

The bill and report were read.

Mr. MILLS. This seems to prove this party never was in the service—never was mustered in—never away from the camp where he went to join.

Mr. COX, of North Carolina. Never exposed to any hardship.

Mr. MILLS. Yes, never exposed to any hardship, rugged as he seems to have been. I object to the bill.

Mr. WISE. Let it be passed over, not to lose its place on the Calendar.

There was no objection, and it was ordered accordingly.

JOHN P. TAYLOR.

The next business on the Private Calendar was the bill (S. 1779) for the relief of John P. Taylor.

The bill and report were read.

On motion of Mr. COX, of North Carolina, the bill was passed over informally, not to lose its place on the Calendar.

JOSEPH JONES.

The next business on the Private Calendar was the bill (H. R. 9301) granting a pension to Joseph Jones.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of

the pension laws, the name of Joseph Jones, who served in First Regiment Tennessee Cavalry.

The report (by Mr. TAULBEE) was read, as follows:

Joseph Jones enlisted as a private in Company C, First Regiment Tennessee Cavalry, February 1, 1863, and was discharged May 27, 1865.

The claim was rejected by the Pension Office on the ground that the alleged wound of right shoulder was not received while in line of duty.

The claimant alleges that while in the service and line of duty, near Panther Springs, Tenn., about December 5, 1864, he received gunshot wound of right shoulder.

A report from the Adjutant-General's Office says:

"This soldier, on my muster pay-roll, dated April 30, 1865, was charged with desertion, since which time I learn, by a certificate from James P. Brownlow, adjutant-general of Tennessee (late colonel of the First Tennessee Cavalry), that he gave soldier permission to be absent on account of a wound received from guerillas.

"JAS. E. COLVILLE,
"*Captain, Commanding Company.*"

Claimant, in his own statement, says he was detailed by Capt. John A. Thornhill on detached service, and never was absent a day from June 26, 1864, until the time he was wounded, December 5, 1864, and was sent to a private house, as they were 40 miles from any hospital.

Andrew L. Walker, a comrade of the claimant, states that he knows of the claimant receiving a gunshot wound in right shoulder; that claimant was on special detail duty when he received the wound, acting under orders of Captain Thornhill; was not present when he was shot, but saw him directly afterward.

Thomas W. Thornhill, another of claimant's comrades, states substantially as above.

James M. Shepard, claimant's comrade, says he was present when claimant was shot; he was hit on the right shoulder. The shooting was done by a rebel soldier, near Panther Springs, Tenn., about December 1, 1864.

Claimant has been examined before examining boards at different times, and he gets a rating of one-half.

Your committee, after examining the proof in the case, find the claim a meritorious one. They therefore recommend the passage of the bill, amended in line 6 by striking out the word "the," and insert in lieu thereof the words "Company C."

Mr. GIBSON, of West Virginia. I move that bill be informally passed over.

Mr. PERKINS. I do not know anything about the merits of this claim, except as they are shown in the report. It seems to me it is a meritorious case. The gentleman from Kentucky [Mr. TAULBEE] is not here, and as we have listened to the reading of the bill and report, I hope the gentleman will not interpose an objection.

Mr. WINANS. I agree with the gentleman from Kansas that we ought to vote on this bill.

Mr. GIBSON, of West Virginia. I object to laying the bill aside to be reported to the House with the recommendation that it do pass.

Mr. Chairman, there are some bills which are considered good, and some which are considered not good. I introduced a number of bills before this Pension Committee at the last session of Congress, some of which I was perfectly satisfied had merit, yet I have been unable to induce that committee to report back a single bill out of over one hundred I introduced.

Mr. BROWN, of Pennsylvania. Is that the reason you oppose this one? [Laughter.]

Mr. GIBSON, of West Virginia. No, sir; I will tell you in a moment if you will just keep your seat.

Now, among all of the various bills I have introduced into the House was a bill for a man who had lost his eyes; who was sent out by a detail to bring in a horse. [Laughter.]

A MEMBER. Who sent him?

Mr. GIBSON, of West Virginia. Gentlemen, I do not want to be rude, nor will I submit to rudeness, nor do I wish to be compelled to call gentlemen by name, but I repeat I will not submit to these rude interruptions.

Mr. PERKINS. It is all good natured.

Mr. GIBSON, of West Virginia. Gentlemen have got to treat me politely on this floor.

What I wanted to say was that there is a clear distinction made by this committee as between States North and States South. We people who are down in the Southern States, with soldiers who were as good and true to the Union as any people in the whole country, can get no reports from that committee.

Mr. PERKINS. This bill was reported by Mr. TAULBEE, of Kentucky, and the soldier lives in Tennessee. [Laughter.]

Mr. GIBSON, of West Virginia. That does not alter my proposition. I objected to the consideration of the bill for the reason that I wanted to call attention to the fact that there is a clear discrimination made by this committee.

I wish to ask how it is that out of over one hundred bills I have introduced and referred to that committee, they have reported not one.

Mr. NEECE. Mr. Chairman, I think the gentleman from West Virginia is mistaken. My recollection is that I did, during the last session, report one or two of the gentleman's bills, which had been referred to me among a number of others, and which finally became laws. If no others were reported it is because the gentleman never appeared before the committee or the subcommittee at least; and my attention has never been called to a single bill introduced from West Virginia where the gentleman was willing to come forward and say that the claim was one of merit.

I have had many bills referred to me, and it is physically utterly impossible to consider all of them. Perhaps the gentleman has had a hundred referred to the committee, but he has not taken any pains to have them considered.

Mr. GIBSON, of West Virginia. But will the gentleman tell us why it is that no West Virginia bill has ever been reported from his committee?

Mr. NEECE. I think the gentleman is mistaken in that. I reported one or two, I think, during the last term. I believe he appeared here, and they were passed at a night session. I may be mistaken, but that is my present recollection; and the gentleman never came before the committee to report in favor of a single bill which he claimed had merit.

Mr. GIBSON, of West Virginia. Because I did not regard it as my business to go to a committee of this House and lobby through the claims that were referred to it. I regarded it as their duty to investigate the cases.

Mr. NEECE. But that is the way other members have done. We can not possibly consider all the bills referred to us. We do the best we can, and have worked faithfully.

Mr. WOLFORD. I want to say a word on this case. I think my friend from West Virginia, who is a good and fair man, is mistaken in reference to it. I happen to know this soldier and Colonel Brownlow——

Mr. GIBSON, of West Virginia (interrupting). I have no desire to impede the progress of the business, and withdraw any objection I made. I simply wanted to express my opinion about the neglect which I think has been shown to the West Virginia claims. [Cries of "Vote!" "Vote!".]

Mr. WOLFORD. Well, if the committee want to vote I will take my seat.

So (there being no further objection) the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WINANS. Mr. Chairman, I move that the committee do now rise. [Cries of "No!" "No!"]

Allow me to say that the clerks have been busy reading here all day long. They are tired out, and I think we had better have some little consideration for them. We have got to act on all of these bills which have been already passed in the committee.

Mr. BOUTELLE. We ought to have some consideration for the claimants who have been waiting for their claims all these years.

Mr. WISE. Before that motion is submitted I ask the gentleman to yield to me to submit a request for unanimous consent, not on my own account, but in behalf of a friend of mine; and gentlemen will not suspect that I am governed by any party views when I say I am asking for a Republican [Mr. SPOONER], who desired me to request that Senate bill 2232 be taken up and considered. He is kept away from the House by sickness, and I make the request for unanimous consent in his behalf.

Mr. WINANS. What is the character of the bill?

Mr. WISE. I think it is a meritorious case.

Mr. WINANS. Is it a pension bill?

Mr. WISE. Yes, sir.

Mr. WINANS. I can not yield for unanimous consent to take up a pension case. They must be considered in their order.

Mr. WISE. Then I have one request to make in behalf of myself, and that is the privilege of taking up and passing two bills for the removal of political disabilities, so as to get them before the Senate for action.

Mr. ANDERSON, of Kansas. There is no objection to that.

Mr. MILLS. Those bills are in the House.

The CHAIRMAN. No; they are on the Private Calendar.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

THOMAS B. NALLE.

The bill (H. R. 11199) for the relief of Thomas B. Nalle was read, as follows:

Be it enacted, &c., That all legal and political disabilities imposed by virtue of the fourteenth amendment to the Constitution of the United States upon Thomas B. Nalle, in the State of Virginia, be, and the same are hereby, removed.

Mr. PETERS. I call for the reading of the report.

The report (by Mr. HAMMOND) was read, as follows:

The Committee on the Judiciary have had under consideration the petition of Thomas B. Nalle, of Virginia, for the removal of his political disabilities, and respectfully recommend the passage of the bill which is herewith reported. Mr. Nalle's petition accompanies the report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES H. LEE.

The next business on the Private Calendar was the bill (H. R. 11200) for the relief of Charles H. Lee.

The bill was read, as follows:

Be it enacted, &c., That all legal and political disabilities imposed by virtue of the fourteenth amendment to the Constitution of the United States upon Charles H. Lee, in the State of Virginia, be, and the same are hereby, removed.

Mr. PETERS. I call for the reading of the report.

The report (by Mr. HAMMOND) was read, as follows:

The Committee on the Judiciary have had under consideration the petition of Charles H. Lee, of Virginia, for the removal of his political disabilities, and respectfully report the accompanying bill, with the recommendation that it do pass. Mr. Lee's petition is with these papers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM B. BARNES.

Mr. WINANS. I yield now to the gentleman from New York [Mr. WEBER].

Mr. WEBER. I desire, Mr. Chairman, to ask unanimous consent to take up the bill (S. 2687) granting a pension to William B. Barnes. This bill has already passed both Houses and is now in the hands of the President. It originated in the Senate and is on the House Calendar; but I want to move to have it stricken from the Calendar, so that in case I am not here it will not be again passed.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 2687) granting a pension to William B. Barnes.

The bill was laid aside to be reported to the House with the recommendation that it do lie on the table.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Michigan that the committee do now rise.

The question was taken; the committee divided, and there were—ayes 14, noes 28.

So the committee refused to rise.

HENRY P. REED.

The next business on the Private Calendar was the bill (H. R. 3963) granting a pension to Henry P. Reed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry P. Reed, formely a private in Company D, Fourth Pennsylvania Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

Henry P. Reed enlisted as a private in Company D, Fourth Pennsylvania Veteran Reserve Corps, on the 17th July, 1861, and was discharged on surgeon's certificate of disability October 8, 1862, for hemorrhoids.

Claim was rejected on the ground that alleged hemorrhoids existed prior to enlistment, as shown by certificate of disability.

Testimony, as proven by Charles E. Stewart, Bernard Fox, Harry S. Roberts, Humphrey Murphy, and Martha W. Murray, showing that claimant was a sound, healthy man at and before enlistment.

A. Patze, late surgeon of claimant's regiment, in a letter to claimant's attorney, states that he has no recollection of claimant's disability, but well remembered the name, and in his opinion claimant would not have been accepted in the service with such disability, and further says:

"I have no recollection of the treatment which I undertook with claimant Reed; however, my memory is often revived by collateral circumstances; please advise Reed to write me reminding me of such collaterals as may help to awaken the slumbering mind, and if I can write him a certificate, so far as conscience permits, he has to pay me $5 in advance."

The claim was rejected on the medical certificate of this surgeon, based on an examination of claimant had about fifteen months after enlistment.

Your committee is of opinion that injustice would be done to a worthy claimant if his claim should be rejected upon the certificate of this surgeon, under the circumstances, and with the facts as above recited. The only unfavorable feature in the case is the surgeon's certificate as to the existence of disability at enlistment, based on an examination had about fifteen months after enlistment, when the evidence of soundness of claimant at enlistment is abundant and reliable.

A captain of claimant's regiment states that when claimant enlisted he was in good bodily health and a sound man, being fully capable of performing the duties of soldier.

E. D. Barthe, publisher of the Star, at Plymouth, Pa., states he was acquainted with claimant for ten years before his enlistment, having lived in the same house with him, and never knew of claimant having a day's sickness, and visited his family daily and weekly during all the time above specified, and knows claimant was a sound man when he enlisted.

The committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. JONES.

The next business on the Private Calendar was the bill (H. R. 8355) for the relief of Sarah A. Jones.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah A. Jones, mother of —— Jones, who was a member of Company C, Ninth Regiment of Kentucky Volunteers.

The Committee on Invalid Pensions reported the following amendment:

Fill the blank with the words "Robert A."

The report (by Mr. TAULBEE) was read, as follows:

It appears that the soldier enlisted September 15, 1861, and died December 24, 1863, of wounds received at the battle of Mission Ridge, Tennessee. Pension is claimed as the dependent mother of the soldier. The husband of the claimant died December 7, 1881.

The claim was rejected on the ground that the claimant was not dependent upon the soldier for support at the date of his death.

The following is a summary of the testimony in the case:

Mr. Tracy, a neighbor, says claimant's husband in 1863 owned very little property; all his personality was not worth more than $75; his income was very small; he was an old man and not able-bodied.

Daniel Huntsman, a neighbor, says that claimant's husband was sixty years old in 1853; he owned 240 acres of land, which was worth about $3 per acre; his whole personality was not worth more than $300; his income was about $200 or $250; that the soldier worked two years with his father, and his parents used his wages.

Hezekiah Cook, a neighbor, corroborates the testimony of Daniel Huntsman.

E. E. Horton, a neighbor, says the claimant's husband was sixty years old in 1863; owned a farm worth $500; had no income except the products of said farm; owned two "plug horses," a cow, and a few hogs.

P. I. Martin, a neighbor, corroborates affiant E. E. Horton.

John W. Huntsman, a comrade of the soldier, states that in 1863 the claimant's husband was "hard run" and in debt some; owned two "plug horses," both worth $75, and a poor farm; his income from all sources was hardly $200; that the soldier, while in the army, sent money to the claimant; affiant wrote letters transmitting the same; the claimant did not have much support after the war.

J. W. Martin, a comrade of the soldier, testifies that the soldier gave him $30 or $40 before the battle of Mission Ridge to be sent to his father in the event that he was killed in that battle; he was wounded, and died.

The testimony, of which the above is a summary, was taken before a special examiner of the Pension Office, and the witnesses were thoroughly interrogated.

Your committee are of the opinion that the rejection of this claim was a great injustice to the claimant, and believing that it is meritorious and fully proven, recommend the passage of the bill, amended by inserting in line 6, and after the word "of" where it last occurs, the words "Robert A."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I move that the committee do now rise.

The question being taken,

The CHAIRMAN stated that the "noes" seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The committee divided; and there were—ayes 11, noes 24.

So the motion was not agreed to.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I think the time has come when the committee should rise. I give notice that I will call a quorum from this time on.

Mr. BROWN, of Pennsylvania. Whether the bill has merit or not?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir; I give notice now.

JAMES H. HUSK.

The next business on the Private Calendar was the bill (H. R. 7035) granting an increase of pension to James H. Husk.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of James H. Husk from $4 to $8 per month (certificate numbered 154986), subject to the provisions and limitations of the pension laws.

The Committee on Invalid Pensions recommended the following amendment:

In line 5, strike out "$8" and insert "$6."

The CHAIRMAN. The question is on the amendment recommended by the committee.

Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The committee divided; and there were—ayes 28, no 1.

Mr. BRECKINRIDGE, of Arkansas. No quorum. I state that I make this point of no quorum in order to close the session to-night, without having ill-will toward any particular measure.

Several MEMBERS. Let us have a call of the House.

Mr. PETERS. I ask unanimous consent that members present be allowed to call up bills for half an hour. This is the last pension night we will have during this Congress.

Mr. BRECKINRIDGE, of Arkansas. Not necessarily. Members are very tired, and I think we should bring this sitting to a close.

Mr. HOPKINS. Why not let us call up bills that are unanimously reported?

The CHAIRMAN. The Chair appoints as tellers the gentleman from Arkansas [Mr. BRECKINRIDGE] and the gentleman from Kansas [Mr. MORRILL].

The committee again divided; and the tellers reported—ayes 28, noes none.

[Cries of "Regular order!"]

The CHAIRMAN. Does the gentleman from Arkansas withdraw the point of no quorum?

Mr. BRECKINRIDGE, of Arkansas. I do not.

The CHAIRMAN. The Clerk will proceed to call the roll.

Before the call of the roll was completed,

Mr. MORRILL said: I ask unanimous consent to dispense with the further call of the roll. It is very evident we can do nothing.

Mr. FELTON and others objected.

The Clerk continued and completed the first call of the roll.

Mr. MATSON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MATSON. I ask the Chair whether the rule requires in this proceeding a second call of the roll?

The CHAIRMAN. It does.

Mr. MATSON. Then I ask unanimous consent, out of consideration for the clerks, that the second roll-call be dispensed with and that if any gentleman has come in after his name has been called he be permitted to report himself as present.

Mr. BRECKINRIDGE, of Arkansas. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. I desire to know, in case the call has developed the absence of a quorum, would it be possible then for the House to go on and dispose of the business which has been acted upon in Committee of the Whole?

The CHAIRMAN. It would not until a quorum appears.

Mr. BRECKINRIDGE, of Arkansas. Then I suggest that the proceedings under the call of the roll be vacated by unanimous consent. It is better to hold on to the bills which have been laid aside to be reported favorably and take final action upon them than to have nothing done.

The CHAIRMAN. The Chair will submit the request of the gentleman from Indiana [Mr. MATSON]. That gentleman asks unanimous consent to dispense with the second call of the roll.

There was no objection.

Mr. MILLS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLS. My inquiry is this: After it is demonstrated that there is no quorum present, would it then be competent to dispense with further proceedings under the call and go on and pass the bills that have been favorably considered in committee, the record showing no quorum?

Mr. MORRILL. That has not been disclosed yet.

Mr. BRECKINRIDGE, of Arkansas. Then we had better not have it disclosed.

Mr. MILLS. Why not stop the proceedings under the call right now, and go on and pass the bills? I move to dispense with all further proceedings under the call.

The CHAIRMAN. That can not be done in the committee. The Chair will state that the rule is imperative that when a committee of the whole finds itself without a quorum, it is the duty of the Chair to cause the roll to be called, and to report the fact to the Speaker, when he resumes the chair, that the Committee of the Whole having found itself without a quorum, the chairman caused the roll to be called and the following-named members failed to answer to their names. Then the Speaker announces the result. The chairman of the Committee of the Whole has nothing to do with announcing the result. That is done by the Speaker.

Mr. MILLS. And then only two motions can be made, one to adjourn and the other to send for the absent members.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. Is it not competent for me now to withdraw the point of order?

The CHAIRMAN. It is.

Mr. BRECKINRIDGE, of Arkansas. And thereby vacate the proceedings under the call and dispose of any inconvenience that would arise from the disclosure of the lack of a quorum?

The CHAIRMAN. It is.

Mr. BRECKINRIDGE, of Arkansas. Now, Mr. Chairman, for the purpose of confirming in the House what has been done in the Committee of the Whole, I withdraw the point of order, but state that I will make it again unless the committee immediately rise.

Mr. BROWN, of Pennsylvania. Then let us not do it.

The CHAIRMAN. The Chair will state to the gentleman from Arkansas [Mr. BRECKINRIDGE], in reply to his inquiry, that, by unanimous consent, the further call of the roll has been dispensed with; so that the Chair has not announced whether a quorum is present or not, or what number of members have failed to answer to their names. Pending the call of the roll, its further call can be dispensed with by unanimous consent, and the gentleman from Arkansas [Mr. BRECKINRIDGE] can withdraw his point of order; but, of course, if the call is completed the Chair will be compelled to report the result to the House.

Mr. BRECKINRIDGE, of Arkansas. I withdraw the point of order.

Mr. MORRILL. Now, Mr. Chairman, I move that the committee rise.

The question was taken on the motion of Mr. MORRILL, and it was decided in the affirmative—ayes 32, noes 3.

The committee accordingly rose; and Mr. MILLS having taken the chair as Speaker *pro tempore*, Mr. HATCH, from the Committee of the Whole, reported that they had had under consideration bills upon the Private Calendar under the special order, and had instructed him to report to the House sundry bills with various recommendations.

The SPEAKER *pro tempore*. If there be no objection all the amendments recommended by the Committee of the Whole will be agreed to by a single vote.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. Now, if there be no objection all the pension bills reported to the House with the recommendation that they do pass will be passed in gross.

There was no objection, and it was so ordered.

Under the foregoing order House bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers;

A bill (H. R. 8828) granting a pension to Giles Wright;

A bill (H. R. 6823) granting a pension to Peter P. Hoffman;

A bill (H. R. 7952) granting a pension to Mary Parrott;

A bill (H. R. 9213) granting a pension to Mary Corbett;

A bill (H. R. 8437) granting a pension to Thomas Weekly;

A bill (H. R. 5171) granting a pension to Missouri Anderson;

A bill (H. R. 6423) for the relief of Mary Kaylor;

A bill (H. R. 3963) granting a pension to Henry P. Reed;

A bill (H. R. 9248) to increase the pension of Richard Foreman;

A bill (H. R. 6656) for the relief of Mary Tarbell;

A bill (H. R. 9301) granting a pension to Joseph Jones;

A bill (H. R. 8355) for the relief of Sarah A. Jones; and

A bill (H. R. 6162) granting a pension to Joseph M. Potter.

Senate bills of the following titles were severally read the third time, and passed:

A bill (S. 1326) granting a pension to Caroline E. Pratt;

A bill (S. 1170) granting a pension to Nancy C. Smith;

A bill (S. 1930) granting a pension to John Duffy; and

A bill (S. 2308) granting a pension to Henry Lafner.

REMOVAL OF POLITICAL DISABILITIES.

Bills of the following titles, reported from the Committee of the Whole House with a favorable recommendation, were severally ordered to be engrossed for a third reading, were accordingly read the third time, and passed, two-thirds voting in favor thereof:

A bill (H. R. 11199) for the relief of Thomas B. Nalle; and

A bill (H. R. 11200) for the relief of Charles H. Lee.

Mr. MATSON. I move to reconsider the several votes by which these pension and disability bills have been passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS INDEFINITELY POSTPONED.

Bills of the following titles, reported adversely from the Committee of the Whole House, were severally taken up and indefinitely postponed:

A bill (S. 158) granting a pension to Mary A. Mykins;

A bill (S. 1459) granting an increase of pension to Walter A. Donaldson;

A bill (S. 2263) granting a pension to Col. James H. Blood; and

A bill (S. 2687) granting a pension to William B. Barnes.

ORDER OF BUSINESS.

Mr. BOUTELLE. I ask unanimous consent that the House take up and pass a Senate bill.

Mr. WINANS. I object.

Mr. BOUTELLE. It will not take more than a minute.

Mr. WINANS. I move that the House adjourn.

The motion was not agreed to.

Mr. HOPKINS. I ask unanimous consent that the House take up and pass the bill (H. R. 11115) to increase the pension of Alonzo B. Chatfield.

The SPEAKER *pro tempore*. Is there objection?

Mr. WINANS. I object.

Mr. WISE. I move that the House adjourn.

The motion was not agreed to, there being—ayes 16, noes 21.

Mr. MATSON. I move that the House take a recess until to-morrow morning at 11 o'clock.

The SPEAKER *pro tempore* (having put the question on the motion for a recess). The noes seem to have it.

Several members called for a division.

Mr. HATCH. Pending the motion for a recess, I move that the House do now adjourn. I hope that members will not bring this evening's proceedings into ridicule.

The motion of Mr. HATCH was agreed to, there being—ayes 22, noes 18; and accordingly (at 10 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of workingmen of Demmler, Allegheny County, Pennsylvania, for the repeal of internal taxes—to the Committee on Ways and Means.

Also, resolutions of Col. J. B. Clarke Post, No. 162, Grand Army of the Republic, of Allegheny, Pa., commending the dependent pension bill, and calling upon representatives to vote for its passage over the veto—to the Committee on Invalid Pensions.

By Mr. BLISS: Petition of the Geraldine Club, of New York city, opposing the extradition treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. BLOUNT: Papers relating to the claim of Gabriel Parks, of Benjamin F. Reeves, of Jackson Bush, of Early Cleveland, and of Will-

iam C. Battle, of Monroe County; of James Trice, administrator of William Trice; of James Trice; of F. F. Matthews, executor of J. C. W. Lindsey, of James M. Middlebrook, of R. W. Blalock, and of Jordan Lyons, of Upson County; of A. W. Stafford and of Mary Willmaker, of Pike County; of William A. Parker, of Liberty County; and of Alvis Stafford, of Pike County, Georgia—to the Committee on War Claims.

By Mr. BURLEIGH: Memorial of a committee to represent the marble sawmills of the United States, requesting correction of the tariff act of 1883—to the Committee on Ways and Means.

Also, resolution of the Linnæan Society of New York, requesting the passage of the bill (S. 2436) in favor of Yellowstone Park for a permanent reservation for the people—to the Committee on the Public Lands.

By Mr. J. M. CAMPBELL: Petition of members of Post No. 474, Grand Army of the Republic, of Pennsylvania, asking the passage of the soldiers' dependent pension bill, notwithstanding the President's veto—to the Committee on Invalid Pensions.

By Mr. CONGER: Petition of the Women's Christian Temperance Union of East Des Moines, Iowa, for the immediate passage of the bill (S. 2362) for the promotion of political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. FINDLAY: Petition of the Board of Trade of Socorro, N. Mex.—to the Committee on the Public Lands.

By Mr. FULLER: Petition of Mrs. L. M. Blank and Mrs. Allie Deyer, of Mrs. E. C. Hale and Mrs. W. V. Andrews, and of Mrs. O. Haven and Mrs. Willard Perrin, presidents and vice-presidents, respectively, of the Women's Christian Temperance Union of Strawberry Point, Northwood, and Floyd, Iowa, for the passage of the bill (S. 2362) to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. GALLINGER: Resolutions of John G. Foster Post, No. 7, Grand Army of the Republic, of Nashua, N. H., condemning the Presidential veto of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. HALL: Petition of Mrs. M. S. Leonard and Mrs. A. E. Leonard, of Iowa, favoring the passage of the bill (S. 2362) promoting peace between nations—to the Committee on Foreign Affairs.

By Mr. LA FOLLETTE: Memorial of the Legislature of Wisconsin, for the payment of all unappealed awards made pursuant to law and all judgments reported to Congress by the Attorney-General for damages by overflow resulting from the improvement of the Fox and Wisconsin Rivers—to the Committee on Appropriations.

Also, memorial of the same for the speedy passage of the agricultural experiment-station bill—to the Committee on Agriculture.

By Mr. LYMAN: Petition of the Women's Christian Temperance Union of Anita, Iowa, for the passage of the bill (S. 2362) to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. McRAE: Papers relating to the claim of William W. Chambliss, of William T. Stone, of Paville Pile, of Samuel M. Dunlop, of Richard T. Holleman, of William B. Howard, of Solomon Block, of Amerial L. Ward, and of Elijah Y. Toner, of Ouachita County; of Isaac Cohen, of Ashley County, and of William Carson, of Jackson County, Arkansas—to the Committee on War Claims.

By Mr. MILLARD: Petition of 16 soldiers of New York, asking for the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. MORROW: Resolutions of the Chamber of Commerce and Board of Trade of San Francisco, Cal., in joint session, in favor of the passage of the bill (H. R. 1140) to increase the naval establishment and protect the harbors of New York and San Francisco—to the Committee on Naval Affairs.

By Mr. NEAL: Papers relating to the claim of Jesse Pickett, of Sequatchie County, and of Elijah M. Hale and of Augustus P. Green, of Hamilton County, Tennessee—to the Committee on War Claims.

Also, petition of Wilson Hixson, of Hamilton County, Tennessee, asking that his war claim be allowed—to the same committee.

By Mr. NEECE: Protest of Louis Giebrish—to the Committee on Patents.

Also, resolution of the General Assembly of Illinois, favoring the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. PEEL: Petition of John Johnson, of Washington County, Arkansas, asking reference of his case to the Court of Claims—to the Committee on War Claims.

By Mr. PERKINS: Resolutions of the American Library Association, asking for legislation that will enable the librarians of the country to distribute books through the mails as second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Chetopa Post, Grand Army of the Republic, of Kansas, asking for the passage of House bill No. 10457 notwithstanding the veto of the President—to the Committee on Invalid Pensions.

Also, resolutions of the Monthly Meeting of Friends, of Timbered Hills, Kans., for the passage of the bill (S. 2362) to promote peace among nations—to the Committee on Foreign Affairs.

By Mr. PRICE: Memorial of the Legislature of Wisconsin, to pay all unappealed awards and judgments growing out of damages caused by the Fox and Wisconsin River improvement—to the Committee on Claims.

Also, memorial of the same, asking for the support of agricultural experiment stations—to the Committee on Agriculture.

By Mr. RICHARDSON: Petition of A. M. English, of Lincoln County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ROGERS: Papers relating to the claim of Mary A. Couch and of Walter Orme, of Crawford County, and of John N. Slosson, of Sebastian County, Arkansas—to the same committee.

By Mr. STEELE: Petition of J. W. Brickley and other members of the Grand Army of the Republic, of Hartford City, Ind., asking the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

By Mr. STEPHENSON: Memorial of the Chamber of Commerce of Milwaukee, Wis., for the passage of bill now pending for a public building in said city, and appropriating a sufficient sum of money to insure a building worthy of the city and its future growth—to the Committee on Public Buildings and Grounds.

Also, petition of John Eiden, jr., and 98 citizens of Ellis, Portage County, Wisconsin, asking for the protection of the American agriculturist, and to prevent the depression of prices of hops and potatoes—to the Committee on Ways and Means.

By Mr. STRUBLE: Petition of Mrs. W. W. Gardner and Mrs. O. P. Miller, president and secretary of the Women's Christian Temperance Union, of Rock Rapids, Iowa, asking for the speedy passage of the bill (S. 2362) to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. SWINBURNE: Petition of the James Stephens Club, of New York city, against the so-called extradition treaty with Great Britain—to the same committee.

By Mr. THOMAS: Memorial of the Chamber of Commerce of Milwaukee, Wis., for the passage of Senate bill making an appropriation for a new Government building in that city—to the Committee on Public Buildings and Grounds.

By Mr. J. B. WEAVER: Petition of Thomas B. Wales jr., and 7 others, citizens of Iowa, praying for the passage of the Hatch pleuropneumonia bill—to the Committee on Agriculture.

Also, petition of J. W. Johnson and 18 others, of Oskaloosa; and of the Farmers' Club, of Oskaloosa, Iowa, protesting against changing or repealing the oleomargarine law—to the same committee.

Also, petition of Ira McNair and 8 others, citizens of Jasper County, Iowa, praying for the repeal of the limitation in the arrearage act concerning invalid pensions—to the Committee on Invalid Pensions.

Also, petition of B. F. Stockwell and 8 others, of Chester County, Iowa, praying for the passage of House bill 10359—to the same committee.

By Mr. A. C. WHITE: Petition of Col. C. A. Craig Post, No. 75, Grand Army of the Republic, of Pennsylvania, in favor of House bill 1047—to the Committee on Invalid Pensions.

By Mr. WILLIS: Papers in the case of J. D. Colmeruil—to the Committee on Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. EVERHART: Of prominent business men, voters, of Oxford, Chester County, Pennsylvania, and vicinity.

By Mr. FELTON: Of 75 citizens of Gilroy, Cal.

By Mr. JACKSON: Of 138 citizens of West Bridgewater, Pa.

By Mr. OSBORNE: Of 174 citizens of Pennsylvania.

By Mr. SOWDEN: Of 55 citizens of Morrisville, Pa.

By Mr. SWINBURNE: Of 171 citizens of Andover, N. Y.

By Mr. VOORHEES: Of 167 citizens of Seattle, of 156 voters of Goldendale, and of 220 citizens of Blaine, Wash.

SENATE.

SATURDAY, *February* 19, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War recommending the enlargement of the scope of section 7 of the river and harbor act of July 5, 1884, to secure proper protection of Davis Island Dam, Ohio River, and other similar works; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a supplementary report of the Surveyor-General of New Mexico on private land claim No. 107, known as the grant to the town of Socorro; which, with the accompanying papers,

was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of January 17, 1887, information respecting judgments and awards against the United States in connection with the improvement of the Fox and Wisconsin Rivers; which, with the accompanying papers, was, on motion of Mr. SAWYER, referred to the Committee on Appropriations, and ordered to be printed.

CELEBRATION OF WASHINGTON'S BIRTHDAY.

The PRESIDENT *pro tempore* presented a resolution adopted by the citizens' committee of Alexandria, Va., inviting the members of the Senate to unite with them in celebrating Washington's birthday; which was read, as follows:

ALEXANDRIA, VA., *February* 16, 1887.

At a meeting of the citizens' committee charged with the conduct of the proposed celebration of the anniversary of Washington's birthday, February 22, 1887, held this date, the following resolution was unanimously adopted, and the secretary was instructed to forward a copy thereof to the President *pro tempore* of the United States Senate:

Resolved, That an invitation be extended to the President *pro tempore* of the United States Senate and to the members of that body to unite with us on Tuesday, February 22, 1887, in the celebration of the anniversary of the birth of the immortal Washington.

In transmitting this invitation I am instructed by the committee to express the hope that it will be the pleasure of the Senate to accept the same.

I am, sir, very respectfully, your obedient servant,

D. W. ZEISSE, *Secretary*.

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

Mr. EDMUNDS. That paper had better lie on the table for the present, until the Committee on Appropriations can be consulted as to whether we may have time.

The PRESIDENT *pro tempore*. The resolution will lie on the table, if there be no objection.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Lemert Post, No. 71, Grand Army of the Republic, of Newark, Ohio; the petition of David Lloyd Post, No. 374, Grand Army of the Republic, of Marengo, Ohio, and the petition of Forsyth Post, No. 15, Grand Army of the Republic, of Toledo, Ohio, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. WILSON, of Iowa, presented the petition of J. H. Case and 39 other citizens of Iowa, residing at Winthrop, praying that the law relative to oleomargarine may be continued without amendment; which was referred to the Committee on Agriculture and Forestry.

FREE SHIPS.

Mr. BECK. Mr. President, as the Senate is aware, I have for a number of years been presenting and urging bills and petitions for the repeal of our navigation laws so that the people of the United States desiring to engage in the foreign carrying trade on private account could buy ships where they could get them cheapest, as all their foreign competitors now do. Failing for a long time to obtain consideration of these important questions, I have had a memorial prepared, setting forth probable or possible foreign complications, which Congress, in my opinion, would do well to consider. The memorial is signed by myself. I ask to have it printed in the RECORD and referred to the Committee on Commerce, before which committee I shall ask to be heard on the subject.

There being no objection, the memorial was ordered to be printed in the RECORD, and referred to the Committee on Commerce, as follows:

Memorial presented by JAMES B. BECK, of Kentucky.

To the Senate and House of Representatives of the United States:

All indications point toward the probable outbreak of a great war in Europe at an early day.

In that event Germany, France, Italy, and Belgium may be counted in as belligerents, with an even chance that Russia, Austria, and perhaps England, may take a hand in the war.

With all those countries except Russia the United States has an extensive and profitable export trade in its leading staples.

Upward of 85 per cent. of our exports are carried in vessels—principally steamers—that sail under flags which, in event of a general war in Europe, will be exposed to the risk of capture on the high seas, to escape which they must seek the protection of a neutral flag or remain idly in port during the continuance of the war.

The withdrawal of even 25 per cent. of the European steam tonnage, upon which we are dependent for the transportation of our surplus cotton, breadstuffs, provisions, tobacco, and petroleum to European markets, would seriously curtail our exports of those staples and produce a glut of the same in our home markets, which would be ruinous to producers.

We have no supply of tonnage, especially of steam tonnage, to make good even a partial withdrawal of European steam tonnage from our ports.

Our iron-ship building establishments will be fully occupied for several years in building ships and engines for our new Navy.

If Germany, France, Italy, and Belgium become parties to the anticipated war, and England remains neutral, she will be the only neutral in possession of a large fleet of ocean steamships, and will monopolize all the profits of neutrality in ocean transportation.

Citizens of the United States will be entirely dependent upon English-owned steamships for the transportation of cargoes, mails, and passengers to and from Europe.

Englishmen will reap all the profits of a neutrality from which citizens of the United States will be debarred by our ship registry law, which denies to an American citizen the right to purchase a foreign-built steamship and have her registered as American property entitled to the protection of the American flag.

However high ocean freights by neutral vessels may rise, American citizens being unable to purchase modern ocean steamships or build them within a year can not profit by the advance so long as the prohibitory ship registry law stands unaltered.

If England shall cease to be neutral freights and insurance by British vessels will advance to war rates.

American capital is already invested in some of the European steamship companies; in event of war their ships will be liable to capture unless they can be transferred to their American owners and registered as American ships entitled to the protection of the American flag.

Unless this Congress shall so amend the ship registry law as to permit American citizens to purchase and register foreign-built steamships to be used exclusively in the foreign carrying trade, there can be no relief from our present prohibitory law forbidding the issue of a register to a foreign-built steamship until next December, except by the call of an extra session of Congress.

The impending war may break out within a week after the expiration of the present Congress, and interrupt our communications with Europe, retard the movement of our exports to European markets, tax shippers with war rates of freights and insurance, and prevent this opening of an opportunity to re-establish our merchant marine with a highly profitable business so long as the war shall last; yet if this Congress shall fail to amend the obsolete and obstructive ship registry law, we shall be without a remedy until the next Congress shall meet.

The Franco-German war of 1870 was declared by France on the very day (July 15) that the two Houses of Congress had agreed upon to adjourn. The news reached Washington at 11 a. m., and President Grant promptly sent a message to Congress urging the immediate passage of the much needed amendment of the ship registry law. As but five hours of the session remained in which to act upon the recommendation of the President, the opponents of the measure succeeded in defeating it by dilatory motions until the hour for adjournment arrived.

With another day for discussion the obstructive law which paralyzes American enterprise upon the ocean would have disappeared from the statute-book of the United States, and the United States flag would now be borne by at least three lines of transatlantic steamships.

The impending European war threatens to be more far-reaching and of longer duration than the war of 1870. Competent observers of European politics believe that all the leading powers will be drawn into it, and that the only prominent neutral will be the United States. If this view is correct, we may again be in a position to control the ocean carrying trade of the world, and American ships may be in urgent demand as they were during the Crimean war, when half the commerce between England and her Indian possessions was carried in American ships; but to regain that position American citizens must be free to purchase the steamships that have superseded sailing ships in modern commerce.

Respectfully presented.

JAS. B. BECK.

Mr. BECK. Accompanying the memorial I desire to refer, without printing in the RECORD, as a part of it, to show in part the basis upon which I think the subject important, the speech of Baron von Moltke before the German Reichstag, showing that, in his opinion at least, a European war is almost inevitable. I will only insert in the RECORD a brief extract, showing the spirit and temper of this speech. I also present an extract from a New York paper, which I will ask to have printed in the RECORD, in regard to the action of England concerning her steamship lines.

The PRESIDENT *pro tempore*. That order will be made.

The extracts referred to are as follows:

THE NEW OCEAN MAIL SERVICE—DETAILS OF THE AGREEMENT—PREPARING FOR PEACE AND WAR.

The details of the new ocean mail transportation between England and New York, arranged by the British Admiralty, were received yesterday. The agreement has two distinct phases, which may be separated into mail service and war service. As regards the mail service, it is arranged that after March 1 the White Star steamers will carry the mails every Wednesday from Liverpool, calling at Queenstown on Thursday; and those of the Cunard Company on Saturday from Liverpool and from Queenstown on Sunday. This arrangement will not preclude those who desire to forward letters by the Inman line on Tuesdays from Liverpool or by the North German Lloyd from Southampton on Thursdays. The correspondents will simply have to write on their letters the name of either of these lines.

But the most interesting and certainly most novel feature of the new arrangement is that which concerns the employment of the mail-boats in the emergency of war. It is thus described:

"Hitherto when war broke out freights rose enormously, and the hiring of steamers as transports or cruisers was an onerous burden on the national exchequer. It was also a harvest-time for steamship owners. The new arrangement with the mail contractors is to provide against this contingency, and to give the Government the power of engaging their vessels on fair terms, settled, not under the pressure of urgent necessity, but in peaceful times by anticipation. Concurrently with the mail contracts the Admiralty have made a subsidiary arrangement with the White Star Company by which the service of their fleet is secured to the nation at peace prices in the event of transports being required, and the same agreement provides for the construction of new vessels by that company of a type to meet naval requirements as armed cruisers. For these vessels, which are to be the largest and fastest vessels afloat, an annual subvention is to be paid in consideration of owners building them to meet the Admiralty designs. Thus, at moderate cost, the country will secure the nucleus of a fleet of reserved armed cruisers of great speed and formidable fighting powers. Messrs. Harland & Wolff, of Belfast, are to build the new ships, and, as they will have twin screws and be divided into numerous water-tight compartments, they will be placed beyond all ordinary chance of disablement. A similar arrangement is being negotiated with the Cunard Company, and it is also stated that the Messrs. Laird are preparing designs for the Inman Company for a new vessel also to comply with the requirements of the department in Whitehall."

The extract from Von Moltke's speech is as follows:

So long as the public opinion in France impetuously demands the surrender of two important German provinces, and we are firmly resolved never to surrender them (loud bravos), an understanding with France is scarcely possible.

I might show the preparations France, Germany, Austria, Russia, and Belgium are making for war, but I will not take the time of the Senate to do so. I will, however, call the attention of the Committee on Commerce to them in support of the memorials I have the honor to present.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the petition of Ida May Welton, of Groton, Vt., praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 3328) granting a pension to Ida M. Welton; which was read twice by its title.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888, to report it with an amendment. As the committee only propose a single amendment to the bill, I think it is unnecessary to reprint it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar without reprinting.

AMENDMENTS TO BILLS.

Mr. CULLOM. I submit an amendment to be proposed to the deficiency appropriation bill, with a petition accompanying it. I move that the amendment be printed and, together with the petition, referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. 6974) to provide for bringing of suits against the Government of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. EVARTS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

OREGON RIVER AND HARBOR APPROPRIATIONS.

Mr. MITCHELL, of Oregon. I offer a resolution which I ask may be read and lie on the table, and I give notice that on Monday morning next, immediately after the close of the morning business, I shall ask the Senate to proceed to the consideration of it for the purpose of enabling me to submit some observations relative to the subject-matter.

The resolution was read, and ordered to lie on the table, as follows:

Resolved, That the letter from the Secretary of War, transmitting, in response to Senate resolution of December 7, 1886, report relative to river and harbor improvements in Oregon and Washington Territory, and now on the table, be referred to the Committee on Commerce with instructions, if, in the judgment of such committee, it is deemed expedient, to investigate and report to the Senate as to the cause of delay in resuming work on the canal and locks at the Cascades of the Columbia River in the fall of 1886, and as to the reasons for change of engineers in charge of such improvement in October, 1886, and if such investigation is deemed expedient by such committee authority is hereby given to send for persons and papers and administer oaths.

PRINTING OF BILLS.

Mr. HALE. I ask for the adoption of the following order:

Ordered, That Senate bill 662, Senate bill 663, Senate bill 3286, and Senate bill 3288 be printed as passed by the Senate.

Those bills have not been printed as passed, the original bills having been amended, and it is important that they be seen as they were passed.

The resolution was considered by unanimous consent, and agreed to.

HOURS OF SESSION.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions," the Chair lays before the Senate the resolution submitted by the Senator from Florida [Mr. CALL] on the 17th instant, which comes over under objection.

The Chief Clerk read the resolution of Mr. CALL, as follows:

Resolved, That for the remainder of the session the Senate will convene at 11 o'clock a. m. and, with a recess of one hour, will continue in session until 9 o'clock p. m.

Mr. EDMUNDS. I think that had better be referred to the Committee on Appropriations to see how their business is.

Mr. CALL. I hope we shall take a vote upon the resolution.

Mr. EDMUNDS. I make the motion to refer, at any rate.

Mr. CALL. I hope the motion will not be insisted on.

Mr. INGALLS. May we hear the resolution read again?

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk again read the resolution.

Mr. CALL. If there is any objection to continuing in session, of course it will be always in the power of the Senate to control the hour of adjournment. I will move to amend that part of the resolution which provides for evening sessions, if desired, but it is obvious that we ought to meet at 11 o'clock in the morning. There is a great number of important bills that the interests of the country require should be acted upon, and we can very well afford to meet hereafter at 11 o'clock.

Mr. BECK. I desire to say a word, as the chairman of the Committee on Appropriations is absent. That committee is in session now considering the District of Columbia appropriation bill. We have to consider in that committee yet the legislative, executive, and judicial appropriation bill, the naval appropriation bill, the deficiency appropriation bill, the diplomatic and consular bill, and quite a number of other important matters. It will facilitate the business of the Senate very much more if the Committee on Appropriations is allowed to sit until 12 o'clock without being forced to be absent from the Senate.

I hope that there will be no change made in the existing rule at present. The chairman of the Committee on Finance [Mr. MORRILL], whom I see before me, knows that we have a half dozen very important matters that need discussion in that committee as well. To meet at 11 o'clock would be simply cutting off committee work, and would do no good.

Mr. EDMUNDS. I have moved that the resolution be referred to the Committee on Appropriations in order to see if the public business can be advanced by any change in the time of meeting.

Mr. CALL. I desire to say that there is no reason for the reference of the resolution to the Committee on Appropriations. There is nothing in it which requires the Committee on Appropriations or the Committee on Finance to be present at 11 o'clock. There is a large number of important bills pending, to which there is no objection, and which can be passed by those of the Senate who are not on those committees, as a very large proportion, more than a majority of the Senate, do not belong to either of those committees. There are a great many bills that might be acted upon in the other House if there was time to have them considered here.

I have two important bills in charge of great importance to large numbers of people in the United States and in the State of Florida, that I have not been able to have considered, to which I believe there is no objection on the part of any one in the Senate, and meeting at 11 o'clock will afford an opportunity to have them considered, the consideration of which it may otherwise be impossible to obtain.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to refer the resolution to the Committee on Appropriations.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 35, nays 10; as follows:

YEAS—35.

Allison,	Frye,	Kenna,	Platt,
Beck,	Gibson,	McMillan,	Ransom,
Butler,	Hale,	Mahone,	Sabin,
Cheney,	Hampton,	Manderson,	Saulsbury,
Cullom,	Harris,	Maxey,	Sawyer,
Dawes,	Harrison,	Mitchell of Oreg.,	Sherman,
Dolph,	Hawley,	Morrill,	Vest,
Edmunds,	Ingalls,	Palmer,	Walthall.
Evarts,	Jones of Arkansas,	Payne,	

NAYS—10.

Berry,	Coke,	Vance,	Wilson of Iowa.
Call,	George,	Whitthorne,	
Cameron,	McPherson,	Williams,	

ABSENT—31.

Aldrich,	Colquitt,	Jones of Florida,	Sewell,
Blackburn,	Conger,	Jones of Nevada,	Spooner,
Blair,	Eustis,	Miller,	Stanford,
Bowen,	Fair,	Mitchell of Pa.,	Teller,
Brown,	Farwell,	Morgan,	Van Wyck,
Camden,	Gorman,	Plumb,	Voorhees,
Chace,	Gray,	Pugh,	Wilson of Md.
Cockrell,	Hoar,	Riddleberger,	

So the resolution was referred to the Committee on Appropriations.

CLAIMS AGAINST FOREIGN GOVERNMENTS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate another resolution, which comes over under objection.

The resolution submitted by Mr. MORGAN February 17 was read, as follows:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the matters presented in the message of the President of February 14, 1887, relating to an agreement concluded between the minister of the United States at Madrid and the Spanish minister of state for the settlement of claims growing out of occurrences at Santiago de Cuba in regard to the persons of the officers and crew and passengers of the steamer Virginius; and also inquire into the matters presented in the message of the President of January 29, 1887, relating to awards made by the arbitrator in the cases of Antonio Pelletier and A. H. Lazare against the Republic of Hayti, under an agreement made between the Secretary of State of the United States and the minister plenipotentiary for the Republic of Hayti, dated 24th May, 1884.

And that said committee inquire and report whether the United States has any and what power or rightful authority to interfere in any way by legislation to control or dispose of the matters in dispute or in question between the parties interested in said agreements respectively.

2. That said committee further consider and report what action is required, in their opinion, to be taken by the Senate or by Congress in each of said matters in the event that the Senate or Congress shall decide that the United States have any duty to perform in respect thereof, and that said committee have leave also to report by resolution or bill such measures as will carry into effect the conclusions at which they shall arrive.

Mr. EDMUNDS. I think that is a matter of importance regarding foreign relations that should be referred to the Committee on Foreign Relations, and I make that motion.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the resolution be referred to the Committee on Foreign Relations.

Mr. MORGAN. It is a resolution of instruction to that committee.

Mr. EDMUNDS. I know it, but I do not think they ought to be instructed until we look into it. It is pretty broad.

Mr. MORGAN. I think they can bear instruction by the Senate as well as any committee I know of. One of these topics is before the Committee on Foreign Relations by the reference of a letter of the Secretary of State. I think the committee have agreed to report upon that. My view of it was that the report was not as broad as the subject deserved.

This is rather an extraordinary method of dealing with subjects between our own people and those of foreign governments, through agreements that are not diplomatic in the proper sense of the word. They are not conventions; they are not treaties; they are mere agreements of a private nature, if I may use that expression in connection with such a subject, between our Department of State and the foreign ministers or the departments of foreign affairs in other governments.

In several instances, some of recent date, three of which are mentioned in the resolution, our Government has agreed informally with other governments for certain arbitrations and for the dispensation of certain funds that have been placed in the hands of our Secretary of State for distribution among our own citizens upon an acknowledged demand in their favor against foreign governments. But I find that in consequence of the want of law, the want of Senatorial ratifications of any of those conventions or arrangements, the Department of State is under embarrassment; it must necessarily be so; and I wish to extract from this committee their opinion of what the state of the law is upon that subject and what are the responsibilities of our Government.

If we have no right to interfere at all legislatively to control the action of our Secretary of State in respect of these private and semi-official arrangements with foreign countries, that class of arrangements ought to be hereafter abandoned. If they amount to conventions, if they amount to legislation, or to a committal of the Government, we ought to know to what extent.

I trust that the Senator from Vermont will not feel that the committee is being intruded upon in any way merely because I use language of instruction, that they shall inquire into certain phases of the question. It was merely to give the committee full jurisdiction of the whole question relating to the judicial character of our relations with foreign governments that I desired to have the resolution passed in the form of instruction. I hope the Senator will not have the resolution referred, but let it be passed upon.

Mr. EDMUNDS. It would give me great satisfaction to accommodate my friend from Alabama in that way, but I think the subject is of such importance, and as this resolution is so drawn, enumerating a variety of cases about which I do not know anything personally at this moment to any great extent, every object he has in view in calling the attention of the committee to the subject will be attained by referring the resolution, and not by the Senate in advance undertaking to say precisely what the resolution does say.

Mr. MORGAN. Then, if the Senator will allow me, I will amend the resolution in order to meet his view by saying instead of the committee being instructed that it be referred to the committee to inquire and report, so as to get the subject in a legitimate form before the committee.

Mr. EDMUNDS. A simple reference does that. I suggest to my friend, which he has forgotten at the moment, that the very constitution of the Committee on Foreign Relations, like that of every other committee in this body, would authorize it to proceed to make that inquiry, if it thought it advisable, and to report by bill or otherwise to the Senate upon the subject. It is inherent in the nature of all our committees. The Judiciary Committee constantly has its attention called to judicial subjects, and reports bills or resolutions in regard to them, and so does every other committee.

Therefore every object can be obtained that is desirable at this moment by my friend by just simply referring the resolution to the committee. He knows that the committee is always ready to consider what he brings forward.

Mr. MORGAN. I have no objection to that, except that it looks a little inappropriate to refer a resolution to a committee which purports to instruct them to do a certain thing.

Mr. EDMUNDS. It is often done, in order to see whether it ought to be done in that way.

Mr. MORGAN. I make no point about it. I have no objection to the proposed reference with that view.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Foreign Relations.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882;

A bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district; and

A bill (H. R. 9116) to provide for holding terms of United States courts at Texarkana, Ark., and for other purposes.

DISTRICT WATER SUPPLY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of January 28, 1887, certain information in relation to the water supply in the District of Columbia; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

WASHINGTON TERRITORIAL LEGISLATURE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate another resolution that comes over under objection.

The Chief Clerk read the following resolution, submitted yesterday by Mr. BUTLER:

Resolved, That it is expedient for the Senate to consider without further delay House bill 6966, to change the time of meeting of the Legislative Assembly of Washington Territory.

Mr. EDMUNDS. I rise to a point of order on that resolution, that it is not in order as in effect disturbing the rule in respect of the order of business provided by the Senate which fixes the Calendar, and it is not of course on the face of it, and does not purport to be a resolution to make a special order. If it were proposed in the proper form, a resolution to make a special order, it would of course be in order and would not be subject to debate. My point of order is one that lies back of that. The very same question apparently was raised on the 2d of August, 1886, when the President of the Senate "laid before the Senate a resolution submitted by Mr. BECK on Saturday last, providing for the consideration of House bills on the Calendar." I had submitted a similar one providing for the consideration of some other bills—the bills on the Calendar:

Mr. MILLER raised a question of order that the resolution would operate as a change in the standing rules of the Senate, and that proper notice had not been given under the fortieth rule.

The President *pro tempore*—

The present occupant of the chair—

sustained the point of order—

In both cases, and the resolutions, of course, were not considered.

Now the fact that this describes only one bill instead of two, or eight, or ten, it appears to me, can not make any difference to the rule.

I admit clearly that my friend would have a right to offer a resolution making this particular subject a special order for any day that he chose, or would have a right after 1 o'clock to move to take it up, but in neither of these cases would the subject be open to debate until the bill was before the Senate; but the objection back of that is the one which the Chair ruled upon last year when it happened that more than one bill was in the proposition as to how they should be taken up.

Mr. BUTLER. I believe the resolution is debatable, is it not?

The PRESIDENT *pro tempore*. The present question is not debatable, but the Chair will hear debate and will decide the question afterward.

Mr. BUTLER. Then, with a view of determining whether it is advisable to bring that bill before the Senate or not, I ask the Secretary to read the minority report.

The PRESIDENT *pro tempore*. The Chair is of opinion that that would not be in the nature of debate on the point of order. The Chair has a right to call for debate on a question of order.

Mr. BUTLER. I am not discussing the question of order. I was proposing to discuss the resolution.

Mr. EDMUNDS. The question of order must first be decided.

The PRESIDENT *pro tempore*. Where a point of order is made discussion on the merits is not in order. If the Senator from South Carolina desires to say anything on the point of order the Chair will hear him.

Mr. BUTLER. Do I understand the Senator from Vermont to make the point that the resolution is not in order?

The PRESIDENT *pro tempore*. That is substantially the point; that it is not in order, as it changes the rules of the Senate.

Mr. BUTLER. I do not understand that the resolution changes the rules of the Senate. It simply expresses the opinion of the Senate on a given subject; that it is its duty to consider, not to pass, a certain bill. I can not for the life of me see how that changes any rule or order of the Senate.

Mr. EDMUNDS. If I do not interrupt my friend, the language is "it is expedient for the Senate to consider without further delay." Therefore, if that resolution passes, it would be clearly the duty of the Chair to lay that bill before the Senate. It is a direct order of the Senate to go on with it forthwith.

The PRESIDENT *pro tempore*. The Chair is of the opinion that this resolution does not fall within the precedents referred to by the Senator from Vermont, because they did expressly change the rules by prescribing a different order of business. This is merely an expression of opinion. It does not seem to alter a rule, and the Chair would hold that even if this resolution should be adopted the only way in which the bill referred to could be reached would be the ordinary way, by moving to proceed to its consideration. The Chair feels bound, therefore, to hold that this resolution is in order, although it is manifestly intended to follow it with another resolution or motion which would bring the bill before the Senate.

Mr. BUTLER. That being the ruling of the Chair, I will state, briefly, my object in introducing this resolution. It was to enable the

majority of the Committee on Territories to carry out the terms of a very distinct, well-understood stipulation made by that majority with the minority of the committee, to call up this bill at the earliest practicable moment, and pass it. That, at least, was my understanding.

Mr. PLATT. "And pass it?"

Mr. BUTLER. Well, to call it up—I will not say "to pass it"—but to call it up. It was certainly understood by the committee that that should be done at the earliest possible moment. Now, sir, I have tried again and again to get consideration of this bill. In one instance I was met by one class of objection. This morning I am met by a point of order. I desire to state to the Senate the reasons why I think the bill ought to be considered, and with a view of getting them clearly before the Senate, I ask the Secretary to read the minority report, or, if that is objected to, I will read it myself.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks that a certain paper be read.

Mr. PLATT. Will not the Senator have the whole report read?

Mr. BUTLER. I have no objection. I will read the minority report.

Mr. EDMUNDS. There is no objection to the Secretary reading it.

Mr. PLATT. But will not the Senator have the whole report read?

Mr. BUTLER. The Secretary may read the minority report first, and then if the Senator pleases he can have the majority report read.

The Chief Clerk proceeded to read the views of the minority of the Committee on Territories on the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory.

Mr. HARRIS. How does this matter come before the Senate?

The PRESIDENT *pro tempore*. On a resolution presented by the Senator from South Carolina yesterday, and coming over under objection.

Mr. HARRIS. It is a resolution that is under consideration.

The PRESIDENT *pro tempore*. A resolution is under consideration.

The Chief Clerk resumed the reading.

Mr. HARRIS. I rise to a point of order, or rather a parliamentary inquiry. The pending resolution that comes over under objection is in the nature of a motion to proceed to consider a bill, is it not?

The PRESIDENT *pro tempore*. The practice of the Senate is to allow limited debate upon a question of this kind on a resolution that comes over under the rule. This is in the form of a resolution coming over under objection. The practice of the Senate has been to allow debate.

Mr. HARRIS. I am aware that the consideration of the resolution is in order, and I do not raise any question as to that; but if it be in the nature of a motion to proceed to consider, my point is that it is not debatable, and all of this reading of reports and debating the merits of the question involved in a bill proposed to be taken up is out of order.

Mr. EDMUNDS. I stated that point to the Chair in connection with another proposition, and the Chair has ruled upon it that this is a resolution merely expressing the judgment of the Senate, and therefore the Senator from South Carolina has a right in his own way to discuss it just as long as he chooses.

Mr. HARRIS. Certainly, if it is not in the nature of a motion to proceed to consider it is debatable.

Mr. EDMUNDS. The Chair has so held.

The PRESIDENT *pro tempore*. The Chair has so held, but at the same time it suspends the order of business for the morning hour. A motion to proceed to the consideration of this bill would be in order. This is an indirect way by which the Senator is enabled to discuss it.

Mr. BUTLER. I have the floor, and it is only a question whether the Secretary shall read this report or I shall read it.

Mr. HARRIS. There is no objection of that sort.

Mr. BUTLER. I will read it myself if you impose the labor on me. I have the floor.

Mr. HARRIS. No such question is raised.

The PRESIDENT *pro tempore*. No such objection is made.

Mr. BUTLER. Very well.

The Chief Clerk resumed and concluded the reading of the views of the minority, as follows:

VIEWS OF THE MINORITY.

On the 3d day of February, 1886, the following memorial passed the council and house of representatives of Washington Territory, and on the 4th day of February, 1886, was approved by the governor of said Territory, as appears from pages 546 and 547 of the Laws of Washington, 1885-'86:

House memorial No. 19, in relation to the time of holding the biennial session of the Legislative Assembly of the Territory of Washington.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Washington, respectfully represent:

That the members of the Legislative Assembly of this Territory are chosen at the general election held on the first Tuesday after the first Monday of November in each even-numbered year, when the Territorial Delegate to Congress is elected, and that it is inexpedient to change the time of election of the members of the Legislative Assembly on account of the additional expense which would occur from a separate election for said members of the Legislature.

That the biennial sessions of the Legislative Assembly commence on the first Monday in December in each odd-numbered year, thirteen months after the election of the members thereof.

That the lapse of this long period of time between the election of the members of the Legislature and the commencement of its session works to the disadvantage of the people of the Territory in this, that the Legislature is prone to consider and act upon matters which were not in issue at the time of the election of the members thereof, and to neglect matters which were in issue at such time, and which were the vital questions which determined the election.

That the rapid growth of population and development of the material resources of this Territory in the past few years has made necessary to the welfare and advancement of the Territory much legislation which it has been impossible to consider in the session of the Legislative Assembly now drawing to a close, and that it is highly important to the people of the Territory that a session of the Legislature be held in January, 1887.

Whereupon your memorialists pray your honorable bodies to appoint the first Monday in January, 1887, as the time for the commencement of the next biennial session of the Legislative Assembly of this Territory, and to provide that the biennial session of the Legislature be held ever(y) two years thereafter.

Passed the house of representatives February 3, 1886.

R. O. DUNBAR,
Speaker of the House.

Passed the council February 3, 1886.

B. B. DAY,
President of the Council.

Approved February 4, 1886.

From this memorial it will appear that at the time of its passage very cogent reasons existed for a change in the time of the meeting of the Territorial Legislature of Washington, which reasons not only exist at this time but have been greatly augmented.

It would also appear from this memorial that the Legislative Assembly, elected upon the 2d day of November, 1886, will meet at Olympia, the capital of said Territory, on the first Monday in December, 1887, being the 5th day of said month.

Thus it will be seen thirteen months will elapse between the election of said Legislature and the time of its meeting.

The minority of your committee feel perfectly secure in maintaining the proposition that the condition of things, thus outlined, is not at all conducive to the public good.

It is submitted that the interests of the public would be best subserved by the convening of the Legislative Assembly within a reasonable time after its election.

The above memorial evidences a pronounced desire on the part of the people of Washington Territory for the change suggested.

In order that a government "by the people" may prevail in Washington Territory, so far as is compatible with the existing Territorial condition, the people's wishes, when they can be ascertained, must be recognized.

If, in the face of this positive declaration on behalf of the people of Washington Territory, the change in the time for the meeting of the Legislative Assembly is not made, the idea of a recognition of the wishes of the people ceases to be a fixed factor in our governmental policy.

The objection is urged, however, that had this change been essential to the welfare and prosperity of the people of Washington Territory to the degree claimed, the Legislative Assembly itself was competent to so change the time of its meeting as to conform to the requirements of the existing emergency.

A brief examination of the legislation in this connection will clearly establish the absurdity of such a claim.

The act of March 2, 1853, provided that the Legislative Assembly of Washington Territory should meet annually. (See organic act, Laws of Washington, 1854, page 33, section 4.)

It was therein provided that the governor of the Territory should fix the time of the first meeting of the Legislature, and that the time of its annual meeting thereafter should be fixed by the Legislature.

By proclamation of the governor the first Legislature convened on the 27th day of February, 1854, and during that session said body provided that it should meet in each year thereafter on the first Monday in December. (See Laws of Washington, 1854, page 450.)

The last annual session was begun on the first Monday in December, 1866, and ended February, 1867. On the 29th of June, 1866 (see page 3, Laws of Washington, 1866-'67), Congress passed a law providing that after the conclusion of the next annual session of the Legislature its sessions should be biennial.

The Legislature which ended in February, 1867, provided that the first biennial session should begin on the first Monday in October, 1869. This law continued in force until the ninth biennial session, which convened on the first Monday in October, 1883, at which session the time was changed to the first Monday in December, 1885. (See Laws of Washington, 1883, page 62.)

The tenth biennial session convened on the first Monday in December, 1885, and before its adjournment passed the memorial referred to.

It requires but little intelligence to see that the Legislative Assembly of 1885-'86 exhausted its power and authority when, by this memorial, it relegated the matter to Congress.

By the act of March 2, 1853, the Legislature was to convene annually, and therein Congress conferred upon it the power to fix the time of the annual meeting.

By the act of June 29, 1866, the character of the meeting of the Legislative Assembly was changed by Congress from annual to biennial. This act provided that after the adjournment of the Legislature in February, 1867, the meetings should be biennial instead of annual.

In accordance with this positive declaration of Congress the Legislature of 1866-'67 provided that the next Legislative Assembly should convene on the first Monday in October, 1869. With the change in the law as to the character of the meeting the Legislature retained the power of fixing the time for the meeting of the biennial session.

The Legislature of 1885-'86, the tenth biennial session, convened a little more than one year ago, on the first Monday in December, 1885, and continued in session 60 days, adjourning early in 1886. Had this Legislature by law attempted to provide for the meeting of the eleventh biennial session on the 7th of January, 1887, or during the present winter, it would have enacted that the present meeting be annual instead of biennial, thus placing itself in direct antagonism with the act of Congress of June 29, 1886, in which the assertion is distinct and unequivocal that the sessions must be biennial instead of annual.

The bill under consideration (H. R. 6966) was introduced by Hon. C. S. VOORHEES, Delegate from Washington Territory, during the first session of this Congress, passed the House of Representatives May 1, 1886, and was referred to the Committee on Territories of this body the 3d day of said month.

Notwithstanding the determined, aggressive, and persistent efforts of Delegate VOORHEES and of a minority of this committee, from that time to the present it has not been possible to secure action thereon.

While the reasons set forth in the memorial referred to are amply sufficient, in our judgment, to justify and warrant the desired legislation, there are other reasons even stronger and more conclusive.

In ascertaining these additional reasons it becomes very important, as well as

very interesting, to review the history contemporaneous with this attempted legislation.

On the 28th of November, 1883, the Legislature of Washington Territory, wholly dominated and controlled by the Northern Pacific Railroad Company, passed a law, which has since been known as the "gross-earnings tax law," exempting from taxation all the lands within the Territory of any railroad company, from whatever source the title may have been derived. (See Laws of Washington, 1883, page 66, section 5.)

The Legislative Assembly of 1885-'86 was elected the 4th day of November, 1884, upon a distinct and unambiguous pledge that this so-called "gross-earnings tax law" should be repealed, and a law enacted taxing the lands of railroad companies in the same manner as the lands of individuals. This was one of the foremost issues upon which the campaign was based, and it resulted in the election of a Legislature in which the Republicans had a majority of 16 on joint ballot, the total membership of the Legislative Assembly being 36. Notwithstanding the fact that the platforms of both the Democratic and Republican parties declared in favor of the repeal of this unjust and iniquitous "gross-earnings tax law," the Northern Pacific Railroad Company again dominated and controlled the Legislature with its 16 Republican majority on joint ballot, and the relief which the overburdened people of the Territory so eagerly and earnestly demanded was denied them.

At the last general election, in 1886, members of the next Legislative Assembly of Washington Territory were elected upon precisely the same issue. So determined were the people in their efforts to right this great wrong that the present Legislative Assembly, instead of developing a Republican majority of 16 upon joint ballot, shows a Republican majority of 2. The presumption, therefore, is certain that as soon as called together this Legislature in the face of this overwhelming rebuke to the last Legislature will keep the pledges so unhesitatingly and unblushingly broken by the Legislative Assembly of 1885-'86.

At all events they should be placed in a position where their loyalty to their pledges can be tested, because of the benefits and advantages which the people may enjoy by reason of such loyalty.

The so-called "gross-earnings tax law" provides that all taxation upon the property of any railroad company within the Territory shall be included within 2 per cent. of the gross earnings, and also provides that the railroad officials shall determine the amount and extent of such earnings. This act also provides in terms, by section 5, for the exemption from taxation of the lands within the Territory belonging to railroad companies.

By the act of July 2, 1864, the Northern Pacific Railroad Company was granted within the Territories twenty alternate sections per mile to "aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," upon certain positive and well-defined conditions.

Section 5 of the so-called "gross-earnings tax law" is as follows:

"The lands of any railroad company shall become subject to taxation in the same manner as other similar property, as soon as the same are sold, leased, or contracted to be sold or leased." * * *

When this law was passed the rule laid down by the Supreme Court of the United States in the case of Prescott *vs.* The R. R. Co., 16 Wallace, 603, and McShane *vs.* R. R. Co., 22 Wallace, page 444, was in force. This rule was that whenever Congress had required that the cost of surveying, selecting, and conveying should be paid before there should be any transfer of title from the United States to the land-grant companies, the compliance with this condition was essential to the vesting in Territorial or municipal authority of the right to tax the lands so circumstanced.

The Northern Pacific Railroad Company has willfully failed to comply with this condition, so that up to the 10th of July, 1886, it was impossible to reach, for the purpose of taxation, any of their so-called granted lands. On the above date Congress passed a law which destroyed the force of the rule thus promulgated by the Supreme Court of the United States, and provided a scheme for the taxation of such lands, notwithstanding the failure of the land-grant companies to pay the costs of surveying, selecting, and conveying.

This beneficent law is in force in every State and Territory through which the Northern Pacific Railroad extends excepting the Territory of Washington.

No revenue has thus far accrued to this Territory by reason of the passage of said law, because of the presence upon the statute-books of the Territorial law known as the "gross-earnings tax law," exempting these lands from taxation.

In a letter to Delegate VOORHEES the Commissioner of the General Land Office thus indicates the amount of lands withdrawn by the United States for the benefit of the Northern Pacific Railroad Company in Washington Territory:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 5, 1887.

SIR: Referring to your verbal request to be furnished with a statement of the quantity of lands withdrawn in Washington Territory for the benefit of the Northern Pacific Railroad Company, I have to advise you that owing to the limited time in which you wish us to give you this information, it will be impossible to examine the diagrams of withdrawal by section, township, and range. I therefore furnish you the following approximate estimate, which is substantially correct, to wit:

	Acres.
Lands withdrawn in granted limits	9,500,000
Lands withdrawn in granted limits, indemnity	2,500,000
Total	12,000,000

Very respectfully,

WM. A. J. SPARKS,
Commissioner.

Hon. C. S. VOORHEES,
House of Representatives.

According to the acreage indicated in the Commissioner's letter, and establishing a very moderate and conservative average as to the price of these lands for taxation and the rate of taxation, we reach a surprising result. Considering the value of the mineral and timber lands withdrawn in Washington Territory for the benefit of this company, the average price of $2.50 per acre for purpose of taxation is entirely within bounds. The rate of taxation in Washington Territory ranges from 11 to 23 mills, so that an average rate of 15 mills is admissible.

The following table is submitted as indicating approximately the vast benefit which will accrue to the people of Washington Territory by the repeal of the so-called "gross-earnings tax law" before the tax levy for the ensuing year goes into operation:

	Acres.
Lands withdrawn in granted limits. (See Commissioner's letter)	9,500,000
Deduct 25 per cent. for lands sold by company	2,375,000
Total, in granted limits, subject to taxation, in hands of company	7,125,000
Lands withdrawn, indemnity limits. (See Commissioner's letter)	2,500,000
Deduct 25 per cent. for lands sold by company	625,000
Total indemnity limits, subject to taxation, in hands of company	1,875,000

	Acres.
Taxable lands in granted limits in hands of company	7,125,000
Taxable lands in indemnity limits in hands of company	1,875,000
Total taxable lands	9,000,000
Value of lands in granted limits for purposes of taxation, at $2.50 per acre	17,812,500
Value of lands in indemnity limits for purposes of taxation, at $2.50 per acre	4,687,500
Total valuation	22,500,000
Tax levy on lands in granted limits, at 1.5 per cent	$267,187 50
Tax levy on lands in indemnity limits, at 1.5 per cent	70,312 50
Total tax levy	337,500 00

Confronted by this conclusive and startling exhibit, the minority of your committee does not hesitate to confess its profound surprise and amazement at the action of the majority. The time has come for calling a halt to the unreasoning and unwholesome cupidity and rapacity of the railroad companies of this country. No good reason can exist why the Northern Pacific Railroad Company shall continue to be relieved from the obligation of the payment of nearly one-half of the tax levied in Washington Territory.

In accordance with the latest available statistics the total property valuation of 1885, in Washington Territory, exclusive of the valuation of railroad property, was $50,484,437; upon this valuation the total tax levied was $724,065.75. From these figures it appears that if the Northern Pacific Railroad Company is made to pay its just proportion of the public burdens, in respect of the single item of their lands, to say nothing of the taxes based upon a proper valuation of their road-bed, rolling-stock, and other vast property interests, maintaining the present rate of taxation in the Territory, the people's burdens will be reduced nearly 50 per cent.

The minority of your committee insist that any movement which tends to relieve the people of the onerous tax, so unconscionably placed upon them by this land-grant railroad company, and by the other railroad companies of the Territory, should be fostered and encouraged. For this reason they contend that the present Legislative Assembly should be afforded the opportunity, which can only be given them by an act of Congress, of repealing at once the odious railroad-tax legislation which now incumbers the statute-books of Washington Territory.

We therefore ask for the passage of the bill, amended as follows:

In line 3 strike out "first Monday in January" and insert "first Monday in March."

In line 5 strike out the word "next" and insert the word "eleventh."

In line 6, after the word "the," insert the word "twelfth."

In line 7, after the word "held," insert "the first Monday in January, 1889," and insert section 2 at end of bill; so that the bill as amended will read:

An act to change the time of the meeting of the Legislative Assembly of Washington Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first Monday in March, 1887, be, and the same is hereby, fixed as the time for the commencement of the eleventh biennial session of the Legislative Assembly of Washington Territory; and that the twelfth biennial session of the Legislative Assembly be held the first Monday in January, 1889, and every two years thereafter.

SEC. 2. That there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $22,730 for legislative expenses, namely, for per diem of members and officers of the Legislative Assembly, mileage of members, printing, rent of secretary's office, hire of messenger, light, fuel, stationery, postage, office furniture, repairs, painting, and other incidentals.

Mr. BUTLER. I have had that report read in order to put the Senate in possession of the exact condition of things in that Territory, and let them decide whether the people of the Territory are entitled to the relief which the minority of the committee think they are entitled to.

It has been stated that this is a political bill. I have given no such aspect to it. But let us see what the opinions of both political parties of Washington Territory are on this subject. I read from the Republican platform of that party in Washington Territory, adopted September 8, 1886—

We favor just and equal taxation, and believe that the property of corporations and individuals should be assessed and taxed upon the same basis——

Mr. VAN WYCK. May I ask what the Senator is reading from?

Mr. BUTLER. From the Republican platform of Washington Territory of September 8, 1886—

and we therefore demand the repeal of the present Territorial law known as the "gross-earnings law," providing for the levy and collection of taxes upon railroad property, and we demand the enactment of a law which will impose the burden of taxation upon corporations and individuals alike.

I find in the Democratic platform of Washington Territory, adopted August 18, 1886, the following:

We demand the immediate and unconditional repeal of the gross-earnings tax law enacted in 1883, and denounce the Republican Legislature of 1885 for the violation of its pledged faith to the people in its failure to repeal the said law, and for its subserviency to the corrupt influence of interested corporations.

We insist that the property of corporations shall be taxed by the same laws as that of individuals, and that the rich and poor shall bear the burdens of government in proportion to the valuation of property owned or controlled by each.

This report, which I think can be sustained by the record, shows that there have been lands withdrawn within granted limits, 9,500,000 acres; lands withdrawn, indemnity limits, 2,500,000 acres; total indemnity limits in hands of company, 1,875,000 acres; taxable lands in granted limits in hands of company, 7,125,000 acres; making in all 9,000,000 acres of land subject to taxation, upon which there would be realized, at a fair estimate, $337,500, which would go into the treasury of the Territory of Washington. This bill, it is true, only provides for the change of the time of holding the meeting of the Legislature, but according to the pledges of both parties this gross-earnings act must be repealed by this Legislature whenever it meets, and the advantage of

having it meet before next December is to be found in the fact that in the mean time an additional levy will be made upon the property in that Territory, and this additional sum of money will go into its treasury.

I do not know that it is necessary for me to say anything further to endeavor to impress upon the Senate the importance of having this bill passed.

There is a letter from the governor of Washington Territory, on which a good deal of reliance is placed. He attempts to carry water on both shoulders, as it seems to me. He remarks:

The main reasons for a session are:
1. The desirability of obtaining an appropriation for maintaining the new penitentiary at Walla Walla.
2. The desirability of repealing or modifying the "gross-earnings act" in relation to taxation of railroads.

Then he goes on, by way of criticism, and says that it is very doubtful "what course the Legislature would pursue on these and other subjects." I can not understand how there can be any doubt when both parties are pledged to repeal the gross-earnings act. I have here a letter bearing on the same subject received from a gentleman this morning, dated "Yonkers, N. Y." It is a private letter, and therefore I am not at liberty to give the name of the writer, but I judge from the letter that he is a very intelligent man:

YONKERS, N. Y., *February* 17, 1887.

DEAR SIR: The citizens of Washington Territory will be grateful for your efforts to hasten the repeal of the gross-earnings law. Permit me as one of them to thank you.

It is not merely the grant of the Northern Pacific that escapes taxation. Every coal company pleads its railroad; every important logger is building a road that will come within the law; the immense tracts of the mill companies will soon be exempt. In two years not a county in Western Washington will be without its railroad reserves, nor will the public receive compensatory transportation facilities.

It was this issue that defeated known representatives of railway corporations who were candidates for the Legislature. The voice of the Territory was unmistakable and ought to find immediate expression in law.

Very respectfully,

——— ———, *of Skagit.*

Hon. M. C. BUTLER,
United States Senate.

That is from a gentleman who signs himself of Skagit. I presume it is Skagit County, in Washington Territory. He appears to be a very intelligent man. Doubtless if I were to give his name some Senator would know him; but I do not feel at liberty to do that as it is a private letter.

Now, sir, I have done what I conceived to be my duty to get the Senate to act upon this bill. They can take the responsibility of doing so or not doing so, as they see fit. I am not actuated or influenced by any feeling of hostility to railroads; but these railroads in the Northwestern Territories have received the most imperial benefactions and donations from the Government of the United States, and about that I have no complaint to make, and I am not one of those who indulge in raids (as I find the expression used) upon corporations. They have their uses, and they are in my opinion necessary evils.

Mr. MITCHELL, of Oregon. May I ask the Senator from South Carolina a question?

Mr. BUTLER. Yes, sir.

Mr. MITCHELL, of Oregon. I ask for information whether the Committee on Territories have any petitions or memorials from citizens of Washington Territory asking for this legislation on the ground on which it is now placed by the minority of the committee?

Mr. BUTLER. I must ask the Senator to repeat his question, for I could not hear him.

Mr. MITCHELL, of Oregon. My question is whether the Committee on Territories had any petitions or memorials before them asking for legislation expediting the time of the meeting of the Legislature of that Territory for the reasons stated by the minority now upon the floor of the Senate in favor of that legislation?

Mr. BUTLER. If the Senator had listened to the reading of the minority report he would not have felt called on to ask that question.

Mr. MITCHELL, of Oregon. I have read the minority report. I had the honor to read the Senator's report, in which, by the way, with all deference to the Senator, there are several inaccurate statements, not of course intentional, in reference to certain matters in connection with the situation of affairs and the taxable property of Washington Territory; but I do not understand, even from the minority report, that there was before the Committee on Territories a demand by petition by the citizens of that Territory in favor of this legislation.

I understand, of course, that the Legislature of the Territory, at its last session in 1885, passed a memorial recommending that a change be made by Congress so that the next session thereafter might be called for January last, which date has elapsed; but that memorial, as I read it, does not give as a reason any one of the reasons now being urged by the Senator from South Carolina. The reason given in that memorial, as I understand, was simply the fact that the time between the election of the members of the Legislature and the date of the meeting of the session of the Legislature was, in the judgment of the Legislature of that Territory, too long.

Mr. BUTLER. The Senator certainly has not read the minority report, or he would not make that statement. The memorial goes on distinctly to say that the Legislature which went out of existence was not able for want of time to attend to a great many public questions that ought to have been attended to, and we have a right to assume that among those public questions was this question of the repeal of the gross-earnings act.

In addition to that memorial, which is quite sufficient for the Senate—it is the unanimous voice of the people as expressed through their representatives in the Territorial Legislature—we have the earnest solicitude and anxiety and wish of the Delegate of that Territory in the other branch of Congress that this bill should pass.

Now, sir, if there is any higher evidence of the wishes of the people of any country than those two expressions, I have failed to know what they are.

Mr. MITCHELL, of Oregon. But the Senator from South Carolina must agree with me that in the memorial adopted by the Legislature of the Territory, asking that the time of the meeting of the Legislature should be fixed for January last, which has now passed, no reference whatever was made to the advisability or desire on the part of the people of Washington Territory to have it meet for the purpose of legislating upon the subject of the railroad gross earnings and tax law—not one word.

Mr. BUTLER. It does not say so; but there are a great many things we have a right to take notice of as public facts, and which, I think, when we state them, the Senator will not deny. Will he deny that the members of his own party in their platform pledged themselves distinctly to a repeal of the gross-earnings act? Will he deny that the representatives of the Democratic party in their platform pledged themselves to repeal it? Then can the Senator consistently and properly state to the Senate that we are not in possession of information which will guide us in coming to a conclusion on this bill?

Now, I should like to put a question to the Senator. I should like to ask him if he, as a citizen of the State of Oregon, believes that that is a just and proper law?

Mr. MITCHELL, of Oregon. When we come to discuss that I will tell the Senator from South Carolina precisely what *I think about it.* We have not got to that yet. The point under discussion now is simply whether in the memorial adopted by the Legislature of the Territory of 1885 asking certain legislation looking to a changing of the time of the meeting of the Legislature of that Territory the reasons given were the reasons stated by the Senator now and by the minority of the committee. I say that that memorial made no reference whatever to a desire for a session for the purpose of repealing the gross earnings and tax law; and moreover it could not have done so from the fact that the act of Congress authorizing that thing to be done was not passed until long after that memorial was adopted by the Legislature of the Territory. So that instead of conforming here to it, so far as the minority of the Committee on Territories are concerned, and the expressed wish of the Legislature of that Territory as expressed in its memorial—so far from proceeding for the reasons stated in that memorial, a wholly different ground has been taken, and we are now called upon to pass a law convening—because that is what it amounts to in substance and effect—a special session of the Legislature of that Territory.

Mr. BUTLER. Oh, no.

Mr. MITCHELL, of Oregon. That is practically the effect of it.

Mr. BUTLER. Oh, no.

Mr. MITCHELL, of Oregon. And for the purpose of performing or considering the propriety of performing a certain act of legislation which the Senator from South Carolina says is desirable, and which indeed may possibly be desirable. I am not discussing that question now.

Mr. BUTLER. The Senator is evidently mistaken on that subject.

Mr. MITCHELL, of Oregon. I will say this in answer——

Mr. BUTLER. I should like to know what the Senator thinks of it.

Mr. MITCHELL, of Oregon. Taking the Senator's statement in his minority report in regard to the amount of lands that would be taxable to the Northern Pacific Railroad Company in that Territory to be entirely accurate and correct, I am inclined to think very probably the Senator from South Carolina is right; that it would, in the interest of the taxpayers of that Territory, and in the interest of fair play and common justice, be desirable to change the law as to the rule of taxation in reference to the property of the railroad company in the Territory; but I undertake to say that the statements of the Senator from South Carolina in the minority report are to a very great extent in several respects wofully inaccurate.

Mr. BUTLER. I should be very glad now if the Senator would point out in what respect they are inaccurate. The Senator gets up and puts a question to me and puts his own construction upon the minority report, and yet fails to point out any one single item where there is inaccuracy in that report.

Mr. MITCHELL, of Oregon. Mr. President——

Mr. BUTLER. I have yielded to the Senator two or three times, and he has made a speech.

Mr. PLATT. Allow me——

Mr. BUTLER. One moment. I should like to put a direct question to the Senator from Oregon, as he seems to have taken up the

cudgels for the majority of this committee, not being a member of it. I should like to put a direct question to him: if he thinks in case that Legislature should be called together it would be desirable, or proper, or just to repeal that gross-earnings act by which the railroads of that Territory are exempt from taxation practically?

Mr. PLATT. Will the Senator yield to me now for a moment?

Mr. BUTLER. I should like to have the answer of the Senator from Oregon to that question.

Mr. MITCHELL, of Oregon. I have already answered.

Mr. PLATT. I will answer it when I come to reply.

Mr. MITCHELL, of Oregon. Will the Senator from Connecticut allow me a moment?

Mr. BUTLER. It seems the Senator from Oregon has—I will not say himself, because he had a perfect right to the floor—but he has certainly taken up the cudgels for the majority of the committee, and he was conducting the discussion, and I was quite willing to go on and discuss it with him.

Mr. MITCHELL, of Oregon. The Senator from South Carolina can not place me in a false position.

Mr. BUTLER. I do not desire to do so.

Mr. MITCHELL, of Oregon. I take up the cudgel for no committee. That committee is amply able to take care of itself. I simply rose, as the Senate will bear me out, and as the honorable Senator must admit, for the purpose of asking the Senator from South Carolina a question as to whether there were any petitions before the committee demanding this legislation. That was my question. I desired information on that subject. I was ignorant and unadvised as to that fact; I was not advised by anything in the minority report as to whether or not the people of Washington Territory had sent to the Committee on Territories of the Senate petitions asking for this legislation. I rose simply to ask that question.

Mr. BUTLER. The report speaks for itself. Now, I put another question to the Senator. Is there any evidence in his possession, by petition or otherwise, against the passage of the bill by any respectable number of citizens of that Territory?

Mr. MITCHELL, of Oregon. I want to answer that question.

Mr. BUTLER. I should be very glad to have it answered.

Mr. MITCHELL, of Oregon. I will say this: I am accustomed to receive communications from all over Washington Territory ever since I have been in the Senate from citizens and tax-payers of that Territory in regard to matters of legislation affecting the people of that Territory and their interests, and I say here and now in all candor and truthfulness that up to this moment not one letter, not one petition, have I received from any citizen of Washington Territory asking for this legislation or soliciting my aid in its behalf, while I have received scores of letters from the citizens and tax-payers, and many of them leading prominent men, Republicans and Democrats, of that Territory within the last month, earnestly protesting against this legislation at this time, and giving as reasons that the convening of the Legislature of that Territory at the time proposed now by the minority of this committee in March next would be to seriously interfere with the business interests, calculations, and arrangements of the people of that Territory.

I will say, moreover, in addition now, as the Senator has asked the question, that during the last month I have met in consultation at the Capitol very many, ten or twelve, of the leading citizens of that Territory, and with one exception every one of those gentlemen has come to me and insisted that this piece of legislation ought not to be permitted to pass. One of the prominent citizens of the Territory, a Republican, did come to me and appeal to me to aid the legislation and assist in getting it through. He gave as a reason that it was necessary in order to enact some legislation with reference to the penitentiary in that Territory.

Mr. BUTLER. If that be true—and of course if the Senator says it is so it must be so—the Senator has certainly not given the Committee on Territories the proper consideration in not giving it the benefit of some of that information.

Mr. MITCHELL, of Oregon. I have referred various letters which I have received to the acting chairman of the Committee on Territories, as he, I have no doubt, will bear me out.

Mr. BUTLER. The acting chairman of that committee has read perhaps two or three. I remember he read a telegram from a man by the name of Owen, the secretary of that Territory, and one or two others, perhaps, but it nowhere appeared that there was any widespread, general feeling against the passage of this bill. On the contrary, all the information that I have been able to get is the other way. I admit that a great deal of it has been gathered from the distinguished Delegate of that Territory in the other branch of Congress, who is the representative of the people of that Territory, and who, I think, is in very much better condition to speak for the people of that Territory than even the distinguished Senator from Oregon. I submit that his voice is entitled to as much weight certainly on this floor as that of the Senator from Oregon, who does not represent the Territory, and who has no interest there so far as I know, who represents another State. I submit that the Delegate in Congress is the proper representative of the people of that Territory before the Congress of the United States, and he certainly knows whereof he speaks when he comes to me and to every member of the committee and begs and implores and urges us to pass this act of common justice to the tax-payers of that Territory, not necessarily as against the railroads, but simply to require the railroads and other corporations to come in and pay their share for the support of government, and not to continue to receive the benefactions of the government, and at the same time having their immense possessions practically exempted from taxation. It is for that and that alone that I have urged this measure.

Mr. PLATT. Mr. President, I regret this irregular discussion of the merits of the bill which is the subject-matter of this resolution. I regret it because I know that the Senate feels that this discussion trespasses upon time which should be devoted to matters of very great public importance; but since it has been brought before the Senate in the ingenious manner in which it has been, and the minority of the committee have presented their views endeavoring to show why the report of the committee should not be adopted, I feel it due to myself and to the subject and to the people of Washington Territory and to the Senate itself to present as briefly as I may, and yet thoroughly, the reasons why the majority of the committee think this bill should not pass, at any rate why it should not be considered at this time. I ask, therefore, that the Secretary will read the majority report of the committee, which the Senator from South Carolina declined to have read.

Mr. BUTLER. I did not decline to have it read.

Mr. PLATT. I asked to have it read.

Mr. BUTLER. I stated that I would have the minority report read first, and then if the Senator from Connecticut desired the majority report read it might be.

Mr. PLATT. I ask that it be read now. It is not necessary to read the memorial of the Legislature, because that has already been read.

The Chief Clerk read the report submitted by Mr. PLATT February 12, 1887, as follows:

The Committee on Territories, to whom was referred the bill (H. R. 6966) to change the time of the meeting of the Legislative Assembly of Washington Territory, having considered the same, submit the following report:

By section 1846 of the Revised Statutes of the United States it is provided that members of the Territorial Legislatures "shall be chosen for the term of two years, and the sessions of the respective Legislative Assemblies shall be biennial," and that "each Legislative Assembly shall fix by law the day of the commencement of its regular sessions." Prior to the year 1883, elections of members of both branches of the Legislative Assembly in Washington Territory had been held on the Tuesday next following the Monday of November in the even-numbered years, so that eleven months elapsed after the election of members before the session of the Legislative Assembly to which they were elected.

At the Legislative Assembly in that Territory commencing on the first Monday of October, 1883, the time for the meeting of the Legislature in 1885 was fixed upon the first Monday of December, 1885, and it was provided that the Legislature should convene biennially thereafter upon the first Monday of December. So that the Legislature of 1883 extended the time which elapsed between the election of the members and the session of the Legislative Assembly to which they were elected.

The Legislature of 1885, near the close of its session, also memorialized Congress to pass a law providing that the next session of the Legislature should be held on the first Monday of January, 1887, and the sessions of the Legislative Assembly biennially thereafter. By the law as it now exists the Assembly will convene on the first Monday of December, 1887. The memorial of the Legislature is appended to this report, marked A.

It will be seen that the principal reason given for changing the time for holding the Legislative Assembly in the Territory was founded upon the fact that so much time elapsed between the election of the members and the commencement of the session that no necessity for legislative action prior to the next legal meeting of the Assembly was pointed out or alluded to.

The bill referred to the committee passed the House of Representatives on the 1st of May last, but no action was taken by the Committee on Territories upon the bill during the last session further than its reference to a subcommittee.

Correspondence was had with the governor of the Territory and other prominent citizens as to the advisability of the passage of such a bill, and later, during the present session, correspondence has been renewed. Pending this correspondence the time fixed by the House bill for the meeting of the members of the Legislative Assembly upon the first Monday of January, 1887, passed by, and the question now arises whether any present necessity exists for the passage of a bill by which the next meeting of the Legislative Assembly shall be held some time during the month of March next, or at some other time prior to that fixed by law, namely, the first Monday of December next.

The principal reason now urged for a meeting of the Legislature at a date earlier than the law provides is the opportunity for changing the law relating to the taxation of railroads and railroad property in the Territory growing out of the passage of the act of Congress approved July 10, 1886, which makes the surveyed lands of land-grant railroads subject to local taxation. It will be observed that this reason for an earlier session of the Legislature did not exist at the time of the passage of the act by the House, but is an afterthought.

A letter from the governor of the Territory, giving the reasons for and against the proposition to convene the Legislature of the Territory at an earlier date than the time fixed by law, is appended hereto and marked B, from which it will be seen that upon the whole the governor, after consultation with prominent citizens of the Territory, does not think it for the best interests of the Territory that such an act should be passed.

The spring season for farming has already commenced in many portions of the Territory, and the Legislature, if held during the month of March, will be convened when the farming operations of the Territory are most active and imperative, a reason which doubtless operated, though in a lesser degree, for the change made by the Legislature itself from the first Monday of October to the first Monday of December as the time for the session of the Legislative Assembly.

The committee has endeavored to ascertain the views of prominent citizens of both political parties in the Territory upon the question of whether a meeting of the Legislature is desired in the month of March, and is satisfied that the weight of opinion is that such a course is undesirable. It has been informed that some effort has been made to obtain petitions and opinions in favor of a March or spring session, but none have reached the committee, and it feels

justified in concluding that the time mentioned in the memorial having already passed without the change having been made, it is not desired by the citizens of the Territory best qualified to advise, that a meeting should be ordered to be held during the month of March. If any special emergency arises or exists the governor of the Territory is legally empowered to call an extra session of the Legislature.

With regard to the reason urged in the memorial that the time of the convening of the Legislative Assembly should be advanced on account of the time which elapses after the election of the members before the session of that body, it may be said that the time of session was fixed by the Territory itself with a complete understanding of the facts; that only at the last previous session of the Legislative Assembly the time between the election and the convening of the Assembly had been extended; that Washington Territory is not singular in this respect, at least three other of the Territories, as it is believed by the committee, holding their elections and convening their Legislative Assemblies so that fourteen months elapse between the election and the legislative session. It may also be observed that the Legislative Assembly of 1883, in fixing a time for the convening of future sessions of that body, followed the precedent to be found in the election of Representatives in Congress and the meeting of Congress.

Upon the whole the committee concludes that it is better that the Legislative Assembly already elected shall convene at the time fixed by law, namely, the first Monday of next December rather than during the month of March, a period and season so inconvenient for legislative proceedings.

The indefinite postponement of the bill is therefore recommended.

OLYMPIA, *January* 4, 1887.

MY DEAR SENATOR: I have waited a few days since receiving yours of December 17, so as to confer with a few leading citizens in different parts of the Territory in regard to the matter referred to in your letter. I have consulted with both Democrats and Republicans.

The weight of opinion seems to be opposed to a session of the Legislature the present winter. I have no personal choice in the matter, and see reasons both for and against the proposed session. The main reasons for a session are:

(1) The desirability of obtaining an appropriation for maintaining the new penitentiary at Walla Walla.

(2) The desirability of repealing or modifying the "gross-earnings act" in relation to taxation of railroads.

The reasons against the session are:

(1) The uncertainty as to what course the Legislature would pursue on these and other subjects.

(2) The fact that the winter will necessarily be far advanced before the session can be commenced, and the effect of this upon the business of the farmers who may be members of the Legislature.

In regard to the penitentiary, I may state that we can continue our present prison contract at Seatco, and have the same prison accommodations and service that we have had for the past five or six years.

The new building at Walla Walla is nearly finished, and the law provides for the removal of the convicts to Walla Walla whenever the building commissioners of the new prison shall notify the governor that the building is finished and ready for occupancy. I have not yet received this notice, but am expecting to receive it within a few weeks.

There is no provision of law for paying the expense of maintaining and guarding the convicts in the new prison.

It has been suggested that if the removal of the prisoners takes place the governor may make a contract with parties who may look to the next Legislature for their pay. But no steps have yet been taken in this direction.

On general principles it is no doubt better to have the Legislative Assembly convene on the first Monday in January after the election; but that time being already past in the present instance, it is very questionable whether the public service would be best promoted by a session this winter.

I am yours, very truly,

WATSON C. SQUIRE, *Governor.*

Hon. O. H. PLATT,
United States Senate Chamber, Washington, D. C.:

Mr. PLATT. Now, Mr. President, this is not a question to-day whether the Legislative Assembly of Washington Territory shall be convened at the time asked by the memorial of that body, for that time was the first Monday in January, 1887, and that time has passed.

I will not stop to discuss the question why action was not had upon this bill before the time when the Legislative Assembly asked that its next session might convene had elapsed. I simply want to say this about it, that I do not think the majority of the committee was in fault in respect to that matter, nor was the minority of the committee. There was no fault in that matter on the part of any one.

The question now is, whether the Legislative Assembly of Washington Territory shall convene at the time fixed by law, which is the first Monday of December next, or whether it shall be convened at a time not asked by the Assembly of the Territory and which can not be earlier than the middle of March. I agree that the proposed amendment of the Senator from South Carolina would convene it on the first Monday in March next, but there are only two weeks from to-day in which to pass the bill with its amendments in the Senate, to have the amendments concurred in by the House, to have the bill approved by the President, and notice given of the meeting of the Legislative Assembly. So I assume that it is impossible, if the Senate were to pass this bill to-day, in the nature of things, that a session of the Legislative Assembly of Washington Territory can be convened before the middle of March. That body has never asked that the next session of the Assembly should be in the middle of March. I do not believe that the Legislative Assembly of Washington Territory ever would have asked that. It is a period when neither State nor Territory desires a meeting of its Legislature. It is the period of putting in the crops, the busiest season of the year for farmers. If I am correctly informed, the business of plowing is already progressing in that Territory.

Mr. BUTLER. May I put a question to the Senator just there?

Mr. PLATT. Oh, yes.

Mr. BUTLER. Does he not think that any farmer would leave the plow-handle for the purpose of saving 50 per cent. of his taxes, as I believe this meeting of the Legislature would save?

Mr. PLATT. Would it not really be better to let me come to that in order? I will show before I get through that on the basis of taxation proposed by the Senator from South Carolina the Territory will not receive as much money as it is now receiving under the gross-earnings tax. I think that is a pretty good answer to the question which has just been asked.

Originally this railroad question was not in this matter at all. It is only here because it has been dragged in, as Putnam is said to have dragged his wolf out of the den, by its ears. It is not a party question to-day or a question which excites any particular interest in Washington Territory as to whether the Legislative Assembly shall sit in March or in December. If it is, then all my efforts to obtain information have been sad failures.

I agree that there is interest here. I agree that it is attempted here to raise the ghost of the railroad question upon this very simple matter, and somehow it seems as if this railroad question were to be dragged into everything which comes before Congress. People outside of the Senate—I will not say inside—seem to suppose that when a measure is pending here, if it can only be urged that a railroad company wants it, then it is to be defeated; and if it can be urged here that a railroad company does not desire it, then it is to pass.

Now, I want to say one word about this matter of railroads. I think I sympathize as much as anybody with efforts to restrain the improper management of railroads, but I do not think that that question comes into the consideration of this matter at all. As I said before, it was not a question which was before the Legislative Assembly which asked that the time for its meeting might be fixed on the first Monday of January, 1887. The bill referred to allowing taxation of railroad lands did not pass the House of Representatives here until the 10th of July, 1886. So that until the 10th day of July, 1886, no scheme for the repeal of the gross-earnings railroad tax in that Territory and taxing the lands of the Northern Pacific Railroad could have been in the mind of any one.

There is another reason why the memorial did not contemplate that. If it be true, as the Senator from South Carolina says, that the Legislative Assembly of 1885 violated the pledges made for it in not repealing the gross-earnings tax, then it must follow that it did not ask for the session of the Legislative Assembly to be advanced for the purpose of repealing that law. So when the Legislative Assembly of Washington Territory memorialized Congress it had no idea, for it could not have foreseen the passage of a law by Congress on the 10th of July last, that the Assembly when it did convene would have the opportunity to impose a tax upon lands of the Northern Pacific Railroad Company instead of the gross-earnings tax.

I dwell upon this for the purpose of doing away with any idea which may prevail here that it is asked by Washington Territory that there should be a meeting of the Legislative Assembly in March.

Mr. President, I do not believe that there is any considerable number of the tax-payers of Washington Territory who desire the passage of a law which will convene its Legislative Assembly in March. We have here the letter of the governor, and I suppose that is entitled to some little consideration. The voice of the Delegate of the Territory should be listened to, and it should be listened to perhaps a little more when it is backed by a memorial of its Legislature than when it does not appear to have any backing. If there be anybody in Washington Territory who desires the meeting of this Legislature in March he has failed to communicate it to the committee, unless the views of the Delegate of the Territory are to be taken as a conclusive representation of the wishes of the people of the Territory.

When it became evident that this law could not be passed so as to convene the Legislative Assembly at the time that the Legislative Assembly asked that it might be convened, I took occasion to correspond with people whom I supposed to be familiar with public sentiment in the Territory of Washington, and naturally its governor. I want to read his letter. The Senator from South Carolina said he tried to carry water on both shoulders. To me he appears to have judicially and judiciously considered and honestly answered the question which I submitted to him. The letter is dated Olympia, January 4, 1887, and he says:

MY DEAR SENATOR: I have waited a few days since receiving yours of December 17, so as to confer with a few leading citizens in different parts of the Territory in regard to the matter referred to in your letter. I have consulted with both Democrats and Republicans.

And that has been the aim of the majority of this committee, to consult both Democrats and Republicans for the purpose of ascertaining what was the real sentiment of the people and tax-payers of that Territory. The governor goes on to say:

The weight of opinion seems to be opposed to a session of the Legislature the present winter. I have no personal choice in the matter, and see reasons both for and against the proposed session. The main reasons for a session are:

1. The desirability of obtaining an appropriation for maintaining the new penitentiary at Walla Walla.

2. The desirability of repealing or modifying the "gross-earnings act" in relation to taxation of railroads.

The reasons against the session are:

1. The uncertainty as to what course the Legislature would pursue on these and other subjects.

2. The fact that the winter will necessarily be far advanced before the session can be commenced, and the effect of this upon the business of the farmers who may be members of the Legislature.

Skipping now what he says about the Walla Walla matter, because that does not form any important part of this discussion:

On general principles it is no doubt better to have the Legislative Assembly convene on the first Monday in January after the election; but that time being already past in the present instance, it is very questionable whether the public service would be best promoted by a session this winter.

I am yours, very truly,

WATSON C. SQUIRE, *Governor.*

The majority of the committee felt that they had a right to rely upon that as a true representation of public sentiment in Washington Territory at this time.

In addition to that many letters have been addressed to the committee. I will not refer to all of them, but I will read a telegram or two. I read a telegram dated January 27, 1887:

OLYMPIA, *Washington Territory.*

In our opinion no pressing necessity exists for extra session of Legislature.

T. M. REED, *Territorial Auditor*
N. P. OWENS, *Sec'y Washington Ter.*
JNO. F. GOWER, *Member Council.*
T. M. REED, JR., *Member House.*

Senator PLATT, *Washington.*

I do not know these persons personally. The Senators from Oregon do. They are officials of the Territory, one of them an appointee of the President, and three of them members of the Legislature or connected with it. I received one from Ellensburgh. I shall not read that telegram, however; there are some allusions of a personal nature in it.

I leave the matter, then, so far as the telegrams and the letter of the governor is concerned, without reading further; but I will say that since this matter has been under discussion I have seen many of the leading citizens of Washington Territory. Some of them have come to see me upon this, and some upon other matters. Some of them have been Republicans, and some have been Democrats. I have taken occasion to talk with those who did not themselves introduce the subject, and who came to see me on other business, as well as those who came to see me with reference to this matter, being in Washington, and I aver here that no one with whom I have conversed has indicated that there is any considerable sentiment in Washington Territory in favor of a March session of the Legislative Assembly, but on the other hand have expressed the opinion that it would be exceedingly detrimental to the interests of the Territory. A letter received from a gentleman in the Territory protesting against the calling of the Legislature in March said that he understood that an effort was being made to get petitions and letters and opinions in favor of it. If that be true, it is, so far as the committee have any opportunity to judge, a failure. No petition has been presented to the committee; with one exception, no letter has been addressed to the committee; no individual from Washington Territory has represented to the committee that it was desirable to have a session of its Legislative Assembly in March, always excepting and excluding the "determined, energetic, and persistent" efforts of the Delegate from that Territory.

It would seem as if this ought to settle the matter; but I apprehend that the Legislative Assembly which memorialized Congress to provide that its next session should be held on the first Monday of January, 1887, had full power to do it itself. That point is not made in the majority report, and is not particularly insisted upon; but the minority of the committee, supposing it would be insisted upon, have so controverted it that I shall allude to it for a moment.

The session of the Legislative Assembly of Washington Territory which met last before the session which convened on the first Monday of December, 1885, met on the first Monday of October, 1883. The meeting of the Legislative Assembly in that Territory had been for a long period of years held on the first Monday of October, a period of two years elapsing between the meetings of the Assembly. The Legislative Assembly which met on the first Monday of October, 1883, provided by law that the next session of the Legislative Assembly should commence on the first Monday of December, 1885, a period of two years and two months from the date of the convening of the Assembly which adopted that legislation.

It is true that the statute of Congress says that the meeting shall be biennial. It is also true that it says the Legislative Assembly may fix the time of its meeting. In the face of that statute, that the meetings of the Legislative Assembly should be biennial, the Legislative Assembly of Washington Territory assumed to exercise the power conveyed to it by the act of Congress to fix the time of its meeting and fixed it more than two years beyond the period of the meeting of that Assembly. So no Legislative Assembly in Washington Territory was held within two years from the first Monday of October, 1883, and this very Assembly which memorializes Congress met in session two years and two months after the Legislative Assembly of Washington Territory held on the third Monday of October, 1883. If the Legislative Assembly of Washington Territory had power to do that, then it had power to advance the time of holding the Legislative Assembly, so that it did not hold it within a year from the time when the Assembly making the change was convened.

The memorial to Congress is that the Legislative Assembly which meets next after the first Monday in December, 1885, shall convene on the first Monday of January, 1887. That is more than a year; it is fourteen months; and if the Senator from South Carolina or the majority of the committee say that is not a biennial session I reply that upon the same reasoning the session which was held at which this memorial was adopted was not a biennial but a triennial session. I apprehend the Legislative Assembly itself had full power to change the time of the meeting and to adopt the first Monday of January, 1887, as the time for the meeting of the then next session of the Legislative Assembly without petitioning Congress.

But it is said now that a new reason has arisen why the meeting of the Legislative Assembly should take place, not at the time asked for by the memorial, but now in the height of the farming season, in the month of March, so that the Assembly should have an opportunity to repeal what is known as the gross-earnings railroad tax of the Territory. I probably am not so well able to discuss the question of the advisability of the repeal of that act as other Senators. I accept what the Senator from South Carolina has read here to-day, and which has never been presented to the committee—the platforms of the two parties which pledged the Legislative Assembly to the repeal of the gross-earnings tax; but it will be observed that those platforms were adopted last fall, were adopted while this bill was pending, and that in neither of them is it suggested that there should be an earlier session of the Legislature called for the purpose of repealing that law.

I wish to say right here another thing. If there was such an anxiety on the part of the Territory, and I do not deny it, to repeal that law, the Territory has been negligent, and the people of the Territory have been negligent, and the Delegate from the Territory has been negligent in not bringing the matter to the attention of Congress. The laws of Washington Territory stand unless disapproved by Congress, and if this tax had been such an iniquitous proceeding as is now represented in the report of the minority of the committee is it not a trifle strange that there has not been found in all Washington Territory one individual to memorialize Congress to disapprove that act. It seems to me that the Territory can not play fast and loose with Congress in that manner. It seems to me that the Territory can not sit down three years under the operation of an act passed by the members of its own Assembly and then come all in haste and with "uncommon anxiety" ask that the session of its Legislative Assembly may be advanced to a period inconvenient for the people of the Territory in order that it may have an opportunity to repeal the law itself. The Territory has estopped itself to make such request.

I do not know what the effect of the repeal of that law will be. I do not know what legislation the Legislative Assembly of Washington Territory may adopt when it repeals that law, as the members of both parties seem pledged to do. I wish to throw in here, by way of parenthesis, that I do not understand that any failure to repeal that law has been the result of the drawing of party lines in that Territory. If it has the committee has not been advised of it otherwise, as the lawyers say, than by the report of the mihority of the committee, and we therefore leave them to make such proofs as they are advised may be necessary upon that subject.

I said I did not know what the Legislative Assembly would do after repealing this act, but two annual payments have, I suppose, been made under it. Half of the other annual payment was to be made on the 15th of this month, so that practically three years' payments have been made under that act. They have been increasing payments. The views of the minority are entirely silent as to the amount of money which goes into the treasury under that act, but in two years more, whatever that amount may then be, it will be doubled by force of law. It is 2 per cent. of the gross earnings within the Territory, which the railroads pay as a tax during the first five years, and 3 per cent. after five years. So whatever the amount may now be paid into the treasury of the Territory, if the law stands, will be doubled after two more annual payments.

I should like to put on record here my belief that if the gross-earnings tax law were to stand for ten years the Territory would receive more money from its gross-earnings tax in the aggregate than it will receive by the adoption of the scheme of taxation proposed by the minority of the committee alone.

It is said figures will not lie, but they will exaggerate wonderfully. The minority of the committee has built up a table of figures here from which it concludes that under the scheme of taxation of the lands of the Northern Pacific Railroad Company adopted by it, and which it supposes the Legislative Assembly of Washington Territory will adopt, there will be paid into the treasury $337,500 annually as taxes, and it asks the question why the Northern Pacific Railroad Company should be relieved from the payment of one-half of all the taxes of that Territory.

I concede that if the basis of the scheme of taxation which has been so ingeniously constructed by the minority of the committee were correct, the Northern Pacific Railroad would be called upon to pay one-half of all the taxes of that Territory. Whether it is just or not is a question on which I am not advised. I should think it very doubtful, however, whether any scheme of just taxation would require the Northern Pacific Railroad Company to pay an amount of taxes equal to that paid by all the other property in that Territory.

But the trouble about that is with the premises of the minority of the committee. This computation is based upon the lands withdrawn

in granted limits and in indemnity limits, which are held at 9,000,000 acres in all, deducting an assumed amount of 25 per cent., which has been leased, sold, or contracted by the company, and therefore are not taxable to the company, but are taxable to individuals under the law, and are already taxed. So the minority of the committee figures out, taking all the withdrawn lands in place and in the indemnity limits and deducting from it those which it assumes the company has sold, contracted, or leased—and it has no knowledge on that subject—there are 9,000,000 acres of Northern Pacific Railroad lands remaining for taxation; and then it proceeds to say that a fair valuation of all those lands for taxation is two and a half dollars an acre.

I apprehend there is not a Senator who does not know that large quantities of those lands are practically valueless, and I apprehend, although I speak with no definite knowledge on the subject, that they would not be taxed at a valuation of $2.50 an acre to individuals if they should happen to be sold, contracted, or leased to individuals. But I let that pass.

The difficulty is there is no such quantity of land in that Territory belonging to the railroads subject to taxation, nor half of it, barely a quarter of it. On the 17th of April, 1886, the Secretary of the Interior transmitted to Congress a letter of the Land Commissioner, Mr. Sparks, stating the facts in relation to these lands.

I wish to say right here that the statute passed July 10, 1886, expressly exempts the unsurveyed lands of the railroad company from taxation in so many words. The withdrawn lands, as I understand it, are all the lands within the 20 and 40 mile limits which are coterminous to the railroad completed.

Mr. DOLPH. The odd sections.

Mr. PLATT. The odd sections. It is only the surveyed lands which can be taxed. Now, let us see. The Commissioner of the General Land Office was called upon to inform Congress of the amount of lands heretofore surveyed within the limits of said grant, and he said:

> The amount of lands surveyed within the 20 and 40 mile limits of the withdrawal for said road is established at about 21,732,542 acres, distributed as follows:
> * * * "Washington Territory, 7,370,818 acres."

That, mind you, embraces all the land, both the odd and even sections, Government and railroad lands, in both the 20 and 40 mile limits, so that the very first thing that must be done to determine the amount of surveyed railroad lands is to divide it by two.

Mr. BUTLER. What is the date of the Commissioners' report?

Mr. PLATT. There certainly has been nothing done since. It is dated the 14th of April, 1886 (Ex. Doc. 146). You divide it by two and you have the surveyed lands in place and in indemnity limits, 3,685,409 acres; but if they get their lands within the 20 miles they are entitled to nothing within the 40-mile limit; so, practically, you have got to divide it again in order to get the surveyed railroad lands belonging to the Northern Pacific Railroad which are subject to taxation in that Territory, and that reduces it to 1,842,704 acres.

Now we will apply the assumed rule of the majority of the committee as to the lands sold, and take out a quarter. What have we left? We have of land in that Territory belonging to the Northern Pacific Railroad, surveyed and subject to taxation, saying nothing about the selection, the segregation, and all that, 1,182,026 acres. What would the tax on that be? The value of those lands at $2.50 an acre would be $2,955,065. The tax would be $44,325.97. But my information is that the railroad company pays into the Treasury this very year practically a hundred thousand dollars.

What becomes of the scheme of the minority of the committee which it proposes to substitute for the repeal of this gross-earnings tax? When I saw these figures all built up here and insisted upon as a reason why the Senate should drop all the great public measures which it has before it and take up this matter, never asked for by the Legislative Assembly of Washington Territory or by its people, as to whether there should be a session of its Legislature in March or in December, I was tempted to reply, in the language of Prince Henry after he had heard that famous story of the men in buckram:

> Mark now, how a plain tale shall put you down.

I repeat, the committee has been actuated by no motive in this matter except to ascertain the sentiment of the people of Washington Territory and determine whether they wanted a session of the Legislative Assembly to be held now, in the most inconvenient season of the year, having changed only two sessions previously the time of holding the session from October to December, as I suppose, because October was a farming season. The committee have desired only to be governed by what they believed to be the sentiment of the Territory.

If there has been any other motive I have not been aware of it, and I believe as the result of all my investigation, without prejudice in favor of or against railroads, desiring only to do what the people of the Territory want done, and what seems best, that there is no sentiment in Washington Territory to-day which demands or requires or will be satisfied with a meeting of its Legislative Assembly in the month of March.

Mr. ALLISON and Mr. BUTLER addressed the Chair.

The PRESIDING OFFICER (Mr. HALE in the chair). The Senator from Iowa.

Mr. ALLISON. I submit to the Senator from South Carolina that this is rather an indirect way to discuss this question. It seems to me that we ought either to debate the bill itself, or that we ought to proceed with the other business. As I understood it, a day or two ago there was an arrangement made whereby a certain order of business was agreed upon in this Chamber, with a view to facilitating the necessary work of the session. Two hours have now been occupied in this discussion, not upon the bill itself, but upon a mere resolution saying that we ought to consider it. I think we have spent enough time on the resolution, so I will move to lay it on the table.

Mr. BUTLER. One moment, before the Senator makes that motion.

The PRESIDING OFFICER. Does the Senator from Iowa withdraw his motion?

Mr. ALLISON. For a moment.

Mr. BUTLER. That seems to me to be about on a par with the conduct of the majority in regard to this matter from the beginning. The Senator is simply acting upon the course which seems to have been adopted by the majority of the Senate all the time in regard to this bill.

Mr. ALLISON. Why, Mr. President——

Mr. BUTLER. Now, one moment; I think I have the floor. The Senator says——

Mr. ALLISON. I did not yield the floor absolutely to the Senator.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. ALLISON. I yielded out of courtesy for a moment, not withdrawing my motion to lay the resolution on the table.

Mr. BUTLER. The Senator stated, if he will allow me one moment, that this was an indirect method to get at this bill. It was the only method I could adopt. The majority would not permit me to get it in a direct way, and I had to adopt the only method which a minority of the Senate has to get at any question. This bill has been before the Senate for weeks and weeks, and I have been trying "in season and out of season" to get the Senate to consider it, either to pass it or to reject it, and I have been confronted with one objection and another, and now, after an argument made by the Senator from Connecticut [Mr. PLATT], not upon the merits of the bill, but in favor of the gross-earnings act of Washington Territory, I am met by a proposition to lay the resolution on the table.

Mr. PLATT. I have made no argument in favor of the gross-earnings act; I do not know enough about it.

Mr. BUTLER. The speech of the Senator will speak for itself.

Mr. ALLISON. Now, I want to say one word to the Senator from South Carolina. I know of no minority or majority side with reference to this question. I know nothing of the merits of the bill except what has been stated here this morning. I am entirely willing, for myself, to consider the bill, but both sides of the Chamber have agreed that in order to facilitate the business of this session certain measures must take precedence.

Mr. BUTLER. Yes, Mr. President——

Mr. ALLISON. One moment. In that order we have been progressing, and if the pending appropriation bill or other bills that must pass are to pass before we adjourn, then we must proceed in the order agreed upon and not discuss such resolutions, which have no significance in any sense. If the Senator believes that a majority of the Senate want to take up his bill why does he not move to take it up?

Mr. BUTLER. I have moved it certainly half a dozen times.

Mr. ALLISON. Very well; and a majority of the Senate have decided against the Senator. Now, merely for the purpose of indirectly taking this bill out of order, and in this indirect manner, he proposes a resolution, places it in order, and occupies two hours of the morning hour.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived——

Mr. MCMILLAN. Mr. President——

Mr. ALLISON. I move to lay the resolution on the table.

Mr. BUTLER. That is carrying out the agreement, I suppose.

Mr. EDMUNDS. The regular order.

NICARAGUA MARITIME CANAL.

The PRESIDING OFFICER. The unfinished business will be laid before the Senate.

The CHIEF CLERK. A bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua.

Mr. MCMILLAN. I ask the unanimous consent of the Senate to lay aside the pending business informally and proceed with the consideration of the river and harbor bill.

The PRESIDING OFFICER. The Senator from Minnesota asks that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of the river and harbor bill. If there is no objection that will be done. The Chair hears none.

ADDITIONAL PETITIONS.

Mr. BLAIR. I ask unanimous consent to introduce morning business. I present, first, a memorial of Fred Smyth Post, No. 10, Grand

Army of the Republic, Department of New Hampshire, of Newport, N. H., in which they say that they—

Respectfully represent that we believe that a great wrong has been done to many thousands of needy and dependent Union ex-soldiers and their families by the veto of President Cleveland of the dependent pension bill (so called); do respectfully request each of you in your official capacity to use all your influence, by vote or otherwise, to pass the aforesaid pension bill over the President's veto. For we believe that those who fought for the preservation of the Union are as deserving as Mexican confederates.

I move that the petition lie on the table.

The motion was agreed to.

Mr. BLAIR. I present also the memorial of Storrer Post, No 1, Grand Army of the Republic, Department of New Hampshire, Portsmouth, N. H., in which they resolve that—

Whereas the dependent parents and disabled veterans' pension bill was designed and would have proved a measure for the relief of a large number of our worthy and needy comrades:

Be it resolved, That we, the members of Storrer Post, No. 1, Grand Army of the Republic, Department of New Hampshire, do hereby protest against——

Mr. HARRIS. What is the proceeding?

The PRESIDING OFFICER. The Senator from New Hampshire is presenting a petition.

Mr. HARRIS. I understood the Senator from New Hampshire desired to present a memorial. A brief statement of the object of it is all that is legitimate under the rule. I raise the question of order.

Mr. BLAIR. The memorial continues:

do hereby protest against the veto of said bill in this, that it cuts off from relief those who, through no fault of their own, are unable to obtain justice from those in authority at the Pension Office; and who, through lack of influential friends, can not invoke special legislation in their behalf.

Resolved, That it is the duty of every patriotic citizen of this Republic to use his best endeavors to see that no veteran soldier be left to the tender mercies of almshouse keepers, and no soldier be consigned to a pauper's grave. That while we believe it to be the duty of all to unite to honor the noble dead, all should also unite to see that the worthy living be supplied with the comforts as well as the necessaries of life.

I move that the memorial lie on the table.

Mr. BUTLER. That is carrying out the agreement of which so much has been said here.

The PRESIDING OFFICER. The memorial will lie on the table.

Mr. PLATT presented resolutions adopted by Mansfield Post, No. 53, Grand Army of the Republic, Department of Connecticut, Middletown, Conn., and Palmer Post, No. 33, Grand Army of the Republic, of Winsted, Conn., favoring the passage of the so-called dependent relatives' pension bill over the President's veto; which were ordered to lie on the table.

Mr. GIBSON presented a petition of citizens of the parishes of Lafayette and Vermillion, in the State of Louisiana, praying for the improvement of Vermillion River; which was referred to the Committee on Commerce.

ADDITIONAL REPORTS OF COMMITTEES.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. MCMILLAN] has the floor.

Mr. PLUMB. I ask unanimous consent pending that to make a report from a committee. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 10802) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes, to report it with amendments; and I give notice that I shall ask the Senate to consider the bill on Monday next.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. WILSON, of Iowa, from the Committee on the Judiciary, to whom was referred the bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed on him, reported it without amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 74) to grant an increase of pension to Frederick Beno, reported it with an amendment.

BILL INTRODUCED.

Mr. BLAIR introduced a joint resolution (S. R. 112) relating to early records of the Capitol, city of Washington, D. C.; which was read twice by its title.

Mr. BLAIR. I will state that this joint resolution is in reference to preserving certain ancient records relating to the early history and establishment of the Capital, the construction of the city, and the organization of the District, which it is important should be in possession of the Government. I move that the joint resolution be referred to the Committee on the District of Columbia.

The motion was agreed to.

AMENDMENT TO DEFICIENCY BILL.

Mr. MAHONE submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MRS. JULIA DE QUINDRE.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2451) for the relief of Mrs. Julia De Quindre; which was, in line 3, before the word "dollars," to strike out "twenty-five" and insert "twelve."

Mr. BLAIR. I move that the Senate disagree to the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. BLAIR, Mr. SAWYER, and Mr. PALMER were appointed.

PACIFIC RAILROAD ACCOUNTS.

Mr. MCPHERSON. I desire to give notice that on Monday next, immediately after the consideration of the maritime canal bill, which I see is the unfinished business of the Senate, I shall ask for the consideration of the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States. I understand that is in accordance with certain agreements which have been spoken about today, and I further understand that the Senator from Massachusetts [Mr. HOAR], who is not present to speak for himself, will be ready to go on with the joint resolution at that time. I therefore desire to give notice to the Senate that I shall ask with great persistency the consideration of the joint resolution immediately after the conclusion of the maritime canal bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3963) granting a pension to Henry P. Reed;

A bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers;

A bill (H. R. 5171) granting a pension to Missouri Anderson;

A bill (H. R. 6162) granting a pension to Joseph M. Potter;

A bill (H. R. 6423) for the relief of Mary Kaylor;

A bill (H. R. 6656) for the relief of Mary Tarbell;

A bill (H. R. 6823) granting a pension to Peter P. Hoffman;

A bill (H. R. 7952) granting a pension to Mary Parrott;

A bill (H. R. 8355) for the relief of Sarah A. Jones;

A bill (H. R. 8437) granting a pension to Thomas Weekly;

A bill (H. R. 8828) granting a pension to Giles Wright;

A bill (H. R. 9213) granting a pension to Mary Corbett;

A bill (H. R. 9248) to increase the pension of Richard Foreman;

A bill (H. R. 9301) granting a pension to Joseph Jones;

A bill (H. R. 11199) for the relief of Thomas B. Nalle; and

A bill (H. R. 11200) for the relief of Charles H. Lee.

The message also announced that the House had passed the following bills:

A bill (S. 1170) granting a pension to Nancy C. Smith;

A bill (S. 1326) granting a pension to Caroline E. Pratt;

A bill (S. 1930) granting a pension to John Duffy; and

A bill (S. 2308) granting a pension to Henry Lafner.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives;

A bill (H. R. 5652) for the relief of James W. Goodrich;

A bill (H. R. 4535) granting a pension to Adelisa Perry;

A bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond national cemetery, near Richmond, Va.;

A bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss.; and

A bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.

The message also returned to the Senate, in compliance with its request, the following bills:

A bill (S. 2944) making appropriation for the jetties in Charleston Harbor; and

A bill (S. 3107) granting a pension to Catharine F. Ellsworth.

The message further announced that the House had appointed Mr. HEMPHILL a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 199) for the retirement and recoinage of the trade-dollar, in place of Mr. SCOTT, excused.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10658) to provide for terms of the United States district court at Raleigh, N. C., and change the lines between the eastern and western districts, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BENNETT, Mr. CULBERSON, and Mr. HEPBURN the managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had

signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War;

A bill (H. R. 2646) granting to the Ohio Central Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia;

A bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio;

A bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service;

A bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army;

A bill (H. R. 7996) for the relief of William J. Mulvey;

A bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes;

A bill (H. R. 10473) granting a pension to William Reddick;

A bill (H. R. 10795) granting a pension to Mrs. Elenor C. Ransom; and

A bill (S. 2519) granting an increase of pension to Richard B. Rians.

RIVER AND HARBOR BILL.

Mr. MCMILLAN. I ask that the river and harbor bill be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, the pending question being on the amendment proposed by Mr. HALE to the amendment of the Committee on Commerce, which was, in section 3, line 4, after the words "land or," to strike out the word "material" and insert the word "earth;" so as to read:

The Secretary of War may cause proceedings to be instituted, in the name of the United States, in any court having jurisdiction of such proceedings, for the acquirement by condemnation of any land or earth needed to enable him to prosecute such works for the improvements of rivers and harbors.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). Is the Senate ready for the question on agreeing to the amendment of the Senator from Maine [Mr. HALE] to the amendment of the Committee on Commerce?

Mr. HALE. There will be no objection to that amendment.

Mr. DOLPH. I object to it.

Mr. SAULSBURY. The amendment, I understand, is to strike out the word "material."

Mr. MCMILLAN. And insert the word "earth."

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. EDMUNDS. What is the question?

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The Chief Clerk read the amendment to the amendment.

Mr. HALE. I will explain that in a moment. I yield to the Senator from Vermont.

Mr. EDMUNDS. I yield to the Senator from Maine.

Mr. HALE. No; the Senator from Vermont has the floor in his own right.

Mr. EDMUNDS. I was merely at this moment, not to speak of the merit of the amendment, about to raise the point of order that the whole of the provision is clear legislation and nothing else. I do not wish to cut off my friend from Maine on the merits, but I want to get that matter determined.

Mr. HALE. I am willing to await the decision of the Chair on the point of order made by the Senator from Vermont.

The PRESIDING OFFICER. The Chair is inclined to decide in favor of the point of order raised by the Senator from Vermont.

Mr. DOLPH. I wish to suggest that that is true of all the first part of the section with the provision as it came from the House.

Mr. EDMUNDS. That does not make any difference to the point of order. It is on the amendment proposed here.

Mr. DOLPH. The point is made simply on the amendment of the Senator from Maine, I understand.

Mr. EDMUNDS. No; it is on the amendment of the committee that I make the point.

Mr. HALE. As I understand it, the point of order raised by the Senator from Vermont he wishes to apply to the entire section.

The PRESIDING OFFICER. The Chair so understands.

Mr. HALE. I agree fully with the Senator from Vermont that that is new legislation, and subject to the point of order.

The PRESIDING OFFICER. The Chair feels obliged to decide that the point is well taken. It seems to the Chair clearly legislation.

Mr. DOLPH. I suggest that if that apply to the section it ought to apply to the whole substitute, to the whole bill.

Mr. HALE. The Senator from Vermont does not make the point on the whole bill.

Mr. DOLPH. I desire to state the situation of the amendment. The Committee on Commerce have reported a substitute to the House bill. It is one amendment, and is in effect to strike out all after the enacting clause and substitute the bill reported by the committee. Included in that amendment is this section 3, which includes part of section 3 as it came from the House of Representatives with certain amendments made by the Senate Committee on Commerce. I suggest whether if the point of order made by the Senator from Vermont is good, it does not go to the whole amendment reported from the committee.

Mr. EDMUNDS. I make the point of order on section 3 of the amendment reported from the committee, and upon nothing else, and that is clearly out of order.

Mr. HALE. The Chair has so decided.

The PRESIDING OFFICER. The Chair thinks that is clearly to be separated from the rest of the amendment.

Mr. DOLPH. What becomes of section 3 in the bill as it passed the House?

Mr. EDMUNDS. That we will determine when we consider the bill as it passed the House. We are considering the amendment now.

Mr. DOLPH. I make the point of order on the next section.

Mr. HALE. I rise to offer an amendment.

Mr. DOLPH. I make the point of order as to section 4.

Mr. HALE. That has not yet been reached, I believe.

Mr. EDMUNDS. Yes, it is all up.

Mr. HALE. Are amendments now in order?

The PRESIDING OFFICER. The bill has been read in the usual way for amendment, and is now pending as in Committee of the Whole and open to further amendment.

Mr. HALE. So I understood. On page 88, in section 2, after the word "inclusive," in line 6, I move to insert "Owl's Head Harbor, Maine." It is for a survey simply.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine to the amendment reported from the Committee on Commerce.

Mr. MCMILLAN. That is a mere provision for a survey, to which there is no objection.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Senator from Oregon makes a point of order against section 4.

Mr. DOLPH. I withdraw it.

Mr. EDMUNDS. Section 4 is in order because it merely directs the expenditure of the money.

The PRESIDING OFFICER. The Senator from Oregon withdraws the point of order.

Mr. DOLPH. I will state, however, that so does section 3 direct the expenditure of money.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. CALL. On the ninety-first page, after the ninetieth line, at the end of section 2, I move to insert:

For survey of the Number Four or Northwest Channel at Cedar Keys, Fla.
For survey of bar and river at Andote, Fla.
For the survey of the channel in Pensacola Bay to Milton, Fla., and estimate for a deep-water channel.
For the survey and estimate for the Northwest Channel at Key West, Fla.
For survey of bay and outer bar at Saint Augustine, Fla.
For the survey of the Alafia River, Florida.
Charlotte Harbor and Caloosahatchie River, Florida.
For a survey and estimate of an inland channel through Mosquito, Logan, and Indian Rivers to Jupiter Inlet, Florida.

The PRESIDING OFFICER. Does the Senator from Florida present the different items as one amendment?

Mr. CALL. I present them as one amendment.

The PRESIDING OFFICER. If there be no objection the question will be put in that way.

Mr. CALL. I think this amendment will not be objected to by the Committee on Commerce. These surveys are all recommended as at important places in the different reports of the engineers. Charlotte Harbor is now the terminus of a railway. It is the farthest point south upon the coast of Florida in proximity to the West Indies, and is growing to be a place of very considerable importance. There have been several reports from the Engineer Department in regard to it, but no thorough survey. The Caloosahatchie, opening from Charlotte Harbor, is being connected now by a canal projected and completed by private enterprise with the headwaters of the Saint John River.

Mr. MCMILLAN. If the Senator from Florida will permit me to make an inquiry of him in regard to the amendments he proposes, I understand they are amendments which embrace merely provisions for surveys in particular localities?

Mr. CALL. That is all.

Mr. MCMILLAN. No special appropriation is asked for in either case?

Mr. CALL. None. The Senator is right.

Mr. MCMILLAN. If the Senator from Florida deems the matters of importance to the public interest I suppose there can be no valid objection to submitting them to the judgment of the Secretary of War, and

that is the effect of his amendment, although we supposed we had embraced most of the surveys necessary.

Mr. CALL. That is all that is asked for.

The PRESIDING OFFICER. If there be no objection the amendment proposed by the Senator from Florida will be regarded as agreed to.

Mr. MORGAN. I move to insert, after line 90 of section 2, at the end of the amendment agreed to on motion of the Senator from Florida:

For the survey of the Mobile River from Mount Vernon arsenal to the channel in the bay of Mobile, to ascertain the depth and width of the channel and what obstructions, if any, exist that would prevent a ship drawing 25 feet of water from reaching Mount Vernon arsenal from Mobile.

That comes in the same classification; and I desire to announce simply this: We have passed a bill through the Senate giving an opportunity to have cruisers built in the waters of the Gulf. I think the most eligible site in the waters connected with the Gulf is at Mount Vernon arsenal. I wish to have a survey made of the river, so that the Secretary of the Navy will know precisely what that river is.

Mr. MCMILLAN. I have no objection to the amendment.

The amendment to the amendment was agreed to.

Mr. WILLIAMS. On page 55, in line 366, after the word "improvement," I move to strike out "sixty-two thousand five hundred" and to insert "one hundred and fifty thousand;" so as to read:

Improving harbor at Oakland, Cal.: Continuing improvement, $150,000.

I ask to have read a memorial from the Oakland Board of Trade, which states this matter more clearly than I can do.

The Chief Clerk read as follows:

OAKLAND BOARD OF TRADE, OAKLAND, CAL., *January* 6, 1887.

HONORED SIR: The subject of appropriations for Oakland Harbor is now before you. Will you permit the undersigned officers and directors of the Oakland Board of Trade to call your attention, and the attention of your committee, to a few facts in the interest of commerce.

First. What has the work already accomplished done? It has reduced freight charges from $5 per ton to $1 per ton on steamers, and 40 and 50 cents a ton on schooners between Oakland and San Francisco. It has enabled the lumber dealer of Northern California to ship lumber to all points in the State and Territories. Their schooners now unload direct into the cars on this side of the bay, avoiding an extra loading and unloading. It has enabled vessels with partial loads of coal to come to the wharf. The consumption of coal by Oakland amounts to 8,000 tons per month. Complete the improvement of the harbor so that the largest draught vessels can come in, it will save to the consumers $50,000 a year.

In considering the matter of Oakland Harbor permit us to suggest the propriety of ever keeping before the mind the fact that Oakland is the terminus of overland railways; hence all the commerce between the United States and the ports of the Pacific, Sandwich Islands, Japan, China, Australia, passes through this gateway, hence has to be unloaded on this side and transferred on to the other side (and *vice versa*), where the steamers are obliged to anchor, owing to the fact of not sufficient depth of water to enable steamers to come alongside of the wharf and railroad track. Complete the improvement of Oakland Harbor and you will reduce freight charges, extra handling, &c., on all the commerce of this country with the countries above mentioned. The growth of the United States traffic with these mentioned countries can best be understood by the statement that two large, powerful 3,000-ton steamers are plying twice a month between this country and the Sandwich Islands; that two 5,000-ton steamers are plying to Japan and China semi-monthly; one 5,000-ton steamer running every thirty days to and from New Zealand and Australia.

In addition to the steamers mentioned there is a large number of sailing vessels in the trade. Three-fourths of the freight carried is freight destined to and from the Eastern States, a large quantity being agricultural implements, machinery, &c., manufactured in the States of Illinois, Wisconsin, Ohio, and New York. In addition to the saving referred to—the producers of this State—the wheat shipments alone paying $240,000 last year for towage, towing ships up to Port Costa, Vallejo, Martinez, so as to bring ship and car together. If Oakland Harbor had sufficient depth of water this charge for towage would be avoided and the producer benefited. Many other facts could be adduced. We trust that the foregoing will suffice, and that not only in the interest of this locality and State, but in the interest of the commerce of the United States, which is growing rapidly, you will render your assistance to secure the early completion of the work so well begun.

In behalf of the Board of Trade, we remain, very respectfully,

V. D. MOODY, *President.*
M. J. KELLER.
GEO. L. FISH.
A. C. HENRY,
JAMES CAHILL.
SOL. KAHN.

E. W. PLAYTER,
Chairman of Committee on Harbor Improvements.

Mr. WILLIAMS. This increase I think is justified on the score of economy. It will enable every farmer to receive his lumber at much less than the present rate, and it is in the interest of the people of my State that this amount of $150,000 should be appropriated. I understand the engineer says $250,000 can be economically expended during the year.

I hope the Senate will adopt the amendment.

Mr. MCMILLAN. This appropriation was permitted to remain just as it came from the other House. Of course the merit of the increase was called to the attention of the Senate Committee on Commerce; but, in connection with that, applications were made for other increases for improvements in California, and the committee were called upon to determine what amounts could be increased there most properly, as well as to determine the amount of the increase.

It will be observed that the committee increased the appropriation for the improvement of the harbor and bay at Humboldt, Cal. That was done upon very urgent and special grounds urged upon the committee. These appropriations being increased for California to the extent the committee has increased them we thought the harbor at Oakland, having one-fourth of the amount of the estimate made by the Chief of Engineers, could safely be permitted to remain as it was. There is $63,000 still remaining from the last appropriation which is applicable to this improvement and will be added to the appropriation here made of $62,500. This is 25 per cent. of the estimate made by the Chief of Engineers. Of course it was not because we did not believe the harbor a proper subject of improvement, but we thought the appropriations had better be increased for the other places.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California [Mr. WILLIAMS] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. VANCE. I move after line 556, of section 1, to add:

And the said Pedee River, as far up as its junction with the Uwharie River, in North Carolina, is hereby declared a navigable stream and public highway; and at least 40 feet thereof, including the main current, shall be kept open and unobstructed.

Mr. MCMILLAN. I suppose that would be subject to the point of order that it is new legislation.

Mr. VANCE. I did not hear the Senator. What is the point of order?

Mr. MCMILLAN. It is new legislation, and it ought not to go into the bill now.

Mr. VANCE. I suppose it can hardly be considered new legislation. The Pedee River is extending up virtually from South Carolina, and the nearer it gets up to the timber region of North Carolina the more important it is to keep the stream free from obstructions, so as to secure the passage of lumber down the river in rafts.

I hope the Senator will not insist on any point of order.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the amendment is legislation, and therefore not in order.

Mr. BUTLER. On page 48, section 1, after line 182, I offer the following amendment:

For the improvement of the bar at Winyaw Bay, Georgetown, S. C., $30,000.

In connection with that I ask to have read a letter from Captain Bixby, of the Engineer Corps of the Army, and I trust the chairman of the committee will not object to the amendment.

The Chief Clerk read as follows:

UNITED STATES ENGINEER'S OFFICE,
Wilmington, N. C., January 19, 1887.

SIR: In compliance with the request in your letter of 10th instant to Messrs. H. Kaminski & Co., of Georgetown, S. C. (forwarded by them to me), I make herewith the following statements as to the improvement of Winyaw Bay bar:

This work was reported to Congress as worthy of an expenditure of at least $300,000. (See page 1169 annual report Chief of Engineers, 1885.) Since Congress voted no money for any river and harbor works from the date of this report up to the 30th of June, 1886, this work was not under improvement at all during the fiscal year ending 30th June, 1886, and consequently the Chief of Engineers was not given any opportunity to say anything to Congress on the subject of this improvement in his annual report of 1886.

You will see by this that the last time the Engineer Department had occasion to say anything on this matter they expressed themselves to the effect that the work was one of great importance and worthy of a large appropriation. I have every reason to suppose that the department is of the same opinion to-day and awaits the renewed action of Congress upon its last recommendations.

I inclose you copies of my information circulars on this work, in which you will find my recommendations.

My own individual opinion is, that two-thirds of the State of South Carolina, and considerable of North Carolina, will be benefited by this improvement; and that the settlement and development of the Santee, Pedee, and Waccemaw River basins will be hastened and assisted more rapidly and effectively by the opening of Winyaw Bay bar than by anything else that can be done with an equal sum of money spent in any other way.

Were these river basins the private property of an individual or corporation of moderate wealth, the latter would, in my opinion, be consulting its own best interests should it spend $300,000 per year upon this work until the bar were opened to 16 feet depth at low water.

Very respectfully, your obedient servant,

WM. H. BIXBY,
Captain of Engineers, U. S. Army.

Hon. G. W. DARGAN,
House of Representatives, United States, Washington, D. C.

Mr. MCMILLAN. I raise the point of order that there is no estimate for the improvement embraced in the amendment.

The PRESIDENT *pro tempore*. It is a new item of appropriation, and is out of order.

Mr. BUTLER. Does the Chair hold that it is subject to the point of order?

The PRESIDENT *pro tempore*. It is a new item of appropriation.

Mr. BUTLER. Then I ask to have a survey of some small rivers. In section 2, on page 91, after line 90, I move to insert:

Coosawhatchie River, South Carolina.
Broad River, South Carolina.

Mr. MCMILLAN. I have no objection to urge to that.

The amendment to the amendment was agreed to.

Mr. EUSTIS. I offer the following amendment, to come in after line 71 of section 2, on page 90:

Vermillion River, from Abbeville to its mouth.

Mr. EDMUNDS. According to the line, that comes after a river in Massachusetts. There is no Vermillion River in Massachusetts.

Mr. MCMILLAN. What State is it in?

Mr. GIBSON. Louisiana.

The PRESIDENT *pro tempore*. "Louisiana" will be added.

Mr. GIBSON. I presented a petition from citizens of that part of the country this morning in favor of this survey.

The amendment to the amendment was agreed to.

Mr. CALL. I ask the chairman of the committee to consent to an amendment, after line 650 of section 1 to insert:

And for the improvement of Holmes Creek, Florida.

I will state that Holmes Creek is a tributary of Lagrange Bayou, that it has been estimated for and reported on in a former survey, and that a small portion of this appropriation, as the report states, may very wisely be expended in removing some slight obstructions to navigation. It is a very deep creek, and a tributary of Lagrange Bayou, at which there is a regular expenditure being made.

Mr. EDMUNDS. I should like to hear the estimate for that.

Mr. MCMILLAN. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 1, after line 607, it is proposed to insert:

And for the improvement of Holmes Creek, Florida.

Mr. MCMILLAN. There is no estimate for that, and I make the point of order.

Mr. CALL. There is an estimate and a survey for it. This amendment does not propose to increase the appropriation at all. There is no doubt about there being an estimate. The facts are well known. There is a very deep channel.

Mr. EDMUNDS. I want to see the estimate.

Mr. CALL. The Senator from Vermont ought to know about the estimates, and not call for them.

The PRESIDENT *pro tempore*. The amendment is clearly not within the rule. The point of order is sustained.

Mr. CALL. On page 49, section 1, lines 195 and 196, where the item is—

Improving harbor at Tampa Bay, Florida: Continuing improvement, $10,000.

I move to increase that amount to $20,000.

Mr. MCMILLAN. This should not be increased, I think. The committee have given all the amount they thought ought to be given for this improvement with the others in Florida, and we have given them fair consideration and allowed them a good amount for improvements in that State.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Florida to the amendment of the Committee on Commerce.

The amendment to the amendment was rejected.

Mr. CALL. On page 48, section 1, line 194, I move to increase the appropriation for "Improving harbor at Pensacola, Fla.: Continuing improvement," from $7,500 to $20,000.

Mr. MCMILLAN. The estimate there is but $20,000, and this is more than 25 per cent. of the estimate, which has been the rule acted upon by the committee generally. This item has not been decreased at all by the Senate committee.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. CALL. I move, on page 48, section 1, line 192, to increase the appropriation for "Improving harbor at Cedar Keys, Fla.: Continuing improvement," from $3,500 to $10,000.

Mr. MCMILLAN. The estimate there is but $13,000, and there is more than 25 per cent. of that sum given. The same rule is applicable here. We applied the same rule wherever we could.

The amendment to the amendment was rejected.

Mr. CALL. On page 48, section 1, line 186, in the item—

Improving Cumberland Sound, Georgia and Florida: Continuing improvement, $75,000—

I move to increase that amount to $100,000.

Mr. MCMILLAN. There were two improvements in Florida, the one referred to by the Senator from Florida, Cumberland Sound, and the other the improvement of the Saint John's River, for which large sums were asked. The Saint John's River appropriation was increased and the appropriation for Cumberland Sound was decreased to this amount of $75,000, and the same applied upon the Saint John's River as being the improvement most urgently demanded at the present time; and it was done, as we understood, with the approbation of the Senator from Florida.

Mr. FRYE. At his request.

Mr. CALL. Certainly, as between the two appropriations, my judgment is that the Saint John's River ought to have the larger amount; but I do not desire the appropriation for Cumberland Sound to be decreased.

Mr. MCMILLAN. The committee were of the same opinion on the merits of the proposition comparatively.

The amendment to the amendment was rejected.

Mr. CALL. I shall abandon any further effort, as I see it is useless to resist the committee.

Mr. BROWN. In line 188 of section 1 I move to strike out "$65,000" and insert "$150,000;" so as to make the item read:

Improving harbor at Savannah, Ga.: Continuing improvement, $150,000.

I wish to make a few remarks on that subject and call the attention of the Senate to a few facts that if they were considered would fully justify an increase of this appropriation.

In another forum, as I understand, the one-quarter rule was applied to the estimate for Savannah Harbor, Georgia, which is $180,000.

Mr. CULLOM. What is the estimate?

Mr. BROWN. The committee usually allow 25 per cent. of the estimates. That is not a fair rule as applied to the port of Savannah, for this reason: Some six or seven years ago the Government ordered a survey of the port of Savannah and of the river between Savannah and the bar, which is some 20 miles in length, with a view to get a channel 22 feet deep. The estimate was made by the engineers. My recollection is that it was about $1,130,000. Appropriations have been made from year to year, generally $200,000 a year. The work has been pressed forward to a point where it is near completion, and it is being very much damaged for want of money to complete the job. This year it ought to be completed by an appropriation of $180,000, which is the balance of the original estimate. At the last session of Congress we got $150,000. The Senate voted us $200,000, but the 25 per cent. rule, as you remember, was applied, which cut it down to $150,000.

Now, $180,000 will finish up the work in accordance with the original plan of the engineers, some $200,000 having been appropriated annually for that purpose. The committee now apply the 25 per cent. rule to the last installment of the $1,130,000. Upon the same principle that they appropriated $65,000, which the Senate Committee on Commerce have given us, increasing the House appropriation to that extent, taking that from the $180,000, I suppose another year they will give us only one-fourth of the remainder, for that will be the amount estimated for, to finish the improvement.

What we really ought to have, and what ought to be appropriated, would be the other $180,000, which would finish the improvement in accordance with the original plan of the engineers and give us 22 feet of water. But if there are only $65,000 appropriated a great portion of that will be lost by the delay of another year. It is great waste as well as great injustice to us. If we had the $180,000—and I am only asking now for $150,000—we should get within this year a channel 22 feet deep from the city of Savannah to the bar, and the bar is 26 feet.

Mr. EDMUNDS. May I ask the Senator how much was appropriated for this object in the first part of August last?

Mr. BROWN. One hundred and fifty thousand dollars.

Mr. EDMUNDS. How much of that is left yet?

Mr. BROWN. I do not know how much; but I know they have been very actively at work and expending the money.

Mr. EDMUNDS. Is the work being done by contract?

Mr. BROWN. The work is partly done by contract and partly by the engineer employing hands to do the work at certain places.

Mr. MCMILLAN. The amount available there June 30, 1887, will be $152,943.

Mr. BROWN. There is no question that the amount asked for now would be expended within the year, and it could be profitably expended within the year. The engineer's estimate is that it ought to be expended to protect the work already done.

Now, a word about the importance of the commerce of Savannah. I will make a comparison between that and the appropriations made for some of the other cities. You have appropriated $300,000 to the harbor at Charleston. I do not complain of that; I voted for it very cheerfully, and was glad to see the spirit which was displayed on the other side of the Chamber in giving Charleston that amount. The proposition is to give to Norfolk and to the approaches to Norfolk $125,000, and to almost every Southern port a larger amount than Savannah; and yet the annual amount of commerce that goes out at the port of Savannah is, in round numbers, $50,000,000 a year, and is double what it is at any other one of the Southern cities between Baltimore and New Orleans.

You give the others $300,000, $125,000, and other large sums. I make no complaint of that; I vote for it cheerfully; but why cut down Savannah to $65,000 and leave this balance of the $1,130,000 estimate not completed, leaving the work in its unfinished condition, filling up with sand all the time and taking 50 per cent. of the amount when you make another appropriation to clean out the obstruction that has got in the way by not finishing the work? Why not give us the usual appropriation and let the work be completed on the plan originally reported by the engineers? It seems to me it is obviously proper. It seems to me it is just as compared with any of the other cities along the coast—perfectly just. As I have stated, we have a much larger commerce than any of them. Why should we be put off with half or one-third the estimate, and especially when the work has been carried as far as it has been and is as near completion as it is? Why take two or three years to finish up the little balance of the improvement?

Not only the commerce of the State of Georgia that goes out by water goes out of Savanah, but a great portion of the commerce of Alabama and of the commerce of South Carolina, on account of the arms of the Central Railroad extending into those States, goes out at Savannah, and a very large quantity of the commerce of the State of Kentucky and the State of Tennessee and the State of Illinois and the State of Indiana, and indeed the West generally, goes out at Savannah. They

send a great deal out for New York by that route, it being really a shorter route than any other, making allowance for the difference between land and water, counting 3 miles of water for 1 of land. There is a very considerable commerce going out from the Western States through Savannah to New York and to foreign ports.

Why is it that the West will not aid us in a contest of this sort? Here is a terminal point of one of the great Western connections of railroads. Why cripple it? Why give it one-fourth or one-third or one-half of the amount you give the other Southern cities that do not have that connection? I do not think it is fair. I trust the Senate will not hesitate to give us at least $150,000 instead of the $65,000 provided for in the committee's bill.

Mr. McMILLAN. The Senator from Georgia must be well aware from his experience in the past that the Committee on Commerce has always regarded the improvement of the harbor of Savannah with great favor and has gone as far as it thought judicious in making appropriations for that improvement. In this instance, we think we have carried out the same policy.

The House bill appropriated for this improvement $45,000. The Senate committee increased it to $65,000, an increase of $20,000. The estimate of the engineers as to the amount which can be profitably expended is $180,000, and $65,000 is much more than 25 per cent. of the estimate made by the Chief of Engineers. The balance on hand on the 1st of November was $148,000 in round numbers.

Mr. EDMUNDS. The estimate of the expenditure of these appropriations runs to June 30, 1888.

Mr. McMILLAN. We are making provision for that. This appropriation is for that year.

Mr. EDMUNDS. I do not see in the bill any appropriation for a given fiscal year.

Mr. McMILLAN. This bill is not made for fiscal years. No fiscal year applies to a river and harbor bill. The amount unexpended on hand applicable to this improvement is $148,000 in round numbers, to which the House of Representatives added $45,000, and we increase that appropriation $20,000, making it $65,000.

Mr. CULLOM. Will the Senator allow me to ask him whether he regards these reported amounts on hand as being actually correct; whether he has any information that enables him to determine that the amounts stated in the report that the committee seems to have made are actually amounts which have not been expended or are not under contract?

Mr. McMILLAN. I will state to the Senator from Illinois that these amounts may be charged with contracts which are to be carried out. The funds reported remaining on hand are certainly in the Treasury and not expended, although they may be chargeable with obligations which are to be performed, but the work has not been performed and will of course go forward in connection with that for which an appropriation for this year is applicable.

Mr. CULLOM. What is the date of the report as to the amount on hand? Is that the amount on the 30th of June last, or the 1st of December, or what date?

Mr. McMILLAN. We have a communication from the Secretary of War, and also from the Chief of Engineers through the Secretary of War, which brings the date to the 28th of October.

Mr. BROWN. The chairman of the Committee on Commerce in this case states that the House gave us one-fourth of the $180,000, which was the balance of the original estimate to finish this improvement, and that the Senate committee has increased that $20,000. That is true.

I ask again, when shall we ever get through with this job if we divide the balance that is left every year and get one-fourth? We are to get at this time $65,000, which is something over one-fourth, but there are $115,000 left, which will be the estimate next year to finish the job. Then I suppose you would give us a fourth of it again, and the next year a fourth of the remainder. When do we get through by that process?

When the engineers have made an estimate to Congress for an improvement costing more than a million dollars, and Congress has made an appropriation from year to year of $200,000 to carry it out, and we get within $180,000, and need every dollar of it to finish the job, why then apply the one-quarter rule to it, and take several years to complete it, leaving the work all the time that has already been done to be damaged and liable to be filled up? That is not the rule that is applied in other cases to other commercial ports, and I can not see the justice of applying it in this case.

Mr. McMILLAN. The amount of $180,000 will complete this improvement.

Mr. BROWN. Why not let us have it completed this year?

Mr. McMILLAN. For the reason that this bill does not contain appropriations sufficient to complete the improvements embraced in it. There was no exigency in this case, no special features of it which seemed to the committee to require an appropriation of any greater amount in order to make it a matter of economy, or save that which has been appropriated heretofore, and would carry on the work of improvement as fast, if not faster, than the other improvements going forward.

Mr. BROWN. It is a notorious fact that a portion of the channel cut out is filling up for the want of the removal of the earth in the way of the completion of the balance of it. If the balance of the job were done so that the tide going up and down could pass through it, it would be scoured out, but as it is now it is filling up all the time, and every year will continue to fill up until the rest of the earth in the way is cut out.

Mr. EDMUNDS. We find from the report quoted, on page 73 of the report of the Committee on Commerce, that the engineer says:

Total amount appropriated for this work to date	$1,032,000
Amount (estimated) required for completion of existing project	180,000
Amount that can be profitably expended in fiscal year ending June 30, 1888	180,000

So that, according to the engineer, if he had all the money now, it would take him until the 1st of July, 1888, to expend it—a year from the 1st of next July—and $180,000 is all that is necessary to complete the whole work.

On the first of the year they had in the Treasury applicable to this business $148,296.65. This bill gives $65,000, I believe it is now, which, added to the $150,000, in round numbers would be $215,000 if this bill passes with the $65,000 to complete a work that the engineer says he only wants $180,000 for, and yet the Senator says——

Mr. McMILLAN. The $180,000 is exclusive of the amount on hand.

Mr. BROWN. Why, Mr. President——

Mr. EDMUNDS. Let me finish my sentence. I seem to have struck adversaries on every side. When we get to arithmetic I suppose I may not be able to compute figures, and therefore am to be corrected by schoolmasters to the right and the left.

They say they have $148,296 on hand on the 1st of November. This engineer's report brings the thing down to the 1st of July, four months preceding this statement of the amount they had on hand. On the 1st of July, 1886, therefore, $180,000 was all that was wanted, and requiring two years from that time, the 1st of July, 1886, to the 1st of July, 1888, to expend it profitably, and that is all that is wanted to complete it. Of that money on the 1st of November they had $148,000. The committee's amendment gives them $65,000 more, making $215,000 in round numbers, and then the Senator from Georgia wishes to carry that up still more.

So it would seem that we are piling up money here for this object which, when it is done, as stated two years from the 1st of July—a good way in advance ordinarily in making appropriations for carrying on a government when we care nothing about the people's money, as we do not seem to do—in two years there is to be an advance, an excess of appropriation, when the engineer himself says that it will take to the 1st of July, 1888, to complete the work any way.

Mr. BROWN. Is not the Senator mistaken about $180,000 being the estimate on July 1, 1886?

Mr. EDMUNDS. I have read it.

Mr. BROWN. We have made an appropriation of $150,000 since July, 1886. We appropriated that last session, in August, and the estimate is, as I now understand, $180,000 still to finish the job. That is the condition of it unless I am very much mistaken.

Mr. FRYE. That is right.

Mr. BROWN. So that the Senator from Vermont has unintentionally misstated it.

Mr. EDMUNDS. Let us see if I have. This print of the report of the Chief of Engineers which is condensed and excerpted and put into the report of the committee is the regular report made I suppose at the beginning of this session.

Mr. McMILLAN. Yes, sir.

Mr. EDMUNDS. Here is the report of the Chief of Engineers himself. This report is made to the Secretary of War, and by the President sent in accompanying the report of the Secretary of War. This is the report of the Secretary of War for the year 1886 and the report of the Chief of Engineers. It is dated the 28th of October, 1886, and it opens by saying:

> I have the honor to present for your information the following report upon the duties and operations of the Engineer Department for the fiscal year ending the 30th of June, 1886.

In that report, of which I have the original here, and the committee has quoted it correctly, speaking as of the 1st day of July, 1886, the Chief of Engineers states the case just as the committee has quoted it from his report. The amount named for the completion of the existing project is $180,000. He has taken out of that the appropriation of $150,000 on the 5th of August, 1886, or taken out of the previous sum, so as to leave this balance as either of the 5th of August or of the 1st of July as they state it in this regular report, as $180,000, being all that is required to do the whole thing, and say that the amount which can be expended profitably in the fiscal year ending June 30, 1888, is $180,000.

So that was all that was estimated. Now, having got $150,000 still in hand, we are asked by the committee within just about six months after the passage of the last appropriation to appropriate $65,000, to which I do not object, and we are asked by the Senator from Georgia to increase that enormously, so that there shall be $215,000 to be expended apparently, if you take these papers. They may be wrong,

but there they stand, with the statement of the engineers that $180,000 is all they want altogether.

Mr. BROWN. The Senator from Vermont is certainly mistaken about this matter. I remember very well the estimates at the last session of Congress. The estimate was $330,000 to finish the projected improvement. Congress at the last session appropriated $150,000, leaving $180,000 of balance still to be appropriated. The estimate to which the Senator refers was made up as the amount necessary to finish the improvement after the $150,000 appropriated at the last session had been deducted. That is the fact of the case. I know something about the appropriations which have been made, and several members of the Committee on Commerce say I am right about that. I know I am.

Mr. MILLER. As a member of the Committee on Commerce I wish to say that there is no possible question about the correctness of the statement the Senator from Georgia is making. It is simply a question whether under the present condition of affairs we are prepared to appropriate $180,000 to complete the work or appropriate a portion of it, as the committee has recommended, and that is all there is of it. It is a very important work. The committee heard a committee of citizens of that town seeking it, and made this increase. There can be no question that the $180,000 is needed for the completion of the work. The only question is whether we shall grant the full sum or what the committee has recommended.

Mr. BROWN. I thank the Senator from New York for his statement. I knew I was right about it.

The other statement with reference to the balance now on hand, I beg the Senate to bear in mind, was made as of the 1st of November last and not as of the 19th of February. A large part of that $148,000 has been expended since that time. It is not now a surplus.

Mr. MILLER. It is under contract.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia to the amendment of the committee.

Mr. CULLOM. I simply want to say one word. I appreciate all that the Senator from Georgia has said in behalf of this amendment; and if it were the policy of the Government to make appropriations to finish works under such circumstances as he has detailed in reference to Savannah Harbor, I should feel like supporting the amendment. But I have a case in my own State which is very similar, and accordingly when I went before the committee insisting that it was economy on the part of the Government in a financial point of view as well as a great accommodation to complete two locks in the improvement of that river, and that the amount necessary to complete the two locks should be appropriated at once, the committee gave me to understand that that was not the policy of the committee and of Congress at this session, but that the most they could do, in view of the large appropriation that would necessarily be made, even if they did that, was to give me a proportion of what the estimates were that were furnished by the Engineer Department of the Government. I submitted to that, and the bill is reported with that kind of provision in it, making a proportionate appropriation of the amount called for, and a very small proportion at that, for the improvement that I refer to, the Illinois River, the completion of two locks.

It would be of very great service to the people of that section of the country if those two locks were completed this year, and I think they ought to be completed, and that Congress ought to make a sufficient appropriation to finish them up during the coming summer; but that has not seemed to be the policy of the committee or of the Senate so far, and as it is not, I feel that I can not support the amendment of the Senator from Georgia, although I recognize the justice of the appropriation as a proposition by itself.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia [Mr. BROWN] to the amendment of the Committee on Commerce.

The amendment to the amendment was rejected, being voted for by less than a majority of a quorum, no further count being demanded.

Mr. VAN WYCK. In line 1026 of section 1, after the word "dollars," I move to insert:

Continuing improvement at Atchison, Saint Joseph, Fort Leavenworth Reservation, Arrow Rock, Kansas City, in Kansas and Missouri, and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa, under the direction of the Secretary of War.

The amendment in terms was a part of the appropriation bill of last session; and no part of the money then appropriated by Congress specifying the continuation of work at these points has been expended, and no work there has been done or proposed by the Missouri River Commission. In that state of case a resolution was introduced and passed by this body calling on the Secretary of War for information as to why, as Congress had designated the manner in which this money should be expended, it was not done.

The reply to that resolution is certainly somewhat remarkable. This commission undertook to sit in judgment upon the act of Congress. When Congress had declared what it should do, the commission gives the reasons why it ignored this act of Congress and repealed it and reversed it. True, the same may be the result of the adoption of this amendment if that course is recognized. It may be of no avail to all those hundreds of miles of river which I am seeking to protect. We are told, I think, by some Senators or some of the committee that this matter was disposed of summarily by the commission, and it may not be advisable to repeat the attempt at the exercise of the legislative power by the Congress of the United States. This was acknowledged to be just, because it met the approbation of the committee, or a part of it at least, during the last session, and of Congress itself because it was placed in the law in these very terms.

Now, it seems that when it was understood that this commission had resolved to repeal this act of Congress and be a law unto themselves, remonstrance was made at the War Department from the States of Kansas and Nebraska as to this distribution of the money.

The Secretary of War, replying to the resolution calling for information, presents a letter of Major Suter, who is the Army engineer, and the president, I think, of the Missouri River Commission, in which he says:

In their last annual report the commission submitted an estimate of $1,000,000 for continuing the improvement of the river from Kansas City down, this estimate including the continuation of work then in progress at Kansas City and Saint Joseph, two of the places specially mentioned in the above-quoted act. As regards the other places mentioned but little is actually known.

That certainly was a humiliating concession on the part of the Missouri River Commission, and from the chairman of the commission, in view of the fact that he himself had had charge of the work upon the Missouri River, in view of the fact that report after report for the last half dozen years or more by the Army engineers in their printed reports had detailed what work had been done and the necessity for the work; and yet Captain Suter turns it off by saying:

Reports and plans and estimates for work of improvement have been made for all of them in former years—

I speak of this to show the necessity for this work and the neglect which prevails since this commission has had charge—

and at all except Arrow Rock work on a small scale has been executed. From the best information available the commission infer that but little, if any, trace of such work is now to be found.

They infer from the best information available that there is no survey as to some 400 miles of this river between Kansas City and Sioux City, bounding the States of Iowa, Kansas, Nebraska, and Missouri, an important part of this river, if importance can be attached to any part of it, and then from such information as they can pick up they infer that this river commission, with apparently nothing to do during the last year, picked up this information, and then they drew inferences:

The cause of such failure is to be sought in the utterly insufficient appropriations which were made from year to year, and which never allowed work to be done of an extent and character which would insure permanence or efficiency. From these old reports and maps the commission infer that to do the necessary work at the various points enumerated in the act, exclusive of Saint Joseph and Kansas City, would require from $1,000,000 to $1,500,000, besides a large addition to the present plant, amounting to probably $300,000 more.

Now mark, I desire to call the attention of the Senate to this:

To scatter the current appropriation in allotments to all the points enumerated in the bill would result in no good whatever, as the amounts would be everywhere inadequate to even begin the work needed. Under these circumstances the commission deem that a literal compliance with the requirements of the act is impossible, and they have therefore decided to recommend the continuance of work at Kansas City and Saint Joseph, two of the places enumerated, and on the general improvement of the river in the vicinty of Kansas City. At these points a good deal of work was done last year which needs extension and completion. With the funds now available this can be done, and reasonable progress be made toward completion of the local projects. As regards the other points mentioned, the commission propose to make, at once, such surveys as are needed, and to submit plans and estimates in time for the action of Congress at its next session.

I should like to know from the committee whether that has been done, as was stated in this report sent in by the Secretary of War:

As regards the other points mentioned the commission propose to make, at once, such surveys as are needed, and to submit plans and estimates in time for the action of Congress at its next session.

I desire to ask whether that has been done. I call the attention of the chairman of the Committee on Commerce to the suggestion of Major Suter in reply to the resolution adopted by the Senate. He says in that letter:

As regards the other points mentioned the commission propose to make, at once, such surveys as are needed, and to submit plans and estimates in time for the action of Congress at its next session.

I suppose the committee have heard nothing of that. That is Major Suter, and that is the mode in which he answers his duty as an officer in the execution of the law. Before that gets up, however, the Engineer Office here in Washington reply:

In the opinion of this office the views of the commission are based upon sound principles, and its recommendations are believed to be for the best interests of the improvement. It would evidently be necessary that some plans for the improvements at the localities designated in the act be decided upon before undertaking work, and such plans can only be properly designed upon the results to be derived from careful surveys.

Now—

On the other hand—

Says General Parke, in charge of the office here in Washington—

the terms of the act are specific, and it is questionable whether, upon the statements made by Senators PLUMB and VAN WYCK, any deviation from its plain requirements would be permissible.

One would suppose not, if these engineer officers are law-abiding citizens, if they have reached that high point where they can carry out an

act of Congress. Suter says he disobeyed this law, and he gives the reason why; but General Parke, being a little nearer, within the reach of sound information as to obeying laws when they are made, says:

On the other hand, the terms of the act are specific, and it is questionable whether, upon the statements made by Senators PLUMB and VAN WYCK, any deviation from its plain requirements would be permissible.

Yet it seems it was made.

The subject is respectfully submitted for decision of higher authority.

That was in October. Then Suter writes a longer letter on this matter, in which he undertakes to infer and argue why he should be permitted to violate the law. He argues by inference in several ways. I do not propose to read the whole of his letter, but in this connection I would somewhat like to know if this commission is appointed to preserve and protect the navigation of the Missouri River why is it necessary to expend the appropriation of last year, $375,000, and the appriation of this year, $300,000, all at or near two points, Kansas City and Saint Joseph? I would ask my friend from Missouri as to the amount of traffic by water from Kansas City to Saint Louis. Are there ninety steamboats running between Kansas City and Saint Louis, and what is the river trade?

Mr. VEST. There are two steamers running from Kansas City to Saint Louis regularly.

Mr. VAN WYCK. As between Saint Joseph and Kansas City, what is running there?

Mr. VEST. I can not answer very accurately. I think there is one boat plying in that trade. Then there are barges.

Mr. VAN WYCK. From Kansas City to Saint Joseph they proposed to apply $375,000 last year, because they kept it all for that. I say to my friend, the chairman of this committee, the whole $375,000 of last year, which Congress apportioned in the manner I have designated, they spent on that portion of the river, and now you propose $300,000 more to be spent there; and in that connection I would state a reason which Major Suter gives besides the one I have already stated:

It is proper to add here that the allotment for Saint Joseph is absolutely necessary to secure the work of last year, which could not, for want of funds, be extended sufficiently to secure its safety. At Kansas City, in addition to the great local interests requiring protection, changes in the river channel, which occurred last spring, must be met, or Kansas City bridge will be the head of navigation on the Missouri. This work must not only be done, but be done promptly, as the season for possible work is nearly ended.

That was last fall.

In addition to the great local interests—

So he mentions the same terms in regard to Saint Joseph—"the great local interests;" but there is not a word said about the great local interests from Saint Joseph for several hundred miles up that river to Sioux City—not a word about them. Major Suter mentions these terms, showing that they entered into his reasons for the determination of this matter that there are local interests at Kansas City and at Saint Louis to be protected, and if this is not done the river will stop at the Kansas City bridge. It will stop there in any event. It is proposed to do nothing to protect this river. That is, it will be so in case Major Suter's idea is carried out, because year after year this river is neglected, and it will be worth but little for that whole country for navigation if there is only a line of two boats running from Kansas City to Saint Louis.

I supposed the object of this was to save the navigation of the whole river. Will the chairman of the committee tell me why you leave several hundred miles of river from Kansas City to the mouth and then jump over several hundred miles of river and commence at Sioux City, and then from Sioux City up $50,000 is appropriated.

Mr. MCMILLAN. If the Senator from Nebraska desires a reply to his inquiry I will state that he is mistaken in the character of the appropriation. The appropriation is for—

Improving Missouri River from the mouth to Sioux City: Continuing improvement, $300,000; of which sum $5,000 may be used between the southern limits of Saint Joseph and the head of Lake Contrary, if in the judgment of the commission it be necessary.

Mr. VAN WYCK. Read on; $50,000 is appropriated from Sioux City up.

Mr. MCMILLAN. The next item is for—

Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, under the direction of the Secretary of War, $50,000.

Mr. VAN WYCK. Precisely; but my friend knows there is no provision made for the river between Saint Joseph and Sioux City for expending a dollar.

Mr. MCMILLAN. If the Senator from Nebraska understands the appropriation here it covers the whole reach of the river from the mouth.

Mr. VAN WYCK. And your commission sit down and say there is not enough for the whole river, and they will confine it to Saint Joseph and Kansas City; and my friend knows it.

Mr. MCMILLAN. That is a matter over which the committee have no control. If the commission act in that way there is a way of remedying it.

Mr. VAN WYCK. How?

Mr. MCMILLAN. Either by a law directing them how to proceed, if you think their judgment is not right or by abolishing the commission.

Mr. VAN WYCK. We had a law last session directing them to proceed, and did they obey it?

Mr. MCMILLAN. If the Senate can not enforce a law of Congress I do not see how the Committee on Commerce can.

Mr. VAN WYCK. Then we ask to try once more, and we prefer that the Committee on Commerce should not justify law-breakers.

Mr. MCMILLAN. When the Committee on Commerce does that, or does anything in that direction, the Senator will be acting properly in making that charge.

Mr. VAN WYCK. I am now, with all due deference to the Senator, saying that Congress at the last session provided for this river from its mouth to Sioux City, and the commission met and the commission said "no," and here it is. I have tried to read it to my friend. "No; there is not enough; Congress doled out to us too little; we have not enough. We will confine this appropriation to Kansas City and Saint Joseph." My friend knows that fact, does he not? Does not my friend know that the commission has provided in the face of this act of Congress how this money should be expended?

Mr. MCMILLAN. I suppose they acted in accordance with the law, in accordance with the act of Congress.

Mr. VAN WYCK. No, sir. Did not the law provide that these points should have some benefit from this appropriation, I ask my friend? Did not the law distinctly name these points?

Mr. MCMILLAN. I think that was left to the judgment of the commission.

Mr. VAN WYCK. Oh, no; in the appropriation these points were provided for. The appropriation was for continuing the work at these places; and I say now to the Senator—because he has not answered my question—after the law was passed and the commission had taken action on this matter they said there was not enough to provide for all the places, and therefore they thought it best to confine the expenditure to Saint Joseph and Kansas City. That left 700 miles of this river unprovided for. Does the committee justify that? Read Suter's report.

Mr. MCMILLAN. I can read the language of the last appropriation, so that the Senator can have the benefit of it:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, Atchison, Saint Joseph, Fort Leavenworth Reservation, Arrow Rock, Kansas City, Plattsmouth, Brownsville, and Nebraska City, $375,000; to be expended under the direction of the Secretary of War, in accordance with plans and estimates to be furnished by the Missouri River Commission.

That was the language of the last appropriation.

Mr. VAN WYCK. Yes, that is the language of the act; but I say to my friend that this commission does not put it on the ground that it is not necessary. This commission does not put it on the ground that they do not consider it necessary. They concede that it is necessary, but they say there is not money enough to go around. And now we come here and say that that river had no benefit from that appropriation of $375,000 last year. Now, I ask the Senator if he thinks it just to hundreds of miles of that river, the most important part of it, to let them go by this session without making some provision for the benefit of the commerce of that river.

Mr. MCMILLAN. I think the appropriation applies to the entire river from the mouth to Sioux City.

Mr. VAN WYCK. My friend says he thinks it applies from the mouth of the river to Sioux City. So it does in words; but the commission who have the disposition of the money say, "No, we will not expend it from the mouth to Sioux City." They sit in judgment upon the act of Congress, and say they will not expend the money as Congress directs. They expend it from the mouth of the river to Saint Joseph, and stop there.

Then I ask my friend what is to be done with the other part? Your bill says, your committee think, Congress think, that the money should be used from the mouth to Sioux City. That is what I understood the chairman to say. That is the bill. This commission sit in judgment on Congress, and they say, "We will take this money and spend it from the mouth to Saint Joseph only, and stop there, not reaching several hundred miles of river above that." Is that what you mean? The Senator shakes his head. It is not what he means. It is not what Congress means.

The Secretary of War, I suppose, will have some regard for the law. Let us have it as we had it before, and abolish the commission; but when you know the Missouri River Commission passes its verdict on your judgment you allow the whole money to be distributed between the mouth of the river and Sioux City, and yet the commission say, "We will stop at Saint Joseph and let the rest of the river take care of itself."

Mr. MCMILLAN. Does the Senator propose to abolish the Missouri River Commission?

Mr. VAN WYCK. No, sir; let the committee do that. I am trying to get some relief. You made a solemn law to give it to us last year, and your officials defeated it, and they did not do it. They neglected three or four hundred miles of river which are being ruined along Iowa, along Kansas, along Nebraska. They have neglected it, and you sit by and see them do it. There is the reason the Missouri River Commission gave for doing this thing. They say Kansas City is of great

local importance. So it is; but no greater than other towns on the river. It is the low bridge at Kansas City that makes trouble, and so of the low bridge at Saint Joseph; and so they stop there and say Congress has been niggardly. They wanted a million dollars from Kansas City to the mouth. Congress gave $375,000 for the whole river, but the commission are supreme. They will not expend the money except where they please. They will do what they choose with the $375,000, and here are three or four hundred miles of river neglected and no power to improve it.

I call this matter seriously to the attention of the Committee on Commerce, and I supposed the chairman of the committee at least would feel that Congress had been improperly treated by this commission. I trust he will suggest a mode of relief. I have called his attention to it. He admits the necessity of this appropriation for the whole river. He admits that Congress supposed they had provided for it. They intended it should be taken care of; and yet this commission defies your authority and the act of Congress, and you propose to do the same thing another year. I ask the committee if they think creatures that Congress creates in the way of commissions can undertake to set at naught the acts of Congress.

I should be perfectly willing in this connection, in order to relieve Major Suter and relieve this commission, if the committee would assert or this body say that they will appropriate $100,000 for the work which I have mentioned. If it is necessary that the local interests of Saint Joseph and Kansas City shall be taken care of and this river shall be so worked on as to injure commerce and destroy navigation for three or four hundred miles, say so. You are asked to protect commerce on your rivers because to protect commerce is for the benefit of the country. Is there any sense or justice in leaving 300 or 400 miles of country subject to the ravages of the river? I suggest to my friend if he thinks it necessary that Major Suter should overrule the action of Congress? Then at least protect three States and the commerce of many Territories, protect them by placing in the bill $100,000 for the purposes which I have enumerated, so that there may be some attention to the river above Saint Joseph.

Mr. VEST. As a matter of course the Senator from Nebraska denounces the Missouri River Commission for what it has done, and for what it has not done, too. When men make frank statements as to the facts of the case they are entitled to fair consideration. We ought either to carry out the recommendations of the Missouri River Commission and give them the necessary appropriations for that purpose or we ought to abolish the commission. We ought not to establish a commission to take charge of a great river and then disregard their recommendations entirely and give them a totally inadequate amount with which to operate, and then indulge in all this sort of rhetoric in abuse of them.

After the Missouri River Commission was established and was called upon to say what it thought should be done with that river, it made a recommendation, the substance of which without reading it was this: That the only practicable way in which to treat that river, the longest upon this continent, and one of the most important, was to improve it by reaches, 10 miles to the reach, commencing at the mouth and going up, and that $10,000,000 would be necessary for that purpose. For the last fifty years we have been systematically and persistently throwing away money upon that river and upon all our Western rivers by what are local and sporadic improvements, $10,000 to this spot, $20,000 to that, and in each recurring spring-time the improvements which were commenced the year before were washed out and carried to the Gulf.

I take my share of the responsibility for some of these appropriations. The House of Representatives would send to the Senate appropriations put in by the respective members of Congress for their districts, and then would clamor that the appropriations should be kept in the bill at the hands of their Senators here. I do not intend to defend this sort of appropriations, but I speak what every Senator here knows to be the truth.

When Major Suter, at the head of this commission, was called upon to make recommendations in regard to this river, in my judgment a more sensible and wise system was never recommended and could not be found than the system he did recommend, to improve the river by reaches, and to abandon the theory of attempting to improve it in spots and localities. After the recommendation was made Congress disregarded it. I have year after year implored and begged at the hands of the Senate to increase the appropriations for the Missouri River.

It is now said that there are only two boats on the river from Kansas City to the mouth. While the railroad system has to a large extent been responsible for this fact, the additional truth remains that Congress has refused to make such appropriations for the river as permitted any systematic attempt for improvement to be carried on.

As to the complaint made by the Senator from Nebraska, what are the facts? The House of Representatives in the last river and harbor bill sent us an appropriation for the Missouri River, from its mouth to Sioux City, of $500,000. After the bill was reported by the Commerce Committee of the Senate to this body, under a procrustean rule against which I remonstrated and protested in vain, that appropriation was cut down to $375,000. But the Senate did not stop there. After cutting off $125,000 upon this appropriation an amendment was then placed upon it pointing out certain localities on the river where the improvements should be continued. It turns out now in the report of Major Suter, which has been read by the Senator from Nebraska, that improvements were called for at points where there were no surveys or estimates at all. It had been four years since there was any improvement at Arrow Rock, on the Missouri. Improvements of great importance were being made at Kansas City and Saint Joseph. I am not here to claim any special favoritism to Kansas City or to Saint Joseph because they are in the State that I represent or because I live at Kansas City, but I say now that with the commerce that Kansas City has and that Saint Joseph has, the one with a population of 50,000 and the other with a population of 140,000, they are entitled to the kindly consideration of Congress in legislating for the whole country and for all the commerce of the country.

When the inadequate appropriation of $375,000 was made, and when the Missouri River Commission saw these points specified from Saint Charles and up to Saint Joseph, what were they to do? As honest men with public money put into their hands as trustees, they were either to take that $375,000 and throw it away, as much so as if they cast it upon the bosom of the river itself, or they were, if they could possibly do so under any sort of fair construction of the provision put in the bill in the shape of an amendment, to preserve the improvements already made and attempt to do the best they could with the inadequate money that was given. The work at Saint Joseph had already progressed to such a condition that unless continued all that was done would be absolutely lost. The Missouri River, the most difficult stream upon this continent to manage, in one of its freaks had changed its current at Kansas City until, as Major Suter said, unless that work was continued the Kansas City bridge at that point would become the head of navigation upon the Missouri.

Major Suter submitted this amendment to the Department for their construction, stating at the same time what was the absolute fact, that if he undertook to scatter the $375,000 along the whole river it would do no good at any point and would be absolutely throwing away the entire amount. On the other hand, he said by utilizing the $375,000 at that point in preserving the works already done, and at the same time making surveys at the points which were named in the amendment, he would be able to make such use of the money as would be in the interests of navigation upon the whole river. The War Department adopted that construction.

How could any of this money have been used at those points where there were no surveys, where no plans or specifications had been made? I can see very well how the commissioners could not have done anything else in common fairness and honesty than what they did do. If it is thought proper let the commission be abolished; but if it is continued in existence let us give it enough money to carry out its own plans, and cease this eternal criticism and harping against the commission because they are not able with the small amounts that we give them to do an enormous work which under the system they have heretofore recommended can alone be carried out.

Recurring to what I said a few minutes ago, I believe that these local improvements, if we abandon the general system recommended by the commission, will result simply in throwing away every dollar that is applied for that purpose. If this hundred thousand dollars be given to be expended at eight or ten points upon that river the improvements will hardly make an impression at the different localities, and the money might as well be cast at once into the Gulf of Mexico.

The only way in which the Missouri River can be utilized, the only way in which it can be made a competing factor in transportation with the great railroad system of the country, is by the expenditure of $10,000,000, as recommended by Major Suter. These infinitesimal appropriations of one or two hundred thousand dollars from year to year, through the immense length of that great river, absolutely result in no benefit at all. All that the engineers can do with the amount which we give them is to attempt under the terms of the law to preserve the works at important points already commenced, hoping that Congress may hereafter in its judgment and liberality give enough to carry out the improvement systematically and earnestly.

I know that in whatever I say in regard to continuing the improvements at Saint Joseph and Kansas City—as I live at Kansas City—I may be subjected to the criticism of desiring to improve localities in my own State. Three of the other points specifically named in the amendment proposed by the Senator from Nebraska are in Missouri, and the citizens in those towns have written to me urging that money should be appropriated for those specific local improvements. I have answered them frankly, as I state to the Senate to-day, that in my judgment there is only one system under which anything can be done with that river; it is a systematic improvement by reaches; and until Congress adopts or permits the engineer commission to adopt that system we are wasting time and throwing away money in these sporadic and local endeavors to improve a river the most difficult upon this continent to manage.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Nebraska.

Mr. EDMUNDS and Mr. PLUMB. Let it be read.

The SECRETARY. At page 82, after line 1026, insert:

Continuing improvement at Atchison, Saint Joseph, Fort Leavenworth Reservation, Arrow Rock, Kansas City, in Kansas and Missouri, and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa, under the direction of the Secretary of War.

The question being put, there were on a division—ayes 17, noes 16; no quorum voting.

Mr. PLATT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. I wish the Senator from Nebraska would state to the Senate how he expects a different result to be reached in case this amendment should be adopted from that which followed the appropriations made last year. I remember when the bill was pending at the last session, on my motion the names of Atchison and Fort Leavenworth were inserted as points at which a part of the appropriation was to be expended. Disregarding what appeared to be the express purpose and intent and declaration of Congress, the entire amount, instead of being distributed among the different points named, was applied exclusively to the works at Saint Joseph and Kansas City, neglecting the other points that were equally entitled to consideration under the bill, and that Congress had named.

Now, the Senator from Nebraska simply repeats the language that was employed in the last appropriation bill. While I am ready to vote for the amendment, I am still unable to see how he fortifies or reenforces his position.

Upon this point the Senator from Missouri attempts to leave the impression on the mind of the Senate that the money was thus expended last year because, as he said, there had been no surveys made for the other points; that the Secretary of War in the exercise of his discretion did not feel justified in apportioning any part of the money to places where there had been no surveys made. There have been surveys made at every single one of the points named, and at the place where I live, Atchison, there have been $120,000 expended under the direction of the Missouri River Commission, for the purpose of preventing the depredations of the river on the bank by which the great bridge erected at that point and used by ten or a dozen railroads was liable to be cut off at its eastern terminus so that the river might flow between the terminus of the bridge and the eastern bluffs of the Missouri.

It is the grossest misapprehension to declare that these are places at which no surveys have been made, and that the Secretary of War was justified in absorbing the entire amount that was appropriated by Congress in the bill, and that Congress intended should be applied pro rata among the points named, to Saint Joseph and Kansas City.

I have no desire to speak in derogation of Kansas City or Saint Joseph; neither have I any disparaging remarks to make because they are in the State of Missouri; but it is a little singular that the State of Missouri, which is fortunate to have a member of the committee in this body and a very influential member of the committee in the other House, and a member of the commission also, succeeded in impressing their views so forcibly on the Secretary of War, made such a powerful presentation of their arguments that the entire $375,000 which was appropriated was expended at two points in the State of Missouri.

There is no defense for it, and the statement of the Secretary of War in response to our resolution was a paltry subterfuge. It was a pretext, and nothing but that.

Kansas City is an important point; Saint Joseph is an important point. But there have been surveys made at every single place that is named in the amendment of the Senator from Nebraska, and that was inserted in the bill last year on his motion, and on mine, and on the motion of the Senator from Iowa.

I have no doubt that with the same persuasive power that belongs to members of committees which have appropriations to make, notwithstanding the amendment offered by the Senator from Nebraska, the same process will be resorted to again, and these other points, not perhaps as populous, it may be not as commercially important, will be neglected to the ravages of the stream, because the State in which they are located is not so fortunate as to have a representative who can make his arguments as forcible and convincing as those from the State that received the benefit of the appropriation.

Mr. President, all that Iowa, Kansas, and Nebraska want in this matter is fair play. They happen to be so unfortunate as to border on the Missouri River, a stream that, in my judgment, stands in more actual need of appropriation than any other river on the planet. It is a stream not useful for navigation. It has often been said to be a little too thick for a beverage, and a little too thin for cultivation; but it requires improvement simply because, in consequence of the movable quality of the stream itself and the friability of its shores, continual depredations are made by which great structures that span the stream are liable to be left inland.

The talk about navigation between Kansas City and Saint Louis is the broadest comedy. Now and then a little stern-wheel steamer painfully and toilsomely picks its way through the uncertain chutes of that stream, loaded with merchandise for some of the grocery-keepers along the shores; but the talk about the navigation of the Missouri River is enough to make men and gods laugh. There is no navigation there.

The Senator from Missouri knows that there is no navigation there worthy of the name; that both sides of that stream from Saint Louis away above the States of Nebraska and Iowa are provided with ample railroad facilities that carry all the inward and outward commerce, the surplus production of the country, and all that the people there require for their own consumption. Above where the railroads terminate, from Sioux City up to Fort Benton, where the channel of the stream is not so tortuous, there is a little attempt at navigation. A fleet of steamers remain there the year round unable to get below in the larger portion of the stream on account of the obstructions in its channel. That is the only part of the stream where navigation exists, and that is where the least part of the appropriation is made—only $50,000 from Sioux City to Fort Benton; and the appropriation from the mouth of the Missouri River up to the point that is named, Sioux City, I believe, is not made and not intended to be made for navigation.

Therefore, all this talk about the predominant commerce, the great controlling commercial interest of Kansas City and Saint Joseph is not an argument to be made on this floor. It has nothing whatever to do with the commerce of the river. The money is expended to prevent the river in its depredations upon the shores from rendering the structures that span it unavailable for the purposes of commerce. So I say that the talk about there having been no surveys and about the comparative commercial importance of these towns falls to the ground. They are all entitled to consideration. There is a bridge, I believe, at every single point named in the amendment of the Senator from Nebraska. I know there is one at Fort Leavenworth. There is one at Atchison. There is one at Saint Joseph. How many are there in Nebraska?

Mr. MANDERSON. There is one at Omaha.

Mr. INGALLS. And one at Brownsville?

Mr. MANDERSON. Yes, and at Plattsmouth.

Mr. INGALLS. These appropriations are made distinctly for that purpose, and unless they are distributed in accordance with the intention of Congress and the amendment offered, those vast structures, expensive and costly, and just as essential to commerce as the structures that cross the river at Saint Joseph and Kansas City, are to be rendered valueless.

Mr. EDMUNDS. Are they railroad bridges?

Mr. INGALLS. They are railroad bridges, every one of them, constructed by authority of Congress by a special bill authorizing the construction.

All that we ask, as I said before, is fair play, and not because one State happens to be more potential, either regarding its politics which happens to be coincident with the politics of those who have the disbursing of the money, or because it has greater weight and influence on the committee to overshadow the other points in these three great States that are exactly as much entitled to consideration as those of any other State in the Missouri valley.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 199) for the retirement and recoinage of the trade-dollar.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3963) granting a pension to Henry P. Reed;

A bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment Pennsylvania Volunteers;

A bill (H. R. 5171) granting a pension to Missouri Anderson;

A bill (H. R. 6162) granting a pension to Joseph M. Potter;

A bill (H. R. 6423) for the relief of Mary Kaylor;

A bill (H. R. 6656) for the relief of Mary Tarbell;

A bill (H. R. 6823) granting a pension to Peter P. Hoffman;

A bill (H. R. 7952) granting a pension to Mary Parrott;

A bill (H. R. 8355) for the relief of Sarah A. Jones;

A bill (H. R. 8437) granting a pension to Thomas Weekly;

A bill (H. R. 8828) granting a pension to Giles Wright;

A bill (H. R. 9213) granting a pension to Mary Corbett;

A bill (H. R. 9248) to increase the pension of Richard Foreman; and

A bill (H. R. 9301) granting a pension to Joseph Jones.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (H. R. 11199) for the relief of Thomas B. Nalle; and

A bill (H. R. 11200) for the relief of Charles H. Lee.

CATHARINE F. ELLSWORTH.

The PRESIDENT *pro tempore* laid before the Senate the bill (S. 3107) granting a pension to Catharine F. Ellsworth, returned from the House of Representatives at the request of the Senate.

Mr. SAWYER. I move that the vote by which the bill was passed be reconsidered.

Mr. EDMUNDS. I suppose it requires unanimous consent.

Mr. SAWYER. I ask unanimous consent, and then I shall move that the bill be indefinitely postponed, because the pension has been allowed at the Pension Office.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks the unanimous consent of the Senate that the vote by which the bill was passed be reconsidered. The Chair hears no objection, and it is reconsidered.

Mr. SAWYER. I now ask unanimous consent that the bill be indefinitely postponed, as a pension has been allowed to the beneficiary of the bill at the Pension Office.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

THE TRADE-DOLLAR.

Mr. JONES, of Nevada, submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 199) for the retirement and recoinage of the trade-dollar having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same amended to read as follows:

Strike out all after the enacting clause, in sections 1 and 2, and insert the following:

"That for a period of six months after the passage of this act United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at the office of the Treasurer, or any assistant treasurer of the United States, in exchange for a like amount, dollar for dollar, of standard silver dollars, or of subsidiary coins of the United States.

"SEC. 2. That the trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depositary of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard silver dollars or subsidiary coin, at the discretion of the Secretary of the Treasury: *Provided*, That the trade-dollars recoined under this act shall not be counted as part of the silver bullion required to be purchased and coined into standard dollars as required by the act of February 28, 1878."

And the Senate agree to the same.

That the House recede from its amendment numbered 2.

JNO. P. JONES,
JAS. B. BECK,
Managers on the part of the Senate.

S. W. T. LANHAM,
JNO. P. HEMPHILL,
C. N. FELTON,
Managers on the part of the House.

Mr. HAWLEY. Will the Senator from Nevada explain what changes have been made in the bill as passed by the Senate?

Mr. JONES, of Nevada. The only material changes made in the bill as passed by the Senate are that the subtreasurers of the United States shall issue in lieu of trade-dollars subsidiary coin as well as standard silver dollars, and that the trade-dollars retired and recoined shall not be considered as part of the purchase of bullion required by the silver-coinage act of February 28, 1878; that is, that they shall not be considered as a part of the amount required to be coined under that act, which is from $2,000,000 to $4,000,000 worth of silver each month. Those are the only material changes made in the bill as passed by the Senate.

Mr. MORRILL. Mr. President, I was unable to subscribe to the conference report. It seems to me that the quantity of silver dollars coined has already reached as great an amount as ought to be authorized by Congress. During the fiscal year ending June 30, 1886, there were coined 29,838,000 standard silver dollars. This would unquestionably add to the amount to be coined within the next six months after the passage of this act not less than $10,000,000. There is no provision by which they can not be returned from China if they have not been stamped or mutilated, and therefore the amount that may be brought here for redemption may be much larger than $10,000,000.

I have no sort of question if the policy had been pursued of stopping the coinage of silver dollars two years ago we should have brought silver up to about the par of gold to-day.

I desire to read a few sentences of what the Secretary of the Treasury says on this subject. All will admit the ability of the Secretary of the Treasury, and that he has been in a position to know something about the subject upon which he treats. He says, in his last annual report:

To go on as we are is the least creditable of all the courses open to our choice. The Treasury silver purchase is defended by nobody, approved by nobody.

* * * * * * *

It is a policy which, if now prolonged by our hopes, may easily be so protracted thereafter by astute delays and dilatory proceedings and by the time taken for negotiation itself as to force an Asiatic silver basis for America.

* * * * * * *

To stop the purchase and coinage of silver is for this our local trouble also the first and best step. To increase our stock is to increase the difficulties of the Treasury, illegitimate and abnormal difficulties, which ought never to be imposed upon the Treasury of any democratic government, and which ought not to be increased.

* * * * * * *

If to manufacture and store or distribute coin of a depreciated metal could stop its depreciation, or relieve the depression of trade, or improve the money circulation, or call out into use for the employment of labor more of loanable capital, or arrest the drop in prices, then the Treasury trouble and the tax burden would have some offset.

Mr. President, it is obvious that this measure is a very important step toward a single silver standard for our country. We have already coined over 250,000,000 of the standard silver dollars. Nearly two hundred million of those are now in the Treasury Department, and there are not less than $80,000,000 that are unrepresented by silver certificates.

It is therefore obvious that there is no necessity for an increase of the number of silver dollars in the country. There is no demand for them. Then why ought we to increase the amount, as we do by this bill, to the number of all the trade-dollars now outstanding?

Let me say that the expense of the transportation of the silver dollars alone is not less than $750,000 each quarter, amounting to $3,000,000 per annum for sending and receiving the silver dollars. That is the statement by the book.

I was willing myself to strain a point in order to get rid of the nuisance of the silver trade-dollars. I never thought there was any legal or moral obligation on our part to redeem them. They were made solely for exportation, and when made they were worth 3 or 4 per cent. more than a gold dollar. When they depreciated in value the owners of silver bullion found that they could make a profit by getting their bullion coined into trade-dollars and giving them whatever circulation they could obtain. They did obtain some circulation on the part of those who had large numbers of men in their employment, and they were enabled to pay them off at a cost of perhaps not more than 90 cents on the dollar.

The whole arrangement for the obtaining of these trade-dollars and putting them into circulation was a fraud upon the Government; and when the proposition is presented to me that I shall not only submit to the redemption of the trade-dollars but say that they shall not be counted as a part of the bullion that we are to purchase monthly, I can not agree to it.

If we redeem ten million trade-dollars the loss on the part of the Government will amount to over $2,000,000. That is a considerable sum to pay for this act of liberality of ours. The trade-dollars as bullion would not be worth to-day quite 80 cents to the dollar, and therefore the loss will amount to about $2,000,000.

But, Mr. President, I have no expectation of defeating the passage of this bill. However, I desire to place on record my objections to it. It is a preposterous claim on the part of those who say that we are guilty of repudiation if we do not redeem the trade-dollars. No government in the world that has any coins issued ever redeems the coin unless for the purpose of recoinage where it has been worn; and there is some loss, of course, to the Government in such cases as that.

I shall ask for the yeas and nays on agreeing to the conference report.

Mr. BECK. Mr. President, as I was one of the conferees and agreed to this report, I have been inquired of by a number of Senators around me to state exactly what its provisions are. It enacts almost precisely the first and second sections of the Senate bill, reading thus:

That for a period of six months after the passage of this act, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at the office of the Treasurer, or any assistant treasurer of the United States, in exchange for a like amount, dollar for dollar, of standard silver dollars.

Adding:

Or of subsidiary coins of the United States.

The provision of the House bill was:

That for a period of six months after the passage hereof, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at their face value in payment of all dues to the United States, and shall not be again paid out or in any other manner issued.

The House conferees have agreed to the Senate provision that the trade-dollars defaced, mutilated, or stamped shall be received only at the offices of the Treasurer or some assistant treasurer of the United States in exchange for standard dollars, instead of being received in payment of all dues to the United States, perhaps at little local post-offices everywhere where the cost of transportation to the mints would be expensive, and our officials might not be able to determine whether they were mutilated, defaced, or stamped as provided for in this act. The House agreed with the Senate conferees that it is better that the exchange should be made by responsible officers who hold our standard dollars and can decide properly all questions, instead of requiring every local official from a postmaster up or down to receive them and determine these questions.

Then the House and Senate propositions as to recoinage are in almost the same words. Section 3 of the bill as passed by the House and section 2 of the bill as passed by the Senate each provides "that the trade-dollars received by the Treasurer or any assistant treasurer of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints, and shall be recoined into standard silver dollars or subsidiary coin, at the discretion of the Secretary of the Treasury."

As the two Houses had agreed almost in words to that, we adopted the House provision instead of that of the Senate, because the words "subsidiary coin" were used in the House provision and not in ours. The principal difference between the House and the Senate was in the proviso, which the conferees on the part of the Senate have agreed to:

Provided, That the trade-dollars received under this act shall not be counted as part of the bullion required to be purchased and coined into standard dollars, as required by the act of February 28, 1878.

The Senate bill required them to be counted as part of the monthly purchases of silver bullion; the House provision did not require them to be counted, and a majority of the Senate conferees agreed with the House conferees that they shall not be so counted. That is the whole bill as now agreed to in this conference report.

Mr. GEORGE. How many trade-dollars are there to be redeemed?

Mr. BECK. Several statements were made before us. They generally assumed that the probabilities were that from $7,500,000 to $10,000,000 would be presented for exchange. The Senator from Vermont places it at $10,000,000, and says that more may be brought here from abroad for recoinage; but as it is conceded that these trade-dollars have gone all over China and been stamped, branded, and marked as their own coin and adopted by them, and therefore are not to be redeemed or exchanged here, the presumption is that but a small amount now there will reach here within six months, even if there are some there not branded by the Chinese.

It is said now by the Senator from Vermont, as it has been stated time and again, that they are not coins of the United States. I wish to state that they were issued by the authority of the United States. The counterfeiting of them was made a crime just like the counterfeiting of any other coin. They were made a legal tender in sums of $5; they were paid out to people for wages year after year, and if of late they have accumulated in the hands of a few people, and perhaps they have, that is no reason why coin issued by the United States, and the counterfeiting of which is made a felony by the United States, and which was made legal tender to the amount of $5, should be dishonored because the bullion of which it is composed has fallen in value as compared with gold in the markets of England for the time being.

Mr. HARRIS. The legal-tender quality was repealed, though, before they were issued, was it not?

Mr. BECK. I beg pardon, a large amount, some $15,000,000, was issued before the legal-tender quality was taken away, and I think the Secretary of the Treasury had the discretion to issue or not afterward. He issued a very large amount after that quality was taken away, and many of those subsequently issued were placed in the hands of the people, and were paid to laborers for their wages, and all were issued by the authority of the United States; and under the discretion given to the Secretary to issue them, they passed, as I said, into the hands of all sorts of people, and were paid out as wages year after year until they became dishonored.

This question remains. It is said speculators have bought them up. Perhaps they have; I do not know or care. If they bought them at a discount they have held them for years, until I suppose that whatever profit was made by taking them has been lost long ago.

There are 420 grains of silver in each of them; there are 412½ grains in the standard silver dollar for which they are to be taken in exchange. There is far more surplus silver in the trade-dollar than will pay for the cost of making the change into standard silver dollars out of them; therefore there can be no loss in that regard. We give a stamped coin issued by us with 7½ fewer grains in it than the coin we receive in exchange, and get clear of the dishonor of having a repudiated coin of our issue outstanding.

Then it all comes back to the question, as the Senator from Vermont substantially admits, that the men who seek to strike down the standard silver dollar and deny that it is lawful coin, equal to our gold coin for all purposes, are opposed to this bill. Of course they are; the Senator from Vermont is one of them. He reads the report of the Secretary of the Treasury, who is also opposed to the coinage of the standard silver dollar. It may be that the Secretary is opposed to this or any other measure looking to the restoration of our silver coinage, but I am not going to discuss that question now, and do not quite see why his report is paraded before us at this time.

We have been told ever since 1878, year after year, by our officials and others, that if the coinage of the silver dollar went on any longer gold would take wings and fly away, and that we should be reduced to a degraded single silver standard; and yet, in the face of all these gloomy predictions, official and unofficial, by men who desire to so limit our coinage and increase the burden of all our debts, public and private, as to make gold worth twice as much as it was before they destroyed the silver dollar, and thus enable the men who hold gold to buy the property of the people for one-half what they could buy it for if the standard dollar is allowed to do its share of the work in the world's exchanges—in the face of all the pretensions of these false prophets, gold has not only not flown from the country, but we have more than doubled the amount of gold that we had in 1878, and thirty millions of gold came from foreign countries into this country in the last six months, as shown by the official reports of the Treasurer.

Mr. President, all these pretenses have been falsified by the facts, and to-day, in the face of the great warlike preparations of Europe, the increase of their armies by Germany and France, the war footing on which Belgium and other nations are placing themselves by the increase of armament elsewhere, the people of Europe are moving in the direction of bimetalism and are protesting against the single gold standard in spite of the prophecies of evil that have been so lavishly uttered in this country and in all others by the owners of gold.

Let me state one fact which I think proves our need for all the silver we can coin and issue certificates on. The national banks have, per force if you please, yet in fact they have, contracted their much-needed circulation $110,000,000 since the 1st day of November, 1883. In the face of the fact that over 30,000 additional miles of railroad have been built in this country, coupled with a large increase of our population and the increase of business from 1883 to the present time, which demands an increase of circulation of $110,000,000 instead of the contraction to that amount, that contraction has been in fact made by the withdrawal of the national-bank circulation. These facts are all shown by the official reports of the Treasury Department.

Now we are told that we must "stop the coinage of silver," when we have not half the amount that France and other countries have and yet are maintaining it at par with gold—stop the coinage of silver, turn to gold, and gold alone, when, if the Senator from Vermont will look at the great report that was made last year by the English commission, composed of twenty-one of the ablest statesmen of that country, and laid before their Parliament, he will find the statement of twenty-six of the leading chambers of commerce and business men of the country, embracing the president and other directors of the Bank of England, all agreeing, with but two exceptions, that it was the destruction of silver coinage by England, by Germany, and the United States which has been the cause of nearly all, certainly of a great part, of the depression of prices in Great Britain and of products all over the world.

They prove that so long as France could hold her own, as she could against England's monometalism, she was the world's clearing-house, and no evil result followed from England's degradation of silver; but when Germany in 1872 and 1873, after she had demanded and obtained a thousand millions from France, and when the United States, by an act that was discreditable to Congress, struck down the silver coinage of this country against the will and without the knowledge of the representatives of this people in order to support England in her effort to put all the property of this country into the hands of the bankers and the bondholders and the gold-owners of the world, France could not maintain herself alone. I repeat that the leading men of England who were called upon went before that commission and all but two of them asserted that the combination of Germany and the United States with England against silver coinage was at the botton of all the trouble, and that the only remedy was to restore silver to the position it held from time immemorial; that done, they all agreed that the depression of business everywhere prevailing would soon pass away. I hope before this session closes to lay all these facts before the Senate, and show how we are sacrificed to the greed of England and her determination to build up her East Indian colonies by the destruction of our trade. I will only add now that I introduced a bill on the second day of this session, which has been pending before the Finance Committee ever since Congress met, demanding that we shall issue coin certificates without limit upon gold and silver deposited anywhere with the United States depositories. That committee has held it back until this time. I have demanded the consideration of it over and over again without success. If the Senator from Vermont wishes to enter upon a discussion of the silver question, I serve notice on him now that he shall have a chance on that bill, and further, that if it is not reported back either favorably or adversely by Tuesday next, I shall move to discharge the committee from its further consideration in order to bring the bill before the Senate, and then we can discuss the silver question in all its phases and bearings to his heart's content.

Mr. HAWLEY obtained the floor.

Mr. GEORGE. Will the Senator from Connecticut allow me to ask a question or two of the Senator from Kentucky?

Mr. HAWLEY. Certainly; I retaining the floor. I yield to the Senator for that purpose.

Mr. GEORGE. I should like to know of the Senator from Kentucky if these trade-dollars now are not simply bullion?

Mr. BECK. I should say they are.

Mr. GEORGE. What is the bullion value of trade-dollars at the present market price?

Mr. BECK. I do not know what the market price is to-day, but I suppose from 85 to 90 cents.

Mr. MORRILL. Less than 80 cents.

Mr. GEORGE. Then the effect of this bill is to pay the men who hold this bullion in the shape of trade-dollars 100 cents for only 80 cents.

Mr. BECK. They were worth 3 per cent. premium at one time, and it was because of our own legislation that their value was destroyed.

Mr. JONES, of Nevada. I understand that for the trade-dollars which weigh 420 grains in silver nine-tenths fine we propose by this bill to give 412½ grains of silver nine-tenths fine. I do not see that the United States loses very much by that.

Mr. GEORGE. Four hundred and twelve and one-half grains stamped as standard silver is worth 100 cents.

Mr. JONES, of Nevada. It does not cost anything to put the stamp on.

Mr. BECK. We put the stamp on the trade-dollar as well, and make it a felony to counterfeit it.

Mr. GEORGE. I wish to ask the Senator from Kentucky another question. Do I understand him as saying now that persons who re-

ceived this coin in payment of wages, &c., have all probably parted with it as bullion, and it is now in the hands of speculators who have bought it up as an investment at its bullion value?

Mr. BECK. I do not know anything about who owns the trade-dollars, and I do not care. I know that the coin was issued as a coin of the United States, and that the United States received value for it as a dollar. We never parted with a penny of it at less. The people took it for wages. They believed it was a dollar.

Mr. GEORGE. Have the workmen been able to hold this silver for the last ten or fifteen years?

Mr. BECK. I do not know whether they have or not. I do not suppose they have; but the value of it depends upon the authority given by the United States. Mere bullion never has the stamp of the United States upon it. The trade-dollar has, and there is where our obligation comes in. When we put a piece of silver coin in circulation with the stamp of the United States upon it, allowed it to pass as coin, made it a legal tender, and punished men who counterfeited it, if it is for any cause repudiated ought we not to take it back and give something else in exchange for it that has the stamp of our authority and will pay the debts of the holder? That is all we propose to do.

The intrinsic value of the greenback is nothing but the paper and the print upon it. Its real value is our stamp and our authority that we will pay for that piece of paper a standard silver dollar that will pay all the debts of the United States, and all the debts of every State and every municipality, and of every private individual in the country, and is a legal tender for all purposes. For years the standard silver dollar was not a legal tender for more than $5.

Mr. MORRILL. The United States never issued a dollar of this money. It was all coined for those who carried the bullion to the mint and paid for the coinage. So the Government never issued a dollar of it.

Mr. BECK. I said that the United States received dollar for dollar for all that passed through its hands. It did receive it in payment for years. Whilst it was issued originally to other people, the Government received it and paid it out as a dollar to everybody who took it. That is what I said.

Mr. MORRILL. The Government paid it out to the men who brought the bullion to the mints to be coined, and those men paid the mints for the coinage. The Government of the United States merely allowed its mints to be used for this purpose.

Mr. BECK. The Government does that with gold bullion to-day, and always has done; and is gold not good when paid out by the United States because it was originally coined for somebody who brought his gold bullion and took the coin? Is that to be the argument? The gold bullion is treated now, and always has been, just as the trade-dollars were treated when originally coined; but when the gold coin came back into the Treasury of the United States, or when the trade-dollar came back into the Treasury of the United States, the United States paid it out again—it paid out the trade-dollar just as it paid the gold coin that was coined for other people.

Mr. MORRILL. A very different thing.

Mr. HAWLEY. Mr. President, I am not quite willing that the argument of the distinguished Senator from Vermont [Mr. MORRILL] shall pass as representing the views of those who are opposed to the present plan of coining silver. I object to it. I think it is a mistaken policy. I think it is driving us on toward a single standard, and that the silver standard. That I sincerely believe; but there I part company with him. He never has been in favor of redeeming the trade-dollar in any form, while to me it seems a question of national honor. We did not stamp upon it "not to be circulated in the United States." We called it a trade-dollar of the United States. We put in it 7½ more grains of standard silver than we have in what we call the legitimate dollar. We sent it out into the world. We paid it out. For a time we made it a legal tender; then we withdrew our sanction from it, and now the dollar that is worth about 2 per cent. more in bullion than the standard dollar is depreciated to the extent of 20 per cent. I think it is a very discreditable position for the nation to occupy.

But I do not desire to complicate this at all. I would avoid complicating it with the discussion of the general silver question, because I am happy to believe that a large majority of the Senate is willing to remove what I consider a national reproach and provide for a redemption of this dollar. I would rather deduct the recoinage of this dollar from the coinage of $2,000,000 a month of silver bullion; but that is not an essential point at all. Those of us who take the view held by the Senator from Vermont that the present policy is unwise lose nothing by the passage of this bill save that by recoinage we add the few millions of trade-dollars to the number of standard dollars.

I am glad of the opportunity to vote for the conference report.

Mr. DAWES. Mr. President, I am paired upon this bill with the Senator from New Jersey [Mr. SEWELL], who is absent, and therefore I shall not be able to record my vote; otherwise I should vote against the acceptance of this report solely for the reason that it adds so much to the bullion which is to be converted into silver dollars. I should be in favor of the redemption of the trade-dollar, and would vote for this bill were it not for that provision.

I do not think the United States can complain very much that every dollar of this transaction takes about 20 cents out of the Treasury, for the United States has been in that business with all its citizens for a good many years, and has drawn somewhere about 20 cents out of the citizen in every piece of bullion which it has turned into a dollar to the amount of some $200,000,000. So the United States has no business to complain that the citizen gets back in about $10,000,000 of it about what the United States has been taking out of the citizen for the last six or eight years; but it adds to the amount of bullion to be turned into silver dollars at this time, which, in my opinion, is a peril, and for that reason I would vote against it.

It is, as the Senator from Connecticut says, due to the good faith of the Government that the trade-dollars be taken by the Government back again and made into silver dollars of the standard, but not to increase the volume of silver in the Treasury, as it will so much each month. You are adding to the $2,000,000 of silver which the law now requires shall be coined into silver dollars every month. If it were not for that, if the trade-dollars were a part of that two million and did not increase it, I should be glad to vote for the bill.

Mr. ALLISON. Mr. President, I desire to say a word in reference to this conference report, as I intend to vote in favor of it.

This trade-dollar question is one that has been in the Senate for many years. I was one of those in the Finance Committee who originally doubted the expediency of redeeming these coins, believing that that question should be relegated to the people who had in one way or another taken them. But the public sentiment of the country seemed to favor the redemption of these coins by the Government of the United States because it had pledged its faith that these coins should pass as dollars. They were coined at our mints as dollars; they were coined as other coins were coined from 1873 to 1876. Then the United States withdrew from these coins the legal-tender quality, and after that time very few of them were coined.

Mr. INGALLS. How many were coined in all?

Mr. GEORGE. In 1876, did the Senator say?

Mr. ALLISON. In 1876 the legal-tender quality of the trade-dollar was taken away.

Mr. GEORGE. Eleven years ago.

Mr. ALLISON. Eleven years ago. There were coined in all about thirty-six or thirty-seven millions of these dollars. They were coined at the mints of the United States chiefly for exportation to China.

Mr. INGALLS. Where they are now.

Mr. ALLISON. It is estimated that from seven to ten millions of them are now in this country, and the remainder of them are in China. They are stamped in China, as is supposed, by their usual method of stamping silver coins, and therefore it is not supposed that these coins will be returned to the United States, so that this bill provides for the redemption of such coins as may now be in our country.

Mr. INGALLS. And the estimated amount of them is about $7,000,000 or $8,000,000?

Mr. ALLISON. From $7,000,000 to $10,000,000. I think that part of the discussion has passed away.

The Senate at its last session passed on the resolution known as the Morrison resolution by a vote, if I remember right, of 32 to 30, an amendment declaring that these coins should be redeemed, and should be redeemed at par, by the Government of the United States; and the Senators who voted for that amendment were chiefly Senators from the Eastern States in sympathy with the views just expressed by the Senator from Connecticut [Mr. HAWLEY] that the Government of the United States was bound in honor to take care of these coins.

In obedience to that sentiment, the Committee on Finance at this session reported back the bill, which was sent to the House of Representatives, providing for the redemption of these coins, and providing also that $500,000 a month for those redeemed should be taken out of the bullion fund, so-called, of $2,000,000 a month. That bill passed this body without a division, no Senator on either side of the Chamber expressing any particular view upon the question of the trade-dollar; but all voted for that bill. So we may say, so far as our public record is concerned, that every Senator on this floor voted in favor of the principle of redeeming these trade-dollars, and therefore I regard myself as foreclosed, not only by the vote of the Senate last year but by the general prevailing public sentiment of the country, from voting against this bill as it now stands or as it originally passed the Senate.

Now, what is the conference report? It is simply that that provision which deducts $500,000 a month from the bullion fund shall not prevail. In other words, if this bill shall pass now, as the conferees have presented it to us, there will be at the end of a year from the passage of this act just six million silver dollars in the country more than there would be if the Senate bill had passed the House, as we passed it, unanimously.

Mr. MORRILL. Let me ask my friend if it would not be just the amount of trade-dollars redeemed.

Mr. ALLISON. Not at all, because our Senate bill originally provided that we should redeem every one of these trade-dollars and that we should issue standard silver dollars in lieu of them, except that we should take $500,000 a month from the bullion fund. Now we repeal that $500,000 a month clause, which simply leaves the only question for us to consider whether or not this country is going to everlasting

ruin in one year from this time by the admission of six million silver dollars. That is the only point now before us for consideration.

Without expressing at this time any opinion on the policy or impolicy of the original act of 1878, or the policy or impolicy of repealing it, I do not believe that the addition of $6,000,000 to the silver coinage of the United States in a year will be a material question in our finances. I do not believe that that little addition will break the camel's back. If it is to be broken, it is not to be broken by $6,000,000 a year.

That is the only question there is here; and so believing, and thinking that this is not a material point with reference to the amount of silver that is to be thrown into circulation, with reference to this report, over and above the amount provided for in the Senate bill, I shall vote for the conference report.

Mr. MCPHERSON. Mr. President, I have ever believed that the honor of the Government has been pledged to the redemption of the trade-dollar. I think the very act which made legal tender of the silver dollar made the trade-dollar one of the coins of the United States. It is mentioned in the act as a coin of the United States. Upon the strength of that law the coin went into circulation; it circulated as a dollar in common with the standard silver dollar, and until Congress passed a law taking away from it its legal-tender quality the trade-dollar circulated as a dollar. It was paid out very largely to laborers and to those who knew not the difference between the trade-dollar and the standard silver dollar. For that reason I have been in favor of redeeming it, whether in gold dollars, in currency, or in standard silver dollars; it made no difference to me how it was redeemed. I am to-day in favor of redeeming it.

I have ever voted in committee and in the Senate in favor of making the trade-dollars redeemed a part of the $2,000,000 of bullion per month which under the law we purchase and coin into silver dollars; but we have been beaten upon that proposition every time. I now favor the adoption of the conference report. I am perfectly willing to add $6,000,000 more to the currency of this country if by that means we can get rid of this ever-perplexing question of the trade-dollar.

I have not favored an increased coinage of silver. I have favored the suspension of the coinage of the silver dollar for the reason that I believed that to be the only mode by which we could get an international conference and an agreement between nations by which silver coinage might be safely and properly continued. We have, however, been unable to do that, and the Government of this country seems to be committed absolutely to the policy of a continued coinage of the silver dollar.

There is another reason which prompts me somewhat at this particular time in saying that I will vote for this report, and it is that in a very short time we are to be troubled with a large surplus in the Treasury for which there is no possible use; and further than that, we have reduced the circulation of the country very greatly by the payment of the 3 per cent. bonds, in that way displacing a certain portion of the national-bank circulation. By these means, the time may come in the not far-distant future when the people of this country will not have any more circulating medium than they need.

At this time I am ready, for the purpose of getting rid of the trade-dollar, to increase the silver coinage to the extent provided under the bill as reported by the conference committee.

Mr. BECK. The Senator from Mississippi asked me a question which I can answer now by the report of the Director of the Mint. There were 15,161,000 of the trade-dollars coined and in circulation when the act of 1876 was passed making it no longer a legal tender. They were coined at the mints afterward by permission of the Secretary of the Treasury without any sort of attempt to see that they were sent out of the country, so that they were circulated to whomsoever saw fit to circulate them and went into the hands of the wage-workers of the country.

Mr. GEORGE. Was the commercial value of these dollars at the time of the repeal of the legal-tender quality 103 cents?

Mr. BECK. No; I can not answer as to the exact figure, but the value of bullion began to fall very soon after Germany and the United States demonetized silver and the Latin Union could no longer maintain both metals. How much it had fallen at that time I can not tell.

When I was on the subcommittee we had before us a gentleman from New York, Mr. Hawkins, who represented those people, who embodied the history of all the laws on the subject and gave us an exact statement of all the facts. I desire to have it go in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection the paper will be printed in the RECORD.

The paper is as follows:

THE REDEMPTION OF THE TRADE-DOLLAR—THE LAW UNDER WHICH IT WAS ISSUED.

I desire to call your attention to the law in relation to trade-dollars, namely:

By Chapter CXXXI of the laws of 1873 (see volume 17, page 424) Congress enacted as follows:

"SEC. 15. That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece, and said coins shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment."

The act of which this is a part was approved by the President, and became a law of the United States, February 12, 1873. There is not a word in the statute to indicate any other or different use than that of the fifty-cent, twenty-five-cent, and ten-cent silver coins; hence the statement often made that they were coined only for export has no justification in the statute.

Under said section 15 of said act, the United States Mint, between July 12, 1873, and August 1, 1876, coined 15,631,000 of these trade-dollars. (See Report of Director of the Mint as to trade-dollars from 1873 to 1879, inclusive.) Every one of these 15,631,000 trade-dollars was "a legal tender for any amount not exceeding $5 in any one payment," and, like the small silver coins described in section 15, could be used to the extent of not exceeding $5 as a legal tender in any payment, public or private, in the United States.

When the Government issues a coin, and by act of Congress makes it a legal tender, the quality of legal tender can not be taken away from said coin without redeeming it, except by repudiation. The faith of the Government resides in the coin just as fully as it resides in a bond when the Government issues its bond. No government can repudiate without world-wide disgrace. Even if the Government becomes bankrupt it must take its coins in payment of dues to itself at the nominal value at which it issued them.

The courts have repeatedly decided that a bank, even if insolvent, must receive its own bills at par in payment of dues to itself. The Supreme Court of the United States have repeatedly rendered a similar decision in relation to the Virginia coupons made, when issued by the State of Virginia, receivable for taxes.

If the United States could be directly sued, the same court would undoubtedly enunciate the same law of honesty and good faith as to the United States that it declares as to individuals and banks and States.

Repudiation by the Government is so great a national disgrace that the courts would hesitate long, and seek every other possible interpretation of the law, before they would accept that of repudiation. They would require repudiation to be expressed in the statute in the clearest and most unequivocal and unavoidable terms before they would give to the statute that disgraceful interpretation.

Under the act of 1873 the coinage of trade-dollars was, like the coinage of gold and the coinage of the standard dollar before said act, free and unlimited. Anybody was at liberty to bring to the mint any amount of silver bullion, and on paying the coinage charge have it, like gold bullion, coined into trade-dollars and delivered to him for use as lawful money. If the Government can honestly repudiate these trade-dollars, it can repudiate every coin it issues.

HOW THE TROUBLE AROSE AS TO THE TRADE-DOLLARS.

No statute has ever been enacted that in terms or by just implication takes away from the 15,631,000 trade-dollars coined before August, 1876, the legal-tender quality given to them by said section 15 of the act of July 12, 1873.

But what has been done as to the trade-dollar is, that on July 22, 1876, after said 15,631,000 trade-dollars had been coined and issued, Congress passed a joint resolution, the second section of which is as follows:

"SEC. 2. That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same."

The resolution as it passed the House had nothing in it about the trade-dollar. This section was inserted in the Senate, though it did not seem to be understood or its propriety or impropriety comprehended. But it has caused the Treasury Department to repudiate all trade-dollars, both those coined before the date of the resolution as well as after, and thus brought upon the Government as to the 15,631,000 the disgrace of repudiation.

This is a joint resolution, not a statute.

THE PROPER INTERPRETATION OF THE RESOLUTION.

It in terms, though awkwardly, seems to limit itself to the hereafter-issued trade-dollars, not the theretofore-issued trade-dollars. If the intention of the resolution was to repudiate the trade-dollars theretofore issued, to demonetize them, and to reduce them from money with limited legal-tender quaility to merchandise with no legal-tender quality whatever, it would have omitted the word "hereafter." The word "hereafter" has no proper function or meaning in the resolution except to indicate that Congress did not intend to affect or to change anything already done or the trade-dollar already issued. When this section was inserted by the Senate, had any Senator suggested that it would cause repudiation, the Senate would probably have either withdrawn it or so modified it as to preclude such a construction.

Government had issued from the Mint, including the whole month of July, 1876, 15,631,000 legal-tender trade-dollars. These dollars would remain for all time a legal tender in this country to the same extent as when issued till by clear, positive, unavoidable enactment they should be repudiated; that is, the legal-tender quality without any compensation simply taken away from them.

The remaining clause of this section 2, namely, "The Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demands for the same," indicates, though imperfectly, that in the first clause of the section the words "shall not hereafter be a legal tender" were intended only to apply to the trade-dollars thereafter coined. Not a word in the statute of 1873 creating them indicates any use other than domestic use. There is no authorized statement of any other use until this resolution was passed. But all coined after the resolution of July 22, 1876, were by the terms of that resolution intended, not for domestic use, but only for export; hence the propriety of the provision, "shall no thereafter be a legal tender."

If this phrase refers to those previously coined it is repudiation, for they were a legitimate coin money of the United States. Those thereafter coined being only for export, they were merchandise, not money, and they were intended by the Government to have no domestic money function; and if the resolution had been promptly and strictly complied with by the Treasury Department they would have had none.

ACCORDING TO PRECEDENT, HOW SHOULD THE GOVERNMENT GET THEM OUT OF THE WAY?

When even a foreign coin has by law been made a legal tender and the Government for any reason wishes to take that quality away from such coin, it does not do this by repudiation or simply declaring it not a legal tender, but by calling it in and redeeming it at par, and giving the people reasonable time to send it into the Treasury for redemption. Then it is recoined before being again issued. (See act of February 9, 1793, sections 2 and 3, where the statute fixed this time at three years, and required the President to issue a proclamation.)

Numerous acts have been passed taking away the legal-tender quality after a certain date from foreign coins circulating here, but always with redemption and a reasonable time for presentation.

By the act of February 21, 1857, foreign silver coins, though so worn as to be of light weight, were for two years redeemable at par at the Mint in exchange for minor coins. This time was on March 3, 1859, extended to February 21, 1861, or two years more, making four years in all. Our Government, if acting intelligently, would certainly treat its own coin with at least as good faith as it has heretofore treated foreign coins circulating here by its authority. It has never repudiated such foreign coins, but has repeatedly redeemed them and given the people reasonable notice to present them for redemption, so that no one need lose anything unless from his own carelessness in not heeding the notice.

In order to stop their circulation it redeems the 3-cent coin and 5-cent silver

piece at their nominal value, and also worn and light-weight gold and silver coins.

England has repeatedly redeemed objectionable coin. In 1548, under Edward VI, her shillings became of light weight and extensively counterfeited, and she called them all in, redeemed them at par, and gave the people one year three months and twenty days to bring them in.

In 1696 the silver coin became greatly worn and clipped, and William III, under an act of Parliament, at a cost of £1,000,000, redeemed the current coin "at the same rate or value as if such moneys were unclipped or undiminished."

During the financial straits resulting in England from the French Revolution, silver became so scarce that Spanish dollars were stamped at the Bank of England with the king's head, and issued as legal coin. There was a profit in this, and private parties obtained large quantities of Spanish dollars, counterfeited the stamp, and put them in circulation.

On learning this the government stopped their circulation, and redeemed at par these stamped Spanish dollars from all parties who had taken them, whether the stamp was genuine or counterfeit. It did this because, though innocently, it had made it possible for individuals to put in circulation the dollars with the illegal stamp. In 1803 she demonetized the five-shilling dollar, gave reasonable notice, and called them all in and redeemed them at par.

England has never repudiated her own coin; hence the credit of English money. All other European governments receive all their own coin at par at the treasury when they wish to remove it from use or deprive it of its legal-tender quality.

If our Government had stopped the coinage of trade-dollars on July 22, 1876, or had changed the face or even the date of all coined that year after that day, so that the people could readily determine at sight what were coined after the date of the resolution, there would be some legality in refusing these last. But instead of that the Government went right on steadily coining them through the remaining five months of 1876, just as though no resolution had been passed, and it issued to the people in those five months 2,975,200 more trade-dollars, not one of which could be distinguished from those coined in 1876 before the date of the resolution.

The Government itself having made this confusion, and thereby led the people to accept all trade-dollars up to the end of 1876 as legal-tender money, is now by a well-known principle of law, bound to protect the citizen from loss in having accepted any of said trade-dollars.

This makes 15,631,000 plus 2,975,200, equal to 18,606,202 trade-dollars coined and issued with the said legal tender quality; and so many of these as are still in existence the Government, in common honesty, is legally bound to receive as legal tender at least to the amount of $5 in any one payment, unless it sets itself up as a repudiator; rupudiation is not to be supposed or imputed to it. But the Treasury Department, under the inexact wording of the resolution, feels constrained to set up repudiation, and has done it.

THE FACTS AS TO THOSE COINED AFTER 1876.

The plain intention of the resolution of July 22, 1876, was that none should be coined after that date except for export. But right here the Government failed of its duty to the people. It paid no attention to the last clause of the resolution as to coining only for export, but let unlimited coinage of trade-dollars go on for fifteen months, or until October, 1877. From July, 1876, to and including October, 1877, it coined $15,079,400. (See statement of Director of the Mint.) This is as nearly as many as in the previous three years and five months.

Then it did not stop the coinage. All it did was, on October 15, 1877, to order at the Philadelphia Mint and the New York assay office, and four days later at the other mints, "That the receipt of deposits of silver for coinage into trade-dollars should be discontinued." (See Mint Report, 1878, page 11; also Forty-fifth Congress, second session, Senate Executive Document No. 80, page 2.)

But twenty days later, November 5, 1877, this order was modified so as "to authorize deposits of silver bullion at the mint in San Francisco for returns in trade-dollars." (See Forty-fifth Congress, second session, Senate Executive Document No. 80, pages 10 and 11.)

Under this modification unlimited coinage of trade-dollars went on for seven months more, until May, 1878, when for the first time the coinage was actually and finally stopped. During this seven months 5,248,960 more trade-dollars were coined, making a total of 35,950,360. (See report of Director of Mint as to trade-dollars, 1879.)

The official returns of exports of trade-dollars from the beginning of their coinage up to October 31, 1879, show $27,089,817; and according to the statement of experts these no longer exist, but have in the Asiatic countries to which they were exported been converted into their coin. (See statement of Director of Mint, 1879.) This would leave in this country $8,869,543, but the bullion dealers say that at least $2,000,000 have been melted up in this country for manufacturing purposes. That would leave about $7,000,000 still in existence. Of this $7,000,000 all that bear date previous to 1877 were legal-tender coin in this country, and common honesty and the practice of nations require the Government to redeem them. It must either do that or repudiate.

All that bear date of 1877 or 1878 the Government enabled parties to put into circulation, first, by having in 1873 given to the trade-dollar the legal-tender quality; and second, by continuing to coin after July 22, 1876, more than were sufficient to meet the demand for export, and thus enabled parties to put some 4,000,000 of them into circulation here instead of exporting them.

The Government knew during all this time that the people had for so long been using irredeemable paper that they were, so to speak, hungry for silver money, and would use these dollars if issued. As soon as this desire for silver dollars was supplied by recommencing the coinage of the standard dollars, the coinage of the trade-dollar was stopped.

The well-established practice of both this country and England, and other European countries, requires that the trade-dollar should be got out of the way, not by repudiation, but honestly and fairly by redemption. The House has twice tried to do this, June 19, 1882, and again by a vote of 198 to 45 on April 1, 1884; but the Senate apparently through misinformation has refused. It is to be hoped for the honor of the country that the bill will be brought forward a third time and will go through.

WHO HOLDS THIS STOCK OF TRADE-DOLLARS?

In the State of Pennsylvania there are held by savings banks, benevolent, beneficiary, and religious societies, banks, and private individuals, $2,560,927.

In the whole country 714 national banks hold $1,605,764. They received them on deposit from their customers until July 1, 1883, when by common consent their circulation was stopped. The remainder are held by every class of people—shop-keepers, day laborers, brokers, and women and children; all waiting for the Government to be honest, do them justice, and redeem its own coins.

AT WHAT RATE WERE THESE RECEIVED?

More than one-third are held in Pennsylvania; 95 per cent. of these were received at par; the remaining 5 per cent. at from 10 to 15 per cent. discount.

An inquiry in the State of New York of three hundred and fifty holders shows that the great majority took them at par. One large holder, who had them of each year of their issue, took them on the average at 97½ per cent.

No doubt if we had the statement of every holder, it would show on the whole a like result. But the duty of the Government to redeem them is plain, whatever they may have cost the holders.

HOW LONG HAVE THE HOLDERS LOST INTEREST ON THEM?

Certainly on the average from the time they ceased to circulate, July 1, 1883, for since that date they could not be used as money. So that, as matter of fact, if the Government redeems them at once at par the holders will by reason of the attempted repudiation be large losers.

THE TREASURY HAS MADE MONEY OUT OF THE TRADE-DOLLAR.

When goods were bought in Asia with trade-dollars the Treasury in 1875, in fixing the amount of duties to be paid here, valued the trade-dollar as the equivalent of the gold dollar, though it was worth as bullion from 1 to 4 per cent. less. (See Report of Director of Mint, 1879.)

After the trade-dollar was repudiated by the Treasury, and so had fallen in value, merchants remonstrated, and claimed that when they paid it in Asia for goods the Treasury, in adjusting the duties, should put the same value on it that it had here.

The Treasury, by two letters, one of June 15, 1877, to the collector of the port of New York, and the other of July 3, 1877, to the Secretary of State, rejected this view and decided that in the invoices for the purpose of adjusting duties the trade-dollar should be considered "as of the same value as the gold dollar." By so doing the Treasury largely increased the duties. This continued through four years, 1875-'76-'77-'78; in fact, as long as any trade-dollars existed in the Asiatic trade.

By thus repudiating the trade-dollar here, and especially when tendered in payment of duties, and yet in the same breath calling it gold for the purpose of increasing the amount of duties, the Government has been making money out of this repudiated coin.

WHAT DOES PLAIN JUSTICE AND COMMON HONESTY REQUIRE THE GOVERNMENT TO DO?

These dollars, 15,631,000 of them, were at the start put on the same level as the subsidiary silver coins. Let the Government restore them to that level and order them redeemed at par on presentation with the subsidiary coin—say half-dollars—and coin the trade-dollars redeemed into half-dollars to pay the redemption. It will take at the extreme limit not over fourteen million half-dollars. Two half-dollars contain 385 grains of standard silver; the trade-dollar 420 grains, leaving a profit of 35 grains, or a little over 7 per cent. to the Government for being honest. The 7 per cent profit will pay the expense of recoinage, and leave at least 5 per cent. net profit to the Government, or $50,000 on every million redeemed. This is less than justice to the holders, for through the management of Government they have lost several years' interest.

It is not easy to see how any one on behalf of the Government can object to this, unless totally depraved, for by being honest in this way it not only does not cost the Government a cent, but the Government actually makes money; and it does not in any way affect the monthly coinage of the standard dollar or the purchase of silver for that purpose.

It seems to the holders of the trade-dollar that a short, simple bill for this purpose, free of everything else, would pass without difficulty and would relieve the Government from the disgrace of repudiation.

DEXTER A. HAWKINS.

111 BROADWAY, NEW YORK, *March* 30, 1886.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on this question. Is the call sustained?

The yeas and nays were ordered.

Mr. GEORGE. I shall vote against this conference report, not because I am opposed to increasing the circulation of the silver dollars in the country, for I am in favor of that. If it be the policy of Congress to increase the number of silver dollars coined each year, then we ought to increase it in what I regard as a legitimate way—go out and buy bullion and coin it. I shall vote against this report for this reason: Since the year 1876, now eleven years, this coin has not been money, it has not been a legal tender, it has not circulated as money. It has gone out of the hands of the persons who parted with their goods for it, parted with their labor for it, and it has been bought up as bullion at 20 per cent. discount, and is now in the hands of persons who bought it. I am opposed to giving those persons 20 per cent. more than the value of the bullion which they have in the shape of these dollars, and probably 20 per cent. more than they paid for them.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired generally with the Senator from Colorado [Mr. TELLER]. I am informed by his colleague, however, that he would vote "yea" if present. Therefore I vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR], who is necessarily absent from the city to-day, on all questions. I do not know how he would vote on this report, and therefore I withhold my own vote.

Mr. MORGAN (when Mr. PUGH's name was called). My colleague [Mr. PUGH] is paired with the Senator from Vermont [Mr. EDMUNDS]. If my colleague were here, he would vote "yea" and the Senator from Vermont would vote "nay."

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN] by a transfer which has been made to-day. If he were present, I would vote "yea."

Mr. KENNA. I am satisfied that my colleague would vote the same way, so that the Senator may vote.

Mr. RIDDLEBERGER. Being so assured by the Senator's colleague, I vote "yea."

Mr. CULLOM (when Mr. SEWELL'S name was called). The Senator from New Jersey [Mr. SEWELL] is paired with the Senator from Massachusetts [Mr. DAWES]. As I am informed, the Senator from New Jersey, if present, would vote "yea."

Mr. BOWEN (when Mr. TELLER'S name was called). My colleague [Mr. TELLER] is necessarily absent to-day. If present, he would vote in favor of the conference report.

Mr. VAN WYCK (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY].

The roll-call was concluded.

Mr. BUTLER. I am paired with the Senator from Pennsylvania

[Mr. CAMERON], who is temporarily absent from the Chamber. I understand he would vote "yea" on this proposition. Therefore I vote "yea."

Mr. CULLOM. The Senator from Rhode Island [Mr. CHACE] is absent and paired with the Senator from Georgia [Mr. COLQUITT]. If the Senator from Rhode Island were here, he would vote "yea."

Mr. DAWES. As I have already stated, I am paired on this question with the Senator from New Jersey [Mr. SEWELL]. I would vote against the report, and he would vote for it. My colleague [Mr. HOAR] is paired with the Senator from Tennessee [Mr. HARRIS]. I do not know but that the pair has been announced.

The result was then announced—yeas 49, nays 5; as follows:

YEAS—49.

Allison,	Dolph,	McPherson,	Sawyer,
Beck,	Eustis,	Mahone,	Spooner,
Berry,	Evarts,	Manderson,	Stanford,
Blackburn,	Gibson,	Maxey,	Vance,
Bowen,	Gorman,	Miller,	Vest,
Brown,	Hale,	Mitchell of Oregon,	Walthall,
Butler,	Hampton,	Morgan,	Whitthorne,
Call,	Harrison,	Palmer,	Williams,
Cheney,	Hawley,	Payne,	Wilson of Iowa,
Cockrell,	Ingalls,	Platt,	Wilson of Md.
Coke,	Jones of Nevada,	Ransom,	
Conger,	Kenna,	Riddleberger,	
Cullom,	McMillan,	Saulsbury,	

NAYS—5.

Frye,	Jones of Arkansas,	Morrill,	Sherman.
George,			

ABSENT—22.

Aldrich,	Dawes,	Hoar,	Sewell,
Blair,	Edmunds,	Jones of Florida,	Teller,
Camden,	Fair,	Mitchell of Pa.,	Van Wyck,
Cameron,	Farwell,	Plumb,	Voorhees.
Chace,	Gray,	Pugh,	
Colquitt,	Harris,	Sabin,	

So the report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 228) for the relief of James Roach;

A bill (H. R. 1173) to correct the record of Capt. Edmond G. Fechét;

A bill (H. R. 1741) for the relief of William E. Bond;

A bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased;

A bill (H. R. 2998) granting a pension to Henry Mericle;

A bill (H. R. 5345) for the relief of Mary J. Gilbert;

A bill (H. R. 6027) granting a pension to William McFadden;

A bill (H. R. 6312) for the relief of James M. Grigsby;

A bill (H. R. 6952) granting a pension to Charles Riddle;

A bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor;

A bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes;

A bill (H. R. 8485) granting a pension to Isaac Askie;

A bill (H. R. 8597) for the relief of Henry Neal;

A bill (H. R. 9119) granting a pension to Robert Potts;

A bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Fort Whipple Military Reservation, in Arizona;

A bill (H. R. 9446) for the relief of Robert W. Spang;

A bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its railroad across the Fort Meade military reservation; and

A bill (H. R. 10353) for the relief of Andrew J. Edgerly.

A subsequent message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 199) for the retirement and recoinage of the trade-dollar; and it was thereupon signed by the President *pro tempore.*

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore.* The question is on the amendment offered by the Senator from Nebraska [Mr. VAN WYCK], on which the yeas and nays have been ordered.

Mr. MCMILLAN. Having conferred with some of the members of the committee since the conference report was taken up, I am authorized to accept the amendment in the form in which it is submitted by the Senator from Nebraska.

Mr. VEST. Do I understand that the amendment increases the amount $100,000?

Mr. MCMILLAN. No; I do not understand that there is any increase of the amount of appropriation. Let the amendment be read.

The PRESIDENT *pro tempore.* The amendment will be read.

The CHIEF CLERK. In line 1026 of section 1, after the word "dollar," it is proposed to insert:

Continuing improvement at Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, in Kansas and Missouri, and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa, under the direction of the Secretary of War.

Mr. VEST. With my convictions, I can not vote for that amendment. I endeavored to express as distinctly as I could that these sporadic and local appropriations on a great river like the Missouri amount to nothing.

I want to say a very few words in reply to the Senator from Kansas [Mr. INGALLS]. I am very glad that I have not the fatal facility of speech to impugn the motives of other Senators that seems to attend upon that Senator in the discussion of almost every measure, particularly the river and harbor bill. I do not know that this facility arises from any innate bad temper on the part of the Senator, but I should imagine it rather came from a sort of inherent necessity of his. He is always willing to stamp out any sensibility or sacrifice any interest in order to round a sentence or point an epigram. The Senator seems to be under the delusion that he is posing upon a pedestal continually, and that he has a sort of prerogative right of scattering his rhetorical fulminations promiscuously around this Chamber. There are persons who might be ill-natured enough to imagine that the Senator's opposition, consistent and persistent as it is, to the river and harbor bill at every session arises from the fact that there are no navigable streams in the State of Kansas, and that none of these appropriations are, therefore, to go directly to the community which he represents on this floor.

Mr. President, when the Senator from Kansas intimates that there has been any sinister, occult, hidden influence as to these appropriations to Kansas City and to Saint Joseph, that because I happen to be a member of the Committee on Commerce I have used some sort of back-door influence to secure the appropriation of money at those places, the intimation is simply untrue and unfounded in one single shadow of fact. I have never spoken to the Secretary of War, to a single engineer officer, to a member of the Missouri River Commission, upon this subject directly or indirectly. I have never approached any of those officers. I have no information upon this subject except what is derived from the public and written communications of the Missouri River Commission, which are placed on the desk of every Senator. I know nothing in regard to the reasons why these appropriations were expended at Kansas City and Saint Joseph except the reasons that have been read here by the Senator from Nebraska [Mr. VAN WYCK] and are sent to us by the chief officer of the Missouri River Commission. I have not the honor of Major Suter's acquaintance; and I repeat again that neither verbally nor in writing, directly nor indirectly, have I ever approached any officer of this Government in regard to this question.

The Senator thinks it remarkable that the State of Missouri has received the expenditure of this money at two places in Missouri when there is a member of the Committee on Commerce, a Senator from that State, and he intimates that because this is a Democratic administration this money has been so appropriated. The record will show that under a Republican administration, since I have been upon that committee, the appropriations for the Missouri River have been in every instance larger than under the administration of President Cleveland, and the record will show that I have never asked for any increase of appropriation except in this particular instance, when I did ask of the committee in this bill, which came from the House of Representatives with $7,000,000 of appropriation in it, an appropriation of $50,000 more for the Missouri River from Sioux City to the mouth than was appropriated by the House of Representatives.

I have endeavored persistently and consistently not to use my place upon that committee for the benefit of my own State. Yet with his facility of misrepresentation and insinuation the Senator from Kansas says here that this money has been expended at Kansas City and Saint Joseph on account of my membership of the Committee on Commerce.

The Senator is also pleased to remark that it is a gross misrepresentation to say that the want of surveys at these particular localities was the reason why the money was not expended at all. The Senator lives on the banks of the Missouri River. He knows that that river changes its character from year to year; that of all the streams upon this continent it is the most uncertain, the most devious, and that when the current of the river one year is on one bank it is almost certain the succeeding season will find it on the other. A survey made two years ago is worth nothing in that locality on the Missouri River. It is not like the rivers of the East, of New England, with rocky banks and steady currents that flow on almost to eternity in the same volume and the same direction.

The rivers of this country change according to the climate of the country, and much more distinctly than the character of the people. There is no parallel between the rivers of the East and the rivers of the West and South; and of all the streams upon this continent the Missouri River, as I said before, is the most uncertain and the most difficult to manage.

I know nothing personally of the facts of this case, except as Major Suter declares that he did not have the surveys and the plans and speci-

fications for this work. He states that to be the truth, and if he has stated a falsehood he alone is responsible for it. I know myself that at Arrow Rock, on the Missouri River, there has been no survey and no plan or specification for four years.

I voted for this amendment when it was offered by the Senator from Nebraska on the last river and harbor bill; and to-day all that I have said in regard to the course pursued by the Missouri River Commission has been simply in the direction that I believe, and I assert it here to-day, that it would not be anything else than a criminal waste of money to distribute $375,000 at different localities along that river from Sioux City to the mouth of the river. I repeat that the Missouri River ought either to be abandoned to the course of nature or it ought to be systematically improved by reaches of 10 miles to the reach through its whole length; and until that is done we may have here from year to year the same criticism. I care not whether the control of that river be under the Bureau of Engineers directly or under a commission, the same results will always be obtained. Until we make up our minds, and act upon it, to improve the river or to abandon it, it must inevitably, with these small appropriations, meet with the same result that stares us in the face to-day.

The Senator from Kansas intimates that selfish purposes animated me. All such surface indications do not touch me. What is the complaint of the Senator here now? It is that a few localities in his State have not received a portion of this money; that Leavenworth reservation and Atchison have not received a portion of the $375,000 appropriated in the last river and harbor bill. I tell that Senator now that in my judgment until we systematically apply an appropriation much larger than any hitherto given to the Missouri River the putting money in any local improvement, either in his State or in mine, is worse than throwing the money into the bosom of the ocean itself.

I have never pretended that the commerce of the Missouri River was gigantic. I have never perverted one single fact in regard to it. I answered the Senator from Nebraska on his inquiry that there were but two boats on that river from Kansas City to the mouth.

The State of the Senator from Kansas is as much interested as the State of Missouri in the navigation of that river. All that I have ever hoped for was, not to take the commerce of those States away from the great railway systems now in existence but if we could to create an opposing or rival factor to those railway systems in a reasonable amount of navigation, especially by barges that could carry our grain from the points on that river to the Gulf of Mexico and to the markets of the world. But if this is to be done at all, it is not to be done by putting $10,000 or $20,000 or $50,000 at certain localities. The river should be abandoned or we should adopt the suggestions of the commission that we ourselves created, and furnish them with the means to carry out the system that they have so often recommended to Congress.

Mr. VAN WYCK. I desire to say in answer to the suggestion of the Senator from Kansas as to how much better we should be off with this amendment in the bill than we were under the act of last year, that we have this difference: The Senator will notice the phraseology already introduced by the committee appropriating the $300,000 placed in the bill, from the mouth of the river to Sioux City. The Senator has remarked the phraseology. If the Senator from Missouri knew that it was not to be expended above Saint Joseph, why provide in the bill for Sioux City, 400 miles further up the river? That, I take it, is left at the discretion of the commission to be used by them, and the $50,000 you have appropriated, from Sioux City to Fort Benton, is placed under the direction of the Secretary of War and not under the control of the commission.

In the amendment which I have suggested, I will say to the Senator from Kansas, I have provided that what work is done at the designated points shall be under the direction of the Secretary of War. They are not to be shut out by the action of the commission.

Mr. VEST. Let us understand the amendment. Does the Senator understand the amendment to mean that $100,000 out of the $300,000 appropriated for the Missouri River from the mouth to Sioux City, is to be expended at these different localities named in the amendment, or does he mean $100,000 over and above the $300,000?

Mr. VAN WYCK. I have designated no sum. I suggest to my friend that I have proposed phraseology precisely the same as was adopted in the bill of last session, supposing that would meet with no opposition, except that I have put it to be expended at these points under the direction of the Secretary of War, thereby eliminating that much from the control of the commission.

I did suggest to the chairman of the committee that I was perfectly willing to accept an amendment for $100,000 to be expended at the seven places named. That would form no part of the $300,000. That I was willing to do if a suggestion of that kind was made, and I appeal to the chairman of the committee and to the committee in this matter. They concede the necessity of this work; they put this in last year, and the Senate agreed to it, and they supposed under the bill of last year these points would be taken care of. The chairman himself said that he supposes to-day he had provided for the river from its mouth to Sioux City; but he knows this commission will never go above Saint Joseph with the expenditure, leaving 400 miles of dangerous rapids and wide river untouched. Major Suter gives no reason for his action except the commercial importance of Saint Jo and Kansas City. Above them are Fort Leavenworth not provided for, Atchison not provided for, Brownsville and Plattsmouth not provided for, Nebraska City, Omaha, and Council Bluffs not provided for. All these points combined are of as great commercial importance certainly as Saint Jo and Kansas City.

The chairman of the committee supposed this river was all provided for from its mouth to Sioux City. The Senator from Missouri, I think, knew better. I think he knew that the commission was there standing in the way and did not intend to go above Saint Joseph.

Mr. VEST. I knew nothing about it. I repeat that I never had any communication, directly or indirectly, with any member of the commission, or any engineer officer, or the Secretary of War, or any official of the Government on the subject. I know no more about it, in fact not as much, as the Senator from Nebraska, because it appears from this correspondence that he and the Senator from Kansas [Mr. PLUMB] went to the War Department. I never had any correspondence about it; I never looked after the appropriation.

I am perfectly willing here to-day, if Senators think that it is proper and right, to give these local appropriations, though, in my judgment, it is throwing the money away. But I do appeal to the Senate not to put this amendment in, taking the amount of money to be expended at these different points out of the $300,000. If we have this commission, let us leave it to their discretion, and if they do not obey the act of Congress, let us annul the commission and wipe it out of existence.

Mr. ALLISON. Let me ask the Senator from Missouri how he supposes this $300,000 will be expended?

Mr. VEST. I will answer the Senator frankly, and I have no more information upon it than he has, but simply supposition. I know nothing except from the documentary evidence, the communications before the Senate. I suppose from what Major Suter and the Missouri River Commission have sent us in regard to the last river and harbor bill, that he will consider it his duty to take this $300,000 to perfect or preserve the important work now going on at different points along the river. I suppose he will complete the work at Kansas City and at Saint Joseph, the largest towns upon the river. I think he will do so from what he has said in regard to the last appropriation of $375,000.

I say now if it is the purpose of the Senate to rebuke that commission and to say that this money or any portion of it should be expended at certain different points, taking the discretion away from the commission and putting it in Congress, let us do so emphatically and dismiss the commission and get rid of this criticism when the next river and harbor bill comes up for discussion. Let that proposition be fairly made. Let the Senator from Nebraska in the amendment say $100,000 shall be expended at certain points outside of the $300,000, so that there can not be any discretion used by the commission in regard to the matter at all.

Mr. MANDERSON. Mr. President, I quite agree with the Senator from Missouri that if this amendment as proposed by my colleague be placed upon this bill, the action of the Missouri River Commission and the action of the Secretary of War will be in nowise different from what it was last year.

I am in hearty accord with my collengue in the result that he seeks to obtain, but I do not believe that it can be obtained by the language he proposes to engraft in this bill. I think that the suggestion of the Senator from Missouri is an excellent one, and that is that in addition to the $300,000 proposed to be expended at points south of Saint Joseph there should be enough increase of appropriation to enable the works that are already constructed and that are being ruined by neglect to be kept in repair.

I am in sympathy too with the proposition of the Senator from Missouri that the proper way to make a permanent improvement of the Missouri River is by the system of reaches, which will take a great many years to improve the river so that it will be available for barge transportation; but perhaps that is the best engineering. I submit also, that where the Government has made great expenditures of money at these points above Saint Joseph, expenditures that have been made for the purpose of keeping the channel of the river between the arches of the bridges that have been erected, those works should be maintained. At the city of Omaha, where I have some degree of familiarity with the work that has been done, at least a quarter of a million dollars has been expended by the Government of the United States, by the two railroads owning property on the banks of the river, the Union Pacific Company and the Burlington and Missouri, and by that great corporation there known as the Omaha Smelting and Refining Company—at least a quarter of a million dollars has been expended for the purpose of keeping the course of the river between the arches of the great bridge between Omaha and Council Bluffs, the Government investment being nearly $100,000. I think there should be some money expended there for the purpose of maintaining this costly work.

I submit this as a substitute for the amendment of my colleague and

hope he will accept it, for I think it means something and the other will avail nothing, and I believe it will be acceptable to the Senator from Missouri.

The PRESIDENT *pro tempore*. The amendment is not strictly in order, but it will be read if there be no objection.

Mr. MANDERSON. Let it be read for the information of my colleague.

Mr. VAN WYCK. May I withdraw my amendment and accept this?

The PRESIDENT *pro tempore*. Certainly.

The Chief Clerk read the amendment proposed by Mr. MANDERSON, as follows:

Continuing the improvement and repair of works already constructed at Atchison, Fort Leavenworth reservation, and Arrow Rock, in Kansas, and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa, under the direction of the Secretary of War, $100,000.

Mr. VAN WYCK. I will modify my amendment so as to read in that form.

Mr. INGALLS. Now, let us have the clause read as it will stand, if that should be adopted.

The PRESIDENT *pro tempore*. The proposition now is to insert this amendment at a different point in the bill.

Mr. INGALLS. I ask that the paragraph may be read as it will be if that amendment be adopted.

The Chief Clerk proceeded to read as follows:

Continuing improvement and repair of——

Mr. INGALLS. No. Where does that come in?

Mr. MANDERSON. Commence to read at line 1024.

The Chief Clerk read as follows:

Improving Missouri River from its mouth to Sioux City: Continuing improvement and repair of works already constructed at Atchison, Fort Leavenworth reservation, and Arrow Rock, in Kansas, and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa, under the direction of the Secretary of War, $100,000.

Mr. MANDERSON. Oh, no; the amendment should come in at the end of line 1029.

Mr. FRYE. A new item entirely.

The PRESIDENT *pro tempore*. It will be regarded as offered as coming in at the end of line 1029.

Mr. ALLISON. If that be the idea—and I think it is the correct idea in reference to this amendment—then it seems to me the original text as proposed by the Committee on Commerce should be changed:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, $300,000; of which sum, &c.

This phraseology in the bill is deceptive, and it has been misleading. There never has been, or at least in the last two or three bills there has been no improvement of the river from its mouth to Sioux City. It is the failure to make such improvements that induces the Senators from Nebraska to propose the amendments. The truth is, that these expenditures have been made at Kansas City and Saint Joseph for the benefit of those localities and those alone, and there is no reason that can be given why those localities should have this expenditure any more than can be given for every other locality that has a bridge across the Missouri River, because these appropriations are really not appropriations to improve the navigation of the river, but they are for local improvements to keep these bridges from washing into the river.

Mr. VEST. I beg the Senator's pardon. He is mistaken in relation to that.

Mr. ALLISON. Wait a moment, if you please. The Senator from Missouri stated truthfully that there are but two boats between Kansas City and the mouth of the river. There are not so many between Omaha and Kansas City. A gentleman connected with one of the railroads crossing the Missouri River at Atchison or at Saint Jo—and I do not remember now which point—told me that the draw of that bridge had only been opened once during the last year for the passage of a steamer. In other words, there is no navigation practically between Sioux City and the mouth of the Missouri River, and there never will be any navigation, as the Senator from Missouri has justly said, between those points until you enter upon a large expenditure, and this appropriation of $300,000 is as much an appropriation for localities, I repeat now, with all due deference to the Senator from Missouri, as is this suggested appropriation of $100,000.

When you come to the Missouri River above Sioux City the conditions are entirely different. There are lines of boats running from Sioux City to Fort Benton, navigating that river during the entire season of navigation, and transporting a large amount of commerce; and if money is not to be expended for the improvement of the Missouri River until we are ready to enter upon an extended system of reaches, as suggested by Major Suter in his report, we ought to multiply the appropriation between Sioux City and Fort Benton, and for these local improvements, as they are nothing else, we should diminish the appropriation. I think that the railways, with all due deference to the suggestion of the Committee on Commerce, ought to pay a portion of these expenditures as well as the Government of the United States.

I know that the bed of this river is constantly changing, and it is perhaps the duty of the Government to maintain the channel, but it does not maintain it for the primary purpose and object of navigation, because navigation will not exist there until there is an extended system of improvements by means of arranging the banks on both sides of the river practically from the mouth of the river to Sioux City, because there is alluvial soil all the way.

Mr. McMILLAN. The Senator from Nebraska having modified his amendment and made a very great change of it, of course it is not understood that I assent to the amendment as now pending.

I wish to say in regard to the improvement of this river that I believe this improvement is for the navigation of the Missouri River. The reason why there are not a great number of boats on the river and why the transportation is not upon the river instead of upon railroad is because the channel of the river is so changeable that it is practically difficult to navigate it, and the boats will not enter upon that stream. If you get the channel of the river improved so that boats can run on it and make it a matter of business, there will be a large transportation upon the bed of that stream; the boats upon the Missouri River will be numerous; the transportation of freight will be great, and the competition with railroads will be very important to the people of this country. That is to regulate the transportation of freight by railroad, and that is the view in which this river is to be improved. That is the reason why the Missouri River Commission adopt the plan which they submit to Congress, and that is the only ground on which I should support any appropriation for the improvement of the river.

Mr. McPHERSON. I have occupied a place in the Senate for now nearly ten years, each year hoping for an opportunity to have a bill presented to the Senate appropriating money for public improvements for which I could conscientiously and constitutionally vote. I have been unable as yet to vote for a single river and harbor bill that has ever been presented to the Senate. I now find in addition to the objects for which millions have been appropriated almost every year, to wit, the improvement of trout streams that can scarcely be found upon the map of any of the States, that there is a new use to which the money of the United States Treasury can be appropriated and paid out. It is now proposed, if I understand aright the arguments of the Senator from Kansas and the Senator from Nebraska, to take money out of the public Treasury for the purpose of protecting railroad bridges.

Mr. MANDERSON. Did the Senator from New Jersey understand me to make any such proposition?

Mr. McPHERSON. I understood the Senator from Nebraska, when questioned as to the bridge across the river between Omaha and Council Bluffs, to say that it was a railroad bridge.

Mr. MANDERSON. It is.

Mr. McPHERSON. I understood him further to say that the Government had expended $100,000 and the railroad company a certain sum—I think he did not state the amount—and that private corporations that needed the river for some purpose or other—smelting works, I think he said—had also paid a sum of money, and the sum total was about $250,000 already expended there for the purpose certainly of helping a private corporation.

Mr. MANDERSON. I do not think the Senator exactly understood the position I took in reference to the matter. If he understood the Missouri River as well as those of us do who live upon its banks, he would understand that the only place where there is a bank that is at all immovable, that does not change with the pleasure of the current of the stream, is where by solid masonry you have put in a bridge approach. These bridges being built with their piers adapted to the passing of boats upon the river, it then becomes a matter essential to the navigation of the stream that this changing current that changes from one bank to another and eats into the bank on each side, should be kept between the piers of the bridge, and therefore it is that expenditure of the character I have mentioned is for the purposes of navigation strictly—not that the bridge may not be washed away, as suggested by the Senator from Iowa, but that the channel of navigation may be kept between the piers of the bridge that have been constructed for the purpose.

Mr. McPHERSON. Then if I understand the Senator aright now, the ever-varying and ever-changing character of the stream itself would imply that as often as it changed the Government of the United States must put in an additional amount of money to protect the property of the corporation that has put a bridge across the stream, for the stream would still be navigable at one place or another. The Government of the United States, as I suppose, has no power to go in any direction except to improve navigable streams by money appropriated in the river and harbor bill.

I submit that as I understood the argument of the Senator from Kansas he confessed that the appropriation of money here made distributed along the whole line of the Missouri River could do nothing and did do nothing except protect the railway and other bridges on that stream. If that be so, it is no proper use of the money and it should not be devoted to such a purpose.

Here is $300,000 appropriated in this river and harbor bill for the purpose of protecting bridges along the line of the Missouri River.

Next year there will be just as much necessity for another appropriation of $300,000 more. I would rather see an appropriation of $10,000,000, a continuing appropriation, the Government pledged to it, to attempt a plan of improvement for the Mississippi and Missouri River, and appropriate for it year after year and complete it, so that finally we shall know what we are to get for our money; but this continual appropriating away three or four hundred thousand dollars year after year to protect the property of private corporations is going beyond what I think this Congress has any right to do.

Mr. PLUMB. I move that the Senate do now adjourn.

Mr. McMILLAN. I hope not. Let us get through the bill.

Mr. CULLOM. I ask the Senator to allow us to have an executive session.

Mr. PLUMB. I withdraw my motion for the purpose of an executive session.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. McMILLAN. We can take a vote on this matter in a very short time, and there will be very few other amendments.

Mr. CULLOM. I move an executive session.

Mr. McMILLAN. I hope the motion will be voted down.

Mr. CALL. Will not the Senator from Illinois allow me five minutes to ask the Senate to pass a bill?

Mr. CULLOM. The Senator from Kansas objects to my yielding, as he yielded to me for the purpose of making the motion for an executive session.

Mr. McMILLAN. I hope the motion will be voted down. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MORRILL (when his name was called). On this question I am paired with the Senator from South Carolina [Mr. HAMPTON]. I should vote "nay." I do not know how he would vote.

Mr. VAN WYCK (when his name was called). I was paired with the Senator from Delaware [Mr. GRAY], but the pair is transferred to the Senator from Rhode Island [Mr. ALDRICH], and I vote "yea."

The roll-call having been concluded, the result was announced—yeas 20, nays 29; as follows:

YEAS—20.

Allison,	Eustis,	Manderson,	Vance,
Blackburn,	Hale,	Maxey,	Van Wyck,
Bowen,	Hawley,	Platt,	Walthall,
Cockrell,	Ingalls,	Plumb,	Whitthorne,
Cullom,	Jones of Arkansas,	Sherman,	Wilson of Iowa.

NAYS—29.

Beck,	Dawes,	McMillan,	Sawyer,
Berry,	Dolph,	Mahone,	Spooner,
Blair,	Frye,	Miller,	Vest,
Butler,	Gibson,	Mitchell of Oreg.,	Williams,
Call,	Gorman,	Morgan,	Wilson of Md.
Chency,	Harris,	Palmer,	
Coke,	Harrison,	Ransom,	
Conger,	Kenna,	Sabin,	

ABSENT—27.

Aldrich,	Evarts,	Jones of Florida,	Riddleberger,
Brown,	Fair,	Jones of Nevada,	Saulsbury,
Camden,	Farwell,	McPherson,	Sewell,
Cameron,	George,	Mitchell of Pa.,	Stanford,
Chace,	Gray,	Morrill,	Teller,
Colquitt,	Hampton,	Payne,	Voorhees.
Edmunds,	Hoar,	Pugh,	

So the Senate refused to proceed to the consideration of executive business.

Mr. PLUMB (at 5 o'clock and 50 minutes p. m.). I move that the Senate adjourn.

Mr. McMILLAN. I hope the Senate will finish this bill.

The PRESIDENT *pro tempore*. It is moved that the Senate adjourn.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Nebraska.

Mr. INGALLS. Let the paragraph be read as it will read when the amendment is incorporated if it be agreed to.

The PRESIDENT *pro tempore*. It will be read.

The SECRETARY. After line 1029 it is proposed to add:

Continuing improvement and repair of works already constructed at Atchison, Fort Leavenworth reservation, and Arrow Rock, in Kansas, and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa, under the direction of the Secretary of War, $100,000.

The PRESIDENT *pro tempore*. This is a separate and independent paragraph.

Mr. INGALLS. Then it does not, as I understand the last reading of the Secretary, attempt to interfere in any way with the disposition of the $300,000 that is provided in the first part of the paragraph.

The PRESIDENT *pro tempore*. That depends on whether it is made a separate and independent paragraph or not.

Mr. INGALLS. That is what I desire to be advised about, and I think we ought to be advised before we are called on to vote on it.

The PRESIDENT *pro tempore*. It is treated as a separate paragraph after line 1029.

Mr. McMILLAN. If the word "further" were inserted before the word "sum" I think that would make the object very distinct.

Mr. INGALLS. I do not, at this hour of the day, propose to enter into any general discussion of the navigability of the Missouri River nor the methods that should be employed for its improvement. The Senator from Missouri suggested that it ought to be improved by a system of reaches. It appears to me that that is the system already adopted. Kansas City reaches out for about two-thirds of the appropriation and Saint Joseph reaches out for the balance, so that the river is really improved by a system of reaches, and the opinion therefore of the Senator from Missouri as to the method of improvement receives fitting illustration from the method of distribution that has heretofore been adopted by the Secretary of War and the Missouri River Commission.

I repeat what I said before, as it has been attempted to be impugned, that there is no navigation whatever on the Missouri River. A steamboat is a phenomenon and when in the course of the year a single craft that finds its way up or down that stream sounds its steam-gong it is a signal for the inhabitants of the villages along the banks to gather on the bluff to gaze at the unwonted spectacle.

At the city where I live a bridge was constructed with a draw weighing 400 tons, reaching on either side from a central or pivot pier. It was arranged with an engine, so great was supposed to be the necessity for opening it in order to admit the passage of boats up and down the stream, but the engine with which it was equipped has been sold, the whole structure is dismantled, and not to exceed once or twice a year is that draw ever opened for the purpose of enabling any craft to pass through on either side of the pivot-pier.

Mr. HALE. They go around?

Mr. INGALLS. They would go around if there was no appropriation made for the purpose of improving the navigation of the stream. [Laughter.] Therefore the principle that is sought to be applied to this particular curve in the Missouri River, which was known as the grand détour of the French voyageur, extending from Kansas City at one point of the curve around to Saint Joseph on the other, which is the place where the Missouri River makes the greatest excursion inland in all its journey through the three States that have been named, is a principle that is applied to no other point and to no other appropriation that is made in this bill in any portion of the country.

The Senator from Missouri states that it is a criminal waste of this money to apply it in small portions to uncompleted work. Is there any other point on any other river in the whole circumference of the continent where that is not exactly what is done? Is there any other place from the Atlantic to the Pacific on any stream that the necessary amount to complete the work at any one given point is appropriated and spent and then that is abandoned? No, sir; not one, but for some occult and mysterious reason—I do not know what that reason is and do not pretend to assign any cause for it—but for some mysterious reason it is declared that with regard to this particular tract of 80 miles, about, in length, following the meanderings of the stream from Saint Joseph to Kansas City, the entire amount shall be taken and devoted to the improvement of the river at these two points until it is absolutely completed and that meanwhile all the other points are to be abandoned.

Is that method applied to other points on the Mississippi River? We have been spending uncounted millions on that stream below Saint Louis. Has it ever before been urged that the Mississippi River Commission or the Secretary of War should take the whole eight or ten million that we appropriated for the improvement of the navigation of the Mississippi River and apply it all to one single reach, the way they do at the Kansas City reach, and so continue from year to year until the work at that point is completed, and meanwhile leave all other points open to the depredations of the stream or to the ravages of time? Certainly not, Mr. President, and therefore I am justified in saying that the attempt to apply this principle and this method to this particular space upon the map of the United States to the neglect of intermediate points, is something that is unjustifiable, unprecedented, and that requires more explanation than I have been able to find for it in the report of Major Suter or General Parke; and if there be any possibility by which the same method can be adopted for the expenditure of this appropriation that has been followed in every other appropriation since the river and harbor bills have been enacted I desire that it shall be applied to the expenditure of these $300,000. I am not content to leave that sum to be divided again upon the reach system between Kansas City and Saint Joseph and allow a little appendix of $100,000 to be made for the purpose of protecting the works that have been commenced at these other points and that are just exactly as essential to the protection of commerce and to the welfare of great communities as the contemplated works at Saint Louis and Kansas City.

Mr. BUTLER. Will the Senator from Kansas yield to me for a motion to adjourn?

Mr. INGALLS. Yes, sir.

Mr. BUTLER. I move that the Senate do now adjourn. It is evident we can not get through the bill to-day.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until Monday, February 21, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 19, 1887.

The House met at 12 o'clock m.

The Journal of yesterday's proceedings was read and approved.

Mr. COBB. Mr. Speaker——

Mr. RANDALL. I call for the regular order.

CLAIMS ALLOWED UNDER EXHAUSTED APPROPRIATIONS.

The SPEAKER laid before the House a letter from the acting Secretary of the Treasury, transmitting a supplemental list of claims allowed by the accounting officers of the Treasury under exhausted appropriations; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY POSTAL APPROPRIATIONS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Treasury, transmitting estimates from the Postmaster-General of deficiency appropriations for the fiscal years 1885 and 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

PRIVATE LAND CLAIM IN NEW MEXICO.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting a supplemental report of the surveyor-general of New Mexico upon private land claim No. 107, known as the grant to the town of Socorro; which was referred to the Committee on Private Land Claims, and ordered to be printed.

JUDICIAL EXPENSES IN WYOMING.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a communication from the United States attorney for the Territory of Wyoming in relation to the inadequacy of fees and mileage allowed to the United States attorney and marshal and to jurors and witnesses in that Territory; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

JUDICIAL DISTRICTS IN NORTH CAROLINA.

The SPEAKER also laid before the House the bill (H. R. 10658) to provide for terms of the United States district court at Raleigh, N. C., and change the lines between the eastern and western districts, said bill having been returned from the Senate with amendments and a request for a conference.

Mr. BENNETT. I ask unanimous consent that the House non-concur in the amendments of the Senate and agree to the conference requested.

Mr. DINGLEY. In this connection I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. Is this a bill in which a request is made by the Senate for a conference?

The SPEAKER. It is.

Mr. DINGLEY. I desire to ask if a single objection would prevent the House from taking up the bill and considering that request?

The SPEAKER. The Chair thinks so. The Chair has had occasion to decide the same question several times. After there has been an actual disagreement between the two Houses the matter is privileged; but until an actual disagreement takes place no privilege attaches to it.

Mr. DINGLEY. And one single objection here interposed would send this bill to a committee?

The SPEAKER. It would; to the Committee on the Judiciary.

Mr. DINGLEY. And when it comes back from the committee it would go on the Calendar, and could not be taken up except by unanimous consent until that committee is called for consideration of bills under the hour rule.

The SPEAKER. That would be the order.

Mr. DINGLEY. And hence a single objection would practically prevent a House bill with Senate amendments from being taken up and considered under the rules of the House, as it is rarely that a committee is called under the hour rule.

The SPEAKER. It would be placed just in the position of any other legislation of the House or Senate.

Mr. DINGLEY. But it seems to me that when the House has passed a bill and the Senate has concurred with an amendment, the rules of the House should provide some method by which it can be reached by the House, and not be at the mercy of a single objection.

The SPEAKER. The Chair might agree with the gentleman as to what the rule should be in that respect; but it is the duty of the Chair to administer the rules as they are.

Mr. DINGLEY. That is true; but my object in calling attention to the condition in which our rules place a bill that has advanced so far as to pass this House and to also pass the Senate with an amendment is to impress upon the House and the Committee on Rules the importance of an amendment to our rules which will free our procedure from such an obstruction to public business. Last session I introduced and had referred to the Committee on Rules, of which the Speaker is chairman, an amendment designed to give a majority of the House the power to take up and act upon House bills in which the Senate had concurred with an amendment, and I trust that committee will report that or some other amendment to free the House from the power of a single objector in the case of bills advanced to such a stage.

Mr. SPRINGER. What is the bill?

Mr. BENNETT. It is in reference to a judicial division of a State.

The SPEAKER. Without objection the order requested by the gentleman from North Carolina will be made.

There was no objection, and it was so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. BENNETT, Mr. CULBERSON, and Mr. HEPBURN.

BRIDGE ACROSS TENNESSEE RIVER, CHATTANOOGA.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.

Mr. CRISP. I ask unanimous consent to concur in the amendments of the Senate. I have examined them, and see no objection to incorporating them in the House bill.

The SPEAKER. The amendments had better be reported.

The amendments were read at length.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. HATCH. One moment. Will the gentleman state what this bill is? I could not catch the reading of it.

Mr. CRISP. It is to authorize the construction of a bridge across the Tennessee River.

There being no objection, the Senate amendments were concurred in.

UNITED STATES COURTS, VICKSBURG, MISS.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 6764) to provide for holding terms of the United States courts at Vicksburg, Miss.

Mr. CATCHINGS. I ask unanimous consent that the House concur in the Senate amendments. They are simply verbal amendments, and do not affect the general scope of the bill as it passed the House.

The SPEAKER. The amendments had better be reported.

The amendments were read at length.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. HOLMAN. I hope there will be some explanation of the effect of these amendments.

Mr. CATCHINGS. They are simply of a verbal character, and do not affect the general terms of the bill.

There being no objection, the Senate amendments were concurred in.

NATIONAL CEMETERY, RICHMOND, VA.

The SPEAKER also laid before the House Senate amendment to the bill (H. R. 7209) to authorize the construction of a gravel road to the Richmond national cemetery, near Richmond, Va.

Mr. WISE. I hope the amendment will be concurred in.

Mr. BRAGG. I move to concur in the Senate amendment.

The SPEAKER. The Chair will state that the amendment here is simply to insert the word "dollars," which was omitted by the House.

Mr. BRAGG. Omitted by the engrossment clerk.

There being no objection, the Senate amendment was concurred in.

ADELIZA PERRY.

The SPEAKER also laid before the House Senate amendment to the bill (H. R. 4535) granting a pension to Adeliza Perry.

The SPEAKER. This is simply a correction of the spelling of the name of the beneficiary of the bill by inserting the letter "z" instead of "s;" and without objection the Senate amendment will be concurred in.

There was no objection.

STABLES FOR HORSES, HOUSE OF REPRESENTATIVES.

The SPEAKER also laid before the House Senate amendments to the bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the offices of the House of Representatives.

Mr. DIBBLE. I ask for the reading of the Senate amendments.

The amendments were read at length.

Mr. DIBBLE. I move that the House concur in the Senate amendments.

There was no objection, and it was so ordered.

JAMES W. GOODRICH.

The SPEAKER also laid before the House Senate amendment to the bill (H. R. 5652) for the relief of James W. Goodrich.

The SPEAKER. This amendment simply corrects the name of the beneficiary; and if there be no objection the Senate amendment will be concurred in.

There was no objection, and it was so ordered.

INCREASE OF NAVAL ESTABLISHMENT.

The SPEAKER also laid before the House the bill (S. 3288) to provide for the increase of the naval establishment; which was read a first and second time, and referred to the Committee on Naval Affairs.

RETURN OF BILLS TO THE SENATE.

The SPEAKER also laid before the House requests of the Senate for the return of bills of the following titles, namely:

The bill (S. 2944) making appropriations for the jetties in Charleston Harbor; and

The bill (S. 3107) granting a pension to Catharine F. Ellsworth.

The SPEAKER. If there be no objection, the Clerk will be directed to return these bills to the Senate.

There was no objection, and it was so ordered.

INTERNATIONAL SHEEP AND WOOL SHOW.

The SPEAKER also laid before the House a concurrent resolution of the Senate, providing for the printing of 2,000 additional copies of the report of the Commissioner of Agriculture on the International Sheep and Wool Show of Philadelphia, in 1880; which was referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MAYBURY, for one day, on account of sickness.

To Mr. LOWRY, for ten days, on account of important business.

To Mr. WHITE, of Pennsylvania, for three days, on account of important business.

ORDER TO PRINT SENATE BILL NO. 2288.

The SPEAKER. The chairman of the Committee on Commerce, the gentleman from Texas [Mr. REAGAN], asks an order to print the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-railway Company, and for other purposes. This is a bill which has passed the Senate. If there be no objection, that order will be made.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. MCRAE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882;

A bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district; and

A bill (H. R. 9116) to provide for holding terms of the United States courts at Texarkana, Ark., and for other purposes.

VETO MESSAGE—DEPENDENT PENSIONS.

Mr. MATSON. I rise to present a privileged report.

The SPEAKER. Is it a conference report?

Mr. MATSON. No, sir; it is a report of the Committee on Invalid Pensions on the message of the President vetoing the dependent pensions bill. I ask unanimous consent that the report may be printed in the RECORD; and I give notice that on Thursday next, immediately after the reading of the Journal, it will be called up for the action of the House after debate.

The SPEAKER. The gentleman from Indiana [Mr. MATSON], from the Committee on Invalid Pensions, presents a report on the following bill and message of the President. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

The SPEAKER. The gentleman from Indiana asks unanimous consent to have this report printed in the RECORD, and gives notice that he will call it up for consideration on next Thursday.

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. MATSON. Then I ask that the report be printed in the usual way.

Mr. BURROWS. I ask for the reading of the report.

The SPEAKER. The Chair understands the gentleman from Indiana does not ask for the present consideration of the report.

Mr. BURROWS. But objection is made to its being printed in the RECORD, and I ask to have it read.

The SPEAKER. It will be printed as a document.

Mr. BURROWS. I ask for its reading, unless gentlemen on the other side withdraw the objection to its being printed in the RECORD.

Mr. HAMMOND. We are not called upon to vote on the report at this time, and I object to the reading. That would be in the nature of debate.

The SPEAKER. But if the report is before the House and some other action is not taken with regard to it, it is here for consideration.

Mr. HAMMOND. But the gentleman from Indiana who makes the report has stated he did not intend to ask for action upon it until next Thursday.

Mr. MATSON. I ask, as this is a matter of great importance, that the report be printed in the RECORD.

The SPEAKER. The gentleman from Indiana [Mr. MATSON] renews his request that the report be printed in the RECORD. Does the gentleman from Arkansas [Mr. BRECKINRIDGE] still object?

Mr. BRECKINRIDGE, of Arkansas. I do. Let the report be printed in the usual way.

Mr. MATSON. Then I call for the reading of the report.

Mr. BRECKINRIDGE, of Arkansas. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. Is it in order for the report to be read when presented?

The SPEAKER. It is. The report is privileged and is now before the House, and unless the House makes some other disposition of it it is here for consideration, and the gentleman from Indiana [Mr. MATSON], who has the floor, asks to have it read.

Mr. DUNN. Let us vote on it now.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was submitted the bill——

Mr. BRECKINRIDGE, of Arkansas. I rise to a question of order. I submit to the Chair that under Rule XXXI the reading of the paper is not in order if objected to, as it is not proposed that final action shall be taken upon it at this time.

The SPEAKER. But action must be taken upon it. It is a privileged report. If the House does not recommit the report or order it to lie over it is before the House for consideration at this time, and the reading of the report is a part of the debate.

Mr. BRECKINRIDGE, of Arkansas. I understood the Chair to say that the gentleman from Indiana did not desire action on the report at this time.

Mr. GROSVENOR. And he would not if the gentleman from Arkansas had not made his objection.

Mr. HAMMOND. I move that the report be laid over until next Thursday.

The SPEAKER. That is a proper motion. The Chair repeats that unless some action is taken by the House to postpone the consideration of the report it is here for consideration at this time.

Mr. BURROWS. I make the point of order that the objection comes too late. The Clerk has already commenced the reading.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] has moved to postpone the consideration of the report.

Mr. BURROWS. Although the gentleman from Georgia has made a motion to postpone the consideration of the report, I insist that nevertheless it must be read.

The SPEAKER. The Chair has not decided otherwise.

Mr. BURROWS. Very well.

The SPEAKER. Of course a motion to postpone requires a vote of the House, and the question is debatable under the rules.

Mr. BURROWS. Certainly. Let the report be read.

The Clerk again commenced to read the report, as follows:

The Committee on Invalid Pensions, to whom was submitted the bill (H. R. 10457)——

Mr. BRECKINRIDGE, of Arkansas, addressed the Chair.

[Cries of "Regular order!"]

Mr. BRECKINRIDGE, of Arkansas. This is the regular order. I withdraw the objection. [Cries of "Regular order!"] I will give gentlemen the regular order. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. Is it in order for me to withdraw the objection?

The SPEAKER. The Chair thinks so.

Mr. BRECKINRIDGE, of Arkansas. I withdraw the objection.

Mr. BRAGG. I renew it.

Mr. HAMMOND. Is it in order for me to withdraw the motion to postpone?

The SPEAKER. It is.

Mr. HAMMOND. I withdraw it.

Mr. ANDERSON, of Kansas. I renew it.

The SPEAKER. The Clerk will proceed with the reading of the report.

The Clerk read as follows:

Mr. MATSON, from the Committee on Invalid Pensions, submitted the following report:

The Committee on Invalid Pensions, to whom was submitted the bill (H. R. 10457) for the relief of dependent parents, and honorably discharged soldiers and sailors, who are now disabled and dependent upon their own labor for support, and the message of the President, stating his objections thereto, having had said bill and accompanying message under consideration, respectfully submit the following:

Two facts will arrest the attention of any one who reads the message under consideration; the first is, that no objection is made to the bill on any ground of its constitutionality. The right of Congress to enact the law is not questioned; all the questions raised are questions of mere expediency. The other is, that the first section of the bill is not touched upon by the message, and no intimation is given by the President as to whether that section of itself alone, embodying as it does an independent proposition, and in the precise form specifically

urged by the Secretary of the Interior in his last annual report, meets with his approval or disapproval.

The message is devoted wholly to the second section of the bill, and this report is intended to meet the objections the President has seen fit to urge against that.

The subject-matters embraced in the second section have, since the earliest days of this Congress, received the earnest and continued attention of this committee, and a brief history of what has been done may not be altogether uninteresting, and, indeed, seems to be made necessary, in order that a more thorough understanding of the facts may be had.

The bill appears to have been introduced by the writer of this report, and was so introduced on the 10th of January, 1887. Months before that time, however, except as to the fourth section of said bill, the bill had been agreed upon by this committee after long, careful, and exhaustive deliberation, and the committee had directed that any privilege belonging to it as a committee should not be allowed to escape without an attempt to pass the bill in the House.

When this Congress met a number of important matters of general pension legislation were pressed upon the attention of the committee; some of them, in our judgment, involving the expenditure of more money than is caused by this bill. The arrears proposition was pressed with great force and earnestness; a proposition to equalize bounties, to pension prisoners of war, and a general service pension bill to pension all the soldiers of the Union at $8 per month, besides many others of less magnitude, but each having its especial champions, who were continuously contending for precedence before your committee. The conclusion was that the really indigent soldiers were first of all entitled to some relief, and that relief to them would satisfy, in a measure, the demands for many other kinds of legislation; and with this in view, your committee went to work to frame a bill upon which we could all agree, and which we believed, in that regard, would meet the immediate needs of our ex-soldiers, as well as the approval of the country.

On the 1st day of March, 1886, Mr. ELLSBERRY, of Ohio, introduced a bill (H. R. 6230) entitled "A bill granting pensions to all invalid soldiers, or their widows, of the United States in the late civil war who are dependent upon their daily labor for support." The first section of this bill, out of deference to the gentleman who was its author, as he had so persistently pressed us to give the subject preference over all other measures, was taken as the frame-work for the bill agreed upon by the committee. It will be ascertained upon examination that the Ellsberry bill provides a pension for a total disability, and also for an "inferior disability an amount proportionate to that," and so when the criticism was first made in relation to the bill now under consideration that the class of pensions embraced by said bill was not well defined, this committee set about, with some apprehension, to inquire whether there was that vagueness or ambiguity that aid it open to the objections stated.

After the most painstaking, candid, and judicial consideration of the subject, we are compelled to insist that the construction given to it by the committee, as stated upon the floor of the House at the time the bill passed, is the only fair interpretation to be put upon it. It provides but one pension, and that pension is one of $12 per month, and is given for a "total inability to procure a subsistence by daily labor." There is no provision for any less rate, nor for any less degree of disability than a total inability, and it is further provided that "such pension shall continue during the existence of the disability in the degree herein provided." What degree? There is but the one provided for, and that is a degree of total inability to procure a subsistence by daily labor. The point we wish to emphasize is that but one pension is provided, and that to obtain it a degree of total inability to procure a subsistence by daily labor must be shown, and that it is further expressly stated that the pension shall only continue while that degree of inability continues.

By some strange circumstance this provision of the bill which fixes the time during which the pension provided for shall continue, and states as aptly as language can state anything that it shall be in "the degree" provided for therein, has escaped the attention of the Executive and other critics referred to by him, who seek to place a construction upon the bill different from that which was clearly intended and which we believe is clearly expressed. All agree that the bill embraces those who have this degree of total inability. The only question at issue is whether it does not embrace more than that class. In the light of the express limitation that is placed by the bill as to the time during which the pension shall continue, we submit with confidence to the discriminating judgment of the House and the country that but one construction can be given it, and that is the one adopted by your committee.

But the President says that "if the bill had been intended to embrace only those who were totally unable to labor it would have been very easy to express that idea instead of recognizing, as is done, 'a degree' of such inability." This may be true, but the question is not whether the language is the most apt to give expression to an idea, but rather what is the idea expressed and what is intended by the bill; and in view of the fact that the last words used in the bill, and words which prescribe the right to a pension to exist only in one class who have "the degree" of disability provided for, entirely excludes the construction sought to be given by the President that more than one class would be included.

These words are used in prescribing the right to a pension under the bill, and are not mere words of description. Taken altogether, and not so delicately analyzed that the refinement of a chemical experiment is exceeded in an effort to do away with the plain provisions of the bill, we again submit to the judgment of the House and the country that those who framed the bill, after months of careful, deliberate consultation, have made no mistake, and have embraced but one class, and that class can be well described as those "totally unable to labor" and "who are dependent upon their daily labor for support."

But it is asked what is a support, and how is it to be fairly determined? The answer to that is that this very question for twenty-five years has been adjudicated by the Pension Office, and in perhaps more than ten thousand cases. Whenever a claim has been made by a dependent father, one of the material inquiries was, was the claimant himself, at the time of the death of the soldier, happening in some cases many years before, then able to earn his support by daily labor. Under this bill the inquiry will be one that will relate only to the date of the filing of the application, and for that reason can be the more easily adjudicated. If the Pension Office can not adjudicate that question, the whole business of rating pensions is a farce, for upon all degrees of disabilities under the general law the rate of pension is fixed in amounts ranging from $1 to $72, upon the degree of physical disability, and to the extent it disables the pensioner, for what? for earning a support by manual labor.

This section of the bill is to be construed as all other laws or legal instruments are construed, so that the words used should be given their ordinary meaning and acceptation. No technical or other meaning that by the practice of the Pension Office or otherwise may attach to a word, or to an expression, is to obtain, and the rule laid down by the Executive that "pension laws should be liberally administered as measures of benevolence in behalf of worthy beneficiaries" may be a sound rule of construction; but if it is, it is at least met by another rule of law, that statutes conferring new rights are to be strictly construed, and especially is this true where the statute is not in aid of any contract, express or implied, with the beneficiary named.

If this bill did embrace all who are described in the President's interpretation of it, this committee would still favor its passage, for those he describes are such as are, to say the least of it, in a needy condition, and we are not prepared to refuse a pension even to them, if one is needed to give a comfortable living.

We regard the strained interpretation put upon the bill in the message as an excuse rather than a reason for returning it to the House, and we believe we do no injustice to the Executive when considering the whole message to say that if its provisions had been plainer, and that no question could have been raised as to whether it included only those unable to labor, that he would have yet interposed objections. He says:

"If none should be pensioned under this bill except those utterly unable to labor I am satisfied that the cost stated would be many times multiplied, and with a constant increase from year to year."

The cost referred to by him has just been stated at $4,767,120 per annum, and the number of persons to be embraced in that estimate, 33,105. And again he says: "Never before in the history of the country has it been proposed to render Government aid toward the support of any of its soldiers based alone upon a military service so recent, and where age and circumstances seem so little to demand it."

If the estimate referred to is too small, so that it would be multiplied many times, it can be said that the number of soldiers who could be reached by this bill, who are totally unable to work, and who are dependent upon their daily labor for support, is about 100,000; for if our estimate is multiplied by three, which certainly is not more than many, then the appalling fact is reached that so many of the heroic men who have suffered for their country's sake are now absolutely needy and totally unable to work.

This consideration causes us to stand more firmly for the proposition embodied in the second section of the bill, because, conceding that our estimate is too low, and that the number utterly unable to work is larger than was heretofore estimated, then there is a that much stronger reason for giving the relief; that many more are to be found of (using the language of the President, taken from his last annual message) "those who have served their country long and well and are reduced to destitution and dependence, not as an incident of their service, but with advancing age through sickness or misfortune." And we have been "tempted by the contemplation of such a condition," and are yet tempted more strongly when we consider the fact that we have not fully realized the full extent of suffering now being undergone by those heroes, "to supply relief," and if we were wrong in our estimate we submit that we are supplied now with a stronger reason than ever before for the passage of this bill notwithstanding the objections of the Executive.

But it is urged that some unworthy ones would be benefited by this bill. Possibly so, and so under any general law, no matter how you might attempt to guard it, great abuses might arise. As to the length of service, it is contended that as only three months' service is required, some who had seen little, if any, field service could take advantage of its provisions. Yet upon the other hand, thousands and tens of thousands of men who enlisted for only three months saw some of the most arduous and dangerous service of the entire war, and the injury that results to one who quits the peaceful vocations of life to undergo the trying ordeal of an active military service is most likely to follow from the earlier months of his service than from a period of his service later, when he has become inured to it.

The same process of reasoning adopted by the Executive in support of this objection would have obtained against every general statute that now gives a pension or ever did give one. More than all that, this bill is intended to relieve those who can not prove a pension claim under the present laws; men who saw field service and who made no hospital records. Those who made hospital records can now conveniently use them to procure relief. They have no difficulty in going through the Pension Office upon their hospital records, and a large share of such soldiers are pensioned, while the man who was always in his place in the ranks and can show no disability by the records that was sufficient to keep him from duty, but as old age comes on begins to feel the strain put upon him by the fact that he was always ready to report "present for duty," is left to suffer, and for him we supply no relief.

It passes the comprehension of this committee to understand how the President could have overlooked in another bill what are alleged as faults in this bill. The bill we refer to passed the House on the same day this did, and met with his unhesitating approval. It is the bill to give pensions to the survivors of the war with Mexico, &c. Under that bill if one who was a soldier in that war and is now under sixty-two years of age applies he must allege and prove some degree of dependency, and no matter how slight, quite vague and indefinite, and any degree of disability is sufficient, no matter how incurred, except in the military service against the United States; and no matter if he be worth millions he need only show sixty days' service; he need not have been in actual engagement with the enemy, or subjected to any of the actual dangers of war, or even that he should have been in Mexico, or on the coasts or frontier thereof; it is sufficient if he had been *en route* thereto; and it embraces within its provisions more persons than are to be benefited by the bill now under consideration.

It grants the pension to every soldier over sixty-two years of age without any condition as to his circumstances or necessities, and without requiring any disability as the result of service, even though he be a member of Congress drawing a salary of $5,000 per annum. It gives a pension to every soldier under sixty-two years for any disability, even if the disability resulted since his service and from his own vicious habits or gross carelessness, and for this he gets $8, while the Union soldier for the same disability received in the line of duty and while in the service would get perhaps only $2; and it gives a pension to every widow of a soldier in that war who is now sixty-two years of age, whether she was the wife of the soldier or not at the time of his service, without reference to the cause of his death, even if he was killed in battle while serving in the confederate army.

This committee would rejoice if there could even now be found some indefinite vagueness or latent ambiguity in the Mexican pension law that would enable the President to say that these results were not foreseen by him when he was approving the one and contemplating a veto of the other.

The bill we presented to the House was broad, liberal, and patriotic. It struck down any disbarment from the pension-list on account of any service against the flag, excepting such persons as were laboring under political disabilities. It was intended to reach mainly the survivors of our civil war who had fought for the Union, but it embraced within its generous terms the survivors of the war of 1812, the Indian wars, and the war with Mexico—all who could show that they were totally unable to labor and were dependent upon their daily labor for support could appeal to its provisions, and all were to be treated exactly alike. If this bill fails to become a law, such distinctions are made by the acts of the Executive in approving one and disapproving the other that the committee can not believe it will be indorsed anywhere by the patriotic sentiment of this country.

Inasmuch as the bill under consideration has, in a measure, been treated by the Executive as a service pension bill only, and particular reference has been made by him in his veto message to the first legislation had by Congress under which the soldiers of the war of the Revolution became pensioners regardless of disability contracted in the service and line of duty, it is deemed proper in this connection to give a brief history of such legislation, and to present such facts in connection therewith as may be pertinent to the matter under consideration.

On March 18, 1818, Congress passed an act granting pensions to the surviving officers and soldiers of the war of the Revolution, who, "by reason of their reduced circumstances in life, shall be in need of assistance from their country for support." The only other requirement under the act was nine months' service during or at the close of the war. The rate of pension provided in said act was $20 per month in cases of officers, and $8 per month for enlisted men. The act

further provided that the title to pension thereunder shall be determined by the respective courts of the locality in which the applicant resided.

Under this act 22,297 applications, in accordance with its provisions, were filed in the Department, but, so far as the records show, 20,485 only were allowed.

On May 15, 1828, Congress enlarged the pension provided for by the aforesaid act of March 18, 1818, to the full pay of officers and soldiers of the Continental line. This increase largely benefited the officers.

The next legislation with reference to Revolutionary soldiers' service pensions was had in 1832, when, under the act of June 2, of that year, full-pay pensions, without regard to financial condition, were granted to all, except foreign officers, who served for two years, and to those who served at least six months an amount proportionate, according to the length of their service.

From the best information obtainable there were, during the recognized period of the war of the Revolution (April 19, 1775, to April 11, 1783), 30°,791 enlistments. This number, however, includes re-enlistments and transfers a .d th erefc : docs not represent the actual number of individuals engaged in said war. It may be safe to say that 165,000 individuals served at one period or the other dt ring the war. The number of invalid pensions granted by the General Government on account of disability contracted in said war was small, 2,513 only being of record. This is explained, however, by the fac tthat prior to March 23, 1792, the pensions found to be due to an invalid, under the regulations established by the President, was paid by the State to which his services were credited.

The President takes occasion to remind Congress of the fallacy of the estimate made by the Committee on Invalid Pensions on section 2 of the bill under consideration as to the probable annual cost of the pensions provided therein by referring to the estimate made by Mr. Bloomfield, of New Jersey, chairman Committee on Revolutionary War Pensions, in December, 1817, regarding the probable number of beneficiaries under the bill proposing to grant a pension to the indigent survivors of the war of the Revolution.

In justice to this committee it may be stated that while its estimate was largely based upon official data, and other reasonably reliable information, the estimate of the chairman of the Committee on Revolutionary Pensions at the time referred to, seems to have no foundation whatever, except such as his own limited knowledge, confined to his own locality, could afford.

He based his estimate upon the then to him known survivors of the officers of the New Jersey Brigade, 20 in number, out of a total of 160, who he states served in said brigade; which he considered a fair guide as to the proportion of surviving officers in other States, and, as he believed, the whole number of officers during the war to have been 2,720, there were then living 340, one-tenth of whom, or 34, would apply for pension. He further estimated the number of enlisted men in the service at the close of the war at 17,000, one-tenth of whom, or 1,700, he believed were then living. He further believed that one-fifth of that number, or 340, would try to avail themselves of the pension provided by the bill, making a total of officers and enlisted men as probable beneficiaries, 374.

Admitting, for sake of argument, the statements made by Mr. Bloomfield that there were 17,000 deaths in the Army during the war and that there were only 17,000 men in the Army at the close of the war, we fail to find in what manner he accounted for the other 275,791 enlistments during the war, as shown by official statistics.

Estimating that by that number only 150,000 individual persons are represented, and that three-fourths of that number rendered during different periods of the war the requisite nine months' service under the act, there were left sight of, in this so-called estimate, 112,500 soldiers. Following up Mr. Bloomfield's calculation, 11,250 of that number would have been alive at the date of his speech, and 2,324 would have been the number of expected applicants instead of 374. But were his estimates in any particular based upon what could then even be deemed sufficient ground therefor? Only thirty-four years had elapsed since the close of that war.

Presuming that the total individual enlistments were only 165,000, and that 17,000 died during the war, 148,000 survived the same. According to Mr. Bloomfield's statements, one-tenth only of the survivors were supposed to be then living. Instead of 2,040, as he would make us believe, there would have been 14,800. But that he estimated the losses by death at an entirely too high and unwarrantable rate is self-evident. No recognized mortality tables warrant such an extraordinary calculation. If the mortality among the 148,000 presumed survivors reached 12 per thousand annually for the first twenty years, we find 112,480 survivors in the year 1803, and 20 per thousand for the remaining fourteen years, 80,994 would have been the number of survivors in the year of Mr. Bloomfield's remarkable estimate of 374. This estimate is in keeping with recognized authorities on the subject, and borne out by the fact that, as heretofore stated, 22,297 of the soldiers of that war presented themselves before the courts of their respective counties under the act of 1818, 1,200 under the act of 1828, and 39,208 more under the act of 1832.

This committee does not desire to question Mr. Bloomfield's honesty of purpose in his explanation of the cost of his bill. He evidently had overlooked the fact that the bill would benefit a large number of ex-soldiers whose term of service had expired before peace was declared. Again, the facilities for making estimates in a matter, under the most favorable circumstances, necessarily involved in more or less doubt, were not of the character afforded the legislator of to-day. The country was in its infancy. The stage-coach was the only means of travel, the post the only means of communication. Either was expensive and tedious, and little calculated to promote intercourse and communication with persons living in remote places or any considerable distance. Soldiers' reunions of to-day would have been an impossibility, while 4th of July gatherings, to which Mr. Bloomfield referred, were necessarily limited to those who lived within a distance of a few miles.

The young soldier of the Revolution who left his home in the East to seek his fortune in the then hardly known western part of the country, was soon lost sight of by his former comrades. This undoubtedly was the case with thousands. To-day the railroad, the telegraph, and the cheap mail reach nearly every neighborhood throughout the entire United States, affording facilities for intercourse and communication, not only cheap but rapid. The New England soldier who since the close of the late war has settled in the far West is enabled to attend the reunion of his old regiment in his native town without much expense or loss of time. The present whereabouts of nearly all the survivors of the war of the rebellion are known to the Government.

Without any desire to discuss the relative distinctiveness of the act of 1818 and the bill under consideration, it is evident that the former was not subjected to that strict interpretation that pension laws at this date receive at the hands of the proper authorities, or would have been subjected to had the power to determine the merits of each individual case been placed in the Government instead of the local court officers. It is true that under the provisions of the act of 1818 claimants were not required to prove "total inability to procure their subsistence by daily labor" in addition to their dependence upon such labor for their support, but that, even under the more liberal provisions of that act, many, through favoritism, by misrepresentations and other disreputable devices, were adjudged indigent there can be doubt, for it is hardly possible that one out of every four of the survivors, "by reason of his reduced circumstances in life," needed the assistance of his country for support at an average age of fifty-five years.

The committee have after long and patient labor exhausted every means at their command to ascertain the probable number who would be beneficiaries under the second section of this bill. General J. C. Black, Commissioner of Pensions, last year, with great care and labor, made a special effort to learn the exact number of persons who had at any time been in the military service of the United States and who are now supported wholly or in part by public charity. For this purpose he caused carefully prepared blanks to be sent to every county in the nation. Reports were received from thirty-six States and seven Territories, including the District of Columbia. These reports he has fully and carefully tabulated, and from the data thus secured he concludes that the total number of soldiers now in the poor-houses and other charitable institutions, not including the soldiers' homes maintained by the General Government, can not exceed 9,000.

This includes some who have served in the regular Army in time of peace, and who would not therefore be entitled to any of the benefits of this act. Your committee are of the opinion that this number constitutes at least one-third of those who would be placed upon the pension-roll under the provisions of this bill, and this opinion is strengthened by a careful and elaborate examination of reports of the Commissioner of Pensions for several years past, and a careful comparison of tables submitted in such reports. But to guard against any possibility of underestimating, they have placed the number at three times that given by the Commissioner, making the total number 27,000, the annual cost of which would be about $4,000,000, allowing the full pension to all. But the statistics obtained show that of the 9,000 so estimated to be dependent 1,200 are now receiving pensions of some amount, and 1,800 are reported insane or blind. It is highly probable that many are now receiving the full amount allowed by this measure.

It is proper to add in this connection that the amount of pensions paid under the pension laws, except where the rate is fixed for a specific disability, depends to a considerable extent upon the report made by the examining boards of surgeons and the decisions of the medical referees of the Pension Office, and also upon the construction given by the Commissioner of Pensions. If the benefits of this act are restricted to a total inability to procure a subsistence by daily labor, your committee are confident the amount required would not exceed the estimate herein made. It is true that "cost should not be set against a patriotic duty or the recognition of a right." The duty to provide for those soldiers now in want, or who are either inmates of our almshouses, or who are cared for by private beneficence, seems to be clear and indisputable. No consideration of probable cost should be allowed to come between them and the relief which they are entitled to receive from a country which they have helped to save.

The cost as estimated by your committee was not excessive, and was well within the means of the Government. But if it should happen that the cost should be largely increased by addition to the list of many more than was estimated, the country is well able to care for them. The system of taxation which has existed since the war, and which Congress has manifested no disposition to interfere with, produces a revenue far beyond that which is necessary to carry on the Government economically administered. This surplus is constantly on the increase, and is a standing temptation for every kind of device to again get it into circulation among the people. This committee has nothing to say as to the immediate necessity for fortifying our harbors and coasts, nor as to the amount of expenditure requisite for such an undertaking, nor have they any special fault to find with the erection of public buildings whenever the public convenience require them, nor yet do they criticise the large amounts annually expended in the improvement of the rivers and harbors of the country.

But it is a patent fact that no such schemes would be entertained in many instances, nor such large amounts expended in these directions were it not for the large and constantly increasing surplus in the Treasury—a surplus which there will be no way of returning to circulation among the people after the payment of the 3 per cent. bonds, now nearly completed, and before the maturity of the bonds becoming due in 1891, except by appropriations for some purpose. Dismissing the question whether a pension is a gratuity, which the President in a former message says it is not, and accepting his definition in his present message that it is a charity, and not considering it necessary to present purposes exactly to define whether a pension is a gratuity or a charity, or simply an expression of gratitude from the people to those who have in times past been their defenders, and reducing the whole question to one of money expediency, it seems to your committee that this surplus will be best restored to them in the manner proposed by this bill.

No bonded interest or huge monopolies can claim it as their own, and share it among themselves according to the strength of their "combine." It will go among the people in small amounts and will be spent in their midst. It will be returned directly to those from whom it largely came. Your committee has thus far failed to receive any expressions of disapproval of this bill from soldiers or army organizations; on the contrary they heartily approve of it, as indeed they should, for it was framed at their instance and in accordance with the necessities of cases constantly brought to the notice of this committee and claiming their attention. So far as they have been able to gather public sentiment on this question, the opposition to the bill seems to be strongest in moneyed centers in which all water which does not turn their mills is considered as worse than wasted.

Your committee has no means of ascertaining what bonded indebtedness is still "resting on a great majority of northern counties and cities on account of the large local bounties paid our soldiers." So far as the knowledge of their own districts goes, this indebtedness has been paid long since. No motives of patriotism were concerned in the creation of this debt. A draft was imminent, which would have swept into the army the rich and poor, without drawing any nice distinctions of any character whatever. The counties, townships, and the cities, therefore, decided for themselves, and on their own motion, that they would prefer to pay bounties and raise their quota rather than have their citizens subjected to the drag-net of the draft. If any counties, townships, or cities are yet oppressed by the debts erected in this way, it is because the aversion of their citizens to military service was so great that they were willing and anxious to pay extraordinary bounties to those who were willing to go in their places.

It was a bargain all around, and neither party to it is entitled to any special sympathy or consideration. It is undoubtedly a "source of pride and congratulation to the American citizen that his country is not put to the charge of maintaining a large standing army in times of peace," and it is also to be regretted "that we are now living under a war tax which has been tolerated in peaceful times to meet the obligations incurred in war." Your committee regret that they are not able to suggest a way of escape from the expenses incurred in the prosecution of war. An army is not a necessity in times of peace, and the expense of maintaining one can be dispensed with, but to carry on a war with any degree of success an army is necessary, and all the unusual expense consequent upon its equipment and support must be incurred, to be paid for when peace and prosperity are again restored. The era of universal peace not yet having arrived, we must continue to fight first and pay afterwards.

Your committee has no desire to discuss all the points alluded to in the message of the President, but they feel constrained to allude to that portion of a former message in which he says: "I can not rid myself of the conviction that if these ex-soldiers are to be relieved, they and their cause are entitled to the benefit of an enactment under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, and not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy, or the tender mercies of social and political influence with their unjust discriminations."

The experience of your committee has brought them into hearty accord with these views of the President, and largely in accordance with his suggestions they framed a bill which they then thought, and still continue to think, will best accomplish the ends proposed. They are of the opinion that the bill, if inter-

preted by the officers of the Pension Bureau, or by any one in sympathy with its object, will fully meet the case. They are also equally well aware that to those who are opposed to pension legislation no bill, however framed, can escape misconstruction and misinterpretation.

The President says:

"Recent personal observation and experience constrain me to refer to another result which will inevitably follow the passage of this bill. It is sad but nevertheless true, that already in the matter of procuring pensions there exists a widespread disregard of truth and good faith, stimulated by those who as agents undertake to establish claims for pensions, heedlessly entered upon by the expectant beneficiary, and encouraged or at least not condemned by those unwilling to obstruct a neighbor's plans."

Your committee do not share in the opinion that "there exists a widespread disregard of truth and good faith" in the prosecution of pension claims. Nor do we believe that the ex-soldiers of the country are prone to commit fraud, perjury, and subornation of perjury for that purpose or for any other. If, however, such be the fact, it does not appear to be productive of result in the successful issue of fraudulent claims in any appreciable degree.

The late Commissioner of Pensions, Hon. W. W. Dudley, in an annual report, says that with the most searching investigation of all cases of suspected fraud the result showed that in the number of allowed claims one-tenth of 1 per cent., or one in each thousand only, of allowed cases were fraudulent. With the present large force of special examiners in the field, charged with the duty of reporting to the office any evidence, even of a hearsay character, that tends to show a claim to be fraudulent, the opportunity to procure a fraudulent pension, or to enjoy one after it is procured, seems to be reduced to the minimum.

No pension attorney or other claim agent has ever advocated this bill before this committee or spoken in its favor to a single member thereof. Indeed, the paltry fee of $5 allowed for the prosecution of claims under it offers no inducement to them. They prefer to confine their business to the more profitable channel of $25 fees now allowed under the general law; and for that reason would rather not see this bill become a law. This is the free-will offering of the committee to the soldiers of the country, uninfluenced in any degree by claim agents, and brought about by the needs of those it proposes to benefit, as we have been brought to know them. It is not claimed that it goes as far as very many desired it should go, but it is at least a good start in the right direction.

In conclusion we submit that the general tone of the message is to be fairly taken as an expression in advance of a purpose to use the Executive power to prevent any further legislation that will add any new class to our pension-list, or that will materially increase the cost thereof, and based upon the idea that the country is against it.

We are aware that there is a sentiment of that kind, but insist that it is not a controlling one. We are loth to believe that the people of this country are willing to allow the defenders of the nation's honor and life to live in their declining years in misery and want, and that they would prefer that those who make their laws should err upon the side of mercy rather than upon the side of a too rigid economy in the expenditure of the public money in that direction, and if more taxes, or even a different kind of taxes, are necessary to meet this demand it would be cheerfully paid by the people.

Holding fast to these views of our duties as legislators, and with a cheerful willingness to answer here and elsewhere for the results of honest labors to relieve the indigent soldiers of our common country in every section of it, coming as they do from many wars in which we have been engaged, and with every confidence of a right verdict upon the whole matter, we submit our bill again for the judgment of the House, and ask for it the most rigid criticism, believing it will tend to strengthen rather than to weaken it. We recommend, without a dissenting voice in this committee, that the bill do pass notwithstanding the objections of the President.

At several points in the reading and at the conclusion of the report there were applause and laughter on the Republican side.

Mr. MATSON. Mr. Speaker, I now ask unanimous consent that the further consideration of this matter be postponed until Thursday next.

Mr. BRAGG. I object.

Mr. MATSON. Then I move that the further consideration of the bill be postponed until Thursday next, and in connection with that motion I give notice that I will call it up on that day after the reading of the Journal.

Mr. BRAGG. On that motion I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. My point is that this is a privileged matter, and that its consideration having been entered upon it can not be suspended until the matter is disposed of.

The SPEAKER. The Chair thinks the House has always the power to suspend the further consideration of a matter pending before it, whether privileged or not.

Mr. BRAGG. Then I hope the motion will be voted down.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. MATSON] that the further consideration of the bill and report be postponed until Thursday next.

Several MEMBERS. That is right.

Mr. MORRILL. That is the unanimous wish of the committee.

The question was taken; and there were—ayes 131, noes 21.

Mr. BRAGG. That is not a quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Indiana [Mr. MATSON] and the gentleman from Wisconsin [Mr. BRAGG].

Mr. JACKSON. I ask for the yeas and nays.

Several members called for the yeas and nays.

Mr. BRAGG. Mr. Speaker, I do not desire to raise the point of "no quorum" if I can be permitted to make a brief statement to the House. [Cries of "Regular order!"]

Mr. BURROWS. I object to debate.

The SPEAKER. The yeas and nays are demanded. As many as are in favor of ordering the yeas and nays will say "ay."

Mr. JACKSON. I withdraw the demand for the yeas and nays.

Mr. GIBSON, of West Virginia. I renew it.

The question was taken; and the yeas and nays were refused, only three members voting in favor thereof.

Mr. BRAGG. I do not desire to press the point of order, Mr. Speaker, but I did not know but the House would give me an opportunity to say a word. I simply wanted to say that I was one of two Northern Democrats who voted against this bill when it was before the House for consideration, but I had no opportunity then to speak upon the bill, and it is manifest that I am to have no opportunity to speak upon it now.

REDEMPTION OF TRADE-DOLLARS.

The SPEAKER. The Chair wishes to announce the appointment of the gentleman from South Carolina [Mr. HEMPHILL] as a conferee on the part of the House upon the disagreeing votes of the two Houses on the bill (S. 199) known as the trade-dollar bill, in the place of the gentleman from Pennsylvania [Mr. SCOTT], who is absent.

REPEAL OF PRE-EMPTION AND TIMBER-CULTURE LAWS, ETC.

Mr. COBB. I send to the desk a report from a committee on conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7887) to repeal all laws providing for pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands, and for other purposes, having met, after full and free conference have been unable to agree.

THOMAS R. COBB,
W. J. STONE,
H. B. STRAIT,
Managers on the part of the House.

J. N. DOLPH,
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. COBB withholds his remarks for revision. [See Appendix.]

Mr. RANDALL. I want to submit to the gentleman from Indiana, we are in this situation: If I had known at the time this matter was taken up it would have occupied the floor so long, I would have raised against it the question of consideration.

Mr. COBB. You occupy the same position toward this matter that I did toward my colleague from Indiana [Mr. MATSON], for if I had thought he would have taken up so much time with his report I would not have yielded to him, but have insisted upon going on with my own matter.

Mr. RANDALL. The gentleman's colleague from Indiana [Mr. MATSON] brought to the attention of the House a constitutional question. On this I can raise the question of consideration as between the sundry civil appropriation bill and the conference report.

Mr. ANDERSON, of Kansas. Let us postpone this until after the sundry civil bill has been disposed of.

Mr. PETERS. We have entered upon the matter now and let us finish it.

The SPEAKER *pro tempore*. Does the gentleman from Indiana yield the floor?

Mr. STRAIT. Permit me a moment. You do not wish to mislead the gentleman from Illinois [Mr. ADAMS]. He asked some questions in relation to the first section of the bill. The Senate conferees, I understand, agreed to yield the first section entirely except that part referring to repeal.

Mr. COBB. I do not so understand it. I understood it was conditional.

Mr. STRAIT. No.

Mr. COBB. That is my understanding. It is not a matter of importance, because the condition on which they agreed to yield it was the adoption of the eighth section, which I do not agree to.

Mr. STRAIT. No.

Mr. COBB. How much time have I left?

The SPEAKER *pro tempore*. Twenty minutes.

Mr. COBB. At this point, as I have been interrupted through the pathway of my remarks, I will yield the floor and reserve the balance of my time.

Mr. PERKINS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PERKINS. I rise for the purpose of inquiring when it will be in order to move to recede from our disagreement to the Senate amendments and accept the same with an amendment.

Mr. RANDALL. I desire to move to postpone this matter until after the sundry civil appropriation bill has been disposed of.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Indiana has yielded to the gentleman from Missouri [Mr. STONE].

Mr. PERKINS. No; the gentleman from Indiana has yielded the floor, reserving the remainder of his time.

Mr. RANDALL. I have moved that this matter go over until after the sundry civil bill has been disposed of, and I ask for a vote on that motion.

The House divided; and there were—ayes 71, noes 31.

Mr. STRAIT. No quorum.

The SPEAKER *pro tempore* appointed as tellers Mr. RANDALL and Mr. STRAIT.

Mr. PERKINS. Perhaps we can make some agreement in regard to this matter. How much time will the sundry civil bill take?

Mr. RANDALL. I am not able to answer.

Mr. PERKINS. Will it take more than half an hour?

Mr. RANDALL. We may get it through in an hour.

Mr. STRAIT. Postpone it until Tuesday next after the reading of the Journal, and I will consent.

Mr. COBB. I can not do that.

Mr. PERKINS. Is it not in order to ask that this matter may go over until Tuesday next?

Mr. STORM. Tuesday next has been fixed for the delivery of obituaries.

Mr. PERKINS. Then say Wednesday, immediately after the reading of the Journal and after the call of committees, this matter shall be taken up by unanimous consent, and not to be antagonized by appropriation bills.

Mr. DINGLEY. I wish to state to the gentleman that on Wednesday next it is the intention to call up a privileged matter relating to the fisheries

Mr. PERKINS. I ask then that this matter be postponed until Wednesday, not to be antagonized by appropriation bills. We will take our chances between this and the fisheries question.

Mr. HOLMAN. I hope the gentleman will limit the time to two hours on this matter.

Mr. PERKINS. The other side has already taken up forty minutes, and we should have on this side at least an hour and a half.

Mr. HOLMAN. I hope no more than two hours will be taken.

Mr. COBB. I object.

The House again divided; and the tellers reported—ayes 119, noes 44.

So the House decided to take up for consideration the sundry civil appropriation bill.

Mr. RANDALL. I move the House resolve itself into the Committee of the Whole House on the state of the Union.

FILING OF REPORTS.

Mr. PEEL. I ask for unanimous consent that gentlemen having reports to submit this morning may be permitted to file them with the Clerk.

There was no objection, and it was ordered accordingly.

Under the leave granted the following reports were filed:

TOWN-SITE OF WALLACE, KANS.

On motion of Mr. BRAGG, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 2837) relative to the location of the town-site of Wallace, Kans.; and the same was referred to the Committee on War Claims.

RIGHT OF WAY THROUGH FORT HAYS MILITARY RESERVATION.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (S. 3023) to authorize the Kansas, Texas and Southwestern Railway Company to build its road across the Fort Hays military reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE OVER TENNESSEE RIVER.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (H. R. 11103) authorizing the construction of a bridge over the Tennessee River at or near the foot of the Mussel Shoals Canal, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS TOMBIGBEE RIVER.

Mr. CRISP, from the Committee on Commerce, also reported back favorably the bill (H. R. 11061) to authorize the Tombigbee Railroad Company to construct a bridge across the Tombigbee River at or near Columbus, Miss.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE CLAIMS AGAINST THE UNITED STATES.

Mr. GEDDES, from the Committee on War Claims, also reported back with amendment the bill (H. R. 11130) relating to private claims or demands against the United States; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORT HALL RESERVATION.

Mr. HAILEY, from the Committee on Indian Affairs, reported back favorably the bill (S. 2789) to authorize the Secretary of the Interior to negotiate with the Shoshone and Bannock tribes of Indians for the relinquishment of their title to so much of the lands of the Fort Hall reservation, in Idaho Territory, as is required for the uses and purposes of the Utah and Northern Railway Company and the Oregon Short-Line Railway Company, either separately or conjointly; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH CROW INDIAN RESERVATION.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back favorably the bill (S. 2778) granting to the Billings, Clark's Fork and Cooke City Railroad Company the right of way through the Crow Indian reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHTS OF WAY THROUGH CŒUR D'ALENE INDIAN RESERVATION.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back favorably the bill (S. 3026) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back favorably the bill (S. 3041) granting to the Spokane and Palouse Railway Company the right of way through the Cœur d'Alene Indian reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH UNCOMPAHGRE AND UINTAH RESERVATION.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back favorably the bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF LOCATION OF INDIAN SCHOOL.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back favorably the bill (S. 2855) to authorize a change of location of an Indian school building in Washington Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RIGHTS OF WAY THROUGH YANKTON INDIAN RESERVATION.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back the bill (H. R. 10355) granting the right of way to the Yankton and Missouri Valley Railroad Company through the Yankton Indian reservation in Dakota; which was laid upon the table.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back the bill (H. R. 11204) granting the right of way to the Yankton and Missouri Valley Railroad Company through the Yankton Indian reservation in Dakota; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

YAKAMA RESERVATION.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back adversely the bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EQUALIZATION OF PAY OF GRADUATES OF THE NAVAL ACADEMY.

Mr. THOMAS, of Illinois, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 340) to equalize the pay of graduates of the Naval Academy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REGULATING THE PAY OF GRADUATES OF NAVAL ACADEMY.

Mr. THOMAS, of Illinois, from the Committee on Naval Affairs, also reported back adversely the bill (S. 882) to equalize the pay of graduates of the Naval Academy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SWORD OF CAPT. SAMUEL CHESTER REID.

Mr. THOMAS, of Illinois, from the Committee on Naval Affairs, also reported back favorably the joint resolution (S. R. 109) authorizing the President of the United States to accept in behalf of the United States the sword of Capt. Samuel Chester Reid, tendered as a gift by his son Samuel C. Reid; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 228) for the relief of James Roach;

A bill (H. R. 1173) to correct the record of Capt. Edmond G. Fechét;

A bill (H. R. 1741) for the relief of William E. Bond;

A bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased;

A bill (H. R. 2998) granting a pension to Henry Mericle;
A bill (H. R. 5345) for the relief of Mary J. Gilbert;
A bill (H. R. 6027) granting a pension to William McFadden;
A bill (H. R. 6312) for the relief of James M. Grigsby;
A bill (H. R. 6952) granting a pension to Charles Riddle;
A bill (H. R. 7310) granting a pension to Mrs. Arlanta T. Taylor;
A bill (H. R. 8485) granting a pension to Isaac Askie;
A bill (H. R. 8597) for the relief of Henry Neal;
A bill (H. R. 9119) granting a pension to Robert Potts;
A bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Fort Whipple military reservation, in Arizona;
A bill (H. R. 9486) to correct the military record of Capt. James H. Bone, and for other purposes;
A bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade military reservation; and
A bill (H. R. 10353) for the relief of Andrew J. Edgerly.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War;
A bill (S. 2519) granting an increase of pension to Richard B. Rians;
A bill (H. R. 2646) granting to the Kanawha and Ohio Railroad Company the right to lay its track through United States lock and dam property in the Great Kanawha Valley, State of West Virginia;
A bill (H. R. 5289) affirming the action of the President of the United States in annulling and revoking an order dismissing Martin H. McChesney from service in the armies of the United States, and honorably discharging said McChesney from said service;
A bill (H. R. 6538) to define the boundaries of the collection districts of Miami and Sandusky, in the State of Ohio;
A bill (H. R. 7819) to establish the order of promotion in the Medical Department of the Army;
A bill (H. R. 7996) for the relief of William J. Mulvey;
A bill (H. R. 8030) to authorize the Secretary of War to credit the Territory of Dakota with certain sums for ordnance and ordnance stores issued to said Territory, and for other purposes;
A bill (H. R. 10473) granting a pension to William Reddick;
A bill (H. R. 10795) granting a pension to Elenor C. Ransom; and
A bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

ORDER OF BUSINESS.

Mr. GROSVENOR. I rise to make a privileged motion.

Mr. SPRINGER. Before that I wish to give notice that on Monday next one of the bills reported by the Committee on War Claims to-day, that is the bill (H. R. 11130) relating to private claims and demands against the United States, will be taken up and a motion made to suspend the rules and pass it.

Mr. ANDERSON, of Kansas. What is the bill?

Mr. SPRINGER. It sends private claims to the Court of Claims for a judicial ascertainment of the facts. I ask unanimous consent that it be printed in the RECORD so that members will have the opportunity of reading it between now and Monday. The gentleman from Ohio [Mr. GEDDES], chairman of the Committee on War Claims, is authorized by his committee to move to suspend the rules on Monday next and pass the bill as amended by that committee. The bill was introduced by me on Monday last, and is printed in bill form, but I desire it to be printed also in the RECORD in order that members may have an opportunity to examine its provisions.

Mr. GROSVENOR. I call up the veto message of the President on the bill (H. R. 5394) granting a pension to Sally Ann Bradley.

Mr. RANDALL. On that I raise the question of consideration.

Mr. GROSVENOR. I do not desire to antagonize the appropriation bills; and therefore I ask unanimous consent that the further consideration of this bill be postponed until next Friday, at 2 o'clock in the afternoon.

A MEMBER. Regular order.

The SPEAKER *pro tempore*. The demand for the regular order is equivalent to an objection.

Mr. GROSVENOR. Then I call the bill up for present consideration.

Mr. RANDALL. And I raise the question of consideration.

Mr. GROSVENOR. On that I demand the yeas and nays.

Have I not a right, Mr. Speaker, to ask unanimous consent to postpone the consideration of this bill until next Friday?

Mr. RANDALL. I can not hear the gentleman.

Mr. GROSVENOR. I have merely asked to postpone the consideration of this bill until next Friday, so as not to interfere with the appropriation bill; and if anybody sees fit to object to that then, I shall demand the yeas and nays on the question of consideration.

Mr. SPRINGER. There is no objection to postponing it until next Friday.

Mr. GROSVENOR. That is just what I ask.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio?

Mr. GALLINGER. I object to next Friday, which is private bill day, being set apart for the consideration of this bill.

Mr. RANDALL. There is so much confusion in the Hall that it is impossible to hear what is going on.

The SPEAKER *pro tempore*. The gentleman from Ohio asks that the consideration of this veto message be postponed until next Friday.

Mr. RANDALL. I presume there will be no objection to that.

The SPEAKER *pro tempore*. Objection was made by the gentleman from New Hampshire [Mr. GALLINGER].

Mr. GROSVENOR. I will say to the gentleman from New Hampshire that this will not seriously interfere with the Private Calendar. It will not occupy over an hour.

Mr. GALLINGER. I do not withdraw the objection. That is private bill day.

Mr. GROSVENOR. This is a private bill.

Mr. RANDALL. I hope the gentleman from Ohio will not insist upon his demand for the yeas and nays, as I have not objected to his request.

Mr. GROSVENOR. I demanded the yeas and nays upon the idea that the objection came from the other side of the House. I now withdraw the demand, but will call the bill up next Friday morning at the earliest moment.

PROPOSED EVENING SESSION.

Mr. BUCHANAN. I desire to submit a privileged resolution to lie over under the rule. It is a resolution simply asking an evening session to consider business reported from the Committee of the Whole.

Mr. WARNER, of Ohio. Let us have the regular order.

The SPEAKER. This is the regular order.

The Clerk will report the resolution.

The resolution was read as follows:

Resolved, That Wednesday next, February 23, the House take a recess at 5 o'clock p. m. until 7.30 p. m., the evening session to be devoted solely to the consideration of bills reported favorably from the Committee of the Whole.

The resolution was referred to the Committee on Rules.

AMENDMENT OF THE RULES.

Mr. BAKER. I now call up the matter of privilege, which was the resolution offered by me on yesterday, and ask that it be referred to the Committee on Rules.

Mr. RANDALL. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RANDALL. I can not hear what the gentleman from New York calls up.

The SPEAKER. The gentleman from New York calls up the resolution presented by him on yesterday, and asks its reference to the Committee on Rules.

Mr. RANDALL. I object to calling it up; and make the point of order that that portion of it which relates to the rules takes it to the Committee on Rules without any motion.

Mr. BAKER. That is just what I ask.

The SPEAKER. It will go to the Committee on Rules.

Mr. BAKER. And have it considered as read.

The SPEAKER. It has gone to the committee.

Mr. RANDALL. I desire to submit the point whether on a notice like this any matter under these circumstances other than the resolution itself has the right to be printed in the RECORD.

The SPEAKER. The Chair is not advised of the existence of any positive rule or statute on the subject. Under the law the RECORD must contain the debates and proceedings of the House. The Chair will state, however, that only a part of the matter which was read from the Clerk's desk on yesterday had any privilege under the decisions heretofore made.

Mr. RANDALL. And on that point I maintain that that portion which relates to the amendment of the rule is alone privileged for reference.

Mr. BAKER. That is just what I ask to have referred.

Mr. RANDALL. And any matter extraneous, not privileged, not only does not go to the Committee, but the effect of presenting jointly that which is privileged and that which is not privileged destroys the privilege.

Mr. REED. It is too late to make that objection.

Mr. BAKER. The resolutions themselves are on the table, and I ask to have them referred.

The SPEAKER. The resolution has been referred to the Committee on Rules. But the point the gentleman from Pennsylvania [Mr. RANDALL] makes is that the preamble at least which preceded the resolution was not in order under the rule of the House and has no privilege. The Chair has had occasion to decide this question quite fre-

quently, not only during the present session, but during the last. For instance, the Committee on Printing has sometimes reported resolutions back to the House which provided not only for the printing of matter for the use of the House, which is privileged, but also for the printing of matter for the use of Departments which has no privilege; and the Chair has always in such cases held that a resolution containing these matters, one of which was privileged and the other was not privileged, went to the Calendar and did not come up for immediate consideration.

Now the point of order of the gentleman from Pennsylvania is that this matter which was not privileged under the rule, to wit, the preamble, should not have been printed in the RECORD. That the Chair can not dispose of, because it has been printed in the RECORD; and if any action is to be taken as to that it is for the House to do so.

Mr. RANDALL. I ask, in harmony with the suggestion of the Chair, that that matter be omitted from the RECORD.

The SPEAKER. The Chair has decided that question also heretofore, and has held that when matter has been printed in the RECORD the Chair has no right to direct it to be expunged; but the House has control over the RECORD, and can order matter to be inserted or omitted.

Mr. RANDALL. I move that that matter be expunged from the RECORD; and upon that motion I call the previous question.

The SPEAKER. The gentleman from Pennsylvania moves that the preamble of the resolution be omitted from the permanent RECORD, and upon motion demands the previous question.

Mr. REED. That is a part of our proceedings.

Mr HISCOCK. If the gentleman from Pennsylvania wants to get on with his sundry civil appropriation bill, I suggest to him that he had better withdraw that motion.

Mr. REED. We will ask the yeas and nays on this.

The SPEAKER. The demand is for the previous question, and debate is not in order. If the previous question shall be ordered fifteen minutes will be allowed for debate in support of the proposition, and fifteen minutes in opposition to it.

Mr. HISCOCK. I suppose it is permissible for the gentleman from New York [Mr. BAKER] to read the preamble and resolution as a part of his remarks.

The SPEAKER. That question is not presented to the Chair just now. The only question before the House is the demand for the previous question.

The question being taken, there were—ayes 75, noes 65.

So (further count not being called for) the previous question was ordered.

The SPEAKER. Under the rules of the House fifteen minutes are allowed in support of the proposition, and fifteen minutes against it.

Mr. BAKER. In order that the House may understand what is proposed to be expunged from the RECORD, I desire the Clerk to read the preamble and resolutions as part of my remarks.

The Clerk read as follows:

Whereas the Senate of the United States on the 5th day of February, 1886, passed the act entitled "An act to provide for the admission of Dakota into the Union and for the organization of the Territory of Lincoln," the favorable report upon which was submitted by Mr. Harrison from the Senate Committee on Territories January 11, 1886; and

Whereas the Democratic majority of the Committee on the Territories of the House, through Mr. SPRINGER, submitted on the 25th day of May, 1886, a report adverse to said Senate bill, in which it is claimed that said Territory does not possess the area, the population, nor the legal right to be admitted into the Union other than as one State, and concluding with the further statement: "Your committee are therefore of the opinion that the people of the southern half of Dakota are not entitled to admission into the Union on an equal footing with the original States, and therefore recommend that the Senate bill admitting the proposed State into the Union and organizing a Territorial government for the northern half of that Territory should not pass;" and

Whereas the Republican minority of said committee united in a report, dissenting from the conclusions of the majority and advised the immediate admission of Dakota into the Union, under the aforesaid Senate bill, which said minority report concludes with the following words: "We believe it is the constitutional right of the State of Dakota to be admitted under the bill which has come to this House from the Senate. It will be observed that the majority report has not one suggestion of relief for that great and growing State, only flat rejection, denial of the right of citizenship, and representation on the floor of Congress, refusal of the constitutional right to have guaranteed under them a republican form of government to the end that the 'Union' may be made more perfect, justice established, domestic tranquility insured, the common defense provided for, the general welfare promoted, and the blessings of liberty secured to them and their posterity in accordance with the corner-stone upon which our fathers builded the Federal Constitution in 1787. The undersigned in conclusion respectfully but earnestly urge the passage of the Senate bill No. 967 for the reasons stated, and that the State of Dakota be immediately admitted into the Union;" and

Whereas the population of the State of Dakota is upward of 263,465, and of the proposed Territory of Lincoln upward of 152,199, as appears by the census taken in the summer of 1885. While the area of the State is 77,000 square miles, and of the proposed new Territory is about 73,000 square miles, and at the present time the population of said State and proposed Territory is believed to have nearly doubled since the census of 1885; and

Whereas the Senate, on the 10th day of April, 1886, passed the act favorably reported by its Committee on Territories, January 25, 1886, an act entitled "An act to provide for the formation and admission into the Union of the State of Washington, and for other purposes," which proposed State, including its mountain area in lands, waters, and that portion of Idaho embraced within the same, has an area of about 90,000 square miles, and an estimated population of 176,069; and

Whereas the House Committee on the Territories on the 20th of January, 1887, reported favorably upon said bill but so amended as to provide for the admission of the State of Montana, with an area including her mountain ranges and inland waters of 146,080 square miles and an estimated population of 151,472; and

Whereas the said State of Dakota, and said proposed States of Washington and Montana, respectively urge and demand recognition and admission into the Union, without unnecessary delay: Therefore,

Resolved, That under our system of Government the right of local self-government with the right to participate in the government of the whole country should be granted to all the citizens of the Territories as soon as consistent with the public morals and the material welfare, and this House recognizes and acknowledges its duty to accord a prompt, full, and fair consideration of the claims of Dakota, Washington, and Montana to be admitted into the Union under the pending or other appropriate legislation; and to that end,

Resolved, That on Thursday, the 24th day of February, 1887, immediately after reading the Journal, the said pending bills for the admission of Dakota, Washington, and Montana shall be considered in the House as if in Committee of the Whole in the order named, and such consideration shall be continued until a vote upon the passage thereof, respectively, shall be had, and inasmuch as under the rulings of the Speaker the foregoing resolutions must be referred to the Committee on Rules for consideration and report, it is further

Resolved, That the Committee on Rules be, and they are hereby, directed to report back said resolutions within two days with their recommendations to the House.

Mr. BAKER. The minority of the Committee on Territories felt it their duty to themselves and to the country and to the interests involved in these bills that they should make one good and honest effort for their consideration by this Congress at this session, and for that purpose with a preamble simply stating the facts, which appear by the record, have offered these privileged resolutions in order that a day might be fixed for the consideration of those bills. It is with no purpose to delay the business of the House that these resolutions are offered. The object is to expedite it.

The people of Dakota elect and send to this House a Delegate by a majority greater than the entire vote for the entire delegation from Georgia, and yet our friends from Georgia object to the consideration of a bill which is intended to give those people a representative on this floor. These bills have been reported; they are on the Calendar; they are entitled to consideration; and the sole purpose of these resolutions is to enable the Committee on Rules to designate a time when they may be considered. I reserve the balance of my time.

Mr. RANDALL. It is far from my purpose to abridge in any particular the right of fair and free speech on this floor. I have made the motion I submitted, and I have accomplished the object I had in view, and that was to have a ruling whether a member, even in respectful language, can by indirection inject that which is not privileged under the statement that he rose for a privileged motion.

I wanted also to have it settled and have a decision of the House, which should furnish a precedent, that the RECORD should not be made the vehicle, under a misconception of the rules, of matter introduced as an alleged privileged question which is not in fact a privileged question; and I have felt the more inclined to make the point at this time in view of what occurred at the close of the last session, when the same gentleman [Mr. BAKER] made a like effort in another direction.

Now, what I desire is that the House by its vote to-day shall say that matter can not secure a hearing through the columns of the RECORD in that way. I have no feeling about it. I am perfectly satisfied that what the gentleman wanted to state should go, as it has now gone, into the RECORD in a legitimate way under the rules. I reserve the remainder of my time.

Mr. BAKER. I yield five minutes of my time to the gentleman from Maine.

Mr. REED. I am not sure, Mr. Speaker, that I remember exactly how this matter was presented in the House, but I think it was without any objection on the part of anybody until it had been partially read. If I recollect the proper method of procedure as we used to have it frequently in other Congresses, it was to make objection early and then have the matter submitted to the Speaker for his judgment. Had the gentleman from Pennsylvania [Mr. RANDALL] pursued that course and called the Speaker's attention to the last part of the resolutions, I have no doubt that the Speaker would have ruled as he has intimated this morning; but if the matter is before the House now, it is before it through the laches of the gentleman from Pennsylvania [Mr. RANDALL] and other gentlemen who now make objection.

Mr. RANDALL. Will the gentleman allow me to say a word?

Mr. REED. Certainly.

Mr. RANDALL. I did not know the character of the paper that was presented until it had been read, and I accepted the statement of the gentleman presenting it that it was a matter of privilege.

Mr. REED. But when the gentleman discovered what the character of the paper was, the proper course of procedure would have been for him, having examined the matter, to have called the Speaker's attention to it and pointed out why it was not a matter of privilege.

For my part, while I agree that it is quite possible that this might have been ruled out, I confess that I have a great deal of sympathy with the effort made to get before this House and before the country, the great fact that a large portion of our population, of the most enterprising character, who are extending our empire in the West, have been, by the action of this House with 40 Democratic majority, prevented from having a hearing, prevented from being admitted into the Union of States; prevented from that local self-government which every well-regulated community has a right to have under our system; and above all—for I state at once cause and effect—prevented from participating

in the election of a President of the United States at the next election.

I believe that is a matter which ought to be brought to the attention of the country, and I hope that notice may be taken of the fact that these great Territories, in their efforts to become States, have been smothered in this House with its Democratic majority of 40. And I believe that the people of the United States, and that history will take notice not only of the fact, but of the plain and evident motive which caused that fact to exist. Denied the right of self-government, denied the privilege of voting at the next Presidental election—I say that such things as that will make themselves heard in some way or other, and even the skilled ingenuity of the gentleman from Pennsylvania [Mr. RANDALL] will not be able to entirely silence popular expression and popular indignation. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. BAKER. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has two minutes remaining.

Mr. BAKER. I reserve it.

Mr. RANDALL. I now yield four minutes to the gentleman from Georgia [Mr. HAMMOND.]

Mr. HAMMOND. Mr. Speaker, I do not desire, in anything that I say, to go away from the question under debate. The mere fact that the gentleman from Maine [Mr. REED] has been allowed, out of order, to put in a political speech, shows the wrong of this whole proceeding.

Let us see what is the real situation. On yesterday the gentleman from New York [Mr. BAKER] arose and made this announcement: "I desire to present a privileged resolution, and after it is read I will ask unanimous consent that the last portion of the resolution be immediately considered." The gentleman from Pennsylvania [Mr. RANDALL] interposed saying: "I desire to reach the consideration of the amendments to the sundry civil appropriation bill." Mr. BAKER replied: "Under the rule, the resolution I present must go to the Committee on Rules if the House refuses to adopt the last resolution, which requires the committee to report back the resolution in two days."

Now a portion of the resolution was read because that gentleman in his capacity as a Representative had stated that he was presenting a privileged matter. As soon as enough of it had been read to show that he was not presenting a privileged matter, it was objected to by an inquiry as to whether he could, under the cover of privilege, inject into the proceedings a stump speech by way of preamble to the resolution. The Chair finally held that if the reading was objected to the question must be decided by a vote; and the House voted that the paper should not be read. Thus the House, in as solemn a method as it could command at that time, put its condemnation upon the procedure. That part which had been read appeared in the RECORD. The motion is made this morning—the simple, plain, business motion—to take out of the RECORD that which properly could never have been in it. In discussing the question the gentleman from New York [Mr. BAKER] proceeds, amidst the laughter and applause of the other side, to force into the RECORD the residue of the paper as his remarks. As no words that I know in the English language could make proper condemnation of such conduct stronger than the statement of the fact, I am satisfied to leave the matter there.

Mr. RANDALL. Now, let the other side proceed. I propose that we alternate on this question.

Mr. BAKER. We have the closing of the discussion, and I have reserved my time.

The SPEAKER. There is no rule fixing the order of debate. The gentleman from Pennsylvania made the motion.

Mr. BAKER. I have agreed to yield the residue of my time to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, the motion pending before the House is to expunge from the RECORD certain matter as having been improperly injected into it. The matter complained of is the preamble to a certain resolution; and the motion, as I understand, is to strike that out as being improperly a part of the RECORD. Now, what is the matter complained of? It is a preamble, or matter of inducement, to a certain resolution setting apart a definite time for the consideration of certain important legislation. It is not complained, as I understand, that this preamble is disrespectful to the House or is untrue in fact. It contains certain recitals which are entirely pertinent to the resolution, which are material with reference to the importance of the consideration of the question, and which are proper matter of inducement to the resolution. It has already been ruled by the Chair that the resolution itself was privileged; and the only question now before us is whether the inducement or the preamble to the resolution is of such a character as to exclude it from the privilege.

Now, what is the preamble which it is sought to strike out? It recites certain official reports of the Senate and of the House; and the only thing in it which can be complained of—the only thing in it, I apprehend, that induces the complaint—is its recital that certain action has been taken by the "Democratic majority" of this House and certain other action by the "Republican minority." I think if the two words "Democratic" and "Republican" had been omitted—in other words, if reference had been made simply to the majority and the minority we would have had no motion here to expunge. It is simply the truth of the record that is complained of and the fact that it fixes the responsibility where it belongs—upon the Democratic majority of this House, for the exclusion of half a million of the most intelligent, the most enlightened, and the best people in the United States from participation in their own Government. That is the cause of the complaint.

[Here the hammer fell.]

Mr. RANDALL. I now yield all my time except one minute to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I yield three minutes to the gentleman from Ohio [Mr. HILL].

Mr. HILL. Mr. Speaker, in reply to the statement of the distinguished gentleman from Maine [Mr. REED] that there has been an attempt on the part of the Democratic majority of this House to ignore the rights of half a million of people in Dakota, I simply wish to say, and the record bears me out when I say it, that at no time during this session of Congress have the people of Dakota ever asked for admission into this Union. The only time when that people ever did ask for admission into the Union and present petitions for it was during the Forty-seventh Congress; and then a distinguished Senator from the gentleman's own State denounced them as repudiators and unworthy of participation in the Government as a part of the body politic. [Applause.] And he voted to recommit a bill which had been presented by a Senator from Nebraska to admit Dakota into the Union; and by his influence and with his vote, the bill was recommitted; and there it slept during the remainder of that Congress.

Now, what is the record on this question in the present Congress? A portion of the people of Dakota, less than one-third of the voters of that Territory, on their own motion, without any authority, without any act of their Legislature, assembled in mass meeting, got up a constitution and sent it here, asking that they and the people they represented be admitted, to the exclusion of all the remainder of the people of Dakota. The reports of the committees of this House show the facts in this case; and I hope for the credit of the Democratic party in this House and in order that all the facts may become known, we shall yet have a day or an evening to present this matter before the country, and then the people can judge upon whom the responsibility rests.

Now, I hope I shall have unanimous consent to have printed as an appendix to my remarks what occurred in the Senate of the United States on this subject during the Forty-seventh Congress. If objection is not made I will send to the desk what I have marked to be incorporated in my remarks. I have made this statement, Mr. Speaker, and it is all the statement I desire to make——

Mr. BAKER. Will the gentleman state the date of the discussion to which he has referred?

Mr. HILL. It was during the first session of the Forty-seventh Congress. I do not remember the exact date.

Mr. BRECKINRIDGE, of Kentucky. When both Houses of Congress were Republican.

Mr. HILL. When both Houses of Congress were under the control of the Republican party, when Keifer was Speaker of the House; the same Congress that reduced the tariff on wool, which the party then in the majority have denounced us for not putting it back. [Laughter.]

I ask unanimous consent to append to my remarks what I have already indicated.

Mr. REED. I object. [Laughter on the Democratic side and cries of "Regular order!"] I object and I want it to be understood I do it. [Laughter.]

Mr. HILL. I do not blame you for objecting. If I were in your place I would object too. [Laughter and applause.]

Mr. REED. If this House will give me five minutes I will satisfy them of the reason why. [Cries of "Regular order!" and great confusion.]

Mr. BAKER rose.

The SPEAKER. The Chair understands the gentleman from Pennsylvania has yielded to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, the Committee on the Territories, May 25, 1886, reported a bill (H. R. 8120) to enable the people of Dakota to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, which was referred to the Committee of the Whole House on the state of the Union and still remains there. They also reported back adversely bills of the following titles:

A bill (S. 967) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln.

A bill (H. R. 7377) to divide the Territory of Dakota and to establish the Territory of North Dakota.

A bill (H. R. 8472) dividing Dakota Territory, establishing the Territory of North Dakota, and providing a temporary government therefor.

As I have already stated the bill reported favorably was placed on the Calendar, and has not yet been reached for consideration. I desire to emphasize the fact stated by the chairman of the Committee on the Territories [Mr. HILL] that ever since the question was raised in the Forty-seventh Congress that Dakota be admitted as a State into the Union, the people of that Territory, so far as any expression on

their part is concerned, have been resisting such admission as a whole. The only effort which came to us backed by the citizens was an effort to divide the Territory and in favor of the admission of one part as a State, leaving the other part in a territorial condition.

Mr. STRUBLE. Is it not a fact they are resisting what you propose to do?

Mr. SPRINGER. What the Committee on Territories has proposed, and what I hope will be done, is to give an enabling act to the people of Dakota to be admitted as a whole.

Mr. STRUBLE. That they do not want.

Mr. SPRINGER. A portion of the people of Dakota insist they have the right on their own motion to divide themselves into two parts, and to provide for the admission, and have one part admitted into the Union as the State of Dakota, and for the other part to remain as a Territory. No precedent for that has ever been established in the history of this country. To allow it in the case of Dakota would be destructive of the whole system upon which our Federal Government has been formed.

At the utmost the most liberal count of the population in Dakota shows it has less than half a million of people. By the very latest census of the Territory it has no more than half a million population, and yet, Mr. Speaker, one-half of that number desire to be admitted into the Union as a State, with two Senators, to have the same voice in legislation, and to have the same voice in the election of the President that the 5,000,000 of population of the State of New York, or the 5,000,000 of population of the State of Pennsylvania, or the 3,000,000 of population of the State of Illinois now have.

Mr. BUCHANAN. Just as the little State of Delaware has.

Mr. REED. Or just as the 60,000 voters of Nevada have.

Mr. SPRINGER. Nevada was not our creation. Gentlemen can take that State for their model of what is to be done. But if Territories are permitted to divide themselves into various parts, and have their claims recognized to be admitted as States into the Union as States——

Mr. STRUBLE. Why have you not brought forward a proposition?

Mr. SPRINGER. The Committee on the Territories has reported what it believes to be a proper proposition, and as I have already stated it has been upon the Calendar of the Committee of the Whole House on the state of the Union since May of last year. Every effort to bring that proposition up for consideration has been resisted and voted against. Every member on that side of the House voted against reporting that bill, and now are resisting its passage. [Applause on the Democratic side.]

Mr. STRUBLE. It is the other side which resists the consideration of the question.

The SPEAKER. The gentleman's time has expired, and only one minute remains to the gentleman from Pennsylvania.

Mr. RANDALL. I desire that the House shall give some reflection to this matter disconnected from the subject which seems to be in controversy between the two sides. The naked question presented here is, Can a member of the House on either side, under such circumstances as these, secure the insertion in the CONGRESSIONAL RECORD of a document under a statement that he rises to present a privileged question, which is confessed on both sides now to be not privileged? That is the only point I desired to have presented and have considered; and I do not understand the gentleman from Maine [Mr. REED] to indorse the procedure as a fair working of the rules of this House. I now ask a vote.

The SPEAKER. The question is on agreeing to the motion to expunge from the RECORD what has been inserted of the paper which has been submitted by the gentleman from New York.

Mr. GIFFORD. I ask unanimous consent to be heard for five minutes on this proposition. I am a Delegate from Dakota, and hope that privilege will be accorded me.

Mr. MCMILLIN. I suppose if that is granted there will be no objection to the request of the gentleman from Ohio to print the remarks he asked leave to print a while ago.

Mr. STORM. I object unless that is done.

Mr. GIFFORD. Then I ask unanimous consent to print some remarks on this question.

Mr. STORM. I object unless the gentleman from Ohio is accorded the same privilege.

Mr. GIFFORD. Perhaps I am laboring under a misapprehension. I understood some gentlemen to object to my making remarks.

Mr. STORM. I do object unless the gentleman from Ohio is allowed to print what he has asked leave to print.

Mr. STRUBLE. That is another question entirely.

Mr. REED. I shall not permit any such performance as that.

The SPEAKER. The question is, Shall the preamble of the resolution, which has been in part printed, be expunged from the permanent edition of the RECORD?

The question was taken; and on a division there were—ayes 88, noes 83.

So the *motion to expunge* was agreed to.

Mr. BURROWS. Mr. Speaker, in view of the anxiety expressed by the gentleman from Illinois [Mr. SPRINGER] for the consideration of this matter, I ask unanimous consent that Tuesday next, after the reading of the Journal, be set aside for the consideration of this bill.

Mr. HAMMOND and others demanded the regular order.

The SPEAKER. The regular order is demanded.

Mr. BURROWS. By whom?

The SPEAKER. By a great number of gentlemen.

Mr. SPRINGER. I hope the order will be made. I would be glad to have it made.

Mr. BAKER. I wish to ask a question: Whether the resolutions have gone to the Committee on Rules?

The SPEAKER. That reference has been made.

Mr. BAKER. And they are not to consider the preamble?

THE TRADE-DOLLAR.

Mr. LANHAM. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 199) for the retirement and recoinage of the trade-dollar, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same amended to read as follows:

Strike out all after the enacting clause in sections 1 and 2 and insert:

"That for a period of six months after the passage of this act United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at the office of the Treasurer or any assistant treasurer of the United States in exchange for a like amount, dollar for dollar, of standard silver dollars or of subsidiary coins of the United States.

"SEC. 2. That the trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depositary of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard silver dollars or subsidiary coin, at the discretion of the Secretary of the Treasury: *Provided*, That the trade-dollars recoined under this act shall not be counted as part of the silver bullion required to be purchased and coined into standard dollars as required by the act of February 28, 1878."

And the Senate agree to the same.

That the House recede from its amendment numbered 2.

S. W. T. LANHAM,
JOHN J. HEMPHILL,
CHARLES N. FELTON,
Managers on the part of the House.

JOHN P. JONES,
JAMES B. BECK,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

Statement of committee of conference on Senate bill 199, for the retirement and recoinage of the trade-dollar.

The only changes made in the bill as amended by the House are to adopt the first section of the Senate bill and add thereto that trade-dollars may be received in exchange for subsidiary coins as well as standard dollars, and to limit the period of redemption to six months after the passage of the act.

To strike out section 2 of the House amendment, which after the first section of Senate bill as adopted would be a mere repetition thereof.

To retain section 3 of the House amendment and number the same "section 2," and also to strike out the words "recoinage of," in section 3.

To retain section 3 of Senate bill.

The only substantial change made is to the effect that trade-dollars can only be received at the office of the Treasurer or any assistant treasurer of the United States.

S. W. T. LANHAM,
JNO. J. HEMPHILL,
C. N. FELTON,
Conferees on the part of the House.

Mr. LANHAM. I move the adoption of the report, and on that I demand the previous question.

The previous question was ordered, under the operation of which the report was agreed to.

Mr. LANHAM moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HAMMOND in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of Senate amendments to the sundry civil appropriation bill. The Clerk will report the pending amendment.

The Clerk read amendment 197, in which non-concurrence was recommended by the Committee on Appropriations, as follows:

EDUCATION IN ALASKA.

For the education of the children of school age in the Territory of Alaska, without reference to race, $25,000.

Mr. MCCOMAS. Yesterday I was recognized for a motion to concur in the Senate amendment.

I would be glad, after the little controversy between the two sides of the House upon a political question, to ask the attention of both sides

to something which every man ought to agree, because there is no politics in it. The people I speak for have no politics. They are neither Democrats nor Republicans nor Mugwumps. They are not on this side of the country nor on the California coast, but are away up toward the north pole in our purchased empire of nearly 600,000 square miles of country, reaching as far in one direction as from Florida to Maine, and in another as from Washington to San Francisco. The people of that great Territory of Alaska have nobody here to speak for them, and because they have not it seems the proposition may prevail to strike out the $25,000 in this bill, which is the only money given for their education. I have made the motion to concur in the Senate amendment which gives $25,000 for that purpose.

Mr. Chairman, let me remind the members of this House that we get into the Treasury this year $325,000 revenue from Alaska. And are we too mean to give $25,000 of it back to educate the children of that Territory? There are there 35,000 inhabitants, only 7,000 of whom are Indians; all the rest are civilized or partly so. There are about 4,000 people in Alaska from our States and Territories, about 4,000 people who are citizens under our treaty with Russia, more than 7,000 semicivilized recognized by our United States court as citizens, about 17,000 Eskimos, and 5,000 Indians of the interior.

The $20,000 appropriated in the Indian bill is for the Indian industrial schools only, the $25,000 I ask to be given by this House by concurring in the Senate amendment is for the 1,000 children civilized now in schools, and for the 10,000 other children of school age in Alaska.

Why, sir, it is a disgrace to civilization, and will be a disgrace to the members of this House to defeat this proposition. There ought to be no difference among us on this question. There ought to be no denial here of the right of these people to the common-school education which has advanced New England and made the West grow as if by magic.

This House has by every parliamentary device on the part of the majority in control stifled the Blair bill which twice passed the Senate, and which alone can wipe out the illiteracy of the enfranchised race. I for one deplore that action. Let us at least be wiser in the case of Alaska. Let us be more just.

Mr. Chairman, one hundred years ago the Russians established schools in Alaska. Only twenty years ago we took that Territory, an empire as large as the whole Southern confederacy during the "late unpleasantness;" we took it as part of our country. After there had been schools for a century in Alaska it was handed over to our country. The people asked the representative of our country when he went there in his country's uniform, a general with shoulder straps: "Will the people of your country who have now taken us care for our schools?" "Oh, yes;" it was said, "of course." Those officers who went as the representatives of this country believed the common school system of this country would not be denied to that people who had for a hundred years had schools under Russian rule.

And yet what was the result? The very cession itself gave to the people in Alaska the right to have schools. We have their money in our coffers to the amount of $325,000 a year, and we do not give them anything. When $50,000 was given in 1869 that money was never expended. Alaska was thought to be pretty near the north pole, and the school teachers did not go so far north at that time. But in 1884, in the organic act of the Territory it is provided that schools shall be given, and they have been given to the extent of $15,000 in the current fiscal year.

[Here the hammer fell.]

Mr. McCOMAS. I made a motion to concur, and in supporting that motion, as I understand, my time is not limited.

The CHAIRMAN. The Chair understands the bill is being considered under the five-minute rule.

Mr. COMAS. There has been no such agreement so far as I am aware. It was asked, and objected to.

The CHAIRMAN. The Chair understands that to be the rule of debate.

Mr. BLANCHARD was recognized, and yielded his time to Mr. McCOMAS.

Mr. McCOMAS. I thank the gentleman from Louisiana for his courtesy.

I was proceeding to say that these schools have already been put in operation. Within the last year the educational agent, Dr. Sheldon Jackson, a minister who has spent ten years of his life in this humane undertaking, who was appointed by the Commissioner of Education as general agent and superintendent of schools in Alaska, was there to organize these schools. Fifteen schools are now in operation. There are fifteen teachers there in that northern country, exiled from civilization and from summer in that climate. Their pay is $1,500, the object being to get men there who are married, to bring about civilization, and wipe out polygamy by the example of American domestic life carried there by the teachers of American common schools. The lady teachers receive $800 yearly.

There is an alien language and an alien people, and there are now two thousand white inhabitants. There are out of thirty-five thousand all but seven thousand who are not Indians in the proper sense of the term.

These schools established under our Bureau of Education are not sectarian nor denominational, but, as in our own country, teach the elements of primary schooling and in our own tongue.

These teachers are paid by the disbursing clerk of the Interior Department upon vouchers certified by the general agent or superintendent and approved by the Commissioner of Education. The agent does not disburse the fund.

Now, Mr. Chairman, after these schools have been established the proposition which comes from the committee of which I have the honor to be a member, is to strike out the appropriation and to relegate these people to barbarism; to have these teachers—ladies and men—out yonder, 4,000 miles from home, suddenly to lose the pay promised them, pay their own way home, to deprive them of their positions as teachers, to close the school-rooms, and send back the population to the barbaric state they were in one hundred years ago, before the Russian Government began to give them the aid of common schools.

It is to be false to the pledge we made in the annexation of the Territory when we said that we would give these people every right, privilege, and immunity of our other citizens; it is to be untrue to civilization and to christianity, it is to take from them all of their revenue and deny them a pittance of their own money for the education of their own children. This is brutal legislation.

There they are to-day at school under an Arctic sky, and by the action of this House you would make it darker winter for these, our wards—close the doors and turn the lock upon them. I say that if the members of this House, Democrats and Republicans, would consider the rights of these people, who have no vote, who have no politics, but toward whom we owe the highest obligation, they would unite with the governor of that Territory, with the Commissioner of Education, with the general agent of the department, who has gone to that field, with the Secretary of the Interior, and unite with the Senate in making this appropriation of $25,000 to keep up the existing schools. The governor wants $50,000 to extend them. Fifty thousand dollars has been asked, and you deny them a dollar. I protest, Mr. Chairman, that we ought to concur and concur without a division. I yield the remainder of my time to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS, of Illinois. I move to concur, with an amendment striking out "$25,000" and inserting "$30,000." Mr. Chairman, it is a dangerous thing for any nation, and particularly for this nation, to attempt to govern a dependency. We never have had that necessity upon us until we acquired Alaska, but now our duty is and will be to permanently govern that vast Territory, a majority of whose inhabitants do not understand the English language, and I say that this appropriation for common-school education is necessary, not so much to raise the condition of the individuals who reside there as to give them the benefit of a civil government.

We passed a law two years ago establishing a civil government for that Territory. We provided for a governor; we established a district court; we imposed upon that Territory a code of laws of which the vast majority of the people subject to them do not understand one word. By the organic act the laws of Oregon are extended over that Territory. All the people residing there are subject to all the penalties imposed for the infraction of the criminal statutes, and their personal and property rights are subject to our laws. Those laws are in a language which is foreign to the people; the proceedings of the courts are in a language which they can not understand. Therefore, perhaps, it was that, in the organic act, section 13, it was provided that it should be the duty of the governor and of the Government that we set up there to establish a system of common-school education.

This provision in this bill is simply designed to carry into effect that existing statute. It is absolutely necessary if we desire to have for the people of that Territory a real civil government. When a case comes into court the parties concerned, whatever their race, have to be brought in and have their rights determined, and whatever evidence they give must be given through interpreters. We ought to see to it that as soon as possible there shall be a general diffusion of knowledge of the language in which the laws are written and the legal proceedings are carried on, so as to enable every resident of the Territory to get the benefit of the civil government which we have undertaken to create for them.

The recommendation of the Secretary of the Interior, I understand, is here in the hands of the gentleman from Maryland [Mr. McCOMAS]. He omitted to read it, but I should be very glad to have it read as a part of my remarks, and if he will permit me, I will do so.

The letter referred to was read, as follows:

DEPARTMENT OF THE INTERIOR, *Washington, January 28, 1887.*

SIR: I have the honor to inclose herewith a communication of this date from the Commissioner of Education, relating to the subject of estimate made by that bureau and heretofore presented to Congress for appropriation for education of children in Alaska, amounting to $15,000.

The Commissioner states that since that estimate was made he has received the report of Dr. Sheldon Jackson, the general agent of the Bureau of Education in Alaska, and having also had personal conference with him is now better informed as to the number of schools established, the number of children of school age, the number of teachers, and the necessity for school buildings than when his estimate was prepared.

He states that he is now informed that there are in two sections alone, namely, from Kadiak westward to the Aleutian Islands and in southeastern Alaska, at least 3,640 children, and that there are from 10,000 to 12,000 children in the whole

Territory who ought to have school advantages. He therefore recommends that, instead of $15,000 as heretofore estimated for, appropriation to the amount of $25,000 be made for the education of children of school age in Alaska, without reference to race.

In support of this recommendation the Commissioner points to the fact that Gov. A. P. Swineford, in his last annual report, received since the original estimate was made, recommends that the sum of $40,000 should be allowed for this purpose.

As the facts and information thus brought to the attention of the Department seem clearly to show that the sum of $15,000 for education of children in Alaska is not sufficient to meet the wants of that important branch of the public service in that Territory, I concur in the recommendation of the Commissioner that $25,000 be appropriated for that purpose.

I also transmit herewith the inclosures accompanying the Commissioner's letter setting out information more in detail on the subject.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The CHAIRMAN *Committee on Appropriations, United States Senate.*

The CHAIRMAN. The time of the gentleman from Illinois [Mr. ADAMS] has expired.

Mr. RANDALL. I would like to have some understanding with the gentleman from Maryland [Mr. MCCOMAS] about closing the debate on this proposition. I understood the gentleman to say the fifteen minutes would be all that he needed.

The CHAIRMAN. The Chair has allowed fifteen minutes to that side of the House.

Mr. MCCOMAS. Say that we close the debate in five minutes more, unless more time is desired to discuss this matter.

The CHAIRMAN. The Chair has already given fifteen minutes to the left side of the House, and none to the right.

Mr. MCCOMAS. That is true. Then let the Chair equalize the matter by allowing ten or fifteen minutes more.

Mr. RANDALL. I want to go on with this appropriation bill if I can. I do not think I have been unreasonable in the matter of allowing discussion.

Mr. ADAMS, of Illinois. If the gentleman from Pennsylvania will allow me a few minutes more to close I assure him I will not waste time.

Mr. RANDALL. All right.

Mr. ADAMS, of Illinois. I simply want to read section 13 of the organic act, which provided that—

The Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for that purpose.

Mr. RANDALL. Will the gentleman please give me the date of that act?

Mr. ADAMS, of Illinois. It is the organic act, passed May 17, 1884.

Mr. TARSNEY. That was not a continuing appropriation?

Mr. ADAMS, of Illinois. Oh, no; I do not mean to claim that it was. My position is that when we established civil government there this provision for education was a part of the establishment. The moment the present administration came into power it proceeded at once to carry out energetically and in good faith this provision of law. Secretary Lamar is entitled to all praise for the interest he has taken in this particular subject. I think it will be strange indeed if this House refuses to support him in his laudable efforts in that direction.

Mr. RANDALL. I now propose to the gentleman from Maryland that the debate shall close at the end of twenty minutes, ten minutes to be assigned to each side.

Mr. MCCOMAS. That is right. I hope the agreement will be acceded to.

Mr. RANDALL. I want to be perfectly reasonable.

The CHAIRMAN. Is there unanimous consent that all debate on this proposition be closed in twenty minutes, ten minutes to be occupied on each side? The Chair hears no objection, and it is so ordered. The gentleman from Maryland [Mr. MCCOMAS] is entitled to control the time on his side of the question.

Mr. MCCOMAS. I yield four minutes to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I hope the gentleman from Illinois [Mr. ADAMS] will withdraw his amendment to the amendment.

Mr. ADAMS, of Illinois. I made that merely as a formal motion; I withdraw it.

Mr. LONG. I trust that the House will concur with the Senate in granting $25,000 for education in Alaska. The mere statement of the proposition ought to be enough to carry it before an intelligent audience. Not to appropriate that amount is to take a step toward barbarism. It is certainly to take a step involving neglect of the interests of the people of Alaska that are confided to our care.

Now, there are several reasons why we should concur with the Senate. First, everybody admits that the children of Alaska should have the advantages of popular school education. If those people were a State or even an organized Territory they could raise money themselves. But they have no legislature; they have no power to levy taxation; they have no means to raise money for the support of schools. Until we give them such power we are responsible for school education there.

The second consideration is this: to refuse this appropriation is to depart from a policy of popular education there which we have already adopted. In the enabling act which has just been read, we appropriated $25,000 for school education. A similar appropriation was neglected the next year, but the year following, which was last year, the Senate inserted an appropriation of $25,000. The matter was debated in the House, and on the motion to concur with the Senate in that amendment there was a tie. Afterward, upon a conference, there was an agreement to appropriate $15,000. So that last year $15,000 was the amount appropriated for this purpose.

The question which now presents itself is whether we propose to abandon further appropriation for the purpose of educating the children of Alaska? There is there a population of 1,600 under twenty-one years of age, and do we propose to make no provision for their education?

Mr. STORM. Does the gentleman speak of the white children?

Mr. LONG. I am speaking of all the persons reported there under 21 years of age.

Mr. STORM. Does the gentleman know that the Indian bill appropriates $20,000 for school purposes?

Mr. LONG. I know that the Indian bill appropriates $20,000 for the support of Indian children. The gentleman from Maryland has told us that there are there 25,000 whites and 7,000 Indians. Twenty thousand dollars is appropriated for the education of Indian children; but do we propose to leave the large body of white children unprovided for in this respect?

Mr. ROGERS. How will the expenditure of the money proposed to be appropriated be controlled?

Mr. LONG. Under the direction of the Secretary of the Interior.

A MEMBER. And the Bureau of Education.

Mr. ROGERS. Is there now existing there a school system?

Mr. MCCOMAS. There is a system of public education, embracing fifteen schools, in charge of Dr. Jackson.

Mr. MCMILLIN. When was that system adopted?

[Here the hammer fell.]

Mr. MCCOMAS. I reserve the remainder of my time until gentlemen on the other side have been heard.

Mr. HILL. I have paid some attention to this matter, and I would like to be heard for a few minutes. I hope the gentleman from Maryland will yield to me.

The CHAIRMAN. The gentleman from Maryland has six minutes remaining.

Mr. MCCOMAS. I yield one minute to the gentleman from Ohio [Mr. HILL].

Mr. HILL. Mr. Chairman, I have given some attention to this matter, and in addition to what the gentleman from Massachusetts [Mr. LONG] has just said, I wish to remark that the white population of Alaska has greatly increased within the last year or two. Instead of there being only a monthly line of steamers to that Territory, as was formerly the case, there is now a semi-monthly line, and I am reliably informed that next summer there will be a weekly line. There is now an educational system there, and the appropriation of $25,000 proposed by the Senate as an amendment to this bill should certainly not be struck out, for it is really not sufficient. We ought to encourage the resistless enterprise of our people to go there and develop the resources of that country.

[Here the hammer fell.]

Mr. MCCOMAS. I reserve my time.

Mr. ROGERS. I want to put a question, and to get some one to answer it, as to who has the control of this money when it comes to be expended?

Mr. LONG. It is under the control of the Secretary of the Interior, through the agent of that Department, Mr. Jackson, and he pays it out to the school teachers sent there from the East and the North. The whole matter is under the control and direction of the Secretary of the Interior. He oversees it all; every dollar expended is carefully accounted for.

Mr. ROGERS. Are we expending money put in the hands of denominations?

Mr. LONG. No.

Mr. ROGERS. Or for a public school system there?

Mr. LONG. No.

Mr. MCMILLIN. Who has charge of the schools?

Mr. LONG. The Bureau of Education. They are under the charge of Dr. Jackson, who has gone there and organized fifteen schools, paying from $800 to $1,500 each to school teachers who are employed. Every dollar disbursed is strictly accounted for.

Mr. MCMILLIN. Under what law does the Bureau of Education assume this control?

Mr. JAMES. Under the obligations of treaty supplemented by the act organizing the Territory.

Mr. LONG. This is in accordance with the recommendation of your Government.

Mr. MCMILLIN. By whom did the gentleman say the money was disbursed?

Mr. JAMES. It is disbursed under the direction of the Bureau of Education.

Mr. MCCOMAS. I reserve my time.

The CHAIRMAN. The gentleman from Maryland reserved five

minutes of his time, but he has consumed three minutes of it in this colloquy.

Mr. McCOMAS. I want to yield the time I reserved to other gentlemen.

The CHAIRMAN. The gentleman has not the right to reserve his time, and then consume the time of the House in a colloquy.

Mr. McCOMAS. I will yield for two minutes to the gentleman from Kansas.

Mr. ANDERSON, of Kansas. I wish to express my surprise, Mr. Chairman, that there is any disposition to non-concur in this amendment.

It seems to me if there were no treaty stipulation binding us such as we know to exist, this is a case which appeals to the sense of right, as well as the sense of humanity, on the part of this House.

I would like to hear what general objection can be made against concurrence in the Senate amendment. None has been made, and I can conceive of none.

As to the specific objection to Mr. Jackson as the agent of the Bureau of Education, I am glad to say I have known him for eighteen years, and will vouch for him from top to toe. [Laughter and applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. McCOMAS. I will yield now for one minute to the gentleman from Michigan.

Mr. CUTCHEON. Mr. Chairman, I hope the House will concur in the Senate amendment, in the first place, because it is a case that comes to us with the weight of authority. It is recommended by the governor of the Territory. It is recommended by the Commissioner of Education. It is recommended by the Secretary of the Interior. It is also in full accord with the declarations of this administration on the subject of the education of our Indian wards.

I am for it, in the second place, because it is right to have this appropriation established by law. We remember the Roman despot who nailed his decrees so high on the pillars of the Temple of Justice the people could not read them, and then punished them with death for disobedience of the law they could not know.

I am for it, because Alaska furnishes to us the revenue with which these schools are carried on, and we have no right to drain the wealth of Alaska into our Treasury and deny to her the education which is the best and only return we can make.

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. I now take the floor for the ten minutes remaining, and yield such time as he may desire to the gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Chairman, it has been stated that the schools were being carried on in that Territory under denominational influences, and while I recognize the fact that a spirit of religion ought to permeate every school in the land, and that the Bible ought to be recognized as a proper book in every school, I should not be willing to appropriate any money out of the Treasury of the United States for the purpose of keeping up a school that is strictly denominational.

Mr. JAMES. Nobody wants that in this case.

Mr. McMILLIN. For ruin, and ruin only, could come from such a policy.

Now, I would like to know why we can not have education carried on in this Territory as in the other Territories. If you answer me that there is no government in the Territory, I will reply that you have never seen schools successfully carried on where there was no civil government.

Mr. LONG. How about the District of Columbia?

Mr. McMILLIN. And when I was a member of the Committee on Education and Labor an agent of this Territory came before us for the purpose of urging an appropriation for this very purpose. I asked him to state exactly what were the facts in reference to the schools there. He replied, "Why, if you should go to a school-house and kill the teacher and a dozen of the children there is no means of securing your punishment for such an act." You are beginning at the wrong end with this subject.

Mr. JAMES. Do you want to leave them all in ignorance?

Mr. McMILLIN. No, sir; but I would organize the Territory in such a way that it can guard its own affairs in this respect like any other Territory. That is the way to begin.

Mr. CUTCHEON. That is just the way we are going to begin.

Mr. McMILLIN. I would not appropriate any money for the purpose of education in such a case as this unless it was in pursuance of treaty stipulations or in the exercise of a wise discretion based upon the actual necessities of the case.

Mr. LONG. There is no doubt about the propriety of the appropriation.

Mr. GILFILLAN. Is not a liberal education the very corner-stone and basis of civil government?

Mr. McMILLIN. But you cannot organize a proper system of schools without some sort of civil government to back it up.

Mr. JAMES. We have it now under the Territorial government.

Mr. RANDALL. The Committee on Appropriations did not recommend any appropriation in this connection. There is $20,000 now in the Indian appropriation bill for the education of the Indian children there; and if I am not incorrectly advised, the other children, that is, those other than Indian children, attend these schools also.

The Senate inserted, as an amendment, $25,000. Last year's appropriation for this purpose was $15,000, and the estimate of the Department this year is only $15,000.

I want the House to bear in mind that under the contract with the fur seal company all the population on the Seal Islands are provided for by that company.

Mr. JAMES. How many of these islands are there?

Mr. RANDALL. There are two.

Mr. JAMES. Yes; two only.

Mr. RANDALL. But the population bears a considerable relation to the total number of white children in the Territory.

Mr. CUTCHEON. Does not the Secretary now recommend $25,000?

Mr. RANDALL. I have the estimate by me on which the committee based its action, and that estimate is for $15,000 in addition to the $20,000 given to the Indian children.

I ask the House to non-concur, because if we are to give anything it ought not to be in excess of the original estimate in, my judgment. I ask a vote.

Mr. McCOMAS. Will the chairman permit me one question before that, in order to remove a misconception?

The estimate from the Secretary of the Interior went, after the House had disposed of the bill, to the Senate committee making the total $25,000.

Mr. RANDALL. I have the estimate right here from the Department.

Mr. McCOMAS. But the other is later.

Mr. RANDALL. And this comes in the regular way, in obedience to the law. Now I understand that pressure has been brought in this connection.

Mr. McCOMAS. I have not heard of any.

Mr. RANDALL. Both on the Department and on the members of the Committee on Appropriations.

Mr. McCOMAS. I have not heard of it.

Mr. STORM. I have.

Mr. McCOMAS. I do not know of any such pressure.

Mr. RANDALL. The gentleman is greatly ignorant of what is going on; and I do not mean that offensively.

Mr. McCOMAS. I understand that; but I think the gentleman himself is mistaken.

I only want to add as a matter of fact that these schools are unsectarian.

Mr. RANDALL. I have not asserted to the contrary.

Mr. McCOMAS. And they are carried on like the common schools generally throughout the country.

Mr. RANDALL. I hope the appropriation will not be in excess of the estimate, which, in my judgment, is enough.

The question being taken on the motion of Mr. McCOMAS to concur in the Senate amendment, it was agreed to.

Mr. RANDALL. I shall not ask for a division on the question, because it may develop the want of a quorum, and I am anxious to proceed with the bill; but it is an amendment to be voted upon in the House.

Amendments numbered 198, 199, 200, 201, and 202 were non-concurred in.

Amendment number 203 was read, as follows:

For purchasing machine to test small specimens, $15,000.

The committee recommend non-concurrence.

Mr. GIFFORD. Mr. Chairman, I move concurrence in this amendment, and in speaking to the proposition perhaps my remarks may not appear very pertinent to the matter pending before the House. [Laughter.]

But, sir, I would be recreant to my duty as a representative of my people on this floor did I not present some answer to the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Ohio [Mr. HILL] in reference to the question of the Dakota bills now pending before the House.

It is true that the gentleman from Illinois [Mr. SPRINGER] has presented to this House through the majority report of the Committee on Territories a miserable pretext, which he calls an enabling act, a miserable pretext which he knows will not be presented before this House for its action during this Congress. And he knows that if that enabling act were presented to the people of that Territory even if they desired admission as a whole they would spurn his miserable proposition. It is an insult to them and to their intelligence.

He tells us that the people of this whole country have as great an interest in the question of the division of that Territory as the residents thereof; but yet he is exceedingly careful that neither the representatives of the people of this country upon this floor nor the representatives of the people of that Territory shall have a voice in that question of division. He is careful to cover and smother that proposition and not permit it to be brought before the House for its action.

The people of that great Territory, with its half million of population, with its thousand or more post-offices, and its three hundred newspapers, and its vast interests have asked for admission into the Union of

States. How many times and in what manner shall a people petition the Government of the United States for recognition and admission into the rank of States? Why, sir, they have prayed for admission and presented that proposition in every manner possible.

The gentleman tells us that the Republicans in this House have used every means to oppose his enabling act for the admission of the Territory as a whole. He can not point to the first word, to the first syllable, to the first action of any Republican, much less to the action of the representative of those people upon this floor—to one single act of theirs or of him against the submission of his proposition or against its recognition and passage by this House.

I am perfectly willing that the gentleman shall present any proposition which he sees fit to present to this House for its favorable action relating to the people of that Territory and its recognition as a State. Let him present any proposition, even his miserable enabling act which does not provide for admission at all; let him present that if he will; let him present any proposition.

Why, sir, the Committee on Territories has occupied hours and days of this Congress in the consideration of other measures than the Dakota bills. What excuse have they to offer for their silence upon that question? What excuse can they furnish to the House and to the people of the country for not presenting those bills which provide for the admission of Dakota? They can furnish no excuse.

[Here the hammer fell].

Mr. RANDALL. In the interest of fair controversy I have raised no point against the gentleman from Dakota; but I do not want the consideration of this amendment in reference to the testing machine at the Springfield Armory to drift into a debate and a controversy as to the admission of Dakota.

Mr. HENDERSON, of Iowa. It would take an arsenal to get Dakota in I am afraid.

Mr. GIFFORD. I ask leave to extend my remarks.

Mr. HILL. I shall object unless the same courtesy is extended to me.

Mr. REED. We do not want to have any garbled arrangement.

Mr. RANDALL. There is no garbled arrangement.

Mr. REED. I mean no reflection on anybody.

Mr. HILL. I give notice that on Wednesday next I shall call up the bill for the admission of Dakota into the Union.

Mr. CUTCHEON. We will all be here.

Mr. SPRINGER. And I hope you will not be here to oppose the admission of Dakota into the Union.

Mr. GIFFORD. I withdraw the motion to concur.

The amendment was non-concurred in.

Amendments 204 to 230 were read and the recommendations of the Committee on Appropriations of concurrence or non-concurrence respectively were agreed to.

Senate amendment 231 was read, as follows:

Insert, after line 2086, the following:

Confederate cemeteries near Columbus, Ohio: For the erection of suitable fences around the cemeteries in which confederate dead are buried near Columbus and on Johnson's Island, Ohio, and for putting the grounds in good condition, $2,000.

The Committee on Appropriations recommended concurrence in the amendment, with an amendment as follows:

After the matter proposed by said amendment insert the following:

"That the Secretary of War be, and he is hereby, directed to ascertain and report to Congress at its next session, whether the graves of any soldiers, Union or confederate, who were killed in battle or who died in prison or hospital are not embraced in any national, city, town, or village cemetery, or are unprotected by inclosures or unmarked by headstones, and, if there be any such graves, what amount of money would be necessary to properly fence and permanently mark the same."

Mr. BURROWS. I desire to make a point of order against the amendment proposed by the committee. I submit that under the rule that amendment is not in order.

Mr. RANDALL. The original proposition was inserted by the Senate. I will send to the Clerk's desk to be read a statement which was introduced in the Senate by Mr. SHERMAN, Senator from Ohio and President of that body.

Mr. BURROWS. If the gentleman will pardon me, I think he misunderstands my point of order. I do not make it against the amendment of the Senate.

Mr. RANDALL. I was about to give the history which it is proper to give of the manner in which this amendment of the Senate came into the bill.

The Senator from Ohio, Mr. SHERMAN, introduced that proposition; it was referred to the Committee on Appropriations of the Senate, was reported back favorably, and the Senate, without debate and without division, adopted it. The Senator from Ohio, when he presented the proposition, accompanied it with a statement, which I will ask the Clerk to read.

The Clerk read as follows:

[Extract of annual message of Governor J. B. Foraker, of Ohio, January, 1887.]

The adjutant-general's report will be found both interesting and comprehensive. You will find in it some correspondence with the Quartermaster-General of the United States Army at Washington relative to the care of the confederate cemetery near Columbus, and you will learn from it that the United States authorities are without funds (appropriated) to care for this place. The title to it is in the United States, and that Government should care for these graves; but it seems to have overlooked them. The fence that incloses the lot is in a dilapidated condition, and the entire burial place is overgrown with weeds and thistles and briars. It is recommended that unless the United States Government can be induced to do so, an appropriation be made to rebuild the fence and clean up the grounds and put them in orderly repair and condition.

The same should be done for the last resting place of about two hundred confederate dead who are buried on Johnson's Island. The hatred and detestation that all loyal people must and should ever entertain for the destructive political doctrines that these men fought for ought not to stand in the way of either a cordial feeling toward the living who have abandoned such heresies, or a proper regard and Christian respect for the graves of the dead who, although wrong, yet heroically and valorously contended for the convictions they entertained.

Mr. RANDALL. That was presented by the Senator from Ohio, Mr. SHERMAN, and it is the language of the annual message of Governor Foraker, of Ohio. Now I maintain that the point of order would have been well taken on an original proposition of this character in the House, but the Senate, not being regulated by the rules of the House, have inserted the proposition in this connection, and the Committee on Appropriations have confined themselves to an amendment which is germane to the proposition as it comes from the Senate.

I yield now to the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. I rise merely for the purpose of asking my friend from Michigan [Mr. BURROWS] a question. Do I understand his point of order to be made against the original amendment or against the amendment submitted by the House Committee on Appropriations?

Mr. BURROWS. Against the amendment submitted by the House committee and not against the Senate amendment.

Mr. BUTTERWORTH. If my friend will indulge me I wish to say a word on that.

Mr. BURROWS. Mr. Chairman——

The CHAIRMAN. The Chair does not desire to hear the gentleman from Michigan on the point of order if it is insisted upon.

Mr. BURROWS. I only desire to say one word, if the Chair will indulge me. I do not wish to be put in a false position, as I may be by the language of the gentleman from Pennsylvania [Mr RANDALL] implying that I am opposed to the Senate amendment. I am not. I have made no objection whatever to that, but I have made a point of order against the amendment proposed by the Committee on Appropriations of this House as an amendment to the proposition of the Senate.

Mr. SPRINGER. Let that amendment be read.

Mr. LONG. The Chair is ready to rule upon the question.

The CHAIRMAN. The rule is that no provision changing existing law shall be in order on any appropriation bill or any amendment thereto. If the Senate have adopted such an amendment, the Chair thinks that the fact that they are not bound by the House rule does not give the bill any larger scope when it comes back to the House than it had before, and that the only resource of the House is to vote down the Senate amendment or take it as new legislation. Any other ruling would allow the House, after the Senate had amended a bill, to put upon it all kinds of propositions in the form of amendments to amendments. Therefore the Chair, with much regret, sustains the point of order.

Mr. RANDALL. One moment, Mr. Chairman. The House certainly has a right to concur or non-concur. Now, if that be so, has it not the right to concur with an amendment?

Mr. LONG. But the amendment must be in order.

Mr. RANDALL. I yield now to the gentleman from Ohio [Mr. BUTTERWORTH], who has a modification of the proposition to submit, to which perhaps the gentleman from Michigan [Mr. BURROWS] will not object.

Mr. BUTTERWORTH. Mr. Chairman, the proposition as it comes back from the Senate is one that finds favor generally with the House, and my friend from Michigan [Mr. BURROWS] makes no point of order against it.

Mr. BURROWS. Certainly not. I make no point of order against that, but I desire to make a suggestion in regard to the Senate amendment before final action thereon, which I think will promote the humane purpose intended.

Mr. BUTTERWORTH. Then a word as to that proposition and as to the origin of the Senate amendment. At Columbus, Ohio, near what is known as Camp Chase, there is a cemetery in which are buried several hundred men who died while they were prisoners of war.

The Government of the United States placed around that cemetery a fence to protect it from being a wallowing place for swine and a loitering place for cattle; in other words, they recognized that it was "God's acre." Now that fence has been broken down, and the burial ground is a waste, and this proposition is to provide that that fence shall be restored, in order that the cemetery where those men are buried who died while they were detained as prisoners of war may not be left a common for cattle or a hog-wallow. That, it seems to me, is dictated by every sentiment of Christian civilization.

Mr. BURROWS. I trust my friend does not understand me as differing with him concerning that proposition.

Mr. BOUTELLE. I wish to ask the gentleman from Ohio [Mr. BUTTERWORTH] how the fence was originally provided.

Mr. BUTTERWORTH. By the Government. When the place was selected for the burial of the dead it was inclosed by the officers in charge at that time.

Mr. BOUTELLE. Where did they get the money?

Mr. BURROWS. I can answer that.

Mr. BUTTERWORTH. I take it that the Government never gets any property without paying for it.

Mr. BOUTELLE. My question is a very simple one; there is nothing occult about it. I simply want to know how the original provision was made for constructing the fence around that ground, and why the officers of the United States are not just as able to-day to provide for repairing that fence and keeping it in order, without any specific appropriation by Congress, as they were to construct it originally?

Mr. BUTTERWORTH. That comprises two questions. One is as to how the Government obtained the ground. I do not know. I only know that the Government has it.

Mr. BURROWS. Will my friend permit me to answer the gentleman's question? When these confederate prisoners died in our prisons, of course they had to be buried, and they were given decent Christian burial. The land in which they were buried did not belong to the United States at that time. Subsequently the Government bought the ground and paid $500 for it, and now holds a deed of the same. At the time of the burial of the confederates therein the spot was very properly inclosed with a substantial wooden fence.

Mr. BOUTELLE. Who constructed the fence?

Mr. BURROWS. It was done by order of the War Department, I understand.

Mr. BOUTELLE. Why does not the Secretary of War authorize the fence to be repaired?

Mr. CUTCHEON. Because there are no funds.

Mr. BUTTERWORTH. By the recognition of the Chair I hold the floor; but I am willing to answer the question. I am not advised how, but simply know the fact that the land was acquired by the Government. My honored friend [Mr. BURROWS] has stated how it was done. Now the reason the Quartermaster's Department is not authorized to restore the fence which inclosed this burial place and kept it in proper condition, is because no appropriation has been made for that purpose. There is no money available to pay the cost.

Mr. BOUTELLE. Was a special appropriation made to build the fence originally?

Mr. BUTTERWORTH. Appropriations are made specifically from time to time to defray the expense of caring for the several cemeteries of which the Government has charge and control, but no appropriation has been made which authorizes the repairs contemplated by the pending amendment, and for which it makes provision.

Mr. BOUTELLE. The gentleman says that without a specific appropriation, this work can not be done. Now I can not understand why the Department can not do now precisely what it did before.

Mr. BUTTERWORTH. Because they had a fund to do that which they did then; they have no fund to do what is now proposed to be done.

Mr. BOUTELLE. Is my friend from Ohio sure of that?

Mr. BUTTERWORTH. Yes, I am sure of it.

Mr. BOUTELLE. I think you are mistaken.

Mr. BUTTERWORTH. Then we shall have to search the records to ascertain how the fact is.

Mr. BOUTELLE. My impression is that the Secretary of War, in his discretion, in the use of the funds placed at his disposal, had originally such proper work done at that cemetery as decency and humanity and the instincts of civilization required.

Mr. BUTTERWORTH. True.

Mr. BOUTELLE. And I have no doubt whatever that the Secretary of War, under the appropriations made by Congress and with the very liberal fund at his disposal, is to-day fully empowered to carry out precisely the same work again if necessary, so that, as I suppose, there is no need for bringing the matter in here at all.

The CHAIRMAN. The time of the gentlemen from Ohio [Mr. BUTTERWORTH] has expired. The Chair desires to know what is pending. The Chair has not heard any motion.

Mr. BUTTERWORTH. Well, I move to strike out the last word of anything that is pending.

Now, I desire to answer my friend from Maine [Mr. BOUTELLE] fully. He knows that neither the Secretary of War nor even the President of the United States is above the law. Whatever the Secretary of War did at the time he constructed a fence, or directed one to be constructed, about that cemetery, he did in pursuance of law and paid the cost out of funds which he was authorized to expend in that manner. At this time he has no such authority and certainly no such fund. If he had, there would not come from the War Department the suggestion of a want in that behalf.

Now, a single word touching the other amendment to the Senate amendment, reported by the House Committee on Appropriations, and which has been referred to by my colleague on the committee [Mr. RANDALL]. It was brought to the knowledge of the committee that in different localities, near the battlefields of the South and in one place in the North, there are buried together indiscriminately confederates and Federals; that originally there were fences placed about these places to guard them in a manner becoming a Christian people; and that those fences are now torn down. This proposition looks simply to an inquiry as to whether there are grounds not dedicated specifically to the purpose of burying either the Federal or the confederate dead, but where, immediately after a battle, the soldiers of the two sides were buried promiscuously.

It is proposed to inquire whether there are such places anywhere in this Republic, and if so, to ascertain the cost of suitably inclosing those localities. The amendment to the Senate amendment, as reported from the Appropriation Committee of this House, goes much further than that. I do not approve of the amendment in its present form, nor do I know that I would approve it with a great deal of modification. But that I would favor an amendment looking to such an inquiry as I have suggested, I do not hesitate to declare.

Mr. LONG. Will the gentleman read the amendment he proposes.

Mr. BUTTERWORTH. I have not had time to prepare any amendment.

Mr. CUTCHEON. Does not the gentleman understand that the Union dead have all been gathered together in the national cemeteries, both North and South?

Mr. BUTTERWORTH. It appears not to be so.

Mr. CUTCHEON. I supposed they had.

Mr. BUTTERWORTH. It appears that in the neighborhood of the Wilderness, in the neighborhood of Chickamauga—I only mention these places by way of illustration—a number of Union and confederate soldiers have been buried in the manner I have stated.

Mr. CUTCHEON. But the Quartermaster-General has been at work for years gathering those into the national cemeteries at Chattanooga, Fredericksburg, and other places.

Mr. BUTTERWORTH. I will only say to my friend that I understand from reports made upon this matter that the case is as I have stated. I do not know such to be the fact; but if anywhere there are buried in this way Union dead—with confederates, if you please, or without them—there can be no reasonable objection to an inquiry to ascertain the fact.

Mr. BURROWS. Has not the Secretary of War authority to do that now?

Mr. BOUTELLE. Of course he has.

Mr. BUTTERWORTH. This provision is out, as I understand, on a point of order; but inasmuch as the propriety and fitness of the proposition seemed to be called in question, I desired to state what I understood to be the purpose of the measure.

Now the amendment proposed by the House committee went much further, because it required search everywhere, into every village and hamlet, to find if there was a confederate grave unmarked. This is further than I deem it the proper duty of the Government to go.

Mr. CUTCHEON. Give us yours.

Mr. BUTTERWORTH. I would amend that to read in this way: that the Secretary of War be, and he is hereby, directed to ascertain and report to Congress, at its next session, whether the grounds wherein the Union and confederate dead who were killed in battle, or died in prison, lie buried together, are unprotected by suitable inclosures; and whether the graves therein are unmarked, together with an estimate of the cost of putting up suitable inclosures around such grounds.

With the consent of the chairman of the Committee on Appropriations, I ask that the Senate amendment amended as I here propose be adopted. The Senate amendment as amended will simply provide for putting a fence around the cemetery at Columbus, and if as we are informed there are other graveyards where Union and confederate soldiers are indiscriminately buried in the same ground and not taken care of, which have become wastes where pigs wallow and cows browse, then this House shall be informed of the facts and the estimated cost of providing suitable fences to protect them be ascertained and reported.

Mr. BURROWS. Let me inquire of the gentleman from Ohio whether the Secretary of War does not under the law have authority to attend to this matter.

Mr. BUTTERWORTH. If he has such authority then this amendment is useless.

Mr. BURROWS. In my judgment he has such authority; and your amendment does not include those who have died in the hospitals.

Mr. BUTTERWORTH. No; I have struck that out.

The CHAIRMAN. The gentleman's time has expired. [Cries of "Regular order!"]

Mr. BUTTERWORTH. I will read my amendment as I have written it. It does not propose to include those who died in the hospitals. I have struck that all out.

Mr. BURROWS. Why not include those?

Mr. BUTTERWORTH. Because it opens the inquiry beyond what is necessary. It is drawn only to meet the contingency of which I spoke, where the dead were promiscuously buried. If there is such a place there is not a man here who is not in favor of inclosing and protecting it by a suitable fence.

Mr. BOUTELLE. Is there any suggestion that the Quartermaster-General's Department has failed to do its duty?

Mr. BUTTERWORTH. Not at all; and I will say to my friend from

Michigan that the money appropriated for care of national cemeteries has, by the terms of the statute, been used for those only which were specifically named in the act or acts——

Mr. BOUTELLE. Is there not a general law on the subject? I should be sorry to believe Congress had permitted this thing to go unprovided for until this late day.

Mr. BUTTERWORTH. Congress has done its duty, but if for any reason a cemetery or group of graves has been overlooked or neglected I see no good reason why that neglect should continue after our attention is called to the fact. The duty remains, though it may have been by inadvertence overlooked. [Cries of "Vote!"]

The CHAIRMAN. The gentleman's time has expired. [Cries of "Vote!"]

Mr. BUTTERWORTH. I move to concur in the amendment of the Senate with an amendment, such as I have stated.

Mr. BURROWS. Mr. Chairman, while I am in full accord with my friend from Ohio, I am firmly of the opinion this authority has already been conferred upon the Secretary of War. I make the point of order, however, that it should be considered by the committee.

Mr. LONG. That winds it up.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out for reasons already given.

Mr. BURROWS. I hope, Mr. Chairman, I am not misunderstood about the original proposition in the bill. I will inquire of the gentleman from Pennsylvania whether he proposes to concur or non-concur.

Mr. RANDALL. We concur with an amendment.

Mr. BURROWS. But that amendment has gone out.

Mr. RANDALL. The committee desire to concur in the Senate amendment with an amendment.

Mr. BURROWS. As reported by the committee, it went out on a point of order.

Mr. RANDALL. But now we have the amendment of the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BURROWS. That also has gone out on a point of order.

Mr. RANDALL. I wish to say, Mr. Chairman, in my belief the time has come when we should pay decent respect to the dead. While some here have a delicacy, I may say, about the proper care of the confederate dead, I think in the name of humanity if there be any place anywhere containing dead bodies of soldiers, who died bravely at least, that, in the absence of anything to protect those bodies, it becomes the duty of this Government to provide fences or suitable inclosures for that purpose so as to save those graves from the desecration of having cattle grazing upon them or hogs digging up the ground.

Mr. CUTCHEON. Let me ask the gentleman a question for information.

Mr. RANDALL. Not now. I wish, Mr. Chairman, to direct the attention of the House to the fact that many of these confederate dead have children now living who to-day are as devoted to our flag as any other, and I really do not think the interests of this great Government or the harmony and peace of this people will be interfered with in the least degree by the construction of fences about the confederate dead which are now uncared for.

Mr. CUTCHEON. Does the gentleman intend the proposition shall apply to all the Southern States?

Mr. RANDALL. This is a simple inquiry. It does not propose any action. We want to know whether it is true, as has been alleged, that there are these graveyards in this country that have not this character of protection, and that is all. When we get that information then will come the proposition as to what should be done and the extent of the appropriations for that purpose.

Mr. CUTCHEON. My question, which I desired to address to the gentleman, related to the extent of the inquiry whether it extended over the whole country.

Mr. RANDALL. It does. It extends throughout the length and breadth of this land.

Mr. CUTCHEON. I only wanted to be sure of that.

Mr. RANDALL. Wherever there are brave men who died it refers; because I want to say here and now that the bravery exhibited on both sides in that contest has been the best means of preserving peace to this country that has ever in its history been devised or made conclusive, either by the acts of men or the writing of statutes or laws.

Mr. BURROWS. Mr. Chairman, I trust the gentleman from Pennsylvania has no purpose to put me in a false position.

Mr. RANDALL. Oh, no; none in the world; and I will stop the gentleman right there to correct him if he has such an idea.

Mr. BURROWS. I desire to be clearly understood on this whole matter.

When this bill came back from the Senate it contained a provision appropriating $2,000 for the proper care of the grounds near Columbus, Ohio, and on Johnson's Island, where we buried some 3,000 confederate prisoners of war. To this proposition no objection has been made, so far as I know, by any one. Thereupon the Committee on Appropriations of this House resolved to concur in the proposition of the Senate with an amendment, which is as follows:

That the Secretary of War be, and he is hereby, directed to ascertain, and report to Congress at its next session, whether the graves of any soldiers, Union or confederate, who were killed in battle or who died in prison or hospital, are not embraced in any national, city, town, or village cemetery, or are unprotected by inclosures or unmarked by headstones, and if there be any such graves what amount of money would be necessary to properly fence and permanently mark the same.

Against this proposition I made the point of order upon which it went out of the bill under the rules. Here the matter might have ended but for some observations made by the gentleman from Pennsylvania [Mr. RANDALL].

The gentleman from Pennsylvania admits that this proposition goes to the extent of imposing upon the National Government the obligation to inquire whether there are any confederate graves anywhere, outside of established cemeteries, unprotected and unmarked, and as the acknowledged leader of that side of the House expresses a desire that the care of such should become a national charge.

Mr. RANDALL. There is no leader about it; and there is no side about this question.

Mr. BURROWS. Let me proceed. I understand the gentleman from Pennsylvania to assert that the House amendment goes to the extent (with which purpose he is in full accord) of imposing upon the Secretary of War the duty of searching out the graves of all confederate as well as Union dead, outside of any cemetery, with a view of bringing these under national protection and care.

Mr. RANDALL. I voted for that in committee and am willing to vote for it in the House.

Mr. BURROWS. I understand that, and it is this proposition I object to, but as it has gone out of the bill I do not care to be drawn into a discussion of it at this time; it is not before the committee.

Mr. RANDALL. It is only a mere inquiry.

Mr. BURROWS. True it is only in inquiry, but it is not difficult to discover the purpose of it and where it will end. It seems to me it will be time enough to consider the propriety of caring for the graves of those who sought the overthrow of the Government when you have provided a fitting monument to those who preserved it. It will be time enough to mark the graves of the confederate dead when you consent to the bill now pending in this House to rear a monument to General Grant, and build a statue to Edwin M. Stanton, that great rock upon which Abraham Lincoln leaned when the Republic trembled. [Applause]. I am not in accord with that spirit which would care for the confederate dead while withholding support from the living Union soldier now sitting in the shadow of the poor-house.

Now I think I understand the end of this business. I say it without malice, but we may as well come to an understanding about this whole matter in the beginning. I draw the line here, and upon this line we ought to stand: That the men who fought to maintain this Government and defend constitutional liberty were in the right, and those who fought to destroy it were in the wrong; and we can never consent as a nation to honor any man, living or dead, because he betrayed his country.

Mr. RANDALL. I wish to say only this: That the gentleman speaks of my endeavor to draw a line, or rather he says there should be a line drawn. Now, the difference between the gentleman and myself is that I want to rub out the lines that mark the difference between the two ends of the country.

Mr. BURROWS. I never want to efface the line between right and wrong—between loyalty and disloyalty.

Mr. RANDALL. There is nothing in this proposition that will bear a scintilla of such a construction.

Mr. BURROWS. I think differently, and I also think that the time should never come when we should hold the name and fame of those who assailed the Republic in equal regard with those who defended it.

[Here the hammer fell.]

Mr. RANDALL rose.

Mr. CUTCHEON. I move to concur in the Senate amendment.

The CHAIRMAN. The Chair will advise the House that there is nothing before the committee. The gentleman from Pennsylvania has the floor.

Mr. CUTCHEON. Not upon my motion, and it is the only one before the House.

Mr. BURROWS. What proposition is pending?

Mr. CUTCHEON. My motion to concur in the Senate amendment.

The CHAIRMAN. The gentleman from Pennsylvania has been recognized, and the gentleman from Michigan had no right to make the motion while the gentleman from Pennsylania was on the floor.

Mr. CUTCHEON. But there was no question before the House upon which the gentleman from Pennsylvania could take the floor. I made a motion.

The CHAIRMAN. But the gentleman was out of order while another gentleman was on the floor.

Mr. CUTCHEON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CUTCHEON. I make the point of order that there was no question before the House upon which the gentleman from Pennsylvania could be recognized, and that I rose and made a motion which was in order, and was entitled to recognition on my motion.

The CHAIRMAN. The response the Chair has to make is that the gentleman from Pennsylvania had the floor, and the Chair presumed

he would make an appropriate motion. The Chair had a right to presume that he, being in charge of the bill, would do so, and no other gentleman could make a motion while he had the floor.

Mr. CUTCHEON. If the Chair proceeds on presumptions I yield to the decision of the Chair.

Mr. RANDALL. The proposition as presented by the Committee on Appropriations is one of inquiry, the object sought being to get information so that the House might hereafter act understandingly. It is in the exact line of what was proposed in the Senate and in accordance with the facts that I have presented. I do think and the majority of the Committee on Appropriations thought that the time had come when war on the dead should cease.

There is nothing in the proposition that even by inference or by any possible construction can be tortured into a controversy on the question of who was right and who was wrong. It is well known to this House and to the country how I feel on that subject. But I want to say when that war was over I thought we ought to proceed to mend rather than to tear down, destroy, and rip open. That is all there is in this proposition. I do not think it was introduced with any purpose whatever of a political nature. It was an appeal to our manhood. It was an appeal to the best sentiment of our nature that these dead people should at least have protection in their bodies from cattle and from persons who were desecrating these cemeteries.

I yield the balance of my time to the gentleman from Pennsylvania [Mr. CURTIN].

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RANDALL] has expired.

Mr. BOUTELLE. I should like to ask the gentleman from Pennsylvania [Mr. RANDALL] a question before he sits down. The gentleman from Pennsylvania has been an honored and distinguished chairman of the Committee on Appropriations for how many Congresses I do not quite remember.

Mr. RANDALL. That is not material.

Mr. BOUTELLE. I want to ask him why it is that this measure has never been brought up before.

Mr. RANDALL. Because this was the first time it was ever brought to the attention of the committee or to my attention.

Mr. BOUTELLE. I desire to ask another question in that connection. What does the gentleman from Pennsylvania mean when he says that the committee had concluded the time had *now* arrived when this thing could properly be done?

Mr. RANDALL. The general tendency of the thought of the committee membership, I take it, although I have no right to say anything of what occurs in committee, was in that direction.

Mr. BOUTELLE. One more question, and then I will relieve the gentleman. I desire to ask him whether it is not his belief that if no such action as this had been proposed by his committee and no such legislation should take place, the Secretary of War and the officers of the Government are fully empowered with authority and with funds to provide these fences in Columbus and elsewhere as here proposed.

Mr. RANDALL. I will answer that question. I am not clear in my judgment whether the Secretary of War has that power now. But we saw the opportunity suggested by the proposition of the Senate as to the confederate dead in the State of Ohio to build fences about the cemeteries to protect them, and we thought that we might proceed a little further in that direction and make the inquiry general, whether, as the gentleman from Ohio [Mr. BUTTERWORTH], a member of the Committee on Appropriations, desires, this action shall be had as to the confederate and Union dead where they are mingled together in common graves, or whether, as some of us thought, this provision might be made as to where there were confederate dead only.

Mr. CUTCHEON. I move that the House concur in the Senate amendment, which proposes simply to restore certain burial inclosures within the Northern States where confederate soldiers died while held as prisoners of war. I think it is becoming to us as a people to see that those inclosures are maintained; that these cemeteries are not turned into commons. I made the inquiry I did of the gentleman from Pennsylvania simply and in good faith to ascertain the extent of the proposed inquiry, whether it was to extend to all the battle-fields of the South or only to the Northern States.

Mr. RANDALL. I can only say as to my own wish that I wanted it to extend from one end of the country to the other.

Mr. LONG. That question is not before us.

Mr. CUTCHEON. That is not before us now. We have before us only a simple matter of concurrence in this amendment.

There is something due to ourselves, to those of us who come from the Northern States, to our self-respect and our feeling toward the dead, simply because they are the dead; because their resting places are away from their friends, and they lie buried in a land of strangers. I think that respect for ourselves and respect for our profession of being a Christian people should induce us to maintain these inclosures about the resting places of these people who died alone and in prison, without reference to the cause in which they died. That these men were brave, all the world knows. The only fault I had to find with them was that they were too brave in what I considered a bad cause.

No one who faced them on the battlefield will ever complain that they were not brave. They were brave. And if the time ever comes when we shall stand again, shoulder to shoulder, North and South, in a common cause, the world will learn and know that the American soldiery are the best and bravest soldiery in the world, whether they hail from the North or the South. [Loud applause.]

I am in favor of building up these waste places in the North; but, Mr. Chairman, I do not believe it is our duty to go down to the Southern States and hunt out the graves of men where they rest among their own friends, among those who loved them, their brothers, companions, and comrades in arms, because their friends and companions and comrades will find those resting places, and will mark them and guard them.

A MEMBER. They have done it.

Mr. CUTCHEON. They have done it no doubt, and I have not any complaint to make of our Southern friends because they honor their dead. They would be either more or less than men if they failed to do that; and I have no fault to find, and no upbraidings to offer, because when the spring-time comes they lay the flowers of spring upon the graves of their own brave, though, as we think, mistaken soldiers. But as to those who died among us of the North, and who sleep in Northern soil, in God's name let us not leave the ground where they rest unprotected. They were Americans and they are dead; let us protect their resting places. We shall not think of our own dead less tenderly, or hold the cause in which they died less sacred, nor shall we efface or dim the clear line between right and wrong by paying this tribute to our common humanity and our common mortality.

Mr. CURTIN. Mr. Chairman——

Mr. MCCOMAS. Mr. Chairman, I move to concur in the Senate amendment with an amendment which I send to the desk.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CURTIN] is recognized.

Mr. CURTIN. Mr. Chairman, as I have always understood the question, there was no necessity for any interruption of the power of the Government of the United States, and I have never had any sympathy with the men who attempted to break up that Government. I was one of those in the North who believed that we knew better what was good for the people of the South than they did for themselves, and we fought them to keep them in the Union. We compelled obedience to the laws of the Union, and so this Government was preserved, and when the war was over if the great philanthropist, the great friend of humanity had lived, we would have had peace and concord long before it came to these people. When Abraham Lincoln died the best friend of all humanity on this continent went down to his grave.

Now, Mr. Chairman, what is the use of talking about who was wrong and who was right?

Mr. SOWDEN. The war is over, and let us have peace.

Mr. CURTIN. The war is over, thank God, and a great many men who now undertake to revive the war and flaunt its bloody memories had but little to do with it. [Laughter and applause.] It so happened that I was in an official position where it became my duty to stand by the Government. I had sworn that I would, and I respected my oath to my Maker. I gave all the powers of my early life to the maintenance of this Government—to making it a great state. When the authority of the Government had been established, when we had compelled obedience to the law and restored the Southern country as a part of this great Union, I believed the war was over, and I issued the first proclamation from any official source in the North to declare that the war was over. [Laughter and applause.] As to these gentlemen from the South, they are your countrymen, are they not? If they are not your countrymen, why are they here? Why are they occupying seats in this august body, and at the other end of the Capitol, if they are not your countrymen?

Mr. Chairman, there is implanted by God Almighty in every human breast a sentiment of admiration and reverence for heroism. And in all the wars of this great country there are no higher evidences of heroism than were presented in the sufferings and the persistence of the people of the South. I believe they were in error; but there can be no stronger evidence of the fidelity which they now cherish toward the country than the cheerfulness with which in this House gentlemen from the South vote pensions for soldiers of the North who are in poverty.

Mr. Chairman, there is a distinction between a government and a state. A government can control provinces or communities subjected to its power; but if you desire to make this great nation a state it must be homogeneous, so that when the interests of Maine are assailed the wrong shall be felt in California, and when the rights of Oregon are attacked the vibration of the blow shall be felt in Florida. We are now a state—a great homogeneous people; and I am sick and tired of this constant revival of the war, unhappy and bloody as it was. I would carefully guard and care for the graves of the immortal dead who fell in that lamentable strife. While cherishing the memory of those who fell, I would have all the bitterness of the war forgotten; I would look upon every citizen within the borders of this great and powerful country as my brother. [Applause.] Any man within the jurisdiction of this Government who obeys its laws is my brother and your brother. I trust that such a one will not be thrust aside as an outcast.

Mr. BUTTERWORTH. Mr. Chairman, I desire to occupy perhaps less than five minutes in saying a few words touching the pending amendment. It seems to me there ought to be a time when a plain business proposition could be considered as such.

The governor of Ohio called the attention of the country to the fact that a certain cemetery near Columbus, of which the Government of the United States has charge, and which it owns, was in a dilapidated condition. Recognizing that fact, and without reference to who was buried there, provision was made to do what everybody recognizes the propriety of doing—to make suitable repairs by erecting a fence to inclose the ground.

On the heels of that it was suggested that there were other cemeteries or grounds near battlefields in the South where the Union dead were buried promiscuously with confederates, and where, owing to the poverty of States or of localities, the fences originally constructed about those cemeteries had been torn down, so that the grounds were being in a measure desecrated. It was proposed that inquiry be made as to whether that statement is true. Will anybody object to such an inquiry? Not a man. Nobody here dares say to the mother of the dead soldier, "I objected to inquiry being made as to whether the graveyard where your boy is buried is being neglected and is becoming a wild waste." That is all this inquiry looked to.

Some one called my attention to the fact that if there are Union soldiers buried anywhere in the South, the Quartermaster's Department is not only authorized but required to gather their bones and deposit them in the national cemeteries. If such is the fact, it was answer to the proposition. The inquiry proposed is a plain one; and some one, without having his gall unnaturally stirred, might have arisen in his place and said, "What you propose is already provided for."

I live somewhat near the line where the attrition between the influences of slavery and freedom was greatest. I do not yield to any one in hostility to the institution of slavery and all the things it inspired. Yet I have not felt called upon to part with my humanity or to fail to recognize the obligations that a Christian civilization imposes upon us. [Applause.]

I repeat again, all that is proposed here is an inquiry as to whether anywhere, near the battlefields of the South, there were Union soldiers buried; and we put in the confederates because the fact that the two classes might be buried together did not render the ground of that peculiar character whereon we might not walk to make the investigation. Nor should the fact that the dead of the two armies in such locality are sleeping in graves side by side deter us from protecting the graveyard from desecration.

But if it were true that in these places there were soldiers buried whose resting places had not and have not been properly cared for, this House and the country has a right to know it, and then to take such action as may be fit and proper.

As to what has been said by my friend from Michigan [Mr. BURROWS] in reference to the Appropriations Committee, I do not know what actuated the motives of others, but for myself I believed then, and I believe now, every man in this House would be anxious to get the information the amendment as I have modified it would secure.

Mr. BURROWS. Was my friend from Ohio in favor of the amendment as reported from the committee?

Mr. BUTTERWORTH. I distinctly stated I was not, but without generally discussing the merits of the controversy, beyond recognizing the sacred cause for which these soldiers fought and bled and died, I am willing to hunt up their bones wherever they are, and to see that they have that care and attention which a civilized nation ought to bestow upon its dead.

Mr. BOUTELLE. The civilization of the nation bestowed that care and attention in 1867.

Mr. BUTTERWORTH. If there are such places, does my friend object to our getting information of the facts?

Mr. BOUTELLE. I do not; but I do object to the policy of arraigning our people as false to the inspiration of civilization and the instincts of humanity for twenty-odd years since the war.

Mr. BUTTERWORTH. I do not arraign them.

Mr. BOUTELLE. Here are two pages of the Revised Statutes devoted to that subject by a watchful, civilized, and humane people.

Mr. BUTTERWORTH. My friend, the governor of Ohio called attention to the fact that the cemetery which the Government owns at Columbus has become a desert waste, and this he did as an indication, not that we are lacking in willingness to care for the resting places of the dead, but to show that it had been overlooked. That is all. The Senate amendment directs that to be done now which confessedly should have been done long ago.

[Here the hammer fell.]

Mr. McCOMAS. I move to concur in the amendment with an amendment, which I ask the Clerk to read.

The Clerk read as follows:

And for the erection of suitable fences around the cemetery in Cumberland, Md., called Hook's Cemetery, where twelve Union soldiers are buried, and for putting the grounds in good condition, $500, or so much thereof as may be necessary.

Mr. RANDALL. I hope no further time will be taken up with debate, but that we will be permitted to have a vote.

Mr. McCOMAS. I have a letter here from Colonel Batchelder, in charge of the national cemeteries, from which I should like to read some extracts.

The CHAIRMAN. The gentleman will send it up and it will be read as part of his speech.

The Clerk read as follows:

Upon investigation it is ascertained that in one of the burying grounds there, known as Hook's Cemetery, there are the graves of twelve Union soldiers. The grounds are practically abandoned and badly neglected, the greater part of the inclosing fence being gone, and, of course, exposed to depredation of animals running at large, but there were no indications of any recent disturbance of the surface, though it was stated that hogs had invaded the premises.

With reference to those buried in Hook's Cemetery, however, it would seem proper that steps be taken to protect them.

Mr. RANDALL. I desire to make a suggestion to the House in order to bring it to a direct vote in reference to this whole matter. I will move to non-concur in the Senate amendment, so as to send this whole subject to the conference committee. I will suggest to the gentleman from Maryland also to allow his amendment to go to the conference committee.

Mr. McCOMAS. I have the floor, and can not be taken off of it without my consent.

Mr. RANDALL. I thought the gentleman had yielded to me.

Mr. McCOMAS. I am in favor of the amendment pending, and also of the one now proposed, as shown by the letter of Colonel Batchelder, which has been read relative to Hook's Cemetery. It requires money shall be given for the construction of fences to protect the bodies of the twelve Union soldiers buried there. I have been trying for a year to get it done, but have not succeeded; and now in order to get it done I wish to have this matter included, so that it may go to the committee of conference.

Mr. RANDALL. This is a local matter, and we should treat the subject as a general one. I think now, Mr. Chairman, that there will be no objection to the suggestion I made a while ago to send the whole subject to the conference committee.

Mr. BURROWS. I desire to say a word further upon this question.

The CHAIRMAN. Has the gentleman from Maryland yielded the floor?

Mr. McCOMAS. I have not.

I want to add to what I said that this cemetery at Cumberland was seized by the military for this purpose, and has since been abandoned to the Government practically and used for no other interments, and was properly fenced originally, but it was done some twenty-five years ago and it has now fallen into decay. The citizens of Cumberland are caring for all of the other cemeteries there where Union soldiers are buried; but this was a separate ground, and was abandoned to the Government during the war when it took possession of it for the interment of these soldiers. It is in precisely the same situation as the ground at Columbus, Ohio. It has been abandoned to its present uses, and if you are going to provide for fencing the one then I ask you for the same reasons to provide a fence for the other, and upon the still higher ground that these Union soldiers were defending this Government from whom I ask at least as fair treatment as you give here to the Columbus confederate graveyard.

[Here the hammer fell.]

Mr. BURROWS. Mr. Chairman, this debate has proceeded upon the theory that some objection has been made by some one to the United States Government properly caring for the ground where the confederate dead were buried who died while held as prisoners of war. The speech of my colleague was directed to that subject very largely.

Mr. CUTCHEON. Let me interrupt the gentleman to say——

Mr. BURROWS. I can not yield for an interruption now.

Concerning that question, Mr. Chairman, there is not the slightest opposition from any quarter. Common decency and humanity enjoin that. But I was opposed to the amendment put in by the Committee on Appropriations, because I thought it went entirely too far.

My friend from Ohio [Mr. BUTTERWORTH], who takes occasion to enlarge upon the necessity of doing that to which we all agree, namely, what is provided for in the Senate amendment, concurs with me that the amendment proposed by the House committee and to which I have objected, goes too far, and I object to the amendment proposed by him for the House amendment, for the reason that, in my judgment, it will not accomplish the purpose he has in view. If the matter goes to a conference it can undoubtedly be adjusted satisfactorily to all.

I desire to say upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] to non-concur in the Senate amendment, that I think that ought to be done for this reason: A portion of the appropriation contained in the Senate amendment is to be expended on Johnson's Island. It will be found upon an examination that the United States has no title to any portion of that island, and the parties owning it live in Sandusky and refuse to sell it, and demand the removal of the confederate dead therefrom unless certain conditions are accepted, which can not well be entertained.

The Quartermaster-General recently caused an examination to be had, and the suggestion is made that instead of attempting to secure title to the property on Johnson Island, the bodies of the confederate dead

there be taken up and removed to the confederate cemetery at Columbus. This will cost but about $800, and hence I suggest, if we nonconcur in the Senate amendment, the whole matter can be arranged to the satisfaction of every one.

Mr. KING. I would like to make one statement to the House and to the country. As a Southern man I am grateful for the proposition of gentlemen looking to the preservation of the graves of the confederate dead. But I wish to state here, for the benefit of my friends on the other side, that I know of no confederate grave-yard in the entire South that is derelict; and further, I wish to say that the people who represent the dead of that section hold those graves as the most sacred legacy of a lost cause.

Mr. CUTCHEON. Mr. Chairman, just a word before the vote is taken.

My colleague from Michigan [Mr. BURROWS] certainly must have misunderstood me. I did not intend to criticise his position in what I said, for I understood that he took the same view I did in regard to the Northern cemeteries. [Cries of "Vote!"]

Mr. HENDERSON, of Iowa. I move to strike out the last word.

I want to say only a word or two before a vote is taken, being a member of the Committee on Appropriations.

It was found, as a reason for the Senate amendment, that there were two cemeteries in which the confederate dead were buried that were being neglected. It was also stated before the committee that there were confederates buried at Arlington Heights where their graves are marked only by a wooden slab instead of by a marble slab. We all agreed then that an amendment should be put on the bill for the purpose of making inquiry to see whether there were any others in that condition; and on that proposition I repeat we all agreed, because we did not want that condition of things at Arlington Heights or any other national cemetery to exist. The amendment put in, however, is broader than was contemplated, broader than was before the committee; I refer to the amendment reported from our committee and which was drawn after we voted on the proposition as we talked it and understood it.

The only thing we wanted to know was whether there were any other national cemeteries in which confederate dead are buried which are in the same condition, and not treated with the same consideration that we should, every one of us, want them treated with. We wanted to know the facts so that we could have the whole subject before us for consideration. For that proposition I stood in committee and stand for it before the House. I do not believe that the South want us to go South to look after the confederate dead buried there.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Maryland to concur with the amendment.

The motion was not agreed to.

The question recurred on the motion of Mr. RANDALL to non-concur in the Senate amendment.

The motion to non-concur was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RICHARDSON having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 199) for the retirement and recoinage of the trade-dollar.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Senate amendments 232 to 243 were read and the recommendations of the Committee on Appropriations of concurrence and non-concurrence, respectively, were agreed to.

Senate amendment 244 was read, as follows:

In line 2471, after the word "for," insert "rent of office for the marshal;" so that it will read:

"Rent and incidental expenses, office of marshal, Territory of Alaska: For rent of office for the marshal, fuel, books, stationery, and other incidental expenses, $500.

The Committee on Appropriations recommended non-concurrence.

Mr. ROGERS. I move to concur for the purpose of making an inquiry. Why do the committee not agree to an amendment providing for rent of office for the marshal?

Mr. RANDALL. We are informed no provision for rent is required.

Mr. ROGERS. My information from the Department of Justice is directly to the contrary.

Mr. RANDALL. We had a request from the Department to strike out the provision for rent.

Mr. ROGERS. My information I received to-day from the chief clerk of the Department of Justice, who stated there is no public building there.

Mr. RANDALL. I understand Mr. Hodges, of the Department, came to our committee and stated this was the way in which the paragraph should stand. I think we had better non-concur, and I can inquire further before the bill comes up again on Monday.

Mr. ROGERS. I had no information from Mr. Hodges; my information was from Mr. Clay.

Mr. RANDALL. They are both reliable. If there is a difference between them I would like to see them face to face to explain it.

Mr. ROGERS. Mr. Clay tells me it is essential to make an appropriation for rent for the marshal's office. I have no desire, however, to make a point on this and to call for a division, because it is evident we have no quorum.

Senate amendment 245 was read, as follows:

In line 2565, after the word "when," insert "the court is open for business or;" so that it will read:

"Nor shall any part of any money appropriated be used in payment of a per diem compensation to any attorney, clerk, or marshal for attendance in court except for days when the court is open for business or business is actually transacted in court."

Mr. BUCK. I move to concur in the Senate amendment. I feel reluctant to take up the time at this late hour on Saturday afternoon. But the original bill as it passed the House left the law in such a shape that the attorney, clerk, and marshal would not be paid, except when business was actually transacted.

Mr. RANDALL. I suggest to the gentleman that he allow this amendment to go into conference.

Mr. BUCK. I would not object to that if the gentleman will assure me that the committee of conference will consider the matter. I only wish to suggest that the law as this bill would leave it without the Senate amendment would simply cut off any per diem for the United States marshal, or the United States attorney, or the clerk of a United States court, whenever there was no business transacted in the court. If the court was open, and the clerk was there, and the marshal and attorney, and a motion happened to be made to continue a case, and no business should be transacted or case tried, those officers would get no pay whatever. The Senate amended that.

Mr. RANDALL. The Senate amended it in a manner which defeats the object the House had in inserting the language.

Mr. BUCK. That depends on what was the object the House had.

Mr. RANDALL. It was to break up an abuse.

Mr. BUCK. If the object was to cut off any per diem to clerk, marshal, and attorney when a case was not tried, that object is defeated by the Senate amendment. But this amendment makes the law uniform everywhere. It neither increases nor diminishes the fees or compensation per diem.

Mr. RANDALL. We do not want that these men shall get pay for the sitting of a court when the court is not actually in session for any business.

Mr. BUCK. The Senate amendment would not allow that. It simply provides that when a court has been opened regularly the compensation will be made. The clerk must record that transaction of opening the court. The officer may be called upon to travel from his residence, and if so called upon the present statute entitles him to 5 cents a mile for travel to and from the court. This would oblige him to go from his residence and attend the session of the court and not have any bit of compensation except for travel.

Mr. RANDALL. This relates to the per diem.

Mr. BUCK. I understand that, and the provision of the bill cuts that off unless some cases are tried or business done in the court. It frequently happens that a judge opens a court and all the paraphernalia of the court are present; the marshal, the clerk, the crier, the attorney are all obliged to be there and attend to their business whether a suitor is there to go on with his case or whether counsel may be present or not.

Mr. LONG. That would be the transaction of business.

Mr. REED. You can not tell under the present Comptroller whether that would be transaction of business or not.

Mr. BUCK. I think it is better that the provision should be made as it is with the Senate amendment—

When the court is open for business or business is actually transacted in court.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the Senate amendments to the sundry civil appropriation bill had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 199) for the retirement and recoinage of the trade-dollar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate disagreed to the amendment of the House to the bill (S. 2451) for the relief of Mrs. Julia De Quindre, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. BLAIR, Mr. SAWYER, and Mr. PALMER.

ORDER OF BUSINESS.

Mr. KING. I ask unanimous consent to discharge the Committee of the Whole from the consideration of the bill (S. 175) and that it be now considered.

Mr. DUNN. I call for the regular order.

Mr. BUCHANAN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. C. H. ALLEN: Petition of J. A. Garfield Post, No. 120, and of Abraham Lincoln Post, No. 11, Grand Army of the Republic, of Massachusetts, respecting the veto of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. BAKER: Protest of Hon. G. L. G. Seely, Lyman Wall, and others, citizens of Monroe County, New York, against the repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. BOUND: Resolutions of the Poorman's Spring Fishing Club, of Harrisburg, Pa., in favor of the passage of Senate bill 2436, relating to the care and government of the Yellowstone National Bank—to the Committee on the Public Lands.

By Mr. CUTCHEON: Memorial of members of the Michigan Soldiers' Home, asking the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

Also, memorial of ex-soldiers of Manton, and of Ithaca, Mich., for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. FREDERICK: Petition of members of the Women's Christian Temperance Union of Iowa, for the speedy passage of Senate bill 2362, to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

Also, petition of ex-soldiers and sailors of the late war, of Linn County, Iowa, for the passage of the bill reviving the arrears-of-pension act—to the Committee on Invalid Pensions.

By Mr. FULLER: Resolution of Charles City (Iowa) Post, Grand Army of the Republic, condemning action of the President in vetoing the dependent pension bill as unjust to the soldiers of the Union Army—to the same committee.

By Mr. GEDDES: Petition of members of Andrews Post, No. 132, of Ashland, of Armstrong Post, No. 278, of Hayesville, and of Springle Post, No. 208, Grand Army of the Republic, of Shiloh, Ohio, unanimously requesting the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. GROSVENOR: Resolution of Melvin Clarke Post, Grand Army of the Republic, of Ohio, for the passage of the dependent pension bill over the veto of the President—to the same committee.

By Mr. GROUT: Petition of A. A. Niles and 147 others, citizens of Morristown, Vt., praying for the passage of the dependent soldiers' pension bill over the President's veto—to the same committee.

By Mr. HAYNES: Resolutions of Stover Post, No. 1, Grand Army of the Republic, of Portsmouth, N. H., in favor of the dependent pension bill, so-called—to the same committee.

By Mr. D. B. HENDERSON: Petition of J. H. Case and 46 others, citizens of Winthrop, Iowa, opposing any change of the oleomargarine law—to the Committee on Agriculture.

Also, petition of the Women's Christian Temperance Union of Shell Rock, and of Hubbard, Iowa, favoring the passage of Senate bill 2362—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of L. P. Sigler and 153 others, soldiers of the United States, of Decatur County, Iowa, praying for the passage of House bill 10457, notwithstanding the objections of the President—to the Committee on Invalid Pensions.

By Mr. HITT: Memorial and resolutions of John A. Davis Post, Grand Army of the Republic, of Freeport, Ill., demanding that the disabled soldiers' pension bill pass, notwithstanding the President's veto—to the same committee.

By Mr. HOLMAN: Petition of J. G. Robbins and 31 others, citizens of Decatur County, Indiana, in favor of the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. HOLMES: Petition of Mrs. C. A. Lorbeer and Mrs. Rose L. Osborne, of Humboldt County, Iowa, praying for the passage of Senate bill 2362, to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. KING: Petition of W. P. Towne, administratrix of Ezra B. Towne, of Madison Parish, Louisiana, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of Ezra B. Towne, of Madison Parish, Louisiana—to the same committee.

By Mr. LONG: Memorial of a committee representing the marble saw mills of the United States, relative to tariff on marble—to the Committee on Ways and Means.

By Mr. LOVERING: Petition of Post No. 4, and of Post No. 11, Grand Army of the Republic, of Massachusetts, urging the passage of the dependent pension bill over the President's veto—to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of Massachusetts, in favor of coast defenses, and the building of a navy—to the Committee on Appropriations.

By Mr. McKINLEY: Petition of James Young Post, No. 376, Grand Army of the Republic, of Ohio, protesting against the curtailing the revenues of the Government—to the Committee on Ways and Means.

By Mr. MATSON: Petition of George G. Meade Post, No. 5, of Washington, D. C.; of Phil. H. Sheridan Post, No. 34, of Salem, Mass., and of Lincoln Post, No. 3, of Washington, D. C., for the passage of the dependent pension bill over the veto of the President—to the Committee on Invalid Pensions.

By Mr. MILLARD: Resolutions of Cander Post, No. 383, Grand Army of the Republic, of New York, in favor of passing the dependent pension bill over the veto of the President—to the same committee.

By Mr. PEEL: Papers relating to the claim of John Johnson, of Washington County, Arkansas—to the Committee on War Claims.

By Mr. PIDCOCK: Petition of George B. McClellan Post, No. 99, and of John W. Mains and others, ex-soldiers of New Jersey, for the passage of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. RANNEY: Petition of the James A. Garfield Post, No. 120, of Massachusetts, in favor of the dependent pension bill—to the same committee.

By Mr. RIGGS: Petition of J. C. Wieser and 85 others, citizens and ex-soldiers of Roodhouse, Ill., in favor of the dependent pension bill—to the same committee.

By Mr. SEYMOUR: Resolution of the General Assembly of Connecticut, favoring measures to speedily secure adequate protection, both by fortifications and batteries, to our defenseless coast—to the Committee on Appropriations.

By Mr. STEELE: Petition of James P. Ross and 100 others, of Wabash, Ind., asking the passage of the Miller bill relating to exotic diseases—to the Committee on Agriculture.

By Mr. SWOPE: Resolutions of the Sedgwick Post, No. 37, of York, Pa., in favor of the dependent pension bill, lately passed by Congress—to the Committee on Invalid Pensions.

By Mr. VAN SCHAICK: Memorial of the Chamber of Commerce of Milwaukee, Wis., in reference to the erection of a public building—to the Committee on Public Buildings and Grounds.

Also, papers pertaining to bill for relief of William Gannon—to the Committee on Invalid Pensions.

By Mr. WAKEFIELD: Petition of W. J. Martin, a Democrat, of Mankato, Minn., asking for the passage of the dependent pension bill over the President's veto—to the same committee.

By Mr. WHEELER: Petition of Elizabeth F. Coleman, of Limestone County, Alabama, for reference of claims to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIS: Papers to be filed with bill for relief of Annie Spilman—to the Committee on Invalid Pensions.

By Mr. WILSON: Petition of the executive committee of the Women's Christian Temperance Union of the District of Columbia, for the passage of the bill for the establishment of a hospital and reformatory for inebriates—to the Committee on District of Columbia.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. JAMES: Of 201 citizens of Brooklyn, N. Y.

By Mr. LOVERING: Of 177 citizens of Marblehead, Mass.

By Mr. O'DONNELL: Of members of the Women's Christian Temperance Union of Middleville, of Bellevue, Mich., and of the Grand Lodge of the Women's Christian Temperance Union of Michigan.

By Mr. WEST: Resolution of Heroes' Lodge, No. 18, Loyal Orange Institution, of Greenpoint, N. Y.

SENATE.

MONDAY, *February* 21, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. 785) granting a pension to George Ham; and

An act (S. 1384) granting a pension to Mathias Wondrak.

The message also announced that the following bills having been received by the President February 1, 1887, and not having been returned to the House of Congress in which they originated within the

ten days prescribed by the Constitution, they had become laws without his approval:

An act (S. 269) for the relief of W. H. Powell; and

An act (S. 1368) for the relief of Richard H. Porter, surviving partner and assignee of the late firm of R. H. & James Porter.

JOHN REED, SR.—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I herewith return without approval Senate bill No. 1626, entitled "An act granting a pension to John Reed, sr."

The report of the Senate Committee on Pensions merely states that the mother of John Reed was granted a pension, commencing the 5th day of December, 1862; that she has since died, and that the proposed bill is to secure a pension to John Reed, sr., the aged and dependent father of the deceased soldier.

The records show that the beneficiary named in this bill filed an application for a pension in 1877, alleging that he was the father of John Reed, who died in the service, and that his wife, the mother of the deceased soldier, died May 10, 1872, and that he, the father, was mainly dependent upon his son for support. He filed evidence of the mother's death, and one witness alleged that he was present at her death, and attended her funeral.

In 1864 Martha Reed, the mother of the soldier, filed her application for pension, in which she at first claimed to be the widow of John Reed. She afterward, however, alleged that her husband, John Reed, abandoned his family in 1859, and had not thereafter contributed to their support, and that the soldier was her main support after such abandonment. She was allowed a pension as dependent mother, which commenced in 1862, the date of her son's death, and seems to have terminated July 22, 1884, when she died.

The claim of the father was rejected in 1883, for the reason that the mother, who had a prior right, was still living; and when his claim was again pressed, in 1886, he was informed that his abandonment of his family in 1859 precluded the idea that he was entitled to a pension as being dependent upon the soldier for support.

Of course these decisions were correct in law, in equity, and in morals.

This case demonstrates the means employed in attempts to cheat the Government in applications for pensions—too often successful.

The allegation in 1877 of the man who now poses as the aged and dependent father of a dead soldier that the mother died in 1872, when at that time her claim was pending for pension largely based upon his abandonment; the affidavit of the man who testified that he saw her die in 1872; the effrontery of this unworthy father renewing his claim after the detection of his fraud and the actual death of the mother, and the allegation of the mother that she was a widow when in fact she was an abandoned wife, show the processes which enter into these claims for pensions, and the boldness with which plans are sometimes concocted to rob the Government, by actually trafficking in death, and imposing upon the sacred sentiments of patriotism and national gratitude.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 19, 1887.

CHARLOTTE O'NEAL—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on Pensions, and ordered to be printed:

To the Senate:

I herewith return without approval Senate bill 859, entitled "An act granting a pension to Charlotte O'Neal."

This bill proposes to grant a pension to the beneficiary therein named as the widow of Richard O'Neal, late colonel of the Twenty-sixth Regiment Indiana Volunteers.

In the report of the committee in the Senate, to whom this bill was referred, it is stated that the deceased soldier was the first colonel of the regiment named; that he resigned from the army, and was, by order of the governor of Indiana, put in charge of the United States camps at Indianapolis. A military order is made part of the report, announcing that the funeral of Lieut. Col. Richard O'Neal will take place January 6, 1863, and reciting the fact that the deceased had charge of the camps near Indianapolis for the preceding four months.

It is distinctly alleged in the report that the beneficiary did not apply to the Pension Bureau for relief, because the disease of which her husband died was incurred after his resignation.

The records of the War Department fail to show that there was a colonel of the Twenty-sixth Indiana Regiment named Richard O'Neal, but it does appear that Richard Neal was lieutenant-colonel of said regiment; that he was mustered in August 31, 1861, and resigned June 30, 1862.

If this is the officer whose widow is named in the bill, the proposition is to pension a widow of a soldier who, after ten months' service, resigned, and who seven months after his resignation died of disease which was in no manner related to his military service.

There is beside such a discrepancy between the name given in the bill and the name of the officer who served as lieutenant-colonel in the regiment mentioned, that if the merits were with the widow, the bill would need further Congressional consideration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *February* 19, 1887.

The PRESIDENT *pro tempore*. The Chair lays before the Senate——

Mr. BLAIR. Before the veto messages are disposed of I wish to make an inquiry. Have they been for the first time laid before the Senate this morning?

The PRESIDENT *pro tempore*. For the first time.

Mr. BLAIR. I observed their publication in the newspapers of the country last evening. I wish to inquire why it is that Presidential messages are given to the press before they are given to the Senate.

The PRESIDENT *pro tempore*. Such messages do not come as secret documents. The messages came to the Senate on Saturday, but not at an hour when it was convenient to present them to the Senate.

Mr. BLAIR. So they were given to the press before they were laid before the Senate?

The PRESIDENT *pro tempore*. They came to the Senate as public documents, and copies were obtained by the representatives of the press in the usual way.

Mr. BLAIR. I suppose they should be referred to the Committee on Pensions. I am not familiar with the cases themselves.

The PRESIDENT *pro tempore*. That reference has already been made.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 11, 1887, a report of Col. Henry B. Carrington in regard to the massacre near Fort Philip Kearney, Dak., December 21, 1866; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the senate and house of representatives of the State of Maine; which was ordered to lie on the table and be printed in the RECORD, as follows:

State of Maine.—Resolves in favor of the Miller bill.

Whereas the bill now pending before Congress providing for the extirpation of contagious pleuro-pneumonia, foot and mouth disease, and rinderpest among cattle, and for other purposes, affects a leading industry of our State: Therefore,

Resolved by the senate and house of representatives of the State of Maine in Legislature assembled, That the enactment of the Miller bill, so called, would be in the interest not only of the cattle-growers of this State, but of every consumer of meat.

Resolved, That the losses inflicted upon the cattle industry during the last two years by means of embarrassing interstate and foreign quarantines amount to a national calamity, and that these quarantines constitute the greatest existing obstruction to interstate and foreign commerce.

Resolved, That experience has shown that the only successful way to deal with pleuro-pneumonia is by prompt resort to heroic treatment, and that the quickest way is the cheapest way.

Resolved, That as the very existence of the most considerable portion of the meat supply of the United States is seriously endangered by pleuro-pneumonia, that the suppression of the disease is not only demanded as a sanitary measure for the protection of the health of our people, but also as a measure of political economy.

Resolved, That the secretary of state be, and is hereby, directed to forward an authenticated copy of the foregoing resolutions to the President of the Senate and the Speaker of the House of Representatives in Congress assembled, with a request that the same be laid before their respective bodies.

IN HOUSE OF REPRESENTATIVES, *February* 17, 1887.

Read and passed finally.

CHARLES E. LITTLEFIELD, *Speaker.*

IN SENATE, *February* 18, 1887.

Read and passed finally.

SEBASTIAN S. MARBLE, *President.*

FEBRUARY 18, 1887.

Approved.

JOSEPH R. BODWELL, *Governor.*

A true copy. Attest:

ORAMANDAL SMITH, *Secretary of State.*

The PRESIDENT *pro tempore* presented a communication from the secretary of state of Colorado, transmitting a memorial of the General Assembly of Colorado; which was referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 4, for the removal of the Southern Ute Indians from Colorado.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the General Assembly of the State of Colorado, respectfully represent that the Southern Ute Indians retained within the boundaries of this State, and upon a strip of land more than 100 miles long, and the entire length of the counties of La Plata and Archuleta, roam in their natural and savage state, subject to no laws of government, except the light control which a local Indian agent is able to exercise. Experience has shown that such a tribe of Indians under no more restraint than that imposed by an ordinary white man, acting in behalf of his own private interests, are likely to become turbulent and commit depredations upon the persons and property of their white neighbors at any time. And your memorialists further represent that the interposition of savages among an enlightened and law-abiding people is a system repugnant to the recognized ideas and practices of civilized government, and likely in the near future to bring on a conflict between the races which can be suppressed only at a great cost of life and property.

That, in fact, the southwestern part of Colorado and the northwestern portion of New Mexico are being so rapidly settled, and the white people are becoming so restless under their many unmitigated wrongs, that they threaten to rely upon themselves for that protection which the Government has failed to afford them. So that in the very nature of things some new and perhaps slight provocation will precipitate the inevitable conflict. And your memorialists respectfully submit, in view of the fact that Colorado is fast becoming a densely populated State, and especially as there are a number of Territories sparcely settled, under the sole control of the General Government, that the Southern tribe of Indians ought to be removed from within the State boundaries; that the speedy removal of said tribe from the long and narrow strip they now occupy and which crosses all the natural outlets of La Plata and Archuleta Counties, would be a measure of safety to them and of peace and safety to the white people who reside upon the borders of their reservation; it would at the same time open up a large acreage of agricultural land to settlement, and permit the people of Colorado and New Mexico to have that safe intercommunication to which they are entitled.

That copies of this memorial be forwarded to his Excellency the President of the United States, and to Hon. L. Q. C. Lamar, Secretary of the Interior, and to our Senators and Representatives in Congress.

W. H. MELDRUM,
President of the Senate.
T. B. STUART,
Speaker of the House of Representatives.
ALVA ADAMS, *Governor.*

The PRESIDENT *pro tempore* presented a petition of Giddings Post, No. 7, Grand Army of the Republic, Department of Ohio; a petition of Axline Post, No. 290, Grand Army of the Republic, of Roseville, Ohio;

a petition of Rees Mitchell Post, No. 361, Grand Army of the Republic, of Camden, Ohio; a petition of Keller Post, No. 128, Grand Army of the Republic, of Bucyrus, Ohio; a petition of Melvin Clark Post, No. 459, Grand Army of the Republic, Department of Ohio; a petition of Carlton Baer Post, No. 516, Grand Army of the Republic, of Germantown, Ohio; a petition of Cadot Post, No. 126, Grand Army of the Republic, of Gallipolis, Ohio; and a petition of C. W. Ward Camp, No. 13, Sons of Veterans, United States Army, praying for the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

He also presented a petition of 48 citizens of Franklin County, Ohio, praying for the passage of the bill to permit the people of the District of Columbia to vote upon the question of the sale of liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the petition of M. F. Force, president of the Historical and Philosophical Society of Ohio, praying that Mr. B. F. Stevens be employed to collect statistics of public archives in Europe at a cost not exceeding $100,000; which was referred to the Committee on the Library.

Mr. HALE presented resolutions of the Edwin Libby Post, No. 16, Grand Army of the Republic, State of Maine, urging the passage of the dependent pension bill over the veto of the President; which were ordered to lie on the table.

He also presented the memorial, officially signed, of the national legislative committee of the Travelers' Protective Association, urging the passage of the James commercial travelers' bill; which was referred to the Committee on Commerce.

Mr. WILSON, of Iowa, presented a resolution adopted by George Strong Post, No. 19, of Fairfield, Iowa, Grand Army of the Republic, favoring the passage of a pension bill embodying provisions for the relief of ex-Union dependent soldiers as a substitute for the dependent pension bill recently vetoed by the President; which was referred to the Committee on Pensions.

He also presented a resolution adopted by Crocker Post, No. 12, Department of Iowa, Grand Army of the Republic, dated Des Moines, Iowa, favoring the passage of the dependent pension bill over the President's veto; which was ordered to lie on the table.

Mr. WILSON, of Iowa. I present a petition of the Women's Christian Temperance Union of Iowa, praying for the passage of Senate bill 2362, to promote the political and commercial prosperity of American nations, now pending in Congress. As the bill has passed the Senate and is now pending in the other House, I move that the petition lie on the table.

The motion was agreed to.

Mr. HOAR presented resolutions adopted by Grand Army of the Republic posts at Malden, Worcester, Bolton, Grafton, Marlborough, Holyoke, Lawrence, Melrose, and Boston, Mass., in favor of the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. BLAIR presented the petition of John L. Perley Post, No. 37, Grand Army of the Republic, Department of New Hampshire, praying for the passage of the dependent pension bill over the President's veto; which was ordered to lie on the table.

Mr. EVARTS presented resolutions adopted by the New York Board of Trade and Transportation; which were ordered to lie on the table, and to be printed in the RECORD, as follows:

THE NEW YORK BOARD OF TRADE AND TRANSPORTATION—FOR SEACOAST DEFENSE.

The following preamble and resolutions were unanimously adopted at the regular monthly meeting of the New York Board of Trade and Transportation held February 9, 1887:

Whereas the necessity of arming our seacoast with the best guns procurable is imperative; and

Whereas the Military and Appropriation Committees of Congress have recommended certain experiments to be made with new and improved systems of guns, so as to be able to take prompt, intelligent, and decisive action, obtainable only after the result of such experiments are known, before expending large amounts of money for guns as offered by the Ordnance Department, which, it is alleged, have but little durability and not as much penetrating power as other guns ordered to be experimented with by the committee of Congress; and

Whereas a substitute for the fortification bill as amended by the Senate is now being considered by the conference committee opening the production of ordnance to public competition, ordering the trial of the multicharge gun and the conversion of the old cast-iron guns on hand into combined smooth-bore and rifle cannons and appropriating therefor $10,340,000; and

Whereas Congress is willing to appropriate large sums of money for guns for seacoast defense: Therefore,

Be it resolved, That we urge upon Congress the advisability of adopting the above-mentioned substitute, now before the conference committee, the appropriation to be available only after experiments have been made to demonstrate which kind of guns are actually the best: and

Be it further resolved, That the Congress of the United States be asked to appropriate such sum of money as is recommended in said substitute fortification bill, to construct at once, for service trial, such guns as are deemed worthy of trial, and heretofore recommended by the Military and Appropriation Committees of the House, in order that the moneys contingently appropriated may only be expended for such guns as are proven to be the most effective and durable.

A report by the committee on seacoast defense, of which the following is an extract, was also adopted with the resolution attached:

Your committee use this opportunity to state that great care must be taken that the expenditure of the large sums of money required for seacoast defense, when appropriated, shall not fall into the hands of any inefficient corps of officials, but shall be dealt with by an independent commission to be appointed by the President, and that such commission shall afford a hearing for every plan of seacoast defense before a definite plan is finally determined upon. Your committee therefore recommend the adoption of the following resolution:

Resolved, That the New York Board of Trade and Transportation regard with satisfaction the passage by the Senate of measures for the defense of our seacoast, and trust that before the adjournment a well-matured plan will have been adopted by Congress, supported by adequate appropriations, to secure for the defenseless coast of the United States the best means of protection that modern engineering and military science can afford.

A true copy.

FRANK S. GARDNER,
Acting Secretary.

Mr. CULLOM presented resolutions adopted by Black Eagle Post, No. 129, Grand Army of the Republic, Department of Illinois, located at Urbana, Ill.; resolutions adopted by Mattoon Post, No. 404, Grand Army of the Republic, of Mattoon, Ill.; resolutions adopted by Augustine Post, No. 197, Department of Illinois, Grand Army of the Republic, located at Smithfield, Ill.; resolutions adopted by Knight Post, No. 266, Department of Illinois, Grand Army of the Republic, located at Irving, Ill., and resolutions adopted by McClanahan Post, No. 330, Department of Illinois, Grand Army of the Republic, located at Monmouth, Ill., urging the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. SAWYER presented resolutions adopted by the Wisconsin Dairymen's Association, remonstrating against any modification of the oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

Mr. MANDERSON presented a resolution of Edgar Post, No. 10, Grand Army of the Republic of Nebraska, and a resolution of Lander Post, Grand Army of the Republic, Nebraska, in favor of passing over the veto of the President the dependent relatives and service pension bill; which were ordered to lie on the table.

Mr. FRYE presented resolutions adopted by Edwin Libby Post, No. 16, Grand Army of the Republic, Department of Maine, Rockport, Me.; and resolutions by Sedgwick Post, No. 4, Department of Maine, Grand Army of the Republic, Bath, Me., favoring the passage of the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. DAWES presented resolutions adopted by U. S. Grant Post, No. 4, John A. Rawlins Post, No. 43, Kilpatrick Post, No. 71, of the Grand Army of the Republic in Massachusetts, praying for the passage of the dependent pension bill notwithstanding the President's veto; which were ordered to lie on the table.

Mr. MILLER presented the petition of Grand Army Post No. 76, of Lockport, N. Y., praying for the passage of the dependent pension bill over the veto of the President; which was ordered to lie on the table.

Mr. CAMERON presented a petition of George Simpson Post, Grand Army of the Republic, of Huntingdon, Pa.; a petition of Beaver Post, Grand Army of the Republic, of Beaver, Pa.; a petition of Adjutant R. M. Johnson Post, Grand Army of the Republic, Department of Pennsylvania; a petition of John D. Massee Post, Grand Army of the Republic, of Muncy Pa.; a petition of Lieut. David H. Wilson Post, Grand Army of the Republic, of Mifflintown, Pa.; and a petition of Col. P. B. Hanson Post, Grand Army of the Republic, of Chambersburg, Pa., praying for the passage of what is known as the dependent pension bill over the President's veto; which were ordered to lie on the table.

Mr. MORRILL presented a petition of the William P. Russell Post, No. 89, Department of Vermont, Grand Army of the Republic, assembled at Middlebury, Vt., praying that the dependent pension bill be passed upon favorably in spite of the Presidential veto; which was ordered to lie on the table.

Mr. TELLER. I present a memorial of the Legislature of Colorado, favoring the removal of the Southern Ute Indians from that State. The other day I presented a memorial in regard to this matter, but different in its character. I ask that this be printed in the RECORD, and referred to the Committee on Indian Affairs.

The memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 4 for the removal of the Southern Ute Indians from Colorado.

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the General Assembly of the State of Colorado, respectfully represent that the Southern Ute Indians retained within the boundaries of this State, and upon a strip of land more than 100 miles long, and the entire length of the counties of La Plata and Archuleta, roam in their natural and savage state, subject to no laws or government, except the light control which a local Indian agent is able to exercise. Experience has shown that such a tribe of Indians under no more restraint than that imposed by an ordinary white man, acting in behalf of his own private interests, are likely to become turbulent and commit depredations upon the persons and property of their white neighbors at any time.

And your memorialists further represent that the interposition of savages among an enlightened and law-abiding people is a system repugnant to the recognized ideas and practices of civilized government, and likely in the near future to bring on a conflict between the races, which can be suppressed only at a great cost of life and property.

That, in fact, the southwestern part of Colorado and the northwestern portion of New Mexico are being so rapidly settled, and the white people are becoming so restless under their many unmitigated wrongs, that they threaten to rely upon themselves for that protection which the Government has failed to afford them; so that in the very nature of things some new and perhaps slight provocation will precipitate the inevitable conflict. And your memorialists respectfully submit, in view of the fact that Colorado is fast becoming a densely populated State, and especially as there are a number of Territories sparsely settled under the sole control of the General Government, that the southern tribe of

Indians ought to be removed from within the State boundaries; that the speedy removal of said tribe from the long and narrow strip they now occupy, and which crosses all the natural outlets of La Plata and Archuleta Counties, would be a measure of safety to them and of peace and safety to the white people who reside upon the borders of their reservation; it would at the same time open up a large acreage of agricultural land to settlement, and permit the people of Colorado and New Mexico to have that safe intercommunication to which they are entitled.

That copies of this memorial be forwarded to his Excellency, the President of the United States, and the Hon. L. Q. C. Lamar, Secretary of the Interior, and to our Senators and Representatives in Congress.

W. H. MELDRUM.
President of the Senate.
T. B. STUART,
Speaker of the House of Representatives.
ALVA ADAMS, *Governor.*

Mr. TELLER presented a memorial of the Legislature of the State of Colorado, remonstrating against the repeal of the oleomargarine law; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

[House joint memorial No. 4.]

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the General Assembly of the State of Colorado, respectfully represent that efforts are being made in your honorable body looking toward the repeal of what is known as the "oleomargarine law." Therefore, we, your memorialists, would respectfully ask that in view of such facts we be allowed to protest against any such action, as the repeal of said law, regardless of the defects it may possess, would work a hardship and incalculable damage upon dairy interests of this country.

And we would further represent that any bogus industry tending to compete with the legitimate products of agriculture and its different branches is a blow aimed directly at the future prosperity of our farming classes, upon whose prosperity, in the broadest sense of the word, depends the prosperity of the nation.

Therefore, we, your memorialists, would respectfully ask that said law be allowed to remain in full force.

T. B. STUART,
Speaker of the House of Representatives.
W. H. MELDRUM,
President of the Senate.

Approved February 16, 1887.

ALVA ADAMS, *Governor.*

Mr. COCKRELL. I present a petition of Hon. Isaac H. Sturgeon, of Saint Louis, Mo., in favor of the construction of a free ship-canal across the Isthmus of Panama, to be owned and controlled exclusively by the United States, no tolls to be charged vessels of the United States, and reasonable charges for foreign ships that may use it. I present also an accompanying letter from the same gentleman explaining the object of the petition, which I ask may be received and, together with the petition, referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore.* That order will be made if there be no objection.

Mr. INGALLS presented a petition of the executive committee of the Women's Christian Temperance Union of the District of Columbia, praying for the passage of Senate bill 3238, to establish a hospital and reformatory for inebriates in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented authenticated resolutions adopted by Lookout Post, No. 96, Department of Kansas, Grand Army of the Republic; a resolution adopted by Pea Ridge Post, No. 118, Grand Army of the Republic, Department of Kansas, Chetopa, Kans.; a resolution adopted by Benton Post, Grand Army of the Republic, No. 61, Department of Kansas, Anthony, Kans.; a resolution adopted by Elk City Post, No. 128, Grand Army of the Republic, Elk City, Kans., and a resolution adopted by James Shields Post, No. 57, Department of Kansas, Grand Army of the Republic, at Wellington, Kans., favoring the passage of the dependent relatives pension bill over the veto of the President; which were ordered to lie on the table.

Mr. PLUMB presented resolutions adopted by Mulligan Post, No. 91, Grand Army of the Republic, Department of Kansas, at Longton, Kans.; a resolution adopted by Lookout Post, No. 96, Department of Kansas, Grand Army of the Republic, Wellsville, Kans.; a resolution adopted by E. M. Stanton Post, No. 23, Grand Army of the Republic, Howard, Kans.; a resolution adopted by James Shields Post, No. 57, Department of Kansas, Grand Army of the Republic, Wellington, Kans., and a resolution adopted by Benton Post, No. 61, Grand Army of the Republic, Anthony, Kans., praying that what is known as the dependent relatives and disabled soldiers pension bill shall be passed over the veto of the President; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. PALMER, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 899) for the relief of A. S. Bloom, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (H. R. 2981) to abrogate the powers of the executive officers of the United States in allowing indemnity locations or scrip for confirmed unsatisfied private land claims, under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

Mr. GEORGE, from the Committee on the Judiciary, reported an amendment intended to be proposed to the bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.; which was ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (S. 3294) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians, reported it with an amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (S. 2503) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands, and to reimburse and indemnify certain States, reported it with amendments.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c., reported it with an amendment.

SWITZLER'S REPORT ON INTERNAL COMMERCE.

Mr. GORMAN. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives, for printing 15,000 additional copies of the report on internal commerce, by William F. Switzler, Chief of the Bureau of Statistics, to report it favorably without amendment. I ask for its present consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That 15,000 additional copies be printed of the report on internal commerce, by William F. Switzler, Chief of the Bureau of Statistics, being part 2 of the report on commerce and navigation, submitted by him on the 20th day of December, 1886; 10,000 for the use of the House and 5,000 for the use of the Senate.

Mr. GORMAN. I also submit with the report the cost of printing this document as well as the cost of all the printing previously ordered by Congress within the present fiscal year.

The PRESIDENT *pro tempore.* The paper will be laid on the table.

LIST OF TREASURY DEPARTMENT CLERKS.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred the question of printing a list of clerks in the Treasury Department accompanying the letter of the Secretary of the Treasury transmitting a list of employés in his Department, to report it with a recommendation that it be not printed. We find that the cost of printing the usual number of this list would be nearly $1,000, and as all the names included in it are published in the Official Register, the committee recommend that the list be not printed but filed in the office of the Secretary.

The report was agreed to.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 3329) to grant to the Fort Smith and El Paso Railway Company a right of way through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MAHONE introduced a bill (S. 3330) for the erection of a national memorial bridge over the Potomac from Washington to Arlington; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HALE (by request) introduced a bill (S. 3331) to amend chapter 21 of the Revised Statutes relating to the District of Columbia as to interest and usury; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WHITTHORNE introduced a bill (S. 3332) to authorize the construction of an arsenal for the manufacture of ordnance and ordnance stores for the use of the Government of the United States at Columbia, Tenn.; which was read twice by its title, and referred to the select Committee on Ordnance and War Ships.

Mr. HOAR introduced a joint resolution (S. R. 113) to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid in certain cases; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO BILLS.

Mr. HARRISON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

IMPRISONMENT OF CIVILO POUBLE.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That it be referred to the Committee on Foreign Relations to make further investigation into the causes of the imprisonment in Cuba of Civilo

Pouble, who claims to be a citizen of the United States, by the order of the Government of Cuba, and to report the result of their investigation to the Senate.

Mr. MORGAN. I move that the resolution, with the accompanying paper, be referred to the Committee on Foreign Relations.

The motion was agreed to.

SWAMP AND OVERFLOWED LANDS.

Mr. DOLPH submitted the following resolution; which was read:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate under what authority swamp and overflowed lands have heretofore been listed and patented to the several States; what rules and regulations have from time to time governed in the selection, listing, and patenting the same; what amounts of such lands have been approved, and what amounts have been patented to the several States; what amounts are still claimed by them; what amounts of lands have been approved to the several States as indemnity for swamp and overflowed lands sold by the United States, and what amounts in money have been paid to the several States as such indemnity; under what laws and regulations such payments have been made, and what States are still entitled under existing laws to such indemnity, and the amount thereof, and the reasons why the same have not been made; what claims for such indemnity have been made by the several States, in what manner, and in what States selections of swamp and overflowed lands are now being made; and to furnish the Senate with any other official information in his possession upon the subjects aforesaid which, in his judgment, should be laid before the Senate.

Mr. DOLPH. I desire to say a few words before moving the reference of the resolution to the Committee on Public Lands.

The object of the resolution is to obtain necessary information, in a convenient form, to enable some general legislation to be had for the speedy adjustment of all questions of difference between the States and the United States in regard to swamp and overflowed lands. I have no doubt myself that great frauds have been committed, and are being attempted in the selection of swamp lands. The laws are unequal, some of the States being entitled, under existing laws, to indemnity, and others not being so entitled.

I desire, myself, to see some legislation which will not only adjust these questions, but protect, to the fullest extent, settlers upon lands which are claimed by the States as swamp and overflowed lands under the general land laws. It is impracticable that the Senate Committee on Public Lands should report such a measure at this time, but I hope by the convening of the next Congress we shall have the report in a convenient form for information upon the subject.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Public Lands.

OREGON RIVER AND HARBOR APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Calendar under what is known as the Harris rule is now in order.

Mr. MITCHELL, of Oregon. On Saturday I introduced a resolution having reference to the expenditure of appropriations for river and harbor improvements on the Columbia River, and I then gave notice that I should ask the Senate immediately after the morning business this morning to permit the resolution to be taken up for the purpose of enabling me to submit some observations. I now move that the Senate proceed to the consideration of the resolution for that purpose.

Mr. HARRIS. For what purpose?

Mr. MITCHELL, of Oregon. For the purpose of enabling me to submit some very interesting remarks.

Mr. HARRIS. The Senator does not wait for an appropriation bill to submit them on.

Mr. MITCHELL, of Oregon. Does the Senator object?

Mr. HARRIS. I can not object to a request such as that, but I would greatly prefer hearing the remarks upon some one of the general appropriation bills and not devastate the morning hour.

Mr. MITCHELL, of Oregon. I prefer not to interfere with the river and harbor bill, and that is why I avail myself of this opportunity.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the resolution submitted by him on Saturday last. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the letter from the Secretary of War, transmitting, in response to Senate resolution of December 7, 1886, report relative to river and harbor improvements in Oregon and Washington Territory, and now on the table, be referred to the Committee on Commerce with instructions, if, in the judgment of such committee, it is deemed expedient, to investigate and report to the Senate as to the cause of delay in resuming work on the canal and locks at the Cascades of the Columbia River in the fall of 1886, and as to the reasons for change of engineers in charge of such improvement in October, 1886, and if such investigation is deemed expedient by such committee authority is hereby given to send for persons and papers and administer oaths.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to proceed to the consideration of the resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. MITCHELL, of Oregon. The Senator from Texas [Mr. MAXEY] has asked me to yield for a moment for the purpose of allowing him to ask for the consideration of a certain bill, and I am willing to do it provided it does not lead to discusssion.

Mr. HARRIS. I waived my objection because the Senator desired to submit some remarks. The Senator will not obtain my consent to his holding the floor for any other purpose than that for which the consent was given. The bill referred to by the Senator from Texas is the first bill in order under the rule governing the business of the morning hour, and but for the request of the Senator from Oregon to submit remarks the bill would be under consideration at this time under the rule.

Mr. MITCHELL, of Oregon. Then I will proceed with my remarks.

The PRESIDENT *pro tempore*. The Senator from Oregon has the floor.

Mr. MITCHELL, of Oregon. Mr. President, I desire at this time to call the attention of the Senate and of the country, and especially of the people of the Pacific Northwest, who are vitally interested in the speedy opening up of the Columbia River to free and unobstructed navigation, and who are, by reason of their peculiar situation as to transportation facilities, in no humor to be trifled with by questionable or arbitrary action, or non-action upon the part of Executive officers, civil or military, some of the latter of whom have grown in a measure officially haughty, arbitrary, and to a degree intolerant, not to say insolent, by reason of having been for years protected in desirable assignments in Washington mainly as many are through the baneful instrumentalities of social influence rather than real merit, which, in this great capital too often makes and unmakes men, to the manner in which, during the fall of 1886, the will of Congress was set aside, and the execution of its act in appropriating $187,500 for the continuance of work on the canal and locks at the Cascades of the Columbia, suspended, unjustifiably, to the great detriment of the people's interest; and to fix, if we can from the record, the just responsibility for this high-handed, unjustifiable, and wholly illegal act upon the official or officials justly chargeable therewith.

Congress at its last session, in the river and harbor bill, which became a law August 5, 1886, appropriated $187,500 for the purpose of continuing the improvement on the canal and locks at the Cascades of the Columbia River. This appropriation became immediately available, and with the exception of ordering the construction of a wharf at a cost of not exceeding $3,600, this money was retained under the control of the Engineer Department, and not a single dollar of it was authorized to be expended or a lick of work done until about October 8, 1886.

On the 6th day of December last, in response to an almost universal demand by the people of Oregon and Washington Territory interested in the proper and speedy expenditure of this appropriation, and of various representative bodies, all justly indignant over what then seemed, and which still seems to them an inexcusable delay in utilizing such appropriations, for an investigation upon the part of Congress, or the Senate, as to the cause of such delay, and also as to the reason for a change of local engineers whereby Maj. W. A. Jones, Corps of Engineers, was relieved and Capt. Charles F. Powell appointed, I presented to the Senate the following resolution:

Whereas the Congress adjourned its last session on the 5th day of August last; and by the provisions of the bill commonly known as the river and harbor bill, which became a law on that day, large appropriations were made, and were on that day immediately available, for the continuation of certain improvements of rivers and harbors in the State of Oregon and Washington Territory; including $187,500 for the further prosecution of the work of constructing a canal and locks at the Cascades of the Columbia River; $187,500 for the continuation of improvements at the mouth of the Columbia River; $75,000 for the continuation of the improvement at the entrance to Yaquina Bay, Oregon; and $33,750 for the continuation of work on the improvement of Coos Bay, Oregon; and

Whereas it is alleged that no work whatever was done toward utilizing said appropriation for work on the canal and locks at the Cascades of the Columbia until about the 10th day of October last, over two months after said appropriation was available, and thus losing, as it is alleged by those most interested in the early completion of said work, the great advantages of low water, good weather, and long days; and during which time, it is alleged, said work could have been carried on at much less expense and to much great advantage; and

Whereas it is further alleged the expenditure of the other appropriations above referrd to has been postponed by the War Department or its engineers until next spring; and

Whereas the boards of trade at Portland, Oreg., and The Dalles, Oreg., representing those sections and communities largely interested in the speedy completion of the works for which such appropriations were made, including also the Columbia Water-Way Convention recently in session at Vancouver, Wash., have all deprecated the delays in the prosecction of such works, and have some of them also adopted strong resolutions of regret that Maj. W. A. Jones, a major of United States engineers, and it is alleged for about two years last past in charge of the work on the canal and locks at the Cascades of the Columbia, should, as it is alleged he was, after he had submitted his project for the expenditure of said appropriation for the continuation of work on the canal and locks at the Cascades of the Columbia, be relieved by his superiors and displaced by the assignment to said work of Capt. Charles F. Powell, a captain of United States engineer, thus occasioning further delay necessarily incident to any change at such a time; and

Whereas the Senators and Representative from the State of Oregon have by such representative bodies, or some of them, been requested to inquire as to the cause of such delays in the utilization of said appropriations: Therefore,

Resolved, That the Secretary of War be, and he hereby is, directed to advise the Senate at his earliest practicable convenience as to what change or changes, if any, have been made in the United States engineers in charge of the construction of the canal and locks at the Cascades of the Columbia River since the 5th day of August last; and in charge of any of the river or harbor improvements in Oregon and Washington Territory since said date; and the date and character of any such change or changes; the names of the engineers relieved, changed, or transferred, and in what respect changed or transferred, and their rank respectively, and the reasons for such change or changes; also, in case any such change has been made, whether the engineer relieved had prior to such change or transfer submitted to the Chief of Engineers his project or plan for the expenditure of such appropriations; and whether or not the same had been approved or rejected by the Chief of Engineers or Acting Chief of Engineers or War Department prior to such change or transfer of engineers in charge; also what change, if any, has been made in the plan of work or the manner of proposed expenditure of such appropriation since the date of such change of engineers; also, if such change of engineers was made, what works were in charge

of such engineers, respectively, for the two years prior to such change; and, further, what river or harbor works or improvements have such engineers been in charge of since the date of such change.

Also, that the Secretary of War be further directed to report to the Senate further, at its earliest practicable convenience, whether it is true, as alleged, or otherwise, that the work at the mouth of the Columbia, at the entrance to Yaquina Bay, and at Coos Bay, Oregon, has been postponed until next spring, and the reasons in detail for such postponement.

And, further, that he transmit to the Senate with such reports, and as a part thereof, full copies of all correspondence, whether by letter or telegram, occurring between the War Department or any of its officers, and any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to, and each of them; or relative to any change of engineers in charge of the work on the canal and locks at the Cascades of the Columbia River, or relative to the change of engineers in charge of any of the works or improvement above specified.

After discussion in the Senate, the resolution was by me modified to meet the views of different Senators, and on December 7 adopted by the Senate in the following form:

Resolved, That the Secretary of War be, and he hereby is, directed to advise the Senate, at his earliest practicable convenience, as to what change or changes, if any, have been made in the United States engineers in charge of the construction of the canal and locks at the Cascades of the Columbia River since the 5th day of August last, and in charge of any of the river or harbor improvements in Oregon and Washington Territory since said date, and the date and character of any such change or changes, the names of the engineers relieved, changed, or transferred, and in what respect changed or transferred, and their rank respectively, and the reasons for such change or changes; also, in case any such change has been made, whether the engineer relieved had prior to such change or transfer submitted to the Chief of Engineers his project or plan for the expenditure of such appropriations, and whether or not the same had been approved or rejected by the Chief of Engineers or acting Chief of Engineers, or War Department, prior to such change or transfer of engineers in charge; also what change, if any, has been made in the plan of work or the manner of proposed expenditure of such appropriation since the date of such change of engineers; also, if such change of engineers was made, what works were in charge of such engineers respectively for the two years prior to such change; and, further, what river or harbor works or improvements have such engineers been in charge of since the date of such change.

Also, that the Secretary of War be further directed to report to the Senate further, at his earliest practicable convenience, whether it is true or otherwise that the work at the mouth of the Columbia, at the entrance to Yaquina Bay, and at Coos Bay, Oregon, has been postponed until next spring, and the reasons in detail for such postponement; and, further, that he transmit to the Senate with such reports, and as a part thereof, full copies of all correspondence, whether by letter or telegram, occurring between the War Department or any of its officers and any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to and each of them.

While many of the people, whom I in part represent, demanded that a joint committee, or otherwise, should in the first instance be raised and instructed to investigate as to the cause for the delay in the expenditure of this appropriation, and the change in engineers under the peculiar circumstances which it was made, and in what seemed to them a most unusual manner, and while I have been criticised by some for not in the first instance demanding such investigation, I believed that the War Department should first have an opportunity to be heard in response to these complaints of the people, not only as a matter of fairness and justice to the Department, but also for the reason that inasmuch as the response of that Department might present either a satifactory answer to all complaints, or otherwise might of itself amount to a plea of inexcusable guilt, disclosing at the same time the name of the offender, and in either of which cases no necessity for an investigation in order to arrive at the truth would exist. That I made no mistake in this course is clearly apparent from the answer of the Secretary of War to the Senate's resolution. This answer is dated December 21, 1886 (see Senate Executive Document No. 12, second session Forty-ninth Congress).

From this answer it will be seen that no investigation, however thorough, rigid, or searching, although made by the most able and experienced committee, joint or otherwise, could have more clearly, certainly, or conclusively convicted any officer of the War Department, civil or military, connected with the execution of the laws in that Department, of a more unjustifiable exercise, or arbitrary usurpation of executive power, than does this response of the honorable Secretary of War convict one of his subordinates in the Engineer Corps of the Army. I refer to John G. Parke, colonel of engineers, brevet major-general United States Army, and then for a few brief weeks in charge of the office of Chief of Engineers at Washington.

That the course pursued by Col. John G. Parke as acting Chief of Engineers in respect of this appropriation, while temporarily, through mere accident, in charge for a brief time of the office of Chief of Engineers, in withholding for weeks this appropriation, and in respect of the change of local engineers, was unreasonable arbitrary, and illegal, not to say tyrannical and defiant, and characterized by an utter disregard not only of official propriety but also of the public interests and individual rights, and in every sense wholly indefensible, will be made clearly apparent to all, except those who are determined not to see or know the truth, from his own report to the Secretary of War.

In other words, out of his own mouth he stands convicted of gross and inexcusable usurpation of executive power before an outraged and justly indignant people whose rights and interests have been in a material measure sacrificed by him to the end that he might, while exercising a little brief authority, either gratify an intolerant and reprehensible spirit of personal spleen toward a brother officer of his corps, or truckle to the selfish interests and sordid will of a transportation monopoly, whose iron heel is grinding the very life-blood out of the producers and shippers of the Pacific Northwest.

In view of the answer of Colonel Parke, as contained in the report of the Secretary of War, it is clear no investigation was necessary in order merely to fix the responsibility for the delay in the prosecution of the work on the canal and locks at the Cascades of the Columbia during the good weather, long days, and low water of last fall, where it properly belongs. And to fix such responsibility is all that could be expected from an investigation, except it were to vindicate a worthy officer of the Corps of United States Engineers against what by most those familiar with all the circumstances is regarded as a gross libel on his profession, character, and reputation.

In fact, Colonel Parke, in taking upon himself as he does boldly and without hesitation or reservation, relieving the Secretary of War and all others, the entire responsibility for the inexcusable delay in ordering work to proceed on the canal and locks, when such order should have been issued, seems rather to glory in the manner in which he suspended the execution of a law of Congress, and refused, at his pleasure, to execute the expressed will of the legislative and executive branches of the National Government.

No military satrap or imperial dictator, subject to no law, or restraint, or regulating power save his own arbitrary will, was ever more unreasonable, defiant, or unjust than the record shows Colonel Parke to have been in reference to this very matter.

Let us see how far there is justification for these strictures on the conduct of Colonel Parke in reference to this business. For over two years prior to October 6, 1886, as appears by the response of the Secretary of War, river and harbor improvements in Oregon and Washington Territory were in charge of two local engineers of the United States Engineer Corps; the one, Maj. W. A. Jones, the other, Capt. Charles F. Powell, and the work was, according to the report of General J. C. Duane, present Chief of Engineers, to the Secretary of War, (and which is part of the response to the Senate resolution, pages 3 and 4), distributed as follows; I quote from the letter of Chief of Engineers:

The following works were in charge of Maj. W. A. Jones during the two years prior to October 6, 1886, viz:
"Improving Upper Willamette River, Oregon.
"Improving Columbia River, Oregon.
"Improving Lower Willamette and Columbia River (since February, 1886).
"Improving Columbia River at the Cascades.
"Improving Upper Columbia and Snake Rivers, Oregon and Washington Territory.
"Improving Cowlitz River, Oregon and Washington Territory.
"Improving Lower Clearwater River, Idaho."

While the works in charge of Capt. C. F. Powell for two years prior to the transfer, October 6, 1886, were:
"Improving Columbia and Willamette Rivers below Portland, Oreg. (to February 11, 1886).
"Improving mouth of Columbia River, Oregon and Washington Territory.
"Improving entrance to Coos Bay, Oregon.
"Improving entrance to Yaquina Bay, Oregon.
"Improving mouth of Coquille River, Oregon.
"Improving Skagit, Stielaquamish, Nootsack, Snohomish, and Snoqualmie Rivers, Oregon and Washington Territory.
"Improving Chehalis River, Washington Territory.
"Gauging waters of Columbia River and principal tributaries."

It will be seen at a glance that prior to October 6, 1886, on which date Major Jones was by order of Col. John G. Parke, then in charge of office of Chief of Engineers, relieved of the improvements at the canal at Cascades, while Major Jones was in charge of very important works aside from the canal and locks, the larger proportion both in number and importance of the improvements in Oregon and Washington Territory was and had been for over two years in charge of Captain Powell, an officer subordinate in rank to Major Jones. Yet, notwithstanding this fact, on October 6, 1886, the work on the canal and locks was, by order of Colonel Parke, taken out of the hands of Major Jones, an officer superior in rank, and in whose integrity, ability, and executive and administrative engineering capacity the people interested in the speedy and proper completion of this great improvement had unbounded confidence, and turned over to Captain Powell, his junior in rank—although an excellent gentleman—and a thoroughly able and efficient engineer; so that since October 6 the improvements are divided between these two officers, as follows:

Since the date of the transfer Major Jones has been in charge of the following works;
"Improving Upper Columbia River, including Snake River, Oregon, and Washington Territory.
"Improving Lower Willamette River and Columbia River below Portland, Oreg.
"Improving Upper Willamette River above Portland.
"Improving Cowlitz River, Washington Territory."

And Captain Powell has been charged with the following:
"Improving canal at the Cascadas, Oregon.
"Improving harbor at Yaquina Bay, Oregon.
"Improving harbor at entrance of Coos Bay, Oregon.
"Improving mouth of Columbia River.
"Improving Coquille River, Oregon.
"Improving Chehalis River, Washington Territory.
"Improving Skagit, Stielaquamish, Nootsack, Snohomish, and Snoqualmie Rivers, Washington Territory.
"Gauging waters of Columbia River," &c.

It would seem, Mr. President, that for an order so unusual and extraordinary in its nature, especially when considered in reference to the time and manner in which it was brought about, involving as it nec-

essarily did, not only weeks of delay in the prosecution of a great public improvement, and the enhancement of its cost, but also a most serious and damaging reflection upon the officer superior in rank relieved, at least some *plausible*, if not indeed some *reasonable* excuse ought to be given, when the reason for the same had been peremptorily called for by the Senate of the United States. Has this been done? What is the reason offered by Colonel Parke for this extraordinary order? What excuse is presented for thus delaying a great public work of vital interest to the producers and shippers of a great empire, and for placing the ban of his official condemnation on a worthy and capable officer of his own corps, in whose ability, efficiency, and fidelity to public trust the people in whose interests he was laboring have entire confidence? It is found in that portion of the response of the Secretary of War, consisting of the report of Colonel Parke to General Duane, Chief of Engineers, of date December 11, 1886, page 5 of Senate Executive Document, before quoted, and is as follows, and that no injustice may be done Colonel Parke, I quote the whole of his report on this subject:

[Letter of Col. John G. Parke, Corps of Engineers, to the Chief of Engineers.]

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 11, 1886.

SIR: Referring to so much of the resolution of the Senate of the United States, of December 7, 1886, as relates to the change "made in the United States Engineers in charge of the construction of the canal and locks at the Cascades of the Columbia River," * * * and especially to that portion of the resolution which calls for "the reason for such change," I beg to submit the following report, which seems to be called for from me, for the reason that, at the time the change referred to was made, I was in charge of the office of the Chief of Engineers.

The river and harbor act was approved August 5, 1886.

Printed copies thereof were received at this office August 12. On the same day officers in charge of districts were called upon by letter for projects for the application of the amounts appropriated for the several improvements (copy of letter herewith).

In reply to this letter, Major Jones submitted, on August 21, his project for application of appropriation of $187,500 for "improving canal at Cascades, Oregon," and it was received August 28, 1886 (copy herewith).

On the 27th of August the Chief of Engineers was retired, and on the 30th I assumed charge of the office.

As a general rule the projects were considered and acted upon in the order of their receipt. On reaching that of Major Jones for the Cascades Canal it was laid aside, for the reason that I preferred to have it considered and acted upon by the Chief of Engineers as soon as possible after his appointment.

Owing to the great desire of those interested in the improvement for an early resumption of work, as expressed in various telegrams received at the War Department and at this office, I reported to the Secretary of War the status of the case, and added that, while I was Acting Chief of Engineers, in temporary charge of the office, I preferred not to make a decision on Major Jones' project, for I was not willing to assume the responsibility of recommending or authorizing the approval of a project for a work of this character of an officer whose *administrative skill, capacity, and ability were not satisfactory to me;* but in order that there should be no further delay in the work, I was perfectly ready to make a recommendation in the case, and that was for Captain Powell to relieve Major Jones of the charge of the improvement. This was authorized by the Secretary of War, and the transfer was thereupon effected. See telegrams to Major Jones and Captain Powell, copies of which accompany the papers.

Very respectfully, your obedient servant,

JOHN G. PARKE,
Colonel of Engineers, Bvt. Maj. Gen., U. S. A.

Brig. General J. C. DUANE,
Chief of Engineers, U. S. A.

In a word, therefore, the reason why General Parke would not approve the project of Major Jones, and why he induced Secretary of War Endicott to authorize that Major Jones be relieved by Captain Powell, was, to use his own language, that "I," Colonel Parke, "was not willing to assume the responsibility of recommending or authorizing the approval of a project for a work of this character by an officer whose *administrative skill, capacity, and ability were not satisfactorg to me.*"

Waiving, therefore, for the moment the question, and I shall come to that later, as to what, if any, good grounds existed upon which Colonel Park had any right to be dissatisfied with the "administrative skill, capacity, and ability" of Major Jones, or which justified him in proclaiming to the Engineer Corps of the Army, to the Secretary of War, the Congress, and the world, that Major Jones was lacking in administrative skill, capacity, and ability, or at least that he did not possess these qualities to an extent or degree as to be satisfactory to Colonel Parke, let us inquire as to the *manner* in which this thing was done.

Does the record show on its face that Colonel Parke was looking solely to the promotion of the public interests, and that this was his motive, as disclosed by his own record, by which he was governed, in his refusal from time to time, and from week to week, to give any attention whatever to the project of Major Jones, and when finally pressed to the wall by the protests of an indignant people whose interests and rights were being disregarded and trampled upon, to demand his removal from the work? or does it show a cunning, studied, and persistent effort for some real or fancied provocation to humiliate and degrade a brother officer, and this at the expense and sacrifice of great public interests, by an arbitrary, unjust, and inexcusable exercise of military power? Let the record speak on this subject.

For two years prior to August 12, 1886, Major Jones had been in charge of the work on the canal and locks at the Cascades of the Columbia, and on that date was called on by a letter of that date by the Chief of Engineers, General Newton, to submit his projects for the expenditure of the appropriation of $187,500 available August 5, 1886, and the prosecution of the work of improvement. August 21, nine days later, Major Jones mailed to the Chief of Engineers his letter submitting his projects. This letter was as follows:

[Project of Maj. W. A. Jones, Corps of Engineers, for application of appropriation of August 5, 1886, for improving canal at Cascades, Oregon.]

UNITED STATES ENGINEER OFFICE,
Portland, Oreg., August 21, 1886.

SIR: In compliance with instructions in circular letter of the 12th instant, I have the honor to submit project for the expenditure of the appropriation of $187,500, act of August 5, 1886.

[Improving canal at Cascades, Oregon.]

It is proposed to apply the funds as follows:

	ESTIMATE.
1. Make the whole excavation for the low-water lock	$90,000
2. Build wing-walls	30,000
3. Secure supply of stone, broken stone, and gravel and sand, for lock masonry	5,000
4. Build a wharf for the handling of masonry and timber and wood supplies	3,000
5. Repair and extend tramways and purchase locomotive	4,500
6. Cut all stone on hand and pile it out of the way; stone-cutting and quarry work	15,000
7. Purchase of right to use quarry	1,000
8. Purchase of materials and new plant	2,000
9. Repairs of steam-launch, buildings and plant	4,000
10. Engineering superintendence	15,000

It is proposed, as has been done hitherto, to do all work by hired labor and to make all purchases of materials in open market, after public notice inviting sealed proposals, except in cases of single purchases exceeding $1,000, where there will be time to execute the necessary formalities of a contract. Also to make the purchase of petty articles for immediate use in sums not exceeding $10 in open market, without public notice.

The reasons for not carrying on this work by contract are, principally, that most of the work is of such a character that the United States can do it cheaper than private individuals. It owns the necessary plant. An effort was made to do this work by contract and failed. A reference to the cost per unit of work shown in my annual report proves these statements. It will therefore be the most economical and advantageous to carry on this work otherwise than by contract.

[Résumé.]

The plan for this improvement, adopted in 1877, and modified in 1880, is to give lockage around the main rapid, and open river navigation through the minor rapids below, from low water up to a stage of about 20 feet at the foot of the canal. The plan contemplates the construction of a guard-lock for use at the higher stages.

The canal will be about 3,000 feet long.

The low-water lock will have a lift of about 24 feet.

The lock capacity will be 90 feet by 462 feet, with a least draught of 8 feet.

The amount expended to June 30, 1886, is $951,450.25.

The amount (estimated) required for completion of existing project is $1,100,000.

Very respectfully, your obedient servant,

W. A. JONES, *Major of Engineers.*

The CHIEF OF ENGINEERS, U. S. A.

This letter, it is admitted by Colonel Parke, in his communication of December 11, before referred to, was received at the office of the Chief of Engineers in Washington August 28. On the day preceding, August 27, the Chief of Engineers, General Newton, was retired, and two days subsequent to its receipt, that is, on August 30, Colonel Parke assumed charge of the Office of Chief of Engineers; and although Colonel Parke on September 9 approved Captain Powell's project for utilizing the appropriation as to Coos Bay, forwarded on the same date as that of Major Jones, that of Major Jones was permitted to slumber in the pigeon-hole or on the desk of Colonel Parke, neither approved nor rejected, criticised nor returned for correction, nor was Major Jones advised in any manner whatever that his project was in any respect whatever unsatisfactory to Colonel Parke or any other officer.

Day after day passed, and twenty days thus passed, and the 17th of September came, and still neither Major Jones nor his project received any attention whatever from Colonel Parke. Major Jones becoming somewhat impatient at the delay, and it was but natural he should, on September 17th sent the following polite telegraphic inquiry to his chief:

[Telegram from Maj. W. A. Jones, Corps of Engineers, to Chief of Engineers.]

PORTLAND, OREG., *September* 17, 1886.

Has my project for Cascades Canal been approved? Present time most valuable for operations.

JONES, *Major Engineers.*

CHIEF OF ENGINEERS.

This dispatch Colonel Parke permitted to lie on his desk unanswered for four days, when he sent the following curt and unsatisfactory telegram in answer:

[Telegram of General John G. Parke, in charge of the office of the Chief of Engineers, to Maj. W. A. Jones, Corps of Engineers.]

WASHINGTON, D. C., *September* 21, 1886.

Project for Cascades Canal not yet approved.

PARKE, *In Charge of Office.*

Major JONES, *Engineers.*

Not a word, not even a hint, it will be observed, is contained in this dispatch to the effect that the project was in any respect whatever either lacking in intelligent engineering or business expression, or in any wise unsatisfactory to the Department, or in any sense open to criticism. But not only so; and it may be said in passing that never yet has Colonel Parke in any manner, so far as disclosed by the record,

indicated or pointed out any error, or mistake, or irregularity, or lack of engineering or business propriety whatever in the project of Major Jones; another nine days pass away, and a full month, lacking one day, elapses since Major Jones's project was on Colonel Parke's desk, and still receiving no word, except the unsatisfactory telegram of December 21, Major Jones ventures to send a *second* dispatch to Colonel Parke, as follows:

[Telegram from Maj. W. A. Jones, Corps of Engineers, to the Chief of Engineers.]

PORTLAND, OREG., *September* 26, 1886.

Request authority to employ overseer on Snake River, $150 per month. Request early action and telegraphic reply. *I ought to be authorized to proceed immediately with work at Cascades Canal on some basis or other, say excavation and stone-cutting. This is very important.*

JONES, *Major Engineers.*

The CHIEF OF ENGINEERS.

To that portion of this dispatch referring to the improvement of, or being authorized to proceed with, the work at the Cascades Canal, Colonel Parke does not deign to make any reply whatever, but on the contrary, replying to the other part of the dispatch, he treated this with supreme contempt. Colonel Parke's telegraphic answer, sent two days later, was as follows:

[Telegram of General John G. Parke, in charge of the office of the Chief of Engineers, to Maj. W. A. Jones, Corps of Engineers.]

WASHINGTON, *September* 28, 1886.

Application to employ overseer on Snake River approved.

PARKE,
In Charge of Office.

Major JONES, *Engineers.*

No reference whatever is made, it will be observed, to that portion of Major Jones's dispatch which refers to the importance of being authorized to proceed with work at the Cascades Canal.

And his answer by letter of same date was as follows:

[Letter from General John G. Parke, in charge of the office of the Chief of Engineers, to Maj. W. A. Jones, Corps of Engineers.]

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., September 28, 1886.

SIR: In reply to your telegram of the 26th instant, authority is hereby granted you for the employment of an overseer upon the improvement of Snake River, Oregon, at a salary not to exceed $150 per month, for such period only as his services may be indispensable.

Copy of telegram of this date to the above effect is herewith inclosed.

Very respectfully, your obedient servant,

JOHN G. PARKE,
Colonel of Engineers, Bvt. Maj. Gen., U. S. A., in charge of Office.

Maj. W. A. JONES,
Corps of Engineers.

In this letter also the Cascades Canal business is wholly and absolutely ignored.

Major Jones, waiting four days for an answer to his dispatch of September 26, relative to work at the Cascades, and *thirty-two* days having elapsed since his project had reached the desk of Colonel Parke without receiving any attention whatever, and being unable to get any satisfactory response to his first telegraphic inquiry, and none whatever, satisfactory or otherwise, to that of September 26, again ventured on September 30 to send the following dispatch, being the *third* telegraphic inquiry as to what action was to be had on his project:

[Telegram from Maj. W. A. Jones, Corps of Engineers, to the Chief of Engineers.]

PORTLAND, OREG., *September* 30, 1886.

A large number of men are waiting, at much expense, for work at Cascades Canal. I ought to know concerning the time when operations may be resumed. They are entirely suspended.

JONES, *Major of Engineers.*

The CHIEF OF ENGINEERS.

And what character of response does Colonel Parke make to this *third* urgent appeal of a faithful officer made in the interest not only of the public service and of an important public improvement, but of that also of the scores of waiting laboring men? Simply this and nothing more—which might perhaps, with no great degree of impropriety, be termed little else than an insulting repetition of his dispatch of ten days previous, in these words:

[Telegram from General John G. Parke, in charge of the office of the Chief of Engineers, to Maj. W. A. Jones, Corps of Engineers.]

WASHINGTON, D. C., *October* 1, 1886.

Project Cascades Canal not yet approved.

PARKE, *In Charge of Office.*

Major JONES, *Engineers.*

Nor can it be said that the attention of Colonel Parke had not, aside from the dispatches of Major Jones, been called to the great importance of proceeding without delay with this work on the canal and locks. On the 25th of August last I addressed the following letter to the Chief of Engineers:

[Letter of John H. Mitchell, United States Senate, to the Chief of Engineers.]

UNITED STATES SENATE,
Washington, D. C., August 25, 1886.

DEAR GENERAL: I am much concerned by a notice which has just reached me from one of the Oregon papers stating that nothing will be done this year by Captain Powell at Coquille, Coos Bay, Yaquina Bay, and on the Columbia Bar to carry out the appropriations made by the last river and harbor bill for these works, except to make preparation for active operations to commence about the first of next May. I sincerely hope that this is not true, and that even if such be the purpose of Captain Powell you will urge upon him to do all he consistently and properly can this autumn in the way of prosecuting the works now in progress at these various points, and other points for which appropriations have been made for river and harbor improvements in Oregon. The appropriations made for these various improvements have, according to Captain Powell's reports, yielded very valuable results. *It is of the utmost importance also that the work on the canals and locks at the Cascades of the Columbia should be prosecuted without delay.*

I cannot but believe that Captain Powell will have at least two months within which to prosecute work on the jetties at the mouth of the Columbia, the Yaquina, Coos Bay, and Coquille. If nothing be done this fall toward utilizing these appropriations before next winter, the effect upon our application to Congress for additional appropriations next winter will be comparatively disastrous. We shall, in such an event, be met with the argument that the money appropriated by the last bill is mainly unexpended and that there is no occasion for any considerable further appropriation.

In view of the fact that the appropriations made fall so much below what your Department has advised, and which in my judgment should have been made, it would be most unfortunate if the State should be prejudiced at the next session of Congress by a failure to expend the appropriations as far as the same can be judiciously expended before next winter. Of course, I would not wish to be understood as urging such action as would result in a waste of the money appropriated.

I am glad to be advised by you that Major Jones has been instructed by telegraph to proceed at once with the dredging of the river between Astoria and Portland.

I beg your earnest attention to this matter, which I regard as vitally important to the commercial interests and material prosperity of the State I have the honor in part to represent in the National Senate.

I am, very respectfully,

JOHN H. MITCHELL.

General JOHN NEWTON,
Chief of Engineers, U. S. A.

This letter was presented by me in person to the Chief of Engineers August 26, and it was on that date referred to Captain Powell for report, and by him returned to Colonel Parke with his (Powell's) report September 21.

In the mean time the people, and boards of trade, and chambers of commerce, interested in the prosecution in good faith and without unnecessary delay of this great work, became impatient at the delay; long days, good weather, and low water, were all propitious; men were waiting orders to go to work by scores; the money, $187,500, had been appropriated, and was lying idle in the Treasury; the short days, high water, and bad weather, which would, as all know, enhance the cost of excavations for each and every yard more than 25 per cent., were rapidly approaching, and yet nothing was done. They began to speak on the subject; to inquire as to the cause of this unseemly and aggravating delay, and on September 30 The Dalles Board of Trade sent the following telegraphic inquiry direct to the President of the United States:

[Telegram from E. B. McFarland, president Dalles Board of Trade, to President of United States.]

THE DALLES, OREG., *September* 30, 1886.

We are officially informed that all appropriations for river improvements here are available except those made by the last Congress for building the canal at the Cascades of the Columbia River. This is withheld in Washington. Will your Excellency investigate this and advise us how soon the fund will be available?

E. B. MCFARLAND,
President Dalles Board of Trade.

His Excellency GROVER CLEVELAND,
President of the United States.

Of course the President knew nothing about it, and very properly, I presume, referred it to the Secretary of War, who in turn referred it to Colonel Parke, then in charge of the office of Chief of Engineers, being also chief of the division on rivers and harbors in that Bureau, who, on October 5th, made the following response to the dispatch:

[Telegram from General John G. Parke, in charge of the office of the Chief of Engineers, to E. B. McFarland, President of The Dalles Board of Trade.]

WASHINGTON, D. C., *October* 5, 1886.

Hope soon to perfect arrangements for resuming work at Cascades Canal.

JOHN G. PARKE,
In charge of office.

E. B. MCFARLAND,
Dalles, Oreg.

In the mean time I, on October 2, arrived at The Dalles, Oreg., on my return home from the East, and to my great surprise learned that work had not yet been resumed on the canal and locks; found the people in a high state of excitement over the matter, some of them even disposed to censure me and other of the Oregon delegation as being responsible for the delay. I immediately, on my own motion and in accordance with the wishes of leading citizens of The Dalles and of the board of trade of that city, sent two dispatches, one to the Secretary of War, as follows:

[Telegram from John H. Mitchell, United States Senate, to the Secretary of War.]

THE DALLES, OREG., *October* 2, 1886.

What occasions delay in proceeding with work on canal and locks at Cascades, Columbia River? Great and just indignation among people Eastern Oregon over report that last appropriation is not available. What is the trouble? Answer by telegraph.

JOHN H. MITCHELL.

The SECRETARY OF WAR,
Washington, D. C.

The other to Colonel Parke, as follows:

[Telegram from John H. Mitchell, United States Senate, to General John G. Parke.]

THE DALLES, OREG., *October* 2, 1886.

Universal indignation in Oregon over report money cannot be expended on Cascade Locks. What is difficulty? Answer quick.

JOHN H. MITCHELL.

General PARKE,
Office Chief of Engineers.

And on October 5, three days after sending my dispatch requesting an answer as to the cause of delay, I received the following response from Colonel Parke:

[Telegram from General John G. Parke, in charge of the office of the Chief of Engineers, to John H. Mitchell, United States Senate.]

WASHINGTON, D. C., *October* 5, 1886.

Hope soon to perfect arrangements by which work at Cascades Canal may be resumed.

JOHN G. PARKE,
In Charge of Office.

Hon. J. H. MITCHELL, *Dalles, Oreg.*

This, it will be observed, was no response at all to my inquiries, but, on the contrary, was rather to the effect, when considered as a whole, and read between the lines, that it was no business of mine, or, in fact, that of any other person in Oregon as to what the cause of the delay was.

It was, however, in connection with the dispatch of same date to Mr. McFarland, president of the Dallass Board of Trade, the first word of assurance that Colonel Parke, then *de facto* Chief of Engineers, condescended to vouchsafe to any one that work would *ever* be resumed on this important improvement.

Colonel Parke finding that something must be done, that he must move on, that he could no longer with safety stand in the way of the execution of the law, or the resumption of this important work, and finding nothing in the project of Major Jones that would justify its rejection, set about to degrade that officer by reporting to the Secretary of War that the "*administrative skill, capacity, and ability*" of Major Jones were "not satisfactory" to him, and that for this reason he preferred not to make a decision on his (Major Jones') project, but was willing to recommend that he be degraded by having him relieved by an officer his junior in rank on suggestions of this character.

It is to be regretted that the Secretary of War permitted himself to be overreached by the cunning and plausible diplomacy of a Chesterfieldian officer such as we all know Colonel Parke to be, in a matter so important to the public interests and individual and professional rights. It does not appear from the report of the Secretary of War that any written charges were presented to him by Colonel Parke affecting the "*administrative skill, capacity, and ability*" of Major Jones as an engineer officer; on the contrary, it seems that Colonel Parke called on the Secretary of War in person for the purpose of securing through his representations his aid in plunging a poisoned dagger into the heart of Major Jones under pretense of performing a great public duty.

Upon full consideration—

Says the Secretary in his answer to the resolution of the Senate in speaking of this change of officers—

of the reasons of the transfer, as submitted to me by Colonel Parke in a personal interview, I deemed it my duty to relieve Major Jones and to detail Captain Powell to do this work.

If it were true that Major Jones' administrative skill, capacity, and ability were deficient, and this fact was known to Colonel Parke, why did he not remove him without delay from charge of this important work? And, moreover, wherefore the necessity of appealing to the Secretary of War? It was perfectly competent for Colonel Parke, as officer in charge of the office of Chief of Engineers, to remove Major Jones from this work. Orders assigning engineer officers to stations issue from the Secretary of War, but orders assigning them to the charge of works invariably issue, as I am advised, from the office of Chief of Engineers.

It was, therefore, an unnecessary proceeding to call in the Secretary of War in this case. As officer in command of that important bureau he could and did assume the responsibility of obstructing the will of Congress, and defeating the just hopes and expectations of a suffering people by delaying a great public work. Yet he could not assume the responsibility of doing an important duty which his position required of him, assuming Major Jones was incompetent for the place, by removing him at once, placing a competent man in charge, and ordering the work to proceed. On any theory, therefore, of this case, there seems to be neither excuse nor palliation for the delay in resuming this work.

Colonel Parke, having secured the co-operation of the Secretary of War in superseding Major Jones by Captain Powell, on October 4 telegraphed Captain Powell as follows:

[Telegram from General John G. Parke, in charge of the office of the Chief of Engineers, to Capt. Charles F. Powell, Corps of Engineers.]

WASHINGTON, D. C., *October* 4, 1886.

Can you take charge of Cascades Canal in addition to your other duties?

PARKE, *In Charge of Office.*

Captain POWELL, *Engineers.*

And on October 5, receiving no answer, a second telegram was sent by Colonel Parke to Captain Powell.

[Telegram from General John G. Parke, in charge of the office of the Chief of Engineers, to Capt. Charles F. Powell, Corps of Engineers.]

WASHINGTON, D. C., *October* 5, 1886.

No answer to telegram of yesterday. It is desired here to make the change. Hope you can take charge at once.

PARKE, *In Charge of Office.*

Captain POWELL, *Engineers.*

To which Captain Powell, on the same date, responded as follows:

[Telegram from Capt. Charles F. Powell, Corps of Engineers, to the Chief of Engineers.]

PORTLAND, OREG., *October* 5, 1886.

I can take charge of Cascades Canal in addition to my other duties.

Captain POWELL.

The CHIEF OF ENGINEERS, *Army.*

Thus it will be seen that after a delay of over *two months* from the date when this appropriation was available, and of *forty-six days* after the project for its application was on the desk of the Chief of Engineers, Major Jones was, without a note of warning, without a suggestion as to the cause, summarily relieved, so to speak, on the eve of battle, and his place filled by a junior in rank; and when he presumed to make the following modest inquiry as to the cause—

[Telegram from Maj. W. A. Jones, Corps of Engineers, to the Chief of Engineers.]

PORTLAND, OREG., *October* 8, 1886.

May I inquire why I am removed from charge of the Cascade locks?

JONES, *Major Engineers.*

CHIEF OF ENGINEERS.

Colonel Parke in charge of office does not condescend to make any reply whatever.

But the spirit in which the action of Colonel Parke was received by those most interested will be seen from the following official declaration of the Portland (Oreg.) Board of Trade, The Dalles City Board of Trade, and the Columbia River Water Way Convention.

October 8 the Board of Trade of Portland, Oreg., adopted the following resolutions, and telegraphed the same to the Secretary of War on the same date, and also sent a telegraphic copy to my colleague, Senator DOLPH, then in Washington:

[Telegram from the Board of Trade, Portland. Oreg., to Hon. J. N. DOLPH, United States Senate.]

PORTLAND, OREG., *October* 8, 1886.

Whereas the early completion of the canal and locks at the Cascades of the Columbia River is demanded by the people of Oregon in the interest of cheap transportation and rapidly-increasing commerce of this city and the Pacific Northwest; and

Whereas we have viewed with regret the delay occurring since the adjournment of Congress in resumption of operations for the continuation of this important work, especially as the conditions of low water and good weather in Oregon this season are exceptionally favorable to the prosecution of work; and

Whereas we have learned with regret a rumor to effect that a change of engineers in charge is contemplated, which, if ordered, must necessarily result in further delay in resuming work, thus virtually postponing work until spring, resulting furthermore, doubtless, in defeating demands of Representatives in Congress for further appropriations next winter by reason of large unexpended balances; and

Whereas this board have implicit confidence in the capacity, energy, and integrity of Maj. W. A. Jones, engineer in charge for past two years: Therefore,

Resolved, That we respectfully, but earnestly, protest against further delay in the resumption of said work on canal and locks at the Cascades, and recommend that no change of engineers in charge be made at present, and that Major Jones may be instructed without delay, while the weather and stage of water are propitious, to proceed with said work.

Resolved, That the president of this board be instructed to forward certified [copies] of these resolutions by telegraph to the Secretary of War.

Resolved, That our Senators and Representatives in Congress are hereby requested to use their influence to secure such action at Washington as is herein recommended, and that a copy be transmitted to Senator DOLPH, at Washington, by telegraph.

DON'LD MACLEAY,
President Board of Trade.
F. K. ARNOLD, *Secretary.*

Hon. J. N. DOLPH,
United States Senator.

While on October 12 The Dalles Board of Trade unanimously adopted a series of resolutions of which the following is a copy, and forwarded the same by telegraph to my colleague, then still in Washington:

[Telegram from The Dalles, Oregon, Board of Trade to Hon. J. N. DOLPH, United States Senate.]

THE DALLES, OREG., *October* 12, 188-.

Please present to Secretary War following resolutions, passed October 11, 1886:

Whereas it is of the greatest importance to the people of Oregon, especially of that portion residing of Cascade Mountains, that locks at Cascade of Columbia be completed soon as possible;

Whereas we have learned with indignation of delay in resuming operations upon this important work since last appropriation by Congress, especially as the season and present low stage of water render operations upon this work more practicable at this time than any other;

Whereas we have heard with great regret rumor that Major Jones, engineer in charge for last two years, is superseded and ordered to turn work over to Captain Powell, no reason being assigned for the change;

Whereas the Board have entire confidence in ability, energy, and integrity of Major Jones, and believe that any change in the management of work at locks at present time will not be conducive to speedy completion and economical expenditure of late appropriations therefor, but will cause further and unnecessary delay: Therefore

Resolved, We respectfully but earnestly protest against any further delay of resumption of operations upon locks, and earnestly recommend that no change be made in engineer in charge; that Major Jones be directed at once to proceed with work.

Resolved, That president of this board telegraph copy of these resolutions to Senator DOLPH, with request to present same to Secretary of War.

Resolved, That our Senators and Representatives be requested to use their influence to secure such action as is herein recommended.

E. B. McFARLAND, *President.*
B. S. HUNTINGDON, *Secretary.*

And on October 14, two days later, at the Columbia Waterway Convention, then in session at Vancouver, Wash., Col. Thomas S. Lang, of the The Dalles, presented the following resolution; which was, on his motion, as I find from the printed official copy of the proceedings of that convention, which I hold in my hand, unanimously adopted:

Resolved, That we learn with regret of the removal of Maj. W. A. Jones, major of engineers, who has been in charge of The Cascades improvements. Major Jones' efforts in pursuance of this great work, the opening of the Columbia to free navigation in our behalf, has given hope to the people whose success lies in finding a market for their products of the inland empire, and they sincerely regret his displacement.

In the mean time appeals were being made to me from all quarters as to the cause of delay and change of engineers, and no little amount of denunciation from certain quarters was being poured out upon the Oregon delegation in Congress, holding them responsible in the premises, and being myself indignant at what I regarded as a species of worse than trifling with the public interests on the part of the Engineer Department at Washington, I, on October 16, sent from Portland, Oreg., to the Chief of Engineers the following dispatch:

[Telegram from John H. Mitchell, United States Senate, to the Chief of Engineers.]

PORTLAND, OREG., *October* 16, 1886.

There is universal indignation among people in Oregon and Washington Territory interested in speedy completion canal and locks Cascades, Columbia, over removal of Major Jones. Boards trade all cities interested passed unanimously strong resolutions of regret. The Water-Way Convention for Pacific Northwest, at Vancouver, Thursday, unanimously adopted following: "*Resolved*, That we learn with regret of the removal of Maj. W. A. Jones, major of engineers, who has been in charge of The Cascades improvements. Major Jones's efforts in pursuance of this great work, the opening of the Coumbia to free navigation in our behalf, has given hope to the people whose success lies in finding a market for their products of the inland empire, and they sincerely regret his displacement." The reinstatement of Major Jones is universally desired.

JOHN H. MITCHELL.

General J. C. DUANE,
Chief of Engineers.

And to which the Chief of Engineers, General J. C. Duane, courteously replied on October 19, stating, in substance, that the change of engineers had been made before he took charge.

On October 9, in pursuance of a telegraphic order of General Parke, Major Jones sent the following dispatch:

[Telegram from Maj. W. A. Jones, Corps of Engineers, to the Chief of Engineers.]

PORTLAND, OREG., *October* 9, 1886.

I have this day transferred charge of Cascades Canal to Captain Powell. Lieutenant Young was ordered last night to report to him.

JONES, *Major Engineers.*

CHIEF OF ENGINEERS.

And on October 17 Major Jones sent the following letter to the Chief of Engineers, which explains itself:

[Letter from Maj. W. A. Jones, Corps of Engineers, to the Chief of Engineers.]

UNITED STATES ENGINEER OFFICE,
Portland, Oreg., October 17, 1886.

SIR: The circumstances connected with my removal from charge of the Cascades Locks are, from my point of view, extraordinary. I was removed summarily by telegraph, without previous warning whatever, and the work was placed in charge of my junior on duty at this station, who had been previously consulted in the matter.

This leaves the relative situation here as follows:

	Amount estimated to complete project.	Annual maintenance.
Command of Major Jones:		
Lower Willamette and Columbia rivers	$467,000 00	*30,000
Upper Willamette River	35,000 00	*12,000
Upper Columbia and Snake rivers	36,000 00	.....
Cowlitz River	3,000 00	.....
Total	541,000 00	42,000
Command of Captain Powell:		
Cascades Canal	1,505,397 31	.....
Mouth of the Columbia River	3,700,000 00	.....
Coos Bay	440,000 00	.....
Yaquina Bay	305,000 00	.....
Mouth of Coquille River	134,200 00	.....
Puget Sound rivers	15,000 00	7,000
Chehalis River	5,000 00	.....
Gauging Columbia and tributaries	.....	5,000
Light-houses, annual expenditures, say	.....	100,000
Fortifications	.....	(?)
Total	6,104,597 31	112,000

*About.

The inference from these circumstances is absolutely rigorous that this change resulted from grave fault on my part. Nothing else could justify placing me in such a humiliating position.

It is my right, in order that I may intelligently defend my rank and honor, to be informed fully as to the reasons for this change, so far as they involve me personally. And, reiterating the request in my dispatch of October 8, I hereby respectfully request to be so informed.

It is my great wrong to have been placed in such a position, on any grounds whatever, without previous opportunity for defense or explanation.

I appeal to you, sir, to protect and uphold my rank.

Very respectfully, your obedient servant,

W. A. JONES, *Major of Engineers.*

General JAS. C. DUANE,
Chief of Engineers.

And to which, so far as disclosed by the response of the Secretary of War to the Senate resolution, no reply was ever made, either by the Chief of Engineers or Colonel Parke, who as *de facto* Chief of Engineers had secured the removal of Major Jones.

And since the answer of the Secretary of War and the response of Colonel Parke have been laid before the people of the State of Oregon and Washington Territory, more than ever before are they convinced of the fact that the delay in resuming work on the canal and locks at the Cascades of the Columbia in the fall of 1886, and the change of engineers in the manner, and at the time, and under the cirumstances it was done, at the instigation of Colonel Parke, was in every sense, not only inexcusable, but highly reprehensible, and the blame of all which rests upon and is properly chargeable to Colonel Parke. This feeling has manifested itself through various representative bodies in the Pacific Northwest, as may be seen from the following:

On January 14 ultimo, the board of trade of Walla Walla, Wash., adopted the following resolutions:

The following resolution in relation to Maj. W. A. Jones, United States engineers, was unanimously adopted at the regular meeting of the Walla Walla, Wash., board of trade, January 14, 1887:

Resolved, That in the opinion of this board the reasons given by Colonel Parke, acting Chief of Engineers, for the removal of Maj. W. A. Jones from charge of the works at the Cascades, are insufficient; and be it further

Resolved, That the reports of Major Jones on the improvements at the Cascades and The Dalles demonstrate to this board that he has worked faithfully for the best interests of this inland country, and we believe that his removal was caused for other reasons than those enumerated in Col. Parke's report, and in the interests of those opposed to the opening of the Columbia River to free navigation. That this board respectfully request the Secretary of War to reinstate Maj. Jones in charge of said works at the Cascades.

Attest: MARION D. EGBERT,
Secretary.

THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF OREGON SPEAKS.

And on the 5th of the present month the following House joint memorial No. 5, introduced in the house of representatives of the Legislature of the State of Oregon by Representative Biggs, passed that body, was sent to the Senate, and, as I am advised, is now under consideration by the committee on federal relations in that body.

This joint memorial is as follows:

Whereas the river and harbor matter placed under the Bureau of Engineers in Washington, has, for a great many years, been under the direction of one John G. Parke, a colonel of the Engineer Corps, United States Army; and,

Whereas the office thus occupied is one of great importance to the people of the Pacific Northwest, as the appropriations for the improvement of their great rivers and harbors are controlled and directed therein; and,

Whereas the officer in charge of said office should be one of wide experience in engineering construction; and,

Whereas the great railroad corporations who seek to paralyze the efforts of the people in the improvement of their water ways could not do so more effectually than by keeping in this office one whose lack of experience renders him incompetent for the management and direction of enginneering construction; and,

Whereas the records show that Col. John G. Parke has never had any practical experience in engineering construction; that at least thirty-five years of his service have been spent in Washington, D. C., bureau service; that he has recently allowed a personal spite toward a brother officer to cause a needless delay in the prosecution of the Cascade Canal, a great public work, upon the progress of which a suffering people are waiting with painful interest; therefore, be it

Resolved, That the Senators of the State of Oregon be instructed, and the Representatives of said State be requested, to use every effort to secure the removal of the said John G. Parke from the position he now occupies as chief engineer in charge of the river and harbor business of the Bureau of United States Engineers.

But what just reason, let us inquire, had Colonel Parke, from his high seat of official power, to cast this cloud across the official reputation and character of a brother officer? Where is the evidence of Major Jones' inefficiency? What proof is offered here or elsewhere as to his lack of administrative capacity or engineering ability? So far as this record discloses it is not forthcoming, except as it rests solely in unsupported declarations of Colonel Parke. While it is true the project for the expenditure of the last appropriation submitted by Captain Powell, and which was approved on sight by Colonel Parke, was somewhat different in form from that submitted by Major Jones, it can not be successfully denied that the plan for that improvement as formulated by Major Jones and the expenditure of this appropriation as suggested in the project of Major Jones to the Chief of Engineers, are the very plans in substance and effect if not indeed in detail that are to-day being carried out by Captain Powell in the prosecution of the work.

What, in brief, is the history of this work? Major Jones was ordered from San Francisco, where he had been in charge of important engineering works, to take charge of the canal and locks at the Cascades of the Columbia in the summer of 1884, General Parke, then as now, being in charge of the river and harbor division of the Engineer Bureau of the War Department, and the change was made by placing Major Jones in charge of this important work, presumably under the advice and direction of Colonel Parke, or at least with his approval. He had not then, it seems, arrived at the conclusion that the "*administrative skill,*

capacity, and ability" of Major Jones were not satisfactory to him, although for many years he had been acting as one of his subordinates in the Engineer Corps in important engineering works in different sections of the country. When Major Jones took charge of this work in 1884 it was being conducted by his predecessor, Captain Powell, under a general plan formulated and furnished by a board of engineers in 1880.

This plan called for the immediate construction of one *lift lock* for the ordinary river stages, and contemplated a *guard lock* at the head of the canal for higher stages of the river, and for the present only the *guard gate* for this latter was to be constructed for use as the guard gate or high water dam for the canal. The plan of the Board of Engineers was in most general terms, and very much was left to be determined by the local engineer in charge. Under this discretion, Captain Powell, who was in 1884 superseded by Major Jones, had as I am advised, decided to move the guard lock down to the lift lock at the foot of the canal, and make a *double lock* of the two.

He also decided to lay all the foundations of this guard-lock, so that when it should come to be finished at some future time, after the opening of the canal by means of the improvement necessary for navigation in ordinary high water, it could be done with the least interference with navigation. Major Jones, after becoming fully conversant with the details of the work, became thoroughly impressed with the idea that the greatest of all considerations in view of the immense traffic along that great river, and throughout that great inland empire, and of the exorbitant nature of the freight charges to which it was subjected, was to place this canal in a condition so as to enable boats to pass through at ordinary stages of water at the earliest possible moment.

He found upon careful investigation that the wheat traffic alone amounted to nearly 600,000 tons per year, and that with other traffic it was safe to estimate a two-way traffic along that great river in a comparatively short space of time of over 1,000,000 tons per year. He found that this traffic was then paying a freight tax of at least 3 cents per ton per mile on the average. He believed, with all others who had thoroughly investigated the matter, that with the opening of the canal and locks at the Cascades, and the certainty that a portage arrangement at The Dalles by boat-railway or otherwise would be opened at the same time, it was quite certain that freight would be reduced to at least 1 cent per ton per mile, and in all probability to less than one-half of 1 cent per ton per mile.

He therefore intelligently realized that on an average haul of 200 miles this would, even at the higher rate of 1 cent per ton per mile, relieve the producers and shippers of the Columbia Valley or inland empire of a freight tax of $400,000 per year. Therefore it was that Major Jones comprehended that if one year's time could be saved in opening this canal to commerce, it would be worth at least that sum to the producers and shippers of that country, and hence he decided to make no present provision whatever for the guard-lock. This resulted in what is known as Major Jones' plan for this great improvement, and on and according to this plan he was permitted to proceed for about two years, and his estimate for completing the canal under this plan was $1,250,000, while the estimate for getting the canal open by his predecessor, Captain Powell, under his (Powell's) plan was $1,500,000, or $250,000 more than that of Major Jones, and which, in view of the manner in which appropriations are made by Congress annually as to amounts for the various works of the country, would have delayed the opening of the canal and locks at least two years longer than under the plan of Major Jones, and at a cost to the people in the shape of freight exactions, to say nothing of inconveniences and delays, of at least $800,000.

True, in justice to Captain Powell, whose ability, skill, and reputation as an engineer no one questions, his plan if regarded in a certain restricted sense and point of view, might seem best at first glance, and without a careful consideration of the whole subject in all its bearings upon the transportation interests of the country, as under it the whole final cost to cover the completing of the guard-lock at some distant day in the far-off future, long after the canal was opened, when the traffic of the country had trebled or quadrupled, would have perhaps been somewhat less; but the difference would fall far short of compensating for a delay of two years, or even one year, in opening the canal and locks to the passage of boats at all ordinary stages of water and at every stage except at extremely high water.

And doubtless Captain Powell had, in forwarding his recent telegraphic project, as requested by Colonel Parke, his own plan of three years ago still in view. When he came to apply it at the locks, however, he found, as I am advised, the whole staff of local engineers in actual charge of the work, who had given careful study to this great improvement, in ardent sympathy with the plan of Major Jones; and for what cause can only be surmised; but certain it is that for *some* cause the full and complete plan of Major Jones was, as I am advised, practically adopted in the work as now progressing under the direction of Captain Powell and Colonel Parke, chief of the division of rivers and harbors, and it is satisfactory, as it seems, to the very exacting and punctilious Colonel Parke.

Mr. President, were it either desirable or proper to search for motives on the part of Colonel Parke, other than those prompted by an earnest desire to promote the public interests, and advance the general welfare, and earnestly, honestly, and faithfully to execute the law, in his refusal for weeks to act upon, or take any notice whatever of, Major Jones's project for the utilization of the appropriations of the last session of Congress for this work, and thus delay the resumption of work on a great improvement, and, finally, when longer delay would not be tolerated by the people most interested in silance, to encompass his removal, and consequent official degradation, it might, among other things, with no impropriety, be made publicly known that Major Jones, in his annual report on river and harbor improvements in Oregon and Washington Territory for the fiscal year ending June 30, 1885, under date of July 27, 1885, embodied as a part of the body of that report an interesting and carefully prepared plan, with accompanying maps, prepared with great care, suggesting the construction of a boat railway at The Dalles and Celilo Falls, and the widening of the channel at Ten and Three Mile Rapids, as a cheapand proper means of overcoming the obstructions to navigation at those points; and, further, that when such annual report was transmitted to the Secretary of War by the Chief of Engineers, and by him to the first session of the Forty-ninth Congress, it was mutilated to the extent of having eliminated from it the whole of the matter relating to the proposed boat railway and the widening of the channel at the Dalles. At whose suggestion or under whose direction this was done I am not advised.

It would, however, not be a very violent presumption to suppose that the officer in charge of the division of rivers and harbors in the Engineer Bureau had something to do with it, but perhaps not. It is true, however, that Colonel Parke was then, as now, in charge of that division. I do know, however, and beg to attract the attention of the Senate and the people of Oregon and Washington and Idaho to the fact, that when the fact of this mutilation of the annual report of Major Jones, and of the suppression of the whole of that portion of it relating to a boat railway at The Dalles and Celilo Falls, came to my knowledge, I, on the 19th of January, 1886, introduced in the Senate of the United States the following resolution, which was on that date unanimously adopted:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate a full and complete copy of the annual report of Maj. W. A. Jones, Corps of Engineers, United States Army, on river improvements in Oregon and Washington Territory for the fiscal year ending June 30, 1885, in form as originally submitted by him to the Chief of Engineers, under date of July 27, A. D. 1885, together with full copies of all statistics originally included in or attached to such report.

In response to this peremptory demand of the Senate, the Secretary of War, by letter of date February 1, 1886, transmitted to the Senate the *whole* of Major Jones' report, including that portion that had been suppressed in regard to the proposed boat railway at The Dalles, and it was by the Senate ordered printed, and is now Senate Executive Document 114, first session Forty-ninth Congress. It might, moreover, be a matter of interest to the people of Oregon and Washington Territory to know the reason why that portion of Major Jones' annual report relating to this proposed boat railway at The Dalles was suppressed. So far as I am advised, no reason has ever yet been tendered to the public or to any one.

In conclusion, Mr. President, the people of the Pacific Northwest, of Oregon, Washington, Idaho, and Montana, have made up their minds that the Columbia River shall be stripped of its obstructions at the earliest possible date and opened to free navigation. Neither they nor their Representatives propose to be otherwise than civil, and in all respects dignified in whatever they may do, in order to bring about that great consummation; but they do not intend that either selfish corporations, whose interests are adverse, or executive officers of the Government, some of whom have grown haughty in their cushioned chairs in Washington, shall stand in the way of their great purpose.

They have determined that all unreasonable and unnecessary red-tape, personal pique, individual selfish interest, jealousies, ambitions, personal grievances, and resentments, shall be swept aside and forever buried out of sight in their firm determination and settled purpose to accomplish a work in which are involved the interests of an empire—a work which more than all others combined advances the interests of commerce, of trade, of material development, of civilization itself, on the broad plains and in the fertile valleys, and among the gold, and silver, and lead, and iron, and cinnabar impregnated mountains of the Pacific Northwest.

The play with appropriations for the canal and locks at the Cascades of the Columbia upon the part of certain interested parties and indifferent executive officers has held the boards for the last time, and quite long enough. It can draw no longer; in fact it will not be permitted any longer. The people interested are aroused; they are in earnest, they are determined, and will suffer no further nonsense or trifling with their great interests in this important matter.

With the present Chief of Engineers, General Duane, we have no controversy; in him we have confidence and to him we look for fair dealing and fair play. But to the attention of Colonel Parke, lately in charge of the office of Chief of Engineers, and at present and for years past in charge of the division of rivers and harbors in that bureau, I must be pardoned for bringing, as I have done, the various expressions of opinion of the different representative bodies and representative men in Oregon and Washington Territory, just quoted by me.

Personally I have no controversy, nor cause for controversy with General Parke. His personal treatment of and bearing toward me at all times when I have called at his office on business has been that of a most courteous, polite gentleman, and accommodating officer; but with him as an official, as one of the executive officers of the Government, in charge of and controling great public trusts, I, in my representative capacity, representing in part great and important interests, feel compelled, not only in justice to my constituents but myself as well, to take issue with him in reference to his official acts as disclosed by his own record in connection with a great public improvement which the people, whom I in part represent here, very properly regard as vital to the promotion of their best interests.

For the delays in the resumption of work on the canal and locks at the Cascades of the Columbia, I and others of the delegation in Congress have been by many of our constituents subjected to severe censure. In view of my public record upon the subject (and which is open to all) of opening the Columbia River to free navigation, commencing in the first session of the Forty-third Congress, now nearly fourteen years ago, and of my untiring efforts in connection with my colleagues in the Senate and House to carry forward this great work to as early a consummation as possible, I am, I confess, somewhat restless under adverse criticisms, and I propose now, henceforth and always, that all blame for delay in the utilizing of appropriations made by Congress for this important improvement, and for every other improvement in Oregon, shall rest where it rightfully attaches, and properly belongs.

The question, Mr. President, of improving the rivers and harbors of the United States is one of the gravest import to its people. It is absolutely the only effectual means whereby they can hope to secure for themselves the great benefits that accrue from cheap transportation. The greatest statesmen tell us that "cheap transportation is by all odds the greatest factor in modern civilization." To develop and secure it is one of the principal aims of the statesman.

Hence it is that Congress at each annual session makes one grand, patriotic effort to aid the various localities that need help in the matter of the improvement of their harbors and water ways. To attempt to gain relief by the regulation of railways is all very well and proper, but the task is beset with difficulties and met with most formidable obstruction on every step. A railroad is by its very nature a monopoly, and to direct and control a railroad company while it is in entire control of the sources of its own action is a most difficult undertaking. In the development of the water ways of the country there of necessity arises a conflict with vested railroad interests, since it is their control and regulation that actually underlies the whole question. Naturally looking to their own individual interest, they do not wish to be controlled, and will not be if it is in their power to prevent it.

It seems to them, and rightfully to, that the great reduction in the cost of transportation which results from competition means the direct loss of millions of money to their treasury.

This interest represents over 25 per cent. of the capital engaged in business in the United States. It is thoroughly and ably organized, and the vigilant, skillful, and ceaseless opposition of this tremendous power is to be met and overcome at every session of Congress by the people and their representatives; and after the long and protracted battle has been fought at each and every session of Congress, resulting in appropriations for the improvement of rivers and harbors, the whole amount is turned over to the Secretary of War to execute the will of Congress, and he in turn hands it over entirely to the Corps of Engineers of the Army.

This corps is governed by a bureau in Washington, at the head of which is the chief of the corps. He has several assistants, detailed from the officers of the corps, who have charge of certain subdivisions of his duties. One of these subdivisions is called the river and harbor division, and it is here the whole of the great and vastly important business created by the river and harbor acts of Congress is principally managed and controlled. All projects for improvements, involving the most abstruse and difficult questions in engineering science and all questions of *personnel*, are practically settled in this division.

Chiefs of Engineers come and go. They reach this position as a rule in the line of promotion, old, tired, and unskilled in bureau administration; and hence it is a matter of common notoriety that the officer in charge of the river and harbor division practically conducts and controls the most of the business. Obviously, then, such an officer should be much more than a mere polite and polished gentleman eminently fitted for the fashionable *salons* and gay and festive drawing-rooms of an aristocratic and fashionable capital. He should not only be a man of great engineering experience and ability, but a man who has knowledge of, and is in a great measure identified with, the great public interests of the people in the various sections of the country.

Obviously, also, if the great railroad organizations should wish to paralyze and cripple the business of improving the harbors and water ways, they would naturally endeavor to place an officer in this important position, or retain such a one, if already there, who had little or no practical engineering experience, and who had no identification, association, or sympathy with the great masses of the people or their material interests.

Now, the country in the far West may be surprised to learn, what everybody in Congress of course, and in the city of Washington have known for years, that for over twenty years this position has been occupied by an officer who has never had any practical experience of any moment whatever in engineering construction.

This may be stated to be his official record of service: Graduated at West Point in 1845; after a short service on the surveys of the northern boundary, he took station in Washington, where he remained on bureau duty until the breaking out of the war of the rebellion; serving through this war with credit, it is true, he returned to the Engineer Bureau in Washington, where he has remained ever since. Here is the record in brief of a man who has never been in contact with the people, who has sat in a bureau during the greater part of a long military career, and who obviously, and necessarily from his habits of life, can have but little knowledge of, or sympathy with the wants of the people, especially those of the great Pacific Northwest.

Recent events prove this to be the case; his own record, in response to the Senate resolution, attests the fact. And this is the officer who places Major Jones, an officer whose practical engineering experience in the matter of the improvement of rivers and harbors is vastly more extensive than that of his accuser, on the gibbet of official and personal condemnation by the official declaration that his "*administrative skill, capacity, and ability*" were not satisfactory to him. In recent years, Mr. President, the Secretary of War has, from time to time, announced a determination of weeding out of Washington the moss-back sycophants, who cluster like barnacles "around the throne."

Orders and circulars have been fulminated from time to time, and the crop of lieutenants and captains has been tolerably good; but to-day all Washington, and the entire Army with few exceptions, stand agog over the hidden power, the secret influence, the magic wand that can hold a military officer of the Engineer Corps in Washington on desirable bureau duty for a period of *thirty-seven years*. Secretaries may and do come and go, but Colonel Parke, genial, pleasant gentleman that he is, promises to stay forever. Secretaries may remark they are not justly responsible for keeping this officer in Washington, that it is a necessity, that the Chief of Engineers could not get along without him, that his services are essential in steering him through the intricacies and labyrinths of bureau administration, that the chief is always retired before obtaining a confident grasp of the helm.

But is it possible there exists but *one* man in the United States Engineer Corps who is competent, by reason of education and character, and worthy in all respects by virtue, of engineering skill, ability, and experience in the business of practical, civil, and military engineering operations in the field on river and harbor improvements, to fill with credit the position of chief of the division of rivers and harbors in the Engineer Bureau of the War Department?

Mr. President, if this be so, then the handwriting on the wall proclaims in burning characters the fact, that unless the United States Corps of Engineers can shake off the fossilisms that enshroud it, and which are paralyzing its efficiency in the upper story, and shall bring to its existence, and infuse into its arteries, new and vitalizing currents that will bring to it energy, aggressiveness, efficiency, and power, to enable it to keep step, in all respects, with the progressive spirit of the scientific age in which we live, and in which with all other sciences that of civil and military engineering is moving forward with tremendous strides, attracting by its triumphs and advancements the surprise and admiration of the world, then the day of its glory will not stand long on the order of its departure.

In conclusion, Mr. President, I move the adoption of the pending resolution, the effect of which will be to submit this whole business, with full power and authority to call for persons and papers and administer oaths, to the consideration and judgment of the Committee on Commerce of the Senate, for such further action as may, by that committee be deemed expedient and proper under all the circumstances, in vindication of either public interests, or private, personal, and official rights.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate——

Mr. MITCHELL, of Oregon. I ask for the adoption of the resolution.

The PRESIDENT *pro tempore*. It is the duty of the Chair at this hour to lay before the Senate the unfinished business.

Mr. MITCHELL, of Oregon. I ask for the adoption of my resolution.

Mr. HAWLEY. It cannot be done without some reply.

Mr. MITCHELL, of Oregon. Very well; then let the resolution lie over until to-morrow.

Mr. CONGER. I ask an opportunity now to make a very few remarks in answer to the Senator from Oregon.

The PRESIDENT *pro tempore*. The Senator from Michigan has a right to make his remarks on the river and harbor bill. The river and harbor bill is pending.

INDIAN TRADERS.

Mr. PLATT. I wish to offer a resolution that will take no time.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent to submit a resolution.

Mr. PLATT. Let it be printed and lie over.

The Chief Clerk read the resolution, as follows:

Resolved, That the select committee directed to investigate the subject of the appointment of Indian traders, the granting of licenses to them, and the refusal to extend such licenses to persons engaged as such traders, &c. (appointed under resolution of June 3, 1886), be, and it is hereby, authorized and directed to continue the said investigation during the coming recess of Congress, with all the powers and authorities granted to said committee by the resolution of June 3, 1886.

The PRESIDENT *pro tempore*. The resolution will be printed and lie over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendment to the bill (S. 1582) for the relief of Alpheus R. French disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELDREDGE, Mr. THOMPSON, and Mr. STRUBLE managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 929) for the relief of Albert H. Emery disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TRIGG, Mr. DOUGHERTY, and Mr. GALLINGER managers at the conference on the part of the House.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSHEND, Mr. CABELL, and Mr. LONG managers at the conference on the part of the House.

OREGON RIVER AND HARBOR EXPENDITURES.

Mr. CONGER. One object I had in asking the floor now was that my few remarks in answer to the Senator from Oregon might appear together with his in the RECORD.

LIMITATION OF DEBATE.

Mr. CAMERON. I wish to offer a resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That during the remainder of this session no Senator shall speak on any question more than once, and shall confine his remarks to five minutes' duration.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania ask for the immediate consideration of the resolution?

Mr. CAMERON. I should like it to have immediate consideration.

The PRESIDENT *pro tempore*. Is there objection?

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. The resolution goes over under the rule.

COMMITTEE ON ORDNANCE AND WAR SHIPS.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Ordnance and War Ships be continued under the former orders of the Senate, with the powers heretofore given them, with leave to sit at Washington in the vacation of the Senate, and to further examine and report upon any plans for war ships, engines, and armor that they may consider useful for the naval establishment of the United States, and that they may associate in their investigation any officers of the Navy, not exceeding three, on the active or retired list that the Secretary of the Navy may detail for the purpose.

AMENDMENT TO A BILL.

Mr. DOLPH submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

OREGON RIVER AND HARBOR EXPENDITURES.

Mr. CONGER. Mr. President, I do not propose at this time to ask the Senate to listen to any speech or to any very lengthy remarks.

The character of this attack upon General Parke is so unusual, so different from the ordinary mode of warfare against an enemy, public or private, that I feel unwilling to let the occasion pass without saying a word or two in regard to General Parke, and a word or two in regard to the mode of attack adopted here in the Senate, where General Parke can not be present to answer, and must rely upon the feeble remarks of his friends.

The speech which has just been delivered here will unquestionably have accomplished its leading object. Perhaps no one on the floor of the Senate understands better than my friend from Oregon how to express the views and wishes of his constituents, whether they be a little board of thirteen men in the village of Dalles representing the board of trade, or a smaller number at Walla-Walla, or a gathering down on the fertile island and station of Vancouver, near the mouth of the Willamette.

I need say nothing to this assemblage, it seems to me I need say nothing to the old members of the Senate and the old members of the other House, in defense of the character, the reputation, the engineering ability, the long, arduous, faithful service from morning till night for the last twenty years of one of the most distinguished men who has ever held rank in the Engineer Corps, and a man who during all that time, through all administrations, through all Chiefs of Engineers, through all Secretaries of War, through the approval of all sessions of Congress, in the House and in the Senate, has had the main charge of the expenditure of nearly $150,000,000 appropriated by Congress to be used all over this country, upon known and unknown works when they were commenced, and to whom I venture to say up to this very last hour, except in some resolutions which have been offered here, no member of the Senate, however old in his place or however new in his place, no member of the other House in former years, has ever heard against his integrity, his honesty, his candor, his fairness, his wonderful ability in regard to the expenditures of appropriations and suggestions of our vast system of public improvements, one solitary word till to-day.

I would be willing to pause here, and if any old member of the other House in this body now, if any Senator on this floor would contradict my assertion and say that within his own knowledge, or within his own belief, or from suspicion, or from rumor, or from hearsay, there has ever come, except from these boards of trade and town meetings in Oregon and Washington Territory, a word of suspicion, a word of censure, a word of question in regard to the fidelity and honor and integrity of this chief of the department of rivers and harbors in the Engineer Department, I would be willing to sit down and think I may have been mistaken, and that other men have heard of this gallant officer and wonderful engineer rumors and stories that have never reached my ear.

Sir, eighteen years ago this coming spring it was my fortune to become a member of the Committee on Commerce in the other House, which then had charge of river and harbor improvements, since which time those duties of the Committee on Commerce have been divided and we have now a committee of the House on rivers and harbors. My first acquaintance with General Parke commenced at the spring session in 1869 with my duties on that committee, and they have continued intimate and close and thorough all through my service in the other House of twelve years and up to this time of six years in the Senate. Having had assigned to me in connection with two other members of the House for many years the duty of preparing the river and harbor bill, as one of the subcommittee of three it was my duty as well as my pleasure to have frequent intercourse and consultation and advice with General Parke, and has been, whether I was on the committee or not, until the close of my service in the House, and has been for the last six years as a member of the Committee on Commerce of the Senate.

I am not much of a man worshipper; I am not very much given to hero worship; I do not twine around a great man because he is in high place; I am not much inclined in that way; but I am willing to say that of all the public men with whom my business in the House and Senate has made me necessarily connected, I have never found a man who impressed me more strongly with the idea of his candor, his sincerity, his gentlemanly behavior and conduct, his wonderful familiarity with all the questions with which Congress has been interested connected with rivers and harbors, his good judgment, his fine appreciation of men, his ability to decide which man was best for the particular place and position than General Parke.

But, sir, as I said a few moments ago, to this audience, to the men who have known General Parke as I have known him, to these Senators who have gone to him to consult and advise and urge to hasten the great works in which they were interested, I venture to assert that there is no other man in the Senate, except my esteemed friend from Oregon, who will say now or at any time one word against the character for fidelity, candor, honesty, and fair play of General Parke; and there I leave that part of the matter.

Mr. President, for twenty years, through all changes of administration, under all the Presidents, under all the Secretaries of War, under all the Chiefs of Engineers—and the chiefs have been changed several times—even with an administration different in politics from those which had gone before, there has been no time when the remark of the Senator from Oregon as a reason for keeping General Parke in his place has not held good, that it could not be supplied by any other officer in the Engineer Corps. His long experience, his intimate knowledge, his wonderful memory, which he has acquired through these long years of service, belong to the country, belong to the service, and belong to those who desire that this vast system of internal improvements, which has done more to promote the advance, and the growth, and the progress of our country not only in the old States but in opening up and unfolding the vast West, could not be spared to the country or to the friends of its improvement, and no man has ever had the temerity, whatever his superior position, from President down to the Chief of Engineers, to assume that General Parke could be replaced by any other, however great, officer in the Army and in the Corps of Engineers, however great his engineering abilities may be.

Sir, any engineer can be Chief of Engineers. They are changed; they are called there from time to time, by selection, it is true, and not by rank, but the office goes on. In that system of improvement in that little dark back room, away from the enticements and allurements of society, with no vision from that darkened window where General Parke has spent the days for twenty years in hard labor, no vision of

elegant society comes before him to distract his attention. No, sir; you may change Presidents, and with a whirling hand you may turn Secretary after Secretary of War from his place and select another; and in the course of events the time for retiring, or the accident of death will make the appointment of a new Chief of Engineers necessary and proper; but, sir, it will be a sorry day for all our interests—those of us who feel so much interest in this grand system of internal improvement—it will be a sorry day for us and for our constituents and for the country when any man will dare to remove General Parke from that desk of labor and of toil and of watchfulness, where we have always found him, in season and out of season, in all the past days. But I leave the question of the character, the fitness, and the ability of General Parke to the knowledge and conscience of my fellow Senators on this floor.

I know it is hard for an inferior officer in the army, who was sworn to obey orders, to go into Oregon if he wants to stay, if it is pleasanter where he is; but Major Jones took the place of Captain Powell after he had learned of the wants of the Pacific country. I do not know why, or how, or what influences got him into the place of Captain Powell. He held it two years. I know the two men only as I hear of them every year in the great family bible of reports. It came his turn to go. A soldier would have obeyed orders and gone; a soldier would not have growled and complained. I do not know what instigates these town meetings along the Columbia River and amidst the rocks of the cascades and in the back places of the little islands at the mouth of the Willamette.

Mr. MITCHELL, of Oregon. I will tell the Senator——

Mr. CONGER. When the Senator spoke so long he ought to have been able to explain it. I thought he did.

Mr. MITCHELL, of Oregon. I am satisfied with the explanation I made.

Mr. CONGER. Then the time came when by order of the same head of Department Captain Powell was restored to his position, which he had filled long and well, and Major Jones was ordered elsewhere; I know not where. I say it is the duty of an officer of the Army by the rules and regulations and by common consent to obey orders. He should not fall back on resolutions of town meetings finding fault with the Department. Town meetings ought not to control the President, the Secretary of War, the Chief of Engineers, or anybody acting in that capacity in giving his purely military orders. My friend from Oregon differs with me.

I appreciate the trouble and the anxiety of the people of Oregon and Washington Territory as to any delay in their work. I do not know, and I will not undertake to say whether after Congress had provided a board of engineers to go once, and I think twice, and examine the plans for the improvement of the Cascades, and when that board of engineers had determined upon a plan which was approved by the Chief of Engineers, approved by the Secretary of War, approved by both Houses of Congress in the bills already passed, and approved by the President in signing those bills, I do not know whether it might not be a subject of criticism if Major Jones sent to the War Department, not a plan for a canal as adopted by the engineers and adopted by Congress, but a plan of a ship-railway to overcome the rapids instead of a canal.

Mr. MITCHELL, of Oregon. That only shows that the Senator from Michigan does not know what he is talking about.

Mr. CONGER. I will not allow the Senator to tell how learned or how ignorant I am in my time. [Laughter.]

The PRESIDING OFFICER (Mr. CULLOM in the chair). The Senator from Michigan has the floor.

Mr. MITCHELL, of Oregon. I admit that——

Mr. CONGER. I will let the Senator speak when I get through.

The PRESIDING OFFICER. The Senator from Michigan declines to yield.

Mr. CONGER. I said that if it was at the Cascades that a plan for a ship railway was projected——

Mr. MITCHELL, of Oregon. It was not there.

Mr. CONGER. I just mentioned it to let the Senator see that I knew more than he thought I did. It was a trap to catch the gentleman, and I caught him. [Laughter.] It was a proposition at the Dalles, another point on the Columbia River. Our engineers do not make reports about railways to the Engineer Department. They do not ask their engineer officers to make plans for railways changing plans for canals. They do not ask them to overrule the board of engineers which had declared for a canal with one lift and a breakwater lock at the head of the canal, and to go on with one part of it against the recommendation of the board of engineers.

I do not know what there may be in the Department about Major Jones. I have always understood he was a good officer, and I should think so—still if some of his injudicious and unwise friends had not attempted to overrule the orders of the War Department and his chief by bringing the recommendations and the petitions of citizens of Oregon to the Secretary of War and the Engineer Department as to whom they ought to have there and whom they ought to restore—I do not think that was a very judicious proceeding.

I sympathize, as I said, with the desire that this great and important work shall go on. I have been along the Cascades. I have had the opportunity of a brief examination of this work at two or three points where it is going on. I have seen the Columbia River and know something of its people and its interests, and I know how desirable it is that the work should go on. But there were different plans. General Parke was, as the Senator says, accidentally at the head of the Engineer Department, and he was called upon to report upon new plans for the expenditure of millions of dollars when he was not the authorized legal head of the Engineer Department and when it was expected that the vacancy would be filled from day to day. Had he undertaken to decide that matter without waiting for the proper appointee of the President, who should be the real Chief Engineer of that department, he might have been presumptuous.

Mr. MITCHELL, of Oregon. The Senator is wrong again. No plan was submitted to him, none whatever.

Mr. CONGER. Perhaps not. The Senator's own argument shows that Captain Powell's plan was for a lift-lock and for a guard-lock.

Mr. MITCHELL, of Oregon. The plan had been presented two years before.

Mr. CONGER. And in prosecuting this work with the appropriation that Congress made Major Jones left out entirely the guard-lock, and recommended that it be placed, not where the Board of Engineers said, at the head of the canal, but down near the lock itself.

Mr. MITCHELL, of Oregon. The change had been made two years before by Major Jones. He remained in charge of the work after that for a period of two years.

Mr. CONGER. I am of the opinion—I say it with all respect—that the splendid oration of my friend in behalf of Major Jones and his attack on General Parke, his exhibition of the feelings of the people of Oregon and Washington Territory, as shown by the telegrams he has read here, the zeal which becomes him and which he ought to entertain in behalf of the carrying on of a great work in his part of the world, will have accomplished the purpose the Senator had in view. I think it satisfies the Senate that there is no sufficient ground for any charge on the face of the papers of any wrongdoing by General Parke. I think it satisfies the Senate that the Senator from Oregon is now, as he always has been, earnest, devoted, energetic in behalf of the interests of the people of Oregon and of Washington Territory; and it does not need my feeble approbation of his course here to say that I rank him among the most energetic and determined men in promoting the local and general interests of his region of country that I have ever met in the Senate. He has accomplished his object by publishing to the people, as he had a right to do, the troubles with which he has labored and been antagonized in getting this work along, a work which, it is true, will last ten, or fifteen, or twenty years' time with the appropriations we make; a work that can not be finished in a moment, or in a year, or in a half a dozen years, or perhaps a dozen.

But there has been too much of neglect here from some cause. The Senator says his constituents and friends charge it to him. I do not blame him for having made this grand, eloquent, wonderful oration; and I am happy to add my tribute of respect for the Senator and of appreciation of his diligence in behalf of his constituents. Let me follow his speech and say to the good people of Oregon and Washington Territory that they are led away too often by rumors; that they are mistaken in the man if they think the Senator from Oregon has ever for a moment slept when he might have been laborious in the discharge of his duties to them, or that from the very nature of the Senator himself he could be so.

That is all I desire to say at this time on this subject. I could not let the opportunity pass without at least offering my tribute of respect, of regard, and of admiration for an officer, as I have said before, that I have considered for eighteen years, with close and intimate relations to him, one of the most laborious, earnest, candid, faithful, honorable men connected with the public service; and I but voice, I believe, the opinion of every Senator who hears me to-day.

Mr. HAWLEY. Mr. President, the river and harbor bill being before the Senate, I will delay the Senate but a moment from its actual consideration.

I listened with, first surprise, and then astonishment, and then indignation, to the speech of an hour and a half, the elaborate, unrelenting, unmerciful attack upon General Parke before a tribunal where he has no possibility of appearing in defense.

Mr. EDMUNDS. He does not need any defense.

Mr. MITCHELL, of Oregon. Will the Senator yield to me?

Mr. HAWLEY. No, sir; it is not necessary. On this floor General Parke can not be heard except through his personal friends, and the Senator from Oregon is the first man I ever heard of who knew Parke who was not his personal friend and admirer. He has been attacked here concerning a matter which belongs to military administration. If he made a serious mistake in judgment, or if he were guilty of something worse in the discharge of his duty as a soldier, the remedy is in the War Department, either by removal or rebuke, or if it be serious, by a demand for a court-martial. To all that General Parke will be glad to respond.

Powell was in charge of certain improvements for three years; Jones

was in charge, I believe, about a year; I do not care how it was—whether Powell had ever been in charge or not. In the exercise of his discretion General Parke changed the officers, avowed the responsibility for it, but was not allowed to retain the responsibility for it, because the War Department telegraphed its action to the local board of trade, which assumed a right to review the action of one of the departments.

Your dispatch received from Senator DOLPH. Captain Powell is in charge of improvement at Cascades Canal.
The project of application of last appropriation has been approved. There will be no delay.
The change of officers was made after due consideration, and will not be changed. That is a matter of administration, and as the responsibility for this work is upon this Department, it must act upon its own judgment.
WILLIAM C. ENDICOTT,
Secretary of War.

In which the Secretary of War spoke precisely as he ought to have spoken, being responsible for that work, and having simply exercised a legal discretion according to his best judgment, first through Parke and then by himself, for a change of officers; and that is the end of it, and ought to have been the end of it, but for the attack upon this gentleman's honor. If I ever knew a man of whom I could say in the familiar phrase of the profession, "He is a gentleman and a soldier and incapable of dishonor," it is John G. Parke. If I shall be here to-morrow, which I doubt, I shall move either to lay this resolution on the table or to refer it to the Committee on Military Affairs, where it belongs.

Mr. MAXEY. Mr. President, at the close of the morning call this morning the Chair announced that the Calendar was in order. I immediately rose for the purpose of moving the consideration of Order of Business 1642, being the bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes. The Senator from Oregon [Mr. MITCHELL] rose about the same time with a fresh matter. I shall be here but a very few days in the Senate. This is a bill of great moment to the people whom I represent, and especially to my neighborhood. I understood that there was a mutual agreement of parties in this Chamber that the morning hour at the close of the morning call should be consumed in the consideration of House bills under what is known as the Harris rule, but the whole time, every moment of the morning hour, was consumed by a long elaborate speech of the Senator from Oregon having nothing whatever to do with that rule or with any case pending under that rule on the Calendar. I understand that the Senator from Tennessee yielded because it is a universal rule of the Senate to extend courtesy when one desires to speak who has given notice to that effect, and to yield to him; but it is cruel to those of us who have bills which interest us on the Calendar to have the whole of the only portion of the day available for that purpose taken up with speeches in reference to anything, without regard to any pending bill on the Calendar.

Now I desire to say that the motion which I made was in strict accordance with the rule, not to take my case out of the rule, but the bill was passed over informally without losing its place, in my absence, with the intent that when I returned it should be called. My only object was to get my right. Now I desire to give notice that to-morrow morning, and for every day from that to the close of the session, I shall object to using one solitary moment of the morning hour for any purpose other than the legitimate consideration of business on the Calendar.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 21st instant, approved and signed the following acts:

An act (S. 1042) to pay B. S. James for transporting the United States mails;

An act (S. 574) for the relief of Robert Strachan;

An act (S. 2652) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Fla., and the establishment of a signal station;

An act (S. 129) authorizing the Secretary of War to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States;

An act (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado; and

An act (S. 388) to grant the right of way through the Fort Bliss Military Reservation to the Rio Grande and El Paso Railroad Company.

The message also announced that the President had, on the 19th instant, approved and signed the following acts:

An act (S. 1627) granting a pension to Mrs. M. C. Miles;

An act (S. 2252) granting a pension to Susan A. Duncan;

An act (S. 2353) granting a pension to William Barden;

An act (S. 2363) granting a pension to Marcel Gagnon;

An act (S. 2391) granting a pension to John G. Warren;

An act (S. 2454) granting a pension to James S. Furniss;

An act (S. 2660) granting a pension to Annie E. Gardiner;

An act (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks;

An act (S. 2203) granting a pension to Mrs. Emily M. Swift, of Dexter, Mich.;

An act (S. 2218) for the relief of Lucy A. Washburn; and

An act (S. 2286) for the relief of Albert C. Kelley.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

Mr. COCKRELL. What was done with the resolution of the Senator from Oregon?

The PRESIDING OFFICER. The resolution went over and Senators have been discussing the river and harbor bill since 2 o'clock. The pending amendment will be reported.

The CHIEF CLERK. In section 1, after line 1029 of the amendment reported by the Committee on Commerce, it is proposed to insert:

Continuing improvement and repair of works already constructed at Atchison, Fort Leavenworth reservation, and Arrow Rock, in Kansas, and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa, under the direction of the Secretary of War, $100,000.

Mr. FRYE. That amendment ought not to be agreed to. There was in the bill $300,000 appropriated to the Missouri River between certain points, the mouth and Sioux City. Now, so far as I have any interest in the bill, I have no sort of objection to taking $100,000 of that $300,000 and applying it to the places named in this amendment; but this amendment increases that $300,000 to $400,000. Under a rule which the committee adopted (and from which it did not digress except in certain remarkable cases which required it in justice) only a quarter of the estimates was to be appropriated, and over a quarter was appropriated to this reach of the Missouri River, and this will make it almost one-half. There is no reason why the Missouri River, on which, as the Senator says here, there are only two steamboats below Saint Jo and a sporadic one above, should receive one-half the estimate, or nearly one-half, when all the rest of the rivers and harbors under the rule of the committee are not permitted to receive over one-quarter.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska.

The question being put, a division was called for.

Mr. VAN WYCK. When I introduced the original amendment I agreed in sentiment with the Senator from Maine, that the amount for the points named should be taken from the $300,000. To that some gentlemen of the committee excepted, notably, I think, the Senator from Missouri [Mr. VEST].

Mr. MCMILLAN. The Senator from Nebraska will remember that I made no opposition.

Mr. VAN WYCK. The chairman of the committee assented, but some members of the committee dissented, and probably all the Missourians dissented because this $300,000 was sought to be kept at two points, Saint Jo and Kansas City, in the State of Missouri. My colleague suggested that another $100,000 should be appropriated to these points. To that I assented. I should very much prefer the suggestion of the Senator from Maine, and with the consent of the Senate I will again move the amendment in that form.

The PRESIDING OFFICER. Will the Senator indicate his modification?

Mr. VAN WYCK. I propose to add to the clause making the $300,000 appropriation:

Of which one-half shall be expended at points other than Saint Jo and Kansas City.

Mr. PLUMB. You had better put in the names of the points.

Mr. VAN WYCK. Very well, I will name the points, saying "of which one-half shall be expended at" the points named in the amendment "under the direction of the Secretary of War."

Mr. CONGER. Will not the Senator modify that by saying "or so much thereof as is necessary," leaving it to the Secretary's discretion?

Mr. VAN WYCK. It is under his direction.

Mr. CONGER. Why not say "of which one-half, or so much as shall be necessary, shall be expended?"

Mr. VAN WYCK. I accept that suggestion. Let it read:

Of which one-half, or so much thereof as shall be necessary, shall be expended at

The places named in the printed amendment.

The CHIEF CLERK. In line 1026, of section 1, after the word "dollars" it is proposed to insert:

Of which one-half, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of War at Atchison, Fort Leavenworth reservation, Arrow Rock, in Kansas; and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa.

Mr. VAN WYCK. That is right.

The PRESIDING OFFICER. The question is on the amendment as thus modified.

The amendment to the amendment was agreed to.

Mr. INGALLS. Now, another amendment will be necessary to con-

nect this properly with the part of the paragraph which follows, which reads:

Of which sum $5,000 may be used between the southern limits of Saint Joseph and the head of Lake Contrary.

Mr. MCMILLAN. Insert the word "and" at the end of the former amendment.

Mr. INGALLS. No; because we do not desire that the sum of $5,000 shall come out of the money that is to be applied to the improvement of other points than Saint Joseph and Kansas City. The $5,000 should come out of the $150,000 provided for Saint Joseph and Kansas City.

Mr. VAN WYCK. I would suggest to the Senator from Kansas the propriety of striking out that item. This appropriation is under the control of the Secretary of War, and it is not best to designate $5,000 to be expended between Saint Jo and Lake Contrary. I think it ought to be stricken out.

Mr. FRYE. The Senator from Missouri [Mr. VEST] is not present. Is there any objection to letting the amendment lie over until he comes in?

Mr. MCMILLAN. This clause was in the bill as it came from the House of Representatives.

Mr. VAN WYCK. I suggest to the chairman of the committee the propriety of that being left to remain under the direction of the Secretary of War instead of under the commission. Does this committee insist that the Missouri River Commission is an important auxiliary on that river?

Mr. MCMILLAN. The Missouri River Commission was established by an act of Congress, and is in charge of this river. We make no suggestion of a change in that regard.

Mr. VAN WYCK. It would seem that the Missouri River Commission has really had nothing to do up to this point of time, and there would appear to be no necessity for its continuance. I suggest to the chairman of the committee whether the committee feel it necessary to insist on the retention of the commission?

The PRESIDING OFFICER. Does the Senator from Kansas offer any amendment to the bill?

Mr. VAN WYCK. I would move to strike out this——

The PRESIDING OFFICER. The Chair was addressing the Senator from Kansas [Mr. INGALLS], who rose a while ago suggesting an amendment. The Chair did not understand whether he had actually made a motion to amend or not.

Mr. INGALLS. I suggested that the amendment which had been adopted rendered another amendment necessary, inasmuch as the $5,000 that is appropriated for the improvement of the macadamized road between the southern limits of Saint Joseph and Lake Contrary should be taken from the $150,000 that is to be expended for the benefit of navigation at Saint Joseph and Kansas City, and not subtracted from the $150,000 that is to be appropriated for the improvement of navigation at the other points named. The Senator from Maine [Mr. FRYE] suggested that inasmuch as the Senator from Missouri [Mr. VEST] was not in his seat, the matter might as well lie over until he came in.

The PRESIDING OFFICER. If there be no further amendment, the Chair will put the question on the amendment of the Committee on Commerce as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. PLUMB. I move in line 1028 to strike out "commission" and insert "Secretary of War."

The PRESIDING OFFICER. The Chair will suggest that as the amendment has been concurred in as a whole it can only be amended now by addition.

Mr. PLUMB. I will move then to add at the close of line 1029—

And all the expenditures in this paragraph shall be made under the direction of the Secretary of War.

The PRESIDING OFFICER. By unanimous consent the amendment can be offered.

Mr. PLUMB. I do not understand that it requires unanimous consent. I move to add.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. VEST. Is this amendment to take the place of the Missouri River Commission?

Mr. PLUMB. I want to have this work done under the judgment of the Secretary of War. The commission is still in existence auxiliary to the Secretary of War, but I want him to have the general supervising authority and direction of the question of the improvement of the Missouri River. The Senator will observe that in the following paragraph all the improvements are under the direction of the Secretary of War. There ought to be some responsible head here at Washington that we can bring to account if necessary for the expenditure of this money.

Mr. GIBSON. The amendment of the Senator from Kansas is to insert in line 1026 that appropriations under this item shall be under the direction of the Secretary of War. He has general supervision already.

Mr. PLUMB. If that is the construction of the committee, instead of putting in a direction to the Secretary of War in lines 1031 and 1032, as the Senator from North Carolina [Mr. RANSOM] suggests, it would do harm to put it in again.

Mr. GIBSON. I have no objection unless the intention is to abolish the Missouri River Commission.

Mr. PLUMB. I should be glad to do it, but I do not propose to do it here. The commission still lives and draws its salary; but that there should be a central authority which should be responsible for the expenditure in a general way, I think must be apparent. I see what the purpose of the committee was by the first paragraph; but inasmuch as they have made the improvement of the Missouri River between Sioux City and Fort Benton dependent on the discretion of the Secretary of War, I think it is as well to have the remainder of it in the same shape, and so specified that there shall not be any doubt about it.

Mr. MCMILLAN. The Senator from Kansas will permit me to make a statement in regard to that. The improvement of the Missouri River from Sioux City to Fort Benton has never been under the actual charge of the Missouri River Commission. All the surveys which have been made of that portion of the river have been made by the War Department, and the improvements hitherto have all been conducted under the direction of the War Department. This is a mere continuance of the system that has existed there.

Mr. VEST. Mr. President——

Mr. FRYE. Before the Senator from Missouri proceeds I wish to give him some information which he may not have, as he was absent. Before he left the amendment pending was to add $100,000 to the Missouri River appropriation and make the expenditure applicable to certain places that were named. That has been withdrawn, and now it reads:

Continuing improvement, $300,000; of which sum one-half shall be expended, if necessary, at the points—

Named in the amendment pending when the Senator went out, and then "of which sum $5,000 should be used between Saint Jo and Lake Contrary," leaving $145,000 for Saint Jo and Kansas City. That is the condition of that clause now. It has been so reported to the Senate, and the question in the Senate will be on adopting the amendment of the committee.

Mr. MCMILLAN and others. It has been adopted.

The PRESIDING OFFICER. It has been agreed to in the Senate.

Mr. VEST. I was called out necessarily to attend a conference committee. I do not see that there is any necessity for the amendment offered by the Senator from Kansas unless he proposes to abolish the Missouri River Commission. That is really the effect of it. The clause, "Improving Missouri River from Sioux City to Fort Benton: Continuing improvement, under the direction of the Secretary of War, $50,000," was in the last river and harbor bill, and I opposed putting the upper part of the river under the Secretary of War, or in other words, taking it away from the commission, but the Senator from Minnesota insisted upon it and it was finally put into the bill, and this provision here now simply recognizes that fact as continuing that from Sioux City to Fort Benton the commission have nothing to do with that part of the river. I think myself the whole river ought to have been left under the charge of the commission, but I was overruled in committee and in the Senate.

Now, under existing law, as to the remainder of the river, from Sioux City to the mouth, the Secretary of War is to expend the money according to the plans and estimates of the Missouri River Commission. That is the law as it stands, and the Secretary of War is responsible for that expenditure, and there can possibly be no necessity for putting on the amendment of the Senator from Kansas unless he proposes to abolish the Missouri River Commission, and if he does, let us understand it distinctly and have the issue made, and let us take a vote upon that distinct proposition. If he simply means to say, as I understood him when I came into the Chamber, that he wants a responsible official for the expenditure of this money, and therefore he wants it expended by the Secretary of War, that is the law at present. I repeat that the Secretary of War now expends the money according to the plans and estimates furnished by the commission. If the Senator wants to abolish the commission, let that issue be made, and let us take a vote on it. The amendment is absolutely unnecessary unless he does mean to abolish the commission.

Mr. VAN WYCK. Let me ask the Senator if the phraseology as to the omnipotent power of the Mississippi River Commission is extended to the Missouri River Commission. I think in the creation of the Missouri River Commission it is stated that what they do shall be with the approval of the Secretary of War. The Mississippi River Commission are not controlled by the approval of the Secretary of War; they are supreme; they are really above the Secretary of War; but the Missouri River Commission is different.

Mr. GIBSON. I beg pardon of the Senator from Nebraska. Every recommendation of the Mississippi River Commission is subject to the approval of the Secretary of War.

Mr. VAN WYCK. I think that phraseology is not in the statute creating the Mississippi River Commission, but it is in the statute creating the Missouri River Commission. It is with the approval of the Sec-

retary of War. Hence, when the Missouri River Commission sought to divert the $375,000 appropriated last year to Saint Joseph and Kansas City, some persons in Kansas and Nebraska interested in that matter called the attention of the Secretary of War not only to the injustice of the apportionment, but to the fact that it was in violation of the law making the appropriation, and the Secretary of War did not discharge, as I think at that time, his full duty. He permitted a silent acquiescence in what the Commission did.

The act creating the Missouri River Commission provided that its doings should have the approval of the Secretary of War. The ground taken in the Engineer Department here at Washington is—and that controls the Secretary of War—that the Mississippi River Commission is absolute, that the Secretary of War has no power to control their acts; and notwithstanding the difference in phraseology in the law creating the Missouri River Commission, the Engineer Department in this city held that it was the same as the Mississippi River Commission, that the Secretary of War had no option about it, had no control, but was simply to acquiesce.

Mr. VEST. It is simply impossible for anybody to have put that construction on the act creating the Missouri River Commission or the Mississippi River Commission. I do not remember the language, but any Senator can turn to the act in a second. The language is that the money shall be expended by the Secretary of War according to the plans and estimates furnished by the commission. Who is responsible for the expenditure of the money? The Secretary of War is responsible.

Mr. VAN WYCK. The act says that he shall expend this money. How? According to their plans and estimates. He has no power left with the Mississippi River Commission.

Mr. VEST. There is no such language in the act. The language is according to the plans and estimates furnished by the Missouri River Commission. They simply furnish the plans and the estimates, and he expends the money. He is responsible for that expenditure. He does the work, but he does it according to the plans and estimates furnished by them; and how any lawyer or any official of this Government could ever say that the Secretary of War was controlled and absolutely bound to expend this money according to the Missouri River Commission's plans passes my comprehension.

Mr. McMILLAN. I understand that the Mississippi River Commission under the law creating it makes the plans and estimates for the improvement of that river and submits them to the Secretary of War, and that the Secretary of War has no power of revision of those plans or estimates, but that he must make the expenditure of any sum of money appropriated by Congress in accordance with those plans and estimates, that he is a mere accounting officer to render an account to Congress of the disbursement of money in accordance with those plans and estimates; that he has no power to revise or change the plans submitted by the commission. Therefore, he is not at all responsible for the estimates or the plans, but is merely to account as a disbursing officer for the funds expended by the commission.

Mr. VAN WYCK. Then the chairman of the committee confirms what I have said in regard to this matter, that the Secretary of War merely obeys the direction of the Mississippi River Commission, and has no power in the matter, except that through him they send their reports to Congress. Then I was correct on that point, as the Senator from Missouri will see. The Senator from Minnesota, the chairman of the committee, gives the same version of the law.

But in the Missouri River Commission act the phraseology is different, I submit to my friend, the chairman of the committee:

That the said commission shall, under the direction and with the approval of the Secretary of War, superintend, control, and expend.

The words "with the approval" are in the act creating the Missouri River Commission, but not, if I remember aright, in the act creating the Mississippi River Commission. The Mississippi River Commission is absolute, and so the Engineer Department of the Army in this city holds, and so also holds the chairman of the Committee on Commerce.

But Congress was unwilling to create another commission which should be supreme, and therefore, when the Missouri River Commission was created it said that no money should be expended under its direction without the approval of the Secretary of War, although the opinion of the Secretary of War and of the Engineer Department was that the Missouri River Commission was as absolute as the Mississippi River Commission, and that the Secretary of War was only a messenger substantially, an auditing officer first to audit accounts merely, and then a messenger to transmit their messages to Congress; and that the Secretary of War had no power, no control over the commission.

Mr. VEST. Will the Senator permit me?

Mr. VAN WYCK. Certainly.

Mr. VEST. It is very easy to make an assertion here as to what the law is, but I presume the law itself is the best authority. I read now from the act constituting the Missouri River Commission——

Mr. VAN WYCK. The Senator does not understand me. I have just been reading the phraseology in the act creating the Missouri River Commission, "that the said commission shall, under the direction and with the approval of the Secretary of War."

Mr. VEST. Exactly.

Mr. VAN WYCK. If I remember aright, the words "with the approval of the Secretary of War" are not in the act creating the Mississippi River Commission.

Mr. VEST. I am not discussing the Mississippi River Commission. I understood the Senator from Nebraska to assert that the chairman of the committee, whose authority he took to be conclusive on this matter, had stated that the Secretary of War had nothing to do with the expenditure of this money.

Mr. VAN WYCK. Not this money.

Mr. VEST. With the Missouri River Commission.

Mr. McMILLAN. I made no reference whatever to the Missouri River Commission; I referred to the Mississippi River Commission.

Mr. VEST. My view is substantiated by the language of the act itself. I say there is no necessity for the amendment of the Senator from Kansas, because the Secretary of War is absolutely responsible for the expenditure of this money. Not one dollar of it can be expended without his approval and under his control. That is the language of the act, and unless the intention is to abolish the commission there is no necessity for the amendment.

Mr. VAN WYCK. The only reason for the necessity of something of this kind in the bill is because, without probably weighing the difference in language between the acts creating the two commissions, the Secretary of War and the Engineer Department have held, as the chairman of the committee has stated, is the case with the Mississippi River Commission, that the Secretary of War has no power to control their action; that he is under them, and that the act of Congress made him so. The language of the act creating the Missouri River Commission, however, is different, but, as I stated, the Engineer Department and the Secretary of War held that he was as much subordinate to the Missouri River Commission as he was subordinate to the Mississippi River Commission; and when his attention and the attention of the Engineer Department was called to the apportionment of this money by the Missouri River Commission in defiance of law, it was held that the Secretary of War had no power over this matter; that he was under the control of the Missouri River Commission. Therefore it is that the Senator from Kansas is right—so that there may be no mistake about this matter hereafter we should provide that the Secretary of War shall be supreme and not the Missouri River Commission; and that is all of his amendment.

Mr. VEST. Will the Senator permit me to ask him a question? He asserts now that the Secretary of War held that he was under the control of the Missouri River Commission. Will he bring proof here of that fact? Where is the proof of that?

Mr. VAN WYCK. I have it substantially in the report which I read.

Mr. VEST. The Secretary of War called upon the Missouri River Commission, after we had passed a resolution of inquiry in regard to the expenditures at Kansas City and Saint Joseph, to know why they had so expended the money. They gave him their reasons, and he then transmitted those reasons to the Senate, stating that he approved the reasons and approved the expenditure. There is nothing in the correspondence which shows that he is amenable or subject to the opinion of the Missouri River Commission. He simply says that he considers their explanation satisfactory, and he approves what they have done, as he had the right to approve it under the language of the law itself. They can not expend one dollar without his approval, and he is responsible to Congress for every cent that goes out of the Treasury for the improvement of the river.

Mr. INGALLS. Mr. President, the Senator from Missouri intimates, with something of passion, it seems to me——

Mr. VEST. Oh, no.

Mr. INGALLS. That there is an indirect effort or design on the part of my colleague in the amendment he has offered to dispense with the Missouri River Commission. He declares that if that issue is to be tendered he desires to be advised of it in order that it may be promptly met. I do not know what the purpose of my colleague was in offering the amendment further than has been expressed by him, but I have no hesitation in saying that the Missouri River Commission, in my judgment, ought to be abolished. A more unnecessary, superfluous, and entirely ornamental excrescence never existed, in my judgment, than the Missouri River Commission, and if it were possible by any vote of mine to abolish it, either by indirection or by specific vote for that purpose, no act of my life would be more cheerfully done than a vote in that direction.

The Senator from Missouri says that the amendment of my colleague is not necessary, because the language of the act creating the Missouri River Commission gives the Secretary of War the supervisory power, and subjects their estimates and plans to his approval. That is true in terms, and yet as a matter of fact, the Secretary of War has absolutely abdicated all functions whatever in connection with the expenditure of the moneys and the approval of the plans submitted by the Missouri River Commission for the improvement of that river other than those employed in a simple perfunctory appending of his signature to the plans and estimates they have submitted. So far as any aggressive, affirmative act of volition on his part to examine into these plans and decide whether they are wise, to inquire into the allotment of moneys

and ascertain whether they are prudent and in accordance with the acts of Congress, there is no evidence that the Secretary of War has ever committed a single act in that direction.

The correspondence between Mr. Duane, the brigadier-general who is Chief of Engineers, Major Suter, the president of the Missouri River Commission, and General Parke, the colonel of Engineers in charge of the office, shows conclusively that all the Secretary of War ever did or supposed he was able to do in connection with this subject was to approve the plans and estimates submitted by the Missouri River Commission. In the volume submitted in connection with this matter, containing the reports of the Missouri River Commission, appears a communication from Major Suter, dated Saint Louis, Mo., September 2, 1886, describing the results of a meeting of the Missouri River Commission, held August 26 and 27, on the subject of the expenditure of the item of $375,000 for improving the Missouri River from its mouth to Sioux City, which he declares at that time was carefully considered. Hear this major and president of the Missouri River Commission:

According to the wording of the act—

And what means he had of judging of the act except by its wording he declines to tell us—

According to the wording of the act, the money is to be expended in "continuing improvement, including necessary work, at Omaha, Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, Kansas City, Plattsmouth, Brownsville, and Nebraska City, under the direction of the Secretary of War, in accordance with plans and estimates to be furnished by the Missouri River Commission."

Major Suter declares that he understood what the intention of Congress was, and that the direction was specific that the $375,000 should be expended at the points named in the act which was approved August 5, 1886. What do they do? Disregarding the language of the act which they themselves quote, he goes on to state that in the judgment of the commission it would not be wise to comply with the declared will of Congress; he argues that it will result in failure and waste of money; that there has been a large amount expended already at those points, and that on the whole it would be better to disregard the act of Congress which he had quoted, and with whose terms he was entirely familiar, and divide the whole amount between Kansas City and Saint Joseph. He says:

To scatter the current appropriation in allotments to all the points enumerated in the bill would result in no good whatever, as the amounts would be everywhere inadequate to even begin the work needed. Under these circumstances the commission deem that a literal compliance with the requirements of the act is impossible, and they have therefore decided to recommend the continuance of work at Kansas City and Saint Joseph, two of the places enumerated, and on the general improvement of the river in the vicinity of Kansas City.

Mr. President, was there ever a more absolutely arbitrary, confessed, and admitted violation of plain and intelligent provisions of law than that? He quotes the statute, recites the names of the places that Congress had fixed in the act, and goes on to argue that he does not think it would be wise or appropriate or prudent on the whole to comply with the act of Congress; that it will be waste of money to apply the appropriation at these different points, and therefore he concludes that they had better take the $375,000 and disobey the act of Congress and spend the entire amount at Saint Joseph and Kansas City; and that decision is referred to the Secretary of War, and he approves it.

I say that the Secretary of War abdicated his functions. He coincided with the Missouri River Commission in their admitted violation of the law. They did not intend to comply with it. Their disregard of it was intentional. The Secretary of War on the 28th day of October, 1886, under the direction of Col. John G. Parke, Brevet Major-General, United States Army, in charge of the office, approved the allotment, as appears by the signature of John Tweedale, the chief clerk.

It appears that during the progress of this controversy, it having reached the ears of the Representatives from the States of Nebraska, Iowa, and Kansas that this violation of law was intended to be accomplished, they protested in vigorous terms against the proposed action of the Missouri River Commission and the Secretary of War. My colleague and myself, under date of September 9, and September 14, Hon. E. N. MORRILL, a colleague in the House of Representatives, on the 17th of September, 1886, and the honorable Senator from Nebraska, under date of December 18, 1886, all concurred in recommending to the Secretary of War to disregard the recommendations of the Missouri River Commission in allotting the appropriation for improving the Missouri River, from its mouth to Sioux City, Iowa, made by act approved August 5, 1886, "it being alleged in some cases that the recommendations of the commission are in violation of the statute." This communication is signed by Maj. Charles R. Suter, and addressed to Col. J. G. Parke, in which the same arguments in his letter of October 6th are repeated in his communication declaring that although the language of the statute was explicit and peremptory, on the whole, in the judgment of the Missouri River Commission, it would be best to disregard it and expend the money at these two points, which in some mysterious manner appear to have engaged the attention and secured the consideration of the War Department and the Missouri River Commission.

I say, therefore, Mr. President, that the Missouri River Commission has shown itself to be an organization that defies the law, and does it in open and flagrant defiance of the expressed will of Congress. If the issue can be presented here, as the Senator from Missouri suggests, I should be very glad to vote for the immediate and unconditional abolition of the commission.

The Senator from Missouri intimated in his argument on Saturday that Saint Joseph was a place of such great commercial importance that that had undoubtedly actuated the minds of the commission in dividing the money between these two places. I should like to inquire whether Saint Joseph, with its 30,000 or 35,000 people, is a place of any greater commercial importance than Omaha, with its 75,000 or 80,000 people? If we are to regard population, exports, and imports in connection with the great railroad system of the country, what is there in Saint Joseph as compared with Omaha, double its population, equal in every other particular to say the least, that should have secured the attention of the Missouri River Commission to the division of the entire amount of the appropriation in this illegal and unjustifiable way between those two points in the State of Missouri?

I say that the amendment of my colleague is essential in view of what has been done hitherto; in view of what is disclosed in this correspondence, as the purpose and intention of the Missouri River Commission. If we desire that the expressed will of Congress shall be carried out hereafter, it is necessary to place the responsibility for this distribution on the Secretary of War and leave out entirely the Missouri River Commission, which ought to be abolished.

Mr. VEST. Mr. President, I have listened very attentively to the Senator from Kansas [Mr. INGALLS], and if his arguments or remarks amount to anything at all, their result is that not only the Missouri River Commission but the Bureau of Engineers and the office of Secretary of War ought all to be abolished, because according to his own showing the alleged violation of law of which he complains was committed equally by the Missouri River Commission and the Bureau of Engineers and the Secretary of War. The correspondence which he himself reads shows that the Bureau of Engineers approved the acts of the commission, and the Secretary of War put the stamp of his approval upon the acts of both.

Mr. VAN WYCK. If the Senator will allow me, I think he does some injustice to the Engineer Department, because in the letter of General Parke transmitting some letters which he received in regard to this matter, he says, the Senator will notice, near its conclusion:

On the other hand, the terms of the act are specific, and it is questionable whether upon the statements made by Senators any deviation from its plain requirement would be permissible. The subject is respectfully submitted for the decision of higher authority.

So the Engineer Department, I think, is not liable to the criticism of the Senator from Missouri.

Mr. VEST. Still, the Engineer Department did not protest against the alleged violation of law which was denounced so eloquently by the Senator from Nebraska. There is no protest against it. It went up regularly through the routine channels to the Secretary of War, and was approved by him.

It appears that we have gone around in a circle in this debate and landed finally at the same place. The Secretary of War could have stopped the expenditure of this money at any time he pleased. The Secretary of War did not do it. Under the terms of the law the Secretary of War is responsible for the expenditure of every dollar upon the Missouri River. If you were to abolish the Missouri River Commission to-morrow you would not get rid of the alleged violations of law so eloquently complained of here to-day; and if the amendment of the Senator from Kansas remains in the bill it still leaves this responsibility where it is now, upon the Secretary of War, and upon the Secretary of War alone. He can veto and stop the expenditure of every dollar if he sees proper to do so.

I repeat that in order to get rid of this discretion, which it is said has been abused, you must repeal the act establishing the Missouri River Commission, and then abolish the Bureau of Engineers and the Secretaryship of War besides.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. ALLISON. Before voting on that amendment I ask the Senator from Kansas to allow me to add "Sioux City, Iowa," to the names mentioned in the other amendments. There are some improvements necessary there.

Mr. VEST. Let us hear that amendment read.

Mr. ALLISON. I propose to add "Sioux City, Iowa," simply covering that point as well as the others named.

Mr. VEST. I wish to hear the clause read the way it is proposed to be amended.

Mr. MCMILLAN. That is an amendment to the amendment which has been adopted?

Mr. ALLISON. The amendment I offer now is to the amendment which was adopted. It comes in before the amendment of the Senator from Kansas.

Mr. WILSON, of Iowa. I suggest to my colleague to insert it after the word "and," and before the word "Iowa," at the conclusion of the amendment.

The PRESIDING OFFICER. The Senator from Iowa asks leave to submit an amendment to the amendment which was adopted as in Committee of the Whole, the Chair understands?

Mr. ALLISON. Yes, sir.

Mr. HARRIS. Is the bill now in the Senate?

The PRESIDING OFFICER. The bill is now in the Senate. By unanimous consent the amendment will be received.

Mr. HARRIS. The amendment is in order if the bill is in the Senate.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa [Mr. ALLISON] will be stated if there be no objection.

The CHIEF CLERK. It is proposed to add to the amendment agreed to the words "and Sioux City, Iowa," so as to read:

Of which one-half, or so much thereof as may be necessary, shall be expended under the direction of the Secretary of War, at Atchison, Fort Leavenworth reservation, Arrow Rock, in Kansas; and Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa, and Sioux City, in Iowa.

Mr. VEST. Arrow Rock, Missouri.

Mr. WILSON, of Iowa. I suggest to my colleague that he modify his amendment so as to insert the words "at Sioux City" between the words "and" and "Iowa" at the conclusion of the amendment.

Mr. ALLISON. Very well; I will modify it in that way.

The PRESIDING OFFICER. The Chair must inform the Senate that the amendment can only be made by unanimous consent.

Mr. ALLISON. I supposed so, and I understood that unanimous consent was given.

The PRESIDING OFFICER. If there be no objection the amendment as modified is before the Senate, and the question is on its adoption.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. McMILLAN. I have a formal amendment to offer to section 4.

The PRESIDING OFFICER. The Chair must inform the chairman of the Committee on Commerce that the bill is now in the Senate.

Mr. McMILLAN. And subject to amendment.

The PRESIDING OFFICER. It can only be amended by additions at the end of the bill, unless by unanimous consent.

Mr. MILLER. Why so?

Mr. McMILLAN. The bill, I understand, is subject to amendment.

The PRESIDING OFFICER. It is subject to amendment, but subject to amendment only by way of addition. The amendment made as in Committee of the Whole has been concurred in as a whole in lieu of the House bill.

Mr. McMILLAN. These are formal amendments.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. HOAR. I desire to be informed by the Chair whether an amendment proposed by the Senate as in Committee of the Whole has any greater or different rights or any other position than an amendment proposed to the Senate by a standing or special committee. I understand the Committee of the Whole is no more than the Committee on Commerce or the Committee on the Judiciary or any other committee, and it proposes to the Senate a certain amendment.

Mr. PLATT. That has been agreed to.

Mr. HOAR. It has been agreed to in committee.

Mr. FRYE. It has been agreed to in the Senate.

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that the amendment was offered as in Committee of the Whole as one amendment, and that amendment was amended from time to time by the committee of the whole body. The amendment as amended in Committee of the Whole has been reported to the Senate and concurred in.

Mr. HOAR. In the Senate?

The PRESIDING OFFICER. In the Senate; so that now, as the present occupant of the chair understands, no amendment can be made to the amendment which has been reported to the Senate except as an addition at the end of the amendment.

Mr. HOAR. That is true. I understood the Chair to state the question on the adoption of the amendment made as in Committee of the Whole. The Chair is quite right.

Mr. McMILLAN. Section 3 of the bill as reported from the committee was stricken out, so that will render necessary a change of the numbering of the sections.

Mr. EDMUNDS. The clerks do that.

Mr. McMILLAN. In addition to that, section 5 is referred to in other sections of the bill, and by the striking out of section 3 and the change of numbers it will be necessary to change that reference.

The PRESIDING OFFICER. The Senator from Minnesota, the chairman of the committee, asks that the amendments indicated by him may be made. The Chair hears no objection, and the amendments will be stated.

Mr. McMILLAN. In line 455 I move to strike out the word "five" and insert the word "four."

The amendment was agreed to.

Mr. McMILLAN. In line 585 I move to strike out the word "five" and insert "four."

The amendment was agreed to.

Mr. McMILLAN. If there are any other references of this kind in the bill I ask that the clerks be authorized to change the references.

The PRESIDING OFFICER. That will be done as a matter of course.

Mr. CONGER. By a mistake there was left out in the bill, among the places to be surveyed, Hunting Creek, Virginia, to come in after line 29 of section 2. I ask unanimous consent that it may be inserted.

The PRESIDING OFFICER. If there be no objection, that amendment will be received.

Mr. EDMUNDS. What is it?

Mr. CONGER. It is merely a survey.

Mr. EDMUNDS. Let us hear it read.

Mr. CONGER. It places Hunting Creek, Virginia, among the surveys coming in after line 29 of section 2.

Mr. EDMUNDS. Let us hear it read.

The CHIEF CLERK. After line 29 of section 2 insert:

Hunting Creek, Virginia.

Mr. EDMUNDS. I am willing to have that inserted, considering the name of it.

The amendment was agreed to.

Mr. MILLER. I ask unanimous consent to make an alteration in line 425 of the bill as reported, which is a mistake of the printer or of the clerks in copying.

Mr. EDMUNDS. In line 425 of the Senate amendment?

Mr. MILLER. Of the Senate amendment. As agreed to in the committee $15,000 was increased to $18,000, and in the same line the word "two" should be "three." The bill as passed by the House appropriated $15,000 for the improvement of the Narrows at Lake Champlain, and the Senate committee agreed to amend it by increasing the amount to $18,000, and saying, "of which $3,000 may be used to remove Ferris Rock, Lake Champlain."

Mr. EDMUNDS. Is that a committee amendment?

Mr. MILLER. That is a committee amendment, and was agreed to at the time. I desire to have the amendment made now.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to have the amendment made proposed by him. The Chair hears no objection, and the amendment will be stated.

The CHIEF CLERK. In line 425 strike out "fifteen" and insert "eighteen" before the word "thousand," and in the same line strike out the word "two" and insert "three" before "thousand;" so as to read:

Improving Narrows at Lake Champlain, New York, from Benson, Vt., to canal locks at Whitehall, N. Y., $18,000, of which $3,000 may be used to remove Ferris Rock, Lake Champlain.

The amendment was agreed to.

Mr. MILLER. In line 87 of the bill as reported to the Senate I desire to strike out "$7,500" and insert "$15,000." I must apologize to the Senate and to the committee. This is a mistake of my own. The matter was called to my attention as a member of the committee, and I overlooked the papers. The appropriation for that point asked for this year was $76,000. The rule of the committee upon all important points was to give one-quarter of the amount estimated and asked for. One-quarter would be nearly $20,000, but I proposed to ask the committee at that point for $15,000.

I need not take up the time of the Senate in regard to the importance of the point. Rouse's Point is the entrance from Lake Champlain into the Saint John's River, and is in the direct line of communication with the Saint Lawrence River.

Mr. EDMUNDS. I should be glad to have the report of the engineer as to the estimate read, to see whether this is still 25 per cent.

The PRESIDING OFFICER. Before the discussion goes further the Chair will ask whether there is any objection to considering the amendment. It can only be received and considered by unanimous consent.

Mr. EDMUNDS. We will hear it explained first.

Mr. MILLER. In the report made by the committee on pages 35 and 36 (it is unnecessary perhaps to read it) the importance of this port is shown by the fact of the imports and exports this year. It will be remembered by all the Senate that Rouse's Point is on the border between the State of New York and Canada. It is a port of export and of import. The exports and imports of that port last year were nearly $4,000,000. The estimates of the engineer call for $76,000 for the present year. One-quarter of that amount would have been within the rule of the committee, but the papers which came into my hand were mislaid at the time and I overlooked the matter. I now ask for this correction. The amount asked for, $15,000, is not one-quarter of the estimate of the engineer, but I shall not ask for any more than that.

Mr. EDMUNDS. As I understand from the chairman of the committee, I feel bound to withhold my assent to this amendment. The chairman of the committee states that while the local engineer esti-

mated that he could expend $76,000 with profit to somebody during the next fiscal year, the Chief of Engineers cut it down to $30,000, 25 per cent. of which would be the $7,500 that the committee has reported, putting it on the same scale with the others.

Mr. McMILLAN. That is the amount fixed in the bill as passed by the other House. We did not change it.

Mr. EDMUNDS. I am speaking of what the chairman of the committee has stated to me, and if wrong he will please correct me.

Now, at Burlington, Vt., where the annual receipts of customs amounts to nearly if not quite $1,000,000—I have forgotten the amount—on the same principle of 25 per cent., $12,500 were given in the bill as passed by the House, and the matter being explained to me by the committee, that they were only going to give 25 per cent., I made no objection and no request; and so it stands at $12,500. If the 25 per cent. rule is to be departed from in Lake Champlain, it ought to be departed from at Burlington if anywhere, for the lake is at its widest point there and the breakwater is an indispensable necessity to commerce. At Rouse's Point, the very foot of the lake, where the river runs out of it into the Saint Lawrence, the width of it within 5 miles southward is not 2 miles, and therefore the danger from winds is infinitely smaller.

I do not object at all to the Rouse's Point appropriation. It is all right as these things go; but I do not think my honorable friend from New York ought to take it out of the 25 per cent. rule. According to the statement of the chairman of the committee, it is left as the committee has reported it on the 25 per cent. rule, and I must therefore object to the amendment.

Mr. MILLER. I hope the Senator will not object to this, for certainly——

The PRESIDING OFFICER. The Chair understands that objection is made to the amendment.

Mr. FRYE. If the Senator from New York will allow me——

The PRESIDING OFFICER. Does the Chair understand that the Senator from Vermont objects to the consideration of the amendment?

Mr. EDMUNDS. I do not object to hearing the Senator from Maine.

Mr. FRYE. Before the Senator objects I desire him to hear me. The committee, instead of taking the estimates of the Chief of Engineers and making it a rule that one-quarter of his estimates should govern and control, took the estimates as a rule of the local engineer.

Mr. EDMUNDS. Let us see.

Mr. FRYE. In Burlington, Vt., the estimate of the local engineer was only $39,000, and Burlington received considerably more than one-quarter of $39,000, because the Chief of Engineers increased the estimate to $50,000. Burlington, Vt., received a great deal more than a quarter of the local engineer's estimate, by which we were very largely governed.

Mr. MILLER. I hope the Senator from Vermont will withdraw his objection, and look a little further into this matter. I am very sure that he does not desire to curtail this work.

Mr. EDMUNDS. Certainly not.

Mr. MILLER. He knows the importance of it quite as well as I do.

Mr. EDMUNDS. I desire to do the right thing and to have fair play, and if I am wrong in what has been stated, then I should withdraw my objection; but if my friend will look at the report of the committee on page 9, in respect to the harbor at Burlington, Vt., he will see it is stated:

> This is the most important harbor on the eastern coast of Lake Champlain. The city of Burlington, which is situated on this harbor, has, according to the census of 1880, a population of over 11,000.
>
> *Commercial statistics for the year ending December 31, 1885.*

Description.	Arrivals.		Departures.	
	Number.	Tonnage.	Number.	Tonnage.
Steamers	989	419,149	989	419,149
Sailing vessels	36	4,013	36	4,013
Vessels in tow (barges)	182	24,045	156	21,434
Total	1,207	447,207	1,181	444,596

Then when we come over to what my friend from Maine has stated as the estimate of the local engineer, I find on page 10 this:

Total amount appropriated for this work to date	$501,922 20
Amount (estimated) required for completion of existing project	203,000 00
Amount that can be profitably expended in fiscal year ending June 30, 1888	100,000 00

So on the 25 per cent. of the estimate of the local engineer there should have been put in by the committee, $25,000 instead of $12,500.

Mr. FRYE. If the Senator from Vermont will allow me, the committee had prepared for their own use a table, and the Senator will see that the gentleman who prepared that table has made a mistake. The estimate is put at $39,748, when it should have been $100,000, and if the Senator from Vermont had asked the increase to 25 per cent. it would have been made by the committee.

Mr. EDMUNDS. Yes, but I did not look at the papers. I took the statement of the committee, as I do always, as they will bear we witness, with confidence and with respect and obedience; and when the committee told me that on the 25 per cent. theory all that could be given to this work at Burlington, Vt., was $12,500, I said, "That is enough; I do not ask anything out of the line of the rest of you."

Mr. FRYE. The Senator will see where we made the mistake. I certainly should not have the slightest objection to Burlington, Vt., being increased to 25 per cent.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment offered by the Senator from New York [Mr. MILLER]?

Mr. MILLER. I ask the Senator from Vermont to withdraw his objection.

Mr. EDMUNDS. I withdraw it for the time being.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 87, before the word "dollars," strike out "seven thousand five hundred" and insert "fifteen thousand;" so as to read:

> Improving breakwater at Rouse's Point, N. Y.: Continuing improvement, $15,000.

The amendment was agreed to.

Mr. MILLER. Now, I move to increase the appropriation for the harbor at Burlington, Vt., to $25,000, and I want to state my reasons.

I may as well say here in regard to the 25 per cent. rule, that it is not correct to state that the committee in all cases made the appropriations 25 per cent. of the estimates of the engineers, because in a number of important cases we increased it to at least 50 per cent. of the estimate of the engineers, depending on the importance of the work and upon its liability to damage by the elements if it was not completed; but we attempted in making the appropriations to the various States to keep within the 25 per cent. limit for each State. For instance, in the State of New York a large proportion of the items in the bill are not increased at all, and do not amount to more than 10 or 15 per cent. of the estimate of the engineers; but upon the important works in the State of New York in many cases we increased the appropriation to 50 or 60 per cent. of the estimate of the engineers, intending to make the appropriations, for instance, for the whole State of New York average about 25 per cent. of the total estimate, and we attempted to carry that through this bill, of course not making it absolute in each individual State, but relying on the importance of the work itself and upon its liability to damage. In the State of Vermont, of course, there are not many appropriations, and the appropriation for Burlington is by all odds the most important, and it should have been increased and given the full limit in the committee. Why it was not, I do not know. Therefore, I move that the appropriation for Burlington, Vt., be made $25,000.

The PRESIDING OFFICER. If there be no objection, the amendment will be received.

The CHIEF CLERK. In section 1, line 28, after the word "improvement," it is proposed to strike out "twelve thousand five hundred," and insert "twenty-five thousand;" so as to make the clause read:

> Improving harbor at Burlington, Vt.: Continuing improvement, $25,000.

The PRESIDING OFFICER. This amendment can only be received by unanimous consent. There is no objection to receiving it, the Chair understands.

The amendment was agreed to.

Mr. WALTHALL. I offer an amendment providing for a survey. I move to add to section 2:

> Survey of Bogue Phalia, in Mississippi, especially the part known as The Narrows.

The PRESIDING OFFICER. If there be no objection, the amendment will be received.

The amendment was agreed to.

Mr. INGALLS. I desire to call attention for a moment to the amendment that was made about line 1025 or 1026. As the bill now stands as amended Arrow Rock is described as being in the State of Kansas. It is in Missouri, and I suggest that, inasmuch as the names of the towns are all well known, to avoid confusion, the names of the States be omitted by unanimous consent.

Mr. VAN WYCK. There is no objection to that.

Mr. McMILLAN. That would be better.

The PRESIDING OFFICER. If there be no objection, that part of the bill will be so amended.

Mr. MILLER. I ask the indulgence of the Senate a moment to offer a provision putting in two surveys for New York, which have come to me from members of the other House. After line 50 of section 2, I move to insert as new items:

> Rockaway Inlet, New York.
> Fort Pond Bay.

The PRESIDING OFFICER. If there is no objection, the amendment will be received.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MCMILLAN. I move that the Senate insist on its amendment to this bill, and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MCMILLAN, Mr. CONGER, and Mr. RANSOM were appointed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1930) granting a pension to John Duffy;

A bill (S. 2308) granting a pension to Henry Lafner;

A bill (S. 1326) granting a pension to Caroline E. Pratt;

A bill (S. 1170) granting a pension to Nancy C. Smith;

A bill (H. R. 7209) to authorize the construction of a graveled road to the Richmond national cemetery, near Richmond, Va.;

A bill (H. R. 8880) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.;

A bill (H. R. 6764) to provide for holding terms of United States courts at Vicksburg, Miss.;

A bill (H. R. 10091) for the construction of a building for stable and carpenter shop for the accommodation of the offices of the House of Representatives;

A bill (H. R. 4535) granting a pension to Adeliza Perry; and

A bill (H. R. 5652) for the relief of James W. Goodrich.

PENSION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 10397) making aprropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. DAWES, and Mr. GORMAN.

NICARAGUA MARITIME CANAL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua.

Mr. CALL. I ask the Senator from Vermont to allow this bill to be informally laid aside.

Mr. EDMUNDS. I can not do it. I deem it to be a public duty to have the Senate pass on this question. I can not yield to anybody.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and the amendments of the Committee on Foreign Relations will be stated.

Mr. HOAR. I wish to move an amendment that was presented in regard to the Tehuantepec ship-railway bill. I wish to get the section as to the subscriptions to the stock.

The PRESIDENT *pro tempore*. The bill has heretofore been read at length.

Mr. HOAR. Let the bill be read again. It is some time since it was read.

The bill was read.

The bill was reported from the Committee on Foreign Relations with amendments.

The first amendment was, in section 1, line 19, after the word "made," to insert "or to be made to them, or those to whom they may succeed;" so as to read:

That Frederick Billings, Charles P. Daly, H. L. Hotchkiss, Francis A. Stout, W. B. Franklin, Daniel Ammen, William L. Merry, Horace Davis, Edward F. Beale, James H. McMullen, Sheppard Homans, and all those persons who are or may be associated with them, and their successors, are hereby created a body corporate under the name and style of the "Maritime Canal Company of Nicaragua," by which name said company may sue or be sued, may defend and be defended, in all courts of law and equity within the United States, may have a common seal, and generally may have and possess the rights and privileges usually possessed by similar companies, and may receive, purchase, hold, and convey such real estate and personal estate as may be necessary to carry into effect the purposes of this act, and may do all lawful things to secure the full enjoyment of the powers, privileges, rights, benefits, and grants contained in any canal concession made or to be made to them, or to those to whom they may succeed by the Republic of Nicaragua.

Mr. HOAR. I should like to inquire of the Senator who reports this bill whether there is not now existing an American company, chartered by either Congress or one of the States, that is engaged in this work or has a contract for its completion, and if so, what effect upon any rights or interests of that company this charter may have?

Mr. EDMUNDS. There is no company chartered by Congress having this matter in charge. How many different speculators have taken out State charters under general State law organizations I do not know; but I am informed and believe that the Republic of Nicaragua recognizes no existing right on the part of anybody to build this canal there, whatever her concessions may have been hitherto, except as they exist in a treaty which I believe has been made public, and is still open between the two countries upon the subject.

Mr. HOAR. I was spoken to about five minutes ago by an eminent member of the House of Representatives, who informed me that there was a company, composed of neighbors and friends of his, who had a contract and had taken steps to proceed in the execution of this work, who were entitled to the protection of the Government of the United States in their rights, who had a contract with the Republic of Nicaragua. I am not myself informed upon the subject-matter, and I should like to inquire whether the committee have so informed themselves as to be able to tell us whether that company has rights which the American Government is bound to protect.

Mr. EDMUNDS. I will state that the members of the committee received from, I think, two different sets of people who called themselves State corporations——

Mr. HOAR. What States?

Mr. EDMUNDS. One the State of New York and perhaps both.

Mr. HOAR. The gentleman who spoke to me was from Pennsylvania.

Mr. EDMUNDS. That would not imply that he had a Pennsylvania charter, necessarily. I think I remember that both the sets of people who sent papers to us were people who said that they, under the general laws of New York, were incorporated and that they had contracts, not with the Republic of Nicaragua, but with certain iron-workers in Pennsylvania—that is probably what my friend refers to—to supply in a certain contingency a certain amount of material for a canal that they expected to build.

But the committee is well informed, as we were when we had the other matter about the United States doing for the Republic of Nicaragua, and the State Department was then well informed that the old supposed concessions of the Republic of Nicaragua had entirely and fairly expired, and that that Republic was then and now under no obligation whatever to anybody, except to the Government of the United States under existing negotiations.

Mr. VEST. I know nothing about any corporation created under State authority in regard to the Nicaragua Canal; but I have before me now a charter granted by Nicaragua to the American Atlantic and Pacific Ship-Canal Company, which corporation was created under the authority of the State of Nicaragua with perpetual succession, and with the absolute and exclusive right to construct a canal across that isthmus. The cession provides in so many words that this right shall be exclusive. Article 32 of this concession reads:

The State also binds itself to protect and defend the company—

That is the American Atlantic and Pacific Ship-Canal Company—

in the full enjoyment of the rights and privileges granted in this contract, and also binds itself not to contract with or cede to any government, individual, or companies whatsoever the right of constructing a ship-canal, railroad, or any other communcation across its territory, between the two oceans, or the right of navigating, by means of steam vessels, any of its rivers or lakes which may be occupied by the company while this contract continues in force.

I suppose that every Senator has received a pamphlet from Admiral Ammen, who claims that the State of Nicaragua has rescinded this concession, and who has published in this pamphlet a letter from Señor Cardenas, at that time, I believe, president of Nicaragua, in which he says that this company has ceased to exist. Personally, as a matter of course, I know nothing about the facts; but I know that a gentleman named Blackman, who brought to me letters from some of the most responsible men in New York, and who claims to be the president of this American Atlantic and Pacific Ship-canal Company, states that he is the president of this company; that the company has expended $10,000,000 in surveys and work in Nicaragua, and that their concession is still in full force. I have here and will ask the Secretary to read the opinion of Messrs. Lowrey & Porter, one of the most eminent legal firms in the city of New York, I believe, who state that in their judgment this concession is still in full force and valid, and that the rights granted originally to this company by the State of Nicaragua still exist. I have not had time to go through all the documents because they are very voluminous, but I will ask the Secretary to read that opinion, and I will ask the Senator from New York to state what is the legal standing of this firm of Lowrey & Porter.

The Chief Clerk read as follows:

OPINION OF MESSRS. LOWREY & PORTER.

We have examined the question submitted by John E. Body, esq., president of the Central American Transit Company, and are of the opinion that the right conferred upon the American Atlantic and Pacific Ship-canal Company by the Republic of Nicaragua in the contract between that republic and the company to build a ship-canal across the territory of the republic survives unimpaired in favor of that company.

Before entering upon a very brief statement of the grounds for this opinion, it is proper to say that the character of the contracting parties, and the importance to the commerce of the world of the concessions and stipulations made between them unite to take these questions out of the sphere of technical law and bring them within the influence of those broad rules of morality which are

supposed to underlie international law, and to govern in all cases where, a nation being a party, conscience can alone be appealed to by the other party for redress in case of wrong or misunderstanding.

The American Atlantic and Pacific Ship-Canal Company was a partnership composed of American citizens. In 1849 it entered into a contract in the State of Nicaragua, by which the State granted to it the exclusive right and privilege of constructing a ship-canal across its territory, together with the right to make use of its rivers, waters, and lands, public and private, for the purpose of a canal.

This important contract was first signed on the part of Nicaragua by authorized commissioners and the secretary of foreign relations, and afterwards ratified and adopted by a formal act of the national legislature.

The term of the grant was eighty-five years (article 4), and the conditions essential to be considered were that preliminary surveys were to be begun within twelve months, and the work to be completed in twelve years, allowance being made for interruption by events beyond the control of the company, such as epidemics, wars, &c.

By the same contract the State bound itself to protect and defend the company in the full enjoyment of its rights and privileges, and not to make any similar contract or other cession to any other company, person, or government during the continuance of this contract.

Without remarking upon intermediate transactions and events, we find that in 1857 an amendatory or supplementary contract was entered into. Various grounds for the amendments made are stated by the Government of Nicaragua in the decree promulgating the contract, amongst which it is stated that it has been ascertained and determined by competent and thorough examination, made by competent engineers, that a canal of the dimensions required in the aforesaid articles (article 1 of the contract of 1849) can not be constructed because of a want of sufficient depth of water in the Lake of Nicaragua.

To this declaration, whether true or false, the American Atlantic and Pacific Ship-Canal Company was not privy, so far as we have any evidence.

The terms of the supplementary contract on the subject were as follows:

"The obligation to construct the canal on the part of the company is dispensed with." (Article 1.)

A new method of effecting transit was provided, but in all respects except as changed, modified, and dispensed with the former contract remained to govern the relation of the parties.

It is therefore clear that the right to build the canal granted by the contract of 1849 was not abrogated by the contract of 1857. The Government of Nicaragua having the right like any contracting party to waive performance of a condition in its favor, dispenses with the obligation, thus leaving the company still free to claim its right or accept the dispensation.

By a later contract of 1861 the Central American Transit Company is authorized by the Government of Nicaragua to be organized by persons composing the American Atlantic and Pacific Ship-Canal Company, and certain rights and privileges, which have come to be known as "transit" rights as distinguishable from "canal" rights, are conferred upon the associates in their new capacity and, as it would appear, abandoned in their old. No reference is made to the outstanding canal rights, except that a saving clause is put in to guard the grant against a collision of the canal rights of the old company or other parties with the transit right then being given to the new company.

The clause referred to appears in two contracts subsequent to 1857, and substantially as follows in each:

"If the government of the republic should be a party to any contract or convention which now exists for the construction of a maritime canal across its territory, and the duration of the rights and privileges stipulated for in the present contract shall be incompatible with the terms and conditions of said contract or convention, in such case the rights and privileges stipulated for in the present contract shall only last until the complete execution of the work of the maritime canal, according to the terms and conditions of said contract or convention."

This language shows very clearly that it was understood by the lawyers advising the Nicaraguan Government that the canal rights of the company had survived the mutations which had overtaken their contract in other respects.

The letter of the Nicaragua minister, Mr. Irisarri, referred to by Mr. Body, gives similar evidence.

In answer to Mr. Body's question, we are further of opinion—

First. That there is no mode under the canal contract of 1849, and of the amendments thereto, of settling differences except by arbitration, as there provided, and the decisions and annulments made or attempted to be made by the republic are void.

Secondly. That the thirty-seventh article of the primary contract is a covenant in favor of the Government of Nicaragua, which it had the right to waive, and did afterwards waive by allowing the persons composing the American Atlantic and Pacific Ship-Canal Company to organize themselves under their new name, and treating with it under that new name.

JOHN K. PORTER.
GROSVENOR P. LOWREY.

NEW YORK, *September* 1, 1871.

Mr. VEST. That is the opinion of a firm of lawyers in the city of New York, very well known to be exceedingly able. Their deliberate opinion is that this concession from Nicaragua is still in existence. I know very well that Mr. Frelinghuysen, the late Secretary of State, claimed that this concession had been terminated by a subsequent contract between Nicaragua and this company, but the company, as will be seen from an examination of that opinion, claim that the contract made after 1850, which was the date of this concession, referred only to the rights of a company known as the Transit Company, and that it did not rescind the original concession, which was made to the American Atlantic and Pacific Ship-Canal Company.

As a matter of course, Admiral Ammen has declared that the contract in question was at an end, and that this company was composed of a lot of adventurers without capital and without responsibility. I know nothing about them except that Mr. Blackman, whose name is signed as president of the company, was introduced to me by a member of the House of Representatives, and that he brought me letters from entirely responsible gentlemen stating that he was a man of character and of credibility. Mr. Blackman asserts that the pamphlet of Admiral Ammen is got up in the interest of a rival project for the purpose of putting an end, if possible, to the concession which was granted in 1850 by Nicaragua.

Every member of this company, the American Atlantic and Pacific Ship-Canal Company, is a citizen of the United States, and Mr. Blackman is here now appealing to Congress not to pass any act which prejudges the rights of the American Atlantic and Pacific Ship-Canal Company, and which, in the face of the opinion of these eminent lawyers and in the face, as they claim, of the record, says to these gentlemen: "The Congress of the United States deliberately declares that you have no concession from Nicaragua, and will now proceed to incorporate another company."

I will not detain the Senate by having all these papers read. Here is the act of incorporation of this American Atlantic and Pacific Ship-Canal Company from the State of Nicaragua. Here is their contract for the construction of the work. Here is a mortgage executed by this company to John J. Cisco for $100,000,000.

Mr. TELLER. When was the concession made?

Mr. VEST. In 1850.

Mr. TELLER. What have they done since?

Mr. VEST. They claim that they have expended $10,000,000; they claim that they have made the most elaborate surveys; that they have contracts now in existence, and one of them with a Pennsylvania company, an entirely responsible company, the Phœnix Iron Company, and the Senator from Pennsylvania can say whether that is a myth or not——

Mr. EDMUNDS. Has the Senator the New York charter?

Mr. VEST. No, I have not seen any New York charter. I have a charter here from the State of Nicaragua. For these statements I am not at all responsible. This gentleman came to me as he had a right to do as a citizen of the United States, and he claimed that he was president of an entirely reputable company, with an office in the city of New York, and that they are now the possessors of this valid concession from Nicaragua.

I propose further in the argument to use this information and these papers to point one single contention on my part, which is that the Congress of the United States should not grant an act of incorporation when these conflicting claims are brought to their notice; that as between American citizens, this company being composed entirely of citizens of the United States, and another company composed also of citizens of the United States, it is manifestly improper, unjust, and inequitable for us, without due and full examination and hearing of both parties, to prejudge and determine their respective rights.

Mr. PLUMB. Does the Senator believe that this company has spent $10,000,000, or 10 per cent of it?

Mr. VEST. I have no belief about it; I simply give the statement for what it is worth. I am assured by a member of the other House that he has visited their office in the city of New York and seen there the plans and profiles, and that he was satisfied that it was a *bona fide* company, and that they had expended a large amount of money. As a matter of course I have no knowledge on the subject.

Mr. TELLER. Have they any work done? Has this company ever done any work?

Mr. VEST. I understand from the company that they have. I understand from the president of the company that they have made an exhaustive survey and an expensive one. I understand that they have made contracts for a large amount of material, and for two thousand men to be put to work upon the canal, and that they would have been put to work some time ago but for the interference of this Menocal Company, as I hold it to be, in which Admiral Ammen is interested, and which comes here now for an act of incorporation from the Government of the United States.

Mr. EDMUNDS. Mr. President, I do not wish to delay the Senate, but I feel it to be a duty to say one or two things.

In the first place, I deny that the United States are to be in any way affected by whatever may be the rights and interests of any New York or any other State corporation or Nicaraguan corporation in respect of this matter. All that this company, if it is chartered by Congress, can do must be done conformably to the laws of the state of Nicaragua. If there are conflicting rights by a later grant by Nicaragua than the one that my friend from Missouri speaks of, it is for Nicaragua to settle, the United States seeing, as she would with all other nations, as we would with Mexico in respect of the Eads business, that all the citizens of the United States had fair play, according to the laws and the judgments of the tribunals of that country.

I deny that any State can cut off the right of this nation to incorporate a company to do something that a State has already incorporated a company to do.

Second, I wish to state that when the Nicaragua treaty for the United States building this canal was under negotiation, these same pretensions of these people who had failed for thirty-five years to do whatever their concession authorized them to do were brought forward when the Republic of Nicaragua was ready and did negotiate a treaty with the United States to accomplish this object through the direct action of the two Governments. These pretensions were then brought forward; they were thoroughly examined by the President of the United States and the Secretary of State, and were found in their opinion to have no foundation whatever either in morals or in law; and accordingly the treaty was negotiated, both Governments holding that these pretensions of this thirty-five years' old alleged concession had no longer any existence either in law or in morals, whatever might have been the case in the first place. The papers that are now presented are papers which were prepared and were considered on that very subject a year and a half or two years ago, in the beginning of 1885.

If I did not know the patriotism and sincerity of my friend from Missouri, I should suppose that he had been overreached and misled by the same body of people who undertook to levy contributions from the United States as the price of the negotiation of that treaty and set up these old pretensions again in order to defeat any action by Congress in respect of what I consider to be the most important business national affair with which we have been engaged since we had that treaty under consideration before.

Mr. VEST. Do I understand the Senator from Vermont to state that Mr. Blackman and his associates were trying to levy blackmail on the United States in regard to a treaty with Nicaragua?

Mr. EDMUNDS. The Senator from Missouri understood me to say exactly what I did say. I said nothing about blackmail, but I said I was then informed and I believed that the people who were setting up this same thing—whether they were the same names I do not know, they may have changed hands twenty times since; I do not remember their names—undertook to tell the Secretary of State that if he would withhold the $750,000, or whatever it was that they were to have, then they would consent that that treaty might be negotiated. But it stood upon that State charter, and I presume it is this very one.

Mr. VEST. I think that the Senator from Vermont is utterly mistaken about these people, whom I do not know, being those who wanted part of the $750,000.

Mr. EDMUNDS. It may be.

Mr. VEST. These people do not claim any charter from a State. Mr. Blackman is president of this company, and I have always understood—I may be mistaken—that they made no claim for any amount of money; but that came from an entirely different source.

Mr. EDMUNDS. That may be; but the Senator will perceive that this very paper that he is reading from is dated "New York, 24th of September, 1885." The action of the President and of Secretary Frelinghuysen is referred to in it, and I do not know but that it was originally addressed to them. I can not tell, but the whole of this subject of whatever the State of Nicaragua had hitherto done was brought to the attention of the President and his Cabinet and was repudiated on all hands. Whether these particular gentlemen were the people who wanted to have their charter rights, as they claimed them, provided for, I do not know. I am not talking about blackmail. That is the Senator's phrase. I am not drawing any implications as to what it might amount to, because that is a question of definition. But people came forward representing that Nicaragua had theretofore granted them concessions which would be overridden by the treaty between the two governments which was then under negotiation and which I believe I may state publicly, for I think the injunction was taken off—certainly the President has referred to it in his message—provided for the two governments doing it. The whole matter was then exhaustively examined—I have forgotten the details of it—but the whole subject of the rights of everybody was gone through with and the negotiation went on upon the ground that the two governments thought there was no pretension either of morals or of law which allowed anybody to interfere with the action of the two governments in regard to it.

Mr. VEST. It is very certain, Mr. President, that at the time when the treaty with Nicaragua was pending in the Senate these persons, or persons who claimed this concession from Nicaragua and an act of incorporation from Nicaragua, appeared and protested against what is known as the Frelinghuysen treaty, which was afterward defeated by the Senate; and it is within my personal knowledge and that of every Senator who has paid any attention to this question at all that there has never been a day or an hour in which these people have not set up this claim and in which they have not appeared here before the committees of Congress and before individual members of Congress and protested against the Frelinghuysen treaty and protested against the act of incorporation proposed since.

As to the offer of $750,000, it is not my impression that that came from these people. They certainly never have pretended, so far as I know, that they held an act of incorporation from any State of the Union, but only this act of incorporation from the state of Nicaragua. I do recollect distinctly a claim of $4,000,000, which was made on the United States as a portion of the Frelinghuysen treaty. I recollect that conditions were placed upon that treaty, but the treaty was defeated, or withdrawn by the President of the United States.

So far as these people are concerned, the only point is whether they have at any time waived this concession. As a matter of law, I have read the opinion of this eminent firm in New York to the effect that they have not waived the concession and have not given it up, and I ask the Secretary now to read a communication from the president of this company. He requests to have it read as a citizen of the United States in order to show the contention of the company that he represents in regard to their rights.

The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read as follows:

THE AMERICAN ATLANTIC AND PACIFIC SHIP-CANAL COMPANY (NICARAGUA CANAL).

WASHINGTON BUILDING, No. 1 BROADWAY, NEW YORK, *June* 30, 1886.

SIR: The attention of this company has been called to the matter of the introduction "by request" in the Congress of the United States of a bill to incorporate the Maritime Canal Company of Nicaragua, and the reference of said bill to the Committee on Foreign Relations.

Against the consideration and passage by Congress of said above bill to incorporate the Maritime Canal Company of Nicaragua, the American Atlantic and Pacific Ship-Canal Company respectfully urge its earnest and most emphatic protest. The grounds for this action are as follows, to wit:

I. The American Atlantic and Pacific Ship-Canal Company most respectfully beg to state to your honorable committee that the said The American Atlantic and Pacific Ship-Canal Company is a legally organized corporation, having a charter of perpetual succession, granted, enacted, and decreed by the Government of the Republic of Nicaragua. The principal office of the company is in New York.

II. The State of Nicaragua granted under contract, decree, and charter, to said American Atlantic and Pacific Ship-Canal Company the exclusive right and privilege to construct, own, and manage a ship-canal across the territory of said State from the Atlantic to the Pacific Ocean.

III. Eminent counsel have given opinion "that the right conferred upon the American Atlantic and Pacific Ship-Canal Company by the Republic of Nicaragua in the contract between that republic and the company to build a ship-canal across the territory of the republic survives unimpaired in favor of that company."

IV. The location of the line of the canal as adopted and fixed by this company is as follows, to wit: Beginning at a point at or near the port of Greytown, on the Atlantic Ocean, in the Republic of Nicaragua, and running thence in a general westerly direction to the River San Juan; thence up and with the course of said river, passing into the Lake Nicaragua, through the said lake, and thence by a canal cut into the Rio Grande, thence by the valley of the said Rio Grande to a point at or near the Port of Brito, on the Pacific Ocean, in said State of Nicaragua.

V. This company has heretofore expended large sums of money upon this work, in the improvement of the San Juan River, the construction of houses, the building of highways from the lake to the Pacific Ocean at San Juan del Sur, &c.; and this company is now daily expending sums of money in the necessary preparations for the immediate commencement and early completion of its ship-canal across the territory of Nicaragua.

VI. This company have recently made contracts with entirely responsible contractors for the construction of all of the locks, gates, valves, and machinery for operating the same, for all the warehouses, stations, piers, docks, wharves, bridges, iron-work, and railway to be constructed in connection with the canal; and has also made a contract for the construction of the western division of its ship-canal extending from the lake to the Pacific Ocean. Contracts for over one-half of the work of constructing the canal have been let to entirely responsible contractors.

VII. Active work on the canal will be begun by the engineers of this company in Nicaragua as soon as the chief engineers can organize for their different departments of the work.

VIII. In order to provide sufficient funds for the construction of its ship-canal the company has found it necessary to borrow money upon the first mortgage bonds of this company, and for that purpose the company has authorized and issued $100,000,000 of first mortgage bonds of this company; these bonds have in part been delivered to the subscribers and owners thereof; and to fully provide for the repayment of said bonds at maturity, this company has legally executed and delivered to the trustee, who has received the same and undertaken to execute the trust thereby reposed in him, a deed of mortgage for $100,000,000, which is made a first lien and mortgage upon the ship-canal, franchise, rights, and all the property of this company situated and being in said State of Nicaragua.

IX. This company beg further to state that the proposed so-called Maritime Canal Company of Nicaragua and the parties named as corporators are simply interlopers, who are trying to deprive the American Atlantic and Pacific Ship-Canal Company of its right of way and its exclusive right to construct and manage its ship-canal across the territory of Nicaragua and its vested rights of property, which has cost this company large sums of money laboriously and honestly expended in this work and for these purposes.

X. The so-called proposed Maritime Canal Company are seeking an act of incorporation from the United States Congress to give said parties a quasi standing before the public, which, in the face of the priority and exclusive right of the American Atlantic and Pacific Ship-Canal Company, they otherwise would not have.

XI. As simple act of justice the bill to incorporate the proposed so-called Maritime Canal Company should be withdrawn or defeated. These parties should not be allowed to interfere with a legitimate company who are making progress in this great work, and who have exclusive and inalienable rights to said property of said ship-canal across the territory of Nicaragua.

XII. The American Atlantic and Pacific Ship-Canal Company have an abiding faith in the integrity of the Congress of the United States, and this company does not believe that Congress will ever pass an act which has for its objects and purposes robbery and spoliation of American citizens, and which would disregard the treaty obligations of the United States with a great and friendly nation.

XIII. This company finally begs to state that the United States and Great Britain are joint treaty guarantors to the protection of this company during the time it is engaged in the construction of its ship-canal, as and in the terms of the Clayton-Bulwer treaty made between those two Governments on the 19th day of April, 1850.

The company have the honor to be your most obedient servant.

THE AMERICAN ATLANTIC AND PACIFIC SHIP-CANAL COMPANY,
[SEAL.] By A. L. BLACKMAN, *President.*

Hon. JOHN SHERMAN,
Chairman Committee on Foreign Relations,
United States Senate, Washington, D. C.

Mr. VAN WYCK. Mr. President, the discussion between the Senator from Vermont and the Senator from Missouri starts a memory and suggests a question. Nearly three years ago we had under discussion a proposition to appropriate $250,000 to be paid to some body in Nicaragua for the purpose of some canal. May I ask which one of these projects that $250,000 was intended for? Does the Senator from Vermont recollect that circumstance?

Mr. EDMUNDS. Not either of them as far as I recollect.

Mr. VAN WYCK. That $250,000 was not intended for either of these schemes. Every time we discuss the project of a canal to connect the two oceans, or a ship-railway to connect the two oceans, it is said we must do it at once because the opportunity is slipping away. I remember when this $250,000 proposition was to be paid out of the Treasury for the benefit of some canal in Nicaragua—I do not know whether it would be in order now to say what took place in executive session three years after it passed.

Mr. EDMUNDS. I do not think it would be.

Mr. VAN WYCK. Not in order. I supposed the Senator would

say that, and I presume the Chair concurs in the opinion of the Senator from Vermont.

Mr. MORGAN. You may speak of what occurred in legislative session.

Mr. VAN WYCK. If it is not proper three years afterward to refer to what occurred in executive session, then I will refer to the current history of those times as it appeared in the newspapers. I suppose that is in order.

That is the memory which is started by this discussion. I remember we were told then there was a concession, so the papers stated, for some purpose in Nicaragua just slipping our grasp. I think it ran out in the following October, we were told.

There was a great Nicaragua concession. It was hugely important. Patriotism bubbled all over; generosity and humanity were invoked for the benefit of mankind, as usual on such occasions; and we must secure it at once. Here was this great concession, and the Treasury must be put under subjection again to pay out the amount of $250,000. For what? The public tried to find out. For what? For this concession, and we were immediately plunged into the dark and hidden recesses of a secret session on this subject, which was not to be discussed before the American people; and yet it was a proposition which affected the people in their business relations, a canal through Nicaragua, and only wanted $250,000 to be taken out of the Treasury. The people should know, but no, that would not do.

Mr. President, it may be well to look back. That was only three years ago. That concession was slipping away. The Senate voted it in its liberality on that occasion the $250,000, but I think it was defeated in the other House, if my recollection serves me. Now I am anxious to know to what that applied. There was a sensation. We were called upon to pay $250,000. Now we have two projects here. The Senator from Vermont says that the $250,000 applied to neither of these, neither to his bill nor to the incorporation which the Senator from Missouri refers to. Is there another? Will some member of the Committee on Foreign Relations tell us whether there was another Nicaragua scheme at that time, three years ago? Does the recollection of the Senator from Vermont serve him as to that point, whether there was another Nicaragua scheme at that time that we were called upon to pay $250,000 for? The Senator from Massachusetts, I believe, does not remember any other Nicaraguan scheme.

Mr. HOAR. My memory is so bad that I do not remember anything about it.

Mr. VAN WYCK. The Senator is so very familiar with getting across mountains and valleys and rivers between the Atlantic and the Pacific that I supposed he would probably remember how many schemes there were to dig through the mountains and get landed on the sweet Pacific.

Well, I will read from the CONGRESSIONAL RECORD. It is instructive, I know. Let us see whether we can get any information there. Who are the projectors, friends, and advocates of these various schemes? It seems the one my friend from Missouri talks about is only half a century old, and he remembers all about that; but the scheme of three years ago, the Foreign Relations Committee, and the friends of all these great projects do not remember. My friend from Missouri, in view of the national greatness of the United States involved in his favorite scheme for a ship-railway at Tehuantepec, was willing to let it go without protection to the stockholders or the bondholders. Now, it may refresh gentlemen's recollection probably if we go back three years, because when we were called upon to make a contribution of a quarter of a million dollars to help somebody or help something it was so important that it must be done at once. And yet it has drifted away from the memory of everybody in the Senate who had any interest in it.

The CHIEF CLERK. After line 615 the Senate, as in Committee of the Whole, inserted the following clause:

"To meet the necessary expenses attendant upon foreign intercourse, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $250,000, or so much thereof as may be necessary."

It was pretty well hidden here under circumlocution and as to the law under which it was to be applied.

Mr. VEST. An examination of the consular and diplomatic appropriation bills in the previous history of the Government will develop the fact that antecedent to this time the largest appropriation ever made to meet the expenses to be incurred under the direction of the President in the execution of the neutrality act has been $20,000. This appropriation reaches the amount of $250,000. It is an extraordinary appropriation. It is due to the country and to the Senate that the Committee on Appropriations should state before the American public why this enormous amount, in proportion, or relatively, is now asked at the hands of the representatives of the people.

I undertake to say in my place in the Senate that for the execution of the neutrality act this amount is not to be appropriated as it has been in former appropriation acts. I undertake to say that upon the contrary it is for an extraordinary purpose, and it is due to the Senate that the chairman of the committee should state what that purpose really and honestly is. I call upon the chairman of the committee to make that statement. What is the real purpose of this appropriation?

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. VAN WYCK. I desire to propose the following amendment, to come in at the end of the committee amendment:

"But no portion of said $250,000 shall be paid directly or through the Nicaraguan Government to the owners of a concession granted to the Maritime Canal Company of Nicaragua."

What is the Maritime Canal Company of Nicaragua? That was the amendment. Now, I may be excused for referring to these concessions. Who would have believed that any legislative body on earth, when a proposition of that kind was made, would attempt to hedge by getting into a secret session?

Mr. ALLISON. Mr. President, I move to lay that amendment on the table.

My amendment—

Mr. VAN WYCK. Mr. President——

Several SENATORS. It is not debatable.

The PRESIDING OFFICER. What was the motion?

Mr. ALLISON. I moved to lay that amendment on the table.

Mr. VAN WYCK. Mr. President, I had the floor.

The PRESIDING OFFICER. The Senator from Iowa moves that the amendment be laid on the table.

Mr. ALLISON. The Senator from Nebraska had taken his seat.

Mr. INGALLS. I saw him take his seat.

[Laughter.]

It is amusing because the American Senate have forgotten three years, and see the sort of performance to get matters which should be openly discussed and known to the nation, hidden away in a hole in the wall in secret session.

Mr VAN WYCK. I desire to know——

Mr. INGALLS and others. Order!

The PRESIDING OFFICER. The Chair will take care of the question. The Senator from Iowa was recognized, and the Senator from Iowa moved to lay the amendment on the table. With what object does the Senator from Nebraska rise?

Mr. VAN WYCK. I had the floor and offered the amendment. I offered the amendment——

The PRESIDING OFFICER. The Chair had recognized the Senator from Iowa [Mr. ALLISON].

Mr. VAN WYCK. Very well, sir.

The PRESIDING OFFICER. The Senator from Nebraska had yielded the floor.

Mr. VAN WYCK. Then I ask the gentleman to withdraw the motion for a few moments.

Of course that would not be done; and then a vote was taken; and I see I voted "ay" with the gentlemen. Then this followed:

The PRESIDING OFFICER. Does the Senator from Iowa withdraw his motion?

Mr. ALLISON. I do not, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa declines to withdraw the motion to lay on the table. The question is, Will the Senate agree to the motion?

The motion was agreed to.

Mr. VAN WYCK. Mr. President, I voted "ay" on this motion, and I desire now to make a motion for a reconsideration of the vote just taken.

Mr. ALLISON rose.

Mr. VAN WYCK. I do not yield the floor just at this moment, I say to my friend from Iowa.

The PRESIDING OFFICER. The Chair entertains the Senator's motion.

Mr. VAN WYCK. My motion is to reconsider the vote just taken.

The PRESIDING OFFICER. So the Chair understands.

Mr. MORRILL. It is subject to the same rule, however.

Mr. VAN WYCK. I have the floor, I believe.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. ALLISON. I rise to a privileged question, a question of order.

The PRESIDING OFFICER. The Senator from Iowa will state his question of order.

Mr. ALLISON. I move that the Senate proceed to the consideration of this question under Rule XXXV.

Mr. MILLER, of California. I second the motion.

And thereupon the doors were closed under Rule XXXV, and the matter was considered in secret session.

How now? It seems my amendment was to prevent this $250,000 from being appropriated to the Nicaraguan Government and to the owners of a concession granted to the Maritime Canal Company of Nicaragua. That was where we stood three years ago. Which is the project that applied to? If that name is not in some of these bills it is remarkable. We were then told that the only thing to save that concession was to vote $250,000 out of the Treasury. Fortunately the House prevented its being voted, and therefore we saved the $250,000, and it seems the concession has not gone yet. Is that the name of either of the two companies who appear here to-day? That establishes that point.

Then another very remarkable fact. The Senate went into secret session on that amendment, and when we came out into open session the question then was, "shall this bill pass?" It had got to its final passage almost, except the vote, in this executive or secret session. When the doors were opened, the Chair stated:

The question now before the Senate is, the bill having been read three times, shall it pass?

I remember then making some suggestions in regard to that matter. We had acted on that amendment, not before the people, and came into open session on the passage of the bill. It is not proper for me to state what occurred in executive session, but I can state what appears from the public papers.

It is time to emphasize the fact that it was necessary to go into an executive session to hide the purpose of this appropriation of $250,000. That was done without telling it to the public and to the world. But evidently the object of the appropriation that was proposed was to pay this money out to the parties having this concession under the pretense that it might lapse in October; and yet the money was not paid and evidently the concession is not gone, because, I suppose, if you run over the list of corporations here you will find this Maritime Canal Company. I do not know what is the title of the bill now under consideration. I have not looked at it. A friend hands it to me. Here it is:

"To incorporate the Maritime Canal Company of Nicaragua." It seems to be the same thing. It is the "Monsieur Tonson come again." It did not disappear in October, 1884, as we were told it would if we failed to appropriate the quarter of a million.

Thus it seems that there is no danger of losing the chance of connecting the waters of the Atlantic and the Pacific, or making a canal between the two.

Now, that that point seems to be settled, before I sit down, I desire to offer the amendment which I offered to the Tehuantepec bill when that was under consideration.

I merely make these suggestions to call for some information because I want to ascertain exactly what these projects are, and whether those that were living three years ago and fifty years ago are in existence to-day. I send up the amendment.

The PRESIDENT *pro tempore*. The amendment of the Senator from Nebraska is not now in order, as there are amendments of the Committee on Foreign Relations pending. His amendment will be presented when they are disposed of. The question is on the amendment which has been read. It will be again read.

The CHIEF CLERK. Section 1, line 19, after the word "made," insert "or to be made to them, or those to whom they may succeed."

The amendment was agreed to.

The next amendment of the Committee on Foreign Relations was, in line 20 of section 1, after the words "by the," to strike out "Republic" and insert "Republics."

Mr. HOAR. It is a very small matter, but it is very clear that the word "Republic" ought to stay to make it grammatical, so as to read:

Republic of Nicaragua, or Costa Rica, or both.

If you say "Republics," the words "or both" would be out of place. I suggest to the Senator from Vermont that the word "Republic" should remain.

Mr. EDMUNDS. That is right. That is a clerical error. "Republic" should stand before the words "of Nicaragua" instead of the plural.

The amendment was rejected.

The next amendment was after the word "Nicaragua," in line 20, of section 1, to insert "or Costa Rica, or both," so as to read:

The Republic of Nicaragua, or Costa Rica, or both.

The next amendment was in section 4, line 4, after the words "granted in," to strike out "said" and insert "such;" in line 5, after the word "concession," to insert "or concessions;" in line 7, after the word "stipulations," to insert "of the United States;" and in line 8, after the word "Nicaragua," to strike out "for the protection of a ship-canal within the territory of Nicaragua;" so as to make the section read:

SEC. 4. That for the management and disposition of the stock, property, estate, and effects of the said company the board of directors may make such by-laws, rules, and regulations as may conform to the authority granted in such canal concession or concessions, and not to be inconsistent with this act or the laws of the United States, or the then existing treaty stipulations of the United States with the Government of Nicaragua, and may fix the time for election of directors, and in case of vacancy in said board, caused by death, resignation, or otherwise among elected directors, may fill the same. No person except the directors appointed by the respective Governments of Nicaragua and the United States shall be a director who is not a stockholder, and any one ceasing to be a stockholder shall cease to be a director.

The amendment was agreed to.

The next amendment was in section 5, line 28, after the words "report to," to insert "the Governments of the United States and Nicaragua and;" so as to read:

Said directors shall make an annual report to the Governments of the United States and Nicaragua and to the stockholders of their proceedings, receipts, and expenditures, verified by the affidavits of the president and of at least six of the directors.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 6. That no part of the capital stock paid in shall be at any time withdrawn or returned to the stockholders or in any manner diverted from the proper uses of the corporation. Every person violating or aiding in the violation of the foregoing provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $10,000, or by imprisonment not exceeding five years, or by both said punishments, in the discretion of the court.

Mr. HOAR. I move to amend that amendment by striking out the first word, "that," and by inserting instead thereof what I will read:

That no certifiates for stock shall be issued till at least 10 per cent. of the same shall be fully paid for in money, at the par value of said stock, and the money deposited in the treasury of said company; and said stock shall not be assignable until the whole of the same shall have been so paid in; and no payment on account of the capital of said company shall be made except in money; and said company is hereby prohibited from returning or repaying any part of the money so paid. No bonds in excess of the amount of capital paid and received shall be authorized or issued until such paid capital shall amount to the sum of $5,000,000.

I will send it to the Secretary to read in a moment; but before he reads it, as I have read it myself, I wish to say that that is precisely what was put, by I believe a unanimous vote of the Senate after discussion, in the bill passed the other day, except that I have inserted in it a provision which I am sure will have no objection from any quarter, that no payment on account of the capital of said company shall be made except in money.

Mr. EDMUNDS. That is in the first part of the print.

Mr. HOAR. "No certificate shall be issued until at least 10 per cent. of the same shall be fully paid for in money, and the stock shall not be assignable until the whole has been paid in," and the payment in money in the clause the Senator refers to only applies to the 10 per cent. It is very clear that no bogus or pretended payment ought to be permitted of any part of the capital.

Mr. EDMUNDS. Why did not the Senator think of that when we passed the Tehuantepec bill?

Mr. HOAR. I did not think of it. I should have thought of it. I think of something in the Tehuantepec bill in another place which covers it, but I will see about that presently. The amendment to the Tehuantepec bill was moved by the Senator from Nebraska, and it was amended on my suggestion; and this particular clause——

Mr. VEST. Here is a copy of the Tehuantepec amendment.

Mr. HOAR. I have one here.

Mr. EDMUNDS. We have it.

Mr. HOAR. I think it is somewhere in substance in the Tehuantepec bill.

Mr. EDMUNDS. It is a very good provision, and I am sorry the friends of the Tehuantepec bill did not think of it when that bill went through. But it is a very good thing, and I have no objection to the language of the amendment as it was read.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

Mr. HOAR. Allow me to say in reply to the Senator from Vermont that it was in substance and legal effect in the Tehuantepec bill in this, that it provided that none of the certificates of stock should be assignable until the whole of the value thereof had been so paid in. It did not contain an express and distinct prohibition of paying in anything but money, but in the Tehuantepec bill the stock remained absolutely unnegotiable and only valuable to the original owners unless it had been actually paid for in money; so that this is merely a little fuller expression of what is in vigor and substance there. But still the Senator is quite right in his criticism. I did not think of it at that time. I certainly would have put it in if I had thought of it.

Mr. EDMUNDS. I will add simply that the second section of this bill provides in legal effect precisely the same thing. They are to pay, and then having paid it provides that no money shall be taken out. So I will say that I have not the least objection at all to this provision.

Mr. HOAR. But the second section of the bill does not provide that they shall pay in money; it only provides what it shall consist in. There is not in either the Tehuantepec bill or in this as it now stands any express prohibition of bogus payments, payments in road building or in articles of inflated value, but there is a provision in the Tehuantepec bill, and it is now proposed here, that no stock shall be assignable unless it has been paid for in money, which is pretty much the same thing; but I have introduced what was not thought of then, a direct and express provision; that is all.

Mr. EDMUNDS. It was thought of in the Committee on Foreign Relations in reporting the bill now under consideration, and if my friend will read section 2, at the bottom of page 5, the clause that I now read, he will see it:

When the president of the company shall have certified that not less than $5,000,000 have been subscribed to said stock by responsible persons, and when 10 per cent. thereof shall have been paid in in cash, a meeting of stockholders may be called.

Mr. HOAR. Where is that?

Mr. EDMUNDS. That is at the top of page 6.

Mr. HOAR. That is only 10 per cent.

Mr. EDMUNDS. Exactly.

Mr. HOAR. Where is the rest of it?

Mr. EDMUNDS. Then we come to the provision that no certificates of stock shall be issued until 10 per cent. shall be paid in money.

Mr. HOAR. Where is the other 90 per cent. provided for?

Mr. EDMUNDS. Then it is provided that no part of the capital stock shall be withdrawn; then it is provided that the other payments shall be called for in dollars, and shall be paid in as they are called for, and the money shall be deposited in the Treasury, &c.; and then that if the amount of $10,000,000 shall not have been subscribed and 10 per centum paid in the whole thing shall be forfeited. But, as I say, the amendment proposed is a mere repetition of what is in the bill, except as to the issue of bonds, and I have not the least objection to it.

Mr. HOAR. I am sure when my honorable friend reflects a little more he will see that he is in error. The bill as it is reported from the Committee on Foreign Relations does provide that 10 per cent. of the capital shall be paid in money, and shall not be returned. So far so good; but there is 90 per cent. more which may get in by bogus contracts for road-building and material, by a check which is returned; and the Committee on Foreign Relations have not provided for the payment of that sum in money at all.

The Senator has not read anything which my amendment covers. He goes on to state that it shall be paid, it shall not be taken out, and so on. That being the case, I propose two things: first, the provision

that no stock shall be assignable unless the whole of it has been paid in full in money, which is not in now, and was in the Tehuantepec bill; and then I propose to add to that, which was not in the Tehuantepec bill and is not in this, an express provision that the whole capital paid shall be paid in money, and nothing else.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. HOAR] to the amendment reported from the Committee on Foreign Relations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

RELATIONS WITH MEXICO.

Mr. RIDDLEBERGER. Mr. President——

Mr. BUTLER. Will the Senator from Virginia yield to me for one moment? I simply want to have a resolution referred to the appropriate committee.

Mr. RIDDLEBERGER. Yes, sir; but I do not yield my right to the floor.

Mr. BUTLER. I ask that the resolution introduced by me on the 17th of December be taken from the table and referred to the Committee on Foreign Relations.

Mr. EDMUNDS. What is it about?

Mr. BUTLER. It is about the appointment of a committee to go to Mexico.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks that a resolution be taken from the table for reference. It will be read.

The Chief Clerk read the resolution submitted by Mr. BUTLER December 17, 1886, as follows:

Whereas the close proximity of Mexico to this country, the increasing commerce between the two countries, and the common interests of the two republics in many respects make it most desirable that there should exist between them the closest ties of friendship: Therefore,

Resolved, That a select committee of five Senators be appointed by the President of the Senate, whose duty it shall be to visit such places along the frontier as they may deem proper, and also the City of Mexico, with the approval of the Mexican Government, in order to inquire into and report upon any disturbances that may have occurred between citizens of the two countries; and if any disturbances have occurred to inquire and report the cause thereof. That said committee may send for persons and papers, employ a stenographer, and such other persons as may be necessary for the proper accomplishment of the object and purposes of said inquiry. That said committee may sit during the recess of Congress.

Mr. BUTLER. I move that the resolution be referred to the Committee on Foreign Relations.

The motion was agreed to.

WASHINGTON'S BIRTHDAY.

Mr. RIDDLEBERGER. I ask unanimous consent to offer a resolution at this time for immediate consideration, and I assure the Senate that I will not indulge in one single remark about it.

The PRESIDENT *pro tempore*. There being no objection, the resolution proposed by the Senator from Virginia will be read.

The Chief Clerk read as follows:

Resolved, That when the Senate adjourn to-day it be to meet on Wednesday, the 23d instant, at the usual hour, in honor of the memory of the Father of his Country.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution. [Putting the question.] The noes appear to have it.

Mr. RIDDLEBERGER. I ask for the yeas and nays on agreeing to the resolution.

The yeas and nays were ordered and taken.

Mr. RIDDLEBERGER. I am paired generally with the Senator from West Virginia [Mr. CAMDEN]; but as I believe his patriotism would not permit him to vote against the resolution, I shall vote "yea."

The result was announced—yeas 18, nays 42; as follows:

YEAS—18.

Aldrich,	Evarts,	Palmer,	Vance,
Blackburn,	Jones of Arkansas,	Payne,	Vest,
Bowen,	McMillan,	Platt,	Whitthorne.
Cameron,	Mitchell of Oreg.,	Ransom,	
Cockrell,	Morgan,	Riddleberger,	

NAYS—42.

Allison,	Dawes,	Hoar,	Sawyer,
Beck,	Edmunds,	Ingalls,	Sherman,
Berry,	Eustis,	Jones of Nevada,	Spooner,
Blair,	Farwell,	McPherson,	Teller,
Brown,	Frye,	Mahone,	Van Wyck,
Butler,	George,	Manderson,	Walthall,
Call,	Gorman,	Maxey,	Williams,
Cheney,	Gray,	Morrill,	Wilson of Iowa,
Coke,	Hampton,	Plumb,	Wilson of Md.
Conger,	Harris,	Pugh,	
Cullom,	Harrison,	Sabin,	

ABSENT—16.

Camden,	Fair,	Jones of Florida,	Saulsbury,
Chace,	Gibson,	Kenna,	Sewell,
Colquitt,	Hale,	Miller,	Stanford,
Dolph,	Hawley,	Mitchell of Pa.,	Voorhees.

So the resolution was rejected.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2890) donating certain lots to the city of Saint Augustine, Fla., for public schools, parks, and a public library, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 432) donating certain lots to the city of Saint Augustine, Fla., for public schools, parks, and a public library, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. BOWEN, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States; which was ordered to be printed.

NICARAGUA MARITIME CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua.

The PRESIDENT *pro tempore*. The next amendment reported from the Committee on Foreign Relations will be stated.

The next amendment was, in section [6] 7, line 3, after the word "channel" to insert "shall be reasonable and;" and in line 10, after the word "thereof," to insert "reasonable rates;" so as to make the section read:

SEC. 7. That the aggregate of all charges, dues, and towage collected by said company for the transit of any vessel through the channel shall be reasonable and shall not exceed the rate of $2.50, gold coin, per ton weight, or per 40 cubic feet measurement (according to the usage from time to time observed by steamship companies engaged in a carrying trade in the Pacific Ocean), of the total of all cargo, fuel and supplies included, on board any vessel in transit; but said company may, at its option, charge in lieu thereof reasonable rates not exceeding $1.25 per ton actual displacement of any steam-vessel and $1.75 per ton of the actual displacement of any sailing vessel passing through the canal. But nothing herein contained shall bind the said company to do any towing except such as may be essential to the proper and safe working of the locks and to the general safety and preservation of the canal; and for towing other than this the company may collect reasonable charges over and above the aggregate charges above mentioned.

The amendment was agreed to.

Mr. EDMUNDS. There is a misprint there. In line 3 it reads "channel;" it should be "canal." I move that amendment.

The PRESIDENT *pro tempore*. The Chair ventures to suggest that the word "channel" is broader and will include the lake.

Mr. EDMUNDS. Very well; I will withdraw the amendment then. The lake is a part of the canal, but I will withdraw it.

The next amendment of the Committee on Foreign Relations was, in section [7] 8, line 3, after the word "Nicaragua," to insert:

And not inconsistent with any treaty obligations of the United States that may exist with any power.

So as to make the section read:

SEC. 8. That the United States shall exercise such control over the canal as is now or may at any time be provided for by treaty with Nicaragua, and not inconsistent with any treaty obligations of the United States that may exist with any power, and shall, upon payment of one-half of the customary rates, enjoy its unobstructed use for the transportation of troops, munitions of war, and mails, and otherwise, as far as the same shall be in accordance with stipulations in existing or future treaties.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 9. That if stock to the amount of $10,000,000 shall not be subscribed, and 10 per cent. thereof actually paid in, before the expiration of two years next after the passage of this act, or if the work of constructing said canal shall not be actually commenced before and be in progress at the expiration of four years next after the passage of this act, the said corporation shall be deemed to have expired by limitation, and all its franchises and privileges shall be deemed to have absolutely ceased and become determined.

The amendment was agreed to.

The next amendment was to insert as a new section:

SEC. 10. That nothing in this act contained shall be held or construed to in any manner involve the United States in any pecuniary obligations whatever other than in respect of the payment of tolls as provided in section 8 of this act.

The amendment was agreed to.

The next amendment was, in section [8] 11, line 2, after the word "alter," to strike out "or;" in the same line, after the word "amend," to insert "or repeal;" and in line 3, after the word "require," to strike out "but not in violation of the rights of the company considered in equity;" so as to make the section read:

SEC. 11. That Congress shall at all times have the power to alter, amend, or repeal this act when in its judgment the public good may require.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This completes the amendments reported from the Committee on Foreign Relations. The Senator from Nebraska [Mr. VAN WYCK] has submitted an amendment, which will be stated.

The CHIEF CLERK. At the end of section 2, add the following:

That no certificates for stock shall be issued till the same shall be fully paid for in money, at the par value of said stock, and the money deposited in the treasury of said company; and said company is hereby prohibited from returning or repaying any part of the money so paid. No bonds in excess of the amount of capital paid and received shall be authorized or issued until such paid capital shall amount to the sum of $10,000,000; and no bonds shall be issued or disposed of at less than par value.

Mr. EDMUNDS. All that has been covered by the amendment of the Senator from Massachusetts.

Mr. VAN WYCK. Inasmuch as it embraces the same provision embodied in the amendment of the Senator from Massachusetts, I withdraw the amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. VAN WYCK. I desire to offer one other amendment. In section 7, line 4, before the word "coin," I move to strike out the word "gold;" so as to read:

Shall not exceed the rate of $2.50, coin.

Not gold coin.

Mr. EDMUNDS. All right; no objection.

The PRESIDENT *pro tempore*. The word "gold" will be stricken out as indicated, there being no objection.

Mr. VEST. At the end of section 2, after line 34, I move to add:

But no amendment to or change in the by-laws shall be made except by a majority vote of the stockholders, either personally or by proxy, and at a meeting called for the purpose. At least twenty days notice of any such meeting shall be published in a newspaper of general circulation in the city where the principal office of the company is located.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. VEST].

The amendment was agreed to.

Mr. VEST. In section 5, after the word "proxy," in line 14, I move to strike out the following words:

The annual meetings of the stockholders of said corporation shall be held for the transaction of business, the time and place and notice of such meetings to be prescribed in the by-laws, such time and place to be changed by vote of the stockholders.

And to insert:

All meetings of the stockholders shall be held at the office of the company in the city of New York, and at least one such meeting shall be held in each year.

Mr. EDMUNDS. Is that in the Tehuantepec bill?

Mr. VEST. Yes, sir.

Mr. EDMUNDS. All right.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be agreed to. The Chair hears none, and it is agreed to.

Mr. VEST. I move to add, as a final section to the bill:

SEC. 12. That this act shall have no force or effect until the incorporators herein named shall have secured from the Government of Nicaragua a concession authorizing them to construct and operate the canal, and until said concession shall have been submitted to and approved by the Congress of the United States.

Mr. EDMUNDS. That I do not agree to by any means.

Mr. VEST. I wish to call the attention of the Senate to the fact, as distinctly and as sharply as I can, that we are now giving an incorporation to this company with a provision in that act which binds us to the terms of any concession that may hereafter be granted by Nicaragua to this company.

As a matter of course the Senate will remember that for three weeks I struggled here day after day against the objections made persistently and consistently by the advocates of this bill to the concession which was granted by Mexico to Captain Eads. There was not a sentence in that concession which was not subjected to hypercritical comment. It was said that that bill ought not to be passed because it committed the Government of the United States to a concession the terms of which were not only imperfect but absolutely inimical to the interests of this country.

Now we are asked deliberately to pass an act which commits us to such a concession as may hereafter be made, without anything but mere imagination and supposition as to the terms of that concession. We know what has been the history of the past in regard to these Nicaraguan negotiations. We know that from time to time with every negotiation had with that Government has come a demand for money, for a protectorate, for committing the Government of the United States with all its naval and land forces to the protection of the territorial integrity of Nicaragua.

I want the Senate before this vote is taken to understand distinctly that after for three weeks the friends of the Tehuantepec ship-railway were subjected day after day to all sorts of opposition on account of the concession which was spread before the Senate, made by Mexico to Captain Eads, we are now asked to pass this bill without any concession at all and without knowing what Nicaragua may demand of the United States in the future.

The newspapers of the country have stated, and the communication which was laid upon our tables from Mr. Bayard, the Secretary of State, in response to the resolution of the Senator from Alabama [Mr. MORGAN] also states, that the treaty which was rejected by the United States, known as the Frelinghuysen treaty, under the last administration demanded on the part of Nicaragua the loan of $4,000,000, the guarantee of a territorial unity or integrity, as they expressed it, and we to build every foot of this canal, which, according to Mr. McFarland, the Army engineer who made the survey of it, is to cost $140,000,000 to start with.

In the communication which Mr. Bayard lays before us it appears that there is a new factor in these negotiations hitherto unknown. Costa Rica appears now and claims that it owns the right bank of the San Juan River, and it claims one-ninth of the net proceeds of the canal before it can be built across the territory. Here in this paper is found the agreement between Nicaragua and Costa Rica to leave that territorial question to the arbitrament of the President of the United States. In his communication the Secretary of State says:

Protracted negotiations ensued, and within the past few days the gratifying intelligence has been received that a convention has been signed between Nicaragua and Costa Rica for the arbitration of their boundary dispute by the President of the United States. This convention only awaits ratification and exchange to be a full and final disposition of the question of jurisdiction. Inasmuch as a knowledge of this transaction appears to be essential to the examination of any project for a ship-canal by way of Lake Nicaragua, the undersigned deems it proper to lay before the President copies of a certain correspondence on the subject, with a view of the transmission of the same to the Senate, as responsive to the resolution of December 21, 1886, as being in the line of the requested information.

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE, *Washington, January* 25, 1887.

If my strength or the patience of the Senate permitted I could go on and read from this communication the demand of Costa Rica, made not only upon Nicaragua, but upon the Government of the United States, that we should proceed no further in this matter until Costa Rica is guaranteed one-ninth of the net proceeds of the tolls upon this canal. Nicaragua admits that there is a territorial claim unsettled between those States. There is no concession in existence at all with this company, and yet we are asked now blindly to pass this act of incorporation and commit ourselves by the terms of this bill to whatever Nicaragua may demand of us in the future.

Mr. President, what is the object of passing this bill at this time? It was never thought of until the Tehuantepec bill was introduced into Congress. So soon as Captain Eads gave up any demand upon his part for a single dollar, either of guarantee or of grant upon the part of the people of the United States, the Committee on Foreign Relations waked up suddenly to the importance, concession or no concession, of bringing in a bill for incorporating a company that has no concession at all, and binding the Government of the United States to construct this canal, with a disputed boundary between Costa Rica and Nicaragua, to commit ourselves to all the military necessities which we know must arise from its construction, to the building a navy, to the having an army ready to march by land in order to defend Lake Nicaragua.

The members of that same committee are the identical Senators who for three weeks impeded at every step the Tehuantepec ship-railway bill, because they said the concession from Mexico was not sufficiently favorable to the Tehuantepec Ship-Railway Company. I say there is no concession to this company. I know what the Senator from Alabama in front of me claims that the treaty of 1867 between Nicaragua and the United States gave sufficient rights to the citizens of this country, whether incorporated or acting as individuals. Let us read it and see if that be so.

Mr. MORGAN. What treaty does the Senator read from?

Mr. VEST. I read from page 632 of Treaties and Conventions, the fourteenth section of the treaty between Nicaragua and the United States made the 21st of June, 1867:

ARTICLE XIV.

The Republic of Nicaragua hereby grants to the United States, and to their citizens and property, the right of transit between the Atlantic and Pacific Oceans, through the territory of that republic, on any route of communication, natural or artificial, whether by land or by water, which may now or hereafter exist or be constructed under the authority—

Mark the language—

under the authority of Nicaragua, to be used and enjoyed in the same manner and upon equal terms by both republics and their respective citizens; the Republic of Nicaragua, however, reserving its rights of sovereignity over the same.

When the concession from Mexico to Captain Eads was under discussion and when a clause was brought to the attention of the Senate which provided that the Tehuantepec Company should be a Mexican corporation and under the sovereignty of Mexico, the alarm and indignation of my friends on the other side of this question was instantly aroused. Yet they stand here now upon nothing else but the treaty of 1867 between Nicaragua and the United States, which provides that any isthmian transit over the territory of Nicaragua shall be under the rights of sovereignty of that State.

What does this treaty give? It simply gives to the citizens of the United States the same rights that the citizens of Nicaragua have over any transit hereafter constructed, nothing more and nothing less. As to the terms upon which that transit shall be constructed, there is not one word in the treaty. Suppose hereafter Nicaragua comes in and says, "We will give no concession to this corporation except on condition that we shall have absolute control in every respect over this canal."

Mr. MORGAN. They will have to get rid of the fifteenth article of the treaty before they can do that. If you will read on you will see.

Mr. VEST. I will read that article of the treaty.

ARTICLE XV.

The United States hereby agree to extend their protection to all such routes of communication as aforesaid, and to guarantee the neutrality and innocent use of the same.

That is, the United States.

They also agree to employ their influence with other nations to induce them to guarantee such neutrality and protection.

And the Republic of Nicaragua, on its part, undertakes to establish one free port at each extremity of one of the aforesaid routes of communication between the Atlantic and Pacific Oceans. At these ports no tonnage or other duties shall be imposed or levied by the Government of Nicaragua on the vessels of the United States, or on any effects or merchandise belonging to citizens or subjects of the United States, or upon the vessels or effects of any other country intended, *bona fide*, for transit across the said routes of communication, and not for consumption within the Republic of Nicaragua.

The United States shall also be at liberty, on giving notice to the government or authorities of Nicaragua, to carry troops and munitions of war in their own vessels, or otherwise, to either of said free ports, and shall be entitled to their conveyance between them without obstruction by said Government or authorities, and without any charges or tolls whatever for their transportation on either of said routes; provided said troops and munitions of war are not intended to be employed against Central American nations friendly to Nicaragua. And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States, or of any other country, across the said routes of communication, than are or may be imposed on the persons and property of citizens of Nicaragua.

And the Republic of Nicaragua concedes the right of the Postmaster-General of the United States to enter into contracts for carrying the mail, &c.

Is the Senate called upon now to grant this act of incorporation on these terms and none other? Suppose that Nicaragua hereafter demands a loan of $10,000,000, and that the United States shall pledge itself to maintain the territorial integrity of Nicaragua, are we to be asked now to commit ourselves in advance to any such stipulation? We are taking this leap in the dark. We have no more idea except by analogy to the past what Nicaragua will demand than we have of any other transaction that may occur in coming years. We know by the past what Nicaragua will demand. We know they will demand money. There never was one of those Latin governments that was ever willing to do anything without a payment of money.

Mr. MORGAN. Mexico is no Latin government.

Mr. VEST. Mexico is partaking now to a large extent of the spirit and civilization of the United States, and I am glad to know it. Look now at the condition of the two governments of Costa Rica and Nicaragua. They are quarreling and scrambling over the plunder that is to come from the Government of the United States—this great, rich, powerful northern Republic. Costa Rica says it owns the right bank of the San Juan River, and that the enormous embankment of Menocal's, a mile and a quarter long and 51 feet high, shall not be constructed without the consent of Costa Rica; but, mark it, they demand in addition a guarantee of one-ninth of the net profits of this canal, built with the money of the people of the United States, before they will give up the right bank of the river for the construction even of that embankment.

We have heard in the past that Nicaragua wanted $4,000,000, besides our building the canal and pledging ourselves to maintain her territorial unity and integrity. What are they to demand in the future? If I had come here with my feeble efforts to defend such a bill as I did the Tehuantepec ship-railway bill, I can hear the Senator from Vermont now with indignant denunciation, exclaim, "Is it possible, before gods or men, that we are asked to do this thing?"

Mr. President, I propose to state as briefly as I can the objections to the bill.

This company has no concession from the State, or States, rather, through which the canal is to pass. What the conditions of any concession that may be obtained will be we can not even guess at this time. They may be such as to make the passage of this bill granting a charter of great injury to the United States.

Permit me to inquire why is there such hot haste in giving this act of incorporation to the gentlemen named in the bill? Why are we to incorporate them and pledge ourselves to a concession, the terms of which we do not know? What is to become of the concession after it is put into the hands of this company? Are we, as was proposed by Mr. Frelinghuysen, to step in then with national aid and buy the concession from the company? Why is it that we are not permitted to know upon what terms this canal is to be built, but we are to pledge ourselves in the dim and unknown future to whatever terms may be prescribed by a foreign government?

As is well known, and as it has been brought out in the debate on the ship-railway, we run solidly against England in granting a charter to a company to build a canal at Nicaragua. She has strongly asserted her right to a share in this inter-oceanic transit, and she will do so again; for the reason that it is her commerce that will use the canal more than that of any other nation of the earth, and her necessity for holding her rights there is consequently greater than that of any other nation. I know it is claimed here that the Clayton-Bulwer treaty has been terminated, but if terminated it has been by indirection and by construction, and we know the English people and Government too well to imagine for a single instant that they will ever give up their right of protectorate over this transit if they find once that there is a possibility of its being about to be constructed.

The Senator from Massachusetts has, with great care, brought together the facts to show the strategic disadvantages to us of a canal at Nicaragua, and with consummate skill he has brought them to our attention.

The enormous expense attending the construction of a canal at Nicaragua has not been fully appreciated, for the reason that the estimates that have been made for it have been entirely inadequate. To charter a company with a capital of $100,000,000 in securities, when the work will cost double that sum, would be an unwise thing for Congress to do.

The impracticability of using the canal and its harbors if constructed according to the plans presented to us.

The first three propositions, or objections rather, I will not discuss at this time, but the last two I propose now to take up and to show by documentary evidence that they are so serious that they preclude Congress from granting a charter for any enterprise that is based on such inadequate examinations, plans, and estimates.

Preliminary to this discussion, and as a matter of information, and to bring before the Senate an examination of the route and a careful study of the subject by an experienced engineer of the Army, who was not part owner in a concession and had no fortune to make by floating a canal scheme, I will ask the Clerk to read the report of Col. Walter McFarland, United States Engineer, which is said to have been suppressed by the promoters of the canal scheme, who were some of them high officials under this Government.

This report will show how inadequate the plans and estimates are, particularly in reference to the improvements of the harbors, and careful attention to the reading of the report will impress the Senate with the carefulness bestowed upon the subject and bring out by contrast the lack of these important features in the later reports on the canal. Previous to the reading of this report I will call attention to one important discrepancy only, and that is in the estimate for the improvement of Greytown Harbor on the Carribbean Sea, which, by the estimate of Mr. Menocal, the naval engineer, will cost $1,766,625, but by the estimate of Major McFarland, $9,500,000. I read first, however, some extracts, which I have marked, from a report on Greytown Harbor by a committee of the National Academy of Sciences in 1866, and also some extracts from a report on the same subject by Prof. Henry Mitchell in 1874, being appendix 12 of the Coast Survey report of 1874; and I will then read the report of Major McFarland.

2. GREYTOWN HARBOR—ITS DECLINE AND MEANS OF IMPROVEMENT.

Greytown Harbor is situated just within a projection of the shore of Nicaragua, at the southern extremity of a slight bend or concavity in the general coast line. This harbor is protected from the sea by a strip of sand which stretches westward from the aforesaid projection and bears the name of Isla Castilla, or Punta Arenas. This harbor receives the waters of two off-sets of the San Juan River.

The earliest source of information that we feel warranted in using is the sketch to be found in Mr. Molina's work upon Costa Rica, which is based upon a survey by George Peacock, in 1832, and has additions showing the progress of the sands of Isla Castilla down to 1848.

In 1832 five fathoms of water could be carried from sea to a point within the present basin of Greytown Harbor through an opening which measured 1¼ miles from Isla Castilla to the west shore. At that time the avenue to the sea was without a bar, and the regular decline of the bottom along the seaward channelway gave no indications of the action of scouring forces. There was no depression at the harbor's mouth and no accumulations beyond that seemed in any way to be a dependency upon the existence of the basin or its outlet. The shallow ground lying along the coast outside of Isla Castilla and projecting beyond to the westward would seem, upon Mr. Molina's sketch, to be a concomitant or parallel to this island as well as an outwork in the advance. Subsequent surveys, however, dissolve this apparent connection and relation.

The embouchure of the lower San Juan River is found in this first survey at the head of the anchorage basin, and the deposits of that stream appear to be nearly 2 miles within the harbor's mouth.

Between 1832 and 1834 a movement of the sands to the westward occurred which extended the point of Isla Castilla about 456 feet per annum. This extension took the form of a hook. From 1834 to 1835 the point advanced 608 feet. Four years later, in 1839, it was found to have advanced 1,065 feet, or at the rate of 266 feet per annum. Between 1839 and 1840 it had advanced about 400 feet. Between 1840 and 1848, a space of nearly eight years, it advanced 221 feet per year, and in the next succeeding ten months 913 feet were added, or the beach grew at the rate of nearly 1,100 feet per annum. The harbor as a protection to shipping had been improving up to the last date upon Mr. Molina's sketch, but its opening from the sea had become reduced to about 0.8 of a mile—a loss of over 50 per cent.

Our next authority is a chart issued by the hydrographic office of Great Britain, from surveys of 1853-'56 and 1859.

In 1853 we find the mouth of the harbor, measured on the same line as before, reduced to 0.52 of a mile—a reduction of 35 per cent. since 1848. In this period of four and a quarter years the sand-spit made an average annual advance of 401 feet. The physical character of the harbor had thus far undergone no change; the same good depth of water could be carried in; the same gradual decline of the bottom to seaward was preserved and no bar or shoal lay in front. The point of Isla Castilla, called on this more recent map Punta Arenas, had been made across the floor of the sea by sands thrown in from above, not scoured from the bottom; it was built out like a mole, the material taking nearly its natural slope, and not suffering waste under the action of any currents from within. In this chart of 1853, an opening through the beach is found about at the extremity of the Castilla—of 1832. As a physical feature it does not yet seem important.

The survey of 1856 found the dry portion of Point Arenas advanced nearly due south from its position in 1853, and a gradual shoaling off to the westward, reducing the harbor's mouth to 0.3 of a mile. At this time the point was broad and hooked. The same depth of water could be carried in as formerly, and no bar was found outside.

Between October, 1856, and January, 1859, two and a quarter years, Point Arenas advanced to the southwest 1,156, or at the rate of 514 feet per annum. Even as late as 1859, when the harbor's mouth was reduced to 0.13 of a mile, the only trace of any action within was the retreat of the 18-foot line on the west shore.

According to a note upon the British chart the entrance was reduced to 300 feet in 1861; while in January, 1865, Captain Jones, of Her Majesty's ship Shannon, reports "that the entrance has a bar across it after a norther, though after a continuance of fine weather the scour of the river increases the depth to 8 or 10 feet. The passage on the opposite side has also reduced to 50 or 60 yards."

Our final authority is the survey made under the direction of Capt. P. C. F. West, who brought to the field the skill and accuracy of long experience in the Coast Survey, to which corps he belongs.

In this survey, made in February, 1865, the change in the physical character of the harbor, shadowed forth in the note that we quoted from the British chart, is confirmed. The anchorage basin has become a lagoon, with an uncertain inlet. Between Point Arenas and the opposite shore a depression of 20 feet is found, to reach which 17½ feet must be passed in the approach from the harbor, and 8 feet in the approach from the sea. Here we have the depression at the opening, and the bar outside, which are the characteristics of a true inlet, for which we have looked in vain upon the earlier charts.

The unsteady progress of Point Arenas since 1832 does not necessarily imply an irregularity in the action of the causes, nor a fluctuation in the supply of material. In an unpublished report by Henry L. Whiting, assistant in the Coast Survey, relative to the extension of Sandy Hook and the closing of Shrewsbury Inlet, it is said that the movement of the sands along the coast is often in horizontal curves or projections which advance like dunes, by the drifting of sands from rear to front, so that to an observer any single point chosen upon the beach the shore-line will for a few months seem to creep out, then remain stationary for a while, then retrograde. In this case the movement from rear to front is in the horizontal, whereas in dunes it is in the vertical plane.

After the completion of the general survey Captain West's party found in May that the opening at Greytown Harbor had closed, and that a break had been made further to the westward.

Captain West says of this break that "a channel opened when sufficient water had accumulated in the harbor, through the sand at the place marked on the sheet, which has remained open ever since, the water on the bar varying in depth as the river water varies in volume (affected also by the action of the sea), about 5 feet being the average." A letter from J. E. Hollenbeck, dated San Juan del Norte, 1st March, 1866, says of this break: "The inhabitants of this place were compelled to dig a channel through the sand-bank to prevent the town from inundation (the effect of the sea banking the sand up higher than the level of the town). The channel cut by the inhabitants here was at first 4 feet wide and from 4 to 8 feet deep, but in five days there was such a head of water accumulated after opening this small channel in one night it cut an outlet to the sea 80 yards wide and 9 feet deep, and from this time to January, 1866, the channel varied just in proportion to the water in the river."

From Mr. Hollenbeck's statement it would appear that the sand beach went on increasing by the action of the sea after the harbor had closed.

It is not till we reach Captain West's survey that we detect any essential alteration in the depths of the central portion of the anchorage basin. The depths, 1832 to 1859, were 4 fathoms; in 1865, 22 feet. The material of the bottom is now soft black mud, no doubt vegetable mold and clay from the river, which, being suspensible, have been carried out beyond the delta and dropped in the still basin, to which is added fine sand blown in from Point Arenas.

The area of the anchorage basin bounded by the 18-foot curve in 1853 was 385, in 1856, 295, and in 1865, 132 acres. In a period of twelve years it shrank to one-third of its former area.

[From United States Coast Survey Report for 1874.]

APPENDIX NO. 12.—REPORT ON AN INSPECTION OF THE TERMINAL POINTS OF THE PROPOSED CANALS THROUGH NICARAGUA AND THE ISTHMUS OF DARIEN, BY PROFESSOR H. MITCHELL, UNITED STATES COAST SURVEY.

GREYTOWN (SAN JUAN DEL NORTE).

The examination of the coast in the immediate neighborhood of Greytown and the outlets of the Lower San Juan River has satisfied me that a reconstruction of the harbor is practicable. This conclusion is based upon a particular conception of the causes which led to the destruction of the old port, and a conviction that these causes, still active, may be successfully resisted by artificial works. I quote the following from the report of the Committee of the National Academy, made in 1866:

"*History of Greytown Harbor.*—The earliest source of information that we feel warranted in using is the sketch to be found in Mr. Molina's work upon Costa Rica, which is based upon a survey by George Peacock in 1832, and has additions showing the progress of the sands of Isla Castilla down to 1848.

"In 1832, 5 fathoms of water could be carried from sea to a point within the present basin of Greytown Harbor, through an opening which measures 1¾ miles from Isla Castilla to the west shore. At that time the avenue to the sea was without a bar, and the regular decline of the bottom along the seaward channel way gave no indications of the action of scouring forces. There was no depression at the harbor's mouth and no accumulations beyond that seemed in any way to be a dependency upon the existence of the basin or its outlets. The shallow ground lying along the coast outside of Isla Castilla, and projecting beyond to the westward, would seem, upon Mr. Molina's sketch, to be a concomitant or parallel to this island as well as an outwork of the advance. Subsequent surveys, however, dissolve this apparent connection and relation.

"The embouchure of the Lower San Juan River is found in this first survey at the head of the anchorage basin, and the deposits of that stream appear to be nearly 2 miles within the harbor's mouth.

"Between 1832 and 1834 a movement of the sands to the westward occurred, which extended the point of Isla Castilla about 456 feet per annum. This extension took the form of a hook. From 1834 to 1835 the point advanced 608 feet. Four years later, in 1839, it was found to have advanced 1,065 feet, or at the rate of 266 feet per annum. Between 1839 and 1840 it advanced about 400 feet. Between 1840 and 1848, a space of nearly eight years, it advanced 221 feet per year, and in the next succeeding ten months 913 feet were added, or the beach grew at the rate of nearly 1,100 feet per annum. The harbor as a protection to shipping had been improving up to the last date upon Mr. Molina's sketch, but its opening from the sea had become reduced to about 0.8 of a mile, a loss of over 50 per cent.

"In 1853 we find the mouth of the harbor, measured upon the same line as before, reduced to 0.52 of a mile, a reduction of 35 per cent. since 1848. In this period of four and a half years the sand-spit made an average annual advance of 401 feet. The physical character of the harbor had thus far undergone no change; the same good depth of water could be carried in; the same gradual decline of the bottom to seaward was preserved, and no bar or shoal lay in front. The point of Isla Castilla, called on this more recent map Punta Arenas, had been made across the floor of the sea by sands thrown in from above, not scoured from the bottom; it was built out like a mole, the material taking nearly its natural slope, and not suffering waste under the action of any currents from within. In this chart of 1853 an opening through the beach is found about at the extremity of the Castilla of 1832. As a physical feature it does not yet seem important.

"The survey of 1856 found the dry portion of Point Arenas advanced nearly due south from its position in 1853, and a gradual shoaling off to the westward, reducing the harbor's mouth to 0.3 of a mile. At this time the point was broad and hooked. The same depth of water could be carried in as formerly, and no bar was found outside.

"Between October, 1856, and January, 1859, two and a quarter years, Point Arenas advanced to the southwest 1,156 feet, or at the rate of about 514 per annum. Even as late as 1859, when the harbor's mouth was reduced to 0.13 of a mile, the only trace of any action from within was the retreat of the 18-foot line on the west shore.

"According to a note upon the British chart the entrance was reduced to 300 feet in 1861, while in January, 1865, Captain Jones, of Her Majesty's ship Shannon, reports that the entrance has a bar across it after a norther, though after a continuance of fine weather the scour of the river increases the depth to 8 or 10 feet. The passage on the opposite side has also reduced to 50 or 60 yards.

"Our final authority is the survey made under the direction of Capt. P. C. F. West, who brought to the field the skill and accuracy of long experience in the Coast Survey, to which corps he now belongs.

"In this survey, made in February, 1865, the change in the physical character of the harbor, shadowed forth in the note that we quoted from the British chart, is confirmed. The anchorage has become a lagoon, with an uncertain inlet. Between Point Arenas and the opposite shore a depression of 20 feet is found, to reach which 17½ feet must be passed in the approach from the harbor and 8 feet in the approach from the sea. Here we have the depression at the opening and the bar outside, which are the characteristics of a true inlet, for which we have looked in vain upon the earlier charts.

"After the completion of the general survey, Captain West's party found, in May, that the opening at Greytown Harbor had closed, and that a breach had been made farther to the westward."

Causes of the decline and final destruction of the harbor.—The quotations which I have made from the report of the academy indicate somewhat the view entertained by the committee regarding the causes which formed and ultimately destroyed the harbor; but I may be permitted to restate the matter briefly from a review of other portions of the same report.

The harbor of Greytown was originally a re-entrant angle or cove, lying between the delta of the San Juan River and the adjacent coast to the northwestward. Near the head of this cove there entered an offset of the San Juan River (bearing the name of the parent stream originally, but recently, for distinction, called the Lower San Juan), which formed a subsidiary delta of its own within the cove.

This cove, opening to the northward, was in the course of time converted into a lagoon by a mole of sand driven across the mouth by the waves from the northeastward, which swept past the outer shore of the main delta. It became a harbor easy of entrance and perfect in shelter at the intermediate stage, when the mole had reached within a couple of miles of the main shore to the westward, at which time the channel way from the basin to the sea was in nowise dependent upon the outflow of the Lower San Juan, nor upon the tides, but was simply an avenue, not yet encroached upon, whose bed was the original floor of the ocean. It was not until the mole had nearly crossed to the opposite shore that the river outflow and the tides began to act upon the bed and banks of the outlet, resisting the absolute closure of the basin.

Opposed to the view of the case stated above is another, quite different in character, which has been urged by nearly all the engineers who have visited Nicaragua, and is not to be ignored, because, if it is the correct view, it materially alters the question of the practicability of a restoration, or, at all events, modifies the plan of improvement. In stating this opposite theory of the case, I shall, as nearly as I can remember, repeat the words of Don Maximillian Sonnenstern, the accomplished engineer of Nicaragua:

"The sand-bar (Punta Arenas) which now separates the Greytown basin from the sea is a part of the delta of the Lower San Juan River, and is formed from material swept down this river in floods. In former times the Lower San Juan received a much larger proportion of the waters of the parent stream, and was able to maintain a grand opening to the sea; but recently the main river has chosen to send its waters to the sea by the Colorado, and in this way the Lower San Juan has been deprived of the power of pushing its *débris* into the sea and thus maintaining a ship-channel through Punta Arenas."

I think I have stated the two theories fairly, and it only remains to add a few considerations which have confirmed me in the view held by the committee of the academy.

First. Standing upon the outer beach of Punta Arenas, I have been witness to the movement of the sand to the westward. The waves drive on diagonally (at an angle of 45°), carrying up the strand gravel, shells, &c., which, upon the recoil, are, for the most part, carried down again to the sea, but in a direction normal to the shore-line. In this way, by a zigzag movement, the sands, &c., travel slowly along the coast, and pile themselves up against the main shore to leeward. It is precisely the same movement that has formed Long Point at Provincetown and Sandy Hook at New York. The only difference is that at Provincetown or New York we have the mole in that earlier stage of its formation at which it acts as a breakwater and not a barrier.

In the interval between Captain West's survey of 1865 and that of Commander Lull's of 1872–'73 there accumulated upon the western shore, to leeward of the inlets through which the river waters had been discharged, over 25 acres of dry sands in addition to that found by Captain West. A single line of levels over these sands, made by Mr. Menocal and myself, gave 6½ feet summit elevation over the site of the ship-channel of fifteen years ago.

Second. The sands, &c., composing Punta Arenas are like many other beaches, as far as regards the size of the grains, &c., both on the ocean and basin sides.* In other words the mole is built of selected material, sifted out by the long-continued action of the sea—the work, not of a few years, but of centuries perhaps. These selections have been made from a vast deposit of mud, of which they form an exceedingly small proportion.†

Third. The once grand entrance of Greytown could not have been maintained by the San Juan, even if it had been the only avenue of discharge from the main artery. One has only to divide the discharge (measured by any of the engineers) into the cross-sections of the ship-channel given upon the old charts, to discover how powerless the seaward flow must have been. From the best computation that I can make with the data at hand, I find that in 1832 the section of the entrance to Greytown was seventy times the area that we have now in the Lower San Juan at the head of the passes; eighteen times the section of the main river above the Colorado in dry seasons, and seven times the sections of the main river in "top-gallant floods." Even as late as 1853 the section at the entrance to Greytown Harbor was five times as great as that of the main river.

* * * * * * *

Our purpose in stating the accumulations in this triangular space separately is to give some measure of the rapidity with which the material is likely to advance toward the end of any jetty or groin which may be extended from the beach, with a view of arresting the progress of the sands which might tend to incumber an artificial opening through the beach. We shall refer to this matter again presently from another point of view, but must pause here to consider the relations of the river to the beach.

The material of Punta Arenas, like other beaches, is sand sifted by the sea. It is probably derived indirectly from the San Juan River, precisely as the sands which are encroaching upon the western pier of Port Said are derived from the Nile; but we have no data for computing how long ago the river delivered to the ocean the enormous mass of mud from which these grains of sand have been so carefully selected. River muds are usually over 90 per cent. sand, but mostly very fine sand as compared with that on outside beaches. In illustration, I will recall an incident connected with our physical survey of Mobile River and Bay made a dozen or more years ago. Along the shore of this bay, in Garrow's Bend, there is a little belt of white sand which I could not believe was the product of the dash of the waves against the bluff, because the latter was composed of a very fine yellow clay.

General Totten, however, to whom I gave specimens of both materials, succeeded, by treating the clay with acids, and by laborious washing, in detecting a few grains of the very same sand which lay at the foot of the bluff; but the

* The grains are smaller than those of Long Island, but correspond pretty well with those of Cape Fear.

† Cross-sections run by Captain Heuer and Lieutenant Miller gave the usual forms of profile for traveling beaches.